

State Board of Education
Minutes
May 14, 2001

The State Board of Education met on Monday, May 14, 2001, in the Auditorium of the State Education Building. Luke Gordy, Chairman, called the regular meeting to order at 9:20 a.m.

The following members attended: Luke Gordy, Chairman; Richard Smith, Vice-Chairman; Jo Nell Caldwell; Claiborne Deming; William Fisher; Robert Hackler; Shelby Hillman; Betty Pickett; Lewis Thompson; and Anita Yates.

No members were absent.

Board Member Reports

Mr. Smith represented the Board as part of a delegation that visited schools in El Paso, TX, to review P-16 initiatives at work and to observe schools that have demonstrated high performance of students on achievement tests. He also reported on the Healthy Schools Network meeting, which is part of the NASBE initiatives.

Mr. Hackler spoke to local civic clubs and made school visits in his area of the state.

Ms. Caldwell attended the Job Fair conducted by the Departments of Education and Higher Education. She commended staff for a job well done and noted the high level of interest and attendance of potential teachers.

Mr. Gordy visited with Arkansas congressmen in Washington, DC, concerning reauthorization of the Elementary and Secondary Education Act (ESEA) programs and funding for special education. He noted the close link of the apparent direction of ESEA to the TAP program supported, in part, by the Milken Family Foundation.

CONSENT AGENDA

Mr. Gordy announced that Consent Agenda Item C-3, Request for Final Approval of Rules and Regulations Governing the Intervention Block Grant Program, was being moved to the Action Agenda.

Ms. Hillman moved adoption of the amended Consent Agenda. Ms. Yates seconded the motion. The motion passed unanimously.

- Minutes – April 9, 2001
- Newly Employed, Promotions, and Separations

Director's Report

Mr. Simon commended staff for a job well done in preparing for and conducting the Job Fair. Approximately 50 districts staffed a booth and were actively working to recruit from the 842 candidates who registered and attended. He stated that there would be a process to follow up with those who attended to determine if they become teachers in Arkansas schools. It was also noted that a significant number of those attending would be seeking non-traditional licensure status.

Mr. Simon requested that Brenda Matthews report on the final status of the legislative session. Ms. Matthews distributed a summary of education issues and noted a work plan for actions that would be required of the Agency and Board to implement the various Acts adopted during the session.

ACTION AGENDA

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

Review enrollment data from Academics' Plus Charter School to determine the potential impact on the desegregation efforts of the Pulaski County school districts.

Mr. Randall Greenway was recognized to make this presentation. Mr. Greenway pointed to a summary list of students who have pre-enrolled to attend this school and the district from which they would be transferring. Mr. Greenway stated that the packet had been reviewed by Scott Smith, ADE Attorney. Mr. Gordy asked if Mr. S. Smith had determined if there was any impact on the desegregation of schools in the Pulaski County districts. Mr. S. Smith indicated that if each of these students were to be enrolled, there would be no school left below the minimal court established minority enrollment ratio. Ms. Pickett moved adoption of the report as meeting the Boards condition for approval of the school. Mr. Deming seconded the motion. The motion passed unanimously.

Review of the revised charter school applications and the new limited charter school application

Ms. Pickett expressed concern for the lack of information provided concerning the new legislation and guidance regarding the limited charter school category. Mr. Fisher moved adoption of the revised application packet for Open Enrollment and Conversion Charter Schools. Ms. Hillman seconded the motion. Ms. Hillman noted that a number of charter schools in other states are experiencing budget difficulties and are being forced to close as a result. Ms. Pickett questioned whether the application information should provide more direction and information as opposed to simply citing a reference to the information. Also there were questions about eliminating some of the requirements for contacting parents in the case of open enrollment charter school applications. The motion

to approve passed unanimously. (The Board requested that the issue of limited charter schools be included on the June agenda for further discussion.)

Proposed Boundary Line exchange between Beebe School District and McRae School District

Scott Smith was recognized to present this item. Mr. S. Smith reviewed the need for the Board to address this and similar issues. He indicated that this was a “friendly” transfer between these two districts and both Boards have adopted the proposed changes. Mr. Fisher moved approval of the staff recommendation. Mr. Hackler seconded the motion. The motion passed unanimously.

