

**Minutes  
State Board of Education Meeting  
Monday, May 16, 2011**

The State Board of Education met Monday, May 16, 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; Dr. Ben Mays, Vice-Chair; Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Alice Mahony; Vicki Saviers; Toyce Newton; Dr. Tom Kimbrell, Commissioner; and Vandy Nash, Arkansas Teacher of the Year

Absent: None

**Reports**

**Chair's Report:**

Chairman Williams said he visited the Children's House in northwest Arkansas and was impressed with the work of the ABC program.

Dr. Williams gave an account of a conversation he had with U.S. Department of Education Assistant Deputy Secretary Michael Yudin regarding the state's request for flexibility in how schools are held accountable for meeting proficiency targets under No Child Left Behind. He said the Department was denying waivers because the reauthorization of ESEA was the best way to help states. He said if ESEA was not authorized by late summer the Department could take a different position regarding waivers.

**Commissioner's Report:**

Dr. Kimbrell announced the Department would host a reception June 13, 8:30-9:30 a.m. to honor Dr. Williams and Ms. Burrow for their years of service on the State Board of Education. The board meeting will begin at 9:30 a.m.

**Recognition of Master Principal Awardees – Arkansas Leadership Academy**

Dr. Kimbrell, along with Dr. Debbie Davis and Diana Peer representing the Arkansas Leadership Academy, presented recognition awards to the following principals who met all qualifications for completion of the Master Principal Program.

- Glenda Bryan, Avondale Elementary, Marion School District
- Dondi Frisinger, Walker Elementary, Springdale School District
- Cathy Koch, Upper Elementary 5<sup>th</sup> Grade, Russellville School District
- Cynthia Voss, Shaw Elementary, Springdale School District

- Cynthia Covington, Allen Elementary, Siloam Springs School District

### **Coordinated School Health: NASBE/ASTHO, Collaborating for Success: Advancing School Health Policies**

Laura McDowell, Coordinated School Health Coordinator, and Ms. Brenda Gullett shared information they learned at the NASBE/ASTHO conference regarding the connection between student achievement and school health. They expressed hope that Arkansas would emphasize the importance of health and nutrition when implementing the Common Core State Standards.

### **Arkansas School Performance Report**

Dr. Charity Smith, Assistant Commissioner of Accountability, reviewed the 2010 Annual Performance Report. Dr. Smith explained the seven indicators outlined in the report: Student Achievement; School Performance; Retention; Teacher Quality; Choice; and School Funding.

### **Arkansas Graduation Rate**

Dr. Smith explained that the U.S. Department of Education amended existing regulations designed to establish a uniform and accurate measure of the high school graduation rate comparable across states by including new requirements for calculating graduation rate. The new regulations require states and local educational agencies (LEAs) to report on their annual report cards a four-year adjusted cohort graduation rate, disaggregated by subgroups, at the school, LEA, and state levels, respectively.

### **Consent Agenda**

Mr. Cooper moved, seconded by Ms. Newton, approval of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the April 11, 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
  - Elizabeth Hopson-Scott
  - Taneisha Tane Flowers
  - Scott Alan Walston

- Lee Sadler

### **Action Agenda**

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

#### **Arkansas Better Chance 2010-11 Funding Recommendation**

Jamie Morrison, ABC Program Administrator, presented funding recommendations for 19 proposals totaling \$2,075,020.

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

#### **Consideration for Awarding Waiver Day – Alpena School District**

Dr. Kimbrell said the state requires public school students to attend class 178 days. He recommended the board evaluate the 178-day requirement to determine if it is a standard that should be adhered to or whether it's a target. He suggested the board handle waiver requests for flooding and severe weather as it did for districts with days lost due to inclement winter weather.

James Trammell, Alpena School District Superintendent, reported his district cancelled school April 26 because of flooding, power outage and no phone service. Mr. Trammell requested a one-day waiver making the 2010-2011 school year a total of 177 instructional days.

