

Minutes
State Board of Education Meeting
Thursday, February 12, 2015

The State Board of Education met Thursday, February 12, 2015, in the Auditorium of the Department of Education Building. Chairman Sam Ledbetter called the meeting to order at 10:00 a.m.

Present: Sam Ledbetter, Chairman; Alice Mahony; Dr. Jay Barth; Diane Zook; Joe Black; Mireya Reith; Vicki Saviers; Kim Davis; Jonathan Crossley, Teacher of the Year; and Tony Wood, Commissioner.

Absent: Toyce Newton, Vice-Chair

Report

Deputy Commissioner Mr. Mike Hernandez said in collaboration with Dr. Dexter Suggs, Little Rock School District (LRSD) Interim Superintendent, the LRSD Civic Advisory Committee process has been established. He said the application would be accessible on the LRSD website and remain open until noon on Friday, February 20, 2015.

Mr. Hernandez said there would be a financial committee selected to review district finances and develop a fiscal plan to include facilities needs and loss of desegregation funds.

Mr. Hernandez said he has requested documents from Dr. Suggs including a written plan for removal of the six schools in academic distress; technology plan; timeline for joining the APSCN network, including e-finance and e-school plus; timeline for implementing LEADS and TESS; and a timeline for moving from private audit to legislative audit. He said he would be meeting with Dr. Suggs to begin the pilot superintendent evaluation. Mr. Hernandez said LRSD would be working with the Office of Intensive Support next year.

Dr. Suggs said the community forums would continue. He said a meeting was postponed but will be rescheduled. Ms. Reith recommended having community forums in the academic distress schools. She also offered free translation for these meetings. He said there was no plan to reconstitute the academic distress schools at this time.

Commissioner Wood said when there is information for the community the Department would come forward with a report. Dr. Barth requested the Department provide a report on the Friday agenda through the school year.

Consent Agenda

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

Items included in the Consent Agenda:

- Minutes - January 8, 2015
- Minutes - January 9, 2015
- Minutes - January 28, 2015
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- Review of Loan and Bond Applications
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T14-006 –Teresa Deann Gregory
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T15-001– Sandra Sue Henderson
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-063 – Bradley Joel Breeding
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-108 – Oby Mac Berry
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-177 – Clara R. Williams
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-179 – Charles Jackson Hanson
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-195 –Stephen Taylor Price
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #15-031 – Jimmie Dean Walls
- Consideration of Waiver Request for Teaching License – Charles Branch
- Consideration of Waiver Request for Teaching License – Jamille Ja'Net Rogers
- Consideration of Waiver Request for Teaching License – James Lee Brock

Action Agenda

A-1 Essentials of Computer Science Framework

Assistant Commissioner of Learning Services Dr. Debbie Jones said the Essentials of Computer Programming Curriculum Framework is designed to provide any student in grades 9-12 with a coding-intensive course, regardless of prior computer science experience. She said in late January 2015, a committee of 16 educators and industry leaders from across the state met for three days to

draft the framework document. This committee consisted of five (5) secondary level computer science educators, seven (7) post-secondary computer science professors, one (1) Career and Technical Education district level administrator, one (1) industry representative, one (1) Arkansas Department of Education (ADE) Specialist, and one (1) Arkansas Department of Career Education (ACE) STEM Program Coordinator. She said the design of the curriculum framework was guided by both the Computer Science Teachers Association K-12 Computer Science Standards and existing ADE and ACE computer science course frameworks.

Dr. Barth moved, seconded by Mr. Davis, to approve the Essentials of Computer Science Framework. The motion carried unanimously.

A-2 Academic Distress Appeal for Beebe School District

A-4 Academic Distress Appeal for Fort Smith School District

A-5 Academic Distress Appeal for Little Rock School District – Hamilton Learning Academy and Accelerated Learning Center

A-6 Academic Distress Appeal for SIA Tech

A-7 Academic Distress Appeal for Springdale School District

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said in July 2014, the State Board approved a motion to table action against the Alternative Learning Environments (ALE) with LEA numbers until the rules are reviewed. She said this review would require legislative action. The Department requested the Board table the action for A-2, A-4, A-5 for Hamilton Learning Academy and Accelerated Learning Center only, A-6, and A-7.

Commissioner Wood said the agency has prepared language for legislation to address this issue.

