

Minutes
State Board of Education Meeting
Thursday, August 10, 2017

The State Board of Education met Thursday, August 10, 2017, in the Arkansas Department of Education Auditorium. Chair Dr. Jay Barth called the meeting to order at 10:03 a.m.

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

Absent: None

Recognition

Dr. Barth acknowledged Mr. Black for his induction into the Newport High School Hall of Fame. Dr. Barth recognized Arkansas Education Association President Ms. Cathy Koehler for her new appointment.

Consent Agenda

Ms. Reith moved, seconded by Ms. Newton, to approve the consent agenda with exception of Consent Item 10- Review of Loan and Bond Applications. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes— July 13, 2017
- Minutes— July 14, 2017
- Minutes: Standing Committee on Academic Distress — July 14, 2017
- Newly Employed, Promotions and Separations – ADE Assistant Commissioner for Fiscal and Administrative Services Mr. Greg Rogers and ADE Personnel Manager Clemetta Hood
- 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 – ADE Assistant Commissioner Dr. Jeremy Owoh
- Community Service Learning (CSL) Site Applications: Jasper School District; Piggott School District. – ADE Assistant Commissioner Ms. Stacy Smith, ADE Public School Program Manager Mr. Thomas Coy, and ADE Public School Program Advisor Ms. Margaret Herrick
- Consideration for Public Comment: Proposed Rules Governing Educator Support and Development, as well as repeal of Rules Governing the Teacher Excellence and Support System, Leader Excellence and Development System,

and Educator Mentoring Programs. – ADE Director of Educator Licensure Ms. Cheryl Reinhart and ADE General Counsel Ms. Lori Freno

- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #17-101 – Angela Winfield – ADE PLSB Chief Investigator Mr. Eric James
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #17-115 – Colton Turner – ADE PLSB Chief Investigator Mr. Eric James
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #17-128 - Deborah Clark – ADE PLSB Chief Investigator Mr. Eric James
- My Child/My Student Report -- ADE Director of Communications Ms. Kimberly Friedman
- Consideration of Legislative Reports – ADE Public School Program Manager Dr. Richard Wilde and ADE Coordinator of Fiscal Distress Ms. Cynthia Smith
- Embedded Courses – ADE Assistant Commissioner for Learning Services and ADE Public School Program Manager Mr. Thomas Coy
- Consideration of Approval of Education Service Cooperative's Annual Report – ADE Commissioner of Education Mr. Johnny Key
- Barton-Lexa ACT 1240 Annual Report – ADE Public School Program Advisor Ms. Kelly McLaughlin

Action Agenda A

Consent Item 10- Review of Loan and Bond Applications

ADE Agency Controller I Ms. Cindy Hollowell and ADE Administrative Analyst Ms. Amy Woody shared the process for loans and bonds. Ms. Hollowell said the Department reviews loans every other month. Ms. Hollowell and Ms. Woody check for the loans' and bonds' compliance. Ms. Hollowell said the second lien bond for the Little Rock School District met compliance standards. Ms. Hollowell said a petition was received concerning use of second lien bonds for the Little Rock School District. In response to a Board member question, Ms. Hollowell said the debt ratio was no longer statute.

In response to a question posed by Mr. Key, ADE Director of the Arkansas Division of Public School Academic Facilities and Transportation (DPSAFT) Mr. Brad Montgomery said the Little Rock School District held a meeting with the DPSAFT after the failed millage. The Little Rock School District was given 60 days to respond concerning their master plan moving forward. Mr. Montgomery said there are a high number of portable facilities used in the Little Rock School District. Mr. Montgomery said the second lien bond will address this issue among other facility issues.

Little Rock School District Superintendent Mr. Mike Poore said the district has been transparent in its goals. He said using second lien bonds is not an unusual tactic and

the Little Rock community has raised the possibility of this issue in the past. Mr. Poore said the district must respond to the possibility of being in facility distress.

In response to a State Board member question, Little Rock School District Chief Financial Officer Mr. Kelsey Bailey said the district has a goal of 30% representation for both minority and women-owned businesses in construction contracts and subcontracts.

