

Meeting Minutes
SOUTH DAKOTA BOARD OF EDUCATION STANDARDS
800 Governors Drive, Pierre SD (MacKay Building, First Floor, Library Commons

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

To join via conference call Dial - 346 -248 -7799
Meeting ID: 971 3135 2324.....Passcode: 452741

1 **Members Present:** Becky Guffin
2 Phyllis Heineman
3 Rich Meyers
4 Terry Nebelsick
5 Linda Olsen
6 Steve Willard

7 **Via ZOOM** Julie Westra
8

9 **DOE Staff Present:** Tiffany Sanderson, Laura Scheibe, Amanda LaCroix, Vera Tipton, Shannon
10 Malone, Yutzil Becker, Matt Gill, Jane Cronin, Amy Gabriel, Amy Miller,
11 Linda Turner, Jennifer Tschetter, and Ferne Haddock.
12

13 **Others in attendance:** Ruth Fodness, Alyssa Larson, Jay Trenhaile, Amy Schweinle, Robin
14 Wiebers and other members of the public in attendance in person, via
15 ZOOM, or telephone.
16

17 **Call to Order, Pledge of Allegiance, and Roll Call**

18
19 The South Dakota Board of Education Standards (BOES) was called to order by President Guffin
20 at approximately 10:06 a.m. CT.
21

22 President called a brief recess due to technical issues at approximately 10:07 a.m. CT.
23

24 President called the meeting back to order at approximately 10:11 a.m. CT
25

26 Roll call, a quorum of the Board was present.
27

28 **Adoption of Agenda**
29

30 Motion by Heineman second by Willard to adopt the July 18, 2022, agenda. Voice vote. All
31 present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Olsen, Westra, Willard,
32 Nebelsick, and Guffin.
33

34 **Approval of Minutes**
35

36 Motion by Meyer second by Heineman to approve the May 6, 2022, minutes. Voice vote. All
37 present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Olsen, Westra, Willard,
38 Nebelsick, and Guffin.

39 **Conflicts Disclosures (SDCL 3-23):**

40

41 Guffin Conflict Disclosure.

42 Olsen Conflict Disclosure

43 Willard Conflict Disclosure

44

45 **Public Comment: SDCL 1-25-1**

46

47 There was no public comment.

48

49 **Public Hearing-RULES: - ARSD 24:55 (Public School Accountability System)**

50

51 The Board convened a public hearing at approximately 10:15 a.m. CT on ARSD 24:55 (Public
52 School Accountability System)

53

54 Proponent Testimony

55

56 Shannon Malone, Director, Division of Learning and Instruction, DOE, presented proposed rules
57 which reflect changes that govern the accountability system, including policies, practices, and
58 procedures that have occurred in the Public-School Accountability System. The proposed
59 changes align and are consistent with state accountability processes as approved through Every
60 Student Succeeds Act (ESSA) recently approved by the U. S. Department of Education. Malone
61 stated that majority of the changes are to update and remove definitions that are no longer
62 applicable to current or proposed rules and to update outdated assessment verbiage.

63

64 Malone continued by presenting specific changes to the rules packet, including, but not limited
65 to removal of gap group and non-gap group as they are no longer required by ESSA, and
66 cleanup language to reflect school level. Malone mentioned the added specific subgroups
67 required by ESSA and recognized on the state report card. Malone added that acronyms are
68 being spelled out to add clarity. Malone presented language changes specifically for our state
69 assessment(s).

70

71 Malone continued by presenting changes in the appendix section of the packet. Some changes
72 are in language calculations, updating the assessment names, language changes to progress
73 toward post high school credentials calculations, and other various language clean up. Malone
74 went on to explain changes to the targeted support and achievement school's section.

75

76 Malone mentioned the date range changes; due to Covid the long-term goals have been
77 extended by additional two years.

