

MINUTES

State Board of Education Meeting

Date

Thursday, August 18, 2011

Time

1:00 p.m.

Location

Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina

Gerrita Postlewait, Chair

Dennis Thompson, Chair-elect

Mick Zais, PhD

State Superintendent of Education

Secretary and Administrative Officer to the Board

SBE Mission: The State Board of Education's mission is to provide a leadership role in helping South Carolina set policy and direction to transform teaching and learning so that students are prepared with the necessary knowledge and skills, including innovation, to compete globally and live a productive life.

I. WELCOME/PLEDGE OF ALLEGIANCE

The State Board of Education meeting convened at 1:00 p.m. Chair Postlewait called the meeting to order and led the audience in the Pledge of Allegiance.

The following State Board of Education (SBE) members were in attendance: Gerrita Postlewait, Chair, Fifteenth Judicial Circuit; Dennis Thompson, Jr., Chair-elect, Fourteenth Judicial Circuit; David Longshore, PhD, First Judicial Circuit; Tim Moore, Esq., Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; David Blackmon, PhD, Fourth Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Josie Gaston, Sixth Judicial Circuit; Dru James, Eighth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Michael Blue, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; and John Rampey, Sixteenth Judicial Circuit.

Absent with apologies were Neil Willis, Seventh Judicial Circuit; Larry Kobrovsky, Ninth Judicial Circuit; and Mike Brenan, Governor's Appointee.

The following South Carolina Department of Education (SCDE) staff were in attendance: Mick Zais, PhD, State Superintendent of Education; Scott English, Chief Operating Officer, Administration; Charmeka Bosket, Deputy Superintendent, Policy and Research, Office of Policy and Research; Jay W. Ragley, Director, Legislative and Public Affairs, Office of Legislation and Public Affairs; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Mark Bounds, Deputy Superintendent, Division of School Effectiveness; Nancy Busbee, PhD, Deputy Superintendent, Division of Accountability; Kim Aydlette, Deputy Superintendent, Division of Operations and Support; and Cindy Clark, Recording Secretary.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR STATE BOARD OF EDUCATION MEETING ON JUNE 9, 2011

Chair Postlewait asked if there were any objections to approving the minutes for the SBE meeting on June 9, 2011, as presented. Dru James commented that the request from Phillip Bowers, Dennis Thompson, and herself concerning information on federal grant opportunities available, applied for, and secured was not in the June minutes. Mrs. James asked that today's minutes note this oversight, but she is not requesting a revision since this topic will be discussed in today's meeting. Chair Postlewait moved that the Board approve the minutes. She called for a vote and the motion carried unanimously.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR AUGUST 18, 2011

Chair Postlewait asked if there were any objections to approving the agenda for the SBE meeting on August 18, 2011, as presented. She said there was one revision and one addition to the Policy and Legislative (PL) Committee agenda. Agenda Item 4 was revised and Item 5, a proposed resolution, was added to the agenda. Rose Sheheen moved to approve the revised agenda. The motion was seconded by Tim Moore. The motion carried unanimously.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Postlewait welcomed all visitors. There were no news media present.

V. STATE SUPERINTENDENT OF EDUCATION REPORT/RECOGNITIONS

State Superintendent of Education Zais reported that, over the past month, he has participated in several meetings, conferences, and events. He delivered the commencement address to the South Carolina Connections Academy, which is a virtual public charter school; attended an Education Oversight Committee meeting; delivered the keynote address at the South Carolina Chamber of Commerce (SCCC) Board Retreat; attended and participated in the Palmetto Boy's State and Girl's State events; delivered the keynote address to the Annual Business and Education Summit in Greenville; and delivered the keynote address to the SCCC Business Week event at Presbyterian College in Clinton, South Carolina. In July, along with Chair Postlewait, Dr. Zais attended the Council of Chief State School Officers (CCSSO) meeting in Vermont. Also, Dr. Zais delivered the keynote address at the South Carolina Association for Pupil Transportation conference; delivered the welcome address to the National Council for Accreditation of Teacher Education on the University of South Carolina campus; and delivered the keynote address to teachers at ETV's K-12 Teacher Technology Conference.

