

**MINUTES
STATE BOARD OF EDUCATION**

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

July 8, 2020

The 357th meeting of the State Board of Education was convened virtually on Wednesday, July 8, 2020. Due to public health measures being implemented across the Commonwealth to address COVID-19, members of the Board and members of the public participated in the meeting virtually via webinar and teleconference. Public notice of the meeting was made in accordance with the Sunshine Meeting Act of 1986. The meeting was called to order at 2:04 p.m. by Chair Karen Farmer White.

Attending:

James Agras	Sandra Dungee Glenn	Eva Rankin
Hon. Carol Aichele	Anne Griffin	Jonathan Peri
James Barker	Pamela Gunter-Smith	Hon. James Roebuck
Nathan Barrett	Jeffrey Keeling	Hon. Curt Sonney
Nicole Carnicella	Hon. Maureen Lally-Green	Karen Farmer White
Hon. Andy Dinniman	Hon. Wayne Langerholc	A. Lee Williams

APPROVAL OF MINUTES

The minutes of the May 6, 2020, meeting of the State Board of Education were approved on an **Peri/Agras** motion.

REPORT OF THE DEPUTY SECRETARIES

Matt Stem, Deputy Secretary for Elementary and Secondary Education, and Noe Ortega, Deputy Secretary for Postsecondary and Higher Education, presented updates on the Department of Education's (PDE) school reopening guidelines for the 2020-2021 school year. Mr. Stem reviewed the continuity of education supports deployed during the spring's extended school closures in response to COVID-19. He then highlighted excerpts of PDE's preliminary guidance for school reopening that direct each local education agency to create a Health and Safety Plan that must be approved by local governing boards and submitted to PDE. Mr. Stem reviewed the required elements of those plans.

The Deputy Secretaries also shared a Pennsylvania-specific report prepared with the Regional Educational Laboratory (REL) Mid-Atlantic and Mathematica that presents considerations for reopening schools grounded in data and research, stakeholder feedback, and predictive modeling.

Finally, Mr. Ortega reviewed allowable in-person operations at postsecondary and adult education programs based on whether communities are in the red, yellow, or green phase of the state's COVID-19 response system.

At the conclusion of the Deputy Secretaries' presentation, Dr. Jonathan Peri commended the REL research report as critical reading for school district and postsecondary education leaders and said he has directed students and colleagues to the report for guidance to help mitigate the severity of the pandemic.

Dr. Pamela Gunter-Smith thanked the Deputy Secretaries for the Department's measured guidance on reopening that reflects institutions' array of responsibilities and recognizes the differences between K-12, postsecondary and adult education.

Nathan Barrett sought clarification on whether a hybrid or flexible day model of instruction would count toward the required 180 days of instruction. Mr. Barrett also asked whether there is a deadline for schools to complete their reopening plans. Deputy Secretary Stem advised that the School Code allows school boards to implement temporary provisions during an emergency and that the current circumstances are being considered an emergency. Mr. Stem said hybrid or flexible day schedules may be approved by local school boards and submitted to the Secretary of Education for approval as long as other Chapter 4 and Chapter 11 requirements are met at a high level. In response to Mr. Barrett's second question, Mr. Stem said the only condition on timing for the completion of school reopening plans is that they be submitted to the Department of Education before returning to in-person instruction.

The Honorable Maureen Lally-Green asked how pushback from faculty expressing concern about returning to classrooms is being addressed. Hon. Lally-Green also asked how issues regarding delivery of special education services were being resolved. Mr. Stem said the Department consistently hears that the majority of teachers want to return to in-person instruction under safe conditions and are seeking assurances that district health and safety plans are addressing their concerns. Mr. Stem said the Department encourages flexibility for districts to allow accommodations to ensure teacher safety and said the health and safety plans submitted by districts thus far show that districts are being attentive to higher risk staff. Mr. Stem said the challenges facing special education extend nationally and internationally. He said the Department has followed a guiding principal to provide reasonable and appropriate services throughout the pandemic and encouraged collaboration between teachers and families. Mr. Stem noted that certain service cannot be provided virtually and that those gaps will need to be made up. He said the federal government has not changed many laws and directives related to special education in order to protect students.

DISCUSSION

FINAL ORDER ON THE ERIE COUNTY COMMUNITY COLLEGE PLAN

Karen Farmer White invited discussion on a draft of a final order on the Erie County Community College Plan that presented the Board's findings of fact and conclusions of law on the matter. Ms. Farmer White called on Tom Howell, legal counsel to the Board, to review the document that was prepared to reflect the Board's deliberations on evidence presented at its June 10-11, 2020, hearing on Erie's Plan that resulted in the adoption of an interlocutory order to approve the Plan.

Rep. Curt Sonney asked how the conclusions determined that the Northern Pennsylvania Regional College (NPRC) was not a community college when, in Rep. Sonney's view, it operates in a manner almost identical to a community college. Mr. Howell replied that his

understanding was that the determination by a majority of the Board was that the NPRC was not a community college and that the Board can amend that portion of the draft conclusions if that understanding is not correct. Mr. Howell said that conclusion was based upon testimony presented at the hearing, including that of Mr. Mahon who indicated that the NPRC was a different area, did not have a local sponsor, and does not receive local funding required of a community college. Dr. Peri stated that the NPRC does not fall under the Community College Act and is statutorily different. Mr. Howell said the NPRC is established in a separate article of the Code, is not referred to as a community college in legislative terminology, and was not approved by the State Board as is required for approval of a community college.

Senator Andy Dinniman stated that although both himself and Representative James Roebuck were not present at the hearing in June, they both have reviewed the evidence and testimony that was presented to the Board from all parties to prepare for today's vote on the matter.

