

DRAFT

**Minutes
State Board of Education
August 5, 2020**

Brooke Axiotis
President
Des Moines

Bettie Bolar
Vice President
Marshalltown

Joshua Byrnes
Osage

Brian J. Kane
Dubuque

Michael L. Knedler
Council Bluffs

Mike May
Spirit Lake

John Robbins
Iowa Falls

Georgia Van Gundy
Wauke

Kimberly Wayne
Des Moines

Hannah Groos
Student Member
Norwalk

Ann Lebo
Director and
Executive Officer

The State Board of Education meeting was held on Wednesday, August 5, 2020, in person at the Iowa Department of Education, Grimes State Office Building, ICN Room, 400 E. 14th Street, Des Moines, Iowa, and via Zoom. State Board members present were Brooke Axiotis, Bettie Bolar, Joshua Byrnes, Brian Kane, Mike Knedler, Georgia Van Gundy, Mike May, John Robbins, Kimberly Wayne, and Hannah Groos. Iowa Department of Education staff members present were Ann Lebo, David Tilly, Amy Williamson, Jeremy Varner, Dennis Harden, Larry Bice, David Canaday, Matt Ludwig, Barbara Ohlund, Brad Niebling, Isbelia Arzola, Jeanette Thomas, Erika Cook, Tom Cooley, Chris Russell, Shan Seivert, Thomas Mayes, Kris Kilibarda, Holly Barnes, Christi Donald, Pam Spangler, Denise Ragias, Gwen Nagel, Maryam Rod Szabo, April Pforts, Marietta Rives, Janet Boyd, Stefanie Wager, Eric Heitz, Lyn Jenkins, Janice Evans, Geri McMahon, Rob Olsen, Bill Roederer, Jim Flansburg, Mary Beilke, Sara Nickel and Jody Crane. Also in attendance were Todd Holcomb, Connie Buhr, Lynn LaGrone, Hawkeye Community College; Robert Kobylski, TJ Schneckloth, Jake Klipsch, Sandy Schmitz, Mary Correthers, Brenda Thie, Corri Guy, Susan Downs, and Martin Schlitz, Davenport Community School District; Dan Gosa and Allison Beck, Davenport Community School District Board; Karen Kline-Jerome, Vickie Murillo, Corey Vorthmann, and Diane Ostrowski, Council Bluffs Community School District; Rebecca Bates, American Institutes for Research; Stan Rheingans, Dubuque Community School District; Amy Schmelzer, KCCI; Grace King; Lori Janke; Margaret Buckton, Urban Education Network and Rural Schools of Iowa; Jordan Gringer, Des Moines Independent Community School District; Debbie Wise; Kathy Hanlon, Michael Guanci, Robin Madison, and Lora Vargason, Legislative Services Agency; Mary Stewart; Tom Lane; Justin VanHorn; Dale Ernst, Decorah Community School District; Christine Howard, Indian Hills Community College; Susan Collier; Drew Bracken, Ahlers Law Firm; Sarah Schwery; Stephanie Griffin and Aimee Claeys, Board of Regents; Caleb Bonjour, Maquoketa Community School District; Kayla Garvin; Mary Salazar, Saydel Community School District; Alex Jirgens, KIMT; Monica Madden, WHO; Sharon Dentlinger, Interstate-35 Community School District; Grant Gerlock, Iowa Public Radio; Dar Danielson, Radio Iowa; Daniel Van Sant and Nathan Kirstein, Disability Rights Iowa; Representative Cindy Winckler; Veronica Fowler, American Civil Liberties Union of Iowa; Emily Chavez, KGAN; Melissa Peterson, Iowa State Education Association; Ethan Stein; Mike Vondran; Bridget Godes, Senate Democratic Caucus Staff; and Dave Epley, House Democratic Caucus Staff.

STATE BOARD WORK SESSION – IOWA DEPARTMENT OF EDUCATION EQUITY SERIES

Brooke Axiotis and David Tilly, Deputy Director, spoke about the purpose of the work session. The Department of Education has a responsibility to promote equitable education for all students. This year, the Department will engage this responsibility differently than it has in the past by providing a sequence of opportunities for educators to engage important equity topics and take back to their districts activities that can be used more broadly.

Thomas Mayes, Attorney, Department of Education, spoke in detail about the Department and State Board of Education's three-part mission. He indicated that within these three parts, equity overlays all of them.