Dr. Zais also held two roundtable meetings: one for groups of teachers across the state and one for a group of superintendents to hear their concerns, respond to questions, and to seek advice on a number of issues. Legislatively, Dr. Zais spent three days working with the General Assembly to allocate \$75 million for special needs children because the state failed to maintain "maintenance of effort." The SCDE was successful in getting approval from the General Assembly to allocate an additional \$75 million for special needs children.

After Dr. Zais's report, Tim Moore commented that Dr. Zais and his staff had recently been in the news regarding federal funding, and asked why the SCDE is not pursuing the federal funds allocated under the Education Jobs program. Dr. Zais responded that he worked very hard to get \$75 million for special-needs children. Mr. Moore asked why the SCDE did not apply for education money, and Dr. Zais responded that we were not eligible to apply. Mr. Moore asked why the SCDE did not seek a waiver, and Dr. Zais explained that there is no waiver process; we would have to seek a change in the law, and our legislators were unsuccessful in getting the law changed.

Dr. Zais recognized the winner of the 2011 Shirley Hord Learning Team Award, Clinton Elementary School in Lancaster. Team members include Rachel Ray, Principal; Shirnetha Stinson, Assistant Principal/Instructional Facilitator; Debbie Brock and Shelia Jenkins, third-grade teachers; Brenda Jackson, Art teacher; Cindy Wilson, Media Assistant; and Dr. Carolyn Jordan, Lancaster District's Executive Director for Instruction. This award is presented by Learning Forward and Corwin to a team of teachers who demonstrate professional development in action, and it honors the research

Hord has conducted on the attributes and effects of successful professional learning communities.

Learning teams from schools across the United States and Canada submitted nominations for the award, including videos of their teams at work. Through collaboration in professional learning teams, data analysis, analysis of student work, and the support of an instructional facilitator, the percentage of Clinton students performing below basic on the state English language arts test dropped 52 percent between 2009 and 2011. The judges felt that the third-grade team at Clinton Elementary was a “strong example of a learning team in action.” The school received a \$2,500 gift to the school to support collaborative professional learning and a gift of Corwin books for the school’s professional library. Clinton Elementary is represented by Board member Josie Gaston.

VI. PUBLIC COMMENT

Gigi Outz, Associate Superintendent of Teaching and Learning in Greenville County Schools, spoke on the Common Core State Standards. Linda Gray, Lowcountry 9–12 Project, spoke in support of Dr. Zais not pursuing federal funding. She also thanked Dr. Zais for representing them.

Janet Frazier, parent of a special-needs child, spoke against Dr. Zais’s position on accepting federal funding.

Edward Manley, parent advocate for children with disabilities, asked for Dr. Zais’s help in improving due process rights for the parents of special-needs students and to use his authority when communicating with local school districts.

Bill Bates, Goose Creek, spoke in support of Dr. Zais’s not pursuing federal funds when applicable and thanked him for his efforts.

Virginia Hernandez, grandparent of a child with special needs, spoke on behalf of students with disabilities.

VII. PUBLIC HEARING

There was no one present to speak at the public hearing.

FOR APPROVAL

PH-01

Promulgation of Amendments to 24 S.C. Code Regs. 43-243.1 (Second Reading)—

Marlene Metts, Director, Office of Exceptional Children, Division of Accountability

Marlene Metts reported on revisions to the federal Individuals with Disabilities Education Act (IDEA). Ms. Metts said there were a couple of major changes made regarding criteria for entry into programs of special education for students with disabilities. The evaluation components have been moved to a separate standards document. In the regulation, there was a terminology revision; “mental disabilities” was changed to “intellectual disabilities,” which is consistent with the recently passed Rosa’s Law. Ms. Metts said there was also a change in the autism category. Also, a sentence was added regarding visual impairment that is consistent with the IDEA definition.

John Rampey moved that the Board approve the amendments to 24 S.C. Code Regs. 43-243.1 on second reading. David Blackmon seconded. The motion passed.

