

Minutes  
State Board of Education  
Tuesday, January 19, 2010

The State Board of Education met on Monday, January 19, 2010, in the State Education Building. Dr. Naccaman Williams, Chair, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, Chair; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; Toyce Newton; and Vicki Saviers.

The following Board members were absent: Jim Cooper, Vice-Chair; Sherry Burrow; and Brenda Gullett.

**Chairs Report**

Dr. Williams welcomed Vicki Saviers as a new member of the Board. Ms. Saviers was appointed by Governor Mike Beebe to a six-year term replacing Randy Lawson.

Dr. Williams reported that he, Ms. Mahony and Ms. Newton attended a Southern Region Area conference in Jacksonville, FL, on January 11 – 12, to discuss proposed voluntary common core standards currently under development and review. He noted that this conference was sponsored by the National Association of State Boards of Education (NASBE). Ms. Mahony commented on her interest in the assessment issues and potential adoption timeline for states. Ms. Newton stated that the experience provided a great opportunity to help Board members understand the issues related to the standards and how other states are viewing the potential adoption.

Ms. Mahony attended a conference sponsored by the Louisiana Department of Education focused on technology and literacy.

**Commissioner's Report**

Dr. Kimbrell reported on the recent Quality Counts national ranking of states on educational issues and noted Arkansas' seventh place status when all issues were considered. He stressed that Arkansas educators can be proud of the progress made over the last several years. Out of the report, Dr. Kimbrell indicated that the criterion for K-12 achievement continues to be an area for concern.

Dr. Kimbrell noted that he was unable to attend the NASBE conference during the previous week. He stated that former Education Commissioner in Arkansas and current Executive Director of the Council of Chief State School Officers, Gene Wilhoit, visited Arkansas and spoke to a legislative group and spoke to Arkansas administrators regarding the standards and other education issues.

Regarding the standards, Dr. Kimbrell stated that the Curriculum and Assessment Unit under Dr. Gayle Potter's leadership has working drafts of the grade-by-grade content standards. The staff is working to prepare a response by March 22. Dr. Potter's unit is preparing copies of the draft standards documents that will be distributed to schools as part of the review and comment process. Dr. Kimbrell stated that the Race to the Top funding requires states to adopt the standards and the adoption decision must be complete by August. He noted that the Arkansas content standards place high expectation on students

and teachers and the key issue is that any adoption of new standards must assure that the State's expectation remains high.

Dr. Kimbrell introduced Heather Gage who has coordinated the work of the staff and many individuals across the state in preparing the Arkansas proposal for Race to the Top. Dr. Kimbrell complemented the work of the team and specifically noted the many hours spent by Ms. Gage and others in the preparation of the proposal. Ms. Gage stated that a large number of individuals helped with the work that included input from 318 people who attended one of the regional information/work sessions. Additionally Ms. Gage summarized the major points of the proposal which proposes extending the Arkansas reform agenda with a budget of \$374 million. Ms. Gage also stated that states selected as finalists in the national review process will be notified by mid March with potential funding by mid April. Should the state not be funded in round one, Ms. Gage stated that a second tier of funding would be available next summer.

### **Reports**

Dr. Tom Kimbrell recognized Ms. Talisa Hadley, a middle school mathematics teacher from Rose City Middle School in the North Little Rock School District as the 2009 Milken winner. The award was announced in September in a school assembly. Members of Ms. Hadley's family and administrators from the North Little Rock School District attended in her honor.

Dr. Gayle Potter presented a summary report of research completed by her staff related to the amount of time allocated to students on the State Benchmark Exams in literacy. Dr. Potter's report showed that there are differences across states regarding the issue of limiting time for the literacy exams: some states, like Arkansas, have specific time limits, other states operate with time parameters, and other states have no time limit.

Dr. Mays inquired if Arkansas students were at a disadvantage if time limits are imposed when students from other states are not timed. Dr. Potter responded that students are not compared across states because each state has created its own tests and has its own parameters. She emphasized that state-to-state comparisons are difficult with these testing parameters.

Dr. Potter discusses the emergence of time parameters on the Algebra II exam that is given across a number of states. She stated that the first year with agreed upon time parameters, Arkansas teachers expressed frustration with the lack of specific time designations. She observed that timing issues are being addressed for the ensuing years.

Dr. Kimbrell stated that no change in test administration can be considered for tests administered in the spring 2010. Beyond that, Dr. Kimbrell suggested that ADE staff would take a more detailed look at timing issues and determine what options – if any – might be available with the tests administered each year. Dr. Kimbrell offered a more detailed report from the staff at the March Board meeting.

