

**STATE BOARD OF EDUCATION MEETING
MINUTES**

Date

Wednesday, May 14, 2008

Time

9:00 a.m.

Location

**Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina**

Al Simpson, Chair

Kristin Maguire, Chair-Elect

Jim Rex, PhD

State Superintendent of Education

Secretary and Administrative Officer to the Board

Chair Simpson brought the State Board of Education (SBE) meeting to order at 9:10 a.m.

The following SBE members were in attendance for the Educator Certification cases: Al Simpson, Chair, Sixth Judicial Circuit; Kristin Maguire, Chair-Elect, Governor's Appointee; Patsy Pye, First Judicial Circuit; Tim Moore, Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Diane Sumpter, Fifth Judicial Circuit; Libby Swad, Seventh Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Rick Adkins, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred 'Trip' DuBard, III (arrived at 9:25), Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Ben Mitchell, Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit; and Dr. Britt Blackwell, Sixteenth Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Jack Singletary, Education Associate, Office of Educator Certification; Wendy Cartledge, Deputy General Counsel, Office of General Counsel, Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Paul Bozard, Paralegal, Office of General Counsel; Karla M. Hawkins, Deputy General Counsel, Office of General Counsel; and Janice Poda, PhD, Deputy Superintendent for Administration.

V. EDUCATOR CERTIFICATION CASES

Chair Simpson asked for a motion for the Board to go into Executive Session. Kristin Maguire moved that the State Board go into Executive Session. Charles McKinney seconded the motion. The motion carried.

Executive Session
Open Session

5. Kristin Maguire moved that the State Board accept the voluntary surrender of the certificate of Donald R. Weyls, certificate 230099, and approve the Consent Order of Voluntary Surrender on the grounds of Unprofessional Conduct. Charles McKinney seconded the motion. The motion carried.
6. Kristin Maguire moved that the State Board issue a public reprimand to John R. Young, certificate 143556, and approve the Consent Order of Public Reprimand, on the grounds of Unprofessional Conduct. Phillip Bowers seconded the motion. The motion carried.

Executive Session
Open Session

7. Kristin Maguire moved that the State Board issue a certificate to Maria D'Lana Almon. Rick Adkins seconded the motion. The motion carried.

Executive Session
Open Session

8. Diane Sumpter moved that the State Board issue a certificate to Richard Robert Bolduc. Rick Adkins seconded the motion. The motion carried with three opposing votes by Amelia Herlong, Cindy Clark, and Kristin Maguire. The motion carried.

Executive Session
Open Session

9. Kristin Maguire moved that the State Board deny a certificate to Lawrence Edward Chisolm. Cindy Clark seconded the motion. The motion carried.

Executive Session
Open Session

10. Case 10 was delayed.

Executive Session
Open Session

11. Kristin Maguire moved that the State Board deny a certificate to Thomas Wesley Kennedy. Rick Adkins seconded the motion. The motion carried with one opposing vote by Ben Mitchell. Diane Sumpter abstained.

Executive Session

Open Session

12. Kristin Maguire moved that the State Board issue a certificate to Harold G. Ledbetter. Charles McKinney seconded the motion. The motion carried with one opposing vote by Cindy Clark.

Executive Session

Open Session

13. Kristin Maguire moved that the State Board deny a certificate to Errol Adams Roach. Diane Sumpter seconded the motion. The motion carried with one opposing vote by Ben Mitchell.

Executive Session

Open Session

14. Kristin Maguire moved that the State Board deny a certificate to Natalie C. Taylor. Cindy Clark seconded the motion. The motion carried with one opposing vote by Phillip Bowers. Diane Sumpter was not present for the vote.

VI. WELCOME

Chair Simpson brought the SBE meeting to order at 11:40 a.m.