Waiver Days

Mr. Gordy reviewed the history of this issue as discussed in two previous meetings. He expressed his concern for the seemingly large number of schools that were being recommended for waiver days by staff, thus excusing or removing the opportunity for students to spend adequate time on task in classroom instruction. He suggested that rather than approving this list, the Board should consider each case independently and determine the extent to which the school had used spring break days, holidays, and other options for making up days missed before voting for approval of a waiver.

Documentation for each of the following requests was reviewed and the following motions were adopted.

School District	Action	Motion	Second	Comments
Alread	Deny	Hackler	Pickett	Unanimous
Ashdown	Deny	Pickett	Yates	Unanimous
Bergan	Approve	Fisher	Hillman	Unanimous
Bismark	Deny	Yates	Pickett	Unanimous
Blevins	Deny	Pickett	Hillman	Unanimous
Bright Star	Approve	Hackler	Deming	Unanimous
Brinkley	Deny	Hillman	Pickett	Passed
Genoa Central	Deny	Pickett	Deming	Unanimous
Greenland	Deny	Pickett	Yates	Unanimous
Hackett	Deny	Pickett	Hillman	Unanimous
Hartford	Deny	Pickett	Deming	Unanimous
Highland	Approve	Fisher	Hackler	Unanimous
Kirby	Deny	Pickett	Yates	Unanimous
Lead Hill	Deny	Pickett	Fisher	Unanimous
Marion County	Deny	Pickett	Caldwell	Unanimous
Mt. Holly	Deny	Hillman	Pickett	Unanimous
Mt. View	Approve	Deming	Smith	Passed
Mountainburg	Deny	Fisher	Pickett	Unanimous
Norfolk	Deny	Smith	Pickett	Unanimous
Oden	Deny	Pickett	Deming	Unanimous
Omaha	Approve	Fisher	Deming	Unanimous
Scotland	Deny	Pickett	Yates	Unanimous
Scranton	Deny	Deming	Pickett	Unanimous
Shirley	Deny	Fisher	Caldwell	Unanimous

School District	Action	Motion	Second	Comments
Smackover	Deny	Hillman	Hackler	Unanimous
South Conway County	Deny	Pickett	Hackler	Unanimous
Valley Springs	Deny	Pickett	Deming	Unanimous
Waldron	Deny	Pickett	Yates	Unanimous
Western Grove	Deny	Yates	Deming	Unanimous
Wonderview	Deny	Pickett	Yates	Unanimous
Caddo Hills	Deny	Hackler	Hillman	Unanimous
Foreman	Deny	Pickett	Deming	Passed
Nevada	Deny	Pickett	Yates	Unanimous
Stephens	Deny	Pickett	Smith	Unanimous
Paron	Deny	Hackler	Caldwell	Unanimous
Mt. Ida	Deny	Pickett	Deming	Unanimous
Oark	Deny	Pickett	Hackler	Unanimous
Timbo	Deny	Smith	Pickett	Unanimous
Gurdon	Deny	Pickett	Deming	Unanimous
St. Paul	Approve	Hillman	Caldwell	Unanimous
Emerson	Deny	Pickett	Smith	Unanimous

Mr. Gordy closed this review by stating he hoped these actions send a strong message from the Board of its intent to have a full 178 days of classroom instruction.

Arkansas Better Chance Recommendations

Recommend budget for the Arkansas Better Chance Program for Fiscal Year 2001-2002 and program recommendations.

