

SOUTH DAKOTA BOARD OF EDUCATION
MINUTES OF PUBLIC HEARING

Date: Thursday, August 23, 2012

Location: Conference Room 4, Second Floor, MacKay Building, 800
Governors Drive, Pierre South Dakota

Personally Present: Donald Kirkegaard, President
Patricia Simmons, Vice President
Glenna Fouberg, Member
Richard Gowen, Member
Julie Mathiesen, Member
Stacy Phelps, Member

Via DDN: Kelly Duncan, Member
Marilyn Hoyt, Member

Not present with prior notice: Terry Sabers, Member

Others in Attendance: Wade Pogany & Tyler Pickner – ASBSD, Bryce Healy – SDEA,
Rob Monson – SASD, Jeff Danielsen – West Central Sch. Dist.
Supt., Bob Mercer – press, Mark Nelson – private sector

DOE Staff: Dr. Melody Schopp, Betty Leidholt, Mary Stadick
Smith, Bobbi Rank, Tamara Darnall, Janet Ricketts, Kristine
Harms, Steve Fiechtner, Judy Merriman, Ferne Haddock

President Kirkegaard called the meeting to order at 11:05 a.m. Motion to adopt the proposed agenda for the August 23, 2012, meeting was made by Gowen and seconded by Fouberg. All voted aye, and motion carried. Simmons moved to approve the minutes of the July 16, 2012, meeting, and Mathiesen seconded the motion. All voted aye, and motion carried.

Public hearing convened to consider adoption and amendment of the following proposed rules:

Article 24:42 (State accountability system)
Article 24:55 (Public school accountability system)

Kirkegaard made opening remarks regarding notice provided, the effect of and reason for the proposed rules, written comments received, and other procedural matters.

Dr. Schopp presented a section by section explanation of the proposed rules and recommended approval of the proposed rules. Dr. Schopp addressed questions from the Board and discussed potential amendments.

Written Testimony

Dr. Schopp submitted the following written comments to the proposed rules to the Board for consideration: (1) Letter from Dave Peters, Superintendent of Spearfish School District; (2) Letter from David Pappone, Superintendent at Brandon Valley School District and Jennifer Lowery, Superintendent at Tea Area School District; and (3) E-mail from Mark Froke, Superintendent at Vermillion School District.

Dr. Schopp addressed each paragraph of the written comments and referenced potential amendments for consideration by the Board to address concerns raised in response to the proposed rules.

Oral Testimony

Wade Pogany, executive director of Associate School Boards of South Dakota, stated that his organization embraces accountability and applauds the department for the work done, but also had concerns. He suggested the need for continued study on what is career readiness and suggested removing reference to career readiness in the indicator until such study was done. He asked for the removal of the school climate indicator all together and removal of the teacher evaluation indicator until further developed. He also suggested that there needed to be a reset built into the accountability system in the 2014-2015 school year. Finally, he expressed concerns with the ranking system and stated the need for targets that measure schools against themselves rather than other schools.

Bryce Healy, executive director of South Dakota Education Association, expressed agreement with Pogany's comments.

Jeff Danielsen, Superintendent from West Central School District, requested the Board to allow time for further study and further definition and to wait until at least after the November elections to act on any rules. He also expressed concern that school districts had insufficient time to consider the proposed rules.

Rob Monson, executive director of the School Administrators of South Dakota, requested postponement of action on the rules due to his beliefs that school districts had insufficient time to comment and that there needed to be additional study of other options. He expressed concern over the rankings and the ACT in regard to the college and career readiness indicator.

Dr. Schopp responded to the oral testimony, in part referencing the review and notice process which had taken place in regard to the NCLB waiver process and rules and distributing a handout regarding that process. Dr. Schopp further referenced the potential for amendments addressing some of the concerns raised in oral testimony.

In response to public comments, Dr. Schopp presented a potential amendment to § 24:55:02:09 to remove ACT participation rate from the calculation of the college and career readiness SPI key indicator score and revise that section accordingly.

Motion by Mathiesen with second by Gowen to adopt amendments to § 24:55:02:09 as presented. Discussion regarding the motion occurred. Motion by Kirkegaard with second by Fouberg to amend the first motion and remove all references to the term “career” in regard to the college and career readiness key indicator.

Discussion occurred regarding whether to continue the hearing for additional public comment and delay action on the motions to amend. The Board proceeded to vote on the amendments.

Kirkegaard motion to remove all references to the term “career” in regard to the college and career readiness indicator was defeated unanimously.

Mathiesen motion to adopt amendments to § 24:55:02:09 as presented passed unanimously.

Motion by Mathiesen with second by Gowen to amend § 24:55:02:09 to require that by the 2014-2015 school year, additional indicators for career readiness will be implemented into the public school accountability system. Motion passed unanimously.

In response to public comments, Dr. Schopp presented a potential amendment to delete § 24:55:02:12, referencing incentive points.

Motion by Simmons with second by Mathiesen to delete § 24:55:02:12. Motion passed unanimously.

In response to public comments, Dr. Schopp presented a potential amendment to add a definition of confidence interval to § 24:55:01:01, to amend § 24:55:02:01 to incorporate the use of a confidence interval when calculating each of the SPI key indicator scores, and to amend §§ 24:55:03:08, 24:55:03:12, and 24:55:03:13 to incorporate the use of a confidence interval when calculating the gap group indicators pursuant to those sections.

Motion by Gowen with second by Duncan to amend §§ 24:55:01:01, 24:55:02:01, 24:55:03:08, 24:55:03:12, and 24:55:03:13 as recommended. Motion passed unanimously.

In response to public comment and review, Dr. Schopp presented the following amendment: (1) In chapter 24:55:02, appendices E, F, G, and H, third column, change typographical error “Gap” to “Nongap”; (2) In §24:55:04:02(3) and 24:55:04:04(1), change “South Dakota Leading Education Achieving Program” to “South Dakota Leading Effectively Achieving Progress”; (3) At the end of 24:55:05:02, add “The first cycle begins with the 2012-13 school year, which serves as the baseline year for data. Progress goals and targets shall be reset following the 2014-15 school year based on a six-year cycle”; (4) In 24:55:05:03, remove “the first year of the six year cycle which will be” and remove “in the initial cycle.”

Motion by Gowen with second by Fouberg to amend chapter 24:55:02, appendices E, F, G, and H and §§ 24:55:04:02(3), 24:55:04:04(1), 24:55:05:02, and 24:55:05:03 as recommended. Motion passed unanimously.

Further discussion regarding the rules occurred. Jeff Danielson made additional comment and expressed his belief that there had not been adequate time to review the rules and waiver and urged delay in approving any rules.

Motion by Gowen, second by Simmons to approve proposed Articles 24:42 and 24:55 as amended. Roll call vote was taken: Kirkegaard (Nay), Simmons (Aye), Duncan (Nay), Fouberg (Aye), Gowen (Aye), Hoyt (Aye), Mathiesen (Nay), Phelps (Aye). Motion carried, five votes aye, three votes nay.

Adjournment: 3:37 p.m.