78

79 Malone stated that there were no public comments received on these rules.

80
81 Malone shared that they met with stakeholder groups. The Committee of Practitioners served
82 as a longstanding stakeholder group and that they meet with them at least twice a year to
83 provide updates and information and seek guidance from them as they think about revisions to
84 our state plan and accountability rules.

85
86 Board Questions and discussion

87
88 Nebelsick stated that subgroups are vital to school districts to do everything they could to help
89 a child. He asked; if it is required in the first year enrolled in a school, assessment tests in
90 mathematics and science, are those tests done without the any help or modifications language
91 barriers?

92
93 Malone responded yes.

94
95 Nebelsick then stated that often some take the math and science test without any proficiency
96 in English, because it takes seven years to go from zero English to total proficiency. And yet our
97 laws have them tested in English on what they know about math and science. Then they are
98 graded as a zero, then as they grow and develop in English language skills, we find out they
99 were brilliant in math and science. Nebelsick wanted to share that there is a cloud around those
100 helping those kids, that they are not tested in their native language, but in English without
101 assistance.

102
103 Malone stated that students that are identified as first year in country, (within the first 12
104 months arriving in a public school), do get leniency that within that first year, while they are
105 required to take the math and science assessments, their scores do not count for accountability
106 purposes.

107
108 Meyers asked how long that has been in effect?

109
110 Malone answered that it has been in effect since she began at the department, and she has
111 been here 18 years.

112
113 Guffin asked for some clarification on change to the attendance rate.

114
115 Malone answered that is clean-up language from many years ago, when the shift was made
116 from 94% to 90%. It was just missed on the previous rules.

117
118 The Board had some question on the English Learners (EL) receiving a zero entry for scoring
119 rather than exempting the score.

120
121 Yutzil Becker, Assistant Administrator, Office of Title Programs, DOE, explained that the
122 calculations related to the numerator and the denominator for EL on track, EL exited, and EL

123 progress rate. Goals are set for students for each year, until they exit the program, and she
124 noted an exception relating to special education.

125
126 Nebelsick asked what does it mean for the School Performance Indicators (SPI) if it is in the
127 denominator and not the numerator?

128
129 Becker responded that there are no SPI points for these categories, it is for participation
130 purposes versus actual SPI points.

131
132 Heineman asked why someone would not take the test?

133
134 Becker responded that it could be that parents refuse for their student to take the assessment,
135 it could have been that the school missed it, or perhaps lack of communication between
136 previous school and current school and other variety of reasons.

137
138 Nicole Hanson, workgroup member testified in favor of the rules.

139
140 Opponent testimony

141
142 There was no opponent testimony.

143
144 Motion by Heineman second Meyer to approve the rules as presented

145
146 Board Discussion

147
148 Nebelsick stated that the work was high level. And that he was appreciative of the people that
149 have been out in the field working with the schools. He also stated that he knows it is a
150 balancing act between meeting the needs of the schools and staying in compliance with rules
151 and regulations which are the mechanisms that cause funding that South Dakota could not
152 afford without that funding.

153
154 Guffin stated that we do the best we can at the time, with the information we have, and
155 acknowledged that it impacts different districts in different ways.

156
157 Meyer stated that it truly is about the students, scores are great, rules are fine, but ultimately it
158 is the student we must consider.

159
160 Nebelsick added that there is tremendous work being done and we have to measure it. But it
161 still gets back to loving and supporting every child.

162
163 Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Olsen,
164 Westra, Willard, Nebelsick, and Guffin.

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166 Hearing Concluded at approximately 10:56 a.m. CT.

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Update: School Psychological Examiner Recommendations

Linda Turner, Director, Division of Special Education and Early Learning, DOE, stated that during the public hearing in April, it was proposed to eliminate the School Psychological Examiner endorsement. However, based on public comment and questions about the impact of eliminating the endorsement, the Board did not act on the proposed rules and asked DOE to form a workgroup to further evaluate the issues and then report back to the Board.

