

**BOE Minutes
November 2, 2009
Kneip Conference Room #3
700 Governors Drive
Pierre, South Dakota**

Meeting was called to order at 8:14 a.m. with the pledge of allegiance.

Board Members Present - Richard Gowen, Kelly Duncan, Don Kirkegaard, Terry Sabers, Patricia Simmons, Marilyn Hoyt, Stacy Phelps, Glenna Fouberg, Phyllis Heineman

1.0 Adoption of November 2, 2009 Agenda

Change in agenda request: Item 8.0 be deferred to the January 5, 2009 meeting and item 17.0 fill the 8.0 spot.

Motion: Motion by Phyllis Heineman and seconded by Don Kirkegaard to adopt the agenda with the proposed changes.

Conclusion: The motion carried.

2.0 Approval of September 28 – 29, 2009 meeting minutes

Motion: Motion by Glenna Fouberg and seconded by Phyllis Heineman to approve the minutes as printed.

Conclusion: The motion carried.

3.0 Dakota STEP and ACT Assessment Data

Wade Pogany and Gay Pickner, DOE, shared the yearly update of the 2009 Dakota STEP and ACT assessment data. At the elementary and middle school levels, South Dakota students surpassed the goals for math and reading proficiency. Students in grade 11 met the goal for math and reading. The number of schools identified as “in improvement” has changed from 84 in 2008 to 89 in 2009. In 2009, 44 percent of Native American students scored proficient or advanced in math compared to the 46 in 2008. In reading, 50 percent scored proficient or advanced compared to 63% in 2008. Two other subgroups of interest are students with disabilities and students who are considered economically disadvantaged. These two subgroups also saw slight declines in math. There was a new test in reading so there was a decline in all grades, and subgroups.

ACT Information – 2008-2009, 6,676 students took the test and in English the score was 21.2, Math was 21.8, Reading 22.3, Science, 22.0 and a Composite average of 22.0. (See reports filed in the Secretary’s office).

4.0 National Assessment of Educational Progress (NAEP) 2009 Mathematics Results

Wade Pogany and Jan Martin, DOE, shared the NAEP results for 2009. Grade 4 – SD 4th graders’ average score was 242. This was significantly higher than the nation’s public schools (239). The score of 242 is significantly higher than in 2003 (237) but not significantly different from 2007 (241). The percent of students scoring at or above proficient was 42% and this was greater than that for the nation’s public schools (38%). Grade 8 – SD 8th graders’ average score was 291. This was significantly higher than the nation’s public schools (282). The score of 291 is significantly higher than in 2003 (285) and 2007 (288). The percent of students scoring at or above proficient was 42% and this was greater than that for the nation’s public schools (33%).

5.0 End of Course Assessment Results

Wade Pogany and Jan Martin, DOE, shared End of Course Assessment Result trend data for the last two years that the board requested. (See reports filed in the Secretary’s office.)

6.0 2008 SD School Health Profiles

Dr. Mark Baron, Chair and Professor at the University of South Dakota's School of Education, shared that the School Health Profiles is a biennial study conducted by Coordinated School Health in the Department of Education to assess the status of South Dakota's elementary and secondary school health education curriculum and instruction as well as school policies and practices related to student health and wellness, physical education, nutrition, tobacco prevention, and health services within the schools.

The questionnaires were mailed to 1200 randomly selected elementary and secondary public school principals and teachers during the summer and fall of 2008. Because the response rate for the secondary principals and teachers were less than 70% the results are weighted and are representative of all regular public secondary schools in South Dakota having at least one of grades 6 through 12.

1. Purpose was to assess the policies and practices regarding elementary health and health education in public schools throughout South Dakota. The recommendations based on the results were (1) To provide professional development opportunities for teachers that focus on topics teachers identify as being of greatest interest and identified by the health education profession as most critical. (2) Continuously re-examine all policies and programs related to health and health education at the elementary school level. (3) Work with institutions having teacher preparation programs to encourage inclusion of health education as a specialty area for elementary student teachers.

2. Purpose was to assess the policies and practices regarding secondary health and health education in public schools throughout South Dakota. The recommendations based on the results were (1) To provide professional development opportunities for teachers that focus on topics teachers identify as being of greatest interest and identified by the health education profession as most critical. (2) Continuously re-examine all policies and programs related to health and health recommendation at the elementary school level. (3) Develop and disseminate HIV infection / AIDS policies that schools could adopt and implement, and provided professional development activities for administrators and teachers highlighting the importance of having written HIV infection / AIDS policies.

