

MINUTES

State Board of Education

Policy and Legislative Committee Meeting

Date

May 11, 2016

Time

9:00 a.m.

Location

**Rutledge Conference Center
1429 Senate Street
Columbia, SC 29201**

Michael Brenan, Chair

*Cathy Hazelwood, Deputy Superintendent for Legal Affairs and
Staff Liaison to the Committee*

I. Welcome and Determination of Quorum

Chair Michael Brenan, Governor's Appointee Fifth Judicial Circuit, called the meeting to order at 9:02 a.m. A quorum was present. Chair Brenan welcomed everyone to the meeting and addressed the members present. State Board of Education (SBE) Policy & Legislative Committee (Committee) members attending were Dr. Samuel Alston, First Judicial Circuit; Dr. Traci Young Cooper, Fifth Judicial Circuit; Thomas Ewart, Twelfth Judicial Circuit; and Dr. Rhonda Edwards, Fourteenth Judicial Circuit. Dr. Ivan Randolph, Chair-Elect, Eighth Judicial Circuit, and Dr. Sharon Wall, Eleventh Judicial Circuit, arrived late.

Other Board members in attendance were Mrs. Del-Gratia Jones, Second Judicial; Dr. Janice Gamble, Third Judicial Circuit; Richard S. Kizer, Ninth Judicial Circuit; and Sharon S. Bynum, Sixteenth Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Noelle Redd, Minutes Taker; Molly M. Spearman, State Superintendent of Education; Betsy Carpentier, Chief Operating Officer; Emily Heatwole, Director of Legislative Affairs; Cathy Hazelwood, Deputy Superintendent for Legal Affairs/Parliamentarian; Katie Nilges, Law Clerk, Office of General Counsel, Division for Legal Affairs; Karla M. Hawkins, Deputy Superintendent, Division of Federal, State, and Community Resources; Darlene Prevatt, Team Leader, Office of Federal and State Accountability, Division of Federal, State, and Community Resources; Nicole Ivery, Education Associate, Office of Federal and State Accountability, Division of Federal, State, and Community Resources; Dr. Sheila Quinn,

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Deputy Superintendent, Division of Innovation & Effectiveness; Jennifer Morrison, Director, Office of School Transformation, Division of Innovation & Effectiveness; and Dr. Julie Fowler, Deputy Superintendent, Division of College & Career Readiness.

Prior to the start of the meeting, Chair Brennan told the audience that, due to a series of car wrecks involving several interstates, Molly Spearman and several of the committee chairs were running late.

II. Recognition of Visitors and News Media

Visitors present were

- John Emerson, Esquire, General Counsel, Charleston County School District;
- Dr. Linda Lavender, Superintendent, Lexington School District Four; and
- Tygere Charles, Uniserv Director, SC Education Association (SCEA).

III. Approval of Committee Minutes for April 12, 2016

Dr. Cooper made the motion to approve the April 12, 2016, minutes. Dr. Edwards seconded the motion. Motion carried, item passed.

IV. Approval of Committee Agenda for May 11, 2016

Mr. Ewart made the motion to approve the May 11, 2016, agenda. Dr. Alston seconded the motion. Motion carried, item passed.

V. Public Comment Period

Speakers making public comments regarding Item 01 were as follows:

- Roger Smith, Executive Director, SCEA;
- Sharifa Gittens, Pre-K instructor, Meeting Street Elementary (MSE) at Brentwood (Brentwood);
- Erin Lingle, PE instructor, Brentwood;
- Kelly Eischeid, Kindergarten instructor, Brentwood;
- Kent Riddle, Dean of Early Childhood Programs, Brentwood; and
- Amy Mims, Executive Director, Brentwood.

Chair Brennan explained the five-minute time-limit rule and introduced Dr. Cooper as the timekeeper for the speakers' comments. He stated that the Committee would not comment on the speakers' comments and that there would not be a question and answer relative to the public comments. The public comments would be received as part of the record.