- 1) Drive policy to drive change
- 2) Provide meaningful technical assistance to schools, parents, teachers, and school leaders
- 3) Enforce minimal compliance with legal requirements

Isbelia Arzola, Consultant, Bureau of School Improvement, and Jeanette Thomas, Consultant, Bureau of Career and Technical Education, shared information regarding how the Department is envisioning this work for the coming year and how it can sync up with the priorities and the work of the State Board.

The Department is launching a new professional development series focusing on social justice issues and equity in education. These interactive virtual sessions will be hosted up to twice each month and will be delivered by local and national leaders in equity with a proven background in diversity, multiculturalism, and racial consciousness. These sessions will provide a strong foundation for building toward the second annual Social Justice in Education Conference, tentatively scheduled for spring 2021.

Sections of a document titled "Social Justice in Education series" were reviewed.

State Board members provided feedback to the information presented. There was discussion about whether webinar attendees would receive licensure credit, the measures being used, the goal, how to assure the greatest broad-band participation, and how success will be measured.

STATE BOARD BUSINESS MEETING

Brooke Axiotis called the meeting to order at 9:30 a.m.

John Robbins made a motion and Mike Knedler seconded to approve the agenda. The motion carried.

This meeting was conducted in electronic format, with remote access information provided in the notice of the meeting, as permitted by section nine of Governor Reynolds's proclamation of May 26, 2020.

COMMUNICATION

Public Comment

Margaret Buckton, Urban Education Network and Rural Schools of Iowa, provided public comment regarding the 281 Iowa Administrative Code (IAC) chapter 103 rules.

Veronica Fowler, American Civil Liberties Union of Iowa, provided public comment regarding the 281 IAC chapter 103 rules.

Sharon Dentlinger, Superintendent, Interstate 35 Community School District, provided public comment regarding Senate File 2310.

Vickie Murillo, Superintendent, Council Bluffs Community School District, and Chair of the Urban Education Network, provided public comment regarding Senate File 2310.

Stan Rheingans, Superintendent, Dubuque Community School District, provided public comment regarding Senate File 2310.

Director's Report

Ann Lebo, Director, Iowa Department of Education, encouraged board members to visit the Department's website where there is a substantial amount of significant information available on COVID-19.

Lebo reported that through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Department received funding through the Elementary and Secondary School Emergency Relief (ESSER) Fund. These funds will be used for a learning platform that schools can use to offer courses remotely for those that don't have it and to reimburse districts who had to purchase one already for a cost. The Governor's Emergency Education Relief (GEER) Fund will be used to help support broadband connectivity either to pay for or reimburse the use of hot spots or paying for service for families that might have access to internet but can't afford it.

In conjunction with Homeland Security and Emergency Management, the Department will be providing additional resources for personal protective equipment for schools.

In response to a question, Lebo explained the difference between the funding sources and potential funding. Iowa applied and received a competitive grant through the Rethink K-12 Education Models Grant in the amount of \$17 million.

Lebo also reported on training available to teachers to teach online.

Lebo spoke in detail regarding information contained in Senate File 2310. There was discussion regarding the information presented.

CONSENT AGENDA

Mike Knedler inquired about the status of legislative bills that were listed in the June minutes.

Mike Knedler made a motion and Brian Kane seconded to approve the consent agenda. The motion carried.

BOARD ACTION/DISCUSSION AGENDA

Thomas Mayes explained that the 281 IAC chapters 12, 34, and 83 rules were originally part of the State Board's agenda in March. These rules were tabled due to the Governor's Office asking all state agencies to suspend rule making that is not of an emergency nature or does not directly relate to the state's response to COVID-19.

Rules: Chapter 12 – General Accreditation Standards (Notice)

Thomas Mayes presented the proposed amendments to the Chapter 12 rules. This technical amendment removes the sunset provision from the rule on independent accreditation agencies, which was stricken by 2016 Iowa Acts chapter 1138, House File 2459.

Mayes explained that this rule change only affects private schools. Public schools must still go through the State Board process. Nonpublic schools may elect to either pursue accreditation through the State Board or through a board-approved independent accrediting agency. This rule will make the second process permanent rather than a pilot project.

Motion Brian Kane made a motion and Mike Knedler seconded that the State Board give notice of its intent to adopt amendments to Chapter 12.

Vote: The motion carried.

Rules: Chapter 34 – Funding for Children Residing in State Institutions or Mental Health Institutes (Notice)

Thomas Mayes presented the proposed amendments to Chapter 34. These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts chapter 100, House File 421.