### **Consent Agenda**

Mr. Ledbetter asked for discussion regarding the request from DeWitt School District to switch its regional cooperative affiliation from the Arkansas River Education Service Cooperative (Pine Bluff) to

Southeast Arkansas Education Service Cooperative (Monticello). DeWitt superintendent of Schools, Gary Waymon, stated that the primary concern was one of preference and it is related to consolidation of the DeWitt District with the Gillette District two years ago. He stated that Gillette was affiliated with the Southeast Cooperative and DeWitt was affiliated with Arkansas River and it is important to unify the staff in its participation.

Ms. Saviers moved approval of the Consent Agenda as presented. Ms. Mahony seconded the motion. The motion was adopted unanimously.

- Minutes – December 2009
- Approval for Payment of Stipends and Expenses to Board Members
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Request of DeWitt School District to Move its Membership from the Arkansas River Education Service Cooperative to the Southeast Education Service Cooperative
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309
- Request of KIPP Delta College Preparatory to Give Names to the Individual School Campuses and School Administrative Operations
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case #T-09-042 – Staci Matthews
- Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teaching License on Case #09-064 – Rebecca Harvey
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Suspension of Teaching License and a Fine of \$100.00 on Case #09-034 – Laura Gatlin
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50.00 on Case #09-040 – Betsy Regan McCallum
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50.00 on Case #09-053 – Mike Taylor
- Consideration of Recommendation of the Professional Licensure Standards Board for Two (2) Year Probation of Teaching License and a Fine of \$75.00 on Case # 09-058 – Jimmie Davis
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a fine of \$50.00 for Case #09-071 – Mary Woods
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning with Additional Training on Testing Procedures on Case #09-072A – Brooke Williams
- Consideration of Recommendation of the Professional Licensure Standards Board for Additional Training on Testing Procedures for Case #09-072B – Brett Gibson
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50.00 on Case # 09-076 – Tammy Browne
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Three (3) Years, a Fine of \$75.00 and Counseling or Rehab Services with Monitored Progress for Case #09-077 – Layna Leach
- Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teaching License of Case #09-078 – Tyson Norsworthy

- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Two (2) Years, a Fine of \$75.00 and Alcohol Counseling for Case #10-022 – Peggy Scrivner
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50.00 as well as Additional Training on Testing Procedures for Case #T09-041 – Rose Austin
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case #T09-044 – Katie Saddler
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning and Additional Training on Testing Procedures for Case #T09-017 – Barbara Butler
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50.00 as well as Additional Training on Testing Procedures for Case #T09-037 – Tanna Rogers

### **Action Agenda**

(A complete transcript of each action was recorded by a court reporter. That document can be reviewed in the State Board Office of the Department of Education.)

#### **Consider Removal of Decatur School District from Fiscal Distress Classification and State Control (reconstitution) Effective October 1, 2010**

Bill Golf was recognized to present this item. Mr. Golf reported that under the leadership of interim superintendent LeRoy Ortman, the Decatur School District has been able to resolve financial issues, make many financial and program revisions and get the management of the district on a well performing status with an acceptable end of the year balance. Mr. Ortman was recognized and commended the ADE staff for its work with the Decatur District during this time. He noted the dedication of the local community during this time of State control. Dr. Kimbrell commented on the sequence of events to employ a new superintendent, conduct a local election for local board members and final reconstitution of the district following the training of the new board members. He stated that October 1, 2010 should be the date for local management to assume operation of the district.

Ms. Newton moved approval of the recommendation to remove financial distress classification of the Decatur School District and to return local control to the newly elected board and staff as of October 1, 2010. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

#### **Consider Removal of Greenland School District from Fiscal Distress Classification and State Control (reconstitution) Effective October 1, 2010**

Bill Golf was recognized to present this item. Mr. Golf reported that under the leadership of interim superintendent Dr. Roland Smith, the Greenland School District has been able to resolve financial issues, make many financial and program revisions and get the management of the district on a well performing status with an acceptable end of the year balance. Dr. Smith was recognized and commended the ADE staff for its work with the Greenland District during this time. He noted the dedication of the local

community during this time of State control. Dr. Kimbrell restated the reconstitution process as outlined in the Decatur report.

Mr. Ledbetter asked if the enrollment had stabilized during the past two years. Dr. Smith affirmed that the enrollment has been consistent at approximately 800 students this year and he expects enrollment to increase for next school year.

Dr. Mays asked about contractual obligations from the previous superintendent and should this be considered a financial liability for the reserve funds. Jeremy Lassiter responded that court action is expected later this spring and cannot project, but early indication is that the district will be resolved without significantly impacting the financial status of the district.