Turner reported that a workgroup was formed, including parties involved as proponents and opponents. The workgroup recommendation was not to eliminate the endorsement.

Turner stated that the Board need not take any action. This just an update.

Turner added that the workgroup wanted to grandfather in individuals that currently have the endorsement, and not to have any of proposed changes impact them. The workgroup recommends developing a scope of practice, guidance, and coursework requirements.

Turner stated that DOE will follow up, via the certification office, with the scope of practice, guidance, and the coursework requirements for new individuals seeking the endorsement.

Turner went on to report that the workgroup recommends that the roles and responsibility of the School Psychological examiner be defined clearly for districts and co-ops. Turner stated that the Department will put together a guidance document outlining the responsibilities to meet rules and requirements, as well as a scope of practice for School Psychological Examiners, including the role of the School Psychologists in the process as well as responsibilities of the hiring entities ensure they are meeting requirements.

Turner stated the next steps will be for the Department to put coursework in place, develop and disseminate guidance document. Additionally, the Department will include in the Special Education reviews for districts determining if a School Psychological Examiner is used that district make sure that they are applying the appropriate policies. The Department will continue to explore opportunities to address the shortages of School Psychologists.

Ruth Fodness, School Psychologist, and workgroup member, spoke in support of the workgroup recommendations. Fodness gave a summary of the background for the need of School Psychological Examiners in the past and the need for oversight of the examiners by School Psychologists.

Alyssa Larson, School Psychologist, and workgroup member, spoke in support of the workgroup recommendations. The workgroup’s goal was to recruit and train highly qualified School Psychological Examiners and wanted to make clear what is within the scope of their practice and what is outside of that scope and to support the School Psychologists that are tasked with supporting and supervising the School Psychological Examiners.

211
212 Board Questions and Discussion
213
214 Heineman asked what universities offer the School Psychological Examiners program?
215
216 Turner explained that you may not go to any university just for the purpose of becoming a
217 School Psychological Examiner, it is part of other programs.
218
219 Heineman asked How does the grandfathering work for those who have the currently have the
220 endorsement?
221
222 Turner answered that those currently practicing with the endorsement, there is one lifetime
223 certificate, and the rest on a five-year cycle for renewal. The new requirements would not apply
224 to those with the endorsement currently. The new requirements would be for new individuals
225 seeking the endorsement, they would not be applied to those who have the endorsement at
226 present.
227
228 Nebelsick commended the composition of the workgroup. However, he would caution that in
229 the future workgroups consider adding those who pay the bills, like superintendents of schools
230 or business managers.
231
232 Guffin asked what course credit will be requested?
233
234 Turner stated that 30 transcribed credits. That did not change.
235
236 Guffin asked what are other endorsement credit requirements?
237
238 Jane Cronin, Certification Team Leader, office of Certification, DOE answered that most of the
239 endorsement options have multiple ways of adding the endorsements.
240
241 Heineman asked how many School Psychologists and School Psychological Examiners are there
242 in the schools today?
243
244 Turner responded that there are approximately 90 practicing School Psychologists, and about
245 13 employed with School Psychological Examiners endorsement, and only about seven to nine
246 are practicing.
247
248 Heineman asked why did the department initially seek to eliminate the School Psychological
249 Examiner endorsement?
250
251 Turner answered that they were seeing an influx of those seeking the endorsement. Because
252 there isn't a program or a specific way to get the endorsement, they were having to piecemeal
253 courses together to see if they fit the requirements. They also found people practicing with the

254 endorsement that were practicing outside of their scope. There were concerns that students
255 with disabilities were not receiving a comprehensive assessment.

256
257 Heineman asked if the department is more comfortable with the recommendations?
258 Turner stated that they are increasing the rigor and expectations and developing guidance to
259 assure that they are practicing within their scope and knowledge base.

260
261 There was board discussion on the shortage of School Psychologists and how schools address
262 that issue.

