

**Minutes**  
**State Board of Education**  
Monday, February 9, 2003

The State Board of Education met on Monday, February 9, 2003, in the Auditorium of the State Education Building. JoNell Caldwell, Chairman, called the meeting to order at 8:30 a.m.

The following Board members were present: JoNell Caldwell, Chairman; Shelby Hillman, Vice-Chairman; Sherry Burrow; Luke Gordy; Dr. Calvin King; Randy Lawson; MaryJane Rebick; Diane Tatum; and Dr. Jeanna Westmoreland.

No members were absent.

**Special Presentation**

Mr. Courtway was recognized to make a special presentation. He stated that this meeting would be the final meeting for Dr. Woodrow Cummins, Deputy Director, whose retirement is effective March 31, 2004. He noted that Dr. Cummins will be on leave after February 18, 2004. On behalf of the Board and the Department of Education, Dr. Cummins was presented a resolution and a desk plaque recognizing his six years of service as Deputy Director. Additionally, Dr. Terri Hardy presented a letter of recognition from Governor Mike Huckabee to Dr. Cummins. During the presentation, former Education Director Raymond Simon telephoned Dr. Cummins from his U. S. Department of Education office with expressions of congratulations.

**Work Session**

**School Improvement**

Janinne Riggs was recognized to discuss initiatives planned or implemented to address the special needs of schools identified as being in School Improvement. Ms. Riggs reported on an array of work by literacy and mathematics specialists who are assigned regionally to provide technical assistance and leadership directly to schools. These specialists give priority to addressing the needs of schools designated in School Improvement. She identified statewide professional development options, which are many and varied. Those include *Smart Start* and *Smart Step*, which lead schools to begin with data and the use of data as the foundation for educational planning. Additionally, she noted that principals and some other educational leaders are engaged in a professional development effort – Classroom Walkthrough training – that enables those responsible for monitoring instruction to become more efficient.

### **Policy Update**

Dr. Charity Smith was recognized to review the current policies related to “snow days” or inclement weather. Dr. Smith noted that such policies developed over the past two years have been reviewed and redistributed to schools. She also noted that the policy in place appears adequate to deal with schools that experience high numbers of closings due to bad weather. Dr. Smith was also asked to pursue a possible policy statement that would address unsanctioned field trips.

### **Independent Evaluation of Open-Enrollment Charter Schools**

Michael Scoles noted that this report covered school year 2002-2003. He indicated that overall the evaluators – Northwest Educational Laboratory in Portland, Oregon – presented a positive report. Mr. Gordy inquired as to how this group was chosen. Dr. Scoles responded that for the previous year, this group was selected from a request for proposals and that their work was viewed as reputable; thus, the agreement was renewed for this year.

Ms. Rebick inquired if the statute or rules listed a minimum number of students before a charter could be awarded. Dr. Scoles indicated there was no such guidance. Ms. Rebick also questioned how dollars awarded to a charter school were disbursed when a student left the school. Dr. Scoles responded that after the first year, funds follow the child.

Ms. Burrow questioned the fact that only two of the schools received a site visit from the evaluation team. Dr. Scoles stated that the issue is one of travel costs; and that the team visited only the new schools this year.

Ms. Rebick expressed concern that the open-enrollment charter schools were being adequately evaluated; there were no visits to some sites and most of the data provided was collected and submitted by staff at the school with no validation. Charity Smith stated that charter schools get the same evaluation as other schools where state mandated tests are concerned. Dr. Cummins also indicated that charter schools are required to submit data via Arkansas Public School Computer Network (APSCN).

Dr. Westmoreland asked why Imboden Charter School reported no 6<sup>th</sup> grade data. Dr. Smith responded that when a school has fewer than 10 students in any grade, no scores are reported. This policy is dictated by the student privacy statutes, she said.

## **Concurrent Credit**

Dr. Steve Floyd, Deputy Director, Arkansas Department of Higher Education, discussed issues previously considered by the Deputies of the three Departments (General Education, Higher Education, and Workforce Education). Dr. Floyd stressed the importance of concurrent credit for students and how it can maximize work of students by earning both high school credit and college credit for completing one course.

Dr. Floyd highlighted some “sticky” issues related to issuing concurrent credit. He listed the following:

- Higher Education takes issue with the policy which states that a three semester-hour college course only earns a student one-half a Carnegie credit at the high school level.
- Higher Education believes that a college/university instructor should be considered eligible to teach a concurrent credit course at the high school without additional licensure.
- Higher Education is concerned about the process for payment of credit hours earned through concurrent credit courses.

Dr. Floyd stated that dialogue is continuing and recommendations will be forthcoming to review concurrent credit policies.

Mr. Gordy noted that the Board supports concurrent credit and has adopted policy to enable students to earn credit in such courses.

