

**Minutes
State Board of Education
December 14, 2015**

Charles C. Edwards, Jr.
President
Des Moines

Michael L. Knedler
Vice President
Council Bluffs

Brooke Axiotis
Des Moines

Michael Bearden
Gladbrook

Diane Crookham-Johnson
Oskaloosa

Angela English
Dyersville

Rosie Hussey
Clear Lake

Mike May
Spirit Lake

Mary Ellen Miller
Mason City and
Wayne County

Hannah Rens
Student Member
Sioux City

Ryan M. Wise
Director and
Executive Officer

The State Board of Education meeting was held on Monday, December 14, 2015, in the State Board Room, Grimes State Office Building, Des Moines, Iowa. The following State Board members were present: Charlie Edwards, Mike Knedler, Mike Bearden, Mike May, Brooke Axiotis, Angela English, Mary Ellen Miller, Diane Crookham-Johnson, and Hannah Rens (via telephone). Iowa Department of Education staff members present were: Ryan Wise, David Tilly, Jeff Berger, Jeremy Varner, Nicole Proesch, Shan Seivert, Staci Hupp, Phil Wise, Mary Delagardelle, Thomas Mayes, Pradeep Kotamraju, Kelli Diemer, Vladimir Bassis, Zoe Thornton, Linda Carroll, Amy Williamson, Deb Darge, and Jody Crane. Also in attendance were: Rebecca Barloon and Meghan Gavin, Attorney General's Office; Kristy Latta, Ahlers Law Firm; Lisa Remy, West Des Moines Community School District; Joyce Russell, Iowa Public Radio; D.T. Magee, Board of Educational Examiners; Anna Ver Ploeg; Katie Greving, Decoding Dyslexia Iowa; David Brick, Brick Gentry Law Firm; Rob Knudsen and Lynn Knudsen; Tim Crellin, Legislative Services Agency; Doug Hoelscher, Governor's Office; and M.J. Dolan, Iowa Association of Community College Trustees.

STATE BOARD BUSINESS MEETING

Charlie Edwards called the meeting to order at 11:00 a.m.

It was moved by Mike Knedler and seconded by Angela English that the agenda be approved. The motion carried unanimously.

COMMUNICATION

Public Comment

Anna Ver Ploeg provided public comment in support of the Chapter 61 rules – Iowa Reading Research Center - Intensive Summer Literacy Program Criteria. She supports the provision in the rules that allows for her to continue having her children privately tutored in place of attending the school's intensive summer reading program.

Katie Greving, President, Decoding Dyslexia Iowa (DDI), provided public comment in support of the Chapter 61 rules – Iowa Reading Research Center - Intensive Summer Literacy Program Criteria. She talked about dyslexia and how common dyslexia is, appreciation to

the Department for modifying the rules based on input from DDI, a survey DDI conducted with Iowa educators who have graduated from Iowa colleges and universities regarding their lack of knowledge of dyslexia, and how Iowa colleges and universities are not properly training educators in this area.

There was discussion whether dyslexia can be mitigated, DDI's satisfaction that dyslexia can be dealt with in the summer reading program, the number of public schools in Iowa that deal with the issue of dyslexia, and whether schools effectively identify students with dyslexia.

Kristy Latta, representing the West Des Moines Community School District, provided public comment regarding *In re Expulsion of M.K. (West Des Moines Community School District)*. She indicated that the effect of the Board's decision in this case will have wide ranging impact and ramifications for all local school boards. She talked about the proposed decision deviating from the standard with respect to jurisdiction and local control, the modified decision, and misunderstanding with the punishment.

There was a question regarding the number of students that had been disciplined under the same policy in the last two school years.

Director's Report

Ryan Wise, Director, Iowa Department of Education (Department), indicated that No Child Left Behind (NCLB) has been abolished and that the Elementary and Secondary Education Act has been reauthorized and is now the Every Student Succeeds Act (ESSA).

