

**Minutes**  
**State Board of Education Meeting**  
**Monday, August 12, 2013**

The State Board of Education met Monday, August 12, 2013, in the auditorium of the Department of Education building. Chair Brenda Gullett called the meeting to order at 9 a.m.

Present: Brenda Gullett, Chair; Sam Ledbetter, Vice-Chairman; Alice Mahony; Dr. Jay Barth; Joe Black; Mireya Reith; Vicki Saviers; Toyce Newton; Diane Zook; and Dr. Tom Kimbrell, Commissioner

Absent: Alexia Weimer, Teacher of the Year

**Reports**

**Chair's Report**

Ms. Gullett reported Alice Mahony, Dr. Jay Barth, Denise Airola and she attended the National Association of State Boards of Education (NASBE) annual conference. Dr. Barth was elected to the NASBE Board of Directors representing the southern region. Ms. Gullett also recognized Ms. Mahony's work on the NASBE Board. Ms. Mahony met with the Governmental Affairs committee during the NASBE conference.

Ms. Mahony inquired about potential wavier requests to ESEA Flexibility. Dr. Kimbrell said the Department would seek a waiver to extend the timeline for using student growth to make employment decisions in the teacher evaluation.

Ms. Gullett recently presented at the Camden-Fairview and Harmony Grove teacher appreciation breakfast.

**Commissioner's Report**

Commissioner Kimbrell reported school would begin August 19 for most schools in the state. He highlighted the ***Flashing Red. Kids Ahead.*** campaign to bring awareness to bus safety. Dr. Kimbrell thanked Ms. Susie Everett, from Everett Buick GMC, for her promotion of this campaign.

Commissioner Kimbrell thanked Ms. Gullett, Ms. Mahony, Ms. Zook, and Ms. Saviers for participating in the recent Joint Education Committee meeting. He also recognized Ms. Zook's husband and his role in supporting the Common Core State Standards. Ms. Gullett presented before the Joint Education Committee, July 23. Dr. Kimbrell thanked the Board for their continued support

of Common Core State Standards.

### **Update on Common Core State Standards, PARCC and School Improvement**

Assistant Commissioner Dr. Megan Witonski reported the curriculum committee completed Foreign Language and Library Media Framework revisions and will be preparing for future Board approval. Professional development specialists facilitated Literacy Design Collaborative and Mathematics Design Collaborate (LDC/MDC) professional development across the state. Dr. Witonski recognized the education co-ops and SREB for their roles in support of LDC/MDC.

Ms. Melody Morgan, Director of Student Assessment, will provide communication to superintendents regarding plans to field test PARCC assessments. PARCC sample test items will be released soon.

Ms. Saviers commented on New York's dip in test scores. A decline in scores is expected because the assessment is more rigorous. Dr. Witonski agreed the new assessments should not be compared to current Benchmark assessments.

Dr. Barth questioned how the Department would communicate with districts and community. Dr. Witonski reported the state is working on a communication plan. Dr. Kimbrell announced the Department's new Director of Communications, Kimberly Friedman, would begin work August 19.

Ms. Gullett recognized Dr. Witonski's leadership in the implementation of Common Core State Standards and the new assessments.

### **Consent Agenda**

#### **C-9 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-099 – Lori Michelle Butler**

The Board agreed to pull C-9 from the consent agenda and refer the item for consideration at a later date.

Ms. Newton moved, seconded by Dr. Barth, to approve the remaining items on the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes - July 8, 2013
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

- New Hires, Promotions and Separations
- Review of Loan and Bond Applications
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- Consideration of Voluntary Surrender of Arkansas Educator's License – Seth Parsons – PLSB Case 13-032
- Consideration of Voluntary Surrender of Arkansas Educator's License – Stephanie Bradshaw – PLSB Case 13-135
- Consideration of Voluntary Surrender of Arkansas Educator's License – Brent Gunnels – PLSB Case 13-134

Ms. Gullett recognized Ms. Coffman, Chief of Staff, for her work on the minutes and agenda.

### **Action Agenda**

Ms. Gullett asked the Board to consider A-19 through A-24 at the beginning of the action agenda.

#### **A-19 Consideration for Public Comment: Proposed Rules Governing Background Checks and Licensure Revocation**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart recommended changes to the Rules Governing Background Checks and Licensure Revocation to implement Act 455 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Department staff requested the State Board approve the proposed rules for public comment.

