

Minutes
STATE BOARD OF EDUCATION MEETING
WEDNESDAY MAY 9, 2007
TIME: 9:30 a.m.
RUTLEDGE STATE OFFICE BUILDING
BASEMENT CONFERENCE ROOM
COLUMBIA, SOUTH CAROLINA

John Tindal, Chair
Al Simpson, Chair-Elect
Jim Rex
State Superintendent of Education
Secretary and Administrative Officer to the Board

The State Board of Education (Board) held its May meeting at 9:30 a.m., Wednesday morning, May 9, 2007, in the Basement Conference Room of the Rutledge State Office Building.

State Board of Education members present were John Tindal, Chair; Al Simpson, Chair-Elect; Mrs. Patsy Pye; Mr. Hampton Hubbard; Ms. Diane Sumpter; Mrs. Libby Swad; Ms. Cindy Clark; Mr. Rick Adkins; Ms. Amelia Herlong; Mr. Fred "Trip" DuBard III (arrived late); Dr. Daniel Varat; Mr. Ben Mitchell; Mr. Joe Isaac; Dr. Britt Blackwell; and Mrs. Kristin Maguire.

Absent was Mr. Charles McKinney.

In attendance were State Superintendent Jim Rex; Carol Collins, Recording Secretary; Shelly Kelly, Parliamentarian; and State Department of Education staff as well as members of the public.

I. WELCOME/PLEDGE OF ALLEGIANCE

The meeting was brought to order by Chair Tindal. The audience was asked to stand for the Pledge of Allegiance.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES OF APRIL 10 AND 11, 2007, MEETING

Dr. Danny Varat moved for the approval of the State Board of Education minutes of April 10 and 11, 2007. Mr. Joe Isaac seconded the motion. The motion carried.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR MAY 9, 2007

Dr. Danny Varat moved to approve the State Board of Education agenda, with the following amendment: delete items 54-02 and 54-03 from the Finance and Legislative Items. Mrs. Kristin Maguire seconded the motion. The motion carried with four opposing votes: Mr. Joe Isaac, Mrs. Patsy Pye, Ms. Diane Sumpter, and Mr. John Tindal.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Tindal asked all visitors and any news media to stand and be recognized. There was no news media present. Chair Tindal then welcomed the students from the Student Ad Hoc Advisory Committee and their parents. He stated that the students would be spending the day visiting the General Assembly and touring the State House.

Dr. Rex thanked the students from the Student Ad Hoc Advisory Committee. He stated that we need bright young people to get involved in the education process.

Chair Tindal asked the Board for a moment of silence for Mrs. Virginia Wilson. Mrs. Wilson served on the State Board representing the Second Judicial circuit. She passed away last month.

Chair Tindal then turned the agenda over to the State Superintendent of Education for his report.

V. STATE SUPERINTENDENT OF EDUCATION REPORT

State Superintendent of Education Jim Rex recognized Holly Hartell, Media Specialist from Pacolet Elementary School, Spartanburg School District Three, as the winner of the 2007-08 American Association of School Librarians (AASL) Information Technology Pathfinder Award. Mrs. Hartell will receive \$1,000, and Pacolet Elementary's library will receive \$500. Mrs. Libby Swad is Ms. Hartell's State Board member.

Dr. Rex thanked everyone for their support during his illness. He thanked all of the Board members who were able to attend the Teacher of the Year Banquet and

recognized the new teacher of the Year, Ms. Ann Marie Taylor from Kershaw County. He said Ms. Taylor was going to be an outstanding advocate for our state and schools.

Dr. Rex reported on the sixteen Palmetto Priority schools that were discussed at last month's meeting. He stated that Mr. David Rawlinson was the Coordinator of the Palmetto Priority School Project. Mr. Rawlinson is a former principal in Rock Hill School District Three and has been working in the Office of School Quality. Dr. Rex stated that the first meeting of the Palmetto Priority Schools Collaborative would be held on Tuesday, May 29, 2007, at 10:00 a.m. at Brookland Conference Center in West Columbia. Dr. Warren Simmons of Brown University and the Annenberg Foundation would be the keynote speaker. Dr. Simmons directs the Annenberg Institute for School Reform at Brown University. Dr. Rex encouraged Board members to attend.

Dr. Rex stated that he had done his last two Town Hall meetings, one was in Florence and the other one was in Charleston. He thanked the Board members for attending these meetings as he went around the state. He said that he would be going back out again next year to conduct a state-wide inventory on public school choice. There are two things we need to know: (1) what choices are not being offered in our public schools and (2) what choices would parents, community leaders, and others like to see more of in our public school settings.

