

MINUTES

State Board of Education Meeting

Date

Wednesday, December 12, 2012

Time

1:00 p.m.

Location

Rutledge Conference Center
1429 Senate Street
Columbia, South Carolina

Dennis Thompson, Jr., 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 1:00 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; Jim Griffith, Second Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Rose Sheheen, Fifth Judicial Circuit; Raye O'Neal Boyd, Sixth Judicial Circuit; Dru James, Eighth Judicial Circuit; Larry Kobrovsky, Ninth Judicial Circuit; Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit; Barry Bolen, Eleventh Judicial Circuit; Michael Blue, Twelfth Judicial Circuit; Danny Varat, PhD, Thirteenth Judicial Circuit; Thomas Shortt, EdD, Fifteenth Judicial Circuit; John Rampey, Sixteenth Judicial Circuit; and Mike Brennan, Governor's Appointee.

Absent with apologies were David Longshore, PhD, First Judicial Circuit; and Neil Willis, Seventh Judicial Circuit.

The following South Carolina Department of Education (SCDE) staff were in attendance: Mick Zais, PhD, State Superintendent of Education; Charmeka Childs, Deputy Superintendent, Division of School Effectiveness; Jay W. Ragley, Director, Office of Legislative and Public Affairs; Laura Bayne, Policy Analyst, Office of Legislative and Public Affairs; Rachel Kerley, Public Information Specialist, Office of Legislative and Public Affairs; Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel; Nancy Busbee, PhD, Deputy Superintendent, Division of Accountability; John Cooley, Chief Finance Officer; Dr. Jesulon Gibbs-Brown, Director, Office of School Transformation, Division of School Effectiveness; Roy Stehle, Director, Office of Federal and State Accountability, Division of

Accountability; Bill Billingsley, Interim Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness; Delisa Clark, Director, Office of School Facilities, Division of Operations and Support; Dr. Briana Timmerman, Director, Office of Teacher Effectiveness, Division of School Effectiveness; Liz Jones, Director, Office of Assessment, Division of Accountability; and Cindy Clark, Recording Secretary.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR NOVEMBER 14, 2012

Mrs. Sheheen stated that she would like to make a correction to the minutes by adding her “no” vote concerning the charter schools regulation update.

Mr. Griffith moved to approve the minutes for the SBE meeting on November 14, 2012, as amended. Mrs. James seconded the motion. The motion carried.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR DECEMBER 12, 2012

Chair Thompson asked if there were any objections to approving the agenda for the SBE meeting on December 12, 2012, as presented. He called for a vote and the motion carried.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Thompson welcomed all visitors and the news media (WIS Television).

V. RECOGNITION OF OUTGOING STATE BOARD MEMBERS

Chair Thompson presented a plaque to Marilyn (Lyn) Norton, EdD, Tenth Judicial Circuit, and Rose Sheheen, Fifth Judicial Circuit, and thanked them for their outstanding service on the SBE. The SBE members recognized Chair Thompson with a gavel set and expressed their appreciation for his leadership and service on the SBE. Bonnie Disney was recognized and presented with a certificate for her additional year of service on the SBE.

VI. ELECTION OF CHAIR-ELECT FOR 2013

Rose Sheheen, Chair, SBE Chair-Elect Nominating Committee, stated that their nomination is Barry Bolen, Eleventh Judicial Circuit. There were no additional nominees and the Board approved his election as chair-elect.

VII. STATE SUPERINTENDENT OF EDUCATION REPORT

State Superintendent of Education Zais stated that he would forego his regular report and, instead, addressed the educator evaluation resolution. He said:

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Thank you Mr. Chairman. Rather than provide the State Board my usual update regarding school visits and other activities in the past month, which were many, I'd like to address the resolution that the State Board of Education plans to vote on later today. I am disappointed in this effort, orchestrated by education lobby groups that can't seem to get over the results of the 2010 election. This comes despite improved working relations between the State Board and me.

As many of you know, last year's State Board was at times turbulent due to pressure put on Board members by the education lobby. This culminated in an overt attempt to force me to bow to the will of some members of this Board. Ultimately, that effort failed and the State Board backed away from its initial effort to sue me. Today, the State Board has indicated it will vote on a resolution that would tell me what I can or cannot propose regarding public policy, specifically regarding educator evaluations.

