

**Minutes**  
State Board of Education  
Monday, May 10, 2010

The State Board of Education met on Monday, May 10, 2010, in the Auditorium of the State Education Building. Chairman, Dr. Naccaman Williams, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, Chair; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; Vicki Saviers.

The following Board members were absent: Jim Cooper, Vice-Chair and Toyce Newton.

**Reports and Special Presentations**

Wayne Levering, high school social studies teacher from the Arkansas School for the Deaf, was recognized to make a special presentation to the Board and the Department of Education. Mr. Levering stated that the painting being presented is titled Resounding Patriotism and symbolizes an image of the United States Flag. He noted that the project was the result of social studies class investigations in which students explored ways of demonstrating their patriotism. He noted that the project ultimately involved the total student body at the school and resulted in the creation of paintings on canvas utilizing hand prints from the students. In addition to Mr. Levering, students from the school who participated in the creation of the project also attended the presentation.

**Chair's Report**

Dr. Williams reported his participation, as a parent, in the evaluation study of the Springdale School District. He commended the organization of the study and felt like it was a good exercise for both the district and those who participated.

Ms. Burrow reported her attendance at a regional meeting to present the draft version of the Common Core Standards. She participated in small group sessions and felt that those attending better understood the proposed Standards and offered good observations and comments.

**Commissioner's Report**

Dr. Kimbrell commented on the following recent activities:

- Conference held in Jonesboro designed to strengthen parent understanding of participation and involvement of students with handicapping conditions in the total school program.

- Participation in the El Dorado Academic Signing Day activities at which he shared the stage with former U.S. President George W. Bush. He noted the enthusiasm among those attending for the opportunity provided by the Ed Dorado Promise Program.
- Meeting with Michelle Obama and State officials as part of Ms. Obama's visit to Pine Bluff and the University of Arkansas at Pine Bluff commencement address. One topic highlighted was Arkansas' work on childhood obesity and the collaboration with various State agencies to address the problem.
- Work by the administrators from the Marion School District to bring students and parents from the Turrell District into Marion to assure a smooth transition next fall.

### Other Reports

Dr. Paul Halverson, Director, Arkansas Department of Health, provided an update of projects and activities of his Department that are shared with the Department of Education pertaining to health and health issues of students in Arkansas schools. Dr. Halverson commended the cooperative relationship between the two agencies and stressed that through these partnerships good programs and good things are happening for Arkansas' children.

Ms. Gullett requested cooperation with a group from the Fayetteville area and Laura McDowell as they address the issues of teen pregnancy.

Ms. Saviers noted the continuing role that Arkansas Children's Hospital plays in addressing health needs of children. She specifically noted the mobile dental clinics.

Dr. Halverson commended the work of Dr. Dee Cox of the ADE staff for being collaborative and providing leadership in health and health education.

Heather Gage provided an update on the development of a proposal that will be submitted to the U.S. Department of Education pursuant to the Race to the Top grant opportunity. Ms. Gage commended the work of ADE staff and the outside writing consultant who provided additional expertise with the writing aspects of the proposal and the linkages that are essential for a successful proposal. She assured the Board that the deadlines for submission, although near, would be met with no problem.

Dr. Mary Ann Duncan provided an update on the closing status of School of Excellence in Humphrey. She informed the Board that the last day of classes would be May 28<sup>th</sup> and the last day for operation would be June 30. Ms. Duncan stated that work has begun to identify inventory for liquidation and to determine how the liquidation will occur.

### Consent Agenda

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

- Minutes – April 12, 2010
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309

### **Action Agenda**

*(Deliberations pertaining to the Action Agenda items are reported by the Court Reporter and can be retrieved from the State Board Office of the Department of Education.)*

### **Consideration of Proposed Annexation of the Twin Rivers School District to One or More Contiguous School Districts**

Jeremy Lassiter was recognized to present this item. Mr. Lassiter summarized the process for consideration of this item and noted that opposition to the closing of the school would be addressed by attorneys representing parents of students enrolled at the Twin Rivers District.

No one spoke in favor of the annexations.