Mr. Ledbetter moved approval of the recommendation to remove fiscal distress classification and to reconstitute the district to local control as of October 1, 2010. Dr. Mays seconded the motion. The motion was adopted unanimously.

#### **Review of Probationary Status of Twin Rivers School District for Failing to Meet Standards for Accreditation for Two (2) consecutive Years**

Frank Wimer was recognized to present this item. Mr. Wimer stated that ADE staff attempted to visit in the Twin Rivers Schools during the first week of January but the schools were closed due to inclement weather and no school personnel were present. Dr. Charity Smith suggested that a follow-up visit could be made to the district and a course of action recommended prior to the Board's meeting on February 8, 2010. Dr. Smith stated that it is necessary that a team representative of various units in the agency visit the school to make a determination of the issues and options for a course of action.

Dr. Kimbrell stated that the Agency has grave concerns for the actions being taken by this school to meet the expected accreditation standards. He stated it is in the best interest of the students to get the team to the school and evaluate all aspects of the instructional program. He encouraged the Board to keep open the options to have a specially called meeting to address issues that may arise when the team visits the school.

Dr. Mays moved to table action on this item until the February meeting or until additional information is available. Ms. Mahony seconded the motion. The motion was adopted unanimously.

#### **Consideration of Conditions Imposed Upon Open-Enrollment Charter: Urban Collegiate Public Charter School for Young Men, Little Rock, AR**

Dr. Larry Russell was recognized to present this item. Dr. Russell noted the absence of unit leader Dr. Mary Ann Brown. He stated that the Chair requested that this item be posed for reconsideration, specifically the conditions imposed upon enrollment. Dr. Williams invited Jeremy Lassiter to opine regarding the conditions. Mr. Lassiter stated that during his review of the conditions, it appears that there may be legal issues regarding this action and legal implications about the conditions imposed.

Dr. Kimbrell requested the opportunity to make a statement regarding this proposal. Dr. Kimbrell stated that he felt uncomfortable about the conditions imposed; how such conditions might be implemented; what impact such actions would have on future enrollment for the school; and that this action was not in the best interest of children. He noted that he felt negligent as the Chief State School Officer in not exerting leadership during that initial discussion. Dr. Kimbrell observed that imposing such conditions on a school would encapsulate poor and underachieving children in one location without adequate access to high performing children in the school. He stated that the National School Lunch Program cannot require parents to register for the free lunch program. Also, he noted the timing for acquiring test scores for potential students who might enroll at the school will be late summer, not before June 30 of each year when student enrollments must be complete. In summary, he said that being practical and personal, putting those criteria on this charter school is not appropriate.

Dr. Kimbrell informed the Board of his intent to create a Charter School Review Council, which would be composed of senior-level ADE staff who would meet face-to-face with proposal developers to review applications before they were ever presented to the Board. He expressed his desire to expedite the review and approval process and make that process more effective and efficient through the work of the Review Council. Dr. Kimbrell emphasized that this work is intended to help the State Board in their decisions regarding charter schools.

Ms. Mahony observed that in the charter school contracts there is a condition that requires annual review. She stated we (the Board) have not gotten any of those reviews. Dr. Kimbrell stated that the Agency will make this happen.

Dr. Mays observed that his affirmative vote for the charter was only based on the conditions imposed in the amendment. He suggested reconsideration of the overall all vote, not just on the condition amendment. Mr. Lassiter stated that the notice given on this Agenda only specified reconsideration of conditions imposed and to reconsider the entire action would not be a proper action based on the intent of this Agenda item. Mr. Lassiter continued by stating that Dr. Kimbrell's proposal addressed the need for greater accountability. Dr. Mays responded that in his opinion the history of charters has allowed the proposal and contract to say one thing, then they do another, which leads to our time not being spent appropriately. Dr. Mays also stated that when charters siphon off all the good students from a district, then there is a void in the public schools.

Ms. Saviers suggested that in an open-enrollment charter, the developers have no control on who applies to the school.

Ms. Newton moved that based on the Commissioner's statement remove conditions imposed on Urban Collegiate Plus Charter School. Ms. Saviers seconded the motion. Dr. Mays suggested that the motion needed to include the Department Review with more rigorous format than we have had in the past and that a condition of continuation be that the school demonstrates a match with performance and what was approved.

Mr. Ledbetter expressed his previous misgivings about the conditions – especially the performance condition. He observed that if the school does what it says, then student performance will increase and a larger percentage will be performing proficient and above.

Dr. Williams observed that the process is flawed and hopefully there is a new day ahead with the Commissioner's recommendations.

