

STATE BOARD OF EDUCATION – TOPIC SUMMARY

Topic: Adoption—October 22, 2015 Minutes

Date: December 10, 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 October 22, 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 October 22, 2015 minutes.

Staff respectfully requests that you submit 20 collated copies of written materials at the time of your testimony. If you plan on using video, DVD, PowerPoint or overhead projection equipment, please contact committee staff 24 hours prior to the meeting.



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Agenda

Thursday, October 22, 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. Watch live here:
<http://new.livestream.com/accounts/4436497/ODEVideo>

1. Call to Order at 9:15 by Chair Summer.
 - Board members provided their reports.
 - Deputy Superintendent Noor provided updates.
 - Public comment started on agenda items began at 9:50 AM.

5. Due to high volume of public comment, the agenda was reorganized.
 - Ben Cannon provided update on the HECC Strategic Plan and asked board members to call or email him for input.

4. **Action**
Derek Brown and Holly Carter presented on Exemptions/OAR 581-022-1910 for adoption.
 - Board member Charles Martinez believed the board is getting hindered by the word and definition of “summative assessment.” The questions is “what is a summative assessment?” Board member Martinez stated that there should be a clear distinction versus calling out a particular test. The rule presented in the morning defined “state and federal systems accountability” to include mathematics and English language arts (ELA) and “Oregon’s statewide summative assessment” to include mathematics and ELA.
 - Deputy Superintendent Noor explained that after reviewing legislative history and testimony, staff found Smarter Balance as a recurring theme, which is why the current rule specifically called out a specific test.
 - Board Member Martinez asked staff to distinguish SBAC from formative test that are used for diagnosis tools and to return in the afternoon with a definition of summative assessment.
 - Derek Brown said that they can do that.
 - Chair Summer asked Derek Brown and Holly Carter to return in the afternoon back with a definition of summative assessment.

2. **Adoption of Consent Agenda**
 - Board member Jerry Colonna asked for agenda item Safety of School Sports— Concussion/ OAR 581-022-0421 and Definition of Instructional Time

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(Breakfast)/OAR 581-022-0102 to be taken off the consent agenda for clarification.

- Chair Summer asked for motion to approved the consent agenda.
 - Board member Martinez moved to adopt the consent agenda with exception of item 3.H and 3.K.
 - Bowen second
 - All in favor: Martinez, Summer, Bowen, Colonna
 - All oppose: None
 - Adopted
- Sarah Drinkwater was present to answer questions on 3.H Safety of School Sports—Concussion/ OAR 581-022-0421
- Board member Colonna reminded board members that in the last meeting, he asked staff to change language in relations to “non-school.”
- Board member Colonna also had clarification questions on 3k on the background piece on instructional time after the bell. He wanted to know if the 15 minutes of instructional time could be held, for example, in a cafeteria, where children are eating breakfast before they go to class.
- Emily Nazarov stated that in order for it to be counted as instructional time, the student needs to be in the classroom receiving instruction.
- Don Grotting asked, if a student is in a cafeteria receiving instruction, does that count towards instructional time? Emily Nazarov answered yes.
- Chair Summer asked for a motion on 3K.
 - Board member Martinez moved for approval of 3K.
 - Board member Colonna second.
 - All in favor: Martinez, Summer, Bowen, Colonna,
 - All opposed: None
 - Adopted
- Staff read the bill concerning Safety of School Sports and determined that “non-school” was not included in the bill, therefore it can be taken out in the rules proposed under item 3K.
- Chair Summer asked for a motion on 3H, Safety of School Sports
 - Board member Martinez moved for approval of 3H with the exception of the phase of “non-school” from the rules.
 - Board member Colonna second.
 - All in favor: Martinez, Summer, Bowen, Colonna,
 - All opposed: None
 - Adopted

6. Readings: No Presentations

This is a new section of the agenda. These items are first read to the board without a formal staff presentation. Many of these items were before the board as temporary rules in September, with the exception of item d, f, and g.

