

AGENDA

STATE BOARD OF EDUCATION

Sunday, October 13, 1996

4:00 p.m.

The Stitt Room, Holiday Inn West
201 South Shackleford
Little Rock, AR

Discussion with the
Education Service Cooperative Directors

Executive Session

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Dinner
7:00 p.m.

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Monday, October 14, 1996

8:30 a.m. Meeting of the
Board of General Education
Auditorium, Arch Ford Education Building

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CONSENT AGENDA ITEMS

1. Minutes (September 8 & 9, 1996)
2. Promotions/Newly Employed/Separation ---
Ms. Clemetta Hood C2-1
3. Personnel Recommendation --- Ms. Hood C3-1
4. Education Legal Update --- Ms. Elizabeth Turner C4-1
5. Commitment to Principles of Desegregation Settlement
Agreement: Report on the execution of the Implementation Plan ---
Ms. Charity Smith C5-1
6. Minority Recruitment Report --- Ms. Pam Bratton C6-1
7. Request Approval of Loans and Bonds Applications ---
Mr. Robert Coleman C7-1
8. Proposed Decrease in Revolving Loan Interest Rate ---
Mr. Coleman C8-1

ACTION AGENDA ITEMS

1. DIRECTOR'S REPORT
2. Discussion on State Board Priorities --- Mr. Gene Wilhoit A2-1
3. Final Approval of Proposed Rules and Regulations
Allocating Public School Funds for the Residential Placement of
Students and Defining Educational Services in Such Placements ---
Dr. Diane Sydoriak A3-1
4. Final Approval of Proposed Rules and Regulations
Governing the Establishment of Technology Centers in Education
Service Cooperatives --- Dr. Bobbie Davis A4-1

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5. Final Approval of Proposed Rules and Regulations Governing Physical Examinations for School Bus Drivers --- Dr. Davis A5-1
6. Consideration of Revocation of a Teaching Certificate --- Ms. Elizabeth Turner A6-1
7. Consideration of Revocation of a Teaching Certificate --- Ms. Turner A7-1
8. Consideration of Revocation of a Teaching Certificate --- Ms. Turner A8-1
9. Consideration of Revocation of a Teaching Certificate --- Ms. Turner A9-1
10. Consideration of Revocation of a Teaching Certificate --- Ms. Turner A10-1
11. Discussion of Proposed Criminal Background Check Legislation for the 1997 Legislation Session --- Ms. Turner A11-1
12. Discussion of Baird v. Gentry School District --- Ms. Turner A12-1
13. A Discussion Regarding the Operating Guidelines for the State Board of General and Vocational Education --- Operating Guidelines Committee A13-1
14. Policy Discussion on the State Board of Education's permissive authority to resolve school choice disputes between school districts --- Ms. Turner A14-1
15. Discussion of Uniform School Opening Date --- Mr Wilhoit. A15-1
16. Discussion on Amendments 4, 5, 7 and 8 --- Mr. Wilhoit A16-1
17. Initial Policy Discussion for Developing Guidelines for Teacher Evaluation --- Ms. Janinne Riggs A17-1
18. Request for approval to transfer funds within the Public School Fund to fund an Increase in additional base funding --- Dr. Davis A18-1
19. Discussion on Delta Technical Institute President --- Mr. Charlie Brown A19-1

Board Committee Reports
Board Conference Reports

COMING EVENTS

Wednesday, October 16

State Board of Education Agenda Planning Meeting, 11 a.m.
Director's Conference Room (Room 303A), Arch Ford Education Building, Little Rock
Contact: Reginald Wilson, (501) 682-4469

Thursday through Saturday, October 17-19

Annual Conference of the Arkansas Early Childhood Association
Robinson Center, Little Rock
Contact: Jane Alexander, (501) 663-0353

Wednesday through Thursday, October 23-31

Red Ribbon Week
Contact: National Family Partnership of Arkansas, (501) 375-1338

Thursday and Friday, October 24-25

Arkansas Association of School Administrators (AASA)/Arkansas Association of Special Education Administrators (AASEA)/Arkansas Association of Curriculum and Instruction Administrators (AACIA)
Annual Fall Conference
Little Rock
Contact: Kellar Noggle, (501) 372-1691

