MINUTES
STATE BOARD OF EDUCATION
COUNCIL OF BASIC EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

September 10, 2014

The meeting was called to order at 1:30 p.m. by Council of Basic Education Chairman, James Barker.

Attending:

James Agras	Sandra Dungee Glenn *(via phone)*	Justin Reynolds
Carol Aichele	James Grandon	Colleen Sheehan
Jay Badams	Kirk Hallett	Craig Snider *(via phone)*
James Barker	Donald LeCompte	Karen Farmer White
Wendy Beetlestone	Jonathan Peri	A. Lee Williams

APPROVAL OF MINUTES

The minutes of the July 9, 2014 meeting of the Council of Basic Education were approved on a **Badams/Farmer White** motion.

COMMITTEE REPORTS

SPECIAL AND GIFTED EDUCATION COMMITTEE

Wendy Beetlestone, Chair of the Committee on Special and Gifted Education, reviewed the public engagement process the Committee undertook in conducting a required review of Chapter 16 (Special Education for Gifted Students) over the past few months. She reported that, at a meeting earlier that morning, the Committee approved a set of recommendations for improving gifted education and noted that the recommendations were informed by stakeholder input from its public hearings, along with consideration of a Legislative Budget and Finance Committee (LBFC) study on gifted education and information presented by the Department of Education. Ms. Beetlestone said the recommendations were now being presented to the Council for its consideration.

Ms. Beetlestone reviewed the Committee's recommendations, including suggestions that the Department: establish a Program Endorsement Certificate for Gifted Education; incorporate components on gifted education into the professional development required for school and system leaders; increase focused monitorings when complaints are received about compliance with Chapter 16; and provide additional technical assistance to school districts on gifted

education by disseminating information on best practices, supporting gifted liaisons at the state's Intermediate Units and including gifted resources on its Standards Aligned System portal. In addition, she said the Committee recommends that the Board work with the Department to gather fiscal data on concerns raised by the LBFC study on the cost of evaluations, and that the Board make a technical amendment to Chapter 16 to align provisions related to strategic planning with the new requirements of Chapter 4.

SCHOOL AND UNIVERSITY SAFETY COMMITTEE

Jonathan Peri, Chair of the School and University Safety Committee, reported that the committee convened earlier that morning to commence a review of the model Memorandum of Understanding (MOU) included in Chapter 10. Mr. Peri explained that the School Code requires the Board to review the model MOU every two years and determine whether changes are necessary. The Board completed a statutory assignment to promulgate Chapter 10 in 2012 and, thus, commenced the first timely review of the model MOU since its adoption.

To inform its review, the Committee received a presentation from Mike Kozup, Director of the Safe Schools Office, whose office receives copies of MOUs submitted to the Department of Education by school entities. Mr. Peri summarized Mr. Kozup's report to the Committee. Mr. Kozup shared that Chapter 10 is having a positive impact in bringing schools and police entities together for conversation. He further stated that school entities are taking time to adopt the model MOU, and that adoptions were happening more consistently over the past year. He reminded the Committee that school entities only are required to submit MOUs to the Department every two years and said given the timing of the most recent MOU submissions a more complete picture of whether school entities are utilizing the model MOU will be available in June of 2015. Mr. Peri said Mr. Kozup identified some differences between MOUs filed with the Department and the model document, but none were felt to be broad or deep matters that would necessitate regulatory changes. Thus, the Committee recommended that the Board not pursue amendments to its model MOU at this time.

Mr. Peri then acknowledged the following efforts being conducted by the Safe Schools Office that were shared with the committee by Mr. Kozup: grants to enhance school safety, including to support school police and resource officers; school climate survey for use by school administrators; work of nine regional representatives to distribute information statewide; and work with the Pennsylvania Emergency Management Agency regarding emergency operations plans.

REPORT OF THE ACTING DEPUTY SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION

Acting Deputy Secretary Rita Perez provided an update on progress of The Educational Enrichment Initiative (TEEI) in response to the conditions established in the Board's July 2013 provisional approval for TEEI to serve as an approved accrediting organization for tutoring centers, education testing and remedial centers under Section 5 of the Private Academic Schools Act. Mr. Perez said TEEI submitted a required progress report in February 2014 and the

Department responded to that report in July 2014. She then provided a high-level overview of TEEI's progress in meeting each of the conditions established by the Board.

