

Minutes
STATE BOARD OF EDUCATION MEETING
WEDNESDAY FEBRUARY 14, 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 February meeting at 9:30 a.m., Wednesday morning, February 14, 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; Mr. Rick Adkins; Dr. Britt Blackwell; Ms. Cindy Clark; Mr. Fred "Trip" DuBard III; Ms. Amelia Herlong; Mr. Hampton Hubbard; Mr. Joe Isaac; Mr. Charles McKinney; Mrs. Kristin Maguire; Mr. Ben Mitchell; Mrs. Patsy Pye; Ms. Diane Sumpter; Ms. Libby Swad; and Dr. Daniel Varat (arrived late).

Absent was Ms. Virginia Wilson.

In attendance were State Superintendent Jim Rex; Carol Collins, Minute-taker and 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 JANUARY 9, 2007, MEETING

Mrs. Kristin Maguire moved to approve the minutes with the following correction made on behalf of Mrs. Terrye Seckinger: Educational Policy Items No. 02 should reflect Mrs. Seckinger's opposition to any convicted felon receiving a teaching certificate. Dr. Britt Blackwell then asked that the last sentence on page three under Section VI be corrected to say "Chair Tindal welcomed new members to the Board" eliminating the use of the word "educators."

Chair Tindal called for the question. The motion carried.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR FEBRUARY 14, 2007

Mr. Al Simpson moved to approve the agenda for February 14, 2007. Mr. Charles McKinney seconded the motion. The motion carried.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Mr. Tindal asked all visitors to stand and be recognized and any news media that were present. Chair Tindal recognized Mr. Bill Robinson from *The State* newspaper.

V. AWARDS TO RETIRING BOARD MEMBER(S)

Chair Tindal recognized Mr. Jessie Curtis and presented him with a certificate for his service on the State Board. Tindal stated that as a retired public school administrator and a former McCormick County School board member, Mr. Curtis brought a unique perspective to the Board. Always evident was Mr. Curtis's belief that a quality education is integral to student success and South Carolina's livelihood. Tindal thanked Mr. Curtis on behalf of the State Board of Education, the State Department of Education, South Carolina's children, and its citizens.

Mr. Curtis expressed his thanks to the Board members and stated that he had enjoyed his three years on the Board.

On behalf of the State Board of Education, Chair Tindal recognized Mr. Mike Forrester and presented him with a certificate for his service on the Board. Mr. Tindal thanked Mr. Forrester for his exemplary service on behalf of the State Board of Education, the State Department of Education, the young people, and the citizens of our great state. Mr. Tindal stated that as a former chair of the Board, Forrester helped to set a high standard of excellence, having served during a period when public education experienced both tremendous support and intense scrutiny.

Mr. Forrester stated that the three years he served on the Board were the most rewarding of his life. He stated that being a Board member is a very important job, and there is still much work to be done. He challenged the Board members, as they move forward, to keep the children in mind and they would never go wrong.

Chair Tindal thanked Mr. Ron Wilson for his service on behalf of the State Board of Education, the State Department of Education, the citizens of our great state, and the more than 600,000 young people enrolled in our public schools. Tindal stated that if our state is to thrive and if our children are to become the very best that they can be, the education that we provide must be second to none. Tindal wished Mr. Wilson the very best in all that he undertakes and presented him with a certificate for his service on the State Board.

Mr. Wilson stated that his two years of service on the Board were the best two years of his life. Mr. Wilson stated that he arrived with very little background in this area and it has been a learning experience for him that he would carry with him for the remainder of his life.

VI. RECOGNITION OF NEW BOARD MEMBER(S)

Chair Tindal recognized the four new Board members: Mr. Rick Adkins from the Tenth Judicial Circuit, replacing Mr. Ron Wilson; Ms. Cindy Clark from the Ninth Judicial Circuit, replacing Mrs. Terrye Seckinger; Ms. Amelia Herlong from the Eleventh Judicial Circuit, replacing Mr. Jessie Curtis; and Ms. Libby Swad from the Seventh Judicial Circuit, replacing Mr. Mike Forrester.

VII. STATE SUPERINTENDENT OF EDUCATION REPORT

Chair Tindal welcomed Dr. Jim Rex as the sixteenth State Superintendent of Education and congratulated him on his new position. On behalf of the other members of the Board, Mr. Tindal expressed their desire to work with him.

Dr. Rex thanked Chair Tindal for his welcome. Dr. Rex stated that he hoped that they could all work as partners in efforts to reform education. Dr. Rex gave the Board an update on a few of the things that had been accomplished during his first month in office. He stated that he had made two key hires: Dr. Janice Poda is serving as Deputy Superintendent for Administration, and Sandy Smith is the Deputy Superintendent for Policy and Legislation.