John Kunkel was recognized for this presentation. Mr. Kunkel provided background information about the current budget process and indicated that due to revenue forecasts, budget cuts seem inevitable this biennium. He did state in previous years when programs were dependent on early funding – such as summer school activities – budget items have been recommended for consideration prior to full disclosure of the budget. Kunkel noted that early budget projections cut revenue for the ABC program for the 2001-2003 biennium to \$6.6 million a year. The legislature approved a tax on beer with proceeds earmarked for early childhood programs. There is no history of funding, thus the amount of revenue generated is undetermined, but adequate to bridge funding up to the previous year’s funding of \$9.9 million per year. Mr. Fisher inquired as to the use of funds generated that might exceed the previous year’s funding, specifically he asked if such increases might be used to make up projected cuts in other education programs. Mr. Simon informed the Board that it was the intent of Senator Riggs and others that supported the levy that any additional revenue would be used for early childhood programs. Ms. Yates suggested tabling any consideration of funding until the full budget is available. Mr. Smith stated his opinion for approving the request because the programs are on going, serve children throughout the state and focus on getting children ready to enter school. Mr. Fisher asked for a clarification as to when revenue from the beer tax would begin to flow into the system and how would the programs be funded until that time. Mr. Kunkel noted that early funding would be from the Public School Fund, but collections would be made on a monthly basis throughout the year. Mr. Fisher

questioned further if it were legislative intent that ABC programs were funded over any other program in the education budget. He was assured that was the intent. Ms. Yates pointed out that funding ABC programs before the full budget was available was no different from funding the Leadership Academy or any other program. Mr. Fisher asked Janie Fletcher (Program Coordinator) if the current proposal could be fully funded with the requested \$9.9 million. She responded yes.

Mr. Smith moved full approval of program recommendations as presented by staff. Mr. Thompson seconded the motion. The motion failed 2-7 (Smith and Thompson voted yes.) Mr. Deming moved that the program be funded today at the level of \$9.9 million. Mr. Hackler seconded the motion. The motion passes on an 8-1 vote. (Pickett voted no.)

Ms. Hillman and Mr. Thompson left the meeting.

Licensure Revocations

Mr. Robert Gatlin: Scott Smith was recognized to present this issue. S. Smith summarized the case by indicating a change of position by Mr. Gatlin caused a background check, which revealed a previous felony charge. Mr. Gatlin confirmed this event. Records indicate no further charges and that Mr. Gatlin was an active classroom teacher. Staff recommends a one-year probationary license at which time a full license would be granted. Mr. Fisher moved to accept staff recommendation. Mr. Smith seconded the motion. The motion passed unanimously.

Nora Roberts: Scott Smith presented this issue. S. Smith indicated that Ms. Roberts' license was suspended last year and further investigation reveals charges of sexual misconduct. She was notified of the recommendation to revoke the license. There was no response. The audience was polled and she was not present nor was she represented. Mr. Hackler moved revocation. Ms. Caldwell seconded the motion. The motion passed unanimously.

Billie Turman: Scott Smith presented this issue. S. Smith stated that Ms. Turman was reported by the superintendent of Bay School District. S. Smith indicated that Ms. Turman agreed to voluntary surrender her license. Ms. Yates moved to permanently revoke the license. Mr. Smith seconded the motion. The motion passed unanimously.

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

Dr. Charity Smith highlighted actions since the April meeting indicating that the parties continue to be actively involved in the plan. Mr. Fisher moved acceptance of the report. Mr. Smith seconded the motion. The motion passed unanimously.

Request for approval of Emergency Amendments to the Rules and Regulations Governing the Certification Laws and Regulations

Donna Zornes was recognized to make this presentation. Ms. Zornes reminded the Board that these policies were discussed at the April meeting and this is a formal statement of policy amending the process for review and approval of reciprocity of licensure of teachers from other states. Staff requested two additional amendments to the proposal. Amend Section 20.21 to read as follows: “Any applicant possessing a valid (unexpired) standards teacher’s certificate from another state or country.” Amend Section 20.22 (G) to read as follows: “Professional exams required for out-of state or out-of-country teacher licensure may be accepted for Arkansas teacher licensure. Mr. Fisher moved adoption as amended. Mr. Smith seconded the motion. The motion passed unanimously.

Licensure Issues – Transition of Deficiency and Removal Plans (DRP) to Additional Licensure Plans (ALP)

(Note: Part b – Educational Administration Licensure was removed by a memorandum from the Director to the Board prior to the meeting date.)

