

Minutes
State Board of Education
Monday, February 8 and continued on
Friday, February 19, 2010

The State Board of Education met on Monday, February 8, 2010, in the Auditorium of the State Education Building. That meeting was adjourned at 12:30 p.m. due to inclement weather. Agenda items not considered on February 8, 2010, were heard on Friday, February 19, 2010.

Monday, February 8, 2010

Dr. Naccaman Williams, Chair, called the meeting to order at 9:00 a.m. The following Board members attended: Dr. Naccaman Williams, Chair; Jim Cooper, Vice-Chair; Sherry Burrow; Sam Ledbetter; Alice Mahony; Toyce Newton; and Vicki Saviers. Brenda Gullett and Dr. Ben Mays attended via telephone conference call.

Chair's Report

Dr. Williams reported that the Chair did not have a report. Ms. Mahony reported on a follow up conference with the military that focuses on preparedness of individuals entering military service.

Commissioner's Report

Dr. Kimbrell noted a recent award and recognition program for 132 schools sponsored by ACT and the National Center for Educational Achievement. Dr. Kimbrell also reported that Arkansas' data system has received national recognition placing the State as second in the nation for building and maintaining a student information system with longitudinal data.

Consent Agenda

Mr. Ledbetter moved adoption of the Consent Agenda. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes – January 19, 2010
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- ALP Waivers for February 2010
- Review of Loan and Bond Applications
- Newly Employed, Promotions and Separations

Action Agenda

Consideration for Final Approval: Proposed Revision of Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License

Beverly Williams was recognized to present this item. Ms. Williams stated that public comment was received regarding this item and revisions were made based on those comments. Ms. Mahony asked about qualifications for teaching concurrent credit courses. Ms. Williams stated that those requirements were based on the college or university that is granting the credit: generally those teachers must have at least a Master's Degree in the discipline and be approved by the college or university.

Ms. Burrow moved approval as submitted. Mr. Cooper seconded the motion. The motion was adopted unanimously.

(A transcript of the deliberations for the following items was submitted by the court reporter. That transcript is available in the State Board Office at the Department of Education.)

Consideration of Petition for Voluntary Administrative Consolidation of the Delight School District with the Weiner School District (to be called the Arcadia School District).

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that legal requirements for notification and submission of petitions were met. He also summarized the process for deliberation on this item.

Mr. Lassiter recognized attorney Cale Block representing the Weiner School District to present the proposal. Others participating in the presentation and questioning included Lavon Flaherty, superintendent of Delight School District; Charles Hanson, superintendent of Weiner School District; Patricia Hesse, representing the Weiner School District; and Jay Beckett attorney for Delight School District.

Following the presentation, the Chair asked if anyone in the audience wished to speak in opposition to the proposed merger; there was no response.

Mr. Beckett stated that the outcome of this deliberation will be important to the future of annexation or consolidation in that these districts are not in close proximity and that distance learning is playing such a major role in the provision of curriculum for students in both of these schools.

Ms. Burrow asked about potential cost savings to the operation of the new district as compared to operation of two independent districts. Mr. Block responded that the major cost saving

would be one administrative position and support staff. Additionally, he noted that the districts would receive approximately \$2.7 million in consolidation incentive money, which is one-time money for the new district's operation. Mr. Block also noted that with distance learning other instructional positions might be reduced at the high school campuses.

Mr. Cooper observed that the application was well drafted and met the intent of the school consolidation requirements. However, he inquired as to the issue of these two districts and the lack of a merger consideration with a contiguous district, or at least one in the proximity. Radius Baker, superintendent of Valley View District, stated that the Valley View District Board met with representatives from Weiner on more than one occasion and it became apparent that a consolidation would not be in the best interest financially for the Valley View District – especially when future construction funds might be requested. Danny Samples, superintendent of the Harrisburg School District reported that a meeting between the two boards (Weiner and Harrisburg) was not productive. Curtis Turner, Superintendent of the Murfreesboro School District stated that the Murfreesboro board was open to annexation with Delight and there had been conversations between the two boards. He did note disagreements over finances and relative wealth of districts.

Dr. Williams asked about the proximity of the Delight and Murfreesboro districts. Mr. Flaherty stated that there was about 14 miles between the schools; however, he noted that travel distance for students from the edge of the district would be significant.

Ms. Mahony asked if either of the districts were declared isolated. The superintendents responded that Weiner was isolated and Delight was not.

