

Minutes
State Board of Education
Monday, April 10, 2006

The State Board of Education met on Monday, April 10, 2006, in the auditorium of the State Education Building. Dr. Jeanna Westmoreland called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Jeanna Westmoreland, Chairman; Diane Tatum, Vice-Chairman; Sherry Burrow; Shelby Hillman; Dr. Calvin King; Randy Lawson; Dr. Ben Mays; and Dr. Naccaman Williams.

The following Board member was absent: Mary Jane Rebick.

Dr. Westmoreland announced that due to the special session, Action Agenda Item A – 7 was being removed from consideration: revisions to the Public School Fund Budget will be considered at the May 8 Meeting.

Commissioner's Report

Dr. James reported that the special session recessed on Friday and they addressed all the items that were proposed. He indicated that the current plan is for the session to convene on May 1 to correct any technical errors and then recess. He noted that it will be necessary to bring proposed revisions to the Public School Fund Budget to the May meeting.

Consent Agenda

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

- Minutes, March 13, 2006
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Review of Loan and Bond Applications

Action Agenda

Consideration of the Petition for Voluntary Consolidation of the Black Rock School District with the Walnut Ridge School District into the Resulting Lawrence County School District

(The full text of the deliberations for this item is found in the court reporter document, which is attached to these Minutes.)

Mr. Lawson moved approval of the petition for voluntary consolidation effective July 1, 2006. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Consideration of the Request for Approval of the Involuntary Consolidation of the Waldo School District to a Geographically Contiguous School District

(The full text of the deliberations for this item is found in the court reporter document, which is attached to these Minutes.)

Ms. Hillman moved that the Waldo School District be consolidated with the Magnolia School District effective July 1, 2006. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Consideration of 2006-2007 Renewal of Request for Proposals for Arkansas Better Chance (ABC) Programs

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that the Board is required to review the ABC program application form prior to release. He noted that the primary purpose of this release is to continue current programs for the coming year; however, each site has to apply annually. Ms. Hillman inquired about potential funding for the coming year. Mr. Lazenby indicated that the agency was working with Governor Huckabee's Office to assure adequate funding for continuation sites.

Ms. Hillman moved approval of the application form as proposed. Ms Burrow seconded the motion. The motion was adopted unanimously.

Request for Final Approval of Proposed Amendments to Rules and Regulations Governing the Arkansas Better Chance Programs

Paul Lazenby was recognized to present this item. Mr. Lazenby reported that additional "last minute" changes were being proposed as a result of collaboration with the Special Education Section. He indicated that the ABC staff is working with the Special Education Unit to clarify eligibility, program services, and training for staff. Additionally, Mr. Lazenby requested a change in the administrative procedures for storage of personnel records.

Dr. Williams inquired about the structure of program classrooms and the number of classes that can be linked to one "lead" teacher who is a certified teacher. Mr. Lazenby affirmed that the "lead" teacher can serve no more than three classrooms.

Ms. Burrow moved final approval of revised Rules as proposed. Dr. Williams seconded the motion.

Request for Final Approval of Proposed Revisions to the Arkansas Department of Education Rule Governing the Non-Traditional Licensure Program (NTLP)

Beverly Williams was recognized to present this item. Ms. Williams reported that additional minor revisions are being proposed. She noted that these suggested changes are the result of deliberations regarding the NTLP program. Ms. Williams highlighted the revisions that were suggested as a result of public comment. She noted that all of the suggested changes were intended to better prepare teachers who enter classrooms under the provisions of this program.

Dr. Mays observed that he has good grasp of the program for secondary teachers, but has questions about the preparation for an individual who would be entering a primary or upper elementary classroom. Ms. Williams responded that the reading component was one attempt to address that concern.

Ms. Hillman stated that this program was one of the positive actions that the Board has taken in recent years and there are many talented teachers who have entered the professions through this program. Mr. Lawson agreed that the NTLP is a very positive program, but believes that further edits, revisions and additions are necessary in the current proposal to make it clear, more beneficial and improve the program overall.

Ms. Burrow asked about those who have content skills, but lack “people” skills. Ms. Williams responded that once teachers are in the classroom, the principal or superintendent has some responsibility for monitoring and observing performance. She also stated that these are areas that can be addressed through the required professional development plan for those individuals.

Ms. Hillman moved approval of revisions as proposed. Ms. Burrow seconded the motion.

Dr. James stated that Arkansas was the only state that received an “A” rating in a recent education report for teacher quality.

The motion was adopted on a vote of 5 yes and 2 no. (Dr. Williams and Mr. Lawson voted no.)

Request for Approval for Public Comment of Proposed Revisions to the Arkansas Department of Education Rule Governing Assessment Scores for Students Attending the School for Mathematics, Science, and Arts (ASMSA) of the University of Arkansas

Dr. Charity Smith was recognized to present this item. Dr. Smith stated that this Rule proposes to set policy requiring the exchange of student test scores between the ASMSA and the student’s home high school. Ms. Tatum moved approval for public comment. Dr. King seconded the motion. The motion was adopted unanimously.

