



INDIANA STATE BOARD OF EDUCATION

143 W. Market Street
Indianapolis, IN 46204

INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

November 13, 2013

Indiana Government Center South – Conference Room A
402 West Washington Street
Indianapolis, Indiana 46204

Board Members Present: Superintendent Glenda Ritz (chair), Mr. Troy Albert, Mr. Dan Elsener (secretary), Dr. David Freitas, Mr. Gordon Hendry, Ms. Andrea Neal, Ms. Sarah O'Brien, Dr. Brad Oliver, Mr. B.J. Watts, and Ms. Cari Whicker.

Board Members Absent: Mr. Tony Walker

I. CALL TO ORDER

Superintendent Ritz called the meeting to order and called roll. Mr. Tony Walker was absent; all other members were present. The Pledge of Allegiance was recited.

II. MINUTES

Superintendent Ritz stated the copies of the draft minutes from the October 2, 2013, Board meeting distributed by Superintendent Ritz to the Board members that morning, included the Superintendent's proposed changes to the original minutes draft provided by the secretary. Superintendent Ritz noted her proposed changes were highlighted in yellow. Dr. Oliver asked a clarifying question regarding the portion of the minutes related to comments made by Charlie Geier, the Department of Education ("Department") Director of Early Learning and Intervention. Based on a request from Mr. Elsener, Superintendent Ritz asked if it were the will of the Board to postpone the approval of the minutes until Board staff and members had the opportunity to assess the proposed edits. The Board indicated it was their will to postpone approval of the minutes. Mr. Elsener thanked Superintendent Ritz for her action to delay the approval of the October 2, 2013, minutes until the next meeting.

III. STATEMENT OF THE CHAIR

Superintendent Ritz proposed moving the December meeting to December 17, 2013, based on the need for the appeals process to be completed prior to the Board's approval of schools' final A-F



accountability letter grades for 2012. Several Board members indicated they would not be available on the proposed date of December 17. Superintendent Ritz indicated Department staff would work with Board staff to identify an alternate meeting date during the later portion of December. Board members thanked Superintendent Ritz for her flexibility.

IV. BOARD MEMBER COMMENTS AND REPORTS

Ms. O'Brien stated her observation that the release of preliminary A-F school accountability grades and the subsequent window of appeals for schools overlapped with the Thanksgiving holiday. She asked about the need for flexibility on the part of the Department to ensure schools would have adequate time for a robust appeals process. Superintendent Ritz stated the timeframe was based on the recommendation of Department staff and their belief that the timeframe provided for schools was reasonable. Ms. O'Brien asked if the Department could provide schools with the information related to the appeals process that same day so that schools that may be anticipating filing an appeal could begin any preliminary work as necessary. Superintendent Ritz stated the DOE Dialogue would be released the same day as the November 13 meeting, and noted the appeals information would be included.

Mr. Elsener stated his admiration for the outcomes of the work of Indiana educators and commented on the positive news related to the NAEP assessment and other achievements. He commented on the innovations being used in schools by educators, and the advancement that work has caused. He thanked parents, students, and educators for what is happening in schools and attributed the positive outcomes to good policy. Mr. Elsener reiterated his thanks to teachers for what they have accomplished.

Mr. Watts commented on the level of feedback he has heard regarding Indiana's positive gains and achievement on the NAEP assessment. He requested Board staff to compile other states' performance related to Indiana for the December meeting. Board staff indicated they would. Mr. Watts shared he wants the State to be aware of Indiana's positive outcomes and gains. Superintendent Ritz asked Mr. Watts for clarification. Mr. Watts stated he was interested in Indiana's overall growth compared to growth nationally as well as other states' individual growth. Superintendent Ritz indicated the information could be located on the NAEP website. Mr. Watts explained he was interested in something formal to recognize the work of Indiana educators and formally say "good job" on their accomplishment. Mr. Elsener requested that it be a resolution which notes specific areas of accomplishment. Superintendent Ritz stated her staff would address the resolution request.



V. PUBLIC GENERAL COMMENT

Superintendent Ritz noted a 5-minute time limit for public comment would be implemented and invited the first speaker up for comment.

Don Bowman stated he is attending on behalf of his grandchildren. He stated FERPA has been amended without Congressional approval because of President Obama and U.S. Secretary of Education Arne Duncan, explaining there is now a shift from aggregate data to individual data. Mr. Bowman shared examples of the data points collected by the government related to multiple areas.

Seirra Bowman stated she was a teacher for 31 years and has concerns about the Common Core State Standards (CCSS) because they violate three separate federal regulations. She said each regulation states that the USDOE cannot develop, supervise, or control materials or curriculum for any school or school system. She then referenced a pamphlet regarding the CCSS that she believes contradicts this statement. Ms. Bowman explained her understanding of the spending impact on the federal government and how it will remove the system of checks and balances. She commented on the ACHIEVE group, noting she could not find any Hoosiers listed as part of the group and only noted two educators involved in the group. When Ms. Bowman's allotted 5 minutes expired, Ms. Neal asked her to submit her full comments in writing.

