

D R A F T

MINUTES

STATE BOARD OF EDUCATION MEETING

WEDNESDAY, AUGUST 8, 2007

TIME: 9:30 a.m.

RUTLEDGE STATE OFFICE BUILDING

DOWNSTAIRS CONFERENCE ROOM

COLUMBIA, SOUTH CAROLINA

John Tindal, Chair

Al Simpson, Chair-Elect

Jim Rex, PhD

State Superintendent of Education

Secretary and Administrative Officer to the Board

I. WELCOME/PLEDGE OF ALLEGIANCE

Chair Tindal brought the meeting to order at 9:30 a.m. He asked Ms. Cindy Clark to lead the audience in the pledge of allegiance.

The following State Board of Education (SBE) members were in attendance: John Tindal, Chair, Third Judicial Circuit; Al Simpson, Chair-Elect, Sixth Judicial Circuit; Mrs. Patsy Pye, First Judicial Circuit; Mrs. Lisa Stokes, Second Judicial Circuit; Mr. Hampton Hubbard, Fourth Judicial Circuit; Ms. Diane Sumpter, Fifth Judicial Circuit; Mrs. Libby Swad, Seventh Judicial Circuit; Mr. Charles W. McKinney, Eighth Judicial Circuit; Ms. Cindy Clark, Ninth Judicial Circuit; Mr. Rick Adkins, Tenth Judicial Circuit; Mrs. Amelia Herlong, Eleventh Judicial Circuit; Dr. Daniel Varat, Thirteenth Judicial Circuit; Mr. Ben Mitchell, Fourteenth Judicial Circuit; Mr. Joe Isaac, Fifteenth Judicial Circuit; and Dr. Britt Blackwell, Sixteenth Judicial Circuit.

Absent with apology Mrs. Kristin Maguire, Governor's Appointee.

Attending on behalf of the State Department of Education were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Shelly Kelly, Parliamentarian; Janice Poda, Deputy Superintendent for Administration; Jim Foster, Director, Office of Communications; Sandy Smith, Deputy Superintendent for Division of Policy and Legislation; Cindy McIntee, SERVE; Floride Calvert, Transitional Deputy Superintendent for Division of Standards and Learning; Teri Siskind, Deputy Superintendent for Division of Accountability; Cleo Richardson, Deputy Superintendent for Division of Educational Services; Elizabeth Carpentier, Deputy Superintendent for Division of Innovation and Support; Mark Bounds, Deputy Superintendent for

Division of Educator Quality and Leadership; and Mr. John Cooley, Deputy Superintendent for Division of Finance and Operations.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES JULY 11, 2007

Mr. Al Simpson moved for the approval of the July 11, 2007 minutes. Mr. Ben Mitchell seconded the motion. The motion carried.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR AUGUST 8, 2007

Dr. Britt Blackwell moved for the approval of the August 8, 2007, agenda. Mr. Joe Isaac seconded the motion. The motion carried.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Tindal asked any visitors present to stand and be recognized. The following news media were present: Bill Robinson, *The State Newspaper*, and Ms. Shireese Bell, *Morning News*, Florence.

Chair Tindal turned the meeting over to Dr. Rex.

V. STATE SUPERINTENDENT OF EDUCATION REPORT

State Superintendent of Education Rex stated that the South Carolina Bar's Law Related Education (LRE) Division was developed to improve teacher ability to instruct law-related education. The division's awards program recognized schools that demonstrate a commitment to helping students better understand their roles as democratic citizens.

Dr. Rex recognized Johnson Middle School in Florence School District Four as the 2007 LRE Middle School of the Year. The school has won two state Mock Trial championships and participates in the *We the People: Project Citizen* program. Steve Phillips is the school principal. Their State Board member is Mr. Trip DuBard.

Dr. Rex recognized Mr. Jeffrey Eargle of Mid-Carolina High School, Newberry School District, as the 2007 Law Related Education High School Teacher of the Year. Dr. Rex stated that the LRE honors teachers who foster public understanding of the values of our legal and judicial systems, encourage and support LRE programs, and increase communication among students, fellow educators, and those working in the legal system. Mr. Eargle's principal is Lynn Cary. His State Board member is Mr. Charles McKinney.

Dr. Rex recognized Ms. Paulette Cunningham of Southeast Middle School, Richland School District One, as the Law Related Education Program's Middle School Teacher of the Year. Ms. Cunningham was selected because of her

ability to communicate a deep respect for the law to a far-reaching group of middle school students. Ms. Cunningham's principal is Jeannetta Scott. Her State Board member is Ms. Diane Sumpter.

Dr. Rex recognized Ms. Cherlyn Anderson, an eighth-grade science teacher at Sandhills Middle School, Lexington School District Four, as one of seventeen teachers nationwide selected to participate in the Albert Einstein Distinguished Fellowship Program. This program offers outstanding math, technology, and science teachers an opportunity to serve in the national education or public policy arena. Selected teachers spend a school year in the Washington, DC, area working in a congressional office or a federal agency.

Dr. Rex gave a brief update on the three Task Forces that have been assembled: accountability, assessment, and accreditation. The Task Forces have State Board representation on all three committees. The Accountability and Assessment Task Forces have already met. The Accreditation Task Force will begin meeting at the end of August. Dr. Rex stated that he had spoken with a business leader who was serving on the Accountability Task Force and who was instrumental in drafting and getting passage of the Education Accountability Act (EAA). He was extremely complimentary of the process the Accountability Task Force was using and optimistic that we were going to strengthen the accountability system in South Carolina. Rex stated that he is optimistic about the recommendations these Task Forces are going to bring to our state, and, where necessary, to our legislators.

Dr. Rex is hopeful that there will be enough consensus among the education community, the business community, and general citizens to strengthen the accountability program and to make it more rational.

