

Minutes
State Board of Education
Monday, March 13, 2006

The State Board of Education met on Monday, March 13, 2006, in the Auditorium of the State Education Building. Dr. Jeanna Westmoreland, Chair, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Jeanna Westmoreland, Chairman; Diane Tatum, Vice-Chairman; Sherry Burrow; Shelby Hillman; Dr. Calvin King; Randy Lawson; Dr. Ben Mays; Mary Jane Rebick; and Dr. Naccaman Williams.

No Board members were absent.

Consent Agenda

Ms. Hillman moved approval of the Consent Agenda. Ms. Burrow seconded the motion. The motion was adopted unanimously.

- Minutes: February 13, 2006
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001

Action Agenda

Scott Smith introduced the items concerning voluntary annexation by reporting that the Elaine School District and the DeValls Bluff School District have enrollments that for two consecutive years fell below 350 students. He explained that in such cases, the State Board of Education is required by law to annex or consolidate such districts to another district. Mr. Smith noted that a District may voluntarily petition to annex or if a district fails to voluntarily take action, the Board must annex or consolidate those districts.

Items so designated have a transcript prepared by a court reporter, which will be included as an attachment to the Minutes. Such items will only contain actions taken by the Board in these Minutes.

Consideration of Voluntary Annexation of the Elaine School District to the Marvell School District (Court Reporter)

Mr. Lawson moved approval of the voluntary annexation of the Elaine School District with the Marvell School District subject to federal court review of any desegregation actions. Ms. Tatum seconded the motion. The motion was adopted on a vote of 6 yes and 2 no. (Dr. King and Dr. Mays voted no).

Consideration of the Voluntary Annexation of the DeValls Bluff School District to the Hazen School District (Court Reporter)

Ms. Hillman moved approval of the voluntary annexation of the DeValls Bluff School District to the Hazen School District subject to federal court review of any desegregation actions. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration of Augmented Norm-Referenced Tests to Meet the Requirements of the Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP)

Dr. Gayle Potter was recognized to present this item. Dr. Potter summarized voiced concerns about the assessment system as currently operated, which included the amount of time students spend taking assessments, the amount of time spent in schools teaching the test or preparing students for the tests, and the length of time between assessments and when schools receive data. She also noted that a request for proposals was submitted in the fall with the report of a review committee provided to the Board in January 2006.

Dr. Potter also presented data collected from other states regarding assessment practices.

Dr. Mays asked if all information needed for assessments, determining adequate yearly progress (AYP), and other accountability needs could be determined from one test – an augmented test. Dr. Potter indicated that was a decision that the Board was being asked to consider.

Dr. James stated that other states are using an augmented norm test and they are meeting the requirements of No Child Left Behind (NCLB) and other assessment requirements.

Dr. Williams asked if the Arkansas Frameworks were based on national standards. Dr. Potter responded that each content area researches national documents and uses all information that is available to determine the Arkansas frameworks. Dr. Williams asked if the same standards were used when preparing both a criterion-referenced test and a norm-referenced test, then would there be an overlap in the content of the assessment. Dr. Potter

responded that alignment studies are used to make those determinations. Dr. Williams noted that he believes there should be a great amount of overlap.

Ms. Hillman asked if teachers are being asked to teach to the standards, not to the test, why would there be so much opposition to implementation of an augmented assessment. Dr. Potter suggested it might be due to a lack of complete understanding of the construction of the augmented test. She also indicated that any other answer would be speculation on her part.

Ms. Tatum asked if one augmented test were approved, would it be administered later in the year. Dr. Potter suggested a testing schedule would have to be developed and worked into the school calendar.

Dr. James reminded the Board that this issue has been under consideration since December 2005. He indicated this topic was discussed in January 2006 and again at this time. He stated that time is critical and the Board should give the Department a clear decision as to its intent on this issue – the Board should vote adoption of augmented testing up or down. Dr. James also stated that it will take time to make necessary changes to the assessment system and to seek approval for changes through the U.S. Department of Education for the State's AYP process.

Ms. Burrow asked about the time saving for students to take the assessment if the augmented test were adopted. Dr. Potter indicated it would be dependent on the number of constructed response items included in the new test. However, the overall test could be shorter due to elimination of duplicative multiple-choice questions dependent on the amount of the total battery to be included.

Dr. Mays asked if the State could give one test and not compromise the informational and data needed for the accountability program. Dr. Potter responded that it would depend on the design of the final test and the amount of time given to develop the test and subsequent standard setting processes. Dr. James affirmed that the State would have a quality assessment and it would include constructed response items.

Mr. Lawson stated his support for the augmented test and affirmed his belief that this is a move in the right direction. He referenced the pilot test that was conducted during last school year as a positive experience for those participating. He stressed he thinks this type of testing can save testing time and still have a quality assessment system.

Dr. King asked about the time line for getting the proposed assessment in place. Dr. James noted that the earliest would be for the 2006-2007 school year, but

more realistic would be for the 2007-2008 school year, but that decision is yet to come.

Dr. Mays asked when data would be returned to schools from this year's assessment. Dr. Potter responded that electronic data would be returned no later than May 31 this year.

