

Minutes
State Board of Education
Thursday, July 11, 2019

The Arkansas State Board of Education (State Board) met Thursday, July 11, 2019, in the Division of Elementary and Secondary Education (Division) Auditorium. Chair Ms. Diane Zook called the meeting to order at 10:00 a.m. Dr. Hill led the Pledge of Allegiance.

Present: Ms. Diane Zook, Chair; Ms. Charisse Dean, Vice-Chair; Ms. Ouida Newton; Mr. Brett Williamson; Dr. Fitz Hill; Dr. Sarah Moore; Ms. Kathy McFetridge; Ms. Susan Chambers; Mr. Johnny Key, Secretary

Absent: Ms. Stacey McAdoo, 2019 Arkansas Teacher of the Year

Ms. Zook introduced the State Board members for the 2019-2020 school year, as well as the support staff.

Changes to Agenda

Ms. Zook said Action Agenda Item 5b was pulled. 6b, c, d were resolved.

Consent Agenda

Ms. Newton had questions on items 12 and 15. Ms. McFetridge had questions on items 6 and 10. Assistant Commissioner Ms. Stacy Smith took note of the specific sub-items on item 10 for which Ms. McFetridge had questions, and Learning Services asked that those specific sub-items be pulled and answered at a later time. Ms. McFetridge had questions on the following sub-items.

- Jackson County Sheriff Department – Newport SD
- Mission of Hope Food Pantry – Fordyce SD
- Carlisle Public Library – Carlisle SD
- Faith Baptist Academy – Cabot SD
- Promise Land Missionary Baptist Church Crossover Basketball and Cheer – Hamburg SD
- Augusta Animal Shelter – Hamburg SD

Ms. McFetridge, regarding item 6, suggested that the educator provide a letter from a mental health provider stating that it is okay for the educator to return to the classroom. PLSB Chief Investigator Mr. Eric James said he will take this suggestion back to the subcommittee for its consideration.

For item 12, Ms. Newton asked what difficulties they faced when implementing the Hub ALE program. Superintendent Mr. Josh Daniels said that the program itself is successful, but perception is not great. He said they are still trying to build capacity in their teaching staff and administrators to be able to determine which students would be most likely to benefit from the program. Ms. Newton suggested they share what difficulties they faced and how they handled those difficulties with the Hub leaders. She said that hopefully their information can be shared with other districts joining the Hub.

On item 15, Ms. Newton said she noticed they were doing the Hub but were thinking about doing their own ALE. Greenbrier Assistant Superintendent Ms. Kelli Martin said they believe they could provide a similar service for their students on their campus. She said they would like to embed community service as well. Ms. Martin said she feels they will still access the resources through Crossroads for those students with more significant social or behavioral concerns. She said they are in the process of setting up their ALE space and identifying possible students for whom to offer this service. She also noted that they called this a focus classroom and not necessarily an ALE classroom.

Ms. McFetridge moved, seconded by Ms. Chambers, to approve the consent agenda. The motion passed unanimously.

Items included in the Consent Agenda are as follows.

1. Minutes
2. Newly Employed, Promotions and Separations
3. Consideration of Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6- 17-309
4. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-101 Brian Cossey
5. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-125 Mitchell Williams
6. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 19-063 Jennifer Pippenger
7. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 19-080 Catherine Powell
8. Consideration of the Recommendation of the Professional Licensure Standards Board for Case 19-106 Kyle Kempf
9. Request for Waiver of Repayment of Funds-Shannon Southern
10. Community Service Learning Applications
11. Concord School District Waiver Annual Progress Report
12. Dover School District Waiver Annual Progress Report
13. Elkins School District Waiver Annual Progress Report
14. Fort Smith School District Waiver Annual Progress Report
15. Greenbrier School District Waiver Annual Progress Report
16. Greenland School District Waiver Annual Progress Report
17. Greenwood School District Waiver Annual Progress Report
18. Guy Perkins School District Waiver Annual Progress Report
19. Hamburg School District Waiver Annual Progress Report

Action Agenda A

A-1 Consideration of Revocation of Teaching License – Licensure Action Case No. 19-07

Staff Attorney Mr. Taylor Dugan said Mr. Timothy Reddin is a licensed educator. Mr. Reddin was not present at the State Board meeting. Mr. Dugan said on March 22, 2019, the Department notified Mr. Reddin that he is disqualified from holding a teaching license under Ark. Code Ann. § 6-17-410 and entitled to a hearing. He said Mr. Reddin did not request a waiver of the disqualification from the State Board.

Ms. Newton moved, seconded by Ms. McFetridge, to revoke Mr. Timothy Reddin's teaching license. The motion passed unanimously.