Ms. Gullett asked about the remediation rate of the two districts. Mr. Flaherty stated that in Delight the past year's remediation rate was high, but that was a result of a few students not making above 19 on the ACT and the fact that most of the Delight graduating students took the ACT. At Weiner it was reported that the remediation ration was about 50%. Mr. Flaherty stated that the Delight teachers do work very hard and are aware of the need for students to improve on the ACT exam.

Dr. Mays asked about the board configuration under the proposed new organization. Mr. Block stated that the Argenta District would have seven elected board members: four from Delight attendance zone and three from Weiner. This distribution is based on relative size of the student population and size of the districts. Representatives from the Weiner District confirmed this proposed organization would be agreeable to that community if the proposal were approved.

Ms. Burrow asked if either district had contacted other non-contiguous districts regarding consolidation. Only Weiner responded that it had – Weiner reported conversations with Turrell, but determined quickly that that would not work for financial reasons.

Dr. Mays noted that both of these campuses would have to retain a high school with low enrollments. He questioned where the cost savings would be seen. Mr. Block responded that there could be some sharing of teachers via distance learning as well as cooperative purchasing and the savings of one administrative unit.

Mr. Cooper moved denial of the proposal. Ms. Mahony and Mr. Ledbetter seconded the motion. The motion was adopted unanimously on a roll-call vote.

The following reasons were cited for voting to deny the proposed consolidation:

- Cooper: believes there are better options for students under a different organizational structure.
- Burrow: expressed concern about the administrative structure and the relative distance between the campuses.
- Gullett: agrees with colleagues and believes there are more practical options.
- Ledbetter: does not believe the proposal shows an improved learning environment for students and there is no apparent cost savings under this arrangement.
- Mahony: does not believe that this arrangement will enhance student learning environment.
- Mays: is not convinced that there is any monetary efficiency in this proposed arrangement.
- Saviers: does not believe there is any academic advantage for students under this proposal.

Jim Cooper left the meeting.

Consideration of Accreditation Status of Twin Rivers School District

Dr. Charity Smith was recognized to present this item. Dr. Smith summarized the actions of ADE and staff members in collecting information about the status of management and accreditation standing of the schools in the Twin Rivers District. Dr. Smith's report noted continued probationary status in the areas of curriculum, students meeting graduation requirements, teacher qualifications, and issues with the school calendar.

Carl Gilliland, superintendent of the Twin Rivers School District, requested to make a statement. Mr. Gilliland stated that the issues and problems with the accreditation status of the district were directly related to his administration and lack of attention to detail as required. Mr. Gilliland indicated that he had submitted his resignation to the local board effectively. He suggested that there are some things on the list that can be fixed immediately, some that cannot, he asked that his resignation be considered as a first step in correcting the issues at the schools. He affirmed that in his position working with a consolidated district with two communities competing has been most difficult.

Charles Fowler, president of the Twin Rivers School Board, was recognized to present a proposed plan to correct the issues noted. Mr. Fowler stated that the Board had accepted the resignation of Mr. Gilliland and that Ms. Collette Caruthers who currently is employed at the Williford campus is being recommended as interim superintendent and the appointment would be effective immediately. He indicated that Ms. Caruthers would continue to work from the Williford campus but administer both schools. He also noted that the Board is proposing to consolidate the two campuses at the close of the current school year with a major cost savings going into a new academic year. He assured the Board that the Twin Rivers Board was committed to moving forward with plans that will be best for the district, not either of the two independent communities.

Mr. Robert Washburger, a Twin Rivers board member, presented a plan to meet the curriculum requirements.

Mr. Ledbetter asked Jeremy Lassiter to outline the Board's options in dealing with the issues of the district. Mr. Lassiter cited options from the Rule.

Ms. Mahony expressed concern that the local board has not been more responsive to the accreditation status over these past two years. Mr. Fowler responded that the local board was not made aware of any of the conditions or the issue of accreditation probation. Mr. Fowler stated that they only became aware after contact from the Department of Education.

Ms. Gullett observed that it is unbelievable that three students may not be able to graduate because of the lack of curriculum offerings.

Dr. Kimbrell asked for clarification about two different calendars and which – if either – was the one being used and which was officially adopted by the board. Mr. Fowler stated that it does not appear that either are what was adopted in September and distributed to the students. Dr. Kimbrell asked if the calendar was only adopted in September and Mr. Fowler affirmed. Dr. Kimbrell asked if the other review procedures were used before final adoption – the answer from Mr. Fowler was no. Mr. Gilliland stated that the calendar presented to the review committee was a version of what was adopted and was not the one being followed.

Dr. Williams asked Dr. Kimbrell for the Department's recommendations.

