

Minutes
State Board of Education Meeting
Thursday, July 14, 2016

The State Board of Education met Thursday, July 14, 2016, in the Arkansas Department of Education Auditorium. Chair Mireya Reith called the meeting to order at 10:03 am.

Present: Mireya Reith, Chair; Jay Barth, Vice-Chair; Dr. Fitzgerald Hill; Joe Black; Diane Zook; Ouida Newton; Susan Chambers; Brett Williamson; Charisse Dean; and Johnny Key, Commissioner.

Absent: Meghan Ables, 2016 Teacher of the Year.

Consent Agenda

Dr. Barth moved, seconded by Mr. Black, to approve the consent agenda less C-14. Ms. Zook recused from the vote due to knowing one of the persons included in the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes – June 9, 2016
- Minutes – June 10, 2016
- Minutes – June 27, 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 #16-021 – David Thomas Cone
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-051- Timothy Lee Eddings
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-052 – Julie B. LaRose
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-089 – Susan Ann Scott-Chambers
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-093 – Cassandra Lynn Schumacher
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-095 – Colton S. Turner
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-099 – Kevin J. Lea
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #16-103 – Jessica Megan Hall
- Update on Adult Education Public Charter School Application Timeline

Consent Item 14 Legislative Reports

Ms. Zook said she wanted to draw attention to the legislative reports that are submitted to legislators on a quarterly basis. She said the public should know that progress reports are being submitted. She also recognized the detail of information contained in the reports. She commended the ADE staff for these reports.

Ms. Chambers moved, seconded by Ms. Zook, to approve consent item 14 legislative reports. The motion carried unanimously.

Action Agenda

A-1 Consideration of Little Rock School District Progress Report

General Counsel Ms. Lori Freno read a prepared letter from Little Rock School District Superintendent Mr. Michael Poore.

Mr. Williamson moved, seconded by Ms. Dean, to approve the Little Rock School District progress report. The motion carried unanimously.

A-2 Consideration of Appeal from Denial of School Choice Application - Dulaney

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 Dulaney family appealed the decision of the Cabot School District to deny its child's school choice application for the 2016-2017 school year. She said the family resides in the Jacksonville North Pulaski School District.

Ms. Davis submitted a letter from Dr. Tony Thurman, Superintendent of Cabot School District, stating that the Cabot School District received the school choice application from the Dulaney family and submitted it to the Jacksonville North Pulaski School District. The Cabot School District is willing to accept the school choice application. However, the district was notified by the Jacksonville North Pulaski School District that the application was denied based on JNPSD being a party to a desegregation lawsuit.

Parent Ms. Nacesha Dulaney said her fourteen-year old daughter was on a pathway to success. She said her child was engaged in learning and the next grades are very important to her progress.

Ms. Zook moved, seconded by Mr. Williams, to approve the appeal from denial of school choice application for the Dulaney family. Dr. Barth, Ms. Chambers and Ms. Dean voted no. The final vote was 5-3. The motion carried.

Reconsider Action Item 2

Dr. Barth moved, seconded by Ms. Zook, to reconsider the vote on Action Item 2. The motion carried unanimously.

Ms. Zook moved, seconded by Mr. Williamson, to approve the appeal from denial of school choice application for the Dulaney family. Dr. Barth, Mr. Black, and Ms. Chambers voted no. The final vote was 5-3. The motion carried.

A-3 Consideration of Appeal from Denial of School Choice Application – McAuliffe

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 McAuliffe family appealed the decision of the Parkers Chapel School District to deny its child's school choice application for the 2016-2017 school year. She said the family resides in the El Dorado School District.

Mr. Seth Williams, representing the Parkers Chapel School District, said the district denied the request based on the exemption from El Dorado School District.

Parent Ms. Kristi McAuliffe said her children have always attended the Parker Chapel School District and requested to continue enrollment in the district.

El Dorado School District attorney Ms. Whitney Moore said that the El Dorado School District was under a desegregation order. She said the students had previously attended Parkers Chapel School District because of a family situation that is not currently applicable and/or may not have been followed legally. Ms. Moore provided a brief history of the 1971 desegregation order. She said the Board should deny the request because the court order denies all school choice and the El Dorado School District declared an exemption.

