

Minutes
State Board of Education
Monday, March 8, 2010

The State Board of Education met on Monday, March 8, 2010, in the Auditorium of 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; Jim Cooper, Vice Chair; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; Toyce Newton; and Vicki Saviers.

No members were absent.

Chair's Report

Vicki Saviers reported that she and Sam Ledbetter visited Forrest Heights Middle School and Cloverdale Middle School in the Little Rock School District on March 4. Ms. Saviers noted that the visits included interviews with the principals and representative teachers from both sites. She summarized her remarks by stating that members of the Board need to provide more opportunities for principals and teachers to express challenges faced in the public schools and that should help the Board do its job better.

Alice Mahony provided informational materials from a meeting of Girls of Promise held recently for young women attending the El Dorado School District. She noted that the meeting was to encourage young women that they can be successful in the business and professional world, but the challenge is through a quality education.

Brenda Gullett reported participation in a conference call with representatives from National Association of State Boards of Education (NASBE) at which time the topic of discussion was reauthorization of the Elementary and Secondary Education Act (No child Left Behind). She also reported that she would be attending the NASBE Legislative conference later in March.

Commissioner's Report

Dr. Kimbrell reported that the Arkansas proposal for Race to the Top was not selected as a finalist in the national review process. He stated that Department staff is already working to determine areas where the Arkansas proposal was viewed as deficient so that a revised proposal can be submitted later in the summer.

Dr. Kimbrell announced that the Common Core Standards will be officially available on March 10, 2010, for review and comment by the states. He encouraged the Board to go to the announced link and be prepared to make comments.

Other Reports

Dr. Paul Halverson from the Department of Health was not available for the scheduled report.

Dr. Mary Ann Duncan and Mr. Bill Goff summarized fiscal matters related to the School of Excellence Charter School now operating in Humphrey. Mr. Goff stated that there has been a change in administrator at the school and that it appears that the school will not be able to meet fiscal liabilities between now and the end of the fiscal year – June 30, 2010. Mr. Goff stated that an audit of funds and expenditures will have to be conducted to determine the exact condition of the financial standing. He noted that the audit process would begin immediately.

Vicki Wilson was introduced as the interim administrator of the charter school. Ms. Wilson stated that her goal is to maintain the operation of the school even though the number of students is very small. Ms. Wilson also indicated that parent groups and the school's board were exploring ways of raising funds to make up any deficit found.

Ms. Mahony asked about disbursement of the students should the school be forced to close. Ms. Wilson responded that most students would return to one of the public schools in the area and that a few might be home schooled.

Ms. Gullett asked if it was legal for public charter schools to raise funds to keep the school solvent. Dr. Duncan responded that other charters have raised funds and charters also have sought and received grants to help with management and operating costs.

Ms. Newton expressed concern that the students were suffering from lack of program management and the disturbing things going on in the school.

Dr. Kimbrell stated that ADE would be sending a resource team to the school during the week of March 8 to determine the educational and financial status of the School of Excellence.

Ms. Burrow expressed concern for the glowing report in the state summary that was released recently as compared to actual findings at this time. Ms. Wilson stated that the report was prepared and submitted by the previous administration before any of the fiscal issues were known.

Ms. Wilson stated that all of this news about the school's fiscal status is new and it was just presented to the local school board on the previous Saturday. She stated that her Board is taking the issue very seriously and wants to find a way to work through the issues so the community can keep the school. Ms. Wilson noted that the school was voluntarily appearing before the State Board to keep the Board apprised of the situation that exists.

No Action was taken.

Consent Agenda

Dr. Williams announced that Consent Agenda Item #9, Discussion of FY2010 Public School Fund Budget Reductions, would be moved to the end of the Action Agenda.

Ms. Mahony noted that on the item listing requests for waivers for teaching out of field that 31 out of the 53 waivers listed were for special education teachers. Beverly Williams responded that special education is one of the areas of greatest need for new teachers. Ms. Williams noted that for this school year there are between 700 and 800 special education teachers needed to meet the needs of students throughout all levels in the public schools.

