

Minutes
State Board of Education Meeting
Wednesday, October 10, 2007
TIME: 9:30 a.m.
Richland School Bus Shop
Career Development Center, Main Conference Room
8016 Wilson Boulevard
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 John Tindal called the meeting to order at 9:30 a.m. He asked everyone to stand for the Pledge of Allegiance.

The following State Board of Education 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 McKinney, Eighth Judicial Circuit; Ms. Cindy Clark, Ninth Judicial Circuit; Mr. Rick Adkins, Tenth Judicial Circuit; Mr. Fred "Trip" DuBard, Twelfth 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 apologies were Mrs. Amelia Herlong and Mrs. Kristin Maguire.

Attending on behalf of the South Carolina Department of Education were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Shelly Kelly, Parliamentarian; Janice Poda, Deputy Superintendent for Administration; Sandy Smith, Deputy Superintendent for Policy and Legislation; Cindy McIntee, SERVE;

Valerie Harrison, Deputy Superintendent, Division of Standards and Learning; Teri Siskind, Deputy Superintendent, Division of Accountability; Cleo Richardson, Deputy Superintendent, Division of Educational Services; Elizabeth Carpentier, Deputy Superintendent, Division of Innovation and Support; Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership; and John Cooley, Deputy Superintendent, Division of Finance and Operations.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR SEPTEMBER 12, 2007

Mr. Ben Mitchell moved to approve the SBE minutes for September 12, 2007. Mr. Charles McKinney seconded the motion. The motion carried.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR OCTOBER 10, 2007

Mr. Al Simpson moved to approve the agenda with the following amendment under Finance and Legislative Items: move item 54-03, *Proposed Instructional Materials Allocation Methodology 2007-08 School Year*, from a "For Approval" item to a "For Information" item. Mr. Ben Mitchell seconded the motion with the amendment. The motion carried.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Tindal asked all visitors present to stand and be recognized. He also recognized Mr. Bill Robinson from *The State* newspaper.

Chair Tindal then recognized Mrs. Patsy Pye who introduced some special visitors.

Chair Tindal turned the meeting over to Dr. Rex.

V. STATE SUPERINTENDENT OF EDUCATION REPORT

Dr. Rex recognized Greg Davis who won the National Association for Amateur Radio Award for installing ham radio antennas at Red Cross evacuation shelters. Dr. Rex explained that Greg, a senior at West Florence High School in Florence School District One, is a ham radio operator and on a typical afternoon chats with people in China, Russia, or Germany.

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Dr. Rex stated that Greg has a basic knowledge of radio technology and uses Morse code most of the time. He passed a Federal Communications Commission license exam to be able to operate. As an Eagle Scout project, Greg placed antennas at the Red Cross evacuation shelters. He installed antennas at Lake City and South Florence High Schools and has plans to put up several more. A Boy Scout for eight years, Greg is also a certified scuba diver and plays the violin in the West Florence orchestra. He plans to attend Clemson University and major in electrical engineering.

Greg's State Board member is Mr. Fred "Trip" DuBard.

Dr. Rex recognized Ms. Wanda Green, a certified Montessori teacher at Guinyard Elementary School in Calhoun County. Rex explained that the U.S. Department of Education recognizes exemplary classroom teachers who are successful in using innovative teaching strategies and raising student achievement. He said that the American Star of Teaching award is presented to one teacher in each state who demonstrates innovative teaching strategies and goes beyond the call of duty in the classroom. These teachers are representatives of the thousands of teachers who are making a difference in the lives of their students. Ms. Green teaches kindergarten through second grade and works with up to 20 students simultaneously. That means that she has to create up to 20 lesson plans every day.

Ms. Green holds undergraduate and master's degrees from South Carolina State University and has plans to earn her doctorate in early childhood education. She is also pursuing National Board certification.

Ms. Green's State Board member is Mrs. Patsy Pye.

Dr. Rex turned the meeting over to Chair Tindal.