Wise reported on the opportunities ESSA will give to Iowa and all states. This properly restores the balance between federal and state roles in education while also preserving the federal government's commitment to transparency, accountability, and equity. There will still be annual assessments of students in Iowa, data will continue to be disaggregated based on various subgroups, and at the same time Iowa will have more control and direction over the goals set for Iowa's schools and over how the Department works with schools in the spirit of continuous improvement to achieve those goals.

Work has begun and will continue over the next 18 months to review the 1,100 page ESSA bill to see what's included, what are the big questions, and next steps. Department staff will work diligently to ensure effective implementation and will also work with a broad group of stakeholders.

At the January State Board meeting, David Tilly will lead the Board through an overview of big sections of the ESSA bill. The Board's role will also be discussed and how state policy needs to be adjusted.

Wise talked about the timing of the new law as it relates to what Iowa has been doing in terms of accountability and support. He referenced the release of the Iowa School Report

Card, differentiated accountability, and the rollout of the Teacher Leadership and Compensation (TLC) system.

Wise reported that TLC has 88 percent of Iowa school districts with an approved TLC plan. Every district has submitted a draft plan. Forty districts still have work to do and have two months to revise their plans. It is hoped that all districts will get into the system.

Copies of the State Board's 2016 priorities brochure were distributed. The matrix showing progress on the priorities is being developed.

Wise indicated that he has been working with the Department of Administrative Services regarding the structure/alignment of the Department to help achieve the Board's and Department's goals.

There was discussion regarding who has the responsibility and the process for scoring TLC applications, and the need for a decision to be made regarding a person to be assigned to support the Board.

BOARD ACTION/DISCUSSION AGENDA

Rules: Chapter 61 – Iowa Reading Research Center - Intensive Summer Literacy Program Criteria (Adopt)

David Tilly, Deputy Director, Division of Learning and Results, and Phil Wise, Administrative Rules Co-Coordinator, presented the Chapter 61 rules.

Tilly reported that as part of the statewide early literacy initiative, students who are not proficient by the end of third grade are subject to retention unless they participate in an intensive summer literacy program. The Iowa Reading Research Center (IRRC) was charged with developing the criteria that would be used to define said programs.

The criteria and guidelines contained in the Chapter 61 rules are based on the work and recommendations of a multiple-member team convened by the IRRC, which examined current practices in Iowa schools and evidence-based research on summer reading acceleration.

Tilly explained the delay in the rules being submitted to the Board for adoption stating that the Department wanted to give due consideration to the input received and be thoughtful in any potential changes that were made.

Wise provided a summary of approximately 90 comments that were received on the Noticed rules. He reviewed the following changes that were made as a result of public comment:

- In Criterion 1, a specific Code reference is made that makes it clear that the reading curriculum used during an intensive summer literacy program must incorporate strategies to assist students with dyslexia.

- In Criterion 2, definitional and clarifying language was added to give school districts more flexibility.
- In Criterion 3, the minimum number of hours of intensive reading instruction was changed from 75 to 70 hours.
- In Criterion 5 and Criterion 7, the attendance requirement for an intensive summer literacy program was changed from 90 to 85 percent attendance.
- In Criterion 8, an option for parents to utilize a private provider at their own expense for an intensive summer literacy program was added.

Tilly indicated that individuals representing education policy, legal, and programming also provided their perspective in modifying the rules.

There was discussion regarding the next steps in the rule making process, the rationale for lowering the minimum number of hours of intensive reading instruction from 75 to 70 hours and lowering the attendance requirement from 90 to 85 percent, the structure of the summer instruction, what exemplary reading instruction programs look like, whether the private provider option is only open to dyslexic students, options to parents if a private provider does not meet the criteria, evaluation process of the reading programs, and what happens to students if they don't successfully complete the summer reading program.

Discussion continued regarding whether there will be enough resources and qualified teachers to support the programs, legislative funding requested to help support the programs, how to help colleges and universities prepare teachers to diagnose and instruct students with dyslexia, whether students' attendance at summer programs will be monitored, and how legislation will be offered the first week of the legislative session to address the issue of teacher preparation in this area.

