

MINUTES
State Board of Education Meeting

Date

Tuesday, October 10, 2023

Time

1:00 p.m.

Location

Rutledge Conference Center
1429 Senate Street
Columbia, SC 29201

Dr. Crystal Stapleton, Chair

Dr. David O'Shields, Chair-Elect

Ellen E. Weaver, State Superintendent of Education,
Secretary and Administrative Officer to the Board

If you require Section 504 or ADA accommodations to attend or participate in this public meeting, please contact Tracy Moore.

Notice: Due to allergies of staff and visitors, we ask that visitors refrain from wearing scented products when attending the State Board of Education meetings in SCDE facilities.

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.

The following State Board of Education (SBE) members attended: Chair Crystal Stapleton, Second Judicial Circuit; Chair-Elect David O'Shields, Eighth Judicial Circuit; Delaney Frierson, Third Judicial Circuit; Beverly Frierson, Fifth Judicial Circuit; Ms. Beverly Frierson, Fifth Judicial Circuit; Joyce Crimminger, Sixth Judicial Circuit; Dr. Joette Johnson, Seventh Judicial Circuit; Dr. Christian T. Hanley, Jr., Ninth Judicial Circuit; Sallie Lee, Tenth Judicial Circuit; Tammie Shore, Eleventh Judicial Circuit; Richard Harrington, Twelfth Judicial Circuit; Cheryl Collier, Thirteenth Judicial Circuit; Mary Cordray, Fourteenth Judicial Circuit ; Alan Walters, Fifteenth Judicial Circuit (Remote); Jackie Terribile, Sixteenth Judicial Circuit; and Rita Allison, Governor's Appointee.

The following South Carolina Department of Education (SCDE) staff attended: John Tyler, Deputy Superintendent, Parliamentarian, General Counsel, Division of Legal Affairs; Barbara Drayton, Deputy General Counsel, Office of General Counsel, Division of Legal Affairs; V. Henry Gunter, Deputy General Counsel, Office of General Counsel, Division of Legal Affairs; Holly Hadden, Assistant General Counsel, Office of General Counsel, Division of Legal Affairs; Rebecca Gunnlaugsson, Chief of Staff; Office of Superintendent; Matthew Ferguson, Deputy Superintendent, Division of College and Career Readiness (Chief Academic Officer); Stephen

Strother, Interim Chief Financial Officer, Office of Finance; Ian Headley, Deputy Superintendent, Senior Advisor Strategic Projects; Laura Bayne, Deputy Superintendent, Division of Strategic Engagement; Phillip Cease, Director, Office of Governmental Affairs, Division of Legal Affairs; Lisa Widener, Assistant Director, Office of Governmental Affairs, Division of Legal Affairs; Tracy Moore, SBE Administrative Coordinator, Office of General Counsel, Division of Legal Affairs; Frances “Cricket” Katsos, Administrative Coordinator, Office of General Counsel, Division of Legal Affairs; Travis Huggins, Information Technology Manager I, Chief Information Office, Division of Data, Technology and Agency Operations; Quinn Murphy, IT Specialist III, Chief Information Office, Division of Data, Technology and Agency Operations; Rashard Huntley, IT Specialist III, Chief Information Office, Division of Data, Technology and Agency Operations; Brando Butler, IT Specialist III, Chief Information Office, Division of Data, Technology and Agency Operations; and Raymond Dues, IT Specialist II, Chief Information Office, Division of Data, Technology and Agency Operations.

I. WELCOME/PLEDGE OF ALLEGIANCE

The SBE meeting convened at 1:14 p.m. Chair Stapleton called the meeting to order and welcomed everyone who attended.

Chair-Elect O’Shields led everyone in the Pledge of Allegiance.

II. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR SEPTEMBER 12, 2023

Chair Stapleton asked if there were any objections to approving the minutes as presented for the SBE meeting on September 12, 2023. Hearing no objections, the minutes were approved.

III. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR OCTOBER 10, 2023

Chair Stapleton asked if there were any objections to approving the agenda as presented for the October 10, 2023, SBE meeting. Chair Stapleton requested an amendment of the agenda to include the presentation of a regulation for second reading under the Public Hearing portion of the agenda, the amended agenda was approved by unanimous consent.

IV. RECOGNITION OF VISITORS AND NEWS MEDIA

Chair Stapleton welcomed any media and asked if any visitors had signed in. Chair Stapleton recognized visitors; The National Prophetess Pastor Delilah White from Alpha and Omega In Growth Church, and Josh Malkin from ACLU SC.

