

## SOUTH DAKOTA BOARD OF EDUCATION MINUTES

Date: Monday, November 18, 2013 –10:30 a.m. Central Standard Time

Location: Library Commons, First Floor, MacKay Building  
800 Governors Drive  
Pierre, South Dakota  
(Relocated meeting room at scheduled time of meeting to larger room in same location, with notice to all attendees, to accommodate large number of attendees)

Present: Kelly Duncan, Member  
Glenna Fouberg, Member  
Richard Gowen, Member  
Marilyn Hoyt, Member  
Donald Kirkegaard, President  
Julie Mathiesen, Member  
Stacy Phelps, Member (joined the meeting 11:06 a.m. CST)  
Patricia Simmons, Vice-President  
(All members personally present in the meeting room)

Absent Terry Sabers, Member

DOE Staff: Dr. Melody Schopp, Mary Stadick Smith, Bobbi Rank, Linda Turner, Abby Javurek-Humig, Becky Nelson, Erin Larsen, and Ferne Haddock.

Others in Attendance: Wade Pogany (Associated School Boards of South Dakota), John Fathke (South Central Coop), Lezlie Larsen (Southeast Area Coop), Tom Oster (Sioux Valley School District), Dan Guericke & Scott Westerhuis (Mid Central Education Coop), Dean Christensen (Deuel School District), Dean Kueter (Cornbelt Coop), Larry Furney (Prairie Lakes Coop), Brian Jandahl (Elkton School District), Cris Owens (Northwest Area Schools Ed Coop), Joel Jorgenson (Hamlin School District), Mark Sampson (Iroquois School District), Chris Lund (Arlington School District), John Bjorkman (Waverly School District), Jim Block (Webster Area School District), Brian Heupel (Clark School District), Jerry Aberle (NE Ed Services Coop), Joe Hauge (Black Hills Special Services Coop), Representative Elizabeth May (District 27), Bob Mercer (press), Wendy Swanson & Chris Buckley (public), 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 10:55 a.m. CDT.

**Adoption of Agenda:**

Motion by Gowen, second by Hoyt, to adopt the November 18, 2013, proposed agenda. All present voted in favor. Motion carried.

**Approval of Minutes:**

Motion by Duncan, second by Mathiesen, to approve the October 1, 2013, minutes. All present voted in favor. Motion carried

**Public Hearing:** Section 24:05:33:07.03 (Special Education Fund)

The Board of Education convened a public hearing at 10:57 a.m. Central Standard Time on the proposed rules section 24:05:33:07.03 (Special Education Fund) in the Library Commons, first floor, MacKay Building, 800 Governors Drive, Pierre, South Dakota.

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

*Department of Education Staff in Attendance:* Melody Schopp, Mary Stadick Smith, Bobbi Rank, Linda Turner, Becky Nelson, Erin Larsen, Abby Javurek-Humig, Jan Martin, and Ferne Haddock.

*Others in Attendance:* Wade Pogany (Associated School Boards of South Dakota), John Fathke (South Central Coop), Lezlie Larsen (Southeast Area Coop), Tom Oster (Sioux Valley School District), Dan Guericke & Scott Westerhuis (Mid Central Education Coop), Dean Christensen (Deuel School District), Dean Kueter (Cornbelt Coop), Larry Furney (Prairie Lakes Coop), Brian Jandahl (Elkton School District), Cris Owens (Northwest Area Schools Ed Coop), Joel Jorgenson (Hamlin School District), Mark Sampson (Iroquois School District), Chris Lund (Arlington School District), John Bjorkman (Waverly School District), Jim Block (Webster Area School District), Brian Heupel (Clark School District), Jerry Aberle (NE Ed Services Coop), Joe Hauge (Black Hills Special Services Coop), Representative Elizabeth May (District 27), Bob Mercer (press), Wendy Swanson & Chris Buckley (public), and other members of the public personally present and by telephone.

Public comments were received in response to the proposed rules. These comments were received as Exhibits A-F.

Linda Turner, Director of Special Education, South Dakota Department of Education (SD DOE), testified in favor of the proposed rules.

The effect of the rules change would allow school districts to use special education funds to pay for administrative expenses incurred by educational service cooperatives as a result of providing special education service. The reason for adopting the proposed rules change is to

allow certain administrative expenditures incurred by educational service cooperatives to be paid by special education funds. The educational cooperatives brought the proposed rules changes to the Department as a result of guidance on allowable expenditures issued by the Department earlier in the year. The Department agreed to bring the rule to a public hearing.

Tom Oster, Superintendent, Sioux Valley School District, testified in favor of the proposed rules changes. He stated that coops were already billing for these expenses so it would not impact current practice but would provide clarification and clear guidelines on what is allowable.