Dr. Rex stated that beginning this month there would also be two additional groups that will start drafting recommendations on the state's revenue resources and how education can be better funded more adequately and, more importantly, more equitably. The Task Forces will be made up of individuals in the business community and municipal associations that represent cities and counties around the state, as well as educators. The Task Forces are on a short timeline and plan to have recommendations by early November. The Task Forces will meet on a bi-weekly basis, and Dr. Holley Ulbrich, a very well respected economist from the Strom Thurmond Institute in Clemson, will staff this effort. Dr. Rex encouraged State Board members to serve on these two Task Forces.

Chair Tindal stated that three Board members had already been appointed to the Task Forces: Mr. Al Simpson, Mr. Rick Adkins, and Mr. Trip DuBard. Mr. Charles McKinney also expressed an interest in serving on the Task Force.

Dr. Rex stated that the Task Forces recommendations would be brought before the Board when they are completed.

Dr. Rex stated that he attended a meeting last week of the Chief State School Officers from around the nation. He received an overview of what was happening in other states, but most importantly got another look at No Child Left Behind and the discussion of reauthorization of this Act. Rex indicated that there are indications that NCLB will not be reauthorized in the near future. There is no consensus in the states or Congress to deal with this issue. South Carolina will have to continue to work with the NCLB as it is probably for the next two to three years. States like ours are taking proactive steps like we are with the three task forces that were mentioned earlier by taking the law that needs work and making it more rational to the extent they can at their state and local level.

Dr. Rex reported that he will be holding town hall meeting again this year as he did last spring. The town hall meetings are designed to talk about educational initiatives, concerns, reform, and clarification of citizen concerns in South Carolina. Rex stated the town hall meetings are held to fulfill a promise made when he entered office to average two days a week not in Columbia but out in the state communicating with people about our educational challenges. He encouraged everyone to be involved this fall.

Chair Tindal extended his congratulations from the Board members to everyone who was recognized by Dr. Rex this morning and the accomplishments that each had made. Chair Tindal thanked Superintendent Rex for his informative update.

Chair Tindal then called for a fifteen-minute break to give the Board members a chance to personally thank all of the people recognized by Dr. Rex earlier.

Prior to the break, Chair Tindal recognized Ms. Diane Sumpter. Ms. Sumpter stated that she had received positive comments on the Town Hall meetings held by Dr. Rex. She would like to see the school boards and their administration have meetings with Dr. Rex and State Board members.

VI. PUBLIC COMMENT PERIOD

Chair Tindal called the Board meeting back in session. He stated that the next order of business was the public comment period. He explained that the speaker would be allowed five minutes for his or her comments. The comments would be accepted as information only, since the Board was hearing their comments for the first time. The speaker would be contacted at a later time if there were questions or additional information needed. Chair Tindal then recognized Mr. Flynn Harrell.

Mr. Flynn Harrell, public citizen, spoke on teaching of the Old and New Testament.

VII. PUBLIC HEARING

01. Promulgate Amendments to 24 S.C. Code Ann. Regs. 43-243 (Supp. 2006), Special Education, Education of Students with Disabilities

Susan DuRant, Director, Office of Exceptional Children, Division of Standards and Learning, explained that this item is for the promulgation of amendments to align state rules, regulations, and policies relating 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 replaces the current regulation 43-243.

Public Comment Period

The following people spoke on R 43-243:

1. John Regal, Esquire, parent
2. Marlene Metts, Director of Special Services, Lexington School District Five; Member, Midland Area Consortium of Directors
3. Ellen Mauldin, parent
4. Andrew Manley, citizen

Chair Tindal then asked if there was anyone else in the audience that had not signed up and wished to speak. There was no one.

Mr. Joe Isaac moved to approve the promulgation of amendments to 24 S.C. Code Ann. Regs. 43-243 (Supp. 2006), Special Education, Education of Students with Disabilities. Mr. Ben Mitchell seconded the motion.

Chair Tindal asked if there were any comments or questions.

Ms. Sumpter asked about funding, and Mrs. DuRant responded that there is never enough funding but it is an issue that can not be addressed in this regulation.

Ms. Cindy Clark asked if private schools are advised of the requirements attached when they accept a child with state monies. Mrs. DuRant said they are made aware.

Ms. Clark asked if there was some type of documentation available that states what happens when a child leaves the public setting and goes to a private setting, using public monies.

Mrs. DuRant stated that it was in the regulation and her office would be developing policies and procedures, which they would share with the Board.

Dr. Blackwell asked that at the proper time that Dr. Rex address the enforcement of the state regulations in local districts.

Dr. Rex explained that when South Carolina is evaluated by the U.S. Department of Education there are weaknesses cited that have to be addressed. The same is true in all other states. Rex stated that he was not sure how our state compares to other states in forms of enforcement. Dr. Rex said that he was aware of Mrs. DuRant's concerns in the past about inappropriate designation of children in different areas of special needs. Rex stated that he knows that enforcement is the responsibility of the state. He indicated that we would continue working to make sure that we are doing a better job.

Mr. Simpson asked if we know what neighboring states are doing in trying to prepare teachers to work with special needs students in the general education classroom.

Ms. Sumpter asked if our pool of teachers is being provided professional development and preparation to work with special needs students. Mrs. DuRant stated that this was being done.

Dr. Varat asked if it was known how many times districts might have faced monetary sanctions for failure to implement IDEA. Mrs. DuRant stated that South Carolina was one of a few states that actually implemented monetary sanctions. She indicated that we have had approximately three districts to face monetary sanctions.

Mr. McKinney asked if there could be an educational program set up for local school boards and school improvement councils concerning this matter. This would help better inform and give parents immediate input. Mrs. DuRant thanked Mr. McKinney for his great suggestion and indicated that training would be developed and offered to those entities.

There being no further discussion, the chair called for the question. The motion carried.

