

Minutes
State Board of Education
December 8, 2003

The State Board of Education met on Monday, December 8, 2003, in the Auditorium of the State Education Building. JoNell Caldwell, Chairman, called the meeting to order at 9:00 a.m.

The following 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.

Chair's Report

Ms. Caldwell welcomed Sherry Burrow, newly appointed to the Board.

Ms. Caldwell reported that she has been attending meetings of the legislative education committees during the deliberations in preparation for the special session. She commended the Department staff for their excellent presentations and recognized the leadership being demonstrated by Interim Director Tom Courtway.

Director's Report

Mr. Courtway indicated that the past weeks have been very busy and fast paced. He and Department staff have appeared before various committees for several weeks. Special emphasis has been given to preparing recommendations for funding formulas and providing information as requested by various members of the House and Senate.

Mr. Courtway requested that Dr. Woodrow Cummins, Deputy Director, be recognized to present a special report pursuant to selection of a norm-referenced test to be used this spring.

Dr. Cummins reminded the Board that selection of a norm-referenced test is a state contracted item that is selected on a five-year agreement. The Department issued a request for proposals and two bids were received. He reported that the Department called together a panel to review the bids and recommend the test that best matches the State's content standards and best meets the conditions of the request for proposals. The review panel included 12 administrators and 17 classroom teachers. Dr. Cummins also recognized Bob Watson, El Dorado; Gordon Floyd, Fort Smith; and Rick Saunders, Dawson Education Cooperative – Arkadelphia, who were members of the review panel. Dr. Cummins indicated that these panel members were present to respond to questions from the Board.

Ms. Rebick asked if the review process included a review of content as well as administrative procedures. Mr. Watson responded that the classroom teacher panel did an extensive curriculum alignment review of the test specifications and compared the listed objectives to the State's content standards.

Dr. King asked about the make-up of the panels. Mr. Watson indicated that panel members were representative of schools across the state to include geographic, ethnic diversity, and school diversity. Dr. Cummins distributed a complete list of panel members.

Ms. Rebick inquired if the Department has any idea as to why other publishers did not respond. Mr. Watson indicated that he had no opinion.

Mr. Watson reported that the panel spent approximately 2 ½ days reviewing the proposals. He noted that the criterion-referenced test remains the best way to measure student performance on the content standards, but recognized the importance of having a norm-referenced test to compare student performance nationally. He stated that the two types of tests measure different performances, and there was concern among panel members on the amount of testing and amount of time devoted to testing each year. He expressed a desire to explore options for reducing the number of testing days and thus preserve instructional time by blending of the assessments in some way. He also noted the importance of a strong accountability program that is tethered to assessment results.

Dr. Cummins reported the Panel's recommendation is to adopt the Iowa Test of Basic Skills – Riverside Publishing Company. He stated that this recommendation does not require Board action.

Mr. Gordy expressed his appreciation to Mr. Watson and other members of the Panel for their work in preparation for this recommendation. He also commended the Panel for its suggestion for some blending of assessments that in some way address the concerns of those who advocate a strong school accountability model. Mr. Gordy questioned the next step(s) to be taken to implement this recommendation.

Dr. Cummins noted that the Department would be working to finalize the contract, which will require legislative approval. Ms. Rebick asked about the length of the contract. Dr. Cummins indicated that the contract is for one year with the understanding that it will be up for renewal for at least four additional years. He indicated that generally these contracts have been for at least five years.

Ms. Caldwell stated that in a recent legislative committee session, Dr. Gayle Potter reported on the actual amount of time spent in test administration, which was approximately 1% of a year's instructional time with the currently adopted assessments. She stated that when science is added in 2006-2007 and the full recommended norm-referenced testing is in place, that percentage of the instructional year will be approximately 1.2%. At the request of the Board, Dr. Potter provided a copy of her report. (Attachment)

Consent Agenda

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

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- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan.
- Newly Employed, Promotions and Separations.
- Approval of Organizations for Implementation of Act 648 Community Service Program.

