



# INDIANA STATE BOARD OF EDUCATION

## INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

May 13, 2014

Indiana Government Center South  
Conference Room B  
302 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.

Mr. Walker attended by phone.

Board Members Absent: None.

### **I. CALL TO ORDER**

Superintendent Ritz called the meeting to order and roll was called. The roll reflected all members except that Mr. Walker had not yet joined the meeting. The Pledge of Allegiance was recited.

### **II. APPROVAL OF AGENDA**

There were no changes to the agenda.

### **III. APPROVAL OF MINUTES**

There were no minutes to approve.

### **IV. STATEMENT OF THE CHAIR**

Superintendent Ritz thanked the Board members for flexibility in setting up this meeting. She said the goal is to extend the ESEA waiver for one year. She said it is a serious matter and that she fully supports the waiver extension. Superintendent Ritz said we finally received the Monitoring Part B report that reflected Indiana's waiver implementation from February 2012 to August 2013. She said the waiver was already in place when she took office and since that time there have transitions and systems put in place to implement the waiver. She said the Part B report reflects the status of Indiana's two year waiver up to August of 2013. Superintendent Ritz pointed out that at that time HEA1427 had just become law, she and the Governor each sent a letter to have Indiana removed from the PARCC assessment, and Indiana was just beginning the process of adopting new college and career ready standards and assessments. She went on to say for these three reasons alone it was known the ESEA waiver would require amendments; she explained these amendments are conditions for an extension. Superintendent Ritz said the Indiana Department of Education ("IN Department") has done its due diligence and takes full responsibility to ensure Indiana is in compliance. Superintendent Ritz went on to say the IN Department and Board staff have already collaborated to create a timeline for completion with feedback from the United States Department of Education ("US Department"). She said the IN Department has presentations for this meeting to show what is being done to ensure compliance.

## **V. BOARD MEMBER COMMENTS AND REPORTS**

- Mr. Hendry commented that the reason for the meeting from the Board's perspective is to see how we got here and to try and help the IN Department get back on track. He said there are issues the IN Department needs to address and that the Board is here to help. He expressed the profound impact that a loss of the waiver would have on Indiana students.
- Mr. Elsener said this is a very serious matter, and that Indiana is the only state in this situation. He expressed concerns about finding out what the issues are. Mr. Elsener stated the US Department has brought to light the fact that the schools that need the most attention have not gotten the appropriate attention. He said the thought of losing flexibility is a big deal to students and educators. He commented that we had a waiver in place and now it looks like we aren't performing.
- Dr. Oliver had some issues he inquired about. First, he asked what the IN Department needs from the Board or what role the IN Department sees the Board as having in this matter. He said he looked at previous meetings and the waiver had been discussed in passing but never in detail.

**-- Tony Walker joined the meeting by phone --**

- Dr. Oliver continued to detail the negative effects losing the waiver will have on schools. He asked why the IN Department has not had more dialogue with the Board concerning this issue. Dr. Freitas stated that the Board sets the policies and the IN Department implements the policies. He said the waiver issue is an implementation issue.

**VI. PUBLIC COMMENT**

- J.T. Coopman was the first public speaker Superintendent Ritz invited to the podium. He stated that he represents the Indiana Association of Public School Superintendents. He encouraged collaboration to resolve these issues rather than finger pointing. He said roles and responsibilities need to be understood. He stated he had spoken with Superintendent Ritz and had faith the issues would be resolved.
- The next speaker was Todd Bess. Mr. Bess stated he is the Executive Director of the Indiana Association of School Principals. He agreed with Mr. Coopman and said this is an opportunity to pull together and create solutions.
- Superintendent Ritz invited Kate Johnson from Stand for Children to speak next. She said she supports the new standards adopted by the Board. She went on to say a rigorous assessment will be vital. She noted teacher evaluation implementation is a waiver issue they had concern about. She highlighted that student growth is not being significantly used to inform the teacher evaluations. On average districts interpreted “significantly inform” to be in the range of 10% to 40%. Additionally, she pointed out that around 90% of teachers in the chronically failing districts still had effective or highly effective ratings. She encouraged collaboration to ensure compliance.

**VII. CONSENT AGENDA**

There were no items on the consent agenda.

