

Minutes
State Board of Education Meeting
Thursday, June 12, 2014

The State Board of Education met Thursday, June 12, 2014, in the Auditorium of the Department of Education Building. Chair Brenda Gullett called the meeting to order at 10:15 a.m.

Present: Brenda Gullett, Chair; Sam Ledbetter, Vice-Chairman; Alice Mahony; Dr. Jay Barth; Vicki Saviers; Toyce Newton; Diane Zook; Mireya Reith; Joe Black; Alexia Weimer, Teacher of the Year; and Dr. Tom Kimbrell, Commissioner.

Absent: none

Consent Agenda

Correction of May minutes: Ms. Mahony requested the May 8, 2014, State Board minutes reflect the following revision to A-6, Hearing for Open-Enrollment Public Charter School amendment request for Quest Middle School of West Little Rock, Little Rock, Arkansas: Ms. Mahony said, "They were to have furnished the Board with a report from the city verifying the site could be used as a school and a traffic study that was based on the enrollment, in addition to the one that was done on March 19. In addition, there is verbiage saying no more students over "x" number at that school but on the website, *Arkansas Learns*, they list 2015-2016 as adding 9th grade to the site."

Ms. Cheryl Reinhart requested the Board pull C-12, Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-038 – Jason Ryan Hathcock, from the agenda.

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

Items included in the Consent Agenda:

- Minutes - May 8, 2014
- Minutes - May 9, 2014
- Act 648 of 1993 Community Service Learning – Delta YES! Inc., Brinkley, Arkansas
- Arkansas Division of Volunteerism requests approval from the Arkansas State Board of Education for a new site as described in ACT 648 of 1993 Community Service Learning

- Review of Loan and Bond Applications
- Newly Employed, Promotions and Separations
- Final Report Fiscal Year 2013-14 Summary of Activities for the Standards Assurance Unit (SAU)
- 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 Department of Education for a Waiver – Jennifer Clem, Pre-service Teacher
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-170 - Stephen Carlyle Thomas
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-001 – David Michael Walker
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-029 – Bradley Ralph Harris
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-043 – Deanna Lynn Longstreth
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-167 – Ashley Ann Walker
- Consideration of the Voluntary Surrender of License by William Bryan Smith in Professional Licensure Standards Board Case #14-139

Action Agenda

A-1 Consideration to approve the funding for the 2013-2014 Enhancement Grants

Ms. Mary Kaye McKinney said the DHS Division of Child Care and Early Childhood Education requested approval to fund enhancement grants for 2013-2014.

Dr. Barth made a motion, seconded by Ms. Newton, to approve funding for the 2013-2014 Enhancement Grants. The motion carried unanimously.

A-2 Consideration of Arkansas Better Chance 2014-2015 Grants

Ms. Mary Kaye McKinney said the Division of Child Care and Early Childhood Education requested approval of the Arkansas Better Chance grants for the 2014-2015 year.

Mr. Black made a motion, seconded by Ms. Saviers, to approve the Arkansas Better Chance 2014-2015 Grants. The motion carried unanimously.

A-4 Consider Removal of Dollarway School District from State Control,

effective October 1, 2014

Assistant Commissioner of Public School Accountability John Hoy said on June 11, 2012, the State Board of Education found that the Dollarway School District violated the Standards for Accreditation of Arkansas Public Schools and School Districts (Standards for Accreditation) for two consecutive school years (2010-2011 and 2011-2012). Pursuant to Ark. Code Ann. § 6-15-207, the State Board of Education assumed authority over the Dollarway School District. The State Board reconstituted the leadership of the Dollarway School District by removing the superintendent and school board, and by making the Commissioner of Education responsible for the governance of the school district. The Dollarway School District has been free of any violations of the Standards for Accreditation for two consecutive school years (2012-2013 and 2013-2014). For that reason, the Arkansas Department of Education recommended that the State Board of Education remove the Dollarway School District from state authority, effective October 1, 2014 (after a school board is elected and receives training).

