

Minutes  
State Board of Education  
Monday, July 9, 2007

The State Board of Education met on Monday, July 9, 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; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

The following Board members were absent: Jim Cooper and Dr. Tim Knight.

There is one vacant position on the Board.

There was no Chair's Report

### Commissioner's Report

Dr. James reported the following

- The Department in cooperation with the Mid-Continent Comprehensive Center hosted a conference in Little Rock during the past week with the focus on closing the achievement gap. Attendees were from a five state region.
- Referenced a recent press conference to announce results from the 2006-2007 state Benchmark and Norm-Referenced assessments. He noted progress in all areas and that Arkansas continues to demonstrate improved student performance.
- Introduced Dr. Diana Julian as the newly appointed Deputy Commissioner replacing Dr. Donald Stewart who recently retired.
- Introduced Heather Detherow as a new staff member of the on the Administrative Team

### Reports

Dr. Charity Smith and Dr. Bill Brown and Dr. Robert Kennedy, members of the Accountability Technical Advisory Committee, (TAC) provided an update on the status of determining annual growth and reporting that growth as a component of the required performance accountability system.

Dr. Joseph Thompson provided information regarding the impact of obesity on the state workforce, update on legislation impacting determining and reporting student body mass index and other issues related to student health.

### Consent Agenda

Ms. Burrow moved adoption of the Consent Agenda with the proposed amendment to the June 11, 2007, Minutes as submitted by Dr. Mays. Ms. Rebick seconded the motion. The motion was adopted unanimously.

- June 11, 2007 Minutes as amended
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

- Newly Employed, Promotions and Separations
- Reports on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Review of Loan and Bond Applications
- Stipulated Agreement of Probation for Certified Teacher's License – Mary Robbins
- Appointment of Membership to Professional Licensure Standards Board

### **Action Agenda**

#### **Request for Conversion Charter School Modification: Felder Academy Charter School, Little Rock, AR**

Dr. Mary Ann Brown was recognized to present this item. Ms. Brown summarized information presented in the Agenda materials indicating a change in the partners composing the management of Felder Academy. She reported that Pulaski County Government, Pulaski County Special School District, and the Department of Human Services are no longer part of the funding stream for this charter school. As a result a new facility with less rent is required for the school to operate within budget. Dr. Linda Watson representing the Little Rock School District, one of the remaining partners, indicated that the Little Rock School District was making available the old Badgett Elementary school site for Felder students. She indicated that some facility update will be required such as rewiring for computer hook-up, but that would be accomplished before the site is accessed by students.

Ms. Burrow asked as to why the Department of Human Services decided to withdraw funding. Dr. L. Watson responded that it was a Department decision and the request was not part of that Agency's budget request.

Ms. Rebick moved approval of the proposed relocation. Mr. Lawson seconded the motion. The motion was adopted unanimously.

#### **Consideration of Request for Open-Enrollment Charter School Modification: Academics Plus Charter School, Maumelle, AR**

Dr. Mary Ann Brown was recognized to present this item. She stated that Academics Plus had petitioned the Department to increase the enrollment cap to accommodate up to 25 additional students moving that cap from 375 to 400. She reported that in the recent consideration for renewal, the school reported additional applications and they were also approved to add a kindergarten class beginning in the fall of 2007. Dean Elliott was recognized to speak for the Board of Academics Plus. Mr. Elliott reported that applications for positions were up and a lottery system would have to be invoked to select students who will enroll. He also noted that under the new administrative leadership of the school, all of the financial woes have been resolved and the school finished this academic year with an operating fund balance in excess of \$200,000.

Ms. Rebick asked about two items noted in the facilities review: consideration of handicapped access and the availability of a sprinkler system. Terry Granderson, Public School Academic Facilities and Transportation (PSAFT), responded that sprinkler systems are not required to be added to present facilities. Only new construction is required to have sprinkler systems in place. He also stated that the requirements regarding handicap access have been resolved. He also noted that only new construction is required to meet all handicapped access requirements and that Academics Plus is not planning any new construction.

