



**Minutes
State Board of Education
November 20, 2013**

Rosie Hussey
President
Clear Lake

Charles C. Edwards, Jr.
Vice President
Des Moines

Diane Crookham-Johnson
Oskaloosa

Sister Jude Fitzpatrick
West Des Moines

Michael L. Knedler
Council Bluffs

Valorie J. Kruse
Sioux City

Mike May
Spirit Lake

Max Phillips
Woodward

LaMetta Wynn
Clinton

Edgar Thornton
Student Member
Iowa City

Brad A. Buck
Director and
Executive Officer

The State Board of Education meeting was held on Wednesday, November 20, 2013, in the Grimes State Office Building, Des Moines, Iowa. The following State Board members were present: Rosie Hussey, Charlie Edwards, Max Phillips, Mike May, Mike Knedler, Valorie Kruse, Sister Jude Fitzpatrick, Diane Crookham-Johnson, LaMetta Wynn, and Edgar Thornton. Iowa Department of Education staff members Brad Buck, Ryan Wise, Mike Cormack, Nicole Proesch, Dave Tilly, Mary Delagardelle, Jeff Berger, Phil Wise, Staci Hupp, Vladimir Bassis, Kent Farver, Larry Bice, Sandra Dop, Marietta Rives, Byron Darnall, Thomas Mayes, Rachel Kruse, Carla Schimelfenig, Jeremy Varner, Carole Richardson, Barb Ohlund, Eric St. Clair, Deb Darge, Jim Flansburg, Isbelia Arzola, Ellen McGinnis-Smith, Lisa Albers, Shelley Ackermann, and Jody Crane were also in attendance. Also in attendance were: Bridget Godes, Senate Democratic Caucus; John Parker, Legislative Services Agency; D.T. Magee, Board of Educational Examiners; Mike Wiser, Lee Enterprise; Richard Lee, WHO Radio; Nancy Halferty; Jodi Grover; Frank Hilton; Bill Gustoff, Network of Iowa Christian Home Educators; Dave Epley, House Democratic Caucus; Paula Ganzeveld, Mount Mercy University; Rob Porter, Attorney General's Office; Representative Kevin Koester; Jennifer Adams, Great Prairie Area Education Agency; Merry Dudley, Jolonda Mihalovich, Jolynn Kruzich, Terri Schofield, and Anthony Ryan, Centerville Community School District; Tammie McKenzie, Barbara Mortenson, Karen Raymond, Becky Boes, Kathy Cordes, Max Fischbach, Eric Nagl, Duane Horsley, and Kim Tiefenthaler, Carroll Community School District; Derek Morris, Kandy Pantoja, Gary Smith, and Denise Smith, Lenox Community School District; Bruce Kimpston, Alice Pareti, Megan Walsh, Megan Jones, Richelle Jones, Tania Fried, and Al Neppi, Ankeny Community School District; Todd Shafer, Ankeny School Board; Representative John Landon; Kerri Nelson, Charlene Rosenfelder, Jim Bugge, and Mary Sherwood, South Tama County Community School District; Rich Powers, Scott Bohlmann, Katie Walsworth, Tracy Johns, Dana Deines, Dan Conrad, and Susan Langan, Cedar Falls Community School District; Jason Kline and Jenny Wagner, Cedar Rapids Community School District; John Laverty, Cedar Rapids School Board; Senator Mark Segebart, and Senator Jack Whitver.

STATE BOARD BUSINESS MEETING

State Board President Rosie Hussey called the meeting to order at 10:00 a.m.

It was moved by Valorie Kruse and seconded by Mike Knedler that the November State Board agenda be approved. The motion carried unanimously.

COMMUNICATION

Public Comment

There was no public comment.

Director's Report

Director Brad Buck indicated that he recently attended a Council of Chief Staff School Officers meeting. He highlighted a few of the themes that are being discussed in other states. The themes are:

- Rigorous academic standards being supported by the core
- Multi-tiered System of Supports/Response to Intervention
- Aligned assessment

Buck reported that he has been traveling around the state visiting area education agencies (AEAs) and school districts. He recently visited the Waterloo Community School District where they are working on alignment of the Iowa Core, Response to Intervention, and innovative thinking. In addition, Buck attended a ribbon cutting ceremony at a "mall" school in Waterloo. A "mall" school is completely online and is located store front in a shopping mall.

