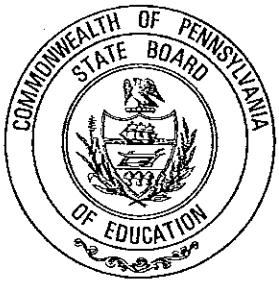
PENNSYLVANIA

STATE BOARD OF EDUCATION



2013 ANNUAL REPORT

JULY 2014

Dear Governor Corbett and Members of the General Assembly:

On behalf of the State Board of Education, it is my pleasure to present you with our Annual Report for 2013. 2013 was a busy year for the State Board, due in no small measure to the roles assigned to the Board by Act 141 of 2012, Act 104 of 2010 and an application made to the Board seeking a change in school district boundaries. This report focuses on and summarizes the Board's activities with regard to those assignments and other actions taken by the Board in 2013.

2013 also was a year of transition in Board leadership and membership. Mr. James Grandon was appointed as the new Chairman of the Council of Higher Education, bringing a unique perspective to that role through his affiliation with Harrisburg Area Community College. Our colleague Edward Sheehan resigned his seat on the Board concurrent with the end of his term of service in October 2013. At that same time, State Board member Colleen Sheehan was re-nominated by Governor Corbett for a new six-year on the Board. We also welcomed the Honorable Carol Aichele as a new member of the Council of Basic Education.

In addition to changes among our voting membership, the Board welcomed two new student advisory members in July 2013 – Justin Reynolds, a student at Pennridge High School, and Bruce Grover, a student at California University of Pennsylvania. The Board also bid farewell to the two student members whose terms came to a close in May 2013 – Erin Agnew, Springfield Township School District, and Paul Ferrera, The Pennsylvania State University.

We look forward to working together to meet the challenges that lie ahead to ensure that the schools of this Commonwealth meet the needs of all of our children. If you need additional information about this report or the State Board's activities, please contact me or the Board office.

Sincerely,

Larry Wittig, Chairman

MEMBERSHIP

The State Board of Education consists of 21 members, ten of whom serve on the Board's Council of Basic Education and ten of whom serve on the Board's Council of Higher Education. Seventeen members are appointed by the Governor, with the advice and consent of the Senate, for overlapping terms of six years, or until their successors are appointed and confirmed. Four members of the Board are members of the General Assembly who serve as long as they hold the position of majority and minority chairs of the House and Senate Education Committees. The Chairperson of the Board and its Councils are designated by the Governor and serve at his pleasure. The 21 members of the board also serve as the State Board for Vocational Education.

The Board meets at least six times per year. Additional council or board meetings are held at the call of its chairpersons or at the request of a majority of members. The chairperson of the board and any of the members are entitled to attend the meetings of the councils. Board committees are appointed by the chairperson of the board to formulate policy proposals in those areas which fall within the purview of the Board. Council committees are appointed by the chairperson of each respective council to formulate policy proposals in those areas which fall within the purview of either council.

The Secretary of Education is the head of the Department of Education and chief executive officer of the State Board of Education. She is a member of the executive department of the Commonwealth and is appointed by and serves at the pleasure of the governor with the advice and consent of the Senate. The Secretary of Education, or her designated representative, is entitled to attend all meetings of the board and councils and has the right to speak on all matters before the board and the councils but not to vote.

The Chairman of the Professional Standards and Practices Commission (PSPC), or a commission member designated by the Chairman, serves as an ex officio, non-voting member of the Board. Likewise, a member of the State Board serves in the same capacity on the PSCP.

Four student representatives serve as non-voting, advisory members of the Board – two high school students who sit on the Council of Basic Education and two postsecondary students who sit on the Council of Higher Education. Annually, two new students are selected to serve a two-year term on each respective Council. High school students are selected through an application process managed by the Pennsylvania Association of Student Councils. Postsecondary students are selected to represent the various sectors of higher education in the Commonwealth on a rotating basis. Student members were added by the Board in 2008, and their participation is supported through private grant funds.

Following are listings of the State Board of Education's membership, reflecting transitions throughout the 2013 calendar year.

