



**Minutes
State Board of Education
November 20, 2019**

Brooke Axiotis
President
Des Moines

Michael Bearden
Vice President
Gladbrook

Bettie Bolar
Marshalltown

Joshua Byrnes
Osage

Angela English
Dyersville

Michael L. Knedler
Council Bluffs

Mike May
Spirit Lake

Mary Ellen Miller
Wayne County

Kimberly Wayne
Des Moines

Fez Zafar
Student Member
Clive

Ryan M. Wise
Director and
Executive Officer

The State Board of Education meeting was held on Wednesday, November 20, 2019, in the Grimes State Office Building, Des Moines, Iowa. State Board members present were Brooke Axiotis, Mike Bearden, Joshua Byrnes, Angela English, Mike Knedler, Mike May, Mary Ellen Miller, Kimberly Wayne, Fez Zafar, and Bettie Bolar. Iowa Department of Education staff members present were Ryan Wise, David Tilly, Jeremy Varner, Shan Seivert, Nicole Proesch, Kris Kilibarda, Matt Coulter, Staci Hupp, Larry Bice, David Canaday, Amy Williamson, Brad Niebling, Melissa Schnurr, Tom Rendon, Kimberly Villotti, Mary Breyfogle, Jennifer Adkins, Dee Gethmann, Erika Cook, Janet Boyd, Eric Heitz, Tom Cooley, Thomas Mayes, Kassandra Cline, Matt Ludwig, Rob Olsen, Isbelia Arzola, Bill Roederer, Holly Barnes, Pam Spangler, Eric St Clair, Jay Pennington, and Jody Crane. Others in attendance were Sandy Schmitz; Daniel Zeno, American Civil Liberties Union of Iowa; Grant Gerlock, Iowa Public Radio; Carrie Weber, Ahlers & Cooley, P.C.; Megan Valley, Quad-City Times; Damorti Stogner, D & S Associates; Paula Schmidt and Ellen Spencer, Clarke University; David King; Kim Hoffman, Bill Decker and Shane Williams, Mississippi Bend Area Education Agency; Joe Adam, Mississippi Bend Area Education Agency (Board); Daniel Van Sant, Disability Rights Iowa; Tom Lane; Tim Grieves; Tom Downs; Robert Kobylski, Davenport Community School District; Ralph Johanson, Linda Hayes, and Dan Gosa, Davenport Community School District (Board); Catherine Welch and Stephen Dunbar, The University of Iowa; Mark Jacobs, Reaching Higher Iowa; John Parker, Iowa Department of Management; Karleen Stephens and Lorna Paxson, Diagonal Community School District; Amy Kelsey, Diagonal Community School District (Board); and David Salyer and Kimberly Tuescher, Loras College.

STATE BOARD WORK SESSION - EARLY EDUCATION

Kimberly Villotti, Administrative Consultant, Bureau of Leading, Teaching, Learning Services, shared introductory comments. This presentation provided a broad overview of early programming and services provided through the Iowa Department of Education (Department) and a brief description of initiatives. The following members of the Department's early childhood team introduced themselves and talked about their primary role: Melissa Schnurr, Dee Gethmann, Tom Rendon, Jennifer Adkins and Mary Breyfogle.

Villotti highlighted two documents titled “Early Childhood Primer” and “Early Childhood Programming FY20.”

A PowerPoint was presented that addressed:

- Director’s Priorities
- Demographics
- Comprehensive School Safety
- Every Student Succeeds Act
- Children’s Mental Health Board
- Coaching
- It’s No Small Matter (trailer)
- Future Opportunities

There was discussion regarding the information presented.

Ryan Wise announced the Department’s work on the Water Infrastructure Improvements for the Nation Act (WIIN Act) (noncompetitive) grant. The grant will be rolled out later this year as soon as the Environmental Protection Agency awards the Department. The grant covers testing and not mitigation. It is designed to help schools and child care centers identify potential issues.

STATE BOARD BUSINESS MEETING

Brooke Axiotis called the meeting to order at 9:05 a.m.

