

MINUTES

State Board of Education

Policy and Legislative Committee Meeting

Date

August 9, 2016

Time

9:00 a.m.

Location

Rutledge Conference Center

1429 Senate Street

Columbia, SC 29201

Michael Brenan, Chair

*Cathy Hazelwood, Deputy Superintendent for Legal Affairs and
Staff Liaison to the Committee*

I. Welcome and Determination of Quorum

Chair Michael Brenan, Governor's Appointee Fifth Judicial Circuit, called the meeting to order at 9:01 a.m. A quorum was present. Chair Brenan welcomed everyone to the meeting and addressed the members present. State Board of Education (SBE) Policy & Legislative Committee (Committee) members attending were Dr. Ivan Randolph, Chair-Elect, Eighth Judicial Circuit; Dr. Samuel Alston, First Judicial Circuit; Dr. Traci Young Cooper, Fifth Judicial Circuit; Dr. Sharon Wall, Eleventh Judicial Circuit; and Thomas Ewart, Twelfth Judicial Circuit. Dr. Rhonda Edwards, Fourteenth Circuit was absent.

Additional members present were Dr. Janice M. Gamble, Third Judicial Circuit; Gerald Reeves, Fourth Judicial Circuit; and David Whittemore, Thirteenth Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Noelle Redd, Minutes Taker; Molly M. Spearman, State Superintendent of Education; Betsy Carpentier, Chief Operating Officer; Cathy Hazelwood, Deputy Superintendent for Legal Affairs/Parliamentarian; Barbara A. Drayton, Staff Counsel, Division for Legal Affairs; Virgie Chambers, Deputy Superintendent, Division of Operations and Support; Tim Camp, Director, Office of Transportation, Division of Operations and Support; Richard Podmore, Director of Safety and Information, Office of Transportation, Division of Operations and Support; Karla McLawhorn Hawkins, Deputy Superintendent, Darlene Prevatt, Team Leader, Office of Federal and State Accountability, Division of Federal, State, and Community Resources; Nicole Ivery, Education Associate, Office of Federal and State Accountability, Division of Federal, State, and

Community Resources; Sabrina Moore, Office of Student Intervention Services, Division of Federal, State, and Community Resources; Aveene Coleman, Education Associate, Office of Student Intervention Services, Division of Federal, State, and Community Resources; Dr. Julie Fowler, Deputy Superintendent, Division of College and Career Readiness; Dr. Sheila Quinn, Deputy Superintendent, Division of Innovation & Effectiveness; Dr. Latoya Dixon, Director, Office of School Transformation, Division of Innovation & Effectiveness; Dan Ralyea, Director, Office of Research & Data Analysis; and Emily Heatwole, Director, Governmental Affairs.

II. Recognition of Visitors and News Media

Visitors present were

- Pierce McNair, Director of Research, House Education and Public Works Committee, South Carolina House of Representatives
- Sally Cauthen, K-12 Research Director, Senate Education Committee, South Carolina Senate
- John De La Howe (JDLH)
 - Barbara Devinney, Board of Trustees
 - Dr. Danny Webb, President
 - Jonathan Rose, Principal
 - Dr. James Franklin, Consulting Superintendent

III. Approval of Committee Minutes for June 14, 2016

Chair Brenan asked if there were any objections or amendments to the June 14, 2016, minutes. There being none, Chair Brenan stated that the minutes were unanimously approved. Motion carried, item passed. Error noted on the Agenda: The heading originally listed May 11, 2016 instead of June 14, 2016.

IV. Approval of Committee Agenda for August 9, 2016

Chair Brenan asked if there were any objections or amendments to the August 9, 2016, agenda. There being none, Chair Brenan stated that the agenda was unanimously approved. Motion carried, item passed. Error noted on the Agenda: The heading originally listed June 14, 2016 instead of August 9, 2016.

V. Public Comment Period

Nancy McCormick, Esquire, Senior Attorney, Protection & Advocacy for People with Disabilities, Inc. (P&A)

Chair Brennan welcomed Ms. McCormick and asked her to limit her comments on R.43-279 to five minutes.

Ms. McCormick stated that she had submitted lengthy comments, but basically, P&A had concerns about two points.

1. Automatic referrals of disturbing schools to the School Resource Officers (SRO). Ms. McCormick stated that there was a lengthy article in the Charleston Post and Courier Newspaper on Saturday about the use of the disturbing school statute, and how widely it varies all over the state. Some districts use it not at all, and Charleston far exceeds any other district that uses it. An automatic referral for a charge is used heavily, more often than people realize. She thinks it is not appropriate in the school setting and Professor Gupta-Kagan sets this out in a lot of detail in his letter that was also provided to you, so I will not go into a lot of detail, but it is a very important part to consider how are those referrals made to the SROs, who makes the referrals and what are the criteria?

