

Minutes
State Board of Education Meeting
Thursday, May 8, 2014

The State Board of Education met Thursday, May 8, 2014, in the Auditorium of the Department of Education building. Chair Brenda Gullett called the meeting to order at 10:00 a.m.

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

Absent: none

Consent Agenda

Correction of April Minutes: Ms. Zook is appointed to special education committee, not limited to dyslexia.

Ms. Zook moved, seconded by Ms. Newton to approve the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes -April 10, 2014
- Minutes -April 11, 2014
- 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
- Progress Report on the Status of Districts Classified in Fiscal Distress
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T13-011 – Angela J. Stowell
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-091 – Mark Andrew Clampet
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-165 – Grant Cummings Rader
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-172 – Stacey Lynn Jones
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-049 – Christie Kay Stockburger
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-052 – Ralph Derwood Phillips
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-062 – Adrienne Carey
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-166 – John Franklin Bowman

Action Agenda

Ms. Gullett requested to add to items to the action agenda. Ms. Newton made a motion, seconded by Dr. Barth, to add two items to the action agenda. The motion carried unanimously.

Action Item: Consideration for Awarding Waiver Days - Mayflower School District

Superintendent of Mayflower School District Mr. John Gray said during the 2013-2014 school year, the Mayflower School District missed a total of five (5) days due to an EF-4 tornado. The district requested a waiver of five (5) days making the 2013-2014 school year a total of 173 instructional days.

Ms. Newton made a motion, seconded by Ms. Zook, to approve an inclement weather waiver of five days for Mayflower School District. The motion carried unanimously.

Action Item: Consideration for Awarding Waiver Days - Vilonia School District

Superintendent of Vilonia School District Dr. Frank Mitchell said during the 2013-2014 school year, the Vilonia School District missed a total of five (5) days due to an EF-4 tornado. The district requested a waiver of five (5) days making the 2013-2014 school year a total of 173 instructional days.

Ms. Zook made a motion, seconded by Ms. Newton, to approve an inclement weather waiver of five days for Vilonia School District. The motion carried unanimously.

A-1 Consider Removal of Mineral Springs School District from Fiscal Distress Classification and State Control (reconstitution) effective October 1, 2014

Assistant Commissioner of Fiscal and Administrative Services Mike Hernandez said the Mineral Springs School District was classified in Fiscal Distress for 2012-2013 school year. The Department has conducted site visits, off-site assistance, and analysis of the financial status of the Mineral Springs School District. The Department is reporting that the Mineral Springs School District has currently corrected all criteria for being removed from Fiscal Distress. He said the Department recommended the Mineral Springs School District be removed from Fiscal Distress and state control (reconstitution) effective October 1, 2014, (after a school board is elected and receives training).

Mineral Springs School District Superintendent Curtis Turner asked the Board to remove Mineral Springs from Fiscal Distress status.

Mr. Ledbetter asked about the status for Mr. Turner. Mr. Turner said he plans to remain in the district and hoped the new school board would continue his contract after the school board is elected. Mr. Ledbetter said the Board appreciates Mr. Turner's service.

Ms. Mahony made a motion, seconded by Ms. Reith, to remove Mineral Springs School District from Fiscal Distress Classification and State Control (reconstitution) effective October 1, 2014. The motion carried unanimously.

A-2 Classification of District in Fiscal Distress - Hector

Fiscal Distress Coordinator Hazel Burnett shared a brief history of the Department's review process for determining if a district may be in fiscal distress.

Ms. Burnett said pursuant to Ark. Code Ann. §6-20-1905, the Hector School District received notice by certified mail as being identified by the Department for fiscal distress status. The identification, recommendation for classification, and any appeal would be presented at the Board meeting. The District was informed in the March 14, 2014, identification letter not to incur any future debt obligations without prior written approval from ADE. She said the deadline for appeal was April 16, 2014, and no appeal was filed. Ms. Burnett recommended that Hector School District be classified as being in Fiscal Distress as of May 8, 2014.

Hector School District Superintendent Walt Davis said the district had to refinance bonds and make a large payment, had a reduction in student enrollment and other financial issues resulting in a low balance of funds.

Dr. Barth made a motion, seconded by Ms. Reith, to classify Hector School District in fiscal distress status. The motion carried unanimously.