State Board of Education

January 2013

Mr. Larry Wittig (Tamaqua)
Chairman, State Board of Education

Mr. Ron Tomalis
Secretary of Education &
Chief Executive Officer
of the Board

Council of Basic Education

Dr. James E. Barker (Erie)
Chairman, Council of Basic Education

Ms. Erin Agnew (Erdenheim)
Senior Student Representative

Ms. Emily Clark (Cranberry)
Junior Student Representative

Mrs. Constance Davis (Bellefonte)

Senator Mike Folmer
Majority Chair, Senate Education Committee

Mr. Kirk Hallett (Camp Hill)

Hon. Maureen Lally-Green (Cranberry Township)

Mrs. Mollie O'Connell Phillips (Kingston)

Representative James R. Roebuck, Jr.
Minority Chair, House Education Committee

Ms. Colleen Sheehan (Wayne)

Mr. Edward J. Sheehan, Jr. (Johnstown)

Ms. Karen Farmer White (Pittsburgh)

Council of Higher Education

Dr. Francis J. Michelini (Mechanicsburg)
Chairman, Council of Higher Education

Mr. James R. Agras (Pittsburgh)

Mr. Kevin Bates (Philadelphia)
Junior Student Representative

Ms. Wendy Beetlestone (Philadelphia)

Representative Paul I. Clymer
Majority Chair, House Education Committee

Senator Andrew Dinniman
Minority Chair, Senate Education

Mr. Paul Ferrera (State College)
Senior Student Representative

Ms. Sandra Dungee Glenn (Philadelphia)

Mr. James Grandon, Jr., (Mechanicsburg)

Mr. Jonathan Peri (Aston)

Dr. A. Lee Williams (Slippery Rock)

Dr. Gilbert Griffiths
PSPC Ex-officio Member

Ms. Karen Molchanow
Executive Director

Ms. Stephanie Jones
Administrative Assistant

State Board of Education

July 2013

Mr. Larry Wittig (Tamaqua)
Chairman, State Board of Education

Dr. William E. Harner
Acting Secretary of Education &
Chief Executive Officer
of the Board

Council of Basic Education

Dr. James E. Barker (Erie)
Chairman, Council of Basic Education

Ms. Emily Clark (Cranberry Township)
Senior Student Representative

Mrs. Constance Davis (Bellefonte)

Senator Mike Folmer
Majority Chair, Senate Education Committee

Mr. Kirk Hallett (Camp Hill)

Hon. Maureen Lally-Green (Cranberry Township)

Mrs. Mollie O'Connell Phillips (Kingston)

Mr. Justin Reynolds (Sellersville)
Junior Student Representative

Representative James R. Roebuck, Jr.
Minority Chair, House Education Committee

Ms. Colleen Sheehan (Wayne)

Mr. Edward J. Sheehan, Jr. (Johnstown)

Ms. Karen Farmer White (Pittsburgh)

Council of Higher Education

Dr. Francis J. Michelini (Mechanicsburg)
Chairman, Council of Higher Education

Mr. James R. Agras (Pittsburgh)

Mr. Kevin Bates (Philadelphia)
Senior Student Representative

Ms. Wendy Beetlestone (Philadelphia)

Representative Paul I. Clymer
Majority Chair, House Education Committee

Senator Andrew Dinniman
Minority Chair, Senate Education Committee

Ms. Sandra Dungee Glenn (Philadelphia)

Mr. James Grandon, Jr. (Mechanicsburg)

Mr. Bruce Grover (Pittsburgh)
Junior Student Representative

Mr. Jonathan Peri (Aston)

Dr. A. Lee Williams (Slippery Rock)

Dr. Gilbert Griffiths
PSPC Ex-officio Member

Ms. Karen Molchanow
Executive Director

Ms. Stephanie Jones
Administrative Assistant

State Board of Education
November 2013

Mr. Larry Wittig (Tamaqua)
Tamaqua

Dr. Carolyn Dumaresq
Acting Secretary of Education &
Chief Executive Officer
of the Board

Council of Basic Education

Dr. James E. Barker (Erie)
Chairman, Council of Basic Education

Secretary Carol Aichele (Malvern)

Ms. Emily Clark (Cranberry Township)
Senior Student Representative

Senator Mike Folmer (Harrisburg)
Majority Chair, Senate Education Committee

Mr. Kirk Hallett (Camp Hill)

