

**MINUTES  
STATE BOARD OF EDUCATION**

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

**November 19, 2015**

The 329<sup>th</sup> meeting of the State Board of Education was convened on Thursday, November 19, 2015. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:50 a.m. by Chairman Larry Wittig.

**Attending:**

James Agras	James Grandon	Colleen Sheehan
Carol Aichele	Teresa Lebo	Craig Snider ( <i>via phone</i> )
Jay Badams ( <i>via phone</i> )	Donald LeCompte	Lavinia Soliman
James Barker	Jonathan Peri	Joshita Varshney
Nicole Carnicella	Mollie Phillips ( <i>via phone</i> )	Lee Williams ( <i>via phone</i> )
	Rep. Stan Saylor	Larry Wittig

The minutes of the September 17, 2015 meeting of the State Board of Education were approved on a **Peri/Grandon** motion.

**REPORT OF THE SECRETARY OF EDUCATION**

Secretary Rivera thanked the Board for its dynamic engagement around the many issues discussed over the past few months. Mr. Rivera said that Department of Education (PDE) staff continue to be impressed by and thankful for the Board's feedback and involvement in important education matters and he thanked members of the Board for investing their time in this work.

The Secretary said the Department plans to aggressively tackle opportunities that have a positive impact on schools and school districts. He then highlighted a number of issues that resemble that work.

Secretary Rivera reported that the House Education Committee passed legislation previously approved by the Senate delaying Keystone Exams as a graduation requirement. He noted that the bill was amended to add a requirement that PDE produce a report within six months on alternatives for students to demonstrate proficiency. The Secretary said PDE already has begun engaging stakeholders in discussion on how to best assess if a student is prepared to graduate from high school. Secretary Rivera cited an example of students obtaining college credits at the same time they gain Career and Technical Education skills, and said the measures should reflect not only standardized testing but a holistic measure of student success.

The Secretary also reported that School Performance Profiles (SPP) reflecting Keystone Exam results were released earlier this month. The Secretary noted that updated SPP scores were

provided only to schools with an 11<sup>th</sup> grade (schools that administered the Keystone Exams) due to a one-year moratorium on inclusion of the PSSA because of its alignment to the new Pennsylvania Core Standards.

Secretary Rivera also shared that results for the National Assessment of Education Progress (NAEP) were released in October and said he is extremely proud of Pennsylvania's educators. Overall, Pennsylvania out-performed the national average in all testing categories on NAEP.

The Secretary further reported that, in October, the Obama Administration unveiled new guidelines regarding standardized testing that address an overreliance on standardized testing. Mr. Rivera said this reflects PDE's vision to become more holistic around how students are assessed.

Mr. Rivera announced that Pennsylvania was one of four states selected to participate in an initiative to build and pilot an advanced credentialing system for school principals. The initiative is funded through a three-year, \$11 million Supporting Effective Educators Development (SEED) grant from the U.S. Department of Education. The initiative will allow Pennsylvania to identify struggling school districts and create levels of leadership through which PDE will identify and train master principals, mentor principals and principal leaders and also provide support for incoming principals.

The Secretary next addressed a joint effort of the Department of Education and the Department of Health (DOH) to propose updates to immunization requirements for student attendance, which would require a change in regulations. The Secretary stated that the medical community considers having 95 percent of the population vaccinated against a particular disease as providing herd immunity, or the community target necessary, to protect the population at large. Mr. Rivera said PDE will partner with DOH to work with schools and health institutions to ensure students are vaccinated as they enter kindergarten. He said PDE and DOH are recommending a scale that will allow students to enter school and, within five days, allow a student to receive their first vaccination if they haven't already done so. Schools would then track students through the medical plan prescribed by a student's doctor to make sure they follow through with vaccinations accordingly. The Secretary noted that exemptions for religious or other reasons will continue, and said the intention of the proposal is to ensure protection from disease for the most vulnerable children.

Secretary Rivera requested that the Board appoint a Committee to consider changes to State Board of Education regulations that reflect the Department's proposed changes related to immunizations. Chairman Wittig appointed the following members to serve on the Committee: Dr. Nicole Carnicella (Chair), Karen Farmer White and Carol Aichele.

Following the conclusion of the Secretary's report, James Barker encouraged the Secretary to do what is necessary to help resolve the budget impasse.

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

Executive Director Shane Crosby reported that the Professional Standards and Practices Commission (PSCP) considered 22 disciplinary cases, nine of which involved allegations of sexual misconduct, at its meeting on November 16. Eight certificates were surrendered, in addition to 6 revocations, 3 suspensions and 3 reprimands.