- Minutes: February 8 and February 19, 2010
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Request for Approval of Stipulated Agreement – Kristy Reid
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer Than Thirty (30) Days, Ark. Code Ann. § 6-17-309
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Two (2) Years and a Fine of \$75 for Case # 10-030 – Danny Collie
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for Three (3) Years and a \$75 Fine with Continued Counseling on Case #10-034 – Robert Zorn
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and an Fine of \$50 for Case # 09-063 – Sharon Ward

Mr. Cooper moved approval of the amended Consent Agenda. Ms. Newton seconded the motion. The motion was adopted unanimously.

Action Agenda

(A full text of the deliberations of the Action Agenda prepared by the court reporter is available from the State Board Office in the Department of Education.)

Consideration of Petition for voluntary Administrative Annexation of the Turrell School District into the Earle School District

This item was removed from consideration by the Earle School District.

Consideration of Petition for voluntary Consolidation of the Wickes School District with the Van Cove School District (to be called Cossatot River School District)

Jeremy Lassiter was recognized to present this item. Mr. Lassiter reported that the two districts have met the legal requirements for consolidation and neither of the districts meets the requirement of Act 60 (enrollment under 350 for two consecutive years). Megan Witonski, superintendent of the Wicks School District and Andrew Curry, superintendent of the Van Cove School District, made presentations to the Board stressing that neither of the districts are required to consolidate at this time, but for financial reasons and for making improvements in programs for students. Both superintendents indicated that the two local boards were behind the plan and community meetings were held in both districts to share information about the plan. Mr. Curry reported that if the plan is approved, the new district proposes to construct a new high school facility between the two current schools that will serve students throughout the new district.

Suzanne Faulkner a parent from the Umpire community related to the Board that parents in that remote area of proposed new district were concerned over the lack of information and lack of involvement with planning of the consolidation. She requested that the merger be postponed so that the Umpire community could have more input into the process.

State Representative Bill Abernathy requested that the Board give this consolidation favorable recommendation. He noted the good working relationship between the two districts and the options that can emerge for students under a consolidated district.

Dr. Kimbrell complimented the two superintendents for their unselfish dedication to making this merger work. He stated that both have offered their positions in order for personalities not to get in the way of what is right for students in the area. Dr. Kimbrell stated that the Agency staff have reviewed the issues and believe that this merger is well designed and in the best interest of both districts.

Ms. Burrow asked about placement of elementary schools in the new district. Mr. Curry responded that at this time there are plans for a new 7-12 grade high school and the elementary grades will remain in the local communities.

Dr. Mays asked about the questions from the Umpire community. Mr. Curry responded that currently Umpire is classified as an isolated district and gets additional state funds. The isolated status allows funds to keep a k-12 school at that site. He stated that arrangement would be retained as long as the isolated funds remain and there are sufficient students to financially maintain a school.

Ms. Newton asked about any reduction in staff under the consolidation. Mr. Curry noted that there will be one administration, which will reduce positions and that this year there will be some reduction due to a loss in students. He indicated that attrition may take care of loss of jobs for this year.

Mr. Cooper opined that the consolidation seems to be the right thing at this time. He asked why the districts did not meet with the Umpire community. Ms. Witonski (Wickes superintendent) responded that the petition was just received last week and there was not time to set up a meeting before the hearing today.

Ms. Mahony asked about construction costs for a new high school facility. Mr. Curry responded that both districts have approved construction projects. He stated that with the consolidation, the new district can go back to the Facilities Commission and get the funds redirected to the high school project.

Mr. Ledbetter moved approval of the proposed voluntary consolidation to be effective July 1, 2010. Ms. Burrow seconded the motion. The motion was adopted unanimously on a roll-call vote.

Consideration of Petition for voluntary Administrative Annexation of the Delight School District into the Murfreesboro School District (to be called the South Pike County School District)

Jeremy Lassiter was recognized to present this item. Mr. Lassiter introduced superintendents Lavon Flaherty, Delight, and Curtis Turner, Murfreesboro, to present background information.

Mr. Flaherty stated that following the denial of the Delight/Weiner proposal at the February State Board meeting, representative from the Delight and Murfreesboro School Districts met and worked out terms for annexation of Delight into the Murfreesboro School District. Mr. Flaherty stated that there was no opposition to the annexation. Mr. Turner stated that the two local school boards had met before Delight entered into its agreement with Weiner and that after that proposal was denied, it was perhaps the only option for Delight at this time. Mr. Turner stated that he was not aware of any opposition to the annexation and this action would assure the continuation of a quality school for the students of South Pike County for a long time in the future.

