

**Minutes  
State Board of Education**

Monday, August 13, 2007

The State Board of Education met on Monday, August 13, 2007, in the auditorium of the Arkansas Department of Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chair; Randy Lawson, Vice-Chair; Sherry Burrow; Jim Cooper; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams. (One position is vacant.)

**Chair's Report**

Ms. Tatum reported attendance at the pre-school conference for teacher and staff in the El Dorado School District and she anticipated additional visits within the next two weeks.

**Commissioner's Report**

Dr. James reported that he and other Department staff attended a community meeting in Bismarck, which included a positive dialogue with administration and community members regarding the Bismarck School District's fiscal distress status. He also noted participation in pre-school activities at the Lakeside School District.

Dr. James reported that Governor Mike Beebe has appointed former legislator Brenda Gullett to fill the Board's currently vacant position. Ms. Gullett will join the Board in September.

**Reports**

**Progress of ADA Compliance at the Facilities of Academics Plus Charter School in Maumelle**

Dr. Mary Ann Brown recognized Dr. Buster Lackey who reported that work to complete all of the items previously suggested by the Facilities Commission visit was finished. Dr. Lackey noted that a full component of 400 students is registered and ready to attend the first day of classes the following week. He invited Board members to visit the campus.

Doug Eaton reported that he visited the campus at the Board's request and noted five small additional items that would enhance the campus, but none of those items should be considered as mandatory for operation of the school.

Ms. Rebick stated that she was concerned about the details in the recent report sent to the Board noting space requirements and other items at the charter school site. Mr. Eaton noted that many facilities, especially charter school facilities, fail to meet full space recommendations as detailed in current facilities guidelines. He also noted that

many charter schools have sought waivers of some space requirements due to available facilities. Ms. Rebick questions the options for charter schools to seek waivers of facilities requirements. Mr. Eaton suggested that life safety codes cannot be waived, but other facilities standards can be waived.

### **Balance Currently Owed to the Arkansas Teacher Retirement System by Haas Hall Academy**

(The full text of this discussion was recorded by a court report. A copy of the court reporter's document is available through the State Board Office.)

Dr. Mary Ann Brown summarized the issues related to Haas Hall Academy's repayments of obligations to the Arkansas Teacher Retirement System (ATRS). Dr. Martin Schoppmeyer requested permission to read a prepared statement. The statement sought to dismiss consideration of the issue by the Board at this time because the Academy staff did not have time to prepare a response to the original letter. No action was taken regarding the request to delay.

Mindy Looney, representing the ATRS, summarized issues relating to payments/repayment of amounts owed to the system by Haas Hall Academy. Ms. Looney noted several attempts to contact Dr. Schoppmeyer since June to get information on expected payments that were not made. Ms. Looney reported that a check was received on the previous Friday in the amount of \$22,000 with a notation of paid in full. She noted that ATRS cannot accept that check because the payment amount fails to pay in full the amount due from the Academy.

Ms. Tatum summarized discussions among ATRS, Department staff, Dr. Schoppmeyer, and Board members by noting that there are unresolved issues and she directed all parties to work together between now and September 13 to resolve these issues and to make a full disclosure of amount owed and suggest a plan for complete resolution.

Dr. James also directed staff and all parties involved to come to resolution of the issue and to have a complete report prepared for submission for the September 13 Board meeting.

### **Consent Agenda**

Mr. Cooper moved adoption of the Consent Agenda as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes – July 9, 2007
- 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 162 of 2001
- Review of Loans and Bonds
- Review of QZAB Allocation Applications

## Action Agenda

Ms. Tatum announced that Action Item A – 9 accreditation status appeal from McGehee High School was withdrawn.