Dr. Rex discussed the transition report submitted by seventy-eight volunteers who served on the Transition Team, including three State Board members: Mr. John Tindal, Mr. Trip DuBard, and Ms. Diane Sumpter. The Transition Team considered the five key components that were discussed during the campaign. Dr. Rex said that a comprehensive plan to reform, improve, and support public education is

badly needed by the state. The five key components of the report are (1) the need for the State of South Carolina to expect, support, and nurture "innovation" in our public schools, (2) to provide a greater choice within public education, (3) major revisions and adjustments in our accountability and testing programs in South Carolina, (4) to elevate and rejuvenate the teaching profession, and (5) a more equitable and just way to fund education.

Dr. Rex stated that there is a need in South Carolina to expand the definition and the availability of choice within public education. He outlined a three-year implementation plan as follows:

Year One would be a "staging year." During this year a number of things would happen. First, the Department of Education will be restructured to create a division of school innovation and choice. This division would focus on helping school districts implement public school choice by providing resources and program ideas. Secondly, the Department will conduct a statewide inventory of school choice options already in existence. Town Hall meetings will be conducted around the state to gain input on the comprehensive plan and to gather information about choice programs. Another thing to take place during the staging year will be pilots of different types of choice. Public school districts that are already implementing choice options will be paired with public school districts that are just beginning to explore choice options. Other pilots will be conducted that will include adjoining school districts that will implement cross-district choice options.

During Year Two, every school district in the state will adopt and begin to implement a public school choice plan.

Open enrollment will be implemented in Year Three, which will allow students to cross school district lines and enroll in choice programs where there is capacity. Dr. Rex stated that he believes that in four years, South Carolina can become the most fairly funded, the most innovated, and the most choice-driven public school system in America.

VIII. PUBLIC COMMENT PERIOD

Chair Tindal stated no one signed up for public comment.

IX. STATE BOARD ITEMS

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

FOR APPROVAL

01. TRTC Items Overview

Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, gave a brief overview of the TRTC items.

FOR INFORMATION

02. Report for Proviso 1.14 (SDE: Teachers/Temporary or Emergency Certificates)

Jim Turner, Director, Educator Certification, Division of Educator Quality and Leadership, explained that this report is required by the General Assembly under Proviso 1.14. The report indicates the waivers granted for temporary or emergency certificates (including out-of-field permits) for the current school year. The number of waivers declined significantly this year due to the requirement of the No Child Left Behind Act that requires all teachers in core content areas be highly qualified. The report was provided to the Board as information only.

**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, stated there were no items.

Dr. Siskind gave a brief explanation of the reason why there were no items being presented at this meeting. The English Language Arts and Math Standards were presented for first reading at the December 2006 and January 2007 Board meeting, respectively. These content standards specify what students should know and should be able to do.

After first reading, these standards were considered by a subcommittee of the Education Oversight Committee (EOC) in late January. The standards were then sent to the SDE's editor. The revised standards will be presented to the Board in April after the EOC's April meeting. Waiting until April will not delay any of the resource documents or the professional development activities that have already been planned. Everything will be on

schedule and the standards will be implemented by the schools in fall 2007.

Mrs. Maguire asked that the document be sent electronically to the State Board members at the same time it is sent to the EOC.

54. Finance and Legislative Items
Joe Isaac, Facilitator

FOR APPROVAL

01. F&L Items Overview

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

02. Request for Waiver of Requirement to Reduce Millage for Anderson School District Five

Alex C. James, Director, Office of School Facilities, Division of School Enterprise Operations, presented this item. Mr. James explained that Anderson School District Five is requesting a waiver of EIA fund usage. The reason for the waiver request is because of the increase in student population, which is an allowable reason for requesting the waiver.

Mrs. Maguire moved that the Board deny the request for the waiver to reduce millage for Anderson School District Five. Mr. Charles McKinney seconded the motion.

Ms. Sumpter stated that if the district felt that this request was in the best interest of the children so that the facilities are safe and allow the students to be in a positive learning involvement, then she supported the waiver.

Mr. Adkins stated that he lived in Anderson School District Five and the delegation that appointed him would certainly be against any tax increase. He said that not reducing the millage by 50 percent from the EIA funds would be a back door tax increase. He explained that the Board is not an elected body but are appointed bodies from all over the state. If you vote for this waiver, you are imposing a tax increase on the constituents of Anderson School District Five for \$141 million in April. Mr. Adkins requested that Board members support his efforts in defeating this waiver.

