

WYOMING STATE BOARD OF EDUCATION  
November 17, 2017  
Teleconference

Wyoming State Board of Education members present via Zoom: Walt Wilcox, Ken Rathbun, State Superintendent Jillian Balow, Sue Belish, Scotty Ratliff, Nate Breen, Ryan Fuhrman, Dean Ray Reutzel, Dan McGlade, Max Mickelson, Belenda Willson, Kathryn Sessions, and Robin Chamber.

Members absent: Jim Rose

Also present: Kylie Taylor, WDE; Julie Magee, WDE; Megan Degenfelder, Kari Eakins, WDE; Sean McInerney, WDE; Thomas Sachse, SBE Coordinator; Mackenzie Williams, Attorney General's Office (AG); and Adam Leuschel, (AG).

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November 17, 2017

CALL TO ORDER

Chairman Walt Wilcox called the meeting to order at 1:03 p.m.

Kylie Taylor conducted roll call and established that a quorum was present.

APPROVAL OF AGENDA

Max Mickelson moved to approve the agenda as presented, seconded by Ken Rathbun; the motion carried.

PERFORMANCE RATING APPEAL – WESTON #7

Chairman Wilcox explained the process of the hearing, he indicated the amount of time each side had to present their case and the rebuttal if any time remained.

Nate Breen asked if board members were allowed to ask questions during the 10 minute time frame that each side has to present.

Chairman Wilcox indicated that he will explain that as part of the process.

Kylie started the timer for 10 minutes at 1:15 p.m. for Weston #7

Superintendent Summer Stephens and Linda Crawford, Upton High School Principal, presented on behalf of Weston County School District #7. Superintendent Stephens asked the board to consider that Upton High School is a small school, one student represents 5%. Due to illness and the rules of the ACT exam, Weston #7 had two students who did not take the test on either of the two days it was allowed to be offered. This brought the schools performance rating below 95%. Superintendent Stephens also asked the board to consider that Weston #7 has had 100% participation for 11<sup>th</sup> graders taking the ACT in past years.

Kylie started the timer for 10 minutes at 1:24 p.m. for the WDE

Julie Magee presented to the board the WDE's recommendation, given the nature of Weston 7's request and the absence authority to grant an exception, the WDE recommended that the board vote to maintain the school performance rating of Partially Meeting Expectations for Upton High School. Julie presented a 2015 opinion from the Attorney General that pointed out that the statute pertaining to an informal review provides "very little guidance on the scope of the Board's reviews of school's performance rating" and that the statute "does not explicitly provide for changing a school's performance rating based on the review."

Nate Breen asked what the spirit behind the law is: is it compliance or to examine the achievement of students?

Mackenzie Williams indicated that participation requirements came from No Child Left Behind as an incentive for schools measure everyone. He also stated the same participation rate requirement applies to every subgroup.

Kathryn Sessions asked what leeway the board has to change participation rate, she didn't believe that the board had the ability from her perspective, and if the board does have the authority to change the performance rating, how?

Mackenzie said the statute is not clear, he referred to an informal review and said it's not explicit in the law if the board has that authority. The board must determine by what is put into law and it's also not clear what the advisory committee is recommending.

Sue Belish asked what a school district can ask for a review about and can the board do anything based on Chapter 3 rules?

Mackenzie said the purpose of an informal review is not clear from statute and stated it may be to correct a mistake from WDE or to identify issues with the business rules. The rules say the board cannot change any data but that's the only restriction that is clear in the rules.

Julie Magee said the WDE's interpretation of the informal review statute is the purpose that evidence is factual dispute and the WDE and Weston #7 agree on the facts.

Ryan Fuhrman asked what happens to students that are hospitalized in an unforeseen event, would the school still receive the same rating.

Julie said they would have to apply for a medical exception, there are very limited instances but it is possible.

Ryan followed up and said on page 20 of the handbook, is has examples and the part that says "etc." is intriguing. He then asked how does the board not have the ability to make the final decision and suggested the board make a final determination in state statute.

Mackenzie stated the board can change a rating in light of new facts if the board agrees with WDE's interpretation of the informal review statute. He pointed out again that there isn't a whole lot of guidance and this is the first time the board has had to address this issue.

Belenda asked do we have the ability to change the rating and does this cover other things besides factual disputes

Mackenzie stated that the board is struggling with knowing the limits of their authority since the statute offers no guidance. He said the board needs to make a collective decision about the purpose of the informal review process.

Nate made the comment that this is lacking guidance and uncertainty, making a decision that is not answering the needs of kids.

Sue said that as the board gets closer to making a decision to think about what the impact of the decision the board makes.

Mackenzie agreed and said this would be setting a precedence.

Sue said to be mindful and the board should not have other districts coming to ask for review because the time has passed. Give the board the opportunity to see what needs to be done with Chapter 3.

Dicky Shanor said that the limits and boundaries the board has arises from 2012 session law, the boundaries of the board are that the accountability model and business rules shall conform to January 2012 report. WDE is concerned with the fact the advisory committee approves that report, if the SBE wants to make changes to the business rule without ensuring through advisory committee, that is a boundary of overreaching and that if the decision today goes against rules, it could be an issue. He also stated that any change to a business rule should not be applied retroactively.

Deliberation began at 2:18 p.m.

Superintendent Balow indicated that she would be abstaining from the vote.

Ryan Fuhrman indicated that he is still confused on what the board can do.

Mackenzie Williams said that there is no clear answer that he can give at this time.

Scotty Ratliff said the purpose is to make sure schools are doing everything they can to provide education

Kathryn Sessions said by approving this request the board is saying other schools that maintain their 95% don't have to work as hard and they can just come to the board and get their rating changed, the board can't change the rating based on the AG's opinion.

