

MINUTES

State Board of Education Meeting

Date

Wednesday, February 11, 2009

Time

1:00 p.m. State Board Regular Meeting

Location

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

Kristin Maguire, Chair

Tim Moore, Chair-Elect

Jim Rex, PhD

State Superintendent of Education

Secretary and Administrative Officer to the Board

I. EDUCATOR CERTIFICATION CASES

The following State Board of Education members were in attendance for the 11:45 a.m. Educator Certification Cases review: Kristin Maguire, Chair, Governor's Appointee; Tim Moore, Chair-Elect, Second Judicial Circuit; Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Al Simpson, Sixth Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Marilyn Norton, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred "Trip" DuBard III, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Dennis Mitchell, Jr., Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit; and Britt Blackwell, O.D., Sixteenth Judicial Circuit.

Absent with apologies was Libby Swad, Seventh Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Carol Collins, Minutes Taker; Janice Poda, Deputy Superintendent for Administration; Shelly Bezanson Kelly, General Counsel, Parliamentarium, Office of General Counsel; Wendy Cartledge, Deputy General Counsel, Office of General Counsel; Paul Bozard, Investigator, Office of General Counsel; and

Jack Singletary, Office of Educator Certification, Division of Educator Quality and Leadership.

**SBE Chair Maguire declared the SBE in Executive Session.
Open Session**

1. Charles McKinney moved that the SBE deny certification to Gregory Allen Hutchinson. Bonnie Disney seconded the motion. The motion carried.

**SBE Chair Maguire declared the SBE in Executive Session.
Open Session**

2. Cindy Clark moved that the SBE deny initial certification to Robert T. Cherry Jr. Hampton Hubbard seconded the motion. The motion carried.

**SBE Chair Maguire declared the SBE in Executive Session.
Open Session**

3. Chair-elect Tim Moore moved that the SBE deny the reinstatement of Lawrence H. McCallum III, certificate 179546. Cindy Clark seconded the motion. The motion carried.

Chair Maguire asked for a motion to ratify the agenda for the Educator Certification Cases that were reviewed at the 9:00 a.m. meeting in the Rutledge Conference Center. Chair-elect Moore moved to approve the ratification agenda as presented. Phillip Bowers seconded the motion. The motion carried.

The working lunch/study Session was rescheduled to be held at the end of the SBE meeting. Chair Maguire called for a recess with the SBE reconvening at 1:00 p.m.

II. WELCOME/PLEDGE OF ALLEGIANCE

Board Chair Maguire called the State Board of Education (SBE) meeting to order at 1:00 p.m. and welcomed everyone to the meeting.

Board Chair Maguire asked Dennis Thompson to lead the audience in the Pledge of Allegiance. She thanked the AFJROTC Unit SC-051, Wilson High School, Florence School District One, for presenting the colors. Lt. Col Cliff Moriarty, USAF, is the senior instructor. The Color Guard consisted of Cadet Lt. Col Alex Herrick; Cade 2, Lt. Nicole Duke; Cadet 2, Lt. Kasey Sully; Cadet 2, Lt. Amy Guffey.

The following SBE members were in attendance: Kristin Maguire, Chair, Governor's Appointee; Tim Moore, Chair-Elect, Second Judicial Circuit;

Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Al Simpson, Sixth Judicial Circuit; Libby Swad, Seventh Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Marilyn Norton, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Fred "Trip" DuBard III, Twelfth Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Dennis Mitchell, Jr., Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit; and Britt Blackwell, O.D., Sixteenth Judicial Circuit.

Absent with apologies was Libby Swad, Seventh Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minutes Taker; Janice Poda, PhD, Deputy Superintendent for Administration; Valerie Harrison, EdD, Deputy Superintendent, Division of Standards and Learning; Teri Siskind, PhD, Deputy Superintendent, Division of Accountability; Betsy Carpentier, Deputy Superintendent, Division of Innovation and Support; Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership; Shelly B. Kelly, Parliamentarian, General Counsel, Office of General Counsel; and Barbara Drayton, Deputy General Counsel, Office of General Counsel.

III. AWARD(S) TO RETIRING BOARD MEMBERS

State Superintendent of Education Rex and Board Chair Maguire recognized outgoing State Board member Ben Mitchell and presented him with a citation for his service on the Board. Mr. Mitchell stated that it was an honor to serve on the Board and to work with Dr. Rex.

State Superintendent of Education Rex and Board Chair Maguire recognized outgoing State Board member Diane Sumpter and presented her with a citation for her service on the Board. Ms. Sumpter stated that it was an honor to serve on the Board and to work with Dr. Rex.

IV. RECOGNITION OF NEW BOARD MEMBER(S)

Board Chair Maguire introduced new Board member Dennis Thompson, Jr., Fourteenth Judicial Circuit.

V. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR JANUARY 14, 2009

Charles McKinney moved to approve the SBE minutes for January 14, 2009. Rose Sheheen seconded the motion. The motion carried.

