

Minutes
State Board of Education
Monday, April 12, 2010

The State Board of Education met on Monday, April 12, 2010, in the Auditorium of the State Education Building. Dr. Naccaman Williams, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, chairman; Jim Cooper, vice-chairman; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Dr. Ben Mays; Alice Mahony; Toyce Newton; and Vicki Saviers.

No Board members were absent.

Chair's Report

The Chair stated that he did not have a report for this meeting.

Ms. Newton reported her participation in a conference in Nashville that focused on emerging careers and preparing young men and women for entry into careers in the "green" industries.

Ms. Gullett reported on a recent legislative conference hosted by the National Association of State Boards of Education (NASBE), which met in Washington, DC. She noted visitation with local legislative staffs regarding the Common Core Standards and reauthorization of the Elementary and Secondary Education Act (aka, NCLB). Another topic of discussion at the NASBE conference was improving teacher quality.

Ms. Mahony also attended the NASBE conference and commented on sessions related to the Race to the Top proposals and a presentation by the JrROTC program from Fort Worth, TX. She commented on Arkansas' leadership in the high school ROTC program.

Commissioner's Report

Dr. Kimbrell announced that Deputy Director, Dr. Diana Julian, has submitted her notice of retirement, which will be effective as of April 30, 2010, and the Assistant Commissioner, Dr. Alice Rose, has submitted her notice of retirement effective April 16, 2010. Dr. Kimbrell noted that Dr. Laura Bednar, current superintendent at Stuttgart has been hired to head the Learning Services Division. Dr. Bednar will be on staff beginning April 19, 2010.

Dr. Kimbrell reminded the Board of the planned work session for May 20 and 21 to be held at the Crowne Plaza Hotel. He stated that the session topics will include roles and responsibilities of the Board as outlined in statute, testing, and mission and vision of the Board for future work.

Dr. Kimbrell noted that Benchmark Tests will be taken by all students during the Week of April 12-16.

Heather Gage was recognized to comment on the status of the revised Race to the Top application. Ms. Gage's comments included the following:

- The work to revise the earlier proposal is well underway,

- The amount of funding each state can expect to apply for has been reduced from the initial proposal amounts,
- Ann Marshall (Brown) has been employed to assist with technical writing for the proposal
- The challenge of preparing a quality proposal will be to reduce the components of the previous proposal while maintaining a quality emphasis on school improvement, assessing all aspects of the instructional program including growth, partnership with the Department of Higher Education to enhance the work of teacher quality, and support for low performing schools (19 in number) through the models advanced in the proposal.

Ms. Gullett and Ms. Mahony both commented on the teacher quality aspect of the proposal with reference to the NASBE conference. Ms. Mahony referred to the status of teacher effectiveness as observed in the state of Louisiana.

Reports and Recognitions

Dr. Kimbrell along with Dr. Debbie Davis and Diana Peer representing the Arkansas Leadership Academy presented recognition awards to the following principals who have met all qualification for completion of the Master Principal Program.

- Maribel Childers, Monitor Elementary School, Springdale School District
- Marguerite Hiller, College Hill Elementary School, Texarkana School District
- Peggy Walter, Fairview Elementary School, Fort Smith School District

Each commented on the quality of the professional development provided through the Master Principal's Program of the Leadership Academy and how participation in the program, although rigorous, was rewarding and provided a new dimension of their work in the schools.

Dr. Kimbrell recognized the work of Cedar Park Elementary School in the Trumann School District pursuant to its school-wide academic performance over the past two years. This school was also recognized for its academic performance at the National Title I Conference last January.

Dr. Kimbrell recognized the work of Lonoke Middle School in the Lonoke School District pursuant to its academic performance in reducing the academic achievement gap between its sub-groups in the school. This school was also recognized for its academic performance at the National Title I conference last January.

Dr. Dee Cox was recognized to provide an update of the work of the various offices and agencies pursuant to the issues of school health. Dr. Cox noted the partnership of the Department of Education, the Department of Health and other agencies to collaborate with the NASBE grant to move the school health agenda forward.

