

Minutes
State Board of Education
Monday, June 10, 2002

The State Board of Education met on Monday, June 10, 2002, in the Auditorium of the State Education Building. Robert Hackler, Chair, called the meeting to order at 9:00 a.m.

The following members were present: Robert Hackler, Chair; Shelby Hillman, Vice-Chair; Jo Nell Caldwell; Claiborne Deming; Luke Gordy; Calvin King; and Lewis Thompson, Jr.

The following members were absent: Peggy Jeffries.

Mr. Simon requested that the Agenda be amended to allow for the addition of the following items:

1. Add two additional school districts, Lonoke and Eudora, to Action 5, Appeal of Placement on Fiscal Distress Phase 1.
2. Adopt for public comment, Proposed Rules and Regulations Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act.
3. Comments from members of the General Assembly.

Mr. Gordy moved approval to add these items to the Action Agenda. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

CONSENT AGENDA

Ms. Hillman moved approval of the Consent Agenda. Dr. King seconded the motion. The motion was adopted unanimously.

- Minutes, May 13, 2002
- Newly Employed, Promotions and Separations
- Personnel Recommendation
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Review of Loan and Bond Applications
- Approve Curriculum/Program Administrator Licensure Language Modification Recommendation
- Educational Cooperative Transfer: Concord School District from Arch Ford Education Service Cooperative to Northcentral Arkansas Education Service Cooperative
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Days.

The following members of the General Assembly were recognized to speak to the Board: Representative George French, Representative Maryanne Salmon, Representative LeRoy Dangeau, and Representative Harman Sewell. Each spoke on behalf of funding for the State Library System and requested that the Board give favorable consideration to some level of funding in the Department budget for 2002-2003.

ACTION AGENDA

Update on Status of Supplemental Instruction Program (SIP)

Mr. Simon reported to the Board that staff had completed the task of revising the rules and regulations document consistent with action at the May meeting. He also reported that the Arkansas Activities Association (AAA) Board had met and is prepared to offer an alternative proposal. He requested that Mr. Jimmy Coates be allowed to speak and present the AAA proposal. Mr. Simon distributed a letter from Dr. Kellar Noggle, Executive Secretary of the Arkansas Association of School Administrators (AASA), which summarizes a survey conducted by AASA reflecting the preference of superintendents and principals on the issue of the 2.0 GPA requirement for participation in interscholastic activities. (Attachment 1)

Mr. Coates stated that the AAA Executive Committee would submit to its full Governing Board in July a proposal that would meet the expectation of the Board for administration of the 2.0 GPA requirement with the option for a supplemental instruction program (SIP) for students not meeting the 2.0 requirement. Students would have one semester to make progress and a second semester to fully meet the 2.0 requirement. Students not making progress during the first semester would not have the option of a second semester. Mr. Coates stated that it was his belief that this proposal would pass the Governing Board and could be in place by the second semester of 2002-2003.

Mr. Hackler stated his support for the SIP program. He indicated that problems with the program were not inherent with the program, but those administering or implementing the program in the schools. He also noted that it was his opinion that students who participate in athletics or other school activities are being singled out for higher expectation than other students: members of the Board should be dedicated to high performance of all students. He believes that ACTAAP outlines a system for high expectations and establishes student improvement plans once it becomes fully operational.

Mr. Gordy observed that with the proposal from AAA, the Board now has two viable options for consideration.

Mr. Deming indicated his strong conviction that the Board as well as the educational system should be more intent on supporting scholars, not athletes. He stated that adopting the AAA proposal sends the wrong message and puts more emphasis on activities than academics.

Mr. Hackler responded that by adopting the AAA proposal, the Board is placing higher expectations on those engaged in activities than other students. Under this system, there is a penalty for not having a 2.0 GPA, but a student can still graduate with much less than a 2.0 GPA.

Ms. Caldwell extended congratulations to those 49% of the districts that have set a firm 2.0 GPA for participation with no option for SIP.

Mr. Gordy believes the AAA proposal does give students a second chance and students at that age should have the option.

Dr. King clarified that the proposal affects students who participate in band, choir and other activities in addition to athletics. That was confirmed.

