

MINUTES

State Board of Education Meeting

Date

Wednesday, September 12, 2012

Time

1:00 p.m.

Location

**Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina**

Dennis Thompson, Chair

David Blackmon, PhD, 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 Thompson 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: Dennis Thompson, Jr., Chair, Fourteenth Judicial Circuit; David Blackmon, PhD, Chair-elect, Fourth Judicial Circuit; David Longshore, PhD, First Judicial Circuit; Jim Griffith, Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Raye O'Neal Boyd, Sixth Judicial Circuit; Neil Willis, Seventh Judicial Circuit; Dru James, Eighth Judicial Circuit; Larry Kobrovsky, Ninth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Michael Blue, Twelfth Judicial Circuit (left at 4:00 p.m.); Danny Varat, PhD, Thirteenth Judicial Circuit; Thomas Shortt, EdD, Fifteenth Judicial Circuit; John Rampey, Sixteenth Judicial Circuit; and Mike Brenan, Governor's Appointee.

The following South Carolina Department of Education (SCDE) staff were in attendance: Scott English, Chief Operating Officer; Charmeka Childs, Deputy Superintendent, Division of School Effectiveness; Jay W. Ragley, Director, Office of Legislative and Public Affairs; Laura Bayne, Policy Analyst, Office of Legislative and Public Affairs; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Nancy Busbee, PhD, Deputy Superintendent, Division of Accountability; John Cooley, Chief Finance Officer; and Cindy Clark, Recording Secretary.

II. RECOGNITION OF NEW STATE BOARD MEMBER/OATH OF OFFICE

Chair Thompson acknowledged and welcomed new Board member, Mrs. Raye O'Neal Boyd, representing the Sixth Judicial Circuit (replacing Mrs. Josie Gaston, who resigned in December 2011). He then administered the oath of office to Mrs. Boyd.

III. APPROVAL OF MINUTES FOR STATE BOARD OF EDUCATION MEETING ON AUGUST 8, 2012

Chair Thompson asked if there were any objections to approving the minutes for the SBE meeting on August 8, 2012, as presented. He called for a vote and the motion carried unanimously.

IV. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR SEPTEMBER 12, 2012

Chair Thompson asked if there were any objections to approving the agenda for the SBE meeting on September 12, 2012, as presented. He called for a vote and the motion carried unanimously.

V. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Thompson welcomed all visitors and the news media.

VI. PUBLIC COMMENT

Twelve persons signed up for public comment and spoke regarding the proposed teacher evaluation guidelines, teacher raises, and teacher concerns. They are as follows:

- Kathy Maness, Palmetto State Teachers Association
- Randy Vaughn, South Carolina Association of School Administrators, Greenwood 50
- Elaine Miller, parent, retired teacher, instructor
- Ralph Porter, Choices Charter School
- Blake Ward, Sumter School District
- Jeff Potts, Richland School District Two
- Nicole Williams, Sumter School District parent
- Paula Woodlief, Sumter Schools Education Association
- Betty Bagley, Anderson School District 5
- Jackie Hicks, South Carolina Education Association
- Tammi Soles, Sumter parent
- Russell Booker, Spartanburg School District 7

VII. STATE BOARD ITEMS

PH PUBLIC HEARING

FOR APPROVAL

- 01. Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs. 43-273 (R 43-273) (2011), Transfers and Withdrawals (Second Reading)**—Constance Barnes, Group/Team Manager, Office of School Transformation, Division of School Effectiveness

In the absence of Ms. Barnes, Shelly Kelly gave an overview of the proposed amendments.

Dr. Longshore moved to approve the proposed amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs. 43-273 (R 43-273) (2011), Transfers and Withdrawals. Mr. Griffith seconded the motion. The motion carried.

SB STATE BOARD OF EDUCATION

FOR APPROVAL

01. Sumter County School District Proviso 1A.56 Waiver Request—Jay W. Ragley, Director, Office of Legislative and Public Affairs

Superintendent Randolph Bynum presented the Sumter County School District Proviso 1A.56 Waiver Request. He stated that he believes that all educators should be paid their worth, and the Sumter School District (SSD) has taken numerous steps to address the deficit. The SSD has been in existence for 14 ½ months. The consolidation of Sumter Districts Two and 17 was the largest consolidation in 60 years. Mr. Bynum stated that there was a lot of angst in the community prior to his arrival, and it had created some turbulence. He said that the greatest danger in turbulence is to act with yesterday's logic. That logic and the flaws in the consolidation legislation left the SSD with an inherited deficit of \$5.4 million. The two districts were presented a budget in June 2011 with a deficit of \$3.2 million. But after a review by Steve Mann, Chief Finance Officer for SSD, a higher deficit was found.

On July 1, 2011, the first day of the SSD, the Sumter School District Board of Trustees (SSD-BT) had to make some tough choices. These choices included instituting four furlough days and using the teacher-supply flex money, which saved 58 positions. Also, the SSD started the budget preparation for FY 2013 in October 2011. To address the deficit and the legislative actions of 2012, the SSD eliminated numerous district office positions and cut service days for others to realize \$753,000 that could be used to address the deficit. Also, the pay scale for retirees retained was moved back to zero, which realized a savings of \$1.6 million. Insurance was re-bid, which captured another \$320,000. The SSD cut 29 positions at a cost of approximately \$775,000 and cut administrative costs by 8 percent from the previous years' amount from the two districts combined. If a step increase waiver is not approved, the SSD will have to look at other options. The deepest cuts can be made with human capital. The SSD-BT attempted to catch up with the mil value that the SSD should have with the Sumter County Council (SCC). The SSD requested 13 mils but were granted five mils. A mil runs around \$171,000 in Sumter County. If a waiver is not granted, 40 to 50 positions may have to be eliminated.

Mr. Bynum stated there is going to be some flux regarding teacher flight in a new organization. However, he commented that he is proud to report that the new SSD retention rate was at 90 percent. This was one point above one of the previous districts and four percentage points above the other. The SSD looked at a number of options and does not want to ask for a waiver for the step increase. However, the SSD is trying to make a decision for the whole because teachers are the most critical element in the education process. But, the SSD does not want to devalue the bus drivers who ensure children's safe arrival to school; the custodians who keep the buildings clean to ensure a positive learning environment; the food-service workers who work hard to prepare meals; and the groundskeepers who keep the grounds clear and safe. The SSD did not go into this lightly and gave it a lot of thought. However, for the district to realize some financial stability and get out of the inherited hole, they had to utilize the means that were available.