El Dorado School District Superintendent Mr. Jim Tucker said the district offered STEM classes, electives, Pre-AP, and AP courses. He said the El Dorado Promise was also an incentive for students.

General Counsel Ms. Lori Freno said the attorney general's opinion did identify the Arkansas Department of Education but should apply to the State Board of Education in regard to desegregation orders and school choice.

Public School Accountability Coordinator Mr. Elbert Harvey said the El Dorado School District did submit a plan to become unitary but has not submitted a timeline.

Dr. Barth moved, seconded by Ms. Chambers, to deny the appeal from denial of school choice application for the McAuliffe family. Ms. Newton, Mr. Williamson, and Ms. Zook voted no. The final vote was 5-3. The motion carried.

Reconsider Action Item 3

Dr. Hill moved, seconded by Ms. Newton, to reconsider the vote on Action Item 3. Dr. Barth, Mr. Black, and Ms. Chambers voted no. The final vote was 5-3. The motion carried.

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

Additional Discussion Regarding Action Items 2 and 3

Jacksonville North Pulaski School District Superintendent Mr. Tony Wood requested additional information regarding the two previous votes by the Board.

General Counsel Ms. Lori Freno said the State Board considers each action item individually.

The Board voted to reconsider action item 2 and action item 3. (See action items 2 and 3).

Ms. Freno provided additional clarification regarding unitary status for districts under desegregation orders. She also addressed future actions possible for families and districts.

Assistant Commissioner for Public School Accountability Ms. Annette Barnes said the accreditation unit would be reviewing the unitary status plan and timeline submitted by the district. She said the accreditation unit would place a district on accreditation probation if the district does not submit a plan and timeline indicating progress toward unitary status.

Board members requested a progress report from the accreditation unit regarding district submission of plans and timelines to reach unitary status.

A-4 Review of Alleged Violation of State Board Order – PLSB Case No. 14-026; Brett Louis Difani

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said the State Board previously provided an order to Mr. Brett Louis Difani. She said the Professional Licensure Standards Board received information indicating that Mr. Difani

violated the Board's order, dated March 20, 2014, by continuing the sanctioned behavior. She said Mr. Difani is on probation until March 2017. She recommended at least a one-year suspension.

Mr. Brett Louis Difani said he terminated the relationship when notified of the State Board order. He said the relationship reconvened when his wife reached age 18.

Attorney Bill Owens James, Jr. said Mr. Difani followed the State Board order. He said this is an unusual situation but there is no evidence of any improper action.

Dr. Barth moved, seconded by Mr. Black, to order a one-year suspension followed by one-year probation for Mr. Difani. Ms. Dean, Dr. Hill, Ms. Newton, Mr. Williamson, and Ms. Zook voted no. The final vote was 3-5. The motion failed.

Ms. Dean moved, seconded by Mr. Black, to take no action but continue the probation until March 2017 for Mr. Difani.

Dr. Barth moved a substitute motion, seconded by Ms. Newton, to order a three-year probation beginning July 14, 2016, and ending July 14, 2019; a fine of \$75.00; and no future ethical violations for Mr. Difani. The motion carried unanimously.

A-5 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 15-152; Jamie Gail Morton

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Ms. Jamie Gail Morton made a request for State Board review. Ms. Morton filed written objections and the PLSB filed its response. Ms. Morton submitted an email withdrawing her request for a review.

Ms. Zook moved, seconded by Mr. Black, to approve the PLSB evidentiary hearing findings and recommendations for Ms. Jamie Gail Morton. Mr. Williamson voted no. The final vote was 7-1. The motion carried.

A-6 Consideration of Waiver Request for Teaching License - Michael Magouyrk

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Michael Magouyrk is seeking a teaching license. On June 8, 2016, the Department notified Mr. Magouyrk that he was ineligible for licensure and employment in an Arkansas public school based on a disqualifying offense enumerated in Ark. Code Ann. § 6-17-410. She said Mr. Magouyrk requested a waiver of the disqualifying offense. Ms. Liwo recommended the State Board grant the waiver request. Mr. Magouyrk did not attend.

Ms. Zook moved, seconded by Dr. Barth, to grant the waiver request for teaching license for Mr. Michael Magouyrk. The motion carried unanimously.

