

Minutes
State Board of Education Meeting
Thursday, July 10, 2014

The State Board of Education met Thursday, July 10, 2014, 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; Vicki Saviers; Diane Zook; Mireya Reith; Joe Black; Jonathan Crossley, Teacher of the Year; and Tony Wood, Commissioner.

Via Phone: Toyce Newton, Vice-Chair (Ms. Newton joined the meeting in person later in the day.)

Absent: none

Mr. Ledbetter welcomed Jonathan Crossley, 2014 Teacher of the Year, and Commissioner Wood to the State Board.

Commissioner Wood introduced the new members of the ADE leadership team including Mike Hernandez, Deputy Commissioner; Dr. Eric Saunders, Assistant Commissioner of Fiscal and Administrative Services; Ivy Pfeffer, Assistant Commissioner of HR, Educator Effectiveness and Licensure; Dr. Debbie Jones, Assistant Commissioner of Learning Services; and M. Annette Barnes, Assistant Commissioner of Public School Accountability.

Consent Agenda

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

Items included in the Consent Agenda:

- | Minutes - June 12, 2014
- | Minutes - June 13, 2014
- | 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
- | Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-076 – Sam Logan Prescott
- | Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-059 – Deborah Faye Craig
- | Consideration of the Recommendation of the Professional Licensure

- Standards Board for Case #14-093 – Maegan Alyssa Brewer
- | Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-004C – John Lance Young

Action Agenda

A-1 Horatio School District - Two Consecutive Years with an Accredited-Probationary Status

Standards Assurance Monitoring Unit Leader Johnie Walters said Horatio School District has been identified as being in probationary status for two consecutive school years. In 2012-2013 Horatio High School had an ALP waiver violation, and in 2013-2014 Horatio District Office did not have an approved Gifted and Talented Program (K-12).

Horatio School District Superintendent Lee Smith said the district has taken corrective action. A certified teacher has been assigned to the G/T program.

Dr. Barth made a motion, seconded by Ms. Zook, to assign Horatio Public Schools two years of special monitoring by the ADE Standards Assurance team, with the monitoring to occur twice a year at the beginning of each semester. The motion carried unanimously.

A-2 Lee County School District - Two Consecutive Years with an Accredited-Probationary Status

Standards Assurance Monitoring Unit Leader Johnie Walters said Lee County High School has been identified as being in probationary status for two consecutive school years. In 2012-2013 Lee County High School did not teach the required 38 units and had a teacher licensure violation, and in 2013-2014 Lee County High School had teacher licensure violations.

Lee County School District Superintendent Willie Murdock said the district made the corrections. She also explained that there was a coding error.

Lee County School District Principal Mary Hayden said the district provided interventions to students, and the coding error was not intentional.

Board members asked additional questions and made comments in reference to the current status of Academic Distress, Fiscal Distress, and Two Consecutive Years with an Accredited-Probationary Status for Lee County.

Assistant Commissioner of Public School Accountability M. Annette Barnes said the agency could provide on-site monitoring at the beginning of school. Ms.

Barnes said monitoring could occur on a three-month basis. A report would be available at the September Board meeting.

Mrs. Murdock said the Lee County School District community is divided. She said the district has struggled for many years, and she wanted what is best for the district.

Office of Intensive Support Superintendent Andrew Tolbert said his office has been directed to provide more intensive support to the Lee County School District, and he would expect progress.

Dr. Barth made a motion, seconded by Mr. Black, to require a full accreditation report for the Lee County School District at the October Board meeting. The motion carried unanimously.

Dr. Barth made a motion, seconded by Ms. Reith, to require the Department to provide formal quarterly reports to the Board, specifically October and January, to include information related to the academic, fiscal and accreditation status of Lee County School District, and that these reports are placed on the action agenda. The motion carried unanimously.

Mr. Ledbetter requested that any Board member send specific data requests to the Department so that information may be included in the Board reports.

