

Minutes
State Board of Education Meeting
Thursday, October 9, 2014

The State Board of Education met Thursday, October 9, 2014, in the Auditorium of the Department of Education Building. Chairman Sam Ledbetter called the meeting to order at 10:03 a.m.

Present: Sam Ledbetter, Chairman; Toyce Newton, Vice-Chair; Alice Mahony; Dr. Jay Barth; Diane Zook; Mireya Reith; Joe Black; Vicki Saviers; Kim Davis; Jonathan Crossley, Teacher of the Year; and Tony Wood, Commissioner

Absent: none

Consent Agenda

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

Items included in the Consent Agenda:

- Minutes - September 11, 2014
- Review of Loan and Bond Applications
- Newly Employed, 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
- Consideration of Waiver Request for Teaching License – Brenda Bagshaw
- Consideration of Waiver Request for Teaching License – Gary D. Brown
- Consideration of Waiver Request for Teaching License – Lucretia Cox
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T14-004 –Patsy Ann Tate
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-038 – Jason Ryan Hathcock
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-107 –Theodore Shumpert
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-120 –Jerry Lyn High
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-134 –Mickey Royce Johnson
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-135 –Jeffrey Brent Davis
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-154 – Scott Alan Jones
- Consideration of the Recommendation of the Professional Licensure

- Standards Board for Case #14-176 – Billy Wayne Major III
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-116 –William Baird Caldwell
- Consideration of the Voluntary Surrender and Revocation of Arkansas Educator’s License – PLSB Case #14-152 – Donna Ann Shannon Broadway

Action Agenda

A-1 Charter Authorizing Panel Action on Requested District Conversion Charter School Amendments: Cloverdale Aerospace Technology Conversion Charter Middle School, Little Rock School District

Assistant Commissioner for Learning Services Dr. Debbie Jones said the State Board of Education approved the application for the Little Rock School District to operate the Cloverdale Aerospace Technology Conversion Charter Middle School on January 19, 2010. The charter was approved to serve students in grades 6-8 with a maximum enrollment of 705. She said representatives of the Little Rock School District appeared before the Charter Authorizing Panel on September 17, 2014, to request an amendment to the current charter. She said the panel denied the amendment and no request for the State Board of Education to review the decision made by the panel was submitted.

Ms. Saviers moved, seconded by Ms. Zook, to not review the Charter Panel decision. The motion carried unanimously.

A-2 Approval of the Open-Enrollment and District Conversion 2015 Renewal Application Timeline

Director of the Office of Educational Options Ms. Cindy Hogue said in accordance with the ADE Rules Governing Public Charter Schools §4.02.2 “For renewal requests for a public charter school, the public charter school applicant shall submit its renewal request according to a schedule set forth by the State Board of Education.”

Ms. Saviers moved, seconded by Ms. Newton, to approve the Open-Enrollment and District Conversion 2015 Renewal Application Timeline. The motion carried unanimously.

A-3 End-of-Semester Reviews of Open-Enrollment Public Charter Schools in the Initial Year of Operation: Northwest Arkansas Classical Academy, Premier High School of Little Rock, and Quest Middle School of Pine Bluff

Director of the Office of Educational Options Ms. Cindy Hogue said Ark. Code

Ann. §6-23-406 required the Department of Education to conduct an end-of-semester review of each open-enrollment public charter school in its initial school year of operation and report to the State Board of Education on the charter school's overall financial condition and condition of student enrollment.

CFO for Responsive Educational Solutions Mr. James Taylor said the school has the backing of the organization to make this work. Ms. Saviers recommended collaboration with LRSD to identify potential students. Mr. Ledbetter asked Mr. Taylor to send data to Ms. Cindy Hogue regarding the number of students served that are over age and under credited.

Ms. Reith asked Ms. Hogue to provide demographic data for charter schools in future reports.

