

Minutes

State Board of Education

Monday, November 5 and Tuesday, November 6, 2007

The State Board of Education met on Monday, November 5 and Tuesday, November 6, 2007, in the Auditorium of the Arkansas Department of Education Building. On Monday, Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Brenda Gullett; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; and Dr. Naccaman Williams.

The following Board members were absent: Jim Cooper.

Chair's Report

Ms. Tatum reported attending a national conference held in New York City hosted by the Wallace Foundation. She noted that education reform was the major focus and that work in Arkansas was noted during the meeting.

Ms. Rebick reported attending the annual meeting of NASBE, which was held in Philadelphia. She noted the frequent references to progress being made in Arkansas education reform.

Dr. Knight reported attending a NASBE symposium addressing healthy eating and physical fitness. Department staff and local school personnel also attended this meeting.

Commissioner's Report

Dr. James reported visits to Rogers and Conway Districts to present the 2007 Milken Educator Awards. Recipients were Margaret Lockhart from Rogers and Cory Oliver from Conway. He noted that both teachers work at the middle school level.

Dr. James also reported that Arkansas was hosting the American Youth Policy Foundation later in the week.

Consent Agenda

Mr. Lawson asked that the October Minutes be corrected to show he visited Rogers School District, not Bentonville to attend a Teacher of the Year event.

Ms. Rebick moved approval of the Consent Agenda with the amendment to the October Minutes. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Minutes – October 8, 2007 (as amended)
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Reports on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Stipulated Agreement – Revocation of License Frances Richardson
- Stipulated Agreement – Probationary Status Two Years Non-Traditional License – Robin Roark

Action Agenda

Request for Approval of 2007-2008 Arkansas Better Chance Grants – Round #4A

Sherrill Archer was recognized to present this item. Ms. Archer stated that all proposed grant awards had been reviewed by the staff and were recommended for approval.

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

Request for Approval of the Adaptations to the Revised Social Studies Framework

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that these adaptations were prepared and recommended by a committee in response to questions raised regarding the focus of Arkansas History in the social studies framework. Ms. Gullett inquired if these proposed changes meet the expectation of those who have raised questions about this framework. Dr. Potter responded positively, which was affirmed by Dr. James.

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

Review of Accredited-Probationary Status of West Fork High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years

Annette Barnes was recognized to present this item. Ms. Barnes stated that West Fork High School has been identified in probationary status for two consecutive years. She and Frank Wimer noted that ADE staff has worked with this school and the issues that caused the school's probationary classification have been

resolved and that the staff will continue to monitor the school's status throughout this academic year. Wimer and Barnes stated that a plan is in place whereby the school should have met all academic concerns this school year. The staff recommends adoption of the report on the status of this school.

Ms. Rebick moved to accept the progress report for West Fork High School. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration of 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 stated that no one attended the public hearing and there were no recommendations for changes. However, she did indicate the need to make two minor technical revisions to wording: one in Section 3.05 to add the word "qualified" in line 4 of the definition; and second in Section 9.03.3.10.4 to place a period following enrolled and eliminate the clause, "in the 38-unit course."

Ms. Burrow asked for clarification when a school does not offer a basic course (eg. Physics) but has AP physics and a new student transfers in during the school year who has been enrolled in regular physics. Ms. Barnes indicated that the school must modify the AP course to meet the needs of the new student, which can be done within the bounds of the AP course.

Ms. Rebick moved final approval with the amendments as suggested. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing the Use of Net Athletic Gate Receipts by Public School Districts

Dr. Bobbie Davis was recognized to present this item. Dr. Davis summarized recommended changes from the public meeting and written comments submitted pursuant to this item. She indicated that those changes were included in the revised text included with the Agenda. Dr. Mays questioned the wording in Section 4.03 that states, "a local board may..." Dr. Mays recommended that "may" should be replaced by "must," which he suggested was more in keeping with the intent of the legislation. Dr. Mays also observed that language in the Rule that defines "net gate receipts," leaves discretion to the local district for interpretation, thus data from fiscal reports will not be consistent across the state. Dr. Mays suggested development of a list of "fees" that could be subtracted from the receipts that would be consistent. Dr. Davis suggested that the Rule as presented reflects the language of the statute.

