

Minutes
State Board of Education
November 9 and 10, 2009

November 9, 2009

Joint Session

The State Board of Education convened in the Student Center at Pulaski County Technical College and joined the State Board of Career Education and State Higher Education Coordinating Board for the annual joint session. The meeting convened at 8:30 a.m. and concluded with lunch at 12:30 p.m. All members of the Board of Education attended.

State Board of Education

The State Board of Education convened in the Auditorium of the State Education Building on Monday, November 9, 2009. Chairman, Dr. Naccaman Williams called the meeting to order at 1:15 p.m.

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

No Board members were absent. There is one vacancy on the Board of Education.

Chair's Report

Ms. Gullett reported on the annual meeting of the National Association of State Board's of Education (NASBE), which recently met in Cincinnati, OH. Ms. Gullett noted the presentation of Secretary of Education Arne Duncan in which he commented on needed improvements in college and university departments of education. She also reported on sessions related to health education and the exchange of ideas among Board members from other states.

Dr. Williams commented on the message from Governor Beebe at the joint session and noted the many good things happening in Arkansas education.

Ms. Mahony reported on the Gala Celebration held at the Governor's Mansion to honor the 2009 Arkansas Teacher of the Year. The National Teacher of the Year spoke and she noted one of his comments was that in all the presentations he had attended, none had been attended by a sitting governor. Ms. Mahony commended the ADE staff and external funding sources that made the Gala event possible.

Commissioner's Report

Dr. Kimbrell's report included the following:

- Recognized the work of Julie Thompson and staff in the Communications Department for their work in preparing and managing the Teacher of the Year Gala Celebration.

- Noted that he and Alice Mahony attended an informational session hosted by the National Governor’s Association (NGA) and the Council of Chief State School (CCSSO) officers to discuss the emerging Common National Standards. He stated that grade-level standards are being developed and will be released very soon. He commented on the timeline for adoption, which is projected for January 2010. He noted that common assessment of the standards will likely follow, but there is no timeline for the rollout of the assessments. He assured the Board that with the consideration of the common national standards it is imperative that any such adoption would not move Arkansas backward from the progress made in academic achievement in recent years.
- Reported that Beverly Williams has been invited to participate in a national endeavor to develop National Teacher Quality Standards.

Consent Agenda

Ms. Mahony requested that Consent Agenda Item #C-7 (Consideration of Recommendation of the Professional Licensure Standards Board for a written reprimand by the State Board of Education and a fine of \$50 on case #09-076 - Tammy Browne) be pulled from consideration at this meeting. Beverly Williams responded that she would convey the expressed concerns of this item to the Professional Licensure Standards Board at its next meeting.

Ms. Burrow moved adoption of the Consent Agenda as amended. Dr. Mays seconded the motion. The motion was adopted unanimously.

- Minutes – October 9, 2009
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- 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 Recommendation of the Professional Licensure Standards Board for Probation of Teaching Licensure for Three (3) Years by the State Board of Education with a Fine of \$75 on Case #09-051 – Walter Jenkins
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for One (1) Year by the State Board of Education, with a fine of \$75 on Case #09-059 – Kristen Scaggs
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand by the State Board of Education, a Fine of \$50 and Testing Procedure Training for Case #T-09-038 – Linda Webb

Action Agenda

Consideration of Request from the Blevins School District for Approval to Close an Isolated School – Emmet K-12 Campus

This item was removed from consideration by the Blevins School District.

Request for Final Approval for Revisions to the Arkansas Department of Education Rules Governing Professional Development

Dr. Dee Cox was recognized to present this item. Dr. Cox reported that there were no changes proposed from the approval for public comment. She noted that no public comment suggested revision to the text of the document.

Ms. Newton moved approval as presented. Ms. Gullett seconded the motion. The motion was adopted unanimously.

(A complete text of the testimony, questions and deliberation of the Board pursuant to review of the charter school applications was taken by a court reporter. That text is available as an attachment to these Minutes.)

