

Minutes
State Board of Education Meeting
Thursday, July 9, 2015

The State Board of Education met Thursday, July 9, 2015, in the Arkansas Department of Education Auditorium. Chair Toyce Newton called the meeting to order at 10:00 a.m.

Present: Toyce Newton, Chair; Diane Zook; Joe Black; Dr. Jay Barth; Vicki Saviers; Susan Chambers; Brett Williamson; Charisse Dean; Ouida Newton, Teacher of the Year; and Johnny Key, Commissioner.

Present via phone: Mireya Reith, Vice-Chair.

Absent: Ms. Reith exited the call after the vote on Action Item -1; Ms. Chambers exited the meeting after the vote on Action Item – 3.

Ms. Newton introduced the new Board Members: Susan Chambers, Brett Williamson, and Charisse Dean. She also introduced the 2015 Arkansas Teacher of the Year, Ms. Ouida Newton.

The transcription of this meeting may be accessed on the Arkansas Department of Education website at the following: <http://www.arkansased.gov/state-board/minutes>.

Consent Agenda

Ms. Zook requested Consent Item-5 and Consent Item-7 be pulled from the agenda for consideration at the next meeting:

- C-5 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-151 – Randalyn Hope (Harrison) Sutterfield
- C-7 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-071 – Haley L. Terhune-Hedden

Ms. Saviers moved, seconded by Dr. Barth, to approve the consent agenda less Consent Item-5 and Consent Item-7. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes - June 11, 2015
- Minutes - June 12, 2015
- Newly Employed, Promotions and Separations
- Community Service Learning Site Application
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-099 - Patricia Ann Loe
- Consideration of the Recommendation of the Professional Licensure Standards

Action Agenda

A-1 Consideration of State Assessment

Commissioner Key said the state needed an assessment that met the expectations and vision of the state. He thanked the Board and the ADE staff for the intensive review of the process. He recommended the State Board approve a sole source contract with ACT Aspire for Grades 3-10 and the ACT to be administered to students at the 11th Grade. Grades 9, 10, and the ACT would modify the End of Course (EOC) stand alone assessments to provide a comprehensive college and career readiness assessment system.

Assistant Commissioner of Learning Services Dr. Debbie Jones said the recommendation for ACT Aspire and The ACT does include a science assessment.

Members of the Board discussed the issues related to assessment selection.

Public Comment

Ms. Alice Mahony, representing the El Dorado Foundation, urged the Board to approve the ACT Aspire and the ACT. She also requested a year of hold harmless and resetting of Annual Measurable Objectives (AMO).

Ms. Bonnie Haynie, El Dorado School District Test Coordinator, said the district had a successful PARCC implementation this year due to the support of the ADE Assessment Unit. She said multiple state tests are taking much instruction time. She said counselors are being taken away from their counseling role to be test administrators. She recommended the Board approve ACT Aspire and the ACT because the assessments provide a useful score to teachers and students.

Mr. Tom Simmons, El Dorado School District Mathematics Chair, said the ACT Aspire and the ACT have meaning to teachers.

Ms. Dana Breitweiser, representing PARCC, said the Board made the right decision to stay with PARCC. She said the state should have a high quality assessment. She encouraged the Board to wait to make a more informed decision.

Ms. Newton said all Board decisions are made with the intent to do what is best for students.

Ms. Dean moved, seconded by Mr. Williamson, to approve a sole source contract with ACT Aspire for Grades 3-10 to include optional interim assessments, and the ACT to be administered to students at the 11th Grade. The ACT at the 11th Grade will be provided

by the state but would be optional for students. ACT Aspire for Grades 9-10, and the ACT would modify the End-of-Course stand-alone assessments to provide a comprehensive college and career readiness assessment system. Ms. Zook and Ms. Reith voted no. Dr. Barth and Ms. Saviers abstained. The final vote was 4-2. The motion carried.