Mr. Black moved, seconded by Ms. Reith, to accept the reports for Northwest Arkansas Classical Academy, Premier High School of Little Rock, and Quest Middle School of Pine Bluff. The motion carried unanimously.

A-4 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 13-175; Max Alan Adcock

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Mr. Adcock was in violation of Standard 3: An educator honestly fulfills reporting obligations associated with professional practices; and in violation of Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship. She said following an evidentiary hearing on August 1, 2014, the Professional Licensure Standards Board Ethics Subcommittee recommended that the State Board suspend Mr. Adcock's license for seven years and require additional professional development in financial management.

Mr. Adcock's attorney, Mr. Randy Coleman, said reasonable mistakes made in good faith do not constitute an ethics violation. He said the findings are unusual and inappropriate. He said the facts do not support the violation of Standard 3 and Standard 4. He said the penalty is severe.

Ms. Reinhart said that the information provided to the Board should be corrected to reflect that the recommendation of the PLSB was that Mr. Adcock's teaching license would be suspended for seven years and a requirement to participate in 30 hours of professional development. Ms. Reinhart said the superintendent should have known if these actions were inappropriate. The PLSB determined that Mr. Adcock did violate Standard 3 and Standard 4.

Mr. Coleman said management practices of school districts are varied across the state. He said the salary reconciliation had been a practice for many years. Mr.

Adcock had no opportunity to change the practice as noted in the audit. He said the district lost no money as a result of Mr. Adcock. He said family members were employed with the approval of the Mineral Springs School Board.

Ms. Newton moved, seconded by Ms. Reith, to uphold the PLSB sanction. After discussion, Ms. Newton withdrew the motion.

Ms. Zook moved, seconded by Ms. Newton, to uphold the seven-year suspension for superintendent license, \$100 fine, 30 hours of PD, but be allowed to teach within area of license.

Dr. Barth made a substitute motion, seconded by Ms. Reith, for a one-year suspension of his educator license, permanent revocation of his superintendent license, \$100 fine, and after the one-year suspension Mr. Adcock could return to teaching within his licensure area. The motion carried unanimously.

A-5 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 14-042; Mable Bledsoe

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Ms. Bledsoe was in violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. She said following an evidentiary hearing on July 7, 2014, the Professional Licensure Standards Board Ethics Subcommittee recommended that the State Board permanently revoke Ms. Bledsoe's license.

Ms. Bledsoe's attorney, Mr. Greg Alagood, said the recommendation was too harsh. He said even if the teacher spanked the two kindergarten students, compared to other sanctions for similar offenses, revocation was not warranted.

Ms. Reinhart said the teacher knew there was no parental permission to apply corporal punishment, yet spanked the two students with a yardstick within hearing of the rest of the kindergarten class. She said there was substantial evidence to show the teacher does not belong in a classroom.

Ms. Saviers moved, seconded by Dr. Barth, to permanently revoke the teaching license for Mable Bledsoe. The motion carried unanimously.

A-6 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 13-003; Christopher Conway

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Mr. Conway was in violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. She said

following an evidentiary hearing on July 7, 2014, the Professional Licensure Standards Board Ethics Subcommittee recommended that the State Board permanently revoke Mr. Conway's license.

Mr. Conway's attorney, Mr. Shawn Childs, asked the Board to deny the PLSB recommendation because Mr. Conway was denied due process. He said Mr. Conway was not provided the opportunity to confront and cross-examine the alleged victim. He also said the recommendation was too harsh.

Ms. Reinhart said that Mr. Conway had an inappropriate sexual relationship with an eighteen-year old student from another school, but who he knew as her church youth leader. She said there were two evidentiary hearings.

Mr. Childs said Mr. Conway is currently teaching 5th grade math at Jonesboro but is on probation pending this hearing. Ms. Reinhart said there is no child maltreatment finding because the student was 18 at the time.

