

Sen. John J. Walsh, Chair
Sen. Stephanie L. Hansen
Sen. Brian G. Pettyjohn
Sen. Bryant L. Richardson
Sen. David P. Sokola



Rep. Stephanie T. Bolden, Vice-Chair
Rep. Andria L. Bennett
Rep. Gerald L. Brady
Rep. Timothy D. Dukes
Rep. Jeffrey N. Spiegelman

STATE OF DELAWARE

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

Minutes – 5.11.17

Chair John J. Walsh called the meeting to order at 12:15 pm. Committee members present included Vice-Chair Bolden; Senators Hansen, Pettyjohn, Sokola; and Representatives Bennett, Brady, Dukes, and Spiegelman. Entering late was Senator Richardson. Julie Fedele, JLOSC Analyst; Mark Cutrona, Legislative Attorney and Deputy Director of the Division of Research; Lexi West, Legislative Fellow; and Julia Dumas Wilks, Administrative Specialist II were also present.

Representative Spiegelman motioned to approve the April 27, 2017 minutes, and was seconded by Senator Pettyjohn. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0, 1 absent (Senator Richardson).

State Board of Education:

Chair Walsh welcomed representatives from the State Board of Education (“the Board”). The Board was represented by Dr. Teri Quinn Gray, President; Ms. Nina Lou Bunting, Vice-President; Ms. Donna Johnson, Executive Director; Dani Moore, Administrative Assistant; and Valerie Dunkle, Deputy Attorney General.

Chair Walsh read recommendation 2, and asked committee members for questions and comments. Dr. Gray referred to *Appendix A – Powers, Duties, and Responsibilities of the State Board* document to clarify the Board’s duties, as stated in Delaware Code. Senator Sokola stated the documentation satisfied the recommendation. Discussion arose concerning legislation and regulation of the Board. Ms. Bunting addressed previous concerns from Representative Spiegelman. Representative Spiegelman explored potential disputes between local school boards and the State Board of Education. It was discussed that how the Board facilitates professional development workshops, in an attempt to gather information and build relationships with local school boards. Representative Spiegelman shared concerns from the four superintendents in his district who believe that the State Board of Education is antiquated. Ms. Johnson stated there was a great deal of confusion regarding the role of the State Board and the role of the school board; however, she had not heard these specific concerns.

Chair Walsh read Recommendation 4. The Board referred the committee to reference the draft legislation, which added language (see lines 118-120) to comply with the recommendation. Chair Walsh read the proposed legislation, and asked the committee and Board for questions and comments. There were no questions or comments.

Chair Walsh read Recommendation 5, and asked committee members for questions and comments. The Board referred the committee to reference an updated copy of the Executive Director's job description. Vice-Chair Bolden questioned how the Executive Director's opinion of legislation was obtained at education meetings and if any approval was needed by the Board. Dr. Gray advised that policy specific language is included in the job description. Senator Pettyjohn questioned how the role of the Executive Director (a State employee) can be the subordinate to a non-state employee. Dr. Gray advised that the role was first a Policy Analyst position, which became an Executive Director position in 2011, due to the position taking on additional duties. The President assumes all roles and responsibilities as the supervisor. Chair Walsh questioned if the Executive Director was a lobbyist. Dr. Gray stated the Executive Director's role was clarified to act as a liaison and as a non-voting member of the Board.

Chair Walsh read Recommendation 6, and asked committee members for questions and comments. The Board supplied the committee with draft legislation, which added the required language (see lines 110-113) to comply with the recommendation.

Chair Walsh read Recommendation 7, and asked committee members for questions and comments. Dr. Gray advised that the Board made adjustments in their procedures manual to have meetings at or after 5pm starting July 2017.

Chair Walsh read Recommendation 8, and asked committee members for questions and comments. The Board stated that they will not object to the Committee's recommendation to include public comment during Board meetings in Delaware Code. Representative Spiegelman thanked the Board for their support regarding the recommendation, Chair Walsh concurred. Senator Pettyjohn questioned the Board's May 2, 2017 meeting, citing a member of the public was not able to speak, and wanted to know why this was the case. Ms. Johnson reviewed that meeting and acknowledged the issue. Senator Pettyjohn remained concerned regarding the rigidity of the Board's policies and procedures. Senator Pettyjohn reminded the Board that we are public bodies which should always welcome public comment. Senator Sokola was concerned that the public would be confused regarding which items were available for public comment and which were closed to public comment. Dr. Gray advised that the Board shared similar concerns, and referenced the prepared agenda mockup which highlighted agenda items that would include public comment.

Chair Walsh read Recommendation 9, and asked committee members for questions and comments. The Board will circulate information throughout the state to include state police, charter schools, and the State Librarian, beginning the July 2017 meetings via electronic communications. Dr. Gray and Ms. Johnson advised that the addition of the State Librarian was vast because they would distribute the information to all librarians around the state via monthly newsletters. The committee was satisfied with the recommendation.