A-2 Consideration of Little Rock School District Report

Little Rock School District Superintendent Mr. Baker Kurrus said he provides ongoing communication on the LRSD website with *Straight Talk by Baker Kurrus*. The reports are available at <http://www.lrsd.org/drupal/?q=content/straight-talk-archives>. He said the district is holding leadership conferences with the principals and assistant principals prior to the start of the 2015-2016 school year. He said the district was working to improve the leadership organization that is inclusive of all voices. He said future budget cuts would be made to secure the fiscal responsibility of the district.

Dr. Dionne Jackson, co-chair of the Little Rock School District Civic Advisory Committee, said the 33-member committee was comprised of zone members, teachers, students and community members. She said the goals of the committee are to get to know the members and to focus on the goals of the committee. She said the committee is considering four questions related to the future of the district. She said a retreat is planned to address these issues. The committee is also considering three proposals by electronic vote.

Mr. Greg Adams, co-chair, said the size of the committee was a challenge but the co-chairs are committed to engaging all members.

Dr. Jackson said the adults communicate frequently via email. She said the students are given first voice in the meetings.

Mr. Kurrus said the district would use interim assessments to inform student instruction. He said the focus of the district would be on assisting students to become grade level proficient.

Ms. Zook moved, seconded by Mr. Black, to approve the Little Rock School District report. The motion carried unanimously.

A-3 Consideration to allow a teacher intern to serve as a long-term substitute teacher under an agreement with an institution of higher education in extreme hardship situations

Assistant Commissioner of Educator Effectiveness and Licensure Ms. Ivy Pfeffer said the ADE has talked with school leaders experiencing problems finding teachers to fill vacancies.

Dumas School District Elementary Principal Ms. Tammy Healey said she had exhausted all avenues to find qualified teachers. She requested the Board approve a partnership with the University of Arkansas at Monticello to find an innovative approach to increasing the teacher pipeline, promoting long-term retention of teachers and to immediately address the demand for teachers in high need content areas for public schools in the delta region of Arkansas.

University of Arkansas at Monticello Dean of Education Dr. Peggy Doss said a Memorandum of Understanding (MOU) between the University and the Arkansas Department of Education would govern the proposal. She said the University's proposal would seek the following approvals from the Arkansas Department of Education to:

- 1.) Allow public schools in the delta region of Arkansas to employ, at the long-term substitute level of compensation, UAM School of Education clinical intern II candidates as long-term substitutes for high need licensure areas in the delta region or for which the district has not been able to successfully recruit a qualified licensed teacher for the position. A clinical intern II is the teacher candidate in the final semester of a supervised two-semester internship at UAM. The clinical intern II will have met all requirements for degree completion and recommendation for licensure upon completion of the intern II semester.
- 2.) Provide a waiver of the current 30-day policy for long-term substitutes.
- 3.) Provide a waiver of the current long-term substitute policy that requires a minimum of a Bachelor's Degree.

Superintendent of Dumas School District Mr. Kelvin Gragg said hiring excellent teachers was critical for the district.

Ms. Pfeffer said the districts would still report long-term substitutes but these candidates would be noted as part of the MOU. She said the data would inform the future of the MOU.

Dr. Barth moved, seconded by Ms. Saviers, to approve the development of a Memorandum of Understanding, with a timeline and definitions between the University of Arkansas at Monticello and the Arkansas Department of Education, to allow a teacher intern to serve as a long-term substitute teacher under an agreement with an institution of higher education in extreme hardship situations. The motion carried unanimously.

A-4 Consideration of Appeal from Denial of School Choice Application – Hart

The Hart family withdrew their appeal at this time and requested to be heard at a later State Board meeting.

A-5 Consideration of Appeal from Denial of School Choice Application – Wilson

Department Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015, the Wilson family appealed the decision of the White Hall School District to deny a school choice application for the 2015-2016 school year. She said the family resided in the Dollarway School District.

White Hall School District Superintendent Mr. Larry Smith said the school choice application was denied due to the Dollarway School District's decision to opt out of school choice due to a desegregation order.