Ms. Tatum asked about the ethnic composition of the school. Mr. Elliott reported that the current enrollment was 22% minority students, which is within the range as established for the Pulaski County Special School District (20% - 40%) set by the court.

Mr. Lawson moved to approve an increase of student enrollment to a maximum of 400 students and to ask the Department to confirm compliance with requirements for handicap student accessibility. Dr. Williams seconded the motion. The motion was adopted unanimously.

#### **Final Approval of the FY-07 Public School Fund Budget**

John Kunkel was recognized to present this item. Mr. Kunkel explained that “last minute” revisions to some state budgets are necessary due to factors that are applied at the end of the fiscal year. As a result he distributed the final budget with revisions as required at the close of the fiscal year (June 30). Mr. Kunkel reported that the Public School Fund will have approximately \$16 Million in unrestricted reserves that carry over into the FY-08 fiscal year, which is consistent with such fund balances for other years.

Ms. Burrow moved approval of the FY-07 final budget as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

#### **Approval of FY-08 Public School Fund Budget**

John Kunkel was recognized to present this item. Mr. Kunkel noted this fund shows increases that were provided in the recent legislative session. He also stated that like the FY-07 budget, the Board should expect some adjustments during the year.

Dr. Williams asked what, if any, effect the Little Rock School District unitary status decision would have on the Public School Fund budget. Mr. Kunkel responded none at this time. Dr. James commented that the State has an agreement with the Little Rock District that continues through 2008 and that attaining unitary status did not affect that agreement. Dr. James also noted that the unitary status declaration was also under appeal.

Ms. Tatum asked about funding for the Arkansas Leadership Academy. Mr. Kunkel stated that item was moved to the State Operating Budget from the Public School Fund. She also asked about the isolated schools fund. Mr. Kunkel stated that the full amount is budget at this point, but during the year as enrollments decrease some line items – including isolated schools – usually don’t cost the full amount budgeted.

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

#### **Consideration of Request by Westside Consolidated School District to Reduce the Number of School Board Directors from Seven to Five**

Scott Smith was recognized to present this item. Mr. Smith stated that the Board and local school administration from Westside had met the statutory requirements for making the proposed change.

Ms. Rebick asked if the newly elected board members would represent at-large positions or zoned positions. Mr. Smith responded that all positions were at-large. She asked if that posed a problem. Mr. Smith responded that there was no requirement for zoning in this situation.

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

### **Consideration to Change the Praxis III Scoring Criteria for Arkansas**

Beverly Williams was recognized to present this item. Ms. Williams reported that when Praxis III cut scores were originally set, they were set artificially low, approximately 70% of possible points. Observation of score reports since setting the current cut score indicates that between 98% and 99% of the candidates pass the test on the first attempt. Ms. Williams stated that the proposed cut score would be approximately 80%.

Ms. Rebick asked if there was evaluation data to show how well teachers performed once they completed the Praxis III. Barbara Culpepper answered that there is no current measure to observe a teacher's performance once they have completed all assessment requirements and they receive full licensure.

Dr. Williams asked what impact would raising the pass rate have on schools or those who fail to make the required score on the first try. Ms. Williams indicated that currently most teachers take the Praxis III in the second semester of their first full year of teaching. She noted that probationary teachers have three years to complete all assessment requirements and that they would have at least four additional tries to complete the test within those three years. Dr. Williams also asked if they had to retake the entire test or just those parts that were not successfully passed. Ms. Culpepper responded that they would have to complete the full test in that all parts are interdependent.

Dr. Mays moved approval of the proposed increase in Praxis III passing score. Ms. Rebick seconded the motion. The motion was adopted unanimously.

