

**ARKANSAS STATE BOARD OF EDUCATION  
JULY 12, 1999**

**WORK SESSION**

**8:00 a.m.**

- I. Initial Discussion Rules and Regulations
  - A. Revise Student Services Act---Ms. Brenda Matthews
  - B. School Worker Defense Program ---Ms. Patricia Martin
  - C. Alternative Learning Environment---Mr. Ray Simon
  
- II. Approve for Public Comment
  - A. Charter Schools---Ms. Theresa Wallent
  
- III. Insurance Report---Dr. Bobbie Davis
  
- IV. Retreat Agenda Discussion---Mr. Luke Gordy

**REGULAR AGENDA**

**Immediately following the Work Session**

Chair's Report---Mr. Luke Gordy

**CONSENT AGENDA**

1. Minutes (June, 1999)
  
2. Newly Employed, Promotion and Separations---Ms. Clemetta Hood.....C2
  
3. Final Approval of Rules and Regulations Governing the Distribution of Student Growth Funding  
Ms. Patricia Martin.....C3
  
4. Approval of Organizations for Implementation of Community Service Program --- Gayle  
Potter.....C4

Director's Report---Mr. Ray Simon

**ACTION AGENDA**

1. Reconsideration of Probationary Status for a Teaching Certificate ---  
Ms. Theresa Wallent.....A1
  
2. Approve For Public Comment Rules and Regulations Governing Home Schools---  
Mr. Jim Boardman .....A2
  
3. Request for Approval for Public Comment on the Proposed Rules and Regulations  
Governing Waivers of Earnings Limitations Under the Teacher Retirement System. ---  
Dr. Bobbie Davis.....A3
  
4. Recommendation of the Proposed Public School Fund Budget for Fiscal Year 1999-2000---  
Mr. John Kunkel.....A4
  
5. Commitment to Principles of Desegregation Settlement Agreement: Report on the  
Execution of the Implementation Plan---Dr. Charity Smith/Mr. Tim Gauger.....A5
  
6. Final Approval of Rules and Regulations Governing Professional Development---  
Dr. Gayle Potter .....A6

# State Board of Education

## Minutes

July 12, 1999

The State Board of Education met on Monday, July 12, 1999, in the Board Room of the State Education Building. The meeting was called to order by Luke Gordy, Chairman, at 11:15 a.m.

The following members attended: Luke Gordy, Chairman; Martha Dixon, Vice Chairman; Edwin Alderson; JoNell Caldwell; Bill Fisher; Robert Hackler; James McLarty; Betty Pickett; Richard Smith; Lewis Thompson, Jr.; and Anita Yates. (No members were absent.)

Mr. Gordy stated the Consent Agenda Item #4 (Approval of Organizations for Implementation of Community Service Program) would be moved to the Action Agenda.

Mr. McLarty moved the addition of an item to the Action Agenda to consider amended Rules and Regulations Governing Public School Student Services for public comment. Mr. Fisher seconded the motion. The motion was adopted unanimously.

Mr. Smith moved the addition of an item to the Action Agenda to consider Rules and Regulations Governing the School Worker Defense Program for public comment. Mr. McLarty seconded the motion. The motion was adopted unanimously.

Mr. Fisher moved the addition of an item to the Action Agenda to consider Rules and Regulations Governing Charter Schools for public comment. Mr. McLarty seconded the motion. The motion was adopted unanimously.

Mr. McLarty moved the addition of an item to the Action Agenda to discuss minimum contribution to teacher health insurance. Ms Pickett seconded the motion. The vote on the motion was 5 in favor and 4 opposed. The motion failed for lack of a 2/3 majority vote. (Those voting no were Fisher, Hackler, Yates, and Caldwell.)

### **Chair's Report**

Mr. Gordy reported that he attended a meeting hosted by the National Governor's Association that focused on school accountability. He indicated that the direction of many states in this area is similar to that being developed and proposed in Arkansas.

### **Director's Report**

Mr. Simon noted the Arkansas Business Magazine feature on the work of Martha Dixon and her company. He invited Board members to attend one of the Getting Smarter Conferences (July 28-29 or July 30-31) in Hot Springs. The two sessions are identical and are designed to provide further training of teachers in the Smart Start initiative. He

reported that over 3000 teachers and administrators have pre registered for the conference, which will focus on performance assessment in grades K-4.

## **CONSENT AGENDA**

Mr. McLarty offered the following corrections to the June Minutes: the incorrect word was used in referring to “counsel” on page 5 and the vote on the motion to approve the repeal of the summer school rules and regulations should have been 7-1 with McLarty voting no instead of unanimous.

Mr. Alderson moved approval of the Consent Agenda with the corrections as indicated in the previous paragraph and the removal of item #4, Approval of Organizations for Implementation of Community Service Program. Mr. Smith seconded the motion. The motion passed unanimously.

