DELAWARE STATE BOARD OF EDUCATION

Meeting Minutes
FINAL

2nd Floor Cabinet Room
The Townsend Building
401 Federal Street, Dover, DE 19901

June 20, 2019
5:00 P.M.

Members Present: Nina Lou Bunting; Candice Fifer; Vincent Lofink; Dr. Audrey Noble; Provey Powell, Jr.; Wali Rushdan II; Whitney Sweeney; Lea Wainwright and Dorcas Olatunji

Others Present: Rae Mims, Deputy Attorney General, representing the SBE; Dr. Susan Bunting, SBE, Secretary of Education; Jenna Ahner, SBE Executive Director; Dawn McHugh, SBE Administrative Assistant; Leroy Travers, DDOE; Emily Cunningham, DDOE; Chris Kenton, PSB; Kendall Massett, DCSN; Esther Olatunji; Rick Lane, PSB; Angeline Rivello, Charter School of Wilmington

I. Opening

A. Call to Order: Ms. Sweeney called the meeting to order at 5:02 p.m.

B. Roll Call

Ms. McHugh conducted roll call for the meeting with nine members present (Bunting, Fifer, Lofink, Noble, Olatunji, Powell, Rushdan, Sweeney, and Wainwright).

C. Approval of Agenda

A motion was made by Mrs. Bunting and seconded by Mr. Rushdan to approve the June 20, 2019 agenda as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

D. Approval of Strategic Planning Meeting Minutes for May 14, 2019

A motion was made by Mr. Rushdan and seconded by Mr. Lofink to approve the May 14, 2019 minutes as presented. ***The motion carried*** (6 Yes to 0 No with 1 Abstention - Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney; Mr. Powell abstained).

E. Approval of Regular Meeting Minutes for May 16, 2019

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to approve the May 16, 2019 minutes as presented. ***The motion carried*** (6 Yes to 0 No with 1 Abstention - Bunting, Fifer, Lofink, Noble, Rushdan, and Sweeney; Mr. Powell abstained).

II. State Board Business

A. Welcome and Introduction of New Board Members

Ms. Sweeney introduced new State Board of Education members, including Reverend Provey Powell, Lea Wainwright, 2014 State Teacher of the Year; and Dorcas Olatunji, Delaware public school student.

B. Committee Reports

Board members provided updates on recent Board business and committee participation. Ms. Sweeney discussed a recent meeting with State Treasurer Colleen Davis. Mr. Lofink provided information on his participation in an event at Howard High School, a meeting of the House of Representatives Education Committee, and the public hearing for Odyssey Charter School. Rev. Powell attended the NASBE New Member Institute. Dr. Noble shared information regarding the Charter School Accountability Committee (CSAC), the Get Delaware Reading Steering Committee, the H. Fletcher Brown Scholarship Committee and the public hearing for Odyssey Charter School.

C. Executive Director's Report

Ms. Ahner provided an update on recent activities in her office. She noted that the July State Board Meeting will be held in Dover and the August State Board Meeting will be held in Sussex County.

D. Discussion of Pending Legislation

Ms. Sweeney shared that the purpose of this conversation is to discuss if and when the Board will express an opinion on legislative issues and to discuss positions on specific legislation. Ms. Sweeney shared that the conversation will focus on legislative items that directly impact the Board or the Board's work and may be passed in the near term.

The Board discussed SB 159 - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Charter School Audits. The Board discussed the list of organizations or individuals who may request an audit to be conducted by the Auditor of Accounts. The Board members discussed their role and how they may share their concerns regarding a Charter School, should the legislation pass. Board members discussed the current process for requesting an audit and changes that were made to state law regarding audits in recent years. Board members discussed whether this proposed legislation has a limit for the number of audits that can be requested and who would be responsible for the costs associated with the audit.

The Board had in-depth discussion regarding whether the Board should take positions on pending legislation, if this will set a precedent, and if the Board will be expected to take positions on all legislation relating to the Board's role in the future. Board members discussed their role as a citizens Board and how that should be considered. Board members discussed how Board positions on bills would be communicated. The development of a Board position on specific legislation will allow the Board to share that stand if asked. The Board discussed the desire to develop a Board position on some legislative issues that impact the work of the Board with the understanding that Board members and the Executive Director will not actively advocate for or against legislation, unless otherwise noted by the Board. Board positions will be captured in the meeting minutes.

A motion was made by Dr. Noble and seconded by Mr. Lofink to support SB 159 An Act to Amend Title 14 and Title 29 of the Delaware Code Related to Charter School Audits. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

The Board discussed HB 148 and HB 222 and the Board's role should these bills be passed. Board members discussed the timeline in HB 222. The Board discussed the desire to work with the Chairs of the Redding Consortium, if passed, to have multiple touch points leading up to the required action in 2020. Board members expressed the importance of staying proactive and attending meetings of the Consortium even though the Board does not have a representative on the group.