- Curriculum and Assessment: Ms. Perez said TEEI provided a nice explanation of the process it uses to report assessment results to students and parents. However, she said there is concern about the validity and reliability of the assessments as they relate to academic standards and whether each accredited center is aligning materials to the standards.

- Accreditation Process, Visiting Teams and Board Members: Ms. Perez said TEEI appears to have corrected the relationship between its Advisory Committee and its Board of Directors. However, the document submitted relative to this change was not signed or dated and the Department will need to follow up on whether official action occurred. Ms. Perez said it also seems that some individuals asked to serve on visiting teams to evaluate other centers may be the same individuals asked to serve on the Board. The Department will seek clarity on these individuals and their qualifications. Finally, Ms. Perez said TEEI has requested that the condition established relative to the accreditation process and visiting teams be altered to reduce the number of members on visitation teams from four to two.

- Decision Making: TEEI confirmed that Dr. Paul Miller and Denise Nahoom are no longer members of the Advisory Committee. Ms. Perez said the Department will follow-up for more details related to this change.

- Clearances: Ms. Perez said TEEI is making good process in clearing up outstanding issues with background clearances. As of August 2014, only one accredited center had not registered or been assigned an AUN number by the Department. Five centers did not access their COGENT accounts. However, TEEI indicated that three of those five centers recently were sold and staff need training on accessing COGENT system. TEEI indicated the other two centers are owned by individuals with a second location and those center directors access COGENT through the account for their other center.

- Fees: Ms. Perez said the Department needs further clarification on the accreditation fees TEEI is charging and said the Department will request a copy of TEEI's fee schedule.

PUBLIC COMMENT

Bernie Miller, Pennsylvania State Education Association, thanked the committee on Special and Gifted Education for its efforts, which he said will benefit the students of Pennsylvania and expand opportunities for teachers to enhance their skills to support gifted students.

ACTION ITEMS

FINAL-OMITTED CHAPTER 11 (STUDENT ATTENDANCE)

Dr. Barker explained that a technical amendment was prepared to conform Chapter 11 with a ruling issued by the Supreme Court of Pennsylvania that found section 11.13 to be inconsistent with the School Code because it inappropriately comingled terms from two separate provisions of the School Code that the court opined pertain to distinct issues – compulsory school age and age of beginners. He said the effect of the court's ruling is that if parents voluntarily enroll their child in a public kindergarten program, the kindergarten student will be subject to the state's compulsory attendance laws. In addition, Dr. Barker said the technical amendment also aligns section 11.13 with changes previously made to the School Code that granted the governing authority of the Philadelphia School District the discretion to lower the compulsory school age for the district to age 6.

A motion to approve a final-omitted amendment to Chapter 11 (Student Attendance) was made by Kirk Hallett and seconded by Jay Badams.

Upon discussion on the motion, Dr. Sheehan expressed that she feels the School Code vests power with parents because kindergarten is not mandatory and that the court's action shifts the focus of power to the interests of the state. On that basis, she said she would oppose the final-omitted amendment to Chapter 11.

Upon further discussion, Ms. Aichele and Dr. Sheehan sought clarity about whether the amendment would allow parents to withdraw their child from kindergarten without violating compulsory attendance requirements if the parent determines the child is not yet ready for formal education post-enrollment. It was noted that the case before the Supreme Court dealt only with circumstances where students were truant due to unexcused absences. While an amicus brief filed with the court sought support for upholding a parent's right to withdraw their child from kindergarten, the court said that scenario was not germane to the case before it and did not opine on the matter of withdrawal. The Council determined that it would be prudent to request that the Department issue guidance on the matter of withdrawl of kindergarten students in a Basic Education Circular and directed staff to prepare such a policy recommendation for consideration by the State Board of Education at its meeting on September 11.

VOTE: The motion was approved by the majority of the Council via voice vote, with Dr. Sheehan dissenting.

RECOMMENDATIONS ON SPECIAL EDUCATION FOR GIFTED STUDENTS

A motion to approve Recommendations on Special Education for Gifted Students was made by Jay Badams and seconded by Karen Farmer White.

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

ANNOUNCEMENTS

There were no announcements.

AJOURNMENT

There being no further items of business, the meeting was adjourned at 2:15 p.m.

Stephanie Jones

Stephanie Jones
Administrative Assistant