The State Board of Education meeting was held on Wednesday, November 18, 2015, in the Grimes State Office Building, Conference Room B100, Des Moines, Iowa. The following State Board of Education members were present: Charlie Edwards, Mike Bearden, Angela English, Mary Ellen Miller, Brooke Axiotis, Diane Crookham-Johnson, Mike May, Hannah Rens, and Rosie Hussey (via telephone). Iowa Department of Education staff members present were: Ryan Wise, David Tilly, Jeff Berger, Jeremy Varner, Nicole Proesch, Shan Seivert, Amy Williamson, Staci Hupp, Tom Cooley, Linda Carroll, Jay Pennington, Janet Boyd, Amy Williamson, Phil Wise, Melissa Walker, Marietta Rives, Mary Delagardelle, Larry Bice, Thomas Mayes, and Jody Crane. Also in attendance were: Lane Plugge, Green Hills Area Education Agency; Todd Iverson, The College Board; Kim Carson, Pearson; Darwin Danielson, Radio Iowa; Sarah Boden, Iowa Public Radio; Mike Wells and Dave Mincer, Hamburg Community School District; Charlotte Eby, LS2 Group; Tom Hinrichs, Kris Wood, Wendy Garner, Pam Negel, and Jennifer Varellas, Farragut Community School District; Kathy Hanlon, Legislative Services Agency; Betsy Shelton, Reaching Higher Iowa; D.T. Magee, Board of Educational Examiners; Tim J. Hood, Keokuk Community School District; Chuck Morris, KMAland; Senator Mark Costello; Darrell G. Meyer, Attorney at Law; Jodi Grover; Kristy Latta, Ahlers Law Firm; David Brick, Brick Gentry Law Firm; Anne Boyer, Gladbrook-Reinbeck Community School District; Rick McIntyre, Sandy McIntyre, Brody Owen, Alexis McQueen, Rick Barton, Braydon Barton, Blu Ossian, Steve Thatcher, Tim Blank, Ami Apperson, Shelley Mount, and Linn Ossian, Nishnabotna High School; Lynn Knudsen, Michael Knudsen, and Rob Knudsen; Shawn Haake and Jim Kersten, Iowa Central Community College; Jill Heinrich, Kate Kauper, Cindy Postler, and Meg Jacobs, Cornell College; Kelly Faga, Stephanie TeKippe, Richard Snyder, and Linda Withers, Wartburg College; Colleen Heinz, Iowa State Education Association; and M.J. Dolan, Iowa Association of Community College Trustees.
STATE BOARD WORK SESSION – EARLY LITERACY DATA AND NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS UPDATE

Charlie Edwards, President, State Board of Education (Board), provided context to the work session. He referenced the early literacy law that will go into effect May 2017.

David Tilly, Deputy Director, Division of Learning and Results, and Jay Pennington, Chief, Bureau of Information and Analysis, led the work session. Data were reviewed that related to the law. The overall progress in key grades and content areas was also examined. The recent release of results from the 2015 National Assessment of Educational Progress and Iowa Assessment results were also reviewed.

A PowerPoint was presented that addressed key issues related to Iowa’s early literacy law.

There was extensive discussion regarding specifics of the law, school districts’ responsibility, data presented, preparation and training for teachers, funding for summer intensive learning programs, specifics of third grade retention, the Governor and Legislature’s financial responsibility, and the Board’s role and authority.

STATE BOARD BUSINESS MEETING

Charlie Edwards called the meeting to order at 10:10 a.m.

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

COMMUNICATION

Director’s Report

Ryan Wise, Director, Iowa Department of Education (Department), reported that since September, he had visited 20 school districts, two community colleges, and two universities. He shared comments regarding what he learned from his travels around the state.

Wise visited three school districts (Dubuque, Cardinal, and Waukee) with the Governor to observe their Teacher Leadership and Compensation (TLC) programs. He observed TLC making a positive difference in all three districts. A TLC summary report has been released of all 39 school districts. This report provides a summary of the data provided in the end-of-year reports submitted by each of the 39 school districts that implemented a local TLC plan during the 2014-2015 school year. School districts made 70 percent of their goals. In addition, within the context of teacher leadership, a lot is being done to support principals.

Wise provided an update on progress being made with the reauthorization of the Elementary and Secondary Education Act (ESEA).
Wise announced that in mid-December, the Department will be releasing its statewide school report card system.