### **Consideration of Request for Conversion Charter School Modification: Felder Alternative Learning Academy, Little Rock, AR\*<sup>1</sup>**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reported that a request to modify the Charter Contract has been received from the Little Rock School District and the Pulaski County Special School District. If approved this would allow the withdrawal of the Pulaski County Special School District as a partner in the Charter. James Sharp, Superintendent, spoke for the Pulaski County School District stating the District's intent is to discontinue participation in Felder Academy because of the expense of participation and the relatively small number of students who attended last school year. Mr. Sharp noted the District's recent classification in fiscal distress and the number of cost saving actions that were implemented. He suggested this is one area that has been identified as cost saving to the District.

Mr. Ken Kirspel, Superintendent from North Little Rock, reported that the North Little Rock District is committed to continued participation, but they cannot commit beyond the current contribution identified in the proposal.

Dr. Linda Watson spoke for the Little Rock School District. Dr. Watson reported that the Little Rock School District is committed to the success of Felder Academy, but questions how the funds can be replaced should the Pulaski County School District be allowed to withdraw. However, she affirmed that the Little Rock School District will try to find additional funds if necessary. Mr. Cooper asked how much money would be needed should Pulaski County pull out. Dr. Watson responded between \$100,000 and \$160,000. Dr. Watson stated that the recent relocation, previously approved, caused some additional costs this year.

Ms. Burrow asked if the original proposal included a three-year commitment among the parties. Dr. Watson responded that was the agreement. Mr. Cooper asked if there were other issues contributing to the drop out other than strictly financial. Dr. Watson responded that other than low participation she was not aware of any. Ms. Burrow suggested that a full financial disclosure was important before a final decision could be made. Dr. Watson noted that the project received a grant in the amount of \$350,000 that was used for start-up costs – equipment and supplies – but no salaries were paid from those funds. She stated that the Little Rock School District would facilitate a financial review of grant funds and funds paid to Felder Academy from the other partners.

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<sup>1</sup> A complete transcript of items marked with asterisk was recorded by a court reporter. That transcript is available for review from the State Board Office in the Department of Education.

Dr. Knight asked about assignment of students, who would otherwise attend the Pulaski County School District, if they were directed to Felder by the court system. Dr. Watson responded that the project staff would have to inform the judges that the Pulaski County School District is no longer a partner.

Dr. Williams asked if there were objections from the other districts regarding the Pulaski County School District request to withdraw. Dr. Watson noted that the project would prefer to retain all partners, but the Little Rock School District plans to maintain the school. Mr. Kirspel stated that North Little Rock School District would continue to participate.

Ms. Rebick moved approval of the request for Pulaski County School District to withdraw from Felder Academy Charter School. Dr. Williams seconded the motion. The motion failed on a vote 2 yes, 5 no. (Rebick and Williams voted yes.)

Dr. Williams asked the Department to see that a financial report is prepared and presented to the Board.

### **Consideration for Public Comment: New Charter Applications, Renewal Application and Facilities Lease Agreement**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reviewed the proposed application format noting that most of the changes were at the request of this Board. Dr. James noted that comments from the Board suggest more time is needed to review and process applications and the business of charter schools has consumed much of the Board's time over the past year.

Mr. Cooper moved to approve the documents for public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

### **Consideration for Approval: Deadlines for Charter School Applications**

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown reviewed the proposed schedule and noted that the earlier submission dates were recommended to provide more time for staff and Board review of applications. Dr. Williams suggested that the timeline as proposed is OK, but should not be imposed on current year applications. Mr. Scott Smith, General Counsel, noted that this timeline was included with application forms that were provided to charter school developers beginning January 1, 2007.

Mr. Cooper asked staff if they were aware of charter developers that would have difficulty meeting the revised deadline. Dr. Brown stated that she was aware of three developers who expressed concern for the new timeline, even though they knew the deadline existed since last January. Dr. Williams stated he thinks this would be good for applicants beginning with the 2008 proposals and he is in favor of maintaining the September 30 deadline for the pending applicants. Dee Cox reported meeting with potential developers recently and no concern was expressed about the August deadline.

