

Minutes
State Board of Education
October 9, 2000

The State Board of Education met on Monday, October 9, 2000, in the Auditorium of the State Education Building. Luke Gordy called the meeting to order at 9:20 a.m.

The following members were present: Luke Gordy, Chair; Richard Smith, Vice-Chair; William Fisher; Robert Hackler; Shelby Hillman; Betty Pickett; Lewis Thompson; and Anita Yates.

The following members were absent: Jo Nell Caldwell and Claiborne Deming.

CONSENT AGENDA

Mr. Gordy informed the Board of a request to move Item C-4, Approval of Governor's School Site for 2001-2002 to the Action Agenda and that Mr. Simon requested that a personnel item be added to the Consent Agenda. (Information about the personnel item was distributed in the mail prior to the meeting.) Mr. Hackler moved to add the personnel item to the Consent Agenda. Mr. Smith seconded the motion. The motion passed unanimously.

Mr. Smith moved adoption of the Consent Agenda as amended. Ms. Hillman seconded the motion. The motion passed unanimously.

- Minutes from September 11, 2000
- Newly Employed, Promotions and Separations
- Approval of Revised Social Studies Frameworks
- Review of Loan and Bond Applications
- Personnel Recommendation – Grade 24 Educational Accountability

Director's Report

Mr. Simon reported that four Arkansas educators were announced as recipients of the 2000 Milken Educator Award. Those included: Marla Sutton, art teacher in the Alma School District; Toni Lockhart, elementary teacher in Van Buren School District; Tracy Streeter, elementary teacher from Hamburg and Johnette Walker, elementary principal at Wilmot Elementary (Hamburg School District). He reported that Janet Huckabee and Dr. Lewis Solmon (Milken Foundation) attended the presentations in Alma and Van Buren. Following the presentations the group visited the charter school site in Rogers

which is implementing Milken recommendations for differentiated staffing as part of its emphasis on teacher quality. He indicated that Dr. Solmon was impressed with the progress of the school in the short time the school has been in operation.

Mr. Simon requested that the Board hear an update from Scott Smith concerning the progress of the litigation in the Lake View Case. S. Smith indicated that the case was in its fourth week of a projected five weeks set aside for testimony. It is anticipated that initial testimony will be complete by the end of the fourth week (October 14) and there will be a one-week recess to provide time for attorneys to prepare closing arguments and statements.

Mr. Gordy suggested amending the Action Agenda to hear a report from Randall Greenway pursuant to charter schools and strategies for hearing appeals from open-enrollment applicants who have been denied support from local school boards in their application process. Ms. Yates moved that the Board hear from Mr. Greenway. Mr. Smith seconded the motion. The motion passed unanimously.

ACTION AGENDA

Discussion on Proposed Amendment 4 – Repeal of Sales Tax on Used Goods

Mr. Gordy stated that this amendment proposes to eliminate the levy of sales tax on used goods and increases the difficulty of adoption of tax issues by the legislative process. He cited reports indicating a loss of revenue both for the public school fund and for the operation of the Department of Education. If the Amendment is adopted by the voters, public schools, colleges and universities as well as many state agencies will experience major decreases in revenue. Mr. Simon highlighted projected decreases in the public school fund and decreases in the Department operating budget and suggested there was no contingency to make up the lost revenue.

Ms. Pickett moved that the Board go on record as opposing the adoption of Amendment 4 because of its potential negative impact on funding of public education in the state. Ms. Hillman seconded the motion.

Mr. Hackler voiced his support for the motion and stated that efforts such as this, the pending legal actions in Lake View and Little Rock (Pulaski County), are symptomatic of attitudes of the public and some educators for eroding public education in our state.

Mr. Gordy affirmed that Amendment 4 has considerable support across the state and current polls indicate it has the edge among registered voters at this time. He stated one of the issues will be that the public in general does not understand the negative impact that adoption of this amendment will have on public education. He further encouraged Board members to take every opportunity to speak to public groups in opposition of the amendment. Such target groups might include civic clubs and other community-based groups, not education related groups.

