

ARKANSAS STATE BOARD OF EDUCATION
January 16, 1998

Friday, January 16, 1998
8:00 a.m.
Heifer Project International
Perryville, AR

CONSENT AGENDA

1. Minutes (December 8-9, 1997)
2. Chair's Report --- Mr. Bill Fisher
3. Promotions, Newly Employed and Separations --- Ms. Clemetta Hood.C3
4. Personnel Recommendations --- Ms. Clemetta Hood C4
5. Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan --- Ms. Charity Smith.C5

COMMITTEE WORK

1. *Finance /Communication/Department Structure*
 - a. Discussion of the Proposed Rules and Regulations Governing the College Preparatory Enrichment Program -- Dr. Bobbie Davis
2. *Accountability/Technology/Licensure*
 - a. Status Report - Phase II Academic Distress --- Mr. Frank Anthony
3. *Instruction/Curriculum/Assessment*
 - a. Assessment at Grades 8 and 10 with Explore and Plan --- Mr. Frank Anthony
 - b. Proposed Rules and Regulations Governing College Preparatory Enrichment Program --- Ms. Yvette Dillingham /Mr. Frank Anthony

(Note: Also refer to materials for these two items that were mailed with the December Board agenda.)

ACTION AGENDA

1. Director’s Report --- Mr. Ray Simon
2. Waiver Request for Establishing the Academic Standards for Student Participation in Competitive Interscholastic Activities ---
 Searcy School District --- Tony Wood
 Ouachita School District --- Penny Ferguson
 ElDorado School District --- Derrill Smith
 Pulaski County Special School District --- Jerry Welch A2
3. Discussion of Proposed Rules and Regulations Governing the Distribution of Catastrophic Loss Funding --- Ms. Patricia Martin/Mr. Tristan D. Greene.A3
4. “Megan’s Law” guidelines --- Ms. Theresa Dixon. A4
5. State Board of Education Operating Guidelines --- Ms. Betty Pickett.A5
6. Finance/Communication/Department Structure Committee Report ---
 Mr. Carl Baggett.A6
7. Accountability/Technology/Licensure Committee Report ---
 Mr. Jim McLartyA7
8. Curriculum/Instruction/Assessment Committee Report ---
 Ms. Sherry WalkerA8
9. Personnel - Executive Session. A9

Retreat

To begin immediately following adjournment of regular board meeting

STATE BOARD OF EDUCATION

Friday, January 16, 1998

Minutes

The State Board of Education met on Friday, January 16, 1998, at the Heifer Project International in Perryville, AR. The meeting was called to order at 8:15 a.m. by Bill Fisher, Chair.

Members present: Bill Fisher, Chair; Luke Gordy, Vice-Chair; Edwin Alderson, Carl Baggett; JoNell Caldwell; Martha Dixon; James McLarty; Betty Pickett; Richard Smith; Lewis Thompson; Sherry Walker and Anita Yates.

Mr. Fisher recognized Ernest Huff, Superintendent of Schools in Perryville who welcomed the Board to Perry County.

Mr. Smith moved the approval of the Minutes of the December 8 and 9, 1997. Mr. McLarty seconded. Ms. Pickett confirmed that her suggestion for revision to the distributed Minutes had been included. The motion carried unanimously.

Chair's Report

The Financial Disclosure Forms as required by the State for all board and commission members have been distributed to you. Those forms should be completed and returned to Janinne Riggs by the close of the retreat. The Department calendar of events is on the ADE Web page. Board members should use the laptop computers to access the Web site to keep informed about Department activities.

The following events were listed as possible sessions for Board participation:

- Title I Mid Winter Conference - Hot Springs, January 25-30 - Contact Shirley Thomas.
- Milken Technology Conference - Little Rock, March 11-12 - Contact Janinne Riggs.
- Arkansas Association of Educational Administrators Seminar - Little Rock, January 20, Contact Mr. Charles Knox.

The list of meeting dates for 1998 as adopted at the December meeting was distributed.

(Attachment 1)

The Chair reminded Board members of the provisions of Act 703 of 1997 and the provisions for calling special meetings.

Mr. Fisher made the following assignments for Board members to visit Regional Service Cooperatives. He indicated that he had met with the Coop Directors earlier this month and indicated to them that Board members would be attending one of their Coop Board meetings in the

near future. Mr. Fisher requested that visits be made prior to the May meeting and that Board members be prepared to make a brief report about the visit.