The following SBE members were in attendance: Al Simpson, Chair, Sixth Judicial Circuit; Kristin Maguire, Chair-Elect, Governor's Appointee; Patsy Pye, First Judicial Circuit; Tim Moore, Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Diane Sumpter, Fifth Judicial Circuit; Libby Swad, Seventh Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Rick Adkins, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred 'Trip' DuBard, III, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Ben Mitchell, Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit; and Dr. Britt Blackwell, Sixteenth Judicial Circuit.

SCDE staff in attendance were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Karla M. Hawkins, Deputy General Counsel, Office of General Counsel; and Janice Poda, PhD, Deputy Superintendent for Administration.

VII. COLOR GUARD/PLEDGE OF ALLEGIANCE

Chair Simpson welcomed the Scott's Branch High School Army JROTC from Clarendon School District One, Summerton, South Carolina. The Scott's Branch High School Army JROTC was lead by Command Sergeant Major S. Johnson.

VIII. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR APRIL 9, 2008

Tim Moore moved to amend the minutes to show Mr. Moore present for the April 9, 2008, State Board meeting. The motion carried to approve the minutes as amended.

IX. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR MAY 14, 2008

Charles McKinney moved to approve the agenda for the May 14, 2008, State Board meeting. Ben Mitchell seconded the motion. The motion carried.

X. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Simpson welcomed all visitors to the meeting and asked them to stand. There was no news media present.

XI. STATE SUPERINTENDENT OF EDUCATION REPORT AND RECOGNITIONS

Dr. Rex recognized Rebecca 'Becky' Hall, Abbeville County School District, as the 2006 National Science Winner. Ms. Hall has taught science for 25 years and currently teaches fourth grade at Cherokee Trail Elementary School. Her State Board member is Charles McKinney.

Dr. Rex recognized Jennifer Bruce Hunter, Mountain View Elementary, Greenville County School District for receiving the 2006 Presidential Award for Excellence in Mathematics Teaching. Ms. Hunter has taught for 13 years. She is a published children's book author who teaches a K-1 multi-age class. Her State Board member is Phillip Bowers.

Dr. Rex introduced Tonya Kinsey Lee and Virginia McKesson Risinger as the 2007 State Science Awardees.

Tonya Kinsey Lee teaches at White Knoll High School, Lexington School District One. She has taught high school science for seventeen years and

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currently teaches Physics, Astronomy, and Space Science. Her State Board member is Amelia Herlong.

Virginia McKesson Risinger teaches at Northside Middle School, Greenwood School District 50. She has taught science for ten years and currently teaches seventh-grade science. Her State Board member is Charles McKinney.

Dr. Rex then reported to the Board members regarding the visit from U.S. Deputy Secretary of Education Ray Simon regarding the dashboard (a copy was placed at each State Board member's seat) that has been developed to report data on each state.

Dr. Rex told the Board about the One Laptop Per Child computers. He stated that over 500 computers were given to early childhood and elementary-age children in Marion County. The XO laptops were funded through private donations and designed for children. They have a keyboard meant for children's small hands, are rain-proof, and won't break when dropped.

Dr. Rex discussed the Prom/Graduation initiative and the Graduation Season Community Safety Kit created as a joint project of the SC Department of Education, the Department of Alcohol and other Drug Abuse Services, and the Department of Public Safety. He said that the aim is to share safety tips and raise awareness about the consequences of risky behavior surrounding student celebrations, especially from the middle of April until the middle of June.

Dr. Rex discussed TAP schools. He explained that South Carolina was awarded the largest amount of federal money from the Teacher Incentive fund in the nation. These funds are used to implement pay for performance programs such as TAP. Currently there are forty TAP schools in South Carolina. Beginning in the fall, at least fifty schools will participate in the program.

Dr. Rex talked about the Teacher of the Year Program. He congratulated Jenna Hallman, the 2008-09 South Carolina Teacher of the Year. She is a science teacher at Calhoun Academy for the Arts in Anderson School District Five. He thanked all of the Board members who were able to attend the banquet.

