

Minutes
State Board of Education Meeting
Monday, April 9, 2012

The State Board of Education met Monday, April 9, 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; Joe Black; Brenda Gullett; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kathy Powers, Teacher of the Year

Absent: None

Reports

Chair's Report:

Ms. Gullett reported having attended the joint NASBE/Chief State School Officers meeting in late March where the focus was on the reauthorization of ESEA.

Commissioner's Report

Dr. Kimbrell briefed the Board on a recent CCSSO meeting he attended in Washington, D.C. He predicted the political sides were too far apart in the debate over the reauthorization of ESEA to come to any agreement until after the November election.

In a status report on the state's application for ESEA flexibility, Dr. Kimbrell said the call with the peer reviewers was relatively short and Department staff expect to hear more soon from the U.S. Department of Education.

Informational Update on Common Core State Standards and PARCC

Dr. Laura Bednar, Assistant Commissioner of Learning Services, updated the Board on the work of the Guiding Coalition. She said the group's role was evolving and members would be more involved in the implementation of Common Core. Dr. Bednar also said work would be done over the summer to develop resources for working with English learners and students with disabilities.

Progress Report on the Helena West-Helena School District

In a progress report on the Helena-West Helena School District, Chief Operating Officer Suzann McCommon thanked the State Board for the opportunity to help set the district on the right course for student success. She expressed appreciation to Department staff for their help since state takeover June 20, 2011.

Mr. Ulicious Reed, Chief of Operations, said the district conducted five community meetings to explain the financial situation. He explained the district experienced a drastic decline in student enrollment and planned to close three campuses to save money.

Update on the Cloverdale Aerospace School Improvement Grant (SIG)

Mr. Bobby Lester, Director of Federal Programs, reported the Cloverdale Aerospace Technology Conversion Charter Middle School was in the second year of its School Improvement Grant. Mr. Lester said the school was meeting the goals set forth in the grant. He said Dr. Morris Holmes, Little Rock School District Superintendent, had been supportive and demonstrated leadership by being at every monitoring meeting.

Board members expressed continued concern about the middle schools in the Little Rock School District. They asked Superintendent Holmes if the district should move the better teachers into the failing schools. Dr. Holmes said, "shuffling the deck is highly overrated." He said he was reasonably cautious but believed the district would make progress.

Status Report on the Dollarway High School School Improvement Grant (SIG)

Mr. Lester informed the State Board that the Department cancelled the School Improvement Grant awarded last year to Dollarway High School. He explained the goals of the grant were not implemented even after Commissioner Kimbrell met with the superintendent and the school board.

Dr. Kimbrell said the state is accountable to the federal government for the grant funds. He said the funds would be reallocated to the first cohort SIG schools.

Mr. Ledbetter said Dollarway is a perfect example of why the academic distress rule needs to be redefined.

Consent Agenda

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

Items included in the Consent Agenda:

- Minutes of the March 12, 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
- Initial Year Charter School Report
- Progress Report on the Status of Districts Classified in Fiscal Distress
- Review of Loan and Bond applications
- Review of QZAB Allocation Application
- Sanction for Teachers as Recommended by the Professional Licensure
 - Shannon Leanne Hilburn
 - Jennifer Anne Showers
 - Jessica Lee Riggs
 - Jerry Scott Brown
 - Phillip Dewayne Collins
 - Martha Enyart Moore
- Surrender of Teacher License—Brent Morris

Action Agenda

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

Consideration of Request to Increase Professional Service Contracts

The Division of Childcare and Early Childhood Education requested an increase to the professional service contract budgets of Arkansas State University, O.U.R. Co-op and the University of Arkansas at Fort Smith. The vendors billed in this fiscal year for services rendered at the end of the last fiscal year, leaving a potential deficit in their current budgets.

Mr. Ledbetter moved, seconded by Ms. Mahony to approve the request. The motion carried unanimously.

Petition by the El Dorado School District to Close the Union Elementary School

Ms. Mahony recused herself and left the room prior to discussion of this agenda item.

The El Dorado School District petitioned the State Board for an order closing the Union Elementary School, an isolated campus. Superintendent Bob Watson said enrollment at the K-4 school was currently 58, but was projected to drop to 49 in 2012-13. Closing the school would save approximately \$350,000 and help the district remain financially solvent.