Fort Smith School District Superintendent Dr. Benny Gooden (A-4) said Belle Point Alternative Center did not meet the 49.5% criteria. He said this is an unstable population because of academics, behavior, substance abuse, and family dysfunction. He said success is being sent back to the traditional school. He said the sample size of students tested does not support research and in some cases cannot be reported publically. He said there are many other successes in this program because the focus was on the individual students.

Ms. Saviers moved, seconded by Ms. Zook, to table the action for Badger Academy, Beebe School District; Belle Point Alternative Center, Fort Smith School District; Hamilton Learning Academy and Accelerated Learning Center, Little Rock School District; SIA Tech Charter High School; and Springdale Alternative School, Springdale School District. The motion carried unanimously.

A-3 Academic Distress Appeal for Blytheville School District

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said a highly mobile student is not enrolled continuously from October 1 through the date of testing. She said the Blytheville School District filed an appeal of the Academic Distress designation for Blytheville Middle School. The district has identified seven (7) students that they contended met the definition of 'highly mobile' who were not designated as such. She said the district contended that changing the classification of these students would have caused the school to exceed the 49.5% threshold for being identified as being in academic distress.

Blytheville School District Middle School Principal Mr. Mike Wallace said the middle school academic distress score was 49.42%. He said the campus had become data-driven in its decision-making and teachers have a good understanding of the needs of their students.

Blytheville School District Middle School Math Instruction Facilitator Ms. Debra Siegler said they did not realize how close they were to academic distress. She said the three-year composite caused their score to be lower than they anticipated.

Blytheville School District Middle School Literacy Instruction Facilitator Ms. Paula Lipscomb said the students are reading below proficiency and the school struggled with interventions.

Blytheville School District Middle School Principal Mr. Mike Wallace said the test scores have declined in the last three years. He said the district had a declining enrollment and had reconfigured grade levels and the alternative learning environment.

Ms. Saviers moved, seconded by Dr. Barth, to deny the academic distress appeal for Blytheville School District. The motion carried unanimously.

A-5 Academic Distress Appeal for Little Rock School District – Forrest Heights Middle School

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said the Little Rock School District filed an appeal of the Academic Distress designation for Forest Heights Middle School. She said the district contended that the Academic Distress designation for the school was moot because the district had surrendered the LEA number for the school. She said Forest Heights Middle School was closed under the LEA number. She said the school had been reconstituted under a new LEA number as Forrest Heights STEM. She said only

Forest Heights Middle School should be considered, not Forrest Heights STEM.

Little Rock School District Superintendent Dr. Dexter Suggs said the Forest Heights Middle School was closed under the LEA number. He said it was a moot point at this time.

Little Rock School District Associate Superintendent Dr. Dennis Glasgow requested the school be removed from the academic distress list.

Dr. Barth moved, seconded by Ms. Saviers, to uphold the academic distress appeal for the Forrest Heights Middle School, Little Rock School District. The motion carried unanimously.

A-8 Consideration of Recommendations for Removal from Academic Distress

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said the Arkansas Department of Education had identified six (6) schools and two (2) school districts as no longer being at or below the 49.5% proficient/advanced threshold for being designated as being in Academic Distress. She recommended Augusta High School, Augusta School District; Fordyce High School, Fordyce School District; Marvell-Elaine High School, Marvel-Elaine School District; Osceola High School, Osceola School District; Harris Elementary, Pulaski County Special School District; Jacksonville High School, Pulaski County Special School District; Lee County School District and Strong-Huttig School District be removed from the designation of academic distress.

Dr. Charity Smith gave a brief history of academic distress in Arkansas. She said seven items for success have been identified in these schools.

Dr. David Fetterman encouraged the Board and the schools to stay the course to improve academically distressed schools.

Dr. Barth moved, seconded by Ms. Mahony, to remove the Augusta High School, Augusta School District; Fordyce High School, Fordyce School District; Marvell-Elaine High School, Marvel-Elaine School District; Osceola High School, Osceola School District; Harris Elementary, Pulaski County Special School District; Jacksonville High School, Pulaski County Special School District; Lee County School District and Strong-Huttig School District from the designation of academic distress. The motion carried unanimously.

Department General Counsel Mr. Jeremy Lasiter said the Lee County School District has met the prerequisites to be removed from the academic distress classification. He said the Department recommends returning the Lee County School District to local control upon the election and training of a local board.

