

**ARKANSAS STATE BOARD OF EDUCATION
MARCH 7, 1999**

4A-Academy
Pinehurst & Marietta
Texarkana, AR
3:00 p.m.

WORKING SESSION

1. Legislative Agenda --- Mrs. Betty Pickett

REGULAR SESSION

Chair's Report---Ms. Betty Pickett

CONSENT AGENDA

1. Minutes (February, 1999)
2. Newly Employed, Promotions and Separations----Ms. Clemetta Hood.....C1

Director's Report---Mr. Ray Simon

ACTION AGENDA

1. Approval of Professional Development Recommendation ---Dr. Gayle Potter...A-1
2. Report: 4-Day School Week, Saratoga School District----Dr. Charity SmithA2
3. Waiver Request: Beebe and McRae School Districts-----Dr. Charity Smith.....A3
4. Status Report,---Mr. Ray SimonA4
 - A. Claims Commission – Teacher Class Action Suit
 - B. Employee Insurance – Greater Pulaski County Districts
5. Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan --- Dr. Charity Smith..... A5

State Board of Education

Minutes

March 7, 1999

The State Board of Education met on Sunday, March 7, 1999, at the 4A Academy School in Texarkana, Arkansas. The Agenda Session immediately followed a work session which began at 3:00 p.m. The Chair called the meeting to order at approximately 4:30 p.m.

The following members attended: Betty Pickett, Chair; JoNell Caldwell, Vice Chair; Martha Dixon; Bill Fisher; Luke Gordy; Robert Hackler; James McLarty; Richard Smith; Lewis Thompson, Jr.; and Anita Yates.

The following were absent: Edwin Alderson and Carl Baggett.

Mr. McLarty moved that the Action Agenda be amended to add a new item to discuss proposed legislation. (Action Item #6) Mr. Gordy seconded the motion. The motion passed unanimously.

Mr. Fisher moved that the Consent Agenda be amended to include an additional item (Consent Item #3) a personnel recommendation mailed to Board members previously. Mr. Hackler seconded the motion. The motion passed unanimously.

Mr. McLarty moved the adoption of the Consent Agenda as amended. Mr. Smith seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- Minutes – February, 1999
- Newly Employed, Promotions and Separations
- Personnel Recommendation – New Hire

DIRECTOR'S REPORT

Mr. Simon stated that his report was made in writing and mailed earlier in the week.

ACTION AGENDA

Approval of Professional Development Recommendations

Dr. Gayle Potter was recognized to make this report. Dr. Potter summarized recommendations that were previously made as part of the Professional Development Task Force report and included in the Agenda Book. She also suggested that the Board authorize the Department to develop rules and regulations for implementation.

Mr. Fisher noted that the recommendations from Mr. Simon as well as those of the Professional Development Task Force include five additional days for professional development to be phased in over time. Fisher stated that he thought that no new professional development days should be required until there was good accounting and monitoring of the five days currently required. He stated that any additional days should not be taken away from student instructional days nor should teachers be required to spend that time without adequate funding to extend the school year by five days.

Mr. Gordy voiced his support for the issues raised by Fisher. Gordy noted that the additional days should be considered as an “unfunded mandate,” and should not be adopted. Mr. McLarty stated that adequate oversight is lacking which should be corrected before any additional days are added. He presented information indicating the number of waiver requests for additional professional days – none of which seemed to include an accounting of the required days. ([Attachment #1](#)) These additional days essentially reduce class contact days. Mr. Hackler stated that some districts make good use of professional development days, but it is hard to evaluate.

Ms. Yates noted that teachers frequently attend workshops during the school day for which they receive no professional development credit.

Rich Nagel (representing the Arkansas Education Association, AEA) was recognized to make a statement. Mr. Nagel’s ideas were summarized on a printed hand out. ([Attachment #2](#))

Mr. Fisher stated accounting for the current five days is lacking and should be improved before any additional days are required. He believes waivers for additional days should not be approved in the absence of evidence that the currently required days are effectively used.