### **Consideration for Final Approval: Rules and Regulations Governing the Arkansas Better Chance Program**

Paul Lazenby was recognized to present this item. Mr. Lazenby reported that the Board gave final approval to these Rules in May and during the legislative review, concern was raised for the condition requiring all pre-school teachers to have licensure based on a bachelor's degree. He noted that legislators were concerned that many teachers currently working in pre-school classrooms would no longer be approved for the job they currently hold; thus they asked the Agency to reconsider that component of the Rule and "grandfather" those teachers. Mr. Lazenby reported that the rule at hand proposes to put licensure requirements back to the status before public comment and before any changes were recommended and that the Agency would study options for licensure during the coming year.

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

Dr. Williams requested that ABC staff be provided a time during a Work Session or Report Session to provide data about pre-school program assessment and evaluation using the Early Childhood Classroom Environment Rating Scale (ECCERS).

**Consideration for Final Approval: Arkansas Department of Education, Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards**

Beverly Williams was recognized to present this item. Ms. Williams reported that a public hearing was conducted and comments were received, but no comments were offered that would change any component of the proposed revision to the Rule. Ms. Rebick moved adoption for final approval. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration of Final Approval: Arkansas Department of Education Rules Governing the Non-Traditional Program**

Beverly Williams was recognized to present this item. Ms. Williams reported that a public hearing was conducted and comments were received. She noted that minor text edits were made to reflect suggestions, although there were no policy changes made.

Mr. Lawson asked about the change requiring the Graduate Record Exam (GRE) for all non-traditional license holders. He advocated that other professional association exams such as CPA or Law exam should qualify for someone with a Master's Degree in a field of study. Mr. Lawson moved approval of the Rule with the revision that restores "appropriate graduate level exam," and eliminates the requirement for only the GRE. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval: Arkansas Department of Education Rules Governing Initial, Standard and Provisional Teacher Licensure**

Beverly Williams was recognized to present this item. Ms. Williams reported that a public hearing was conducted and additional comments were received. She noted that no revisions or changes were needed as a result of comments made. Ms. Burrow asked under what conditions are provisional licenses issued. Ms. Williams responded that it could be a reciprocity agreement when the prospect has not completed the required Arkansas History course or has not completed one or more of the required assessments.

Ms. Rebick moved final approval. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Proposed Revisions of Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More than Thirty (30) Consecutive Days and for Granting Waivers**

Beverly Williams was recognized to present this item. Ms. Williams reported that a public hearing was conducted but no comments were made nor were written comments received.

Mr. Lawson moved final approval. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Arkansas Department of Education Rules Governing the Lifetime Teaching License**

Beverly Williams was recognized to present this item. Ms. Williams reported this Rule is the result of recent legislation. Ms. Rebick asked if the law specified that a teacher must retire at

age 65. Ms. Williams responded no, it was intended for those teachers who are retired at 65 or older.

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

**Consideration for Public Comment: Arkansas Department of Education Rules Governing Eligibility and Financial Incentives for Arkansas Leadership Academy Master School Principal Designation**

Beverly Williams was recognized to present this item. Ms. Williams reported that this rule is the result of recent legislation.

Ms. Rebick moved approval for public comment. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Arkansas Department of Education Rules Governing Waivers for Substitute Teachers**

Beverly Williams was recognized to present this item. Ms. Williams reported that this rule is the result of recent legislation.

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

**Consideration for Public Comment: Proposed Rules Governing the Requirements and Procedures for Renewing a Standard Arkansas Teaching License**

Beverly Williams was recognized to present this item. Ms. Williams reported that this rule is the result of recent legislation. Board members reported receiving questions from retired teachers or teachers whose license was either expired or will expire in the very near future. Ron Tolson responded that there are a variety of ways renewal of licensure can take place. He listed some examples and suggested that individuals having those questions may submit those specific questions and specific situations to the Office of Teacher Licensure and he/she will get a response that is specific to the situation.

Ms. Burrow moved approval and public comment. Dr. N. Williams seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Rules Governing Waivers of the Earnings Limitations under the Teacher Retirement System**

Beverly Williams was recognized to present this item. Ms. Williams reported that this rule is the result of recent legislation.