V. STATE BOARD CHAIR REPORT

Chair Stapleton welcomed everyone and thanked all participants for their interest in education.

Chair Stapleton reported, "I had such a wonderful opportunity to actually visit Edisto Elementary in Orangeburg County School District this past Friday. I had actually reached out to Dr. Sean Foster because I was looking for a school that I could look at for a broadcast journalism program. It was so wonderful to be able to visit them. I told the students that day I would have to give them a shout out at the next state board meeting. They were so wonderful as they took us around and we learned so many great things. That is what makes our state even more special, because you have that comradery where you can reach out to someone if you are looking for an idea or if you have a program you'd like to implement. I couldn't believe how quick they got us in there. I definitely wanted to thank Principal Eric Brown, Assistant Principal Patricia Hampton, and all of the teachers that showed us there BAJA program, which is Broadcasting and Journalism Academy. I thank them for that, and I think we are so fortunate, and it is so exciting how many wonderful things we have going on all across our state. That's only one example of so many. It really puts things into perspective and reminds us why we do this work every day".

This concluded the Chair's report.

VI. STATE SUPERINTENDENT OF EDUCATION REPORT

Chair Stapleton recognized Superintendent Weaver.

Superintendent Weaver reported, "I wanted to start by introducing Dr. Rebecca Gunnlaugsson. Rebecca, if you wouldn't mind standing. Rebecca is our new Chief of Staff here at the Department of Education and she brings with her just impeccable credentials as an economist, as a data analyst, data visualization. She has worked extensively in positions around the state, with the PEBA system, with the Department of Commerce. I got to know her probably eight or nine years ago now, when we were working on education finance and tax reform policy things that obviously touch everything we do here in education on a daily basis. She brings just a wealth of expertise to this agency and we're so thankful to have her. Thank you, Rebecca, for being here today. I hope you all will have a chance to get to know her.

The second thing that I wanted to touch on was just a couple of upcoming events that I'm very excited about. I was interested to see that we have a document in front of us asking us to support South Carolina school librarians and I am excited to say that that is exactly what we are doing here at the Department of Education. This Friday, we had a wonderful training on a statewide workshop that we're doing for our librarians and media specialists that will be held at River Bluff out in Lexington. I think one of the most important things that I have talked about here with you all is the critical importance of literacy especially early literacy. The theme of this training is the legacy of literacy. We are going to be featuring an incredible movie called The Right to Read as well as a number of other courses that they'll be able to choose from, and I believe we're at capacity for that workshop. We are very, very excited about that and I

look forward to being there on Friday.

The second event that I wanted to mention to you all is an invitation to every member of the state board to join us. This may have already come up but on November the 8th here in Columbia, we are doing a joint Education Oversight Committee, State Board of Education meeting. This is going to be focused on those foundational skills. This will not replace our official meeting of the state board but is an opportunity for us to come together with the Education Oversight Committee to talk about the foundational goals that we have for our students and how we in our respective bodies and agencies can work together to accomplish those goals. We will have some wonderful speakers there, Dr. Kim Jana Burke who is really one of the architects of the incredible turnaround that Mississippi has seen in their early literacy. We are going to have Sal Khan, virtually the founder of Khan Academy, to talk about some of the amazing work that they are doing to support math. We know that we're starting to really see a trajectory of progress in our ELA scores, and we need to bring that same focus and attention on the math side of the house. It will be an incredible day of learning; I hope that you all are able to be there again.

The next thing that I wanted to mention again, just briefly, is that focus on math. The train has left the station on literacy. We still have a lot of work to do there, but I feel like we're getting good momentum. Math is really where we need to dig in next and so I wanted to let you all know that we submitted our first draft of our budget priorities to the executive office of the budget here in South Carolina this month. The four big themes that I have categorized our budget safe schools, students' success, workforce readiness and teacher support. Two of the things that I really wanted to highlight to you today is the Palmetto math project. We have had a Palmetto literacy project here that I think has really been a catalyst for a lot of the great work that we've seen happen around early literacy. We need to do the same thing for math. That will be a big part of my budget asking for the General Assembly to support the department of education in bringing on instructional coaches here at the state level that we can help deploy into our schools that are most in need of support in that critical area of math.

