

Minutes
State Board of Education Meeting
Thursday, February 13, 2014

The State Board of Education met Thursday, February 13, 2014, in the auditorium of the Department of Education building. Chair Brenda Gullett called the meeting to order at 10:08 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

Ms. Gullett recognized Mr. Tom Dooher, new executive director of the Arkansas Education Association.

Ms. Gullett gave a report on the NASBE conference she recently attended. Dr. Barth commented on the conference and said NASBE is a great resource. Ms. Gullett explained that four Arkansas State Board members serve on NASBE committees. Ms. Gullett shared information regarding the support for Common Core. She recommended the U.S. Chamber of Commerce website for factual information regarding Common Core. Ms. Gullett complimented Ms. Mahony for her weekly reports.

Ms. Mahony reported that she and Ms. Newton will co-sponsor Girls Learning About Math and Science (GLAMS) for approximately 200 girls May 15 in El Dorado.

Ms. Mahony asked why the consent agenda did not include the desegregation report. Lori Freno reported the report is no longer required.

Board members requested school report updates. Ms. Saviers requested a report from Dollarway.

Consent Agenda

Ms. Gullett said Bryant and Dover did not pass their millage increase and would not be included in C-2 Review of Loan and Bond Applications.

Ms. Zook requested to pull C-8, Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-020 – Cristy Machel Cathey, from the consent agenda. Ms. Zook made a motion to move C-8 to the action agenda. No second. Motion died.

Dr. Barth moved, seconded by Mr. Ledbetter, to approve the consent agenda without the bond issues for Bryant and Dover districts. Ms. Zook opposed. The motion carried.

Items included in the Consent Agenda:

- Minutes - January 10, 2014
- Review of Loan and Bond Applications
- 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 #13-168 – Rheta Mae Van Cott
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-012 – Spencer David Gay
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-015 – Jeanie Sue Gorham
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-020 – Cristy Machelie Cathey

Ms. Mahony requested a work session to discuss conflict of interest issues. Mr. Ledbetter requested the Board procedures be updated. Dr. Kimbrell said the work session will be added to the March 20-21 agenda.

Action Agenda

Petition for Alteration of Education Service Cooperative Boundaries

Dr. Bryan Duffie, Westside School District Superintendent, on behalf of the Westside School District (Jonesboro), requested the Arkansas State Board of Education consider Westside's decision to change cooperative membership from the Crowley's Ridge Education Service Cooperative (Harrisburg) to the Northeast Arkansas Education Service Cooperative (Walnut Ridge). This request would facilitate the alteration of cooperative boundaries as outlined in A.C.A. §6-13-1003 and §6-13-1005.

Mr. Ledbetter moved, seconded by Ms. Saviers, to accept the petition for alteration of education service cooperative boundaries as requested by the Westside School District (Jonesboro). The motion carried unanimously.

Dr. Barth requested a future work session be held about co-ops.

Charter Authorizing Panel Action on District Conversion Public Charter School Application: Fountain Lake Middle School Cobra Digital Prep Academy, Hot Springs, Arkansas

Charter Director Mary Perry reported on January 16, 2014, the Charter Authorizing Panel conducted hearings for district conversion charter applicants wanting to open charter schools in 2014-2015. Representatives of the Fountain Lake School District appeared before the panel and requested to convert the middle school to a charter school to be called the Fountain Lake Middle School Cobra Digital Prep Academy and to serve students in grades 5-8 with a maximum enrollment of 455. The panel unanimously approved the charter with a maximum enrollment of 500 and without waivers to Sections 18.02 and 18.03 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and Districts. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Zook moved, seconded by Ms. Reith, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school application for Fountain Lake Middle School Cobra Digital Prep Academy, Hot Springs, Arkansas. Ms. Mahony opposed. The motion carried.

Charter Authorizing Panel Action on District Conversion Public Charter School Application: Pea Ridge Manufacturing and Business Academy, Pea Ridge, Arkansas

Charter Director Mary Perry reported on January 16, 2014, the Charter Authorizing Panel conducted hearings for district conversion charter applicants wanting to open charter schools in 2014-2015. Representatives of the Pea Ridge School District appeared before the panel and requested to convert a portion of Pea Ridge High School to a district conversion charter to be called the Pea Ridge Manufacturing and Business Academy and to serve students in grades 11-12 with a maximum enrollment of 400. The panel unanimously approved the charter and the withdrawal of the request to waive Section 10.01.4 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and Districts. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Saviers moved, seconded by Mr. Black, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school application for Pea Ridge Manufacturing and Business Academy, Pea Ridge, Arkansas. The motion carried unanimously.

Charter Authorizing Panel Action on District Conversion Public Charter School Application: Warren Middle School, Warren, Arkansas

Charter Director Mary Perry reported on January 16, 2014, the Charter Authorizing Panel conducted hearings for district conversion charter applicants wanting to open charter schools in 2014-2015. Representatives of the Warren School District appeared before the panel and requested to convert the middle school to a charter school to serve students in grades 6-8 with a maximum enrollment of 450. The panel unanimously approved the charter without the waiver to Section 10.02.2 of the Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and Districts. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Mahony moved, seconded by Ms. Newton, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school application for Warren Middle School, Warren, Arkansas. The motion carried unanimously.