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Speaker 1: Mr. Smith (Executive Director, SCEA) introduced Ms. Charles, Uniserv Director with the SCEA. Mr. Smith spoke about the District's waiver request, specifically the request to exempt teachers coming from Burns to MSE from the Teacher Employment and Dismissal Act. Mr. Smith stated that the waiver request was not needed since it is a temporary housing for those teachers coming from Burns. He stated that the teachers who have been at Burns for years have been dedicated and committed to those students and many of them will transfer out versus working as at-will teachers if the waiver is approved. Mr. Smith asked that the Committee not approve the waiver request. Secondly, it has come to the SCEA's attention that there are several questions about the school's partnership and who is in control of that partnership. There have been several ethics complaints, fraud complaints, racketeering complaints, and other alleged complaints as well as dozens of violations of the Fair Debt Collection Act. What the Sherman Financial Group does is collect debt. Their practices have been ruled unethical, they have settled many lawsuits, and probably some of their practices have been considered illegal. The SCEA is concerned with a group such as Sherman Financial Group having control over a public school system or over a public school; so again, the SCEA is asking that you not approve the waiver at this time. Thank you for your time.

Speaker 2: Ms. Gittens (Pre-K instructor, Brentwood) talked about her teaching experiences with the children she taught and how much she enjoyed working at the school. She shared a story about one of her students and the advancements made with this student. She indicated that this type of success happens often at Brentwood. Ms. Gittens left the Washington, DC, school system to work at Brentwood.

Speaker 3: Ms. Lingle (PE instructor, Brentwood) moved from Buffalo, NY, to the Charleston area. She has been a teacher for many years and has worked in public, private, and charter schools during her time as an educator. When she heard talk in her community about the wonderful things going on at Brentwood with under-resourced children, she applied for a position. Ms. Lingle started out working for the Charleston County School District (CCSD) as a teacher at an alternative high school program and then she was moved into a leadership position over the after-school programs. She felt that there was something lacking and felt that there had to be a better way to be effective, so she applied for a position at Brentwood.

Speaker 4: Ms. Kelly Eischeid (Kindergarten instructor, Brentwood) taught in a rural school in Mississippi. She taught at a school that had very little resources and was considered a failing school. She felt isolated and worked hard doing her best; her students were making academic gains, but she felt alone in her quest to educate her students. At the end of the day she would be devastated and heartbroken to know that once her students graduated from her class, they would move on to teachers who didn't care, didn't have the same desire to educate their students, and just didn't want to be there. She felt fortunate to find Brentwood when she moved to Charleston. When she walks down the halls of Brentwood, she knows that every teacher there has the same vision for their students and is doing everything it takes for the students to succeed. She knew that any of her students could advance to any other classroom in the school and they would succeed. She loves the

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at-will hiring and firing policy at her school because she knows that the school will only keep the best. She is very comfortable with that policy in place because of the great administration and knows that if she is having problems or struggling, she can go to the administration for assistance. She is hoping that Burns will become a part of Brentwood.

Speaker 5: Mr. Kent Riddle (Dean, Early Childhood Program, Brentwood) started out working as a pre-K and kindergarten teacher for CCSD for 12 years before working at Brentwood. Since coming to Brentwood, he worked last year as a kindergarten teacher and this year was promoted to Dean of Early Childhood. While at CCSD he loved working with his pre-K and kindergarten students, but after working with students for a two-year period, he became very frustrated to see that some of his students would move up to teachers who were not willing to work as hard with his former students. It got to the point where he would ask the administration to place his students with certain teachers instead of others; after a while, it got frustrating. He decided that he wanted to go where everyone had the same beliefs that he had on educating students and put in the same effort he did. His search led him to Brentwood; he read their mission statement and talked to teachers that worked there. As a state employee and an employee of the CCSD, he was concerned about the at-will part of the hiring process, thinking that it was a “got-you” situation—you do one thing wrong and they get rid of you. But when he got there, he realized that it wasn’t a “got-you” situation; it was a “grow you” and “support you” type of environment. Within the CCSD environment, he was used to one to three classroom visits a year from his principal. At Brentwood his first week, his principal was in his room for a few minutes every day. His principal was there to watch him, give him support, and help him with anything he needed. Mr. Riddle has come to appreciate this assistance. He has also interacted with the kindergarten teachers that his students will be going to and knows that these teachers care as much for the education and well-being of his students as he does; these teachers want to be there every day because they believe in these students. After work at Brentwood, he doesn’t think he will want to go back to CCSD. Mr. Riddle feels this is the right model to help all children be successful