The second thing that I wanted to highlight on the budget is what we're calling our Rural Renaissance Initiative for career and technical education. We know that for students in those upper grades, connecting their learning to real world relevance is critically important. That is what I hear from business owners as I travel across the state, is that they need students who are prepared to go into the workforce. We have to think about how we can create equal opportunity in CT education for students wherever they are, in the state. In talking to our technical colleges, we have been looking at a model of, a really exciting innovation that's happening in Georgia where they are building mobile CTE labs with the latest and greatest technology in them, that then can go around to rural communities who can't afford to build a freestanding Career Center necessarily in their backyard. That is one way that I think we can create parity across districts and ensure that our students are really getting that workforce training that they need.

The last thing that I want to touch on, it is National Principals month, and we had the joy today of being with one of South Carolina's principal leaders in Monique Smalls at Kelly Edwards Elementary School in Barnwell. Today is the day that we have released South Carolina's report cards. In a making that announcement, obviously, we all know that we face challenges in South Carolina, but I believe we need to celebrate and elevate the successes where we see them.

Kelly Edwards Elementary School is just such a shining example of what I call the power of possibilities. This is in Williston, South Carolina, very rural community title one school I believe about an 85% poverty rating, but these students are literally leading the state in their academic outcomes. In 2018, they were unsatisfactory, the lowest score on the report card, 2019 they moved up to below average. We did not have report card ratings for 20 and 21 because of the pandemic. When we came back and 22 they had just crossed the threshold of excellence. They weren't 63, but it doesn't stop there. They today are at 71 out of 100 points. They are excellent and I love to travel to these schools and say what is the secret sauce and what I hear over and over again is that it's three things it is having a strong principal in that school. That is building the culture and the instructional environment in which great teachers can do what they are there to do, and that is to teach. It is giving those teachers high quality instructional materials that are aligned to the best practices that we know whether it's in literacy or math. Then it is giving teachers the professional development, the high-quality professional development that they need to teach those materials with accuracy and fidelity. And of course, there are many other pieces, community support, parental engagement. That all play a critical role in supporting, learning in our school communities. In my humble opinion, and in what I have witnessed in the schools I've been privileged to visit over the last few months, those are the three things that you absolutely have to have to be successful. The amazing thing is, we see this growing up in rural communities all over South Carolina. Thank you for hosting us today and let's just give a huge round of applause.

The last thing I want to do in conclusion is just take about four minutes to show videos of two principals of schools that I was recently in. First, Waterloo Elementary School and Lawrence 55". (A video was played).

"Principal Penland and Principal Smalls are two of our rockstar principals. How many former principals do we have sitting around the table here? (Hands raised) That's what I thought. Can we give him a round of applause? Happy National Principals Month".

This concluded Superintendent Weaver's report.

Chair Stapleton commented, "It means so much when we hear great news but, even more so when you see it. I love when we can see these videos. We are thankful to you and your staff for being able to highlight so many of the great things that are going on across our state. I know one of the things I tell our staff all the time is, we have to be our biggest cheerleaders.

We thank you for being the biggest cheerleader we have in South Carolina for education, so thank you for that”.

VII. PARLIAMENTARIAN COMMENT

Chair Stapleton recognized Parliamentarian, John Tyler, General Counsel, Deputy Superintendent, Division of Legal Affairs.

Mr. Tyler reported, “Thank you, Madam Chair, and I know what you were all thinking: ‘What does Robert’s Rules of Order say about fire alarms?’ Section eight actually allows the chair, under exigent circumstances, to declare without vote a meeting adjourned. Now, what happened was a temporary recess. Because there were actually no exigent circumstances, just some other quirk that we had to deal with.

The real comment for the day that I intended to offer was something that is both practical for this room and perhaps the Thanksgiving family dinner table as well. That is; How do you have a discussion involving questions with 16 of your closest friends around the table, particularly when it comes to questions and comments? That is, if you have a question or comment in a deliberation portion of the agenda. Simply, number one, raise your hand and wait to be called on. I tried that with my uncle at the Thanksgiving dinner table. It did not work, number two. When you do ask your question once called upon, or make your comment once called upon, please direct your question or comment to the board chair.

This will actually not only ensure compliance with our rules but will help ensure a more efficient and orderly hearing. And that’s all we’ve got for today. Thank you”.

This concluded Mr. Tyler’s report.

VIII. PUBLIC COMMENT

Chair Stapleton welcomed those signed up for public comment.

Ida Thompson, former President, South Carolina Association of School Librarians commented on the relationship and current status between the SCDE and SCASL.

Patrick Kelly, Director of Governmental Affairs, Palmetto State Teacher’s Association (STA), commented on the current status of class size and daily student loads for teachers”.

