

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS

May 17, 2021 - 9:00 a.m. CT

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

Public Telephone Access: Dial: 1-346-248-7799
Meeting ID: 942 1590 1878 Passcode: 509989

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

Present: Jaqueline Sly, President
Rebecca Guffin, Vice-President
Phyllis Heineman
Linda Olsen
Terry Nebelsick
Julie Westra
Steve Willard

DOE staff in attendance Tiffany Sanderson, Mary Stadick Smith, Diane B. Roy, Amanda LaCroix,
Kathy Riedy, Linda Turner, Shannon Malone, and Ferne Haddock.

Others in Attendance: David Flute, Fred Osborn, Wade Pogany, Melissa Weber, Ashley Digmann,
Rodney Freeman, Gerry Kaufman, Rob Monson, Austin Goos, Bob Mercer,
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 9:02 a.m. CT.

A quorum of the board was present.

Adoption of Agenda:

Motion by Heineman second by Willard to adopt the May 17, 2021, agenda. Voice vote. All present voted in favor. Motion carried. Voting aye: Guffin, Heineman, Olsen Nebelsick, Sly, Westra, and Willard.

Approval of Minutes:

Motion by Guffin second by Olsen to approve the March 26, 2021, minutes Voice vote. All present voted in favor. Motion carried. Voting aye: Guffin, Heineman, Olsen Nebelsick, Sly, Westra, and Willard.

Conflicts Disclosures (SDCL 3-23):

Terry Nebelsick declared that regarding agenda item 09 01; he is a Dakota Wesleyan Board trustee and would abstain from votes regarding Dakota Wesleyan University.

Public Comment:

Rodney Freeman, representing the Council of School Attorneys (COSA) commented that school boards, school administrators, and attorneys that represent schools have operated under the assumption that substitute teachers do not have to be certified by the Department of Education. Based on regulations that were passed not too long ago by the Board of Education Standards (BOES), the department is taking a stand that a substitute teacher can only be non-certified if the teacher of record intends to return. If a school uses non-certified substitutes when the teacher of record does not plan to return; there are serious consequences. He stated that the administrators could be charged with a violation of the code of ethics, and the school district itself could be placed on probation and therefore lose its accreditation. Mr. Freeman gave some examples of situations that he thought schools could be facing in the future. Mr. Freeman stated that COSA thought that the way the rules are being interpreted presents a terrible burden on schools, and that COSA believes this will ultimately hurt children. When COSA was looking at amendments to present on the rules, COSA concluded that the Board of Education Standards does not have jurisdiction over noncertified people. The COSA has prepared a petition asking that the BOES abolish the rules. They also have recommendations to amend other rules.

Gerry Kaufman, representing COSA, reported that on May 11, 2021, the COSA board of directors did authorize the submission of the petition referred to by Mr. Freeman in his comments. Mr. Kaufman then submitted the petition to the board. Mr. Kaufman stated COSA had originally thought to bring proposed amendments to the board on the regulations. However, in looking at the underlying statute COSA questioned on whether the BOES had legal authority to implement anything dealing with substitute teachers.

Public Hearing: Rules:

The Board of Education Standards convened a public hearing in the MacKay Building, First Floor Library Commons, 800 Governors Drive, Pierre, SD at approximately 9:20 a.m. CT on Monday, May 17, 2021, on proposed rules:

Article 24:80 (Medical Cannabis and Schools).

Proponent Testimony

Diane B. Roy, General Counsel, DOE, gave an introduction and legislative update as to the medical cannabis and schools proposed rules.

Amanda LaCroix, Assistant General Counsel DOE, and primary drafter of the proposed rules; presented the proposed Article 24:80 (Medical Cannabis and Schools) rules.

There were three public comments received on these proposed rules.

Further proponent testimony.

Wade Pogany, President Associated School Boards of South Dakota

Rob Monson, Executive Director School Administrators of South Dakota

Opponent Testimony

Gerry Kaufman testified in opposition to the proposed rules.

Board Discussion

Motion by Guffin second by Nebelsick to approve the rules as presented. Voice vote. All present voted in favor. Voting aye: Guffin, Heineman, Olsen, Nebelsick, Sly, Westra, and Willard. Motion carried.

Rules Hearing concluded at approximately 10:26 a.m. CT

President Sly declared a recess at approximately 10:26 a.m. CT.

President Sly declared the meeting back to order at approximately 10:35 a.m. CT.

Department of Tribal Relations Report:

David Flute, Secretary of the South Dakota Department of Tribal Relations, stated that he is thankful for the collaboration between the Department of Education and the Department of Tribal relations, especially as we navigate through the current climate.

Frederick Osborn, Director South Dakota Dept of Indian Education, gave an update on tribal schools and the some of the impact of the Covid 19 pandemic. Mr. Osborn reported on a visit to the Crow Creek Tribal School, and with their permission shared some information concerning dental issues related to Covid. The report showed that of approximately 125 students 80% received some either cleanings or fluoride treatments; 44 % of those students received restorative treatment. The report also stated that without the restorative treatment they would have had an urgent care need within a year. This is an impact of Covid because in a typical year dental treatment would be ongoing. These types of services help keep these types of issues from interfering with their education.

Secretary Flute added that in looking at some of the social conditions the tribes are facing, tribal leaders have a tough job too. For example, large land-based tribes with large populations.

limited funds, Indian health service, BIE funding, and other challenges. One big issue is the methamphetamine problem that effects the living conditions of kids and families.