Ms. Burrow asked, "What is a reasonable time to have the proposed assessments in place?" Dr. Potter responded that normal development time for an assessment is two years. She continued by saying that most test developers will say that the more time that is available for development, the stronger the final test will be.

The following individuals were recognized in support of the proposal to develop and implement an augmented norm-referenced test: Luke Gordy, Stacy Pittman, Early Walton, Lynn Hamilton, Linda Remele, Roy Brooks, Olivine Roberts, Kenny Hall and Peggy Woodell. The following individuals spoke opposing the adoption of the test: Ron Harder, Rich Nagel, Dan Marzoni, and Jody Mahoney.

Ms. Tatum asked for additional clarification as to what was "broken" with the current assessment system. Dr. Potter responded that it is a matter of opinion: some think nothing is broken, others think there is too much time spent on testing and there should be a quicker turn around time with student score reports.

Mr. Lawson moved to adopt an augmented norm-referenced assessment system as Arkansas' sole assessment and to implement the new system as soon as possible (2007 if possible, but not later than 2008). Dr. Williams seconded the motion.

Dr. Williams affirmed his belief in the validity of the augmented assessment. He affirmed that progress made was not because of any of the previous testing, but because teachers were teaching the standards and what is done before testing is what is important in student performance.

Dr. Mays asked if a decision is made on this issue today, is the discussion over and is it final forever. Dr. James responded that he thinks it is important for the Board to provide a direction and the Agency will work to meet the Board's decision.

The motion passed on a roll-call vote of 5 yes, 4 no. (Ms. Tatum, Dr. King, Dr. Mays and Ms. Rebick voted no).

Request for Approval of Recommendation of Performance Levels and Descriptors for the Grades 3 through 8 Alternate Portfolio Assessment System for Students with Disabilities

Dr. Gayle Potter was recognized to present this item. Dr. Potter reported that the current rubric and scoring guide for the students with disabilities portfolio system has only one scoring level that is above "basic" and NCLB requires at least two levels above "basic." She stated that a committee of practitioners worked with the Department staff to revise the scoring rubric so that two levels – Independent and Functional Independent – are classified above basic. She stated that adoption of this revised rubric would bring this component of the alternate assessment into compliance with NCLB.

Ms. Burrow moved adoption of the revised rubric. Dr. Williams seconded the motion. The motion was adopted unanimously.

Recommendation on the Status of the Greenland School District Classified in Fiscal Distress for the 2004-2005 School Year

Dr. Bobbie Davis was recognized to present this item. Dr. Davis stated that the primary reason for the Greenland District to be classified in fiscal distress was due to audit exceptions. She noted that the State provided technical assistance and encouraged the district to get an extension of time to implement a federal grant. She reported that the District worked cooperatively with the State and has removed all cause for the District to be so classified, including completion of the federally funded grant project. Dr. Davis stated that the District has satisfactorily met all conditions for removal.

Mr. Lawson moved that the Greenland School District be removed from fiscal distress classification. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Request from Stephens School District for Approval to Close an Isolated School(s): McNeil Elementary and High School

Scott Smith was recognized to present this item. Mr. Smith reported that the Stephens School District has met all criteria as required by law to close an isolated school. He also noted that no students were attending the high school or elementary campus of the former McNeal School District.

Ms. Hillman moved approval to close the campuses of the former McNeal School District. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Request Boundary Line Adjustments for Lafayette County School District and Texarkana School District

Scott Smith was recognized to present this item. Mr. Smith reported that these districts have completed an agreement to redefine district boundaries involving a parcel of land between the two districts and that all statutory requirements have been met.

Ms. Hillman moved to approve the boundary line adjustment as proposed. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Petition from the Batesville School District to the State Board of Education to move from a Nine Member School Board to a Seven Member School Board

Scott Smith was recognized to present this item. Mr. Smith reported that this alignment is required to bring this district into compliance with the statute and that the current members of the Board have agreed to a procedure to eliminate two members.

Ms. Tatum moved approval of the Batesville School District Board reduction as proposed. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Review of Waivers for Raider Open Door Conversion Charter School

Mary Ann Brown was recognized to present this item. Ms. Brown stated that this review was requested by the Board at its February meeting. She indicated that documents provided with the Board materials clarify questions previously raised by the Board. There were not further questions.

Ms. Hillman moved approval of waivers as requested by Raider Charter School. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Gravette School District Requesting Student Waiver Days due to a Fire on Campus

Annette Barnes was recognized to present this item. Ms. Barnes noted that the Junior High School in this district was damaged by fire on Monday, February 6, 2006, and as a result all schools in the district were impacted with schools being closed for two or three days depending on the building level and the degree of impact on the building. She stated that the district is seeking a waiver from requiring 178 instructional days without providing any evidence of an attempt to make up some or all of the days. Ms. Barnes noted that there is precedent for

requiring schools to make an attempt to make up days before the Board grants a waiver of the minimum number of instructional days. Ms. Barnes recommended that in keeping with previous instances such as this, before waivers have been granted, if they are granted, the district should be required to provide a plan for making up lost days or at least part of those days. Dr. Williams asked if the district had been asked to submit a plan for making up some or all of the days. Ms. Barnes responded that they had not, because she felt the Board should act on the district's request first.

