

**MINUTES
STATE BOARD OF EDUCATION**

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

January 10, 2019

The 348th meeting of the State Board of Education was convened on Thursday, January 10, 2019. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:58 a.m. by Chair Karen Farmer White.

Attending:

James Agras <i>(via phone)</i>	Caroline DeWitt	Jonathan Peri
Carol Aichele	Sandra Dungee Glenn	Arynn Pratt
James Barker <i>(via phone)</i>	Donald Fey	Ashley Svec
Nathan Barrett	Pamela Gunter-Smith	Karen Farmer White
Jamie Bracey-Green	Kirk Hallett	A. Lee Williams <i>(via phone)</i>
Nicole Carnicella	Jeffrey Keeling	

APPROVAL OF MINUTES

The minutes of the November 15, 2018, meeting of the State Board of Education were approved on a **Barrett/Hallett** motion.

REPORT OF THE SECRETARY OF EDUCATION

Secretary Pedro Rivera announced that Marilyn Pryle, a teacher at Abington Heights High School in Lackawanna County, was named the 2019 Pennsylvania Teacher of the Year.

REPORT OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

Chair Karen Farmer White announced that Dr. George Drake, the Board's ex-officio member from the Professional Standards and Practices Commission (PSPC), tendered his resignation from the PSPC earlier in the week. Due to the circumstances, there was no report from the PSPC.

DISCUSSION ITEM

**WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT
PROPOSED REPORT & EXCEPTIONS THERETO**

Chair Karen Farmer White announced that the Board received the proposed report of the independent presiding officer that the Board engaged to conduct another hearing in the matter of the Washington Township Independent School District (WTISD). She said the report included a proposed order from the presiding officer to deny Washington Township's request for reassignment from the Dover Area School District to the Northern York County School District.

She further noted that the independent hearing examiner's report was provided to all members of the Board for review when it was received at the end of October.

The Chair explained that the parties to this matter were afforded the opportunity to submit exceptions to the report and to raise objections to any exceptions that were filed. Exceptions to the proposed report were filed by WTISD and the Dover Area Education Association (DAEA). The Dover Area School District submitted an objection to the exception filed by WTISD. WTISD submitted an objection to the exception filed by DAEA. The Chair said all objections and exceptions filed in response to the presiding officer's proposed report were provided to all members of the Board for review.

Chair Farmer White called for discussion about the proposed report, the related objections and exceptions, and whether there were any amendments to the proposed report that members wanted to offer based on the arguments presented in those filings. Ms. Farmer White stated that she planned to offer a set of technical amendments to the proposed report that addressed typographical errors in the document.

Kirk Hallett requested that the Board enter into Executive Session to consult with counsel about legal procedures related to the matter under discussion.

EXECUTIVE SESSION

Chair Farmer White called for an Executive Session of the Board for the purpose of consulting with counsel regarding legal procedures regarding the proposed report of the hearing officer and the exceptions and objections filed thereto.

The Board adjourned its Executive Session and the Chair reconvened the 348th meeting of the Board.

PUBLIC COMMENT

John Peters, a Washington Township resident, expressed his frustration with the Board and said the Board is removing any hope of local control which is contrary to what the country is supposed to stand for. He said WTISD has met every requirement by law and statute and that less than 1% of the taxable inhabitants oppose moving WTISD. Mr. Peters said WTISD has shown time and again that the only thing it shares with Dover is the school and that infrastructure, EMS, police and fire services, state representative, and municipal judges are located in Northern or Adams County. Mr. Peters said the Board has made a continuing effort to delay, discourage and run up the cost and that we will continue to fight for our freedoms because that is what Americans do. He said an example of the obstacles WTISD faces includes the Board ignoring the court directive of limiting the hearing to the statutes that would be violated if the transfer was approved and placing the burden of proof beyond the preponderance of the evidence.

Holly Feeser, a Washington Township resident and parent affiliated with Keep Us in Dover Schools (KIDS), stated that our children are flourishing in the Dover Area School District with outstanding academics and opportunities for programming in sports, agriculture, music, and

fine arts. Ms. Feeser said the Dover Area School District provides a well-rounded, comprehensive education program. She thanked the Board for its deliberation over the last few years and again today to keep student in their home district where she said parents affiliated with KIDS are committed to volunteer, coach, and serve on the school board. She noted that one Washington Township resident currently serves on Dover’s school board. She thanked the Board for its continued attention to this matter and again requested that students remain in their home district.

