

**ARKANSAS STATE BOARD OF EDUCATION
January 11, 1999**

Arkansas Department of Education
Auditorium
11:00 a.m.

Chair's Report---Ms. Betty Pickett

CONSENT AGENDA

1. Minutes (December, 1998)
2. Newly Employed, Promotions, and Separations----Ms. Clemetta Hood
.....C2
3. Recommended Community Service Sites---Dr. Gayle Potter.....C3
4. §25-16-901 et seq.- Stipends and Expenses for Boards and Commissions-
Ms. Betty Pickett.....C4
5. Personnel Recommendation---Ms. Clemetta Hood.....C5

Director's Report----Mr. Ray Simon

ACTION AGENDA

1. Earle School District (Continuation from December)---
Ms. Theresa WallentA1
2. Commitment to Principles of Desegregation Settlement Agreement:
Report on the Execution of the Implementation Plan---Dr. Charity Smith
.....A2
3. Report: School Finance Study ---Dr. Glenn CochranA3

State Board of Education

Minutes

January 11, 1999

The State Board of Education met on Monday, January 11, 1999, in the Auditorium of the State Education Building. The meeting was called to order by Betty Pickett, Chair, at 11:05 a.m.

Members Present: Betty Pickett, Chair; JoNell Caldwell, Vice Chair; Edwin Alderson, Carl Baggett; Bill Fisher; Luke Gordy; Robert Hackler; James McLarty; Lewis Thompson, Jr.; and Anita Yates.

Members Absent: Martha Dixon and Richard Smith.

Ms. Pickett announced that the following elementary schools have been designated as Blue Ribbon Schools: Butterfield Trails Elementary, Fayetteville; Chidester Elementary, Chidester; Eureka Springs Elementary School, Eureka Springs; Ed Ballman Elementary, Fort Smith; Trusty Elementary, Fort Smith; and John Tyson Elementary, Springdale. Board members will be informed about recognition ceremonies as they are scheduled. Board members are encouraged to attend those ceremonies in their area of the state.

Ms. Pickett stated that the Board had just concluded a productive work session. She recognized Edwin Alderson to present a listing of priorities to be part of the Board's legislative agenda. Mr. Alderson's report included the following:

- ✓ The Board seeks a meeting with ADE staff and legislators – Senators Beebe and Mahoney – to discuss repeal of 6-17-113 which requires the Department to set up and manage liability insurance.
- ✓ The Board advocates banning the use of tobacco in any school building and on school grounds during the school day.
- ✓ The Board supports amending 6-17-405 to require local school superintendents to report, in a timely manner, incidents of criminal acts committed by certified staff. Failure to report would result in sanctions.
- ✓ The Board advocates the revision of the Charter Schools Legislation to allow for more flexibility in starting charter schools.
- ✓ The Board advocates funding a study to develop a definition of an “adequate education” and define the cost. Further, the Board advocates “adequate funding” for schools as well as “equitable funding” of public schools.
- ✓ The Board recommends amendments to legislation supporting the National Board for Professional Teaching Standards Certification Legislation and funding provisions for support services as presented by Luke Gordy.

- ✓ The Board advocates the development and adoption of a system of rewards and sanctions based on relevant data for all schools that would drive student achievement at the school level. The Board further advocates updating the "Report Card" making the school the focus, not the district.
- ✓ The Board advocates seeking support for the new teacher licensure system.
- ✓ The Board advocates strategies and/or incentives that would encourage teachers to seek degrees and licensure in critical need areas and entice well qualified teachers to geographical areas of the state with great need.
- ✓ Amend the Student Assessment legislation as recommended by Department staff.
- ✓ Amend legislation defining schools in academic and fiscal distress as recommended by Department staff.
- ✓ Supported the Department recommendation to repeal IMPAC Commission and Cooperative Education Services Coordinating Council.

Mr. Alderson moved adoption of these legislative priorities. Mr. Gordy seconded the motion. The motion was adopted unanimously.

