

**Minutes  
State Board of Education  
Monday, March 16, 2009**

The State Board of Education met on Monday, March 16, 2009, in the Auditorium of the State Education Building. Chairman, Randy Lawson called the meeting to order at 9:00 a.m.

The following Board members were present: Randy Lawson, Chairman; Dr. Naccaman Williams, Vice-Chairman; Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Alice Mahony; and Diane Tatum.

Dr. Ben Mays was absent.

**Chair's Report**

Mr. Lawson extended congratulations to Dr. Ken James on the birth of a grandchild last weekend. Mr. Lawson also noted Dr. James' participation in the recent meeting of the Council of Chief State School Officers (CCSSO) with President Obama and congressional leaders in Washington.

Ms. Tatum reported on the representation by herself, Ms. Gullett and Ms. Mahony at the national legislative conference hosted by the National Association of State Boards of Education (NASBE). Ms. Tatum referenced a presentation by the U.S. Department of Education regarding the stimulus funding, which is anticipated to be received in the state in the very near future. She commented on the Study Circle for 21<sup>st</sup> Century Learners and the leadership demonstrated by Arkansas on education reform at the national level.

Dr. Williams reported on visits to HAAS Hall Charter School, which is now located in its new facilities in Fayetteville and to Darby Junior High School in Fort Smith where he spoke to about 650 students.

**Commissioner's Report**

Dr. James commented on the attendance by Board members at the NASBE annual legislative conference and the importance of Board members validating the progress of education in our state as compared to that in other states. He also commented on the legislative conference facilitated by the Council of Chief State School Officers in Washington.

**2008 Milken Educators State Recognition**

Dr. James presented recognition awards to Sheri Shirley, elementary principal, Russellville School District and Elizabeth Parker, teacher in the Fort Smith School District.

**Recognition of Teachers of Mandarin Chinese in Arkansas Schools**

Beverly Williams was recognized to introduce four teachers from China who came to Arkansas last fall to initiate a program in teaching Mandarin Chinese in four school districts. The teachers recognized were Shuo Han, Wynne and Cross County School Districts; Jie Min, Hot Springs School District; Shanchun Wang, Harrisburg School District; and Jin Ma, Greenwood School District. Dr. Hui Wu, associate

professor at the University of Central Arkansas also commented on the success of the exchange program.

### **Review of Open-Enrollment Charter Schools: Benton County School of the Arts and Northwest Arkansas Academy of Fine Arts, Rogers Arkansas**

Dr. Mary Ann Brown was recognized to present this report. Following an overview of the financial status of these charter schools and the parent 501 (c)(3) organization, Michelle Walls was recognized to complete the status report.

Dr. Brown and Ms. Walls noted the possible financial deficit for the current year due to a lower enrollment than expected for the high school. The beginning fiscal year budget was based on full enrollment of 250 students; however, approximately 200 students has been the maximum number enrolled this year as documented by Dr. Brown. Ms. Walls also identified fiscal issues related to the facility for the high school campus. She indicated that the umbrella organization was preparing to cover the under-funded budget as well as costs related to facilities.

Mr. Lawson asked Ms. Walls if the schools would end the year without a deficit or would there be a negative balance. Ms. Walls assured the State Board of Education that there would not be a deficit. The Charter School Board would borrow money to cover any negative balance.

Ms. Gullett expressed concern for the method in which financial matters were being managed and questioned the ability of that Board to meet financial obligations as proposed. Dr. James responded that any loans assumed by the Board or other parent organization would require review and approval by the Department of Education. Dr. James assured State Board of Education members that the State would in no way be liable for any loan secured by the charter school.

Mr. Ledbetter asked for clarification as to why the number of students enrolled has not met projected enrollment estimates. Barbara Pagent, high school administrator, suggested that students were reluctant to change schools for the junior or senior year. She reported that grades 9 and 10 were at capacity enrollment, but grades 11 and 12 had a number of openings. Ms. Pagent noted that over the next two years as the lower grades move up, the potential for full enrollment increases. In the mean time, she noted, a massive public relations campaign is underway to attract new students for next year.

Mr. Cooper inquired as to the amount of budget deficit per month. Ms. Pagent responded that it was approximately \$25,000 per month. Ms. Pagent stressed that the school was working to decrease expenditures, decrease staff and make up for the deficit amount.

Dr. Williams suggested that since this is a report and there are no firm numbers, that the charter should be required to appear before the Board at its April meeting with more defensible budget and income projections. Dr. James pointed out that the Department would review the data before the April meeting and be prepared to make a recommendation for action.

No action was taken.

