

Minutes
State Board of Education
Monday, April 09, 2001

The State Board of Education met on Monday, April 09, 2001, in the Auditorium of the State Education Building. Luke Gordy, Chairman, called the meeting to order at 11:00 a.m.

Members present: Luke Gordy, Chairman; Richard Smith, Vice-Chairman; JoNell Caldwell; Claiborne Deming; William Fisher; Shelby Hillman; Betty Pickett; and Lewis Thompson, Jr.

Members absent: Robert Hackler and Anita Yates.

CHAIR'S REPORT

Mr. Gordy reported that he represented the Board in presentations of Blue Ribbon Awards to five elementary schools.

Ms. Hillman reported visiting the State Capitol and attended a session of the Senate Education Committee.

Mr. Fisher reported participation in an evaluation of a regional service cooperative and attendance at the national conference for the North Central Association as part of the state delegation.

Mr. Gordy also reported that Board member Anita Yates would not be attending due to recent health problems and that Mr. Hackler would not be attending due to sudden illness in his family.

CONSENT AGENDA

Mr. Gordy reported that item C-4, Review of Loans and Bonds Applications, was being moved to the Action Agenda.

Mr. Smith moved adoption of the Consent Agenda as amended. Ms. Hillman seconded the motion. The motion passed unanimously.

The following items were included on the Consent Agenda:

- Minutes from March 12, 2001 (Regular Meeting)
- Minutes from March 12, 2001 (Joint Meeting with other Education Boards)
- Minutes from March 19, 2001 (Special Telephone Session)
- Newly Employed, Promotion and Separations
- Personnel Recommendation

DIRECTOR'S REPORT

Mr. Simon reported that the contract review process had been completed pursuant to a contractor to develop and score the Arkansas Criterion Referenced Testing Program for the next five years. He indicated that Data Recognition Corporation was not the low bidder and new recommended contractor was Questar. Among the considerations was the ability of the company to get score reports back to schools in less time. However, it was noted that scoring of open-ended item takes more time than scoring of the traditional multiple-choice items. The new contract will require a 90-day turn around. He also informed the Board that there is legislation pending that would potentially link the end of course exams to scholarship awards for graduating seniors.

Mr. Fisher inquired how or if this new contract would impact the spring/fall testing issue. Mr. Simon noted that this contract is for the criterion referenced tests, which are given in the spring. This decision in no way impacts or sets precedent for a new contract, which would guide any new norm referenced tests that would be selected after next year.

Mr. Gordy asked if the new test contractor would continue with the same type assessment as currently compose the CRT. Mr. Simon assured him that there was no intended change in the test format or the schedule on which it was administered.

ACTION AGENDA

Ms. Pickett moved that an item be added to the Action Agenda to consider adoption of Board Goals for 2001. Ms. Hillman seconded the motion. The motion passed unanimously.

Ms. Hillman moved that an item be added to the Action Agenda that would consider approval for public comment Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers. Mr. Smith seconded the motion. The motion passed unanimously.

Mr. Deming moved that an item be added to the Action Agenda to reconsider minimum scores on selected area tests in the Praxis II assessments. Ms. Hillman seconded the motion. The motion passed unanimously.

Mr. Fisher moved that an item be added to the Action Agenda to consider approval for public comment revisions to the Rules and Regulations Governing Loans and Bonds Applications. Mr. Smith seconded the motion. The motion passed unanimously.

Academic Distress Annual Report

Dr. Charity Smith was recognized for this presentation. Dr. Smith distributed a report summarizing the status of academic distress in the state and data reflective of student performance in those schools currently at any stage of distress. She further recognized the presence of representatives of school districts impacted by academic distress

guidelines. Dr. Smith highlighted the continued progress of the Holly Grove District in maintaining and improving student performance over the past year.

Dr. Smith made the following recommendations to the Board:

- Removal of Dermott School District and Parkin School District from Academic Distress
- Continuance of Lake View, Saratoga and Waldo districts on the Watch List
- Addition of Carthage, Forrest City, and McNeil to the Watch List
- Continuance of Gould, Helena/West Helena, Lee County, and Winslow in Phase I of Academic Distress
- Continuance of Altheimer, Crawfordsville and Elaine in Phase II of Academic Distress.

