

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

1 **Members Present:** Jaqueline Sly, President
2 Rebecca Guffin, Vice-President
3 Terry Nebelsick
4 Steve Willard
5 **Via ZOOM** Phyllis Heineman [joined the meeting at approximately 10:07 a.m. CT]
6 Julie Westra
7

8 **Members Absent:** Linda Olsen
9

10 **DOE Staff Present;** Tiffany Sanderson, Mary Stadick Smith, Laura Scheibe, Amanda LaCroix,
11 Shannon Malone, Stephanie Hanson, Amy Miller, Jennifer Fowler, Kathy
12 Riedy, Stephanie Higdon, Linda Turner, Sarah Carter, Holly Robling, Carla
13 Leingang, and Ferne Haddock.
14

15 **Others in attendance** Nick Wendell, Barbara Nicholas, Gerry Kaufman, Stephanie Ballard, Jenna
16 Peters, Koreen Hammel, Kristi Desaulniers, and other members of the
17 public in attendance in person
18 or via phone.
19

20 **Call to Order, Pledge of Allegiance, and Roll Call**
21

22 The South Dakota Board of Education Standards (BOES) was called to order by President Sly at
23 approximately 10:02 a.m. Central Time.
24

25 President Sly welcomed the 2022 Teacher of the year recipients to the meeting. They were
26 2022 South Dakota Teacher of the Year. Stephanie Ballard. Stephanie teaches special education
27 math at George S. Mickelson Middle School in Brookings. The Region Teachers of the Year
28 present were Kristi Desaulniers, Kristi teaches fourth grade at Legacy Elementary in the Tea
29 Area School District. Barbara Nicholas, Barb teaches elementary music at the Buchanan K-1
30 Center in Huron. Jenna Peters, Jenna teaches 6-12 English language arts in the Britton-Hecla
31 School District. Koreen Hammel, Koreen teaches fifth grade at Hot Springs Elementary.
32

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

35

36 **Adoption of Agenda**

37

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

41

42 **Approval of Minutes**

43

44 Motion by Nebelsick second by Guffin to approve the October 25, 2021, and the November 15,
45 2021, minutes. Voice vote. All present voted in favor. Motion carried. Voting aye: Heineman,
46 Nebelsick, Westra, Willard, Guffin, and Sly.

47

48 **Introduction of Officers**

49

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

52

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

54

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

57

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

59

60 No public comment was offered.

61

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

65

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

70

71 **Fine Arts Standards**

72

73 Proponent Testimony

74

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

79 and other stakeholders. They met via ZOOM seven times between June 21, 2021, and July 19,
80 2021.

81
82 Malone stated there were no additional comments received on the Fine Arts Standards
83 between November 15, 2021, and January 28, 2022. Since the November 15, 2021, hearing
84 action was taken relating to public comment number six concerning information regarding
85 copyrights, pirating, licenses, fair use, public domain, royalties, and laws governing the use of
86 intellectual and tangible property relating to creative work.

87
88 Opponent Testimony

89
90 There was no opponent testimony.

91
92 **Career and Technical Education (CTE) Standards**

93
94 Laura Scheibe, Director, Division of College, Career, and Student Success, DOE, provided a short
95 overview of the process used to revise the Career and Technical Education (CTE) standards.

96
97 **Agriculture Food and Natural Resources (AFNR)**

98
99 Proponent Testimony

100
101 Scheibe testified in favor of the proposed Agriculture Food and Natural Resources standards.

102
103 Scheibe stated there were no new public comments on the AFNR standards since the previous
104 hearing.

105
106 Opponent Testimony

107
108 There was no opponent testimony.

109
110 **Arts, A/V Technology & Communications Career Cluster**

111
112 Proponent Testimony

113
114 Scheibe testified in favor of the proposed Arts, A/V Technology & Communications (AAVTC)
115 standards.

116
117 Scheibe stated there were no new public comments on the AAVTC standards since the previous
118 hearing.

119
120 Opponent Testimony

121

122 There was no opponent testimony.

123

124 Board questions and discussion.

125

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

128

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

131

132 **Finance Career**

133

134 Proponent Testimony

135

136 Scheibe testified in favor of the proposed Finance Career standards.

137

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

139

140 Opponent Testimony

141

142 There was no opponent testimony.

143

144 Board questions and discussion.

145

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

148

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

151

152 **Health Science Career**

153

154 Proponent Testimony

155

156 Scheibe testified in favor of the proposed Health Science Career standards

157

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

160

161 Opponent Testimony

162

163 There was no opponent testimony.

164

165 **Human Services Career**

166

167 Proponent Testimony

168

169 Scheibe testified in favor of the proposed Human Services standards

170

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

173

174 Opponent Testimony

175

176 There was no opponent testimony.

177

178 **Manufacturing Career**

179

180 Proponent Testimony

181

182 Scheibe testified in favor of the proposed Manufacturing standards

183

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

186

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

189

190 Opponent Testimony

191

192 There was no opponent testimony.

193

194 Board questions and discussion.

195

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

197

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

200

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

204

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

207

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

210

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

212

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

215

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

218

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

221

222 **Board of Technical Education Report**

223

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

228

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

230

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

232

233 **First Read of Proposed Administrative Rule Amendments** ARSD 24:05 (Special Education),
234 24:14 (Early Intervention), 24:28 (Educator Certification) and 24:53 (Educator Preparation)
235 rules.