Board members asked if the district implied it would keep the schools in the former Union School District open after the consolidation. Mr. Watson said there was no commitment by the El Dorado District to keep those schools open. Movement of the Union District's high school students began the following school year.

Mr. Ledbetter moved, seconded by Ms. Newton, approval of the petition. The motion carried unanimously.

Ms. Mahony returned to the meeting.

Joint Petition for Change in School District Boundary Lines Between the Cross County School District and the Harrisburg School District

The Cross County and Harrisburg school districts jointly petitioned the State Board for an order altering the boundary line between the two districts. The reason for the change was to correct an error in the last official maps of the districts dated 2000 and to reflect the historical common understanding and agreement of the boundaries of Harrisburg and Cross County as proposed by the districts and the Poinsett County Clerk's office.

Ms. Saviers moved, seconded by Ms. Newton, to approve the petition for change in the boundary lines. The motion carried unanimously.

Consider Removal of Earle School District from Fiscal Distress Classification

The Earle School District was classified in Fiscal Distress May 16, 2011. Department staff reported the District had corrected all criteria as outlined in its Fiscal Distress Improvement Plan and recommended removal from Fiscal Distress.

Ms. Gullett moved, seconded by Ms. Reith, approval effective April 9, 2012. The motion carried unanimously.

Consider Removal of Forrest City School District from Fiscal Distress Classification

The Forrest City School District was classified in Fiscal Distress for the 2010-2011 school year. Department staff reported the District had corrected all criteria as outlined in its Fiscal Distress Improvement Plan and recommended removal from Fiscal Distress.

Mr. Cooper moved, seconded by Ms. Gullett, approval effective April 9, 2012. The motion carried unanimously.

Classification of District in Fiscal Distress—Brinkley School District

Department of Education staff announced the Brinkley School District had been identified for fiscal distress because of declining unrestricted legal balances. Those balances dropped from \$744,337 in the 2008-09 school year to \$403,706 at the end of the 2010-11 school year. The district did not appeal the fiscal distress status.

Mr. Cooper moved, seconded by Ms. Newton, to approve the classification of the Brinkley School District in fiscal distress. The motion carried unanimously.

Classification of District in Fiscal Distress—Hartford School District

Department of Education staff announced the Hartford School District had been identified for fiscal distress because of declining unrestricted legal balances. Those balances dropped from \$529,711 in the 2009-10 school year to \$346,495 at the end of the 2010-11 school year. Department calculations predicted the district would end the 2011-12 school year with a \$1,680 deficit if spending practices continued. The district did not appeal the fiscal distress status.

Mr. Cooper moved, seconded by Ms. Gullett, to approve the classification of the Brinkley School District in fiscal distress. The motion carried unanimously.

Classification of District in Fiscal Distress—Western Yell County School District

Department of Education staff announced the Western Yell County School District had been identified (for the second time) for fiscal distress because of declining unrestricted legal balances. Those balances dropped from \$1.47 million in the 2008-09 school year to \$598,909 at the end of the 2010-11 school year. The Department projected the district would end the 2011-12 school year with \$31,152. The district did not appeal the fiscal distress status.

Mr. Cooper moved, seconded by Ms. Reith, to approve the classification of the Western Yell County School District in fiscal distress. The motion carried unanimously.

Renewal of Open-Enrollment Public Charter School: Academics Plus Charter School, Maumelle, Arkansas

Academics Plus Charter School located in Maumelle requested a renewal of their open-enrollment charter for a twenty-year period and an enrollment cap increase to reach 1,300 students by 2021. The school currently serves students in grades K-12 with an enrollment cap of 650 students.

Rob McGill, executive director, said the school had been more successful in attracting a diverse enrollment and was working with Central Arkansas Transit Authority to provide transportation. Mr. McGill presented data showing Academics Plus students performed better than students in the Pulaski County Special School District.

Board members were not impressed with the scores for the ten-year old charter that was supposed to be a laboratory for academic innovation.

Commissioner Kimbrell said while the school needed to make greater gains with their students, the new leadership had positive impact.

Ms. Saviers moved, seconded by Mr. Cooper, a three-year renewal of the charter with annual review, but no increase in the enrollment cap. The motion carried seven (7) to one (1) in a roll call vote.

