



INDIANA STATE BOARD OF EDUCATION

INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

October 14, 2015
9:00 a.m. (EDT)

Indiana Government Center South
Auditorium
302 West Washington Street
Indianapolis, IN 46204

Board Members Present: Superintendent Glenda Ritz (Chair), Mrs. Sarah O'Brien (Vice Chair), Dr. Vince Bertram, Dr. Byron Ernest, Dr. David Freitas, Mr. Gordon Hendry (by phone), Ms. Lee Ann Kwiatkowski, Mr. Edward Melton, Mr. B.J. Watts, Ms. Cari Whicker, and Dr. Steven Yager.

Board Members Absent: none

I. CALL TO ORDER

- Superintendent Ritz called the meeting to order, the pledge of allegiance was recited, and roll was called. The roll reflected all members present with Mr. Gordon Hendry participating by phone.

II. APPROVAL OF AGENDA

- Superintendent Ritz asked for a motion to approve the proposed meeting agenda. Ms. Whicker asked to move the ISTEP+ cut score setting item up in the agenda. Superintendent Ritz suggested moving Item G to Item C under new business. Upon motion and a second, the Board approved the revised agenda unanimously by voice vote.

III. APPROVAL OF MINUTES

- Superintendent Ritz received a motion and second to approve the minutes of the September 16, 2015 meeting. The Board unanimously approved the minutes by a voice vote.

IV. STATEMENT OF THE CHAIR

- Superintendent Ritz reported to the Board the Dual Credit Advisory Commission met on October 6 to discuss possible solutions. The Commission will meet again on November 23. The Superintendent will also discuss this issue with other state chief education officers and the State of Minnesota in the upcoming months. The Superintendent also mentioned that she was inducted into the Hall of Fame at Lafayette-Jefferson High School, her alma mater, and attended the events honoring Indiana's Teacher and Superintendent of Year.

V. BOARD MEMBER COMMENTS AND REPORTS

- Dr. Yager thanked Superintendent Ritz and Commissioner Lubbers for their work on the dual credit issue. He also mentioned continued concerns he is hearing from the field about the new high school diploma proposal. He asked the Department for an update about holding CTB/McGraw-Hill accountable for contract issues relating to the administration of the ISTEP+ assessment. The Department said it is working with the Attorney General's Office for legal guidance on the vendor's non-compliance with the contract. Dr. Yager asked if CTB had ever previously been found in violation of the contract and the remedy. The Department said it reached a settlement with CTB that involved in-kind services and would provide the settlement to the Board.
- Ms. Whicker attended cut score setting last week as an observer. She thanked the teachers who participated and encouraged other teachers to participate in the future.
- Ms. Kwiatkowski attended a day of ASSIST training and voiced concerns she is hearing from principals and superintendents about being forced by the Department of Education to enter their plans into this new platform. She said many leaders said this new system is going to be a burden on schools. Superintendent Ritz said she had a meeting with stakeholders coming up later this month to address those concerns.

- Dr. Freitas inquired about a completed contract with AdvancedEd. Superintendent Ritz said the contract is not complete yet, but the Department is approved to move forward with the sole source contract. Dr. Freitas voiced his concerns about schools being required to use this platform without a signed contract. Superintendent Ritz did not anticipate problems forthcoming with finalizing the contract.
- Ms. Kwiatkowski continued to question the decision by the Department to require training on and the use of this new platform without a signed contract and no guarantee the system will continue to be used.
- Mr. Hendry offered his praise to U.S. Secretary of Education Arne Duncan upon news of his upcoming resignation. He also said he looked forward to working with Dr. John King, U.S. Secretary of Education Nominee. Mr. Hendry voiced his continued displeasure with the Department of Education's handling of the Title I funding issue for charter schools. He mentioned he heard the Department has spent \$100,000 with a D.C. law firm to represent the Department in its dispute with the U.S. Department of Education. Finally, he mentioned he was disappointed at yet another "October surprise" involving ISTEP+ information that was shared the night before the Board meeting and may impact the ability of the Board to approve cut scores. Mr. Hendry said the issue does a disservice to teachers, students and parents. He also admonished the Department of Education for comments generally questioning ISTEP+ testing and raising Indiana's academic standards.