III. Secretary's Report

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

Dr. Bunting outlined the Opportunity Funding announced by the Governor and General Assembly, which will invest $60 million over the next three years to support students who are low-income or English learners. Dr. Bunting shared information regarding the application process and plans for allocation of and accountability of funds. LEAs must apply for the funding by June 30, 2019. Applications must outline how funding will be used to support low-income students and English learners. Dr. Bunting provided examples of how the funding could be used.

Board members asked questions regarding the types of items that are being asked for and whether schools are considering public or community engagement in their plans. They also asked for clarity on the sustainability of efforts long term.

IV. Presentations

A. Graduation and Dropout Rate Annual Report

Lindsay Lewis, Education Associate, Special Programs, Delaware Department of Education provided the Annual Report on the Graduation and Dropout Rates in the State of Delaware. Ms. Lewis provided background on how the data is collected and calculated and current graduation requirements. She provided information on the statewide graduation rates and subgroup graduation rates.

Board members asked questions regarding the calculation of the data, how the rates for English learners are calculated and how this impacts the increase in graduation rates for English learners. Members asked how the rules for data suppression were developed. Board members also asked about how summer school is considered in the calculation of graduation requirements and whether the information is available by school and district.

Dr. Noble shared information from a recent Georgetown University Study *Born to Win, Schooled to Lose* and highlighted the need to address issues earlier in a student's school experience.

Ms. Lewis provided definitions and calculations for dropout rates. She highlighted statewide dropout rates and subgroup data.

Board members asked for more information regarding how dropout is defined and why data collection is a challenge for schools. Board members asked if the decline in dropout rates can be attributed to work currently underway. Board members asked about restorative justice initiatives underway and the impact on graduation rates.

B. Delaware Autism Program

Ms. Sweeney provided an overview of the State Board of Education's role regarding the Delaware Autism Program.

Emily Cunningham, Chief of Staff/Policy Advisor, Delaware Department of Education, provided an update on the MOU between the Department of Education and the Christina School District regarding the Delaware Autism Program. Ms. Cunningham provided information regarding HB 201 which proposes moving the Delaware Autism Program to the Department of Education. The bill was discussed at the House Education Committee meeting the day prior.

Ms. Cunningham updated the Board on the development and next steps relating to the job description for the Delaware Autism Program's Director.

Board members asked questions regarding the alignment of the proposed job description to state Code and why the Board is being asked to approve a job description that does not align with the current Code. Ms. Cunningham explained the process and the proposed path forward. Board members clarified that action must be taken by the legislature to move forward with the job description as proposed.

Board members asked questions regarding the current program and the length of time without a Director. They also asked about membership on the committee to develop the job description, which entity would hire the director, and why the job requirements were not as stringent as those required in State Code.

No members of the public were signed up to provide public comment on this matter.

A motion was made by Mrs. Bunting and seconded by Dr. Noble to approve the Delaware Autism Program job description as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

V. Regulations

A. Department of Education Regulations for Discussion and Action

1. Regulation 292 – Post Secondary Institutions and Degree Granting Institutions of Higher Education (For Action)

   Emily Cunningham, Chief of Staff/Policy Advisor, Department of Education, provided an overview of the regulation with background and context.

   Board members noted there were significant strikeouts in the regulation due to the reorganization of the regulation. Board members asked if the Department of Education spoke with Delaware Institutions regarding changes made. Members asked if there are best practices for how states regulate online education and if DDOE has considered what is done in surrounding states and nationally. Board members discussed institutions, such as DeVry University, which is faced with lawsuits and asked how DDOE takes information on lawsuits into account during the renewal process. Members also asked how this information is flagged, how we know if students are exposed to or impacted by predatory practices, and what is done about it.

   Board members asked about the fee structures and how funding generated is used.

A motion to table Regulation 292, with the intention to capture questions into written document to be submitted to DDOE's subject matter expert for future discussion, was made by Mr. Rushdan and seconded by Mrs. Bunting. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

B. PSB Regulations for Discussion or Action

1. Regulation 1510 – Issuance of Initial License (For Action)

Chris Kenton, Executive Director, Professional Standards Board (PSB), provided an overview of the proposed regulation.

Board members asked why the PSB recommended revising the timeline for completing the Performance Assessment. Board members discussed the amount of time required to complete the Performance Assessment. The Board asked questions regarding the Performance Assessment requirements in other states and the testing requirements for elementary school teachers.

