

Minutes
State Board of Education Meeting
Monday, September 12, 2011

The State Board of Education met Monday, September 12, 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; Jim Cooper, Vice Chair; Joe Black; Brenda Gullett; Sam Ledbetter; Alice Mahony; Mireya Reith; Vicki Saviers; and Dr. Tom Kimbrell, Commissioner; Kathy Powers, Teacher of the Year

Absent: Toyce Newton

Reports

Chair's Report:

Ms. Gullett reported that she and Ms. Newton attended the PARCC meeting September 8-9 in Washington, DC. She said it was exciting to see the collaboration and collective thinking around the Common Core State Standards. She pointed out that Arkansas was complimented several times for the work already underway in the state.

Ms. Mahony said she was part of the El Dorado team to visit the New Tech High School in Ruston, LA where project-based learning was the primary method of instruction.

Commissioner's Report:

In announcing the Governor's statewide initiative STEM Works, Commissioner Kimbrell said the focus was to help schools turn out graduates who are better prepared for careers in high-tech fields. He said participating schools would integrate STEM education and project-based learning throughout the curriculum, allowing them to see how the principles they learn in the classroom apply in real world situations.

Dr. Kimbrell said the second component of STEM Works is the UTeach program, which will provide secondary teacher training for STEM majors at Arkansas colleges to ensure the state produces a sufficient number of qualified teachers. Arkansas State University, Arkansas Tech, University of Central Arkansas, UA Fayetteville and the University of Arkansas at Little Rock will participate.

AAIMS

Ms. Tommie Sue Anthony, president of Arkansas Advanced Initiative for Math and Science, provided latest data for the 31 Arkansas high schools in the AP Strategies program.

The participating schools posted significant achievements in test scores for AP math, science and English. The 31 schools in the program took more than 36 percent of the total AP tests given in Arkansas last year and received nearly 40 percent of the qualifying scores of "3 or better." Even more notable, AAIMS schools administered more than 43 percent of the AP tests taken by minority students and received nearly 54 percent of the qualifying scores.

2010-2011 Home School Report

Lisa Crook, Home School Program Coordinator, reported a total of 16,303 Arkansas students were home schooled in the 2010-2011 school year, up from 15,791 students the previous year. According to the report, 84 percent of home school students were tested. Average results ranged from 57th percentile in third and ninth-grade math to the 67th percentile in fourth and fifth-grade reading.

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, shared highlights of the PARCC Transition and Implementation Institute held September 8-9. She said the Arkansas team joined other PARCC states in developing strategies and planning next steps to broaden and deepen awareness and support for Common Core.

School Improvement Grants Report

Dr. Bednar gave an update on the progress of the seven cohort 1 recipients of School Improvement Grants (SIG). In the three Little Rock schools—J.A. Fair increased test scores in each of the End of Course areas; Hall's test scores remained at about the same level as the previous year; and Cloverdale's scores dropped slightly from 2010.

In North Little Rock—Rose City Middle's seventh grade scores fell. Eighth grade scores decreased in literacy while remaining flat in math.

Osceola Middle School had double-digit growth in literacy and math at sixth and seventh grade. Osceola High increased test scores in three of four End of Course areas.

Trusty Elementary in Fort Smith had incredible gains and made AYP.

Dr. Bednar announced the four cohort 2 SIG schools—Dollarway High School; Jacksonville High School; Marvell High School; and Central High in Helena West Helena.

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 August 8, 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
- Arkansas Better Chance Funding Recommendations (18 proposals totaling \$536,856)
- Sanction for Teachers as Recommended by the Professional Licensure Standards Board
 - Linda Mae Gray
 - Lindsay Allison Williams
 - Michael L. Schleiff
 - Anwar Ha' Juan Fairley
 - Steve T. Nelson
 - Maurice Guest

Action Agenda

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

Consideration of Voluntary Surrender of Teaching License of Christopher Brad Parker

Katherine Donovan, PLSB Counsel, said Christopher Parker wanted to surrender his teaching license, but there was no provision under current law for the voluntary surrender of a license. Accordingly, Mr. Parker asked to surrender his license with the understanding that the State Board of Education's acceptance would result in permanent revocation of his license.