Steve Newsome, former public-school English and research teacher commented on the successes and failures of the Read to Succeed Program and the status of the SCDE’s relationship with SCASL.

Board member, Beverly Frierson commented, "Thank you, my name is Beverly Frierson, of course, member of this board. As I listen to the comments of Miss Thompson, of SCASL and Miss Weavers of the League of Women Voters and the gentleman that just spoke, I listened carefully to the presentation of State Superintendent Weaver, especially pertaining to the importance of professional development. My concern is that there's a disconnect between what we saw that we advocate in terms of supporting our educators, providing that professional development and this apparent severing of ties with SCASL. I was wondering if there is a way for these parties to come together. Fortunately, I know Miss Thompson and I know that what she's presenting is accurate because I know her professionally. I know Miss Rivers for the same reason. I don't doubt the sincerity of superintendent Weaver as she highlighted the excellence that we saw a few moments ago. I listened and took some notes and Miss Thompson said that part of the problem seems to be misunderstanding or misinterpretation of something that was done. I was wondering if it is not appropriate right now if these parties can come together because I'd hate for us to be going at contra positions when we're trying to work for the good of our public-school educators. Unfortunately, I've heard from many librarians also will greatly be concerned about how they are being perceived. I'll pause now and let you answer some of my concerns".

Chair Stapleton responded, "Thank you Miss Frierson, when we do the public comment, though, it is for information just because we want to make sure we don't discuss anything that's not on the agenda as far as making sure we follow all of the rules we should. I will ask Superintendent Weaver if she would like to respond".

Superintendent Weaver responded, "I'd be glad to, and if the board has not had a chance to see my original letter, we'll be glad to provide a copy of that letter to the to the board. I feel like a lot of the concerns that I continue to have about the way that this issue is being discussed in public venues by organizations such as SCASL continues to be really concerning to me. I think that we've reached a fundamental decision point in public education, to your point about, how do we really, create and restore trust, in our public education system, and that's something that I have heard repeatedly as I travel around the state and something that is very near and dear to my heart. I think we have to build partnerships between our parents and our educators and our community members. I think part of building that trust is ensuring that we are appropriately evaluating community feedback. I'll just be very frank, the letter that SCASL sent to members of local school boards around the state, essentially said that we should be dismissing the concerns of parents in favor of what children are saying in either public or private settings. I have real concerns about any organization that advocates cutting parents out of the process. I think that parents have to have a central voice in what we are permitting in our schools in terms of materials.

What I can assure this board is that as we look ahead to the regulatory process of what constitutes age appropriateness and what constitutes alignment with the South Carolina instructional standard we are doing this very thoughtfully. We are doing this in a way that we

believe will comply fully with the spirit and the letter of the law in South Carolina and nationally and that we are doing this in order to ensure that our public schools remain entities that are able to support the pluralism that we all value in our society.

We have to have the ability to come together around community standards and community values. I think you will see that we take a very thoughtful approach to the work that we are going to be bringing before this board. Our heart in doing so is really to alleviate the pressure on educators not to create more pressure. One thing I have heard repeatedly, in talking with superintendents around the state as well as local principals, is that they feel like they've been put in the political crosshairs. I'm a proponent of local control, but I also know that half of our state education budget comes from the state. With that investment comes responsibility. There is state responsibility as well as local responsibility for these materials. It is well within the purview and the responsibilities under state law of this board to advise on the age appropriateness and the alignment with the South Carolina instructional standards. That is what we will bring before this board for your consideration in the months to come.

I hear what you're saying in terms of trying to find a rapprochement with but I'm afraid that the tenor and tone of their communications on this issue continues to be very adversarial. You can look at their social media feed, you don't have to dig very deep to see that they are approaching this as a very political issue. I frankly find it ironic that they're accusing the department of being political, when we have done everything we can to simply maintain the peace of our schools and to ensure that parents are valued partners in the materials that we have in our education system. This is a much longer conversation and one of those things where I think people of good faith can have honest disagreements. I hope that in my response you hear that my heart is to do what is best for the students and educators of this state, and I would certainly invite them to reevaluate the very political position that they have taken on determining the age appropriateness and the alignment of instructional materials to our state standards”.

Ms. Beverly Frierson responded, “Madam Chair, I appreciate the time. I would just like to say I do believe in people of good faith coming together, and this cannot be resolved right now. I just like to summarize the fact by saying that the term community has various interpretations, and I would greatly advise folks to talk because of one size thing. Look at what you're saying, the other side is saying, there's not going to be a coming together. I would just recommend that there be further communication so that we can move together forwardly progressively. Thank you”.

