MINUTES
STATE BOARD OF EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

May 9, 2013

The 314th meeting of the State Board of Education was convened on Thursday, May 9, 2013. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 9:00 a.m. by Larry Wittig, Chairman.

Attending:

Erin Agnew	Sandra Dungee Glenn	Jonathan Peri
James Barker	Paul Ferrera	Mollie Phillips
Kevin Bates	Kirk Hallett	Colleen Sheehan
Wendy Beetlestone	Maureen Lally-Green	Ed Sheehan
Emily Clark	Francis Michelini	Lee Williams
		Larry Wittig

APPROVAL OF MINUTES

The minutes from the March 14, 2013 meeting of the State Board of Education were approved unanimously on a **Peri/E. Sheehan** motion.

REPORT OF THE EXECUTIVE DEPUTY SECRETARY OF EDUCATION

Amy Morton, Executive Deputy Secretary, appeared on behalf of Secretary Ron Tomalis to provide an update on the following issues:

Sequestration

The Department of Education (PDE) is working to identify programs that may be impacted by federal sequestration. Ms. Morton reported that there is little guidance from the U.S. Department of Education at this stage, but said the Department anticipates a 5% cut in each affected program area beginning in the 2013-2014 school year.

Race To The Top

PDE received a $41 million Race to the Top grant at the beginning of 2012. Ms. Morton highlighted one aspect of the effort supported by this grant – an initiative of PDE to provide all LEAs the opportunity to access online courses aligned to student expectations in Algebra I and Biology. Ms. Morton said the Department will accept and review courses from online providers to identify those courses that meet the Commonwealth's standards and to make quality online learning opportunities available to all LEAs.

Erin Agnew asked how the cost for these online courses compares to a school district hiring a teacher to teach them. Ms. Morton replied that it would depend whether the courses were being used independently or whether school districts use the online content to supplement what is being taught in the classroom. Ms. Morton further cautioned that district's should not utilize the online courses as an option for low-performing students without proper guidance.

Act 141

Act 141 was passed by the General Assembly last year to address school districts that find themselves in challenged financial situations. Ms. Morton reminded the Board that four districts were identified for financial recovery status under Act 141, and noted that the Department is working to provide technical assistance to four additional districts identified in financial watch status. Technical assistance for those financial watch districts is designed to help prevent them from moving into financial recovery status.

Ms. Morton complimented the Board's work to identify additional criteria for financial recovery status in its proposed Chapter 18 regulations and said the Department has worked to align its Early Warning System with the proposed Chapter 18 criteria.

Wendy Beetlestone asked which school districts are in financial watch status. Ms. Morton reported that the financial watch districts are Aliquippa, Wilkinsburg, Reading and Steelton-Highspire.

Elementary and Secondary Education Act (ESEA) Flexibility

Forty states applied to the U.S. Department of Education (USDE) for flexibility in the administration of the Elementary and Secondary Education Act (ESEA). Pennsylvania submitted an ESEA flexibility proposal in February 2013. Ms. Morton reported that, most recently, the Department has engaged in a teleconference with USDE to help the federal agency understand its proposal and engaged in a second teleconference to gauge USDE's reaction to the proposal. Ms. Morton said the USDE recognized Pennsylvania as being a leader in educator effectiveness reforms and posed some questions around the Department's plans for accountability related to its proposal to measure districts' based on closing the achievement gap by half in six years. Ms. Morton said the Department would refine its flexibility proposal to include a graduated scale for closing the achievement gap over six years. She also noted that the USDE raised a question about the weighting of certain vocational-technical education criteria being different for comprehensive CTCs and said the Department will continue conversation on that aspect of its new school performance profiles. She further thanks Jackie Cullen, Executive Director of the Pennsylvania Association of Career and Technical Administrators, for reinforcing that the Department's approach is appropriate.

Staff Recognition

Ms. Morton commended the Department's Deputy Secretaries – Carolyn Dumaresq, Jill Hans, Barbara Minzenberg and Stacey Aldrich – and State Board Executive Director Karen

Molchanow for the work they continue to do on behalf of the Commonwealth. James Barker thanked and commended Ms. Morton for her service.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

PSPC Executive Director Carolyn Angelo was unable to attend the meeting; however, the 2012 PSPC Annual Report was distributed to all Board members. The report contained information about the Commission and its mission and goals, and the names of educators and actions that were taken against them by the Commission in 2012. In summary, interested parties filed 563 educator misconduct complaints with the Department of Education, which reflects a significant increase in complaints from preceding years. Also in 2012, hearing proceedings were initiated by the Department with the filing of a Notice of Charges with the PSPC in 206 cases, which also reflects a significant increase from previous years.