Mr. Gordy recognized Charles Knox who represents the Arkansas Association of Educational Administrators (AAEA) and requested that he inform the Board of efforts by the AAEA to oppose the adoption of Amendment 4. Mr. Knox stated that most of AAEA's efforts were linked to a statewide organization Arkansans to Protect Police, Libraries, Education and Services (APPLES) which has a sole purpose of opposition of this amendment. However, he stated that the most productive way was to get media publicity through purchased spots on statewide television and print media. He stressed that such publicity is costly and there is limited time to generate funds. He also noted that the organizations were seeking support from Governor Huckabee and seeking his overt support for the amendment's defeat. Mr. Knox stated that one estimate indicated that up to \$1 million might be necessary to purchase sufficient publicity to defeat this amendment.

The motion to oppose Amendment 4 was adopted unanimously.

Approval of Governor's School Site for 2001-2003

Ms. Yates observed that the letter of support for the Selection Committee recommendation found acceptable situations from each of the sites that submitted proposals. She stated she had no objection to the Hendrix application, but felt that the other sites may not have been given equal consideration and in the future should not apply if Hendrix is to be selected every time.

Mr. Fisher stated that in previous years, those schools submitting proposals were invited to make presentations to the Board. This time it appears that all the Board will see is the summary of the Selection Committee recommendation. He requested the opportunity to hear comments from the proposal sites in future years. Mr. Fisher indicated that he did not want to negate the work of the Selection Committee, but would like to have more information on which to base his vote.

Ann Biggers stated to the Board that she would be glad to respond to specific questions from the Board as to the process that was followed during the selection process. She reported that the selection committee started from ground zero, there were no members that served on the previous committee.

Mr. Smith stated that Hendrix has many positive options that other campuses do not have. Primarily, the assurance of security for students during the time they are on campus. Hendrix is the only site that has no other students or activities on campus during the time Governor's School is scheduled.

Mr. Fisher stated that when future requests for proposals (RFP) are issued, that criteria should be firmly stated – if in fact that is to be the deciding feature. He believes that the request for proposals should not lead the campuses to believing some other alternative would be acceptable.

Ms. Pickett inquired as to the frequency of the RFP for site selection. Ms. Biggers indicated that the site was reselected every three years. Ms. Pickett suggested that the RFP be reviewed by the Board prior to being released in the future.

Mr. Gordy noted that the Selection Committee had seven members and the vote of the committee was unanimous in favor of selecting the Hendrix proposal.

Mr. Simon reported that staff removed the “absolute requirement” for no other events on campus with this RFP. However, it did establish a priority for isolation of Governor’s School activities, housing and events and sites were encouraged to propose curricula based on site priorities. This year’s RFP was considerably more flexible than in years past.

Ms. Pickett stated the Hendrix proposal provides the School an opportunity to be the lone activity on a campus. She believes the process was credible with site visits to each of the proposed sites.

Mr. Gordy stated that in the future the Board may want to screen the applications, but this year we have a process that was conducted and a recommendation that should be considered by the Board.

Mr. Fisher reiterated that the Board should review the criteria for the RFP and decide the weight that should be given to a site that offers no other activities during the dates scheduled for Governor’s School.

Ms. Pickett moved adoption of the Selection Committee recommendation naming Hendrix College as the site for Governor’s School for 2001-2003. Further the motion provides for a review of the selection criteria by the Board before a new RFP is released. Mr. Smith seconded the motion. The motion passed unanimously.

Approve for Public Comment Amnesty Renewal Amendment to Rules and Regulations Governing Certification Laws and Recommendations

Brenda Matthews was recognized for this presentation. Ms. Matthews indicated this proposal was distributed to Board members at the close of the September meeting. It provides an opportunity for individuals who have previously held viable teaching certificates in the state, but whose certificates have expired, to renew those certificates. It would still be necessary for the individual to meet the “teacher test” requirement, if applicable, background screening, and other legal requirements. This amnesty proposal, requested for public comment, is only good for a limited time and is a part of the longer document describing procedures and guidelines for licensure.

