

STATE BOARD OF EDUCATION
Monday, August 11, 1997
Fairfield Bay Conference Center

MINUTES

The State Board of Education met Monday, August 11, 1997, in the Desoto Room in the Fairfield Bay Conference Center at Fairfield Bay, Arkansas. The meeting began at 8:00 a.m.

Members present: Bill Fisher, Chairman, Luke Goody, Vice-Chairman, Edwin Alderson, JoNell Caldwell, James McLarty, Betty Pickett, Richard Smith, Lewis Thompson, Jr., Sherry Walker, Anita Yates, and Gene Wilhoit, Ex Officio Secretary.

Members absent: Carl Baggett and Martha Dixon.

Chairman Fisher called the meeting to order and welcomed those present.

“Never doubt a small group of thoughtful committed people can change the world, indeed it is the only thing that ever has.” Mr. Fisher indicated this had been the Board’s focus during its annual retreat. The retreat was held Saturday and Sunday, August 9-10, 1997, at the Fairfield Bay Conference Center. Mr. Tom Davis, president of the National Association of State Boards of Education and past president of the Missouri State Board of Education, served as facilitator for the retreat.

Discussion during the retreat focused on the role and responsibilities of the Arkansas State Board of Education.

The Board adopted the following Mission statement and Goals:

MISSION STATEMENT

Because education is essential to society and requires continuous improvement, the mission of the Arkansas State Board of Education is focused on providing students the opportunity to learn, creating the expectation that they will achieve a high level and assuring that they will have well-prepared teachers and staff.

GOALS

1. Implement the Arkansas Department of Education reorganization to align with the UALR study and with the Arkansas Board of Education’s mission, goals and role. Implement the Board’s organization as outlined at the retreat.

2. Teacher licensure and professional development:
Engage higher education in common expectations and cause broad understanding of the changes among teachers and other constituencies.
3. Develop avenues of dialogue with the Legislature, Governor, and the public. Formulate and advocate for a legislative agenda, which will cover issues of finance, governance and student achievement.
4. Reevaluate current standards and clarify the language to ensure there is a broad understanding of “standards”, “frameworks” and “assessments” and ensure alignment of all three initiatives.
5. Define and communicate the long-range vision of the Board and reaffirm the programs to which it is committed. Utilize a formal, effective program of engagement with all important constituencies.

Mr. Fisher announced that in keeping with the recommendations from the retreat on the Board’s organization that the Board would initiate a committee structure. Mr. Fisher appointed three committees:

1. Finance/ Communication/ Department Structure: Carl Baggett, JoNell Caldwell, Luke Gordy, and Betty Pickett. Mr. Baggett will serve as chairman of the committee.
2. Accountability/ Assessment/Licensure Committee: Jim McLarty, Martha Dixon, Bill Fisher and Richard Smith. Mr. McLarty will serve as chairman of the committee.
3. Curriculum/ Instruction/Technology: Sherry Walker, Edwin Alderson, Lewis Thompson and Anita Yates. Ms. Walker will serve as chairman of the committee.

Mr. Fisher also announced changes in the format of the Board meetings. Beginning in September, the official meeting will begin at 3:00 p.m. on Sunday afternoon, and will consist of consent agenda items, general policy discussions and committee meetings. The Monday meeting will begin at 8:00 a.m., and will consist of ceremonial activities, the Director’s Report, Committee Reports, and the regular Agenda Items. Scheduled meetings will be open to the press and the public.

**REMOVAL OF CONSENT AGENDA ITEM/APPROVAL OF
CONSENT AGENDA ITEMS**

Mr. Fisher requested that Item C5, Final Approval of Rules and Regulations Governing Home Schools, be removed from the Consent Agenda and placed on the Action Agenda as Item A14. With that change, the motion to approve the Consent Agenda was made by Mr. Smith and seconded by Mr. Alderson. It carried unanimously.

Mr. Fisher called on Board Members to make reports on meetings they had attended during the last 30 days.

1. Anita Yates reported on the Partners in Education at the Leadership Academy.
2. Mr. Luke Goody reported on the statewide Math and Science Conference.
3. Mrs. Caldwell, spoke about the New Board Member Institute and a national conference aligning higher education and elementary and secondary education.
4. Ms. Sherry Walker reported on the Education Commission of the States National Forum.
5. Ms. Betty Pickett reported on a trip to Greenbrier, AR, to learn about the Greenbrier East Transformation of Industrial Age Classroom into Information Era Learning Center.

Mr. Fisher asked that Ms. Pickett work with Mr. James Boardman, assistant director for Information and Technology at the Department, regarding the program and the possible funding. Ms. Pickett is scheduled to give a report to the Board in September. Mr. McLarty asked that the Department compile a list of schools that are considering participating in the program or are currently participating in the program.