Angela English made a motion and Mike Knedler seconded to approve the agenda. The motion carried.

COMMUNICATION

Public Comment

Daniel Zeno, American Civil Liberties Union of Iowa, provided public comment regarding the Chapter 103 rules.

Brooke Axiotis turned the gavel over to Mike Bearden.

Director’s Report

Ryan Wise, Director, Iowa Department of Education, recognized Brooke Axiotis for her appointment as president of the National Association of State Boards of Education (NASBE).

Wise shared highlights of the Teacher Leadership and Compensation System 2018-19 Statewide End-of-Year Report.

Wise announced that Iowa tied with South Dakota for leading the nation in composite ACT scores for states who test more than half of their students.

Wise recognized Nicole Proesch for receiving the National Council of State Education Attorneys' Doug Bates Distinguished Service Award.

Wise presented at a Council of Chief State School Officers meeting about Iowa's work on children's mental health. Iowa was featured because of the cross-agency collaboration that is occurring.

Wise talked about his experiences while visiting Iowa schools. He is impressed statewide with the work that is occurring in career and technical education. He also highlighted the Work-Based Learning Clearinghouse.

CONSENT AGENDA

Mike May made a motion and Kimberly Wayne seconded to approve the consent agenda. The motion carried.

BOARD ACTION/DISCUSSION AGENDA

Rules: Chapter 36 – Extracurricular Interscholastic Competition (Notice)

Nicole Proesch, Administrative Rules Coordinator, presented the Chapter 36 rules, which outline the requirements for Extracurricular Interscholastic Competitions. Item 1 of the revised Chapter 36 rules incorporates changes to the section on Scholarship Rule by providing that a student may not be required to sit out in more than one school sponsored extracurricular activity for a failing grade. Item 2 of the revised Chapter 36 rules provides the associations with the discretion to set a dead week or weeks during the summer for a period up to 14 days in length in which no contact with students would be allowed.

There was discussion regarding the information presented, options to make additional changes to the rules and the State Board's authority.

Motion: Mike Knedler made a motion and Kimberly Wayne seconded that the State Board give public notice of its intent to amend Chapter 36.

Vote: The motion carried unanimously.

Rules: Chapter 98 – Financial Management of Categorical Funding (Notice)

Nicole Proesch presented the Chapter 98 rules, which outline the financial management of categorical funding. Subrule 98.64(2) addresses appropriate expenditures in the physical plant and equipment levy (PPEL) fund. The amendment proposed in Item 1 expands "repairing" of transportation equipment for transporting students to include retrofitting when such retrofitting is aligned to school bus construction standards in 281-Chapter 44. Additionally, the amendment stipulates this provision is retroactive to October 2, 2019. This date aligns to the effective date of the recently adopted amendments to 281-Chapter 44.

Motion: Bettie Bolar made a motion and Mary Ellen Miller seconded that the State Board give notice of its intent to amend Chapter 98.

Vote: The motion carried unanimously.

Rules: Chapter 103 – Corporal Punishment Ban; Restraint; Physical Confinement, and Detention (Notice)

Nicole Proesch and David Tilly, Deputy Director, presented the Chapter 103 rules. The Department received an amended petition for rule making, which was submitted on September 18, 2018, and filed pursuant to Iowa Code section 17A.7. That petition seeks revisions to Chapter 103, the Department's administrative rules on corporal punishment, physical restraint, and physical confinement and detention, commonly known as the Department's "seclusion and restraint" rules. The amended petition was received after several meetings between the petitioners, other interested parties, and key Department staff regarding the content of the original petition. After reviewing the proposed rules, the Department recommended that the rules be submitted to the State Board as a Notice of Intended Action to update the current rules to allow all interested parties an opportunity for public comment. After public comment, the Department modified the rules to reflect public comments and presented the rules to the State Board for adoption. The State Board did not adopt the rules and instructed the Department to continue to collect feedback on three points of contention in the rules.

