

Minutes
State Board of Education
Monday, February 11, 2008

The State Board of Education met on Monday, February 8, 2008, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chairman; Jim Cooper; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

The following Board members were absent: Randy Lawson, Vice Chairman; Sherry Burrow.

CHAIR'S REPORT

Ms. Tatum reported attending the first anniversary celebration of the El Dorado Promise.

Ms. Rebick attended the work session sponsored by the Department of Education to set standards for the State Growth Model related to implementation of Act 35 and a Legislative Committee meeting for which the topic was No Child Left Behind and Arkansas Act 35. She commended Department of Education personnel for their work at both of these sessions.

COMMISSIONER'S REPORT

Dr. James distributed brochures and commented on implementation of the Non-Traditional Licensure Program. He also commented on the El Dorado Promise session and the potential impact of that action on the local school district and the community.

CONSENT AGENDA

Ms. Rebick inquired about the maximum a local district can borrow under the Revolving Loan Program. Cindy Hedrick reported that districts can borrow up to one half million and once the balance is paid down, then the district can apply for additional loans as long as the maximum does not exceed the half million.

Dr. Mays asked that the court reporter's transcript that was added as an attachment to the December 10, 2007, Minutes be revised as follows: Page 23, lines 9 and 16 the word advocacy be changed to adequacy.

Dr. Williams moved approval of the Consent Agenda with revisions to the Minutes as noted. Dr. Knight seconded the motion. The motion was adopted unanimously.

- Adoption of Minutes, December 10, 2007, as revised
- Minutes, January 2008
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Review of Loan and Bond Applications

- Approval for Payment of Stipends and Expenses to Board Members

ACTION AGENDA

Hearing of District Conversion Charter School Application and ADE Review: Mississippi County STEM Charter – Blytheville Public School District

(A complete transcript of the presentation and discussion of this item can be found in the Court Reporter transcript in the State Board of Education Office, Department of Education.)

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced members of the Blytheville School District, Mississippi County Community College and representatives from other school districts in Mississippi County.

Scott Smith was recognized and stated that the Department of Education Legal Office holds that this proposal fails to meet the definition of a conversion charter school in the following ways: it does not appear to be under the control and management of a single local school district, instructors seem to be employees of the community college not the Blytheville School District, and there is a concern for the negative desegregation impact that this charter school may have on the Blytheville School District and other districts that agree to participate.

Dr. Williams asked why this concept could not be accomplished among the school districts and the community college under some agreement rather than formally organizing a charter school. He also inquired about the impact that such a program might have on advanced courses as required by the standards in Blytheville as well as other participating districts. Ms. Kenner responded that this program was not intended to replace advanced courses, but be extended offerings for able students throughout the county. She stated that Physics 1 would be offered in each high school, but advanced physics would be available to students throughout the county through the community college program.

Mr. Cooper asked what would prevent districts from mutually adopting a compact to offer these courses, which would be much simpler than trying to manage a charter school. Ms. Kenner suggested that advanced courses need long-term stability and some structure to assure continuation over time needs to be in place. She opined that without some structure, changes in leadership could erode participation by one or more of the parties. She also stated that a charter school could be eligible for funds to support costs incurred in operation of the courses that would not be available if the formal charter agreement were not in place.

Dr. Knight asked about possible enrollment. Ms. Kenner stated that approximately 100 students from the six high schools. Dr. Knight asked about the option for offering concurrent credit for such courses.

Ms. Gullett suggested that STEM education should be an option for every student in the state and questioned why a charter school was needed to do something that should already be in place.

Dr. Mays asked about the role of technology and the use of local district technology funding to purchase computers and equipment for student use. He questioned the extent that the adequacy program as approved by the state was implemented in each of the participating districts. The Manila superintendent suggested that the districts in Mississippi County believe they have implemented all required components as required in the Standards, with most

pushing to go beyond just being adequate. He stated that this program could be one way that schools could move programs beyond just being adequate and offer courses that currently do not exist.

Dr. Williams asked about potential student interest in enrollment in STEM courses and if any student would be able to attend. Ms. Kenner indicated that students would be selected based on application and placement tests.

Mr. Cooper asked about any response from the developers regarding the opinion of legal counsel regarding the eligibility of the school in meeting the definition of a conversion charter school. No response was provided.

Mr. Smith reiterated that it was his office's interpretation that the managing entity was the Mississippi County Community College, not the school district. He also noted that there was no description of how the organization unit would provide for a full program of 38 required units as outlined in the Standards.