Mr. Fisher expressed his appreciation, on behalf of the Board, to Mrs. Walker and Mrs. Pickett for making all arrangements for the retreat at the Fairfield Conference Center.

ACTION AGENDA ITEMS DIRECTOR'S REPORT

Director Wilhoit reported on two items:

1. Frank Anthony, Assistant Director of Technical Assistance and Accountability at the Department, was in West Memphis, where work had begun with the academic distress schools. Information related to academic distress was distributed to Board members on Sunday.

Mr. Wilhoit reminded the Board that two school districts that have been designated as being in Phase II of academic distress will need to be closely monitored during the upcoming school year. A Phase II condition means that districts have moved from local discretion to stronger state control. The Department is guiding those districts, and if the Board does not see improvement by the end of the 1997-98 school year, then the Board is in the position of designating those districts as being in Phase III. Mr. Wilhoit indicated that this is a point no one wants to get to. However, the Board may face the issue of whether it wants to move districts into Phase III, which means the Director will be, in a sense, managing those school districts with

tremendous authority.

Mr. Wilhoit reported that the Elaine School District has taken the designation as a Phase II district very seriously. He said that the district has removed their superintendent, as well as two principals. The Altheimer Unified School District will also have to be monitored closely. However, the issues facing the Altheimer district are less defined and questions exist about whether it will become a Phase III district.

2. Mr. Wilhoit recognized Dr. Bobbie Davis, Assistant Director for Internal Administration at the Department, and Ron Fair, a Personnel Consultant for the Department, for their development of the **Arkansas Department of Education Organizational Structure**. Mr. Wilhoit said this report is probably the only one of its kind in state government. Mr. Fair expressed his thanks and appreciation to Ms. Connie Alford, a Secretary II at the Department, for her efforts in helping to develop the report. .

Mr. Fisher expressed his appreciation to Ms. Alford for her assistance.

Mr. Alderson noted that this is Mr. Wilhoit's last Director's report, and asked the Board to go on record commending Mr. Wilhoit for the superb leadership he has shown the Board. The motion was made by Mr. Alderson and seconded by Mr. Smith. The motion carried unanimously.

INITIAL POLICY DISCUSSION ON THE DISSEMINATION OF INSTRUCTIONAL MATERIALS FOR AFRICAN-AMERICAN HISTORY AND TRAINING IN RACIAL AND ETHNIC AWARENESS

Dr. Gayle Potter, Associate Director for K-12 Curriculum and Instruction at the Department, reported on some of the major policy issues concerning Act 326 of 1997. Dr. Potter also presented initial recommendations regarding the formation of a task force, teacher training materials, and the availability of funding.

Mr. Wilhoit stated the appropriation is only \$200,000 per year. He stated that if the Board sets aside some of those funds for training, then the State will have less than 40 cents per student for materials. Mr. Wilhoit said that such a small amount will not be very useful to schools. He asked the Board to consider a competitive process operating under a set of guidelines to assure quality use by pilot programs. He noted the importance of materials, along with training in supported classrooms. Mr. Wilhoit suggested rather than distributing funds on an Average Daily Membership (ADM) basis, that other strategies be explored.

Mr. Fisher summarized that the rules and regulations for the distribution of the funds will be on a competitive basis rather than on an ADM basis. Mr. Gordy requested that a task force make suggestions on how the pilot program could operate.

The motion to precede with the development of rules and regulations for Act 326 of 1997 was

made by Ms. Pickett and seconded by Mr. McLarty. The motion carried unanimously.

POLICY DISCUSSION RELATED TO CERTIFICATION WAIVERS IN SECONDARY VOCATIONAL EDUCATION

Mr. Wilhoit provided background information to the Board regarding the granting of waivers for secondary vocational teachers certification. He recommended that the Department of Workforce Education develop an annual report on waiver activity related to secondary vocational education, and that the report be submitted to the Board for discussion and revision.

Following the discussion Mr. Fisher summarized the recommendation from Mr. Wilhoit. The recommendation was that individual waivers are to be administered by the Department of Workforce Education, and that the Department of Workforce Education will submit an annual written report to the Board. The written report will include the specific actions that have been taken in the process of granting waivers, the number of waivers requested, the number of waivers granted, the school districts that are requesting waivers, and recommendations to the Board about policy and licensure waiver changes. Additionally, if certain patterns occur, recommendation for changes in licensure requirements causing these problems, will be made.

February was designated as the month the annual written report be submitted from the Department of Workforce Education to the Board.

The motion to approve was made by Ms. Walker and seconded by Mr. Alderson. The motion carried unanimously.

