

MINUTES
State Board of Education Meeting

Date
Thursday, October 13, 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; Larry Kobrovsky, Ninth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Michael Blue, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; John Rampey, Sixteenth Judicial Circuit; and Mike Brenan, Governor's Appointee.

Absent with apologies was Neil Willis, Seventh Judicial Circuit.

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; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Mark Bounds, Deputy Superintendent, Division of School Effectiveness; Nancy Busbee, Deputy Superintendent, Division of Accountability; and Cindy Clark, Recording Secretary.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR STATE BOARD OF EDUCATION MEETING ON SEPTEMBER 8, 2011

Chair Postlewait asked if there were any objections to approving the minutes for the SBE meeting on September 8, 2011, as presented. She called for a vote and the motion carried unanimously.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR OCTOBER 13, 2011

Chair Postlewait asked for a motion to approve or amend the SBE agenda for October 13, 2011. Dru James moved to amend the agenda to add an item (number three) to the SLA Committee report entitled "Update on Instructional Leaders Roundtable Position Paper," Mildred Rowland, presenter. Chair Postlewait called for a vote and 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.

Legislatively, Dr. Zais reported that on September 16 the SCDE filed a motion to expedite with the US Department of Education (USED) regarding our appeal of the Individuals with Disabilities Education Act (IDEA) decision. He said that the previous administration allowed the state to fall out of compliance with the IDEA, and, in response, the federal government levied a \$36 million fine against the state which would be in perpetuity. The appeal is still pending, and we have not received a final decision from the federal government.

On September 30, 2011, the SCDE submitted our budget request to Governor Nikki Haley. All documents pertaining to our request, including a three-page cover letter to Governor Haley, are posted on the SCDE Web site on the Office of Legislative and Public Affairs page.

After Dr. Zais's report, he recognized the South Carolina ABCTE Teacher of the Year, Michelle Gilmer. Mrs. Gilmer teaches mathematics at Pendleton High school in Anderson District Four. ABCTE, which is an acronym for American Board for Certification for Teachers of Excellence, hosts this annual competition and invites principals in each participating state to nominate ABCTE teacher alumni for the honor of ABCTE Teacher of the Year. Once nominated, each educator then competes for online votes

from the education community. Mrs. Gilmer is now one of six finalists competing for the ABCTE National Teacher of the Year award. She is represented by State Board member Dr. Lyn Norton.

Dr. Zais also recognized the winner of the 2011 Yale Educator Award, Tom Rogers. Mr. Rogers is a physics teacher at Southside High Academy. The Yale Educator Award program recognizes outstanding educators from around the world who have supported and inspired their students to achieve at high levels. Matriculating students are invited to nominate high school educators, and a committee composed of Yale admissions officers reviews the nominations individually and designates recipients. Of 228 nominations received for this year's Educator Award, representing 33 different states and 18 different countries, 50 teachers and 30 counselors were selected to receive the awards. Mr. Rogers was nominated for the honor by 2011 Greenville County Student of the Year Paavan Gami. Mr. Rogers is represented by State Board member Philip Bowers.

Dr. Zais recognized the 2011 Literacy Spot Award winner, Laurel Hill Primary School in the Charleston County School District. Laurel Hill Primary was the only school in the state to receive this award, a distinction that recognizes outstanding emergent literacy programs in primary schools. The award is sponsored by the state Reading Recovery Advisory Council, the University Training Center at Clemson University, and the State Carolina Department of Education. At Laurel Hill Primary, reading and writing is taught individually or in small groups rather than to an entire class. Teachers constantly monitor student's reading levels and move them into different groups accordingly. The staff created a second library that is organized by children's reading levels; this has allowed teachers to more easily find the most appropriate books for students. The school also relies on parent volunteers during the school day to give students as much individualized attention as possible. The school is represented by State Board member Larry Kobrovsky.

VI. PUBLIC COMMENT

There was no one present for Public Comment.

