

**SOUTH DAKOTA BOARD OF EDUCATION STANDARDS  
TELEPHONIC**

**May 11, 2020 - 9:00 a.m. Central Time**

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

Public Telephone Access:

1-312-626-6799

Meeting ID: 982 1925 0127

Password: 014901

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

**Meeting Archived:** <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=32>

**Present:** Jaqueline Sly, President  
**Via** Becky Guffin, Vice-President  
**ZOOM &** Phyllis Heineman  
**Phone:** Scott Herman  
Kay Schallenkamp  
Lori Wagner  
Julie Westra

**DOE staff** Dr. Ben Jones, Becky Nelson, Diane B. Roy, Linda Turner, and Joe Moran.  
**via phone:**  
**@ MacKay:** Ferne Haddock

**Others in attendance:** Juliana White Bull-Taken Alive, Nick Wendell, Jay Perry, Robert Sittig, Susan Shebby, and other members of the public in attendance 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. Central Time.

A quorum was present.

**Adoption of Agenda:**

Notification from Haddock that there was a typographical error on the proposed agenda. The date listed as minutes for January 28, 2020, should be January 27, 2020.

42 Motion by Schallenkamp and second by Guffin to adopt the May 11, 2020, agenda as corrected.  
43 Roll call vote. All present voted in favor. Voting aye: Guffin, Heineman, Herman, Schallenkamp,  
44 Sly, Wagner and Westra. Motion carried.

45

46 **Approval of Minutes:**

47

48 Motion by Wagner second by Guffin to approve the minutes for January 27, 2020, and April 6,  
49 2020. Roll call vote. All present voted in favor. Voting aye: Guffin, Heineman, Herman,  
50 Schallenkamp, Sly, Wagner and Westra. Motion carried.

51

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

53

54 No conflicts of interest were disclosed, or waivers requested.

55

56 **Public Comment Period:**

57

58 No public comment was offered.

59

60 **Public Hearing: Administrative Rules Article 24:05 Special Education**

61

62 Hearing began at approximately 9:12 a.m. CT.

63

64 Proponent Testimony

65

66 Linda Turner, Director, Special Education, DOE, presented proposed changes to Article 24:05  
67 (Special Education Programs) rules. Turner stated that the changes would update state rules to  
68 accurately reflect the federal Individuals with Disabilities Education Act (IDEA) rules amended  
69 by Every Student Succeeds Act (ESSA) and correct the definition of preschool age and preschool  
70 program to align with the IDEA preschool age, and ensure federal and state rule reference and  
71 language aligns.

72 There was one comment received on these rules: The comment received was more of a  
73 clarification question. The comment asked if the definition of early childhood is changed; does  
74 that change the age at which they are required to do evaluations? Ms. Turner explained that  
75 students age three through five are considered preschool under Individuals with Disabilities  
76 Education Act (IDEA). When they turn six, they do an evaluation to determine progress that was  
77 made in the preschool program. We use the Battelle developmental inventory and report  
78 progress federally. Currently we are operating when the child turns six that had to be  
79 completed. The proposed rules changes would not change that. The other impact could be on  
80 developmentally delayed disability category. That category is for children eligible through the  
81 age of five. By the time they turn six they had to be evaluated and placed in another disability  
82 category. The rule changes align with our current practices. They do not change any practices.

83 We are already treating preschool in that manner. We had just found that the language did not  
84 reflect what our policy and practices were.

85 Opponent Testimony

86 There was no opponent testimony.

87 Motion by Guffin and second by Wagner to approve the rules as presented. Roll call vote. All  
88 present voted in favor. Voting aye: Guffin, Heineman, Herman, Schallenkamp, Sly, Wagner and  
89 Westra. Motion carried.

90

91 Hearing concluded at approximately 9:24 a.m. CT.

92

93 **PAPSC 2019 Annual Report**

94

95 Robert Sittig, Chairman of the Professional Administrators Practices and Standards Commission  
96 (PAPSC) presented the PAPSC 2019 Annual Report.

97

98 **Office of Indian Education Report:**

99

100 Juliana White Bull-Taken Alive, director of the Office of Indian Education (OIE) said that, the OIE  
101 has successfully transitioned from the DOE to the Department of Tribal Relations (DTR),  
102 allowing for more flexibility to work with all schools that serve indigenous students. In  
103 partnership with the DOE, the OIE continues to provide input for the Civics Standards Work  
104 Group by advocating for the inclusion of the Oceti Sakowin Essential Understandings (OSEU).

