

**Minutes**  
**State Board of Education Meeting**  
**Monday, May 13, 2013**

The State Board of Education met Monday, May 13, 2013, in the auditorium of the Department of Education building. Jim Cooper, Chair, called the meeting to order at 9 a.m.

Present: Jim Cooper, Chair; Brenda Gullet, Vice Chair; Dr. Jay Barth; Joe Black; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kim Wilson, Teacher of the Year

Absent: None

**Reports**

**Chair's Report:**

Mr. Cooper recognized the presence of Senator Bruce Malloch and Representative Mark Perry in the audience.

Ms. Mahony extended congratulations and best wishes to all 2013 Arkansas high school graduates.

Ms. Gullett said she had the opportunity to attend the SCEE meeting sponsored by the Council of Chief State School Officers and was very impressed with the Arkansas team. She said because of the state's advanced data system, the Department had a good chance of securing a Gates Foundation grant to advance teacher preparation. She also suggested teachers should be called "learning engineers."

**Commissioner's Report**

Commissioner Kimbrell expressed appreciation to Dr. Laura Bednar, Assistant Commissioner of Learning Services, who will leave the Department June 30 to join the Pulaski County Special School District as Deputy Superintendent. Dr. Kimbrell said Dr. Megan Witonski would join the ADE team as Assistant Commissioner of Learning Services July 1.

Dr. Kimbrell also announced Bobby Acklin, Assistant Superintendent in the North Little Rock School District, will become Superintendent in the Dollarway School District July 1. He said Mr. Acklin would work to build community coalitions to support the district's efforts in educating students.

Dr. Kimbrell said the district had met standards this year and the groundwork for student achievement had been laid. He expressed appreciation to Frank Anthony who came out of retirement last year to lead the district.

Commissioner Kimbrell said onsite visits had been made to Lee County and Strong-Huttig school districts, both in academic distress. He said the reports were being reviewed and when completed would be provided to the districts and the State Board.

### **Recognition of Master Principal Awardees—Arkansas Leadership Academy**

Ken Endris, principal at Fouke Elementary; Debbie Flora, principal at Bernice Young Elementary in Springdale; Donny Forehand, principal at Dover Elementary; Lisa St. John, principal at Apple Glen Elementary in Bentonville; and Karla Tarkington, principal at Badger Elementary in Beebe, were recognized as having achieved Master School Principal status. Each completed three years of rigorous professional development plus an additional year of performance evaluations to achieve the designation.

### **Presentation by the Members of the Jacksonville Community Regarding Detachment Efforts**

Attorney for the Jacksonville Education Foundation, Patrick Wilson, and Representative Mark Perry gave an update on efforts to detach Jacksonville's schools from the Pulaski County Special School District and create a separate Jacksonville School District. Mr. Wilson said the required feasibility study had been completed and provided copies to the State Board.

Representative Perry said under legislation enacted this year, the process requires collecting signatures from a number of voters in the area to be detached equal to 10 percent of the number of voters in the area who voted in the last general election. The signatures must then be submitted to the state Board of Education. Representative Perry said the process was underway, and the petition would be presented to the State Board in June.

Mr. Wilson said the group would ask the State Board to validate the petition in order to take the next steps. If the State Board rules the petition valid, it then will be required to request an attorney general's opinion on whether the detachment would negatively impact desegregation. If the attorney general does not believe there will be a negative impact, the State Board will order an election on detachment at the time of the next school or general election.

Mr. Ledbetter asked when the Federal Court would be approached.

Commissioner Kimbrell said since Jacksonville is not a party to the case, the State Board will be asked to authorize ADE attorneys to petition the Federal Court on behalf of Jacksonville. That process should be completed prior to the State Board ordering an election.

## **Informational Update on Common Core State Standards and PARCC**

Assistant Commissioner Dr. Laura Bednar announced the Arkansas ASCD conference would be held June 9-12 and would focus on system wide leadership. She said featured speaker Connie Kamm would help conference participants understand why leading their own learning is essential.

Ms. Gullett said the implementation of the Common Core State Standards was complicated and suggested a timeline and major points would be helpful to the State Board in helping move the effort along.