APPROVE FOR PUBLIC COMMENT PROPOSED RULES AND REGULATIONS GOVERNING THE DISTRIBUTION OF FUNDING TO ISOLATED SCHOOL DISTRICTS

Mr. John Kunkel presented the proposed rules and regulations governing the distribution of funding to isolated school districts as required by Act 1307 of 1997 and Act 1318 of 1997. The motion to approve the rules and regulations for public comment was made by Mr. Smith and seconded by Ms. Yates. The motion carried unanimously.

APPROVED FOR PUBLIC COMMENT PROPOSED RULES AND REGULATIONS RELATED TO GENERAL FACILITIES FUND

Mr. John Kunkel presented the proposed rules and regulations governing the distribution of general facilities funding as required by Act 1407 Section 2 (13). The motion to approve for public comment and seconded by Ms. Walker. The motion carried unanimously.

**APPROVAL FOR PUBLIC COMMENT PROPOSED RULES AND REGULATIONS
RELATED TO GROWTH FACILITIES FUNDING**

Mr. Kunkel presented the proposed rules and regulations governing the distribution of growth facilities funding as required by Act 1307 Section 2 (14). Ms. Pickett made the motion to approve, Ms. Walker seconded, and the motion carried unanimously.

**APPROVAL FOR PUBLIC COMMENT PROPOSED RULES AND REGULATIONS
RELATED TO STUDENT GROWTH FUNDING**

Mr. Kunkel presented the rules and regulations governing the distribution of student growth funding as required by Act 1307 Section 2(28). Mrs. Yates made the motion to accept the proposed rules and regulations . Mr. Smith seconded , and the motion carried unanimously.

**INITIAL POLICY DISCUSSION FOR DRAFTING RULES AND REGULATIONS
GOVERNING THE REPORTING OF VIOLENT CRIMES BY LOCAL SCHOOL
OFFICIALS**

Ms. Theresa Dixon presented Act 1243 of 1997 as it provides a policy framework for drafting rules and regulations governing the procedures for local school officials to report violent crimes involving students and occurring on school property.

Mr. Fisher asked that Mr. Alderson and Mr. McLarty work with Ms. Dixon on the rules and regulations that are to be presented back to the Board for consideration at the September meeting.

**APPROVE FOR PUBLIC COMMENT PROPOSED RULES AND REGULATIONS TO
IMPLEMENT THE BRAILLE AND LARGE PRINT TEXTBOOK APPROPRIATION**

Dr. Diane Sydoriak, associate director for Special Education at the Department, presented Act 1307 of 1977 Section 8 “Marked Up” copy of the Proposed Revisions Regarding Special Education Expenditure Requirements to provide a policy framework for drafting rules and regulations governing Expenditure Requirements for Local School Districts.

The motion to approve the proposed rules and regulations for public comment was made by Mr. McLarty and seconded by Ms. Walker. The motion carried unanimously.

**APPROVE FOR CONTINUING PUBLIC COMMENT REVISIONS OF PROPOSED
RULES AND REGULATIONS GOVERNING THE ARKANSAS COMPREHENSIVE
TESTING AND ASSESSMENT PROGRAM**

Dr. Potter presented the revised rules and regulations governing the testing requirements for the Arkansas Comprehensive Assessment and Testing Program.

The motion to approve the proposed rules and regulations for continued public comment was made by Mr. Smith and seconded Mr. Gordy. The motion carried unanimously.

The Board recessed from 9:30 a.m. to 9:40 a.m.

CONSIDERATION OF APPEALS FROM FOUR SCHOOLS IDENTIFIED AS PHASE I FISCAL DISTRESS DISTRICTS FOR 1997-98

The Department received letters of appeal from four school districts identified as being Phase I of Fiscal Distress. The Shirley School District did not provide timely information for the appeal, and was removed from the agenda. The Board reviewed the appeals from Altheimer, Delaplaine, Heber Springs school districts.

Dr. Bobbie Davis and Mr. Paul Blaney presented the appeals of the three school districts who were identified as being Phase I Fiscal Distress districts for the 1997-98 school year. The appeal from Altheimer Unified School District was heard first. There was no one from Altheimer present. Because of a continuing trend to underestimate expenditures and to overestimate revenues, a recommendation was made that the appeal be denied and that Altheimer would remain classified as a Phase 1 Fiscal Distress district.

Mr. Alderson made the motion to accept this recommendation. Mr. Smith seconded, and it carried unanimously.

The appeal from Delaplaine School District was heard second. An analysis of this district's financial data revealed that they failed to report their 40 percent pullback on their Financial Report and Budget. This oversight made the district appear to experience a decided decrease in revenues available. This omission was discovered in the analysis conducted after receiving a letter from the Delaplaine School District expressing concern on this issue. The district provided additional information which was included in the Board's packet of information. The district benefitted from the new funding formula. Based on the new information, the Department recommended that Delaplaine be removed from the fiscal distress list. If they had reported this accurately on their documents, they would not have been identified. No one from Delaplaine was present.

