

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS

Date: Monday, July 16, 2018—9:00 a.m. Central Time

Location: MacKay Building, First Floor, Library Commons
800 Governors Drive, Pierre, South Dakota

Public Telephone Access:
1-866-410-8397/conference code: 8381998525

For live streaming of meeting: <http://www.sd.net/mackay/>

Present: Sue Aguilar, President
Gopal Vyas, Vice-President
Dr. Rebecca Guffin, Member
Scott Herman, Member (joined meeting at approximately 9:12 a.m.)
Kay Schallenkamp, Member
Jacqueline Sly, Member
Lori Wagner, Member

Absent: None

**DOE staff
in attendance:** Interim Secretary Mary Stadick Smith, Laura Scheibe, Linda Turner, Abby Javurek, Holly Farris, and Ferne Haddock.

**Others in
attendance:** Governor Dennis Daugaard, Terry Nebelsick, Bert Falak, Lori Simon, Kevin Mutchelknaus, Troy Wiebe, Rich Mittelstedt, Bob Mercer, James Nold, Rob Coverdale, Don Kirkegaard, Megan Simonich, Brooklynn Gross, Florence Thompson, Tonchi Weaver, Paul Turman, Deb Muilenburg-Wilson, and other members of the public in attendance in person or via telephone.

Call to Order, Pledge of Allegiance, and Roll Call:

President Aguilar called the meeting to order at approximately 9:00 a.m. Central Time.

Adoption of Agenda:

Motion by Schallenkamp, second by Sly, to adopt the July 16, 2018, proposed agenda. Voice vote, all present voted in favor. Motion carried.

Approval of Minutes:

Motion by Wagner, second by Vyas, to approve the May 8, 2018, 2018, minutes as presented. Voice vote, all present voted in favor. Motion carried.

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Public Hearing—Administrative Rules: ARSD Articles 24:43 (Accreditation and School Improvement—Curriculum), 24:05 (Individual Education Programs), 24:10 (Career and Technical Education), and 24:28 (Educator Certification).

President Aguilar convened the public hearing at approximately 9:05 a.m. CT.

Article 24:43 (Accreditation and School Improvement--Curriculum)

Proponent testimony:

Governor Dennis Daugaard testified in support of the proposed changes to the rules in Article 24:43. Daugaard summarized data that shows that approximately 80-90 percent of students who start 9th grade finish high school, with about 70 percent of those students going on to a post-secondary institution. Approximately 50-60 percent of those students will graduate with a degree. Ultimately, approximately one-third of students that begin 9th grade will get a degree. South Dakota must examine what it is doing for the other two-thirds.

Daugaard stated that the lack of persistence is a sign of disengagement from students and may be the result of society's emphasis of a four-year degree over other post-secondary opportunities like technical education or an industry credential. This, coupled with large-scale economic changes, led to the review of the high school graduation requirements. The current requirements do not meet the needs of all students, as not all students see what they learn as relevant to the real world or their interests.

Daugaard discussed the need for K-12 education to place value on all pathways to the workforce to address the skilled worker shortage. The proposed requirements help pave the way for students to find meaningful and personalized pathways to success by incorporating flexibility, choice, and exploration. Districts and school counselors will be empowered to help students find those meaningful pathways. Daugaard further stated that the proposed requirements are not a value judgment about the right way to find success but will work for the student that wants to go directly to the workforce as well as the student who seeks to complete post-doctoral work. The proposed changes are about students making an informed choice to find their path.

Daugaard noted that students must be well-versed in many subjects, but also need to consider what is best for their future plans. K-12 education must help them find an intersection of aptitude, interests, workforce opportunities, and lifestyle choices. This proposal meets the needs of the state, but also better meets those needs of the students—all students.

Laura Scheibe, DOE director of career and technical education, testified in support of the proposed changes to Article 24:43. Scheibe stated that the Department is proposing these changes out of recognition that success looks different for each student. The Department is committed to providing multiple pathways for students to achieve and demonstrate readiness for life after high school and believes this proposal combines opportunities for rigor, student engagement, and flexibility to build a foundation for future success. Removing some of the dictates, while still ensuring a sufficient framework for comparability across the state, is a challenge to districts, students, and a student's support network

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to help that student pursue coursework of interest designed to meet the student's individual academic and career goals.

Scheibe provided background on the origination of the proposal to amend the graduation requirements, which began with a group of superintendents in the fall of 2017. The Department took over the effort in early 2018 and consulted with a variety of stakeholders, including superintendents, principals, teachers, school counselors, special education directors and the special education advisory panel, private school representatives, curriculum directors, tribal education directors, the Indian education advisory board, the English learner advisory group, the Board of Regents, the Board of Technical Education, and technical institute presidents.

Scheibe noted that the proposed changes are not intended to serve as a wholesale review of the state graduation requirements. This is an attempt to provide needed flexibility. No changes were proposed to the required course offerings in rule, meaning schools will not stop offering certain courses as a result of these changes. Also, the units of credit required in each content area remains the same. Therefore, a student who was on track to graduate before these changes were proposed will remain on track to graduate should these rules be adopted.

Scheibe reviewed the proposed changes to the rules in ARSD 24:43. A definition for "advanced computer science" was added, as were definitions for each endorsement proposed. "Service learning" is now included in the definition of "capstone experience" and is no longer a standalone definition. The proposed changes also change "pre-apprenticeship" to "youth apprenticeship."

Scheibe stated that the proposed changes in ARSD 24:43:11:01 remove the waiver exception for English learner students and remove the ability of all students to waive out of advanced math and advanced science courses. Amendments to this rule further require that by July 2020, endorsements earned must be reflected on a student's school transcript. A specific implementation date was not included, meaning the proposed changes would take effect as soon as approved and schools could take advantage of them as early as this fall.