VI. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR FEBRUARY 11, 2009

Patsy Pye moved to approve the SBE agenda for February 11, 2009. Marilyn Norton seconded the motion. The motion carried.

VII. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Board Chair Maguire recognized all visitors present. There was no news media present.

Board Chair Maguire turned the meeting over to Dr. Rex.

VII. STATE SUPERINTENDENT OF EDUCATION RECOGNITION(S) AND REPORT

State Superintendent of Education Rex recognized LaQuandra Stevenson as winner of the Javits-Frasier Teacher Scholarship Fund. Ms. Stevenson is a third-grade teacher at Ridgeland Elementary School in Jasper County.

Dr. Rex reported on initiatives being discussed at the state level and also with the General Assembly. The SCDE is currently trying to get a joint resolution passed that would give districts more flexibility on how they are allowed to spend money for the remainder of this fiscal year and also next fiscal year. This flexibility is designed to protect core functions, which are classroom teachers, student/teacher ratios, transportation, etc.

Dr. Rex stated one of the things introduced this year is "Bein in '10." This has to do with funding reform, both comprehensive tax reform and how we fund our school districts. The General Assembly is being asked to have a more student-centered funding system and to put in weightings that deal with 21st Century realities (poverty, students learning English as a primary language, artistic and academically advanced students, and special need students). Four-year-old kindergarten for at-risk students also needs to be advocated again this year. The bipartisan consensus is that four-year-old kindergarten is needed, but the stumbling block is funding.

A commitment needs to be made by the General Assembly to identify one or two funding sources that will be adequate to support four-year-old kindergarten. A tax realignment commission will be created consisting of a group of business people and economists. They will be charged with bringing

back to the General Assembly a comprehensive set of proposals for bringing South Carolina into the 21st Century as far as what our tax system should look like by February 2010. The General Assembly would be faced with either supporting or not supporting the tax system. Public school choice legislation will be introduced again this year. Options on how to intervene with low performing schools will also be addressed.

XI. PUBLIC COMMENT

There was no one present for public comment.

X. PUBLIC HEARING

01. Promulgate Amendments to 43-168(I)(B)(1), Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods (Second Reading)

Todd Bedenbaugh, Interim Director, Office of School Food Services and Nutrition, Division of Innovation and Support, presented the item. Mr. Bedenbaugh stated that the amendment to this regulation are being made to change milk choice from "three" to "two" and delete 2 percent fat. He stated no written comments had been received.

Chair Maguire stated no one signed up for public comment.

Al Simpson moved to promulgate the amendment to R 43-168(I)(B)(1), Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods for second reading. Britt Blackwell seconded the motion. The motion carried.

02. Promulgate Amendments to R 43-260, Use and Dissemination of Test Results (Second Reading)

Dr. Teri Siskind presented this regulation for second reading. Dr. Siskind stated that no written comments were received on this regulation. She stated that the amendments conformed this regulation to the language of the Education Accountability Act.

Chair Maguire stated no one signed up for public comment.

Al Simpson moved to promulgate the amendments to 43-260, Use and Dissemination of Test Results for second reading. Charles McKinney seconded the motion. The motion carried.

XI. STATE BOARD COMMITTEE ITEMS

EP. EDUCATION PROFESSIONS

Committee Report—Patsy Pye, Chair, presented an overview of Education Professions Committee items. She stated that the Committee had no action items but there were two items presented as information. Jim Turner explained the certification system to the Committee. Chair Pye passed out a handout to the SBE members that gave insight on the different certificates that are issued. Mr. Turner went over the yearly report presented to the General Assembly on the number of extensions given in out-of-field permits in noncore fields.

Trip DuBard asked about the development of the certification route for people who do not have preparation in education. Mark Bounds stated that the adjunct teacher certificate was currently being developed. This certificate would allow professionals that have a specific content competency to teach in schools part time. They would need to have either a degree or pass the appropriate content exam. This is expected to come to the SBE this fall. Mr. DuBard asked if this would require SBE approval only. Mr. Bounds stated that it would require SBE and General Assembly approval.

SL&A. STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Cindy Clark, Chair, gave a report on the Standards, Learning, and Accountability Committee. She stated there was one item submitted for approval and three items presented for information: Report on School and District Report Cards, Update on the Progress of Health and Safety Education Standards Writing Team, and the Report on the Palmetto Gold and Silver Awards Program.

FOR APPROVAL

01. Credit Recovery—A Guidance Document for Service Delivery

Wofford O'Sullivan, Education Associate, Office of Career and Technology Education, Division of Standards and Learning, presented this item. Mr. O'Sullivan stated that this document was developed to provide guidance to districts and schools regarding implementing credit recovery initiatives and offering credit recovery opportunities to students. While most districts and schools offer opportunities for students to recover credit lost as a result of poor academic performance and other circumstances, variance among practices related to credit recovery among districts and schools and questions from

educators indicated a need to establish some parameters, guidelines, and direction related to credit recovery.