- Betty Pickett - Arch Ford Education Service Cooperative
- JoNell Caldwell - Arkansas River Education Service Cooperative
- James McLarty - Great Rivers Cooperative and North Central Arkansas Education Service Center
- Anita Yates - Northwest Arkansas Education Service Cooperative
- Carl Baggett - Ozarks Unlimited Resources Cooperative
- Lewis Thompson - South Central Service Cooperative and Southwest Arkansas Educational Cooperative
- Richard Smith - Southeast Arkansas Education Service Cooperative
- Luke Gordy - Western Arkansas Cooperative
- Sherry Walker - Wilbur D. Mills Education Service Cooperative

Mr. Fisher invited Board members to share activities or visits made since the last meeting.

- Ms. Caldwell - Visited Malvern High School and observed a program (Bridging the Gap) that links the school with industry and provides specialized instruction as a means of helping students be better prepared to enter the workplace. She also referred to Family newspaper, a publication in Little Rock, that included a number of positive articles about public education.
- Ms Yates - Governor Huckabee is scheduled to attend the Lincoln School District Community Breakfast meeting on January 27. The Governor will visit in the school and teach a class during the visit.
- Mr. McLarty - Attended the dedication of the new correctional facility in Newport. This facility will be operating an educational program within the prison. The staff invites Board members to visit the facility after the first few months and all programs are operating smoothly.
- Mr. Gordy - Was pleased to announce that three teachers from Van Buren were selected to pursue National Board Certification. These three teachers will receive full payment of tuition, utilizing both federal and state funds, to participate in the National Board Certification process. Gordy affirmed his interest in this program and suggested that the Board pursue ways of involving more teachers in the certification process.
- Mr. Fisher - Attended a meeting of the Legislative Sub-Committee on Education which included presentations by department staff. He noted that legislative interest in education is great. Mr. Fisher also met with the directors of the regional service cooperatives and with staff from the Arkansas School Administrator's Association.

Consent Agenda

Mr. Fisher announced that Consent Agenda Item #4, Personnel Recommendations and Consent Agenda Item #5, Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan, will be deferred and not included in the vote on the Consent Agenda.

Mr. Smith moved the adoption of the remaining Consent Agenda items. Ms. Yates seconded. The motion passed unanimously.

Action Agenda

Mr. Fisher suggested that at this meeting Committee items be considered by the Board as a Committee of the Whole due to the limited number of items and the nature of the items to be discussed.

Mr. McLarty was recognized to present items from Committee #2, Accountability, Technology and Licensure.

Mr. McLarty distributed a list of schools not submitting local district technology plans. The process for application to the Universal Service Fund is moving forward. Department staff will be in contact with the schools on the list to encourage the completion of plans from those schools and to assure eligibility for the E-Rate discount. **(Attachment 2)**

Mr. Gordy presented a case for expanding the National Board Certification for Arkansas classroom teachers and summarized ideas from other states as to incentives provided to encourage and support teacher participation in the National Board Certification process. Incentives such as bonus payments, salary supplements, and incremental pay raises are common in other states. Gordy suggested that the Board's Legislative Committee should examine current legislation (Act 1225 of 1997) for the purpose of expanding the provisions of the act to include a higher level of reimbursement of fees and possibly other salary advantages for teachers who complete the National Board Certification process. He noted that the ultimate beneficiaries of such investments are the children in our state. **(Attachment 3)**

Ms. Walker moved that the Board move these ideas forward and begin the dialogue between Department staff, the Governor and Legislators to develop a proposal. Ms. Pickett seconded. The motion passed unanimously.

Mr. McLarty reported that the Department staff continues to monitor the progress of academically distressed schools. Mr. Anthony stated that the schools were continuing to make progress toward meeting their established goals. Anthony noted that April 15th was the date by which the status of the schools would be determined for next year. He indicated that staff would make at least one final visit to all of the Phase I, Phase II and Watch List schools prior to that time. Anthony noted

that many of the schools either had or would be receiving a grant from the Technology Literacy Challenge Grant program - up to \$400,000 will be awarded to distressed schools this year. In response to a question by Ms. Pickett, Anthony stated that schools are looking at a three to five year plan and that it would be systemic in nature. Theresa Dixon provided a summary of information collected from other states concerning legal challenges of state take over.

Ms. Walker was recognized to present items from Committee #3, Instruction, Curriculum and Assessment.

