

Minutes

State Board of Education
Monday, October 13, 2003

The State Board of Education met on Monday, October 13, 2003, in the Auditorium of the State Education Building. JoNell Caldwell, Chairman, called the meeting to order at 9:00 a.m.

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

No members were absent.

Ms. Caldwell reported the receipt of a letter from Robert Hackler stating his resignation from the Board due to health reasons. Mr. Hackler's resignation is effective immediately. She noted the dedicated service he made to the State Board. A plaque and resolution commemorating his tenure on the Board will be delivered to Mr. Hackler at a later time.

Chair's Report

Ms. Caldwell read a letter received from Hanna Dickinson who was recommended for probationary licensure status at the September meeting. Ms. Dickinson expressed her appreciation to the Board for demonstrating confidence in her ability to meet the probationary licensure conditions as set by the Board.

Ms. Caldwell commented on a report from the A+ Open Enrollment Charter School in Maumelle describing partnerships that are being established, especially with the options for students to take a wide array of courses provided in addition to the adopted curriculum.

The Chair reported on a visit to Arkansas Tech University and the opportunity to sit in on a portfolio review presented by a student pursuing administrator licensure through Tech's revised licensure program. She expressed the opinion that the training program is well-framed to prepare candidates for being a principal.

Other Board members were invited to share visits or activities since the September meeting.

Ms. Tatum reported on attending the High Schools Seminar recently hosted by the U.S. Department of Education in Washington, DC. She noted the well-framed agenda and content of sessions provided to the attendees. She was

impressed with the commitment of schools throughout the country toward meeting the individual needs of students and addressing troubled schools.

Mr. Gordy expressed his personal appreciation for the commitment and legacy of Robert Hackler as a member of the Board. He noted Mr. Hackler's commitment and passion for helping kids. He stated that his commitment and dedication would be missed.

Mr. Lawson reported visiting Benton County School of the Arts Charter School. He observed that this school now serves approximately 400 students and appears to be well organized. He noted that the school's facilities are less than ideal and that the staff and administration seem to be doing well with what is currently available.

Director's Report

Mr. Simon reiterated comments made at Sunday's session stating his last day in the position of Director of the Department of Education would be Saturday, October 25. He stated that he is scheduled for a speech on the 25th, which he will honor. That date was set long before he determined that he would be retiring from the Department. Mr. Simon stated that his confirmation by the Senate was not finalized, but the U.S. Department has requested he come on staff in another capacity that does not require Senate confirmation until the appointment is finalized.

Mr. Simon expressed his appreciation for the support of the Board and the Governor during his tenure as Director.

Mr. Simon stated that the Department of Education is fortunate to have a cadre of staff members who are dedicated and often go well beyond the routine expected office hours to complete a task or an assignment. He noted the difficulty of the Department in employing and retaining highly qualified staff with the limitations imposed by the uniform classification pay system in place. The Department cannot compete with the majority of districts for the highly qualified staff when they can work for 9 months in a local district for the same or more money than is paid by the state. He suggested that the Board support proposals and/or recommendations to provide flexibility in funding of staff for the Department.

Ms. Caldwell thanked Mr. Simon on behalf of the Board for his years of service as Director and stated that his leadership would be missed.

Consent Agenda

Mr. Gordy moved approval of the Consent Agenda. Ms. Hillman seconded the motion. The motion was adopted unanimously.

- Minutes – September 8, 2003
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Department of Education Annual Financial Report June 30, 2002

Action Agenda

Ms. Caldwell reported that some items on the Action Agenda would be taken out of sequence to accommodate staff who have other responsibilities later in the morning.

Dr. Charity Smith was recognized to introduce guests. Dr. Smith reported to the Board that the Assessment Accountability Advisory Committee, which was recently formed to advise the Department on technical issues related to the assessment system, is meeting today in Little Rock. The members of this committee were present and were introduced to the Board.

Identification of Schools in Academic Distress

Dr. Charity Smith was recognized for this presentation. Dr. Smith distributed to the Board materials supporting this item. She also stated that the identification of schools in Academic Distress this year is predicated on a new definition that was included in Act 1467 of 2003 (The Omnibus Quality Education Act) and is further defined in Rules adopted by the Board at the September meeting. Dr. Smith noted that schools identified for Academic Distress under the previous definition were making progress; however, some of those schools continue to have more than 75% of their students performing below basic on the Benchmark exams.