Buck said a lot of great work is happening in the Department of Education (Department) as well.

CONSENT AGENDA

Sister Jude Fitzpatrick moved and LaMetta Wynn seconded to approve the consent agenda. The motion carried unanimously.

Rules: Chapter 31 – Competent Private Instruction, Independent Private Instruction, and Dual Enrollment (Adopt)

Mike Cormack, Policy Liaison, Division of Policy and Communications, indicated that the items adopted at the last State Board meeting were approved by the Administrative Rules Review Committee (ARRC).

Cormack provided information on the public hearing that was held regarding the Chapter 31 rules - Competent Private Instruction, Independent Private Instruction, and Dual Enrollment. He indicated that when the rules went before the ARRC, he told them that the State Board was forwarding the rules in the spirit of moving them forward in order to comply with the law yet there were some concerns with the underlying law. These rules did not generate much discussion at the ARRC meeting. However, there was discussion on the independent accreditation rules.

Cormack reminded the Board that this item passed out of last year's education reform package. It creates a new section of Competent Private Instruction, Independent Private Instruction, and Dual Enrollment rules. These rules are reflective of the law and the guidance that was sent out to the field last summer. Cormack explained the next steps before these rules move forward.

Cormack recommended that the Board adopt the rules based on the fact that the law has passed and that the rules are written to conform to the law. The current rules in the chapter do not reflect the changes that were made by the Legislature.

There was discussion about whether any of the Board's concerns will be addressed by the ARRC; the assessment component; if there is a way to compare this instruction with public instruction on a whole or on an aggregate; with the new process for home schooling and the ability to completely opt out of connection to a school district, will the state/school district ever become aware that a child exists; and what system of support is available for home schooled students to receive transcripts and records.

Motion: Max Phillips made a motion and Diane Crookham-Johnson seconded that the State Board adopt the changes to Chapter 31.

Vote: The motion carried unanimously.

Rules: Chapter 62 – State Standards for Progression in Reading (Notice)

Mike Cormack, Policy Liaison, Division of Policy and Communications, and Dave Tilly, Deputy Director, Division of Learning and Results, presented the Chapter 62 rules - State Standards for Progression in Reading. These rules are being amended to conform to recent legislation.

Cormack indicated that the public hearing date on the Notice of Intended Action has been changed to January 3, 2014.

Tilly described the process that led up to noticing these rules. In the 2012 session of the Iowa General Assembly, a requirement was established in the comprehensive education legislation concerning early literacy efforts (Senate File 2284). Students who were unable to demonstrate proficiency in reading were to have intensive efforts and offerings directed to them to address their status. That legislation required funding of literacy efforts to activate those changes. In the 2013 legislative session, \$8 million was appropriated to

these efforts. As a result, these rules were proposed to enact the 2012 law to reflect the program funding.

Tilly summarized by stating that these rules will move districts toward research-based, evidence-based practices. They will also require districts to use a curriculum that is aligned with the five critical components of early literacy.

There was discussion about the section of the rules that refers to the retention provision; how the state/Department overloads the educational system with opportunities to improve without allowing the systems already in place to mature; what will be done differently; literacy results; if Iowa's teacher preparation programs are properly training teachers; accountability; the timeframe that results are expected to be seen; and the need to cut through rhetoric on the issue by putting the topic in plain language for Iowans.

Motion: Max Phillips made a motion and Mike Knedler seconded that the State Board give public notice of its intent to create Chapter 62, State Standards for Progression in Reading and that the public notice meeting date be changed to January 3, 2014.

Vote: The motion carried unanimously.

Rules: Chapter 1 – Organization and Operation (State Board Student Member) (Notice)

Mike Cormack, Policy Liaison, and Ryan Wise, Deputy Director, Division of Policy and Communications, presented the Chapter 1 rules – Organization and Operation.

Cormack indicated that House File 454 made code correction changes in the Iowa Code which allowed the State Board student representative to serve an additional one-year term without having to reapply for the position if they begin serving in their junior year.

Wise described the additional changes which included eliminating the third letter of recommendation and removing a step in the selection process. These three adjustments align to Iowa Code corrections and streamline the process.