Max Mickelson indicated that he cannot support the request because the board has a rule to operate under, there should be a different process for smaller schools but this is not the place to determine that.

Kathryn Sessions made a motion to maintain Weston County #7 Upton High Schools school performance rating, seconded by Max Mickelson.

Kylie took a roll call vote:

Ayes: Chairman Wilcox, Ryan Fuhrman, Max Mickelson, and Kathryn Sessions.

Nays: Sue Belish, Ken Rathbun, Nate Breen, Dan McGlade, Scotty Ratliff, Robin Schamber, and Belenda Willson.

The motion failed.

Sue Belish made a motion to change Weston County #7 Upton High Schools school performance rating to be meeting expectations, seconded by Ken Rathbun.

Kylie took a roll call vote:

Ayes: Sue Belish, Ken Rathbun, Nate Breen, Dan McGlade, Scotty Ratliff, Robin Schamber, and Belenda Willson.

Nays: Chairman Wilcox, Ryan Fuhrman, Max Mickelson, and Kathryn Sessions.

The motion passes.

#### APPROVAL OF MINUTES

Minutes from the October 18, 2017 State Board of Education meeting were presented for approval.

Robin Schamber moved to approve the minutes, seconded by Ryan Fuhrman; the motion carried.

#### SUPERINTENDENT'S UPDATE

Superintendent Balow updated the SBE on State Superintendent's Policy Summit that will be held in Cheyenne on February 26-28. Superintendent Balow also updated the SBE on the implementation of Indian Education for All Act, computer science, and the first WY-TOPP interim assessments that were given around the state.

#### COORDINATOR'S REPORT

SBE Coordinator Tom Sachse started his report off by giving an update on Chapter 31. There was a meeting held on October 26, 2017 with the Attorney General's Office, Governor's Office, SBE, WDE, School Administrators and Curriculum Directors. The group met to discuss the issues and possible paths forward regarding promulgation of Chapter 31 rules. The group discussed a variety of common inputs and outputs that convey the sense of equity of opportunity among all districts in the state. The following actions were agreed upon for the path forward:

1. Development of a "graduation skillset or baseline" by curriculum directors.
2. Evaluation of the District Assessment System Guidebook and aspects that should be included in Chapter 31 by WDE & SBE.

Tom continued his report with two items for reflection and discussion regarding accreditation. The first piece was Alternative Conceptions of Accreditation that attempts to lay out different purposes of accreditation. Tom suggested that the SBE consider different purposes for accreditation and get feedback

from stakeholders on the pros and cons of each. The second piece was an outline written by Sue Belish that was discussed during the administrative committee meeting regarding direction to the accreditation task force that is being convened by the WDE.

Tom ended his report with an update on miscellaneous issues regarding website sliders that Kelly Pascal and Kari Eakins have been working on for the SBE website, the annual NASBE conference, Google training, September 1 LSO report, and the upcoming Professional Judgement Panel Contractor.

## BOARD REPORTS AND UPDATES

Julie Magee, WDE, gave an update on the accreditation process, due to budgetary constraints and feedback from local districts, the WDE will no longer be contracting directly with AdvancED for accreditation of Wyoming public schools. As a result, the WDE is currently creating a state-led accreditation process in which districts will continue to annually assure adherence to statutory requirements.

A task force comprised of educators from across the state has been created to make recommendations for the state-led process, including consideration of optional improvement processes, and external reviews. The task force includes representation from all five regions and large, medium, and small districts. Kathryn Sessions will represent the SBE on the task force.

Chairman Wilcox brought up the process for formalizing SBE representation on a task force, indicating that task force representations need to go through the SBE Chairman.

Superintendent Balow indicated that it was an appointment on the Superintendent's end and apologized for not going through the Chairman first.

Chairman Wilcox asked if there would be any other SBE member representation on the task force or if any other SBE members had an interest in being on the task force.

Sue Belish indicated that she had an interest in being on the task force.

Superintendent Balow said that the WDE would take that into consideration.

## COMMITTEE UPDATES

### **Administrative Committee**

The administrative committee met on November 6 and reviewed and approved the proposed agenda for the November SBE meeting. The committee was also updated on Chapter 31 progress as well as a budget discussion regarding clarification of the SBE's budget. The WDE updated the committee on the accreditation of Sweetwater County School District, and also discussed the format for the Weston #7 hearing. Lastly, the committee established protocols for improving processes between the WDE and SBE, as well as reporting for Legislature.

### **Communications Committee**

Ryan Fuhrman reported to the SBE on the communications committee meeting that took place on November 9, the committee reviewed Kelly Pascal's contract, which is at 69% remaining through June 30, 2018. The committee also reviewed the technology survey results and decided that it would be most

beneficial for SBE members to indicate whether or not they would like a new device and move forward from there. The committee agreed to begin key stakeholder invites to SBE meetings in January, the first anticipated topic will be regarding Indian Education. Future items that the committee wants to take a deeper dive into is how to best utilize social media to maximize the SBE's reach and voice.

### **Legislative Committee**

The legislative committee met on October 23 to discuss legislative priorities, given the expectation of the legislature for the duties of the SBE, the committee recommended a fully funded coordinator position be advocated for by the SBE. The committee also recommended an analysis of cost/benefits, impact on schools, and related areas regarding computer science and computational thinking. The committee recommended a motion be made and acted on by the SBE to formalize the legislative priorities and direct formulation of a written statement. This motion will be formalized for the January meeting.

Chairman Wilcox suggested to move the NASBE update to the January meeting, SBE members agreed.

### **NEXT MEETING**

The Board's next meeting will take place via teleconference on January 18, 2018

The meeting adjourned at 5:12 p.m.