

Minutes
State Board of Education Meeting
Monday, September 13, 2010

The State Board of Education met Monday, September 13, 2010, in the auditorium of the Department of Education building. Dr. Naccaman Williams, Chairman, called the meeting to order at 9 a.m.

Present: Dr. Naccaman Williams, Chairman; Dr. Ben Mays, Vice-Chairman (arrived at 9:20 a.m.); Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Alice Mahony; Toyce Newton; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Vandy Nash, Arkansas Teacher of the Year

Absent: None

Reports

Chair's Report:

- Chairman Williams reported having attended several beginning of the school year functions and was encouraged by the excitement of students and staff.
- Ms. Gullett shared a letter from Senator Blanche Lincoln regarding her appreciation of the state's support for the Child Nutrition Act.

Commissioner's Report:

- Commissioner Kimbrell announced the Partnership for Assessment of Readiness for Colleges and Careers (PARCC) was awarded a \$175 million grant for the design and development of common assessments aligned with the new common standards. He said Arkansas was participating as a governing state and would help lead the project targeted to deliver assessments via technology beginning the 2014-2015 school year.

Dr. Kimbrell noted the October 11 board meeting would not begin until 1 p.m. to allow the morning for a joint meeting with the higher education board and the career education board.

Board members were provided invitational brochures for the Teacher of the Year gala scheduled for November 12.

Act 1220: Body Mass Index Report:

Laura McDowell, Coordinated School Health, and Joy Rockenbach, Act 1220 Coordinator, reported the percentage of obese school-age children in Arkansas had begun to level out. A little more than 20 percent of the state's students are considered obese, with another 17 percent at risk of becoming obese. For several years, the Department of Education, the Arkansas Department of Health and the Center for Health Improvement have worked with schools to provide health education and implement policies to overcome obesity in the state.

Home School Report for 2009-2010 School Year

Lisa Crook, Home School Program Coordinator, reported a total of 15,791 Arkansas students were home schooled in the 2009-2010 school year, down from 16,061 students in the previous year. According to the report, 83 percent of home school students were tested. Average results ranged from 57th percentile in third and ninth-grade math to the 67th percentile in fourth and fifth-grade reading.

Report on School Improvement Status and School Improvement Grants

Assistant Commissioner for Learning Services, Dr. Laura Bednar, gave a brief update on the 1003(g) School Improvement Grants (SIG). The rationale behind SIG is turning around the nation's lowest performing schools. To qualify for funding under SIG, states must identify their lowest performing schools in economically challenged communities and transform those schools using one of the four intervention models.

Dr. Bednar explained that each of the seven schools—Rose City Middle, Trust Elementary, Fair High, Hall High, Cloverdale Middle, Osceola Middle and Osceola High—awarded grants has committed to the criteria as outlined in the expectations of the grant. She said each school selected the Transformation Model and explained the components of the model. She emphasized that the components must focus on a highly trained staff; curriculum based on high expectations, frequent assessments and a change in school culture/leadership. Dr. Bednar stated that the leadership team has completed initial site visits with each of the SIG schools and explained the Commissioner's expectations for ongoing collaboration and involvement with the schools during this process.

Report on Standards for Quality Charter Schools

Dr. Mary Ann Duncan, Charter School Program Director, and Scott Smith, Executive Director of the Arkansas Public School Resource Center (APSRC), introduced the seven standards the Department will use in authorizing new

charter schools and in the annual review of existing charter schools. The standards were developed after a review of other states' standards and those suggested by national organizations.

Commissioner Kimbrell said the Charter Review Council will begin using the standards this fall as a tool to measure the quality of charter school applications. He said the standards will also guide the annual review of existing charter schools.

Status Report on Northwood Middle School in the Pulaski County Special School District

Annette Barnes, Coordinator, reported a monitoring team visit of Northwood Middle School in the Pulaski County Special School District verified all previously cited standards violations had been resolved.

Oral Report Regarding Standards Violations in the Osceola School District

Ms. Barnes also reported the Osceola School District was under new leadership and working hard to comply with standards.

Dr. Kimbrell said the district worked through the Department to hire the new superintendent Mike Cox. He said he had assurances from Mr. Cox and the school board to work with the Department to ensure standards are met and students served appropriately.

Consent Agenda

Ms. Burrow moved, seconded by Ms. Gullett, approval of the Consent Agenda.

Ms. Mahony asked why the professional development activities in item C-2 were cancelled.

Willie Morris, Director of Federal Monitorin, couldn't explain but said he would find out and provide the Board clarification.

