

INDIANA STATE BOARD OF EDUCATION
BUSINESS MEETING MINUTES

October 2, 2013

Indiana Government Center South – Conference Room A
402 West Washington Street
Indianapolis, Indiana 46204

Board Members Present: Superintendent Glenda Ritz (chair), Mr. Troy Albert, Mr. Dan Elsener (secretary), Dr. David Freitas, Mr. Gordon Hendry, Ms. Andrea Neal, Ms. Sarah O'Brien, Dr. Brad Oliver, Mr. Tony Walker, Mr. B.J. Watts, and Ms. Cari Whicker.

Board Members Absent: none

I. CALL TO ORDER

Superintendent Ritz called the meeting to order and called roll. All members were present. The Pledge of Allegiance was recited.

II. MINUTES

Superintendent Ritz introduced the minutes and called for changes to the minutes of the September 4, 2013, meeting. Superintendent Ritz requested changes to the September minutes to state:

- On page 1, section *Board Member Comments and Reports*, change to say, "Resolution was not brought forth according to procedure, but Superintendent Ritz would allow the vote."
- On page 8, paragraph begins "Last discussion item..." Superintendent Ritz asked for change from "must" to "will" regarding the committee members' appointment by September 10.
- On page 9, last paragraph, add, "Superintendent Ritz made comment that the resolution was not brought forth according to procedure, but Superintendent Ritz would allow the vote."

Motion for approval of minutes. Seconded. No discussion. Minutes approved by 10 of the 11 Board members. Dr. David Freitas opposed.

III. STATEMENT OF THE CHAIR

Superintendent Ritz thanked David Shane for his service to the Board as he moves on to serve as Works Council Chair. Superintendent Ritz introduced new Board member, Mr. Gordon Hendry, and asked him to introduce himself. Mr. Hendry's comments included describing himself as a parent of a public school student, expressing that getting education right is an important issue and tied to a strong economy, and that he is looking forward to working together on these issues.

Superintendent Ritz stated the DOE is working on extending the CTB contract for the 2014-15 school year, and that settlement negotiations continue.

The Education Roundtable met on September 25, 2013. Superintendent Ritz stated several items were on the day's agenda related to Education Roundtable, including Science cut scores. Superintendent Ritz added that Social Studies standards were preliminarily discussed at the Education Roundtable but they will not be on the day's SBOE agenda so that the Roundtable will "have time to look at the standards in depth and have more dialogue."

Superintendent Ritz stated that HEA 1005 will be updated later.

Superintendent Ritz then transitioned into the A-F/School Accountability Review Panel. She stated that she and Dr. Steve Yager serve as co-chairs of this panel, and two meetings have taken place so far. The first meeting was an overview and the second meeting was concerning growth. Per Superintendent Ritz, HEA1427 specifies that growth is addressed. She stated that multiple measures will be talked about at the next meeting, and the panel will talk about high school since they have multiple measures, and that they will also discuss how to have multiple measures for elementary and middle schools.

At that point Superintendent Ritz requested Board members to make comments to her regarding the work of the A-F Panel. She directed Laura Naughton, DOE Board Administrator, to take "copious notes" which she indicated she will give to the panel at the next meeting. Comments and requests from Board members included:

- Request from a Member for the Panel to provide multiple recommendations to the Board. Superintendent Ritz responded there would be many recommendations, including transitioning to the new accountability system.
- Request for examination of not just growth to standard, but beyond, to growth to proficiency. Superintendent Ritz responded that HEA1427 requires growth to proficiency.
- Request by a Board member for a review of the timeline. The Member expressed concern about the Board having enough time to review recommendations before making decisions. Superintendent Ritz responded that the Board would receive the recommendation report by Nov 1, as required. Superintendent Ritz proposed two November meetings of the SBOE in order to examine A-F in depth, stating, "One of meetings might be solely for that, and that will be at your discretion."
- A Board member expressed concern about hearing there may have been discussion by the A-F Panel about different standards for different demographic groups. Superintendent Ritz responded that federal guidelines would be adhered to and vet out what is required by the federal government.
- Member David Freitas specifically asked as to when the Board would receive the A-F Panel's recommendations. Superintendent Ritz reiterated her previous statement that the Board would receive the recommendations by November 1, adding, "Then by November 15, you will have emergency rules," from DOE, which may be transition pieces. "We're not finished with our dialogue or recommendations in any kind of form."
- The Board inquired as to why emergency rules would be pursued. Superintendent Ritz stated, "I believe that's what it calls for, is emergency rules. Am I correct?" Michelle McKeown,

General Counsel for the SBOE, explained the statute gives the option of emergency rule or conditional rule, to be completed by November 2014. Ms. McKeown went on to explain the main difference between emergency rules and traditional rulemaking, specifying there is no public hearing or advance posting of rules in emergency rulemaking. She went on to clarify that emergency rulemaking would wipe out existing rules immediately while traditional rulemaking would allow existing rules to continue until the full rulemaking process executed. Ms. McKeown explained traditional rulemaking as, "...a much longer process but it's a more transparent process and has more public involvement."

