

Minutes
State Board of Education
Thursday, January 9, 2020

The Arkansas State Board of Education (State Board) met Thursday, January 9, 2020, in the Division of Elementary and Secondary Education (Division) Auditorium. Chair Ms. Diane Zook called the meeting to order at 10:00 a.m. Ms. Zook led the Pledge of Allegiance.

Present: Ms. Diane Zook, Chair; Ms. Charisse Dean, Vice-Chair; Dr. Sarah Moore; Mr. Brett Williamson; Ms. Kathy McFetridge; Ms. Susan Chambers; Dr. Fitz Hill; Ms. Ouida Newton; Mr. Chad Pekron; Ms. Stacey McAdoo, 2019 Arkansas Teacher of the Year; and Mr. Johnny Key, Secretary

Absent: None

Changes to Agenda

There were no changes to the agenda.

Consent Agenda

Ms. Zook noted, regarding consent agenda item 8, that some of the recommendations seem to be items which only legislation could do. She said these recommendations probably need to go to the legislature through the Joint Education Committee. Child Health Advisory Committee Chair Mr. Lucas Harder said the law requires all recommendations to be presented to the State Board of Education and the State Board of Health. He said they also make a report of the joint education and health committees.

Ms. Zook, on consent agenda item 10, commended Paris School District on their literacy curriculum adoption. She said their report was very thoughtful and informational.

Items included for consideration in the consent agenda were as follows.

1. Minutes
2. Newly Employed, Promotions and Separations
3. Community Service Learning Partner Site Applications
4. Consideration of Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann § 6-17-309
5. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-144 Steven Tew
6. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-145-Michale Mattox
7. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 19-185 Rebecca Quoss
8. 2019 Child Health Advisory Committee (CHAC) Recommendations
9. Paragould School District Act 1240 Annual Progress Report
10. Paris School District Act 1240 Annual Progress Report
11. Perryville School District Act 1240 Annual Progress Report

Ms. Dean moved, seconded by Mr. Pekron, to approve the consent agenda. The motion passed unanimously.

Action Agenda A

A-1 State Board Review of PLSB 18-091 Evidentiary Hearing Recommendation – Tammie Cloyes

General Counsel Ms. Lori Freno introduced the item and said that Ms. Cloyes' attorney, Mr. Clayton Blackstock, has made a motion that the State Board review be bifurcated.

Ms. Newton said she was not comfortable with the sanction recommendation from the PLSB, saying it was not severe enough.

Ms. Newton moved to hold a full hearing next month. The motion was tabled to hear comments from Mr. Blackstock.

Mr. Blackstock said that he and his client were in support of the PLSB recommendation. He said the way items are drafted to be sent to the State Board uses language that does not fully reflect the facts of the case. Mr. Blackstock said this case spans over four years and is only dealing with seven transactions and four questionable entries. He said Ms. Cloyes was only helping enter the data which was given to her by the grantee and the purchase had actually already been made. He said there was no personal gain for the educator.

Staff Attorney Mr. Taylor Dugan said the PLSB is in full support of their recommendation.

Ms. Newton moved, seconded by Ms. Dean, to untable her previous motion to hold a full hearing next month. The motion passed unanimously.

Ms. Newton moved, seconded by Mr. Pekron, to hold a full hearing next month. There was a brief discussion clarifying what would be heard at a full hearing. A roll call vote was held. Ms. Chambers and Dr. Hill voted no. The final vote was 6 to 2. The motion passed.

A-2 State Board Review of PLSB 19-090 Evidentiary Hearing Recommendation – Davissa Brimer

General Counsel Ms. Lori Freno introduced this item, saying that Ms. Brimer is represented by attorney Mr. Matt Benson. She said that Mr. Benson has filed for a continuance and the PLSB had no objection to the request.

Mr. Pekron moved, seconded by Ms. Newton, to grant the continuance. The motion passed unanimously.

