



# INDIANA STATE BOARD OF EDUCATION

## INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

July 9, 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, Dr. David Freitas, Mr. Gordon Hendry, Ms. Andrea Neal, Mrs. Sarah O'Brien and Mr. B.J. Watts. Dr. Brad Oliver and Mr. Tony Walker attended by phone.

Board Members Absent: Ms. Cari Whicker.

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

Superintendent Ritz called the meeting to order and roll was called. The roll reflected all members present in person or by phone except Ms. Cari Whicker. The Pledge of Allegiance was recited.

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

Superintendent Ritz announced that per Board staff action item E. Initiating Rulemaking on Accountability, would be removed from today's agenda. Further there were two discussion agenda items that would be added to today's agenda; a pre-k update and compensation models. The Board voted 10-0 to approve the agenda.

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

The Board voted 10-0 to approve minutes for the June 23, 2014 meeting.

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

Superintendent Ritz stated today's agenda is very lengthy; she asked for the public's patience, for respectful discourse, and reminded the Board, Department staff and Board staff to refrain from cell phone use and sidebar conversations.

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

- Mr. Hendry, Mr. Watts, and Mr. Walker said they were honored to be reappointed by the Governor. Mr. Watts expressed concern about some of the information that is being released by the Indiana State Teacher's Association ("ISTA"). He said he is a member of ISTA and encouraged efforts to make sure the information released is accurate. He said he felt at times there was an intent to release inaccurate information to get people riled up for political reasons. Mr. Watts stated that this interferes with the focus on students and teachers.
- Ms. O'Brien expressed disappointed about comments released the day before by the Department and the fact that the Board did not have the opportunity to fully review the waiver materials.
- Dr. Oliver said he was too disappointed with the Superintendent's statement released the day before. He said this statement creates a perception that is not reality in an effort to shade public opinion. Dr. Oliver stated we need to put perception aside and focus on reality.

#### **VI. PUBLIC COMMENT**

MaryAnn Schlegel Ruegger was the only person that signed up for general public comment. She took the podium and stated that she is not a teacher. She also said she is not a union member. Ms. Schlegel Ruegger said she is a parent and lives in a school district where there are only a few schools open to her. She said her daughter was in a charter school that closed, and this had a profound effect on her daughter. She said her daughter is now in a private school because it's the only option. Ms. Schlegel Ruegger said she had some advice for the Board; that each Board member think for themselves and make the decision that is best without regard to whether they are appointed again.

#### **VII. CONSENT AGENDA**

- A. Governing Body Plan change for Perry Township Schools; B. SBOE Petition Resolutions for Cause Nos. 1406001, 1305011, and 121106

The Board voted 10-0 to approve both items on the consent agenda.

## VIII. ADJUDICATIONS

- A. Determination of state tuition support withholding from IPS; B. Determination of state tuition support withholding from GCSC

Mr. Hendry presided over these adjudications. The Department made recommendations to the Board and both districts concurred with the recommendations. The Board voted to approve the recommended tuition amounts to be withheld from the turnaround schools at Indianapolis Public Schools (“IPS”) and Gary Community School Corporation from July 1 through December 31, 2014 by a 9-0 vote. Superintendent Ritz recused herself from these hearings. The amounts are as follows:

- Emma Donnan Middle School \$1,289,018.63
- Arlington Community High School \$1,772,315.75
- Emmerich Manual High School \$2,199,954.25
- Thomas Carr Howe High School \$2,541,176.38
- Theodore Roosevelt Academy \$1,972,100.50

These amounts will be updated periodically by the Department in the fiscal 2015 year to reflect actual accounts.