Ms. Walker reviewed aspects of the Plan and Explore tests that are supported this year by the Department of Education. In previous years, one of these tests has been funded by the Arkansas Department of Higher Education; however, this year the full responsibility is on the Department. Approximately \$300,000 will be needed to fund these program for 1997-98. These funds are reserved from the "At Risk" monies. Mr. Anthony reported that staff was conducting a survey of school administrators to determine the support for this program in the schools. The surveys are due by January 24. He stated that these surveys will be tabulated, and the information should be helpful to the Board in making a decision about the value of these tests as part of the state assessment system. No action was taken pending the report.

The proposed Rules and Regulations Governing College Preparatory Enrichment Program were reviewed. Ms. Walker noted that the draft of these Rules and Regulations includes reference to the Plan and Explore tests as well as a suggested expenditure for these assessments. It was pointed out that the funding structure of the CPEP program was changed to reflect the Board's concern that the program be funded based on the relative number of students who score 18 or below on the ACT. Mr. Simon suggested to the Board that these Rules and Regulations need to be approved for public comment so that hearings can be conducted and final approval can be considered prior to awarding grants to support instruction during the summer of 1998.

Mr. Gordy suggested that Section 7.06 be amended to eliminate the reference to the Plan and Explore tests and that the reference to a specific funding level be eliminated. Ms. Pickett suggested that in section 4.01 the wording "below 19" should be changed to "18 or below" to make it consistent with the other references in the document. Also in Section 4.01 insert a "." following Regulations and eliminate "continued". She also suggested that in Section 4.02 the sentence should end following the word "program" and eliminate the remainder of that sentence.

Mr. McLarty moved the adoption of the Rules and Regulation for the purpose of public comment with the above changes. Mr. Smith seconded. The motion passed unanimously. (**Attachment 4**)

Director's Report

Mr. Simon introduced Dr. Kevin Penix as the last member of the Senior Management Team. Mr. Simon commended other members of the Senior Management Team for assuming responsibilities and assisting with the operation of the Department during the employment period of these new

staff. Mr. Simon noted that a new staff training program had begun. Proper and efficient use of telephone equipment and a focus on the customer will be among the first offerings for staff.

Department staff continues to conduct scheduled public hearings on the Common Core Curriculum. This continues to be a topic for many questions and comments at the hearings. The Common Core Rules and Regulations and recommendations from Higher Education will be on the February Board agenda for final consideration.

Mr. Simon reminded Board members about the new requirements for attendance as included in Act 219 of 1997.

Waiver Request for Establishing the Academic Standards for Student Participation in Competitive Athletics.

Searcy School District - Mr. Tony Wood, Superintendent, provided a brief summary of the provisions of the program as described in the written materials. Mr. Smith moved the approval of the Searcy proposal. Ms. Yates seconded. Ms. Pickett asked for clarification on the purpose of the waiver that comes before the Board. It was confirmed that any waiver request that comes before the Board is to provide the supplemental instructional program during the school day. The motion passed. (Pickett voted no.)

Ouachita School District - Penny Ferguson, Superintendent, provided a brief summary of the provisions of the program as described in the written materials. Mr. McLarty requested clarification on the point of exactly who would be providing supplemental instruction for students in core subject areas. Ms. Ferguson affirmed that a subject area teacher and/or peer tutors would provide the instruction and that it would occur outside, but in addition to, the regular class period. Mr. Smith moved approval of this waiver request. Mr. Thompson seconded. The motion passed. (McLarty and Pickett voted no.)

El Dorado School District - Derril Smith, Athletic Director, provided a brief summary of the provision of the program as described in the written materials. Members of the Board expressed some concern that this program was a generic study skills program as opposed to specific subject area remediation. The Board recommended that the structure of the program include more input from content area teachers. Mr. Alderson moved the approval of this waiver request. Mr. Gordy seconded. The motion passed. (Dixon, Pickett, McLarty, and Thompson voted no.)

Pulaski County Special School District - Jerry Welch, Athletic Director, provided a brief summary of the provision of the program as described in the written materials. The Board raised questions about a letter from the school attorney concerning the impact of this program on the desegregation settlement. Staff tracks student progress on a weekly basis. Mr. Gordy moved the approval of this waiver request. Ms. Yates seconded. The motion passed. (Thompson, Dixon, Pickett and McLarty voted no.)

Ms. Walker moved that the Department write a letter to the attorney for the Pulaski County School District clarifying the Board's policy on this issue. Mr. Smith seconded. Ms. Pickett suggested that the letter clarify that the waiver request was initiated by the choice of the District, not in response to a request or policy of the State. The motion passed unanimously.

