



INDIANA STATE BOARD OF EDUCATION

INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

June 23, 2014

Indiana Government Center South
Conference Room B
302 West Washington Street
Indianapolis, Indiana 46204

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

I. CALL TO ORDER

Superintendent Ritz called the meeting to order at approximately 5:23 pm and roll was called. The roll reflected all members present except Ms. O'Brien and Ms. Whicker. The Pledge of Allegiance was recited.

II. APPROVAL OF AGENDA

- Dr. Oliver moved to add an action item. He said he appreciated the special meeting that was called for Board input and feedback regarding the waiver. He went on to say the Board intended on reviewing the amendments with the attachments in order to provide feedback. However, he stated the Board had not received all the attachments by the time of this meeting, despite requests by Board Members. He also stated the Board hadn't received the full, most recent version of the amendments until June 17, 2014.
- Dr. Oliver said the Board cannot make recommendations as the entirety of the waiver submission in good faith as a result of incomplete information. He went on to state he did think it was appropriate for the Board to review a proposed resolution

that covers several policy matters based on the information the Board had received. He stated the Board was unable to complete this resolution outside of the five days because: 1) it did not receive the amendment materials outside the five day period, 2) the amendment materials had been modified on June 17, 2014, a day after the Board first received them on June 16, 3) attachments had not been included with the amendment materials on June 16 or June 17, and 4) the Board had still not received all the attachments. For those reasons, Dr. Oliver moved to add an action item for the Board to review the resolution; Mr. Hendry seconded the motion. Superintendent Ritz stated the Board Operating Procedures require her approval to add an action item within the five day period. Mr. Elsener stated he supports the motion. Superintendent Ritz then took a recess for time to review the proposed resolution and consult with legal counsel.

-- RECESS --

- Upon resuming the meeting, Superintendent Ritz said after consultation with her counsel she was not going to accept the item as an action item. She went on to assure everyone that she was committed to doing what she was supposed to do with regard to bulleted items one through six in the resolution; she stated bulleted number seven is way out of the scope. Dr. Oliver responded that he would like to invoke the appeals process outlined on page three of the Board Operating Procedures; Dr. Freitas seconded. Superintendent Ritz stated it takes her approval to put something on the agenda. She said the Board should not have to deal with this issue. Dr. Oliver responded that the Board Operating Procedures allow for an appeal of the Chair's decision. Mr. Elsener said the Board needs to follow the board procedures. Dr. Oliver stated this is an important issue and special circumstances exist such that the item should be added.
- Dr. Oliver asked Board Counsel, Dr. Michelle McKeown to opine. Superintendent Ritz said she is committed to the waiver; Dr. Oliver and Superintendent Ritz disagreed as to whether the Board had all the waiver materials. Superintendent Ritz asked for a motion to approve the agenda; Mr. Oliver moved and Ms. Neal seconded. Superintendent Ritz asked for all those in favor to say aye and Mr. Albert, Ms. Neal and Superintendent Ritz said aye. Dr. Oliver voted no. Superintendent Ritz said an item can only be added with the approval of the Chair and three Board members. Dr. Oliver said he is not disputing that. He stated he wished to move to appeal the Chair's decision that a special circumstance did not exist to add the item. Dr. McKeown stated that the Board Operating Procedures do allow for an appeal in this

circumstance. She said the procedure for an appeal is for a Board member to move for an appeal, another member to second the motion, and then the full Board votes on the issue and may overturn the Chair's decision by a majority vote.

Superintendent Ritz said that only applies to items already on the agenda and that's how she is interpreting this.

- Superintendent Ritz stated they are trying to get things done as quickly as possible, and that the Department has been working with Board staff on all waiver issues. She also stated the Board has had all the content information since the first PowerPoint presentation the Department gave at the first special meeting; Superintendent Ritz said it included every single thing the Department was putting in their waiver. Dr. Oliver disagreed that the Board had received all the information. He said he is not saying the Department hasn't worked hard, he clarified he doesn't know what is going to be put in the waiver. Superintendent Ritz then stated she was moving on to the approval of the minutes. Mr. Elsener stated a lot of time was put into drafting the procedures and they should be followed. Mr. Hendry asked to hear from Department counsel as to the legal reason the appeal can't proceed. Michael Moore, General Counsel to Department, opined that while there is an appeal, there is no remedy. He said the only remedy is for the Chair to change her ruling which she is not going to do. He then stated there is no appeal of a final decision, and that her decision is a final decision. Dr. Oliver said he felt there is a double standard in how the procedures are interpreted. Superintendent Ritz said the Board had everything it needed outside of the five day period. Mr. Hendry said he had no objections to the resolution and said he didn't understand the controversy. He went on to say he accepted that the Chair would move on.