- Superintendent Ritz stated her assumption was that the charge of the legislature was to implement something new in 2013-14 and that her natural assumption was to pursue emergency rulemaking. She asked of Michelle McKeown, "What is your opinion on that?" For clarification, Ms. McKeown restated Superintendent Ritz's understanding of the legislation, that it requires a new accountability system for 2013-14, to which Superintendent Ritz responded, "Correct." Ms. McKeown explained the challenge of being in the 2013-14 school year and the potential legal implications of creating a rule that would grade schools without the schools having notice in advance of the new school year. Ms. McKeown went on to explain that the schools would not have the rubric against which they would be graded before they would be accountable to it. Ms. McKeown expressed caution, citing the language in 511-IAC-6.2-6 which states that once an emergency rule takes effect, the existing rule goes away; as a result, schools would be graded against a metric they didn't have in advance of the school year.
- Dan Elsener asked if the legislation assumes the system is going to be changed in 2013-14. Ms. McKeown responded that November 2014 is the deadline for an emergency rule or final rulemaking. She added that given the legislature's assumed familiarity with the process for grading schools, based on the November 2014 deadline new metrics wouldn't be able to reasonably be applied until 2014-15. Ms. McKeown reiterated that she didn't have the official language in front of her. Bernice Corley, General Counsel for DOE, interrupted Ms. McKeown at that point.
- Ms. Corley stated that in reading HEA 1427 she believed expectation of report is meant to allow action prior to November 15, 2013. She stated there is some confusion of 1427 concerning the rule. Ms. McKeown responded to Ms. Corley's statement, indicating that the November 15 requirement is to adopt categories. Ms. Corley disagreed with general counsel for the Board in terms of her understanding.
- Board member Dr. David Freitas asked Ms. McKeown, as general counsel for the Board, for clarification as to whether it's up to the Board to determine the meaning if the law is unclear or ambiguous. Ms. McKeown explained that it's not a hard rule and provided the example of contract interpretation. Her recommendation was to seek an advisory opinion from the Attorney General's office. Ms. McKeown was of the opinion that rulemaking, which would be final next summer, would apply for 2014-15. She reiterated her previous point that if implemented sooner, a metric would be applied to schools that they were not aware of.
- Member Cari Whicker asked if it would be beneficial to have a Board member attend the Panel meetings, referencing that she has previously attended similar meetings related to licensure

and other areas as a way of educating herself and better serving as a Board member. Superintendent Ritz replied, "It's a public meeting. You can attend." Ms. Whicker asked, "Could a Board member share?" Superintendent Ritz replied, "I can report for you. We decided early on we would not take public comment. I will take this to Steve Yager."

- Member Andrea Neal stated that it is not feasible to change midstream, and asked if we go back to the status quo or prior to status quo? Ms. Ritz stated more dialogue is needed.
- Member Tony Walker pointed out the metric was unchanged from last year. Ms. McKeown confirmed. Mr. Walker and Mr. Elsener reiterated that the metric is the same as the previous year. Mr. Elsener questioned why the Board should change the metric midyear, citing a bipartisan independent study indicated the metric is fine.
- Board member B.J. Watts asked if the Board had to adopt a specific recommendation or if the Board could adopt a hybrid, citing concern regarding next steps if the recommendation brought forward by the Panel is not what the Board believes is best. General Counsel for DOE Ms. Corley stated that HEA 1427 says broadly what the Board must adopt, and that it must do so by November 15. She then indicated it would be a conversation for the Board as to how to treat the recommendation.
- Member Dr. Brad Oliver indicated his understanding of HEA 1427 was clear in terms of the Board's statutory obligation. Dr. Oliver added the Board will take the A-F Panel's recommendations very seriously, but acknowledged the Board may not be able to get everything done in the November meeting if the Board is going to do it with integrity and credibility. Superintendent Ritz stated there will be two meetings before the November 15 deadline.
- Board members commented on the value of constituent input and the desire to respond to the input. Concern was expressed by Members that the 15-day turnaround leaves too little time. A question was proposed regarding where the date came from. Superintendent Ritz responded that the dates came from the Memorandum of Understanding that was developed by both parties and the Governor's office.
- Mr. Elsener asked if there had been a contractor regarding growth. Superintendent Ritz indicated she had reached out to Andrew Ho regarding the work. Mr. Elsener then asked if Claire Fiddian-Green, Technical Advisor for the SBOE, could come up. Superintendent Ritz corrected Mr. Elsener that the chair calls people up. Ms. Fiddian-Green then responded that Dr. Damian Betebenner was contracted in 2009 for growth, and that he added growth to proficiency into Indiana's existing growth model. When further questioned regarding the status of that work, Ms. Fiddian-Green stated the current DOE administration did not continue Dr. Betebenner's contract. Superintendent Ritz interjected that the DOE was contacting experts. Mr. Elsener expressed concern that the Board had spent time and resources on research and inquired if the individual should be reengaged. Superintendent Ritz again stated that her office is engaging Andrew Ho from California, who Superintendent Ritz stated is more proficient in growth pieces. Board member comment questioned if it was worthwhile to abandon the previous contractor. Ms. Fiddian-Green stated that State Board of Education staff is willing to work with DOE to move forward on this.

IV. BOARD MEMBER COMMENTS AND REPORTS

Sarah O'Brien brought up the list of priority schools by each outreach district that was requested at the September meeting. Superintendent Ritz stated she believed the list was sent after the meeting in which it was requested, and she would resend the list.

Ms. O'Brien then asked for SBOE staff to be allowed to present at beginning of the meeting, instead of the end, indicating there was information the Board wished to hear from staff related to standards, CCSS, HEA 1427, and implementation. Superintendent Ritz responded she would not allow it at that time. She further stated she would allow staff to come up regarding any topic, and would be glad to add it to the agenda next month, but she was exercising her discretion as chair to not rearrange the agenda. Superintendent Ritz did state that SBOE staff could give information on any topic on the agenda.