A-7 Consideration of Waiver Request for Teaching License - Marianne Gandolph

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Ms. Marianne Gandolph was seeking a teaching license. She said on June 8, 2016, the Department notified Ms. Gandolph that she was ineligible for licensure and employment in an Arkansas public school based on a disqualifying offense enumerated in Ark. Code Ann. § 6-17-410. Ms. Gandolph requested a waiver of the disqualifying offense. Ms. Liwo recommended the State Board grant the waiver request.

Dr. Barth moved, seconded by Ms. Zook, to grant the waiver requested for teaching license for Ms. Marianne Gandolph. The motion carried unanimously.

A-8 Consideration of Disqualification from Licensure – Jermichael L. Riley

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Jermichael L. Riley was seeking a teaching license. She said on May 2, 2016, the Department notified Mr. Riley that he was ineligible for licensure and employment in an Arkansas public school based on a disqualifying offense enumerated in Ark. Code Ann. § 6-17-410. Mr. Riley did not respond or request a waiver of the disqualification from the State Board. Ms. Liwo recommended the State Board deny Mr. Riley's application for licensure.

Ms. Zook moved, seconded by Ms. Dean to disqualify Mr. Jermichael L. Riley from licensure. The motion carried unanimously.

A-9 Consideration of Suspension of Teaching License for Nonpayment of Fines - PLSB Case No. 13-148 Chadwick Lance Martin

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Chadwick Lance Martin holds a standard teaching license and has an outstanding fine of \$100, as ordered by the State Board of Education. Mr. Martin has not responded to collection attempts. She said the PLSB staff requested the suspension of Mr. Martin's license until the fine is paid in full.

Dr. Barth moved, seconded by Ms. Zook, to suspend Mr. Chadwick Lance Martin's teaching license until the fine is paid in full. The motion carried unanimously.

A-10 Consideration of Suspension of Teaching License for Nonpayment of Fines - PLSB Case No. 14-059 Deborah Faye Craig

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Ms. Deborah Faye Craig holds a standard teaching license and has an outstanding fine of \$75, as ordered by the State Board of Education. She said Ms. Craig has not responded to collection attempts. She said the PLSB staff requested the suspension of Ms. Craig's license until the fine is paid in full.

Ms. Newton moved, seconded by Mr. Williamson, to suspend Ms. Deborah Faye Craig's license until the fine is paid in full. The motion carried unanimously.

A-11 Consideration of Suspension of Teaching License for Nonpayment of Fines - PLSB Case No. 14-074 Penny Louise Oden

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Ms. Penny Louise Oden holds a standard teaching license and has an outstanding fine of \$100, as ordered by the State Board of Education. She said Ms. Oden has not responded to collection attempts. She said the PLSB staff requested the suspension of Ms. Oden's license until the fine is paid in full.

Dr. Barth moved, seconded by Dr. Hill, to suspend Ms. Penny Louise Oden's license until the fine is paid in full. The motion carried unanimously.

A-12 Consideration of Suspension of Teaching License for Nonpayment of Fines - PLSB Case No. 14-087 Billy Eugene Carter

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Billy Eugene Carter holds a standard teaching license and has an outstanding fine of \$100, as ordered by the State Board of Education. She said Mr. Carter has not responded to collection attempts. She said the PLSB staff requested the suspension of Mr. Carter's license until the fine is paid in full.

Ms. Newton moved, seconded by Mr. Black, to suspend Mr. Billy Eugene Carter's license until the fine is paid in full. The motion carried unanimously.

A-13 Review of Fine Assessed by the State Board of Education - PLSB Case No. 14-129 Earl Deer Young

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Earl Deer Young holds a standard teaching license. On September 11, 2014, the State Board assessed a \$50 fine to be paid by Mr. Young. She said due to extenuating

circumstances, the PLSB staff requested that the State Board rescind the assessed \$50 fine.

Ms. Chambers moved, seconded by Ms. Dean, to rescind Mr. Earl Deer Young's assessed \$50 fine. The motion carried unanimously.

A-14 Consideration of Suspension of Teaching License for Nonpayment of Fines - PLSB Case No. T14-005 Andrea Raye Day

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Ms. Andrea Raye Day holds a standard teaching license and has an outstanding fine of \$75, as ordered by the State Board of Education. She said Ms. Day has not responded to collection attempts. She said the PLSB staff requested the suspension of Ms. Day's license until the fine is paid in full.

