MINUTES
State Board of Education Meeting

Date
July 14, 2020

Time
10:00 a.m.

Location
SCETV
1041 George Rogers Blvd.
Columbia, SC

Michael Brenan, Chair
Dr. Kristi Woodall, Chair-elect
Molly M. Spearman
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 (SBE) meeting convened at 10:00 a.m. Ms. Hazelwood took roll. Chair Brenan, Governor's Appointee, stated there was a quorum and called the meeting to order. Chair Brenan reminded the members that the purpose of todays meeting was to hear an update from the Superintendent Spearman and then, due to the pandemic, to take action on teacher cases to help alleviate some of the backlog on cases.

The following SBE members were in attendance: Chair-Elect Dr. Kristi Woodall, Sixteenth Judicial Circuit; Crystal Stapleton, Second Judicial Circuit; Dr. Shawn Johnson, Third Judicial Circuit; Dr. Tracy West, Fifth Judicial Circuit; J.R. Green, PhD, Sixth Judicial Circuit; Debby Howard, Tenth Judicial Circuit; Steven English, Eleventh Judicial Circuit; Jean W. Pearson, Twelfth Judicial Circuit; David Whittemore, Thirteenth Judicial Circuit; Valaree C. Smith, Fourteenth Judicial Circuit; and Alan Walters, Fifteenth Judicial Circuit.

Board members attending via dial-in were: Jon Butzon, First Judicial Circuit; Cathy D. Chapman, Fourth Judicial Circuit; Carl Hinze, Seventh Judicial Circuit; and Cynthia A. Downs, Ed.D., Eighth Judicial Circuit.

Board member(s) not in attendance, Larry Kobrovsky, Ninth Judicial Circuit.

The following South Carolina Department of Education (SCDE) staff were in attendance: Molly M. Spearman, State Superintendent of Education; Cathy Hazelwood, Deputy Superintendent and Parliamentarian, Division for Legal Affairs; Barbara A. Drayton, Deputy General Counsel, Office of General Counsel, Division for Legal Affairs; Scott Winburn, Deputy General Counsel, Office of General Counsel, Division for Legal Affairs; Henry Gunter, Deputy General Counsel, Office of General Counsel, Division for Legal Affairs; Holly Hadden, Assistant General Counsel, Office of General Counsel, Division for Legal Affairs; Julie Ann Castro, Intern, Office of General Counsel, Division for Legal Affairs; Tracy Moore, Administrative Assistant, Office of General Counsel; Division for Legal Affairs; Travis Huggins, Information Technology Manager I, Service and Support Center, Division of Data, Technology and Agency Operations; Lewis Chambers, IT Specialist III, Service and Support Center, Division of Data, Technology and Agency Operations; and Noelle Redd, Minutes Taker, Division for Legal Affairs.

Chair-Elect Woodall led the participants in the Pledge of Allegiance.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR JUNE 9, 2020

Chair Brenan asked if there were any objections to approving the minutes as presented for the SBE meeting on June 9, 2020. Hearing no objections, the minutes were approved by unanimous consent.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR JULY 14, 2020

Chair Brenan asked if there were any objections to approving the agenda as presented for the July 14, 2020, SBE meeting. Hearing no objections, the agenda was approved by unanimous consent.

IV. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Brenan welcomed those attending via telephone.

V. STATE BOARD CHAIR REPORT

No report.

VI. STATE SUPERINTENDENT OF EDUCATION REPORT

School and Teacher Spotlight

Chair Brenan introduced and thanked Superintendent Spearman and her team for dealing with the complex and complicated issues facing our state.

Superintendent Spearman thanked Chair Brenan for realizing how difficult this pandemic has been on everyone. She went on to say that she and her team are making decisions based on science; the safety and wellbeing of the students while knowing, without a doubt, the best place for students to be is face-