A motion was made by Mr. Rushdan and seconded by Mrs. Bunting to approve Regulation 1510 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

2. Regulation 1511-Issuance and Renewal of Continuing License (For Action)

Mr. Kenton, Executive Director, Professional Standards Board, provided an overview of Regulation 1511 and microcredentials.

Board members asked if microcredentials are all academic in nature or if there are some social skills, management and discipline items that would help teachers. Board members asked about Digital Promise and how the credentials are certified. Board members discussed the limit of thirty hours of microcredentials to be used toward a continuing license in the proposed regulation. They discussed the benefit of microcredentials to provide information on specific content areas that may be difficult to find training for.

A motion was made by Mrs. Bunting and seconded by Dr. Noble to approve Regulation 1511 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

C. DIAA Regulations for Discussion or Action

1. Regulation 1007 – DIAA Sportsmanship (For Information)

Ms. Sweeney noted that Regulation 1007 is currently posted for public comment.

D. Public Comment on Regulations

No public comments were received.

VI. Charter Schools

A. Monthly Charter School Update

Mr. Leroy Travers, Charter School Office, Department of Education, provided an update on Design Thinking Academy. The Board asked questions regarding why the school closed early and how many students need to be transitioned. The Board asked about the audit that must be conducted when a charter school closes, who selects the organization that completes that audit, and if the audit procedures must be approved by DDOE. Members asked if there have been concerns about audits missing information in the past.

Mr. Travers provided an update on his office's review of the financial framework for charter schools. He discussed membership of a proposed committee to review and recommend updates to the framework, a suggested timeline, and the time commitment expected from members.

The Board asked questions regarding the membership and asked if there is a conflict in having individuals who will be measured by the framework responsible for developing it. The Board asked if best practices from elsewhere will be considered and if the academic and organizational frameworks will also be revisited.

B. Odyssey Charter School

Mr. Travers provided an update on the process regarding Odyssey Charter School's formal review.

Ms. Sweeney outlined the process and requirements for discussion of Odyssey Charter School, noting that specific items in the PIC opinion must be discussed in Executive Session. She shared that Dr. Noble is a non-voting member of CSAC and represents the voice of the State Board of Education. She encouraged the Board to consider questions or resources that the Board would like to be included as a part of the public record that will come before the Board on July 18th. Dr. Noble will bring comments or questions from the Board to the June 24th CSAC meeting.

Board members asked for clarification regarding what the recommendations or conditions may include. Members noted that public comment received so far focuses heavily on the academics of the school and that is important to be clear that the school has been placed on formal review due to financial and governance concerns.

Board members shared concerns regarding the misappropriation of state funds, specifically the state funding used to support an early learning center since its charter is focused on K-12. Members also raised concerns regarding conflicts of interest among Odyssey Charter School Board members. Members discussed other charter schools in the state that partner with outside organizations that support their missions but do not control the governance of their organizations.

The Board discussed financial and governance concerns. Board members discussed that the Board President is chosen in a non-public meeting that is not open to females. Members discussed concerns about unclear financial records that demonstrate how funding was spent and that the school has admitted to spending money on items outside of its state charter.

The Board raised concerns regarding the response provided by the Public Integrity Commission (PIC) to Odyssey's initial plan to address PIC opinions.

The Board discussed the desire to move into Executive Session to discuss the PIC documents following public comment.

VII. Formal Public Comment

Kendall Massett, Executive Director at Delaware Charter Schools Network, provided public comment. Ms. Massett provided information regarding DCSN's work with Design Thinking Academy as they wrap up the school year. Ms. Massett also provided comment on the Board's discussion regarding SB 159. She shared concerns regarding the process the bill creates and that the bill could encourage unfounded investigations. She discussed the ability of the Auditor to request specific procedures to be included in charter school audits.

VIII. Odyssey Charter School

A motion to move to Executive Session to discuss the PIC opinion regarding Odyssey Charter School was made by Dr. Noble and seconded by Mr. Rushdan. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

The Board discussed the PIC documentation regarding Odyssey Charter School.

A motion to return to public session was made by Mrs. Bunting and seconded by Mr. Rushdan. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan and Sweeney).

Ms. Sweeney noted that CSAC is meeting on Monday and encouraged members to follow-up with Dr. Noble with any further comments or questions regarding that meeting. Board members asked questions regarding CSAC's ability to conduct interviews with staff or former Board members. Board members also discussed the November and December audio recordings from the Odyssey Charter School Board, which are available on the school website.

The Board asked how often the Department of Education requests a PIC opinion. Dr. Bunting shared that this is the first one she is aware of during her time at the Department.

IX. Adjournment

A motion to adjourn was made by Mrs. Fifer and seconded by Mrs. Bunting. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

The meeting adjourned at 9:44 p.m.

Respectfully Submitted,

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