

AGENDA
STATE BOARD OF EDUCATION
Monday, August 8, 2005

Auditorium, Department of Education Building

9:00 a.m.

Chair's Report – Dr. Jeanna Westmoreland

Commissioner's Report – Dr. T. Kenneth James

Work Session

- WS – 1 Overview of the Standards Setting Process – Dr. Gayle Potter
Dr. Potter and members of the TAC will provide a brief overview of the process used to set new cut scores on our state examinations.

Consent Agenda

- C – 1 Approval of Minutes: July 11, 2005
- C – 2 Commitment to Principles of Desegregation Settlement Agreement:
Report on the Execution of the Implementation Plan – Dr. Charity
Smith/Willie Morris
*As part of the Agency's continuing obligation to the Pulaski County
desegregation suit, the Board receives a monthly update of activities and events.
Activities included professional development for administrators, consultations
with the Little Rock District concerning administration of federal programs, and
monitoring of schools in the three districts.*
- C – 3 Newly Employed, Promotions and Separations – Beverly
Williams/Clemetta Hood
Information item only
- C – 4 Report of Waivers to School Districts for Teachers Teaching Out-of Field
for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001 – Beverly
Williams/Ron Tolson
*Act 1623 of 2001 requires local school districts to secure a waiver when
classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver
requests were received from 11 districts covering a total of 32 positions. None of
these requests were from a district in academic distress. These requests have
been reviewed by Department staff and are consistent with program guidelines.*
- C – 5 Consideration of Loan and Bond Applications – Amy Woody/Cindy
Hedrick
*Operating guidelines require that the Board consider requests for funding from
the Revolving Loan Fund and approval of other bonded commitments. Requests
from 3 districts for revolving loans, 7 requests for 2nd Lien bonds, and 6 requests
for voted bonds have been reviewed and recommended for approval by the
Department Loan and Bond Committee.*

C – 6 Request for Approval of the Arkansas Department of Education of Proposed Organizations for Implementation of Act 648 Community Service Program – Dr. Gayle Potter
Pursuant to the Rules governing Ark. Code Ann. 6-16-120, it is recommended the Board approve the attached organization.

C – 7 Petition from the Kirby School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
The Statute gives the State Board authority to act on a local school district's request to change the number of local school board members. Mr. Smith affirms that this district has met the required conditions as specified in the statute.

Consent Agenda approval:

Moved by _____, Seconded by _____ Vote _____

Action Agenda

A – 1 Request for Approval of the Arkansas Department of Education Performance Levels for Grades Three (3) through Eight (8) Benchmark Examinations – Dr. Gayle Potter
It is recommended that the Board give requisite approval of the attached recommended performance level descriptors and cut scores.
Moved by _____, Seconded by _____ Vote _____

A - 2 Request for Approval of the Arkansas Department of Performance Levels for Alternate Assessment for Limited English Proficient Students for Grades Three (3) through Eight (8) – Dr. Gayle Potter
It is recommended that the Board give requisite approval of the attached recommended performance level descriptors and cut scores.
Moved by _____, Seconded by _____ Vote _____

A - 3 Request for Approval of the Arkansas Department of Education of Performance Levels for Alternate Assessment for Students with Disabilities for Grades 3 - 8 – Dr. Gayle Potter
It is recommended that the Board give requisite approval of the attached recommended performance level descriptors and cut scores.
Moved by _____, Seconded by _____ Vote _____

A - 4 Request to Consider the Classification of the Parkin School District as a School District in Fiscal Distress – Scott Smith
On July 20, 2005, ADE advised Parkin School District it was being identified as a District in Fiscal Distress pursuant to the provisions of Ark. Code Ann. § 6-20-1904. ADE is asking the Board to consider classifying the district as such, beginning in the 2005-2006 school year.
Moved by _____, Seconded by _____ Vote _____

- A – 10 Request for Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Administrative Consolidation or Annexation of Public School Districts and Board of Directors of Local School Districts – Scott Smith
At the June 2005 meeting the Board approved the proposed Rule for public comment. As a result of public comment revisions were made as noted in the final draft.
 Moved by _____, Seconded by _____ Vote _____
- A – 11 Request for Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Arkansas Financial Accounting and Reporting System and the Annual Training Requirements – Dr. Bobbie Davis/Patricia Martin
At the June 2005 meeting the Board approved the proposed Rule for public comment. As a result of public comment revisions were made as noted in the final draft to be mailed under separate cover.
 Moved by _____, Seconded by _____ Vote _____
- A – 12 Request for Final Approval of the Repeal of the Arkansas Department of Education Rule Governing the Development of a Uniform Budget and Accounting System – Patricia Martin
At the June 2005 meeting the Board approved the Rule for public comment. This rule is being replaced by a new rule.
 Moved by _____, Seconded by _____ Vote _____
- A – 13 Request for Approval for Public Comment to Repeal Arkansas Department of Education Rule Governing Advanced Placement Courses in the Four Core Areas in High School – Ann Biggers
This rule is being replaced by a new rule.
 Moved by _____, Seconded by _____ Vote _____
- A – 14 Request for Approval for Public Comment of Proposed Amendments to Arkansas Department of Education Rule for Advanced Placement and International Baccalaureate Diploma Incentive Programs and Rules Governing Advanced Placement Courses in the Four Core Areas in Arkansas High Schools – Ann Biggers
Pursuant to Act 2152 of the 85th AR General Assembly, amendments to the Rule were necessary. The revision to this rule is submitted for consideration for public comment.
 Moved by _____, Seconded by _____ Vote _____
- A – 15 Request for Approval for Public Comment of Proposed Amendments to Arkansas Department of Education Rule Governing Uniform Grading Scales for Public Secondary Schools and for Optional Use in Public Elementary Schools – Ann Biggers
Pursuant to Act 2152 of the 85th AR General Assembly, amendments to the Rule were necessary. The revision to this rule is submitted for consideration for public comment.
 Moved by _____, Seconded by _____ Vote _____