Motion Mike Knedler made a motion and Brian Kane seconded that the State Board give notice of its intent to adopt amendments to Chapter 34.

Vote: The motion carried.

Rules: Chapter 41 – Special Education (Notice)

Thomas Mayes presented the proposed amendments to Chapter 41. Senate File 2360 added conditions to special education law regarding the use of room clears as a classroom safety technique. This proposed rule making adds two conditions to Chapter 41: a prohibition on including room clears in an individualized education program (IEP); and a procedure for classroom teachers to call for a team meeting after a room clear is used.

There was discussion about whether this information is written into IEPs.

Motion: John Robbins made a motion and Brian Kane seconded that the State Board give notice of its intent to amend Chapter 41.

Vote: The motion carried.

Rules: Chapter 79 – Standards for Practitioner and Administrator Preparation Programs (Notice)

Thomas Mayes, Larry Bice, Administrative Consultant, and Matt Ludwig, Consultant, Bureau of Leading, Teaching, Learning Services, presented the proposed amendments to Chapter 79. These rules outline the standards and program requirements that all traditional educator preparation programs must meet in order to be approved to prepare educators in Iowa. Compliance with these standards is required and is evaluated during each educator preparation program’s approval review. The standards are also applied in an annual reporting system. This rule making updates the standards to remain current with national standards for educator preparation and align with Board of Educational Examiners rules for licensure. This rule making also incorporates required elements of Senate File 2360 and House File 2359. Other minor changes in the rules are based on evaluation of the Department’s work.

There was discussion regarding the minimum of 400 hours of clinical experience.

Motion: Mike May made a motion and John Robbins seconded that the State Board give notice of its intent to amend Chapter 79.

Vote: The motion carried.

Rules: Chapter 83 – Teacher and Administrator Quality Programs (Notice)

Thomas Mayes and Matt Ludwig presented the proposed amendments to the Chapter 83 rules. This chapter outlines the general standards and program requirements that both administrator and teacher quality programs must meet to promote high student achievement and enhance educator quality. Compliance with these standards is required, and reported annually as part of the school improvement efforts. The current standards need updating because the national standards from which the current Iowa standards derive have been replaced by the Professional Standards for Educational Leaders, which better reflect the current context in education and the knowledge and skills needed by today’s educational leaders.

Motion: Mike Knedler made a motion and Joshua Byrnes seconded that the State Board give public notice of its intent to amend Chapter 83.

Vote: The motion carried.

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

Thomas Mayes and David Tilly presented proposed amendments to the Chapter 103 rules. Mayes referenced continued partnerships and public comments received at today’s meeting supporting the 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 sought 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 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 areas of contention in the rules were 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 ten 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; and 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 rule making 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 practical after the situation is under control, but no later than the end of a school day; and finally 3) room sizes were modified and districts were given more time to come into compliance with room requirements.

The State Board gave notice of intended action to amend Chapter 103, which was published on December 18, 2019. The Department received several public comments and held a public hearing on January 7, 2020. Due to the public health disaster emergency associated with the COVID-19 pandemic, the Department was unable to present proposed final rules to the State Board and the notice of intended action expired. Because the revisions of Iowa’s rules on seclusion and restraint are necessary, the State Board gives notice for a third time of its intent to amend Chapter 103. In drafting this notice of intended action, the Department has considered the public comment previously received and has made some changes to the notice of intended action that was published in December 2019.

There was discussion regarding concern with room size, who decides “significant monetary value,” and the need to take the burden off of classroom teachers.

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

Vote: The motion carried.

Hawkeye Community College Comprehensive Accreditation Report – Fiscal Year 2020

Chris Russell, Consultant, Bureau of Community Colleges, introduced the following Hawkeye Community College representatives: Todd Holcomb, Lynn LaGrone and Connie Buhr. Russell spoke about the community college accreditation visit cycle.

The Hawkeye Community College Comprehensive Accreditation Report was presented. The Department conducted the interview portion of the evaluation on March 29-30, 2020. This report reflects the review team’s observations and determinations made during Hawkeye’s comprehensive (virtual) visit.

As mandated by Iowa Code section 260C.47, the accreditation team, including two external peer reviewers, assessed Hawkeye's compliance with eight Iowa State Accreditation Standards via a structured process of document review and interviews. The team also reviewed the most recent Higher Learning Commission (HLC) regional accreditation report to ensure that any findings have been addressed. Iowa's process has been designed not to duplicate the HLC accreditation process.

