

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

Auditorium, Department of Education Building

9:00 a.m.

**Special Report**

Presentation and Discussion of Charter School policies and legislation – facilitated by Dr. Naccaman Williams, Walton Family Foundation

*This session features two presentations that bring national experience and perspective to the challenge of establishing and supporting quality Charter Schools in Arkansas. The Board's interaction with these presenters may open dialogue leading to a review of policy and/or legislation that would expand the base for Charter School applicants in Arkansas.*

**Recommended action:** No action is expected at this session.

**Work Session**

- WS – 1      Follow-up discussion on State Board Recommendations based on Conference call Session held August 28 – Raymond Simon  
*As a result of the Board's recommendations at the August 28<sup>th</sup> telephone conference call, a report was forwarded to the General Assembly. This discussion will provide Board members the opportunity to clarify any questions about the report and to identify actions that should ensue in preparation for the January 2003 legislative session.*  
**Recommended action:** No action is required at this session

**Chair's Report – Shelby Hillman**

**Director's Report – Raymond Simon**

**Consent Agenda**

- C – 1      Minutes - Regular Meeting August 12, 2002.  
**Recommended action:** Approve the Minutes
- C – 2      Newly Employed, Promotions and Separations – Clemetta Hood  
*Information item only*  
**Recommended action:** No action to be taken
- C – 3      Personnel Recommendation – Clemetta Hood  
*Department policy requires Board adoption of staff recommendations for employment of personnel with Grade 22 and higher. Such recommendation was provided under separate cover.*  
**Recommended action:** Approve the recommendation
- 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: ADE Professional Licensure Unit provided a listing of*

*prospective minority teachers to area schools and ADE staff provided professional development for pre-school sessions.*

**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 secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Waiver requests were received from 9 districts covering a total of 25 positions. These requests have been reviewed by ADE staff and are recommended for approval.*

**Recommended action:** *Approve these waiver requests.*

### Action Agenda

A – 1 Request for Approval for Public Comment of Rules and Regulations Governing the Procedure and Process for Obtaining an Initial and the First Standard Teaching License – Ron Tolson

*These proposed rules and regulations revise policy guiding initial licensure. They are required to implement licensure standards previously considered and adopted by the Board. These rules and regulations will replace, in part, current guidelines that have been in place since 1988. The 1988 Guidelines being replaced are contained in a 130 page document, which is not printed and distributed with the Agenda. The Teacher Licensure Advisory Committee contributed to the development of this document and it has been reviewed and revised by Department staff.*

**Recommended action:** *Adopt these rules and regulations for public comment.*

A – 2 Request for Approval for Public Comment of Rules and Regulations for Initial and Standard Administrative Licensure – Kristi Pugh

*These proposed rules and regulations reflect policy previously adopted by the State Board pursuant to a revision of licensure in the areas of school administration. These rules and regulations will replace policy in place since 1988. The Teacher Licensure Advisory Committee contributed to the development of this document as it has been reviewed and revised by Department staff.*

**Recommended action:** *Adopt these rules and regulations for public comment.*

A – 3 Request by County Line School District to Reduce the Number of School Board Directors to Five – Scott Smith

*In keeping with Arkansas code, the State Board of Education is charged with review and approval of petitions from local districts to change the structure of the local board. A request was duly received from the County Line School District to reduce the number of Directors from six to five. The local Board duly met requirements pursuant to this request.*

**Recommended action:** *Approve this petition from County Line District.*

A – 4 Benton County School of the Arts (BCSA) – Randall Greenway/Marcia Harding

a. Removal from probationary status

*In December 2001 the Board declared Probationary Status for the Benton County School of the Arts citing failure to comply with specific requirements in the Individuals with Disabilities in Education Act (IDEA). In March 2002, that Probationary status was reviewed and extended until September 2002. Since December 2001, the Special Education Unit of the ADE has worked with Benton County School of the Arts to meet the conditions of IDEA and to fully comply with provisions for providing services for children with handicapping conditions. The Special Education Unit affirms*

that the progress toward meeting standards has been sufficient to warrant removal of the Probationary Status.

**Recommended action:** Remove the Probationary Status for this school.

**b. Waiver Request for Benton County School of the Arts**

The Charter for Benton County School of the Arts provides for two teachers to serve on the Governing Board of the school. It has been determined that State statute prohibits any employee of a school district to serve on the Governing Board. The local Board requests an additional waiver that would enable two teachers to serve on the school's Governing Board. Staff attorneys have determined that the State Board has this authority under the Charter Schools legislation.