Parent Ms. LaQuita Wilson said three of her children attended the White Hall School District. She requested her kindergarten student be permitted to attend the White Hall School District.

General Counsel Ms. Kendra Clay said the districts are required to submit current desegregation orders. She said these orders are posted on the ADE website at <http://www.arkansased.gov/divisions/public-school-accountability/equity-assistance/school-choice>.

Ms. Zook moved, seconded by Ms. Saviers, to approve the school choice application for the Wilson family. Ms. Saviers withdrew her second. The motion died for the lack of a second.

Mr. Smith said the White Hall District received over 100 school choice applications.

Ms. Zook moved, seconded by Ms. Dean to table the item and compel the Dollarway School District representatives to attend the next State Board meeting.

The Board requested a Special Board meeting to hear school choice appeals.

Items A-6 and A-7 were considered together.

A-6 Consideration of Appeal from Denial of School Choice Applications – Teague, Morton, Lloyd, Green, Gardner, and Wheelington Families

A-7 Consideration of Appeal from Denial of School Choice Application – Black

The Teague, Morton, Lloyd, Green, Gardner, Wheelington, and Black families requested the action items be tabled until the next State Board meeting.

Ms. Saviers moved, seconded by Mr. Black, to table Action Item-6 and Action Item-7. The motion carried unanimously.

**A-8 Consideration of Appeal from Denial of School Choice Applications
–Vickers, Dean, and Tatom Families**

The Vickers, Dean and Tatom families requested the item be tabled until the next State Board meeting.

Ms. Zook moved, seconded by Mr. Black, to table Action Item-8. The motion carried unanimously.

**A-9 Consideration of Appeal from Denial of Opportunity School Choice
Application – Cole**

Department Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-227 and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act, the Cole Family appealed the decision of the Little Rock School District to deny an Opportunity School Choice Application for the 2015-2016 school year.

Parent Ms. Calandra Cole said she requested a transfer for her daughter from J. A. Fair High School to Parkview High School or Central High School. She said J.A. Fair High School is identified in academic distress.

Ms. Zook moved, seconded by Ms. Saviers, to approve the opportunity school choice from J. A. Fair High School to Parkview High School in the Little Rock School District. Dr. Barth voted no. The final vote was 5-1. The motion carried.

**A-10 Consideration of Waiver Request for Teaching License – Justine Ann
McDuffie**

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said on January 14, 2015, the Department advised Ms. Justine Ann McDuffie, a licensed educator, that the Department would seek revocation of her teaching license based on a disqualifying offense for licensure under Ark. Code Ann. § 6-17-410(c). Ms. Reinhart said the offenses were two felony counts of possession of methamphetamine with intent to sell and the length of probation was concerning.

Ms. Justine McDuffie said she was guilty of the offense but wanted to move forward with her career. She requested a waiver of the disqualifying offense. She said she was reporting regularly to her probation officer.

Mr. Harold McDuffie, Justine's father, said Ms. McDuffie's license was revoked due to her felony charge. He requested a waiver of disqualifying offense and requested the Board consider a probationary license for Ms. McDuffie.

Ms. Saviers moved, seconded by Mr. Williamson, to deny the waiver request. The motion carried.

A-11 Consideration of Waiver Request for Teaching License – Kathy G. Griffin

Professional Licensure Standards Board (PLSB) attorney Ms. Jennifer Liwo said the PLSB has reached an agreement with Ms. Kathy G. Griffin. Ms. Liwo and Mr. Clayton Blackstock, attorney for Kathy G. Griffin, presented a proposed Agreed Order Granting Waiver of Disqualifying Offense. The proposed order would grant a waiver of the disqualifying offense, suspend Ms. Griffin's teaching license for one (1) year beginning July 1, 2015, and ending June 30, 2016, assess a fine of \$100. Additionally, the Department would be permitted to issue a license at the end of the one-year period of suspension if all other eligibility requirements have been established.

Dr. Barth moved, seconded by Mr. Black, to approve the agreement for Ms. Griffin. The motion carried unanimously.