Mr. Ledbetter moved, seconded by Ms. Newton, to approve for public comment the Rules Governing Background Checks and Licensure Revocation. The motion carried unanimously.

#### **A-20 Consideration for Public Comment: Proposed Rules Governing Nontraditional Licensure Programs**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart recommended changes to the Rules Governing Nontraditional Licensure Programs to implement Acts 413 and 454 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Department staff requested the State Board approve the proposed rules for public comment.

Dr. Barth moved, seconded by Ms. Reith, to approve for public comment the Proposed Rules Governing Nontraditional Licensure Programs. The motion carried unanimously.

### **A-21 Consideration for Public Comment: Proposed Rules Governing Professional Development**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart recommended changes to the Rules Governing Professional Development to implement Act 969 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Department staff requested the State Board approve the proposed rules for public comment.

Board members expressed concern about the need for anti-bullying and student health services professional development. They asked their concerns be noted in the comments for the Rules.

Ms. Reith moved, seconded by Mr. Black, to approve for public comment the Proposed Rules Governing Professional Development. The motion carried unanimously.

### **A-22 Consideration for Final Approval: Revisions to Arkansas Department of Education Rules Governing Public Charter Schools**

Department Attorney Jeremy Lasiter stated Act 509 of 2013 amended Arkansas law related to public charter schools. The current Arkansas Department of Education rules should be updated in accordance with Act 509 of 2013. On June 10, 2013, the State Board of Education approved the proposed revisions for a public comment period. A public hearing was held June 27, 2013, and the public comment period expired July 15, 2013. No public comments were received. Department staff requested the State Board give its final approval to the proposed revisions.

Ms. Newton moved, seconded by Ms. Saviers, to approve revisions to the Arkansas Department of Education Rules Governing Public Charter Schools. The motion carried unanimously.

### **A-23 Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing Public Charter Schools**

Department Attorney Jeremy Lasiter stated Act 509 of 2013 amended Arkansas law related to public charter schools. In part, Act 509 of 2013 requires the Arkansas Department of Education to become a charter school authorizer. Act 509 of 2013 takes effect August 16, 2013. Department staff requested the State Board grant emergency adoption of the revised rules.

Mr. Ledbetter moved, seconded by Ms. Saviers, to approve for emergency adoption the Arkansas Department of Education Rules Governing Public Charter Schools. The motion carried unanimously.

### **A-24 Consideration for Final Approval: Open-Enrollment Public Charter School New Application**

Department Attorney Jeremy Lasiter stated Ark. Code Ann. § 6-23-301 requires the State Board to adopt an application form for those wishing to apply to open an open-enrollment public charter school. On June 10, 2013, the State Board of Education approved the proposed application for a public comment period. A public hearing was held June 27, 2013, and the public comment period expired July 15, 2013. Department staff received one public comment. No revisions to the application were made based upon the comment. Department staff requested the State Board give its final approval to the proposed application.

Ms. Saviers moved, seconded by Ms. Zook, to approve the Open-Enrollment Public Charter School New Application. The motion carried unanimously.

### **Consideration of Arkansas Better Chance 2013-2014 Grants**

Ms. Paige Cox, Administrator of the Arkansas Better Chance (State Pre-K) and Professional Development/Program Support of the Division of Child Care and Early Childhood Education at the Arkansas Department of Human Services, presented 2013-2014 Arkansas Better Chance Program grants of \$498,685.00 for approval.

Ms. Zook moved, seconded by Dr. Barth, to approve the Arkansas Better Chance 2013-2014 grants. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Aldridge**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Sabrina Aldridge filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of J. Aldridge and M. Aldridge.

Dr. Barth moved, seconded by Ms. Mahony, to deny the appeal from denial of school choice application - Aldridge. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Pipkin**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Wade and Robin Pipkin filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of M. Pipkin.

Mr. Black moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application - Pipkin. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Anderson**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Leslie Anderson filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of S. Anderson and K. Anderson.

Ms. Mahony moved, seconded by Dr. Barth, to deny the appeal from denial of school choice application - Anderson. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Miller**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Melissa Miller filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of S. Miller.

Ms. Zook said she is voting with the law, but she does not agree with it.

Ms. Mahony moved, seconded by Mr. Black, to deny the appeal from denial of school choice application - Miller. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Mefford**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Shara Mefford filed an appeal of the decision of the Wynne School District to deny her child's school choice application.