Hon. Maureen Lally-Green (Cranberry Township)

Ms. Mollie O'Connell Phillips (Kingston)

Mr. Justin Reynolds (Sellersville)
Junior Student Representative

Representative James R. Roebuck, Jr.
Minority Chair, House Education Committee

Ms. Colleen Sheehan (Wayne)

Ms. Karen Farmer White (Pittsburgh)

Council of Higher Education

Mr. James Grandon, Jr. (Mechanicsburg)
Chairman, Council of Higher Education

Mr. James R. Agras (Pittsburgh)

Mr. Kevin Bates (Philadelphia)
Senior Student Representative

Ms. Wendy Beetlestone (Philadelphia)

Representative Paul I. Clymer
Majority Chair, House Education Committee

Senator Andrew Dinniman
Minority Chair, Senate Education Committee

Ms. Sandra Dungee Glenn (Philadelphia)

Mr. Bruce Grover (Pittsburgh)
Junior Sudent Representative

Dr. Francis J. Michelini (Mechanicsburg)

Mr. Jonathan Peri (Aston)

Mr. Craig A. Snider (Bryn Mawr)

Dr. A. Lee Williams (Slippery Rock)

Dr. Gilbert Griffiths
PSPC Ex-officio Member

Ms. Karen Molchanow
Executive Director

Ms. Stephanie Jones
Administrative Assistant

INTRODUCTION

The Pennsylvania State Board of Education was created by the General Assembly in 1963 and reestablished in 1988. It is the principal administrative regulatory body for both elementary and secondary education and higher education in the Commonwealth. It has the power and duty to review and adopt regulations that govern educational policies and principles and establish standards governing the educational programs of the commonwealth, upon recommendation of its councils. The Board also has the authority and duty to approve or disapprove an application for the creation of a new school district, or change in the boundaries of an existing school district; establish committees of professional and technical advisors to assist the councils in performing research studies undertaken by them; manage and have custody of the State School Fund; apply for, receive and administer Federal grants, appropriations, allocations and programs within its purview; adopt policies with regard to institutions of higher education; and, adopt master plans for basic and higher education.

The State Board of Education engages in constant review and appraisal of education in the Commonwealth. The Board's evaluation takes into account such matters as educational objectives, alternative organizational patterns, alternative programs of study, and the operating efficiency of the education system. The chairperson of the State Board refers all studies and investigations to one of its councils, and receives and places on the agenda the findings and recommendations of the council for appropriate action by the Board.

For purposes of studying issues and developing policy proposals, the Board is divided into two councils – the Council of Basic Education and the Council of Higher Education. The Council of Basic Education has the power and duty to develop a master plan for basic education in the Commonwealth for adoption by the board; investigate programs, conduct research studies and formulate policy programs in all educational areas not within the purview of higher education; encourage and promote such agricultural, industrial, vocational and technical education programs as the needs of this Commonwealth may require; and investigate and make recommendations pertaining to the work of any schools of design, schools of industrial arts or industrial schools to which the General Assembly may make an appropriation.

The Council of Higher Education has the power and duty to develop a master plan for higher education in the Commonwealth for adoption by the Board; develop standards for the approval of colleges and universities for granting of certification and degrees; develop standards for all higher education building projects involving the use of state funds or the funds of any Commonwealth instrumentality; and, investigate programs, conduct research studies and formulate policy proposals in all areas pertaining to higher education in the Commonwealth, including a system of community colleges and technical institutions as provide by law.

The Board also serves as the State Board for Vocational Education and, in this capacity, sets policy and promulgates regulations regarding vocational and technical education in Pennsylvania for both secondary and postsecondary vocational-technical education, now more commonly referred to as career and technical education.

Much of the Board's work occurs in meetings of its standing committees, including the Committees on Academic Standards/Chapter 4; Teacher and School Leader Effectiveness; and Vocational-Technical Education. Ad hoc committees also are established from time to time to oversee special projects.

Board committees are the bodies that conduct public meetings to solicit comments, concerns and questions from members of the general public as well as those involved in the education enterprise on a particular education regulation or issue. When the Board decides to review a current regulation or develop a new one, it begins the process with roundtable discussions or public hearings conducted in several locations throughout the state. The committee takes the information it learned during this exercise and develops recommendations that can take the form of a report or revised regulations.

