MINUTES
STATE BOARD OF EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

November 15, 2012

The 311th meeting of the State Board of Education was convened on Thursday, November 15, 2012. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 9:30 a.m. by Larry Wittig, Chairman.

Attending:

Erin Agnew	Emily Clark	Jonathan Peri
James Agras	Sandra Dungee Glenn	Mollie Phillips (via phone)
James Barker (via phone)	Paul Ferrera	Colleen Sheehan (via phone)
Kevin Bates	Kirk Hallett	Ed Sheehan (via phone)
Wendy Beetlestone	Francis Michelini	Lee Williams
		Larry Wittig

APPROVAL OF MINUTES

The minutes from the September 12, 2012 meeting of the State Board of Education were approved unanimously on a **Michelini/Agras** motion.

COMMITTEE REPORT

ADVISORY COMMITTEE ON FINANCIAL RECOVERY (CHAPTER 18)

Chairman Wittig reported that the Advisory Committee met on November 14 to continue discussion on the charge made to the Board by Act 141 to promulgate regulations that establish criteria the Secretary of Education may consider in placing a school district in financial recovery status and determining whether a district is in moderate or severe recovery status. Act 141 established 15 criteria for the Secretary's consideration, and Chairman Wittig noted that the focus of the Advisory Committee's discussion thus far has been an additional criteria that may be added to that list. Some of the additional criteria the committee is considering include whether a school district is experiencing circumstances that would allow it to qualify for temporary special aid under current law; factors related to the stability of a district's tax base; sudden factors, such as natural disasters or unanticipated litigation expenses, that may significantly impact a district's finances; and the ability for third parties, such as creditors or groups of citizens, to petition the Secretary to review a district for a potential designation of financial recovery status. Chairman Wittig announced that the Advisory Committee would hold its final meeting in December to finalize a recommendation for the Board and that he expects to bring a draft proposed regulation for the Board to review at its meeting in January.

REPORT OF THE SECRETARY OF EDUCATION

Executive Deputy Secretary Amy Morton provided a report on behalf of Secretary Tomalis.

No Child Left Behind (NCLB) Waivers

Ms. Morton reported that the Department anticipates submitting a waiver request for NCLB to the U.S. Department of Education (USDE). She stated that the Department held off submitting such a request, but noted that the recent election results indicated it may be in PDE's best interest to move forward at this time. Lee Williams asked what the Department's waiver request would include. Ms. Morton said the application is in the early stages of development and noted that a prior request to freeze the state's annual measurable objectives was denied by the USDE.

Fiscal Cliff

Ms. Morton said that PDE is working in conjunction with the Governor's office relative to the potential fiscal cliff that is looming relative to potential reductions in federal funds for 2013-2014. She noted that, for the 2012-2013 school year, discretionary funds for education are not affected.

Act 141

Executive Deputy Secretary Morton commended members of the Advisory Committee working to develop a recommendation for the Board on new regulations addressing criteria the Secretary may consider in placing a district in financial recovery status. She reported that the Department is working to implement the preliminary part of Act 141 by establishing an Early Warning System to identify districts in financial watch status. Districts in financial watch will be offered technical assistance from PDE to resolve issues and try to prevent the districts from moving into financial recovery status. To date, Ms. Morton said the Department had completed a data collection for almost all of the 499 districts subject to the new Early Warning System and that PDE will be reviewing the data to determine whether districts need to be placed in financial watch status based on the new Early Warning Guidelines.

