

MINUTES  
State Board of Education  
Monday, October 9, 2006

The State Board of Education met on Monday, October 9, 2006, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 1:00 p.m.

Board members were present: Diane Tatum, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Jim Cooper; Dr. Tim Knight; Dr. Mays; Mary Jane Rebick; Dr. Naccaman Williams

Board members absent: Dr. Calvin King.

**Chair's Report**

Ms. Tatum reported that she and other Board members attended the Summit on High School Reform sponsored by the Department. She commended Dr. James and Department staff for the involvement of education and public sector leaders in the statewide event. She also noted the new television public service announcements calling attention to high school reform efforts.

Ms. Rebick reported visiting in an elementary school and having the opportunity to share a book with second grade students.

**Commissioner's Report**

Dr. James acknowledged attendance at the High School Summit by Board members and noted the attendance by Matt Gambol from ACHIEVE and Governor Mike Huckabee. Dr. James indicated that Department staff plans to conduct a series of regional summit meetings to help citizens in all sections of the state understand the challenges before education at this time and to highlight progress being made in Arkansas.

Dr. James also reported on a recent visit to the Bentonville School District where that district hosted a representative from the U.S. Department of Education and other state educational leaders. He noted the highlight of the day's meeting was a student panel supporting the need for higher expectation for high school students, especially during the senior year.

**Work Session**

Michael Cohen, President of ACHIEVE, which is an educational policy group housed in Washington, DC, was recognized to discuss the State's work with curriculum alignment in English/language arts and in mathematics. Mr. Cohen emphasized the strong collaboration that exists in Arkansas to bring together high school and university representatives to frame content standards (frameworks) that are validated as meeting college-ready and/or work-ready status. He told the Board that Arkansas was one of

the first states to reach this degree of agreement and to have the standards nationally validated.

Mr. Cohen stated that the next major work for this group will be to share the frameworks with high schools and colleges/universities. He stated that Arkansas was a partner with nine other states to develop an assessment for Algebra II that would reflect the standards just developed and it is hoped that this assessment might be available in the near future to assist colleges/universities with student placement. Mr. Cohen noted that for these frameworks to be effectively implemented, professional development for both high school and higher education faculties will be essential.

Dr. James recognized the work of Janinne Riggs, Bill Nielsen and Deborah Coffman from the ADE staff who are primary leaders in the work of developing and implementing these frameworks.

### **Consent Agenda**

Ms. Rebick asked for information about limits that are in place or might be placed on debt assumed by local districts. She observed that some of those applying for revolving loans or other debt seem to be approaching a value that would be hard for the district to meet. Dr. Bobbie Davis responded that under current school law, there is no limit to the debt ratio for local districts. Dr. James noted that in such situations local voters vote the millages to support the debt and the law does not impose a ceiling. Dr. James also indicated that the only metric for fiscal limits is imposed when a district is identified in fiscal distress. At that time, the state can step in and work with that district to restructure or impose spending limits.

Dr. Williams moved approval of the consent agenda as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

- Minutes – September 11, 2006
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregations Settlement Agreement: Report on the Execution of the Implementation Plans
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Review of Loan and Bond Applications
- Consideration of the State Adoption List and Authorization for Contracts Science, Health/Physical Education and Medical Professions Textbooks

### **Action Agenda**

#### **Consideration of Request for Final Approval of Rule Governing the Arkansas Comprehensive Testing Assessment and Accountability Program (ACTAAP) and the Academic Distress Program**

Janinne Riggs and Dr. Charity Smith were recognized to present this item. Ms. Riggs stated that the revisions to this rule were related to updates in the State's policies to

Limited English Proficient students and the assessment of that sub-group of students. Ms. Riggs indicated that all public hearing and public comment requirements had been met and that no additional comments were received either in writing or at the public hearing.

Ms. Rebick ask questions about components of the ACTAAP program that were previously adopted and were not under consideration for revisions proposed for the document under consideration.