Tripp Walter was recognized to provide guidance for conducting the hearings related to review and consideration of the charter school applications.

Hearing of Open Enrollment Licensure Application and ADE Review: KIPP Blytheville College Preparatory School, Blytheville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown noted that this item was somewhat different in that the application seeks to extend the KIPP Academy charter and thus license a new site in the Blytheville community. Scott Shirey was accompanied by students currently enrolled at the Helena site in presenting the documentation regarding this application.

Mr. Cooper asked about separate waivers on the different sites. Mr. Walter noted that under one charter, the different sites could seek unique waivers.

Ms. Gullett asked about the attrition rate for students from the Helena site and if students re-entered public school. Mr. Shirey responded that between 12 and 15 percent drop out of the KIPP program and generally those students do return to the public schools.

Dr. Mays questioned the issue of teachers being designated “highly qualified.” He asked for the KIPP definition of highly qualified and if it was consistent with that of *No Child Left Behind*. Mr. Shirey responded that KIPP at Helena has had zero licensure compliance issues with ADE and did not expect that to be an issue at Blytheville.

Ms. Mahony asked about the progress of adding grades. Mr. Shirey indicated that the progression of adding grades would parallel that of the Helena site: adding one grade per year until it gets to Grade 8. At that point the charter would come back to the Board requesting to add additional grades.

Ms. Gullett moved approval. Ms. Burrow seconded the motion. The motion was adopted unanimously on a roll-call vote.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Guap Academy College Preparatory School – West Memphis, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that the West Memphis School District has filed an appeal requesting that the application of Guap Academy be denied. Mr. Bill Kessinger, superintendent, West Memphis School District was recognized to present for the district. Following remarks by Mr. Kessinger, John Collins, principal of West Memphis High School was recognized to present data regarding the programs provided by the district for high school students.

Dr. Gerald Kiner was recognized to present the Guap charter application. He stated that the charter was designed to provide instruction for students who were not successful in West Memphis and who were behind their expected grade level.

Ms. Burrow asked what was unique about the content and curriculum that was being proposed. Mr. Kiner responded that it was primarily due to small class size and the strict focus on the Arkansas Content Standards.

Dr. Mays asked about the academic preparation of Dr. Kiner and if he graduated from an accredited college. Mr. Kiner responded that he graduated from a small Bible college in Mississippi that was looking to work toward accreditation.

Mr. Cooper asked about the location of the school – in a church facility. Mr. Cooper asked if students would be expected to be part of the church community. Dr. Kiner responded that the school was leasing space from the church and there was no link to the church other than it was a place to meet classes. Following another question, Dr. Kiner affirmed he was pastor of the church from which the lease would be made.

Ms. Mahony asked about experience in administration of a school or if the organization has other charters in another state. Dr. Kiner responded this was the first charter being proposed by this organizational group.

Ms. Burrow asked about Mr. Kiner's role in the school. He stated that he would be the executive director.

Mr. Ledbetter moved denial of the charter. Mr. Cooper seconded the motion. The motion was adopted unanimously on a roll-call vote. The following reflect reasons provided by Board members for denial of the charter:

- Cooper: did not believe the applicant can achieve the goals and objectives as proposed in the charter application
- Burrow: does not consider this application innovative
- Gullett: Does not believe this application provides anything that is not nor cannot be provided the targeted students by the West Memphis School District
- Ledbetter: Ditto Gullett's comments
- Mahony: does not consider this application innovative
- Mays: concerned about the applicant's academic credentials and the overall accreditation of the school
- Newton: does not believe that application is complete in some aspects and is not innovative.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Little Rock Urban Collegiate Public Charter School for Young Men, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that the Little Rock School District has submitted documentation opposing the approval of this application.

Mr. Chris Heller, attorney for the Little Rock School District was recognized to present for the district. Mr. Heller's presentation reflected the district's position that approval of the charter would further erode the work of the district in meeting the state's desegregation efforts. He challenged the Board that if an approval is to be granted that the Board would have to be certain that the school does not negatively impact desegregation in the three districts in Pulaski County.

