

**Minutes
State Board of Education
Monday, May 12, 2008**

The State Board of Education met on Monday, May 12, 2008, in the Auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following members were present: Diane Tatum, Chairman; Sherry Burrow; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; Dr. Naccaman Williams

The following members were absent: Randy Lawson, Vice-Chairman and Jim Cooper.

Chair's Report

Ms. Tatum reported participation on a team from Arkansas attending the National State Scholars program, which met recently in Boston.

Ms. Rebick and Dr. Williams reported attendance at a conference conducted by the Office of Education Policy, which provided an update on implementation of legislation enacted in the 2007 session of the Arkansas General Assembly.

Dr. Williams reported on a visit to Lepanto Elementary school where he was impressed with the quality of teaching and learning by the faculty and students in that school.

Ms. Burrow reported attending a celebration at the Valley View School District acknowledging that district's 4th consecutive year of placing first in the Golden Apple Award recognition program. She noted that the activities include community participation as well as students and faculty from the district.

Ms. Tatum presented a plaque to Justin Minkel recognizing his year of service as an advisory member of the State Board of Education through the Arkansas Teacher of the Year Program. She noted that Mr. Minkel is the first person to serve in this capacity noted his comments and observations have been informative and instructive to the Board in its deliberations. Mr. Minkel responded that the Teacher of the Year program provides a unique opportunity for a teacher to move beyond the classroom walls and to speak for teachers in a unique way. He also

introduced Mr. Paul Gray the 2008 Arkansas Teacher of the Year who will be assuming the advisor role beginning with the June Board meeting.

Commissioner's Report

Dr. James also recognized the contribution of Justin Minkel and noted that he was one of four finalists for national Teacher of the Year last year. Dr. James noted that Mr. Minkel becomes the pacesetter for the Arkansas Teacher of the Year program and challenged him to continue to seek excellence in the classroom in the year to come.

Dr. James' report included the following:

- Comment on the number of proposed waiver days requested by districts due to severe weather. He also noted that other district requests may be forthcoming due to the tornado that hit Stuttgart the past weekend.
- Attendance at the national Teacher of the Year recognition event in Washington, DC where a teacher from Oregon was named 2008 national Teacher of the Year.
- Participation in a national conference addressing teacher licensure.
- Joined with the Commissioner of Education from Massachusetts to participate in a program hosted by the Office of Education Policy from the University of Arkansas at Fayetteville, which focused on state progress in implementing educational reform
- Announced the return of administration of the Helena-West Helena School District back to their elected Board as of July 1. Dr. James noted that the Helena-West Helena Board hired Rudolph Howard to be the new superintendent of schools.

Reports

Dr. James and Ms. Tatum presented awards to the following principals who completed the Arkansas Leadership Academy Master Principal's Institute:

- Debbie Heath, principal Wynne Primary School, Wynne School District
- Dr. Roger Hill, principal Kirksey Middle School, Rogers School District

Beverly Williams and Julie Thompson reported on the cooperative agreement between Arkansas and Hanban that will facilitate the supply of Chinese teachers who will teach Mandarin Chinese in selected Arkansas school districts beginning in the fall 2008.

Dr. Charity Smith provided a hands-on review of the State Educational Accountability Report that provides data for each of the schools and districts.

Consent Agenda

Ms. Tatum noted the addition of one Consent item – Consideration of Request for Waiver of one (1) instructional day for Siloam Springs School District due to tornado damage.

Dr. Williams moved adoption of the Consent Agenda as amended. Ms. Burrow seconded the motion. The motion was adopted unanimously.

- Minutes April 21, 2008
- Report on waivers to school districts for teachers teaching out of area for longer than thirty (30) days, Act 1623 of 2001
- Commitment to principles of desegregation settlement agreement: Report on the execution of the implementation plan
- Newly employed, promotions and separations
- Consideration of request for waiver of two (2) instructional days for Cedar Ridge School District
- Consideration of request for waiver of three (3) instructional days for Mt. Judea School in the Deer/Mt. Judea School District
- Consideration of request for waiver of two (2) instructional days for Salem School District
- Consideration of request for waiver of one (1) instructional day for Calico Rock School District
- Consideration of request for waiver of one (1) instructional day for Cedarville School District
- Consideration of request for waiver of two (2) instructional days for Huntsville School District
- Consideration of request for waiver of one (1) instructional day for Norfolk School District
- Consideration of request for waiver days for the following schools in the Pulaski County Special School District
 - Northwood Junior High School – one (1) instructional day
 - Cato Elementary School – one (1) instructional day
 - Sylvan Hills Middle School – one (1) instructional day
 - Sylvan Hills Elementary – one (1) instructional day
 - Sylvan Hills High School – four (4) instructional days
- Consideration of request for waiver of three (3) instructional days for Searcy County School District
- Consideration of request for waiver of one (1) instructional day for Shirley School District

- Consideration of request for waiver of four (4) instructional days for Twin Rivers School District
- Consideration of request for waiver of two (2) instructional days for Viola School District
- Consideration of request for waiver of one (1) instructional day for Siloam Springs School District.

