

Minutes
State Board of Education
Monday, September 8, 2008

The State Board of Education met on Monday, September 8, 2008, in the auditorium of the State Education Building. Randy Lawson, Chairman, called the meeting to order at 9:00 a.m.

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

No members were absent.

Reports

Chair's Report

Mr. Lawson stated that the Chair did not have a report for this meeting.

Commissioner's Report

Dr. James stated that Department staff members are preparing to facilitate a work session for the October 13th meeting to focus on issues related to school district boundaries and distribution of a school district's territory among two or more districts. Dr. James also reminded Board members that the annual joint session of the State's three Boards of Education would be on November 3, which is the time set for the regular November meeting.

Consent Agenda

Ms. Tatum asked that a correction be made to the August Minutes to revise the vote on action for the HAAS Hall Charter School. The Minutes should show that Ms. Tatum voted no and Dr. Mays voted yes. (Correction Noted)

Ms. Burrow moved approval of the Consent Agenda as amended. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes – August 11, 2008 (As amended)
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Days, Act 1623 of 2001
- 2007-2008 Home School Report
- Consideration of the State Adoption List and Authorization for Contracts for Business, English as a Second Language/English Language Learner, and Foreign Language, for Grades K – 12

Action Agenda

(A complete transcript of the following items was taken by a court reporter. That transcript is available upon request from the State Board of Education Office)

Booneville School District Appeal to the State Board of Education of Accreditation Status of Booneville Junior High School

Frank Wimer was recognized to present this item. Mr. Wimer stated that the issue of licensure for a teacher of one of the 38 required subjects at the school caused the recommendation for probationary status for Booneville Junior High School. Mr. John Parrish, superintendent of the Booneville School District, was recognized to present the school's request. Mr. Parrish reported that during the past school year many errors in judgment were made by a previous administration. He stated that students from the junior high school attended Spanish class at the high school where the high school Spanish teacher was not licensed. He argued that the high school where the teacher was assigned should be sanctioned, but since that instructor was not a member of the junior high faculty, that school should not be assigned the probationary status.

Annette Barnes stated that students were enrolled in the designated teacher's class and those students were issued credit toward graduation, thus the junior high school is also responsible for providing highly qualified teachers for all classes.

Ms. Tatum asked for clarification as to who was administratively in charge of these schools during this time. Mr. Parrish responded that the former superintendent had been relieved of his duties, the middle school principal was on extended medical leave and the local board had employed him late in the year to "clean up the mess."

Mr. Parrish stated that once he determined the situation of licensure, he reported the issue to the Department, thus bringing on the probationary status. Mr. Lawson commended Mr. Parrish on doing the right thing, but self-reporting does not remove the necessary sanction.

Dr. Williams moved that the appeal of probationary status for Booneville Junior High be denied. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Cedar Ridge School District Appeal to the State Board of Education of Accreditation Status of Cedar Ridge High School

Frank Wimer was recognized to present this item. Mr. Wimer stated that a probationary status for this school was warranted because the school did not offer and teach the full 38 units – the school did not teach physics. Dr. Ann Webb, Superintendent, was recognized to present information from the Cedar Ridge District. Dr. Webb stated that at the beginning of the 2007-2008 school year, two students were enrolled in physics taught by distance learning. She noted that one student withdrew from the district to be home schooled and subsequently the other student enrolled in physics dropped the course at the insistence of the parent. She noted that this situation led to the situation that physics was not taught during this school year. Dr. Webb affirmed that she is aware of the law but believes smaller schools should have some flexibility when no students want to enroll in a course such as physics and she felt the need to share the districts situation with the Board.

Dr. Mays asked for clarification about distance learning and the availability of the course should a student enroll in the district who would need to enroll in physics. Dr. Webb stated that the district had committed to participate in the distance learning program, had installed recommended equipment, had a facilitator in place, but there were no students enrolled.