Donna Zornes was recognized to present this issue. Ms. Zornes noted to the Board that under the new guidelines, licensure is not always dependent on coursework. Prospective candidates for licensure are expected to meet established performance expectations. Also, some of the areas of certification under the previous guidelines no longer exist. Thus, she explained, it is necessary to transition this component of licensure. The Board raised questions about a seeming conflict in proposed start-up date and being able to staff schools this fall with individuals who continue working toward full licensure. Mr. Smith reminded staff that the State needs teachers; a large number of new teachers will begin teaching in the fall who are not fully certified. He stressed that the process should be easier and simpler, not harder. Ms. Zornes pointed out that Deficiency Removal Plans could no longer be issued in a number of areas because those areas of licensure no longer exist under the new plan. Ms. Pickett moved that the recommended date for the transition plan be revised to begin on August 1, 2001 and candidates would have until December 31, 2003 to complete the program of study; and, effective immediately no new DRPs would be issued. The motion died for lack of a second.

The Board asked Ms. Zornes to describe how a candidate would enter the new system and what they would have to do to develop an Additional Licensure Plan. She explained that the new system is performance based and not dependent on coursework. Candidates may enter the system without fully meeting the licensure standard and may be granted up to three years to meet the new plan. Mr. Fisher moved that new Department recommendations be approved with the following revisions: (1) delete any reference to administrator licensure, and (2) clarify how additional licensure plan would be secured. Ms. Caldwell seconded the motion. The motion passed 5-2. (Pickett and Yates voted no.)

Declaration of Critical Academic Areas as Required by Act 1146 of 2001, Section 2(3)(A)

Dr. Bobbie Davis was recognized to present this item. Dr. Davis summarized the materials provided prior to the meeting and stressed that this was another strategy to

address the need for teachers in certain content areas. By approving such a list, retired teachers may reenter the workforce without putting their retirement benefits in jeopardy. Dr. Davis also noted that teachers of English as a second language was proposed to be added to the list previously provided. Mr. Simon stated that Arkansas has experienced a 270% increase in the number of ESL teachers needed over last year. Mr. Smith moved approval of the following areas as critical shortage areas: secondary mathematics, secondary science, areas of special education, foreign language, and English as a second language. Mr. Fisher seconded the motion. Ms. Pickett inquired as to why should it be necessary to limit the policy to these content areas, why not just open up the system to allow any retired teacher the option of returning to the workforce. Mr. Simon responded that the Teacher Retirement System actuaries had advised that too many teachers reentering the workforce would make the system unstable. Also, he indicated that any superintendent could make a special request for hard to fill areas. The motion was adopted unanimously.

Revised Rules and Regulations Governing Loans and Bonds Applications

Mr. Fisher moved that these rules and regulations be approved for public comment. Mr. Smith seconded the motion. The motion was adopted unanimously.

Request for final approval of the Rules and Regulations Governing the Intervention Block Grant Program

Ms. Pickett inquired as to the level of funding for this program. Mary Kaye McKinney responded that the exact funding would not be fully known until the budget process is complete. But, she did explain that this program combines a number of grant programs that are similar in structure and are currently administered in the same office. Consolidation of funding would decrease the number of proposals that some schools must prepare to participate in various components of the program. Ms. McKinney stressed that no new funds were being requested for this program and the combining of the programs would help restructure some program guidelines. Ms. Caldwell moved adoption of the proposed rules and regulations. Mr. Smith seconded the motion. The motion was approved unanimously.

Other Issues

Mr. Gordy inquired about a letter issued by Scott Smith concerning the need for redistricting local school board elections. Mr. Simon indicated that law has been on the books since 1993, but there were revisions in 1999. He stated that the memo was intended to inform local district superintendents about their obligations under the law. Mr. Simon agreed that additional information was needed and the matter was being addressed.

Ms. Pickett expressed concern for not receiving all Board information in a timely fashion. Some items were distributed at the meeting and a decision was expected before Board Members had adequate time to study the recommendation.

Nominating Committee Report

William Fisher, Chair of the Nominating Committee reported the following recommendations for officers for Fiscal Year 2001-02: Chairman, Robert Hackler; Vice Chairman, Shelby Hillman. Mr. Gordy reminded the Board that the election would be held at the June meeting. He thanked the committee for preparing this slate of officers.

Ms. Hillman moved adjournment. Mr. Smith seconded the motion. The meeting adjourned at 12:00 noon.

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