Ms. Rebick inquired if further clarification was needed to assure that students earn credit for Advanced Placement (AP) courses. Dr. Floyd responded that work among the chief academic officers at the four-year institutions was underway to assure that any student who scores a three (3) or better on the AP exam earns college/university credit for that course. Dr. Floyd noted that he thinks all of the four-year institutions now recognize AP credit.

Mr. Lawson indicated that the issue of credit for concurrent courses and payment of fees are questions for higher education institutions. Dr. Floyd indicated that the teacher of record for the course and who pays the salary are concerns for fee structure. Mr. Lawson also noted that some believe concurrent courses should be free to high school students.

## **Chair's Report**

Ms. Caldwell commended Department staff for their work in the successful Job Fair held on February 6 and 7, 2004. She noted this event brought a number of local districts together to meet and interview potential teacher candidates. She stated activities such as this hopefully will help alleviate the teacher shortage in districts that are experiencing difficulty attracting teachers.

## **Consent Agenda**

Ms. Hillman moved adoption of the Consent Agenda. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

- Minutes – January 12, 2004
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations

### **Action Agenda**

Ms. Hillman moved that an item, ACT 60 of 2003 Second Extraordinary Session, be added to the Action Agenda to consider proposed rules for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

### **Waiver of National Board for Professional Teaching Standards Repayment of Funds**

Barbara Patty was recognized to present this issue. Ms. Patty stated that the statute creating this program has a clause allowing the Board to consider forgiveness of repayment should a teacher become disabled and cannot complete the certification process. She described the health condition of Misty Jackson who applied for consideration under the forgiveness clause. Ms. Hillman moved to forgive repayment under the forgiveness clause. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Act 1738 of 2003 Exemptions**

Patricia Martin was recognized to present this item. Ms. Martin reported that the seven requests have been reviewed by staff and meet requirements of the Rules.

Mr. Lawson moved approval of staff recommendations. Mr. Gordy seconded the motion.

Ms. Rebick asked for the number of students in Fountain Lake School District to which Ms. Martin responded 1150.

Ms. Tatum asked about the status of the Kingsland proposal. Ms. Martin responded that the building proposed for replacement burned earlier in the school year and the proposal is to replace the building using insurance proceeds. Ms. Tatum asked about the consolidation status of this school. Ms. Martin confirmed that the enrollment was under 350, thus including the district in those required to consolidate or annex. Ms. Martin reported that this request was received before Act 60 became law. Scott Smith also stated that under Act 60 no school building would be closed prior to July 2005. Ms. Tatum asked if the Department knew Kingsland's intent. Mr. Smith indicated the process for declaration is not yet in place.

Ms. Rebick inquired about the nature of software to be purchased under the Nettleton School District proposal. Ms. Martin was unable to identify the nature of the proposal.

Ms. Hillman suggested that this item be deferred until later in the agenda in order to obtain a response to the unanswered questions.

**Act 675 of 2003: Adoption for Public Comment Rules for Arkansas Mandatory Attendance Requirements for Students in Grades Nine Through Twelve**

Annette Barnes was recognized to make this presentation. She stated that these proposed rules were prepared in keeping with the Act. Ms. Caldwell inquired if serving as an aide in the school would be considered similar to having a study hall. Ms. Barnes answered "Yes", assuming that the student did not have another study hall sometime during the school day.

Mr. Lawson moved adoption of the proposed rules for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

**Report of Waivers to School Districts for Teachers Out-of-Field for Longer than Thirty Consecutive Days, Act 1623 of 2001**

Dr. Charity Smith was recognized to make this report. Dr. Smith reported that staff had reviewed all requests and that none of the schools requesting waivers are in academic distress. Ms. Rebick moved adoption of the waivers as presented. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Approval of Revised English Language Arts Framework**

Dr. Gayle Potter was recognized to make this presentation. Dr. Potter noted that over 60 classroom teachers, specialists, and administrators worked to prepare this revision. She observed that this revision includes student performance expectations for each grade level as opposed to grade clusters in previous documents.

Mr. Gordy stated that he requested a review of the revision by a local principal. He reported that the revision was viewed very positively; however, one concern raised was in the requirement for writing. The reviewer thought it could be more specific in the quantity of writing required. Dr. Potter responded that the framework defines a minimum, and local districts and/or teachers have the option to impose additional requirements in the classroom.

Ms. Rebick moved approval of the revisions as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

**Review of Renewal Charter Schools and Conversion Charter School Applications**

Ms. Caldwell announced that no action would be taken on any of the charter school applications at this meeting due to limited time of staff and the Board for review.

Michael Scoles informed the Board that he would not participate in any review of the Academics + (Maumelle) application in view of the fact that he served on that school's board and was chairman for one year.

The Board invited representatives of the conversion charter school applications to summarize the conceptual foundation of the proposal and provide significant points related to the proposal's review.

