

AGENDA
STATE BOARD OF EDUCATION

Monday, February 13, 2006

Arkansas Department of Education, Arch Ford Building
Auditorium - 9:00 a.m.

Chair's Report – Dr. Jeanna Westmoreland

Commissioner's Report – Dr. T. Kenneth James

Consent Agenda

- C – 1 Approval of Minutes: January 9, 2006
Approval of Minutes: November 14, 2005 Joint Board Meeting
- C – 2 Commitment to Principles of Desegregation Settlement Agreement:
Report on the Execution of the Implementation Plan – Dr. Charity
Smith/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 – Beverly
Williams/Clemetta Hood
Information item only
- C – 4 Report of Waivers to School Districts for Teachers Teaching Out-of Field
for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001 – Beverly
Williams/Ron Tolson
Act 1623 of 2001 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 14 districts covering a total of 19 positions. None of these requests were from a district in academic distress. These requests have been reviewed by Department staff and are consistent with program guidelines.
- C – 5 Review of Loan and Bond Applications – Amy Woody/Bobbie Davis
Operating guidelines require that the Board consider requests for funding from the Revolving Loan Fund and approval of other bonded commitments. Requests from 0 districts for revolving loans, 5 requests for 2nd Lien bonds, and 3 requests for voted bonds have been reviewed and recommended for approval by the Department Loan and Bond Committee.

C – 6 Arkansas Teacher Retirement System - Opening of Contributory Window July 1, 2006 – Dr. Bobbie Davis
State legislation provides for members of the Arkansas Teacher Retirement System to have the opportunity to choose the status of participation (contributory/non-contributory) effective July 1, 2006. This action affirms the State Education Agency's commitment to fund matching contributions for those employees who opt for a change in status.

Consent Agenda approval:
Moved by _____, Seconded by _____ Vote _____

Action Agenda

A – 1 Request for Approval of the Department of Education to Annex Eudora School District to another School District – Scott Smith
Under regulatory authority of State statute, the Department requests that the Board annex the Eudora School District to another geographically contiguous school district. This action is required due to the condition of fiscal distress of this district. The Department has identified the Lakeside (Ashley County) School District and the Hamburg School District as geographically contiguous.
Moved by _____, Seconded by _____ Vote _____

A – 2 Request for Approval of the Department of Education to Annex Midland School District to another School District – Scott Smith
Under regulatory authority of State statute, the Department requests that the Board annex the Midland School District to another geographically contiguous school district. This action is required due to the condition of fiscal distress of this district. The Department has identified the Southside School District (Independence County), Batesville School District, Concord School District, Pangburn School District, Bradford School District, Bald Knob School District, and White County Central School District as geographically contiguous.
Moved by _____, Seconded by _____ Vote _____

A – 3 Request for Approval of the Department of Education of Revised Physical Education and Health Framework – Dr. Gayle Potter
The Department has a Board approved schedule for review and revision of content standards and frameworks. Physical Education and Health Education frameworks were reviewed during the past nine months. Committees of practitioners including teachers, administrators and content specialists worked with Department staff to prepare and submit the proposed revisions. These revisions are in keeping with current policy to identify student learning expectations for each grade level.
Moved by _____, Seconded by _____ Vote _____

A – 4 Request for Approval of the Department of Education of Revised Science Framework – Dr. Gayle Potter
The Department has a Board approved schedule for review and revision of content standards and frameworks. The science frameworks were reviewed during the past nine months. Committees of practitioners including teachers, administrators and content specialists worked with Department staff to prepare and submit the proposed revisions. These revisions are in keeping with current policy to identify student learning expectations for each grade level.
Moved by _____, Seconded by _____ Vote _____

