

Minutes
State Board of Education
Monday, August 10, 2009

The State Board of Education met on Monday, August 10, 2009, 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; Alice Mahony; and Dr. Ben Mays. No Board members were absent. (Note: there are two vacant positions on the Board.)

Chair's Report

Dr. Williams reported attending a Coordinated Health Conference.

Dr. Williams recognized Dr. Joe Thompson, Arkansas Surgeon General, to comment on a proposed grant activity that would involve Dr. Thompson's Office, the Board and the Department of Education in an effort to maintain communication and build partnerships among the agencies related to student health issues. Dr. Thompson noted that the proposed grant, which would provide \$15,000 for enhancing coordinated health, needs further development and conversation. He suggested that a final decision on receiving the funds be tabled until staff members can work with NASBE to clarify expectations of the proposal. Brenda Welburn, Executive Director of NASBE, was in attendance and was asked to comment on the grant and the opportunity to delay consideration on the proposal. Ms. Welburn observed that NASBE supports the collaboration, but stated that with transition of Commissioner and Board Chair, more time to deliberate the opportunities of the grant is not a problem.

Dr. Williams recommended that further discussion of this matter be tabled until the September meeting and that the involved parties should convene and come forward with a recommendation.

Ms. Gullett noted the recent recognition of fellow Board member Alice Mahony for public service and work in the El Dorado Education Community.

Interim Commissioner's Report

Dr. Julian reported on a recent meeting hosted by the Council of Chief State School Officers. She highlighted the following issues discussed at that meeting:

- Race to the Top: Dr. Julian reported that Arkansas was one of 15 states designated to receive technical assistance and support for receiving additional funding in support of education in Arkansas. She stated that any funding received would come through the Governor's Office and that the technical assistance would be provided to help the state in prioritizing project and activities for use of the additional funds.
- Common Core Standards: Dr. Julian affirmed that Arkansas was one of the states that committed to move forward with the development of voluntary national standards in mathematics and literacy. She stated that drafts of these standards, which were released very recently, and that the Department will have an opportunity to comment on the proposed standards. She noted that the timeline for review and final adoption is very short and that the developers intend to move into the next phase of this work early next year.
- Reauthorization of Elementary and Secondary Education (ESEA) Act: Dr. Julian noted that the Obama Administration most often refers to the federal support to education by its original title, ESEA, as opposed to No Child Left Behind. She stated that there is a need to make revisions in the overall accountability related to students with disabilities and students for which English is not their primary language. She thinks that reauthorization may not be a high priority for the administration and lawmakers in the immediate future.

Ms. Gullett questioned the wisdom in relaxing some of the accountability for students with disabilities and their participation in the total assessment system.

Report: Update on Gains Model Implementation

Dr. Charity Smith reported that \$5,172,400 was authorized for distribution to Arkansas schools and districts based on Benchmark Exam performance from Grades 3-8. She also reported that there is a need to develop policy that will allow schools having only Grades K-2 to qualify to earn growth performance awards.

Consent Agenda

Dr. Williams announced that Consent Agenda Items C-4 and C-5 were being moved to the Action Agenda for further discussion.

Dr. Mays moved to approve the revised Consent Agenda. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes – July 13, 2009
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

- 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 Recommendation of the Professional Teacher Standards Board for One Year Probation, \$75 fine. Case T09-009 – Danae Stevens
- Consideration of Recommendation of the Professional Licensure Standards Board for One Year Probation, \$75 fine and to Refrain from Social Networking and Texting of Students, Case 09-049 – Gina Buth
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning and Follow-up Training Procedures on Case T09-019 – Viola Philmon
- Consideration of Recommendation of the Professional Licensure Standards Board for Three-Year Probation, \$75 fine Case T09-021 – Jean Simmons
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-024 – T. Ann Webb
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-026B – Heidi Brewington
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-027 – Michele Calcagni
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-030 – Renee Holt
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-033 – Chad Hovis
- Consideration of Recommendation of the Professional Licensure Standards Board for a Letter of Warning on Case T09-039 – Richard Emmel

Action Agenda

Progress Report on the Status of Districts Classified in Fiscal Distress for 2008-2009

Bill Goff was recognized to provide additional information regarding schools classified on fiscal distress. Ms. Gullett observed that seven of the schools are small schools (under 500 enrollment) and at least nine on the list continued to show a decline in enrollment. She also noted that in a number of these schools one of the cost saving strategies was to cut benefits or support for employees – especially teachers. She questioned the ultimate result when teachers are expected to assume much of the financial responsibility for small schools. Mr. Goff stated that he has observed improvement in the fiscal condition of all of these districts, but he would be able to provide a clearer picture if the report could be made following the final fiscal report, which is due at the end of September. Mr. Goff requested that the August reporting date for future years be moved to October. Ms. Gullett stated that hiring or retaining highly qualified personnel is critical to the ultimate academic success of any school, especially these schools and she opined that cutting salary and benefits is not good management if key individuals are to be retained. Dr. Williams asked if any of the schools

had in their plan to restore any of the reduced benefits. Mr. Goff responded that he was not prepared to answer that question at this time.

