

**Minutes  
State Board of Education  
Monday, March 11, 2002**

The State Board of Education met on Monday, March 11, 2002 in the Auditorium of the State Education Building. Shelby Hillman, Vice-Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Shelby Hillman, Vice-Chairman; JoNell Caldwell; Claiborne Deming; Luke Gordy; Peggy Jeffries; Calvin King; Betty Pickett; and Lewis Thompson, Jr.

The following Board member was absent: Robert Hackler.

**CHAIR'S REPORT**

Ms. Hillman reported that Mr. Hackler named the following members to compose the Nominating Committee to select a slate of officers for next year: Luke Gordy, Chair; Claiborne Deming; and Shelby Hillman. The Committee is requested to prepare a slate of officers to be announced at the May meeting with a vote to be taken in June.

**DIRECTOR'S REPORT**

Mr. Simon reported that the just completed Teacher Fair was very successful. Over 1350 prospective teachers attended and had the opportunity to visit with representatives from 80 districts. He noted that at least one half of those attending were interested in the non-traditional licensure program. He expressed appreciation to Dr. Charity Smith and her staff for taking the lead to make this event successful for a second year.

**CONSENT AGENDA**

Mr. Deming moved approval of the Consent Agenda. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

- Minutes – February 11, 2002
- Newly Employed, Promotions 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 longer than 30 consecutive days – Act 1623
- Personnel Recommendation

## ACTION AGENDA

### Report on Academic Distress

Dr. Charity Smith was recognized for this presentation. Dr. Smith indicated that this report would include multiple recommendations. She provided a brief overview of the legal requirements from which the recommendations are based.

Dr. Smith recommended that the Altheimer School District and the Elaine School District be declared in Phase III of Academic Distress. She provided test data that indicated little or no improvement by students toward making required progress. Dr. Smith reported that the Department had secured the expertise of Dr. David Fetterman to assist with evaluation of these two districts in framing the final recommendations. Dr. Fetterman briefly described his involvement with the review and noted his printed report was distributed.

Ms. Hillman indicated that Mr. Edward Spears, Vice-Chairman of the Altheimer School Board, wished to speak on behalf of that Board. Mr. Spears distributed a statement (Attachment 1), which he read without further comment.

Dr. Smith called attention to the detailed set of recommendations for actions that would set in motion a partnership agreement between the Board and the Altheimer and Elaine School Districts.

Dr. King inquired as to the process for informing the local boards of the action that was scheduled to happen. Dr. Smith responded that there should be no surprises. Both of these districts have been under scrutiny and receiving very focused and intense technical assistance for several years. She indicated that the local board has been apprised of action at each step. Also, Mr. Simon and Dr. Smith met with District administrators prior to making these recommendations.

Ms. Pickett expressed support for the partnership concept to be implemented. Mr. Simon noted that Altheimer School District has been declared academically distressed for six (6) years, and the last five of those in Phase II. He agreed that the rollout plan was not presented until Friday of the previous week, but other conditions have been building over the last five years.

Mr. Simon summarized the major components of the recommended plan and the recommended budget required to implement the plan.

Mr. Gordy expressed his compliment for the partnership concept and the move to restructure these two districts. He suggested that this action sends a clear message that the State is committed to improvement of student learning in all our districts. Mr. Gordy moved that the Altheimer School District be declared in Phase III academic

distress and adoption of the plan for restructuring and partnering with the District as presented. Ms. Pickett seconded the motion.

Ms. Pickett further declared her support for the plan as proposed and stressed the need for quality professional development for the staff. She also called for support from the Arkansas School Board's Association or other resources to provide training for the Altheimer local school board.

Dr. King expressed concern that the local school board had not been involved in the development of the plan of action.

The motion was approved with six favorable votes. Dr. King abstained.

Ms. Caldwell moved that the Elaine School District be declared in Phase III academic distress and adoption of the plan for restructuring and partnering with the District as presented. Ms. Pickett seconded the motion. The motion was adopted unanimously.