Dr. Frank Holman, Superintendent, Cabot Public Schools, stated that the proposal from Cabot seeks to improve instruction for students who need an alternative learning environment. He noted that the concept behind the proposal is to make learning available "any time and anywhere," which is a key component of instruction for these students. He did indicate that technology-delivered instruction would be a key component. Ms. Rebick questioned the availability of transportation services when instruction might be provided at times different from regular school hours. Dr. Holman indicated that for the most part transportation would be a responsibility of the parent; however, where possible the school would assist with transportation.

Mr. Gene Ross, Superintendent, Emmet School District, reported that his district was a small, rural district that is searching for improved instructional methodology that would better meet the needs of students attending the Emmet schools. He emphasized that the proposal was under development and ready for submission prior to the enactment of Act 60. Mr. Ross outlined the instructional component as founded around the tenets of vocational agriculture, which is in keeping with the nature of the community. He did indicate that other choices for students would be available based on distance learning opportunities. He noted that students in the Emmet District currently are enrolled in courses provided through the distance education program managed by the Department of Education.

Dr. Frank Mitchell, Superintendent of the Vilonia School District, stated that their proposal was based on a small pilot project being implemented in Vilonia Elementary School this year. The pilot engages students in internet-based learning as part of their instructional day. Sue Farris, Primary School Principal, noted that the pilot has been a very motivating component of the school's program this year. To the question, "Why do you need a charter to implement this type of program?" Ms. Farris responded that outside resources are needed to expand to all children in the school and she believes this program could become a model elementary education program for Arkansas and beyond. Ms. Burrow inquired about the proportion of the regular instructional day that would be dependent on technology. Ms. Farris responded that at least 20% of the time students would work on internet-based lessons.

### **Action 2 – Follow Up Report**

Patricia Martin reported that the software proposed by the Nettleton School District enables electronic tracking and management of the school food service program. The software tracks student participation in the school lunch program and maintains records, prints reports required for USDA, and tracks expenditures for the program. She noted that similar software is used productively in other districts across the state.

No further comments were made pursuant to the Kingsland request.

Mr. Gordy moved adoption of the complete list as presented. Ms. Hillman seconded the motion. The motion was adopted with a vote 7 – 1. (Rebick voted no.)

### **Teaching License – Darryl Radar**

Tripp Walter was recognized to present this issue. Mr. Walter reported that pursuant to a request for initial licensure in Arkansas, the criminal background check revealed a previous conviction of a felony, which resulted in a prison sentence. Mr. Walter introduced additional evidence that resulted from investigation of the case (Attachment 1).

Mr. Radar was present and requested the opportunity to speak to the Board on his behalf and was recognized. Mr. Radar affirmed his conviction and sentence. He further reported that he subsequently earned a teaching degree, administration licensure in the State of Illinois and the District of Columbia, and is currently pursuing a doctoral degree in educational administration. He also reported holding teaching and administrative positions in Illinois and an administrative position in the District of Columbia. Ms. Rebick inquired how he was eligible to hold such positions in those other states. Mr. Radar responded that in both cases, there is a statute of limitations, which places a seven-year maximum on licensure restriction. Mr. Radar indicated his interest in licensure in Arkansas is to be near his aging parents who are relocating to Northeast Arkansas. Ms. Rebick also asked about other apparent arrests. Mr. Radar responded that he was only convicted for one felony charge.

Ms. Hillman inquired if he was removed from the principal's position previously held in Illinois. Mr. Radar indicated that he resigned to pursue other interests in the private sector.

Dr. King inquired as to Mr. Radar's current employment. Mr. Radar responded that he manages seven Sylvan Learning Centers in Illinois.

Mr. Rebick moved denial of the request for Arkansas licensure. Mr. Gordy seconded the motion. The motion was adopted unanimously.

### **Other Business – ACT 60**

Scott Smith was recognized to present this issue. Mr. Smith reported that Act 60 enacted during the second extraordinary session requires the Board to adopt rules that govern consolidations or annexations under the Act. He also stated that these rules will have a very short timeline for adoption and that it will probably be necessary to come back in a specially called telephone session to adopt them under the emergency provision. Mr. Smith reported that the Act requires affected districts to declare their intent by April 1 and final review and approval by the Board must be complete before July 1, 2004.

Mr. Gordy moved approval of the proposed rules for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

### **Executive Session**

Mr. Gordy moved the Board go into executive session to discuss personnel issues. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Following a 30-minute session, Mr. Gordy moved the continuation of the regular meeting. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Ms. Caldwell stated that personnel issues were discussed and that the Board would take no action.

**Adjournment**

Dr. Westmoreland moved adjournment. Ms. Tatum 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.

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Tom Courtway, Interim Director

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JoNell Caldwell, Chair