236

237 Linda Turner, Director Division of Special Education and Early Learning, DOE, stated that
238 Federally the Individuals with Disabilities Education Act (IDEA) has not been reauthorized since
239 2004, this law is to be reauthorized every five years and states would subsequently update
240 state statute and regulations. Due to the significant delay in federal reauthorization
241 amendments to state regulations are being proposed at this time to reflect changes to policies,
242 practices and procedures that have occurred during this time and are allowed under the IDEA.

243

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

250

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

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

257

258 Board discussion and questions.

259

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

263

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

267

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

271

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

274

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

281

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

286

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

298
299 Turner presented proposed changes to ARSD 24:28 (Educator Certification) The effect of the
300 rules will be to repeal the school psychological examiner endorsement. The reason for adopting
301 the proposed rules is to eliminate an endorsement that SD does not have a preparatory
302 program for and eliminate an endorsement that is not required or gives additional authority.
303

304 Turner presented 24:53 (Educator Preparation) The effect of the rules will be to remove the
305 school psychological examiner from the definitions to align with revisions proposed to ARSD
306 24:28. The reason for adopting the proposed rules is to ensure definitions align across chapters.
307

308 Turner explained that there is not a national standard or a standard in other states called school
309 psychological examiner, there are educational evaluators and school psychologists. Turner
310 stated that review of the removal of the endorsement should not impact the ability of people
311 with that endorsement currently to continue to perform work that they are currently doing if
312 they are following the test protocols. Removing the endorsement won't make them any more
313 or less certified to meet the criteria for administering the testing. The role falls under
314 Educational Evaluator criteria in Special Education rules.
315

316 Board Questions and discussion.
317

318 How did the endorsement school psychological examiner originate?
319

320 Turner responded that she visited with Carla Leingang, Director, Division of Accreditation and
321 Certification, and neither one of them knew the origin of the endorsement. Turner stated that
322 they want assurance that the people administering the tests are following protocols and are
323 qualified to administer the tests.
324

325 How are do people become and Educational Evaluator?
326

327 Turner explained that the Educational Evaluator is outlined in the Special Education rules.
328 Turner went on to define an Educational Evaluator currently as someone who possesses a valid
329 teaching certificate and must have training in the individual and group tests to be administered.
330 Turner added that they are proposing that they have valid certification or licensure instead of
331 teacher certificate because it could encompass counselors, and others who have roles in school
332 districts that could be an Educational Evaluator as well as adding qualified and trained in the
333 administrating, scoring, and interpretation of the tests they are administrating.
334

335 Would that include the Psychology Examiner have a teaching degree?
336

337 Turner stated that they she believes they have a four-year degree but could have teaching
338 certificate as well.
339

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

342
343 Going back to the regular High-School diploma issuance policy issue, that change is because of
344 Every Student Succeeds Act (ESSA)? As far as meeting the state graduation requirements, would
345 that make us out of compliance if we do not make that change?

346
347 Turner stated that ESSA amended IDEA and the definition is included in IDEA.

348
349 Motion by Willard second by Heineman to move the proposed rules to hearing. Voice vote, all
350 present voted in favor. Motion carried. Voting aye: Heineman, Nebelsick, Westra, Willard,
351 Guffin, and Sly.

352
353 **Educator Preparation Programs-Northern State University (NSU)**

354
355 Kathy Riedy, Administrator, Office of Accreditation, DOE, introduced Dr. Doug Ohmer, Dean,
356 College of Professional Studies, Dr. Cheryl Wold, Associate Dean, Millicent Atkins School of Education,
357 and Dr. Anna Schwan, Chair, Department of Teacher Education at Northern State University, attending
358 via ZOOM.

359
360 Riedy outlined the accreditation process background. Every seven years a university that offers
361 an educator preparation program must undergo either a state accreditation review or a Council
362 for the Accreditation of Educator preparation (CAEP) accreditation review. Riedy stated that we
363 have a joint agreement with CAEP and so accept their findings. All state schools do submit to a
364 CAEP review.

365
366 Riedy stated that NSU's Educator Preparation Program underwent a CAEP review in April of
367 2021. The CAEP council met in October 2021 and delivered their decision. That decision is
368 detailed in the action letter and action report was presented to the board.

369
370 Riedy stated as seen in the action report, all standards were considered met, = but NSU did
371 have a few areas of improvement, which is not uncommon. Areas of improvement do not
372 trigger special or additional action in the accreditation process but are they must be addressed
373 and are monitored through the Education Preparation Program (EPP) annual report to CAEP.

