

Minutes
State Board of Education Meeting
Thursday, March 8, 2018

The State Board of Education met Thursday, March 8, 2018 in the Arkansas Department of Environmental Quality Auditorium. Chair Dr. Jay Barth called the meeting to order at 10:03 a.m.

Present: Dr. Jay Barth, Chair; Joe Black, Vice-Chair; Dr. Fitz Hill; Diane Zook; Ouida Newton; Susan Chambers; Brett Williamson; Charisse Dean; Mireya Reith; Courtney Cochran, 2017 Teacher of the Year; and Johnny Key, Commissioner.

Absent: Dr. Fitz Hill

Recognitions

Ms. Dawn McLain, Milken Educator Awardee

Public Information Manager Ms. Meghan Ables recognized Ms. Dawn McLain, a sixth-grade math and science teacher at North Little Rock Middle School who was named a 2017-2018 Milken Educator.

Ms. McLain said she appreciated being recognized by the State Board.

Terry Granderson, National Pat Cochrane Memorial Award

Arkansas Association of Educational Administrators Assistant Executive Director Mr. Mike Mertens awarded Assistant Director of the Arkansas Department of Public School Facilities and Transportation Mr. Terry Granderson the 2017-2018 National Pat Cochrane Memorial Award.

Dude Solutions Inc. Co-Founder and Chief Strategy Officer Mr. Lee Prevost said that under Mr. Granderson's leadership, Arkansas had reduced emergency maintenance by 65% over three to four years. He said Mr. Granderson's leadership saved the state money and time in extended asset life.

Mr. Granderson said Arkansas's success was a team effort.

Consent Agenda

Mr. Black moved, seconded by Ms. Chambers, to approve the consent agenda. The motion carried unanimously.

Items included in the consent agenda:

- Minutes – February 8, 2018 and February 9, 2018
- Newly Employed, Promotions and Separations
- 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
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 17-188, 18-003 (Combined) Meagan Parrish
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 17-237/18-008 (Combined) Caren Copeland
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-004 Ann Mishelle Higgins
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-006 Amanda Chapin
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-007 Carolyn Jordan James
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-010 Jeffrey Stewart
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 18-016 Sarah Terwilliger
- Atkins School District Act 1240 Progress Report

Action Agenda A

A-1 Consideration of Revocation of Teaching License- Victor M. Jackson

Staff Attorney Ms. Simoné Blagg said Mr. Victor Mature Jackson is a licensed educator who pled guilty to an offense under Ark. Code Sections 6-17-410 and 6-17-411, which disqualifies him for licensure by the State Board and for employment in a public school.

Mr. Jackson was not present.

Ms. Chambers moved, seconded by Ms. Dean, to deny waiver request for revocation of the teaching license of Mr. Victor M. Jackson. The motion carried unanimously.

A-2 Consideration of Jacksonville North Pulaski School District and Wilbur D. Mills Education Service Cooperative Petition for the Alteration of Cooperative Area Boundaries

Jacksonville North Pulaski School District Superintendent Mr. Bryan Duffie said Jacksonville North Pulaski School District would like to be part of the Wilbur D. Mills Education Service Cooperative. He said the school district would benefit from the services of the cooperative.

Ms. Zook moved, seconded by Mr. Williamson, to approve petition request filed by Jacksonville North Pulaski School District and Wilbur D. Mills Education Service Cooperative for the alteration of cooperative area boundaries. The motion carried unanimously.

**A-3 (a) District Request for Waivers Granted to Open-Enrollment Charters:
Hermitage School District**

Director of Public Charter Schools Ms. Alexandra Boyd said representatives from the Hermitage School District were appearing before the State Board with an early school start date waiver request. Ms. Boyd said the district did not have a student enrolled in an open-enrollment charter school in December 2017, and thus did not submit a request with their cooperative.

