

Minutes
State Board of Education
October 8, 2001

The State Board of Education met on Monday, October 8, 2001 in the Lecture Hall of the Arkansas Art Center in Little Rock.

Members present: Robert Hackler, Chairman; Shelby Hillman, Vice Chairman; JoNell Caldwell; Claiborne Deming; Luke Gordy; Peggy Jeffries; and Betty Pickett.

Members absent: Lewis Thompson, Jr.

Mr. Hackler opened the meeting by introducing Peggy Jeffries and welcomed her as a new Board member. Mr. Hackler also recognized Mr. Lu Hardin, Director, Department of Higher Education who introduced members of the Higher Education Coordinating Board who were present to hear the opening presentation.

Mr. Hackler recognized Dr. Frank Servideo who prepared a required report to the U.S. Department of Education describing quality issues of the teacher education programs from the colleges and universities in Arkansas as well as from the state's alternative licensure program.

Following a short break, Mr. Hackler called the Agenda Session to order at 9:55 a.m.

CHAIR'S REPORT

Mr. Hackler recognized the importance of teachers and administrators in the state's public schools in helping students cope with devastation and the condition of our country since the events of September 11, 2001. He stated that teachers do a lot to help students relieve fears and anxieties on a daily basis.

Ms. Hillman reported attending two sessions of the Blue Ribbon Commission since the last Board meeting. She commended Mr. Simon and members of the Department staff who have made reports to the Commission for the excellent presentations and efficient way of presenting a great amount of information in a short period of time.

DIRECTOR'S REPORT

Mr. Simon reported that in preparation for the Director's evaluation, revisions to the handbook provided to Board members last year are being made. Those revisions, along with some technical restructuring of the goals, are necessitated by the state's performance evaluation system now being implemented. The revisions and any new material will be distributed in time for the Board to review the documents prior to the next meeting.

Mr. Simon introduced John Kunkel to report on recent information received from the Department of Finance and Administration regarding revenue shortfall for September. Mr. Kunkel noted that in September there was a reduction in the Excellence in Education Trust Fund. Such reductions are necessary when revenue are insufficient to fund the budgeted expenditures of state agencies. State law requires that state government operate within revenue received, which implies that deficit spending is not permitted. Staff recommended that these shortages be absorbed from fund balances at the end of last fiscal year. Mr. Kunkel reported that fund balances at the close of last fiscal year were slightly greater than projected during the budget process. These fund balances will be used to absorb cuts at this point. He reported that future cuts or deeper cuts would effect some programs funded from the Excellence in Education Trust Fund. State law precludes decreasing equalization aid. Mr. Kunkel said that further cuts are anticipated by November and it will probably be necessary to come back to the Board with recommendations to decrease funding to some program. At this point fund balances are approximately \$38.5 million, which is not budgeted. However, over \$35 million will have to be set aside for desegregation costs.

Ms. Pickett inquired as to why the Board was not being asked to vote on the decreasing of the fund balances as opposed to some other way of absorbing the decreases. Mr. Simon responded that it is the Board's responsibility to adopt a budget and approve any revisions to that budget. At this point staff is not recommending changes to the approved budget.

CONSENT AGENDA

Mr. Hackler reported that Consent Agenda Item C-4 (Report of waivers granted to school districts for teacher teaching out-of-field for longer than thirty (30) consecutive days) was being moved to the Action Agenda.

Ms. Caldwell moved approval of the Consent Agenda as amended. Mr. Deming seconded the motion. The motion passed unanimously.

- Minutes – September 10, 2001
- Newly Employed, Promotions and Separations
- Review of Loan and Bond Applications

ACTION AGENDA

Final Approval of Rules and Regulations Identifying and Governing Self Construction Projects by Public Education Entities

Dave Floyd was recognized to present this item. Mr. Floyd reported that following the adoption of the rules and regulation for public comment, a public hearing was held. Questions posed at the hearing and those submitted in writing were addressed and appropriate revisions were made consistent with comments. Ms. Hillman moved approval. Mr. Gordy seconded the motion. The motion passed unanimously.