Let me be clear: Today the State Board of Education can pass whatever resolution it wants. But as I affirmed last year when a similar effort was made regarding one-time federal funds, I am under no obligation to abide by it. This Board lacks the legal authority to tie my hands regarding public policy. To the public, make no mistake about the politics of what will transpire here today. Some Board members will vote for a resolution simply to pacify special interest education lobby groups that have intimidated them into supporting an irrelevant and non-binding resolution. However, other members understand that this Board lacks the authority to issue this directive. They were here last year when the Board retreated from its ill-conceived attempt to force me to apply for the Race to the Top grant.

Let me summarize what has transpired over the last year regarding the No Child Left Behind waiver and educator evaluations. First, as part of the No Child Left Behind waiver, the State Department of Education has been directed by the federal government to develop an evaluation system for teachers and principals that has as a significant component whether or not students are actually learning anything in their classrooms and schools. We are currently in the early phases of a three-year process to develop and implement such a plan. A draft plan is being beta tested this year in 22 schools. These schools volunteered for this beta test as part of a federal grant. Based on the results of the beta test, we'll revise the plan and then pilot the revised plan on a larger scale. Based on the results from the pilot test, the plan will be revised yet again before the full implementation. Thus far, the Department has brought neither a regulation nor a recommendation to the Board for approval.

The current beta test comes after the Department engaged in an unprecedented schedule of community stakeholder meetings while we developed the federal waiver request. Twenty-one public meetings were conducted across the state. Hundreds of comments were reviewed. Many were incorporated into the final waiver that was submitted to, and ultimately approved by, the U.S. Department of Education.

To put this in context, there weren't 21 public meetings before this State Board of Education adopted the Common Core State Standards. There weren't 21 public meetings before the previous Administration submitted two Race to the Top grant applications. Neither of these efforts had a 6-week public comment period like my administration did for the No Child Left Behind waiver.

We are at the very beginning of implementing this waiver. We haven't even collected the first page of student assessment data to evaluate the student growth model, or to test alternative

student growth models. We haven't had a chance to evaluate other models being developed concurrently by other states. Yet, some members of this Board have already decided they have enough information to make a decision about the future educator evaluation system. This is enormously short-sighted. It clearly demonstrates that they aren't ready for serious discussions on this issue because they are trying to abort an extensive, quantitative, scientific, developmental process and, instead, are putting partisan politics ahead of public policy.

Before this meeting, I tried to remove politics from the Board's deliberations. I called the State Board Chairman, Mr. Dennis Thompson. I made a straightforward offer to Mr. Thompson: stop these partisan resolutions that don't have the force of law, and in return, I'll ask the federal government for a one-year extension on statewide implementation of the new educator evaluation system. I offered up more time to engage stakeholders and more time to study the data and make revisions to the initial, draft plan. Against my better judgment, I offered to delay implementation until after my current term of office expires. Sadly, after consulting with other Board members, Mr. Thompson rejected my offer.

So later this afternoon, there will probably be a vote on a non-binding, unenforceable resolution that specifies what the State's new educator evaluation system should and should not contain. Mr. Thompson has asked that it be put on the agenda. Some Board members will claim they are fighting for teachers or fighting for children. Let me assure the public they are only fighting for education special interest lobby groups. Let's be clear. Lobby groups do what they are supposed to do—represent their members. As Al Shanker, former president of both the American Federation of Teachers and the United Federation of Teachers, so honestly noted, "When school children start paying union dues, that's when I'll represent the interests of school children."

Make no mistake. Unions and their union-like lobby groups need a threat, an enemy. Why else would members continue to pay dues if there wasn't a threat? So, even if there isn't one, they fabricate one. So, that's what we'll see here today. Some members of the State Board of Education have been cowed by South Carolina's education lobby groups to take a premature position that makes no sense whatsoever given that we are in the initial stages of a three-year testing and fielding process for a new educator evaluation system. As they say in the Air Force, "One shouldn't try to redesign an aircraft in the middle of a test flight." We are now in the midst of our first test flight.

However, education lobby groups are politicizing the process. They've passed out two flyers during this round of community stakeholder meetings, as if these meetings are political rallies. They are not; they are a serious attempt to inform the public about the No Child Left Behind waiver and its implementation. The involvement of these education lobby groups has been detrimental to the serious policy discussion this State needs to have about educator evaluation and how to improve outcomes for all students. I didn't bring politics into this process; the education lobby groups made it their mission. Ultimately, they're depriving children and parents of a tool that will help to improve classroom instruction and working to stop a deliberative, scientific process.

Today's Board action will impair Superintendent and Board relations, not just for my Administration, but for future Administrations. No one would want to run for State Superintendent if this Board limits what the superintendent can advocate for education policy. State and court case law are clear: The State Superintendent of Education does not work for the

State Board. Today is a huge disappointment for the people of South Carolina. It's further evidence that some Board members are held captive by union-like, special interest lobby groups that work to thwart the will of the people. Again, I urge these Board members to change course.