Charter Authorizing Panel Action on District Conversion Public Charter School Application: The Academies of West Memphis, West Memphis, Arkansas

Charter Director Mary Perry reported on January 16, 2014, the Charter Authorizing Panel conducted hearings for district conversion charter applicants wanting to open charter schools in 2014-2015. Representatives of the West Memphis School District appeared before the panel and requested to convert the high school to a charter school to be called the Academies of West Memphis to serve students in grades 10-12 with a maximum enrollment of 1,300. The panel unanimously approved the charter and additional waivers of Ark. Code §6-16-102, Ark. Code Ann. §6-18-211, and Arkansas Department of Education Rules Governing Mandatory Attendance Requirements for Students in Grades Nine Through Twelve, in addition to the waivers requested. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Mahony requested a report from the school. Ms. Susan Waggener, representing The Academies of West Memphis, shared the steps for connecting with the community and collaborating with the area college.

Dr. Barth moved, seconded by Ms. Zook, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school application for The Academies of West Memphis, West Memphis, Arkansas. The motion carried unanimously.

The Board considered A-6 and A-7 together.

A-6 Charter Authorizing Panel Action on Requested District Conversion Charter School Amendments: Cross County Elementary Technology Academy

The State Board of Education approved the application for Cross County Elementary Technology Academy on January 9, 2012. The charter is approved to serve students in grades K-6 with a maximum enrollment of 500. Representatives of Cross County Elementary appeared before the Charter Authorizing Panel on January 15, 2014, to request amendments to the current charter. The panel unanimously approved the amendments. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

A-7 Charter Authorizing Panel Action on Requested District Conversion Charter School Amendments: Cross County High School, A New Tech School

The State Board of Education approved the application for Cross County High School, A New Tech School on January 14, 2011. The charter is approved to serve students in grades 7-12 with a maximum enrollment of 500. Representatives of Cross County High School appeared before the Charter Authorizing Panel on January 15, 2014, to request amendments to the current charter. The panel unanimously approved the amendments. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Reith moved, seconded by Ms. Mahony, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school amendments for (A-6) Cross County Elementary Technology Academy and (A-7) Cross County High School, A New Tech School. The motion carried unanimously.

Charter Authorizing Panel Action on Requested District Conversion Charter School Amendments: Eastside New Vision Charter School (Warren)

The State Board of Education approved the application for Eastside New Vision Charter School on January 9, 2012. The charter is approved to serve students in grades K-3 with a maximum enrollment of 600. Representatives of Eastside New Vision Charter School appeared before the Charter Authorizing Panel on January 15, 2014, to request an amendment to the current charter. The panel unanimously approved the amendment. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the

Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Dr. Barth moved, seconded by Ms. Newton, to uphold the decision of the Charter Authorizing Panel to approve the district conversion public charter school amendments for Eastside New Vision Charter School (Warren). The motion carried unanimously.

Charter Authorizing Panel Action on Requested Open-Enrollment Public Charter School Amendments: KIPP Delta Public Schools

The State Board of Education approved the application for KIPP Delta Public Schools on March 11, 2002. The charter is approved to serve students in grades K-12 with a current maximum enrollment of 1,550, which will increase to 1,910 in the 2014-2015 school year. Representatives of KIPP Delta Public Schools appeared before the Charter Authorizing Panel on January 15, 2014, and requested three waivers and a change to the school day start time. The panel unanimously approved the requested amendments. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Newton moved, seconded by Mr. Black, to uphold the decision of the Charter Authorizing Panel to approve the Open-Enrollment Public Charter School Amendments for KIPP Delta Public Schools. The motion carried unanimously.

Charter Authorizing Panel Action on Requested Open-Enrollment Public Charter School Amendments: LISA Academy and LISA Academy-North Little Rock

The State Board of Education approved the application for LISA Academy on January 12, 2004. The charter was first renewed on April 9, 2007, for a five-year period, and renewed again for a five-year period on April 10, 2012. LISA Academy is currently approved to serve a maximum enrollment of 800 students in grades 6-12. LISA-North Little Rock, operated by the same sponsoring entity and board as LISA Academy-North Little Rock, was approved by the State Board of Education on November 5, 2007, and was renewed for a five-year period on March 14, 2013. LISA Academy-North Little Rock is currently approved to serve a maximum enrollment of 700 students in grades K-12. Representatives of LISA Academy and LISA Academy-North Little Rock appeared before the Charter Authorizing Panel on January 15, 2014, and requested approval to merge LISA Academy-North Little Rock with LISA Academy and approval of additional waivers, to be effective July 1, 2014. The panel unanimously approved the merger and approved the waiver requests, with modifications. No request for the State Board of Education to review the decision made by the panel was submitted. The State Board may exercise a right of review of a determination made by the Charter Authorizing Panel and conduct a hearing on the

Charter Authorizing Panel determination at the State Board's February 2014 meeting.