Dr. Kimbrell and other Department of Education staff reported on the status of work toward consolidation/annexation of the Twin Rivers School District. Dr. Kimbrell summarized various meetings, results from accreditation studies, fiscal audits, etc., in an effort to determine the financial and other obligations of this district. Dr. Kimbrell also presented a map indicating possible sections of the current Twin Rivers District that might be annexed to various districts that abut Twin Rivers.

Dr. Mays asked about the potential for wealth or debt distribution should a distribution of the areas be made. Dr. Kimbrell responded that current projections of the wealth of the district, balances, and revenue from any sale of real property would liquidate the debt. He noted that fortunately, the district has a very low amount of debt at this time, which implies that no district would have to assume debt from an annexation if assets can be liquidated.

Mr. Cooper asked about disbursing other assets. Dr. Kimbrell noted that all of the potential receiving districts met with Department staff and appear willing to accept students and are willing to work through the disbursement of assets. He suggested that this positive response is probably due to the fact that the debt of the district will be paid with current assets before any other disbursement of property is made.

Mr. Cooper also asked about costs for appraisal of property and assets. Dr. Kimbrell responded that all costs of these transactions will be the responsibility of the Twin Rivers School District and its assets.

Mr. Ledbetter asked about the millage rate for the patrons living in a sector that might be annexed especially if the local millage in the annexed area is different from that of a receiving district. Bill Goff responded that the current millage of the Twin Rivers District will be assessed until a new millage is voted by the new district. If no new millage is approved they will continue paying the adopted millage.

Dr. Charity Smith was recognized to provide an update on the Annual School Report Card. Dr. Smith stated that the report card is in the process of being printed and mailed to each parent of a child attending a public school or public charter school in the state, approximately 450,000. She stated that the printing and mailing are behind this year because of delays in processing the documents. She indicated that a job of this magnitude must be done out of state due to the fact that no printer seems capable of printing and posting this much data in a short window of time.

Ms. Burrow asked about sanctions that might be placed on a school or district that failed to adequately inform parents about the Report Card and how to interpret the data. Dr. Smith responded that districts are required to provide that type of training and those that fail to do so may be cited for an accreditation deficiency.

Ms. Mahony inquired about the presentation of data always as a percentage rather than raw numbers. She observed that using percentages does not always tell the magnitude of disparity in school size. Dr. Smith responded that the legislation requires reporting the data as a percentage; however, it could be done with additional data files and additional pages in the final school report.

Dr. Williams suggested that the question of presentation of data be added to the agenda for discussion at the Board retreat in May.

Consent Agenda

Concerning Item C-4, Dr. Williams asked Bill Goff to affirm that all schools included in the report were making satisfactory progress. Mr. Goff responded positively.

Dr. Williams asked for clarification regarding waiver days – Items C-12 through C-18. Dr. Kimbrell summarized the conditions under which school districts were recommended for waiver days.

Ms. Mahony moved to adopt the Consent Agenda. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes March 8 ,2010
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Progress Report on the Status of Districts Classified in Fiscal Distress
- Consideration of Recommendation of the Professional Licensure Standards Board for Training and Review of District Reporting Procedures for Case #09-083A – Angela Coats
- Consideration of Recommendation of the Professional Licensure Standards Board for Training and Review of District Reporting Procedures for Case #09-083B – Tammy Tyler
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Two (2) Years and a Fine of \$75, as well as Alcohol Rehab Counseling with Periodic Reports to the Arkansas Department of Education on Case # 10-032 – John Eichman
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and Training with Monitored Progress in Autism Sensitivity and a Fine of \$50 for Case #09-054 – Harry Branch
- Request for Approval of Stipulated Agreement – Sean Frederick Steiger
- Request for Approval: Consent Order for Surrender and Permanent Revocation of Teaching License of Corey Smith
- Review of Loan and Bond Applications
- Consideration for Awarding Waiver Days – Cave City School District
- Consideration for Awarding Waiver Days – Deer/Mt. Judea School District
- Consideration for Awarding Waiver Days – Highland School District
- Consideration for Awarding Waiver Days – Mt. View School District
- Consideration for Awarding Waiver Days – Salem School District
- Consideration for Awarding Waiver Days – Twin Rivers School District
- Consideration for Awarding Waiver Days – Viola School District
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark, Code Ann. §6-17-309

