

STATE BOARD OF EDUCATION

Sunday, December 7, 1997

Minutes

The State Board of Education met for the regularly scheduled meeting on Sunday, December 7, 1997, in the Department of Education Auditorium. The meeting was called to order by Bill Fisher, Chair, at 3:05 p.m.

Members present: Bill Fisher, Chair; Luke Gordy, Vice-Chair; Carl Baggett; JoNell Caldwell; James McLarty; Betty Pickett; Richard Smith; Lewis Thompson, Jr.; and Anita Yates.

Members absent: Edwin Alderson, Martha Dixon, and Sherry Walker.

The first agenda item of this meeting of the Board was a joint session with the Arkansas Higher Education Coordinating Board. Lu Hardin, Director of the Department of Higher Education introduced members of the Arkansas Higher Education Coordinating Board. Mr. Hardin's introductory comments to the Boards noted the two major areas of conversation for the joint meeting - a discussion of the common core curriculum and teacher licensure. He identified areas of concern among deans of the institutions of higher education - higher expectation for students and ways to improve retention and success rates of students who enroll in institutions of higher education.

Dr. Steve Floyd, Deputy Director, Department of Higher Education, noted the close working relationship of the two agencies and the cooperation of the new Department of Workforce Education in the development of recommendations for the common core curriculum. Dr. Floyd summarized research findings considered during the deliberations indicating the strong support for an additional requirement in mathematics. He noted that student scores in mathematics were lower than those in other subject areas and listed several factors that appear to contribute to this condition. Dr. Floyd concluded by suggesting that setting new and higher standards is merely the beginning of dealing with the problems in mathematics achievement; retraining of teachers is essential and the curriculum must have a greater degree of rigor than required at present.

Dr. Gayle Potter, Associate Director for Curriculum and Instruction, reviewed a series of recommendations guiding the work toward establishing the common core curriculum. She noted that solving the problem in mathematics is not just a high school problem, it is a system problem in that all levels, K-12, must be aware of expectation and be responsible for student learning at each level. Dr. Potter provided the Boards with a copy of proposed Rules and Regulation that would be considered by the State Board of Education during their Action Agenda. She reported that work was underway to develop a document that would communicate more clearly to parents, students and the general public the expectations about student learning as outlined in the Curriculum Frameworks.

Donna Elliott, Program Support Manager in Teacher Licensure provided copies of the Teacher Licensure Advisory Committee recommendations for the new process of teacher licensure. She indicated that a new Task Force to provide direction to the implementation phase of the new licensure process was under consideration. The implementation phase of these recommendations will take up to five years. The recommendations call for fewer areas of licensure and more demonstration of competency by prospective teachers which is consistent with initiatives in other states.

Ray Simon, Director, Department of Education, stated that the Teacher Licensure Advisory Committee was virtually appointed pending confirmation of a small number of appointees. He emphasized the importance of continued cooperation among the three agencies (K-12, higher education, and workforce education) and the abating of turf issues while seeking solutions to mutual problems.

The joint meeting of the State Board of Education and the Arkansas Higher Education Coordinating Board adjourned at 4:15 p.m.

Mr. Fisher called the meeting of the State Board of Education to order at 4:30 p.m.

Betty Pickett suggested that the Minutes of the November meeting be amended as follows. On page 5, paragraph 4, the last sentence, "No action was taken." be deleted and replaced with, "The Chair recognized this direction." Mr. McLarty moved to accept Mrs. Pickett's suggestion. Mrs. Yates seconded. The motion passed unanimously.

Mrs. Pickett moved that the amended minutes of the November 9 and 10, 1997, meetings be approved. Mr. Smith seconded. The motion passed unanimously.

Mr. Fisher announced that the following items on the Consent agenda were being moved to the Action Agenda: #6 (Final Approval of Rules and Regulations Governing Four Day School Week); #9 (Request Approval of Loans and Bond Applications); and #10 (Approval of School Motor Vehicle Self Insurance Advisory Committee Recommendation for Higher Limits of Vehicle Liability Insurance). Also, action on item #7 (Final Approval of Rules and Regulations Governing Civil Liability Protection Program) is being deferred until the January meeting to allow staff time to secure additional public comment.

