

**AGENDA**  
**STATE BOARD OF EDUCATION**  
**Monday, July 11, 2005**

Auditorium, Department of Education Building

9:00 a.m.

**Chair's Report – Dr. Jeanna Westmoreland**

**Commissioner's Report – Dr. T. Kenneth James**

**Consent Agenda**

- C – 1      Approval of Minutes:      June 13, 2005
- C – 2      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.  
Activities included professional development for administrators, consultations  
with the Little Rock District concerning administration of federal programs, and  
monitoring of schools in the three districts.*
- C – 3      Newly Employed, Promotions and Separations – Clemetta Hood  
*Information item only*
- C – 4 through C – 17      *The Statutes (Sec. 6-13-604 & Sec. 6-13- 606) give the State Board  
authority to act on a local school district's request to change the number of local school board  
members. Mr. Smith affirms that each of these districts has met the required conditions as  
specified in the statutes.*
- C - 4      Petition from the Johnson County Westside School District to the  
State Board of Education to Move from a six (6) Member School  
Board to a Five (5) Member School Board. This petition is  
presented under Sec. 6-13-606 – Scott Smith
- C - 5      Petition from the Cotter School District to the State Board of  
Education to Move from a six (6) Member School Board to a Five  
(5) Member School Board. This petition is presented under Sec. 6-  
13-606 – Scott Smith
- C - 6      Petition from the Carlisle School District to the State Board of  
Education to Move from a Nine (9) Member School Board to a  
Seven (7) Member School Board. This petition is presented under  
Sec. 6-13-606 – Scott Smith

- C - 7      Petition from the Highland School District to the State Board of Education to Move from a Nine (9) Member School Board to a Seven (7) Member School Board. This petition is presented under Sec. 6-13-606 – Scott Smith
  
- C - 8      Petition from the Riverside School District to the State Board of Education to Move from a Six (6) Member School Board to a Five (5) Member School Board. This petition is presented under Sec. 6-13-606. – Scott Smith
  
- C - 9      Petition from the Wonderview School District to the State Board of Education to Move from a Eight (8) Member School Board to a Seven (7) Member School Board. This petition is presented under Sec. 6-13-606. – Scott Smith
  
- C - 10     Petition from the Trumann School District to the State Board of Education to Move from a Six (6) Member School Board to a Five (5) Member School Board. This petition is presented under Sec. 6-13-606. – Scott Smith
  
- C - 11     Petition from the Eureka Springs School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
  
- C - 12     Petition from the Nemo Vista School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
  
- C - 13     Petition from the Weiner School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
  
- C - 14     Petition from the Westside Consolidated School District (Craighead County) to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
  
- C - 15     Petition from the Iazard County Consolidated School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith

- C – 16      Petition from Ouachita School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith
- C – 17      Petition from Forrest City School District to the State Board of Education to move from a six (6) Member School Board to a seven (7) Member School Board. This petition is presented under Sec. 6-13-604. - Scott Smith

Consent Agenda Approval:

Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_

### Action Agenda

- A – 1      Continuation of Review of Request for Amendments to Charter of HAAS Hall Academy Open Enrollment Charter School in Farmington – Jim Boardman  
*The Board considered this item at its May 9 and June 13 meeting and tabled action pursuant to receiving additional information. The Department received information that was distributed via Federal Express on June 17.*  
 Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 2      Request Approval of a Final Revision of the FY05 Public School Fund Budget - John Kunkel  
*The Board must approve revisions to the Public School Fund Budget. This request is the result of late request for funds transfers that were previously not known.*  
 Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 3      Request Approval of the Initial Public School Fund Budget for FY06 - John Kunkel  
*The Board is required to approve the Department Operating Budget annually.*  
 Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 4      Request Approval of Arkansas Better Chance for School Success Program Recommendations 2005–2006 – Tonya Russell/Paul Lazenby  
*These requests represent additional funding requests for awards to schools and other entities pursuant to awards for Arkansas Better Chance (ABC). Board review and approval of these requests is required by statute.*  
 Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 5      Petition from Mulberry School District to Change the Mulberry School District Name to the Mulberry/Pleasant View Bi-County School District – Scott Smith

By statute the Board reviews and approves local district name changes. This request was forwarded after approval by the local school board on June 9, 2005.

Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_

- A – 6 Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Professional Development – Janinne Riggs  
*This Rule was approved for public comment on May 26, 2005. A public hearing was conducted on June 23, 2005. The period for public comment extends through July 1, 2005. The summary of public comments and possible revisions will be forwarded to the Board under separate cover.*  
Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 7 Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP) – Janinne Riggs  
*This Rule was approved for public comment on May 26, 2005. A public hearing was conducted on June 23, 2005. The period for public comment extends through July 1, 2005. The summary of public comments and possible revisions will be forwarded to the Board under separate cover.*  
Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 8 Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties – Dr. Bobbie Davis  
*This Rule was approved for public comment on May 26, 2005. A public hearing was conducted on June 22, 2005. The period for public comment extends through July 1, 2005. The summary of public comments and possible revisions will be forwarded to the Board under separate cover.*  
Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 9 Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer – Dr. Bobbie Davis  
*This Rule was approved for public comment on May 26, 2005. A public hearing was conducted on June 22, 2005. The period for public comment extends through July 1, 2005. The summary of public comments and possible revisions will be forwarded to the Board under separate cover.*  
Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ Vote \_\_\_\_\_
- A – 10 Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Distance Learning – Jim Boardman  
*This Rule was approved for public comment on May 26, 2005. A public hearing was conducted on June 22, 2005. The period for public comment*

Minutes  
State Board of Education  
Monday, July 11, 2005

The State Board of Education met on Monday, July 11, 2005, in the Auditorium of the Department of Education Building. Dr. Jeanna Westmoreland, chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Jeanna Westmoreland, chairman; Mrs. Sherry Burrow; Dr. Calvin King; Mr. Randy Lawson; Ms. MaryJane Rebick; and Dr. Naccaman Williams.

The following Board members were absent: Mrs. Shelby Hillman and Mrs. Dianne Tatum, Vice-Chair

### **Chair's Report**

Dr. Westmoreland invited Board members to share about visits made or related activities.

Dr. Williams reported recently attending the Scholastic Audit training. He explained that this training works with individuals who, as a team, conduct an audit of schools. He reported the training as being excellent and schools will have an opportunity to receive feedback on what is really taking place within the school itself.

Ms. Rebick reported attending a press release for Meadow Cliff Elementary School last month. The school was being recognized for raising their student achievement scores from one year to the next by astronomical amounts. A private foundation donated the funding for the payouts raises, and Little Rock's Public Education Foundation was the sponsor. Ms. Rebick also made mention that not only the teachers, but everyone from maintenance to the principal received the bonus.

### **Commissioner's Report**

Dr. James reported to the Board he had just given the welcome at the Next Step's Summer Conference at the Statehouse Convention Center. He reported that this year's conference had a focus on High School reform.

Dr. James welcomed and introduced a new appointee, Mr. Bill Goff, who will be supervising the APSCN operations. Mr. Goff comes to the department from the Benton School District where he served as the Assistant Superintendent Chief Financial Officer.

Dr. James also reminded the board of an item to add to the agenda. Mr. Randy Lawson moved to add the Tri District Charter to the action agenda as item A1a and Dr. Williams seconded the motion.

## Consent Agenda

Ms. Rebick brought forth a correction to be made to the June 13<sup>th</sup> minutes. She asked that her name be replaced with Mr. Randy Lawson's name, as he was the one who inquired about the requirements for notification and cost saving efforts regarding the Educational Financial Accounting and Reporting System.

Ms. Burrow moved approval of the Consent Agenda as amended by Ms. Rebick. Dr. King seconded the motion. The motion was adopted unanimously.