A-3 Consideration of Appeal from Denial of School Choice Application - McGowan

The item was pulled from the agenda at the request of the parent.

A-4 Consideration of Appeal from Denial of School Choice Application - Allen

Department General Counsel Jeremy Lasiter said pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Candyce Allen filed an appeal of the decision of the Heber Springs School District to deny the school choice applications of K. Allen and C. Allen.

Heber Springs School District Superintendent Russell Hester said the district was previously in fiscal distress. Mr. Hester said the denial of school choice is based on student numbers and the financial status of the district.

Parent Candyce Allen requested her children attend Heber Springs because her family business is located in Heber Springs. Ms. Allen said her children would

not require special education services from the district. She said she had previously filed transfer requests with the Heber Springs School District, and the requests were denied.

Mr. Hester said he believed that the district would be responsible for the students' special education services. He said the district denied the request based on the maintenance of effort.

Ms. Allen provided additional documentation of the children's health information and reviewed the timeline of actions she had taken to seek school choice.

Mr. Hester said 17 students were accepted and 12 students were denied for school choice requests to the Heber Springs School District. He said the district denied requests based on classroom student numbers.

Ms. Saviers made a motion, seconded by Ms. Zook, to sustain the appeal and grant the transfer for the Allen children to the Heber Springs School District. The motion carried unanimously.

A-6 Marvell-Elaine School District's Appeal of Marvel-Elaine High School's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period. Marvell-Elaine High School's percent proficient or advanced for the three-year period from 2011 through 2013 was 48.974%.

Marvell-Elaine High School Principal Adrian Watkins said the high school has been progressing. Ms. Watkins said the ESEA status was achieving because the school met the annual measurable objectives (AMO). She said the school was recognized for parental involvement and will be presenting during a USDOE webinar in August.

Ms. Saviers made a motion, seconded by Ms. Reith, to deny the appeal of Marvell-Elaine High School's Academic Distress Designation. The motion carried unanimously.

A-7 Watson Chapel School District's Appeal of Watson Chapel High School's Academic Distress Designation

The item was pulled from the agenda.

A-13 Fort Smith School District's Appeal of Belle Pointe Alternative Center's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period. Belle Point Alternative Center's percent proficient or advanced for the three-year period from 2011 through 2013 was 25.316%.

Fort Smith School District Superintendent Dr. Benny Gooden said Belle Point Alternative Center meets the needs of students in grades 7-12. He said enrollment is by referral only. He requested the Belle Point Alternative Center and all alternative learning environments (ALE) be removed from the academic distress list.

Board members asked additional questions and made comments regarding alternative learning environments.

Dr. Barth made a motion, seconded by Ms. Saviers, to table a decision regarding the Fort Smith School District's appeal of Belle Pointe Alternative Center's academic distress designation until the Academic Distress Rules are reviewed. The motion carried unanimously.

The Board considered A8—A-12 together. The school district administrators voiced no opposition to this consideration.

A-8 Beebe School District's Appeal of Badger Academy's Academic Distress Designation

A-9 Cabot School District's Appeal of Cabot Learning Academy's Academic Distress Designation

A-10 Hot Springs School District's Appeal of Summit School's Academic Distress Designation

A-11 Little Rock School District's Appeal of Accelerated Learning Program's Academic Distress Designation

A-12 Little Rock School District's Appeal of W.D. Hamilton Learning Academy's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period.

Beebe School District Superintendent Belinda Shook and Assistant Superintendent Dr. Scott Embrey shared specific demographic and test data related to the Badger Academy.

Cabot School District Superintendent Dr. Tony Thurman said there are many variables in determining success of alternative learning centers.

Hot Springs School District Superintendent Dr. Joyce Craft said she wanted to thank the Board for this consideration.

