

Meeting Minutes

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS

Mackay Building, First Floor, Library Commons, 800 Governors Drive. Pierre, SD 57501
Monday, January 31, 2022 , at 10:00 a.m. CT

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

Call Information:

Call in Number: 346-248-7799

Meeting ID: 938 1345 2228 #

Passcode: 650713

Members Present: Jaqueline Sly, President
Rebecca Guffin, Vice-President
Terry Nebelsick
Steve Willard

Via ZOOM Phyllis Heineman [joined the meeting at approximately 10:07 a.m. CT]
Julie Westra

Members Absent: Linda Olsen

DOE Staff Present; Tiffany Sanderson, Mary Stadick Smith, Laura Scheibe, Amanda LaCroix, Shannon Malone, Stephanie Hanson, Amy Miller, Jennifer Fowler, Kathy Riedy, Stephanie Higdon, Linda Turner, Sarah Carter, Holly Robling, Carla Leingang, and Ferne Haddock.

Others in attendance Nick Wendell, Barbara Nicholas, Gerry Kaufman, Stephanie Ballard, Jenna Peters, Koreen Hammel, Kristi Desaulniers, and other members of the public in attendance in person or via phone.

Call to Order, Pledge of Allegiance, and Roll Call

The South Dakota Board of Education Standards (BOES) was called to order by President Sly at approximately 10:02 a.m. Central Time.

President Sly welcomed the 2022 Teacher of the year recipients to the meeting. They were 2022 South Dakota Teacher of the Year. Stephanie Ballard. Stephanie teaches special education math at George S. Mickelson Middle School in Brookings. The Region Teachers of the Year present were Kristi Desaulniers, Kristi teaches fourth grade at Legacy Elementary in the Tea Area School District. Barbara Nicholas, Barb teaches elementary music at the Buchanan K-1 Center in Huron. Jenna Peters, Jenna teaches 6-12 English language arts in the Britton-Hecla School District. Koreen Hammel, Koreen teaches fifth grade at Hot Springs Elementary.

President Sly offered congratulations to Becky Guffin for being named Superintendent of the year 2021.

Adoption of Agenda

Motion by Guffin second by Willard to adopt the January 31, 2022, agenda. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard, Guffin, and Sly.

Approval of Minutes

Motion by Nebelsick second by Guffin to approve the October 25, 2021, and the November 15, 2021, minutes. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard, Guffin, and Sly.

Introduction of Officers

Secretary Sanderson introduced the 2022 BOES officers as elected at the November 15, 2021, meeting. Sly was installed as president and Guffin as vice-president for calendar year 2022.

Conflicts Disclosures (SDCL 3-23):

Guffin disclosed she is an adjunct professor at Northern State University (NSU). Guffin will abstain from voting on item 9 of this agenda.

Public Comment: SDCL 1-25-1

No public comment was offered.

Public Hearing-Standards: Fine Arts and Career & Technical Education: Agriculture Food and Natural Resources; Arts, A/V Technology & Communication; Finance Career; Health Science; Human Services; and Manufacturing.

The Board convened a public hearing at approximately 10:12 a.m. CT. on the following proposed standards: Fine Arts, and Career & Technical Education: Agriculture Food and Natural Resources; Arts, A/V Technology & Communication; Finance Career; Health Science; Human Services; and Manufacturing. This is the third of four hearings on these standards.

Fine Arts Standards

Proponent Testimony

Shannon Malone, Director, Division of Learning and Instruction, DOE, gave an overview of the proposed Fine Arts Standards revision process and a summary of comments received. Malone reported that DOE convened a Fine Arts Standards revision workgroup to review the Fine Arts standards. The workgroup represented public and private school districts, university faculty,

and other stakeholders. They met via ZOOM seven times between June 21, 2021, and July 19, 2021.