Mr. Walker made a motion to amend the agenda. Superintendent Ritz responded that she already set the agenda. Mr. Walker called a point of order, and said, "With all due respect, I disagree based on the Shared Governance. Are you saying we have no authority over the agenda?" Superintendent Ritz replied, "I am being flexible in allowing SBOE staff to come forward. I am exercising my right as the chair to decide how the meeting will go once it has begun." Mr. Elsener appealed, "You're not going to recognize the motion? Motion and second? You're telling us we're not going to vote on it? This is new. In eight years on this board, I've never seen anything like this happen." Superintendent Ritz responded, "It's my discretion. There have been actions that have not been according to procedures. Whether they're a violation of the Open Door Law or not, if public is not aware, I am not going to entertain those items. I've even allowed for discussion under A-F Accountability update." When asked by Mr. Walker what authority is being used, Superintendent Ritz stated the procedures were adopted early on by her office and the Governor's office.

Mr. Walker then made a motion to suspend the rules. The motion was seconded by Dr. Freitas. Mr. Elsener asked if the Chair would recognize the motion. Ms. McKeown provided clarification of the Open Door Law, explaining that adding action items is not a violation of the Open Door Law. Superintendent Ritz responded, "I didn't say it was. I feel we owe it to the public. I have made my decision. All items are on the agenda that were requested." Mr. Walker then stated, "There is a pending motion." Superintendent Ritz responded, "The motion is out of order, so I'm not recognizing it. As the Chair, I have the discretion to reorganize the agenda."

Dr. Oliver requested the minutes reflect that he refutes any implication that somehow the Board has violated Open Door Law through email communications at any time since July when he came on the board. Superintendent Ritz stated she didn't say that. Dr. Oliver then requested legal interpretation of where legal authority of the chair starts and stops in the Shared Governance procedures. Dr. Oliver stated that multiple requests of Board Members to have items on the agenda has not been honored.

Dr. Oliver referred to the “Celebrate Teaching conference.” He asserted that many of Indiana’s issues are not only academic but also relational. Dr. Oliver implored, “As we move forward, it is absolutely incumbent upon us to restore relational trust. There are a lot of reasons it’s waning. It’s time for constructing conversation that is student-centered... Strategic planning is important. With a new superintendent and new members, we need to work together. We need to revisit the Shared Governance document. Ten days for action is not reasonable. How does that work? I’ve never been on a board where the only one who can set the agenda is the chair.” Mr. Walker referenced former Board member Neil Pickett’s vocal concerns regarding the 10-day issue at the time of adoption. Mr. Walker cited the Board’s approval of the procedure based on the understanding that Board members could suspend that requirement to get business done, and his frustration that it wasn’t happening now.

Mr. Elsener cited Indiana’s tremendous progress and acknowledged the difficulty of change. He commended Indiana’s teachers for moving the needle. Mr. Elsener stated that in 8 years on the Board he’s never received so many venomous emails as he did after the September meeting. He noted these actions are not student-centered and they aren’t helpful to advancing student education. Mr. Elsener cited the want of the Board to provide for public education, and the majority of the Members’ experience as teachers, principals, or educators in some fashion. He noted the personal attacks demean the profession, and complimented Indiana’s great professionals who need to be treated as such.

Mr. Elsener recognized Dave Shane and recommended that at the next Board meeting there be a framed resolution to honor his service. Mr. Elsener requested this be a tradition for all members when they leave and asked that this be on the next agenda.

V. PUBLIC GENERAL COMMENT

Sue Lile, Carmel resident, collected 2300 signatures from Hoosiers and 77 groups, which oppose the adoption of the Common Core Standards. She is against trademarked standards, believing they dictate what a teacher has to teach and force states into a national curriculum. She offered the instrument lacks field testing and international benchmarking, and that there is no proof of gains in Indiana. Called for repeal of CCSS.

Vitonia Shank, teacher from Warren Township. Thinks CCSS are good. Her school uses Indiana standards and CCSS with great results. She believes CCSS give her flexibility at a higher level than she previously had. She believes there is more rigor than before, as she sees her students’ scores flourishing. Mr. Elsener asked her opinion if it was best to keep both Indiana standards and CCSS, but was interrupted by Superintendent Ritz who indicated she would give Members permission to speak.

Suzanne Sherby, parent of 4 children, feels perspective of parents is on back burner. She stated her children are at a blue ribbon school but feels work from current school, based on CCSS, is not

rigorous. Asked why the previous standards were not flexible enough to implement a variety of teaching tools and asked the Board to move forward as quickly as possible.

Teacher at Indianapolis Metropolitan High School stated he supports CCSS, indicating CCSS is a whole new play book. He uses CCSS in conjunction with Indiana state standards.

A father spoke, indicating he can appreciate the A-F rating system for schools. Metrics and rubrics used are harder to grasp, but he stated “A-F” labels understandable. He stated he is supportive of the IREAD assessment and testing children for reading by third grade. He is concerned that we’re putting politics before pupils. As a parent, he explained he wants partnership because he’s interested in the Board doing the work and putting kids first.