CONSENT AGENDA

Mary Ellen Miller made a motion and Mike Bearden seconded to approve the consent agenda. The motion carried unanimously.

BOARD ACTION/DISCUSSION AGENDA

Rules: Chapter 14 – School Health Services (Adopt)

Nicole Proesch, Administrative Rules Co-Coordinator, presented the Chapter 14 rules. The 86th General Assembly, in Senate File 462, established that school districts and accredited nonpublic schools may stock an epinephrine injector supply and directed the Department to adopt rules necessary for schools to voluntarily implement the Act. This new chapter includes rules for the implementation of Senate File 462.

Proesch explained the changes that were made to the rules as a result of a public hearing that was held on November 3, 2015. Of the comments received, there was one comment that the definition of a school building was too broad. The Department made a change to this definition to clarify that a school building is an attendance center within a school district or an accredited nonpublic school in which students or other individuals are present as provided in Senate File 462.

Other comments received related to other areas of Iowa Code with regard to medication administration and the reporting requirement.

There was discussion regarding the comments received from other organizations, training requirements for people administering the medication, and potential danger to students if the medication is misapplied.

Motion: Rosie Hussey made a motion and Diane Crookham-Johnson seconded that the State Board adopt a new Chapter 14.

Vote: The motion carried unanimously.

Rules: Chapter 12 – General Accreditation Standards – New Accountability Assessments for Iowa (Adopt)

David Tilly and Phil Wise, Administrative Rules Co-Coordinator, presented the Chapter 12 rules. On August 6, 2015, the Board directed the Department to present proposed rules for Notice of Intended Action adopting the recommendations of the Assessment Task Force convened pursuant to Iowa Code section 256.7(21). The Assessment Task Force called for the implementation of the Smarter Balanced Assessment Consortium assessment.
Wise indicated that the Administrative Rules Review Committee had questions regarding the rules, but no strenuous objections were raised. During public comment, all speakers spoke in favor of the rules.

Tilly described the proceedings at the Administrative Rules Review Committee meeting.

There was discussion regarding the process used in developing the recommendations, the commitment Iowans have for continuously improving Iowa’s education system, and how this is part of a bigger process in regards to the development of additional standards.

**Motion:** Mary Ellen Miller made a motion and Brooke Axiotis seconded that the State Board amend Chapter 12, which deals with the accreditation of schools, in order to align that chapter with the requirement of Iowa Code section 256.7, subsection 21.

**Vote:** The motion carried unanimously.

**College and Career Readiness**

Mary Delagardelle, Associate Division Administrator, distributed a document titled *Definition of College and Career Readiness in Iowa.*

The Department has launched statewide work for creating a definition of college and career readiness. During a large stakeholder group meeting last spring, descriptions of what is important for students to have accomplished by graduation from high school were generated from education and non-education partners. A sub-group of that larger stakeholder group has been working to take their ideas and create a definition in the format that was suggested by the stakeholders.

The draft definition reads: *Iowa students who are college and career ready have acquired the necessary knowledge, skills, and strategies to be successful in postsecondary opportunities as demonstrated through multiple sources of evidence, including those generated by students. Iowa students who are college and career ready have successfully: acquired practical transition skills, achieved proficiency in essential content knowledge, developed key learning skills and cognitive strategies, and built a strong foundation of self-understanding and engagement strategies.*

Delagardelle talked about next steps and indicated that the definition will come back to the Board for approval at a later date.

There was discussion regarding the need for a working definition that can be easily explained.
Board Reports

Brooke Axiotis shared highlights of the National Association of State Boards of Education (NASBE) annual conference which she attended in October in Baltimore, Maryland. She was elected to a two-year term to the NASBE Board of Directors for the central region.

On behalf of Mike Knedler, Axiotis suggested doing a proclamation for the Board recognizing the importance of community colleges.

Diane Crookham-Johnson talked about highlights of a suicide awareness program she attended at the Oskaloosa High School.

Rosie Hussey attended the Community College Council meeting.

Charlie Edwards complimented Director Ryan Wise for his efforts in traveling around the state and talking and listening to educators. He also complimented Department staff for their efforts in working for Iowa education and supporting the Board.

Mary Ellen Miller and Charlie Edwards met with The Des Moines Register Editorial Board regarding funding for Iowa’s public schools.