Dr. Smith reminded the Board that the new definition is now totally based on the content standards and there are no phases. Schools identified for Academic Distress have two years to be removed, or sanctions will be imposed in keeping with Rules adopted by the Board.

Dr. Smith reported that the following districts have been identified as meeting the criteria for Academic Distress for the 2002-2003 school year: Altheimer, Elaine, Crawfordville, Parkin, and Saratoga. Dr. Smith indicated that these districts would have 30 days to appeal this designation. After that time, the Department would begin working intensively with those districts to improve the performance on the Benchmark exams. She introduced a panel of educators who will be assigned as site monitors for these districts: Rudolph Howard, Linda Johnson, Harold Robinson, Bob Maddox, and Roberta Clay.

Mr. Gordy stated that the arbitrary number of 75% below basic was an inadequate standard for determining academic distress. He believes the percentage should be somewhat lower. Mr. Gordy stated the Board should revise the Rules to lower this percentage.

The Board asked to receive a copy of the slides from Dr. Smith's PowerPoint presentation. Ms. Caldwell expressed thanks from the Board to members of the Advisory Panel for the work they will do for Arkansas.

Dr. Westmoreland moved that the five schools identified be placed on Academic Distress. Mr. Gordy 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 this item. Dr. Smith reported that this item continues to highlight schools that have difficulty in locating and hiring highly qualified teachers. However, since school began, 35 districts have requested waivers for 121 teaching positions.

Ms. Hillman questioned the hiring practice of some districts, especially in some cases when a district hires a non-certified person when a fully licensed teacher is available. Also, it is reported that *TeachArkansas* has a list of qualified teachers in some of these categories that failed to get an interview. She also stated that the report to the Board would be more complete if it included which teachers were seeking certification and were working on a deficiency removal plan. Also, it was requested that the report include how many candidates (if any) were interviewed who held a teaching license. Ms. Hillman stressed that the Standards for Accreditation require teachers to be fully licensed and this option should not be a strategy for avoiding that standard.

Mr. Gordy inquired as to what would happen if the Board refused to grant these requested waivers. Dr. Smith indicated that every classroom must have a teacher. In those cases where a licensed teacher is not available, a degreed person is a better option than most substitutes. Substitutes too often do not have a degree. If waivers were not an option, districts would probably opt for substitutes. Mr. Gordy observed that this list includes a number of schools not in the Delta. He stated this issue has statewide impact, not just in high poverty schools.

Ms. Rebick noted this report suggests some schools are facing rapid growth and there are insufficient numbers of new teachers to fill the vacancies. Arkansas colleges and universities are not producing the quantity of licensed teachers – especially in some critical areas such as foreign languages, mathematics, physics, etc. – to meet the needs of the State's schools. She noted that the aging of current teachers and the under production of teachers in critical areas will leave many schools severely under staffed in a very few years.

Dr. Smith indicated that the current conditions were less than satisfactory, especially in these already identified areas, but she noted that it could become more dramatic over time. She observed that for various reasons teachers leave

their positions and in those cases, schools must seek replacements – often the replacements will be unqualified.

Ms. Caldwell asked if any of the schools on Academic Distress were included on the waiver request list. Dr. Smith indicated that Altheimer has been on the list.

Mr. Gordy moved adoption of the waiver requests as presented. Dr. King seconded the motion. The motion was adopted unanimously.

Proposed Revisions for Public Comment to Rules Governing Standards for Accreditation of Arkansas Public Schools

Annette Barnes was recognized to present this item. Ms. Barnes stated that the revisions to this set of Rules are designed to serve two purposes: first to include the content of the “Smart Core” as outlined by Mr. Simon at the September meeting; second, minor revisions are included to make some technical changes to the Standards. Mr. Gordy affirmed that the curriculum content included all the Smart Core recommendations. Ms. Barnes confirmed.

Mr. Lawson requested clarification of the social studies course structure, especially noting one entry with emphasis on 20th Century content. In this set of courses, he did not see where students would be required to study early American history or an opportunity for students to learn about the founding and early historical issues that are important. Ms. Barnes suggested that the course structure for high school builds on content studied in earlier grades and this is an attempt to provide a broader study of American history given that students have an opportunity to study early years in Grade 8 and even earlier.

Mr. Lawson also expressed the opinion of a group of teachers in his area of the state concerning the suggestion of teachers for requiring students to take the Advanced Placement (AP) test if they are enrolled in an AP class. These teachers believe that students should not be required to take the AP test to get credit and to qualify for additional quality points. He indicated that he would share the written comments from these teachers. It was pointed out that this document is for public comment and responses such as these are sought during the public comment period.

