

SOUTH DAKOTA BOARD OF EDUCATION STANDARDS

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

2 **Location:** Mackay Building, First Floor, Library Commons  
3 800 Governors Drive  
4 Pierre, South Dakota  
5  
6 Public Telephone Access: Dial: 1-346-248-7799  
7 Meeting ID: 942 1590 1878 Passcode: 509989  
8  
9 For live streaming of meeting: <http://www.sd.net>

10  
11 **Present:** Jaqueline Sly, President  
12 Rebecca Guffin, Vice-President  
13 Phyllis Heineman  
14 Linda Olsen  
15 Terry Nebelsick  
16 Julie Westra  
17 Steve Willard  
18

19 **DOE staff in** Tiffany Sanderson, Mary Stadick Smith, Diane B. Roy, Amanda LaCroix,  
20 **attendance** Kathy Riedy, Linda Turner, Shannon Malone, and Ferne Haddock.  
21

22 **Others in** David Flute, Fred Osborn, Wade Pogany, Melissa Weber, Ashley Digmann,  
23 **Attendance:** Rodney Freeman, Gerry Kaufman, Rob Monson, Austin Goos, Bob Mercer,  
24 and other members of the public in attendance in person or via phone.  
25

26 **Call to Order, Pledge of Allegiance, and Roll Call:**

27  
28 The South Dakota Board of Education Standards (BOES) was called to order by President Sly at  
29 approximately 9:02 a.m. CT.

30  
31 A quorum of the board was present.  
32

33 **Adoption of Agenda:**

34  
35 Motion by Heineman second by Willard to adopt the May 17, 2021, agenda. Voice vote. All  
36 present voted in favor. Motion carried. Voting aye: Guffin, Heineman, Olsen Nebelsick, Sly,  
37 Westra, and Willard.  
38

39 **Approval of Minutes:**

40  
41 Motion by Guffin second by Olsen to approve the March 26, 2021, minutes Voice vote. All  
42 present voted in favor. Motion carried. Voting aye: Guffin, Heineman, Olsen Nebelsick, Sly,  
43 Westra, and Willard.

44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87

**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 therefor 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.

88  
89 Amanda LaCroix, Assistant General Counsel DOE, and primary drafter of the proposed rules;  
90 presented the proposed Article 24:80 (Medical Cannabis and Schools) rules.

91  
92 There were three public comments received on these proposed rules.

93  
94 Further proponent testimony.  
95 Wade Pogany, President Associated School Boards of South Dakota  
96 Rob Monson, Executive Director School Administrators of South Dakota

97  
98 Opponent Testimony

99  
100 Gerry Kaufman testified in opposition to the proposed rules.

101  
102 Board Discussion

103  
104 Motion by Guffin second by Nebelsick to approve the rules as presented. Voice vote. All present  
105 voted in favor. Voting aye: Guffin, Heineman, Olsen, Nebelsick, Sly, Westra, and Willard. Motion  
106 carried.

107  
108 Rules Hearing concluded at approximately 10:26 a.m. CT

109  
110 President Sly declared a recess at approximately 10:26 a.m. CT.

111  
112 President Sly declared the meeting back to order at approximately 10:35 a.m. CT.

113  
114 **Department of Tribal Relations Report:**

115  
116 David Flute, Secretary of the South Dakota Department of Tribal Relations, stated that he is  
117 thankful for the collaboration between the Department of Education and the Department of  
118 Tribal relations, especially as we navigate through the current climate.

119  
120 Frederick Osborn, Director South Dakota Dept of Indian Education, gave an update on tribal  
121 schools and the some of the impact of the Covid 19 pandemic. Mr. Osborn reported on a visit to  
122 the Crow Creek Tribal School, and with their permission shared some information concerning  
123 dental issues related to Covid. The report showed that of approximately 125 students 80%  
124 received some either cleanings or fluoride treatments; 44 % of those students received  
125 restorative treatment. The report also stated that without the restorative treatment they would  
126 have had an urgent care need within a year. This is an impact of Covid because in a typical year  
127 dental treatment would be ongoing. These types of services help keep these types of issues  
128 from interfering with their education.

129  
130 Secretary Flute added that in looking at some of the social conditions the tribes are facing,  
131 tribal leaders have a tough job too. For example, large land-based tribes with large populations.

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

134

135 **Public Comment: South Dakota’s State Plan under the Requirements of the American Rescue**  
136 **Plan (ARP):**

137

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

146

147 Stadick Smith stated that we are expecting to receive about \$380 million dollars through this  
148 third round of funding; 90% of that amount will go out to our public school districts, the  
149 remaining 10% the state will use for activities to support schools and students in various areas.  
150 One of the requirements for school districts is that they reserve 20% of their funds to address  
151 learning loss that we expect as part of the pandemic. Then the schools can use the remaining  
152 80% for funding for activities that are approved under a variety of other federal programs.  
153 Stadick Smith stated that the state’s level funding (10% - about \$38 million dollars) will be used  
154 to support schools and students.