Hermitage School District Superintendent Ms. Tracy Tucker said students take classes at a career center in Warren, Arkansas. She said the district would like to align their schedule with the career center's calendar. She said Bradley County has a large tomato industry. She said changing the allowable school start date would allow teachers, staff, and students to participate in this industry.

Mr. Williamson moved, seconded by Ms. Reith, to approve waiver request filed by Hermitage School District. The motion carried unanimously.

**A-3 (b) District Request for Waivers Granted to Open-Enrollment Charters:
Norfolk School District**

The Department requested that this item be removed.

**A-3 (c) District Request for Waivers Granted to Open-Enrollment Charters:
Hope School District**

The Department requested that this item be removed.

**A-3 (d) District Request for Waivers Granted to Open-Enrollment Charters:
Mountain Pine School District**

Director of Public Charter Schools Ms. Alexandra Boyd said representatives from the Mountain Pine School District were appearing before the State Board with a petition of waivers.

Mountain Pine School District Superintendent Mr. Bobby "BJ" Applegate said the media services waiver request would be for three years.

Ms. Zook moved, seconded by Ms. Newton, to approve waiver request filed by Mountain Pine School District. The motion carried unanimously.

A-4 (a) Consideration of Charter Authorizing Panel Decision on Open-Enrollment Public Charter School Amendment: LISA Academy

Director of Public Charter Schools Ms. Alexandra Boyd said representatives of LISA Academy appeared before the Charter Authorizing Panel (Panel) requesting an amendment to the charter. By a unanimous vote, the Panel approved the request. Ms. Boyd said no request for the State Board to review the Panel's decision was submitted.

Ms. Chambers moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel decision on Open-Enrollment Public Charter School Amendment: LISA Academy. The motion carried unanimously.

A-4 (b) Consideration of Report Submitted to Charter Authorizing Panel: Rockbridge Montessori School Probationary Report

Director of Public Charter Schools Ms. Alexandra Boyd said the Charter Authorizing Panel (Panel) met and voted to place Rockbridge Montessori School on probation for one year. She said the probation requires reports to be submitted to the charter office every 90 days on special education, governance, finance, and required reporting.

Ms. Boyd said the report covers special education, governance, finance, and required reporting. She said the school is almost done with correcting special education issues identified from the previous year. She said the school is moving in the right direction with the four different areas covered in the report.

Ms. Boyd said the Panel decided to have Rockbridge Montessori appear at their next meeting on March 14, 2018. She said the Panel would decide to extend the probation, release the school from probation, or revoke the charter. Ms. Boyd said the State Board would be able to review or not review the Panel's decision at the April 2018 State Board meeting.

Rockbridge Montessori School Principal Mr. Will Felton said he understood the State Board's concerns. He said the school was excited about its progress. He said the school's test scores were low, but that there were about 40 students whose scores were not counted due to testing irregularities. He said he believed the school would see huge growth on the ACT Aspire. Mr. Felton said the lottery would take place on March 15th. He said 92% of parents signed up to return in the 2018-2019 school year. He said the school had overcome a lot.

Ms. Reith moved, seconded by Ms. Dean, to accept the Rockbridge Montessori School probationary report submitted to the Charter Authorizing Panel. The motion carried unanimously.

A-5 Public School Choice Exemption Appeals

Staff Attorney Ms. Mary Claire Hyatt said pursuant to the Public School Choice Act of 2015, as amended, school districts claiming an exemption from participation in the Public School Choice Act submitted supporting documentation to the Arkansas Department of Education. She said four school districts submitted written requests for review by the State Board. She said the Department fully or partially denied the public school choice exemption appeals that were up for consideration.

A-5 (a) Consideration of Appeal: Camden Fairview School District

Staff Attorney Ms. Mary Claire Hyatt said the Department partially denied Camden Fairview School District's public school choice exemption request.