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

### **Consideration for Final Approval of Rules Governing the Program to Inform Students about the ARKids First Program**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that a public hearing was conducted and there were no comments received either oral or written. Dr. Davis noted a technical correction in Section 1.02 to update the code cite to the following Arkansas Code Annotated § 6-10-118.

Ms. Burrow moved final approval of the Rule as revised. Mr. Cooper seconded the motion. The motion was adopted unanimously.

### **Consideration for Approval of Arkansas Department of Education Rules Governing Residential Placement**

Marcia Harding was recognized to present this item. Ms. Harding reported that there were comments received pursuant to items in the rule during the comment period. She stated that revisions were made to include most of the comments and others could not be included due to legal limitations.

Mr. Cooper asked about the absence of human development centers in this rule. Ms. Harding responded that those centers had a budget allocation from state funding additional funding was not needed. Ms. Tatum asked about Florence Crittenden Home. Ms. Harding responded that they no longer provided services. Ms. Rebick asked about placement and who is responsible for placement. Ms. Harding responded that placement is made by a variety of agencies – Division of Youth Services, the courts, parents, etc.

Ms. Rebick moved final approval as presented. Dr. Mays seconded the motion. The motion was adopted unanimously.

### **Consideration for Final Approval of Rules Governing the Regulatory Basis of Accounting**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis stated that there were no comments received pursuant to the public hearing. However, she did indicate that

Department staff recommended changes to sections 1.02 and 4.05 as printed in the Agenda.

Dr. Knight moved final approval as revised. Mr. Cooper seconded the motion. The motion was adopted unanimously.

**Consideration of Request from Rogers and Springdale School Districts to the State Board of Education for Adjustments to School District Boundary Lines**

Scott Smith was recognized to present this item. Mr. Smith informed the Board that these districts submitted petitions to make these changes. He noted that all legal and public documents have been completed.

Dr. Williams moved approval of the boundary change as proposed. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Consideration of Biology Performance Level Descriptors for the Biology End-of-Course Examination and the Tenth-Grade Science Alternate Portfolio Assessment System for Students with Disabilities**

Janinne Riggs presented this item for Dr. Gayle Potter. Ms. Riggs stated that adoption of these descriptors is a required component of the State's assessment system under *No Child Left Behind* legislation.

Mr. Cooper moved adoption of the descriptors as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Consideration of Request for Approval of 2006-2007 Arkansas Better Chance Grants – Round 4**

John Lazenby was recognized to present this item. Mr. Lazenby stated that this proposal was received late and is being recommended for approval after careful review by the agency staff.

Dr. Williams moved approval of the proposed grant application. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Consideration of Recommendation to Uphold Termination of ABC Grant Agreement for Vernon's Home Preschool**

John Lazenby was recognized to present this item. Mr. Lazenby summarized the history of review and corrective actions implemented by the ABC staff. Mr. Lazenby stated that there were document financial irregularities and that the ABC program director, Tonya Russell, recommended termination. Mr. Lazenby stated that upon appeal, the State Board is asked to consider supporting the recommendation to terminate this grant.

Ms. Rebick asked how the irregularities were discovered. Mr. Lazenby responded that they were first noted in accounting in the special nutrition program and that staff began careful observance of all aspects of the management of that grant.

Mr. Lawson moved to uphold the recommendation to terminate funding for Vernon's Home Preschool. Ms. Rebick seconded the motion. The motion was adopted unanimously.

**Consideration for Adding a New Licensure Area and Establishing a Cut Score for Mandarin Chinese**

Beverly Williams was recognized to present this item. Ms. Williams reported that three districts in the state have requested the option to licensure teachers who teach Mandarin Chinese. She stated that currently there is not an assessment in that content, but she described a process by which the state can issue a license under the non-traditional licensure program.

Dr. Williams moved approval of the proposed non-traditional licensure program for Mandarin Chinese. Dr. Knight seconded the motion. The motion was adopted unanimously.

(A transcript of the following deliberations was recorded by a court reporter, which is included as an attachment to the permanent file.)