Ms. Saviers moved, seconded by Ms. Gullett, to accept the surrender of Christopher Parker's teaching license resulting in the permanent revocation of the license. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher's License - Larry Traylor

Ms. Donovan reported that Larry Traylor had applied for a provisional teaching license and requested 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 told the Board he was in the wrong place at the wrong time but accepted the responsibility of his actions. He said since that time he had worked hard to be the husband and father he should be. He said he did not have a teaching job offer.

Mr. Cooper moved, seconded by Ms. Gullett, to table the item until the October meeting. The motion carried unanimously.

Hearing on PLSB Case #10-126 – Emily Alison

In presenting this case, Ms. Donovan explained that Emily Alison Sullivan was requesting an evidentiary hearing regarding the Professional Licensure Standards Board Ethics Subcommittee's recommendation that the State Board place her standard license on probation for two years and assess a \$75 fine for her violations of the Code of Ethics. She said the Ethics Subcommittee held an evidentiary hearing and found that Ms. Sullivan committed five violations of Standard 1 which states an "educator maintains a professional relationship with each student, both in and outside the classroom."

Ms. Sullivan was represented by her attorney, Greg Alagood.

After all testimony and debate, Ms. Mahony moved, seconded by Mr. Cooper, to accept the recommendation of the PLSB Subcommittee.

Ms. Gullett moved for a substitute motion to consider revocation of Ms. Alison's license. The motion failed for lack of a second.

The original motion carried unanimously.

Mr. Cooper left the meeting at 3:10 p.m.

Consideration of Recommendation for New Praxis II Middle School – Multiple Subjects to be Effective November 1, 2011

Dr. Karen Cushman, Assistant Commissioner for Human Resources and Licensure, recommended the following new Praxis II Assessments and appropriate cut scores: The Praxis Middle School Multiple Subjects test (5141) comprised of four, separately-timed subtests measuring core content areas: The recommended cut scores are: English Language Arts (5142) is 150; Mathematics (5143) is 143; Social Studies (5144) is 142; and Science (5145) is 143. Dr. Cushman said Educational Testing

Service would begin administering the new exams in the fall of 2011. Therefore, the recommended effective date for all five exams is November 1, 2011.

Ms. Gullett moved, seconded by Ms. Reith, approval of the new Praxis II Assessments and cut scores. The motion carried unanimously.

Consideration of Approval for Public Comment: Proposed Rules Governing Instructional Materials

Act 288 of 2011 amended Arkansas law concerning instructional materials. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 1995. Arkansas Department of Education staff respectfully requested State Board approval and release of the proposed revisions for public comment.

Consideration of Approval for Public Comment: Proposed Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board

Act 993 of 2011 amended Arkansas law concerning the School Worker Defense Program. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in August 1999. Arkansas Department of Education staff respectfully requested State Board approval and release of the proposed revisions for public comment.

Consideration of Approval for Public Comment: Arkansas Department of A-8 Education Rules Governing the Superintendent Mentoring Program

Act 586 of 2011 created the Superintendent Mentoring Program and required the State Board to establish rules to implement the program. Arkansas Department of Education staff requested State Board approval and release of the proposed rule for public comment.

Consideration of Approval for Public Comment: Proposed Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members and Other Parties

Act 878 of 2011 amended Arkansas law concerning ethical guidelines for educational administrators, employees, board members and other parties. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in July 2005. Arkansas Department of Education staff requested State Board approval and release of the proposed revisions for public comment.

Consideration of Approval for Public Comment: Proposed Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act

Acts 1124 and 1147 of 2011 amended Arkansas law concerning Opportunity School Choice. Additionally, several technical corrections should be made to the current rule, last approved by the State Board in May 2004. Arkansas Department of Education staff requested State Board approval and release of the proposed revisions for public comment.

Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Availability Distance Learning

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested State Board approval and release of the proposed repeal of these rules for public comment.

Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Distance Learning (August 11, 2003 version)

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested State Board approval and release of the proposed repeal of these rules for public comment.

Consideration of Approval for Public Comment: Repeal of Current Arkansas Department of Education Rules Governing Grants for Distance Learning

This rule duplicates many of the provisions of the Proposed Arkansas Department of Education Rules Governing Distance Learning. For that reason, Arkansas Department of Education recommended this version be repealed and combined, where appropriate, with the Proposed Arkansas Department of Education Rules Governing Distance Learning. Arkansas Department of Education staff requested State Board approval and release for public comment the proposed repeal of these rules.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Distance Learning

Act 1075 of 2011 amended Arkansas law concerning distance learning. Additionally, it is necessary to repeal other existing rules concerning distance learning so those rules may be incorporated into the proposed rule. Arkansas Department of Education

staff requested State Board approval and release of the proposed revisions for public comment.

Consideration of Approval for Public Comment: Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

This proposed new rule combines the provisions of two current rules governing district personnel policies and salary schedules. The language of the two current rules has been modified for clarity and to incorporate changes made by Act 989 of 2011. The Board was requested to approve and release for public comment these proposed new rules.

Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules and Regulations Governing School District Filing Requirements of Personnel Policies

The provisions of this rule have been rewritten and incorporated into the proposed new Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The Board was requested to approve and release for public comment the repeal of these rules.

Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules Implementing Ark. Code Ann. 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), 6-20-319(4)(B)

The provisions of this rule have been rewritten and incorporated into the proposed new Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The Board was requested to approve and release for public comment the repeal of these rules.

Consideration of Approval for Public Comment: Repeal of Arkansas Department of Education Rules Governing Expenditure Requirements by Arkansas School Districts

The statutes underlying these Rules, Ark. Code Ann. §§ 6-20-305 & 310, were repealed by the General Assembly in Act 59 of the 2nd Extraordinary Session of 2003. Because the underlying statutory authority for these rules has been repealed, the Board was requested to approve and release for public comment the repeal of these rules.

Consideration of Approval for Public Comment: Proposed Arkansas Department of Education Rules Governing the Distribution of Supplemental Transportation Funds

Act 1075 of 2011 appropriated \$500,000 to the Department of Education for distribution to school districts as supplemental transportation funds. These proposed new rules prescribe a formula and process for distributing these funds. The Board was requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Loan and Bond Applications

These rules are amended to clarify and correct the rule language, and to change terminology to reflect changes made by Act 989 of 2011. The Board was requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Publicly Funded Educational Institution Audit Requirements

These rules are amended to reflect new audit requirements for open-enrollment public charter schools as mandated by Acts 981 and 993 of 2011. The Board was requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements

These rules are amended to clarify and update the rule language, and to reflect changes made by Acts 633 and 701 of 2011. Act 633 clarified statutory language concerning collections and distributions related to the uniform rate of tax, while Act 701 imposed new reporting requirements on districts receiving desegregation funds from the state. The Board was requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Calculation of Miscellaneous Funds

These rules are amended to reflect changes made by Act 266 of 2011, which clarified definitions related to bonded debt assistance for school districts. The Board was requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting

These rules are being amended to reflect changes made by Act 871 of 2011, which clarifies the definition of a school district's revenue receipts and eliminates what was known as the "40% Pullback." The Board is requested to approve and release for public comment these proposed rule revisions.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing the Non-Traditional Licensure Program

Act 1178 of 2011 amends the Non-Traditional Licensure program by allowing experienced professionals to obtain a three-year provisional license to teach on a full-time basis, and then allowing those professionals the opportunity to obtain a standard license at the end of the three years. Act 1178 also allows individuals who complete the Teach for America program, or who obtain a master's degree in teaching (MAT, M.Ed., or MTLL), to receive a standard license. These rule revisions accomplish the following: 1) Implement the changes mandated by Act 1178; 2) Clarify language throughout the rule to make it clearer and more consistent with the Department's other licensure rules; and 3) Remove legally questionable impediments in the current rule affecting individuals receiving degrees from out-of-state colleges and universities.