Dr. Westmoreland inquired about the policy where a student was taking several AP courses during one year, and if those students would be required to take the AP test in each course. Charity Smith responded that it could be possible to set a limit on the number of courses or required exams, but that policy has not been considered at this time. This could be another issue for guidance from public comment.

Mr. Simon stated that concurrent credit was another issue that is of concern for high school and college credit. Dr. Beene, Director of Higher Education, presented this idea at the joint meeting in September. However, there appear to be concerns for licensure, course content and rigor, amount of credit and

payment of course fees at the institutions of higher education. Mr. Simon stressed that the Department's concept of a "rich curriculum" is to expand the opportunity for concurrent credit while a student is in high school. It is apparent that such decisions must involve colleges and universities as well as secondary schools. Mr. Simon did indicate a note of caution. Rigor of courses must be considered for each of the AP, International Baccalaureate, and concurrent credit options.

Mr. Lawson inquired if the Rules should make AP part of the students' grades so that they will take the exams seriously, not just take the test with no vested interest. Dr. Westmoreland suggested that this issue be considered before the final version of the Rules is completed.

Mr. Simon stated that AP helps set a standard of rigor in high school classes. Such courses are intended to help raise student expectation, especially in smaller schools that traditionally have not provided AP courses.

Ann Biggers was recognized for a statement on this issue. Ms. Biggers stated that requiring the test is the only way to verify the rigor and integrity of AP courses. She noted some schools, such as those that provided information to Mr. Lawson, build in rigor and promote the program every year. It would be ideal if every school was so structured.

Dr. Westmoreland noted similar wording between this set of Rules and the proposed ACTAAP Rules. These rules should have consistent wording on the issue of quality points. Ms. Barnes indicated that issue would be corrected before distribution for comment.

Ms. Caldwell cited Claiborne Deming, a former Board member from El Dorado. The El Dorado District provides financial incentives for students who take AP courses and make a score of three (3) or better. This incentive has financial backing from the business and professional community in El Dorado.

Mr. Gordy moved adoption of these proposed Rules for Public Comment with requested changes. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Proposed Revisions for Public Comment to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Janinne Riggs was recognized to present this item. Ms. Riggs noted that the proposed revisions to these Rules are the result of a request by the Board to incorporate the additional testing requirements outlined by Mr. Simon at the September Board meeting. Mr. Simon distributed an estimated cost of the program if it were adopted in full as proposed. (Attachment 1) He noted that these costs would fully fund both the full development and administration of the criterion-referenced test as well as the expanded grades for the norm-referenced

test. Mr. Simon noted that these estimates are for information only, not intended for adoption with these Rules.

Ms. Caldwell asked for clarification of the sanctions: alert, school improvement year 1, etc. Ms. Riggs responded that alert status did not carry any sanctions and was not required by the *No Child Left Behind (NCLB)* statute. Alert was implemented to provide warning to the school that the school failed to make the required performance status or Adequate Yearly Progress (AYP). NCLB required that a school be considered as Improvement – Year 1 status when it fails to make AYP for two (2) consecutive years.

Mr. Lawson indicated that he would like to see some type of incentive for student performance on the ACT and other required assessments. He hopes the public comment will provide some ideas for ways to improve student initiative on completing the assessments in the required testing program.

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

Hearing Regarding Open-Enrollment Charter School Application from Arkansas Virtual Academy

Michael Scoles was recognized to present this issue. Dr. Scoles reported that the Cabot School District filed a letter of opposition to the Virtual School being located in the Cabot School District, but no representative from the district was present. Mr. Scoles introduced Randall Greenway, Director, Arkansas Virtual Academy, for a presentation describing programming available to Arkansas students through this school. Dr. Bror Saxberg and Mr. Greenway presented the highlights of the Virtual Academy. These included the availability of alternative educational programming to any family in Arkansas, the unique work environment for students, a self-paced curriculum targeted to the needs of the individual child, and thorough assessment for mastery as content is learned.

Ms. Hillman expressed her enthusiasm for the program and questioned why the Cabot School System would file an objection then not appear to explain their concerns. John Brown, Chair of the Academy Executive Board, reported that the Academy conducted a public meeting in Cabot and received a favorable response to the presentation.

Mr. Lawson indicated he felt this was a very exciting opportunity for Arkansas and the options provided to Arkansas families. He also noted the strong accountability program maintained by the Academy for student performance.

