November 16, 2017

Opening, Call to Order, Roll Call, Approval of Agenda

The November 16, 2017 meeting of the State Board of Education/State Board for Vocational Education was called to order at 5:03 p.m. by President Dennis L. Loftus. The following members of the State Board were present: Dr. Dennis Loftus, President; Nina Lou Bunting, Vice President; G. Patrick Heffernan; Barbra Rutt, and Dr. Terry M. Whittaker. Secretary of Education Dr. Susan S. Bunting was present to serve as the Executive Secretary for the State Board, and the Board's Executive Director, Donna Johnson, also was present.

On November 14, a request was received from the Professional Standards Board to remove Regulation 1510 as an action item from the agenda. Additionally, Regulation 1505 was requested to be removed as a discussion item. A motion was made by Mrs. Nina Lou Bunting and seconded by Mrs. Barbara Rutt to approve the agenda as amended. The motion passed unanimously by voice vote.

The minutes of the State Board’s regular meeting of October 19, 2017 were approved as presented. A motion to approve the minutes was made Dr. Terry Whittaker and seconded by Mrs. Bunting. The motion passed unanimously by voice vote.

The minutes of the State Board’s fall retreat on October 20, 2017 were approved as presented. A motion to approve the minutes was made by Mrs. Rutt and seconded by Mr. Pat Heffernan. The motion passed unanimously by voice vote.

Committee Reports from State Board Members, Update from Executive Director, Update on State Board Literacy Campaign

Mrs. Bunting reported her attendance at the SBE Fall Retreat at Dover Public Library and the community meeting for the new school report card under ESSA in Laurel, DE. She attended the presentation of the grants for the new Pathways to Education programs, which was held in Smyrna on November 7, and on November 15, she attended the Delaware School Boards Association meeting in Dover.

Dr. Loftus attended a meeting on behalf of the State Board at Howard High School in New Castle County. He met and toured schools in New Castle County and discussed educational issues. Dr. Loftus also attended the academic affairs meeting for the University of Delaware Board of Trustees. Dr. Loftus in conjunction with the Board’s Executive Director, Donna Johnson, met with Governor Carney to discuss education initiatives involving the State Board, the P-20 council, and upcoming meeting plans.

Ms. Johnson reported that Mrs. Sorenson was not able to attend this evening’s meeting but wanted to share her experience attending the Milken Educator Awards ceremony. This year the award was presented to Tami Lunsford, a teacher at Newark Charter School. This was the first time that a Milken Educator Award was presented to a Delaware educator.

Dr. Loftus announced that on November 13, 2017, the State Board received the resignation of Mr. Gregory Coverdale. Dr. Loftus thanked Mr. Coverdale for his many years of service on the board and commended him for helping to improve educational opportunities for Delaware’s students.

Ms. Johnson presented the executive director’s update; she included an overview of the upcoming State Board workshop to be held December 6, 2017 on School Report Card development under ESSA. Ms. Johnson shared that she had recently been involved in an independent peer review of other
states ESSA plans and anticipates the release of those reviews in December. Ms. Johnson also attended the 2017 NASBE Conference in Atlanta, GA, which included sessions for state board executives and state education attorneys through the affiliate groups NCSBEE and NCOSEA. At the NASBE conference, Ms. Johnson presented with Linda Darling Hammond as part of a panel which discussed how State Boards can “rethink Teaching and Learning.” This session featured work in Delaware on educator preparation, professional learning, expanded roles for educators, and standards and assessment revisions. She highlighted some of the policy initiatives of the Board as well as presentations made before the Board and partnerships with stakeholders, which have helped further promote these initiatives. Also attending the conference representing Delaware were Dr. Terry Whittaker, Valerie Dunkle, and Kendall Massett. Ms. Johnson also provided an update on the SBE Literacy Campaign and the October kickoff with the Governor’s office, United Way, and Secretary for the Campaign for Grade Level reading.

**Secretary’s Report and Discussion**

Secretary Bunting provided a comprehensive report to the Board which included details about many of the school visits and events with school leaders, educators, and students in which she had been involved throughout the month. These visits included meeting with the Consolidation Task Force, participating in College Application Month events, attending town hall meetings in Wilmington related to the proposed Wilmington Schools partnership, speaking with students and staff from Colonial, Smyrna, and Lake Forest districts, and joining a visit of state officials celebrating the 20th year of a partnership between Miyagi Prefecture and Delaware schools. She is continuing to review comments related to Regulation 225, which is out for public comment until December 4 and if warranted will make modifications to the proposed regulation, which may result in additional publication for comment.

She continues to meet with charter school liaisons and has continued goal-setting meetings with district superintendents. She was excited to launch the Campaign for Grade Level Reading, extend innovation grants to 40 schools to expand Delaware Pathways programs, and honor Delaware’s finalists for the Presidential Awards in Excellence in Mathematics and Science teaching.

Next month she is looking forward to bringing new Financial Literacy Standards and Computer Science Standards to the Board for review and consideration for adoption. Following a question from the Board on the status of the work related to the MOU among Christina School District, the DOE and Governor’s Office, she outlined the work underway as well as the timeline before the Christina Board of Education, the information sessions, and public town halls. The anticipation is that there will be action taken at the Christina School District December board meeting regarding the MOU. She will keep the Board updated on the developments in this important work.

**Presentations and Action Items - Department Regulations, Secretary Regulations, Public Comment**

The Board recognized the winners of the annual School Bus Safety poster contest and recognized Delaware’s finalists for the Presidential Excellence in Mathematics and Science teaching.