No one spoke in opposition to the proposed annexation.

Dr. Kimbrell stated that the Department staff had reviewed the proposal and believes this proposal is in the best interest of these districts.

Mr. Cooper asked about the number of African American students in the districts. Mr. Flaherty stated that presently there were about 23 percent in the Delight District and that the ratio in the combined high school would be approximately 11 percent.

Ms. Gullett asked about leadership in the new district. Mr. Flaherty stated that he was definitely retiring at the end of this academic year. Mr. Turner responded that he had previously retired and was employed by the Murfreesboro District last year to help them through fiscal distress and he was committed to stay for the short term to make the annexation a reality.

Dr. Mays asked about school sites for next year. Mr. Turner responded that for the 2010-2011 school year there would be no facility changes. However, he stated that there are no guarantees over the long term. He indicated that some time in the future the high school 7-12 would probably be all housed on the Murfreesboro campus.

Dr. Williams asked if the districts allowed transfers. Both stated yes as long as legal requirements are met by the requesting families.

Ms. Saviers moved approval of the voluntary annexation of the Delight School District into the Murfreesboro School District effective July 1, 2010. Dr. Mays seconded the motion. The motion was adopted unanimously on a roll-call vote.

Consideration of Petition for Voluntary Administrative Annexation of the Weiner School District into the Harrisburg School District

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that all legal aspects of a voluntary annexation of these two districts have been met.

Cale Block was recognized to present the position of the Weiner School District. Mr. Block stated that following the rejection of the consolidation request in February, the Weiner District met with representatives from Harrisburg and he feels that the proposal between these districts is a good one and will meet the needs of students in the Weiner School District. Chuck Hanson, superintendent of the Weiner District, and Danny Sample, superintendent of the Harrisburg School District, were recognized and spoke of the commitment of both districts. Mr. Sample stated that the attitude of the Harrisburg District is that it is important to be a good neighbor and that this is the first time that the two districts have really worked very closely together.

Dr. Kimbrell stated that the proposal has been reviewed by Department staff and he believes that it is a good proposal. He noted the difficulty of the Weiner District to change its intent following the denial of a previous proposal and he commends Mr. Hanson for his leadership in the Weiner community to make this proposal come to fruition.

Ms. Saviers asked what was different this time with the attitude of the Harrisburg District from previous attempts at annexation. Mr. Sample responded that when Weiner was seeking a partner, they approached several districts other than Harrisburg. He felt that there were some hurt feelings between the two communities during that time. He stated that after the previous Weiner proposal was rejected, both local boards and communities seemed to come together for the kids in the districts.

Mr. Cooper asked if this annexation would be good for the Harrisburg District. Mr. Sample responded, "Maybe."

Ms. Burrow moved approval of the voluntary annexation of the Weiner School District into the Harrisburg School District effective July 1, 2010. Mr. Cooper seconded the motion. The motion was adopted unanimously on a roll-call vote.

Renewal of District Conversion Public Charter School: Mountain Home High School Career Academies, Mountain Home, Arkansas

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan stated that this school has been in operation as a conversion charter school for five years. Mountain Home High School Principal, Dana Brown, was recognized to provide a progress report for the school. Ms. Brown outlined the construct of the "academy" structure for the school and showed data reflective of improved test scores and decreased dropout rate. Another feature of the school is the active participation of community resources in the activities of the various academy projects.

Ms. Saviers asked what factors seem to influence improved test scores. Ms. Brown stated that within the academies there is a difference in instructional delivery and that every attempt is made to align student's needs and interests with the academy that best meets the student's interest. She also noted that the staff studies the student data from testing and is committed to providing instruction directed to the identified needs of the students.

Ms. Gullett asked about the racial makeup of the school. Ms. Brown responded that the student body is almost entirely composed of Caucasian students.

Dr. Mays asked if the core subject contest was different across the various academies. Ms. Brown responded that the content is determined by State Frameworks, which are the same across the academies, but the method of delivery will be uniquely different, which makes it more akin to student interest and needs.