105

106 White Bull-Taken Alive presented an update on the Wóokiye – Očhéthi šakówiŋ Essential  
107 Understandings Project, that focuses on the region's Native American culture and traditions,  
108 with a grant from the Bush Foundation.

109

110 Taken-Alive reported that at the Indian Education Advisory Council (IEAC) meeting April 23,  
111 2020, they added a new member; a DOE representative; Joe Moran, director of policy and  
112 strategic initiative.

113

114 OIE collaborating currently with DOE with Mid-continent Research for Education and Learning  
115 (McREL) Region 11 Comprehensive Center, Bright Spots Project and REL-Marzano Research  
116 Regional Educational Laboratory.

117

118 White Bull-Taken Alive reported that the 2020 Indian Education Conference that was scheduled  
119 for October 2020, has been rescheduled to be held virtually, August 10, 2020.

120

121 Joe Moran, DOE, told the board that an indigenous-needs assessment will gather a better  
122 understanding of how South Dakota teachers use Oceti Sakowin curriculum and help identify  
123 bright spots and successes.

124

125 Susan Shebby, McREL, Region 11 Comprehensive Center, stated that her organization has been  
126 working with OIE and DOE in support of the initiative to support Native American education.

127

### 128 **Board of Technical Education Report**

129

130 Nick Wendell, executive director of the South Dakota Board of Technical Education (BOTE),  
131 presented an update to the Board regarding the Technical Institutes, beginning with a new  
132 state law that takes effect July 1, 2020, changing the names of the campuses from institutes to  
133 colleges. It changes the language not the mission, and better aligns South Dakota with the  
134 postsecondary industry across the country.

135

136 Wendell stated the this spring the BOTE and BOR have signed a new General Education  
137 Articulation Agreement. The four technical colleges and the six public universities in the state  
138 agreed that any individual completing general education courses within the system may  
139 transfer their credits seamlessly.

140

141 Wendell reported that the impact of COVID 19 crisis has closed the campuses until at least the  
142 end of May 2020. However, there is remote and online learning available. Transitions for some  
143 of the technical education, without a hands-on environment has been challenging. There are  
144 plans to reopen the campuses in the fall of 2020 with continued monitoring of the situation.

145

146 Wendell gave a progress report on grant from Lumina Foundation. They have assembled a  
147 taskforce, to review and access how to maintain high quality academic programs, both old and  
148 new.

149

150 Wendell stated that Western Dakota Technical Institute (WDT) has petitioned the BOTE to  
151 become a Local Education Agency (LEA). WDT and the Rapid City School District have been  
152 working on a plan to make WDT separate and distinct from the local school board.

153

154 President Sly commended BOTE and BOR for collaborating on the General Education  
155 Articulation Agreement.

156

### 157 **Board of Regents Report**

158

159 Dr. Jay Perry, System Vice President for Academic Affairs, South Dakota Board of Regents,  
160 stated that the new General Education Articulation Agreement with the four technical colleges  
161 and the six public universities will show benefits in years to come.

162

163 Perry went on to give an overview of the Teacher Education Report. Education continues to be  
164 the second most popular field in South Dakota, after the Health-related fields. One out of every  
165 ten graduates are an Education major. This year's report shows about one-third of Education  
166 majors are Elementary majors, with Special Education and Early childhood rounding out the top  
167 three majors. The Praxis pass rate was about 94%, a 1% decline from last year. About 50 % of  
168 Education graduates are finding jobs in South Dakota within a year of graduation. A blip in the

169 2018 report showed that fewer Education majors were entering teaching within a year of  
170 graduation. That was very concerning, there is no blip to report this year. They are hoping that  
171 the one year was an anomaly.

172

173 Perry went on to report that last year South Dakota had the lowest percentage of workers who  
174 had an undergraduate degree in education, working in education in our contiguous states. This  
175 year, we now have the highest percentage of workers who had an undergraduate degree in  
176 education who were working in education in our contiguous states.

177

178 Board Questions:

179

180 Are the colleges recruiting people specifically to go into education?

181

182 Perry replied that three of the institutions, Black Hills, Northern and Dakota State, are by  
183 statutory mission, primarily set-up for the teaching profession. At those schools there is a  
184 concerted effort to recruit students for the teaching profession. Some students are looking for  
185 the bigger school experience and look at SDSU and USD. The demand for jobs does increase the  
186 opportunity for recruiting in certain fields, and in South Dakota it is teaching and nursing.

