

**Minutes  
State Board of Education Meeting  
Monday, March 14, 2011**

The State Board of Education met Monday, March 14, 2011, in the auditorium of the Department of Education building. Dr. Naccaman Williams, Chairman, called the meeting to order at 9 a.m.

Present: Dr. Naccaman Williams, Chairman; Sherry Burrow; Jim Cooper (arrived at 9:50 a.m.); Brenda Gullett; Sam Ledbetter; Alice Mahony; Vicki Saviers; Toyce Newton; Dr. Tom Kimbrell, Commissioner; and Vandy Nash, Arkansas Teacher of the Year

Absent: Dr. Ben Mays, Vice-Chair

**Reports**

**Chair's Report:**

Ms. Gullett reported she would be attending the NASBE/CCSSO Conference later in the month and would participate in a lengthy discussion with Secretary Arne Duncan.

Ms. Mahony extended congratulations to the Sparkman High School seniors who would benefit from the recently established Sparkman Scholarship Program. She also reported having attended a conference in Bossier City, LA regarding digital forensics.

**Commissioner's Report:**

Dr. Kimbrell said the General Assembly is in the waning days of a busy session, taking up a string of weighty issues. He stated he and the staff were analyzing the many bills to be debated and voted.

**Consent Agenda**

Ms. Mahony moved, seconded by Ms. Gullett, approval of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the February 14, 2011, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations

- Waivers to School Districts for Teachers Teaching Out of Area for Longer than 30 Days
- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
  - Mackenzie Kay Wilson Tallman
  - Robert Alan Almond
  - Brandy Mullikin
  - Carole Anne Anderson
  - Misty Dawn Curran
  - Christina Aileen Nixon
  - Karen Sue Holland
  - Tyron Keith Varnell

**Action Agenda**

*(Complete records of the hearings are available in the State Board office.)*

Jeremy Lasiter, General Counsel, provided conditions under which school districts could be granted waivers of the 178-day requirement.

**Consideration for Awarding Waiver Days – Cedar Ridge School District**

Superintendent Ann Webb presented a proposal that included extending the school day to make up days missed due to inclement weather.

Board members were hesitant to set a precedent for using extended hours to make up missed days.

Commissioner Kimbrell said permitting longer school hours to compensate for missed days could allow school districts that normally operate an instructional day of more than the required six hours argue that they shouldn't have to make up missed days. He suggested a review of all standards could help with better school operations.

Ms. Newton moved, seconded by Ms. Saviers, to deny the request. The motion carried. Ms. Mahony voted no.

**Consideration for Awarding Waiver Days – Deer/Mt. Judea School District**

Richard Denniston, Superintendent at Deer/Mt. Judea, reported the Deer campus in his district missed 12 days due to inclement weather while the campus at Mt. Judea missed a total of 13 days. He said the district would make up 10 days by using spring break and the five days built into the calendar. Mr. Denniston requested a two-day waiver for Deer and a three-day waiver for Mt. Judea.

Ms. Mahony moved, seconded by Ms. Gullett, to grant the two-day waiver at Deer and the three-day waiver at Mt. Judea. The motion carried unanimously.

### **Consideration for Awarding Waiver Days – Elkins School District**

Superintendent Megan Witonski asked the Board to allow the Elkins School District to add 45 minutes to the school day for a period of time to make up two of the twelve days missed due to inclement weather.

Ms. Mahony moved, seconded by Ms. Burrow, to deny the waiver. The motion carried unanimously.

Mr. Ledbetter moved, seconded by Ms. Newton, to expunge the vote. The motion carried unanimously.

Mr. Ledbetter moved, seconded by Ms. Mahony, to deny the request to extend the school day, but granted the district a two-day waiver. The motion carried unanimously.

### **Consideration for Awarding Waiver Days – Fayetteville School District**

The Fayetteville School District requested a waiver to extend the school day one hour for 18 days to make up a portion of the 10 days missed due to inclement weather.

Ms. Burrow moved, seconded by Mr. Ledbetter, to deny the waiver. The motion carried unanimously.

### **Consideration for Awarding Waiver Days – Ozark Mountain School District**

Joe Hulse, Superintendent at Ozark Mountain School District, requested a waiver to extend the school day 45 minutes for 16 days to make up two of the 12 days missed due to inclement weather.

Ms. Mahony moved, seconded by Ms. Newton, to deny the request to extend the school day, but granted the district a two-day waiver. The motion carried unanimously.

### **Consideration of the Removal of Mansfield School District from Fiscal Distress Classification Effective March 14, 2011**

Bill Goff, Assistant Commissioner for Fiscal Services, reported the Mansfield School District had met all criteria for being removed from fiscal distress.

Ms. Gullett moved, seconded by Ms. Saviers, to approve the removal of Mansfield School District from fiscal distress classification. The motion carried unanimously.