- A – 5 **Recommendation on the Status of Jasper School District Classified in Fiscal Distress for the 2004-2005 School Year – Dr. Bobbie Davis**
The Jasper School District was identified as being in fiscal distress for the 2004-2005 school year. Since that time the Department has provided technical assistance through site visits, off-site assistance and analysis of financial conditions and management of the district. The Department reports that the Jasper District has addressed all criteria for being classified in fiscal distress and has made financial adjustments as recommended.
 Moved by _____, Seconded by _____ Vote _____
- A - 6 **Request from Concord School District for Approval to Close an Isolated School: Wilburn High School – Scott Smith**
On January 9, 2006, the Concord School District submitted its request to close Wilburn High School effective with the beginning of the 2006-2007 school year. The Wilburn School District was administratively annexed to the Concord School District effective July 1, 2005. Wilburn students in Grades 7-12 will attend Concord High School, where a number of Wilburn students opted to enroll or take classes during the 2005-2006 school year.
 Moved by _____, Seconded by _____ Vote _____
- A - 7 **Request for Extension of the Arkansas School for Information Systems and Technology through the 2005-2006 school year: Greenland School District – Mary Ann Brown**
The Arkansas School for Information Systems and Technology has operated as a Charter School under the Greenland School District for the past three (3) years. The Charter expires on March 10, 2006. The superintendent of Greenland School District and the Charter School Director notified the Department of Education that Greenland does not intend to request a new three-year agreement. However, the Greenland School District does request that the State Board of Education extend the Charter for four (4) months (through June 30, 2006) so as to accommodate the students currently enrolled. Greenland School District proposed to discontinue the Charter School effectively July 1, 2006.
 Moved by _____, Seconded by _____ Vote _____
- A –8 **Request for Renewal of Conversion Charter Application from Ridgeroad Middle Charter School – Mary Ann Brown**
Ridgeroad Middle Charter School is a conversion Charter School operating in the North Little Rock School District. It is completing three years of operation under its initial charter, has completed the required continuation application along with performance data. This school and the North Little Rock School District request a new charter.
 Moved by _____, Seconded by _____ Vote _____
- A - 9 **Request for Renewal of Conversion Charter Application from Raider Open Door Academy Charter School – Mary Ann Brown**
Raider Open Door Academy Charter School is a conversion Charter School operating in the Nettleton School District. It is completing three years of operation under its initial charter, has completed the required continuation application along with performance data. This school and the Nettleton School District request a new charter.
 Moved by _____, Seconded by _____ Vote _____

- A – 10 Request for Renewal of Conversion Charter Application from Mountain Home High School Career Academics Charter School – Mary Ann Brown
The Mountain Home High School Charter School is a conversion Charter School operating in the Mountain Home School District. It is completing three years of operation under its initial charter, has completed the required continuation application along with performance data. This school and the Mountain Home School District request a new charter.
 Moved by _____, Seconded by _____ Vote _____
- A – 11 Consideration for Public Comment of Proposed Revisions to the Arkansas Department of Education Rule Governing the Arkansas Better Chance Program – Paul Lazenby
Program administrators for the Arkansas Better Chance Program propose revisions to the Rule that governs program operations including distribution of state funds. Revision to the Rule are intended for public comment.
 Moved by _____, Seconded by _____ Vote _____
- A – 12 Request Approval of the Recommendation of Permanent Revocation of Teacher's License and Denial of Standard Teacher's License through Reciprocity: Justin Taggard – Tripp Walter
Mr. Taggard applied for and was issued a three-year Arkansas Teacher License in February 2005. Subsequently, the Department was informed of a previous felony conviction that was expunged from Mr. Taggard's record. This new information makes Mr. Taggard ineligible to hold an Arkansas Teacher License. The Department recommends revocation of the Arkansas license.
 Moved by _____, Seconded by _____ Vote _____
- A – 13 Further Discussion of the Request for Approval of the Denial of Initial Licensure through Reciprocity: Adrienne Brown – Tripp Walter
After the Department denied Ms. Brown's background check and initial licensure through reciprocity, Ms. Brown appealed. The Board considered her appeal at the January meeting and decided to table the agenda item until February when further information could be presented.
 Moved by _____, Seconded by _____ Vote _____
- A – 14 Appointment of Nominating Committee for Board Officers 2006-2007 – Dr. Jeanna Westmoreland
State Board Guidelines requires that a Nominating Committee be appointed prior to March 1 of each year to identify a slate of officers (Chairman and Vice-Chairman) to serve for the coming year. The Nominating Committee reports its slate of officers at the regular April meeting and the election is held at the regular May meeting. New officers assume the elected position after the June regular meeting.
 Moved by _____, Seconded by _____ Vote _____