Action Agenda

Consideration of Involuntary Administrative Consolidation of the Turrell School District into One (1) or More School Districts

Jeremy Lassiter was recognized to present this item. Mr. Lassiter noted that this action is an administrative consolidation issue because it is involuntary on the part of Turrell and whichever district(s) is selected to receive the Turrell School District. Dr. Kimbrell noted the financial data and obligations of the Turrell District and invited questions.

Dr. Williams recognized Alfred Hogan, superintendent of the Turrell School District. Mr. Hogan stated to the Board that he, representing the Turrell District, did not have comments and noted that at this point the district is subject to the decision of the Board. Mr. Hogan did express a point of preference for

placing the district with another district in Crittenden County. He noted this preference based on local proximity and most of the parents of the students work toward Memphis and West Memphis.

Don Johnston, superintendent of the Marion School District, was recognized. Mr. Johnston summarized a written letter submitted to the Board that was previously distributed and also contained in the Board materials. He requested that for administrative purposes, this was not a good time for the Marion District to receive another high-needs district. He reminded the Board that the former Crawfordsville School District was consolidated with Marion just a few years ago. He also noted the rapid growth of the Marion District and he questioned the capacity of the facilities to absorb the student population from Turrell.

No other statements were made from representatives of surrounding districts.

Mr. Jackson a parent of a Turrell student spoke in favor of consolidation with the Marion School District.

Ms. Burrow observed that if the Turrell District were consolidated with the Marion District, it would increase the Marion student population by about 6%. She asked if Marion had facilities adequate to support this increase in population. Mr. Johnston stated that the high school facility could absorb that many new students immediately. However, there is currently not adequate space at the elementary level.

Dr. Mays asked about maintaining an elementary facility at the Turrell site. Mr. Johnston responded that he did not think it was economically feasible to retain any school site at the Turrell campus.

Ms. Gullett noted that in the correspondence Marion would request a three-year waiver from school improvement ratings under a consolidation order. She asked if that were possible. Dr. Kimbrell responded that the NCLB Accountability Workbook provides for a one-year waiver, but not three. He noted that any extension of that would have to have approval of the U.S. Department of Education.

Mr. Cooper asked Mr. Hogan to project where the current students at Turrell might opt to attend given a choice option and given a consolidation with the Marion District. Mr. Hogan stated that he thought most students would go to Marion or to wherever there was transportation. He stated that provided transportation is essential for most families in the Turrell District.

Ms. Mahony asked Mr. Hogan about communications between him and other superintendents in the area. Mr. Hogan responded that he did meet with each. Ms. Mahony also asked about the current terms of his contract. He responded that he has two years remaining.

Dr. Kimbrell commented that Turrell has personal links in that he attended school there through the third grade. He noted that the staff has looked at a variety of options and it is a unanimous recommendation from the Department of Education that the Turrell School District be consolidated with the Marion School District.

Ms. Gullett moved to consolidate the Turrell School District with Marion School District effective as of July 1, 2010. Ms. Newton seconded the motion. The motion was adopted unanimously on a roll-call vote.

Arkansas Better Chance 2009-2010 Funding Recommendations

Jamie Morrison was recognized to present this item. Ms. Morrison stated that the recommendations are based on eligible projects and the proposals were reviewed by ABC staff and meet the funding guidelines.

Mr. Cooper moved approval of the proposed funding recommendations. Ms. Mahony seconded the motion. The motion was adopted unanimously.

The amount approved with this action is \$126,984.00.