### **Annual School Performance Report: Annual School Rating System**

Dr. Charity Smith was recognized to present this report. Dr. Smith reported that the State's Accountability Report would be released at the end of March and that this report included the first ever data related to annual gain index. She noted that this report is required by legislation and the development of the report has been informed by the advisory panel over the past few months.

### **Consent Agenda**

Ms. Burrow moved approval of the Consent Agenda. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes – February 9, 2009
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report on Waivers to School Districts for Teachers Teaching out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309

### **Action Agenda**

#### **Request for Funding for 2008-2009 Arkansas Better Chance Program**

Jamie Morrison was recognized to present this item. Ms. Morrison stated that there were no changes to the request as provided in the agenda. There were no questions. Dr. Williams moved approval as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

#### **Arkansas Governor's School Site Selection**

Ann Biggers was recognized to present this item. Ms. Biggers stated that Hendrix College was the only proposal submitted pursuant to a location for Governor's School for the next three summers. Ms. Gullett asked about any limitation that would be realized by reducing the time to four weeks. Ms. Biggers responded that this decision seemed to be positive for those students who might apply.

Ms. Tatum asked if the maximum number of students selected would be different or if there was any difficulty in selecting students to attend. Ms. Biggers stated that over the last few years there have been some fewer applications; but, always sufficient applications to fill the 400 slots. She did state that reducing the time to four weeks seems to be positive for students in that there are more applications this year.

Dr. Williams asked if there were any indication why other institutions failed to apply. Ms. Biggers stated that Hendrix is uniquely positioned to have this program on its campus because Hendrix does not schedule summer classes. She also noted that other schools appear to have difficulty in isolating Governor's School students when other classes are in session

Ms. Tatum moved approval as recommended. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Introduction of Professional Licensure Standards Board (PLSB) Code of Ethics Allegation Procedures**

Beverly Williams was recognized to provide an overview of the work of the Professional Licensure Standards Board (PLSB) and how their work coordinates with the responsibilities of the Attorney's Office to implement licensure sanctions. She emphasized that the PLSB would be reviewing all reported incidents related to infringement of the Code of Ethics as previously adopted by the Board. Ms. Williams introduced Judy Kaye Mason as attorney for the PLSB. Additionally, Ms. Williams noted that Dr. Mitch Hollifield, Chair of the Subcommittee of the PLSB would be making the formal recommendations from that Board.

### **Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher's License on Case #09-013 – Nathan Hill**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to this case. The Chair determined that Nathan Hill was neither present nor represented. Dr. Hollifield recommended permanent revocation of the Teacher's License of Nathan Hill.

Mr. Cooper moved to accept the PLSB recommendation to permanently revoke the teacher's license of Nathan Hill. Ms. Tatum seconded the motion. The motion was adopted unanimously.

### **Consideration of Recommendation of Professional Licensure Standards Board for a Letter of Warning on Case #09-001 – Linda Byrd**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to the case. The Chair determined that Linda Byrd was neither present nor represented. Dr. Hollifield recommended that a letter of warning be issued to Linda Byrd.

Ms. Gullett moved to accept the PLSB recommendation to issue a letter of warning to Linda Hill. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher's License on Case #09-015 – Brock Felton**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to the case. The chair determined that Brock Felton was neither present nor represented. Dr. Hollifield recommended permanent revocation of the Teacher's License of Brock Felton.

Ms. Gullett moved to accept the PLSB recommendation to permanently revoke the teacher's license of Brock Felton. Ms. Tatum seconded the motion. The motion was adopted unanimously.

### **Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher's License on Case #09-008 – Clint Bousher**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to the case. The chair determined that Clint Bousher was neither present nor represented. Dr. Hollifield recommended permanent revocation of the Teacher's License of Clint Bousher.

Ms. Tatum moved to accept the PLSB recommendation to permanently revoke the teacher's licensure of Clint Bousher. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Consideration of Recommendation of the Professional Licensure Standards Board for Permanent Revocation of Teacher's License on Case #09-018 – Matt Rabjohn**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to the case. The chair determined that Matt Rabjohn was neither present nor represented. Mr. Hollifield recommended permanent revocation of the Teacher's License of Matt Rabjohn.

Ms. Gullett moved to accept the PLSB recommendation to permanently revoke the teacher's license of Matt Rabjohn. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration of Recommendation of the Professional Licensure Standards Board for Suspension of Teacher's License for Five Years and a Fine of \$100 and Approved Counseling on Case #09-007 – Julie Woods**

Judy Mason was recognized to present this item. Ms. Mason provided a summary of the information related to the case. The chair determined that Julie Woods was neither present nor represented. Mr. Hollifield recommended a five-year suspension of the teacher's license, levy of a fine of \$100, and required approved counseling prior to reinstatement of the license.