VI. GENERAL PUBLIC COMMENT (public comments on specific agenda items are taken at the time each item is before the Board)

- Sue Dillon, President of Central Time for Indiana, commented on Indiana's adoption of Daylight Savings Time with most of the state observing Eastern Time. She mentioned and submitted written testimony on the impact of time zones on student sleep patterns and driving safety. She encouraged Indiana move to Central Time. Dr. Bertram asked if there were any studies directly relating time zone considerations to the issues she raised. Ms. Dillon said she would respond with those studies.
- Larry Vaughn, citizen, offered comments about minority children and charter schools.

- Todd Bess, Executive Director of the Indiana Association of School Principals, voiced the concerns of school principals regarding the required use of the Department’s ASSIST platform. The group does not believe the Department’s new platform is a benefit, is not pleased with the training, and believes local administrators should decide locally the best platform for use by local schools. He also mentioned how the ASSIST platform is scheduled to be changed in 12-18 months and wondered why train on a platform that will change and require more training in the near future. In answering a question by Dr. Freitas, Mr. Bess said his members did not know a contract has not been finalized for this platform, even though training has begun and the Department of Education is mandating its use.

VII. BEST PRACTICES – INNOVATIONS IN EDUCATION – STUDENT SUCCESSES

- The Board received a [presentation](#) by Ben Grimes and Kennan Kelly, Catalyst for Quality Grant winners.

VIII. CONSENT AGENDA

- Three items appeared on the Board’s Consent Agenda.
 - Approval of the SBOE Executive Director
 - Approval of Latch Key Waivers
 - Initiation of Rulemaking to define Grade 10 for the Graduation Examination
- Upon receiving a motion and second, the Board voted 11-0 to approve the Consent Agenda items.

IX. ADJUDICATIONS

- None

X. NEW BUSINESS – ACTION

A. Resolution for Indiana Teacher of the Year

- Dr. Yager read a [resolution](#) honoring Mrs. Jean Russell, literacy specialist at Haverhill Elementary in Southwest Allen County Schools, as Indiana Teacher of the Year.
- Mrs. Russell called it an honor to represent the State.

- Upon receiving a motion and second, the Board voted 11-0 to approve the resolution.

B. Resolution for Indiana Superintendent of the Year

- Mrs. O'Brien read a [resolution](#) honoring Dr. Margaret Hoernemann, Superintendent of Avon Community School Corporation, as Indiana Superintendent of the Year.
- Dr. Hoernemann thanked Mrs. O'Brien for reading the resolution. She thanked the Board for the difficult work its undertakes and its recognition.
- Upon receiving a motion and second, the Board voted 11-0 to approve the resolution.

The Board took a short recess.

C. ISTEP+ Standard Cut Score Setting (Moved from Item G)

- Superintendent Ritz called Dr. Michele Walker, Director of Assessment with the Department of Education, Cynthia Roach, Sr. Director of Accountability and Assessment with the State Board, and Dr. Karla Egan, assessment expert and member of the State's Technical Advisory Committee, to present the [cut score recommendations](#) to the Board.
- Dr. Bertram asked Dr. Egan to justify why the cut score committee would adjust bookmarks based on impact data. Dr. Egan responded that impact data is a secondary concern to content knowledge, which is the primary focus. Mrs. Whicker commented that, having attended cut score setting, teachers were constantly reminded to make their decisions based on content and not to let impact data influence the process.
- Mrs. O'Brien asked Dr. Walker about differences in difficulty between online and paper/pencil assessments. Mrs. O'Brien asked about the comparability study and whether it justifies a single cut score for different modes of the test. Dr. Walker said there was a draft report from test vendor, CTB/McGraw-Hill, discussing comparability and how the vendor would equate a single cut score between different modes of the test. Dr. Walker said the Department could share the

draft report with the Board. Mrs. O'Brien asked if Dr. Walker was 100% sure the tests could be equated. Dr. Walker responded, yes she was, but she was open to sharing information and answering questions from the Technical Advisory Committee.