Mr. Cooper moved, seconded by Dr. Mays, to grant the one-day waiver. The motion carried unanimously.

#### **Consideration for Awarding Waiver Day – Beebe School District**

Dr. Belinda Shook, Beebe School District Superintendent, said her district was closed three days, April 27, 28 and 29 after a tornado damaged the elementary school roof and caused power outage at the main campus. Dr. Shook requested a waiver of three days making the 2010-2011 school year a total of 175 instructional days.

Ms. Burrow moved, seconded by Ms. Newton, to grant the three-day waiver. The motion failed in a roll call vote.

Yeas: Burrow, Cooper, Newton, Saviers  
Nays: Gullett, Ledbetter, Mahony, Mays, Williams

Mr. Ledbetter moved, seconded by Dr. Mays, to grant the Beebe School District a one-day waiver. The motion carried unanimously.

### **Consideration for Awarding Waiver Day – Clinton School District**

James McGaha, Clinton School District Superintendent, reported his district was closed April 28-29 after severe weather caused the district to lose its water supply. Mr. McGaha requested a waiver of two days making the 2010-2011 school year a total of 176 instructional days.

Ms. Newton moved, seconded by Ms. Burrow, to grant the district a one-day waiver. The motion carried unanimously.

### **Consideration for Awarding Waiver Day – Des Arc School District**

Rick Green, Des Arc School District Superintendent, said his district missed eight days due to flooding. Mr. Green requested a waiver of eight days making the 2010-2011 school year a total of 170 instructional days.

Dr. Mays moved, seconded by Ms. Saviers, to grant the district a waiver of three days. The motion carried unanimously.

### **Consideration for Awarding Waiver Day – Huntsville School District**

Superintendent Shelby Sisemore, Huntsville School District, said his district missed one day due to flooding and washed out roads. Mr. Sisemore requested a one-day waiver making the 2010-2011 school year a total of 177 instructional days.

Mr. Ledbetter moved, seconded by Ms. Mahony, to approve a one-day waiver for the district. The motion carried unanimously.

### **Consideration for Awarding Waiver Days – Pulaski County Special School District**

Dr. Charles Hopson, Superintendent of the Pulaski County Special School District, said individual schools in the district were closed one, two or three days as result of the severe weather in late April. He asked the Board to waive those days. He also asked that the entire district receive a two-day waiver for missed days May 3 and 4.

Ms. Mahony moved, seconded by Ms. Saviers, to deny a request for a two-day waiver for the entire district but to grant waivers to individual schools in the district. The motion carried unanimously.

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

Dr. Frank Mitchell, Vilonia School District Superintendent, reported his district was closed April 26-29 after a tornado left much of the community in ruins. Dr. Mitchell requested a waiver of four days making the 2010-2011 school year a total of 174 instructional days.

Ms. Mahony moved, seconded by Ms. Newton, to grant the district a waiver of four days. The motion carried unanimously.

**Request for Open Enrollment Public Charter School Charter Amendment:  
Little Rock Preparatory Academy**

Dr. Mary Ann Duncan, Charter School Program Coordinator, presented a request from Little Rock Preparatory Academy to amend its charter.

Ben Lindquist, Executive Director of Little Rock Preparatory Academy, presented a proposal that called for affiliating with Exalt Education to manage the school; adding grades K-4; a waiver that would allow flexibility in the number of board members; and a waiver of class size that would align with Exalt's primary design.

Board members asked why the request submitted to the Department and included in the agenda materials did not include affiliation with Exalt, a charter management organization.

Mr. Cooper moved, seconded by Ms. Burrow, to deny the request for affiliation with Exalt but approved the expansion of grade levels K-4 and the class size waiver up to 34 students. The motion carried unanimously.

**Consideration for Approval of the Arkansas Department of Education's  
Recommendation to Cease Norm-Referenced Testing of Kindergartners as  
Part of the Large-Scale Assessment Program**

Dr. Gayle Potter, Director of Assessment, presented a recommendation to discontinue the use of norm-referenced testing of kindergartners as part of the state's large-scale assessment program.

