

**MINUTES
STATE BOARD OF EDUCATION**

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

May 11, 2017

The 338th meeting of the State Board of Education was convened on Thursday, May 11, 2017. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 8:43 a.m. by Chairman Larry Wittig.

Attending:

James Agras (*via phone*)
Andrew Ahr
Carol Aichele
James Barker (*via phone*)
Nathan Barrett

Nicole Carnicella
Sandra Dungee Glenn
Sen. John Eichelberger
James Grandon
Kirk Hallett

Shirlann Harmon
Maureen Lally-Green
Jonathan Peri
Joshita Varshney
Karen Farmer White
Larry Wittig

The minutes of the March 9, 2017, meeting of the State Board of Education were approved on an **Lally-Green/Grandon** motion.

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

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

Dr. Drake reported that the PSPC met on May 8, 2017, at which time it considered 29 disciplinary cases, nine of which involved allegations of sexual misconduct. The Commission ordered one suspension and 11 revocations and accepted surrenders in 15 cases.

Dr. Drake also announced that the Commission's long-time chairperson, Dr. Gilbert Griffiths, recently passed away. Pursuant to the Commission's bylaws, Dr. Drake said the PSPC elected Commissioner Myron Yoder as Chairperson Pro Tempore and Mr. Yoder will serve until the Governor names a Chairperson. Dr. Drake was elected Vice Chairperson Pro Tempore.

Dr. Drake said representatives of the PSPC attended the Pennsylvania Deans' Forum to discuss plans to develop program guidelines addressing professional ethics that will apply to all educator preparation programs in the Commonwealth.

Dr. Drake added that the Department of Education's Office of Chief Counsel currently has 1,834 open educator discipline cases, of which 350 are designated high priority because they involve allegations of sexual abuse or physical abuse of children.

Chairman Wittig stated that the number of open cases seems to rise each year. Dr. Drake shared that some cases may not see further action if probable cause is not found or if the case lacks legal sufficiency and said some actions will not require the approval of the Commission.

Jonathan Peri asked if there had been any analysis on a per-capita basis relative to the proportions of the population and the number of transgressions committed. Dr. Drake said he would follow-up on that question with PSPC's Executive Director.

Maureen Lally-Green asked what percentage of cases result in a finding of misconduct. Dr. Drake shared that PSPC hears roughly three dozen cases every two months.

Carol Aichele suggested that the PSPC determine whether the professional ethics program it is developing for education preparation programs has the effect of reducing the number of cases open before the Commission.

PRESENTATION
DEVELOPMENT OF PENNSYLVANIA'S ESSA STATE PLAN

Deputy Secretary Matthew Stem made a presentation on the state's progress in planning and implementation for the Every Student Succeeds Act (ESSA). He then reviewed proposed indicators for the Future Ready PA Index in the areas of state assessment measures, on-track measures and college and career readiness measures.

DISCUSSION ITEM
NOTICE OF DECISION ON THE APPLICATION OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT

Chairman Wittig stated that, during its March 9, 2017, meeting, the Board reviewed the application of the Washington Township Independent School District (WTISD) and members verbally stated their reasons for disapproval of the application during deliberations on the petition. In the ensuing period, a draft written notice summarizing those stated reasons for disapproval was prepared. Mr. Wittig invited input from Board members on any corrections or additions to the draft notice, and said the notice would be considered for approval by the Board later in the meeting so that it could be transmitted to the petitioners in this matter.

Chairman Wittig reported that the WTISD requested a hearing on the disapproval of its application. He acknowledged Thomas Howell, counsel to the Board, to discuss potential next steps for responding to the hearing request and said the Board would need to make a determination about how to proceed so that those details can be communicated to the petitioners.

Mr. Howell said the Board had several options with respect to procedure. He reviewed provisions of the Administrative Agency Law that permit the Board or a committee designated by it to convene a hearing and also permit the Board to designate other individuals to act as a Presiding Officer. He discussed the scope of responsibilities that could be designated to a Presiding Officer and said the Office of General Counsel maintains a program of Hearing Officers that can be engaged to serve as Presiding Officers for such hearings. He recommended that the Board utilize this process in response to the hearing requested by the WTISD. Upon

questions from members, Mr. Howell further explained the role a Hearing Officer would play in creating a record for the case and noted that the final determination on the application would remain with the Board.