**VIII. NEW BUSINESS - ACTION**

**A. Testing Window Extensions**

- Superintendent Ritz stated that due to technological issues the IN Department approved paper and pencil testing for specific sites. The requested extension was through today's meeting (May 13, 2014). The testing had been ongoing, she said. Superintendent Ritz said this will not cause a delay in getting the results back. Additionally, with regard to Fort Wayne schools only, she said due to technology related issues, paper and pencil testing was approved and the IN Department is in the process of making sure they get the paper and pencil tests. Further, she stated they have begun the testing and the request is for May 13 through May 27 for the testing. Their results would be in June.
- Ms. Whicker expressed concerns from the field over the reliability of the test results of CTB McGraw-Hill. Superintendent Ritz said the schools had already begun the testing under the extended window extensions. Dr. Freitas asked whether there is any variance in reliability of online vs. paper and pencil testing. Dr. Oliver said he was concerned about the IN Department extending the window without the Board's approval. Dr. McKeown clarified that there is not a difference in the reliability of the data between the online and paper and pencil test according to comparability studies. She went on to say it would not have an impact on the waiver. The Board voted to approve both extensions.

## **IX. BEST PRACTICES – INNOVATIONS IN EDUCATION – STUDENT SUCCESSES**

There was no discussion regarding this agenda item.

## **X. DISCUSSION AND REPORTS**

### ***B. U.S. Department of Education ESEA Waiver Update***

- Superintendent Ritz invited Danielle Shockey, Deputy Superintendent of the IN Department, to present first. She outlined some documentation provided to the Board and began to give an introduction of the work that was being done regarding the waiver. Dr. Oliver asked about what transpired from August to today. Mr. Elsener asked when the US Department called and said they would be placing a condition on the waiver. Ms. Shockey responded that was formally done April 25. Ms. Shockey said the US Department was late getting the report completed. This was due to issues including the government shutdown. She went on to explain that in December there was a call where the US Department said there is a strong probability there will be conditions placed on the waiver. She said this was not a

- surprise and they knew when the US Department came in August there would be conditions placed on the waiver because of HEA1427 and other issues. Ms. Shockey clarified the US Department could not go into detail during the December call regarding what all the specific waiver issues were and what should be done about them.
- Superintendent Ritz added that the IN Department knew there was work to be done and part of today's meeting would be a presentation concerning what the IN Department has done thus far. She said at one point the US Department was not sure how they were going to do a one year extension. Upon inquiry by Mr. Elsener, Ms. Shockey responded that the US Department said Indiana is the only state that had the waiver that had been dropped down to conditional status, but the US Department website presented some conflicting information on that issue. Superintendent Ritz stated that the IN Department was looking to do amendments after HEA1427 was passed. She said no amendments have been prepared. She said the IN Department was prepared to prepare amendments but was told not to yet by the US Department.
  - Mr. Elsener asked what the US Department had to say about the condition of the waiver after the exit interview in August. Superintendent Ritz said they knew they had issues to work on. She said the waiver was in place when she took office. She went on to say they had been prepared to start things right away. Mr. Hendry asked when the IN Department was pretty sure we were going to have a condition placed on the waiver. Ms. Shockey responded the day she took her position. Superintendent Ritz said when HEA1427 was passed they knew there would be a need for amendments. Mr. Hendry asked about additional issues subsequently raised in the waiver. Superintendent Ritz said those issues would be addressed in the presentations today.
  - Dr. Oliver said the standards are the least of his concerns. He expressed that there are more pressing waiver issues. Ms. Shockey explained that when the US Department came in August, there were a lot of processes put into place but a lot of things had not yet been implemented. Ms. Shockey said the report does not reflect what has been done since August of 2013. She went on to state that part of the problem was also the delay in the report. Ms. Shockey said this rests solely on the shoulders of the IN Department, they take it seriously, and the presentations will show the amount of work done. Ms. Shockey said the IN Department has been keeping the Board informed; Dr. Oliver responded he didn't believe that was a completely fair characterization considering prior attempts to get issues put on the agenda.