Mr. McLarty moved the adoption of the Consent Agenda with the exception of the items listed above. Mr. Baggett seconded. The motion passed unanimously.

Mr. Gordy moved that the meeting adjourn and the Board move into committee work sessions. Mr. Thompson seconded. The motion passed unanimously. Meeting adjourned at 4:45 p.m.

Monday, December 8, 1997

The State Board of Education met on Monday, December 8, 1997, in the Auditorium of the Arkansas Department of Education. The meeting was called to order at 8:05 a.m. by Bill Fisher, Chair.

Members present: Bill Fisher, Chair; Luke Gordy, Vice-Chair; Carl Baggett; JoNell Caldwell; James McLarty; Betty Pickett; Richard Smith; Lewis Thompson, Jr.; and Anita Yates.

Members absent: Edwin Alderson, Martha Dixon, and Sherry Walker.

Mr. Fisher announced the following appointments and activities by Board members: Martha Dixon was named to the Teacher Licensure Advisory Committee; JoNell Caldwell was named to the ADE Professional Development Committee; and Anita Yates attended the Arkansas Leadership Academy. Ms. Yates described her participation in the Leadership Academy as most informative and impressive. She encouraged all Board members to attend when the opportunity is available.

Ms. Pickett participated in the Close-Up Conference. She noted that this was an opportunity for many students in our state to be actively engaged in learning first hand about the legislative process.

Ms. Caldwell related her experience while traveling out of state and noted that other states have some of the same problems and issues concerning student achievement as we do in Arkansas.

The following Board members have agreed to serve on NASBE committees or task forces: Mr. McLarty - Task Force on Teacher Licensure; Mr. Smith - Distinguished Awards Committee; Ms. Pickett - Board of Directors; and Mr. Gordy - Advisor to Resolutions Committee.

Mr. Fisher reported that Ms. Pickett's committee on revising the procedures for the Board has not finished its work. However, Act 703 requires that the Board set its meeting dates for 1998 in December. He called on Mr. Simon to make his report which includes recommended meeting dates for 1998.

Mr. Simon recommended that the Board establish the following as meeting dates for 1998. January 16-17 (which is a Board retreat) and for each of the other months, February through December, the Board would meet for one day on the second Monday of each month. If the agenda is such that it cannot be completed in one day, with the joint agreement of the Board Chair and the Director, the Board could be called into session on the Sunday prior to the second Monday.

Mr. Simon listed the following reasons to support this recommendation for fewer meeting days. First was that the Board no longer has the responsibility for work force education. We are

striving for increasing efficiency in managing state government and thus we will be saving in excess of \$10,000 per year in fees. Mr. Simon indicated his commitment to keeping the Board well informed about issues between meetings and they would have the information needed to inform their decisions prior to arrival at the meeting. He did note that this recommendation would not preclude travel on Sunday evening so that the meeting could start at the usual time, 8:00 a.m., on Monday morning. Mr. Gordy moved the adoption of recommended meeting dates for 1998. Mr. Thompson seconded. Mr. Smith stated that he was in favor of the motion, however, he wanted to reiterate the importance of being well informed on issues under consideration prior to coming to the meetings. The motion passed unanimously.

Mr. Simon introduced Patricia Martin as the Assistant Director for Public School Finance and Administrative Support. He shared highlights and impressions of the Council of Chief State School Officers Meeting: it's somewhat comforting to know that other states are considering and dealing with many of the same issues and problems that we face in Arkansas.

Mr. Simon introduced Margaret Preston who made a presentation on proposed activities that will be implemented in the near future from the Communications Office. A summary of her report is found in Attachment 1. Members of the Board commended Ms. Preston for her vision and look forward to having her work with schools in various parts of the state.