- Minutes – June 13, 2005
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- 14 School Districts' request to change the number of local school board members

Dr. Williams requested that in the future, the Department provide the enrollment numbers when School Districts request a change in the number of local school board members.

## Action Agenda

### **Continuation of Review of Request for Amendments to Charter of HAAS Hall Academy Open Enrollment Charter School in Farmington**

(The full text of this item was recorded by a court report and the transcript can be found as an attachment to these minutes.)

Mr. Jim Boardman was recognized to present information regarding the continuing conversation regarding HAAS Hall Academy. Mr. Boardman gave some background information as to what the HAAS Hall Academy had requested at the May 2005 meeting. They had requested approval from the Board to have a focus on Advanced Placement Curriculum, to add 9<sup>th</sup> grade, and to move to a new location. At the June meeting the Board requested additional information from the Academy for review. Mr. Boardman expressed concerns revolving around three primary areas: the required 38 units that must be offered, the financial liability, and also the lease agreement. Mr. Boardman reported the Department had not received all of the information requested. The schedule submitted had some minor problems with multiple courses being scheduled in the same room. After discussing the schedule with HAAS, it was determined that the schedule would have to change after enrollment. Also, the Department received some lease agreement information, but not the actual proposed lease. Mr. Boardman also made note that 50% of the proposed budget was depending on the sale of the existing property, but that the department did not have full documentation of the value of the property. Mr. Boardman shared that the department still had these issues with the information provided.

Dr. Martin Schoppmeyer and Josh McGee from HAAS Hall Academy stated they felt the information was submitted with ample time to hear back from Mr. Boardman, but that they did not hear anything back from him. They sought help from department staff to assist with the technical credits and were told they were following the rule. Dr. Schoppmeyer also explained that on sale of the building, documentation did have the price of the building, showing how much equity is within the building.

Mr. Josh McGee brought attention to the memo clarifying the 38 credits. He explained that HAAS worked with department staff to build the schedule. Dr. Schoppmeyer also explained the timeframe of 11<sup>th</sup> and 12<sup>th</sup> grade students to be tested, who will then be placed in the appropriate courses on the schedule. Mr. McGee also stated many successes of their students standardized test scores.

Dr. Westmoreland inquired as to whom they collaborated with at the department in making the changes. Mr. McGee explained they had worked with numerous individuals at the department.

Dr. Williams clarified his comments made to HAAS were to refer them back to the department.

Ms. Burrow inquired about the budgeted revenues and clarification as to what the contingency plan would be if the property does not sell quickly. Dr. Schoppmeyer explained that they would take a loan against the property, and also stated that it is in his name. Mr. McGee stated that they are very optimistic on selling the property because of the development in that particular area.

Ms. Rebick inquired about the original purchase price of the property. Dr. Schoppmeyer explained they were asking \$350,000, however, the original price was \$420,000 minus a \$75,000 gift. Ms. Rebick inquired further about the equity in the property after paying on it for one year. Dr. Schoppmeyer stated they already had \$70,000 in equity because of the gift, and they had also made improvements to the property. Ms. Rebick asked about the selling price of the property. Dr. Schoppmeyer stated it was \$729,000, but is now \$675,000. Ms. Rebick inquired about the price they paid and the price they are asking to sell. Dr. Schoppmeyer stated they had been given several gifts worth quite a bit of money, which has brought the property price up.

Ms. Rebick expressed concern about the future of the students, which is the main issue. Ms. Rebick asked Mr. Boardman if lab time had been incorporated into the schedule. Mr. Boardman responded that the courses were listed, but could see the lab on the list. Mr. Boardman stated that he had also requested a copy of the lease to submit to the Board. He also spoke with several of the department staff and workforce education staff, and was told the courses were not up to specification. Ms. Rebick asked for clarification about the purchase of the lab equipment since she did not see it in the budget provided. Dr. Schoppmeyer stated they did have funding to purchase lab equipment and in the new location they will have funds to not only build a lab, but also have the lab equipment, but it is not in the budget. He explained that it was in the real estate lease contract. Ms. Rebick clarified that what HAAS provided was not a lease.