Mr. Crosby said he previously reported on the need for additional staffing to address the increased workload in educator discipline. Applicants for certification currently pay a \$25 disciplinary fee that is held in a restricted account to support the work of the PSCP. Mr. Crosby said PDE has requested an increase to that fee in order to hire additional prosecutors and that the PSCP voted to support PDE's request for a fee increase.

Mr. Crosby also announced that, in June, the National Association of State Directors of Teacher Education and Certification (NASDTEC) adopted a model code of ethics for educators. Mr. Crosby said this represents the first time the education profession has had a model code of ethics. He said the code is designed to give teachers and future teachers a framework for ethical decision-making and noted that NASDTEC has developed a course around the code for educators who engage in conduct that does not warrant revocation of a certificate but raises concerns. The PSCP will look into how it can use that course as part of its disciplinary process and will formally adopt the code of ethics. Mr. Crosby said the PSCP also is forming a workgroup with higher education practitioners to develop program standards on professional ethics that would be applicable to all teacher education programs. Further, Mr. Crosby said the PSCP is finalizing an online course pertaining to educator discipline, boundaries and sexual misconduct and that the course would be available in January.

Chairman Wittig asked about the status of the PSCP's current backlog. Mr. Crosby said there are approximately 1,400 open educator misconduct complaints, roughly 200 of which involve sexual misconduct. The majority of cases were opened within the last two years. Jonathan Peri asked if the individuals under investigation are administratively suspended on an interim basis. Mr. Crosby said there are circumstances involving certain criminal charges where the PSCP can order a suspension before a final determination is rendered, but in all other cases it is up to the employer to take appropriate action while a case is pending. Lavinia Soliman asked if that pertained to cases of sexual misconduct where no criminal charges existed, and Mr. Crosby confirmed that was correct.

Mr. Barker stated it is disturbing to hear the number of cases pertaining to sexual misconduct and discretion being left to the local education agency. He asked whether that was due to a resource allocation issue. Mr. Crosby responded that it is partly an issue of resources and partly just the nature of the process as the PSCP is not necessarily the first line of defense. In the most serious cases, law enforcement and children and youth services are involved at the outset, and an employer can take employment action concurrent with the PSCP's review. Mr. Crosby also clarified that the PSCP maintains jurisdiction over a certificate even if an individual is not employed in education because Pennsylvania certification does not expire. Therefore, not all individuals with a case open before the PSCP are employed by a school. Mr. Peri asked if it would be worthwhile to recommend to the General Assembly that in particular cases the PSCP

should be given authority to suspend credentials on an interim basis. Mr. Crosby said that is worth discussion.

Mr. Wittig said he was aware of a prior code of ethics and asked whether the code Mr. Crosby discussed in his report had more teeth. Mr. Crosby said Pennsylvania adopted its own code of ethics in 1991, but the PSPC feels it is outdated.

James Agras asked for clarification on Mr. Crosby's statement that certificates do not have an expiration date and, if so, how they are revoked. Mr. Crosby said certificates can be revoked through the disciplinary process, but there is no requirement for them to be renewed periodically. Mr. Wittig further explained that a certificate may become inactive if an educator does not meet professional development requirements, but the certificate itself does not go away.

### **DISCUSSION ON PETITION FOR RECONSIDERATION OF THE APPLICATION OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT**

Chairman Wittig called up discussion on the petition for reconsideration of the application of the Washington Township Independent School District (WTISD) and asked Jonathan Peri, Chairman of the Special Committee on the WTISD, to introduce the matter to the Board. Mr. Peri briefly reviewed the Board's involvement with the application for more than a year and the action taken by the Board in September of 2015 to disapprove the application seeking to transfer WTISD from the Dover Area School District (Dover) to the Northern York County School District (Northern). Mr. Peri reported that WTISD filed a petition for reconsideration of the Board's September 17 decision and order disapproving its application. Responses to the petition were submitted by Dover and by the Dover Area Education Association (DAEA). Mr. Peri said both the petition and the responses to it were shared with Board members prior to the meeting. He said the Board would be asked to consider and act on the petition for reconsideration this morning. To prepare for this discussion, Mr. Peri said he would address each of the issues raised in the petition for the Board's consideration based upon the prior findings of the Board and legal considerations related to the applicability of case law and division of responsibilities as provided for in the School Code.

Mr. Peri began by addressing a preliminary matter raised by Dover in its petition response contending that the petition is not authorized because the decision to seek reconsideration was not made by the appointed directors of WTISD at an open public meeting. Mr. Peri said that matter falls outside the scope of the decision before the Board because it is not germane to reconsideration of the Board's own previous actions and the reasons articulated in the report adopted by the Board on September 17. Further, Mr. Peri said neither the court nor the petitioners ever provided the Board with an order naming the directors of WTISD. Therefore, Mr. Peri said that matter would not be considered by the Board at this juncture.

