

**Minutes
State Board of Education Meeting
Monday, June 11, 2012**

The State Board of Education met Monday, June 11, 2012, in the auditorium of the Department of Education building. Dr. Ben Mays, Chair, called the meeting to order at 9 a.m.

Present: Dr. Ben Mays, Chair; Jim Cooper, Vice Chair; Brenda Gullett; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kathy Powers, Teacher of the Year

Absent: Joe Black

Reports

Chair's Report:

Board members expressed appreciation to Dr. Ben Mays, Board Chair, for his dedication and commitment to education. Dr. Mays' service on the Board will expire at the end of June.

Commissioner's Report

Dr. Kimbrell thanked Dr. Mays for his seven years of service on the State Board. He noted Dr. Mays' tireless efforts for better educational opportunities for children.

In addition, Dr. Kimbrell lauded the work of Kathy Powers, 2011 Teacher of the Year. He welcomed Kim Wilson as the incoming Teacher of the Year. Ms. Wilson will serve as a non-voting member of the State Board beginning July 2012.

Recognition of Mountain Home School District Robotics Team

The Mountain Home robotics team, the Baxter Bomb Squad, took first place honors in the World Championship competition. The world champion students were publicly recognized for outstanding achievement.

Effective Professional Development and Personal Research Project

Ms. Kathy Powers, 2011 Teacher of the Year, shared her experience and research regarding quality professional development and its impact on student achievement. Ms. Powers thanked the State Board and Department staff for the help she received during her year of service.

Informational Update on Common Core State Standards and PARCC

Dr. Laura Bednar, Assistant Commissioner of Learning Services, expressed appreciation for Dr. Gayle Potter's service to the Department and the state. Dr. Potter will retire at the end of the school year.

Dr. Bednar also said the Guiding Coalition spent an entire day the previous week updating the Common Core State Standards Strategic Plan.

Special Report on Athletic Expenditures for Selected Arkansas Public School Districts for Year Ended June 30, 2011

Kathleen Crain, Interim Assistant Commissioner for Fiscal Services, presented the Special Report on Athletic Expenditures submitted by the Legislative Joint Auditing Committee dated April 16, 2012. The report covered the athletic expenses of selected districts chosen on a rotating basis and a re-examination of districts that underreported spending by more than ten percent the previous audit year.

Total athletic expenditures reported to the Department prior to review adjustments for the districts examined was \$19.1 million. Expenditures for 20 of the districts reviewed were adjusted in excess of ten percent. Those ranged from \$9,553 at Blevins School District to \$777, 916 at Russellville School District and a range of 10.5 percent at Glen Rose School District to 104.3 percent at Mineral Springs School District.

Consent Agenda

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

Items included in the Consent Agenda:

- Minutes of the May 14, 2012, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers to Educational Agencies for Teachers Teaching Out of Area for Longer than 30 Days
- Review of Loan and Bond Applications—8 second lien bonds-\$24,725,000; 3 revolving loan applications-\$255,980; and 2 voted bond applications-\$132,995,000
- Voluntary Surrender of Teacher License—William Way Thomas
- Sanction for Teachers as Recommended by the Professional Licensure
 - Joan Miller Bowling
 - Paula J. Velazquez
 - David Westenhov
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Action Agenda

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

Consideration of 2012-13 Arkansas Better Chance Grant Renewals

The Division of Childcare and Early Childhood Education and the Arkansas Better Chance Program requested approval of additional 2011-12 grants and the approval of 2012-13 renewal grants.

Ms. Gullett moved, seconded by Ms. Newton, approval of the request. The motion carried unanimously.

Standards Assurance Unit Summary of Events Report for 2011-2012 School Year

In a report of the Standards Assurance Unit, Johnie Walters, Unit Leader, summarized the unit's activities:

- technical visits to seven individual school districts
- twenty-two visits to schools in fiscal distress or alert status
- seven probationary review visits
- conducted 24 workshops
- made 258 onsite standards review monitoring visits in individual school sites within 72 school districts
- completed annual accreditation reports for all 241 school districts and 17 charter schools

Mr. Cooper moved, seconded by Ms. Reith, to accept the report. The motion carried unanimously.

Final Accreditation Status Report of Arkansas Public Schools and School Districts for 2011-2012 School Year

Mr. Walters presented the 2011-2012 accreditation status report citing 211 schools for standards violations. Twenty schools were placed on probation. Ten districts received an accredited-cited status.