Ms. Zook made a motion, seconded by Ms. Saviers, to table a decision on A-8 Beebe School District's appeal of Badger Academy's academic distress designation, A-9 Cabot School District's appeal of Cabot Learning Academy's academic distress designation, A-10 Hot Springs School District's appeal of Summit School's academic distress designation, A-11 Little Rock School District's appeal of Accelerated Learning Program's academic distress designation, and A-12 Little Rock School District's appeal of W.D. Hamilton Learning Academy's academic distress designation until the Academic Distress Rules are reviewed. The motion carried unanimously.

A-5 Consideration of Appeal from Denial of School Choice Application - Winters

Department General Counsel Jeremy Lasiter said pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Kaci Winters filed an appeal of the decision of the Parkers Chapel School District to deny the school choice application of J. Winters.

Parkers Chapel School District Superintendent Michael White denied the Winters' request because Junction City School District was on the school choice

exemption list.

Parent Kaci Winters said when she submitted the request, Junction City School District was not on the school choice exemption list.

Junction City School District Superintendent Robbie Lowe said the school board voted to opt out of school choice based on a desegregation order. He said a clerical error caused the submission to be late to the Department.

Mr. Lasiter confirmed that Junction City School District did have a desegregation court order.

Ms. Zook made a motion to grant the transfer. The motion died for lack of second.

Ms. Mahony made a motion, seconded by Ms. Saviers, to deny the appeal from denial of school choice application for Winters. Ms. Zook voted no. The final vote was 6-1. The motion carried.

A-14 State Board of Education Classification of Schools in Academic Distress

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with section 10.04.6 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, a school district or public school identified by the Department as being in academic distress shall be classified as a school district or public school in academic distress upon final determination by the State Board. She said the list would be amended to remove the alternative learning environments as per the prior Board action.

Dr. Barth made a motion, seconded by Ms. Saviers, to accept the classification of schools in academic distress, excluding the alternative learning environments (ALE). The motion carried unanimously.

A-15 Consideration of Request to Decrease the School Board Membership of the Mulberry/Pleasant View Bi-County School Board

Department General Counsel Jeremy Lasiter said on June 13, 2014, the Mulberry/Pleasant View Bi-County School Board petitioned the State Board of Education to reduce the size of its board of directors from seven (7) members to five (5) members pursuant to Ark. Code Ann. § 6-13-634.

Mulberry/Pleasant View Bi-County School District Superintendent Dana Higdon

said vacant seats on the school board previously had to be appointed because no candidates ran for the positions.

Ms. Zook made a motion, seconded by Ms. Reith, to accept the request to decrease the School Board Membership of the Mulberry/Pleasant View Bi-County School Board. The motion carried unanimously.

A-16 Consider Request for Waiver of National Board for Professional Teaching Standards (NBPTS) Repayment of State Funds for Amanda Green-Young

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland recommended that the repayment waiver for fees (\$2,743.00) expended by the state for Amanda Green-Young be considered and granted due to health and/or extenuating circumstances as outlined.

Ms. Newton made a motion, seconded by Ms. Mahony, to grant the waiver of National Board for Professional Teaching Standards (NBPTS) repayment of state funds for Amanda Green-Young. The motion carried unanimously.

A-18 Consider Recommendation of New Praxis Ages 3-4 Endorsement Licensure Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Education of Young Children (5024) test with a cut score of 160, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Zook, to approve the Praxis™ Education of Young Children (5024) test with a cut score of 160, effective September 1, 2014. The motion carried unanimously.

A-19 Consider Recommendation of New Praxis Early Childhood Special Education Integrated Licensure (B-K) Tests

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 and the Praxis™ Education of Young Children (5024) test with a cut score of 160, both effective September 1, 2014.

Ms. Newton made a motion, seconded by Ms. Mahony, to adopt the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 and the Praxis™ Education of Young Children (5024) test with a cut score of

160, both effective September 1, 2014. The motion carried unanimously.