Jackie Jackson presented on behalf of the applicant.

Questions from Board members were directed to clarification of the desegregation efforts and the potential for the Little Rock District retaining unitary status with the number of students potentially removed from the district to attend this charter school.

Ms. Mahony asked about the status of approval for a single gender school. Mr. Walter responded that this issue was the reason that the charter was not approved previously. He did indicate that legislation in the 2009 Session made single gender schools eligible for approval.

Dr. Williams expressed concern that a staff member from the Little Rock school administration was not present to respond to questions. Dr. Williams also expressed concern for actions or innovations implemented by the Little Rock District specifically directed to the unique needs of African American male students.

Ms. Mahony moved to table further consideration until the December meeting at which time legal issues should be resolved. Ms. Newton seconded the motion. The motion was adopted unanimously by a roll-call vote. Mr. Ledbetter requested that all legal documents be assimilated in sufficient time as to be included in distributed Board documents for the December meeting.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Dove School of Excellence, Springdale, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown recognized Dr. Jim Rollins, superintendent of the Springdale School District, who provided opening comments then introduced Dr. Marcia Jones and Dr. Don Love. Drs. Jones and Love provided program and accountability data from the Springdale District and suggested that the Springdale District provides a quality program for all students.

Dr. Brown introduced Kaan Carmuz, superintendent of four Dove charter schools all located in Oklahoma. Mr. Carmuz spoke on behalf of the Sky Foundation, which proposed the Dove school that would be located in Springdale. He noted that the Dove school would focus its attention toward Hispanic students who tended to be less successful than other students enrolled in the Springdale School District.

Ms. Burrow ask why the proposed location in Springdale when so many other areas of the state are populated with students with higher needs than students in Springdale. Mr. Carmuz suggested that other schools in the SKY system are located near northwest Arkansas and some of the teachers in the Tulsa schools have family in the Springdale area. He stated that the developers believe there is a great need in that area of the state and that the climate is right for options for parents.

Ms. Gullett expressed confidence in the Springdale Schools and with the progress being made by students who are non English speaking.

Dr. Mays asked about the foreign language that is taught in the Oklahoma schools. Mr. Carmuz responded the languages were Spanish and Turkish. Dr. Mays inquired why Turkish? Mr. Carmuz responded that Turkish is the native language of a number of the teachers in the system and teachers are available with skills to teach that language.

Mr. Cooper asked about accountability as compared between Oklahoma and Arkansas. Mr. Carmuz stated the systems are different, different tests, etc., and it is difficult to make any comparisons.

Ms. Gullett asked about other partners of the parent groups that were referenced in the proposal. Mr. Carmuz stated that consultants originally worked with LISA Academies, but that relationship had been discontinued. At present there is no link to Arkansas entities.

Dr. Mays noted that part of the summer program would be an annual trip to Turkey. Mr. Carmuz responded that international relations is a major factor in the school and because of the link of many of the staff to Turkey, this is an opportunity to acquaint American students with another culture.

Mr. Cooper moved approval of the proposal. Ms. Burrow seconded the motion. The motion was rejected 2 yes and 5 no. Reasons for voting no:

- Gullett: uncomfortable with two levels of management and the questionable issue of who is to be held accountable.
- Ledbetter: proposal did not demonstrate any programming that would be superior to service provided by the Springdale School District.
- Mahony: the proposal lacks innovation and issues of management
- Mays: the proposal does not provide programming beyond what is already available from Springdale School District. Reasons for locating in Springdale not adequate
- Newton: does not think there is clear and compelling evidence that education in the area would be enhanced by approval of this charter application.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Prism Education Center, Fayetteville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Linda Auman to speak for the Fayetteville School District. Ms. Auman provided program descriptions and data supporting the status of the Fayetteville School District.