Ms. Rebick inquired about the original charter and the wording for providing a Special Education Teacher. She asked for clarification as to whether they would have a Special Education Teacher. Dr. Schoppmeyer responded that HAAS does not have any special education students. Mr. Rebick noted that they must provide a Special Education Teacher. Dr. Schoppmeyer explained that their school is one of acceleration, a Gifted/Talented School.

Ms. Rebick stated the whole purpose of a charter is to provide exceptional programs for the student population served. She noted the successes and awards received by the Fayetteville School District, and her concern of the students receiving any better education by attending the academy as proposed.

Ms. Rebick made a motion for the Board to take steps necessary to go to the next step of a public hearing on this issue. Mr. Scott Smith clarified the Board has the authority to place a

Charter on probation, to modify, revoke or deny a Charter. He explained the Board could take action pursuant to 623-105 to investigate actions to be taken with the Charter.

Ms. Rebick asked for clarification as to the two choices the board could take. Mr. Smith clarified it would be revocation or probation.

Ms. Rebick made a motion for the Board to take revocation on this Charter. No second.

Dr. Williams made a motion to deny the Charter's request to move to new location and add 9<sup>th</sup> grade. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Ms. Rebick asked to see a thorough review after one more year of operation. Mr. Smith clarified that since the Board had acted on the item presented, the Board would have to add another item to the agenda to take additional action.

Ms. Rebick moved to add the consideration of a year-end review of HAAS Hall Academy as an action item to the agenda, as A1b. Dr. Williams seconded the motion. The motion passed unanimously.

#### **Review of the Tri-District Charter (North Little Rock, Little Rock, and Pulaski County)**

Mr. Jim Boardman was recognized to present information regarding the design of the charter application. Mr. Boardman highlighted the information presented to the Board, and explained that legislation has provided funding for this charter and it has a unique design. He stated that the design of this charter is not just unique for the state, but the nation as well.

Mr. Boardman introduced Dr. Linda Watson, Director of Student Services with the Little Rock School District. Dr. Watson introduced Ms. Lynn Chadwick, with the North Little Rock School District, Ms. Carol Wilkins, with the Juvenile Courts, Dr. Tom Kimbrell, Director for AAEA and Judge Rita Rupert. Dr. Watson highlighted the information presented to the Board about the Charter concerning the two programs, Pulaski Alternative Learning Academy (PALA) and the Step One program, in need of educational assistance. She explained the Charter will be working with the Juvenile Courts, Pulaski County Government, and will have a military-like day camp. She stated the name of the academy would be Felder Alternative Learning Academy.

Ms. Rebick inquired about the budget for enrollment of the 100 students. Dr. Watson responded that anticipate they will have the 100 students. Ms. Rebick also inquired about the staffing issues. Dr. Watson explained staff members would be coming from the other programs, especially those who are meeting the Highly Qualified requirements.

Ms. Burrow inquired about the 70% to 30 % division of computerized and teacher instruction. Dr. Watson stated students at the middle level will receive more direct instruction and with the secondary students the charter will employ a little more technology for a more one on one and will hire more technology. Ms. Burrow asked about scheduling of the 6<sup>th</sup> through 12<sup>th</sup> grades. Dr. Watson explained that 6<sup>th</sup> through 8<sup>th</sup> grade will be on one end of the building and the 9<sup>th</sup> through 12<sup>th</sup> grades on the other end. Ms. Burrow inquired about behavior modification on the schedule. Dr. Watson stated they will be dealing with at risk students and will have a time per/day set aside for those in dealing with anger management and behavior modification. Ms. Burrow stated an importance for male role models with the students in the program. Dr. Watson explained all staff has not been employed yet, but both genders will be represented.

Mr. Lawson applauded the three districts working together in a cooperative fashion, and putting the program together.