Mr. Lawson moved approval for public comment. Ms. Rebick seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Revisions to Arkansas Department of Education Rules Governing Charter Schools to Include Acts 736 and 1420 of 2007**

Dee Cox was recognized to present this item. Ms. Cox provided a summary of materials contained in the Agenda supplement.

Mr. Lawson asked for clarification of the definition of “service area.” Ms. Cox responded it was the local district in which the charter school is geographically located. Ms. Rebeck asked if it included districts adjacent to the single local district. She suggested clarification is needed.

Mr. Lawson asked for additional clarification when a charter school was being taken over and why competition would be limited.

Ms. Tatum asked for clarification of Sections 3.07 as it related to the status of the applicant and the requirement of a 501(c)(3) status declaration. Scott Smith responded that the intent was that an applicant could submit an application for a charter school if they could document application for a 501(c)(3) document, but it was not yet issued. However, he continued, the school could not become operational until the status was received by the applicant.

Mr. Lawson moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

#### **Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rule Governing Home School**

Dee Cox was recognized to present this item. Ms. Cox stated that the revisions primarily are directed to clarification of the definition of home school.

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

#### **Consideration for Public Comment: Proposed Revisions to the Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures for Those Funds**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis summarized points from the legislation that require revision in the Rule. Ms. Rebeck asked for clarification on the condition for classification of a school in academic distress – was it more than the needs of students not being met? Dr. Davis responded that academic distress is driven by student performance. Ms. Rebeck requested that the Board be informed when districts seek to utilize the NSLA funds for teachers’ salaries.

Ms. Rebeck moved approval for public comment. Mr. Lawson seconded the motion. The motion was adopted unanimously.

#### **Consideration for Public Comment: Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements**

Dr. Bobbie Davis was recognized to present this item. There was no discussion. Ms. Rebeck moved to approve for public comment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

#### **Consideration for Public Comment: Proposed Rules Governing the Final Close of Public School Financial Records**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis noted that this rule proposes to set a date on which all school budget reports must be completed. It has become necessary because a number of districts have delayed making final reports for several months. She noted that after reports have been posted, the only way amendments can be made is if the Arkansas Public School Computer Network (APSCN) released the file and creates access. Mr. Lawson asked about the date for each district to file a budget for the fiscal year. Dr. Davis responded: September 15 of each year.

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

#### **Consideration for Public Comment: Rules Governing the Calculation of Miscellaneous Funds**

Dr. Bobbie Davis was recognized to present this item. There was no discussion. Ms. Rebick moved approval for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

#### **Consideration for Public Comment: Proposed Rules Governing Athletic Expenditures for Public School Districts**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis stated that this rule seeks to clarify procedures used to make schools more accountable for the use of state funds for the purpose of supporting school athletics. She stressed that this rule will only impact state funds, not other sources of funds used to fund athletics programs in public schools.

Dr. Mays stated that one of the issues he has with reporting athletics expenditures is the ability of districts to report funds generated through booster clubs, activity fees, gate receipts, etc. Dr. Davis responded that these funds are not state funds and are not covered by this act although activity funds managed by the school are covered by audit. She also noted that booster club funds – if they are held in private accounts – are not considered part of the school funds and are not required to be reported.

Mr. Mays also asked about the practice of paying coaches higher salaries. Dr. Davis responded that salaries come out of the salary fund, not the athletics fund and would not be part of this report. He asked about stipends that would not be part of the base salary. Dr. Davis responded that if the stipend goes through the salary fund, it would not be reported as expenses from the athletics fund.

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

*(A complete transcript of the following items was recorded by a court reporter. Copies of the transcript may be requested from the State Board Office in the Department of Education.)*

#### **Hearing on Revocation of License – Craig Edwards**

Trip Walter was recognized to present this item. Mr. Walter stated that Craig Edwards was officially notified of the hearing date and has not responded. Mr. Edwards was not present nor represented. Ms. Rebick moved permanent revocation of the teacher's license. Dr. Mays seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Certified Teacher's License – Jennifer Wickliffe**

Tripp Walter was recognized to present this item. Mr. Walter reviewed the status of licensure application by Ms. Wickliffe. Ms. Wickliffe was present and was recognized to address the Board. She stated that she is pursuing licensure through the non-traditional licensure program. She noted a prior conviction during an early period in her life. She stated that since that time she has earned a college degree and has no further convictions.

