

Minutes
State Board of Education
Monday, June 11, 2007

The State Board of Education met on Monday, June 11, 2007, in the Auditorium of the State Education Building. Diane Tatum, chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chair; Randy Lawson, Vice-Chair; Sherry Burrow; Jim Cooper; Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

No Board members were absent.

Special Order of Business

Diane Tatum recognized the services of Dr. Calvin King whose term expires on June 30, 2007. In recognition of Dr. King's service as a member of the Board from October 04, 2001, Ms. Tatum presented a resolution signed by all Board members and Dr. Ken James and a plaque recognizing the years of service.

Dr. James also noted the service of Dr. King and extended thanks from the staff of the Department of Education.

Chair's Report

Dr. Williams reported on his opportunity to serve as graduation speaker at Gurdon High School.

Commissioner's Report

Dr. James' report included the following:

- Thanks to Dr. Calvin King for his service on the Board and to the Department.
- Report on the recent press release from the National Assessment of Education Progress (NAEP) noting Arkansas' position in all of the categories reported: in the top ten. He stressed this good news is a result of the hard work and dedication of educators in the state over the past several years. He highlighted Grade 4 Reading where Arkansas ranked #4 among the states.
- Recent report by the Associated Press showcasing education in Arkansas as #1 in implementing educational reform.
- Introduction of Governor Beebe at the opening of Arkansas Governor's School.
- Update on conference hosted by America's Diploma Project and the development of Algebra II performance test and the accolades given Arkansas during the presentations for leadership in educational reform.
- Arkansas teacher/administrator exchange program with Taiwan during the next year.

- Agency picnic and annual recognition of employees.

Consent Agenda

Ms. Rebick asked about criteria used by the Department when waiver requests (Ref: Consent Agenda C – 3) were denied. Beverly Williams responded with the length of time previous waivers in effect, progress of individual holding waiver toward removing noted deficiency, and recurring request for single position.

Ms. Rebick moved approval of the Consent Agenda as presented. Dr. King seconded the motion. The motion was adopted unanimously.

- Minutes, May 14, 2007
- Commitment to principles of desegregation settlement agreement: Report on the execution of the implementation plan
- Report on waivers to school districts for teachers teaching out-of-area for longer than thirty (30) consecutive days, Act 162 of 2001
- Newly employed, promotions and separations
- Declaration of critical shortages areas as required by Act 1146 of 2001, Section 2(3)(A)
- Review of Loan and Bond Applications
- Request for Approval of stipulated agreement of waiver for non-certified employment –
 - Michael Baines
 - Michael Shavers
 - Rickey Boyd
 - Shelly Hamilton
 - Trishanna McClendon

Action Agenda

(A complete transcript of the following actions was recorded by a court reporter. That transcript is available upon request from the State Board of Education Office. These Minutes only reflect actions taken pursuant to these items.)

(Note: Action Items A – 3 ABC Grant to Kiddie Kollege, A – 17 Certified license probation, and A – 19 Certified license probation were removed from consideration prior to convening of the meeting.)

Consideration of Revocation of the Imboden Area Charter School's Open-Enrollment Charter

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reported that Scott Rorick and Judy Warren representing Imboden Area Charter School would present updated information.

Mr. Rorick reported that the issues related to cash flow and repayment of a short-term loan were abated by the receipt of a grant from the Walton Family Foundation. Mrs.

Warren affirmed that the grant would support basic operation of the school and that other income would be freed and would be used to repay the loan.

Ms. Rebick asked about the payment of two additional days on the teacher's contracts, which were previously not reported. Mr. Rorick stated that teachers were paid for those additional days and that was no longer an issue. Ms. Rebick also asked about financial reporting. Dr. Brown noted that all charter schools must make monthly reports on the APSCN system, thus the Department can monitor payments made on a monthly basis. Thus, the Department could observe when/if payments are made to clear the loan debt.

Mr. Lawson moved that the action from May to initiate due process be rescinded and that Imboden Area Charter School be placed on probation for one year with Departmental monitoring of financial status monthly, bringing concerns to Board if necessary. Dr. Knight seconded the motion.

Mr. Cooper proposed an amendment to the motion to require repayment of the loan this year with regular monitoring by the Department. The amendment was accepted as part of the motion by Lawson and Knight.

The amended motion was adopted unanimously.