Kenya Sinclair stated she is the mother of a school-age student and requested the development of a third party entity to support parents and students regarding bullying. She explained the difficulty her daughter has experienced as a victim of bullying, as well as the difficulty she has experienced as a parent while attempting to address the issue with her daughter's school. Ms. Sinclair commented on the academic success of her daughter and the negative impact the bullying has caused in her daughter as a result. She stated her daughter no longer wants to attend school. Ms. Sinclair noted her personal discomfort when she met with school officials, stating the school had a number of staff at the table and as the parent, she was alone at the table. She requested the Board develop a neutral third party to assist in this type of situation. She indicated the entity should not represent the student, parent, or school, but rather serve as a neutral party to facilitate meetings or conversations when necessary. Superintendent Ritz commented that all schools are required to have a process for addressing bullying. She asked the parent to contact the Department so that the Department could ensure the program is being implemented at the local level.

Jim Disney indicated he spent 34 years in education, most recently as a building administrator for 20 years. He stated he was speaking to the Board to discuss student safety. He explained that early morning darkness makes it unsafe for students traveling to school. He commented on



multiple safety issues for students traveling in darkness. Mr. Disney noted that sunrise is at 8:15 a.m. He provided the example of leaving his house at 6:30 a.m. to attend the Board meeting and the degree of darkness outside. He noted that while driving 30 miles per hour he would not have been able to see any students in such darkness until it was too late. Mr. Disney stated he is a member of the Central Time Coalition and commented he is not against the time zone. He stated he understands the time change relates to interstate commerce. He noted that starting schools an hour later is unrealistic as many districts use their bus fleet to run multiple routes, and if time were pushed back an hour some schools may start as late as 10:00 a.m. He stated many issues could be resolved by moving to Central Time versus Eastern Time.

VI. BEST PRACTICES – INNOVATIONS IN EDUCATION – STUDENT SUCCESS

None

VII. DISCUSSION

Unusual School Configurations

- Department Assistant Director of IT Deb Dailey presented information related to unique configurations of schools related to the assignment of 2012 A-F accountability grades. Superintendent Ritz asked for comments from the Board. Board counsel Dr. Michelle McKeown indicated she had a question about the Department’s report. Superintendent Ritz asked Dr. McKeown to confer with Ms. Dailey and not address the question to the Board. Dr. McKeown posed the question privately to Ms. Dailey, who then provided clarification for the Board. The question Dr. McKeown posed involved ensuring Board members were clear in the use of the term “combined” as it related to the Board’s motion from a previous meeting involving how to proceed with those schools comprised of unusual grade configurations versus how the term “combined” is used in statute. Superintendent Ritz and Mr. Elsener thanked Ms. Dailey for the clarifying remarks.

Reading Rule

- Superintendent Ritz asked the will of the Board regarding the Reading Rule. Dr. Freitas asked for the changes from 2012 to be summarized. Superintendent Ritz invited Board counsel to explain the changes. Dr. McKeown noted the full rulemaking process was not implemented by the Department following the Board’s approved changes to the rule language in December 2012, and as such, the changes approved by the Board in December 2012 were not implemented. The rulemaking period expired during the summer of 2013.
- Ms. O’Brien asked if the changes in front of the Board were the proposed changes Superintendent Ritz brought before the Board at the July 2013 meeting. Superintendent Ritz stated none of her proposed changes were included in the document the Board had in



front of them. Superintendent Ritz indicated only those changes from the Board's action in December 2012 were included in the document she provided to the Board. Ms. O'Brien asked Superintendent Ritz if it is her intent to revisit her proposed rule changes from July 2013. Superintendent Ritz stated she would be glad to revisit the Department's proposed revisions in regards to the Reading Rule.