Dr. Bednar pointed out the state's strategic plan for CCSS implementation. She said the state has made good progress with implementation and the focus would shift to the next generation assessments. She mentioned the follow-up summit sponsored by Winthrop Rockefeller Foundation and Walton Foundation to facilitate communication with higher education and local communities.

Ms. Gullett said the State Board needed to know what has to be in place in order to successfully execute the new assessments.

Dr. Kimbrell said he would have Assistant Commissioner Jim Boardman prepare a report on the state's technology readiness for the new assessments.

## **Consent Agenda**

Ms. Mahony requested additional discussion on Consent Agenda Item 4—Report on Waivers to School Districts for Teachers Teaching out of Area for Longer than Thirty Days. Her questions concerned teachers who were seeking waivers but were also reported as long-term substitutes.

Dr. Karen Cushman, Assistant Commissioner for HR and Licensure, said those individuals lost their license during the mid-way point of the school year and because of timing were hired as long-term substitutes.

Ms. Newton moved, seconded by Ms. Reith, approval of the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the April 8, 2013, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers for Teachers Teaching Out of Area for Longer than 30 Days

- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
  - Anthony Dwayne Chambers
  - Andrew Paul O'Mara
  - Sonny Lynn Shields
  - David Michael Shilkitus
  - Jonathan Michael Gosdin
  - Rachael Lea Thraikill
  
- Voluntary Surrender of Arkansas Educator's License
  - Danny Shane Akers
  - Ronnie Eugene Holt

### **Action Agenda**

*(Complete records of the hearings are available in the State Board office.)*

Mr. Cooper announced Agenda Items A-1, A-2 and A-3 would be heard after A-12.

### **Petition for Voluntary Annexation: Bradley School District into the Emerson-Taylor School District**

The Bradley School District petitioned the State Board to be voluntarily annexed by the Emerson-Taylor School District in southwest Arkansas. The annexation would address Bradley's diminishing enrollment prior to a forced consolidation. Bradley had been hovering just above the state minimum of 350 students for a school district to continue operating independently.

Bradley Superintendent Gammye Moore said being annexed by Emerson-Taylor would not result in any school closures.

Emerson-Taylor Superintendent Gary Hines said the district's board voted unanimously in favor of taking in the Bradley district. Mr. Hines noted the district's hyphenated name and said board members understand the responsibility they're undertaking.

The proposal would create the new Emerson-Taylor-Bradley School District, each with its own campus. Current Emerson-Taylor Superintendent Gary Hines would head the new district assisted by current Bradley Superintendent Gammye Moore.

Lafayette County School District Superintendent Mark Keith objected to the annexation. He said Bradley should have considered annexation with Lafayette County schools in Lewisville and Stamps.

Ms. Newton moved, seconded by Ms. Reith, to approve the voluntary annexation of the Bradley School District into the Emerson-Taylor School District. The motion carried six to two in a roll call vote.

Barth-yes  
Black-yes  
Gullett-yes  
Ledbetter-no  
Mahony-no  
Newton-yes  
Reith-yes  
Saviers-yes

Mr. Ledbetter and Ms. Mahony expressed concern with the distance between the districts, bus rides and separation of communities.

**Continuation of Fiscal Distress Classification, Under Authority of the State, for the Helena-West Helena School District; and Approval for the Commissioner of Education to Appoint a Community Advisory Board Pursuant to Act 600 of 2013**

The Helena-West Helena School District was classified in Fiscal Distress September 13, 2010. The Department conducted on-site technical evaluations and assistance, off-site assistance, and analysis of the financial status of the Helena-West Helena School District. The ADE determined the district had made progress, but had not yet resolved all issues that caused the classification of fiscal distress.

The Department requested approval to extend the Fiscal Distress classification, under authority of the state, for the 2013-14 school year and to authorize the Commissioner of Education to appoint a community advisory board pursuant to Act 600 of 2013.

Board members asked about the duties of the advisory board.

Commissioner Kimbrell said the advisory board would conduct personnel hearings and hearings on student disciplinary matters. He said the advisory board could also make recommendations to district administrators and to the Department of Education regarding district operations, including facility improvements.