263
264 Turner stated that there are ways; some school districts are part of a co-operative, some
265 contract out.

266
267 President Guffin called a recess at approximately 11:25 a.m. CT.

268
269 President Guffin called the meeting back to order at approximately 11:34 a.m. CT.

270 271 **Special Education State Performance Plan Report**

272
273 Linda Turner, DOE, gave a report on the Special Education State Performance Plan. Turner said
274 that the annual Special Education State Performance Plan, for children school aged children
275 three through 21. The State Performance Plan is required under the Individuals with Disabilities
276 Education Act (IDEA). The Plan is a six-year plan that has 17 indicators. They are required to
277 determine what the baseline is on the data and set targets for the six-year package. A new
278 package was released in December of 2020. This is the first-year reporting on that package.

279 280 **Board Questions and Discussion**

281
282 Meyer asked, how is the data collected?

283
284 Turner stated that it depends by indicator. A lot of the information is collected through the
285 Infinite Campus system, or as part of accountability and assessment, and districts track some
286 items individually, parent surveys, some indicators require teachers add demographics to data
287 sources. Turner added that there is a variety of different data sources. Special Education
288 teachers and directors are obligated to report to local school boards.

289 290 **First Reading Administrative Rules ARSD 24:43**

291
292 Amanda LaCroix, Senior Staff Attorney, DOE, presented proposed changes to ARSD 24:43. As
293 part of the Executive Order 2022-02 issued by the Governor earlier this year, the Board of
294 Education Standards (BOES) was directed to promulgate rules to prohibit adoption of content
295 standards that promote inherently divisive concepts or which direct or compel students or
296 educators to personally affirm, adopt, or adhere to inherently divisive concepts.

297

298 Break due to technical issues at approximately 12:19 p.m. CT.

299

300 Back to order at approximately 12:23 p.m. CT.

301

302 LaCroix continued to present the proposed rules changes.

303

304 Motion by Heineman second by Nebelsick to move the proposed rules to a hearing. Voice vote.

305 All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Olsen, Westra,

306 Willard, Nebelsick, and Guffin.

307

308 **Adoption of recommended Praxis cut scores**

309

310 Kathy Reidy, Administrator, Office of Accreditation, DOE, presented the recommended Praxis
311 cut scores. She began by stating that there were no new tests, they were regenerated only. The
312 scores reflect updates in industry standards.

313

314 Board Questions and Discussion

315

316 Meyers asked, how are the recommended cut scores determined?

317

318 Riedy answered that they are arrived at through a panel.

319

320 Heineman asked, are these the same cut scores that were previously on these tests?

321

322 Riedy stated that no they are not. There were some changes.

323

324 Olson asked if BOES would be able review the cut scores if there were an issue with candidate's
325 struggle with passing?

326

327 Riedy did say that if there were issues, they would bring them back to the board for
328 reconsideration.

329

330 Motion by Nebelsick second by Olsen to adopt the recommended Praxis cut Scores as
331 presented. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman,
332 Meyers, Olsen, Westra, Willard, Nebelsick, and Guffin.

333

334 **South Dakota State University (SDSU) Educator Preparation Program Approval**

335

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

341

342 Riedy stated that Jay Tranhaile, Director of Education, Counseling, and Human Development,
343 SDSU, was listening online and would be available for questions.

344

345 Riedy reported that the SDSU Educator Preparation Program underwent a CAEP review in 2019.
346 The findings of that review indicated stipulations for the standards of clinical partnership and
347 practices, and program impact, and had not met the determinations for standard of quality
348 assurance. These findings resulted in SDSU being placed on probation and then an interim
349 review was required. The probation review was held in October 2021. The findings of this
350 review indicated that all stipulations were corrected all standards had been met, and no issues
351 remained. CAEP awarded SDSU the remainder of the accreditation term through the spring of
352 2027.