- Dr. McKeown indicated that opening the rulemaking process allows the Board to make any changes they wish. She explained the previous changes were intended to correct technical errors in the initial rule, including correcting the definition of English Language Learner, clarifying good cause exemptions for special education students, and clarifying where charter schools fall within the scope of the rule.
- Dr. Freitas asked for clarification regarding charter schools, noting it appeared as though they were not included in the requirements. Clarification was provided that charter schools must participate in the IREAD-3 assessment, but they do not fall under the scope of the rule related to the reading plan. Board counsel explained the reading rule applies to charter schools only where they are explicitly stated. Dr. McKeown indicated this was a result of a legislative change from 2012.
- Mr. Watts brought up the portion of the rule related to the 90-minute uninterrupted block for reading instruction. He noted the burden this placed on schools in terms of scheduling and asked if the Board could strike that portion of the rule. Superintendent Ritz stated the Board was currently discussing changes the Department would like to see and not taking action at the present time. She stated the Board could continue the discussion, but is recommended the item be placed on a future agenda as a Discussion item to allow the Board the opportunity to review and discuss any proposed language.
- Board counsel noted page 3 of the rule and clarifying language related to English Learners and students with disabilities. She explained the previously approved changes within that portion of the rule were a result of individuals in the field having numerous questions regarding the Case Conference Committee process and students participating in the second test period. Dr. McKeown stated clarification would still be needed in that area. Dr. McKeown commented on page 4 of the reading rule and the charter school language as it is described. She also noted the language regarding school performance and a school's release from the 90-minute uninterrupted reading instruction block if a school meets a particular level of performance. Ms. Neal inquired if students in grades 4, 5, 6 and 7 would be held accountable to the reading block if the school were a K-8 building. Ms. O'Brien offered a clarifying statement as to the intent of the reading rule applying to particular grade levels. Dr. McKeown provided information related to the section involving interventions for special education students. Superintendent Ritz noted the challenges for schools to provide interventions for special education students. Superintendent Ritz asked



Board counsel to speak to page 6, as the section was entirely new at the time of the changes in 2012. Dr. McKeown explained page 6 is in bold, indicating the section is new. She stated the section requires a school to comply with their reading plan in order to maintain flexibility surrounding the 90-minute uninterrupted reading block for reading instruction. Superintendent Ritz noted this portion would not be necessary under the changes she proposed in July, as the option for flexibility surrounding the 90-minute reading block would be removed entirely under her proposed revisions. .

- Mr. Elsener stated his understanding that the 90-minute block of uninterrupted literacy instruction is based on research supporting this uninterrupted period of time. He noted the need for research to support the Board's discussion as any changes are considered moving forward. Mr. Elsener stated his appreciation for Superintendent Ritz's perspective and shared the sentiment that the Board would want to discuss any proposed changes prior to initiating rulemaking.

VIII. CONSENT AGENDA

Superintendent Ritz stated that at the time of the meeting the Governor's office and her office were not in agreement regarding the Meeting Procedures. Superintendent Ritz stated she removed them from the agenda as a result.

Final Approval of Re-adoption/expiration of Rules Scheduled to Expire December 31, 2013

- Superintendent Ritz stated the consent agenda contained one item, the final approval or re-adoption or expiration of rules scheduled to expire December 31, 2013. Upon request for a motion, Mr. Albert moved to accept the motion and Dr. Oliver seconded the motion. The motion was approved by unanimous vote.

IX. NEW BUSINESS - ACTION

Establish New Categories of School Performance as Required by HEA 1427

- Superintendent Ritz stated she believed the Board did not have enough time for discussion previously and asked for any items the Board wished to discuss regarding this issue. Ms. Neal inquired of the process moving forward if the Board were not able to come to a decision. Superintendent Ritz referenced the motion she provided to the Board in writing the previous evening. Department staff displayed the motion on a screen for the Board to view. Ms. Neal asked if in adopting the recommendation the Board would also be adopting indicators related to the new A-F accountability system. Superintendent Ritz stated the Board would be adopting the A-F Panel's (Panel) recommendations and after that approval the Board could then make changes.



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- Ms. Neal questioned particular indicators included within the Panel’s recommendations and asked if the Board should consider including the End of Course Assessment (ECA) for Government versus using the PSAT. Ms. Neal stated she would like to explore how new data indicators are selected.
- Superintendent Ritz asked Dr. Yager, who serves as co-chair of the Panel with Superintendent Ritz, to come forward. Ms. Neal inquired as to how the PSAT was selected by the Panel. Dr. Yager explained the PSAT assessment was based on consensus of the Panel, as every student has the opportunity to take the PSAT. He explained the Advanced Placement (AP) and Dual Credit indicators allow students to apply the credit toward college and career readiness and stated the SAT was not one of the indicators offered by the Panel. Dr. Yager stated these options would not cost the state additional funds. Superintendent Ritz explained that Indiana already pays for all 10th graders to take the PSAT assessment and noted the cutoff scores would indicate a student’s readiness for college. Superintendent Ritz noted that using the PSAT as an indicator would allow for another data point but would not require the implementation of an additional state assessment. Ms. Neal stated her understanding that the PSAT is a practice test and expressed concern regarding a practice test being used as a measure of accountability.
- Ms. O’Brien expressed her understanding of the need for flexibility considering the Board’s deadlines mandated by the legislature in adopting standards and determining assessments after adopting changes to the A-F system. She stated she was “deeply concerned” about testing in grade 1 if the Board did not know what that would look like. She inquired about the Panel’s plan for running data models to determine what the outcomes of the proposed accountability framework will look like for schools. She commented on the importance of seeing the outcomes of the framework and the need to run actual data through a model prior to making any final decisions related to indicators. Ms. O’Brien stated her concern that the work is not finished yet but noted her appreciation of the Panel’s work to date.
- Superintendent Ritz stated the Panel recognizes the need to work with subject matter experts to statistically rework the growth piece. Superintendent Ritz stated the Panel’s commitment to working with the Board and noted that further recommendations can come to the Board. She noted the constraint of the law is for the Board to act by November 15.
- Dr. Oliver inquired as to what position the Board would find itself in if it were to simply initiate rule making. He addressed the Board’s need to determine standards and have an assessment in place so that the Board can ensure the Panel’s model does what the Board hopes. Dr. Oliver affirmed the need to extend the MOU with the Panel so that the Panel may work beyond December 31.