Ms. Burrow asked if the proposed four-day school week would really be a cost saving strategy. Mr. Goff responded that it could save in some areas such as transportation, classified employees such as cafeteria workers, maintenance employees, etc.; however, he is not sure if the savings will be as large as projected. Dr. Julian stated that current research on schools opting for a four-day week is mixed at best.

Ms. Mahony suggested that Mr. Goff provide final budget data at the October Board meeting.

Ms. Burrow moved adoption of the report. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Review of Loan and Bond Applications

Dr. Mays asked about the requirement that local districts vote on proposed bonds. Bill Goff responded that patrons will have an opportunity to vote in the September school elections. Dr. Mays also asked about the definition of a “multi-purpose” facility. Mr. Goff responded that it was any building that housed more than one instructional program. Dr. Mays asked if that were just another way to secure an athletic facility.

Ms. Mahony asked about the requests from two districts currently classified in fiscal distress – Murfreesboro for example is asking for a revolving loan. Another district is seeking to refinance bonds. Mr. Goff suggested that refinancing is a way for districts to reduce loan payments and that 2nd lien bonds can be issued without another vote of the people, but the term of the bonds cannot exceed the original loan term.

Dr. Mays moved approval of the loans and bonds applications as submitted. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Appeal to the State Board of Education of Accreditation Status of Hall High School and J.A. Fair High School from the Little Rock School District – 2008-2009

Frank Wimer was recognized to present this item. Mr. Wimer discussed the condition in each of these schools that led to the probationary status recommendation – essentially that the schools did not teach the full required 38 units during the previous school year – physics was not taught. Dennis Glasgow represented the Little Rock School District and explained that the school was in a transition year in which the district was moving the course of physics from a Grade 9 offering to a Grade 11 or 12 offering and during this year no student was enrolled in the school that took the Grade 9 course and wished to enroll in another physics course.

Tripp Walter stated that the Standards Unit is upholding the requirement as set forth in statute and that this case is not different from previously heard cases in which high schools failed to teach a course because no students were enrolled. Mr. Walter advised the Board that a curriculum violation is not one in which the Board can provide a waiver according to the statute. Mr. Cooper asked if the Board cannot grant a waiver, then why is this before the Board? Mr. Walter stated that even though the Board is not authorized to grant a waiver, local districts have legal authority to request a hearing over the accreditation status recommended for the school(s). He affirmed that the Department cannot keep a request for an appeal from coming to the Board.

Ms. Mahony asked for how long is the probationary status in effect. Annette Barnes responded for one academic year assuming that the course (physics) is taught during the coming year.

Dr. Mays moved to deny the appeal. Ms. Mahony seconded the motion. The motion was adopted on a 4 yes, 2 no vote (Cooper and Gullett voted no).

Request Approval for Accreditation Status for Arkansas Public Schools and School Districts 2008-2009

Frank Wimer was recognized to present this item. Mr. Wimer summarized the documentation provided in the Board material which listed the accreditation status by category for all schools and districts.

Total Schools Fully Accredited	725
Total Schools Accredited – Cite	278
Total Schools Accredited – Probation	77
Total Districts Accredited – Cite	18

Mr. Cooper moved to accept the recommendation for accreditation status. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing the Calculation Methods for Declining Enrollment and Student Growth Funding for Public School Districts

Without comment, Ms. Burrow moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Rules Governing the Calculation of Arkansas Smart Core Incentive Funding

Without comment, Ms. Gullett moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Request for Open-Enrollment Public Charter School Modification Jacksonville Lighthouse Charter School

Dr. Larry Russell was recognized to present this item. Dr. Russell stated that weather delays pushed back the completion date for the facility for this charter school. He stated that an alternate site has been recommended for housing the school until the construction is complete, which is projected to be approximately two months. Dr. Russell stated that the State facilities unit has visited the alternate site and finds that it meets required specifications.

Dr. Mays moved approval of temporary alternate facility for Jacksonville Lighthouse Charter School. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Reconsideration of Decision on School Choice Petition Denied by Lakeside (Garland County) School District

Tripp Walter was recognized to present this item. Mr. Walter reviewed the sequence of events regarding the requested transfer of a student from the Hot Springs School District to Lakeside. Mr. Walter noted that for the 2008-2009 the student's family resided in the Lakeside District and over the summer the family relocated to a residence that was in the Hot Springs District. The family's request under choice options was denied by the Lakeside District. Mr. Ledbetter asked if the Lakeside District properly applied the statute in declining the transfer. Mr. Walter affirmed. Mr. Ledbetter asked why this Board should overturn a decision that was made consistent with the statute. Mr. Walter gave no further reason to do so.

Mr. Cooper asked if additional evidence could be applied such as identifying the student as Native American rather than white. Mr. Walter noted that July 1 was the final date for districts to consider choice options.

Ms. Mahony moved to deny the appeal and uphold the Lakeside District decision. Dr. Mays seconded the motion. The motion was adopted 6 yes, 1 no (Mr. Cooper voted no).

Hearing on Revocation of Teacher's License – Steven Craig Vaughn

Drew Blankenship was recognized to present this item. Mr. Blankenship summarized the information provided. The Chair affirmed that Vaughn was neither present nor represented.

Ms. Mahony moved to permanently revoke the licensure of Steven Vaughn. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Being that there was no further business; the Chair declared the meeting adjourned.

The meeting adjourned at 11:45 a.m.

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