

MINUTES
State Board of Education Meeting

Date
Wednesday, January 11, 2012

Time
1:00 p.m.

Location
Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina

Dennis Thompson, Chair
David Blackmon, PhD, Chair-elect
Mick Zais, PhD
State Superintendent of Education
Secretary and Administrative Officer to the Board

SBE Mission: The State Board of Education's mission is to provide a leadership role in helping South Carolina set policy and direction to transform teaching and learning so that students are prepared with the necessary knowledge and skills, including innovation, to compete globally and live a productive life.

I. WELCOME/PLEDGE OF ALLEGIANCE

The State Board of Education meeting convened at 1:05 p.m. Chair Thompson called the meeting to order and led the audience in the Pledge of Allegiance.

The following State Board of Education (SBE) members were in attendance: Dennis Thompson, Jr., Chair, Fourteenth Judicial Circuit; David Blackmon, PhD, Chair-elect, Fourth Judicial Circuit; David Longshore, PhD, First Judicial Circuit; Jim Griffith, Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Dru James, Eighth Judicial Circuit; Larry Kobrovsky, Ninth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Danny Varat, PhD, Thirteenth Judicial Circuit; Thomas Shortt, EdD, Fifteenth Judicial Circuit; John Rampey, Sixteenth Judicial Circuit; and Mike Brenan, Governor's Appointee.

Absent with apologies was Neil Willis, Seventh Judicial Circuit; and Michael Blue, Twelfth Judicial Circuit. The Sixth Judicial Circuit was not represented as no one has been appointed to replace Josie Gaston who resigned in December 2011.

The following South Carolina Department of Education (SCDE) staff were in attendance: Mick Zais, PhD, State Superintendent of Education; Scott English, Chief Operating Officer; Charmeka Bosket, Deputy Superintendent for Policy and Research; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Kim Aydlette, Deputy Superintendent, Division of Operations and Support; Mark Bounds, Deputy Superintendent, Division of School Effectiveness; Nancy Busbee, PhD, Deputy Superintendent, Division of Accountability; and Cindy Clark, Recording Secretary.

II. RECOGNITION OF NEW STATE BOARD MEMBERS/OATH OF OFFICE

Chair Thompson administered the oath of office to the new SBE members. They are Jim Griffith, Second Judicial Circuit; Danny Varat, PhD, Thirteenth Judicial Circuit; and Thomas Shortt, EdD, Fifteenth Judicial Circuit.

III. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR STATE BOARD OF EDUCATION MEETING ON DECEMBER 8, 2011

Chair Thompson asked if there were any objections to approving the minutes for the SBE meeting on December 8, 2011, as presented. He called for a vote and the motion carried unanimously.

IV. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR JANUARY 11, 2012

Chair Thompson stated that he would like to amend the agenda for the SBE meeting on January 11, 2012, to move the Executive Session before the State Superintendent of Education (SSE) report and to move the SLA Committee Report ahead of section VIII of the SBE Agenda.

Dru James moved to accept the agenda as amended. David Blackmon seconded the motion. The motion carried.

V. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Thompson welcomed all visitors. There were no news media present.

VI. EXECUTIVE SESSION

At 1:20 p.m., the SBE went into Executive Session to discuss a legal matter. At 1:40 p.m., the SBE came out of Executive Session, and Chair Thompson read the following statement:

Last Friday afternoon, the Board's outside attorney met with Dr. Zais and several of his staff members including Mr. English, Ms. Bosket, and Ms. Kelley. The purpose of our meeting was to discuss the difficulties that have developed in the relationship of this Board and the State Superintendent. We met for almost two hours and discussed a variety of issues. I cannot report that we agreed on everything. I can report that we agreed that we want to work together to advance the interests of public education here in South Carolina in the coming year. Today, I asked counsel to brief the Board on our current legal situation and options. As Chair, I am optimistic that we can work together with the Superintendent to advance his and our agendas and cooperatively fulfill our respective duties without engaging in litigation to force the issue now. I believe that it will be in our mutual best interests to work together with the

Superintendent and his staff. I am assured that they will adopt a forward attitude toward providing information requested by the Board and keeping us informed on their plans, activities, and thoughts to assist us in fulfilling our legal obligation and directing education policy this year.