Ms. Gullett moved, seconded by Ms. Reith, to extend the fiscal distress classification of the Helena-West Helena School District and to authorize Commissioner Kimbrell to appoint a community advisory board. The motion carried unanimously.

**Continuation of Fiscal Distress Classification, Under Authority of the State, for the Pulaski County Special School District; and Approval for the Commissioner of Education to Appoint a Community Advisory Board Pursuant to Act 600 of 2013**

The Pulaski County Special School District (PCSSD) was classified in Fiscal Distress May 16, 2011. The Department conducted on-site technical evaluations and assistance, off-site assistance, and analysis of the financial status of the PCSSD. The ADE determined PCSSD made progress, but had not yet resolved all issues that caused the classification of fiscal distress.

The Department requested approval to extend the Fiscal Distress classification, under authority of the state, for the 2013-14 school year and to authorize the Commissioner of Education to appoint a community advisory board pursuant to Act 600 of 2013.

Ms. Saviers suggested perhaps the State Board needed to consider a broad restructuring of the Pulaski County Special School District.

Commissioner Kimbrell said under the leadership of state-appointed Superintendent Dr. Jerry Guess, the district was improving. He said he did not think the State Board should consider restructuring the district considering the student gains and financial stability that has occurred in the past two years. He said it takes time to see a district that large turn around. For the first time in several years, the district has met every accreditation standard.

Dr. Barth moved, seconded by Ms. Newton, to extend the fiscal distress classification of the Pulaski County Special School District and to authorize the Commissioner to appoint a community advisory board. The motion carried unanimously.

**Consideration of Removal of Drew Central School District from Fiscal Distress Classification Effective May 13, 2013**

The Drew Central School District was classified in fiscal distress for the 2012-13 school year. The Department reported the district had currently corrected all criteria for being removed from fiscal distress and recommended State Board approval.

Ms. Newton moved, seconded by Ms. Reith, to remove the Drew Central School District from fiscal distress classification. The motion carried unanimously.

**Nominating Committee Report**

Mr. Cooper said the nominating committee would present the nomination of Brenda Gullett as Chair and Sam Ledbetter as Vice Chair to the State Board in June.

**Consideration of Request for Open-Enrollment Public Charter School  
Amendments: Northwest Arkansas Classical Academy—A-8**

Mr. Cooper left the meeting, and Ms. Gullett chaired the remainder of the meeting.

The State Board of Education approved the application for Northwest Arkansas Classical Academy November 1, 2012. The school is scheduled to begin serving students in grades K-12 beginning the 2013-2014 school year. The Northwest Arkansas Classical Academy requested a hearing before the State Board of Education to amend the current charter by making Responsive Education Solutions, the parent organization to Responsive Education Solutions of Arkansas, the sponsoring organization. The school also requested approval of a location change.

**Consideration of Request for Open-Enrollment Public Charter School  
Amendment: Premier High School of Little Rock—A-9**

The State Board of Education approved the application for Premier High School of Little Rock November 1, 2012. Premier High School of Little Rock is scheduled to begin serving students in Grades 9-12 beginning the 2013-2014 school year. Premier High School of Little Rock requested a hearing before the State Board of Education to amend the current charter by making Responsive Education Solutions, the parent organization to Responsive Education Solutions of Arkansas, the sponsoring organization.

**Consideration of Request for Open-Enrollment Public Charter School  
Amendments: Quest Middle School of Pine Bluff—A-10**

The State Board of Education approved the application for Quest Middle School of Pine Bluff November 1, 2012. Quest Middle School of Pine Bluff is scheduled to begin serving students in Grades 5-12 beginning the 2013-2014. Quest Middle School of Pine Bluff requested a hearing before the State Board of Education to amend the current charter by making Responsive Education Solutions, the parent organization to Responsive Education Solutions of Arkansas, the sponsoring organization.

Chris Baumann, an attorney for Responsive Education Solutions, said Responsive Education of Arkansas had been unable to attain the 501(c)(3) nonprofit status from the Internal Revenue Service because of a backlog of work at the federal agency. As a result, the three schools have experienced legal, operational and financial difficulties that threaten the planned opening. He said approval of the parent group as the sponsoring organization would allow the group to register with the Secretary of State as a foreign corporation doing business in the state and proceed with opening the schools.

