

Minutes

State Board of Education
Telephone Conference Call, Thursday, May 26, 2005

The State Board of Education met via telephone conference call on Thursday, May 26, 2005. The call originated in the Auditorium of the State Education Building at 9:00 a.m.

Dr. Charles Watson called the roll and determined that a quorum was present. The following Board members reported present: JoNell Caldwell, Chairman; Dr. Jeanna Westmoreland, Vice-Chairman; Sherry Burrow; Dr. Calvin King; Dianne Tatum; and Dr. Naccaman Williams.

The following Board members were absent: Shelby Hillman, Randy Lawson and MaryJane Rebick.

Request for Approval of QZAB Reallocation

Patricia Martin was recognized to present this item. Ms. Martin reported that two districts informed the Department that allocations previously made to those districts could not be used: Hope School District due to a fire at the high school building and Westside School District in Johnson County due to a change in plans for construction at the district level. Ms. Martin stated that these funds are available for reallocation to other schools and that reallocation was made consistent with the Rules that govern the program. Ms. Tatum asked for additional clarification as to why other schools were not included in the reallocation. Ms. Martin responded that some districts were originally fully funded; others indicated to the Department that the current allocation is sufficient to meet their projected needs and that these slated to receive the additional allocation received a reduced allocation. Dr. Williams asked if other districts were to return funding, how would it be reallocated. Ms. Martin indicated it would follow the Rule and probably go to these districts that still have not received funds to meet all their remodeling requests.

Dr. Williams asked about any option for Hope receiving some of the funds. Ms. Martin responded that these funds must be used for remodeling or renovation, not for new construction. She stated that in Hope's case it has been determined that the buildings destroyed by fire will have to be new construction, which is not eligible for QZAB funding.

Ms. Tatum moved approval of the reallocation as presented. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Request of Waiver from the Hope Public School District for Number of Instructional Days, due to Catastrophic Occurrences

Dr. Charity Smith was recognized to present this item. Dr. Smith reported that earlier in the year Hope High School was destroyed by fire and for five days, April 18-22, the students were not able to attend school while the district was making arrangements for alternate classroom space. She stated that this request is for a waiver of five instructional days for these students.

Ms. Tatum moved approval of the waiver request in view of the catastrophic occurrence. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Approval to Submit for Public Comment an Amendment of Arkansas Department of Education Rules Governing Distance Learning

Jim Boardman stated that these proposed revisions to this rule were required by recent changes in legislation that addressed distance learning. Dr. Williams noted that charter schools were eligible and asked about how a charter school district was defined in the Rule. Mr. Boardman responded that open enrollment charter schools may draw students from a number of districts and thus their boundaries would be linked to the students attending that school.

Ms. Burrow moved approval of the Rule for Public Comment. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request for Approval for Public Comment a Revision of Arkansas Department of Education Rules Governing the Distribution of Student Special Needs Funding and The Determination of Allowable Expenditure of These Funds (Act 59 of 2003)

Dr. Bobbie Davis provided a summary of revision to this Rule and noted that more than one Act is referenced in making the revisions. Dr. Williams observed that the Rule for funding professional development states local district funding will be up to \$50 per student and inquired what was the determining factor of the final allocation. Dr. James stated that at the end of the session the General Assembly adopted that language and set aside \$4 Million to be used by the Department of Education to develop statewide professional development options, which comes off the top of the overall allocation for funds to be distributed under this Rule.

Ms. Tatum moved approval for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Request for Approval for Public Comment a revision of Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program and the Academic Distress Program

Dr. Charles Watson summarized the changes in this Rule that were required as a result of statutes enacted during the 85th General Assembly. Ms. Burrow

asked about the retention based on high school literacy. Dr. Gayle Potter stated that the high school literacy test is not an end-of-course test and as such is not associated with a course, so there is no place to deny credit.

Dr. Williams inquired about the definition of pass as introduced in the rule and how that determination would be used in the implementation of the accountability system. Dr. Potter responded that pass is a new designation that was introduced in legislation this year and the pass rate will be set as part of the standards setting process once student results are back from scoring. Dr. Williams asked if pass rate would be linked to a category (Basic or Below Basic). Dr. Potter indicated that the standards setting committee will make that determination.

Dr. Westmoreland moved that this Rule be approved for public comment. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request for Approval to Submit for Public Comment Arkansas Department of Education Rule Governing Professional Development

Janinne Riggs stated that this Rule was previously part of the ACTAAP Rule, but because of the increased requirements and its impact, the Department presents a separate document for professional development. Ms. Riggs stated that two intended revisions were not included in the draft, which was submitted with the Agenda materials, and requested that the following changes be included in the version submitted for public comment.

- 4.11 Beginning in the 2005-2006 school year, for those teachers who have not maintained a teaching license but who wish to renew their license shall be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License.
- 4.14 Beginning with the 2005-2006 school year, a teacher meeting the criteria of Section 4.12 of these rules who has not maintained a current teaching license but who wishes to renew his or her license shall be required to meet the 5 conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License.

Ms. Tatum moved approval for public comment as amended. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Request for Approval to Submit for Public Comment Proposed Rules Governing Incentives for Teacher Recruitment and Retention in High Poverty Districts with an Average Daily Membership of 1000 or Fewer – Act 101

Dr. Bobbie Davis summarized proposed revisions to the Rule. Ms. Tatum moved approval for public comment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Request for Approval to Submit for Public Comment an Amendment of Proposed Rules Governing the Restriction of School Districts from Employing Relatives of School Board Members

Dr. Davis stated that this Rule is a proposed revision to the ethics Rule and is intended to restrict employment of family members of local school board members. She stated that there is a provision that allows the Commissioner to approve exceptions.

Ms. Tatum moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Approval to Submit for Public Comment an Amendment of Proposed Rules Governing the Closing of Isolated Schools

Scott Smith reviewed the basic points of this proposed Rule. He stated that only the local school board may initiate an option to close an isolated school district or parts of an isolated district and that the State Board would have jurisdiction only when a local board votes to close such school, but fails to receive a unanimous vote. He stated in such case the local board may petition for a hearing before the State Board of Education. He also noted some conditions under which the State Board could not approve a school-closing petition. Mr. Smith reported that August 12, 2005 is the effective date of this authorizing legislation.

Dr. Williams asked for a definition of an isolated district/school. Mr. Smith stated the school must meet the five-criterion test as identified in statute.

Ms. Tatum moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. James commended the Department staff members for their work in preparing these rules within a short timeline. He emphasized the timeliness of this work to meet the requirements of legislation that must be in place before the 2005-2006 school year begins.

Ms. Tatum moved adjournment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously. The meeting adjourned at 10:10 a.m.

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

Dr. Ken James, Commissioner

JoNell Caldwell, Chair