

Minutes
State Board of Education
Monday, July 13, 2009

The State Board of Education met on Monday, July 13, 2009 in the Auditorium of the State Education Building. Dr. Naccaman Williams, Chairman, called the meeting to order at 9:00 a.m.

The Board had two vacant positions. The following Board members were present: Dr. Naccaman Williams, Chairman; Sherry Burrow; Brenda Gullett; Alice Mahony, and Dr. Ben Mays.

The following Board members were absent: Jim Cooper, Vice Chairman; and Sam Ledbetter.

Reports

Chair's Report

The Chair had no report. Alice Mahony reported attending a conference in Denver, Colorado, that focused on student retention in high school and higher education.

Interim Commissioner's Report

Dr. Julian provided summary data from the 2008-2009 Benchmark and End-of-Course tests. Dr. Julian stated that statewide student performance surpasses 60% proficient or advanced. She reported increased performance across the grades in mathematics and literacy. Dr. Julian stated that the State has not received data to inform the achievement gap issue.

Quarterly Financial Report for Decatur School District

Bill Goff was recognized to present this report. Mr. Goff provided a summary of end-of-year financial status of the Decatur School District projecting greater than expected carryover funds. Mr. LeRoy Ortman, interim superintendent, presented additional financial data and described strategies implemented throughout the year in cooperation with the Fiscal Distress Unit (ADE). He reported approximately 16% of the annual budget as a carry-over into the 2009-2010 school Year.

Ms. Gullett asked if the budget savings and projections into next year are sustainable. Mr. Ortman affirmed that they are. Dr. Mays asked about the status of the closed middle school building at the Decatur Campus. Mr. Ortman stated that the building was closed to save administrative costs and that the building will not be used next year. He noted that should student enrollment increase in future years, the building would be available.

Quarterly Financial Report for Greenland School District

Bill Goff was recognized to present this report. Mr. Goff provided a summary of end-of-year financial status of the Greenland School District indicating greater than expected carryover funds. Dr. Roland Smith, interim superintendent, affirmed the vastly improved financial status of the Greenland District and that the District was moving quicker than expected into financial stability.

Ms. Gullett asked about student performance given the cuts and reduction in force in teachers from the previous year. Dr. Smith stated that student performance in literacy was greater than anticipated when compared to the previous year. He commended the staff for intense efforts in response to high-quality professional development that focused on improving student scores in literacy and mathematics. Dr. Smith quickly added that not all students were at the expected level of performance and additional professional development and exploration of instructional strategies would be implemented this year in an effort to further increase student performance.

Dr. Mays inquired as to the success of the town meetings. Dr. Smith stated he believed that they were effective and that he sees such meetings as an opportunity to provide to the community a status/improvement report directly related to improving components of the educational system.

Ms. Mahony asked about the locally approved sales tax for education. Dr. Smith affirmed that a two cent (2%) sales tax was voted in last fall with very few no votes. He estimated that the tax would provide approximately \$70,000 per year for two years. He stated that the tax was approved only for two years.

Ms. Gullett observed that both Decatur and Greenland fiscal status was much improved and inquired if it would be advisable to require semi-annual reports for the coming year rather than quarterly reports. Mr. Goff stated that schools in fiscal distress generally are required to make semi-annual reports, but these were special cases. Ms. Gullett moved that reporting for Decatur and Greenland fiscal status be scheduled every six month for the 2009-2010 school year. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consent Agenda

Dr. Williams reported that Consent Agenda Item #C-7 was removed from consideration.

Ms. Burrow moved approval of the Consent Agenda as amended. Ms. Mahony seconded the motion. The motion was adopted unanimously.