to-face with teachers. She wants to get everyone back in school as soon as possible, but as safely as possible. The AccelerateED report is completed and has been released to district superintendents, teachers, and the public. Superintendent Spearman is encouraging everyone to use that information to make their decisions for their local community. Every parent has a virtual option through our free K–12 virtual charter schools. Many of our school districts are opening their own district virtual program, and VirtualSC is offering numerous virtual classes available for high school students; an increase in virtual classes being offered to middle school students; and a few virtual elementary grade classes. Therefore, there are other opportunities available to all parents to choose from if they feel that face-to-face classes are unsafe. Superintendent Spearman is encouraging local superintendents and boards that even if they are doing virtual, the districts need to plan for some type of occasional face-to-face interaction, whether it is once a week or once a month, to visually check the condition of the student and have conservations with the student to ensure that students are safe. Many teachers and parents want to go back to school, and as you have heard the reports last week, President Trump held a summit on returning to school. The information, however, was quite controversial. The American Academy of Pediatrics (APP) came out with their report, which appeared to say that everyone should return to school, five days a week. Superintendent Spearman stated that if you really read the AAP's report, and as the president of the AAP later stated, it wasn't what the AAP meant, and the AAP President went on to say that what was really meant was that leaders need to watch the progress of the pandemic, be fluid, and make the best decision. This is what our local superintendents and boards are doing at this moment. Superintendent Spearman is encouraging the local superintendents to have some type of face-to-face operation as close to five days a week as possible, and she understands that it may not be possible. Many superintendents are trying to divide their schools in half and have some children come two days and two days and then have one day (Friday) to clean the school. Superintendent Spearman stated that the school reopening reports have been coming in from the districts. She stated a few of the items she is looking for are, waivers (all waivers will be granted to cover the statutory and regulatory requirements); and types of measurements and expectations for student achievement. Superintendent Spearman stated that she recently spoke to reporters stating that the virtual education that was provided in March and April was more of "emergency" learning, and everyone did the best that they could at a moment's notice, and Superintendent Spearman applauds their efforts, and in almost every case, we will do better. She went on to state that everyone has learned a lot, and the expectations will be higher. As you know, all students were counted present after March. That will not happen in the upcoming school year. There will be an expectation that students have to be engaged to be counted present, even if the students are virtual, they have to log on, and submit work. She will be looking for those kinds of expectations in the plans that are submitted. She will be looking for measurements for proficiency, to ensure students are meeting the standards. Superintendent Spearman stated that this is a very difficult time and she has been encouraging teachers, who may have a disability or are vulnerable, to work with their local districts, the teachers cannot, just out of fear, say they are not going back. We need teachers to come to work.

Superintendent Spearman stated that she will have a better report for everyone in August, and she does anticipate that many of the districts are going push their start dates back until after the Labor Day holiday, which they have the flexibility to do.

Superintendent Spearman stated that summer schools and academic recovery camps were to open on July 6. She was anticipating around 10,000 students to attend but there were a number of parents who stated they were uncomfortable sending their children. At that point, on July 6th, our state saw an upswing in the amount of viruses that were detected and some of the school districts decided not to open the camps for face-to-face instruction. Currently, there are 3,000–4,000 students who are attending summer school, face-to-face, and districts are having no issues with the pandemic. These classes are

very small. Superintendent Spearman has heard that the children were crying because they were so happy to be back at school. There are approximately another 6,500 students that we anticipate will be starting some type of face-to-face program in their district. Those classes will begin sometime within the next two weeks. Some districts have decided to start summer school in August and push back their regular start date. Other districts are offering virtual summer schools and academic recovery camps. You may have heard that the legislature decided that they would not reimburse for virtual summer school. Those districts that are offering virtual summer schools will have to find the money or use some of their Coronavirus Aid, Relief, and Economic Security (CARES) Act money to fund their virtual summer schools.

Superintendent Spearman is meeting with local superintendents and answering questions on Thursday (July 16). We are currently under a waiver on the retirement cap, which allows districts to hire retired persons, and they can make more than $10,000. However, the legislature needs to extend the waiver for the rest of this year. In addition, on employment for the year, if anyone hired by a district has not passed the Praxis, yet, they can begin teaching for the district. That will allow districts to hire a few more candidates for teaching positions in their schools.

Superintendent Spearman reported that she has approved the plans of 50–60 districts that reported how they are planning to spend their CARES Act money. She has notified the United States Department of Education (USED) of who those districts are and those districts can begin to drawdown their CARES Act money. We are working with a third party for the state's CARES Act, which is taking a little longer to disburse. Superintendent Spearman stated that she is very pleased with the numerous calls she has received from the legislature and leadership wanting us to tell them what we need to get back to school in the fall and they offered to provide us with the funding.

Superintendent Spearman asked for questions. Mrs. Valaree Smith wanted to know if districts had different options for returning to school.

Superintendent Spearman stated that when the AccelerateED task force first met, the spread of the virus was a regional spread. Two weeks ago, there were seven counties out of the forty-six counties that had very low regional spreads and there were thirty counties that had high spread. Based on the newer information, we told the districts to use options that would work for their community. When this pandemic started, it was only in two districts, now it involves the entire state and no two districts are the same. The newest report indicates that there are no low spread districts; there are seven medium spread districts, and the rest are high spread. Superintendent Spearman still believes that the districts know their communities better than we do and the districts can make the better decisions for their schools. School size also is a consideration, one district may have a school with 300 students and another district may have a school with 4,000 students. Those two schools are going to have vastly different options on reopening. We are also providing guidance to the districts, but, guidelines are not mandates, they are just suggestions. People on a national level are saying that students need to go back to school five days a week and Superintendent Spearman does not agree with that decision. She agrees with giving options to schools and parents.