Motion: Mike Knedler made a motion and Mike May seconded that the State Board give public notice of its intent to amend Chapter 1 and that the public notice meeting date be changed to January 3, 2014.

Vote: The motion carried unanimously.

Mount Mercy University Paraeducator Preparation Programs Approval

Marietta Rives, Consultant, Bureau of Educator Quality, introduced Mount Mercy representative Paula Ganzeveld, who will be the certifying official and will also be developing the paraeducator program at Mount Mercy University.

Rives indicated that these are brand new programs being created. Mount Mercy is a four-year university seeking approval for these programs and they will be creating their own curriculum.

Rives reviewed the strengths of the program and the areas for improvement.

Rives described the work that the Department is doing with the institution to assist them in developing their programs. She also talked about the institution's plan to assist individuals seeking paraeducator certification.

Rives recommended a one-year conditional approval based on the fact that the institution doesn't have a curriculum in place that specifically addresses paraeducators. She indicated that the Department will follow-up next year to make sure the recommendations have been put in place.

There was discussion regarding the required number of hours of training for each of the levels, and if the credits earned in this program will count toward a four-year degree in education.

Motion: Diane Crookham-Johnson made a motion and Valorie Kruse seconded that the State Board approve the paraeducator preparation programs submitted by Mount Mercy University for one year. The next review will be during the 2014-2015 school year.

Vote: The motion carried unanimously.

State Board Legislative Agenda for 2014

Mike Cormack, Policy Liaison, Division of Policy and Communications, presented the Board the draft legislative brochure and changes were discussed.

There was discussion about whether this brochure aligns with the Governor's education agenda, the need to meet with staff in the Governor's office that develop education policy, and scheduling a meeting with legislators.

The Board was asked to send any changes to Cormack. He will send an electronic copy of the brochure to Board members for their final review and approval.

Future Process for Reviewing and Processing Vacated Administrative Law Judge Decisions

Rob Porter, Assistant Attorney General, Attorney General's Office, discussed a procedure for reviewing and processing vacated Administrative Law Judge (ALJ) decisions. The Board has authority to review or act on decisions rendered by an ALJ serving as a designee for the director. Specifically, the Board may affirm, modify, or vacate an ALJ decision, or direct a rehearing.

Porter explained the Board's options in detail. The Board may affirm the decision in which case it becomes final agency action and the parties can choose to appeal if they want to under Iowa Code Chapter 17A. In cases when the Board doesn't affirm an ALJ's decision, the most efficient and simplest option would be for the Board to not only vote on whatever action they are going to take, but to also vote on how the Board is going to process that action.

The Board can also modify the decision which suggests that the Board perhaps agrees with the outcome, but not the reasoning and the Board wants to make it very clear why they acted as they did. In this situation, the Board could vote to modify and vote to assign the drafting of the modified opinion to someone else. This person could be a member of the Board, someone in the Attorney General's Office, or a member of the Board with assistance from the Attorney General's Office. This option also gives the Board more control over exactly what it is saying.

Another option would be for the Board to redirect a rehearing which suggests there is some crucial piece of fact missing that was not represented in the agency of record and without that fact the Board can't decide one way or the other. In this situation, the decision would be sent back to the ALJ for further consideration.

The last option would be for the Board to vacate the decision. The Board can decide that it doesn't agree with the ALJ and then will need to determine how to reduce its determination to writing as required by the law.

Porter advised the Board to develop a process by which the Board can review proposed decisions, obtain legal advice on proposed decisions from attorneys who were not involved in the underlying administrative decision, and create written Board orders consistent with Iowa Code Chapter 17A.

There was discussion about how this situation is viewed by the court system, whose decision (ALJ, local district, Board) a student would fall under until an appeal is finalized, and the need for the process to be as efficient as possible.

Review and Consideration of Proposed Board Decision in Dallas Center-Grimes Open Enrollment Case

Charlie Edwards recognized the expertise of Rob Porter, Assistant Attorney General, Attorney General's Office, to present the *Proposed Board Decision on Review* in the Dallas Center-Grimes Open Enrollment case. Porter stated that this is in follow-up to the action the Board took at its last special meeting (*In Re Open Enrollment of Samantha H.*) to formally vacate and assign the drafting of the Board's determination on this open enrollment decision to Charlie Edwards.