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- Superintendent Ritz stated she wished to clarify the role of the Board. She stated the Board has received the Panel's recommendation as well as a recommendation from Board staff. She noted the Board should be working from the recommendations offered by the Panel. In reference to the recommendation provided by Board staff, Superintendent Ritz stated the Department generally agreed with the recommendation but would stop where the recommendation begins discussion around the Flexibility Waiver. She stated her appreciation of the Board's conversation. Superintendent Ritz stated the Department filed a Notice of Intent for rulemaking surrounding the A-F accountability system in August and invited Board staff to look into the filing for rule making. Superintendent Ritz requested a revision of the recommendation to reflect "growth to standards" versus "growth to proficiency" so that the recommendation would match the language in statute. Superintendent Ritz committed the Department's support in working with the Panel and working in phases to reflect the move to adopt new standards and assessments by July 1 next year. She commented on the amount of work ahead and suggested a plan for executing the work. Superintendent Ritz commented on the bullet point for January 8 from the Board staff proposal. She stated her concern regarding the appropriateness of having the Board staff bring forward the recommendations. Superintendent Ritz stated the Panel would be the appropriate entity to make any recommendations.
- Dr. Oliver referenced Superintendent Ritz's statement regarding the Department's filing of a Notice of Intent for rulemaking in August. He indicated that, to his knowledge, the Board has not seen the Notice and he requested the opportunity to see it. Dr. Oliver commented on the amount of frustration he has heard from teachers and reaffirmed the Board's need to "get it right" as they are make decisions regarding the new A-F system. He noted the structure of the Panel allowed for Panel members to commit 7 full days to working on the A-F framework collaboratively. He noted the Board has not had the same opportunity to invest such time related to that work. Dr. Oliver stated he has heard concerns directly from Panel members regarding the Panel only having the ability to create a framework and not a full model that has been tested with data. Dr. Oliver stated the Board needs to have conversations with Panel members. He expressed the need for the State to have standards in place in order to determine what is being measured, and questioned Board members as to the reasonableness of staying on the current path.
- Superintendent Ritz asked if there was a motion to initiate rulemaking. Dr. Oliver stated the need to verify the framework is correct, adding that without a model the framework would need to be affirmed as the Board moves forward. Dr. Oliver requested the Board engage with the Panel as the adoption of standards moves forward. Dr. Oliver stated it was the Board's obligation to accurately complete the work.



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- Superintendent Ritz noted the two obligations of the Board: determining new categories by November 15, and the work moving forward after that decision. Superintendent Ritz stated the wording of her motion is provided in such a way because she understands this work needs to come to the Board. She stated the recommendation from Board staff presented a process to execute the work, adding that it includes the initiation of rulemaking in January and includes the pieces expressed by Ms. O'Brien.
- Dr. Yager stated the Panel believes it completed its task. He acknowledged there is more work to do and stated the Panel members agree with the Board in that regard. He explained the framework offered by the Panel follows the MOU. He clarified that the PSAT is not a practice test, as it determines national merit scholars.
- Dr. Oliver referenced the motion provided by Superintendent Ritz, stating the motion implied the Board would accept all of the Panel's recommendations. He reiterated the Board's statutory obligation to determine categories.
- Superintendent Ritz re-read her motion. Dr. Freitas expressed his agreement with Dr. Oliver's statements. He stated accountability is a system and expressed concern if the work were not addressed in a systemic manner. Dr. Freitas commended the work of the Panel and suggested the Board could "conceptually affirm" the Panel's framework. He noted his willingness to accept a motion based on conception of the work and requested Board staff take a leadership role in ensuring the necessary additional work is completed so that the Board can take appropriate action to modify the A-F system. Superintendent Ritz clarified the November 15, 2013, deadline for the Board to adopt new categories and stated the Panel's recommendation for the categories to follow 90/80/70/60. She indicated the statistical piece was still open. Ms. O'Brien stated she was comfortable taking action regarding the categories and scale being recommended. She added she would not be comfortable recommending anything beyond those pieces until the Board is certain the framework is right. She stated her preference to meet the statutory obligations in approving the name and scale, but would not be comfortable including other elements from the Panel's recommendation at this point. Ms. O'Brien stated her support of the Panel's work to date and indicated there was still more information needed before she was comfortable making additional decisions.
- Mr. Albert praised the Panel for their work, stating they provided a vision and mission for the Board. He commented on the need to move forward and meet requirements while still being thoughtful of the information the Board does not have yet related to standards and assessments. Dr. Oliver agreed with Mr. Albert's statement and shared his concern with the phrasing of the existing motion. He suggested clarifying the motion so as to expressly state the Board is only accepting the recommendations for categories. Mr. Hendry asked for



