

Minutes

State Board of Education
Monday, May 24, 2004

The State Board of Education met on Monday, May 24, 2004, in the Auditorium of the State Education Building. JoNell Caldwell, Chairman, called the meeting to order at 8:10 a.m.

The following Board members were present: JoNell Caldwell, Chairman; Sherry Burrow; Luke Gordy; MaryJane Rebick; Diane Tatum; and Dr. Jeanna Westmoreland.

The following Board members were absent: Shelby Hillman, Vice-Chairman; Dr. Calvin King; and Randy Lawson.

Consideration of Administrative Annexations or Consolidations

The minutes reflect only actions taken by the Board. A full transcript of the deliberations as transcribed by a court reporter is available.

Matter of the Administrative Consolidation of the Crawfordsville School District

Mr. Gordy moved that based upon the Attorney General's letter and the facts, documentation, and testimony presented by the parties, that this Board conditionally approve the administrative consolidation of the Crawfordsville School District with the Marion School District with regard to all issues, concerns and areas covered under Act 60 of the Second Extraordinary Session of the 2003 General Assembly except for any and all desegregation issues, concerns or areas involving or related to the affected school districts. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Matter of Reconsideration of Conditional Approval of the Administrative Annexation of the McNeil School District to the Stephens School District

Mr. Gordy moved to continue the status of conditional approval pending further declaration of the Federal Court. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Matter of Reconsideration of Conditional Approval of the Administrative Annexation of the Fountain Hill School District to the Hamburg School District

Ms. Tatum moved removal of the conditional approval status and award final approval of the administrative annexation. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Matter of Reconsideration of Conditional Approval of the Administrative Consolidation of the Huttig School District with the Strong School District

Ms. Rebick moved removal of conditional approval status and award final approval of the administrative consolidation. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Matter of Reconsideration of the Conditional Approval of the Administrative Consolidation of the Sparkman School District with the Harmony Grove School District

Consideration of this item was deferred until later in the meeting to allow time for additional information to be received.

Matter of Reconsideration of the Conditional Approval of the Administrative Consolidation of the Union School District with the El Dorado School District

Dr. Westmoreland moved removal of conditional approval status and award final approval of the administrative consolidation of Union School District with the El Dorado School District. Ms. Tatum seconded the motion. The motion was approved unanimously.

Final Approval of Revisions to Rules Governing Teacher Licensure by Reciprocity – Act 754

Dr. Charity Smith was recognized to present the Rule for consideration. Dr. Smith summarized the actions related to public review and comment.

Dr. Westmoreland moved final approval as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Final Approval of Rules for Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve - Act 675

Dr. Charity Smith was recognized to present the Rule for consideration. Dr. Smith summarized issues raised during the public comment period. Those included clarification of intent by schools with block schedules, issues related to the definition of economic hardship of students, and the fiscal impact on a district when seniors are required to be enrolled in additional classes.

Ms. Rebick questioned why the change from minutes per week to hours. Annette Barnes responded that the change was made to make the rule consistent with language in the Accreditation Standards.

Ms. Burrow inquired about the process for a student seeking a hardship waiver. Ms Barnes indicated that the intent was for the local board to review those requests and make a final determination. Ms. Barnes further noted that each school should have a written policy that will direct these discussions and decisions. Ms. Burrow questioned the placement of a student who was on a work release program and the job ended or the student was terminated. Ms.

Barnes responded that the school schedule should be sufficiently flexible to provide a course of study for such students that would not include an additional study hall or activity period. Dr. Smith also noted that schools (districts) might consider some supplemental instructional services, distance learning or other accommodation of student learning needs.

Ms. Tatum inquired about options for students who will be attending for a full six hours each day, especially related to the student activity program. Ms. Barnes responded that some hard choices may be necessary with these students, which may mean students have to exercise options between athletics and other student activities.

Ms. Rebick asked about the differences that are evident between a six or seven period day and a block schedule and if there is flexibility for schools. Ms. Barnes indicated that there is flexibility regardless of the organization of the school day; however, block schedules do present some interesting challenges. Ms. Barnes noted that the original wording of the Rule was not favorable to schools that use block scheduling, but the revisions have attempted to compensate.

Ms. Burrow asked about the effect of this rule on students who are enrolled in a work-study program. Ms. Barnes responded that those students are not effected in that their work plan is part of an organized instructional activity.

Mr. Gordy moved approval of the revised Rule as presented. Ms. Tatum seconded the motion. The motion was adopted.

Final Approval of Rules Governing Availability of Distance Learning – Act 53

Jim Boardman was recognized to present this Rule. Mr. Boardman summarized revisions made as a result of the comments received. Issues that were considered included a common bell schedule, students missing other classes because of distance learning schedules, common school calendars and communication with schools participating in the distance learning programs.

Ms Rebick asked about the location of receive facilities within the school. Mr. Boardman noted that most schools have a technology lab or distance-learning studio in the school building. He also stated that very few students have to leave their school building to participate in a distance learning class.