Courtney Salis-Ford, staff attorney, was recognized to present the following items.

**Consideration of Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Mountain Home School District – Barbara Proffitt**

Ms. Salis-Ford reported that staff had reviewed the background files and in keeping with the adopted policy proposes a stipulated agreement to continue in the current employment with a one-year probationary period.

Dr. Mays moved adoption of the waiver with the stipulated agreement as proposed. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Consideration of Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the South Conway County School District – John Jennen**

Ms. Salis-Ford reported that staff had reviewed the background files and in keeping with the adopted policy proposes a stipulated agreement to continue in the current employment with a one-year probationary period.

Ms. Burrow moved adoption of the waiver with the stipulated agreement as proposed. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Consideration of Request for Approval of Stipulated Agreement for Certified Teacher’s License – Marcus McCutcheon**

Ms. Salis-Ford reported that staff had reviewed the background files and in keeping with the adopted policy proposes a stipulated agreement to continue in the current employment with a two-year probationary period.

Mr. Cooper moved adoption of the stipulated agreement for certified teacher’s license. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration of Request for Approval of Stipulated Agreement for Certified Teacher’s License – Ron Love**

Ms. Salis-Ford reported that staff had reviewed the background files and in keeping with the adopted policy proposes a stipulated agreement to continue in the current employment with a two-year probationary period.

Ms. Burrow moved adoption of the stipulated agreement for certified teacher’s license. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Hearing on Waiver Request for Non-Certified Employment with the Siloam Springs School District – Nada Hooper**

Ms. Salis-Ford stated that Ms. Hooper was present and requested the opportunity to present her case to the Board. Ms. Hooper was recognized. Ms. Hooper stated that the incident was a single case and since that time there had been no criminal violations. She stated that she was dismissed from her position at the school cafeteria upon the school’s notification of the results from the criminal background check. It was noted by review of the documents submitted that the Siloam Springs School District would rehire if she were awarded a waiver.

Ms. Rebick moved to grant the waiver. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Hearing on Waiver Request for Certified Teacher’s License – Thomas Kennedy**

Ms. Salis-Ford stated that Mr. Kennedy was present and requested the opportunity to present his case to the Board. Mr. Kennedy informed the Board that the incident in question was the result of an automobile accident in which a passenger was killed, which resulted in a conviction of vehicular homicide. Mr. Kennedy stated that he had been employed in the printing department of the vocational rehab center in Hot Springs. He stated that last summer he was recommended for a promotion to a teaching position ,which requires a vocational permit license, but the background check caused the license to be denied. It was determined in the discussion that the rehab center would employ Mr. Kennedy if a waiver were issued which would allow licensure.

Dr. Williams moved granting a waiver that would allow licensure to occur. Mr. Cooper seconded the motion. The motion was adopted on a vote of 6 yes, 1 abstain. (Rebick abstained)

### **Hearing on Waiver Request for Non-Certified Employee with the Pine Bluff School District – Veronica Johnson (Tabled from September 11)**

Scott Smith reported that this issue is a continuation from September. He stated that the Attorney's Office contacted Superintendent of Schools, Frank Anthony, but Mr. Anthony refused to make further comment than was made in the letter to the Board prior to the September meeting. Mr. Smith indicated in the absence of additional comment from Mr. Anthony, nothing had changed.

Ms. Rebick moved to deny the waiver request. Dr. Mays seconded the motion. The motion was adopted unanimously.

### **Other Business**

Ms. Tatum recognized Mr. Santo Formica, who requested an opportunity to speak to the Board. Scott Smith reminded Mr. Formica that he has three minutes to make his statement.

Mr. Formica addressed his concern over the lack of formal teaching of concepts of evolution in the public school classrooms in the state. He observed, evolution is included in the state framework for science, but many teachers chose to ignore that concept when teaching science. He expressed the opinion that the State should assure that all components of the frameworks – including evolution – should be required.

Adjournment: Ms. Burrow moved adjournment. Dr. Mays seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 3:05 p.m.

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