A-20 Consider Recommendation of New Praxis Gifted and Talented Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said Educational Testing Service (ETS) has updated its Praxis™ Gifted Education (0357) test, which the Arkansas State Board of Education adopted as the state's Gifted and Talented content test, beginning September 1, 2007. Mr. Rowland said the Department recommended adopting the Praxis™ Gifted Education (5358), replacing the Praxis™ Gifted Education (0357), with a cut score of 155, effective September 1, 2014.

Ms. Mahony made a motion, seconded by Ms. Saviers, to adopt the Praxis™ Gifted Education (5358), replacing the Praxis™ Gifted Education (0357), with a cut score of 155, effective September 1, 2014. The motion carried unanimously.

A-21 Consider Recommendation of New Praxis Middle School Science Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Middle School Science (5440) to replace the Praxis™ Middle School Science (0439), with a cut score of 150, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Reith, to adopt the Praxis™ Middle School Science (5440), replacing the Praxis™ Middle School Science (0439), with a cut score of 150 effective September 1, 2014. The motion carried unanimously.

A-22 Consider Recommendation of New Praxis Physics Licensure (7-12) Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Physics: Content Knowledge (5265) test with a cut score of 135, effective September 1, 2014.

Ms. Reith made a motion, seconded by Ms. Mahony, to adopt the Praxis™ Physics: Content Knowledge (5265) test with a cut score of 135, effective September 1, 2014. The motion carried unanimously.

A-23 Consider Recommendation of New Praxis Speech Pathologist Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Speech-Language Pathology (5331), replacing the Praxis™ Speech-Language Pathology (0330/5330), with a cut score of 162, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Saviers, to adopt the Praxis™ Speech-Language Pathology (5331), replacing the Praxis™ Speech-Language Pathology (0330/5330), with a cut score of 162, effective September 1, 2014. The motion carried unanimously.

A-24 Consideration for Final Approval: Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts

Department General Counsel Jeremy Lasiter said Act 1073 of 2013 made minor revisions to Arkansas laws related to the consolidation and annexation of school districts. He said on May 8, 2014, the State Board of Education approved for public comment proposed revisions to the current rules. The Arkansas Department of Education received no public comments on the proposed revisions. Mr. Lasiter requested the Board grant final approval to the proposed rules pending legislative subcommittee review.

Ms. Newton made a motion, seconded by Ms. Saviers, to approve the Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts. The motion carried unanimously.

A-25 Consideration for Final Rule: Proposed Rules Governing Professional Development

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said on May 8, 2014, the State Board approved the Arkansas Department of Education Rules Governing Professional Development – Emergency Rule to implement changes made to the Arkansas Code regarding professional development under Act 2 of the First Extraordinary Session of 2013. She said in promulgating the permanent rule, Department staff received public comments on the rules and after careful consideration of the public comments made revisions to the rules.

Dr. Barth made a motion, seconded by Ms. Newton, to approve the Rules Governing Professional Development. The motion carried unanimously.

A-26 Consideration for Final Approval: 2014 Open Enrollment Public Charter School New Application

Department Attorney Kendra Clay said the 2014 Open Enrollment Application included additional prompts suggested by the Charter Authorizing Panel and updated the submission deadline for the 2014 application cycle.

Mr. Black made a motion, seconded by Ms. Reith, to approve the 2014 Open Enrollment Public Charter School New Application. The motion carried unanimously.

The Board considered A-27 and A-33 together.

A-27 Consideration for Emergency Adoption: Emergency Rules for Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas

A-33 Consideration for Public Comment: Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas

Assistant Commissioner of HR, Educator Effectiveness and Licensure Ivy Pfeffer said the Department recommended the promulgation of new rules to replace outdated policies for Department approval of teacher education programs. She said the Board approved an earlier version of the rules as final on April 10, 2014. However, the Department received legislative comments on the final rules, and after careful consideration of the comments proposed revisions to the rules. Ms. Pfeffer said the rules need to be in effect for the 2014-2015 academic year. She requested the Board adopt the rules as emergency rules and authorize the release of the rules for public comment on the permanent promulgation of the emergency rules.