Dr. Williams inquired about the financial expenses in the upcoming years. Dr. Watson stated the program will qualify for alternative learning funding, ADM funding, qualify for the NSLA funding and the Title I funding. Dr. Williams also inquired about the demographics of students. Dr. Watson stated their population would be about 80-90% African American and 80-90% males. Dr. Williams asked about the military style environment. Mr. Gene Walker, Director of the Pulaski Alternative Learning Academy, was recognized to address this question. He stated that model of discipline was based on the success of the PALA. He elaborated on the model as being one where students are taught how to learn, listen, and follow instructions, to gain success. He explained it is the authorization to remove a student, take care of the issue, and work one on one with them to reintegrate them into the classroom, again for success.

Ms. Rebick inquired about having vending machines in building. Dr. Watson stated that right now, they do not. She stated she doubted if it would be feasible for the students. Ms. Rebick asked how many years the Charter is asking for approval. Dr. Watson clarified as to three years.

Mr. Lawson moved approval of the Tri-District Charter School as presented. Dr. King seconded the motion. The motion was adopted unanimously.

#### **HAAS Hall Academy Charter**

Dr. Westmoreland presented this item as added by Ms. Rebick to review the HAAS Hall Charter. Ms. Rebick moved to have a thorough review of HAAS Hall Academy Charter at the May 2006 Board meeting. Dr. Williams seconded the motion. The motion was adopted unanimously.

#### **Request Approval of a Final Revision of the FY05 Public School Fund Budget**

Mr. John Kunkel was recognized to present this item. Mr. Kunkel explained the minor revisions made as a clean up from the last fiscal year's budget. Mr. Kunkel also received a final bill on June 28<sup>th</sup> from the teacher retirement system. Mr. Kunkel presented this additional information to the worksheet provided. Mr. Lawson moved approval of the revised budget. Ms. Burrow seconded the motion. Dr. Williams inquired if any other school districts had consolidated with another district with debt. Mr. Kunkel responded that the two listed were the only two. The motion was adopted unanimously.

#### **Request Approval of the Initial Public School Fund Budget for FY06**

Mr. John Kunkel presented this item as well. Mr. Kunkel explained that many changes had been made to the '06 Initial Public School Fund Budget, which was highlighted in the information presented to the Board.

Ms. Burrow inquired if Provision Two Schools can claim 100% of their students for free and reduced lunches. Mr. Kunkel responded that they could in the past, but no longer can do so. Ms. Burrow also inquired if there are still Provision Two Schools. Dr. Bobbie Davis was recognized to address this question. Dr. Davis explained that there are still Provision Two Schools since this is a special category of the Child Nutrition Federal Free and Reduced Lunch Program. She explained we now have a law that says they will be paid at the base amount, which means they will be paid at the actual free and reduced lunch count. Ms. Burrow inquired as to what categorizes a Provision Two School. Dr. Davis explained that Provision Two Schools are schools that decide to allow all students to have free lunches, making no distinction when

students go through the cafeteria. If they have 70% that are eligible to receive federal funding, the district will pick up the additional 30%. The district will only be funded at their base year. Mr. Kunkel also clarified that the School Districts having Provision Two status have until October 1<sup>st</sup> to redo their base year. Ms. Rebick moved approval of the budget as presented. Mr. Lawson seconded. The motion was adopted unanimously.

### **Request Approval of Arkansas Better Chance for School Success Program Recommendations 2005–2006**

Denise Honeycutt was recognized to present this item. Ms. Honeycutt requested approval of round two recommendations for the program. She also requested approval for three Monitoring Grants. She noted that the grants would monitor all ABC programs, provide technical assistance, and training for the programs. Ms. Rebick moved approval of the proposal as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Petition from Mulberry School District to Change the Mulberry School District Name to the Mulberry/Pleasant View Bi-County School District**

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that on June 9<sup>th</sup>, the local school boards of Mulberry and Pleasant View had come to a consensus to change the name of the formerly merged districts to Mulberry/Pleasant View Bi-County School District. Mr. Smith noted that the district office is located in Crawford County, and the district has met all statutory requirements. Mr. Lawson moved approval of the request as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Professional Development**

Ms. Janinne Riggs was recognized to present this item. Ms. Riggs highlighted some of the changes presented to the Board based on the public comments received. Ms. Riggs pointed out the many comments received from individuals seem to indicate satisfaction with the Rules. Ms. Riggs explained one of the changes is that Higher Education campuses would maintain documentation of professional development hours for those individuals who teach at the college level and maintain a teaching license.