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Mr. Griffith asked how many people work in the SSD, and Mr. Bynum stated that the SSD has about 3,000 employees. Mr. Griffith asked how many received raises, and Mr. Bynum said they all received the 2 percent raise. Mr. Griffith asked about the plans for next year to make up for step increases not given to teachers last year or this year. Mr. Bynum stated that they are looking at ways to effectively address that issue. The SSD realizes that the waiver is a one-year solution, and they will be looking at double compensation for next year if they do receive a waiver. Mr. Griffith asked whether it would be smarter to do it this year instead of doubling it next year. Mr. Bynum said the waiver will give them an opportunity to look at other options in order to have a more cohesive organization as they have already put furlough days back and planned to put the flex money back. So, it is a matter of opinion regarding the best way to do it. Mr. Griffith asked if travel expenses had been significantly reduced, and Mr. Bynum stated that there are travel commitments made for this year but will be reduced next year. Mr. Griffith said he is concerned about the message given to teachers when they have received no step increase two years in a row, furlough days last year, and no money for supplies. He commented that it does not give a good impression when the website shows the amount of money being spent on some SSD personnel. Mr. Griffith suggested that perhaps Mr. Bynum could help reduce the deficit by looking at his own funds. Also, Mr. Griffith said he would appreciate it if Mr. Bynum and his administration would take a look at how they are spending money on staff and think about how to spend money on teachers because that is where the impact is. He said that administrators did not educate his children; teachers did. The administration provides a structure, but they do not educate the students. Mr. Bynum responded that he respectfully disagrees with Mr. Griffith about how to address funding and investments for the SSD. He stated that education is an investment, and the SSD does spend money on teachers such as resources and training.

Dr. Blackmon commented that the SSD is near a military base and asked Mr. Bynum to share the federal impact aid received in terms of their budget. Mr. Bynum said that less than 10 percent of their students are from military families.

Dr. Longshore asked for verification that the SSD is projecting a \$5.4 million deficit for this year. Mr. Mann stated that in June 2011 they received \$2 million from the South Carolina Department of Education (SCDE) so the recurring cost for 2011–12 is \$5.4 million. They will probably end the current year at a \$4 million deficit. Dr. Longshore asked how much money the deficit would be if they gave the step increase. Mr. Bynum said that if the step increase was given, the deficit would increase by \$1 million. Dr. Longshore stated that this would be 1 percent of the SSD's total budget of \$100 million and asked whether they can find a 1 percent savings. Mr. Bynum said that if the step increase is added, the only place to find the 1 percent is in human capital. Chair Thompson asked about the 8 percent money. Mr. Mann said the two districts utilized the installment revenue bonds, and a large portion of the 8 percent bonds issued go to pay the principal and interest on those bonds. He said that the SSD recently had a \$7 million bond resolution of which over \$5 million is going to pay for the principal and interest from installment revenue bonds. The SSD receives about \$2 million that can be utilized for technology purposes, building repairs, etc., but cannot be used for general operating costs. Chair Thompson asked if there is anything in the SSD's general operating budget that could possibly be used. Mr. Mann said the SSD took a proviso in July 2012 concerning fringe benefit revenue over to the food service fund. He led the charge along with 50 supporters. Also, Mr. Mann stated that he is sure there are ways to save; the SSD bid out property and workers' compensation insurance, and they are doing everything possible to save money. An administrator was let go early in the year, and this position will not be filled. Mr. Mann also stated that he looked at the administrative costs for FY 2011–12 compared to Sumter Two and 17, and the SSD has saved about a half-million dollars over the prior year.

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Dr. Longshore asked why the SSD was given only five mils when they went to the SCC and asked for 13 mils. Mr. Bynum said that, in his opinion, they were given only five mils due to politics. Prior to the meeting, the SSD had been led to believe that they probably would not get 13 mils because of the economy being down, and it would be too much of a burden on business and other property owners. When they showed up at the meeting, the Council pulled out a little-known state law (or regulation) stating that it would take a two-thirds vote to go above five mils. Mr. Bynum said that four Democrats voted for 6.5 mils and three Republicans voted for zero mils. Then, four Democrats voted for six mils, and three Democrats voted for zero mils. The final vote was four Democrats voting for five mils and that vote carried.

Dr. Longshore asked what the SSD operations budget is for this year. Mr. Mann said SSD is in the process of reassessment. Also, Dr. Longshore asked about the districts' ability to set millage rates. Ms. Kelly stated that she will research the millage issue.

Dr. Blackmon asked if the SSD has any surplus property that could be put on public auction to generate cash. Mr. Bynum stated that they own some land purchased by the previous Sumter District 17 for \$1.375 million. This land has been for sale for seven months with no offers.

Chair Thompson asked what the interest rate is on the SSD's bonds and if they have considered refinancing. Mr. Mann said they are having a refunding issue that will come up this December. The bonds are issued under the South Carolina Association of Governmental Associations (SCAGO). Moody's Corporation sees the SSD as a downgrade due to their finances. They are trying to shore up their finances and get recurring revenue to match current expenses. When the SSD-BT saw that there would be a \$5.4 million deficit, they realized SSD could not get it all back at one time—that it had to be a combination of cutting costs along with trying to increase revenue. The only way SSD can increase revenue is for the SCC and the SSD-BT to unanimously support our budget. They also had a number of public hearings related to this matter. The interest rate being paid on their bond is under 50 basis points, which is approximately one-quarter interest. Mr. Mann added that when the refunding is done in December, it will come up as a public sale under their own name and will be significantly higher. Chair Thompson asked if the SSD has requested any tax anticipation notes, and Mr. Mann said that they had done so.

Dr. Longshore asked how much flex the SSD has with the 8 percent. Mr. Mann said they have the amount that can be issued in bonds. The large part will go to the installments purchase. The SSD can probably issue up to \$10 million, but the other part involves taxpayer constraint. Also, the county auditor has to levy the number of mils based on the repayment schedule.

