

MINUTES

State Board of Education

Monday, June 9, 2008

The State Board of Education met on Monday, June 9, 2008, 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; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; Dr. Naccaman Williams.

No Board Members were absent.

Chair's Report

Ms. Tatum reported that she and Dr. Mays presented at a recent session of LeadAR, which is a leadership program sponsored by the Arkansas Cooperative Extension Service.

Ms. Tatum recognized the tenure of service of Board members MaryJane Rebick and Dr. Tim Knight. The term for Board membership of these members expires as of June 30. Each was presented with a resolution recognizing service to the Board, a plaque, and a letter of commendation from Governor Beebe.

Work Session

Senator Shane Broadway and Senator David Bisbee (via telephone conference call) presented an overview of the development of the public school funding matrix. Representative Betty Pickett was also recognized to comment on components of the matrix. Following the presentation, Board Members engaged in a question/answer dialogue with the presenters.

No action was taken.

Reports

Beverly Williams and ADE staff members Barbara Culpepper and Susanne Williams were recognized to present recognition awards to 16 Arkansas teachers who were identified for providing outstanding performance as a mentor for a new teacher during the first year in the classroom. Each of the mentors was presented a certificate of achievement and a cash award of \$500. Additionally, Debbie McCracken, Dawson Cooperative, was named the Arkansas Mentor of the Year and received a cash award of \$1,000.

Consent Agenda

Mr. Lawson moved approval of the Consent Agenda. Ms. Burrow seconded the motion. The motion was adopted unanimously.

- Approval of Minutes May 12, 2008

- Approval of Minutes May 22, 2008 (Special Meeting, Conference Call)
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Review of Loan and Bond Applications
- Declaration of Critical Academic Shortage Areas as Required by ACT 1146 of 2001, Section 2(3)(A)
- Consideration for Approval: Newly Appointed Members of the Professional Licensure Standards Board to Replace Members Whose Terms are Expiring
- Report on Waivers to School Districts for Teachers Teaching out of Area for Longer than Thirty (30) Days
- Request for Approval of Stipulated Agreement – Michael D. Person

Action Agenda

Dr. James requested that Action Agenda Item A-8 be moved to first on the agenda to accommodate staff assignments later. The Board concurred.

Consideration of Request for Waiver by Ozark Mountain School District

Annette Barnes was recognized to present this item. Ms. Barnes stated that for the 2007-2008 school year, Western Grove High School in the Ozark Mountain District requests a waiver from offering physics, which is a required offering under the Standards for Accreditation. Ms. Barnes recognized Dr. Dalena Gamble, superintendent, and Mr. Mike Parish, principal at Western Grove High School to respond to questions by the Board. Mr. Parish stated that when classes began in August 2007, the school offered physics, which was taught by a certified teacher. However, he noted, that during the early part of the school year, the only student taking this subject moved away from the district, leaving no one enrolled in physics. He reported that during the school year no student could be recruited to take physics nor did a student enroll in the district that was interested in enrolling in physics. Dr. Gamble reported that the district seeks to apply for a waiver under the provisions of Act 219 of 2007, which addressed this situation in small districts.

Ms. Rebick asked if busing students between high schools within the district would make taking these science courses more popular. Dr. Gamble responded that bussing would not be a reasonable option because of the time required to travel between campuses – she suggested it would take a minimum of three class periods and probably more to accomplish one period of instruction.

Mr. Cooper moved to approve the waiver request for the 2007-2008 school year. Dr. Williams seconded the motion. The motion was adopted 7 yes, 1 no (Gullett voted no).

Request for Charter Amendment for Open-Enrollment Public Charter School: e-Stem Public Charter Schools, Little Rock, AR. *(A full transcript of this item was recorded by the court report and is available from the State Board Office.)*

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that Mr. Jess Askew would summarize changes in the organizational structure to be followed by Dr. Roy Brooks who would provide a status report on the new schools.

Mr. Askew reported that the organizational structure changes are the result of recommendations of the Internal Revenue Status (IRS) as they are reviewing and considering approval of the 501(c)(3) proposal. He stated that the e-Stem schools are governed by three independent boards – one for each level: elementary, middle and secondary schools – and a coordinating board. He reported that the IRS requirement was to have a majority of the members of each of the boards to be common members; thus, each of the four boards will have seven members of which four would be common to each. Mr. Askew identified each of the boards' membership. He also stated that the coordinating board would oversee the four person administration: Dr. Brooks serves the role of superintendent.

Dr. Brooks provided a status report regarding staffing, student enrollment and assurance that facilities would be complete by the opening date, which is in August. He noted that principals for each level have been hired, instructors for each level are hired and the maximum of 850 students have been selected with a waiting list of over 1000.