## IX. NEW BUSINESS – ACTION

- E. Assessment update (discussion item)

- Superintendent Ritz moved this item up from discussion because a guest speaker, Dr. Derek Briggs, was present to speak on this topic. She said they would address action item I. Education Roundtable Resolution on Assessments, following this presentation. No Board members objected. Dr. Briggs, an expert in psychometrics and applied statistics, spoke to the Board regarding Indiana’s transition to a new

- student assessment. He spoke about growth options, NWEA's MAP, adaptive v. fixed form testing, and CTB's "Operational Field Test".
- Dr. Briggs explained the growth options, referencing a memo drafted by Dr. Damian Betebenner, another expert in the field. He stated there is a difficulty in computing growth when there is a change in assessment. He went on to say the recommendation is equipercentile concordance mapping, which allows growth to be measured with the new assessment. The method takes information based on the old scale, and once there is information on the new scale we can map the score percentiles onto the student percentiles on the new test, he said. Dr. Briggs concluded that this is the best approach to take given the circumstances Indiana faces.
  - Dr. Briggs then moved on to the NWEA and the MAP test. He said there are a lot of people that use the MAP test and are very happy with it. However, he went on to caution that the MAP was created to be an interim assessment, to be used as a supplement to a state assessment used for high stakes accountability purposes. Dr. Briggs said MAP was not created for use in accountability settings; therefore, there is no collection of validity studies that would suggest the MAP could be used for this purpose. He said we have no evidence of what will happen when you attach high stakes to this test, and that doing so would be a movement into uncharted waters.
  - Dr. Briggs stated Indiana should be doing a fixed form test. He said the idea of an adaptive test is nice, but it is very hard to pull off. Specifically, he listed the following concerns: 1) a large item bank is needed, 2) since every test is different, it is hard to establish alignment to standards, 3) meeting specifications of test blueprint can compromise adaptively, and 4) the technical demands of underlying psychometric model are stringent. He stated that given the short timeframe and resource constraints, a fixed form test is a more sensible approach. Further, Dr. Briggs stated it's much easier to go from a fixed form to an adaptive test than vice versa. Dr. Briggs said Indiana could look to Utah as a possible example on how to proceed with this. Dr. Briggs also said that while feedback is quicker with adaptive testing, but there could be issues with the quality of the feedback.
  - Dr. Briggs last spoke about the College and Career Readiness Assessment. Superintendent Ritz clarified that they will be doing an operational test. Dr. Briggs continued that if there is one test, and if the items on the test are leased from CTB, there is a concern going forward if there is a new test vendor that is not CTB because the items can't be used. Dr. Michele Walker, Director of Assessment for the Department, stated that the Department is looking to lease the items for the future for whatever vendor they might be using in 2015-16. Dr. Briggs said he doesn't know

why Indiana wouldn't own the items. He went on to say with leasing it's always important to have access to see the items, rather than just the right to use them. He also said the phrase "Operationalized Field Test" is contradictory and recommended making sure that is clear moving forward. Ms. Neal asked if there is a way to test that does not promote teaching to the test. Dr. Briggs responded that if teaching to the test means teaching to the standards the test has been written to that is a good thing; if it means teaching to the superficial features of the test, just to beat the test, it's not. He said auditing tests is important for this reason. Dr. Oliver commented that the critical constructs for the 2015-16 test include a tight alignment and individual student growth data that can be mapped back to a historical trend line on students so we can see how they are doing. Additionally, he stated it is important to be able to see how students are doing in terms of proficiency at grade level.

*I. Education Roundtable Resolution on Assessments*

- Dr. Freitas moved to adopt the Roundtable resolution on K12 assessments and Ms. O'Brien seconded. Superintendent Ritz expressed the importance of this topic and said she felt bad that the assessment subcommittee didn't have a process in this going to the Roundtable to help inform the Roundtable. Superintendent Ritz stated that what the Board has before it is an assessment system to inform the RFP process. She commented that she was vocal at the Roundtable meeting regarding her commitment to reading. She stated the NAEP assessment is an accurate measure of proficiency, especially in reading. Superintendent Ritz stated it's important in Indiana's new assessment to have a measure of reading. She said the concerns at the Roundtable were the cost and increasing the length of the new assessment. She asked Dr. Michele Walker to comment further.
- Dr. Walker said a reading score could be given from the new assessment because there will be enough depth in the reading items. She said schools are very interested in this. Superintendent Ritz pointed out a reading score was not specific in the resolution but said she didn't feel it would preclude a reading score. She expressed the importance of a reading score beyond a Language Arts score since Indiana will be judged by it. Upon inquiry by Dr. Freitas, Superintendent Ritz clarified this was the same conceptual issue rejected by the Roundtable. However, Superintendent Ritz said she heard the arguments and went to her staff to find a way to get a reading score without causing the concerns expressed at the Roundtable meeting. Mr. Elsener stated that if it is possible to get additional reading information with the direction the Roundtable has given, and if it can be done without causing the issues

