

Minutes
State Board of Education Meeting
Monday, December 10, 2012

The State Board of Education met Monday, December 10, 2012, in the auditorium of the Department of Education building. Jim Cooper, Chair, called the meeting to order at 9 a.m.

Present: Jim Cooper, Chair; Brenda Gullet, Vice Chair (via telephone); Dr. Jay Barth; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith, Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kim Wilson, Teacher of the Year

Absent: Joe Black

Reports

Chair's Report:

Ms. Mahony congratulated De Queen Elementary School as one of three schools in the nation selected to receive this year's Dispelling the Myth Award given by The Education Trust to high-achieving schools with large populations of poor children and children who are members of racial and ethnic minority groups.

Commissioner's Report

Commissioner Kimbrell said Department staff was gearing up for the upcoming General Assembly, which convenes January 14, 2013.

Dr. Kimbrell reported he and other PARCC leaders met with Secretary Duncan to discuss the consortium's progress. He said priority areas of risk including procurement and project management were identified. PARCC's governing board will meet December 13 to work on solutions.

Recognition of 2012 Milken Educator

Zsuzsanna Diamond, a teacher at Otter Creek Elementary School in the Little Rock School District, was recognized as the 2012 Arkansas Milken Educator. The award, which comes with an unrestricted payment of \$25,000, honors exceptional educators for their work.

Informational Update on Common Core State Standards and PARCC

In examining the state's progress in implementing the Common Core State Standards (CCSS), Dr. Laura Bednar, Assistant Commissioner of Learning Services, acknowledged the value of partnerships with higher education, education service cooperatives and the various education associations throughout the state. She cited technology challenges and preparing teachers for the new standards as major concerns.

Dr. Bednar said leadership at all levels is the key ingredient for successful implementation of CCSS and to improving a school's performance. She commented while school leaders are on the hook for meeting annual measurable objectives under the state's new accountability system, some areas of the state did not seem to sense the urgency.

Ms. Saviers thanked Dr. Bednar for her candor and asked that the State Board be informed when those failures happen so appropriate action could be taken.

Consent Agenda

Ms. Mahony asked that Consent Agenda Item 14 be pulled for further information.

Dr. Barth moved, seconded by Ms. Saviers, approval of the Consent Agenda with exception of Item 14. The motion carried unanimously.

Department staff said the individual mentioned in Item 14 was not required to have a waiver.

Dr. Barth moved, seconded by Ms. Newton, to approve Item 14 of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the November 1, 2012, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers for Teachers Teaching out of Area
- Review of Loans and Bonds—Two Second Lien Bond Applications and One Voted Application
- Adoption of State Board of Education Meeting Dates for Calendar Year 2013
- Sanction for Teachers as Recommended by the Professional Licensure Board
 - Shannon Ray Caraway
 - Heather Ann Collins
 - Janice Anita Dodson
 - Mila Lynne Floro

- Wesley Ann Freemyer
- Angela Oden Gilbert
- James Chad Green
- Timothy Allen Harris
- Angelique Hawkins
- Andrienne Queen Hippolyte
- Stephen Mark Noble
- Terri Lyn Murphy
- Ellen Louise Otis
- Andrew David Ray

Action Agenda

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

Consideration of Adoption of Resolution: Arkansas School Board Member Recognition Month

A resolution was presented designating January as the month to recognize individuals who volunteer their services as members of governing boards of school districts throughout Arkansas.

Mr. Ledbetter moved, seconded by Ms. Saviers, adoption. The motion carried unanimously.

Commissioner Kimbrell acknowledged the work of Dan Farley, Executive Director of the Arkansas School Boards Association. He said Mr. Farley would be retiring at the end of June after serving in that capacity 34 years. He thanked Mr. Farley for his friendship and for the focus of always doing what is best for kids.

Possible Reconsideration of Petition by the DeWitt School District to Close Gillett Elementary School

September 7, 2012, the DeWitt School District petitioned the State Board of Education for an order closing the Gillett Elementary School, an isolated campus. Members of the Gillett community opposed the petition. On October 8, 2012, the State Board of Education heard the petition pursuant to Ark. Code Ann. § 6-20-602(b)(2) and the Arkansas Department of Education (ADE) Rules Governing the Closing of Isolated Schools. The State Board denied the petition of the DeWitt School District at that time. During its November 1, 2012, meeting, the State Board directed ADE staff to notify the parties the State Board might possibly reconsider its October 8, 2012, decision during the December 10, 2012, meeting.

