

## **MINUTES**

### **State Board of Education Meeting**

#### **Date**

**Tuesday, November 10, 2009**

#### **Time**

**11:30 a.m. Educator Certification Cases Meeting**

**1:30 p.m. State Board Regular Meeting**

#### **Location**

**Rutledge Conference Center**

**1429 Senate Street**

**Columbia, South Carolina**

***E. Tim Moore, Jr., Esq., Chair***

***Gerrita Postlewait, PhD, Chair-Elect***

***Jim Rex, PhD***

***State Superintendent of Education***

***Secretary and Administrative Officer to the Board***

## **I. EDUCATOR CERTIFICATION CASES**

The State Board of Education (SBE) convened at 11:30 a.m. to review the Educator Certification cases presented at the 9:00 a.m. meeting. The following SBE members were in attendance for the meeting: Chair Tim Moore, Second Judicial Circuit; Gerrita Postlewait, Chair-Elect, Fifteenth Judicial Circuit; Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Marilyn (Lyn) Norton, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred "Trip" DuBard III, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Dennis Thompson, Jr., Fourteenth Judicial Circuit; and Britt Blackwell, O.D., Sixteenth Judicial Circuit.

Absent with apologies were Rose Sheheen, Fifth Judicial Circuit, and Al Simpson, Sixth Judicial Circuit. Also absent was Libby Swad, Seventh Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Janice Poda, PhD, Deputy Superintendent, Administration; John Cooley, Deputy Superintendent, Finance and Operations; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Wendy Cartledge, Deputy General Counsel, Office of General Counsel; Barbara Drayton, Deputy General Counsel, Office of General Counsel; Karla Hawkins, Deputy General Counsel, Office of General Counsel; Jack Singletary, Education Associate, Office of Educator Certification, Division of Educator Quality and Leadership; Paul Bozard, Investigator, Office of General Counsel; and Cindy Clark, Minutes Taker.

**SBE Chair-Elect Postlewait declared the SBE in Executive Session.  
Open Session**

Britt Blackwell moved that the State Board suspend the certificate of Archie E. Barnhill, certificate 128069, for a period of three years, commencing on November 10, 2009, and ending on November 9, 2012, and approve the Consent Order of Suspension on the grounds of unprofessional conduct. Phillip Bowers seconded the motion. The motion carried.

**SBE Chair-Elect Postlewait declared the SBE in Executive Session.  
Open Session**

Britt Blackwell moved that the State Board accept the voluntary surrender of the certificate of Hubert T. Byrum, certificate 226053, and approve the Consent Order of Voluntary Surrender on the grounds of unprofessional conduct. Marilyn (Lyn) Norton seconded the motion. The motion carried.

**SBE Chair-Elect Postlewait declared the SBE in Executive Session.  
Open Session**

Britt Blackwell moved that the State Board permanently revoke the certificate of Jeffrey B. Hardwick, certificate 153353, and adopt an Order of Permanent Revocation on the grounds of unprofessional conduct. Dennis Thompson seconded the motion. The motion carried.

Chair-Elect Postlewait recused herself from participating in this educator certification case.

**SBE Chair-Elect Postlewait declared the SBE in Executive Session.  
Open Session**

Britt Blackwell moved that the State Board accept the voluntary surrender of the certificate of Steven W. Prince, certificate 210504, and approve the Consent Order of Voluntary Surrender on the grounds of unprofessional conduct. Phillip Bowers seconded the motion. The motion carried.

There being no further teacher cases, the SBE recessed at 12:00 p.m. for lunch.

<b>II. WELCOME/PLEDGE OF ALLEGIANCE</b>
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The SBE reconvened at 1:30 p.m. Board Chair Moore called the meeting to order and led the audience in the Pledge of Allegiance.

The National Guard SC Youth Challenge Academy Color Guard, led by Command Sergeant Major Michael Parker, presented the colors.

The following SBE members were in attendance for the meeting: Tim Moore, Chair, Second Judicial Circuit; Gerrita Postlewait, Chair-Elect, Fifteenth Judicial Circuit; Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Marilyn (Lyn) Norton, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred "Trip" DuBard III, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; and Dennis Thompson, Jr., Fourteenth Judicial Circuit, and Britt Blackwell, O.D., Sixteenth Judicial Circuit.

