

Minutes  
State Board of Education  
Monday, September 11, 2006

The State Board of Education met on Monday, September 11, 2006, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

Ms. Tatum welcomed Mr. Jim Cooper as a new member of the Board.

Board members present: Diane Tatum, Chairman; Randy Lawson, Vice Chairman; Sherry Burrow; Jim Cooper; Dr. Calvin King; Dr. Tim Knight; Dr. Mays; Mary Jane Rebick; Dr. Naccaman Williams

Ms. Tatum commended Department staff for quick and complete responsiveness to questions that were submitted recently. She stated that with the responses she was able to reply to questions posed to her from constituents in her area of the state.

Dr. James reminded Board members that the October Board meeting will include the required annual joint meeting with the Higher Education Coordinating Board and the Workforce Education Board, which will be at the Hilton Hotel located on University Avenue in Little Rock. Following that meeting the State Board will convene for its regular meeting back at the Department of Education Auditorium where we have access to wireless internet. That session will begin at 1:00 p.m.

### **Work Session**

Ms. Tatum recognized Janinne Riggs to present the 2005 recipients of the Milken Educator Award. Ms. Riggs provided a brief history of the Milken Award program and stated that these recipients were previously named as 2005 recipients and attended the national awards ceremony in Washington, DC this past summer. The awardees were Amanda Linn, Art teacher at Parkview High School in Little Rock and Scott Shirey, headmaster at Delta Preparatory School in Helena, which is a KIPP Academy Charter School. Dr. James presented each a plaque.

Annette Barnes was recognized to provide requested information regarding schools designated for probationary status for the 2005-2006 school year. Ms. Barnes invited Frank Weimer, ADE staff member, to make the presentation. Mr. Weimer reviewed information provided in Board documents.

### **Consent Agenda**

Mr. Lawson moved approval of the consent agenda as printed. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes, August 14, 2006
- Newly Employed, Promotions and Separations

- Commitment to principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

## **Action Agenda**

### **Report on the Status of HAAS Hall Academy Open-Enrollment Charter School**

(The full text of the reports and discussion pursuant to this item is available in the Court Reporter's transcript.)

Mary Ann Brown and Patricia Martin were recognized to present this report. Ms. Martin noted the budget as submitted by HAAS Hall has projected expenses covered with income from the State, a monthly commitment of \$5,000 from the candle company, and from a \$100,000 grant from the Walton Family Foundation.

Martin Shoppmeyer, Jr. reported that HAAS Hall has an enrollment of 72 students.

Dr. Williams moved that the report be accepted as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Consideration of 2006-2007 Arkansas Better Chance Grants – Round #3**

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that the proposed awards complete the grant-award process for the 2006-2007 academic year. He noted that these awards reflect proposals that either were submitted late or one that the staff solicited to serve areas of high priority.

Ms. Burrow moved approval of the grants as submitted. Dr. King seconded the motion. The motion was adopted unanimously.

### **Consideration for Final Approval of Rules and Regulations Governing the Arkansas Better Chance Program**

Paul Lazenby was recognized to present this item. Mr. Lazenby reminded Board members that these Rules were proposed for public comment in February and final approval of a previous draft in April (06). He did note that questions asked in the final review process regarding qualifications of teachers prompted further public hearings. Mr. Lazenby reported that data on teachers currently working as lead teachers in these programs reveal that between 20% and 25% have less than a BA degree or equivalent with emphasis in early childhood qualifications. He reported that there is concern in his agency and among institutions of higher education as to the capacity of teachers currently in licensure programs to meet the need should the requirement be adopted for all teachers to meet licensure status. Mr. Lazenby indicated that program administrators believe that the State should move to require fully licensed teachers, but not until it is clear that an adequate supply of teachers would be available to staff classrooms.

Ms. Rebick moved final adoption of the Rules as proposed. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Consideration for Final Approval for Rule Governing the Arkansas Teacher of the Year Program**

Janinne Riggs was recognized to present this item. Ms. Riggs reported that recommendations were submitted at the very end of the comment period that included suggestions that the Department opted to include in the Rule. She distributed a revised version of the proposed Rule in Section 5.02. Ms. Riggs stated that the Department believes this change strengthens the Rule and requests favorable consideration of the Rule.

Ms. Rebick moved approval of the Rule as revised. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **Establish the Early Childhood: Content Knowledge (#0072)<sup>22</sup> Exam with a Minimum Passing Score of 157**

Beverly Williams was recognized to present this item. Ms. Williams stated that this change is proposed in keeping with the requirements of No Child Left Behind which requires content assessment to establish meeting the highly-qualified requirement for licensure. She emphasized this is a change to a content assessment from a methods type assessment. She reported that a committee of educators reviewed the proposal and contributed to establishment of the recommended cut score.