Porter shared highlights from the *Proposed Board Decision on Review*. He discussed factual background, the controlling law, analysis, and the decision.

Porter indicated that the Board has substantial statutory discretion to make a determination based on what it thinks is the best situation for the student and the fact that the medical provider thinks this is a better situation, the family thinks this is a better situation, and the sending district doesn't oppose. In light of all of the other factors in the case, the Board's determination is that this is in the best interest of the student and the open enrollment request should be granted.

Motion: Sister Jude Fitzpatrick made a motion and Diane Crookham-Johnson seconded that the State Board approve the proposed decision.

Vote: The motion carried unanimously.

Nicole Proesch, Legal Counsel, Office of the Director, indicated that her office will notify the involved parties of the Board's decision.

In Re Open Enrollment of Kali B. (Missouri Valley Community School District)

Nicole Proesch, Designated Administrative Law Judge/Legal Counsel, Office of the Director, reported that Kali and her mother, Missy B. (Ms. B.) reside in the Missouri Valley Community School District (MV). Kali is in the 7th grade and is currently attending the Tri-Center Community School District (TC) for the 2013-2014 school year by paying tuition to TC. Kali had attended MV during her 6th grade year and reported several concerns about alleged behaviors of several teachers to her mother. Ms. B. reported these issues to the principal of Kali's school, Principal Hoelsing, in December of 2012. Ms. B. felt that Principal Hoelsing was appalled by the behavior, listened to her concerns, and said he would address the issues. In January or February, Ms. B. called Principal Hoelsing to follow-up on her complaints and he advised her that he had addressed the complaints, but could not tell her about specific outcomes. Ms. B. assumed that he reprimanded the teachers because some of the behaviors improved. However, Ms. B. testified that some of the behaviors continued and she did not report them to Principal Hoelsing because she felt nothing would be done. Instead, Ms. B. decided to open enroll Kali out of MV. Ms. B. filed a late open enrollment application on August 2, 2013, alleging issues with the teachers and a concern that Kali was not in a safe learning environment.

The local school board denied the late filed open enrollment application finding that good cause was not met to open enroll Kali out of the district. In reviewing an open enrollment decision involving a claim of repeated acts of harassment under Iowa Code § 282.18(5) the State Board has set out four criterion that all must be met in order to overturn the decision of the local board. The evidence at the hearing before the ALJ showed that under the first criterion, the harassing behavior allegedly occurred in December of 2012 which is three months prior to the March 1 statutory deadline for the filing of open enrollment. Ms. B. decided in January or February that she would file for open enrollment. The evidence also showed that under the second criterion, the behavior complained of would not meet the statutory definition of pervasive harassment. Because the first and second criterion were not met, it was difficult to examine the third and the fourth criterion. Nonetheless, all criterions are required and the first two were not met.

Thus, it was recommended that the State Board affirm the denial of the open enrollment application.

Motion: Max Phillips 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 Missouri Valley Community School District denying the open enrollment application filed on behalf of Kali B.

Vote: The motion carried unanimously.

Update on Educator Preparation Accreditation Work

Larry Bice, Administrative Consultant, Bureau of Educator Quality, provided an update on current educator preparation accreditation work. The update included information on recent accreditation visits to Mount Mercy University, Iowa State University, and Luther College. He talked about upcoming preliminary accreditation visits that are scheduled for Waldorf College, Faith Baptist Bible College, and Central College. Bice also reported that four accreditation visits are scheduled for next year.

Bice indicated that the handbook used during accreditation visits is being revised. The statewide training for conducting accreditation visits is being updated, and the Chapter 77 rules are being updated as well.

Bice provided an update on the progress of the four teams that have been established to accomplish the work of updating the educator preparation accreditation system. The work teams are studying the Chapter 79 rules, annual reporting, the accreditation process, and the Council for the Accreditation of Educator Preparation partnership.

Bice indicated that a draft of the Chapter 79 standards update will be brought to the Board at their January meeting for feedback. The standards will look significantly different because they are being changed to address the issues that the Board has discussed.

The work of the Annual Reporting Team will be brought to the Board late spring 2014.

There was discussion if the colleges are aware of the forthcoming changes to the Chapter 79 rules, and the timing of programs being brought to the Board.