Board counsel and staff to assist with the process to ensure the Board executes all of its responsibilities moving forward with the process.

- Mr. Elsener requested that Board staff be allowed to speak. Superintendent Ritz recognized the Board's Technical Advisor, Claire Fiddian-Green. Ms. Fiddian-Green noted, as a member of the Panel, that the Panel's report states data analysis and statistical validation is still needed. She noted the Panel's commitment to create a system that fairly assesses schools. She offered to the Board the option for adopting categories and continuing to work with third party experts to assist the Panel and Board in ensuring statistically validated indicators and metrics are ultimately approved. She stated proposed rule language could come to the Board in January, noting public hearings would then be held and the final rule could be in place by August 2014. Ms. Fiddian-Green recommended the Board consider adjustments to the Department's proposed motion. The first recommended adjustment was that Phase 1 be adjusted to reflect the state's current assessments and involve beta testing using 2013-2014 data, and then go into effect for the 2014-15 school year. The second recommended adjustment was that Phase 2 involve the implementation of new standards, new state assessments, determining a vertical scale through high school, and involved third party experts. Ms. Fiddian-Green noted the Board's statutory obligations related to both dropout recovery high schools and special education accountability indicators still remain to be completed, and third-party experts would be helpful to this work.
- Board members discussed potential changes to the wording of the motion to ensure the Board's will is accurately stated. Mr. Hendry requested the Board take a brief recess so Board staff could prepare a full resolution. Superintendent Ritz indicated a resolution was not needed, as a motion was provided. Dr. Oliver requested the motion be placed in abeyance to allow for Board staff to verify the statement shown on the screen is consistent with the motion the Board would be voting on. Superintendent Ritz stated she would call for a recess to adjust the wording with Board and Department staff so that everyone present would see the proposed language.

-- RECESS--

- Superintendent Ritz called the meeting to order after the close of the recess and directed Members' attention to two separate motions on the screen. She stated the two motions were Dr. Oliver's motion and a revised motion formulated during the recess. Superintendent Ritz noted there was not agreement regarding the sentence highlighted in yellow, which called for Department staff and Board staff to work together on the additional work required before the Board could approve specific accountability indicators



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and metrics. Superintendent Ritz stated the Board staff is not part of the process and added the Panel is charged with the work. Superintendent Ritz requested dialogue surrounding the yellow highlighted portion on which there was not agreement. Dr. Oliver requested clarification as to whether the motion constituted a rule. Board counsel Dr. McKeown indicated the motion met the requirement of accepting and adopting categories but did not constitute a rule. Superintendent Ritz stated rulemaking would need to be complete by November 2014. All Members were in agreement. Dr. Freitas requested affirmation from Superintendent Ritz that the motion only solidified categories and did not bind the Board to other recommendations in the Panel's framework. Superintendent Ritz confirmed the motion was for categories only.

- Ms. O'Brien requested confirmation that assessing any additional grades beyond those currently assessed on state assessments would first require discussion and action by the Board. Superintendent Ritz confirmed Ms. O'Brien's statement, noting that both state standards and state assessments must be approved by the Board.
- Dr. Oliver introduced a new motion reflecting the words projected on the screen: "The State Board of Education adopts the Accountability System Review Panel's recommendations for new accountability categories and affirms the Panel's vision for the framework. The State Board of Education further recognizes that a validation and statistical analysis process informed by technical experts regarding the indicators, formulas and metrics that support the categories as they are built and validated through the beta testing period of the new model design must occur. This work will lead to follow up recommendations by the Panel to the Board. Board staff and Department staff will collaborate with the technical experts to inform the work of the Panel and ultimately the Board." Ms. O'Brien seconded the motion. Superintendent Ritz called for any further discussion.
- Ms. Neal spoke against the motion, stating the deadlines in HEA 1427 are unreasonable and put the decision of an accountability framework before determining standards and assessments. She explained her concern is a result of the legislated process, as it stands, not flowing in the proper order. She stated standards and assessments should be in place before the Board decides on revisions to the accountability system. Ms. Whicker stated her understanding of Ms. Neal's perspective and added she hears similar statements from school personnel. Ms. Whicker confirmed the Board is only approving categories at this point, which will give the Board time to approve standards and assessments before approving a final accountability framework.
- A roll call vote was taken on the motion. The vote resulted in 9 ayes indicated by Superintendent Ritz, Mr. Albert, Mr. Elsener, Dr. Freitas, Mr. Hendry, Ms. O'Brien, Dr. Oliver, Mr. Watts, and Ms. Whicker; and Ms. Neal voting nay.