Heidi Heckman is a mother of three from Noblesville. She publicly thanked the Board for their efforts on behalf of children in Indiana. She stated she wants to make reform a priority and make a high bar the goal for students. She talked about Indiana increasing accountability by measuring teachers annually. Thanked Dan Elsener for his willingness to ask the questions, make clear goals, outline metrics, and be transparent. She added that Superintendent Ritz and Department of Education need to be equally transparent. Stated that delay of ISTEP+ scores unacceptable. Still no science scores, and she hasn’t heard any information from DOE. She appreciates A-F labels—to her, they are clear. Previous labels – academic performance, priority – not clear.

Vic Smith is concerned about SAT exam performance, and compiled 23 years of data. Referenced icpe2011.com.

Parent opposes Common Core State Standards exemplar book, “The Bluest Eye” by Toni Morrison. She read a brief passage from the book, and stated in her opinion the book, recommended for 11th grade, is porn.

Individual discussed that CCSS not reflective of Piaget’s developmental levels. Expressed concern that children are not able to think abstractly at the ages CCSS requires and that CCSS is a one size fits all approach.

Teacher who also serves as teacher representative from House District 35 and has taught in multiple states. Explained the radical changes since 2011 have impacted educators, stating that when you invoke change on a large system it takes time to work out the kinks. The changes of SB 575 and SB 1 caused her to feel shut out of the conversation at the time. She now has hope with Superintendent Ritz’s three-prong approach with state level, outreach, and local support. Stated she wants to see superintendents, principals, teachers, and leaders from schools who are doing the turnaround well brought in to see what they’re doing to get their results.

- VI. **NO BEST PRACTICES FOR TODAY** - Superintendent Ritz stated that in the essence of time she did not put this on the agenda.

VII. DISCUSSION

Turnaround Academies and Lead Partner Updates

- Tiffany Kaiser and Marcus Robinson of EdPower (Arlington High School in Indianapolis) showed highlights from 2012-13 changes implemented. Their focus was on positively changing culture, attendance and academics. Improvement plan used best practices, and priorities were safety, security, training for teachers, and learning. Staff training and accountability were very important; currently aren't teacher prep programs that prepare teachers for this work. All teachers doing this work need monumental supports, especially new teachers. After asked by Mr. Elsener about relationship with IPS, Mr. Robinson explained it was as positive as he thought it could be. He appreciated that Dr. White wanted to compete for the students, in that it made everyone better. Mr. Robinson also wanted to be clear that numbers/enrollment is not how EdPower documents success. Educational outcomes of students are what matter to them, and the work is ongoing.
- Keith Burke, principal at TC Howe and representing CSUSA (includes Emma Donnan and Manual High School in Indianapolis). Mr. Burke indicated their results were consistent with EdPower, in that they are not where they want to be, but moving forward. Mr. Burke commended IPS on the great job with grounds and transportation. Mr. Burke stated that they understand that their students are in IPS in elementary school, therefore they have to make sure their (CSUSA) schools ones that students will want to leave IPS for. He shared that it's a challenge, but he welcomes it. Dr. Freitas shared he visited the school and had the opportunity to talk with students. He was impressed by the students' own testimony of the school's transformation, from their perspective. Dr. Freitas encouraged other Board members to visit turnaround schools. Ms. Whicker indicated she was impressed the students knew their NWEA scores.
- Edison Learning (Theodore Roosevelt Career and Technical Academy, Gary). Superintendent Ritz complimented Edison Learning on how well they filled out the template. Edison's plan is aligned with federal turnaround principles.
- George Washington High School (in Indianapolis). New IPS Superintendent, Dr. Ferebee, stated he was looking forward to a positive working relationship. He explained that IPS will be using Pat Davenport after all and will not issue a RFP. Dr. Ferebee is very comfortable with the 8-Step Process model, and indicated the proposal would be going to the IPS school board that evening for vote.

Grew/Sheldrake Presentation Regarding A-F Report

Bill Sheldrake and John Grew stated their background with legislative agency aided in their analysis. They commented as to the helpfulness of the DOE staff, especially with programming, and thanked Superintendent Ritz for her assistance.

Explanation was provided that they worked quickly to see how the model worked. They took testimony from former DOE staff, educators, and policy people, to get clear picture and as much information as possible. Findings included:

- The former administration did not fully appreciate the difficulty of implementing a new system. Although they made some attempt to have interactions with practitioners, it was not sufficient enough to get significant buy-in, which led to later issues.
- Related to changes in preliminary grades and Christel House. Technical analysis – elimination of cap on elementary/middle school subject matter grades was done properly (although late in the game) and followed the rule as it was intended. Grew/Sheldrake found approximately 10 schools that had been elementary/middle schools for years and then moved into high school grades. Because they didn't have all components of high school outcomes, previous administration determined to only grade on their elementary/middle school grades. Grew/Sheldrake found that to be plausible. It was done uniformly and without bias. Grew/Sheldrake indicated finding does not mean that's the only way to do it. Multiple mentions by Grew/Sheldrake that there should have been more transparency in the process.
- Recommendation of report: Decisions regarding policy require transparency. Complexity of this issue means it is impossible to write a rule that covers every possible configuration. Grew/Sheldrake believes the Board is the right body to assist Superintendent Ritz and the Department of Education in making decisions about difficult situations.
- 2011-12 disposition – 3 high schools were higher than they should have been because cap was eliminated for elementary/middle schools, but not high schools. Grew/Sheldrake reiterated it's impossible to create a rule that covers 93 different configurations.
- Recommendation for 2012-13 grades – proceed as quickly as possible. Indiana is already behind. There needs to be adequate time for vetting preliminary grades, submitting appeals process and review, and recommendations for final grades.
- Made recommendation that until new system required by HEA1427 is implemented, Board should consider not taking over schools in 6th year of lowest category.
- Stated the establishment of the MOU to set up A-F accountability panel was an excellent step in affording transparency in the process and vetting to Board before decisions.
- Important to design a system that's relatively simple. Understand that's challenging, because designing these systems is not simple. Because of complexity, Grew/Sheldrake feel it's critical to pilot the new system and would imagine 2014-15 would be first year it could be implemented. Offered that state could run 2013-14 grades in existing system, then pilot new system so it's comparing apples to apples. Then new system could exist in 2014-15.

