

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: May 25, 2015 Minutes

Date: June 25, 2015

Staff/Office: Jessica Nguyen-Ventura, Board Staff

Action Requested: Information only Policy Adoption Policy

Adoption/Consent Calendar

ISSUE BEFORE THE BOARD: Adoption of the May 21, 2015 minutes.

BACKGROUND: The State Board of Education is a public governing body, and as such, its meetings must comply with the provisions of ORS chapter 192, *Records, Public Reports, Public Meetings*.

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

Minutes of the State Board meetings shall be written in compliance with Oregon Revised Statutes and give a true reflection on the matters discussed at the meeting. They shall contain brief statements on important points made by Board members and participants and include all motions, proposals, resolutions, orders, ordinances and measures proposed and actions taken.

As a cost-cutting measure, minutes content will be reduced and can used as a guide to the video.

STAFF RECOMMENDATION: Adopt the May 21, 2015 minutes.

DRAFT



OREGON STATE BOARD OF EDUCATION

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The Oregon Department of Education is an equal opportunity educator and employer.

Agenda

Thursday, May 21, 2015

251B Public Service Building

State Board of Education meetings comply with open meeting laws and accessibility requirements. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be given to Jessica Nguyen-Ventura at 503-947-5991, at least 48 hours before the meeting.

Please note: Times are approximate and items may be taken out of order.

1.0 Preliminary Business

- 1.1 Call to Order, Roll Call, Flag Salute @ 9:05
- 1.2 Board Member Reports: Board advisor Shields reported on a partnership with a Kenyan school. Board member Angela reported that she is now chair. Chair Henry reported on attending Ontario and how they testified SB 890.
- 1.3 Deputy Superintendent Report was moved to later in day as Rob was in Ways & Means testifying.

2.0 Adoption/Consent Agenda

- 2.1 April 8th & 9th meeting minutes
- 2.2 Supplemental Plans for Sisters, McMinnville, and Forest Grove School Districts Divisions 15 OARs to be Aligned with Interdistrict Transfer Rule/OAR: 581-015-2005, 581-015-2010, 581-015-2040, 581-015-2080, & 581-015-2565
- 2.4 Were all approved by the State Board of Education.

1.0 Preliminary Business Continue

- 1.5 Public Comment
 - Jennifer Walker provided testimony on Native Mascots
 - Dave Hatch Confederated Tribes of Oregon. He passed out a book, "The People are Dancing Again: The History of the Siletz Tribe of Western Oregon" by Charles Wilkinson
 - Susan Hansen provided testimony

3.0 Adoption

- 3.1 Public Comment: Native American Mascot
 - Brenda Franks testified that she is not supportive of race-based
 - Ruth Jensen
 - Johnny Lake

ROB SAXTON
Deputy
Superintendent of
Public Instruction

Members
SAMUEL HENRY
Chair

MIRANDA
SUMMER
Vice Chair

CHARLES
MARTINEZ
Second Vice Chair

ANGELA BOWEN

JEROME
COLONNA

ANTHONY VELIZ

Ex Officio
JEANNE ATKINS

TED WHEELER

Advisors
RANDY SCHILD

MARY MORTON

Staff
JESSICA
NGUYEN-
VENTURA
Executive Officer

4.0 Information/First Read/Second Read

4.1 Legislative Update

Jan & Emily gave an update on all the bills that have died in committee as well as the funding bills. OEIB board is going away but will stay as an agency. Gave an update on HB 3499 which provides assistance to schools with ELL. SB 321 would have lowered the compulsory age, which is now age 6. SB 821 Smarter Balance prohibits usage of rating teachers. This is just for the first year.

- Randy provided some clarification on high disability cost.

1.0 Preliminary Business continue

1.3 Deputy Superintendent Rob Saxton provided the board with his report.

3.2 Adoption

Adoption: Native American Mascots / OAR 581-021-0047

Cindy Hunt is giving update on the rule being proposed on Native American mascots. Provided clarification on the Siletz mascots and the current proposed rule.

Charles is speaking on how difficult this decision is. He had questions about the usage of “such as” in section 3(a). Explain why this was included. Cindy explained that this was part of the original mascot rule from 2012.

