MINUTES
STATE BOARD OF EDUCATION

333 Market Street | 1st Floor
Harrisburg, PA 17126

July 10, 2014

The 321st meeting of the State Board of Education was convened on Thursday, July 10, 2014. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:48 a.m. by Larry Wittig, Chairman.

Attending:

Carol Aichele	Kirk Hallett	Jonathan Peri
Jay Badams	Maureen Lally-Green	Mollie Phillips *(via phone)*
James Barker	Teresa Lebo	Justin Reynolds
Wendy Beetlestone	Donald LeCompte	Colleen Sheehan *(via phone)*
Sandra Dungee Glenn	Francis Michelini *(via phone)*	A. Lee Williams
		Larry Wittig

The minutes of the May 15, 2014 meeting of the State Board of Education were approved on a **Badams/Williams** motion.

REPORT OF THE ACTING SECRETARY OF EDUCATION

Dr. Carolyn Dumaresq, Acting Secretary of Education, provided a status report on the following subjects:

FY 2014-15 Education Budget

The Acting Secretary provided a status update on the FY 2014-15 state budget. She said the Department needs both the General Fund Budget bill and the Fiscal Code to be finalized – the first of which defines the funding levels allocated to education and the second of which tells the Department how to distribute those funds. The Acting Secretary said education is slated to receive $12 billion dollars in FY 2014-15, including a $100 million increase in block grants for charter and public schools focused on raising student achievement; $3 million for Career and Technical Education equipment grants; a $20 million increase for special education; a $9.5 million increase for early intervention; a $10 million increase for Pre-K Counts; and $5 million for a new Ready to Succeed scholarship program for middle income students attending higher education. The Acting Secretary also spoke to the need for pension reform and said six cents of every new dollar goes toward pension increases.

Private Academic Schools Regulations

The Acting Secretary announced that the Department plans to commence a review of regulations governing Private Academic Schools.

Chapter 11

The Acting Secretary announced that the state Supreme Court recently issued an opinion that found public kindergarten students are subject to compulsory attendance requirements. She said the Department has been in contact with Board staff about amending Chapter 11 due to the court ruling.

United States Department of Education (USDE) State Educator Equity Plan

USDE has asked that, in April of 2015, each state education agency submit a new State Educator Equity Plan in accordance with Title I. Each state is asked to describe the steps it will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified or out-of-field teachers. To prepare a strong plan, the Department will have to analyze what stakeholders and the data say about the root causes of these inequities. The Acting Secretary said PDE is a little ahead on this because it already gathers a lot of data on highly qualified teachers.

House Bill 1424

The Acting Secretary announced that the General Assembly recently passed House Bill 1424, which requires the Department of Education (PDE) to develop curriculum guidelines and teacher training materials related to the Holocaust, genocide, and human rights violations. She said the bill also includes a role for the Board, and Chairman Wittig stated he would brief members on the substance of the Board's role later in the meeting.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Carolyn Angelo, Executive Director, reported that Governor Corbett imposed an additional $25 fee on teacher certificates last fall, with the funds to benefit PDE's Office of Chief Counsel and the PSPC to manage the increased needs of the educator discipline system. Due to the increase in funds, the PSPC will add two new staff members – a part-time administrative position and Shane Crosby, previously the lead prosecutor in PDE's Office of Chief Counsel, who will join the PSPC as its Associate Executive Director.

Ms. Angelo also provided the Board with the PSPC's 2013 Annual Report and noted the following highlights: 482 complaints were received in 2013; the PSPC imposed discipline in 150 of those cases (51% of which involved sexual misconduct) and resolved 264 cases total.

Ms. Angelo said the PSPC used to carry between 200-300 open cases, and, thus far in 2014, had received more mandated reports than in the last three years total which demonstrates why the Commission required additional staff. She attributed the increase to recent statutory amendments that enhanced mandatory reporting requirements and the PSPC's efforts to conduct outreach

through presentations at Intermediate Units (IUs) across the state. Thus far in 2014, the PSPC has received 442 complaints, and there are 943 open cases with approximately 200 deemed high priority because of allegations of sexual misconduct or physical injury. The PSPC also has closed 255 cases so far in 2014.

Ms. Angelo said the PSPC still experiences challenges reaching private academic schools, which are now under its jurisdiction, and will work with statewide associations on outreach to help educators understand their responsibilities under recent statutory amendments. She also said the Commission is trying to reach schools that are not mandated reporting institutions, but may employ educators who fall under the PSPC's jurisdiction.

Ms. Angelo said the PSPC has no jurisdiction over coaches or paraprofessionals, which remains a misperception of the Commission's jurisdiction. She said the Commission has discussed potentially creating a registry for coaches that individuals could consult during the hiring process, but noted that this would require a legislative amendment.