VIII. STATE BOARD ITEMS

SB-01

FOR APPROVAL

South Carolina Academic Standards for Social Studies 2011 (Second Reading)—

Lewis Huffman, Education Associate, Office of Standards and Curriculum, Division of Policy and Research

Lewis Huffman reported on the South Carolina Academic Standards for Social Studies 2011 and asked the Board to approve those standards to enable the SCDE to begin implementation this school year.

Dru James moved that the Board approve the South Carolina Academic Standards for Social Studies 2011 on second reading. Lyn Norton seconded.

Phillip Bowers commented on World Geography. He said he recommends changing references from global warming and climate change to “potential” global warming and climate change. Mr. Bowers said he disagrees with the implication that the United States Constitution has evolved. Mr. Huffman said it has evolved since it was originally adopted.

Phillip Bowers motioned to amend the main motion to approve the document as presented. The motion was not seconded.

Chair Postlewait called for a vote on the main motion that the Board approve the document as presented. The motion carried with one opposing vote by Phillip Bowers.

ECC EDUCATOR CERTIFICATION CASES

Committee Report—Dennis Thompson, Acting–Chair

Dennis Thompson, who chaired the ECC Committee in the absence of Mike Brennan, moved that the State Board ratify the educator certification cases presented during the ECC Committee meeting. The motion carried.

EP EDUCATION PROFESSIONS

Committee Report—David Longshore, Chair

FOR APPROVAL

01. **Professional Review Committee (PRC) Recommendations for Accreditation Decisions for Limestone College, USC-Columbia, Morris College, and North Greenville University**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Dr. Longshore stated that this item was placed on the Consent Agenda.

02. **Recommendation to Appoint Five New Members to the Professional Review Committee (PRC)**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

David Longshore stated that this item was placed on the Consent Agenda.

03. **Professional Review Committee (PRC) Recommendation for Two New Educator Preparation Programs in South Carolina**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Dr. Longshore stated that this item was placed on the Consent Agenda.

PL POLICY AND LEGISLATIVE

Committee Report—Gerrita Postlewait, Chair

FOR APPROVAL

**04. Committee's Position on Innovative Practices—Gerrita Postlewait,
Chair, State Board of Education**

a. Adoption of the Committee's Position Statement

Chair Postlewait reviewed the PL Committee's goal for 2011, and the Committee's Position Statement. The statement focuses on three key areas, which include agreeing on specific outcomes, established by CCSSO, for all children; measuring progress made and reporting it publicly; and ensuring conditions are set for achievement.

Dr. Zais commented that education is transforming and moving from an industrialized model to an information age, and that there is much research going on in this area.

Chair Postlewait motioned that the Board approve the adoption of the Committee's position statement. She called for the vote and it passed unanimously.

Western Piedmont Consortium's Executive Director, Dr. Ray Wilson, spoke on the Consortium's work regarding customization and personalization of education. They are working together to bring efficiency and effectiveness to all schools.

Dr. Zais commented that he is a very strong advocate for local control of education options, and he looks forward to working with the Consortium.

Phillip Bowers asked if the Consortium would be similar to charter school options. Dr. Wilson noted some similarities and will provide more details, as requested.

Edi Cox, Horry County Schools, spoke on using innovative practices while working through barriers to create transformation in our schools. Ms. Cox also thanked Dr. Zais for his efforts in promoting innovative practices.

b. SC Future Minds and The Riley Institute

Jacki Martin, Associate Director, The Riley Institute at Winthrop University, spoke on The Riley Institute's support of innovative practices with a clear focus on results.

Trip Dubard, SC Future Minds, thanked the Board for supporting innovation in South Carolina's schools. Mr. Dubard said he supports innovative programs and local and statewide recognition programs, and he explained the goals and activities of SC Future Minds. He added that The Riley Institute at Furman and SC Future Minds are partnering to present the first annual Dick and Tunky Riley WhatWorksSC Award for Excellence to an outstanding education initiative in South Carolina. Monies will be raised to provide the winner with funds for enhancement of their program and for consulting with other schools and organizations interested in replicating it. Mr. Dubard asked for the Board's support in helping SC Future Minds achieve their goals.