Motion: Diane Crookham-Johnson made a motion and Mike Knedler seconded that the State Board amend Chapter 61.

Vote: The motion carried unanimously.

In re Expulsion of M.K. (West Des Moines Community School District)

Charlie Edwards explained that the Attorney General's Office had been contacted to advise the Board on the following two appeals: *In re Expulsion of M.K. (West Des Moines Community School District)* and *In re Open Enrollment of B.M. & J.M. (Lisbon Community School District)*.

Meghan Gavin, Assistant Attorney General, Iowa Attorney General's Office, indicated that there are two main issues before the Board. The first is the preliminary jurisdiction issue and the secondary issue relates to the Board's review. The jurisdiction issue is not clear in the law. The question was whether or not the appeal was an affidavit, as required by

statute, and properly before the board. Although the appeal was not in the proper form, Gavin cited substantial compliance with the rule and; therefore, recommended that the Board take jurisdiction.

On the second issue relating to the Board's review of the local school board decision, Gavin discussed the standard of review which is abuse of discretion, and recommended that the Board approve the administrative law judge's decision on the Motion for Summary Judgment.

There was discussion and questions on the facts of the local board's discipline of the student. There was a question regarding whether or not M.K. would have to stay in the alternative educational placement. Gavin clarified for the Board that the local board's decision allowed for M.K. to return to the regular educational setting and pointed out where in the record this was. Gavin recommended the Board approve the decision on the Motion for Summary Judgment noting that clarification.

Motion: Angela English made a motion and Mike Knedler seconded that the State Board uphold the administrative law judge's decision from November 2015 by following the West Des Moines Community School District's punishment.

After considerable discussion, Angela English withdrew this motion.

Motion: Angela English made a motion and Mike Knedler seconded that the State Board has jurisdiction to consider this appeal.

Vote: A roll call vote was taken. Aye: Brooke Axiotis, Diane Crookham-Johnson, Charlie Edwards, Angela English, Mike Knedler, Mike May, and Mary Ellen Miller. Nay: Mike Bearden. The motion passed.

Motion: Angela English made a motion, as amended, and Mike Knedler seconded that the State Board uphold the decision of the West Des Moines Community School District in this case.

Vote: After discussion, a roll call vote was taken. Aye: Brooke Axiotis, Mike Bearden, Charlie Edwards, Angela English, Mike Knedler, Mike May, and Mary Ellen Miller. Nay: Diane Crookham-Johnson. The motion passed.

In re Open Enrollment of B.M. & J.M. (Lisbon Community School District)

Gavin indicated that upon review of the facts, she agrees with the administrative law judge's proposed decision. There was never any evidence in the record that the parents went to the Lisbon Community School District, requested services, and were denied.

Gavin stated that the Board's standards are high in this regard. For this standard to be met, the Board needs to be very fact specific. The record needs to reflect that because of the unique circumstance of this case and because it took place at school, there was nothing as a matter of law that the school could have done. In this decision, the Board

needs to consider the impact as a precedential value and what kind of standard the Board wants to create to allow open enrollment. Gavin said it's important to provide guidance to other school districts and that this case is just too unique.

The Board's options were discussed. Gavin indicated that this is a very difficult case because the standards are clear. However, if the Board wants to go the way of the final decision, the only way the Board can go that way legally is to say that as a matter of law the school district could not have remedied this situation.

Gavin recommended that the final decision be amended to reflect that motion and to make this a fact specific case that won't offer precedential value in the future.

Motion: Mike May made motion and Brooke Axiotis seconded that the State Board direct the Attorney General's Office to modify the proposed final decision.

Vote: A roll call vote was taken: Aye: Brooke Axiotis, Mike Bearden, Diane Crookham-Johnson, Charlie Edwards, Angela English, Mike Knedler, Mike May, and Mary Ellen Miller. Nay: None. The motion passed.