Mike May commented on the importance of the Department and Board’s message getting spread around the state. It’s important that the Board continues to champion excellence as it is seen in the state of Iowa. He’s been talking to school districts in his area regarding best ways to invest money to see improvement in student achievement.

Hannah Rens toured an elementary school in the Sioux City Community School District, which is believed to be the first computer coding-based elementary school in the nation. She also attended a leadership conference.

Angela English accompanied Ryan Wise to the Western Dubuque Community School District.

Public Comment

Wendy Garner, a 12-year teacher in the Farragut Community School District (FCSD), read a letter from a 2011 graduate of the FCSD and provided comments in opposition of the dissolution of the district.

Blu Ossian, a student in the FCSD, shared comments regarding her experience in the Farragut district.

Rick Barton, a parent of students in the FCSD, provided comments regarding efforts that have been made to correct the problems in the district.
Linn Ossian, a community member in the FCSD, provided comments in opposition of the dissolution of the district.

**Deaccreditation – Farragut Community School District**

Amy Williamson, Chief, Bureau of School Improvement, thanked members of the Farragut and Hamburg communities that provided public comment and shared their perspective with the Board and Department staff.

Williamson indicated that bringing the recommendation to dissolve the FCSD has been a difficult decision for members of the Department’s finance and accreditation teams who have worked with the FCSD for several years in an effort to help correct noncompliance and finance issues.

Jeff Berger, Deputy Director, Division of School Finance and Support Services, emphasized that the decision to recommend dissolution did not come lightly. He shared a personal story regarding the small community he grew up in where the school no longer exists and the gravity of the situation. He talked about the state’s responsibility and expectations for school districts.

Williamson explained the contents of two documents that were presented to the Board: *Recommendation to Deaccredit Farragut Community School District and Merger After Removal of Accreditation by the State Board.*

Williamson reviewed the history of the district’s noncompliance issues, the Board’s actions to date, the Department’s recommendation for Board action, and the Board’s options. She talked in detail about the following:

- **Rationale – Program** (The full text of these conditions were included in the Board materials.)
  1. No building or part of a building closed by the district to meet accessibility standards under the Americans with Disabilities Act (ADA) may be used or reopened for any purpose other than cold storage.
  2. Substantial compliance with state and federal code and regulations must be maintained. Compliance is considered substantial when there are few instances of noncompliance, the noncompliance is not itself substantial in nature, and the noncompliance is not systemic.
  3. The district will be placed into an intensive level of support under the Iowa Department’s differentiated accountability model for the 2015-2016 school year.
  4. Any violation of the above requirements will result in immediate revocation of conditional accreditation status. Upon any such violation, the State Board will convene to determine a date upon which the district’s accreditation will be permanently revoked and the territory of the district merged with one or more contiguous school districts.
- **The State Board’s authority** (Iowa Code 256.11).
The Department recommended that the Board remove the FCSD accreditation effective June 30, 2016, and from November 18, 2015, through June 30, 2016, place the district in receivership of Green Hills Area Education Agency (AEA). Green Hills AEA would be in charge of the day-to-day operations and would make the final financial and program arrangements for the district. The Department will be responsible for designating the new boundaries of the district.

Williamson described the following findings:

The Department’s accreditation and finance teams visited the FCSD on August 19, 2015.

- Inaccessible weight room was still being used.
- Work had not yet begun on inaccessible shower rooms in the Farragut Junior/Senior High School; Physical Plant and Equipment Levy (PPEL) vote was needed to fund work.
- Offer and Teach requirements of 256.11 were not met:
  - Short one unit of physics - Update September 2, 2015: Physics has been added with two students enrolled, but the teacher is not properly endorsed.
  - Short one unit of family consumer science.
  - Spanish 3/4 are on the schedule, but no students are enrolled. The district does not have a waiver.
  - Concern about career and technical education (CTE) program: a single student is currently enrolled in intro to auto, auto mechanics, and advanced auto.
- Equity compliance issues:
  - Equity coordinator
  - Nondiscrimination statement
- Not all staff evaluations were current.
- Space rented in a neighboring district was not accessible.
- No certified English Language Learner teacher.
- Four additional teachers either not licensed in Iowa or not properly endorsed.

Jeff Berger explained the Phase II accreditation process.