Mr. Ledbetter moved, seconded by Dr. Barth, to reconsider its October decision denying the DeWitt School District permission to close Gillette Elementary School. The motion carried. Ms. Mahony and Ms. Newton voted no.

Superintendent Gary Wayman told the State Board he was concerned about going into fiscal distress and said the district could save \$241,000 a year by closing the Gillett school, which has 76 students in kindergarten through fifth grade. He also said the district would be better able to upgrade its technology in one elementary school.

Gillett Mayor Jared Holzhauser asked the State Board to let its previous decision stand. He said because of its small class size, Gillette Elementary is able to provide the kind of attention most schools in the state cannot offer.

Dr. Barth said he wanted to see more cooperation and creativity between Gillette and the school district.

Ms. Saviers asked what an innovative solution might be if the students were not there in the community or not willing to be bused to the school.

Ms. Mahony moved, seconded by Ms. Newton, to deny the petition for closing Gillette Elementary. The motion failed four to four in a roll call vote.

Mahony—yes
Newton—yes
Reith—yes
Barth—yes
Ledbetter—no
Gullett—no
Saviers—no
Cooper—no

Ms. Gullett moved, seconded by Ms. Saviers, to approve the petition to close Gillette Elementary. The motion failed three to four in a roll call vote.

Gullett—yes
Saviers—yes
Ledbetter—yes
Mahony—no
Newton—no
Reith—no
Barth—no

Jeremy Lasiter, ADE legal counsel, said the State Board's failure to approve or deny closing the geographically isolated Gillette Elementary results in the school remaining open.

Consideration of Removal of Dermott School District From Fiscal Distress Classification

The Dermott School District was classified in fiscal distress for the 2011-2012 school year. The Department conducted on-site evaluations, provided technical assistance and analysis of the financial status of the school district. Department staff reported the district had currently met all criteria for being removed from fiscal distress and requested State Board approval.

Ms. Mahony moved, seconded by Ms. Newton, approval. The motion carried unanimously.

Consideration of Removal of North Little Rock School District from Fiscal Distress Classification

The North Little Rock School District was classified in fiscal distress for the 2011-2012 school year. The Department conducted on-site evaluations, provided technical assistance and analysis of the financial status of the school district. Department staff reported the district had currently met all criteria for being removed from fiscal distress and requested State Board approval.

Ms. Saviers moved, seconded by Ms. Reith, approval. The motion carried unanimously.

Consideration of Removal of Strong-Huttig School District from Fiscal Distress Classification

The Strong-Huttig School District was classified in fiscal distress for the 2011-2012 school year. The Department conducted on-site evaluations, provided technical assistance and analysis of the financial status of the school district. Department staff reported the district had currently met all criteria for being removed from fiscal distress and requested State Board approval.

Ms. Mahony moved, seconded by Ms. Saviers, approval. The motion carried unanimously.

Consideration of Removal of West Side School District (Cleburne County) from Fiscal Distress Classification

The West Side School District (Cleburne County) was classified in fiscal distress for the 2011-2012 school year. The Department conducted on-site evaluations, provided technical assistance and analysis of the financial status of the school district. Department staff reported the district had currently met all criteria for being removed from fiscal distress and requested State Board approval.

Dr. Barth moved, seconded by Ms. Reith, approval. The motion carried unanimously.

Consideration of Classification of District in Fiscal Distress - Mineral Springs School District

The Mineral Springs School District received notice by certified mail as being identified by the Arkansas Department of Education (ADE) for fiscal distress status. The District was informed in the October 22, 2012, identification letter they could not incur any future debt obligations without prior written approval from ADE. The deadline for appeal was November 23, 2012, and no appeal was filed. The Department recommended the district be classified as being in fiscal distress as of December 10, 2012.

Commissioner Kimbrell noted former DeQueen Superintendent Bill Blackwood came out of retirement to serve as interim superintendent for Mineral Springs while the district works to turn around its finances.

Ms. Mahony moved, seconded by Ms. Reith, that the Mineral Springs School District is classified as being in fiscal distress as of December 10, 2012. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Nicole Francis

This item was pulled from the agenda at the request of the teacher.