In re Open Enrollment of J.W. & E.W. (Des Moines Independent Community School District)

Nicole Proesch, Administrative Law Judge, presented *In re Open Enrollment of J.W. & E.W. (Des Moines Independent Community School District)*. At the time of this appeal, J.W. and E.W. resided in the Des Moines Independent Community School District (DICSD) and in the Hoyt Middle School attendance area. During the 2014-2015 school year, J.W. and E.W. attended Hoyt Middle School. J.W. was subjected to name calling, pencil flicking, and other students kicking his chair. J.W. was also assaulted by another student and the incident was captured on social media in February 2015. E.W. was also verbally harassed by several students while she was waiting for the bus. Administration addressed both issues. However, the Appellant filed an application for open enrollment from the DICSD to the Carlisle Community School District.

The DICSD board denied the application finding that there was no harassment and noting that J.W. is now in the high school and E.W. is attending Weeks Middle School which are new attendance centers. They also agreed to offer J.W. attendance in another district building.

In reviewing an open enrollment decision involving a claim of repeated acts of harassment under Iowa Code § 282.18(5), the Board has set out four criteria that all must be met in order to overturn the decision of the local board. The evidence at the hearing before the administrative law judge showed that with regard to J.W., the harassing behavior was known well before the March 1 deadline. Thus, under the first criterion, J.W.'s appeal fails. J.W. may also attend another attendance center as offered. With regard to E.W., although the incidents occurred after March 1 and were found to be harassing under the third and fourth criteria, the appeal fails because administration stopped the harassing behavior and now E.W. is attending school in another attendance

center. It was recommended that the State Board affirm the proposed decision of the DICSD Board.

The Appellants have appealed the proposed decision. The district requested that the Board affirm the proposed decision. J.W. requested oral argument before the Board. The Board denied the request for oral argument.

Motion: Diane Crookham-Johnson made a motion and Mike May seconded that the State Board approve the proposed decision affirming the decision of the local board of directors of the Des Moines Independent Community School denying the open enrollment filed on behalf of J.W. and E.W.

Vote: A roll call vote was taken: Aye: Brooke Axiotis, Mike Bearden, Diane Crookham-Johnson, Charlie Edwards, Angela English, Mike Knedler, Mike May, and Mary Ellen Miller. Nay: None. The motion passed.

Future Ready Iowa Initiative

Doug Hoelscher, Director, state of Iowa Office of State-Federal Relations, talked about his role in state government and presented information on the Future Ready Iowa Initiative.

The Future Ready Iowa initiative is focused on strengthening Iowa's talent pipeline to help ensure students and workers have the career opportunities they deserve, and that business and industry have the skilled employees they need to compete in an increasingly knowledge-based and globalized economy. Governor Branstad established a goal of 70 percent of Iowans in the workforce obtaining a postsecondary credential with labor market value by 2025.

The goal is supported by a recent study by Georgetown University which forecasts future educational demand. The Governor and Lieutenant Governor held three roundtables in October to discuss a shared vision for growing Iowa's talent pipeline and closing the skills gap. The Future Ready Iowa initiative builds off of a National Governors' Association (NGA) talent pipeline policy academy.

A PowerPoint was presented that addressed the following:

- NGA Talent Pipeline Grant Purpose
- NGA Talent Pipeline Grant Work Summary
- Key Message
- Vision
- Goal
- Stakeholder Coordination
- Drive Alignment and Connectivity
- Create an Interactive Career Development Portal

There was discussion regarding the percent of Iowans in the workforce that have currently earned education and/or training beyond high school, whether Iowa has the

capacity to educate the 10 percent growth to achieve the goal, efforts to reach students beyond middle and high school, job shadowing opportunities, regional collaboration, and collaboration between educators and business people.

Secondary Career and Technical Education Task Force Final Report

Jeremy Varner, Administrator, Division of Community Colleges, and Pradeep Kotamraju, Chief, Bureau of Career and Technical Education, presented the *Final Report of the Secondary Career and Technical Education Task Force*.

In 2013, House File 604 mandated the establishment of a Secondary Career and Technical Education (CTE) Task Force to review existing programming and make recommendations that reduce skill shortages, enhance economic growth, and ensure that all students have access to high-quality, globally competitive CTE programs.

