

Minutes
State Board of Education Meeting
Monday, September 9, 2013

The State Board of Education met Monday, September 9, 2013, in the auditorium of the Department of Education building. Chair Brenda Gullett called the meeting to order at 9 a.m.

Present: Brenda Gullett, Chair; Sam Ledbetter, Vice-Chairman; Alice Mahony; Dr. Jay Barth; Mireya Reith; Vicki Saviers; Toyce Newton; Diane Zook; Dr. Tom Kimbrell, Commissioner; and Alexia Weimer, Teacher of the Year

Absent: Joe Black

Reports

ATOY Announcement

Teacher of the Year, Ali Weimer, announced the Arkansas Teacher of the Year (ATOY) ceremony would be held Monday, September 16, 2013, in the Old Supreme Court Meeting Room of the State Capitol from 10:00a.m. -11:00a.m. Ms. Weimer recognized the sixteen regional finalists: Christina Bishop, Tami Blair, Donna Boyd, Holly Brown, Jonathan Crossley, Lisa Gray, Julie Hilton, Sue Johnston, Debra Lamb, Kimberly Luellen, Laura Place, Ashlee Roberts, Misty Russell, Hollie Thielemier, Jenny Tucker, and Waynetta Villines.

Chair's Report

No report.

Commissioner's Report

Commissioner Kimbrell announced the sixteen finalists for Arkansas Teacher of the Year would receive \$1000 each from ATOY sponsors.

Informational Update on Common Core State Standards, PARCC and School Improvement

Assistant Commissioner Dr. Megan Witonski following up on a previous question from the Board explained Dr. Denise Airola recently conducted a survey about Common Core State Standards. The Division of Learning Services will meet later in the week to utilize this data and work on a communications plan. The state continues to implement LDC/MDC with English, Science, Social Studies,

Career Education, Algebra I and Geometry teachers. On August 19, 2013, PARCC released sample test items for ELA and Math. Dr. Witonski recognized the Student Assessment Unit and Melody Morgan, Director, for their work in preparation for the PARCC assessment. Districts have been identified and notified of random sample field-testing, Spring 2014.

Ms. Newton requested a packet of information/communication regarding CCSS and PARCC.

Consent Agenda

The Board discussed Consent Items C-3, C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-13, C-17, C-18, C-22, and C-23.

Dr. Barth moved, seconded by Ms. Mahony, to approve the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes - August 12, 2013
- Minutes - August 16, 2013 Special Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- New Hires, Promotions, and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- 2013 Education Service Cooperative Evaluation Report
- Consideration of Approval of Education Service Cooperatives' Annual Report
- 2013 Home School Report
- Recommendation for Adoption of Professional Learning Standards
- Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Warning for Case # 13-101B – Jimmy Jester
- Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of the Educator's License for one (1) year and a Fine of \$75 for Case # 13-105 – James Christopher Holt
- Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of the Educator's License for one (1) year and a Fine of \$75 for Case # 13-108 – Michael Wayne Manning
- Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-126 – Tonquion Brock, Jr.
- Consideration of Voluntary Surrender of Arkansas Educator's License – Monica Lee Teel – PLSB Case #12-075

- Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case # 13-062 – Carol Latina-Smith
- Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of the Educator’s License for three (3) years and a fine of \$75 for Case #13-065 – Patricia Ann Perusich
- Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Reprimand and a Fine of \$50 for Case #13-039 – Patricia Ann Perusich
- Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of the Educator’s License for one (1) year and a Fine of \$75 for Case # 13-092 – Kcristii Dawn Record
- Consideration of the Recommendation of the Professional Licensure Standards Board for a Written Warning for Case # 13-101A – Adam Simmons
- Consideration of the Recommendation of the Professional Licensure Standards Board for Written Warning for PLSB Case #T13-005 – Rhonda Gipson
- Consideration of Voluntary Surrender of Arkansas Educator’s License – Case # 13-147 – Thomas McDonald
- Consideration of Voluntary Surrender of Arkansas Educator’s License – PLSB Case #13-056 - Rowdy Cooper