Commissioner Kimbrell said many across the state questioned the age appropriateness of the ITBS Level 6 test administered this year. Because of that, the last three sections of the test were not scored. He said the Department would focus on an age appropriate screener and the use of formative assessment for kindergartners.

Ms. Mahony said a precedent had been set a few years ago and suggested the kindergarten test be voided.

Dr. Kimbrell voiced opposition to voiding the test. He recommended the scores be sent to the schools.

Ms. Newton moved, seconded by Ms. Gullett, to approve the recommendation to cease norm-referenced testing of kindergarten students. The motion carried unanimously.

Ms. Mahony requested voiding the kindergarten test be place on the agenda for the June meeting.

## **Request for Change in Boundary Lines between the Foreman School District No. 25 of Little River County and the Horatio School District No. 55 of Sevier County**

Jeremy Lasiter, General Counsel, presented draft procedures for the hearing.

Ms. Saviers moved, seconded by Ms. Newton, approval of the procedures. The motion carried unanimously.

George Matteson, legal counsel for Foreman, explained the former Winthrop School District voluntarily merged with the Horatio School District in 1992. Approximately 71 students with a Winthrop address attend the Foreman District. However, the district receives no contribution from ad valorem property tax assessments of real and personal property located within the former Winthrop District.

He request the Board modify the boundary between the Foreman and Horatio districts.

Jay Bequette, legal counsel for Horatio, argued the boundary change would thrust the Horatio District into fiscal distress and would negatively affect the district's desegregation efforts.

Dr. Mays moved, seconded by Mr. Ledbetter, to deny the request for boundary change. The motion carried unanimously.

### **Classification of District in Fiscal Distress—North Little Rock School District**

Bill Goff, Assistant Commissioner for Fiscal Services, presented a recommendation to classify the North Little Rock School District as fiscally distressed as a result of repeated audit findings regarding failure to reconcile bank statements. The district did not appeal the designation.

Ms. Gullett moved, seconded by Ms. Saviers, to classify the North Little Rock School District as being in fiscal distress. The motion carried unanimously.

### **Classification of District in Fiscal Distress—Earle School District**

Bill Goff presented a recommendation to classify the Earle School District as fiscally distressed as a result of declining fund balance. The district appealed the classification.

Jay Bequette, legal counsel for Earle, and Superintendent Ricky Nicks, said the district eliminated staff, closed a campus and sold farm land for \$1.5 million to balance its budget.

Ms. Gullett moved, seconded by Ms. Newton, to classify the Earle School District as being in fiscal distress. The motion carried unanimously.

### **Classification of District in Fiscal Distress—Pulaski County Special School District**

Bill Goff presented a recommendation to classify the Pulaski County Special School District as fiscally distressed because of financial irregularities cited in audits and legislative reports of recent years. Mr. Goff said the audit findings and issues documented over the last three years and delayed corrective actions caused the Department to question the district's willingness to implement its policies and procedures to address the findings. The district appealed the classification.

Commissioner Kimbrell said the fiscal distress classification was not politically motivated or an attempt to take control of the district as sometimes rumored.

Sam Jones, legal counsel for Pulaski County Special School District, said since Superintendent Hopson was hired the district put in place policies to address the irregularities.

Board members expressed concern regarding the district's failure to implement its policies and financial control measures.

Ms. Newton moved, seconded by Ms. Burrow, to classify the Pulaski County Special School District as fiscally distressed. The motion carried unanimously.

### **Consideration of Acceptance of Surrender of Teacher License—Craig Wadley**

Craig Wadley surrendered his teacher license after conviction of a disqualifying offense.

Mr. Ledbetter moved, seconded by Dr. Mays, to accept the surrender of the teaching license of Craig Wadley. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License—David Yarbrough**

David Yarbrough requested the Board grant a waiver of his conviction of theft of property from the Guy-Perkins School District for misappropriation of band booster funds and district activity funds while he was the music director.

