

**MINUTES  
STATE BOARD OF EDUCATION**

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

**July 9, 2015**

The 327<sup>th</sup> meeting of the State Board of Education was convened on Thursday, July 9, 2015. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:46 a.m. by Chairman Larry Wittig.

**Attending:**

James Agras	James Grandon	Justin Reynolds
Carol Aichele	Kirk Hallett	Colleen Sheehan
Jay Badams	Teresa Lebo	Craig Snider <i>(via phone)</i>
James Barker	Donald LeCompte	Karen White <i>(via phone)</i>
Nicole Carnicella	Jonathan Peri	A. Lee Williams
Sandra Dungee Glenn	Mollie Phillips <i>(via phone)</i>	Larry Wittig

The minutes of the May 12, 2015 meeting of the State Board of Education were approved on a **Badams/Williams** motion.

**COMMITTEE REPORTS**

**SPECIAL COMMITTEE ON THE WASHINGTON TOWNSHIP INDEPENDENT  
SCHOOL DISTRICT**

Chairman Jonathan Peri provided an update on work of the Special Committee related to the application of the Washington Township Independent School District (WTISD) seeking transfer from the Dover Area School District (DASD) to the Northern York County School District (NYCSD). Mr. Peri reported that the Committee held a public hearing on the application at the York County Judicial Center on June 3-4, 2015. At the hearing, petitioners for WTISD presented testimony in support of a transfer. The NYCSD, which would receive additional territory and additional students if the transfer is approved, did not take a position at the hearing. Three groups joined together in opposing the transfer: DASD, which would lose territory if the transfer is approved; a coalition of parents under Keep Us In Dover Schools (KIDS); and the Dover Area Education Association.

Mr. Peri said that 13 individuals provided public comment following the conclusion of the Committee's formal hearing proceedings, and that those comments were relatively evenly divided between members of the local community who supported and who opposed the transfer. The Committee also accepted public comment in writing in advance of its hearing, and Mr. Peri noted that those written comments were made available to all Board members.

Mr. Peri said the Committee is deliberating on all evidence and perspectives presented to it and expects to bring a report and recommendation on the application to the Board in the fall. Mr. Peri also thanked fellow Committee members Mollie Phillips and Kirk Hallett for working with him throughout these proceedings.

### **AD HOC COMMITTEE ON PRIVATE SCHOOL ACCREDITATION**

Chairman Kirk Hallett reported that the Committee met on July 8, 2015, to receive a final report from the Department of Education (PDE) on the application of The Educational Enrichment Initiative (TEEI) seeking renewal of its authority to accredit tutoring, educational testing and remedial centers. Mr. Hallett reviewed background on prior Board action related to TEEI, including the granting of provisional approval for a two-year period ending July 31, 2015, contingent on TEEI making continued progress in meeting five conditions imposed by the Board and making periodic progress reports to PDE in order for the Department to monitor whether the conditions were being met.

Mr. Hallett reported that PDE recommended disapproval of TEEI's application for renewal. All Board members were provided with a copy of the Department's findings related to its recommendation. The Department found that TEEI met only one condition in full related to safety and background checks for center staff. Mr. Hallett reviewed the other four conditions set by the Board and said the Department found that TEEI failed to make satisfactory progress on those other conditions.

Mr. Hallett said the Committee took the Department's recommendation under advisement and agreed with its recommendation to disapprove the application. However, the Committee felt it was imperative to offer TEEI the opportunity for a pre-decisional hearing to ensure that due process is extended under administrative law. Therefore, Mr. Hallett said the Committee recommends that the Board adopt a preliminary order to disapprove the application of TEEI and to extend TEEI the opportunity to submit a written request for a pre-decisional hearing by August 10, 2015. If no such request is received within that timeframe, Mr. Hallett said the order to disapprove would become final. He said the interim order recommended by the Committee would be presented to the Board for its consideration later in the meeting, and he welcomed questions on the application from members.

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

Pedro Rivera, newly-confirmed Secretary of Education, reiterated his promise for the Department to establish clarity, transparency and accountability around its process and decision-making. Mr. Rivera thanked his team for their preparations related to presenting the Department's recommendation on revisions to PSSA cut scores. The Secretary asked Matt Stem, Deputy Secretary for Elementary and Secondary Education, to share additional information in response to questions about the standards setting process that were raised at the July 8 meeting of the Council of Basic Education.