Dr. Westmoreland inquired about the graduate level courses in Educational Leadership. Dr. Westmoreland asked what it would mean for a teacher in a classroom, taking Ed. Leadership courses in the hopes of becoming an administrator. She inquired as to whether the district would make the choice to count the hours for professional development. Ms. Riggs explained that this issue could be two-fold. Leadership is counted toward professional development, building capacity at the classroom level for leadership. Ms. Riggs stated this would be a two-phase process, where the Department will take a close look at what the courses would be, as well as at the district level. She did clarify that it will be the courses that are specifically targeting leadership regardless of whether the individual is a classroom teacher or administrator.

Ms. Rebick moved that the Rule be adopted as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Arkansas Comprehensive Testing, Assessment, and Accountability Program (ACTAAP)**

Ms. Janinne Riggs was recognized to present this item. Ms. Riggs requested approval of the Rules presented before the Board. She pointed out that public comments had been

incorporated into the amended Rules. Ms. Riggs highlighted one significant item, which deals with Pass and Proficient. This Rule clarifies that any student not scoring Proficient on any level exam would be required to have an Academic Improvement Plan (AIP).

Dr. Williams inquired about why the Safe Harbor provision of NCLB was not applied to the combined population. Ms. Riggs clarified that this was an oversight, it has been addressed, and the word "combined" was included.

Mr. Lawson inquired about the wording of "best estimates" on page 19, item 7.05. He requested an examination of the wording, to possibly change from "best estimates" to "analysis". Mr. Lawson also pointed out an error in the wording on page 20, item 7.08.2. The "to" should be deleted after "during" on the second line. Ms. Riggs responded that both changes would be made.

Ms. Burrow inquired if a student must take the End of Course Literacy Exam four times, and fail the exam four times, prior to being eligible for the alternate exit course. Ms. Riggs explained that was correct. Ms. Burrow asked if there is some type of program taking place between the exams. Ms. Riggs noted that the students would be in an Academic Improvement Plan, because they weren't Proficient. Ms. Burrow inquired if after the fourth chance, a student would go into the Alternate Exit program. Ms. Riggs responded that is a course that is under development.

Mr. Lawson asked about the End of Literacy exam, which has been given at the eleventh grade, but is now being deleted. Dr. James clarified that the End of Literacy examination is a conglomeration and not an end of course exam. With additional end of course exams being added, such as Biology, etc, flexibility will be needed to fit the exams in throughout the students high school experience. The students must be given due process and time to pass the exams.

Mr. Lawson moved to approve the Rule as amended. Dr. King seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, Board Members, and Other Parties**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis brought forth some minor revisions, as presented to the Board, which was put into the revision of this Rule. Dr. Davis pointed out Dr. James' new title, which is now Commissioner, and also the definition of family members employed. Dr. Davis also noted the issue of the items districts must provide when the Commissioner makes a request to clarify unusual circumstances.

Ms. Rebick moved to approve the Rule as amended. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis stated there was no one present for the public hearing and no further revisions have been made to this proposed Rule as a result of the public comment period.

Ms. Rebick inquired about teachers being dismissed involuntarily by a high priority district. Dr. Davis explained that it was beyond the scope of their control that they lost their job. Ms. Rebick asked for clarification of a high priority district. Dr. Davis noted that a high priority district is one having at least 80% free lunches, and 1000 or fewer students. Ms. Rebick also inquired if a teacher committed a tremendous crime, and he/she was dismissed, they would still retain their signing bonus. Dr. Davis clarified that under this Rule that circumstance would fall under involuntary dismissal and they would not be required to pay that money back.