**Recommended action:** Approve this waiver request.

A – 5

**Amendment to the Public School Fund Budget FY 2003 – John Kunkel**

Since the last revision of the Public School Fund budget, additional information, revenue and revenue projections necessitate further revision in this budget for 2002-3003. At the close of the State fiscal year the Public School Fund contained a \$23,434,904 fund balance. This proposed revision contains recommendations for allocating those balances for this fiscal year. The recommendation is to reserve approximately \$14.0 million (previously adopted by the Board) for anticipated overage in the Pulaski County Desegregation Settlement. The balance is allocated to cover projected revenue shortages and to increase the funding for the Teacher Licensure Program.

**Recommended action:** Approve the recommended budget revisions

A – 6

**Adoption of Text Materials – Sue McKenzie**

Each year committees of teachers, administrators, and others are invited to review proposed text materials for recommendation to local school districts in selected content areas. This year's recommendations are for Arkansas history, art, music, English as a second language and workplace education. The Department issued a request for bid of text materials in each of these content areas. Committees reviewed those materials as required by statute and have prepared recommendations supported by strengths and weaknesses for each of the programs. The Board is asked to receive the committee's recommendations and to make a determination on contractual agreements with the publishers for purchase of these materials by local school districts. Rose Publishing Company has objected to the Committee recommendations in the area of Arkansas history and has requested to present additional information to the Board.

**Recommended action:** Hear appeal from Rose Publishing Company

**Recommended action:** Adopt text material recommendations

A – 7

**Revocation of Teaching License: James Jordan – Ken Williams**

On April 8, 2002 the Superintendent of the Lake Hamilton School District notified the Department of the guilty plea by Mr. Jordan to the charge of endangering the welfare of a minor in the second degree. Per the Plea Agreement, Mr. Jordan was sentenced to surrender his Arkansas Teaching License. Contact with Mr. Jordan has not resulted in the surrender. Mr. Jordan was notified of a hearing by the State Board and has responded through his attorney.

**Recommended action:** Suspend permanently the license of Mr. Jordan

## **Minutes**

State Board of Education  
September 9, 2002

The State Board of Education met on Monday, September 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; Jo Nell Caldwell, Vice Chairman; Luke Gordy; Robert Hackler; Dr. Calvin King and Lewis Thompson, Jr.

The following member was absent: Peggy Jeffries.

### **Special Report**

Dr. Woodrow Cummins was recognized to introduce guests who were invited to Arkansas in support of maintaining and improving the quality of Charter Schools and Charter School applications from within the State. The first presenter was James Peyser, Chairman of the Massachusetts State Board of Education. Mr. Peyser has provided leadership in that state to develop and maintain a strong emphasis for Charter Schools. Among his comments were observations based on the Arkansas statutes enabling the establishment of Charter Schools.

1. To reach a critical mass where Charter Schools continue to expand and make a difference, the limitation of the number of open enrollment schools is too low. Proportionally 3 schools per congressional district are too few to be meaningful.
2. The length of the Charter, 3 years, provides too little time for any school to become established, get programs operational and provide meaningful evaluation evidence of success. The more common time for a Charter should be 5 years. He also stated that the three-year limit makes it problematical for a financial lender to commit to a long-term financial agreement if facility construction or remodeling is required.
3. The requirement to have a facility committed up front (before the award of a Charter) limits many Charters from existence.
4. The April 15<sup>th</sup> deadline for final enrollment limits a school to taking advantage of students whose families relocate in late spring or during the summer.

Other issues addressed included the process by which Charter Schools receive the full state allotment of funding that is determined to follow each child enrolled in public schools and the need for an independently managed organization to serve as an advocate and support for Charter School organizers and developers.

Dr. Cummins also introduced Greg Richmond, coordinator of Charter School programs for the Chicago, IL, Public Schools. Mr. Richmond stressed that Charter Schools do provide children and their parents options previously not available through public schools. Mr. Richmond indicated it was not uncommon to have a high refusal rate for Charter applications. He estimated that only about 33% of the applications submitted were funded. He emphasized that to be effective, Charter Schools must have both quality and quantity. Mr. Richmond provided additional comments about the Arkansas Charter School statutes. On a positive note, he cited the opportunity for a school to draw students from across school district boundary lines, thus providing choice options for students and parents and the requirement to provide annual evaluation data to parents and the community. Other comments included the following:

1. The requirement for applicants to have completed the 501(c)3 status as being too restrictive. His observation is that this status is time consuming to acquire and probably does not assure either quantity or quality. In Chicago an applicant simply has to be registered with the state with the intent to pursue such status.
2. He observed that requiring schools to seek waivers seemed backward. His experience is to start with minimum requirements such as accountability and have the school build the program from a positive perspective, not see how much they can get waived.
3. He suggested that initially it might not be essential for teachers and parents to be part of the school improvement planning process.

In response to a question from Mr. Hackler, Mr. Peyser stated that it was very important to impose quality at the time of review and approval of a Charter. He stated it was too late to try to impose quality after a Charter is approved. He noted that Boards should not approve poor applications. This contention is that there should be an agency/organization that can help potential applicants in the development of high quality proposals and that a resource center could provide such training and assistance as needed.

