

**Minutes  
Charter Authorizing Panel  
Wednesday, November 13, 2013**

The Charter Authorizing Panel met on Wednesday, November 13, 2013, in the auditorium of the Department of Education building. Commissioner of Education Dr. Tom Kimbrell, Chair, called the meeting to order at 8:30 a.m.

Present: Dr. Tom Kimbrell, Chair; Dr. Megan Witonski, Vice Chair; Jim Boardman; Deborah Coffman; Mike Hernandez; John Hoy, and Dr. Karen Walters

Absent: None

The transcription of this meeting may be accessed on the Arkansas Department of Education website at the following:

<http://www.arkansased.org/about-ade/charter-authorizing-panel/minutes/archive/2013>.

**Reports**

**Chair's Report**

Dr. Kimbrell had no report.

**Update on the Current Charter Application Cycles**

Mary Perry reported that four applications for district conversion charter schools were received by the October 31, 2013 deadline, and the hearings for district conversion applicants will be held at the meeting of the Charter Authorizing Panel in January 2014.

**Consent Agenda**

Dr. Kimbrell stated that the two items on the consent agenda were the minutes from the panel meeting on August 21 and the annual reports for Academics Plus Charter School, the Arkansas Virtual Academy, and Benton County School of the Arts. He asked if panel members had any questions, and Mr. Hoy stated that the minutes did not reflect the official title of the accountability division which is Public School Accountability. Mary Perry, Coordinator for the Charter and Home Schools Office, said the correction would be made to the minutes.

Mr. Hernandez moved, seconded by Dr. Walters, to approve the consent agenda. The motion carried unanimously.

**Action Agenda**

**A-1 Request for Open-Enrollment Public Charter School Amendment: Arkansas Virtual Academy (ARVA)**

Scott Sides explained the ARVA amendment requests to waive Ark. Code Ann. § 6-13-619(a)(1)(A), requiring monthly board meetings; and § 6-13-619(c)(1)(A), requiring a board member to be physically present at a meeting to be counted for purposes of a quorum or to vote and answered questions from panel members.

Mr. Hoy moved, seconded by Dr. Walters, to approve the amendment request. The motion carried unanimously.

## **A-2 Request for Open-Enrollment Public Charter School Amendments: KIPP Delta Public Schools**

Scott Shirey discussed the KIPP Delta requests to expand the grade levels served and the enrollment cap in Blytheville, and the requests to waive Ark. Code Ann. § 6-13-619(c)(1)(A), requiring a board member to be physically present at a meeting to be counted for purposes of a quorum or to vote, and § 6-15-902(c)(2), requiring quality points for Advanced Placement courses be contingent upon teacher AP training documentation. He then answered questions from panel members. In response to questions and comments from panel members and Arkansas Department of Education (ADE) attorney Kendra Clay, Mr. Shirey also requested waivers of Section 4 of the ADE Rules for Advanced Placement and International Baccalaureate Diploma Incentive Program and Section 4.03(c)(i) of the ADE Rules Governing Uniform Grading Scales for Public Secondary Schools and for Optional Use in Public Elementary Schools. Mr. Hernandez moved, seconded by Dr. Witonski, to approve the amendment requests to expand the grade levels served in Blytheville from 4- 8 to 4-12 and to increase the enrollment cap from 450 to 810 in Blytheville. The motion carried unanimously.

It was moved by Dr. Witonski, seconded by Mr. Hoy, and approved unanimously to waive Ark. Code Ann. § 6-13-619(c)(1)(A),

It was moved by Mr. Boardman, seconded by Mr. Hernandez, and carried by a 5-1 vote to waive Ark. Code Ann. § 6-15-902(c)(2), Section 4 of the ADE Rules for Advanced Placement and International Baccalaureate Diploma Incentive Program, and Section 4.03(c)(i) of the ADE Rules Governing Uniform Grading Scales for Public Secondary Schools and for Optional Use in Public Elementary Schools. Dr. Walters voted against the motion, stating that without information from the College Board, she was not comfortable voting to approve the waivers.

