

MINUTES
State Board of Education
Monday, May 13, 2002

The State Board of Education met on Monday, May 13, 2002 in the Auditorium of the State Education Building. Robert Hackler, Chairman, called the meeting to order at 9:00 a.m.

The following members were present: Robert Hackler; chairman; Shelby Hillman, vice-chairman; JoNell Caldwell; Claiborne Deming; Luke Gordy; Peggy Jeffries and Calvin King.

The following members were absent: Lewis Thompson, Jr.

Mr. Hackler read a resolution recognizing the service of Betty Pickett from June 06, 1995 to March 22, 2002. He then presented the resolution and a plaque to Ms. Pickett. Ms. Pickett stated that she was honored to serve as a member of the State Board of Education and believed in the importance of public education in Arkansas.

The Board heard presentations from three elementary schools – Stamps Elementary, Marvell Elementary, and Trice Elementary in Texarkana. These schools are representative of those identified to receive an award under the Measuring Performance Honors (MPH) initiative. Representatives from each school identified factors at work that contributed to the high performance of students in the school.

Mr. Simon reported that the Department was in the process of reviewing proposals related to norm-referenced testing. He indicated that provisions of the new federal legislation extending the Elementary and Secondary Education Act – No Child Left Behind – would ultimately impact the state-mandated testing program. He stated that Department staff was still gathering information and it would be some time before the U.S. Department of Education would complete the rule-making process related to this legislation. Mr. Simon indicated that under these conditions, it appears that the best recommendation for a new contract may be to continue with the SAT-9 for at least two years until it can be determined what the State’s requirements will be in the areas of testing and just how a norm-referenced test might factor into those requirements.

Mr. Hackler called the Agenda meeting to order at 10:00 a.m.

CONSENT AGENDA

Ms. Jeffries moved adoption of the Consent Agenda. Mr. Deming seconded the motion. The motion was adopted unanimously.

- Minutes – Regular Meeting April 8, 2002
- Newly Employed, Promotion and Separations

- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report of Waivers Granted to School Districts for Teachers Teaching Out-of-field for Longer Than Thirty (30) Consecutive Days
- Adoption of Amended Arkansas Better Chance Program Regulations

CHAIR'S REPORT

Mr. Hackler reported attending the Education Summit, which featured First Lady, Laura Bush. He stated it was truly an honor to have such a distinguished panel as well as the First Lady here in Arkansas to discuss education.

DIRECTOR'S REPORT

Mr. Simon stated he appreciated the opportunity to participate in the Summit and the visit by Mrs. Bush. He also reported on a recent invitation to meet with President Bush as part of a convening of five chief state school officers and CEO's of eleven of America's largest corporations. The meeting took place in the West Wing of the White House. The topic of the meeting was full implementation of No Child Left Behind and the importance of business and professional organizations in the overall accountability that is expected of public education across our country. Mr. Simon stated that the work that is taking place in Arkansas is successful and is being watched nationally. He stated that Secretary Paige and the President wanted to hear from states and to learn more about successes.

Mr. Simon displayed a poster designed by David Clarke, a fifth grade student from Little Rock who won the state poster contest conducted by the Department and the American Lung Association for the Don't Start Smoking Campaign.

ACTION AGENDA

Public School Fund Budget Revision for Fiscal Year 2001-2002

John Kunkel was recognized for this report. Mr. Kunkel reported that on April 18, 2002, the State Department of Finance and Administration announced a second round of budget cuts for State-funded programs and departments in the amount of \$28 million. Forty-two percent (42%) of that amount was directed to the Department of Education and the Public School Fund. Mr. Kunkel noted areas of the Public School Fund that were being reduced to meet the Department's reductions. He did note that some of the reduction was being absorbed from fund balances. This was done to minimize impact to local districts this late in the year.

Mr. Deming inquired as to the impact this would have on the fund balances going into the next budget year. Mr. Kunkel indicated that under the present budget revisions and projections, approximately \$11 million would carry forward into next year. He did indicate that the Department would need approximately \$14 million to meet the demands of Pulaski County Desegregation expenses for next year.