Dr. Rex stated that a press conference would be held at noon to announce the formal agreement between the South Carolina Department of Education and Darkness to Light to offer training for over 10,000 of the state's educators in ways to prevent adult sexual misconduct.

Dr. Rex told the Board members that an article on single gender that features South Carolina would appear in an upcoming issue of *Education Week*. Single gender is an example of public school choice.

XII. PUBLIC COMMENT

There was no one signed up for public comment.

Hampton Hubbard moved to have information item XV., Follow up Appearance by J.V. Martin Junior High School, moved before XIII. Public Hearing. Rick Adkins seconded the motion. Trip Dubard asked why this was being done. Mr. Hubbard stated that a large number of people were waiting to hear this item. The motion carried.

XV. FOR INFORMATION

Follow-Up Appearance before the State Board of Education (SBE) by the Principal of J. V. Martin Junior High School, the Superintendent of Dillon School District Two, and the Board of Trustees of Dillon School District Two Regarding Results of the External Review Team (ERT) Report

Nancy Busbee, PhD, Director, Office of Federal and State Accountability, Division of Accountability, presented the item. Dr. Busbee gave a synopsis and overview of why J.V. Martin Junior High School was asked to appear before the Board.

She explained that J.V. Martin Junior High School received an unsatisfactory rating on its 2005 report card. An external review team was assigned, and its recommendations regarding educational programs, actions, and activities for the school and a timeline for implementation were approved by the SBE. An 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 fully implement Standard 2 under PD2.

Dr. Busbee then turned the meeting over to Dr. Ray Rogers, District Superintendent for Dillon School District Two.

Dr. Rogers introduced the people attending the Board meeting with him: Representative Jackie Hayes; Fitzgerald Leach, Local Board Chair; Amanda Burnett, Principal Specialist; Polly Elkins, Assistant Superintendent for Administration; Lynn Livenrood, Director of Accountability; Dr. Pat Costell and John Robinson, Educational Consultants; and a special thanks to John Rafael.

Dr. Rogers turned the meeting over to Ms. Burnett to make the presentation to the Board members. A PowerPoint was presented by Ms. Burnett giving supportive evidence that J.V. Martin Junior High School had met Standard 2 under Professional Development (PD2) of the external review team report.

The Board members congratulated the school district for all of its hard work in achieving its goal.

XIV. PUBLIC HEARING—R 43-80(N)(T)

Promulgate Amendments to 24 S.C. Code Ann. Regs. 43-80(N)(T) (Supp. 2007) Operation of Public Pupil Transportation Services (Second Reading)

Donald Tudor, Director, Office of Transportation, Division of Innovation and Support, presented the regulation for second reading. He stated that there had been comments received regarding the regulation. He explained that all comments received were related to Part N of the regulation. He discussed each comment with the Board members and gave the SCDE's response.

Chair Simpson asked if anyone wanted to speak on behalf of the regulation. There were three speakers signed up for comment during the Public Hearing on R 43-80(N)(T). Bill Kurtz, Florence School District One; Dave Weissman, Lexington School District Five; and Tommy King, Lexington School District One, addressed their concerns regarding the amendments to R 43-80(N)(T).

Chair Simpson asked if anyone had questions involving the regulation.

Kristin Maguire moved to approve the promulgation of amendments to 24 S.C. Code Ann. Regs. 43-80(N)(T) (Supp. 2007), Operation of Public Pupil Transportation Services, for second reading. Charles McKinney seconded the motion.

Chair Simpson asked if there was any discussion. Mr. Bowers asked Mr. McKinney to describe an in-service day. Mrs. Maguire questioned the timing to receive the information about points on a license and also had questions regarding the test that was administered to receive the license and asked if the testing could be done virtually. There being no further discussion, Chair Simpson called for the question. The motion carried.

