

**Minutes
State Board of Education
Wednesday, January 17, 2007**

The State Board of Education met on Wednesday, January 17, 2007, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 8:30 a.m.

The following Board members were present: Diane Tatum, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Jim Cooper; Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

No Board members were absent.

Commissioner's Report

Dr. James highlighted the following items:

- Introduced Emily Jordan-Cox, policy director for Governor Beebe's Office and is serving as an educational liaison.
- Noted attendance at the Martin Luther King, Jr. celebration at Philander Smith College.
- Reported on the first meeting of the House Education Committee for this session of the General Assembly.
- Reported that the recently named Arkansas Teacher of the Year, Justin Minkel, was selected as one of four national finalist for National Teacher of the Year.
- Noted a report from staff at the Southern Region Educational Board (SREB) citing Arkansas was making progress and doing well in improving student achievement.
- Cited a report from Quality Counts showing that Arkansas moved from 48th to 29th in ranking in the recent Education Week publication. That report also noted Arkansas ranked second in the amount of gain during the past year.

Consent Agenda

Dr. Williams moved approval of the Consent Agenda. Dr. Mays seconded the motion. The motion was adopted unanimously.

- Minutes – December 11, 2006
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Approve Payment of Stipends and Expenses to Board Members

Action Agenda

Report on the Status of Schools Classified in Fiscal Distress for the 2006-2007 School Year

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that twelve (12) school districts were named during 2005-2006 as being in fiscal distress and that this item is a presentation as required by legislation for an update on the Department's work with the schools and each school's current status. She reviewed the status of each district, highlighted the Department's work during the approximately 50 days of technical assistance provided and summarized actions taken by that district toward improving the fiscal condition of that district.

Dr. Davis reported documentation from three districts, Dirks, Flippin, and Western Yell affirming continued improvement and that each of those districts had petitioned the Department and the Board for release from fiscal distress classification. Mr. Lawson moved that Dirks School District, Flippin School District and Western Yell School District be removed from fiscal distress classification. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Mr. Lawson moved to accept the Department report on the status of schools in fiscal distress. Dr. King seconded the motion. The motion was adopted unanimously.

(A complete transcript of the deliberations and action for each of the following items was recorded by a court reporter. That transcript will be available with the official Minutes of the meeting. These Minutes only reflect summary statements and Board action.)

Prior to opening discussion on the Agenda items related to Charter Schools, Scott Smith responded to questions that were posed by the Board at the close of the December meeting. Mr. Smith reported that conversations with representatives from charter school applicants confirm that each has agreed that no preference will be given to individuals associated with the development, administration or serve in an advisory capacity to the school, thus the legality of such preference is no longer an issue. Mr. Smith also discussed issues regarding the legal status of an applicant that does not have its own 501(c)3 status. He stated that the entity holding the 501(c)3 certification is the legal owner of the charter and that any financial liabilities of the school would be the responsibility of the holder of the certificate. He further reported that it is the opinion of the staff, based on communication for the Attorney General's Office, that the holder of the 501(c)3 certificate cannot legally transfer that certificate without approval by the Board following a formal request.

Mr. Smith noted that granting a charter to an entity that does not have its own 501(c)3 charter impacts the National School Lunch Act programs.

Mr. Smith also discussed the issue of contracting for facilities and using state funds for collateral when entering into a debt agreement. He stated that the statute does not preclude using state funds for making lease payments to a neutral party but does limit

the conditions under which a charter can enter into an agreement with family members of the developer.

Hearing on Open Enrollment Charter School Application Appeal and ADE Review: Carver Project International – Lee County School District

Mary Ann Brown was recognized to introduce this issue. Ms. Brown introduced John Hoy who represented the Lee County School District. Mr. Hoy noted that he received the assignment to make this presentation with short notice, thus indicated that questions may be asked for which he does not have the answer. Mr. Hoy iterated the vote of the Lee County School Board opposing the approval of a charter school that would operate within the Lee County School District.

Michael Ashanti was recognized to present the Carver Project International proposal.

Issues raised during questioning included the suitability of the selected building, the ownership/lease of land that would become the site for additional portable classrooms, the purchase of portable classrooms, programming to include vocational training proposed to be offered, staffing, and transportation.