Mr. Simon stated that it was the intent of the staff to keep any additional days outside of the regular school day. Extension of the school day would be one way to accomplish the additional time.

Ms Pickett noted that there are many activities offered through the coops and other sources for which teachers do not get credit for attending.

Mr. McLarty moved that no new waivers for additional professional development days be approved that would reduce the number of student contact days. The motion died for lack of a second.

Mr. Fisher moved approval of the professional development recommendations presented by Dr. Potter with the exception of the additional 30 hours requirement. The motion included the provision that the Department would develop rules and regulations that would consider information provided by the AEA and other information received. Mr. McLarty seconded the motion. Mr. Hackler stated that the rules and regulations should include guidelines for the 30 hours of professional development currently required, but

did not want to amend the motion. Ms. Caldwell requested that some type of monitoring be included to assure high quality professional development. The motion passed. (Eight votes in favor, Dixon abstained)

Ms. Yates moved that the Department be allowed to continue the waiver process, Mr. Gordy seconded the motion. The motion passed with an 8 to 1 vote. McLarty voted no.

Report: 4-Day School Week, Saratoga School District

Dr. Charity Smith was recognized to make this report. Dr. Smith presented a booklet containing data of student performance in the Saratoga District for the past three years. The data reflect mixed results. Saratoga Superintendent, Lewis Diggs, indicated considerable savings to the district which allowed the implementation of a tutoring program with bus transportation provided for students who are not meeting achievement expectations. ([Attachment #3](#))

Mr. Gordy stated that results are inconclusive and there is insufficient information from which the Board could make a decision.

Dr. Smith reminded the Board that this item was merely a report and not an evaluation of the 4-Day week policy in this district.

Waiver Request: Beebe and McRae School Districts

Dr. Smith was recognized to present these items. Dr. Smith reminded the Board of the natural disaster that occurred in the communities of Beebe and McRae. Each of the districts missed instructional days during the clean-up process and planning for facilities to meet the instructional needs for the remainder of the school year. Mr. Fisher moved waiver of the 175-day requirement for Beebe and McRae Districts due to natural disaster. Mr. Smith seconded the motion. The motion passed unanimously.

Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

Dr. Charity Smith was recognized to make the report. Dr. Smith reported the parties have agreed to a monitoring tool. The instrument is included in the Board material. The tool will require the Department to continue monitoring, analyze data collected in the monitoring process, and provide technical assistance to the three districts in Pulaski County. There are decisions yet to be made in the financial section of the monitoring process.

Status Report: Claims Commission – Teacher Class Action Suit

Tristan Greene was recognized to make this report. Mr. Greene summarized the information presented to the Board in the Agenda Book. He stated that the Department

requested the Board support a request to appeal the Claims Commission order to the General Assembly.

Mr. Fisher moved that an appeal be made as quickly as possible. Mr. Gordy seconded the motion.

Mr. McLarty spoke in opposition to the motion. He stated that the Board is a defendant in the case and currently there is no litigation attorney on staff. McLarty quoted from a deposition of Gene Wilhoit, former Director, in which he admitted the state's misapplication of the funding formula. Additionally, McLarty displayed information indicating the funding inequities for two years in question regarding this issue. He appealed for the Board to support schools that were shorted by making payments.

Appeal options were discussed including the costs that might be associated with an alternate settlement.

Mr. Fisher amended his motion to read appeal by March 9, 1999. Second Agreed. The motion failed unanimously.

Teacher Retirement/Employee Health Insurance – Greater Pulaski County Districts

Mr. Greene reported actions in this case during the past weeks. He informed the Board that the parties have agreed on a settlement, which was not supported by the state. The judge has issued an order directing the state to make payment in this case. A letter has been drafted for Mr. Simon to send to the Department of Finance and Administration requesting payment in keeping with the court order.

Mr. Greene observed that these obligations will exhaust the reserve funds and will potentially require additional appropriation from the state to meet the payments ordered by the court.

