

SOUTH DAKOTA BOARD OF EDUCATION MINUTES

Date: Monday, July 21, 2014 - 9:00 a.m. Central Daylight Time

Location: MacKay Building, First Floor, Library Commons
800 Governors Drive
Pierre, SD 57501
Public Access to listen via telephone: dial 1-866-410-8397
Then enter conference code: 8381998525

Present: Kelly Duncan, Member
Richard Gowen, Member
Marilyn Hoyt, Member
Donald Kirkegaard, President
Julie Mathiesen, Member
Terry Sabers, Member
Patricia Simmons, Vice-President

Absent: Glenna Fouberg, Member
Stacy Phelps, Member

DOE Staff: Melody Schopp, Bobbi Rank, Linda Turner, Becky Nelson, Steve Fiechtner, Daria Bossman, Tiffany Sanderson, Abby Javurek-Humig, Jan Martin, Karen Keyser, and Ferne Haddock.

Others in Attendance: Jacqueline Sly (SD Representative), Bob Mercer (Press), Megan Meyers (American Heart Association), Gail Eichstadt (SD Advocacy Services), and other members of the public personally present and by telephone.

Call to Order, Pledge of Allegiance and Roll Call:

President Kirkegaard called the meeting to order at approximately 9:03 a.m. CDT.

Adoption of Agenda:

Motion by Hoyt, second by Mathiesen, to adopt the July 21, 2014, proposed agenda. All present voted in favor. Motion carried.

Approval of Minutes:

Motion by Duncan, second by Mathiesen, to approve the June 16, 2014, minutes. All present voted in favor. Motion carried.

The Board of Education convened a public hearing at approximately 9:04 a.m. CDT, on Monday, July 21, 2014, on the proposed rules Chapter 24:05:24.01 (eligibility criteria - autism spectrum disorder) and Section 24:55:01:01(37) ("students with disabilities" accountability definition) at the MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, South Dakota.

Written comments (Exhibit A) were received and made part of the record.

South Dakota Department of Education staff Linda Turner (director of special education) and Bobbi Rank (legal counsel) testified in favor of the proposed rules.

Linda Turner testified in favor of proposed changes to chapter 24:05:24.01 (eligibility criteria - autism spectrum disorder). Turner outlined the process of development of the rules. In May of 2013, the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) was released and became the model for diagnosing all mental disorders. In the 2014 legislative session, House Bill 1031 was adopted to make DSM-5 the manual that the Department uses for the definition of autism (now referenced as autism spectrum disorder).

Based on that, the Department pulled together a stakeholder group to provide input on what changes needed to be made to the rules. The stakeholder group reviewed the differences between the previous edition and the new edition of the manual and the existing federal and state criteria for autism spectrum disorder and made recommendations for changes to the rules. The Department then solicited the working groups' comments and recommendations through several drafts of the proposed rules. The Department then held a consensus building meeting where all members felt they could support the proposed rules.

The Department then presented the proposed rules to the Special Education Advisory Panel who felt they could support the rules.

Turner then summarized each section of proposed rules. The rules update and clarify terms and authority and make all the rules consistent with the DSM-5 and federal requirements. The changes also repeal sections of existing rule in regard to evaluation procedures that are adequately covered by other general evaluation rules. This was a specific recommendation of members of the stakeholder group.

Turner also responded to written public comment submitted on behalf of the South Dakota Council of Mental Health Centers (SDCMHC). This comment expressed concern that the expansion of autism to autism spectrum disorder (from the DSM 5) would change the eligibility for those receiving mental health services through the South Dakota Department of Social Services Division of Behavioral Health (DSS). The Department discussed this issue with DSS. DSS has their own definition of developmental disabilities in their rules and do not reference or rely on DOE rules for eligibility, so there should be no conflict.

SDCMHC also expressed concern about referencing autism spectrum disorder being generally evident before age 3. However, the stakeholder group specifically considered that language

and recommended that it be included to make the definition of autism spectrum disorder consistent with the federal definition of autism and criteria in the DSM 5. This is the widely accepted definition.

After discussing these explanations with the individual who submitted the comment on behalf of SDCMHC, he felt that all concerns had been reconciled. As a result, he did not intend to testify at hearing.

Bobbi Rank testified in favor of the changes to section 24:55:01:01(37) ("students with disabilities" accountability definition). When performing a cross check for all references to autism in the DOE rules, it was discovered that the definition of "students with disabilities" within the accountability rules need to be updated. The change to this subsection makes the definition consistent between the special education rules and accountability rules.

There was no opponent testimony to any of the proposed rules.

Motion by Sabers, second by Gowen, to approve the rules changes as proposed. All present voted in favor. Motion carried.

Rules hearing concluded at approximately 9:28 a.m. CDT.