I proudly report to the people of South Carolina. I'll remain true to what I promised the voters. This paratrooper general will neither submit to nor be intimidated by the union-like education lobby groups that agitate for discord in order to justify in the minds of their members a reason for their continued existence, and the collection of membership dues. Rather, I'll continue to do what I've done since being sworn in to office: to represent the interests of the students, parents, and taxpayers of this state.

VIII. STATE SUPERINTENDENT OF EDUCATION RECOGNITIONS

State Superintendent of Education Zais recognized the following Milken Educator Award Recipient and the National Blue Ribbon Award 2012 winners :

- Shasta Looper, Milken Educator Award. She is represented on the SBE by Danny Varat, PhD, Thirteenth Judicial Circuit.
- Hammond Hill Elementary School, National Blue Ribbon Award 2012. Hammond Hill is represented on the SBE by Jim Griffith, Second Judicial Circuit.
- Marrington Middle School, National Blue Ribbon Award 2012. Marrington Middle is represented on the SBE by Larry Kobrovsky, Ninth Judicial Circuit.
- Oak Grove Elementary School, National Blue Ribbon Award 2012. Oak Grove is represented on the SBE by Barry Bolen, Eleventh Judicial Circuit.
- South Kilbourne Elementary School, National Blue Ribbon Award 2012. South Kilbourne is represented on the SBE by Rose Sheheen, Fifth Judicial Circuit.
- Forestbrook Elementary School, National Blue Ribbon Award 2012. Forestbrook is represented on the SBE by Thomas Shortt, EdD, Fifteenth Judicial Circuit.

IX. PUBLIC COMMENT

Five persons signed up for public comment and spoke regarding the proposed teacher and principal evaluation instruments and guidelines. They are as follows:

- Randy Vaughn, South Carolina Association of School Administrators
- Jackie Hicks, South Carolina Education Association
- Kathy Maness, Palmetto State Teachers Association
- Patrick Hayes, EdFirst South Carolina
- Debbie Elmore, South Carolina School Boards Association

X. STATE BOARD ITEMS

PH PUBLIC HEARING

FOR APPROVAL

01. **Proposed Repeal of State Board of Education Regulations 24 S.C. Code Ann. Regs. 43-180, 181, 183, 187, 190, and 191 (Second Reading)**—Shelly Bezanson Kelly, General Counsel and Parliamentarian, Office of General Counsel

Mr. Brenan moved that the SBE approve the proposed repeal of State Board of Education Regulations 24 S.C. Code Ann. Regs. 43-180, 181, 183, 187, 190, and 191.

Dr. Blackmon seconded the motion. The motion carried.

02. **Proposed Amendments to State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-601 (R 43-601), Procedures and Standards for Review of Charter School Applications (Second Reading)**—Dr. Jesulon Gibbs-Brown, Director, Office of School Transformation, Division of School Effectiveness

Dr. Blackmon moved that the SBE approve the proposed amendments to State Board of Education Regulation 24 S.C. Code Ann. Regs. 43-601 (R 43-601), Procedures and Standards for Review of Charter School Applications. Mr. Griffith seconded the motion. The motion carried.

SB STATE BOARD OF EDUCATION

FOR INFORMATION

01. **Proficiency-Based Courses Offered for Course Credit**—Roy Stehle, Director, Office of Federal and State Accountability, Division of Accountability

FOR APPROVAL

02. **SBE Resolution Regarding Educator Evaluations**—Dennis Thompson, Jr., Chair

Mr. Griffith read the SBE Resolution Regarding Educator Evaluations. The text of the resolution is as follows:

I move that the Board find: certain concepts in the model for teacher and principal evaluations submitted by the State Department of Education staff to the United States Department of Education on June 25, 2012, in connection with the ESEA waiver, would not provide valid, reliable or meaningful data on teacher or principal performance and would be counterproductive to improving the quality of instruction provided to students in South Carolina. Specifically, the Board rejects the concepts in this model with respect to the use of an "A" through "F" rating scale and the significant over-emphasis on student test data in rating the performance of teachers and principals.