Mr. Walker asked if the current system is fair to all schools. Grew/Sheldrake offered that having additional measures beyond the test for elementary/middle schools would be helpful.

Grew/Sheldrake asked rhetorically if the existing system is flawed enough that it should not be used, then stated "No." Grew/Sheldrake indicated it was correctly applied and is not unfair.

Dr. Oliver asked if DOE would be able to complete the task at hand, in terms of calculating the grades. Grew/Sheldrake stated it's squarely in purview of SPI and staff, and that they found the staff they interacted with to be competent. They also noted that some of them are continuers, so they understand the system because they have worked through these problems in the last year.

Dr. Oliver stated if there were anomalies, those should come back to Board. He then asked if there was anything holding up releasing grades? Superintendent Ritz stated DOE would release preliminary grades, and that those schools with anomalies could be notified. Superintendent Ritz stated she has an efficient staff and they are effective in their jobs to run data. She then offered that the Board would be talking about the system in depth, and that Debbie Dailey will be talking about this so schools are automatically placed in categories. Superintendent Ritz stated the DOE needed guidance in that area. Superintendent Ritz indicated because these were policy decisions, she would not be part of them, and that she wants the Board to make these decisions.

Dr. Oliver then asked if it would make sense for LSA and DOE to both run data. Superintendent Ritz stated that she was very happy about this, and it would happen moving forward. Superintendent Ritz she was going to get an MOU to exchange that data.

Grew/Sheldrake stated, "Transparency, transparency, transparency" and went on to further state that it sounded like the Superintendent was going to release grades and allow folks to react to that. Mr. Elsener clarified that there was an appeal process last year. He explained that there was a lot of discussion, and while the Board has learned a lot there's still a way to go yet. Mr. Walker stated that even with problems, Indiana's current system is better than NCLB, citing that the federal government had lots of requirements. Grew/Sheldrake acknowledged there were appeals.

Glenwood Leadership Academy

Superintendent Ritz stated the rescore window for ISTEP closed on September 30 and she was at the pleasure of the Board to have a discussion. She stated the Board has the discretion to determine whether to hold a hearing now and that she is open for discussion as to how to proceed.

Dr. Freitas indicated he'd like to proceed with scheduling a hearing, so that the Board is prepared. He then stated that if it were appropriate, he'd like to make a motion with setting a hearing for Glenwood, adding that if the grade is above an F when grades are released, it can be cancelled.

B.J. Watts requested confirmation that this is a statutory requirement, which Superintendent Ritz confirmed. Mr. Watts then referenced the list of choices, to which Superintendent Ritz

again responded in the affirmative. Superintendent Ritz stated it would be appropriate for the Board to take action today.

Ms. Corley provided detail regarding the need for 6 votes and the hearing being located in the district where the school is located. Ms. McKeown added that all Board members need not be present for the hearing, although usually there is attendance from Board members, DOE, and now it would include SBOE staff as well. Ms. O'Brien shared that previously when hearings were held there would be a report from the Board at the next meeting so that the full Board could take action, and that the hearing was lived streamed for anyone to observe.

Superintendent Ritz then asked if there were any other discussion. A motion and second were accepted. Vote passed unanimous.

VIII. CONSENT AGENDA

The items on the consent agenda were presented to the Board. A motion and second were taken. Vote passed unanimous.

IX. NEW BUSINESS-ACTION

Approval of ISTEP+ and IMAST Science Cut Scores

Michele Walker. Joined by Ben Kemp (science content specialist). Dr. Walker presented background information on the process, indicating it had been a while since the last time the process took place. While NCLB requires assessments, Dr. Walker explained that Indiana chose to provide science test at grades 4 and 6. A chart was provided to explain the process: starts with educators working on the scores; scores then presented to Education Roundtable (which has specific tasks, including making recommendation); scores recommended to SBOE for approval; proceed with scoring; scores released in October.

Dr. Walker then explained the "bookmark standard setting process" that is used, indicating that it's all educators working on this process, with DOE only serving as a "guide on the side." Educators selected from this process represent various geography, community types and socio-economic status in Indiana.

Superintendent Ritz asked Dr. Walker to explain why this is so late in coming. Dr. Walker indicated usually this would come to the Board in August, but since the Education Roundtable didn't meet until September, it couldn't come to the Board until after the Roundtable met.

Motion and second to approve cut scores was taken. Vote approved unanimous.

A-F Accountability

Superintendent Ritz called up Debbie Dailey from DOE's IT department and encouraged Board members to ask questions at any time during the presentation. Ms. Dailey indicated there were two issues for 2011-12 grades: grade level configurations and category caps for high

schools. The same issues were noted for 2012-13. Superintendent Ritz asked Ms. Dailey to start with 2011-12.