187

188 Can you update the Board on the Critical Needs Scholarships?

189

190 Perry stated during the 2020 legislative session approximately one million dollars was added to  
191 the fund to grant the Critical Needs scholarships. They also want to look at the criteria for  
192 awarding the scholarships, to not disadvantage awards due to testing. Hopefully the funding  
193 will not be altered due to the current COVID-19 situation.

194

195 **Standards Revision Timeline:**

196

197 Becky Nelson, director, Division of Learning and Instruction, DOE presented proposed changes  
198 to the Standards Revision Timeline, with a reminder that core content standards are reviewed  
199 every seven years and CTE standards are reviewed every five years.

200

201 Nelson requested that social studies and fine arts standards hearings be moved up to start in  
202 the fall of 2021 and science standards hearings be moved back to start in fall 2022.

203

204 Motion by Guffin and second by Westra to approve the Standards Revision timeline as  
205 presented. Roll call vote. All present voted in favor. Voting aye: Guffin, Heineman, Herman,  
206 Schallenkamp, Sly, Wagner and Westra. Motion carried.

207

208 **Board of Education Standards (BOES) Mission Statement revision review**

209

210 Diane B Roy, General Counsel, DOE, presented proposed changes to the BOES Mission  
211 Statement.

212

213 Motion by Wagner and second by Herman to the approve the Mission Statement revisions as  
214 presented. Roll call vote. All present voted in favor. Voting aye: Guffin, Heineman, Herman,  
215 Schallenkamp, Sly, Wagner and Westra. Motion carried.

216

### 217 **Welcome New Member**

218

219 Phyllis Heineman gave a brief autobiography and introduction.

220

### 221 **Secretary's Report**

222

223 Dr. Benjamin Jones, DOE, reported that during the most recent legislative session, that in  
224 addition to the confirmation of the two Board of Education Standards appointees, the  
225 legislature passed a two percent increase in the budget for state aid in the funding formula.  
226 This would keep South Dakota on pace with inflation for target teacher compensation for the  
227 coming fiscal year  
228 and continues to meet the requirement of changes in the state aid formula legislation passed in  
229 2016.

230

231 The legislature also included the initiation of a statewide Jobs for American Graduates (JAG)  
232 program. JAG is a national program that has seen great success in supporting High School and  
233 Middle School students who have profound barriers to graduation; not only to graduate from  
234 High School but to thrive after graduation in jobs, postsecondary, college, the military, and in  
235 life. DOE will soon have a JAG program manager on staff. The program now can raise private  
236 funds to help support these students and school district as they develop programs. Jones stated  
237 that he believes that, "If this program is done well, it can make one of the greatest differences  
238 in schools with the greatest needs."

239

240 Jones reported that the Governor signed a Bill to allow certain qualified teachers a quicker and  
241 less costly path back to recertification. Certification office staff is drafting rules for Board's  
242 review and consideration later this fall.

243

244 Jones reported interest on the part of legislators on various education issues; particularly deaf  
245 and dyslexia education. Jones stated that DOE was pleased to be able to work with  
246 Representative Healy on her Bill regarding deaf education statistics and information. DOE will  
247 be collecting the data and look forward to releasing that information to the public in coming  
248 year. The definition of dyslexia was placed in the statute with the signing of HB 1175. Towards  
249 the end of session funding for deaf and dyslexia education was placed on the budget on a one-  
250 time use, and consideration is under way to get the most out of the \$250, 000 dollars that was  
251 appropriated for dyslexia and deaf education.

252

253 At the end of March Schools were closed to assess the course of the Corona Virus in South  
254 Dakota. Ultimately the Governor and the Secretary of Health made the determination that it  
255 was wise to keep kids learning from home for the remainder of the year. Jones stated that,  
256 "Teachers and students have been nothing short of impressive, before and since the middle of

257 March". Beginning in March Jones and senior staff in the department began to have regular  
258 phone calls with superintendents and administrators to try and stay ahead of the rapidly  
259 changing environment. These have been vital in helping understand the issues, priorities, and  
260 needs within the school districts. The department's web site has added guidance for schools on  
261 a wide variety of issues; and it will continue to build on the library of information supporting  
262 accredited schools through issues associated with the virus.

263  
264 Jones reported that the US DOE has developed a process for speedy approval of various issues  
265 and have opened lines of communication. Jones said that he had spoken with Secretary DeVos  
266 and others with US DOE staff by phone and video conference calls that they have done to push  
267 out information related to the federal law and various changes due to the Corona virus. South  
268 Dakota's request to waive state assessments was approved by the US DOE within six hours, and  
269 waivers for Title funding and flexibility were approved within a day. Additionally, the  
270 Department of Agriculture approved Child and Adult Nutrition Services (CANS) Waivers.