A-3 State Board Review of PLSB 19-009 Evidentiary Hearing Recommendation – Kira Geer

General Counsel Ms. Lori Freno introduced the item and said Ms. Geer and her attorney, Ms. Jennifer Flinn made a motion to dismiss based on timeliness.

Ms. Flinn said there was a failure of PLSB to follow the timeline. She discussed a similar case heard by the State Board in November and review the timeline in Ms. Geer's case. Ms. Flinn said it has been two years and Ms. Geer is currently unable to finish her education or to acquire a teaching license. She also discussed Staff Attorney Mr. Taylor Dugan's argument of the

language about the timeline in the statute being directory instead of mandatory and why it is not a valid argument. Mr. Dugan provided a response to Ms. Flinn's statements, citing other cases as his references. Mr. Pekron asked some clarifying questions on Mr. Dugan's citations used.

Ms. Newton stated upon looking at the case as a whole, she was leaning toward denying the appeal.

Ms. Dean noted that educators' lives should not be held in limbo due to a lack a timeliness in their PLSB cases. She also said she doesn't want there to be a delay in addressing the behaviors behind the cases either.

Dr. Moore, Mr. Key, and Ms. Newton asked clarifying questions about the procedures and potential outcomes for this case.

Mr. Pekron moved, seconded by Ms. Chambers, to dismiss the case due to a lack a timeliness on the side of the PLSB. There was a roll call vote. Mr. Pekron, Mr. Williamson, and Ms. Chambers voted yes. Ms. McFetridge, Dr. Hill, and Ms. Newton voted no. Dr. Moore and Ms. Dean abstained. The final vote was 3 to 3. The motion failed.

Ms. Flinn said that they are not currently prepared to argue the merits of the case. She requested a continuance.

Ms. Chambers moved, seconded by Ms. McFetridge, to grant a continuance. The motion passed unanimously

Mr. Key said PLSB is now fully staffed and they do not expect to see any more of these types of cases in the future. Deputy Commissioner Dr. Ivy Pfeffer also discussed the change to the process of the hearings. She said she spoke to Assistant Commissioner Ms. Karli Saracini who said the processes may need to be reviewed.

A-4 Mulerider Learning Educators Advanced Practicum (LEAP)

Public School Program Manager Ms. Melissa Jacks said in August the State Board approved the LEAP program as a way for Southern Arkansas University (SAU) to form a partnership with Magnolia School district for using student teachers in different roles. In November additional districts were added. SAU is requesting approval again to expand the program to other districts.

Dr. Moore said her concern is that it is growing too quickly and that those approved during this meeting may be placed this semester. SAU Teacher Education Department Chair Dr. Neelie Dobbins said there are two people being considered, but not from any of the districts being considered as part of this agenda item. She said that the students will have lots of experience prior to student teaching.

Ms. McFetridge asked if the students are receiving science of reading training. Dr. Dobbins said the students have taken the approved courses and are science of reading ready.

Ms. Newton asked if the program had student placed in the fall. Dr. Dobbins said there were two students in Magnolia who both ended up getting hired by the school district.

Ms. Zook expressed concern that the student teachers may not be getting effective mentoring in some cases. Dr. Dobbins discussed the PLC process of the program. Ms. Zook asked that Dr. Dobbins keep Ms. Jacks informed about the process of the program.

Dr. Moore said she would like to hear from all the universities that are doing the same or similar programs.

Ms. Newton moved, seconded by Dr. Hill, to approve. The motion passed unanimously.

A-5 Arkansas Tech University Guidelines for Internship and Long-term Substitution

Public School Program Manager Ms. Melissa Jacks said Arkansas Tech University (ATU) requests approval to allow partner districts to use student teachers as long-term substitutes while completing their internship.

ATU Head of Educator Licensure and Support Services Dr. David Bell said that sometimes their partner schools have positions they are having trouble filling with qualified candidates. Dr. Bell said ATU decided interns could be of some help to the districts when they can't get long term substitutes. The school in need would request assistance from the ATU program and ATU would make the determination if there was an intern who could provide the needed assistance. He said the intern has to have completed all the required Praxis tests for their field, a minimum 3.0 GPA, and the approval of their advisor.