Dr. James Barker expressed his support for the Final Order as drafted. Dr. Barker said the community has discussed the need to a community college for a decade, presented a plan backed by the broadest base of support he'd ever witnessed in the county. Dr. Barker said the Plan is a missing piece of the puzzle to improve the future for all Erie County citizens.

Dr. Nicole Carnicella said she felt the Board made its decision based on emotion and not fact. Dr. Carnicella said the county does not have sufficient population, there is no state money, and there are plenty of schools – barring semantics or statutory legalities – that already provide the coursework the community college is going to provide. She stated that she feels Erie County Council wants control of a ton of state and local money and that their actions are not going to benefit Erie. Dr. Carnicella stated that we are wasting their community's money and state tax dollars on something that already is available to them.

Dr. Lee Williams stated that her support for Erie's Plan is not based on emotion, but is based on the Plan meeting all statutory criteria that the Board is required to use to make its decision. Dr. Williams said the county's application provided evidence and data to support it and that the Board's determination is not a question of whether or not Erie deserves a community college.

Rep. Roebuck stated that he reviewed the record from the Board's hearing on Erie's community college plan and that he was prepared to cast a vote in support of the college based on the materials he reviewed from the hearing.

Mr. James Agras expressed concern regarding the proposed community college's finances and the eventuality of the casino realistically providing necessary support long term. Having operated a school in Erie county for many years, Mr. Agras stated that the population has changed and the geographic recruitment of new students is limited due to Erie's border with a Great Lake.

Rep. Sonney shared that as a long time Erie county resident, he wants nothing but the best for the county. Rep. Sonney said he believes that the NPRC is a community college and that the county would be better served by partnering with the NPRC and directing their resources to those students who need more remedial help and assistance to be successful in higher education.

Rep. Sonney said he intended to vote against the Plan because a partnership with the NPRC was a better option in his view.

Ms. Sandra Dungee Glenn thanked Dr. Williams for highlighting the statutory criteria that the Board must determine are satisfied in Erie's Plan and said the Board's focus is on whether Erie County has a population to support the institution, an adequate financial plan, and whether Erie has an unmet need. Ms. Dungee Glenn said adequacy of population has been documented in reports provided to the Board, and that the financial plan has the necessary resources for the next 5-10 years and was deemed sufficient by PDE. Ms. Dungee Glenn said the issue of whether there is an unmet need is important to highlight because, while other educational institutions have good intentions, the needs of Erie County residents have not been met adequately by those other institutions. Further, Ms. Dungee Glenn said a community college's focus on providing a bridge for students from K-12 to postsecondary, the broad and diverse base of support for the institution, and comments from local employers who identified unmet educational needs in the county provide additional evidence in support of Erie's Plan.

Dr. Jeff Keeling stated that he is not convinced that the statutory criteria have been met by Erie County when it comes to duplication of services and sustainability of financing. Dr. Keeling said we should promote collaboration with an existing institution and that approving the community college will create competition that will lead to one of those institutions failing.

Dr. Jonathan Peri asked that his prior comments regarding the community college plan be adopted.

PUBLIC COMMENT

The following individuals offered public comment in support of the Erie County Community College Plan:

Freda Tepfer, Erie County resident
Bishop Dwayne Brock, Erie County Resident
William Wittenberg, Erie County resident
Ron DiNicola, Director, Empower Erie

ACTION ITEMS

PROPOSED CHAPTER 49 (CERTIFICATION OF PROFESSIONAL PERSONNEL)

A motion to approve the proposed amendments to Chapter 49, as recommended by the Teacher and School Leader Effectiveness Committee and the Council of Higher Education, was made by Sandra Dungee Glenn and seconded by Lee Williams.

VOTE: The motion to approve proposed amendments to Chapter 49 was approved by a vote of 14-0 (YEA: Agras, Aichele, Barker, Barrett, Dinniman, Dungee Glenn, Gunter-Smith, Keeling, Lally-Green, Peri, Roebuck, Sonney, Farmer White and Williams)

FINAL ORDER ON THE ERIE COUNTY COMMUNITY COLLEGE PLAN

A motion to adopt the proposed report of findings of fact and conclusions of law on the Erie County Community College Plan, along with a Final Order to approve the Plan, was made by James Barker and seconded by Jonathan Peri.

VOTE: The motion to adopt the Final Order approving the Erie County Community College Plan was approved by a vote of 10-5. (YEA: Barker, Barrett, Dinniman, Dungee Glenn, Gunter-Smith, Lally-Green, Peri, Roebuck, Farmer White and Williams; NAY: Agras, Aichele, Carnicella, Keeling and Sonney)

2021 MEETING CALENDAR

A motion to approve the State Board's 2021 Meeting Calendar was made by James Agras and seconded by Maureen Lally-Green.

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

ANNOUNCEMENTS

Chair Karen Farmer White announced that the U.S. Department of Education recently approved the Board's application to continue serving as an approved accrediting body for postsecondary Career and Technical Education programs in the Commonwealth. The Board's accrediting authority was extended for another five years. Ms. Farmer White acknowledged Dr. Lee Burket, Director of the Bureau of Career and Technical Education, and extended thanks to her and her staff for their hard work in preparing the application and defending this work before the U.S. Department of Education.

Dr. Lee Williams thanked Senator Dinniman for his service to the Board in light of his pending departure from the Senate.

Mr. Agras also thanked Dr. Burket for her hard work on the reapproval of the Board's accrediting authority.

ADJOURNMENT

There being no further items of business, the meeting was adjourned at 4:00 p.m. on an **Aichele/Dungee Glenn** motion.



Stephanie Jones
Administrative Assistant