Mr. Peri next summarized the procedural history of the case pertaining to WTISD and the granting of the reconsideration petition now before the Board. Following that, he addressed each matter raised in the petition for reconsideration.

Mr. Peri said WTISD's petition asserts that the Board failed to provide for a hearing before the full Board or to provide members with sufficient opportunity to review exhibits and

testimony related to the application prior to the Board's vote on September 17. The Board appointed a Special Committee to conduct proceedings related to the application, and Mr. Peri noted that no objections were raised to the Committee or the responsibilities delegated to it. Further, Mr. Peri said a full evidentiary hearing was provided prior to the Board rendering its final decision. Mr. Peri also said that WTISD was incorrect in its assertion that Board members had only 24 hours to review evidence related to the case and provided a detailed listing of the information available to Board members throughout the period that the application was pending before the Board.

Mr. Peri said WTISD also argues that the Board is bound by the Secretary of Education's finding of educational merit. Mr. Peri said the petitioner's argument is not supported by the plain language of the School Code that establishes the role of the Secretary and the role of the Board in separate and distinct provisions as part of the multi-tier application process. He reviewed the relevant statutory language and said the provision that defines the Board's role does not include the constraints or standards placed upon the Secretary's review, does not bind the Board to the Secretary's finding and does not limit the Board's authority to make its own determination on matters previously passed upon by the Secretary. Mr. Peri said interpreting the School Code or Riegelsville II as binding the Board to the Secretary's finding would render the Board's role meaningless. Further, Mr. Peri said such an interpretation ignores language of the School Code that allows for the Board to either approve or disapprove the creation and transfer of an independent school district. Mr. Peri explained that, procedurally, an independent school district application would never be presented for the Board's review unless the Secretary determined it had educational merit. However, the School Code clearly grants the Board the authority to disapprove a transfer that the Secretary previously concluded had educational merit.

Mr. Peri said WTISD next asserted that the Board disregarded every single issue demonstrating educational merit of the transfer and relied only on the School Performance Profile (SPP). Mr. Peri said the Board's September 17 report stated that it was not intended as a wholesale review of every issue for which evidence was presented, but reflected the portions of the record deemed most relevant to the Board's decision. Mr. Peri explained why the Board placed more emphasis upon SPP. He also stated that WTISD was inaccurate to assert that all other evidence pertaining to education merit was ignored, and he reviewed the other educational factors included in the Board's September 17 report. Mr. Peri then addressed WTISD's assertion that the Board disregarded evidence on more favorable student teacher ratios in Northern. Mr. Peri said this data was reviewed, cited the data provided by WTISD, and said the Board did not find the differential on this factor to be significant in informing its decision.

Mr. Peri said WTISD also claimed that the Board disregarded school safety data. He said the assertion was inaccurate and noted that the Board's September 17 report stated that all evidence was given due consideration and that the report presented the most pertinent matters. Mr. Peri said the Board noted the caution expressed by the Secretary on the purpose of school safety data, its use, and accuracy given discretion granted to school administrators in reporting certain incidents. Mr. Peri then reviewed statistics on safety presented by both WTISD and Dover. Mr. Peri said given the current safety data coupled with the Secretary's caution, the Board did not give great weight to this issue in reaching its conclusions.

WTISD also argued that the Board concluded the petitioners were only motivated by tax savings and that Riegelsville II precludes the Board from taking such factors into consideration. Mr. Peri said WTISD also contended that the Board cannot deny a transfer based on speculations of the motivations for seeking a transfer. Mr. Peri said these contentions are not supported by the findings of the Board's September 17 report. The report did not identify property taxes as the only motivation for the pursuit of an independent school district, but recognized it as a major motivating factor among others discussed in the report. Mr. Peri also pointed to evidence presented to the Board that he said demonstrates the Board's characterization of property taxes as a motivating factor was not speculative.

Mr. Peri said WTISD further contended that the Board's Special Committee erred in allowing Carla Claycomb to testify without providing an expert report or a description of her testimony contrary to procedures WTISD claimed were established by the Committee. WTISD also contended that certain exhibits produced by DAEA were hearsay and improperly admitted into evidence. Mr. Peri reviewed the process used by the Committee to determine logistics for the hearing on the application of WTISD and said the procedures set forth did not require the submission of expert reports. Mr. Peri also said the materials submitted by DAEA by the deadline established by the Committee did include a description of the anticipated substance of Dr. Claycomb's testimony. Moreover, Mr. Peri said the Board did not rely upon or accord any weight to Dr. Claycomb's testimony in reaching its conclusions, nor did it rely upon DAEA exhibits 7 or 8. Therefore, Mr. Peri said WTISD's contention that the introduction of this evidence was extremely prejudicial lacks merit. Regarding DAEA exhibit 9, a 2014 Total Group Profile Report prepared by the College Board, Mr. Peri said this exhibit was credited for a caution from the College Board regarding the valid use of SAT scores. Mr. Peri said this exhibit does not constitute inadmissible hearsay, but falls into the exception to the rule for hearsay for market reports and similar commercial publications.