Dr. Brown introduced Misty Newcomb, organizer for the Prism Education Center in Fayetteville. Ms. Newcomb described a proposed center that would direct attention to a described group of students who currently are in an attendance zone in Fayetteville for which the local school is purported to not be

meeting the needs of this sub-group of low-achieving high-poverty students in Fayetteville. Among program ideas submitted, Ms. Newcomb suggested that a longer school day and longer school year are needed to overcome the poverty and low-achievement of the targeted students.

Mr. Ledbetter addressed the proposed transportation needs of these children should the school be authorized. Ms. Newcomb stressed that potential arrangements are pending with the public transportation system to support the school and a local stop at or near the school site would be added to the Ozark Regional Transit System routes. Mr. Cooper questioned the budget item of \$30,000 for transportation as written in the proposal.

Dr. Mays asked about formation of the Prism School Board and the link between that board and other service organizations in which the developer is associated. Ms. Newcomb noted that the Board's structure would be independent and there would be a process for getting representatives of the community involved. The membership of the Board was not provided in the proposal as noted by Dr. Mays.

Ms. Burrow asked about training of the proposed large number of volunteers that might be called to provide services to the students. Ms. Newcomb responded that training of all volunteers would be provided and would be coordinated through the school.

Dr. Williams asked about the educational background of Ms. Newcomb and other leaders in the proposal. Ms. Newcomb responded that she was a trained social worker and that was her background. Her passion is for the children who reside in this area of the city and for providing a stronger educational program for them.

Ms. Gullett asked if Ms. Newcomb had ever provided training as she was describing for teachers and school employees. Ms. Newcomb responded no. Ms. Gullett asked who would be the trainer. Ms. Newcomb noted that Justin Minkel from Springdale had agreed to work with the school. She indicated that Minkel was a non-traditionally trained teacher who was recognized as Arkansas Teacher of the Year.

Ms. Gullett moved to deny the proposed charter. Ms. Mahony seconded the motion. The motion was adopted 5 yes, 2 no (Cooper and Burrow voted no.) Reasons for supporting the motion:

- Gullett: there is no way that this entity can provide what the Fayetteville School District Provides for its students
- Ledbetter: not convinced that applicant will improve student performance beyond that of the Fayetteville District
- Mahony: the proposed staff is not ready to administer a school
- Mays: the applicant is not ready and the questionable financial aspects of the proposal
- Newton: agrees with other statements and does not believe that the proposal provides anything additional for students.

Meeting recessed at 8:00 p.m.

Meeting re-convened at 9:00 a.m. – Tuesday, November 10, 2009

All Board members were present.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Friends Academy of the Health and Environmental Sciences, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Chris Heller, legal counsel for the Little Rock School District. Mr. Heller also noted that Dennis Glasgow, assistant superintendent for the Little Rock District was present. Mr. Heller again restated the district's opposition to any charter school that might be under consideration based on the potential for negatively impacting the racial desegregation of the Little Rock District and the other districts in Pulaski County.

Dr. Brown introduced Dr. George Blevins to present the proposal from Friends Academy. Dr. Blevins stated that the proposal seeks to provide options for middle grade students who currently must attend a middle school in the Little Rock District, which is identified in school improvement as designated under *No Child Left Behind*. Also, Dr. Blevins revealed a lengthy list of local scientist and others who have demonstrated a commitment to participate in the development of the school. Dr. Blevins reported that the proposed site for the school is the old Mitchell School previously a land mark building in Little Rock. He stated that he had an option to purchase the building and then would lease it back to the school after it was renovated with funds from a federal grant.

Ms. Burrow questioned the ownership of the building and who would receive the rent from the school if it were approved. Dr. Blevins stated that he and his wife had purchased the building and was working to facilitate the needed renovation that could cost as much as \$5 million. Dr. Blevins acknowledged that he would be making a small profit if the school were organized and the building was renovated for the school's use.

Ms. Gullett asked about individuals who were listed as a group in the proposal. Dr. Blevins stated that the names on the design team should remain anonymous because some of them work in the Little Rock District and it would not be proper for them to be disclosed at this time.