Review of Open-Enrollment Public Charter School: School of Excellence, Humphrey, AR

Mary Ann Duncan was recognized to present this item. Dr. Duncan reviewed the status of this charter school and indicated that the interim director, Vicki Wilson would provide a statement. Ms. Wilson acknowledged that there were financial issues and accreditation issues at the school, but affirmed that the staff and members of the community were committed to work through them. She stated that they need time. She also stated that in her opinion, the Department of Education had not been helpful in providing technical assistance to the school while she has been attempting to work through the transition. Ms. Wilson stated that the local charter foundation has employed the services of Dr. Buster Lackey, an experienced charter school administrator, to lead the school for next year.

Bill Goff was recognized to provide results of the financial investigations. Mr. Goff noted that it appears that the school has a negative balance of approximately \$100,000 and that a more complete financial audit by the Division of Legislative Audit is underway. Mr. Goff did state that Ms. Wilson has offered budget projections for the next fiscal year that show a small positive balance, but it is too early to affirm that these goals can be achieved.

Dr. Charity Smith was recognized to provide a report detailing the accreditation status and condition of the school at this time. Dr. Smith pointed out numerous violations of accreditation standards including the lack of adequate curriculum, lack of documentation for professional development of staff, and multiple course meeting in one classroom at the same hour of the class day. At the close of Dr. Smith's report she recommended that from the accreditation issues, the charter should be withdrawn and the school closed at the end of the current school year.

Dr. Kimbrell advised the board that any debt from the operation of the school is the financial responsibility of the founding organization, not the state. He noted that it is not a simple process to close a school, but he recommended that this charter be revoked and school closed as soon as possible. He stated that the students who attend there must be the main focus and that the Department will facilitate the disposition of those students into local districts in the area. Dr. Kimbrell advised that State law requires a detailed process and at least a 30 day timeline to disburse the students currently attending at the Humphrey site. Dr. Kimbrell stated that Mr. Lassiter was prepared to outline the school closing process.

Mr. Cooper asked if closing this charter frees up the slot for an additional charter. Mr. Lassiter responded yes.

Ms. Mahony asked who the sponsoring entity was. Dr. Duncan responded that it was the Friends of Humphrey, of which Ms. Wilson is a member.

Mr. Ledbetter asked about student enrollment at the high school level. Ms. Wilson stated that there were ten students in Grade 10 and noted that two were not on track with the number of units usually earned toward graduation. She stated that one of those students only enrolled two months ago and they did not have full transcripts for that student.

Ms. Saviers made the following motion:

1. That due to its failure to satisfy generally accepted accrediting standards of fiscal management, the open-enrollment charter of the School of Excellence in Humphrey, Arkansas, shall be revoked;
2. That the school must close and discontinue operations as soon as possible but not later than the end of the 2009-2010 school year;
3. That the charter is officially notified that in addition to debt the charter has already accumulated, additional debt accumulated by the charter from now until the charter discontinues operations shall be borne solely by the charter and shall not constitute indebtedness of the State of Arkansas or any of its subdivisions; and,
4. That, during the charter dissolution and winding down process, the charter must work with the Charter School Office of the Arkansas Department of Education to facilitate the inventorying and disposition of property in a manner prescribed by law.

Ms. Newton seconded the motion. Mr. Cooper asked about the timeline for closing and when would the Department be available. Dr. Kimbrell stated that if the school closed tomorrow, the Department will have a team there to assist with disposition of the students. The motion was adopted unanimously on a roll-call vote.

Consideration for Final Approval: Proposed Application for Open Enrollment, District Conversion and Limited Charter

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan stated that this draft reflects comments as a result of public hearings conducted since the approval of the initial draft.

Ms. Gullett stated that she hopes that any new proposals will not come before the Board until all aspects of the application process have been properly reviewed and deemed as meeting approval criteria.

Dr. Mays suggested adding professional experience and background of Board members of the local organization holding the 501(c)3 status for the charter.

Mr. Cooper moved adoption of the revised applications (all three) as amended. Dr. Mays seconded the motion. The motion was adopted unanimously.