Mr. Simon outlined two options available to the Board for consideration:

Option 1: Give final approval to amendments to rules and regulations previously adopted that repeal those guidelines with the understanding that AAA will immediately assume management and regulatory authority of the current requirements for participation in interscholastic activities. Beginning with the spring semester of the 2002-2003 school year, the supplemental instruction program will have a two-semester limit and will require a student show progress at the end of the first semester otherwise be dropped from the program at the end of one semester. Finally, repeal references to the supplemental instruction program contained in the Standards for Accreditation of Public Schools in Arkansas.

Option 2: Adopt for public comment proposed rules and regulations requiring strict compliance with the 2.0 GPA as contained in the new draft included with this Agenda Book. (This provision contains no provision for the SIP.)

Ms. Hillman asked for clarification of the requirements of the proposed SIP program. The response was to be eligible to participate in the SIP, a student must pass four (4) core courses but have less than 2.0 GPA. To maintain eligibility at the end of the first semester, the student must show an increased GPA. The student must earn at least a 2.0 GPA by the end of the second semester or the student is no longer eligible to participate in activities. Ms. Hillman also asked if other students who did not participate in extracurricular activities were allowed to be in the SIP. Mr. Coates responded that it was unusual for a non-competing student to be in SIP, but that was the option of the school and there are instances where that does occur.

Ms. Hillman asked when does ACTAAP become fully operational and how does the ACTAAP impact the management or requirements of SIP. Mr. Simon responded that student scores for Algebra I, Geometry and Literacy at the high school level are expected back by late summer. For any student not performing at proficient, an improvement plan

must be developed for that student. Mr. Simon also indicated that additional exams would be developed over time, the next being in biology.

Ms. Hillman expressed her concern for allowing two semesters for a student to raise the GPA to 2.0. She inquired if it would be possible to limit participation in the SIP to one semester, not two.

Dr. King noted that often it takes a student longer than one semester to raise the GPA to the required 2.0 level. If the limit were one semester, he believes that many students would become discouraged and not try to meet the requirement, thus increasing the potential for dropping out of school.

Mr. Deming moved adoption of the strict enforcement of the 2.0 GPA as contained in Option 2 as outlined by Mr. Simon. Ms. Caldwell seconded the motion. The motion failed on a 2-4 vote. (Deming and Caldwell voted Yes.)

Mr. Gordy moved adoption of Option 1 as outlined by Mr. Simon. Dr. King seconded the motion. The motion was adopted on a 4-2 vote. (Deming and Caldwell voted No.)

Approval for Public Comment Proposed Rules and Regulations Governing the Guidelines, Procedures and Enforcement of the Arkansas Public School Choice Act

Mr. Gordy moved adoption of these proposed rules and regulations for public comment. Dr. King seconded the motion. The motion was adopted unanimously.

Public School Fund and State Operating Budget for Fiscal Year 2002-2003

John Kunkel was recognized to present this item. Mr. Kunkel provided background information concerning procedure for developing and submitting these budget documents to the Department of Finance and Administration and to the Governor's Office. He reported that the budget projection for 2002-2003 is currently set at 96% of Category A with additional funds in the public school trust fund. State law sets minimum amounts that must be budgeted based on previous budgets and priorities established by State law. Mr. Kunkel reported that meeting the conditions of the law consumed over 90% of funds available. However, some anticipated new expenditures may be funded through the use of federal funds to the extent allowed by reauthorization and the "no supplant" condition.

Mr. Simon stated that some balances must be maintained to meet the Pulaski County desegregation obligations as set by the courts. For the current year those obligations are approximately \$46 million. He noted that the expected need for fund balances for 2002-2003 is in the \$12 to \$13 million range.

Mr. Deming inquired as to what was included in the line item "incentive funding." Mr. Kunkel explained that those funds are to support schools that vote local millage in excess of 25 mills and is a financial incentive to such districts. He also noted that isolated

funding was there to support very small geographically isolated schools with higher than usual costs for such items as transportation.

Mr. Gordy observed that reductions in proposed expenditures for Smart Start and Smart Step apparently are examples of costs to be assumed through federal funds. That was affirmed.

