

## Indiana State Board of Education

July 19, 2013

Indiana Statehouse – Senate Chamber  
200 West Washington  
Indianapolis, Indiana 46204

### Study Session

9:00 a.m.

Board members Supt. Glenda Ritz, Mr. Troy Albert, Mr. Dan Elsener, Mr. David Freitas, Ms. Andrea Neal, Ms. Sarah O'Brien, Mr. Brad Oliver, Mr. Tony Walker, Mr. BJ Watts, and Ms. Cari Whicker were present. Mr. David Shane was absent.

Superintendent Ritz began the study session by asking all Board members to introduce themselves, as four new members (Mr. Albert, Mr. Freitas, Ms. Neal and Mr. Oliver) joined the State Board of Education as of July 1, and this was their first meeting.

Ms. Whicker gave a brief presentation informing the State Board members of the NWEA examination that her school corporation has chosen to use. NWEA tests are not state mandated exams, but are implemented at a corporation level and are often used in conjunction with the data from the ISTEP tests. NWEA tests provide data to teachers, schools and parents regarding the level of each child in each area tested. The specific scores that result from the NWEA tests allow teachers to know exactly the skills needed for each student to move to the next level. The test also provides each student with a lexile range for reading. Ms. Whicker explained how this tool is utilized in her corporation, school and classroom. Supt. Ritz noted that NWEA has been used in several school corporations and she is compiling a list of schools that are using NWEA. She is working to compare this list to the schools' accountability grades to see the affects NWEA has on school improvement and accountability. She will share the final analysis with the Board members when it is completed. Board member Mr. Oliver requested that the DOE verify that the correlation analysis that NWEA has maintained with respect to ISTEP+ predictive performance still has a high degree of correlation with the current ISTEP+ exam.

The second topic presented at the Study Session was a presentation by Barbara Appel, Nancy Hahn, Steve Weiss from Pearson, regarding the development of teacher licensure tests and the process for developing the cuts scores for each of the teacher licensure exams. They offered information about evaluation systems, and the work that was done to develop a customized test for Indiana. This effort began in the summer of 2011 to create a customized exam that is completely aligned with Indiana's teacher educator standards. They addressed the test development process, sample testing items to provide the Board members with a better idea of the kinds of items that are on the new tests. These tests are designed to test the content knowledge and skills needed to teach in Indiana classrooms. Indiana educators, university faculty and DOE curriculum specialists all worked closely with Pearson at every step of the development process, reviewing the standards, revised all test questions and participated in the standard setting process. Over 1000 Indiana educators were involved in the development of the testing program. Board members discussed analysis of candidate data and annual reviews of results of the tests, and the cut scores. Board members also requested that DOE re-send the cut score recommendations and supporting analysis previously presented to the Board, and also requested that DOE provide the current cut scores and passing rates on teacher licensure exams. Finally, Board members

requested that DOE share a timeline for continuing annual reviews of testing results, in part to ensure that cut scores are appropriate. Board members will take action on setting the cut scores at the August Board meeting.

The Superintendent adjourned the Study Session at approximately 10:25 a.m.

### **Regular Business Meeting**

10:30 a.m.

Board members Supt. Glenda Ritz, Mr. Troy Albert, Mr. Dan Elsener, Mr. David Freitas, Ms. Andrea Neal, Ms. Sarah O'Brien, Mr. Brad Oliver, Mr. Tony Walker, Mr. BJ Watts, and Ms. Cari Whicker were present. Mr. David Shane was absent.

After the Pledge of Allegiance, upon a motion by Ms. O'Brien, seconded by Mr. Walker, and a unanimous vote of the present members, the minutes from the June 24, 2013, Board meeting were approved.

**Statement from the Chair:** Supt. Ritz welcomed the new Board members to the State Board of Education and asked all members to introduce themselves and the district they represent. Supt. Ritz then announced that the agenda would be taken out of order and that after the discussion portion, the Board would move to the New Business, and then Adjudication and finally the Consent Agenda would be addressed. Supt. Ritz also introduced and welcomed Claire Fiddian-Green, the newly appointed Special Assistant to the Governor for Education Innovation and Reform.

**Board Member Comments and Reports:** Mr. Walker thanked Supt. Ritz for the nearly \$9.5 Million in SIG awards that were awarded to schools in the City of Gary. He also expressed serious concern at the lack of agreement between TSO Edison and Gary Community School Corporation and would like to see the Board take action to reach a conclusion of the negotiations. Mr. Elsener also expressed appreciation of the SIG awards for the Turnaround Schools.