Dr. Williams moved to accept the recommendation of the PLSB. Ms. Burrow seconded the motion. The motion was adopted on a vote of 7 yes, 1 no (Gullett voted no).

**Request for Approval of Replacement of Professional Licensure Standards Board Member Due to Change in Status**

Beverly Williams was recognized to present this item. Ms. Williams stated that a member of the PLSB, Dr. John Beineke, is leaving the position of Dean of the College of Education at Arkansas State University and the change in status vacates his current position on PLSB. Ms. Williams requests that Dr. John R. Jones, Dean of Education at the University of Arkansas at Fort Smith, be named to fill the vacancy on the PLSB.

Mr. Cooper moved approval of the recommendation to name Dr. John R. Jones to the PLSB. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration of Waiver of Fee and Substitute Pay Reimbursement Due to Health and/or Extenuating Circumstances: Phyllis Watts**

Beverly Williams was recognized to present this item. Ms. Williams reported that on rare occasions an individual is supported by the Department and advanced funds to pursue National Board Licensure and

that during the course of completion, events such as personal or family illness cause the teacher not to complete the work. She noted that the Rules under which this program is administered provides for consideration by the Board to forgive the repayment plan under specified conditions. Ms. Williams reported that Phyllis Watts meets this criterion and is seeking forgiveness of the advancement in funds.

Ms. Gullett moved to accept Department of Education recommendation and waiver the fee repayment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

#### **Consideration of Waiver of Fee and Substitute Pay Reimbursement Due to Health and/or Extenuating Circumstances: Linda Buck**

Beverly Williams was recognized to present this item. Ms. Williams reported that on rare occasions an individual is supported by the Department and advanced funds to pursue National Board Licensure and that during the course of completion, events such as personal or family illness cause the teacher not to complete the work. She noted that the Rules under which this program is administered provides for consideration by the Board to forgive the repayment plan under specified conditions. Ms. Williams reported that Linda Buck meets this criterion and is seeking forgiveness of the advancement in funds.

Dr. Williams moved approval of the recommendation. Mr. Cooper seconded the motion. The motion was adopted unanimously.

#### **Consideration of Removal of Bald Knob School District from Fiscal Distress Classification and State Takeover**

Bill Goff was recognized to present this item. Mr. Goff summarized the current status of the Bald Knob School District and noted the steps undertaken by the community to meet the fiscal deficiencies of the past. James Staggs, interim superintendent, was introduced and reported to the Board of the current cash balance and stated that this turnaround was possible because of the commitment of the community and the value that the patrons place in their school and community. Mr. Goff recommended that the Bald Knob School District be removed from fiscal distress certification as of July 1, 2009, and State takeover be turned back to a locally elected Board, which would be elected in September.

Dr. Williams asked Mr. Staggs if he thought the community was ready to assume the local responsibilities of managing the district and would elect a quality local board. Mr. Staggs answered yes.

Dr. Williams moved to remove the fiscal distress classification and return management to the local board effective July 1, 2009. Ms. Gullett seconded the motion. The motion was adopted unanimously.

#### **Renewal of District Conversion Public Charter School: Arthur Bo Felder Learning Academy – Little Rock, Arkansas**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown summarized the status of this charter school and noted that the partnership is not limited to the Little Rock and North Little Rock School Districts. She also reported that attendance frequently varies; but, currently there are 111 students. Carol Green, representing the Little Rock School District, presented additional information regarding the school's status.

Mr. Cooper asked about the cooperative relationship with the local juvenile judge and referrals to fill designated spaces. Ms. Green reported that some previous issues have been resolved and operations are currently working well. Department attorney Jeremy Lassiter stated that his office will continue to monitor the progress of student placement.

Ms. Burrow asked about the ultimate success of students enrolled at the school and for clarification on the graduation rate. Ms. Green noted that the student population is very mobile and the graduation rate is very low. She did state that the graduation rate is increasing due to intervention with students. Dr. Williams moved approval for renewal for three years. Ms. Gullett seconded the motion. The motion was adopted unanimously.

### **Request for Charter Amendment of Open-Enrollment Public Charter School: School of Excellence, Humphrey, Arkansas**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Dr. James Young, director of the School of Excellence, to provide background on the amendments requested.

Ms. Tatum asked about the apparent intent of returning a K-12 school to Humphrey even though the public school district was previously annexed to DeWitt School District due to the district enrollment. Dr. Young did state that patrons in Humphrey were interested in having the charter school located in the Humphrey community to minimize travel time to schools in other communities.