(See report filed in the Secretary's office)

7.0 Initial Update - ARSD 24:10:42:48 Formula for Funding

Mark Wilson, DOE, gave an update on the progress being made in the development of a "system" for the distribution formula. The formula will be based on several criteria for determining a weighted value of three levels of programs. The current distribution is based on total FTE at each Technical Institute. Information only – first reading will be at the January 5, 2010 meeting.

8.0 Retention Report – Technical Institutes

Item was deferred to the January 5, 2010 meeting.

17.0 A Distinguished Opportunity for Technical Institutes (Move to where item 8.0 was)

Mark Wilson, DOE, shared the following information with the board:

The Technical Institute Presidents gave an overview of the opportunities that exist for South Dakota students to successfully complete programs. One key "opportunity" our parents and students DO NOT see is "Career and Technical Education" identified/listed on the "Distinguished" track (Opportunity Scholarship) as an option.

- The Superintendents of the Technical Institutes will give key testimony to adding Career & Technical Education to the “Distinguished” track.
- Superintendents will explain the challenges students and parents face in developing a “Personal Learning Plan.” The current requirements does not lend itself to the flexibility students need. Superintendents will also explain “rigor” does exist in career and technical education curriculum.
- Industry representatives will explain the benefits and the critical need for high school students to have opportunities in experiencing rigorous Career and Technical Education coursework.
- Executive Secretary of the SD Association of Career and Technical Education will represent CTE teachers at the secondary and postsecondary level

BACKGROUND:

The “Distinguished” track and Opportunity Scholarship does not list Career and Technical Education as an option.

Career and Technical Education is the “ONLY” academic/content area not recognized.

In 2004, the Regent Scholarship was changed to the Opportunity Scholarship and was also made available for students pursuing a degree at the Technical Institutes. However, the requirements of Regents Scholarship coursework did not change to reflect coursework for students to experience Career and Technical Education courses. Also, with the current “required” coursework, which does not include Career and Technical Education courses, a parents perception and a student’s course schedule does not have the flexibility to take the career and technical education coursework needed to allow students and parents to experience the benefits of Career and Technical Education coursework and how it can assist their child in making a decision to pursue an appropriate postsecondary education in his/her career path.

9.0 New Program - Speech Pathology Assistant Program MTI

Mark Wilson, DOE, shared that Mitchell Technical Institute would like to provide a program for qualified assistants for certified speech-language pathologists. Graduates of Speech-Language Pathology Assistant program would serve as support personnel to perform tasks prescribed, directed and supervised by certified speech language pathologists. The speech language pathologist assistant will be used to expand services and will alleviate the shortages that school districts, educational cooperatives and healthcare facilities are now experiencing. It will be the only program of its kind in the state. The program which will be offered as a two-year associate of applied science degree, will fill a critical need in health care and educational services offered to students in the K-12 system. The department recommends approval of the program.

Motion: Motion by Richard Gowen and seconded by Terry Sabers to approve the new Speech Pathology Assistant Program for MTI to start in the fall of 2010.

Conclusion: The motion carried.

10.0 Board of Regents Update

Sam Gingerich, BOR, shared an update with the Board regarding the High School to College transition report. He noted that less students need remedial coursework.

11.0 Cabinet Secretary's Report (Moved to end of the day)

Not an official agenda item prior to the meeting.

Melody Schopp, DOE, introduced Diana Koch from Black Hills State University to explain and update the board on Project Select in South Dakota. Non-traditional and traditional students who have finished a degree or have completed content for a degree are ideal candidates for Project Select, an undergraduate secondary education certification program hosted by BHSU in Rapid City and in Pierre. Koch shared that this accelerated secondary teacher education program can put you in the classroom and transform your life! Two of the Pierre students from Capital University Center in Pierre shared their experience with the group.

12.0 Public Hearing – ARSD 24:05 Special Education

Linda Turner, DOE, explained that the reason for the changes to ARSD 24:05 is to ensure that the appropriate information is in rule. By adding the new supplement regulation from IDEA and update language regarding FERPA it provides overall clarification of the rules. The effect of 24:05 is to make sure accurate information is provided in the rules in order to receive federal funding in the Part B of IDEA and comply with federal rules. The effect of the graduation language will allow individualized education program (IEP) teams to make needed changes to course work for some students on an IEP that may require modifications to the curriculum.