Mrs. Disney commented that she noticed Mr. Bynum referred to teachers as "human capital." She stated that she assumed Mr. Bynum and his staff are also human capital, and asked Mr. Bynum to share how many in his office have salaries over \$100,000. Mr. Bynum stated that about five to seven people make over \$100,000, and those salaries were set by the two previous districts. Mrs. Disney asked if she was correct in assuming that these staff members are willing to take a lower salary in order to help the teachers. She also asked if any of those making over \$100,000 live outside of the district and if they receive mileage reimbursement. Mr. Bynum said they do not receive mileage reimbursement. Mrs. Disney asked what new programs have been mandated in the last two years. Mr. Bynum said they have an instructional audit process; a foundation that starts this year, and they have received checks from the city and county; and instructional supervision monitoring. Mrs. Disney asked how much human capital is needed to

successfully run that program at the administrative office. Mr. Bynum said they use approximately 12 people that work in the field; their jobs are in the classrooms so they can see how to best support the teachers. The local school administration will also be doing instructional audits. The local school will do English and mathematics, and the district office will do science and social studies. Mrs. Disney asked for the cost of classroom posters. Mr. Bynum said he does not have that number, but posters in classrooms are normal in most districts.

Mr. Kobrovsky thanked Mr. Bynum for presenting before the SBE and asked him what is different about the SSD budget difficulties as compared to the other school districts in South Carolina. Mr. Bynum said the two things that make it unique are that they were the only district that consolidated last year. They took the budgets of two former districts, blended them, and then found out those budgets were not actual. The other districts have been in their current form for many years. Mr. Mann gave examples of other districts' higher mils and stated that SSD's has remained a flat mil rate. Mr. Kobrovsky commented that Mr. Bynum showed courage in presenting the deficit information to the SBE, and the teachers who have spoken out have also shown courage. He asked whether there is assurance that anyone who shared their opinion will not be retaliated against for doing so. Mr. Bynum said that he has never verbalized nor written anything to discourage anyone from commenting on issues.

Dr. Longshore commented on beginning teachers' salaries in the SSD and said that a structured furlough may be preferable for the teachers. Mr. Bynum responded that the legislature's directive is there be no furloughs unless there is a mid-year budget crisis, and the SSD's intention was not to do that anyway.

Mrs. James stated that one of the legislative guidelines given to the SBE was that the district should not be granted a waiver from providing a step increase if they incur a deficit, which she assumes is \$1 million rather than \$4 million, as a result of granting salary increases to employees beyond those paid on the teachers' salary schedule. She asked for the numbers which will ensure that the SBE is fulfilling that requirement. Mr. Mann said that issue has been discussed, and one question was whether the SSD's deficit concerned the old year or the upcoming year. The budget is in a deficit of \$2.3 million. The pay raises for non-teaching staff is approximately \$300,000. Mr. Mann added that the deficit will be there regardless of whether or not raises are given to all. Mrs. James asked what the number is for non-teaching staff and administrative staff. Mr. Mann said he does not have that number, but the deficit would still exist if you did not give that raise. He estimated that it would be \$400,000 to \$450,000 for all staff except teachers.

Chair Thompson asked if the five-mil increase is reflected anywhere in the budget. Mr. Mann said that the budget narrative shows the actual budget is the \$2.1 million deficit, and it includes 13 mils. The SSD went back to the SSD-BT with a budget adjustment that lowered the revenue estimates due to the reduction of mils.

Mrs. Sheheen asked if the SSD would qualify for a day of furlough if they were to give the step increase, which the legislature directed them to do, and then they had a mid-year crisis because of having done what they were asked to do. Mr. Bynum said that it was his understanding it had to be a mid-year crisis by the state, not by the school district.

Mr. Brenan asked for the total teachers' salary amount out of the \$100 million. Mr. Mann said it is approximately \$65 million. Concerning the administrative salaries, he does not have that detail, but those salaries decreased by a half-million dollars compared to the two districts in the previous year. Mr. Brenan stated that the total administrative salaries amount is very important to

this issue, and he requested the SBE receive that information. Also, he asked for the total salary amount out of the \$100 million. Mr. Mann said it is \$67.3 million, and that the total teachers' salary amount is about 80 percent of the \$100 million. Mr. Griffith stated that the total teachers' salary is not 80 percent. Mr. Brenan said he is trying to find out the teacher-administrative ratio to see that it is aligned with best practices in other districts in the state. Mr. Mann stated that leadership salaries represent 8 percent. Dr. Varat commented that he does not agree to giving a waiver over less than 1 percent of the money.

Dr. Blackmon moved that the SBE deny the Sumter County School District Proviso 1A.56 waiver request. Mrs. Disney seconded the motion.

Mr. Willis asked if he was correct to assume that if the waiver request is denied by the SBE, the 1 percent would result in a decrease in human capital. Mr. Bynum answered that when an organization has to make cuts, they usually look at reducing personnel. He said this option will be considered, but he is not saying that 40 or 50 people will be out of work tomorrow. There will not be any immediate action other than ensuring that the teachers receive the step increase.

Mr. Rampey asked how many SSD teachers and administrators have retired or TERI'd and were rehired. Mr. Bynum said that no administrators were rehired, but three teachers were.

Mr. Brenan asked Mr. Bynum if he would like the opportunity to withdraw the waiver request. Mr. Bynum said that he wanted the SBE to go ahead and vote on the request, and he will handle either way the vote goes. Dr. Longshore commended the SSD for giving the 2 percent pay increase to the classified staff.

Chair Thompson called for the vote. The motion carried.

02. Hampton 1 School District Proviso 1A.56 Waiver Request—Jay W. Ragley, Director, Office of Legislative and Public Affairs

Jay W. Ragley read the letter from Dr. Doug McTeer, Hampton One Superintendent, to the SBE as follows:

On August 8, 2012 the SBE voted to waive, for our district, the requirement under proviso 1A.56 of the General Appropriations Act mandating a step increase for teachers. After that date, the School Board of Hampton District One decided to give teachers the step increase in spite of the fact a waiver had been approved. I appreciate the courtesies shown to me when I appeared before the Legislative and Policy subcommittee and before the full Board.

Dr. Blackmon moved that the SBE accept the letter from Hampton County School District One dated August 22, 2012, indicating that the school district has given eligible teachers one step increase for the 2012–13 school year. Further, by acceptance of this letter, the SBE recognizes that Hampton County School District One will not implement the waiver approved by the SBE on August 8, 2012, under the provisions of Proviso 1A.56. The motion was seconded by Mrs. James. The motion carried.

Mrs. James commented that the letter was dated August 22, and she would have appreciated being informed in a more timely fashion that the SCDE had received the letter.