Berger also reviewed the financial history of the FCSD and the early warning system:

- Prior debt was erased by the School Budget Review Committee (SBRC) in January 2015.
- Correction plan in March required finishing in the black.
- District finished - $93,177 after SBRC moved them back to zero in January.
- There is no way to correct the fiscal year 2015 negative balance.
- The district has had an additional large number of students open enroll out this year.
- No further action available to SBRC.
- In the Department’s projection, there is no way for the district to end up positive in fiscal year 2016 while maintaining minimum program requirements.

Williamson and Berger explained why the Department recommended placing the district under the receivership of Green Hills AEA as opposed to operating under their own board.
There was discussion about whether the conditions had been clearly communicated to the FCSD, whether there was middle ground for the receivership to be both the board and the AEA, student achievement results, and class offerings.

Tom Hinrichs, FCSD superintendent; Jenny Varellas, FCSD board president; Shelly Mount, FCSD board member; and Tim Blank, FCSD board member, shared comments. Specifically, they addressed the context of the program findings, how the local board was under the impression the district would have a full year of accreditation visits to address the findings, the district’s financial status, the district’s leadership, and the district’s uncertainty about enrollment.

Varellas asked the Board for the opportunity to prove its efforts to remedy the district’s financial problems and if the district still came out negative then to allow the local board and community to make the decision to dissolve.

Hinrichs provided additional information regarding the district’s financial situation and asked the Board to let things play out during the accreditation year to see the outcome of the FCSD’s efforts.

There was additional discussion regarding the FCSD’s head count for state funding, the district’s financial situation, the district’s goals to remedy the financial situation, the PPEL vote failure, and what will happen to the Hamburg Community School District if the FCSD is dissolved.

Charlie Edwards talked about the Board’s mandated authority in this area not only to the FCSD, but to students, parents, communities, and to other school districts in the state; and the importance to clearly communicate the Board’s expectations. He addressed the early warning system and the push for Department staff to be proactive about working with school districts with potential financial problems, concern with the district’s fiscal sustainability, and operating in the best interest of students.

There was additional discussion regarding the district’s sustainability, the need to offer students the maximum standards rather than the minimum, next steps, school finance and the need for small schools in Iowa, concern with the learning atmosphere in the FCSD and the ability for students to exercise their academic potential, and the need to find a way to correct financial issues for rural schools.

**Motion:** Diane Crookham-Johnson made a motion and Rosie Hussey seconded that the State Board deaccredit the Farragut Community School District, effective June 30, 2016. From November 18, 2015, through the effective date of deaccreditation, the Iowa Department of Education further recommends that the Farragut Community School District be placed in receivership of Green Hills Area Education Agency for the purposes of day-to-day operations and making final financial and program arrangements for the district.
Vote: A roll call vote was taken. Aye: Brooke Axiotis, Mike Bearden, Diane Crookham-Johnson, Charlie Edwards, Angela English, Rosie Hussey, Mike May, Mary Ellen Miller. Nay: None. The motion passed.

In re School Building Closing (Gladbrook-Reinbeck Community School District)

Charlie Edwards announced that Mike Bearden recused himself from the In re School Building Closing (Gladbrook-Reinbeck Community School District) appeal discussion and left the room.

Nicole Proesch, Administrative Law Judge, reported that in January of 2014, faced with declining enrollment and a negative financial outlook, the Gladbrook-Reinbeck Community School District (GRCSD) board began to look at options for reducing expenditures for the district. The board reviewed financial projections prepared by Gary Sinclair, Director of Financial Planning Services for the Iowa Association of School Boards. After making several cuts, the board determined that they would need to continue to make additional cuts to the budget or they would be looking at a negative unspent balance in the future.

The board began to look at several options for closing attendance centers in the district. The board appointed a committee to review two of those options and then to report back to the board with pros and cons of each option. After seven meetings, the committee reported back to the board. The board reviewed the options and voted to close the Gladbrook Attendance Center on February 25, 2015. The Appellants appealed this decision.

The proper standard of review of a decision of the local school board that involves discretion is for an abuse of discretion. Thus, that standard is applied. There was no evidence that the local board abused its discretion. While it is understood that the Appellants did not like the decision and would have preferred an alternative outcome, this is not enough to overturn the local board.

Proesch recommended that the Board affirm the decision of the local board.

The Appellants filed an Appeal of the Proposed Decision to the Board and requested oral arguments and oral arguments were allowed.