Ms. Pickett inquired as to the number of years that the schools in Phase II have remained at that level with minimal or limited progress. Dr. Smith responded: Altheimer, 3 years; Crawfordsville, 3 years; and Elaine, 4 years.

Mr. Fisher observed that two districts – Helena/West Helena and Lee County – were recommended to stay at Phase I when it appears from the data that their performance seems to decrease rather than improve. Dr. Smith responded that the recommendation from the team was based on indicators other than test scores.

Ms. Pickett commended staff for work with all districts and noted the improved performance of most of the districts in response to staff effort. She expressed concern for those schools in which little or no progress has been observed. Richard Smith stated that his impression from the “expert” panel brought in last month was that we are moving in the right direction and we employ many of the same strategies for working with distressed districts.

Ms. Pickett moved adoption of staff recommendations with the request for a report to the Board for specific actions to be taken by the Department for working with those districts in Phase II. Mr. Thompson seconded the motion. Mr. Fisher moved an amendment to the motion to place Helena/West Helena and Lee County in Phase II Academic Distress. Mr. Deming seconded the amendment. The amendment passed on a 6-1 vote. (Smith voted no.) The amended motion passed unanimously.

State Board of Education Resolution to Encourage Local School Districts to Award Honorary High School Diplomas to World War II Veterans who Entered Military Service Before Finishing High School.

Brenda Matthews was recognized for this presentation. Ms. Matthews introduced Mr. Jim Miller, Deputy Director of Veterans Affairs who is sponsoring such awards to individuals who qualify. Mr. Miller’s organization seeks to work through each county to identify those who qualify and provide a list to the local school officials. Mr. Fisher

moved approval of the resolution as provided by staff. Mr. Deming seconded the motion. The motion passed unanimously.

Waiver Days

Scott Smith was recognized to present this issue. He informed the Board that currently neither the Board nor the Department had authority under statute or rules and regulations to grant a waiver of the Standards. S. Smith circulated a draft of proposed emergency rules and regulations that, if adopted by the Board, would allow the Director to waive up to five days. It was explained that emergency rules and regulations are only valid for a period of 120 days. Mr. Simon indicated that any request for a waiver of days greater than 5 days would be referred to the Board for consideration. Fisher moved adoption of the proposed emergency rules and regulations. Mr. Thompson seconded the motion. The motion failed on a 2-5 vote. (Fisher and Thompson voted yes.)

The question was raised as to the process for acting on the three petitions for waiver received and presented to the Board for action. S. Smith informed the Board that with the defeat of the emergency rules and regulations, the Board lacks authority to take such action. Further discussion was tabled with the request to S. Smith to revise the proposed emergency rules and regulations that would be acceptable to the Board.

The Board recessed for lunch. Mr. Thompson was not present when the Chairman called the meeting to order at 1:30 p.m.

Review of Qualified Zone Academy Bonds (QZAB) Allocation Applications

Patricia Martin was recognized to present this item. Ms. Martin reviewed the procedure that was followed in reviewing proposals that were submitted for consideration under this funding period. She noted that some schools submitted requests or components of the application that did not meet the published guidelines. Ms. Pickett expressed concern that some schools did not understand the guidelines and thus submitted applications that were not acceptable. Mr. Fisher stated concern for the status of applications from the three districts that received a “tabled” recommendation from staff. His concern was that if all applications with a favorable recommendation are to be funded, there is no money left in this allocation period for additional schools. Ms. Martin responded that staff worked closely with schools on request and that the deadline was extended to accommodate some applications. She indicated that some proposals do have inconsistencies and do not meet the guidelines.

Scott Beardsley was recognized to present additional information concerning the Greene County Tech application. He expressed an opinion that the 35% poverty rate was interpreted more strictly in the state than was intended in the federal guidance. Elementary schools qualify, but too many high school students do not complete the free lunch applications, thus lowering the high school rate and making the entire district not eligible. His conjecture was that the federal guidance provides some degree of flexibility

in calculating the district poverty rate that was not considered by the State's rules and regulations.