- A – 16 Appeal to the State Board of Education of Accreditation Status of Beebe High School, Beebe School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____
- A – 17 Appeal to the State Board of Education of Accreditation Status of McRae High School, Beebe School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____
- A – 18 Appeal to the State Board of Education of Accreditation Status of Bryant School District - Annette Barnes
Pursuant to the annual accreditation of schools, this District has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____
- A – 19 Appeal to the State Board of Education of Accreditation Status of Cabot High School, Cabot School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____
- A – 20 Appeal to the State Board of Education of Accreditation Status of Alread High School, Clinton School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____
- A – 21 Appeal to the State Board of Education of Accreditation Status of Clinton High School, Clinton School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
Moved by _____, Seconded by _____ Vote _____

- A – 22 Appeal to the State Board of Education of Accreditation Status of Heber Springs High School, Heber Springs School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
 Moved by _____, Seconded by _____ Vote _____
- A – 23 Appeal to the State Board of Education of Accreditation Status of Lake Hamilton High School, Lake Hamilton School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
 Moved by _____, Seconded by _____ Vote _____
- A – 24 Appeal to the State Board of Education of Accreditation Status of Marvell High School, Marvell School District - Annette Barnes
Pursuant to the annual accreditation of schools, this school has appealed its assigned status. Deliberations with the school failed to resolve the assigned status. Documentation from the Department and the school's responses are provided.
 Moved by _____, Seconded by _____ Vote _____
- A - 25 Request Approval of the State Board of Education of the Annual Accreditation Status Report for Arkansas Public Schools 2004-2005 – Annette Barnes
Pursuant to the annual accreditation of schools, the Department requests the approval of the 2004-2005 report.
 Moved by _____, Seconded by _____ Vote _____
- A - 26 Revocation of Teacher's License: Roy Watkins – Valerie Bailey
Mr. Watkins plead guilty to and was convicted of, Sexual Assault in the Fourth Degree on June 15, 2004. The Attorney's Office became aware of the conviction when Mr. Watkins proposed to surrender his teaching license through his attorney.
 Moved by _____, Seconded by _____ Vote _____
- A – 27 Revocation of Teacher's License: Savannah Mayo – Valerie Bailey
Ms. Savannah Mayo pled guilty to, and was convicted of, Battery in the Second Degree on September 12, 2003. The Attorney's Office became aware of this conviction when Ms. Mayo changed schools and was required to submit an additional criminal background check. The Department obtained a copy of the Judgment and Disposition Order reflecting that Ms. Mayo pled guilty to and was convicted of the Felony. The Department notified Ms. Mayo by certified mail on July 11, 2005. This letter was returned. A second attempt to notify Ms. Mayo was made by certified mail at an address obtained from her employer on July 21, 2005.
 Moved by _____, Seconded by _____ Vote _____

Minutes
State Board of Education
Monday, August 8, 2005

The State Board of Education met on Monday, August 8, 2005, in the Auditorium of the Department of Education Building. Dr. Jeanna Westmoreland, Chair, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Jeanna Westmoreland, Chair; Mrs. Dianne Tatum, Vice-Chair; Mrs. Sherry Burrow, Mrs. Shelby Hillman, Mr. Randy Lawson, Mrs. MaryJane Rebick, and Dr. Naccaman Williams.

The following Board members were absent: Dr. Calvin King

Chair's Report

Dr. Jeanna Westmoreland invited the Board members to share visits made or related activities.

Ms. Rebick reported having recently attended the Partners in Education Breakfast. The breakfast is a yearly event, which takes place prior to the start of the academic school year and involves each of the three school districts within Pulaski County. Each year, the Superintendent of the Little Rock, North Little Rock and Pulaski County Special School Districts begin the year with a welcome to the administrators.

Commissioner's Report

Dr. T. Kenneth James reported to the Board the Iowa Test of Basic Skills and the Advanced Placement results had been received. Dr. James stated the positive steps that have been taken in the Advanced Placement teacher training around the state. Dr. James also reported the next set of test results will be the ACT scores.

Work Session

Dr. Gayle Potter was recognized to present an overview of the Standards setting process used to set new cut scores on our state examinations. Dr. Potter stated her appreciation and recognized the efforts of the members of the Technical Advisory Committee (TAC).