Mr. Gordy moved approval of the revised budget as presented. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

Rules and Regulations Establishing the Academic Standards for Student Participation in Competitive Interscholastic Activities

Janinne Riggs was recognized to present this item. Ms. Riggs stated that the staff recommendation for action on this issue was to approve the repeal of the present rules and regulations and support the proposal for implementation of the Supplemental Instruction Program (SIP) by the Arkansas Activities Association (AAA). Ms. Riggs confirmed that it was the proposal from AAA to present the issue to the Association's Assembly in August and that the current program would remain in place through the 2002-03 school year. Mr. Gordy avowed his support for maintaining the SIP and having it administered and monitored by AAA. He did express concern that it would be another full year before the implementation of the program.

Ms. Caldwell cited visits with high school principals who reported that the SIP program as currently managed did not work in their schools. She expressed the opinion from those principals that the 2.0 GPA was needed to motivate students.

Ms. Hillman stated it was her opinion that the responsibility for management and operation of this program belonged at the school or district level. It was her opinion that students should be accountable for their grades and actions.

Mr. Hackler supported the policy and structure of the AAA that requires the vote of the Assembly in order for the AAA to adopt new or revised initiatives or directives. He noted that the Assembly is a large body and meets only once or twice each year, but is representative of all member schools. Mr. Hackler also stated that remediation activities in the school should be directed to all students who fail to make a 2.0 GPA, not just the athletes.

Mr. Gordy observed that the State has made great progress in the area of accountability over the last few years. He believes that the current rules and regulations impose a higher accountability on student athletes and students in other activities than is required of other students. He noted that students can graduate from high school with less than a 2.0 GPA, but they cannot participate in activities if their GPA falls below 2.0. Mr. Gordy also stated he would like to see the SIP continue, but with a provision of two semesters at most with progress required at the end of the first semester to qualify for a second semester.

Mr. Hackler asked Mr. Simon to review the current status of this issue. Mr. Simon stated that the proposal to repeal the rules and regulations has moved through the initial stages of the Administrative Procedures Act including posting for public comment, a public hearing, and now awaits action by the Board. Any alternative proposal would require a revision of the rules and regulations, adoption for public comment by the Board, posting

for public hearing and conduct of a hearing. It would take at least 60 days for the approval of an alternate proposal. He did state that such a revision could be adopted and ready for implementation by second semester of the coming school year. Mr. Simon also suggested that another option for the Board would be to change the rules and regulations to mandate the two-semester limit, effective in January, 2003. This would place restrictions on participation earlier than what AAA could accommodate. AAA could then assume the program, with the limits, in 2003-04 as originally planned. Scott Smith (Staff Attorney) stated that any revision of the rules and regulations could include a “sunset” provision at which time they would cease to be effective.

Ms. Caldwell observed that the discussion was leading to a situation that would be very complex and difficult to manage. It seemed to her that an additional level of complexity was being added to the status of this issue.

Mr. Deming moved that rules and regulations be prepared that would support a strict 2.0 compliance with no provision for SIP. Ms. Caldwell seconded the motion. Ms. Jeffries inquired as to which organization would provide oversight. Mr. Simon stated that AAA has a monitoring process in place to validate grade point average of participants in activities events. Ms. Jeffries clarified if this vote were adopted would that mean that all participants would have to have 2.0 beginning with second semester 2002-2003. That was affirmed.

Ms. Hillman indicated that people expressing opinions to her believed the SIP was a viable effort and should be allowed to continue. She further stated that should this motion be adopted, each school should be encouraged to provide some type SIP for students engaged in activities.

The motion was adopted on a 5-1 vote. (Gordy voted no.)

Ms. Riggs clarified the task given to Department staff: revise rules and regulations to reflect 2.0 GPA requirements with no SIP and that the policy would be in force as of January 2003. It was confirmed that options in previous versions of the rules and regulations recognizing proficient scores on the Grade 8 Benchmark and/or end-of-course tests should be included in the proposed revision. The Board affirmed.

Imboden Area Charter School (IACS) Facilities Plan

Randall Greenway was recognized for this item. Mr. Greenway summarized the events that brought this issue back to the Board. He reported that the school’s administrator had secured alternate facilities and Department staff toured the building and reported it met expectations under the guidelines. Mr. Hackler inquired if the facility were handicapped accessible. Mr. Greenway indicated that some modification would be necessary, but assured the Board that funds were available to complete that task and it could be done before the opening of the fall semester. Mr. Gordy moved approval of staff recommendation for approval of alternate facility. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Review of the Fiscal Distress Districts for 2003

Patricia Martin was recognized to present this item. Ms. Martin stated that each year staff and the Fiscal Distress Committee reviews the fiscal situation of each district based on several indicators. These recommendations are the result of unique factors that exist within each district.