Dr. Smith listed the following recommendations for various levels of academic distress.

Districts to be removed based on improved test scores over a two-year period.

- Crawfordsville
- Forrest City
- Gould
- Waldo
- Winslow

Districts to remain on the **Watch List**.

- Carthage
- Lake View
- McNeil
- Saratoga

Districts to remain in **Phase II**.

- Helena-West Helena
- Lee County

Districts to be added to the **Watch List**.

- Dermott
- Lakeside/Lake Village

Ms. Pickett moved adoption of staff recommendations. Dr. King seconded the motion. The motion was adopted unanimously.

Dr. Smith presented plaques to representatives from those districts removed from the academic distress list.

### **Grade Inflation Study Report**

Mr. Simon reported that minor revisions have been made to the original document discussed at the previous meeting. The revisions were based on comments received. One was to simplify the report and compute only one index and a second change is was for the model to use the highest student score on the ACT to compute the index. He noted that within 30 days after final adoption, the model will be implemented and schools will be identified. Mr. Simon stated that schools identified by the model will be notified and will have to meet the expectation of the law to report to the community and to report to the Department. In turn a report will be made to the Legislature. Ms. Pickett moved adoption of the model as amended. Mr. Deming seconded the motion. Mr. Gordy asked for confirmation that schools identified will report proposed actions to the state. Mr. Simon confirmed. The motion was adopted unanimously.

### **Establishing the Academic Standards for Student Participation in Competitive Interscholastic Activities**

Janinne Riggs was recognized for this presentation. Ms. Riggs reported that Department staff had completed the survey requested by the Board to determine what type of policy, if any, was in place in other neighboring states. She indicated that the primary policy was for a state "activities" association to monitor and administer such programs in these neighboring states.

Ms. Pickett suggested that one of the primary issues in developing policy for this situation was to recognize the difference in setting academic requirements for students and graduation requirements and setting conditions under which students are eligible for participation in activities and especially sports. In this instance, she noted, the legislature and/or the Board set standards for academics and the Board also sets eligibility for activities.

Ms. Pickett inquired if under the adoption of these recommendations, is there assurance that the Arkansas Activities Association (AAA) will continue to hold the current rules and regulations as part of their by-laws and governance? What policy or criteria is in place that would assure that the AAA will not change their policy and weaken the requirement, or even do away with the "2.0 grade point" requirement? She reminded the Board that in a previous vote last July the Board adopted the policy that would require keeping strict compliance of the 2.0 grade point policy. At that time it was pointed out that ACTAAP and the new end-of-course test would further regulate the conditions under which student performance would be monitored. She also stated that prior to the adoption of the 2.0 policy there were very unequal standards in place across the state. Administrators requested the adoption of statewide, uniform standards. Ms. Pickett stressed that she thinks eliminating these

rules and regulations is a step backwards. She suggested that the Board maintain the standards and possibly allow AAA to monitor the compliance.

Mr. Deming asked Ms. Riggs for clarification of what the state policy would be if the Department's recommendations were adopted. Ms. Riggs stated that the AAA policy is for students to meet a 2.0 grade point to be eligible to participate in activities and that there would be a supplemental instruction program for those who do not meet that criteria – essentially the same policy as is now in place.

Mr. Gordy stated that the primary problem with the current policy is lack of monitoring. He believes that the program is basically a good program, but a few schools abused the plan and that caused us to be in this situation. Mr. Gordy asked if the AAA policy had a length of time beyond which a student could not compete if they failed to earn a 2.0 grade point average? Mr. Coates, representing AAA, indicated their policy was one semester.

Mr. Simon noted that ACTAAP is now in place as is the end-of-course testing, which will be given for the first time to all students who qualify this spring. The Department policy is that all students must become proficient based on these tests. There are a number of policies currently in place that were not there when this set of rules and regulations was initially developed and adopted.