Dr. Postlewait moved that the Board endorse, promote, and support the collaborative efforts of SC Future Minds and The Riley Institute to award innovative programs in SC schools and encourage feedback to the State Board about measures to increase innovation. After discussion, she called for the vote and it passed unanimously.

05. State Board of Education's Position on Applying For and Receiving Federal Funding

Tim Moore reported that the PL Committee passed a resolution requiring the SCDE to pursue all federal funding available for the benefit of South Carolina's public school students. Mr. Moore then read the resolution and motioned that the Board approve the resolution.

Phillip Bowers commented that he supports Dr. Zais's position regarding federal funding and does not agree with the resolution presented. He said the resolution appears to be more about the person who occupies the office and not about the process. He stated that most of the Board does not support Dr. Zais and asked if we had a conservative Board and a less conservative Superintendent, how the Board would vote on a motion like this. Mr. Bowers stated that the Board seems to be circumventing the will of the people who voted for Dr. Zais. He said most federal funds are seed money, which pays only a small portion of the

program, and the state taxpayers pay for the major portion to carry out the process, strings attached.

Chair Postlewait stated that she disagrees with Mr. Bowers' opinion that most of the Board does not support Dr. Zais. Also, she commented that by South Carolina adopting the Common Core Standards, the state is not required to use a common assessment. The requirement is that the assessments align with the Standards so that students have a fair opportunity to demonstrate what they have learned.

David Longshore stated that he agrees with Chair Postlewait's opinion concerning the Board's support of Dr. Zais's position as State Superintendent of Education. Dr. Longshore added that he may vote against issues supported by Dr. Zais but that does not mean he does not support him in general. He added that he supports Dr. Zais in several of his initiatives, and disagreement on issues should not be taken personally.

David Blackmon commented that he supports Dr. Zais on many issues, and disagreements do not reflect non-support of Dr. Zais.

Tim Moore stated that the issues are not about politics, that they are about fiscal responsibility. He said all monies have some strings attached. Mr. Moore stated that the resolution does allow for some flexibility for the SCDE to refuse grant money if it is too restrictive and not in the best interest of the children of South Carolina. He added that there seems to be a lack of communication between the SCDE and the Board concerning funding issues. He said the Board is responsible for policy and the SCDE is responsible for implementing policy. He said the Board should be able to seek funding from any source available.

Phillip Bowers said that the Board should strike the last sentence of the resolution. Before we direct the SCDE to do anything, the Board needs a fiscal impact study to determine SCDE staff time and salary to do so.

Phillip Bowers motioned to amend the main motion to approve the resolution as presented. The motion was not seconded, and did not carry.

Shelly Kelly handed out to the Board a memorandum regarding the Board's authority as it relates to the State Superintendent of

Education. Ms. Kelly explained that the Board promulgates policy primarily through the regulatory process, and it is through this process that the Board can direct the Superintendent to implement its policies. She further explained that the South Carolina Administrative Procedures Act governs the regulatory process. Only policies that are issued by the Board through regulations have the force and effect of law, which would require administration by the Superintendent. Accordingly, the State Board does not have authority to direct the Superintendent to take action simply through the passage of a motion or resolution. As a policy-making body, and not an executive body, the Board cannot direct the specific acts of the SCDE or Superintendent. It falls upon the executive branch to carry out that function. Once the Board exercises its authority through the promulgation of regulations or formal policy adoption, the Superintendent then has the duty to carry out those regulations. Ms. Kelly added that regarding funding requests and budgets, the Board does not have the responsibility to approve the budget of any state agency, department, institution, or board.

Ms. Kelly concluded that the Board has the authority to develop policy through the proper process, but it does not have the authority to direct the actions of the State Superintendent or State Department of Education staff, independent of this process.

Dru James moved to amend the original motion by striking a clause in the second paragraph of the resolution. The clause begins with “unless” through the end of that sentence. Tim Moore seconded the motion.