Mr. Fisher urged the Legislative Committee to work with staff and request adequate funding to meet court obligations.

Legislative Agenda

Mr. Gordy moved adoption of language amending SB 448 that would reduce the number of members of the Board from 12 to 9 and still maintain regional distribution and rotation of terms.

Upon expiration of the term of two Board members in 1999, only one appointment would be made, for a term of six years, reducing the Board to 11 in 2000. This appointment should be targeted to the 2nd Congressional District, in order to maintain two members from that district.

Upon expiration of the term of two Board members in 2000, only one appointment would be made, for a term of six years, reducing the Board to 10 in 2001. This appointment should be targeted to the 1st Congressional District, in order to maintain two members from that district.

Upon expiration of the term of two Board members in 2001, only one appointment would be made, for a term of six years, reducing the Board to 9 in 2002. This appointment should be targeted to the 1st Congressional District, in order to maintain two members from that district.

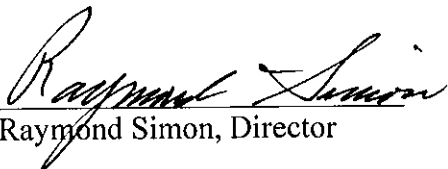
Beginning in 2003 and all subsequent year, two Board members' terms would expire each year and two appointments would be made, each for a term of six years, while maintaining an equitable representation per congressional district.


Mr. Fisher seconded the motion. The motion passed unanimously.

Mr. McLarty moved the Board oppose HB-1415, which would lower the compulsory attendance age to 16 under certain conditions. Mr. Smith seconded the motion. The motion failed 2 to 7. (McLarty and Smith voted yes.)

Mr. Fisher moved adjournment. Mr. Gordy seconded the motion. The motion passed unanimously. The meeting adjourned at 7:05 p.m.

Minutes reported by Dr. Charles D. Watson.


Raymond Simon, Director


Betty Pickett, Chair



State Board of Education

Worksession

Sunday, March 7, 1999

The State Board of Education met for a worksession on Sunday, March 7, 1999, at the 4A Academy School in Texarkana, AR. The meeting was called to order at 3:00 p.m. by Betty Pickett, Chair.

The following members attended: Betty Pickett, Chair; JoNell Caldwell, Vice Chair; Martha Dixon; Bill Fisher; Luke Gordy; Robert Hackler; James McLarty; Richard Smith; Lewis Thompson, Jr.; and Anita Yates.

The following were absent: Edwin Alderson and Carl Baggett.

Ms. Pickett introduced Dr. Jerry Moody, superintendent of the Texarkana School District. Dr. Moody welcomed the Board and other guests to the Texarkana District and introduced staff present. He explained that the 4A Academy was an alternative school that had been in operation since 1992 serving students in Grades 7-12 who apply for admission to the school. Mr. John Brower, chair of the Texarkana School Board was introduced.

Ms. Pickett highlighted two recent publications, *High Stakes Testing for Graduation and Promotion* published by the National Research Council and *Improving Teaching in the Middle Grades*, published by the Southern Region Education Board (SREB). Board members should contact Janinne Riggs for copies of either of the publications.

Ms. Pickett stated that the worksession agenda would be limited to a discussion of various legislative actions and an update on the status of education bills working through the legislative process. She indicated that Brenda Matthews would lead this discussion.

Ms. Matthews distributed copies of a document summarizing education legislation that she believed would be of interest to Board members. (Attachment #1) Matthews indicated that the session is projected to run through April 9 or possible April 16. Monday, March 8, was the last day to file bills without a vote to suspend the rules.

Mr. McLarty asked if the Board had approved Rules and Regulations for Act 1197. Mr. Simon responded that he was not aware of such Rules and Regulations. He stated that schools need to know the results of this action since registration for the 1999-2000 school year is underway in many schools.

Ms. Pickett stated the Board needs to discuss Senate Bills 751 and 755 in detail.