02. Promulgate Amendments to 24 S.C. Code Ann. Regs. 43-243.1 (2006), Criteria for Entry into Programs of Special Education for Students with Disabilities

Susan DuRant, Director, Office of Exceptional Children, Division of Standards and Learning, explained that the purpose of this item is to align state rules, regulations, and policies relating to the education of

children with disabilities to the purposes and requirements of the Individuals with Disabilities Education Improvement Act, Regulation 34 CFR Parts 300 and 301.

The Individuals with Disabilities Education Act was reauthorized in 2004 to ensure that all children with disabilities between the ages of three and twenty-one, inclusive, residing in the state have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. The new law, known as the Individuals with Disabilities Education Improvement Act of 2004, requires states to provide for the education of all children with disabilities and to ensure that the rights of children with disabilities and their parents are protected. The state is required to assess and ensure the effectiveness of efforts to educate children with disabilities. The proposed amendment to R 43-243.1, Criteria for Entry into Programs of Special Education for Students with Disabilities, would align current eligibility criteria with the requirements of the IDEA regulation 34 CFR §§ 300.307–300.311 in the areas of identification of children with specific learning disabilities and developmental delays.

The State Department of Education recommends that the State Board of Education promulgate the amendments to R 43-243.1.

Public Comment Period

Mrs. Ellen Mauldin, parent, addressed the Board.

Chair Tindal then asked if there was anyone else in the audience that had not signed up and wished to speak. There was no one.

There being no one else requesting to speak, Chair Tindal declared public comment closed.

Joe Isaac moved for the approval to promulgate amendments to 24 S.C. Code Ann. Regs. 43-243.1 (2006), Criteria for Entry into Programs of Special Education for Students with Disabilities. Mr. Charles McKinney seconded the motion.

Chair Tindal then opened up the motion for discussion. There being none, the chair called for the question. The motion carried.

**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 items being presented for approval and information.

02. The Professional Review Committee's (PRC) Recommendations for Accreditation Decisions of Five Educator Preparation Units

Allison Jacques, PhD, Director, Office of Educator Preparation, Support, and Assessment, Division of Educator Quality and Leadership, presented this item. Dr. Jacques introduced Dr. David Blackmon from Coker College. Dr. Blackmon serves as Chair of the PRC.

Dr. Jacques explained that 24 S.C. Code Ann. Regs. 43-90 (2006), Program Approval Standards for South Carolina Teacher Education Institutions, requires the State Board of Education (SBE) to make program-approval decisions regarding educator preparation units that have been reviewed through the state program-approval process.

During 2006, five educator preparation units underwent an on-site accreditation review. Four educator preparation units completed the National Council for the Accreditation of Teacher Education (NCATE) review, while one educator preparation unit completed the state review process. All five of the educator preparation units were evaluated using the same performance-based standards.

On June 15, 2007, the PRC considered and deliberated on the four NCATE and one state review findings. All five of the educator preparation units were recommended for approval with Converse College recommended with conditions. The PRC recommendations are attached.

The Division of Educator Quality and Leadership recommended that the State Board of Education approve the PRC's recommendations for accreditation decisions of five Educator Preparation Units.

Ms. Cindy Clark moved for the approval of the Professional Review Committee's (PRC) recommendations for accreditation decisions of five educator preparation units. Mr. Rick Adkins seconded the motion.

Chair Tindal asked for comments or discussion to the motion.

Mr. Isaac asked what "focus" meant next to Coastal Carolina University and why four institutions used the NCATE review process and one used the state review process. Dr. Jacques answered the second question first. She explained institutions do have a choice of using the NCATE approval process or the state approval process. This was put into place by the State Board when we moved toward the National Standards, so the institutions are at liberty to make that decision. In this case Bob Jones University decided to go that route. In answering the question about the focus visit, she explained that a continued visit was held in fall 2005 for Coastal Carolina because standards one, the candidates knowledge, skills, and professional dispositions and two, assessment system and their unit evaluation, had not been met previously. Because standards one and two were not meet, it triggered a focus visit in fall 2006. Those standards have now been met.

There being no other questions, the chair called for the question. The motion carried.

03. The Professional Review Committee's (PRC) Recommendations for Approval/Disapproval of Fourteen (14) Educator Preparation Programs

Allison Jacques, PhD, Director, Office of Educator Preparation, Support, and Assessment, Division of Educator Quality and Leadership, presented this item.

Dr. Jacques explained that ten educator preparation units submitted fourteen preparation programs to the State Department of Education (SDE) for evaluation. The programs were evaluated by three-member state review teams and by the Commission on Higher Education (for public institutions). On June 15, the PRC reviewed summary findings and received comments from representatives of several institutions. Thirteen programs were recommended for approval by the PRC, while one program was not recommended for approval. The PRC recommendations are attached.

The Division of Educator Quality and Leadership recommended that the State Board of Education approve the PRC'S recommendations to approve thirteen educator preparation programs and disapprove one educator preparation program.

Mr. Al Simpson moved for the approval of the Professional Review Committee's (PRC) recommendations for approval/disapproval of fourteen educator preparation programs. Mr. Joe Isaac seconded the motion.

There being no comments from the Board members, Chair Tindal called for the question. The motion carried.

FOR INFORMATION

04. South Carolina Higher Education Educator Preparation Unit Fact Sheets

Allison Jacques, PhD, Director, Office of Educator Preparation, Support, and Assessment, Division of Educator Quality and Leadership, presented this item as information.

This information item is intended to review the current format and content of the South Carolina Higher Education Educator Preparation Unit Fact Sheets and to establish a Division of Educator Quality and Leadership (DEQL) task force to gather input on improving the data collection system.

