

**Minutes**  
**State Board of Education Meeting**  
**Thursday, August 11, 2016**

The State Board of Education met Thursday, August 11, 2016, in the Arkansas Department of Education Auditorium. Chair Mireya Reith called the meeting to order at 10:02 am.

Present: Mireya Reith, Chair; Dr. Jay Barth, Vice-Chair; Dr. Fitz Hill; Joe Black; Diane Zook; Ouida Newton; Susan Chambers; Brett Williamson; Charisse Dean; Megan Ables, 2016 Teacher of the Year, and Johnny Key, Commissioner.

Absent: None

**Consent Agenda**

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

Items included in the Consent Agenda:

- Minutes – July 14, 2016
- Minutes – July 15, 2016
- 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 #16-083 – Kaley S. Brewer
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-123 – Rebekah Lee Stroth
- Review of Loan and Bond Applications
- Legislative Reports
- Legislative Reports
- Consideration of Approval of Education Service Cooperative's Annual Report

**Action Agenda**

**A-1 Consideration of Appeal from Denial of School Choice Application – Kincaid**

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Kincaid family appealed the decision of the Bryant School District to deny its child's school choice application for the 2016-2017 school year.

Bryant School District Director of Legal Services and Human Resources Mr. Jeremy Lasiter said the Bryant School District was at 90% or over of capacity and requested the school choice application be denied. He said the community was growing and the district was working on a lean budget in order to be prepared to grow along with the community. He said the elementary was at 97% capacity and enrollment was ongoing. He said the district was unable to accommodate all school-to-school transfer requests from patrons within the district.

Mr. Black moved to accept the appeal from denial of school choice application for the Kincaid family. The motion died for lack of a second.

Ms. Chambers moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application for the Kincaid family. The motion carried unanimously.

#### **A-2 Consideration of Appeal from Denial of School Choice Application – Molnar**

Action Item 2 was pulled from the agenda at the request of the family.

#### **A-3 Consideration of Appeal from Denial of School Choice Application – Newton**

Action Item 3 was pulled from the agenda at the request of the family.

#### **A-4 Consideration of Appeal from Denial of School Choice Application – Wall**

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Wall family appealed the decision of the White Hall School District to deny its child's school choice application for the 2016-2017 school year.

White Hall School District Superintendent Dr. Larry Smith said the district had a declining enrollment and had reduced the number of teachers. He said he projected 183 kindergarten students with 11 students retained for a total of 194 students in kindergarten this year. He said the district accepted all school choice applications until the district reached capacity. He said unfortunately only one of the twins could be included under the school choice guidelines. He said 75 students were accepted into the district under school choice and 81 applications were denied.

Parent Ms. Carmen Wall said separating the twins would bring an emotional burden on the students. She requested both students be approved to attend the White Hall School District.

Parent Mr. Robert Wall said his children have never been separated for extended periods of time. He provided documents to support the efforts to keep twins together.

Ms. Dean moved, seconded by Mr. Williamson, to grant the appeal from denial of school choice application for the Wall family. The motion carried unanimously.



#### **A-5 Consideration of Appeal from Denial of School Choice Application – Campbell**

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Campbell family appealed the decision of the White Hall School District to deny its child's school choice application for the 2016-2017 school year.

White Hall School District Superintendent Dr. Larry Smith said third grade staff was decreased to match the projected enrollment. He said school choice was accepted until the grade reached 92% capacity. He said the student is a sibling to other students enrolled in the White Hall School District. He said the student count is monitored daily. He said the Campbell student was second on the list of students denied enrollment in the third grade. He said there are currently ten (10) third grade classrooms with 25 students allowed per classroom.

Parent Mr. Danny Campbell requested data on the student teacher ratio of the White Hall School District. He said he wanted his daughter to learn in a diverse classroom that challenged her learning.

Parent Ms. Staphea Campbell said it would be challenging to have students in two different districts.

Ms. Newton moved, seconded by Dr. Hill, to grant the appeal from denial of school choice application for the Campbell family. Dr. Barth and Ms. Chambers voted no. The final vote was 6-2. The motion carried.

#### **A-6 Consideration of Appeal from Denial of School Choice Application – Wilson and Consideration of Appeal from Denial of Opportunity School Choice Application – Wilson**

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Wilson family appealed the decision of the White Hall School District to deny its child's school choice application for the 2016-2017 school year. She said the Dollarway School District exemption from school choice was under question. She said the Dollarway School District would not oppose approval of the applications.

White Hall School District Superintendent Dr. Larry Smith said under legal advisement the White Hall School District denied the school choice application.