Dr. King inquired about minority enrollment in Charter Schools. Both presenters indicated that enrollments in schools operating in their areas of management reflected the relative population of the area.

### **Work Session**

Mr. Simon reported that following the August 28 telephone conference call, final revisions were made to the State Board Advisory Committee's report and it was delivered to the Joint Interim Committee on Education by the September 1 deadline. He also noted that State Board priorities for Standards revision were included. He stressed the importance for considering this a working document and that dialogue with many groups would be required between this point and the onset of the Legislative Session in January. Mr. Simon noted that a session with the Rural Educators Association was already scheduled. Mr. Simon stated that the common message for this document and for the education initiatives must revolve around higher expectations and greater efficiency of operation. He stressed that many of the Advisory Committee recommendations can be

accomplished with little or no additional money and this is important. Mr. Simon invited the Board to continue to discuss these issues and to be prepared to go into the Session with a united front for education.

Ms. Hillman reiterated that this was an exciting report and that it was important to recognize that ACTAAP was one of the pivotal components of it.

### **Chair's Report**

Ms. Hillman reported that she and Ms. Caldwell represented the Board upon the visit to Arkansas and Parkview High School by President Bush. She observed that it was a great day for our State to have the President here and for him to address some of the issues in No Child Left Behind. She commended the students at Parkview High School for their presentation during the pre session before the President spoke.

### **Director's Report**

Mr. Simon called attention to the replica of a check that was recently presented to Arkansas by Rod Paige, Director of U.S. Department of Education. This represents approval of the State's application under Reading First, which is a component of No Child Left Behind. Mr. Simon commended Krista Underwood and her staff for preparing the application and noted that Arkansas was the first state to be funded under this program.

Mr. Simon also reported on a recent invitation to attend a White House briefing on Education hosted by President Bush. He noted that during the remarks by President Bush, Arkansas was recognized for its work in preparing and implementing Reading First.

### **Consent Agenda**

Dr. King moved approval of the Consent Agenda. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

- Minutes – August 12, 2002
- Newly Employed, Promotions and Separations
- Personnel Recommendation
- Commitment to Principles and Desegregation Settlement Agreement
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001.

### **Action Agenda**

**Request for Approval for Public Comment of Rules and Regulations Governing the Procedure and Process for Obtaining an Initial and the First Standard Teaching License**

Ron Tolson was recognized to present this item. Mr. Tolson reported that these proposed rules and regulations were prepared consistent with guidelines previously approved by the Board and the Teacher Licensure Committee. Mr. Gordy moved approval for public comment. Mr. Hackler seconded the motion. The motion was adopted unanimously.

**Request for Approval for Public Comment of Rules and Regulations for Initial and Standard Administrative Licensure**

Kristi Pugh was recognized to present this issue. Ms. Pugh reported that these proposed rules and regulations were prepared in keeping with previously adopted guidelines and with endorsement of the Teacher Licensure Committee. Ms. Pugh noted one exception, which was in the requirements for licensure as a district level administrator. The wording modification allows a candidate for district level administrator to hold a building level OR curriculum/program administrator license as a prerequisite for application. The previous version stated building level administrator only as a prerequisite. Ms. Caldwell moved adoption for public comment. Mr. Thompson seconded the motion. The motion was adopted unanimously.

**Request by County Line School District to Reduce the Number of School Board Directors to Five**

Scott Smith was recognized to present this issue. Mr. Smith reported that this request was received from the County Line District and met statutory requirements. Mr. Hackler moved adoption of the proposal. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

**Removal From Probationary Status – Benton County School of the Arts**

Marcia Harding was recognized to present this issue. Ms. Harding reported that the Special Education Unit has worked with Benton County School of the Arts since December 2001 to resolve programmatic issues and to assure that services were provided to all eligible students. She stated that the Unit attests that adjustments in policy and action have been made and the school is in substantial compliance. She endorses the recommendation to remove the school from probationary status. Mr. Gordy moved that Benton County School of the Arts be removed from probationary status. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

**Waiver Request – Benton County School of the Arts**

Randall Greenway was recognized to present this issue. Mr. Greenway stated that the original Charter for Benton County School of the Arts proposed that two classroom teachers would be selected on a rotating basis to serve on the school's Board of Directors. Of the six member Board, two of the members were identified as teachers. In response to a question from Mr. Gordy, Mr. Greenway stated that the approval of such a provision in the Charter was an oversight in that there is a state statute prohibiting employees of an organization from serving as a member of the managing entity. Mr. Greenway stated that

the school requests a waiver of the statute to allow this practice to continue. He cited the school's administrator, Tommy Stokes, as saying this practice has been successful and has been a positive action for this school.