Minutes
State Board of Education
Monday, February 13, 2006

The State Board of Education met on Monday, February 13, 2006, in the Auditorium of the State 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; Diane Tatum, Vice Chairman; Sherry Burrow, Shelby Hillman; Dr. Calvin King; Randy Lawson; Dr. Ben Mays; Mary Jane Rebick; and Dr. Naccaman Williams.

No Board members were absent.

Dr. Westmoreland announced that there would be no report from the Chairman.

Dr. Ken James announced that there would be no Commissioner's Report.

Consent Agenda

Mr. Lawson moved approval of the Consent Agenda. Ms. Hillman seconded the motion.

Mr. Lawson requested that future item on the Agenda regarding loans and bonds have enrollment data for schools making requests.

The motion was adopted unanimously.

- Approval of Minutes: January 9, 2006
- Approval of Minutes: November 14, 2005, Joint Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement, Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty Consecutive Days, Act 1623 of 2001 (19 positions)
- Review of Loans and Bond Applications (Five second lien bonds and three voted bonds)
- Arkansas Teacher Retirement System – Assurance for commitment of funds should ADE employees request change in status

Action Agenda

Request for Approval of the Department of Education to Annex Eudora School District to another School District

The full text of this action was recorded by a court reporter. A transcript of the proceedings will be attached to the permanent minutes.

Scott Smith was recognized to present this item. Mr. Smith reminded the Board that state statutes require the Department to recommend annexation of a school district to a contiguous district when financial conditions within the district are such that the district is operating in a deficit condition. Mr. Smith and other Agency staff reported to the Board the current financial status of the Eudora School District, issues with recent fiscal audits, and academic status of the district and schools within the district.

Mr. Smith reported that Jimmie L. Wilson has contacted the Department indicating that parties within the Eudora District have retained his services to intervene on their behalf in this case. Mr. Wilson was recognized and requested a continuance of the hearing for at least 30 days to allow him time to prepare and review the case. Mr. Smith stated that the Department provided 30 days notice to the district and its local school board, which meets conditions of the Rules established for such action.

Ms. Rebick moved that the hearing proceed as scheduled. Dr. Williams seconded the motion. The motion passed on a vote of 7 yes and 1 no (Dr. King voted no.)

The Board heard testimony from the Eudora District patrons and superintendents from contiguous districts.

Joyce Vaught, Superintendent of the Lakeside (Lake Village) District reported to the Board that even though her board had not voted agreement to annex the Eudora District, the Lakeside District would welcome the Eudora District and would be willing to work through the issues and problems of annexation.

Ms. Rebick moved to annex the Eudora School District to the Lakeside (Lake Village) School District effective at the close of business on February 13, 2006. Ms. Hillman seconded the motion.

Dr. King asked for clarification as to the status of current employees of the district and the classes being held on a daily basis in the Eudora District. Dr. King moved to amend the motion to require classes to continue in the current buildings through the end of the current school year and that all contracted staff continue to be employed based on current contracts subject to personnel

policies. Ms. Rebick agreed to accept the amendment as a "friendly amendment." Ms. Hillman agreed to the second following further discussion.

Dr. Mays moved a substitute motion to table action on this issue until the March 2006 meeting. Dr. King seconded the substitute motion. On a roll call vote the substitute motion failed by a vote of 5 no to 3 yes (Mays, King and Tatum voted yes)

The amended motion was adopted on a roll-call vote 7 yes – 1 no (King voted no.)