Mr. Fisher raised the question concerning the Board's desire to change its operating policy requiring schools to appear before the Board to request such waivers. Ms. Pickett suggested that the Board might consider revising the Rules and Regulations in view of the requests for waivers that are being received. Further discussion was deferred to the retreat portion of the meeting.

Discussion of Proposed Rules and Regulations Governing the Distribution of Catastrophic Loss Funding

Patricia Martin spoke briefly about steps that have been initiated to get the proposed Rules and Regulations out for public comment once they are approved. She indicated to the Board that these funds should be awarded to eligible districts in May or June of this year. Thus, timing is critical.

Tristan Green was recognized for the purpose of reviewing with the Board components of the proposed Rules and Regulations highlighting statistical work completed since the Board last considered this topic. Mr. Green distributed a replacement page for Page A3-6 in the Agenda Book. (**Attachment 5**) This page contains updated statistics since the Board materials were prepared. The following typographical changes were made to the proposed Rules and Regulations. Paragraph 5.02 in the last line a negative sign was omitted in the numeral representation. Within the parenthesis this should read "(-0.05 or -5.00%)". Paragraph 5.03 - in line two the language "divided be" should be replaced with "divided by." (**Attachment 6**)

Ms. Pickett commended Mr. Green and the staff for the detailed work done to prepare these data. She requested that staff not totally lose the idea of the standard deviation in determining the fair distribution of these funds. The Board requested the staff to consider the impact of spending the full amount of money authorized. No action was taken on these issues.

Mr. Smith moved the adoption of these Rules and Regulations for public comment. Ms. Caldwell seconded. The motion passed unanimously.

"Megan's Law" Guidelines

To initiate discussion for Board guidelines required by Act 989 of 1997, Theresa Dixon summarized what other states were considering relative to this issue. A policy statement from Washington State was identified as one that deserves further analysis as the Board considers action in response to this legislation. No further action was taken.

State Board of Education Operating Guidelines

Ms. Walker moved to table the discussion on the Operating Guidelines and take action at a later meeting. Mr. McLarty seconded. It was suggested that more time could be devoted to discussion of the issues at the retreat or at a later meeting. The motion failed. (Yates, Thompson, Caldwell, Baggett, Gordy, and Fisher voted no; Alderson abstained)

Executive Session - Personnel

Mr. Gordy moved that the Board go into executive session to discuss personnel. Mr. McLarty seconded. The motion passed unanimously.

Mr. Smith moved that the Board reconvene. Mr. McLarty seconded. The motion passed unanimously.

The Chair recognized Mr. Simon. Mr. Simon made the following personnel recommendations for new hires in the Department. Mary Carol Roach, Education Program coordinator of Research and Statistics; Krista Underwood, Program Support Manager, Early Childhood and Reading; and Kenneth Douglas, Program Support Manger, Loans and Bonds. Mr. Smith moved that the Board accept the recommendation of the Director. Ms. Pickett seconded. The motion passed unanimously.

The Board recessed for lunch at 11:50 a.m.
The Board reconvened at 12:45 p.m.

The Chair recognized Tim Gauger from the Attorney General's Office for remarks about the Pulaski County Desegregation Case and the recent report of the Office of Desegregation Monitoring concerning the reports made to the districts and to the Court. Mr. Gauger informed the Board that any change in the monitoring or reporting process required a meeting with the parties involved in the case and that any modifications would be made by making a proposal to the Courts. Ms. Pickett suggested that the Board and the Department should stay focused and move forward on this issue. The Director should initiate a meeting with the three districts in an effort to determine the type of information that would be helpful from a monitoring report. Pickett suggested that a letter be prepared to go with the next monitoring report indicating the Board's position and outlining suggestions for future direction. Mr. Alderson requested that ADE staff prepare a monthly report for the Board indicating the current status of monitoring. Ms. Pickett moved that Department staff be requested to provide monthly updates to the Board on the status of monitoring. Ms. Yates seconded. The motion passed unanimously.

Ms. Yates moved that the Board accept the current monitoring report as provided in the Consent Agenda. Ms. Dixon seconded. The motion passed unanimously.

State Board of Education Operating Guidelines

Mr. Fisher expressed his appreciation to the committee, Ms. Pickett, Mr. McLarty, and Ms. Caldwell, for their work on preparing the revisions to the Operating Guidelines.

Ms. Pickett indicated that the following additions need to be made to the copy that was distributed. Under "Special Meetings," add the following to the end of the printed paragraph. "With notification to the Office of the Director." This change is necessary for the Guidelines to conform with Act 703 of 1997. Under Agenda/preparation in the first sentence, place a period after the word "Director" and delete the phrase "of each Division." These are non controversial additions.