III. APPROVAL OF MINUTES

The Board voted to approve minutes for the June 4, 2014 meeting.

IV. STATEMENT OF THE CHAIR

There was no statement from the Chair.

V. BOARD MEMBER COMMENTS AND REPORTS

Robert Guffin, Executive Director of the Board, said Ms. O'Brien had a letter she would like to be read. Mr. Guffin and Superintendent Ritz agreed that Mr. Guffin

would read it later in the meeting during the waiver agenda item to which it pertained.

VI. PUBLIC COMMENT

There were no public comments.

VII. CONSENT AGENDA

A. Technical Correction to the Board Operating Procedures

The Board voted to approve the consent agenda.

VIII. NEW BUSINESS – ACTION

A. Approval of NCSC Assessment

- Dr. Michele Walker, Director of Assessment at the Department, was invited to speak. She said the NCSC is an alternative assessment for students that have the most significant cognitive disabilities. She walked the Board through a PowerPoint presentation, starting with an explanation of the ISTAR assessment. Dr. Walker said the NCSC will be aligned to the new standards and will replace the ISTAR. Dr. Walker also explained the differences in the assessments; that the ISTAR is a teacher rated instrument and the NCSC is a student interaction with the assessment. She gave an example that students who could only respond with eye movements would be able to take the NCSC. All Board Members participating in person or by phone voted yes and the motion carried 9-0.

B. Amendment to Board Electronic Participation Procedures

Dr. Freitas made the motion to change the required number of members to be physically present at meetings when one or more members are participating by phone; he moved to reduce that number from seven to five. He said the Board's business is important and wanted to ensure the Board could carry out its business. Dr. Oliver seconded the motion. Superintendent Ritz expressed some concern of going below six, which is the number for a quorum. Dr. Freitas responded that would

be the same as if a Board Member physically present had to leave the meeting. The Board voted 9-0 to carry the motion.

C. Approval of Standards Resource Guide

- Mr. Guffin read the following statement from Ms. Sarah O'Brien to the Board:

Good afternoon. I apologize for being unable to attend today's special meeting, but I unfortunately had a previously scheduled obligation. I felt it necessary to send a comment regarding the important issue of stakeholder supports matching curriculum and resources to the newly adopted College and Career Ready Standards. As you will recall, I made a specific resolution back in March to ensure that with the new standards adoption, our teachers across the state would have access to materials required for full implementation of current standards. When I asked about this again in May, I was informed that the department had misunderstood the request and that they would be following up with these calls now that they had clarification on the matter. Just this last week, I received a follow up from Amy Horton stating that an email had been sent by Danielle Shockey to textbook vendors informing them of the newly adopted standards and commenting that supplemental tools would be helpful for local corporations.

Part of the amended waiver being discussed today specifically states that the department is working with textbook publishers to ensure resources and supplements will be provided for teachers, specifically aligned with new standards. With all due respect, I am not satisfied that a casual email forwarded out to vendors satisfies the request made or approach warranted to be sure that schools are able to match curriculum to standards. It has been a month since the email was sent and I am told that there has been no vendor response to date. I am discouraged by the approach taken as well as the follow up from the department on this important

issue. Both as a matter of waiver compliance and educator support, I am hopeful that the department will be willing to take a more proactive approach in gaining these important tools so that schools are able to utilize them as necessary to fill in academic gaps. We are running out of time in preparation for 2014-2015 standards implementation and need to be acting quickly on the matter. I look forward to continued discussion and am happy to help in any way that I can.

Sarah O'Brien

Deputy Superintendent Danielle Shockey said it's not common for a superintendent to write a memo imploring anyone to do anything. Ms. Shockey continued that it wasn't just a memo, it included correlation documents offering the Department's assistance to any textbook company that wanted to make any changes.