Breaking Barriers to Teaching and Learning Awards Presentation and Luncheon

Rosie Hussey and Max Phillips provided comments and presented the Breaking Barriers to Teaching and Learning Awards. Each year, the award recognizes successful efforts to eliminate achievement gaps among students who face challenges. This year's award-winners were recognized for having the highest proficiency rates statewide in math and reading among historically disadvantaged students, such as students who do not speak English as their native language and students from low-income backgrounds. Data from three years were examined to confirm a positive trend for each school.

The schools awardees are:

- Cedar Falls High School, Cedar Falls: African American students (84.7 percent proficiency rate in reading and mathematics; statewide average for this subgroup is 46.3 percent).
- South Tama County Elementary, Tama: Native American students (75.8 percent proficiency rate in reading and mathematics; statewide average for this subgroup is 59.3 percent).
- Carroll High School, Carroll: Low socioeconomic status (86.4 percent proficiency rate in reading and math; statewide average for this subgroup is 61.3 percent).
- Northeast Elementary, Ankeny: Students on Individualized Education Programs (75.8 percent proficiency rate in reading and mathematics; statewide average for this subgroup is 32.3 percent).
- Kennedy High School, Cedar Rapids: Latino students (92.3 percent proficiency rate in reading and mathematics; statewide average for this subgroup is 58.8 percent).
- Lenox Elementary School, Lenox: English language learners (86.4 percent proficiency rate in reading and math; statewide average for this subgroup is 42.6 percent).

Interviews with school principals revealed a common thread between the honored schools: the use of evidence-based practices, a staff-wide commitment, high expectations, and substantial teacher collaboration.

Information on English Language Proficiency Standards

Byron Darnall, Chief, Bureau of Educator Quality, indicated that the state of Iowa is part of the English Language Proficiency Assessment Consortium (ELPA21). Iowa and 11 other states are working with the Council of Chief State School Officers and Stanford University to develop the next generation of English Language Learner Standards and Assessments. As part of Iowa's continued involvement with this consortium, the recently revised English Language Proficiency Standards need to be adopted by the Board. The standards will be brought to the Board at their January meeting.

The special education and English Language Learner populations are growing in the state of Iowa. The purpose of ELPA21 is to enhance the quality of assessments used by states for measuring students' English Language Proficiency (ELP) development and progress. The consortium plans to develop a system of valid and reliable ELP assessment instruments that align in deep and meaningful ways with what students are expected to know.

There was discussion regarding how to continue to advance English Language Learners (ELL) in their native language, and different strategies being used with ELL.

Build Shared Understanding of the Department of Education/Area Education Agencies/Local Education Agencies Collaborative (Reducing the Achievement Gap) and Update on the Work Regarding Phase 1 Schools Who are Implementing the Statewide Database and Universal Screening and Progress Monitoring Assessments

Dave Tilly, Deputy Director, introduced Barbara Ohlund, Administrative Consultant, Division of Learning and Results. Ohlund shared information on the Collaborating for Kids (C4K) initiative. C4K is a partnership among the AEAs, the Department, and local school districts. The intent of C4K is to work more effectively and efficiently as a full educational system. The C4K initial priority focus, collective efforts, and resources are on early literacy with the goal that every Iowa child is a skilled reader by the end of third grade. C4K selected this priority focus because of the integral role literacy proficiency plays for success in all other academic and social areas.

Ohlund reviewed a PowerPoint presentation that addressed:

- C4K Intent and Goal
- Purpose of Work Teams
 - Standards and Curriculum
 - Multi-tiered System of Supports/Response to Intervention
 - Educator Quality
 - School Improvement
 - Professional Learning
 - Evaluation
- Progress: Phase One Implementation
- Preliminary State Results
- Phase One Districts Percent Proficient
- Phase One Buildings Percent Proficient
- Statewide Needs Distribution

There was discussion about whether districts are aware that their students are not on track to be proficient, the proficiency standard, the value and cost of the program, and the need for school districts to set ambitious goals.

Lakeview Middle School (Centerville Community School District) staff and AEA support personnel were introduced and talked about their experience with the C4K initiative.

Update on Competency-Based Education

Sandra Dop, Consultant, Bureau of Standards and Curriculum, provided an update on the Competency-Based Education Task Force Report. This is the final report from the task force that was established in Senate File 2284. This report is in the process of being finalized and will be submitted to the appropriate parties.