Malone stated there were no additional comments received on the Fine Arts Standards between November 15, 2021, and January 28, 2022. Since the November 15, 2021, hearing action was taken relating to public comment number six concerning information regarding copyrights, pirating, licenses, fair use, public domain, royalties, and laws governing the use of intellectual and tangible property relating to creative work.

Opponent Testimony

There was no opponent testimony.

Career and Technical Education (CTE) Standards

Laura Scheibe, Director, Division of College, Career, and Student Success, DOE, provided a short overview of the process used to revise the Career and Technical Education (CTE) standards.

Agriculture Food and Natural Resources (AFNR)

Proponent Testimony

Scheibe testified in favor of the proposed Agriculture Food and Natural Resources standards.

Scheibe stated there were no new public comments on the AFNR standards since the previous hearing.

Opponent Testimony

There was no opponent testimony.

Arts, A/V Technology & Communications Career Cluster

Proponent Testimony

Scheibe testified in favor of the proposed Arts, A/V Technology & Communications (AAVTC) standards.

Scheibe stated there were no new public comments on the AAVTC standards since the previous hearing.

Opponent Testimony

There was no opponent testimony.

Board questions and discussion.

Board question on if there was a parallel on inclusion of copy right issues in these standards as well as the Fine Arts standards.

Scheibe answered that it was not intentional but shows how well core content and CTE workgroups were in tune with what is going on in the field.

Finance Career

Proponent Testimony

Scheibe testified in favor of the proposed Finance Career standards.

Scheibe stated there were no public comments received to date on the Finance Standards.

Opponent Testimony

There was no opponent testimony.

Board questions and discussion.

Board question on if students entering the finance career opportunities are looking into careers in banking, and if it is mainly offered in the larger school districts?

Scheibe states that it is a specialized field. Scheibe noted that even if a school does not provide the full Finance Career cluster there are opportunities like dual credit.

Health Science Career

Proponent Testimony

Scheibe testified in favor of the proposed Health Science Career standards

Scheibe stated there were no public comments received to date on the on the Health Science Career standards.

Opponent Testimony

There was no opponent testimony.

Human Services Career

Proponent Testimony

Scheibe testified in favor of the proposed Human Services standards

Scheibe stated there were no public comments received to date on the Human Services standards.

Opponent Testimony

There was no opponent testimony.

Manufacturing Career

Proponent Testimony

Scheibe testified in favor of the proposed Manufacturing standards

Scheibe stated that as noted at the previous hearing, Ag Metal Fabrication has been added to the Welding pathway per public comment received on the AFNR standards.

Scheibe stated there were no public comments received to date on the Manufacturing standards.

Opponent Testimony

There was no opponent testimony.

Board questions and discussion.

A board member asked if there has been any notification of a shortage of instructors.

Scheibe responded yes , and introduced Amy Miller, Assistant Director, Office of Career and Technical Education, DOE.

Miller responded that CTE is no different than other areas in experiencing difficulties in hiring teachers. However, CTE has the Alternative Certification option to help overcome the teacher shortage.

A question was asked about melding a technical colleges program with a teacher preparation program to fill the gap in CTE teacher certification.

Scheibe stated that yes to be a CTE teacher you can have an associate degree. There are a couple of pathways laid out on how to accomplish that.

Follow-up by board member on is there a way to get the word out for doing that?

Miller responded that there are some concerns relating to the process, making sure that there is work experience in a field to back up the skills and the craft needed to teach proficiently.

Miller also stated that most students in a technical college are interested in entering that career rather than teaching.

This concluded the third of four hearings on these standards The next hearing will May 6, 2022, in Rapid City.

Board of Technical Education Report

Nick Wendell, Executive Director, South Dakota Board of Technical Education (BOTE), presented a report. Wendell presented the board with information on Fall 2021 Enrollment and Retention data, Instructor Salary Support and Academic Affairs Policies, and Legislative priorities that may be of interest to the board.

President Sly declared a recess at approximately 11:20 a.m. CT.