Mr. Ledbetter moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application - Mefford. The motion carried unanimously.

**Consideration of Appeal from Denial of School Choice Application – Barnett**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Marvin and Monica Barnett filed an appeal of the decision of the Wynne School District to deny the school choice application of M. Barnett.

Ms. Monica Barnett, parent, requested transfer because she needed before and after school care for her child.

Mr. Sam Jones, attorney for the Forrest City School District, asked the Board to include briefs from recent hearings for consideration.

Dr. Barth moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application - Barnett. The motion carried unanimously.

**Consideration of Appeal from Denial of School Choice Application – O’Neal**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Amanda O’Neal filed an appeal of the decision of the White Hall School District to deny the school choice application of T. O’Neal.

Ms. Newton moved, seconded by Ms. Mahony, to deny the appeal from denial of school choice application – O’Neal. The motion carried unanimously.

**Consideration of Appeal from Denial of School Choice Application – McCarroll**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Carole McCarroll filed an appeal of the decision of the White Hall School District to deny the school choice applications of A. McCarroll (7), A. McCarroll (10), and A. McCarroll (13).

Ms. Mahony moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application - McCarroll. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Shirley**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Jill Shirley filed an appeal of the decision of the Lonoke School District to deny the school choice application of H. Shirley and A. Bearden.

Ms. Tammy Tucker, representing Cabot School District, requested information sent by the superintendent to Mr. Lasiter be included in the Board materials. Mr. Lasiter indicated the materials were included in the Board materials.

Ms. Zook asked Ms. Tucker how information was shared with parents. Ms. Tucker said an ad was placed in the newspaper and on the local television channel.

Mr. Ledbetter moved, seconded by Dr. Barth, to deny the appeal from denial of school choice application - Shirley. Ms. Zook opposed. The motion carried.

### **Consideration of Appeal from Denial of School Choice Application – Hale**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. LaShonda Hale filed an appeal of the decision of the Marion School District to deny the school choice application of J. Williams.

Ms. LaShonda Hale, parent, stated she submitted an application which was approved. She later received a denial.

Mr. Lasiter noted districts are required to submit 3% net maximum limit data. The Hughes School District 3% net maximum limit would be eleven (11) students.

Ms. Hale requested a transfer due to her son's health and the uncertainty of the district's future status.

The decision was made to table the motion until information could be acquired from Hughes Schools District.

Mr. Lasiter reported the superintendent received eleven (11) applications from West Memphis before receiving any applications from Marion. They were approved in order of receipt.



The decision was made to table the motion for the second time until additional information could be acquired from Hughes Schools District.

Mr. Lasiter shared an email from Hughes School District stating that they approved students on a first-come basis until they reached the 3% net maximum limit. If a person is denied this year, that application then moves to the top of the list for the next year.

The Board expressed concern that the information should be reported electronically for a more timely review by parents.

Ms. Zook moved, seconded by Ms. Saviers, to grant the appeal from denial of school choice application - Hale. Mr. Ledbetter, Dr. Barth, Mr. Black, Ms. Mahony, and Ms. Reith voted – no. Ms. Zook, Ms. Saviers, and Ms. Newton voted – yes. The final vote was five opposed to three approved. The motion was denied.

### **Consideration of Appeal from Denial of School Choice Application – Ezelle**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Mr. Stephen Ezelle filed an appeal of the decision of the Lakeside (Garland County) School District to deny the school choice application of B. Ezelle. Because the Lakeside School District is located in Garland County, the district is subject to a desegregation order in the case of Davis, et al. v. Hot Springs School District, et al. The desegregation order in the Davis case requires school choice transfers in Garland County to be administered under the Arkansas Public School Choice Act of 1989. Accordingly, this appeal was conducted pursuant to the procedures contained in Ark. Code Ann. § 6-18-206 (repealed).

Ms. Stephen Ezelle, parent, requested the Board approve his appeal based on student health and academic scores.

Dr. Barth asked Mr. Ezelle why he checked the wrong box for race on the application. Mr. Ezelle stated that it was an oversight on his part.

Ms. Zook asked if Mr. Ezelle resubmitted his application with the correction. Mr. Ezelle stated he resubmitted after the application date had passed.