The State Board of Education (SBE) established the expectation that fact sheets would be prepared annually by the Office of Educator Preparation, Support, and Assessment for educator preparation units in South Carolina. Educator Preparation Unit Fact Sheets have been provided to the SBE for the past two years. Since that time, the State Department of Education (SDE) has received feedback from SBE members indicating that additional data should be collected and reported.

Dr. Rex asked if any of the discussions or input had included asking these colleges, schools, or departments to share the average SAT or average ACT scores of their education majors compared to the average student at their institutions. Dr. Jacques stated that this has been discussed and it would be more beneficial to have the SAT averages of the education candidates.

Dr. Rex explained to the Board members that this fall there would be an aggressive effort made to recruit individuals to the teaching profession, with more emphasis on males and

minorities. There will also be an emphasis to try and get some of our better academic students to become interested in teaching as a career. Rex stated the state needs a way to track the success or lack of success in that area. SATs are not the end-all in terms of measuring success, but it would be one indicator that would be interesting to track.

Dr. Varat stated that GPA information would be helpful. It would be helpful if universities could divide up GPA by major, both within the major and outside the major. The institution could then track how many were considering education as a career.

Chair Tindal stated that he had received a request from Dillon School District Two to move them up on the agenda.

Ms. Sumpter moved to honor their request. Joe Isaac agreed with Ms. Sumpter to honor Dillon School District Two's request to move them up on the agenda.

Dr. Varat stated that Dillon Two was probably going to take awhile. He, therefore, opposed the request to move Dillon Two up on the agenda. Mr. Rick Adkins also opposed this request.

Mr. Charles McKinney moved to honor the request from Dillon School District Two to move them up on the agenda. Ms. Sumpter seconded the motion. The motion carried with two opposing votes from Dr. Danny Varat and Mr. Rick Adkins.

52 Educational Policy Items

John Tindal, Facilitator

01. Policy Items Overview

Dale Stuckey, Esquire, Chief Counsel, Office of General Counsel, presented item 52-03, stating that we would come back to item 52-02. She stated that Ray Rogers, Superintendent of Dillon School District Two; and the Dillon School District Two Chair of the Board of Trustees, Fitzgerald Leach; and Amanda Burnett, Principal of J.V. Martin Junior High School, were present. The individuals appeared before the Board to outline the reason that a state of emergency should not be declared at J.V. Martin Junior High School.

03. Appearance before the State Board of Education by the Principal of J.V. Martin Junior High School, Dillon School District Two Superintendents, and the Dillon School District Two Board of Trustees

Barbara Johnston, Education Associate, Office of Federal and State Accountability, Division of Accountability, presented this item.

She explained the process that led to the appearance before the State Board of Education by the Principal of J.V. Martin Junior High School, the Dillon School District Two Superintendent, and the Dillon School District Two Board of Trustees.

J.V. Martin Junior High School received an unsatisfactory rating on its 2005 report card. An external review team (ERT) was assigned, and its recommendations regarding educational programs, actions, and activities for the school and a timeline for implementation were approved by the State Board in spring 2006. Another ERT made a visit in December 2006 to determine the extent of implementation of the prior year's recommendations. The ERT granted J.V. Martin Junior High School an extension of time to May 2007 to fully implement the 2005-06 recommendations for Standard #8 under Leadership and Governance (L&G 8) regarding safety and cleanliness issues. A greater extension of time to May 2008 was granted to fully implement Standard #2 under Professional Development (PD 2) because the school leadership needed adequate time to evaluate the level of implementation of how new learning affects teaching practices and how the changes in teaching practices affect student learning. The ERT has determined that J.V. Martin has not satisfactorily implemented the 2005-06 recommendations for L&G 8. Therefore, according to S.C. Code Ann. § 59-18-1520 (2004), the principal, district superintendent, and representatives of the board of trustees must appear before the State Board of Education to outline the reasons why a state of emergency should not be declared in the school.

The following attachments are included in the minutes:

- S.C. Code Ann. § 59-18-1520 (2004)
- Procedural Guidelines to Determine Satisfactory Implementation of Approved Recommendations
- ERT Satisfactory Implementation School Report Summary 2006-07 for J.V. Martin Junior High School.
- ERT Extended Timeline School Report 2006-07 for J.V. Martin Junior High School with comments

Mrs. Johnston then introduced Ray Rogers, Superintendent of Dillon School District Two. He introduced guests who attended the meeting with him: Mr. Fitzgerald Leach, Chair, Dillon School District Two; Amanda Burnett, Principal Specialist, J.V. Martin Junior High School; Alice Grice, Assistant Superintendent for Federal Programs; Kay Lynn, Assistant Superintendent for Personnel; Polly Elkins, Assistant Superintendent for Administration; Lynn Liebenrood, Director of Accountability and Assessment; Barbara Hawkins, Curriculum Facilitator at J.V. Martin; and Jean Shaw, Instructional Coach. Mr. Rogers then thanked Mr. Randy Rouse, Station NET 19, for all of his assistance in putting together their presentation. He also thanked supporters who were present from Trenholm Road United Methodist Church in Columbia.

Mr. Rogers and Ms. Burnett explained what was being done to bring J.V. Martin Junior High School up to standard and outlined the reasons why a state of emergency should not be declared at J.V. Martin Junior High School. A copy of the presentation is included in the minutes.

Chair Tindal thanked Superintendent Rogers and his staff for putting together a thorough presentation for the Board members.

Chair Tindal then asked Board members to ask questions of Superintendent Rogers and his staff. He explained that after receiving questions from Board members, Dr. Rex would then give his recommendation to the Board, and Chair Tindal would entertain a motion on Dr. Rex's recommendation.

Ms. Sumpter asked what the reading level was for children entering J. V. Martin Junior High School. She also asked if there appears to be more discipline because of the proximity to the Sheriff's Department. Superintendent Rogers stated that there would be a Resource Officer in the school. He stated that the students start off behind in their reading because they are unable to educate all of the four-year-old students in Dillon County. They do not have the facilities or the teachers that are needed; therefore, the students are behind from day one.

