

Minutes
State Board of Education
Monday, January 12, 2004

The State Board of Education met on Monday, January 12, 2004, in the Auditorium of the State Education Building. JoNell Caldwell, Chairman, called the meeting to order at 9:00 a.m.

The following members were present: JoNell Caldwell, Chairman; Shelby Hillman, Vice Chairman; Sherry Burrow; Luke Gordy; Dr. Calvin King; Randy Lawson; MaryJane Rebick; Diane Tatum; and Dr. Jeanna Westmoreland.

No members were absent.

Chair's Report

Ms. Caldwell stated that she had adopted a New Year's Resolution for her work on the Board: "That every decision this Board makes will be based on the commitment to the 450,000 students in Arkansas that they will be taught by a highly qualified teacher, they will be taught from a rich curriculum, and they will be taught to high standards."

She continued, "Right now there are a lot of unknowns in education in Arkansas, to say the least, but I do want it to be known that this Board will make every decision in the best interest for the students of Arkansas. And that is my New Year's Resolution. Does the Board Agree?" Board members confirmed their agreement with the Resolution.

Interim Director's Report

Mr. Courtway affirmed his appreciation to the Board for the opportunity to serve as the Interim Director. He stated that the General Assembly is now in its sixth week of the special session. He projected that most of the coming weeks would be devoted to crafting a funding formula and that he and the staff were in on-going discussions with members of the House and Senate. He noted that key discussions on taxes and other ways of paying for education reform are yet to come. Other major issues he summarized included:

- The Restructuring Bill has been amended on the floor of the House and sent back to the Senate for confirmation.
- Representative Calvin Johnson is purported to introduce a new bill with 500 as the consolidation target.
- The Arkansas Supreme Court set a deadline for receiving briefs related to the Lake View Case for Thursday, January 15, 2004.
- The Court is also set to hear oral arguments on January 22, 2004.
- Senate Bill 33 will impose additional duties and requirements on the staff once it is signed into law.

Mr. Courtway commended the Board and Staff for their hard work during these extraordinary times. He noted that staff is working long hours that include evenings and some weekends to meet the requests of the General Assembly.

Consent Agenda

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

- Minutes – December 8, 2003
- Minutes – December 22, 2003 (Special Called Session)
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Approval for Payment of Stipends and Expenses to Board Members.

Action Agenda

Adopt Proposed National Board for Professional Teaching Standards Rules

Barbara Patty was recognized to present this item. Ms. Patty summarized the major changes that were proposed and noted that no oral or written comments were received during the public comment period or at the public hearing.

Ms. Rebick asked how many teachers were taking advantage of this program. Ms. Patty responded that 492 teachers have received fee support and assistance with the application fee. She also noted that approximately 100 teachers are supported each year with the application process. Ms. Burrow asked about the recertification process at the end of the 10-year National Board Certification. Ms. Patty responded that the National Board is still working to determine the re-licensure process, but that no final guidance has been issued. Ms. Patty also noted that the first Arkansas teacher received National Board Certification in 1997-98, and it will be several more years before this is an issue for the Arkansas teachers. Mr. Gordy stated that the Department's budget would have to be adjusted if the Board and State continue to support this program over time. He asked how much was budgeted for National Board Certified Teacher stipends. Ms. Patty responded that she did not have the exact amount, but it was fully funded at this point.

Mr. Gordy moved final approval of the proposed revisions to the Rules. Dr. Westmoreland seconded the motion. The motion was adopted unanimously. Ms. Caldwell noted that the strength and success of this program is due to the early work of Mr. Gordy on National Board Certification in Arkansas.

Request for Final Approval of Rules for Arkansas Governor's School Site Selection

Ann Biggers was recognized to present this item. Ms. Biggers stated that no comments were received in response to the public hearing and other public announcements. The Gifted and Talented Office sent copies of the Rules, as adopted, for public comment to colleges and universities and solicited responses. Responses were received from Hendrix College and Lyon College. Ms. Biggers entered written comments on each of the points from Hendrix and Lyon Colleges. Ms. Rebick questioned the option that a college or university might make based on a six-week vs. a four-week proposal. Ms. Biggers responded that this was the result of comments from the Board during a previous discussion on this issue. Ms. Rebick confirmed that the length of Governor's

School is now six weeks. Ms. Hillman noted that this option was suggested as a way of getting wider participation from colleges and universities in the state.

Mr. Gordy inquired from Dr. Westmoreland if these Rules might be attractive to colleges and universities. Dr. Westmoreland confirmed that the greater flexibility makes the Rules more attractive. Ms. Biggers pointed out that these Rules call for a five-year proposal as opposed to three years. She said hopefully, this will open up more options for some universities that might not otherwise apply.

Mr. Gordy moved adoption of the Rules as proposed. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Act 1738 of 2003 Exemptions

Cindy Hedrick was recognized to present this item. Ms. Hedrick briefly summarized the content of the entries. There were no questions. Ms. Rebick moved approval as presented. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days

Dr. Charity Smith was recognized to present this item. There were no questions. Mr. Lawson moved approval of the list as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Classification of Schools in Academic Distress

Dr. Charity Smith explained that in the Omnibus legislation adopted last spring, there was new terminology linked to schools identified in academic distress. She stated that the Act does not remove any schools previously named, nor does it identify any additional schools. This action is simply a change of terminology. Dr. Westmoreland moved approval of this action. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Dispute Between Pine Bluff and Watson Chapel Regarding School Choice

Scott Smith was recognized to present this item. The full text of the deliberation of this item is attached as recorded and transcribed by a court reporter.