Ms. Zook asked what kind of supervision the interns receive on-site. Dr. Bell said they would have the basic level of supervision which interns usually receive and ATU would also provide whatever extra supports that the school district required.

Ms. Newton said she has concerns about the support system for the interns, saying that she is concerned that there is not a detailed plan of support. Dr. Bell said that the students have significant field experience prior to their becoming interns. Also, at minimum, the interns receive four visits from an ATU supervisor and support from local level leadership. Ms. Newton asked if Dr. Bell was envisioning this program to offer state-wide support. Dr. Bell said at the moment the plan is only involving the Hector School District, any other school districts would be brought back before the State Board for approval.

Dr. Moore asked if Dr. Bell had looked into the programs at other universities. Dr. Bell said that he had investigated the other programs and most of those programs are specifically focused on the student gaining employment. The ATU program is focused on providing support to ATU's partner school districts.

Ms. McFetridge had Ms. Jacks to explain the procedure for long-term substitutes.

Ms. Zook asked if the ATU professors were trained on how to teach the science of reading. Dr. Bell said their professors are trained in the science of reading and that ATU works closely with the Division as well.

Hector School District Superintendent Mr. Mark Taylor said the need stems from the resignation of one of their teachers at the beginning of the school year. They looked and were unable to find a certified replacement. He said that they utilized Virtual Arkansas; however, the science subject needs to be more able to be hands-on. He said at the local level, the intern would have support from the curriculum coordinator and two science teachers. Mr. Taylor said that his plan is to hire the intern as a full-time certified teacher if this semester goes well and he completes his internship.

Ms. Newton moved, seconded by Ms. McFetridge, to approve. The motion passed unanimously.

A-6 High School Course Requirements

Assistant Commissioner Ms. Stacy Smith provided the State Board members with an updated version of a document which was attached to the agenda. She also reviewed the data sheet associated with the 38 required courses pending approval. She also provided the State Board members with a list of the 38 courses and discussed the changes in English language arts, math, and science.

Ms. Zook asked, regarding oral communications on the data sheet, if it counted during a decrease if a student was in an embedded course. Ms. Smith said it would still be coded as an oral communications code.

Ms. Chambers asked why there was a decline in AP courses. Ms. Smith said she believes the decline directly correlates with the increase in concurrent credit for English 11 and 12. She noted that taking an AP class does not guarantee college credit.

Ms. Newton asked Ms. Smith to explain why AP courses have weighted credits, but not all concurrent credit classes have weighted credit. Ms. Smith discussed the AP has certain legislative requirements, whereas concurrent credit courses must apply and prove the rigor of the course. Ms. Newton asked why there was such a large decline in Algebra II. Ms. Smith said they are not positive, but it is probably due in part to the quantitative literacy course.

Ms. Chambers moved, seconded by Ms. Dean, to approve. The motion passed unanimously.

A-7 Consideration of Sixth Round for Arkansas Better Chance (ABC) 2019-2020 Grants

Education Manager Ms. Susan Underwood said Arkansas Better Chance (ABC) is requesting approval for reallocation of slots for the Sixth Round of ABC Grants for the 2019-2020 school year. She provided a revised document to the State Board members. She said the Southside and Batesville School District can take on additional students, including those on waiting lists and the Helping Hands program if they had the funding available. This would require three additional slots for Southside School District for a grant amount of \$441,477.40 and 27 slots for Batesville School District and a total grant amount of \$796,117.80.

Ms. McFetridge moved, seconded by Dr. Hill, to approve. The motion passed unanimously.

A-8 District Request for Waivers Granted to Open-Enrollment Charters

a. District Request for Waivers Granted to Open-Enrollment Charters: LaFayette County School District

Public School Program Advisor Ms. Kelly McLaughlin said the Lafayette County School District is appealing to the Board with a petition of waivers for flexible schedule.