Camden Fairview School District Attorney Ms. Whitney Moore said Camden Fairview requested an exemption for the 2018-2019 school year. She said it was partially denied because there was no genuine conflict for transfers to the Harmony Grove School District. Ms. Moore said Camden Fairview is under a court desegregation obligation. She said the Camden and Fairview school districts were consolidated as a settlement of a court case that claimed a segregated school system was being operated in Ouachita County. She said Camden Fairview was declared unitary in 2002. Ms. Moore said later court cases declared that there was further "segregative" impact in the district despite being deemed unitary in 2002.

Ms. Moore said there is no mention of a partial exemption in law in the Public School Choice Act of 2017 or 2015. She said the Department's letter to Camden Fairview did not consider the impact of a partial exemption on desegregation efforts in the Camden Fairview School District. Ms. Moore said the federal court is the appropriate entity to determine whether particular actions by the district would violate the court desegregation order.

Ms. Hyatt said the plain language in the orders and consent decree was clear. She said the Public School Choice Act specifically gives deference to consent decrees and federal, court ordered desegregation plans. She said the order is explicitly to prevent White students from transferring from Camden Fairview School District to Harmony Grove School District. She said no other school district was named. She said this is the basis for the Department's decision.

Camden Fairview School District Superintendent Mr. Mark Keith said it was too early to know whether there would be a segregative impact if this waiver request was not granted.

Camden Fairview School District School Board President Mr. Eddie Moore said he supported the appeal. He said he served on the school board for 25 years and witnessed "white flight" during his time in the community.

General Counsel Ms. Lori Freno said it was not improper for the State Board to make a decision based upon Arkansas's Public School Choice law as to whether an exemption exists according to the desegregation court order consent decree.

Ms. Zook moved, seconded by Mr. Williamson, to affirm the Department's decision on the Camden Fairview School District Public School Choice exemption request. Final vote 6-1. The motion carried.

A-5 (b) Consideration of Appeal: Hope School District

Hope School District Attorney Ms. Whitney Moore said the Department denied Hope School District's public school choice exemption request. She said Hope School District believed that it was subject to a desegregation court order, and that participation in school choice would have a segregative impact. She said inter-district segregation is present in Hempstead County.

Hope School District Attorney Mr. Allen Roberts said he encouraged the State Board to examine *Cooper vs. Aaron*. He said that in its application and interpretation, *Cooper vs. Aaron* is an example of state interference in federal court orders.

Staff Attorney Ms. Mary Claire Hyatt said the desegregation order limited school choice within the district. She said the district was denied exemption because the transfer requests would be inter-district.

Staff Attorney Ms. Jennifer Davis said Jacksonville North Pulaski has an agreement that says they will limit school choice. She said El Dorado has a court order that says the district cannot participate in school choice. She said Camden Fairview has a limited interpretation of school choice participation. She said the other cases before the State Board do not have a court-ordered limitation.

General Counsel Ms. Lori Freno said the State Board was not tasked with making a decision based on whether there may be a segregative impact in the future, but whether the consent decree limits or allows for school choice exemption.

Commissioner Key asked for clarification of the terms "racially-identifiable" and "segregative" for the record.

Hope School District Superintendent Mr. Bobby Hart said many White parents choose to move their children out of the district for racially-motivated reasons.

Mr. Williamson moved, seconded by Ms. Newton, to affirm the Department's decision on the Hope School District Public School Choice exemption request. Final vote 6-1. The motion carried.

A-5 (c) Consideration of Appeal: Lafayette County School District

Lafayette County School District Attorney Ms. Whitney Moore said Lafayette County was subject to a desegregation court order. She asked the State Board to consider the segregative impact of the district's participation in Public School Choice. She said Lafayette County School District is largely Black, but nearby school districts are majority White.

Staff Attorney Ms. Mary Claire Hyatt said the court decree for the district is intra-district. She said the language of the consent decree does not address inter-district transfers.

Ms. Moore said there were 18 school choice applications which involved 30 students at last count. She said the majority of school choice applications are from non-Black students to schools with small percentages of Black students.