Mr. Peri said WTISD also contended that the Board disregarded harm that will befall Dover if the transfer is not permitted due to projected population growth and corresponding facility needs. Mr. Peri said WTISD claims that Dover's school buildings already are at capacity and that many of its classes exceed the district's policy for class size. He said WTISD asserts that removing Washington Township students will give Dover more time to plan for future facility needs. Mr. Peri cited population growth projections provided by Robert Schoch, WTISD's expert witness, and noted that Mr. Schoch testified that he did not have information on Dover's current building capacity. In contradiction, Mr. Peri said Dover's business manager provided information on the district's facilities that demonstrated enough capacity to accommodate the growth projections cited by Mr. Schoch. Therefore, Mr. Peri said the Board did not credit Mr. Schoch's testimony regarding population growth and capacity issues in Dover. Additionally, Mr. Peri said Northern indicated it would need sufficient time to renovate and expand facilities to accommodate students from Washington Township, which he said indicated capacity issues in that district.

Finally, Mr. Peri said WTISD argued that the Board ignored evidence that the transfer would result in reduced transportation times for elementary school students. Mr. Peri reviewed a map comparing travel times entered into evidence by WTISD and said, given the totality of the evidence presented, the Board did not find reduced transportation times for elementary students to be a significant factor in its determination.

Based on these reasons, coupled with the findings in the Board's September 17 report, Mr. Peri recommended that the Board disapprove WTISD's application for transfer. Before turning to discussion, Mr. Peri addressed a question raised during the Board's September 17 meeting related to neighborhood schools. Mr. Peri said legislation addressing neighborhood schools falls under the Pennsylvania Human Relations Act and addresses restrictions on the Human Relations Commission's authority related to pupil assignment. Mr. Peri said it does not appear that the provision has direct applicability in the context of this case. He said no definition of neighborhood school exists in the School Code. Finally, Mr. Peri said regardless of whether the transfer is approved or disapproved, there would be no school located within the boundaries of Washington Township.

Chairman Wittig said he is philosophically predisposed to allow such transfers in his quest to support parental choice. He said he attended the hearings in Porter Township and said that case was not approved for similar reasons. Mr. Wittig said there were different circumstances and in that instance he did not vote with the majority of the Board. Mr. Wittig said he has the utmost confidence in Mr. Peri and the Committee and said all issues that were concerns before and after were addressed. Chairman Wittig said the frustration on both sides is the process. He said matters like the closing of a school or poor performance trigger emotions and that by the time the matter reaches the Board the parents or children involved have graduated and the circumstances may have changed due to the length of the process. Mr. Wittig said he has empathy for the people who have stuck with the process and the people who are engaged by virtue of their students being part of the process.

Maureen Lally-Green applauded the Committee's work in identifying what was critical to the process and determining whether the process requirements have been met. She said this is a difficult situation and taking it step by step identified where the deficiencies were.

Colleen Sheehan thanked the Committee for its time and effort. She said entertaining a reconsideration is often difficult when you have already voted on something, but she urged her colleagues to take it seriously. Dr. Sheehan distributed rough notes she compiled to expedite her comments and to provide facts of the case as she understands them.

Dr. Sheehan said she believed that the Board neglected to consider requisite factors regarding the organization of school districts. She said the Committee listed factors in its decision to deny the transfer, but other factors that did not rise to a level of importance were not listed and the Committee's report states that the Board is free to base its decision on as much or little of the evidence as it deems relevant. Dr. Sheehan said the case of *Hoots v. Commonwealth of Pennsylvania* gives clear direction on what the Board is required to consider and that those factors include topography, pupil population, community characteristics, transportation, use of existing buildings, existing administrative units, potential population changes and the capability of providing a comprehensive plan of education. Dr. Sheehan said many of those issues were considered, but she was not aware of whether all were considered and that it is important to ensure the Board is following protocol.

Related to neighborhood schools legislation, Dr. Sheehan said she sees the issue differently than Mr. Peri. She said the relevant statutory language is applicable to discrimination and busing cases, but said it that she believes is not only applicable in those circumstances. Dr.