that concerned the Roundtable, we can do it at that time. He said he preferred keeping the language of the resolution the same though. Superintendent Ritz stated that was her intent all along. Mr. Tony Walker opined that the standards are the floor, and that this does not make a student automatically competitive. He stated it's important to track the growth of advanced students and that that's not possible with a fixed form assessment. The Board voted 9-1 to approve the Education Roundtable Resolution on Assessments; Mr. Tony Walker voted no. The Board then took a short recess.

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*J. Indiana Growth Model*

- Superintendent Ritz announced that the Board would address action item J. Indiana Growth Model next since it related to the topic of assessments. Claire Fiddian-Green, Special Assistant to the Governor for Education Innovation, and Debbie Dailey, Director of Accountability, spoke about this agenda item. Ms. Dailey referenced a memo the Board received regarding growth. Ms. Dailey said there were concerns with the growth measure given that there will be an assessment change. She said for that reason we reached out to Dr. Damian Betebenner to have him analyze the different forms of growth. The Department then put together five options for growth.
- She said the Department and Board staff recommend Option 1(ii) - calculating the scale score targets using the current data and using an equi-percentile concordance in the coming year to find the next year's scale score associated with the target so that a percentage of students exceeding their target can be calculated. Ms. Fiddian-Green added that Dr. Briggs agreed with this recommendation. Ms. Dailey stated that the Department feels this option does not violate HEA1427 but does think that other options would be more compliant. She said the Department would like to review those other options further as they move forward with the A-F rulemaking process. Mr. Hendry moved to adopt the recommendation of the Department and Board staff (Option 1(ii)) and Ms. O'Brien seconded. The Board voted 10-0 to adopt the recommendation.

*A. Determination on CASA exam scores*

Risa Regnier, Assistant Superintendent of School Support Services for the Department, advised the Board that the Department's recommendation is to adopt the panel recommended cut scores for the three CASA basic skills subtests. This was Option 2 in a memo provided to the Board. Superintendent Ritz added that this recommendation also means keeping the non-compensatory model. Dr. Freitas moved to adopt Option 2, Mr. Hendry seconded, and the Board voted 10-0 in favor.

**B. Approval of ECA testing dates for 2014-15**

Dr. Walker discussed the last set of dates for the Board's approval this summer, ECA testing dates. She explained the window periods and that the Board approves the dates of the windows. The Board voted 10-0 to approve the following ECA windows:

<b>2014-15 Assessment Windows</b>	<b>Proposed Testing Dates</b>
ECAs (Fall)	October 6 – November 14, 2014
ECAs (Early Winter – Part 1)	December 8-19, 2014
ECAs (Early Winter – Part 2)	January 5-16, 2015
ECAs (Late Winter)	February 9 – March 6, 2015
ECAs (Spring)	April 20 – June 3, 2015
ECAs (Summer)	June 18 – July 30, 2015

**C. Lead Partner recommendations**

Theresa Brown, Assistant Superintendent of Outreach for the Department, spoke to the Board on this issue. She commented that back in June the Board directed the Department and Board staff to get together with IPS and have a needs assessment and bring forth a recommendation for both Broad Ripple and John Marshall. She said staff from the Board, Department, and Dr. Legrand from IPS all recommend that the Board assign The New Teacher Project to serve as the Lead Partner for Broad Ripple Magnet School and for John Marshall Community High School. The Board voted 10-0 to approve the recommendation.

**C. Notice of petition of adverse action (discussion)**

Superintendent Ritz stated she received notice that the parties would like this item moved up in the agenda. Bernice Corley, General Counsel to the Department of Education, explained that the parties are present and would like more time to work out their issues on their own, and that they were committed to doing that. The

parties agreed that if they could not work things out the item should be placed on the agenda for August. Dr. Michelle McKeown, General Counsel to the Board, stated that she had already initiated and expedited the process to appoint an administrative law judge in case the parties do not end up working out the issues on their own. Mr. Walker stated he felt this entire issue would be better handled in civil court rather than by the Board. Superintendent Ritz removed it from this meeting's agenda.