Scheibe then reviewed the proposed changes to ARSD 24:43:11:02, which outlines the requirements of what is referred to as the "base diploma." Scheibe reviewed each content area contained in the rule and outlined the new requirements as compared to the current graduation requirements. The proposed changes to language arts consist of reducing the writing requirement from 1.5 credits to one credit, reducing 1.5 credits of literature to one credit, leaving the half-credit speech and debate requirement the same, and keeping the remainder of the required credits as electives.

The proposed changes to social studies remove the requirement for one-half credit of geography and one-half credit of world history. Students must still take one unit of history and one-half unit of U.S. government. The remainder of credits required in this area may be electives or requirements the local school district chooses to implement.

The proposed changes to math remove the requirements for geometry and algebra II. Students must still take Algebra I and two other credits of math.

The proposed changes to the science requirements remove the requirement for all courses to laboratory sciences. Biology will remain a requirement, while the required one unit of physical science and required

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one unit of chemistry of physics will be replaced by two units of science electives of the student's or district's choice.

The proposed language reflects removal of references to service learning. Language was also added which permits a state-approved computer science course to be substituted for one unit of science. The computer science course may not replace the required unit of biology. Additional language allows to students to earn multiple endorsements, but an endorsement is not required in order for a student to receive the "base diploma."

Scheibe then reviewed the proposed new rules of ARSD 24:43:11:02.01 through 24:43:11:02.03, which outline the requirements for students to earn the advanced endorsement, the advanced career endorsement, and the advanced honors endorsement. The advanced endorsement is intended to roughly align to the admission requirements of a four-year post-secondary institution in South Dakota. The primary requirements this endorsement adds to the base diploma are completion of geometry and algebra I and that the two additional science beyond biology must be laboratory sciences. Language arts, social studies and social studies requirements would stay the same.

The new language of the advanced career endorsement in 24:43:11:02.02 is intended to build upon the base diploma and show focus in a specific area. The primary requirement this endorsement adds to the base diploma is completion of two or more units in any combination of an approved CTE course or capstone experience course. A student must also earn an industry-recognized credential or score a silver on the National Career Readiness Certificate. Language arts, social studies and social studies requirements would stay the same.

The language proposed to add the advanced honors endorsement into rule is intended to align with the Opportunity Scholarship requirements. In this endorsement, 1.5 units of writing, 1.5 units of literature, and one-half unit of speech and debate are required, as in the base diploma. In social studies, one-half unit of geography is needed above the base diploma requirements, with one-half unit of world history as well. Math requirements increase from three to four units with geometry and algebra II being required. Science similarly increases from three to four required credits, with the requirement that three units be laboratory science. In addition to biology, students must complete one unit of physical science, one unit of chemistry or physics, and another unit of a science elective. All coursework must be completed with a C or higher.

The remainder of the proposed changes to this article repeal language that is extraneous and predated the graduation requirements passed in 2009.

Ninety-six public comments were received on the proposed rules. Scheibe noted that the proposed rules were posted for public comment on June 6, which is an earlier deadline that is required. The Department wanted to ensure additional time was available for the public to weigh in on these proposals. By June 26, 37 public comments had been received and were posted for review. During the second half of the comment period, several more public comments were received and posted on July 13 for review. The comments are available online. Scheibe summarized the comments received. Nine public comments raised concerns that students would not be prepared adequately under the proposed requirements, while seven comments opined that students would be adequately prepared. One comment asked specific questions about student preparation.

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One comment was received in favor of requiring the industry-recognized credential under the advanced career endorsement, with eight comments received against this inclusion. The most common concern noted was who would assume the responsibility to pay for the credential.

One comment felt that American Literature should be replaced with general literature. Another comment raised the issue that language arts credits should be dropped to three total as in math and science. Three comments raised concerns with the writing requirement. Two comments requested additional requirements in language arts, and two comments felt the language arts standards were diluted by the proposed changes.

Ten comments were received in opposition to the world language requirements. Eight specifically raised concern with the concept of allowing either world language or a career and technical education credit to meet a requirement. Three referenced computer coding or science.

Nine comments were submitted in opposition to the proposed science requirements. Two comments raised concern about teaching to the South Dakota science standards. One comment requested the ability to add an advanced computer science course. Two comments requested the addition of a physical science requirement. One requested to add lab requirements, and another comment requested to add chemistry and felt the standards overall were being lowered.

Twenty-five comments were submitted regarding the proposed social studies graduation requirements. Eleven of those were in favor of adding geography as a requirement. Nine comments raised adding world history back in as a requirement. One comment felt additional U.S. history was needed. Three comments raised the expansion of social studies overall in the graduation requirements. One comment requested to expand civic instruction.

Two comments were submitted in support of the proposed math graduation requirements. Twenty comments were against the proposed changes. Seventeen comments felt the proposal lowered math standards generally. Three specifically noted that geometry should be added back in. Three raised concern with how the required courses would be taught to the math content standards.

Two comments expressed general support for the proposed requirements. Three comments expressed the opinion that the proposal was lowering standards in general. One comment indicated that the graduation requirements should generally follow high school content standards. One felt the proposal would result in students being tracked. Two comments questioned how assessments would work in light of the proposed changes to the requirements.

Additional comments were received on this rules packet that pertained to the special education rules and will be addressed when those rules are presented.

In response to board questions, Scheibe stated that it is the Department's position that this proposal provides flexibility and opportunity to more students. Scheibe also noted that students can currently waive out of geometry, algebra I, chemistry, or physics. The proposed changes therefore provide a more transparent baseline for a general diploma.

