

Minutes  
State Board of Education  
Monday, December 10, 2001

The State Board of Education met on Monday, December 10, 2001 in the Auditorium of the State Education Building. Following a brief work session to discuss procedures for review and evaluation of charter school proposals, Robert Hackler, Chairman, called the meeting to order at 9:30 a.m.

The following members were present: Robert Hackler, Chairman; Shelby Hillman, Vice Chairman; JoNell Caldwell; Claiborne Deming; Luke Gordy; Peggy Jeffries; Betty Pickett and Lewis Thompson, Jr.

The following members were absent: Calvin King.

Mr. Hackler reported that he attended the state administrators conference and area meetings of regional service cooperatives in his area of the state. Additionally, he reported on a successful Lego Competition recently held for middle school students in Mountain Home.

Ms. Hillman reported on recent meetings of the Blue Ribbon Commission and stated that she looked forward to a forthcoming presentation concerning the work of educational reform in the state of Kentucky.

**DIRECTOR'S REPORT**

Mr. Simon reported on his attendance at the Lego Competition in Mountain Home and commended the work of middle level students in this creative use of robotics, physics and mechanics. He noted that students were required to use communication skills in explaining their work.

Mr. Simon indicated that Dr. Tom Boysen, former commissioner of Education in Kentucky and currently director of the Teacher Advancement Program (TAP) with the Milken Family Foundation, was presenting at the Advisory Commission session being held later that day. He invited Board members to attend that session.

Mr. Simon reported that Ramsey Junior High School in Fort Smith and Sheridan High School in the Sheridan School District were being submitted for consideration as Blue Ribbon Schools from Arkansas 2002. The packets from these schools will be reviewed at the national level and a designation will be made later in the year.

Mr. Simon reported on progress of the New Teacher Project and its work toward assisting with meeting the needs of recruitment of teachers for Arkansas classrooms. He introduced Sarah Houston, representing the national office, and Bruce Villineau, Arkansas site manager, who are assisting with developing strategies to enhance the work of teacher quality and recruitment in Arkansas. Mr. Villineau indicated that it was the intent of the project to assist the state in developing strategies and tools to enable recruitment after the contract period expires. Mr. Villineau reported that three regional service cooperatives will be selected from a request for proposals response to serve as a pilot program for initial training and implementation of the recruitment programs during the first year.

### **CONSENT AGENDA**

Mr. Deming moved adoption of the Consent Agenda. Ms. Hillman seconded the motion. The motion was adopted unanimously.

- Minutes - Regular Meeting October 8, 2001
- Minutes - Telephone Conference Call November 19, 2001
- Review of Loan and Bond Applications
- Newly Employed, Promotions and Separations

### **ACTION AGENDA**

Mr. Hackler reported that Action Agenda Item A-8, Request for final approval of Rules and Regulations Governing Ethical Guidelines for Educational Administrators, Employees, and Board Members, would be removed and considered at a later date.

### **Proposed Settlement of the Camden Fairview School District Desegregation Agreement**

Scott Smith was recognized to present this item. Mr. Smith indicated that parties in this suit had accepted terms of a settlement agreement. He requested that the Board accept the terms as specified and grant the staff authority to work through the remaining steps that would resolve this issue. Mr. Deming moved acceptance of staff recommendations and approval for actions as outlined to bring closure to this issue. Mr. Gordy seconded the motion. The motion was adopted unanimously.

### **QZAB Allocation Applications**

Cindy Chaney was recognized for this presentation. Ms. Chaney reported that applications were received from local districts in keeping with federal guidelines and rules and regulations adopted previously by the Board. She also indicated that funds were available to support all applications that were received. Ms. Caldwell moved adoption of staff recommendations. Mr. Gordy seconded the motion. The motion was adopted unanimously.

### **Crawfordsville School District Fiscal Distress Phase II**

Patricia Martin was recognized for this presentation. Ms. Martin reported that audit information and information received from the Internal Revenue Service suggested internal management issues continue to plague the Crawfordsville School District. She also noted that the Department's Fiscal Distress Committee reviewed these matters and voted to place the school in Fiscal Distress Phase II immediately. Mr. Deming clarified the fact that the current superintendent, Mr. Nassar, was new to the district this year and that many of these problems were inherited by his administration. Ms. Martin confirmed. Ms. Martin indicated that two separate letters had been received from the IRS indicating that payments of \$59,000 and \$2,000 were outstanding. She further stated that Department review of bookkeeping records could not determine that any payment had been made to IRS in the past two years.