Friday, October 25

Governor's Advisory Council for Gifted Education, 10 a.m. to 2 p.m.
Room 201A, Arch Ford Education Building, Little Rock
Contact: Ann M. Biggers, (501) 682-4224

Sunday through Tuesday, October 27-29

Fifth Annual Statewide
Youth Leadership Conference on Community and School-Based Learning
Excelsior Hotel, Little Rock
Contact: Carolyn Elliott, (501) 682-4250

STATE BOARD OF EDUCATION
SUNDAY, OCTOBER 13, 1996

MINUTES

The State Board of Education met Sunday, October 13, 1996, in the Stitt Room of the Holiday Inn West at 201 South Shackleford, Little Rock, Arkansas. The meeting began at 4:00 p.m.

Members present: James McLarty, Chairman
Edwin Alderson
Carl Baggett
Martha Dixon
Bill Fisher
Luke Gordy
Betty Pickett
Elaine Scott
Richard Smith
Sherry Walker

Gene Wilhoit, Ex Officio Secretary

Members absent: James Whitmore, Vice-chairman
Gary Beasley

Chairman McLarty called the meeting to order and Mr. Wilhoit updated the Board on his meeting with the Governor; Bob McGinnis and David Malone; Chairs of the Education Committee, John Brown, Bill Lewellen, Dave Bisbee, Ed Thicksten, and Carolyn Pollan. Listed are some issues discussed:

Exit exam and how they will record scores on transcript and diploma, and how they will note students who do not pass the exam	
Living skills'	Accountability
Teacher licensure	Home Schools
Qualified teachers'	Criminal background checks
Technology issues	Charter schools
Level of funding	Workforce development
School funding formula issues	

Mr. McLarty introduced Suzanne McCommon, Director, Great Rivers Cooperative, for a report and discussion of the Arkansas Education Service Cooperatives system. Ms. McCommon introduced the following cooperative directors present: Curtis Merrell, Director, Arkansas River Education Service Cooperative

Leon McLean, Director, Ozarks Unlimited Resources Cooperative
Anthony Gadberry, Director, Southwest Arkansas Educational Cooperative
Rick Saunders, Director, Dawson Education Service Cooperative
Jared Moxley, Director, Northcentral Arkansas Education Service Center
Rodger Harlan, Director, Wilbur Mills Education Service Cooperative
Norman Hill, Director, Southeast Arkansas Education Service Cooperative
Perry Hope, Director, Northeast Arkansas Educational Cooperative
Guy Fenter, Director, Western Arkansas Cooperative
Frank Scott, Director, De Queen/Mena Educational Cooperative
Mike Hargis, Director, Arch Ford Education Service Cooperative

Guy Fenter presented a history of the cooperatives. Frank Scott detailed the similarities and differences of the cooperatives and pointed out the unique programs offered by some cooperatives. Mike Hargis presented legislative issues concerning the cooperatives.

Mr. Wilhoit reviewed the results of the Study of the Department of Education produced by University of Arkansas at Little Rock. He discussed and clarified the following recommendations for the Board.

- Communications
- Organizational structure
- Employee stability
- Personnel concerns vs. the big picture
- Conflicting view of Department leadership
- Conflict between regulation and service
- Taking improvement closer to the school site

After some discussion between Mr. Wilhoit and the Board, the Board agreed to consider the document received. Ms. Walker asked the Board to adopt the document in principle. The Board agreed to establish a structure that works for employees in the Department, for the school districts that interact with the Department, and ultimately for education across the state.

The Board deferred a vote on the adoption in principle until the meeting Monday to allow members time to read the document. Mr. McLarty complimented Mr. Wilhoit on the way he handled the report with the ADE staff on Friday.

The Board adjourned at 6:00 p.m.

STATE BOARD OF EDUCATION
MONDAY, OCTOBER 14, 1996

MINUTES

The State Board of Education met Monday, October 14, 1996, in the auditorium of the Arch Ford Education Building. The meeting began at 8:35 a.m.