Renewal of Open-Enrollment Charter School Application – HAAS Hall Academy

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown recognized Dr. Martin Shoppmeyer who presented a summary of performance from the Academy. Ms. Rebick noted that the financial information including a proposed budget for 2007-2008 was lacking. She also pointed out that there was a recent input of cash from the Shoppmeyer family, which helped to overcome projected deficit spending, but she noted that there is still no assurance that the school is becoming financially stable for future years.

Ms. Tatum requested information about efforts that were made to advertise the school and what would be done for the coming year to increase awareness in the community and area served by the school. Dr. Shoppmeyer listed public media such as newspaper ads, radio and television spots, but noted that the most effective so far has been word-of-mouth comments from students and their parents.

The issue of offering the required 38 units was discussed. Scott Smith noted that charter schools are not exempt from offering the full component of required courses as specified in the standards. Dr. Williams asked for clarification as to that number given the fact that the school currently serves only Grades 10-12. Scott Smith quoted from the application indicating the charter's intention to provide the full array of 38 courses annually. Dr. Shoppmeyer noted that the charter is requesting that the school be allowed to extend to include Grade 9, which would make the offering of 38 units more realistic.

Mr. Lawson moved that HAAS Hall Charter be renewed for five (5) years. Ms. Burrow seconded the motion.

Ms. Rebick stated that she could not support the motion because in her opinion five years was too long given the history of financial instability.

Mr. Lawson indicated that with Department monitoring fiscal performance on a monthly basis, any concerns with fiscal management can be brought to the Board when things are not as expected. He also opined that a five-year extension is essential for growth.

The motion passed on a vote 6 yes and 2 no (Rebick and Mays voted no).

Mays' no vote was based on his opinion that five years was too long given the school's financial history.

Rebick's no vote was based on the opinion that five years was too long and that test scores do not reflect the intent of the law for charter schools.

Request for Approval of 2007-2008 Arkansas Better Chance Grants – Round 1

Jamie Morrison and Tonya Russell were recognized to present this item. Ms. Morrison reported that these applicants all submitted proposals that were highly rated by the review team.

Dr. Williams moved approval of the listed awards as proposed. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Classification of Districts in Fiscal Distress for 2007-2008

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reminded Board members that in her report at the May meeting three school districts (Bald Knob, Bismarck and Clinton) were identified as meeting the criteria for classification as districts in fiscal distress. She reported that none of these districts filed an appeal, thus she requests further consideration for each.

Bald Knob: Dr. Davis introduced Wayne Fawcett, Superintendent, who is in his second year in the position. Mr. Fawcett confirmed that a new high school facility was constructed recently and that cost overruns, unexpected expenditures related to that project and a decline in student population all contributed to the financial status of the district.

Dr. Davis confirmed that the district was already working with the Department and that a plan for addressing the financial status is under development and will be filed with the Department within the allotted time.

Mr. Mays asked about any state-level oversight regarding building construction and technical assistance that might be given to districts with financial projections when major building projects are being considered. Dr. James responded that all school facilities matters are now under the new Facilities Review Board, which was structured to help districts with planning and financial matters related to construction or

remodeling. Dr. James suggested that in the future the chances for districts to get to this stage with debt related to overbuilding would be greatly reduced.

Mr. Cooper moved to classify Bald Knob School District in fiscal distress. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Bismarck: Dr. Davis reported that David Hopkins, Superintendent from Bismarck was not present and that the ability for the Department to work with him and the Bismarck district gives cause for concern.

Ms. Rebick moved that the Bismarck School District be classified in fiscal distress. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Clinton: Dr. Davis introduced Randall Betts, Superintendent. Mr. Betts reported that at one time the district had cash reserves, but over the years with building projects, over staffing, and other increased transportation costs, that reserve was now gone. He indicated that since his employment, a number of cost saving strategies were being implemented and there is optimism for additional revenue through gas leases. When asked about the impact of two school consolidations, Mr. Betts noted that the district did absorb the staff, but consolidation was not a major factor for the current financial status of the Clinton District. Mr. Betts reported that he and the Clinton staff was already working with the Department to develop the required plan, which would be submitted within the prescribed timeline.

Dr. Mays advised Mr. Betts that according to the 05-06 Athletics Expenditure Report the Clinton district had spent \$323 per enrolled student on sports programs (excluding facilities costs) during the 05-06 school year. Dr. Mays also reminded Mr. Betts that the definition of adequacy put forth by the General Assembly in response to the Lake View decision did not include inter-school sports, and that consequently, sports funding was not included in the funding formula. He then asked Mr. Betts how a school district such as Clinton could spend \$323/student from state funds on inter-school sports programs without taking money away from legitimate academic programs that were included in the funding formula specifically to guarantee their adequacy. Mr. Betts answered that it could not be done. Dr. Mays then asked Mr. Betts if he knew which of Clinton's legitimately funded academic programs had been shorted by the Clinton School District in order to spend \$323/student on inter-school sports. Mr. Betts replied that he did not know.