Motion: Motion by Richard Gowen and seconded by Don Kirkegaard to approve the proposed changes to ARSD 24:05

Conclusion: The motion carried.

13.0 Public Hearing – ARSD 24:14:04:13 & ARSD 24:14:07:02 Birth to Three

Susan Sheppick, DOE, stated that the reason for the changes to ARSD 24:14:04:13 is to provide an equitable method for reimbursing providers for their driving time to a location where services will be delivered. The effect of the rule change is to simplify the way in which travel time reimbursement is calculated and eliminate the opportunity to base travel time reimbursement on varying codes and rates within a particular discipline.

Susan Sheppick, DOE, explained that the reason for the changes in 24:14:07:02 is due to the US Department of Education, Office of Special Education Programs, requirement for additional language be included in the rule for clarification purposes. The effect will provide further clarification on how eligibility is determined and who is eligible for services.

Motion: Motion by Don Kirkegaard and seconded by Glenna Fouberg to approve the proposed changes to ARSD 24:14:04:13

Conclusion: The motion carried.

Motion: Motion by Patricia Simmons and seconded by Terry Sabers to approve the proposed changes to ARSD 24:14:07:02.

Conclusion: The motion carried.

14.0 Public Hearing – ARSD 24:53:02:03 Requirements for certification –only programs

Melody Schopp, DOE, shared that the reason for the rule change in ARSD 24:53:02:03 is the current certification only program is created for secondary certification only. The effect of the change will allow second career individuals wanting to become elementary teachers to participate in the certification only program.

Motion: Motion by Richard Gowen and seconded by Patricia Simmons to approve the proposed changes to ARSD 24:53:02:03.

Conclusion: The motion carried.

15.0 Public Hearing – ARSD 24:43 High School Graduation Requirements

Tom Oster, DOE, stated that the reason for the change to ARSD 24:43 is Senate Bill 185, which passed during the legislative session. The bill eliminated the option of a basic or standard, high school program and directed the South Dakota Board of Education to promulgate rules to establish curriculum requirements for a recommended high school program for all public and nonpublic schools within the state.

After public comment board members voted on the following changes to proposed rules.

- 1) Students will be required to take four units of Language Arts, which must include: Writing – one and one-half units, Literature – one and one-half units (must include one-half unit of American Literature), Speech or Debate - one-half unit, Language Arts elective – one-half unit.

Motion: Motion by Marilyn Hoyt and seconded by Patricia Simmons to approve the above recommendation dealing with Language Arts.

Conclusion: The motion carried.

- 2) Students will be required to take Algebra I, Algebra II and Geometry; however, schools have the ability to waive students out of Algebra II or Geometry – but not both – if deemed appropriate. But all students will be required to take three units of math.

Motion: Motion by Don Kirkegaard and seconded by Phyllis Heineman to approve the above recommendation regarding mathematics.

Conclusion: The motion carried.

- 3) Students will be required to take Biology, any Physical Science, and Chemistry or Physics. Schools have the ability to waive students out of the Chemistry or Physics requirement. But all students will be required to take three units of lab science.

Motion: Motion by Terry Sabers and seconded by Glenna Fouberg to approve the above recommendation regarding Science.

Conclusion: The motion carried.

- 4) Students will be required to take three units of Social Studies, which must include one unit of U.S. History, one-half unit of U.S. Government, one-half unit of World History and one-half unit of Geography.

Motion: Motion by Phyllis Heineman and seconded by Patricia Simmons to approve the above recommendation regarding Social Studies.

Conclusion: The motion carried.

- 5) Beginning in 2013, students will be required to take one credit from a menu of courses that includes career and technical education, world language and a capstone experience or service learning.

Motion: Motion by Phyllis Heineman and seconded by Patricia Simmons to approve the above recommendation regarding CTE, world language, capstone experience / or service learning.

Conclusion: The motion passed.

- 6) Students will be required to take one unit of Fine Arts.

Motion: Motion by Glenna Fouberg and seconded by Marilyn Hoyt to approve the above recommendation in the area of Fine Arts.

Conclusion: The motion carried.

7) Students will be required to take one-half unit of Personal Finance or Economics.

Motion: Motion by Phyllis Heineman and seconded by Glenna Fouberg to approve the above recommendation regarding Personal Finance / Economics.

Conclusion: The motion carried.

8) Students will be required to take one-half unit of Physical Education.

