

MINUTES STATE BOARD OF EDUCATION January 27, 2017

The State Board of Education met for its regular quarterly meeting at the Legislative Plaza (LP 12) Nashville, Tennessee at 9:00 a.m. on January 27th 2017.

Chairman Rolston called the meeting to order and welcomed members of the audience. He recognized **Mr. Cato Johnson** for his service to the State Board of Education and wished **Mr. Johnson** well in his new role with the University of Memphis Board. There was a motion made by **Ms. Tucker** to nominate **Ms. Lillian Hartgrove** to become the Vice-Chairman of the State Board of Education. The motion was seconded by **Mr. Johnson** and was assigned to a voice vote by **Chairman Rolston.** The voice vote was unanimous, and **Ms. Hartgrove** was elected to the vice-chairman position. The Chairman also recognized **Ms. Cook** for her Roane Scholar achievement at ETSU.

ACTION:

Chairman Rolston moved to recognize Mr. Johnson, and Ms. Cook. Ms. Hartgrove seconded the motion to recognize Mr. Johnson and Ms. Cook for their achievements. The motion to recognize Mr. Johnson and Ms. Cook passed the Board unanimously by voice vote.

I. Consent Items

- A. Adoption of Agenda
- B. Approval of Minutes from December 15, 2016

Chairman Rolston requested a correction be made to the December 15, 2016 minutes. The requested change noted Dr. Trout's attendance by phone to the December 15, 2016 meeting.

ACTION:

Mr. Johnson moved that the change to the minutes be approved, and the agenda be adopted. **Ms. Tucker** seconded the. The change to the minutes and the adoption of the agenda passed unanimously by a voice vote.

II. Action Items (First Reading)

A. Uniform Grading Policy 3.301

Dr. Danielle Mezera, Department of Education, presented this item. T.C.A. § 49-6-407 changed some of the language in the item. **Dr. Sara Morrison** addressed the need to be explicit in the timeline and to note who it covers as it relates to the intent of the item.

Chairman Rolston asked what the purpose of the CLEP program was. **Dr. Danielle Mezera** explained the CLEP program. The CLEP program allows those who take an exam and pass that exam to keep from having to take that specific subject. The process is similar to the AP exams.

Mr. Edwards asked if CLEP is similar to the old proficiency tests. **Dr. Mezera** explained the programs are from the same vein. CLEP is a rigorous system that is meant to show mastery at a collegiate level.

Mr. Edwards questioned the acceptance of CLEP by all institutions' "colleges". **Dr. Mezera** explained CLEP as universally accepted by all institutions of higher learning; depending on the subject matter being taught.

ACTION:

Mr. Johnson moved approval of this item on first reading. **Ms. Chancey** seconded the motion. The motion passed unanimously by voice vote.

B. English as a Second Language (ESL) Program Policy 3.207

Ms. Jan Lanier, Department of Education, presented this Item. Revisions were made to this item by the State Department of Education to refine the language contained therein. The date pertaining to a civil rights act law was also corrected. There has been confusion in some of the districts about response to intervention (RTI); some districts believe that RTI can replace ESL function. Ms. Lanier noted that was incorrect and a violation of policy. The Department of Education lowered the staffing ratio to 1 teacher for every 40 students. Most districts cannot meet the staffing requirements at a 1 teacher to 35 student ratio. Many districts like the 1 teacher to 40 student ratio. Funding is set at 1 teacher for every 25 students. The State Department of Education proposed staffing ratio of 1 teacher to 35 students, about half the districts will be able to go below the 1 teacher to 35 student ratio. The State Department of Education is changing screeners, and plans to meet the 1 teacher to 35 student ratio.

Ms. Tucker asked the question about the long term ESL six year limit and when or if that limit would be reduced. **Ms. Lanier** stated that the time frame question would be part of the ESSA policy guidelines not the ESL guidelines. **Ms. Lanier** stated that Tennessee is well ahead of the national curve in reference to EL's (English Learners). California is at

25% of its students being EL's as opposed to Tennessee, at 6% or less. **Ms. Tucker** encouraged a shorter waiting period for services for EL students.