Mr. Yarbrough explained that the money had been deposited in the wrong account but all monies were used for students. He said the fine was paid, and he was now eligible to have his record expunged.

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

### **Hearing on Waiver Request for Certified Teacher License—John Ford**

John Ford was convicted of a disqualifying offense— theft of property and breaking and entering—in 1981. He completed a 10-year suspended imposition of sentence and his record was sealed June 10, 2010.

Mr. Ford requested a waiver in order to be eligible for his initial teacher license.

Ms. Mahony moved, seconded by Ms. Newton, to grant the waiver with the stipulation that while serving two years probation there would be no violation of Code of Ethics. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License—Rodney Major**

Rodney Major’s teacher license had been revoked in Alabama and Mississippi, but later reinstated. He is currently on probation for violation of the Ethics Code standard 1.

Mr. Major requested the board grant him a waiver.

Ms. Mahony moved, seconded by Dr. Mays, to table the request. The motion carried unanimously.

### **Consideration of Approval for Public Comment: Amended Rules Governing Athletic Expenditures for Public Schools**

In presenting the amended Rules Governing Athletic Expenditures, Bill Goff said the amended rules would provide a more reasonable allocation method for school districts to use in recording the cost of property insurance, utilities and other facilities costs that pertain to athletics.

Mr. Mahony moved, seconded by Ms. Gullett, to approve for public comment the Rules Governing Athletic Expenditures for Public Schools. The motion carried unanimously.

### **Consideration of Approval for Public Comment: Repeal Rules Governing Use of Net Athletic Gate Receipts by Public Schools**

Bill Goff stated the provisions of this rule are included in amended rules governing athletic expenditures; therefore, the rule is no longer necessary.

Mr. Ledbetter moved, seconded by Ms. Saviers, to approve for public comment Repeal Rules Governing Use of Net Athletic Gate Receipts by Public Schools. The motion carried unanimously.



**Consideration of Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring June 30, 2011**

Beverly Williams, Assistant Commissioner of Human Resources and Licensure, presented the nominated members for the PLSB whose terms will expire June 30, 2014. They are: Brad Baine, Dean of College Education, Williams Baptist College; Evelyn Thrower, Special Education Teacher and Media Center Director at Bearden High School; and Dr. Randy Willison, Superintendent of Batesville School District.

Ms. Burrow moved, seconded by Mr. Ledbetter, to approve the nominations. The motion carried unanimously.

**Election of Officers: State Board of Education for Fiscal Year 2011-2012**

The nominating committee presented the nomination of Dr. Ben Mays as chairman and Jim Cooper as vice-chair.

Mr. Ledbetter moved, seconded by Ms. Saviers, to accept the nominations. The motion carried unanimously.

**Consideration for Awarding Waiver Days – Maynard School District**

Larry Sullenger, Superintendent of the Maynard School District, said his district was closed April 26-27, 2011 because of flooding that closed roads in the area. He requested a waiver of the two days making the 2010-2011 school year a total of 176 instructional days.

Ms. Mahony moved, seconded by Ms. Burrow, to grant the two-day waiver. The motion carried unanimously.

**Consideration for Awarding Waiver Days – South Pike County School District**

Superintendent Curtis Turner said the Delight campus in his district was closed two days in late April because of power outage. He requested a waiver of the two days.

Ms. Gullett moved, seconded by Ms. Mahony, to grant a one-day waiver to the Delight campus. The motion carried unanimously.

**Request to Address the Board**

Linda Shelby, a member of the Helena-West Helena community, reported a review of employees of the Helena-West Helena School District effected by the reduction in force revealed a three percent reduction in salary for the remaining employees was not necessary.

Dr. Williams said the Department was working with the school district. He assured Ms. Shelby the Board heard what she was saying and understood the message.

**Adjournment**

The meeting adjourned at 6:39 p.m.

*These minutes were recorded by Phyllis Stewart.*



Dr. Naccaman Williams, Chair



Dr. Tom W. Kimbrell, Commissioner