Martinez had additional comments around open public hearings for board meetings.

Summer commented that there should be more discussion before voting on amendments.

Colonna asked Hunt about a motion would consider a rule as prohibit Native American Mascots k-12 at certain date, would all the information that the board received today, would it be necessary?

Hunt asked for clarification. Hunt explained that motion would a restatement of the original ban introduced in 2012. The effect of that would be not to implement the bill from 2014. The other question is if the board wants to go broader to 2012 board and would pick up the words such as “warrior” with a Native American image...this would require discussion. Hunt then directed the board to the last paragraph of the rule which directs the Deputy Superintendent to fine the school that violated the rule and could withhold state funding.

Martinez diverted the question back to the bigger question, whether or not to adopt the rule. Martinez stated that he fears inaction by the board and encourages action.

Schild asked if the rule went through, the way it is proposed, how many Native American Mascots there be in three years.

Hunt said that she is fairly certain that Siletz Warrior would stay. Beyond that, there is no certainty about the others.

Schild then turned to the board and stated that from he has heard from the board, what he hears is that they are trying to create change. Your dilemma is how does the board create change because the decision has ramifications. You can create no change or change.

Martinez is stated that the harder decision is to adopt the rule because of the sentiment that the board has shared with each other. The rule does push this into the local context but it takes it away from the Boards and politician's hand.

Bowen commented how difficult it is her. She wanted to remind that she never sees Native Americans in mascots. The role of the board is to make decision about public education, not government-to-government relations. There was a comment about shame but she felt that the legislature put them in a position where the board has to vote on perceived racism.

Veliz talked about a trip and how that affected him. The way that he relates to this issue that he is either a "man" or a "mascot". Fundamentally, that is the questions that is being asked. As a Latino, he is "man" not a mascot.

Martinez commented that the issue is that the legislature passed a law to allow these contract, which the governor signed, then asked the board to figure out how to operationalize it. The goal still remain. This is still about the ban. Not acting does not undue legislative action.

Colonna asked Hunt if there is jurisdiction to not implement SB 1509? Can the board take action to choose not to implement this and instead vote to do this.

Hunt said that it is ultimately it is an individual vote. The legislature can come back and do a version of a certain bill. Boards have the ability to do individual votes but there is always consequences.

Colonna said that it is interesting that we are using "not to act." To Colonna, it means that there is no decision being made. Colonna suggested that the board should just prohibit Native American mascots. The decision is not to do something more forceful because the only thing the board can do is do what the legislature wants us to do.

Summer clarified that they are not voting to prohibit "all" but on the rule before the board. Technically, the board still has plenty of time and they vote on this, there is the possibility that it will come back in a later time. The legislature gave the board until 2017.

Hunt: if the vote is accept the proposed rule or fail to accept the propose rule, what happen then is that the original rule is still in place. The original rule is still the ban. What you are voting on today are the amendments before you today. Or there is no action and the rule is still in place.

Colonna: A no vote should not be considered no action. Colonna asked Martinez if that is what meant.

Martinez clarified: any vote is an action. A no vote will trigger a process. The goal is to maintain the spirit of the original ban and doing it in a way that it is consistent with the role of the board. The board cannot undue a legislative directive.

Hunt: The current action by the legislature was to do an exception, it did not undone the entire ban. The test is not to set politics aside and but the July 1,2017 date because that's when the legislation takes effect. That is the critical date. However, there is a political reality and that is fine.

Schild: This rule is compromise but the concern is that if you accept the rule, you may lose ground. If you take the rule and there are still 2-3

Henry has asked the board to take action. Action is to take the recommendation by staff. The other is to reject the recommendation by staff with a statement to reaffirm the original ban. Or the board does nothing.

Martinez is clarifying that to the board that what they are being asked is to accept or not to accept the recommendation. The can take action with the recommendation and fail to accept. They could have a motion to deny the recommendation. You can vote to deny it affirmatively or vote to affirmatively accept the rule. Or try to approve it and have it fail.

Martinez voted to deny the recommendation by staff but does not preclude to come back with another solution.

Hunt said that they can bring back another rule.