Ms. Chambers moved, seconded by Dr. Hill, to suspend Ms. Andrea Raye Day's license until the fine is paid in full. The motion carried unanimously.

A-15 Consideration of the Recommendation to Adopt the Professional Standards for Educational Leaders (PSEL)

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said the Council for Chief State School Officers (CCSSO) and the National Policy Board for Educational Administration (NPBEA) have revised the standards that guide preparation and practice for educational leaders in the United States. She said these standards, which were formerly known as the ISLLC standards, articulate the knowledge and skills expected of school leaders. The PSEL standards will be used by many states to guide policies concerning the practice and improvement of educational leaders (e.g., licensure, evaluation and professional learning policies). Ms. Pfeffer said working together, Arkansas Leadership Programs, Arkansas public school leaders, and supporting organizations have recommended adopting the PSEL standards and have drafted a timeline for implementation to take place by 2020.

Dr. Barth moved, seconded by Ms. Dean, to adopt the Professional Standards for Educational Leaders. The motion carried unanimously.

A-16 Hearing on Open-Enrollment Amendment Request: Little Rock Preparatory Academy

Staff Attorney Ms. Jennifer Davis reviewed the hearing procedures.

Public School Program Coordinator Ms. Alexandra Boyd presented documentation to indicate that on May 18, 2016, representatives of Little Rock Preparatory Academy

appeared before the Charter Authorizing Panel, requesting an amendment to their charter. By a five-to-two vote, the Panel approved the request. On June 9, 2016, the State Board of Education voted to review the decision of the Charter Authorizing Panel.

Little Rock Preparatory Academy Superintendent Ms. Tina Long said the mission of LRPA remains committed to serving students. She said all students work on an academic improvement plan to ensure individual growth. She said the school was requesting to relocate the middle school campus relocation for 180 students in grades 5-8.

Public Comment Ms. Nell Matthews, representing the League of Women Voters and Stand up for Little Rock, said this school would be near Henderson Middle School, Little Rock School District. She said it is a choice to attend a charter school or a traditional school. She said this is not a viable system that could harm the district.

Public Comment Ms. Courtney Valentine, Little Rock Preparatory Academy teacher, said students are learning in the current environment but the students deserve the better location.

Public Comment Ms. Amy Jones, Little Rock Preparatory Academy parent, commended the school for the opportunities her child has received. She said the school is a family. She requested the relocation be approved.

Public Comment Mr. Shawn Parker, Little Rock Preparatory Academy student, said he participated in First Team and is doing well in golf.

Public Comment Ms. Monique Robinson, Little Rock Preparatory Academy parent, said she chose the school because the staff worked individually with her children.

Public Comment Ms. Darlinea Wadood, Little Rock Preparatory Academy grandparent and volunteer, said she appreciated the LRPA staff. She said LRPA had a strong parent organization. She supported the relocation. Mr. James G. Stephenson IV, student and grandson, said he was having a great time at LRPA. Ms. Janiya Stephenson, student and granddaughter, said she had been provided many opportunities at LRPA.

Ms. Zook moved, seconded by Mr. Williamson, to uphold the Charter Authorizing Panel action on Open-Enrollment Amendment Request for Little Rock Preparatory Academy. Dr. Barth voted no. The final vote was 7-1. The motion carried.

A-17 Hearing on Open-Enrollment Amendment Request: Haas Hall Academy, Fayetteville and Bentonville Charters

Staff Attorney Ms. Jennifer Davis reviewed the hearing procedures.

Public School Program Coordinator Ms. Alexandra Boyd presented documentation to indicate that on May 18, 2016, representatives of Haas Hall appeared before the Charter Authorizing Panel requesting, an amendment to their charter. By a six-to-one vote, the Panel denied the enrollment cap expansion. By a five-to-two vote, the Panel approved the sibling preference addition to both the Fayetteville and Bentonville charters. By a unanimous vote, the Panel denied the license request to open a campus at the Jones Center in Springdale for the 2016-2017 school year. On June 9, 2016, the State Board of Education voted to review the decision of the Charter Authorizing Panel.

Haas Hall Academy Founder and Superintendent Dr. Martin Schoppmeyer Jr. requested to open the Fayetteville campus at the Jones Center in August 2017.

Haas Hall Academy Executive Director of Marketing Ms. Heather Holaway said the application is available online. She said the lottery is also online. She said a prospective student may visit the school prior to or after the lottery through the shadow program.