Mr. Lawson moved to table action on this item until the February meeting in order to give additional time to address questions raised by the Board. Dr. Williams seconded the motion. The motion failed on a roll call vote 4 yes, 5 no (those voting no Mays, Knight, Rebick, Cooper and Tatum)

Dr. Mays moved to deny the charter. Dr. Knight seconded the motion. The motion was adopted on a roll call vote 5 yes and 4 no. (Lawson, Williams, King and Burrow voted no)

The following statements of reason were provided by those who voted to deny the charter:

- Cooper: Does not believe that applicant is ready to open charter at this time. Too many unanswered questions;
- Knight: Too many discrepancies in the proposal and presentation. Cannot see logistics working out the way the proposal is written;
- Mays: One month is not sufficient time to correct all the issues identified with this application. The lease agreement;
- Rebick: The lease agreement, too many unknown or unresolved questions and a poor business plan;
- Tatum: Additional work must be done on this proposal before it is ready for approval.

Hearing of Open Enrollment Charter School Application and ADE Review: Dreamland Academy of Performing and Communication Arts – Little Rock School District

Mary Ann Brown reported that the Little Rock School District was not present and is not opposing this charter school application.

Raol Reddy led a team of developers who presented the charter application. Following a question and answer period, Dr. Williams moved to table consideration on this application until the February meeting. Dr. Mays seconded the motion. The motion was adopted on a roll-call vote of 7 yes and 1 no (Rebick voted no).

The following issues were conveyed to the developers of the application as needing additional work and a response prior to the February Board meeting:

- Clarity on the itemization of the budget to reflect grants in the amount of \$400,000;
- Clarification of membership of the administrative board and structure which should include representatives from the area (southwest Little Rock) to be served;
- Details about the acquisition and placement of modular structures on the designated campus of Greater Second Baptist Church.

Hearing of Open Enrollment Charter School Application Appeal and ADE Review: Montgomery Academy – Magnolia School District

Ms. Tatum announced that this application lacked essential components and would not be given a hearing at this time.

Ms. Rebick moved that this application be denied. Dr. Mays seconded the motion. The motion passed on a roll-call vote of 7 yes 1 abstain (King abstained). The following reasons were cited for denying the charter:

- Lawson: Application failed to meet all required components – specifically no 501(c)3;
- Burrow: Application failed to meet all required components – specifically no 501(c)3;
- Cooper: Application failed to meet all required components – specifically no 501(c)3;
- Knight: Lack of a valid, complete application;
- Mays: lack of a valid, complete application;
- Rebick: Application failed to meet all required components – specifically no 501(c)3;
- Williams: Application did not meet established criteria and comply with application process.

Dr. King requested that the record note that an application was submitted with a name and 501(c)3 document belonging to a different entity.

Hearing of Open Enrollment Charter School Application Appeal and ADE Review: Perkins Academy of Science/Math/Technology – Helena-West Helena School District

Rudolph Howard, state appointed superintendent of the Helena-West Helena School District, stated that the local board opposed the opening of another charter school in the area. He stated that he and the district embraces any and all efforts to improve student learning in the district. However, at this time there are three entities vying for students in this community, which is rapidly losing students.

Jacqueline Miller was recognized to present the program outlined in the Perkins Academy proposal.

Questions from the Board centered on purchase of a modular facility and the proposed payment to a family member for lease of property on which the modular buildings would be located. It was noted that a visit by the facilities division inspected one building which currently houses a daycare program also managed by Ms. Miller. That building was not intended to be the site for the Perkins Academy instructional program. Dr. Williams also noted a potential issue with the entity holding the 501(c)3 certification.

Dr. Williams moved to table further consideration on this charter until the February meeting. Dr. Mays seconded the motion. The motion was adopted on a roll-call vote of 6 yes and 2 no (Knight and Rebick voted no).

Continuation of the Hearing of Open Enrollment Charter School Application: Covenant Keepers Academy for College Bound Students – Little Rock School District

Scott Smith reported that the Department’s legal office had received incomplete documents relating to the 501(c)3 application from Covenant Keepers Academy, but there was no indication when a fully approved signed document might be issued.

Mr. Cooper noted that questions remain of exact location of a building to house the school even though a different site is under consideration now than was described previously.