- Ms. Shockey said they captured their slides for today around the next steps. She said that while the US Department gave some areas of concern beforehand, the next steps were given in April. Ms. O'Brien asked if amendments should have already been submitted. Ms. Shockey said they inquired about that and were told repeatedly to wait and that all the amendments could be done at once. Ms. Shockey outlined some of the history of Indiana's waiver. She also explained the flexibility the waiver allows, including the freedom to use Indiana's own accountability system rather than the AYP system and flexibility with Title I dollars.
- Dr. Oliver said there was a system in place when Indiana applied for the waiver. Ms. Shockey explained that personnel changes were a factor and Superintendent Ritz added that there were not processes in place when she took office to implement the waiver. Superintendent Ritz went on to say they put staff in place to address these issues. Mr. Elsener asked about the objectives of the outreach coordinators who were put into place to address the focus schools. Ms. Shockey said the presentation will answer that question. Mr. Elsener then moved to the RISE issue. He asked why the IN Department changed RISE without Board approval, thus causing the US Department to have concerns. Mr. Elsener said there are a number of problems that are serious and are not technical. Ms. Shockey continued with the introduction of the three main waiver issues: 1) focus and priority support, 2) teacher evaluation, and 3) the standards review process.
- Ms. Shockey continued to outline the collaboration with the US Department. She then began to outline the Part B Monitoring Report. Mr. Hendry asked about the work that has been accomplished in the meantime. Specifically, he asked about the US Department's feedback with regard to the outreach coordinators. Ms. Shockey responded that the feedback has given her great confidence. Ms. Shockey added that the IN Department has been dealing with a specific contact person at the US Department. Mr. Elsener said we are hearing that things are fine but in writing there were serious concerns raised. Claire Fiddian-Green, Special Assistant to the Governor for Education Innovation, spoke about the recent call with the US Department. She stated that the US Department said this was a serious issue and that Indiana was unique in that it had a full waiver and was placed on conditional status due to implementation issues. The conversation was focused on what needs to be done to correct the problem. Ms. Fiddian-Green agreed with Ms. Shockey that that evaluation was based on information up to August of 2013, and they have not received any documentation submitted since August yet. Ms. Shockey moved on to explain the timeline for steps to come in continuing to gather information, keep the

Board informed, and work on the issues at hand. Superintendent Ritz then announced a recess.

**-- RECESS --**

- Upon returned from the break, Teresa Brown, Assistant Superintendent of Outreach at the IN Department, spoke about focus and priority outreach. She said she would be discussing the turnaround efforts since August, primarily addressing the priority schools. Ms. Brown outlined the requirements of the waiver and some of the staffing changes that occurred when Superintendent Ritz took office. She said people previously involved were very helpful to her during the staffing changes. Ms. Brown next explained the eight turnaround principles and how there had not been enough staff at the beginning. She said they worked on getting a system running to support these schools. She explained they also looked to the US Department for guidance and the US Department was helpful, including directing them to New Jersey as a guide.
- Mr. Elsener asked what the outreach coordinators do with this material. He also asked what role student performance played. Ms. Brown continued outlining the work they have been doing, including achievement plans in place for all focus and priority schools and the monitoring that takes place. Ms. Brown showed the Board an example of what an achievement plan looks like, explaining that they include language from the waiver FAQs. She said there are eight turnaround principles completed for each priority school. Superintendent Ritz said this was an example of a system that was not in place and subsequently put into place to meet the requirements of the waiver.
- Dr. Oliver said there was a system in place leading to the initial waiver, and asked about evidence of that system. He expressed concern over what appeared to be a gap in monitoring. Ms. Brown said there wasn't a gap in monitoring, just that it wasn't by a formalized department. She said there were people all over the IN Department who were monitoring the turnaround schools but it wasn't by the eight principles. Ms. Brown on to discuss the requirement that the IN Department ensure strong leadership by 2014-2015, explaining that this means every principal in a priority school has been intentionally placed and evaluated. She said this had never been done in Indiana.
- Ms. O'Brien said her concern was that the US Department was not seeing enough progress in August of 2013. Ms. Brown responded that these were the next steps given by the US Department; a lot of practices had not been done fully yet. Dr. Oliver