Parent Ms. LaQuita Wilson requested that all of her children attend the same district. She said her other children were accepted into the district six years ago.

Dollarway School District Superintendent Ms. Barbara Warren said Commissioner Key, acting in stead of the school board, did approve the board-to-board transfer.

Dr. Smith said under legal advisement the White Hall School District denied the board-to-board transfer.



Grandparent Ms. Jackie Breamsey said her granddaughter wanted to attend school with her siblings.

Grandparent Mr. Tommy Breamsey requested his granddaughter be approved to attend the White Hall School District.

Mr. Williamson moved, seconded by Ms. Dean, to grant the appeal from denial of school choice application for the Wilson family. The motion carried unanimously.

Ms. Dean moved, seconded by Mr. Williamson, to grant the appeal from denial of opportunity school choice application for the Wilson family. Dr. Barth voted no. The final vote was 7-1. The motion carried.

#### **A-7 Consideration of Appeal from Denial of Opportunity School Choice Application – Allen**

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Allen family appealed the decision of the White Hall School District to deny its child's school choice application for the 2016-2017 school year.

White Hall School District Superintendent Dr. Larry Smith said under legal advisement the White Hall School District denied the opportunity school choice application.

Students Mr. Chel-c Hardin and Mr. Zaire Green said their mother had health issues and the family moved in with their grandmother.

Grandparent Ms. Ida Allen said she was providing support to the mother and students. She requested the students attend the White Hall School District.

Grandparent Mr. William Allen Jr. said he had two grandchildren attending the Dollarway School District. He said he wanted the best for his grandsons and requested that the students be enrolled in the White Hall School District.

Ms. Zook moved, seconded by Ms. Newton, to grant the appeal from denial of school choice application for the two students in the Allen family. The motion carried unanimously.

#### **A-8 Consideration of Appeal from Denial of Opportunity School Choice Application – Lucas**

Action Item 8 was pulled from the agenda at the request of the family.

#### **A-9 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Ann Johnson**

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Ann Johnson holds an Arkansas Standard Teaching License. She recommended

suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Johnson concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.

Dr. Barth moved, seconded by Ms. Zook, to grant the recommendation for the suspension of Ms. Ann Johnson's license until payment was made in full. The motion carried unanimously.

**A-10 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Robin Johnson**

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Robin Johnson holds an Arkansas Standard Teaching License. She recommended suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Johnson concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.

Ms. Newton moved, seconded by Ms. Zook, to grant the recommendation for the suspension of Ms. Robin Johnson's license until payment was made in full. The motion carried unanimously.

**A-11 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Julia Rice**

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Julia Rice holds an Arkansas Standard Teaching License. She recommended suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Rice concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.

Ms. Chambers moved, seconded by Ms. Dean, to grant the recommendation for the suspension of Ms. Julia Rice's license until payment was made in full. The motion carried unanimously.

**A-12 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Heather Coats-Richardson**



Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Heather Coats-Richardson holds an Arkansas Standard Teaching License. She recommended suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Coats-Richardson concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.

Dr. Barth moved, seconded by Ms. Chambers, to grant the recommendation for the suspension of Ms. Heather Coats-Richardson's license until payment was made in full. The motion carried unanimously.

**A-13 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Ashley Nelson**

Action Item 13 was pulled from the agenda.

**A-14 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Elizabeth Quinn**

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Elizabeth Quinn holds an Arkansas Standard Teaching License. She recommended suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Quinn concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.

Ms. Zook moved, seconded by Mr. Black, to grant the recommendation for the suspension of Ms. Elizabeth Quinn's license until payment was made in full. The motion carried unanimously.

**A-15 Consideration of the Recommendation of the Office of Educator Effectiveness, National Board for Professional Teaching Standards, for Suspension of License – Trina Walls**

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said Ms. Trina Walls holds an Arkansas Standard Teaching License. She recommended suspension of this license for nonpayment of funds expended by the Arkansas Department of Education for National Board Candidacy. She said efforts have been made to contact Ms. Walls concerning her nonpayment of funds. She said the recommendation was made for the teaching license to be suspended until payment was made in full.



Ms. Dean moved, seconded by Ms. Newton, to grant the recommendation for the suspension of Ms. Trina Walls' license until payment was made in full. The motion carried unanimously.

Staff Attorney Ms. Jennifer Davis said the Department received mail today that needed to be considered. Ms. Davis requested a motion to resend the previous motion and then table a future motion until the Department can further investigate the matter fully.

Ms. Dean moved, seconded by Ms. Newton, to resend the previous motion to grant the recommendation for the suspension of Ms. Trina Walls' license. The motion carried unanimously.

