

ARKANSAS STATE BOARD OF EDUCATION

August 9, 1999

WORK SESSION

8:00 a.m.

Auditorium, Arkansas Department of Education

- I. Initial Discussion Rules and Regulations
 - A. Audits...Ms. Patricia Martin
 - B. School District Personnel Policies Filing Requirements...Ms. Patricia Martin
 - C. Growth Facilities ...Ms. Patricia Martin
 - D. Revenue Loss Funding...Ms. Patricia Martin
- II. Benchmarks Performance Level Grade 8---Dr. Gayle Potter

REGULAR AGENDA

Auditorium

Immediately following Work Session

Chair's Report---Mr. Luke Gordy

CONSENT AGENDA

1. Minutes (July, 1999)
 2. Newly Employed, Promotion and Separations---Ms. Clemetta Hood.....C2
 3. Review of Loans and Bonds Applications---Richard McDowell and Kent Douglas.....C3
 4. Final Approval of Rules and Regulations Governing Criminal Background Checks---
Ms. Theresa WallentC4
 5. Final Approval of Rules and Regulations Governing Compulsory Attendance ---Ms. Mary Kaye
McKinney.....C5
 6. Final Approval of Rules and Regulations Governing Loan and Bond Applications ---
Ms. Patricia Martin.....C6
 7. Final Approval of Rules and Regulations Governing Debt Service Funding Supplements ---
Ms. Patricia Martin.....C7
 8. Repeal of Rules and Regulations Summer Supplemental Instructional Program ---
Ms. Mary Kaye McKinney.....C8
 9. Personnel Recommendation --- Ms. Clemetta HoodC9
- Director's Report---Mr. Ray Simon

ACTION AGENDA

1. Election: Vice-Chairman State Board of Education---Mr. Luke Gordy.....A1
2. Reconsideration of Probationary Status for a Teaching Certificate Ms. Theresa WallentA2
3. Review of Bond Applications – Districts with “Probationary” Accreditation Status ---
Richard McDowell and Kent Douglas.....A3
4. Approval For Public Comment Rules and Regulations Governing Alternative Learning Environments
Mr. Ray Simon.....A4

5. Final Approval of Rules and Regulations Governing the Duty to Report Student Criminal Acts ---
Ms. Theresa WallentA5
6. Final Approval of Rules and Regulations Governing Waivers of Earnings Limitations Under the
Teacher Retirement System--- Dr. Bobbie Davis.....A6
7. Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of
the Implementation Plan --- Dr. Charity Smith.....A7

State Board of Education

Minutes

August 9, 1999

The State Board of Education met on Monday, August 09, 1999, in the Auditorium of the State Education Building. Luke Gordy, Chairman, called the meeting to order at 9:00 a.m.

The following members attended: Luke Gordy, Chairman; JoNell Caldwell; Bill Fisher; Robert Hackler; James McLarty; Richard Smith; Lewis Thompson, Jr.; and Anita Yates.

Members absent: Edwin Alderson and Betty Pickett.

Additions to the Action Agenda

Mr. Hackler moved addition of the following items from the Work Session to the Action Agenda.

- Rules and Regulations Governing Audit Requirements for School Districts
- Rules and Regulations Governing School District Filing Requirements of Personnel Policies
- Rules and Regulations Governing the Distribution of Growth Facility Funding
- Rules and Regulations Governing the Distribution of Revenue Loss Funding
- Recommended Performance Levels for the Middle Level Benchmark Examination

Mr. Smith seconded the motion. The motion passed unanimously.

Mr. McLarty moved consideration of recommendation from Tim Gaugher on Desegregation settlement issues. Ms. Yates seconded the motion. The motion passed unanimously.

Mr. Gordy informed the Board of a request to move item #5, Final Approval of Rules and Regulations Governing Compulsory Attendance, from the Consent Agenda to the Action Agenda for minor rewording.

Chair's Report

Mr. Gordy reported attending the Getting Smarter Conference in Hot Springs. He stated it was impressive to see so many participants and the enthusiasm they displayed. He also stated that he was invited to address the opening session of the Arkansas School Administrators Conference. In his remarks he thanked the administrators for their participation and support for Smart Start and other Department initiatives; he encouraged them to seek out Board members and give them their advice on work for the coming year, and finally challenged them to embrace the Accountability program and work for its implementation.

CONSENT AGENDA

Mr. Fisher moved approval of the Consent Agenda with the exception of Item #5, Final Approval of Rules and Regulations Governing compulsory Attendance. Mr. Smith seconded the motion. The motion passed 6 to 1. (McLarty voted no.) Mr. McLarty explained that his no vote was directed to the issue of what appears to be a large number of teaching staff citations in the schools seeking approval for loans and bonds. He observed that this process is about the only way the Board has of learning of the accreditation status of many of these schools. He stated that his no vote was a statement in support of all classes being taught by a fully certified teacher.