Dr. Potter introduced Dr. Gregory J. Cizek and Dr. Michael Bunch. Dr. Potter explained that Dr. Bunch conducted our standard settings process. Representatives of the committee who work with Dr. Bunch were recognized and a list of the participating districts was noted in a handout the Board received. Dr. Potter noted that three separate standard settings occurred this year as listed on the agenda and work is currently underway regarding the K-2 standards setting.

Dr. Potter gave an overview of the three standard settings and outlined the definitions of the standards for the specific performance levels or achievements. She highlighted the impact of making all changes at one time, explaining that No Child Left Behind requires new tests at

grades 3,5 and 7. She also noted revisions to the frameworks and the emphasis of schools beginning to ask for the redesign of the points assigned in the scoring. She also pointed out that the TAC advised changes that could make the process better, the committee suggested the writing rubric would be better if the weights were taken out and to make all changes necessary at once when setting the standards and the design change.

Dr. Potter gave an overview of the process used in securing the diversity in the six different committees used in the standards setting process. She explained that Dr. James had given approval to the committees after reviewing the map. She stated the need for diversity and the state had to be represented in a variety of means. Districts were contacted to have a large pool of individuals to make up six different committees. Dr. Potter noted the breakdown of the committees was outlined in a handout in the Board notebook. Dr. Potter noted 144 of 150 individuals participated the entire week. Dr. Potter commended the committees for their dedication and participation.

Dr. Gregory Cizek was recognized to present an overview of the standards setting. Dr. Cizek stated how impressed he was with ADE staff in conducting the process as it is an extremely huge undertaking. He noted that AR has taken a difficult challenge and done it in a correct manner to have a coherent system. He explained the Technical Advisory Council members were presented with Act 35, and the challenge presented because of the alignment issues. Dr. Cizek explained the Bookmark method used in the process. He stated it is a holistic method of looking at samples of work and identifying the levels.

Dr. Williams inquired about the items in the test booklet, what they are based on and where they come from. Dr. Cizek stated the items that match to the AR frameworks, and the committee must come to a consensus on which item appears in the test booklet. He explained each year the form is a mirror image of the previous year, however, the individual items do not remain the same.

Dr. Williams asked, in regard to the method, if it is clear as to what a child should know. Dr. Cizek noted the descriptions outlined in the handout provided, which define the descriptions of the four levels. Dr. Cizek explained that all grades and subjects are looked at to make sure it matches. The Technical Advisory Committee's review is the last process of the setting, which makes sure all is compliant with NCLB, Act 35, and is reliable and valid.

Dr. Williams noted the accomplishment of the process in meeting the requirements of Act 35 and NCLB. Dr. Williams asked for clarification as to when the cut scores would be set for the test. Dr. Potter explained if the Board adopts the recommendation and takes action, the scores would be set during today's meeting. Dr. Williams asked for clarification on the process in setting those scores. Dr. Bunch stated the committee went through three rounds and came up with the common or average score. Dr. Williams inquired as to whether the test has been piloted. Dr. Potter replied that the test has been fully operationally given. She elaborated that the standards setting had not been done on any field test or pilot, but on full operational data.

Dr. Cizek stated that when setting standards with "no real" data, the results could be disastrous. This is why a Technical Advisory Committee is used to give advice and guidance. He noted that AR has done the standards setting the correct way using real test data.

Dr. Williams inquired as to how we can overlay in making sure kids are tested on what they should know and be able to do. Dr. Cizek stated the standards setting is a balancing act,

knowing that the performance level descriptions must be set high, but also understand what is realistic. Dr. Williams inquired what it would take for students to be able to meet this kind of standard. Dr. Cizek stated they must be able to do the type of things that are listed in the descriptors within the level.

Dr. James explained that the target is proficient. He stated we want all students to be at the proficient level.

Dr. Williams asked if we are saying the student can accomplish the things at which the standard is set, and they are proficient, can they meet the standard. Dr. Potter stated that is correct, and the Board has defined proficient as being on grade level.

Ms. Rebick inquired if this information will be posted statewide. Dr. Potter replied, absolutely.

Dr. James commended the TAC committee and the work that has been accomplished. Dr. James noted that this is the best TAC committee around the nation, and they are guiding us through this process. He also stated that our main objective is to have the best assessment tool, and that it is clearly tied to NAEP. Dr. James stated he feels very confident and pleased with the TAC committee and the guidance they have provided.

Dr. Westmoreland brought the revised agenda to the Boards attention, in which two items were added and two items were removed. Ms. Rebick inquired if the items will be brought back to the Board at another time. Dr. James clarified that the items had been taken care of and would not be brought back to the Board.

Mrs. Hillman moved approval of the revised agenda. Mrs. Tatum seconded the motion. The motion was adopted unanimously.

Consent Agenda

Dr. Williams requested enrollment of district to be placed in materials presented to the Board when a School District is changing the number of local school board members.

Mr. Randy Lawson moved approval of the Consent Agenda. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes – July 11, 2005
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report of Waivers to School Districts for Teachers Teaching Out-of Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Consideration of Loan and Bond Applications
- Proposed Organizations for Implementation of Act 648 Community Service Program
- Kirby School District to move from a six (6) Member School Board to a seven (7) Member School Board.

Action Agenda

Approval of the Arkansas Department of Education Performance Levels for Grades Three (3) through Eight (8) Benchmark Examinations

Dr. Gayle Potter was recognized to present this item. Dr. Potter requested the Board approve the performance level continuum ranging across the four levels as presented.

