

Minutes
Special State Board of Education Meeting
Friday, September 20, 2019

The Arkansas State Board of Education (State Board) met Friday, September 20, 2019, in the Division of Elementary and Secondary Education (Division) Auditorium. Chair Ms. Diane Zook called the meeting to order at 9:00 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 (via phone); Dr. Fitz Hill; Ms. Ouida Newton; Mr. Chad Pekron; and Mr. Johnny Key, Secretary

Absent: Ms. Stacey McAdoo, 2019 Arkansas Teacher of the Year

Changes to the Agenda

There were no changes to the agenda for this meeting.

Consent Agenda

There were no consent agenda items for this meeting.

Action Agenda A

Ms. Zook noted that Ms. Chambers was present for the meeting via phone call.

A-1 Consideration for Release for Public Comment: DESE Rules Governing Educator Licensure

Dr. Moore asked Public School Program Manager Ms. Melissa Jacks to share the biggest changes to these rules. Ms. Jacks said one addition to the rules was the ability to have an ancillary license for library media. She said the person would have to have a master's degree and to pass the required test. Ms. Jacks said another change was regarding the licensure of middle school-level teachers. She said the other changes were primarily just cleaning up the wording of the rules.

Dr. Moore moved, seconded by Ms. Newton, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-2 Consideration for Release for Public Comment: DESE Rules Governing the Code of Ethics for Arkansas Educators

Mr. Pekron moved, seconded by Mr. Williamson, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-3 Consideration for Release for Public Comment: DESE Rules Governing Background Checks

Ms. Newton moved, seconded by Dr. Hill, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-4 Consideration for Release for Public Comment: DESE Rules Governing Home Schools

Ms. Zook noted that in past years there was an issue when home school students tried to go to college due to the lack of a diploma from an accredited high school and asked if that was still the case. Deputy General Counsel Ms. Courtney Salas-Ford said in order to receive a diploma from the high school, the student would have to take and meet all of the graduation requirements for the high school and be enrolled. If a student took home school courses and then enrolled in the high school, upon graduation they would be eligible for a diploma from the high school. Ms. Zook asked if there was anything special that a home school student would have to do to apply for college without a high school diploma. Ms. Salas-Ford said they do not typically have to do anything special to apply; however, it would be up to the individual college's admission criteria.

Ms. Dean moved, seconded by Mr. Pekron, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-5 Consideration for Release for Public Comment: DESE Rules Governing Enrollment of Children of Military Families

Ms. McFetridge moved, seconded by Dr. Hill, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-6 Consideration for Release for Public Comment: Repeal of ADE Rules Governing Enrollment of Military Dependents

Dr. Moore moved, seconded by Mr. Pekron, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-7 Consideration for Release for Public Comment: Repeal of ADE Rules Governing Calculation of Smart Core Incentive Funding

Ms. Dean moved, seconded by Mr. Pekron, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-8 Consideration for Release for Public Comment: DESE Rules Governing Public Charter Schools

Ms. Newton said, in reference to 6.11.2, that in the future, it would be good to consider doing something similar for counseling.

Dr. Moore asked if there was a new law that reflected the agricultural portion. Mr. Key said the original legislation from 2015 was rewritten in 2017. He said that no one has come forward with a proposal at this time. Dr. Moore asked if a school can become an agricultural school without being a charter school. Staff Attorney Ms. Mary Claire Hyatt said to get this designation the school would need to go through the charter process.

Dr. Moore moved, seconded by Ms. Dean, to approve the release for public comment pending Governor's Office approval. The motion passed unanimously.

A-9 Consideration of Little Rock School District Reconstitution Framework

General Counsel Ms. Lori Freno said the State Board of Education directed the Division of Elementary and Secondary Education (DESE) to draft a framework to serve as a starting point for ongoing planning for the future of the Little Rock School District (LRSD). She noted that all State Board members should have a copy of the framework for their consideration and copies of the framework were also made available to the public.

Ms. Freno reviewed the proposed framework, which read as follows.

- “In the event the Little Rock School District does not meet exit criteria on or before January 28, 2020, this State Board will reconstitute the District as follows:
 - Continue Level 5 – Intensive Support of the Little Rock School District;
 - Order the election of a 9-member local Board of Directors to take place in November of 2020. Local control will be returned to the Board of Directors, which may have limited authority as defined by the State Board, or which may operate under the direction and approval of the Commissioner of Education, as allowed under the Arkansas Educational Support and Accountability Act and rules.
 - Establish three categories of schools:
 - Category 1 will be schools with a 2019 letter grade of “D” or higher, which will operate under the elected 9-member Board of Directors;
 - Category 2 will be schools undergoing reconfigurations, which may operate under the elected 9-member Board of Directors; the State Board will determine which schools are included in Category 2; and
 - Category 3 will be schools with a 2019 letter grade of “F.” These schools will operate under different leadership than the remaining schools in the district, but in partnership with the District.”