Mr. Cooper asked if applicants can make changes once the proposals have been submitted. Scott Smith stated that was not allowed.

Ms. Burrow observed the issues the Board faced with applicants having a 501(c)3 declaration. Scott Smith reported that new legislation from the 2007 session allowed charter developers to apply and receive a charter award without having a 501(c)3 document as long as that document was issued and viable by the time the school opens.

Ms. Rebick moved to accept the proposed timeline as presented. Dr. Knight seconded the motion.

Dr. Williams stated that he has problems imposing a deadline for activities currently underway. Dr. Brown responded that all applicants had the new timeline when application forms were distributed and all had the same amount of time. Dr. Williams asked what would happen if a proposal were submitted after the August 31 date. Scott Smith responded that it would not be considered in this application cycle. Dr. Williams asked again if there were applicants that could not meet the August 31 deadline. Dr. Brown responded that no applicant has said they cannot make that deadline, but three have expressed concern for submitting a quality proposal by that date.

The motion was adopted 6 yes, 1 no (Dr. Williams voted no).

### **Request for Approval of 2007-2008 Arkansas Better Chance Grants – Round 2**

Paul Lazenby was recognized to present this item. Mr. Lazenby asked for permission to add six additional grant awards to the list. He reported that all of these applications have been processed and are recommended for funding at this time.

Mr. Lawson moved adoption as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Crossett Public School Appeal to the State Board of Education for Crossett High School Accreditation Status for 2006-2007\***

(A complete transcript of each of the accreditation items prepared by the Court Report is available from the State Board Office.)

Each of the following accreditation appeal items was presented by Frank Wimer.

Janet Warren, Superintendent of Crossett Public Schools, reported that when the course deficiency was determined, the schedule was revised and students were enrolled in the required course. Mr. Wimer maintained that all of the required 38 units were not in place from the beginning of the school year, thus not accessible to all students.

Scott Smith advised the Board that one of the Department's obligations that arose from the Lake View Case was that each district must meet the minimum curriculum requirements annually.

Dr. Williams moved denial of the appeal. Dr. Mays seconded the motion. The motion was adopted unanimously.

**Decatur Public School Appeal to the State Board of Education for Decatur High School Accreditation Status for 2006-2007\***

Dave Smith, Superintendent of Decatur Public Schools, reviewed the sequence of events resulting in the determination that instrumental music was not provided for a full year. Mr. Smith noted that only two students were initially enrolled and due to students transferring out and other students transferring in, a clerical error was made and a course code for fine arts was reported, rather than instrumental music. He stated that the error was not detected until a review was made by the Department. Mr. Wimer informed the Board that documentation at the school was not conclusive to support the schools position that instrumental music was offered and taught consecutively for a full year.

Mr. Cooper asked about legislation adopted in 2007 to take care of small schools where there are content concerns. Annette Barnes responded that such legislation was passed, but without an emergency clause, which means that the law becomes effective after the 2006-2007 school year.

Dr. Williams moved that the Decatur High School appeal be denied. Ms. Rebick seconded the motion. Mr. Cooper stated that he would vote against the motion but wants to be clear that he supports the standards and believes that they should not be watered down. The motion was adopted 5 yes, 2 no (Cooper and Mays voted no). Dr. Mays stated that his no vote was based on the premise that a clerical error is what caused the issue not willfully violating the standards.

**Genoa Central School District Appeal to the State Board of Education for Genoa Central Elementary School Accreditation Status for 2006-2007\***

Ms. Tatum stated that Genoa Central informed the Department that the school was withdrawing the appeal. Mr. Lawson moved to deny the appeal. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Gravette School District Appeal to the State Board of Education for Gravette High School Accreditation Status for 2006-2007\***

Curtis Spann, Superintendent of Gravette School District, stated to the Board that Advanced Placement courses in social studies and mathematics were offered in the high school and were available to all students. He stated that the district believed that those offerings were in keeping with the accreditation standards.