A-12 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 13-047; Beverly Garner-Harris

Professional Licensure Standards Board (PLSB) attorney Ms. Jennifer Liwo said Ms. Beverly Garner-Harris was in violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom and Standard 6: An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed by law. She said following an evidentiary hearing on November 21, 2014, the Professional Licensure Standards Board Ethics Subcommittee recommended that the State Board order the suspension of Ms. Garner-Harris' license for three (3) years, assess a \$100.00 fine, and require Ms. Garner-Harris to, by the end of the suspension period, complete professional development on ArkansasIDEAS, Number CID 1001366(11)-ASCD: Classroom Management: Building Effective Relationships, ArkansasIDEAS, Number CID 1000265(1b)-Annenberg Media: The Learning Classroom: Feelings Count, ArkansasIDEAS, Number CID 1001186(2d)-ASCD: Classroom Management: Managing Challenging Behavior, and by reading *A Framework for Understanding Poverty* by Ruby K. Payne, Ph.D. and providing the PLSB office with a written reflection on the book and its impact on her teaching practices.

Attorney Mr. Clayton Blackstock, representing Ms. Garner-Harris, said the ethics violations were filed three years after the incidents. He said the Little Rock School District (LRSD) investigator had spoken to the students before the recording began. He said additional information was provided to the PLSB but it was not considered in the recommendation.

Ms. Garner-Harris said she used the word "shut up" but that it is not profanity. She said she used the word ignorant in her work with students.

Ms. Liwo said the complaint was that Ms. Garner Harris engaged in harmful behavior toward children such as hair pulling, pushing and grabbing students, and calling DHS from the classroom to report a student's tardiness in front of other students. She said that the LRSD investigator was a trained investigator, and that the two principals had received complaints directly from parents and others, not just students. She said the PLSB voted not to consider the proposed additional evidence, which was provided after the evidentiary hearing.

Ms. Saviers moved, seconded by Mr. Williamson, to approve the PLSB findings. The motion carried unanimously.

Substitute motion: Dr. Barth moved to approve the PLSB recommendations but not as it related to Standard 6. The motion died for lack of a second.

The Board combined Action Item-13, Action Item-14, and Action Item-15 for discussion.

A-13 Consideration of ESEA Flexibility Waiver IMO Reports for Priority Schools fourth quarter of 2014-15 school year

A-14 Consideration of third and fourth quarter progress reports for schools Classified in Academic Distress

A-15 Consideration of Next Steps Reports for Priority and Academic Distress Schools

Public School Accountability Coordinator Mr. Elbert Harvey said the collaboration with the State Board has been helpful in the work with priority and focus schools.

School Improvement Director Dr. Richard Wilde said the next step reports are quantitative and qualitative reports. He said a report would be available in early September about how the school year is starting for each school.

School Improvement Specialist Dr. Mitzi Smith said the Pine Bluff School District Administration made the decision to not give the final interim assessment.

Dr. Barth moved, seconded by Ms. Saviers, to approve the ESEA Flexibility Waiver IMO reports for Priority Schools fourth quarter of 2014-15 school year, third and fourth quarter progress reports for schools classified in Academic Distress, and next steps reports for Priority and Academic Distress Schools. The motion carried unanimously.

The Board members will identify Focus, Priority, and Academic Distress schools to

attend the August State Board meeting and address questions regarding progress.

A-16 Consideration of Report from the Committee on Academic Distress – Pine Bluff

Ms. Saviers said the Special Committee on Academic Distress met with the Pine Bluff School District representatives on Friday, June 12, 2015. She said the committee provided three recommendations for the district and requested a progress report in August.

Dr. Wilde said the Pine Bluff School District was restructuring the administration so the recommendation was to see what the progress is by the time school is ready to start.

Ms. Saviers said the quarterly reports would be considered on the action agenda.

Mr. Williamson moved, seconded by Dr. Barth, to approve the report from the committee on academic distress for Pine Bluff School District. The motion carried unanimously.