Mr. Brennan stated that he did not attend last month's SBE meeting, but asked what the rationale was for the SBE approving the Hampton One waiver at that time. Dr. Blackmon said that it was the nature of the plea presented by Dr. McTeer, which was a reasonable request considering the sacrifices made by the staff at the lowest pay level. Mrs. Sheheen added that there was only a superintendent and his administrative assistant in the district office along with just four or five schools so they had a small budget with very little leeway. Mrs. James said that Dr. McTeer had commented he was surprised he was one of only two superintendents coming before the SBE, and he predicted that when the Hampton One School Board realized the situation, they would rescind the waiver request.

FOR INFORMATION

03. School Improvement Grant Schools Educator Evaluation System Beta Test—Charmeka Childs, Deputy Superintendent, Division of School Effectiveness

Charmeka Childs gave an update and overview on the School Improvement Grant (SIG) Schools Educator Evaluation System Beta Test timeline relating to the Elementary and Secondary Education Act (ESEA) flexibility waiver request. She also thanked the Data Management and Analysis, Educator Evaluation, and School Transformation staff at the SCDE as well as the staff in the SIG schools for their hard work on this pilot project.

Mrs. Childs reported that the vendor working with the SCDE on the value-add component of the model will come before the SBE next month to give details on the technical aspects of this component. The SIG is part of a federal grant that the SCDE received from the United States Department of Education (USED) as part of the ESEA funds. The SCDE subgrants out these funds to the districts identified for improvement; those districts compete for the funds. The districts that are part of the SIG choose to use one of four school-improvement models, which include the turnaround model, the restart model, the school-closure model, and the transformation model. The transformation model, comprised of four components, is the one most commonly used in South Carolina.

Mrs. Childs reviewed the nine dimensions, which include career and college-prep skills curriculum, flexible learning environment, extended school day or year, transitions from elementary and middle school, research-based instructional delivery, frequent measures of student progress, operational flexibility, supportive governance structure, and educator evaluation system tied to student achievement. As a result of receiving SIG funds as a state and serving as subgrantees, there is a requirement that subgrantees implement an education evaluation system that will fulfill requirements of the nine dimensions—part of that being to incorporate growth in the evaluation of educators. Mrs. Childs said that the SCDE received the funds and initially did not act to implement dimension nine. The USED followed up with the SCDE in August 2011 to ensure that we would implement a plan to move in that direction. The SCDE is taking action to ensure that we are in compliance with the receipt of the SIG funds. In the conversation about the SIG project, the evaluation component, and the fact that we are using the SIG to collect information for the educator evaluation system that we have proposed to the USED per our ESEA flexibility waiver request, there has been some confusion about why we are using the SIG schools and what is driving the timeline. One variable affecting the timeline is the fact that we have to come into compliance with the SIG anyway, so it stands to reason that we use that opportunity to also look at what would ultimately be another model subject for conversation. The overlap is intentional to ensure connectivity between the two models. Mrs. Childs added that the timeline is

not solely driven by the ESEA flexibility waiver request. There are federal dollars that the SCDE is already receiving, and these dollars are tied to educator evaluation. In order to continue receiving these funds, the SCDE needs to do what we committed to do at the start of the 2010–11 school year when we began using the SIG funds.

Mr. Willis asked when the SCDE was made aware of the statement in the letter from the USED that they were granting this waiver on the condition that the SCDE would satisfy the conditions set and the evaluation systems be piloted no later than the 2012–13 school year. He asked why there has not been more of a collaborative effort with the SBE and the schools if the SCDE has known for a year that the beta program should be established. If there had been more teacher input over the past year, this discussion would not be taking place. Mrs. Childs stated that the SCDE is working with the SIG schools to make them aware of the need to be in compliance with the federal grant. She said the meetings that Mr. Willis described were part of the stakeholder meetings the SCDE conducted for the ESEA flexibility waiver request. Regarding the communications that were shared with the SIG schools, Mrs. Childs said she will provide a list of specific communications that went to the SIG schools. She added that the SCDE has not been communicating to all schools everything that pertains only to the SIG schools. She said that she understands Mr. Willis' point in terms of the later decision the SCDE made to use the SIG schools; this was partly because of different communication received from the USED which related to the ESEA specifically.

Mr. Willis said there was a statement made last month regarding approval from the SBE starting with the 22 schools, and that Mr. Ragley had stated it was not a regulation so it did not have to go before the SBE. Mr. Willis said that he sees it as a much bigger picture than just the 22 schools that require federal money to implement the beta program; it includes 1100 schools. He stated that people will not comment on 22 schools but would on 1100 schools. He asked that if implementation in all 1100 schools will happen in 2014, how will it be approved if it does not have to come before the SBE. Mrs. Childs answered that with the beta, the SCDE is collecting information for the system that we will eventually present. One of the benefits of using the SIG is that a small number of schools will become a larger evaluation system, and we are collecting information to see how that system will work. The data will show weights and the way in which we describe teacher effectiveness per letter grades. She added that the purpose of the beta is to collect data, and the SCDE will not make personnel decisions based on the data extracted from that group of schools.

Mrs. Childs stated that Mr. Willis is referring to the ESEA timeline, the evaluation system that will eventually be brought forward for all schools. She shared the timeline showing transition from the beta for the SIG schools to a program that will be proposed for full implementation across all schools. In Phase 1, school year 2012–13, there is a beta. The SIG schools were given the option to choose one of four models. Twenty-two schools chose the Enhanced ADEPT/PADPP Model. The other three models included the Teacher Advancement Program, the National Institute for Excellence in Teaching (NIET) Teaching Standards Rubric, and the Alternative Evaluation Model.

Mr. Bolen commented that he had received several phone calls from the 22 schools. He said that there was discussion about value-added assessment and using student performance in some way. He was told there was no objection to that. However, no one on the committee ever saw the "A–F" grading scale; it was slipped in at the last minute and the backlash received was because of the timing. Mrs. Childs stated that she appreciated Mr. Bolen's feedback, and that the benefit of the beta is not just collecting feedback on the technical aspects but also on the weighting and the

proposed grading. This information will be taken into consideration. She emphasized that the beta will help the SCDE clearly understand the schools' needs and how we will move forward to stay in compliance with the SIG and the ESEA flexibility request.

Dr. Varat suggested that the SBE let Mrs. Childs go through the entire presentation and ask questions afterward, and Chair Thompson agreed.