*D. EdPower petition for relief*

Gordon White, from the Attorney General's Office, spoke to the Board concerning this issue. He outlined a process for handling the petition for relief filed by EdPower regarding Arlington High School, which included the appointment of an administrative law judge. Superintendent Ritz asked if the Board could just vote on the issue rather than initiating the process for an administrative law judge. Mr. White said that is an option. Dr. McKeown clarified that Charter USA also filed a petition but asked that it not be put on the agenda until August. Further, Charter USA's petition was not for monetary relief; rather, it requested other remedies. Mr. Elsener recommended dealing with the issue today. The Board voted to approve the process 7-3 with Mr. Elsener, Mr. Walker, and Superintendent Ritz voting no.

*E. Initiating rulemaking on Accountability*

This item was removed from agenda earlier in the meeting.

*F. High School graduation waiver rate determination, as required by HEA1005 (2013)*

Steve Baker, on behalf of the Indiana Association of School Principals, had the floor to address the Board. Mr. Baker said the recommendation of the Department, that schools with the percent of graduation waivers exceeding 10% each year for three consecutive years be required to establish a school wide remediation plan, is consistent with what principals across the state prefer. Superintendent Ritz moved to adopt the recommendation from the Department, making it clear that the recommended 10% excludes students for whom the case conference committee has deemed waiver appropriate. Mr. Albert seconded and the Board voted 10-0 to carry the motion. The Board then took a recess for lunch.



-- RECESS --

*D. EdPower petition for relief (continued)*

- Superintendent Ritz stated that over the lunch break the parties to the EdPower petition approached and asked that this item be added back on today's calendar. The parties asked that the process adopted by the Board earlier in this meeting be waived and that a decision be made today. Superintendent Ritz and three Board Members agreed to have this placed back on the agenda.
- Marcus Robinson, from EdPower, addressed the Board. He stated that the operation of Arlington costs EdPower just over a million dollars. He said they were disappointed in the reduction of SIG funding. He said there are too few kids to support the operation of this school. Mr. Robinson said they are requesting a partnership to help operate Arlington in a way that would be financially feasible for EdPower while they transition out of Arlington over the next year. He clarified he is asking the Board to support a transition so that the school can go back to IPS in 2015-16. He asked for help reducing some of the costs of the operation of the school.
- Mr. Robinson said they are in the process of working something out with IPS to transition but nothing is firm yet. Mr. Elsener said a quick change would be very detrimental and said he appreciated EdPower's commitment to stay this coming school year. He said he would like more details on what the arrangement would be for the 2014-15 year and then deal with 2015-16 at a later time with more deliberation. Mr. Robinson responded that the challenge is there is no time. He reiterated that they need clarity on what will happen in the 2015-16 year. Mr. Robinson also said there have been some mixed signals from IPS in terms of what support they can offer. He said they cannot afford to continue to operate Arlington unless there is a commitment to transition away in 2015-16; he said unless a partnership is in place quickly they would not be in a position to operate for the 2014-15 year.
- Ms. Neal and Mr. Walker said action can't be taken today without more details in place. Ms. Neal asked about a vote on the concept moving forward. Mr. Robinson said he was not sure if that would be sufficient but he would be happy to speak with IPS again. He also clarified that he is not withdrawing the petition. Mr. Robinson stated the operational deficit must be dealt with before they would be in a position to withdraw the petition. Dr. Freitas and Mr. Elsener stated that what happens this year and next year are not necessarily related and don't have to be dealt with

- together. Mr. Elsener stated he wanted a commitment for the coming school year and then they would commit to working something out for the 2015-16 school year.
- Mr. Hendry recommended approving conceptually what EdPower is proposing and reconvene at a later date allowing negotiations and more details to be put into place. Board members continued to discuss options and concerns regarding the timeline with school starting soon and EdPower's capacity to operate. Mr. Robinson said they have eight to ten teaching positions open currently and that is typical at this time in the year; he stated they have been proceeding in good faith. Mr. Watts moved to deny the petition and Mr. Hendry seconded the motion; the Board voted 10-0 to carry the motion. Superintendent Ritz moved to form a task group with the Mayor's office, Department of Education, Board staff, Tindley (EdPower), and IPS to work on a short term solution for the operation of Arlington next year and also begin to address transition, and then to bring that back to the Board by July 18. The Board voted 10-0 in favor. The Board took a short recess.