Ms. Pickett requested the opportunity for members of the Board who were not in attendance to comment concerning the 1998 meeting calendar during the January meeting and notice for reconsideration of the vote.

Discussion and action on Final Approval of Rules and Regulations Governing Four Day School Weeks

Mr. Gordy moved that Paragraph 5.04 of the Rules and Regulations be amended to read:

5.04. Academic Distress districts that operate four-day school weeks who do not demonstrate yearly improvement on the state approved norm-referenced test and other assessment instruments required by or approved by the ADE will forfeit their right to this option.

Seconded by Ms. Pickett. The motion passed unanimously.

Mr. Gordy moved that the Rules and Regulations Governing Four Day School Weeks be adopted as amended. Seconded by Mr. Smith. The motion passed unanimously.

Discussion and action on Approval of Loans and Bond Applications

Dr. Bobbie Davis reported to the Board that Turrell School District had requested that their application be removed from the approval list. She also recommended to the Board that second lien applications from Glen Rose and Calico Rock be included in this approval. Mr. Smith moved the approval of the applications with the changes noted by Dr. Davis. Seconded by Ms. Yates. The motion carried. (8-1) McLarty voted no.

Discussion and action on Approval of School Motor Vehicle Self Insurance Advisory Committee Recommendation for Higher Limits of Vehicle Liability Insurance

Mr. McLarty moved approval of these recommendations. Seconded by Mr. Smith. Mr. McLarty stated that the Board and the Department should be recommending coverage greater than the minimum required by law at every opportunity. He expressed his concern that schools carrying only the required minimum were not adequately protecting children (and their families) from potential financial burdens should they be involved in a school bus accident. McLarty noted that coverage greater than the minimum was costly to the districts and that many could not financially bear that burden. It was also pointed out that buses crossing state lines must carry a greater liability coverage since the sovereign immunity clause does not apply beyond the state line. Ms. Pickett suggested that the number of districts participating in the recommended coverage option should be monitored. That information could be used to support legislation for greater funding for insurance purposes. The chair appointed the following as a committee of the Board to track level of vehicle insurance carried on buses and report to the Board: McLarty, Caldwell and Thompson. The motion passed unanimously.

Status Report Phase II Academic Distress

Frank Anthony provided an overview of the Department's work with Elaine and Altheimer. He elaborated on the data provided in the Board Agenda Materials including a summary of achievement of students on the norm-referenced test administered by the State. Mr. Harold Duncan, the new superintendent of the Elaine District and Mr. Ross Bolding, the new superintendent at Altheimer addressed the Board. Each highlighted efforts underway in his respective district to meet the intent of its school improvement plan. Both were complimentary of assistance provided by Department staff during this school year. Ms. Pickett commended both administrators for demonstrating the attitude that all of their students can learn. She challenged them to continue to look at achievement; just getting students above the 25th percentile is not adequate. She requested that the Department seek to work with other districts that may need assistance in much the same way that it works with these districts. Ms. Yates commended the Department staff for the good job being done in working with those districts. Mr. Anthony noted that he would be reporting to the Board on all schools in Phase I and on the Watch List at the March or April meeting.

Waiver Request for Establishing the Academic Standards for Student Participation in Competitive Interscholastic Activities

Mr. Simon reported to the Board that two schools had presented materials and requested the opportunity to request a waiver of the requirements adopted at the November meeting. He recognized Gregg Thompson, Principal, North Little Rock High School. Mr. Thompson reviewed for the Board the components of the program detailed in the materials provided for the Board. Mr. Baggett moved that the Board approve this request for a waiver of the regulation requiring that remediation be conducted outside the regular school day. Mr. Smith seconded. The motion passed unanimously.

Mr. Simon recognized Ken Ramey, Principal, Siloam Springs High School. Mr. Ramey reviewed for the Board the components of the program that was detailed in the materials provide for the Board. Mr. Smith moved that the Board approve this request for a waiver of the regulation requiring that remediation be conducted outside the regular school day. Ms. Yates seconded. The motion passed unanimously.