Ms. Newton moved, seconded by Ms. Dean, to table the item and to allow the Department to fully review the new information. The motion carried unanimously.

#### **A-16 Consideration of Academic Distress Appeal from Mineral Springs High School/Possible Consideration of Mineral Springs High School Meeting the Criteria to be Designated as Being in Academic Distress**

General Counsel Ms. Lori Freno said the Mineral Springs School District filed an appeal of the identification of Mineral Springs High School as meeting the criteria for Academic Distress. According to Section 3.02.2.1 of the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP) Rules, a school may be identified/classified as being in Academic Distress if 49.5% or less of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three (3) year period. She said that Mineral Springs High School had a concordance score of 48.13.

Office of Innovation in Education Dr. Denise Airola, participating by phone, said her office provided concordance scores as recommended by the Technical Advisory Committee (TAC). She said the procedure was well documented in literature. She said that Mineral Springs High School had a concordance score of 48.13 based on three years of assessment results. She said the school received a letter grade of C.

Information System Coordinator Mr. Louis Ferren said the TAC recommended the concordance process. He said the TAC was comprised of experts. He said the Department released a Commissioner Memo announcing the corrections period. He said another Commissioner Memo was released announcing the final calculations. He said the Mineral Springs High School made no corrections during the previous three years.

School Improvement Director Dr. Richard Wilde, participating by phone, said the School Improvement Unit provided assistance to all focus schools through the regional education service cooperatives. He said several educators from Mineral Springs School District attended the state school improvement conference. He said targeted assistance was provided to school personnel as requested.



Attorney Omavi Shukur, speaking on behalf of the Mineral Springs School District, said the appeal was based on the ACTAAP Rules reference to the Benchmark Exams. He said the Rules were not updated to include the PARCC assessments. He said the thresholds should have been reestablished for the PARCC assessments. He said the Department did not meet the timeline for announcement of academic distress.

Mineral Springs School District Superintendent Mr. Curtis Turner said he was originally appointed to serve in the district because the district was under state authority for fiscal distress. He said the district adopted a continuous school improvement model and hired several new positions. He said the district had increased enrollment.

Ms. Freno said the State Board and the Department followed the process for the ACTAAP Rules. She said the state mandated criterion referenced assessments were the PARCC assessments. She said the assessments would become fully operational in three years and then thresholds would need to be revised. She said the State Board approved the concordance process in October 2015. She said the concordance process made the scores comparable.

Dr. Barth moved, seconded by Mr. Williamson, to deny the appeal of Academic Distress for Mineral Springs High School. The motion carried unanimously.

Mr. Shukur noted his intent to file a motion of appeal in Circuit Court. He requested a stay from the State Board.

Dr. Barth moved, seconded by Mr. Williamson, to classify the Mineral Springs High School in Academic Distress. The motion carried unanimously.

Mr. Shukur requested a stay pending Mineral Spring School District's appeal of the classification pursuant to A.C.A. 25-15-212 (c).

The Board took no action regarding the stay.

#### **A-17 District Request for Waivers Granted to Open-Enrollment Charters: Greenbrier School District**

Greenbrier School District Superintendent Mr. Scott Spainhour said the district requested the waivers to better meet the needs of students. He said the school board was in support of the waivers.

Greenbrier School District Deputy Superintendent Dr. Lisa Todd requested waivers from licensure, library media, and school day. She explained how the waivers would be utilized to serve students. She said the Medical Coding and Billing and Teacher Cadet programs require time outside of the classroom.

Arkansas Education Association (AEA) Executive Director Ms. Tracey Ann Nelson said the organization was against the approval of the waiver for library media. She outlined the reasons for the opposition.



Greenbrier School District Director of College and Career Readiness and Secondary Curriculum Ms. Susan Jackson said the school day waiver would only apply to seniors in good standing.

Greenbrier School District Director of Elementary Curriculum and Instruction Ms. Peggy O'Reilly said collaboration time was included in the schedule.

Ms. Newton moved, seconded by Ms. Chambers, to approve the requested licensure waivers granted to Open-Enrollment Charters for the Greenbrier School District for five years. Dr. Barth and Ms. Zook voted no. The final vote was 6-2. The motion carried.

Dr. Barth moved, seconded by Ms. Chambers, to deny the requested library media waivers granted to Open-Enrollment Charters for the Greenbrier School District. Ms. Zook voted no. The final vote was 7-1. The motion carried.

Ms. Chambers moved, seconded by Dr. Barth, to approve the requested flexible school day waivers granted to Open-Enrollment Charters for the Greenbrier School District for five years. The motion carried unanimously.