- Mrs. O'Brien asked Dr. Egan to speak to the comparability issue. Dr. Egan said CTB/McGraw-Hill did not design the tests to be equal, but they could be statistically equated. Dr. Egan said the report from CTB/McGraw-Hill said there were very minor differences in English Language Arts, but it did find differences in the math assessment. She said other experts had not had enough time to fully review the CTB report to determine if the differences in the math tests were equated enough to use a single cut score.
- Mrs. O'Brien asked Dr. Egan if, in her expert opinion, the Board should move forward with setting cut scores given the questions by some of the other experts. Dr. Egan said based on the comments she heard from teachers and other experts that she would want the comparability study completed before setting cut scores. She continued that she thinks everything is ok, but wants to make sure.
- Superintendent Ritz asked Dr. Egan for recommendations of next steps. Dr. Egan said the outside experts and CTB experts need more time to discuss the data before cut score setting takes place. Dr. Walker said that more information is always helpful.
- Superintendent Ritz asked Dr. Egan if the comparability report impacts the validity of the cut score process. Dr. Egan responded that in order to set a single cut score for both modes of testing, you must know the tests were equal. She also commended the work of teachers in the cut score setting process.
- Superintendent Ritz asked what is next in terms of completing the comparability report. Ms. Roach said since some of the information was only provided last night, it is difficult to tell how long this process will take. Superintendent Ritz asked if the comparability study was the only piece needed before cut scores could be set. Ms. Roach said the comparability study must be done first.

- Mrs. O'Brien asked if the Board Staff heard from its outside experts on the draft report, provided the night before the meeting. Ms. Roach responded that two of the experts have raised serious initial concerns.
- Dr. Bertram asked if anything in the comparability study would compromise the cut score setting process. Dr. Egan responded that if outside experts found problems in the CTB/McGraw-Hill methodology that could call into question the recommended cut scores.
- Superintendent Ritz asked if the Board wished to continue with the cut score presentation or delay. By voice consent, without objection, the Board delayed the presentation until the comparability issue was resolved by the State's outside testing experts.
- Mr. Hendry stated this seemed to be another self-inflicted wound. He called the delay unfortunate and stated this was very avoidable had the needed information been provided in a timely manner.

D. Approval of Charter Advance Distribution Formula

- John O'Neal, representing the Indiana State Teachers Association, addressed the board. He voiced concerns from his organization that seven of the charter schools requesting loans received "D" or "F" grades and questioned some of the spending requests of some loan requestors. He questioned the decision of the Indiana General Assembly to provide this loan program. He encouraged the Board to cap any loan amounts to ensure schools can repay the balance.
- Upon receiving a motion from Dr. Bertram and a second from Mr. Watts, the Board voted unanimously 11-0 to approve the charter advance distribution formula.

E. Approval of Charter Grant Distribution Formula

- Anne Murphy-Kline, President of New Community School in Lafayette, urged the Board to consider the impact of the legislature's decision to connect the grants to A-F grades.

