MINUTES
STATE BOARD OF EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

September 12, 2012

The 310th meeting of the State Board of Education was convened on Wednesday, September 12, 2012. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 1:30 p.m. by Larry Wittig, Chairman.

Attending:

Erin Agnew	Connie Davis	Jonathan Peri (via phone)
James Agras (via phone)	Sandra Dungee Glenn (via phone)	Colleen Sheehan
James Barker (via phone)	Maureen Lally-Green (via phone)	Ed Sheehan
Kevin Bates	Paul Ferrera	Karen Farmer White (via phone)
Emily Clark	Kirk Hallett	Lee Williams
	Francis Michelini	Larry Wittig

APPROVAL OF MINUTES

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

COMMITTEE REPORT

ADVISORY COMMITTEE ON FINANCIAL RECOVERY (CHAPTER 18)

The Honorable Maureen Lally-Green, Chair, provided background on a new assignment made to the Board and reported on the inaugural meeting of a newly created Committee tasked with advising the Board in this work. In July, Governor Corbett signed into law Act 141, which sets forth 15 factors the Secretary of Education may consider in placing a school district in financial recovery status and directs the State Board to promulgate regulations that address additional criteria the Secretary may consider in designating a district in financial recovery status. Judge Lally-Green reported that this rulemaking will be promulgated as a new regulatory chapter – Chapter 18.

In developing the new regulations, the Board is required to consult with a statewide Advisory Committee that includes representatives from the Department of Education and Governor's Office of the Budget, and a school business official, superintendent and school director representative of urban, rural and suburban school districts.
The Advisory Committee held its first meeting on September 6. The focus of that meeting was to review Act 141 so the Advisory Committee had a clear sense of its task at hand and how the State Board's regulations fit into the larger system of supports for fiscally distressed schools that

was created by Act 141, including a new Early Warning System established by the Department of Education.

Judge Lally-Green reported that the Advisory Committee requested information on how other states identify districts in fiscal distress and background information on Pennsylvania districts currently in fiscal distress, and that staff will work to prepare this information prior to the next Advisory Committee meeting on October 18.

REPORT OF THE SECRETARY OF EDUCATION

Secretary Tomalis thanked Judge Lally-Green for taking leadership of the Board's work related to financial recovery school districts and noted that four schools have been identified for potential designations based on criteria outlined in the School Code: Chester-Upland, Duquesne, Harrisburg and York City School Districts.

Governor's Commission on Postsecondary Education

Secretary Tomalis noted that he looks forward to Commission's report that will be released in November.

No Child Left Behind Waivers

Secretary Tomalis provided clarification that the Department is still in discussion with the U.S. Department of Education regarding its request on NCLB waivers and that information that the deadline for applying for such requests had passed was incorrect.

PSSA Forensic Analysis

The Secretary provided an update on the Department's forensic analysis of the PSSA exams for the past three years. He displayed a graph depicting erasure patterns on the PSSA for schools that were not under investigation and schools that were flagged for anomalies in erasure patterns. He also provided an update on the number of LEAs whose investigations had been concluded and noted that, in some instances, personnel action may be taken based on the findings of the investigation. Secretary Tomalis also discussed the new PSSA administration procedures that were put into place by the Department to address test security concerns and noted that we may see declines in PSSA scores in some schools due to the new procedures.

Lee Williams thanked Secretary Tomalis for providing an update on forensic analysis. She complimented the Department for separating out districts that experienced a data anomaly due to changes in curriculum or instituting a new academic program sot that those schools can continue to be prideful in the strides they have made. She also noted the importance of the investigation to instill public confidence that these exams are important, hold value and should be taken seriously.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Executive Director, Carolyn Angelo reported the following updates on behalf of the PSPC:

- At its meeting in September, the Commission considered 28 discipline cases in the following categories:
    - 2 *Immediate Suspensions* (Corruption of Minors Involuntary Deviate Sexual Intercourse, Statutory Sexual Assault, Institutional Sexual Assault);
    - 5 *Motions for Summary Judgment for Revocation* (Sexual Abuse of Children, Tampering with Evidence, Conspiracy to Distribute 5 grams or more of Methamphetamine, Corruption of Minors, Selling or Furnishing Alcohol to a Minor, Unlawful Sexual Intercourse with a Minor (CA), Contributing to the Delinquency of a Minor (VA), Lewdness (NJ), Felonious Assault (OH);
    - 16 *Reciprocal Discipline* (Suspension --- arrest for use of crack cocaine (OH), Suspension --- under influence of alcohol while performing duties (GA), Private Reprimand --- breach of school psychologist protocols (ME), Suspension --- hitting student on arm (SC), Suspension --- hitting partition in anger and causing injury to student (SC), Private Reprimand --- petty theft (FL), Revocation --- falsifying employment application (FL), Surrender --- charges of Unnatural and Lascivious Acts and Prostitution (FL), Surrender --- inappropriate communications with student (FL), Suspension --- incompetency (SC), Revocation --- under influence while in school (DE), Surrender --- DUI (OH), Surrender --- injury student (FL), Public Reprimand --- unprofessional conduct (FL), Surrender --- appearing in sexually explicit adult movie (FL);
    - 2 *Public Reprimands* (physical altercation with another adult and inappropriate Facebook communications with students)
    - 1 *Suspension* (inappropriate conduct in public place)

- Currently, the Department's Office of Chief Counsel has a total of 409 active educator discipline cases, 130 of which are designated as "high priority" because they involve allegations of sexual abuse or physical abuse of children. To date, 303 complaints have been filed with PDE in 2012.

- The process for considering amendments to the Professional Educator Discipline Act, which are currently with the Senate Appropriations Committee, will be deferred until the January legislative term.

- The Commission is working on developing mandatory training to offer to school entities in compliance with Act 26.

PUBLIC COMMENT

Jay Hertzog, President of the Pennsylvania Association for Colleges and Teacher Educators (PAC-TE), commented that at PACTE's annual meeting in October, the association

will award Board member Dr. Francis Michelini with its Friend of Education award for his significant contributions to education in the Commonwealth.

ACTION ITEMS

0912.1: RESOLUTION HONORING CONNIE DAVIS

A motion to approve the resolution honoring Connie Davis was made by Francis Michelini and seconded by Ed Sheehan.

VOTE: All were in favor as indicated by a unanimous voice vote.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 2:40 p.m. on a **Williams/Lally-Green** motion.

Stephanie L. Jones

Stephanie Jones
Administrative Assistant