Attorney Mr. Mark Henry said the Jones Center contacted Haas Hall to serve a more diverse group of students. He said the school listened to the criticisms about diversity and moving too fast. He said the school moved the opening date forward to 2017. He said he received a letter yesterday from Dr. Jim Rollins, Superintendent of the Springdale School District.

Springdale School District Associate Superintendent Dr. Megan Slocum said the letter from Dr. Rollins came from his heart. She said the concern is that the proposed location is within the Springdale School District. She said that many of the parents that would be targeted to meet the diversity expectations may not be included because they may not have access to technology, travel, and/or access to the school.

Springdale School District Deputy Superintendent Dr. Jared Cleveland said he did meet with Dr. Schoppmeyer. He said he shared his concerns regarding the challenges and opportunities that come with diversity. He said the likelihood of students in poverty attending Haas Hall could be limited by the difficulty with transportation.

Public Comment from Elected Official Representative Jim Dotson said he supported the expansion of Haas Hall.

Public Comment Mr. Avery Mancel, a senior at Springdale High School, said the district was a family that considers all students.

Public Comment Ms. Loretta Mancel, a teacher for the Springdale School District, said much time has been spent on this issue. She said only a limited group of families will apply for Haas Hall. She said the Springdale School District serves all students.

Public Comment Ms. Dawn Graham, a teacher for the Springdale School District, said the teachers work to build the trust of students and parents in diverse communities.

Attorney Mr. Mark Henry said Haas Hall does not keep track of data regarding free and reduced students because the school does not receive federal funding.

Dr. Schoppmeyer said there were no students that qualified for special education services. He said some students receive 504 accommodations. He said an outreach coordinator has been hired with another position to be filled soon.

Dr. Barth moved, seconded by Br. Black, to approve the sibling preference addition to both the Fayetteville and Bentonville charters for Haas Hall. The motion carried unanimously.

Ms. Zook moved, seconded by Mr. Williamson, to approve the enrollment cap expansion for the Haas Hall Fayetteville campus. Dr. Barth voted no. The final vote was 7-1. The motion carried.

Mr. Williamson moved, seconded by Ms. Dean, to approve the license request to open a campus at the Jones Center in Springdale for the 2017-2018 school year for Haas Hall and to require written quarterly reports of collaboration with districts and diversity outreach. Dr. Barth and Ms. Zook voted no. The final vote was 6-2. The motion carried.

A-18 Hearing on District Conversion Amendment Request: Mountain Home High School Career Academies

Public School Program Coordinator Ms. Alexandra Boyd presented documentation to indicate that on May 18, 2016, representatives of Mountain Home High School Career Academies appeared before the Charter Authorizing Panel, requesting an amendment to their charter. By a unanimous vote, the Panel approved the request with the provision of including a written summary report describing the impact the waivers have on ninth grade students to be submitted by June 1, 2017. On June 9, 2016, the State Board of Education voted to review the decision of the Charter Authorizing Panel.

Mountain Home School District Superintendent Dr. Jake Long said it is the district's responsibility to provide an educational system that fits the needs of students. He said Virtual Arkansas would provide online courses that allow students to advance at their own rate of success. He said the requested waivers would allow students to participate in these types of opportunities. He said students would make application for these opportunities and would be matched with the opportunities that enhance their learning plan.

Dr. Long said he welcomed the recommended reporting describing the impact the waivers have on ninth grade students, as previously promised to the Charter Authorizing Panel.

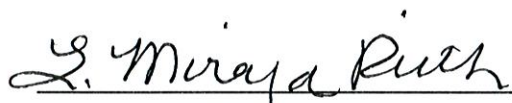
Mountain Home High School Assistant Principal Mr. Ron Czanstkowski clarified how ninth grade students may participate in off-campus learning.

Dr. Barth moved, seconded by Ms. Zook, to approve the waivers for Mountain Home High School Career Academies with a one-year probation of the ninth grade waivers and review of the requested report. The motion carried unanimously.

Adjournment

Mr. Black moved, seconded by Ms. Chambers, to adjourn. The motion carried unanimously.
The meeting adjourned at 5:44 pm.

Minutes recorded by Deborah Coffman.


Mireya Reith, Chair


Johnny Key, Commissioner of Education