Ms. Rebick moved approval of a waiver that would allow for Ms. Wickliffe to be issued a three-year probationary license. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Certified Teacher's License – Tammara Mitchell**

Tripp Walter was recognized to present this item. Mr. Walter stated that Ms. Mitchell holds a five-year license and is applying for renewal. During the background revealed a previous felony conviction. Ms. Mitchell was present and addressed the Board. Ms. Mitchell stated that she did take money to pay for bills while she was in college. She has since made restitution of the funds and has had no further convictions.

Ms. Burrow moved to approve renewal of the license with a three-year probationary period. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Non-Certified Employment with the Gentry School District – Mark Bernard**

Tripp Walter was recognized to present this item. Mr. Walter noted that the Gentry School District Superintendent was contacted and communicated to the Attorney's Office that the Gentry District would not provide a letter of recommendation in this case. Ms. Rebick moved to deny the waiver request. Dr. Mays seconded the motion. The motion was adopted unanimously.

### **Hearing on Waiver Request for Non-Certified Employment with the Rogers School District – Gayle Moreland**

Tripp Walter was recognized to present this item. Mr. Walter noted that the Springdale School District Superintendent was contacted and communicated to the Attorney's Office that the Springdale School District would not provide a letter of recommendation in this case. Dr. Mays moved to deny the waiver request. Ms. Rebick seconded the motion. The motion was adopted unanimously.

### **Consideration of Waiver for Repayment of National Board for Professional Teaching Standards for Program Withdrawal**

Beverly Williams was recognized to present this item. Ms. Williams reviewed the Rule under which teachers are provided funding to participate in National Board Certification. She stated that there is an expectation for repayment of the funds should the teacher fail to complete the program within a specified time. However, there is a provision when unusual circumstances prevent a teacher from completing the licensure process that repayment may be waived. She stated that there have been previous cases in which waiver of repayment has been approved.

Ms. Williams reviewed the status of three candidates who withdrew from the program noted that each of these individuals were seeking a waiver of the repayment due to unusual conditions. Ms. Williams reported that none of these three cases is similar to ones that have been previously waived in that each person did have a medical problem, but each had the condition upon entry into the program and thus should be considered a pre-existing condition.

Mr. Lawson reported that he received additional information from one of the teachers and he believes that the Board should be sympathetic to give some relief from repayment.

Ms. Williams stated that all three are currently and will continue to be employed in a public school. She also indicated that each was invited to attend, but none is here.

Mr. Lawson reported that Mr. Chapman did contact him and stated that he would not attend, because he would be attending an Advanced Placement training session.

Ms. Burrow noted that the Rule states waiver of repayment in the event of death, disability or extenuating circumstance. Mr. Lawson noted that the State encourages teachers to apply and seek National Board Licensure and receive the State funds to complete that work.

Dr. Mays asked if the teachers were aware of the requirement when they agreed to accept the expense payments. Ms. Williams responded yes.

Ms. Rebick stated that it was important to send the message to teachers of their responsibility to complete the program when they sign the agreement and that it should not be easy to get the money, drop out and not be expected to repay the award.

Janet Banister: Ms. Rebick moved to deny request for waiver. Dr. Mays seconded the motion. The motion was adopted on a vote of 3 yes and 2 no (Williams and Lawson voted no).

David Chapman: Mr. Lawson moved to waive repayment due to documented heart condition of Mr. Chapman. Dr. Williams seconded the motion. The motion was defeated by a vote 2 yes and 3 no (Rebick, Mays and Burrow voted no).

Debbie Maulden: Ms. Rebick moved to deny the waiver for repayment. Dr. Mays seconded the motion. The motion was adopted on a vote 3 yes 2 no (Lawson and Williams voted no).

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

The meeting adjourned at 12:45 p.m.

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