

**AGENDA
STATE BOARD OF EDUCATION
December 09, 2002**

Auditorium, Department of Education Building

9:00 a.m.

- WS – 1 **Report and Discussion of Schools in School Improvement – No Child Left Behind – Raymond Simon**
No Child Left Behind requires that schools failing to make adequate yearly progress be identified as schools in school improvement. The assessment system is in a state of transition moving from the norm-referenced test to criterion-referenced measures. Mr. Simon will describe the process used to determine schools in school improvement beginning the second semester of 2002-2003. Those schools were afforded the opportunity to appeal the school improvement designation. Responses have been made to those appeals. Representatives from schools that were denied appeals have been extended the opportunity to address the Board.
Recommended action: No action required.
- WS – 2 **Report on Lake View Decision – Ray Simon/Scott Smith**
On Thursday, November 21, the State Supreme Court rendered its decision on the Lake View case. Department Staff will provide a summary of the opinion.
Recommended action: No action required.

Chair's Report – Shelby Hillman

Director's Report – Raymond Simon

Consent Agenda

- C – 1 **Minutes - Regular Meeting November 18, 2002.**
Recommended action: Approve the Minutes
- C – 2 **Newly Employed, Promotions and Separations – Clemetta Hood**
Information item only
Recommended action: No action required.
- C – 3 **Personnel Recommendations – Raymond Simon**
Pursuant to State Board Policy any person recommended for employment at Grade 22 or above must have review and approval by the State Board of Education. Personnel recommendations for two positions, each grade 22, were distributed under separate cover.
Recommended action: Approve these recommendations.
- C – 4 **Commitment to Principles of Desegregation Settlement Agreement:
Report on the Execution of the Implementation Plan – Willie Morris**
As part of the Agency's continuing obligation to the Pulaski County desegregation suit, the Board receives a monthly update of activities and events. Highlights of activities since the last report include: professional development for implementation of the State assessment system, technical assistance to the districts concerning minority teacher recruitment, and a summary of monitoring activities.
Recommended action: Receive this report.

- C- 5 **Report of Waivers to School Districts for Teachers Teaching out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 – Dr. Charity Smith**
 Act 1623 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver requests were received from 11 districts covering a total of 77 positions. These requests have been reviewed by Department staff and are recommended for approval.
Recommended action: Approve these waivers.
- C – 6 **Approval of Organizations for Implementation of Act 648 Community Service Program – Dr. Gayle Potter**
 The Community Service Program and the Rules and Regulations developed for its implementation require that the State Board of Education approve organizations in which students volunteer in those local school districts implementing community service learning as a graduation credit. Local school boards will select and approve local organizations based on this State Board Approved pool. The Division of Volunteerism in the Department of Human Services assisted ADE in creating the recommendations.
Recommended action: Approve this list of recommended sites.
- C – 7 **Review of Loan and Bond Applications – Cindy Hedrick**
 State statutes require that the State Board of Education review and approve all requests for funds from the Revolving Loan Fund and commercial bond applications. These requests include Revolving Loans from 5 districts, Voted Bond Requests from 2 districts, and Second Lien bonds from 1 district.
Recommended action: Approve these requests.

Action Agenda

- A – 1 **Review of Open-Enrollment Charter School Application – FOCUS Centre of Learning, Inc. – to be determined**
 The FOCUS Centre application was submitted consistent with Department of Education guidelines and has met requirements of a public hearing and review by local school districts in the proposed service area. The Conway School Board denied their request for support. Upon appeal to the Board by FOCUS Centre, the State Board of Education conducted a public hearing on November 18, 2002. Additionally, Department staff conducted a review of the application and requested additional information. That information has been provided.
Recommended action: Review this application and recommend approval or denial of the proposal.
- A – 2 **Request for Approval of Permanent Rules and Regulations Governing the Requirements and Procedures for Obtaining an Initial and the First Standard Teaching License – Ron Tolson**
 These rules and regulations were previously reviewed and approved for public comment by the Board. A public hearing was held on October 17, 2002. Additionally, public comments were received. The final draft resulted from consideration of public comment and subsequent review by staff.
Recommended action: Approve these rules and regulations.
- A – 3 **Request for Approval of Permanent Rules and Regulations Governing Initial and Standard Administrator Licensure – Kristi Pugh**
 These rules and regulations were reviewed and approved for public comment by the Board September 9, 2002. Public hearings were held on October 9 and October 24, 2002. Additionally, public comments were received. The final draft resulted from consideration of public comment and subsequent review by staff.
Recommended action: Approve these rules and regulations.