VII. STATE BOARD ITEMS

SB-01

FOR APPROVAL

SBE Policy Regarding Fiscal Responsibility and Accountability (Second Reading)—Gerrita Postlewait, Chair, State Board of Education

Chair Postlewait reported that, concerning sources of financing that may be available to support public schools in South Carolina, the SBE left the meeting last month with the position that the SBE members would like to move forward regarding fiscal accountability/transparency/. Chair Postlewait added that

she will discuss the budget with Dennis Thompson Jr. in a follow-up meeting and will give a report on the discussion to the SBE members at the next meeting scheduled for November 10, 2011.

Chair Postlewait called for the vote on the SBE policy regarding fiscal responsibility and accountability. The motion carried.

ECC EDUCATOR CERTIFICATION CASES

Committee Report—Mike Brennan, Chair

Dennis Thompson, who chaired the ECC Committee in the absence of Mike Brennan, moved that the SBE ratify the educator certification cases presented during the ECC Committee meeting. Chair Postlewait called for the vote, and the motion carried.

EP EDUCATION PROFESSIONS

Committee Report—David Longshore, Chair

David Longshore reported there were two items placed on the consent agenda and one information item as follows.

FOR INFORMATION

- 03. ADEPT Results for 2010–11**—Kathy Meeks, PhD, Interim Director, Office of Educator Evaluations, Division of School Effectiveness

Dr. Longshore stated that the ADEPT results for 2010–11 is the end of the year report, and was presented in the EP Committee meeting.

PL POLICY AND LEGISLATIVE

Committee Report—Gerrita Postlewait, Chair

Chair Postlewait reported that three items were placed on the consent agenda and stated there were three items for presentation to the SBE as follows.

FOR INFORMATION

- 01. Presentation on Innovative Practices**—Betty T. Bagley, Superintendent, Anderson School District 5; Dr. Valerie Truesdale, Superintendent, Beaufort County School District, and Dr. Karen C. Woodward, Superintendent, Lexington School District 1

Chair Postlewait reported that the PL Committee heard a presentation on innovation from three district superintendents and asked them to present a shortened version during the full Board meeting. Drs. Bagley, Truesdale, and Woodward, representing superintendents across the state who are ready to move to the next level of “innovation ready,” presented

some of the innovative practices that are used by their school districts and the positive results that have come from these innovative practices. They pointed out the importance of moving forward with more school-choice opportunities and reviewed the goals of providing alternatives to traditional school settings and regulations.

Dr. Karen Woodward said the innovative superintendents are excited about Dr. Zais' and the SCDE's position on innovation, and they concur. Dr. Woodward reported that a lot of pioneering activities in innovative change are going on throughout the state to ensure that students are well prepared and will be 21st century graduates. She highlighted the importance of more extensive performance-based learning; modifying the school day/year; that learning, not time, should be the constant; looking at different forms of assessment, staffing, and professional development; and tackling the effects of poverty in new ways.

Dr. Betty Bagley reported that there are several innovative stumbling blocks in her school system. Dr. Valerie Truesdale said there are four initial areas that we need to tackle, which include regulations flexibility and getting the laws changed to enable schools to move forward. She commented that all schools should have the opportunity to be relieved from certain regulations and added that the SBE can help with seat-time, student attendance, instruction definition, and educator certification. Also, the innovative superintendents would appreciate the SBE's assistance in helping to change the laws and regulations that prevent them from using more innovative practices to allow them to operate more along the guidelines of charter schools.

After the superintendents spoke, Dr. Zais remarked that he has been advocating this kind of regulatory relief for a long time and added that it is music to his ears. Dru James, Tim Moore, and John Rampey commented that they support the innovation ideas presented.

Chair Postlewait motioned, on behalf of the PL Committee, that three (3) SBE members, whose terms will not expire on 12/31/11, be selected to form a subcommittee to determine what actions the SBE needs to take to assist with innovative practices. Larry Kobrovsky commented that we need to ensure a random selection of those three members rather than by appointment. Chair Postlewait agreed that it is important to have diverse viewpoints. She said she would survey all SBE members to provide an opportunity for all interested to serve on the taskforce. Chair Postlewait called for the vote and the motion carried.

