

Minutes
State Board of Education
Monday, August 11, 2008

The State Board of Education met on Monday, August 11, 2008, in the auditorium of the State Education Building. Randy Lawson, Chairman, called the meeting to order at 9:00 a.m.

The following members were present: Randy Lawson, Chairman; Dr. Naccaman Williams, Vice-Chairman; Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; and Diane Tatum.

No members were absent.

Mr. Lawson stated that there was no Chair's Report.

Dr. James introduced Jeremy Lassiter as the new general counsel.

Consent Agenda

Mr. Cooper moved approval of the Consent Agenda as proposed. Ms. Burrow seconded the motion.

Dr. Mays asked about the inclusion of the report for schools in fiscal distress being part of the consent agenda. Dr. James responded that this is a report on the status of those schools and the report contains all the information that might be included in an oral report. He also noted that this item was included on the Consent Agenda as a time-saving effort. Dr. Mays asked for some clarification during a future session as to the process for determining when an item should be included on the Consent Agenda as opposed to Action. Dr. Mays inquired if the Decatur District had any progress toward arranging for all their athletic events to be home games this year as was noted during the discussion on July 31. Dr. James responded that the interim superintendent was just named at the end of the previous week and that no mention was made regarding that plan.

Ms. Gullett asked for a point of order related to this discussion. She stated that any member of the Board can request that an item be moved from the Consent Agenda to the Action Agenda with no reason or without debate. Dr. James confirmed. Ms. Gullett asked if there was a way to construct a one-page matrix that would have a column for each of the schools under consideration with rows including data related to items to be reviewed. Dr. James noted this suggestion and indicated that ADE staff would seek to create such a reporting format.

Dr. James observed that the first fiscal distress updates from Greenland and Decatur would be due in October and asked if the Board felt that the presence of the interim superintendents was necessary. The response was that it was not necessary for a progress report.

Dr. Williams suggested that Board members having questions about any item could get information prior to the meeting by calling the contact person on the Agenda or by calling the State Board Office and leaving a request for information.

Chairman Lawson stated that if anyone wished to discuss a consent item they should notify him prior to the meeting and the item will be pulled and placed on the action agenda, in accordance with parliamentary procedure. No board members notified the chair of a desire to discuss or

question any consent items on the August 11, 2008 agenda; therefore, the consent agenda was not changed from that presented by the ADE.

The vote to approve the Consent Agenda as presented was adopted unanimously.

Consent Agenda Items:

- Minutes July 14, 2008
- Minutes July 31, 2008
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Consideration of Loan and Bond Applications
- Report on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Days, Act 1623 of 2001
- Consideration of QZAB Applications
- Progress Report on the Status of Districts Classified in Fiscal Distress for 2008-2009

Action Agenda

(The first three Agenda Items were recorded by a court reporter and the full text of the deliberations is available from the State Board of Education Office.)

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 reported that requests from this charter school to relocate to a new facility in the Fayetteville School District, to increase the enrollment cap, and to add Grade 8 are submitted for consideration. Dr. Ken Vickers, a member of the local Charter School Board, was recognized to present the request. Dr. Jeffery Collins was also present and responded to questions about the proposed facility.

Dr. Vickers stated that the school has applications for enrollment from potential students should the enrollment cap be extended and Grade 8 added. Dr. Vickers also stated that the school was requesting that if approval is granted, the funding based on those enrollments be retroactive to July 1, which would increase the funding stream for the school. Tripp Walter was asked to respond to the legality of retroactive funding. Mr. Walter stated that there was no precedent for such action and the earliest funding could be expected would be in December 2008. Dr. James affirmed that no retroactive funding had been approved during his tenure as Commissioner.

Ms. Gullett asked about safety measures in the new facility. Dr. Jeffery Collins also a member of the school's board responded that this was a rental facility, but it was his understanding that all safety measures were in place. Ms. Gullett also asked about the classroom size issue. Dr. Vickers stated that a waiver request for classroom size was part of the proposal.

Ms. Tatum asked about options for lunch for the students. Dr. Vickers responded that one of the classrooms would have tables and could serve as a location for lunch. Also he noted that there is a courtyard where students can eat lunch when the weather is good.

Mr. Cooper asked about the lease agreement and the approximate square footage in the instructional space. Dr. Collins noted that there was no intent to request an extension clause beyond the proposed three years because the HAAS Hall “community” was interested in pursuing a permanent building, which should be available within the three years of the proposed lease. Mr. Cooper suggested that an extension clause option should be included.