A – 4 **Proposed Realignment of Arkansas Better Chance State to Local Funding Match Ratio from 60% State/40% Local to 70% State/30% Local Funding – Janie Huddleston**

Current statutes for the Arkansas Better Chance program require a local match of 40% of the full cost for implementation of a funded program. ABC staff observe that it is becoming increasingly more difficult for local programs to provide the full 40% match and these entities are unable to support these costs along with administration and transportation costs. The ABC staff seek State Board of Education support for a proposed revision of statutes that would reduce the local match from the current 40% to 30%. Such a change is not intended to increase the total cost per ACD child for either the center-based or home-based model, but rather adjusts the match ratio to allow state funds to be used for administration and transportation costs.

Recommended action: Consider this request and vote to support or not support the proposal.

A – 5 **Proposed Calendar for 2003 – Shelby Hillman**

State statute requires each state Board and Commission to set its calendar of meetings for the subsequent year no later than December of the preceding year. The attached calendar is consistent with the Board's schedule of meetings for the past several years.

Recommended action: Adopt this calendar of meetings for 2003.

Minutes
State Board of Education
Monday, December 9, 2002

The State Board of Education met on Monday, December 9, 2002 in the Auditorium of the State Education Building. Shelby Hillman, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Shelby Hillman, Chairman; JoNell Caldwell, Vice-Chairman; Luke Gordy; Peggy Jeffries; Dr. Calvin King; and Lewis Thompson, Jr.

The following Board member was absent: Robert Hackler.

Ms. Hillman recognized Dr. Charity Smith for a special presentation. Dr. Smith introduced Ms. Gayle Brown who crafted an American flag that displayed the names of each of the persons whose life was ended as a result of the September 11 events in New York and Washington, DC. Dr. Smith noted that this design was originally unveiled at a remembrance ceremony at the State Capitol earlier in the year and those who saw the flag were moved by its symbolism and encouraged Ms. Brown to make it available to schools and students throughout the states. The presentation included a permanently framed copy of the flag and one that might travel as part of a rotating display. Ms. Hillman accepted the flag on behalf of the Board, the Department of Education and the children of Arkansas.

Report and Discussion of Schools in School Improvement – No Child Left Behind

Mr. Simon was recognized to present this report. Mr. Simon noted that many hours of staff time have gone into the implementation of the *No Child Left Behind* legislation. He summarized the decisions that led to a final listing of 25 schools that compose a list of schools meeting the criteria for one of the phases of school improvement. Mr. Simon stressed that the legislation mandates that the State continue to track and identify schools that met the requirement prior to the new definition under *No Child Left Behind*. Schools were provided an opportunity for appeal and two schools presented sufficient evidence to warrant removal from the list. Mr. Simon reported that the Department provided each school that filed an appeal that was denied a chance to have the decision reviewed by the Board. However, no school opted to pursue such a review. Mr. Simon stated that he believed schools understood the definitions proposed by the Department and could see that the actions were merely implementing both Federal and State legislation. (State legislation being ACTAAP.) No action was required.

Report on Lake View Decision

Mr. Simon asked that Scott Smith be recognized to present this report. Mr. Smith distributed a summary of the Supreme Court's decision. He quoted from it as the primary text of his remarks. A copy of the report is attached.

Mr. Smith indicated that if any of the parties disagreed with the ruling, the time for appeal expires on December 9, which is the date of the Board meeting.

Mr. Gordy inquired if an appeal were being filed by the State. Mr. Smith responded that an appeal would be filed on at least one component of the decision later that day.

Mr. Simon observed that the decision appears to place the state in charge of public education in the state and the state has until January 2004, to make a formal response to the decision. He stated that educators and others interested in education tend to be classified into two major categories – kid people or school people. School people want to protect the institution, even if it no longer serves the needs of children. Kid people put the interests of children above that of the school. He believes in the future there will be a major shift to those who focus on the real needs of students. With sound leadership, the State should be making significant progress toward implementation of a well-functioning system by January 2004.

Ms. Hillman observed that the State Board is a good Board and members are thoughtful and concerned about the welfare of students in Arkansas public schools. We must assure that all students emerge from our schools with a good education.

Chair's Report

Ms. Hillman reported that she attended the award ceremony that recognized the Arkansas Teacher of the Year and the regional finalists. She also attended the Education Awards Luncheon of the Arkansas Council of Economic Education.

Director's Report

Mr. Simon stated he made his report while discussing the issues in the Work Session.