FOR APPROVAL

03. Recommendations of the State Board of Education (SBE) Subcommittee on Budget—Dennis Thompson, Chair-Elect, State Board of Education

Chair Postlewait reported that the PL Committee added some modifications to the recommendations of the SBE Subcommittee on Budget. The recommendations are as follows: (1) that the SBE meet, as needed, between now and the end of June with the understanding that, at some point, if revenue has been expended, SBE members' travel

reimbursement would not be made and that members agree to continue to attend meetings without travel reimbursement; (2) that the SBE will not eliminate their 2012 retreat meeting, which serves as the orientation for new SBE members and provides the opportunity for the SBE to set guidelines, goals, and objectives for the coming year, and that the SBE will try to find alternative funding sources for the retreat; (3) that the SBE will manage the educator certification cases actively and to cap the amount expended on the hearing officers; and (4) that the SBE will limit spending on the legislatively required volunteer awards.

Chair Postlewait moved, on behalf of the PL Committee, that the Board approve the modified recommendations of the SBE Subcommittee on Budget. The motion carried.

04. Affirmation of the Chair's Request to the Attorney General for Representation for the State Board of Education—Gerrita Postlewait, Chair, State Board of Education

Dr. Postlewait reported that the PL Committee approved a resolution to retain separate counsel for the SBE only when necessary in matters where there is a conflict of interest between the SBE and the SCDE's counsel. The resolution asks that the state attorney general appoint Mike Montgomery to serve as the SBE's counsel. If the state attorney general were to do that, Mr. Montgomery would serve at the fee schedule that is approved by the state. The state attorney general has asked for clarification on the SBE's intent regarding a specific attorney to represent the SBE.

Larry Kobrovsky asked if Mr. Montgomery is the same attorney that indicated he would serve free of charge, and, if so, this person may not be able to represent the SBE objectively. Chair Postlewait stated that there have been no conversations with the attorney general's office or with any individuals concerning pro bono representation for the SBE. She added that Mr. Montgomery was here this morning to meet SBE members and to answer any questions they may have. Mr. Kobrovsky said he questions whether the SBE has a right to ask the state to pay for an attorney, and he encourages those members who want a separate attorney to pay the attorney fees individually.

Shelly Kelly commented that if the SBE retains separate counsel, then the SCDE counsel cannot represent the SBE in any matters including those that are not in conflict with the SCDE or serve as parliamentarian. Phillip Bowers stated that he is opposed to the SBE retaining separate counsel. Charmeka Bosket clarified that SCDE funds do not include funds for a separate general counsel. Larry Kobrovsky commented that Ms. Bosket's explanation of funding was not clear in the resolution. Chair Postlewait said this was discussed in the PL Committee meeting. She called for the vote. Mr. Kobrovsky asked for a hand count. The motion carried.

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

Dru James reported there was one item placed on the consent agenda and stated there were two items for presentation to the SBE as follows.

FOR INFORMATION

02. Update on Common Core State Standards in South Carolina—Charmeka Bosket, Deputy Superintendent, Policy and Research

Charmeka Bosket gave an update on standards and curriculum, professional development, and assessment activities. Regarding professional development, Ms. Bosket said the SCDE has continued updating the SCDE Common Core Web site to facilitate the process by which districts pursue updates. Also, the SCDE has deployed the district implementation team videos sent to superintendents, content specialists, and instructional leaders across the state. This helps districts and the SCDE to work together on needs assessment for their rollout of Common Core State Standards (CCSS). Dr. Damara Hightower-Davis, Office of Teacher Effectiveness, Division of School Effectiveness, is leading this effort for us. Ms. Bosket added that the SCDE has worked with various organizations that have requested meetings—always reiterating the clarification that fiscal year (FY) 2011–12 and FY 2012–13 are transition years, FY 2013–14 is a bridge year, and FY 2014–15 is the year in which we will have full implementation. She said that we will continue to work with the Southwest Educational Development Laboratory (SEDL), the Council of Chief State School Officers, and the industry surrounding states that have adopted the CCSS. In an effort to streamline the process, focus has been on the digital infrastructure so that districts and schools do not have to rely on SCDE staff to provide additional training.

