

**Minutes**  
State Board of Education  
Monday, May 14, 2007

The State Board of Education met on Monday, May 14, 2007, 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; Randy Lawson, Vice-Chairman; Sherry Burrow; Jim Cooper, Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

No members were absent.

**Chair's Report**

Ms. Tatum stated that she did not have a report at this time but deferred to Dr. Williams. Dr. Williams reported accepting an invitation to represent the Board and bring the opening address to the spring leadership conference for Master's level and Education Specialist's level student at Henderson State University. He also presented at a session discussing education in Arkansas. Dr. Williams commended the staff and faculty at Henderson for the leadership in preparing new teachers and administrators.

**Commissioner's Report**

Dr. James recognized Gayle Morris and Kevin Briggs, staff members in the ADE Communications Office, for taking, processing and presenting poster size photographs displayed in the auditorium and in the hallway on Third Floor of Building A, near the Commissioner's Office. He noted that all of the photographs are of students enrolled in Arkansas public schools. He commended Morris and Briggs for their artistry and commitment to the Communications Office duties of the Department.

Dr. James noted the beginning of interim Education Committee meetings of the House and Senate. He reported that initial work will begin to process the 26 interim studies as requested during the recent session. Also, he noted that beginning with the June Board meeting, the Board will begin seeing new and revisions to Rules required as a result of action taken by the General Assembly.

**Consent Agenda**

The Chair reported that the following items were being withdrawn from consideration with the Consent Agenda with a request for additional information: Consent Agenda Items 11, 12, and 13.

Dr. Williams moved adoption of the Consent Agenda with the deletion of Consent Agenda Items 11, 12 and 13. Ms. Rebick seconded the motion. The motion was adopted unanimously.

- Minutes, April 9, 2007
- 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
- Distance Learning Utilization Guidelines
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Clarendon School District – Alice Smith
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Searcy School District – April Alderson
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Forrest City School District – Catrece Davis
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Greene County Tech School District – Dana Faulkner
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Gravette School District – Irma Edmisten
- Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the West Memphis School District – Tige Thompson

### **Action Agenda**

#### **Request for Final Approval of Revisions to Rules and Regulations Governing the Arkansas Better Chance Program**

Paul Lazenby was recognized to present this item. Mr. Lazenby reviewed actions of the Agency to conduct 5 public hearings and receive and process approximately 120 written responses. He noted that the vast majority of responses dealt with the component of the proposed rule requiring Bachelor's degree in early childhood education or related field. Mr. Lazenby indicated that teachers and programs have up to six years to complete degree requirements and that work with higher education institutions confirms that programs are in place across the state to accommodate the increased demand for early childhood programs.

Mr. Lawson moved final approval. Dr. King seconded the motion. The motion was adopted unanimously.

#### **Request for Approval of Amendments to 2006-2007 Arkansas Better Chance Grants**

Paul Lazenby was recognized to present this item. Mr. Lazenby reported that the additional funds were being added to current (2006-2007) grants to cover start up costs for programs.

Ms. Rebick inquired about the Rutgers item. Mr. Lazenby responded the Rutgers University has the contract to conduct the external longitudinal evaluation of the ABC program and pre-school grants and this revision is necessary to correct an amount for that grant that was previously approved.

Ms. Burrow moved approval of the revised budget as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval of Revisions to Arkansas Department of Education Guidelines for the Development and Revision of School District Stipulated Discipline and School Safety Policies.**

Dr. Charity Smith was recognized to present this item in the absence of Marcia Harding. Dr. Smith stated that required publication and hearings have been conducted.

Mr. Lawson noted the complexity of these Rules and imagined difficulty of local district administrators for understanding and carrying out these Rules. He noted it would be helpful if the state and federal legislatures would help clear these mandates. Dr. James responded that there is not much the state legislature can do because of federal guidelines, which are complex and demanding on administrators.

Mr. Lawson moved final approval of the Rule as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

**Identification of School Districts in Fiscal Distress**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis summarized the review of fiscal status of districts conducted each year by Department staff. She identified conditions such as audit exceptions, annual financial reports made to the Department, changes in ending balances, compliance with reporting requirements and overall district debt. She noted that districts out of compliance with any of these factors are identified for further review and are notified by certified letter of the pending review. She indicated that districts may provide additional information prior to being classified in fiscal distress, which is a decision of the Board.