Recommendation of Fiscal Distress Classification of the Augusta School District for the 2004-2005 School Year

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that during the past year the Department has worked extensively with the Augusta School District and that the District has made changes consistent with Department suggestions. In keeping with the Rule, the District has submitted a letter requesting removal from fiscal distress classification.

Mr. Lawson moved approval of the removal from fiscal distress classification. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request Approval of the Recommendation of Denial of Employment Eligibility for a Non-Certified Position: Ronald Kay Forte

Tripp Walter was recognized to present this item. Mr. Walter indicated that Mr. Forte was employed in the Monticello School District as a special education aide. A routine background check revealed a previous felony conviction, which was expunged. Mr. Walter indicated that a telephone conversation with Superintendent Norman Hill was conducted and that Mr. Hill did not believe continued employment of Mr. Forte would be a problem. Mr. Walter reported that a letter from Mr. Forte was received requesting consideration of the Board for a waiver, which would allow him to continue in the position. Mr. Walter stated that the Board's options would be to deny the waiver, thus making Mr. Forte ineligible to continue employment or it could grant the waiver in which case he could continue to work in the district.

Ms. Hillman asked if the type of substance was known. Mr. Walter responded that the information was not contained in the documents due to the expungement.

Mr. Walter determined that Mr. Forte was not present nor was he represented. Mr. Walter did indicate that Mr. Forte came to the Department and met with the attorneys and the process for the hearing was discussed at that time. He also received a letter stating the date, time and location of the hearing.

Ms. Hillman moved that Ronald Kay Forte be denied eligibility for employment in a non-certified position. Dr. Mays seconded the motion. The motion was adopted unanimously.

Report of the Nominating Committee

Shelby Hillman, Chairman of the Nominating Committee, reported that Diane Tatum is nominated for Chairman and Randy Lawson is nominated for Vice-Chairman for the 2006-2007 fiscal year. Ms. Hillman moved approval of the Nominating Committee Report. Dr. Williams seconded the motion. The motion was adopted unanimously.

(Complete text of the following reports is found in the Court Reporter's transcription, which is an attachment to the minutes.)

Reports

Review of Proposed Performance Rating System and Report from Standard Setting Session

Dr. Charity Smith was recognized to present this report. Dr. Smith stated that this report is based on work of an advisory panel pursuant to the requirements to provide a rating for each school as required in Act 35 of 2003 and its subsequent revision. The purpose of the report is to advise the Board of the need to set performance ratings for each public school. Elements of the system were described and the process for determining a rating was presented. Dr. Smith advised the Board that they will be requested to act on the recommended performance rating system at the May 8th meeting.

No action was taken.

Report of the Annual Review of the Imboden Area Open-Enrollment Charter School

Mary Ann Brown was recognized to present this report. Ms. Brown reported that this charter school was approved for a three-year renewal of the charter in 2005, but the Board made the renewal conditional on receiving annual reports on student performance, enrollment and financial status. Judy Warren, school administrator, was recognized to present the update.

No action was taken.

Report on the Financial Status of the Academics Plus Open-Enrollment Charter School in Monticello

Dr. Bobbie Davis was recognized to present this report. Dr. Davis reported that the school has experienced severe financial difficulties this year. She noted that the state revenue was decreased beginning in November due to a decrease in enrollment for the current school year. Dr. Davis stated that the school expended all its cash prior to March 1 and that patrons and businesses in the Maumelle area have collected funds that will allow the school to meet obligations through April and perhaps go into May. She also confirmed that at this time there is no assurance that the school can finish the year or have a balanced budget at the end of the school year.

In response to a question by Dr. Williams, Dr. James asked Scott Smith to review options that the Board has to respond to the financial conditions that exist. Mr. Smith suggested that the school could close early and the Board revoke the charter; the school could voluntarily surrender the charter; or funds could be raised to meet

obligations for the rest of the year. He then stated that some determination would have to be made regarding any continuation for 2006-2007 school year and beyond.

In response, the Administrator, Nancy Acre and a representative of the parent organization affirmed that fund raising was ongoing and there is some hope that funds can be raised to meet the payments for the remainder of the academic year. Also, they indicated that there was a challenge grant of \$75,000 pledged that would only be paid if the balance of funds needed were raised. It was stated that parents and students are working "around the clock" in an attempt to meet financial obligations.

Ms. Acre reported that the current enrollment is approximately 170 students. Since the financial difficulty, some parents have placed their children in other schools in the area.

Mr. Smith informed the Board that if the Board should decide to revoke the charter, it would have to give notice and conduct a formal hearing. For the Board to conduct a formal hearing, it must provide 30 days notice.

Dr. Williams asked about the amount of money that would have to be raised to meet obligations. Dr. Davis responded that just raising funds to complete this year is only part of the problem. She reminded the Board that if they operate next year, they will have to complete registration, and submit a budget that covers 2006-2007.

Dr. Williams moved that the Board provide notice to the Academics Plus Charter School that a formal hearing will be conducted on May 8, 2006, and at that time the Board will consider the additional information and make a determination for continuation. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Scott Smith was directed to prepare a statement of notice and send to the Academics Plus Charter School administration and Board.

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

The meeting adjourned at 2:20 p.m.

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