



**BOARD OF EDUCATION STANDARDS
Meeting Minutes**

July 7, 2023, at 9:00 a.m. Central Time

VIRTUAL

MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, SD

Members: Phyllis Heineman

Via ZOOM Rich Meyers
Jean Moulton, New Member
Linda Olsen
Steven Perkins
Julie Westra, 2023 Vice President
Terry Nebelsick, 2023 President

DOE Staff: Joseph Graves, Laura Scheibe, Amanda LaCroix, Amy Miller, Kathryn Blaha, Kathy Reidy, Kristin Berger, and Ferne Haddock.

Others: Members of the public via ZOOM and telephone.

Call to Order, Pledge of Allegiance, and Roll Call

The South Dakota Board of Education Standards (BOES) was called to order by President Nebelsick at approximately 9:00 a.m. CT.

Adoption of Agenda

Motion by Heineman second by Perkins to adopt the July 7, 2023, agenda. Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Approval of Minutes

Motion by Perkins second by Meyers to approve the May 22, 2023, minutes Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Conflicts Disclosures: (SDCL 3-23)

Amanda LaCroix, Senior Staff Attorney, DOE, stated that the July BOES meeting is generally the time for presenting annual conflict disclosures. There were no conflict disclosures.

Public Comment: (SDCL 1-25-1)

No public comment.

The Board of Education Standards convened at 9:06 a.m. CT on July 7, 2023. Virtual - listening place at the Library Commons, First Floor, MacKay Building, 800 Governors Drive, Pierre, SD.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the Board of Education Standards numbered ARSD 24:43:11:17 (Dual Credit).

Members of the Board in Attendance: Phyllis Heineman, Rich Meyer, Jean Moulton, Linda Olsen, Steven Perkins, Julie Westra, and Terry Nebelsick.

DOE Staff Present: Joseph Graves, Laura Scheibe, Amanda LaCroix, Amy Miller, Kathryn Blaha, Kristen Berger, and Ferne Haddock.

Others in Attendance: members of the public via ZOOM.

Written Testimony/Public Comments

- See attached.

Laura Scheibe, Director, Division of College, Career and Student Success, DOE, presented that the rules package was the result of SB 182, passed during the 2023 Legislative Session, that tasked the Board of Education Standards with setting a uniform method for school districts to calculate the amount of credit that a high school student receives for completion of a postsecondary course. She noted that the rules proposal was different from the one the department brought in May and was the result of a meeting to find compromise among several districts. The proposed rules now stipulated that postsecondary courses from zero to three credits should be awarded .5 high school credits, and four or more, awarded one credit, with a minimum of .5 credits earned per semester of dual credit. The requirement that if a course aligned to a graduation requirement, the credit must be transcribed as that requirement and not as elective credit, remained as it was presented in May. Written comments received since the May 22, 2023, rules hearing were presented.

Proponents

- Dr. Joseph Graves
 - Secretary of the Department of Education
 - Pierre, SD
 - 24:43:11:17 - Dual Credit
 - Dr. Graves explained how the department got to the point of bringing this rules package. After the BOES tasked the department with consulting with districts and finding common ground during the public hearing in May, Dr. Graves extended an invite to every high school in the state to participate in a meeting to find a compromise. Every school that wanted to be part of the process was included; that meeting resulted in ten representatives coming forward with the proposal the department presented. The vote was not unanimous on the proposal but was a majority (8-2).
 - No agency discussion in response.
 - No agency action in response.

