South Dakota Board of Education
Meeting Minutes, March 19, 2007, Kneip Conference Room 3, Pierre, South Dakota

The South Dakota Board of Education convened a regular meeting at 8:08 a.m. on Monday, March 19, 2007, at Kneip Conference Room 3 in Pierre, South Dakota.

Board Members Present
Don Kirkegaard, Kelly Duncan, Patricia Simmons, Glenna Fouberg, Richard Gowen, Jan Nicolay, Roger Porch, Clint Waara. **Absent:** Marilyn Hoyt

Department of Education Staff Present
Wade Pogany, Director, Office of Curriculum and Instruction
Melody Schopp, Director, Office of Accreditation and Teacher Quality
Mary Stadick Smith, Communication Director
Jennifer Neuhauser, Office of Accreditation and Teacher Quality
Kari Senger, Co-Director, Coordinated School Health
April Hodges, HIV/AIDS Coordinator, Coordinated School Health
Roxie Thielen, Office of Accreditation and Teacher Quality
Deedra Gesinger, Office of Accreditation and Teacher Quality
Darla Mayer, Director, Finance and Management
Gay Pickner, Curriculum and Technical Assessment
Stephanie Weideman, Director, Curriculum and Technical Assessment
Mark Wilson, Director, Career and Technical Education
Ann Larsen, Director, Special Education
Shannon Schweitzer, Curriculum, Technology and Assessment
Linda Turner, Office of Education Services and Support

Others Present
Approximately 20 individuals attended all or part of the meeting. A list of those who signed the meeting register is filed with the Board of Education Secretary's office.

President Kelly Duncan called the meeting to order and started with the pledge of allegiance.

1.0 Adoption of Agenda
Agenda was adopted with two small additions - add legislative issue update by Melmer and NASBE meeting report by Clint Waara to Item 10.0 Secretary's Report. *Richard Gowen made a motion to approve the agenda with changes. Don Kirkegaard seconded. Motion carried.*

2.0 Approval of January 22-23
Glenna Fouberg made a motion to approve the minutes from the January 22-23, 2007 board meeting. Don Kirkegaard seconded. Motion carried.

3.0 Status of Wellness Policies at the District Level
Sandra Kangas, Department of Education, Child and Adult Nutrition Services presented the results of an electronic survey regarding the model wellness policy that the board approved in September 2005. The survey was sent to all of the schools that the CANS office works with. Just over 50% responded and more continue to be received. Most gave good comments on the success stories and barriers. A summary of the survey results was presented by Sandra. (See

document filed with the board secretary). Melmer thanked and applauded Sandra for her 25 years with CANS.

4.0 Health and Physical Education Graduation Requirements
Kari Senger, Department of Education, Coordinated School Health, reported that the department surveyed schools in regards to health and physical education graduation requirements. A five minute electronic survey was sent to high school principals. There was about 48% participation. (See report filed with the board secretary) The report summarized the results of the survey which provided information on the districts' requirements prior to the new state graduation requirements, changes that have been implemented in schools since it went into effect, and future plans to address district health and physical education graduation requirements. Currently, 35% of schools require both health education and physical education. 27% require only physical education and 15% require only health education. 22% of schools offer students a choice between health education and physical education to meet the requirement. Principals indicated that the plans are very consistent with the current district requirements. President Duncan requested that Kari keep the board informed as more information comes in.

5.0 High School Graduation Requirements
Wade Pogany, Department of Education, Curriculum and Instruction, provided information regarding high school math offerings. A few math questions were added to the end of the health and physical education survey that the Department of Education sent out. Pogany shared the results of the math survey questions. About 81 responded. Pogany noted that about half of the schools have a waiver policy in place and most of them are for 8th grade math courses. Jan Nicolay shared concern that only 81 schools responded. The other question on the survey dealt with how many credits are being offered. Only seven percent of the schools require math in the senior year. Most schools who have a waiver in place offer enough math courses for a student to take math through their senior year. Nicolay asked about how we could get the information from the schools that didn't respond to the survey. Melmer replied that we do not have a common course numbering system so it is difficult to track the information for all schools. He shared that we are about two years away from being able to gather that data.

President Duncan introduced and thanked Valerie Melmer for bringing bagels for the board members.

6.0 First Reading and Policy Approval
Administrative Rule Waiver Policy for Credit Earned in Grades Prior to Nine
24:43:08 Adding waived course credits to high school transcripts. If the department has approved a waiver that allows a school to teach a high school level course to eighth grade students, credit for the course shall appear on each student's high school transcript with the unit of credit and a letter grade upon passage of a state approved end of course exam. The unit of credit must be included in the credits required for high school graduation and the letter grade must be calculated in the high school cumulative grade point average.