A-2 State Board Review of PLSB Evidentiary Hearing Recommendation – Jacob Conrad De La Paz

General Counsel Ms. Lori Freno said Mr. Jacob Conrad De La Paz holds a teaching license issued by the State Board. The Rules Governing the Code of Ethics for Arkansas Educators provides that an educator may object to the Ethics Hearing Subcommittee's written findings and recommendations. The educator's objection triggered a full review by the State Board. General Counsel Ms. Lori Freno reviewed the procedures for the hearing.

Attorney Mr. Joe Giglio provided a presentation on behalf of educator Mr. De La Paz. Mr. Giglio said through text messages his client and the student found a mutual attraction to each other; however, Mr. Giglio noted that they discussed that any type of relationship would have to wait until after the student graduated. He said the two were never alone together nor was there any inappropriate touching or related actions. Mr. Giglio said his client tutored this student in math as well as was her coach. He said that the student admitted in May of her junior year that she had developed a crush on Mr. De La Paz. Mr. Giglio reviewed some of the text messages between the student and educator. One message was of Mr. De La Paz asking the student to only text message him regarding school-related items. Mr. Giglio said the student said the educator helped to raise her confidence and helped her become more successful at school. He also discussed positive character references from the educator's coworkers in Louisiana, where he currently teaches. Mr. Giglio said they were asking for the sanctions to be modified.

Mr. De La Paz read his statement, saying they were never sexually explicit nor did he solicit or pressure the student into anything. He acknowledged the inappropriate nature of discussing the potential relationship after graduation with the student.

Staff Attorney Mr. Taylor Dugan said he was speaking on behalf of the Professional Licensure Standards Board and that the board was asking the State Board to uphold the sanctions, which were already lowered from a revocation by the Ethics Hearing Subcommittee. The recommended sanctions were a five-year suspension, a \$500 fine, and any training the State Board recommended. He read some of the 600-plus pages of text messages exchanged between the student and teacher, saying there was 25 days' worth of text evidence. Mr. Dugan said the evidence shows that this was a definite violation of Standard 1 and Standard 2.

Dr. Moore noted that the timeline for suspensions and probations seems to vary. She asked how the timelines are decided. Mr. Dugan said a sanctioning matrix is used to help make determinations. Dr. Moore asked for an explanation of the difference between a suspension and probation. Mr. Dugan said that an educator could still return to the classroom while on probation; however, if the educator does not complete the trainings and pay the fines within 90 days of the State Board order, the Board may suspend the educator, who then cannot go back to the classroom.

Ms. Zook asked for an explanation of Standards 1 and 2. Mr. Dugan said Standard 1 is "an educator maintains a professional relationship with each student, both in and outside of the classroom;" and Standard 2 is "An educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position."

Ms. Newton asked if Mr. Giglio had anything else he would like to add. Mr. Giglio said they believe that probation would be appropriate in this case. He noted other cases that resulted in probation. Mr. Giglio suggested that the student attending therapy was due to an overreaction by the student's stepmother. He asked the State Board to not use the sanctions in this case to "send a message" and that the sanction should fit the crime.

Ms. Newton asked Mr. De La Paz to describe his current interactions with students and precautions he is taking to make sure this never happens again. Mr. De La Paz said at the school district where he is currently working there are guidelines for electronic communications with students and all correspondence with students must be turned in to the State Board or district. He said he has had no electronic communication with students other than through the school email or Group Me/Remind Me apps. He said he is more aware of his relationships with students.

Dr. Hill said Mr. De La Paz broke the trust of the parents and that Dr. Hill hopes that Mr. De La Paz understands the grace being granted to him based on the action being recommended.

Ms. McFetridge asked if he was coaching and teaching. Mr. De La Paz said he is doing both and is a math teacher. She also asked what courses he has taken in addition to being on probation. He said he has been through new-hire professional development, an additional three hours of ethics training, and a three-hour seminar on social networking.

Ms. Newton moved, seconded by Mr. Williamson, that there is a Finding of Fact that Mr. De La Paz engaged in inappropriate communication with a female student via text messages. There was a roll call vote. The motion passed unanimously.

Ms. Newton moved, seconded by Mr. Williamson, that Mr. De La Paz violated both Standards 1 and 2. There was a roll call vote. The motion passed unanimously.