CONSENT AGENDA

- ✓ Minutes December, 1998
- ✓ Newly Employed, Promotions, and Separations
- ✓ Recommended Community Service Sites
- ✓ Stipends and Expenses for Boards and Commissions (P25-16-901)
- ✓ Personnel Recommendations

Mr. Alderson moved adoption of the Consent Agenda. Mr. Thompson seconded the motion. The motion was adopted unanimously.

DIRECTOR'S REPORT

Mr. Simon referred the Board to a revised version of the status report on teacher licensure. He noted the only difference in the revised copy was the number of years of initial licensure which was revised to read "three years" as opposed to "five years" in the first draft. This means that all 2500 candidates for initial licensure will receive a three (3) year certificate.

Mr. Simon recognized Dr. Kevin Penix to report on the recent funding of a new grant program from the U.S. Department of Education. Dr. Penix reported the funding of the Comprehensive School Reform Demonstration Program in the amount of \$1.4 million. Of that amount, 95% is ear marked for competitive grants to schools. He recognized the

work of Jo Cheek and Dr. Charles Watson in developing the State's plan and seeing it through the review and approval process.

Mr. McLarty asked about the program guidelines. Dr. Penix informed him that the Request for Proposals had been completed and sent to schools and that a workshop was held last December to inform schools of the grant and to assist school representatives with the application process.

Mr. Simon announced the resignation of Frank Anthony as Assistant Director of Accountability to assume the position of superintendent of schools in Pine Bluff. Mr. Simon conveyed appreciation to Mr. Anthony for his work and service to the children of the State while employed at the Department. On behalf of the Department he wished him success in his new duties.

Mr. Simon announced that Dr. Charity Smith was recommended as successor to Mr. Anthony as Assistant Director for Accountability. Her appointment was confirmed in the Personnel Recommendations in the Consent Agenda.

Mr. Alderson moved that the Board adopt a resolution commending the work of Frank Anthony as Assistant Director of Accountability. Mr. Fisher seconded the motion. The motion was adopted unanimously.

Dr. Charity Smith was recognized to make a presentation. Dr. Smith stated that a consortium of schools in east Arkansas wished to recognize the service of Frank Anthony in assisting them with improving schools in their districts during his tenure at the Department of Education. Dr. Smith read the inscription on the plaque then presented it to Mr. Anthony.

ACTION AGENDA

Earle School District – Continuation from December

Theresa Wallent was recognized to make this presentation. Ms. Wallent advised the Board that this was a continuation of the hearing pursuant to a reported incident of students possessing a copy of the Stanford 9 Norm-Referenced Test that was to be administered in the fifth grade in the Earle School District. She informed the Board that the district and school test coordinators were present as requested. Additionally, the fifth grade teachers, Superintendent Crumbly, and a member of the Earle School Board were also present.

Mr. McLarty requested that Ms. Guess, district test coordinator, summarize the procedures followed in distribution of test materials for this administration of test materials. Ms. Guess stated that the materials were received in the superintendent's office. She picked the materials up on Monday prior to administration of the test and took them to her office. She called a meeting of the counselors on Thursday at which time test materials were checked out to the building test coordinators.

Mr. Alderson and Mr. McLarty continued the questioning pursuant to determination of the security measures taken by the staff in distribution and administration of the tests at this school. Ms. Guess, the fifth grade teachers, the principal and the superintendent all vowed that appropriate measures were followed and no one knew how the copy of the test got into the possession of the student.

Superintendent Crumbly, stated that he believed the test was not copied from the 1998 test materials. He did not know who might have made a copy of a test from a previous administration, but did admit that could have taken place. Crumbly continued by stating Coach Hardin did distribute copies of the test as a study guide the day before believing that they were practice tests that were used by the school to help students prepare for the testing session. Mr. Crumbly and the principal stated that it was required of the teachers to engage students in practice sessions for the test. Several practice tests were available and provided for teacher use as practice tests during the days before the testing session.