XV. SECOND READING

Approval of the South Carolina English Language Arts (ELA) Academic Standards 2008 (Second Reading)

Helene Tillar, EdD, Director, Office of Academic Standards, presented the item and asked for second reading approval for the *South Carolina English Language Arts (ELA) Academic Standards 2008*.

Charles McKinney moved to approve the *South Carolina English Language Arts (ELA) Academic Standards 2008* for second reading. Libby Swad seconded the motion.

Chair Simpson asked if there were any discussion.

Kristin Maguire and Cindy Clark thanked the SCDE staff and the members of the Committee for all of the hard work that went into revising the standards.

There being no further discussion the Chair called for the vote. The motion carried.

XVI. STATE BOARD COMMITTEE ITEMS

P&L POLICY AND LEGISLATIVE

01. Committee Report—Al Simpson

FOR APPROVAL

02. External Review Team Reports for Districts and Newly Identified Schools

Dr. Nancy Busbee presented the External Review Team Reports for Districts and Newly Identified Schools. She stated that the purpose of this item was to provide the results and receive approval of the External Review Team (ERT) reports conducted in schools and districts receiving absolute ratings of unsatisfactory based on the 2007 report card.

Dr. Busbee presented a slide show to give an overview of the External Review Team Reports (copy attached).

The SCDE recommended approval of the External Review Team Reports for Districts and Newly Identified School.

Kristin Maguire moved that the State Board approve the External Review Team Reports for Districts and Newly Identified Schools. Cindy Clark seconded the motion.

Kristin Maguire stated that she had concerns, especially regarding the schools that have "bubble" students. The schools are Ridge Springs Monetta in Aiken and Chicora Elementary in

Charleston. Dr. Busbee stated that they were working on training for next year and would see that this issue was addressed.

There being no further discussion, Chair Simpson called for the vote. The motion carried.

03. Annual Report of the Accreditation of School Districts in South Carolina for the 2007-08 School Year

This item is to approve the final accreditation classification of each educational unit for the 2007-08 school year

Prescribing accreditation standards for the operation of a defined educational program in school districts of South Carolina is among the specific authorities delegated to the SBE. Accreditation data are self-reported by districts based on prescribed standards. Each district/school applies to the SCDE for accreditation by October 15.

Chair Simpson stated that this item came before the Policy and Legislative Committee and was approved as presented.

Britt Blackwell moved that the State Board approve the annual report of the Accreditation of School Districts in South Carolina for the 2007-08 school year. Charles McKinney seconded the motion. The motion carried.

04. Recommendations to Fill Vacancies on the State Board of Education (SBE) Awards Nominating Committee for the 2008 Volunteer Awards Program

Vacancies exist on the Nominating Committee for an SBE member and for a representative from the Third, Fourth, Seventh, Eighth, Ninth, and Fifteenth Judicial Circuits. The SBE nominee recommended by the Chair of the Board is Dr. Britt Blackwell. The appointment of the SBE member is for a one-year term. Bonnie Disney, Third Judicial Circuit, nominated Dr. Judy Newman. Charles McKinney, Eighth Judicial Circuit, nominated Dr. David O'Shields. Cindy Clark, Ninth Judicial Circuit, nominated John Brewer. Dr. Geritta Postlewait, Fifteenth Judicial Circuit, nominated Mary Ellen Green. The appointments for the Judicial Circuits are for a three-year term.

Chair Simpson said that he submitted the name of Dr. Britt Blackwell to Ms. Peggy Hogan and asked for approval. Chair Simpson stated that the Recommendations to Fill Vacancies on

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the State Board of Education Awards Nominating Committee for the 2008 Volunteer Awards Program was presented to the Policy and Legislative Committee and was approved as presented.

Charles McKinney moved to approve the Recommendations to Fill Vacancies on the State Board of Education Awards Nominating Committee for the 2008 Volunteer Awards Program. The motion comes out of committee; therefore, it does not require a second. The motion carried.