ACTION:

Mr. Ferguson moved that the item be approved on first reading. **Ms. Tucker** seconded the motion. The motion passed unanimously by voice vote.

C. Migrant Education Student Records Policies and Procedures 4.210

Ms. Jan Lanier, Department of Education, presented this item. The State Department of Education recommends the removal of this item that was listed as policy. However, it was not in fact policy but a manual on how to use the system effectively. Much of the policy had been lifted from the federal training manual by the State Department of Education. The State Department of Education is asking to remove the current policy and provide a booklet of guidance when it becomes available.

Chairman Rolston stated he was pleased to see the policies changed, amended or done away with by the State Department of Education, as well as commended the board staff on their hard work reviewing policies.

ACTION:

Ms. Hartgrove moved that this item be approved on first reading. **Mr. Ferguson** seconded the motion. The motion passed unanimously by voice vote.

D. School Counseling Model and Standards Policy 5.103

Dr. Danielle Mezera, Department of Education, presented this item. The decision had been made to insert a phase-in period for this new policy model. The phase-in would occur during school year 2018-2019. The State Department of Education proposes to look for early adopters or pilot sites.

Mr. Edwards questioned the use of counselors as both counselors and as administrative fill-ins. **Mr. Edwards** asked how a counselor can go above 20%+ administrative function for counselors and still be within the law. **Dr. Mezera** responded that the State Department of Education tries to be cognizant of the realities of school needs and responsibilities and what the ideal conditions could be and should be. This could be a movement in the right direction. The phase-in will allow the State Department of Education to work with the districts. The State Department of Education is willing to make adjustments as needed.

Mr. Edwards asked whether there is a statute that restricts counselors to performing counseling duties only or if they can perform other duties as needed. Dr. Mezera responded by bringing up another staff member Ms. Haugner Wrenn who stated that school counselors are mentioned two different places in the current statutes. One statute contains a bulleted list of appropriate counselor activities. Language in the presented item was reconciled with the statutes discussed. According to the State Department of Education, the 20% administrative time would include planning, goal setting, and evaluations. The State Department of Education is hoping that counselors are reviewing programs, looking at data from their students, and are setting

expectations for their students. All adults in the building need to be doing their fair share of the responsibility.

Mr. Edwards asked what the district's fair share of responsibility towards the counselors and the district is. **Ms. Haugner Wrenn** responded that every school will look slightly different; it may be bus duty or cafeteria duty. The types of activities that adults in a school must do would be fair share responsibilities. **Dr. Mezera** added the corresponding statute to the record. T.C.A. § 49-6-303 is the statute that governs counselor functions. The fair share responsibilities are specific to the district.

Mr. Edwards asked why we would want to forbid a counselor from teaching a content course. **Dr. Mezera** responded with the question of why we would want someone who does not have the necessary endorsement to teach a class for which they are not qualified. **Mr. Edwards** stated that choices made in the schools clearly at times are not in the best interests of the pupil. Test coordinators, for instance, can be from any discipline except guidance counselors. **Dr. Mezera** responded by saying that the board should take up the language affecting the way schools utilize counselors, but the language preferred leads to a movement towards counselors taking on a more traditional counseling role.

Mr. Edwards stated that counseling is very important. 400 hundred students to 1 counselor is the average ratio and asked how we get the capacity necessary. Dr. Mezera responded that the removal of all adults aside from counselors from the advising process would be short sighted. If all we did was to aim for the BEP guidelines we would be doing ourselves and our students a disservice. We see this as a community response. Mr. Edwards stated the standards seem subjective. Counselors should keep track of their counseling activities in a compulsory manner. Counselors should be certified in Tennessee.