Request for Approval of the Department of Education to Annex Midland School District to Another School District

The full text of this action was recorded by a court reporter. A transcript of the proceedings will be attached to the permanent minutes.

Scott Smith was recognized to present this item. Mr. Smith reminded the Board that state statutes require the Department to recommend annexation of a school district to a contiguous district when financial conditions within the district are such that the district is operating in a deficit condition. Mr. Smith and other Agency staff reported to the Board current financial status of the Midland School District, issues with recent debt accumulated by the district, and academic status of the district and schools within the district.

Dr. Charles Vondran was introduced as the Department appointed superintendent following action by the Board at the January 13, 2006, meeting. Mr. Vondran reported that he has spent the past weeks assessing the financial options of the district and indicated that he is prepared to present a budget that will have the district operating with a surplus by the end of the current school year.

Patrons of the district affirmed that approximately \$400,000 had been raised within the community and it is on deposit in a bank in Batesville. The account and its balance were confirmed by Mr. Smith.

Ms. Rebick noted that should the Board allow the district to remain, it should do so only with the Department maintaining fiscal control for at least the next two years. Dr. James noted the community's heroic efforts, but affirmed the Department's need to continue fiscal oversight of the district for at least two years.

Ms. Hillman moved that the Board not annex Midland School District to another district, but the State maintain administrative control until such time as such

control is deemed unnecessary. Mr. Lawson seconded the motion. The motion was adopted unanimously on a roll call vote.

Request for Extension of the Arkansas School for Information Systems and Technology through the 2005-2006 School Year

Mary Ann Brown was recognized to present this item. Ms. Brown reported to the Board that the Greenland District is requesting the Charter for this conversion charter school be extended through the end of the current school year and that the District has opted to not seek further extension of the Charter. Rick Gates, representing the Greenland District stated that having a separate school organization embedded within a small school poses a number of organizational problems related to reporting, testing and enrollment because of required state reporting. Mr. Gates suggested that many of the academic opportunities of the school will be continued as part of the regular high school program. Mr. Lawson moved that the Charter be extended through June 30, 2006. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Approval of the Department of Education of Revised Physical Education and Health Education Framework

Dr. Gayle Potter was recognized to present this item. Dr. Potter summarized the procedure used to develop the proposed Framework revision. She noted that a committee of 40 educators representative of schools, higher education and content groups were involved in the six-month process. Dr. Potter stated that the format for the revision parallels that of reading and mathematics in that standards and student expectations are included for each grade level and they are much more specific.

Ms. Hillman moved approval of the health and physical education frameworks as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Request for Approval of the Department of Education of Revised Science Frameworks

Dr. Gayle Potter was recognized to present this item. Dr. Potter noted that procedures for revising the science documents were similar to that presented for the previous item with the exception that approximately 55 persons were included on the team and that group worked two months longer to complete its task.

Ms. Tatum moved adoption of the science framework as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

The full text of the following actions was recorded by a court reporter. A transcript of the proceedings will be attached to the permanent minutes.

Recommendation on the Status of Jasper School District Classified in Fiscal Distress for the 2004-2005 School Year

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that the Jasper District previously classified in fiscal distress had corrected all noted deficiencies and was on track to finish the current school year with a projected surplus. The District has submitted the letter of request for removal as required by the Rule. Mr. Lawson moved that Jasper School District be removed from classification in fiscal distress. Dr. King seconded the motion. The motion was adopted unanimously.