President Sly called the meeting back to order at approximately 11:28 a. m. CT.

First Read of Proposed Administrative Rule Amendments ARSD 24:05 (Special Education), 24:14 (Early Intervention), 24:28 (Educator Certification) and 24:53 (Educator Preparation) rules.

Linda Turner, Director Division of Special Education and Early Learning, DOE, stated that Federally the Individuals with Disabilities Education Act (IDEA) has not been reauthorized since 2004, this law is to be reauthorized every five years and states would subsequently update state statute and regulations. Due to the significant delay in federal reauthorization amendments to state regulations are being proposed at this time to reflect changes to policies, practices and procedures that have occurred during this time and are allowed under the IDEA.

Turner presented proposed changes to ARSD 24:05 (Special Education). The effect of the rules will be to expand the age range for developmental delay, revise criteria and title for emotional behavioral disability, clarify graduation provisions, remove the use of school psychological examiners, and clarify and update language. The reason for adopting the proposed rules is to provide clarity and improve services to students with developmental delays and emotional behavioral disabilities.

Turner highlighted some specific proposed changes including, but not limited to - eliminating the reference to school psychological examiner [explained in detail in the 24:53 (Educator Preparation) proposed changes], renaming the Emotional Disturbance Disability category to

Emotional Behavioral Disability to better reflect the knowledge that there can be behavioral and emotional issues, increasing the age of developmental delay, the awarding of regular high school diploma and termination of eligibility for special education.

Board discussion and questions.

Some questions concerning the possibility of unintended fiscal impact related to the removal of school psychological examiner? Schools already have a difficult time having school psychologists.

Concerns relating to federal regulations making us change our policy. What is the impact of changing the diploma issuance policy? If an IEP determines what is appropriate for a student, that student should receive a full high school diploma.

Turner responded that the school psychological examiner issues should be clearer after explanation regarding ARSD 24:28 later in the meeting. If there are still questions after that she would address them.

Turner said there is usually concern when the issuance of regular high-school diplomas related to Special Education is brought up.

Sarah Carter, Administrator, Office of Early Childhood Services (also known as Birth to 3), DOE, presented proposed changes to ARSD 24:14 (Early Intervention), and stated again that since the IDEA has not been reauthorized since 2004. The revisions are being proposed to reflect changes to policies, practices and procedures that have occurred during this time and are allowed under the IDEA. The reason for adopting the proposed rules is to ensure federal and state rule reference and language aligns.

Carter stated that most of the proposed rules changes relate to consistency of language and readability. Carter mentioned some of the corrections of timelines to reflect federal regulations, clarifying language in reference to system of payment, and updating language to reflect practice, including an online billing system that replaces paper claims.

Carter stated that Birth to 3 works closely with stakeholders and partner agencies. South Dakota Medicaid Office is a strong partner. Reimbursement rates for most of the Early Intervention direct services mirror Medicaid reimbursement rates. Increases to those rates occur in tangent with Medicaid increases. Medicaid notified the Birth to 3 Program last fall of the possibility of significant rate increases as July 1, 2022. This is in addition to the 6% increase proposed through Legislation. These rate increases and the changes proposed to the rules were discussed with the State Interagency Coordination Council. The Council includes parents, direct service providers, representatives from Parent Connection, and representatives from a multitude of other state and local agencies that also provide services to families. It is with their knowledge and support that we bring forward the proposed changes. Carter went on to outline some of the specific changes.

Turner presented proposed changes to ARSD 24:28 (Educator Certification) The effect of the rules will be to repeal the school psychological examiner endorsement. The reason for adopting the proposed rules is to eliminate an endorsement that SD does not have a preparatory program for and eliminate an endorsement that is not required or gives additional authority.

Turner presented 24:53 (Educator Preparation) The effect of the rules will be to remove the school psychological examiner from the definitions to align with revisions proposed to ARSD 24:28. The reason for adopting the proposed rules is to ensure definitions align across chapters.