Final Approval of Permanent Amendments to Rules and Regulations Governing the Adding of an Additional Area of Licensure or Endorsement and Probationary Route to Certification

Dr. Charity Smith was recognized to present this item. Dr. Smith reported that the public hearing was well attended and many written comments were received. She indicated that staff agrees with many of the comments and components of the document were revised in keeping with the recommendations. Dr. Smith indicated that many of the concerns expressed centered around the option for licensure of candidates based solely on a passing score on the qualifying exam. The concern is that without coursework candidates cannot be well prepared even if they make a qualifying score on the test. Revisions have been made in the document to accommodate many of the comments received.

Ms. Pickett expressed her preference for giving consideration to successful business executives being able to become licensed as administrators. She stated schools should be run more like good businesses. Mr. Hackler stated that good business practices are important for budgeting and fiscal issues; however, there are many more concerns for administrators that go well beyond what's required of most executives. Those include supervising instruction, managing students, etc.

Charity Smith supported the tenet that good administrators must be equally well prepared to deal with instructional issues, student problems, parents, as well as fiscal issues and managing staff.

Mr. Simon noted that at a future time, the Board will have the opportunity to adopt administrative licensure guidelines. At that time, issues of approving someone who is exceptionally well qualified will be considered.

Mr. Gordy stated that the revisions appear to be consistent with recommendations from public comment and are sensitive to suggestions that were received. Mr. Gordy moved approval of the rules and regulations. Ms. Hillman seconded the motion. The motion passed unanimously.

Approval for Public Comment of Rules and Regulations Governing Weighting of Concurrent Credit Courses toward a Student's GPA

Dr. Gayle Potter was recognized to present this item. Dr. Potter indicated that these rules and regulations were required as a result of passage of Act 1121 of 2001. She stated that staff proposes to meet the requirements of the law by revising rules and regulations currently in place governing concurrent credit courses. Current policy gives local school districts the option of adopting policy related to weighting and giving quality points for such courses.

In response to Ms. Pickett's question of why is such a policy necessary, Mr. Simon indicated that during the session, the sponsors of the legislation originally proposed that all concurrent courses be given blanket weighting. He further noted that not all courses

are of the same level of difficulty and require complex thinking, even if they are provided through an institution of higher education. All high school courses, with the exception of Advanced Placement courses, are subjected to a review and screening process before being recognized as honors courses. These guidelines keep the integrity of that process. Dr. Potter explained that concurrent credit courses have been recognized for many years, some have been submitted as honors courses. The issue here is one of weighting and of additional quality points.

Ms. Pickett inquired as to the process for assuring that concurrent courses would have equivalent rigor of Advanced Placement courses or other honors courses. Dr. Potter explained the review process that includes a review of the goals and objectives, scope and sequence of topics, multiple forms of assessments required, varied instructional strategies, and background and preparation of instructors. Mr. Gordy inferred if the process will assure courses of the quality of Advanced Placement courses, there should be no problem with the adoption of this as policy.

Mr. Gordy moved adoption of the proposal for public comment. Ms. Hillman seconded the motion. Ms. Caldwell indicated it was somewhat out of character to give weighted points to students who take these courses and make D's.

Mr. Deming inquired as to qualifications of teacher who teach these courses. Dr. Potter responded, it could be either a high school teacher who would be endorsed by the college or it could be a college/university staff. Mr. Deming asked how rigor was monitored and maintained. Dr. Potter indicated that the review of courses for honors designation requires content to go beyond the adopted frameworks and be developed from a problem solving/higher order thinking platform. Mr. Deming reaffirmed the need for a criteria to be in place demanding rigor for these courses.

Mr. Simon referred to legislation also adopted in the 2001 session that calls for comparing grade point averages from schools with student performance test scores. He noted that work was underway to accomplish that task with the help of the University of Arkansas Office of Research, Measurement and Evaluation (ORME). The Department is required to report the results of that study, which will be telling on some programs across the state. Mr. Deming requested that these data be presented to the Board as soon as they are available. Mr. Simon also stated that there is a requirement for the results of these studies to be reported and discussed in open meetings in the local districts.

