

**South Dakota Board of Education Minutes  
July 17 and 18, 2013**

Date:	Wednesday, July 17, 2013 – 5:00 p.m. Central Daylight Time
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Location: MacKay Building-Second Floor Conference Room 4  
800 Governors Drive, Pierre, SD 57501

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

DOE Staff: Dr. Melody Schopp, Mary Stadick Smith, Bobbi Rank, Tamara Darnall, Abby Javurek-Humig, Colleen O’Neil, Becky Nelson, and Ferne Haddock.

Others in Attendance: Wade Pogany, Tyler Pickner (Associated School Boards of South Dakota), Kathy Cox (Education Delivery Institute), Sandy Arseneault (South Dakota Education Association), Mary Scheel-Buysse (public)

President Kirkegaard called the meeting to order at approximately 4:01 p.m. CDT

**Pledge of Allegiance and Roll Call:**

Name	Present	Absent/Exc.
K. Duncan	X	
G. Fouberg	X	
R. Gowen	X (4:41 p.m. CDT)	
M. Hoyt	X	
J. Mathiesen	X	
D. Kirkegaard-Pres.	X	
S. Phelps	X (6:11 p.m. CDT.)	
T. Sabers	X	
P. Simmons-V-Pres.	X	
Totals	9	

**Approval of Agenda:**

Motion by Hoyt, second by Sabers, to approve the July 17 and 18, 2013, agenda

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All in favor, voice assent  
Motion carried.

**Approval of Minutes:** May 20, 2013, meeting

Motion by Fouberg, Second by Duncan, to approve the May 20, 2013 minutes

All in favor, voice assent  
Motion carried

**Board Procedures:**

Bobbi Rank, DOE, gave a presentation on open meetings requirements.

Bobbi Rank, DOE, gave a presentation and discussion on Board Policy with possible changes at next regular meeting.

**Technical Institutes:**

Tamara Darnall, DOE, gave a presentation on the Technical Institute Bonding Process.

Colleen O'Neil, DOE, gave a presentation of Program Approval Process.

**South Dakota Common Core Standards and Assessments:**

Colleen O'Neil, DOE, gave a presentation of Common Core Standards.

Abby Javurek-Humig, DOE, gave a presentation and answered questions of Common Core Assessments.

**Recess:** 6:45 p.m. CDT

**Called to order:** 7:15 p.m. CDT

Abby Javurek-Humig, DOE, continued: presentation of Common Core Assessments

**Teacher and Principal Effectiveness:**

Abby Javurek-Humig, DOE, gave a presentation on Teacher and Principal Effectiveness.

**Recess:** 9:00 p.m. CDT

Date:	Thursday, July 18, 2013 – 8:00 a.m. Central Daylight Time
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Present: Kelly Duncan, Member  
Glenna Fouberg, Member  
Richard Gowen, Member  
Marilyn Hoyt, Member  
Donald Kirkegaard, President  
Julie Mathiesen, Member  
Terry Sabers, Member  
Patricia Simmons, Vice-President

DOE Staff: Dr. Melody Schopp, Mary Stadick Smith, Bobbi Rank, Tamara Darnall, Abby Javurek-Humig, Colleen O’Neil, Sarah Carter, Linda Turner, Ann Larsen, Alyssa Krogstrand, Steve Fiechtner and Ferne Haddock

Others in Attendance: Wade Pogany, Tyler Pickner (Associated School Boards of South Dakota), Bob Mercer (press), Mary Scheel-Buysse (public)

President Kirkegaard called the meeting to order at 8:04 a.m. CDT

**Pledge of Allegiance and Roll Call**

Name	Present	Absent/Exc.
K. Duncan	X	
G. Fouberg	X	
R. Gowen	X	
M. Hoyt	X	
J. Mathiesen	X	
D. Kirkegaard-Pres.	X	
S. Phelps	X (8:07 a.m. CDT)	
T. Sabers	X	
P. Simmons-V-Pres.	X	
Totals	9	

**South Dakota School Counselor Model:**

Alyssa Krogstrand, DOE, gave a presentation of Comprehensive School Counseling Program Model.

Motion by Duncan, second by Fouberg to endorse the South Dakota Comprehensive Counseling Model.

All in favor, voice assent  
Motion Carried

**Accountability System:**

Abby Javurek-Humig, Ann Larsen, DOE gave a presentation of Accountability system.

**Recess:** 9:43 a.m. CDT

**Called to order at 10:00 a.m. CDT**

**Public Hearing** ARSD Article 24:05, inclusive; Article 24:10, inclusive; Section 24:14:13:03; Article 24:15, inclusive; Section 24:43:02:06; Article 24:55, inclusive.

The Board of Education convened a public hearing at 10:00 a.m. Central Daylight Time on Thursday, July 18, 2013, in Conference Room 4, Second Floor, MacKay Building, 800 Governors Drive, Pierre, South Dakota, on the proposed rules numbered Article 24:05, inclusive; Article 24:10, inclusive; Section 24:14:13:03; Article 24:15, inclusive; Section 24:43:02:06; Article 24:55, inclusive.

*Board Members in Attendance:* Donald A. Kirkegaard (President), Patricia Simmons (Vice-President) Kelly Duncan, Glenna Foubert, Richard Gowen, Marilyn Hoyt, Julie Mathiesen, Stacy Phelps, and Terry Sabers.