Black-yes
Cooper-yes
Gullett-yes
Ledbetter-no
Mahony-yes
Newton-yes
Reith-yes
Saviers-yes

Renewal of Open-Enrollment Public Charter School: Arkansas Virtual Academy, Little Rock, Arkansas

Arkansas Virtual Academy, an open-enrollment public charter school located in Little Rock, requested a five-year renewal of their charter. The school provides online courses and guided instruction for students statewide in grades K-8. The school has an enrollment cap of 500 students.

Board members questioned per student full-funding when the school does not have the costs associated with traditional brick and mortar buildings.

Jerry Jones, president of the school's board of directors, said the funding was used to buy technology, fees for materials and curriculum and to pay teachers.

Ms. Newton moved, seconded by Ms. Mahony, a three-year renewal of the charter with annual review. The motion carried seven (7) to one (1) in a roll call vote.

Black-yes
Cooper-yes
Gullett-yes
Ledbetter-no
Mahony-yes
Newton-yes
Reith-yes
Saviers-yes

Renewal of Open-Enrollment Public Charter School: Benton County School of the Arts, Rogers, Arkansas

Benton County School of the Arts, an open-enrollment public charter school located in Rogers, requested renewal of its charter for a period of 15 to 20 years and to increase its enrollment cap from 825 to 900 students.

Board members noted the number of Hispanic students enrolled was lower than those of surrounding school districts.

Ms. Mahony moved, seconded by Mr. Ledbetter, to renew the charter for a period of three years but to reject the request to increase the enrollment cap. The motion carried unanimously in a roll call vote.

Black-yes
Cooper-yes
Gullett-yes
Ledbetter-yes
Mahony-yes
Newton-yes
Reith-yes
Saviers-yes

Renewal of District Conversion Public Charter School: Cabot Academic Center of Excellence, Cabot School District

Cabot Academic Center of Excellence, a district conversion public charter school located in Cabot, requested a five-year renewal of their charter. The school provides an alternative learning environment, which includes individualized instruction, to students in grades 7-12. The enrollment cap is 500 students.

Ms. Newton moved, seconded by Ms. Reith, approval of a five-year renewal of the charter. The motion carried unanimously.

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

This item was postponed at the request of the applicant.

At 5:06 p.m. the meeting recessed until the next day at 9 a.m.

Tuesday, April 10, 2012—9 a.m.

Renewal of Open-Enrollment Public Charter School: Haas Hall Academy, Fayetteville, Arkansas

Haas Hall Academy, an open-enrollment public charter school located in Fayetteville, requested renewal of its charter for a period of up to 20 years. The school serves students in grades 8-12 with an enrollment cap of 320 students.

Board members acknowledged the school's success in student achievement, but asked about the number of low-income students served.

Dr. Martin Schoppmeyer said the school doesn't serve lunches; therefore, income levels of families are not known.

Mr. Ledbetter moved, seconded by Ms. Saviers, to approve the renewal for a 10-year period but to deny the request for a waiver to recruit board members (trustees) from out of state. The motion carried eight (8) to one (1) in a roll call vote.

Black-yes
Cooper-yes
Gullett-yes
Ledbetter-yes
Mahony-yes
Newton-no
Reith-yes
Saviers-yes

Renewal of Open-Enrollment Public Charter School: LISA Academy, Little Rock, Arkansas

LISA Academy, an open-enrollment public charter school located in Little Rock, requested renewal of its charter for a period of up to 20 years and to increase its enrollment cap from 600 to 800. LISA Academy serves students in grades 6-12.

Chris Heller, legal counsel for the Little Rock School District, voiced opposition to renewal of the charter. He claimed the school unfairly competes with the magnet schools in the Little Rock District.

Board members noted students in Little Rock's middle schools need another option.

Mr. Ledbetter moved, seconded by Mr. Cooper, to renew the charter for a period of five years and to increase the enrollment from 600 to 800. It was further stipulated the school was to report performance measures in year 2 and year 4. The motion carried six (6) to two (2) in a roll call vote.

Black-yes

Cooper-yes

Gullett-no

Ledbetter-no

Mahony-no

Newton-yes

Reith-yes

Saviers-yes

Renewal of District Conversion Public Charter School: Vilonia Academy of Technology, Vilonia School District

Vilonia Academy of Technology, a District Conversion Public Charter School in the Vilonia School District, requested a three-year renewal of its charter. The school serves students in grades 2-4 with an enrollment cap of 224 students.

Board members questioned the need for a charter to utilize technology.

School officials said the success of the students in the charter was spreading to other district students and teachers.