Absent with apologies were Rose Sheheen, Fifth Judicial Circuit, and Al Simpson, Sixth Judicial Circuit. Also absent was Libby Swad, Seventh Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Jim Rex, PhD, State Superintendent of Education; Janice Poda, PhD, Deputy Superintendent, Administration; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Sandy Smith, Deputy Superintendent, Division of Policy and Legislation; Valerie Harrison, EdD, Deputy Superintendent, Division of Standards and Learning; Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership; Betsy Carpentier, Deputy Superintendent, Division of Innovation and Support; John Cooley, Deputy Superintendent, Division of Finance and Operations; Barbara Drayton, Deputy General Counsel, Office of General Counsel; Karla Hawkins, Deputy General Counsel, Office of General Counsel; Teri Siskind, PhD, Deputy Superintendent, Division of Accountability, and Cindy Clark, Minutes Taker.

**III. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR OCTOBER 14, 2009**

Charles McKinney moved to approve the SBE minutes for October 14, 2009. Phillip Bowers seconded the motion. The motion carried.

**IV. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR NOVEMBER 10, 2009**

Chair Moore asked for a motion to approve the SBE agenda for November 10, 2009, with the following two changes: Item VIII, Establishment of a Fee for the Reinstatement of an Educator's Certificate after Suspension (Second Reading) be postponed to December's Board Meeting as it was not posted with the Board materials package, and that Item IX which was left off the agenda be added. Cindy Clark moved to approve the motion and Britt Blackwell seconded. The motion carried.

**V. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA**

Board Chair Moore welcomed all visitors to the SBE meeting. There was no news media present.

Chair Moore turned the meeting over to Superintendent Jim Rex to present recognitions and his report.

**VI. STATE SUPERINTENDENT OF EDUCATION REPORT AND RECOGNITIONS**

State Superintendent of Education Rex recognized two National Science Teachers Association Teacher Academy Fellows for 2009:

- Linda Hellstein, Ridgeview High School, Richland District Two. Rose Sheheen is her SBE member.
- Sean Uthe, Academy for Technology and Academics, Horry County School District. Gerrita Postlewait is his SBE member.

Dr. Rex also recognized Kanelia Cannon, A.L. Corbett Middle School, Aiken County School District, recipient of the National Counsel of Teachers of English Early Career Teacher of Color Award of Distinction. Tim Moore is her SBE member.

Dr. Rex announced that this year 57 percent of students are on free and reduced lunch (up from 52 percent last year) and that we are waiting to hear revenue projections from the Board of Economic Advisors.

Dr. Rex gave an update on a report and news release that had recently come out that is good news for South Carolina. He said we are recognized as one of the most innovative and choice-driven public choice school systems in the country. In the "choice" area, we have made progress. Last year, we had 60,000 children in public choice schools that did not exist three years ago. A United States Chamber of Commerce study shows South Carolina going from thirty-fourth in the nation to seventeenth. Dr. Rex pointed out that the grades and data used did not include some things that should have been included. He also reported on our grades in other areas as follows:

- Finance: We received a "B," but it did not include flexibility on the spending proviso.
- *Begin in 10*: Legislation is still pending that will make the finance system simpler and more transparent. When these components are factored in, we should receive a more favorable rating.

- School management and standards: We are getting better in this area. Dr. Rex noted that 92 percent of teachers find routine duties and paperwork are interfering with their duties. This report leaves out the changes in the EAA that did away with academic plans. Since these plans have been done away with, we'll do better in this category in the future .
- Staff hiring and evaluation: We received a "B." Our ADEPT program has received great reviews nationally.
- Alternative certification program: We received credit for how we certify people to teach in our classrooms.
- Removing ineffective teachers: We received a "B." This does not take into account the proviso passed last year for turnaround schools which allows us to remove teachers in persistently low performing schools when deemed necessary.
- Data: We received a "B" but this does not take into consideration the upgrade to PowerSchool. When we get that in place, we will receive an even better grade in this area.
- Pipeline to post-secondary education: We received a "C" but should get better due to the Commission on Higher Education's curriculum articulation initiative. South Carolina is the only state doing involving P-12 and higher education in an attempt to assist students in making a smooth transition to higher education.
- Technology: We received a "C." Dr. Rex said we should do better than this grade., The virtual school is very successful, but affordability (underfunded) is one of our concerns in this area.
- State reform environment: The United States Chamber of Commerce decided there is not enough data in all fifty states but thinks South Carolina will rank high in the future. South Carolina is the only state that has an office for innovation and for public school choice.

Dr. Rex reminded the group that South Carolina is making progress in terms of the rest of the nation. Recognition by the Chamber and these types of reports will help us in the area of future workforce development.

## **VII. PUBLIC COMMENT**

There was no one present for public comment.