Russell shared background information on Hawkeye, the institution's special topic – collaborative review, compliance with HLC criteria, and the findings for the following state accreditation standards:

- Faculty Qualifications
- Faculty Teaching Load
- Special Needs
- Career and Technical Education Evaluations and Timelines
- Strategic Planning
- Physical Plant and Facilities
- Quality Faculty Plan
- Senior Year Plus Programs

President Holcomb shared remarks. He addressed turnover in leadership, new strategic plan, new facility master plan, and building renovation.

There was discussion regarding how the institution's ranking was determined.

Bettie Bolar spoke about her role on the Community College Council and commended Hawkeye for the findings and recommendations in the report.

Motion: Bettie Bolar made a motion and Mike Knedler seconded that the State Board grant continued accreditation for Hawkeye Community College. A state interim visit will be conducted in fiscal year 2025.

Vote: The motion carried.

Davenport Community School District Accreditation Update

Amy Williamson, Chief, Bureau of School Improvement, introduced Davenport Community School District representatives Robert Kobylski and TJ Schneckloth. Kobylski introduced Davenport Community School District board members.

Williamson provided an update on the information State Board members requested at the June meeting. She outlined the structure and components of a document titled "Davenport Required Actions and Reporting 2021." She also discussed State Board required action and authority.

There was discussion regarding monitoring and accountability of the corrective action plan, the status of teacher and administrator evaluations (A 2.1 and 2.2), and the goals listed under E 2 and F 1.

Kobylski provided comments and presented an overview of Davenport's safety and security protocols. A PowerPoint was presented that addressed:

- Created Behavior Continuum
- Community Crisis Response and Violence Prevention
- Community Team Meeting Overview
- Current Davenport Community School District Actions
- Next Steps

There was discussion regarding what school level the majority of violent events are occurring, how success will be measured, disproportionality data, and transition plans for students that attended Keystone Academy.

Kobylski introduced Jake Klipsch, Program Director – Social, Emotional, Behavior, Health. Klipsch presented information regarding Davenport’s implementation of Positive Behavioral Interventions and Supports (PBIS).

Williamson, Barbara Ohlund, Administrative Consultant, Division of Learning and Results, and Brad Niebling, Chief, Bureau of Learner Strategies and Supports, provided feedback to the information presented and responded to a question about whether the information presented was different and sufficient to meet the required needs.

Williamson and David Tilly responded to a question regarding how many concerns the district can focus on simultaneously.

Motion: Bettie Bolar made a motion and Mike May seconded that the State Board approve the proposed corrective action plan for Davenport for the 2020-21 school year as presented.

There was discussion regarding the motion and next steps.

Vote: The motion carried.

Board Reports

Mike Knedler shared highlights of a meeting he attended where the Council Bluffs Community School District presented their Return-to-Learn plan.

Hannah Groos has been working on a Move School Forward campaign. She plans to host round-table discussions with students. She also participated on a call with other student State Board members.

John Robbins reported on the various Return-to-Learn plans around the state.

Brian Kane reported that he serves on the Holy Family School System board in Dubuque. A Medical Advisory Task Force has been assembled to provide expert guidance on Holy Family’s Return-to-Learn plan and offer advice.

Joshua Byrnes spoke about conversations he has had with local school administrators, board members and community members regarding return-to-learn.

Mike May commented on his observations of people social distancing while attending athletic activities. He also commented on conversations he has had with students that he employs regarding their education.

Kimberly Wayne indicated that her main focus has been on revamping the State Board's equity committee.

Brooke Axiotis shared information on conferences offered by the National Association of State Boards of Education (NASBE). The annual convention will be held virtually this year.

State Board Priorities and Agenda Items for Future Board Meetings

State Board members discussed topics to be discussed at future board meetings. They also discussed changes to their current priorities and goals.

Motion: Mike Knedler made a motion and Kimberly Wayne seconded to table agenda items 14, 15 and 16.

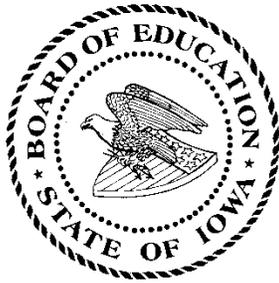
Vote: The motion carried.

Director Lebo announced that Thomas Mayes has been appointed as the Department's general counsel.

The meeting adjourned at 2:15 p.m.