Proposed regulations are published in the *Pennsylvania Bulletin*. Additional public comments on a proposed regulation, as well as comments received from the House and Senate Education Committees and the Independent Regulatory Review Commission, are considered and, based on this stakeholder input, the Board may make further refinements to the regulation that it deems necessary in crafting a final-form regulation.

State Board of Education Activity: 2013

Pursuant to Article XXVI-B (24 P.S. § 26-2603-B) of the Pennsylvania School Code, the State Board of Education is pleased to provide a report on its activities for the year 2013.

Chapter 31 (Higher Education – General Provisions)

The Board made a technical amendment to Chapter 31 related to measuring degree completion for specialized associate degree programs. The amendment was published in the *Pennsylvania Bulletin* and took effect on May 4, 2013. The Board advanced the final-omitted revision to 22 Pa. Code § 31.21(b)(2) to conform the language in that section pertaining to measuring specialized associate degree programs with related provisions in the current regulatory framework and guidance documents of the Pennsylvania Higher Education Assistance Agency (PHEAA) and the State Board of Private Licensed Schools. Conforming the language in Chapter 31 not only ensured consistency in policy implementation across agencies, but clarified the Board's long-standing intention to allow specialized associate degree programs to be measured in credit hours or clock hours per a school's institutional mission. Further, conforming the regulation helped to safeguard students pursuing specialized associate degrees from a potential reduction in eligibility for federal Pell Grant aid due to a recent interpretation of federal rules addressing credit and clock hour requirements for the awarding of financial aid.

Proposed Chapter 18 (Financial Recovery)

In Act 141 of 2012, the General Assembly tasked the Board with promulgating regulations that establish criteria the Secretary of Education may consider in determining whether to place a school district in financial recovery status and whether such districts would be deemed in either moderate or severe recovery status. The Board worked with stakeholders in drafting a new set of regulations in response to this statutory assignment and, in November 2013, approved a proposed new regulatory Chapter – Chapter 18 – to address the declaration of financial recovery school districts. The proposed regulations currently are undergoing regulatory review.

The proposed regulations include three new criteria, in addition to the 15 criteria established by the Public School Code, which the Secretary may consider in determining whether to declare a district in financial recovery status. The proposed regulations also provide guidance to the Secretary in determining whether a declared financial recovery district would be deemed in moderate or severe status by directing the Secretary to assess whether the fiscal conditions of a district indicate that it is unable, or is reasonably unlikely to be able, to fulfill the required 180 days of instruction for the present school year or the following school year. If the Secretary

assesses that a district cannot fulfill the 180 days of instruction required by the School Code, the proposed regulation advises the Secretary to declare a district in severe recovery status.

Porter Township Initiative Independent School District

The Pike County Court of Common Pleas issued an order establishing the Porter Township Initiative Independent School District (PTI) for the sole purpose of its consideration for transfer from the East Stroudsburg Area School District (ESASD) to the Wallenpaupack Area School District (WASD). PTI was established by the court in response to a petition from a group of citizens seeking to transfer the territory in which they reside to a different, geographically contiguous school district and a review of the petition by the Secretary of Education for educational merit. The court order establishing PTI then was transmitted to the State Board of Education for a final ruling on the application for transfer. Under sections 292.1, 293.1 and 2603-B(d)(1) of the Public School Code, the State Board is responsible for deciding whether to approve or disapprove school district boundary changes pursued through the Independent School District process.

The Board established a special Ad Hoc Committee to oversee proceedings related to the application of PTI for transfer, and provided local citizens, affected school districts and other interested parties an opportunity to submit written petitions to intervene, notices of intervention or protest, or requests for a public hearing on the application. In response to this opportunity, the Board convened a public hearing on the application in Dingman's Ferry, Pa., on May 16-17, 2013.

After reviewing a stipulated court record, testimony provided at the hearing, and additional public comment, the Ad Hoc Committee issued a report to the Board that identified key issues in PTI's application in the following areas: property taxes, community of Hemlock Farms, quality of education, school safety (both weather-related and campus safety), diversity and curriculum. Its deliberative review of all the facts and evidence and the views of citizens in ESASD, WASD and PTI led the Committee to unanimously recommend that the Board deny the application of PTI for transfer.

