

State Board of Education Business Meeting Minutes

March 6, 2019 at 9:00AM EDT

Indiana Government Center South, Conference Room B

302 W. Washington Street, Indianapolis, Indiana 46204

Board Members Present: Mr. BJ Watts (Chair), Ms. Kate Mote (Vice Chair), Mr. Gordon Hendry (Secretary), Dr. Byron Ernest, Dr. Jennifer McCormick (via phone), Dr. Maryanne McMahon, Dr. Steve Yager, Dr. David Freitas, Mr. Gregory Gastineau, Mr. Tony Walker, and Mrs. Cari Whicker

Board Members Absent: None

I. Call to Order

- a. Board members recited the Pledge of Allegiance

II. Approval of the Agenda

- a. The agenda was approved by a voice vote.

III. Approval of Minutes

- a. The minutes from the January 9, 2019 by a voice vote.

IV. Statement from the Chair

- a. Chairman Watts welcomed Butler University Education students who were in attendance at the Board meeting.
- b. Board member Hendry acknowledged guests and urged Indiana lawmakers to have firm resolve to take the steps necessary to ensure that Indiana students attending virtual charter schools are receiving the best education.
- c. Mr. Walker echoed the sentiments of Mr. Hendry and went on to outline his hope that that SBOE can devote time during 2019 to developing new academic standards around education of students on nutrition and healthy eating habits.
- d. Ms. Whitaker also echoed the sentiments of Mr. Hendry and emphasized her support of parents' right to choose the best education options for their children, but that the State has a responsibility to ensure that these options are safe and effective. Additionally, she recognized the DOE Special Education staff for traveling across the state to meet with school districts in person to present information on district data reports.

V. Public Comment

- a. There were no public comments.

VI. Consent Agenda

The Consent Agenda was approved by a voice vote unanimously.

- a. A-F Appeals
- b. Residential Treatment Facilities
- c. Initiate Rulemaking 511 IAC 6

- d. Freeway Accreditation Waiver**
- e. Final Rule: Dropout Recovery**
- f. U.S. Government ECA Performance Level Descriptors and Cut Score.**

VII. New Business – Action

a. IPS School Transition Taskforce Recommendation

I. Public Comment

1. Gordon Durnil, Manuel High School alumnus, expressed his support for the conversion of Emmerich Manual High School to a charter school.
2. Jake Medlong, a community partner with Emmerich Manuel High School, also expressed support for the school, and pride in the school's progress over the last ten years.
3. Jeff Breeding, a Manuel alumnus, shared that he has seen tremendous growth in Manuel over the last several years, and hoped that the Board would approve a continuation of Manuel's Charter status.
4. Tracy Garrett, a nursing supervisor for CSUSA and a parent of a TC Howe High School student, shared how her son has blossomed since transferring to TC Howe, and she recommended that the Board continue with CSUSA.
5. Reverend Judy Fakenhal, of Garfield Park Baptist Church, shared that while she was once a strong opponent of Charter Schools, she has been converted to a believer in the power of charters upon witnessing CSUSA's impact on area schools.
6. Angela Douglas, family engagement representative for Emma Donnan Middle School, read a letter written by an Emma Donnan parent, who shared that she was wholly supportive of Emma Donnan, and its request for continued charter involvement.
7. Jason Fletcher, President of Carson Heights Neighborhood Association, echoed the sentiments expressed by previous speakers. He requested for decisions about the future of area schools be subject to vigorous and open debate. He asked for the SBOE to give more time for such debate.
8. Aryn Schounce, Southside Community Representative for the School Transition Taskforce, asked the SBOE for a delay in voting on the Taskforce's recommendations, to allow time for IPS to present options to the community, alongside CSUSA. She felt that the Taskforce's recommendations were not representative of actual community sentiment.
9. Erin Brown, resident of Garfield Park neighborhood, echoed sentiments of Ms. Shales and recommended delaying the SBPE delay a decision by one month.