- **First Reading:** STEM Hubs & Fiscal Agents/ OAR 581-017-0301 & OAR 581-017-0302
- **First Reading:** School District Collaboration Grant OARs /581-018-0105, 581-018-0120.
- **First Reading:** OAR’s for Regional Promise Grant Program / 581-017-0350 to 581-017-0362
- **First Reading:** Compulsory Attendance Notices & Citations/ OAR 581-021-0077

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- **First Reading:** K-12 Biliteracy Pathway Rules/ OAR 581-017-0380; 581-017-0383; 581-017-0386; 581-017-0389; 581-017-0392; & 581-017-0395
- **First Reading:** Student Accounting Records/ OAR 581-023-0006
- **First Reading:** Poverty Eligibility/ OAR 581-023-0102
- **First Reading:** Long-Term Care & Treatment (LTCT) Education Program Funding Formula/ OAR 581-015-257

7. Readings: Presentations

Michael Wiltfong and David Bautista provided a First Reading on English Language Learner Revenue & Expenditure Report Criteria/ OAR 581-023-0250 (Item 7.a).

- Board member Martinez was concerned with transparency as this was the spirit of the HB 3499. The question is whether we need more than what the codes allow to see how the funds are being used. Board member Martinez asked if this should be highlighted more in the accounting side?
- Michael Wiltfong agreed with board member Martinez. If they find that they need more granularity, then they will be back with ways to do that.
- Board member Martinez asked if on the accounting side, does it actual show if it is serving ELL students?
- Michael Wiltfong stated that the accounting codes are not that precise, according to conversations that he had with business managers in different school districts.

Cindy Hunt, Bryan Reeder and David Bautista provided a First Reading on English Language Learners Outcome/ OAR # 581-020-0600 to 581-020-0603; 581-020-0606; 581-020-0612; and 581-020-0615 (Item 7.b).

- State Board member Colonna asked Brian Reeder if he had any concerns that parents will opt-out kids from the ELPA, in light of the opt-out movement.
- Brian Reeder does have a concern. Several Work Group members have mentioned that the ELPA is not a precise measurement and is not a perfect tool. However, the concern is that if students opts out, we lose data and any type of analysis that can help shed light. This is why ODE used multiple approaches to identifying school districts.
- State Board member Martinez had several questions in regards the minimum number of ELL student a school district must have in order to be identified for selection. He is concerned because this would leave out small districts.
- Cindy Hunt explained concern was highlighted in their board docket. Even though there is minimum of 20 ELL Students, this does not mean they are excluded from receiving other support. HB 3499 has several components that can assist small districts that have less than 20 ELL students. There are a few reasons for the minimum threshold. ODE suppresses data that is less than six in order to protect student privacy. For some of these small districts, students could possibly be identify. Also, as students move in out of the district, the data becomes unreliable. ODE recognizes that it is an issue to not include them in the school improvement plan. This is an ongoing conversation between David Bautista and the advisory workgroup.
- David Bautista stated that one of the way to help with the small districts is partnering with ESD's to help support a small ELL population. This would help with building capacity.
- Deputy Superintendent Noor stated said the idea is to have consortiums within

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geographical regions to build capacity within the ESD's to help the ELL population.

- State Board member Martinez commented he appreciated the clarification and that there is always issues with student privacy but using the small cell size argument is also a shield around the fact that these are students that are very vulnerable. These districts are already in a high need bin.
- State Board member Martinez wants to use selection versus identification. Selection implies a "specialness."
- Under 3(a), board member Martinez believes there should be a disaggregated approach by current ELL students, long-term ELL and ever ELL students.
- Cindy Hunt commented that before public comment was submitted that the rule was change to include former and current ELL. However, the reason that long-term ELL is not listed is because the data does not show an accurate portrayal of how long a student has been in the ELL program.
- Board member Martinez understands that the data file can be complicated but does believe that ODE needs to disaggregate the data between current and former and then work with what is reasonable.
- Board member Martinez pointed to section C, the percentage of ELL students who attend college after high school graduation, should also include participation in postsecondary education if the data is available. Board member Martinez believed section 8 is confusing. It described school districts selecting the school that will be targeted for improvement. Cindy Hunt clarified that the districts can make the nominations but ultimately the department will be selecting.
- The last comment made by board member Martinez was under section 2. This section seemed vague and he would feel more comfortable to use evidence based tactics.
- Board advisor Don Grotting commended staff on the work that they have accomplished as he is also a member of the advisory work group.