Superintendent Mr. Robert Edwards said Solution Tree recommended that the district needed extra time for their teachers to meet to create a guaranteed and viable curriculum for the implementation of the Professional Learning Communities (PLC). He said the waiver would allow for four minutes over what the state offers of instruction time per week.

Dr. Moore asked if they had any plans for any after care and if the district had communicated this possible change with the parents in the school district. Mr. Edwards said they do not have any after school care plans. He noted that this plan has been discussed with the school board and parents. Dr. Moore asked if parents would be given advance prior to implementation so they can plan for after school care, if needed. Mr. Edwards said they would probably be given about a two week notice of the implementation. Dr. Moore asked what time the teachers are currently contracted for. Mr. Edwards said the teacher are contracted to work 8 a.m. to 3:30 p.m. Dr. Moore is concerned that the students would be missed 86 minutes per week and would like to hear more about the impact to students. Director of Federal Programs and Curriculum Ms. Opal Anderson said they are currently working on the formative and summative assessments so that they will be able to put in intervention forms ahead of the district getting ready to take the ACT Aspire. Dr. Moore asked if they would be seeking the same waiver for the next school year. Ms. Anderson said they hope not to need the waiver and that they will be adding a common planning time to next school year's master schedule.

Ms. Chambers asked if the trade-off between PLC time and student instructional time will be worth it. Mr. Edwards said their Solution Tree consultant said it will be worth it because next year all teachers in the district will have the tools they need to teach effectively. Ms. Chambers asked why this could not be done during the summer. Mr. Edwards said he did not think the district could financially afford to bring the teachers back to work in the summer.

Ms. Newton asked what the district is using for an interim assessment. Ms. Anderson said they use the ACT interim assessment. Ms. Newton expressed her concern about the decreased instructional time. Assistant Commissioner Ms. Deborah Coffman explained that implementation of Solution Tree suggestions is vital to the whole process.

Ms. Newton moved, seconded by Mr. Williamson, to approve the waiver request. The motion passed unanimously.

Ms. Zook read the public comment procedures and rules prior to the start of Action Agenda B.

Action Agenda B

B-1 Consideration of Charter Authorizing Panel Decisions

a. Consideration of Charter Authorizing Panel Decision on District Conversion Public Charter School Renewal Application - Fountain Lake Charter High School

Public School Program Advisor Ms. Kelly McLaughlin said on December 17, 2019, representatives of Fountain Lake Charter High School appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. McFetridge said she was concerned with the number of staff changes. Curriculum Director Mr. Stephen Campbell said there were principal changes, a change to a flex mod schedule which not everyone likes, and competition with seven area school districts. Ms. McFetridge asked where the school was on R.I.S.E. Training. Mr. Campbell said that most of the school is on the awareness track, with a few exceptions for those taking the more detailed training.

Ms. Zook noted the school is using a balanced literacy program (StudySync) and that the program said that it is not to be used for catching up or for directed instruction aligned with the science of reading. She also noted her concern that the school district is only serving 72 of 1377 students for dyslexia, with is a smaller percentage of the student population than the average.

Ms. Newton moved, seconded by Ms. Chambers, to not review. The motion passed unanimously.

b. Consideration of Charter Authorizing Panel Decision on District Conversion Public Charter School Renewal Application - Mountain Home High School Career Academies

Public School Program Advisor Ms. Kelly McLaughlin said on December 17, 2019, representatives of Mountain Home High School Career Academies appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. Chambers moved, seconded by Ms. Dean, to not review. The motion passed unanimously.

c. Consideration of Charter Authorizing Panel Decision on District Conversion Public Charter School Renewal Application - Osceola STEM Academy

Public School Program Advisor Ms. Kelly McLaughlin said on December 17, 2019, representatives of Osceola STEM Academy appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. Zook asked why they chose to be a conversion charter instead of just being a STEM high school. Director of Federal Programs Shantele Raper said with the waiver all grade 5-8 student will be able to take a pre-engineering course and will allow for the scheduling flexibility to have discovery zones which embed STEM, art, and music, with math and science. Ms. Zook noted that the school's letter grade is low and asked how these waivers will help. Principal Ms. Crystal Smith said the school had been experiencing a lot of staff turnover before this school year. She said this year was the first year they had not had to start almost completely over.

