

Minutes

State Board of Education
Monday, October 12, 2009

The State Board of Education met on Monday, October 12, 2009, in the Auditorium of the State Education Building. Dr. Naccaman Williams called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Naccaman Williams, Chairman; Jim Cooper, Vice-Chairman; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahony; Dr. Ben Mays; and Toyce Newton. Susan Waggener, Arkansas Teacher of the Year, also attended. The Board has one vacancy.

There were no members absent.

Chair's Report

Dr. Williams welcomed Dr. Tom Kimbrell as the Commissioner of Education. Dr. Williams recognized the announcement of Alice Mahony as the Women's Foundation of Arkansas Woman of the Year in Philanthropy. Ms. Mahony will be honored at a luncheon later in October.

Ms. Mahony reported on her "week in the field" with the U.S. Military at Fort Jackson, South Carolina. She noted that recruitment in the armed services is up, which is attributed to the decreased job market in the United States. She reported on the physical fitness condition of the recruits seeking to enter military service: seven out of every ten recruits are rejected into the service because of physical fitness. She stressed the message from the military is that physical education and nutrition education are essential to be offered in all public schools for all students.

Commissioner's Report

Dr. Kimbrell made the following comments as his report:

- Commended the staff for the work in getting the documents prepared for the Agenda.
- Noted that a press conference to announce school improvement status based of student performance on the Benchmark and End-of-course testing as required by No Child Left Behind. He stressed that much work is yet to be accomplished in many schools and districts.
- Emphasized that the agency will be working very closely with schools designated in School Improvement Year 4 and beyond.
- Informed Board members that the annual joint meeting of the State Boards is scheduled for November 9, which is the next regular meeting date.

- Stated that he and Alice Mahony would be attending a conference devoted to review of proposed National Standards in Mathematics and Language Arts at the end of October.

Special Reports

Dr. Dee Cox was recognized to provide highlights of the work of ADE, the Department of Health, and other agencies in planning and managing coordinated school health programs. She stated that details have been completed for the Board to receive a \$15,000 grant from the National Association of State Boards of Education (NASBE) to support greater Board participation in activities underway in the implementation of coordinated health.

Doug Eaton reported that the Facilities Office worked with the Hermitage School District for the past several months to correct issues with the facilities and correcting management decisions that caused the district to be classified in facilities distress. Mr. Eaton reported that progress has been made at Hermitage that will allow the Facilities Board to recommend removal of that district from facilities distress.

Consent Agenda

Ms. Gullett moved the approval of the Consent Agenda as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

- Minutes September 14, 2009
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. § 6-17-309
- Review of Loan and Bond Applications
- Executive Summary – Progress Report on the Status of Districts Classified in Fiscal Distress for 2009-2010
- Consideration of Recommendation of the Professional Licensure Standards Board for One (1) Year Probation of Teaching License, Testing Procedure Training, and a \$75 Fine on Case T-09-028 – Paula Clements
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning by the State Board of Education on Case T09-035 – Betty Macon
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Warning by the State Board of Education, Complete a Probation Period with Mentor and Complete Improvement Track Implemented by School District on Case 09-045.7 – Peter Maggio
- Consideration of Recommendation of the Professional Licensure Standards Board for a Written Reprimand by the State Board of Education and a Fine of \$50 on Case 09-052 – Samantha Williams

- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for One (1) Year by the State Board of Education and a Fine of \$75 on Case 09-060 – Tyler Heath Scott
- Consideration of Recommendation of the Professional Licensure Standards Board for Probation of Teaching License for One (1) Year by the State Board of Education and a Fine of \$75 on Case 10-003 – Phillip “Trey” Harp

Action Agenda

Consider Removal of Concord School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Dr. Michael Davidson, superintendent, was in attendance and expressed appreciation to Department staff for technical assistance during the time of classification in fiscal distress.

Mr. Ledbetter moved that Concord School District be removed from fiscal distress classification. Ms. Mahony seconded the motion. The motion was adopted unanimously.

Consider Removal of Gentry School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Dr. Randy Barrett, superintendent, was in attendance and expressed appreciation to Department staff for technical assistance during the time of classification in fiscal distress.

Ms. Burrow moved that Gentry School District be removed from fiscal distress classification. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consider Removal of Hartford School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Mr. Cooper asked about the decreasing enrollment of the district and observed that it was approaching 350 students. Dr. Chris Rink, superintendent, affirmed that the district had lost students in past years, but the decrease has slowed and hopefully the enrollment is leveling out. He stated that it was the intent of the district and community to remain a viable school district as long as possible under the law. He also commended the support of Department staff during the time of classification in fiscal distress.