Thomas Mayes, Attorney, Division of Learning and Results, explained the oral argument process stating that each side would have five minutes, which is inclusive of any questions.


Kristi Latta, representing the GRCSD, presented oral argument.
There was discussion regarding the GRCSD board vote, and how this vote could give pause to other small districts in terms of joining with a larger district.

**Motion**: Diane Crookham-Johnson made a motion and Brooke Axiotis seconded that the State Board approve the proposed decision affirming the decision of the local board of directors of the Gladbrook-Reinbeck Community School District board to close the Gladbrook Attendance Center.

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

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

Nicole Proesch presented *In re Expulsion of M.K. (West Des Moines Community School District)*. M.K. was a freshman at Valley Southwoods, which is in the West Des Moines Community School District (WDCSD), during the 2014-2015 school year. In April of 2015, M.K. was identified by several other students as an individual who was selling Adderall at school. One of the students provided an exchange of text messages between herself and M.K. where M.K. agreed to bring “addy” to the other student. M.K. admitted to sending the text messages, but indicated he only said this to be nice. After speaking with M.K. about the accusations, administrators suspended M.K. for the remainder of the school year and brought before the WDCSD board for an expulsion hearing.

At the hearing, the board heard evidence, testimony, and the recommendation from the administration. The local board voted to suspend M.K for the remainder of the 2014-2015 school year, to expel M.K. for the first semester of the 2015-2016 school year, and to suspend him for the first quarter of the second semester of the 2015-2016 school year. Thereafter, M.K. was to be placed in an alternative educational setting.

M.K. and his parents appealed. The WDCSD board filed a motion to dismiss the appeal alleging the appeal was improperly filed and the Appellants resisted. The Appellants filed a Motion for Summary Judgment and the Appellees filed a Cross-Motion for Summary Judgment. The Appellants moved to strike the Appellees motion as untimely.

Under Iowa Code section 290.1, in order for a claim to be properly under the jurisdiction of the Board, the Appellants must file an Affidavit of Appeal. The documents filed by the Appellants contained no statement by the Appellants that the statements were made under oath, nor were they notarized by a notary. Under the statute, the Board has no jurisdiction to hear the appeal. Even if the Board were to broadly construe these documents as a properly filed appeal, the Appellants lose on the Motions for Summary Judgment because the findings and actions of the WDCSD board were reasonable. The decision of a local board to suspend or expel a student is clearly an issue of discretion, thus it was reviewed for reasonableness.

Proesch recommended that the Board approve the proposed decision.
There was discussion regarding involvement of law enforcement, disagreement with the untimely filing, the Board’s jurisdiction, harshness of the punishment, the definition of “reasonable foundation,” and whether the school had a published discipline policy.

Thomas Mayes explained the Board’s options regarding jurisdiction.

**Motion:** Diane Crookham-Johnson made a motion and Mike May seconded that the State Board and administrative law judge hear this appeal.

The implications for the Board to override the administrative law judge’s ruling were discussed and whether it would set or affect previous precedent.

There was discussion regarding the need for the Board to revisit this area and possibly start a new rules process, concern with how to balance the best interest of a child and legal hurdles, and other legal options for the family.

Mayes explained the Board’s authority and changing precedent.

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

Mayes explained the Board’s options, which are to affirm, reverse, or modify the administrative law judge’s decision.

There was discussion regarding what a modification would look like, whether this can be remanded back to the local board, the length and severity of the student’s punishment by not being allowed to ever return to regular school, options for the Board, past appeals to the Board, leaving punishment up to the local school board, the Board’s role and authority, and next steps pending the local district’s actions.

Board members requested that the record reflect the student’s good academic and behavior record.

**Motion:** Diane Crookham-Johnson made a motion and Mike May seconded that this decision be remanded back to the local board to review their punishment and that that review meeting be held prior to the end of the current school semester.

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

Charlie Edwards assigned Diane Crookham-Johnson to work with Thomas Mayes to modify the administrative law judge’s decision.
In re Open Enrollment of H.H. and H.H.2 (Okoboji Community School District)

Nicole Proesch presented In re Open Enrollment of H.H. and H.H.2 (Okoboji Community School District [OCSD]). At the time of this appeal, H.H. and H.H.2 resided in the OCSD. The Appellants have since moved to the Spirit Lake Community School District (SLCSD). During the 2014-2015 school year after the basketball season ended, H.H. brought some of his concerns to the administration regarding how the basketball team was being run. H.H. and his classmates wanted a new coach and a new coaching philosophy. The administration and the OCSD board denied these requests. After the requests were denied, H.H. felt that other students were talking about him in the halls. H.H. also had a meeting with his coach regarding his goals for the team for next year. H.H. felt uncomfortable with the meeting that occurred. H.H. also believed the coach was driving by his house to harass him, although the evidence suggests he was driving by H.H.’s house to get to his own house. H.H.2 also felt uncomfortable.