Ms. Wallent addressed the Board and suggested possible actions that could be taken at this time: create sanctions against the district or the individuals involved in the situation; retest 5th grade students (which was already decided at the last meeting); provide close monitoring of test administrations in the school by ADE staff for the next two cycles.

Mr. Fisher affirmed that the Board took action that will require the fifth grade to be retested at the expense of the Earle District. He stated it was his opinion that there was no way to determine if the test booklets were from this year's materials or could have been copied from a previous administration of the test. Fisher moved that no revocation of licenses be considered and none of the teachers be censured. He further moved that test security be stressed with the district and they be expected to follow the directions in every detail with the warning that any further breach of security will result in sanctions. Mr. Thompson seconded the motion.

Mr. McLarty stated that Earle had recently been removed from the academic distress list. He fears the Board is sending the wrong message. He stated he was not satisfied with the answers from the administration and staff as to the origin of the test materials. He avowed it was the duty of the principal and test coordinator to investigate these issues and to have sound responses to questions asked earlier in the meeting. Mr. Alderson offered a substitute motion that the Board would prepare a letter of censure for each of the individuals involved in this incident and that such a letter be permanently in their personnel file. Mr. McLarty seconded the motion.

Mr. Fisher stated the test document appeared to be from last year's test. It is not conclusive where it originated. He stated it was his opinion not to censure teachers when the evidence is not conclusive.

Mr. Alderson stated the principal gave tests to the teachers and instructed they be given as practice tests. He believes that is unacceptable.

Mr. Crumbly requested the opportunity to provide additional information. He stated that Mr. Hardin had administered the test for at least two years. Upon further questioning he stated that all fifth grade teachers were required by the district to administer practice tests and help students prepare for the testing session.

Mr. Alderson summarized by stating the Board cannot make a final judgement on this case based on the facts presented. The responsibility for this lies with the district administration.

Mr. Alderson's substitute motion was restated: The Board will write a letter of censure based on a breach of security on the Stanford 9 test indicating the principal, test coordinator, superintendent and Coach Hardin. The motion failed by a 2 to 7 vote. (Alderson and McLarty voted yes.)

Vote on original motion by Mr. Fisher. The motion passed by a 7 to 2 vote. (Alderson and McLarty voted no.)

Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

Dr. Charity Smith was recognized to make this report. Dr. Smith reported the ADE had received a copy of the reprieve. The judge approved the request of the Department and the three districts to delay the February monitoring report with two stipulations: (1) that the Joshua Intervenors be invited to participate in future discussions involving monitoring and reporting; and (2) a progress report be made to the court as to how the state would assist the three districts in improving student achievement by February 1, 1999.

Mr. McLarty asked when a firm decision must be made to identify the test instrument on which the districts and the state will determine if student performance will qualify for loan forgiveness to the three districts. Dr. Smith responded that the agreement could be reached at any time before the year 2000. Mr. McLarty asked if the SAT 9 were selected, how long would it take to schedule the administration of the test and get reports. Dr. Smith indicated that a new administration of the test would not be necessary. Should that test be selected, regularly scheduled administrations of the test with proper reporting would meet the current requirements of the court. Mr. McLarty asked if Dr. Smith had looked at test data to determine if any loan forgiveness could be justified. She responded that Little Rock believes they meet some of the qualifications if scale scores are used as the measure. McLarty asked when will the Department agree with those data. Mr. Simon indicated that decision would be made with advice from an outside source, not just Department staff.

Dr. Smith stated the meeting with the Joshua Intervenors was scheduled next week.

Report: School Finance Study

Dr. Glenn Cochran was recognized to make this report. Dr. Cochran indicated that each Board member had previously received a copy of the report. He noted his presentation would primarily be to recap the major recommendations in the report and to answer questions from the Board.

Dr. Cochran directed the Board to Page 13 of the study where the recommendations begin. He stated that the proposed recommendations are basically sound and provide guidance for further study related to educational funding.