Dollarway School District Superintendent Bobby Acklin said Mr. Frank Anthony, the previous superintendent, had worked on some of the challenges prior to Mr. Acklin's assignment to the position. The district continues to struggle with finding and keeping qualified staff. Mr. Acklin said the staff is determined to keep the district open, the attendance is steady, literacy scores in high school increased this year and the finances of the district are stable. He said that district staff audited all student transcripts. Mr. Acklin said it would be a positive action for the community to regain control of the district.

Ms. Newton made a motion, seconded by Ms. Reith, to remove the Dollarway School District from state control, effective October 1, 2014. The motion carried unanimously.

A-5 Drew Central School District Appeal

Standards Assurance Monitoring Unit Leader Johnie Walters said the Drew Central School District appealed the assigned status of accredited – probationary to Drew Central High School. Mr. Walters said the district was in violation of Rule 9.03.4.4, requiring the district to teach two (2) units of the same Foreign Language to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools, for example: 440000 Spanish I (1 unit) and 440020 Spanish II (1 unit) or 441000 French I (1 unit) and 441010 French II (1 unit).

Drew Central School District Superintendent Billy Williams said the high school did have an error in scheduling. He said the district made a correction and the Spanish II course was double blocked during second semester for a full credit.

Mr. Ledbetter made a motion, seconded by Ms. Saviers, to deny the Drew Central School District appeal. The motion carried unanimously.

A-6 Cross County School District Appeal

Standards Assurance Monitoring Unit Leader Johnie Walters said Cross County School District appealed the assigned status of accredited – probationary to Cross County New Tech High School. Mr. Walters said the district was in violation of Rule 9.03.4.7 requiring the district/high school to teach four (4) units of Social Studies to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools: 470000 American History; 1 unit 471000 World History; 1 unit 472000 Civics; ½ unit 474300 Economics; ½ unit (if not taught as a CTE course) Social Studies elective(s); 1 unit or 1 ½ units if Economics is a CTE course.

Cross County School District Superintendent Carolyn Wilson said the issue was a coding error. She said that after Mr. Walters left the district, district employees went back through the information and found the error. The accountability report they ran showed a green light, so they did not have a reason to think they were not okay. She said the correct courses were being taught.

Dr. Barth made a motion, seconded by Ms. Zook, to approve the Cross County School District appeal. Ms. Newton voted no. The final vote was 7-1. The motion carried.

A-7 Wynne School District Appeal

Standards Assurance Monitoring Unit Leader Johnie Walters said Wynne School District appealed the assigned status of accredited – probationary to Wynne High School. Mr. Walters said the district was in violation of Rule 9.03.4.11.8 regarding the notification of the Arkansas Department of Education of intent to use an Advanced Placement (AP) course to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools. The district has also appealed a violation of Rule 9.03.4.3 requiring the district/high school to teach six (6) units of Mathematics to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools: 430000 Algebra I; 1 unit 431000 Geometry; 1 unit 432000 Algebra II; 1 unit 433000 Pre-Calculus; 1 unit Math Electives; 2 units.

Wynne School District Superintendent Carl Easley said students scheduled for transition math were moved into Algebra III. During second semester, some of the students were scheduled into Topics for Math.

Mr. Ledbetter made a motion, seconded by Dr. Barth, to deny the Wynne School District appeal. The motion carried unanimously.

The Board entered into executive session at 12:17 p.m. to discuss A-26, Consideration of Tony Wood as Commissioner of Education.

The Board exited executive session at 1:31 p.m. and took action on A-26.

A-26 Consideration of Tony Wood as Commissioner of Education

Ms. Zook made a motion, seconded by Ms. Saviers, to approve Tony Wood as Commissioner of Education. The motion carried unanimously.