Little Rock School District Municipal Advisor and Stephens Inc. Representative Mr. Jack Truemper said the second lien bond is secured by surplus debt service revenue. He said each year the assessment has grown for the Little Rock area, so the revenue has grown. He said the assessment from year 2015 to year 2016 grew by an additional 2.2 million. Mr. Truemper said Stephens Inc. examined Little Rock School District assessments starting with 1998. He said from 1998 until the present year, there have been 2 years with decreased assessment.

Mr. Williamson moved, seconded by Ms. Dean, to approve Item 10 of the consent agenda. Opposed by Ms. Reith. Final vote 7-1. The motion carried.

A-1 Consideration of the Little Rock Area Public Education Stakeholder Group Report

Little Rock Area Public Education Stakeholder Group Vice-Chair Mr. Jim McKenzie said the presentation will be an overview of the report. Mr. McKenzie said there were six (6) original charges to the Stakeholder Group. He said because of time and financial constraints, the Stakeholder Group focused on the sixth challenge which was how collaboration between traditional public schools and charter schools can maximize the achievement level of students and the efficiency of the system of public education south of the river.

Mr. McKenzie said the report does not do enough to solve the problems facing Little Rock area public education. He said the Center for Reinventing Public Education is quoted extensively in the report. He said this research was based on 23 self-selected communities that were funded by the Bill & Melinda Gates Foundation. He said these communities shared characteristics in common to the Little Rock area community including inconsistent discipline policies, neighborhood quality school deserts, transportation inequities, hostility between district and charter schools, barriers to full information on school choice, funding inequities in charter schools, and special education provision inequities.

Mr. McKenzie said the first area the Stakeholder Group addressed in the report is collaboration efforts in the Little Rock area community. He shared the challenges of collaborative efforts in this area. Mr. McKenzie said the Board should be cognizant of the leadership instability issues in the Little Rock area.

Mr. McKenzie said there is a need to address the needs of special education and English Language Learners in traditional public schools.

Mr. McKenzie said the Stakeholder Group suggests there be an education service cooperative in Pulaski County.

Mr. McKenzie said research on why parents choose to enroll their children in certain schools over others is needed. He said the Board should establish the number and expansion rate of charter school seats the Little Rock area can sustainably adsorb while allowing the traditional public school districts to remain viable.

Mr. McKenzie said that the zero-sum climate currently reflected in the Little Rock area is an issue to be addressed through collaboration.

He said the Stakeholder Group urges to the Board to revisit the Pulaski County School Boundaries Report. He said financial and segregation issues are at stake in district changes north and south of the river.

Mr. McKenzie offered six (6) core recommendations which were to 1) Establish a Pulaski County Education Service Cooperative, 2) Revisit the Pulaski County Boundaries Study Report, 3) Conduct basic research, 4) Target the inequities in discipline, special education, and English Language Learners, 5) Lead in developing a comprehensive, community-based strategic plan for all public schools in Pulaski County, and to 6) Rethink the charter authorization process.

Stakeholder Group member Mr. Antwan Phillips shared a concurring report. He said he believes the Arkansas Department of Education must be the facilitator for collaboration between traditional public school and charter schools. He said the competitive adversarial issues must be addressed by the Department. He said the Department should give preference to charter school applications that are complimentary in supporting needs that a district is not meeting at the time. He said there should be trust in the community regarding this issue. He said the Department must know why parents choose certain schools for their children. He said the Department and Board should be receptive to the concerns of the community, and not listen and collaborate without taking the perspective and recommendations of the community to heart.

Stakeholder Group member Ms. Ann Marshall Grigsby said she wanted the Board and Department to seriously consider the Stakeholder Group's report.

Stakeholder Group Chair Mr. Tommy Branch gave a word of thanks.

Dr. Barth invited ADE General Counsel Ms. Lori Freno to discuss education cooperatives in regard to the law. Ms. Freno said the law isn't clear about education service cooperatives, but that it says there should be 15 and there currently are 15. She said the law isn't clear whether there can be another cooperative in the future. She said cooperatives are voluntary associations.

Ms. Chambers motioned, seconded by Ms. Reith to accept the report. The motion carried unanimously.

Ms. Chambers motioned, seconded by Ms. Dean to release the Little Rock Area Public Education Stakeholder Group from their service. The motion carried unanimously.