Ms. Stapleton thanked Ms. Frierson and Superintendent Weaver for their comments.

IX. STATE BOARD ITEMS

PL POLICY AND LEGISLATIVE—COMMITTEE REPORT

Chair-Elect O'Shields presided over the Policy and Legislation meeting as Chair Stapleton and Superintendent Weaver visited a school district earlier in the morning. Dr. O'Shields reported that the sub-committee met and heard two of three action item(s) and no item(s) for information. Item 1 was inadvertently listed as a first reading when it was actually second reading. This item, because there were no public comments or changes to the proposed regulation, will be presented later in the meeting for approval. Item 2 was also a proposed regulation that was presented for second reading by Mr. Cease for approval. Item 3 was presented by Dr. Quincie Moore and was approved by the Committee to be placed on the Consent Agenda.

FOR APPROVAL

- 01.** Proposed Amendments to State Board of Education (SBE) Regulation S.C. Code Ann. Regs 43-243.1 (R.43-243.1), Criteria for Entry into Programs of Special Education for Students with Disabilities (First Reading)
- 02.** Proposed Amendments to SBE Regulation S.C. Code Ann. Regs 43-80, Operation of Public Student Transportation Service (Second Reading)
- 03.** Florence Public School District One's Request for School of Innovation Designation

FOR INFORMATION

No items.

EP EDUCATOR PROFESSIONS—COMMITTEE REPORT

Ms. Lee reported that the sub-committee met and heard two action item(s) and two item(s) for information. The action items were placed on the Consent Agenda.

FOR APPROVAL

- 04.** New Educator Preparation Program Approval Recommendation: Presbyterian College Bachelor of Science (BS) in English for Speakers of Other Languages (ESOL) Education (PK-12)
- 05.** New Educator Preparation Program Approval Recommendation: Teach Florence 1 submitted by Florence One School District

FOR INFORMATION

- 06.** Professional Review Committee (PRC): Educator Preparation Provider and Program Updates

07. Assisting, Developing, and Evaluating Professional Teaching (ADEPT) Results for 2022–23

SLA STANDARDS, LEARNING AND ACCOUNTABILITY—COMMITTEE REPORT

Ms. Delaney Frierson reported that the sub-committee met and heard one action item(s) and no item(s) for information. The action items were placed on the Consent Agenda.

FOR APPROVAL

08. Instructional Materials Advisory Committee Recommendations to Fill Vacancies

FOR INFORMATION

No items.

ELC EDUCATOR LICENSURE—COMMITTEE REPORT

Chair Stapleton recognized Mr. Walters who reported that the sub-committee met and took action upon the following eleven cases; one approval for initial certification, one initial certification tabled for more information, two public reprimands, six suspensions and one permanent revocation.

FB-ELC FULL BOARD EDUCATOR LICENSURE—COMMITTEE REPORT

Chair Stapleton reported that the Full Board ELC committee met and took action upon the following four cases; one denial for initial certification; one initial certification tabled for further information, one suspension, and one permanent revocation. Chair Stapleton also reported that the actions of ELC were ratified during the FB ELC meeting. Chair Stapleton commented, “We are so grateful to the Office of General Counsel for all of the information you provide us so that we can come on the day of the board meeting prepared regarding each of those cases.”

IX. CONSENT AGENDA

All Committee Items presented to the State Board for approval by motion make up the Consent Agenda.

Mrs. Crimminger made the motion to approve the Consent Agenda. Mr. Walters seconded the motion. The motion passed by unanimous consent.

X. SOUTH CAROLINA BOARD OF EDUCATION REPORT

FOR APPROVAL

PH PUBLIC HEARING

01. Proposed Amendments to State Board of Education (SBE) Regulation S.C. Code Ann. Regs 43-243.1 (R.43-243.1), Criteria for Entry into Programs of Special Education for Students with Disabilities (Second Reading)

Lisa McCliment reported, “We started this process at our office about four years ago, developing stakeholder groups for the 13 disability areas under IDEA, the Individuals with Disabilities Education Act. We have probably close to 100 stakeholders. We have 13 disability categories. We try to incorporate other agencies, DDSN, and other agencies within the state, as well as groups that advocate for specific areas of disability, all coming together to work on updating our criteria. On June 2nd, we submitted the drafting notice, which was published to the State Register on June 23rd. The publication included a 30-day time frame for comments. We did not receive any comments. We brought in as many stakeholders as possible, in favor and against, to make them part of the process. The first reading was held on August 8th and was approved. The proposed regulation was published in the State Register on August 25th, and September 25th was the end of that 30-day review period. We did not receive any comments regarding the first reading of that. That brings us to today, second reading. What we're asking for is for our regulation for 43 to 43.1 to be updated. We have had feedback from the United States Department of Education, Office of Special Education Programs to make some updates. We've had guidance from them, as well as research in the field, and just to provide more clarity and support uniform implementation of our eligibility criteria”.