Ms. Newton moved, seconded by Ms. McFetridge, that Mr. De La Paz have a three-year probation, a \$250 fine, and training. Training is to include ERC19048 - PLSB Code of Ethics Training Video (2018), TCC14435 PLSB Social Media Guidelines, and a book by Michael C. Gunzenhauser, *The Active/Ethical Professional: A Framework for Responsible Educators*. Dr. Hill asked how the State Board would know that the educator had completed the conditions. Mr. Dugan said if the conditions are not met, then the State Board could suspend his license. He said the fines have to be paid within 90 days. Based on further discussion, Ms. Newton amended her motion to include a requirement that his principal, at the end of each semester, report whether Mr. De La Paz is adhering to the terms of his probation and that he has no other violations. Ms. McFetridge agreed to the amendment. There was a roll call vote. Mr. Williamson voted no. The final vote was 6 to 1. The motion passed.

A-3 School Superintendent Assessment (SSA) for P-12 District Level Administrator

Public School Program Advisor Mr. Michael Rowland said Educational Testing Service (ETS) updated its School Superintendent Assessment (SSA). Arkansas's current District Level Administrator licensure test is the School Superintendent Assessment (6021). The 6021 has been updated to the School Superintendent Assessment (6991). To support the decision-making process of education agencies establishing a passing score for the School Superintendent Assessment (6991), research staff from ETS designed and conducted a multistate standard-setting study. The state review panel recommended a cut score of 157. The

Division recommended a start date of September 1, 2020, to allow for administrator preparation programs to update their programs of study.

Dr. Moore asked if this is a big change. Mr. Rowland said that ETS updates when there are 20% or so changes in national standards.

Ms. Zook asked if this is for new superintendents, and Mr. Rowland confirmed that it is.

Dr. Moore moved, seconded by Ms. Dean, to approve. The motion passed unanimously.

A-4 Approval of Dynamic Learning Maps (DLM) Cut Scores

Director of Student Assessment Ms. Hope Worsham said the Division administered the Dynamic Learning Maps assessment to students with significant cognitive disabilities in grades 3-10 for the first time in 2018-2019. Pursuant to AR Code Ann. § 6-15-2910, "The Department of Education shall recommend student performance levels for the statewide student assessment system to the State Board of Education for its approval." She said this is the assessment used for the one percent of students who are severely cognitively disabled and by federal law are allowed to take an alternative assessment instead of the ACT Aspire. Ms. Worsham noted that this year the test was also given in 11th grade for math and ELA; however, moving forward it will be administered only in grades 3-10. She said the cut scores were established in 2015 prior to Arkansas joining the consortium. Ms. Worsham said the Division is requesting State Board approval of the cut scores for ELA, math, and science.

Dr. Moore asked about the overall feedback of the assessment by teachers and districts. Ms. Worsham said there were some challenges giving the assessment across the year; however, overall, the assessment was seen as a good educational tool.

Ms. Zook asked if the scores go into figuring the letter grade for the school. Assistant Commissioner Ms. Deborah Coffman said all student scores are included in accountability.

Mr. Key noted that ELA scores are lower starting in 8th grade and wondered if she had any insight to this. Ms. Worsham said she does not have enough data yet to answer this question.

Dr. Moore moved, seconded by Ms. Dean, to approve. The motion passed unanimously.

Mr. Key announced that Ms. Worsham is leaving the Division to join the Little Rock School District as their executive director of curriculum and instruction.

A-5 District Request for Waivers granted to Open-Enrollment Charters

a) District Request for Waivers Granted to Open-enrollment Charters: Southside School District

Public School Program Advisor Ms. Kelly McLaughlin said according to Arkansas Code Annotated § 6-15-103, a school district can petition the State Board of Education for all or some of the waivers granted to an Open-Enrollment Public Charter School. She said representatives of the Southside School District are appearing before the Board to request waivers for Class Size and Teaching Load. Their 90 days will expire on September 19, 2019, and they are requesting for three years, ending on June 30, 2022.

Superintendent Roger Rich provided the presentation and noted some of the district's accomplishments with the Teacher Cadets Program and teacher success stories. He

said their goal is to recruit and retain great teachers. He discussed their strong partnership with higher education colleges and universities.

Ms. McFetridge asked if it is a requirement that the interns come back to work for the district, and Mr. Rich confirmed.

Mr. Key noted that he and Dr. Pfeffer have been encouraging other districts to copy what Southside School District is doing. He asked how many districts contacted Southside for more information. Ms. Novella Humphrey said at least four districts have reached out.

Ms. Newton asked if intern planning time would be common planning time with the mentor. Mr. Rich said the plan is to assign them a master teacher as well as common planning time. Ms. Newton asked how many interns they would have in a year. Mr. Rich said no more than one or two interns.

Ms. Chambers asked if the existing tenured teachers feel good about this plan, and Mr. Rich confirmed. She said they loved the innovation.