Speaker 6: Amy Mims (Executive Director, Brentwood) came today to do whatever it takes to change the outcomes for students that come to Brentwood from under-resourced families and neighborhoods in the communities. Their mission is to support these students who would otherwise be attending at-risk or below-average schools. Ms. Mims stated that she is the product of public schools, a child of poverty, and she is here today because of the amazing teachers who influenced and inspired her when she was in school. She is also here today to speak on behalf of her entire organization from Ben Navarro, the founder and largest contributor, to Mr. Riddle’s pre-K students, the families, teachers, volunteers, and people who stand in between. She is here to assure the Committee that the work they started and are currently doing continues to make more of a difference for the students that they serve currently and who need them the most. Although their model is considered innovative by many, it is the first of its kind in the state. They have only found one other fairly similar private/public school partnership located in the state of Oklahoma, though this school is not necessarily the exact same as the Brentwood model. Even though her model is thought of as innovative, she truly believes that it can be replicated and also believes that they are

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showing improvement in the three schools that they operate. Ms. Mims thinks that the results they are showing prove that these ideas, practices, models, and additional supports that they put into place are achievable and doable for children. It is only through the partnership with the CCSD that they can make a larger impact on those students who need them the most. Ms. Mims' wish is to do this in a way that does not make Brentwood a white horse that comes riding in to save a school or a group of children, but as a part of the team of the CCSD. Two years ago, when the Committee approved an identical request, Brentwood was in the idea/start-up process. The staff here attending today's meeting represent two years of hard work, growth, and success. We come to you with a school that is now a reality, and the success we are producing is a result of that reality. Our students' amazing achievements are that result, which speaks for itself. Our parents delighted and engaged in their child's learning is the result. Our recruitment of some of the country's best and brightest teachers, some of who are in the seats behind me, is the result of this. So, one thing I truly know as I work to lead our organization is that it will only get better from here. We learn as we go, and it is our understanding as educators that we have to reach out and shape partnerships that will be beneficial and influence both ways. We know that is happening, currently, in the CCSD with the team, with the teachers, individuals on the ground in the district, and also with those of us, the team at Brentwood. Mr. Smith spoke earlier to some allegations that I actually sent the Committee an e-mail on yesterday, with a copy of a letter that was drafted to address some of those concerns, and more importantly asks that we turn our attention to the matters at hand. (At this point, Chair Brenan stated that Ms. Mims was out of time.)

Chair Brenan ended the Public Comment period and stated that the Committee would now move on to the first agenda item, which concerns the issue that was up for public comment. He asked the Deputy Superintendent for Legal Affairs, Cathy Hazelwood, to outline this item for the Committee.

Ms. Hazelwood addressed the Committee stating that the original request was a request to add a school to a previously approved school-of-choice. Two years ago, the CCSD requested an exemption for Brentwood. In initial discussions, it appeared that the CCSD wanted a second school-of-choice, which is not allowed under an Attorney General's opinion that SCDE staff requested last year based on a similar request by a different school district. Based on multiple conversations and multiple e-mails, the CCSD has made this request for an additional exemption, and the SCDE staff comes before you today to say that based on what the staff has finally determined to be the request before the Committee, that no waiver request is required. Burns kindergarten students are going to Brentwood. Brentwood is already an approved school-of-choice; there is nothing that prohibits the Burns students from going to Brentwood, which is what they are requesting at this point. There is no need for an exemption, and no need to take action. The CCSD did wish to add additional waiver requests to this item; however, those additional waiver requests are not before the Committee today. Ms. Hazelwood informed the CCSD that their request to add additional exemptions was not done in a timely manner for presentation at the today's Committee meeting, and those additional waivers would be presented to the Committee at a later date, possibly at the June meeting. In summary, two years ago, Brentwood received a school-of-

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choice exemption; those policies are already in place by the SBE. Brentwood is simply moving kindergarten students, during the Burns' reconstruction period, to Brentwood; so at this time, it is the position of the SCDE staff that no exemption and no permanent action is being brought before the Committee or the SBE.

Chair Brenan thanked Ms. Hazelwood and asked if the Committee members had any questions for Ms. Hazelwood.

Dr. Edwards stated that she had read or heard that the Burns teachers would be following their students to Brentwood. Ms. Hazelwood stated that the Burns teachers would not follow; they would have to apply for the open positions at Brentwood.