Consideration of Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity

Act 1178 of 2011 streamlines the licensure reciprocity process by allowing an individual holding a standard license from another state to receive an Arkansas standard or advanced license so long as the individual's license is in good standing with the other state, and the individual meets the educational and background check requirements. These rule revisions accomplish the following: 1) Implement the changes mandated by Act 1178; 2) Clarify language throughout the rule to make it clearer and more consistent with the Department's other licensure rules; and 3) Remove legally questionable impediments in the current rule affecting individuals receiving degrees from out-of-state colleges and universities.

Ms. Saviers moved, seconded by Ms. Reith, approval of Items A-5 through A-25 for public comment. The motion carried unanimously.

Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

Staff Attorney Mark White said the State Board adopted these rules in 2001, before the Legislature created the Commission on Public School Academic Facilities and Transportation. Since that time, the rules have been superseded by legislation and by rules adopted by the Commission. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the rules have been superseded, the Board was requested to give final approval to repeal of the rules.

Mr. Ledbetter moved, seconded by Ms. Gullett, final approval to repeal the rules. The motion carried unanimously.

Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules and Regulations Identifying and Governing Self-Construction Projects by Public Education Entities

The State Board adopted these rules in 2001, before the Legislature created the Commission on Public School Academic Facilities and Transportation. Since that time, these rules have been superseded by rules adopted by the Commission. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the rules have been superseded, the Board was requested to give final approval to repeal the rules.

Mr. Ledbetter moved, seconded by Mr. Black, final approval to repeal the rules. The motion carried unanimously.

Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules Governing College Preparatory Enrichment Program

Act 879 of 2011 repealed the statutes authorizing the Department to operate the College Preparatory Enrichment Program in its present form. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. For this reason, the Board was requested to give final approval to repeal of these rules.

Mr. Ledbetter moved, seconded by Ms. Saviers, final approval of the rules. The motion carried unanimously.

Consideration of Final Approval: Revisions to Arkansas Department of Education Rules Governing College and Career Readiness Planning Program

Act 879 of 2011 made significant changes to the postsecondary preparatory programs administered by the Department of Education. These proposed rule revisions implement the changes imposed by Act 879 and create the opportunity for new postsecondary preparatory programs administered by school districts and/or institutions of higher education. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. The Board was requested to give final approval to these proposed rule revisions.

Ms. Mahony requested that 8.01.2.1 regarding prohibition of incentives for students be stricken.

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

Consideration of Final Approval: Repeal of Current Arkansas Department of Education Rules Governing Waivers of Minimum Salaries for Certified Personnel

The law on which these Rules were based, Ark. Code Ann. § 6-17-1001, was repealed by the Legislature in Act 74 of the 2nd Extraordinary Session of 2003. A public hearing was held in the ADE Auditorium on August 4, 2011, with no oral or written comments received. Because the underlying statute has been repealed, the Board was requested to give final approval to repeal of these rules.

Ms. Gullett, seconded by Ms. Mahony, final approval of the rules. The motion carried unanimously.

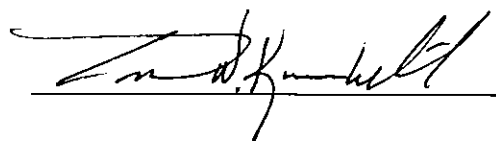
Adjournment

The meeting adjourned at 3:35 p.m.

These minutes were recorded by Phyllis Stewart.



Dr. Ben Mays, Chair



Dr. Tom Kimbrell, Commissioner