Ms. Rebick stated that this interpretation of the standards has been used for several years but it appears that legislation has been enacted that will perhaps change the policy after this year.

Ms. Rebick moved to deny the appeal. Dr. Mays seconded the motion. The motion was adopted unanimously.

**Monticello School District Appeal to the State Board of Education for Monticello High School Accreditation Status for 2006-2007\***

No representative from the Monticello School District was present. Mr. Lawson moved to deny the appeal. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Murfreesboro School District Appeal to the State Board of Education for Murfreesboro High School Accreditation Status for 2006-2007\***

Dr. Bernie Hellums, Superintendent of Murfreesboro School District, reported that the issue is that the social studies course was not offered for the total school year with at least one student continuously enrolled. She stated that the course was offered all year with a qualified teacher and that first semester there was one student who moved from the district at semester; however, a new student entered the district and enrolled in that course. She argued that the course was continuously taught and a full curriculum was covered, even though there was no student continuously enrolled across the two semesters.

Ms. Burrow observed that it appears that the course was offered and taught, but she was not aware of a criterion that there had to be one student continuously enrolled for the entire year. Dr. Williams asked if the student who came in to register at semester had completed the first semester of that course prior to enrolling at Murfreesboro. Dr. Hellums responded that she did not have that information available, but it could be obtained.

Mr. Cooper moved to approve the appeal. Ms. Burrow seconded the motion. The motion was adopted 6 yes, 1 no (Williams voted no). Dr. Williams stated that his no vote was based on the fact that it was not fully determined that both semesters of the course were taught with students enrolled.

**Prairie Grove School District Appeal to the State Board of Education for Prairie Grove High School Accreditation Status for 2006-2007\***

Ron Bond, Principal of Prairie Grove High School, stated that the school's intent was to provide multiple options to students and that the staff and administration were not aware of the criterion that required separate courses for Advanced Placement and regular courses. He stated that both AP and regular calculus has been offered in the same class and the primary difference was students who took the AP exam.

Ms. Rebick moved to deny the appeal. Dr. Mays seconded the motion. The motion was adopted unanimously.

**Texarkana School District Appeal to the State Board of Education for Edward D. Trice Elementary School Accreditation Status for 2006-2007\***

Ms. Ketchler, Assistant Superintendent of Texarkana School District, who oversees the human resources function of the Texarkana School District stated that the teacher in question was scheduled to take the required Arkansas History course, but was unable to complete the course due to complications during pregnancy and child birth. Ms. Ketchler avowed that there was a fully licensed substitute during the time the teacher of record was away from the classroom and that the teacher successfully completed the required Arkansas History course and has a grade report, but the full licensure was not in place prior to preparing the accreditation ratings.

Dr. Williams moved approval of the appeal. Mr. Cooper seconded the motion. The motion was adopted 6 yes, 1 no (Rebick voted no). Ms. Rebick stated that her no vote was made because she believes that the issue was created by principal error.

### **West Fork School District Appeal to the State Board of Education for West Fork High School Accreditation Status for 2006-2007\***

West Fork School District was not represented. Dr. Mays moved the appeal be denied. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **West Memphis School District Appeal to the State Board of Education for West Memphis High School Accreditation Status for 2006-2007\***

West Memphis School District was not represented. Dr. Mays moved denial of appeal. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Accreditation Status for Arkansas Public Schools and School Districts 2006-2007**

Annette Barnes was recognized to present this item. Ms. Barnes summarized the recommended accreditation status for the 245 local districts, 7 open enrollment charter schools and 1067 school sites as follows:

793 fully accredited  
227 accredited cite  
47 probationary status

Mr. Lawson moved approval of the recommended accreditation status of the schools. Mr. Cooper seconded the motion. The motion was adopted unanimously.