On behalf of the Standards, Learning, and Accountability Committee, Committee Chair Clark moved to approve the report on credit recovery—A Guidance Document for Service Delivery. The motion comes out of committee; therefore, it does not require a second. The motion carried.

F&O. FINANCE AND OPERATIONS

Committee Report—Phillip Bowers, Chair

No Committee Meeting Scheduled

I&ES. INNOVATION AND EDUCATIONAL SERVICES

Committee Report—Tim Moore, Chair

No Committee Meeting Scheduled

P&L. POLICY AND LEGISLATIVE

Committee Report—Kristin Maguire, Chair, stated that there were four items presented for approval

FOR APPROVAL

01. Approval of New Rule to be Included in the State Board of Education Rules of Governance, Certificate of Recognition (First Reading)

Shelly Bezanson Kelly, General Counsel, Office of General Counsel presented this item. Ms. Kelly stated that members of the SBE expressed interest in allowing the SBE to issue certificates of recognition. The SBE determined that a policy should be developed to address a process by which a SBE member could issue a certificate without having to get formal approval by the SBE. The attached policy will allow any SBE member to issue a certificate of recognition. The certificate will be developed by the SSCDEn and is available for all SBE members.

On behalf of the Policy and Legislative Committee, Committee Chair Maguire moved for approval of the new rule to be included in the State Board of Education Rules of Governance, Certificate of Recognition for first reading and that second reading be

waived. The motion comes out of committee; therefore, it does not require a second. After a request for clarification on the rule by Mr. DuBard, the motion carried.

02. Amendment to State Board of Education Rules of Governance, Rule BCBD, Board Meeting Agenda (First Reading)

Shelly Bezanson Kelly, General Counsel, Office of General Counsel, presented this item. She stated that this amendment addresses how items are placed on the SBE agenda. Only action items that receive a favorable vote in committee will be placed on the SBE agenda, per this amendment. This rule will also allow the Chair to place informational items on the SBE agenda without those items first being presented to a committee. The amendment will also allow for a consent agenda.

On behalf of the Policy and Legislative Committee, Chair Maguire moved to approve the amendment to State Board of Education Rules of Governance, Rule BCBD, Board Meeting Agenda for first reading. The motion comes out of committee; therefore, it does not require a second. The motion carried.

Chair Maguire asked for a motion to waive second reading. Al Simpson moved to waive second reading on the amendment to SBE Rules of Governance, Rule BCBD, Board Meeting Agenda. Charles McKinney seconded the motion. The motion carried.

03. Amendment to State Board of Education Rules of Governance, Rule BCAF, Procedures for Educator Certification Hearings (First Reading)

Shelly Bezanson Kelly, General Counsel, Office of General Counsel, presented this item. This amendment will allow the appointment of a former SBE member to serve on the Certification Review Committee (CRC) and will correct a reference in the section on appeals.

On behalf of the Policy and Legislative Committee, Chair Maguire moved to amend State Board of Education, Rules of Governance, Rule BCAF, Procedures for Educator Certification Hearings. The motion comes out of committee; therefore, it does not require a second. The motion carried.

Chair Maguire requested a motion to waive second reading. Britt Blackwell moved to waive second reading on the amendment to State Board of Education, Rules of Governance, Rule BCAF, Procedures for Educator Certification Hearings. Marilyn Norton seconded the motion. The motion carried.

04. Request by a School District for a Waiver Related to a Student Participating in Interscholastic Activities

Shelly Bezanson Kelly, General Counsel, Office of General Counsel, presented this item. She stated that the school district is asking the SBE to grant a waiver of the scholastic requirements to allow a student to participate in a spring sport.

On behalf of the Policy and Legislative Committee, Committee Chair Maguire moved to approve the request by a school district for a waiver related to a student participating in interscholastic activities. The motion comes out of committee; therefore, it does not require a second. The motion carried.

Chair Maguire stated that Dr. Jo Anne Anderson presented the Priority Schools: Year One Report Update.

XIII. OTHER BUSINESS

Betsy Carpentier, Deputy Superintendent, Division of Innovation and Support, presented information on the recognition of National School Counselor's week.

Chair Maguire asked for a motion to recognize National School's Counselor's week, February 2-6, 2009. Marilyn Norton moved to recognize National School Counselor's Week, February 2-6, 2009. Cindy Clark seconded the motion. The motion carried.

Ms. Kelly stated there was no request received from the General Assembly related to regulations.

Charles McKinney made a statement regarding Emma Cornelius Milling. Ms. Milling was born on February 23, 1904. She lives in Rolling Green Retirement Center in Greenville and is a retired science teacher. Ms. Milling has taught in both North and South Carolina. She will be 105 years old on February 23 and will be recognized for her service as an educator in North Carolina and South Carolina.

There being no other business, a presentation was given by Dr. Teri Siskind on Palmetto Assessment Student Standards (PASS).

XIV. ADJOURNMENT

There being no further business to come before the SBE, the SBE adjourned at 3:40 p.m.