Lunch was taken at 12:30PM

4. Action Continue

Adoption of Temporary Rule:

Shawna Moran and Tim Boyd came before the board to present temporary rules on District Improvement Partnerships, OAR 581-020-0530.

- Chair Summer asked for future updates on the District Improvement Partnership.
- Board advisor Grotting made the observation that sometimes it will be difficult to get school districts that need help, to seek these types of interventions.
- Paula Radich responded by stating that since this is a pilot, it allows ODE to seek school districts that are ready for change and want to improve outcomes.
- Chair Summer asked for a motion for the temporary rule:
 - Vice Chair Martinez moved for adoption of the temporary rule.
 - Board member Colonna 2nd.
 - All in favor: Summer, Martinez, Bowen, Colonna
 - All oppose: None.
 - Passed

Adoption of Temporary Rule:

Laura Roach and Emily Nazarov presented temporary rules on STEM Innovation Grants, OAR 581-017-0321 to 0333.

- Chair Summer asked if the STEM Council had any comments on the rule.
- Laura Roach and Emily Nazarov stated that they have not gotten comments from the STEM council.
- Chair Summer asked for a motion for the temporary rule:
 - Vice Chair Martinez moved for adoption of the temporary rule.
 - Board member Bowen 2nd.
 - All in favor: Summer, Martinez, Bowen, Colonna
 - All oppose: None.

Adoption of Temporary Rule:

Laura Roach and Emily Nazarov presented temporary rules on CTE Summer Youth Programs, OAR 581-017-0465 to 0485.

- Chair Summer wants to see a list of the projects that are funded in the future.
- Chair Summer asked for a motion for the temporary rule:
 - Board member Colonna moved for adoption of the temporary rule.
 - Vice Chair Martinez 2nd.
 - All in favor: Summer, Martinez, Bowen, Colonna
 - All oppose: None.

Derek Brown, Cindy Hunt and Holly Carter returned in the afternoon with updated rule language on Exemptions, OAR 581-022-1910.

- Derek Brown redefined summative assessment that would include every summative assessment in the state with the exception of the kindergarten test.
- Vice Chair Martinez noted that this is a significant change. He asked if they foresee any future troubles because of this change.
- Holly Carter stated no, this is consistent with most definitions.
- Chair Summer caught an error, in line 5, assessment was struck. Assessment should not be stricken.
- Chair Summer asked for a motion for adoption:
 - Vice Chair Martinez moved for adoption of the rule with the exception of “assessment” being stricken out in the fifth line.
 - Board member Colonna 2nd.
 - All in favor: Summer, Martinez, Bowen, Colonna
 - All oppose: None.

7. Readings: Presentations Continue

Michael Wiltfong and Sarah Drinkwater presented a first reading on Foster Care Student Transportation Exception, OAR 581-023-0040.

Sarah Drinkwater presented a first reading on Changes to Suspension of Students 5th Grade or Lower OAR 581-021-0065 and Changes to Oregon’s School Discipline Statute Regarding Expulsion & Truancy OAR 581-021-0070.

Cindy Hunt and Emily Nazarov presented a first reading on the Four Rivers (State Sponsored Charter School) Contract. Four Rivers contract also include a plan to start a high school.

5. Information Continue

Karen Gray and Hilda Rosselli provided an update on Oregon's 2015 Educator Equity Report.

7. Readings: Presentations Continue

Rich Sherman and Matthew Barber presented a first reading on Competitive Oregon Farm To School Program Grant / OAR 581-017-0432 to 581-017-0447

Mitch Kruska presented a first reading on Essential Skills Achievement Standard on Oregon's Extended Assessment/ OAR 581-022-0615

April Campbell and Tabitha Whitefoot presented a first reading on Displaying Sovereign Tribal Government's Flags in Public School/ OAR 581-021-0043

Emily Nazarov and Laura Roach presented a first reading on CTE Teacher Preparation Program / OAR 581-017-0450 to 0462

Adjourn at 4:45