Dr. Mays commented on the proportion of the budget devoted to the director’s salary. Dr. Vickers supported the budget as proposed because of the work done by Dr. Shoppmeyer. Dr. Mays also asked about available technology for instruction and lab work. Dr. Vickers responded that most students have their own personal lap-top computer, which they preferred to use.

Mr. Lawson asked about the number of students who have submitted an application. Dr. Vickers responded that 171 students have completed applications and there is the potential for 18 more.

Ms. Burrow asked about financial conditions if the additional revenue were not available until December. Dr. Vickers stated that it would be difficult, but he believes it can be done by deferring some payments until January.

Dr. Brown stated that phone conversations with the school administrators previously indicated that forward funding should not be considered and that facilities waivers related to health and safety matters for students are not considered.

Mr. Ledbetter asked for clarification on the difference in budget for facility – the proposed facility lease is \$107, 880 per year where the current lease is \$35,000 per year. That was affirmed.

Ms. Gullett expressed concern that a move could take place to a new location and classes open by the middle of “next” week. Dr. Vickers stated that upon approval, there is a cadre of staff and movers on call to start should the relocation be approved.

Ms. Gullett expressed concern that the administrative salary was out of line with similar staff in other districts in Arkansas.

Ms. Tatum moved that the proposed relocation from Farmington to the Fayetteville location be adopted, that the proposal to increase the enrollment cap be denied and deny the proposal to add Grade 8. This motion died for lack of a second.

Dr. Williams moved that the move from Farmington to Fayetteville, the increase in enrollment cap to 220 and the addition of Grade 8 be approved as proposed. This motion died for lack of a second.

Ms. Gullett moved that all proposed amendments to the HAAS Hall Charter be denied and that any future proposals be submitted with complete budget documents and supporting materials. Dr. Mays seconded the motion. The motion was adopted 5 yes and 3 no on a roll call vote. (Naccaman Williams, Sherry Burrow, and Diane Tatum voted No.)

Request for Charter Amendment of Open-Enrollment Public Charter School: Academics Plus Charter School Maumelle, AR

Dr. Mary Ann Brown was recognized to make this presentation. Dr. Brown introduced Dr. Buster Lackey, principal at Academics Plus, to present the request for increase of enrollment

cap. Mr. Lackey reported that enrollment at the school continues to increase and there is a waiting list for students to enroll should an increase in the cap be approved. Dr. Lackey reported that the school has an operating balance of \$440,000 in the bank and facilities in place that will accommodate additional students.

Ms. Tatum asked for clarification on how many additional students might be added for the current year. Dr. Lackey responded that this request is to take care of the school for future years. Not all of those positions are intended to be filled this year. He restated that current facilities will accommodate those students added this year: the total enrollment if approved would be approximately 500.

Mr. Ledbetter noted that there was no budget for this charter, so it is difficult to make an informed decision on staffing and other expenditures with no new money until December.

Dr. Williams asked if the current budget can carry the cost of new students with no new revenue until December. Dr. Lackey responded yes.

Dr. Williams moved approval of the request to increase the enrollment cap to 650 students. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Review 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 Dr. Carolyn Carter administrator of Dreamland Academy was present and would present documentation for this item. Dr. Carter stated that this report is provided to meet the Board's request for information pertaining to identification of members of the local school board.

Ms. Tatum observed that one of the new members to be added is from North Carolina. She inquired as to what this person's connection was to the organization or to its current administrators. Dr. Carter indicated that she had worked with the nominee in a previous school and his expertise is working with students with special needs, particularly students with behavioral needs. Dr. Carter suggested that his presence on the Board would allow the school to utilize his expertise as a Board member and not have to pay for consultative services. Dr. Mays asked why an out-of-state person was necessary on the board: why not just use them as a consultant. Dr. Carter suggested that staff perceive board members as having more authority: consultants are considered as outsiders and not part of the organization so their ideas are not as important as someone who will be in a continuing relationship with the school.

Dr. Mays asked about compensation. Dr. Carter noted that the only expenses foreseen would be for travel and per diem; no additional consultant fee would be expected.

Mr. Cooper asked about the option of maintaining oversight on appointments to the school's local board. Dr. Brown noted that charter schools are expected to provide information about the composition of local boards on an annual basis.