The motion to approve for public comment was approved unanimously.

Approval for Public Comment of Rules and Regulations Governing Consistency and Rigor in Course Work Offered by Local School Districts

Dr. Gayle Potter was recognized to present this item. Dr. Potter indicated these proposed rules and regulations were developed to meet requirements of Act 1559 of 2001. This Act requires the Department to devise a plan and policy to assure consistency and rigor in

course work across the school districts in the state. Dr. Potter indicated that this is a totally new idea and there is no precedent for work such as this.

Ms. Pickett stated that the idea sounds like a good one; however, she questioned if it would do any good – would the Department be able to monitor and enforce the requirements set forth in the proposed rules and regulations.

Mr. Simon noted that within the new accountability guidelines (ACTAAP) schools not only develop a school improvement plan on a five-year rotating schedule, but every school is expected to monitor and update the plan every year. New data sources are becoming more readily available and more easily accessible with a point system that will be reviewed each year. The implementation of ACTAAP is well underway and the focus of work within the Department since the Lake View decision has been on measuring adequacy. Mr. Simon stressed that all of these components are aligning to address rigor and meet standards, which will be followed by ratcheting up requirements in some areas.

Ms. Pickett asked, “Is this just one more thing that has to be done?” Mr. Simon stated that this was one way to get at the concerns of the legislation’s sponsors, which include a belief that schools still have too many low-level courses and low standards for too many students. Ultimately, each school’s curriculum must contain no classes with low expectations for any child or groups of children.

Mr. Deming requested a report to the Board on how schools are progressing toward meeting the goals of ACTAAP. How many schools offer AP courses and which schools reward students who are doing well.

Mr. Gordy expressed his frustration for the apparent length of time it is taking to get to a formal adoption of rewards and sanctions for schools and districts. It is his premise that until these are in place, it will continue to be difficult to get the attention of the superintendents and public in some systems.

Ms. Caldwell moved approval of the proposed rules and regulations for public comment. Mr. Deming seconded the motion. The motion passed unanimously.

Marked Tree School District Appeal of Classification of Fiscal Distress, Phase I

Patricia Martin was recognized to present this issue. Ms. Martin reminded the Board that this item was tabled at a previous meeting to allow the Marked Tree district time to conduct a school election and vote on a millage increase. She indicated that the Board placed a condition of approval of the millage for dismissal of the Phase I Fiscal Distress classification. She reported that the millage vote failed. Ms. Martin stated that the superintendent was present should the Board have further questions.

Ms. Pickett moved denial of the appeal. Mr. Gordy seconded the motion. The motion passed unanimously.

Interest Rate on the Revolving Loan Program

Cindy Cheney was recognized to present this item. Ms. Cheney reported that the Agency Loans and Bonds Committee voted to recommend lowering of the revolving loan interest rate to 4.95% from the current 5.85%. She noted that staff monitors interest rates regularly to assure that this program remains viable and is competitive with other markets. Ms. Cheney indicated that at present there is approximately \$2.0 million available for loan in this program. Ms. Pickett moved approval of the proposed loan interest rate. Ms. Hillman seconded the motion. The motion passed unanimously.

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

Willie Morris summarized the most recent activities reported to the court. Mr. Deming asked about the \$30+ million commitment to desegregation efforts and if this commitment is over and beyond other budgeted items for Pulaski County. Mr. Simon indicated that such costs are ongoing and are part of the State's commitment to the overall court settlement. He stated that most of these funds do go to the districts in Pulaski County; however, some is directed to Camden. These funds are used to operate countywide transportation, magnet schools, and other incentive plans. Mr. Deming inquired as to what would be necessary to remove this burden from the Department and the state. Scott Smith responded that motions are underway in the courts for Little Rock to become a unitary district, which would affirm that the district had met its charge to operate a desegregated system. He noted that there are hearings in October and in November by the court on this issue. Mr. Smith reiterated that these funds are court-ordered and thus becomes an obligation of the state.