Jennifer Neuhauser, Department of Education, Accreditation and Teacher Quality presented the policy and application process. The draft policy was written March of 2007. Proposing that the policy be effective in the 2007-2008 school year and following. President Duncan questioned that the end of course exam may be taken multiple times prior to the start of the proceeding school year. Duncan wondered if it would be the same test, which would allow the student to know what was on the test and prepare the second time. Neuhauser stated that if the policy went

forth it would be something that would need to be addressed. Several board members shared concerns about multiple chances to take the test.

After public testimony from Pat Peel, Rapid City, Pam Homan, Sioux Falls, and input from the board, a request was made for Neuhauser to make a couple of wording changes and to bring back a recommendation to the board in May. It was noted that there was a common request from the Rapid City and Sioux Falls public testimony that they be allowed to have input on the exams. Homan shared that a student should not get credit for only passing the test. The rest of the course year work should be added into the test results.

Melmer shared there are three areas that the board needs to weigh in on regarding the evaluation. **One** is the "must" use the state exam verses "may". After listening to the discussion the Department of Education will bring back a recommendation and the board will approve or disapprove at that time. **Two** – change from 80% to 85% proficiency to pass. **Three** is the concern of multiple chances to take the test. After listening to the discussion, the Department of Education will bring back a recommendation and the board will approve or disapprove at that time. Melmer shared he is concerned that we are setting up guidelines that we cannot guarantee to enforce.

Jan Nicolay made a motion to move this to public hearing in May and Roger Porch seconded. Motion passed.

7.0 First Reading and Policy Approval – Test out Proposal and Administrative Rules Revision 24:43:11 Administrative Rule Policy for Earning High School Credit by Equivalency Exam Administrative Rule in South Dakota governs the accreditation requirements for earning a unit of credit. This rule states that a unit of credit is equivalent to 146 hours. In the event that a school district would like to deviate from this rule and offer credit for an eligible high school course by the passage of an equivalency exam, the district may apply for a waiver from the administrative rule. The specific rules outlining the structure of this process are found in ARSD 24:43:08:02. Jennifer Neuhauser, Department of Education, Accreditation and Teacher Quality presented the proposal and rule revision.

President Duncan asked for public testimony.

Pat Peel, Rapid City requested the same consideration to allow the district to develop the test for the state approval. Peel shared that test-out exams are very rigorous and she has data in a five year window. Only 264 students have passed Algebra 1 by test out and that is 45 percent. The other heavy success rate for test out was in computer class and that was 80 percent of students being successful in test out.

Pam Homan, Sioux Falls testified regarding the use of credit by exams in Sioux Falls, where they allow for world geography and government. There have been not more than 25 students attempt the credit by exam. Sioux Falls requires the student to pass in the 90th percentile, and she stated it is very important to maintain the rigor in the test-out exam. There is only one chance to take the test-out exam.

Melmer stated that this is a new state policy not a new district policy. What the state is doing now is to separate that out and make a distinction between the waiver verses the test out and make sure that standards and guidelines are clear.

There was board consensus with using "may" rather than "must". There was concern with an 80% efficiency. Kirkegaard thought it should be higher. Fouberg suggested 85 percent. The board agreed with a first attempt test only. Neuhauser will bring back a rule in May with the changes requested by the board consensus. Melmer reminded the board that this discussion is not over with yet. Points can still be debated. *Jan Nicolay moved that we move this to public hearing in May and Patricia Simmons seconded. Motion passed.*

8.0 Board of Regents
Sam Gingerich, Chief Academic Officer for the Board of Regents, shared information about retention and completion rates of the universities. Sam shared that retention, completion, and graduation rates are an issue nation wide in education. (See report filed with the board secretary) Duncan asked Gingerich to break this data down in regards to ethnicity, gender, and teacher education for a future meeting. Gingerich shared that the regents are in need of a new record keeping system much like the Department of Education needs a new system to keep graduation rate records.

9.0 USD School of Education Presentation
Linda Reetz, Acting Dean, University of South Dakota and co-workers gave a power point presentation on the teacher preparation program at the university. (See report filed with the board secretary) USD's unique contributions to PK-12 schools include: professional development center, reading recovery regional center, doctoral programs, school psychology, occupational therapy, physical therapy, and a communication disorders program.

10.0 Secretary's Report 1:00 p.m. Resume
Rick Melmer gave a legislative update to the group. (See report filed with board secretary) Clint Waara gave updated information to the board from his recent NASBE meeting.

