

**Minutes**  
**State Board of Education Meeting**  
**Monday, October 10, 2011**

The State Board of Education met Monday, October 10, 2011, 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; 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: Jim Cooper, Vice Chair

**Reports**

**Chair's Report:**

Ms. Mahony expressed appreciation for the opportunity to attend a recent meeting of the Data Quality Campaign (DQC)—a national, collaborative effort to encourage and support state policymakers to improve the availability and use of high-quality education data to improve student achievement. She said Arkansas and Georgia were leading the way in providing data to teachers to help students succeed.

**Commissioner's Report**

Commissioner Kimbrell said the state would seek waivers from some of the current NCLB standards as provided for in the USDE's recent announcement of Flexibility. He said the state would apply in mid-February 2012 after seeking input from stakeholders statewide. Dr. Kimbrell pointed out the process was not as simple as the state's previous request for waiver and would require a coherent, comprehensive plan.

**Recognition of Superintendent of the Year**

Dr. Kimbrell recognized Mike Mertens, Assistant Executive Director, Arkansas Association of Educational Administrators, who introduced Dr. Kay Johnson as 2011 State School Superintendent of the Year. Dr. Johnson, superintendent of the Greenwood School District, addressed the Board.

**Presentation of Arkansas Department of Education Strategic Plan**

Commissioner Kimbrell presented his strategic plan, outlining the Department's strategies for supporting districts and schools in reaching academic objectives.

- Learning Standards, Next Generation Assessments and Accountability
- Supporting Persistently Struggling Schools
- Improving Educator Effectiveness
- Strengthening Stakeholder Partnerships

Dr. Kimbrell said the goals provide strategic direction for organizational effectiveness. The plan provides a basis for monitoring progress, and for assessing results and impact. It establishes a three-year blueprint and enables the Department of Education to look into the future in an orderly and systemic way.

### **Informational Update on Common Core State Standards and PARCC**

In an update on Common Core State Standards, Dr. Laura Bednar, Assistant Commissioner of Learning Services, said the collaborative efforts in Arkansas around Common Core were bringing positive attention to the state. She said Achieve would offer PARCC states opportunities to work collectively toward important objectives during the transition process.

### **Progress Report of Year Two Accredited-Probationary Status Schools**

In an update to the Board, Mr. Johnie Walters, with Standards Assurance, reported Armored and Cutter Morning Star school districts had corrected the violations that placed them in two-year accredited probationary status.

### **Consent Agenda**

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

Items included in the Consent Agenda:

- Minutes of the September 12, 2011, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers to Educational Agencies for Teachers Teaching Out of Area for Longer than 30 Days
- Review of Loan and Bond Applications
- Appointment of Representative to Distance Learning Council (Cathi Swan)
- Approval of Education Service Cooperatives' Annual Reports
- Approval of State Adoption List and Authorization for Contracts for Computer Science K-12
  
- Sanction for Teachers as Recommended by the Professional Licensure Standards Board
  - Paula Calvert

## **Action Agenda**

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

### **Consideration of Adoption of Resolution: Arkansas School Board Member Recognition Month**

Ms. Saviers moved, seconded by Ms. Newton, adoption of a resolution designating January 2012, as Arkansas School Board Member Recognition Month. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher's License—Larry Traylor**

Katherine Donovan, PLSB attorney, reviewed the facts of the case regarding Larry Traylor who applied for a provisional teaching license and was requesting the Board grant him a waiver of his 1996 felony conviction for violation of the Uniform Controlled Substances Act because the criminal offense made him ineligible for licensure under Ark. Code Ann. § 6-17-410 in the absence of a waiver.

Mr. Traylor had not authorized access to his sealed records and did not have a job offer.

Ms. Gullett moved, seconded by Ms. Saviers, to deny the waiver.

Mr. Ledbetter made a substitute motion to table indefinitely. The motion carried six to two in a roll call vote.

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

Ms. Gullett moved, seconded by Ms. Newton, the item could not be brought back to the Board unless Mr. Traylor gave authorization to PLSB to look at his records and he had an offer of employment. The motion failed four to four in a roll call vote.

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

### **Consideration of Revocation of Certified Teacher’s License—Timothy Ballard**

In presenting this case, Ms. Donovan said Timothy Ballard was convicted of four counts of sexual abuse in the second degree and one count of sexual abuse in the first degree July 29, 2011 for his conduct with students while he was a licensed teacher. Ms. Donovan said the State Board is required by law to revoke the license of any person who has been convicted of the noted offenses unless the Board grants the licensee a waiver of the disqualifying offense after a hearing.

The Department attempted to notify Mr. Ballard of his right to a hearing by mailing the notice to his last known address and to his attorney of record, all mail to Mr. Ballard was returned as “unclaimed” and “unable to forward.” Mail to his attorney was not returned.

Mr. Ledbetter moved, seconded by Ms. Saviers, to revoke the teacher license of Timothy Ballard. The motion carried unanimously.