The Board received a presentation from two of the approved school leadership certification preparation programs: University of Delaware’s Principal Preparation Program (PPP) and Teach for America’s Lead for Delaware program (Lead for DE). The presentations outlined the success the programs have had with their first cohorts, provided details of the two programs, and recommended changes made for future cohorts. In addition to hearing from the leaders of each program, the Board also heard from current participants or recent graduates from the programs, which provided the Board with firsthand information about the experience. Additional information and resources for each program were posted on the State Board’s website.

The Board had two Department regulations on the agenda.
Regulation 925: Children with Disabilities Subpart D, Evaluations, Eligibility Determination, and Individualized Education Programs- for Information

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 925 Children with Disabilities Subpart D, Evaluations, Eligibility Determination, Individualized Education Programs. The amendment to subsection 6.17 brings the regulation into compliance with the applicable federal law. This amendment involves aligning the eligibility criteria for visual impairment with the language in federal law. This regulation has a sixty (60) day comment period and was for information before the Board this month; in December it will be back before the Board for discussion.

Regulation 103: Accountability for Schools, Districts, and the State - for Discussion

The Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 103 Accountability for Schools, Districts and the State. This regulation is amended to align with the provisions of Delaware’s approved federal Every Student Succeeds Act (ESSA) plan. Deputy Secretary Karen Field Rogers explained to the Board that in state law there is a requirement that the Department publish updated regulations to be consistent with the approved ESSA plan with 60 days of its final approval. However, given that there are necessary code revisions to align with requirements in the ESSA plan, the Department is planning to republish this regulation and present it to the Board for consideration following those necessary changes.

Secretary Only Regulation – for SBE information

There were two regulations that require Secretary only approval shared with the Board for information.

Regulation 225:

The Secretary of Education intends to amend 14 DE Admin. Code 225 Prohibition of Discrimination. The regulation is being amended pursuant to a directive from Governor Carney to Secretary Bunting in a memo dated July 17, 2017. The Department was directed to provide guidance through regulation to school districts and charter schools to prohibit unlawful discrimination in educational programs and activities for students. The memo also required stakeholder input, and thus the revised regulation be published for public comment

Regulation 903:

The Secretary of Education intends to amend 14 DE Admin. Code by adding a new regulation 903 Best Interest Determination Process for School Placement- Students in Foster Care. The regulation is required by Senate Bill 87 of the 149th General Assembly. Specifically, this regulation outlines the process for determining whether remaining in the school of origin is in the best interest of a student in foster care. The regulation addresses 1) the timeline for the best interest meetings; 2) mandatory participants in the best interest meetings; and 3) how the decisions for best interest is determined.

There was no public comment related to any of the above regulations.

Charter School Update

Denise Stouffer presented an update from the Charter School Office, which included an overview of the charter renewal timeline and application information for the five schools currently being considered for renewal. She also highlighted the Collaboration of Charters and Districts to hold Public School choice
expos in New Castle County and Kent County. Lastly, she gave recognition to Tami Lunsford, from Newark Charter School, who was recently named Delaware’s first Milken Educator.

Professional Standards Board - Update and Regulatory Actions and Public Comment

The Professional Standards Board had one regulation before the Board for publication.

Regulation 1515: Hearing Rules and Procedures

The Professional Standards Board, acting in cooperation and consultation with the Department of Education, developed a new regulation, 14 DE Admin. Code 1515 Hearing Procedures and Rules. The regulation concerns the hearing procedures and rules for license denial actions under 14 Del.C. §1217 and license disciplinary actions under 14 Del.C. §1218. The proposed regulation was initially published on October 1, 2017. The Professional Standards Board received written comment from the State Board that subsection 3.1.2 does not seem to align with modern technology or to be the most efficient, non-burdensome form of communicating a hearing request. The Professional Standards Board believes that the format for receiving hearing requests is limited to those permitted by statute, so no changes were made to the regulation in response to the comment. On November 2, 2017, the Professional Standards Board voted to republish the regulation with two substantive changes. They added a deadline for submitting a written request for additional time for a hearing to subsection 4.1.1.1 and added “stenographic” to subsection 4.5.2.

The Board voted to send the regulation forward for publication and will hear it again next month for discussion. The PSB Executive Director thanked the State Board for their public comment received on 1515 and indicated that he had been working with the SBE’s Executive Director to pursue those recommended statutory changes.

There was no public comment on the PSB regulation presented in this section of the agenda.

Formal Public Comment

The Board received public comment from Kendall Massett, Executive Director of the Delaware Charter Schools Network, regarding the public school choice expo in NCC and the one scheduled for November 18 in Kent County. These were public expos, which featured public school choice offerings at district, charter, and vo-tech schools in each county.

Appeals and Reviews, Information Items, Adjournment

There are two ongoing appeals before the Board. Student v. Smyrna School District - 2017-10, and Student v. Smyrna School District - 2017-11. Valerie Dunkle, Deputy Attorney General for the State Board, informed the members that a hearing officer had been appointed for each case and hearings would be scheduled.

Ms. Johnson had two information items to share from the agenda. Both the September 30th Enrollment and Unit Allotment Report 2017 and the Educational Program Enrollments by Age and Ethnic Categories 2017 reports had been received from the Department of Education. Links to both reports and additional information were posted on the State Board website.
Since there was no further business, a motion was made by Mr. Hefferman to adjourn the meeting. The motion was seconded by Mrs. Bunting and carried unanimously by voice vote. The meeting adjourned at 7:08 p.m.

Respectfully submitted,

Susan S. Bunting, Ed.D.
Executive Secretary and
Secretary of Education