Attorneys Clay Fendley and Teresa Caldwell and Tony Lowe, a parent of students from Twin Rivers District, spoke in opposition to the schools being closed and annexed to surrounding districts. The primary argument for not closing the school was that the schools in the Twin Rivers District are classified isolated and the Board of Education does not have the authority to close an isolated school without the majority vote of the local school board. Mr. Fendley alluded to funding for isolated schools and the lack of adequate funding to support the needs of small, isolated districts.

Mr. Lassiter spoke to the State's position specifically noting that statutes and rules that govern schools on probationary status having unresolved accreditation issues require the State Board to take action and that all the statutes that apply must be considered together and read in parallel to determine the appropriate course of action.

Mr. Ledbetter commented on the issue of funding for isolated districts and noted that the General Assembly provides additional funds to support isolated districts. Mr. Ledbetter noted that the amount of isolated funding for instructional programs as well as the additional transportation costs were set by the General Assembly and those matters are beyond the purview of the State Board. He stated that the Board is charged with making the decision that is best for kids within the parameters of the law.

Mr. Lowe referred to the possibility of long bus routes for some students – up to between three and four hours per day. Ms. Gullet Questioned if these were estimates based on projected attendance zones. Mr. Fendley responded that the time estimate was based on what new

routes might be; however, he noted the concern of parents for long bus rides to and from school each day.

Dr. Kimbrell outlined the process by which the proposed annexation would take place. He noted that representatives from the six adjacent districts and one open enrollment charter school were present. Each of these entities previously met with Department staff and have agreed to the proposed structure for dissolving the Twin Rivers District. Also, Department staff met with local county officials to work out the process for allocating the land among the receiving school districts. He stated that the districts would work together after June 30 to disburse funds, liquidate assets, close buildings and look for opportunities to sell buildings. He indicated that proceeds from sale of the buildings would be used to cover the costs of closing and moving students into the new districts. He stated that parents of students currently enrolled in the Twin Rivers District would have the opportunity to exercise choice options for the districts or the charter school.

Jeremy Lassiter provided a proposed Resolution that summarized historical events regarding notification of the Twin Rivers District of issues related to the Accreditation Standards and detailing a proposed plan of action for annexing the district to the adjacent districts.

#### PROPOSED ORDER

WHEREFORE, upon consideration of the facts, documentation and oral testimony made to it by all parties present, a majority of a quorum present of the members of the State Board ORDERS as follows:

1. Effective July 1, 2010, the Twin Rivers School District shall be dissolved.
2. Effective July 1, 2010, the Williford and Oak Ridge Central campuses of the Twin Rivers School Districts shall be closed;
3. It is in the best interest of the Twin Rivers School District, the district's students and contiguous school districts that based upon the Twin Rivers School District's failure to meet standards for accreditation pursuant to Ark. Code Ann. § 6-15-201 et seq., the Twin Rivers School District, together with its territory, shall be annexed into the following receiving districts effective July 1, 2010:
  - a. The Highland School District of Fulton and Sharp Counties;
  - b. The Hillcrest School District of Independence, Lawrence, and Sharp Counties;
  - c. The Mammoth Spring School District of Fulton and Sharp Counties;
  - d. The Maynard School District of Randolph County;
  - e. The Pocahontas School District of Lawrence and Randolph Counties; and
  - f. The Sloan-Hendrix School District of Lawrence and Randolph Counties.