**Consideration of the Removal of McGehee School District from Fiscal Distress Classification Effective March 14, 2011**

Bill Goff, Assistant Commissioner for Fiscal Services, reported the McGehee School District had met all criteria for being removed from fiscal distress.

Ms. Newton moved, seconded by Ms. Mahony, to approve the removal of McGehee School District from fiscal distress classification. The motion carried unanimously.

**Consideration of the Removal of Osceola School District from Fiscal Distress Classification Effective March 14, 2011**

Bill Goff, Assistant Commissioner for Fiscal Services, reported the Osceola School District had met all criteria for being removed from fiscal distress.

Mr. Cooper moved, seconded by Ms. Burrow, to approve the removal of Osceola School District from fiscal distress classification. The motion carried unanimously.

**Request for Open Enrollment Public Charter School Charter Amendment: eStem Elementary Public Charter School**

John Bacon, e-Stem Executive Director, presented a proposal to amend the charter of the eStem Elementary to increase the maximum enrollment from 360 to 462 students.

Chris Heller, an attorney for the Little Rock School District, argued against the increase. Mr. Heller said, as part of Little Rock's case against the state, he had requested information showing whether the students who attend charter schools in Pulaski County previously attended magnet schools or participated in majority-to-minority programs in the traditional public schools in Pulaski County. He said the information had not been provided.

Board members indicated an interest is seeing the information and requested Department employees to provide the report.

Ms. Saviers moved, seconded by Ms. Burrow, to approve the request to expand the enrollment cap. The motion carried six to one in a roll call vote.

Burrow-yes  
Gullett-no  
Ledbetter-yes  
Mahony-yes

Cooper-yes  
Saviers-yes  
Newton-yes

**Review of Open Enrollment Public Charter School: Osceola Communication, Arts and Business School, Osceola, AR**

Ray Cooper, Director of the Osceola Communications, Arts and Business School, asked the Board for a year to refocus the school on helping former dropouts up to age 22 obtain diplomas. Mr. Cooper said the school was partnering with SIA-Tech, a national organization that provides education programs at federally funded centers, to refine its program.

Board members acknowledged the community should be afforded options. They suggested the school needed a restart.

Mr. Ledbetter moved, seconded by Ms. Gullett, to revoke the charter effective at the end of the school year. The motion carried unanimously.

**Review of Open Enrollment Public Charter School: Little Rock Urban Collegiate Public Charter School for Young Men**

Bill Goff reported that UCPC was projected to end the school year with an illegal budget deficit of \$253,647. He said the school had approximately \$5,000 in the bank and a payroll of more than \$70,000 to make.

In July, the school reported an enrollment of 596 students when the actual enrollment on that date was 297 students. The inflated enrollment numbers allowed the school to receive more funds than it was due.

Jackie Jackson, Founder and Executive Director of UCPC, said the school could make the payroll by drawing on a line of credit. She also said the school could erase part of the projected deficit with federal funds due the school. Ms. Jackson said school leaders planned to seek grants and conduct fundraisers.

Several parents spoke in support of the school. They said their children were having positive learning experiences and asked that the school be allowed to remain open.

Dr. Kimbrell expressed grave concern with the debt for the current year and the improbable financial stability in 2011-2012.

Ms. Gullett moved, seconded by Ms. Mahony, to revoke the charter of UCPC immediately. The motion carried unanimously.

## **Consideration of Request to U.S. Department of Education for Waiver of Adequate Yearly Progress**

Commissioner Kimbrell explained the challenge the state's schools would have transitioning to the Common Core State Standards and a new assessment system while maintaining the current content standards and assessments. He asked the Board to approve a request to the U.S. Department of Education for a waiver of Adequate Yearly Progress. Specifically, the state requested that AYP targets be held at the 2011-2012 levels until the complete transition to the new standards and implementation of the new assessments.

Mr. Cooper moved, seconded by Ms. Saviers, to request the waiver. The motion carried unanimously.

## **Hearing on Waiver Request for Certified Teacher's License-Lucille Richardson**

PLSB Attorney Katherine Donovan reported that Lucille Richardson had been issued an Arkansas teacher license by reciprocity based upon her active licensure in Tennessee in 2006. Upon review of her application for renewal, the Department discovered Ms. Richardson's Tennessee license was revoked in September 2008 after a final order from the Tennessee Department of Children's Servicing finding her to be a perpetrator of child abuse against a thirteen-year-old autistic student.

Ms. Richardson said she was never informed her Tennessee license was revoked; and, therefore, did not falsify information on her application renewal form. She stated she had taught in the West Memphis School District for the past five years.

Mr. Ledbetter moved, seconded by Ms. Saviers, to deny Lucille Richardson's application for the renewal of her teacher license. The motion carried.

## **Adjournment**

The meeting adjourned at 2:55 p.m.

*These minutes were recorded by Phyllis Stewart.*