Scheibe also stated that, under ESSA, if a state offers a base diploma as its regular option, it cannot offer lower levels and count all diplomas toward the four-year cohort rate. ESSA requires that there be one

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common base for general diplomas and if there are different levels, whichever diploma a preponderance of students receive is the general diploma.

Scheibe also explained that it is the position of the technical institutes, conveyed to the Department through stakeholder feedback, that if a student earns any of the endorsements, that would indicate that student sufficiently qualified for admission. Conversations with the Board of Regents indicated students would need to earn at least the advanced endorsement to qualify for admission. Scheibe discussed the conversations around the titles for the endorsements and stated that the terms used were chosen for a specific reason. The Department will work to explain and clarify the content and purpose of the endorsements in all steps moving forward.

Scheibe responded to questions regarding assessments in relation to the proposed requirements. Scheibe stated that the state is required to assess students based on the standards and noted that a request for proposals will be released shortly, as the state's current assessment contract is ending. The proposed requirements are a consideration in the RFP process.

Scheibe also stated that the requirements allowing for the substitution of a science credit with a unit of computer science resulted from looking at other state's practices and stakeholder feedback. Upon review, the Department determined that computer science aligned more closely with the components of science and critical thinking in a science course than a math course.

Scheibe also noted that the overall proposal was not based on a model or national trend. Various other states have undertaken similar changes, particularly in response to federal legislative changes, but there was not an intentional effort to follow any other state model. The proposal is based on what is best for South Dakota students.

In response to additional Board questions, Scheibe stated that student learning plans have been a requirement for a while, whether in SDMyLife or another platform. A support network is important to help develop that plan, and this proposal perhaps heightens the importance of the support network.

Alyssa Krogstrand, South Dakota School Counselor Association, testified (via phone) in support of the proposed changes to Article 24:43. Krogstrand outlined three reasons for her support of the proposed changes. First, students will have the flexibility to pursue personalized learning within their plan, rather than a general plan for all students. Second, students will be challenged, and have opportunities to explore and make informed decisions on their plans after high school. Third, school board members will be able to make determinations on a local level regarding what is best for their specific students. Krogstrand further expressed her thanks for including school counselors in the stakeholder feedback and proposal development processes.

Don Kirkegaard testified in support of the proposed changes to Article 24:43. Kirkegaard stated that these rules are entirely permissive and put control into the hands of school districts, parents, and students. Kirkegaard discussed that school districts can adjust with the proposed requirements or could keep things the same. He noted that many districts may continue to offer courses required under the previous requirements, such as geography or world history. This proposal, however, gives flexibility to require those or different courses in the different content areas that the district feels are relevant. Kirkegaard also noted that the standards piece will be important going forward. Kirkegaard stated that some feedback expressed concern that the timeline was moving too fast but stated that the benefit of this proposal is the flexibility that goes along with the implementation. Kirkegaard further stated that in

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his time as Secretary of Education, he discussed this proposal with many education leaders and the clear majority were supportive, including the tribal education leaders.

In response to Board questions, Kirkegaard stated that a gap between larger schools and smaller schools is unlikely in terms of course offerings and opportunities, as the listing of courses districts are required to offer is not changing as part of this proposal. Smaller schools may have to be somewhat creative in terms of creating opportunities for internships, but otherwise there are still options for online and virtual school courses. Kirkegaard also answered that counselors will need to play an increasingly active role, in terms of guiding students and keeping parents informed, especially as students enter the junior year.

Terry Nebelsick, superintendent of the Huron School District, testified in support of the proposed changes to Article 24:43. Nebelsick was part of the superintendent group that originated the discussion leading to the proposed rule changes. Nebelsick stated that the discussion began in response to the Governor's focus on workforce development. An intent of the proposal is to address the 16-26 percent of students that are dropping out of high school with no hope of adding to the workforce or contributing to the economy. An additional intent was to make K-12 coursework more robust and clearly identify courses necessary to assure academic success. Nebelsick noted that the purpose of the proposal is not to undermine the importance of a diploma or to "dummy down" students. Rather, he testified that the impact of these changes could make college and technical education tracks more rigorous for students. Nebelsick stated that he believes this proposal is permissive and will help schools support students that are pre-destined to drop out to see a diploma as a way to become workforce ready. Nebelsick also believes that the endorsement offerings will assist students in entering college or high tech fields.

Bert Falak, superintendent of Northeast Technical High School, testified in support of the proposed changes to Article 24:43. Falak testified that all students must be considered and he was confused by the criticism that referred to drastic changes when the proposal does not put forth drastic changes. School districts do not have to take actions they were not already taking, as this adds local flexibility and local control. Falak noted that by 2020, a 30-million person shortage in skilled labor is expected. The proposal gives disengaged students options, especially schools with robust CTE programs. Falak spoke about potential course offerings that would meet the proposed requirements, which offer increased opportunities. Students will not have to take abstract courses but will take courses that are relevant to them. This will also serve to help expand apprenticeship options. Falak stated that these options will dovetail for students that take dual credit courses and are concurrently students at Lake Area Technical Institute, which will result in a skill and a well-paying job.

In response to Board questions, Falak stated that the proposed requirements may increase enrollment at technical institutes, as there will be more flexibility for students to explore. Falak also responded that his school was able to work with students to use Perkins funds for the credential. This program also led to a partnership with a local industry partner to provide the same instruction. Falak further stated that the proposed requirements, and the courses students could take under the requirements still have a high amount of rigor. Falak did note that some schools may not be able to afford some of the advanced courses his school is able to offer through its relationship with LATI, but where it is offered, it should be expanded.