A-3 Classification of District in Fiscal Distress - Lee County

Fiscal Distress Coordinator Hazel Burnett said pursuant to Ark. Code Ann. §6-20-1905, the Lee County School District received notice by certified mail as being identified by the Department for Fiscal Distress status. The identification, recommendation for classification, and any appeal would be presented at the Board meeting. She said the District was informed in a March 28, 2014, identification letter not to incur any future debt obligations without prior written approval from ADE. The deadline for appeal was April 30, 2014, and as of April 21, 2014, no appeal had been filed. Ms. Burnett recommended that Lee County School District be classified as being in Fiscal Distress as of May 8, 2014.

The Board asked several questions regarding the processes in place at both the local and state levels to oversee the finances of the Lee County District.

Ms. Zook made a motion, seconded by Dr. Barth, to classify Lee County School District in fiscal distress status. The motion carried unanimously.

A-4 Consideration of the Proposed Voluntary Annexation of the Norphlet School District with the Smackover School District

Department Deputy General Counsel Lori Freno-Engman said in April 2014, the Norphlet School District and Smackover School District petitioned the State Board of Education to approve the voluntary annexation of the Norphlet School District to the Smackover School District. She said the Board may consider the voluntary annexation pursuant to Ark. Code Ann. § 6-13-1401 et seq.

Attorney for Norphlet and Smackover School Districts Gene Bramblett said the two communities are rural and the districts are contiguous. He said both communities and school personnel support the voluntary annexation. He said all existing buildings on both campuses would be utilized. He said the annexation would provide additional resources for technology and curricular improvements.

Board members asked several questions of Attorney Gene Bramblett, Norphlet Superintendent Dr. Albert Snow, Norphlet School Board President Damon Goodwin, Smackover Superintendent Dave Wilcox, Smackover Curriculum Director Jennifer Lee, and Mayor of Norphlet Jim Crotty.

Mr. Ledbetter made a motion, seconded by Ms. Saviers, to approve the voluntary annexation of the Norphlet School District to the Smackover School District. The motion carried unanimously.

A-5 Charter Authorizing Panel Action on Requested Open-Enrollment Public Charter School Amendment: Academic Center of Excellence, Cabot School District

Charter School Director Mary Perry said the Board approved the application for the Cabot School District to operate the Academic Center of Excellence on March 8, 2004. The charter was approved to serve students in grades 7-12 with a maximum enrollment of 500. She said representatives of the Cabot School District appeared before the Charter Authorizing Panel on April 16, 2014, and requested an amendment to the current charter. The Panel unanimously approved the request. She said no request for the Board to review the decision made by the panel was submitted.

Ms. Michele Evans, Principal of ACE said the school is a focus school.

Ms. Saviers made a motion, seconded by Ms. Newton, to not review the Charter Authorizing Panel action on the requested open-enrollment public charter school amendment for Academic Center of Excellence, Cabot School District. The motion

carried unanimously.

**A-6 Hearing for Open-Enrollment Public Charter School Amendment Request:
Quest Middle School of West Little Rock, Little Rock, Arkansas**

Charter School Director Mary Perry said on November 14, 2013, the Charter Authorizing Panel approved the application for Quest Middle School of West Little Rock to open in 2014-2015 and serve students in grades 6-12 with a maximum enrollment of 490. She said on January 10, 2014, the Board held a hearing and confirmed the Panel's decision to approve the charter. On March 21, 2014, the Charter Authorizing Panel unanimously approved an amendment request for Quest Middle School of West Little Rock to change the location for the charter school from 1815 Rahling Road, Little Rock 72223, to 400 Hardin Road, Little Rock 72211. Ms. Perry said pursuant to Ark. Code Ann. § 6-23-701 et seq., the Little Rock School District and the Pulaski County Special School District requested the State Board of Education review the Panel's decision and the Board voted 6-1, at its meeting on April 10, 2014, to conduct a hearing to review the Panel's decision.

Chris Bowman, General Counsel for ResponsivEd, presented information pertaining to the reasons for the requested location change.

Mr. Ledbetter asked if this information was in the electronic Board packet. Mr. Bowman responded that the information was not contained in the Board packet. Mr. Ledbetter questioned the fact that new information was being presented that had not been previously reviewed by the Charter Authorizing Panel.