Ms. Burrow moved to classify the Clinton School District in fiscal distress. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration of Request for Public Comment: Traveling Teacher Rules

Beverly Williams was recognized to present this item. Ms. Williams noted that this Rule is designed to help small districts meet the Standards requirement of offering 38 units of study each year and to formalize a method of sharing teachers as one strategy.

Ms. Rebick ask for a rationale regarding the cap for eligible districts at 8,000. Ms. Williams responded that larger districts often have more students and more flexibility for utilizing staff members; also, she stated that limited funds require limits to be set.

Ms. Rebick asked about the Board's role in oversight of this rule. Ms. Williams responded it would be to approve district participation. Dr. Williams asked if any districts had inquired about participation. Ms. Williams responded, not at this time.

Mr. Cooper moved approval for public comment. Dr. King seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions of Rules Governing the Non-Traditional Licensure Program

Beverly Williams was recognized to present this item. Ms. Williams reported that revisions to this rule were considered for public comment in February. She reported that following public hearings and consideration of public comment, the Department is recommending substantial revisions in sections of the proposal; thus, the Department request further public hearing. Ms. Rebick requested that the Department review the rule and spell out places where acronyms were used that were not clearly defined and provide the name.

Mr. Lawson moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing the Addition of Areas of Licensure or Endorsement

Beverly Williams was recognized to present this item. Ms. Williams stated that this item was submitted for public comment in February and a public hearing was conducted. She reported that the Department carefully considered each comment, but recommend that the Rule be adopted for final approval without changes.

Dr. Williams asked about tests required of all teachers seeking to obtain an Arkansas Teacher's License. B. Williams reviewed the requirements of Praxis I (reading, writing and math, Praxis II (subject area content knowledge, and Praxis III (ability to teach and provide instruction).

Ms. Rebick moved approval for final approval. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Request for Approval for Public Comment on Proposed Rules Governing the Funding of Public Schools

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reviewed the legislative intent for developing this rule and how it related to calculation and distribution of aid to school districts.

Ms. Burrow asked if there was a minimum when considering percentage growth or decline. Dr. Davis responded that none was included in the legislation.

Ms. Rebick asked about tracking enrollment when a district falls near or just below the 350 minimum. Dr. Davis stated that enrollment and attendance are tracked on a regular basis through APSCN and that enrollment must fall below the 350 for two consecutive years before consolidation actions are started.

Mr. Lawson questioned language in Section 6.02. Dr. Davis responded that this was intended as a draft for public comment and that tweaking of wording may be necessary.

Ms. Rebick commented that a time element should possibly be considered for Sections 4.05 and 6.05 and she suggested one year.

Ms. Rebick moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Revisions to Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts to include Acts 219 and 1015 of 2007

Annette Barnes was recognized to present this item. Ms. Barnes reported that these revisions were required by changes in various components of the legislation that effect Standards for Accreditation. She reported that these amendments primarily address flexibility in counting Advanced Placement courses as meeting the 38 required units.

Mr. Mays asked about transfer students into a school where no regular course was offered. Ms. Barnes responded that such cases are addressed in the proposal with options for the receiving school.

Mr. Cooper moved approval for public comment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Arkansas Department of Education Rules Governing the Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve

Annette Barnes was recognized to present this item. Ms. Barnes stated these revisions are necessitated by legislation that was prompted primarily to address a local situation.

Mr. Mays moved approval for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Arkansas Department of Education Rules Governing the Monitoring of Arkansas Comprehensive School Improvement Plan (ACSIP)

Annette Barnes was recognized to present this item. Dr. Williams asked what this rule would provide that the Department is not already doing. Ms. Barnes responded that the Rule will provide a more clearly defined monitoring process and assure that districts receive the technical assistance needed.

Mr. Lawson moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Arkansas Department of Education Proposed Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act

Tripp Walter was recognized to present this item. Mr. Walter reported that the proposed revisions address two basic issues in the Choice Rule: one clarifying the options of a student returning to the “home” district after a transfer has been granted and second modified the 10% critical mass issue related to minority/majority student counts.

Ms. Rebick asked how this rule would affect schools offering choice due to academic distress. Mr. Walter indicated that such cases would not be affected by this proposed change. Scott Smith added that issues of racial balance continue to apply.