Resolutions Recognizing Prior Board Members

- Superintendent Ritz introduced the resolutions recognizing five prior Board members who have left the Board since June 2013: Jo Blacketor, James Edwards, Michael Pettibone, Neil Pickett and David Shane. Superintendent Ritz asked for a motion. Mr. Elsener moved to accept the resolutions; Dr. Freitas seconded the motion.
- A vote was taken resulting in 10 ayes.

Revised HEA 1005 Remediation Guidance

- Department Deputy Superintendent Danielle Shockey acknowledged the involvement of the individuals serving on the committee from the Education Roundtable, Commission for Higher Education and Department of Workforce Development to modify the recommendations on remediation guidance presented to the Board. She referenced a handout provided to the Board at today's meeting which explained the addition of the Accuplacer assessment. She stated the handout included changes which were highlighted in the document for the Board. Ms. Shockey stated the changes were about the spirit of the legislation and allowed for an expansion of students involved.
- Mr. Albert inquired as to the potential fiscal impact for schools. Ms. Shockey stated training would be funded through the Department. Superintendent Ritz stated no additional funding was provided for the remediation itself. Mr. Albert explained that since schools' schedules are already set, doing more or shifting resources to do it differently, would result in a fiscal impact. Mr. Albert provided additional information to clarify the impact of remediation on schools. He explained the number of students requiring remediation, as well as the type of remediation needed, impacts schools.
- Ms. Shockey indicated this topic would be brought before the Board again in April. She explained that in the meantime the Department will capture the information for the additional students and recommendations will be brought forward based on what is learned. She indicated the Department can follow up with a FAQ if that would be helpful.
- Superintendent Ritz stated Accuplacer may not move forward as the assessment, and indicated concerns were heard at the Education Roundtable. Ms. Shockey stated the group is meeting monthly and soliciting feedback from those schools participating in the pilot. She shared most schools have adopted "My Foundations" lab, which is a Pearson tool but was developed in partnership with College Board. Ms. Neal asked how student enrollment in elective courses which may not count toward graduation credits have changed over the past 10 years. Ms. Shockey indicated that information was beyond the scope of the group's work. Ms. Neal stated her belief that Pathways should be about a solid liberal arts core. Superintendent Ritz stated she would investigate if the Department has the data Ms. Neal is



asking about. Mr. Albert offered the information Ms. Neal inquired of is part of what schools submit annually in their course completion reports.

- Dr. Freitas made a motion to accept the revised remediation guidance; Ms. Whicker seconded the motion.
- A roll call vote was taken on the motion. The vote resulted in 9 ayes indicated by Superintendent Ritz, Mr. Albert, Mr. Elsener, Dr. Freitas, Mr. Hendry, Ms. O'Brien, Dr. Oliver, Mr. Watts, and Ms. Whicker; and Ms. Neal voting nay.

Common Core Standards Review/Evaluation Process

- Superintendent Ritz invited Department Director of Assessment Michele Walker and staff to present information related to the process to evaluate standards. Dr. Walker stated the presentation would consist of an overview of the standards review process. Ms. Neal posed questions regarding the standards review process, including inquiring if the process would encompass a straightforward review of Indiana's existing standards or a comparison to previous State standards. Ms. Neal stated the importance of conducting a review of not only what is currently being taught in Indiana, but also documenting any standards included in previous Indiana academic standards that are not included in Indiana's current standards. Superintendent Ritz referenced the standards crosswalk done at the time Indiana's state standards were reviewed during the previous administration. She noted there were many areas of overlap between the Indiana Academic Standards and the Common Core standards. Superintendent Ritz stated that during that standards review process any indicators from Indiana Academic Standards which were not part of the Common Core standards were listed additionally as Indiana indicators. Superintendent Ritz stated that in so doing, all standards from Indiana's previous version were included Ms. Whicker stated her understanding, per the Common Core "pause" legislation, that the review process currently underway by the Department would include an evaluation of the standards. Ms. Whicker stated her concern having learned that an evaluation was not part of the Department's standards review process as described during the discussion and currently being conducted.
- Dr. Oliver noted his desire to offer comment but stated he would wait until the presentation was finished. He stated he would defer to the chair as to the appropriate time for his comments.
- Superintendent Ritz stated the committees were looking at a combination of the Common Core State Standards adopted in 2010 and the Indiana Academic Standards. Dr. Freitas requested clarification that the presentation was intended to offer an overview of the process and not indicate any evaluation of the standards by the Department at this time. Superintendent Ritz confirmed Dr. Freitas' understanding. Superintendent Ritz stated in



order for a state's standards to be deemed college and career ready the state's higher education body must review and approve the standards. Superintendent Ritz expressed her commitment to having the higher education panel go through the process with the committees. She noted that state statute requires higher education to serve a large role in determining whether the standards are college and career ready.

