

**Minutes
State Board of Education
Monday, June 8, 2009**

The State Board of Education met in the Auditorium of the State Education Building on Monday, June 8, 2009. 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; Brenda Gullett; Sam Ledbetter; Alice Mahony; and Diane Tatum.

The following Board members were absent: Jim Cooper and Dr. Ben Mays.

Chair's Report

Mr. Lawson requested that the Board consider adoption of a "Freedom and Independence Day Resolution." Dr. Williams moved adoption of the resolution and Ms. Burrow seconded the motion. The resolution was adopted unanimously. (Copy attached to the Minutes.)

Mr. Lawson requested that the Board consider adoption of a resolution recognizing the service of Commissioner Dr. Ken James to the State Board of Education and to the State Department of Education. Ms. Gullett moved adoption and Dr. Williams seconded the motion. The resolution was adopted unanimously. (Copy attached to the Minutes.)

Mr. Lawson recognized the presence of Dr. Diana Julian, Deputy Commissioner, in the absence of Commissioner, Dr. Ken James.

Mr. Lawson noted that this meeting is his last as an appointed member of the Board. He expressed his appreciation to Board members and to staff for making his tenure pleasurable and enjoyable.

Ms. Burrow reported a visit to the e-Stem Charter Schools in Little Rock.

Ms. Gullett reported attending the Partners Retreat for the Arkansas Leadership Academy. She stated that the Leadership Academy continues to provide exciting opportunities for teachers and administrators across the state.

Ms. Mahony reported on the recent "Signing Day" at El Dorado High School and noted that the event was featured in *People* magazine.

Mr. Lawson noted that this meeting would be the final meeting where Paul Gray, 2008 Arkansas Teacher of the Year, would be serving in the capacity as an advisory member of the Board. He thanked Mr. Gray for his service this year to the Board and to Arkansas Education.

Mr. Lawson reported that Action Item A-13 has been pulled from consideration for this Agenda and that the Board is expected to have an Executive Session at the conclusion of the agenda.

Deputy Commissioner's Report

Dr. Diana Julian stated that the work of the Department of Education will continue on course through the transition period. She reported that groups are meeting to review and approve proposals for the Stimulus Funds.

Reports

Dr. Dee Cox was recognized to provide an update on the Differentiated Accountability Proposal now available to the Department for working with individual districts given the needs of the district and the status of school improvement. She noted that the flexibility will allow greater options for addressing each school's needs.

Consent Agenda

Ms. Mahony asked for clarification on C-6 Community Service Learning regarding the amount and type of credit earned by students who participate in Community Service Projects. Dr. Gayle Potter stated that students can earn one Carnegie Unit of elective credit for accumulating 75 hours of service in one of the approved programs. Ms. Tatum asked if this work was similar to a work-study program as administered through the Career and Technical Programs. Dr. Potter responded that students are now out of school to do this work, that it is done apart from the school day and that no compensation is earned by the students.

Ms. Burrow moved adoption of the Consent Agenda. Ms. Mahony seconded the motion. The motion was adopted unanimously.

- Minutes – May 11, 2009
- 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) Days, Ark. Code Ann. § 6-17-309
- Review of Loan and Bond Applications
- Community Service Learning (Act 648 of 1993) Site Applications Seeking Approval for the 2009-2010 School Year
- Declaration of Critical Academic Shortage Areas as Required by Ark. Code Ann. § 6-81-609 and Act 605 of 2009
- Request Approval of Nominated Members for the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring
 - Brenda Brown
 - Dr. Mitch Holifield
 - Dr. Jerry Guess
 - Michelle Hayward
 - Sheila Jacobs
 - Marion Sibert

- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case #09-041 – April Scurlock
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and Fine of \$50 on Case #T09-010 – Joan Scott
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and Fine of \$50 on Case #T09-005 – David Wolf
- Consideration of Recommendation of the Professional Licensure Standards Board for a Five (5) Year Suspension of License and Impose a Fine of \$200 on Case 09-037 – Donald Johnson
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Reprimand and Fine of \$50 on Case #T09-014 – Karen Albright

Action Agenda

Election of ASBE Officers: 2009-2010

Diane Tatum was recognized to present the Report from the Nominating Committee. Ms. Tatum reported that the Committee nominates Dr. Naccaman Williams for Chairman and Jim Cooper for Vice-Chairman and moved approval of the nominations. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Dr. Williams requested a point of privilege to recognize the service of outgoing Board members. Dr. Williams presented recognition plaques, resolutions recognizing service to the Board and to Education in Arkansas and a letter from Governor Mike Beebe honoring the service to the State Board of Education to Randy Lawson and Diane Tatum. Dr. Williams also presented recognition awards to Paul Gray for his one year service to the Board as 2008 Arkansas Teacher of the Year.

Arkansas Better Chance 2009-2010 Funding Recommendations

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

Mr. Ledbetter moved approval as presented. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration of Budget Revision for FY 2009

John Kunkel was recognized to present this item. Mr. Kunkel stated that through the year, various budget categories must be adjusted to reflect changes in expenses and line-item expenditures. He reported that the revisions presented are needed to complete fiscal year expenditures for the Public School Fund Budget.

Dr. Williams moved adoption of budget revisions. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Consideration of FY 2010 Public School Fund Budget

John Kunkel was recognized to present this item. Mr. Kunkel stated that the proposed 2010 budget was submitted through the Governor's Office and received approval by the General Assembly. He noted that

for the first time in several years there was a decrease in overall state enrollment by approximately 2,200 students and that this decrease in enrollment was an the result of decreased enrollment in 160 of the State's local districts. Ms. Tatum asked if it was possible to track where students were going when a district showed a decrease in enrollment. Mr. Kunkel responded that he did not have that information, but it might be possible to contact local districts to collect that information. Ms. Gullett stated that she was pleased that funds were placed in the health insurance fund for teachers. Mr. Kunkel reported that this infusion of money into the insurance program would probably avert an increase in premiums for teachers for 2009-2010.

Ms. Tatum moved approval of the Budget as presented. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration of Recommendation of Action to Address the Hughes School District for Failing to Meet all Standards for Accreditation

Frank Wimer and Annette Barnes were recognized to present this item. Mr. Wimer reported that sanctions to the Hughes School District are necessary due to the high school's failure to meet state accreditation standards for three consecutive years. He also noted that the Department has been working with Dr. Ray Nassar, superintendent this past year, to correct the findings and Mr. Wimer reported that progress has been made and that the district should not experience findings for the next school year. Among the sanctions reported by Mr. Wimer was the appointment of a technical assistance coordinator for the coming year. Ms. Barnes stated that this person, yet to be named, would be paid by the district, but would work under the supervision of the Department and would report to the Department on a weekly basis of the status of implementation of the improvement plan.

Ms. Gullett asked about the school improvement status and the number of years that the school(s) in the Hughes School District have been in some status of school improvement and questioned how long such failure to meet standards could continue. Ms. Barnes stated that it was necessary to look at State accreditation separately from any sanctions imposed as part of the No Child Left Behind status. She stated with the presence of the in-district technical assistance staff, the Department, as well as the district, should have better information and a more focused response to the overall performance of this district. Dr. Julian noted that under "Omnibus" any time the Board feels that a school is not making progress, the Board has a number of options and actions such as providing for an in-district technical assistance coordinator is one of those options.

Dr. Nassar stated that the Hughes School District is positioned to make progress and he welcomes the additional support from the State Board. Dr. Nassar also responded to a comment about technology by affirming the presence of technology in classrooms and stating that all staff will receive professional development in the use of technology before school begins in August.

Ms. Gullett moved to approve the Department recommendations regarding Hughes School District. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Charter Amendment of Open-Enrollment Public Charter School: Benton County School of the Arts – Rogers, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that the organizing entity for the two charter schools operating in Rogers, The Benton County Charter School Organization, Inc., has

submitted a proposal that merges the Benton County School for the Arts (k-8) with Northwest Arkansas Academy of Fine Arts (9-12) into one school operating grades K-12 under the charter holder Benton County Charter School Organization, Inc. She introduced Dr. Paul Heinz who represented all entities is making the proposal. Dr. Heinz stated that arrangements have been made with a local lender to refinance indebtedness of the 9-12 school and that debt would be assumed by the charter organization. He noted that with stable or increasing enrollment the resulting school would be financially independent and financially viable. He also stated that the resulting enrollment cap to combine the two schools is requested to be 825, which is the sum of the two independent enrollment limits.

Mr. Ledbetter inquired about the reasonableness of subsidizing the high school grades with revenue generated by the K-8 grades thus making the resulting organization financially at risk. Dr. Heinz stated that enrollment in the high school grades was under projection, but the future looks more positive due to the new classes moving into the high school grades. Dr. Heinz stated that there was currently a waiting list for students to enroll in Grades 11 and 12; however, lower classes have openings. He also noted that projections for increased class size after the coming year is very positive. Ms Gullett asked about options for students as they left Grade 8 and moved into high school. Dr. Heinz stated that the charter school does not offer athletics or marching band so there are a number of students who return to public high schools to participate in those activities.

Ms. Mahony noted that previously payments of the bank loan were in arrears and asked if payments were current. Dr. Heinz affirmed that all payments are current.

Dr. Williams moved to approve the proposed merger with the resulting enrollment cap of 825 students. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration of Public Comment: Revision to Arkansas Department of Education Rules Governing Gifted and Talented program Approval Standards

Ann Biggers was recognized to present this item. Ms. Biggers stated that periodically revisions to rules are necessary and that is the case with this request. She noted that the request is to approve for public comment. Ms. Gullett stated that she was contacted by GT teachers who were interested in the proposed revisions. She inquired as to how notice was given of the public hearings. Ms. Biggers stated that all hearings are announced through the newspapers, on the Department's Web site as well as in Commissioner's Memo.

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

Consideration for Public Comment: Proposed Revisions of Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards

Beverly Williams was recognized to present this item. Ms. Williams noted that for this rule and the subsequent rules related to licensure and professional teaching standards, a number of revisions will be due to amendments to licensure legislation enacted during the recent legislative session. She stated that each of the following rules will be subject to public comment and will be submitted for further consideration by the board following the public comment period. (Note this comment applies to each of the following rule revision items.)

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

Consideration for Approval for Public Comment: Proposed Revision of Rules Governing Initial, Standards and Professional Administrator License

Ms. Gullett inquired as to the criterion that requires experience to be in the traditional classroom to qualify for meeting the licensure condition. Ms. Williams affirmed that the rule does specify traditional classroom experience as a condition for full licensure.

Mr. Ledbetter moved approval for public comment. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment: Proposed Revision of Rules Governing the Initial, Standards and Provisional Teacher License.

Ms. Gullett asked about the 60 hour requirement for professional development in the case of teachers not currently employed. Ms. Williams responded that professional development is required; however, there are options. She noted that one option is through on-line content through ATEN, which is free to licensed teachers. Other options would include receiving a provisional license for one year upon re-entry into teaching with full renewal after completing 60 hours of professional development during the probationary year.

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

Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing the Lifetime Teaching License

Ms. Tatum asked if those holding lifetime license were required to meet the 60 hours of professional development annually. Ms. Williams responded that lifetime licensed teachers who are not teaching are not required to earn the professional development hours. However, upon returning to the workforce, the requirement of professional development is imposed.

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

Consideration for Approval for Public Comment: Proposed Revision of Rules Governing Teacher License by Reciprocity

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

Consideration for Approval for Public Comment: Proposed Revision of Rules Governing the Addition of Areas of Licensure or Endorsement

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

Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing the Code of Ethics for Arkansas Educators

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

Consideration for Approval for Public Comment: Proposed Revisions of Rules Governing Incentives for Teacher Recruitment and Retention in High Priority School Districts with an Average Daily Membership of 1,000 or Fewer

Ms. Williams provided a substitute Rule with additional changes. Ms. Tatum moved approval of the substitute rule for public comment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Conclusion of Agenda Session – 11:05 a.m.

Ms. Tatum moved that the Board convene in executive session to consider personnel matters. Ms. Burrow seconded the motion. The Board reconvened at 11:35 a.m.

Chairman Lawson stated that during the executive session the Board appointed Dr. Naccaman Williams as the Board's facilitator of the search process for a new Commissioner of Education. The Board also asked Dr. Charles Watson, staff liaison to the Board to assist as requested by Dr. Williams.

Ms. Tatum moved that effective July 1, 2009, Dr. Diana Julian be appointed interim commissioner of education until a new commissioner is employed. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Ms. Burrow moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously. The meeting was adjourned at 11:40 a.m.

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