

Minutes
Specially Called Meeting – State Board of Education
Thursday, May 20, 2010

The State Board of Education met for a specially called session on Thursday, May 20, 2010, in the Jackson Room of the Crowne Plaza Hotel in Little Rock. Chairman, Dr. Naccaman Williams called the meeting to order at 5:00 p.m.

The following Board members were present: Dr. Naccaman Williams, Chairman; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; Vicki Saviers; and Toyce Newton.

The following Board member was absent: Jim Cooper

(A complete transcript of the proceedings of the meeting was recorded by the court reporter. That document is available from the State Board Office of the Department of Education.)

Consideration of Recommended Non-Renewal of Certified and Classified Staff of the Twin Rivers School District

Board members requested time to review documents provided in support of the proposed recommendation. The Board recessed for twenty minutes.

Dr. Williams recognized Jeremy Lassiter to present background documentation regarding the proposed recommendation. Mr. Lassiter stated that faculty members and staff employed for the 2009-2010 school year were notified prior to May 1 of non-renewal of their contracts. He noted that the reason for non-renewal did not reflect performance but it was based on the closing of the district as of June 30, 2010. Mr. Lassiter stated that both certified and classified employees requested a hearing, which is provided for in the fair dismissal legislation. He noted that those hearings normally would be before the local school board. Mr. Lassiter stated that in the absence of a local board, which was dismissed upon take-over by the State, Dr. Kimbrell established a panel of management-level Department staff (Dr. Laura Bednar, Beverly Williams, and Julie Thompson) to hear the appeals from the staff. Those hearings were conducted on Tuesday, May 18, 2010, at the Northeast Arkansas Regional Service Cooperative in Walnut Ridge.

Mr. Lassiter noted that one of the documents for review was the recommendation from the Panel that resulted from the hearings. He stated that the purpose of this hearing is to consider the recommendation and that the Board may adopt, deny or revise as it sees fit.

Dr. Williams recognized Teresa Caldwell and Clay Fendley, attorneys, representing the certified and classified staff of the Twin Rivers School Districts and patrons of the school district.

Ms. Caldwell argued that the due process for non-renewal was the sole responsibility of the local board of education and in the absence of that board the State should have appointed a

local board rather than provide for the hearings with Department staff and a final determination by the State Board of Education.

Mr. Fendley argued that the teachers should be considered as an asset of the Twin Rivers School District much like real property and fixed assets and as such they should be assigned to the receiving districts in proportion to the distribution of tangible assets. He opined that if that were done, then the new district board(s) could determine the future employment of teachers.

Mr. Lassiter responded that teachers should not be treated like “things” and thus there is no way to determine which teacher would or should be assigned to anyone of the receiving districts.

Mr. Fendley cited a proposed comment from Tommy Arant, interim superintendent, that his assignment was to dissolve and close the district, not fix things. Mr. Fendley argued that the State should have appointed a local board to oversee the closing.

Dr. Mays observed that the entire process of annexation where one district is divided into many areas and attached to multiple districts is new and has never been done. However, he stated that he believes under the Lakeview decision that the State has the responsibility to educate kids and as a result has the authority to make these or similar decisions when local districts fail to meet standards.

Ms. Gullett asked about the authority to appoint the hearing panel. Dr. Kimbrell stated that the authority is given to the Department when a local board is dismissed and the local superintendent is dismissed. He noted that none of the panel members were involved in the previous decisions of fact-finding and evaluation of the Twin Rivers District.

Mr. Ledbetter moved to accept the recommendations of the Panel as presented to the Board. Ms. Newton seconded the motion. The motion was adopted unanimously on a roll call vote.

The special meeting was adjourned at 6:35 p.m.

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