

**Minutes
State Board of Education Meeting
Monday, August 9, 2010**

The State Board of Education met Monday, August 9, 2010, in the auditorium of the Department of Education building. Dr. Naccaman Williams, Chairman, called the meeting to order at 9 a.m.

Present: Dr. Naccaman Williams, Chairman; Dr. Ben Mays, Vice-Chairman; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Toyce Newton; Dr. Tom Kimbrell, Commissioner; and Vandy Nash, Arkansas Teacher of the Year

Absent: Jim Cooper; Alice Mahony; and Vicki Saviers

Reports

Chair's Report:

- Ms. Newton reported her participation in the American Youth Policy Forum held August 5, 2010, in Washington, DC. The forum provided an overview of strategies utilized to engage disconnected youth in school and work.
- Ms. Gullett expressed concern with the state's low ranking in the 2010 Kids Count Data Book. Arkansas was ranked 38 out of 50 states overall, and 44 in the number of high school dropouts. Ms. Gullett provided the Board a statement of interest and biographical materials from Jose Perez, a member of the Georgia Board of Education, for the NASBE position of president-elect. She said the endorsement of five states was required before Mr. Perez could be placed on the ballot.
- Chairman Williams indicated the endorsement would be considered at the end of the agenda.

Commissioner's Report:

- Commissioner Kimbrell announced additions to the Department's staff— Tony Wood, Deputy Commissioner; Dr. Charles Stein, Director of Facilities; and Susan Bonesteel, Director of Policy and Special Projects.

Special Report on Athletic Expenditures for Selected Arkansas Public School Districts for the Year Ended June 30, 2009

Bill Goff, Assistant Commissioner of Fiscal Services, reported the results of an audit of 68 selected school districts' athletic expenditures during the 2008-2009 school year. The Division of Legislative Audit conducted the review and reported

expenditures in athletics ranging from one percent at Marvell School District to 6.6 percent at Woodlawn School District.

The report included expenditures from all fund sources except activity funds. The average school used 3.52 percent of their revenues to support athletic programs or approximately \$266 per student.

Board members expressed concern regarding the percentage of athletic salaries as compared to total salaries. They suggested determining a better formula to more accurately reflect costs.

Dr. Mays asked that a Board committee be established to work with Mr. Goff and Legislative Audit to fine tune the process. He indicated his desire to serve.

Mr. Ledbetter volunteered to be part of the committee.

Dr. Kimbrell recommended adding school business officials. He agreed to contact those board members not present regarding their interest in serving on the committee.

Consent Agenda

Mr. Ledbetter moved, seconded by Ms. Newton, approval of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the July 12, 2010, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Loan and Bond Applications
 - Nineteen Second Lien Bonds Totaling \$47,950,000
 - Commercial Bonds for a Total of \$355,515,000
- Qualified Zone Academy Bonds--\$200,000 for Jessieville School District; \$300,000 for East End School District
- Waivers to School Districts for Teachers Teaching Out of Area for Longer than 30 Days
- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
 - Kristen Dabbs
 - Charlotte Wright
 - Betty Bollinger
 - James Essman

- Stacy Barker
- Peggy Stevens
- Chris Hawkins

Action Agenda

(Complete records of the appeals are available in the State Board office.)

Consideration of Appeal: Springdale Har-Ber High School Accredited Probationary Status for Failing to Meet Standards for Accreditation in 2009-2010 School Year

Dr. Charity Smith, Assistant Commissioner for Academic Accountability, said Har-Ber High School employed a teacher who was denied a waiver to teach out-of-area during the 2009-2010 school year. As a result, the school was placed in accredited probationary status.

Dr. Jim Rollins, Superintendent in the Springdale School District, told the Board the teacher and school district officials were not aware until late in the school year that a teacher with a provisional license is ineligible for an additional licensing plan.

Ms. Burrow moved to grant the appeal. The motion failed for lack of a second.

Mr. Ledbetter moved, seconded by Ms. Gullett, to deny the appeal. The motion carried. Ms. Burrow voted no.

Consideration of Appeal: Decision on School Choice Petition Denial by the Magnet Cove School District

Jeremy Lasiter, General Counsel, told the Board six students—Claire Hardy, Sarah Draper, Allison Draper, Ashlynn Richardson, Travis Teague and Shelby Teague—were appealing a decision of the Magnet Cove School District to deny their Arkansas Public School Choice Act applications.

Ms. Andi Davis, legal counsel for the students, explained the students applied for the transfer under § 6-18-206 and were denied. She said the students were appealing the decision as allowed in the statute.

Mr. Ledbetter moved, seconded by Ms. Newton, to uphold the denial of the school choice transfer for the six students. It was stipulated that the denial was consistent with state law. The motion carried unanimously.