Mr. McLarty made the motion to accept this recommendation. Ms. Pickett seconded, and the motion carried unanimously.

Mr. Forrest Kyle of Heber Springs School District contacted the department after the district was identified and had a concern that the district was not in a Fiscal Distress. Department staff conducted an onsite visit. Staff discovered the district had paid off a bond issue and had left money in a building fund, which showed up on the audit as restricted revenue. This was the reason for the negative balance.

The Department examined documents and requested documentation and signatures which could be attributed to either being paid out of the building fund or documentation that funds had been transferred to the operating fund from the building fund. The district provided extensive documents and after working with Mr. Kyle and the bookkeeper, the Department is satisfied that the district does have nonrestricted access to those funds. The Department recommended that Heber Springs be removed from Phase 1 Fiscal Distress.

Ms. Pickett made the motion to remove Heber Springs from fiscal distress. Ms. Walker seconded, and the motion was carried unanimously.

HIPPY PROGRAM - EAST CENTRAL ARKANSAS ECONOMIC DEVELOPMENT CORPORATION

The State Board of Education has authorized a HIPPY grant in the amount of \$106,886 for the 1997-98 program year. This award was made with the following conditions due to concerns about the fiscal management of the program:

1. East Central Arkansas will establish a separate bank account to segregate HIPPY funds and to ensure that HIPPY staff and program expenses are paid.
2. The AR HIPPY Center will monitor the program on a regular basis to ensure that the program is being provided and fiscally managed as required under the grant agreement with the Department of Education.

Recently, additional information concerning the fiscal viability of the East Central Arkansas Economic Development Corporation has been developed by the Department of Human Services and a comprehensive program audit is underway by both DHS and the Head Start Regional Office in Dallas. Due to preliminary concerns from this audit, the following recommendation is being made concerning the provision of the HIPPY program at East Central:

1. The AR HIPPY Center at Arkansas Children's Hospital should be designated to act as the intermediary fiscal agent for the HIPPY program at East Central for the first quarter of the 1997-98 program year.
2. The HIPPY program will continue to operate under the administrative umbrella of East Central Arkansas Economic Development Corporation until a resolution of the fiscal viability issues is determined at the state level.
3. The AR HIPPY Program will provide funding to East Central on a reimbursement for services basis.
4. If a satisfactory resolution is not reached within the first quarter, a determination will be made whether to continue the program at East Central or move the grant to another provider in the area

to maintain services for the children currently enrolled.

Ms. Walker made the motion to accept this resolution. Ms. Yates seconded, and it carried unanimously.

FINAL APPROVAL OF RULES AND REGULATIONS GOVERNING HOME SCHOOLS

This agenda item had been previously included on the Consent Agenda. However, Board action moved it to the Action Agenda. Mr. Wilhoit presented this recommendation to the Board to approve the proposed rules and regulations governing home school. The Board conducted a discussion session on this issue, which included Mr. Mike Hargis, Director of the Arch Ford Education Service Cooperative, and Mr. Ed Thicksten, Executive Director of the Education Cooperative Coordinating Council.

The motion to accept the proposed rules and regulations by amending three changes; 4.01, 4.02 and 4.03 dealing with compulsory school age requirements to make it reflect Arkansas Code Ann. § 6-18-201 was made by Ms. Caldwell and seconded by Mr. Smith. Mr. McLarty voted No.

The Board recessed at 10:25 and reconvened at 10:30 to go into Executive Session.

The Board reconvened at 11:15 a.m.


Mr. Fisher reported for the minutes that the executive session was regarding a selection of a new director for the Department. There were no votes taken in that meeting and the discussion was limited to that issue.

Mr. Alderson made the motion that the Board establish a deadline of 5:00 p.m. Wednesday, August 13, 1997, for accepting applications for the position of director, and be empowered to make the decision to interview those candidates after the deadline, as well as to notify candidates that are to be interviewed and those that are not to be interviewed. The Board will convene at 9:00 a.m. Friday, August 15, 1997 for interviews and establish the process of dealing with an interim administration. This motion was seconded by Mr. McLarty and carried unanimously.

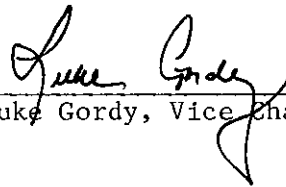
The Board will reconvene at 9:00 a.m. on Friday, August 15, 1997, at the Department of Education.

The motion to adjourn was made by Mr. McLarty and seconded by Mr. Smith.

The Board adjourned at noon.



William Fisher, Chairman



Luke Gordy, Vice Chairman