Dr. Rex stated that at the State Board Retreat next month two issues that will be discussed are the reorganization of the State Department of Education and reforms of the accountability and assessment systems.

Dr. Rex said that he had recently returned from Washington. He went to get a clearer picture of the upcoming revisions to the No Child Left Behind Act. After meeting with congressmen from South Carolina and chief state school officers from around the country, he learned that there was probably not going to be a reauthorization of the No Child Left Behind Act in the near future.

VI. PUBLIC COMMENT PERIOD

Chair Tindal recognized the following four people for public comment.

1. The Honorable Larry Grooms, Senate of South Carolina. Senator Grooms asked that the State Board of Education support Senate Bill 726.
2. Mr. David Church spoke on behalf of Fuller Normal Technical Charter School and the South Carolina Association of Public Charter Schools regarding the transfer of special education funds.
3. Ms. Robin Smith from Charleston expressed her concerns both as a parent and educator about proposed revisions to special education regulations 43-243 and 43-243.1.

4. Ms. Ellen Mauldin, parent, expressed her concerns regarding the proposed revisions to special education regulations 43-243 and 43-243.1.

VII. STATE BOARD ITEMS

**56. Teacher Recruitment, Training, and Certification Items
Kristin Maguire, Facilitator**

There were no items presented for approval or information to TRTC items.

**55. Curriculum and Instructional Materials Items
Patsy Pye, Facilitator**

FOR APPROVAL

01. C&I Items Overview

Theresa Siskind, PhD, Deputy Superintendent, Division of Curriculum Services and Assessment, gave a brief overview of the C & I items.

02. Annual Report of the Accreditation of School Districts in South Carolina for the 2006-07 School Year

Ms. Janet Perry, Education Associate, Office of School Quality, Division of Curriculum Services and Assessment, presented this item. Ms. Perry shared the final accreditation classification for each district educational component and education unit for the 2006-07 school year. She stated that prescribing accreditation standards for the operation of a defined educational program in the school districts of South Carolina is among the specific authorities delegated to the State Board of Education in 1963 by Act 309.

The State Department of Education recommends approval of final accreditation classification of each district educational component and education unit for the 2006-07 school year.

Mrs. Kristin Maguire moved that the Board approve the Annual Report of the Accreditation of School Districts in South Carolina for the 2006-07 school year. Mr. Al Simpson seconded the motion.

Comments of the Annual Report were received by Board members.

Ms. Sumpter asked how the ten schools classified in the report as on probation would compare to the sixteen schools that have not met expected progress. Mrs. Perry stated that she did not have the information available at the meeting but would provide it to the Board.

The Chair then called for the question. The motion carried.

03. South Carolina Transition Plan, July 1, 2007-June 30, 2008, for the Carl D. Perkins Career and Technical Education Act of 2006 (State Transition Plan)

Dr. James R. Couch, Director, Office of Career and Technology, Division of District and Community Services, presented this item.

Dr. Couch explained that the State Department of Education (SDE) needs to obtain State Board approval of the State Transition Plan in one reading to receive federal funds for career and technology programs. The U.S. Department of Education (ED) did not issue the final state plan guidance until March 12, 2007. The due date for state plan submittal is May 7, 2007. The Office of Career and Technology Education requested an extension of one week to allow for State Board review and approval of the plan on May 9, 2007.

The newly authorized Carl D. Perkins Career and Technical Education Act for 2006, P.L. 109-270 (Perkins IV), requires each eligible agency to prepare and submit to the ED's Office of Vocational and Adult Education (OVAE) a State Plan for a six-year period.

Dr. Couch stated that the South Carolina Department of Education recommends approval of the South Carolina Transition Plan, July 1, 2007-June 30, 2008, for the Carl D. Perkins Career and Technical Education Act of 2006,

and requested authority for the SDE to negotiate and make changes required by the ED for plan approval. Due to the May 2007 deadline, the SDE requests a waiver of second reading for approval by the State Board of Education.

Mr. Al Simpson moved to approve the South Carolina Transition Plan, July 1, 2007-June 30, 2008, for the Carl D. Perkins Career and Technical Education Act of 2006 (State Transition Plan). Mrs. Kristin Maguire seconded the motion. The motion carried.

Mrs. Kristin Maguire moved to suspend the rules to waive 55.03 for second reading. Mr. Joe Isaac seconded the motion. The motion carried.

04. South Carolina English Language Arts Academic Standards 2007 (Second Reading)

Ms. Cathy Jones, Education Associate, Office of Curriculum and Standards, Division of Curriculum Services and Assessment, presented this item for second reading.