- Minutes – June 8, 2009
- Newly Employed Promotions and Separations

- Commitment to Principles of Desegregation Settlement Agreement Report on the Execution of the Implementation Plan
- Stipulated Agreement – Gregory Dodson
- Stipulated Agreement – Leesia Harrison
- Recommendation of the Professional License Standards Board – David Webb
- Recommendation of the Professional License Standards Board – James Henry Hudson
- Recommendation of the Professional License Standards Board – Kristy Moll
- Recommendation of the Professional License Standards Board – Patsy Hughey
- Recommendation of the Professional License Standards Board – Ralph Hardin
- Recommendation of the Professional License Standards Board – Ralph Haskew
- Recommendation of the Professional License Standards Board – Ray Scott
- Recommendation of the Professional License Standards Board – Zachary Thomas

Action Agenda

Arkansas Better Chance 2009-2010 Funding Recommendations

Jamie Morrison was recognized to present this item. Ms. Morrison stated that proposals from additional school districts and agencies were reviewed by the Agency and were being recommended for approval. Ms. Gullett moved approval as recommended. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Consideration of Findings of Fact and Conclusions of Law from Approval of Two Rivers School District's Petition to Close the Fourche Valley K-12 Campus

Tripp Walter was recognized to present this item. Mr. Walter noted that at the June meeting the Board heard testimony from the superintendent of the Two Rivers School District regarding the closing of the campus located at Fourche Valley and subsequently supported the local board's decision to allow the district to close that campus as a cost-saving effort. Mr. Walter stated that patrons from the Fourche Valley community had appealed the findings and as part of the hearing proceedings the judge requested affirmation from the Board of the Board's findings during its review of the case. Mr. Walter provided a document that extracted testimony from the transcript of the Board hearing on June 8th meeting.

Dr. Mays asked about the intent of the document and specifically if the Order implied that Statements D and E are intended to represent facts or merely projections of anticipated savings by closing the school at the Fourche Valley site. Mr. Walter noted that the statements in question as well as the remainder of the document were based on testimony given at the hearing and nothing more. Dr. Mays opined that he personally was not convinced that the testimony given was factual. He suggested amending the wording of the statements to reflect that the statements reflected projections presented by the superintendent, not documented facts in the case.

Ms. Gullett suggested that the findings were facts as presented by the superintendent and that was all that the document in question purports.

Clay Findley, attorney for families from Fourche Valley, requested to be heard for a statement, but was declined by Chairman Williams.

Ms. Gullett moved to approve the documents sent to the Judge based on hearing from April 13. The motion died for lack of a second.

Ms. Gullett moved to approve the findings as presented by the representatives of the Two Rivers District regarding the proposed closing of the Fourche Valley School. Ms. Burrow seconded the motion. The motion was adopted on a vote 3 yes, 2 no. (Mays voted no, Mahony abstained).

Consideration of Final Approval: Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts

Annette Barnes was recognized to present this item. Ms. Barnes stated that the changes to this Rule include final approval of adding to the graduation requirement beginning with the graduating class of 2013 and 2014. Ms. Barnes reported that numerous comments were submitted as the public hearing as well as in writing. She stated that the changes from the proposed revisions are a compromise based on all ideas presented. Dr. Julian stated that there were concerns expressed from various groups related to the most efficient way to put a requirement for economics education in the standards.

Dr. Williams questioned the different proposed ways of offering course credit based on the licensure of the teacher – either social studies or business education. He was concerned that students were earning credit based on the qualification of the teacher, not the content of the course. Ms. Barnes responded that a major part of the reasoning for this way of implementation is so that the Highly Qualified teacher issues of *No Child Left Behind* statutes are addressed.

Ms. Burrow moved to approve the revisions as presented. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request for Approval of the 2009 Amendments to the Economics Course of the Arkansas Social Studies Curriculum Framework, Revised 2006

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that the proposed revisions relate to the addition of the required economics course and the work was accomplished by a broad-based committee reflective of a wide array of educators with expertise in economics education.

Ms. Gullett moved approval as presented. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Arkansas Department of Education Proposed Rules Governing Public School End-of-Course Assessments and Remediation

Tripp Walter was recognized to present this item. Dr. Mays asked about testing and remediation of students transferring into Arkansas public schools from another state or from home school status. Mr. Walter stated that students who enter public school from home school must be evaluated and placed according to the assessments used by the local district. Dr. Mays also asked about awarding of credit, especially at high school levels. Dr. Julian stated that the laws impacting grade placement and credit for home school students require the local district to conduct individual assessments and place students according to performance. Dr. Mays asked for alternate wording for Section 1.15.