Appellants filed an application to open enroll from the OCSD to the SLCSD on May 20, 2015, claiming bullying and harassment. The OCSD board denied the application.

The Appellants have now moved to the district they were seeking to enroll in, so the issue is now moot.

Proesch recommended that the Board affirm the proposed decision to dismiss the appeal.

Motion: Angela English made a motion and Mary Ellen Miller seconded that the State Board approve the proposed decision dismissing the appeal as moot and affirming the decision of the local board.

Vote: The motion carried unanimously. Recused/Abstained: Mike May.

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

Nicole Proesch presented In re Open Enrollment of B.M. & J.M. (Lisbon Community School District [LCSD]). B.M. was in the 9th grade during the 2014-2015 school year and attended Lisbon High School (LHS) and J.M. was in the 6th grade. B. M. & J.M. reside in the LCSD. In April of 2015, the school nurse contacted B.M.’s parents and advised that B.M. was contemplating suicide and they were having an ambulance take him to the hospital. B.M.’s parents immediately came to the school. After a short hospital stay, B.M. returned to school. B.M. has anxiety and depression. Upon his return to school, officials believed they were doing what they could to accommodate B.M.’s needs and provide appropriate interventions for B.M. On several occasions, B.M. experienced anxiety at school. The school nurse communicated with B.M.’s mom on several occasions regarding his level of anxiety. Neither B.M. nor his parents communicated to the school that they were not meeting his needs. Nonetheless, B.M.’s parents felt that the school was communicating with B.M. and not them.
They felt that the Mt. Vernon Community School District (MVCSD) was where B.M. needed to be due to his medical condition. The MVCSD has a program that deals specifically with students who consider suicide. J.M. suffers from anxiety as well; however, this was never communicated to the LCSD. The family feels that the MVCSD attends to their needs and additionally they attend church in Mt. Vernon and have friends there. Additionally, they would like to keep both kids in the same district for scheduling and transportation.

The Appellants filed a late application for open enrollment on May 7, 2015, alleging that B.M. and J.M. have serious medical conditions that cannot be adequately addressed by the district. The local school board denied the late filed open enrollment application finding that good cause was not met.

Proesch indicated that in reviewing an open enrollment decision involving a claim of a serious medical condition that cannot be adequately addressed under Iowa Code § 282.18(5), the Board has set out six 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 under the first and second criteria there is no question that B.M. has been diagnosed with a serious medical condition that is not temporary. However, under the third and fourth criteria the district had not been provided with the specifics of B.M.’s health needs caused by the condition or given the opportunity to meet those additional needs. The appeal fell short on the third and fourth criteria. Additionally, with regard to J.M. under the first criterion, the diagnosis was never provided to the district and thus the district had not been provided with the specifics of J.M.’s health needs in her case either.

Proesch provided additional details regarding the two criteria that were missed and what she based her decision on.

There was discussion regarding why the LCSD district denied what the parents felt was in the best interest of their child, the seriousness of B.M.’s medical condition, the need to revisit the rules and criteria that have been established, the LCSD’s efforts to help B.M., the parent’s responsibility, the Board’s authority and options for action, lack of proof that transferring to the MVCSD would solve the problem, and whether the LCSD could do more to remedy the situation.

**Motion:** Mike May made a motion and Diane Crookham-Johnson seconded that the State Board modify the decision of the administrative law judge to reverse the decision on B.M. and affirm the decision on J.M.

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

There was discussion regarding the need for the Board to revisit the criteria for bullying and harassment and the criteria for serious health conditions and what action would need to be made, the need to communicate with legislators regarding the intent of the current legislation, the rule making process, and how districts handle open enrollment.
Charlie Edwards assigned Mike May to work with Thomas Mayes to modify the administrative law judge’s decision as passed by the Board.