Chair Tindal stated that at the last Board meeting there was a report on J.V. Martin, and at that time he indicated there would be unannounced visits to the school. One unannounced visit has taken place; a report from that visit indicated there were eleven commendations and five concerns. The concerns look like they are manageable. Dr. Rex stated that he still was not satisfied and there would be another unannounced visit this calendar year. He said the school had come a long way but there were still things that needed to be dealt with.

Dr. Rex then discussed the \$3,000,000 gift from South Carolina Student Loan. He stated that this was a very important gift that will go to the Palmetto Priority Schools. J.V. Martin will be one of the recipients of the gift and will use the funds to implement a Star

Academy program to address potential high school dropouts. This program was piloted in Pickens County with great success. It is an attempt to work with over-aged eighth graders who are behind academically by providing an accelerated curriculum so that these students can complete two years of course work in one year and become tenth graders the following year. The Board will be kept informed on the implementation of the program at J.V. Martin and the other priority schools.

Dr. Rex told the Board that on October 9 he had a chance to visit two schools, Sumter High School and Lexington Middle School, where he presented two teachers the Milken Educator Award. This award from the Milken family foundation is a significant cash award. The first recipient, Eric Wilkinson of Sumter High School, is a chorus teacher. Rex then traveled to Lexington Middle School where he presented Genia Webb, an eighth-grade math teacher and basketball coach, with the award. Each teacher will receive a check in the amount of \$25,000 in a ceremony in Los Angeles, California in the spring.

Dr. Rex said that as he travels around the state he wants to create a sense of urgency about some of the changes and reforms that need to take place.

VI. PUBLIC COMMENT PERIOD

Chair Tindal stated that no one had signed up for public comment. Chair Tindal then stated that Senator Lourie was present and would like to speak to the Board.

Senator Lourie thanked the Board for allowing him to speak. He spoke in support of the Waiver of Requirements to Reduce Millage in Richland School District Two.

Chair Tindal stated that Mrs. Kristin Maguire, Facilitator for Teacher Recruitment, Training, and Certification items was not present for the Board meeting. He would present the items on her behalf. He stated that Mrs. Maguire was attending a study group in London looking at Virtual Schools and Technology. He said that he e-mailed her and asked that she present a report on her trip at the November State Board meeting.

VII. 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 item presented for approval.

02. Recommendation to Approve New Members to the Professional Review Committee (PRC)

Allison Jacques, PhD, Director, Office of Preparation, Support, and Assessment, Division of Educator Quality and Leadership, presented this item. She explained that the term of four Professional Review Committee (PRC) members expired on June 30, 2007. The State Board of Education is required to appoint replacements. The Division of Educator Quality and Leadership recommends the following four individuals who have been active in state efforts to improve teacher education programs:

- Ms. Michele Taylor-Brown, Director of Teacher Quality, Richland School District Two, Columbia, SC;
- Ms. Katinia Blake Davis, Principal, Longleaf Middle School, Columbia, SC;
- Mr. Mike Edward Mahaffey, Assistant Superintendent for Personnel Services, Anderson School District Five, Anderson, SC; and
- Dr. Irma Van Scoy, Associate Dean, College of Education, University of South Carolina, Columbia, SC.

A resume for each nominee is included with the minutes.

The South Carolina Department of Education recommends State Board of Education approval of these four new members to the PRC.

Mr. Al Simpson moved to approve the recommendation to appoint new members of the Professional Review Committee (PRC). Mr. Joe Isaac seconded the motion.

There being no discussion from the Board members, the Chair called for the vote. The motion carried.

Chair Tindal turned the meeting over to Mrs. Patsy Pye.

55. Curriculum and Instructional Materials Items
Patsy Pye, Facilitator

01. C&I Items Overview

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

02. South Carolina Virtual School Program Guidelines (First Reading)

Dee Appleby, Interim Director, Office of eLearning, Division of Standards and Learning, presented this item. Ms. Appleby stated that 2007 S.C. Acts 26 (to be codified at S.C. Code Ann. Section 59-16-10 *et seq.*) established the South Carolina Virtual Schools Program (SCVSP) and requires the State Board of Education to develop guidelines to implement the program. The proposed Guidelines are being presented to the Board for approval for first reading. Ms. Appleby then answered questions from the Board members.