Mr. Cooper moved approval for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Rules and Revision to the Arkansas Department of Education Rules Governing Advanced Placement Courses in the Four Content Areas in Arkansas High Schools with Guidelines for Endorsed Concurrent Enrollment Courses that may be Taught along with Advanced Placement Courses in High School

Ann Biggers was recognized to present this item. Ms. Biggers noted that these rules provide clarification regarding issues of offering Advanced Placement Courses and how such courses relate to concurrent credit courses.

Dr. Williams moved approval for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rule Governing Body Mass Index and Physical Activity Requirements for Arkansas Public Schools and Charter Schools

Dee Cox was recognized to present this item. Ms. Cox summarized proposed revisions as contained in the draft.

Ms. Rebick asked about the difference between physical education class and physical activity. Ms. Cox noted that the physical education course requirements are stated in the Standards for Accreditation and such courses are required to follow the Board

adopted frameworks. Physical activity has a broader definition and involves student engagement beyond that in the framework such as free play in elementary grades.

Dr. Williams asked if students could get credit for physical activities by participating in activities outside the school day. Ms. Cox responded that would be possible with proper documentation.

Mr. Cooper asked about counting varsity athletics for physical education credit. Annette Barnes responded that would be approved if the varsity sport had an approved framework for that class or activity and they follow the frameworks in instruction.

Ms. Burrow asked about the "opt out" clause for Body Mass Index (BMI) reporting. Ms. Cox responded that some opt out, but it is not a large number. Ms. Cox also noted that adequate training and confidentiality were also critical components for collecting and reporting the BMI data.

Mr. Cooper moved approval for public comment. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request for Reinstatement of Teacher's License – Elvin Pulley

Courtney Ford was recognized to present this item. Ms. Ford reported that the State Office of Child Support informed the Department that Mr. Pulley has met all of the child support requirements and is no longer delinquent on payment. She stated that Mr. Pulley is eligible for reinstatement of his Arkansas Teacher's License.

Mr. Mays moved reinstatement of Arkansas teacher's license for Elvin Pulley. Dr. King seconded the motion. The motion was adopted unanimously.

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Hearing on Waiver Request for Certified Teacher's License – Kathleen King

Kathleen King was present and requested the opportunity to represent herself. Ms. King is seeking an initial license in the area of special education.

Ms. Rebick moved that a waiver be granted and full licensure be awarded with no additional probation. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – David Parkman

Mr. Parkman was recognized to represent himself and called on Oliva Deadman with the University of Arkansas at Little Rock Single Parent Scholarship Fund to testify in his behalf. Mr. Parkman noted that he was preparing to become a teacher and was aware of the consequences for past deeds on his opportunity to apply for and secure a license.

Mr. Lawson moved to approve a waiver and allow license for what Mr. Parkman qualifies for after graduation with a two year probationary period imposed at the time licensure is awarded. Dr. Williams seconded the motion. The motion was adopted unanimously.

Hearing on Waiver of Non-Certified Employment with the Little Rock School District – Tiheria Burns

Ms. Burns was present and requested to represent herself. Ms. Ford reported that the Little Rock School District administration has refused to endorse a waiver and has indicated that it would not reemploy her for a position in the district.

Ms. Rebick moved to deny the waiver request. Dr. Mays seconded the motion. The motion was adopted unanimously.

Election of Officers – Fiscal Year 2007-2008

Dr. King was recognized to present the report of the Nominating Committee. Dr. King stated that he moved election of the slate as reported at the May meeting: Diane Tatum, Chair and Randy Lawson, Vice Chair. Mr. Mays seconded the motion. The motion was adopted unanimously.

Request by Individual to Speak: Clyde Williams

Mr. Williams was recognized. Mr. Williams stated that he and his family live in the Elaine community in which the schools were recently consolidated with Marvell. He identified conditions requiring long bus rides and extended day for children attending high school at Marvell and for young children who must stay in day care at the Elaine Elementary school until the bus returns from Marvell and takes the children home. His initial request was to reopen Elaine High School, which would allow more educational opportunity for students living in Elaine as well as reduce the long day and long bus ride for children who live at the south end of the district.

Dr. James indicated that a pending interim study on transportation may hold some options for this situation.

Mr. Lawson moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 2:30 p.m.

Dr. Charles D. Watson recorded and reported these Minutes.

Dr. T. Kenneth James, Commissioner

Diane Tatum, Chair SBE