Members present: James McLarty, Chairman
Edwin Alderson
Carl Baggett
Martha Dixon
Bill Fisher
Luke Gordy
Betty Pickett
Elaine Scott
Richard Smith
Sherry Walker

Gene Wilhoit, Ex Officio Secretary

Members absent: Gary Beasley
James Whitmore, Vice-chairman

Chairman McLarty called the meeting to order and welcomed those present. The following changes were made to the agenda: Action Item A10 was removed; the discussion of the ADE study that began Sunday afternoon was added to the agenda; and A19 is a Vocational Education item (combined agenda).

CONSENT AGENDA ITEMS

1. Minutes (September 8 & 9, 1996)
2. Promotions/Newly Employed/Separation
3. Personnel Recommendation
4. Education Legal Update
5. Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
6. Minority Recruitment Report

7. Request Approval of Loans and Bonds Applications
8. Proposed Decrease in Revolving Loan Interest Rate

Mr. Smith made the motion to approve the consent agenda items. Ms. Pickett seconded and the motion carried unanimously.

ACTION AGENDA ITEMS

DIRECTOR'S REPORT

Director Wilhoit reported on the MILKEN Award recipients. He stated that these recipients were doing innovative things in the classroom. There are now enough winners in the state that a conference could be held in the fall for past recipients. Teacher Forum discussion groups have begun with the OUR Cooperative in Harrison and at the Dawson Cooperative in Arkadelphia. Mr. Wilhoit and Dr. Julian will be out each month participating in these discussion groups. Issues raised during this first series of discussions are: ① improving student testing, ② Amendment One discussions, ③ Tech Prep as interpreted by General and Vocational Education, and ④ increase in Special Education services. Mr. Wilhoit made comments on an article in the Wall Street Journal regarding education provided by public, private, and parochial entities.

DISCUSSION ON STATE BOARD PRIORITIES

No report.

FINAL APPROVAL OF PROPOSED RULES AND REGULATIONS ALLOCATING PUBLIC SCHOOL FUNDS FOR THE RESIDENTIAL PLACEMENT OF STUDENTS AND DEFINING EDUCATIONAL SERVICES IN SUCH PLACEMENTS

Dr. Sydoriak explained the break out of costs by private providers and recommended the multiplier be reduced from 2.15 to 2.10 because of additional beds. However the program cannot operate with a budget deficit the additional beds are causing. Ms. Kay Johnson, Superintendent of County Line Public School in Branch, Arkansas, explained the hardship on her district as she tries to meet the needs of students.

Mr. Smith made the motion to approve the rules and regulations. Mr. Baggett seconded and the motion carried unanimously.

**FINAL APPROVAL OF PROPOSED RULES AND REGULATIONS GOVERNING THE
ESTABLISHMENT OF TECHNOLOGY CENTERS
IN EDUCATION SERVICE COOPERATIVES**

Emergency rules and regulations have expired and these rules and regulations were presented for public comment October 7. There weren't any changes resulting from the public hearing. Therefore, Dr. Davis requested approval.

Ms. Scott made the motion to approve. Mr. Smith seconded and the motion carried unanimously.

**FINAL APPROVAL OF PROPOSED RULES AND REGULATIONS GOVERNING
PHYSICAL EXAMINATIONS FOR SCHOOL BUS DRIVERS**

Dr. Davis presented the background information and noted the only change in these rules and regulations is the clarification of a licensed physician in 3.01.

Mr. Gordy made the motion to approve. Mr. Smith seconded and the motion carried unanimously.

CONSIDERATION OF REVOCATION OF A TEACHING CERTIFICATE

Ms. Turner presented background information against Mr. David Nolan Woodell. When publicly asked whether he or his representative were present, there was no response.

Mr. Alderson made the motion to revoke his license. Ms. Scott seconded and the motion carried unanimously.

CONSIDERATION OF REVOCATION OF A TEACHING CERTIFICATE

This item was moved to allow for the arrival of the court reporter.

