

Minutes  
State Board of Education  
Monday, November 13, 2006

The State Board of Education met on Monday, November 13, 2006, in the Auditorium of the State Education Building. 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; Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; MaryJane Rebick; Dr. Naccaman Williams.

The following Board member was absent: Jim Cooper

Board member visits and reflections:

- Rebick visited the Bergman School District reported good things in place in a small district.
- Williams reported observing good work in Delta schools; however, he noted that finding and keeping highly qualified teachers in these schools continues to be a major problem.
- Mays attended Joint Interim Education Committee Meeting. He challenged other Board members to become more informed about the legislative budgeting process.
- Williams and Lawson attended lecture at the University of Arkansas at Fayetteville. The focus was on high school reform. They observed Arkansas' work and performance with high school reform puts the state "ahead of the curve."

**Commissioner's Comments**

Dr. James reported on the following activities and events.

- Arkansas was host for a national conference directed to serving homeless students.
- ADE received provisional approval of the growth model to supplement the options for ways students can demonstrate performance for determining adequate yearly progress. The approval is conditional on the outcome of the peer review of the state's assessment system, which is currently on-going at the U.S. Department of Education. Arkansas is one of five states with approval or conditional approval. Dr. James emphasized that the growth model will recognize student progress in moving toward proficiency.
- Arkansas will host the Annual Policy Forum of the Council of Chief State School Officers and the final event will be a gala reception at the Clinton Library.
- Announced five regional summits to be held during November and December as a follow up to "Next Steps."

- Arkansas is one of eight states to share in the development and adoption of a common Algebra II national assessment. Plans currently call for pilot testing in the Spring 2007 and full implementation in the Spring 2008.

### **Work Session**

Dr. James introduced the Work Session by noting that at a previous Board meeting there was a request for information on the funding formula and budget process. Dr. James introduced Tristan Greene and Senator Jim Argue to make introductory comments and he noted that they would respond to questions following the presentations.

Following comments by Mr. Greene and Senator Argue, the Board entered into a question and answer session.

### **Consent Agenda**

Comments regarding Consent Agenda items:

- Rebeck: Pleased to see that there were denials of request for waivers for teaching out-of-field.
- Williams: questioned the extent to which the Cabot letter described conditions that meet the accreditation status. Annette Barnes assured the Board that the proposal meets minimum accreditation standards for time requirements.
- Rebeck: questioned how extending the school day allowed more time for instruction with no additional compensation when extending the number of days would be a major cost. Ms. Barnes noted that extending the school day does not extend the number of calendar days during the year.
- Rebeck: asked about home school students participating in extra-school activities, such as band and athletics, as part of the local school. Dr. James noted that it does not occur often, but can be an option depending on the local district policy. Scott Smith noted that local districts are not required to accommodate home school students in such activities.
- Burrow: asked about comparable achievement data between home school students and local district performance. Dr. James noted that such comparisons are not advisable due to the inconsistent participation of home school students in the testing program.
- James: ADE does not have staff to monitor testing, which is provided by contractual agreement through Arch Ford Regional Service Cooperative. He noted that legislative intent would have to change in order to have all home school students required to participate in the achievement testing.
- Rebeck: Requested a work session on home school at a future meeting.

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

- Minutes – October 9, 2006

- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Review of Loan and Bond Applications
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001
- Home School Annual Report 2005-2006
- Follow-up to State Board's September 11, 2006, Waiver Grant to Cabot Public Schools

### **Action Agenda**

#### **Consideration of Adopting Arkansas Department of Education Emergency Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds**

Scott Smith was recognized to present this item. Mr. Smith reported that the Board previously gave final approval for this Rule, but that it has yet to complete the Administrative Procedures Act requirements for full adoption and enactment, thus the Department requests a further extension of the emergency provision to span the needed time for the adopted rule to work through the legislative review process.

Mr. Lawson moved approval of the emergency provision of the Rule. Dr. Williams seconded the motion. The motion was adopted unanimously.

*(The Minutes reflects only actions taken on the following items. A full transcript of the deliberations is available in the Court Reporter's transcript, which is available upon request.)*

***Actions Related to Schools in the second consecutive year of Probationary Status based on the annual accreditation process required by Standards for Accreditation of Arkansas Public Schools: Annette Barnes presented Department data pursuant to each of the following items. In each case Ms. Barnes stated that the district submitted a plan of action that provides for the school/district to fully meet Standards for the 2006-2007 school year, that the Department staff would conduct on-site monitoring to determine the implementation status no later than February 2007, and again prior to final accreditation determination for the current year.***

Ms. Rebick stated that one component of this review is to make sure that schools/districts are meeting standards as set by the Board. She proposed that the actions taken in these reviews send a message to the schools and administrators that failure to meet the conditions outlined will invoke sanctions not only against the district, but against the administrators as well.

#### **Review of Probationary Status of Cutter-Morning Star High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Mr. Lawson moved approval of the Department Recommendation. Dr. King seconded the motion. The motion was adopted unanimously.

**Review of Probationary Status of Earle Elementary School, Dunbar Middle School and Earle High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Mr. Crumbly, Superintendent of Earle School District, distributed additional documentation supporting statements that teachers previously not meeting full licensure status have met full status or have been replaced with teachers who are fully licensed.