Action Agenda

Appeal to State Board Regarding Fiscal Distress Identification and Classification by Mineral Springs School District *(The complete text of the proceedings of this item are included in the transcript provided by the court reporter and available from the State Board Office at the Department of Education.)*

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that staff from the Department visited in the Mineral Springs District and continued to revise financial data from the district. Max Adcock, superintendent of the Mineral Springs District was recognized to provide additional data and to respond to questions. Mr. Adcock stated that he was aware of the declining revenue and decline in student population of the district and that cost saving strategies were already being implemented with the advice and support of the Department.

In response to questions from Board members, Mr. Adcock reported a variety of cost saving strategies to include the following:

- Reduction in the number of teachers – presently limited to not replacing positions where vacancies occur due to retirement or resignation.
- Reduction in the number of maintenance and support staff.
- For the summer using utilities such as air conditioning only in rooms occupied for summer classes, which will be only one or two.
- Correct account numbers for payroll, which has been completed.

Ms. Burrow asked about the audit exceptions noted in the report. Mr. Adcock responded that those issues have been corrected and that those issues were primarily due to oversight on his part.

Ms. Rebick moved to classify the Mineral Springs School District in fiscal distress beginning July 1, 2008. Dr. Williams seconded the motion. The motion was adopted 5 yes, 1 no on a roll-call vote. Ms. Burrow voted no.

Review of District Conversion Charter School: Raider Open-Door Academy, Jonesboro, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reported that the local school board of the Nettleton School District requested that the district be allowed to surrender the charter effective June 30, 2008. Carroll Tedford, assistant superintendent of the Nettleton District was recognized to respond to questions.

Mr. Tedford stated that the charter school had received a stigma among students as being a "place for dummies" and that students and their parents were reluctant to enroll because it required additional time and it was located apart from other classes. He noted that the district can continue to provide remediation within the regular school day and meet the instructional needs of students without additional costs to support the charter school.

Ms. Rebick asked about the building that housed the charter classes. Mr. Tedford responded that it would be torn down once all supplementary programs are moved out of that facility.

Ms. Burrow moved to accept the surrender of the charter from Raider Open-Door Academy as of June 30, 2008. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Review of Amendment Request of Open-Enrollment Public Charter School: Dreamland Academy of Performing and Communication Arts, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that a request was received from Dr. Carolyn Carter, Superintendent of Dreamland Academy, to seek approval for waivers from requirements, which is afforded Charter Schools in the statutes. Dr. Carolyn Carter was recognized to present the waiver requests. Dr. Carter began her presentation with a video of activities at the school from the current school year. Dr. Carter listed the standards for which waivers were being requested.

- Election of Board of Directors
- Requirement for membership on the Board of Directors being from service area
- Licensure for artists to teach content which is not considered core curriculum
- Requirement to have a personnel committee
- Fair teacher dismissal
- To establish a merit pay for teacher plan

- Clarify the definition of the gifted and talented program

Scott Smith informed the Board that the Attorney's Office has reviewed these requests and finds that they are within the provisions of the Charter School Statutes and could be approved at the discretion of the Board.

Ms. Gullett observed that this charter was approved less than a year ago and questioned why these issues were not considered during the framing of the initial proposal. Dr. Carter responded that one of the issues dealing with board members is that the sponsoring agency is a private corporation and without the waiver, the corporation cannot be represented on the board. Also, she noted that defining a geographic area of service for a charter school was not clear.

Ms. Rebick questioned the issue of salary for Dr. Carter. Dr. Carter responded that she has not taken a salary during this first year. It was noted that the school principal is the spouse of Dr. Charter, who is salaried.

Ms. Gullett asked if it was possible for the Board to approve a waiver of the fair dismissal act. Scott Smith said yes in the case of a charter school.

Dr. Mays asked about the process for determining membership of the local board and for qualifications for a person to serve on the charter school board. Dr. Mays asked if the State Board had any supervisory authority over review and approval of charter board members. Scott Smith responded that could be a condition of approval of the waiver. Dr. Mays also noted his concern for the two top administrators of this charter being a married couple.

Dr. Williams asked about the issue noted regarding gifted and talented funds. Dr. James responded that there are no separate funds for gifted and talented. However, there is an inclusion for gifted and talented within the funding formula.

Dr. Williams moved approval of the waivers as presented with the exception that any appointments to the local charter board must be submitted to the State Board for review and approval. Ms. Burrow seconded the motion.

Dr. Knight asked if this meant waiving the highly qualified teacher standards. Scott Smith responded no, that standard could not be waived.

Dr. James asked about a date for submission of the nominees for local board. Ms. Rebick proposed an amendment to the motion to require any nominations be submitted to the Charter School Office in a timely manner so that they can be considered at the August Board meeting. *(Items for the August Board meeting must be submitted no later than Monday, July 28, 2008 – C. Watson added)* Dr. Williams agreed to the amendment as did Ms. Burrow. *(The motion now is to approve waivers as presented with the exception that any appointments to the local charter board must be submitted no later than July 28, 2008, for consideration at the August Board meeting.)* The motion was adopted on a roll-call vote 4 yes and 3 no. Gullett, Rebick and Tatum voted no. The motion was adopted with a majority of the quorum present.

2007-2008 Arkansas Better Chance Program: Request for Approval of Additional Grant Funding

Paul Lazenby was recognized to present this item. Mr. Lazenby distributed a supplement to the list included in the Agenda. He noted that additional proposals were received and deemed fundable by the review and approval process. He noted that most of these grants are supplements to provide for additional summer activities and programs in previously funded projects.

Dr. Williams asked about direct services provided by Arkansas State University (ASU). Mr. Lazenby responded that ASU holds a contract with the Agency to provide consultative services to ABC programs and professional development for others seeking accreditation. He also noted that ASU holds a contract for up to seven years after which time a new request for proposals will be issued by the Agency.

Ms. Rebick moved approval as submitted with revisions. Ms. Burrow seconded the motion. The motion was adopted unanimously. (The total amended grant amount is \$6,729,044.00)

Consideration for Approval for Public Comment: Proposed Rules Governing End-of-Course Assessments and Remediation

Scott Smith was recognized to present this item. Mr. Smith provided background information on the development of this proposal. Dr. Mays asked about the requirement being "basic" instead of "proficient." Dr. James noted that the ramifications of this rule are great: the Department's goal for all students is proficient. However, the issue in this rule is withholding course credit and meeting graduation requirements. Dr. James noted that many states have encountered legal issues with setting

tests for which passage determines graduation eligibility. Ms. Burrow asked about the number of times students could retake a test. Dr. James noted that at least three retakes with sufficient time between for remediation are included in the proposed rule.

Dr. Knight moved adoption for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Request for Final Approval: Revisions to Arkansas Department of Education Rules Governing Loan and Bond Applications

Cindy Hedrick was recognized to present this item. Ms. Hedrick summarized the comments received during the public hearing and noted changes in the final version of the Rule.

Ms. Burrow asked about the status of high-needs districts applying for loans from the revolving loan fund. Tripp Walter responded that the wording of that component was consistent with requirements in the statute.

Ms. Burrow moved approval as submitted. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Proposed Rules Governing Minimum Qualifications for General Business Managers of Public School Districts February 2008

Bill Goff was recognized to present this item. Mr. Goff reported that a public hearing was held and noted comments received. He identified changes that are proposed as a result of the public comments.

Ms. Rebick moved adoption as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

(The complete text of the proceedings of the following items is included in the transcript provided by the court reporter and available from the State Board Office at the Department of Education.)

Hearing on Waiver Request for Certified Teacher's License – Deborah Landers

Tripp Walter was recognized to present this item. Mr. Walter stated that this was a reconsideration of a hearing that was rejected at a previous meeting. Ms. Landers was present and represented by Jeff Wankum. Mr.

Wankum noted that Ms. Landers has made complete restitution of funds, the court records have been expunged, and she has been fully admitted to the Master of Arts in Teaching program (MAT) at the University of Central Arkansas.

Mr. Walter informed the Board that in matters of professional licensure – specifically teacher licensure – the Attorney General has issued an opinion that such licensing agencies may consider expunged records when issuing a new or renewal license. Mr. Walter also stated that the Board must determine how granting such waiver might impact children: she is convicted of stealing \$36,000 from a public entity and that there should be serious consideration about this person being a classroom teacher.

Ms. Gullett moved to accept the Department recommendation to deny waiver. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Hearing on Revocation of Teacher’s License – Chad D. Smith

Tripp Walter was recognized to present this item. Mr. Walter noted that Mr. Smith was not present nor represented.

Dr. Williams moved to permanently revoke the teaching license of Chad D. Smith. Dr. Mays seconded the motion. The motion was adopted unanimously.

Hearing on Revocation of Teacher’s License – Stephen Rose

Tripp Walter stated that this item was being deferred for consideration at a later time.

Report of Nominating Committee

MaryJane Rebick, Chair of the Nominating Committee was recognized. Ms. Rebick stated that the recommendation from the Nominating Committee for officers for 2008-2009 is Randy Lawson, Chairman and Naccaman Williams, Vice – Chairman.

Other Business:

Ms. Tatum stated that the Board has received a request to nominate a regional representative for NASBE who is a member of the Arkansas Board. She reported that Jim Cooper has recommended for consideration. Ms. Burrow moved that Jim Cooper be nominated for the NASBE pending his

agreement to serve. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. Mays expressed concern for apparent nepotism in the administration of some charter schools and that charter schools seem to operate with boards that are self-perpetuating as opposed to elected boards. He suggested consideration be given to how the charter school rules might be revised to address this issue. Ms. Gullett observed that in general the legislature believes charter schools to be public schools and that they are managed like public entities. She suggested perhaps some opportunity for the Board to visit with members of the General Assembly would be worthwhile.

Dr. Williams moved adjournment. Ms. Rebick seconded the motion. The motion was adopted unanimously.

The meeting was adjourned at 1:55 p.m.

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