Ms. Hillman inquired if a broader definition could be provided on Basic, where it states, "partially demonstrate the ability to apply these skills". Dr. Potter explained the general descriptors are very broad and Basic students are not at the mastery level where all skills and concepts have been mastered. She also stated that when looking at Basic, it will vary from student to student.

Ms. Hillman asked if the students will all be measured in the same way. Dr. Potter clarified that all students will be taking the same assessment that measures the AR Content Standards.

Ms. Rebick inquired about the Below Basic level, and if a child answers a percentage at the Basic level incorrectly, will he/she be classified at Below Basic. Dr. Potter explained that Below Basic children do not reach the cut score for Basic.

Dr. Westmoreland inquired if each of the percentages would represent the actual percentage of students state wide who scored in that given category. Dr. Potter responded that it is the impact data and it does show the actual percentage of students in that grade category.

Dr. Williams moved approval of the performance levels as presented. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Approval of the Arkansas Department of Education Performance Levels for Alternate Assessment for Limited English Proficient Students for Grades Three (3) through Eight (8)

Dr. Gayle Potter was recognized to present this item. Dr. Potter requested the Board approve the performance level continuum ranging across the four levels as presented.

Ms. Shelby Hillman moved approval of the performance levels as presented. Ms. Sherry Burrow seconded. The motion was adopted unanimously.

Approval of the Arkansas Department of Education of Performance Levels for Alternate Assessment for Students with Disabilities for Grades Three (3) through Eight (8)

Dr. Gayle Potter was recognized to present this item. Dr. Potter requested the Board approve the performance continuum ranging across five levels, the performance descriptors and cut scores as presented.

Mr. Lawson asked for clarification as to different cut scores and how they are determined. Dr. Potter explained on alternate assessments, those children do portfolios. The Standards setting was done using the "Body of work method", which is the same approach as the writing portion of the assessment.

Mr. Lawson moved approval of the performance levels as presented. Mrs. Tatum seconded the motion. The motion was adopted unanimously.

Approval of the proposed amendments of the Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) for Emergency Basis and Public Comment

Dr. Gayle Potter was recognized to present this item. Dr. Potter requested, based on the approval of the performance levels, the Board approve for public comment, the Rule governing ACTAAP.

Mr. Scott Smith clarified the Department will use these Rules on an emergency basis, for immediate use, and simultaneously put them out for public comment.

Mrs. Rebick moved approval of the ACTAAP Rules for Emergency Basis and Public Comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. Potter expressed her appreciation to the Board and to the committees.

Approval of the Classification of Parkin School District as a School District in Fiscal Distress

A transcript of the following agenda item was recorded and reported by a court reporter. That document is attached as an amendment to the Minutes. The following minutes reflect only the action taken by the Board.

Mr. Scott Smith was recognized to present this item. Mr. Smith reported the Department provided written notice to the Parkin School District on July 20th as being in Fiscal Distress. The District has chosen to waive the appeal right.

Mrs. Rebick moved approval to classify Parkin School District as a District in Fiscal Distress. Mrs. Tatum seconded the motion. The motion was adopted unanimously.

Mr. Smith clarified that because of the enrollment number in the Parkin School District, the District would have been consolidated under Act 60. A meeting will be held on September 7th to consider placement of the District under the Omnibus Act.

Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing a Waiver of the Earnings Limitation to a Member of the Arkansas Teacher Retirement System

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported the Rule was approved for Public Comment in June and a public hearing was held, and public comment received in July. The Department is requesting final approval of the amended Rule. Dr. Davis explained that the changes made to the Rule were done to comply with the law.

Ms. Rebick inquired if, in the emergency situation, this gives the Commissioner less limitation in making the needed decisions. Dr. Davis explained that in the event a district is in extreme fiscal distress and the Department would have to go into the District, many times the administrators are retirees. As this Rule is written, it only applies to teacher shortage areas. Dr. Davis stated the discretion to request to the Teacher Retirement System would be all the power the Department would have.

Ms. Burrow inquired about a retiring teacher. Ms. Burrow asked if the teacher must be out 30 days prior to being eligible for applying for the waiver. Dr. Davis responded that the teacher could then apply for the waiver, but that was not new to the Rule. Ms. Burrow also inquired if the teacher could return to position he/she retired from. Dr. Davis explained the teacher could not return to the exact position he/she had just retired from.

Mrs. Rebick questioned that in the event the teacher did come back after the thirty days, were they able to not request the waiver and return to the position. Dr. Davis explained that if the teacher is over 65 and over, or they make less than \$24,000, they do not require a waiver. She explained if a part time teacher could come back and not fall under the jurisdiction of this particular Rule.

Mrs. Hillman moved approval of the amended Rule. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing the Nutrition and Physical Activity Standards in Arkansas Public Schools as Required by Act 1220

Dr. Bobbie Davis was recognized to present this item. Dr. Davis pointed out the major revisions of this Rule, following the public hearings and public comments over the past several months. Dr. Davis recognized several individuals for working on this as well.