Mr. Baumann said the original site planned for Northwest Academy would only serve 350 students and asked approval for the school to relocate to a site located at 1302 Melissa Drive in Bentonville.

Mr. Ledbetter moved, seconded by Ms. Newton, approval to amend the charters of Northwest Arkansas Classical, Premier High School and Quest Middle School by making Responsive Education Solutions the sponsoring organization and to approve the location change of Northwest Academy. The motion carried unanimously.

**Consideration of Request for Open-Enrollment Public Charter School  
Amendments: SIATech Little Rock**

SIATech Little Rock, currently located at 6900 Scott Hamilton Driven requested a hearing before the State Board of Education to amend its current charter with a change in location.

Lauire Pianka, Director of Education for the national SIATech organization, said the move was prompted by Job Corps no longer allowing students from the community to attend classes on the campus. She said the school at its new location would continue its partnership with Job Corps.

The school proposed a lease of 12,000 square feet from the Clifton Family LLP at a cost of \$4,750 per month for the first two years of the 60-month agreement. Beginning the third year, the rent will increase 2.5 percent a year.

Ms. Reith moved, seconded by Mr. Black, approval of the request to relocate. The motion carried. Ms. Mahony voted no.

**Consideration of Request for Open-Enrollment Public Charter School  
Amendment: Little Rock Preparatory Academy**

Because of a possible conflict of interest, Ms. Saviers recused herself from voting and left the room.

The Little Rock Preparatory Academy currently located at 1205 S. Schiller Street and 4520 S. University, Little Rock, Arkansas requested a hearing before the State Board of Education to amend its current charter by moving the Schiller Street classes to the former Cathedral School located at 1616 South Spring Street.

Executive Director Ben Lindquist said the new site would meet parent and staff requests for more amenities such as a gymnasium, playground and larger cafeteria.

Dr. Barth moved, seconded by Ms. Newton, to approve the request to relocate. The motion carried unanimously.

**Consideration of ABC 2012-2013 Professional Service Contracts  
Amendment—A-1**

The DHS Division of Child Care and Early Childhood Education requested approval to pay three professional service contractors for expenses incurred during the 2011-2012

year that were billed during the 2012-2013 year.

Mr. Ledbetter moved, seconded by Ms. Reith, approval. The motion carried unanimously.

### **Consideration of Arkansas Better Chance 2013-2014 Grants—A-2**

The Division of Child Care and Early Childhood Education requested approval of the Arkansas Better Chance renewal grants for the 2013-2014 year.

Ms. Reith moved, seconded by Mr. Black, approval of the renewal grants. The motion carried unanimously.

### **Consideration of DCCECE Recommendation for Hours of Joy, Inc. Appeal (ADE Rules Governing the ABC Program: 22.05)—A-3**

The Division of Child Care and Early Childhood Education requested the dismissal of Hours of Joy Child Care, Inc.'s appeal of the requirement to submit a competitive grant application for the 2013-2014 program year, instead of a renewal grant application. The completion of a competitive grant application for continued non-compliance adheres to the terms and conditions of the current grant agreement and are in accordance with the ADE Rules Governing the Arkansas Better Chance Program. Additionally, the Division requested the dismissal of Hour of Joy Child Care, Inc.'s appeal to the Compliance Audit Program Improvement Plan findings since the appeal was not submitted within the required timeframe.

Paige Cox, Program Coordinator, said the Agency had conversation with Hours of Joy last year to clarify the process. She said despite the Agency's assistance, the group failed to comply with requirements.

Mr. Ledbetter moved, seconded by Ms. Saviers, to deny the appeal based on compliance with prior appeals. The motion carried unanimously.

### **Hearing on Waiver Request for Certified Teacher License – Timothy Seth Irwin**

Department staff said Timothy Seth Irwin requested a waiver of the denial of his application for a teaching license. He pleaded nolo contender to felony possession of a controlled substance in 2008. He was placed on probation, which was successfully completed, and his case was dismissed and sealed pursuant to Act 346. At the time of the offense, Mr. Irwin held an Arkansas law license, and the Arkansas Supreme Court Committee on Professional Conduct issued him a reprimand.