In response to questions from Ms. Pickett, Ms. Matthews indicated that it will take substantially longer to revise the entire document – perhaps up to one year.

Ms. Pickett stated that the proposals that have been submitted recently seem as a “piece meal” approach to dealing with the licensure issue and the teacher shortage problem. Mr. Smith responded that schools in his area of the state continue to experience difficulty in filling vacancies with qualified, fully licensed teachers. The Board should be willing to help assure all children with the opportunity to have a fully qualified teacher. Ms. Pickett suggested that some of the solution is getting teachers to the area of the state where shortages exist. The Board should be addressing the major problem, not just using a band aid approach.

Mr. Fisher moved adoption of the proposed revision in the rules and regulations for public comment. Ms. Pickett seconded the motion. The motion was adopted unanimously.

Ms. Pickett inquired as to data that might be available to support the teacher shortage in Arkansas that would help Board members make informed decisions on these teacher shortage issues. Mr. Simon responded that he would pursue collecting information from the schools.

Addition to Agenda for Report on Legal Proceedings

Mr. Gordy informed the Board of a request for a special report by staff attorney, Scott Smith, pursuant to legal proceedings with the Arkansas Education Association (AEA). Ms. Pickett moved that the Board approve the addition of this item to the Action Agenda. Mr. Hackler seconded the motion. The motion was approved unanimously.

Scott Smith provided a brief statement explaining the current status of negotiations with the AEA regarding the parties’ agreement to extend the current court ordered deadline of November 1, 2000, to January 1, 2001. Mr. Smith sought Board approval to continue negotiations with the AEA on carry-forward calculations whereby school districts are given credit for any payments made to teachers in excess of the required 56% salary increase.

Mr. Gordy presented the following resolution. *The State Board of Education moves to authorize the Director and counsel to engage in good faith settlement discussions with the Plaintiffs and others involved in an attempt to resolve this case based on a methodology that allows for a credit against the carry-forward of 56% underpayments.*

Mr. Smith moved adoption of the resolution. Mr. Thompson seconded the motion. The motion was adopted unanimously.

Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

Dr. Charity Smith was recognized to make this report. Dr. Smith pointed to the revised format for reporting of the monthly progress by highlighting new events or actions. The three districts in Pulaski County have instituted a Tri-District Staff Development

Committee, which serves some of the functions other districts receive through the regional service cooperatives. Members of the Tri-District Committee now meet on a monthly basis with the leaders of the regional service cooperatives. She reported on the October 2 meeting of leaders from the districts. There was a request for 21 items, 9 of which were for technical assistance and/or services which go beyond that provided other districts. Many of the requested items require additional funding. She stated that one condition of the court order is that no additional funding will be required.

Dr. Smith also reported on a letter from Senator Jim Argue concerning a number of issues on-going with the Little Rock District. A more complete report will be available at the next meeting.

Mr. Fisher moved acceptance of the report. Mr. Smith seconded the motion. The motion was approved unanimously.

Revocation of a Teaching Certificate: Gerald Hanry

Scott Smith was recognized to make this presentation. S. Smith indicated that Mr. Hanry is in the process of seeking an expungement of his court record and has requested a temporary suspension of his license until a determination has been made. Mr. Fisher inquired as to how long the process might take. S. Smith indicated that it was his intent to bring the issue back to the Board in December. S. Smith further stated that Mr. Hanry is not currently employed as a teacher in the state. Mr. Fisher moved that Mr. Hanry's certificate be suspended indefinitely. Mr. R. Smith seconded the motion. The motion passed unanimously.