Dr. Troutt made a statement about the ratio of counselors to students, claiming a twenty fold increase in counselors would be necessary to come in line with a high performing private school. The numbers are difficult. Dr. Troutt asked if there are some ways to bring assets to bear for counselors and students in a non-traditional way. **Dr. Mezera** commented that the State Department of Education went after and received a federal grant to look at student pathways and community involvement.

Dr. Candice McQueen, Department of Education, added that costs can be prohibitive, and the results may not meet expectations. The theme of collaborative responsibility was explained along with Advise Tennessee schooling information. The information was provided by **Mr. Mike Krause THEC Executive Director**.

Ms. Hartgrove asked about level setting and what type of support does the State Department of Education expect to receive. **Dr.** Mezera responded by saying they are finishing up and finalizing a phase-in plan consisting of traditional access points and nontraditional resources. The plan of action can be provided to the State Board of Education through the administrative team. The State Department of Education would provide updates to the State Board of Education members in reference to progress being made being reported before the next State Board of Education meeting. **Ms.** Haugner Wrenn

mentioned the Counselor Collaborative as w resource guide will hopefully be published before summer.

Chairman Rolston expressed the importance of this issue as well as its continued importance to the State Board of Education. **Ms. Tucker** suggested this issue be placed on the April workshop calendar. **Dr. Morrison** commended the State Board of Education members for being thorough in their deliberations on this issue.

ACTION:

Dr. Troutt moved that this item be approved on first reading. **Mr. Ferguson** seconded the motion that the item be approved on first reading. The motion passed unanimously by voice vote.

E. Approved High School Courses Policy 3.205

Dr. Danielle Mezera, Department of Education, presented this item which provides a dual credit course in sociology. **Ms. Hartgrove** asked about section 17.10 and 17.11 pertaining to course classifications noting that course classifications as presented may be better served reclassify. **Dr. Mezera** responded that it is a housekeeping issue, and that is no problem to fix.

ACTION:

Mr. Johnson moved that this item be approved on first reading. **Ms. Chancey** seconded the motion that the item be approved on first reading. The motion passed unanimously by voice vote.

F. <u>Strategic Compensation Policy 5.600</u>

Dr. Paul Fleming, Department of Education, presented this item which concerns strategic compensation. **Mr. Edwards** asked whether the required skill sets can be advertised for at a market rate. **Dr. Fleming** responded by saying that would be part of the intent of the plan.

Mr. Edwards then asked about the willingness to pay a competitive rate for a teaching position. **Ms. Sylvia Flowers**, Department of Education, approached and gave the response that the districts are being given the human capital reports that will allow the districts to make the best decision based on the data provided.

Mr. Edwards replied it is a matter of how badly the districts want to fill those positions or get a waiver or how easy it is to get a waiver. **Chairman Rolston** stated that the districts should be encouraged to utilize the data available to them. **Chairman Rolston** asked if alternative pay schedules are set every 3 years and if differentiated pay is annually submitted. **Dr. Candice McQueen** stated the process is based on what the district did during the previous school year.

ACTION:

Mr. Johnson moved that this item be approved on first reading. **Mr. Edwards** seconded the motion that the item be approved on first reading. The motion passed unanimously by voice vote.

G. Public Records Policy 1.500

Ms. Elizabeth Taylor, State Board of Education, presented this item. In March 2016, the General Assembly passed Public Chapter 722. The Open Records Act requires all state agencies, including the State Board of Education, to adopt a policy regarding requesting and responding to open records requests. There were no questions asked before action by the board.

ACTION:

Mr. Edwards moved that this item be approved on first reading. **Ms. Hartgrove** seconded the motion. The motion passed unanimously by voice vote.

H. State Board of Education Local Education Agency (LEA) Policies

Ms. Tess Stovall, State Board of Education, presented this item along with **Mr. Jay Whalen**, State Board of Education. These include requirements of the State Board of Education's function as a local education agency and outlines policies for the schools it manages.