Dr. Williams moved approval of the Department recommendation. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Review of Probationary Status of G.C. Johns Elementary School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Ms. Barnes reported that G.C. Johns Elementary (Eudora School District) was closed at the end of the 2005-2006 school year and students are now attending the Lakeside School District (Lake Village). No further action is needed.

Dr. Williams moved to accept the status report. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Review of Probationary Status of Gurdon High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Dr. Williams moved approval of the Department recommendation. Dr. King seconded the motion. The motion was adopted unanimously.

**Review of Probationary Status of Kirby High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Ms. Burrow moved approval of the Department recommendation. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Review of Probationary Status of Lake Hamilton High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

Dr. Knight moved approval of the Department recommendation. Dr. King seconded the motion. The Motion was adopted unanimously.

### **Review of Probationary Status of Lucilia Wood Elementary School and Elaine High School for Failing to Meet all Standards for Accreditation for Two (2) Consecutive Years**

The Elaine School District was consolidated with the Marvell School District as of July 1, 2006. Elaine High School was closed at the end of the 2005-2006 school year. The Marvell District made changes that caused the Wood Elementary School to meet accreditation standards.

Dr. Williams moved approval of the Department recommendation. Ms. Burrow seconded the motion. The motion was approved unanimously.

### **Review of Probationary Status of McCrory Elementary School for Failing to Meet all Standards of Accreditation for Two (2) Consecutive Years**

(Note: the published agenda listed this item as McCrory High School. The agenda was corrected to read McCrory Elementary School.)

Dr. Williams moved approval of the Department recommendation. Ms. Rebick seconded the motion. The motion was adopted unanimously.

### **Review of Probationary Status of Waldo High School for Failing to meet all Standards for Accreditation for Two (2) Consecutive Years**

Waldo School District was consolidated with the Magnolia School District at the close of the 2005-2006 school year. Waldo High School was closed at the end of that school year. No further action is needed.

Ms. Rebick moved to accept the Department report. Mr. Lawson seconded the motion. The motion was adopted unanimously.

***Tripp Walter presented each of the following items related to waiver of licensure action. These Minutes only reflect actions taken. The full text of deliberations is found in the Court Reporter's transcript, which is available upon request.***

### **Request for Approval of Stipulated Agreement for Certified Teacher's License – Omia Clay**

Department staff recommended a negotiated agreement with Ms. Clay. The agreement provided for a one-year probationary licensure status with the provision of no further charges brought against her during that time.

Dr. Mays moved approval of the stipulated agreement. Ms. Burrow seconded the motion. The motion was adopted unanimously.

**Request for Approval of Stipulated Agreement for Certified Teacher's License – Bill Sullivan**

Department staff recommended a negotiated agreement with Mr. Sullivan to include a two-year probationary licensure status with the provision of no further charges brought against him during that time.

Mr. Lawson moved approval of the stipulated agreement. Dr. Knight seconded the motion. The motion was approved unanimously.

**Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Twin Rivers School District – Betty Diane Montgomery**

Department staff recommended a negotiated agreement with Ms. Montgomery. However, documentation as required in adopted Board policy requiring a statement from the local district administration (or local Board) committing to rehire of the person for the same or similar position was not included in the packet. Dr. Williams requested any information that came from the superintendent. Mr. Walter stated that the superintendent refused to commit in writing that the district would re-employ Ms. Montgomery if a waiver were approved. Ms. Montgomery was not present nor represented.

Ms. Rebick moved to deny the negotiated agreement. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Request Approval of the Recommendation of Suspension of Teacher's License – Steven Richards**

Ms. Rebick moved to accept Department recommendation to suspend Mr. Richards teaching license. Dr. Knight seconded the motion. The motion was adopted unanimously.

**Hearing on Waiver Request for Non-Certified Employment with the Russellville School District – Thomas Fairrow**

Ms. Rebick moved to deny the waiver request for Mr. Fairrow. Dr. Mays seconded the motion. The motion was adopted unanimously.

**Hearing on Revocation of Certified Teacher's License – Pat Davidson**

Mr. Lawson moved approval of a waiver to allow Ms. Davidson to resume a position with the Russellville School District. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Hearing on Revocation of Provisional Certified Teacher's License – Barry White**

Scott Smith stated that Mr. White is the son of the Hot Springs School District's attorney. However, Mr. Smith noted that there had been no interference with the investigation and deliberation pursuant to this hearing.

Mr. Smith reported that Mr. White currently has a one-year probationary license through the non-traditional licensure program.

Ms. Rebick moved that the provisional license be revoked. The motion died for lack of a second.

A discussion focused on the restitution of funds and the Board was assured by Mr. White that he is making payments according to stipulations set up by the court. Dr. Mays questioned the establishment of a probationary period spanning the time required for full repayment. Scott Smith noted that the amount and schedule of payments of restitution was an issue for the court and not an appropriate condition for licensure.

Mr. Lawson moved to approve a three-year probationary license that shall be reviewed by the Board if there are no further violations of criminal code during that time. Dr. Mays seconded the motion. The motion was adopted on a vote of 6 yes and 1 no (Rebick voted no).

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

The meeting adjourned at 11:55 a.m.

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