A-8 Arkadelphia School District Appeal

Standards Assurance Monitoring Unit Leader Johnie Walters said Arkadelphia School District has appealed the assigned status of accredited – probationary to Arkadelphia High School. He said the district was in violation of Rule 9.03.4.11.8 regarding the notification of the Arkansas Department of Education of intent to use an Advanced Placement (AP) course to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools.

Arkadelphia School District Superintendent Dr. Donnie Whitten said the high school was part of the AAIMS initiative and implemented three STEM projects. All 23 students enrolled in AP Physics; no one enrolled in Physics. The district failed to send a letter to the ADE.

Dr. Barth made a motion, seconded by Mr. Ledbetter, to approve the Arkadelphia School District Appeal. Ms. Mahony voted no. The final vote was 7-1. The motion carried.

A-9 Lavaca School District Appeal

Standards Assurance Monitoring Unit Leader Johnie Walters said Lavaca School District has appealed the assigned status of accredited – probationary to Lavaca High School. He said the district was in violation of Rule 9.03.4.11.8 regarding the notification of the Arkansas Department of Education of intent to use an Advanced Placement (AP) course to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools.

Lavaca School District Superintendent Steve Rose said the district offered AP Calculus course. The district failed to send a letter to the ADE.

Ms. Newton made a motion to deny the Lavaca School District appeal. The motion died for lack of a second.

Mr. Ledbetter made a motion, seconded by Ms. Saviers, to approve the Lavaca School District appeal. Ms. Mahony, Dr. Barth and Ms. Newton voted no. The final vote was 5-3. The motion carried.

A-10 Malvern School District Appeal

Standards Assurance Monitoring Unit Leader Johnnie Walters said Malvern School District appealed the assigned status of accredited – probationary to Malvern High School. He said the district was in violation of Rule 9.03.4.11.8 regarding the notification of the Arkansas Department of Education of intent to use an Advanced Placement (AP) course to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools.

Malvern School District Assistant Superintendent Janet Blair and Director of Concurrent Credit and AP Program Senior Guidance Counselor Jonathan Williams said students were double blocked in Algebra so the students could take a higher math class as seniors. No student took the Bridge to Algebra course.

Ms. Mahony made a motion to deny the Malvern School District appeal. The motion died for lack of a second.

Dr. Barth made a motion, seconded by Ms. Saviers, to approve the Malvern School District appeal. Ms. Newton and Ms. Mahony voted no. The final vote was 6-2. The motion carried.

A-3 Final Accreditation Report Fiscal Year 2013-2014 - Summary of Accreditation for Arkansas Public Schools and School Districts

Standards Assurance Monitoring Unit Leader Johnnie Walters said the report was submitted for compliance with A.C.A. § 6-15-102 (g) (1) and (2). Mr. Walters amended the report to include the above granted appeals.

Dr. Barth made a motion, seconded by Ms. Reith, to approve the final Accreditation Report Fiscal Year 2013-2014 - Summary of Accreditation for Arkansas Public Schools and School Districts with the appeals approved above. The motion carried unanimously.

A-11 Fort Smith School District Appeal

This item was pulled from the agenda.

A-12 SIA Tech Little Rock Appeal

This item was pulled from the agenda.

A-13 Request Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring June 30, 2014.

Assistant Commissioner Dr. Karen Walters said pursuant to § 6-17-422 members of the PLSB serve rotating terms. She said three (3) members of the Professional Licensure Standards Board would complete their three-year terms on June 30, 2014. She presented three nominations. Dr. Brad Baine, Dean of the College of Education of Williams Baptist University, was nominated for re-appointment by the Arkansas Association of Colleges for Teacher Education (ArACTE) to represent Private Institutions of Higher Education. Dr. Randy Willison, Superintendent of Batesville School District, was nominated for re-appointment by the Arkansas Association of Educational Administrators (AAEA) to represent public school superintendents. Ms. Lillian Hemphill, Social Studies teacher at Watson Chapel Jr. High School in the Watson Chapel School District, was nominated by the Arkansas Education Association (AEA) to represent Public School Classroom Teachers – Grades 4-8. Dr. Walters said the terms of these members would begin on July 1, 2014 and end on June 30, 2017.

