

**Minutes
State Board of Education
Monday and Tuesday, November 3 and 4, 2008**

The State Board of Education convened for its regular meeting on Monday, November 3, 2008, in the Auditorium of the State Education Building. Chairman, Randy Lawson, called the meeting to order at 1:00 p.m.

The following Board members were present: Randy Lawson, Chair; Dr. Naccaman Williams, Vice-Chair; Sherry Burrow; Jim Cooper; Brenda Gullett; Sam Ledbetter; Dr. Ben Mays; Alice Mahony; and Diane Tatum. Paul Gray, Arkansas Teacher-of-the-Year, also attended as a non-voting member.

Chairman Lawson announced that due to time constraints there would be no Chair's Report or Commissioner's Report for this meeting.

Consent Agenda

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

- Minutes – October 13, 2008
- Commitment on Principles of Desegregation Settlement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Act 1623 of 2001
- Request for Approval of Stipulated Agreement – Brandy Walls

Action Agenda

Consideration for Final Approval: Proposed Rules Governing the Purchase of Instructional Materials by Arkansas School Districts

Tripp Walter was recognized to present this item. Mr. Walter stated that this Rule was previously submitted for public comment. He noted that comments received were considered and minor revisions were made pursuant to those comments. He affirmed that revisions under consideration due to the comments were not sufficient to cause the Rule to be resubmitted for further comment.

Ms. Tatum moved approval of the Rule as revised. Ms. Gullett seconded the motion. The motion was adopted unanimously.

(A complete transcript of items regarding charter schools was recorded by a court reporter. That transcript can be accessed in the State Board Office of the Department of Education. Readers of the Minutes may contact the State Board Office for reference to the transcript(s).)

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 stated that Haas Hall has submitted revised amendments consistent with requests that were previously submitted. Dr. Brown stated that Haas Hall seeks three amendments to the school's charter: (1) to relocate to a facility in Fayetteville; (2) to increase the enrollment cap beginning with the 2009-2010 school year; and (3) to add Grade 8 creating a school having Grades 8 – 12.

Dr. Brown introduced Dr. Martin Shoppmeyer who presented Dr. Ken Vickers, a member of the local charter board. Dr. Vickers presented background documentation on each of the three amendments under consideration. Dr. Vickers noted a new partner, the owner of a facility located at 3155 North College in Fayetteville, the proposed new location: Tracy Hoskins. Mr. Hoskins and his wife are parents of a student currently attending Haas Hall. During the presentation it was determined that Ms. Hoskins (the owner's spouse) is a current member of the charter's board of directors. It was observed that should the amendment to relocate to the proposed facility, which is owned by a board member's family, be approved, it would be considered a conflict of interest. Ms. Hoskins announced that should the amendment be approved, she would resign as a member of the board.

Ms. Gullett questioned the process for selecting this facility without the required process of public announcement and taking bids on the lease.

Dr. Williams moved approval of all three proposed amendments: relocate to 2155 North College in Fayetteville, to increase the enrollment cap to 320 for 2009-2010, and add Grade 8 with the following conditions: (1) the Department of Education Legal Office will review the Code of Ethics Requirements for purchasing or contracting with members of the local board; (2) assurance by the State facilities review that the building meets all fire, safety and handicap accessibility requirements. Ms. Burrow seconded the motion. The motion was adopted on a vote of 5 yes and 4 no. No votes included: Cooper – does not believe that the procurement procedures for the facility and the relationship of the owner to the board is ethical; Gullett abstained (which is counted as being not in favor of the motion); Mays – issues related to the competitive bidding process for securing the facility – does not believe this is limited or unusual condition that would allow circumventing the bidding process; Tatum – stated conflict with membership of the family on the board. The chair voted yes to break a tie vote.

Mr. Ledbetter asked about the procedure for documenting reasons for votes against approval of charter school proposals. Dr. James stated that such requirement was specifically required by the authorizing statute as well as being included in the Rule.

Hearing of Open Enrollment License Application and ADE Review: LISA Academy, Fayetteville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown noted that this proposal is presented by the developers of LISA Academies currently operating in Little Rock and North Little Rock.

Dr. Bobby New, Superintendent Fayetteville School District, was recognized and told the Board that the Fayetteville School District was aware of the proposed charter school application but neither he nor his staff has reviewed the proposal.

One of the issues that emerged during the discussion found that the proposed facility to house the new charter was for two years, with no guarantee of renewal beyond that point. Mr. Ozmeral suggested that once the charter was established, it was the intent to build or relocate to a more permanent facility. A second issue was the intent to address the needs of underserved or underperforming students in the proposed service area.