Mr. Stem addressed the selection of panelists to participate in standards setting and said the Department looks for subject matter experts and diverse representation geographically and otherwise in making its selections. Regarding the size of the pool from which the 58 panelists

were chosen, Mr. Stem said the Department has a bank of more than 800 educators who are approved to assist with various activities related to the assessment process (398 in the pool for math & 479 in the pool for English Language Arts).

Mr. Stem then addressed how educators become part of PDE's approved pool. He said Data Recognition Corporation (DRC) sends a communication on PDE letterhead to superintendents, building-level assessment coordinators, administrators and many non-administrators. Interested educators must obtain a letter from their building supervisor or superintendent certifying their credentials. PDE's in-house assessment specialists then review the applications based on the following criteria: minimum 5 years teaching or administrative experience; grade levels of experience; background to ensure representation from individuals with experience in special education, English Language Learners, and administration in addition to classroom teachers. Notifications are sent to approved applicants to determine their availability to participate in various activities.

Once availability lists are generated, Mr. Stem said PDE determines panelists based on representative demographics. This year, Mr. Stem said between 14-15 panelists participated in each group, with an almost 50/50 balance of classroom teachers and other educators per group and well-balanced district demographics (ranging from 13%-35% urban; 30%-55% suburban; and 25%-30% rural depending on the composition of each group). Mr. Stem also addressed the years of experience of participants and said PDE felt confident in the skill-set and representation of panelists, save for two areas that were not represented at the scale the Department would have preferred: gender representation by males and ethnic diversity.

Karen Farmer White asked if there were plans to attract a more racially diverse pool. Mr. Stem said PDE should build a pool of back-ups from diverse ethnicities, and said the Department did not anticipate that individuals who cancelled this year would be disproportionately representative of groups of color and that the current bank of reserves was not commensurate with that.

### **PDE Outreach**

Secretary Rivera reported that he and his team have met with more than 800 school administrators and 1,000 educators and stakeholders to discuss school funding, education programs and providing services to students. Increasing early childhood education programs was a key area of interest, and the Secretary discussed the administration's plan to expand access to early childhood education, particularly in rural and urban communities. The Secretary also noted professional development opportunities and updated materials and supplies as needs identified by the field during these visits.

### **School Funding**

Secretary Rivera provided an update on work of the Basic Education Funding Commission to develop a new funding formula for the Commonwealth and said discussion continues around when a new formula would take effect.

Upon time for questions, James Grandon asked what happens to programs that were enacted with good intentions but ultimately did not work. Secretary Rivera replied that accountability was one of the measures included when additional funding was recommended. He said the Department's recommendation directs investments to programs that are scientifically-based and shown by research to be effective.

Dr. Lee Williams thanked Secretary Rivera and Mr. Stem for providing clarifying information regarding the selection of panelists involved in cut score development.

### **REPORT OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION (PSPC)**

Shane Crosby, Executive Director, highlighted items from the PSPC's most recent meeting. Mr. Crosby provided the PSPC's 2014 Annual Report to Board members, as required by the Educator Discipline Act. Members also were given a copy of PDE's Educator Discipline Report from June 2015. The reports showed that, in 2014, there were a total of 776 complaints filed with PDE, in addition to 342 mandatory reports. PDE's Office of Chief Counsel (OCC) initiated formal disciplinary proceedings by filing a Notice of Charges with the Commission in 114 cases. In addition, the Commission considered five applications for reinstatement. There were a total of 210 public disciplinary actions imposed against Pennsylvania educators in 2014. In addition, seven educators received private reprimands.

Mr. Crosby said the Commission continues to work on developing e-learning training for school entities that will partially satisfy the mandatory training requirements set forth in Act 126, which requires all employees and independent contractors of public and private schools having direct contact with children to be trained on child abuse recognition and reporting, the Educator Discipline Act, sexual misconduct and maintaining appropriate relationships with students.

Mr. Crosby reported that Ana Paulina Gomez recently joined the OCC's Educator Discipline Division as a full-time prosecutor.

Jonathan Peri thanked Mr. Crosby for the goal-setting part of the Annual Report and said it would be helpful to see year-to-year comparisons on the issues in the future.

### **PUBLIC COMMENT**

Chris Clayton, Assistant Director of Education Services for the Pennsylvania State Education Association, thanked Mr. Stem for providing more information on the process of selecting educators to participate in standards setting. He expressed concern with the inherent role that text complexity levels play in assessment and stated that considerations related to depth of knowledge levels should be part of the bookmarking processes. Mr. Clayton said when he worked as a classroom teacher he strove to make every student in his class the most excellent version of themselves possible. He stated that standards have changed, assessments have changed, and the teacher evaluation system connected to those has changed. He pointed to proposed legislation to delay Keystone graduation requirements for students and proposed legislation to tie teacher furloughs to new evaluations as potentially conspiring forces where consideration is being given to grant students a reprieve while teachers would be castigated for

what is ultimately not a decline in scores. He said discussion is needed about what this process is saying to teachers.