Hearing for PLSB Case # 10-129 – David Waldon Paschal

Katherine Donovan, legal counsel for the Professional Licensure Standards Board (PLSB), said after an evidentiary hearing, the PLSB Ethics Subcommittee found that David Waldon Paschal violated Standard 1 of the Code of Ethics, which states, "An educator maintains a professional relationship with each student, both in and outside the classroom." The Ethics Subcommittee recommended permanent revocation of Mr. Paschal's Arkansas teaching license. A de novo hearing was scheduled before the State Board to address issues raised by Mr. Paschal during his Evidentiary Hearing and he was provided notice of the hearing date.

Ms. Donovan said Mr. Paschal was not present for the hearing and asked the State Board to adopt the findings of fact.

Ms. Newton moved, seconded by Dr. Barth, to adopt the findings of fact. The motion carried unanimously.

Hearing for PLSB Case # 12-048 – William Thomas Rabe

Ms. Donovan said William Thomas Rabe holds a standard five-year license in 7-12 mathematics valid until December 31, 2014. The PLSB Ethics Subcommittee found that Mr. Rabe violated Standard 1 in nine separate circumstances and Standard 2 in five separate circumstances as outlined in the Ethics Subcommittee's Reasonable Belief Determination and Recommendation. Standard 1 states "An educator maintains a professional relationship with each student both in and outside the classroom."

Standard 2 states that an educator “maintains competence regarding skills, knowledge, and dispositions relation to your organizational, subject matter, and/or pedagogical practice.”

The Ethics Subcommittee recommended revocation of Mr. Rabe’s license. Mr. Rabe did not challenging the factual findings of the Ethics Subcommittee, but only its recommendation for revocation.

Ms. Newton moved, seconded by Dr. Barth, that Mr. Rabe be issued a written reprimand and a fine of \$50. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Randall Dean Wood

In presenting this request for waiver, Ms. Donovan said Randall Dean Wood was convicted May 18, 2009, for attempted breaking or entering, a class “A” misdemeanor. She said Mr. Wood had applied for a standard license by reciprocity with Louisiana. His criminal record was sealed August 20, 2012.

Ms. Saviers moved, seconded by Dr. Barth, approval of the waiver with the stipulation of probation for a period of two years and no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing Alleged Testing Improprieties

Ark. Code Ann. § 6-15-403 allows the State Board of Education (State Board) to promulgate rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment, and accountability program. Ark. Code Ann. § 6-15-438 sets forth the statutory requirements pertaining to test security and confidentiality. Current rules have been amended to account for the Professional Licensure Standards Board (PLSB) investigative process and to set forth a clear process for the resolution of alleged testing improprieties.

The State Board released the proposed rules for public comment October 8, 2012. A public hearing was held October 25, 2012. The public comment period expired November 12, 2012. Department staff received public comments on the proposed rules and revised the rules based upon those public comments.

The State Board was requested to give its final approval of the proposed rules, as revised.

Ms. Gullett moved, seconded by Ms. Newton, approval. The motion carried unanimously.

Consideration of Approval for Public Comment: Proposed Arkansas Department of Education Rules Governing Educator Licensure

On October 8, 2012, the State Board of Education gave final approval to proposed new Rules Governing Educator Licensure, and the associated repeal of the Department’s existing licensure rules. In response to concerns and comments raised during legislative review, the Department proposed revising the Rules to delete the new ancillary license in school counseling.

The State Board was requested to rescind its October 8, 2012, approval of the proposed rules, and then approve the proposed rules for public comment.

Mr. Ledbetter moved, seconded by Ms. Newton, to rescind previous approval of the rules. The motion carried unanimously.

Ms. Reith moved, seconded by Dr. Barth, to approve the revised rules for public comment. The motion carried unanimously.

Consideration for Emergency Approval: Arkansas Department of Education Rules Governing Educator Licensure

Because of the thousands of licensure renewal applications expected to be processed in December, and because of the need to enable middle school licensure for December graduates of education programs, the State Board was requested to give emergency approval to the proposed licensure rules, making them effective immediately upon filing.

Ms. Mahony moved, seconded by Ms. Saviers, emergency approval. The motion carried unanimously.

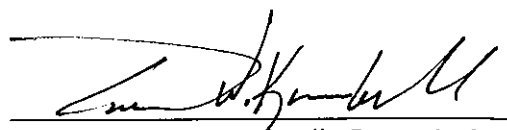
Adjournment

The meeting adjourned at 1:56 p.m.

These minutes were recorded by Phyllis Stewart.



Jim Cooper, Chairman



Dr. Tom W. Kimbrell, Commissioner