Ms. Pickett stated that if the Board adopts the recommendation to repeal these standards, then we have no standards and we are at the mercy of school administrators and coaches to maintain the policies through the AAA. She believes there are problems with this scenario.

Ms. Jeffries inquired of Mr. Coates, is the governing Board of AAA committed to keeping the grade point standard and monitoring compliance? Mr. Coates responded that he believed that would be the position of the AAA Board.

Mr. Deming, asked Mr. Coates, to convince him that AAA would keep high standards. Mr. Coates responded that in his opinion, the main point of discussion would be the length of time a student stays in SIP. Mr. Deming asked Mr. Coates if he were committed to the 2.0 requirement and SIP. Mr. Coates indicated he was.

Mr. Deming asked if the State Board could request periodic reports from the AAA concerning the monitoring of the schools compliance of this policy with at least a semiannual report on students in SIP. Mr. Coates stated this would be agreeable.

Mr. Deming stated that the real losers when schools allow students to move through school without maintaining high standards are the students. Students cannot function within the system or in the business or professional world without high level of mastery of content and high standards. He believes the Board has a great responsibility to

maintain high standards for schools and students. He observed that the Board had done a poor job with monitoring this program.

Ms. Riggs suggested that the adoption of the proposed recommendations would be for public comment. This will allow Department staff to advertise public hearings on this topic and keep it for further study after public comment.

Ms. Pickett moved that the Board maintain the current rules and regulations and add a six-month maximum time that students can engage in SIP programs. The motion also provided for AAA to monitor the rules and regulations. Ms. Jeffries seconded the motion.

Ms. Caldwell suggested that should the Board approve the recommendations, and things are not maintained up to expectation, the Board could always reconsider the action at a later time.

Dr. King asked if the AAA administered the program and at some point decided to weaken the standard, would the Board have a way of learning of the new action. Mr. Simon indicated that the Department has a representative on the AAA Board and the Department would easily track any action of this nature.

Mr. Gordy stated that if the AAA is willing to maintain the standard and willing to monitor, that should be sufficient to maintain the standard. If that fails the Board can always reconsider its action.

The vote on the motion to maintain rules and regulation failed by a 2 to 5 vote. Pickett and Jeffries voted yes.

Mr. Gordy suggested tabling until Coates can confirm from the AAA Board its willingness to adopt a 6-months time limit for students to be in an SIP program. Mr. Coates can come back in April and report. Mr. Coates stated that the next meeting of his Board is June and it will be virtually impossible for a meeting before the April Board meeting.

Mr. Gordy moved adoption of the Department recommendation for public comment. Ms. Caldwell seconded the motion. Mr. Gordy clarified that Mr. Coates should come back to the April meeting and at least give a progress report on the stance of the AAA on commitment to maintain standards and to the 6-month limit for SIP participation. The motion was adopted by a 5 to 2 vote. (Pickett and Jeffries voted no.)

### **Charter School Applications, Final Decisions**

Randall Greenway was recognized for this presentation. Mr. Greenway reminded Board members that during the past three meetings, the Board has had the opportunity to question the developers of these Charter Schools. He indicated that the developers were present and available to respond to further questions from the Board.

Osceola School District

Mr. Deming moved approval of the conversion Charter School application from the Osceola School District. Ms. Jeffries seconded the motion. The motion was approved unanimously.

Focus Centre of Learning Inc.

Mr. Deming observed that the expectations as depicted in the goals and objectives of this proposed school are very low.

Mr. Greenway stated that Department staff did visit this proposed site and it appears that Board concerns for the facilities and approval of city codes has been addressed.

Dr. King moved approval of this proposal. Mr. Thompson seconded the motion. The motion failed on a roll call vote; 3 for the motion, 4 opposed to the motion and 1 abstained. (For: King, Jeffries and Thompson; opposed Gordy, Caldwell, Deming and Hillman; abstained: Pickett)

The following reasons were cited for denying this proposal.