Action Agenda

Consideration for Approval of Embedded Courses- Elkins High School – Oral Communication and English 9; Bigelow High School – Oral Communication and English 10

Dr. Tracy Tucker, Director of Curriculum and Instruction, stated Act 421 of 2013 allows curriculum frameworks from two (2) separate courses to be taught in a single course, known as a combined or embedded course. Several school districts made application to the Curriculum and Instruction Unit for approval of the combined or embedded course and assured in writing that the curriculum frameworks for both courses will be fully taught in the combined or embedded course. Department staff requested the Board approve the embedded courses as listed below, understanding that when the curriculum frameworks for either of the courses are revised, a new course approval request must be submitted and approval requested from the Board.

- Elkins High School – Oral Communication and English 9
- Bigelow High School – Oral Communication and English 10

Ms. Mahony moved, seconded by Ms. Reith, to approve Embedded Courses for Elkins High School – Oral Communication and English 9 and Bigelow High School – Oral Communication and English 10. The motion carried unanimously.

Consideration for Final Approval: Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Due Process

Courtney Salas-Ford, attorney for the Special Education Unit of the Arkansas Department of Education, stated amendments to § 300.154(d) of the federal regulations implementing the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register, February 14, 2013. Revision of the State Rules is necessary to achieve compliance with the new federal requirements. On July 8, 2013, the State Board of Education approved the proposed revision for a public comment period. A public hearing was held August 12, 2013 and the public comment period expired August 16, 2013. Department staff received public comments on the proposed rules and after careful consideration of the public comments made no revision to the proposed rules. Department staff requested the State Board give its final approval to the proposed revision.

Ms. Zook moved, seconded by Ms. Saviers, to approve Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Due Process. The motion carried unanimously.

Consideration for Final Approval: District Conversion and Limited Public Charter School Application

Ark. Code Ann. § 6-23-201 requires the State Board to adopt an application form for those wishing to apply to open a district conversion or limited public charter school. The State Board approved the application for public comment on July 8, 2013. A public hearing was held on July 30, 2013. No oral or written comments were received. Department staff requested the State Board give final approval to the proposed application.

Dr. Barth moved, seconded by Ms. Newton, to approve the District Conversion and Limited Public Charter School Application. The motion carried unanimously.

Consideration for Final Approval: Rules Governing Educator Licensure

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated the Department recommended changes to the Rules Governing Educator Licensure to implement Acts 413, 454, 455, 969, and 1073 of the Regular Session of the Arkansas General Assembly, to update the sections concerning mentoring, and make corrections to Appendix A – Levels and Areas of Licensure. The State Board released the proposed rules for public comment July 8, 2013. A public hearing was held July 30, 2013. The public comment period expired

August 16, 2013. Department staff received public comments on the proposed rules and after careful consideration of the public comments, made revisions to the proposed rules. Department staff requested the State Board give its final approval to the proposed rules.

Ms. Reith moved, seconded by Ms. Saviers, to approve the Rules Governing Educator Licensure. The motion carried unanimously.

Consideration for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Digital Learning Act of 2013

Department Legal Counsel Jeremy Lasiter stated Act 1280 of 2013 established the Digital Learning Act of 2013. Act 1280 of 2013 provides for the expansion of digital learning opportunities to Arkansas public school students. The act requires the Department of Education to promulgate rules to administer a digital learning pilot program for the 2013-2014 school year. Department staff requested the Board grant emergency adoption to the proposed rules.

Ms. Zook moved, seconded by Ms. Saviers, to approve for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Digital Learning Act of 2013. The motion carried unanimously.

The Board considered A-6 and A-8 together.

A-6 Consideration for Public Comment: Arkansas Department of Education Rules Governing the Digital Learning Act of 2013

Department Legal Counsel Jeremy Lasiter stated Act 1280 of 2013 established the Digital Learning Act of 2013. Act 1280 of 2013 provides for the expansion of digital learning opportunities to Arkansas public school students. The act requires the Department of Education to promulgate rules to administer a digital learning pilot program for the 2013-2014 school year. Department staff requested the State Board of Education approve the proposed rules for public comment.