## **VIII. STATE BOARD COMMITTEE ITEMS**

### **EP EDUCATION PROFESSIONS**

**Committee Report**—Patsy Pye, Chair

Committee Chair Pye reported that the Education Professions Committee met Tuesday, November 10, 2009, at 9:00 a.m., in Rutledge Room 1000.. Mrs. Pye provided the Board with an overview of the committee meeting and stated there were three items for approval as follows:

**FOR APPROVAL**

- 01. Proposed Amendments to 24 S.C. Code Ann. Regulations 43-62 (Supp. 2009), Requirements for Additional Areas of Certification (First Reading)**—Jim Turner, Director, Office of Educator Certification, Division of Educator Quality and Leadership

Jim Turner gave an overview of the five areas of add-on certification. Three of the proposed changes are related to new add-on areas of certification which are adjunct instructor, Montessori, and on-line teaching.

The other two changes are related to revisions in current requirements. We now have four areas of certification in reading that are outdated. The proposed change is to emphasize illiteracy focus and three new areas of literacy certification. There is also a minor course change in add-on requirements in mathematics education. Ginny Riga (Montessori Task Force), Pam Wills (Reading and Literacy Task Force), and Dee Appleby (Director, Office of e-Learning) were on standby to answer any questions from the Board.

A motion was made by Mrs. Pye and recognized by Chair Moore that the Board approve for first reading the amendments to Regulation 43-62. It was approved unanimously.

- 02. Professional Review Committee (PRC) Recommendations for One New Educator Preparation Program in South Carolina**—Allison Jacques, PhD, Director, Office of Educator Preparation, Support, and Assessment, Division of Educator Quality and Leadership

Allison Jacques reported that the PRC recommends approval of one new educator preparation program which is the MAT in Music Education at the University of South Carolina, Columbia.

A motion was made by Mrs. Pye and recognized by Chair Moore that the Board approve the new music education program. It was approved unanimously.

**03. Proviso and Resolution Regarding Substitute Teachers in South Carolina**

Mark Bounds reported on the importance of substitute teachers. Chair Moore and Trip DuBard asked that communication be sent to all superintendents by Jim Foster, Office of Communications, and to all school board members statewide. Cindy Clark expressed appreciation for the opportunity to discuss this issue. Mr. Moore asked for a motion to publicize. The proviso and resolution were unanimously approved.

**IF INNOVATION AND FINANCE**

**Committee Report**—Phillip Bowers, Chair

Committee Chair Bowers reported that the Innovation and Finance Committee met Tuesday, November 10, 2009, at 9:30 a.m., in the Rutledge Building Conference Center. Mr. Bowers provided the Board with an overview of the committee meeting and stated there was one item for information as follows:

**FOR INFORMATION**

**01. Innovative Education Projects in South Carolina**

Committee Chair Bowers reported that Betsy Carpentier, Deputy Superintendent, Innovation and Support, presented the Innovative Education Projects in South Carolina, and everyone was given a handout. Mr. Bowers said this topic will be included on the agenda for the January retreat. What was the topic/innovation?

Mr. Bowers also mentioned that the Board of Economic Advisors meeting would be held the afternoon of November 10, 2009, and asked Dr. Rex to update the Board.

Dr. Rex said there is another 2 percent shortage in revenue in the general fund and 2 percent shortage in EIA funding. The 2011 base budget will be what the new reduced budget will be for the remainder of this year. This is an across-the-board cut and will be made by the Budget and Control Board in December of somewhere between 2 and 3 percent.

Mr. Bowers also expressed his distain for across-the-board cuts in education.

**PL POLICY AND LEGISLATIVE**

**Committee Report**—Tim Moore, Chair

Since Chair Moore did not attend the Policy and Legislative (PL) Committee meeting, which met Tuesday, November 10, 2009, at 10:30 a.m. in the Rutledge Conference Center, Chair-Elect Postlewait gave the report. Dr. Postlewait provided the Board with an overview of the committee meeting and stated there were two items for approval and one item for information as follows:

**FOR APPROVAL**

- 01. Repeal of 24 S.C. Code Ann. Regs. 43-233 (Supp. 2009), South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001–2004**—Dr. Bob Couch, Director, Office of Career and Technology Education, Division of Standards and Learning

Dr. Postlewait stated this repeal removes a defunct portion of a career and technology plan that expired in 2004 and asked Pat Flora, Education Associate for the Office of Career and Technology Education, Division of Standards and Learning, to give a report to the Board concerning the first reading of the recommendation to repeal Regulation 43-233, the South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001–2004.