Dr. Knight asked for clarification as to when the new assessment would be applied. Ms. Williams responded after August of 2007.

Dr. Williams asked if pre-kindergarten emphasis were included in this area of licensure. Beverly Williams responded yes.

Ms. Rebick moved adoption of the new Praxis assessment and the recommended cut score of 157 be set for licensure. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Consideration of Waiver to the Uniform Dates for Beginning and End of School Year for Cabot Public Schools Specific to Cabot Junior High North Building**

Annette Barnes was recognized to present this item. Ms. Barnes stated that Cabot School District was seeking two waivers due to a fire that destroyed the Cabot Junior High North Building just one week before the scheduled beginning of this school year. She noted that the superintendent of the Cabot School District submitted documentation stating that efforts were made to get school started with as little time delay as possible: the ninth grade was delayed one week and Grades 7 and 8 were delayed two weeks. Ms. Barnes affirmed that the ninth grade students would attend at the new high school building and Grades 7 and 8 would be attending in temporary facilities that were set up since the fire.

Ms. Rebick moved approval of the waiver from the required start date for the 2006-2007 school year for Cabot Junior High School North Building. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **Consideration of Waiver Request from Cabot Public Schools from the 178 Student-Teacher Instruction Days Specific to Cabot Junior High North Building**

Annette Barnes continued by being recognized to present this item. Ms. Barnes reminded the Board that Standards for Accreditation require that each school provide a minimum of 178 student interaction days during the school year and that students earning Carnegie Units of Credit must be in class a total of 120 clock hours.

Ms. Rebick asked about the option for making up instructional days. Ms. Barnes noted that any extension of the school year would require extra pay for classroom teachers because they were on contract during the time students were not in session. She noted that teachers were organizing classrooms and preparing for opening of school in temporary facilities.

Ms. Tatum inquired if Dr. Holman (Superintendent of Cabot School District) had submitted a plan for making up any of the missed days. Ms. Barnes responded that no plan had been submitted. She indicated that the district submitted a calendar that was prepared before the fire and that to her knowledge no revision of that calendar has been submitted. Dr. James noted that adding to the school day or adding to the school year increases the cost factor for the district considerably. He stressed if an extension were to occur, it would also have to include costs incurred to the district.

Mr. Lawson interjected that a number of school district administrators have expressed to him the desire to start classes earlier in August, but that is not allowed due to the statute. He expressed the opinion of favoring providing the option to districts to start the school year earlier than is currently allowable.

Mr. Cooper asked if the Cabot School District had provided any cost estimates for getting the school open. Ms. Barnes responded that it was her understanding that the district had spent over \$1.5 million, and it's too early to know how much of that will be covered by insurance. Dr. James noted that costs of additional days would not be covered by insurance. Ms. Barnes stated that there is no estimate of the cost for extending the school year.

Mr. Lawson moved that the requested waiver of 178 instructional days be approved with the provision that the District submit a plan whereby students will have a minimum 120 clock hours of instructional time. Dr. Knight seconded the motion. Dr. Williams inquired as to what would happen if the plan submitted does not meet the intent of the motion. Dr. James responded in such case the Department will report such deficiency to the Board and it can take further action as needed. The motion was adopted unanimously.

### **Consideration of Board Resolution on Non-Certified Employment Waivers**

Scott Smith was recognized to present this item. Mr. Smith commented that following the August Board meeting it became apparent that a policy statement was needed that would help frame decision-making related to approving waivers from individuals who work in non-certified positions in local school districts. Mr. Smith noted that recent revisions in the law provide for such waivers upon consideration by the Board. Mr. Smith stated that the intent of the policy statement was to limit approval to those individuals who were providing character references and/or employment references by the local superintendent or by the local school board. He noted that such contacts have been made regarding the individuals who are seeking waiver on today's agenda.

Mr. Lawson suggested that the language requiring references be replaced to read the local superintendent and/or the local school board. He noted the desired option would be to get both, but the policy would require only one.

Ms. Rebick noted that some references were provided on plain paper, no letterhead, and she questioned the validity of such written documents. Scott Smith indicated that he would seek to validate any references that came in that were not on letterhead.

Mr. Lawson moved adoption of the policy with "and/or" inserted in place of "or" seeking letter(s) of character reference and employment validation. Dr. Mays seconded the motion. The motion was adopted unanimously.

Dr. Williams observed that this policy is a step in the right direction: last month the Board was asked to consider such waivers with little or no time to discuss the issue.