The Board requested a strategic plan for digital learning to include goals, actions, timeline, and responsibilities. Dr. Kimbrell asked Dr. Witonski and Mr. Boardman to work on this plan together. This topic was added to the Board's future work session topics. Dr. Barth asked comments related to these rules be included in the public comment.

A-8 Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Fund

Acts 1138 and 1278 of 2013 amended Arkansas law related to Educational Excellence Trust Funds. Additionally, the current version of the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds has not been revised since 1996. The State Board approved these revisions for public comment on July 8, 2013. One public comment was received. Additional revisions to the rule were made based on the public comment. Department staff requested the State Board approve the proposed rules for a second public comment period.

Dr. Barth moved, seconded by Mr. Ledbetter, to approve (A-6) for Public Comment: Arkansas Department of Education Rules Governing the Digital Learning Act of 2013 and (A-8) for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Fund. The motion carried unanimously.

Consideration for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties

Act 608 of 2013 amended Ark. Code Ann. § 6-24-101 et seq. relating to ethical prohibitions for administrators, board members, and employees. Revisions to these rules include the necessary changes based on Act 608 of 2013. Department staff requested the State Board approve these proposed revisions for public comment.

Ms. Newton moved, seconded by Ms. Saviers, to approve for Public Comment: Proposed Revisions to the Arkansas Department of Education Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties. The motion carried unanimously.

Consideration for Approval: Community Advisory Boards

The Pulaski County Special School District and the Helena-West Helena School District remain in fiscal distress. Both districts remain under state authority. Act 600 of 2013 allows the Commissioner of Education, with the approval of the State Board of Education, to appoint a Community Advisory Board of either five (5) or seven (7) members to serve under the supervision and direction of the Commissioner of Education. The members of the Community Advisory Board shall be residents of the school district(s) and shall serve on a voluntary basis without compensation. The Department of Education shall provide the board with technical assistance and training in, at a minimum, the areas required in Ark. Code Ann. § 6-13-629.

The duties of the Community Advisory Board include: (1) meeting monthly during a regularly scheduled public meeting with the state-appointed administrator regarding the progress of the school district toward correcting all issues that caused the classification of fiscal distress; (2) seeking community input from the patrons of the school district regarding the progress of the public school or school district toward correcting all issues that caused the classification of fiscal distress; (3) conducting hearings and making recommendations to the Commissioner of Education regarding personnel and student discipline matters under the appropriate district policies; (4) working to build community capacity for the continued support of the school district; and (5) submitting quarterly reports to the Commissioner of Education and State Board of Education regarding the progress of the school district toward correcting all issues that caused the classification of fiscal distress.

The members of the Community Advisory Board shall serve at the pleasure of the Commissioner of Education until: (1) the school district is returned to local control and a permanent board of directors is elected and qualified; or (2) the State Board of Education annexes, consolidates, or reconstitutes the school district under the laws of the State of Arkansas.

Commissioner Kimbrell requested approval for the appointment of members to the Community Advisory Boards for the Pulaski County Special School District and the Helena-West Helena School District.

Mr. Daniel Gray, representing Zone 1; Miss Tjuana Byrd, representing Zone 2; Mrs. Margie Snider, representing Zone 4; Mrs. Lindsey Gustafson, representing Zone 5; Dr. Julian McMurray, representing Zone 6; and Ms. Susie Marks, representing Zone 7; were appointed to the PCSSD Community Advisory Board. Zone 3 position remained vacant.

Dr. Steven Murray, representing Zone 1; Mr. Doug Friedlander, representing Zone 2; Mr. Lynn Boone, representing Zone 4; Mrs. Betty Hendrix, representing Zone 5; and Mr. Nathan Bagley, representing Zone 7; were appointed to the Helena-West Helena Community Advisory Board. Zone 3 and Zone 6 positions remained vacant.