Ms. Tatum asked about other districts that face a similar situation. Mr. Wimer responded that this year there are approximately 25 schools with probationary status due to a similar situation. Ms. Gullett asked if all of those 25 were for advanced math and/or science. Mr. Wimer responded that many were; however, oral communications and journalism were also classes with no students enrolled.

Dr. Williams asked if this issue were limited to “small” schools. Mr. Wimer noted that most were smaller schools, but not exclusively. Mr. Cooper expressed support for the school’s waiver request.

Tripp Walter was recognized. Mr. Walter cited legislation establishing the minimum curriculum defined in the 30 units that must be offered and taught. Mr. Walter opined that the Board did not have the authority under the statute to issue a waiver of the required curriculum. He noted that this issue was highly visible under the deliberations of the Lakeview case, which established the equitable curriculum standard.

Mr. Cooper questioned why that issue was before the Board if it is not possible under the law to grant the waiver. Dr. Webb stated that she was aware of the law, but felt it important to bring her district’s issue to the attention of the Board. Dr. James noted that any district has the right to request to appear before the Board even though the staff and perhaps the school administration are aware of the requirements of the law.

Mr. Ledbetter suggested that the issue for consideration of a waiver warrant clarification. He stated that anyone should have the opportunity to appear before the Board. The consideration, at least in this case, is did the Department staff interpret the law accurately or is there additional evidence that would change the facts in the case. He suggested that the subject of an appeal would be on interpretation of the law, not a disagreement of the provisions of the law.

Ms. Burrow moved to deny the appeal request of the probationary status of the Cedar Ridge High School. Ms. Tatum seconded the motion. The motion was adopted on a roll call vote 6 yes and 2 no (Cooper and Mays voted no – reasons cited for no vote included a fundamental agreement with the tenets of the district and the conflict between logic and the law.)

Osceola School District withdrew its appeal of accreditation status.

Request for Approval of 2008-2009 Arkansas Better Chance Grants – Round 4

Jamie Morrison was recognized to present this item. Ms. Morrison had no comments beyond the presented documents. Program Requests: \$84,292.

Dr. Williams asked about the recommendation to approve a grant to Lincoln School District. Ms. Morrison stated that there were issues with enrollment and discrepancies in the child data base, but she indicated that she could not report on the details. She also indicated that there were questions about turn back of federal Head Start funding that related to conditions imposed on this proposal.

Dr. Williams moved approval as presented. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration of Waiver of Fee and Substitute Pay Reimbursement due to Health and/or Extenuating Circumstances – Melissa Wright

Beverly Williams was recognized to present this item. Ms. Williams noted that there are times when a teacher enters the preparation program for National Board Licensure and for extreme reasons such as illness or family issues, it is necessary for that person to withdraw from the program. Ms. Williams stated that when teachers fail to complete the program, repayment of the stipend is expected; however, the Rule does provide for the Board to grant a repayment waiver in extreme situations. Ms. Wright has requested that the Board invoke the waiver on her behalf.

Ms. Tatum asked if there was a policy that would establish a repayment plan when a teacher fails to follow through with National Board Licensure. Ms. Williams stated that there are provisions for spreading the repayment over a year, but not beyond that. Ms. Williams also noted that there have been only a few of these instances, especially for extended family.

Ms. Gullett moved approval of a waiver of repayment for Melissa Wright. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

Consideration of Waiver of Fee and Substitute Pay Reimbursement Due to Health and/or Extenuating Circumstances: Jolie Pendrix-Wang

Beverly Williams was recognized to present this item. Ms. Williams presented background information that paralleled that of the previous item.

Ms. Burrow moved approval of a waiver of repayment for Jolie Pendrix-Wang. Mr. Cooper seconded the motion. The motion was adopted unanimously.

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

Jeremy Lassiter was recognized to present this item. Mr. Lassiter stated that revisions to this rule were previously submitted for public comment and a hearing was conducted at which time no comments were received. He stated that no revisions were made to the draft approved for public comment.

Mr. Cooper moved final approval as submitted. Dr. Mays seconded the motion. The motion was adopted unanimously.