A-2 Consideration of Little Rock Area Public Education Stakeholder Group Meeting Minutes

ADE Assistant Commissioner for Public School Accountability Ms. Deborah Coffman said the minutes were approved electronically and will move into public record.

A-3 Consideration of Next Steps regarding the Little Rock Area Public Education Stakeholder Group

Dr. Barth asked the Task Force on Student Discipline and the Task Force on Family Engagement in Learning and Deeper Learning Grant to consider the report and how the suggestions could be used in their work. He asked Ms. Zook to consider the report from the lens of special education. Ms. Reith asked that the ADE help give guidance on what is possible from the recommendations of the report. Dr. Barth said this issue will be taken up during the Friday, August 11, 2017 report session.

A-4 Consideration of the Memorandum of Understanding with ForwARd Arkansas

State Board member Ms. Zook said ForwARd Arkansas is now a nonprofit and has almost an entirely new board since the signing of the first memorandum of understanding. Ms. Zook said the group looks more like an advocacy group than its original structure. She said it may look like the Board is picking a favorite among advocacy groups with this partnership. Ms. Zook expressed that the Board has had no input in many decisions that ForwARd Arkansas has made.

ADE General Counsel Ms. Lori Freno said the language of the memorandum of understanding states that the agreement can be nulled "for cause." She said it could be amended or modified at any time by the parties.

Mr. Key said there are some parallels between the work of the Department and ForwARd Arkansas.

ForwARd Arkansas Executive Director Ms. Susan Harriman said ForwARd has worked closely with the Department. Ms. Harriman said ForwARd has promoted literacy, school readiness, and other initiatives. She said they are providing scholarships to those who commit to teaching in ForwARd communities. Ms. Harriman said ForwARd has

partnered with other groups and organizations to gain additional funding for educational efforts throughout the state.

ForwARd Arkansas Associate Director Mr. Cory Biggs said there are five (5) ForwARd Arkansas communities. He said there have been several events in the ForwARd communities. He said ForwARd will partner with the Clinton School of Public Service and the Little Rock School District to have a practicum team from the Clinton School join ForwARd Arkansas in conducting research on best practices research with middle school collaborations.

No motion was offered. The memorandum of understanding stands.

A-5 Resolution - Bring Your Legislator to School

Dr. Barth read the Bring You Legislator to School resolution.

Ms. Newton motioned, seconded by Ms. Chambers to adopt the Bring Your Legislator to School resolution. The motion carried unanimously.

A-6 Consideration of the Recommendation to Approve the 2017 Educator Preparation Provider Reports (EPPR)

ADE Special Projects Administrator Dr. Frank Servedio said the report consists of a variety of data including teacher and administrator preparation programs, program completers who are working in the state, test scores, and pass-fail rates among other data.

In response to a Board member question, ADE Education Preparation Coordinator Joan Luneau said this is the third year of the K-12 first-time license structure, and the special education licenses are increasing.

ADE Deputy Commissioner Dr. Ivy Pfeffer said special education represents the highest percentage of additional licensure plans (ALPs). She said one issue that the Department faces is that a number of teachers do not complete their ALP. She said the Department currently does not track non-completion of ALPs.

Ms. Dean motioned, seconded by Mr. Black to approve the 2017 Educator Preparation Provider Reports (EPPR). The motion carried unanimously.

A-7 Consideration of Request for Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Vacant or Expiring June 30, 2017

ADE Assistant Commissioner for Educator Licensure and Educator Effectiveness Dr. Jeremy Owoh said there were three (3) nominations by the Arkansas State Teachers Associations and Arkansas Public School Resource Association collectively.

Ms. Newton motioned, seconded by Dr. Hill approve nominated members for the Professional Licensure Standards Board. The motion carried unanimously.

Action Agenda B

B-1(a) Act 1240 District Waiver Requests- Lafayette County School District

This item was removed from the agenda.

B-2 Consideration of the Charter Authorizing Panel Decision on the Open-Enrollment Public Charter School Amendment Request - KIPP Delta Public Schools

ADE Director of Charter Schools Ms. Alexandra Boyd said the Panel approved the request by unanimous vote. She said no request for the State Board to review the decision made by the Panel was submitted. She said the State Board may exercise a right to review and conduct a hearing at a later State Board meeting. Ms. Zook recused herself on this item.