Ms. Zook asked what kind of help and training would be provided regarding classroom management. Ms. Humphrey said they instituted a new teacher academy. They spend about four days of intensive time with novice or new teachers and discuss classroom management, assessment procedures, cultural expectations, and other things. Ms. Zook asked about the receptiveness of parents and students. Ms. Humphrey said they are receptive since a relationship and trust has already been built. Ms. Zook said she was troubled that only thirteen students are having interventions, and the data show that it's typically a much higher percentage based on student population. Ms. Humphrey said for eight years they have had an intensive RTI program at the elementary level, and they work hand-in-hand with teachers, parents, and literacy specialists through co-ops. She said they often identify early and intervene.

Ms. McFetridge moved, seconded by Ms. Chambers, to approve. The motion passed unanimously.

b) *(Pulled from Agenda) District Request for Waivers Granted to Open-Enrollment Charters: Arkadelphia School District*

c) *District Request for Waivers Granted to Open-Enrollment Charters: Western Yell County School District*

Public School Program Advisor Ms. Kelly McLaughlin said representatives of the Western Yell County School District are appearing before the Board with Superintendent Licensure waivers. Their 90 days expire on September 28th, and they were requesting for one year ending June 30, 2020.

Board President Mr. Tommy Fink said they wished to request a waiver to hire Mr. Herschel Cleveland as Superintendent for a year. He said their Board was in full agreement, and Mr. Cleveland is well respected in the community.

Mr. Cleveland provided background information about the school district and himself.

Curriculum Coordinator Ms. Julie Lane discussed the academics of the district and discussed ways in which they are working to improve them. She said she believes Mr.

Cleveland would help their schools improve academically and would focus on teaching and learning, as well as finances.

Mr. Cleveland said he would be willing to go through the mentoring program if he is approved. He said he is prepared to make this his life, not just a job, for the next year.

Ms. Chambers asked if he had any thoughts on how he would make progress. Mr. Cleveland said he would give of himself to the job, and he is committed.

Ms. Newton asked if he is approved, if he would go directly to the AAEA training. He said he plans to go.

Staff Attorney Ms. Mary Claire Hyatt said the waiver request asked for a waiver of the Superintendent Mentoring Program, both the law and the rules. She said clarification would be needed regarding whether the aforementioned mentoring is the Superintendent Mentoring Program. Ms. Newton said she would like him to go to the required superintendent trainings for the year.

Ms. Newton asked when the former superintendent left. The answer was June 27, 2019. Mr. Fink said they had no indication that he was leaving. She asked if they were planning on looking for someone during the year, and Mr. Fink said yes. Mr. Fink said the community has been supportive of having Mr. Cleveland as superintendent.

Ms. McFetridge asked if Mr. Cleveland would continue to practice law. He said he plans on not practicing law.

Ms. Chambers moved, seconded by Ms. McFetridge and Ms. Dean, to waive the licensure component; however, Mr. Cleveland would be required to complete the required training. The motion passed unanimously.

A-6 Charter Contract Agreement

Staff Attorney Ms. Mary Claire Hyatt provided the Board with an updated, final version of the Charter Agreement and provided some background information. She noted that this is not retroactive, this is going forward and that Appendix C is only for amendment requests.

Ms. Zook asked if stakeholder feedback was requested. Ms. Hyatt said there was no formal public comment hearing; they consulted with APSRC and charter schools for their opinions.

Dr. Moore asked if there were any big differences. Ms. Hyatt said this is more comprehensive than previous versions.

Dr. Moore moved, seconded by Ms. Newton, to approve. The motion passed unanimously.

Action Agenda B

(Pulled from Agenda) B-1 Public School Choice Appeals

Ms. Zook said she had been notified that all four Public School Choice Appeals were resolved prior to the agenda item coming before the State Board and that all involved students will be making their requested transfers.

- a) Greening Family Public School Choice Appeal
- b) Edwards Family Public School Choice Appeal
- c) Kidd Family Public School Choice Appeal
- d) Weaver Family Public School Choice Appeal

B-2 Consideration for Release for Public Comment: ADE Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board.

Staff Attorney Mr. Taylor Dugan said changes were made to these rules to add the definition of "Costs" and to include Act 557 of 2019. He said the Division was requesting that the State Board approves these rules for public comment release.

Ms. McFetridge moved, seconded by Ms. Dean, to approve the release for public comment. The motion passed unanimously.

New Business

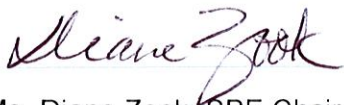
There was no new business.

Public Comments

There was no public comment.

Adjournment

Mr. Williamson moved, seconded by Ms. Dean, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 1:37 p.m.



Ms. Diane Zook, SBE Chair



Mr. Johnny Key, Secretary of Education