Dan Guericke, Mid-Central Education Cooperative, testified in favor of the proposed rules changes. Guericke stated that in his 20 years' experience, coops billing for these expenses had been standard practice. Coop directors were not aware of any irregularities; it was being done in good faith. If it were to change, then it would have severe financial implications for the schools. Guericke appreciates the effort to rectify the situation.

Dean Christensen, Superintendent of Deuel School District, testified in favor of the proposed rules changes. Christensen feared that a change in practice would drive school districts away from services within the coops and result in greater costs to the state and the school districts.

There was no opponent testimony.

Motion by Gowen, second by Fouberg, to approve the rules as presented. All present voted in favor, voice assent. Motion carried.

### **Assessment Waiver and ESEA Waiver Reapplication**

Abby Javurek-Humig, Director of Division of Assessment and Accountability, SD DOE, presented an update to Board regarding the status of current and upcoming waiver applications with the United States Department of Education.

Javurek-Humig updated the board that the public comment period for the assessment waiver that would allow South Dakota to use the Smarter Balanced field test as the state assessment and to avoid double testing South Dakota students in spring 2014 had closed. Comments were received from several schools and districts and all were in favor of moving forward. SDDOE submitted the application to USED on November 15.

The application for renewal will be due in January 2014. Details were provided regarding the progress of the renewal and the potential changes requested to the waiver to address challenges, lessons learned, and comments from the field since implementing the new accountability system in 2012. Some questions raised by Board members included how the proposed changes resulted in a system different than No Child Left Behind, whether too much emphasis was being placed on performance of students, whether school climate should be removed, and how the proposed changes to student attendance calculations would impact school performance.

Javurek-Humig responded that the use of objective data was intended to create a more equitable system of accountability that reflects the realities in the state, that the removal of school climate from the school performance index did not mean that the state would be ignoring school climate, and that, as opposed to NCLB, the system includes more students, eliminates double counting of some students, and looks at multiple measures of performance.

Wendy Swanson (public) had been granted time on the agenda to address questions regarding the ESEA waiver application. She expressed that she had not intended to address that specific topic and had no comment at that time.

### **Common Core**

Representative Elizabeth May, (District 27), had requested time on the agenda and addressed several questions to the Board and SD DOE Secretary Schopp regarding common core standards.

Chris Buckley (public) had requested time on the agenda and read a prepared statement in opposition to common core standards.

### **Standards Adoption Timeline**

Becky Nelson, Director of the Division of Learning and Instruction, SD DOE, presented a proposal for adoption of the South Dakota standards revision cycle. The current standards revision cycle was adopted by the Board on November 29, 2010, and needed to be updated to reflect plans for bringing forward proposed standards for fine arts, physical education, science education, and career and technical education.

The proposed cycle outlined a five year rotation for career and technical education and a seven year rotation for other standards. A five year cycle for career and technical education was proposed to ensure districts are in alignment with industry demands and post-secondary changes in those industries. The other content areas do not change at the same rate, and therefore the proposal was to keep the same year span rotation.

Motion by Gowen, second by Duncan, to approve the proposed South Dakota standards revision cycle timeline. All present voted in favor, voice assent. Motion carried.

### **Technical Institute Reports**

Erin Larsen, Student Services, Division of Career and Technical Education, SD DOE, presented the technical institute retention report and enrollment report. The 10-day enrollment (number of full-time and part-time students enrolled in at least one course on the 10<sup>th</sup> day of classes) across all four technical institutes for the 2013-2014 academic year was 6,463 students, and the retention rate for the 2013-2014 academic year increased to 75%.

## Vocational Education System Funds Statements

Erin Larsen presented the standing report on the vocational education system funds statements.

## Secretary's Report

Dr. Melody Schopp, Secretary, SD DOE, gave a report on items including how to use data to further on-going growth in education, the need to keep tweaking and adjusting the accountability system to continue building and growing, continuing work on teacher effectiveness, moving forward with the Smarter Balanced assessment, and public conversations regarding common core standards.

## Election of Officers and Meeting Schedule for 2014

Gavel handed over to Secretary of Education

Elections:

Motion by Gowen, second by Duncan, to nominate Kirkegaard for Board President.  
Motion by Fouberg, second by Hoyt, for unanimous ballot for Kirkegaard for President. All present (Kirkegaard abstained) voted in favor. Motion carried.

Motion by Duncan, second by Phelps, to nominate Simmons for Vice President.  
Motion by Fouberg, second by Hoyt, for unanimous ballot for Simmons for Vice President. All present voted in favor. Motion carried.

The following regular meeting dates of the Board for 2014 were scheduled:

January 27, 2014, in Pierre  
March 24, 2014, in Sioux Falls  
May 19, 2014, in Aberdeen  
July 21, 2014, in Pierre  
September 15, 2014, in Rapid City  
November 17, 2014, in Pierre

## Adjournment

Motion by Fouberg, second by Duncan to adjourn. All present voted in favor. Motion carried.

Adjourned: 1:46 p.m. CST

  
Ferne G. Haddock

  
Date