Ms. Rebick moved to deny the application. Ms. Burrow seconded the motion. The motion was adopted on a roll-call vote of 7 yes and 1 no (Williams voted no). The following reasons are cited for denial of the charter:

- Lawson: lack of 501(c)3 status document;
- Burrow: lack of 501(c)3 status document;
- Cooper: lack of firm commitment and lease agreement on facility and budget questions unanswered;
- King: lack of 501(c)3 status document;
- Knight: lack of 501(c)3 status document;
- Mays: lack of 501(c)3 status document;
- Rebick: lack of 501(c)3 status document.

Continuation of the Hearing of Open Enrollment Charter School Application: Learning for Life Academy – Little Rock School District

R.J. Hampton representing the Learning for Life Academy confirmed that his organization does not have the required 501(c)3 document.

Ms. Rebick moved to deny the Learning for Life Academy proposal. Ms. Burrow seconded the motion. The motion was adopted on a roll-call vote unanimously.

All Board members cited not having the required 501(c)3 document as their reason to deny this charter.

Continuation of the Hearing of Open Enrollment Charter School Application: Northwest Academy of Fine Arts – Rogers School District

A.J. Hatley and Mechel Wall represented the Northwest Academy of Fine Arts proposal.

Dr. Mays asked for clarification on the lease arrangement regarding securing of facilities for the school.

Dr. Williams moved to approve the Northwest Academy of Fine Arts proposal. Mr. Lawson seconded the motion. The motion was adopted on a roll-call vote of 7 yes and 1 no (Mays voted no).

Continuation of the Hearing of Open Enrollment Charter School Application: School of Excellence – Humphrey School District

Dr. Richard Wilson represented the School of Excellence proposal.

Ms. Rebick moved to approve the School of Excellence proposal. Ms. Burrow seconded the motion. The motion was denied on a roll-call vote 3 yes and 5 no (Cooper, King, Knight, Mays and Rebick voted no)

The following reasons were cited as justification for the vote against approval.

- Cooper: Lunch and other provisions for students, availability of nurse and moving into a location that just annexed the public school to another district;
- King: Community consolidation issues;
- Knight: Lunch and other provisions for students, availability of nurse and moving into a location that just annexed the public school to another district;
- Mays: Believes the Board should give consolidation an opportunity to be successful before providing other options;
- Rebick: Does not believe the need for a school is justified in the application.

Request for Approval of Stipulated Agreement for Certified Teacher’s License – Terri Camp

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Jonesboro School District – Marvin Ross

Request for Approval of Stipulated Agreement for Certified Teacher's License – Susan Williams

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the South Central Service Cooperative – Wendy Tyson

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Fayetteville and Springdale School Districts – Jesse Wilson

Mr. Lawson moved approval of the stipulated agreements as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Hearing on Revocation of Provisional Certified Teacher's License – Angela Oltman

Ms. Oltman was not present nor represented. Dr. Mays moved revocation of provisional Teacher's License. Dr. Knight seconded the motion. The motion was adopted unanimously.

Request for Reinstatement of Teacher's License – Steven Bray

Scott Smith reported to the Board that Mr. Bray met all requirements placed on him and is eligible for reinstatement of the Teacher's License.

Dr. Williams moved to reinstate the teacher's license for Steven Bray. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Van Beard

Mr. Beard was introduced and requested to speak on his own behalf. Mr. Beard stated that the offense, which was committed in bad judgment, was a one-time offense that occurred 13 ½ years ago. He reported a satisfactory work history at the Arkansas Prison System where he provides instruction for men incarcerated and want to work on their GED program.

Scott Smith verified that a letter of recommendation was on file from Department of Corrections administrator Dub Byers.

Dr. Williams moved to issue probationary license for a period of five years and that employment during that time be limited to the Department of Corrections schools. Additionally, the motion requires that Mr. Beard have no additional offenses and that the probationary license is automatically terminated should Mr. Beard leave employment at the Department of Corrections. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Non-Certified Employment with the Little Rock School District – Michael Ackers

Mr. Ackers was represented by counsel, Mr. Mark Burnett. Mr. Burnett outlined the satisfactory recent work pattern in the Little Rock School District and support letters from the principal of Stephens Elementary School as well as one from Dr. Roy Brooks, Superintendent.

Dr. Mays moved to approve the waiver request for a non-certified employee based on five years probationary service with no further offenses during that time. Dr. Knight seconded the motion. The motion was adopted unanimously.

Mr. Lawson moved adjournment. Dr. Williams seconded the motion. The meeting adjourned at 4:40 p.m.

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