Dr. Knight moved adoption with the revision to Section 4.03 changing “may” to “must.” Ms. Gullett seconded the motion. The motion passed on a vote 6 yes, 1 no. (Mays voted no.)

Consideration for Final Approval: Proposed Rules Governing Arkansas Public Charter Schools, Open Enrollment Application and Lease Agreement

Dr. Mary Ann Brown was recognized to present this item. Dr. Brown stated that this Rule has multiple components and clarified that the discussion was to include each of the elements included in the Agenda distribution. (Discussion focused on the issue of the lease agreement, status of a 501(c)3 document, and facilities. No modifications were suggested.)

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

Dr. Mays moved to have the lease agreement reflect the same time requirement as the length of the charter. Motion died for lack of a second.

(A complete transcript of the presentations and deliberations pertaining to open-enrollment charter school applications is available from the State Board Office in the Department of Education. These Minutes thus contain only actions regarding the following items.)

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Perkins Academy of Fine Arts – Helena-West Helena School District

Dr. Mary Ann Brown presented a letter from the developers of Perkins Academy of Fine Arts requesting that the Board not give consideration to the proposal. Dr. Knight moved denial of Perkins Academy of Fine Arts open enrollment charter school application. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: School of Excellence – DeWitt School District

Mr. Tom Wilson, Superintendent of DeWitt School District, spoke in opposition to approval. Dr. James Young and Victoria Wilson presented the application and responded to Board members questions.

Dr. Williams moved approval for five years. Dr. Mays seconded the motion. The motion was adopted on a roll-call vote 4 yes, 3 no.

- Gullett voted no: she stated that the persons projected to manage the school could not answer her questions about the program or the budget.
- Knight voted no: he stated that there were too many discrepancies in the proposed vision of the charter.
- Rebick voted no: she stated that it was her belief that the primary support for this proposed charter was to go against the mandated consolidation of the local district and that the school was not developed in the best interest of the students.

Hearing of Open Enrollment Charter Application and ADE Review: Lisa Academy – Springdale School District

No one from Springdale School District was present to speak in opposition to this proposal. Omer Ogmeral and Emin Cazuoglu presented the application and responded to Board members questions.

Ms. Burrow moved approval for five years. Mr. Lawson seconded the motion. The motion failed on a roll-call vote 3 yes and 4 no.

- Williams voted no: he stated that the school could not attract the population as proposed to maintain the intended ethnic representation given the location and given the lack of provided student transportation.
- Rebick voted no: she indicated that she does not see a need for another charter school in this area of the state.
- Mays voted no: he stated that the school has a poor record of attracting demographic diversity in the school currently operated by this organization.
- Gullett voted no: she stated that there were already too many charter schools in this area of the state.

Hearing of Open Enrollment Charter Application and ADE Review: Osceola Communications, Arts and Business School – Osceola School District

There was no one present to speak in opposition to this proposal from the Osceola School District.

Sally Wilson presented the application and responded to Board members questions.

Dr. Williams moved approval for five years. Dr. Mays seconded the motion. The motion was adopted unanimously on a roll-call vote.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Delta YES Connection Academy – Brinkley School District

Dr. Randy Byrd, Superintendent of schools in Brinkley spoke in opposition to the approval of this charter. Geigre Williams presented the application and responded to Board members questions.

Dr. Williams moved to deny this application. Ms. Gullett seconded the motion. The motion to deny was approved unanimously on a roll-call vote.

Reasons for disapproval:

Williams: he stated that if this application were approved it would violate the state's limit of 500 students taught primarily via distance learning.

Gullett: she stated it was important for students to have face-to-face contact with an instructor more than 2 to 4 hours weekly.

Mays: he noted concern for the 500 student limit for virtual learning.

Rebick: she noted concern for the 500 student limit for virtual learning.

Knight: he noted possible legal questions with the application.

Burrow: she stated issues with method of delivery of instruction.