Mrs. Maguire stated that because of the lack of documentation and justification, there was not a good enough case to go against the original will of the legislature.

Facilitator Isaac called for the questions. The motion carried and the waiver was denied.

FOR INFORMATION

03. State Board of Education Financial Statements

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

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

FOR APPROVAL

01. Policy Items Overview

Dale Stuckey, Esquire, Chief Counsel, Office of General Counsel, presented a brief overview of the Policy items.

02. Revisions to the Education Accountability Act (EAA) Report Cards

Betsy Carpentier, Esquire, Deputy Superintendent, Division of School Enterprise Operations, explained that this item is to provide Board members with information on changes to the state accountability report cards and to request recommendations for changes from the Board.

Recommendations from the Board members were

- Mrs. Maguire recommended that there be some explanation that the scores listed here are the composite of all the scores in all the schools in the district.
- Ms. Sumpter expressed concern that the poverty level had taken such a high level of significance.
- Mr. Isaac recommended a state-wide comparison and a comparison between schools be added.
- Mr. Hubbard recommend that it be kept as simple as possible.

- Ms. Sumpter asked that it be determined who the report cards are written for and that the final document means something to that audience.
- Mrs. Maguire wanted all the schools listed on the district report card to know if they made progress as a district.

Mr. Tindal asked for clarification on what action, if any, the Board needed to take.

Ms. Stuckey explained that the reason this item was listed for approval was so the recommendations could be taken back to the Committee.

The Board asked the staff to take the recommendations back to the Committee for their consideration and to identify these recommendations as coming from the State Board.

03. House Education and Public Works Committee Request to Permanently Withdraw Document 3056, an Amendment to R 43-262.4(A)(3), End-of-Course Tests

Dr. Siskind explained that a request had been received from the House Education and Public Works Committee to permanently withdraw Document No. 3056, an amendment to R 43-262.4(A)(3), End-of-Course Tests.

The amendment to R 43-262.4(A)(3), End-of-Course Tests, Doc. No. 3056, promulgated on March 8, 2006, deleted the biology End-of-Course assessment requirement. The amendment to this regulation is inconsistent with the newly promulgated 43-234 that would substitute a biology assessment for the currently required physical science assessment when the biology assessment is approved by the U.S. Department of Education for the purpose of meeting the No Child Left Behind required science assessment. Therefore, this regulation needs to be withdrawn.

Mrs. Kristin Maguire moved to permanently withdraw Document No. 3056, an amendment to R 43-262.4(A)(3), End-of-Course Tests as requested by the House Education and Public Works Committee. Mr. Joe Isaac seconded the motion. The motion carried.

FOR INFORMATION

04. Update on Transition of Authority from the State Department of Education to the Allendale County School District

John Suber, PhD, Director, Office of School Quality, Division of Curriculum Services and Assessment, presented this item. Dr. Suber explained that the State Superintendent of Education signed a Memorandum of Agreement (MOA) on April 2006 with the Allendale County School District Board of Trustees to initiate a transition of authority of the district back to the local Board of Trustees. Included in the MOA are several conditions which must be met for the MOA to be honored.

05. Procedure for Review and Approval of a Course of Action for Schools not Meeting Expected Progress as Defined by S.C. Code Ann. § 59-18-1520 (2004) of the Education Accountability Act

John Suber, PhD, Director, Office of School Quality, Division of Curriculum Services and Assessment, presented this item. He explained that the purpose of this report is to provide the Board with the procedures for monitoring expected progress and the course of action for schools not meeting expected progress.

Dr. Suber stated that schools not meeting expected progress are required to appear before the State Board of Education (SBE) to outline the reasons why a state of emergency should not be declared in the school. The State Superintendent of Education is to recommend one of three actions to the SBE for approval. Schools not meeting expected progress will appear before the SBE at the April meeting.

06. Report on the Implementation of Proviso 1A.44, SDE-EIA: Technical Assistance

John Suber, PhD, Director, Office of School Quality, Division of Curriculum Services and Assessment, presented this item. He explained that the purpose of this report is to provide a summary of the funds allocated to low-performing schools for technical assistance services.

Proviso 1A.44 approved by the General Assembly for FY 2006–07 combines funds appropriated for homework centers, teacher specialists, principal specialists, principal leaders, retraining grants, and technical assistance to “below average” schools.

These combined funds are allocated to schools with an absolute school report card rating of unsatisfactory or below average. Schools are required to include the proposed expenditures of the funds in their School Renewal Plans. Once the School Renewal Plan is reviewed and approved, funds are made available to the school.