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G. Resolution regarding Committee on Turnaround

- Mr. Watts moved to adopt the Resolution Establishing a Committee on School Turnaround and Ms. O'Brien seconded the motion. Superintendent Ritz asked Mr. Watts to give the background on this resolution. He stated he thought it would be good to study the turnarounds so the Board can see what has worked, what hasn't worked, and how improvements can be made. He stated that Board members Mr. Elsener, Ms. O'Brien, and Mr. Walker would be well suited for the committee because they have been on the Board since the inception of the turnarounds.
- Superintendent Ritz stated she thinks the Resolution is out of order and asked an attorney for the Department of Education, Maggie Paino, to speak to this issue. Ms. Paino stated that the legal staff at the Department felt the resolution was not in order because 1) it implies that the Center for Education and Career Innovation (CECI) staff and Board has powers not prescribed in statute, and 2) there would be a duplication in services. Ms. Paino stated none of the statutes give the Board the authority to do research, rather that the Department has the duty to conduct research pursuant to statute, citing IC 20-19-3-4. Superintendent Ritz said an easy remedy would be to change CECI to Board staff in the resolution like they have in all other resolutions. Superintendent Ritz asked to postpone this to August to work out

the language. Dr. Freitas pointed out that the Board always receives information from a variety of sources.

- Dr. McKeown opined that this resolution is legal. She directed the Board's attention to the Attorney General's opinion that dealt with a similar issue; it stated that the Board has broad legal authority granted by the general assembly. Dr. McKeown cited the following statutes: 1) IC 20-31-9-4(b) that states that the Board has the responsibility to determine if an intervention would provide school improvement and gives the Board the authority to assign the appropriate intervention, 2) IC 20-31-9.5-7 provides that the contracts for interventions reside with the Board, and 3) IC 20-31-9.5-5 gives the Board the authority to determine whether a Mayor who has petitioned for oversight responsibilities of a turnaround academy is appropriate. Dr. McKeown stated the Board has the authority to obtain and conduct research from all types of sources and that the resolution states it would be done in partnership with the Department. Further, Dr. McKeown pointed out that IC 20-19-3-4 lays out a duty for the Department, but that it is by no means an exclusive responsibility.
- Superintendent Ritz said the resolutions we have had before have always said Board staff, rather than CECl. She stated the Department sees the CECl as a different entity than Board staff. Dr. McKeown explained that the CECl is merely a collection of agencies for resource sharing. Mr. Hendry stated he did not see an issue here. Dr. Oliver said the Board has a vested interest in the students served by these turnarounds and is interested in making sure they are doing it well. He encouraged moving forward with the vote on the resolution because it's important for the kids. Mr. Albert said he was fine with dealing with this issue at a later time. Mr. Elsener said he wanted to move on it now, pointing out that the resolution calls for a partnership between the CECl and the Department.
- Superintendent Ritz moved to amend the resolution to change CECl to Board staff and Ms. Neal seconded. The Board voted no to the amendment by a vote of 6-4; Superintendent Ritz, Mr. Hendry, Mr. Albert, and Ms. Neal voted yes to the amendment. The Board then voted 8-2 to adopt the resolution as drafted with Superintendent Ritz and Mr. Albert voting no. Mr. Albert stated he would have preferred to table it. Superintendent Ritz said her vote was based on what she has previously stated with regard to the language of the resolution.

#### *H. Approval of Strategic Plan*

Mr. Elsener said the plan has a vision, a mission, and three clear goals. He said the plan will continue to be updated and improved. He went on to say he appreciated

the work of the strategic planning committee. Mr. Elsener moved to approve the plan and Dr. Freitas seconded the motion. Superintendent Ritz said she agreed with the mission and goals of the plan, but did not like some of the language in the plan that looked like an attempt to oversee and monitor the Department and local school corporations. Mr. Elsener responded that education is a massive enterprise and that it's about a joint effort. He said it's not about dividing up things, it's about working together for children. Dr. Oliver expressed appreciation for the input of stakeholders and reiterated that it is a living document. Mr. Elsener talked about next steps, recommending a committee of the Board to oversee implementation. Ms. Neal voiced some concerns about some of the language used like "resource development" and "human talent". The Board voted 10-0 to approve the strategic plan.