Mr. Ledbetter offered a substitute motion for approval with the exception of Consent Agenda Item 2. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the August 9, 2010, Board Meeting
- Newly Employed, Promotions and Separations

- Waivers to School Districts for Teachers Teaching Out of Area for Longer than 30 Days
- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
 - Marilyn Chambers
 - Susan Stanley
 - Neal Plummer
 - Ethan Baker
 - Renna Williamson
 - Dawn Deloach
 - Sherry Latimer
 - Kevin Mercer
 - Jeffery Fairris
 - J.R. Folds

Consent Agenda Item C-2

Deborah Coffman, Director of Professional Development, addressed Ms. Mahony's concerns regarding the cancellation of professional development. She explained the three school districts in Pulaski County had five workshops scheduled in the summer but did not have enough registrants for the training. She said all had been rescheduled for November.

Ms. Mahony moved, seconded by Ms. Gullett, approval of C-2 Project Management Tool. The motion carried unanimously.

Action Agenda

(Complete records of the hearings are available in the State Board office.)

Consideration of Arkansas Better Chance 2010-11 Funding Recommendations

Jamie Morrison, ABC Program Administrator, requested approval of direct services funding totaling \$91,854 (\$14,094 to Monticello School District; \$77,760 to Paragould School District) as proposed under the Arkansas Better Chance program.

Dr. Mays moved, seconded by Ms. Newton, approval of \$91,854 direct services funding as proposed under the Arkansas Better Chance Program. The motion carried unanimously.

Classification of District in Fiscal Distress—Helena-West Helena

Bill Goff, Assistant Commissioner for Fiscal and Administrative Services, reported the Helena-West Helena School District had been cited by state auditors for drawing down its reserve funds and for improper financial management. Mr. Goff explained the district's fund balances declined from \$4.6 million in the 2007-08 school year to \$3.1 million in 2008-09 and \$1.7 million in the year ending June 30, 2010. He added that if the district's spending was left unchecked it could have a \$1.5 million deficit in two years.

Helena Superintendent Willie Williams acknowledged the district had financial problems but said a plan was in place to correct the current condition. He said the district had replaced its business manager with a chief financial officer and was working with financial consultant Judy Clampit of Jonesboro to develop stronger internal financial controls.

Ms. Gullett said it was unacceptable that any superintendent would not know financial principles. She asked what training was provided new superintendents.

Dr. Kimbrell said the Arkansas Association of Educational Administrators provides two full days of intensive financial training for new superintendents. He also explained that every superintendent is required to get Tier I training—12 hours of initial financial training and an annual 4 hour update.

Board members expressed grave concern that the audit findings paralleled many of the problems that led to state takeover in 2005.

Dr. Mays moved, seconded by Ms. Newton, to classify the Helena-West Helena School District as fiscally distressed. The motion carried unanimously.

Consideration of Recommendation to Replace Praxis Tests and Approve Cut Scores in Special Education and Physical Education Effective January 1, 2011

Beverly Williams, Assistant Commissioner for Human Resources, presented a recommendation from the Professional Licensure Standards Board for the Special Education Test 0354 Core Knowledge and Applications with a cut score of 151 to replace old assessments #0351 and #0352. Another recommendation was to replace Physical Education assessments #091 and #092 with #095 Content and Design with a cut score of 169.

Ms. Williams said the Praxis test #0690 would no longer be used for licensure purposes for those teachers seeking P-4 special education. However, the ADE's special education unit will utilize it as an option for those P-4 special education

teachers who are employed in a "facility" serving students aged birth to 8 years of age.

Consideration for Final Approval: Rules Governing the Code of Ethics for Arkansas Educators

In presenting the Rules, Ms. Williams reported the public comments were taken into consideration when revising the rules. She said the Professional Licensure Standards Board and Department staff made a consistent effort to keep the Code of Ethics a working document. She added that over 50 percent of the allegations received did not meet the standards for investigation; therefore, were not investigated.

Ms Burrow moved, seconded by Ms. Newton, final approval of the Rules Governing Code of Ethics for Arkansas Educators. The motion carried unanimously.

Consideration for Final Approval: Revised Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification

Ms. Williams explained the Rule had been approved by the State Board in July, but since that time it was determined further clarification was needed. She said the proposed revision explains that curriculum administrators and program administrators are eligible to receive National Board fees and bonuses if they meet the definition of "classroom teacher" as set forth in the Rule.

Ms. Saviers moved, seconded by Mr. Cooper, final approval of the revised Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification. The motion carried unanimously.

Consideration for Public Comment: Proposed Rules Governing Publicly Funded Educational Institution Audit Requirements

Mr. Goff explained the proposed Rule was to establish the requirements for the completion, filing and review of financial audits for all publicly funded educational institutions including school districts, open enrollment charter schools and education service cooperatives. He said the proposed Rule would replace Rules and Regulations Governing Audit Requirements for School Districts (ADE 098) and Rules Governing School District Audits not Conducted by Legislative Audit (ADE 168).

Ms. Newton moved, seconded by Ms. Mahony, approval for public comment Rules Governing Publicly Funded Educational Institution Audit Requirements. The motion carried unanimously.

Request to Repeal Rules Governing School District Audits Not Conducted by Legislative Audit (ADE 168) dated May 24, 2004

As explained by Mr. Goff, the Rule is not consistent with current law and will be replaced with the proposed new Rule Governing Publicly Funded Educational Institution Audit Requirements.