Lawson: he stated issues with 500 limit for virtual learning.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Northwest Arkansas Science and Math Intermediate – Fayetteville School District

Dr. Mary Ann Brown presented a letter from the developer of this application stating that the application was being withdrawn from consideration.

Ms. Rebick moved to deny this proposal. Dr. Knight seconded the motion. The motion was adopted unanimously.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Lisa Academy North Little Rock - North Little Rock School District

Brenda Bowles representing the Pulaski County Special School District and Ken Kirsipel, Superintendent of the North Little Rock School District, spoke in opposition to this proposal.

Omer Ogmeral and Emin Cazusoglu presented the application and responded to Board members questions.

Ms. Burrow moved approval for five years. Mr. Lawson seconded the motion. The motion was adopted 4 yes, 3 no on a roll-call vote.

Gullett voted no: she stated that she does not believe that the school can maintain the proposed student demographics.

Mays voted no: he does not believe that the student demographics represent the student population intended to be served.

Rebick voted no: she does not see progress in the current operation of this organization to warrant expanding to a new site.

**Hearing of Open Enrollment Charter Application Appeal and ADE Review:
Covenant Keepers College Preparatory Charter School – Little Rock School District**

Dr. Katherine Mitchell, chairman of the Little Rock School Board and other representatives from the Little Rock School District spoke in opposition to this application.

Dr. Valerie Tatum presented the proposal and responded to Board members questions.

Dr. Williams moved to table consideration of this application until the December meeting based on questions regarding the facilities and budget to reflect facilities costs. Mr. Lawson seconded the motion. The motion to table was adopted 4 yes, 3 no on a roll call vote. (Gullett, Mays and Rebick voted no.)

The developer was instructed to provide additional information in the following areas: lease document or a deed reflecting the purchase of property on which the facility will be located, revised budget to reflect actual costs for lease of modular building, and documentation supporting the lease of modular buildings to be constructed on the property. These documents are to be provided to the Department in time to be included in the December Agenda.

Hearing of Open Enrollment Charter Application Appeal and Ade Review:

- **E-STEM Elementary Public Charter School**
- **E-STEM Middle Public Charter School**
- **E-STEM High Public Charter School**

These three applications were considered together given that the developer and proposed management of the charters are the same for each of the three proposals.

Dr. Linda Watson, Interim Superintendent Little Rock School District; Ken Kirspel, Superintendent North Little Rock School District; and Brenda Bowles, representing Pulaski County Special School District, each spoke in opposition to these proposed charter schools.

Dr. Caroline Proctor presented the proposal and responded to questions from Board members.

After a brief period of discussion, the Board recessed the meeting at 6:30 p.m. and agreed to reconvene at 9:00 a.m. on Tuesday, November 6.

Tuesday November 6

Randy Lawson, Vice Chairman, called the meeting to order at 9:00 a.m.

Diane Tatum and Jim Cooper were absent.

Following further discussion Ms. Gullett moved to table action on these three proposals until the December Board meeting. Dr. Williams seconded the motion. The motion to table was adopted unanimously.

Issues needing further clarification include the facilities lease/purchase along with a schematic of the floor plan and the complete budget. Dr. Williams suggested that the budget be prepared and presented on forms provided in the application packet.

Hearing of Open Enrollment Charter Application Appeal and ADE Review: Learning for Life Academy – Little Rock School District

Dr. Katherine Mitchell, president of Little Rock School District School Board, spoke in opposition to this proposal. Dr. Linda Watson, Interim Superintendent of the Little Rock School District, also spoke in opposition and addressed the status of the building, which was a site for a former Little Rock school.

Annie Abrams, R.J. Hampton and Hurley Jones presented the proposal and responded to Board questions.

Dr. Mays moved to table consideration until December based on issues related to facilities and budget. Dr. Williams seconded the motion. The motion failed on a vote of 3 yes and 4 no. (Gullett, Knight, Mays and Rebick voted no.)

Dr. Mays moved to deny the application. Dr. Knight seconded the motion. The motion was adopted unanimously on a roll-call vote.

Dr. Williams moved adjournment. Dr. Knight seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 11:00 a.m.

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