Action Agenda

Approve for Public Comment Proposed Rules Governing A Comprehensive Plan for Consistency and Rigor in Course Work Offered by Local School Districts

Dr. Gayle Potter was recognized to present this item. Dr. Potter reported that revisions to a previous Rule became necessary with the adoption of amendments to legislation during the 2003 session. She noted that the request is for these revisions to be adopted for the purpose of public comment. Dr. Westmoreland asked for clarification on information needed by the Department for review of courses submitted for review and approval by local schools. Dr. Potter responded that documentation should include an outline of content, documentation supporting alignment of the proposed content with approved frameworks, the type of credit to be given, a description of assessment strategies, and a summary of student expectations for successfully completing the course. Dr. Potter noted that all of this information is essential for staff to make an informed decision about the integrity of a course.

Mr. Lawson moved approval of the Rule for public comment. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Approval of Revised Physical Education/Health Framework

Dr. Potter reported that this Framework was revised in keeping with Act 1216 of 2003 which required the Department of Education to include oral health instruction as part of the health instruction in Arkansas Public Schools. She noted that a committee of practitioners, including dentists and other oral health specialists, collaborated to develop the recommended revisions to the Physical Education/Health Framework.

Ms. Rebick inquired if schools were required to teach these frameworks under Smart Core to which Dr. Potter responded "Yes." Ms. Rebick also asked about the qualifications of teachers assigned to teach this content. Dr. Potter indicated that at this point regular elementary classroom teachers are approved to teach these frameworks. At the middle and high schools, the health education courses are taught by a teacher licensed in health education. Dr. Potter noted that a committee of dentists is working to prepare additional instructional units that will be distributed to all schools. There is the expectation that dentists and other oral health specialists will be available to supplement instruction and/or help provide training for classroom teachers in their local area.

Ms. Rebick asked about the relationship between these guidelines and placement of vending machines in school facilities. Dr. Potter responded that the two are linked but authorized by different pieces of legislation. Ms. Rebick also asked about the time allocated for recess and physical education in the elementary schools. Dr. Potter indicated that physical education is required for all students as part of the regular school day and the instructional component is to be based on the Frameworks. She stated that

free play is a part of the curriculum for younger children, but that physical education activities can be included as part of free play or recess. Ms. Rebick asked how the Department was monitoring for inclusion of physical education in the instructional day. Dr. Potter noted that the Standards Assurance Unit monitors for this along with its monitoring of all the standards.

Dr. King asked for clarification on the qualifications for teaching physical education activities. Dr. Potter explained that in the elementary school, the regular classroom teacher may provide this instruction and it is to be part of the regular instructional day. At the middle and high school levels, instruction is to be provided by teachers licensed in health education. Dr. King responded that he finds it hard to believe that a regular elementary trained teacher, who teaches the full instructional program, can provide this training and do a good job with it and the other content expectations.

Ms. Hillman moved adoption of these revised Frameworks. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Report on Public Comments Pursuant to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Ms. Caldwell stated that consideration of this item was being deferred until a later date.

Report on Public Comments Pursuant to Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts

Dr. Charity Smith was recognized to discuss this issue. Dr. Smith stated that the proposed revisions were approved by the Board for public comment at a previous meeting, that a public hearing was conducted with written comments attached and no changes are recommended based on the public comment. She also noted that these Standards require all high schools to offer 38 units of credit each year, introduce the Smart Core course of study for high school students, raise the graduation requirement to 22 units, and require teachers of Advanced Placement (AP) courses to engage in training before weighted grades are awarded to students. Dr. Smith noted that several comments were received pursuant to the pending requirements for Advanced Placement courses that would not meet the training requirement nor require students to take the end-of-course AP exam as recommended by the College Board. She said that the staff recommends no change.

Mr. Gordy confirmed that the intent is for every high school to offer the 38 required units each year and that the Smart Core curriculum becomes the default for high school students. Dr. Smith affirmed this was correct.

Ms. Burrow inquired as to which class would be the first to graduate with Smart Core and the 22 unit requirements. Dr. Smith indicated that it would be the seventh grade class of the 2004-05 school year. Ms. Burrow also inquired about the AP test requirement. Dr. Smith noted that no passing score would be required.

Mr. Lawson asked if the AP tests would be funded by the State. Dr. Smith responded "yes." He asked about the rationale of requiring the test, since the score on the exam would not count toward the student's grade or credit. Dr. Smith indicated that the intent

of requiring the exam was to raise the rigor of the courses and assure that every class covered the entire course outline, not simply call a course AP, then not follow the course syllabus.