Opponents

- Dr. Jason Uttermark
 - Principal, Aberdeen Central High School

- Aberdeen, SD
 - 24:43:11:17 – Dual Credit
 - Dr. Uttermark served on the compromise committee of educators to find a way forward after the May board meeting. While he initially voted for the compromise presented at the hearing, he now believes that course is not in the best interest of students, including in consideration of impacts on scholarship requirements and how dual credit aligns to content standards. He would prefer local control, but if that is not possible, he believes a 3:1 ratio is most fair for students. Switching from .5 to 1 would not harm students and would in fact benefit them, whereas switching from 1 to .5 harms many students, in particular those at smaller schools.
 - No agency discussion in response.
 - No agency action in response.
- Dr. Becky Guffin
 - Superintendent, Aberdeen School District
 - Aberdeen, SD
 - 24:43:11:17 – Dual Credit
 - The proposed rule would be in conflict with allowing students to achieve equitable credit for dual credit courses. Every concern brought by those arguing for .5 credits for three postsecondary credits can be addressed through local policies; additionally, the Department of Education has long encouraged a 3:1 conversion. The proposed rule greatly affects students in school districts who have followed the DOE’s guidance. Going from 3:1 to 3:.05 will significantly impact students in the midst of completing their four-year graduation plan, including juniors.
 - President Nebelsick asked about the one-year delay and the impact on students and whether it was sufficient to catch mitigate the impact on students currently enrolled. Dr. Graves clarified that it is rare that students below junior take dual credit. Dr. Guffin clarified that even with the delay, the proposed rule would cause significant disruption to current juniors and that students often craft a four-year plan. President Nebelsick further asked the department’s counsel whether school districts could request a waiver for individual students potentially adversely impacted. She indicated that it would likely fall under a waiver of graduation requirements and that the department would review any submitted administrative rule waivers a district would file. Several board members asked about the numbers of students who might benefit from a waiver and noted that a waiver option might mitigate the impact of students currently taking dual credit. Finally, the board members asked about one or two credit independent study courses and whether any manipulation might be possible to “game” the proposed rule. The department responded that credits are set at the postsecondary level, zero or one credit courses are generally labs that accompany a lecture, and that it is unlikely a student could manipulate the rule. Dr. Guffin noted that three one-credit courses would equal 1.5 credits, whereas a three-credit course would result in .5 credits, and that the proposed rule did not follow a mathematical calculation.
 - No agency action in response.

Summary of Changes to Proposed Rules on Account of the Public Hearing

- 24:43:11:17
 - The department changed the proposed rule regarding how many high school credits to award per postsecondary credit earned. The changes resulted in

- postsecondary credits of 0-3 should be awarded .5 credits; 4 and above one full credit, with .5 credits per semester.
- The Board of Education Standards requested the department to discuss a compromise solution with stakeholders during the May public hearing. The new proposed rule reflects the results of that compromise meeting.

Motion by Meyer second by Perkins to approve the rules as presented. Roll call vote. Five ayes and two nays. Motion carried. Voting aye Heineman, Meyer, Olsen, Perkins and Westra. Voting nay Moulton and Nebelsick.

Adjournment of rules hearing at approximately 10:10 a.m. CT.

Adoption of Recommended Praxis cut score

Kathryn Blaha, Director, Division of Accreditation and Certification, DOE, presented the recommended cut scores for regenerated state-designated Praxis test.

Blaha stated that ETS analyzes and regenerates Praxis tests on an annual basis. Any of the regenerated tests that are utilized for SD state educator certification are reviewed by the Dept and recommended for adoption. The following regenerated test will be recommended for adoption along with the recommended cut score based on feedback from Educator Prep Program and Special Education teachers as stakeholders. Special Education: Foundational Knowledge Praxis (355) 2023 State-Designated Test Cut Score recommendation is 145.

Motion by Heineman second by Olson to approve the Recommended Praxis cut score as presented. Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Secretary's Report

Dr. Joseph Graves, Secretary of Education, DOE, gave a report.

Adjournment:

Next meeting is scheduled for October 20, 2023, in Aberdeen South Dakota.

Motion Perkins by second by Meyers to adjourn. Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Meeting adjourned at approximately 10:56 a.m. CT.

Ferne G. Haddock
Executive Secretary BOES

Amended 11/20/2023