Mr. Cooper asked for clarification as to IRS intent of the organization structure. Mr. Askew responded that IRS guidance suggested that the boards from each level should have controlling influence on the support organization.

Dr. Mays asked how nominations for board membership were made, especially how parent members are identified. Mr. Askew responded that recommendations come from board members and invitations to serve on the board are issued with consensus of the board members.

Ms. Rebick asked about potential traffic pattern issues in and around the facility. Dr. Brooks responded that work was underway with city officials to reroute traffic patterns to minimize congestion. He indicated that final decisions have not been made, but were under review.

Ms. Gullett moved to approve requested amendments to the charters. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Consideration of Request for Charter Amendment of Open-Enrollment Public Charter School: HAAS Hall Academy, Farmington, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that the Charter School Office has received a request for amendment to the Charter to add Grade 8, increase the enrollment cap to 350 and to endorse relocation from Farmington to a facility in Fayetteville.

Dr. Martin Schoppmeyer was recognized to present this request. Dr. Schoppmeyer summarized the requests and reported that the number of applications for enrollment for next year exceeds the enrollment cap established for the Charter. He also stated that to accommodate an increase in enrollment relocation to a different facility would be essential.

Dr. Mays inquired about a formal rental agreement or lease agreement on the proposed facility. Dr. Schoppmeyer responded that such documents were not available at this time and that he was unaware that he was requested to provide such documentation.

Ms. Rebick inquired about a revised budget that would reflect the increase in the number of students. Dr. Schoppmeyer was unable to provide a new budget.

Mr. Cooper asked about the reasons for leaving Farmington. Dr. Schoppmeyer responded that more space would be needed to accommodate a larger number of students and that locating in Fayetteville would provide greater access to a larger potential student pool.

Ms. Gullett asked if the Fayetteville School District administration had been advised of this potential move. Scott Smith responded that under the Charter Rules, all local districts are informed when a new charter is proposed, but there is no requirement to go through the notification process when changes are made in an approved charter.

Ms. Tatum reminded Dr. Schoppmeyer of the need to be well prepared and to submit any necessary documentation prior to seeking Board review and approval.

Mr. Cooper commended the school on achievement of students and recognition by *U.S. News and World Report* but inquired as to why he would come before the Board without all of the needed documents. Dr. Schoppmeyer stated that he brought what he thought he was told to bring. Dr. Brown cited from the letter of notification of the hearing the need to provide documents to support the requests.

Dr. Mays moved to deny all of the requested changes in the HAAS Hall Charter. Ms. Rebick seconded the motion. Dr. Williams asked if this motion is adopted, could HAAS Hall appear at a later time with new information. Dr. James responded that any entity can request to be on the Board agenda. The motion to deny was adopted unanimously.

Consideration of Request for Charter Amendment of Open-Enrollment Public Charter School: School of Excellence, Humphrey, AR

Dr. Mary Ann Brown was recognized to present this request. Dr. Brown reported that Dr. James Young, administrator of the School of Excellence would present the request. Dr. Young stated that the previous plan for providing facilities for the School of Excellence was withdrawn by the builder. He noted that alternate facility plans are described in the material provided: the new plan includes approximately the same instructional space now in three separate buildings instead of one larger structure for approximately \$2,000 less rental per month.

Mr. Cooper asked about property ownership and what would happen to the buildings should the school close. Dr. Young indicated that the land would revert to the original owner and the buildings would be removed by the owner of the modular contractor.

Ms. Burrow asked about the time required to install buildings once approval is given. Dr. Young stated that site preparation is ready and that installation could be completed in approximately three days.

Tripp Walter interjected that facilities requirements necessitate all code considerations be updated and maintained regardless of the type facility. Dr. Mays asked about safety of such buildings in storm situations. Dr. Young stated that there was a wind certification, but that no construction could withstand a tornado the magnitude of those evidenced this spring.

Ms. Burrow moved to approve the proposed facilities amendment. Dr. Williams seconded the motion. The vote was approved 5 yes 3 no on a roll-call vote. (Mays, Rebick and Gullett voted no.)

2008-2009 Arkansas Better Chance Program – Funding Recommendations: Round1

Paul Lazenby was recognized to present this item. He distributed a printout with eleven supplemental awards to provide additional funding to grantees from the 2007-2008 project year. Mr. Lazenby also informed the Board that one recommendation for additional funding on the original document for Rosie and Jackie's in Helena be withdrawn.

Dr. Williams moved approval of funding recommendations as revised. Dr. Knight seconded the motion. The motion was adopted unanimously.

(Jim Cooper left the meeting during the lunch break leaving eight voting members present)

Consideration for Approval for Public Comment: Proposed Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts

Scott Smith was recognized to present this item. Mr. Smith noted that these rules were presented for public comment at the May meeting; however, additional revisions were found necessary and the Department is recommending an extension of the public comment period. Dr. Williams moved approval of the proposed rules for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing the Code of Ethics for Arkansas Educators Pursuant to Act 846 of 2007

Beverly Williams was recognized to present this item. Ms. Williams introduced members of the Professional Licensure Board which has been a leading group in framing the Rule and working with public comment and revision. She summarized the major comments received from public hearings conducted throughout the state.

Ms. Rebick asked about the need for resubmitting the document for additional public comment due to the many changes that were made as a result of the regional hearings. Scott Smith opined that it would not be necessary to seek additional public comment because the changes that were made were the result of suggestions from the regional hearings.

Ms. Gullett expressed concern that the comments made which resulted in major deletions and revisions to the text of the proposed rule were made by the very people (teachers) who would be effected by the rule. Ms. Williams responded that many of the comments were received from teachers and administrators. She noted that administrators are state licensed, thus will be

covered by the Rule. Ms. Williams also noted that the Professional Licensure Board is broadly representative of teachers, administrators and university members: all parties are “at the table” for the development and implementation of this rule.

Scott Smith addressed the issue of a proposed start date. He noted that generally the effective date of a rule is consistent with the date of final review and adoption by the legislative oversight group. He noted that an effective date of January 1, 2009, had been suggested, but the Department recommends an effective date of September 1, 2008. He suggested any motion also include a proposed effective date.

Ms. Rebick asked if Charter Schools would be required to abide by this rule. Mr. Smith responded that this rule focused on educators who are licensed by the state and any state licensed person – teacher, supervisor, administrator, ..., would be subject to the rule, regardless of where the person works.

Mr. Lawson moved approval as revised with an effective date of September 1, 2008. Dr. Knight seconded the motion.

Ms. Rebick asked about professional development for those covered by the Rule. Ms. Williams reported that the September 1 start date would provide ample time for the Department and the Professional Licensure Board to frame information sessions for those covered as part of the pre-school workshops this fall.

Dr. James commended Beverly Williams, the Professional Licensure Board, and all who worked to see this Rule drafted and processed to this point.

The motion to adopt the Rule was approved unanimously.

Consideration for Approval: Additional Licensure Endorsements in the Areas of Speech (7-12) and Drama (7-12)

Beverly Williams was recognized to present this item. Ms. Williams reported that Speech and Drama were identified as high needs content areas and part of that is due to the fact that endorsements are being recommended for these two components generally viewed as language arts. Dr. Williams moved to adopt the recommendation for endorsement in Speech and Drama. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Request for Approval of Recommendation to Remove Teacher’s License from Suspended Status – Steven L. Richards

Tripp Walter notified the Board this item was being deferred for consideration until the July Board meeting.

Hearing on Revocation of Teacher’s License – Stephen Rose

Tripp Walter was recognized to present this item. Mr. Walter stated that Mr. Rose had been contacted and notified of the Board's hearing on this date. He reported that Mr. Rose has not responded nor does it appear that he is represented. Mr. Rose was not present.

Ms. Rebick moved to permanently revoke the license of Stephen Rose. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Election of Officers

Ms. Tatum stated that the Nominations Committee report provided at the May Board meeting was to nominate Randy Lawson to serve as chair for fiscal year 2008-2009 and for Dr. Naccaman Williams to serve as vice-chair. Ms. Tatum asked if there were other nominations.

Ms. Rebick asked to be recognized. Ms. Rebick stated that although she chaired the nominating committee, she is led to make an alternate nomination: Dr. Naccaman Williams to serve as chair and Dr. Ben Mays to serve as vice-chair. Ms. Rebick stated that she has concerns for two elected officers being from the same congressional district; given that Mr. Lawson's term expires after one year it's possible the successor would also be from the same congressional district; and that she has concerns that Mr. Lawson will support the participation of Board members in the national NASBE organization. She stated that Mr. Lawson voted against the Board's re-affiliation with NASBE last year. The motion died for lack of a second.

Ms. Tatum reminded the Board that two officers from one congressional district was not a new issue in that when former Board member Dr. Jeanna Westmoreland (Arkadelphia) was chair, she (Diane Tatum) was vice-chair – both being from the same congressional district.

Ms. Gullett asked about the policy for succession. Ms. Tatum responded that the Board Operating Guidelines provide for a Nominations Committee each year and each year that committee may be composed of different members and acts independently and there is no requirement for succession of the vice-chairman.

Ms. Gullett asked Mr. Lawson about his support for NASBE. Mr. Lawson stated that once a decision was made he supported the Board and accepted that action. Mr. Lawson noted that his issue was one of financial concern because NASBE membership is expensive and he thought there might be other options for the Board to secure some of the same services available through NASBE.

The report of the nominating committee was adopted unanimously.

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

The meeting adjourned at 2:15 p.m.

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