Ms. Gullett questioned why a proposal that is purported to not meet the required legal definition would be forwarded to the Board for consideration. Dr. Brown responded that there is no provision in the Rule for the Department of Education to deny a charter: that is the charge to the State Board. She did note that the Department seeks to advise applicants, but she does not believe the Department can refuse to forward an application to Board review.

Ms. Rebick moved to deny the Mississippi County STEM Charter School. Dr. Knight seconded the motion. The motion was adopted unanimously. Reasons cited for denial of the application were stated as follows:

- Gullett: Denied based on legal advice that the application does not meet the definition of a conversion charter school.
- Knight: Denied based on assumption that the applicant is attempting to charter courses, not a school.
- Mays: Based on legal advice regarding definition of charter
- Rebick: Based on evidence does not support the required 38 units of credit
- Williams: Based on legal advice regarding definition of charter.

Ms. Tatum suggested that the developers should consider a compact agreement to see that some of the ideas advanced could be implemented.

Request for Approval: Fourth Year High School Mathematics Courses

Dr. Ellen Treadway was recognized to present this item. Dr. Treadway explained that these new courses were designed at the request of school districts so that students would have additional options for a fourth year of mathematics. She noted that once students had completed Algebra II, there were few options for the next course, especially for students who were intending to major in mathematics or the sciences beyond high school.

Dr. Williams asked if there were an intended sequence to the two courses. Dr. Treadway responded no sequence was intended and that the committee worked to design topics that would have no prerequisite skills beyond Geometry and Algebra II.

Dr. James stated that these courses were created to meet the request of local districts and that additional courses may be designed in the future. Charlotte Marvell, mathematics content specialist, added that these courses were primarily for senior level students and neither requires advanced algebra nor trigonometry; but, could be taken in lieu of those courses.

Ms. Gullett moved approval as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Adoption: Arkansas Department of Education Technology Plan 2008-2012

James Boardman was recognized to present this item. Mr. Boardman reviewed major components of the plan and stated that such a plan was needed in the state and required to meet legislative mandates as well as to enable school districts to participate in the e-rate program.

Dr. Mays asked if the plan provided a clear description of adequate technology that all schools should have. Mr. Boardman stated that technology is ever-changing and what is state of the art for today will probably be very different by 2012. He suggested that the intent of the plan was to keep it open and purposefully did not attempt to define adequacy for the future. Dr. Mays raised the issue of how school districts spend the \$220 provided in the funding formula for technology acquisition. Dr. Mays also asked about the impact of technology in homes and schools on the overall achievement gap and he observed that he does not see the number of computers in schools to meet the needs of students. Mr. Boardman noted that schools are not required to spend any specific amount on technology.

Ms. Rebick asked about requirements on the local districts. Mr. Boardman responded that each local district must prepare a district/school plan to be eligible to participate in e-rate funding. He noted that local plans are submitted to the Department, each is reviewed and approved.

Dr. Williams asked about plans from regional service cooperatives. Mr. Boardman indicated that they, too, have technology plans. Dr. Williams asked about new technologies that may be available to schools in the next few years and how those products and programs will impact instruction. Dr. Williams also asked about "cheap" laptop computers and their viability for public schools. Mr. Boardman responded that his group is monitoring the development as these computers become available.

Ms. Gullett asked about access and connectivity across the state and noted that what we need and what we can afford are different. Mr. Boardman indicated that access is not an issue anywhere in the state: every district and every school in each district has high-speed internet access and connectivity. Dr. Mays opined that each district has allocated \$220 per student for technology in the funding formula and questioned if that money was being spent on the "right" things.

Dr. James commented that future exploration of virtual delivery of instruction will increase student opportunity. He noted new opportunities from the Council of Chief State School Officers and from NASA that will be available in the fall 2008.

Mr. Cooper moved approval as presented. Dr. Knight seconded the motion. The motion was adopted unanimously.

Revocation of 2007-2008 ABC Grant Agreements: Southwestern Economic Development Association (SWEDA)

Jamie Morrison was recognized to present this item. Ms. Morrison reported that monitoring and investigation of financial records of this grant revealed irregularities. She requested that the grant be revoked due to these findings. Ms. Morrison did state that the State ABC staff was working with other providers in the area to meet the needs of students being served. Ms. Rebick moved that the grant be revoked effective March 1. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rule Changes to Arkansas Better Chance (ABC) Program

Jamie Morrison was recognized to present this item. Ms. Morrison highlighted proposed revisions in the Rule. She noted that the major item was to require that all funded teachers have a bachelor's degree. Dr. Knight moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Revisions to Arkansas Department of Education Rules Governing Loan and Bond Applications

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that the primary reason for submitting this revision is to include a new type of funding for districts that are experiencing rapid growth. She noted that this option was made available by legislation adopted in the 2007 Session. Ms. Rebick asked for clarification as to the State Board of Education's responsibility in review and approval of these new loan options. Dr. Davis noted that the Facilities Board would have the task of first review, but the State Board would also consider any loan requests. Dr. Mays asked if the State Board would have veto power over applications that were approved by the Facilities Board. Scott Smith responded that the authorizing legislation and the Rule under consideration requires State Board review and approval.