Motion: Motion by Don Kirkegaard and seconded by Phyllis Heineman to approve one-half unit of Physical Education.

Conclusion: The motion carried.

9.0 Students will be required to take one-half unit of Health or Health Integration

Motion: Amendment offered by Don Kirkegaard to state: Beginning in 2013, students will be required to take one-half unit of Health - allowing students to take integrated or stand-alone Health Education at either the middle school, or high school level. Kirkegaard clarified that if Health Education is taken in the middle school students do not receive credit, but the course meets graduation requirements. Stacey Phelps seconded the amendment.

Conclusion: The motion carried.

President Duncan opened the discussion whether or not to allow local school districts to make the decision regarding extracurricular activities counting toward a credit in Fine Arts and PE.

Motion: Motion by Don Kirkegaard and seconded by Phyllis Heineman to allow districts to have the option of allowing students to receive up to one credit for extracurricular activities in the areas of Fine Arts and Physical Education. These activities must be approved by the local Board of Education.

Conclusion: Motion failed by voice vote with 5 no and 3 yes: Pat Simmons – no; Terry Sabers – yes; Stacy Phelps – no; Marilyn Hoyt – no; Don Kirkegaard – yes; Kelly Duncan – no; Phyllis Heineman – yes; Glenna Fouberg – no.

Motion: Phyllis Heineman made a motion that districts will have the option of allowing students to receive up to one credit for extracurricular activities in Physical Education with local board approval and Terry Sabers seconded.

Motion: Don Kirkegaard made a motion that districts will have the option of allowing students to receive up to one credit for extracurricular activities in the area of Fine Arts with local board approval. Phyllis Heineman seconded the motion.

Conclusion: Motion carried.

Conclusion: Motion failed by voice vote with 5 no and 3 yes: Pat Simmons – no; Terry Sabers – yes; Stacy Phelps – no; Marilyn Hoyt – no; Don Kirkegaard – yes; Kelly Duncan – no; Phyllis Heineman – yes; Glenna Fouberg – no.

Oster stated that there is change in verbiage on Article 24:43 to clarify approved CTE education course.

Strike: School districts choosing to offer credit for core content areas through an approved career and technical education course must apply to the department.

Replace with: Academic core content credit may be earned by completing an approved career and technical education course. Approval to offer credit must be obtained through an application process with the Department of Education. The application must include:

- 1) Course syllabus;
- 2) Standards-based curriculum;
- 3) Teacher Certification;
- 4) Assessment of standards;
 - a. End-of-course exam
 - b. Authentic/project-based learning/rubrics

Motion: Motion to approve this change by Terry Sabers and seconded by Patricia Simmons.

Conclusion: The motion carried.

16.0 Rebecca Kitts, Presidential Award for Excellence recipient in Math Teaching will give her presentation at the January 5, 2010 meeting.

17.0 Sinte Gleska Program Approval

Steve Fiechtner, DOE, shared that Sinte Gleska University is requesting board approval to offer a new program in the area of Educational Administration (Principal). Documents filed on the website and in the Secretary's office. Sheryl Medearis and Richard Bordeaux. Adequate curriculum and instructors and department request approval of the program.

Motion: Motion by Glenna Fouberg and seconded by Phyllis Heineman to approve Sinte Gleska University's request to offer a program in the area of Educational Administration (Principal).

Conclusion: The motion carried.

Secretary of Education Report Tom Oster updated the board about the status of H1N1 in the schools at this point. Will wait to hear from Sam Gingerich, BOR, regarding final dates for the joint meeting with BOE/BOR. Oster shared that the Indian Education position will be advertised again soon. There are a total of 156 school districts for 2010 and there will be 152 for 2011.

President Duncan stated that December 2009 marks the end of Glenna Fouberg and Marilyn Hoyt's term on the Board and asked if they were interested in being reappointed. Duncan asked Tom Oster to communicate with the Governor and the board regarding this matter.

President Duncan stated the next meeting will be held on January 5, 2010 beginning at 9:00 a.m. in Pierre, Kneip Conference Room #3.

Meeting adjourned at 4:50 p.m.

I, Tom Oster, Executive Officer of the South Dakota Board of Education, declare the foregoing to be a complete and true record of the minutes of the South Dakota Board of Education held on November 2, 2009.

Motion: Motion by Marilyn Hoyt and second by Patricia Simmons to

Passed.

