

**MINUTES  
STATE BOARD OF EDUCATION**

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

**September 13, 2017**

The 340<sup>th</sup> meeting of the State Board of Education was convened on Wednesday, September 13, 2017. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 2:10 p.m. by Chairman Larry Wittig.

**Attending:**

James Agras  
Andrew Ahr  
Carol Aichele  
Nicole Carnicella  
Ellie DeWitt

Sandra Dungee Glenn  
John Eichelberger *(via phone)*  
Alex Fey  
Pamela Gunter-Smith  
Kirk Hallett  
Shirlann Harmon

Maureen Lally-Green  
*(via phone)*  
Jonathan Peri  
Colleen Sheehan *(via phone)*  
A. Lee Williams  
Larry Wittig

**APPROVAL OF MINUTES**

The minutes of the July 12, 2017, meeting of the State Board of Education were approved on an **Agras/Peri** motion.

**REPORT OF THE PROFESSIONAL STANDARDS  
AND PRACTICES COMMISSION**

George Drake provided the following report on behalf of the Professional Standards and Practices Commission (PSPC).

Dr. Drake reported that the PSPC is scheduled to meet on September 18, 2017, at which time it will consider 43 disciplinary cases. He said the PSPC's Practices Committee will meet at that same time to continue its work on revising the Code of Professional Practice and Conduct for Educators. Dr. Drake anticipated that the final revised code of conduct would be presented in November.

Dr. Drake further reported that the PSPC will convene a workgroup in fall 2017 to draft recommended guidelines related to professional ethics in educator preparation programs. The recommended guidelines will be presented to a larger workgroup to be convened by the Department of Education (PDE) in 2018.

Dr. Drake also provided an update on the status of PSPC membership and its caseload. He said there are 7 vacancies on the 13-member commission and nominees have been selected by the Governor's Office for three of the vacant seats. Currently, the Office of Chief Counsel (OCC) has a total of 2,021 open educator discipline cases, 408 of which are designated high

priority because they involve allegations of sexual abuse or physical abuse of children. To date, Dr. Drake said the OCC received 567 new educator misconduct complaints and 243 mandatory reports for the 2017 calendar year.

Chairman Wittig noted that the number of open educator discipline cases increased by 200 since the Board's last meeting. Dr. Drake replied that the PSPC's work on the model code of conduct and the potential introduction of ethics education into educator certification programs is intended to stem the tide of those increases.

## **REPORT OF THE SECRETARY OF EDUCATION**

Secretary Pedro Rivera shared updates on the following topics:

### **It's on Us**

Secretary Rivera said legislation recently was announced to combat sexual violence in schools. The Secretary summarized the bills in the proposed legislative package. He also reported that, in the past year, 36 postsecondary institutions were awarded It's On Us grants, reaching more than 87,000 students and 16,000 professional staff through awareness and training programs.

### **Every Student Succeeds Act**

Secretary Rivera said PDE will submit its Every Student Succeeds Act (ESSA) Consolidated State Plan to the U.S. Department of Education. During the open comment period, the Secretary said PDE received more than 400 comments which helped formulate PDE's vision for the document.

### **Science Technology Engineering and Math**

The Secretary said Pennsylvania is nationally recognized for being home to five formally-recognized STEM ecosystems. He said PDE will travel the state on a STEM-focused Schools That Teach tour in fall 2017.

The Secretary further shared that PDE has partnered with the Departments of Labor & Industry and Community and Economic Development around STEM ecosystems. By the year 2020, he said the Wolf Administration aims to increase enrollment in STEM-related majors at state-supported postsecondary institutions by 10,000 to meet demand for new jobs that will require these skill sets.

## **DISCUSSION ITEM**

### **WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT**

Chairman Wittig explained that the independent hearing examiner appointed to conduct proceedings in the appeal of the Washington Township Independent School District certified questions to the Board for a ruling. The questions reflect issues upon which the parties to this matter could not reach consensus during a pre-hearing conference that was convened August 1.

Mr. Wittig reviewed the questions certified by the hearing examiner. The Chairman then called for an Executive Session in order for the Board to receive a briefing from Board counsel Thomas Howell on the Board's legal responsibilities related to the questions certified by the hearing examiner.