Ms. Burrow commented on the low student dropout rate.

Ms. Mahony asked about accounting procedures and the seemingly large influx of cash into the school account. Superintendent, Charles Scribner, conferred with the district bookkeeper, to find that funds are transferred to the school account from the district money market funds on an "as needed" basis.

Dr. Mays asked about the efficiency of the academy structure and the extensive use of community resources. Ms. Brown responded that the benefit lies in the interest and achievement of students. She noted it is a lot of work and it takes a dedicated staff, but the staff and community value the opportunity for the students. She also noted that input from the community partners is a major part of the academy structure success.

Ms. Mahony asked about transition from the junior high school. Ms. Brown stated that the counseling staff is key to making the transition work. She noted that during a student's freshman year, the counselor works extensively with students to make the transition into the learning academies.

Dr. Mays asked if it costs more to operate this school. Dr. Scribner responded that the cost per student is no more for the high school than any other school within the district.

Ms. Gullett moved renewal of the conversion charter school for Mountain Home High School for five years. Ms. Saviers seconded the motion. The motion was adopted unanimously on a roll-call vote.

Renewal of District Conversion Public Charter School: Ridgeroad Middle Charter School, North Little Rock

Dr. Mary Ann Duncan was recognized to present this item. Dr. Duncan introduced Lenisha Broadway, principal of Ridgeroad Conversion Charter Middle School. Ms. Broadway provided data showing student performance and the overall school profile. She noted that the school continues on the school improvement list, but it is primarily for a subgroup within the school.

Ms. Burrow asked about the number of feeder elementary schools. Ms. Broadway noted that the school enrolls students from all of the 14 elementary schools in the North Little Rock District.

Dr. Mays asked about the programming for the extended day program at the school and how do students select activities and/or are engaged in remediation. Ms. Broadway noted that a number of the activities for the extended day are supervised by non-certified instructors, which is part of the waiver for this school. Some of the activities such as dance and service learning are managed by teachers that are not licensed. She stated that if students are in tutoring in basic subject classes, all those teachers meet licensure standards. Ms. Broadway also stated that students indicate an interest in an activity and generally they are placed in that activity unless they are required to be in tutoring session.

Ms. Gullett noted that the sub-population of students with disabilities is the group keeping the school in school improvement. She noted her interest in meeting the needs of students with disabilities, but she would hope the school could find a way to use growth or meeting a student's IEP as a way of meeting standards. Dr. Kimbrell stated that the sub group issue is a federal statute related to No Child Left Behind. Dr. Diana Julian commented that this concern has been raised with those working on national reauthorization of the Elementary and Secondary Education Act, but no definitive plan has been proposed.

Ms. Mahony inquired if the staff had considered Junior ROTC as an option to deal with student interest and discipline. Ms. Broadway responded no, but would like to know more about the options.

Ms. Saviers asked what were the advantages of the school being designated as a conversion charter school. Ms. Broadway noted the looping of teachers to move across the years with the students, waivers, a common planning time allowed because of the afternoon flexible schedule, and the extended day.

Mr. Cooper moved that Ridgeroad Conversion Charter School be approved for a five year renewal agreement with the provision that they report back to the Board after one year with an update on the

school improvement status. Ms. Gullett seconded the motion. The motion was adopted unanimously on a roll-call vote.

Reconsideration of the District Conversion Public Charter School Application for STAR Academy – Pulaski County Special School District

Reconsideration of the District Conversion Public Charter School Application for Harris Science and Health Elementary Charter – Pulaski County Special School District

These two items were removed from consideration at the request of the Pulaski County Special School District.

Consideration for Public Comment: Proposed Revision to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program

Dr. Gayle Potter was recognized to present this item. Dr. Potter reminded the Board that these rules were adopted under the emergency clause in December and they are presented now for formal consideration. She indicated that there have been no changes since the December review.

Ms. Mahony questioned the type of tests required by statute in Act 1307 of 2009. Also, she asked about establishing the English test for Grade 10. Dr. Potter responded that the rule is drafted to mirror requirements of the statute. Dr. Potter noted that the English 10 test is first required in academic year 2013-2014. This will require the Department to move forward with development of the test by next year. Ms. Mahony asked about keeping the current English 11 test. Dr. Potter responded that probably only one English test should be maintained.