Mr. McLarty moved that the Board adopt policy requiring that any school given a waiver must report to the Department the progress made by students on a semester basis and that a cumulative report be made to the Board. Ms. Pickett seconded. The motion passed unanimously.

Discussion and Action on Approval of Proposed Rules and Regulations on Common Core System

Dr. Potter reviewed for the Board the Rules and Regulations that were provided to the Board and discussed at the joint meeting during the Sunday session. She suggested the following changes be made based on earlier discussion.

4.01 Part A under the line “mathematics” amend to read as follows: 3 units (1 unit of algebra or its equivalent and one unit of geometry; 1 of the 3 mathematics units must be taken in the final year.) *Underlined text new wording.*

4.01 Part B was amended to read as follows:

Units comprising the career focus may include academic and/or technical courses. Students whose career focus will require attendance in a two-year or four-year institution of higher learning must include any additional units required to insure unconditional admission into an institution of higher learning. The remaining 3 units in the career focus requirement shall be established through the guidance and counseling at the local school district and shall conform to local district policy regarding requirements for career focus. Students whose career focus will not require attendance in a two-year or four-year institution of higher learning shall fulfill the 6 unit career focus requirement through

guidance and counseling at the local school district and shall conform to local district policy regarding requirements for career focus.

Added to the Rules and Regulations 6.00 The first graduating class who must meet the graduation requirements established in these Rules and Regulations is the graduating class of the year 2002.

Dr. Potter recommended that multiple public hearings would be critical to full understanding of these Rules and Regulations and that time to schedule, advertise and conduct those hearings would not be possible in time for the January meeting of the Board. She proposed that the Rules and Regulation be scheduled for consideration at the February meeting.

Ms. Yates questioned the extent to which some students would be able to meet the increased mathematics requirement.

Mr. McLarty moved that the mathematics requirement, as written in Section 4.01 A, be amended to read 4 units of mathematics. Ms. Pickett seconded. Mr. Gordy and Ms. Yates expressed opinions that a 4 unit mathematics requirement was too much to require of all students. Mr. Simon suggested that the Board not adopt this amendment and give time for input from the public hearings. The amendment failed 2-6 (McLarty and Pickett voted yes).

Mr. Simon suggested that these ideas along with a written statement from Dr. Steve Franks, Director, Work Force Education be included with other public comment.

Ms. Pickett requested that the issue of student learning in the area of technology not be lost. She did not want to add a unit to the graduation requirements, but did suggest that some way needs to be found to assure that the curriculum of all students formally include training in technology.

Ms. Yates moved the adoption of the Proposed Rules and Regulation for public comment with the revision recommended by Dr. Potter. Mr. Smith seconded. The motion passed unanimously.

Committee #1 - Luke Gordy Reporting

Proposed Rules and Regulations to Implement the Appropriation for Special Education Catastrophic Occurrences were discussed. Due to inconsistency in reporting eligible and ineligible costs, the committee recommends that Section 5.03 be eliminated and that all costs be considered as eligible costs. Mr. Gordy moved the adoption of these proposed Rules and Regulations as amended be approved for public comment. Mr. Smith seconded. The motion passed unanimously.

Proposed Rules and Regulations Governing Limited English Proficiency Funding were discussed. Mr. Gordy moved the adoption of these proposed Rules and Regulations for public comment. Mr. McLarty seconded. The motion passed unanimously.

Proposed Rules and Regulations Governing the College Preparatory Enrichment Program were discussed. The committee suggested that the Department develop a factor utilizing the number of a school's students who score below 19 on the ACT examination, rather than those who participate in the free and reduced lunch program, as a basis for funding. The committee recommends that no action be taken until Department Staff comes back with a recommendation based on ACT scores below 19.