Jeff Danielson, superintendent of the Watertown School District, testified (via phone) in support of the proposed changes to Article 24:43. Danielson participated in the workgroup on the proposal. He stated two reasons for his support of the standards. First, this will help students who are potential dropouts

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and help address the workforce shortage. Second, students at the top end of the classes will be challenged. Danielson explained that students inclined to drop out will have flexibility to take courses that will keep them engaged. He also stated that successful students will be challenged and can earn multiple endorsements. He believes the proposal does not water down standards, as the majority of students will follow a similar pathway to the current standard as well as applying for the endorsements. Danielson stated that K-12 education needs to improve the odds to make sure all students have a legitimate chance at a high school diploma and a meaningful education for whatever postsecondary plan the student has.

Brooklynn Gross and Megan Simonich, students at Harrisburg High School's Teaching of Children class, testified in support of the proposed changes to Article 24:43. The students examined the proposal as part of a project on curriculum. The students noted that, in working on this project, they identified the goals and purpose of a high school curriculum. Those were preparation for a chosen path after high school and preparation to be functioning adults, and the proposal adheres to those goals. The proposal will engage students and motivate them toward their own purposes. Students will be able to better advocate for themselves. The students also testified in support due to the flexibility offered by the proposal. They also support the proposal because it puts trust in students and gives agency for students to choose a pathway. The students noted disagreement with the idea that the proposal waters down requirements, because the ability for a student to dictate his or her future and priorities is significant.

In response to Board questions, Gross noted that students may be confused by the new requirements at first because they have not had such choices before, but once teachers, counselors, and administrators work with them, they will want to choose a path. Simonich stated her agreement that many students would likely work for multiple endorsements. Gross noted that students, teachers, and parents will need to encourage students that opt for the basic diploma. Simonich stated that if these requirements had been in place when she began high school, she would likely still be on the same path she is now, but would have also tried to earn the career endorsement.

Kevin Mutchelknaus, principal of TF Riggs High School in Pierre, testified in support of the proposed changes to Article 24:43. In reading the public comments, there are some that argue the proposal is a "dumbing down" of the requirements, but the Pierre School District argues the proposal is a "wising up" of the requirements. The proposal offers rigor, student engagement, and flexibility. Students must still graduate with 22 credits with the opportunity for students to choose areas of interest in which they will excel. Mutchelknaus also provided examples of students from his district that will benefit from the proposed rule changes.

In response to Board questions, Mutchelknaus stated that TF Riggs currently does work with students who are trying to obtain a certification and has been able to utilize Perkins funds towards those certifications thus far.

Dr. James Nold, assistant superintendent of the Sioux Falls School District, testified in support of the proposed changes to Article 24:43. Nold stated appreciated for the proposed requirements and the freedom and flexibility they will provide. The proposal will enhance the ability of students to add and take courses, especially at locations like the CTE Academy. This will provide many students opportunities for post-secondary education and a career through courses in their area of interest. Nold expressed support but noted that flexibility for special education and English language learner students still needed to be examined.

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In response to Board questions, Nold stated that, for both special education and English language learner students, he would suggest diversifying the base diploma, especially the math requirements.

Rob Coverdale, assistant principal at TF Riggs High School in the Pierre School District, testified in support of the proposed changes to Article 24:43. Coverdale emphasized the relevance, engagement, and flexibility of the proposed changes. He stated that he sees a lack of relevance and engagement as a barrier to student success. Students are not afraid of the work, but do not see the work as meaningful or relevant to them. Coverdale is excited about the flexibility the proposal will give to meet student needs. Coverdale stated his pride in the college preparation of the Riggs students, but stated that the proposal will provide opportunities for students who may not want to be on the college path. A high school diploma should not only be a path to a four-year college and this opportunity is appreciated.

Rich Mittelstedt, South Dakota Education Association, testified in support of the proposed changes to Article 24:43. He stated that SDEA supports the flexibility offered under the proposal. Mittelstedt also noted that coverage of state standards should be a consideration under the proposed changes, as should academic assessments based on the standards. K-12 education must be sure students have the tools to succeed on the 11th grade assessment.

Dr. Lori Simon, superintendent of Rapid City Area Schools, testified in support of the proposed changes to Article 24:43. Simon noted overall support but also raised concerns regarding the timeline in which the proposal was developed and the representation of school districts involved in providing feedback. She also noted concern about student opportunities if a student changes his or her mind about the path on which the student is on.

Simon also raised questions about the availability of funding for districts to develop new courses and work with industry partners. She also stated concern with the rigor of math in the base and career endorsement, and its alignment with state assessment. Simon also stated that she was excited about the increased involvement of school counselors but was concerned about the additional workload in light of current counselor to student ratios and student mental health needs. Simon also questioned whether the proposal is comparable to other states' requirements.

Simon recommended slowing down implementation and getting additional input from a task force. Simon expressed concern that the requirement of algebra I is not rigorous and stated that Ann Bolman, the president of Western Dakota Technical Institute, expressed the same concern because many students require remedial math under the current requirements. Simon recommended adding geometry or math II with flexibility for the third credit. She also recommended placing the computer science option under math, rather than science. Simon also recommended that the endorsements be given more descriptive names, and that the opportunity to earn fine arts credits via extracurriculars be expanded to include speech and debate.

Dr. Paul Turman, chief academic affairs officer at the Board of Regents, testified in support of the proposed changes to Article 24:43. Turman expressed appreciation at the Regents' involvement in the process. He further noted that after review by various factions within the BOR, the advanced computer science option is most appropriately aligned with science content. Turman noted that the proposal offers the opportunity to revive positive aspects of prior graduation requirements, like counselor engagement. Turman stated that, while there is the understanding that not every student will go on to a four-year college, every student should have that opportunity. The proposed pathways provide a strong

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framework. University presidents and the BOR Academic Affairs Council has also reviewed the proposal and given feedback, which was incorporated by DOE.