Mr. Cooper moved, seconded by Ms. Gullett, to accept the report. The motion carried unanimously.

White County Central School District Appeal of the Accredited-Probationary Status to White County Central High School

White County Central School District appealed the assigned status of Accredited – Probationary to White County Central High School. The district was in violation of Rule 9.03.4.11.8 regarding notification to the Arkansas Department of Education of intent to use an Advanced Placement (AP) course to meet the requirements of the 38 courses mandated to be taught in Arkansas public schools.

Superintendent Shelia Whitlow said it was not a case of the math elective not taught, but rather an error in the letter sent to the Department.

Mr. Cooper moved, seconded by Ms. Newton, to change the status assigned the school to accredited cited because the school had a teacher working on an ALP.

The motion carried unanimously.

Consideration of the Accredited Probationary Status of Dollarway High School for Two Consecutive Years

Mr. Walters reported that Dollarway High School had been identified as being in probationary status for two consecutive school years—2010-11 Licensure Violation and 2011-12 OSR Items --Transcript Irregularities.

Board members expressed frustration by the school district's failure to meet state accreditation standards and to show improvement in student achievement.

Commissioner Kimbrell said the district's problems go beyond whether transcripts had proper stamps. He said the district was on the fiscal distress watch list and recently lost a sizeable federal school improvement grant.

Ms. Saviers moved, seconded by Ms. Newton, to reconstitute the district's leadership by removing the superintendent and the school board. It was further stipulated that Dr. Kimbrell would be responsible for the governance of the district and would give a progress report at the Board's September 2012 meeting. The motion carried unanimously.

Consideration of Request for Open-Enrollment Public Charter School Charter Amendment: Little Rock Preparatory Academy

The Little Rock Preparatory Academy requested State Board approval to move the school's middle grades to a new location one and one-half blocks south of Asher and University Avenue. School officials also asked to amend the school's charter with additional waivers—applicability of state statutes to the school's governance structure; statutes requiring personnel policy committees for teachers and support staff; rules governing substitute teachers and notification of an assignment of a non-licensed teacher; the Teacher Fair Dismissal Act; and the Public School Employee Fair Hearing Act.

Ms. Saviers moved, seconded by Mr. Cooper, to approve the additional facility for middle grades and the additional waivers. The motion carried unanimously.

Renewal of Open-Enrollment Public Charter School: Dreamland Academy of Performing and Communication Arts, Little Rock, Arkansas

Dreamland Academy of Performing and Communication Arts, an open-enrollment public charter school located at 5615 Geyer Springs Road in Little Rock requested renewal of their charter for up to twenty (20) years.

Dr. Kimbrell stated the Arkansas Department of Education (ADE) Charter Review Council did not support the school's request for renewal. He said a recent Scholastic Audit found a culture of low expectations with the lowest performing students receiving instruction from people who were not licensed to teach.

Ms. Newton questioned whether the school was an adequate environment for the students

Ms. Mahony moved, seconded by Ms. Gullett, to deny the school's request to renew the charter. The motion carried unanimously.

Review of Open Enrollment Public Charter School: Covenant Keepers College Preparatory Charter School

The ADE requested Covenant Keepers College Preparatory Charter School leaders to appear before the State Board to address audit findings. An audit of the 2010-2011 school year revealed that Valerie Tatum, school superintendent, used her own money to make loans to the school at a 7 percent interest rate—a possible violation of state ethics law. Auditors also found the school could not provide supporting documents for certain transactions and attendance counts.

Ms. Tatum said she was not aware she was violating state law when she made the personal loans to the school. She said actions had been taken to have an on-site bookkeeper to assist with financial accountability.

Commissioner Kimbrell said the school was now working with the Arkansas Public School Resource Center (APSRC) and suggested a one-year probation period.

Ms. Mahony moved, seconded by Ms. Gullett, to place the school on probation for one year and ask APSRC to select new leadership for the school.

Ms. Gullett withdrew her second and the motion failed.

Mr. Cooper moved, seconded by Mr. Ledbetter, to place the school on probation for one year with regular reports on finances and management. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Darrenlee Branch

Katherine Donovan, PLSB legal counsel, presented a request for waiver from Darrenlee Branch. Mr. Branch, a nontraditional educator, applied for a license when it was discovered he had disqualifying convictions for felony violations of the Uniform Controlled Substances Act. Both convictions were pardoned by Governor Beebe in February 2010.