CONSIDERATION OF REVOCATION OF A TEACHING CERTIFICATE

Ms. Turner presented background information against Mr. Roy Samuel Noblitt. When publicly asked whether he or his representative were present, there was no response.

Mr. Alderson made the motion to revoke his license. Mr. Gordy seconded and the motion carried unanimously.

CONSIDERATION OF REVOCATION OF TEACHING CERTIFICATE

Ms. Turner presented background information against Mr. Randy Francis King. When publicly asked whether he or his representative were present, there was no response.

Ms. Scott made the motion to revoke his license. Ms. Pickett seconded and the motion carried unanimously.

CONSIDERATION OF REVOCATION OF A TEACHING CERTIFICATE

This item was removed because the person has moved out of state and must be notified before the revocation comes before the Board.

DISCUSSION OF PROPOSED CRIMINAL BACKGROUND CHECK LEGISLATION FOR THE 1997 LEGISLATION SESSION

Ms. Turner gave the Board a marked-up copy of the bill. She noted the changes and additions.

Mr. Alderson made a motion to remove terroristic threatening in the 2nd degree, and assault in the 2nd degree from the list of crimes. Mr. Fisher seconded and the motion carried unanimously.

DISCUSSION OF BAIRD V. GENTRY SCHOOL DISTRICT

This item was moved to allow for the arrival of the court reporter.

A DISCUSSION REGARDING THE OPERATING GUIDELINES FOR THE STATE BOARD OF GENERAL AND VOCATIONAL EDUCATION

Ms. Scott recommended the acceptance of the Operating Guidelines document as amended. Ms. Scott moved to approve the amended copy and Ms. Pickett seconded the motion.

Some Board members said they did not have the amended copy. Mr. Gordy moved to table this item until the November meeting. The motion died for lack of a second.

The chairman recessed the Board at 9:25 a.m. to allow the court reporter to set up and reconvened at 9:44 a.m.

CONSIDERATION OF REVOCATION OF A TEACHING CERTIFICATE

Ms. Turner presented background information against Ms. Pamela Ann Hudgens. Mr. Buddy Hickson, counsel for Ms. Hudgens, questioned the defendant as he presented her case to the Board. After Ms. Hudgens commented to the Board, **Mr. Fisher made the motion to revoke her license. Ms. Walker seconded and the motion carried unanimously.**

DISCUSSION OF BAIRD V. GENTRY SCHOOL DISTRICT

Ms. Turner presented information in this case and asked the Board to adopt the proposed Findings of Facts and Conclusion of Law.

Mr. Fisher made the motion to adopt. Ms. Walker seconded and the motion carried unanimously.

A DISCUSSION REGARDING THE OPERATING GUIDELINES FOR THE STATE BOARD OF GENERAL AND VOCATIONAL EDUCATION

After returning to this item, Ms. Scott walked through the changes in the Guidelines as presented in the Board Book. Mr. Fisher suggested A-13-3 should be changed to read 'term of office for each elective position shall be limited to one year'.

Mr. Fisher made the motion to approve. Mr. Gordy seconded the motion.

For the motion
Martha Dixon
Luke Gordy
Richard Smith
Bill Fisher
Sherry Walker

Against the motion
Edwin Alderson
Elaine Scott
Betty Pickett
Carl Baggett

Mr. Fisher suggested deleting the section referring to Board Executive from the document. Mr. Wilhoit stated that a staff person should be evaluated by the Director but would report to the Director and Board.

Mr. Fisher made the motion to approve the document and delete the section referring to the Board Executive until further discussions about the job duties of the Board Executive have taken place. Mr. Gordy seconded the motion.

For the motion

**Elaine Scott
Luke Gordy
Betty Pickett
Bill Fisher
Sherry Walker
Edwin Alderson
Carl Baggett**

Against the motion

**Richard Smith
Martha Dixon**

Mr. Fisher made the motion to attach the statute regarding number of meetings a Board member can miss to the operating guidelines. Mr. Alderson seconded and the motion carried unanimously.