1. Goals and objectives were not challenging.
2. Standards for performance expectations were low.
3. Student performance in a similar program in Texas was observed to be very low as compared to other schools. Data appeared to indicate student performance declined rather than improved while enrolled in Focus Centre.

Dr. King asked if the Department shared its concern about the Texas performance with the developers. Mr. Greenway responded that the staff did not make a recommendation to approve or deny this or any of the proposals. He did confirm that the staff did advance the concern for performance of the school on the Texas assessment system. Mr. Greenway did indicate that staff concerns for facilities and city approval of codes was expressed and addressed by the developers of the proposal.

Imboden Area Charter School, Inc.

Mr. Deming asked for a clarification of the expectation as written in the goals and objectives. Mr. Rorex developer of the Imboden Area Charter School confirmed that expectation was for the students to perform in the top 80% on test scores.

Mr. Deming moved approval of this proposal. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

KIPP: Delta, Inc.

Mr. Gordy moved approval of this proposal. Ms. Caldwell seconded the motion. Mr. Deming inquired as to the source of funding to renovate the facilities as proposed in

the application. Mr. Shirey, representing Delta, Inc., indicated that Phillips National Bank of Helena underwrote the funds.

The motion was approved unanimously.

City of Wabaseka

Mr. Greenway remarked that a follow-up visit to proposed facilities was not made by staff. He also reported that the legal requirements for conducting the public hearing were not met by the developers of this proposal.

Ms. Caldwell moved that this application be denied. Mr. Gordy seconded the motion. The motion was adopted. (Vote: in favor 6, opposed 0, abstained 1. Dr. King abstained.)

Reasons cited for denial of the application:

1. Did not meet legal requirements for the public hearing.
2. Other schools in this county are in Phase III of academic distress.

### **Review of Probationary Status – Benton County School of the Arts**

Randall Greenway was recognized to present this update. Mr. Greenway reported that visits to this school have been productive and much work has been completed pursuant to recommendations from Department staff from the Standards Assurance Unit and from Special Education Unit. He noted that Annette Barnes, Coordinator of the Standards Assurance Unit, has confirmed that improvements at the site have met all requirements of that unit. Mr. Greenway did report that progress was being made in the area of meeting all the requirements of the Special Education Unit; however, not all program improvements were in place. Marcia Harding, Associate Director of Special Education, reported that planned improvements should be completed by April 1. Mr. Greenway recommended that the Board continue the probationary status through March 31 and allow additional time to meet all requirements.

Mr. Gordy moved approval of staff recommendation to continue probation through March 31. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

Ms. Pickett inquired if other Charter Schools may have some of these same conditions? Mr. Greenway indicated that he did not think that would be the case. He reported all Charter Schools will be monitored on an annual basis.

### **Proposed Revision to Charter School Applications**

Randall Greenway was recognized to present this item. Mr. Greenway reported that several revisions are proposed in the application form for Charter Schools. Some of the changes include going back to an earlier application deadline. This will provide

more time for proposal development. Revisions are proposed to the section that addresses goals and objectives with the intent to assure higher quality proposals and more precise, measurable statements of goals and objectives.

Ms. Pickett suggested that item #7 should be structured to address student learning. Proposals should be required to project student performance goals.

Ms. Caldwell moved approval of the proposed amendments to the application forms. Mr. Deming seconded the motion. The motion was approved unanimously.

### **Revocation of a Teaching License**

Scott Smith was recognized to present this item. Mr. Smith stated that Ms. Hess was identified as having committed a felony by the routine background search when she applied for renewal of the license. He reported that Ms. Hess was not currently teaching and was not contesting this action.

Ms. Pickett moved permanent revocation of the license. Mr. Gordy seconded the motion. The motion was adopted unanimously.

### **Adjournment**

Mr. Deming moved adjournment. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 11:35 a.m.

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