The three primary areas of contention in the rules are as follows: 1) commenters objected to the use of the term "serious" physical injury and felt this would result in educators second guessing their actions when situations may call for seclusion and restraint; 2) commenters objected to the requirement that educators contact parents within 10 minutes of both the commencement and conclusion of the seclusion or physical restraint because they felt this was not practical under the circumstances and that educators need to be able to handle the situation; 3) commenters objected to the requirements on the size of seclusion rooms and requested that some rooms be grandfathered into use.

The Department conducted six meetings at six different area education agencies to collect more input on the rules. This rulemaking reflects changes made after input was received at the six meetings. 1) The word "serious" physical injury was replaced with "bodily" injury; 2) the 10-minute time frame for notifying parents was changed to "as soon as practicable after the situation is under control, but no later than one hour or the end of the school day, whichever occurs first;" and 3) room sizes were modified and districts were given more time to come into compliance with room requirements.

There was extensive discussion regarding the information presented.

Motion: Mike May made a motion and Angela English seconded that the State Board give public notice of its intent to amend Chapter 103.

There was additional discussion regarding the options to propose more changes to the rules.

Vote: The motion carried unanimously.

Iowa Community Colleges Fall Enrollment Report

Jeremy Varner, Administrator, Division of Community Colleges and Workforce Preparation, provided an overview of the Iowa Community Colleges Fall Enrollment Report. This report

provides information on fall credit enrollment at Iowa's 15 community colleges as of the tenth business day of the semester. Enrollment totaled 88,375 students, a decrease of 1.7 percent from the prior year.

A PowerPoint was presented that addressed:

- Highlights
- Transfer Majors
- Online Enrollment
- Joint Enrollment
- Immediate Enrollment
- Last Dollar Scholarship

There was discussion regarding the immediate enrollment data, whether all community colleges have similar practitioner preparation programs, career clusters, Future Ready Iowa grant, and decline in joint enrollment.

Clarke University Practitioner Preparation Program Approval

Kris Kilibarda, Consultant, Bureau of Leading, Teaching, Learning Services, introduced Clarke University representatives Paula Schmidt, Dean for the College of Professional and Graduate Studies, and Ellen Spencer, education department faculty.

Kilibarda explained the accreditation site visit process and provided background information on Clarke University, which provides teacher preparation programs on their Dubuque campus.

Kilibarda reviewed and discussed the report findings, which includes commendations/strengths, recommendations and concerns for each of the Chapter 79 standards.

Clarke University representatives shared information regarding the Professional Development School model.

Motion: Mike Knedler made a motion and Joshua Byrnes seconded that the State Board award full approval to the Clarke University practitioner preparation program through the next review scheduled for the 2025-2026 academic year.

There was additional discussion regarding student debt, graduation timeline, monitoring of students who will teach at the high school level, benefits of Clarke University's program, demographics and tracking of graduates.

Vote: The motion carried unanimously.

Loras College Practitioner Preparation Program Approval

Larry Bice, Administrative Consultant, Bureau of Leading, Teaching, Learning Services, introduced Loras College representatives David Salyer, Director of Teacher Education Program, and Kimberly Tuescher, Director of Professional School Counselor Program.

Bice provided background information on Loras College, which provides teacher and professional school counselor preparation programs on their Dubuque campus.

Bice reviewed and discussed the report findings, which includes commendations/strengths, recommendations and concerns for each of the Chapter 79 standards.

There was discussion regarding how workload adjustments will strengthen Loras's program, whether any of the current concerns were identified seven years ago, what is being done to get students through the program in four years, efforts to attract minority students, student debt, cultural competency and counselor retention.

Motion: Angela English made a motion and Kimberly Wayne seconded that the State Board award full approval to the Loras College practitioner preparation programs through the next review scheduled for the 2025-2026 academic year.

Vote: The motion carried unanimously.

2019 State of Educator Preparation Report

Larry Bice, Kris Kilibarda, and Matt Ludwig, Consultant, Bureau of Leading, Teaching, Learning Services, presented the 2019 State of Educator Program Report. This report is intended to inform the State Board, stakeholders, and public on the information that is collected and analyzed by the Department.