Mr. Moore commented that Shelly Kelly stated she represents both the Board and the SCDE and that her role is conflicted, and he asked that Ms. Kelly refrain from giving the Board legal advice since she said she represents the SCDE in this matter. Mr. Moore referred to numbers (6) and (7) on page three of Ms. Kelly’s memorandum and stated that this clearly fits within the statutory duties of the Superintendent.

Mr. Moore called for the question. Chair Postlewait called for the vote on the call for the question. The motion carried.

Chair Postlewait called for the vote on the amendment to the original motion. The motion carried.

Phillip Bowers referred to number (1) on page two of Ms. Kelly's memorandum and stated that the resolution is inconsistent with the law and made a motion to table. The motion was not seconded.

Lyn Norton moved to amend the resolution by changing the word "shall" to the word "should" in the second paragraph of the resolution. Dru James seconded the motion.

Tim Moore stated that the statute gives the Board authority to issue directives and policies, and that the language should be left "as is." Phillip Bowers made a motion to table. The motion was not seconded.

After further discussion, Chair Postlewait called for a vote on the amendment to change the word "shall" to the word "should." The motion failed.

Chair Postlewait called for the vote to approve the resolution as amended. The motion carried with one opposing vote by Phillip Bowers.

Tim Moore moved that second reading of the motion be waived. David Blackmon seconded the motion. The motion passed.

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

FOR INFORMATION

02. **South Carolina Reading Achievement Systemic Initiative Notification**—Charmeka Bosket, Deputy Superintendent, Office of Policy and Research, South Carolina Department of Education
Charmeka Bosket reported that earlier this year the South Carolina General Assembly passed a proviso establishing a panel to review reading initiatives in South Carolina in hopes of developing a statewide plan for reading. The panel will consist of appointees recommended by the legislature as well as the Governor's Office. The SCDE will work with the Education Oversight Committee to convene the panel. The panel will develop a report that will be submitted to the General Assembly in January.
03. **Common Core State Standards Update**—Charmeka Bosket, Deputy Superintendent, Office of Policy and Research, South Carolina Department of Education

Charmeka Bosket updated the committee on the implementation of the Common Core. The SCDE is rolling out the professional development online component to be used by instructional leaders to guide instruction as Common Core State Standards replace South Carolina standards. For assessment, there will be a bridge year in school year 2013–14 that will be based on standards common to both the South Carolina standards and Common Core standards. In school year 2014–15, the Common Core State Standards will be fully implemented and South Carolina's assessment will be based only on the Common Core Standards.

A study group will weigh the pros and cons of the PARCC and SMARTER Balanced consortia and developing home-grown assessments.

IX. CONSENT AGENDA

The following items were approved in committee and placed on the Consent Agenda:

Education Professions (EP)

01. **Professional Review Committee (PRC) Recommendations for Accreditation Decisions for Limestone College, USC-Columbia, Morris College, and North Greenville University**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness
02. **Recommendation to Appoint Five New Members to the Professional Review Committee (PRC)**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness
03. **Professional Review Committee (PRC) Recommendation for Two New Educator Preparation Programs in South Carolina**—Allison Jacques, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Policy and Legislative (PL)

01. **Request for Approval of Property Disposal—Pickens County School District**—Delisa Clark, Director, Office of School Facilities, Division of Operations and Support

02. **Volunteer Awards Nominating Committee**—Charmeka Bosket, Deputy Superintendent for Policy and Research, Office of Policy and Research
03. **Schools Meeting the Criteria of Eligibility Status for Flexibility through Deregulation**—Steve Abbott, Director, Office of Federal and State Accountability, Division of Accountability

Standards and Learning (SLA)

01. **Standards for Evaluation and Eligibility Determination (First Reading)**—Michelle Bishop, Office of Exceptional Children, Division of Accountability

Chair Postlewait moved that the SBE approve the consent agenda. She called for a vote and the motion carried.

X. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS

Jay W. Ragley, Director, Legislative and Public Affairs

Jay W. Ragley updated the Board on the status of pending legislation affecting South Carolina's public schools.

XI. OTHER BUSINESS

XII. ADJOURNMENT

There being no further business, the SBE adjourned at 4:15 p.m.