Mrs. Childs stated that the SCDE looked at the models, dimensions, and why the timing was not sooner. She said that, per the SIG, the SCDE would have needed to provide an updated evaluation system earlier. Mrs. Childs gave an overview of the three components: Teacher Observation and Performance Scale (TOPS); Classroom Value Add (CVA); and School Value Add (SVA). She also reviewed the component weights, principal effectiveness scores, evaluator training and support, and the beta timeline.

Mr. Rampey asked who chooses the minimum of eight and maximum of 25 school districts. Mrs. Childs said that the SCDE is working with the districts to identify the ones we use, and we are thinking about utilizing volunteers.

Mrs. James pointed out that the ESEA waiver stated the SBE would approve guidelines for a teacher evaluation system by June 30, and she asked Mrs. Childs if this is what the USED is telling the SCDE they do not have to worry about. Mrs. Childs said no; this pertains specifically to SIG and explained why we are working with SIG schools to make an evaluation system update. When the SCDE began working through our ESEA flexibility request, the USED informed us that we would have a decision by mid to late spring, which would have allowed us to have guidelines approved to bring before the SBE and then work through an implementation timeline. The SCDE received approval in July; so timeline wise, the SCDE submitted our ESEA flexibility request on February 28, and we went through feedback with the USED. From February through July, we received opportunities to communicate with the USED on that request, and in mid-July we received our approval. Before that, on May 22, we received a letter from the USED asking for our guidelines, and that letter said those guidelines would be due on June 25. We then had a teleconference meeting with the USED and explained to them the process we were planning to follow regarding working with them to determine what guidelines would be brought back to the SBE. The USED was fine with our process, but we are still waiting on them for approval for the guidelines.

Mrs. Childs stated that we unfortunately have a complex interplay of timelines here. She reviewed the order of events as follows:

- On February 28, the SCDE submitted the flexibility request.
- On May 22, we received a letter from the USED asking for the guidelines.
- Shortly thereafter, we met with the USED and explained our process, what we submitted, and our proposal.
- On June 18, we had the educator evaluation stakeholder group meeting, presented what we planned to propose as guidelines to the USED, and received input from the group.
- After receiving the stakeholder's input, modifications were made to the guidelines.
- On June 25, we submitted the guidelines to the USED.
- In mid-July, we received the waiver.

The waiver request was approved without provision so there were no conditions tied to it. We are now just walking through that plan for the request.

Mrs. James asked where the SBE's approval of those guidelines got lost. She also asked if the reason the SCDE does not plan to bring the guidelines before the SBE is because the USED approved it without condition. Mrs. Childs said that was not correct, that sometime during the 2013–14 pilot information will be submitted to the SBE. Mrs. James asked if June 30 was an artificial date, and Mrs. Childs responded that it was not an artificial date. The ESEA flexibility request has been an interactive process that we have walked through, and the SCDE is still implementing all of those requests. The bottom line is that we offered our best based on the timeline that we thought would have been the approved timing by the USED, and this was not the case. Mrs. Childs stated that she does not fault them for it because they had numerous states applying. She said that it was a very detailed process but it speaks to a question that SBE members and others have asked regarding when something is developed enough to bring forward for approval. The SCDE would rather err on the side of caution having weights descriptors that are a little bit further along rather than bring something to the SBE and then have to do it again a year later.

Mrs. James asked if the instructions given to the evaluators were for the five-level system, the four-level system, or the two-level system test. Mrs. Childs said there is a five-level system for the TOPS training that is taking place in the SIG schools based on what was reviewed in the presentation. As far as actual personnel actions for advancing contracts and other decisions, they have been trained to utilize TOPS to collect the data so that the SCDE can see how it would work.

Kathy Meeks added that for those who will be transformed into the current two-level system, the weighted values will not count at all. We will look at how it applies but educators in the SIG schools will be held harmless. For their value added, we will be looking at whether it aligns with our estimated values for the ranges in the value added as well as the weighted. Those guidelines are for the SBE's consideration based on best estimates. Throughout the beta year, the goal is to make adjustments and recalibrations to get those ranges. During the pilot year the same goal would be made so that we can do it on a larger scale. Dr. Meeks stated that based on those two years of data, we will see if the teachers align with the performance projections.

Mrs. James said she understands that the SBE does not have formulas yet on the school value added and the increases in the longitudinal passing grade. Mrs. Childs said that is correct, and there will be another update next month on the CVA and aspects of the SVA so that all components can be observed, not just the value-added.

Mrs. Disney commented that this system is intended to create a perfect evaluation, but a problem is the pool from which the SCDE is drawing. The SIG schools will not be reflective of the entire body of schools. Mrs. Childs stated that we could err on the side of assuming the negative or the side of the positive. The SCDE is using a beta to collect information, and we will move towards a pilot. She added that we could have decided to go straight to 25 districts but that would bring other concerns. Mrs. Disney said that she thinks the system is flawed. Mrs. Childs stated that she differs with Mrs. Disney in this regard.

Mr. Griffith commented that if your samples are not representative of what you want to implement, then your data runs a risk of being flawed. Mrs. Childs agreed that this is relevant if you are trying to extrapolate across the entire population solely from that sample, but that is not what we are doing.

Mr. Griffith said he has looked at 2014 and wants to know what the steps will be to lead us in making a decision, and he asked what would happen if we do not like it in 2014. Mrs. Childs

answered that the SBE will be updated frequently enough so that they will not be blindsided in 2014; however, updates will not be on the agenda every month. Mr. Griffith said that the SBE is one of the SCDE's constituents, and if they are going to be asked to put their name on something, then they should have full disclosure and understanding so that they can talk intelligently with the people they represent. Mrs. Childs said that the SCDE has seen the increase in interest and will continue communicating with Chair Thompson on the SIG schools and ESEA in general. While the SBE agendas are not set months in advance, the SCDE recognizes the importance of updates that are relevant but not so frequent that they do not serve a real purpose.