Revocation of a Teaching Certificate: Christopher Parks

Scott Smith was recognized to make this presentation. S. Smith indicated that Mr. Parks reports that he is pursuing further legal action on his criminal conviction and thus requested a continuance. Mr. Parks is currently not employed in a school district. Mr. Fisher moved suspension of the certification indefinitely. Mr. Hackler seconded the motion. Mr. Fisher inquired if Mr. Parks would be in a classroom during the time of the suspension. S. Smith responded that he would not. Ms. Yates requested additional information about the reasons why Mr. Parks might have his record expunged. Richard Smith stated that if the Board votes for suspension and Mr. Parks were not successful in getting the record expunged, the Board could revoke at a later time. S. Smith reiterated that staff is not advocating a continuance, but wanted the Board to be assured that Mr. Parks cannot be eligible for employment while he pursues his legal channels. The vote on the motion was 5 in favor, 2 opposed. The motion passed. (Pickett and Yates voted no.)

Revocation of a Teaching Certificate: Nora Roberts

Scott Smith was recognized to make this presentation. S. Smith established that Ms. Roberts responded no to the questions about felony convictions on her application for

licensure renewal. Staff investigated a citizen report indicating that she had pleaded guilty to a charge of Endangering the Welfare of a Minor in the Second Degree, a Class A Misdemeanor. However, the criminal background check did not identify Ms. Roberts as having an identifiable record. She was notified of the findings and her right to a hearing before the State Board of Education. The Board asked S. Smith for clarification of the difference between a felony and misdemeanor. In this case S. Smith indicated that this conviction was covered under example #28 in the statute as a reason for revocation of a license. Ms. Pickett inquired as to why the criminal background check process did not reveal a conviction in this case. S. Smith indicated no reason had been given. Mr. Fisher asked if the Board could get a copy of the police report describing the incident. S. Smith responded that getting those records and background information was not always possible and no additional information had been obtained in this case but staff would continue to pursue additional information. Mr. Gordy inquired if staff had actually talked with Ms. Roberts. S. Smith responded that she had signed for the certified letters, but there had been no further contact. Mr. Gordy asked if she were currently employed in the schools. S. Smith had no information on her employment. Mr. Fisher moved revocation of Ms. Roberts' certificate. Ms. Yates seconded the motion. Ms. Hillman suggested that this offense generally falls in the same category as not having a child in an approved safety seat in a car. Richard Smith suggested that the Board needed further information before voting to revoke the license permanently. Vote on the motion was 2 in favor and 5 opposed. Motion failed. (Fisher and Yates voted yes.)

Mr. Fisher moved indefinite suspension until additional information is available. Ms. Hillman seconded the motion. The motion passed unanimously.

Other Business: Charter Schools

Randall Greenway was recognized to provide information concerning Charter Schools and the review and approval process for new applicants. Mr. Greenway informed the Board concerning a meeting to be held in Washington, DC in early December specifically for approving agencies for Charter Schools. This is a new organization and Mr. Greenway wanted the Board to consider the options for membership with this group.

Mr. Greenway also informed the Board that five applicants for open enrollment Charter Schools have received negative recommendations from local boards in their proposed service area. Each has opted for an appeal to the State Board for a hearing. He stated that November 18, 2000, is the deadline for the Board to conduct those hearings. Approximately one hour should be allocated for each hearing.

Mr. Gordy suggested that the major portion of the November Board meeting be devoted to those hearings. Mr. Fisher moved that the required hearings for the five Charter School proposals denied approval by local boards be held on Monday, November 13. Ms. Yates seconded the motion. The motion passed unanimously.

Mr. Fisher requested information concerning the application, review and approval process for the federally funded planning grants. Mr. Greenway agreed to provide those materials.

Ms. Pickett announced that former Director of Education, Gene Wilhoit, had been selected as the chief state school officer in Kentucky.

Mr. Simon expressed his appreciation to the Board for its flexibility with staff in adding additional items to this Agenda. Staff members have been engaged in major, time-consuming events during the past weeks including preparing and testifying at the Lake View hearings.

Mr. Fisher moved adjournment. Ms. Hillman seconded the motion. The motion passed unanimously. The meeting adjourned at 11:15 a.m.

Minutes reported by Dr. Charles D. Watson.


Raymond Simon, Director


Luke Gordy, Chairman