Ms. Newton moved, seconded by Ms. Saviers, to require a two-year suspension of teaching license, assess a \$100 fine, and require counseling to return to teaching. The motion carried unanimously.

A-7 State Board Review of PLSB Evidentiary Hearing Findings and Recommendations – PLSB Case No. 14-011; Daniel Fullerton

A-7 was pulled from the agenda.

A-8 Consideration of Recommendation for Revocation of Teaching License –Timothy O'Shields

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Timothy O'Shields has an Arkansas teaching license that expired on December 31, 2012. She said Mr. O'Shields pled guilty to two (2) counts of felony sexual assault, which is a disqualifying offense for licensure under Ark. Code Ann. § 6-17-410. She said the PLSB recommended the revocation of Mr. O'Shield's license.

Ms. Zook moved, seconded by Ms. Newton, to permanently revoke the teaching license for Timothy O'Shields. The motion carried unanimously.

The Board considered A-9 and A-10 together.

A-9 Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards

A-10 Consideration for Final Approval: Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards

Department Deputy General Counsel Ms. Lori Freno said Act 696 of 2013 (codified in Ark. Code Ann. §§ 6-15-2105 and 6-15-2106) requires that each public school receive a letter grade score of "A" through "F" effective with the 2014-2015 school year, and empowered the State Board of Education to approve a method for assigning letter grades. She said the method set forth in these rules was developed by the University of Arkansas Office of Innovation for Education, in conjunction with the ADE and stakeholders. She said the State Board released these rules for public comment on August 14, 2014, and the public comment period ended September 16, 2014. She said the Rules were revised as a result of the comments.

Commissioner Wood said Act 696 of 2013 provides labels A-F to schools based on ESEA Flexibility labels.

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said the ESEA Flexibility was approved in 2012 for two years, and an extension was approved for 2014-2015. She said the ESEA Flexibility has five designations for schools: exemplary, achieving, needs improvement, needs improvement focus, and needs improvement priority.

Director of the Office of Innovation Dr. Denise Airola said the proposed labeling system was an attempt to better represent the progress of schools. Ms. Reith recommended a communication plan.

Dr. Barth moved, seconded by Ms. Reith, to approve the emergency rules and final rules Governing the Public School Rating System on Annual School Report Cards with an amendment to the rules to add as section 4.04 that the rating system would not apply to ALE's with LEA numbers as identified in Ark. Ann. Code § 6-48-101. Ms. Mahony voted no. The final vote was 7-1. The motion carried.

A-11 Consideration for Final (Permanent) Rule: Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said on July 10, 2014, the State Board adopted an Emergency Rule for the Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas, and released these rules for public comment as the permanent rule. She said a public hearing was held

on August 19, 2014, and the public comment period expired on September 9, 2014. She said some changes were made following public comment.

Ms. Saviers moved, seconded by Ms. Reith, to approve the Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas Rules. The motion carried unanimously.

A-12 Consider Recommendation of a Praxis Chemistry Test

Director of Educator Licensure Ms. Karli Saracini said changes to the availability of the Praxis™ exam currently used for the Physical Science License required a different exam to be used. She said the Praxis™ Physical Science: Content Knowledge (0481) was discontinued as of August 2014. She said candidates for the Physical Science License will have the option of taking the Praxis™ Chemistry: Content Knowledge (5245) or the Praxis™ Chemistry: Content Knowledge (5265). She said the Department recommended adoption of the Praxis™ Chemistry: Content Knowledge (5245) with a minimum passing score of 150 (100 - 200 point range) effective September 1, 2015.

Dr. Barth moved, seconded by Ms. Zook, to approve the recommended Praxis Chemistry Test cut score. The motion carried unanimously.

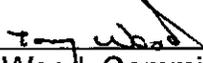
Adjournment

The meeting adjourned at 2:16 p.m.

Minutes recorded by Deborah Coffman.



Sam Ledbetter, Chair
see per phone conv.
11/12/14



Tony Wood, Commissioner of Education