EP. EDUCATION PROFESSIONS

01. Committee Report—Patsy Pye, Chair

Chair Pye stated that the Education Professions Committee met after the State Board meeting on April 9, and there was one information item to be presented to the Board.

FOR INFORMATION

02. Summary of the 2007 Title II Higher Education Report Card and 2008 Educator Preparation Unit Fact Sheet

Mark Bounds, Deputy Superintendent for the Division of Educator Quality and Leadership (DEQL), presented this information item on behalf of Allison Jacques, PhD, Director of the Office of Educator Preparation, Support, and Assessment. He explained that the Education Professions Committee (EPC) and the SBE requested that the DEQL present a summary of the mandated federal 2007 Title II Higher Education Report Card and the 2008 South Carolina Educator Preparation Unit Fact Sheets. Mr. Bounds presented a summary of both for the Board.

SLA. STANDARDS, LEARNING, AND ACCOUNTABILITY

01. Committee Report—Libby Swad, Chair

Chair Swad stated that because she had been unable to attend the Committee meeting she was deferring to Cindy Clark. Ms. Clark stated that the Standards, Learning, and Accountability Committee held a meeting on May 13, 2008. The Committee discussed the Health and Physical Education Standards development process. There was also a presentation on a report on math instruction produced by a commission appointed by the President. The SCDE staff shared a plan developed to ensure that the recommendations included in the report were in the math standards. An update of the ELA Standards was also presented.

Charles McKinney stated that he would like to see physical education required of every student in our state. Mrs. Maguire asked that a draft of the Health and Safety Standards be made available to Board members. The item will come to the full Board at the July meeting.

FOR APPROVAL

- 02. Recommendations for 2008–09 Instructional Television Resources**—Bette Jamison, Coordinator for Instructional Television, Office of eLearning, Division of Standards and Learning

Chair Swad stated that the Standards, Learning, and Accountability Committee moves to adopt the Recommendations for the 2008–09 Instructional Television Resources. The motion comes out of committee; therefore, it does not require a second. The motion carried.

F&O. FINANCE AND OPERATIONS

- 01. Committee Report**—Rick Adkins, Chair

Chair Adkins stated that the Finance and Operations Committee met on April 8, 2008, the day before the April State Board meeting. The Committee is submitting the following three items for approval.

FOR APPROVAL

- 02. Waiver of Nonconforming Facility—Nation Ford High School**

Chair Adkins stated that Nation Ford High School is requesting a waiver for a building that has been donated for use as an Athletic Fields Concession Building.

Chair Adkins stated that the Finance and Operations Committee moved to adopt the motion to approve the waiver of nonconforming facility at Nation Ford High School. The motion comes from a committee and does not require a second. The motion carried.

- 03. Waiver of Nonconforming Facility—Sumter School District Two**

Chair Adkins stated that Sumter School District Two is requesting a waiver to allow the proposed facility to be designed and constructed with smaller classroom size than required by guidelines to better accommodate their strategic instructional mission for these students.

Chair Adkins stated that the Finance and Operations Committee moved to adopt the motion to approve the waiver of nonconforming facility for Sumter School District Two. The motion comes out of committee; therefore, it does not require a second. The motion carried.

04. Request for Approval of Property Disposal—Abbeville County School District

Chair Adkins stated that the Abbeville County School District requested to transfer the Calhoun Falls, South Carolina, facility along with 38.5± acres to the Town of Calhoun Falls subject to the terms listed in Abbeville County School Board of Trustee's resolution.

Chair Adkins stated that the Finance and Operations Committee moved to adopt the motion to approve the request for approval of property disposal by the Abbeville County School District. The motion comes out of committee; therefore it does not require a second. The motion carried.

FOR INFORMATION

05. Schedule of Liquidated Damages—Jim White, PhD, Manager, Instructional Materials Section, Office of Finance, Division of Finance and Operations

Mr. White presented the item. The Instructional Materials Contract requires that publishers are to provide a sufficient number of instructional materials to the State Depository in a prompt manner or pay liquidated damages.