Mr. Johnson asked if best practices are being followed in the new school system. **Mr. Whalen** spoke to this, and offered an affirmative answer. **Ms. Tucker** gave praise to such a small group.

Ms. Hartgrove questioned the approval of the school budget and the timeline. **Ms.** Stovall responded the budget is approved by the school's governing body or in other words the school operators. The State Board of Education has the role of fund distribution.

ACTION:

Ms. Tucker moved that this item be approved on first reading. **Mr. Johnson** seconded the motion. The motion passed unanimously by voice vote.

III. Action Items (Final Reading)

A. Approved High School Courses Policy 3.205

Dr. Danielle Mezera presented this item on second reading to which there were no questions or discussion.

ACTION:

Mr. Ferguson moved that this item be approved on final reading. **Ms. Chancey** seconded the motion. The motion passed unanimously by voice vote.

B. Non-Public School Approval Process Rule 0520-07-02

Ms. Tidwell presented this item on second reading to which there were no questions or discussion.

ACTION:

Ms. Hartgrove moved that this item be approved on final reading. **Ms.** Tucker seconded the motion that the item be approved on final reading. The motion passed unanimously by roll call vote.

Chairman Rolston moved **Item III.C.** Pupil Transportation Rule 0520-01-05 to the end of the final reading items to accommodate the schedule of the presenter.

Chairman Rolston stated that with no objection, he would like to consider the following items together:

- D. <u>Tennessee Learning Centered Leadership Policy 5.101</u>
- E. Educator Licensure Rule 0520-02-03
- F. Educator Licensure Policy 5.502

Dr. Amy Wooten, Department of Education, presented the items regarding instructional leader licensing policy language changes. **Mr. Edwards** asked if the Praxis delay was 3 years in length or longer. **Dr. Wooten** explained the up to a 3 year delay in the Praxis is currently acceptable, but those teachers must have a major in their content area. **Mr. Edwards** stated that he was concerned with differences in college teacher preparedness among the graduates of various institutions.

ACTION:

Dr. Troutt made the motion that this item be approved on final reading. **Mr. Johnson** seconded the motion. This item was approved on final reading unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	x		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	х		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	х		
Mr. Cato Johnson	х		
Dr. William E. Troutt	х		
Student Member – Ms. Tiffany Cook	х		

G. Educator Preparation Policy 5.504

This item was presented by **Dr. Amy Wooten** presented this item on second reading to which there were no questions or discussion.

ACTION:

Mr. Edwards moved that this item be approved on final reading **Ms. Hartgrove** seconded the motion. The item was approved unanimously by voice vote.

H. School Attendance Policy 4.100

This item was presented by **Ms. Elizabeth Taylor and Dr. Mezera** presented this item on second reading to which there were no questions or discussion.

ACTION:

Dr. Troutt moved that this item be approved on final reading. **Mr. Ferguson** seconded the motion that the item be approved on final reading. The motion passed unanimously by voice vote.

Chairman Rolston stated that with no objections, he would like to consider the following items together:

- I. Guidelines for Out of School Experiences Policy 3.203
- J. School Safety Policy 2.300
- K. Model Drug Testing Policy 4.201
- L. Earthquake Plan Policy 2.304
- M. Special Courses Policy 3.201
- N. Leave for Teachers Rule 0520-01-02-.04
- O. Fiscal Accountability Standards Rule 0520-01-02-.13
- P. Approval of Textbooks Rule 0520-01-02-.15
- Q. Two-Way Communications Systems Policy 2.301

The items were presented by Ms. Elizabeth Taylor and Dr. Mezera Item M was changed. Dr. Danielle Mezera came up to explain lines 1, 3, within item M contained no changes line 6 contained the only change.