Lafayette County School District Board President Ms. Lindsey Nut said she is a lifetime member of the community. She said she was concerned about the hateful, race-motivated speech expressed by some parents desiring to leave the district.

Ms. Chambers moved, seconded by Ms. Dean, to affirm the Department's decision on the Lafayette County School District Public School Choice exemption request. Final vote 6-1. The motion carried.

A-5 (d) Consideration of Appeal: Junction City School District

Junction City School District Attorney Ms. Whitney Moore said the district is not a majority-Black school district. She said the surrounding districts have substantially less Black students than Junction City School District. She said participation in school choice would have a segregative impact on the district.

Junction City Superintendent Mr. Robert Lowe said he was glad to answer any questions from the State Board.

Staff Attorney Ms. Mary Claire Hyatt said the court decree for Junction City School District is intra-district. She said freedom of choice provisions are race-based and the Arkansas Public School Choice Act is race-neutral.

Mr. Lowe said 179 students in the district are from Louisiana. He said there had been an agreement historically between the parish in Louisiana and the district to allow students within the Louisiana state line to attend Junction City School District schools.

Ms. Zook moved, seconded by Mr. Black, to affirm the Department's decision on the Junction City School District Public School Choice exemption request. Final vote 6-1. The motion carried unanimously.

Action Agenda B

B-1 2018 APPEL Handbook Addendum for International Cohort

Educator Preparation Coordinator Ms. Joan Luneau said the Department staff respectfully requested an addendum to the approved handbook to allow eligible international teachers to be part of a modified APPEL Year 1 cohort. She said the change is for the Teach Chinese program. She said the teachers in this program have credentials from their home country. She said school districts have provided support, but having an APPEL program will take the weight off individual districts.

Mr. Black moved, seconded by Ms. Chambers, to approve 2018 APPEL Handbook Addendum for International Cohort. The motion carried unanimously.

B-2 Consideration for Release for Public Comment: ADE Rules Governing Dyslexia

Staff Attorney Ms. Mary Claire Hyatt said Act 1039 of 2017 amended provisions of Ark. Code Ann. § 6-41-601 et seq. She said changes to the rule were necessary to incorporate those changes. She said the Department respectfully requests that the State Board release this rule for public comment.

General Counsel Ms. Lori Freno said because no charter school currently holds a dyslexia waiver, no traditional public school district could ask for a waiver.

Ms. Newton moved, seconded by Mr. Williamson, to approve release of ADE Rules Governing Dyslexia for public comment. The motion carried unanimously.

B-3 Consideration for Release for Public Comment: ADE Rules Governing the Arkansas Fiscal Assessment and Accountability Program

Staff Attorney Ms. Mary Claire Hyatt said Act 745 of 2017 amended provisions of Ark. Code Ann. §§ 6-20-1908 and 6-20-1910. She said changes to the rule were necessary to incorporate the amended provisions. Ms. Hyatt said the Department respectfully requested that the State Board release the rule for public comment.

Per request by a State Board member, Assistant Commissioner for Fiscal and Administrative Services Mr. Greg Rogers said the Department could share a list of schools with the State Board.

Ms. Zook moved, seconded by Ms. Reith, to approve release of the ADE Rules Governing the Arkansas Fiscal Assessment and Accountability Program for public comment. The motion carried unanimously.

Adjournment

Ms. Newton moved, seconded by Ms. Dean, to adjourn the business meeting. The motion carried unanimously. The meeting adjourned at 2:19 p.m.

Reports

Ms. Newton moved, seconded Ms. Chambers to add Commissioner's Report, Chair Reports, and Committee Reports to the agenda. The motion carried unanimously.

Commissioner's Report

Commissioner Key asked Assistant Commissioner for Administrative and Fiscal Services Mr. Greg Rogers to speak on the Arkansas Department of Education auditorium renovations.