Mr. Bowman said the preliminary study is in the packet. He said the city gave its analysis and went back and forth with the school. Mr. Bowman said that if the city determined there will be a negative impact they wouldn't have approved the location. He said the city is requiring the school to submit a letter saying they will follow what is listed in the traffic study. He said the city wants a single line drop off and a 45-minute staggered drop off in the morning. Mr. Bowman said there is no legal impediment to operating a charter school at the Hardin Road location.

Ms. Mahony said she had previously asked for a copy of the traffic study conducted by the city.

Ms. Rochelle Blozer, parent, spoke on behalf of the Quest Middle School.

Mr. Chris Heller, attorney for the Little Rock School District, spoke against approval of the charter location. Mr. Sam Jones, attorney for PCSSD, said he endorsed the argument spelled out by Mr. Heller.

Mr. Dave Freiwald, Director of Geographical Survey, spoke against the location of Quest Middle School. Ms. Vada Reynolds, representative of a local business, spoke

against the location stating she is concerned about safety of the students.

Mr. Bowman said all traffic issues are valid. ResponsivEd has been approved for a permit from the city of Little Rock.

Ms. Zook made a motion, to uphold the Charter Authorizing Panel approval of the open-enrollment public charter school amendment requested for Quest Middle School of West Little Rock, Little Rock, Arkansas. The motion died for lack of a second.

Mr. Ledbetter made a motion, seconded by Ms. Newton, to overturn the Charter Authorizing Panel approval of the open-enrollment public charter school amendment requested for Quest Middle School of West Little Rock, Little Rock, Arkansas. Members were asked for a roll call vote: Mr. Ledbetter – yes; Dr. Barth – yes; Mr. Black – yes; Ms. Mahony – yes; Ms. Newton – yes; Ms. Reith – yes; Ms. Saviers – yes; and Ms. Zook – no. The final vote was 7-1. The motion carried.

The Board considered A-7 and A-9 together.

A-7 Consideration for Emergency Adoption: 2014 Open Enrollment Charter Application

Attorney Specialist Kendra Clay said the 2014 Open Enrollment Application included additional prompts suggested by the Charter Authorizing Panel and updates the submission deadline for the 2014 application cycle with a requested due date change to July 21.

A-9 Consideration for Public Comment: 2014 Open Enrollment Charter New Application

Attorney Specialist Kendra Clay said the 2014 Open Enrollment Application includes additional prompts suggested by the Charter Authorizing Panel and updates the submission deadline for the 2014 application cycle with a requested due date change to July 21.

Dr. Barth made a motion, seconded by Ms. Newton, to approve the emergency adoption of the 2014 Open Enrollment Charter Application with the requested change and approve the 2014 Open Enrollment Charter New Application with requested change for public comment. The motion carried unanimously.

A-8 Consideration for Approval - American Sign Language appendix to Modern Languages Frameworks I-IV

Curriculum and Instruction Director Dr. Tracy Tucker said Arkansas Code Annotated § 6-16-142 (passed by the Arkansas General Assembly as Act 328 of 2013) authorized Arkansas public high schools to offer American Sign Language for foreign language

credit, giving ASL equal status with other foreign languages offered in our public schools. She said to implement the law; the Curriculum and Instruction unit convened a committee of educators and ASL interpreters to develop a curriculum framework. The committee included the coordinator of the ASL interpreter training program at the University of Arkansas at Little Rock, a teacher from the Arkansas School for the Deaf who is herself deaf and whose first language is ASL, a special education teacher with experience working with students who are deaf, and two ASL interpreters who serve in Arkansas school districts. Dr. Tucker said four of the state's five ACTAAP regions were represented. Building from the recently revised and adopted Modern Languages I-IV framework and using as examples the appendices to that framework for Chinese, German, and Russian, the committee developed an appendix to guide instruction in ASL. It was the unanimous opinion of the committee members that a separate framework was unnecessary, and an appendix similar to those of the other languages mentioned would suffice. She said the committee reviewed several documents containing guidance on teaching ASL. These documents included curricular documents from the American Sign Language Teachers Association, Gallaudet University, and several U.S. states and Canadian provinces. Dr. Tucker said the next steps in this process are 1) to work with the ADE Licensure Unit to develop an appropriate path to licensure, including the selection of an appropriate Praxis or other professional test to ensure teachers are qualified to teach ASL, 2) to work through the Licensure Unit with the Department of Higher Education to assist in developing ASL teacher training programs, and 3) to work with educators across Arkansas to make them aware of the new course offering and to offer assistance as needed to implement this course.