Classification of District in Fiscal Distress – McGehee School District

Bill Goff was recognized to present this item. Mr. Goff stated that annual review of financial status of school districts indicates that the McGehee School District has experienced a declining balance for the past three years, which is a condition that prompts concern for fiscal distress. He affirmed that the

district was notified of the pending classification of fiscal distress and that no appeal notice was received.

Mr. Cooper moved classification of the McGehee School District in fiscal distress. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consider Recommendation for New Praxis II Cut Scores in German, French, Spanish, World Foreign Languages Pedagogy and Business Education to be Effective September 1, 2010

Beverly Williams was recognized to present this item. Ms. Williams stated that each of the scores under consideration were reviewed and adopted by Department advisory groups. She also reported that these changes reduce the overall number of exams required for teachers of World Languages in that now there is just one pedagogy exam for world languages rather than one for each different language.

Ms. Saviers moved adoption of recommendations as presented. Dr. Mays seconded the motion. The motion was adopted unanimously.

Consideration of Waiver of National Board for Professional Teaching Standards Repayment for State Funds – Tamora (Goodman) McDowell

Beverly Williams was recognized to present this item. Ms. Williams reported that Ms. McDowell was funded to pursue National Board Certification and illness precluded her completion of the license. She noted that Rules provide conditions under which the Board may waive repayment of funds and this is one for which the Board can waive repayment.

Ms. Mahony inquired if Ms. McDowell is still teaching in public schools. Ms. Williams responded that she is not sure. She also commented that should she ever wish to renew her intent to seek National Board Licensure that she would no longer qualify for state funding.

DR. Mays moved approval of waiver. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing Initial and Standard/Professional Administrator and Administrator – Arkansas Correctional School License

Beverly Williams was recognized to present this item. Ms. Williams reminded the Board that this proposed rule contains revisions consistent with concerns previously expressed by the Department of Corrections regarding provisions for licensure while employed by that agency.

Ms. Gullett asked about the issue of concern expressed regarding speech language pathologists. Ms. Williams assured the Board that the Department has recommended, to the extent possible, modifications in keeping with the concerns of this special group.

Ms. Gullett moved final approval. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher License

Beverly Williams was recognized to present this item. Ms. Williams noted that the Professional Licensure Standards Board has reviewed and recommends approval of these Rules.

Mr. Ledbetter moved final approval. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Procedural Requirements Program Standards; and Special Education Eligibility and Program Guidelines for Children with Disabilities Ages 3-21

Marcia Harding was recognized to present this item. Ms. Harding stated that the proposed revisions essentially are proposed in response to changes in federal legislation regarding students with disabilities.

Mr. Ledbetter commented that the lists as presented appear to be lifted out of context and are difficult to understand and are hard to follow. Ms. Harding acknowledged that only sections of the total rule requiring revision are presented. Mr. Ledbetter stated that it would be easier to follow if there were reference points as to where these provisions link to the larger document or to legislation.

Ms. Burrow moved approval for public comment. Ms. Gullet seconded the motion. The motion was adopted unanimously.

Consideration for Approval: Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that emergency rules were adopted by the Board in December and since that time the review and approval process has begun; however, the public comment process cannot be complete prior to the expiration of the 120 day timeline under emergency status. Mr. Lassiter requested renewal of the emergency status to span the time between now and when the formal process for the rule is complete.

Mr. Lassiter noted proposed revisions that are under consideration in the rulemaking process to clearly distinguish between requirements for “high stakes” end of course and “regular” end of course tests.

Ms. Gullett moved adoption of the emergency status. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Request for Approval: Emergency Rules Governing Appeals Involving Student Residence Disputes Between School districts

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that emergency rules were adopted by the Board in December and since that time the review and approval process has begun; however, the public comment process cannot be complete prior to the expiration of the 120 day timeline under emergency status. Mr. Lassiter requested renewal of the emergency status to span the time between now and when the formal process for the rule is complete.

Mr. Ledbetter moved adoption of the emergency status. Ms. Newton seconded the motion. The Motion was adopted unanimously.

The Chair declared the meeting adjourned at 2:45 p.m.

These Minutes were recorded and reported by Dr. Charles D. Watson.