Public Comment: South Dakota's State Plan under the Requirements of the American Rescue Plan (ARP):

Mary Stadick Smith, Deputy Secretary, DOE, reported on the ARP; the state-level plan that is part of the requirement and pertinent pieces related to the local school districts. The ARP was enacted in March 2021. With the ARP came a third round of funding to public schools. It is through the Elementary & Secondary School Emergency Relief Fund (ESSER). In order for the state to receive its allocation of funding we need to complete a state plan that outlines what we plan to do with the funding, and answer questions about where we are currently with education in our state. South Dakota seems to be in a very good place for assuring continuous education when compared with other states.

Stadick Smith stated that we are expecting to receive about \$380 million dollars through this third round of funding; 90% of that amount will go out to our public school districts, the remaining 10% the state will use for activities to support schools and students in various areas. One of the requirements for school districts is that they reserve 20% of their funds to address learning loss that we expect as part of the pandemic. Then the schools can use the remaining 80% for funding for activities that are approved under a variety of other federal programs. Stadick Smith stated that the state's level funding (10% - about \$38 million dollars) will be used to support schools and students.

Stadick Smith said that the department is reviewing the data that is available; trying to understand the impact of COVID in our schools, on our students, and families. Then they will begin determining what are the most needed and most promising strategies to move forward. The department sent out a Year End Covid Impact Survey earlier this spring. The survey is expected to give some on the information from our school administrators. The department is seeking public comments to help assess the situation. The department will also look at the state assessment data when it becomes available.

Stadick Smith stated that the state plan would focus on three categories: Engaging the students, student social and mental health issues, and teacher recruitments and retention. The plan is due at US Department of Education (US DOE) by June 7, 2021.

Dakota Wesleyan University – New Programs Approval:

Kathy Riedy, Administrator Accreditation, DOE, presented the Dakota Wesleyan University (DWU) Educator Preparation Program request to add a K-12 Principal Preparation Program in the form of a master's degree. This program was previously offered but was put into dormancy prior to their last accreditation review. Because it was not included in their last accreditation review, and because the principal preparation standards have changed, DWU is requesting approval to reinstate the program.

Riedy reported that the program has been reviewed in conjunction with the certification office and recommends approval of the new K-12 Principal Preparation Program request.

Riedy stated the Ashley Digmann, Education Department Chair and Melissa Webber, Assistant Professor of Education | Master of Arts in Education Coordinator DWU were available for questions.

Digmann gave a summary of the process for reinstating the program.

Weber added that DWU was looking for ways to improve their offering for students. They felt that there was interest in students coming back for master's program for principal preparation. They looked at what was previously offered, made some changes, and updated the program.

Motion by Heineman second by Westra to approve the program as presented. Roll call vote. Motion carried. Voting aye: Guffin, Heineman, Olsen, Sly, Westra, and Willard. Nebelsick abstained.

Dakota State University – Accreditation Extension

Kathy Riedy, Administrator Accreditation, DOE, reported that due to outside issues and circumstances the Council for the Accreditation Educator Preparation (CAEP) has granted Dakota State University a one-year extension to the accreditation review that was due spring of 2022. Their review will now take place in the spring of 2023.

Secretary's Report

Secretary Sanderson reported that the 2021 Week of Work had fantastic participation, with virtual activities; including panels and day in the life videos from businesses. Preparation is underway for 2022 Week of Work.

Sanderson reported on the COVID Response. DOE continues to work closely with the Department of Health and schools. Preparations have begun for next school year to ensure schools have the information and supplies they need. In addition to the ARP Plan applications Mary mentioned earlier, DOE will write a report and release that this summer to share the story of South Dakota schools and the ways they led the nation for in-person instruction this year. Sanderson stated that DOE expects to learn from schools and their data, which will inform work and services to support student needs, staff, and schools in the coming months and years.

The Teacher Compensation Review Board (TCRB) is tasked with meeting every three years to review teacher compensation and make recommendations. Board appointments are being finalized. The board has meetings scheduled in June and August. The Report is due September 2021.

Sanderson stated that the Distance Learning Work Group was tasked with reviewing distance learning policies. Many policies were established 14 years ago and much has changed in distance learning since that time. First meeting at the end of May; will meet throughout the summer and propose recommendations. Tied to this work is the upgrade of the SD Virtual School website.

Sanderson continued with information on the Civics/History Initiative: The standards revision committee will meet in June. The review committee will meet to review the current standards and make recommendations for the future standards in geography, government, history, and economics. Their recommendations will come to this board in September and we'll begin the public hearing process. The rest of the Civics/History Initiative is underway: pilot grant program applications were submitted and are under review. Awards will be made in early June. This grant program is part of the \$900K appropriated this legislative session; it is not part of the federal civics grant that's been in the news lately. South Dakota will not be – and never planned to – apply for those funds. The South Dakota Instructional Materials Development is being scoped out. The committee will base their work off the standards recommended to this board in September. The Teacher Professional Development is reaching out to educators and partners to help with professional development offerings will start in SY 2021-22

Sanderson's report continued with Educator Certification System update. The process to update the system is underway with the Bureau of Information and Telecommunications. There was a \$1.5M appropriation this year/ The system update will take about a year. The focus of the certification update is better user experience for educators during application process and more efficient use of our staff time.

Sanderson closed with information regarding ARP Investments: 1) Strong instruction for academic attainment, 2) Career development, 3) Student wellness, 4) Engaging at-risk youth and families, 5) Teacher recruitment and retention, 6) Preschool, 7) Modern libraries, 8) Robust data systems and analysis, and 9) Financial transparency.

NEXT MEETING: July 19, 2021: MacKay Building, First Floor Library Commons, 800 Governors Drive Pierre South Dakota.

Adjournment:

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

Meeting adjourned at approximately 11:31 a.m. CT.

Ferne G. Haddock
Executive Secretary BOES

Date: 07/20/2021