Brooke Axiotis
President

Ann Lebo
Director



DRAFT

**Minutes
State Board of Education
August 24, 2020**

Brooke Axiotis
President
Des Moines

Bettie Bolar
Vice President
Marshalltown

Joshua Byrnes
Osage

Brian J. Kane
Dubuque

Michael L. Knedler
Council Bluffs

Mike May
Spirit Lake

John Robbins
Iowa Falls

Georgia Van Gundy
Wauke

Kimberly Wayne
Des Moines

Hannah Groos
Student Member
Norwalk

Ann Lebo
Director and
Executive Officer

The State Board of Education meeting was held on Monday, August 24, 2020, in person at the Iowa Department of Education, Grimes State Office Building, ICN Room, 400 E. 14th Street, Des Moines, Iowa, and via Zoom. State Board members present were Brooke Axiotis, Bettie Bolar, Joshua Byrnes, Brian Kane, Mike Knedler, Mike May, John Robbins, and Hannah Groos. Iowa Department of Education staff members present were Ann Lebo, David Tilly, Amy Williamson, Thomas Mayes, Heather Doe, Larry Bice, David Canaday, Pam Spangler, Shan Seivert, Wren Hoffman and Jody Crane. Also in attendance were Miriam Van Heukelem, Ahlers and Cooney, P.C.; Bruce Johnson, attorney at law; Christopher King; C. Swanson; Daniel Van Sant, Disability Rights Iowa; and M.E. Howell.

STATE BOARD BUSINESS MEETING

Brooke Axiotis called the meeting to order at 2:40 p.m.

Joshua Byrnes made a motion and Brian Kane seconded to approve the agenda. The motion carried.

This meeting was conducted in electronic format, with remote access information provided in the notice of the meeting, as permitted by section nine of Governor Reynolds's proclamation of May 26, 2020.

COMMUNICATION

Public Comment

There was no public comment.

BOARD ACTION/DISCUSSION AGENDA

C.K. and M.K. v. Sioux City Community School District

Thomas Mayes, Attorney, Department of Education, presented background information regarding C.K. and M.K. v. Sioux City Community School District. This appeal concerning bullying and harassment was referred to an administrative law judge with the Iowa Department of Inspections and Appeals for a hearing and proposed decision. Prior to the hearing, the

school district filed a motion to dismiss for lack of jurisdiction, which was denied by the assigned administrative law judge. The school filed an appeal of the denial of its motion to dismiss. The State Board of Education requested legal argument on its authority to hear this interlocutory appeal.

Mayes presented the following questions to be determined by the State Board:

- a) Does the State Board have jurisdiction to hear an interlocutory appeal?
- b) If the State Board has jurisdiction, should it exercise it or defer the question to an issue when it considers the final proposed decision from the administrative law judge?

Miriam Van Heukelem, Attorney for Respondent, provided oral argument and highlighted information included in the "Brief Regarding State Board of Education Jurisdiction to Hear Interlocutory Appeal."

Bruce Johnson, Attorney for Complainants, provided oral argument and highlighted information included in the "Appellee's Brief Supporting Affirmance of Administrative Law Judge's Order Denying Motion to Dismiss."

There was discussion regarding the review conducted by a three-member panel of the Sioux City Community School District board, 281 Iowa Administrative Code 6.19(8), Attorney General's opinion, date of the hearing on the merits, evidence of precedent, the school district's position that proceedings to develop a factual record and move for summary judgement would not be necessary because this is a jurisdictional motion, whether the school district has the ability to delegate a final decision to a panel of three, and whether the jurisdiction determination can be challenged.

State Board members deliberated which way they were leaning for the motion.

Motion Brian Kane made a motion and Joshua Byrnes seconded that the State Board does not have jurisdiction to take this interlocutory appeal and directing the Department to propose amendments to Chapter 6 to consider rules that would allow a specific interlocutory appeal in contested cases.

President Axiotis invited counsel for final comments.

There was discussion regarding the board's authority. Van Heukelem read the Attorney General's opinion and Johnson commented.

Discussion continued regarding the motion and voting process.

Bettie Bolar called the question.

Vote: A roll call vote was taken. Aye: Bettie Bolar, Joshua Byrnes, Brian Kane, Mike Knedler, and John Robbins. Nay: Brooke Axiotis and Mike May. The motion passed.

Mike Knedler made a motion and John Robbins seconded to adjourn the meeting. The motion carried.

The meeting adjourned at 3:35 p.m.

Brooke Axiotis
President

Ann Lebo
Director