Turner explained that there is not a national standard or a standard in other states called school psychological examiner, there are educational evaluators and school psychologists. Turner stated that review of the removal of the endorsement should not impact the ability of people with that endorsement currently to continue to perform work that they are currently doing if they are following the test protocols. Removing the endorsement won't make them any more or less certified to meet the criteria for administering the testing. The role falls under Educational Evaluator criteria in Special Education rules.

Board Questions and discussion.

How did the endorsement school psychological examiner originate?

Turner responded that she visited with Carla Leingang, Director, Division of Accreditation and Certification, and neither one of them knew the origin of the endorsement. Turner stated that they want assurance that the people administering the tests are following protocols and are qualified to administer the tests.

How are do people become and Educational Evaluator?

Turner explained that the Educational Evaluator is outlined in the Special Education rules. Turner went on to define an Educational Evaluator currently as someone who possesses a valid teaching certificate and must have training in the individual and group tests to be administered. Turner added that they are proposing that they have valid certification or licensure instead of teacher certificate because it could encompass counselors, and others who have roles in school districts that could be an Educational Evaluator as well as adding qualified and trained in the administrating, scoring, and interpretation of the tests they are administrating.

Would that include the Psychology Examiner have a teaching degree?

Turner stated that they she believes they have a four-year degree but could have teaching certificate as well.

It was stated that schools have a need for School Psychologists. Schools are having a difficult time filling those positions.

Going back to the regular High-School diploma issuance policy issue, that change is because of Every Student Succeeds Act (ESSA)? As far as meeting the state graduation requirements, would that make us out of compliance if we do not make that change?

Turner stated that ESSA amended IDEA and the definition is included in IDEA.

Motion by Willard second by Heineman to move the proposed rules to hearing. Voice vote, all present voted in favor. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard, Guffin, and Sly.

Educator Preparation Programs-Northern State University (NSU)

Kathy Riedy, Administrator, Office of Accreditation, DOE, introduced Dr. Doug Ohmer, Dean, College of Professional Studies, Dr. Cheryl Wold, Associate Dean, Millicent Atkins School of Education, and Dr. Anna Schwan, Chair, Department of Teacher Education at Northern State University, attending via ZOOM.

Riedy outlined the accreditation process background. Every seven years a university that offers an educator preparation program must undergo either a state accreditation review or a Council for the Accreditation of Educator preparation (CAEP) accreditation review. Riedy stated that we have a joint agreement with CAEP and so accept their findings. All state schools do submit to a CAEP review.

Riedy stated that NSU's Educator Preparation Program underwent a CAEP review in April of 2021. The CAEP council met in October 2021 and delivered their decision. That decision is detailed in the action letter and action report was presented to the board.

Riedy stated as seen in the action report, all standards were considered met, = but NSU did have a few areas of improvement, which is not uncommon. Areas of improvement do not trigger special or additional action in the accreditation process but are they must be addressed and are monitored through the Education Preparation Program (EPP) annual report to CAEP.

Riedy continued by stating that NSU did receive one stipulation within the Initial Level STANDARD 4/ Program Impact – for Component 4.2 complete effectiveness, which states that the EPP did not provide evidence of complete effectiveness. The reviewers indicated that data was not provided in this area.

Riedy reported that based on these findings, the CAEP Council has granted accreditation with stipulations at the initial licensure level, which initiates a two-year accreditation period and full accreditation at the advanced level, which is a seven-year accreditation period.

Riedy explained that the areas for improvement are monitored annually and must be corrected by the time of the next review.

Riedy also stated that the stipulation will also need to be addressed in the annual report but in addition the EPP will need to submit a stipulation report by the Spring of 2023 and a virtual visit will be held at that time to review just the stipulation. If the stipulation is found to be downgraded to an AFI or corrected completely, the EPP will be granted the remainder of the 7-year accreditation period.