Ms. Gullett moved, seconded by Mr. Cooper, to renew the charter for a three-year period. It was stipulated the charter would be reviewed in one year with more specific information related to goals and student achievement. The motion carried unanimously.

Renewal of District Conversion Public Charter School: Vilonia Academy of Technology, Vilonia School District

Vilonia Academy of Service and Technology, a district conversion public charter school in the Vilonia School District, requested a three-year renewal of its charter. The school serves students in grades 5-6 with an enrollment cap of 224 students.

School officials said the school had a service learning component connecting academic frameworks to the community.

Ms. Saviers moved, seconded by Ms. Newton approval of a three-year renewal of the charter. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Larry Natt

Larry Natt, an applicant for an initial teacher license requested a waiver of his felony theft by receiving in 1985 and his federal felony possession of a controlled substance in 1994.

Ms. Saviers moved, seconded by Ms. Gullett, 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.

Consider Waiver of National Board for Professional Teaching Standards Repayment of State Funds for Gina Young

Gina Young, a candidate for National Board Professional Teaching Standards, was unable to complete the certification process because of health or extenuating circumstances. The State Board was requested to waive the repayment of fees expended by the state.

Ms. Mahony moved, seconded by Ms. Newton, to waive the repayment of fees. The motion carried unanimously.

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

On December 12, 2012, the State Board gave final approval to new rules governing charter schools, to replace two existing rules. After continued discussions with interested parties, the Department proposed minor changes in the new rules to clarify the definition and use of the terms "application" and "net assets", to define "short-term line of credit" and require notice of such, and to adjust the application and hearing process for charter approval, amendment and renewals. The State Board was requested to approve and release the proposed revisions for public comment.

Ms. Gullett moved, seconded by Ms. Newton, approval to release the rules for public comment. The motion carried unanimously.

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

Act 1209 of 2011, codified at Ark. Code Ann. 6-17-2801 et seq., amended Arkansas law to create the Teacher Excellence and Support System. Ark. Code Ann. 6-17-2804 requires the State Board of Education to promulgate rules concerning the Teacher Excellence and Support System. The State Board was requested to approve the proposed rules for public comment.

Ms. Saviers moved, seconded by Ms. Newton, approval to release the rules for public comment. The motion carried unanimously.

Consideration for Final Approval: Revisions to Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds

These rules govern the distribution of categorical funds to local school districts, including Alternative Learning Environment (ALE), National School Lunch Act (NSLA), English Language Learner (ELL) and Professional Development (PD) funding. The rules are being revised to implement changes made by Acts 879, 993, 1118, and 1220 of 2011. The State Board released the proposed revisions for public comment December 12, 2011, and a public hearing was held January 12, 2012. Numerous minor changes were made in response to the written and oral comments received. The State Board was requested to give final approval to the proposed rule revisions.

Mr. Ledbetter moved, seconded by Ms. Gullet, final approval. The motion carried unanimously.

Consideration for Final Approval: Revisions to Arkansas Department of Education Rules Governing Supplemental Education Service Providers

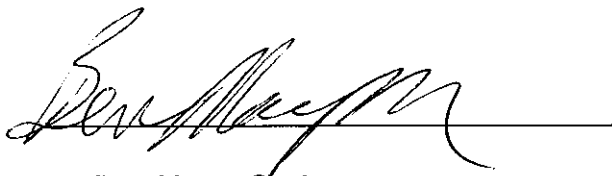
Act 902 of 2011 instituted new reporting requirements for approved supplemental education service (SES) providers and directed ADE to adopt rules implementing the Act. The State Board approved these revisions for public comment October 10, 2011, and a public hearing was held October 25, 2011. Minor changes were made in response to written comments received. The State Board was requested to give final approval to these proposed rule revisions.

Ms. Mahony moved, seconded by Mr. Ledbetter, final approval. The motion carried unanimously.

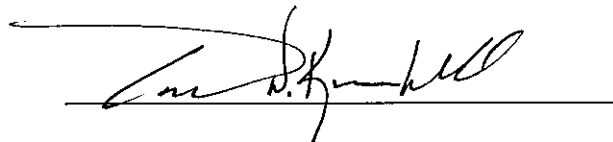
Adjournment

The meeting adjourned at 2:44 p.m.

These minutes were recorded by Phyllis Stewart.



Dr. Ben Mays, Chair



Dr. Tom W. Kimbrell, Commissioner