Mr. Wittig asked how the PSPC enforces discipline for staff in private schools. Ms. Angelo responded that, for example, if a charter school employs a non-certified educator the PSPC could take away the individual's eligibility for employment in a charter school and their eligibility to get a teaching certificate. She said the Commission is discussing how to make information available so hiring staff can run checks on people who are not currently in PDE's TIMS system. She also said a lot of nonpublic schools employ certified teachers and noted that the Catholic dioceses work closely with the PSPC.

Mr. Peri asked if the PSPC had considered collaborating with entities such as the Pennsylvania Association of Independent Schools to reach schools that do not fall under its jurisdiction or if it might be possible to reach such schools through the accreditation process. Ms. Angelo said informational resources are shared via a stakeholders list and through IUs. Ms. Molchanow noted that the authority for entities to award accreditation in lieu of state licensure to private schools falls under the Board's Statement of Policy in Chapter 52.

Ms. Lally-Green inquired about the extent of the PSPC's work with postsecondary institutions. Ms. Angelo responded that the PSPC has no authority over activity that occurs generally on college and university campuses. She said the Pennsylvania Association of Colleges and Teacher Educators helps build awareness among teacher preparation programs to help make preservice teachers aware of their reporting obligations and said PDE's program standards for teacher preparation could be revised to address reporting requirements more specifically. She also noted that the Commission provides an online ethics toolkit for teachers, which is available for use by teacher preparation programs.

Acting Secretary Dumaresq noted that state-owned universities are now subject to new mandatory reporting guidelines as a result of recent legislative changes. She said she offered to provide PASSHE with PDE's list of approved providers for professional development in this area to help higher education access training in meeting its new requirements.

Ms. Angelo said educators need to understand the distinction that mandated reporting to the PSPC under the Educator Discipline Act (EDA) is different that the reporting required by the

Child Protective Services Act (CPSA). She said failure to report under the CPSA is grounds for discipline under the EDA, but mandated reporters get confused about who to contact. Ms. Angelo said the Commission hopes to have a free online course developed by fall 2014 that will help educators better understand the requirements of the EDA.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

2015 MEETING SCHEDULE

A motion to approve the 2015 Meeting Schedule of the State Board of Education was made by Sandra Dungee Glenn and seconded by Wendy Beetlestone.

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

2013 ANNUAL REPORT

A motion to approve the State Board of Education's 2013 Annual Report to the Governor and the General Assembly was made by Jonathan Peri and seconded by Maureen Lally-Green.

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

ANNOUNCEMENTS

Chairman Wittig announced that Act 70 (House Bill 1424) was enacted last month. The new law strongly encourages public schools to provide instruction in the Holocaust, genocide and other human rights violations; outlines what permitted instruction should entail; and requires the Department of Education to develop curriculum guidelines and in-service training programs on providing such instruction. The Chairman also discussed an assignment made to the Board by the legislation.

Mr. Wittig said the Board is charged with studying how instruction in the Holocaust, genocide and human rights violations is offered by public schools and whether schools are using the curriculum and in-service training resources developed by the Department. The Board must issue its report, along with recommendations for improving such instruction, to the General Assembly and the Governor after the 2016-2017 school year, but no later than November 30, 2017. Mr. Wittig said the Board also may need to take regulatory action depending on the findings of its study. Per Act 70, if the study finds that less than 90 percent of school districts, charter schools, intermediate units and area vocational-technical schools are offering instruction in the Holocaust, genocide and human rights violations consistent with what is outlined in the Act, the Board must promulgate regulations mandating such instruction by all public school entities. Chairman Wittig said he will appoint a special Ad Hoc Committee to oversee work related to the required study.

Chairman Wittig also announced that a recent ruling issued by the Supreme Court of Pennsylvania ruled that a provision of the Board's Chapter 11 regulations is inconsistent with the School Code. He said the court found that section 11.13 inappropriately comingles terms from two separate School Code provisions that address distinct issues – compulsory school age and age of beginners. The effect of the court's ruling is that public kindergarten students are subject to compulsory attendance requirements if their parent or guardian voluntarily enrolls them in such programs. Mr. Wittig said he anticipates that the Board will consider a technical amendment in September to make Chapter 11 consistent with the court's ruling.

Dr. Williams asked whether there are schools that still do not offer kindergarten. Dr. Dumaresq said while some may offer half-day programs, she was not aware of any that do not provide some form of kindergarten.

Mr. Peri announced that the Board is approaching a statutory deadline to conduct a review of the model memorandum of understanding (MOU) between school districts and local law enforcement that is part of Chapter 10. Per the School Code, the Board must review the model MOU every two years and make revisions, if necessary. Mr. Peri said he will work with members of the School and University Safety Committee to commence the required review in the next few months.

Ms. Lally-Green announced that the Attorney General had approved the Board's proposed Chapter 18 regulation. She said the proposed regulation was transmitted for the first stage of regulatory review yesterday and would undergo a 30-day public comment period.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 9:17 a.m. on a **Lally-Green/Beetlestone** motion.

Stephanie Jones

Stephanie Jones
Administrative Assistant