Bice highlighted the following sections of the report:

- Iowa Teacher Retention as Percentage of all Iowa Teachers
- Trends in Number of Iowa Teachers Prepared
- Average Number of Iowa Applications Per Job Posting by District Student Population
- Percentage Change in Enrolled Teacher Candidates and Teacher Program Completers from 2009 through 2017 in Contiguous States
- Information from Assessments of Student Learning
- Iowa Assessment Pass Rates September 2017 to August 2018

Charter and Innovation Zone Schools in Iowa Legislative Report

Eric Heitz, Administrative Consultant, and Janet Boyd, Consultant, Bureau of School Improvement, presented the Charter and Innovation Zone Schools in Iowa Legislative Report. This report serves as an update on the progress of the two charter schools in Iowa and contains required annual reports for the 2018-2019 school year compiled by each individual charter school in accordance with Iowa Code section 256F.10. Last year, there were three charter schools; however, the Prescott Elementary Charter School in the Dubuque Community School District chose not to renew their charter status this year.

Motion: Mike May made a motion and Mike Knedler seconded that the State Board approve the submission of the Charter and Innovation Zone Schools Legislative Report to the Iowa Legislature.

Vote: The motion carried unanimously.

Perkins State Plan Update

Eric St Clair, Consultant, Bureau of Career and Technical Education, provided an update on the Perkins State Plan. A one-year transition plan has been approved by the United States Department of Education under the new Strengthening Career and Technical Education for the 21st Century (Perkins V) Act.

The Department is developing a state plan for Perkins V implementation. A Career and Technical Education Advisory Council, with broad stakeholder representation, has been established to shape the plan's development. The group first met in October and will meet twice more - once in December and again in January. A draft state plan will be released for public comment the first part of January, and the final four-year plan will be submitted to the U.S. Department of Education by April 15, 2020. The plan will reinforce key state-level reforms implemented through House File 2392, while also establishing new strategies and programs including middle school programming, teacher preparation, accountability and equity.

Board Reports

Mary Ellen Miller accompanied Director Wise on school visits to Seymour and Wayne school districts. She recommended a book titled "The Loudest Duck" by Laura Liswood. She also talked about her efforts in promoting the benefits of being a member of the Iowa Association of School Boards to local board members.

Bettie Bolar, Kimberly Wayne and Fez Zafar attended the NASBE Annual Conference.

Mike May attended family activities in several school districts. He recommended a book titled "Beyond the University – Why Liberal Education Matters" by Michael S. Roth.

Davenport Community School District Accreditation Update

Amy Williamson, Chief, Bureau of School Improvement, introduced Robert Kobylski, Superintendent, Davenport Community School District (CSD), Tom Lane, expert coach, and Sandy Schmitz, implementation advisor.

Williamson provided an update on the status of corrective action items 13, 14, 16 and 18.

Kobylski spoke about the status of corrective action item 16 and responded to a question regarding what the Davenport CSD is doing in regards to the safety of students.

Tom Lane reported on six suggestions he shared with the Davenport board. One of the suggestions, which had to deal with the overall finance of the district, has already been implemented. The board will consider the other five recommendations.

Lane indicated there are positive events occurring in the Davenport CSD. School counselors have received trauma-informed care training, and there is a stress mitigation team in place at each building. He spoke about the uniqueness of the Davenport CSD, progress that needs to

be made, the commitment of the board members and the challenges with the turnover in leadership.

Tom Cooley, Chief, School Business Operations, provided an update on the School Budget Review Committee (SBRC) action relating to Davenport. The SBRC last met on October 15, 2019. The Committee received a progress report from Davenport CSD on its corrective plan to address its negative unspent balance from fiscal year 2018 and denied the district's request for a modified supplemental amount (MSA) in the amount of \$11,923,713. The district was also negative for fiscal year 2019 and will be presenting a new corrective action plan at the SBRC's December hearing.