Turman also stated that he serves on the school board in Pierre and knows that administration all want what's best for students, and that local administration is sometimes in the best position to make those decisions.

In response to Board questions, Turman stated that he does not believe certain computer skills are part of the admission criteria for BOR. Computer science may be required for entry into a certain program, but not admission criteria. If certain skills are listed, they are likely expectations but not criteria required for admission.

Opponent testimony:

Florence Thompson, South Dakota Parents Involved in Education, testified in opposition to the proposed changes to Article 24:43. Thompson stated vocational options and flexibility are welcome, but there are concerns with the proposal. Thompson discussed the difference between culture and civilization and stated that schools are being co-opted into promoting an anti-American or globalist agenda. A well-rounded education must not be neglected and some key courses which students need are being lost or deemphasized, such as world history, geography, and economics. Thompson also discussed a study she undertook of textbooks utilized in the Rapid City schools and how the books conform to the state standards regarding nonfiction in English language arts. Thompson also raised concern with the endorsement names and stated that the names should be clearer and more explanatory. Thompson further stated that the rules draft should have been easier to find on the DOE website.

Tonchi Weaver, South Dakota Citizens for Liberty, testified in opposition to the proposed changes in Article 24:43. Weaver discussed differences between the modern and ancient approaches to education. Weaver stated that modern education has devolved into a controlled system in which children are sorted and labelled in order for powerful people to determine how they will fit into a planned academy. Weaver also stated that the proposed flexibility in the early grade disciplines leads to limited flexibility and options in higher education and job pursuits in adulthood. Personalized learning nudges children onto a track. Weaver further testified that the rise of homeschooling in South Dakota demonstrates that parents may not have confidence in public education. She noted that the advanced endorsements will close more doors than they open and that the proposal appears unnecessary.

President Aguilar declared a recess at approximately 11:18 a.m. Central Time.

President Aguilar declared the hearing back in session at approximately 11:30 a.m. Central Time.

Rebuttal Testimony:

Laura Scheibe, DOE, testified in rebuttal to the opponent testimony. Scheibe stated that the Department is not proposing to alter the number of credits required in each subject area. Scheibe also stated that the Department is proposing to remove the language removing the ability of English language learners to get a modified diploma. But, Scheibe stated, there is still flexibility for some of those students under ARSD 24:43:11:01 for transfer students. Scheibe addressed concerns about the timeline of the proposal and stated that any student on track under the current requirements will still be on track under the new requirements. The proposal simply adds flexibility for students who may not currently be on track to

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graduate. In response to concerns about a student's ability to make decisions, Scheibe stated that the Department does not recommend that a student decide on a pathway until junior year. The expectation is that freshmen will likely take similar course offerings to what exists today. Decisions on post-secondary education will be made later in high school.

Board discussion and action:

In response to Board questions, Secretary Stadick Smith stated that the proposal did not result from a formal task force. This developed from a conversation among superintendents in conjunction with the Governor's workforce development work. Once the Department got involved, meetings with stakeholder groups began. Stadick Smith also responded that there is not particular funding set aside for school counselor work under the proposal, but the feedback and testimony from counselors tells us they want to do it and think it's the right thing to do.

In response to Board questions, Scheibe stated that the Department understands that implementation of the proposed changes will involve a lot of work to communicate the changes to students and parents. The communication efforts would likely begin as early as September with handbooks and talking points. Stadick Smith followed up by noting that because the proposal is permissive, a school district could delay implementation if it felt it was necessary.

Scheibe also responded that the proposal was not developed from a model or another state. The Department initially examined the pre-2009 requirements, with the current proposal developing out of those. The Department also considered other endorsements beyond the three proposed, but feedback was to keep the requirements simple so three were chosen. The proposal was developed by Department staff in conjunction with stakeholders.

Scheibe stated that SDMyLife is utilized to assist students in exploring their options. The endorsements will start to finalize that explorations. Specific endorsements will not necessarily be outlined in a student's plan when it is created, so counselors will play a role in guiding and informing students.

Guffin stated that she has been involved in this process since the beginning and is not worried about implementing the proposed changes. She does not have to make changes this fall, but has a window of opportunity right now to help kids that need it. Schools have time to make decisions, but need to think about the flexibility offered. Guffin stated that she is aware there are concerns about standards and assessments moving forward, and pointed out that covering standards does not necessarily lead to knowledge of a standard. The things people are worried will happen are already happening, but in a different way. Guffin stated that adjustments will need to be made going forward, Guffin also stated that counselors were already being asked to do much of the work discussed under the proposal and are used to working with students and parents on these decisions. Ultimately, this will increase opportunities for students.

Vyas stated his hope that the proposal will increase graduates and workforce members. He stated that the piece with counselors and parents includes the kids that will push themselves no matter what because they have the aptitude. This gives kids without much support another avenue. Vyas also stated that the negative comments received seem confused by what the proposal is seeking to do.

Sly stated that she agreed with many of the previous comments. K-12 education will need to look hard at the assessment piece and the Department will need to work hard to communication implementation

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information. Sly also noted that the high level of remedial work students are completing indicates that the 2009 push to require Algebra II, geometry, physics, and chemistry may not have worked as well as it was hoped. It is important to consider the students beyond those aiming for a four-year college or technical institute. Sly suggested that the requirements be reviewed again at a certain point so it is not too long before this conversation happens again.

Wagner stated that her work in the classroom with students indicates that students are not given enough credit in terms of being able to make the decisions contemplated by the proposal. Students are making those decisions already and some are making the decision not to care, because they do not see ownership in their choices. If those students are given the opportunity to take courses that apply to them, scores will improve.