The Board adjourned its Executive Session and the Chairman re-convened the 340<sup>th</sup> meeting of the Board.

**DISCUSSION ITEM**  
**STATE BOARD STUDENT LEADERSHIP PROGRAM**

Chairman Wittig provided an update on funding for the Board's Student Leadership Program, which is supported entirely through private grants. Mr. Wittig reported that grant funds have reached a level where the Board will be able to sustain the commitment made to its four current student members, but will not be able to accept applications for new student members without securing additional funding. He said staff will conduct outreach to Highmark, the program's current funder, to determine whether Highmark is willing to continue investing in the program. Mr. Wittig requested input from the Board on the level of support that should be requested and other funding avenues that the Board should consider pursuing.

Jonathan Peri suggested pursuing a collective of donors to endow the program. Mr. Peri also asked if there were any state funds committed to the program, to which Mr. Wittig responded that there are not.

Nicole Carnicella suggested UPMC as a potential funder.

Shirlann Harmon, Senior Student Member, offered to have the Board's current student members attend a meeting with Highmark to answer questions about the program if that would be beneficial.

Pamela Gunter-Smith suggested making a request to Highmark for \$100,000. Alex Fey, Junior Student Member, said setting the funding bar high would be beneficial to the student members as they are working to develop long-term plans for future student representatives.

**PUBLIC COMMENT**

There was no public comment.

**ACTION ITEM**

**RESPONSE TO QUESTIONS CERTIFIED BY THE PRESIDING OFFICER ON THE APPLICATION OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT**

Chairman Wittig called for a motion in response to the questions certified by the presiding officer in the appeal of the Washington Township Independent School District.

The following motion was made by Jonathan Peri:

AND NOW, this 13th Day of September, 2017, the State Board of Education (Board) hereby responds to and disposes of the questions certified by the Presiding Officer in the matter of *In re: Application of Washington Township Independent School District*, No. 2017-01, as follows:

- 1) Upon consideration of the application of Washington Township Independent School District, the Board considered the impact upon both the Northern York County School District and the Dover Area School District. Pursuant to 24 P.S. § 2-291, the Board and the Presiding Officer must take into account the proposed transfer's impact upon both affected school districts with respect to the factors articulated in the Public School Code of 1949 and the standards articulated below, as set forth in the Board's May 11, 2017, letter communicating the Board's reasons for disapproval.
- 2) Pursuant to the Order of Commonwealth Court, the hearing in this matter is limited to issues articulated by the Board in its initial determination. In its initial determination, the Board examined the following factors, as well as those articulated in 24 P.S. § 2-291:
  - a) Whether the transfer makes available educational programs and educational opportunities to meet the varying needs aptitudes, abilities and interests of individuals residing in the district;
  - b) Whether the geographic area (as defined by the re-structured district) has developed the characteristics of a community;
  - c) Whether the transfer utilizes existing buildings to the maximum extent practical avoiding unnecessary new construction where possible;
  - d) Whether pupil population changes are supported by reliable studies of area development and demonstrate the desirability of the transfer; and
  - e) Whether the transfer demonstrates a capability of providing a comprehensive program of education.

See, *Hoots v. Pennsylvania*, 672 F.2d 1107, 1111 n.3 (3d. Cir., 1982).

Specifically, the hearing officer must determine whether, upon a preponderance of the evidence, the applicant has demonstrated that the enumerated factors weigh in favor of the transfer.

The motion was seconded by Lee Williams.

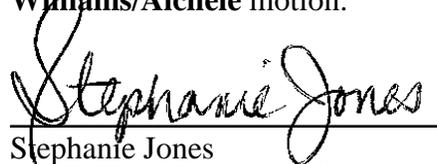
**VOTE:** *Agras- AYE, Aichele- AYE, Carnicella- AYE, Dungee Glenn- AYE, Eichelberger- NEY, Gunter-Smith- AYE, Hallett- AYE, Lally-Green- AYE, Peri- AYE, Sheehan- NEY, Williams- AYE, Wittig- AYE*

**ANNOUNCEMENTS**

There were no announcements.

**ADJOURNMENT**

There being no further items of business, the meeting was adjourned at 3:10 p.m. on a **Williams/Aichele** motion.

  
Stephanie Jones  
Administrative Assistant