Concerns were raised about having sufficient time for the new superintendent to complete a review of programs and develop a plan within this time frame. Also noted was that board changes will also be occurring at that time. The SBRC directed that a clear process be identified and presented in December, with an option for the corrective plan to be presented at a special hearing in January. The SBRC also directed that the district's board president and vice president be present at both hearings.

Cooley reviewed Davenport CSD's negative unspent balance history:

FY19 - \$13,403,778

FY18 - \$11,923,713

FY17 - \$4,056,342

FY16 - \$2,406,622

FY18 to FY19 was the first year-over-year decrease in expenditures for the periods listed. MSA requests related to negative unspent balances, if granted, do not result in additional funds for a district. It provides authority for an amount the district has already expended – negating the negative amount moving forward.

Legislation passed in the last two sessions has decreased the \$175 difference in District Cost Per Pupil by \$5 per year. The current difference is \$165.

The following Davenport CSD board members were introduced: Dan Gosa, Ralph Johanson, and Linda Hayes. There was discussion regarding the two newly-elected board members, whether there is an orientation session for new board members and whether board members plan to attend the Iowa Association of School Boards convention.

There was discussion regarding the violence that has been occurring in the Davenport CSD, the Conditions for Learning Survey data, Davenport's financial status, the district's open enrollment out data, athletic budgets, the importance for board members to understand school finance, and whether this situation will provoke a change in equalizing the per pupil funding for Davenport and other Iowa school districts.

Mike Bearden turned the gavel over to Brooke Axiotis.

Mississippi Bend Area Education Agency Accreditation Update

Amy Williamson introduced Tim Grieves, expert mentor, and Kim Hoffman, Director of Special Education, Mississippi Bend Area Education Agency (MBAEA), who provided an update on MBAEA accreditation.

Grieves introduced Tom Downs, expert mentor. Downs introduced the following MBAEA board members: Joe Adam and Ralph Johanson. Downs reported three new board members have been elected to the MBAEA board and that progress is moving in the right direction.

Grieves reviewed a culture/climate next steps document and an email from Bill Decker to MBAEA staff.

Hoffman talked about why the agency selected HumanEx to administer the anonymous culture and climate survey. She gave an overview of a PowerPoint presentation that was used to share the survey results with staff. The survey will be re-administered next year.

Grieves shared information regarding a document titled "PSO Conversation with MBAEA."

Diagonal Community School District Accreditation

Amy Williamson introduced Eric Heitz; Superintendent Karleen Stephens, Principal Lorna Paxson, Diagonal Community School District (CSD); and President Amy Kelsey, Diagonal CSD Board.

The Department conducted a 2017 equity visit, May 2018 universal desk audit, and targeted site visit on May 17, 2018, at Diagonal CSD to determine compliance with state and federal education law. The district was subsequently provided with numerous citations and corrective actions, including several regarding accessibility of the school grounds.

Since the 2017-2018 school year, the Department has completed the 2019 universal desk audit and received a request from the district to adopt preschool program standards from the Iowa Quality Preschool Program Standards rather than the National Association for the Education of Young Children standards.

The district was visited on April 30, 2019, by an accreditation team and an early childhood team. Several deficiencies were found by the teams.

The State Board ordered the Department to conduct a Phase II visit of Diagonal CSD at the June 2019 meeting. The Phase II visit took place October 1-2, 2019. Williamson reported on the Phase II accreditation visit process.

Heitz reviewed the noncompliance citations and required correction actions that are included in the "Diagonal Community School District Accreditation Report to the Iowa State Board of Education."

Williamson stated that the Department is recommending that the State Board continue to accredit the Diagonal CSD with monthly monitoring until they are able to correct their noncompliance items. She explained the rationale for this recommendation.

Stephens provided comments and talked about the accreditation process and progress that has been made on the noncompliance citations and required corrective actions. She requested that the State Board grant the district additional time to satisfy the noncompliance citations.