Dr. Kimbrell provided the following:

- The State Board allow the Department of Education to take administrative control of the district immediately.
- The local schoolboard of education be relieved of any duties from this date forward.
- The Department be allowed to place an interim administrator in the district who would have first priority to assure students get an adequate education, and

- The State Board of Education take additional action at the end of the current school year to consolidate or split this district into contiguous districts so as to effectively provide adequate education for all the students in this district.

Dr. Mays asked for clarification on splitting the students into contiguous districts. Dr. Kimbrell stated that because of the terrain and relative size of this already consolidated district, the best course of action may be to split the students into a number of other local districts. He stated such action would take a lot of work and organization, but it is probably the best course of action at this time.

Ms. Gullett moved that the recommendations submitted by Dr. Kimbrell be adopted in total. Dr. Mays seconded the motion. The motion was adopted unanimously on a roll-call vote.

Because of snow accumulation, the meeting was adjourned at 1:00 p.m. The Board agreed to resume consideration of the agenda on Friday, February 19, 2010, beginning at 9:00 a.m.

February 19, 2010

Chair's Report

Dr. Williams noted a recent publication; *Chicken Soup for the Soul, Teacher's Tales* includes a story submitted by Arkansas Teacher of the Year Susan Waggoner.

Commissioner's Report

Dr. Kimbrell provided an update on the status of ADE's assumption of the operation of Twin Rivers School District. He stated that ADE staff conducted a meeting on Monday, February 15, in the cafeteria on the Williford school campus, which was attended by about 500 people from the district. Dr. Kimbrell reported that Tommy Arant, a retired superintendent and former regional service cooperative director, agreed to accept the position of interim superintendent. Mr. Arant started work on Tuesday (Feb. 16). Dr. Kimbrell noted that after Monday's meeting many of the adults in the session came to the conclusion that they must move on. Dr. Kimbrell stated that the Department is asking for a full financial audit, which will help reveal additional financial issues that will cause concern for dissolving the district.

Dr. Kimbrell commended the work of Dr. Charity Smith and other Department staff in carrying out the agencies responsibilities regarding the Twin Rivers District.

Request for Open-Enrollment Charter School Modification: e-Stem High Public Charter School, Little Rock, Arkansas

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan indicated that the three schools associated with e-Stem were seeking enrollment cap extensions and that the high

school was seeking authorization to relocate to a new facility in the same vicinity of downtown Little Rock. Dr. Duncan introduced Mr. John Bacon, administrator, e-Stem High School to make the presentation.

Mr. Bacon stated that his presentation would provide a program and enrollment up-date that reflects the status of each of the three e-Stem schools.

Questions regarding the high school: Ms. Burrow asked about the number of students that did not return and enroll in the 10th grade following the first year of operation. Mr. Bacon did not have the exact number but indicated that it was no more than four or five.

Ms. Gullett asked about the results of testing and noted that from the data presented it was difficult to determine progress of individual students. Mr. Bacon observed that the school only has one year of data from the school on which to base reporting.

Mr. Cooper questioned the structure of the proposed lease agreement and noted that the stated lease amount of \$350,000 per year was subject to final negotiations and other conditions. John French, president of Southern Realty a subsidiary of Southern Bancorp CDC, acknowledged that it is not possible to provide an exact lease agreement given the complexity of completion of the reconstruction and pending tax advantages that could be realized because the building is on the National Register of Historic Places.

Ms. Mahony asked about the number of projected students at the high school level should the enrollment cap be extended. Mr. Bacon stated that the high school will be one year from having a full component of grades. He noted that the school began last year with 9th grade, added 10th this year and would add 11th in the 2010-2011 school year. He stated that the numbers, be design will be about 100 short of the cap to allow for the planned adding of grades. He stated that there was more than enough students already on the waiting list to fill the vacancies should the cap be extended.

Mr. Ledbetter asked about the percentage of students eligible for NSLA funding. Mr. Bacon stated that cannot be determined because all slots will be filled by the open lottery, which is required by state law. The diversity of the student and their socio-economic background will be determined by the draw, he stated.

Dr. Mays observed that he was comfortable that the school was not being managed as a school for white flight. He did indicate that it would be helpful to see comparison data from "like" students in the longitudinal study. Mr. Bacon responded that the only controlling factor is the results of the open lottery for positions and that is somewhat determined by who applies for enrollment.

Ms. Gullett noted comments by Mr. French that his company had invested in facilities for other charter schools in the state. She asked him to identify those entities. Mr. French responded

that his company had worked with the KIPP Academies and the new construction for Jacksonville Lighthouse Academy.

Ms. Burrow asked about security measures in place in the downtown location. Mr. Bacon responded that each external door was secured by a magnetic card entry system for all students and staff. Also, he stated that uniformed security officers were on duty in the lobby at all times. He stated that such security measures would be part of the new facility if approved.