Ms. Burrow moved approval of the LISA Academy site for Fayetteville with the condition that all facility health, safety and access requirements be assured by the Department and upon facility review. Dr. Williams seconded the motion. The motion was denied 2 yes and 6 no. Documented no votes:

- Cooper: the facility contract is not guaranteed beyond two years
- Gullett: the proposal does not provide anything new to education in the area
- Ledbetter: the proposal lacks any support or recommendation from the University of Arkansas or from the local Fayetteville community.
- Mahony: lack of documentation of facilities renewal
- Mays: no documented intent to address students who are underperforming
- Tatum: does not believe the charter will address needs of underserved students in the community.

Hearing of Open Enrollment charter Application Appeal and ADE Review: Eudora Community Charter School, Eudora, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown noted that representatives from the Lakeside School District, which includes an elementary school in Eudora and provides secondary schools for Eudora students, were present but were not speaking against the proposal.

Dr. Brown introduced Juanita Burton to present the Eudora proposal. Ms. Burton stated that representatives had visited the KIPP Academy in Helena and seek to emulate ideas from KIPP that have proved successful in addressing the needs of minority students. Ms. Tatum expressed concern that the developers had the resources and training required to bring the necessary resources together for this proposal to be successfully implemented. Ms. Gullett asked about the seemingly large number of waivers, especially for teacher licensure, when there appears to be many students in the area that are not proficient on the Benchmark exams.

Mr. Ledbetter noted that the proposed facility was an old previously used school building having many standards deficiencies. He noted in the proposal that the community had indicated support for correcting the deficiencies, but the developers of the proposal did not have written confirmation of a financial commitment. Ms. Burton noted that the city intends to file for grant funds, but there is no assurance of funding.

Dr. Williams addressed the training component of a "KIPP-like" program and implementation of Core Knowledge. There was no definite response from Ms. Burton.

Mr. Cooper moved denial of the application. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Jacksonville Lighthouse Charter School, Jacksonville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Dr. Brenda Bowles representing the Pulaski County Special School District. Dr. Bowles stated the District opposes this application because the loss of students will cause a decrease in enrollment and revenue from state funds should the school be approved. She also suggested that pulling a large number of students of any race from the district would jeopardize the District's work toward achieving unitary status. She did confirm that Jacksonville Elementary School fails to meet the Court ordered desegregation status at this time. Dr. Bowles affirmed that four of the six elementary schools serving students in the Jacksonville area meet "Adequate Yearly Progress" as determined under No Child Left Behind.

Dr. Brown introduced Mike Runyon and George Biggs representing Lighthouse Charter School group, which is proposed to be part of a national organization (Lighthouse) supporting the local application.

Local community elected officials and state legislators from the Jacksonville area attended in support of the proposed Lighthouse Charter School.

Mr. Ledbetter asked Dr. Bowles about the issue of meeting unitary status in Jacksonville and its impact on the district as a whole. Dr. Bowles responded that three of the six elementary schools serving students in the Jacksonville area fail to meet the guidelines for unitary status.

Dr. Williams suggested that given the number of students attending schools performing below expected standards, parents should have some alternate options and Lighthouse is a national organization with proven results.

Mr. Cooper moved approval with the condition that all health, safety and disability service codes are in place. Ms. Gullett seconded the motion. The motion was adopted unanimously on a roll-call vote.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Jacksonville Charter Academy, Jacksonville, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Dr. Brenda Bowles representing the Pulaski County Special School District. Dr. Bowles repeated many of the same arguments from the previous item.

Dr. Brown introduced Dr. Buster Lackey who presented the proposed application.

Dr. Mays asked what impact the approval of the previous charter would have on the Academy application. Dr. Lackey responded that the Academy proposal purports to create a student personal learning plan for each student, much like those required for special education students (IEPs) or the plans under No Child Left Behind for students who are not proficient on the Benchmark exams.

Ms. Gullett asked about the number of students to be served. Dr. Lackey responded 320, to which Ms. Gullett suggested was insufficient to meet the enrollment requirements for small school districts. Dr. James noted that charter schools are not subject to the 350 minimum student number as are local school districts.

Dr. Williams moved to deny the charter application stating that the timing for this proposal is “just not right.” Ms. Tatum seconded the motion. The motion was adopted unanimously on a roll-call vote. Reasons cited for denying the charter application.

- Tatum: timing is not right to approve two charters in one community
- Mays: supports public schools in Jacksonville
- Mahony: timing
- Ledbetter: the application appeared less well developed and perhaps developed too quickly to have addressed the major tenets of developing a comprehensive charter school
- Gullett: there is too large concentration of charter schools in the central Arkansas area
- Cooper: expects too much damage to the existing district and schools in the area
- Burrow: damage caused by charters to local district
- Williams: timing

The Board recessed at 5:30 p.m. to reconvene at 9:00 a.m. on Tuesday, November 4.