Chair Walsh read Recommendation 10, and asked committee members for questions and comments. Dr. Gray advised that the Board updated their procedures manual to include a process for the Board to support or oppose legislation, taking public comment, and voting to support or oppose. Ms. Johnson referenced meetings during April and May where the Board took action to make such changes. Dr. Gray referred the Committee to the mock up agenda to ensure that the Board will comply with the request. Senator Sokola questioned if the Board had an opportunity to review recent bills currently under consideration. Discussion regarding how to track the Board's position on legislation was clarified by Valerie Dunkle, Deputy Attorney General. Senator Sokola suggested having legal counsel converse regarding the topic at a later date. Senator Walsh and Analyst Fedele provided further clarification. Senator Pettyjohn clarified how the agenda could be written to comply with FOIA regulations. Representative Dukes clarified how the Board would handle special board meetings. Dr. Gray advised as long as there is 24 hours' notice, they can schedule a special meeting.

Chair Walsh read Recommendation 11, and asked committee members for questions and comments. Ms. Bunting advised against the current State Teacher of the Year, because of scheduling. In its place, Ms. Bunting and the Board suggested a *former* State Teacher of the Year. Vice-Chair Bolden questioned how the former State teacher would be selected. The Board suggested having the Teacher of the Year Advisory Council submit a recommendation to the Governor. Discussion resumed regarding the selection process. Chair Walsh clarified that the person would be a current educator, but did not have to be a current teacher. Representative Spiegelman motioned to revise Recommendation 11, to a Governor-appointed, current educator from a list of recommendations from the Teacher of the Year Advisory Council for a 2 year term. The motion was seconded by Senator Pettyjohn, carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman)-0). The Committee discussed compensation and expenses for the two new non-voting members of the Board. Representative Spiegelman motioned that the two non-voting members, not receive compensation, but would receive reimbursement for mileage and toll. The motion was seconded by Vice-Chair Bolden. The motion failed with 4 (Senator Hanson; Representatives Bennett, Bolden, and Spiegelman)-6 (Senators Walsh, Pettyjohn, Richardson, Sokola; Representatives Brady, Dukes). Additional discussion arose regarding the second non-voting member should be a student, military personnel, or a representative of the disability community. Mark Cutrona, Legislative Attorney, advised that the Committee may place a cap on the compensation paid to non-voting members, if the Committee could not agree to pay the amount comparable as a voting member. Representative Dukes, made a motion to have the drafters prepare language which will allow the non-voting members to be compensated up to a maximum of \$1500 per year, but not require them to be confirmed by the Senate. The motion was seconded by Senator Pettyjohn, and carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Richardson)—1 nay (Representative Spiegelman).

Chair Walsh read Recommendation 12, and asked committee members for questions and comments. Dr. Gray stated the Board cannot deliver on this recommendation without input from multiple stakeholders. Representative Spiegelman advised leaving Recommendation 12 tabled with agreement from the Committee.

Chair Walsh read Recommendation 13, and asked committee members for questions and comments. Representative Spiegelman motioned to accept Option 2: to have the State Board of Education held over until January 2018, seconded by Senator Pettyjohn. The motion carried 9 (Senators Walsh, Hansen, Pettyjohn, Sokola; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)—1 nay (Senator Richardson).

The Analyst Fedele and Attorney Mark Cutrona requested further clarification regarding the Executive Director's position. Dr. Gray clarified that the current Executive Director position is paid as a line item in the budget of the State Board of Education, although it is a state of Delaware position. The Board was attempting to align the duties and responsibilities of the Executive Director with other. The committee would like to seek input from the Department of Education concerning draft legislation for the structure of the Executive Director's position.

Public Comment:

Kristin Dwyer, representing the Delaware State Education Association (DSEA), thanked the Committee for reviewing the Board. Stated that DSEA had several concerns regarding the Board including: public comment, the location, and times of the meetings. Ms. Dwyer stated that the agenda will draw attendance. The 9am and 1pm meetings are barriers to parents and teachers to attend the Board meetings. Ms. Dwyer welcomed any changes concerning making the Board meetings more accessible to the public, particularly parents and teachers. Ms. Dwyer stated that the Board has not had robust public comment and was not open and available to fully listen to the concerns of the public. She also probed whether it was wise to have a current educator serve on the Board in any capacity, because the Board is an authority over them. Instead, she believes it should be a retired educator who could speak freely. She also suggested that the Board make more initiative to go into the schools and to school board meetings to engage with the communities in which they serve.

Chair Walsh tabled discussion of the 2018 Entities to the May 18, 2017 meeting at 12 noon in the JFC Hearing Room. Representative Spiegelman motioned to adjourn the meeting about 2:15 pm, which was seconded by Senator Pettyjohn, and carried 10 (Senators Walsh, Hanson, Pettyjohn, Richardson, Sokola; Representatives Bennett, Bolden, Brady, Dukes, and Spiegelman)-0).

Respectfully prepared by: Julie Fedele, Analyst for the Committee.

Access to the audio recording of this proceeding is available upon request.