The South Carolina Department of Education recommends that the State Board of Education accept the proposed guidelines for first reading.

Dr. Britt Blackwell moved to approve the South Carolina Virtual School Program Guidelines for first reading. Ms. Diane Sumpter seconded the motion.

After discussion by Board members, the Chair called for the vote. The motion carried.

03. Public Choice Innovation Schools (Discretionary Competitive Grant) Request for Proposals

Elizabeth Carpentier, Esquire, Deputy Superintendent, Division for Innovation and Support, presented this item. She asked that the State Board of Education review and issue approval to distribute the request for proposals

(RFP) to award grants to four or five schools for public choice innovation.

Mrs. Carpentier explained that Proviso 1A.69 directs the State Board of Education to establish a grant program to support the creation of Public Choice Innovation Schools and to provide for their evaluation. The legislature appropriated \$2.36 million for these discretionary grants. The goal of Public Choice Innovation Schools is to demonstrate leadership in instructional, administrative, or personnel practices yielding strong student academic achievement.

The South Carolina Department of Education recommends that the State Board of Education approve the RFP and release the RFP to school districts for proposals.

Joe Isaac moved to approve the Public Choice Innovation Schools (Discretionary Competitive Grant) request for proposals. Ms. Diane Sumpter seconded the motion.

After a discussion by the Board members, Dr. Danny Varat voted to delay the vote until the next Board meeting. Ms. Cindy Clark seconded the motion. The motion failed with a vote of 8 to 7.

Mrs. Patsy Pye, Facilitator, then called for the vote on the original motion to approve the Public Choice Innovation Schools (Discretionary Competitive Grant) request for proposals. The motion carried with three opposing votes from Dr. Danny Varat, Ms. Cindy Clark, and Mrs. Libby Swad.

04. Adoption List of Formative Assessments

Susan Creighton, Education Associate, Office of Assessment, Division of Accountability, presented this item. Ms. Creighton explained that the South Carolina Department of Education requests approval of a list of formative assessments. School districts may purchase these assessments with funds appropriated by the General Assembly and use them to improve student performance in accordance with their district improvement plans. A copy of the list of formative assessments is included in the minutes.

The South Carolina Department of Education recommends that the State Board of Education approve the list of formative assessments.

Mr. Joe Isaac moved that the formative assessment adoption list be approved. Mr. Charles McKinney seconded the motion.

After discussion by Board members, the Chair called for the vote. The motion carried with one opposing vote by Ms. Cindy Clark and Mrs. Libby Swad.

Chair Tindal turned the meeting over to Mr. Joe Isaac.

54. Finance and Legislative Items
Joe Isaac, Facilitator

FOR APPROVAL

01. Finance and Legislative Items Overview

John Cooley, Deputy Superintendent, Division of Finance and Operations, presented an overview of the two items being presented for approval.

02. Waiver of Requirement to Reduce Millage—Richland School District Two

Alex James, Director, Office of Facilities, Division of Innovation and Support, presented this item and introduced Mr. Bob Davis, Chief Financial Officer with Richland School District Two, who answered questions from Board members. He stated that Richland School District Two is requesting to use the full EIA Building Fund Allocation (\$594,432.50) for needed capital improvement/maintenance projects.

He explained that Richland School District Two has obtained certification (see statute) from the State Treasurer's Office. The public has been notified through an agenda item at the District Board's July meeting and a public notice in *The State* newspaper.

This waiver was reviewed by the SBE in September 2007 and the additional information requested has been submitted.

The South Carolina Department of Education recommends approval by the SBE of the requested waiver by Richland School District Two so the district can utilize the EIA allocation for the capital improvement/maintenance projects.

Dr. Britt Blackwell stated that he did not feel it was in the Board's jurisdiction to approve the Waiver Requirement to Reduce Millage for Richland School District Two. Mr. Trip DuBard, Mr. Joe Isaac, and Ms. Diane Sumpter spoke in favor of the Richland Two Waiver.

Mr. Trip DuBard moved to approve the Waiver of Requirement to Reduce Millage for Richland School District Two. Mr. Charles McKinney seconded the motion.