Mr. Lawson moved that the Open Enrollment Charter School – Arkansas Virtual Academy – be approved to open full time for next school year. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Proposed for Public Comment Rules for Arkansas Governor's School Site Selection

Ann Biggers was recognized to present this issue. Ms. Biggers reported that the proposal is based on a request from the Board. Staff has attempted to include issues and concerns expressed by the Board at its September meeting.

Ms. Caldwell questioned Section 6.04 that requires a criminal background check and the timeliness in which these are completed. Scott Smith suggested that this issue could be investigated with the Arkansas State Police during the public comment period.

Dr. Westmoreland noted the opportunity in the development of a proposal for a campus to showcase its facilities and programming. She also suggested that the scoring rubric should be skewed to more emphasis on programming and content of the curriculum rather than cafeteria food, lodging, and recreation. She recognized the importance of these items to students, but suggested that content considerations should outweigh these issues of material comfort. Ms. Biggers offered to reexamine the scoring rubric before release or during public comment. Dr. Westmoreland suggested including these changes with the public comments and revisions before the final review.

Mr. Lawson noted the omission of the word "not" in section 10.04. Ms. Biggers indicated that was an editing oversight and would be corrected before release for comment.

Ms Hillman moved approval for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Approve for Public Comment Proposed Revisions to Rules Governing Eligibility and Financial Incentives for National Board Professional Teaching Standards

Dr. Frank Servideo was recognized to present this issue in the absence of program manager Barbara Patty. Dr. Servideo reported that these changes are a direct result of changes in legislation and changes in the funding options available for this program.

Mr. Lawson moved approval of these revisions for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Request for Board Adoption of the Final Special Education Rules, Section 3.01 for Child Find

Marcia Harding reported that no comments were received pursuant to these revisions.

Mr. Gordy moved final adoption of these Rules. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Request for Board Adoption of Final Special Education Rules for Mediation and Hearings; Section 10.01.38 and Appendix A, Required Form #4 of Special Education and Related Services: Procedural Requirements and Program Standards

Marcia Harding reported that no comments were received pursuant to these revisions.

Mr. Gordy moved final adoption of these Rules. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Act 1738 of 2003 Exemptions

Ms. Martin was recognized to present this item.

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

Release of Caddo Hills School District from the Dawson Cooperative to the DeQueen/Mena Cooperative

Scott Smith was recognized for this presentation. Mr. Smith reported that this request was reviewed under the provision of the law and found to be consistent with the statutes. Both Dawson and DeQueen Mena Cooperatives agree to this request.

Ms. Hillman moved approval of the request. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Letters of Intent for District Conversion Charter Schools

Dr. Michael Scoles reported that three letters of intent were received from Vilonia, Emmet and Cabot Public Schools pursuant to submission of a proposal for conversion charter school. No action was required.

Public Comment – Jody Parsons

Ms. Parsons was recognized and informed that she must limit her comments to the allotted 3 minutes. Ms. Parsons suggested that one reason Arkansas students did poorly on the writing assessment was due to current emphasis in the content standards and English/Language Arts Frameworks. She suggested students should spend more time learning grammar and mechanics than is currently suggested in the frameworks.

Other Business

Ms. Caldwell read from a letter sent to the Board by Mr. Simon upon his selection as Director of the Department of Education in 1997. In that letter he stated that he would not “let the Board down” given that they had given him the opportunity to serve in the Director’s position. Ms. Caldwell stated that he certainly had lived up to that promise. She thanked him for his work on behalf of the Board and the Department over these years of service and thanked him for his excellent leadership. Ms. Caldwell presented Mr. Simon a plaque recognizing his years of service.

Ms. Hillman moved that the Board go into executive session to discuss personnel matters related to the retirement of the Director. Mr. Gordy seconded the motion. The motion was adopted unanimously.

The Board met in executive session for approximately one hour. At the close of the executive session, Mr. Gordy moved that the Board reconvene. Ms. Hillman seconded the motion.

Ms. Caldwell reported that the Board had discussed the process of hiring a Director and that a national search would be conducted. She named a search committee: Luke Gordy, Shelby Hillman, Jeanna Westmoreland and JoNell Caldwell. Ms. Tatum moved appointment of the search committee as reported. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Mr. Gordy moved adjournment. Ms. Hillman seconded the motion. The motion was adopted unanimously.

The Board adjourned at 12:30 p.m.

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

Tom Courtway, Interim Director

JoNell Caldwell, Chair