Mr. McLarty: Stated it was his opinion that the Board should oppose lowering the compulsory attendance age to 16. Mr. Simon stated the Department has not taken a stand on this bill. He believes it is primarily a discipline issue. McLarty will make a formal motion to this bill during the Agenda session.

suggest
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to follow

Mr. Gordy: Senate Bill 482 – Civil Liability – does not appear to do what is needed.
McLarty: The conflict of interest idea appears to have gotten lost in the process. The current bill continues to refer to the Department of Education as the agency through which this function would operate. The proposed Advisory Board is not positioned where it should be.

Mr. Gordy noted that Senate Bill 448 would have a profound impact on the Board. As proposed it does the following: Reduces to 9 members by 2001; Leaves intact 2 members from each congressional district (He believes this is critical to maintain geographic representation on the Board.); maintains a six-year term of membership. Gordy has prepared a series of recommendations and has been working with Jody Mahoney. Mahoney is waiting for a response from the board before proceeding. Gordy shared a series of proposals for consideration. He will propose adoption of a plan during the Agenda session.

*Gordy please
put a document
→ should
be included*

Mr. McLarty: Made a presentation on school bus insurance. There is only one group interested in making a proposal – The Grace Agency. McLarty indicated that it was possible for schools ~~the~~ buy additional coverage up to \$250,000 per case. He proposed that the state provide the additional coverage. Such additional coverage would have to be bid.

Mr. Simon addressed components of SB 751 - the accountability bill. The Department staff has been working with Senators Malone, Argue, Mahoney and others to draft the accountability bill. It is consistent with the Department's ACTAAP plan. He reminded the Board that this bill holds schools, not students accountable.

Mr. Simon addressed components of the Second Draft of the ACTAAP document. He indicated that many schools would like to see spring testing, there is concern for the number of additional professional development hours, and some schools seem to be generally fearful of accountability. He stated that this system operates on the premise that all children can learn and the plan does not provide for differences in ability levels of students. Simon suggested that many schools just do not believe that their students can meet the high standards.

Gordy: Believes ^{the} spring testing argument is a good one. Fisher: ^{Can} we allow schools to test either in the spring or fall? Simon: We have a contract with the testing company that extends for two more years. It would be cost prohibitive to change the conditions of the contract at this time. Gordy: There seems to be concern among the schools over the awarding of points and ranking schools. Simon indicated that the Second draft eliminates the point structure for now. The Department is working with the University of Arkansas Group to establish a reporting structure and to prepare preliminary data.

McLarty: Will we be able to use data accumulated over the years. Simon: yes!
Cummins: Will arrange for the U of A group to make a presentation at the April Board meeting. Fisher: ^{Suggested} that the ACTAAP data profile be an Agenda item for April

and the Board further discuss the fall/spring test dates. Simon: The Department staff is working with schools on use of test data to drive instruction.

Pickett: Expressed concern for the phrase "Groups of Students" in the ACTAAP document. Simon noted that that language was being deleted at the request of the Senate Education Committee. Pickett: Expressed concern that it will be four years before any sanctions are imposed. Simon: Referred to the right of the Agency to step into any situation and intervene.

McLarty: Expressed concern of teachers for time required to meet the conditions of an academic plan as referred to in SB751. Many of the new programs including Smart Start require time, perhaps reducing the amount of instructional time by the teacher.

Tristan Greene provided detailed information on the funding formula as contained in SB 755. Fisher: The primary problem with the funding for small districts is the maintenance of facilities. State funds for facilities would be of great help to those districts.

John Kinkel informed the Board that appropriation bills are being developed and considered. Presently there are more funds appropriated than are available in the Governor's budget bill for the Department. He stated some hard choices will have to be made before the end of the session.

Pickett: Referred to Page 2 of SB 1503 – Litigation Attorney for the Department. She stated that there were no funds for that position. She believes that position should be funded this session and directed staff to work on hiring a litigation attorney.