Ms. Saivers moved, seconded by Ms. Newton, to grant the waiver and to place Mr. Irwin on probation for a period of two years with the stipulation of no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

## **Hearing on Waiver Request for Certified Teacher License – Kellie Louise Stewart**

Department staff said Kellie Louise Stewart applied for an Arkansas Lifetime Teaching License. Ms. Stewart previously held a standard teaching license that was valid until December 31, 2010. On April 2, 2007, Ms. Stewart pleaded guilty to felony violations of the Uniform Controlled Substances Act. Ms. Stewart's convictions supported the revocation of her license at the time and disqualify her from receiving a license pursuant to Ark. Code Ann. § 6-17-410(c).

Records from the Arkansas Department of Education indicate the State Board of Education (State Board) revoked Ms. Stewart's license April 21, 2008. However, the notice associated with the revocation was mailed to a school district at which Ms. Stewart was no longer employed. For that reason, the State Board was asked to set aside the April 21, 2008 revocation order.

Mr. Ledbetter moved, seconded by Ms. Newton, to resend the revocation notice and to place Ms. Stewart on probation for a period of two years with the stipulation of no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

## **Hearing on Waiver Request for Certified Teacher License – David F. Westenhover**

At the request of the educator, this item was postponed until the June meeting of the State Board.

## **Consideration for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Arkansas Opportunity Public School Choice Act—A-16**

Lori Freno, Deputy General Counsel, said Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity Public School Choice. She said the Acts contain emergency clauses and are now in effect; therefore, emergency rules are immediately necessary to implement the provisions of the Opportunity Public School Choice Act as amended.

Mr. Ledbetter suggested section 7.02 of the rules be revised to include a stipulation that families with denied transfer requests be provided notice of their right to file an appeal with the State Board within 10 business days excluding Saturday, Sunday and legal holidays.

Dr. Barth raised the issue of the delivery of the notification.

Dr. Barth moved, seconded by Mr. Ledbetter, to add "The notification shall be sent via First Class Mail to the address on the application" to section 4.04 and to add the phrase

"no later than 10 calendar days, excluding weekends and legal holidays" to section 7.02. The motion carried unanimously.

**Consideration for Public Comment: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version)—A-17**

Ms. Freno said Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity Public School Choice. The State Board was requested to approve for public comment the proposed repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version) because those rules should be replaced to be in accordance with more recent enactments of the Arkansas General Assembly.

**Consideration for Public Comment: Arkansas Department of Education Rules Governing the Arkansas Opportunity Public School Choice Act—A-18**

Ms. Freno said Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity Public School Choice. The State Board was requested to approve the proposed rules for public comment.

**Consideration for Emergency Adoption: Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013—A-19**

Ms. Freno said Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. Act. Act 1227 of 2013 contained an emergency clause and became effective April 16, 2013 and emergency rules are immediately necessary to implement the provisions of the Act. The State Board was requested to grant emergency approval to the proposed rules.

Mr. Ledbetter moved, seconded by Ms. Saviers, to approve the proposed rules as amended to reflect the same changes as stated in Agenda Item A-16. The motion carried unanimously.

**Consideration for Public Comment: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act (October 2007 Version)—A-20**

Ms. Freno said Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. The State Board was requested to approve for public comment the proposed repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act (October 2007 Version), because those rules were promulgated to implement a law (Ark. Code Ann. § 6-18-206) that has been repealed by the Arkansas

General Assembly.

**Consideration for Public Comment: Arkansas Department of Education Rules Governing the Public School Choice Act of 2013—A-21**

Ms. Freno said Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. The State Board was requested to approve the proposed rules for public comment.

Ms. Newton moved, seconded by Mr. Black, to approve agenda items A-17, A-18, A-20 and A-21. The motion carried unanimously.

**Adjournment**

The meeting adjourned at 4:15 p.m.

*These minutes were recorded by Phyllis Stewart.*

  
\_\_\_\_\_  
Jim Cooper, Chair

  
\_\_\_\_\_  
Dr. Tom W. Kimbrell, Commissioner