Mr. McKinney asked if there is currently "active" community support for the referendum that is scheduled in the fall. Superintendent Rogers stated that most of the leaders in the county and the city understand the plight. Dillon County just lost 400-500 jobs this past quarter.

Mr. DuBard stated that other than the administrators and teachers, he didn't see any public business people helping with the referendum. He then asked what Dillon's outreach is sixty days before the referendum. Superintendent Rogers stated that there are key people working on the referendum.

Dr. Blackwell stated that it didn't sound like there was a lot of parent support. Superintendent Rogers stated that a part of the problem was a lack of transportation for people in Dillon County.

Dr. Blackwell asked how many members are currently on the Board and if they were paid. Mr. Rogers stated there are seven members and they are not paid. Dr. Blackwell asked what the budget was for last year and the approved budget for this year. Mr. Rogers responded around \$17 million. Dr. Blackwell asked how many students were enrolled in the district. Mr. Rogers stated around 3,500. Dr. Blackwell stated that one of his concerns was that the State Department of Education came in and pointed out concerns and then granted the school an extension on some safety and cleanliness issues.

Mr. Mitchell asked that the local Chair of the Board be allowed to address the Board. Chair Leach stated that with what the District has to work with, an excellent job was being done.

Mrs. Swad asked who was Dillon's County Representative and Senator. Mrs. Swad asked what would be done to prevent the school getting in this condition in the future.

Mr. Isaac stated that he felt the answer was for Dillon School District staff to continue to work as hard as they could possibly work to upgrade what they have, not just at J.V. Martin. The state needs to realize that those who have need to help those who do not. When that happens, everyone will benefit. Mr. Simpson agreed with Mr. Isaac. Mrs. Swad asked about the parent's response to the condition of the school.

Chair Tindal asked if the Board members had any other questions. There being none he called upon Dr. Rex to give his recommendation to the Board.

Dr. Rex recommended that the following steps be taken.

- A state of emergency not be declared at J.V. Martin Junior High School in Dillon School District Two but that such action be continued to be considered by the Board with the understanding that, if deemed

necessary, a state of emergency can be declared by the Board in the future.

- An on-site audit team will go to J.V. Martin Junior High School before the students arrive at the beginning of this 2007 academic year to confirm on-site that the improvements that have been described and the actions still underway have been concluded appropriately.
- Dr. Rex recommended that Barbara Johnston, Education Associate in the Office of State and Federal Programs, who is very familiar with J. V. Martin Junior High School and with the former recommendation, lead this on-site visit.
- He recommended that, at least during the fall semester, monitoring visits should be conducted at the school, both announced and unannounced, to look at conditions of the school, especially to verify and validate the security provisions that were discussed earlier today, to make sure that the school is safe, to determine there is an adequate plan, and there is an adequate response to an unannounced visit.
- Also, as part of this recommendation that Mrs. Johnston and members of the auditing team make a report to the SBE in January.

Dr. Rex stated that the reason he recommended January for the report was to see the outcome of the referendum in December. Based upon the outcome of the referendum, this would provide an opportunity to consider what other options are available and what kind of response the school district has made during the fall semester.

Dr. Rex stated to Chair Tindal that this was his recommendation. It would keep the options open it also provides a way to verify that things are being done for safety, security, and cleanliness at J.V. Martin Junior High School. There is also another report regarding the professional development that will occur at an appropriate time. Dr. Rex did not address this issue directly.

Mr. Joe Isaac moved to accept State Superintendent of Education Rex's recommendations for J.V. Martin Junior High School. Mr. Ben Mitchell seconded the motion.

There being no discussion, Chair Tindal called for the question.
The motion carried.

55. Curriculum and Instructional Materials Items
Patsy Pye, Facilitator

FOR APPROVAL

01. C&I Items Overview

Theresa Siskind, PhD, Deputy Superintendent, Division of Accountability, gave a brief overview of the items being presented.

02. Proposed Amendments to 24 S.C. Code Ann. Regs. 43-71 (Supp. 2006), Free Textbooks (First Reading)

Jim White, Manager, Office of Finance, Instructional Materials Section, Division of Finance and Operations, presented this item.

Mr. White stated that this item proposes amendments to 24 S.C. Code Ann. Regs. 43-71 (Supp. 2006), Free Textbooks.

The purpose of this amendment is to modify how state-owned materials are stamped and distributed to pupils because the SDE utilizes a textbook manager system. The 2007-08 Appropriations Act authorized the use of revenue funds for the implementation of a statewide textbook management system to assist districts in the management and distribution of state-owned textbooks. Implementation of the system has made it necessary to amend certain sections in State Board of Education Regulation 43-71 to conform to the intent of the Appropriations Act. Specifically, the proposed amendment changes how textbooks are tracked as property of the state and circulated to pupils. In addition, amendments to Section 27 would make the section conform to language in the 2007-08 Appropriations Act and amendments to Section 29 would allow for the collection of liquidated damages for companies that do not respond to State Department of Education requests for certified listings of contract information with other persons and entities.

The State Department of Education recommends that the State Board of Education approve the amendments to R 43-71, Free Textbooks.

Mr. Al Simpson moved for the approval of proposed amendments to 24 S.C. Code Ann. Regs. 43-71 (Supp. 2006), Free Textbooks (First Reading). Mr. Rick Adkins seconded the motion.

Chair Tindal called for any questions or comments on the motion.

Mr. Trip DuBard asked how much is collected for damaged materials each year. Mr. White stated that last year the amount collected was a little more than \$1 million. This money is used to purchase additional instructional materials and maintain the used textbook program. Mr. DuBard asked how big the publisher's contract was. Mr. White explained some were rather large since they contained more than one subject area.