The Board discussed clarification of the endorsement titles. Guffin stated that Scheibe was accurate in stating that many options were discussed, and that the best option moving forward will be a narrative explanation of what each endorsement entails via the implementation rollout.

Secretary Stadick Smith reiterated that specific funding for school counselors is not being set aside at the state level. Guffin added that Infinite Campus has good planning tools which have assisted counselors already.

Motion by Guffin, second by Sly, to approve the rules in 24:43 as presented.

The Board discussed whether to include a specific date for review of the requirements in rule or as guidance to the Department for a future task and determined to include a mandatory date in rule. Board counsel Farris recommended language for insertion into ARSD 24:43:11:01.

Guffin withdrew the pending motion with approval from Sly.

The Board discussed when the review should occur.

Motion by Guffin, second by Vyas to amend the rules in 24:43 as presented to insert the following sentence at the end of ARSD 24:43:11:01, after all other amendments to that rule: "After January 1, 2026, the Department shall review the required credits for high school graduation." Voice vote, all present voted in favor. Motion carried.

Motion by Guffin, second by Sly, to approve the proposed changes to Article 24:43 as amended. Voice vote, all present voted in favor. Motion carried.

Article 24:05 (Individual Education Programs)

Proponent testimony:

Linda Turner, DOE director of special education, testified in support of the proposed changes to Article 24:05. The changes proposed are made in conjunction with the proposed high school graduation requirements, as that conversation was an opportunity to review how graduation requirements were implemented for students with disabilities and ensuring all students, including students with disabilities, are held to a set of base standards for a diploma. The flexibility of the changes to ARSD 24:43 will benefit all students. That should mean all, not all except students with disabilities.

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Turner stated that the proposed changes to ARSD 24:05:27:12 would delete the capability of an IEP team to modify the credits required for graduation for students with disabilities. Those students would be held to the same base set of requirements to which all students are held. A new rule is also proposed to ensure students with a current modification in their IEP would be able to finish high school with that plan in place. Those starting in 2018-2019 would no longer be able to waive out of required coursework for high school graduation.

Nine public comments were received on the proposed changes to Article 24:05. One was in support and eight were against. The major concern in opposition was that flexibility for students with disabilities would be decreased and the authority of the IEP team would be reduced. Turner stated that the current regulation allows the IEP to determine courses a student must take to get a diploma. There is no standardization or expectation of rigor across the board. By maintaining this regulation, the idea is perpetuated that students with disabilities do not have the skill or ability to meet the base standard of learning expected of all students, even when those students are provided specialized instruction, accommodations, and supports via an IEP. There is no standard expectation of what a diploma means, which is a disservice to students, employers, and higher education institutes. Turner noted that certain skills are expected with a diploma, and if a student is waived from taking certain requirements but still receives a diploma, they will not have the knowledge or skills that may be expected of them by virtue of having the diploma. This could cause students to be unsuccessful in employment, or cause distrust of hiring students with disabilities for future employment. Students looking to post-secondary education may not have the preparation needed for post-secondary education and may struggle or need remediation. This can be difficult for both students and the institution. Communities may also lose confidence in the district with diplomas issued in this manner.

Turner stated that a wide range of students with disabilities are served, from those requiring intense supports to those with mild disabilities. Turner presented data showing the number of students who spend the majority of their time in the general education classroom with nondisabled peers, receiving general instruction with supports from their IEP.

Turner stated that there seems to be a misunderstanding that the proposed change removes the authority of the IEP team to make decisions for the student. The only thing this removes is the ability to outright determine what courses are required for a student to earn a diploma. IEP teams can still determine appropriate services, accommodations, and supports for student success. Turner also stated that districts have flexibility in how they offer courses to students with disabilities, including offering a course at a slower pace over multiple years or a smaller class size with a qualified teacher.

Turned stated that under the Individuals with Disabilities Education Act (IDEA), the regulation on the regular high school diploma was amended in 2017 based on changes from the Every Student Succeeds Act (ESSA). A regular high school diploma is defined as a standard high school diploma awarded to a predominance of students in the state that is fully aligned to state standards. Under the IDEA, a free and appropriate public education (FAPE) must be provided to students until certain criteria are met, one of which is when a student receives a regular diploma. A modified diploma is not a regular diploma and a district's obligation to provide FAPE will not end if a student receives a modified diploma. The district would have an obligation to provide FAPE and offer services until a student receives a regular diploma or turns 21.

Turner also presented high school exit data regarding students with disabilities. Fifty-six percent of students with IEPs graduate with a regular diploma. Six percent graduate with a modified diploma. Thirty-two percent would be classified as dropouts and six percent were categorized as having aged out. Three years of data is available on students receiving modified diplomas, resulting in the six percent

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figure. The dropout rate is concerning and may indicate that the flexibility under the ability to modify diplomas is not working. Perhaps the flexibility offered under the new requirements will work differently and make a meaningful diploma more accessible.

Turner stated that there has been some contradictory testimony. Earlier in the rules hearing, testimony was given that all students should be held to a standard. The current rule here is saying students with disabilities should not be held to that standard. If what is good for students is being considered, that should include all students including students with disabilities.

In response to Board questions, Turner stated that under the proposed changes, students with disabilities would be required to take algebra I. That could be with accommodations and supports, though. Turner noted that, currently, data is not collected on how students get a modified diploma. Students could be waiving out of all math entirely but that would not be reported. IEP teams have total ability to graduate a student.