Ms. Zook made a motion, seconded by Ms. Reith, to approve the American Sign Language appendix to Modern Languages Frameworks I-IV. The motion carried unanimously.

The Board considered A-10 and A-14 together.

A-10 Consideration for Public Comment: Proposed Rules Governing the Teacher Excellence and Support System (TESS)

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said the Department recommended changes to the Arkansas Department of Education Rules Governing the Teacher Excellence and Support System to implement Act 709 of the 2013 Regular Session of the Arkansas General Assembly and update other provisions.

A-14 Consideration for Final Approval: Emergency Rules Governing the Teacher Excellence and Support System

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said the Department recommended changes to the Arkansas Department of Education Rules Governing the Teacher Excellence Support System (TESS) to implement changes made to the Arkansas Code under Act 709 of the Regular Session of 2013 and update other provisions. She said because the PARCC

assessments and TESS implementation begin with the 2014-2015 school year, schools and educators need to be able to plan for the TESS implementation and to participate effectively in ongoing TESS professional development.

Ms. Saviers made a motion, seconded by Ms. Mahony, to approve the Emergency Rules Governing the Teacher Excellence and Support System and the Rules Governing the Teacher Excellence and Support System (TESS) for public comment. The motion carried unanimously.

A-11 Consideration for Public Comment: ADE Rules Governing Consolidation and Annexation of School Districts

Department Deputy General Counsel Lori Freno-Engman said Act 1073 of 2013 made minor revisions to Arkansas laws related to the consolidation and annexation of school districts. She said the current rules should be revised to be in accordance with the Arkansas Code.

Ms. Mahony made a motion, seconded by Ms. Reith, to approve the Rules Governing the Teacher Excellence and Support System (TESS) for public comment and to approve the ADE Rules Governing Consolidation and Annexation of School Districts for public comment. The motion carried unanimously.

A-12 Consideration for Final Approval: Arkansas Department of Education Rules Governing School District Requirements For Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

Department Deputy General Counsel Lori Freno-Engman said the Department recommended changes to these rules because Acts 228 and 1073 of 2013 (codified in Ark. Code Ann. §§ 6-11-129 and 6-17-201) added requirements related to school districts' posting of information on their websites and required the ADE to notify school districts that fail to post certain information. She said the Board released the proposed rules for public comment on February 13, 2014. Public comments were received and considered, resulting in minor non-substantive changes to the proposed rules.

Ms. Zook made a motion, seconded by Ms. Newton, to approve the Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites. The motion carried unanimously.

A-13 Consideration for Final Approval: ADE Rules Governing Parental Involvement Plans

Attorney Specialist Kendra Clay said the proposed revisions included changes made

necessary by Act 1423 of 2013. She said the Board approved the proposed revisions for public comment on March 20, 2014. ADE staff conducted a public hearing on the proposed changes on April 14, 2014. The public comment period expired on April 22, 2014. Ms. Clay said written comments were received and a typographical change was made to the rules. She also requested one additional change to 4.02 to change the number to two (2) hours of professional development.

Ms. Saviers made a motion, seconded by Mr. Black, to approve the ADE Rules Governing Parental Involvement Plans with the requested change. The motion carried unanimously.

Reports

Nominating Committee Report

During the April 10, 2014 Board meeting, Ms. Gullett appointed a nominating committee for Board officers consisting of Ms. Mahony, chair; Ms. Reith; and Dr. Barth.

Ms. Mahony, Committee Chair, nominated Mr. Sam Ledbetter as Chair and Ms. Toyce Newton as Vice-Chair of the Board.

The report was accepted by acclamation.

Adjournment

The meeting adjourned at 2:54 p.m.

Minutes recorded by Deborah Coffman.


Brenda Gullett, Chair


Dr. Tom W. Kimbrell, Commissioner