Chair Brenan asked if John Emerson, General Counsel to the CCSD, would like to come forward to address the Committee so that the Committee would have a fuller sense of the issues and ask better questions. Ms. Hazelwood stated that, as a matter of order, only the Committee members could ask questions; if not a member of the Committee, please refrain from asking questions.

Mr. Emerson introduced himself and thanked the Committee for letting him speak on behalf of the CCSD. Mr. Emerson asked Ms. Mims to join him in case the Committee had questions that she would need to answer. He explained that they were here today to present to the Committee the overwhelming support of the CCSD on behalf of Brentwood and Meeting Street School (MSS), the private school, which is their partner and which is a CCSD public school; he wanted to be very clear on that. The other point he wanted to make was that no teacher would lose their job. This is an opportunity for other positions for the teachers. They may not choose to apply for those positions with this program, but they will still be under contract with the CCSD. There will be other opportunities for them, and they will absolutely not be out of work because of this initiative. Two years ago, the CCSD came before the Committee with a dream about this partnership with MSS, which has been an extraordinary project. The CCSD now has before you a request to extend this program to the students at Burns, because the Burns building is going to be demolished and rebuilt. Since the Burns students will be displaced anyway, the kindergarten students will come to Brentwood campus and will join the program there. Mr. Emerson believes that this is an expansion to serve these students; it is not a request for an additional school-of-choice.

Chair Brenan asked Mr. Emerson if he agreed with Ms. Hazelwood that the Committee did not need to address a waiver today. Mr. Emerson stated that he did agree with Ms. Hazelwood.

Chair Brenan stated that since there was no waiver required, Item 01 would be pulled from the P & L Agenda and from the State Board's Agenda. However, Chair Brenan did ask if any of the Committee had any further questions for Mr. Emerson.

Dr. Cooper had questions about how at-will employment and stripping teachers of due process rights would work, which makes great teachers apprehensive about applying for

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jobs. According to Mr. Emerson, they are dealing with the most challenged students in the CCSD and, in many ways, the state. These are students that have been struggling for generations. The CCSD has tried in many ways to provide services and additional resources, but the CCSD needed something new and innovative to assist the CCSD with this; that is what this partnership is about. One of the critical elements of this is for Brentwood to be able to move swiftly and nimbly to work with what is a very small staff. This is one small organization, and no teacher is required to go there. It is not a deterrent; Brentwood is flooded with resumes and applications. This is an opportunity to do things a different way, and, yes, it is an opportunity for them to have very swift control over their staff. With a school their size, this provides them with the opportunity to ensure that they have the most excellent staff immediately. He understands that some teachers may not want to operate under the at-will process—that they may want the protection of the Teacher Employment and Dismissal Act. He totally understands that, but this is an alternative option for them. This is an opportunity to try something different, and the results are amazing. Ms. Mims also added that their teachers and staff are considered as employees of an organization, not as the CCSD's employees. It's a way to provide a controlled group to learn about management and practices that could be influential to other teams and other schools.

Dr. Cooper's follow-up question was that she had heard two different approaches; was it a two-thirds vote from the CCSD, or was it a unanimous vote? Mr. Emerson stated that it was a six-to-one vote in favor.

Dr. Edwards asked if there was a plan for MMS to eventually take over the Burns school. Mr. Emerson stated that there is a desire, in the future, to possibly take over the Burns school.

Mr. Emerson stated that the schools will continue to remain CCSD schools that they will control, and they have the right, under the agreement, that if they aren't producing results to shut the doors. So, just to be clear, there is a desire, in years to come, to move to serve the students of Burns. However, that is not before the Committee today.

Ms. Spearman thanked everyone for attending. She had a chance to visit both the MSS and Brentwood on several occasions; they are wonderful school. She has talked with the parents who say the schools are making a difference. She stated that she hopes that some of the SBE can go and visit. The teachers there have chosen to be there, and they are willing to work under the at-will conditions, which they have made positive statements here today. She also wanted to remind everyone that this is a school-of-choice that legislation states has to come up with innovative programs, something different from what we usually do, and this is the innovation model that CCSD is trying to work on. It is something that we are not used to, is outside of the regular state law, but she is supportive of. She will be watching the results to make sure that it continues to show success. She thinks that an important key is that if it doesn't, CCSD has the opportunity to close the school. Mr. Navarro is a private citizen who has a heart for public education, and she thinks that we want to encourage more private citizens to be involved in solutions to help the children. Ms. Spearman wants to go on the record as being in favor of what the CCSD is doing,. She stated it is a little hard for

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us educators because we are used to our own model and we like it that way, but innovation means doing something different and that's what the law allows them to do in this situation. So, she would urge everyone to look at this with an open mind.