*Department of Education Staff in Attendance:* Melody Schopp, Mary Stadick Smith, Bobbi Rank, Tamara Darnall, Abby Javurek-Humig, Colleen O'Neil, Linda Turner, Ann Larsen, Sarah Carter, Steve Fiechtner, and Ferne Haddock.

*Others in Attendance:* Tyler Pickner (Associated School Boards of South Dakota), Mary Schell-Buysse (public)

Article 24:05, inclusive (Special Education)

One written comment was received in response to rules 24:05:13:01 and 24:05:14:01:04 and was marked as Exhibit A.

Linda Turner, Director of Special Education Programs, South Dakota Department of Education, testified in favor of the proposed changes to the special education rules.

The effect of the rules will be to reference the most current State and Federal regulations, remove excessive criteria in eligibility categories. The reason for adopting the proposed rules is to update and clean up provisions.

In regard to the Adjustment Training Center definition, the term Community Support Provider is not yet defined in the Department of Human Services rules. Once the term has been updated in ARSD § 46:11:01:01, we will update ARSD § 24:05:13:01.

In regard to ARSD § 24:05:14:01.04, a federal rule allows states to recover costs. Turner spoke to the Estate Recoveries Program Specialist at the South Dakota Department of Social Services, who said that they do recover when a Medicaid recipient passes away but that it depends on the type of claims paid and the age of the recipient (under 55 years of age or over 55 years of age), not whether the recipient is a student at the time they received services. The specialist referenced the state statute which applies, SDCL 28-6-23. In general most estates are financially depleted after the cost of funeral expenses, and funds are not generally recovered by the State. Thus it would not have any implication for students' free and appropriate public education.

There was no opponent testimony

Tamara Darnall, Director of the Division of Finance and Management, South Dakota Department of Education, testified in favor of chapter 24:05:36, inclusive.

The effect of these rules will be to address coordinated early intervening services funded through State Aid for Special Education. The reason for adopting the proposed rules is to add rules required by 2013 SB 15.

No written comments were received in response to the coordinated early intervening services rules, and there was no opponent testimony.

Article 24:10, inclusive (Career and Technical Education)

Tamara Darnall testified in favor of article 24:10, inclusive.

The effect of the rules will be to establish a methodology for forecasting contributions from student fees and state appropriations available to meet projected payment schedules on outstanding bonds for lease purchase agreements with the four postsecondary technical institutes and will clarify the process by which the Board of Education makes determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes.

The reason for adopting the proposed rules is to fulfill the requirements of 2013 HB 1098 and to clarify the process by which the Board of Education makes

determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes

No written comments were received, and there was no opponent testimony.

Section 24:14:13:03 (Development, review, and evaluation of IFSP)

Sarah Carter, Director of Birth to Three, South Dakota Department of Education, testified in favor of § 21:14:13:03.

The effect of the rule will be to do a one-word clean up by removing “working” from 24:14:13:03 (6). The reason for adopting the proposed rule is to align the section with IDEA Part C and Part B timelines.

No written comments were received, and there was no opponent testimony.

Article 24:15, inclusive (Certification)

Bobbi Rank - Attorney for the South Dakota Department of Education, testified in favor of article 24:15, inclusive.

The effect of the rules will be to streamline the certification process for military spouses leaving employment as certified teachers in other states to accompany their spouses to South Dakota. The reason for adopting the proposed rules is to fulfill the requirements of 2013 SB 117.

No written comments were received, and there was no opponent testimony.

Section 24:43:02:06 (Accreditation Review)

Abby Javurek-Humig, Director Division of Assessment and Accountability, South Dakota Department of Education, testified in favor of § 24:43:02:06.

The effect of the rule will allow for an accreditation review desk audit rather than team visits to the district being reviewed. The reason for adopting the proposed rule is to update and streamline the accreditation review process.

No written comments were received, and there was no opponent testimony.

Article 24:55, inclusive (Public School Accountability System)

Abby Javurek-Humig, testified in favor of article 24:55, inclusive.

The effect of the rules is to update and clarify the accountability rules under the Elementary and Secondary Education Act Waiver. The reason for the rules is to clarify the accountability process.

No written comments were received, and there was no opponent testimony.

Motion by Gowen second by Sabers for approval of all proposed rules.

All in favor, voice assent  
Motion Carried

Hearing concluded at 10:50 a.m. CDT

### **Approval of New Praxis cut of scores**

Presentation of reason for new Praxis Cut scores, Abby Javurek-Humig, DOE  
Motion by Duncan, second by Fouberg, to approve the new Praxis cut scores.

All in favor, voice assent  
Motion Carried

### **Approval of order appointing hearing officer on certification denials**

Bobbi Rank, DOE, presented an order to appoint an independent hearing officer for certification denials-Bobbi rank, DOE

Motion by Hoyt, second by Duncan, to approve Robert B Anderson as Independent Hearing Examiner for certification denials from July1, 2013 to June 30,2014.

All in favor, voice assent  
Motion Carried

### **Special meeting for August-**

The need for a special meeting in August was discussed, and a meeting was set for: Tuesday, August 13, 2013, 10:00 a.m. CDT, via teleconference.

Dr. Melody Schopp, DOE, thanked the Board for their time, and willingness to participate in this informational type meeting. Schopp also extended a thank you to the South Dakota Department of Education staff for their hard work and preparation and commitment to make the information available.

Adjournment:

Motion by Gowen to adjourn, second by Mathiesen, to adjourn

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All in favor, voice assent  
Motion carried

Adjourned: 11:17 a.m. CDT

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Ferne Haddock

Date