11:0 Public Hearing Announcement was read by President Duncan.
Revised K-12 Reading / Language Arts Content Standards
Shannon Schweitzer, Department of Education, presented the changes and deletion.

- Updated 4.R.4.1 Students can identify and distinguish the characteristics of multicultural texts, historical texts, and time period texts.
- Updated 5.R.2.2 Students can apply fluency strategies to gain meaning from text.

New Standards:
7.R.2.2 Students can fluently read grade-level text.
8.R.2.2 Students can fluently read grade-level text.
9.R.2.2 Students can fluently read grade-level text.
10.R.2.2. Students can fluently read grade-level text.
11.R.2.2 Students can fluently read grade-level text.
12.R.2.2. Students can fluently read at grade-level text.
8.W.2.1 Students can edit text for run-on sentences and fragments.
12.W.1.3 Students can revise document for ideas, organization, diction, fluency, voice, and presentation.
Deleted Standard:
4.LVS.1.2 Students can explain the purpose of a visual and auditory presentation.

Clint Waara moved and Patricia Simmons seconded final approval of the Reading/Language Arts Standards Document. Motion passed.

12.0 Public Hearing – Social Studies Alternative Content Standards and Achievement Descriptors Ann Larsen, Department of Education, Director of Special Education and Linda Turner, Department of Education, presented the Social Studies Alternate Content Standards and Achievement Descriptors. None of the standards were changed from the initial draft document. Linda cleaned up punctuation and grammar. *Don Kirkegaard made a motion to approve the social study alternative content and achievement descriptor changes. Clint Waara seconded and motion passed.*

Stephanie Weideman, Department of Education, Director, Curriculum and Technical Assessment introduced the new addition to family, son Zachary who was born January 23rd almost 2 months old.

13.0 Public Hearing Administrative Rule 24:43:01:01 (18) Definition of "fine arts courses". South Dakota Administrative Rule 24:43 establishes the definitions of certain areas. The definition of "fine arts courses" in administrative rule was somewhat narrow, and did not allow for performing arts to be considered a "fine art". Adding the term "performing arts" to this definition allows the performing arts to be counted as a "fine art" for high school credit. It also allows the Department of Education to be in agreement with the South Dakota Board of Regents' definition of "fine arts courses" as defined for the South Dakota Opportunity Scholarship. Jennifer Neuhauser, Department of Education, Accreditation and Teacher Quality presented the change. *Patricia Simmons moved and Roger Porch seconded for final approval of the change as presented. Motion passed.*

14.0 Public Hearing and Final Adoption of rules change for 24:05 Special Education August 14, 2007 the Individuals with Disabilities Education Act (IDEA 2004) final rules came out in the federal register. Rules went into effect 60 days later. In order for the South Dakota Department of Education, Special Education programs to continue to receive federal funding the department is required to align state rules to the federal rules. The Department of Education had to make an assurance to the Office of Special Education Programs (OSEP) last year in order to receive funding that the project would be completed by June 30, 2007. The application for this year is due by May 4, 2007 and needs to include the assurance that rules alignment, public comment, and public hearing process be complete.

Ann Larsen, Department of Education, Director of Special Education shared that the committee was still holding public hearings as of Friday March 9th so there has not been a lot of time to thoroughly go through the public comments. Ann went through a few of the public comments and reasons for changes. Public testimony was given by Gail Eichstadt and Robert Kean, South Dakota Advocacy Services. Gail comes as a parent of a child with a disability, so a lot of the comments from the SD Advocacy report come from personal testimony. Public testimony was heard from Dennis Champ, Special Education director for Pierre schools. Champ is also the president of the Council for Administrators of Special Education. Champ shared the message from SD CASE, that they want to serve all children with special needs to the fullest extent , but also have a concern that the administrative rules align, but do not exceed the federal requirements.

Larsen commented that the committee will be meeting and coming back to the board with the eligibility determination proposal. Federal requirements are: if a state establishes any rules or requirements that exceed the federal requirements of the act, the states are required to identify those in writing to the local education agencies and the Secretary of Education.

Motion made by Jan Nicolay to postpone the final public hearing until the May meeting. Richard Gowen seconded. Motion passed. ***Note: Please save the packet information on this agenda item for the May meeting.***

15.0 Public Hearing 24:15:02:08 State certification exam requirements
The proposed rule changes would eliminate the requirement for pedagogy testing for existing teachers and eliminate the requirement that teachers test in all content areas after allowing their certificate to lapse. Melody Schopp, Department of Education, Accreditation and Teacher Quality explained the reasoning to the board for this request. *Don Kirkegaard moved and Glenna Fouberg seconded to approve the revision. Motion passed.*

President Duncan called for a break until 2:15. Duncan requested that we attempt to move agenda item 16.0 and 17.0 up one hour since we are ahead of schedule.