Dr. Blackmon encouraged the SCDE to do two things: listen to people in the field and read the literature. He said *Education Week* recently pointed out that all over the country large districts are rolling out all of these models that are driving teachers away from the field. He added that *Public Agenda* had a survey three years ago that stated nationally 40 percent of the teachers are disheartened; 23 percent are idealists; and 37 percent are contented. We have 30 teacher education programs in this state. He said that the SCDE puts those teachers through a lot of hoops along with ADEPT and some from the federal government. It is not a pleasant experience meeting all the regulations and requirements. Student teaching equals 12 hours so they would wonder what grade they would get under the enhanced ADEPT program. Students would not be sure if they will get a grade assigned that is based on the institutional's GPA or if it would be a grade based on this model. They would also realize that because ADEPT has to be introduced to teacher candidates, they would have to perform in order to pass student teaching. Dr. Blackmon stated that he is not being critical of anyone, but he is not sure a lot of thought has been put into these issues.

Dr. Blackmon also questioned whether the SCDE is now going to dictate to higher education what their grading system will be. Mrs. Childs responded that the SCDE does not dictate grades to institutions of higher education. We would have to work with institutions on how they grade teachers as related to the courses taken. Dr. Blackmon asked if the SCDE has given the higher education people the opportunity to be aware of this. He said he has a colleague who is a dean, and she found out about this from a student teacher. Dr. Blackmon thinks that the college presidents and provosts would be concerned about recruiting people for teacher education, because once people find out about all of the hoops a student teacher goes through, they will probably look for something else in which to major.

Mrs. Childs commented that June 25 was when the SCDE submitted the guidelines to the USED per their request. She said that she has already met with the South Carolina Education Deans Alliance and made them aware of the submission. She also committed to continue offering them updates on what we are working through. Mrs. Childs added that a great amount of thought has been put in place. The SCDE will work through the training and then determine how we will update the affected stakeholders. Our starting point was with the education deans, and we will include other members of the institutions of higher education. She said that a great amount of thought has been put into this, and action has been taken.

Dr. Blackmon stated that one thing educators should do is take a Hippocratic Oath that we will do no harm. He said that presently, even if we do not intend to do so, the message we are giving to teachers as a state is we are wishing them harm. Dr. Blackmon commented that he is very concerned about education in the decades to come and would like to read a statement which he would call a blinding glimpse of the obvious. He read his statement on educator evaluation as follows:

Having given consideration to the discussion associated with the June 2012 version of the Educator Evaluation plan, I strongly suggest that the Board delay approval of the model in its present form until a more detailed review occurs.

The following references under Board Powers and Duties are cited:

The Board shall

§59-5-85 Review and refine, as necessary, the professional performance dimensions in the state's ADEPT program.

§59-24-40 Adopt criteria, evaluation instruments, and minimum statewide performance standards for the evaluation of all principals.

Additionally, the Board

§59-5-70 At its discretion, designate one or more of its members to conduct any hearing in connection with any responsibility of the Board and to make a report on any such hearing to the Board for its determination.

Therefore, it is suggested that any and all consideration of endorsing the June 2012 version of the Educator Evaluation be deferred until such time that the following takes place:

- 1) Teachers and administrators are granted ample opportunities for input at times and locations convenient to school work schedules;
- 2) That private and public institutions with teacher education programs have input;
- 3) That members of the State Board of Education are a party to the process;
- 4) That a legal review of the application of "due process" rights be included; and
- 5) That a full cost analysis of implementation be made.

Furthermore, these modifications, especially including increased input from the stakeholders, will take place in order to comply with the requirements of the EESA waiver as outlined in the US Department of Education correspondence signed by Ms. Deborah S. Delisle.

Mrs. Childs responded by pointing to what was emphasized for 2014. She thinks there is time to walk through the process that we are planning, and there is time and plenty of opportunity to receive a lot of input. We have not brought forward guidelines for 2014 because we wanted to identify the process to allow for thoughtful deliberation on what may work to raise teacher morale. She said that evaluator systems and value added can allow for district teachers to shine by showing how well they are doing, and where we end up will allow that to happen. She also commented that South Carolina has many great teachers, and she believes that it is time to modernize our evaluation system so we can emphasize how well some of our teachers are doing

and offer professional development to those who are not doing well. We are targeting professional development and walking through this process with our Office of Teacher Effectiveness to do all we can to modernize and personalize professional development practices. When looking at evaluation systems, we realize that it is not just a system on paper, and we understand how all of the pieces fit together. The SCDE is not blind to the importance of making sure we look at the entire system. Mrs. Childs said that she personally believes that our strongest teachers will do well on a value-add model. There are several variables within evaluation systems that incorporate value add, and that is why we are not rushing to full implementation this year or next year. We are walking through a fine-tuned, well-developed process. The system will work to show just how many excellent teachers we have and help us as a state improve along with the teachers who are not doing as well.

Dr. Blackmon said he appreciates Mrs. Childs' comments, and teachers need to hear that they are valued. He stated that SBE members need to have a better sense about communications, and he appreciates the clarification because we were led to believe in the last SBE meeting that we were going to approve this in October. The SBE members are still not weighing in on it, and we have not received a legal opinion in terms of the impact the proposed system may have. He added that he does not think there is a lot of sentiment at the present time, and he reiterated his statement that we make sure we do no harm because that is the current environment. Mrs. Childs responded that the SCDE is not the only voice at the table that can share information for what we are proposing. Her hope is that with this presentation we will have better information on the process. But, there have been instances where the description of what the SCDE is proposing did not advance the debate and thinks that we can all communicate differently with each other.

Dr. Longshore commented that he would have liked to have had today's presentation before he received hundreds of e-mails and phone calls over the last 30 days. There is a lot of passion in the school districts concerning what we are doing and a huge communications gap between the SCDE and the districts. He said that implementing an initiative like this requires good lines of communication. There needs to be face-to-face statewide meetings with superintendents to discuss the initiatives when the SCDE has a proposal. Also, there needs to be intermittent follow-up meetings in order to update the districts. Dr. Longshore added that technology is good, but the passion of a person is better judged in face-to-face meetings. If the SCDE does not begin having meetings, the large communication gap will continue. Mrs. Childs stated that she does not want the perception to be that the SCDE is focused inwardly and that we only communicate using online options because that is not the case. However, she said that we will continue to explore other options regarding communications.

Dr. Longshore also commented on beta testing and said that we should have already reached a consensus on the major components to be a part of this initiative. There are concerns regarding the three elements of this evaluation system. One has to do with the value-add portion. Teachers and principals across the state will support value add, but they want to know more about how the calculations will be done. Another concern has to do with the weighting for value add. And, there is a concern with the "A-F" grading.