Ms. Newton moved, seconded by Ms. Reith, to uphold the decision of the Charter Authorizing Panel to approve the Open-Enrollment Public Charter School Amendments for LISA Academy and LISA Academy-North Little Rock. The motion carried unanimously.

Consideration for Approval for Public Comment: Proposed Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

Acts 228 and 1073 of 2013 (codified in Ark. Code Ann. §6-11-129 and §6-17-201) added requirements related to school districts' posting of information on their websites, as well as records retention requirements. Act 1073 also requires the Arkansas Department of Education to notify any school district that fails to post its personnel policies and salary schedules, or that fails to notify the Department of the website address where that information is posted. These proposed rules incorporate those revisions into the Department's existing rules.

Dr. Barth moved, seconded by Ms. Newton, to approve for Public Comment: Proposed Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The motion carried unanimously.

The Board considered A-13, A-14, A-15, A-16, and A-17 together.

A-13 Consideration for Public Comment: ADE Rules Governing Schools of Innovation

Act 601 of 2013 created an additional subchapter in Ark. Code Ann. Title 6, Chapter 15, to add §6-15-2801, et seq., An Act to Improve Education in Arkansas by Creating Districts of Innovation. The promulgation of these rules are based on legislative action. This is the first time this rule has been presented to the Board. Accordingly, Department staff requested the State Board approve the proposed rules for a public comment period.

A-14 Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing the School Worker Defense Program and the School Worker Defense Advisory Board

Act 1073 of 2013 made non-substantive revisions to the laws pertaining to the School Worker Defense Program. The proposed rules include revisions made necessary by Act 1073 of 2013. Department staff requested the State Board of Education approve the proposed revisions for public comment.

A-15 Consideration for Public Comment: Revisions to Arkansas Department of Education Rules Governing Instructional Materials

The Department recommends changes to these rules to implement changes made by Act 511 of 2013. The Department staff requested the State Board release these rules for public comment.

A-16 Consideration for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Digital Learning Act of 2013

Act 1280 of 2013 established the Digital Learning Act of 2013. Act 1280 of 2013 provides for the expansion of digital learning opportunities to Arkansas public school students. The State Board of Education approved an earlier version of these rules on an emergency basis on September 9, 2013. Because Act 1280 of 2013 requires the Arkansas Department of Education to continue the administration of a digital learning pilot program for the 2013-2014 school year, Department staff requested the State Board of Education grant emergency adoption to the proposed rules.

A-17 Consideration for Second Public Comment Period: Arkansas Department of Education Rules Governing the Digital Learning Act of 2013

Act 1280 of 2013 established the Digital Learning Act of 2013. Act 1280 of 2013 provides for the expansion of digital learning opportunities to Arkansas public school students. The State Board of Education approved an earlier version of these rules for public comment during its September 2013 meeting. Department staff substantially modified the proposed rules based upon comments received from the public. Therefore, Department staff requested the State Board of Education approve the proposed rules for a second public comment period.

Ms. Saviers moved, seconded by Ms. Newton, to approve (A-13) for Public Comment: ADE Rules Governing Schools of Innovation, (A-14) for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing the School Worker Defense Program and the School Worker Defense Advisory Board, (A-15) for Public Comment: Revisions to Arkansas Department of Education Rules Governing Instructional Materials, (A-16) for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Digital Learning Act of 2013, and (A-17) for Second Public Comment Period: Arkansas Department of Education Rules Governing the Digital Learning Act of 2013. The motion carried unanimously.

Consideration for Emergency Adoption: Arkansas Department of Education Governing Schools of Innovation

Act 601 of 2013 created an additional subchapter in Ark. Code Ann. Title 6, Chapter 15, to add §6-15-2801, et seq. An Act to Improve Education in Arkansas by Creating Districts of Innovation. The promulgation of these rules is based on legislative action.

This is the first time this rule has been presented to the Board. Accordingly, the Department requested the State Board grant Emergency Adoption of the Rule.

Dr. Megan Witonski explained the Schools of Innovation application process.

Dr. Barth moved, seconded by Ms. Reith, to approve for Emergency Adoption: Arkansas Department of Education Governing Schools of Innovation. The motion carried unanimously.

A-18 Consideration for Public Comment: Proposed Rules Governing How to Meet the Needs of Children with Dyslexia

A-18 was pulled from the agenda.

Hearing on Request for Reconsideration of Probation – Kevin Baer

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Kevin Baer holds an Arkansas standard teaching license. On October 8, 2012, the State Board granted a waiver of a disqualifying offense under Ark. Code Ann. §6-17-410(c). Mr. Baer requested a hearing before the State Board to ask for reconsideration of the period of time for the probation of his license under the Board's previous order. Ms. Reinhart stated the Department recommends a reduction in probation.

Dr. Barth moved, seconded by Ms. Savers, to remove probationary status for Kevin Baer. Ms. Newton opposed. The motion carried.

A-20 Hearing on Waiver Request for Teaching License – Melvin T. Ewart

A-20 was pulled from the agenda.

Adjournment

The meeting adjourned at 1:52 p.m.

Minutes recorded by Kimberly Friedman and Deborah Coffman.


Brenda Gullett, Chair

Dr. Tom W. Kimbrell, Commissioner