Dr. Westmoreland inquired as to how many districts fall into this status. Dr. Davis responded that the state had about 11 this past year.

Ms. Rebick moved to approve the Rule as amended. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Distance Learning**

Mr. Jim Boardman was recognized to present this item. Mr. Boardman stated that no one was present for the public hearing, but public comments were received and incorporated into the Rule. Mr. Boardman summarized the major points that raised questions during the public comment period.

Ms. Rebick inquired about the sections regarding the elective and required courses being scratched out. Mr. Boardman explained that prior to new legislation the department only looked at required courses for approval. However, now new legislation requires approval of all courses and Mr. Boardman stated there didn't seem to be a need to distinguish between elected and required.

Ms. Rebick moved to approve the Rule as amended. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing State Reported Dropout and Graduation Rates**

Mr. Jim Boardman was recognized to present this item. Mr. Boardman reported that no one attended the public hearing, but public comment was received. Mr. Boardman highlighted comments received in a letter, but made reference to the fact that no revisions had been made to the Rule. Mr. Boardman stated that the letter brought forth some concerns about the definition of a dropout student. However, Mr. Boardman stated the definition is in compliance with Federal Regulation and cannot change the rule. He explained, because of the concerns presented, the department will help districts with the dropout and transfer student numbers.

Dr. Williams inquired if the state has the ability to track the students when figuring the dropout rates. Mr. Boardman responded that the department depends on the district to identify why the student leaves. Dr. Williams asked if schools go back and adjust their rates once they identify that the student has gone to another district. Mr. Boardman responded yes, but the department does not go back and change individual student records, but allows school districts to adjust and make modifications to their report.

Ms. Rebick moved to approve the Rule as amended. Dr. King seconded the motion. The motion was adopted unanimously.

**Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing the Closing of Isolated Schools**

Mr. Scott Smith was recognized to present this item. Mr. Smith reported that no comments were accepted, because they were not within the limit of the statute to do so.

Mr. Lawson moved to approve the Rule as amended. Dr. King seconded the motion. The motion was adopted unanimously.

Mr. Smith also clarified that this law takes effect August 12<sup>th</sup> and unless the districts obtain a unanimous vote, the local district will be required to petition the Board to approve the closure under the constraints of this Rule. Mr. Smith stated he does expect petitions to be forthcoming.

**Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Visual Arts and Music Instruction for Students in Grades One Through Six (1 – 6)**

Ms. Annette Barnes was recognized to present this item. Ms. Barnes highlighted changes made due to public comment as presented to the Board. Ms. Barnes stated that performing music classes would need to exceed the regular student/teacher ratio, and she also clarified who can actually provide instruction for these classes, which is a licensed teacher in that particular subject area.

Ms. Rebick inquired about the department providing the stipends and how they are determined. Ms. Barnes responded that it is a part of the law, however, there was no appropriations for the stipends at this time. Dr. James concurred that it is in the law, but since there is no appropriations, it has never been funded.

Dr. Williams inquired if the department will provide a stipend for the local district. Dr. James explained that the department would have the funding flow from the agency if appropriations were available. However, no appropriations have been available and have never been funded.

Ms. Rebick stated that this could be brought up as an issue. Dr. James responded that it has been an issue, but with the legislation there was not corresponding appropriations, so there has not been funding. Ms. Rebick inquired if funding were there, how would it be distributed. Dr. James clarified if it is brought up legislatively, the department will be at the table to help design the formula.

Mr. Lawson stated that some districts give stipends internally. Dr. Williams clarified his previous question was to determine if the department was truly being asked to provide the stipend.

Ms. Rebick moved to approve the Rule as amended. Mr. Lawson seconded the motion. The motion was adopted unanimously.