Ms. Gullett expressed concern for the overall safety of mobile-type classrooms should a wind storm come through the area. Dr. Young stated that the installation process took storm conditions into consideration as the buildings were being installed. Ms. Gullett also asked about where the students from Humphrey were now attending. Dr. Young responded that about 40 students ride a bus that comes to the Humphrey community from Stuttgart.

Ms. Tatum moved that the proposed amendment to increase grades and enrollment be denied. Ms. Gullett seconded the motion. The motion was adopted unanimously.

*(Mr. Cooper left the meeting and did not vote on the following items.)*

### **Hearing of District Conversion Public Charter School Application and ADE Review: Lincoln Academic Center of Excellence – Lincoln Consolidated School District**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Dr. Frank Holman, superintendent of Lincoln School District, and Mr. Clay Hendrix, director of alternative education. Dr. Holman provided an overview of the proposal and stated that up to 300 students would participate. Dr. Holman noted that this proposal is modeled from one that was implemented in the Cabot School District while he was superintendent of that district. He stated that the programs provided opportunities for a group of students who otherwise would not have a good school experience.

Ms. Gullett asked about the request for a waiver of the teacher fair dismissal act. Dr. Holman responded that this request was part of the previous proposal, but it was never invoked. He did opine that the

intent of this proposal is to secure the flexibility in the overall school structure to provide maximum flexibility to meet the needs of students.

Dr. Williams asked about the Cabot charter noting that at one time the Cabot program was recognized as one of the top 25 charter schools in the nation. Dr. Holman affirmed that this was an attempt to replicate that program and make it better. Dr. Holman also added that it is hoped that this charter will attract students who currently are enrolled in home school and in private schools in the area.

Ms. Burrow asked for clarification of why this charter might attract home school or private school students. Dr. Holman responded that the curriculum provides many options not otherwise available.

Dr. Williams moved that the proposal be approved for three years. Ms. Burrow seconded the motion. The vote on the motion was 6 yes 1 no (Mahony voted no: reason – believes that district already can provide the programs and this may be duplicated effort).

Mr. Lassiter informed the Board that any new charter school must be approved for a period of five (5) years. Dr. Williams moved to amend the approval action to read for a period of five (5) years. Ms. Burrow seconded. The motion was adopted unanimously.

#### **Hearing on Revocation of Teacher's License – Steven Robinson**

*(A complete transcript of this item was recorded by the court reporter and is available from the State Board Office of the Department of Education.)*

Drew Blankenship was recognized to present this item. Mr. Blankenship summarized the background documents related to this case. Steven Robinson was present and was represented by Clayton Blackstock. Tripp Walter outlined the process as required by the Department for hearing of this case.

Mr. Blackstock conducted an interview with Mr. Robinson recapping the event(s) resulting in arrest, conviction and follow up. Mr. Blackstock also presented character witnesses Amanda Gault and Eileen Hammond both teachers who previously worked with Mr. Robinson in the Little Rock School District.

Ms Gullett asked if the Department of Education has a recommendation in this case. Mr. Blankenship responded that the Department recommends permanent revocation.

Mr. Ledbetter moved permanent revocation of the teacher's license for Steven Robinson. Ms. Gullett seconded the motion. The motion was adopted unanimously.

The Chair declared the meeting adjourned. The meeting adjourned at 1:05 p.m.

Ms. Tatum stated that she and other Board members attending the NASBE Legislative Conference (Gullett and Mahony) would like to have an opportunity to discuss and comment on components of the national stimulus package. She noted that at their recent conference the U.S. Department of Education provided a great overview that would be informative for other Board members. Mr. Lawson remarked that the stimulus package allocates significant funds for educational purposes and that Arkansas will

oversee the expenditure of those funds once they are released - some soon and some later in the summer.

Dr. James responded that the stimulus package has three major categories of funding – all three earmarked to be awarded to local districts through the funding formula(s) for each of the three categories of funding. Dr. James stated that State Boards do not have responsibility in determining how the stimulus funds will be allocated or disbursed. He also stated that the Department is planning a one day meeting in April to present the requirements of the stimulus package to local district administrators and local boards. He invited State Board members to attend that session.

Ms. Gullett requested the opportunity for the Board to meet outside of a published agenda for Board members to understand the requirements of the stimulus package and to establish common goals, etc. Mr. Lawson indicated that the Chair was open to scheduling a meeting – Dr. James offered to coordinate the calendar and try to establish a satisfactory meeting prior to the April Board meeting. Ms. Gullett suggested that other Boards have work sessions just for Board members to set priorities.

No action was taken.

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

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Dr. Ken James, Commissioner, AR Department of Education

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Randy Lawson, Chair, AR Board of Education