Dr. Westmoreland moved approval of the Rule as revised. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Final Approval of Revisions to the Rules for the Specifications Governing School Bus Design

Mike Simmons was recognized to present this Rule. Mr. Simmons reported that only one revision was made, that being at the request of Ms. Rebick during the earlier consideration. Mr. Simmons noted that no other comments were received

at the hearing. Mr. Rebick inquired about the certification of personnel who provide contracted services as specified under this Rule. Mr. Simmons noted that in most, if not all, cases those certification requirements are required and monitored during the bidding process.

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

Final Approval of Rules Governing the Acquisition of Energy Conservation Measures

This item was tabled for action at the June 14, 2004, Board meeting.

Final Approval of Rules Governing School District Audits not Conducted by Legislative Audit

Patricia Martin was recognized to present this rule. Ms. Martin reported that there were no comments either written or verbal directed toward this Rule. Ms. Rebick inquired when an audit would be conducted under this Rule. Ms. Martin responded that every school is required to undergo an audit each year. She indicated that the district has the option of audits performed by the Division of Legislative Audit or to pay for a private firm to conduct this work. This Rule covers the work performed by entities other than Legislative Audit.

Mr. Gordy moved approval of the Rule. Ms. Tatum seconded the motion. The motion was approved unanimously.

Final Approval of Repeal of Rules and Regulations Implementing Act 2 of 1994 as Amended by Act 1228 of 1995

Dr. Westmoreland moved approval of the repeal of this Rule. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Final Approval of Rules Governing the Requirement of a Criminal Background Check for the Employment of Noncertified Personnel in School Districts – Acts 63 and 103

Tripp Walter was recognized to present this Rule. Mr. Walter reported that there were no written or verbal comments received pertaining to this Rule during the comment period.

Ms. Tatum moved final approval of this Rule. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Final Approval of Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act – Act 35

Tripp Walter was recognized to present this Rule. Ms. Tatum inquired about provisions in Section 4.01 setting the initial date for implementation as 2011-2012. Mr. Walter noted that this was in keeping with provisions in the statute. Ms. Tatum further requested clarification of the difference between this Rule and other choice rules that are currently in place. Mr. Walter responded that this Rule primarily deals with provisions of a new requirement and that Rules currently in place are not in conflict with these requirements. Scott Smith further indicated that current choice law sets parameters based on racial factors where this Rule will provide an additional dimension based on the performance of the school.

Ms. Burrow asked about funds for transportation under this Rule. Mr. Walter responded that transportation costs for students who invoke choice options under this Rule would be borne by the resident district until that school is removed from school improvement status.

Mr. Walter reported that there were no attendees at the public comment session and no written comments were received.

Ms. Rebick moved final approval of the Rule. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Final Approval of Rules Governing Arkansas Better Chance Program

Cathy Stegall was recognized to present this Rule. She noted that a series of regional sessions were conducted as part of the public comment requirement. She summarized three changes that were made as a result of comments.

Ms. Rebick inquired as to how many children were being served at the current time. Ms. Stegall responded that approximately 7000 children were receiving services at 121 locations; she further noted that under the expanded program an additional 7000 children could be served and that there are 137 new applications seeking to become service providers. Ms. Stegall indicated that there was more diversity among the applicants to include faith-based organizations, community organizations and educational facilities. Ms. Rebick asked if all children have to meet the poverty requirements. Ms. Stegall responded that some do not and those children participate by paying for services.

Dr. Westmoreland moved final approval of the Rule. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Other Business

Dr. James recognized Janie Huddleston as former director of the Department of Human Services (DHS) Division of Childcare and noted that she was recently named Deputy Director at DHS. Dr. James commented on her leadership of the Division of Childcare and wished her well in the new appointment.

Matter of Reconsideration of the Conditional Approval of the Administrative Consolidation of the Sparkman School District with the Harmony Grove School District

Scott Smith reported on the unfinished matter of the Consolidation of Sparkman and Harmony Grove. He noted that the Attorney General's Office recommended that the Board continue the matter until further determination is made regarding the issue of desegregation. Mr. Smith reported that the Attorney General's Office suggested that the Board could request an opinion pursuant to Harmony Grove's status or the Board could seek another partner for Sparkman.

Mr. Gordy moved to continue the conditional approval of the administrative consolidation of the Sparkman School District and the Harmony Grove School District and that counsel consult with the Attorney General's Office to enter questions to the Federal Court on behalf of the Board. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Dr. James noted the successful implementation of a Reading Excellence initiative at Meadowcliff Elementary School in the Little Rock District. Janinne Riggs added that there are many programs that have the same components in schools throughout the state. He stated that this program builds on a literacy model that has been in place in our state for a number of years.

Mr. Gordy requested that the Attorney General's Office receive a note of thanks for the work pursuant to administration of Act 60. He also commended the work of Scott Smith in working through these difficult issues.

Dr. Westmoreland moved adjournment. Mr. Gordy seconded the motion. The motion was adopted unanimously. The meeting adjourned at 10:45 a.m.

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

Dr. Ken James, Director

JoNell Caldwell, Chair