Shelly Kelly, Esquire, informed the Board that the Attorney General's office issued an opinion regarding the Richland Two request. The opinion stated that it appeared that Richland Two's request met the requirements of the law but acknowledged that the State Board has the discretion to grant or refuse to grant the waiver.

Dr. Danny Varat asked that the Board Chair put off consideration of any more waivers until at least January or February to allow the General Assembly to deal with this issue. He stated that there was a bill in the Senate Education Committee that would take this responsibility away from the State Board.

After discussion by Board members, the chair called for the vote. The motion carried with five opposing votes by Dr. Britt Blackwell, Mrs. Libby Swad, Ms. Cindy Clark, Dr. Danny Varat, and Mr. Rick Adkins.

FOR INFORMATION

03. Proposed Instructional Materials Allocation Methodology 2007-08 School Year

Jim White, Manager, Instructional Materials Section, Office of Finance, Division of Finance and Operations, presented this item. He explained that State Board of Education Regulation 43-71(3)(B)(Supp. 2006), Free Textbooks states that the South Carolina Department of Education shall provide a schedule of instructional

materials allocation formulas to the SBE for information annually.

Allocations are an estimate of a school's instructional materials needs. There are four factors that determine a school's funding for ordering newly adopted instructional materials under the state free textbook program: (1) grade, class, or course enrollment; (2) the school/district curriculum; (3) the principle of one textbook per child in a subject area, except where classroom sets are appropriate for providing instruction (i.e., Vocational, Art, Music, P.E.); and (4) publishers selected.

Allocations are provided to schools for newly adopted subject areas K–8 science, career and vocational, elementary math consumables, and maintenance of prior-year adoptions.

04. State Board of Education Financial Statements

John Cooley, Deputy Superintendent, Division of Finance and Operations, presented an overview of the Board's Budget and answered questions from Board members.

Mr. Isaac turned the meeting over to Chair Tindal.

52. Educational Policy Items
John Tindal, Facilitator

01. Educational Policy Items

Shelly Kelly, Deputy General Counsel, Office of General Counsel, presented a brief overview of the Educational Policy Items.

02. Approval of State Board Volunteer Awards Nominating Committee Selections for the 2007 SBE Volunteer Awards

Peggy Hogan, Education Associate, Office of Community and Parent Services, Division of Educational Services, stated that the 2007 State Board Volunteer Awards Nominating Committee met September 6, 2007, to review district nominations and recommend winners. The winners will be formally recognized by the State Superintendent of Education at the November meeting.

The selection and approval of recommended winners for the State Board Volunteer Awards Program are annual events regulated by state law.

A list of the nominees selected to receive the award is being provided to all Board members with a request that the information not be released to individuals or school districts prior to formal notification by the State Superintendent of Education and the South Carolina Department of Education's Volunteer Coordinator.

The South Carolina Department of Education recommends that the State Board of Education approve the list of 2007 State Volunteer Award winners.

Mr. Charles McKinney moved to approve the State Board Volunteer Awards Nominating Committee selections for the 2007 SBE Volunteer Awards. Mr. Ben Mitchell seconded the motion.

There being no questions by Board members, the Chair called for the vote. The motion carried.

03. Proposed State Board of Education Meeting Schedule for 2008

Janice Poda, PhD, Deputy Superintendent for Administration, presented the proposed State Board of Education meeting schedule for 2008. She stated that the proposal contained two choices of schedules for meeting dates for the State Board of Education in 2008. She explained that currently the State Board of Education meets on the second Wednesday of each month. The first proposal maintains a monthly meeting of the full board with committee meetings the day before the full meeting. Proposal two suggests a schedule with full board and committees meeting every other month.

Mr. Charles McKinney moved to approve proposal one as the proposed State Board of Education meeting schedule for 2008. Mrs. Libby Swad seconded the motion.

After a discussion by the Board members, Mr. Al Simpson moved to postpone approving the proposals for the State Board of Education meeting schedule for 2008 until the next State Board meeting in November. Mr. Rick Adkins seconded the motion.

After discussion by the Board members, the Chair called for the vote to postpone item #3 under Education Policy until the November Board meeting. The motion carried.