Mr. Rogers said he expected the State Board meetings to return to the Arkansas Department of Education in May 2018.

Chair's Report

Dr. Barth said Staff Attorney Ms. Mary Claire Hyatt would create a draft of the new State Board operating procedures. He said there would be a work session to examine the changes.

Ms. Zook shared her appreciation for the State Board trip to El Dorado. She said she participated in Read Across America Day at the Arkansas State Capital building.

Special Committees and Committee Reports

Ms. Reith said she attended her last NASBE conference at the beginning of March 2018. She said there was interesting data and conversations about home-grown and diverse teacher pools. She said there is strong evidence that suggest the effectiveness

of nurturing teaching talent within the community and having teachers that look like their students present in the classrooms.

Ms. Reith said state boards of education across the country are having conversations about equitable funding.

Ms. Reith said the NASBE conference participants had an opportunity to meet with a number of state representatives. She said they celebrated the approvals of several state ESSA plans.

Ms. Reith said she hoped one of her colleagues would take over as NASBE liaison.

Ms. Reith said there are two current NASBE grants available.

Ms. Zook said the Emergency Rules for A-F were in effect. She said there would be a technical advisory committee meeting on March 13, 2018. She said cooperative visits were being led by State Superintendent Dr. Mike Hernandez. She said these visits were to help districts understand ESSA.

ForwARd Liaison Dr. Barth said the ForwARd communities had submitted their plans. He said an implementation working group meeting would occur at the Arkansas Association of Educational Administrators' office at 10:30 a.m. on March 27, 2018. He said there would be ForwARd community meetings across the state.

Ms. Zook said Pangburn School District put together a lesson plan to teach soft skills. She said the district was making the plan available to other districts for \$100.

1- Response to Board Inquiry on History of Arkansas Leadership Academy

General Counsel Ms. Lori Freno said an act in 1991 created the Academy of Training and Leadership Training and School Board Management. She said the Department issued a request for proposals to establish an academy that would develop the knowledge and leadership skills of school administrators. She said the State Board gave approval to the University of Fayetteville Partners in 1992. Ms. Freno said the name was changed to the Arkansas Leadership Academy in 1997.

Director of the Arkansas Leadership Academy Mr. David Cook said he was in his 5th year with the academy. Mr. Cook said the objective of the Arkansas Leadership Academy is student achievement. He said the Master Principal program was part of the academy. He said Dr. Blaine Alexander heads up the Student Voice program.

Arkansas Leadership Academy Master Principal Program Leader Ms. Brenda Tash said the superintendents give good feedback on the program. She said superintendents are putting pressure on the principals to participate in the Master Principal program.

2- Special Education Additional Licensure Plans

Deputy Commissioner Dr. Ivy Pfeffer said that as part of the annual application for Title VI-B Funds, the state must assure that policies and procedures are in place that meet the personnel qualification requirements in IDEA section 612(a)(14), as amended by ESSA, which pertain to fully licensed special education teachers. She said this would be implemented in the 2018-2019 school year.

Dr. Pfeffer said a federal assurance letter is signed every year to receive federal funds for special education. She said part of the assurance is that teachers be fully licensed. She said due to ESSA and licensure rules, there would be additional steps in place before waiver requests came before the State Board. She said these additional steps would ensure that special education teachers needing waiver requests go through Arkansas IDEAS training.

Dr. Pfeffer said she expected there would be a decline in Special Education Additional Licensure Plans.

Ms. Zook asked that the Department incentivize special education teachers who demonstrated skill proficiencies in needed areas during summer trainings.

Assistant Commissioner for Learning Services Ms. Stacy Smith said the Department is currently exploring micro-credentialing.

Adjournment

Dr. Barth adjourned the meeting at 3:26 p.m.

Minutes recorded by Kelicia Hollis



Johnny Key, Commissioner.



Dr. Jay Barth, Chair