The SCDE completed an investigation of the late textbook shipments to schools during school year 2007–08.

Section 4 of the South Carolina Instructional Materials Contract states "Upon failure to supply the central depository with a sufficient number of instructional materials to promptly fill all orders received from the Board, any school district, or agency approved by the Board, the vendor agrees to pay to the State Treasury for the use of the instructional materials fund, liquidated damages in the amount equal to 5% of the contract price of the late order for each initial late order; and 10% of

the contract price of each subsequent late order until stock is replenished. The damage period begins fifteen calendar days after the date the unfilled order is delivered to the central depository, unless the order designates a later date for delivery, at which time the damage period begins.”

The SCDE determined that several publishers were responsible for late shipments to schools. Publishers were billed and liquidated damages were collected as specified in the Instructional Materials Contract in the amount of \$212,978.08.

I&E.

INNOVATION AND EDUCATIONAL SERVICES

01. Committee Report—Kristin Maguire, Chair

Chair Maguire stated that the Innovation and Educational Services Committee met on April 8, 2008, prior to the State Board. All committee members were present.

FOR APPROVAL

02. Waiver of Nonconforming Facility—Horizon Middle Academy Charter School

Chair Maguire stated that the Horizon Middle Academy Charter School is requesting a waiver of the non-health and non-safety requirements in the *South Carolina School Facilities Planning and Construction Guide*. All other required codes and regulations will be followed. The State Fire Marshal’s Office will review the areas that are under their jurisdiction.

Chair Maguire stated that the Innovation and Educational Services Committee moved to adopt the motion to approve the request for waiver of nonconforming facility at Horizon Middle Academy Charter School. The motion comes out of committee; therefore, it does not require a second. The motion carried.

03. Waiver of Nonconforming Facility—Spartanburg Charter School

Chair Maguire stated that the Spartanburg Charter School is requesting a waiver of the non-health and non-safety requirements in the *South Carolina School Facilities*

Planning and Construction Guide. All other required codes and regulations will be followed. The State Fire Marshal's Office will review the areas that are under their jurisdictions.

Chair Maguire stated that the Innovation and Educational Services Committee moved to adopt the motion to approve the request for waiver of nonconforming facility at Spartanburg Charter School. The motion comes out of committee; therefore, it does not require a second. The motion carried.

04. Waiver of Nonconforming Facility—Imagine North Main Academy Charter School

Chair Maguire stated that the Imagine North Main Academy Charter School is requesting a waiver of the non-health and non-safety requirements in the *South Carolina School Facilities Planning and Construction Guide*. All other required codes and regulations will be followed. The State Fire Marshal's Office will review the areas that are under their jurisdiction.

Chair Maguire stated that the Innovation and Educational Services Committee moved to adopt the motion to approve the request for waiver of nonconforming facility at Imagine North Main Academy Charter School. The motion comes out of committee; therefore, it does not require a second. The motion carried.

Tim Moore moved to reconsider the motion to grant a waiver of nonconforming facility at Imagine North Main Academy Charter School. Charles McKinney seconded the motion.

Chair Simpson called for the vote. Mr. Moore requested a roll call vote. The motion failed 7 to 7.

Yes

1. Ben Mitchell
2. Charles McKinney
3. Patsy Pye
4. Cindy Clark
5. Phillip Bowers
6. Tim Moore
7. Bonnie Disney

No

1. Libby Swad
2. Hampton Hubbard
3. Rick Adkins
4. Kristin Maguire
5. Britt Blackwell
6. Amelia Herlong
7. Al Simpson

XVII. OTHER BUSINESS

Dr. Rex discussed the revisions to the Education Accountability Act (EAA) that would make it more rational and instructive. H4662 was introduced to make the changes requested by parents, teachers, and members of the community. One of the many issues addressed in this bill is the replacement of the PACT. One of the things being looked at is to move the writing part of the PACT to earlier in the spring, and then near the end of the school year, the remainder of the new test, which is tentatively entitled EMSAP, would take place with multiple-choice questions. These types of questions would be easier to score, would allow more questions to give a more in-depth profile of what is learned by students. The other pieces of the legislation are just as important as the changes to the PACT. It would require a five-year cyclical review of the state's accountability system with broad-based participation.