Mrs. Smith had a question on how proficiency would be measured. Superintendent Spearman stated that she has asked the USED for a waiver, but does not think it will be granted, since other states have asked for it and have been denied. She believes that the USED is waiting to see how many requests they receive and may change their minds. As Superintendent Spearman stated earlier today, the expectations are going to be very high and we need to do a better job on instruction. The districts and teachers have

been working on higher expectations. Students and teachers will not be getting a pass on that in the upcoming year. Superintendent Spearman stated that of those five extra days that have been added to the calendar, and the legislature's funding, one of the things that has to happen is that one day during those five days, all the students have to be assessed to determine where the students are and where the the students need to be with their education. That expectation is there, more so then in March when the pandemic hit.

Mrs. Smith's last question concerned the waivers that were given, she asked if the waivers were presented to the SBE.

Superintendent Spearman stated that yes; the SBE approved most of the waivers in April. The legislature also passed a Continuing Resolution (CR), when they came back for a special session in June. The CR gave the authority to the State Superintendent to make whatever decisions needed to be made to get schools going again, including approving waivers. Mrs. Smith was under the impression that the CR was only good for ninety days. Superintendent Spearman stated that the authority has now been given, by the legislature, to the State Superintendent, which allows her to review the district plans that are being sent to ensure that the waivers are being granted.

Mrs. Jean Pearson stated that there have been complaints that expectations during the shutdown were not high enough; too many packets had been sent home; and what are the expectations now.

Superintendent Spearman stated that we have to have higher expectations. Assessments and formative assessments will be given at the beginning and throughout the year, and those expectations will be there. There will be statewide assessments at the end of the year. We are working with a national group that can take the data from assessments and give better expectations and information on individual students to determine who is ahead, who is on track, and who is behind. When she meets with the superintendents this week, one part of the discussion will be about attendance. Attendance will be taken daily, and it will be the expectation that all students are engaged, and if they are not, and it is a virtual learning environment, the students will be counted absent.

Mr. Whittemore had a question concerning the $10,000 cap on retired teachers that the legislature has to re-approve. He knows a number of teachers that have signed a letter of agreement on contracts in Greenville and Pickens based on the cap being waived.

Superintendent Spearman stated that when the legislature returned in June, they waived the $10,000 cap for the Department of Health and Environmental Control (DHEC) employees and healthcare workers. However, under the state's retirement system, you cannot waive it for only one group of people. Superintendent Spearman stated that she is letting retired educators know that for this school year, she has notified the legislators and has spoken to Governor McMaster (Governor) about the need to contine the waiver of the $10,000 cap for this school year. By doing so, this is one way that the legislature and the Governor can help us by giving us the flexibility to make sure we have the appropriate personnel back in the schools. We are also going to need tutors. We have received 50 million dollars for recovery camps and she feels that not all of the money will be used on the camps and wants to, if the legislature grants a waiver, use any remaining amount to hire tutors and after-school personnel to provide remediation throughout the school year.

Dr. West had two questions. One from Kershaw County teachers. Following the Palmetto State Teachers Association and the South Carolina Education Association's combined statement about returning to

schools, Dr. West was asked if districts and their Human Resources personnel have thought about what that process will look like when filing for a breach of contract. In 2019, she reviewed traditional breach of contracts and has concern over what it is going to look like going forward. Have districts received guidelines on how to support teachers as they return to schools?

Superintendent Spearman stated that she has spoken with a number of superintendents and teachers on this issue. There is a federal law, the Families First Coronavirus Response Act (FFCRA) that requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19, so there are additional protections for employees. However, that does not last forever and you must be able to show proof of the disability that requires you be out of work. Some of the superintendents she spoke with are working with teachers on a case-by-case basis. The superintendents are doing their best to offer their teachers the opportunity to work in a virtual setting. Greenville County School District sent out a survey to their teachers, and she knows other districts have done the same. Superintendent Spearman stated that she is very concerned that some teachers are very fearful of returning to the classrooms and she does understand, but we are doing everything we can to protect them. We have purchased personal protection equipment; face masks for the teachers, students, administrative staff, bus drivers, custodians, and cafeteria staff. Other things are being done such as districts installing Plexiglas, etc. to make the schools as safe as possible. However, she cannot guarantee 100 percent that all schools will be safe. There are going to be people who will get the virus, but there are also protocols in place to try to prevent it. If it occurs, it could be just a classroom that has to be shut down, but the rest of the school is fine and can continue with instruction. DHEC has provided guidelines for school buses. There is guidance for school districts in making these decisions. As to your question, Dr. West, about teacher cases, since it is a legal issue, it is up to the individual district's attorney to handle those issues, but there is extra protection for teachers during the pandemic.