Riedy recommended accepting the CAEP Council decision and approving Initial level accreditation with stipulations through 2023 and Advanced Level accreditation through 2028 for Northern State University's Educator Preparation Program.

Board questions and discussion

Is the Department comfortable with the report and recommendations?

Riedy responded yes.

Question for someone from NSU, what steps are you taking to fix the issues?

Dr. Doug Ohmer responded that NSU has developed a program to gather data with their students in the field as student teachers, to measure the impact the student teachers are having on learners in the classroom.

April Hinze added that they were aware of some of the problem with the student teachers in the field and their impact on student learning. NSU has a two-fold plan, adding the measures to measure the impact of candidates in the field and adding an additional measure specifically looking at student learning and outcome growth percentages of teachers in the field wherever they graduate from and then isolating out which outcomes are Northern graduates.

South Dakota doesn't have a system to gather this information, so, you must develop your own system, is that correct?

Hinze said the model that they have developed is similar model to what the University of South Dakota (USD) is using and mirrors the state process for evaluating teachers in the field.

Why aren't you coordinating with all the different universities that provide teacher preparation?

Hinze said that is something that is in development amongst the Board of Regents (BOR) schools, through Education Discipline Council (EDC) and then perhaps adding the private schools to share some of the same data.

Riedy stated that there have been discussions around the issue. CAEP has changed the standards since NSU went through this review. EPPs may have a little more latitude on how they report the data.

Motion by Heineman second by Nebelsick to accept the CAEP Council decision and approving Initial level accreditation with stipulations through 2023 and Advanced Level accreditation through 2028 for Northern State University's Educator Preparation Program. Roll call vote six members voting aye, and one abstained. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard, and Sly. Guffin abstained.

Secretary's Report

Tiffany Sanderson, Secretary of Education, DOE, began with a Legislative Session Update. DOE is following and/or working on about 90 bills. The major focus: 6% proposed increase to state aid, special education, federal authority, and Cultural Heritage Center renovations.

Sanderson gave a State Accountability Report Card Update reminding the board that at the October 18, 2021, board meeting, Matt Gill shared an update on the Report Card, and at that time, said it would be January when the last updates were added – those updates launched today.

Sanderson explained that this year, in addition to district expenditure they have added school Science achievement data, and English learner data, improvement funding data, along with a new component the addition of data relating to Perkins/CTE programs.

Laura Scheibe, Director, Division of College, Career, and Student Success, DOE spoke on adding the Perkins data to the report card.

Sanderson reported on the Social Studies Standards Revision Update, giving a general overview of the process moving forward. Sanderson stated that though we're taking a little more time on the front-end of the process, we're still working to have the standards hearings during board meetings starting next fall.

Sanderson gave a Child & Adult Nutrition Services Update. South Dakota was awarded funding from United States Department of Agriculture (USDA) to address the challenges supply chain issues have caused this year. Money going out to school districts for purchases of whole or minimally processed foods from domestic providers; priority on local foods. South Dakota is among the lowest ranked states for moving our ag products from farms and ranches to school tables. Something we'll be working on in the next two years. Several west river schools are leading the way with partnerships between beef producers and schools. We hope to continue to build those opportunities, potentially eggs, poultry, and pork, and fruit and vegetable use.

Sanderson continued her report with information on the Federal Education Funding Dashboard. South Dakota has received nearly \$750 million connected to COVID-19 relief. Most of those

funds went out to schools directly, with questions and interest in how the funds are being distributed, budgeted for, and spent. The Federal Education Funding Dashboard, simple tool to see how districts and educational providers are using the relief funds, is posted on the DOE website.

NEXT MEETING: April 7, 2022, Mitchell, SD

Adjournment:

Motion by Guffin second by Willard to adjourn. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard, Guffin, and Sly.

Meeting adjourned at approximately 12:30 p.m. CT.

Ferne G. Haddock
Executive Secretary BOES

Date: 04/08/2022