Henry asked for a motion that puts the board in a position to vote on. Not hearing a motion is an action too. This means there is not a motion to have a vote on the recommendation.

The board has asked for time to pause.

Veliz introduced a motion to deny the recommendation.

Colonna second.

Chair has moved to motion to deny the recommendation. Open for discussion.

Colonna hopes that as soon as the board takes a vote to discuss what they would like to see in terms of the 2012 decision.

Martinez's suspicion is that the board feels the same. This vote is more courageous than not doing anything. Agree with Colonna and wants the board to do board work on this issue. A public commitment.

The Chair rescheduled the arts standards for June. The chair is asking for a vote on the motion.

Schild can ask if the group can strike the “exceptions” .

Hunt clarified that the ultimately exception was directed by the legislature. It would be nice to still approve it and still get what you want but it seems like that is not possible.

Chair has pushed the board again.

Board administrator restated the motion: Veliz put forward the motion to deny the rules in front of the board. It would be a yes vote for the motion.

Colonna suggested a friendly amendment to take action in the future if it is a note vote today.

The motion is to deny the rules in the amendment with a stipulation with a work session to determine what the next steps for future.

Veliz stated that for him the policy was already decided years ago and that is what he is sticking with.

There is a rejection on the friendly amendment.

To vote yes on the motion is to vote no refuse the recommendations that have been made.

Roll call vote:

Henry: yes

Summer: Yes

Martinez: Yes

Bowen: yes

Colonna: Yes

Veliz :Yes

The board voted to refuse the recommendations made by staff.

Martinez suggested that the board needs a follow up work session and would like to see a motion.

Information/First Read/Second Read

- 4.2 First Reading: Presentation on the adoption of Art Standards of dance, media arts, theater, and visual art was tabled for June.

Lunch @ 12:20

- 4.3 First Reading: State Board Advisors Nominations. Executive Committee will make recommendations.

3.0 Adoption Continue

Oregon Alternate Achievement Level Descriptors

3.3 Brad Lenhardt

Mitch Kruska

Jerry Tindal

Dan Darley

4.0 Information/First Read/Second Read

4.4 First Reading: 581-015-2572: Long-Term Care and Treatment (LTCT)
Education Program Funding Formula
-Mitch Kruska

4.5 First Reading: Educator Evaluation System OAR: 581-022-1723 Revisions
Will present update and adoption will occur next month

4.6 Information: Sharing the Statewide AP/IB policy (reviewed for the 2016-2016 AY)
OSU offer students with IB to enter as a sophomore.
- Chair Henry Andrea back for a full presentation

4.7 Information: Timeline for OR Graduation Standards Adoption
Doug Kosty, Jime Carlile, Theresa Richards, Derek

Rob clarified that this should be a discussion on this and would like to adopt a calendar of action. 4-year cohort is artificially low because we technically correctly.

4.8 Information: Early Learning Division Update – moved to next month.

Break @ 2:45

4.0 Information / First Read/ Second Read Cont.

4.9 Information: Ensuring Equitable Access to Excellent Educators
Markisha Smith and Rudy Lindstrom provided an update on the Equity Teacher Plan and how to hold districts accountable. There is a draft template that they will be able to use.

3.0 Adoption Cont.

3.4 Oregon Connections Academy (ORCA) Charter School Asset Distribution
Vote on the waiver:

Jerry asked two clarification on charters. Gary Temple from Scio School District

Matt Law legal counsel of ORCA...this got intense out of now where
This allows the asset distribution

Motion was asked by Chair Henry for acceptance of staff request

Bowen moves for the recommendation

Veliz seconds

Vote: all voted aye

4.0 Information / First Read/ Second Read Cont.

Information: Four Rivers Community Annual Report

4.10 First Reading: Four Rivers Community School Renewal Request & Hearing

4.11 First Reading: Ivy School (State Sponsored Charter School) Contract

4.12 First Reading: Procedure to Request Charter School Waivers
This will come back to a vote next month. This will be a second read. Send changes to Kate about how to improve.

4.13 Charter School Sub-Committee Organization, Calendar, Application for Members, and Process to Approve Members. Has been moved to next month.

4.14 **Adjourn**