374
375 Riedy continued by stating that NSU did receive one stipulation within the Initial Level
376 STANDARD 4/ Program Impact – for Component 4.2 complete effectiveness, which states that
377 the EPP did not provide evidence of complete effectiveness. The reviewers indicated that data
378 was not provided in this area.

379
380 Riedy reported that based on these findings, the CAEP Council has granted accreditation with
381 stipulations at the initial licensure level, which initiates a two-year accreditation period and full
382 accreditation at the advanced level, which is a seven-year accreditation period.

383
384 Riedy explained that the areas for improvement are monitored annually and must be corrected
385 by the time of the next review.

386
387 Riedy also stated that the stipulation will also need to be addressed in the annual report but in
388 addition the EPP will need to submit a stipulation report by the Spring of 2023 and a virtual visit
389 will be held at that time to review just the stipulation. If the stipulation is found to be
390 downgraded to an AFI or corrected completely, the EPP will be granted the remainder of the 7-
391 year accreditation period.

392
393 Riedy recommended accepting the CAEP Council decision and approving Initial level
394 accreditation with stipulations through 2023 and Advanced Level accreditation through 2028
395 for Northern State University's Educator Preparation Program.

396
397 Board questions and discussion

398
399 Is the Department comfortable with the report and recommendations?

400
401 Riedy responded yes.

402
403 Question for someone from NSU, what steps are you taking to fix the issues?

404
405 Dr. Doug Ohmer responded that NSU has developed a program to gather data with their
406 students in the field as student teachers , to measure the impact the student teachers are
407 having on learners in the classroom.

408
409 April Hinze added that they were aware of the some of the problem with the student teachers
410 in the field and their impact on student learning. NSU has a two-fold plan, adding the measures
411 to measure the impact of candidates in the field and adding an additional measure specifically
412 looking at student learning and outcome growth percentages of teachers in the field wherever
413 they graduate from and then isolating out which outcomes are Northern graduates.

414
415 South Dakota doesn't have a system to gather this information, so, you must develop your own
416 system, is that correct?

417
418 Hinze said the model that they have developed is similar model to what the University of South
419 Dakota (USD) is using and mirrors the state process for evaluating teachers in the field.

420
421 Why aren't you coordinating with all the different universities that provide teacher
422 preparation?

423
424 Hinze said that is something that is in development amongst the Board of Regents (BOR)
425 schools, through Education Discipline Council (EDC)and then perhaps adding the private schools
426 to share some of the same data.

427

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

431
432 Motion by Heineman second by Nebelsick to accept the CAEP Council decision and approving
433 Initial level accreditation with stipulations through 2023 and Advanced Level accreditation
434 through 2028 for Northern State University's Educator Preparation Program. Roll call vote six
435 members voting aye, and one abstained. Motion carried. Voting aye: Heineman, Nebelsick,
436 Westra, Willard, and Sly. Guffin abstained.

437
438 **Secretary's Report**

439
440 Tiffany Sanderson, Secretary of Education, DOE, began with a Legislative Session Update. DOE is
441 following and/or working on about 90 bills. The major focus: 6% proposed increase to state aid,
442 special education, federal authority, and Cultural Heritage Center renovations.

443
444 Sanderson gave a State Accountability Report Card Update reminding the board that at the
445 October 18, 2021, board meeting, Matt Gill shared an update on the Report Card, and at that
446 time, said it would be January when the last updates were added – those updates launched
447 today.

448
449 Sanderson explained that this year, in addition to district expenditure they have added school
450 Science achievement data, and English learner data, improvement funding data, along with a
451 new component the addition of data relating to Perkins/CTE programs.

452
453 Laura Scheibe, Director, Division of College, Career, and Student Success, DOE spoke on adding
454 the Perkins data to the report card.

455
456 Sanderson reported on the Social Studies Standards Revision Update, giving a general overview
457 of the process moving forward. Sanderson stated that though we're taking a little more time on
458 the front-end of the process, we're still working to have the standards hearings during board
459 meetings starting next fall.

460
461 Sanderson gave a Child & Adult Nutrition Services Update. South Dakota was awarded funding
462 from United States Department of Agriculture (USDA) to address the challenges supply chain
463 issues have caused this year. Money going out to school districts for purchases of whole or
464 minimally processed foods from domestic providers; priority on local foods. South Dakota is
465 among the lowest ranked states for moving our ag products from farms and ranches to school
466 tables. Something we'll be working on in the next two years. Several west river schools are
467 leading the way with partnerships between beef producers and schools. We hope to continue
468 to build those opportunities, potentially eggs, poultry, and pork, and fruit and vegetable use.

469
470 Sanderson continued her report with information on the Federal Education Funding Dashboard.
471 South Dakota has received nearly \$750 million connected to COVID-19 relief. Most of those

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

476

477 NEXT MEETING: April 7, 2022, Mitchell, SD

478

479 **Adjournment:**

480

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

483

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

485

486

487

488 Ferne G. Haddock

Date:

489 Executive Secretary BOES