Ms. Martin reported that ADE staff is being proactive in working with the district to correct accounting errors and train new staff hired since last summer. Additionally, attempts are being made to reduce expenditures by reducing staff and consolidating some services such as two separate lunchroom facilities on one small campus. Ms. Martin indicated that the full impact of this situation may not be fully known until February.

Ms. Pickett inquired if there were conditions that would allow a recommendation to skip Phase II and go directly to Phase III. Ms. Martin stated that the Department was bound by Board adopted rules and regulations for setting the conditions of fiscal distress; but, a school could be automatically placed in Phase III if a debt payment were missed. Ms. Martin indicated that preliminary findings suggest that there are sufficient funds in the school's accounts to meet payroll and other major obligations through February. Ms. Caldwell moved that Crawfordsville District be placed in Fiscal Distress Phase II immediately. Ms. Hillman seconded the motion. The motion was adopted unanimously.

### **Adoption of Rules and Regulations for Public Comment**

Patricia Martin presented the following rules and regulations for public comment.

- Rules and Regulations Governing the Granting of School District Waivers from the 70% of New-Current-Revenue Expenditure Requirements - Ms. Jeffries moved adoption. Ms. Hillman seconded the motion. The motion was adopted unanimously.
- Rules and Regulations 56% Rule Exemption - Ms. Pickett moved adoption. Ms. Jeffries seconded the motion. The motion was adopted unanimously.
- Rules and Regulations Governing the Distribution of Isolated Funding - Mr. Deming moved adoption. Mr. Gordy seconded the motion. The motion was adopted unanimously.
- Rules and Regulations Governing the Distribution of Growth Facility Funding - Ms. Hillman moved adoption. Ms. Caldwell seconded the motion. The motion was adopted unanimously.
- Rules and Regulations Governing School District Filing Requirement of Personnel Policies - Ms. Hillman moved adoption. Mr. Deming seconded the motion. The motion was adopted unanimously.
- Rules and Regulations Governing Debt Service Funding Supplement - Mr. Gordy moved adoption. Ms. Hillman seconded the motion. The motion was adopted unanimously.
- Rules and Regulations Governing the Funding of Alternative Learning Environments - Ms. Caldwell moved adoption. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

### **Benton County School of the Arts - Compliance Issues**

Randall Greenway was recognized to present this issue. Mr. Greenway reported that a monitoring team including staff from special education and standards assurance had visited the school and determined the need for recommended corrective action. He reported that the team had determined that there were issues relating to the service of students with disabilities, meeting conditions of the charter, and issues of internal governance. He reported that changes are underway, the school's administrator had resigned, and an interim had been secured. Additionally, a request was received for amendments to the previously adopted charter. Mr. Greenway indicated that the staff was making the following recommendations based on visits to the school and information submitted following the investigation.

1. Place Benton County School for the Arts on probation immediately.

2. Approve the requested waiver requiring initiatives for gifted and talented students.
3. Implement IDEA standards as required for all schools and follow up with additional program review to assure implementation.
4. Monitor the program to assure that equity and civil rights issues are in keeping with policies.

Ms. Pickett stressed the importance of establishing a timeline for the school to complete suggested changes that would bring the school's operation back in line with the approved charter agreement.

Mr. Greenway introduced Mr. Maxie Carpenter who has accepted the position of director of the school following the resignation of Bill Osborne. Mr. Carpenter assured the Board that it is his intent to bring the school into full compliance with all regulations and to provide leadership for the staff and students as the school moves forward. He also informed the Board that the administration issues reported have been addressed and that it is his intent to see that all needs of students are met.

Mr. Gordy suggested that opening and managing an open enrollment charter school is a challenging process. However, in light of the report, he moved that the school be placed on probation. Mr. Thompson seconded the motion. The motion was adopted unanimously.

Mr. Gordy moved approval of proposed revisions to the charter. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Caldwell moved approval of an additional waiver linked to providing a gifted and talented program as requested. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

Ms. Pickett moved that a deadline of February 28, 2002 be set for the school to complete all recommended actions of compliance. Mr. Thompson seconded the motion. Staff from the Standards and Assurance Unit and from Special Education confirmed that another monitoring visit would be completed prior to the February 28 deadline and a follow-up report could be made at the March meeting. The motion was adopted unanimously.