As a gesture of good faith and for better communication, the staff has agreed that they, in addition to other updates and information conveyed to the Board, will convey regular information on grants available to the State and the Superintendent's intentions and or actions as it relates to those grants. I am also expecting that we may have some joint session or meeting discussion on developing some policies regarding grant applications and acceptance working with our Superintendent. I believe that we can count on a renewed outreach to the Board with timely information and assistance. I am also optimistic that we will be able to resolve some important issues relating to the Board's budget in the next few months.

In reciprocity for this, the Superintendent has requested that we rescind our recent policy directing the provision of a monthly report on grant availability. I am recommending to the Board that we put this on the agenda for our next meeting, recognizing that should we find the new, promised relationship not working as we anticipate, we can always move forward with new policies or legal action. I continue to believe, and I believe that my colleagues share my belief, that the less distractions involved in our relationship with each other and the Superintendent, the more we can do for our children and our state. I am confident that Dr. Zais agrees with me in this assessment and look forward to a successful year.

We all are aware of our constitutional and statutory authority to set policy and be involved in the progress of our public schools. Let us all—staff, Superintendent, and Board—renew our pledge and obligation to work together in the best interests of our students and public with mutual respect and cooperation.

I look forward to a great year. My colleagues may rest assured that I will endeavor to conduct our business in a respectful manner, but likewise we will continue to solicit Dr. Zais and his staff to work positively and cooperatively with the Board.

Danny Varat made a point of order and asked if it is possible by two-thirds vote to amend today's agenda by placing on the agenda, prior to the SSE's report, to rescind the grants rule/resolution made instead of waiting until the next meeting in February. Dr. Varat motioned that the agenda be amended to include, prior to the SSE's report, rescinding the rule/resolution today instead of waiting until the next meeting in February. The motion was seconded. Chair Thompson called for the vote. The motion carried.

Dr. Varat then moved that the SBE rescind the grants rule/resolution.

Rose Sheheen stated that she would like the term "regularly" defined as it relates to the reporting timeframe referred to in the statement. Bonnie Disney made a point of order and asked if there would be

an opportunity for discussion. Chair Thompson said that the opportunity for discussion is now. Mrs. Disney said she would like to understand exactly what is meant by the word “regularly,” and that the SBE has not had the opportunity to analyze what this motion means. Dr. Varat said he understands that there is an agreement between the SBE and the SSE to move forward with a cooperative spirit and that it would be helpful to rescind the previous policy and show a spirit of cooperation that does not require a directive.

Dru James said that if the SSE and his staff agrees with the statement made by Chair Thompson on behalf of the SBE, she will agree to the motion. Dr. Zais responded by stating that the SCDE staff wants to move forward in a collegial and cooperative manner and will provide appropriate information on grants. Barry Bolen said he supports rescinding the policy but would rather do it in the February meeting. David Longshore said that since it was brought up as a point of order today that he supports rescinding the rule/resolution in today’s meeting instead of in February. He added that he is taking Dr. Varat’s point of order as a good gesture.

Chair Thompson called for the vote to rescind the rule/resolution. The motion carried.

VII. STATE SUPERINTENDENT OF EDUCATION REPORT
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State Superintendent of Education Zais reported that due to the holidays, there was not a lot of school going on and not a lot of organizations having meetings so most of his time was spent in the office. He stated that he had developed a Transforming Our Schools briefing that he delivered to the SCDE staff recently but that it was being edited so that the presentation to the SBE will be a shorter version.

On December 12, 2011, Dr. Zais visited all of the schools in Calhoun County and met with the staff, teachers, and principals of those schools.

On January 4, 2012, Dr. Zais spoke to over 200 staff and faculty members in the College of Education at the University of South Carolina about his vision for education in South Carolina. He also spoke to the South Carolina Chamber of Commerce Excellence in Education Committee and held a question and answer period afterwards.

On January 9, Dr. Zais visited Rosewood Elementary School in Richland County School District One. He stated that this school is rated “excellent” on the state report card based on student achievement, but is rated as “failing” under the federal criteria because of failing to meet only one performance objective out of 17. He said his purpose in visiting this school was to highlight the ludicrous nature of the federal system of “failing” or “not failing” designations for our public schools.