ACTION:

Ms. Tucker made the motion that these items be approved on final reading. **Mr. Johnson** seconded the motion that this item be approved on final reading. These items were approved on final reading unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		

Mr. Gordon Ferguson	x	
Ms. Elissa Kim	х	
Ms. Lillian Hartgrove	х	
Ms. Wendy Tucker	x	
Mr. Cato Johnson	х	
Dr. William E. Troutt	х	
Student Member – Ms. Tiffany Cook	х	

R. Special Education Programs and Services Rule 0520-01-09-.11

Dr. Kirk, Department of Education, presented this item. **Ms. Tucker** voiced concern over the items and stated that legal questions remain. **Chairman Rolston** wanted an impact statement from the State Department of Education that showed the impact of not implementing this policy. The rules were last evaluated in 2008. Recommendations were made in March of 2016. Autism definitions changed to account for developmental delay, emotional delay and functional delay changes to standards affecting students.

Chairman Rolston asked about the cost of delay of these policies. **Dr. Kirk** responded delay would mean they likely would not be implemented in the fall. Districts need policy and guidance.

Dr. Troutt asked about concerns parents may have in reference to score changes. **Dr. Kirk** stated that the proportions will not change even as the overall numbers might. The new rule would not affect current service recipients. Cultural bias in testing is an issue. **Joanna Bivens**, Department of Education, stated the concern of those looking at these issues lies in the test given not the score attained.

Ms. Tucker continued to voice concerns over this item. **Dr. Kirk** asserted that standards are not in conflict with IDEA. **Ms. Tucker** disagreed stating she saw a conflict in the law and the proposed policy.

S. Standards for Special Education Evaluation & Eligibility

ACTION:

Ms. Tucker made a motion to defer both Items III.R and III.S to the next meeting. **Mr. Ferguson** seconded the motion to defer Items R and S to the next meeting. The motion was approved unanimously by voice vote.

T. Instructional Leader Preparation Program Approval

Dr. Wooten, Department of Education, presented this item on second reading to which there were no questions or discussion.

ACTION:

Mr. Johnson moved that this item be approved on final reading. **Mr. Ferguson** seconded the motion. The motion passed unanimously by voice vote.

U. Standards for School Administered Child Care Programs Rule 0520-12-01

Ms. Misty Moody, Department of Education, presented the item. **Mr. Edwards** questioned the severity of consequences to the childcare providers for little infractions. **Ms. Moody** stated schools are written up, but that the Department of Education is not in the "got you" business.

ACTION:

Dr. Troutt made the motion that this item be approved on final reading. **Ms. Tucker** seconded the motion that this item be approved on final reading. This item was approved on final reading unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	х		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	х		
Mr. Cato Johnson	х		
Dr. William E. Troutt	х		
Student Member – Ms. Tiffany Cook	х		

V. Individual Education Account (IEA) Program Rule 0520-01-11

Item presented by **Ms. Wright. Ms. Tucker** stated appreciation for clarification of the language used in the primary and secondary disabilities item.

ACTION:

Mr. Ferguson made the motion that this item be approved on final reading. **Ms. Tucker** seconded the motion that this item be approved on final reading. This item was approved on final reading by roll call vote of 9 Yea 0 Nay and 1 absent votes respectfully.

	Yea	Nay	Absent
	9	0	1
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey			х
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	х		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	х		
Mr. Cato Johnson	х		

Dr. William E. Troutt	х	
Student Member - Ms. Tiffany Cook	х	

W. State Board of Education 2017 Master Plan

Dr. Morrison, State Board of Education, presented the item. Dr. Morrison stated that the Master Plan is required by statute. **Dr. Morrison** gave a brief statement regarding the plan's key policy levers and overall outline of the plan for 2017.

ACTION:

Mr. Edwards made a motion to approve this item. **Dr. Troutt** seconded the motion to approve this item. The motion was approved unanimously by voice vote.