- Mr. Elsener inquired as to the areas the standards would encompass. Superintendent Ritz stated the standards process being discussed was related to English/Language Arts and Mathematics. Superintendent Ritz stated the standards must be "clear, concise, jargon-free and compare to national and international standards". Superintendent Ritz explained that the creation of the advisory committee and higher education panel expands the work to include two components beyond what is required in statute.
- Department Assistant Director of College and Career Readiness Leslie Fatum reviewed the introductory webinar that took place with the standards committees on October 24. She outlined the content of the webinar, including roles and responsibilities, discussing the template for the review of standards, and guiding questions for the work. She explained the next step in the process will be to gather members' comments, and the advisory committee will compile and categorize the feedback as well as add their own feedback. Superintendent Ritz noted the process involves three tiers: technical review, advisory panel, and higher education review. She explained the desire to have many layers to determine if the standards are college and career ready.
- Dr. Walker stated that the day prior Department staff met with Dr. Oliver to discuss his concerns regarding the standards review process and the late involvement of the technical advisory group. Dr. Walker stated that based on Dr. Oliver's comments, the Department has revised the timeline to incorporate the technical advisory group earlier in the process.
- Dr. Oliver noted his concern regarding the standards review process, stating his agreement in practitioners reviewing the standards but his concern that if higher education is to sufficiently inform the process then they are not involved early enough in the Department's process. Dr. Oliver stated he had met with Department staff the previous day to discuss his concern regarding the majority of the standards review committees being comprised of classroom practitioners and curriculum development specialists. He noted the difference in expertise between classroom practitioners and subject matter experts and commented on the need for both to be involved in the process. Dr. Oliver referenced his desire to make a motion, but first he requested to speak prior to making the motion. Superintendent Ritz commented that she has seen the motion proposed by Dr. Oliver and was weighing whether to make her comments prior to the motion or after. Dr. Oliver explained he is requesting four things with his motion: holding the three required Board hearings no later than January 30, 2014; using more subject matter experts at the higher education level sooner in



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the process; engaging with third party experts to assist with evaluating the standards; and enabling Board staff to support the Board's process set forth in HEA 1427, since the Board is statutorily responsible for the outcome.

- Dr. Oliver made a motion to adopt the proposed resolution.
- Dr. Freitas seconded Dr. Oliver's motion.
- Superintendent Ritz said she had not yet asked for a motion and stated she needed to address the motion itself and would share her concerns regarding the resolution. Superintendent Ritz read the Board's role in reviewing standards as outlined in statute. She noted the Board's role in the standards review process is consistent with the traditional standards adoption process and is not solely related to HEA 1427. She stated the insertion of the Board staff in the process would be in violation of the statute, and as such she was ruling the motion improper. Superintendent Ritz stated that neither the Board staff nor the Board itself had the authority to perform the actions outlined in Dr. Oliver's motion, and as such she was ruling the motion improper. Dr. Oliver made the motion, Dr. Freitas seconded. Superintendent Ritz ruled the motion improper. Superintendent Ritz moved to table the agenda item to receive an opinion from the Attorney General. The motion did not receive a second. Mr. Elsener requested of Superintendent Ritz that the Board hear from Board Counsel regarding the issue. Superintendent Ritz denied Mr. Elsener's request, stating she was not allowing Board Counsel to speak and she would instead seek an advisory opinion from the office of the Attorney General as to the role of the Department in the review of the standards. Superintendent Ritz stated the process outlined within Dr. Oliver's motion did not fall within the purview of the Board. Ms. Whicker stated her concern in Superintendent Ritz's ability to hear from Department counsel throughout the meeting discussion, and questioned why the Board was not allowed to hear from the Board's General Counsel. Superintendent Ritz commented on differing opinions between Board counsel and Department counsel at previous Board meetings and stated that instead of hearing from Board counsel she would seek an advisory opinion from the office of the Attorney General.
- Superintendent Ritz called for a brief recess.