Ms. Newton moved, seconded by Mr. Ledbetter, approval of the waiver with the stipulation of probation for a period of two years and no other qualifying conviction or violation of code of ethics. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Charlotte Brown

Katherine Donovan, PLSB legal counsel, presented a request for waiver from Charlotte Brown. Ms. Brown, a nontraditional educator, applied for a license when it was discovered she had a 2005 disqualifying conviction of theft of public benefits.

Ms. Mahony moved, seconded by Ms. Newton, approval of the waiver with the stipulation of probation for a period of two years and no other qualifying conviction or violation of code of ethics. The motion carried unanimously.

Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds – Sherry Kavian

Sherry Kavian requested a waiver of the repayment of fees expended by the state for her NBCT. Ms. Kavian provided medical documentation and a letter of explanation.

Ms. Gullett moved, seconded by Ms. Saviers, approval of the waiver. The motion carried unanimously.

Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds – James Wagner

James Wagner requested a waiver of the repayment of fees expended by the state for his NBCT. Mr. Wagner provided medical documentation and a letter of explanation.

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

Consideration of Recommendation for New Praxis II Cut Scores in Professional School Counselor to be Effective September 1, 2012

A recommendation was made to drop the School Guidance and Counseling (0420) Praxis test and replace it with the Professional School Counselor (0421) Praxis test with a passing score of 71 effective September 1, 2012.

Ms. Gullett moved, seconded by Ms. Newton, to replace Praxis test 0420 with test 0421 effective September 1, 2012. The motion carried unanimously.

Consideration of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring June 30, 2012

The following nominations for the PLSB were presented: Brenda Brown, Kindergarten Teacher, Helena/West Helena School District; Michael Poore, Superintendent, Bentonville School District; Jody Vines, Principal, Washington Middle School, El Dorado School District; Dr. Mitch Holifield, Department Chair of Educational Leadership, Arkansas State University; and Debbie Miller, Director of Instructional Services, Conway School District. The terms will be July 1, 2012, through June 30, 2015.

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

Election of Officers: State Board of Education for Fiscal Year 2012-2013

The nominating committee recommended the election of Jim Cooper as Board Chair and Brenda Gullett as Vice Chair.

Ms. Newton moved, seconded by Mr. Ledbetter, to accept the committee's recommended slate of officers. The motion carried unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing Education Service Cooperatives

On March 12, 2012, the State Board approved for public comment the proposed Rules Governing Education Service Cooperatives. No formal public comments were received. ADE staff met with leaders from education service cooperatives to revise the rule as indicated. The State Board was requested to give final approval to the proposed rules as modified.

Ms. Newton moved, seconded by Mr. Cooper, to give final approval to the rules. The motion carried unanimously.

Consideration for Final Approval: Revisions to the Arkansas Department of Education Rules Governing Public Charter Schools

On April 10, 2012, the State Board approved for public comment proposed revisions to the Rules Governing Public Charter Schools. No revisions to the rule were made based upon the public comments received. The State Board was requested to give final approval to the proposed rules.

Mr. Cooper moved, seconded by Ms. Newton, to approve the rules for final approval. The motion carried unanimously.

Consideration for Emergency Approval: Open-Enrollment Public Charter School New Application

Ark. Code Ann. §§ 6-23-201 and 301 require the State Board to adopt application forms for those wishing to apply for a charter to open an open-enrollment public charter school. According to the schedule previously adopted by the State Board, applications for open-enrollment charter schools are due August 31, and letters of intent are due June 30. Because of the short amount of time until the application due date, and because of changes in the applications required by other rules changes, consideration of approval of these application forms on an emergency basis is requested.

Mr. Cooper moved, seconded by Mr. Reith, to approve the rules on an emergency basis. The motion carried unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing the Teacher Excellence and Support System

On April 10, 2012, the State Board of Education approved for public comment the Rules Governing the Teacher Excellence and Support System. Minor revisions were made to the rule based upon the public comments received. The State Board was requested to give final approval to the proposed rules.

Mr. Cooper moved, seconded by Ms. Gullett, final approval of the rules. The motion carried unanimously.

Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing the Teacher Excellence and Support System - June 2012

Staff from the United States Department of Education (USDOE) recommended the State Board and the ADE consider revisions to the student growth measures contained within the existing Teacher Excellence and Support System rules. In accordance with USDOE recommendations, ADE staff revised Sections 5.00 and 14.00 of the Teacher Excellence and Support System rules. The State Board was requested to approve the proposed rule for public comment.

Ms. Mahony moved, seconded by Ms. Reith, to approve the rules for public comment. The motion carried unanimously.

Consideration for Approval for Public Comment: Proposed Arkansas Department of Education Rules Governing Educator Licensure

In response to recommendations from the Licensure Task Force and the Professional Licensure Standards Board, the ADE proposed to combine seven of the existing licensure rules into a single rule governing licensure. The proposed rules incorporate many of the changes recommended by the Task Force, as well as other changes

recommended by the ADE. The State Board was requested to approve and release the proposed new rules for public comment.

Ms. Mahony moved, seconded by Ms. Newton, to approve the release of the rules for public comment. The motion carried unanimously.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Addition of Areas of Licensure or Endorsement (A-22)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Initial and Standard/Advanced Level School Administrator Licensure (A-23)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Initial, Standard/Advanced Level and Provisional Teacher Licensure (A-24)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Licensure of Speech Language Pathologists by the State Board of Education (A-25)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Requirements And Procedures For Renewing A Standard/Professional Arkansas Teaching License (A-26)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More Than Thirty (30) Consecutive School Days During a School Year and for Granting Waivers (A-27)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of these rules for public comment.

Consideration for Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity (A-28)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board was requested to approve the proposed repeal of the rule for public comment.

Ms. Saviers moved, seconded by Mr. Cooper, to release for public comment Agenda items A-22 through A-28. The motion carried unanimously.

Consideration for Approval for Public Comment: Revisions to the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators

The proposed amendments streamline the State Board hearing process for ethics cases in which the educator requests the State Board review a recommendation by the PLSB Subcommittee. These amendments also align the rules with the Administrative Procedures Act, Ark. Code Ann. § 25-15-210. The State Board was requested to approve the rule for public comment.

Mr. Cooper moved, seconded by Ms. Newton, to approve the rules for public comment. The motion carried unanimously.

Consideration for Approval for Public Comment: Proposed Open-Enrollment Public Charter School New Application and District Conversion or Limited Public Charter School New Application

Ark. Code Ann. §§ 6-23-201 and 301 require the State Board to adopt application forms for those wishing to apply for a charter to open an open enrollment, district conversion, or limited public charter school. The State Board was requested to approve the application forms for public comment.

Mr. Cooper moved, seconded by Ms. Newton, to approve the application forms for public comment. The motion carried unanimously.

Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Governing Public School Student Services

Acts 1172 and 1204 of 2011 amended Arkansas law related to public school student services programs. The current ADE rule was last revised in September 1999. The State Board was requested to approve the proposed rules for public comment.

Mr. Cooper moved, seconded by Ms. Gullet, approval of the rules for public comment. The motion carried unanimously.

Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Governing Technology Training Centers in Education Service Cooperatives

Last revised in October 1996, the Rules Governing Technology Training Centers in Education Service Cooperatives should be revised to reflect existing statutory law and ADE requirements. The State Board was requested to approve the proposed rules for public comment.

Mr. Ledbetter moved, seconded by Mr. Cooper, approval of the rules for public comment. The motion carried unanimously.

Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program

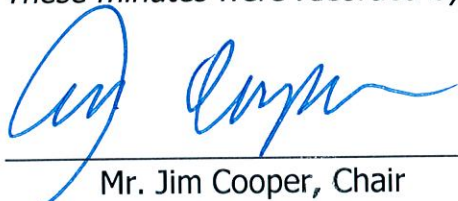
The State Board of Education recently approved for public comment proposed rules related to education service cooperatives. Those proposed rules included procedures related to education service cooperatives in fiscal distress. The current Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program should be revised to remove references to fiscal distress for education service cooperatives. The rules should also be reformatted and updated to mirror existing statutory requirements. State Board approval of the proposed rules for public comment was requested.

Mr. Ledbetter moved, seconded by Mr. Cooper, approval of the rules for public comment. The motion carried unanimously.

Adjournment

The meeting adjourned at 3:31 p.m.

These minutes were recorded by Phyllis Stewart.



Mr. Jim Cooper, Chair



Dr. Tom W. Kimbrell, Commissioner