

**Minutes  
State Board of Education  
Monday, July 10, 2006**

The State Board of Education met on Monday, July 10, 2006, in the auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum

**Consent Agenda**, Chairman; Randy Lawson, Vice-Chairman; Dr. Tim Knight; Dr. Ben Mays; MaryJane R ebick; and Dr. Naccaman Williams.

The following Board member was absent: Dr. Calvin King.

Ms. Tatum reminded Board members that action on the Consent Agenda includes minutes from both the May and June meetings.

Ms. Burrow moved approval of the Consent Agenda. Mr. Lawson seconded the motion.

Dr. Mays asked for a revision of the June Minutes specifically related to the discussion on the fiscal distress status of the Pulaski County Special School District (Page 5 of the June Minutes). He requested that the discussion reflect the details of the question he asked about the cost savings projected from moving athletics, cheerleader and band practice to after school. Board members agreed to that request to amend the June Minutes.

The motion to accept the Consent Agenda with the revision to the June Minutes was adopted unanimously.

- Minutes – May 8, 2006
- Minutes – June 12, 2006
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Work Force Data Report

**Action Agenda**

**Petitions for Voluntary Annexation of the Altheimer Unified School District into the Receiving Dollarway School District**

(The full text of the presentations and discussion for this item are contained in a transcript provided by a court reporter. That transcript is available upon request from the State Board Office.)

Scott Smith was recognized to present the discussion of this item.

During the discussion, a district patron, Ms. Singleton, requested that consideration of the petition be continued until the bussing study has been completed and a hearing is conducted in accordance with the Administrative Procedures Act.

Dr. Williams moved that the request for continuation be denied and that the Board approve the Altheimer Unified School District and Dollarway School District's petition to annex the Altheimer Unified School District into the Dollarway School District based on the following findings of fact and conclusion of law.

(Text of Motion)

Mr. Lawson seconded the motion. The motion was adopted on a roll call vote with 6 yes and 1 no (Mays voted no). Dr. Mays noted his no vote was based on opposition to creating a "lopsided" district with travel time for students a consideration.

### **Consideration of the Status of Academics Plus Charter School in Maumelle**

Mary Ann Brown was recognized to present this item. Ms. Brown stated that this item is to report on the status of enrollment at the Academics Plus Charter School. She reported that at a previous meeting the Charter School Board had stated that if the school did not have a minimum confirmed enrollment of at least 286 students by July 1, 2006, that Board would surrender the Charter and the school would be closed. Ms. Brown reported that she went to the school site during the previous week and observed applications for 326 students and that a random number of 30 folders were selected for calls to the parents to determine their intent to enroll students when school begins in August. She reported that of the 30 calls made, which involved 48 students, every call confirmed the intent to enroll. Ms. Brown also reported that during her time at the school additional contacts were received from parents seeking to enroll students at the school.

Dean Elliott, president of the Charter School Board, was recognized. Mr. Elliott reported that additional students have enrolled and the current number is 334 and all bills for the previous fiscal year have been paid and there is approximately \$6,000 surplus deposited in the bank.

Ms. Rebick asked about the status of pending legal action from the previous administrator at the school. Mr. Elliott replied that there has been no action on that for almost a year. Ms. Rebick asked if there would be financial obligations if action were resumed. Mr. Elliott replied that any liability from the suit would be covered by insurance carried by the Board.

Mr. Lawson moved acceptance of the report as presented by Mr. Elliott and Ms. Brown. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Consideration of FY-06 Public School Fund Final Budget Revisions**

John Kunkel was recognized to present this item. Mr. Kunkel reported that often at the end of a fiscal year, there are items that cannot be accurately predicted in advance. He stated that that is the case is a few items for the FY-06 budget. He noted that some of the revisions are also the result of actions by the General Assembly during the special session held earlier this year. Mr. Kunkel stated that after these revisions, the Public School Fund will end was a balance of approximately \$1.5 million, which is one of the smallest fund balances in recent years.

Dr. Williams moved approval of the revised FY-06 Public School Fund Budget. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **FY-07 Public School Budget Approval**

John Kunkel was recognized to present this item. Mr. Kunkel summarized the process for preparing state agency budgets and stated that preliminary drafts have already been sent forward to the Department of Finance and Administration as required in the state budget process.

Mr. Lawson asked about legislative changes in student growth funding. Mr. Kunkel responded that there was no change for this fiscal year.

Ms. Rebick asked about clarification of eligibility for Student Poverty Funding (NSLA). Mr. Kunkel responded that a determination is made on October 1 each year to calculate the percent of student who qualify for free or reduced lunch based on federal guidelines and that NSLA funding is determined based on that percentage.

Dr. Mays asked if NSLA funds could be used for teacher salaries. Mr. Kunkel responded that NSLA funds cannot be used by a district to meet minimum salary requirements of the law. However, supplemental programs (not required) such as literacy or mathematics coach's salaries could be funded or a district could use those funds to go beyond minimum salary requirements.

