

Minutes
State Board of Education
Monday, September 14, 2009

The State Board of Education met on Monday, September 14, 2009, in the Auditorium of the State Education Building. Dr. Naccaman Williams called the meeting to order at 9:00 a.m.

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

No Board members were absent. There is one vacancy on the Board.

Dr. Williams officially welcomed Ms. Toyce Newton as a member of the Board.

Mr. Cooper moved that the Board go into executive session to consider personnel matters related to the employment of the Commissioner for the Department of Education. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Following the executive session, the Board reconvened and Chairman Williams called the meeting back into session.

Mr. Cooper moved that Dr. Tom Kimbrell be employed as Commissioner of Education, his tenure would begin on Monday, September 28, 2009, and his annual salary would be set at \$220,000. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Dr. Williams declared that the Board would recess and everyone in attendance was invited to the Governor's Conference Room in the State Capitol to share in the confirmation of Dr. Kimbrell as Commissioner of Education by Governor Beebe.

The Agenda meeting reconvened at 10:30 a.m.

Ms. Mahony reported that she would be participating in a conference hosted by the U.S. Army to be held at Fort Campbell. There was no further reporting from Board members or from the Interim Commissioner, Dr. Diana Julian.

Consent Agenda

Ms. Mahony asked for discussion regarding the Home School Report, Item #C6 on the Consent Agenda. She asked if data were available to show how many of last year's graduates attended an institution of higher education. Dr. Mary Ann Brown responded that currently those data are not collected. In response to another question regarding high school performance, Dr. Brown also stated that high school students who are home schooled after Grade 9 are not required to take statewide tests: ACT scores if they are taken are not part of the data collected by the state. Mr. Cooper asked if a way existed to begin tracking senior high students. Dr. Brown stated that the ADE would look into the possibility of collecting such data. Ms. Gullett suggested that the Home School Report should be an Action Item for future years. She stated that the Board should be more interested in accountability for home school

students and their academic performance. Dr. Mays asked about the number of students who do not have the required test data. Dr. Brown stated that that number was approximately 15% of the entire population. She observed that there were many reasons – some linked to test administration and a lack of make-up testing. Dr. Brown noted that she would contact the person who coordinates home school testing and note the Board’s concern.

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

- Minutes – August 10, 2009
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out-of-Area for Longer than Thirty (30) Days`111111111111111, Ark. Code Ann. §6-17-309
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Consideration of the State Instructional Materials Adoption List and Authorization for Contracts for K-12 Special Education; K-12 Art; K-12 Music; 9-12 Agriculture; 9-12 Career and Technical Education; and 9-12 Family and Consumer Science
- 2008-2009 Home School Report
- Request for Approval of Stipulated Agreement – Linda Buddenmeyer
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Anger Management Classes/Counseling and Report to State Board of Education on a Quarterly Basis, and a Fine of \$75 on Case 09-050 – Ricky Don Martin
- Consideration of Recommendation of the Professional Licensure Standards Board for Three (3) Years Probation of Teaching License; Follow up on Test Training Procedures; and Fine of \$75 on Case 09-056 – Judith Miller
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Anger Management Classes/Counseling, Report to State Board of Education on a Quarterly Basis and Fine of \$75 on Case 09-061 – Tina Blanks
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning on Case 09-062 – Melvin Bowles
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License and a Fine of \$50 on Case 09-069 – Corina Bunker
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case 09-074 Debra Ewing
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning and Follow-Up Test Training Procedures for Cast T09-004 Jennifer Colvin
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning and Follow-Up Test Training Procedures for Case T09-020 Hank Needham
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning for Case T09-026 Cheryl Green
- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning for Case T09-029 – Terri Roberts
- Consideration of Recommendation of the Professional Licensure Standards Board for Follow-Up Training Procedures on Case T09-036 A – Karen Cox

- Consideration of Recommendation of the Professional Licensure Standards Board for Written Warning and Follow-up Test Training Procedures on Case T09-045 – Elizabeth Foster

Dr. Williams announced the removal of the following items from consideration on the Action Agenda:

- A-1: Hearing on Appeal from Recommendation of the Professional Licensure Standards Board for Written Warning in Case 09-019A – Jack Crumbly
- A-2: Consideration for Amendment to Charter of Covenant Keepers College Preparatory Charter School, Little Rock, AR
- A-6: Consideration for Final Approval: Proposed Revisions to the Arkansas Department of Education Rules Governing Reimbursement by School Districts for Election Expenses
- A-7: Consideration of Final Approval: Arkansas Department of Education Rules Governing the Regulatory Basis of Accounting
- A-8: Consideration of Final Approval: Proposed Revisions of Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program
- A-11: Consideration of Final Approval: Revised Rules Governing the Waiver of Earning Limitation Under the Arkansas Teacher Retirement System
- A-18: Consideration for Final Approval: Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1000, or Fewer

Arkansas Better Chance Funding Recommendations

Jamie Morrison was recognized to present this item. Ms. Morrison stated that the proposed grants were reviewed by staff and recommended for funding. Mr. Cooper moved approval as presented. Ms. Gullett seconded the motion. The Motion was adopted unanimously.

Grants totaling \$312,670 were approved.

Request for Approval of the 2009 Arkansas English Language Proficiency Curriculum Framework Science and Social Studies Connections

Dr. Gayle Potter was recognized to present this item. Dr. Potter summarized the process by which these recommendations were framed. Ms. Gullett asked if these frameworks were developed in response to No Child Left Behind. Dr. Potter responded yes. Ms. Gullett inquired if there was flexibility in the development or implementation. Dr. Potter responded that such policies are required and the policy must focus on accountability measures.

Ms. Mahony moved adoption as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration to Extend Public Comment Period: Proposed Revision to the Rules Governing the Calculation of Miscellaneous Funds

Bill Goff was recognized to present this item. Mr. Goff stated that public comment provided considerable input into the revision of the Rule and staff recommends that further comment is warranted based on the extent of revisions.

Ms. Gullett moved approval of the request for extended comment period. Dr. Mays seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Revision of Rules for Gifted and Talented Program Approval Standards

Amanda Peebles was recognized to present this item. Ms. Peebles summarized the changes that were made and noted that this was the first update for the Gifted and Talented Program Standards in many years.

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

Consideration of Proposal for New School Leader Licensure Assessment (SLLA) Test

Beverly Williams was recognized to present this item. Ms. Williams reported that this proposed assessment is to replace the exam currently used in the licensure process for administrators. Dr. Williams asked if it was like a Praxis Exam. Ms. Williams noted that the exam is a Praxis exam and it has all the features of other Praxis exams, it is just not called that.

Dr. Mays moved approval. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing Addition of Areas of Licensure or Endorsement

Beverly Williams was recognized to present this item. Ms. Williams made comments about proposed revisions. Dr. Williams stated his concern about the issue of two years teaching experience prior to being licensed as a counselor or school librarian. Ms. Williams emphasized that the Professional Licensure Board voted unanimously to keep the teaching requirement. Dr. Mays noted that the two years classroom experience is a negative incentive for a person who intends to work in schools as a librarian or media specialists. He voiced the opinion that the requirement for two years in the classroom could be a negative incentive for someone not interested in teaching, but interested in library work. Ms. Williams responded that licensure as a librarian or media specialist is based on a Master's Degree program and that the colleges and universities do not offer those programs as undergraduate majors. Ms. Gullett asked about the origin of the proposed Rules. Ms. Williams responded that these policies have been in place for many years and these are revisions necessary because of changes in legislation from the last session.

Ms. Burrow stated that as a former classroom teacher she believed classroom experience was important for a counselor or librarian. She felt that without classroom experience, those individuals would not be as effective in supporting classroom instruction. Ms. Gullett asked if ADE/Board ever worked with higher education in framing of these rules. Ms. Williams responded that the Professional Licensure Board has representatives from higher education and that ADE staff work with higher education as much as possible is making policy align with degree programs at the universities.

Ms. Cooper observed that since there are only Master's level programs at universities, if the rule were to change to allow undergraduate majors, would universities move to provide such courses of study. Ms. Williams stated that there are only three programs in library science currently operational in the state. All are Master's Degree programs. She was unsure if any university would change the program to undergraduate.