4. The boundaries of the receiving school districts listed in paragraph (2) above shall be as set forth in the map located at Attachment 1 to this Order.
5. The receiving school districts listed in paragraph two (2) above shall have no more than one (1) superintendent per receiving district.
6. The boards of directors of the separate receiving school districts listed in paragraph two (2) above shall be formed and governed in accordance with Ark. Code Ann. § 6-13-1406. Because no agreement exists otherwise, the board of directors of each receiving school district listed in paragraph (2) after annexation shall be the same board of directors of the receiving districts prior to annexation until the next regular school election in September 2010. The boards of directors of the separate receiving school districts shall, at their discretion, be composed of either five (5) or seven (7) board members.
7. The Arkansas Department of Education shall make changes to the maps of the separate receiving school districts to properly show the boundary lines of each receiving school district.
8. The Arkansas Department of Education shall file this order, along with the revised school district maps, with the county clerks of Fulton, Independence, Lawrence, Randolph and Sharp Counties.
9. Prior to July 1, 2010, the State Board hereby authorizes the Arkansas Department of Education to dispose of real and personal property belonging to the Twin Rivers School District in a manner provided by law.
10. On July 1, 2010, all remaining assets and liabilities of the Twin Rivers School District will be transferred into an account or accounts managed by the Northeast Arkansas Educational Cooperative and created for the benefit of the Highland, Hillcrest, Mammoth Spring, Maynard, Pocahontas, and Sloan-Hendrix school districts.
11. Upon waiver of notice and challenges of the surrounding school districts, the State Board of Education hereby authorizes the enrollment capacity of the Imboden Area Charter School to be raised to 150 students, effective July 1, 2010.
12. In collaboration with the Arkansas Department of Education, the Highland, Hillcrest, Mammoth Spring, Maynard, Pocahontas, and Sloan-Hendrix school districts will form interim personnel policy committees in accordance with Arkansas law.
13. Pursuant to Ark. Code Ann. § 6-13-1607, all student and historical records and documents belonging to the Twin Rivers School District will be gathered and retained at the Northeast Arkansas Educational Cooperative.
14. All historical school artifacts belonging to the Twin Rivers School District will be gathered, retained, preserved, and, as appropriate, displayed in accordance with Arkansas law.

Mr. Ledbetter moved adoption of the Proposed Order as presented and adoption of the actions as detailed in the Order. Ms. Gullett seconded the motion. The motion was adopted unanimously.

## **Request for Open-Enrollment Public Charter School Modification: Little Rock Urban Collegiate Public Charter School for Young Men, Little Rock, AR**

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan noted that financial consideration related to preparing the original proposed site caused the charter board to seek an alternate location. Dr. Duncan requested that Jackie Jackson be recognized to present the background information and to identify the proposed new site.

Ms. Jackson stated that required renovation costs, construction costs related to roadway access and other factors caused the Board of the school to abandon the first location and to seek a new facility. Ms. Jackson noted that the services of a local commercial real-estate firm were secured and three alternate sites were identified. The most attractive and where the least amount of work would be needed is the facility that currently houses the Lutheran High School Campus. Ms. Jackson noted that over 500 students were currently registered and those families were contacted to determine if an alternate location would be a limiting factor. She reported that changing location did not appear to be a deciding factor for most parents.

Ms. Burrow asked if an enrollment in the 500 range would be a problem with a budget currently based on the max enrollment of 695. Ms. Jackson stated that she is optimistic that by the time school begins in August the school would have a full enrollment. She noted that she was optimistic because to date these parents have signed up their children with no firm location and no affirmed leadership for the campus. With those factors complete, she believes that additional enrollments will be received.

Dr. Mays noted that there is a significant increase in the lease amount over a ten year period. He asked if she felt the budget would allow this amount of increased payment for the lease agreement. Ms. Jackson responded that it was not her intent for the school to stay at that location for ten years. She envisions a more permanent location after five years.

Ms. Mahony commented that on the City of Little Rock Board Agenda there were comments about the proposed school and its sites. She asked about the reference to a football stadium. Ms. Jackson stated that was just an early question, that there is no intention to have anything on the campus except the classroom facility.

Mr. Ledbetter asked about the proposed lease document with the Lutheran Organization, and the down payment of \$50,000. Ms. Jackson responded that working on the details of the lease has been time consuming given that the owner of the building is located in Missouri and they have been somewhat slow in responding. Ms. Jackson also stated that the down payment of \$50,000 would be paid by an outside source – not identified – but would not be drawn for school budget funds. Mr. Ledbetter also asked about a potential increase in funding for transportation based on the relocation and did she think that the move would increase the need for transportation funds. Ms. Jackson stated that currently only 67 families have indicated the need for transportation assistance. She stated that a maximum of 150 needing transportation might be a high estimate. If that is accurate, she stated, that would be well within the amount budgeted.

Ms. Saviers asked who the newly employed school employee would be. Ms. Jackson stated that it was Darrell Powell, currently an assistant principal at Little Rock Hall High School. Ms. Saviers also asked about membership of the school's board of directors. Ms. Jackson indicated that the Board information was provided at the last meeting and she did not have that list with her today, but it has not changed.