Sheehan said the Board must follow the law and that it is in jeopardy of not doing so. Dr. Sheehan read the statutory provision pertaining to neighborhood schools and said she thinks she was a co-sponsor of the bill that established the provision. Dr. Sheehan said discussion in the General Assembly at the time the legislation was considered pertained to neighborhood schools being a principle of the Commonwealth and that the legislative intent applies to other cases. If there is no definition of neighborhood schools, Dr. Sheehan beseeched her colleagues that it is not that difficult to figure out what a neighborhood school is and said it is clear that it is a school closest to the student's home.

Dr. Sheehan said the Board was given sufficient time to review the materials related to the case and that there were a lot of materials. She said the Board had a week to review the Committee's report which she supposed was sufficient, but said it would be nice to have further in advance. Dr. Sheehan said the Board received the report Mr. Peri read during his introductory comments just yesterday and that it was a lot to digest in that timeframe. She expressed concern that the document read by Mr. Peri presented a draft of a final opinion of the Board and said she was unsure that it bodes well for a genuine and equitable reconsideration if a decision is distributed prior to discussion and wondered whether the document is prejudicial to the case.

Next, Dr. Sheehan reviewed information on projected population growth previously discussed by Mr. Peri and said the Board needs to reconsider new information related to this issue. She said there is a likely increase not only in building transitions, but also in extended bus rides, if WTISD students remain in Dover. Dr. Sheehan said a November 10 article in the *York Dispatch* on reconfiguration of school buildings in Dover cited discussion on the possible construction of a new high school to accommodate future growth.

Dr. Sheehan then stated that the Committee report says that, all else being equal, the burden of proof falls on the petitioners. She said this interpretation of the burden of proof standard is contrary to the equitable, prudential and much-extolled principle of local control of education in Pennsylvania. She said the Board is not a court of law or a board of lawyers and that the petitioners are not a band of criminals. Dr. Sheehan said the overwhelming majority of citizens in Washington Township have indicated that they are in favor of the transfer and spent substantial funds and time to demonstrate why a transfer would be beneficial to their children. She said she does not think the petitioners are trying to wiggle out of higher taxes, and that if they prefer lower taxes and, at the same time, a better education, then that is a sensible view. Dr. Sheehan then spoke in support of local control of education and self-government. For these reasons, Dr. Sheehan said she strongly supports WTISD's application for reconsideration and that she hoped her colleagues also would reconsider the petition.

Regarding the *Hoots* case, Mr. Peri responded that all evidence presented to the Committee and to the Board was thoroughly considered. Related to neighborhood schools legislation, Mr. Peri reiterated that the section does not apply but said, to the extent that it does, the busing issue is in general parity. Further, Mr. Peri said Board members were given ample opportunity to apprise themselves of information related to WTISD's application over and above what has been shared at Board meetings. He then stated that he felt the analogy Dr. Sheehan used to describe the document he presented earlier was misplaced. Mr. Peri said the only way members can be evaluated on their thoughts is if they are shared openly and honestly around the table. Pertaining to the testimony of Mr. Schoch, Mr. Peri said the Board is entitled to make



credibility judgments and must do so when the facts are in conflict. He said such judgments were made with full agreement among the Committee. Mr. Peri then stated that Dr. Sheehan's reliance on a newspaper report is late information that does not represent evidence presented by either party. He said the parties had every opportunity to present as much evidence as they wanted within the framework of the Committee's hearing. He agreed that the Board is not a board of lawyers, but said the Board should consider precedent, law and its role. He said local control is a matter all could agree upon, but that Dr. Sheehan's comment on that issue failed to consider the Board's role and its considerations under the framework and parameters of this case.

Kirk Hallett, member of the Board's Special Committee, said this is the first he had heard Dr. Sheehan's comments on the application. Mr. Hallett said he understands passion and the need for the process used in making this decision. Mr. Hallett said the Board did consider the issues raised by Dr. Sheehan both in conversations with Board colleagues and through personal reflection. Mr. Hallett said ultimately this is about people. He said he has attended every meeting and hearing pertaining to WTISD. Mr. Hallett said he tends to think that what the majority of people want should happen. But, Mr. Hallett said he personally was not convinced that the transfer was what the majority of the students and parents in the township wanted. Mr. Hallett said he is not to vote based on that, but must look at educational merit. On that matter, Mr. Hallett said he also was not convinced. Mr. Hallett said he has no personal stake in the outcome of the application, but he took on a responsibility to make a decision that was not easy. Mr. Hallett said it is not fun deciding the fate of students. He said he based his decision on process, not passion, and would stick to his prior position. Mr. Hallett then addressed a member of the audience and said that the process is not fun and he was sorry that the gentleman lost.

Mollie Phillips, another member of the Board's Special Committee, said she respects the process and every bit of information received. Ms. Phillips said the Board's decision was made based on the facts presented and that the decision should stand. She said she also has no personal stake in the application. Ms. Phillips said she did not know if it was true that the majority were with Washington Township as the Board also heard from people in Dover whose children would be impacted. Ms. Phillips concluded by saying she would stand with the Committee's recommendation, and, though it was difficult, she believes the Board did the right thing.