X. OTHER BUSINESS

Ms. Stuckey stated that she had recently become the federal liaison to the Council of Chief State School Officers and gave a brief overview of her recent meeting in Washington with other federal liaisons.

Chair Tindal stated that a meeting had been scheduled for March 13, 2007, at 1:30 p.m. for the Student Ad Hoc Advisory Committee. He encouraged all members to attend and support their student.

Chair Tindal then handed out a calendar for the month of June 2007. He asked all members to review the calendar and select two days when they would like to have a State Board of Education Retreat. The Board members were asked to write the dates on the calendar and turn it in to Carol Collins.

Chair Tindal then asked all Board members who wanted to attend conferences out-of-state to turn in their request as soon as possible. When someone attends a conference, they are expected to report back to the Board.

Chair Tindal reminded everyone about turning in their Economic Interest Form.

The Board recessed for Lunch.

XI. EXECUTIVE SESSION

The State Board of Education held a meeting on Wednesday, February 14, 2007, in the Basement Conference Room of the Rutledge building to discuss educator certification cases. The following Board members were in attendance: John Tindal, Chair; Al Simpson, Chair-Elect; Mr. Rick Adkins; Dr. Britt Blackwell; Ms. Cindy Clark; Mr. Fred "Trip" DuBard III; Ms. Amelia Herlong; Mr. Hampton Hubbard; Mr. Joe Isaac; Mr. Charles McKinney; Mrs. Kristin Maguire; Mr. Ben Mitchell; Mrs. Patsy Pye; Ms. Diane Sumpter; Ms. Libby Swad; and Dr. Daniel Varat. Board member Ms. Virginia Wilson was not in attendance.

Chair-Elect Simpson brought the meeting to order.

Mr. John Tindal moved that the State Board of Education go into Executive Session. Mr. Joe Isaac seconded the motion. The motion carried.

Open Session

1. Mrs. Kristin Maguire moved that the State Board of Education revoke the certificate of Molly S. Bruton, certificate 148171, and adopt an Order of Revocation, on the grounds of unprofessional conduct. Mr. Joe Isaac seconded the motion. The motion carried.
2. Mrs. Kristin Maguire moved that the State Board accept the voluntary surrender of the certificate of Patricia G. Welchman, certificate 145089, and approve the Consent Order of Voluntary Surrender, on the grounds of unprofessional conduct. Mr. Rick Adkins seconded the motion. The motion carried.
3. Mrs. Kristin Maguire moved that the State Board of Education suspend the certificate of Stacey Bingley-Williams, certificate 175472, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. Charles McKinney seconded the motion. The motion carried.
4. Mrs. Kristin Maguire moved that the Board suspend the certificate of Sherry T. Duncan, certificate 127420, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. Ben Mitchell seconded the motion. The motion carried.
5. Mrs. Kristin Maguire moved that the Board suspend the certificate of Angela S. Watson, certificate 171111, for an indefinite period, and adopt an Order of Suspension, on the grounds of National Board loan default. Mr. Charles McKinney seconded the motion. The motion carried with abstention by Mr. Rick Adkins.
6. Mrs. Kristin Maguire moved that the Board suspend the certificate of Lance A. Diefenderfer, certificate 176692, for a period of twenty-one months, and approve the Consent Order of Suspension, on the grounds of unprofessional conduct. Mr. Joe Isaac seconded the motion. The motion carried.
7. Mrs. Kristin Maguire moved that the State Board suspend the certificate of Jeremy D. Benjamin, certificate 229525, for a period of one year, and adopt an Order of Suspension, on the grounds of breach of contract. Mr. Hampton Hubbard seconded the motion. The motion carried.

8. Mrs. Kristin Maguire moved that the State Board suspend the certificate of Darin M. Lynch, certificate 215795, for a period of one year, and adopt an Order of Suspension, on the grounds of breach of contract. Mr. Ben Mitchell seconded the motion. The motion carried.
9. Mrs. Kristin Maguire moved that the Board suspend the certificate of Amy L. Pizio, certificate 225264, for a period of eight months, and approve the Consent Order of Suspension, on the grounds of unprofessional conduct. Mr. Charles McKinney seconded the motion. The motion carried with one opposing vote by Mr. Ben Mitchell.
10. Mrs. Kristin Maguire moved that the Board issue a public reprimand to Felicia C. Robinson, certificate 223235, and approve the Consent Order of Public Reprimand, on the grounds of unprofessional conduct. Ms. Cindy Clark seconded the motion. The motion carried.

Ms. Diane Sumpter abstained from voting on all of the teacher cases.