Ms. Tatum asked if Dr. Carter was not able to find anyone with similar expertise in Arkansas. Dr. Carter stated that she was new to the state and was not aware of such individuals. She did also state that her working relationship with this nominee was based on her information and her feeling as to who could best meet the school's needs.

Ms. Burrow asked if there were any restrictions on approving out-of-state representatives on the local board. Tripp Walter responded no.

Mr. Lawson observed that there are operational charters, specifically the KIPP Academy, that have out of state sponsoring organizations.

Ms. Tatum moved approval of the proposal to include the educator from North Carolina as a member of the Dreamland local school board. Ms. Gullett seconded the motion. The motion was adopted 7 yes and 1 no. (Dr. Mays voted no.)

Osceola School District Appeal to the State Board of Education of Accreditation Status of Osceola School District, Osceola High School and Osceola Academy of Excellence Charter School

This item was tabled until the September Board meeting.

Appeal to the State Board of Education of Accreditation Status of the Dumas Junior and Senior High School 2007-2008

Frank Wimer and Annette Barnes were recognized to present this item. Betty Brewer from Dumas School District presented for the district. Ms. Barnes stated that the issue related to this appeal is based on the licensure status of a science teacher who was teaching with an additional licensure plan (ALP). Ms. Barnes stated that the teacher was issued an ALP prior to being employed in Dumas and the teacher did not meet the expected progress of the plan to become fully licensed during the three years of the ALP. Beverly Williams also noted that there was a problem with the teacher taking and making a passing score on the Praxis Exam, which is also a condition of licensure.

Ms. Brewer stated that the teacher had taken all parts of the exam, but has yet to pass one section. She reported that the teacher has retaken the test, but results have not been reported to the teacher or to the district. Ms. Brewer implied that incorrect information was provided to the Dumas district regarding the teacher's licensure status. Dr. James noted that the Human Relations Office response was correct for the question that was asked; however, the question that was asked was not the proper question to address the licensure status and ALP performance status.

Ms. Gullett moved that the Dumas appeal be approved, which would remove the probationary status from Dumas High School and Dumas Junior High School. Ms. Burrow seconded the motion. The motion was adopted with 7 yes and 1 no (Tatum voted no).

Appeal to the State Board of Education of Accreditation Status of Cedar Ridge High School, Cedar Ridge School District 2007-2008

Consideration of this item was tabled until the September Board meeting.

Approval Request of the Accreditation Status for Arkansas Public Schools and School Districts 2007-2008

Frank Wimer was recognized to present this item. Mr. Wimer summarized the accreditation process and updated the summary based on the appeal approval from Dumas.

2007-2008 ACCREDITATION SUMMARY

Total Districts 245 + 10 Open Enrollment Charters
Total Schools 1068
Schools Accredited Status **753**

Schools Accredited-Cited Status 276
Schools Accredited-Probationary Status **35 + 4 pending Sept SBE Mt**
Status Appeals **4**

District Office Accredited- Cited Status 8

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Dr. Williams moved approval of the revised accreditation status of public schools and school districts. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request for Approval of 2008-2009 Arkansas Better Chance Grants – Round #3

Paul Lazenby was recognized to present this item. Mr. Lazenby asked to update the submitted list with two additional grant proposals that were approved by the agency review process.

Total proposed with the Agenda: \$1,449,850
Total additional requests: 284,700
Total approved for Round #3: \$1,734,550

Dr. Williams asked about the grant designated for University of Arkansas at Monticello/McGehee. Mr. Lazenby noted that this request was for instructional materials to supplement a previously funded proposal.

Ms. Tatum moved approval as amended. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration of Request for Approval of Cut Scores for the Biology End-of-Course Examination

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that the high school biology end-of-course test was given for the first administration this past spring and that committees have been working to recommend a cut score to establish below basic, basic, proficient, and advanced levels on this test.

Dr. Williams asked if there were any intent to correlate the cut scores with what might be grades earned in the high school biology course. Dr. Potter responded that there was no intent to link the test with high school grades. She did note that this test will have the same requirement as the Benchmark Exams and other End-of-Course tests. Students who fail to reach proficient will be required to have an improvement plan and will be required to participate in remediation.

Mr. Lawson asked about students retaking the Biology test. Dr. Potter responded that retaking the exam is not allowed at this time; however, in the 2009-2010 school year students may retake the test to improve their score.