- asked why these conversations weren't happening earlier. He asked if we will have evidence to submit at the end of the 60 days; Ms. Brown responded absolutely. Ms. Brown then continued with monitoring, saying they put a number of things in place to improve capacity. She explained the visits are all day and include six classrooms. She said there will be a total of approximately 500 visits by the time the waiver amendments are due. Mr. Elsener asked what outreach coordinators are advising schools regarding what "significant" means with respect to student performance. She responded that is a local decision. Superintendent Ritz clarified the IN Department doesn't have guidance on that. Mr. Elsener expressed concern about this since it is an important issue in the waiver, especially in priority schools.
- Ms. Brown continued with the presentation, explaining updates to the intervention selection. She stated this means the IN Department looks at whether they are on pace or if adjustments need to be made. Upon inquiry from Mr. Elsener, Ms. Brown said they began visiting schools in January of this year after grades were issued. She said they will have made 500 school visits by the end of May, 2014. Ms. Brown then explained the way information is gathered, shared, and the process by which schools are either approved or not approved. Ms. Brown also explained that the IN Department was sharing information with principals and superintendents to ensure they have the support and guidance they need to comply with the waiver.
  - Ms. Brown then moved on to focus schools. She outlined requirements that were very similar to priority schools. One difference is that the school selects which of the eight turnaround principles apply to them. Further, they have to do two priority areas of improvement instead of three like priority schools are required to do. Lastly, they are monitored once instead of twice like priority schools are.
  - Ms. Brown introduced some school leaders that have personal experience with outreach to explain what this process has looked like for them. She invited the speakers to the podium. They explained how helpful the outreach coordinators are and the benefits they have seen from the IN Department's outreach programs. At one point during the presentation between speakers, Mr. Elsener stated that he respected these people coming down to speak but that this meeting is about the waiver process; he stated he was sorry they were called away from their buildings. Mr. Elsener stated the meeting was about what the report will be to the federal government. He said we have a good sample from the speakers that already spoke and asked to move along. Superintendent Ritz stated this presentation was on the agenda and asked the next speaker to proceed.
  - Dr. Oliver thanked the administrators that came to speak and commented that the presentation seemed to suggest that the Board doesn't believe in the value of the

outreach coordinators; he said the Board does. He went on to say a concern is that from January of 2013 to January of 2014 there was no monitoring, which is what he said he assumed has the US Department concerned as well. He also said there are other schools leaders that have expressed concerns regarding the outreach program. Dr. Oliver said the root issue is what evidence we have; the concern is the 12 month gap, he stated. Ms. Brown responded that the program is about getting the issue right for the students. She said this is the heart of the waiver.

Superintendent Ritz said there has been monitoring going on the entire time; she explained that Ms. Brown was speaking about the new group of schools that were brought forth with this new outreach approach. Dr. Oliver commented that the US Department did not see evidence of monitoring in August of 2013 and that is the concern.

- Risa Regnier, Assistant Superintendent of School Support for the IN Department, spoke next about teacher evaluation and support systems. Ms. Regnier explained RISE 2.5, which reduced the weight of student growth in the state evaluation model for teacher evaluations based on the 2012-2013 school year. She stated that was a one-time modification in the guidance deemed necessary to deal with the lack of public confidence in the student test data because of the test disruptions. Ms. Regnier said it was an option, it wasn't mandatory. She explained that RISE 2.0 went back into effect for the 2013-14 school year. Upon inquiry by Ms. Whicker, Ms. Regnier explained that schools are not required to use the RISE model, there are other approved models or they can use their own local model. Ms. Whicker then asked about the legal requirement that student growth and achievement must significantly inform the teacher evaluations. Ms. Regnier responded that defining "significantly inform" is a local decision. Ms. O'Brien said she thought RISE 2.5 had been rescinded. Ms. Regnier said it was only in effect for the 2012-13 school year.
- Mr. Elsener inquired about the expert that was hired to determine the effect of the testing interruptions. He said the expert found there was no effect and expressed concern over that fact. He said this is about sending out confusing signals to the field. Superintendent Ritz commented that the US Department wants documentation about RISE 2.5, including why it was issued. She said that information would be provided along with information on the RISE 2.0 model that is currently being used. Upon inquiry by Mr. Elsener, Superintendent Ritz explained that the guidance of the IN Department is that if the districts want to use RISE 2.0 they can but are not legally required to. Dr. Oliver asked about assurances that districts are complying with the legal requirements, evidence that the IN Department is reviewing the district plans to ensure they are compliant. Ms. Regnier