Ms. Dailey stated that one of recommendations from the Grew/Sheldrake report was to review the 3 high schools whose grades were elevated due to cap being removed, even though it shouldn't have been. Ms. Dailey provided two options: hold harmless (leave grade because it was DOE's error), or recalculate and give high schools the lower grade they should have received. Mr. Elsener asked if high school cap was a choice. Superintendent Ritz stated the cap should have remained in place, per the rule.

Mr. Elsener made a motion to hold the affected school harmless. Superintendent Ritz requested the schools be taken one-by-one. Superintendent Ritz then read the choices from a handout and asked for a second and asked for discussion. Dr. Freitas stated he was not comfortable with holding the schools harmless and asked about recalculating the grades. Mr. Elsener commented on his respect for Dr. Freitas' opinion, but offered that because they learned so much and as a practical standpoint, offered that grades should remain. Ms. Neal stated that the schools have had these grades and to recalculate would change that.

Roll call vote; unanimous for 10 members voting. Superintendent Ritz abstained, asserting she did not want to make a policy decision. Dr. Oliver asked how this decision was distinct from all other decisions, since Board makes policy. Superintendent Ritz stated that as agency head for DOE she felt she needed to not play a role since the decision is concerning a rule she did not partake in, stating she felt more comfortable in the Board making those decisions. Mr. Elsener asked if there was a legal reason. Superintendent Ritz responded, "No. It's simply my choice."

Superintendent Ritz indicated to move on to the next schools. Ms. Daily started by saying what was done has been determined plausible per LSA. She went on to state that DOE believe there is another model with potentially better options for the schools. Ms. Dailey explained that the previous calculations did not include all possible data sources, but only used grade 3-8 data. She stated they did not use the sum of the four weighted scores for this school, and that she was presenting other models to consider.

Ms. Dailey went on to explain that "override" is a method to control for system outliers, and while a specific model is allowed to assess a school, in 2011-12 these schools were placed in elementary/middle school only.

Mr. Elsener offered that Indiana has a plausible model that was consistently applied. He suggested keeping things consistent for now, but using this option this moving forward. Once Mr. Elsener made the suggestion, Superintendent Ritz interrupted, stating, "Dan, we aren't there. We're not making decisions now."

Superintendent Ritz then directed the Board to look at the paper with the configuration differences and another document with a spreadsheet. Ms. Dailey then stated that 4 schools were negatively impacted by the calculations. All were combined schools, so they have some elementary grades and some high school grades. Superintendent Ritz stated that the 4 schools were auto-assigned to a category and when the new model was applied the grades went down.

Ms. McKeown clarified that the rule did not include language stating that a new school should not receive a letter grade. She noted the provision for schools that have been open 3 years or less. Dr. Freitas asked if the grades being presented were based on the current rules. When that was affirmed, he asked if the separate system being proposed now for these schools is statutorily allowable, considering it would be a second way to calculate grades. Ms. McKeown noted the complication of the rule, and that because of its specificity some things were not caught. Ms. McKeown referenced Ms. Dailey's accurate statements about the model calling for certain data points, but that when the system was actually applied, there were some schools that didn't fit because of the need to have grade 12 for two years in order to calculate high school grades.

Dr. Freitas asked about the application of the alternate suggestion and if that would mean the Board were no longer applying the process consistently. Ms. McKeown stated that what was already calculated was consistently applied. Dr. Freitas then further inquired if revisiting the four schools in question would put them at an unfair advantage or disadvantage. He asked if that were the case, why would it not be applied to all schools equally and give them the better grade, and then stated that the process in that manner would not make sense.

Ms. Dailey then referenced the appeals previously submitted to the DOE by these schools. Ms. McKeown explained the appeals documentation and the letter DOE provided in response, clearly identifying under which mode the school was assigned a grade. Superintendent Ritz then asked for a moment, and then took the opportunity to discuss grade levels.

Ms. O'Brien reiterated the statement previously made by Dr. Freitas, as to whether opening this up for these 4 schools then opens up the window for all. Superintendent Ritz stated it's not all schools, to which Ms. O'Brien, Mr. Elsener, and Dr. Oliver stated their concern regarding that and potential implications. Dr. Oliver asked if the Board should make a motion to move forward. Superintendent Ritz stated the Board could if they wanted to move forward with that.

Mr. Walker asked, if the DOE had all the data, why they weren't using it. Dr. Oliver asked about the feasibility of this without causing more problems. Mr. Walker stated his motion would be to correct it for all of them, regardless of positive or negative impact.

Superintendent Ritz indicated that she did not bring the Board all the schools, just those whose scores dropped. Ms. Neal offered that if the grades are in place, they stay. She indicated with the new grades, if they improved for schools that were struggling, then any harm has passed.

Ms. Neal made a motion to leave the grades “as is.” Motion was seconded. Superintendent Ritz asked for discussion. Mr. Elsener asked for Ms. McKeown to present her information so the Board could be fully informed. Ms. McKeown reviewed the response letters DOE provided to the schools at the time. The letters demonstrated that DOE was transparent with the schools in terms of the category under which they were each assigned a grade. Superintendent Ritz indicated there was a motion and a second and asked if there was any more discussion. Roll call vote was taken. 9 in favor; Mr. Walker opposed; Superintendent Ritz abstained.

