

**MINUTES
STATE BOARD OF EDUCATION**

**333 Market Street | 1st Floor
Harrisburg, PA 17126**

March 9, 2016

The 331st meeting of the State Board of Education was convened on Wednesday, March 9, 2016. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 2:48 p.m. by Chairman Larry Wittig.

Attending:

James Agras <i>(via phone)</i>	James Grandon	Colleen Sheehan <i>(via phone)</i>
Carol Aichele	Pamela Gunter-Smith	Craig Snider <i>(via phone)</i>
Jay Badams	Maureen Lally-Green <i>(via phone)</i>	Lavinia Soliman
James Barker <i>(via phone)</i>	Donald LeCompte	Joshita Varshney
Nicole Carnicella	Jonathan Peri <i>(via phone)</i>	Karen Farmer White <i>(via phone)</i>
Sandra Dungee Glenn	Mollie Phillips <i>(via phone)</i>	A. Lee Williams
		Larry Wittig

The minutes of the January 14, 2016 meeting of the State Board of Education were approved on an **Aichele/Lally-Green** motion.

COMMITTEE REPORT
CHAPTER 11 (IMMUNIZATIONS)

Nicole Carnicella, Chair of the Committee on Chapter 11, reported that the Committee held a public hearing earlier in the day and received testimony from three organizations – the Pennsylvania Catholic Conference (PCC), the school nurses division of the Pennsylvania State Education Association (PSEA), and the Pennsylvania Immunization Coalition (PIC). Dr. Carnicella summarized the testimony on the proposal to reduce the provisional admission period for students, with support expressed by PSEA and PIC and concern expressed by the PCC.

Chairman Wittig added that an additional suggestion was offered to revise language pertaining to whether a child is admitted or permitted to attend school from “may” to “shall” to remove a school administrator’s discretion in excluding a student who has not met immunization requirements. Dr. Carnicella said she felt changing that provision might be too harsh. Carol Aichele, a member of the Committee on Chapter 11, said any potential revisions to that provision should be done thoughtfully in consultation with legal counsel and that she felt superintendents are responsible enough to make decisions about excluding students from school. Jay Badams agreed with Ms. Aichele and said superintendents do not take such decisions lightly. Finally, Dr. Carnicella said PIC informed the Committee that it has resources available through offices across the state to assist schools with immunizations.

Sandra Dungee Glenn asked if there would be additional hearings on the proposed revisions to Chapter 11. Karen Molchanow, the Board's Executive Director, said the Committee did not have other hearings planned but that there would be an opportunity to submit public comment after the proposal is published in the *Pennsylvania Bulletin*. Ms. Molchanow said copies of all testimony on the proposed regulation were provided to Board members and will be posted on the Board's SharePoint site. In addition to the testimony received at the hearing, Ms. Molchanow said the Board also received written comments from the Education Law Center.

Ms. Dungee Glenn said she thought the Board would convene multiple hearings on the proposal. Chairman Wittig said the Board generally holds public hearings across the state; however, since this proposal is being driven by the Department of Health, Mr. Wittig said the Committee elected to hold only one hearing. Ms. Dungee Glenn said she felt that the perspectives relayed at the hearing were limited and requested that the Board conduct additional outreach on the proposal so that Board members are better informed by the public about their response to requirements for families and health care providers. She said she held concerns about the amount of paperwork or monitoring that will be required of school administrators and felt an additional process to create public awareness around the proposal is necessary. Ms. Dungee Glenn suggested that outreach could be conducted via an email blast to Intermediate Units or other school entities rather than through public hearings. Secretary Rivera asked whether the Department of Health has hosted hearings yet on its proposal. Ms. Molchanow said that convening hearings on a proposed regulation is not required by statute. Ms. Dungee Glenn concluded by asking Board staff to provide her with a plan for additional stakeholder outreach.

Ms. Aichele asked Board staff for a timeline of the steps necessary to complete the regulatory review process. Ms. Molchanow explained that the proposal currently was under review by the Office of the Attorney General (OAG), and said it would be submitted for public comment upon approval from OAG. She then summarized the required procedures for consideration of a regulation.