**Public General Comments:** None.

#### **Best Practices-Innovations in Education – Student Successes:**

Best Practices was deferred for the July meeting, and will begin again as school starts again this fall.

#### **Discussion:**

The Mayor of Indianapolis' Office presented on the turnaround schools in Indianapolis that are under the oversight of the Mayor's Office, this oversight began in June 2013. Ms. Tamra Wright discussed the specific oversight structure including regular meetings, annual reports and external evaluations of the turnaround academies. She also addressed progress made to date, including a comprehensive plan, clear expectations to operators and plans for effective oversight once school begins. Charter Schools USA also presented updates from the last school year on the 3 turnaround academies in Indianapolis that they serve. Ms. Sherry Hage from Charter Schools USA presented an overview and was joined by the principals of Emma Donnan Middle School, Manual High School and TC Howe – Dr. Terry Stollar, Mr. Bryon Ernest and Mr. Keith Burke. Charter Schools USA explained how they are looking at individual student data to ensure that each student has an individual learning plan, there are strong teachers in place to run the programs and is working hard to plan for a successful school year. Board members requested that DOE collect and report on the successes, lessons learned and best practices from the turnaround academies so that they can be shared amongst other partners,

DOE will begin to work on this process. Mr. Elsener would like schools to check in periodically discussing both successes and areas that require more assistance from the Board or the Department. The turnaround academies would like to have the Board members visit their schools to see the classrooms, talk to the students and parents, and perhaps hold a Board meeting at these schools. After the presentations, Ms. Whicker raised concerns regarding Glenwood, a school that last year was in its fifth consecutive year in the lowest performance category. She inquired regarding a plan for Glenwood in case the ISTEP results come back and Glenwood remains an F, in which case action is required by the Board under statute for Glenwood. Mr. Walker discussed the status of the agreement in Gary between Edison Learning and Gary Community Schools for use of the facilities, busses and equipment. As the mediation is still not settled, Mr. Walker would like to set a deadline of the October State Board meeting for a decision to be reached between Edison and Gary Community School Corporation, and if there is not a settlement, then the State Board has a range of remedies to utilize to rectify this situation. He offered a Resolution *“to set a deadline of the October 2013 Board meeting for the parties to agree to a shared services agreement. If they have not done so at that point, then the Board should entertain other methods,”* which was seconded by Mr. Elsener. The motion carried on a voice vote.

The discussion then moved to electronic participation in meetings. General Counsel, Ms. Bernice Corley, presented the topic to the Board; outlining the parameters around a policy on electronic participation can be framed. Board members asked for the DOE to create a sample policy that could be brought back and discussed at the August meeting. Board members noted that they prefer the electronic participation policy to be used as a last resort, and not a standard practice. The Board further asked Ms. Corley to benchmark with other State Boards of Education in devising a recommended policy.

Supt. Ritz provided an update on the teacher evaluation model modification that she had previously communicated to schools. She noted her strong belief in teacher accountability and using test scores as part of a teacher’s evaluation. However, due to the ISTEP issues this spring, she offered schools a one-time modification to the RISE model that lowers the weight of the test scores in this year’s evaluations. Board members expressed concern regarding schools and teachers who were not affected by the ISTEP issues using the model with the lower weight on the test scores. Ms. Risa Regnier, Assistant Superintendent for Student Services, provided Board members with an update on how the process for issuing the modified guidance came about. She noted that this conversation began when the test disruptions occurred. She explained that this change only affects the portion of RISE that deals with the test scores, and that the remainder of RISE remains unchanged. Board members offered that this was a premature action, as the ISTEP review for validity is not yet complete, and the Board did not have the opportunity to first discuss the validity results and determine what guidance should be provided to schools as a result of the validity report. Board members clarified, and Supt. Ritz affirmed, that a decision to use the modified model is a local decision. Board members were concerned about the precedence that may be set by taking this action before a validation process was complete, as well as the lack of opportunity for the Board to weigh in on the action taken by DOE.

Supt. Ritz then offered her ISTEP update to the Board members. She noted that the preliminary reports from both CTB and Dr. Hill, who was hired by the Department, are expected soon for conversation. Dr. Hill’s scope of work was expanded to include a review of the CTB analysis. Once these reports are reviewed, there is a need to look at the invalidated scores on an individual level. The Legislative Council will be holding a meeting on Monday, July 29<sup>th</sup> at 1:00pm in the Senate Chamber to review the final reports and action going forward. The Department hopes to have an update on the final reports at the August meeting, and is intending to invite CTB/McGraw Hill to attend the meeting.