Consistent with S.C. Code Ann. § 59-26-30, S.C. Code Ann. § 59-24-40, and State Board of Education Regulation 43-205.1, I move that we direct the State Department of Education to draft proposed implementation guidelines to be used by local school districts for conducting evaluations of teachers and principals

based on criteria and standards that are valid and reliable and submit them to the State Board of Education for approval and adoption. I further move that the Board recognize the efforts of the educator organizations for working cooperatively with a broad base of educators to develop the framework for a teacher and principal evaluation process that they presented at the November 14, 2012, State Board meeting. Specifically, this proposed framework incorporated the measure of student growth within the educator evaluations. In developing these proposed guidelines, we ask the State Department of Education to work cooperatively with the educator organizations involved in the evaluation proposal presented at the November 14, 2012, Board meeting.

Mr. Griffith moved that the SBE adopt the SBE Resolution Regarding Educator Evaluations. The motion was seconded by Mr. Bolen.

Dr. Varat raised a point of order, noting that SBE Rules of Governance mandates that “For Approval” items be heard first by a committee before going before the full Board for consideration. Mrs. Sheheen moved that the SBE members suspend the rules. Mr. Griffith seconded the motion. By a show of hands, the motion carried.

The motion to approve the resolution carried with 11 members in favor, three opposed, and one abstaining.

EP EDUCATION PROFESSIONS

Committee Report—Dr. David Longshore, Chair

Dr. Longshore had to leave the meeting early, so Dr. Norton gave the EP Report. She gave an overview of the one approval item as follows and stated the approval item was placed on the consent agenda

FOR APPROVAL

- 01. Standards, Policies, and Procedures Update**—Bill Billingsley, Interim Director, Office of Educator Certification, Recruitment, and Preparation, Division of School Effectiveness

IF INNOVATION AND FINANCE

Committee Report—Dr. David Blackmon, Chair

Dr. Blackmon gave an overview of the one approval item and the one information item as follows and stated the approval item was placed on the consent agenda.

FOR APPROVAL

- 01. Request for Approval of Facilities Waiver Request—Greenville County School District**—Delisa Clark, Director, Office of School Facilities, Division of Operations and Support

FOR INFORMATION

02. **Financial Update for Fiscal Year 2012–13**—Dr. David Blackmon, Chair, Innovation and Finance Committee, State Board of Education

PL POLICY AND LEGISLATIVE

Committee Report—Dennis Thompson, Jr., Chair

Chair Thompson gave an overview of the one approval item as follows and started that it was placed on the consent agenda.

FOR APPROVAL

01. **Darlington County School District’s Waiver Request of 24 S.C. Code Ann. Regs. 43-261 (2011), District and School Planning**—Roy Stehle, Director, Office of Federal and State Accountability, Division of Accountability

SLA STANDARDS, LEARNING, AND ACCOUNTABILITY

Committee Report—Dru James, Chair

Mrs. James gave an overview of the one approval item and the two information items as follows and stated that the approval item was placed on the consent agenda.

FOR APPROVAL

01. **Instructional Materials Report from the 2012 Instructional Materials Review Panels**—Dr. Briana Timmerman, Director, Office of Teacher Effectiveness, Division of School Effectiveness

FOR INFORMATION

02. **Common Core Standards Update**—Dr. Briana Timmerman, Director, Office of Teacher Effectiveness, Division of School Effectiveness
03. **Common Core Assessment Update**—Liz Jones, Director, Office of Assessment, Division of Accountability

XI. CONSENT AGENDA

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

Education Professions (EP)

01. Standards, Policies, and Procedures Update

Innovation and Finance (IF)

02. Request for Approval of Facilities Waiver Request—Greenville County School District

Policy and Legislative (PL)

01. Darlington County School District's Waiver Request of 24 S.C. Code Ann. Regs. 43-261 (2011), District and School Planning

Standards, Learning, and Accountability (SLA)

01. Instructional Materials Report from the 2012 Instructional Materials Review Panels

Mr. Rampey motioned to approve the consent agenda. Bishop Blue seconded the motion. The motion carried.

XII. LEGISLATIVE REPORT AND REQUESTS REGARDING REGULATIONS

Jay W. Ragley, Director, Office of Legislative and Public Affairs

Mr. Ragley reported on the Teacher Salary Study Committee and the Transportation Study Committee.

Mr. Ragley announced that Cindy Clark, Recording Secretary, SBE, has accepted a position in another SCDE division and thanked her for her service to the SBE.

XIII. OTHER BUSINESS

Outgoing Chair Thompson administered the Oath of Office to incoming Chair Blackmon and incoming Chair-Elect Bolen. He then presented the gavel to incoming Chair Blackmon.

XIV. ADJOURNMENT

There being no further business, the SBE adjourned at 3:15 p.m.