There being no further questions, Chair Tindal called for the question. The motion carried.

03. Proposed Repeal of 24 S.C. Code Ann. Regs. 43-225 (Supp. 2006), School-to-Work Transition Act Regulations (First Reading)

James Couch, PhD, Director, Office of Career and Technology Education, Division of Standards and Learning, presented this item on behalf of James Wofford O'Sullivan, Education Associate, Office of Career and Technology Education (CATE), Division of Standards and Learning.

This regulation needs to be repealed as a result of the passage of the Education and Economic Development Act of 2005 and action noted in the Education and Economic Development Act, specifically—"SECTION 4. Act 450 of 1994 and Section 59-52-95 of the 1976 Code are repealed."

As noted above, many of the fundamental components of the 1994 School-to-Work Transition Act were transitioned into the Education and Economic Development Act. Repealing the 1994 School-to-Work Transition Act regulations will not diminish the services or activities provided to students.

The State Department of Education recommends that the State Board of Education approve the repeal of Reg. 43-225 (Supp. 2006), School-to-Work Transition Act Regulations.

Mr. Trip DuBard moved to approve the proposed repeal of 24 S.C. Code ann. Regs. 43-225 (Supp. 2006), School-to-Work

Transition Act Regulations (First Reading). Mr. Joe Isaac seconded the motion.

Chair Tindal called for any discussion on the motion.

There being no discussion, the motion carried.

54. Finance and Legislative Items
Joe Isaac, Facilitator

FOR APPROVAL

- 01. F&L Items Overview**—John Cooley, Deputy Superintendent, Division of Finance and Operations

FOR INFORMATION

- 02. State Board of Education Financial Statements**—

John Cooley, Deputy Superintendent, Division of Finance and Operations, gave an overview of the budget.

Mr. Rick Adkins asked who drafted the budget. Mr. Cooley stated that it should be developed by the chair, but in practice it was probably developed based on prior years' expenditures.

Dr. Varat expanded on this topic by asking if the budget was part of the budget request that is made yearly by the State Department of Education and if the State Board's budget is a line item. Mr. Cooley stated that this has been a recurring amount in the budget for about ten years. Dr. Varat then asked if the Department had the capability to move funds from one area to another. Mr. Cooley answered yes. Dr. Varat asked if the State Board had flexibility in how to spend the State Board money in the budget. Mr. Cooley responded yes and that recently the Board had accepted the responsibility of paying for the hearing officers.

Mr. Varat asked Chair Tindal if there had ever been a discussion on how the budget was set. Chair Tindal responded that Mr. Cooley had already answered these questions correctly. Dr. Varat then asked Chair Tindal if he ever intended to have a conversation with Board members on this issue. Chair Tindal stated that if the Board members wished to have a conversation on this issue, it could be done. He said that if the Board wanted to make suggestions, send them to him, Dr. Rex, and Mr. Cooley for further discussion.

Mr. Cooley, along with Karen Horne, responded to a question about the remaining grant money for the Student Advisory Ad Hoc Committee.

Chair Tindal asked Dale Stuckey, Esquire, Chief Counsel, Office of General Counsel to give the overview of the remaining item under Educational Policy.

52. Educational Policy Items
John Tindal, Facilitator

FOR APPROVAL

- 01. Policy Items Overview**—Dale Stuckey, Esquire, Chief Counsel, Office of General Counsel
- 02. Recommendations to Fill Vacancies on the State Board of Education (SBE) Awards Nominating Committee for the 2007 Volunteer Awards Program**

Karen Horne, Education Associate, Office of Community and Parent Services, Division of Educational Services, presented this item for Peggy Hogan, Education Associate, Office of Community and Parent Services, Division of Educational Services.

Ms. Horne explained that S.C. Code Ann. § 59-5-150 (2004) requires the SBE to operate an award program “to recognize business and industries, civic organizations, school improvement councils, and individuals contributing most significantly to public education.” This item is to secure the SBE’s approval of selected Board members’ nominees to the Volunteer Awards Committee.

Vacancies exist on the nominating committee for an SBE member and for a representative from the Second, Fourteenth, and Sixteenth Judicial Circuits. The SBE nominee recommended by the Chair of the Board is Mr. Al Simpson. The appointment of the SBE member is for a one-year term. Ms. Lisa Stokes from the Second Judicial Circuit nominated Ms. Demmie Raysor. Mr. Ben Mitchell from the Fourteenth Judicial Circuit nominated Ms. Dandi L. Daniels. Dr. Britt Blackwell from the Sixteenth Judicial circuit nominated Tommy Pope, Esquire. The appointments for the Judicial Circuits are for a three-year term.

The State Department of Education recommends approval of the nominees.

Mr. Charles McKinney moved to approve the recommendations to fill vacancies on the State Board of Education Awards Nominating Committee for the 2007 Volunteer Awards Program. Mrs. Lisa Stokes seconded the motion.

Mr. Ben Mitchell asked that his name be corrected on the nomination form to show no middle initial.

Chair Tindal called for any discussion on the motion.

There being no further questions, Chair Tindal called for the question. The motion carried.

IX. OTHER BUSINESS

- State Board of Education Committee Structure

Janice Poda, Deputy Superintendent for Administration, handed out an information packet that was gathered from the State Board of Education for all fifty states. This handout has been included in the minutes.

- Feedback from Board members regarding Virtual Schools Guidelines

Chair Tindal stated that Mrs. Kristin Maguire had requested information on guidelines for virtual schools. Mrs. Maguire was absent but Chair Tindal asked Dee Appleby, Education Associate, Office of eLearning, Division of Standards and Learning, to present the information. Ms. Appleby explained that Mrs. Maguire requested that information on the priority areas be presented to the Board members for discussion before the committee started working on the guidelines.

Chair Tindal stated that since it was unclear what information Mrs. Maguire was requesting, this request should be carried over to the next meeting.