Ms. Jones reviewed the process for reviewing the South Carolina English Language Arts Academic Standards 2007 and the timeline for approval for the 2007 Standards.

Ms. Jones stated that the State Department of Education recommends approval by the State Board of Education.

Ms. Cindy Clark moved to have the South Carolina English Language Arts Academic Standards 2007 (Second Reading) carried over. Mrs. Libby Swad seconded the motion.

Chair Tindal requested that each member of the Board explain what they felt was wrong with the ELA Standards as they were being presented. Mrs. Maguire called for a point of order stating that this could not be required of Board members. The Board members responded to the chair's request by either expressing their concerns or deferring. Chair Tindal stated the state was at a critical point with this document. He stated that he realized that what he asked of the other Board members was somewhat unusual, but he felt it was important for the

members to figure out what is wrong with the standards so that the Board could proceed in the right direction.

After further discussion, Mrs. Pye, Facilitator, called for the vote. She then called for a show of hands. The motion carried 8-7 to carry over the agenda item.

Dr. Varat called for a point of order stating that he understood the rules to say that carry over was subject to the call of the chair. Chair Tindal accepted Dr. Varat's interpretation and will determine when the agenda item will be brought back before the Board.

05. South Carolina Formative Reading Assessments for Grades One and Two

Theresa Siskind, PhD, Deputy Superintendent, Division of Curriculum Services and Assessment, presented the item.

Dr. Siskind stated that the purpose of this item is to request approval of *The Ohio Diagnostic Assessments*. South Carolina and Ohio have entered into an agreement that permits South Carolina to use the Ohio assessments at no cost to the state. The Ohio assessments meet the requirements of § 59-18-310(E).

The South Carolina Department of Education recommends approval of the Ohio Diagnostic Assessments as South Carolina's formative reading assessment for grades one and two.

Mr. John Tindal moved to approve South Carolina Formative Reading Assessments for Grades One and Two. Mr. Joe Isaac seconded the motion. The motion carried.

06. Proposed Amendments to S.C. Code Ann. Regs. 43-243 (Supp. 2006), Special Education, Education of Students with Disabilities (First Reading)

Susan DuRant, Director, Office of Exceptional Children, Division of Curriculum Services and Assessment, presented the item. Ms. DuRant stated that the purpose of this amendment is to align state rules, regulations, and policies related to the education of children with disabilities to the purposes and requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). This regulation incorporated by reference

the federal IDEA regulation found in 34 CFR Parts 300 and 301. This alignment will include all procedures, timelines, and requirements contained in the IDEA regulation.

Mrs. Kristin Maguire moved to approve proposed amendments to S.C. Code Ann. Regs. 43-243 (Supp. 2006), Special Education, Education of Students with Disabilities (First Reading). Mr. Joe Isaac seconded the motion.

Mrs. Maguire asked that Board members be provided a summary prior to the Board meeting of the changes being made when a regulation is being proposed. Mrs. DuRant is to provide a summary of the proposed regulation to the Board members before second reading. Dr. Varat then asked for a description of how input will be solicited and collected from the public and school districts prior to the second reading. Mrs. DuRant stated that this information would be provided. Dr. Rex asked that before the regulation is brought before the Board for second reading, that a report be provided to the Board stating what was done by the Office of Exceptional Children to receive comments from the public, and who responded in writing or attended hearings. Mr. Tindal recommended that the staff adhere to the "Notice of Public Hearing and Opportunity for Public Comment" before bringing the regulation to the Board for second reading.

After comments from Board members, Mrs. Pye, Facilitator, called for the question. The motion carried.

07. Proposed Amendments to S.C. Code Ann. Regs. 43-243.1 (Supp. 2006), Criteria for Entry into Programs of Special Education for Students with Disabilities (First Reading)

Susan DuRant, Director, Office of Exceptional Children, Division of Curriculum Services and Assessment, presented the item.

Ms. DuRant stated that the proposed amendments of R 43-243.1 is to align state rules, regulations, and policies relating to the education of children with disabilities to the purpose and requirements of the Individuals with Disabilities Education Improvement Act regulation found in 34 CFR Parts 300 and 301.

The State Department of Education recommends that the State Board of Education accept the amendment to R 43-243.1 for first reading.

Mrs. Kristin Maguire moved to approve proposed amendments to S.C. Code Ann. Regs. 43-243.1 (Supp. 2006), Criteria for Entry into Programs of Special Education for Students with Disabilities (First Reading). Mr. Joe Isaac seconded the motion.

Dr. Varat asked that the information request in item 55-06 be provided for this regulation as well.

After comments from Board members, Mrs. Pye, the Facilitator, called for the question. The motion carried.