2. The need for everyone in a school discipline system to be aware of the needs of students with disabilities. For instance, if you have a student with Autism, and somebody comes at that student and the student doesn't like being touched, this could really cause a great deal of harm. I think that everybody who is in this position working with these students knows these students can be disruptive and sometimes dangerous. SROs in these situations need to know about the different kinds of disabilities these students can have, and how they may react to a situation involving law enforcement. I know police officers have to go through a lot of training, everyone else wants to put things on the curriculum that they have to have, but I think the districts and any SROs working together need to give them enough of a background, not about specific students, but about what kinds of students there might be and how they might react in a disciplinary situation. Also, this last week, there was additional guidance from the United States Department of Education on school discipline. I think looking at that is very important in developing these regulations, and I know that these just came out, but I would urge everybody to look at them as they potentially affect the regulation.

Thank you for your time.

Chair Brennan thanked Ms. McCormick for speaking to the committee.

VI. Board Item(s)

FOR APPROVAL

- 01. Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-80 (R.43-80), Operation of Public Pupil Transportation Services (First Reading)**—Richard Podmore, Director of Safety and Information, Office of Transportation, Division of Operations and Support

Mr. Podmore presented, for First Reading, the proposed amendments to R.43-80 to the committee members for their approval.

Dr. Cooper made the motion to approve proposed amendments. The motion was seconded by Dr. Wall. Motion carried, item passed. Item 01 will be presented to the Full Board.

- 02. Proposed New State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-210 (R.43-210), School Resource Officers (First Reading)**—Sabrina Moore, Director, Office of Student Intervention Services, Division of Federal, State, and Community Resources

Ms. Moore presented, for First Reading, the proposed amendments to R.43-210 to the committee members for their approval.

Dr. Wall made the motion to approve proposed amendments. The motion was seconded by Dr. Randolph. Motion carried, item passed. Item 02 will be presented to the Full Board.

- 03. Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-279 (R.43-279), Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts (First Reading)**—Sabrina Moore, Office of Student Intervention Services, Division of Federal, State, and Community Resources

Ms. Moore presented, for First Reading, the proposed amendments to R.43-279 to the committee members for their approval.

Dr. Cooper made the motion to approve proposed amendments. The motion was seconded by Dr. Wall. Motion carried, item passed. Item 03 will be presented to the Full Board.

- 04. Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-274.1 (First Reading)**—Jamaal Perry, Education Associate, Office of Student Intervention Services, Division of Federal, State, and Community Resources

Mr. Perry presented, for First Reading, the proposed amendments to R.43-274.1 to the committee members for their approval.

Dr. Wall made the motion to approve proposed amendments. The motion was seconded by Dr. Alston. Motion carried, item passed. Item 04 will be presented to the Full Board.

- 05. UGP Item**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

Ms. Prevatt presented this item to the committee members for their approval.

Dr. Cooper made the motion to approve proposed amendments. The motion was seconded by Dr. Wall. Motion carried, item passed. Item 05 will be placed on the Consent Agenda

- 06. Waiver Request Procedures for State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-261 (R.43-261), District and School Planning**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

Ms. Prevatt presented this item to the committee members for their approval.

Dr. Cooper made the motion to approve proposed amendments. The motion was seconded by Dr. Wall. Motion carried, item passed. Item 06 will be placed on the Consent Agenda

- 07. Waiver Request Procedures for the General Appropriations Act, 2016 S.C. Acts 284, Proviso 1.88 (Proviso 1.88) (SDE: Technology Technical Assistance)**—Darlene Prevatt, Team Leader, State Accountability, Office of Federal and State Accountability, Division of Federal, State, and Community Resources

Ms. Prevatt presented this item to the committee members for their approval.

Mr. Ewart made the motion to approve proposed amendments. The motion was seconded by Dr. Alston. Motion carried, item passed. Item 07 will be placed on the Consent Agenda

FOR INFORMATION

- 08. Florence County School District Four Update**—Sheila Quinn, EdD, Deputy Superintendent, Division of Innovation and Effectiveness
- 09. John de la Howe’s (JDLH) Accreditation Action Plan Goals, Assurances, and Accompanying Documentation to Remedy 2015–16 Accreditation Deficiencies Update**—Emily Heatwole, Director Governmental Affairs
- 10. State Interim Report Cards**—Sheila Quinn, EdD, Deputy Superintendent, Division of Innovation and Effectiveness

VII. Consent Agenda

11. Items to be Placed on the Consent Agenda

Chair Brenan stated that since Action Items 01–04 deal with changes to regulations they will be presented to the Full Board at 1:00 p.m.

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Chair Brennan asked if there were any objections to the placement of Action Items 05–07 on the Consent Agenda. There being none, Chair Brennan stated that Consent Agenda was approved by consensus. Motion carried, item passed.

VIII. Other Business

None.

IX. Adjournment

There being no further business, Chair Brennan adjourned the meeting at 10:07 a.m.