Joe Sieber, a Washington Township resident and parent, spoke in support of WTISD’s transfer to the Northern York County School District (NYCSD). He said conclusive evidence was put forth at the hearing that shatters some myths that the Board has heard in the past. Mr. Sieber said Dover’s enrollment is approximately 3,500 students and that WTISD has only 253 students in Dover schools, which is 7% of the district’s population. He said WTISD provides about 3% of Dover’s \$75 million budget. Mr. Sieber said school districts routinely are faced with shortfalls or the failure of state government to provide a budget so they can plan accordingly and that they routinely cut costs and still provide a quality education. He said NYCSD is closer, safer, and better performing. Mr. Sieber said Dover schools are overcrowded and that the transfer will provide some breathing room. He said Dover township is exploding with housing growth and that growth will provide millions on new tax revenue and new students that will make up for the loss of WTISD in the blink of an eye. Mr. Sieber said the Commonwealth Court asked whether both districts will be able to provide a comprehensive education after the transfer and that both districts said yes. He said the Board needs to follow the facts to lead to its decision.

ACTION ITEMS

TECHNICAL AMENDMENTS TO THE PROPOSED REPORT OF THE PRESIDING OFFICER IN THE MATTER OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT

A motion to amend the proposed report of the presiding officer in the matter of the Washington Township Independent School District to reflect the following technical amendments was made by Jonathan Peri and seconded by Nicole Carnicella:

Page 8: In item number 36, add the word “Cumberland” to reflect the correct name of the “Cumberland Perry Area Vocational Technical School.”

Page 9: In item number 42, remove the period after the word “district’s” that is erroneously misplaced in the middle of the sentence.

Page 10: In item number 46, add the word “a” between “and” and “Doctorate.”

Page 18: In item number 99, add the word “of” between “number” and “Washington.”

Page 18: In item number 100, remove the letter “s” at the end of the word “districts” that is inappropriately plural.

Page 24: In item number 149, change the word “with” to “within” to make the sentence grammatically correct.

Page 27: In item number 170, change the word “Columbia” to “Cumberland” to reflect the correct name of the “Cumberland Perry Area Vocational Technical School.”

Page 42: In the second paragraph, remove the duplicative reference to the name “Ralph McGregor.”

Page 50: In the second line, remove the period after the word “district’s” that is erroneously misplaced in the middle of the sentence.

Page 50: In the last paragraph, delete the word “that” as it is erroneously duplicated twice in the first sentence.

Page 52: In the last paragraph, delete the “s” in the word “Areas” in the last sentence that is inappropriately plural.

Page 53: In the first paragraph, add the word “County” to reflect the full name of the Northern York County School District.

Page 54: Change the reference to “York Vocational and Technical School” to reflect the correct name of the school as the “York County School of Technology.”

Page 62: In the last paragraph, delete the “s” in the word “Areas” in the last sentence that is inappropriately plural.

Page 63: In the second paragraph, amend the word “reason” to be plural for grammatical correctness.

Replace the word “Area” with “County” to correctly reflect the name of the “Northern York County School District” in the following sections of the report: item number 100 on page 18; item number 177 on page 28; items number 184 and 186 on page 29; items number 188 and 190 on page 29; and items number 196, 197, 198, 200, 201, 202, and 203 on page 30.

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

PROPOSED REPORT OF THE PRESIDING OFFICER IN THE MATTER OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT AND THE EXCEPTIONS AND OBJECTIONS FILED THERETO

A motion to approve the proposed report of presiding officer Marc Moyer in the matter of the Washington Township Independent School District Application for Assignment to the Northern York County School District, as the report was amended by the Board to reflect technical edits, was made by Jonathan Peri and seconded by Sandra Dungee Glenn.

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

**FINAL ORDER IN THE MATTER OF THE WASHINGTON TOWNSHIP
INDEPENDENT SCHOOL DISTRICT**

A motion to adopt a final order of the Board in the matter of the Washington Township Independent School District as follows was made by Jonathan Peri and seconded by Nicole Carnicella:

And now, this 10th day of January 2019, upon consideration of the Findings of Fact, Conclusions of Law, and Discussion in the proposed report of Presiding Officer Marc Moyer and the exceptions and objections filed thereto, which should include, without limitation, Section 293 of the Public School Code on numerosity, which was a requirement discussed by the Pennsylvania State Education Association in its exception and is an issue that the Board recognizes is not satisfied by either district, upon the adoption of the proposed report by the State Board of Education, and upon the affirmative vote of a majority vote of the members of the State Board of Education, it is hereby ordered that the Washington Township Independent School District's application for assignment to the Northern York County School District is denied.

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

ANNOUNCEMENTS

There were no announcements.

EXECUTIVE SESSION

Chair Farmer White called for an Executive Session of the Board for the purpose of receiving a legal briefing from counsel on the William Penn School District litigation.

The Board adjourned its Executive Session and the Chair reconvened the 348th meeting of the Board.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 10:58 a.m. on a **Peri/Barrett** motion.



Stephanie Jones
Administrative Assistant