Rep. Stan Saylor, of York County, said he appreciates the passion and work on both sides of this issue. He said some students in the Red Lion School District, the largest district in York County, are on the bus for an hour or more and could attend a closer school by changing district boundaries, but it is just the way our districts are configured. Rep. Saylor said as someone who respects both Dover and Northern as very good school districts, he would stick by his previous vote. He said he sympathizes and agrees with some of the arguments made by Dr. Sheehan. Rep. Saylor said he spoke with Dover's school directors and administrators and asked them to try to make the situation better. He said it is far better to have a community that works together to solve problems than to continue to be divisive. He said he sympathizes with Dr. Sheehan, but as someone who has traveled the state he knows these transportation issues exist in many districts across the Commonwealth. Rep. Saylor then addressed the petitioners asking the Board to reverse its decision and said he knows how many hours they spent compiling information.

James Barker said dialog regarding WTISD was complex and dynamic from the start. Dr. Barker said the majority likely would agree with the points made by Dr. Sheehan and that

neighborhood schools and local control have merit. However, Dr. Barker said he has followed this matter from the beginning and reviewed the information presented to the Board and that he did not see this as a last minute report from the Committee. He spoke in support of the Board's appointment of Committees and said any member can serve on a Committee. He said he had concern over the complexity of trying to undo months of work at this late date when he felt that the Committee gave an objective, independent and heartfelt opinion on the best decision. Dr. Barker said the Committee process should be protected so that the Board's work does not become burdensome and inefficient.

Craig Snider said he has found Mr. Peri to be thorough and professional in the course of their Board service. Through Mr. Peri's initial report and his remarks earlier in the meeting, Mr. Snider said a full measure of professional examination was given and that he has confidence in Mr. Peri's impartiality. He said that the passions on the other side are legitimate and that those who lost this battle deserve our compassion and empathy. Mr. Snider said he has full confidence that the Committee conducted its work professionally, thoroughly and impartially, and that he supported the Committee's work and would continue to endorse its recommendation.

Chairman Wittig added that two members of the Committee, Mr. Hallett and Ms. Phillips, are veterans of independent school district proceedings. Mr. Wittig said he also has confidence in the Committee members and the efforts they invested in their work. Mr. Wittig said we did not have to do this as a Board, but that the integrity of the process is important and, in his opinion, the Board was going above and beyond to hear this matter again so that no one is treated unfairly.

### **PUBLIC COMMENT**

Joe Sieber, a Dover parent and resident of Washington Township, said the case of WTISD was built on lessons learned from Riegelsville and Porter Township, which were largely decided by empirical evidence, real data and not generalizations or anecdotal things. Mr. Sieber said in Porter Township some students would have gone further, which is not good, and that the Board made the right decision to deny the transfer based on the evidence.

Mr. Sieber said there was a lot of mischaracterization presented in those two days which was wildly inadequate for the number of people in Washington Township involved in the case who could not present. Mr. Sieber said PSEA was given time to cross-examine Dover during time that could have been spent discovering facts. He said PSEA raised questions about how teachers would be furloughed, which he felt is irrelevant, and that PSEA should not have even been allowed at the table.

Mr. Sieber said crime data was poo-pooed as whatever they want to report, and said WTISD provided police reports for the schools for the last five years. He said he did not know the source of Dover's data and whether it had a basis, but that he suspected Dover's crime rates went down now that the district has a school resource officer because of its high crime. Mr. Sieber said crime has been absolutely higher in Dover over the last five years than in Northern. Mr. Sieber asked why we would deny a change to a safe environment. Mr. Sieber then stated that the majority of parents who support the transfer are highlighted in an exhibit. He asked where that was listed in the decision and where the actual police reports were referenced.

Mr. Sieber said there is a citation that the SAT should not be used to compare districts, but that it is still a real fact that should be considered and not just one inconsequential smidgen of the SPP which Dr. Claycomb discussed. He said Northern's PSSA results blow Dover into the weeds and that Northern's Keystone results also are higher. Mr. Sieber said the Board's decision reverses the justification for how decisions were made in Riegelsville and Porter Township. He said that the Board ignored the data and he would see the Board in court.