Ms. Tatum stated this is a step in the right direction. Ms. Tatum inquired as to how the school district will enforce the reduced consumption of food of minimal nutritional value, and the students that may choose to be entrepreneurs and bring food onto the campus to sell. Dr. Davis responded that this would be a form of vending and would not be allowed. The Rule pertains to what occurs on campus and one of the exceptions in the Rule is what parents send to school for their own children to have for lunch and does not cover what occurs off the campus. Ms. Tatum inquired about sales at athletic events and if this would be exception. Dr. Davis stated that this is allowable but only a certain number of times per/year.

Ms. Burrow asked for clarification as to what teachers may use as rewards in the classroom, and if food can be used, what they would be limited to. Dr. Davis clarified if teachers are providing snacks they are limited to portion size and type of snack. She also stated as far as snacks being used as part of instruction, the Rule outlines that food items are allowed if they are an intricate part of the instructional program. Dr. Davis stated if the food items are used strictly for reward items, they would then fall under the nine exceptions. Ms. Burrow asked for clarification on the nine events in the Rule. Dr. Davis explained that the school would determine what the nine exceptions will be.

Ms. Hillman asked for clarification regarding raisins being considered fresh fruit per this particular Rule. Dr. Davis stated that according to this Rule raisins could not be used, and also explained there is an approved list schools can use.

Mr. Randy Lawson applauded the direction the department has taken with this issue. He asked if this Rule would prohibit any competitive quality food company, that wishes to provide, in a cafeteria setting, healthy food, from doing so. Mr. Lawson clarified his concern, by asking if a food company contracts with a school district, to provide quality healthy foods, this in no way would prohibit a school district from outsourcing or having food court options, as long as all are quality healthy foods. Dr. Davis stated that if it meets all guidelines, it is not the intent

of this Rule to limit. Mr. Lawson inquired if it would prevent competition or outsourcing. Dr. Davis replied that as long as it meets the guidelines by USDA for healthy lunches. Mr. Lawson inquired if the Rule applies to choices the sports teams make when traveling to and from games. Dr. Davis replied that it does not apply to the off school campus choices. Mr. Lawson asked for clarification if the Rule just deals with on the school campus choices. Dr. Davis replied that was correct.

Mr. Lawson asked for clarification of personnel teaching physical education and inquired if this Rule is changing the current requirement. Dr. Davis explained that these are stronger standards than what is currently in place. Mr. Lawson asked if more funding would be made available to the districts in order to meet this new requirement of the 30 to 1 teacher/student ratio. Dr. Davis stated the belief is the person responsible for teaching those skills must have the training and understanding of the subject. Mr. Lawson asked how this mandate would be funded. Dr. Davis explained that funding is not addressed in this rule, but clarified that districts have until 2012 and schools will have time to make the adjustments. Mr. Lawson acknowledged physical education can effectively be taught and properly supervised by someone trained, but not sure the 30 to 1 ratio is needed for a physical education class. Mr. Lawson stated he felt the key is the curriculum and program of what they are doing and has concerns with the 30 to 1 teacher/student ratio with a licensed teacher.

Ms. Rebick stated she had made a visit to Horace Mann and saw the cafeteria vending just had water offerings. Ms. Rebick stated the department has been successful in communicating with the districts as they are voluntarily complying.

Dr. Williams stated the 30 to 1 ratio seems reasonable. Dr. Williams noted that no matter what subject is being taught, when a class reaches 30 students or more, the implementation of a curriculum and management of the students, must be with a licensed teacher. Dr. Williams explained when implementing a real physical education curriculum, teaching students to live in a healthy manner, the 30 to 1 is reasonable. Dr. Williams noted if the number becomes larger, it can easily become unyielding. Dr. Davis explained that as the Benchmarks have been worked on, the standards for physical education and nutrition have also been revised for the frameworks to implement the items in this Rule.

Mr. Lawson stated for clarification his concern regarding rules that would bar qualified individuals who are willing to assist, but are not licensed, to be able to work with the programs.

Ms. Rebick acknowledge the high number of physical education graduates in the state, and stated schools should not have trouble finding a licensed physical education teacher at a competitive salary. Ms. Rebick also asked for clarification regarding the competitive foods and the concern about outsourcing and contract services. Dr. Davis clarified this Rule states no vending can take place until 30 minutes after the lunch period in the cafeteria. She also noted any additional option would fall under this Rule and could not take place until 30 minutes after lunch.

Mr. Lawson asked for clarification regarding the additional option. Dr. Davis explained this Rule does not allow the additional options. If it is a vending, and not a regular child nutrition program, the Rule does not allow it.

Mr. Lawson asked for clarification in not preventing competition to outsource or competition, if it falls under healthy foods.

Mr. Joe Thompson clarified standards set by USDA for school lunch programs. He stated if a school district wants to outsource their cafeteria, to a company competitively, the district could do that as long as it meets the standards. Mr. Thompson did state what a district could not do, is allow a company like McDonald's to come in during school and offer something other than school lunch menu. It retains the opportunity of a local school district to outsource the cafeteria if all guidelines are met.

Mr. Lawson asked if we're saying you cannot have a food court. Mr. Thompson explained if the School district chooses to outsource for choices, that would be possible, but having multiple companies to compete is not acceptable.