Relevant to the 4 districts flagged for financial recovery status under Act 141, Ms. Morton said that a recovery plan for the Chester-Upland School District was released earlier in the week and that the Department now awaits local school board action on the plan. She also noted that a formal designation placing the Duquesne City School District in financial recovery status was forthcoming. Kirk Hallett asked whether a designation of financial recovery status was appealable and what recourse is available to the Department in circumstances where a district is facing a financial tsunami but local officials want to retain governance as long as possible. Mr. Morton explained the appeals process that is provided for in the School Code. Wendy Beetlestone inquired about the process for selecting a Chief Recovery Officer (CRO) for a district in financial recovery status and whether there is public input into the individual, the credentials necessary for the position, and the role of the CRO. Mr. Morton said the School

Code outlines the experience a CRO must possess and explained the CRO selection process used by PDE. She noted that, under statute, the CRO's role is to attempt to influence and guide a district, while real authority to act independently in a financial recovery district lies with a court-appointed receiver. Further, Ms. Morton explained that, by statute, costs related to a CRO are paid for by the Department and reported that PDE has contracted with Public Financial Management to assist CROs in developing recovery plans. She also noted that statute does not grant CROs the authority to pass budgets or levy taxes.

K-12/Higher Education Alignment

Executive Deputy Secretary Morton said the Department is in the early stages of work related to alignment issues between the K-12 and higher education sectors. She said the Department would like to engage collaboratively with higher education related to teacher preparation, the Pennsylvania Common Core Standards and the alignment of expectations. Sandra Dungee Glenn asked Ms. Morton if she would be willing to brief the Board's Teacher and School Leader Effectiveness committee in January on the roll-out of this work.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, and Shane Crosby, an attorney with the Department of Education's Office of Chief Counsel, made a presentation on the Commonwealth's professional educator discipline system.

Ms. Angelo reviewed the PSPC's mission to provide leadership for improving the quality of education in the Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession. Ms. Angelo then reviewed the Commission's composition, which includes 7 classroom teachers; 3 public school administrators; 1 administrator from a higher education program and 2 members of the general public (one being a school board member), and the statutory authority granted to the Commission as adjudicators of professional discipline for Pennsylvania educators. Finally, she and Mr. Crosby provided an overview of the grounds for disciplining an educator under current law, presented the types of discipline the Commission may issue, and discussed proposed revisions to the state's mandatory reporting statute that are supported by the PSPC. Ms. Angelo also reviewed statistics on the number of active cases currently before the PSPC.

Mr. Agras asked whether reduced staffing levels at the Department were a hindrance to closing out investigations of complaints against educators in a timely manner. Dr. Michelini, who serves as the State Board's liaison to the PSPC, commended the work he has seen conducted by the PSPC to weed out accusations made by students attempting to retaliate against an educator for giving the student a poor grade verses accusations that require serious consideration. Finally, Mr. Peri requested that Ms. Angelo share a copy of the proposed revisions to the state's mandatory reporting statute.

PUBLIC COMMENT

Jerry Oleksiak, Vice President of the Pennsylvania State Education Association (PSEA), expressed concerns regarding the revisions to Chapter 4. Mr. Oleksiak urged the Board to reconsider its proposal to eliminate the strategic planning requirements in Chapter 4 and to require proficiency on the Keystone Exam as a state graduation requirement. Mr. Oleksiak also expressed disappointment that an alternative pathway to graduation for vocational-technical students based on passing the NOCTI was not incorporated into the proposed revisions to Chapter 4 and encouraged the Board to include this pathway in the final-form regulation.

ACTION ITEMS

There were no action items.

ANNOUNCEMENTS

Chairman Wittig provided Board members with an update and the status of proposed revisions to Chapter 4. A proposed rulemaking was submitted to the Independent Regulatory Review Commission and the House and Senate Education Committees at the end of September. At that same time, the proposed rulemaking was published in the *Pennsylvania Bulletin* for an official 30-day comment period. The comment period closed on November 5, and the Board received almost 150 comments on the proposed rulemaking. Mr. Wittig announced that the next steps will be to review the public comments received and anticipated comment that is forthcoming from the Independent Regulatory Review Commission, and to determine whether there are any revisions necessary to the proposed regulation in order to prepare a final-form rulemaking the Board's consideration early next year.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 11:10 a.m. on an **Agras/Dungee Glenn** motion.

Stephanie L. Jones

Stephanie Jones
Administrative Assistant