Dr. Davis reported that three districts, Bald Knob, Bismarck and Clinton were notified of Board review and they have 30 days to provide additional information. She stated that the Board would be receiving additional information prior to the Department's request for classification of those districts in fiscal distress.

Dr. Davis also reported that the Omaha, Turrell and Hughes school districts are currently classified in fiscal distress and the Helena-West Helena and Midland School Districts are working under state take-over status.

Ms. Rebick inquired as to the number of years a district can remain in fiscal distress without further action by the Board. Dr. Davis responded two years.

Dr. Mays asked about the status of local board elections in Helena-West Helena and Midland and can previous board members seek reelection. Dr. Davis responded yes.

Mr. Cooper moved to accept this report. Dr. Knight seconded the motion. The motion was adopted unanimously.

*(A complete transcript of the following actions was recorded by a court reporter. That transcript is available upon request from the State Board of Education Office. These Minutes only reflect actions taken pursuant to these items.)*

**Consideration of Renewal of the Conversion Charter School Application: Academic Center of Excellence, Cabot, AR**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reported that Dr. Frank Holman, superintendent of Cabot School District would present the update.

In summary this charter school was formed to address the large number of students dropping out of school or failing to be successful in a traditional instructional setting. The staff utilized technology, non-traditional instructional methods and a highly individualized program to focus on the learning needs and abilities of students. The staff reported achievement scores have increased for this group of students, more students are graduating, and there is a waiting list for students to enroll in the program.

Dr. Knight challenged the staff to focus evaluation of the program more on the longitudinal performance of individual students rather than a “snap shot” of total group scores.

Mr. Lawson moved to renew the conversion charter for an additional five (5) years. Dr. Williams seconded the motion. The motion was adopted unanimously on a roll-call vote.

**Consideration of Renewal of the Conversion Charter School Application: Vilonia Academy of Technology, Vilonia, AR**

Dr. Mary Ann Brown recognized Gary Lambert, Assistant Superintendent, and Deborah McAfee to present this update and proposal. The presenters outlined academic progress with students, parent participation and parent satisfaction with the school, and a waiting list for students to enter the program.

There was discussion as to why instruction such as used in the charter school could not be adopted for the total school given the fact that there are identified successes. The presenters responded that cost was a major element and that the level of distance learning and technology use would probably not be appropriate for the total school population.

In response to a question about expanding the program since it is becoming successful, the presenters noted that the Board approved expansion of the program into the middle grades at the March meeting. They reported that work is underway to make that adaptation for this year.

Dr. Knight encouraged the districts to highlight longitudinal performance results and make that the primary focus of the evaluation of the program.

Dr. Knight moved approval of the continuation of the conversion charter for five (5) years. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Consideration of Renewal of the Open-Enrollment Charter School Benton County School of the Arts, Rogers, AR**

Dr. Mary Ann Brown summarized the current status noting that the school currently has 420 students enrolled in grades K – 8 and has been in operation since 2001. She recognized Gary Moore, Michelle Wall and other staff members representing the Benton County School of the Arts to present the update and continuation request. Mr. Moore reported that the school has built a strong literacy program with instruction highly interactive and with arts infused in every aspect of learning experiences. He noted that the school utilizes many local artisans including musicians to supplement staff instruction and that health and fitness are also stressed through the instructional program.

Board members expressed concern for the following issues:

- Overall demographics of the school (lack of diversity)
- Transportation available to students that would allow wider participation
- Declining test scores in the core academic areas
- Overall evaluation of performance of students

Dr. Williams moved to approve the continuation application for five (5) years with the recommendation that academic performance be paramount. The motion was seconded by Mr. Lawson. The motion was adopted on a vote 5 yes and 3 no. (Cooper, Mays and Rebick voted no.) Mr. Cooper's no vote was based on his feeling that five years is too long given that performance scores are declining among the students. Dr. Mays – same reasoning. Ms. Rebick stated interim performance results should come before the board for review.

Dr. James stated that performance results for this charter or any charter can be reviewed by the Board at any time and that a due process revocation could be called for at any time.

**Renewal of Open-Enrollment Charter School Application: Haas Hall Academy, Farmington, AR**

Dee Cox requested that this item be deferred for consideration until June because documentation was not received from the charter in a timely manner and Department staff has not reviewed the report.

Mr. Lawson moved to table consideration of this item until June. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration of Imboden Open-Enrollment Charter School Status Report: Imboden, AR**

Mr. Lawson moved that the Board consider review of Imboden Open Enrollment Charter School. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Dr. Mary Ann Brown stated that this charter was first awarded in 2002 and approved for a three-year period in 2005 with the condition for an annual review. She introduced Judy Warren, director, to present the update.

Ms. Warren stated that this school serves students from a rural section of Arkansas many of whom have identified special instructional needs and requiring highly individualized instruction. She noted an increase in students this year with 62 students currently enrolled of which 31% are classified with special needs compared to 10% to 12% in most regular schools.

Issues relating to student performance and finances were paramount during this discussion. Concerns were expressed for lack of relevant data from the Benchmark and norm-referenced (ITBS) data. The school continues to exhibit data from STAR testing, which is not considered part of the state's performance evaluation system. The matter of debt and other bank loans without a plan for repayment was discussed. Dr. James reminded the Board that the matter of debt is critical and that the state has stepped in and taken over management of a local district for similar situations. He reminded the Board that unless the school can propose a way to immediately repay the loan, the Board has an obligation to take action. He noted that due process must be followed.

Mr. Lawson commented that he applauds the work being done by the school academically with the students and he hopes the financial issues can be resolved.

Mr. Lawson moved to initiate a due process letter that would lead to revocation of the charter based on the amount of debt and no plan to repay that debt, the

overall enrollment of the school and the overall academic performance of the students. Mr. Cooper seconded the motion. The motion was adopted unanimously

### **From the Consent Agenda**

#### **Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Springdale School District – Jacquelin Fischer**

Scott Smith stated that a letter from Jim Rollins, superintendent, was received after distribution of packets. Mr. Smith noted that the letter is being distributed, but that the district will not support the re-employment of Ms. Fischer.

Ms. Rebick moved to deny waiver request. Dr. Knight seconded the motion. The motion was adopted unanimously.

#### **Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Farmington School District – Judy Ngo**

This item was requested for review because the letter of recommendation was from the principal, not the superintendent or official of the local school board. Scott Smith contacted the district and a letter from the superintendent was faxed to the Attorney's Office and subsequently distributed to Board members.

Dr. Williams moved to grant the waiver. Dr. Knight seconded the motion. The motion was adopted unanimously.

#### **Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Pulaski County Special School District – Lorrie Parker**

Dr. Williams stated his concern with this was the object of the conviction, Manslaughter. Scott Smith noted that the offense was related to an automobile accident which resulted in the death of an individual back in 1988, which resulted in the conviction of Manslaughter. Mr. Smith also noted that Ms. Parker has had no further convictions since that time.

Dr. Williams moved approval of the waiver. Ms. Burrow seconded the motion. The motion was adopted unanimously.

#### **Hearing on Waiver Request for Certified Teacher's License – Michele Cooper**

Ms. Cooper represented herself before the Board. She stated that following her conviction she has worked really hard to go back to school and complete an education degree. She stated that if she were not serious about this work, she would not have spent the hours and money to complete the degree.

Ms. Rebick noted the letters of recommendation and the fact that she graduated with honors at the end of her program.

Ms. Rebick moved to grant a waiver and award a provisional license for three (3) years with the stipulation of no future disqualifying offenses. Mr. Cooper seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Certified Teacher's License – Donnie Smith**

Donnie Smith was recognized to represent himself. Mr. Smith reported that he is seeking to become licensed through the non-traditional licensure program and that he has worked with athletic programs in the schools on a volunteer basis for several years. He stated that his convictions were related to incidents a number of years ago and that he is making an effort to become qualified to teach and work with athletics.

Ms. Rebick moved to grant the waiver with the provision of five (5) years probation and no further offenses during the probationary period. Dr. Mays seconded the motion. The motion was adopted unanimously.

### **Report: Board Nominating Committee**

Mr. Lawson served as Chair of the Nominating Committee but deferred to Dr. King to make the Committee's report. Dr. King stated that the Committee's report bring the recommendation that Diane Tatum be nominated for Chairman for 2007-2008 and that Randy Lawson be nominated for Vice-Chairman. Dr. King noted that Mr. Lawson abstained from voting on the Committee's report.

Dr. Williams moved adjournment. Mr. Lawson seconded the motion. The motion was adopted unanimously. The meeting adjourned at 12:30 p.m.

These minutes were recorded by Julie Thompson and the electronic file and were transcribed for reporting by Dr. Charles D. Watson.