16.0 Technical Institute Report – Mark Wilson / TI presidents
The board, the department, Lake Area Technical Institute, Mitchell Technical Institute, Southeast Technical Institute, and Western Dakota Technical Institute discussed and reviewed budget information, program enrollment, approval of new programs, and tuition rates for 2007-2008. Mark Wilson, Department of Education, Director of Career and Technical Education introduced Mitch Richter who gave a legislative bill update. Jan Nicolay thanked the technical institute presidents and Mitch Richter for their work.

Wilson presented the retention rate and enrollment data information to the board. (See report filed with board secretary) Questions were answered regarding the retention figures by the technical institute presidents in attendance.

Ag production area is hard to track. The program will have an off year for various reasons. If the numbers are down two years in a row then it needs to be addressed. There are lower retention rates in the more difficult programs. Students get into the program a bit before they realize how difficult it is. Also, some students get hired before they finish the course. Nicolay wondered if they had considered over enrolling because of the attrition in some programs. Western Dakota Technical Institute president said they increase capacity by a certain amount to prepare for the attrition. Another factor to be determined in this report is another start date for this year.

<u>Wilson offered to do an updated version of retention and enrollment data in July after the final start date</u>. There will be an example of a retention plan for improvement.

Wilson shared that in May, Southeast Technical Institute will have two new programs for the board to review. Mitchell Technical Institute is looking at a new program as well.

Deb Shephard, Lake Area Technical Institute president introduced Mike Cartney, the new vice president of LATI. Watertown fire department approached the board asking for their consideration of a medical fire rescue program because of the shortage of med/fire rescue people.

It is a two year program with the first year being an 11 month segment of paramedic training. Students can leave and not do the firefighter portion which is the second nine months. If they stay they will get the associate degree. Watertown also has the aviation technician program and would provide specialty training in fire fighting in aircraft. Duluth is the closest training center for aviation fire training at this time. They are looking at doing an articulation agreement with Mount Marty and Board of Regents. *Richard Gowen made a motion to approve the new program and Jan Nicolay seconded. Motion passed.*

Southeast Technical Institute will bring two new programs for the board to approve at the May meeting. Jeff Holcomb, president shared that the programs were waiting for business contacts. One is a construction management technician and the other would be an animation program which is a part of graphics program.

Wilson presented the budget information sheets found in the packet. Nicolay requested a change in format that would break out administrative employee costs that would reflect, teachers from the other staff. She felt it would be a better picture if they were separated.

Wilson asked for board to approve a tuition increase of five dollars per hour. Gowen questioned why only five dollars instead of 10. Shephard shared that the five dollar increase was something all of the involved members and institutions could agree on. Melmer shared that unlike school budgets where there is a capital outlay fund for equipment, the technical institutes do not have that kind of a fund. *Jan Nicolay moved and Roger Porch seconded to approve the request of tuition increase of five dollar per hour. Motion passed.*

Wilson told the group that there will be an April conference call for a Federal Perkins transition plan.

Wilson shared that there will be a draft of a state plan and copies of proposed new programs for the board in May. The May board meeting is at Southeast Technical Institute, Sioux Falls in May.

President Duncan introduced Pat Jones, principal at Central High School in Rapid City, and Jim Gentz assistant principal from Rapid City Central. They are doing an internship program and part of the requirement is to go outside of the district and visit a board meeting.

17.0 Date and Time of Next Meeting
We will meet May 21 and 22 in Sioux Falls at Southeast Technical Institute. We will start at 8 AM on Monday and go until 5 PM (or around there). The meeting will resume at 8:00 AM on Tuesday if it is a two-day meeting.

Note for upcoming meeting date changes:
In September in the meeting will be in Mitchell at Mitchell Technical Institute. It will begin Tuesday evening around 6:30 or 7. Wednesday would begin at 8 AM and go until the agenda is complete.

The conflict for November meeting was discussed. November 12th and 13th was scheduled but the 12th is a holiday. A possible resolve was discussed. Perhaps the board could meet on November 19th and 20th rather than the 12th and 13th. Duncan said this could be discussed at the May meeting.

18.0 Executive Session for Lawsuit

Roger Porch moved that we move into executive session and Glenna Fouberg seconded. Motion passed.

Board returned to open meeting. *Don Kirkegaard moved and Clint Waara seconded to adjourn the meeting. Meeting adjourned at 4:30 p.m.*