Ms. Gullett moved, seconded by Ms. Burrow, the repeal of Rules Governing School District Audits Not Conducted by Legislative Audit (ADE 168). The motion carried unanimously.

Request to Repeal Rules and Regulations Governing Audit Requirements for School Districts (ADE 098) Dated September 13, 1999

Mr. Goff requested repeal of this Rule saying it would be replaced with the new Rule Governing Publicly Funded Educational Institution Audit Requirements.

Ms. Mahony moved, seconded by Mr. Cooper, the repeal of Rules and Regulations Governing Audit Requirements for School Districts (ADE 098). The motion carried unanimously.

Consideration for Public Comment: Proposed Rules Governing the Non-Traditional Licensure Program

Ms. Williams pointed out the revisions to the Rule reflect changes to include requirements for admission into and completion of the non-traditional licensure program Teach for America option.

Ms. Saviers asked if Arkansas was the only state that requires the Praxis 3.

Ms. Williams answered yes, but other states require some type performance base assessment.

Ms. Saviers said she hoped to see some type of study to show the effectiveness of the Praxis 3.

Ms. Williams said the Department would be reviewing licensure in November and consulting with practitioners.

Commissioner Kimbrell noted several things that were problematic for Teach for America candidates had been removed except the Praxis 3 performance assessment.

Ms. Newton moved, seconded by Mr. Cooper, approval for public comment Rules Governing the Non-Traditional Licensure Program. The motion carried unanimously.

Consideration for Public Comment: Proposed Rules Governing Federal Programs Complaint Resolution

Staff Attorney Mark White explained that the proposed Rules were an updated and streamlined version of the Department's existing procedures for resolving complaints.

Ms. Gullett moved, seconded by Dr. Mays, approval for public comment Rules Governing Federal Programs Complaint Resolution. The motion carried unanimously.

Consideration for Public Comment: Proposed Rules Governing Supplemental Education Service Providers

Mr. White said federal law requires the Department's approval of external providers for supplemental educational services to schools. In addition the Department is required to monitor the quality and effectiveness of those providers and withdraw approval when necessary. He said the proposed Rules were an updated version of the Department's existing withdrawal standards.

Mr. Cooper moved, seconded by Ms. Burrow, to approve for public comment Rules Governing Supplemental Education Service Providers. The motion carried unanimously.

Chairman Williams moved item A-14 up on the agenda.

Hearing Concerning Recommendations of the Professional Licensure Standards Board for Five (5) Year Probation, \$100 Fine and Further Monitoring—William E. Crotts, Jr.

General Counsel Jeremy Lasiter presented the Board a consent order in resolution of the William E. Crotts, Jr. case. The consent order included: five years probation; payment of a \$75 fine; his computer usage randomly monitored by the school district employing him on a weekly basis and reported to the ADE every six months; and if any use of a computer by him is in violation of the Code

of Ethics an immediate report will be made to the ADE by the school district employing him.

Mr. Cooper moved, seconded by Dr. Mays, acceptance of the consent order in resolution of the William E. Crotts, Jr. case. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher's Licenses—Ashley D. Casey

Staff Attorney Drew Blankenship told the Board that Ashley Casey pled guilty to residential burglary, a class B felony, and theft of property, a class C felony, in 1993 making him ineligible for a teaching license.

Mr. Casey's attorney, Sam Hasting, said his client completed the teacher preparation program prior to learning he was not eligible for a teaching license. He said the charges against Mr. Casey occurred when he was a freshman in college and he thought his record had been expunged.

Ms. Newton moved, seconded by Ms. Gullett, to grant the waiver with the stipulation that while serving two years probation there would be no violation of Code of Ethics. The motion carried unanimously.

Because of previously scheduled travel plans, Ms. Newton had to leave the meeting around 3 p.m.

Hearing Concerning Recommendation of the Professional Licensure Standards Board for Written Warning—Jack Crumbly

Katherine Donovan, PLSB Attorney, presented a recommendation from the Subcommittee on Ethics that Jack Crumbly, former superintendent of the Earle School District, receive a written warning based upon alleged violation of Standards for Professional Conduct 3, 5 and 6.

Paul Blume served as counsel for Mr. Crumbly.

After all testimony and debate, Mr. Ledbetter moved, seconded by Mr. Cooper, to dismiss the ethics violations against Jack Crumbly because of lack of evidence to support the charges. The motion carried six to one in a roll call vote.

Mays—yes
Burrow—yes
Cooper—yes
Gullett—yes
Ledbetter—yes

Mahony—no
Saviers—yes

Request from Board Member

Mr. Ledbetter requested a report at the October 11 meeting identifying options available to the State Board to appropriately address the problems in the Pulaski County Special School District.

Adjournment

The meeting adjourned at 3:57 p.m.

These minutes were recorded by Phyllis Stewart.