- Minutes, June 1999
- Newly Employed, Promotion and Separations
- Final Approval of Rules and Regulations Governing the Distribution of Student Growth Funding

### **Approval of Organizations for Implementation of Community Service Program**

Dr. Gayle Potter was recognized to respond to Board questions concerning this item. Mr. Fisher asked about the definition of service sites. He observed that there seems to be great differences in the level of training that might be afforded students. Dr. Potter indicated that there is little guidance provided in the law and that past reviews have allowed a wide diversity of sites. She also noted that all “jobs” must be under the supervision of a classroom teacher.

Ms. Pickett inquired as to the Board’s responsibility in distinguishing between positions that provide “real learning” potential for students and those that allow students to “just do a menial job.” Dr. Potter responded that the Department works closely with the Department of Volunteerism. That agency screens the positions and makes an initial recommendation to the Department of Education. She pointed out that the two agencies have been working together closely for years to make this program work and the staffs appear to be of the same mind.

Mr. Fisher moved approval of the recommendations as presented. Ms. Caldwell seconded the motion. The motion passed unanimously.

### **Approve for Public Comment Rules and Regulations Governing Public School Student Services**

Mr. Fisher moved the approval for public comment the proposed revisions in the Rules and Regulations Governing Public School Student Services. The motion requested that staff add statements identifying possible sanctions for schools that fail to meet the

requirements of the rules and regulations. Mr. Hackler seconded the motion. The motion passed unanimously.

**Approve for Public Comment Rules and Regulations Governing the School Worker Defense Program**

Mr. Smith moved approval for public comment the proposed Rules and Regulations Governing the School Worker Defense Program. Mrs. Yates seconded the motion. Mr. McLarty voiced the opinion that this law was in conflict of the nature of the work of the Board and the Department of Education. He stated that it is designed to protect school employees who have wronged students. He supports the basic tenet of the law and believes that staff should be supported, but not through the State Board and the Department of Education. The motion passed 9-1. (McLarty voted no.)

**Approve for Public Comment Rules and Regulations Governing Charter Schools**

Mr. Fisher moved the approval for public comment Rules and Regulations Governing Charter Schools. Mr. Hackler seconded the motion. Mr. Fisher noted that in the Board Work Session it was suggested that Sections 5.10 through 5.13 be eliminated from the proposed rules and regulations and that a revised document should be created before it is released. In response to Mr. Gordy's request, Mr. Simon recapped the process to be put in place to disseminate the information about public hearings on the Charter School Rules and Regulations. Mr. Simon affirmed the Department's commitment to the new Charter School legislation and the support of Charter Schools. He stated that the Department wants the public to have full information about these rules and regulations and how to apply. Public hearings will be scheduled in each of the four congressional districts and there will be a distance learning network conference aired to each of the regional service cooperative sites.

Mr. McLarty stated that he supports Charter Schools, but this endorsement should not be linked to vouchers. He suggested that the status of the Charter Schools program should be carefully monitored on a yearly basis.

The motion passed unanimously.

**ACTION AGENDA**

**Reconsideration of Probationary Status for a Teaching Certificate**

Theresa Wallent was recognized to present this item. Ms. Wallent reported that approximately one year ago, the Board granted Mr. Roy Howard King, Jr. a one-year probationary teaching certificate. She indicated that the progress report requested by the Board was included in the Agenda Book. Wallent informed the Board that they could revoke the certificate, continue the probationary status, or reinstate the certificate.

Mr. Fisher moved to reinstate Mr. King's certificate. Mr. Smith seconded the motion. Mr. Alderson made a substitute motion to continue the probationary certificate for one additional year. Ms. Pickett seconded the substitute motion. The substitute motion passed 6-4. (Fisher, Smith, Dixon, Thompson voted no.)

### **Approve for Public Comment Rules and Regulations Governing Home Schools**

Mr. Hackler moved approval for public comment Rules and Regulations Governing Home Schools. Mr. Smith seconded the motion. Ms. Caldwell asked for more clear wording in Paragraph 5.01 on Page 4 concerning the August 15 and December 15 deadlines for filing the Notice of Intent and Waiver forms. The motion was approved unanimously.

### **Request for Approval for Public Comment on the Proposed Rules and Regulations Governing Waivers of Earnings Limitations Under the Teacher Retirement System.**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that requested revisions to these rules and regulations at the previous work session have been made. Mr. Fisher moved the approval of these rules and regulations for public comment. Mr. Smith seconded the motion. The motion passed unanimously.

### **Recommendation of the Proposed Public School Fund Budget for Fiscal Year 1999-2000**

Mr. John Kunkel was recognized for this presentation. Mr. Kunkel noted changes made in the proposed budget from the previous consideration. Mr. McLarty asked which of the budget categories could be reduced without major disruption to accommodate the funds needed to fund the school bus liability insurance item. Mr. Kunkel responded Additional Base Funding from the public school fund. Mr. McLarty asked Mr. Kunkel to confirm that the Additional Base Funding line item could be reduced by \$500,000 without causing a problem in that program. Kunkel affirmed.