**POLICY DISCUSSION ON THE STATE BOARD OF EDUCATION'S
PERMISSIVE AUTHORITY TO RESOLVE SCHOOL CHOICE
DISPUTES BETWEEN SCHOOL DISTRICTS**

Ms. Turner presented the issue of school choice. It was decided that the Board has a responsibility to the districts to hear disputes and possibly keep them out of court. Mr. Alderson stated the Board should try to monitor this issue on an interim basis. Mr. Gordy said we should receive recommendation from the staff on this process.

Mr. Fisher made the motion to approve these ideas. Ms. Pickett seconded and the motion carried by majority vote with Mr. Smith voting against.

DISCUSSION OF UNIFORM SCHOOL OPENING DATE

Mr. Wilhoit presented the issue of uniform school openings. After a brief discussion **Mr. Fisher made the motion to leave school opening at the discretion of the school district. Mr. Smith seconded the motion and it carried unanimously.**

DISCUSSION OF AMENDMENTS 4, 5, 7, AND 8

Mr. McLarty presented the gaming issue to the Board as it relates to education. After some discussion, **Mr. Alderson made a substitute motion for the Board to go on record asking the voters to take a careful look at the constitutional amendments and to the ultimate affect it will have on education. Ms. Scott seconded.** Ms. Pickett made a motion that the Department state factual information to the public regarding these amendments. This motion died for lack of a second. **The original motion carried unanimously.**

INITIAL POLICY DISCUSSION FOR DEVELOPING GUIDELINES FOR TEACHER EVALUATION

Ms. Riggs presented background information to the Board and pointed out the need to develop guidelines for teacher evaluation. After some discussion with the Board, she was charged with developing guidelines to present at the November meeting.

REQUEST FOR APPROVAL TO TRANSFER FUNDS WITHIN THE PUBLIC SCHOOL FUND TO FUND AN INCREASE IN ADDITIONAL BASE FUNDING

Dr. Davis presented background information concerning the request to transfer funds. **Mr. Gordy made the motion to approve. Mr. Smith seconded and the motion carried unanimously.**

DISCUSSION ON DELTA TECHNICAL INSTITUTE PRESIDENT

Mr. Charlie Brown asked the Board to approve the applicants for the position of President. Once the Board approves them, they will be forwarded to the Board of Delta Technical Institute. The Board asked the personnel office of Vocational Education to verify the information provided by the applicants before forwarding these names to the Board of Delta Technical Institute.

Ms. Pickett made the motion to approve. Mr. Alderson seconded and the motion carried unanimously.

ADULT EDUCATION REPORT

Ms. Pickett presented information on the Adult Education Study. Funding was the most pressing issue discussed.

The Board recessed for lunch at 11:52 a.m. and reconvened at 12:41 p.m.

Dr. Bobby Simpson announced to the Board that October is **"Employ People with Disabilities Month."**

Chairman McLarty recognized Julie Cullen, liaison for the Governor's office to General Education and Rebekah Lee, liaison for the Governor's office to Vocational Education.

**CONTINUED DISCUSSION OF UALR STUDY
OF DEPARTMENT OF EDUCATION**

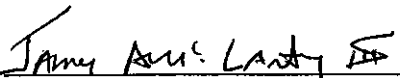
After a short discussion by the Board, Ms. Walker made the motion for the Board to adopt the study in principle and asked Mr. Wilhoit to work with the staff to begin the review and present time lines at the November meeting. Ms. Scott seconded and the motion carried unanimously.

At 12:52 p.m. Mr. Gordy made the motion to go into an executive session. Mr. Smith seconded and the motion carried unanimously.

At 2:12 p.m. Ms. Scott made the motion to return to open session. Mr. Fisher seconded and the motion carried unanimously.

Mr. McLarty announced that Mr. Gordy made the motion to appoint Mr. Stephen Franks as the new director of Vocational Education. Mr. Alderson seconded and the motion carried by majority vote with Mr. Fisher voting against.

At 2:15 p.m. Mr. Fisher made the motion to adjourn. Ms. Scott seconded and the motion carried unanimously.


James McLarty III, Chairman


Gene Wilhoit, Ex Officio Secretary