Ms. Appleby requested that the Board give approval to open applications to all students statewide. The system is currently operational. A student applies to the virtual school, takes a technology tests and is enrolled into the virtual course, once their guidance counselor or sponsor approves them. The actual start date for beginning virtual courses is September 10. The current guidelines from the pilot program will be used until the work is completed on the revised guidelines.

Mr. Simpson asked what courses were being offered. Ms. Appleby said that they were thirty-four courses being offered from AP to all high school required courses, as well as career and technology courses. It will vary from Algebra 1 to English 1-4, to content recovery in those areas, as well as initial credit. Mr. Simpson asked if there was a fee required for these courses. Ms. Appleby stated there was no fee at this time, but the General Assembly has given the SDE the authority to charge fees.

Dr. Varat asked for the process for applying for a class. Ms. Appleby explained that she would send out official notification to private schools, home school associations, and public schools to make them aware of the process. Private and home schools will fill out an application to verify the credentials of the school. The schools are required to assign a sponsor to communicate with the students from that school/home. The student will apply, they will take the technology assessment, and they will get approval from their sponsor.

Dr. Varat asked the size of the class. Ms. Appleby stated there would be up to 25 students in each section. Dr. Varat then asked if enrollment was on a first-come, first-serve scenario. Ms. Appleby stated that this would be determined by the priorities that the Board sets. She stated that right now 3,000 students can be served at one time. Once a student finishes a course and that seat opens up, it can then be offered to another student. This is called rolling enrollment, and it will give students an opportunity to enroll four times a year. Seniors have priority to keep them on track for graduation. Ms. Appleby stated that the legislation that created the need for guidelines was passed on May 15, 2007. Dr. Varat asked if there was a percentage cap on the number of students from private, home school, or public schools in this legislation. Ms. Appleby stated that the percentage caps were eliminated in the final legislation that was passed.

Dr. Varat asked if there would be a regulation that governs this or is it just going to be done. Shelly Kelley, General Counsel, Office of General Counsel, explained that ultimately there would be a regulation but right now there is a team putting together guidelines. State Board members on the team are Dr. Britt Blackwell, Mrs. Kristin Maguire, Mrs. Diane Sumpter, and Mr. Hampton Hubbard. There was a virtual meeting several weeks ago and out of that meeting the guidelines were written in draft form. As a result of the draft, Mrs. Maguire felt that the Board as a whole should have some input in the guidelines.

Chair Tindal asked how many students participated in the pilot. Ms. Appleby stated there were close to 2,700 students for the pilot and no one was turned away. Chair Tindal asked if only public school

students participated in the pilot. Ms. Appleby replied that private and home school students were involved as well as public school students.

Ms. Clark asked if information about the virtual courses was on the State Department of Education's Web site so the Board members could review it or if there was something that could be e-mailed to the Board members. Ms. Appleby stated it was not on the Web site now, but she could put it on the Web site.

Chair Tindal stated that the point was that this information needs to be distributed to students. Chair Tindal asked for clarification on how to proceed since this was not an action item. Ms. Kelly stated that the purpose of bringing the issue before the State Board was that the statute stated this was a State Board program and there was a concern that there might be an issue if the State Department of Education announced the program without approval by the State Board of Education. At this time, the Department is notifying the State Board that they intend to proceed with the notification of students and work on the guidelines so they can be ready for first reading at the September State Board meeting.

Mr. DuBard asked if the staff was asking to get enrollment started but not start the classes until the guidelines are in place. Ms. Kelly said that the classes would start prior to approval by the State Board.

Chair Tindal stated that the Department wanted to get the information out to students so a determination can be made if they qualify for the program.

Mr. McKinney asked if the Board members needed to vote on the item. Ms. Kelly stated voting on the item would require suspending the rules.

Chair Tindal asked the Board members if they had any objections to the Virtual School Committee proceeding with getting the information out without having to take any actions since it would require suspending the rules.

Cindy Clark asked for clarification on what was being asked.

The Board members had no objections to moving forward with getting the information out to all students in South Carolina letting them know the program is available.

Chair Tindal announced that the Board would be going into Executive Session. He then turned the meeting over to Mr. Al Simpson for the purpose of certification matters.

X. EXECUTIVE SESSION

Educator Licensure Cases

Chair-Elect Simpson brought the meeting to order.

The following State Board of Education (SBE) members were in attendance: John Tindal, Chair, Third Judicial Circuit; Al Simpson, Chair-Elect, Sixth Judicial Circuit; Mrs. Patsy Pye, First Judicial Circuit; Mrs. Lisa Stokes, Second Judicial Circuit; Mr. Hampton Hubbard, Fourth Judicial Circuit; Ms. Libby Swad, Seventh Judicial Circuit; Mr. Charles W. McKinney, Eighth Judicial Circuit; Ms. Cindy Clark, Ninth Judicial Circuit; Mr. Rick Adkins, Tenth Judicial Circuit; Mrs. Amelia Herlong, Eleventh Judicial Circuit; Dr. Daniel Varat, Thirteenth Judicial Circuit; Mr. Ben Mitchell, Fourteenth Judicial Circuit; Mr. Joe Isaac, Fifteenth Judicial Circuit; and Dr. Britt Blackwell, Sixteenth Judicial Circuit.

Absent with apology Mrs. Kristin Maguire, Governor's Appointee.

Absent were Ms. Diane Sumpter, Fifth Judicial Circuit, and Mr. Fred "Trip" DuBard, Twelfth Judicial Circuit.

Attending on behalf of the State Department of Education were Carol Collins, Minute Taker; Janice Poda, Deputy Superintendent for Administration; Dale Stuckey, Chief Counsel, Office of General Counsel; Wendy Cartledge, Deputy General Counsel, Office of General Counsel; Deidre Richburg, Paralegal/Investigator, Office of General Counsel; and Jack Singletary, Education Associate, Office of Teacher Certification, Division of Educator Quality and Leadership.