Ms. Flora informed the Board that every year the SCDE is required to update the State Plan with performance goals and any proposed revisions.

A motion was made by Dr. Postlewait that the Board approve for first reading the repeal of Regulation 43-233. The motion carried unanimously.

- 02. Proposed State Board of Education (SBE) Meeting Schedule for 2010**—Janice Poda, PhD, Deputy Superintendent for Administration

Dr. Postlewait stated that Dr. Poda reviewed the proposed SBE calendar for 2010 in the PL Committee meeting and asked her to inform the Board of an issue pointed out for February. Dr. Poda said that during the state planning portion of a recent Common Core Standards meeting, it was decided it may be best

to have a joint meeting of the EOC and SBE on Monday, February 8, 2010, at 1:00 p.m. and the State Board meeting was moved to Tuesday, February 9 so that Board members would not have to go home and return on Tuesday.

A motion was made by the committee and recognized by Chair Moore that the 2010 calendar be approved noting that they will continue to meet on the second Wednesday of the month with committee meetings in the morning and the full Board meeting in the afternoon. The one exception is in February when there will be a joint meeting of the SBE and the EOC on Monday, February 8, 2010, at 1:00 p.m. and the SBE will meet on Tuesday, February 9. He also included that the calendar be open for flexibility during the next year. The motion was approved unanimously.

### **FOR INFORMATION**

- 03. Briefing on Implementation of Changes in the Education Accountability Act**—Dr. Debra Hamm, Representative of the South Carolina Association of School Administrators (SCASA) and Chief Communications Officer, Richland School District Two

Dr. Postlewait reported that Dr. Hamm did a presentation on the manner in which cut scores on PASS tests are established. It was found that there are no significant differences in cut scores on PASS or PACT.

Dr. Postlewait also asked all SBE members to send, within the next two weeks, any suggested items for Mr. Moore's consideration for the January retreat.

## **SLA STANDARDS, LEARNING, AND ACCOUNTABILITY**

**Committee Report**—Cindy Clark, Chair

### **FOR APPROVAL**

- 01. South Carolina Virtual School Program Regulations (First Reading)**—Dee Appleby, Director, Office of eLearning, Division of Standards and Learning

Committee Chair Clark stated there was one item for approval and asked Dee Appleby to give a report to the Board. Ms. Appleby said there were a few changes made to the guidelines concerning the fee for students who cannot afford to pay for courses. It was decided that free and reduced lunch students would not be charged, and 50 percent of the courses will be

reserved for seniors. Mr. Bowers asked about funding for online teachers and Ms. Appleby explained.

A motion was made from the committee and recognized by Chair Moore for approval of the South Carolina Virtual School Program Regulations, First Reading. It was approved unanimously.

**FOR INFORMATION**

02. **Achievement Levels (Performance Standards) for the End-of-Course Examination Program (EOCEP) Biology**—Teri Siskind, PhD, Deputy Superintendent, Division of Accountability
03. **Update on Common Core Standards**—Valerie Harrison, EdD, Deputy Superintendent, Division of Standards and Learning
04. **Update on PASS**—Teri Siskind, PhD, Deputy Superintendent, Division of Accountability

Ms. Clark reminded the Board that December 18, 2009, is the date test results will be available.

Marlene Metts, Office of Exceptional Children, reported the need to amend SBE Regulation 43-243, which covers students with disabilities, and that changes should be incorporated in federal regulations that went into place on 12/31/08.

**IX. OTHER BUSINESS**

Chair Moore asked for a motion to ratify the agenda for the Educator Certification cases that were reviewed at the 9:00 a.m. meeting. Gerrita Postlewait moved to approve the ratification agenda as presented. Dennis Thompson seconded the motion. The motion carried.

Dr. Rex commented that the discussion of a joint meeting with the SC School Boards Association to discuss school board leadership may need to be an agenda item at the retreat.

Mr. Moore asked for members' preferences for committee assignments for 2010, He asked that he be e-mailed this information before the January meeting so he can make assignments before the January meeting.

Mr. Bowers asked if the Finance and Operations Committee and the Innovation and Support Committee should remain combined as the

Innovation and Finance Committee. It was agreed to place this on next month's agenda to adopt a rule to permanently combine these committees.

Mr. Moore asked Mrs. Kelly for a brief outline of what each committee does and that this information be sent to the current and new Board members.

<b>X. ADJOURNMENT</b>
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Mr. Bowers moved to adjourn. Marilyn (Lyn) Norton seconded. There being no further business, the SBE adjourned at 2.55 p.m.