The Chair called the meeting to order at 9:00 a.m. and declared the continuation of the Agenda from the previous day.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Little Rock Preparatory Academy, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Chris Heller attorney for the Little Rock School District Board. Mr. Heller stated that representatives from the Little Rock District administration were present, but he would be representing the district and the board and presenting the districts opposition to this proposal. Dr. Linda Watson, superintendent, arrived during the presentation and did not wish to speak.

Mr. Heller’s comments expressed concern for the capability of the Little Rock District to meet achievement expectations when so many of the high achieving students have left the district for other approved charter schools. Mr. Heller cited data for students who recently left the district to attend the e-stem open enrollment charter school with higher achievement scores than those left attending in the district.

Dr. Williams asked Mr. Heller why Little Rock was objecting to this charter application. Mr. Heller responded that charter schools were lowering the overall achievement of the Little Rock School District. Dr. Williams inquired as to why the district did not bring proven programs to the schools to address the underachieving status of students. Mr. Heller stated that the evaluation of charter schools does not suggest that charter schools are improving student performance. Dr. Williams suggested that KIPP Academy in Helena was taking students from across the community regardless of ability and those students were improving in achievement.

Ms. Brown introduced Lotoya Goree to present the proposal.

The issue of measuring longitudinal growth to determine overall student and school performance was noted. Mr. Lawson commented that longitudinal tracking is an easier and more reliable way to observe

growth than other measures. Mr. Heller asked how such growth was measured. The Chair noted that all charter schools must demonstrate longitudinal data when they are seeking reauthorization of the charter.

Mr. Ledbetter expressed concern that charter schools meet a critical objective of providing programs to meet the needs of high poverty children and thus help close the achievement gap. He suggested future conditions might be attached when they are approved.

Ms. Tatum noted that the proposed facility, in a church education wing, was only guaranteed for two years. She inquired about the final three years on the initial contract if approved. Ms. Goree noted that the facility was not intended to be the final location and that the school would be seeking alternate facility at once. Ms. Goree expressed the desire for fund raising that would help support a new facility.

Ms. Gullett moved to postpone consideration on this charter until a later date. Dr. Mays seconded the motion. The motion was withdrawn without a vote or further discussion.

Mr. Cooper moved approval conditional to review of facilities for all necessary safety, security and handicapping codes and require a program review after two complete years of operation. Dr. Williams seconded the motion.

Dr. Williams asked Department staff if sufficient data would be available to conduct a review after two years. With Department confirmation that data would be available, Dr. Williams specified the review in December after two full years of operation. Mr. Cooper accepted the amendment.

The motion was adopted on a vote of 5 yes and 3 no. No votes were Gullett, Mays, and Tatum. Reasons for no votes:

- Gullett: pleas submitted by Mr. Heller and the Little Rock School District
- Mays: similar to those expressed by Ms. Gullett
- Tatum: concern for facilities and the lease agreement for only two years

Mr. Cooper left the meeting.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Little Rock Urban Prep for Young Men, Little Rock, AR

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown introduced Chris Heller attorney for the Little Rock School District Board. Mr. Heller stated that representatives from the Little Rock District administration were present, but he would be representing the district and the board and presenting the districts opposition to this proposal. Dr. Linda Watson, superintendent, acknowledged that Mr. Heller would speak for the district.

Mr. Heller's comments expressed concern for the capability of the Little Rock District to meet achievement expectations when so many of the high achieving students have left the district for other approved charter schools. Mr. Heller cited data for students who recently left the district to attend the e-stem open enrollment charter school with higher achievement scores than those left attending in the district. Mr. Heller also questioned the legality of charters that discriminate due to race, sex or other factors.

The Chair requested an opinion from Department counsel regarding service to a charter serving only one sex – boys. Mr. Lassiter cited statutes prohibiting same sex charter schools. He noted that some waivers were being considered at the federal level, but nothing had been considered to override the statutes at the state level.

Jackie Jackson was recognized to present components of the proposed charter.

Dr. Williams stated it appears this proposal cannot be funded under the law, but it addresses a need in the community and hopefully this can happen in the future.

Dr. Williams moved to deny the proposal. Dr. Mays seconded the motion. The motion was adopted unanimously. Each Board member cited legal considerations as the reason for denial of the charter.

Without objections, 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.

Dr. Ken James, Commissioner, AR. Department of Education

Randy Lawson, Chair, AR. Board of Education