The motion was approved unanimously.

#### **Hearing of District Conversion Public Charter School Application and ADE Review: Cloverdale Aerospace Technology Conversion Charter Middle School – Little Rock Public School District**

Dr. Larry Russell was recognized to introduce this item. Dr. Russell stated that this proposal and the following three were conversion charter applications, each presented to be managed and operated through a local district. Dr. Russell introduced Dr. James Jennings who represented the Little Rock Public Schools for the presentation. Dr. Linda Watson, superintendent, was present and responded to questions from the Board.

Ms. Saviers asked for clarification that this proposal was intended as part of required restructuring of this school because of its school improvement standing under No Child Left Behind. Dr. Watson indicated that was the intent; however, other actions were begun earlier by district implementation of restructuring, which began with replacement of the principal two years ago. Ms. Saviers asked if the principal would remain as leader of the charter school. Dr. Watson responded that is the intent of the district at the present time.

Ms. Mahony asked about the status of school improvement for Cloverdale. Dr. Watson responded that it was in Year 7. Dr. Watson noted that many of the high-achieving students had left Cloverdale for Covenant Keepers Charter School. Dr. Williams observed that Covenant Keepers had only been in operation for two years and this was Year 7 for Cloverdale's school improvement status. He noted that the school was obviously experiencing academic difficulties long before Covenant Keepers was opened.

Dr. Mays asked about the potential of the school receiving a federal grant of \$450,000 over the three years. He asked how that was reflected in the operating budget. Dr. Russell noted that it was in an original version of the budget but the staff requested its removal because it was not a guarantee and must be part of an application once the proposal is approved. Dr. Russell also noted that there are limitations for the use of those funds, but they could be received at a later date. A revised budget was distributed.

Ms. Saviers asked about other options for restructuring under Smart Accountability. Dr. Watson listed other options, some of which were currently being implemented at the school. Dr. Watson suggested that the intent is to restructure with the charter school approach. Dr. Watson stated that the District's intent is to declare all positions vacant and that the principal would only hire up to 49%, which would assure a majority of new faculty for next year.

Ms. Newton moved approval. The motion died for lack of a second. Ms. Newton suggested that this proposal provides a good option for this school and asked if there were other options available.

Annette Barnes was recognized and recapped the options for a school in Year 7 school improvement.

Dr. Kimbrell noted that this is an example of a proposal that could benefit from review by the proposed Council, which was described earlier. Ms. Mahony suggested that the developers seek input from the Department and bring modifications that meet some of the deficiencies of the proposal.

Ms. Saviers observed that adopting a conversion charter option is probably not severe enough to turn this school around. She noted that turning around a school that has been deficient for seven years takes bold and drastic actions, which she does not believe are included in the proposal.

Dr. Williams asked about closing the school. Dr. Watson suggested that the over than 500 students at that school could not be distributed to other middle and junior high schools in the district without causing overcrowding.

Dr. Williams suggested that the district go back and rewrite with the direction from the Department. Mr. Ledbetter suggested that the Department should have more input and direction in the rewrite than was obvious in the original proposal.

Mr. Ledbetter moved that this item be tabled until February. Ms. Saviers seconded the motion. The motion was adopted unanimously.

### **Hearing of District Conversion Public Charter School Application and ADE Review: Harris Science and Health Elementary School – Pulaski County Special School District**

Larry Russell was recognized to introduce this item. Dr. Russell introduced Dr. Deborah McAfee who presented this proposal.

Dr. Williams asked for more descriptive information that separates what is currently operational with what would be under the conversion charter. Dr. McAfee suggested that in the new curriculum, students would be working with technology and working with the curriculum at use through the Virtual Academy Charter School, which is a state adopted charter school. Dr. Williams asked for more information regarding implementation of the virtual – home school – curriculum in a school setting. Dr. McAfee noted that this curriculum is being used successfully in a number of sites and a similar program was implemented at her former school under a conversion charter school.

Ms. Mahony asked for clarification on the process of continuous progress using the virtual curriculum. Dr. McAfee noted that the school will have certified teachers and Harris now has a certified science specialists added to the staff all of whom will support instruction and student performance. He further noted that presently it is fact that textbook and paper curriculum is not effective for many students and this is an alternative that has promise. Dr. Kimbrell asked about alignment of the curriculum with the Arkansas Frameworks. Dr. McAfee responded that the curriculum is already used in Arkansas



Mr. Ledbetter moved denial of the application. Dr. Mays seconded the motion. The motion was adopted on a roll-call vote 4 yes, 1 no (Mahony voted no.)