Mr. Sieber said travel is closer for every elementary student in Washington Township and he asked why the Board would want to continue to force people to go further. He said Dover now is going through a reconfiguration and is talking about the potential to build a new high school. He said Dover is using \$10,000 of expert advice that WTISD paid for and that Dover should pay them for the information. To Dr. Cherry's credit, Mr. Sieber said it is smart that Dover is looking at needs related to population growth. However, Mr. Sieber said none of that helps Washington Township and reconfiguration will mean that kids who travel furthest will travel farther. Mr. Sieber asked where the common sense lies in the Board's decision and why the Board would want Washington Township students to travel further to a less safe, worse managed school. He said he understood the need for a Board Committee, but that if members spent time with residents of Washington Township they would have a whole different idea of why they want to move to Northern.

Mr. Sieber said he appreciates the Board taking the reconsideration more seriously. He said so much information in our exhibits is not in the Board's decision and he wished the media would pick up on it. Mr. Sieber said if this generation fails, he feels the next generation will try again and that it is only common sense to move Washington Township into Northern. He said he does not see any trends or indicators reversing themselves. He said Washington Township is in Dover because of a historical accident caused by the consolidations under Gov. Leader. Mr. Sieber said there is a tsunami of evidence in the exhibits that could give the Board a different perspective.

Mr. Wittig stated that public comment is not a time during which the Board responds and engages in debate.

Rachel Mailey, a representative of Keep us In Dover Schools (KIDS) and Washington Township parent, thanked the Board's Committee for its time and dedication. Ms. Mailey said she knows the Board's decision wasn't easy and that she was relieved the Board voted in her favor, but that she understands there are people who felt differently and there is a lot of healing to be done in the community. Ms. Mailey said she and the majority of children are relieved and ready to move on. She said she was recently elected to Dover's school board, and that no district is perfect but improvements can be made to better the community by getting involved and not by fighting to move.

Holly Feeser, a Dover parent and resident of Washington Township, extended an open invitation to Dr. Sheehan and the rest of the Board to visit Dover schools, which she hoped would give Dr. Sheehan a level of comfort in the quality of Dover schools if the Board's decision is not in her favor. Ms. Feeser said the Board's recent decision to deny the transfer was received with joy and relief. She stated that the Special Committee spent an inordinate amount of time reviewing the data, and that the children can now be confident in their classes and know where

they're going. Ms. Feeser shared that she reached out to Joe Sieber through email in the hope that they could work jointly to bring the residents of Washington Township together. She spoke of the volunteer work she conducts in Dover and encouraged other township residents to get involved in the schools. Ms. Feeser stated that Ralph McGregor said for years that no one runs for school board and Washington Township is not represented. She then stated that a Washington Township resident was just elected to the school board and that if you put in the effort it can happen. Ms. Feeser implored the Board to stand by its decision and deny the transfer. Ms. Feeser said Dover's superintendent is thinking out of the box and the proposed high school is just an idea that would be on the same property as the existing intermediate school, which would cause no difference in busing. Ms. Feeser said if her children were forced to go to Dillsburg they would travel a longer distance than to attend school in Dover and that, with a long school district, students at the bottom end would have a longer drive. Ms. Feeser said there are no school buildings in Washington Township, with the exception of the closed Kralltown School, and that she is happy in Dover.

John Peters, a resident of Washington Township, said the transfer process has been horrendous. He said there is a degree of hypocrisy in Dover's statements that Washington Township residents only care about money and that most of its objections to the township leaving are based on tax revenue. Mr. Peters said he was appalled at the vilification of Washington Township residents by the York newspaper and that he guessed most of its patrons live in the Dover area. He said Washington Township is misplaced and neglected. Mr. Peters said he had heard that the school located in Washington Township was neglected for 20 years, with almost no maintenance performed, and then it was shut down. Regarding travel, Mr. Peters said statistics are wonderful, but if you look at a map the kids in northern Washington Township will spend hours a day on a bus which cannot be good for their education. Mr. Peters said he feels we are being bullied by Dover schools for our lunch money and said that is not a major factor. Mr. Peters said the state is talking about reducing and eliminating property taxes yet he is still passionate about a transfer, which demonstrates taxes are not a major factor. Mr. Peters said people should just do what's right and not focus on statistics. Mr. Peters said enough evidence was presented and it should be considered. He said people are being ripped out of their community to go to an urban environment when they are an agricultural community and that Northern schools are more similar to the community. Mr. Peters said he thanked the Board for listening even if it falls on deaf ears.

Chairman Wittig took exception to Mr. Peters' assessment of his remarks falling on deaf ears.