Mr. Smith suggested that the Board decline to resolve this conflict and recommended that should either of the parties wish to pursue further legal action that such action be directed to the proper court of jurisdiction to resolve the conflict.

Mr. Gordy moved to accept Mr. Smith's recommendation. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Petition for Annexation of the Perry/Casa School District to the Ola School District

Scott Smith was recognized to present this item. The full text of the deliberation of this item is attached as recorded and transcribed by a court reporter.

During the deliberation on this issue, Patricia Watts was recognized to present an opposing point of view. She stated that she represented a group of parents and community members from Casa who wanted the opportunity for choice to attend the Perryville School District.

Mr. Gordy moved approval of the annexation proposal. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Revocation of a Teaching License

Tripp Walter was recognized to present this item. The full text of the deliberation of this item is attached as recorded and transcribed by a court reporter.

Cheryl Gardner

Dr. King moved permanent revocation of Ms. Gardner's license. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Tim Sandor

Mr. Lawson moved permanent revocation of Mr. Sandor's license. Mr. Gordy seconded the motion. The motion was adopted unanimously.

James Johnson

Mr. Lawson moved to award Mr. Johnson a probationary license for a period of two years during which time he shall not be convicted of any crime. If during the probationary period Mr. Johnson is convicted of any crime the probationary license will be automatically revoked with no future consideration. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Renewal of Open Enrollment Charter School Applications

Michael Scoles was recognized to present this item. The full text of the deliberation of this item is attached as recorded and transcribed by a court reporter.

LAFUL, Inc. (Wabaseka)

Mr. Gordy moved that this proposal be denied due to statutory requirement for an open enrollment charter school to be located in a school district with a minimum of 500 students. (The targeted district's enrollment is now less than 500 students.) Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

The Academy, Inc.

Mr. Gordy moved approval of this application. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Arise, Inc.

Ms. Hillman moved approval of this application. Ms. Tatum moved to amend the motion to require the applicant to address the question of length of school day. Ms. Hillman concurred. Ms. Tatum seconded the amended motion. The amended motion was adopted unanimously.

LAFUL, Inc (Sweet Home)

Dr. Scoles informed the Board that the developers of LAFUL, Inc. propose to move the site to the Wrightsville community. He stated that Dave Floyd, ADE Facilities Specialist, had reviewed the new site and confirmed its acceptability.

Dr. Scoles noted that LAFUL, Inc. developers failed to notify ten districts that adjoin the Pulaski County Special School District. Upon contact, three of those districts indicated they will not oppose the Charter, two indicated they are opposed to awarding the Charter, and the remaining districts have not responded.

Dr. Scoles informed the Board that the Arkansas Charter School Law provides for only three open enrollment charter schools per congressional district. He stated that presently there are two operational in the central Arkansas congressional district.

Ms. Caldwell reminded the Board that another requirement of the Charter School Law provides for preference to be given to a Charter School that is to be located in a district with a high percentage of economically disadvantaged students (students eligible for free or reduced price lunches). The Little Rock District has a higher percentage of poverty students than does the Pulaski County Special School District.

Ms. Rebick moved to deny approval of LAFUL, Inc. Mr. Gordy seconded the motion. The motion was adopted on a 7 – 1 vote. (Dr. King voted “No”.) Dr. King expressed concern for the possibility that some discrepancies may be observed in the opportunity for technical assistance to the developers of this proposal. He also expressed his concern for some provisions found in the Charter School Act.

LISA Foundation, Inc.

Board members raised questions about the impact of this proposal on the desegregation status of the Little Rock and other school districts in Pulaski County. It was pointed out that similar questions arose when A+ Charter School in Maumelle was approved. Concerns for negatively impacting the racial balance in those districts have not materialized. The developers propose to maintain a similar racial balance of approximately 61% African American students, which is consistent with the Little Rock Public Schools.

Ms. Rebick moved that a condition for approval of this application would be a formal impact study of this Charter on desegregation in Pulaski County. The motion failed for lack of a second.

Mr. Gordy moved approval of the proposal. Ms. Hillman seconded the motion. The motion was adopted with a 5 - 3 vote. (King, Rebick and Tatum voted “No”.)

Other Business

Ms. Caldwell requested that staff revisit the "snow days" policy as it may apply to days missed later this winter. She also asked staff to consider a policy on field trips and the potential loss of instructional time. Department staff was directed to bring back recommendations at the February meeting.

Jessie Mason, Director of Cooperative Education at the University of Arkansas at Little Rock, was recognized to address the Board. Mr. Mason commended the Board for its hard work and dedication to improving education in Arkansas. He supported the Board's decision to approve the LISA Foundation, Inc. Charter School proposal.

Ms. Tatum moved that the Board go into executive session to discuss personnel issues. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Following the executive session, Ms. Hillman moved that the Board reconvene. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Ms. Caldwell announced that the Board discussed the position of Director, but no action was taken.

Ms. Tatum moved adjournment. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:15 p.m.

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



Tom Courtway, Interim Director



JoNell Caldwell, Chair