DELAWARE STATE BOARD OF EDUCATION

The Townsend Building
401 Federal Street, Suite 2
Dover, Delaware 19901

Meeting Minutes

Department of Education, Cabinet Room
Dover, DE 19901
December 20, 2018
5:00 P.M.

Members Present: Nina Lou Bunting, Candice Fifer, Vincent Lofink, Dr. Audrey Noble, Wali Rushdan II, Whitney Sweeney

Members Absent: Dr. Terry Whittaker

Others Present: Dr. Susan Bunting, Secretary of Education and State Board of Education (SBE) Executive Secretary; Rae Mims, Deputy Attorney General, representing the SBE; Jenna Ahner, SBE Executive Director; Rick Lane, PSB/SBE Administrative Assistant; Catherine Hickey; Deputy Attorney General, representing the DOE; Laura Makransky, Deputy Attorney General, representing PSB; Emily Cunningham, DOE; Monica Gant, DOE; Chuck Longfellow, DOE; Luke Rhine, DOE; Leroy Travers, DOE; John Carwell, DOE; Theresa Bennett, DOE; Deb Stevens, DSEA; Kendall Massett, DCSN; Christa Ferdig; Ed Emmett; Stacey Clark; Stephanie Silverman; Kevin Ohlandt

I. Opening

A. Call to Order: Ms. Sweeney called the meeting to Order at 5:00 p.m.

B. Roll Call

Mr. Lane conducted roll call for the meeting with 6 members present (Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

C. Approval of Agenda

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to approve the December 20, 2018 agenda. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

D. Approval of Regular Meeting and Executive Session Minutes for October 25, 2018

A motion was made by Mr. Rushdan and seconded by Mrs. Bunting to approve the October 25, 2018 executive session minutes as presented. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

A motion was made by Mr. Lofink and seconded by Mrs. Bunting to approve the October 25, 2018 regular meeting minutes as presented. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

II. State Board Business

A. Recognition of Presidential Awards for Excellence in Mathematics and Science Teaching Award Finalists

The Board recognized Christa Ferdig from Indian River School District as one of the recipients of the Presidential Award for Excellence in Mathematics and Science Teaching.

B. Committee Reports

Ms. Sweeney shared an update on the School Bus Safety Contest winners that were recognized at the October meeting.

Board members provided updates on recent committee participation. Ms. Sweeney provided an update on her participation in meetings or events related to the Pre-K expansion, University of Delaware Board of Trustees, pre-college programming at the University of Delaware, and the Delaware School Boards Association. Dr. Noble provided an update on participation with the Campaign for Grade-Level Reading, the Charter School Accountability Committee, and Delaware's National Governor's Association Education and Workforce Team. Mrs. Bunting provided an update on the Teachers' Advisory Committee. Mr. Lofink provided an update on the Board's Student Selection Committee and participation in a Delaware School Boards Association training.

C. HB455 Implementation Update

Ms. Sweeney provided the Board with an update on implementation of HB455.

D. Establishment of Career & Technical Education Committee

Luke Rhine, Director of Career and Technical Education at the Department of Education, provided background and context on the Strengthening Career and Technical Education for the 21st Century Act (Perkins V). Mr. Rhine shared that the State Board of Education serves as the eligible agency under Perkins V. The eligible state agency is required to submit a one-year transition plan prior to April 30, 2019. Once approved in July 2019, the eligible state agency will be required to develop a full four-year state plan, covering the requirements of the Act, to be submitted in April 2020. Mr. Rhine discussed the creation of a committee to advise the Board and the Department on a transition plan and four-year state plan.

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to establish the Career & Technical Education Committee. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

A motion was made by Mr. Rushdan and seconded by Dr. Noble to appoint Mr. Lofink as the State Board representative on the Career & Technical Education Committee. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

E. Establishment of Student Board Member Screening Committee

A motion was made by Mr. Rushdan and seconded by Dr. Noble to establish the Student Board Member Screening Committee. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

A motion was made by Mr. Lofink and seconded by Dr. Noble to appoint Mrs. Bunting as the State Board representative on the Student Board Member Screening Committee. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

F. Selection of member for ESSA Committee

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to select Mrs. Fifer as the State Board representative on the ESSA Committee. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

G. Executive Director's Report

Ms. Ahner provided an update on recent activities in her office.