- Barbara Burke Fondren, Founder and Director of Community Montessori School in New Albany, voiced concerns about legislative requirements connecting the public charter school grants to A-F grades and comparisons to the nearest traditional public school.
- Brian Murphy, General Counsel to the Board, clarified two typographical errors in the original memo submitted to the Board, but later corrected.
- Mr. Melton asked Mr. Murphy about methodology used to make determinations about eligibility for some schools that do not automatically qualify. Mr. Murphy responded the authorizing legislation did not provide flexibility to provide the grant to the schools that testified.
- Dr. Bertram asked Mr. Murphy if the Board needed to seek clarification from the General Assembly to improve the law. Mr. Murphy said that was an option and something the Board could seek during the upcoming legislative session.
- Upon receiving a motion by Mr. Watts and a second by Dr. Bertram, the Board voted unanimously 11-0 to approve the charter grant distribution formula.

F. Final Approval of the A-F Adult High School Rule

- Maggie Paino, Director of Accountability with the Department of Education, and Ms. Roach summarized the rule for Board members and suggested a technical change in the reporting date to August 1 from September 30, subject to Board and Attorney General approval.
- Superintendent Ritz asked Ms. Roach if adult high schools were aware of the potential change in reporting dates. Ms. Roach said she had consulted with some schools and would work with the Department and other stakeholders to make any necessary technical changes to the rule.
- Superintendent Ritz asked if, given the discussion of changes, whether the Board needed to give final approval to the rule during the meeting or if it could be delayed for a future meeting. Mr. Murphy said the Board could approve the rule with the date change noted.

- Dan Scott, with Goodwill Industries and operator of the largest adult high school system in Indiana, supports the inclusion of the August 1 date in the final rule. He also encouraged the Board to give final approval to the rule during the meeting.
- Upon receiving a motion and second, the Board voted unanimously 11-0 to approve the A-F adult high school rule, with a technical correction to the new reporting date.

G. Approval of the 2016 SBOE Meeting Dates

- Upon receiving a motion and second, the Board voted unanimously 11-0 to set the 2016 SBOE meeting dates.

The Board took a short recess for lunch.

XI. DISCUSSION AND REPORTS

A. Title I Funding for Charter Schools and Turnaround Academies

- Superintendent Ritz said the Department of Education will provide the U.S. Department of Education additional data, per the federal government's request, by October 16.
- Mrs. O'Brien asked Superintendent Ritz about next steps in this process. The Superintendent said the U.S. Department of Education will review data going back to 2010 and then make a determination concerning how Indiana's Department of Education calculated Title I funding.
- Mr. Hendry said it has been reported that Indiana's Department of Education has been uncooperative with the U.S. Department of Education during its inquiry. Superintendent Ritz said her Department is cooperating. Deputy Superintendent of Public Instruction, Danielle Shockey, said the federal government disagreed with a timeline the Indiana Department of Education suggested to provide five years of data, but did agree to provide baseline data from 2010 by October 16. Mr. Hendry also inquired about the Department of Education engaging a Washington, DC law firm to represent it in this dispute. Deputy Superintendent Shockey said the Department is seeking support. She could not say whether the Department is incurring additional costs for the representation.

- Dr. Bertram said he understood why the Department of Education would seek outside representation. Mr. Hendry encouraged the Department of Education to find a resolution to this issue as quickly as possible.

B. Assessment and Accountability Update

- Dr. Walker said the process of transferring information from CTB/McGraw-Hill to Pearson continues. Pearson also attended the cut score setting panels, during the previous week, to gain experience with Indiana's process as it transitions to next year. Dr. Walker also said guidance is going to Indiana schools in the coming weeks about Pearson's online testing platform and support to schools in anticipation of the test next year.
- Dr. Walker provided an [update](#) to the Board on the formative assessment grant process and use.
- Mrs. O'Brien asked for a clarification about the data sharing requirement the Department of Education is mandating from schools who utilize the formative assessment grant.
- Ms. Kwiatkowski mentioned a memo from State Board General Counsel questioning the Department of Education's requirement for data sharing. Deputy Superintendent Shockey said this is not a requirement of the schools, but the test vendors.
- Dr. Yager asked for the specific type of data the Department is requiring to be shared? Dr. Walker responded the Department wants student performance data in the aggregate.
- Ms. Roach questioned the rationale of the State requiring data sharing in local school agreements. She also noted the data would not be comparable between vendors offering differing tests. Deputy Superintendent Shockey said this data could be used if formative assessments revert back to the state in the future. Ms. Kwiatkowski said data could not influence a future potential RFP process that would be evaluated based on responses from interested vendors.