Dr. Hill asked when local control would happen. Ms. Zook said it is her understanding that January would be the earliest that could happen. Mr. Key noted that prospective local board member training before and local board member training after the election has been discussed as well. Deputy General Counsel Ms. Courtney Salas-Ford agreed that there would be training and typically authority would be assumed in January; however, the State Board could set a different timeline if it would like to do so.

Dr. Moore asked for confirmation that the Division would continue to support the schools with letter grades of C and D. Mr. Key confirmed the Division would continue to support the schools; however, the Board of Directors would have a role as well.

Dr. Moore asked if category 3 schools would still be considered as part of LRSD; Ms. Zook confirmed.

Ms. Dean asked to hear more about category 2 schools. Mr. Key said there are some things still in progress in regards to the community blueprint and that Superintendent Mr. Michael Poore is waiting on the Division to be able to move forward once the accountability results are available.

Dr. Moore asked if there would be further meetings. Mr. Key said the Division has discussed having the Little Rock School District as a standing agenda item on the State Board agendas. Ms. Zook noted that these agenda items would be action items unless the State Board requests a report.

Mr. Pekron asked for further explanation regarding category 3 schools. Mr. Key said that a number of elements would continue operation by the district, such as the transportation system, student supports, and food service. Some of the academic and personnel decisions would be led by the Division, but everything would be in partnership with the school district.

General Counsel Ms. Lori Freno discussed the procedures for public comment.

Ms. Newton moved, seconded by Mr. Pekron, to hear public comment. The motion passed unanimously. Public comment was heard.

Mr. Williamson moved, seconded by Ms. Newton, to hear public comment from people who did not sign up to speak. The motion passed unanimously. Additional public comment was heard.

Ms. Zook said it is her hope that when a local board is elected that there will not be any F schools.

Ms. Newton asked if adjustments to the framework could be made moving forward. Mr. Key said if adopted, the proposed framework would establish the foundation from which the next discussions would take place in the coming months. He also said that a lot is contingent on the data to be released in October.

Ms. Newton asked for clarification that the Division would work with the new school board and the school district to set new exit criteria. Mr. Key confirmed.

Dr. Moore moved, seconded by Mr. Pekron, to approve the proposed framework. There was a brief discussion period about how the framework was built as a result of the previous community feedback meetings. The State Board also discussed receiving public feedback moving forward. Mr. Key noted that ade.lrsdfeedback@arkansas.gov is an email feedback opportunity for individuals who would like to continue to make public comments in that manner. There was a roll call vote. The motion passed unanimously.

Dr. Moore moved, seconded by Ms. McFetridge, to instruct the Commissioner to notify the Little Rock Education Association that upon termination of the contract on October 31, 2019, between the Little Rock School District and the Little Rock Education Association, the school district would no longer recognize the LREA as the exclusive bargaining representative of the school district and its employees. In the same motion, it was moved to ask the school district, in accordance with Act 728, to create a Personnel Policy Committee and to contract with a third party to establish that committee as soon as possible.

There was a request to provide public comment regarding the motion prior to the State Board's vote. Dr. Hill moved, seconded by Mr. Williamson, to hear public comment on the referenced motion. The motion passed unanimously. Public comment was heard.

Ms. Zook noted that Act 728 includes teacher voice. Dr. Hill asked for an explanation of Act 728, and General Counsel Ms. Lori Freno provided that information.

Mr. Pekron said he believes Dr. Moore's motion is the right thing to do; however, he would like to table the motion until the regular State Board meeting, saying this motion should have been included on the agenda beforehand to allow for public notice. Mr. Pekron moved, seconded by Dr. Hill, to table Dr. Moore's above-referenced motion until the next regular State Board meeting on October 10, 2019. There was a roll call vote. The motion passed with Dr. Hill, Mr. Williamson, Ms. Chambers, Ms. McFetridge, Ms. Newton, and Ms. Dean voting in favor of the motion.

There was a brief discussion regarding the timing of the Personnel Policy Committee (PPC). Mr. Key said he knew discussion about the PPC process has already been taking place with Mr. Poore and Little Rock Education Association Present Ms. Teresa Knapp-Gordon. He said Fort Smith had a timing issue as well. He said when Fort Smith came before the State Board, it asked for a waiver of the portion of the PPC law that requires completion of the PPC in the first quarter. Dr. Hill asked for clarification that having a PPC was a requirement by law. Mr. Key and Ms. Zook confirmed.

Ms. Newton moved, seconded by Dr. Hill, to have third-party assistance in establishing a Personnel Policy Committee in the Little Rock School District. The motion passed unanimously.

New Business

There was no new business.

Public Comments

There were no additional public comments.

Adjournment

Ms. McFetridge moved, seconded by Ms. Dean, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:01 a.m.

Meeting minutes recorded by Tiffany Donovan



Ms. Diane Zook, SBE Chair



Mr. Johnny Key, Secretary of Education