Commissioner Wood said the Lee County School District would remain under state oversight for fiscal distress.

Office of Intensive Support Superintendent Mr. Andrew Tolbert said in his personal opinion the Lee County School District was ready to be removed from state authority because of the district's collaboration, planning, inclusion of the community, sense of urgency, and the work with students. He said the curriculum has improved.

Ms. Barnes said the Standards Unit has been onsite and all accreditation issues have been corrected.

Chairman Ledbetter requested a full fiscal report on Lee County School District.

Dr. Barth moved, seconded by Ms. Saviers, to consider the Lee County School District for removal of state authority at the May State Board meeting. Dr. Barth pulled his motion. Chairman Ledbetter requested the fiscal plan and data be provided at the March State Board Meeting.

A-9 Consideration of Schools identified as Meeting the Criteria for Academic Distress

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said in accordance with the Arkansas Department of Education's Rule Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program; the Department has identified 22 schools as meeting the criteria for academic distress. She said this identification was based on having 49.5 percent or less of their students achieving proficient or advanced in math and literacy for the most recent three (3) year period.

Ms. Mahony moved, seconded by Ms. Reith, to approve the twenty-two (22) schools identified as meeting the criteria for academic distress, and remove the Stephens High School from academic distress, and no longer consider closed schools for academic distress. The motion carried unanimously.

A-10 Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 14-025; Mona Annette Parks

Professional Licensure Standards Board (PLSB) Attorney Jennifer Liwo said Ms. Parks was in violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. She said following an evidentiary hearing on October 3, 2014, the Professional Licensure Standards Board (PLSB) Ethics Subcommittee recommended the State Board

permanently revoke Ms. Parks' license.

Attorney Floyd A. Healy said there are three arguments in regard to the findings. He said the ethics subcommittee timeframe was not followed. He said two complaints filed were against Ms. Parks. He said a person that was not an Arkansas student filed the first complaint and he asked the Board to disregard this complaint. He said the second complaint was filed by a person that gave a statement to police that was thrown out due to the complainant's substance abuse. Mr. Healy requested a sanction other than revocation of license for Ms. Parks.

Ms. Liwo said the PLSB timeline is not mandatory. She said Ms. Parks requested the evidentiary hearing be rescheduled twice. Ms. Liwo said the student reported having an inappropriate relationship with Ms. Parks.

Mr. Healy said only hearsay evidence was considered at the DHS Hearing. The initial finding from DHS was made April 30, 2014. The finding was appealed and found unsubstantiated on September 16, 2014.

Dr. Barth moved, seconded by Ms. Mahony, to approve probation of license for five years, a \$75 fine, and a requirement of no further findings or complaints during the five-year period for Mona Annette Parks. Mr. Davis and Ms. Zook voted against the motion. The final vote was 5-2. The motion carried.

A-11 Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 14-066; Jason Vaughn Marshall

Attorney John Kennedy requested the hearing be postponed until March.

A-12 Hearing on Waiver Request for Teaching License – Jennifer Denise Williams

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said on December 7, 2014, the Department advised Ms. Williams that a background check revealed that she had a "true" finding of child maltreatment, an offense that disqualifies her for renewal of her teaching license under Ark. Code Ann. § 6-17-410(c). She said Ms. Williams requested a waiver of the grounds for nonrenewal of her standard teaching license.

Ms. Williams said upon return from a school field trip a student was left on the school van. She further stated that she had not received any training concerning unloading the van and did not have a commercial license.

Ms. Zook moved, seconded by Ms. Saviers, to approve the waiver request for

teaching license for Jennifer Denise Williams. The motion carried unanimously.

A-13 Consideration of Revocation of Teaching License – David Van Buren

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Mr. Van Buren received his license by reciprocity. She said on December 26, 2014, the Department advised Mr. Van Buren that because his license was revoked in Georgia, the Department would seek revocation of his Arkansas license under Arkansas Code § 6-17-410(d). Mr. Van Buren did not seek a waiver and was not present.

Dr. Barth moved, seconded by Mr. Davis, to approve the revocation of teaching license for David Van Buren. The motion carried unanimously.

A-14 Consideration of Revocation of Teaching License – Jennifer Clare Kennedy

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said on June 20, 2014, the Department advised Ms. Kennedy that the Department would seek revocation of her license because a background check revealed an offense that disqualifies her for licensure under Ark. Code Ann. § 6-17-410(c) and employment in an Arkansas public school. Ms. Kennedy did not seek a waiver and was not present.