No Child Left Behind (NCLB) is going to be changed in the future. These changes will have all kinds of implementations for all states including South Carolina.

Dr. Rex asked Teri Siskind to give more specific information about the proposed changes. She stated that the academic plans, which are a one-time meeting to plan for the following year for students who have scored below basic on the PACT, would be eliminated with the passage of H 4662. The formative assessment system, which is already in place through a proviso passed by the General Assembly, would be codified. Formative assessments are available for grades 1–9 in English language arts (ELA), and mathematics will be voluntary if the amendments to H4662 are passed. The developmentally appropriate reading assessment for grades 1 and 2 would be eliminated by these amendments. There would still be a system to assess students at grades 1 and 2 through a formative, ongoing system.

Other aspects of the accountability system requirements that are currently in proviso will be codified. In addition, NAEP scores will be printed on the report card to show how we compare with other states. The inclusion of NAEP scores on report cards is also being proposed as a change in the Title I regulations that are part of NCLB.

Dr. Siskind answered questions from Board members.

Sandy Smith advised the Board that, in the past, districts have been given the option through a proviso of mailing report cards home. The original Act requires districts to mail not only their district report card but also individual student report cards. A proviso has been in place for a

number of years that allows the report cards to be sent home with the students as opposed to mailing them. This proviso was deleted in the Senate by Rule 24. If this issue is not addressed in the House or in the Conference Committee, districts will have to absorb the additional cost of mailing these report cards home. Another proviso was deleted in the Senate by Rule 24 dealing with the retention of students. As it is currently written in the Act, students who have academic plans and are on academic probation and do not score at least basic must be retained. If this proviso is not put back in, any student on academic probation at the end of this school year will be required to be retained based on the language in the Act passed in 1998. These are two examples of the provisos that will be codified if the bill passes. Another section of the current Act specifies retraining grants for teachers. The Act was modified by proviso which allows using technical assistance money to provide training grants so that schools can write their school renewal plans. If this proviso is thrown out, we would have to reimplement retraining grants.

Ms. Smith answered questions from Board members.

Tim Moore asked since this bill is not being debated by the full Senate, if it would be helpful for the Board to pass a resolution asking the Senate to remove the bill from the contested calendar and put it on the floor for debate. Dr. Rex responded that it would help to ask the Senate to have the bill debated.

Mr. Moore then moved to adopt a resolution to ask the Senate to remove the bill from the contested calendar and place it on the floor for debate. Charles McKinney seconded the motion.

Charles McKinney moved that we suspend the rules to add the approval of the resolution to the agenda. Tim Moore seconded the motion. The motion carried with a vote of 9 to 5.

Tim Moore moved that it be resolved that the State Board of Education support consideration of H4662 by the South Carolina Senate through debate on the floor and further be it resolved that the South Carolina State Board of Education encourage the South Carolina Senate to set H4662 for special order so that the bill can be debated by the South Carolina Senate. Charles McKinney seconded the motion.

Kristin Maguire spoke against the resolution. She opposed the Board advocating for a specific piece of legislation. She stated she would agree to a resolution stating that the Board fully supports the replacement of the PACT by a test that is responsive to teachers and has a lot of useful diagnostic information and is returned in a timely manner. She felt that the Board could partner with the EOC to do this in a timely manner. Maguire stated that she felt very uncomfortable weighing in on one piece

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of legislation and stated she would be very distressed if the Board did this.