ORGANIZATION

Ms. Pickett reported that the Committee recommends no change in the "Organization" section that was distributed. Mr. Alderson moved the acceptance of the "Organization" section as presented by the Committee. Ms Walker seconded.

Ms. Yates raised the question about the members of the nominating committee having "two" years experience on the Board. Ms. Caldwell moved that a Board member who has served "one" year may serve on the Nominating Committee. Ms. Yates seconded. Ms. Walker made a substitute motion that "one" year be changed to "two" years. Mr. Alderson seconded the substitute motion. The substitute motion failed. (Yates, Caldwell, Thompson, Baggett, Gordy, Dixon voted no.) The main motion passed (McLarty, Pickett, Walker, and Alderson voted no; Dixon abstained.)

Ms. Pickett moved that the Term section be approved as printed. "The term of office for each elective position shall be limited to one year." Ms. Walker seconded. The motion passed. (Yates, Caldwell, Baggett, and Gordy voted no)

Mr. McLarty moved the adoption of the Vacancies section as distributed. Ms. Pickett seconded. The motion passed unanimously.

BOARD OPERATIONS

Mr. McLarty moved the following change in wording in the Director paragraph, Line 6. Change "This evaluation..." to "His/Her evaluation..." Mr. Alderson seconded. The motion passed. (Caldwell, Gordy, Smith, Yates, and Baggett voted no.)

In the same paragraph, Ms. Caldwell moved to amend the final sentence to read as follows: "The Board shall prepare a formal performance evaluation of the Director within a month of the anniversary date." Mr. Gordy seconded. The motion passed unanimously.

COMMITTEES

In the paragraph "Committee of the Whole," Mr. Alderson moved the deletion of the entire second sentence in the paragraph and the following two paragraphs - "Standing Committees and Special Committees." Mr. Gordy seconded. The motion passed unanimously.

ORIENTATION OF NEW BOARD MEMBERS

Mr. Alderson moved the adoption of this entire section as printed. Ms. Dixon seconded. The motion passed unanimously.

MEETINGS

Ms. Caldwell moved that the Board adopt the meeting schedule as voted on and recorded in the December, 1997, Minutes. Mr. Gordy seconded. Ms. Walker made a substitute motion to leave the Regular Meetings content as printed. Ms. Pickett seconded the substitute motion. The substitute motion failed (Thompson, Yates, Caldwell, Smith, Baggett and Gordy voted no.) The main motion passed. (Walker, McLarty Pickett, Dixon, and Alderson voted no.)

Mr. Alderson noted that this year Easter is the Sunday preceding the April Board meeting date and Mother's Day is the Sunday preceding the May Board meeting date. He moved that for those two months, the Board meeting be set for the third Monday in lieu of the second Monday. Ms. Yates seconded. The motion passed. (Walker and Pickett voted no.)

Ms. Pickett moved to accept the Notice to Members section as printed. Ms. Walker seconded. The motion passed unanimously.

Mr. Smith moved to accept the Public Notice section as printed. Ms. Yates seconded. The motion passed unanimously.

Mr. Alderson moved that in the Member Attendance paragraph, the added text be changed to read as follows. "Board members have a responsibility to make every effort to attend all meetings of the Board." *Underlined text substitute for "attend."* Ms. Yates seconded. The motion passed unanimously.

AGENDA

Ms. Caldwell moved that the Preparation paragraph be revised to allow for an eight (8) day mail date when there is less than four (4) weeks between regular meeting dates, and that the text be broadened to include "mailed or distributed." Mr. Alderson seconded the motion, and amended the motion to read "mailed" (deleted the *or distributed*). Mr. Smith seconded the amended motion. The motion passed unanimously.

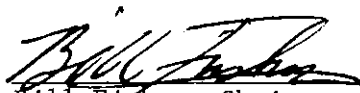
AMENDMENTS

Mr. Alderson moved the adoption of Item #7 which is the only change recommended in this section. Mr. McLarty seconded. The motion passed unanimously.

Mr. Alderson moved that the Board adopt a policy that these Guidelines not be revised for a period of 18 months unless there is a 3/4 majority vote of the Board. Ms. Pickett seconded. The motion passed. (Gordy and Caldwell voted no.)

Mr. McLarty moved adjournment. Ms. Pickett seconded. The motion passed unanimously. Adjourn 4:00 p.m.

Recorded and submitted by Dr. Charles D. Watson


Bill Fisher, Chairman


Ray Simon, Ex Officio, Secretary