INFORMATION/DISCUSSION

The Board invited discussion on the application of The Educational Enrichment Initiative (TEEI) for renewal of its accrediting authority. In 2008, TEEI was approved by the Board as a new entity authorized to accredit tutoring, educational testing and remedial centers. In December 2012, the organization submitted an application seeking renewal of its accrediting authority, which expires on June 27, 2013. Board members were provided with a copy of the initial application materials, along with additional information provided by TEEI at the request of the Department. Board members also received a recommendation on the application from the Department's application review team.

Kirk Hallett, the Board's liaison on the application, recognized Patrick Lord, Office of Chief Counsel, and Robert Staver, Chief of the Division of Planning, to discuss the Department's recommendation for the denial of TEEI's renewal application. Among its findings, the Department found that the application lacked a self-study called for in the related Chapter 52 guidelines, failed to demonstrate clear processes in the areas of assessment and curriculum alignment, and contained financial compilation statements rather than audited financial reports. The Department also gave pause about TEEI's organizational independence given staff and advisory board past professional associations with the Kumon organization, and raised questions about whether criminal history background checks for staff employed at tutoring center were conducted in compliance with state requirements.

Board Chairman Larry Wittig said he felt the Department's question related to TEEI's financial statements was irrelevant and that, in his professional experience as a certified public accountant, the financial compilation provided by TEEI was appropriate for an organization of TEEI's size and gross income.

Board members posed follow-up questions about how TEEI compares to other accrediting organizations. Mr. Staver said TEEI is a niche agency in that it accredits tutoring centers while other approved accreditators work with schools. Similar tutoring centers operate through state licensure, said Mr. Staver. Colleen Sheehan asked whether the Department had

outstanding questions related to the qualification of TEEI's staff, and Mr. Wittig asked whether Department staff had experience with the tutoring centers accredited by TEEI. Ms. Williams and Ms. Beetlestone agreed that the focus of the Board's deliberations should not be on the services provided by the centers, but on the accreditation process.

Ms. Beetlestone asked for clarity on the Department's scope of review, and Board counsel Greg Dunlap responded that the Department operates in the context of the Board's request to it and the guidelines in Chapter 52. Ms. Beetlestone stated that Chapter 52 set an expectation for a self-study, but left the Board in a quandary by not defining the elements of such a study. Mr. Peri stated that of all the issues raised, student safety should be given the highest priority. Finally, Mr. Hallett asked the Department to address what would happen to the tutoring centers that operate under accreditation in lieu of state licensure if TEEI was not renewed to accredit them. Mr. Lord responded that the Department would inform the centers that they could continue operating until the end of their current accreditation periods and, in the interim, seek state licensure, or that TEEI could re-apply for accrediting authority under a new application.

Denise Nahoom, Executive Director of TEEI, and Thomas Heeney, counsel, appeared before the Board to discuss TEEI's application and answer questions from Board members. Mr. Heeney addressed concerns raised by the Department and said that TEEI goes above and beyond state requirements for criminal history background checks. Mr. Heeney said that Chairman Wittig adequately addressed concerns related to the sufficiency of the financial statements provided by the organization, noted that the organization operates as a not-for-profit, and assured that TEEI's staff and governing board have the necessary educational experience to serve as approved accreditors. Further, Mr. Heeney said the renewal application materials provided by the Department were the same as the application materials provided to TEEI in 2008 and did not distinguish a difference in expectations between an initial and a renewal application. Regarding concerns about independence, Mr. Heeney said Kumon tutoring centers are franchises run by independent owners. He further stated that these centers operate under accreditation, rather than state licensure, because the cost of complying with licensure's certified staffing requirements was not in line with the business model used by Kumon to keep services affordable for students and their families. Mr. Heeney acknowledged that TEEI's initial application did not include a self-study, and said the organization made a subsequent attempt to provide such information to the best of its ability in response to a request from the Department.