Ms. Mahony asked Dr. Blevins about his role in the operation and management of the school. Dr. Blevins responded that it was his role to assure that a plan was in place and people in place to make the plan work. He noted that he does not plan to receive a salary for his work.

Mr. Ledbetter noted that in the budget 24% of the funds would be directed toward facilities rental. Dr. Brown affirmed the accuracy of that statement. Mr. Ledbetter noted that this percentage appears higher than might be expected and definitely more than other proposals. Dr. Brown expressed that every charter school is unique and often budgets as other aspects of the program are not comparable between schools. Dr. Blevins also pointed out that this building was an historic building and its operational cost would probably be more than a newer facility. Dr. Brown also noted that after the first year of operation, the facilities cost drops to approximately 14%. Ms. Newton asked questions relative to the proposed renovation of the facility and its availability and if there were a contingency plan. Dr. Blevins did not describe specific dates or alternative plans.

Dr. Mays expressed concern for the possible conflict of ethics with Dr. Blevins being the owner of the building and managing the Board that is leasing the building.

Tripp Walter addressed concerns about the potential conflict of interest with the ethics laws. He stated that it was his opinion that under the conditions described, there is not an apparent conflict of interest.

Ms. Newton moved approval of the proposal. The motion died for lack of a second.

Dr. Williams declared the proposal died for lack of a motion.

Following a short recess, Chairman Williams asked to Board to take definitive action. Mr. Cooper moved to deny the proposed charter application from Friends Academy. Ms. Burrow seconded the motion. The motion was adopted 6 yes, 1 no (Newton voted no.) Documentation of voted to deny:

- Mays: conflict of building ownership and relationship of the applicant to building ownership
- Ledbetter: concerns about the ownership and relations of owner and application and way lease is written. Also, concerns for meeting the targeted enrollment of attracting only high-poverty students to the school
- Gullett: could not find comfort level that resolves conflict of interest in lease and agreement
- Burrow: relations between lease and the school administration
- Cooper: same concern for lease agreement and agreement with argument from Little Rock District presentation
- Mahony: concern about lease agreement.

Ms. Newton stated that her concern over the lease agreement was answered by comments from Tripp Walter.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Gillett Heritage Academy, Gillett, AR

Dr. Mary Ann Brown was recognized to present this item. Gary Waymon, superintendent from the DeWitt School District spoke in opposition to this proposal. Mr. Waymon stated that the DeWitt District annexed the Gillett District under Act 60 due to decreasing enrollment at Gillett. He emphasized that DeWitt has maintained a school in site in Gillett to date, but it is necessary for budgetary reason to discontinue funding the school due to further decreasing enrollment and the high cost of supporting the site. Dr. Tom Cox and Ms. Betty Brewer representing the Dumas School District presented data supporting the quality of programming should students from the closing of Gillett Schools want to attend in Dumas.

Dr. Brown introduced Jennifer Menard representing the Gillett Civic Group, Inc, seeking to establish a charter school in the Gillett community. Ms. Menard stated that the services of Dr. James Young, who recently organized the Humphrey Charter School, were sought to assist with programming development and recommendations related to establishment of the Gillett Heritage Academy. Dr. Young described a building that is proposed to house the Academy.

Ms. Mahony asked about the date in which Gillett was annexed with DeWitt. Dr. Young responded in July 2004.

Dr. Mays asked about the projected enrollment. He stated the proposal has initial enrollment of 210 with a cap of 450. Dr. Mays questioned where these students would come from if the local school only has less than 200 at this time. Dr. Young's response was that the local community deserves a local school for its students.

Ms. Gullett directed a question to Mr. Waymon regarding the extent to which students from the former Gillett district were being served in DeWitt. Mr. Waymon noted that the Gillett high school students will have an expanded curriculum; they will have expanded options to athletics and activities, and other advantages. He also noted that the DeWitt School Board has a zoned member from Gillett who will continue to serve on that Board.