#### **A-18 District Request for Waivers Granted to Open-Enrollment Charters: Hamburg School District**

Division of Learning Services Coordinator Ms. Mary Perry introduced the Hamburg School District petition for waivers and stated that the request was for three years.

Hamburg School District Superintendent Max Dyson said the requested waiver was for Kindergarten class size at Portland Elementary. He said the teacher and paraprofessional were willing to serve more students in the Kindergarten classroom. He said the school board was supportive of the waiver.

Portland Elementary School Principal Ms. Cristy West said the district utilized the Direct Instruction Program. She said the teacher would be supported with an additional paraprofessional as needed.

Ms. Zook moved, seconded by Dr. Hill, to approve the requested waivers granted to Open-Enrollment Charters for the Hamburg School District for three years. Ms. Newton and Dr. Barth voted no. The final vote was 6-2. The motion carried.

#### **A-19 Consideration of Arkansas Computer Science Standards and Courses for High School**

Computer Science Coordinator Mr. Anthony Owen said today marked the one-year anniversary of the ARKidsCanCode Initiative in Arkansas. He said the #ARKidsCanCode Enrollment Contest was announced yesterday in Commissioner's Memo, COM-17-009, available at <http://adecm.arkansas.gov/ViewApprovedMemo.aspx?Id=2007>.

Mr. Owen requested the Arkansas Computer Science Standards for High School be adopted as presented. He said the teacher clarification notes would not be included in the adoption and therefore could be revised as needed.

Ms. Newton moved, seconded by Ms. Zook, to adopt the Arkansas Computer Science Standards and Courses for High School including the Independent Study and/or Internship Program for 2016-2017 with the exception of the teacher clarification notes. The motion carried unanimously.

#### **A-20 Consideration of the Recommendation to Approve the 2016 Educator Preparation Provider Report**

Assistant Commissioner of Educator Effectiveness and Licensure Ms. Ivy Pfeffer said the Educator Preparation Provider Report (EPPR) provided information on enrollees and graduates at the institutions and reports demographic and statistical data to inform policy decisions. She said the 2016 EPPR data would be used by the Professional Licensure Standards Board as one data source for program audits. The 2016 EPPR included a statewide report and reports for each Institution of Higher Education (IHE) or other organization that offers a state approved preparation program.

Dr. Barth moved, seconded by Mr. Black, to approve the 2016 Educator Preparation Provider Report. The motion carried unanimously.

#### **A-21 Consideration for Final Approval: ADE Rules Governing Home Schools**

Action Item 21 was pulled from the agenda.

#### **A-22 Consideration of 2017 State Board Meeting Schedule**

General Counsel Ms. Lori Freno said at its December meeting, the Board shall adopt meeting dates for the following calendar year. She said the Department requested the 2017 schedule be approved for planning purposes.

Dr. Barth moved, seconded by Ms. Dean, to approve the 2017 State Board meeting schedule for planning purposes. The motion carried unanimously.

#### **A-23 Consideration of Resolution for State Representative Sheilla Lampkin**

Chair Reith read the resolution.

Ms. Zook moved, seconded by Ms. Dean, to approve the resolution for State Representative Sheilla Lampkin. The motion carried unanimously.

#### **Request to add an item to the agenda**



On Wednesday, August 10, 2016, the Department received a request from Attorney Whitney Moore requesting that the El Dorado School District be placed on the State Board agenda for consideration of a previous decision on the McAuliffe school choice appeal. On July 14, 2016, the State Board denied the appeal from denial of school choice application for the McAuliffe family.

Ms. Zook moved, seconded by Ms. Dean, to not add the item to the agenda. Dr. Barth voted no. The final vote was 7-1. The motion carried.

**Public Comment** Dr. Michael Nellums, Principal at Pine Bluff High School, said he had concerns about a school board member's actions and behaviors that have affected his school and his professional credibility.

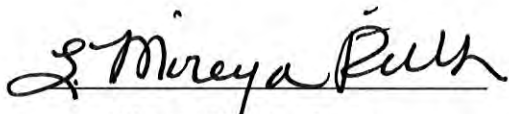
**Public Comment** Dr. Michael Robinson, Superintendent of the Pine Bluff School District, said the Pine Bluff School District would address the Special Committee on Academic Distress in December 2016.

Ms. Zook said the Special Committee on Academic Distress requested to move the Pine Bluff School District to the October 14, 2016 meeting.

### **Adjournment**

Ms. Chambers moved, seconded by Mr. Black, to adjourn. The motion carried unanimously. The meeting adjourned at 5:48 pm.

*Minutes recorded by Deborah Coffman.*

  
Mireya Reith, Chair

  
Johnny Key, Commissioner of Education