

**Minutes  
State Board of Education  
Thursday, March 14, 2019**

The Arkansas State Board of Education (State Board) met Thursday, March 14, 2019, at the Don Tyson School of Innovation. Chair Dr. Jay Barth called the meeting to order at 10:03 a.m.

Present: Dr. Jay Barth, Chair; Charisse Dean, Vice-Chair; Diane Zook; Ouida Newton; Susan Chambers; Dr. Fitz Hill; Dr. Sarah Moore; Kathy McFetridge; Randi House, 2018 Arkansas Teacher of the Year; and Johnny Key, Commissioner.

Absent: Brett Williamson

**Changes to the Agenda**

Dr. Barth stated that action item A-1 (Consideration of Adoption of Health and Physical Education Standards) was pulled from the agenda. The item is scheduled to be heard at the April board meeting.

**Consent Agenda**

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

Items included in the consent agenda:

- Minutes
- 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
- 2018 Arkansas Advisory Council Annual Report
- Act 1240 Annual Progress Report

**Action Agenda A**

***(Pulled from agenda) A-1 Consideration of Adoption of Health and Physical Education Standards***

*This item was pulled from the agenda.*

## **A-2 Consideration of Charter Authorizing Panel Decisions-Summary Information**

### **a. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: Capital City Lighthouse Charter School**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Capital City Lighthouse appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Dean moved, seconded by Ms. Newton, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

### **b. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: Exalt Academy of Southwest Little Rock**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Exalt Academy of Southwest Little Rock appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Newton moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

### **c. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: Future School of Fort Smith**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Future School of Fort Smith appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Newton asked how proposed legislation would affect future waivers. Staff Attorney Ms. Mary Claire Hyatt stated that the Department would review the impact of legislation

on current waivers. Commissioner Key stated that the impact would depend on the context of the legislation.

Ms. McFetridge moved, seconded by Ms. Chambers, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

**d. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: LISA Academy**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of LISA Academy appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. McFetridge, Ms. Zook, Ms. Newton, Dr. Barth, and Dr. Moore asked questions about the budget, salary waivers, professional development for teachers, the overall expansion, and student recruitment. LISA Academy representatives addressed the questions.

Ms. Zook moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

**e. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: Little Rock Preparatory Academy**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Little Rock Preparatory Academy appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Chambers, Dr. Moore, Ms. Newton, and Dr. Barth asked questions about the district's minimum salary requirements and salary waiver request. A Little Rock Preparatory Academy representative and Staff Attorney Ms. Mary Claire Hyatt addressed the questions.

Ms. Newton moved, seconded by Ms. McFetridge, to review the Charter Authorizing Panel's decision. There was a roll-call vote. Ms. Zook, Dr. Hill, Ms. Chambers, and Ms. Dean voted against the motion. Ms. McFetridge, Dr. Moore, Ms. Newton, and Dr. Barth voted in favor of the motion. The final vote was 4-4. The motion failed.

Ms. Zook moved, seconded by Ms. Chambers, to not review the Charter Authorizing Panel's decision. There was a roll-call vote. Ms. Zook, Dr. Hill, Ms. Chambers, Ms. McFetridge, Dr. Moore, and Ms. Dean voted in favor of the motion. Ms. Newton voted against the motion. The final vote was 6-1. The motion passed.

The board requested a report from the Legal team at the Department about implications of the new salary requirements on school districts. The report will be made at the special State Board meeting scheduled for March 25, 2019.

**f. Consideration of Charter Authorizing Panel Action on Open Enrollment Charter School Amendment: Southeast Arkansas Preparatory High School**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Southeast Arkansas Preparatory High School appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Zook and Ms. McFetridge had questions about interim report data used at the school, as well as the waivers being requested. A Southeast Arkansas Preparatory High School representative addressed the questions.

Ms. McFetridge moved, seconded by Ms. Zook, to review the Charter Authorizing Panel's decision. There was a roll-call vote. The motion passed unanimously.

**g. Consideration of Charter Authorizing Panel Action on District Conversion Charter School Amendment: Fayetteville Virtual Academy**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Fayetteville Virtual Academy appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Dean moved, seconded by Ms. Chambers, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

**h. Consideration of Charter Authorizing Panel Action on District Conversion Charter School Amendment: Polk County Virtual Academy**

Director of Public Charter Schools Mr. Reginald Ballard said on February 25, 2019, representatives of Polk County Virtual Academy appeared before the Charter Authorizing Panel requesting an amendment to their charter. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Newton moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

### **Action Agenda B**

#### **B-1 District Request for Waivers Granted to Open-Enrollment Charters**

##### **a. District Request for Waivers Granted to Open-Enrollment Charters: Fort Smith School District**

Public School Program Advisor Ms. Kelly McLaughlin said Act 1240 of 2015 allows a school district to petition the State Board of Education for all or some of the waivers granted to Open-Enrollment Public Charter Schools that serve students who reside in the school district. Representatives of the Fort Smith School District are appearing before the Board with a petition of waivers.

Several board members asked questions about the waivers. Fort Smith School District representatives addressed the questions.

Ms. Dean moved, seconded by Ms. Chambers, to accept public comment on this agenda item. The motion passed unanimously. Public comment was provided.

Ms. Zook moved, seconded by Ms. McFetridge, to approve the waivers. The motion passed unanimously.

#### **B-2 Consideration of Charter Authorizing Panel Action on Charter School Amendments: Class Size and Teaching Load Rules**

Director of Public Charter Schools Mr. Reginald Ballard said on October 29, 2018, new ADE Rules Governing Class Size and Teaching Load became effective, necessitating charter schools holding a waiver of the Standards for Accreditation section 1-A.6 obtain a waiver of new rules to fully effectuate the waiver topic. On February 25, 2019, Department staff appeared before the Panel to request an approval of these waivers on behalf of several charter schools. By a unanimous vote, the Panel approved the request. No request for the State Board of Education to review the decision made by the Panel was submitted. The State Board may

exercise a right of review and conduct a hearing on the Charter Authorizing Panel's determination at the State Board's next meeting.

Ms. Zook stated she would like to receive quantitative data showing the impact of these waivers on academic growth and achievement. Several board members agreed.

Ms. Zook moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

### **B-3 Act 1240 Class Size and Teaching Load Waiver Transition**

Staff Attorney Ms. Mary Claire Hyatt stated that one school was omitted from the spreadsheet the board previously received. She provided the board copies.

Ms. Newton moved, seconded by Ms. Chambers, to approve the waivers. The motion passed unanimously.

### **Public Comment**

There were three people signed up to provide public comment in advance of the State Board meeting. One of the public comments was provided electronically to the State Board members; however, the other two people signed up to provide public comment were not present at the State Board meeting.

### **Adjournment**

Ms. Chambers moved, seconded by Ms. Dean, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 2 p.m.

*Minutes recorded by Kimberly Friedman*

  
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Dr. Jay Barth, SBE Chair

  
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Johnny Key, Commissioner