### **Revision to Charter for Little Rock Charter Elementary School**

Randall Greenway was recognized for this presentation. Mr. Greenway reported that the Little Rock Charter School was experiencing difficulty in meeting all the conditions of the charter especially the residential component. Mr. Gordy and

other Board members expressed concern for full implementation of the curriculum as proposed. Mr. Greenway indicated that the school was considering adoption of a character-centered teaching model that would replace the residential experiences. Ms. Pickett suggested that the school should explore other options that would provide residential experiences as proposed. (There was no representation from the Little Rock Charter School present.) Mr. Gordy moved that this issue be tabled until January when additional information or option could be provided. Ms. Hillman seconded the motion. The motion was adopted unanimously.

#### **Marion County Rural School District Request for Name Change to Bruno-Pyatt School District**

Ms. Hillman moved adoption of this proposal. Ms. Pickett seconded the motion. The motion was adopted unanimously.

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

Willie Morris reported that the required report was submitted within the required timeline and staff continues to meet with the parties in an effort to meet the requirements of the monitoring plan. Ms. Pickett moved to accept the report. Mr. Thompson seconded the motion. The motion was adopted unanimously.

#### **Report of waivers granted to school districts for teachers teaching out-of-field for longer than thirty (30) consecutive days, Act 1623**

Dr. Charity Smith presented this report. Dr. Smith noted that requests continue to be received from districts across the state. The requests in this report are in addition to those previously reported. She stated that a total of 209 waivers have been received. Ms. Pickett requested that summary information be included in the report along with a list of schools in the monthly report. Mr. Gordy moved approval of staff recommendation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

#### **Review of Teaching License - Matthew DeWayne Scantling**

Scott Smith was recognized to present this issue. Mr. Smith reported that Mr. Scantling has not responded to contact made by his office. He indicated that staff recommendation is to revoke the license. Mr. Scantling was not present. Mr. Gordy moved to revoke the teaching license of Matthew Scantling. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

### **Review of Teaching License - Terry Phillips**

Scott Smith was recognized to present this issue. Mr. Smith reported that Mr. Phillips has not responded to contact made by his office. He indicated that staff recommendation is to revoke the license. Mr. Phillips was not present. Ms. Caldwell moved to revoke the teaching license of Terry Phillips. Ms. Hillman seconded the motion. The motion was approved unanimously.

### **Review of a Teaching License - Michael Garland**

Scott Smith was recognized to present this issue. Mr. Smith reported that Mr. Michael Garland had contacted the Attorney's Office in response to the initial contact, but the recommendation not to renew the certificate has not been contested. Mr. Garland was not present. Ms. Pickett moved that the request for renewal not be approved. Mr. Deming seconded the motion. The motion was adopted unanimously.

### **Review of a Teaching License - Cynthia Hess**

Scott Smith was recognized to present his issue. Mr. Smith reported that Ms. Hess is to be represented by Mr. Joe Perry. Mr. Perry contacted the Attorney's Office and requested a delay in this hearing due to scheduling conflict. Mr. Smith recommended that this issue be delayed until the January meeting. Mr. Gordy moved to table this hearing until January. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

### **Approval of Calendar of Meetings for State Board for 2002**

Ms. Caldwell moved adoption of the proposed meeting calendar for 2002. Ms. Hillman seconded the motion. The motion was adopted unanimously.

### **Director's Evaluation**

Mr. Gordy moved the Board go into executive session to consider the Director's Evaluation. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Mr. Gordy moved the Agenda Session continue. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

Mr. Hackler reported that the only business discussed during the executive session was related to the evaluation of the Director. Mr. Gordy moved that the Board accept the report made by the Director on the goals and objectives of the

Department. Ms. Hillman seconded the motion. The motion was adopted unanimously.

**Adjournment**

Ms. Pickett moved adjournment. Mr. Gordy seconded the motion. The motion was adopted unanimously. The meeting adjourned at 11:55 a.m.

These minutes were recorded and reported by Dr. Charles D. Watson.

  
Raymond Simon, Director

  
Robert Hackler, Chairman