K. Resolution regarding ESEA Waiver

- There were some speakers that signed up for public comment concerning this resolution. Dr. Vic Smith took the podium first. He urged the Board to stay true to HEA1427, to measure growth by criterion referenced measures and not by comparing growth to that of other students. He said this resolution supports and extends the use of growth compared with peers and for that reason he opposed this resolution. He then discussed why he believed peer based statistics were not appropriate. Dr. Smith urged the Board to take a deeper look at Option 3 in Dr. Betebenner's report.
- The next speaker was Gail Zeheralis, Vice-President of ISTA. She stated that she believed that ISTA, in communicating with its members, took the issue of these resolutions very seriously, and believed they were responsible in how they did it. She stated she could argue some of these resolutions are political in nature. She stated that the Board called an emergency meeting in May to talk about the waiver but it took approximately two hours before the Department had a chance to speak. She commented that the Department has tried to do its work in a very short amount of time. She said when she heard about another report send to the US Department of Education the first thing that came to her mind was tortious interference with contract.
- Dr. Oliver moved to adopt the Resolution Regarding ESEA Waiver Compliance and Mr. Elsener seconded the motion. Superintendent Ritz asked what statutory authority the Board has to pass this resolution. Dr. Oliver said the Board has responsibilities with regard to education policy. Superintendent Ritz stated the items

in the resolution are there to say the Department has not complied with these items; she then asked what laws the Department violated in the waiver. Dr. Oliver responded that there is a difference in interpretation of the language. Mr. Hendry stated that the resolution doesn't say the waiver submission has violated law. Ms. Fiddian-Green clarified that there wasn't time for the Board to review the full submission because it was not provided in a timely fashion to the members. She said this resolution provides guardrails, it does not imply violations in statute. Superintendent Ritz responded that the waiver has already been submitted. Ms. Fiddian-Green pointed out that amendments could still be made if there are things in the waiver that do not comply with Board policy.

- Dr. Oliver said the Board has the authority to set parameters moving forward to the extent that items in the waiver relate to areas in which the Board has statutory authority. He stated the resolution is about things the Board would have liked to have weighed in on but couldn't because they did not get the full final submission in time. Superintendent Ritz then went item by item in the resolution, asking rhetorically what authority the Board has with regard to each item. Superintendent Ritz stated there are no secrets in the waiver, and said feedback comes along the way. She stated she does not have any apologies for the Board not being able to do a review of the final submission because there isn't an approval process in place for the submission of the waiver.
- Superintendent Ritz said she was ruling the motion out of order; stating the resolution exceeds the Board's authority and is wasteful because it would result in a duplication of services. Dr. Oliver moved to appeal that decision and Mr. Elsener seconded. Mr. Hendry stated he didn't understand the Superintendent's statements because it is not a matter of order. He asked where in the operating rules make this out of order. Superintendent Ritz responded there is no statutory authority. Mr. Elsener stated the Board does have a role in the waiver. Superintendent Ritz responded there is no discussion after a motion to appeal. Superintendent Ritz clarified the vote is whether to sustain her ruling that the motion to adopt the resolution was out of order. The Board voted 9-1 not to sustain the Chair's ruling with Superintendent Ritz voting yes.
- Ms. Neal commented that the conditions on the waiver represent an unprecedented level of federal intrusion. She said the waiver conditions themselves may violate state sovereignty. She stated for that reason she was voting against this resolution. Mr. Walker stated that the legal conclusion the Superintendent made was inaccurate. He referenced IC 20-19-2-14, which lays out the duties of the Board, and states that the Board shall assure compliance with established standards and