Ms. Burrow asked about funding and salary for a special education supervisor. Ms. Jackson responded that the school would have a full time special education teacher and the school would share in the services of a special education supervisor that would be housed at the resource center.

Clay Fendley, an attorney representing the Little Rock School District, was recognized to speak in behalf of the District. Mr. Fendley stated it was the position of the Little Rock District that this relocation was a major shift what the proposed location and that it moved the school from an area of the city to the 72204 zip code area, which is primarily comprised of non-minority families. He argued that this change in location potentially further erodes the high performing, non-minority students from the Little Rock District.

Ms. Burrow asked if Ms. Jackson thought this location would be permanent or if at a later time the school would move perhaps closer to targeted students. Ms. Jackson noted that after five years the lease rate jumps considerably and that it is her intent to be able to move to a more permanent location after the first five years.

Dr. Mays observed that this discussion is limited to location and our deliberations should not be so limited. He noted that unless there is concern for such a move to limit the student participation or the school cannot potentially afford the lease, there is nothing in the discussion that would negate approving the proposal.

Dr. Mays moved to approve the relocation request placing the UCPC open enrollment charter at 6711 West Markham in Little Rock. Ms. Burrow seconded the motion. The motion was adopted on a vote of 4 yes 2 no on a roll-call vote. (Ledbetter and Mahony voted no.)

### **Arkansas Better Chance 2009-2010 Funding Recommendation**

Jamie Morrison was recognized to present this item. Ms. Morrison stated the proposed funding recommendations were reviewed by the ABC staff and found to meet established guidelines. There were no questions.

Ms. Mahony moved approval. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Seventeen proposals were approved totaling \$1,940,460.

### **Classification of District in Fiscal Distress - Armored School District**

Bill Goff was recognized to present this item. Mr. Goff stated that the Department had previously informed the Armored School District of its intent to recommend classification of the district in fiscal distress and there has not been an appeal.

Ms. Gullett moved that the Armored School District be classified in fiscal distress. Ms. Mahony seconded the motion. The motion was adopted unanimously.

### **Consideration for Public Comment – Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

Bill Goff was recognized to present this item. Mr. Goff stated that revisions of the Rule previously submitted for public comment were sufficient to warrant that the revised Rule be resubmitted for public comment.

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

**Consideration for Final Approval: Rules Governing the Immunization Requirement in Arkansas Public Schools by the Arkansas State Board of Health and Arkansas Department of Education**

Dr. Dee Cox was recognized to present this item. Dr. Cox stated that these rules replace current rules and that comments received during the public comment period were considered in preparing the final draft. She noted that the changes were structural not content.

Dr. Mays asked about the procedure should a parent wish to have children exempt from the immunization requirement. Dr. Cox noted that each case is determined separately and that it begins with the parent requesting the form from the Department of Health. Dr. Cox also stated that the process for exemption is much more carefully screened than in the past and it is much harder for a parent to get the exemption.

Ms. Mahony asked if the Rule applies to students who attend school through the virtual charter school. Dr. Cox responded yes. All public schools are under the same regulations.

Ms. Burrow moved for final approval as presented. Ms. Saviers seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval: Rules Governing School Based Automated External Defibrillator (AED) Devices in Arkansas Public Schools**

Dr. Dee Cox was recognized to present this item. Dr. Cox stated that fifteen people attended the public hearing and a number of comments were received. She observed that the comments related to clarification of one or more items in the Rule, but there were no substantial changes.

Ms. Gullett moved final approval of the Rule. Ms. Mahony seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval of Rules for Act 949 of 2009**

This item was withdrawn from consideration.

**Consideration for Final Approval: Proposed Rules Governing Appeals Involving Student Residency Disputes Between School District**

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that only one person attended the public hearing and comments at that hearing led to minor revision in two sections. Mr. Lassiter also noted that this Rule when approved will replace the rule as adopted for emergency status by the Board on March 14, 2010.