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- Dr. Oliver requested the minutes reflect his disappointment that the motion would not be heard. He stated he had publicly asked Superintendent Ritz during the November 8 meeting that the item be addressed at the November 13 meeting. He noted he had received approval from Superintendent Ritz to move forward with collaborating with Board staff to draft a resolution related to this work. Dr. Oliver commented that in addition to the



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public request he also engaged in private communication with the Superintendent as well as met with Department staff per the Department's request. Dr. Oliver reiterated that he made it clear at the November 8 meeting he would be working with Board staff to develop a resolution to bring forward at this meeting.

- Mr. Hendry suggested an amendment to the motion by offering it be revised to be valid pending on the advisory opinion of the Attorney General. Mr. Hendry stated that if the Attorney General deemed the motion improper it would not be acted upon; however, if the motion were not improper per the Attorney General's Opinion, the Board could move forward per Dr. Oliver's resolution. Superintendent Ritz stated the Department had already been in contact with the Attorney General's office and she anticipated a response quickly. She stated she would table the motion.
- Board members commented on the need to vote on a motion that had been made and seconded. Superintendent Ritz stated the motion would be tabled, as she considered it improper. Mr. Watts asked if Dr. Oliver would be willing to amend his motion pursuant to Mr. Hendry's suggestion to await the Attorney General's Advisory Opinion. Dr. Oliver stated he would be glad to amend the motion. Superintendent Ritz stated a motion is improper if it interferes with statutory obligations. Superintendent Ritz stated she was tabling the motion as she believed it to be improper and she would then seek the opinion of the Attorney General. Mr. Watts asked if a vote could be taken on top of the action of the Chair. Superintendent Ritz restated that she, as the Chair, ruled the motion improper. Dr. Freitas requested the motion receive a vote and stated the Members followed the proper procedures for making a motion and second. Board Counsel Dr. McKeown stated the current Meeting Procedures approved by the Board in May of 2013 do not provide for a motion to be deemed improper by the Chair or other Members and not be acted upon as a result. Dr. McKeown stated her concern as Board Counsel that Superintendent Ritz, as Chair of the Board, had Department counsel sit next to her and engage in private conversations and provide counsel to the Chair apart from the Board, but would not allow the Board to hear from Board Counsel on a legal matter. Mr. Elsener stated the Board agreed with Superintendent Ritz in the desire to do things properly and that the Board would not wish to do anything improper or illegal. Mr. Elsener requested the motion receive a vote. Superintendent Ritz restated her belief the motion was improper.
- Superintendent Ritz then stated the meeting is adjourned. Dr. Freitas stated a motion was needed to adjourn the meeting. Superintendent Ritz restated she was adjourning the meeting. Board members commented on the need to receive a motion for adjournment. Superintendent Ritz repeated the meeting is adjourned.
- Superintendent Ritz then left the room without a motion, second, or vote for adjournment taking place.



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- Mr. Elsener stated the Board had a decision to make regarding conducting activity at this point in the meeting. Mr. Elsener requested input from Ms. Fiddian-Green. Ms. Fiddian-Green stated that Board Counsel was presently attempting to contact the office of the Attorney General for guidance regarding the Board's activity subsequent to the departure of the Chair without properly adjourning the meeting. Mr. Elsener stated the Board had the option of either voting on Dr. Oliver's motion, which still remained on the floor, or adjourning the meeting. Dr. Oliver expressed his preference to wait for comment from the office of the Attorney General prior to taking action. Ms. Whicker referred the Board to the number of agenda items left unaddressed on the day's agenda, including items which were a carryover from the previous meeting. Ms. Whicker stated she did not wish to take a vote on the motion on the floor out of respect for any unintended negative perceptions of the Board's action that may result in the event of a vote after the departure of the Chair.
- Mr. Hendry stated his opinion that the Board would be entitled to take action on a motion that was on the floor at the time of the Chair's exit, but stated his belief it would be more appropriate to adjourn the meeting instead and begin with the motion at the next Meeting. In response to Board inquiries regarding how to proceed given the unusual circumstances, Ms. Fiddian-Green noted the ample precedent for another Member of the Board to assume the duties of the Chair in the Chair's absence, citing adjudications as one such example. She stated there was nothing within the Meeting Procedures to prohibit another Member of the Board to assume the role of Chair, noting the need for Board business to continue in the event the Chair were ever unable to attend due to an emergency. In response to Ms. Whicker's concern regarding the number of agenda items unaddressed as a result of the Chair's exit, Ms. Fiddian-Green reminded Members the Meeting Procedures allowed for the Chair or three Members to call an emergency meeting. Mr. Elsener asked the pleasure of the Board to take action on the motion on the floor or move to adjourn. Dr. Freitas commented on the need for transparency in the Board's actions related to the motion. Dr. Oliver stated he respectfully requested a vote not be taken on his motion. He stated he withdrew his motion "for the moment".
- Mr. Elsener asked for a motion to adjourn. Mr. Hendry motioned to adjourn the meeting. Dr. Oliver seconded the motion. The vote to adjourn was unanimous.