X. Charter Agreement for Green Dot Charter High School

The Item was presented by **Ms. Stovall. Ms. Tucker** questioned student protection standards, the standards are nationally accepted, and are similar to standards the board has adopted before. The agreement will expire after the 10th year of the charter agreement. **Ms. Tucker** asked about special education standards being the same for all students covered by the charter agreement. Ms. Tucker then stated she was pleased by comments during the workshop. **Chairman Rolston** congratulated the Charter team on their great work.

ACTION:

Ms. Tucker moved that this item be approved on final reading. **Ms. Hartgrove** seconded the motion that the item be approved on final reading. The motion passed unanimously by voice vote.

C. Pupil Transportation Rule 0520-01-05

Mr. Danley with the Department of Education presented the item. There was one change to the item by adding persons rather than person into the item. **Ms.** Chancey stated that all school buses need seat belts in light of what recently happened in her district.

ACTION:

Dr. Troutt made the motion that this item be approved on final reading. **Ms. Tucker** seconded the motion that this item be approved on final reading. This item was approved on final reading unanimously by roll count vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	x		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	x		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	x		

Mr. Cato Johnson	x	
Dr. William E. Troutt	х	
Student Member – Ms. Tiffany Cook	х	

IV. Tennessee Student Assistance Corporation (TSAC) Default Actions

A. <u>TSAC Defaults</u>

Mr. Cramer, State Board of Education, presented the item. Mr. Cramer stated that thought that the rolling suspensions the board enacted should continue until such time as a new system could be implemented.

ACTION:

Mr. Johnson made the motion that the staff recommendation be approved. **Dr. Troutt** seconded the motion. This item was approved unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	x		
Ms. Allison Chancey	x		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	x		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	x		
Ms. Wendy Tucker	x		
Mr. Cato Johnson	x		
Dr. William E. Troutt	х		
Student Member - Ms. Tiffany Cook	x		

V. Teacher Licensure Actions

A. William Haynes – Reinstatement Application

Mr. Cramer, State Board of Education presented the item. Mr. Cramer stated the board should remember the standards of the disciplinary rules.

ACTION:

Ms. Tucker made the motion that the staff recommendation be approved. **Mr. Edwards** seconded the motion. This item was approved unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		

Mr. Gordon Ferguson	x
Ms. Elissa Kim	x
Ms. Lillian Hartgrove	x
Ms. Wendy Tucker	x
Mr. Cato Johnson	x
Dr. William E. Troutt	x
Student Member - Ms. Tiffany Cook	x

B. Derrick Holmes – Denial of Initial Licensure

Mr. Cramer, State Board of Education presented the item. Mr. Cramer stated the board should remember the standards of the disciplinary rules.

ACTION:

Dr. Troutt made the motion that the staff recommendation be approved. **Mr. Johnson** seconded the motion. This item was approved on final reading unanimously by roll call vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	х		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	х		
Mr. Cato Johnson	х		
Dr. William E. Troutt	х		
Student Member - Ms. Tiffany Cook	х		

ACTION:

Ms. Tucker made the motion that this item be approved on final reading. **Mr. Johnson** seconded the motion that this item "Denial of Initial Licensure" be approved on final reading: this item was approved on final reading unanimously by roll count vote.

	Yea	Nay	Absent
	10	0	0
Mr. B. Fielding Rolston, Chairman	х		
Ms. Allison Chancey	х		
Mr. Mike Edwards	х		
Mr. Gordon Ferguson	х		
Ms. Elissa Kim	х		
Ms. Lillian Hartgrove	х		
Ms. Wendy Tucker	х		

Mr. Cato Johnson	x	
Dr. William E. Troutt	х	
Student Member - Ms. Tiffany Cook	х	

VI. Adjournment Chairman Rolston noted that the next State Board of Education Meeting would be on April 21st 2017. Chairman Rolston congratulated Mr. Johnson on being appointed to the University of Memphis board and proceeded to adjourn.

MEETING DATES FOR 2017: April 21, 2017 July 28, 2017 October 20, 2017

Approved by	Date