- Dr. Oliver stated he would like to see what went out to the textbook providers. He also stated part of what Ms. O'Brien meant was a proactive door opening for vendors to come in and walk through what has shifted. Dr. Oliver said he thought Ms. O'Brien was asking that we be as proactive as possible moving forward. Ms. Shockey said she would get in touch with Ms. O'Brien regarding this issue. Mr. Albert said the tight timeline may be the reason for the delay in vendor response. Superintendent Ritz said the Department can reach out to local districts to see if they have been contacted directly by vendors to gauge responses. Mr. Hendry encouraged Department follow-up.
- Ms. Shockey began her presentation to the Board. She outlined the materials in the standards resource guides for English/language arts and math. She explained the Department received feedback and have been making updates as that happens. Ms. Shockey showed the Board the reading list, and what the website will look like and how the Department was making it as easy to navigate as possible. Ms. Shockey also explained the correlation guides sent to teachers. She stated the Department is conducting face to face teacher trainings and also presentations over the summer. Ms. Shockey outlined the things they are still working on, like the assessment blueprints. Superintendent Ritz added that they will be indicating which items on the list are from Indiana authors.
- Dr. Oliver asked about the involvement of higher education. Bill Reed, Secondary Math Specialist with the Department, said they have higher education lined up and

the first update will be in response to the feedback. He stated he didn't want to send it without Board input first. Mr. Albert suggested putting the dates of updates on the website. The Department said they have been dating everything. Superintendent Ritz asked for a motion to approve the resource guides. Dr. Oliver clarified that they are a draft and inquired if the Board would be approving a draft that will be revised. Mr. Albert said if the Board doesn't approve now there will be issues later; he said he agreed with the process and would like to move forward. Dr. Freitas clarified the motion is to release the resource guides, not to approve them. Superintendent Ritz said there is a motion to *release, but not approve*, the resource guides. Upon a second, the Board voted 9-0 to release the standards resource guides.

IX. BEST PRACTICES

The Board did not discuss this item.

X. DISCUSSION AND REPORTS

A. ESEA Waiver Update

- Superintendent Ritz stated the Board Members had before them a one page document that talks about the processes that have occurred since the Board last met. She talked about growth calculation options and public comment on the amendments. Superintendent Ritz said the Board has all the content and would receive the final version of the amendments submitted to the US Department. Mr. Hendry said they have not received the attachments to Principles 1 and 2. Superintendent Ritz said they would be receiving those once they are catalogued. She stated the final version of the amendment submission is not completed yet but will be submitted on time.
- Mr. Elsener expressed concern about the timeline since some of the amendment materials were not complete. Ms. Shockey stated they had a recent call with the US Department and that it's an evolving process.
- Ms. Neal stated a lot of energy has been put into jumping through the federal government's hoops. She said there are more questions arising regarding Arne Duncan's authority to impose some of these waiver conditions on states. Ms. Neal said there should be more questioning of Mr. Duncan's authority on these issues.
- Mr. Walker recommended the attachments be provided to the public before the public comment portion is closed. Superintendent Ritz said the attachments are

evidence of what the Department has been doing and they are not required to be put out for public comment; she also stated there is not enough time to keep public comment open for the attachments.

- Mr. Hendry said he would support Mr. Walker's request. Further, he stated that he appreciated the work of the US Department and everything they do for children.
- Dr. Oliver said this is about transparency and the Board did not know until December about the issues with the waiver. He said moving forward it's important to understand the role of the Board working in collaboration with the Department on behalf of students. Dr. Oliver stated the waiver is important for many reasons. He said the waiver allows Indiana to have more choice in how to spend federal money. He expressed concern that the amendment materials still read like a draft and had concerns over the timeline of the material submissions. Mr. Elsener was also concerned about the timeline of the waiver amendment drafts and stated some of what the US Department is doing is holding Indiana to its own commitments.

XI. BOARD OPERATIONS

Board operations was not discussed.

XII. ADJOURNMENT

Superintendent Ritz invited a motion to adjourn; Mr. Albert moved, Mr. Hendry seconded and Board voted to adjourn the meeting.