Public Hearing-Standards: Third Hearing, Physical Education Standards

The Board of Education convened a public hearing at approximately 9.28 a.m. CDT, July 21, 2014, on the proposed standards, Physical Education, at MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre South Dakota

Becky Nelson, Director of the Division of Learning and Instruction, SD DOE, testified in favor of proposed physical education content standards. A work-group met to review and revise the content standards. There are five overarching standards which are then broken down further into performance outcomes for each grade.

The public comments marked as Exhibit A were previously addressed at the March public hearing in Sioux Falls. The other public comments marked as Exhibit B were addressed since the March hearing. These comments were not specific to the content standards, just general comments to the importance of physical education. These comments were presented to the Board in the form they were received. The public comments marked as Exhibit C were not specific to the PE standards, but were also general comments on the importance of Physical education and a request to include CPR in the curriculum.

There was no opponent testimony.

There will be one more hearing on the physical education content standards. Therefore, no action was taken.

Standards hearing closed at approximately 9:38 a.m. CDT.

First Reading Chapter 24:10:47 (Workforce Education Fund)

Tiffany Sanderson, Director, Division of Career and Technical Education, SD DOE, presented proposed rule changes to Chapter 24:10:47 by adding a section for Workforce Education Grants. The rules will outline the application process, guidelines and criteria for approval of applications and the distribution of funds from the workforce education fund. The Workforce Education Fund was established by the Legislature in 2013 through Senate Bill 235. Through the fund, up to \$1.5 million will be distributed to secondary Career and Technical Education programs each year.

Motion by Duncan, second by Sabers, to move the rules to a public hearing. All present voted in favor. Motion carried.

(First Reading - Proposed Rules Section 24:15:03:08-moved to later on the agenda)

Approval for continuation of the teacher education unit and program: Augustana College

Steve Fiechtner Delivery Unit Head, SD DOE, presented a request for approval for continuation of the teacher education unit and program at Augustana College.

Motion by Hoyt, second by Mathiesen, to approve the request for continuation of the teacher education unit and program at Augustana College. All present voted in favor. Motion carried.

Approval for continuation of the teacher education unit and program: South Dakota State University.

Steve Fiechtner, SD DOE, presented a request for approval for continuation of the teacher education unit and program at South Dakota State University.

Motion by Gowen, second by Sabers, to approve the request for continuation of the teacher education unit and program at South Dakota State University. All present voted in favor. Motion carried.

Vocational Education System Fund Statements Report

Tiffany Sanderson, SD DOE, presented the Vocational Education System Fund Statements Report.

No action was taken.

Standards Revision Process

Becky Nelson, SD DOE, presented a report on the standards revision process.

No action was taken.

First Reading - Proposed Rules Section 24:15:03:08. (restrictions on additional authorizations),

Daria Bossman, State Librarian, SD DOE, presented proposed rules changes to section 24:15:03:08 the phrase "school library/media endorsement programs" in this section is in direct contradiction to the endorsement requirements of Administrative Rule 24:15:06:17 K-12 which requires a teaching degree and certificate. Removing the above phrase from Administrative Rule 24:15:03:08 clarifies the endorsement and provides best practice/guidelines where school districts desire such education for their teacher/librarians.

Motion by Gowen, second by Mathiesen, to move the rules to a public hearing. All present voted in favor. Motion carried.

Update on the State Accountability System

Abby Javurek-Humig, Director, Division of Assessment and Accountability, SD DOE presented an update on the status of the Elementary and Secondary Education Act (ESEA) waiver and the State Accountability System. In July 2014, South Dakota was one of six states approved to extend their ESEA flexibility waivers through the 2014-2015 school year. US DOE will soon release plans for the 2015-2016 academic year. As part of the waiver extension package, SD DOE was approved to remove school climate and educator effectiveness from SPI calculations and to make adjustments to the way the state is calculating attendance rates. Changes -to reflect work occurring with focus on priority schools, including the ability for schools to extend their time in the focus or priority school classification, have also been approved. Plans to include multiple measures of college and career readiness starting with the assessments given in the 2014-2015 school year were also approved in the extension package.

Javurek-Humig also presented on the progress of the State's Growth Model Working group. The Growth Model recommended by the group for use in the accountability system is based on Student Growth Percentiles and will look both at growth of all students in a school or district as well as paying special attention to the students in the bottom 25% at a school or district. SD DOE will continue to work on reporting and communication plans to roll out the system after the completion of the 2015-16 academic year. Javurek-Humig reiterated that the ultimate goal remains to see student growth and for students to graduate college, career and life ready.

No action was taken.

Secretary's Report

Dr. Melody Schopp, Secretary, SD DOE, gave a report on items including the success of the Spring Smarter Balanced assessment, moving on to the next phase of setting achievement level descriptors, and the Student Learning Objective (SLO) trainings for teachers. The SLO training is one of the largest trainings occurring across the state, and was developed with teachers.

No action was taken.

Adjournment

Motion by Gowen, second by Hoyt to adjourn. All present voted in favor. Motion carried.

Adjourned at approximately 11:12 a.m. CDT.

Ferne G. Haddock 9/15/2014
Ferne G. Haddock Date