Superintendent Ritz indicated for that 2012-13 the DOE has the calculation model. Stated they will produce other models also, and that going forward will ask if they apply the plausible models or if they stay within the elementary/middle school consistently. Mr. Walker moved to apply combined data for the schools that don’t have traditional data. Dr. Oliver asked for clarification if it would be whichever model calculates higher grade. Mr. Walker clarified it was not about the higher grade, just a clear model.

Superintendent Ritz stated that even with the acceptance of a particular model, any exceptions will be brought to the Board. She added that she is committed to transparency and accountability.

Ms. Dailey indicated DOE is working with Dr. Walker to identify unusual grade configurations and schools with grade level changes from 2011-12 to 2012-13 that will result in the partial data situation. Ms. McKeown then provided a version of the table you received the previous afternoon, which included a column outlining why unusual grade configuration matters. Mr. Elsener questions the nuance of the combined grades. Ms. Dailey stated that many grades stayed the same, some did go up, but some were harmed. Mr. Elsener asked if it was something a school could appeal, to which Ms. Dailey stated she believed appeal criteria would need to be outlined.

Superintendent Ritz returned to the motion and second. Vote was 10 approve; Superintendent Ritz abstained.

Ms. McKeown attempted to offer that the Board was using the word “combined” in the motion that just passed in a manner different than was actually defined in statute. She explained that the motion used the term “combined” but that based on the dialogue of the Board, it’s not intended the same way. Superintendent Ritz stated that she believed it was clear through the motion.

Ms. Dailey stated the data could be calculated in “a few days” but that she wanted to review for quality assurance since this is only the second year of the DOE doing this. Ms. Dailey reiterated her concern was on the quality side, not on the time to run the data.

Counsel for Gary Community School Corporation and Edison Learning approached the podium. Superintendent Ritz stated that she was of the understanding that the groups had reached a tentative agreement. Both counsels agreed. Gary counsel indicated they would like to have an agreement signed by the end of the month, but would ideally like to do by end of the week. Edison counsel stated that as of the previous night she believed they have an agreement and are ready to sign. Counsel for Gary stated they were just reviewing and then would sign. Mr. Walker expressed the importance of keeping the issue focused on providing for kids at Roosevelt so that they can have the services they need to get a quality education. Mr. Walker encouraged the two sides not to let anything cloud that issue. Counsel for Edison asked if the Board would like a copy of the signed agreement. Superintendent Ritz indicated she would like that, and stated she would present the Board with a signed agreement when she receives it.

Electronic Participation Board Meeting Policy

Superintendent Ritz indicated all Board members had a copy of the policy and asked if any Members had questions. A motion was made. Troy Albert indicated he would like small groups or committees to be allowed but that participation in regular meetings to be a last resort. Ms. McKeown explained that the proposal went to more than 1/3 of Board present in order to encourage in-person participation, so that electronic participation is the exception rather than the norm. Motion received a second; approved unanimous.

X. Discussion?

OMB Student Instructional Expenditure Report

Report provided to Board. OMB staff Chad Timmerman present. No questions from Board.

Compensation Models

Pat Mapes, Director of IEERB, was present and explained what agency does. He explained that when districts can't settle contracts, IEERB assigns a mediator to help get over the impasse. Both sides exchange "last best offers" if they cannot resolve in 30 days. After that step, process goes to fact finding. Other areas include deciding unfair practice cases and deciding exclusive representatives. They also have a research division.

Dr. Oliver expressed that he is still hearing concern from constituents regarding RISE 2.5. Dr. Oliver asked if this impacts funding for schools. Mr. Mapes explained that evaluation just informs who is in; the rating is based on how much emphasis is put on weighting. Mr. Mapes illustrated by stating if the number of people in the pot is 100 and you let 125 in, there's going to be less to go around. It's hard to know how many did this, and if so, if they followed proper channels in making adjustments.

The Board asked for James Betley to give an update related to the legal memo he provided. Dr. Oliver expressed concern that if the Board is supposed to authorize these categories, what is the implication since RISE 2.5 came from DOE without first being properly vetted through the Board. Dr. Oliver would like to revisit if it's appropriate for RISE 2.5 guidance to be out because

of that. Superintendent Ritz then indicated, per chair's discretion, she would move forward with the agenda as scheduled.

HEA 1005 Remediation

Danielle Shockey, Deputy Superintendent for the DOE, indicated she provided a report dated yesterday to the Board and it was placed at Members' seats when they arrived. Ms. Whicker asked about the pilot. Ms. Shockey stated that if it were expanded too much, the pilot would be every student.

Dr. Freitas asked if the intent is to come back to the Board with an action item. Ms. Shockey stated that per Representative Behning's communication, an action item would be brought to the Board in November. Ms. Shockey stated there is a training that needs to be done.

Common Core State Standards Review Process

Superintendent Ritz stated that as revisions are made she wants to make sure standards are College and Career Ready (CCR) so that what comes to the Board in April is final. Superintendent Ritz stated that Higher Education groups almost final. She explained that the meetings will be starting soon. She also added that they are getting legislative report soon, and the last commission hearing was the previous day. Superintendent Ritz stated she will get recommendation from them which the Board will get. She explained the work is starting from 2010 standards, which are basic CCSS. From there, Superintendent Ritz stated she will report back to Board every month, and in January it goes to Roundtable. Superintendent Ritz recommended the public hearings as required in 1427 take place in February, and afterwards they go back to the Roundtable and standards come to the Board in April for approval.