Mr. Fisher asked Department staff for additional information regarding cost of this proposed program. Patty Martin introduced Mr. Robert Sikes from the Arkansas Insurance Department who advises the Department on insurance matters. Mr. Sikes reported to the Board that the low bidder did an outstanding job of completing the bid, given the paucity of data to use in completing the bid specification. Sikes advised the Board that the matter should be studied another year to observe the losses more carefully. Mr. McLarty stated to Mr. Sikes that he was out of line in making his recommendations. McLarty said that Arkansas children deserve more than the minimum-limit automobile insurance coverage when they board a school bus. He continued that the only way the State will have data is to get some experience. This type of coverage has never been provided before.

Mr. Fisher asked for a review of the liability limits under the new Act. Mr. McLarty indicated that basic limits would still apply. The new coverage would provide up to \$250,000 per accident regardless of the number of children injured.

Mr. Hackler inquired if the \$250,000 payment included attorney's fees. Mr. Sikes responded that it did. Mr. Hackler asked for a clarification of legislative action: the extended liability coverage was authorized, but not funded. Mr. McLarty stated that any funding would have to come from the Public School Fund.

Mr. Gordy asked for information on the low bidder for the proposed coverage. Ms. Martin indicated that the low bidder was the Grace Agency of Little Rock. Mr. Sikes reported that this company has a high rating.

Mr. Gordy asked how much would have to be budgeted to provide coverage as proposed in the RFP. Mr. Mott from the Grace Agency indicated that their bid was based on a total of 5912 buses to be covered at a rate of \$84.00 per bus. This is just under \$500,000. However, he indicated that any additional buses added to the fleet would require additional funds.

Mr. Simon informed the Board that this program was not funded by the legislature. He stated that if this program is funded it will require taking money from some other item in the Public School Fund.

Mr. McLarty moved to amend the proposed budget to place \$550,000 in the Bus Liability Insurance category and reduce Additional Base Funding by that amount. Ms. Pickett seconded the motion. Mr. Fisher proposed an amendment to the motion to reduce the budgeted amount to \$500,000. Ms. Yates seconded the amendment. The amended motion passed 9-1. (Hackler voted no.)

Mr. Fisher moved approval of the amended budget. Mr. Smith seconded the motion. The motion passed 9-1. (Hackler voted no.)

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

Mr. Tim Gauger from the Attorney General's Office was recognized for this report. Mr. Gauger reported to the Board that there was no agreement on the achievement testing issue. He indicated that under the 1989 agreement, the Little Rock District should begin making loan payments into the escrow account. Mr. McLarty asked if the Department should be brought back into the case and what would be Mr. Gauger's advice to the Board. Mr. Gauger indicated that the State had been dismissed and that basically he had no jurisdiction in the case at this time.

Mr. McLarty observed that based on Mr. Gauger's information, the Little Rock District is behind by \$996,000 in meeting the terms of the settlement. Additionally, Mr. McLarty indicated that the Department has money that will go to the District in equalization aid.

He suggested that perhaps those funds should be withheld until the District remits what is owed to the escrow account, or perhaps the state could withhold the amount owed from payments due the district. Mr. McLarty moved that the Board, in an effort to enforce the settlement agreement, direct staff to withhold \$996,000 plus interest from the Little Rock District equalization funding. The motion died for lack of a second.

Ms. Pickett moved that the Board authorize Mr. Gauger to file a motion with the court requesting repayment of funds. Ms. Yates seconded the motion. Mr. Simon stated that he agreed with the motion. Mr. McLarty spoke against the motion citing efforts by the Board to be removed from the suit. The motion passed 9-1. (McLarty voted no.)

### **Final Approval of Rules and Regulations Governing Professional Development**

Dr. Gayle Potter indicated to the Board that the purpose of the proposed minor revision was to allow professional development hours earned in June of each year to apply to the following school year. She noted that the changes were made at the suggestion of the educational cooperatives.

Mr. Fisher questioned the allocation of hours for college courses in Section 4.05 on Page 4. Dr. Potter explained the rationale for limiting the number of professional development hours from college courses, provides for 15 hours of training directly related to the schools goals or the school's improvement plan.

Mr. Smith moved final approval of the Rules and Regulations. Ms. Yates seconded the motion. The motion passed 9-1. (McLarty voted no.)

### **Other Business**

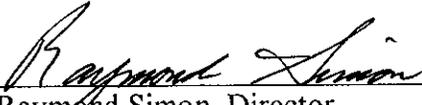
Mr. Gordy distributed a copy of the Board meeting schedule for calendar year 1999 as adopted in December 1998. He noted the closing dates for receiving information for the agenda and emphasized the importance of adhering to those dates.

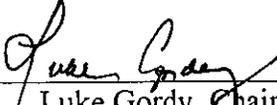
He also asked that the Board meeting calendar be added to the Department calendar posted on the Web site.

Mr. Hackler moved adjournment. Ms. Yates seconded the motion. The motion passed unanimously.

The meeting adjourned at 11:45 a.m.

Recorded by Dr. Charles D. Watson.

  
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Raymond Simon, Director

  
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Luke Gordy, Chairman