Proposed Rules and Regulations to Implement Appropriation for the Students At-Risk, K-3 were discussed. Mary K. McKinney reported on the progress of this program since its beginning and the changes that have taken place in the legislation. The purpose of these Rules and Regulations is to make changes to align with current legislation from the 1997 session. Ms. McKinney provided for the Board an amended copy of the proposed Rules and Regulations reflecting suggested changes from the Sunday Committee session. (Attachment 2) Mr. Gordy moved the adoption of these proposed Rules and Regulations for public comment. Mr. Thompson seconded. The motion passed unanimously.

Proposed Rules and Regulations Governing the Distribution of Catastrophic Loss Funding were discussed. Tristan Greene reported that the Department has received legal opinions as requested by the Board. However, questions remain that must be resolved before final approval can be considered. Mr. Gordy reported that the Chair requested a recommendation from the Committee on this item at the January meeting. The committee complimented Mr. Greene for his work on this project. No action was taken on this item.

Committee #2 - James McLarty Reporting

Teacher Revocation - Steve Garmrath The committee Chair did receive requested background information, but that information came too late to get it copied and sent to other members of the Committee. It was the decision of the Committee to defer a recommendation until the February Board meeting thus allowing all Committee members an opportunity to receive and review the background information.

Teacher Revocation - Sheena McGuire-Earl The committee noted that the revocation of this certificate was unresolved and requested staff provide information as to the current status of this issue.

Professional Development Plan The committee heard a report from Dr. Gayle Potter concerning progress toward a State professional development plan. The committee supports her recommendation that the Plan utilize the expertise of an outside evaluator to help assess the effectiveness of professional development on student learning. Mr. McLarty moved that the professional development plan include the provision for an outside evaluator. Mr. Smith seconded. The motion passed unanimously.

Mr. McLarty announced that Senator Argue has agreed to meet with the Committee at a meeting later in the spring. He noted from *Education Week* that the National Education Association had funded 10 grants supporting professional development. Mr. Nagel from the Arkansas Education Association has agreed to provide any information that is available from these grants.

Mr. Boardman reported to the Committee that the Department received 263 local district technology plans pursuant to the October Board action. Additional plans are expected this week. Districts will be contacted to be sure that plans will be submitted. The Committee wants to encourage all districts to develop plans so they will be eligible for e-rate discounts provided by the Universal Service Fund.

Mr. Boardman also reported that a concern expressed to the Board from one district about the APSCN system had been addressed.

Gentry Hearing Theresa Dixon reported to the Board that the parties in the Gentry case have agreed to a settlement. She introduced Dr. Randy Barrett, Superintendent of Gentry Schools, to request that the Board rescind its previous action allowing Department staff to set waiver amounts as they have in the past. Mr. Humphrey from the Attorney General's Office affirmed to the Board that it was his opinion that the Gentry request to rescind the previous action was appropriate and in keeping with the law.

The following motion was proposed for Board consideration. "The Board's prior action approving the waiver amount recommended by the Department of Education for Gentry for the school year 1991-92 be rescinded and the waiver issue be sent back to the Department of Education for reconsideration." The above motion was made by Mr. McLarty. Mr. Smith seconded. The motion passed unanimously.

Mr. Baggett moved that the Board go into executive session to consider personnel matters. Mr. McLarty seconded. The motion passed unanimously.

Mr. Smith moved that the Board resume its regular session. Mr. Thompson seconded. The motion passed unanimously.

The chair recognized Mr. Simon to make a personnel recommendation. Mr. Simon recommended that Eva Denise Hoggard be employed in the position of litigation attorney for the Department. Mr. McLarty moved adoption of the Director's recommendation. Ms. Pickett Seconded. The motion passed unanimously.

Mr. McLarty moved that the meeting adjourn. Mr. Thompson seconded. The motion passed unanimously. Meeting adjourned at 11:35 a.m.

Recorded by Dr. Charles D. Watson, Department of Education staff.


Bill Fisher, Chairman


Ray Simon, Ex Officio, Secretary