- said the waiver didn't talk about regular monitoring. However, with regard to implementation of evaluation plans, the IN Department is developing a monitoring plan for 2014-15 which is what they were asked to do in the waiver, she said.
- Ms. Regnier went on to discuss the plan for principal evaluation results and how those results will be used to inform personnel decisions based on the 2015-16 ratings. This was one of the next steps outlined in the monitoring report. She stated that since the August visit, they have the data for the 2013-14 year and the data has been linked to the A-F school accountability grades, both of which are required by law. Ms. Regnier said they relied on outreach staff to assist in teacher and principal monitoring during this first year. She continued that the IN Department is developing a more robust plan to deal with all schools, not just focus and priority schools. Ms. Regnier outlined how monitoring and implementation is currently being done, as well as next steps that will be implemented in the future. Ms. O'Brien expressed concern over the use of RISE 2.5 data for the 2012-13 school year because she understood it was the will of the Board that districts receive corrected guidance. Ms. Regnier clarified that it was used for the 2012-13 school year and now RISE 2.0 is the IN Departments guidance for the 2013-14 school year. Mr. Watts also expressed concern over this since the expert said there was no change. He was concerned if the US Department would accept this. Superintendent Ritz said the IN Department would be having a call soon with the US Department to address this issue and that the US Department is aware of the issue. Ms. O'Brien said the Board never approved RISE 2.5. Superintendent Ritz said it was guidance issued by the IN Department. Mr. Elsener commented about the importance of student growth for purposes of the waiver. Mr. Hendry said RISE 2.5 was a major issue flagged by the US Department and asked if our answer is going to be just to accept it. Ms. Fiddian-Green explained that RISE 2.5 was issued July 12 and there was a Board meeting on July 19 where a presentation was given that explained the guidance. The Board subsequently inquired about why it was issued without the Boards input and/or approval and then at the October meeting a legal memo was submitted to the Board, which then asked that it be on the agenda for a future meeting.
  - Dr. Oliver said an important issue is the monitoring aspect because we don't currently know what's being implemented. Dr. Freitas said there seems to be confusion regarding what has previously been agreed on. He went on to say it's upon the Board to define what significant is in terms of student growth and achievement in teacher evaluations. He asked that that be an action item in a future meeting. Superintendent Ritz said she will have a conversation with staff and IN Department legal to address that issue. Upon inquiry by Mr. Hendry, Superintendent

Ritz said there has not been any formal or informal feedback yet with respect to the new standards.

- Amy Horton, Superintendent of Student Achievement and Improvement with the IN Department, was invited to the podium to speak about college and career ready standards. She began by outlining the recent history of the standards process in Indiana and the waiver requirements. Charlie Geier, Director of Early Learning and Intervention with the IN Department, spoke next about English learners and what they have been doing since 2012. He began by stating that English learners are held to the same rigorous standards as all students and they also have standards that focus on English development. He outlined college and career ready standards for English learners and the relevant waiver requirements. He also spoke about related assessments for English learners in his presentation. He explained what he called a robust system to adopt and transition to college and career ready standards for English learners. He pointed out these standards must work hand in hand with Indiana’s new academic standards.
- Ms. Horton had the floor again to speak about waiver commitments for students with disabilities, laying out the requirements of the waiver and the IN Department’s efforts to fulfill those requirements. She then discussed the next steps in the standards process, including assurances that local curriculums are aligned with the new standards and professional development for educators and administrators. She said by mid-June the IN Department will have a blueprint for the US Department regarding the college and career ready transition assessment; the goal being exposure to technology and the rigor of the new standards.
- Dr. Oliver asked if there is a need to push up the timetable on the development of an assessment in light of the waiver. Superintendent Ritz said the US Department asked for a blueprint outlining the transition assessment. Ms. Horton said she is confident the new standards will meet the requirements of the waiver.
- Ms. Shockey concluded the presentation by explaining the documentation that will be provided to the US Department to ensure extension of the waiver. Tony Walker asked about a further review process by the US Department and Superintendent Ritz responded there isn’t one to her knowledge. Dr. Oliver said there are two concerns he has after today’s meeting: 1) lack of monitoring of focus and priority schools for a calendar year, and 2) lack of review and monitoring of the teacher and principal evaluation system.

## **XI. BOARD OPERATIONS**

Board operations was not discussed.

## **XII. ADJOURNMENT**

Superintendent Ritz invited a motion to adjourn, Mr. Elsener so moved and Dr. Oliver seconded. All 11 members voted in favor and the meeting was adjourned.