A-17 Consideration of Embedded Courses

Curriculum and Instruction Specialist Mr. Thomas Coy said Act 421 of 2013 allowed curriculum frameworks from two (2) separate courses to be taught in a single course, known as a combined or embedded course. He said several school districts made application to the Curriculum and Instruction Unit for approval of the combined or embedded course and assured, in writing, that the curriculum frameworks for both courses would be fully taught in the combined or embedded course.

Ms. Zook moved, seconded by Ms. Saviers, to approve the embedded courses. The motion carried unanimously.

A-18 Consideration for Approval of Emergency Rules – Proposed Arkansas Department of Education Rules Emergency Rules Governing Educator Licensure

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said the Department submitted these emergency rules that are substantially the same as the final rule adopted by the board in May 2015. As a result of controversy concerning one provision of the rules, the Department pulled the rules from consideration by the Arkansas Legislative Council. She requested the Board approve these Emergency Rules, which do not contain the controversial provision. The Department has submitted these emergency rules to the Governor for approval under Executive Order EO15-02.

Assistant Commissioner of Educator Effectiveness and Licensure Ms. Ivy Pfeffer said the objections stemmed from educators not having enough experience to teach special education if the educator passed the Praxis exam without course work.

Ms. Saviers moved, seconded by Dr. Barth, to approve the Arkansas Department of Education Emergency Rules Governing Educator Licensure. The motion carried unanimously.

A-19 Consideration for Public Comment – Proposed Arkansas Department of Education Rules Governing Educator Licensure

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said the Department proposed revised Rules Governing Educator Licensure that are substantially the same as the Emergency Rules Governing Educator Licensure, but contain additional provisions for flexibility in licensure.

Assistant Commissioner of Educator Effectiveness and Licensure Ms. Ivy Pfeffer said the candidate would have two options to obtain certification in special education.

Dr. Barth moved, seconded by Ms. Saviers, to approve the Arkansas Department of Education Rules Governing Educator Licensure for public comment. The motion carried unanimously.

A-20 Consideration for Public Comment: Arkansas Department of Education Rules Governing Required Training for School Board Members

Staff Attorney Ms. Jennifer Davis said Act 568 of 2015 revised Arkansas laws pertaining to the required training for school board members.

Mr. Black moved, seconded by Ms. Saviers, to approve the Arkansas Department of Education Rules Governing Required Training for School Board Members for public comment. The motion carried unanimously.

A-21 Consideration for Public Comment: Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts

Staff Attorney Ms. Jennifer Davis said Act 377 of 2015 revised Arkansas laws pertaining to the consolidation and annexation of school districts.

Ms. Zook moved, seconded by Mr. Black, to approve the Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts for public comment. The motion carried unanimously.

A-22 Consideration for Final Approval: 2015 Open Enrollment Charter School Application

General Counsel Ms. Kendra Clay said the State Board released the 2015 Open Enrollment Charter School Application for public comment on May 14, 2015. A public hearing was held on May 26, 2015. The public comment period expired on June 15, 2015. No public comments were received. She said typographical changes were made to the application. The application has been approved by the Governor's Office.

Ms. Zook moved, seconded by Mr. Black, to approve the 2015 Open Enrollment Charter School Application. The motion carried unanimously.

A-23 Consideration for Final Approval: 2015 District Conversion Charter School Application

General Counsel Ms. Kendra Clay said the State Board released the 2015 District Conversion Charter School Application for public comment on May 14, 2015. A public hearing was held on May 26, 2015. The public comment period expired on June 15, 2015. No public comments were received. She said the due date of the application was changed. The application has been approved by the Governor's Office.

Dr. Barth moved, seconded by Ms. Zook, to approve the 2015 District Conversion Charter School Application. The motion carried unanimously.

Adjournment

Ms. Saviers moved, seconded by Mr. Williamson, to adjourn. The motion carried unanimously.

The meeting adjourned at 3:49 p.m.

Minutes recorded by Deborah Coffman.



Toyce Newton, Clerk



Johnny Key, Commissioner of Education