Ms. Rebick asked about isolated school funding. Dr. James stated that identification and funding of isolated schools continues to be a topic of much political debate across the state and in the General Assembly. He affirmed that any change in the way isolated schools are identified or funded would be a legislative decision.

Ms. Burrow moved approval of the FY-07 Public School Fund Budget as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Request for final approval of Rules Governing Eye and Vision Screening Procedures and Test Standards in Arkansas Public Schools**

Dee Cox was recognized to present this item. Ms. Cox noted that the Rule has previously been approved for public comment, has been to topic of public hearings, and has been reviewed by other agencies that have jurisdiction over components of the requirements from the Rule.

Ms. Rebick moved final approval of the Rule as presented. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Request for Final Approval of Emergency and Permanent Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

Scott Smith was recognized to present this item. Mr. Smith noted that the revisions to the Rule have been previously reviewed and minor changes were made as a result of public comment. He stated that the continuation of the Emergency Rule – which is the same as the permanent Rule – is necessary to have authorization to fund schools while the final document is working its way through the Administrative Procedures Process.

Mr. Lawson moved final adoption of the Rule and the Emergency Rule as proposed. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment for Arkansas Department of Education Proposed Rules Governing Residential Placement**

Marcia Harding was recognized to present this issue. Ms. Harding stated that changes are needed in the current rule as a result of changes in federal statute and for clarification of procedures for school districts. She highlighted changes that are proposed.

Ms. Burrow commended the Special Education Unit for its work in helping districts with placement of students who need residential placement. She noted that this is a very costly process and districts need help in recovering incurred costs. She asked about funding sources. Ms. Harding noted that a variety of resources are available through the Special Education Unit.

Dr. Williams moved approval of the revision to the Rule as proposed for public comment. Ms. Rebick seconded the motion. The motion was adopted unanimously.

**Request for Approval to Submit for Public Comment Proposed Rules Governing the Arkansas State Teacher of the Year Program**

Dr. Charles Watson was recognized to present this item. Dr. Watson noted he was reporting in lieu of Janinne Riggs who would be responsible for administration of the Rule and program. Dr. Watson noted that this program was authorized and funded during the recent special session of the Arkansas General Assembly. He stated that the Rule provides the structure to support the position as an advocate for teachers and teaching during the year following the annual selection of Arkansas Teacher of the Year.

Ms. Rebick moved approval of the Rule for public comment. Dr. Mays seconded the motion. The motion was adopted unanimously.

**Approval of 2006-2007 Arkansas Better Chance Rule Amendment for Public Comment**

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that this Rule was approved in April 2006; however, in the legislative review, suggestions were made that would significantly change the intent of the Rule. He noted that the major change was to require each program to have a licensed teacher based on a four-year degree program of early childhood education. Mr. Lazenby reported that with such a major change in the intent, the program staff recommends to reenter a period of public comment.

Dr. Williams commented that this would be a controversial and costly revision to the program requirements. Mr. Lazenby noted that funds could be made available to grantees to meet the salary expectations once the requirement is in place. He also emphasized that there is a proposed phase in period that will give teachers currently working in programs the opportunity to meet the new degree and licensure requirements.

Dr. Mays observed if money is available and children are better served, why has the state not taken this under consideration before this time. Mr. Lazenby responded that part of the issue would be the availability of qualified teachers and the capacity of higher education institutions to graduate the number of qualified teachers.

Dr. Williams moved approval of the revised Rule for public comment. Dr. Mays seconded the motion. The motion was adopted unanimously.

## **Request for Approval of 2006-2007 Arkansas Better Chance Grants – Round 2**

Paul Lazenby was recognized to present this item. Mr. Lazenby reminded the Board that when grant proposals were reviewed at a previous meeting, there would be another group for consideration. He stated that this list includes those that have been under review and have been recommended for approval.

Dr. Williams asked if there were a district or districts in academic or fiscal distress that were encouraged to apply that failed to do so. Mr. Lazenby responded that Buffalo Island Central was such a district, but they now have submitted a proposal that is under review.

Dr. Williams moved approval of the ABC grants as proposed. Dr. Knight seconded the motion. The motion was adopted unanimously.

## **Other Business**

### **Discussion – Board Committees and Committee Structure**

Ms. Tatum led the Board in a discussion on the need for standing committees or the need for committees to do specific work. She stated that the only committee that has functioned in her tenure (three years) on the Board has been the Nominating Committee. Comments from Board members implied that committee work was time

consuming and that the Board's working as a committee of the whole has been successful.

It was concluded that a time during the meeting could be set aside to consider issues or topics that Board members wish to discuss during a "Work Session." It was agreed that Board members would suggest issues or topics to the Chair that would be included on the Work Session Agenda and that items would be submitted in time for them to be included in the published agenda.

Mr. Lawson moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:55 p.m.

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

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Dr. T. Kenneth James, Commissioner of Education

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Diane Tatum, Chair State Board of Education