Ms. Martin reported that conditions have improved such that staff recommends that Magnet Cove District be removed from fiscal distress. Mr. Deming moved acceptance of the recommendation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Martin reported that Marked Tree District failed to pass the proposed millage and the district failed to fully implement the proposed plan. There is further work to be done with this district. She recommended continuation in Phase I Fiscal Distress. Ms. Jeffries moved approval of this recommendation. Dr. King seconded the motion. The motion was adopted unanimously.

Ms. Martin recommended continuation of Phase II Fiscal Distress for Crawfordsville and Lake View based on improvement made in each district's fiscal condition, but with much work and training of staff yet to be done. She recommended continuation of Phase II until the fall and further review by staff. No action was taken.

For each of the following schools, Ms. Martin cited the specific condition that led to a recommendation for Phase I Fiscal Distress.

District	Motion	Second	Action
Augusta School District	Hillman	Deming	Adopted Unanimously
Bright Star	Caldwell	Hillman	Adopted Unanimously
Eudora	Hillman	Caldwell	Adopted Unanimously
Heber Springs	Deming	Gordy	Adopted Unanimously
Lakeside (Garland County) ¹	Hillman	Caldwell	Adopted Unanimously
Lonoke ²	Hillman	Gordy	Adopted Unanimously
Mt. Judea	Caldwell	Deming	Adopted Unanimously
Mt. Pine	Gordy	Caldwell	Adopted Unanimously
Osceola	Hillman	Deming	Adopted Unanimously
South Mississippi County	Hillman	Gordy	Adopted Unanimously
Witts Springs	Hillman	Caldwell	Adopted Unanimously

¹ Ms. Jeffries inquired about the debt limit of a district. Ms. Martin indicated that the limit was 27%, but that was not an issue with this school.

² Dr. King asked for explanation of "inappropriate expenditure." Ms. Martin stated this was related to findings attributed to the former superintendent by the annual school audit.

Request for Approval for Public Comment, Proposed Rules and Regulations Governing the Process for Submitting a Petition for a Declaratory Order Issued by the Arkansas State Board of Education

Scott Smith was recognized to present this proposal. Mr. Smith stated that these rules and regulations were needed should an entity (school, district or individual) appeal a ruling by the Board. Mr. Gordy moved approval of these proposed rules and regulations for public comment. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Report of the Nominating Committee

Mr. Gordy was recognized to make the report of the Nominating Committee. Mr. Gordy provided the following slate of officers for 2002-2003: Shelby Hillman, Chairman; JoNell Caldwell, Vice-Chairman. No action was taken, officers will be elected at the June meeting.

Stipulated Agreement of a Teaching License – Andrew Westbrook

Scott Smith was recognized to present this item. Mr. Smith reported that a routine background check required upon licensure renewal revealed a previous felony conviction from approximately 20 years ago. Mr. Smith indicated that this conviction was not one that required revocation by the Board. Mr. Smith recommended based on one previous conviction many years ago and a positive work record that Mr. Westbrook be issued a one-year probationary certificate with the option of full licensure option at the end of the year. Mr. Gordy moved approval of recommendation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Stipulated Agreement of a Teaching License – Kelvin Bostic

Scott Smith was recognized to present this item. Mr. Smith reported that a routine background check required upon licensure renewal revealed a previous felony conviction. Mr. Smith indicated that this conviction was not one that required revocation by the Board. Mr. Smith recommended that Mr. Bostic be issued a one-year probationary certificate with the option of full licensure option at the end of the year. Ms. Hillman moved approval of the recommendation. Mr. Deming seconded the motion. The motion was adopted unanimously.

Revocation of a Teaching License – Cortez Smith

Scott Smith was recognized to present this item. Mr. Smith reported that since the Board materials were distributed, Mr. Smith had voluntarily submitted his certification. Ms. Hillman moved that the license be permanently revoked. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

Mr. Hackler announced the annual meeting of the State Board of Education, the Coordinating Board for Higher Education and the State Board for Workforce Education on Wednesday, May 22, 2002.

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

The meeting adjourned at 11:45 a.m.

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

Raymond Simon, Director

Robert Hackler, Chairman