Ms. Burrow noted that in the PowerPoint for this application and for the next application from McNeil there seems to be considerable overlap in the slides and presentation. Dr. Young stated that he was a consultant on both proposals and that he did duplicate some slides because there were similar and that there was not much time to develop both proposals.

Mr. Ledbetter moved denial of the Gillett Heritage Academy. Ms. Newton seconded the motion. Dr. Mays asked if the elementary school would remain in the Gillett community. DeWitt staff responded yes. The motion was adopted unanimously. Reasons for rejection:

- Newton: does not think evidence that creation of the school will improve the education opportunities as stated for the Gillett community
- Mays: does not think there are sufficient number of students to warrant establishment of a high school
- Mahony: numbers too small
- Ledbetter: same reason – community too small to support this endeavor
- Gullett: this proposal is not in the best interest of students
- Burrow: same reasons
- Cooper: believes charter application is a response to annexation not to needs of students.

(Ms. Burrow left the meeting leaving 7 Board members present including the Chair.)

Hearing of Open Enrollment Charter Application Appeal and ADE Review: e-Blast Academy, McNeil, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown acknowledged that representatives from three local districts adjacent to the proposed location of e-Blast Academy were represented and would present opposing testimony regarding the location of the proposed charter school. Dr. John Moore, superintendent, Magnolia School District; Dr. Jerry Guess, superintendent, Camden Fairview School District; Allan Roberts attorney for the Camden Fairview School District; and Gene Bramblett, attorney for the Stephens School District affirmed that the districts already offer quality services for all students and documented that students who live in the McNeil community are actively engaged in educational programming. Mr. Bramblett also noted that enrollment in the Stephens District has decreased to the point that it is approaching the 350 minimum number of students as contained in statutes.

Dr. James Young, consultant to the developers of e-Blast and designated head of the e-Blast Academy, described programming that would be proposed and noted that all of the contiguous districts are in some phase of school improvement, thus students do not have an option of attending a school that does not have academic problems.

Ms. Newton inquired about the failure of the developers to contact the Camden Fairview School District during the initial public hearings. Dr. Young stated that in the beginning he was unaware that the Camden Fairview District was contiguous to the Stephens District and thus failed to notify that district. Dr. Young indicated that once he was aware of the omission, he contacted the district and provided information that was required.

Ms. Gullett noted that Dr. Young was the administrator of the charter school at Humphrey and asked about student performance from previous years. Dr. Young responded that he was proud of the Algebra I scores and that the school was proficient on Benchmark scores from last year. Dr. Young noted that approximately 92% of the students qualify for either free or reduced price meals.

Dr. Mays asked about options for transportation. Dr. Young stated that transportation options would be dependent on potential funding. He noted that if the school were approved, it would be possible to receive a grant from the Walton Family Foundation that should be sufficient to support the purchase of a bus that could pick up in one area, which would probably be in the Waldo community.

Mr. Cooper asked about food service. Dr. Young stated that the facility would be housed in a building formerly a public school facility in McNeil and the building has a kitchen and cafeteria area, which would be used to provide food services.

Ms. Mahony moved to deny the proposed e-Blast Academy. Ms. Gullett seconded the motion. The motion was adopted by a vote 5 yes and 1 no (Cooper voted no). Votes to deny were based on the following statements:

- Newton: not convinced that this proposal would provide significant improvement for students in the proposed areas of service
- Mays: same comment
- Mahony: did not see any innovation in the proposal
- Ledbetter: does not see anything in this proposal that is not already available , also thinks this is just a move to override the annexation required in previous legislation
- Gullett: agrees with statements from other voting members also was impressed by the testimony of the attorney regarding potential desegregation issues should the proposed school be approved.

The Chair declared the meeting adjourned at 11:45 a.m.

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

Dr. Tom Kimbrell, Commissioner, State Department of Education

Dr. Naccaman Williams, Chair, State Board of Education