Turner further responded that a transcript would indicate the courses taken, but the diploma issued would be identical to any other diploma. Turner reiterated that an IEP team determines the course of study for a student with a disability in order to meet that student's post-school outcomes. The IEP team works with a student to determine post-school options and plans. Those plans do not always mean a regular diploma is the result. Districts do have the option to offer a certificate of completion. Turner argued that a diploma should mean something and that students with IEPs should be held to the same standards as all students.

Turner stated that the new graduation requirements offer students more personalized opportunities to achieve outcomes and that could work for students with disabilities too. Many IEP teams may be holding students to the same graduation track and the new requirements for all students will give the IEP team more flexibility as well. Turner raised the concern that there is currently no standardization or rigor in the expectations of students with disabilities if you allow an IEP team to have complete authority over what constitutes high school completion for a given student. Students with disabilities are therefore not held to the same standard as all students. Turner further stated that some students may not be able to complete higher level skills, and the goals for those students probably do not include higher education or certain employment. A standard diploma may not have meaning in those circumstances.

Opponent testimony:

Terry Nebelsick, superintendent of the Huron School District, testified in opposition to the proposed changes to Article 24:05. Nebelsick stated that during his time an IEP team earlier in his career, the team used the diagnosis of a school psychologist, which described what that particular child could do, what the capacity was, and how to best meet those. During that time, the IEP team gave diplomas to every child who met what the IEP committee determined was appropriate for them. Nebelsick stated that he is not aware of any student, employer, or college that was damaged by a student with a disability receiving a diploma as determined by an IEP team. Compliance with ESSA is required, and if a school has done its job working with a student to complete a plan setting out what that student can do, the student should get a diploma.

Deb Muilenburg-Wilson, special education director at the Sioux Falls School District, testified in opposition to the proposed changes to Article 24:05. Muilenburg-Wilson stated that her belief is that the intent of the IDEA was to address the unique group of students with disabilities who still require public education and that those students are entitled to a public education. They should also be given independence. Safeguards exist to ensure IEP teams look at courses of study and ensure rigorous standards. Muilenburg-Wilson stated that the awarding of a diploma does mean different things to

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different people and that there should be transparency on student transcripts regarding courses taken. Transcripts should not be misleading to post-secondary institutes or employers. However, K-12 education should also respect that there is a group of students that have a very unique set of needs. One, three, or ten diploma tracks cannot accommodate all of those unique needs, which the law says must be accommodated to provide a FAPE. Muilenburg-Wilson requested that a more diverse option be considered, or consideration of other tracks that are wider. The Sioux Falls School District will ensure every IEP team uses appropriate rigor for each student.

In response to Board questions, Muilenburg-Wilson stated that she is satisfied with the current rules on IEP team authority but knows that improvements can always be made. Wider and deeper courses should be offered and that would not change. But safeguards are in place to look at the individual needs of very complicated children. She stated that no one says these diplomas mean the same thing as other diplomas but they do recognize an accomplishment.

Board discussion and action:

In response to additional Board questions, Turner stated that under ESSA's requirement for regular student diplomas, if the current system is maintained, the state cannot report students who receive a modified diploma as graduates under either ESSA or special education reporting. This is because the student is not considered a graduate and is still eligible to receive services until they receive a regular diploma or turn 21. If a student receives a modified diploma and chooses to end his or her education, that student would technically be considered a dropout. If the proposed changes are not made, changes will have to be made to the reporting system.

Turner also stated that students receiving services until age 21 would count against the four-year cohort. But those students would count toward the completer rate. She also expressed concern that students ending education services after receiving a modified diploma are likely being reported incorrectly. Turner further stated that if rates were correctly reported, an impact could be higher numbers of dropouts reported.

Turner noted that this issue has been addressed differently nationwide. States offering different tracks of diplomas were cited because students were not being reported correctly. Nationally, the Office of Special Education Programs (OSEP) is working with states on reporting. Federal expectations for a regular diploma is very clear, it's the reporting that will make a difference and needs attention.

Wagner discussed that students who cannot pass algebra I will still reflect negatively on the state numbers, but if the IEP authority to modify is left in, schools could help impact students in a positive way.

Secretary Stadick Smith noted that reporting changes will have to be made regardless and that the Board does have the option to reconsider this at a later date, but there may not be many other options to consider.

In response to additional Board questions, Turner stated that on Infinite Campus, certain coding is required and collected through the IEP course of study. The district is responsible to ensure coding is completed accurately. Muilenburg-Wilson also stated that the Sioux Falls School District works with the Department on coding. She noted she can only speak to what she knows, but the district follows the requirements. Many of the students at issue here would be noted as having visible disabilities but are still students that work hard. She also believes other districts are following the requirements.

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Turner stated that the requirements were set in ESSA by Congress. It is not that all students do not want a diploma and that it would not be meaningful to them to receive one. The argument today is that the state is required to ensure that a diploma has a standard meaning and is reported correctly. The current requirements are not in line with that. Students need to be reported differently. Muilenburg-Wilson noted that she is not challenging the accountability piece. She simply thinks it important to recognize the individual and be transparent in that.

Turner stated that some other states offer one diploma and have data reporting pieces in place to differentiate students who do not meet the same requirements. Other states offer multiple diplomas and those are the states facing issues with the federal Department of Education because there are tracks with lesser expectations than the regular diploma.

The Board discussed options for continuing the discussion or deciding today.

President Aguilar turned to gavel over to Vice-President Vyas at approximately 1:16 p.m. Central Time.

Motion by Aguilar, second by Guffin, to approve the proposed changes to Article 24:05 as presented. Voice vote, all present voted in opposition. Motion failed.

Vice-President Vyas returned the gavel to President Aguilar at approximately 1:18 p.m. Central Time.