155

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

163

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

167

168 **Dakota Wesleyan University – New Programs Approval:**

169

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

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

178  
179 Riedy stated the Ashley Digmann, Education Department Chair and Melissa Webber, Assistant  
180 Professor of Education | Master of Arts in Education Coordinator DWU were available for  
181 questions.

182  
183 Digmann gave a summary of the process for reinstating the program.

184  
185 Weber added that DWU was looking for ways to improve their offering for students. They felt  
186 that there was interest in students coming back for master's program for principal preparation.  
187 They looked at what was previously offered, made some changes, and updated the program.

188  
189 Motion by Heineman second by Westra to approve the program as presented. Roll call vote.  
190 Motion carried. Voting aye: Guffin, Heineman, Olsen, Sly, Westra, and Willard. Nebelsick  
191 abstained.

192  
193 **Dakota State University – Accreditation Extension**

194  
195 Kathy Riedy, Administrator Accreditation, DOE, reported that due to outside issues and  
196 circumstances the Council for the Accreditation Educator Preparation (CAEP) has granted  
197 Dakota State University a one-year extension to the accreditation review that was due spring of  
198 2022. Their review will now take place in the spring of 2023.

199  
200 **Secretary's Report**

201  
202 Secretary Sanderson reported that the 2021 Week of Work had fantastic participation, with  
203 virtual activities; including panels and day in the life videos from businesses. Preparation is  
204 underway for 2022 Week of Work.

205  
206 Sanderson reported on the COVID Response. DOE continues to work closely with the  
207 Department of Health and schools. Preparations have begun for next school year to ensure  
208 schools have the information and supplies they need. In addition to the ARP Plan applications  
209 Mary mentioned earlier, DOE will write a report and release that this summer to share the story  
210 of South Dakota schools and the ways they led the nation for in-person instruction this year.  
211 Sanderson stated that DOE expects to learn from schools and their data, which will inform work  
212 and services to support student needs, staff, and schools in the coming months and years.

213  
214 The Teacher Compensation Review Board (TCRB) is tasked with meeting every three years to  
215 review teacher compensation and make recommendations. Board appointments are being  
216 finalized. The board has meetings scheduled in June and August. The Report is due September  
217 2021.

218

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

224  
225 Sanderson continued with information on the Civics/History Initiative: The standards revision  
226 committee will meet in June. The review committee will meet to review the current standards  
227 and make recommendations for the future standards in geography, government, history, and  
228 economics. Their recommendations will come to this board in September and we'll begin the  
229 public hearing process. The rest of the Civics/History Initiative is underway: pilot grant program  
230 applications were submitted and are under review. Awards will be made in early June. This  
231 grant program is part of the \$900K appropriated this legislative session; it is not part of the  
232 federal civics grant that's been in the news lately. South Dakota will not be – and never planned  
233 to – apply for those funds. The South Dakota Instructional Materials Development is being  
234 scoped out. The committee will base their work off the standards recommended to this board  
235 in September. The Teacher Professional Development is reaching out to educators and partners  
236 to help with professional development offerings will start in SY 2021-22

237  
238 Sanderson's report continued with Educator Certification System update. The process to update  
239 the system is underway with the Bureau of Information and Telecommunications. There was a  
240 \$1.5M appropriation this year/ The system update will take about a year. The focus of the  
241 certification update is better user experience for educators during application process and  
242 more efficient use of our staff time.

243  
244 Sanderson closed with information regarding ARP Investments: 1) Strong instruction for  
245 academic attainment, 2) Career development, 3) Student wellness, 4) Engaging at-risk youth  
246 and families, 5) Teacher recruitment and retention, 6) Preschool, 7) Modern libraries, 8) Robust  
247 data systems and analysis, and 9) Financial transparency.

248  
249 NEXT MEETING: July 19, 2021: MacKay Building, First Floor Library Commons, 800 Governors  
250 Drive Pierre South Dakota.

251  
252 **Adjournment:**

253  
254 Motion by Guffin second Heineman to adjourn. Voice vote. All present voted in favor. Motion  
255 carried. Voting aye: Guffin, Heineman, Olsen Nebelsick, Sly, Westra, and Willard

256  
257 Meeting adjourned at approximately 11:31 a.m. CT.

258

259  
260 Ferne G. Haddock  
261 Executive Secretary BOES

---

Date: