

Minutes
State Board of Education
Monday, May 11, 2009

The State Board of Education met on Monday, May 11, 2009, in the Auditorium of the State Education Building. Randy Lawson, Chairman, 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; Dr. Ben Mays; and Diane Tatum.

No members were absent.

Chair's Report

Mr. Lawson welcomed Board members and guests and indicated that no Board members had items to report.

Commissioner's Report

Dr. James reported on a recent meeting involving Chief State School Officers and representatives from Governor's Offices were in dialogue regarding the development of state led, voluntary content standards. He stated that states have until May 20th to sign on as a partner in the development of those standards. Dr. James also reported on his attendance at the academic recognition banquet for Arkadelphia High School at which 153 students were recognized for achieving 3.5 or higher grade point average.

Reports

Paul Gray, 2008 Arkansas Teacher of the Year, provided a summary of research conducted during his year of service as the Arkansas Teacher of the Year. His research was devoted to identification of reasons students were not being successful in public schools in Arkansas. He interviewed students in various areas of the state and intends to publish a summary of his findings.

Consent Agenda

The chair asked if anyone were present who wished to speak for or represent any of the individuals under consideration for licensure ethics issues. There was no response.

Ms. Gullett asked if parent's comments regarding sanctioned individuals were considered before or after recommendation made by the Professional Licensure Standards Board particularly in the issue of baring individuals from all AAA events. Beverly Williams suggested that the recommendation(s) attempted to be responsive to concerns received from parents. Tripp Walter requested that the Board provide the Department Legal Office the opportunity to work with the Licensure Board and other entities involved to make appropriate and mutual agreement in the cases involving AAA.

Beverly Williams noted that a meeting of the Professional Licensure Standards Board would be convened in the very near future to reconsider a number of points in the Ethics Rule. Ms. Gullett asked about the process for consideration of any rules revision. Ms. Williams responded that any proposed rules revision would be subject to Board review, public comment and final consideration by the Board.

Mr. Cooper moved approval of the Consent Agenda with exception of AAA sanctions for Eric Fleming and Keith Mercer. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes, April 13, 2009
- Report on waivers to school districts for teachers teaching out of area for longer than thirty (30) days, ACA § 6-17-309
- Commitment to principles of desegregation settlement agreement: report on the execution of the implementation plan
- Newly employed, promotions and separations
- Work force data report
- Consideration of recommendation of the Professional Licensure Standards Board for permanent revocation of teacher's license on case #09-101 – Pamela Bradsher
- Consideration of recommendation of the Professional Licensure Standards Board for permanent revocation of teacher's license on case #09-014 – Tracie Lowman
- Consideration of recommendation of the Professional Licensure Standards Board for permanent revocation of teacher's license on case #09-016 – Jimmy Kellensworth
- Consideration of recommendation of the Professional License Standards Board for permanent revocation of teacher's license on case #09-021 – Stephanie Murray
- Consideration of recommendation of the Professional License Standards Board for written reprimand and fine of \$50 on case #09-022 – Mary Katherine Northup
- Consideration of recommendation of the Professional License Standards Board for permanent revocation of teacher's license on case #09-025- Crystal Lee Ann Shipman aka Crystal Sutterfield
- *Consideration of recommendation of the Professional Licensure Standards Board for suspension of teacher's license for five (5) years with a fine of \$100 and no participation in AAA activities in any capacity during the period of suspension on case #09-026 – Eric Fleming
- *Consideration of recommendation of the Professional Licensure Standards Board for probation of teacher's license for three (3) years, a fine of \$75.00, and no participation in AAA activities in any capacity as a condition of probation, and semi-annual reports to the Professional Licensure Standards Board Sub-Committee on Ethics by his employer on case #09-028-Keith Mercer
- Consideration of recommendation of the Professional Licensure Standards Board for permanent revocation of teacher's license on Case #09-030 – David Lucas Riley

Action Agenda

Request for Approval of 2008-2009 Arkansas Better Chance Grants

Jamie Morrison was recognized to present this item. Ms. Morrison stated that all proposed grants had been reviewed and approved by the ABC staff.

Ms. Tatum asked about the grant to South East Arkansas Cooperative in the amount of \$500,000. Ms. Morrison responded that the cooperative serves as an umbrella project for funding the work of 75

Americorp workers who serve students in several areas of the state. Ms. Tatum asked if these individuals worked exclusively in the pre-k programs. Ms. Morrison responded yes.

Ms. Mahony asked about any impact of stimulus funding on ABC grant funding. Ms. Morrison responded that she was not aware of how stimulus funds would be allocated to pre-school programs.

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

Consideration of Public Comment: Revisions to Arkansas Department of Education Rules Governing the College Preparatory Enrichment Program

Donna Wolfe was recognized to present this item. Ms. Wolfe stated that proposed revisions to the CPEP Rule resulted from recent legislation and from specific interest from Governor Beebe. Ms. Wolfe noted the major changes, which included expanding services to include seniors who have previously not scored at least 19 on the ACT exam.

Ms. Mahony asked about the opportunity for senior students who retake the test during the summer after their senior year to use those grades for college admission and to remove the possible remediation requirement. Ms. Wolfe stated that the best score, whenever it was taken, could be considered for everything except NCAA eligibility. Dr. Williams asked if the summer testing were specifically limited to those students enrolled in the CPEP Program. Ms. Wolfe stated that the special testing session is conducted specifically for Arkansas students completing the CPEP Program. Ms. Gullett suggested challenging the NCAA's position of using summer testing for eligibility purposes.

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

Consideration of Request for Additional Requirement for Library Media and School Guidance and Counseling Additional Licensure Plans

Beverly Williams was recognized to present this item. Ms. Williams stated that this policy revision was being recommended to provide consistency across the state in setting the number of years a teacher must engage in classroom teaching prior to being eligible for additional licensure in the fields of library media and guidance. She stated that wording to the effect of equalizing requirements rather than additional requirements was more descriptive of the intent of this policy recommendation. Dr. Williams asked why teaching experience was required especially in these areas. Beverly Williams responded that in Arkansas these specialty licenses are based on a teacher's license and it takes from one to three years for a beginning teacher to move from the initial provisional license to full licensure. Ms. Williams also noted that the Arkansas counseling license is based on a program linked to curriculum and placement as opposed to clinical counseling.

Mr. Lawson noted that frequently schools are cited or on probation because they cannot staff these two positions. Ms. Williams stated that licensure is dependent on preparation by colleges and universities and not all campuses that train teachers have these programs in place. She acknowledged that demand for staff qualified in these areas is great and few are in the pipeline at this time.

Ms. Gullett asked if there were a Praxis exam for these positions. Ms. Williams responded yes.

Dr. Mays observed that for many seeking to work in one of these two areas they have to take classes and get licenses in an area they do not intend to use. And, requiring two years of teaching further delays these individuals from working where they are needed and where they want to work. Dr. Mays asked if any other states require teaching prior to licensure of these areas. Ms. Williams responded that she was not aware of criteria in other states.

Dr. Williams cited that individuals who train in college to be public librarians or media specialists would not be eligible to serve that role in the schools. He stated that there is not that much difference in the job expectations between public librarians and school librarians.

Ms. Gullett moved approval as presented with suggested name change of equalizing requirements across the universities. Ms. Burrow seconded the motion. The motion was adopted by a roll call vote 6 yes, 2 no. (Williams and Mays voted no.)

Consideration of the Creation of a Professional Level of Licensure beyond the Standard License

Beverly Williams was recognized to present this item. Ms. Williams stated that this recommendation comes from the Professional Licensure Standards Board and seeks to recognize the accomplishments and additional training of teachers who earn an advanced degree and/or earn National Board Licensure.

Mr. Cooper asked if other states that have such differentiated levels pay additional for the designation. Ms. Williams noted that any teacher who earns an advanced degree or earns National Board Licensure automatically receives an increase in base pay. She stated that she is not aware of pay scales from other states.

Ms. Gullett observed that this seems to be based on a recommendation for the Odden and Picus Report on adequacy. She stated that it appears to be a good improvement.

Dr. Williams asked what were the criteria used to determine who is eligible for the new category of licensure. Beverly Williams noted that the criteria are based on additional preparation – higher degree or National Board Licensure, and affirmed that this is not a merit-based pay option.

Mr. Cooper moved adoption as proposed. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Two Year Probation On-Campus Standards Review (OSR) Follow-up Report

Frank Wimer was recognized to present this item. Mr. Wimer stated that from the 2007-2008 school accreditation report one or more school(s) from the Lee County, Hughes, Bearden, Dollarway and Crossett School Districts failed to meet Standards for Accreditation for two consecutive years. As a result those districts were monitored closely during the 2008-2009 school year. Mr. Wimer reported that at the time of site visits all schools with the exception of Hughes High School had removed all accreditation violations. He stated that Hughes High School failed to meet accreditations standards for a third consecutive year due to the lack of appropriate licensure of a civics teacher.

Ray Nassar, superintendent of the Hughes District, was recognized to provide a progress report. Mr. Nassar stated that this is his first year in the position and is working diligently to meet all accreditation

standards. He stated that immediately following the visit, staff changes were made and removed the licensure violation by placing a fully licensed civics teacher in that classroom.

Ms. Burrow moved to accept the report as presented. Ms. Tatum seconded the motion. Dr. James stated that state statute requires the Department to intervene when accreditation status of a school is not corrected in a timely manner. Dr. James stated that there are multiple options for consideration by the Board in such situations. Vote on the motions was unanimous.

Ms. Gullett moved that the Department prepare appropriate recommendations based on statute and the current accreditation status of Hughes High School. Dr. Mays seconded the motion. Ms. Mahony asked if students get credit for a course taught by an instructor who does not meet licensure requirements. Annette Barnes responded that the Department does not punish students by withholding credit in licensure cases.

Mr. Cooper observed that the new superintendent seems to be taking responsibility for meeting standards requirement. He suggested that Department staff meet with Mr. Nassar in preparation of recommendations for consideration by the Board.

Mr. Ledbetter requested written background of the total scope of issues related to Hughes High School and its accreditation status to include options for any sanctions or action that may be warranted. Dr. James also stated a copy of the new federal accountability plan would be provided to the Board.

The motion to bring recommendation was adopted unanimously.

Review of Pulaski County School District Bond Application

Bill Goff was recognized to present this item. Mr. Goff stated that the Pulaski County Special School District submitted a revised proposal with additional information pursuant to repayment of the proposed bond indebtedness should the request be approved.

Interim superintendent Robert McGill was recognized to provide additional information. Mr. McGill stated that the proposal has been revised since the previous presentation with the primary repayment plans based on increased assessment and revenue rather than being dependent on staff and program cuts as proposed in April. Mayor Mike Watson from Maumelle stated that the city of Maumelle, where one of the proposed facilities would be constructed, has maintained growth even during this time of economic downturn. He also cited growth in the community of Sherwood, location of the second proposed facility. Mayor Watson cited the condition of the current Oak Grove High School building and stated that few Maumelle residents send their high school students there. He affirmed an increase in participation of Maumelle residents in public school if appropriate facilities were to be available in Maumelle.

Mr. Lawson inquired about the potential impact of Amendment 59 and any roll back of millage rates should that requirement be imposed on the district. Anita Farver, acting financial officer for PCSSD, stated that the District does believe that Amendment 59 roll back may be imposed; however, that should not impact revenue for the next two to three years and after that the projected revenue from increased assessment should more than cover the repayment of the bonds.

Ms. Burrow stated that the Board received letters from patrons who reside in other areas of the district discouraging approval of the bonds. She asked how the decision was made to move forward with the proposed projects rather than address other facility needs in the district. Mr. McGill responded that the district has a 10 year facilities plan based on a study completed in 2006. He affirmed that replacement of the Oak Grove and Sherwood buildings were the highest priority on that study and noted that the study was conducted under a previous school administration. Mr. McGill also stated that there are other maintenance items that need attention and the district has a plan for updating restrooms and replacement of roofs of other buildings that will be completed this summer. Those funds are available and earmarked for renovation.

Ms. Gullett inquired as to the future use of the old facility at Oak Grove or Sherwood. Mr. McGill responded that there are no plans at this point. He did affirm that major work would have to be done at least at Oak Grove for that to be a usable building for the community.

Mr. Ledbetter inquired about proposed transfer of funds from the operating fund to the building fund. Mr. McGill responded that such a transfer is an annual procedure because the revenue from millage dedicated to bonded indebtedness exceeds the needs for payments and the millage election provided that excess revenue collection could be used for maintenance and operation. Mr. Cooper stated that such transactions in districts are routine.

Mr. Lawson asked about potential loss of funds in the event of an Amendment 59 roll back. Anita Farver did not have specific information. Carey Smith representing Stevens, Inc. stated that there should be no roll back through the 2008 assessment and those revenues are currently on the tax books. He did state that with additional tax assessments a future roll back might be possible.

Dr. Williams asked if the Facilities Board had reviewed the project and if there were recommendations. Dr. James stated that the Facilities Board had received the plans, but they are not involved in financial issues, he stated that financial determinations must be made by the State Board of Education.

Ms. Burrow asked if any loss of funding had been considered should the district be declared as a unified district. Ms. Farver stated that any loss of revenue would be assumed in the operational funds.

Dr. Mays asked about the term of the payment – Mr. McGill responded 27 years.

Ms. Burrow observed that the district has been in declining enrollment for several years, should the district consider reduction in size of the proposed facility to house 1500 students. Mr. McGill stated that such consideration could be made. State Representative Ed Garner was recognized to speak and stated that Maumelle, which is in his district, has been increasing in population and continues to do so. He stated that he thought the potential of a 1500 student high school was within reason over the next few years.

Dr. Mays presented data from a real estate organization suggesting down turn of the economy in the Little Rock and Pulaski County area. He suggested that this was not a time to be dependent on increased property assessment for long term debt.