VIII. OTHER BUSINESS

Chair Tindal stated that Mr. Joe Isaac would be addressing the State Board Budget item.

Mr. Isaac stated that Mrs. Collins had sent out an e-mail regarding the 2009 budget. Mr. Isaac said that the Board overspent their allocation last year by \$5,000. In looking at what the Board is planning (a one-day retreat, a two-day retreat, being more involved by establishing committees that will require more travel, food, and overnight lodging), Mr. Isaac asked Mr. Cooley to provide a proposed budget for the fiscal year 2009. Mr. Isaac asked all members to look at the information that would be coming from Mr. Cooley and get back with him as soon as possible with their input. If Mr. Isaac has not heard from any members within the next forty-eight hours, he will advise Mr. Cooley to proceed with the budget he has prepared.

Dr. Varat requested that a committee be formed to study these issues thoroughly. He felt it deserved a little more study. Mr. Cooley stated there should be no problem delaying the item. He would follow the direction of the Board.

Mr. Isaac turned the meeting back over to Chair Tindal.

Chair Tindal stated that he would appoint a committee at the pleasure of the Board to deal with this issue, and ultimately it will be dealt with as the Board reorganizes itself in the future.

Chair Tindal asked that anyone interested in serving on the Budget Committee to let him know. He asked Mr. Isaac to chair the Committee.

IX. EXECUTIVE SESSION

Chair-Elect Al Simpson called the meeting to order and asked for a motion to go into Executive Session. Mr. Charles McKinney moved to go into Executive Session. Mr. Ben Mitchell seconded the motion. The motion carried.

The following State Board of Education members were in attendance: John Tindal, Chair, Third Judicial Circuit; Al Simpson, Chair-Elect, Sixth

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Judicial Circuit; Mrs. Patsy Pye, First Judicial Circuit; Mrs. Lisa Stokes, Second Judicial Circuit; Mr. Hampton Hubbard, Fourth Judicial Circuit; Mrs. Libby Swad, Seventh Judicial Circuit; Mr. Charles McKinney, Eighth Judicial Circuit; Ms. Cindy Clark, Ninth Judicial Circuit; Mr. Rick Adkins, Tenth Judicial Circuit; Mr. Fred "Trip" DuBard, Twelfth 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 apologies were Mrs. Amelia Herlong and Mrs. Kristin Maguire.

Absent was Ms. Diane Sumpter.

Attending on behalf of the South Carolina Department of Education were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Shelly Kelly, Parliamentarian; Janice Poda, Deputy Superintendent for Administration; Mr. Jim Turner, Director, Office of Educator Certification; Mr. Jack Singletary, Education Associate, Office of Educator Certification; Wendy Cartledge, Esquire, Deputy General Counsel, Office of General Counsel; and Diedre Richburg, Investigator/Paralegal, Office of General Counsel.

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

Open Session

1. Mr. Fred "Trip" DuBard moved that the State Board of Education summarily suspend the certificate of Karen S. Robbins, certificate 147604, and adopt an Order of Summary Suspension on the grounds of unprofessional conduct. Mr. Ben Mitchell seconded the motion. The motion carried.
2. Mr. Fred "Trip" DuBard moved that the State Board summarily suspend the certificate of Fredrick Scott Waddell, certificate 179633, and adopt an Order of Summary Suspension on the grounds of unprofessional conduct. Mr. Joe Isaac seconded the motion. The motion carried.
3. Mr. Fred "Trip" DuBard moved that the State Board suspend the certificate of Vanessa P. Anderson, certificate 189863, 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.

4. Mr. Fred "Trip" DuBard moved that the State Board suspend the certificate of Stephanie D. Shirley, certificate 193587, 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.
5. Mr. Fred "Trip" DuBard moved that the Board accept the voluntary surrender of the certificate of John H. Rickenbacker, certificate 096301, and approve the Consent Order of Voluntary Surrender on the grounds of unprofessional conduct. Mr. Ben Mitchell seconded the motion. The motion carried.

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

Open Session

6. Mr. Fred "Trip" DuBard moved that the Board deny the application for certification to Mr. Clinton Burgess on the grounds of unprofessional conduct. Mr. Charles McKinney seconded the motion. The motion carried with one opposing vote by Mr. Ben Mitchell.