Hearing no questions or discussion, Chair Stapleton called for a vote. Dr. O’Shields made the motion. Ms. Shore seconded the motion. The motion carried.

02. Proposed Amendments to SBE Regulation S.C. Code Ann. Regs 43-80, Operation of Public Student Transportation Service (Second Reading)

Phillip Cease reported, “I appreciate you all taking time today to look at this regulation. In front of you is the amendment that was adopted this morning. I will provide some background on the underlying regulation. There was a bill that was introduced for the first time this past January. In the House of Representatives, we heard from districts that had two problems with the bill. What the bill did is it required an aide on school buses that were transporting students and Child Safety restraint systems. The districts had two primary issues with the bill the first being that by requiring an aide be on the bus if for some reason a district could not hire an aide, or an aide was sick that day the bus would not run. Which would potentially put them in violation of state or federal statutes or regulation. The second issue was a financial component. At the high end, that was over \$4.7 million, which it would have cost districts to adhere to a mandate of having an aid on every bus with a student and a child safety restraint system. What we did is we

asked the legislature to allow this to work through the regulation process, to work with the districts and come up with a workable solution.

The amendment, this morning that was adopted, does two primary things. First, it requires an aide in all the buses transporting students, but also allows districts to continue running those buses if an aide isn't available, or to prevent them from getting sideways with state and federal requirements. The second is it mandates aide on buses with students and wheelchairs and this is just aligning with what is currently in state code. Bus drivers are not allowed to physically leave the bus when it is running. You have to be outside of the bus to operate the wheelchair ramp. It is impossible for a bus driver to both adhere to the law and operate a wheelchair ramp at the same time. That's the second paragraph of the amendment. We are asking the State Board to approve the proposed amended regulation".

Chair Stapleton called for questions or discussion.

Ms. Allison asked if additional state funds are provided for these aides. Mr. Cease responded, "Part of the district's big issue, even though some districts are able to pay more than others, is that they cannot find aides, even with raising the salary". Ms. Allison asked, "So, it is not just the money?" Mr. Cease responded, "It is not just the money. You see it in bus drivers as well. That is why we wanted to give that kind of option for buses to still run, mandating an aide and then saying buses cannot run, is just asking for issues".

Dr. O'Shields commented, "Truth be told in the district where 23% of our students are identified as special needs, I can say it is very difficult. Very incredibly difficult to hire people and it is not that people are clamoring to come into those situations that often have by themselves extenuating issues and circumstances. For at least the district standpoint, we do run with aides on wheelchair belt buses, but there are situations whether it's not necessarily wheelchair, but possibly restraints. We have had moments that it's been very difficult to try to operate them and find a support aide to go on behalf of the district. From my standpoint, I think we cobbled together as good as we could". Mr. Cease responded, "we've been trying to work with districts to encourage them to put aides on these busses. And right now, as of our last count, we're right under 20 busses that are running without an aide statewide with a student that's in a child safety restraint system. That is a pretty a small number when you look at the whole state".

Ms. Beverly Frierson commented, "Yes, I was looking at the wording of the last paragraph, first page of this document. It's ambiguous to me and maybe you can just help me understand it. It says a student in a child safety restraint system excluding standard seat belts must be transported on a bus with an aide. Then it goes on to say if an aide is not available for a bus transporting a student as a child safety restraint system, that bus shall not run unless it would put the school district in violation of federal and state statutes. I mean statutes or regulations something is wrong about that wording". Mr. Cease responded, "What we are trying to do with