After careful consideration of the record, the Committee concluded that a significant reduction in property taxes appeared to be as much a motivating factor for the transfer as any of the educational factors; the division of the Hemlock Farms community into separate school districts was not a unique phenomenon for that region of the state, and the State Board should not overly concern itself with how school district boundary lines impact a community's social setting when making a decision on whether to approve or disapprove a transfer; and, that PTI failed to demonstrate WASD provided a superior education compared to ESASD on multiple fronts, including: school performance, school safety, diversity/socialization, and curriculum, and that, further, ESASD successfully demonstrated it would be financially harmed if the transfer were to occur. Following review and deliberation on the Committee's findings, on September 12, 2013, the State Board voted to deny the application of PTI for transfer from ESASD to WASD.

Chapter 4 (Academic Standards and Assessment)

In 2013, the Board continued work on the proposed public rulemaking it published in October 2012 that sought to amend provisions of 22 Pa. Code Chapter 4 (Academic Standards and Assessment) pertaining to Common Core State Standards, Keystone Exams, and strategic planning requirements. The Board reviewed and considered almost 150 public comments on the proposed rulemaking and, in March 2013, initially approved a final-form rulemaking that included changes based on those public comments. The final-form rulemaking established state-specific academic standards in English Language Arts and Mathematics, eliminated the requirement for school districts to conduct strategic planning via a state-prescribed timeframe and state-prescribed format, made Keystones Exams a stand alone option for assessing student proficiency for high school graduation, and scaled back the number of Keystone Exams to be developed for assessing proficiency in state academic standards from 10 to 5.

The Board subsequently withdrew its initial final-form rulemaking due to concerns expressed about Common Core Standards in House Resolution 338, and reconsidered whether further amendments were necessary to the regulation. To engage in thoughtful consideration of these concerns, the Board invited stakeholders to provide comment at its public meetings on July 10, 2013, and September 11-12, 2013. Each meeting drew significant interest from members of the public who were afforded multiple hours to provide their perspectives to the Board. The Board also appeared at public hearings before both the House Education Committee and the Senate Education Committee three times during the summer of 2013 to further discuss the regulation with members of the General Assembly.

In response to these ongoing deliberations, the Board considered, and subsequently approved, further amendments to the final-form regulation to address concerns related to utilization of standards, student transcripts, and graduation waivers. The amendments made it clear that Pennsylvania's Core Standards in English Language Arts and Mathematics do not apply to private, religious or homeschooled students; prohibit the Department from imposing a statewide curriculum or mandated reading lists; prohibit the expanded collection of student and family data due to implementation of Pennsylvania Core Standards; and express the Board's intention to not utilize national assessments as part of the state assessment system, while retaining flexibility for the Department to continue participating in collaborative discussion about the development of a new alternate assessment for students with the most severe cognitive disabilities and the potential use of a new alternate assessment after consultation with teachers, counselors and parents of students with disabilities.

The Board approved its amended final-form rulemaking in September 2013, and the rulemaking subsequently was approved by the Independent Regulatory Review Commission on

November 21, 2013. Following approval of the Attorney General in early 2014, the final-form amendments to Chapter 4 were published in the *Pennsylvania Bulletin* and took effect on March 1, 2014.

Accreditation Guidelines for Pennsylvania Postsecondary Vocational Education

In May 2013, the State Board for Vocational Education (SBVE) approved revised accreditation guidelines for Pennsylvania Postsecondary Vocational Education. Career and Technical Education Centers have been operating under these guidelines since the SBVE was approved as an accrediting authority by the U.S. Department of Education (USDE). The USDE Advisory Committee overseeing such accrediting authorities requested further clarity in the guidelines related to the role of the SBVE, the Institutional Accreditation Advisory Group and the Department of Education. USDE also asked for clarity in the appeals process. Draft guidelines addressing the clarity requested by USDE underwent a 30-day public comment period prior to being approved by the SBVE in May 2013.