objectives. He said the resolution is a compliance issue related to federal standards. Mr. Walker also referenced IC 20-19-2-8, which says the Board shall adopt rules concerning the distribution of funds and revenues appropriated for the support of schools in the state. He stated whether or not we have the waiver directly affects how funds and revenues are appropriated to schools in the state. Dr. Oliver clarified this resolution is not a criticism of the Department; he said the resolution is to ensure compliance. Mr. Elsener stated that things have been done unilaterally by the Department that have concerned him. He said the entire Board needs to work together to complete its important work. He said he felt like the Superintendent was saying it's not the Board's business. He stated it's the Board's mission. He stated it's not political and not personal. Mr. Hendry commented that it is the Department's waiver; however, he said the Board does have involvement, and wanted to provide input and to help provide guidance. He said the resolution is collaborative and establishes good guidelines. The Board voted 7-3 to adopt the resolution. Superintendent Ritz, Ms. Neal and Mr. Albert voted no. Mr. Albert said he voted no because he felt the resolution should have been adopted at the last meeting.

L. Board Operating Procedures

- Mr. Elsener moved to adopt the resolution for revisions to the Board Operating Procedures and Mr. Walker seconded the motion. Gail Zeheralis took the podium as the first person to make public comment regarding this issue. She stated that there is no czar of public education, but that the Superintendent is elected. She stated that statutorily the Superintendent has the authority to be the chairperson of this Board. She commented specifically on the revisions to who calls the meetings. She stated that now the Board staff sets the meetings. She also mentioned the appealing a ruling section. She stated the new language says the appeals process applies now to the addition of agenda items; she said this is a big one because agenda items can be added the day of the meeting without public notice. Ms. Zeheralis said the new changes also allow for the Board to flip flop on its interpretations of the procedures from meeting to meeting. She stated we ask that you not act on this today.
- The next speaker was Jeff McDaniel, with AFT Indiana. He commented that the revisions are poor governance. He said Board Members are always able to get their views into the discussion. He said the 1.3 million people who voted for Superintendent Ritz do not share the Boards views on education policy. He said the Board needs to find a way to find the middle ground. He concluded by saying respect for an elected official would be nice.

- Lynn Nelson took the podium next. He stated that Glenda Ritz is our elected Superintendent, and that she received more votes than the Governor. He stated we keep adding to the appointees by liberal spending in the form of the CECI. He said he fears his vote, which was cast for Glenda Ritz, will be nullified by the Board. He stated if we go forward with this motion we should be celebrating dependence day rather than Independence Day.
- Vic Smith was the final speaker. He stated he opposes the resolution because he said it's a political move to strip the Superintendent of her powers.
- Superintendent Ritz commented that this resolution is stripping her of her authority pursuant to the operating procedures and that it is especially insulting. Ms. Neal stated that she urges the Board to vote against the resolution because the proposed changes make it too easy to add agenda items at the last minute. Ms. O'Brien stated that she by no means sees this as an opportunity to take advantage of the situation or to prevent the public from commenting at meetings. She said sometimes there are items that need to be added to the agenda in emergency situations.
- Mr. Hendry commented that the Board has seen a walkout, a refusal to acknowledge Board motions, and many disagreements about procedure. He stated if the Board simply adopted Robert's Rules the Board would have much more authority to act. He stated the revisions are well thought out and address issues that have come up in prior meetings. He said the procedures do not strip the Chair of her authority. Mr. Elsener said these revisions support democracy. He said hopefully they protect relationships and discourse.
- Superintendent Ritz said the ad hoc committee will present language to the Board that will be agreeable to both parties. She said she is not prepared to appoint the members of the ad hoc committee and discuss the issue today as specified in the resolution. The Board voted on the motion to approve the resolution. The vote was 7-3 to adopt the resolution. Superintendent Ritz, Ms. Neal, and Mr. Albert voted no. Mr. Albert clarified that he voted no because the procedures were followed in today's meeting and he would be willing to stick to the current procedures in good faith that they will continue to be followed. The Board took a brief recess at this time.

**-- RECESS--**

## **X. BEST PRACTICES**

The Board did not discuss this item.

## XI. DISCUSSION AND REPORTS

### A. SBOE staff update

Bob Guffin gave an update on the public hearings for the consistently failing schools. He said there are two schools in Evansville and one school in Gary. He encouraged Board members to attend the hearings if at all possible.