Request from Concord School District for Approval to Close an Isolated School

Scott Smith was recognized to present this item. Mr. Smith stated that the Wilburn School District was consolidated into the Concord District in 2003-2004 and since that time the district operated two separate campuses. He noted that the district has petitioned to close the high school campus as a cost saving matter and that all students would be transported to the Concord campus. Ms. Burrow moved to close the Wilburn High School Campus of the Concord School District beginning with the 2006-2007 school year. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Request for Renewal of Conversion Charter Application from Ridgeroad Middle Charter School

Mary Ann Brown was recognized to present this item. Ms. Brown recognized Dana Chadwick and Lynn Chadwick representatives of the North Little Rock School District to highlight the status of the school. Discussion included length of school day, high percentage of poverty students, waivers requested, and overall performance on Benchmark and End-of-Course tests. Ms. Rebick moved extension of the Charter for Ridgeroad Middle Charter School through June 30, 2010. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Renewal of Conversion Charter Application from Raider Open Door Academy Charter School

Mary Ann Brown was recognized to present this item. Ms. Brown recognized Nicole Colby representing the Charter from the Nettleton School District. Ms. Colby highlighted student participation in a variety of programs and the successes experienced by students who attended the school. There was

discussion concerning the amount of time for physical education and fine arts based on new standards adopted since the school was founded. Ms. Brown indicated the Department would affirm that the daily/weekly class schedule includes required time for these content areas. Mr. Lawson moved approval of Raider Open Door Academy Charter through June 30, 2010. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Renewal of Conversion Charter Application from Mountain Home High School Career Academics Charter School

Mary Ann Brown was recognized to present this item. Ms. Brown recognized Susan Bergman, program coordinator of the school. Bergman reported successful implementation of the program as part of Mountain Home High School. Discussion included the impact of adding Grade 9 to the school's structure and the impact of that change on the Adequate Yearly Progress (AYP) status for 2006-2007. Mr. Lawson moved approval of Mountain Home High School Career Academics Charter School through June 30 2010. Dr. King seconded the motion. The motion was adopted unanimously.

(Stop Court Reporter)

Consideration for Public Comment of Proposed Revision to the Arkansas Department of Education Rule Governing the Arkansas Better Chance Program

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that the revisions to the Rule are necessary to keep up to date with changes in statutes and emergence of the ABC program. He summarized the proposed revisions as proposed.

Dr. King expressed concern for the language and policy for dealing with children who would be perceived as disruptive or discipline problems. Dr. King said every effort should be made to modify the behavior before dismissing the student from the school. He stated that too often these children are the very ones who need these programs the most.

Ms. Burrow questioned the policy on dual enrollment qualification. Mr. Lazenby suggested that such dual enrollment would only be possible if a student was determined to meet three of the identified risk factors. He noted that such students who meet these risk factors need help to the extent that can be provided.

Dr. Williams expressed concern for components of the evaluation and use of appropriate behaviors, which may be subjective to the opinion of the observer. Mr. Lazenby acknowledged that some subjective evaluations have occurred, but

the ABC staff has been made aware of that and when necessary a different evaluation team has been sent to the school.

Dr. Williams moved approval of the proposed revisions for public comment. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Request for Approval of the Recommendation of Permanent Revocation of Teacher's License and Denial of Standard Teacher's License through Reciprocity – Justin Taggard

Tripp Walter was recognized to present this item. Mr. Walter reported that staff is requesting that this item be deferred until the March meeting. Ms. Hillman moved deferral until March. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Further Discussion of the Request for Approval of the Denial of Initial Licensure through Reciprocity – Adrienne Brown

Tripp Walter was recognized to present this item. Mr. Walter reported that Ms. Brown has withdrawn her stated contest of denial of a teaching license. Ms. Hillman moved to permanently deny issuance of a teaching license to Adrienne Brown. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Appointment of Nomination Committee for Board Officers 2006-2007

Dr. Westmoreland appointed the following Board members to compose the Nominating Committee for 2006-2007: Shelby Hillman, Chair; Dr. Naccaman Williams and Mary Jane Rebick. The Committee is to report at the May meeting with election to take place at the June meeting.

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

Dr. Mays asked about the procedure for placing an item on the Agenda. Dr. Westmoreland suggested he contact the Staff Liaison.

The meeting adjourned at 4:50 p.m.

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


Dr. T. Kenneth James, Commissioner of Education


Dr. Jeanna Westmoreland, Chair, State Board of Education