this regulation is come up with a workable solution that's as close to the original bill as possible. If we say in A, must be on a bus and a bus may not run full stop that's it. Then buses will not run and districts will be in potential violation of state and federal statutes. What that second part of the sentence is kind of the pressure release valve to allow districts, that don't have an aide to allow them to still run buses, avoiding the violation of state or federal statutes". Ms. Beverly Frierson commented, "I understand what your intent is, but I'm an English teacher. In that first sentence, change that word in the last two next to the last sentence from unless to something else. See, I understand you don't want to violate the law, but the way it's worded right now in my opinion is a problem and I'm not an expert maybe you all just need to look at it a little bit more and work on that wording in that last paragraph". Mr. Cease responded that the Board has the prerogative to amend the regulation but noted that input from general counsel had heavily influenced the language of the regulation to ensure as much coverage as possible". Ms. Beverly Frierson commented, "I do think that there's a problem with this wording. I understand you do not want to violate the law, but the way it is worded now I think is ambiguous and it doesn't really deal with the fact that you're trying to keep the buses from running because you have a must, which is not an either-or situation. Then you have that term unless which is ambiguous. I don't know if anyone else sees it that way, but I've made my point already. I also heard the gentleman, I apologize for not knowing your name yet, but you mentioned that in terms of the reality, in terms of the problems, of getting an aide on every bus, but that must is different from should a shall. And then then unless part is still ambiguous. If this is the final reading we need, in my opinion, to look at the wording of that paragraph to avoid some of the problems that we had earlier, when it was brought to the attention of this board that the law was not being followed".

Chair Stapleton called for a brief recess. Upon return from recess, Chair Stapleton called upon Robert Grant with Richland County School District One for public hearing comments.

Mr. Grant commented, "Thank you Madam Chair, Superintendent Weaver, board members. I'll be much briefer than five minutes. My name is Bob Grant and I serve as the Chief Operations Officer for Richland School District 1. I want to thank you for the opportunity to offer feedback on the proposed changes to Regulation 4380. As a representative of a school district, we can support the changes to the regulation that would require each district to make an effort to place a qualified bus aide on every bus that transports any wheelchair bound student. Or any student that requires a child safety restraint system, while still allowing the districts to comply with all federal and state laws regarding the transportation of students with individualized education plans. Many districts already have this practice in place, and finding and employing qualified staff is generally the only barrier to this being a 100% standard. I want to echo what Dr O'Shields said, in our district, we place folks on our buses, and the only time that we don't is when there might be an absence and we just absolutely can't fill it. We use sub drivers, we'll use classroom aides, we'll find even teachers. We'll go to every length to find somebody to put on those buses. Our goal is always will be to continue to provide safe transportation services for

all students while complying with all applicable state and federal laws and regulations. Thank you”.

Chair Stapleton then called upon Ryan Bailey with the South Carolina Association of School Administrators (SCASA). Mr. Bailey commented, “I will be very brief. Good afternoon. My name is Ryan Bailey with the South Carolina Association of School Administrators. Thank you for the opportunity to provide a very brief comment to the Regulation 4380. We support the proposed changes that would require school districts to make every effort. To ensure that an aide is present for buses transporting students in a wheelchair or in a child safety restraint system, while also giving the opportunity to comply with federal and state regulations and statutes. Thank you”.

Chair Stapleton thanked both public hearing speakers and asked the Board for further questions. Hearing none, Chair Stapleton called for a motion.

Ms. Frierson commented, “I have a motion but I'm still working on the wording of it. Yes, I was listening to the gentleman as they testified. I agree that the intent is to avoid federal and state laws being violated, but also not to hamper the state board or individual school districts if it's a case of not being able to find qualified aide so the buses would not have to shut down. I am just working on the wording”. Chair Stapleton requested John Tyler to provide advice in this regard. Mr. Tyler responded, “What's pending before the board; a student in a child's safety restraint system, excluding standard seatbelts, must be transported on a bus with an aide. That would be the general rule. The following sentence would be an exception. If an aide is not available for a bus transporting a student in a child safety restraint system, the bus shall not run unless it would put the school district in violation of federal and state statutes or regulations. Flipping those sentences around or doing something differently there could certainly change the meaning of what's intended to be accomplished here. Depending on how the board may wish to amend it, I'd be happy to further weigh in”.

Chair Stapleton asked Ms. Frierson if she was prepared with her motion. Ms. Frierson was not. Mr. Tyler commented that, in order to make a motion to amend the item, there first needed to be a motion to approve the regulation.