1.0 Mathematics – Kirkegaard moved and Heineman seconded that students are required to take 3 math and are allowed to choose either Algebra II or Geometry and waiver out of the other. This would allow a student to only waive one or the other. Algebra 1 is required. (As printed)

2.0 Three units of Lab-Science must include: Biology, 1 unit of any physical science and 1 unit of chemistry or physics. Include the language of any and Sabers moved and Fouberg seconded. Motion passed. Allowed to waive chemistry or physics.

3.0 Three units of Social Studies – must include: As printed – Motion by Heineman and seconded by Simmons to pass as printed. Motion passed.

4.0 Moved by Heineman and Simmons seconded. Motion passed with

6.0 Foub erg moved and Hoyt seconded Passed.

7.0 Heineman and Fouberg seconded Passed

8.0 Kirkegaard offered an amendment – strike (or health). Heineman seconded. Passed

9.0 Kirkegaard proposed an amendment that in 2013 Integrated / middle school / high school / stand-a-lone. If Health is taken in middle school does not count as a high school graduation requirement. Motion by and seconded by Phelps

15 ½ if you took social studies class.

Question – whether we counting extra curricular for credit. Discussion whether we want to allow extra curricular activities count. Marilyn Hoyt not in favor and Duncan agreed. to allow PE and Finewith Kirkegaard and Oster about counting extra curricular. Do you make more of a commitment whether

you get credited or not? Oster – concern that small schools do not have the choices that the larger schools do. (Read the revision requirement sheet for that under local decision.

2nd part who gets to make the choice whether other activities they feel are appropriate.

Whether or not to allow in both areas. 5 nos and 3 yeses. The motion was defeated. Simmons

Kirkegaard move to have Fine Arts be counted as extra curriculum with local decision. Seconded by Heineman seconded. Motion passed.

Heineman move to have PE be counted as extra curriculum with local decision. Seconded by Saber Voice vote 5 nos and 3 yeses – Motion failed.

Wilson drafted a clarification regarding Article 24:43. Strike School districts choosing to offer credit for core content areas through an approved career and technical education course must apply to the department.

1. Course syllabus;
2. Standards-based curriculum;
3. Teacher certification
4. Assessment of standards
 - a. End of course exam
 - b. Authentic/project-based learning/rub

Sabers moved and Sabers seconded. Motion passed.

Sabers stated that splitting it out goes against what the workgroup came up with by have a menu. Kirkegaard shared that the downside was that you could totally get away with PE/Health, CTE, Capstone. Duncan wondered if you could say two units instead of one.

Motion: Motion by _____ and seconded by _____ to approve the proposed changes to ARSD 24:43.

Conclusion: The motion carried.

18.0 Presidential Awards for Excellence Recipient in Math and Science Teaching

Rebecca Kitts, St. Joseph's School

19.0 A Distinguished Opportunity for Technical Institutes (Move to where item 8.0 was)

Mark Wilson, DOE, shared the following information with the board:

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Motion: Motion by _____ and seconded by _____ to move to a first reading at the January BOE meeting and plan for a Public Hearing at the March BOE meeting.

Conclusion: The motion carried.

20.0 Sinte Gleska Program Approval

Steve Fiechtner, DOE, shared that Sinte Gleska University is requesting board approval to offer a new program in the area of Educational Administration (Principal). Documents filed on the website and in the Secretary’s office. Sheryl Medearis and Richard Bordeaux. Adequate curriculum and instructors and department request approval of the program.

Motion: Motion by Foubert and seconded by Heineman to approve Sinte Gleska University’s request to offer a program in the area of Educational Administration (Principal).

Conclusion: The motion carried.

Tom Oster report - H1N1 update, joint meeting with BOE/BOR – March in Aberdeen March afternoon of the 29th or morning of 30th. Distinguished path discussion in January. Indian Ed position – re-advertise again soon. 156 school districts for 2010 – 152 for 2011. Testifying in Keystone Pipeline hearing – what effect will it have on the assessed value.

President Duncan stated the next meeting will be held on January 5, 2010 beginning at 8:00 a.m. in Pierre, Kneip Conference Room #3.

Motion: Motion by and seconded by to adjourn the meeting at 4:50.

I, Tom Oster, Executive Officer of the South Dakota Board of Education, declare the foregoing to be a complete and true record of the conference call minutes of the South Dakota Board of Education held on November 20, , 2009.

A handwritten signature in black ink that reads "Tom Oster". The signature is written in a cursive style with a large, stylized initial "T".

Tom Oster