Dr. Barth made a motion, seconded by Ms. Saviers, to approve the Emergency Rules for Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas and to authorize the release of the proposed Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas for public comment with amendments to clarify 7.07.6 and 9.09. The motion carried unanimously.

The board considered A-28, A-29, A-30, A-31, A-32, A-34, A-35 and A-36 together.

A-28 Consideration for Public Comment – Proposed Arkansas Department of Education Rules Governing Educator Licensure

A-29 Consideration for Public Comment – Proposed Arkansas Department of Education Rules Governing Background Checks for Classified Employees

A-30 Consideration for Public Comment – Repeal of Department of Education Rules Governing Nontraditional Licensure

A-31 Consideration for Public Comment – Repeal of Department of Education Rules Governing the Lifetime Teaching License

A-32 Consideration for Public Comment – Repeal of Department of Education Rules Governing the School Superintendent Mentoring Program

A-34 Consideration for Public Comment: ADE Rules Governing the Calculation of Miscellaneous Funds

A-35 Consideration for Public Comment: ADE Rules Governing the College and Career Readiness Program

A-36 Consideration for Public Comment: Proposed Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Section 18.00 Residential Placement

Ms. Saviers made a motion, seconded by Ms. Newton, to approve the proposed Arkansas Department of Education Rules Governing Educator Licensure, the proposed Arkansas Department of Education Rules Governing Background Checks for Classified Employees, the repeal of Department of Education Rules Governing Nontraditional Licensure, the repeal of Department of Education Rules Governing the Lifetime Teaching License, the repeal of Department of Education Rules Governing the Lifetime Teaching License, the repeal of Department of Education Rules Governing the School Superintendent Mentoring Program, the ADE Rules Governing the Calculation of Miscellaneous Funds, the ADE Rules Governing the College and Career Readiness Program, and the proposed revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Section 18.00 Residential Placement for public comment. The motion carried unanimously.

A-37 Consideration of Next Steps for Student Assessments

Assistant Commissioner of Learning Services Dr. Debbie Jones said the protest in New Mexico was resolved. Arkansas is ready to move forward with the procurement of student assessments.

Ms. Mahony requested the Department consider a two-year transition period for applying growth to an educator's overall rating and promotion and/or retention consideration. She said the Department should consider a method to hold static on current annual measurable objectives (AMO) and reset the AMO in the summer of 2016. She said this proposal should be considered at the August

Board meeting, subject to authority by the Board to take action. Ms. Pfeffer said within Arkansas's planned evaluation implementation timeline, the state would not be applying growth to an educator's overall rating until 2016, when the state has two years of PARCC assessment data. The timeline is dependent on continued ESEA Flexibility.

Ms. Saviers made a motion, seconded by Ms. Newton, to support the Department's next steps in the procurement process for student assessment. The motion carried unanimously.

A-17 Hearing on Revocation of Teaching License – Heather Eshenbaugh


Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Heather Eshenbaugh requested a renewal of her teaching license, which expired in 2009. She said the Department of Education Licensure Unit investigated Ms. Eshenbaugh in 2011 for fraud related to her teaching license. Under Ark. Code Ann. § 6-17-410(d), the State Board of Education may revoke, suspend, or place a license on probation for obtaining a license fraudulently and for providing false or misleading information to the Department of Education or the State Board of Education. Ms. Reinhart said the Department recommended the revocation of Ms. Eshenbaugh's license. Ms. Eshenbaugh did not attend the hearing.

Ms. Saviers made a motion, seconded by Ms. Newton, to deny renewal and permanently revoke the teaching license for Heather Eshenbaugh. The motion carried unanimously.

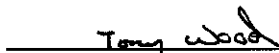
Adjournment

The meeting adjourned at 4:41 p.m.

Minutes recorded by Deborah Coffman.



Mr. Sam Ledbetter, Chair



Mr. Tony Wood, Commissioner