Dr. Blackwell was concerned that he had not had a chance to review the bill.

Mr. Moore stated that with all due respect the resolution was being somewhat misrepresented by Ms. Maguire's comments. The resolution is not asking the Senate to support, adopt, or defeat the bill. All the resolution does is to ask the Senate to debate the bill. All the Board would be doing is asking the Senate to open the issue up for debate, not stifle the debate. The debate is being stifled right now, by a very small group of members of the Senate.

Mrs. Maguire stated she felt it was very important for the Board to understand what it was asking the Senate to do. To ask the Senate to set it to special order means that the bill is placed at the first of the line for debate over every other piece of legislation that is on the contested calendar. There is a bill pending that deals with sexual predators disallowing them from living in close proximity to children, schools, or recreational facilities. By asking for a special order, the Board is asking the Senate to put H4662 ahead of the bill dealing with sexual predators. Mrs. Maguire stated she does not feel comfortable saying that this bill takes priority over every other bill pending.

Dr. Blackwell and Mr. Moore felt that the way to address Mrs. Maguire's concern would be to delete the language regarding special order and to ask the Senate to set it for debate.

Mr. Moore moved to delete the second paragraph of the proposed resolution in its entirety and to leave the first paragraph to say that "the Board supports consideration of the Senate to the debate on the Senate floor." Patsy Pye seconded the motion.

Mr. Adkins stated that the first paragraph stated that the Board supports consideration, which in his opinion means the Board is asking the Senate to support the bill in their debate. Mr. Moore stated that it said consideration of the bill, through debate. It does not say support the bill, but consideration of the bill through debate. Mr. Adkins stated that he read it to mean that we support the bill. Mr. Bowers agreed. Ms. Pye stated she agreed with Mr. Moore.

Mrs. Maguire stated that she would be comfortable with a resolution stating the State Board of Education of South Carolina fully supports the replacement of PACT with a more timely and diagnostic use of the accountability test and would fully cooperate with the South Carolina

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Department of Education and the Education Oversight Committee to accomplish such.

Mr. Moore again emphasized that all the resolution was asking the Senate to do was to debate the bill, not to specify what action to take.

Mr. McKinney suggested the motion say "Be it resolved that the South Carolina State Board of Education supports the debate of H4662 by the South Carolina Senate, and, if appropriate, support the replacement of PACT with a more timely and diagnostic use of the accountability test through full cooperation with the South Carolina Department of Education and the Education Oversight Committee to accomplish such."

Mrs. Pye stated that she didn't feel comfortable that we could just address PACT in the resolution because it would be perceived that the other changes to the accountability system were not important.

Mr. Bowers moved to table the bill. Mrs. Maguire seconded the motion. The motion failed.

Charles McKinney moved to amend Mr. Moore's motion to read "be it resolved that the South Carolina State Board of Education supports consideration of H4662 by the South Carolina Senate through debate on the Senate floor. Further, be it resolved that the South Carolina Board of Education encourages the South Carolina Senate to set H.4662 for special order so that a time certain for debate will be established by the South Carolina Senate." Mr. Moore seconded the motion. The motion carried with one opposing vote by Mr. Bowers.

Mr. Bowers stated that he supports the cyclical review and eliminating the PACT but he does not feel there is enough information to send anything over to the General Assembly. If anything is sent, Mr. Bowers feels that it will be implied support of the bill as it is written and he feels this is a mistake.

Mr. Blackwell felt that the Board members should have had more information and guidance on this bill prior to the meeting.

Chair Simpson called for the vote on the amended motion. The motion carried, with three opposing votes by Mrs. Maguire, Mr. Adkins, and Mr. Bowers.

Mr. McKinney requested a copy of the Thornwell ruling be sent to the Board members.

XVIII. ADJOURNMENT

There being no further business, the SBE adjourned at 4:35 p.m.