

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



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

#### State Board of Education Public Hearing 2.1.2017

Chair Walsh called the meeting to order at 5:31pm. Members present included Vice Chair Bolden; Senators Pettyjohn, Richardson, Sokola, and Townsend; and Representatives Bennett, Brady, Dukes, and Spiegelman. Julie Fedele, JLOSC Analyst, and Holly Vaughn Wagner, Legislative Attorney, were also present. The State Board of Education, including its President, Dr. Terri Quinn Gray, Vice President Nina Lou Bunting, Executive Director Donna Johnson, and public commenters were also in attendance.

Chair Walsh welcomed the members of the committee to the third meeting of the Joint Legislative Oversight and Sunset Committee (JLOSC) in the 149<sup>th</sup> General Assembly and called for introductions of members present. Chair Walsh read a brief explanation of the role of the joint committee. Representative Spiegelman motioned to approve the January 26, 2017 minutes, which was seconded by Representative Brady and carried 10 (Senators Walsh, Pettyjohn, Richardson, Sokola and Townsend; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0. Chair Walsh then invited Dr. Quinn Gray to present to the Committee on behalf of the State Board of Education.

Dr. Quinn Gray began her presentation by outlining the structure of the Board and its appointment process. Dr. Quinn Gray clarified that the Board was composed of seven members, each of whom are appointed by the Governor and confirmed by the Senate. Each member serves for six-year terms, while the President serves at the pleasure of the Governor. Dr. Quinn Gray further explained that one member must come from the City of Wilmington, two must come from New Castle County, one must come from Kent County, one must come from Sussex County, and there is to be one at-large member. Two members must have prior school board experience. No more than four are permitted to have the same political party affiliation.

Dr. Quinn Gray proceeded to provide a brief history of the State Board of Education, outline the responsibilities of the Board, and an overview of the Board's fiscal information. She clarified the regulatory duties of the Board to include 104 regulations to include supervision of content and assessment standards, graduation requirements, higher education degrees, licensure and certification, district and charter board appeals, charter school authorizations, school board election district boundaries, Perkins Act funding, and staffing of various boards throughout the state education system. Dr. Quinn Gray explained that the Board is also charged with providing advice and guidance on appropriate education policies, initiatives, budgets, and implementation plans for statewide assessment and student achievement programs.

Dr. Quinn Gray then presented the Board's key priorities and focus areas for 2016-2017, which included standards and assessments, accountability and school supports, supporting educators as catalysts, providing readiness for success, and ensuring that Delaware's Education System is built upon standards. Each of these priorities aligns with the Board's 2011 strategic plan. Dr. Quinn Gray then outlined the opportunities for improvement identified by the Board through the sunset process. These items included an interest in revising the Board manual to better align with the code, exploring access improvement through technology, adding the Teacher of the Year as a non-voting member, addressing inconsistent language in the code, adding provisions for removing a Board member, and exploring outreach and partnership opportunities with stakeholder groups.

Dr. Quinn Gray concluded her presentation by providing measurements based on performance indicators to highlight the Board's performance in FY2016. She identified 110 statutorily required action items performed in that year, tripling of community workshops in recent years, and increased visibility and engagement with communities and stakeholders.

Representative Spiegelman informed the Committee that school district superintendents in his district had expressed concern and dissatisfaction with Board operations and perceived lack of oversight, in addition to noting apparent discrepancies between the Board and the state Department of Education (DOE). Dr. Quinn Gray clarified that the Board functions to approve regulations originating in DOE, and also as the appellate body for school district and charter board decisions.

Representative Bennett expressed concern over the time of Board meetings, suggesting that access was restricted to parents, teachers, and community leaders who are unable to attend morning meetings. Dr. Quinn Gray indicated that Board meeting recording are now available online, and that each member remains readily accessible through phone, email, and community events.

Senator Sokola affirmed his support of the Board and its efforts, recognizing that two Board members are required to have prior school board experience and therefore are invested in Board actions and decisions.

Representative Bolden expressed concern about opportunities for middle and lower income parents to engage with the Board, and suggested that the Board hold meetings in varied geographic locations. Dr. Quinn Gray clarified that Board meetings are statutorily required to take place in state-provided offices in Dover, but that the Board was willing to discuss opportunities to amend the code appropriately.

Representative Bennett asked how responsibilities not explicitly provided for in the code came about, and expressed concern over the appropriateness of hiring an additional staff member to help complete tasks not specifically assigned in the code.

Senator Townsend asked for examples of instances when the Board has disagreed with DOE initiatives or decisions and pushed back on them as a result. Dr. Quinn Gray explained that contentious conversations are previously conducted between the Board and DOE, but that she would not identify those differences as disagreements. Senator Townsend also expressed concern over the Board's meeting schedule, history of limiting public comment opportunities, lack of clarity on which Board members take which actions and how often, and the Board's internal process for evaluating legislation.

Senator Richardson expressed that he would like to see the regulatory burden of the Board lessened.

Representative Bennett asked how the Board responds when relevant bills are released before the Board is scheduled to convene. She also clarifies that there is no statutory requirement for the Board to lobby legislators, and suggests that it may be more helpful to issue written positions on legislation. Representative Bolden asked if the Board's Executive Director is empowered to independently take positions on legislation. Dr. Quinn Gray clarified that a minimum of communication between the Executive Director and herself is expected prior to taking a position on legislation. Senator Pettyjohn expressed concern that Ms. Johnson speaks for the Board prior to the full Board meeting and discussing legislation. Representative Spiegelman asked if there were any avenues for public comment on legislation at Board meetings. Dr. Quinn Gray clarified that legislation is not discussed at Board meetings, and that no records existed of Board member votes on legislative support.

Senator Townsend expressed concern that the Board was not more visibly active in the WEIC redistricting plan process. Dr. Quinn Gray clarified that while the Board approved the WEIC proposal, it felt that the redistricting portion of the plan was insufficient to address educational gaps between districts. Senator Sokola affirmed this position. Senator Townsend asked the Board's position on an ideal charter school authorization model, and requests a formal recommendation on a model suggestion as part of the review process.

Chair Walsh asked if the Board was fiscally responsible to DOE, and if the Board had considered including a member from the veteran and/or disability communities. Dr. Quinn Gray explained that the Board is not fiscally responsible to DOE, but that their appropriations come through DOE. She also clarified that the Board was willing to consider such an appointment.

Chair Walsh shifted discussion towards scheduling the Board's recommendation hearing. He motioned to schedule a meeting for March 14, 2017, which was seconded by Senator Pettyjohn. The motion was then withdrawn. Senator Walsh motioned to schedule a meeting for March 21, 2017, which was seconded by Representative Spiegelman and carried 10 (Senators Walsh, Pettyjohn, Richardson, Sokola and Townsend; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0. Senator Walsh then opened the floor to public comment.

Public comment was taken from eleven guests.

Chair Walsh motioned to adjourn the meeting at 7:59pm, which was seconded by Representative Bolden and carried 10 (Senators Walsh, Pettyjohn, Richardson, Sokola and Townsend; Representatives Bolden, Bennett, Brady, Dukes, and Spiegelman)-0.

Respectfully prepared by:

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