Following a discussion concerning the extent to which various applications met the adopted rules and regulations and giving consideration to the issues raised regarding the 35% poverty requirement, Mr. Fisher moved that a decision on the six applications recommended for funding and the 3 applications recommended as tabled be delayed until the May meeting. Ms. Caldwell seconded the motion. Ms. Martin suggested that this motion requires staff to rewrite applications and/or pull out or eliminate non-eligible items, which is essentially what schools were required to do to meet the program guidance given. Mr. Fisher suggested that perhaps a school-by-school review could be made rather than a district wide proposal. Department staff stated that schools did not prepare applications on a school-by-school basis. Such a revision would have to be done by the schools. Ms. Martin suggested that such a revision might not be fair to those applications submitted within the established timelines that met the published guidance. Ms. Pickett suggested that such revisions could be made and application resubmitted in August for the next application deadline.

The motion to table failed on a 1-6 vote. (Fisher voted yes.)

Mr. Smith moved to accept staff recommendations as published in the Agenda Book. Ms. Caldwell seconded the motion. The motion passed unanimously.

Ms. Pickett suggested that staff propose revisions to the rules and regulations prior to the August application cycle.

Commitment to Principles of Desegregation Settlement Agreement Report on the Execution of the Implementation Plan

Dr. Charity Smith was recognized for this report. Dr. Smith introduced Mr. Willie Martin who recently joined the staff as Lead Planner in the Desegregation Office. Dr. Smith highlighted the staff training conducted by Department staff related to assessment and alternative forms of assessment. She also reported productive sessions attended by all parties subsequent to the recent settlement agreement.

Ms. Caldwell moved acceptance of the report. Mr. Smith seconded the motion. The motion was approved unanimously.

Waiver Days

Mr. Deming moved that the vote on the motion that defeated the adoption of emergency rules and regulations enabling the Board to consider waiver days be expunged. Ms. Caldwell seconded the motion. The motion to expunge was adopted unanimously. Scott Smith was recognized to distribute revised copies of emergency amendments to Rules and Regulations Governing the Standards of Accreditation. These revisions provide a window of opportunity for school districts to submit requests for waiver on or before

May 9 that will be reviewed and acted on by the Board at its May 14, 2001 meeting.
(Attachment)

Ms. Hillman moved adoption of the emergency amendments to Rules and Regulations Governing the Standards of Accreditation. The motion was approved unanimously. Scott Smith advised the Board that by adopting the emergency amendments, the Board could consider the waiver proposals received subsequent to the March Board meeting. (Four school districts submitted proposals.)

Ms. Pickett moved that the request from Valley Springs District be tabled due to conflicting information in the proposal. Mr. Fisher seconded the motion. The motion was adopted unanimously.

Mr. Fisher moved that the request from Marion County District be tabled due to conflicting information in the proposal. Ms. Pickett seconded the motion. The motion was adopted unanimously.

Mr. Fisher moved that the request from Deer School District be approved. Ms. Hillman seconded the motion. The motion passed on a 5-1 vote. (Pickett voted no.)

Ms. Pickett moved to deny the request from Foreman School District. Ms. Hillman seconded the motion. The motion passed unanimously.

Request for Additional Waivers for the Little Rock Elementary Charter School

Mr. Randall Greenway was recognized for this presentation. Mr. Greenway reviewed the request and indicated that this request was in keeping with the intent of the Charter School proposal and that staff recommended approval of the waivers. Mr. Fisher moved approval of the request. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

State Board Policy Governing the Loans and Bonds Committee's Consideration of Second Lien Bond Issues in Compliance with Senate Bill 603

Patricia Martin was recognized to make this presentation. Ms. Martin indicated that short-term policy would be required to approve second-lien bonds between now and June 30, 2001. Mr. Smith moved adoption of the proposal. Ms. Caldwell seconded the motion. The motion passed unanimously.

Ms. Pickett requested that staff provide information concerning Bonds approved under this policy.

State Board Motion Governing the Issuance of Second Lien Bonds as Proposed in Senate Bill 603

Ms. Hillman moved adoption of this policy. Mr. Smith seconded the motion. The motion passed unanimously.

Affirmative Action Report

Clemetta Hood was recognized to review this document with the Board.