Dr. King expressed concern for funding cuts that would support programs for alternative learning classes. Dr. King asked for clarification as to how such programs managed in schools. Mr. Simon responded that the Board previously adopted rules and regulations that frame these programs and require each school to provide options for students when it is apparent that the regular classroom is not the proper environment for the student. He noted that it costs more to educate these students due to smaller class size, alternative facilities often are required, and additional curriculum materials and instructional resources are needed. It is difficult for adequate programs to be continued without additional resources. Funding over the recent years has been on an application basis and approximately 170 schools have requested and received additional funds to implement an alternative classroom or instructional setting. Mr. Simon noted that the amount of funds currently available is most inadequate to provide the quality program needed in most schools. He did suggest that limited evaluation reports reveal that programs that have been operational over the past few years have been marginally successful at best.

Dr. King expressed strong feeling that with the emphasis of President Bush's No Child Left Behind, Arkansas will not be meeting the challenge for some children if the funds for alternative learning classrooms are eliminated. Dr. King stated it was a bad precedent to eliminate funding for students who need it the most. He further expressed the opinion that the need for such programs was more predominant in some depressed areas of the state and schools in those areas need more help and they're not getting it.

Mr. Simon requested that the Board allow two representatives from the Crawford County Library be allowed to address the Board based on their formal request. Eva White and Glenna Omarian expressed concern that all state funding for libraries was being eliminated. Both recognized the need for requesting direct funding for libraries from the legislative process but noted that was not an option for the second year of the current biennium.

Ms. Hillman stated that she supports libraries for all the same reasons as expressed by representatives of the General Assembly who spoke earlier and others who have communicated with her and other Board members. She made a plea for supporters of the library to go to the General Assembly and seek a separate line item in the State budget rather than expect the Department of Education to continue to support the libraries through the Department's budget. She also suggested that libraries might seek public or private grant funds to support expanded activities.

Mr. Simon endorsed Ms. Hillman's comments and indicated he would assist supporters of the library system in getting a new line item for libraries in the State budget.

Dr. King reiterated his concern for funding for alternative learning programs and how such programs will impact poverty students. Mr. Simon stressed that cuts are essential and there are only a few options based on requirements of the law. He did note that with an increase in equalization aid, schools would be getting “healthy” increases. He observed that because of constraints of the law, it is impossible to consider a percentage cut across each line item.

Ms. Caldwell stated that one cannot argue with the need for funding of the libraries. She asked if there was any way that some funds could be provided to the libraries. Cutting their funds to zero is harsh. She expressed that she would like to see the Board consider some funding for the libraries with the understanding that this would be the last time for any special consideration and that any new funding would have to come directly from the legislature or some other source outside the Department of Education budget. Mr. Hackler confirmed that it was his understanding that other sources of funds would be sought for the 2003-2005 biennium budget.

Mr. Deming asked for ideas as to where funding might be found if the libraries were to receive some funds for 2002-2003.

Mr. Simon responded that it would be necessary to reduce one or more line items to be able to shift funds to support the libraries. He did indicate that currently the line item supporting transportation aid/safety training is budgeted at \$1 million, \$750,000 is used for safety training for the current year and is the amount essential to continue the program at the current level. The \$250,000 could be shifted into the library fund. Also, technology improvements could be reduced by \$250,000 leaving \$1 million in that line item. Anything beyond that would have to reduce poverty or isolated school funding.

Dr. King stated that he admired the responsiveness of staff and the Board to needs of the libraries. He does not believe that poverty or isolated school funding should be reduced in that those are the schools/districts that need it the most.

Ms. Hillman moved that the Board adopt suggestions by Mr. Simon to reduce transportation aid/safety training by \$250,000 and technology improvements by \$250,000 and increase library funding by \$500,000 and make no further adjustments to the proposed budget. Mr. Deming seconded the motion. The motion was adopted unanimously.

Dr. King asked for an affirmation that all schools are required to provide alternative-learning programs now with zero funds budgeted to support such programs in the schools. He asked if there was any way that some funds could be shifted that would provide for resources for those programs. Mr. Simon again indicated that any further cuts would have to come from poverty or isolated funds.

Mr. Gordy inquired if there was any excess funding, perhaps in the Mathematics and Science School Budget.

Mr. Deming moved approval of the Public School Fund Budget as amended. Ms. Caldwell seconded the motion. The motion was adopted on a 5 –1 vote. (King voted No.)