The next discussion item was the legislative update. Supt. Ritz noted that the emergency rules that are required in HEA1003 for special education vouchers and also the emergency rules that are required under

SEA464 on students in residential care facilities are both being developed. There will be stakeholder meetings on both rules on July 26<sup>th</sup>, and then the DOE will bring the language of the rules to the Board at the August meeting. In the Common Core update from HEA1427, the Superintendent outlined the timeline for upcoming items that will be received by the Board as well and the Department's role going forward, including standards review committees and public hearing participation. Board members asked follow up questions to the DOE report that was submitted on July 1, as required by the statute. In addition, Board members requested a formal legal of interpretation of House Bill 1427 on two points: the legal compliance of DOE's CCSS implementation guidance communicated to schools through DOE Dialogue, as well as clarification of the responsibilities of each entity (e.g., DOE, SBOE) in conducting the CCSS review required under the new law. Supt. Ritz offered her support for college and career ready standards, and provided an update to Board members regarding the implementation of CCSS in 2<sup>nd</sup> grade that was offered to schools earlier this summer. Ms. Whicker offered a Resolution stating *"The State Board of Education is committed to participating in the comprehensive and open/transparent review process of the standards, resulting in the Board fulfilling its obligation to adopt College- and Career-Ready standards by July 1, 2014."* Mr. Oliver offered a second on the motion. The motion was accepted on a unanimous voice vote. Mr. Walker expressed frustration with the legislature requiring a review on the standards, since the Board has previously taken action to review before the adoption of the Common Core Standards.

The last discussion item was the Turnaround Academies funding update. The Superintendent noted that the SIG award recipients were announced earlier the week of the meeting. She stated that the Department is committed to supporting the lowest performing school in the State.

**New Business - Action:**

The first new business item was the appointment of a new board secretary. Ms. O'Brien nominated Mr. Elsener for the position. No other nominations were offered, and Mr. Elsener was appointed secretary.

The next agenda item was the approval to initiate rulemaking for and approval of the proposed changes to the Reading Plan Rule. Mr. John Wolf, a literacy specialist from the Department and Supt. Ritz presented the proposed changes to the Reading Rule. The proposed changes are intended to measure student growth in reading level/lexile. Board members asked Supt. Ritz to consider holding the action on this item, and bring the issue as a study session topic at the next Board meeting in August. Board members expressed interest in understanding the issue more completely and requested a more thorough overview of what is, and is not, working with IREAD-3 and the existing reading rule, as well as a clear description of changes DOE would like to make to the rule. Supt. Ritz agreed to their request and pulled the item from the new business agenda. Finally, Supt. Ritz noted that the contract with CTB-McGraw Hill for the IREAD-3 assessment is ending in a year.

The Board then moved on to the action item to approve the language to align the Medicaid Consent requirements in 511 IAC 7-33-4, so as to align them to the new federal requirements. Ms. Tracy Brunner, for the Department's Special Education Division presented the proposed changes. There was no discussion of the Board, and a motion to approve the language was made by Mr. Freitas, and was seconded by Mr. Walker. The motion carried by a vote of 9-0.

Ms. Danielle Shockey, Deputy Superintendent, presented the next action item, approval of Remediation, Early Identification and Invention Guidance, as required in HEA1005. She noted the collaborators from CHE, DWD, and the Education Roundtable who were part of the development of the interim guidance. Board members asked for the rationale for the interim guidance, and an explanation of the various items that require study in order offer complete guidance. Mr. Freitas made the motion to approve the guidance, which was seconded by Ms. O'Brien. The motion passed on a vote of 9-0.

The next item was approval of the criteria for waivers to the Performance Qualified High Schools program, as required in SEA189. Ms. Kirstie Andersen, a Staff Attorney for the Department, and Dr. George Frampton, Director of the Office of Accreditation, presented the criteria. They explained that the intent of the legislation is to provide high performing schools with flexibility in the number of days they are in school, but does not lessen the total number of minutes required in a school year. The criteria are for a waiver to be qualified to apply for the Qualified High School Program. The program was explained to note that schools that are qualified for the flexibility exemption are only qualified for the duration of time that they meet the criteria to remain in the program. Mr. Elsener made the motion to approve the criteria, which was seconded by Mr. Watts. The motion passed on a vote of 9-0.