Mr. Gordy express his opposition to such a practice in that it seemed a conflict of interest for a member of the staff to sit in a management position.

In response to a question from Ms. Caldwell, Mr. Stokes stated that teachers serve a one-year rotating term on the Board and other Board members, mostly parents, serve two years. He indicated that revisions of this policy were under consideration to provide more stability on the Board and to provide for better continuity of administration.

Dr. King inquired if this practice were allowable in other schools. The response was that teachers could serve on Boards in other districts, but not in the district in which they were employed.

Mr. Gordy moved to deny the waiver request. Dr. King seconded the motion. Mr. Hackler asked if the State Board had the authority to dictate actions of the local board. Scott Smith stated that in general the answer was no, but in this case since it was already in the approved Charter, the school would have to amend the Charter to remove this provision. The vote on the motion was 2 for; 3 opposed. The motion failed. (Gordy and King voted yes.)

Ms. Caldwell moved approval of the waiver request. Mr. Hackler seconded the motion. The motion passed 3 for; 2 opposed. (Gordy and King voted no.)

The Board suggested that Mr. Greenway and Mr. Smith work with the Charter to review this practice before the renewal of the Charter at the end of the three years.

Dr. King asked who, within the state, is ultimately responsible for Charter School performance in the state. Mr. Greenway indicated that the answer was not clearly defined. Mr. Simon stated that the local school must assume the primary responsibility and noted that under No Child Left Behind, the school is responsible and must provide opportunity for children to transfer to other higher performing schools when it is determined that a school is not meeting high performance standards.

### **Amendment to the Public School Fund Budget FY 2003**

John Kunkel was recognized to make this presentation. Mr. Kunkel noted that further adjustments to the Public School Fund are recommended based on additional fund balances and slightly improved revenue collections. With these adjustments approximately \$2.8 million remains unobligated at this time. Ms. Caldwell moved approval of the proposed budget revisions. Mr. Hackler seconded the motion. The motion was adopted unanimously.

### **Adoption of Text Materials**

Sue McKenzie was recognized to present this issue. Ms. McKenzie reported that in keeping with state statutes, committees were invited to review text materials submitted by publishers pursuant to items under consideration for the current year. She noted that each committee spent considerable time reviewing the materials and making recommendations based on observed strengths and weaknesses of each item submitted.

Mr. Gordy moved adoption of the committee recommendations. Mr. Thompson seconded the motion.

Scott Smith informed the Board that an objection to the committee recommendations had been received from Rose Publishing Company, a provider of materials under the Arkansas History Category. Walter Nunn, representing Rose Publishing Company was recognized. Mr. Nunn stated his belief that Rose Publishing was not included as a recommended text to create a monopoly favoring a publication by the University of Arkansas Press. He rebutted the weaknesses listed by the selection committee. Among his accusations was an intentional one-year delay in the identification and selection process that allowed the University of Arkansas publication to be completed and ready for review by the committee.

Ms. Caldwell inquired as to how long had the current book from Rose been in use. Mr. Nunn stated since 1986.

Mr. Gordy stated that he wished to revise his motion to accept the committee's recommendation by adding *The History of Arkansas* and accompanying workbook published by Rose Publishing Company to the approved list. Mr. Thompson agreed to the revision. The vote on the revised motion was adopted unanimously.

Mr. Hackler recused himself from this discussion and did not vote.

### **Revocation of Teaching License – James Jordan**

Ken Williams was recognized for this issue. Mr. Williams reported that Mr. Jordan had been convicted on the charge of endangering the welfare of a minor resulting from sexual relations with a student. He is not contesting the revocation. Ms. Caldwell moved permanent revocation. Mr. Gordy seconded the motion. The motion was adopted unanimously.

### **Other Business**

Dr. King asked for clarification on the waivers and process for review and recommendation of waiver requests under Act 1623. Dr. Charity Smith responded that her staff received those requests and is responsible for validation of the condition that would result in the recommendation. Dr. King asked for additional information concerning the licensure status of individuals to teaching under waiver status and for such

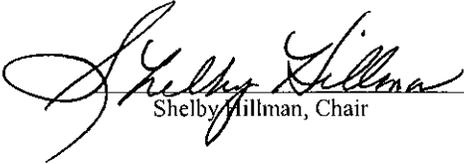
information on subsequent requests. Dr. Smith agreed to provide this information at the October meeting. It was clarified that such detail would only be required for schools in academic distress.

Dr. King expressed his desire to see that schools facing school improvement status be guided to hire fully licensed teachers. Waivers for such schools to allow unlicensed teachers fails to demonstrate a commitment to high standards for those schools most in need of improvement.

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

The meeting adjourned at 11:30 a.m.

The Minutes were recorded and reported by Dr. Charles D. Watson

  
Shelby Hillman, Chair

  
Raymond Simon, Director