III. Secretary's Report

Dr. Susan Bunting provided her report, highlighting the Department's work and visits within the last two months.

IV. Presentations

A. Alternate Assessment Performance Levels

Theresa Bennett, Director of Assessment at the Department of Education, provided an overview of the Alternate Assessment standard setting process and performance levels. The Board discussed and asked questions regarding the assessment, the Dynamic Learning Maps consortium, comparisons to other states, messaging to students and parents about proficiency and performance levels, and assessment in relation to a student's IEP.

B. Public Comment on Alternate Assessment Performance Levels

No public comment was given on Alternate Assessment Performance Levels.

A motion was made by Mr. Lofink and seconded by Mr. Rushdan to approve the Alternate Assessment Performance Levels. ***The motion carried*** (5 Yes to 0 No with 1 Abstention – Bunting, Fifer, Lofink, Rushdan, and Sweeney; Dr. Noble abstained).

C. Department of Education Budget Request

Chuck Longfellow presented an overview of the DOE FY20 budget request.

D. Delaware School Report Cards

Dr. Susan Bunting provided a brief overview of the new Delaware School Report Cards that are nearing completion.

V. Charter Schools

A. Charter School Renewal – Design Thinking Academy

Leroy Travers of the Charter School Office presented the charter school renewal information for Design Thinking Academy. Mr. Travers shared that the Charter School Accountability Committee (CSAC) recommended renewal of the charter for a 5-year term beginning July 1, 2019 with the following condition: By February 28, 2019, submit to the Charter School Office a revised internal controls policy and procedures manual. Dr. Susan Bunting approved Design Thinking Academy for a 5-year renewal with the conditions recommended by CSAC. Dr. Noble recommended that the Charter School Office provide additional and careful monitoring in regards to their staffing, student enrollment and financial practices. She asked that additional updates be provided to the State Board during regular monthly updates.

A motion was made by Mrs. Bunting and seconded by Mrs. Fifer to assent to the Secretary's approval of the 5-year renewal for Design Thinking Academy. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

B. Charter School Renewal – First State Military Academy

Mr. Travers presented the charter school renewal information for First State Military Academy. Mr. Travers shared that CSAC recommended renewal of the charter for a 5-year term beginning July 1, 2019 with the following condition: By December 8, 2018 submit to the Charter School Office the date the Board has set to complete its required Board governance training. The school provided a timely submission to satisfy CSAC's condition. Dr. Susan Bunting approved First State Military Academy for a 5-year renewal. Dr. Noble recommended that the Charter School Office provide additional and careful monitoring regarding the school's financial viability affected by its enrollment limitation and incurred debt. She asked that additional updates be provided to the State Board during regular monthly updates.

A motion was made by Mr. Lofink and seconded by Mr. Rushdan to assent to the Secretary's approval of the 5-year renewal for First State Military Academy. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

C. Charter School Renewal – Freire Charter School

Mr. Travers presented the charter school renewal information for Freire Charter School. Mr. Travers shared that CSAC recommended renewal of the charter for a 5-year term beginning July 1, 2019. Dr. Susan Bunting approved Freire Charter School for a 5-year renewal.

A motion was made by Mr. Rushdan and seconded by Mrs. Bunting to assent to the Secretary's approval of the 5-year renewal for Freire Charter School. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

D. Charter School Renewal – Great Oaks Charter School

Mr. Travers presented the charter school renewal information for Great Oaks Charter School. Mr. Travers shared that CSAC recommended renewal of the charter for a 5-year term beginning July 1, 2019 with the following conditions: 1. By December 10, 2018 the school must provide certificates of completion for the Financial Responsibility Training for three Board Members; 2. By December 10, 2018, the school must provide an updated 80% budget based on the corrected 80% enrollment. The school provided a timely submission to satisfy CSAC's condition. Dr. Susan Bunting approved Freire Charter School for a 5-year renewal.

Dr. Noble recommended additional and careful monitoring to be conducted by the Charter School Office regarding the school's enrollment statistics and recruitment efforts and that subsequent

reporting regarding these issues be made to the State Board. Mr. Lofink raised a question regarding charter schools raising or lowering maximum enrollment numbers.