XII. PUBLIC HEARING—CHARTER SCHOOL APPEAL
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The State Board of Education held a public hearing to hear an appeal of the Greenville County Board of Trustee's decision to deny a charter to the Greenville Science Charter School. Board member Ms. Virginia Wilson was not in attendance.

Russ Jeter, Esquire, represented the Greenville Science Charter School. Wade Cleveland, Esquire, represented the Greenville County School District.

Shelly Kelly, Esquire, Deputy General Counsel, represented the State Board of Education.

A motion was considered to Supplement the Record that was filed by the Greenville Science Charter School. Mr. Jeter was allowed to address the Board with regard to the motion. Mr. Cleveland was then given an opportunity to respond.

Chair Tindal denied the motion.

Russ Jeter, Esquire, was given twenty minutes to present an oral argument on behalf of Greenville Science Charter School, with five minutes of rebuttal.

Wade Cleveland, Esquire, was given twenty minutes to present an oral argument on behalf of Greenville County School District.

Board members had an opportunity to question the parties.

A motion was made by Mr. Charles McKinney to go into Executive Session. Mrs. Kristin Maguire seconded the motion. The motion carried.

Executive Session

Open Session

First Motion

Mrs. Kristin Maguire moved that the State Board of Education did not find significant procedural irregularities affecting a substantial right of the Greenville Science Charter School. Ms. Diane Sumpter seconded the motion. The motion carried.

Second Motion

Mrs. Kristin Maguire moved that the State Board of Education finds that there is substantial evidence in the record to show that there is sufficient community support for Greenville Science Charter School and reverses the decision of Greenville County Board of Trustees. Mr. Rick Adkins seconded the motion. A roll call vote was requested.

	<u>Name</u>	<u>In Favor</u>	<u>Against</u>
1.	Adkins, Rick	yes	
2.	Herlong, Amelia	yes	
3.	DuBard, Trip		no
4.	Isaac, Joe		no
5.	Maguire, Kristin	yes	
6.	McKinney, Charles	yes	
7.	Mitchell, Ben		no
8.	Pye, Patsy		no
9.	Varat, Danny	yes	
10.	Simpson, Al	yes	
11.	Sumpter, Diane		no
12.	Hubbard, Hampton	yes	
13.	Clark, Cindy	yes	
14.	Swad, Libby	yes	
15.	Blackwell, Britt		no
Total	_____	9	6
16.	John Tindal, Chair	Did not vote	
17.	Virginia Wilson	Absent	

The motion carried with a vote of 9 to 6.

Third Motion

Mrs. Kristin Maguire moved that the State Board of Education finds that there is substantial evidence in the record to show that the Greenville Science Charter School budget is economically sound and reverses the decision of the Greenville County Board of Trustees. Dr. Danny Varat seconded the motion. A roll call vote was requested.

<u>Name</u>	<u>In Favor</u>	<u>Against</u>
1. Adkins, Rick	yes	
2. Herlong, Amelia	yes	
3. DuBard, Trip		no
4. Isaac, Joe		no
5. Maguire, Kristin	yes	
6. McKinney, Charles	yes	
7. Mitchell, Ben		no
8. Pye, Patsy		no
9. Varat, Danny	yes	
10. Simpson, Al	yes	
11. Sumpter, Diane		no
12. Hubbard, Hampton		no
13. Clark, Cindy	yes	
14. Swad, Libby		no
15. Blackwell, Britt	yes	
Total	8	7
16. John Tindal, Chair	Did not vote	
17. Virginia Wilson	Absent	

The motion carried with a vote of 8 to 7.

Fourth Motion

Mrs. Kristin Maguire moved that the State Board of Education reverse the denial of Greenville Science Charter School by the Greenville County Board of Trustees. Mr. Charles McKinney seconded the motion. A roll call vote was requested.

<u>Name</u>	<u>In Favor</u>	<u>Against</u>
1. Adkins, Rick	yes	
2. Herlong, Amelia	yes	
3. DuBard, Trip		no
4. Isaac, Joe	yes	
5. Maguire, Kristin	yes	
6. McKinney, Charles	yes	
7. Mitchell, Ben		no
8. Pye, Patsy	yes	
9. Varat, Danny	yes	
10. Simpson, Al	yes	
11. Sumpter, Diane		no
12. Hubbard, Hampton	yes	
13. Clark, Cindy	yes	
14. Swad, Libby		no
15. Blackwell, Britt	Yes	
Total	11	4
16. John Tindal, Chair	Did not vote	
17. Virginia Wilson	Absent	

The motion carried with a vote of 11 to 4.

XIV. ADJOURNMENT

There being no further business the meeting was adjourned.

The State Board of Education Study Session was postponed until the March 13, 2007, meeting.