Ms. Newton moved, seconded by Dr. Barth, to deny the appeal from denial of school choice application - Ezelle. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application –**

## **Farmer**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Darlene Farmer filed an appeal of the decision of the Lakeside (Garland County) School District to deny the school choice application of C. Farmer. Because the Lakeside School District is located in Garland County, the district is subject to a desegregation order in the case of Davis, et al. v. Hot Springs School District, et al. The desegregation order in the Davis case requires school choice transfers in Garland County to be administered under the Arkansas Public School Choice Act of 1989. Accordingly, this appeal was conducted pursuant to the procedures contained in Ark. Code Ann. § 6-18-206 (repealed).

Ms. Darlene Farmer, parent, explained that she filed an appeal on behalf of her daughter because she is two or more races. Her daughter is currently attending private school.

Mr. Ledbetter moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application. Ms. Zook opposed. The motion carried.

## **Consideration of Appeal from Denial of School Choice Application – Rayburn-Moore**

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Tracy Rayburn-Moore filed an appeal of the decision of the Cabot School District to deny the school choice application of D. Rayburn.

The parent, Ms. Tracy Rayburn-Moore, withdrew the consideration prior to the Board meeting. Ms. Rayburn-Moore's appeal was removed from the State Board's agenda.

## **Hearing on Waiver Request for Teacher's License – LeKeysha Rakell Blackmon**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated LeKeysha Rakell Blackman requested a waiver of the grounds for denial of her application for a provisional teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty, or nolo contendere to, or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Ms. Blackman was found guilty of felony theft of property in 1994. Ms. Blackman represented herself.

Ms. Newton moved, seconded by Mr. Black, to accept the waiver request for teacher's license with a two-year probation and another background check at the end of the two-year probation period - Blackmon. The motion carried unanimously.

### **Hearing on Revocation of Teaching License – Lance Delbert Campbell**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Lance Delbert Campbell is a licensed educator. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty, or nolo contendere to, or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). On April 1, 2013, Mr. Campbell pled guilty and was found guilty of the following two (2) felony offenses: sexual assault in the first degree, and pandering or possessing visual or print medium depicting sexually explicit conduct involving a child. Mr. Campbell was notified June 24, 2013, that the Department would seek a revocation of his license. The time period for requesting a hearing has expired and Mr. Campbell did not request a hearing to waive the offenses.

Dr. Barth moved, seconded by Ms. Mahony, to accept the surrender of Mr. Campbell's teaching license. The motion carried unanimously.

### **Hearing on Waiver Request for Teaching License – Deanna Gwen Griffey**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Deanna Gwen Griffey is a licensed educator. She requested a waiver of the grounds for revocation of her standard teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty, or nolo contendere to, or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Ms. Griffey was found guilty of a felony violation of the Uniform Controlled Substances Act in 1989. Ms. Griffey consulted an attorney, Elizabeth Danielson. Ms. Griffey represented herself.

Dr. Barth moved, seconded by Mr. Ledbetter, to accept the waiver without probation for teaching license - Griffey. The motion carried unanimously.

### **Hearing on Waiver Request for Teaching License – James Wagner**

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated James Wagner is a licensed educator. He requested a waiver of the grounds for

revocation of his standard teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has a true report on the Child Maltreatment Central Registry, Ark. Code Ann. § 6-17-410(c). Mr. Wagner's name was placed on the Child Maltreatment Central Registry in 2012. Attorney Greg Alagood represented Mr. Wagner.

Mr. Alagood stated that Mr. Wagner's name went on the registry in April 2013. Mr. Wagner accidentally left a child on a bus at the conclusion of the morning bus route in 2012. DHS did submit a true finding. James Wagner has been a licensed educator for eight years. He received National Board recognition in 2009 while teaching in Pottsville. He has a contract with England School District but is currently on suspension with pay pending the decision of the Board.

Mr. Eddie Johnson, Superintendent of England School District, explained he suspended Mr. Wagner with pay and requested the Board not approve the waiver.

Dr. Barth asked if there is a process to be removed from the Maltreatment Central Registry. Mr. Alagood explained Mr. Wagner is not eligible to have his name removed from the registry.

Ms. Newton moved, seconded by Ms. Mahony, to accept the waiver for teaching license with a two-year probation and another background check at the end of the two-year probation period - Wagner. The motion carried unanimously.

The Board discussed meeting on Sunday afternoon for a working session prior to the September Board meeting. Topics to be discussed include school choice options and broadband.

## **Adjournment**

The meeting adjourned at 1:45 p.m.

*Minutes recorded by Deborah Coffman.*