Dr. Westmoreland inquired about the amount of credit a student earns for two-year courses such as Algebra A and Algebra B, which can be taken in some schools in lieu of traditional Algebra I. Dr. Smith indicated that students taking the two-year course of study would earn two units of credit, but it would only count for one unit of math credit under Smart Core curriculum.

Dr. Westmoreland also inquired about the possibility of a waiver from the required AP teacher training. Dr. Smith responded that no waiver provision is proposed for this requirement. Dr. Westmoreland also asked about the awarding of university credit for AP courses. Dr. Smith indicated that each college or university has its own policy governing the awarding of AP credit. Most have a policy that students who score 3, 4, or 5 on the AP test may be eligible to earn those hours at the college level.

Ms. Tatum sought clarification on the differences between the proposed Smart Core curriculum and the Common Core. Dr. Smith noted that Smart Core has additional requirements and is designed to increase the probability that students completing that program of study will do well when enrolled in a college or university.

Dr. King inquired if these increased curriculum requirements are intended to impact potential scholarships for students entering college. Dr. Smith responded that there is not a direct link at this time, but students who complete the Smart Core will have an additional math credit which has been determined to be one of the most significant indicators for success in college.

Mr. Gordy stated that this is the most important thing this Board has done in a long time. He observed that there are many districts that currently do not offer the 38 units every year and this action will set a high standard for schools to meet. He noted that sanctions for districts not meeting the requirements now being set will be addressed through the Omnibus Education Act of 2003. Dr. Smith affirmed this observation.

Dr. Westmoreland asked for assurance that the Smart Core was in fact the expected curriculum for all students. Dr. Smith noted that on Page A2-7 of the December 8, 2003 State Board of Education Agenda Book, parents must sign a release document for a student to be exempted from this requirement.

Mr. Gordy moved adoption of these standards as proposed. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Adopt Early Childhood Licensure Cut Scores

Barbara Patty was recognized to present this item. Ms. Patty summarized information presented in the Board packet. Ms. Hillman asked for clarification on the requirements for pre-school teachers. Ms. Patty responded that licensure was based on a four-year degree, completion of Praxis II (reading and mathematics tests), mentorship, the field of learning exam, and Praxis III (which is not considered in this recommendation). Ms. Hillman asked if it were possible to get the license without the degree requirement. Ms.

Patty indicated that she was not aware of any such waiver provision, but could not answer for sure.

Mr. Gordy questioned the history of this test in other states. Ms. Patty indicated that not too many states have moved into requiring this assessment for pre-school teachers. Thus, there is not much history. She did note that a few states require the test, but there are not consequences or minimum score requirements.

Dr. Westmoreland asked when this requirement would go into effect. Ms. Patty responded "July 1." Dr. Westmoreland inquired about a phase-in period. Ms. Patty indicated that the advisory committee had considered this option and recommended that the requirement be imposed now with no phase-in period. She continued that the advisory committee recommended that a score be set at a level that would not screen out a large number of candidates.

Dr. Westmoreland inquired if performance levels set in other tested areas had considered a transition period. Ms. Patty responded that in the past when tests have changed, there has been some dip in performance of students and that colleges and universities have been involved in the standard setting. She indicated that it was the feeling of the advisory committee (with members from higher education) that the recommended score was set at a rate that takes immediate implementation into consideration. Dr. Westmoreland responded it does not seem to be standard practice to set a score requirement value below a standards value.

Mr. Gordy asked Dr. Westmoreland if she perceived a problem with setting the score value at a low expectation and the expected problems that might occur on the various campuses in implementing the policy. He also inquired about the amount of curriculum revision that would have to occur to provide a program of study that adequately prepares students for this test. Dr. Westmoreland responded that there are always curricula revisions necessary when an assessment changes. However, she did not think it was wise to go a year without an assessment in place, regardless of the expected scores set. She stated she does believe that some university programs will need time to adjust instruction to accommodate this new assessment and get students adequately prepared.

Mr. Gordy summarized that, as a state, it would be better to have a low score for a year, rather than no score for a year. Ms. Rebick inquired as to the next time the Department would review these requirements. Ms. Patty indicated that it would probably be at least two years after data collection and new recommendations formatted. Mr. Gordy asked for confirmation of the 60% passing requirement. He also stated two years was too long between now and reviewing the data.