Ms. McFetridge moved, seconded by Ms. Dean, to not review. The motion passed unanimously.

d. Consideration of Charter Authorizing Panel Decision on District Conversion Public Charter School Renewal Application - Siloam Springs High School

Public School Program Advisor Ms. Kelly McLaughlin said on December 17, 2019, representatives of Siloam Springs High School appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. Zook commended the school for meeting their growth score. However, she noted she is still concerned about the number of students they are serving in their dyslexia program.

Ms. McFetridge moved, seconded by Dr. Hill, to not review. The motion passed unanimously.

e. Consideration of Charter Authorizing Panel Decision on District Conversion Public Charter School Renewal Application - Southside Charter High School

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on December 17, 2019, representatives of Southside Charter High School appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Dr. Moore moved, seconded by Mr. Williamson, to not review. The motion passed unanimously.

f. Consideration of Charter Authorizing Panel Decision on Open-Enrollment Charter School Renewal Application - Academics Plus Charter Schools

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on December 17, 2019, representatives of Academic Plus Charter School appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. Newton asked why the school needed a waiver of Ark. Code Ann. § 6-18-2004. Upon review of the waiver request with assistance from Staff Attorney Ms. Mary Claire Hyatt and Assistant Commissioner Ms. Stacy Smith, Superintendent Rob McGill agreed that they actually need a waiver of Ark. Code Ann. § 6-18-2002 (2)(a). Ms. Hyatt said the State Board would need to vote to review this action item for the school to get the newly requested waiver.

Ms. Chambers moved, seconded by Mr. Pekron, to review. The motion passed unanimously.

Mr. Pekron moved, seconded by Mr. Williamson, to hold the review at the end of this meeting. There was a roll call vote. The motion passed unanimously.

g. Consideration of Charter Authorizing Panel Decision on Open-Enrollment Charter School Renewal Application - Arkansas Virtual Academy

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on December 18, 2019, representatives of Arkansas Virtual Academy appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Mr. Pekron said he was concerned about a five year renewal based on the trend line of data. He asked if the school would be willing to provide the State Board with an annual report. Head of School Ms. Amy Johnson said she would welcome the transparency and invited the State Board members to come visit the school whenever they would like.

Mr. Williamson moved, seconded by Ms. Dean, to not review. The motion passed unanimously.

h. Consideration of Charter Authorizing Panel Decision on Open-Enrollment Charter School Renewal Application - Capital City Lighthouse Charter School

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on December 18, 2019, representatives of Capital City Lighthouse appeared before the Charter Authorizing Panel requesting a renewal of their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the Panel decision has been submitted.

Ms. Newton asked what tasks the school would be having the counselor complete which would prevent them from spending 90 percent of their time with students. Superintendent Ms. Lenisha Roberts said they are not wanting to take away from the 90 percent, it is to have flexibility with what the counselor does during the remaining 10 percent. APSRC Attorney Tripp Walter said the concern was that they may go over the 90 percent with parental involvement. Based on the number of questions that were coming up regarding the time percentages, Staff Attorney Ms. Mary Claire Hyatt suggested that it may be best to hold a review.

Mr. Pekron asked if they would be willing to provide an annual report. Ms. Roberts agreed to the request.

Mr. Key encouraged the State Board to hold a review on this item.