Mr. Lawson asked if that was true even if the competition offers healthy food. Mr. Thompson stated that is correct.

Ms. Rebick asked why they would they want to have multiple companies, when what is being offered contains choices.

Mr. Thompson explained that the challenge is that some schools do offer space to competitors, with choices that are not always healthy choices. Mr. Thompson also noted the intent of the recommendation is setting new standards for a healthy school environment.

Mr. Lawson asked if the school can outsource. Mr. Thompson stated a school can outsource, but is not allowed to set up a competitive process within the school. The Rule maintains competitive options for the district as a whole for the cafeteria options, but the school cannot set up competitive space inside the cafeteria. Mr. Thompson noted, per the Rule, it is establishing the responsibility of what the students eat.

Mrs. Hillman moved approval of the amended Rule. Mrs. Burrow seconded the motion. The motion was adopted unanimously.

Dr. Davis acknowledged the giant steps taken by the Board in addressing the obesity problem in our state.

Mr. Thompson added the Board has taken a major step in making sure the population as a whole is more educated about this issue.

Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Highly Qualified Teachers: ARHOUSSE

Ms. Janinne Riggs was recognized to present this item. Ms. Riggs requested the board consider the Rule for final approval, pointing out the specific area of Multi-Subject. Ms. Riggs pointed out all comments received were favorable, highlighted the revisions made, and noted the matrix presented in the notebook.

Mr. Lawson requested clarification, to make sure the matrix presented in the notebook is the one to be approved for use. Ms. Riggs clarified that is the matrix.

Mrs. Rebick moved approval of the amended Rule. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Charter Schools

Dr. Diana Julian was recognized to present this item. Dr. Julian reported this a new area for Learning Services and is in transition of moving this to her section. Dr. Julian stated the Board approved this Rule for public comment and those comments have been incorporated in the Rule, giving an overview of those changes.

Mr. Lawson inquired if KIPP Academy, considered in this Rule, was inclusive or exclusive of the 24. Mr. Jim Boardman indicated yes, it is inclusive.

Dr. Williams inquired as to the status of the Charter School Office and staff at the department. Dr. Julian reported the department does have an office, and is in the process of hiring someone. Dr. Williams noted the importance of having someone to walk them through the process and help monitor them.

Ms. Burrow inquired if the funding is based on the three-quarter Average Daily Membership (ADM) numbers. Dr. Julian stated that is correct. The actual funding is based on the three-quarter ADM.

Ms. Rebick asked for examples of what might be done to apprise the board of a situation where action might need to be taken. Mr. Boardman explained yearly reports are required, and also as the laws and standards change and new requirements come about, modification might be necessary. Ms. Rebick stated she does not feel comfortable knowing a charter is in trouble and not acting according to the rules. Ms. Rebick asked if the department has regular visitation with the school. Mr. Boardman clarified that the department does on-site visits each year and evaluate the charter schools with a yearly report. Mr. Boardman stated standards assurance also visits the schools. Ms. Rebick asked if the Board receives a written report from the charter each year. Mr. Boardman stated their information is included with the standards assurance reports. Ms. Rebick inquired as to when the Board will know of any potential issues. Mr. Boardman explained the charter schools do go through the normal evaluation process and visit on a yearly cycle. Ms. Rebick inquired if new charter schools have the option of the 5-year charter. Mr. Boardman stated they have up to 5 years, but it is up to the Board to make that decision.

Dr. James clarified that once the Charter School Office is staffed, the department will be able to monitor and be more engaged with the schools.

Mr. Lawson moved approval of the amended Rule. Mrs. Hillman seconded the motion. The motion was adopted unanimously.

Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Administrative Consolidation or Annexation of Public School Districts and Board of Directors of Local School Districts

Mr. Tripp Walter was recognized to present this item. Mr. Walters requested final approval of the Rule, explained a public hearing was held and outlined changes made to the Rule based on public comments received. Mr. Walter pointed out an attachment to the Rule regarding the voluntary administrative consolidation.

Ms. Rebick inquired about the consolidation systems funding. Scott Smith clarified that in Act

60, there was a financial package that was strictly for administrative consolidations and annexations. He also noted there was previously existing special language in law that allowed for consolidations and annexations in general. He stated there was no renewal of that funding under the administrative act. Ms. Rebick asked if no appropriations had been set for that particular act. Mr. Smith said that was correct.

Dr. Williams inquired if schools consolidate now, will there be money for the consolidation. Mr. Walter stated there is money under the general consolidation incentive funding, but no longer under the administrative consolidation tied to Act 60. Dr. Williams asked if funding would be available if two districts decide to consolidate voluntarily. Mr. Smith explained it depends on how many districts come forward to do so and will depend on whether they merge voluntarily, which will impact the availability of funds. Dr. Williams inquired if funding would be available to districts who may be forced to consolidate. Mr. Smith explained this is not something that has occurred, but if it does, they will need to go back to the Rule to interpret the language. Dr. Williams asked Mr. Smith to distinguish between a voluntary consolidation and a mandatory consolidation. Mr. Smith stated if a district is forced to consolidate, under Act 60, but refuses to find a partnering district, the Board would be forced to place them with a district, and that would be considered a non-voluntary merger. Dr. Williams inquired if a district understands they have to consolidate and the department knows they must consolidate, and the district petitions to consolidate with another district, would that be considered voluntary. Mr. Smith explained the department would consider it in that manner.