10. Ed Mahern, a south-Indianapolis resident and former state representative, also requested that a decision by the Board be delayed.
11. Aleesia Johnson, Interim Superintendent of IPS, requested a delay in action by the Board, due to substantial shift in IPS board leadership and intent of the IPS school board to explore new paths forward that do not involve closing schools.
12. Libby Cierzniak of Faegre Baker Daniels, counsel for IPS, explained some facilities and bond challenges have recently presented themselves, further justifying IPS' request for a delay in SBOE decision-making.
 - I. Mr. Hendry asked if the Board were to approve the Taskforce's recommendations, if CSUSA would have a legal right to use the building.
 - II. Ms. Cierzniak believed that charter schools would be able to use the building pursuant to the Dollar Law.
 - III. Mr. Hendry followed up by asking if IPS had done appraisals on the buildings.
 - IV. Ms. Cierzniak responded that they had not.
 - V. Mr. Hendry guessed that the values would not be high, and Ms. Cierzniak responded that the bonds were at issue, not the value.
 - VI. Mr. Walker asked if IPS had revised their bond documents in anticipation of closure of the schools. She responded that they have not been revised, and that the process to revise these bonds would be lengthy and difficult.
 - VII. Mr. Walker disagreed with Ms. Cierzniak's interpretation that the SBOE has the authority to require a building corporation to lease or sell as a result of this vote, and that even if the charter school were to take over the building, the bondholder's rights to the building would prevail.
 - VIII. Dr. Yager asked if this was the first time that the reassessment of the IPS Board's position had been addressed publicly, and Ms. Johnson responded affirmatively, and confirmed that she would also like a month's delay on the SBOE's decision.
 - IX. Dr. Freitas noted that the Taskforce did not hear IPS' information during any previous Taskforce meetings, and expressed that he would not support a delay.
 - X. Ms. Mote believed that a month delay was not a realistic request, as April would be a busy month for the IRS, and did not believe a response would be given in time.
 - XI. Mr. Walker asked Ms. Johnson how IPS would use the school buildings if the SBOE voted today to return the buildings to IPS. Ms. Johnson replied that IPS is interested in leveraging the Innovation Network Law.

- XII. Sherry Hage, CEO of Rethink Forward Indiana, presented on behalf of the schools. She outlined the success of Manuel and Howe in their turnaround, and asked for approval of the Taskforce’s recommendation.
 - a. Mr. Walker asked how NEI (Noble Education Initiative) and CSUSA intend to acquire use of the facility. Ms. Hage replied that RFI and CSUSA stand ready to partner with IPS. Mr. Walker said that his vote may be impacted by the realization that CSUSA could potentially acquire the properties under the Dollar Law. Mr. Hendry re-asked Mr. Walker’s question as he did not feel it was answered, and Ms. Hage said that CSUSA plans to work with IPS.

II. Presentation

- I. Dr. Charlie Schlegel and Mr. Joe Mount presented on behalf of CSUSA, and outlined the Taskforce’s efforts in amassing community input as well as outlining the Taskforce’s recommendations.
- II. Dr. Frietas, the SBOE’s representative to the Taskforce, recommended that the Board move forward, and allow CSUSA to pursue a charter, and strongly supported the Taskforce’s recommendation.
- III. Mr. Walker asked SBOE General Counsel Tim Schultz, if a vote today would bind IPS’ building corporation to continuing to allow CSUSA to use facilities without a fair market lease. Mr. Schultz believed that this would be the case, but the Board could bring this action back if it was unhappy with continuing conversations between IPS, CSUSA, and SBOE legal counsel.
- IV. Mr. Hendry asked SBOE’s Ron Sandlin, Senior Director of School Performance and Transformation, if there would be any issues with delaying this vote by a month. Mr. Sandlin felt that the SBOE had laid out very clear and transparent deadlines a year ago for this process, and that taking action today does not preclude stakeholders from working together.
- V. Mr. Hendry asked Mr. Sandlin what the funding difference was between a charter school and an Innovation School, on a per student basis. Mr. Sandlin responded while funding streams are similar, though IPS would have the ability to continue to direct property tax funds through an innovation agreement.
- VI. Ms. Whicker commented that while the SBOE will not “rubber-stamp” a recommendation just because a Taskforce

