

**MINUTES  
STATE BOARD OF EDUCATION**

**333 Market Street | 1<sup>st</sup> Floor  
Harrisburg, PA 17126**

**March 14, 2013**

The 313<sup>th</sup> meeting of the State Board of Education was convened on Thursday, March 14, 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	Connie Davis (via phone)	Mollie Phillips (via phone)
James Agras (via phone)	Sandra Dungee Glenn	Colleen Sheehan (via phone)
James Barker	Paul Ferrera	Edward Sheehan
Kevin Bates	Kirk Hallett	Karen Farmer White
Wendy Beetlestone	Maureen Lally-Green (via phone)	Lee Williams
Emily Clark	Jonathan Peri	Larry Wittig

**APPROVAL OF MINUTES**

The minutes from the January 10, 2013 meeting of the State Board of Education were approved unanimously on a **Dungee Glenn/Hallett** motion.

**REPORT OF THE SECRETARY OF EDUCATION**

**Chapter 4**

Secretary Ron Tomalis commended the Board's work on the Chapter 4 Final-Form Regulation.

**Governor's Budget**

Secretary Tomalis noted that Governor Corbett has proposed increasing Basic Education Funding by \$90 million and highlighted the Governor's proposal to shift special education contingency fund monies from 1% to 2% to further help districts offset the costs of high-need students. The Secretary also discussed the Secretary's proposal to provide additional funding for public education through the privatization of the state's liquor stores which would be distributed through a formula-driven grant program.

**Sequestration**

The Secretary noted that the impact of federal sequestration won't be felt immediately in Pennsylvania's schools since the federal government forward funds education, save for two discrete areas of funding, such as impact aid.

### **PSSA Testing**

Secretary Tomalis recognized that PSSA exams were being administered this week, and noted that the administration included numerous changes to enhance test security.

### **Higher Education**

The Secretary relayed that, due to recent events at Penn State, the General Assembly has expressed interest in reviewing higher education governance and the size of their governing boards. Public universities in Pennsylvania have over 30 members on their Boards, with the exception of the Pennsylvania State System of Higher Education (PASSHE).

The Secretary further relayed that PHEAA is administering a new grant program that will allow students who participate in skilled workforce programs in three key areas (agriculture, advanced technology and energy) to receive funding for those programs.

### **Governor's Schools of Excellence**

The Governor's Schools were discontinued three years ago. Secretary Tomalis announced that this year, thanks to a public/private partnership, the Governor's School of Science will return to Carnegie Mellon University in July.

### **Elementary and Secondary Education Act**

Amy Morton, Executive Deputy Secretary, and Dr. Carolyn Dumaesq, Deputy Secretary for Elementary and Secondary Education, reviewed the Department's request to the U.S. Department of Education for flexibility under the Elementary and Secondary Education Act (ESEA).

Under the original elements of No Child Left Behind (NCLB), the expectation was that by 2014, 100% of students would be at a proficient level on the federally required exams in reading and math. Ms. Morton provided an overview of the three key principles addressed in the request for flexibility:

- Making sure that students are college and career ready, including the adoption of the Pennsylvania Common Core Standards and the implementation of assessments that are aligned to those standards.
- Redesigning the accountability system, which uses indicators from data presented in the Department's new school performance profiles as the keystone in determining the designation of schools.
- Ensuring that there are effective teachers and leaders in the Commonwealth's schools, which includes completion of the educator effectiveness work mandated by amendments to the School Code in Act 82 of 2012.

Ms. Morton provided a detailed overview of the Department's proposed accountability system. Secretary Tomalis noted that the request for flexibility constitutes a back and forth process with the federal government, and that the accountability system likely will be revised again in a few years when ESEA is reauthorized.

Mr. Wittig asked if the new school profiles were based on factors assessed by other states or if the Department started from scratch in this work. Ms. Morton replied that the system is original to Pennsylvania, but that the Department looked to other states for guidance. She further noted that 44 other states already have been approved for ESEA flexibility by the U.S. Department of Education and that Pennsylvania learned from their lessons in developing its waiver request.

Ms. Beetlestone asked for clarification as to whether the flexibility request waived punitive components of NCLB related to school choice, supplemental education services and school reorganizations. She also asked for a technical clarification related to the calculation of the achievement gap in the school performance profiles. Ms. Morton explained that the total score in the performance profiles represents a compilation of many factors and that the achievement gap was based only on PSSA or Keystone Exam scores for two groups – all students and historically underperforming students. Ms. Beetlestone commended the Department from moving away from racially-based subgroups in the identification of historically underperforming students.

Sandra Glenn asked what would happen if the waiver request is not approved and whether the proposal still included a requirement for remediation in low-performing schools. Ms. Morton said that without approval the Commonwealth would remain subject to meeting the AYP target of 100% proficiency by 2014 and the Commonwealth would have a tremendous number of schools not making AYP. She further noted that, while she did not discuss interventions in detail, the Department's request for flexibility does include new concepts for assisting low-performing schools through an academic recovery specialist that would have a voice in certain school improvement planning processes.