### **ACTION ITEMS**

#### **APPLICATION OF THE EDUCATIONAL ENRICHMENT INITIATIVE SEEKING RENEWAL OF ACCREDITING AUTHORITY**

Kirk Hallett made a motion to adopt an Interim Order, as recommended by the Ad Hoc Committee on Private School Accreditation, to preliminarily adopt PDE's recommendation to disapprove the application of The Educational Enrichment Initiative (TEEI) seeking renewal of its accrediting authority and to establish terms to provide TEEI with the opportunity for a pre-decisional hearing as provided for under the Administrative Agency Law. Mr. Hallett read the text of the Interim Order, as follows:

And now, this 9th day of July, 2015, the State Board of Education (Board) preliminary adopts the recommendation of the Department of Education (Department) to disapprove the application of TEEI for renewal of authority to serve as an accrediting body for tutoring centers, educational testing and remedial centers, subject to an opportunity for a hearing pursuant to Section 504 of the Administrative Agency Law, 2 Pa.C.S. § 504. This interim order shall serve as notice to TEEI of the opportunity for a hearing pursuant to Section 504 of the Administrative Agency Law before the Board issues a final adjudication. To request a hearing, the Board must receive a written request for a hearing from TEEI on or before August 10, 2015. A written request for a hearing should be mail to the Board office at 333 Market St., 1st Floor, Harrisburg, PA 17126. Any hearing requested will be conducted pursuant to the Administrative Agency Law, 2 Pa.C.S. §§ 501-08, 701-04, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II. If the Board does not receive a request for a hearing from TEEI on or before August 10, 2015, this Interim Order shall become the Final Order of the Board, which adopts the Department's recommendation to disapprove the application of TEEI for renewal of accrediting authority. The provisional status of TEEI to serve as an accrediting authority shall continue until the Board's order becomes final. Further, TEEI is directed to provide the Board with a final list of its accredited tutoring centers, educational testing and remedial centers containing their most recent terms of accreditation, including dates of expiration.

The motion was seconded by Jonathan Peri.

**VOTE:** All were in favor as indicated by unanimous voice vote with Colleen Sheehan abstaining.

## **REVISED PSSA CUT SCORES AND PERFORMANCE LEVEL DESCRIPTORS**

A motion to approve the revised cut scores and Performance Level Descriptors for the Pennsylvania System of School Assessment (PSSA), as recommended by the Department of Education, was made by James Barker and seconded by James Grandon.

VOTE: All were in favor as indicated by unanimous voice vote with Craig Snider abstaining.

## **RECOMMENDATION REGARDING PSSA COMMUNICATIONS**

A motion was made by James Grandon to encourage the Department of Education to swiftly engage in deliberative communications with diverse stakeholders regarding the revised Pennsylvania System of School Assessment, the impact of more rigorous academic standards, and the effect of revised cut scores and performance level descriptors. The motioned was seconded by Carol Aichele.

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

## **2016 MEETING CALENDAR**

A motion to approve the 2016 meeting calendar of the State Board of Education was made by Larry Wittig and seconded by Mollie Phillips.

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

## **RESOLUTION HONORING LEE WILLIAMS**

A motion to approve a resolution honoring Lee Williams was made by James Barker and seconded by Maureen Lally-Green.

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

## **RESOLUTION HONORING GREGORY DUNLAP**

A motion to approve a resolution Honoring Gregory Dunlap was made by James Barker and seconded by Maureen Lally-Green.

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

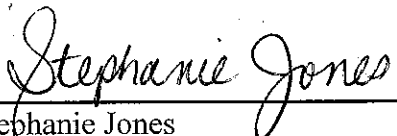
## **ANNOUNCEMENTS**

Jonathan Peri thanked Gregory Dunlap and commended his good work as counsel to the Board. Mr. Peri also commended the Board's new counsel, Marisa Lehr, and Karen Molchanow, Executive Director of the Board, for their assistance on the Washington Township Independent School District matter.

James Barker acknowledged the wisdom and the insight of appointing Pedro Rivera to lead as the new Secretary of Education.

**ADJOURNMENT**

There being no further items of business, the meeting was adjourned at 9:55 a.m. on a **Phillips/Badams** motion.

  
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Stephanie Jones  
Administrative Assistant