### **Progress Report on the Status of Districts Classified in Fiscal Distress for 2007-2008**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reviewed the progress of each of the districts classified in fiscal distress. Ms. Rebick moved to accept the report. Mr. Cooper seconded the motion. The motion was adopted unanimously.

### **Consideration for Final Approval: Arkansas Department of Education Rules for Advanced Placement and International Baccalaureate Diploma Incentive**

**Program and Rules Governing Advanced Placement Courses in the Four Core Areas in Arkansas High Schools with Guidelines for Endorsed Concurrent Enrollment Courses**

Ann Biggers was recognized to present this item. Ms Biggers summarized the process for review and reported that no revisions were made as a result of the public comment period.

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

**Consideration for Final Approval: Arkansas Department of Education Rules Governing Mandatory Attendance Requirement for Students in Grades Nine through Twelve**

Frank Wimer was recognized to present this item. Mr. Wimer reported that no comments were received during the public comment period and that no changes were made from the previous draft.

Ms. Rebick moved final approval. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval: Arkansas Department of Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts**

Annette Barnes was recognized to present this item. Ms. Barnes reported that issues have risen during the comment period that require changes in the proposed content of the Rule. She noted that changes are related to the issue of highly qualified teachers and the requirements of the No Child Left Behind Legislation (NCLB). Ms. Barnes requested that the Rule with noted changes be approved for additional public comment.

Mr. Cooper moved approval for additional public comment. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Consideration for Final Approval: Arkansas Department of Education Rules Governing Monitoring of Arkansas Comprehensive School Improvement Plans (ACSIP)**

Ms. Bernice Martin-Russell, ADE unit leader, was recognized to present this item. Ms. Russell reported that minor revisions were made as a result of the public comment. She noted that the revisions were not such that additional public comment is warranted.

Ms. Rebick moved final approval. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Consideration for Public Comment: Proposed Rules Governing the Quality, Security, Validation, and Timeliness of Public School Data in the Arkansas Public School Computer Network**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that this proposed Rule is the result of legislation adopted during the 2007 session.

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

**Consideration for Public Comment: Proposed Rules Governing Reimbursement by School Districts for Election Expenses**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that this proposed Rule is the result of legislation adopted during the 2007 session.

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

**Consideration for Final Approval: Arkansas Department of Education Rules Governing Body Mass Index and Physical Activity Requirement for Arkansas Public Schools and Charter Schools**

Dee Cox was recognized to present this item. Ms. Cox stated that there were no suggested changes following the public comment period.

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

**Consideration for Public Comment: Rules Governing Incentives for Teacher Recruitment and Retention in High Poverty Districts with an Average Daily Membership of 1,000 or Fewer**

Beverly Williams was recognized to present this item. Ms. Williams reported that this proposed Rule is the result of legislation adopted during the 2007 session.

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

**Consideration for Public Comment: Proposed Rules Governing the Rewarding Excellence in Achievement Program**

Beverly Williams was recognized to present this item. Ms. Williams reported that this proposed Rule is the result of legislation adopted during the 2007 session.

Ms. Rebick asked if the funds supporting this program were new money approved by the General Assembly. Ms. Williams responded yes.

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

### **Consideration for Public Comment: Rules Governing Arkansas Alternative Pay Program**

Beverly Williams was recognized to present this item. Ms. Williams reported that this proposed Rule is the result of legislation adopted during the 2007 session. She noted that there are no new funds for this program, but suggested that the emphasis is toward local districts consideration of alternative pay structures and rewarding outstanding teaching.

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

### **Hearing on Revocation of Certified Teacher's License – Joseph Bresnahan**

Tripp Walter was recognized to present this item. Mr. Walter noted that Mr. Bresnahan was not present nor represented.

Mr. Lawson moved to permanently revoke the teaching license of Joseph Bresnahan. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Dr. James reported that Dr. DeBlack, who was scheduled to speak for the Arkansas History Commission, was not present.

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

The meeting adjourned at 2:25 p.m.

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