(A transcript for each of the following items was recorded by a certified court recorder. The full text of the action is available in that report, which is attached to the file copy of these minutes.)

#### **Consideration of Recommendation of Denial of Teaching License – Heather Brackins**

Ms. Burrow moved that Ms. Brackins be allowed to continue with the alternate licensure process with probationary status for one year. At the end of the year, Ms. Brackins will reappear before the Board for further consideration of full licensure. Dr. King seconded the motion. The motion was adopted unanimously.

#### **Consideration of Recommendation of Denial of Teaching License – Christopher Seefeld**

Dr. Williams moved that a waiver be approved and that Mr. Seefeld be granted a full teacher's license. Mr. Lawson seconded the motion. The motion was adopted unanimously.

#### **Consideration of Recommendation of Suspension of Teacher's License – Ronnie Ridley**

Mr. Lawson moved to support the recommendation for permanent revocation of Ronnie Ridley's Teacher's license. Dr. King seconded the motion. The motion was adopted unanimously.

### **Consideration of Recommendation of Suspension of Teacher's License – Elvin Pulley**

Scott Smith presented this issue. He informed the Board that legislation from 2005 has a mandatory provision that a person who is more than three month in arrears on child support payments shall have the professional license suspended until such time as payments are current. Mr. Smith stated that there are two instances based on this legislation before the Board at this time.

Mr. Smith reported that in the case of Elvin Pulley, there is no evidence that he is currently employed in a school or is working in a position that requires a teacher's license. Ms. Rebick asked for clarification if the penalty is suspension or revocation. Mr. Smith responded that suspension is all that is required by law.

Dr. Mays moved that the teacher's license of Elvin Pulley be suspended indefinitely. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **Consideration of Recommendation of Suspension of Teacher's License – Steven Bray**

Dr. Mays moved that the teacher's license of Steven Bray be suspended indefinitely. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Non-Certified Employment with the Dover School District – Ginger Ross**

Courtney Salas-Ford, staff attorney, was recognized to present this item. Ms. Ford stated that Ms. Ross was convicted of a disqualifying offense with the record being expunged. She has worked in a custodial position at Dover Elementary School for several years.

Ms. Ross was represented by counsel who presented character witnesses, including the assistant superintendent of schools, from Dover School District.

Ms. Rebick inquired as to why this information is just now being brought forward for consideration. Scott Smith noted that the issue of background checks on current employees is an evolving process, especially when the individual may have an expunged record.

Dr. Mays moved the Ginger Ross be granted a waiver of eligibility and allowed to continue employment with Dover School District. Mr. Cooper seconded the motion. The motion was adopted unanimously.

## Hearing on Waiver Request for Non-Certified Employment with the Pine Bluff School District – Veronica Johnson

Scott Smith was recognized to present this issue. Mr. Smith noted that the Pine Bluff District dismissed Ms. Johnson from her position when it was determined that she had been convicted of a criminal offense. Mr. Smith stated that the Attorney's Office contacted Frank Anthony, Pine Bluff School District Superintendent, and indicated that Ms. Johnson was seeking a waiver and that the Board's policy would require a statement from the district to determine its intent to continue employment or to reemploy. Mr. Smith indicated that a letter was faxed to the Department earlier in the day.

Upon review of the letter, Mr. Lawson observed that not all components of the policy adopted earlier in the meeting were in the letter. Dr. Williams stated that a letter was received with support.

Dr. Williams stated he felt that documentation was sufficient to grant the waiver. Dr. King noted that the letter does not conform with the policy just adopted; however, he suggested that other references could support the tenet that Ms. Johnson does not pose health or safety issues for children. Ms. Rebick suggested that a resolution from the district was needed to affirm reemployment.

Mr. Cooper moved to table further consideration until the October Board meeting. Ms. Rebick seconded the motion. The motion was adopted on a vote of 7 yes and 1 no (Dr. King voted no.)

### Other Business

Dr. Mays asked if the Department could prepare materials for a work session addressing the school funding formula and issues related to school funding. He noted that the Board is responsible for "signing off" on the public school fund budget and additional information would help him make more informed decisions. He also suggested some key legislators (Education Committee) might be included. Dr. James suggested that November might be a better time because the October meeting will not have a lot of time due to the joint meeting. Dr. James indicated that he would talk with legislative leaders and arrange for an information session.

Mr. Lawson moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:15 p.m.

The Minutes were recorded and reported by Dr. Charles D. Watson.

  
Dr. T. Kenneth James, Commissioner of Education

  
Diane Tatum, Chair SBE