On January 10, Dr. Zais attended the South Carolina Business and Industry Political Education Committee Annual Meeting. He said this is one of the state’s premier business forums and that it provides an opportunity for elected officials and business leaders to discuss the state of the economy and workforce development in South Carolina. Dr. Zais added that the Governor, the Speaker of the House, the President Pro Tempore, and others also spoke during the meeting.

VIII. PUBLIC COMMENT

There were two individuals who spoke during the public comment period:

- Dr. Jennifer Coleman, Chair, Testing and Accountability Roundtable, spoke concerning the Elementary and Secondary Education Act (ESEA) Waiver Request.
- Debbie Jones spoke regarding the Charleston Area 9.12 Projects.

IX. STATE BOARD ITEMS

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

Dru James reported that there was one information item as follows:

FOR INFORMATION

01. **Fiscal Impact Report for Assessments beginning 2014–15**—Nancy Busbee, Deputy Superintendent, Division of Accountability

Nancy Busbee reported on the Fiscal Impact Report for Assessments beginning 2014–15. Dr. Busbee stated that the report considers the cost of each of four options to consider in making a decision to determine which assessment is the most appropriate for South Carolina students to use in English language arts and mathematics. The Education Accountability Act (EAA) indicates that the SBE through the SCDE is required to develop or adopt a statewide assessment program to measure student performance on assessments aligning with the Common Core State Standards (CCSS). Dr. Busbee reviewed the four test options that are available:

- to administer commercially developed tests,
- to administer a state-developed test,
- to use a test developed by the SMARTER Balanced Assessment Consortium (SBAC), or
- to use a test developed by the Partnership for the Assessment of Readiness for College and Careers (PARCC) Consortium.

For the new SBE members, she gave an overview of how we got to this point. Currently, we are sending out a survey to district superintendents and instructional leaders to seek input on the pros and cons of the four options. Today's report focuses on the fiscal impact of the four options. On February 8, 2012, the SCDE expects to make a recommendation to the SBE on which of the assessment options would be most appropriate. If the recommendation in February is to become a governing state, South Carolina will then be at the table with one consortia so that we can make a difference in

the direction of those assessments. If it is to adopt one of the consortia tests, those tests would be piloted in South Carolina in the spring of 2013 and would be field-tested in the spring of 2014. If we are not a governing state, that would not occur. If the recommendation is a home-grown test, this development needs to begin immediately. If the choice is to seek an off-the-shelf test, the SCDE staff would need to identify an assessment that supports CCSS and is appropriate for South Carolina's students. She noted that we will not be committed to any consortia until a check is written.

Dr. Busbee introduced John Olson and Barry Topol of the Assessment Solutions Group (ASG). The ASG is a small consulting group, and their purpose is to help state departments of education make decisions and determine the cost of upgrading the education assessment system in this country. The ASG gave a presentation on the study, an overview, and the cost of the four options outlined by Dr. Busbee. Today, the state is spending \$11 million on its current summative assessments and \$3 million on its informative assessments. There is not a good off-the-shelf assessment system available for grades three through seven. The cost to implement PARCC would be approximately \$9 million per year if on-line; \$14 million per year if paper and pencil, and a little less than that for a phased approach. The cost to implement the SBAC would be about the same as the PARCC for online, paper and pencil, and the phased approach. The cost to implement a homegrown assessment would be approximately \$16 million.

Dru James said there will be an opportunity for further discussion during the SBE meeting on February 8, 2012.

ECC EDUCATOR CERTIFICATION CASES

Committee Report—Mike Brenan, Chair

Ratification of the Cases Presented before the Educator Certification Committee

Mike Brenan moved that the State Board ratify the educator certification cases presented during the ECC Committee meeting. The motion carried.

EP EDUCATION PROFESSIONS

Committee Report—David Longshore, Chair

David Longshore reported that there were three action items placed on the consent agenda and gave a brief overview of those items.