**Iowa Central Community College Paraeducator Preparation Program Approval**

Marietta Rives, Consultant, Bureau of Educator Quality; introduced Linda Carroll, Chief, Bureau of Educator Quality; and Shawn Haake, Associate Professor and Director of Education, Iowa Central Community College (ICCC).

In May of 2014, the Board rescinded the paraeducator program approval of ICCC based on the lack of evidence of meeting the program standards. Since that time, ICCC has worked diligently to develop a sophisticated curriculum and practicum experience to develop high-quality paraeducators.

Rives requested a conditional, one-year approval based on the fact that ICCC was not able to provide evidence of having met all of the standards.

**Motion:** Diane Crookham-Johnson made a motion and Angela English seconded that the State Board approve the conditional, one-year paraeducator preparation program submitted by Iowa Central Community College. This program approval will extend through November 2016.

**Vote:** The motion carried unanimously.

Haake thanked the Board for their time and consideration.

**Future Ready Iowa Initiative**

**Motion:** Mary Ellen Miller made a motion and Brooke Axiotis seconded to table agenda item 10 (Future Ready Iowa Initiative) to a future Board meeting.

**Vote:** The motion carried unanimously.

**Cornell College Educator Preparation Program Approval**

Larry Bice, Administrative Consultant, Bureau of Educator Quality, introduced Cornell College representatives: Jill Heinrich, Kate Kauper, Cindy Postler, and Meg Jacobs.

Bice reviewed the concerns in the program standards area of: Governance and Resources, Assessment, Teacher Education Clinical, and Teacher Education Curriculum that were contained in the *Cornell College Accreditation Review Team Report*. He also reported on what the institution has done to resolve the concerns.

There was discussion regarding the process for monitoring progress on the concerns and the annual reporting process.
Cornell College representatives responded to a question regarding how innovation is part of their program.

**Motion:** Angela English made a motion and Rosie Hussey seconded that the State Board approve Cornell College Teacher Preparation Program through the next state accreditation cycle scheduled for the 2021-2022 academic year.

**Vote:** The motion carried unanimously

**Wartburg College Educator Preparation Program Approval**

Larry Bice introduced Wartburg College representatives: Kelly Faga, Stephanie TeKippe, Richard Snyder, and Linda Withers.

Bice reviewed a concern in the program standard area of Faculty that was contained in the *Wartburg College Accreditation Review Team Report* and reported on what the institution has done to resolve the concern.

**Motion:** Brooke Axiotis made a motion and Diane Crookham-Johnson seconded that the State Board approve Wartburg College Teacher Preparation Program through the next state accreditation cycle scheduled for the 2021-2022 academic year.

**Vote:** The motion carried unanimously.

Wartburg College representatives shared comments about their experience in the process and their educator preparation program.

**Secondary Career and Technical Education Task Force Final Report**

**Community Colleges Fall Enrollment Report 2015**

**Motion:** Diane Crookham-Johnson made a motion and Angela English seconded to table agenda item 11 (Secondary Career and Technical Education Task Force Final Report) and item 12 (Community Colleges Fall Enrollment Report 2015) to a future Board meeting.

**Vote:** The motion carried unanimously.

**2015 Report on the State of Educator Preparation in Iowa**

Larry Bice and Matt Ludwig, Consultant, Bureau of Educator Quality, presented the *Report on the State of Educator Preparation in Iowa*. In 2014, the Department provided the first annual state of educator preparation report to provide information on educator preparation programming in Iowa to the Board, educator preparation stakeholders, and consumers. A team assembled by the Department determined items that should be included in the initial report. Based on feedback from the Board and others, Department staff made changes and developed an updated report template for 2015.
The 2015 report was provided to the Board. Bice talked about the contents of the report.

The Board discussed several components of the report, including testing; students who do not complete programs, and reasons for not completing; the shortage of science teachers; the need for educator preparation institutions to focus on literacy; the program improvement needs identified by data; requirements for student teaching, and requirements in other states.

Matt Ludwig addressed educator administration preparation concerns.

**State Board Brochure**

Ryan Wise talked about the content and changes to the Board’s priority brochure. Minor revisions have been incorporated reflecting the Board’s priorities that were identified at the retreat.

Board members will receive copies for distribution and legislators will also be given a copy.

Charlie Edwards adjourned the meeting at 3:30 p.m.
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 Kotamsaju, 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 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
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


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


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.  Ryan M. Wise
President                Director