Ms. Rebick asked how the elimination of the section regarding the closing of a school is now addressed. Mr. Walter stated the item eliminated from the Rule is addressed in another set of Rules.

Ms. Rebick inquired about the section regarding charter schools, and what it means now that it is deleted. Mr. Walter explained that charter schools were not initially part of the Act 60 and the consolidation process, and it has been deleted because of the passage of time, whereas the deadline has passed. Ms. Rebick clarified she understands the reasons for the elimination.

Mrs. Hillman moved approval of the amended Rule. Mrs. Tatum seconded the motion. The motion was adopted unanimously.

Final Approval of the Arkansas Department of Education Proposed Amendments to Rule Governing Arkansas Financial Accounting and Reporting System and the Annual Training Requirements

Ms. Patricia Martin was recognized to present this item. Ms. Martin stated this rule was in response to new legislation. She stated this Rule outlines the procedures of the Departments review of district financial reporting, which does include mandated sanctions related to the efficient reporting by the district. Ms. Martin reported the Rule outlines annual training requirements to ensure adequate support provided to the districts. She gave an overview of the revisions made to the Rule due to public comment, and also pointed out that KIPP Academy is covered under this Rule for financial reporting.

Ms. Rebick acknowledged the many changes to current Rules and the development of new Rules. Dr. James explained during the last legislative session, 139 Acts were added, which require rules to be developed.

Dr. Williams inquired if the application of the rules will allow the department to capture a school

district that is going into fiscal distress any sooner than we are currently getting feedback from the districts. Ms. Martin stated the department will be able to see much greater depth in the districts financial practices and whether their financial practices are adequate. Dr. Williams made reference to an issue earlier in the meeting and stated we are way behind the eight ball on this. Dr. James clarified the department had tried to set up meetings early on and were unable to do so. He pointed out there are some potential triggers that will help in the future to have a more clear-cut process. Dr. James stated this is a complicated process and most of the reporting mechanisms occur at the end of the year, but good practice at the local level should kick in prior to the conversation at the state level.

Mrs. Hillman moved approval of the amended Rule. Dr. Williams seconded the motion. The motion was adopted unanimously.

Final Approval of the Repeal of the Arkansas Department of Education Rule Governing the Development of a Uniform Budget and Accounting System

Ms. Patricia Martin was recognized to present this item. Ms. Martin explained the previous Rule addresses and establishes the requirements in the Rule requested Repeal.

Mr. Lawson moved for approval of the Repeal of the Rule. Mrs. Tatum seconded the motion. The motion was adopted unanimously.

Approval for Public Comment to Repeal Arkansas Department of Education Rule Governing Advanced Placement Courses in the Four Core Areas in High School

Ms. Ann Biggers was recognized to present the following three items. Ms. Biggers gave an overview of how Act 2152 of the 85th General Assembly made provisions that International Baccalaureate Diploma Programs be treated the same as the Advanced Placement (AP) Program and the AP courses. She explained the Act has brought forth changes to the existing Rules. Ms. Biggers reported the current Rule Governing AP Courses in the Four Core Areas is being incorporated into the new Rule, which will include both the AP and International Baccalaureate Diploma Incentive Programs.

Mr. Lawson moved approval for Public Comment to Repeal the Rule. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval for Public Comment of Proposed Amendments to Arkansas Department of Education Rule for Advanced Placement and International Baccalaureate Diploma Incentive Programs and Rules Governing Advanced Placement Courses in the Four Core Areas in Arkansas High Schools

Mr. Lawson moved approval for Public Comment of the Rule as amended. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval for Public Comment of Proposed Amendments to Arkansas Department of Education Rule Governing Uniform Grading Scales for Public Secondary Schools and for Optional Use in Public Elementary Schools

Ms. Hillman moved approval for Public Comment of the Rule as amended. Ms. Diane Tatum seconded the motion. The motion was adopted unanimously.

Ms. Biggers outlined the good news from the College Board on Arkansas' AP results and reported she had copies for each member who would like one for review.

Dr. James explained the positive Advanced Placement results are directly related to the increased focus and training in the AP Institutes. He stated the methodologies and practices make their way across the curriculum, which in turn, influences all curriculum. Dr. James also reported seeing results of the new legislation added, which has resulted in an increase in participation. Ms. Biggers added Arkansas has also seen an increase of exams students are taking as a result.

Appeals Hearing

A transcript of the following appeal hearings was recorded and reported by a court reporter. That document is attached as an amendment to the Minutes. The following minutes reflect only the action taken by the Board.

Mr. Scott Smith was recognized to provide an overview of the procedure as specified in the Rule, which applies when a school appeals the status recommended by the Department. These hearings are the result of the appeals submitted by the school pursuant to the final accreditation status for that school.