PUBLIC COMMENT

The following individuals provided public comment to the Board.

Daniel Fennick, counsel to WTISD, stated that he has experience with the Hearing Officer program through his work with the Charter Appeal Board and that it can be a very long process. Mr. Fennick asked that the Office of General Counsel be advised that the Hearing Officer should move quickly, hold the court promptly and issue a report quickly.

Joe Sieber, member of the Washington Township Education Coalition and parent of a child in Dover schools, remarked that it seems those who cry the loudest to the Board are going to get their way. Mr. Sieber stated that this case has been wildly mischaracterized and said there were over 180 parents of school-age children that signed the original petition for transfer. He said the parents believe in local control and self-determinism. Mr. Sieber said the opposition is less than half of one percent of the population in Washington Township.

John Peters, resident of Washington Township, said that there is misinformation and alternate facts being provided in this case. Mr. Peters said the number of pupils in Washington Township is 260 and not 300 as previously stated. Over the last two years, Mr. Peters said Dover Area School District has grown by over 200 pupils. Mr. Peters referred to expert testimony delivered by Robert Schock during the public hearing two years ago that said Dover would grow by over 800 students in the next decade and would exceed capacity. Mr. Peters also cited newspaper articles related to Dover Area School District and modular buildings. Mr. Peters said he still does not understand the reason for the Board's denial of the transfer.

ACTION ITEMS

PENNSYLVANIA ALTERNATE SYSTEM OF ASSESSMENT: ALTERNATE ELIGIBLE CONTENT FOR WRITING AND SCIENCE

A motion to approve new Alternate Eligible Content in Writing and updated Alternate Eligible Content in Science for the Pennsylvania Alternate System of Assessment was made by Jonathan Peri and seconded by Maureen Lally-Green.

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

NOTICE OF DECISION ON THE APPLICATION OF THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT

A motion to approve the notice of decision on the application of the Washington Township Independent School District was made by Chairman Wittig and seconded by Jonathan Peri.

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

RESPONSE TO THE REQUEST FOR A HEARING BY THE WASHINGTON TOWNSHIP INDEPENDENT SCHOOL DISTRICT

A motion that the Board designate a presiding officer from the Office of General Counsel's Hearing Officer Program to hold hearings, create a record and prepare a proposed report under 1 PA Code § § 35.185, 187 and 202 to address the request of the Washington Township Independent School District was made by Jonathan Peri and seconded by Kirk Hallett.

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

RESOLUTION HONORING LAVINIA SOLIMAN

A motion to approve a resolution honoring Lavinia Soliman was made by Carol Aichele and seconded by Jim Grandon.

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

RESOLUTION HONORING JOSHITA VARSHNEY

A motion to approve a resolution honoring Joshita Varshney was made by Maureen Lally-Green and seconded by Jonathan Peri.

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

RESOLUTION HONORING GILBERT GRIFFITHS

A motion to approve a resolution honoring Gilbert Griffiths was made by Kirk Hallett and seconded by Sandra Dungee Glenn.

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

RESOLUTION HONORING EDWARD DONLEY

A motion to approve a resolution honoring Edward Donley was made by James Grandon and seconded by Karen Farmer White.

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

ANNOUNCEMENTS

Dr. Nicole Carnicella announced that final amendments to Chapter 11 were approved by the Independent Regulatory Review Commission on April 20. Dr. Carnicella said the final-form regulation has been transmitted to the Office of Attorney General (OAG) for review. Upon

approval by OAG, she said Chapter 11 will be published in the *Pennsylvania Bulletin*, at which time it will take effect.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 10:54 a.m. on a **Peri/Hallett** motion.

A handwritten signature in cursive script that reads "Stephanie Jones".

Stephanie Jones
Administrative Assistant