REPORT OF THE SECRETARY OF EDUCATION

Secretary Pedro Rivera provided an update on the administration's education budget proposal for FY 2016-17 that seeks equitable funding for schools across the Commonwealth. Mr. Rivera said the budget recommendation includes a \$200 million increase distributed through the Bi-partisan Fair Funding Formula for the Basic Education subsidy; a \$50 million increase in Special Education funding; and a \$60 million increase for Pre-K and Head Start programs. The proposal also includes a \$15 million increase for Innovative Grants in Career and Technical Education programs; an \$8 million increase for school counselors in middle and high schools; and a \$5 million increase for Career and Technical Education Equipment Grants.

Secretary Rivera said that the administration continues to push heavily for accountability at the same time it is seeking increased funding for education. The Secretary said PDE is working to identify more holistic ways of determining whether a student is prepared to graduate from high school following the moratorium on the Keystone Exam graduation requirement put in place by the General Assembly. He said PDE also is working on a plan in response to the federal Every Student Succeeds Act (ESSA), and that PDE is making an appeal to create three new

accountability initiatives including a dedicated Office of School Improvement and an Office of Charter School Accountability.

Secretary Rivera said the Department understands the impact of past reductions in state funding on school operations and said Governor Wolf remains committed to making an investment in education that will not only provide for equity but will start to fix some of the disparities created in the past.

The Secretary said pensions continue to be a big topic of discussion and noted that the bulk of pension obligations represent existing liabilities that will not be impacted by a change to the current system. He said there is a belief that retired educators benefit from six-figure pensions and noted that the average pension recipient receives \$25,000 per year. The Secretary said it is important to use real data as the foundation for discussion. Carol Aichele and Lavinia Soliman requested written information on the average pension and the standard deviation from the average. Secretary Rivera said PDE also has been looking at data on per student expenditures in the Commonwealth, which he said is high on average but shows a significant differential between the support available in the poorest and wealthiest districts in the state.

Chairman Wittig asked for information cited by the Secretary that the 34% liability is for current retirees as opposed to future retirees. The Chairman said he believed that if the current pension system was tweaked for future retirees that are now 22 years old, it would affect the contribution rate today because that rate is based on those individual retiring down the road. The Chairman stated that he thought pension reform would create the potential to put money back into school districts. The Secretary said he would look into information regarding future obligations and the liability associated with past annuitants.

James Barker asked how confident the Secretary was that the funding structure between the richest and poorest school districts in the Commonwealth would be addressed. Secretary Rivera said PDE is trying to shift the conversation by sharing very specific data to make the comparison around the equity versus equality conversation not only in terms of funding but also in relation to the achievement gap, performance and the resource gap.

REPORT OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Chairman Wittig announced that a representative of the Professional Standards and Practices Commission (PSPC) was unable to attend the meeting. In lieu of attending, the PSPC provided a written report to Board members.

PUBLIC COMMENT

There was no public comment.

ACTION ITEM

2015 ANNUAL REPORT

A motion to approve the State Board of Education's 2015 Annual Report to the Governor and the General Assembly was made by Larry Wittig and seconded by Lee Williams. As part of this action, direction was given to Board staff to fix an error in the spelling of Dr. Carnicella's name and to correct the title for Donald LeCompte to Senior Student Member.

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

ANNOUNCEMENTS

Chairman Wittig announced that the process for selecting two new student members of the Board was underway. He thanked Kirk Hallett for volunteering his time as the Board's liaison for this work. Mr. Wittig said the Pennsylvania Association of Student Councils (PASC) is reviewing applications from potential high school candidates. Mr. Hallett will join representatives from PASC on April 9 to conduct in-person interviews with the high school student finalists. Mr. Wittig reported that the next post-secondary student member will come from the state-related university sector, and said Board staff have notified each of the four state-related universities about the opportunity to nominate a student for the position. He said Mr. Hallett will take the lead in reviewing applications for post-secondary student nominees and invited other Board members that would like to participate in that review process to make staff aware of their interest.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 3:35 p.m. on a **Dungee Glenn/Aichele** motion.



Stephanie Jones
Administrative Assistant