Ms. Gullett asked about ultimate numbers in the e-Stem system. Mr. Bacon responded that it was his belief that the number 500 appears to be the right size for a high school – it's big enough to offer all required courses and electives and it's small enough so that no student gets lost in the system. Mr. Cooper pushed the idea that e-Stem would not be back next year asking for additional cap extensions. Mr. Bacon stated that the full component of students will not be in place until 2011-2012 and he affirmed that they would not be back seeking an extension for the high school.

Dr. Mays asked if there were any personal relationship issues with e-Stem staff and anyone in the business end of Southern Bancorp from which the lease is being secured. Mr. French suggested that the lease can be carefully reviewed by the ADE legal department before it is final. Dr. Mays said it was appropriate and essential for the legal staff to oversee the "legal" components of the lease agreement, but he believes there are programmatic issues that should be reviewed and approved by the Board. Dr. Mays noted the many questions remaining unanswered about the lease causes concern for approving the lease agreement and new facility at this time. Mr. Ledbetter asked Jeremy Lassiter if the Board had ever approved a lease agreement for a charter school with this many unanswered questions. Mr. Lassiter stated that it was the Board's option, but most lease agreements have not been open-ended. Dr. Mays asked if the \$350,000 included taxes, insurance and maintenance. Mr. French responded once the final amount is determined the lease will be all inclusive. Mr. French affirmed that he believes the projected amount is high and that it could be lower based on the tax options that are pending.

Mr. Ledbetter affirmed that all student increase options are dependent on the high school moving to new facilities. Mr. Bacon responded yes.

Mr. Cooper stated that the Board needs to see a lease agreement and asked how long before it would be available. Mr. French stated there are things pending that have to be done and there are issues in construction costs that remain undetermined, so it could be done in three weeks, but he would not be specific. Jess Askew, attorney for e-Step, asked to comment. Mr. Askew stated that tax issues are complex, especially for this issue and the entities will not know for some time. He asked the Board if it could recommend a cap on the lease agreement with terms no less favorable and that cap can be \$350,000.

Ms. Gullett stated that she continues to be frustrated with the amount of time the Board spends hearing and dealing with issues related to charter schools. She believes that by spending too much time on charter schools, the remainder of schools in the state are being shortchanged.

Dr. Kimbrell responded that charter schools are still relatively new and the state and the Board are learning to respond on an “as we go” basis. He announced that ADE has received a grant that will help study the review and recommendation process and hopefully this will help streamline the review process.

Mr. Ledbetter moved that the enrollment cap for e-Stem High School be extended by 100 to a maximum of 500 students and that the requested relocation be approved subject to negotiation of a lease agreement with the landlord that does not exceed \$350,000 annually with terms no less favorable than its existing lease with the current landlord. Mr. Cooper seconded the motion. The motion was adopted unanimously on a roll-call vote.

Chris Heller, attorney for the Little Rock School District asked the status of a letter that he sent to Dr. Kimbrell earlier in the week stating the District’s opposition to the expanded enrollment caps. Dr. Kimbrell acknowledged receiving the letter. The letter was entered into the record.

Request for Open-Enrollment Charter School Modification: e-Stem Middle Charter School, Little Rock, Arkansas

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan noted that the presentation made by Mr. Bacon during the first agenda item included data pursuant to the item under consideration. The Chair asked Mr. Bacon if additional comments were planned. Mr. Bacon responded no.

There was no additional discussion on this item.

Mr. Cooper moved approval to increase the enrollment cap to 500 students. Ms. Burrow seconded the motion. The motion was adopted unanimously on a roll-call vote.

Request for Open-Enrollment Charter School Modification: e-Stem Elementary Charter School, Little Rock, Arkansas

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan noted that the presentation made by Mr. Bacon during the first agenda item included data pursuant to the item under consideration. The Chair asked Mr. Bacon if additional comments were planned. Mr. Bacon responded no.

Ms. Burrow extended congratulations on the recognition in Family Magazine. She noted a visit to the school last year and was favorably impressed with the development of the program. Ms.

Burrow noted that the elementary school failed to make Adequate Yearly Progress (AYP) for the previous year with one sub-group failing to make the expected AYP status on the Benchmark Exam. Mr. Bacon acknowledged the problem with specifically fourth grade students and that the school has taken steps to correct the issue for this year. He noted that all fourth grade teachers from last year were either replaced or reassigned. He believes that the Board will see a vastly different result this year. Mr. Bacon also noted other actions to improve student performance: focus on literacy, use of NWEA testing periodically throughout the year, emphasis on writing and response to open response items and the short summer vacation – 5 weeks – hopefully will decrease student learning loss during the summer.