Ms. Gullett recommended the Board receive training about the process of the PLSB board during the July work session or when the new board member joins the board.

Ms. Saviers made a motion, seconded by Ms. Reith, to approve the nominated members for the Professional Licensure Standards Board to replace members whose terms are expiring June 30, 2014. The motion carried unanimously.

A-14 Presentation of Working Draft of a Plan for the Development and Implementation of Arkansas's K-12 Science Standards

Curriculum and Instruction Director Dr. Tracy Tucker said she was pleased to present the first draft of a plan to guide and support the development and implementation of K-12 Science Standards. She said this plan is a collaborative effort between curriculum, assessment, professional development, communications, and external partners. The ADE website will house all information related to this on-going work under the Curriculum and Instruction page. The ADE state lead for this work is Ms. Michele Snyder, Program Advisor in the Curriculum and Instruction Unit.

Ms. Mahony and Dr. Barth will be attending a meeting focusing on K-12 Science. Dr. Barth said the ADE will be receiving a grant from NASBE for K-12 Science.

Ms. Saviers made a motion, seconded by Ms. Reith, to approve the working draft

of a plan for the development and implementation of Arkansas's K–12 Science Standards. The motion carried unanimously.

A-15 Consideration for Final Approval: Proposed Revisions to the Arkansas Department of Education Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program

Department General Counsel Jeremy Lasiter said Act 600 of 2013 resulted in several revisions to Arkansas laws related to fiscal distress. He said based upon those legislative revisions, on April 10, 2014, the State Board of Education approved for public comment proposed revisions to the Arkansas Department of Education Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program. The Arkansas Department of Education staff held a public hearing concerning the proposed revisions on April 29, 2014. The public comment period expired on May 12, 2014. The Arkansas Department of Education received public comments on the proposed revisions. Mr. Lasiter said the Arkansas Department of Education staff made no revisions to the proposed rules based upon the public comments received.

Dr. Barth made a motion, seconded by Ms. Newton, to approve the proposed revisions to the Arkansas Department of Education Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program. The motion carried unanimously.

A-17 Consideration for Final Approval: Proposed Rules Governing How to Meet the Needs of Children with Dyslexia

Department Deputy General Counsel Lori Freno-Engman said the proposed rules incorporated the requirements of Act 1294 of 2013 (codified at Ark. Code Ann. §§ 6-40-101 through 109) that school districts screen certain students for dyslexia, providing intervention, evaluation, services, and accommodations as warranted. She said the proposed rules also incorporate the requirement that the ADE develop a Dyslexia Resource Guide. The Board released the proposed rules for public comment on March 20, 2014; the public comment period ended April 22, 2014. She said comments were reviewed but no changes were made to the proposed rules. Section 6.03 was changed, however, to correct a typographical error and thus make the wording of that section consistent with the Act.

Ms. Zook said the dyslexia law has issues that hopefully will be addressed at the next legislative session, but the ADE team has worked diligently to meet the expectations of the law and rules. She recognized the work of Jane Dearworth and Kevin Beaumont.

Dr. Witonski said that an ADE employee has been hired to fill the dyslexia position. She said the resource guide is in first draft with a final draft expected by Fall 2014.

Ms. Courtney Salas-Ford, attorney for SPED, said a diagnosis for dyslexia alone is not enough to qualify under IDEA.

Mr. Ledbetter made a motion, seconded by Mr. Black, to approve the proposed Rules Governing How to Meet the Needs of Children with Dyslexia. Ms. Zook voted no. The final vote was 7-1. The motion carried.

A-18 Consideration for Final Approval: ADE Rules Governing Instructional Materials

Department attorney Kendra Clay said revisions to these rules were made to reflect the changes in Act 511 of 2013. She said the rules were released for public comment on February 13, 2014 and April 10, 2014. Public comments were received during both public comment periods and additional revisions to the rules were made.