Ms. Gullett moved that Hartford School District be removed from fiscal distress classification. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consider Removal of Hermitage School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Mr. Richard Rankin, superintendent, thanked Department staff for their support.

Consider Removal of Mammoth Spring School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Mr. Ron Taylor, superintendent, thanked Department staff for their support.

Mr. Cooper moved that Mammoth Spring School District be removed from fiscal distress classification. Dr. Mays seconded the motion. The motion was adopted unanimously.

Consider Removal of Mineral Springs School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Mr. Max Adcock, superintendent, thanked the Department for support during the time the district was classified in fiscal distress.

Ms. Burrow moved that Mineral Springs School District be removed from fiscal distress. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consider Removal of Murfreesboro School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Mr. Goff recommended that the District be removed from fiscal distress classification. Mr. Curtis Turner Jr. , superintendent, was present.

Dr. Mays asked the superintendent about funds generated from a millage increase that was set aside for maintenance and operation.

Dr. Mays requested that the response to his questions about adequacy be lifted verbatim from the transcript. That will be done upon receipt of the transcript from the court reporter.

Mr. Ledbetter moved that Murfreesboro School District be removed from fiscal distress. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consider Removal of Westside Consolidated School District from Fiscal Distress Classification

Bill Goff was recognized to present this item. Mr. Goff reported that this district has worked diligently with Department staff and made significant progress in improving the fiscal status of the district. Dr. James Best, superintendent, stated that the district is in much better fiscal condition than it was two years ago. He noted that the employees are the real heroes: they have worked without a raise for the past four years. Ms. Gullett stated that the report about faculty raises is depressing.

Ms. Burrow moved that Westside Consolidated School District be removed from fiscal distress. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration of Final Approval: Arkansas Department of Education rules Governing the Regulatory Basis of Accounting

Bill Goff was recognized to present this item. Mr. Goff highlighted changes that were incorporated as a result of comments. Mr. Cooper moved approval for final adoption. Dr. Mays seconded the motion. The motion was adopted unanimously.

Consideration of Final Approval: Revised Rules Governing the Calculation Methods for Declining Enrollment and Student Growth Funding for Public School Districts

Bill Goff was recognized to present this item. Mr. Goff stated that the changes in this Rule enable the Department to distribute student growth funds to districts experiencing increases in student population much quicker than before. Mr. Cooper asked about adoption of changes recommended by the Bureau of Legislative Research. Mr. Goff responded that their comment was incorporated into the revisions. Ms. Gullett moved approval as submitted. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment: Revision to Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenses of Those Funds

Bill Goff was recognized to present this item. Mr. Goff noted that this Rule now includes the Regional Service Cooperatives in the fiscal distress certification process. In response to questions about teacher bonuses and salary supplements, Mr. Goff stated that the primary issue is that bonuses are an annual addition to salary and as such not added into the base salary, nor are they automatically recurring. He also stated that salary supplements most often come from those additional funds linked to percentages of national student lunch (NSLA) funds and can only be used for salaries when all other student requirements are met. Mr. Cooper asked if teacher stipends were considered in base salary. Mr. Goff responded that they were not.

Mr. Cooper stated that a number of superintendents have contacted Board members regarding flexibility in the use of NSLA funds. He asked if this Rule provides any new flexibility. Mr. Goff responded that the Rule follows exactly the components of use of those funds as specified in the legislation and that restrictive use of funds is required by the legislation.

Mr. Cooper moved approval for public comment. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

Consideration of Final Approval: Proposed Revisions of Rules Identifying and Governing the Arkansas Fiscal Assessment and Accountability Program

Bill Goff was recognized to present this item. Mr. Goff noted a typo correction in Section 3.10 that references the code cite. The cite should be Act 798 or Ark. Code Ann. § 6-13-1001. Mr. Cooper moved adoption for final approval with the indicated revision. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration of Final Approval: Proposed Revisions to the Arkansas Department of Education Rules Governing Reimbursement by School Districts for Election Expenses

Bill Goff was recognized to present this item. There was no discussion on this Rule. Dr. Mays moved approval for final adoption. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing the Calculation of Arkansas Smart Core Incentive Funding

Bill Goff was recognized to present this item. There was no discussion on this rule. Mr. Ledbetter moved approval for final adoption. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing Public School End-of-Course Assessments and Remediation

Tripp Walter was recognized to present this item. Mr. Walter summarized comments about the Rule and the changes that were made as a result of public comment. Mr. Cooper moved approval for final adoption. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Revised Rules Governing the Waiver of Earnings Limitation under Arkansas Teacher Retirement System