Mr. Gordy asked if the recommendations were going backward to something that had previously been considered inequitable. Dr. Cochran indicated that the report views this as a separate issue. However, he believes if funding reverts back to loss funding, then the state is back to equity funding issues.

Mr. Fisher asked where the Board needs to go from this point. Dr. Cochran suggested that the Board and staff carefully examine each recommendation. He believes that at least four are substantial and should be given priority consideration. Dr. Cochran suggests that a plan of action be developed and move forward.

Mr. McLarty asked about the status of Arkansas on the teacher salary issue. Dr. Cochran noted that Ed Week shows improvement. If one considers a seven-state southeastern region, Arkansas is about \$300 below the regional average. He believes that a worthy goal is to achieve regional averages as the goal. In this case regional data are more realistic for teachers and students.

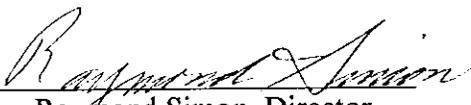
Other Business

Ms. Pickett announced the formation of a Board Committee to review the procedure for evaluation of the director. Members include: Betty Pickett, Bill Fisher, James McLarty, and Richard Smith.

Mr. Gordy moved adjournment. Mr. Fisher seconded the motion. The motion passed unanimously.

The meeting adjourned at 12:35 p.m.

Recorded and Reported by Dr. Charles D. Watson


Raymond Simon, Director


Betty Pickett, Chair

State Board of Education
Work Session
January 11, 1999

The state Board of Education met in work session on Monday, January 11, 1999, in Room 201A of the State Education Building. The meeting was called to order by Betty Pickett, Chair at 8:05

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

Members absent: Martha Dixon and Richard Smith.

FOI – E-Mail

Theresa Wallent was invited to discuss the need for a policy covering the use of e-mail by the Board. Ms. Wallent indicated that e-mail is considered a medium of official communications and the record belongs to the Board and to the Department of Education. In case of an FOI request, e-mail messages are considered reviewable. She stated that it was important to maintain a regular system of purging records. Once records are requested, if they exist, they must be made available. E-mail is a public record. Care should be taken as to how messages are framed. Wallent offered to assist the Board with the development of an e-mail use policy.

Pickett: Requested that Wallent draft a policy statement for consideration by the Board.

Pickett: Recognized Senator Jody Mahoney and Dr. Glen Cochran as guests and invited comments.

Mahoney: Informed the Board that he was considering a bill that would establish Spanish as Arkansas' first foreign language. Mahoney stated that he was aware that it was preferable to establish legislation that was general and allowed the Board and the Department to become more specific through the promulgation of rules and regulations. Another concern is the overuse of special language in appropriations bills. He and others have committed to work on that issue in committee meetings.

Pickett: Stated to Mahoney the Board's concern for civil liability insurance legislation. Some of the concerns link to a potential conflict of interest between the Department and individuals that have a rightful claim. The Board wants to share ideas with legislators about concerns for this program and its potential conflict of interest.

McLarty: Indicated the Board's interest in under insured status of school buses across the state. He indicated that there seems to be interest in the private sector to fill that gap. Districts note that their concern is the additional cost of coverage beyond that required. McLarty suggested that districts should be allowed to leave the coverage with the private

carriers and the state should pick up the additional coverage. McLarty indicated that there is not a good assessment of the cost of additional coverage. Mahoney said that that is an interesting idea and he would be interested in seeing more details.

Parent Involvement Program

Mary K. McKinney was recognized to make a presentation about parent involvement programs in the state. McKinney reported that there are 110 districts across the state that have received funding from the state under the parent involvement grants. She stated these funds were considered seed money and the programs are designed to help get programs started and schools and communities can continue the program after funding expires.

McKinney reported that for 1999 the Department has \$1 million available for funding grants. Each of the grants is supposed to establish a partnership or link between the school and parents. In response to the number of proposals and number of grants funded, she reported approximately 80 proposals are received and between 35 and 40 are funded each year.