Dr. O'Shields then made a motion to approve the regulation as presented. Ms. Allison seconded the motion. Ms. Beverly Frierson commented that she was concerned with the ambiguity. Chair Stapleton then recognized Ms. Delaney Frierson. Ms. Delaney Frierson asked for clarification, stating, “If I have a child who needs to be restrained and put on a bus. That bus must have someone there to take care of my child. Yes or no?” Mr. Cease responded, “Yes.” Ms. Beverly Frierson then commented that the language confused her as a parent, and she wanted clarity from a parents' point of view. Chair Stapleton then recognized Barbara Drayton, Office of General Counsel, who reported, “I think that there may be some confusion in the terminology. The reference to a child restraint system here is not the child who needs to be restrained in a

manner, say as CPI or something. We're talking about a car safety seat, a child restraint system. We're talking about the car seat. We transport some little ones, and we put them in what we, the terminology from the transportation perspective, is a child restraint system, a car seat. It is a car seat. The first three rows in our buses, you can put car seats in for the students who are little. It's not a CPI restraint because the child is out of control". Ms. Delaney Frierson responded that she now understood that the language related to the car seats and the districts would not be in violation of state and federal laws if there was no aide on the bus in those situations".

Chair Stapleton thanked everyone for their clarification and information. Hearing no other questions or discussion, Chair Stapleton called for a vote. The motion carried, with Ms. Beverly Frierson opposing the motion.

FOR INFORMATION

03. Review of State Board of Education's Fiscal Year 2023–24 Budget

Mr. Strother provided an overview of the budget as it stands through the first quarter of September the 30th, 2023. He reviewed some of the categories and explained the difference in amounts encumbered versus amounts actually expended, as well as items in the budget for personnel.

04. Literacy Update — Matthew Ferguson, Deputy Superintendent, Division of College and Career Readiness

Mr. Ferguson reported, "Good afternoon. I wanted to start by saying that the LETRs rollout has started. We have nearly 5,000 teachers who are starting their letters journey this semester, many have already started. We were in a district this morning, and those folks reported that they were excited to start next week. That is well on its way of getting kicked off across the state. We also have our invitations out to superintendents to begin the second round in January. We are looking to add another 5,000 teachers in January, and those invitations are currently out there. If you are a district superintendent or know those district superintendents, please encourage them to sign up because we are looking forward to starting a new cohort in January. The plan will be that in the fall of 2024, we will wrap up all of those districts who have not signed up before.

I would also like to report that you know we are working towards wrapping up the adoption process for ELA materials, and it's our plan to be able to bring you those recommendations in December. And so I look forward to bringing you those then.

05. Allendale County School District (ASCD) Update—Matthew Ferguson, Deputy Superintendent, Division of College and Career Readiness

06. Williamsburg County School District (WCSD) Update— Matthew Ferguson, Deputy Superintendent, Division of College and Career Readiness

Mr. Ferguson reported jointly on Allendale and Williamsburg, “Superintendent Weaver co-authored an op-ed with the chair of the Williamsburg County School District Board, Ms. Collins, and that ran near the start of the school. That op-ed really introduced the idea of The Hope Network and how we were looking to partner at the local level with both the boards and also the school district to be laser focused on student academic outcomes and working to improve those outcomes over this year.

I am happy to report that we were in Allendale the week before last. Superintendent Weaver was there, and we had the opportunity to visit a high school US History class. Superintendent Weaver took some questions from those very engaged high schoolers. They put her on the spot. We got to meet with one of the teachers there who was really interesting, a second career teacher. He was a former newspaper reporter from the Greenville area who is now teaching in Allendale County US History. That was a great event. We were able to visit the CP Bing Campus where they are looking at opportunities to create a community center there. It was great to come from the state board and see the Tigersville program in Ms. Allison's area. Think about all the opportunities that can be brought to bear in Allendale for a similar project. We finished the night with a community meeting, with the board and introducing Dr. Cave, the new superintendent. We are starting off the school year working really diligently to get the focus on academic achievement, and that concludes my report”.

Chair Stapleton asked for questions. Mr. Harrington asked if there was a plan to include the LETRs program and training as a requirement for college graduates in the teaching programs. Mr. Ferguson responded that it was in the plan, and that what he is reporting on is the implementation of the program on teachers already in place in classrooms, where those requirements would not reach. Mr. Ferguson further reported that recommendations surrounding a science of reading assessment to incentivize the educator prep programs would be forthcoming. He stated that 18 states have passed laws, making it a requirement, and he hoped we would not be 52nd in that line.

XI. OTHER BUSINESS

Chair Stapleton reminded all members to turn in their travel forms prior to their departure.

XII. ADJOURNMENT

There being no further business, the SBE adjourned at 3:09 p.m.