Ms. Rebick moved that the Board deny the request for waiver days as submitted by the Gravette School District. Ms. Tatum seconded the motion.

Dr. Williams ask what would be the district's next step. Ms. Barnes responded that they could submit a plan for making up some or all of the days missed. If the plan is to make up all days either by not taking spring break, having Saturday classes, or adding days to the end of the school year, then there is no need to resubmit. However, she continued, if the district proposes to make up some of the days and comes back with a request for waiver, then the Board can reconsider its action. Ms. Hillman reminded Board members that make up days was a major issue several years go when there were many days that schools were out due to snow or inclement weather. She stated, at that time, the Board felt it important to have the full number of student interaction days.

The motion passed unanimously.

Request for Final Approval of Proposed Revisions to the Arkansas Department of Education Rule Governing the Addition of Areas of Licensure or Endorsement

Beverly Williams was recognized to present this item. Ms. Williams reported that since the Board adopted the proposed changes to this rule, a public hearing was conducted and all comments that were received were in support of the proposed changes, thus there are no revisions to what was originally proposed.

Ms. Rebick moved final approval for this rule. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request for Final Approval of Proposed Revisions to the Arkansas Department of Education Rule Governing Required Training for School Board Members

Tripp Walter was recognized to present this item. Mr. Walter reported that subsequent to approval of the rule for public comment, one public hearing was conducted and the only attendee opted not to provide written or oral comments.

Mr. Walter reported that other written comments were received and the substance of those comments is reflected in the text as revised. Mr. Lawson inquired how or to whom would a local district submit a professional development plan for review and approval. Mr. Walter responded that Janinne Riggs would be receiving those proposals. Dr. Williams asked for further clarification as to how organizations would know if their offerings would be allowed to "count." Mr. Walter responded that some organizations such as the Arkansas School Board's Association have blanket approval of all their sessions. Other organizations or in-service providers should submit plans to Ms. Riggs for review and approval.

Ms. Hillman moved final adoption of the rule as revised. Dr. King seconded the motion. The motion was adopted unanimously.

Request for Final Approval of Proposed Arkansas Department of Education Rule Governing the Consolidation or Annexation of Public School Districts and Boards of Directors of Local School Districts

Tripp Walter was recognized to present this item. Mr. Walter reported that subsequent to the Board's approval of this rule for public comment, one public hearing was held, one person attended, but no comments were provided either oral or written. He also noted that no comments were received during the public comment period, thus no changes have been made to the proposed rule.

Mr. Lawson moved final approval of revisions to this rule. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request for Final Approval of Repeal of Arkansas Department of Education Rule Governing the Acquisition of Energy Conservation Measures

Scott Smith was recognized to present this item. Mr. Smith reported that this rule is now being administered by another state agency and that agency has promulgated a similar rule, thus the Department proposed repeal of the rule in question.

Dr. Williams moved approval of the proposed repeal of this rule. Dr. King seconded the motion. The motion was adopted unanimously.

Request for Final Approval of Repeal of Arkansas Department of Education Rule Governing Minimum Schoolhouse Construction Standards

Scott Smith was recognized to present this item. Mr. Smith reported that this rule is now being administered by another state agency and that agency has promulgated a similar rule, thus the Department proposed repeal of the rule in question.

Dr. Williams moved approval of the proposed repeal of this rule. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request Approval of the Recommendation of Permanent Revocation of Teacher's License and Denial of Standard Teacher's License through Reciprocity (Court Reporter)

Ms. Burrow moved that Justin Taggard be issued a two-year probationary license and that the Board review any request for full license at the end of the probationary period. Dr. Mays seconded the motion. The motion was adopted on a 5 yes, 2 no vote (Ms. Tatum and Ms. Rebick voted no.).

Consideration for Public Comment of Proposed Revisions to the Arkansas Department of Education Rule Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditure of Those Funds.

Scott Smith was recognized to present this item. Mr. Smith stated that revisions to the rule are needed to clarify language and to meet changing funding levels as approved by the Board or the legislature. He noted that these proposed changes will provide flexibility in the rule and keep it from being amended almost annually. Mr. Smith requested that the Board consider an emergency clause to allow these changes to become policy for a period of 120 days while the revisions are being promulgated.

Mr. Lawson moved approval of the proposed revision to the rule be adopted for public comment and that an emergency provision be approved for a period of 120 days. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Other Business

The Board heard a report from Dr. Charity Smith regarding the 2005 Annual School Report. This report will be delivered to parents of all students in Arkansas Public Schools over the next two weeks.

The Board heard a report from Dr. Bobbie Davis regarding the Athletic Expenditure in Public Schools.

Ms. Tatum asked about a response to the Eudora Law Suit. Scott Smith responded that the Attorney's Office and the Attorney General's staff are working on a response and it will be filed in the near future.

Ms. Hillman moved adjournment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 4:05 p.m.

These Minutes were recorded and reported by Dr. Charles D. Watson. Excerpts are available under separate cover in Court Reporter's document.