## **A-3 Request for Open-Enrollment Public Charter School Amendments: Northwest Arkansas Classical Academy**

Dr. Mary Ann Duncan explained the waivers requested for Northwest Arkansas Classical Academy. Dr. Duncan and other representatives of the charter answered questions from panel members.

It was moved by Dr. Walters, seconded by Mr. Boardman, and approved unanimously to waive ADE Rules Governing School Board Zones and Rezoning and ADE Rules Governing School Election Expense Reimbursement

It was moved by Dr. Witonski, seconded by Ms. Coffman, and approved unanimously to waive 15.02 of the ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and Districts and ADE Rules Governing Educator Licensure.

It was moved by Dr. Witonski, seconded by Mr. Hernandez and approved unanimously to waive Ark. Code Ann. §§ 6-17-111, 6-17-201, 6-17-1001 and 6-17-1201 et. seq.

It was moved by Mr. Hernandez, seconded by Dr. Witonski, and approved in a 4-2 roll-call vote to waive Ark. Code Ann. § 6-17-211. Dr. Walters and Mr. Boardman voted against the motion stating that they did not see the need for the waiver.

It was moved by Mr. Hoy, seconded by Dr. Witonski, and approved in a 6-0 roll-call vote to deny a waiver of Ark. Code Ann. § 6-16-1204. Ms. Coffman voted in favor of the motion and stated the request was too vague; Mr. Boardman voted in favor of the motion and stated clarification is needed; Dr. Witonski voted in favor of the

motion and said the scope of the waiver request needed to be narrowed; Mr. Hernandez voted in favor of the motion and said clarification is needed; Dr. Walters and Mr. Hoy voted in favor of the motion and said that their reasons had been stated by others.

It was moved by Dr. Walters, seconded by Mr. Boardman, and approved unanimously to waive Ark. Code Ann. § 6-21-303.

It was moved by Dr. Witonski, seconded by Dr. Walters, and approved in a 6-0 roll-call vote to deny a waiver of Section 9 of the Standards for Accreditation. Mr. Hoy voted in favor of the motion and stated that all of the curriculum section should not be waived; Dr. Walters voted in favor of the motion and stated the request was too broad; Mr. Hernandez voted in favor of the motion because the request was too broad; Dr. Witonski voted in favor of the motion and said she looks forward to hearing requests for waivers of the specific parts of that section of rules; Mr. Boardman and Ms. Coffman voted in favor of the motion for the same reasons.

It was moved by Ms. Coffman, seconded by Mr. Hoy, and approved in a 6-0 roll-call vote to deny a waiver of 9.03.4 of the Standards for Accreditation. Ms. Coffman voted in favor of the motion and said she would like the charter leaders to return with a plan of how the 38 units will be offered for the student to obtain the required 22 units; Mr. Boardman voted in favor of the motion and said that he would like to see a plan; Dr. Witonski, Mr. Hernandez, and Dr. Walters voted in favor of the motion for the same reasons; and Mr. Hoy voted in favor of the motion stating a phase-in plan is needed.

It was moved by Dr. Walters, seconded by Mr. Hernandez, and approved unanimously to waive 19.04 of the Standards for Accreditation.

It was moved by Dr. Walters, seconded by Mr. Boardman, and approved unanimously to waive Ark. Code Ann. §§ 6-25-101 et. seq., 6-18-706 and Section 16 in the Standards for Accreditation with the requirement that expenditure reports for health services and counseling be submitted to the ADE in September 2015.

It was moved by Dr. Witonski, seconded by Mr. Boardman, and approved in a 5-1 roll-call vote to deny a waiver of Ark. Code Ann. § 6-11-129. Mr. Hoy voted in favor of the motion and stated it was an issue of transparency; Dr. Walters voted in favor of the motion and stated the documents are on the website for transparency; Dr. Witonski voted in favor of the motion for transparency; Mr. Boardman voted in favor of the motion for the same reasons; Ms. Coffman voted in favor of the motion and stated it was because transparency for taxpayers is necessary and so that information can assist others in better educating children. Mr. Hernandez voted against the motion because the same waiver was previously approved for another charter.