A motion was made by Mr. Lofink and seconded by Mr. Rushdan to assent to the Secretary's approval of the 5-year renewal for Great Oaks Charter School. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

E. Charter School Renewal – Kuumba Academy

Mr. Travers presented the charter school renewal information for Kuumba Academy. Mr. Travers shared that CSAC recommended renewal of the charter for a 5-year term beginning July 1, 2019. Dr. Susan Bunting approved Kuumba Academy for a 5-year renewal.

A motion was made by Dr. Noble and seconded by Mr. Lofink to assent to the Secretary's approval of the 5-year renewal for Kuumba Academy. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

F. Charter School Renewal – Newark Charter School

Ms. Sweeney recused herself from the discussion of Newark Charter School due to a conflict of interest.

Mr. Travers presented the charter school renewal information for Kuumba Academy. Mr. Travers shared that CSAC recommended renewal of the charter for a 10-year term beginning July 1, 2019. Dr. Susan Bunting approved Newark Charter School for a 10-year renewal. Mr. Rushdan acknowledged the school's performance and expressed concern that enrollment diversity may not be addressed with a ten-year renewal. Dr. Noble commented on school diversity nationwide and recognized that the state's Charter School Performance Framework does not consider diversity in enrollment.

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to assent to the Secretary's approval of the 10-year renewal for Newark Charter School. ***The motion carried*** (5 Yes to 0 No with 1 Abstention– Bunting, Fifer, Lofink, Noble, and Rushdan; Ms. Sweeney recused herself).

G. Charter School Renewal – Positive Outcomes Charter School

Mr. Travers presented the charter school renewal information for Positive Outcomes Charter School. Mr. Travers shared that CSAC recommended renewal of the charter for a 5-year term beginning July 1, 2019. Dr. Susan Bunting approved Positive Outcomes Charter School for a 5-year renewal.

A motion was made by Mr. Lofink and seconded by Mr. Rushdan to assent to the Secretary's approval of the 5-year renewal for Positive Outcomes Charter School. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

H. Charter School Update

Mr. Travers of the Charter School Office gave a brief update on other activities for the Charter School Office.

VI. Department of Education Regulations

A. Regulation 505 – High School Graduation Requirements and Diplomas

Emily Cunningham presented Regulation 505 – High School Graduation Requirements and Diplomas. The Board discussed the proposed regulation and expressed concerns over the removal of language around the Student Success Plan before the new Student Success Plan regulation language is available.

A motion to table Regulation 505 – High School Graduation Requirements and Diplomas was made by Dr. Noble and seconded by Mr. Lofink. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

B. Regulation 915 – James H. Groves High School

Emily Cunningham presented Regulation 915 – James H. Groves High School. The Board discussed the proposed regulation.

A motion to approve the Regulation 915 – James H. Groves High School for Final Order as presented was made by Mr. Rushdan and seconded by Mr. Lofink. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

VII. Professional Standards Board

A. Regulation 1517 – Paraeducator Permit

Laura Makransky presented Regulation 1517 – Paraeducator Permit. The Board discussed the proposed regulation.

A motion to approve the Regulation 1517 – Paraeducator Permit for Final Order as presented was made by Dr. Noble and seconded by Mrs. Fifer. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

VIII. State Board Preliminary Goal Setting

Ms. Ahner presented proposed goals and priorities for the Board for FY19. The Board reviewed and discussed the proposal.

A motion to table FY19 Priorities until the January meeting was made by Mrs. Bunting and seconded by Mr. Rushdan. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

IX. Formal Public Comment

No public comment was given.

X. Appeals and Reviews

A. Student (BP) v. Smyrna School District (for Information)

Rae Mims, Deputy Attorney General, provided the Board with information on this student appeal.

B. Student (TB) v. Smyrna School District (for Information)

Rae Mims, Deputy Attorney General, provided the Board with information on this student appeal.

XI. Adjournment

A motion to adjourn was made by Mrs. Bunting and seconded by Mrs. Fifer. ***The motion carried*** (6 Yes to 0 No – Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney).

The meeting adjourned at 7:51 p.m.

Digital recordings of the meeting can be found in the "audio recordings" section of the State Board of Education's website.

Respectfully Submitted,

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