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

Open Session

7. The Board delayed taking action on the certificate of Mary Jane Radziej until the November State Board of Education meeting. Mr. John Tindal recused himself.

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

Open Session

8. Mr. Joe Isaac moved that the Board approve a certificate for Robert C. Sandahl. Dr. Britt Blackwell seconded the motion. The motion carried with six opposing votes by Ms. Cindy Clark, Mr. Rick Adkins, Dr. Danny Varat, Mr. Hampton Hubbard, Mr. Fred "Trip" DuBard, and Mrs. Libby Swad.

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

Open Session

9. Mr. Joe Isaac moved that the Board allow Treva Renea Windbush to enter the PACE Program. Mr. Ben Mitchell seconded the motion. The motion carried.

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

Open Session

10. Mr. Joe Isaac moved that the Board deny reinstatement for Bradley Jason Brewer, certificate 216612, for unprofessional conduct. Mr. John Tindal seconded the motion. The motion carried.
11. Mr. Rick Adkins moved that the Board deny reinstatement for Jon J. Charles, certificate 208859, for unprofessional conduct. Dr. Danny Varat seconded the motion. The motion carried.

Chair-Elect Simpson turned the meeting over to Chair Tindal.

X. PUBLIC HEARING—CHARTER SCHOOL APPEAL
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Mary L. Dinkins Higher Learning (MLD) Charter School's Appeal of the Lee County Board of Education's Revocation of Charter

The State Board of Education held a public hearing to hear Mary L. Dinkins Higher Learning (MLD) Charter School's Appeal of the Lee County Board of Education's Revocation of Charter. Board members Mrs. Kristin Maguire, Mrs. Amelia Herlong, Mr. Hampton Hubbard, Ms. Diane Sumpter, and Mr. Joe Isaac were not in attendance.

Kirby D. Shealy III, Esquire, and Samuel M. Mokeba, Esquire, represented the Mary L. Dinkins Higher Learning (MLD) Charter School. Kenneth A. Davis, Esquire, and Chares J. Boykin, Esquire, represented the Lee County School District.

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

Mr. Shealy was given thirty minutes to present an oral argument on behalf of Mary L. Dinkins Higher Learning (MLD) Charter School, with five minutes of rebuttal.

Mr. Davis was given thirty minutes to present an oral argument on behalf of Lee County School District.

Board members had an opportunity to question the parties.

A motion was made and seconded to go into Executive Session. The motion carried.

Executive Session

Open Session

First Motion

Mr. Al Simpson moved that the State Board, applying the standard of review as set forth in State Board Regulation 43-600, finds that the Lee County Board of Trustees is the legal sponsor of the MLD Charter School and, therefore, is legally empowered to act on the revocation of the charter. Mrs. Libby Swad seconded the motion. The motion carried.

Second Motion

Mr. Al Simpson moved that the State Board, applying the standards of review as set forth in State Board Regulation 43-600, finds that the Lee County Board of Trustees erred in finding that the MLD Charter School materially violated its charter contract by not cooperating with the 2006 and 2007 evaluations. Mrs. Libby Swad seconded the motion. The motion carried.

Third Motion

Mr. Al Simpson moved that the State Board, applying the standard of review as set forth in State Board Regulation 43-600, finds that the Lee County Board of Trustees erred in finding that the MLD Charter School materially violated the terms of the charter. Mr. Charles McKinney seconded the motion. The motion carried.

Fourth Motion

Mr. Al Simpson moved that the State Board, applying the standard of review as set forth in State Board Regulation 43-600, finds that the Lee County Board of Trustees erred in revoking the charter based on

the failure to meet pupil achievement standards as set forth in its application. Mr. Rick Adkins seconded the motion. The motion carried.

Chair Tindal appointed Mrs. Libby Swad, Mr. Rick Adkins, and Mrs. Lisa Stokes to serve on the committee and to work with the Office of General Counsel to draft the order.

XI. ADJOURNMENT

There being no further business the Board adjourned at 6:30 p.m.