Consent Agenda

Mr. Simon indicated that there was one change in information included in Consent Agenda Item C-7. Two schools withdrew their request to issue second lien bonds. A revised list of recommendations was circulated. (Attachment)

Mr. Gordy moved adoption of the Consent Agenda as amended. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

- Minutes – November 18, 2002
- Newly Employed, Promotions and Separations
- Personnel Recommendations
- Commitment to Principles of Desegregation Settlement/Agreement: Report on the Execution of the Implementation Plan
- Report of Waivers to School Districts for Teachers Teaching out-of Field for Longer than Thirty (30) Consecutive Days
- Approval of Organizations for Implementation of Act 648 Community Service Program
- Review of Loan and Bond Applications (As Amended)

Action Agenda

Review of Open-Enrollment Charter School Application – FOCUS Centre of Learning, Inc

Scott Smith represented the Department in making this presentation. He asked that the Board allow Randall Greenway, who recently resigned to take another position, be recognized to discuss this application. Mr. Greenway stated that this was the opportunity for Board members to ask their questions or seek clarifications on any unresolved issues.

Ms. Hillman asked if faculty were in place to staff the school should it be approved. Mr. LeRoy McClure responded on behalf of the developers. He responded that some potential teachers have inquired about positions, but no commitments had been made pending approval of the Board and the assurance that there would be a school next year.

Dr. King inquired if all issues raised by the Department review had been resolved. Mr. Greenway indicated that one major concern still was unresolved and that was the facility for classroom and office space for the school. Dr. King asked if this were an unusual condition for new schools. Mr. Greenway indicated that it was not; however, most developers have some space or building available even though work is not complete on renovations at this point in the application process.

Scott Smith noted that there is a sketch of proposed facilities, although they do not exist at this time. Mr. McClure stated it was almost impossible to get advance funding since there is no assurance that the proposal will be funded. Mr. Greenway suggested that more detail was needed before the facility plan could be approved. There is no description beyond a sketch; there is no plan for parking, traffic flow and other details outlined in the Rules and Regulations.

Dr. King inquired as to the impact of delaying a decision until January. Mr. Greenway indicated that according to the Rules and Regulations, the Board could delay a decision until January 31. It was determined that such a delay would defer any decision on financing necessary for facility acquisition. Mr.

Gordy stated his understanding for the financing issue, but suggested no decision should be made without more information on facilities.

Mr. McClure reported that he did have some documentation including a Zoning Commission opinion that would approve an elementary school on the property being proposed. He also reported that three banks had indicated interest in lending the money pending approval of the Charter.

Ms. Hillman recommended delaying further consideration until the January meeting.

Request for Approval of Permanent Rules and Regulations Governing the Requirements and Procedures for Obtaining an Initial and the First Standard Teaching License

Request for Approval of Permanent Rules and Regulations Governing Initial and Standard Administrator Licensure

Mr. Simon reported that the Department wished to withdraw these from consideration. He indicated that there were issues raised by administrators and perhaps there was not adequate time or opportunity for public comment.

Proposed Realignment of Arkansas Better Chance State to Local Funding Match Ratio from 60% State/40% Local to 70% State/30% Local Funding

Janie Huddleston was recognized to present this item. Ms. Huddleston reiterated that this issue was being presented simply to seek support for pursuing a change in the statute that authorized this program. A change in policy appears to be needed in that reduced local funding, especially in the more economically depressed areas of the state, poses concern for local districts. Also, currently funding for transportation and administration of these programs requires additional local expenditure. She believes that such a change would be in the best interest of the children and the schools providing these services.

Mr. Gordy inquired as to the difference in cost to the state. Ms. Huddleston noted that the overall budget would not change, but the state would be required to fund a higher percentage of the overall cost. There would be some decrease in required local funds. She did note that the total amount of funding to support the ABC program would not change. However, she did say that funding is dependent on the reauthorization of the Beer Tax, which supports the ABC program.

Dr. King inquired about the source of funds for transportation and administration costs in grants currently funded. Ms. Huddleston stated that it was from local funds or, in some cases, federal grants.

Dr. King asked who would benefit from this action should it be enacted. Mr. Simon responded that it would be of benefit to local school districts by reducing

the required match in providing ABC funds to local grants. Such action could reduce the number of grants that could be funded because a higher percentage of state funds would be required for each award.

Dr. King moved approval of the proposal to pursue legislative consideration. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

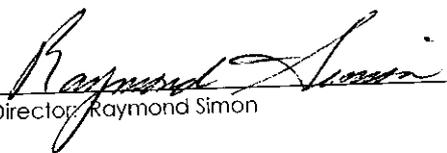
Proposed Calendar for 2003

Mr. Gordy moved adoption of the proposed calendar as prepared. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

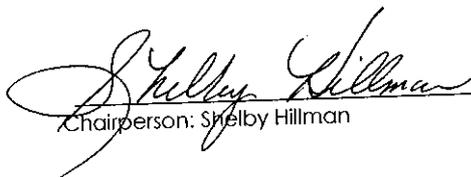
Mr. Gordy moved adjournment. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 10:10 a.m.

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



Director: Raymond Simon



Chairperson: Shelby Hillman