Arkansas School Boards Association (ASBA) will provide training to these members.

Ms. Saviers moved, seconded by Ms. Newton, to approve the Community Advisory Boards for PCSSD and Helena-West Helena Districts and to give Dr. Kimbrell the latitude to fill the vacant positions quickly. The motion carried unanimously.

The Board combined A-10 and A-11.

A-10 Report from Vilonia Academy of Service Learning and Technology

In accordance with the stipulation of the three-year district conversion charter renewal granted to the Vilonia Academy of Service Learning and Technology by the State Board of Education, April 10, 2012, representatives of the charter, Debbie Knowles and Susan Loyd, presented the Board with a plan describing the ways in which service learning is incorporated throughout the Vilonia School District.

A-11 Report from Vilonia Academy of Technology

In accordance with the stipulation of the three-year district conversion charter renewal granted to the Vilonia Academy of Technology by the State Board of Education, April 10, 2012, representatives of the charter, Debbie Knowles and Susan Loyd, presented specific information about instructional methods and student achievement.

The Board thanked the presenters for the presentation.
The Board took no action on A-10 or A-11.

Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # 13-045, Jonathan Michael Gosdin

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Jonathan Michael Gosdin is a licensed educator. On May 13, 2013, the State Board gave Jonathan Michael Gosdin two (2) years probation and assessed a fine of \$75 in this case. The Professional Licensure Standards Board's Ethics Subcommittee recommended the suspension of the teaching license of Jonathan Michael Gosdin for failure to pay the \$75 fine assessed against him. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed under the authority of Arkansas Administrative Procedures Act Ark. Code Ann. § 25-15-217(d) and the Rules Governing the Code of Ethics for Arkansas Educators. Mr. Gosdin was first notified of the fine June 11, 2013. On August 14, 2013, Mr. Gosdin was notified by certified mail and regular mail the Professional Licensure Standards Board would recommend his license be suspended and not renewed until the fine is paid. Mr. Gosdin has not responded or paid the fine.

Ms. Newton moved, seconded by Ms. Zook, to approve the recommendation of the Professional Licensure Standards Board for Suspension of License for

Nonpayment of Fine in Case # 13-045, Jonathan Michael Gosdin. The motion carried unanimously.

A-13 Consideration of the Recommendation of the Professional Licensure Standards

A-13 was removed from the agenda.

Consideration of Request for Reduced Sanction in PLSB Case #11-063, Tara Chantelle Kegley

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Tara Chantelle Kegley is a licensed educator. On November 14, 2011, the State Board of Education suspended the teaching license of Ms. Kegley for three (3) years, assessed a fine of \$100, and ordered counseling and rehabilitation. Ms. Kegley has completed two (2) years of the suspension and the remaining conditions under the order. She has requested a hearing before the State Board to consider reducing the suspension to the two (2) years completed. Tara Kegley represented herself.

Mr. Ledbetter moved, seconded by Ms. Zook, to approve the request for reduced sanction in PLSB Case #11-063, pending clearance of a background check for Tara Chantelle Kegley. The motion carried unanimously.

A-15 Hearing on Waiver Request for Teaching License – Brittany Burns

A-15 was removed from the agenda.

Hearing on Waiver Request by a Pre-service Teacher – Kayla Nicole Deere

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart stated Kayla Nicole Deere is a pre-service teacher seeking employment for her internship. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty, or nolo contendere to, or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Under Act 455 of 2013, a pre-service teacher may request a waiver of the disqualifying offense and Ms. Deere requested a hearing for that purpose. Ms. Deere represented herself.

Mr. Ledbetter moved, seconded by Ms. Newton, to approve the waiver request for pre-service teacher– Kayla Nicole Deere. The motion carried unanimously.

The Board encouraged all patrons to vote in the upcoming School Board elections.

Adjournment

The meeting adjourned at 12:21 p.m.

Minutes recorded by Deborah Coffman.