The action item on approval of the form that explains the legal requirements of attending a nonaccredited, nonpublic school in Indiana, as required in HEA1005, was presented by Ms. Corley, General Counsel for the Department. The statute required the Department to develop a form, which is to then be approved by the Board. Mr. Elsener moved approval of a form, and the motion was seconded by Mr. Watts. The motion passed by a vote of 9-0.

Ms. Regnier then presented the report on the compensation models used by the school corporations. The Department explained that models were collected after the school year ended, from IEERB, since there was not a mechanism to collect the data during the school year. As data was collected after the year, the Department recommended that the Board take no action on non-compliance for the past school year, as it was the first year that this data was required for collection and review. Ms. Regnier answered Board questions regarding common issues that occurred, plans for reviewing models in coming years, and was asked to present more information on this topic at the September Board meeting. Mr. Oliver made a motion to accept the Department's recommendation and the motion was seconded by Mr. Watts. The motion passed by a vote of 9-0. Mr. Freitas requested that DOE develop a comprehensive calendar, by month, with a list of all known discussion and action items, such as compensation model compliance, requiring Board member review or action.

The final action item was regarding State Board resourcing. Ms. Claire Fiddian-Green from the Governor's Office asked Mr. Elsener to speak on the topic. Mr. Elsener noted that the Board now has a budget and can hire an Executive Director and utilize resources for strategic planning, legal review and assistance in developing plans as needed. As the Board Secretary, Mr. Elsener discussed working with the Governor's Office through Claire Fiddian-Green on budgetary needs and actions. Mr. Elsener suggested that he work with Board members as needed to put the budget to use in an effective way to help the Board achieve its statutory requirements. He made a motion *"recommending that the Board Secretary be given the authority to work with Claire Fiddian-Green, Special Assistant to the Governor for Education Reform and Innovation, to outlining what the Board is going to do with the resources applied in the budget and put those resources to use to help the Board do its role, and engaging with the Board members where appropriate."* The motion was moved by Mr. Oliver, and seconded by Mr. Watts. During discussion of the motion, it was suggested that the Board consider an Executive Board or a committee to assist with the decisions. Mr. Walker noted that there are areas where the Board's role and responsibilities are not consistent with those of the Department and that consideration should be made to potential conflicts as related to having Department staff reviewing items needed by the Board. Roll call was taken on the motion, and the motion carried 8-0 with 1 abstention, as Supt. Ritz abstained from the vote.

**Adjudication:**

Supt. Ritz recused herself from the adjudication proceedings for both IPS and GCSC to determine the amount of state tuition support to be withheld from each school corporation to fund the turnaround academies. Ms. O'Brien was appointed to chair the hearings, and Mr. Gordon White from the Attorney General's Office served as counsel to the Board.

During the IPS proceeding, Ms. Melissa Ambre, Director of School Finance for the Department presented the Department's recommendation for the amount of tuition support to be withheld from IPS. The amounts recommended to be withheld from state tuition support were:

Emma Donnan Middle School	\$1,505,239.99
Arlington Community High School	\$2,068,370.88
Emmerich Manual High School	\$1,834,779.76
Thomas Carr Howe High School	\$2,460,620.90

Libby Cierzniak, attorney for IPS, spoke on behalf of IPS, offering support for the Department's recommendation. There was no discussion from the Board, and the Board moved to accept the Department's recommendation. The motion was made by Mr. Walker and seconded by Mr. Elsener. The motion passed 8-0.

During the GCSC proceeding, Ms. Ambre presented the Department's recommendation for the amount of tuition support to be withheld from GCSC. The amount recommended to be withheld from state tuition support for Theodore Roosevelt Career Academy was \$2,681,159.63.

Gary Community School Corporation did not send anyone to present on their behalf. There was no discussion from the Board, and the Board moved to accept the Department's recommendation. The motion was made by Mr. Freitas, and was seconded by Mr. Elsener. The motion passed 8-0.

Ms. O'Brien then concluded the proceedings and recused herself from the chair.

**Consent Agenda:**

The last item of business for was the Consent Agenda. The motion for approval was made by Mr. Elsener, seconded by Mr. Walker. Consent agenda adopted by unanimous voice vote.

Superintendent Ritz adjourned the meeting at 1:45 p.m.