Ms. Newton moved, seconded by Ms. McFetridge, to review this item during the Special State Board meeting scheduled for January 24, 2020. The motion passed unanimously. The State Board request more information and clarity on the 90/10 percentages for counselors and why the waiver is needed.

i. Consideration of Charter Authorizing Panel Decision on Open-Enrollment Charter School Revocation - Southeast Arkansas Preparatory High School

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on December 18, 2019, representatives of Southeast Arkansas Preparatory High School appeared before the Charter Authorizing Panel for a review of their charter. By a unanimous vote, the Panel voted to revoke the charter.

Mr. Key said he is requesting that the State Board hold a review of this Charter Authorizing Panel decision.

Ms. Chambers moved, seconded by Mr. Williamson, to review. The motion passed unanimously.

Mr. Williamson moved, seconded by Mr. Pekron, to hold a special State Board meeting for this review. The motion passed unanimously. The meeting was scheduled for 10 a.m. Friday, January 24, 2020. The State Board members requested to hear the following information.

- Dr. Moore asked to hear the school speak to the services provided to students and for the Division to speak about the financial future of the school.
- Ms. Dean and Mr. Pekron said they would like to know what community supports the school has in place.
- Dr. Hill would like to see a short and long term plan for the school moving forward.
- Ms. Newton wants to hear about the schools finances through the end of the end and to hear more about the compensatory education.

Mr. Key said the Division does not seek to close schools, but to support them. He encouraged schools to reach out to the Division when they need assistance.

B-2 Final Approval: DESE Rules Governing the Right to Read Act

Staff Attorney Ms. Mary Claire Hyatt said there were a couple of public comments; however, no substantive changes were made.

Ms. Newton moved, seconded by Ms. Dean, to approve. The motion passed unanimously.

B-3 Final Approval: DESE Rules Governing Public Charter Schools

Staff Attorney Ms. Mary Claire Hyatt said there were a couple of public comments; however, no substantive changes were made.

Mr. Pekron moved, seconded by Ms. McFetridge, to approve. The motion passed unanimously.

B-4 Consideration for Release for Public Comment: DESE and Arkansas State Board of Nursing Rules Governing the Administration of Insulin and Glucagon to Arkansas Public School Students Diagnosed with Diabetes.

Staff Attorney Mr. Taylor Dugan said the change to the rules is necessary because of Section 37 of Act 757 of 2019.

Ms. Chambers moved, seconded by Ms. Dean, to approve release for public comment, pending review by the Governor's office. The motion passed unanimously.

B-5 For Final Approval: ADE Rules Governing Eye and Vision Screening Report in Arkansas Public Schools

General Counsel Ms. Lori Freno said there were a couple of public comments; however, no substantive changes were made.

Mr. Pekron moved, seconded by Dr. Hill, to approve. The motion passed unanimously.

B-6 Consideration of the 2018-2019 Annual Statistical Report

Assistant Commissioner Mr. Greg Rogers introduced the 2018-2019 Annual Statistical Report for State Board consideration.

Mr. Williamson moved, seconded by Ms. Chambers, to accept the report. The motion passed unanimously.

New Business

As voted on earlier in the meeting, the State Board needed to review the Charter Authorizing Panel decision on Open-Enrollment Charter School Renewal Application for Academics Plus Charter Schools. Based on a brief clarifying discussion, Mr. McGill said the school wishes to rescind the waiver request of Ark. Code Ann. § 6-18-2004 and to add a waiver request for Ark. Code Ann. § 6-18-2002 (2) (a).

Mr. Pekron moved, seconded by Ms. Newton, to approve as modified. The motion passed unanimously.

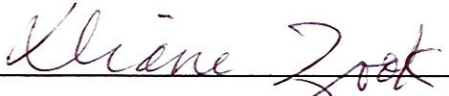
Public Comments

There were no public comments.


Adjournment

Mr. Williamson moved, seconded by Ms. Chambers, to adjourn. The motion passed unanimously. The meeting adjourned at 3:10 p.m.

Meeting minutes recorded by Tiffany Donovan



Ms. Diane Zook, SBE Chair



Mr. Johnny Key, Secretary of Education