Article 24:10 (Career and Technical Education)

Proponent testimony:

Laura Scheibe, DOE director of career and technical education, testified in support of the proposed changes to Article 24:10. Scheibe stated that after its creation, the Board of Technical Education worked to transfer portions of Article 24:10 to a new chapter under its authority. However, the Interim Rules Review Committee determined that the Board of Education Standards should repeal certain language in 24:10 separately from the Board of Technical Education action. These proposed changes repeal that language. The Board of Technical Education has already acted to adopt the same language that is proposed for repeal into a new chapter.

Public Comments:

Ninety-six public comments were received on this packet of rules, but no comments related to the proposed changes to Article 24:10.

Opponent testimony:

There was no opponent testimony.

Board discussion and action:

Motion by Schallenkamp second by Wagner, to approve the proposed changes to Article 24:10 as presented. Voice vote, all present voted in favor. Motion carried.

Article 24:28 (Educator Certification)

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Laura Scheibe, DOE director of career and technical education, testified in support of the proposed changes to Article 24:28. Scheibe stated that the Division of Career and Technical Education proposed amendments to these rules along with the overhaul of the educator certification rules in 2016-2017. Since those changes were passed, two years of feedback from educators has been received regarding the rules' implementation. Feedback resulted in the proposed changes to add additional time for educators to complete the required coursework and more time to complete the mentored internship requirement.

Scheibe also outlined the proposed changes that add a new endorsement for educator certification in the area of a Government and Public Administration career cluster. The proposed endorsement will prepare teachers to offer that career cluster and follows the same structure of requirements for other existing educator endorsements.

Public Comments:

Ninety-six public comments were received on this packet of rules, but no comments related to the proposed changes to Article 24:28.

Opponent testimony:

There was no opponent testimony.

Board discussion and action:

Motion by Wagner, second by Sly, to approve the proposed changes to Article 24:28 as presented. Voice vote, all present voted in favor. Motion carried.

The rules hearing closed at approximately 1:24 p.m. Central Time.

President Aguilar declared a recess at approximately 1:24 p.m. Central Time.

President Aguilar declared the meeting back in session at approximately 1:35 p.m. Central Time.

Conflicts Disclosures (SDCL 3-23):

Holly Farris, Board legal counsel, stated that pursuant to statute, board members file annual forms disclosing covered contracts. Farris requested that each board member summarize their disclosure form on the record. The forms will subsequently be filed with the appropriate authorities.

Wagner summarized that her employer, Northern State University and the E-Learning Center, have state contracts for college readiness coursework and the SD mentoring program. Wagner stated that she does not play a role in those contracts.

Guffin stated that she disclosed her employment contract with the Aberdeen School District and the Aberdeen School District's receipt of funds through the state Consolidated Grant Application, including IDEA, Perkins, and school nutrition program funds. The district also receives a mentoring grant from the Department.

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Herman is employed by the Rosebud Sioux Tribe and disclosed the tribe's receipt of grant funds through the Department for summer food service programs.

Aguilar, Vyas, Schallenkamp, and Sly had no disclosures.

Review of Code of Conduct and Conflict of Interest Policy:

Farris submitted the model policy developed by the state board of internal controls regarding a code of conduct and conflicts of interest to the board, which will review the policy and engage in a discussion at a future meeting whether additions or modifications are needed that are specific to the Board of Education Standards.

Public Comment Period:

Farris provided information on the new public comment period, which is a requirement of a law passed during the 2018 legislative session.

No public comment was offered.

First Reading—Administrative Rules (Paraprofessional Certification):

Abby Javurek, DOE director of assessment and accountability, presented a first reading of rules regarding paraprofessional certification. At the May board meeting, the board requested that DOE formulate a solution that would remove paraprofessional certification out of the certification administrative rules. The rules package proposed removes all requirements for paraprofessionals to obtain certification and the DOE will no longer certify paraprofessionals. In the future, the Department will work to develop policy and monitoring tools to ensure that paraprofessionals funded with Title funds meet applicable requirements.

In response to Board questions, Javurek stated that the paraprofessional certification requirements originally stemmed from a recommendation by stakeholders during the department's overhaul of the certification rules in 2017. There are specific requirements that paraprofessionals funded with Title I dollars must meet, so going forward, the Title office will look at a process to ensure districts are meeting those requirements.

Motion by Guffin, second by Schallenkamp, to move the rules to a public hearing. Voice vote, all present voted in favor. Motion carried.

Board of Regents Report:

The Board of Regents Report was deferred to the Board's September 17, 2018 meeting.

PRAXIS Cut Score Approval Request:

Javurek requested approval of cut scores for three new PRAXIS exams, which are assessments utilized for educators to prove competency in certain areas for licensure. Javurek requested that the board approve cut scores on the school leadership licensure assessment, computer science assessment, and practices for teaching content assessment.

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Motion by Guffin, second by Vyas, to adopt the cut scores as requested. Voice vote, all present voted in favor. Motion carried.

Professional Administrators Practices and Standards Commission Annual Report:

Farris presented the Professional Administrators Practices and Standards Commission 2017 annual report. In 2017, there was one complaint outstanding from 2016 and the Commission received two new complaints. The Commission met three times and resolved all complaints. Two dismissals and one public reprimand were issued.

Secretary's Report:

Mary Stadick-Smith provided an informational update to the board. She summarized past work and upcoming meetings by the Teacher Compensation Review Board and the Extraordinary Cost Fund summer study. Stadick-Smith also provided information on the upcoming RFP that would be issued for a new state-level assessment, as the current assessment contract would end in 2019.

Adjournment:

Motion by Wagner, second Sly, to adjourn. Voice vote, all present voted in favor. Meeting adjourned at approximately 2:16 p.m. Central time.