Pickett: It seems that small schools are at a disadvantage in the grant writing process. They do not have expertise in the district to write the grant. These are the schools that need the grants most. Pickett inquired about model programs that could be adopted by schools rather than every school having to develop an idea and write the comprehensive grant application. McKinney indicated that the staff was seeking to address that issue. Grants are evaluated on a regional basis, also, some technical assistance is available from the Department staff to help with grant writing.

Gordy: If 110 have been funded, there is another 200 districts that have received no funding. McKinney stated the Department awards all the funds each year. There's just not sufficient grant money to go further. Gordy suggested that the Department increase its potential to assist districts with development of parent involvement programs. The Department should adopt or advocate a model or models that are proven to be successful and help those 200 districts develop a grant that would adopt one of those programs. McKinney stated that the Department maintains all funded applications and would be willing to make those proposals available to schools who request assistance.

Pickett: Suggested that some of the available funds be reserved to develop a model or models that would be useful by all schools in the state. She suggested that the program should go further in setting policy on funding guidelines. Currently the program is for K-4 schools. McKinney informed the Board that current policy limits funding to K-4, but is willing to consider a policy change if that is the desire of the Board.

McKinney indicated that the most popular program is the Parents as Teachers Program. Alderson inquired about other programs such as HIPPO, ABC that have resources for parent engagement.

Mr. McLarty: Observed that 18 counties have never been involved in any of these parent engagement programs. Does the Department have any information as to why no schools in these counties have applied for these funds. McKinney: There are other sources of funding for parent engagement programs such as Title I. Also, some districts support these initiatives from local funds.

McKinney: The request for proposals for the current year has not gone out. The Department staff seeks to release it this week. If the Board wants to reserve some funds for special grants, now is the time to reshape that policy. Currently, it is the policy that all funds be allocated to support the competitive grant process.

Pickett: It is apparently too late to develop a model program like the Board would like to see used as a model for this year. Before next year can the staff recommend one or more model programs that schools with limited grant writing resources could adopt and propose rather than expect those schools to create a unique proposal?

McKinney: The Department has on file a copy of every grant funded since the inception of this program. Those proposals can be made available to any schools upon request.

Pickett: Requested that staff prepare an outline for the Board including suggested guidelines for next years grant application process. Gordy: That information should be placed on the Department Web site.

Riggs: The new ADE Web site will include such information and will provide links to a wide array of resources and programs emphasizing successful operations across the state.

Pickett: Requested that Ms. McKinney bring the requested guidelines to the Board work session in February.

McKinney invited Board members to participate in a state conference for educators of parents in March.

Alderson: Requested that staff target districts in which programs are lacking and target those districts for technical assistance that will lead to funded proposals using these funds.

Legislative Agenda

Discussion pursuant to the following led to agreement for adoption of each item as a Board legislative priority. Mr. Alderson will make the motion at the Agenda meeting. (Each of these items was summarized on the handout titled ARKANSAS STATE BOARD OF EDUCATION, LEGISLATIVE AGENDS, JANUARY 11, 1999 or in the Department of Education summary of legislative priorities.)

- ✓ The Board seeks a meeting with ADE staff and legislators – Senators Beebe and Mahoney – to discuss appeal of 6-17-113 which requires the Department to set up and manage liability insurance.
- ✓ The Board advocates banning the use of tobacco in any school building and on school grounds during the school day.
- ✓ The Board supports amending 6-17-405 to require local school superintendents to report, in a timely manner, incidents of criminal acts committed by certified staff.
- ✓ The Board advocates the revision of the Charter Schools Legislation to allow for more flexibility in starting charter schools.
- ✓ The Board advocates funding a study to develop a definition of an “adequate education” and define the cost. Further, the Board advocates “adequate funding” for schools as well as “equitable funding” of public schools.
- ✓ The Board recommends amendments to legislation supporting the National Board for Professional Teaching Standards Certification Legislation and funding provisions for support services.
- ✓ The Board advocates the development and adoption of a system of rewards and sanctions for all schools that would drive student achievement at the school level. The Board further advocates updating the “Report Card” making the school the focus, not the district.
- ✓ The Board advocates seeking support for the new teacher licensure system.
- ✓ The Board advocates strategies and/or incentives that would encourage teachers to seek degrees and licensure in critical need areas and entice well qualified teachers to geographical areas of the state with great need.
- ✓ Amend the Student Assessment legislation as recommended by Department staff.
- ✓ Amend legislation defining schools in academic and fiscal distress as recommended by Department staff.
- ✓ Supported the Department recommendation to repeal IMPAC Commission and Cooperative Education Services Coordinating Council.