Mr. Gordy moved approval of the recommendation with the provision that the passing score be reviewed at the end of one year, rather than two. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Act 1738 of 2003 Exemptions

Patty Martin was recognized to present this item. Ms. Caldwell asked how current the list presented was, noting that she received a fax from Dover School District that was not included with this set of recommendations. Ms. Martin responded that the request from Dover was not received in her office in time for review for this meeting.

Ms. Rebick stated that it is amazing how many districts have money for seemingly luxury items; for example, purchasing land for sports facilities. She said districts always seem to have money to do what they want, but not curriculum or important instructional items.

Ms. Hillman moved approval of the recommendations as presented. Mr. Rebick seconded the motion. The motion was adopted unanimously.

Ms. Rebick moved approval of the requested revolving loans. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Report of Waivers to School Districts for Teachers Teaching Out of Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001

Dr. Charity Smith was recognized to present these recommendations. Dr. Smith indicated that there is a concentration of these requests in the shortage areas of mathematics, science, special education and foreign languages.

Ms. Hillman asked how many waivers are coming from teachers who have completed all their work, but are just waiting for licensure to clear. Dr. Smith indicated that number would be relatively small; that most of these are more emergency situations or instances where a regular teacher is asked to teach one or more classes out of their field of licensure. She continued that in some cases these requests come from situations where a fully licensed teacher was in place at the first of the year and, for some reason, that person left the classroom and there is no qualified person to hire as a replacement.

Ms. Rebick inquired if legislators were asking for this information. She observed the numbers of requests for Little Rock and Pulaski County Districts. Dr. Cummins noted that these numbers may be suddenly increasing due to the new electronic monitoring being done in the area of licensure.

Dr. King asked if there was any way of knowing which, if any, of these were Teach for America personnel. Dr. Smith noted that generally those teachers meet Arkansas licensure standards based on their degree for classes they are assigned to teach. Most schools seek to place these teachers in courses for which they qualify.

Ms. Rebick stated she is looking forward to the more detailed report on licensure; that she is convinced that fully licensed teachers are key to content reform. It was observed that in most small schools, all high school teachers must be licensed in at least two areas.

Ms. Hillman moved approval of the recommendations as presented. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Dispute between Pine Bluff and Watson Chapel Regarding School Choice

A full transcript of the proceedings is available in a separate document as recorded by a court reporter.

Scott Smith recommended that the Board take this issue under advisement and make a determination as to the appropriate decision based on the facts at a later time.

Ms. Hillman moved to accept Mr. Smith's recommendation to defer consideration. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Proposed Calendar for 2004

Mr. Lawson moved adoption of the calendar as presented. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Review of Open Enrollment Charter School Applications

Michael Scoles was recognized to present this report.

A full transcript of this item is available under separate cover as recorded by the court reporter.

Dr. Scoles reported that the proposed application from Wabbaseka is no longer viable in that the resident district has fewer than 500 students, which violates a criterion in the legislation and in the Rules for approval of Open Enrollment Charter Schools. He noted that last school year the enrollment at Wabbaseka was just greater than 500, but this year the enrollment has decreased to fewer than 500. Scott Smith stressed that the Board is not required to take action on these proposals at this meeting, however, the Board is required to take action prior to January 31.

Key points of discussion included:

1. A statement from Dr. King that would give the applicants an opportunity to hear about issues or concerns from the staff review and that the applicants have the opportunity to revise the application as noted.
2. Ms. Hillman's request that any missing information or revisions be submitted to the Department for review before the January meeting.
3. Dr. King suggested that any of the applicants should have the option of requesting technical assistance with issues noted in the staff review. Allow adequate time for these revisions to be completed before final consideration of the proposal.

Dr. Scoles reported that three letters of intent were received for conversion charter school proposals. These will be reviewed by ADE staff and recommendations presented at a future meeting.

No action was taken during the review of these proposals.

Other Business

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

Following the executive session Mr. Gordy moved that the Board reconvene. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Ms. Caldwell reported that no action was taken during the executive session.

Ms. Hillman moved adjournment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 1:30 p.m.

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

Interim Director, Tom Courtway

Chair, JoNell Caldwell