This legislation directed the task force to review and make recommendations on secondary CTE programs. This review was to consider measures to ensure consistency in CTE program quality statewide. The legislation directed the task force to review provisions of the Iowa Code and related provisions of the Iowa Administrative Code relating to “vocational education” or CTE.

The task force produced five recommendations that focus on: 1) Career Guidance; 2) High-Quality Secondary CTE Programming; 3) Work-Based Learning; 4) CTE Teacher Preparation and Professional Development, and (5) Regional Partnerships and Regional Centers. Detailed descriptions of these recommendations are included in the final task force report.

Each recommendation is individually able to stand on its own, when taken together, the five recommendations point secondary CTE in Iowa in a new and innovative direction by ensuring access to high-quality CTE programming for all students across the state. Kotamraju reviewed the five recommendations.

Kotamraju stated that the recommendations are targeting secondary CTE, that the time to restructure and reform secondary CTE is opportune because there are many things that are currently occurring, and that this will be a multi-year effort.

The task force recommendations were submitted to the General Assembly on November 2, 2015.

There was discussion regarding limited opportunities in rural areas compared to urban areas, and lack of an employment pool in rural Iowa.

Community Colleges Fall Enrollment Report 2015 and Data Visualization Tools

Jeremy Varner shared highlights of the *Community Colleges Fall Enrollment Report 2015*. The report provides information on fall credit enrollment at Iowa's 15 community colleges as of the tenth business day of the semester.

Varner reported that enrollment totaled 93,074 students - a decline of 0.74 percent from the prior year. He also talked about enrollment trends and joint enrollment.

Vladimir Bassis, Consultant, Bureau of Community Colleges, demonstrated the following Community Colleges Data Visualization Tools:

- Interactive Charts and Data Sets
- College Area Interactive Maps and Charts
- Zip Code Area Interactive Maps and Charts
- Iowa Community College Program Outcomes

Iowa Statewide Work-Based Learning Intermediary Network - Fiscal Year 2015 Report

Jeremy Varner introduced Kelli Diemer, Consultant, Bureau of Career and Technical Education. Diemer presented highlights from the *Iowa Statewide Work-Based Learning Intermediary Network Fiscal Year 2015 Report*.

In 2013, legislation was passed to establish a network of regional work-based learning intermediary networks to connect business and the education system and expand the availability of relevant work-based learning opportunities (e.g., job shadows, internships, and career fairs) to students and teachers particularly related to science, technology, engineering, or mathematics (STEM) occupations; occupations related to critical infrastructure and commercial and residential construction; or the targeted industries of advanced manufacturing, biosciences, and information technology.

Progress has been made in work-based learning opportunities for secondary students in fiscal year 2015. The statewide intermediary network has had success in providing a wider variety of work-based learning opportunities for a broader range of K-12 students across the 16 career clusters. The regional intermediary contacts have developed stronger connections with partners including business and industry representatives, professional organizations (Chambers of Commerce, etc.), Iowa STEM, and community colleges. However, those activities where students are on the work site have experienced additional barriers and limitations due to reported liability concerns from employers and school districts. Licensure issues for work-based coordinators at the school district have also limited these opportunities.

Prepare for January State Board Meeting

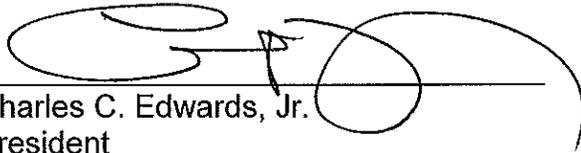
Board members discussed what priorities they would like to address when meeting with Governor Terry Branstad and Lieutenant Governor Kim Reynolds as well as legislators at the January 2016 Board meeting.

Board Reports

Charlie Edwards, Brooke Axiotis, and Mary Ellen Miller met with the Iowa Association of Community College Trustees.

Mary Ellen Miller participated on a panel at the University of Iowa, College of Education.

Charlie Edwards adjourned the meeting at 2:40 p.m.



Charles C. Edwards, Jr.
President



Ryan M. Wise
Director