Ms. Tatum moved approval of the Appeals process as outlined by Mr. Smith. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Annette Barnes was recognized to present an overview of the accreditation process used by Department staff to arrive at the recommended status for each school in the state. Ms. Barnes presented each of the following appeals:

Appeal (Rescinded) of Accreditation Status of Beebe High School, Beebe School District

Ms. Hillman moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Appeal (Rescinded) of Accreditation Status of McRae High School, Beebe School District

Ms. Diane Tatum moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Mrs. Rebick seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Bryant School District

Ms. Hillman moved approval of the Department recommendation for cited status for the 2004-2005 school year. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Cabot High School, Cabot School District

Dr. Williams moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Alread High School, Clinton School District

Ms. Tatum moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Dr. Williams seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Clinton High School, Clinton School District

Ms. Burrow moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Heber Springs High School, Heber Springs School District

Ms. Hillman moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Appeal (Rescinded) of Accreditation Status of Lake Hamilton High School, Lake Hamilton School District

Mr. Lawson moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Dr. Williams seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Marvell High School, Marvell School District

Dr. Williams moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Diane Tatum seconded the motion. The motion was adopted unanimously.

Appeal of Accreditation Status of Ouachita High School, Ouachita School District

Ms. Hillman moved approval of the Department recommendation for probationary status for the 2004-2005 school year. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Approval of the Annual Accreditation Status Report for Arkansas Public Schools 2004-2005

Ms. Annette Barnes was recognized to present this item. Ms. Barnes reported that Department staff reviews the data from each school annually, and must assign a recommended accreditation status of all public schools. Ms. Barnes reported the following status for schools based on the actions just completed, which denied appeals of the recommended accreditation status:

Total Districts	264
Total Schools	1118
Accredited	840

Accredited-Cited	182
Accredited-Probationary	96

Mr. Lawson moved approval of the 2004-2005 Annual Accreditation Status Report for Arkansas Public Schools. Mrs. Hillman seconded the motion. The motion was adopted unanimously.

Revocation of Teacher's License: Roy Watkins

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that Mr. Watkins plead guilty to and was convicted of, Sexual Assault in the Fourth Degree on June 15, 2004. The Attorney's Office became aware of the conviction when Mr. Watkins proposed to surrender his teaching license through his attorney. Mr. Lawson moved permanent revocation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Revocation of Teacher's License: Savannah Mayo

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that Ms. Mayo pled guilty to, and was convicted of, Battery in the Second Degree on September 12, 2003. The Attorney's Office became aware of this conviction when Ms. Mayo changed schools and was required to submit an additional criminal background check. The Department obtained a copy of the Judgment and Disposition Order reflecting that Ms. Mayo pled guilty to and was convicted of the Felony. The Department notified Ms. Mayo by certified mail on July 11, 2005. This letter was returned. A second attempt to notify Ms. Mayo was made by certified mail at an address obtained from her employer on July 21, 2005. Ms. MaryJane Rebick moved permanent revocation. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. Westmoreland welcomed and introduced Mr. Dan Marzoni as the newly elected Arkansas Education Association (AEA) President. Mr. Marzoni is a former Social Studies teacher with the Fayetteville School District.

A reminder was made regarding Board member photographs to be taken following the meeting.

Mr. Lawson inquired if the Department could look into placing the Board meeting agenda materials on-line for future meetings.

Mrs. Hillman moved adjournment of the Board meeting. Mrs. Tatum seconded the motion. The motion was adopted unanimously. The meeting was adjourned at 2:00 p.m.

The minutes were recorded and reported by Kristi H. Pugh.

Accredited-Cited 182
Accredited-Probationary 96

Mr. Lawson moved approval of the 2004-2005 Annual Accreditation Status Report for Arkansas Public Schools. Mrs. Hillman seconded the motion. The motion was adopted unanimously.

Revocation of Teacher's License: Roy Watkins

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that Mr. Watkins plead guilty to and was convicted of, Sexual Assault in the Fourth Degree on June 15, 2004. The Attorney's Office became aware of the conviction when Mr. Watkins proposed to surrender his teaching license through his attorney. Mr. Lawson moved permanent revocation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Revocation of Teacher's License: Savannah Mayo

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that Ms. Mayo pled guilty to, and was convicted of, Battery in the Second Degree on September 12, 2003. The Attorney's Office became aware of this conviction when Ms. Mayo changed schools and was required to submit an additional criminal background check. The Department obtained a copy of the Judgment and Disposition Order reflecting that Ms. Mayo pled guilty to and was convicted of the Felony. The Department notified Ms. Mayo by certified mail on July 11, 2005. This letter was returned. A second attempt to notify Ms. Mayo was made by certified mail at an address obtained from her employer on July 21, 2005. Ms. MaryJane Rebeck moved permanent revocation. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. Westmoreland welcomed and introduced Mr. Dan Marzoni as the newly elected Arkansas Education Association (AEA) President. Mr. Marzoni is a former Social Studies teacher with the Fayetteville School District.

A reminder was made regarding Board member photographs to be taken following the meeting.

Mr. Lawson inquired if the Department could look into placing the Board meeting agenda materials on-line for future meetings.

Mrs. Hillman moved adjournment of the Board meeting. Mrs. Tatum seconded the motion. The motion was adopted unanimously. The meeting was adjourned at 2:00 p.m.

The minutes were recorded and reported by Kristi H. Pugh.



T. Kenneth James, Ed.D. Commissioner of Education



Dr. Jeanna Westmoreland, Chair