Mr. Deming moved approval of the State Operating Budget as presented. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

Arkansas Better Chance Program Recommendations

Janie Huddleston was recognized to present this item. Ms. Huddleston reported that the information in the Agenda Book reflects staff recommendations for program funding for the 2002-2003 budget year. Program activities that are continuing have been screened against criteria established by the Board. Mr. Deming moved approval of the recommendations as presented. Dr. King seconded the motion. The motion was adopted unanimously.

Appeal of Placement on Fiscal Distress Phase 1

Patricia Martin was recognized to present this item. Ms. Martin stated that four districts have submitted new or additional information that removes issues that caused the review committee to make the Phase 1 recommendation. Mr. Gordy inquired if such information was available at the district before the previous meeting when these designations were made. Ms. Martin responded that in most cases it was, but was not submitted.

Ms. Caldwell moved that **Mount Judea School District** be removed from Fiscal Distress Phase 1. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Caldwell moved that **Mountain Pine School District** be removed from Fiscal Distress Phase 1. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Caldwell moved that **Eudora School District** be removed from Fiscal Distress Phase 1. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Caldwell moved that **Lonoke School District** be removed from Fiscal Distress Phase 1. Dr. King seconded the motion. The motion was adopted unanimously.

Revocation of a Teaching License – James Nolley, Jr.

Scott Smith was recognized to present this item. Mr. Smith reported that Mr. Nolley had previously agreed to accept revocation and has surrendered his license voluntarily. Ms. Caldwell moved permanent revocation of the teaching license of James Nolley, Jr. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Petition to Change School District Boundary Lines: Evening Shade/River Valley

Scott Smith was recognized to present this issue. Prior to engaging in the discussion of the specifics of these two districts, Mr. Smith suggested that some general procedural statements should be considered and adopted by the Board. These procedural statements will set the parameters and guide deliberations in such matters. Mr. Smith distributed the document “Arkansas State Board of Education Policy of Procedures for Hearing Petitions Pursuant to AR Code Annotated 6-13-1210.” (Attachment 2) Ms. Caldwell moved adoption of the procedures as presented. Ms. Hillman seconded the motion. The motion was adopted unanimously.

In keeping with the adopted policies, Karen Smith, newly elected superintendent for Evening Shade presented opening arguments; Bill Bristoe, attorney for the River Valley District responded. Greg Crabtree, superintendent of River Valley District also provided comments.

Mr. Gordy inquired if both districts participate voluntarily in school choice. Both superintendents responded yes. Mr. Gordy asked if transportation were provided when choice options were involved. Both responded yes at the option of the receiving district; however, bussing is an issue especially when buses transverse deeply into the adjoining district.

Mr. Deming expressed his preference for options of school choice. He questioned why either district would be concerned over routes of buses used to provide transportation for students who exercised choice options.

Dr. King questioned the extent to which bussing through an adjoining district would negatively effect students in either district. Mr. Crabtree suggested that it would, but did not respond as to how.

Mr. Gordy moved to deny the request for proposed change of boundary lines between these districts. Dr. King seconded the motion. The motion was adopted on a 5 – 1 vote. (Deming voted No.)

Petition to Change School District Boundary Lines – Magnolia/McNeil School Districts

Scott Smith was recognized to present this issue. Mr. Smith reported that the Magnolia School District was not represented. He contacted Dr. John Moore, Superintendent of the Magnolia School District to inquire if he intended to appear before the Board. Dr. Moore reported that he did not. Mr. Smith also indicated that there is some concern for this petition in that there is an unanswered question about court ordered desegregation in at least one of these districts. Dr. King stated that he would be opposed to considering this issue as long as there is an unanswered desegregation issue with either district. Mr. Gordy moved denial of the petition. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Election of Officers

Dr. King moved that Shelby Hillman be elected as Chairman for 2002-2003. Mr. Thompson seconded the motion. The motion was adopted unanimously.

Dr. King moved that JoNell Caldwell be elected as Vice-Chairman for 2002-2003. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Adjourn

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

The meeting adjourned at 12:15 p.m.

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

Raymond Simon, Director

Robert Hackler, Chair