Dr. Barth made a motion, seconded by Ms. Zook, to approve the ADE Rules Governing Instructional Materials. The motion carried unanimously.

A-16 Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Public School End of Course Assessments and Remediation

Department General Counsel Jeremy Lasiter said Acts 600, 1073, 1081 and 1429 of 2013 resulted in several revisions to Arkansas laws related to the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP), Academic Distress Program, and End of Course Assessments and Remediation. He said the Arkansas Department of Education staff recommended the combination of the ACTAAP and End of Course rules, and the repeal of the existing End of Course rules. On April 10, 2014, the State Board of Education approved for public comment the proposed repeal of the End of Course rules. Arkansas Department of Education staff held a public hearing concerning the proposed repeal on April 29, 2014. The public comment period expired on May 15, 2014. The Arkansas Department of Education received no public comments on the proposed repeal.

Ms. Zook made a motion, seconded by Mr. Ledbetter, to repeal the Arkansas Department of Education Rules Governing Public School End of Course Assessments and Remediation. The motion carried unanimously.

A-19 Consideration for Final Approval: ADE Rules Governing ACTAAP and the Academic Distress Program

Department General Counsel Jeremy Lasiter said Acts 600, 1073, 1081 and 1429 of 2013 resulted in several revisions to Arkansas laws related to the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program. He said based upon those legislative revisions, on April 10, 2014, the State Board of Education approved for public comment proposed revisions to the Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program. Arkansas Department of Education staff held a public hearing concerning the proposed revisions on April 29, 2014. The public comment period expired on May 12, 2014. The Arkansas Department of Education received public comments on the proposed revisions and made a minor revision to Section 5.01.2 to make the provision consistent with Arkansas law.

Ms. Mahony made a motion, seconded by Ms. Zook, to approve the ADE Rules Governing ACTAAP and the Academic Distress Program. The motion carried unanimously.

A-20 Consideration for Final Approval: ADE Rules Governing Public Charter Schools

Department attorney Kendra Clay said the proposed revisions established a procedure for parties that request State Board review of Charter Authorizing decisions. She said the revisions also change the timeline for submission of amendment requests by current charter holders. The State Board released these rules for public comment on April 10, 2014. A public hearing was held on April 29, 2014. Ms. Clay said written comments were received, and changes to the rules were made.

Ms. Saviers made a motion, seconded by Ms. Newton, to approve the ADE Rules Governing Public Charter Schools. The motion carried unanimously.

A-21 Consideration for Public Comment: Repeal of ADE Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education
Item was pulled from the agenda.

A-22 Consideration for Public Comment: ADE Rules Governing State Board of Education Operating Guidelines
Item was pulled from the agenda.

The Board considered A-23 and A-24 together.

A-23 Consideration for Emergency Approval: District Conversion Charter School New Application

Department attorney Kendra Clay said the 2014 District Conversion Application includes additional prompts suggested by the Charter Authorizing Panel and updates the submission deadline for the 2014 application cycle.

A-24 Consideration for Public Comment: District Conversion Charter School New Application

Department staff attorney Kendra Clay said the 2014 District Conversion Application includes additional prompts suggested by the Charter Authorizing Panel and updates the submission deadline for the 2014 application cycle.

Dr. Barth made a motion, seconded by Mr. Black, for emergency approval of the District Conversion Charter School New Application and to approve for public comment the District Conversion Charter School New Application. The motion carried unanimously.

A-25 Hearing on Revocation of Teaching License – Heather Eshenbaugh
This item was pulled from the agenda.

A-27 Election of Officers: State Board of Education for 2014-2015

Ms. Mahony presented the recommended slate of officers as Chairman, Sam Ledbetter; and Vice-Chairman, Toyce Newton.

The motion carried unanimously.

Adjournment

The meeting adjourned at 3:12 p.m.

Minutes recorded by Deborah Coffman



Sam Ledbetter, Chair



Tony Wood, Commissioner