It was moved by Dr. Walters, seconded by Ms. Coffman, and approved unanimously to waive Ark. Code Ann. § 6-17-201 et. seq.

It was moved by Mr. Hernandez, seconded by Dr. Witonski, and approved in a 6-0 roll-call vote to deny a waiver of Ark. Code Ann. § 6-17-2802. Ms. Coffman voted in favor of the motion and stated there is a process in place to request an alternative model to the Teacher Excellence and Support System; Mr. Boardman voted in favor of the motion and stated the panel would look at an alternative; Dr. Witonski voted in favor of the motion and said she would

like to see the alternative model; Mr. Hernandez, Dr. Walters, and Mr. Hoy voted in favor of the motion and each stated the same reasons.

It was moved by Mr. Hernandez, seconded by Ms. Coffman, and approved in a 6-0 roll-call vote to deny a waiver of Ark. Code Ann. § 6-21-304. Mr. Hoy voted in favor of the motion and said transparency, over flexibility in the bidding process, is needed; Dr. Walters voted for the motion and stated she did not hear any reason how the waiver of the bidding process would be pertinent to daily operations or to student learning; Mr. Hernandez voted in favor of the motion and said the charter needs to follow current procurement policies; Dr. Witonski, Mr. Boardman, and Ms. Coffman voted in favor of the motion for the same reasons.

It was moved by Dr. Walters, seconded by Mr. Hernandez, and approved unanimously to waive Section 21 in the Standards of Accreditation.

ADE staff attorney Kendra Clay explained that waivers of other rules were needed to effectuate some of the waivers that were granted. Charter representatives stated that they would like to request these additional waivers. It was moved by Dr. Walters, seconded by Mr. Hernandez, and approved unanimously to waive Sections 4-8 of ADE Rules Governing Personnel Policies, Salary Schedules, and Documents Posted to District Websites.

#### **A-4 Request for Open-Enrollment Public Charter School Amendments: Premier High School of Little Rock**

Dr. Mary Ann Duncan requested permission to rescind the waiver requests for Premier High School of Little Rock that were denied by the panel for Northwest Arkansas Classical Academy.

It was moved by Dr. Witonski, seconded by Mr. Boardman, and approved unanimously to allow Premier High School of Little Rock to rescind the waiver requests that the panel denied for Northwest Arkansas Classical Academy.

It was moved by Mr. Boardman, seconded by Dr. Witonski, and approved unanimously to waive 10.02 in the Standards of Accreditation.

It was moved by Dr. Walters, seconded by Dr. Witonski, and approved unanimously to waive the laws and rules just waived for Northwest Arkansas Classical Academy, with the same stipulations placed on some of the waivers.

#### **A-5 Request for Open-Enrollment Public Charter School Amendments: Quest Middle School of Pine Bluff**

Dr. Mary Ann Duncan requested permission to rescind the waiver requests for Quest Middle School of Pine Bluff that were denied by the panel for Northwest Arkansas Classical Academy.

It was moved by Dr. Witonski, seconded by Mr. Hernandez, and approved unanimously to allow Quest Middle School of Pine Bluff to rescind the waiver requests that the panel denied for Northwest Arkansas Classical Academy.

It was moved by Ms. Coffman, seconded by Mr. Boardman, and approved unanimously to waive Ark. Code Ann. § 6-15-902(a) with the stipulation that the charter follow a more rigorous grading scale than the one provided by state statute.

It was moved by Mr. Hernandez, seconded by Mr. Hoy, and approved unanimously to waive Ark. Code Ann. § 6-16-102 with the stipulation that the waiver is approved only for students in grades 9-12.

It was moved by Mr. Hernandez, seconded by Mr. Boardman, and approved unanimously to waive Ark. Code Ann. § 6-18-21 and the rules associated with the statute.

It was moved by Dr. Witonski, seconded by Mr. Hoy, and approved unanimously to waive the laws and rules waived earlier in the meeting for Northwest Arkansas Classical Academy and Premier High School of Little Rock.