Beverly Williams was recognized to present this item. Ms. Williams reported that there were no comments during the public review of this Rule. Mr. Cooper moved approval for final adoption. Ms. Gullett seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer

Beverly Williams was recognized to present this item. Ms. Williams reported that no one attended the public comment and one written comment was received from an ADE staff member. Dr. Williams asked if there were any exceptions to the 1,000 maximum school size. Dr. Kimbrell stated that the 1,000 figure is part of the authorizing legislation, but there is one exception that involves districts that voluntarily annex or consolidate. Mr. Ledbetter asked if funds were appropriated to support this Rule. Ms. Williams answered yes. Ms. Williams stated that she is currently not aware of the exact amount that was not expended from the previous year. Mr. Goff added that any funds not expended would have to be re-appropriated to be eligible for carry over to the new fiscal year. Ms. Gullett asked about criteria for students who qualify for free/reduced price school lunches. Mr. Goff responded that there is a very exacting formula for determining eligibility. Mr. Ledbetter asked if those funds were underutilized. Mr. Goff responded that elementary students usually respond well; however, high school students often do not complete the paperwork to qualify, thus some funds go unclaimed.

Ms. Gullett moved approval for final adoption. Ms. Newton seconded the motion. The motion was adopted unanimously.

Consideration for Final Approval: Proposed Rules Governing Arkansas Public Charter Schools and Rules Governing Limited Public Charter Schools

Dr. Mary Ann Brown was recognized to present this item. Ms. Burrow asked for a definition of a limited charter school. Dr. Brown stated that limited charters have fewer waivers and thus these are not very appealing to local districts. She noted that at this time there have been no applications for a limited charter. Dr. Williams asked if a limited district charter might be like a district conversion. Dr. Brown emphasized that the idea of limited waivers would probably steer a local district to consider a conversion charter as opposed to a limited charter.

Ms. Burrow asked if a district could propose a district-wide conversion. Dr. Brown responded it could be done.

Ms. Gullett cited a recent newspaper story highlighting research by the University of Arkansas that was very pro charter schools. She asked how an individual or the Board could get data about charters such as free/reduced meals, poverty index, or other data that might compare the charter to local school districts. Dr. Brown stated that such data are collected on the annual school report for each school in the state including charter schools.

Dr. Mays cited concern for the proposed lease agreement forms and the conditions that are imposed on lease agreements. He stated that the agreement form contained in the appendix has generalities that may or may not include all the aspects of a lease agreement that would be included to make a sound decision. He asked if the Board has the authority to ask for additional

documentation on lease agreements. He opined that in the past there was obvious nepotism and any lease agreement should be detailed enough to expose such proposals. Tripp Walter stated that one function of the General Counsel's Office was to review all the lease agreements and inform the Board when such concerns are observed.

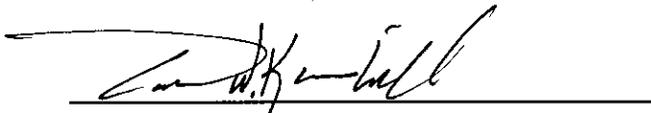
Mr. Ledbetter moved approval of final adoption of Rules Governing Public Charter Schools. Ms. Newton seconded the motion. The motion was adopted unanimously.

Dr. Mays moved approval of final adoption of Rules Governing Limited Public Charter Schools. Mr. Ledbetter seconded the motion. The motion was adopted unanimously.

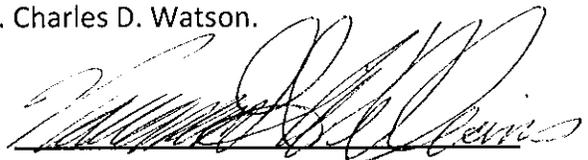
Dr. Williams stated that the Office of Educational Policy (OEP) at the University of Arkansas has prepared a report on charter schools that might prove informative prior to the review of the next round of charter application. He suggested this report might be contained in a work session prior to the next meeting. Ms. Gullett stated that the research from OEP has been questioned by other informed groups and that there are opposing views. Ms. Gullett stated that it is her opinion that OEP is very pro charter schools and their reporting does not provide a balanced approach. Mr. Ledbetter observed that the next meeting will be very compressed due to the joint session and he does not believe that compressing the report or reports into a 15 minute time slot would be productive. He suggested sending any reports to the Board for personal review prior to the next meeting.

The Chair declared the meeting adjourned. The meeting adjourned at 11:05 a.m.

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



Dr. Tom Kimbrell, Commissioner, Dept. of Education



Dr. Naccaman Williams, Chair, State Board of Education