271  
272 Jones stated that on March 20<sup>th</sup> the President signed the Coronavirus Aid, Relief, and Economic  
273 Security (CARES) Act. Two parts of that law make funding available for state education agencies  
274 and school districts. Currently SD DOE is applying for one part of the law which is the  
275 Elementary and Secondary School Emergency Relief Fund. If the application is approved,  
276 districts will determine how those funds would be disbursed; as laid out in the CARES Act.  
277 Another part of the act is the Governors Emergency Education Fund. This is available directly to  
278 K-12 schools and a process is being set-up for schools to apply for the funding. Evaluation is  
279 continuing for the potential of one or two of the recent Competitive Grants from US DOE and  
280 deciding as to what is best for South Dakota. Jones said the he understood that Tribal Schools  
281 have a different pipeline from the Bureau of Indian Education for the CARES Act funding.

282  
283 Jones stated that work on closing the opportunity gap has continued. The work group has  
284 determined four areas to take a deeper look at: Whole Child, Child and Family Engagement,  
285 Early Learning, and Well-Rounded Education Instructional and Support.

286  
287 Jones also presented the DOE Strategic Plan progress to the board. The plan will also now  
288 include Covid-19 related work, which demonstrates the plans flexibility to keep up with the  
289 times.

290  
291 Jones also stated that the impact of the virus has had a severe impact on the South Dakota  
292 economy. The budget that passed in March may not be able to be executed, especially if state  
293 revenues continue to decline. Federal funding has certainly helped.

294  
295 Jones wanted to thank the internet service providers for stepping up during the transition to  
296 flex education; with time, equipment, and personnel during this emergency. This dedication  
297 and responsiveness have made a big difference in connectivity for students and teachers.

298  
299 Jones thanked teachers, school staff, and school leadership for their tireless efforts  
300 Imagination, innovation, and flexibility have been vital in all aspects of this situation. He went

301 on to recognize the work of parents in being more involved as their children are learning from  
302 home.

303  
304 Jones stated that as we begin to think about how to start school next fall, the Department of  
305 Education is working to establish guidelines for schools. Jones has been in collaboration with his  
306 counterparts around the country. The Department hopes to publish a guideline for *Opening*  
307 *Well* in the fall of 2020. Establishing guidelines for school districts to review and think about  
308 how to be there for their students.

309  
310 BOARD QUESTIONS:

311  
312 Media reports have stated that there are a number of students not being heard from. What is  
313 being done to reach those students?

314  
315 Jones said that is a concern. However, there is no uniform response. Some teachers and  
316 administrators have been communicating with them and affording them the opportunity to  
317 touch base in a variety of ways, including in person if necessary. There is a struggle on how to  
318 count them for attendance and so forth, there is no single definition of attendance, that is a  
319 local issue, participation seems to be a key element. As school starts in the fall there has been  
320 considerable discussion as to how to benchmark students at the start of classes. There may be a  
321 wide variety of district policies.

322  
323 What is involved in the federal government application funding?

324  
325 Jones responded that the law requires that the funds be distributed at levels 90% of the Title I  
326 allocations, and 9.5% could be retained by the state agency (which we have determined that  
327 this 9.5% would be allocated directly to the school districts at an enrollment basis), and 0.5%  
328 would go to managing the grants. Though it is allocated on Title I levels, it is not to be spent on  
329 Title I purposes. It was just a mechanism to distribute the funds. The application is fairly simple.  
330 We state that we will comply with the law and distribute the funds according to the guidelines.

331  
332 Do we have any idea as to the grade level for any of the students who haven't checked in, and  
333 do we have an area where this occurred, is it rural areas or bigger cities?

334  
335 Jones responded that he did not have the specific of the information. He had only anecdotal  
336 reports.

337  
338 Is there a way to gather that information from the districts?

339  
340 Jones replied there is not straight forward data at this time.

341  
342 At this point there was some general discussion on how Covid-19 is affecting members.

343  
344 NEXT MEETING: July 13, 2020, Pierre

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**Adjournment:**

Motion by Heineman and second by Schallenkamp adjourn.

Roll call vote. All present voted in favor. Voting aye: Guffin, Heineman, Herman, Schallenkamp, Sly, Wagner and Westra. Motion carried.

Meeting adjourned at approximately 11:21 a.m. CT.

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Ferne G. Haddock  
Executive Secretary BOES

Date:

DRAFT