### **Consideration of Waiver of National Board for Professional Teaching Standards Repayment of State Funds—Tammy Deaton**

Dr. Karen Cushman, Assistant Commissioner of HR and Licensure, recommended the State Board waive the repayment of fees expended for Tammy Deaton as a candidate for National Board Professional Teaching Standards. She explained Ms. Deaton had extenuating health circumstances.

Ms. Saviers moved, seconded by Ms. Newton, to grant the waiver for Tammy Deaton. The motion carried unanimously.

### **Consideration of Recommendation for New Praxis II Cut Score for Instructional Facilitator—Effective November 1, 2011**

Dr. Cushman presented the recommended cut score of 140 for the Praxis Instructional Facilitator test (1031) effective November 1, 2011.

Ms. Gullett moved, seconded by Ms. Reith, approval. The motion carried. Ms. Mahony voted no.

### **Consideration of Recommendation for Dropping Art: Content Knowledge (0134)**

Dr. Cushman presented a recommendation for dropping the Praxis Art: Content Knowledge (0134) effectively immediately.

Ms. Saviers moved, seconded by Ms. Gullett, approval of dropping the Praxis Art: Content Knowledge (0134) effective immediately. The motion carried unanimously.

**Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing the Code of Ethics for Arkansas Educators (A-7)**

Act 1045 of 2011 amends the Arkansas Code concerning the enforcement of ethics violations by Arkansas educators. Revisions to this rule reflect changes pursuant to this Act as well as other changes to enhance the procedures and practices of implementation. The State Board was requested to release the rules for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing the Arkansas Department of Education Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies (A-8)**

Acts 613, 835 and 907 of 2011 amended Arkansas law related to student discipline and school safety. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in May 2007. The State Board was requested to approve and release the proposed revisions for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing the Issuance of Subpoenas by the Arkansas State Board of Education (A-9)**

Ark. Code Ann. § 6-17-425 provides the State Board the authority to issue subpoenas. It was advisable for the State Board to have a rule governing the issuance of subpoenas. The State Board was requested to approve and release the proposed revisions for public comment.

**Consideration of Approval for Public Comment: Proposed Rules Governing Public School End-of-Course Assessments and Remediation**

Act 989 of 2011 moved the onset of high-stakes EOC assessments for English II from 2013-2014 to 2014-2015. The rule is proposed to be revised to reflect this change, to remove obsolete data references and to make grammatical and stylistic corrections. The State Board was requested to approve and release the proposed revisions for public comment.

Ms. Saviers moved, seconded by Ms. Gullett, to approve the release for public comment. The motion carried unanimously.

**Consideration of Approval for Public Comment: Proposed Rules Governing Supplemental Education Service Providers (A-11)**

Act 902 of 2011 instituted new reporting requirements for approved supplemental education service (SES) providers and directed ADE to adopt rules implementing the Act. Revisions have also been made to clarify the status of providers removed from the approved list. The State Board was requested to approve and release the proposed revisions for public comment.

Mr. Ledbetter moved, seconded by Ms. Reith, to approve for public comment agenda items A-7, A-8, A-9, A-11 and A-13. The motion carried unanimously.

### **Consideration of Approval for Second Public Comment Period: Proposed Rules Governing Public Charter Schools**

The State Board first approved the proposed rules for public comment on June 13, 2011. Arkansas Department of Education staff made several revisions to the proposed rules based upon comments received during the public comment period and upon corrections Department staff determined should be made to the proposed rules. The State Board was requested to place the proposed rules out for a second public comment period.

Mr. Ledbetter moved, seconded by Ms. Reith, to approve the release for public comment. The motion carried unanimously.

### **Consideration of Approval for Public Comment: Proposed Rules Governing Physical Education Course Credit for Organized Physical Activity Courses (A-13)**

Act 1231 of 2011 amended Arkansas law related to physical education course credit. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 2005. The State Board was requested to approve and release the proposed revisions for public comment.

### **Consideration of Final Approval: Proposed Rules Governing Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade**

The State Board approved these rules for public comment August 8, 2011. A public hearing was held in the ADE Auditorium August 29, 2011. The public comment period expired September 19, 2011 with no oral or written comments received. The State Board was requested to give final approval to the rules.

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

### **Consideration of Final Approval: Repeal of Current Rules and Regulations Governing Limited English Proficiency Funding**

The statutes underlying these rules have been repealed by the General Assembly, and these rules have been superseded by the Department's Rules Governing the Distribution of Student Special Needs Funding. A public hearing was held in the ADE Auditorium August 29, 2011, and no comments were received. The State Board was requested to give final approval to repeal the rule.

Ms. Gullett moved, seconded by Ms. Newton, final approval. The motion carried unanimously.

## **Consideration of Arkansas Joining States to Write Next Generation Science Standards**

Dr. Kimbrell announced that Arkansas had been invited to join 20 other states in the development of Next Generation Science Standards to clearly define the content and practices all students will need to learn from kindergarten through high school graduation. He requested State Board approval.

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

### **Adjournment**

The meeting adjourned at 1:15 p.m.

*These minutes were recorded by Phyllis Stewart.*

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Dr. Tom Kimbrell, Commissioner

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Dr. Ben Mays, Chairperson