Mr. Davis moved, seconded by Ms. Zook, to approve the revocation of teaching license for Jennifer Clare Kennedy. The motion carried unanimously.

A-15 Consideration of Suspension of Teaching License – Tiffany Stuebaker

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Ms. Stuebaker received a license by reciprocity. She said on November 24, 2014, the Department advised Ms. Stuebaker that because Texas has placed her license on suspension for five (5) years, the Department would seek a suspension of her Arkansas license under Ark. Code Ann. § 6-17-410(d). Ms. Stuebaker did not seek a waiver and was not present.

Ms. Zook moved, seconded by Ms. Saviers, to approve the suspension of teaching license for Tiffany Stuebaker for the same period of suspension in Texas. The motion carried unanimously.

A-16 Consideration for Approval of the Proposed Arkansas Department of

Education Emergency Rules Governing Educator Licensure

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said the Department recommended changes to the Arkansas Department of Education Rules Governing Educator Licensure to amend various provisions and to merge into these rules the Rules Governing Nontraditional Licensure, Rules Governing the Lifetime Teaching License, and some provisions of the Rules Governing Professional Development.

Ms. Mahony recommended revision to 4.15.1.2. The language should read "General Education Development" in reference to a GED.

Ms. Mahony moved, seconded by Ms. Reith, to approve the Proposed Arkansas Department of Education Emergency Rules Governing Educator Licensure with the correction. The motion carried unanimously.

A-17 Consideration for Public Comment on the Proposed Arkansas Department of Education Rules Governing Educator Licensure

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said the Department proposed revised Rules Governing Educator Licensure that is identical to the Emergency Rules Governing Educator Licensure. She requested the Board authorize the release of the proposed rules for submission to the Governor for approval under Executive Order, EO 15-02, and for public comment.

As noted previously, Ms. Mahony recommended revision to 4.15.1.2. The language should read "General Education Development" in reference to a GED.

Ms. Mahony moved, seconded by Mr. Black, to approve the proposed Arkansas Department of Education Rules Governing Educator Licensure with the correction. The motion carried unanimously.

A-18 Consideration for Public Comment on the Proposed Arkansas Department of Education Rules Governing Mentoring Programs

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said the Department recommended the Arkansas Department of Education Rules Governing Mentoring Programs, which consist of mentoring requirements previously included in the Rules Governing Educator Licensure, and also contain revisions that update the rules be released for public comment.

Ms. Zook moved, seconded by Ms. Mahony, to approve the Arkansas Department of Education Rules Governing Mentoring Programs for public

comment. The motion carried unanimously.

A-19 Consideration for Public Comment for the ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts

Department Deputy General Counsel Ms. Lori Freno said the Department proposed the following revisions to the current rules: revise regulatory authority in § 1.02 and date in 1.03; add § 9.04 regarding combining or embedding of curriculum; revise dates in §§ 11.01, 11.03, and 11.04.1 to make them consistent with current law; add § 11.04.3 to make it consistent with current law regarding enrollment of child who attended first grade in another state or country; revise § 9.03 to add a new § 9.03.4.4 to add one unit of Essentials of Computer Programming and revise subsequent numbering accordingly; revise § 14.02 to allow substitution of certain computer courses for Mathematics or Science courses (both Smart Core and Core); revise § 15.04 to mirror/incorporate ADE Rules Governing Professional Development; revise dates in §§ 23.03, 23.04.1, 23.04.3 to make them consistent with current law; revise §§ 26.01 and 26.02 to correct terminology, and to correct dates in § 26.02 to make them consistent with current law; add § 26.03 to establish hearing procedure for Standards appeals; revise numbering in current §§ 26.03 and 26.04, and correct terminology in current § 26.04; revise § 27.0 to permit waiver of a Standard of Accreditation for longer than one year for the purpose of combining or embedding curriculum, and to correct terminology.

Ms. Mahony moved, seconded by Ms. Saviers, to approve the ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts for public comment. The motion carried unanimously.