Ms. Burrow asked about options for students who tested two or three times and cannot pass the exams. Mr. Walter stated that there are alternate assessment options for students with IEPs.

Ms. Mahony moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rules Governing Access to Public School Information on Comprehensive School Improvement Plans

Motion to adopt for public comment by Ms. Mahony; second by Ms. Gullett; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of District Conversion and Open-Enrollment Charter Applications

Motion to adopt for public comment by Ms. Gullett; second by Ms. Mahony; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Limited District Conversion Charter Application

Motion to adopt for public comment by Ms. Burrow; second by Dr. Mays; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing Public Charter Schools

Motion to adopt for public comment by Ms. Gullett; second by Ms. Mahony; adopted unanimously.

Consideration for Public Comment: Proposed Revision of Rules Governing Limited District Conversion Public Charter Schools

Motion to adopt for public comment by Dr. Mays; second by Ms. Burrow; adopted unanimously.

Consideration for Public Comment: Proposed Revision of Rules Governing Reimbursement by School District for Election Expenses

Motion to adopt for public comment by Dr. Mays; second by Ms. Mahony; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing the Regulatory Basis of Accounting

Motion to adopt for public comment by Ms. Gullett; second by Dr. Mays; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program

Motion to adopt for public comment by Ms. Burrow; second by Dr. Mays; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing the Calculation of Miscellaneous Funds

Motion to adopt for public comment by Ms. Gullett; second by Ms. Mahony; adopted unanimously.

Consideration for Public Comment: Revision to the Arkansas Department of Education Rules Governing Professional Development

Motion to adopt for public comment by Ms. Mahony; second by Ms. Gullett; adopted unanimously.

Petition from the Emerson-Taylor School District to the State Board of Education to Move from a Seven (7) Member to a Five (5) Member School Board

Tripp Walter was recognized to present this item. Mr. Walter reported that the Emerson-Taylor School District has met all the legal requirements for this request to be approved. Ms. Mahony requested a copy of the newspaper advertisement, which was provided. Dr. Mays asked if

there were opposition to this action in the community. Mr. Walter responded that there was none that he was aware of from patrons or others.

Ms. Burrow moved approval as requested. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing Renewing a Standard/Professional Arkansas Teaching License

Motion to adopt for public comment by Ms. Mahony; second by Ms. Gullett; adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing Waivers of the Earnings Limitation under the Arkansas Teacher Retirement System

Motion to adopt for public comment by Dr. Mays; second by Ms. Burrow; adopted unanimously.

Consideration for Public Comment: Proposed Revision of Rules Governing Highly Qualified Teachers

Motion to adopt for public comment by Ms. Gullett; second by Ms. Burrow; adopted unanimously.

Chairman Williams announced that an additional item was being added to the agenda to consider placing advertisements in local and national media pursuant to the search for Commissioner of Education for Arkansas.

Dr. Charles Watson was recognized to present information related to this item. Dr. Watson distributed a document with proposed wording for an advertisement based on position descriptions and requirements of Arkansas statutes. The Board discussed options for print and on-line advertisements. Following discussion, Chairman Williams directed Dr. Watson to submit the position advertisement in the national publication *Ed Week* both in print and on-line and in the *Arkansas Democrat-Gazette*. Additionally, the Board directed Dr. Watson to post the advertisement on the ADE Website and in a Commissioner's Communication.

Ms. Gullett inquired about an option for a Sunday evening meeting preceding the August meeting, which would allow the Board more time to engage in dialogue about the Commissioner's position and to consider options for reviewing applicants. She suggested seeking assistance from the National Association of State Boards of Education (NASBE) as a facilitator of that session. Dr. Williams asked Ms. Gullett to follow up with NASBE and determine the feasibility of NASBE's participation.

Ms. Gullett asked Dr. Julian for a list of “stakeholders” that possibly might be engaged in a dialogue regarding the position of Commissioner of Education. Dr. Julian responded that the Department would provide that request through Dr. Charles Watson.

Ms. Gullett moved adjournment. Ms. Mahoney seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:15 p.m.

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