### B. HEA1005 update

Superintendent Ritz stated that the Board had a memo regarding this issue; the Board did not have any questions.

### C. Notice of petition of adverse action

This item was addressed earlier in the meeting.

### D. Accountability Panel update

Debbie Dailey gave the Board some information on this issue, outlining the work the panel has been doing with regard to assessments. Ms. Dailey also elaborated on the report from Dr. Betebenner. Superintendent Ritz stated we are on track to begin a rule in August and then have language in September.

### E. Assessment update

This item was addressed earlier in the meeting.

### F. Pre-Kindergarten Update

Melanie Brizzi, from the Family and Social Services Administration, presented to the Board. Ms. Brizzi gave a brief update. She talked about choosing the five pilot counties, program design, the Board's role in the process, and next steps. She explained the program may be for the calendar year, academic year, or an intensive summer program. Ms. Brizzi also discussed the Kindergarten Readiness assessment.



She said the Board will be given options with regard to the assessment at the September meeting. Ms. Brizzi concluded with a discussion on accreditation.

*G. Compensation Models (added at today's meeting)*

- Superintendent Ritz stated that the Board had received a report a few months ago and asked for any questions. Ms. Fiddian-Green stated that in reviewing the waiver submission there were 60 non-compliant local education agencies (“LEAs”). She said last year the Board made the decision, based on the Department’s recommendation, not to take any action with respect to these LEAs. However, they did decide to provide more specific guidance to make sure the LEAs, going forward as they begin to bargain August 1, are complying with the compensation models. Ms. Fiddian-Green encouraged the Board to ask the Department about plans to ensure compliance.
- Risa Regnier, Assistant Superintendent of School Support Services, said when the Department reviewed the compensation models, during the 13-14 school year, those were contracts that were submitted to the Indiana Education Employment Relations Board (“EERB”) and to the Department after they were settled and ratified. She said they collected these from districts and from EERB and did an initial review. There were 60 compensation models that they had questions about. The Department sent letters to all 60 of the districts indicating what concerns they had about the plans. The Department heard back from all 60 of those districts and, after getting clarification, determined that all but two districts were in compliance. All districts were advised to draft with more clarity in the future, she said. Upon inquiry by Dr. Freitas, Ms. Regnier clarified that of the 207 districts that submitted plans, two were not in compliance. She also said some districts are not required to be in compliance because they already had contracts in place; they would not be required to comply until the next bargaining season.
- Dr. Freitas asked if the Department had a system in place to monitor compliance. Ms. Regnier responded that the statute that requires the Department to review compensation models and report to the Board doesn’t have any enforcement language in it; she said it requires the Department to review plans, but these are plans that have already been submitted and that are already a part of contracts in place. She said there isn’t a proactive process in place other than giving guidance regarding better drafting.
- Sarah Cudahy, General Counsel to EERB, stated that this coming bargaining season there will be about 28 schools that will be bargaining. She said after that there are

about 40. She went on to say these numbers are not exact numbers because some schools have opened up their old contracts and put into place new compensation models. She stated that some schools have calendar year contracts as well so a lot of times they will carry that over to the next fiscal year since they are bargaining. Ms. Cudahy said June 30, 2019 is when they will all move over; with almost all of them moving over by 2016. She said everyone will be in compliance by 2019 and by then everyone will have had the guidance that the Department has put out and they should be able to check the box for compliance throughout. She added that EERB also provides guidance in impasse cases. Additionally, with transition schools there is a year to transition some of that language. Ms. Cudahy said hopefully within the next year or two the reports should be a lot clearer with respect to what those schools are doing.

- She went on to state that in this coming year the money that teacher's get is going through the compensation models. Next year, in addition to other monies that may go through that compensation model, there is a 30 million dollar performance grant, she said. EERB and the Department are working together concerning the distribution of that money, but EERB's stance, she opined, should be bargained through that compensation model. She said the compensation model language includes language about the school performance grant, and some 2013-14 contracts have that language in there. She concluded by stating that the annual performance grant doesn't have a title in the statute.

## **XII. BOARD OPERATIONS**

The Board operations item was not discussed.

## **XIII. ADJOURNMENT**

Superintendent Ritz invited a motion to adjourn and Board voted to adjourn the meeting.