AS INFORMATION

08. Information on Approval of 4K Waiver Request for 2006-07 Pursuant to R 43-264.1, Half-Day Child Development Programs.

Ms. Robin McCants presented the information on approval of 4K Waiver requests for 2006-07 pursuant to R 43-264.1, Half-Day Child Development Programs. She stated that nine school districts requested waivers to enable the districts to supplement salaries of teachers and assistants in their 4K program. The districts are Aiken County School District, Anderson School District Two, Charleston County School District, Edgefield County School District, Greenwood School District Fifty-One, Richland School District One, Richland School District Two, Spartanburg School District Seven, and York School District Three.

09. South Carolina Virtual School Program

Due to time constraints, the Board requested that the South Carolina Virtual School Program be brought for discussion at a later date.

**54. Finance and Legislative Items
Joe Isaac, Facilitator**

FOR APPROVAL

01. F&L Items Overview

Betsy Carpentier, Deputy Superintendent, Division of School Enterprise Operations, presented a brief overview on behalf of John Cooley, Deputy Superintendent, Division of Finance and Operations.

FOR INFORMATION

04. State Board of Education Financial Statements

Mrs. Betsy Carpentier presented this item on behalf of Mr. John Cooley. She provided the Board members with an update on their budget.

**52. Educational Policy Items
John Tindal, Facilitator**

There were no items for approval or information.

VIII. OTHER BUSINESS

The Chair recognized Dr. Blackwell. Dr. Blackwell presented the resolution below to the Board members and made the following motion: Due to the positive influence the study of the Bible will bring to our students' understanding of our country's history and literature, as well as the positive impact on our society's character and integrity, I move to have the State Board of Education support the following resolution.

Be it resolved the South Carolina State Board of Education is in support of Senate Bill 726 and commends its overwhelming bipartisan support in the Senate. We hereby assure the state legislature the State Board of Education will approve the appropriate curricula and materials to be used with the elective Bible course. The State Board of Education will also establish the proper guidelines to be followed by the high schools offering this course and will provide any needed assistance to local school districts. We applaud Senator Grooms and the South Carolina Senate in the introduction of this bill and encourage its quick passing by the Senate and the South Carolina House of Representatives. Be it further resolved copies of this resolution should be presented to the President of the Senate, Speaker of the House, and the Governor of South Carolina.

The motion was seconded by Mrs. Kristin Maguire.

Some Board members expressed concerns that they had not reviewed the Senate bill and were being asked to vote on the motion to approve the resolution. Mrs. Maguire spoke on behalf of the motion.

Mrs. Maguire brought up a point of order asking if there needed to be a suspension of rules in order to pass this resolution today. Mr. Tindal stated that the Rules of Governance indicate that no issue should be brought up that the Board would vote on that was not placed on the Board's agenda. This item was not on the agenda. In order to take up an item not on the agenda, the rules would have to be suspended and that would require two-thirds vote by the quorum of the attending members. Mrs. Maguire asked if it would be appropriate to withdraw the motion and move to suspend the rules. Mr. Tindal stated that would be appropriate.

Dr. Blackwell withdrew his motion and Mrs. Maguire withdrew her second.

Mrs. Maguire moved to suspend the rules for consideration of this resolution as presented by Dr. Blackwell. Mr. Atkins seconded the motion.

Chair Tindal then called for the question to suspend the rules to consider the resolution presented by Dr. Blackwell. The Chair called for a count of the show of hands. The motion failed.

Mrs. Stuckey stated that the Department of Education did support this legislation. She explained that the State Board of Education adopts the standards; they do not adopt curriculum. The subcommittee would present an amendment to the full committee that the local school district be allowed to adopt the curriculum, not the State Board of Education.

Dr. Blackwell requested that the resolution be on the agenda for the next Board meeting.

Chair Tindal requested that this be added to next month's agenda as requested by Dr. Blackwell.

Mrs. Maguire presented to the Board members a concern that a mental health worker who does counseling spoke with her about. It is about the "ramping up" to PACT testing time.

Dr. Varat asked if PACT was going to be on the State Board Retreat agenda. Chair Tindal verified that it would be.

Mr. Isaac stated that a message can be sent to the schools that this should be a daily activity, not two or three weeks prior to PACT testing.

Dr. Rex stated that the concerns about high stakes testing are being heard all over the country. He stated that there needs to be more emphasis on formative testing throughout the year. There needs to be a discussion with the Education Oversight Committee on striking a balance in terms of how we are testing students in the state.

Mr. Hubbard requested copies of the actual PACT tests be provided at the Board Retreat in June. Dr. Siskind stated that she would provide sample test questions.