IF INNOVATION AND FINANCE

Committee Report—David Blackmon, Chair

David Blackmon reported that there were two items for approval as follows:

FOR APPROVAL

01. State Board of Education Budgetary Outlook Fiscal Year 2011–12—Dr. David Blackmon, Chair, Innovation and Finance Committee, State Board of Education

Dr. Blackmon distributed a budget update to the SBE members and stated that for the past two years the SBE has had an under-funded budget. The current balance of the SBE budget is \$17,333.19. He stated that he has looked at the history of SBE expenditures and allocations for the last six years. A typical year's expenses are \$48,353. The allocation for the current year is \$37,193. Other supporting materials show related costs such as legal fees, volunteer awards, travel, and stipends. Dr. Blackmon said that it typically costs \$2,000–\$2,500 for a monthly Board meeting, and the SBE would need at least \$15,000 for the balance of this year if we continue meeting every month. He said there is also an additional expense of \$3,700 that the SBE owes to Montgomery Willard and that this was not a budgeted expenditure.

Larry Kobrovsky commented that he objects to the SBE paying for Mr. Montgomery's fees. Dru James asked about payment for educator certification hearing officer fees. Mr. Brennan said there is a possibility to reduce this cost by about \$4,000 if the EP Committee hears the cases. Danny Varat spoke against running deficits and stated that the SBE should examine any other option, other than asking the legislature for deficits, to cut spending for the remainder of this fiscal year. Dr. Blackmon stated that this situation was inherited and that he is open to all options concerning how to handle the budget. Chair Thompson stated that the budget situation was just brought to the SBE's attention this year.

Dr. Varat made a point of order and asked what the process is for making presentations to the SBE concerning the budget. He asked if there had been any past discussion concerning cost-saving options. Mike Brennan commented that Charmeka Bosket had previously presented to the SBE a report concerning potential ways to avoid having to ask for a deficit such as not doing volunteer awards, not holding a retreat, or not meeting every month. Unexpected expenses are usually connected with the retreat or teacher certification cases. Ms. Bosket stated that the remaining balance is \$17,333.19. Assuming the meetings are held based on the past number of meetings, the monthly meeting cost is \$2,000 per month. The law does not require the Board to meet five more times this fiscal year. The SCDE would assure that the Board's work gets done.

Ms. Bosket explained the cost of volunteer recognitions as done in the past. John Rampey stated that volunteer recognitions, not certificates, mean the most to the recipients. Ms. Bosket also gave an overview of the SBE Budget Recommendation Committee. Dr. Longshore commented that discussing \$15,000 or \$20,000 is not using the SBE's time wisely. He supports asking the SCDE to add this amount to the SBE's budget for this year. There will be a letter developed by the SBE and the SCDE to address the budget plans. Chair Thompson said that he believes a sufficient plan will be made to get the SBE through this fiscal year, and in the future a better budget plan will be provided. Kim Aydlette clarified the deficit process and stated that the SBE will need to have a plan to eliminate the deficit.

Dr. Blackmon made a motion to table the recommendation of the budget committee to draft a letter presenting a plan to eliminate the deficit to the Budget and Control Board. Larry Kobrovsky seconded the motion. Mr. Kobrovsky said a combination of foregoing the per diem and the reduction of attorney fees would be good. Dr. Blackmon reminded the SBE members that it may require compromising and sacrifice such as not turning in travel for reimbursement. He added that he supports doing so.

Chair Thompson called for the vote to table. The motion carried.

02. State Board of Education Fiscal Year 2012–13 Budget Request—Dr. David Blackmon, Chair, Innovation and Finance Committee, State Board of Education

Dr. Blackmon made a motion to amend the projected 2012–13 budget to reflect the total of \$15,034.00. The motion passed. Danny Varat requested his vote be recorded as opposing the motion.

PL POLICY AND LEGISLATIVE

Committee Report—Dennis Thompson, Jr., Chair

Chair Thompson gave an overview of the two items placed on the consent agenda and stated that there was one item for information as follows.

05. ESEA Flexibility Waiver Request Update—Charmeka Bosket, Deputy Superintendent for Policy and Research; Mark Bounds, Deputy Superintendent, Division of School Effectiveness; and Nancy Busbee, Deputy Superintendent, Division of Accountability

Charmeka Bosket updated the SBE members on the Elementary and Secondary Education Act (ESEA) Flexibility Waiver Request process. She said that we are currently in a public comment period and conducting community stakeholder meetings.