Ms. Gullett inquired as to the source of funds to support these new loans. Dr. Davis responded that the intent is that it will operate under the existing revolving loan program and that a source of additional funds for that program has not been clearly identified.

Dr. Williams observed that the requirements seem high for a district to qualify under the Rule as drafted. Dr. Davis responded that currently 14 districts would qualify.

Mr. Cooper moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rules Governing the Minimum Qualifications for General Business Managers of Public School Districts

Mr. Bill Goff was recognized to present this item. Mr. Goff outlined the proposed components of the Rule and stated that his staff had worked with a committee from the School Business Officials organization in preparation of the proposed draft. Mr. Cooper asked about the status of individuals who currently hold such positions in public schools. Mr. Goff responded that anyone who is in a position and stays in that position would not have to meet the new criteria. However, any new hires or anyone who changed positions or was hired by a different school district would

be required to meet the new requirements. Dr. Knight asked about any required professional development for those continuing in the position. Mr. Goff responded that the legislation does not require any, but individuals generally attend sessions and conferences on a regular basis.

Mr. Cooper moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Rule Changes in Special Education Rules Contained in the Documents Special Education and Related Services: Procedural Requirements and Program Standards, and Special Education Eligibility Criteria and Program Guidelines for Children with Disabilities, Ages 3-21

Marcia Harding was recognized to present this item. Ms. Harding stated that this Rule is voluminous and is guided by state and federal regulations. She noted that all of the proposed changes are made due to changes in statute and are required to keep the state program in compliance with federal guidelines.

Ms. Rebick asked about requirements to support children enrolled in private schools. Ms. Harding responded that local districts must assure support for students enrolled in private schools.

Ms. Gullett asked about testing accommodations. Ms. Harding responded that accommodations are required to meet the needs of individual children; however, those accommodations cannot invalidate the test.

Ms. Rebick moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Jack Bailey

(A complete transcript of the presentation and discussion of this item can be found in the Court Reporter transcript in the State Board of Education Office, Department of Education.)

Courtney Salas-Ford was recognized to present this item. Ms. Salas-Ford indicated that Mr. Bailey was present and was represented by counsel – Craig Wilson. She noted that Mr. Bailey is currently a teacher at the Hamilton Learning Academy and has one charge and conviction, which was in 1999.

Following statements by Mr. Wilson and Mr. Bailey, Dr. Williams asked if the Department sought a stipulated agreement in this case. Scott Smith responded that the Department felt it important to allow the Board to review and decide in this instance.

Mr. Cooper moved that consideration be tabled to allow Department staff the opportunity to consider a stipulated agreement. Dr. Mays seconded the motion.

Ms. Rebick asked if the parties would consider a stipulated agreement involving a probationary period. Mr. Wilson responded affirmative.

Mr. Cooper withdrew the motion with the approval of Dr. Mays.

Dr. Mays moved to grant a waiver with the stipulation of a two (2) year probationary period and should there be any criminal charges or any sexual offense charges, Mr. Bailey would agree to full revocation of his teaching license without further consideration by the Board. Ms. Gullett seconded the motion. The motion was adopted on a vote 5 yes, 1 no. (Knight voted no.)

Appointment of Nominating Committee for 2008-2009

Ms. Tatum stated that the members of the Nominating Committee would be Ms. Rebick, Dr. Williams and Dr. Knight, with Ms. Rebick serving as chair. Ms. Tatum noted that the Committee should report at the May meeting.

SPECIAL RECOGNITION

Dr. James, Ms. Tatum and Justin Minkel recognized Margaret Lockhart, a reading teacher from Lingle Elementary School in Rogers and Corey Oliver a language arts teacher from Bob Courtway Middle School in Conway as recipients of the Milken Family Foundation Educator Awards, which were announced in September. Dr. James noted that these awardees would be attending the national Milken recognition celebration in California in March at which time they would receive the \$25,000 cash award.

Dr. Williams moved adjournment. Mr. Cooper seconded the motion. The motion was adopted unanimously. The meeting adjourned at 12:10 p.m.

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