Ms. Mahony asked about Grade 4 literacy numbers and why they were not included in the data provided and were the students who were not proficient promoted. Mr. Bacon stated that all students are assessed. Students were promoted, but each student not proficient was promoted with an individual learning plan and attention is given throughout the year to help students meet the expected gains.

Dr. Mays moved for approval of the enrollment cap to 495. Mr. Cooper seconded the motion.

Mr. Ledbetter stated that he would be voting against the motion because he believes the statute requires the Board to hold the school to high academic accountability. Ms. Newton asked for attorney opinion based on Mr. Ledbetter's comment. Mr. Lassiter stated that there is no specific prohibition in the rule, but one could infer that such restriction could be considered legislative intent that they be given a year to address improvement status.

The motion failed on a roll-call vote 3 yes, 4 no (Ledbetter, Mahony, Mays and Newton voted no).

Consideration of District Conversion Public Charter School Application: Cloverdale Aerospace Technology Conversion Charter Middle School, Little Rock School District

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan stated that this in a continuation of the presentation that was delayed from the January meeting. Dr. Linda Watson was recognized to review the process and steps taken by the district since the January meeting. Dr. Watson stated that the district staff met with ADE and worked through issues that were raised by the reviewers. She responded to a previous question as to why a charter school as the method of intervention for Cloverdale. Dr. Watson stated that the charter school would help with structure of the school and allow the district some support to address academic needs of this school.

Dr. Kimbrell reported that ADE leadership went through the proposed plan and suggested ways to make the presentation stronger and emphasized the strength of the Smart Accountability Process. He noted that re-staffing of the school will allow the school leadership to focus on teachers who are committed to improvement.

Dr. Watson stated that the district is not recommending a principal change at this time because there was a new principal last year and improvement was observed this past year. She believes with declaring the teaching positions vacant and allowing the principal to interview and hire with no more than 49% of the current faculty being allowed to return is a drastic and bold action on the part of the district.

Ms. Mahony asked about retaining Monica Norwood at the school. Dr. Watson responded that Ms. Norwood did return last fall, but was assigned to a different school in a new position after the first part of the school year. Ms. Mahony also asked about counseling positions. Dr. Watson responded that there were two full-time counselors at the school, which is greater than the required counselor/student ratio in the accreditation standards. Dr. Watson also noted other support staff such as mental health support.

Dr. Mays asked about the contract status of the teachers being vacated at Cloverdale. Dr. Watson stated that fair dismissal requires placement within the district unless there is documentation that meets dismissal criteria in the negotiations agreement.

Mr. Ledbetter observed that the Little Rock District has other middle schools in year six of school improvement. He asked about strategies that would help avoid this same issue at the other schools. Dr. Watson outlined strategies that are being implemented such as reading teachers and literacy coaches in the schools, a tutoring program for all students performing below proficient, and other interventions during and after the regular school day. Dr. Watson is banking on schools making progress and taking advantage of the safe harbor provision toward making AYP.

Gullett asked about any sanction for teachers being replaced from Cloverdale. Dr. Watson stated that each moved teacher would go with a professional growth plan that specifies the requirement that their students show growth.

Dr. Mays observed that when a school is approved as a charter school, there are additional dollars for student instruction at that school; he asked what are your plans for those funds. Dr. Watson responded that the new funds, \$450,000 over three years if approved as a competitive grant will be used for additional resources, materials, equipment and professional development.

Ms. Burrow moved approval of the conversion charter school for Cloverdale Middle School. Ms. Gullett seconded the motion. The motion was adopted unanimously on a roll-call vote.

Dr. Kimbrell asked Board members to bring calendars so that the Board and Staff can work on planning a work session or retreat.

Dr. Kimbrell also stated that on February 25 the Board was invited to meet with the Workforce Education Board and Dr. Gene Bottoms from the Southern Region Education Board (SREB) for planning a series of courses for high school students that are designed around real work problems that might be embedded into the high school curriculum. Ms. Mahony indicated an interest in participating.

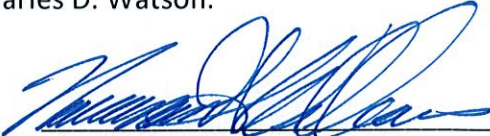
The Chair declared the meeting adjourned.

The meeting adjourned at 12:00 noon.

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



Dr. Tom Kimbrell, Commissioner of Education



Dr. Naccaman Williams, Chair Board of Education