Ms. Bosket provided the SBE with an overview on the background of ESEA. She stated that ESEA was passed in 1965 and was reauthorized in 2001 as No Child Left Behind (NCLB). A few years ago, NCLB should have been reauthorized, but it has not yet been reauthorized by Congress. A deadline of 2014 was established to meet the goals established by NCLB. The goal was that all students would reach proficiency as defined by each of the states. The 2014 goal is still in place and presents some problems for South Carolina and several other states. The accountability system impedes progress more than it promotes progress for our students, and there are concerns with NCLB. Under ESEA, as established in 1965, the U.S. Secretary of Education, currently Arne Duncan, has the authority to grant states waivers from some of the requirements established under ESEA. In October 2011, Secretary Duncan announced that there is a process by which states can formally pursue this flexibility by submitting requests. Also in October, Dr. Zais announced that South Carolina would be one of the states pursuing this flexibility. This is not backing away from accountability; the waiver request requires that states offer thirteen assurances in exchange for flexibility in about eleven different

areas under ESEA. This will assure the United States Department of Education (USDE) that South Carolina will provide a comprehensive plan of education for students across our state in exchange for flexibility from the problematic aspects of ESEA. Instead of minimizing accountability, it is a way to modernize the accountability system so that we can serve students better. The USDE is willing to grant states flexibility in exchange for rigorous and comprehensive state-developed plans designed to improve educational outcomes for students, close achievement gaps, increase equity, and improve the quality of instruction.

Ms. Bosket provided detailed information regarding the ESEA Flexibility Waiver Request application, which is centered on four principles. The principles include college and career-ready expectations for all students; state-developed appropriated recognition accountability and support; supporting effective instruction and leadership, and reducing unnecessary burden. She presented Principle One, college and career-ready expectations for all students. Dr. Zais commented that Ms. Bosket's presentation shows the level of detail and micro-management of the individual states by the USDE. Ms. Bosket reminded the SBE that the SCDE has communicated to all districts the need for a transition plan for district implementation of the CCSS and assessment plans.

The presentation of Principle Two, state-developed appropriated recognition accountability and support (an alternative to AYP), was provided by Nancy Busbee. Mark Bounds presented Principle Three, supporting effective instruction and leadership. Ms. Bosket presented Principle Four, reducing unnecessary burden.

X. CONSENT AGENDA

Education Professions (EP)

Item EP-01 was denied and Items EP-02 and EP-03 were approved in committee. All items were placed on the Consent Agenda.

01. **Educator Appeal of Denial of Certification Upgrade**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness
02. **Identification of Geographic Critical Need Schools for 2012–13 Relative to the South Carolina Teacher Loan Cancellation Program**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness
03. **Identification of Critical Need Subject Areas for 2012–13 Relative to the South Carolina Teacher Loan Cancellation Program**—Allison Jacques, PhD, Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

Policy and Legislative (PL)

The following items were approved in committee and placed on the Consent Agenda.

01. **School District of Fairfield County's Waiver Request of State Board Regulation 43-234 (V)(C), Defined Program, Grades 9–12, and Regulation 43-220, Gifted and Talented**—Darlene Prevatt, Office of Federal and State Accountability, Division of Accountability
02. **Board Development Event Planning**—Dennis Thompson, Chair, State Board of Education

John Rampey moved to approve the consent agenda as presented. The motion was seconded and carried.

XI. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS

Charmeka Bosket, Deputy Superintendent for Policy and Research, Office of Policy and Research

Charmeka Bosket reported that the 2012 legislature session began yesterday and gave an overview of prefiled bills that affect public education. She stated that starting the Appropriations Act has been a focus. Dr. Zais said we have submitted a budget request letter to the Governor and provided testimony to the Education Subcommittee of the House Ways and Means Committee; he stated we've asked for additional money to operate and maintain our bus fleet and to purchase new buses; to maintain the base student cost at the current level; for increased flexibility in spending allocations for special needs education; and for the suspension on textbooks to be lifted.

XII. OTHER BUSINESS

Chair Thompson asked the SBE members to e-mail him their first and second choices on which committee they would like to serve. He will send a revised committee structure list to all SBE members.

XIII. ADJOURNMENT

There being no further business, the SBE adjourned at 3:30 p.m.