Dr. West's second question comes from the SC Deans' Association (SCDA) and concerns the class of first year teachers that received their placements in March. Dr. West realizes that other SCDE staff are not available to answer, but just for the record, Dr. West hopes that the SCDE is looking at the evaluation systems for the upcoming year and are not being punitive on some of the decisions that might be made by districts at the end of the year. This has been a major concern as the SCDA has talked with new teachers entering the field. Dr. West stated that she was concerned about this and Superintendent Spearman stated she, too, was concerned and the issue was under review. Mrs. Toal-Mandsegar, whose office handles the evaluation system, told Superintendent Spearman that she is looking at a streamlined teacher evaluation program that will be distributed to the districts. Superintendent Spearman knows many teachers have been concerned about the Student Learning Objectives (SLO), which will also be streamlined. Superintendent Spearman stated that there will be teacher evaluations this year. These evaluations will not be waived again, like they were in the spring. There will be evaluations and the evaluations will be streamlined.

Mrs. Smith had another question concerning virtual learning. Will each child receive the equipment they need to take online classes and will they have access to broadband?

Superintendent Spearman stated that the legislature provided over $20 million from the CARES Act to fund this one issue. Our staff have been working diligently with the Office of Regulatory Staff, and the providers to purchase HotSpots and MIFIs, which should improve our capabilities. The money is there, so there should be no issues. We are prepared to buy those for the families that need them. We also amended the plan because when we started this a few weeks ago, we discovered that it was not just getting HotSpots and the MIFIs, but for many families there is a line going by their house and they just

could not afford to hook up to the service. In one week, working with the Horry Telephone Cooperative, over 600 families were signed and now have broadband access. We are making tremendous progress towards reopening our schools.

Superintendent Spearman stated that if the SBE had any additional questions to please call her.

This concluded Superintendent Spearman's report.

Dr. Green expressed his thanks to Superintendent Spearman for being the voice of reason against a lot of political momentum that we should rush to return students back to school pre-COVID-19. In referencing this entire process from AccelerateED; in consultation with DHEC; to identifying particular areas of low-, medium-, and high-spread contamination and creating some guidance on how schools should operateand it amazes Dr. Green that, all of the sudden, now people want to ignore the guidance that we have. We have been talking about the Centers for Disease Control(CDC) and DHEC guidance for weeks and months. Now, as we look at DHEC guidance, in particular to how schools should operate in the fall, we want to ignore that. So, when we talk about why schools are reluctant to move forward with total in-person instruction, Dr. Green wants to remind everyone that this is what DHEC says we should do. So now, schools are arbitrarily coming up with these decisions on their own. This is the guidance that is coming from DHEC. Dr. Green stated that he appreciates Superintendent Spearman for reminding people of that. Dr. Green has watched the subcommittee hearings and Superintendent Spearman continues to reference that guidance, even though people want to ignore the guidance. Dr. Green encourages people who have questions about why the districts have that perspective, to look at the guidance. Look at what is coming out of DHEC. Dr. Green again thanked Superintendent Spearman.

Chair Brenan thanked Superintendent Spearman and her team stating that he knows these are difficult times and complex issues for all of us in SC and the nation. Chair Brenan also thanked Mr. Walters for his service on the AccelerateED Committee and for being the voice of reason.

VII. PARLIMENTARIAN COMMENTS

None.

VIII. FULL BOARD EDUCATOR LICENSURE COMMITTEE MEETING

The Full Board Educator Licensure Committee met in Executive Session to discuss and take action on educator licensure matters.

IX. FULL BOARD EDUCATOR LICENSURE COMMITTEE REPORT

Chair Brenan stated that the Full Board Educator Licensure Committee met and heard eleven cases, which consisted of two Dismissals; one Public Reprimand; and eight Suspensions.

X. OTHER BUSINESS

Mrs. Hazelwood reminded the SBE members that the August meeting would be in the Rutledge Conference Center.

XI. ADJOURNMENT

There being no further business, the SBE adjourned at 11:54 a.m.