**Request for Final Approval of a Revision of Arkansas Department of Education Rules Governing the Distribution of Special Needs Funding**

Dr. Davis was recognized to present this item. Dr. Davis reported a public hearing was held and comments were received, and because of those comments a few revisions were made to the Rule. Dr. Davis highlighted the changes as presented to the board. Clarification language was made to section regarding Provision II, and ALE funding amount, changing language of identified to eligible. Also some deletions were made because of clarifications in definitions. Dr.

Davis also reported clarification of the NSLA funding and wording in the Curriculum Specialist language to meet current administrator licensure language.

Ms. Rebick moved to approve the Rule as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

### **Request for Final Approval of Proposed Amendments to Arkansas Department of Education Rules Governing Physical Education as Required by Act 660**

Dr. Bobbie Davis was recognized to present this item in the absence of Dr. Potter. Dr. Davis highlighted a few changes made to the original Rule presented to the Board.

Ms. Rebick inquired as to how much physical education is required. Dr. Davis explained that High School credit is ½ unit in order to graduate, and students must also have ½ unit of health to graduate. She also explained students in Kindergarten through 8<sup>th</sup> grade require 60 minutes each week.

Dr. Williams asked if the instructor must be licensed in Physical Education. Dr. Davis stated yes, in order for students to receive credit.

Ms. Rebick moved to approve the Rule as amended. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Mr. Scott Smith was recognized to present the next four items. Mr. Smith requested the Board approve the four sets of Rules for Public Comment.

### **Request for Approval for Public Comment to Repeal Arkansas Department of Education Rules Governing Transportation Aid Expenditures**

Mr. Lawson moved approval for public comment. Dr. Williams second the motion. The motion was adopted unanimously.

### **Request for Approval for Public Comment to Repeal Arkansas Department of Education Rules Governing Physical Examinations for School Bus Drivers**

Mr. Lawson moved approval for public comment. Dr. Williams second the motion. The motion was adopted unanimously.

### **Request for Approval for Public Comment to Repeal Arkansas Department of Education Rules Governing School Bus Design**

Dr. King moved approval for public comment. Dr. Williams second the motion. The motion was adopted unanimously.

### **Request for Approval for Public Comment to Repeal Arkansas Department of Education Rules Governing School Transportation Formula**

Ms. Rebick inquired if legislation stated the Rules are no longer valid must the Rules go out for public comment. Mr. Smith explained that by law, the department must notify the public of the change.

Ms. Burrow moved approval for public comment. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Revocation of Administrator/Teacher's License: Danny Slay**

Ms. Valerie Bailey was recognized to present this item. Ms. Bailey reported that Mr.

Danny Slay pled guilty and was convicted of a Class B felony on May 31, 2005. He was notified by the General Counsel's Office of pending action to revoke his Arkansas license. Mr. Slay subsequently surrendered his license and indicated he would not participate in a hearing.

Mr. Lawson moved permanent revocation. Dr. Williams seconded the motion. The motion was adopted unanimously.

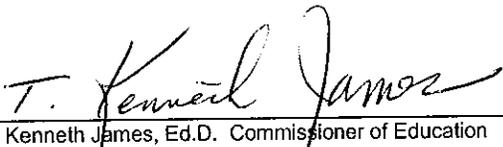
**Revocation of Teacher's License: Robert Jennings**

Ms. Valerie Bailey was recognized to present this item. Ms. Bailey reported that Mr. Robert Jennings pled guilty to and was convicted of four counts of Violation of a Minor, a Class B Felony on June 3, 2005. He was notified by the General Counsel's Office of pending action to revoke his Arkansas License.

Ms. Burrow moved permanent revocation. Dr. King seconded the motion. The motion was adopted unanimously.

Mr. Lawson moved adjournment of the Board meeting. Dr. Williams seconded the motion. The motion was adopted unanimously and the meeting was adjourned.

The Minutes were recorded and reported by Kristi H. Pugh.

  
T. Kenneth James, Ed.D. Commissioner of Education

  
Dr. Jeanna Westmoreland, Chair