Mr. Ledbetter moved final approval. Ms. Saviers seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Proposed Revision to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program**

Jeremy Lassiter was recognized to present this item. Mr. Lassiter noted that this rule had been submitted for public comment previously and that it had been approved for emergency status. He commented that proposed revisions as a result of new information and additional comments warrant resubmission of the Rule for further public comment.

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

**Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds – Nancy Anderson**

Dr. Kimbrell presented this item for Beverly Williams. Dr. Kimbrell stated that Rules provide for waiver of repayment of funds when a teacher fails to complete the National Licensure program if there were documented extenuating circumstances. Dr. Kimbrell stated that Ms. Anderson has documented major illness and loss of work due to major illness.

Mr. Ledbetter moved approval of the request for waiver of repayment. Ms. Mahony seconded the motion. The motion was adopted unanimously.

**Hearing Concerning Recommendation of the Professional Licensure Standards Board for Written Reprimand and a Fine of \$50 – Carrie Curtis**

Judy Kaye Mason was recognized to present this item. Jeremy Lassiter presented the guidelines under which the hearing would proceed. Those intending to testify were sworn in by the Court Reporter.

Ms. Mason reviewed the situation under which this recommendation was made. She noted that during the 2009 Benchmark testing session that Ms. Curtis was administering the science test to a group of students who qualified to accommodations, i.e. reading the items to the students. It was noted that Ms. Curtis was not present when the test administration manual was distributed on the previous work day and that she received the directions and test documents approximately 20 minutes before testing was scheduled to begin. It was reported that Ms. Curtis administered the wrong science test, which created a condition of breach of test security for the testing sessions.

The school notified the Department of Education – Dr. Gayle Potter – who gave instructions for maintaining security for the test for the remainder of the testing sessions. In turn, as directed, Dr. Potter reported the test security issue to the Professional Licensure Standards Board. The Professional Licensure Standards Board (PLSB) considered the item and assessed a penalty. This ruling was appealed by Ms. Curtis with the support of the Fort Smith School District.

Ms. Curtis was represented by attorney Mitch Llewellyn.

The following persons from the Fort Smith School District testified on behalf of Ms. Curtis supporting her tenet that there was no willful wrong doing and that with the actions taken by the district and her school, test security for the other students was not an issue.

Dr. Brenda Sellers, Associate Superintendent, Fort Smith School District  
Theresa Dewey, Principal, Tilles Elementary School  
Ms. Curtis  
Dr. Bennie Gooden, Superintendent, Fort Smith School District

Dr. Gayle Potter testified that any administration of the test outside the structure provided by the test administration manual is considered a breach of security and is cause for action on the part of the one who caused the security issue.

Mr. Ledbetter asked if all agreed that this was an unfortunate event, but not shown that there was willful intent to administer the test inaccurately. He asked if a lesser sanction such as a warning or requirement for additional training would be more appropriate.

Mr. Lewellan stated that Ms. Curtis and the Fort Smith District would agree to an assessment of more training in the area of test administration, but that the sanction on her licensure and a fine were too harsh for this incident.

Ms. Gullett asked for clarification as to the amount of training for all faculty on test administration. Ms. Dewey stated that the training was provided after school hours on Friday afternoon prior to the onset of testing on the following Monday. Ms. Curtis was not present for that session because she had already left the campus at the time of the training. Dr. Sellers stated that the test administration manual is 90 pages in length and that the entire booklet was not covered in the time provided for the training.

Ms. Mahony moved that this incident be considered as a test violation, but no ethical violation be imposed. As a result of the test violation, Ms. Curtis should be provided additional training on test administration. Mr. Ledbetter seconded the motion. The motion was adopted unanimously on a roll-call vote.

Ms. Burrow was recognized to present the report of the Nominating Committee. Ms. Burrow stated that the proposed slate of officers for 2010-2011 would be Dr. Naccaman Williams, Chairman and Jim Cooper, Vice Chairman.

Dr. Kimbrell reminded Board members of the Work Session on Thursday and Friday, May 20 and 21, at the Crowne Plaza Hotel in Little Rock. He stated that a final agenda would be provided at a later date, but the sessions would begin at 5:00 p.m. on Thursday and end by 3:30 p.m. on Friday.

The meeting adjourned at 2:55 P.M.

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