Chair Brennan thanked Ms. Spearman for her comments. Chair Brennan also stated that he has had several conversations on this issue with Gerrita Postlewait, the CCSD Superintendent and former SBE Chair. Ms. Postlewait is for this issue, but should it not work out, she will end it. Since she was not able to come today, Chair Brennan wanted to share this with everyone.

Dr. Edwards stated that she has studied all of this and also studied other models that are out there, and she is having problems seeing the connection. If we move towards this, the connection has to be made. There are models out there that still have the right to due process, and she is failing to see the connection that she has to deny teachers a right to due process in order to achieve these results. She doesn't see it because there are schools out there that are accomplishing that. There are schools out there where that comradery is out there—schools that are achieving success and still allow their teachers to have their right to due process. That is her concern, and a lot of other people's concerns. So if there is some data with this experiment that is being presented that proves that denying the right to due process is a part of it, she would like to see that information the next time it is presented to the Committee.

Chair Brennan thanked Dr. Edwards for her comments.

Ms. Mims asked to speak to the notion of autonomy and the difference. When you look at our process for measuring teacher performance and coaching teachers, we decided to not make evaluations be the thing that makes or breaks a teacher, the thing that grows you as a teacher. As an organization, we have HR processes in place that, while they may not fall under the Teacher Employment and Dismissal Act, we do have due process. I want to point out that at Brentwood, we have never used the processes; in two years, we have never had to dismiss a teacher. We have had teachers who have left us for their own reasons, or because they were moving, but we have never had to use any of the HR processes. What I would say is the autonomy behind being able to assemble and shape our team voids the need of a scorer or a need to make a decision about a teacher's effectiveness with our students.

Chair Brennan thanked Ms. Mims for her comments.

VI. Board Item(s)

FOR APPROVAL

- 01. Charleston County School District's (CCSD) Request for Exemption Pursuant to S.C. Code Ann. § 59-19-350 (Supp. 2014), Schools of Choice Exempt from State Laws and Regulations**—Cathy Hazelwood, Deputy Superintendent for Legal Affairs/Parliamentarian

Chair Brenan stated that since there was no waiver required, Item 01 would be pulled from the P & L Agenda and from the State Board's Agenda.

- 02. The School District of Chester County's (District) Waiver Request of State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-261 (R.43-261), District and School Planning**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

Ms. Prevatt presented the District's proposed waiver request of R.43-261, District and School Planning.

Dr. Cooper made the motion to approve the waiver request. The motion was seconded by Dr. Randolph. Motion carried, item passed. Item 02 will be placed on the Consent Agenda

- 03. Lexington School District Four's (District) Waiver Request of State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-231 (R.43-231), Defined Program K-5, Section II.C. Guidance Program**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

Ms. Prevatt presented the District's proposed waiver request of R.43-231(II)(C), Guidance Program under the Defined Program K-5.

Dr. Randolph made the motion to approve the waiver request. The motion was seconded by Dr. Cooper. Motion carried, item passed. Item 03 will be placed on the Consent Agenda

- 04. Marion County School District's (District) Waiver Request of State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-205 (R.43-205), Administrative and Professional Personnel Qualifications, Duties, and Workloads**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

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Ms. Prevatt presented the District's proposed waiver request of R.43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads.

Dr. Cooper made the motion to approve the waiver request. The motion was seconded by Mr. Ewart. Motion carried, item passed. Item 04 will be placed on the Consent Agenda

FOR INFORMATION

- 05. Florence County School District Four Update**—Jennifer Morrison, Director, Office of School Transformation, Division of Innovation & Effectiveness

Ms. Morrison presented an update on Florence School District Four.

VII. Consent Agenda

- 06. Items to be Placed on the Consent Agenda**

Chair Brenan asked if there were any objections to the placement of Action Items 02–04 on the Consent Agenda and stated that Information Item 05 would be presented to the Full Board at 1:00 p.m. There being none, motion carried, item passed.

VIII. Other Business

IX. Adjournment

There being no further business, Chair Brenan adjourned the meeting at 10:02 a.m.