Licensure Issues

- Non-Traditional Licensure

Donna Zornes was recognized to present additional information on this issue. Ms. Zornes indicated that further revisions had been made since the Board materials were distributed. ([Attachment](#))

Mr. Gordy stated that Mr. Hutchison representing the Arkansas Education Association (AEA) had requested the opportunity to speak to this issue. Mr. Gordy recognized Mr. Hutchison. Mr. Hutchison stated that the AEA believes that all licensure candidates, including non-traditional candidates, should be held to the same standards for grade point and licensure examinations. It was his conjecture that the policy outlined lacks consistency in those two areas.

Mr. Simon described an appeals process should a candidate wish to challenge the decision of the licensure committee. The first option for review would be by the Director of the Department of Education. If the candidate made a second appeal of the decision, the issue would be referred to State Board of Education. The Board's decision would be final.

Mr. Deming suggested this was a positive move, but staff should monitor the process very carefully during the implementation process. Mr. Deming moved adoption of the guidelines as provided on the revised document. Ms. Hillman seconded the motion. The motion passed unanimously.

- Licensure Reciprocity

Mr. Smith moved adoption of the Licensure Reciprocity Guidelines. Mr. Deming seconded the motion. The motion passed unanimously.

- Professional and Technical Teaching Permits

Mr. Smith moved adoption of the Professional and Technical Teaching Permits Guidelines. Ms. Caldwell seconded the motion. The motion passed unanimously.

Consideration of minimum scores on selected area tests in the Praxis II assessments

Based on a request from members of the Board, four content areas of the Praxis II assessment were identified as “high failure” tests. Staff distributed a recommendation that identified Art Making (0131), Mathematics: Content Knowledge (0061), Social Studies: Analytical Essays (0082), and Spanish: Productive Language Skills (0192) as exams in which there is an unusually high failure rate. Ms. Pickett suggested that before a decision was finalized on setting alternate test scores, additional information about cut scores in other states would be helpful in making a decision. Mr. Deming moved that cut scores for these four areas be set at the lowest score point of Quartile 2 on the Arkansas score distribution for each of the 4 content areas. Mr. Smith seconded the motion. Ms. Pickett expressed concern that this would set the math score too low to assure high quality teachers in the classroom. Mr. Gordy requested that the Department staff conduct a study of cut scores in all content areas by contacting other states that use the Praxis II assessment. The motion passed 4-2. (Fisher and Pickett voted no.)

Revocation of a Teaching Certificate

Scott Smith was recognized to present this item. Mr. S. Smith summarized the materials provided in the Agenda and indicated there was no new information. He stated that Ms. Wright was not in attendance and that she had not contacted the Department since receiving the certified notification. Ms. Pickett moved revocation of the licensure. Ms. Caldwell seconded the motion. The motion passed unanimously.

Adoption of Board Goals for 2001

Ms. Pickett moved acceptance of the Board Goals as printed except in the area of technology. The technology section would be revised in keeping with suggestions made during the Work Session. (See attachment for Goals as revised.) Mr. Smith seconded the motion. Mr. Deming noted that the goals lack specificity and should suggest a “target.” He suggested that an achievement goal should be to review the performance of students in the southern region and compare Arkansas student’s performance with that of the region. The motion passed unanimously.

Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

Mr. Deming moved adoption of these rules and regulation for public comment. Ms. Hillman seconded the motion. The motion passed unanimously.

Review of Loans and Bonds Applications

Mr. Gordy reported that Patricia Martin requested that this item be moved from the Consent Agenda for revision. Ms. Martin reported that Hamburg School District request should be removed from consideration in that a proposed millage increase vote in the district failed. Ms. Pickett moved adoption of the Loans and Bonds Applications as amended. Mr. Deming seconded the motion. The motion passed unanimously.

Revised Rules and Regulations Governing Loans and Bonds Applications

Mr. Deming moved adoption of these rules and regulations for public comment. Mr. Smith seconded the motion. The motion passed unanimously.

Nominating Committee

Mr. Gordy appointed the following to compose the nominating committee and charged it with recommending a slate of officers for the next fiscal year: William Fisher, Chair; JoNell Caldwell; and Shelby Hillman. The committee is to report at the May meeting.

Ms. Caldwell moved adjournment. Ms. Hillman seconded the motion. The motion passed unanimously. The meeting adjourned at 2:50 p.m.

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