Dr. Mays asked if there was a way or any intent to define failure not just determine when students met the proficient level of performance. Dr. James stated that over time the Arkansas exams have been determined to be on par with score levels as set for the National Assessment of Education Progress (NAEP), which is not the case for most states. He also indicated that the nature of the end-of-course test is not to link it to a grading scale.

Mr. Lawson suggested that the assessment system should be concerned with all aspects of measurement and especially consider longitudinal measures of assessment and testing.

Ms. Mahony inquired if schools would be expected to develop instructional plans for students who were not proficient this year. She observed that if cut scores are just being set, it seems like it is too late to be developing those plans for this year. Dr. James responded that the timeline for setting standards – at least for this first year – cannot be accomplished any earlier: it does seem like it is too late, but it is the only way to do it.

Dr. Williams moved adoption of the cut scores as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Approval of Cut Scores for Grade 10 Science Alternate Assessment for Students with Disabilities

This item was tabled until the September Board Meeting.

Hearing on Waiver Request for Certified Teacher's License – Billy Joe Woods

Tripp Walter was recognized to present this item. Mr. Walter summarized the Department's position on this item. Mr. Woods was present and represented himself before the Board. Mr. Woods stated that this incident was a one-time event that happened more than 20 years ago and that he has no other citations or offenses. Mr. Woods reported that following parole his conviction received a pardon. He stated that after the pardon he completed an undergraduate

and graduate degree and served as a classroom teacher and counselor in schools in Texas. Subsequently, he retired from the Texas educational system and is seeking employment in Arkansas. Mr. Woods introduced Gary Williams, principal East Poinsett High School, who stated that Mr. Woods would be offered a position in that school if he were eligible for an Arkansas license.

Dr. Williams asked about the possibility of a stipulated agreement. Mr. Walter responded that this case does resemble other stipulated agreements; however, the timeline for this hearing did not provide that opportunity.

Mr. Ledbetter moved that a waiver be granted and a one-year probation certificate be awarded with the provision that no offenses are recorded during the year. Dr. Williams seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Melissa Lovewell

Tripp Walter was recognized to present this item. Mr. Walter summarized the Department's position on this item. Ms. Lovewell was present and represented herself. Ms. Lovewell described the incident that resulted in a conviction. She stated that the suit and conviction occurred in Arizona, which was four years after the incident with a company credit card. She also reported that repayment of the charges on the credit card had been made before any conviction occurred.

Mr. Ledbetter asked if she pled guilty or if she was convicted. Ms. Lovewell responded that she had relocated from Arizona to Arkansas and once a suit was filed she was assigned a public defender, who recommended that she enter into a plea agreement, which she did. She served 90 days in prison as a result of the plea.

Since moving to Arkansas, Ms. Lovewell stated that she was employed in the Early Childhood program conducted by the DeQueen/Mena Cooperative and has entered into the non-traditional licensure program to receive licensure to work in the ABC program as a teacher. She requested consideration of the waiver in order for her to be eligible to receive the non-traditional license.

Ms. Burrow moved approval of the waiver and that she be eligible for a probationary status license with the condition that no other citations or convictions be issued during this time. Dr. Williams seconded the motion. The motion was adopted on a 6 yes, 2 no vote (Gullett and Ledbetter voted no).

Hearing on Waiver Request for Certified Teacher's License – Henry Valentine

Tripp Walter was recognized to present this item. Mr. Walter summarized the Department's position on this item. Mr. Valentine was present and represented himself. Mr. Valentine reported that when he was 21 years old, he "made a mistake" and was involved in drugs, pled guilty and served five years probation; later his record was expunged. Mr. Valentine presented a letter from Gary Adams, assistant superintendent at West Memphis who is a potential employer with a contract that would be offered if he were approved for the waiver as a condition for licensure. Mr. Valentine reported that after his probation he returned to school and has completed all requirements for licensure.

Dr. Williams moved to grant the waiver with the condition of a three year probationary period and stipulation that no further citations or convictions are received. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Hearing on Revocation of Teacher’s License – Monica Cluck

Tripp Walter was recognized to present this item. Mr. Walter summarized the Department’s position on this item. Ms. Cluck was not present nor represented. Ms. Tatum moved to permanently revoke the license. Dr. Mays seconded the motion. The motion was adopted unanimously.

The chair declared, without objection, the meeting is adjourned. The meeting adjourned at 1:45 p.m.

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

Dr. Ken James, Commissioner, AR Dept of Education

Randy Lawson, Chair, AR Board of Education