Chair-Elect Simpson declared the State Board of Education in Executive Session.

Open Session

1. Mr. John Tindal moved that the State Board of Education issue a certificate to Joshua P. Copeland for unprofessional conduct. Mr. Joe Isaac seconded the motion. The motion carried.

Chair-Elect Simpson declared the State Board of Education in Executive Session.

Open Session

2. Mrs. Libby Swad moved that the State Board of Education deny a certificate to Gwendolyn G. Daniels for unprofessional conduct. Ms. Cindy Clark seconded the motion. The motion carried.

Chair-Elect Simpson declared the State Board of Education in Executive Session.

Open Session

3. Mr. Joe Isaac moved that the State Board of Education deny a certificate to Marlene T. Sipes for unprofessional conduct. Mr. Charles McKinney seconded the motion. The motion carried.

Chair-Elect Simpson declared the State Board of Education in Executive Session.

Open Session

4. Mr. John Tindal moved that the State Board of Education suspend the certificate of Mason L. Cummings, certificate 187377, for an indefinite period and adopt an Order of Suspension, on the grounds of National Board loan default. Mrs. Amelia Herlong seconded the motion. The motion carried.
5. Mr. John Tindal moved that the State Board of Education suspend the certificate of Rodena Ellerbe, certificate 124542, for an indefinite period and adopt an Order of Suspension, on the grounds of National Board loan default. Mrs. Libby Swad seconded the motion. The motion carried.
6. Mr. John Tindal moved that the State Board suspend the certificate of Tracy Madarasz, certificate 162883, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Ms. Cindy Clark seconded the motion. The motion carried.
7. Mr. John Tindal moved that the State Board suspend the certificate of Yvonne L. McDaniel certificate 178357, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mr. Benjamin Mitchell seconded the motion. The motion carried.
8. Mr. John Tindal moved that the State Board suspend the certificate of Wilhelmina S. Moore, certificate 044669, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mrs. Amelia Herlong seconded the motion. The motion carried.
9. Mr. John Tindal moved that the State Board suspend the certificate of Michelle M. Mostiler, certificate 184707, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mrs. Amelia Herlong seconded the motion. The motion carried.
10. Mr. John Tindal moved that the State Board suspend the certificate of Wanda B. Mouzon, certificate 171735, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mr. Joe Isaac seconded the motion. The motion carried.

11. Mr. John Tindal moved that the State Board suspend the certificate of Debra L. Schuck, certificate 166000, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mr. Joe Isaac seconded the motion. The motion carried.
12. Mr. John Tindal moved that the State Board suspend the certificate of Pearl H. Singleton, certificate 147519, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mrs. Libby Swad seconded the motion. The motion carried.
13. Mr. John Tindal moved that the State Board suspend the certificate of Paula P. Teal, certificate 186154, for an indefinite period and adopt an Order of Suspension on the grounds of National Board loan default. Mr. Joe Isaac seconded the motion. The motion carried.
14. Mr. Joe Isaac moved that the State Board suspend the certificate of Deborah L. Austin, certificate 217081, for a period of two years and adopt an Order of Suspension on the grounds of ADEPT failure. Mr. Rick Adkins seconded the motion. The motion carried.
15. Mr. Joe Isaac moved that the State Board suspend the certificate of Elizabeth N. Bentley, certificate 215672, for a period of two years and adopt an Order of Suspension on the grounds of ADEPT failure. Mrs. Libby Swad seconded the motion. The motion carried.
16. Mr. Joe Isaac moved that the State Board suspend the certificate of James M. Charles, certificate 216072, for a period of two years and adopt an Order of Suspension on the grounds of ADEPT failure. Mr. Rick Adkins seconded the motion. The motion carried.
17. Mr. Joe Isaac moved that the State Board suspend the certificate of James L. Frazier, certificate 214606, for a period of two years and adopt an Order of Suspension on the grounds of ADEPT failure. Mrs. Libby Swad seconded the motion. The motion carried.
18. Mr. Joe Isaac moved that the State Board suspend the certificate of Thomas M. Labanick, certificate 216039, for a period of two years and adopt an Order of Suspension, on the grounds of ADEPT failure. Mrs. Amelia Herlong seconded the motion. The motion carried.
19. Mr. Joe Isaac moved that the State Board suspend the certificate of Roxanne D. Marion, certificate 218953, for a period of two years, and adopt an Order of Suspension, on the grounds of ADEPT failure. Mrs. Libby Swad seconded the motion. The motion carried.

20. Mr. Joe Isaac moved that the State Board suspend the certificate of David C. Renton, certificate 218590, for a period of two years, and adopt an Order of Suspension, on the grounds of ADEPT failure. Ms. Cindy Clark seconded the motion. The motion carried.
21. Mr. Joe Isaac moved that the State Board suspend the certificate of Juanita W. Small, certificate 220917, for a period of two years, and adopt an Order of Suspension, on the grounds of ADEPT failure. Mrs. Amelia Herlong seconded the motion. The motion carried.
22. Mr. Joe Isaac moved that the State Board suspend the certificate of Mark S. Woodward, certificate 210658, for a period of two years, and adopt an Order of Suspension on the grounds of ADEPT failure. Mrs. Libby Swad seconded the motion. The motion carried.

Chair-Elect Simpson declared the State Board of Education in Executive Session

Open Session

23. Mr. Joe Isaac moved that the State Board issue a Public Reprimand to Bettye R. Stokes, certificate 120944, and approve the Consent Order of Public Reprimand on the grounds of unprofessional conduct. Mrs. Amelia Herlong seconded the motion. The motion carried.

XI. ADJOURNMENT

There being no further business, the Board meeting adjourned at 4:25 p.m.