Ms. Newton moved adoption of the revised Rule. Mr. Ledbetter seconded the motion. The motion was adopted 6 yes, 1 no. (Mays voted no.)

Consideration for Final Approval: Rules Governing Initial and Standard Administrator Licensure

Beverly Williams was recognized to present this item. Ms. Williams stated that the purpose of the revision was to accommodate legislation regarding background checks prior to licensure. Ms. Gullett asked about the interpretation of the Rule that precludes individuals teaching at institutions such as the State Prison, which is a school district, using that experience toward the qualifications for full licensure. Ms. Gullett noted that Mr. Dub Byers, superintendent of the Department of Corrections School District, was in attendance and asked for him to comment on this issue. Mr. Byers observed that newly licensed teachers employed by the prison system could not count that experience toward a full license. Thus they must teach somewhere else before coming to that system or risk not becoming fully licensed. Beverly Williams affirmed that the statements were correct as the rule is currently written and interpreted by ADE.

Ms. Gullett moved that further consideration of this Rule be tabled until ADE could assess the impact of this Rule on teachers and administrators at the Department of Corrections. Mr. Ledbetter seconded the motion. The motion was adopted unanimously. Ms. Gullett requested to be notified when the meeting would be set, she would like to attend.

Consideration for Final Approval: Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001

Beverly Williams was recognized to present this item. Ms. Williams stated that revisions to this Rule were necessary because of findings from a monitoring visit by the U.S. Department of Education. She noted that the review found that the "House" option for demonstrating highly qualified status lacked sufficient rigor in determining proficiency in the areas of teaching at the high school level. She stated that the expectation of the federal review was for a more restrictive interpretation of the guidelines than had previously been made by the Arkansas plan. Dr. Julian observed that the proposed revisions were the least restrictive as would be considered by the federal review to be approved. Ms. Gullett asked about the potential impact of imposing the new Rule in assessing highly qualified status of current teachers. Ms. Williams suggested that as many as 550 middle and high school teachers may be impacted by the new assessment: most of those would be individuals teaching in the areas of special education and English as a second language. She noted that these teachers generally do not have the content expectation for highly qualified designation at the secondary level.

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

Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher License

Beverly Williams was recognized to present this item. Ms. Williams stated that the revisions to this Rule were the result of the same legislation that was cited earlier regarding background checks. Ms. Gullett noted that this Rule has some of the same concerns as discussed previously regarding teachers employed by the Department of Corrections. Questions about the overall age, the program of study taken and other issues all related to students receiving credit at the Department of Corrections. Chairman Williams noted the many issues of working with the Department of Corrections and indicated that oversight was needed, but asked if the Rule might be approved and then work through those issues.

Mr. Cooper moved to table action on this Rule and consider issues noted from the previous discussion impacting the Department of Corrections. Ms. Gullett seconded the motion. The motion to table was approved unanimously.

Consideration for Final Approval: Rules Governing the Lifetime Teaching License

Beverly Williams was recognized to present this item. Ms. Williams stated that there were no controversial issues raised during the hearings on this rule. Mr. Cooper moved adoption as presented. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

Consideration of Final Approval: Rules Governing Teacher Licensure by Reciprocity

Beverly Williams was recognized to present this item. Ms. Williams stated that there were no controversial issues raised during the hearings on this rule. Mr. Ledbetter moved adoption as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Chairman Williams thanked Dr. Diana Julian for the excellent job she did in the position Interim Commissioner these past months.

Dr. Mays requested that staff work with Dr. Kimbrell to set up a training session to be conducted by NASBE to focus on powers and duties of the Board and its role in implementing policy. Dr. Mays also suggested that each Board member should be provided a copy of the new compilation of State Education Law. Tripp Walter noted that the new copies will be provided once they become available.

Dr. Williams also asked that Dee Cox or a representative provide an update on the Collaborative School Health Grant to be received from NASBE.

The Chair declared the meeting adjourned. The meeting adjourned at 11:45 a.m.

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