Mrs. Childs said we have taken the three components that were aspects driven by the SCDE, but they are also aspects that come straight from either the SIG or the ESEA flexibility requirements. Having multi-levels for the observation component came from ESEA flexibility requirements. Fortunately, most of it was aligned with the SCDE's plans. Concerning national attention on how educators are evaluated, one commonality in most of the grants involve some level of student

achievement, student growth, or value add. She said that efforts will continue to help people understand what the SCDE is proposing.

Dr. Longshore said that from comments he received, the only adamant opposition was to the “A–F” component. He questioned why the SCDE would want to use “A–F” as a grading scale if evaluations are supposed to be private documents.

Mrs. Sheheen said that as an administrator, she found evaluation to be a powerful tool if there is clarity in expectations. However, much of the proposed evaluation tool is confusing with very little clarity. She stated that she was very involved with teacher-incentive programs that included value add and a lot of evaluation. There was a bonus for those who performed at an excellent level that made it appealing, but not appealing to all of the teachers. Eventually, the state eliminated part of the initial EIA. Mrs. Sheheen said that she was a teacher on the first committee that tried to transform teacher evaluation with the beginning of the ADEPT program in the early 1990s. They represented teachers and administrators from throughout the state, met twice a month, studied evaluation-change materials, and were informed about the changes being reviewed. When she became an administrator, she was removed from the committee because her place was the teachers’ place. Mrs. Sheheen added that it is critical for evaluation to be a collegial experience between teachers and administrators, because it will be useful for transforming education only if it is accepted. Mrs. Childs said that the SCDE tries to strike a balance concerning details when this type of presentation is made. She said she will be glad to follow up with Mrs. Sheheen and others who would like more detail.

Mr. Willis stated that he thinks the issue is about process and content. He is not arguing content but is concerned about process. When people feel like something is being pushed on them with no opportunity for comment, there becomes, valid or not, an appearance of a breach of trust. He said that he personally feels a breach of trust because the process was not brought before the SBE. He stated that he is having trouble understanding why the USED would issue a mandate in July to be implemented within a month or two months if they did not know it had already gone through the processes. If the guidelines were submitted in June, Mr. Willis asked whether the USED had the impression that this was a ratified proposal that had gone through the SBE.

Mrs. Childs stated that the implementation in SIG schools is driven by SIG so they had to move towards an evaluation system that incorporated student achievement and student growth. The SCDE requested additional time once we were informed that we were not in compliance with the implementation of SIG. We were going to need a method in place by the 2012–13 school year. The SCDE had guidelines that were submitted to the USED for the ESEA flexibility request. The timeline that we offered showed how we planned to beta test the guidelines using what would be in place for our SIG schools anyway. Mrs. Childs added that there are overlapping timelines, but we have a pool of schools that will need to implement a model. We gave them an option to use the model we were proposing, which most of these schools chose, and we communicated that to the USED. The USED now has our proposed timelines to reflect the fact that SIG will serve as a beta, and we will later have a more expanded pilot.

Mr. Willis asked what the ramifications would be if that program is not fully implemented or if we fail to comply with the waiver. Mrs. Childs said that if we fail to comply with the waiver, we lose it. We will have to comply with the grant because we have the funds and we have made the commitments. She would have to follow up with the USED on what it would mean if we do not update the evaluation systems. If we get the federal dollars, we make the commitment to comply with the federal program. Mr. Willis said he hopes that in the future there will be full disclosure

and that he agrees with the educator evaluation statement read by Dr. Blackmon earlier in this meeting.

Mr. Kobrovsky asked for a glossary to understand all the acronyms being used and to include the sources, purpose, and mandates of each grant. Also, he commented that it seems our curriculum, student testing, and teacher evaluation is not driven by us anymore; it is driven by federal mandates. He is unsure whether the SCDE is working for what would be best for our students and teachers or if they are twisting and turning to comply with the federal mandates for the ESEA waivers, the Race to the Top (RTTT), the Common Core Standards, and the SMARTER Balanced. He said that the SCDE is no longer self-directed, and the result seems to be mass confusion. Regarding the value added, he questioned how one teacher's performance can be judged against what other teachers and schools are doing. Mr. Kobrovsky added that there are so many sources of policy that we cannot do what is best for our students since we are too busy responding all the time.

Mrs. Childs said there are plenty of policy makers at the local and state level that would share Mr. Kobrovsky's sentiment. She said that usually the USED will offer some flexibility and money in exchange for various assurances and commitments; some people call those strings. However, if we want the flexibility and the funds, we will honor those assurances and commitments. If we want to walk away from those funds and flexibility, we will need to find state funds for those aspects; that is the tradeoff. People differ on where that line is drawn, but that is the interplay between the federal government and states. As far as school value add, there are different models for using that data, and the SCDE has one. Mrs. Childs stated that there are schools, however, that do not use value add in updates to their evaluation systems but the beta will help us figure out how we want to use that information. Mr. Kobrovsky said that it seems as if the federal government has indirectly dictated to us through grants what they cannot do directly.

Mr. Bolen commented that he thinks we have wasted a tremendous amount of time and energy because we did not involve stakeholders in the beginning. We cannot mandate forced change, especially on the people who will be affected by that forced change. He added that he hopes we learn from this experience. Mr. Bolen also stated that he agrees with Dr. Blackmon and Dr. Longshore, and until we involve stakeholders we will be spinning our wheels.

Dr. Varat commented that the concept of value-added teacher evaluation has been here for some time. Two years ago when we were doing RTTT, this evaluation was a component of that grant application. At that time, all the state associations signed off on it. The teachers or their representatives through these associations have known about it. Dr. Varat questioned what the alternative would be if they do not like this system, and whether there has been an alternative presented to the SCDE. Chair Thompson commented that he heard in Mrs. Childs' presentation that we are going to have more input from stakeholders. He said that it is about communication because, based on Dr. Meeks' explanation, he understands more about how the "A-F" is going to translate. The key is to ensure that all stakeholders are given input into this system, we take heed to their suggestions, and we ensure what comes forth will meet ESEA requirements. Dr. Longshore stated that a good public relations job would help ensure the acceptance of this initiative.