Consideration of Cut Scores and Performance Levels for the Augmented Benchmark Science Examination at Grades 5 and 7

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that the proposed cut scores were developed with input from external committees with advice from the technical review panel.

Dr. Williams asked about comparing these proposed cut scores with tests that are nationally validated. Dr Potter stated that there are no actual comparisons, but our Benchmark scores compare favorably with data from the National Assessment of Education Progress (NAEP). Dr. James noted that these data do correlate with NAEP; however, they do not and probably will not exactly match. Dr. Potter stated that this is the first time cut scores have been set for science, so there is really nothing to compare to at this time.

Dr. Williams moved approval as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Request to Set Cut Scores and Performance Levels for the Alternate Assessment for Students with Disabilities in Grade 10 Science

Dr. Gayle Potter was recognized to present this item. Dr. Potter noted that these alternate assessments were directed to students with severe and profound handicapping conditions. These performance levels are to establish criteria for evaluating portfolios completed by these students in lieu of completing Benchmark tests.

Dr. Williams asked for an example of tasks that might be included in a portfolio for these students. Dr. Potter responded that the tasks were created by a pool of talented and dedicated teachers who started with the State's content standards and extended the student expectations to tasks within the grasp of severely and profoundly handicapped students. She noted that each portfolio might be different depending on the student's individual education plan (IEP), but might include measurements in the kitchen with a cooking theme. Ms. Burrow asked if the tasks were paper and pencil oriented. Dr. Potter responded some would be paper and pencil based and would be placed in the portfolio. Other tasks might include activities that were not dependent on writing.

Ms. Gullett inquired as to how the list of tasks might be developed. Dr. Potter responded it was dependent on the child's IEP and that IEP would include a description of the child's abilities and it might include a menu of items appropriate for portfolio assessment.

Ms. Tatum asked about comparing these cut scores to previously adopted cut scores. Dr. Potter noted that this is the first time for adopting cut scores for science and there is no other set of data from which comparisons could be made.

Ms. Tatum moved approval as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Clinton Sago

Drew Blankenship was recognized to present this item. Mr. Blankenship reported that the Department Legal Office has just completed a recommended Stipulated Agreement with Mr. Sago. He stated the agreement would include probationary status for one year at which time Mr. Sago would be eligible to apply for full licensure status. Mr. Blankenship also indicated that Mr. Sago does have a job pending approval of the stipulated agreement. Mr. Lawson asked about the timing of the recommendation. Mr. Blankenship responded that the correspondence between the Department and Mr. Sago's attorney was only completed late last week and that paper work is still in the transmittal stage. Mr. Lawson suggested that any approval should be subject to signature of Mr. Sago.

Mr. Cooper moved to accept the recommendation of a stipulated agreement pending receipt of properly signed documents by Mr. Sage and his representatives. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Larry D. Harris

Drew Blankenship was recognized to present this item. Mr. Blankenship stated that Mr. Harris was present and was represented by Counsel. Kenny Johnson, attorney for Mr. Harris, provided background information regarding the record and incident(s) that were reported. Mr. Johnson stated that the records were expunged implying that Mr. Johnson had met any expectation of the courts and thus clearing his record.

Dr. Mays asked about the procedure for obtaining licensure through the alternative licensure program. Beverly Williams indicated that a background check is not performed until a request for licensure is made. She did state that if a waiver were issued, then Mr. Harris would be eligible for a provisional license through the alternative licensure program.

Ms. Gullett asked about the misdemeanor recorded in 2003. Mr. Harris indicated that the 2003 incident related to protecting himself and formal charges were not made.

Mr. Cooper moved approval of a waiver with a two year probationary period and with the stipulation that no further offenses be charged and that all components of the Arkansas Teacher Code of Ethics be followed. Ms. Tatum seconded the motion. The motion was adopted unanimously.

The Chair moved, without objection, the meeting is adjourned. The meeting adjourned at 11:05 a.m.

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