Dr. Varat asked that the State Department of Education (SDE) staff prepare a report for the July State Board agenda, on all charter schools opened since 2000, detailing the actions taken by the SDE and the time at which they were taken, to include (1) informing the charter schools (charter) of the federal funds that the charters were eligible to receive and the federal programs in which the charter schools may participate, and (2) ensuring that the charter schools receive their commensurate share of federal funds each year, including the first year of operation. The report to the State Board of Education should include the accounting data detailing the transactions whereby new charter schools received the funds for which they are eligible based upon the first-year projections. The report should also include a detailed legal justification for any reasons whereby funds were not made available during the first year of operation.

Chair Tindal gave a report on Mr. McKinney, who has recently had heart bypass surgery. He is doing well and is expected to be released from the hospital today.

Chair Tindal reminded the Board about the Tuesday, June 12 and Wednesday, June 13, State Board Retreat. The Board will be sent directions on the location of the retreat.

Chair Tindal reminded Board members of the dinner being held after the Board meeting by the South Carolina Publishers' Association at 6:00 p.m. at the Summit Club.

Chair Tindal requested that for future meetings, if a member had an item they wanted removed from the agenda, to let him know and he would notify the proper people to have the item removed. This way no one would be caught off guard.

IX. EXECUTIVE SESSION

The State Board of Education (Board) held a meeting on Wednesday, May 9, 2007, in the Basement Conference Room of the Rutledge State Office Building to discuss educator certification cases.

State Board of Education members present were John Tindal, Chair; Al Simpson, Chair-Elect; Mrs. Patsy Pye; Mr. Hampton Hubbard; Ms. Diane Sumpter; Mrs. Libby Swad; Ms. Cindy Clark; Mr. Rick Adkins; Ms. Amelia Herlong; Mr. Fred "Trip" DuBard III; Dr. Daniel Varat; Mr. Ben Mitchell; Mr. Joe Isaac; Dr. Britt Blackwell; and Mrs. Kristin Maguire.

Absent were Mr. Charles McKinney and Ms. Diane Sumpter.

Chair-Elect Simpson brought the meeting to order and declared the Board in Executive Session.

Dale Stuckey, Esquire, Chief Counsel, Office of General Counsel, introduced Wendy Cartledge, Esquire, a new attorney in the Office of General Counsel, who would be handling the teacher cases.

Open Session

1. Mrs. Kristin Maguire moved that the State Board of Education deny the reinstatement of Mr. Vincent M. Binion, certificate 129073, on the grounds of unprofessional conduct. Mr. Ben Mitchell seconded the motion. The motion carried unanimously.

Executive Session
Open Session

2. Mrs. Kristin Maguire moved that the State Board of Education deny the reinstatement of Mr. Fellie Sweat, Certification 112528, on the grounds of unprofessional conduct. Ms. Cindy Clark seconded the motion. The motion carried unanimously.

Executive Session
Open Session

3. Mrs. Kristin Maguire moved that the State Board of Education grant a certificate to Ms. Danette S. Carder. John Tindal seconded the motion. The motion carried with one opposing vote by Mr. Rick Adkins.

Executive Session
Open Session

4. Mrs. Kristin Maguire moved that the State Board of Education grant a certificate to Mr. Benjamin C. Green. Mr. John Tindal seconded the motion. The motion carried with one opposing vote by Ms. Cindy Clark.

Executive Session

Open Session

5. Mrs. Kristin Maguire moved that the State Board suspend the certificate of Ms. Natasha K. Jones, certificate 182272, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. John Tindal seconded the motion. The motion carried unanimously.
6. Mrs. Kristin Maguire moved that the State Board suspend the certificate of Ms. Rosa L. Scott, certificate 133429, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. Rick Adkins seconded the motion. The motion carried unanimously.
7. Mrs. Kristin Maguire moved that the State Board suspend the certificate of Ms. Judith L. Soto, certificate 184515, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. John Tindal seconded the motion. The motion carried unanimously.
8. Mrs. Kristin Maguire moved that the Board suspend the certificate of Ms. Susan C. McKay, certificate 161677, for a period of one year, and approve the Consent Order of Suspension, on the grounds of unprofessional conduct. Mr. Rick Adkins seconded the motion. The motion carried unanimously.
9. Mrs. Kristin Maguire moved that the Board issue a public reprimand to Mr. Louis M. Csencsits, certificate 194600, and approve the Consent Order of Public Reprimand, on the grounds of unprofessional conduct. Mr. John Tindal seconded the motion. The motion carried unanimously.

XIV. ADJOURNMENT

There being no further business, the Board meeting adjourned at 5:00 p.m.