353

354 Tranhaile, SDSU, stated that they were pleased to be able to make the necessary adjustments
355 and that the accreditation body agreed with the adjustments.

356

357 Motion by Heineman second by Willard to approve the Educator Preparation Program at SDSU
358 as presented. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman,
359 Meyers, Olsen, Westra, Willard, Nebelsick, and Guffin.

360

361 **University of South Dakota (USD) Educator Preparation Program Approval**

362

363 Riedy announced that Amy Schweinle, Dean, School of Ed Counseling & Psychology in
364 Education, and Robin Wiebers, Assoc. Dean, School of Ed, Division of Curriculum and Instruction
365 (USD) were listening online and would be available for questions.

366

367 Riedy reported that the USD Educator Preparation Program underwent a CAEP review in
368 October 2019. The findings of that review indicated two stipulations from the standards of
369 program impact and had not met determination of standard of quality assurance. These
370 findings resulted in USD being placed on probation and an interim review probation review was
371 required. The probation review was held in November 2021. The findings of this review
372 indicated that all stipulations were corrected, all standards had been met, and no issues
373 remained. USD had previously had an extension, so CAEP awarded USD the remainder of their
374 accreditation term through the spring of 2026.

375

376 Schweinle, USD, stated that for both SDSU and USD it is remarkable there were no stipulations
377 and no areas for improvement. It is commendable for both universities.

378

379 Motion by Meyers second by Westra to approve the Educator Preparation Program at USD as
380 presented. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman,
381 Meyers, Olsen, Westra, Willard, Nebelsick, and Guffin.

382

383 **Professional Administrators Practices and Standards (PAPSC) Commission Annual Report 2021**

384 As per SDCL 13-43-39

385

386 Jenna Schweiss, Commission Counsel, PAPSC, presented the PAPSC Annual Report 2021.
387 Schweiss also gave the board a summary of the PTPSC Annual Report 2021.

388

389 **Secretary's Report**

390

391 Tiffany Sanderson, Secretary of Education, DOE, began by commending Lina Turner and her
392 office on the Special Education report, as well as district Special Education directors and
393 teachers and for all the recording of data that goes along with it.

394

395 Sanderson also spoke on the work that began in May on the DOE staff's comprehensive review
396 of all materials and programs inline with Executive Order 2022-02. The rules shared today came
397 along with the executive order. Reporting on a few things that came out of the process were
398 largely the policies, resources, and material are inline with Executive Order 2022-02. There
399 were a small number if items that were deemed out of alignment. Action is being taken to
400 modify or discontinue those items. Follow-up work related to the Executive Order will continue
401 through October 1, 2022.

402

403 Sanderson reported that the state mentoring program wrapped up its sixth year in June. The
404 mentoring program continues grow each year.

405

406 Sanderson stated that the Social Studies Commission has begun meeting. The standards appear
407 to be on track for presentation at the first public hearing in September 2022. The standards
408 should be posted sometime in August 2022.

409

410 Sanderson reported related to School Nutrition most of the U S Department of Agriculture
411 (USDA) Covid Waivers expired in June 2022. The Keep Kids Feed Act recently passed in
412 Congress, that act is in recognition of supply chain challenges. There are a few new waivers
413 available that extend into the fall of 2022. Those relate to summer nutrition programs. There
414 are also some fiscal flexibility review waivers extended through June of 2023. With the
415 sunseting of the Covid waivers, school nutrition programs will be returning to a traditional
416 payment structure. Those families that qualify for free and reduced lunches should submit their
417 applications to their local school district.

418

419 Sanderson introduced Kathryn Blaha as the new Director of the Division of Accreditation and
420 Certification at DOE. Sanderson added that George Seamon will be joining the DOE staff soon as
421 the new State Librarian.

422

423 **Adjournment:**

424

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

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428

429 Meeting adjourned at approximately 12:52 p.m. CT.

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Ferne G. Haddock
Executive Secretary BOES

Date:

DRAFT