A-20 Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools

Department Staff Attorney Ms. Kendra Clay said the Arkansas Department of Health recently updated its Rules and Regulations Pertaining to Immunization Requirements. She said the revisions to ADE's rules governing immunizations are necessary to align ADH's and ADE's immunization requirements. She said provisions were also added to allow students who are excluded from school for immunization-related absences to remain enrolled rather than being dropped from the school's attendance records pursuant to Ark. Code Ann. § 6-18-213(f).

Ms. Mahony moved, seconded by Ms. Zook, to approve for the Arkansas Department of Education Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools for emergency adoption.

The motion carried unanimously.

A-21 Consideration for Public Comment of the Arkansas Department of Education Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools

Department Staff Attorney Ms. Kendra Clay said the Arkansas Department of Health recently updated its Rules and Regulations Pertaining to Immunization Requirements. She said revisions to ADE's rules governing immunizations are necessary to align ADH's and ADE's immunization requirements. She said provisions were also added to allow students who are excluded from school for immunization-related absences to remain enrolled rather than being dropped from the school's attendance records pursuant to Ark. Code Ann. § 6-18-213(f).

Dr. Barth moved, seconded by Ms. Reith, to approve the Arkansas Department of Education Rules Governing Kindergarten Through 12th Grade Immunization Requirements in Arkansas Public Schools for public comment. The motion carried unanimously.

A-22 Consideration for Emergency Adoption of the Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards

Department Deputy General Counsel Ms. Lori Freno said Act 696 of 2013 (codified in Ark. Code Ann. §§ 6-15-2105 and 6-15-2106) required that each public school receive a letter grade score of "A" through "F" effective with the 2014-2015 school year, and empowered the State Board of Education to approve a method for assigning letter grades. She said the University of Arkansas Office of Innovation developed the method set forth in these rules for Education, in conjunction with the ADE and stakeholders. She said changes were made to emergency rules previously adopted (and repealed) by this Board to require school districts that have an Alternative Learning Environment (ALE) with its own LEA number to include the ALE students in their respective attendance area schools.

Ms. Reith moved, seconded by Mr. Davis, to approve the Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards for emergency adoption. Ms. Mahony voted no. The final vote was 6-1. The motion carried.

A-23 Consideration for Final Approval of the Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards

A-23 was pulled from the agenda.

A-24 Consideration for Final Approval of the Arkansas Department of Education Rules Governing the Enrollment of Military Dependents

Department General Counsel Mr. Jeremy Lasiter said Ark. Code Ann. § 6-18-107 required the Board to promulgate rules regarding the enrollment of students who are military dependents. He said the Department drafted the proposed rules to fulfill the statutory requirement. He said the Board approved the proposed rules for public comment on December 11, 2014 and the Arkansas Department of Education staff held a public hearing on the proposed rules on December 30, 2014. He said the public comment period expired on January 17, 2015. Arkansas Department of Education staff received a public comment on the proposed rules, but does not recommend revisions to the proposed rules based upon that public comment.

Dr. Barth moved, seconded by Mr. Black, to approve the Arkansas Department of Education Rules Governing the Enrollment of Military Dependents. The motion carried unanimously.

A-25 Consideration for Final Approval of the Revisions to the Arkansas Department of Education Rules Governing Schools of Innovation

Department General Counsel Mr. Jeremy Lasiter said Ark. Code Ann. § 6-15-2802 required the Board to adopt rules to administer the District of Innovation Program. He said in order to review schools of innovation applications and provide adequate opportunity for applicants to submit revisions to those applications; the Arkansas Department of Education staff should receive applications by January 30, 2015. He said the proposed rules revise the application dates and include a requirement that schools of innovation abide by applicable requirements for highly qualified teachers. The Board approved the proposed rules for public comment on December 11, 2014. He said the Arkansas Department of Education staff held a public hearing on the proposed rules on December 30, 2014. The public comment period expired on January 17, 2015. Arkansas Department of Education staff received public comments on the proposed rules, but does not recommend revisions to the proposed rules based upon the public comments.

Mr. Davis Hendricks delivered a letter from Senator Joyce Elliott to the Board. He said that Senator Elliott requested G/T programs be removed from the waiver option of the District of Innovation Program.

Ms. Reith moved, seconded by Ms. Zook, to approve the revisions to the

Arkansas Department of Education Rules Governing Schools of Innovation. The motion carried unanimously.

Adjournment

The meeting adjourned at 3:05 p.m.

Minutes recorded by Deborah Coffman.



Sam Ledbetter, Chair



Tony Wood, Commissioner of Education