Carol Aichele requested that the Chairman allow her to address a different topic before public comment closed. Ms. Aichele said she appreciates everything that was said today and is in sympathy as she entered public life around the issue of a school closing. Ms. Aichele said she continues to be alarmed that 70% of Pennsylvania's eighth graders failed the Math PSSA in June. She said these children likely will spend time in remediation to make up for what they did not learn previously. Ms. Aichele said the math standards are rigorous and represent basic math skills that are useful to adults. She said it is important to get across to students that it can be a huge asset to them to master these skills at an acceptable level. Second, Ms. Aichele said no one wants to tell kids they are not doing well in school and that there are factors that may mean the scores are not alarming, but the bottom line is these children do not have the skills promised to

them as public school students. Ms. Aichele said she was not a Board member when the Pennsylvania Core Standards, PSSA and Keystone Exams were passed, however she supports them. She said she also supports the PSSA Assessment Anchor Content Standards and PASA Alternate Eligible Content. However, Ms. Aichele said the Board must take responsibility to see these through so that students are successful.

Mr. Wittig replied that the low test scores result from school districts either not having the opportunity to update their curriculum or choosing not to do so until changes were etched in stone. Therefore, Mr. Wittig said the assessment changed before the curriculum changed. Mr. Wittig said the process related to how match is approached has changed and that is what is causing unrest in the parent and teacher community. Mr. Wittig said once districts align curriculum he expects we will see test scores rise.

Ms. Aichele said superintendents have relayed that it will take three years to bring kids up to speed. She said she does not want to see similar scores in June and that the Board has a responsibility to see that progress is made. She asked what constitutes a reasonable pass rate and whether the Board should establish a target. Mr. Wittig said, arguably, the goal is 100 percent, and that local school board drive decisions about what is acceptable. Ms. Aichele said students depend on the Board to provide a quality program and reiterated that the Board has some responsibility for the delivery.

Rep. Saylor shared that the House of Representatives is slated to vote on an 18 month delay of Keystone Exams and said he expected the change to be enacted. As Chairman of the House Education Committee, Rep. Saylor also said both democrats and republicans are concerned about Keystones and test scores. He said the Department of Education has been asked to recommend alternative graduation measures. Rep. Saylor said many House members also are concerned about the length of the PSSA exams.

Mr. Wittig said he is concerned that the public and parents get confused between PSSAs and Keystones and lump them all into one category. Mr. Wittig shared that he is a strong proponent of the Keystones and he will stick by the mandatory requirement.

James Barker shared that school districts are held accountable for their level of proficiency and said school districts can be taken over by the Commonwealth either due to economic circumstances or severe lack of proficiency. Thus, Dr. Barker said there is motivation at the LEA level to show student growth. Dr. Barker said it is his hope that the alignment process produces better results and, if not, we will have a different discussion at that time.

### **ACTION ITEMS**

#### **PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT: ASSESSMENT ANCHORS AND ELIGIBLE CONTENT**

A motion to approve the assessment anchors and eligible content for the Pennsylvania System of School Assessment (PSSA) was made by James Barker and seconded by Carol Aichele.

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

**PENNSYLVANIA ALTERNATE SYSTEM OF ASSESSMENT: ALTERNATE ELIGIBLE CONTENT**

A motion to approve the alternate eligible content for the Pennsylvania Alternate System of Assessment (PASA) was made by James Barker and seconded by Jay Badams.

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

**PETITION FOR RECONSIDERATION OF THE APPLICATION OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT**

Pursuant to reasons articulated in the Board's September 17, 2015 report on the Washington Township Independent School District and the additional reasons in the report provided today, Jonathan Peri moved that the Board re-adopt its September 17, 2015 report, adopt this additional report, and disapprove the application of the Washington Township Independent School District. The motion was seconded by Mollie Philips.

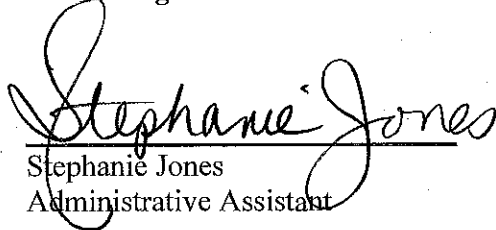
VOTE: Roll Call vote: 14-AYE, 1-NAY, 0-Abstentions. (*Agras-AYE, Aichele- AYE, Badams- AYE, Barker- AYE, Carnicella- AYE, Grandon- AYE, Hallett- AYE, Lally-Green- AYE, Peri- AYE, Phillips- AYE, Saylor- AYE, Sheehan-NAY, Snider- AYE (by proxy), Williams- AYE (by proxy), Wittig- AYE*)

**ANNOUNCEMENTS**

Karen Molchanow, Executive Director, announced that the Joint State Government Commission notified the Board that the House passed a resolution to examine issues related to student discipline and zero tolerance policies. Ms. Molchanow said the resolution designates a seat for a Board member to participate in that work. Jonathan Peri volunteered to serve as the Board's designee.

**ADJOURNMENT**

There being no further items of business, the meeting was adjourned at 11:00 a.m. on an **Aichele/Agras** motion.

  
Stephanie Jones  
Administrative Assistant