In the assessment area, the SCDE has partnered with SEDL to conduct an assessment study group to get input from the field to determine their preference with assessment options currently before the Governor, the Superintendent of Education, and the Chair of the State Board of Education. The SCDE is conducting a study group to do a fiscal analysis to determine the potential costs associated with pursuing assessment options. Ms. Bosket stated that the assessment consortia have not finished developing the assessment items.. We are not able to provide a series of test questions nor a price point per student. The committee discussed how they can help Chair Postlewait decide on assessment options concerning the CCSS.

Dru James commented that feedback from the districts indicates the districts are relieved that we are moving forward concerning CCSS implementation.

03. **Update on Instructional Leaders Roundtable Position Paper** —Dr. Mildred Rowland, President of the Instructional Leaders Roundtable

Dr. Mildred Rowland updated the SBE on the Instructional Leaders Roundtable Position Paper. She thanked the SCDE for moving forward with the implementation of the CCSS in SC. Dr. Rowland said she looks forward to continuing working with the SCDE in determining the types of assessment tests that are best for our students.

VIII. CONSENT AGENDA

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

Education Professions (EP)

01. **Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-62 (R 43-62) (Supp. 2009), Requirements for Additional Areas of Certification (First Reading)**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness
02. **Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-53 (R 43-53) (Supp. 2009), Credential Classification (First Reading)**—Kathy Meeks, PhD, Interim Director, Office of Educator Evaluations, Division of School Effectiveness

Policy and Legislative (PL)

02. **SBE Attendance Report**—Charmeka Bosket, Deputy Superintendent, Office of Policy and Research
05. **Hearing Panel Pool Members to Support the Procedures for Suspension, Revocation, and Refusal to Issue or Renew a School Bus Inspection Certification, School Bus Driver's Certificate, or School Bus Driver Instructor/Tester Certificate**—Tim Camp, Director, Office of Transportation, and John Dozier, Assistant Director, Office of Safety and Information, Office of Transportation, Division of Operations and Support
06. **Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-601 (R 43-601), Procedures and Standards for Review of Charter School Applications (First Reading)**—Mark Bounds, Deputy Superintendent, Division of School Effectiveness

Standards, Learning, and Accountability (SLA)

- 01. Proposed Amendments to State Board of Education (SBE) Regulation 24 S.C. Code Ann. Regs 43-274.1 (R 43-274.1), At-Risk Students. (First Reading)**—Sabrina Moore, Office of Student Intervention Services, Division of Accountability

Chair Postlewait asked for a motion to approve the consent agenda. John Rampey moved to approve the consent agenda. Josie Gaston seconded the motion. The motion carried.

IX. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS

Charmeka Bosket, Deputy Superintendent for Policy and Research, Office of Policy and Research

Charmeka Bosket reminded the SBE members that we have submitted the budget request on behalf of the SBE for FY 2012–13. The request was submitted on September 30 to the governor. Beginning in January, the budget for the entire state will begin in the House Ways and Means Committee, proceed to the Senate Finance Committee, and come back to the Governor. The budget request for the SBE remains at \$37,193. The SBE balance for FY 2011–12 is \$23, 200.

Ms. Bosket stated that Rose Sheheen has agreed to serve on the SC Reading Achievement Systemic Initiative panel established by the General Assembly. The panel met October 12 to begin the process that will yield a report on January 15, 2012. Ms. Bosket will update the SBE when the report is ready.

Tim Moore commented that he was curious as to why the Governor required budgets to be submitted since the legislative body is the entity that initiates the budgeting process. He asked if there was any input from the SBE on the budget submitted by the SCDE. Ms. Bosket responded that the SCDE did have input via the SBE Subcommittee on Budget that met on September 26. So the requested appropriation is based on an SBE subcommittee request. Mr. Moore asked if the request is subject for amendment. Ms. Bosket said that it can be amended if it is the will of the SBE. Chair Postlewait added that the deadline occurred before the SBE would meet again, so the budget recommendation had to come from the subcommittee due to the timeline.