Mr. Gordy moved acceptance of the report. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Revised Application Schedule – Conversion and Limited Charter Schools

Randall Greenway was recognized to present this item. Mr. Greenway reviewed events that were summarized in the Agenda materials that led staff to make this recommendation. Particularly, he pointed to recent interest of schools in a new initiative supported in part by the Milken Family Foundation with some additional funding by the Walton Family Foundation. This initiative would support the creation of a conversion or limited charter school that would adopt the Milken Model – Teacher Advancement Program (TAP). Mr. Gordy inquired if a school could implement the TAP model without applying for charter status. Mr. Greenway responded yes. Mr. Gordy also inquired if a school could apply for charter school planning grant funds and not follow up with an implementation plan application. Again, Mr. Greenway responded yes.

Mr. Gordy moved approval of staff recommendation. Ms. Hillman seconded the motion. Ms. Pickett remarked, this is the second time the charter school timelines have been changed. She expressed the opinion that once the Board set deadlines, those deadlines

should be complied with through that round of proposals. The motion passed unanimously.

Teacher Licensure Hearing – David Welch

Scott Smith was recognized to present this issue. Mr. Smith indicated that David Welch requested renewal of his license and the background search revealed a number of felony convictions. Mr. Smith's office has informed Mr. Welch of the hearing with no response. Mr. Welch was not present. Mr. Smith recommended the option of issuing a one-year probationary license. Ms. Pickett inquired as to how long ago the incidents took place. From dates on the documents, it was determined that the convictions took place in 1992 and 1993 at which time Mr. Welch would have been approximately 25 years old. Ms. Pickett asked if a longer probationary period were a possibility. Mr. Smith indicated yes. Ms. Jeffries suggested that one with such background was not appropriate for an authority position with students. Ms. Jeffries moved denial of the license. Mr. Deming seconded the motion. The motion was adopted unanimously.

Teacher Licensure Hearing – Karen Whitley-Erickson

Scott Smith was recognized to present this issue. Mr. Smith indicated that Ms. Whitley-Erickson applied for renewal of her teaching license and the background check revealed a felony conviction. Mr. Smith attempted to contact Ms. Erickson with no response. Ms. Erickson was not present. Mr. Gordy asked why should the Board award any type of licensure if she has shown no interest. Mr. Smith indicated that she was working in Virginia and earlier had indicated she needed an active Arkansas certificate to apply for reciprocity licensure in Virginia. Mr. Gordy moved denial of the licensure. Ms. Jeffries seconded the motion. The motion passed unanimously.

Report of Waivers Granted to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days

Dr. Charity Smith was recognized to present this issue. Dr. Smith reported that waivers were submitted and approved based on emergency rules and regulations adopted at a previous Board meeting. She distributed information identifying an additional 28 requests received since the Board Agenda materials were prepared. (Attachment #1) Dr. Smith projected that additional waiver requests will be received as districts become fully informed about the adoption of the emergency rules and regulations.

Ms Pickett requested that summary information be provided that would show where teachers are needed and in what content areas. She expressed concern that teachers of English seemed to be lacking in several schools, which was contrary to her previous understanding. Dr. Smith indicated that she had the information Ms. Pickett requested and she will provide it. Ms. Pickett asked if there was a cut-off date for accepting waivers. Dr. Smith indicated that the rules and regulations did not have such a date. Mr. Gordy asked if schools who applied got a blanket approval. Dr. Smith indicated that each application was reviewed and decisions made based on information provided.

Ms. Pickett moved acceptance of the report. Mr. Gordy seconded the motion. The motion passed unanimously.

Special Report – Christa McAuliffe

Brenda Turner was recognized to provide information about the implementation of the Christa McAuliffe Scholarship Program in Arkansas. Ms. Turner reported that this program awards \$25,000 scholarships to Arkansas teachers to pursue a project of their design. Since the inception of the program in 1987, awards have been made on an annual basis. Past recipients of the program were introduced to the Board and each provided a brief description of his/her work funded by the grant.

Mr. Gordy moved adjournment. Ms. Hillman seconded the motion. The motion passed unanimously.

The meeting adjourned at 11:14 a.m.

The Minutes were recorded and reported by Dr. Charles D. Watson.