#### **PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

Carolyn Angelo, Executive Director, highlighted the major goals of the Proposed Amendments to the Professional Educator Discipline Act. While many of the amendments address procedural and technical issues, Ms. Angelo shared several substantive recommendations that have emerged as a focus of their revisions:

- Expand the Commission's disciplinary jurisdiction to include those educators who hold Private Academic School certification and those educators who work in private entities that have contracted with public schools to provide direct educational services;
- Delineate "sexual misconduct" as an independent basis for discipline and define the term broadly to include grooming behaviors;

- Expand mandatory reporting by school administrators to include all resignations at the local level that occur after any allegations of misconduct have arisen, all allegations involving sexual misconduct or sexual abuse or exploitation, any founded or indicated reports or reports filed under the Child Protective Services Law, all arrests or convictions for any felony or misdemeanor, and any educators who have been provided notice of an intent to dismiss or separate from employment;
- Shorten the time period for mandatory reporting to the department particularly in cases of sexual misconduct;
- Prohibit school entities from entering into confidentiality or other agreements that would interfere with mandatory reporting;
- Provide protection for local school entities to provide fair referencing for employees who separate from employment with outstanding allegations of misconduct;
- Delineate “founded” and “indicated” reports under the Child Protective Services Act as independent bases for discipline to allow the Commission to take action against educators who have been the subject of such reports;
- Eliminate a limitation period for filing of complaints by interested parties to comport with other licensing boards in the Commonwealth;
- Impose a self-reporting requirement at the local level on educators who have been indicted or convicted of certain crimes;
- Require an educator to file a mandatory report whenever the educator has knowledge of any action, inaction or conduct that constitutes sexual misconduct or sexual abuse or exploitation, and inform his immediate supervisor of the filing;
- Clarify that allegations discovered in a course of the Department’s investigation of a misconduct complaint can be used in the prosecution of an educator even if the allegations were not in the initial complaint filed with the Department; and
- Specify rehabilitation opportunities as an option to be used in concert with discipline.

#### PUBLIC COMMENT

Jackie Cullen, Executive Director of the Pennsylvania Association of Career and Technical Administrators (PACTA) provided comment on the final-form revisions to Chapter 4. While PACTE agrees and supports Chapter 4 and the Keystone Exams, Ms. Cullen expressed concern with not requiring CTE students to pass Keystones in composition or civics and government and remarked that CTE students should be held to the same standard in order to participate in the project-based assessment in Biology. She noted that not holding CTE students to the same standard presents a perception problem that CTE students are not capable of achieving the same level of academic rigor.

## ACTION ITEMS

### FINAL-FORM REGULATION: CHAPTER 4 (ACADEMIC STANDARDS AND ASSESSMENT)

A motion to approve the Final-Form Regulation on Chapter 4 (Academic Standards and Assessment) was made by Lee Williams and seconded by James Barker.

Upon discussion on the motion, Ms. Glenn stated that she fully supported the content of the final-form regulation with the exception of the removal of the strategic planning requirements. However, Ms. Glenn expressed concern that the regulation will increase demands on districts without appropriate support from the administration to increase the ladder of fiscal supports.

VOTE: Roll Call vote: 13-YES (*Agras, Barker, Beetlestone, Davis, Hallett, Lally-Green, Peri, Phillips, C. Sheehan, E. Sheehan, Farmer White, Williams and Wittig*), 1-NO (*Glenn*), 0-Abstentions.

## ANNOUNCEMENTS

Chairman Wittig announced that the revision to Chapter 31 approved by the State Board in January was transmitted for regulatory review and is scheduled for consideration by the Independent Regulatory Review Commission (IRRC) on April 18. This regulation clarifies that specialized associate degree programs may be measured in either clock hours or credit hours. Chairman Wittig announced that Dr. Micheline will represent the Board before IRRC, and he will report back to the Board on the Commission's ruling on the final-omitted regulation.

Chairman Wittig also announced that the proposed Chapter 18 addressing criteria for designating school districts in financial recovery status has been transmitted for review by the Governor's Policy Office, Office of the Budget, and Office of General Counsel. Following review by those offices, the proposed regulation will be published for public comment. A communication will be sent to the Board's stakeholders list when the regulation is available for comment. Chairman Wittig invited members of the public who would like to be added to the stakeholders list to provide their contact information to Board staff at the conclusion of the meeting.

Chairman Wittig also announced the receipt of two applications that may require Board deliberation and action. This week, the Board received a petition seeking a potential change in the attendance area of the Mifflin-Juniata County Career and Technology Center. A second application was received from an organization called AdvancED seeking authority to serve as an accrediting body for private and non-public schools in the Commonwealth. Chairman Wittig will consult with Department staff to discuss the Board's next steps on the applications.

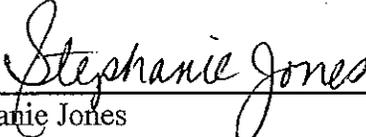
Chairman Wittig also discussed his interest in undertaking an effort to address advertising on the interior of school buses. He stated that he will reach out to members of the Board in the next few months to establish a new Committee to consider this initiative via a revision Chapter 23, which addresses Pupil Transportation.

The Chairman also noted that the work of the College Textbook Policies Advisory Committee continues. This Standing Committee of the Board was established by the School Code and is required to convene quarterly. The next Advisory Committee meeting will be held on March 20, 2013.

Finally, Chairman Wittig reminded the Board that the Special Committee on Porter Township will hold an evidentiary hearing on the application for transfer of the independent school district on May 16-17, 2013 in East Stroudsburg. He stated that an official notice will be published shortly inviting members of the public to provide comment on May 17 following conclusion of the hearing's formal proceedings.

#### ADJOURNMENT

There being no further items of business, the meeting was adjourned at 10:15 a.m. on a **Hallett/Farmer White** motion.

  
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Stephanie Jones  
Administrative Assistant