Mike Brenan commented that he understood that Senator Mike Fair may be filing a bill that would prevent the SBE from moving forward on the CCSS and asked if there were any updates regarding this issue. Ms. Bosket said she knows that Senator Fair is opposed to the CCSS and that he was lead on a proviso, which did not pass, that would have prevented the SCDE from spending any funds towards the implementation of the CCSS or pursuit of assessments in support of the CCSS. The House and Senate pre-file deadlines have not yet passed, and she does not know yet whether Senator Fair will submit another bill.

Ms. Bosket also added, to be clear on Mr. Moore's earlier question concerning the budget submission process, that the Governor initiates the budgeting process by submitting her executive budget to the General Assembly in January. We are responding to her constitutional authority as are all state agencies. Mr. Kobrovsky asked how the attorney fees will be paid for the current fiscal year. Ms. Bosket responded that for the current fiscal year there has not been a plan for additional costs associated

toward hiring an attorney. She said that when activity takes place for the Board those bills are paid out of a separate account and that would continue to be the case with separate counsel along with currently-funded activities. David Longshore asked if it had been made clear that the budget could be amended. Dennis Thompson said the amount was already approved and set by the Governor and that he did not realize that a modification would be possible. Ms. Bosket said this was not the case, and that the subcommittee knew they could adjust up or down. Mike Brennan added that he confirmed Ms. Bosket's statement. Chair Postlewait commented that in the past, when the SBE exceeded the amount that the legislature set, the SCDE supplemented the SBE budget. Currently, because of very low funds for districts and schools, the decision was made not to supplement the SBE's budget with SCDE funds. She said that there needs to be a reconciliation concerning how money is spent, and if the SBE must have independent counsel and the budget is expended, the SBE members will not be reimbursed for travel to SBE meetings. Larry Kobrovsky said there is a possibility that the SBE may incur expenses before it is known whether the legislature will increase the budget. Chair Postlewait commented that the SBE will continue looking at the budget process and will discuss what the options are for next year's budget request.

X. OTHER BUSINESS

Nominating Committee to Recommend 2012 Chair-elect—Gerrita Postlewait, Chair of the State Board of Education

Chair Postlewait reported that the following SBE members have agreed to serve on the Nominating Committee to Recommend 2012 Chair-elect. They are Barry Bolen, Chair; Michael Blue; Mike Brennan; Lyn Norton; and Rose Sheheen. Mr. Bolen will bring the committee's recommendation to the November SBE meeting

Chair Postlewait also mentioned that the SBE made a brief recommendation to the Education Oversight Committee (EOC) on October 10, 2011, concerning the SBE action on the innovation initiative. Dr. Zais said the presentation was well received by the EOC.

Philip Bowers stated that the SBE does not know the long term costs of the CCSS implementation and testing. Mr. Bowers asked what will happen if there are no funds for CCSS and if there is a "Plan B." Dr. Zais said we already have a set of state standards and an accountability system to which we adhere. He added that if the General Assembly says the CCSS cannot be funded, we will use our current system and modify it as needed. Tim Moore asked if the SCDE will have a recommendation to the legislature as to whether to fund the CCSS. Dr. Zais responded that he has not been asked by the General Assembly. Ms. Bosket commented that as we are made aware of additional costs, we will let the General Assembly know. She said this is part of the planning process that the SCDE conducts any time a budget request is submitted to the Governor, the House Ways and Means Committee, and the Senate Finance Committee. Dru James stated that she hopes the information gathered over the next couple of months will resolve some of Mr. Bowers's doubts concerning costs associated with CCSS, and that the advantages of implementation will far outweigh the disadvantages of implementation.

Chair Postlewait confirmed that the SBE will meet in November either as a regular SBE meeting or as a work session on the innovation and assessment process, any pending matters on second reading items, and any teacher cases that need to be heard.

Tim Moore said Richard Huggins, former Blackville superintendent and former member of the SBE, is in terminal condition and asked everyone for prayer to support the Huggins family.

XI. ADJOURNMENT

There being no further business, the SBE adjourned at 3:00 p.m.