Dr. Varat commented that since teachers or their associations have been thinking about this initiative for some years, the miscommunication may be a result of the SCDE's having to meet a deadline in order to implement a grant for SIG schools and the ESEA waiver request. He said

that Dr. Zais and his staff get paid to come up with plans. The plan they have is not vetted to everybody's liking, but it is two years away from implementation. The question is whether the SCDE should have foregone the ability to have the SIG grant and the waiver application or whether everybody has been working in good faith. He said that this model has good and bad points, but he does not think there is a reason to get angry at the SCDE who has deadlines that we expect them to meet. There are two years of input to come before anything final is done. He encouraged the SBE to give the SCDE a chance to do what we pay them to do. Dr. Varat added that if the teachers have suggestions, we have two years to hear them.

Dr. Shortt said he is not sure everybody is angry at the SCDE, and he understands what they are trying to do. It boils down to the need for an improvement in communication. We need to focus on where we go next and how to get there. He suggested that we be sure that the stakeholder groups represent all the people in the state because their feedback is important.

Mrs. James said that the value-add discussions in the past have been about bonuses not ratings and about rewards not punishments. The value-add discussions now are different. Dr. Varat asked whether that means that they have never thought about the concept we have discussed today. Mrs. Sheheen said no, but their opinion was not solicited; they have been thinking about it and they have ideas, but they have not been asked their opinion. She stated that we have two years before it will be implemented. Dr. Varat questioned whether it is set in stone for the next two years. Chair Thompson commented that we know we have until 2014 so there will be more time for educators and the SBE to provide input. He said that this issue will come through the EP Committee and will most likely come back to the SBE. Chair Thompson said he would like to establish an ad hoc committee to work with the EP Committee, which is chaired by Dr. Longshore. He asked Dr. Shortt, Mr. Bolen, and Mr. Willis to serve on the ad hoc committee. When the SCDE sets up the times for input to be received from stakeholders, Chair Thompson said this information will be communicated to the SBE, school districts, and the public so that they will have the opportunity to attend those meetings. He said that Dr. Blackmon has requested this be done in a timely manner, which will probably mean some afternoon or Saturday meetings in order to be available for teachers.

Dr. Longshore commented that several people contacted him about the SSD waiver. At the last meeting, the SSD superintendent did not appear before the SBE, so we were left to make an impression about him as a leader based on e-mails and phone calls received. Dr. Longshore said that since the SSD superintendent showed up and stated his case this morning, he helped himself in terms of communicating with the SBE. This needs to continue to happen or there will be a fallout concerning this issue.

Chair Thompson said he appreciates all of the comments and input from the SBE and the SCDE. Mrs. James asked that Mrs. Childs send the entire PowerPoint presentation to the SBE members.

ECC EDUCATOR CERTIFICATION CASES

Ratification of the Cases Presented before the Educator Certification Committee

Mike Brenan moved that the State Board ratify the educator certification cases presented during the ECC Committee meeting. The motion carried.

EP EDUCATION PROFESSIONS

Committee Report—Dr. David Longshore, Chair

Dr. Longshore reported that there were no action items and gave an overview of the one information item as follows:

FOR INFORMATION

01. **ADEPT Results for 2011–12**—Kathy Meeks, PhD, Office of Educator Evaluation, Division of School Effectiveness

IF INNOVATION AND FINANCE

Committee Report—Dr. David Blackmon, Chair

Dr. Blackmon gave an overview of one action item placed on the consent agenda as follows:

FOR APPROVAL

02. **Fiscal Year 2013–14 Appropriation Request**—Dr. David Blackmon, Chair, Innovation and Finance Committee, SBE

Dr. Blackmon also gave an overview of one information item as follows:

FOR INFORMATION

01. **Financial Update for Fiscal Year 2012–13**—Dr. David Blackmon, Chair, Innovation and Finance Committee, SBE

PL POLICY AND LEGISLATIVE

Committee Report—Dennis Thompson, Jr., Chair

Chair Thompson stated there were three action items placed on the consent agenda.

FOR APPROVAL

01. **Horry County School District Waiver Request of State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-234(II)(B) (R 43-234(II)(B)), Defined Program, Grades 9–12, 120-Hour Seat Time Requirement**—Maria Boggs, Education Associate, Office of Federal and State Accountability, Division of Accountability
02. **Proposed Amendments to State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-234 (R 43-234), Defined Program, Grades 9–12**—Maria Boggs, Education Associate, Office of Federal and State Accountability, Division of Accountability
03. **Nominations to Fill Vacancies on the 2013 Volunteer Awards Nominating Committee**—Laura Bayne, Policy Analyst, Office of Legislative and Public Affairs

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

Mrs. James gave an overview of the two information items as follows:

FOR INFORMATION

- 01. Common Core Standards Update**—Catherine Jones-Stork, Team Leader, Office of Teacher Effectiveness, Division of School Effectiveness
- 02. Common Core Assessment Update**—Jenny Howard, Education Associate, Office of Assessment, Division of Accountability

VIII. CONSENT AGENDA

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

Innovation and Finance (IF)

01. Fiscal Year 2013–14 Appropriation Request

Policy and Legislative (PL)

01. Horry County School District Waiver Request of State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-234(II)(B) (R 43-234(II)(B)), Defined Program, Grades 9–12, 120-Hour Seat Time Requirement
02. Proposed Amendments to State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-234 (R 43-234), Defined Program, Grades 9–12
03. Nominations to Fill Vacancies on the 2013 Volunteer Awards Nominating Committee

Mrs. Sheheen moved to approve the consent agenda. The motion was seconded by Mr. Bolen. The motion carried.

IX. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS
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Jay W. Ragley, Director, Office of Legislative and Public Affairs

Mr. Ragley gave an update on the budget. Also, he reported that the Dyslexia Task Force meets tomorrow. Mrs. James asked if Mr. Ragley would comment on the Attorney General’s opinion regarding Dr. Zais’ request concerning the extracurricular activities letter. Dr. Blackmon commented that JROTC is part of the curriculum. Under the defined minimum program, it could be used as a physical education credit so it is a matter of interpretation as to whether it is curriculum or extracurricular.

Chair Thompson asked if the Attorney General has already rendered the decision.

Mr. Willis asked Mr. Ragley if this covers only home-schoolers or what group of students does this cover. Mr. Ragley responded that the law governs home-schoolers, charter school students, and Governor's Schools' students.

X. OTHER BUSINESS

Chair Thompson assigned Mrs. Raye O'Neal Boyd to the ECC Committee chaired by Mr. Brennan.

Chair Thompson gave preliminary notification that a nominating committee would need to be formed for a new chair-elect.

XI. ADJOURNMENT

There being no further business, the SBE adjourned at 5:05 p.m.