**A-6 Request for Open-Enrollment Public Charter School Amendments Arkansas School for Integrated Academics and Technologies (SIATech)**

Ms. Katie Tatum explained the SIATech relocation request.

It was moved by Dr. Walters, seconded by Mr. Hernandez, and carried by unanimous vote to approve the relocation of SIATech to the address on the lease as previously approved by the Commissioner.

**A-7 Request for District Conversion Public Charter School Amendments: Washington Academy in the Texarkana School District**

Mr. Terry Taylor explained the request for waivers of licensure laws and rules.

Mary Perry stated that the charter also needs a waiver of the portion of 15.03 in the Standards of Accreditation dealing with teacher licensure, and Mr. Taylor requested the waiver.

It was moved by Dr. Witonski, seconded by Dr. Walters, and approved unanimously to waive Ark. Code Ann. §§ 6-5-1004, 6-17-309, 6-17-401, 6-17-902, 6-17-919, 15.03 in the Standards of Accreditation, and the ADE Rules Governing Educator Licensure as they deal with teacher licensure.

**A-8 Hearing of Open-Enrollment Public Charter School Application: Capitol City Lighthouse Charter School, North Little Rock, Arkansas**

Mary Perry discussed the open-enrollment charter application process.

Ms. Lenisha Broadway provided an overview of the proposed charter school.

Representatives of the North Little Rock School District and Little Rock School District spoke in opposition to the charter.

Dr. Phillis Nichols Anderson, vice-president for Lighthouse Academies, responded to the opposition.

A question and answer period followed.

It was moved by Dr. Walters, seconded by Mr. Hernandez, and carried 5-1 in a roll-call vote to deny the open-enrollment charter application for Capitol City Lighthouse Charter School. Mr. Hoy voted against the motion; Dr. Waters voted in favor of the motion and stated concerns about the curriculum and the desire to see gains at the existing Lighthouse charters; Mr. Hernandez voted in favor of the motion and stated that there needs to be demonstrated gains and clear curriculum; Dr. Witonski voted in favor of the motion and stated she would like to

see some improvement in the curriculum; Ms. Coffman voted in favor of the motion and stated her belief that the curriculum would not provide the very best education for students.

**A-9 Hearing of Open-Enrollment Public Charter School Application: Exalt Academy of Southwest Little Rock, Little Rock, Arkansas**

Mr. Ben Lindquist and other Exalt representatives provided an overview of the proposed charter school.

A representative of the Springdale School District spoke in opposition to the charter, and Mr. Lindquist responded.

A question and answer period followed.

It was moved by Dr. Witonski, seconded by Mr. Hoy, and carried unanimously to approve the open-enrollment charter application for Exalt Academy of Southwest Little Rock, with the stipulation that the charter provide an annual report each September of the outside nursing and counseling services to be provided.

**A-10 Hearing of Open-Enrollment Public Charter School Application: Ozark College & Career Academy, Springdale, Arkansas**

Dr. Christine Silano provided an overview of the proposed charter school.

A representative of the Little Rock School District spoke in opposition to the charter, and Dr. Silano responded.

A question and answer period followed.

It was moved by Mr. Hoy to approve the open-enrollment charter application for the Ozark College & Career Academy, but the motion died for lack of a second.

It was moved by Mr. Hernandez, seconded by Dr. Witonski, and carried in a 5-1 roll-call vote to deny the open-enrollment charter application for the Ozark College & Career Academy. Mr. Hoy voted against the motion; Dr. Walters voted in favor of the motion and stated concerns about the high school curriculum and the budget; Mr. Hernandez voted in favor of the motion and stated fiscal and curriculum concerns; Dr. Witonski voted in favor of the motion and stated concerns about assessments, curriculum, instruction, and sustainability; Mr. Boardman voted in favor of the motion and stated that there were too many unknowns; Ms. Coffman voted in favor of the motion and stated curriculum concerns.

**Adjournment**

The meeting adjourned at 5:44 p.m.

*Minutes recorded by Mary Perry.*