- has brought it forward, there was a long and transparent process in place so that all concerns could be aired.
- VII. Ms. Mote echoed Ms. Whicker's comments and commended Ms. Hage's focus on student progress, and urged the Board to move forward with a vote.
 - VIII. Dr. Maryanne McMahon supported comments made by Mr. Sandlin, that teacher hiring and retention plays an important role in the timeline of the Board's decision.
 - IX. Chairman Watts expressed his support for the Taskforce's recommendation, in the name of consistency for students.
 - X. Dr. Freitas acknowledged the teachers and staff of the three schools for their work to transform the schools, and motioned for a vote on the Taskforce's recommendation.
 - XI. Mr. Hendry agreed with both the Chairman and Ms. Mote's comments. He noted concerns about the potential of increased funding if the schools were to be returned to the district, and made a motion to table this discussion until the next board meeting. The motion failed 7-4.
 - XII. Mr. Hendry proposed a second amendment to take each school separately, because he believed the three schools in the recommendation were not similarly situated. This motion failed 6-5.
 - XIII. Mr. Hendry proposed a third amendment that would require CSUSA to change the nickname and mascot of Manual High School through a community process. Motion died for lack of a second.
 - XIV. Board turned to Dr. Freitas' original motion to approve the Taskforce's recommendations. Motion carried, 7-4

b. Intervention: Navarre Middle School (begins at 2:17)

- I. SBOE Chief of Staff Brian Murphy presented a Letter of Intent regarding a transformation zone plan from South Bend recommended for approval.
- II. Todd Cummings, Deputy Superintendent of South Bend Schools, and John Anella, School Board Chair, presented on behalf of their district, asking for Board approval of the plan.
 - 1. Mr. Walker asked the presenters if SBSC had signed an agreement with ERS, the vendor of choice outlined in the letter of intent. Mr. Cummings responded that an agreement had been signed and approved by the SBSC, pending SBOE approval. Mr. Walker followed up by asking about the scope of work in the agreement. Mr. Cummings responded that ERS would be investigating a governance model and a 5-year turnaround plan. Mr. Anella shared that he felt ERS was very dedicated to this process, and that the South Bend School Board was excited to begin a working relationship with ERS.

2. Mr. Hendry and Mr. Watts thanked Dr. Freitas for his tireless work on this project, as well as the South Bend stakeholders for their commitment to students.
3. Dr. Frietas wanted to call attention to a line in the agreement specific to Navarre, “the South Bend School Corporation and Superintendent of Schools will have no governance, operational, or any other authority over Navarre School, beginning or before the state of the 2019-2020 school year.” He thanked the South Bend School Corporation for adding this language, and moved that the Board accept the letter of intent from South Bend.
4. The motion passed unanimously.

c. A-F Appeals

- I. Crosspointe Christian Academy – recommended for approval
 1. Motion passed unanimously.
- II. Noblesville + Carmel Options Charter Schools – recommended for approval
 1. Dr. Mike Gustin, President of Options Charter Schools, presented for the schools, outlining the public and private partnerships that Options has built.
 2. Motion passed unanimously.
- III. Prince Chapman Academy – recommended for denial
 1. Motion passed unanimously.

d. Choice School Scholarship Waivers

- I. Calumet Christian School – recommendation that waiver request be granted
 1. A representative from Calumet spoke on behalf of the school’s waiver.
 2. Waiver granted by a unanimous vote.
- II. Crosspointe Christian Academy – recommended that waiver request be denied
 1. Brent Floyd, an administrator from Crosspointe, shared that the size of the school population presents significant challenges for the school, and asked that the Board consider Dual Credit courses that were not calculated in the existing score.
 - I. Dr. Yager expressed displeasure that Crosspointe justified low accountability scores by pointing to groups of struggling students.
 2. The motion to deny was approved unanimously.
- III. Independence Academy – recommendation that waiver request be granted
 1. Marissa Gill, Director of Independence Academy, presented to the Board.
 2. Waiver granted by unanimous vote.
- IV. Lakeview Christian Academy – recommendation that waiver request be granted
 1. Dr. Brian Krause, Head of School at Lakeview, presented on behalf of the school. He highlighted additional steps that the

school is taking to approve the school's accountability as a new administration joined the school a year and a half ago.

2. Waiver granted 9-2.

V. Portage Christian School – recommendation that waiver request be granted

1. Two administrators from the school presented to the Board, outlining the changes in staff and assessment that they are using to promote education.

2. Waiver granted by 10-1 vote.

IX. Adjournment