Application of The Educational Enrichment Initiative (TEEI) for Re-approval as a Private and Nonpublic School Accrediting Authority

The Educational Enrichment Initiative (TEEI) submitted an application to the Board seeking re-approval of its authority to accredit private tutoring, remedial and educational testing centers for another five-year period. Per Section 5 of the Private Academic Schools Act (24 P.S. § 6705), private and nonpublic schools may operate in the Commonwealth without state licensure if the school is accredited by an organization approved by the State Board of Education. According to the Statement of Policy published in 22 Pa. Code, Chapter 52, approved accrediting organizations must seek re-approval from the Board every five years.

A review of TEEI's application conducted by the Department of Education identified a number of areas for improvement related to TEEI's accreditation protocols, evaluation of the academic content provided by its accredited centers, and governance. On July 10, 2013, the Board granted TEEI provisional approval as an accrediting body through July 31, 2015, provided that TEEI make continued progress in meeting five conditions set forth by the Board to address areas identified for improvement in its application. TEEI also was required to make periodic progress reports to the Department of Education to monitor how it is meeting the conditions set forth by the Board. If TEEI satisfies these conditions, the Board agreed to extend its authority as an accrediting body for tutoring, educational testing and remedial centers for an additional three years through July 31, 2018.

Dating Violence Education Study

Act 104 of 2010 tasked the Board with conducting a study on the benefits and detriments of mandating dating violence education in the public schools of the Commonwealth. The Board appointed a special Ad Hoc Committee to oversee this work. The Committee provided an opportunity for members of the public to submit written comments on mandating dating violence education, and engaged a researcher at Villanova University who reviewed existing literature on the benefits and detriments of dating violence education and sought additional feedback from education practitioners, students in the field of education, and professionals in the field of counseling. The Committee also reviewed other state polices related to instruction in dating violence.

The Committee conducted the balance of its work during 2013, and a final report with recommendations was approved by the State Board in January 2014. The Board recommended that the General Assembly maintain current provisions of the School Code that provide flexibility for school districts to address dating violence education in a manner appropriate to meet local needs and in a manner that allows districts to determine how to best manage their time given the breadth of the district's other academic responsibilities. The Board also recommended that the Department of Education strengthen the dating violence materials and resources made available to school districts for students in grades 9 through 12, and that the Department ensure school counselors are appropriately trained to address dating violence.

Academic Standards for Business, Computer and Information Technology

In November 2013, the Board reviewed and approved the Department of Education's Academic Standards for Business, Computer and Information Technology. The standards were developed by the Department under the direction of Act 104 of 2010, in which the General Assembly tasked the Secretary of Education with convening an advisory committee to develop state standards for business, computer and information technology courses. The standards were presented to the Board for review under section 2606-B of the Public School Code that directs the Department to submit to the Board its rules and regulations that might otherwise fall under the Board's control.

College Textbook Policies Advisory Committee

In January 2011, the State Board formed the College Textbook Policies Advisory Committee, a Standing Committee of the Board established by Act 104 of 2010. The Advisory Committee released its first report in May 2012 with recommendations to improve college textbook affordability and accessibility. As required by Act 104 of 2010, the Board continues to convene the Advisory Committee in order to continue discussion of issues related to the cost of

and access to college course materials and to continue to develop ideas for its next required report. In 2013, the Committee began to focus on gathering information from postsecondary institutions about cost savings measures being implemented on campuses across Pennsylvania.

Student Leadership Program Sponsorship

The Board expresses its thanks to Highmark for stepping forth as a new private partner in support of the Board's Student Leadership Program. Highmark generously made a $20,000 grant dedicated to sustaining the program for another five years. Highmark's grant will support costs associated with the participation of the Board's four student members– two high school and two postsecondary – that were added to the Board in 2008 as non-voting, advisory members.

The Board judiciously managed the initial $15,000 private grant that established the Student Leadership Program in 2008 and, in 2013, began seeking private support from a new sponsor as its initial grant funds were coming to a close. Without Highmark's support as a new partner, the Student Leadership Program faced closure.

The Board also expresses its thanks to the Pennsylvania Association of Student Councils (PASC) for its in-kind support of the Board's Student Leadership Program. Since the program's inception, PASC has been an invaluable partner in managing the application, interview and selection process for the Board's high school student members.