Ms. Nahoom addressed the criminal history background check process used by the center's accredited by TEEI, and Board members engaged in follow-up questions about the use of various background reporting systems and their costs. Dr. Michelini expressed concern that the line of questioning and answers being provided were more relevant to the managers of tutoring centers and highlighted TEEI's role as an independent accreditor whose role is to ensure the centers are doing the right thing, not to manage the process on their behalf. Mr. Heeney stated that Department staff had been difficult to work with and declined to meet in person with TEEI staff to discuss the application. Dr. Michelini said the role of Department employees is to evaluate the application materials provided by the organization, not to act as consultants to advise on what makes an application favorable.

Mr. Wittig asked how the tutoring centers accredited by TEEI would be affected if TEEI was granted an extension with a constraint on not issuing new accreditations during that intermediary period. Ms. Nahoom responded that TEEI has issued only one-year accreditations thus far and that, under that scenario, all centers' accreditation would expire on August 31, 2013. In concluding discussion on the application, Mr. Wittig suggested the two key issues that required further clarity pertained to criminal history background checks and the self-study required by Chapter 52. He suggested that the Board assign a subcommittee to explore those matters and bring a recommendation to the Board in July, with priority given to clearing up questions related to background checks in the short term.

PUBLIC COMMENT

Jay Hertzog, President of PAC-TE, distributed and discussed talking points of the Keystone Consortium of Educational Associations to all Board members.

ACTION ITEMS

APPLICATION OF THE EDUCATIONAL ENRICHMENT INITIATIVE (TEEI) FOR THE RENEWAL OF ACCREDITING AUTHORITY

The Board approved a motion to extend TEEI's accrediting authority through July 10, 2013, subject to the following conditions: (1) TEEI may not accredit any new tutoring, educational testing or remedial centers during the time period for which the extension is granted (i.e., June 28, 2013, through July 10, 2013); (2) TEEI must immediately provide the Department of Education with information regarding the criminal history background check procedures used by the centers it accredits (redacting sensitive information as necessary); and (3) TEEI will provide all other renewal information requested to the Department by July 8, 2013. The motion approved by the Board also provides for the establishment of an ad hoc committee comprised of three members of the Board (Kirk Hallett, Dr. James Barker and Wendy Beetlestone) and Deputy Secretary of Education Carolyn Dumaresq to further review TEEI's request for renewal of its accrediting authority

A motion to approve was made by Jonathan Peri and seconded by James Barker.

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

RESOLUTION HONORING ERIN AGNEW

A motion to approve a resolution honoring Erin Agnew was made by Francis Michelini and seconded by Mollie Phillips.

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

RESOLUTION HONORING PAUL FERRERA

A motion to approve a resolution honoring Paul Ferrera was made by Francis Michelini and seconded by Jonathan Peri.

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

ANNOUNCEMENTS

Mr. Wittig recognized Justin Reynolds, a student at Pennridge High School, who will be joining the Board as the junior high school student member in July. Mr. Wittig also announced that, in July, Bruce Grover will be seated as the new junior postsecondary student member on the Council of Higher Education. Mr. Grover attends California University of Pennsylvania and was nominated by the Pennsylvania State System of Higher Education.

Mr. Wittig noted that the new student members have been notified of their acceptance for a one-year term on the Board, pending funding for the program. He shared the need for discussion on future support for the student leadership program since the private grant dedicated to the program will be fully exhausted at the end of the 2013-2014 school year. Mr. Wittig publicly acknowledged and thanked the Black Horse Foundation for its recent $1,000 donation to support its student members, and asked that Board members come to the July meeting prepared to offer ideas for additional means of supporting the program.

Mr. Sheehan asked whether the Board could use tap the State School Fund to support the program. Karen Molchanow, Executive Director of the Board, said the School Code placed parameters around use the State School Fund primarily focused on supporting research projects, but noted that she would review the School Code again to see whether this may be an allowable use of funds. Ms. Dungee Glenn asked for details on the cost to support student members. Ms. Molchanow reported that the annual program cost is approximately $4,300.

In other announcements, Mr. Wittig provided an update on regulations currently before the Board. The final-form revisions to Chapter 4 have been transmitted to the Governor's Policy Office, Governor's Budget Office and Office of General Counsel for review. The proposed Chapter 18 addressing Financial Recovery School Districts also is undergoing review by those offices.

Finally, the Board was reminded that the Special Committee on Porter Township will hold a public hearing on the application for transfer of the independent school district next week on May 16-17, 2013. The Board looks forward to hearing the report of the Committee Chair Wendy Beetlestone.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 12:05 p.m. on a **C. Sheehan/E. Sheehan** motion.

Stephanie L. Jones

Stephanie Jones
Administrative Assistant