Mr. Cooper moved to approve the proposal as presented. Ms. Tatum seconded the motion. The motion was adopted on a 6 yes 2 no vote (Mays and Mahony voted no). Dr. Williams subsequently asked if the

district has considered submitting a millage campaign to cover the debt. Mr. McGill noted that a millage campaign was not considered but might be a future option for the district.

Review of Open-Enrollment Public 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 item. Dr. Brown stated that this report is presented as a result of pending financial concerns of the Department specifically related to completing the current school year without an operating deficit. Dr. Paul Heinz was recognized to provide a financial update. Dr. Heinz stated that the two schools, which have been operating independently, are undergoing a study that will merge the administration of these two entities into one administration unit. He also stated that a potential lender has been identified that will provide a bridge loan to the umbrella organization until a proposal for merger can be framed and presented for consideration. Dr. Heinz also stated that the original organizer of the Founding Board is no longer associated with the Board.

Dr. Williams moved to accept the report as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Hearing on Revocation of Teacher's License – Donna Lou Sanders

Drew Blankenship was recognized to present this item. Mr. Blankenship reviewed the background information regarding this case. Mr. Lawson determined that Ms. Sanders was not present nor represented.

Mr. Cooper moved to permanently revoke the license as proposed. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Request Approval of the Recommendation of Suspension of Teacher's License – Patricia Ann Miller

Drew Blankenship was recognized to present this item. Mr. Blankenship reported that under state code when an individual is delinquent with child support payments, any other state license-granting agency must suspend a license until such time as the payments are current and being made in a timely manner. Mr. Lawson determined that Ms. Miller was not present nor represented.

Ms. Gullett moved to suspend the teacher's license of Patricia Miller until such time as she is current on child support payments. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Teaching License – Jerry Evans

Jennifer Flinn was recognized to present this item. Ms. Flinn provided background on the issue related to the Department's denial of an initial teaching license. Mr. Evans was present and was recognized to speak to the issue of the waiver request.

Dr. Williams ask what conditions exist that would bring Mr. Evans back to Arkansas at this time. Mr. Evans stated that he formerly lived in Arkansas and after several years away was interested in returning to this state to make his home. Mr. Cooper asked where he had taught when he previously worked in Arkansas. Mr. Evans responded, Searcy, England Academy, Watson Chapel and Altheimer. Mr. Cooper asked if the Department had offered a stipulated agreement. He responded no. Ms. Flinn stated that

because of the previous convictions and the time frame of those convictions, no stipulated agreement was offered. Mr. Cooper asked about the last use of a controlled substance. Mr. Evans stated in 1998.

Ms. Gullett asked about any rehab services. Mr. Evans responded none: that he relied on his faith to keep him away from the drugs.

Dr. Williams asked if Mr. Evans had a job offer or knew where he might be seeking employment. Mr. Evans responded that he does not have a job offer at this point.

Ms. Gullett moved to accept the recommendation to deny waiver for a teacher's license. Mr. Ledbetter seconded the motion. Mr. Cooper asked if Mr. Evans would be eligible to return to the Board should he receive an offer for a job in Arkansas. Ms. Flinn responded yes. The motion was adopted on a roll-call vote 6 yes, 2 no (Burrow and Tatum voted no.)

Hearing on Waiver Request for Teaching License – Vicki Williams

Jennifer Flinn was recognized to present this item. Ms. Flinn provided background information regarding the conviction, time served and parole. Ms. Williams was present and was recognized to speak on her own behalf. She stated that she had recently moved to Arkansas to live with family and to get a fresh start.

Ms. Tatum moved to grant the waiver and to allow Ms. Williams to move forward with obtaining a probationary license; she should work with the Legal Office to complete terms for a three-year probationary period during which time no further arrests or convictions would be allowed. Ms. Burrow seconded the motion. The motion was adopted on a roll-call vote 5 yes, 3 no (Cooper, Gullett and Ledbetter voted no.).

Report of Nominating Committee

Chairman Lawson recognized Diane Tatum to present the Nominating Committee report. Ms. Tatum stated that the Committee recommends Naccaman Williams as Chairman and Jim Cooper as Vice-Chairman for the 2009-2010 fiscal year.

Ms. Tatum announced a luncheon meeting on June 11, 2009, at the Statehouse Convention Center sponsored by the Business and Education Alliance to recognize heroes in Education. She identified those to be recognized as Jody Mahony, Bill Fisher, Carol Langston, Bill Kessinger, and the El Dorado News Times. She encouraged Board members to attend.

The Chair declared, without objection, the meeting is adjourned. The meeting adjourned at 12:20 p.m.

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