Interim Superintendent – Pulaski County Special School District asked if there were options for resubmission. Tripp Walter responded that the Board may allow resubmission if the Board feels that the proposal can be modified to remove deficiencies in one or more aspects of the proposal.

#### **Hearing of District Conversion Public Charter School Application and ADE Review; Lincoln Middle Academy of Excellence – Forrest City School District**

Dr. Larry Russell was recognized to present this item. Dr. Russell recognized Mr. Jerry Woods, superintendent, and Ms. Shirley Taylor, principal Lincoln Middle School, and Dr. James Jennings to present the proposal.

Ms. Saviers asked if this proposal was intended to restructure the school. Mr. Woods responded that this school is not under the school improvement requirement to restructure and that restructuring is not the issue. Mr. Woods also noted that he believes the staff is competent and can make the needed changes to implement the components of the plan as proposed.

Dr. Mays inquired as to the validity of the district (state) allocation of funds to the school and how the dollar amount was determined. Mr. Woods noted that it was the amount of funding that the district forwarded to the school after administrative and other costs were removed from the state per student allocation. Mr. Ledbetter asked about funding for start-up and initial funding. Dr. Jennings recapped plans for professional development prior to the opening of school.

Mr. Ledbetter moved approval of the proposal. Ms. Saviers seconded the motion. The motion was adopted unanimously on a roll-call vote. Mr. Ledbetter challenged the district to make this initiative work together with K-4 schools in the district.

#### **Hearing of District Conversion Public Charter School Application and ADE Review: STAR Academy – Pulaski County Special School District**

Dr. Larry Russell was recognized to present this item. Dr. Russell introduced Jean Elliott and Rob McGill representing the District. Ms. Elliott stated that the intent of this request was to move the STAR Project, which is a program for alternative learning students located in Jacksonville into a more formal school setting under the umbrella of a conversion charter school.

Ms. Mahony asked about the issue of awarding credit and establishing a meaningful schedule that accommodates student performance as well as work done in class. Ms. Elliott stated that the objective of instruction for this school is Mastery Learning where a student is allowed to work on a topic or course until the content is mastered, at which point, the student moves to a new area of study. She emphasized the progress and performance is based on progress, not seat time. Ms. Mahony also asked about options for returning to Jacksonville High School. Ms. Elliott suggested that the intent is to draw students from across the district, not just Jacksonville, but students at some point would hopefully return to their “home” high school.

Mr. Ledbetter inquired if this concept could not be accomplished without formally approving a charter school. Ms. Elliott responded that the waiver of instructional time is necessary to allow students to receive credit upon mastery, not the length of time they are enrolled in a subject or course.

Dr. Kimbrell asked for a clear delineation of the waivers requested. Ms. Elliott listed school day, teacher quality and licensure. Mr. Ledbetter asked if waivers were only available through charter contracts. Dr. Kimbrell responded that the Standards for Accreditation specify these requirements.

Mr. Ledbetter also asked if there were a minimum number for organization of a charter school. Staff responded no limit.

Ms. Mahony moved to deny the charter proposal as presented. Dr. Mays seconded the motion. The motion was adopted unanimously on a roll-call vote.

**Consideration for Final Approval: Proposed Application for Open Enrollment District Conversion and Limited Charter Schools**

This item was withdrawn from consideration. No action taken.

**Consideration for Final Approval: Rules Governing the College Preparatory Enrichment Program (CPEP)**

Dr. Gayle Potter was recognized to present this item. Dr. Potter provided a summary of changes proposed following the public comment period.

Ms. Mahony asked about the test company's consideration of student scores after participation in the CPEP program. Dr. Potter responded that some schools/universities fail to accept multiple scores from a student. It was observed that the NCAA does not consider multiple scores for athletic eligibility.

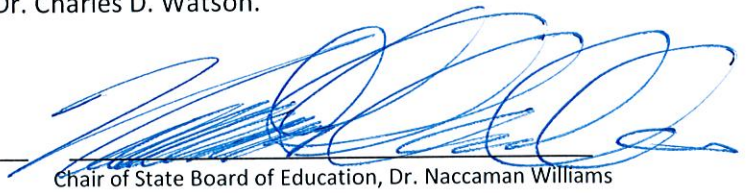
Ms. Mahony moved approval as submitted. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Mr. Ledbetter moved adjournment. Ms. Mahony seconded the motion. The motion was adopted unanimously. The meeting adjourned at 2:25 p.m.

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



Commissioner of Education, Dr. Tom W. Kimbrell



Chair of State Board of Education, Dr. Naccaman Williams