- Minutes – July 1999 (Regular Meeting)
- Minutes - July 29, 1999 (Special Called Meeting)
- Newly Employed, Promotions and Separations
- Review of Loans and Bonds Applications
- Final Approval of Rules and Regulations Governing Criminal Background Checks
- Final Approval of Rules and Regulations Governing Loan and Bond Applications
- Final Approval of Rules and Regulations Governing Debt Service Funding Supplements
- Repeal of Rules and Regulations Summer Supplemental Instructional Program
- Personnel Recommendations

Director's Report

Mr. Simon reported that the modifications to the APSCN system installed over the weekend were functioning and there had been few help calls into the system.

Mr. Gordy reported that Action Agenda Item #2, Reconsideration of Probationary Status for a Teaching Certificate was being moved to the end of the agenda to accommodate one of the individuals who wished to be present for the hearing.

ACTION AGENDA

Election: Vice-Chairman State Board of Education

Mr. Gordy recognized Mr. McLarty, who served as chair of the nominating committee, to present a report of the committee for Vice-Chairman to serve the remainder of the term. Mr. McLarty reported it was the unanimous choice of the Committee to nominate Anita Yates to serve as Vice-Chair for the remainder of this term and that Ms. Yates had agreed to serve. Mr. McLarty moved Ms. Yates election as Vice-Chairman. Ms. Caldwell seconded the motion. The motion passed unanimously.

Review of Bond Applications – Districts with “Probationary” Accreditation Status

Mr. Richard McDowell was recognized to make this presentation. Mr. McDowell reported to the Board that four schools, Earle, Green Forest, Parkin, and Magazine met all of the conditions for approval of the application with the exception of their probationary accreditation status. Mr. Fisher asked if the Department were recommending approval of the applications. Mr. McDowell responded, yes. Mr. Fisher requested that each of the superintendents report to the Board why their districts had probationary status and to outline what was being done to correct the problem(s).

Mr. Crumbly – Earle: Two teachers on staff were hired who did not have Arkansas teaching certificates. One of these teachers now meets probationary status and has a deficiency removal plan. The second attended school at Rhodes College in Memphis, is an honor graduate of Earle High School and from Rhodes. She has experienced difficulty in obtaining a Tennessee license, which is necessary before reciprocity can be used for Arkansas licensure. In response to Board questions, these individuals were hired because it is difficult to attract staff in the Delta, especially with Memphis paying much higher salaries for starting teachers. Mr. Crumbly stated that most of the other staff deficiencies would be corrected this year. However, there are currently three staff vacancies and no applicants who qualify for those positions.

Mr. Johnson – Green Forest: Last year Green Forest elementary had classes in grades 3 and 4 that exceeded the maximum number of students. Adding teachers was not an option because there were no available classrooms. In this district enrollment has increased faster than the capacity to build new facilities. The situation has been corrected for the coming year with additional staff and classrooms. However, every space is being used to the max with no teacher having access to classroom during preparation time and many teachers are required to move from classroom to classroom during the school day. All teachers cited for deficiency last year have met requirements. However, there may be some new situations that arise due to a shortage of teachers in some curricular areas.

Mr. Williams - Parkin: Last year there were three positions filled by teachers who were not certified. Two of those have been replaced and the other will at least have a deficiency removal plan for this year. He reported hiring was difficult for the same reasons as outlined by Mr. Crumbly at Earle. The superintendent reported that it is possible that he could begin school with a full teaching staff that will meet certification requirements.

Mr. Johnson – Magazine: Last year one teacher who was working on a deficiency removal plan became ill and did not meet the requirements for renewal. This automatically made her unqualified. There was not time to replace her after school started. That situation has been corrected.

Mr. Smith moved approval of the bond requests from these schools. Mr. Fisher seconded the motion. The motion passed unanimously.

Approval for Public Comment Rules and Regulations Governing Alternative Learning Environments

Mr. Simon reported to the Board that there were no changes in these rules and regulations and that they should be approved for public comment. Mr. Smith moved approval for public comment Rules and Regulations Governing Alternative Learning Environments. Mr. Hackler seconded the motion. The motion passed unanimously.

Final Approval of Rules and Regulations Governing the Duty to Report Student Criminal Acts

Theresa Wallent was recognized to present this item. Ms. Wallent informed the Board that public hearings were held and few comments were received. She reported that a number of state organizations such as Arkansas Association of School Administrators and School Boards Association were conducting public meetings for their members and preparing guidance for schools on how to meet the problems of schools dealing with criminal and violent activity. Mr. McLarty moved final approval of these rules and regulations. Mr. Smith seconded the motion. The motion passed unanimously.

Final Approval of Rules and Regulations Governing Waivers of Earnings Limitations Under the Teacher Retirement System

Dr. Bobbie Davis was recognized to present this item. Dr. Davis distributed a revised copy of the rules and regulation. She noted the addition of the phrase, "or other entity covered by the Teacher Retirement System" in each of the following sections – 3.04, 3.05d, and 4.01. She explained that without this addition, the rules and regulations would be more restrictive than the intent of the law. ([Attachment #1](#)) Ms. Yates moved final approval of these rules and regulations as amended. Mr. McLarty seconded the motion. The motion passed unanimously.

Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

Dr. Charity Smith introduced Mr. Ed. Strickland new Lead Planner in the Desegregation Office. Mr. Strickland reported that an agreement had been reached among the parties in the Pulaski County Desegregation Suit related to the monitoring plan. The plan has been in development for over 18 months. The final component was the financial part, which was agreed to on August 4. The plan is currently being edited and will be submitted to the Board for review and approval at the September meeting. After that it will be forwarded to the other parties for ratification.

Approval for Public Comment of Rules and Regulations Governing Audit Requirements for School Districts

Mr. Hackler moved approval for public comment Rules and Regulations Governing Audit Requirement for School Districts. Ms. Caldwell seconded the motion. The motion passed unanimously.

Approval for Public Comment of Rules and Regulations Governing School District Filing Requirement of Personnel Policies

Ms. Caldwell moved approval for public comment Rules and Regulations Governing School District Filing Requirements of Personnel Policies. Mr. McLarty seconded the motion. The motion passed unanimously.

Approval for Public Comment of Rules and Regulations Governing the Distribution of Growth Facility Funding

Mrs. Yates moved approval for public comment Rules and Regulations Governing the Distribution of Growth Facility Funding. Mr. Hackler seconded the motion. The motion passed unanimously.

Approval for Public Comment of Rules and Regulations Governing the Distribution of Revenue Loss Funding

Mr. Smith moved the approval for public comment Rules and Regulations Governing the Distribution of Revenue Loss Funding. Mrs. Caldwell seconded the motion. The motion passed unanimously.

Recommended Performance Levels for the Middle Level Benchmark Examination

Mr. McLarty moved adoption of the recommended performance levels for the Middle Level Benchmark Examination. Ms. Caldwell seconded the motion. Mr. Fisher requested an amendment to include adoption of recommendations from the Standards Setting Committees as presented at the Work Session. McLarty and Caldwell agreed. The amended motion passed unanimously.

Recommendations adopted:

1. Periodically review the performance levels recommended herein, and raise those levels as student performance improves within the state.
2. Conduct a study of social promotion and grade inflation, and take appropriate action to eliminate both.
3. Educate the teachers and general public about the Arkansas Comprehensive Testing, Assessment, and Accountability (ACTAAP), and the importance of shared responsibility for improving student achievement.

4. Support continuous dialogue across all grade levels, K-12, and strongly encourage a rigorous standards-based local curriculum well articulated across K-12 in every public school district.

Final Approval of Rules and Regulations Arkansas Compulsory Attendance Requirements

Mary Kay McKinney informed the Board that "state accredited" was being added to the last sentence of Section 3.03. The revised section now reads, "However, any six year old child who has not completed a *state accredited* kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or in the first grade." She indicated the change was suggested to further clarify requirements of this section. Mr. Fisher moved final approval of the Rules and Regulations Arkansas Compulsory Attendance Requirements as amended. Mr. McLarty seconded the motion. The motion passed unanimously. (Attachment #2)

Recommendation of Desegregation Settlement Issues

In the work session, Tim Gauger, Assistant Attorney General, advised the Board of an order entered July 28, 1998 in the Pulaski County School Desegregation case which directed that the state pay prejudgment interest to the three school districts on teacher retirement health insurance funding adjustments for fiscal years 1997 and 1998. The Board was also informed that the Little Rock and Pulaski County districts had filed appeals from a June 16, 1999 order of the court, in which the court denied the school districts' claims that they were entitled to be compensated by the State in an amount in excess of 100% of the districts' teacher retirement and health insurance costs for those same fiscal years.

Mr. McLarty moved that the Board authorize the Assistant Attorney General to file an appeal from the July 28, 1998 order, and also authorize the Assistant Attorney General to forego such an appeal if the school districts would agree to dismiss their pending appeals of the June 16, 1999 court order. Mr. Smith seconded the motion. The motion passed unanimously.

Reconsideration of Probationary Status for a Teaching Certificate

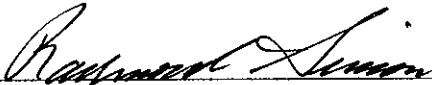
Theresa Wallent was recognized to present this item. Ms. Wallent reported that Mr. Calvin Sanders had not arrived although it was still earlier than the time given him for the meeting. Mr. Fisher indicated that since this was a rehearing and that reports from all parties were positive, he saw no reason why the hearing could not proceed. Ms. Wallent stated that one year ago Mr. Sanders was placed on probationary status with the requirement for review of performance at the end of that time. She noted that a letter of outstanding performance had been received from the Lake View Superintendent with the desire to retain him as a kindergarten teacher for the coming school year. Mr. Fisher

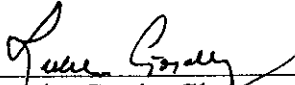
moved that Mr. Sanders be issued a six-year license. Mrs. Yates seconded the motion. The motion passed unanimously.

Adjournment

Mr. Smith moved adjournment. Mrs. Caldwell seconded the motion. The motion passed unanimously. The meeting adjourned at 9:50 a.m.

Minutes recorded by Dr. Charles D. Watson.


Raymond Simon, Director


Luke Gordy, Chairman