Issue of isolated schools:

Fisher: Reported that Department staff has produced a lot of data, but the information needed is still lacking to get the computer printouts needed. Department staff will provide that directly to Board members as soon as it is available.

Summer School Legislation Repeal: Matthews stated that the Department suggestions provide more flexibility to schools in planning and implementing remedial program for elementary students who are not working at grade level. McLarty: Disagrees with the removal of the summer school requirement. He stated this program is proved successful and no other alternative has such success data.

Yates: It is good to give districts the option of different ways to provide remediation they should not have to wait until the summer to help students not working on grade level. She believes that policy now requires schools to provide an unfunded program since the Board voted to include the summer school funds in the aid package. Gordy: Requested that Mr. Simon give reasons why the Department was recommending removal of the summer school policy. Simon: The summer school requirement is now an unfunded mandate, the Smart Start program allows schools to place priority on schools and students where the need is greatest, there is greater flexibility of programming by districts. He further believes that schools are more aware of the need for greater accountability than ever before.

Alderson: Would there be a tendency for the neediest districts to abandon summer school? Simon: Not necessarily. When the accountability program is initiated, every school every year will be examined and school in which students are not meeting standards will be listed as "priority" for Department intervention. School response to the Smart Start program has been very positive.

McLarty: Are we, as a Board, acting too prematurely since the Smart Start program is not yet implemented? He stated we should not make major changes before the replacement program is operational.

Hackler: Would it be possible for schools to file an application for an alternative program rather than conduct summer school? The law and Rules and Regulations would have to be changed to allow other remedial programs. Alderson: Believes that not have the summer school requirement is a weakening of the program. Fisher: Could this issue be developed in rules and regulations or the accountability documents?

Alderson: Can the Board reach consensus on Mr. Hackler's suggestion? McLarty: How do we measure "point in time remediation?" Simon: With the gateway exams and the assessment system.

Pickett: Does not believe there is consensus among the Board on this issue.

Suggestions: Alderson: Revise the rules and regulations to force schools to do point in time remediation. Fisher: Approve repeal and issue rules and regulations to require schools to provide an alternative remedial program. Incorporate this in the accountability document.

Pickett: Table this issue until we see the accountability document.

Proposal to reconstitute the Board and change its name

Alderson: Who advocated these proposed changes? Matthews: The Department Issues Council and many school administrators. Alderson: Everyone sees the need to amend to adjust to the vocational issue. He stated that he did not want to see the Board move forward with a proposal that would be divisive. McLarty: If education would be better served by nine new members, maybe we all should turn in our resignations. We would do education a very serious blow if that were the situation. We don't always agree, but diversity is healthy and education needs our collective experiences.

Gordy: Why was this brought up? Simon: Will recommend that the governor reappoint members of the Board. We need to get it down to a size that is more workable.

Fisher: Believes that the Board needs experience of its members but an odd number of members would be more productive.

Simon: The equal distribution of Board members across the state is very important to the Issues Council.

Charles Knox, AASA: Administrators support reduction in size of the Board.

Pickett: Tabled the discussion on reconstitution of the Board.

Work session adjourned at 10:45 a.m.

Reported by Dr. Charles D. Watson