There was discussion regarding what the district plans to do to correct the offer and teach citations, why the local school board was not aware of the issues and what can be done to improve awareness, how realistic it is that the noncompliance citations can be corrected, whether the Diagonal CSD provides sequential units that are required by the Iowa Core, whether the deficiencies can be fixed without whole grade sharing, the duration of intensive monthly reviews, the importance of serving and putting students first, the need for the Diagonal CSD board to receive professional development from the Iowa Association of School Boards, and whether conversations have occurred regarding whole grade sharing.

Williamson explained the State Board's accreditation options and authority. There was board discussion regarding the options.

Motion: Bettie Bolar made a motion and Kimberly Wayne seconded that the State Board grant full accreditation to the Diagonal CSD with intensive monitoring until such time as all citations issued in the October 2017 equity report are corrected and all additional citations noted in this report are corrected.

State Board members stressed that they expect the Diagonal CSD board to engage in serious discussion regarding whole grade sharing and expects to see action on the citations.

Motion: Mike Bearden made a motion and Mike May seconded to amend the motion to conditional accreditation with intensive monitoring.

Vote on the Amendment: A roll call vote was taken: Aye: Mike Bearden, Bettie Bolar, Angela English and Mike May. Nay: Brooke Axiotis, Joshua Byrnes, Mike Knedler, Mary Ellen Miller and Kimberly Wayne. The motion failed.

Mike Bearden called the question.

Vote on the Original Motion: Aye: Brooke Axiotis, Bettie Bolar, Joshua Byrnes, Mike Knedler, Mary Ellen Miller and Kimberly Wayne. Nay: Mike Bearden, Angela English and Mike May. The motion passed.

Iowa Statewide Assessment of Student Progress

Catherine Welch and Stephen Dunbar, Iowa Testing Programs, The University of Iowa, provided an update on the Iowa Statewide Assessment of Student Progress (ISASP). The ISASP was administered for the first time in 2019. Recently, results from this initial testing were released to schools and parents. Status of this reporting out and next steps in the state assessment program were discussed.

A PowerPoint was presented that addressed:

- Sharing of ISASP Results
- ISASP Portal
- Interpretative Guidelines for Families
- School Achievement Level Summary
- Interpretive Manual
- Key Messages Concerning ISASP Results
- Next Steps – Iowa Schools
- Next Steps – Accountability

There was discussion regarding the information that was presented.

Every Student Succeeds Act Update

Mike Knedler made a motion and Kimberly Wayne seconded to table the Every Student Succeeds Act Update to the January 2020 State Board meeting. The motion passed.

School Budget Review Committee Update

Tom Cooley shared highlights of the October 15, 2019, SBRC meeting. In addition to the Davenport CSD information reported earlier, MSAs were approved for Hudson CSD for environmental hazard abatement and Panorama CSD for an unusual and unanticipated increase in its cost of electricity, which resulted from an unannounced change from subsidized to on-demand billing from the city of Panora.

The SBRC adopted amendments to three chapters of Iowa Administrative Code 289, which are the rules pertaining to the SBRC.

Hamburg CSD presented a request for MSA related to an unusual natural disaster. There were a variety of costs that involved a number of different district funds. The SBRC denied a portion, tabled a portion, and approved of a portion of this request. The district was also directed to pursue more directly appropriate funding sources. There was discussion regarding the status of the Hamburg CSD.

Action was also taken pertaining to late filing of the Certified Annual Report, Special Education Supplement, and/or Transportation Annual Report, which were all due by September 15. Green Hills AEA was the only entity that submitted after the deadline (CAR, 2nd year), and was directed to provide a corrective action plan for the upcoming December hearing.

There was additional discussion by the State Board regarding the Davenport CSD action discussed earlier. Cooley and Amy Williamson shared additional clarifying information.

For the fall 2018 certified enrollment, Davenport had 521 students open enrolled out, and 96 students open enrolled in.

For the current year, 177 of the state's 327 districts (54 percent) are at the lowest district cost per pupil level (\$6,880). Five districts are at the highest level (\$7,045).

Equity Committee Update

Fez Zafar and Kimberly Wayne provided an update on the work of the State Board's equity subcommittee.

The meeting adjourned at 3:40 p.m.

Brooke Axiotis
President

Ryan M. Wise
Director