Ms. Gullett moved approval for public comment. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Proposed Rules Governing the Arkansas College and Career Readiness Planning Program

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that this item provides expectations for total participation in the Plan and Explore testing programs.

Ms. Gullett asked how this will link to the Governor's program. Dr. Kimbrell responded that this program is mirrored from the act and it is completely consistent with the Governor's intent.

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

Consideration for Final Approval: Revised Rules Governing eligibility and Financial Incentives for National Board for Professional Teaching Standards Candidacy and Certification

Beverly Williams was recognized to present this item. Ms. Williams stated that the Department conducted a public hearing on these rules and revisions were made consistent with the comments. Ms. Williams noted that one of the comments related to the participation by speech-language pathologists. She stated that the response was to remove this group from the present rule and to develop a totally

separate policy for speech-language pathologists, which is under consideration for public comment in another rule.

Ms. Saviers moved approval for final adoption. Ms. Mahony seconded the motion. The motion was adopted unanimously.

The following Rules were considered for public comment as a single action item. Board members were provided an opportunity for comment on each of the rules.

Consideration for Public Comment: Rules Governing Eligibility and Financial Incentives for Certified Speech-Language Pathologists

Consideration for Public Comment: Rules and Regulations Pertaining to the Immunization Requirements by the Arkansas State Board of Health and Arkansas Department of Health in Arkansas Schools

Consideration for Public Comment: Request to Rescind Rules and Regulations Pertaining to the Kindergarten through 12th Grade Immunization Requirements Pursuant to Act 244 of 1967, Act 633 of 1973, and Act 871 of 1997 for the Arkansas Department of Education

Consideration for Public Comment: Rules Governing School Based Automated External Defibrillator Devices in Arkansas Public Schools

Consideration for Public Comment: Rules Governing Closing the Achievement Gap

Consideration for Public Comment: Rules Governing Appeals Involving Student Residency Disputes Between School Districts

Dr. Mays asked about the authority of the Immunization rule that pertains to private schools. Dr. Dee Cox indicated that the state does not have jurisdiction over private schools and that reference should be removed. Dr. Cox noted that change to be made for the final draft.

Mr. Ledbetter moved approval for public comment of the stated rules. Ms. Saviers seconded the motion. The motion was adopted unanimously.

Discussion for FY 2010 Public School Fund Budget Reductions

John Kunkel was recognized to present this item. Mr. Kunkel stated to the Board that the intent of budget reductions was to meet the requirement of budget funds cuts announced by the Governor's Office and to recommend reductions that least impact student learning. Mr. Kunkel stated that initially the Department has \$50 million in reserve and all of those funds are being spent to minimize impact to schools. Mr. Kunkel stated that with the savings and other funds allocated to the Public School Fund from the Governor's minimum cuts will be realized this year, but that will not be the case for the 2010-2011 budget year.

Mr. Ledbetter asked for further comment on next year. Mr. Kunkel stated that no reserve funding will be available and funding of some programs at the current level will be problematic without new income. Mr. Kunkel stated that for next year the budget will be between \$40 and \$50 million short of full funding

for the formula. He also indicated revenue collection from the counties is still incomplete and it may be later into the spring before all the income data are available.

Dr. Williams declared that no action is needed on the budget report.

Dr. Williams reported membership of the nominations committee for 2010-2011 officers: Ms. Burrow, chair; Dr. Mays and Mr. Cooper.

Brenda Gullett asked for the Board's support for her candidacy for nomination to regional director for National Association of State Boards of Education (NASBE). Dr. Williams responded with the affirmation of the Board, he would make the nomination to NASBE.

The Chair declared the meeting adjourned at 2:15 p.m.

The Board set the date of May 20-21, 2010 for a retreat meeting. Dr. Kimbrell recommended that the session would begin at 5:00 p.m. on Thursday, May 20, break for dinner, and continue with a session after dinner: then the meeting would reconvene on Friday May 21 and continue through lunch. He stated that ADE staff would prepare the agenda and arrange for the meeting location.

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