Superintendent Ritz stated that 2014-15 should have CCR assessments, and the transition should be this spring. She stated that Core Links is really a series of questions already vetted, and they can be adjusted based on what Indiana does with standards. Superintendent Ritz stated 2014-15 can be more CCR assessments, including more rigor in the questions in the ISTEP format, and that she didn't really know if Indiana needed to change that plan.

Ms. Whicker asked Superintendent Ritz about CoreLinks, what it was and when it was decided. She explained that she didn't know the Board had decided anything and thought it was still up to the Board to decide. Dr. Walker explained that CoreLinks is a matrix sample, which is a short session for students. She explained that it had not been taken in Indiana before, but that it is part of the current contract with CTB from two years ago.

Superintendent Ritz noted her surprise when she learned about this initially, because DOE had a robust plan to transition from ISTEP to CCR assessments. She stated it was "prudent" that DOE did that. Superintendent Ritz indicated this was a way to transform so students are ready and that she was bringing to the Board so they know how we're going to transform because it's an option to field test some questions. Superintendent Ritz noted it's a sample of more

rigorous questions. She also indicated the Board also needed to know that Indiana's tests now have huge overlap with Common Core State Standards and Indiana academic standards, and as such Indiana is already testing Common Core types of things. Superintendent Ritz explained that the testing is not giving the same type of rigor related to application items and Indiana has to find a way to get that type of rigor into the assessments.

Mr. Elsener asked, in the interest of being open and transparent, who makes the decisions regarding standards and also assessments. He cited that in the past the Board decided the contract for testing. Ms. McKeown stated the SBOE is the authorizer of ISTEP and the Superintendent of Public Instruction implements the program and delivery (per statute); two different responsibilities that work very closely together. Ms. McKeown stated she is learning this about this assessment. She stated as someone who's been familiar with Indiana she was curious if this was part of the plan to transition to PARCC. Mr. Elsener asked if this was a bridge to PARCC; to which Superintendent Ritz agreed. Ms. Whicker asked if this was the "end all" test, to which Superintendent Ritz emphatically said no.

Ms. Neal apologized and indicated she had to leave for parent conferences. She stated that she was concerned the legislation to pause the CCSS was a burden to teachers and now a shift in assessments may cause another burden. Dr. Walker expressed that there is a federal obligation to provide a CCR assessment by 2014-15. When asked by Ms. Neal if we know ISTEP doesn't meet CCR, Dr. Walker stated parts could be but we don't know.

Dr. Oliver asked who determines if standards are CCR. Superintendent Ritz stated higher education panel exists because only higher education can deem standards as CCR. Dr. Oliver indicated his doctorate is in curriculum and instruction and he wants to make sure Indiana's standards are solid in content, free of bias, and don't include expected pedagogy.

Superintendent Ritz stated that as Superintendent of Public Instruction she believes we need to do this well, so that Indiana has CCR standards. She reiterated she established higher education group so that Indiana has CCR standards. Superintendent Ritz stated she wanted to make sure the Board knew of the transition plan, and there's been a plan all along. She offered that the Board would need to direct the DOE on what it wants to do moving forward.

XI. BOARD OPERATIONS

SBOE Staff Updates

Anne Davis, Director: Members wish to review shared governance, including 10 days for action items. Much time spent planning the agenda for this month, yet items still not included (or where requested) per Member request. Memo from Representative Behning and Representative Clere to Board read for the record.

Michelle McKeown, General Counsel: Chair and board can equally add items to the agenda; chair does not determine the agenda per shared governance, just posts; 10 days for action. Dr.

Freitas asked about motions made by a board member and if there is anywhere that indicates a motion must be approved in order to be made. Michelle McKeown indicated shared governance does not address the process for recognition. Mr. Elsener asked if a motion made and seconded can be ignored. James Betley stated that, technically speaking, governed by shared governance; that means all motions. Mr. Betley further explained, one motion not on agenda was allowed; the governance applies to any motion, not just at discretion. Dr. Freitas offered that it may be fruitful to have an action item that will review our board procedures, indicating there are instances where items come up and it would not be good practice to wait until the next meeting. Dr. Freitas requested these items to be placed on the next meeting agenda. Superintendent Ritz stated that the procedures were between the Governor's office and DOE, and she will need to talk with the Governor's office.

Michelle McKeown discussed the Open Door Law (ODL) complaint filed against the board and indicated response was filed. ODL quite clear action items may be added during meeting irrespective if on agenda. Mr. Betley added, if an item is requested to be added to the agenda more than 10 days prior to meeting via email, it was properly requested; therefore, it didn't violate ODL or governance procedures.

Ms. O'Brien asked about the CC pause and which standards should apply for 2nd grade because of HEA 1427. Superintendent Ritz replied, "hands down, that's the decision that could be going forward legally. But those little second graders will not be taking a CC test as third graders. They will be taking a test that has both IN standards and CCSS. The decision of the DOE was for instruction only. Had nothing to do with moving ahead with just CC with Grade 2. Had everything to do with preparing student for an assessment as 3rd graders."

Michelle McKeown discussed the call SBOE staff had with DOE yesterday regarding allowable dollars for turnaround. On call DOE indicated there are dollars that are both allowable and available.

Rise 2.5 was requested for next agenda by Dr. Oliver. Superintendent Ritz, "I'll take it under consideration."

Gordon Hendry stated that he values public comment during meetings, but because of significant number of public as well as length of agenda, Board should hold to 5 minutes as outlined in documented shared governance procedures.

November Meeting dates were discussed.