Mr. Williamson moved, seconded by Mr. Black, to not review the Charter Authorizing Panel decision on the Open-Enrollment Public Charter School Amendment request for KIPP Delta Public Schools. The motion carried unanimously.

B-3(a) Opportunity School Choice Appeals- Harris Family

ADE Staff Attorney Ms. Jennifer Davis said the State Board is being asked to consider the Opportunity School Choice appeal made by Harris family. She said students are only eligible to transfer under the Opportunity School Choice act if the school or district in which they are zoned to attend has been classified as being in academic distress. She said Springhill School District is the non-resident district, and Hope School District is the resident school district.

The Harris family and all non-attorneys were sworn in by Dr. Barth.

Spring Hill School District Attorney Ms. Sharon Street said the district has room for this student, but want to abide by the Hope School District desegregation order.

Ms. Jacki Harris said her daughter was in private school all of her life. She said she would like her child to attend school in the Spring Hill School District because Hope School District is in academic distress.

Hope School District Attorney Ms. Whitney Moore said Ms. Harris' application was not timely filed. She said her appeal did not comply with the stipulations of the Opportunity School Choice appeals process. She said Hope School District has a conflict in participating in the Opportunity School Choice Act because of the desegregation order.

Ms. Newton moved, seconded by Ms. Reith, to deny the Opportunity School Choice appeal by the Harris family. The motion carried unanimously.

B-4 Public School Choice Act

ADE Staff Attorney Ms. Jennifer Davis said the State Board is being asked to consider two School Choice appeals under the Arkansas Public School Choice Act. She said the first appeal deals with the 3% out of district transfer cap reached by the resident school district. She said the second case deals with capacity issues in the non-resident school district.

B-4(a) Public School Choice Act- Allen Family

The Allen family and all non-attorneys were sworn in by Dr. Barth.

Ouachita School District Superintendent Mr. Ronnie Kissire said they denied the request because the district was informed that resident school district, Malvern High School, had reached the 3% cap on students allowed to choice out of the district. Parent Mr. Allen said he and his wife were seeking an appeal for the intellectual and social well-being of their daughter. Mr. Allen said they were seeking the appeal for their son as well because it would be best to have them in the same school district.

Malvern School District Chief of Staff Mr. Jace Roberts said the district met their cap. He said the district alerted the surrounding districts including Ouachita once they made the determination that the cap was reached.

Ms. Dean moved, seconded by Mr. Williamson, to approve Public School Choice appeal by the Allen family. Opposed by Ms. Reith, Ms. Zook, and Ms. Newton. Final vote 5-3. The motion carried.

B-4(b) Public School Choice Act- Payton Family

The Payton family and all non-attorneys were sworn in by Dr. Barth.

White Hall School District Interim Superintendent Mr. Doug Dorris said White Hall reached 90% capacity and thus denied the application.

Parent Ms. Payton said the White Hall School District would be the best district because of the social and psychological comfort of the child.

Grandmother Ms. Battles said they are not sure if her grandson will need to be placed in a special needs class, but he does have behavioral issues.

ADE Staff Attorney Ms. Jennifer Davis said that 90% capacity pertains to the classroom size per teacher per class, program, or grade.

Ms. Reith moved, seconded by Ms. Newton, to deny Public School Choice appeal by the Payton family. Opposed by Mr. Williamson, Ms. Chambers, and Dr. Hill. Final vote 5-3. The motion carried.


B-5 Consideration of Process and Timeline to Verify the Accuracy or Request Corrections of Statewide Student Assessment Data

ADE Assistant Commissioner for Public School Accountability Ms. Deborah Coffman said Public School Accountability will be data-driven in its decision-making. She shared that most districts applied at the end of the corrections period regardless the length of time allotted. Ms. Coffman said the division believes 25 days is a reasonable amount of time for corrections. She said this will eventually be submitted to become a rule though the rules-making process. She said this decision is effective for one year only.

Ms. Zook moved, seconded by Ms. Chambers, to approve process and timeline to verify accuracy or request corrections of statewide student assessment data. The motion carried unanimously.

Adjournment

Meeting adjourned at 3:48 p.m. by Dr. Barth.



Johnny Key, Commissioner



Dr. Jay Barth, Chair