Dop talked about the contents and described the recommendations that were contained in the report.

There was discussion about what the Board could do to support this priority, the need to speed the process along, the need for a summary to be included in the report that gets to the point without requiring a substantial amount of reading, the power of the Iowa Competency-Based Education Collaborative, and how schools that are already doing competency-based education can tie into the work of the ten districts in the collaborative.

Science, Technology, Engineering, and Mathematics (STEM) Update

Jeff Weld, Executive Director of the Governor's STEM Advisory Council, talked about the history of STEM, creation of the STEM Council and its membership, regional STEM boards, and the Council's top priorities. He also shared highlights from a document titled *STEM Accomplishments 2013/Iowa STEM Monitoring Project Year 1 Results, 2012-2013*.

There was discussion about how this initiative is related to the current discussion on the Next Generation Science Standards, what is being done to address the disparity between ethnic and racial differences in STEM achievement, the STEM Council's membership, the need to show that the money is being spent effectively, the need to increase the interest of women, the success of STEM, and what the Board can do to support this initiative.

Community Colleges Fall Enrollment Report 2013

Jeremy Varner, Administrator, Division of Community Colleges, shared highlights from the Community Colleges Fall Enrollment Report 2013. This report provides information on fall credit enrollment at Iowa's 15 community colleges as of the tenth business day of the semester. This report is based on the Community College Management Information System data.

Varner showed a PowerPoint that addressed the following:

- Fall Enrollment
 - Fall 2012 enrollment declined 6.2 percent to 94,234.
- Average Credit Hours
 - Students enrolled in 872,744 credit hours, down 7 percent from last fall.
This fall, students enrolled in an average of 9.26 credit hours.
- Student Demographics
- Program Type
- Age Ranges of Students
- Joint Enrollment
- Online Enrollment

Varner indicated that there was a data reporting problem from Des Moines Area Community College that skewed the numbers in this report. As a result, approximately 2,800 students were not captured in this report. A process has been developed to eliminate this from happening in the future.

Board Reports

Diane Crookham-Johnson attended the Governor's Bullying Prevention Summit along with 55 middle school students from Oskaloosa. Last year, eight students from Oskaloosa attended the summit.

Crookham-Johnson talked about barriers for students within the education system when it comes to open enrollment laws, bullying situations, and students who lack the quality teachers others have in the state.

Crookham-Johnson said that she appreciated the Breaking Barriers to Teaching and Learning Awards ceremony. She enjoyed seeing districts that have been successful in helping students who face challenges.

In addition, she requested that she receive the Board materials electronically. She also requested that a State Board work session be held on how reading methods are taught in higher education programs.

Max Phillips had no report.

Sister Jude Fitzpatrick expressed support for the logistics of the Breaking Barriers to Teaching and Learning Awards ceremony.

Mike Knedler reported that the Next Generation Science Standards may be making a recommendation to the Board at the January 2014 meeting.

Knedler shared concerns regarding the home school rules that were recently passed.

Knedler also reported that a recipient of the Breaking Barriers to Teaching and Learning Awards from Cedar Rapids indicated to him that they were looking for resources to help promote competency-based education.

Mike May announced that his son-in-law, who is the 2013 elementary principal of the year, attended a national event in Washington, D.C., and was selected to get his doctorate degree paid for.

May reported on a foundation that his community established to help the less fortunate. He also commented on the Board's action and responsibility with the school start date rules and other legislative mandates.

Edgar Thornton provided comments regarding assessment, C4K, and the definition of proficiency. He enjoyed seeing the high-performing schools that were recognized at the Breaking Barriers to Teaching and Learning Awards ceremony.

LaMetta Wynn said that she was impressed with the districts that were honored at the Breaking Barriers to Teaching and Learning Awards ceremony.

Valorie Kruse encouraged Board members to review the competency-based education materials that are posted online.

Rosie Hussey thanked Board members for completing the State Board Self-Evaluation survey and said the results will be discussed at the January Board meeting.

Hussey reported that she met with Rob Porter several times, and plans to meet with Department staff regarding communication.

Hussey adjourned the meeting at 3:00 p.m.



Rosie Hussey
President



Brad A. Buck
Director