Request for Charter Amendment of Open-Enrollment Public Charter School: Jacksonville Lighthouse Charter School

Due to a possible conflict of interest, Jeremy Lasiter left the meeting prior to the discussion of this item.

Michael Ronan, President and Chief Executive Officer of the Lighthouse Academies Charter School Management Organization, presented proposed amendments to the charter of the Jacksonville Lighthouse Charter School. The amendments would allow for expansion to a facility located on the Little Rock Air Force Base; changing the required professional development language from 20 days to 160 hours; and the flexibility to increase class size by ten percent by section without exceeding the number of students in each grade.

Mr. Ledbetter said approval of the proposed amendments would allow the school to proceed in negotiating with the Little Rock Air Force Base. He added the Board would be reluctant to expand enrollment if the second site negatively impacted the school's finances.

Dr. Mays asked what circumstance might require exceeding class size.

Mr. Ronan explained that it would allow teachers and administrators more flexibility in the management of students' learning when assigning students to teachers.

Dr. Mays moved, seconded by Ms. Newton, to grant amendments one and two and deny amendment three.

Mr. Ledbetter offered a substitute motion to grant the three amendments. Ms. Burrow seconded the motion. The motion carried in a roll call vote.

Yeas: Burrow, Gullett, Ledbetter and Williams

Nays: Mays, Newton

Mr. Lasiter returned to the meeting after the vote.

Consideration of Accredited-Probationary Status for Northwood Middle School in Pulaski County Special School District

Dr. Charity Smith reported Northwood Middle School in the Pulaski County Special School District was on accredited-probationary status for the third consecutive year for standards violations regarding teacher certification, course offerings and safety codes.

Dr. Charles Hopson, Superintendent, and other Pulaski County Special School District officials detailed the corrective steps taken—including the hiring of a new principal and a human resource consultant. In addition, the district reported having worked with the state fire marshal, state police and the division of academic facilities and transportation to address safety code violations.

Commissioner Kimbrell said the district would be required to provide documentation that all violations on course offerings, safety codes and teacher certification have been cleared prior to start of school, August 19. He also said Department of Education officials would visit Northwood again prior to the Board's September 13 meeting and would report any findings.

Ms Newton moved, seconded by Ms. Burrow, to accept the Department's recommendation of actions to be taken. The motion carried unanimously.

Consideration of Accredited-Probationary Status of the Oseola Academic Center of Excellence Conversion Charter School in the Osceola School District for Failing to Meet all Standards for Accreditation for Three Consecutive Years

Dr. Smith said a two-year probationary review of the Osceola Academic Center of Excellence was conducted in May 2010. Several standards violations were discovered including staff working with no license and not eligible for waiver; failure to teach the required 60 minutes of physical education in kindergarten through Grade 5; and failure to provide the required 90 minutes of physical activity in kindergarten through Grade 5. She said the continued violation of standards landed the school in accredited-probationary status year three.

Superintendent Milton Washington gave an accounting of corrective action the district had taken.

Dr. Kimbrell expressed grave concern that every school in the Osceola School District was on accredited-probationary status for standards violation. He said the Academic Center for Excellence did not have a true charter focus and recommended the charter be revoked.

Mike Gibson, attorney for the Osceola school board, said the board was not aware of the school's probationary status until questions were raised with Department officials regarding a buyout of the superintendent's contract. He said because the district is on fiscal distress it could not afford to buy out Mr. Washington's contract. As a remedy, he asked the State Board to remove the superintendent.

Dr. Kimbrell discounted the argument that the Osceola School Board was not informed about the accreditation status saying district report cards are mailed to the homes of all parents.

State Board members said it was the local school board's responsibility to know what was happening in their district, and removing the superintendent was their job.

Mr. Ledbetter moved, seconded by Ms. Newton, to revoke the charter of the Academic Center of Excellence and to require a report on the status of other accreditation issues in the school district on or before the State Board's November meeting. The motion carried unanimously.

Consideration of Endorsement of NASBE Candidate

Ms. Gullett moved, seconded by Mr. Ledbetter, to add the endorsement of Hose Perez as Action Item 6 to the agenda. The motion carried unanimously.

Ms. Newton moved, seconded by Ms. Gullett, the endorsement of Dr. Hose Perez as a candidate for president-elect of NASBE. The motion carried unanimously.

Adjournment

The meeting adjourned at 1:15 p.m.

These minutes were recorded by Phyllis Stewart.

Dr. Tom Kimbrell, Commissioner, AR Dept of Education

Dr. Naccaman Williams, Chair AR. Board of Education