- Mr. Murphy said the grant did not include a prerequisite that forced schools to include data sharing with the state in their local contracts.
- Dr. Yager expressed concern that local schools lose control over their data if the Department of Education is requiring vendors to supply information directly to the state.
- Superintendent Ritz stated that she believes in local flexibility. Mr. Murphy said the issue is the Department of Education is requiring local school districts to include language in the local contract with test vendors that mandates data sharing with the state. He said that reduces local flexibility.
- Ashley Cowger, Chief of Staff to State Board of Education, read the language the Department of Education is mandating to be included in local contracts. Superintendent Ritz and Deputy Superintendent Shockey said that language was not current and was not being required. Ms. Kwiatkowski said, as the head of testing for her school district, she was recently required to include that language in her contract.
- Dr. Yager thanked the Department of Education for providing formative assessment funding and he understood the concerns from local districts. Superintendent Ritz acknowledged this data sharing requirement is a change from the past and promised to work through the issue.
- Dr. Walker informed the Board the Department of Education is still vetting the 18 assessment tools that locals would like to use. Once the Department approves the use of these tools, the Department of Education will move forward with availability of funding for K-2 assessments.
- Dr. Walker informed the Board that CTB would provide additional information to the State Board testing experts concerning comparability by the end of the week.
- Rich Young, Peg Heck and Jerod Miller, with Pearson, [updated](#) the Board on the work preparing the 2016 ISTEP+ assessment. The group shared a list of Indiana-based sub-contractors working with Pearson in the development and delivery of the assessment.

- Dr. Yager asked if Pearson is on schedule toward an on-time delivery of the 2016 assessment. Mr. Young responded yes, Pearson is on schedule.
- Dr. Freitas asked if there is a difference between comparability and validity. Mr. Young said comparability is a component of validity, but they are two separate but related reviews. Mr. Young continued that Pearson works diligently to ensure the student experience is equal between the online and paper/pencil assessments.
- Mrs. O'Brien noted the presentation included a timeline which said 2016 ISTEP+ results would be known in June 2016. She asked when the Board would be notified if Pearson cannot keep that timeline. Mr. Young said Pearson would inform the Board as soon as it became known the results would be delayed.

C. Strategic Planning Committee Update

- Mrs. Cowger updated the Board on the most recent committee meeting. The committee is working with a group of outside stakeholders examining educator evaluation systems for areas of improvement and how best to communicate with educators. The recommendations from that stakeholder group were presented to the Strategic Planning Committee and approved to be presented to the full Board at the November 4 meeting.
- The committee also heard from Leroy Robinson from the Department about the development of a statistically valid family and community survey. The Committee had many questions about the survey. Work on that survey continues and will be presented again to the Committee in an upcoming meeting.
- The Committee is also updating the Board's strategic plan.

Dr. Bertram was acknowledged to make general comments. Dr. Bertram urged the General Assembly to seriously address funding differences and fairness for public charter schools. He also encouraged the Department of Education to do everything it can to provide local schools as much flexibility in all areas as possible. He concluded by urging all parties to keep seeking a resolution to the dual credit issue and making sure students have access to dual credit classes.

Superintendent Ritz asked Dr. Yager to pass along any concerns he is hearing about the proposed high school diploma changes so they can be addressed correctly. Dr. Yager encouraged people with concerns to bring potential solutions to the special Board Meeting on October 28 on that topic.

XII. BOARD OPERATIONS

- Board operations not discussed.

XIII. ADJOURNMENT

- Upon receiving a motion and second, the Board voted unanimously to adjourn by voice vote.