

**Minutes**  
**State Board of Education Meeting**  
**Monday, July 12, 2010**

The State Board of Education met Monday, July 12, 2010, in the auditorium of the Department of Education building. Dr. Naccaman Williams, chairman, called the meeting to order at 9 a.m.

Present: Dr. Naccaman Williams, Chairman; Dr. Ben Mays, Vice-Chairman; Sherry Burrow; Brenda Gullett; Sam Ledbetter; Alice Mahoney; Toyce Newton; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Vandy Nash, Teacher of the Year

Absent: Jim Cooper

Ms. Newton wasn't feeling well and left the meeting at 10:30 a.m.

**Reports**

**Chair's Report:**

- Dr. Williams welcomed Vandy Nash, 2010-2011 Teacher of the Year, and invited her participation in Board discussions. Ms. Nash, a teacher at Indian Hills Elementary in the North Little Rock School District, is on loan to the Department of Education for the next school year. She will serve as an ambassador of the teaching profession.
- Chairman Williams congratulated Ms. Dorothy Gillam, Administrative Analyst in the Commissioner's Office, on her 45 years of service to the Department of Education.
- In honor of her years of service and her many contributions; Dr. Kimbrell announced Ms. Gillam would have reserved parking in space 11.
- Ms. Mahony reported her participation in the 2010 PromiseNet conference held June 16-18 in Kalamazoo, Michigan. She served as a panelist for a roundtable discussion on how programs like Promise can be structured to address a community's economic development needs while improving college access for secondary school students.

**Commissioner's Report:**

- Dr. Kimbrell announced the retirement of Dr. Charles Watson, State Board Liaison, and recognized his 40-year career in education.
- Commissioner Kimbrell extended appreciation to Mr. Tommy Arant for his work over the past several months in the Twin Rivers School District. It

was noted Mr. Arant worked tirelessly in a difficult situation to improve educational opportunities for the students.

### **Coordinated School Health – Dr. Dee Cox**

Dr. Cox provided an update of the coordinated school health efforts and announced the nine wellness center grantee districts—Dollarway, El Dorado, Fayetteville, Gurdon, Lavaca, Lincoln, Harrison, Paragould and Springdale. She noted the grantees would receive training later in the week.

Kathleen Courtney, Coordinated School Health Program Advisor, discussed the 2009 Arkansas Youth Risk Behavior Survey in which students in grades 9-12 reported about alcohol, tobacco and other health risk behaviors. Of the 1,690 survey participants: 16 percent reported physical abuse by a boyfriend/girlfriend during the past 12 months; 60 percent had tried cigarette smoking; 70 percent had tried alcohol; 37 percent had used marijuana; 54 percent had engaged in sexual intercourse; 46 percent were trying to lose weight; 22 percent attended daily PE classes; and 36 percent watched three or more hours of TV each school day.

Ms. Gullett asked how the data was being used to make a difference in the classroom.

Ms. Courtney said the information helps teachers target and integrate classroom activities designed to help students make better decisions.

### **Amendment of the Agenda**

Dr. Williams said a request had been received from the Professional Licensure Board to add an amendment to the rule for administrator licensure in agenda item A-12a.

Ms. Burrow moved, seconded by Ms. Saviers, to add the amendment for administrative licensure to A-12a. The motion carried.

### **Consent Agenda**

Dr. Williams pointed out the retirement of Patricia Brewer after 40 years of service as well as the retirement of Ron Tolson and Dr. Charles Watson.

It was noted Consent Agenda items 5-9 did not notify teachers they could appeal the decision of the Professional Licensure and Standards Board to the State Board of Education for the final decision.

Ms. Gullett moved, seconded by Ms. Mahony, approval of the Consent Agenda. The motion carried.

Items included in the Consent Agenda:

- Minutes of the June 14, 2010 Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Appointment of Dr. John Jones, Dean of College of Education at the University of Arkansas at Fort Smith, and Carolyn Odum, Principal at Randall G. Lynch Middle School in the Farmington School District, to the Professional Licensure Standards Board
- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
  - Albert Camp
  - Tammy Fisher
  - James Kendig, Jr.
  - Rodney Major
  - Edward Taylor

### **Action Agenda**

#### **Arkansas Better Chance Funding Recommendations 2010-2011**

Jamie Morrison, ABC Program Administrator, requested approval of grant funding totaling \$6,111,680 as proposed by DHS/Division of Child Care and Early Childhood Education under the Arkansas Better Chance program.

Mr. Ledbetter moved, seconded by Ms. Mahoney, approval of the Arkansas Better Chance Funding for 2010-2011. The motion carried.

#### **Consideration of Amended Public School Fund Budget for FY10**

Ted Moore, Budget Coordinator, summarized the changes in the FY10 Public School Fund budget since approved by the Board in June 2009. The changes reflected reductions in General Revenue and the Educational Excellence Trust Fund totaling approximately \$102 million. Mr. Moore said by using the \$50.1 million unrestricted fund balance and transferring \$16.9 million from Public School Facilities, total program reductions were reduced to \$35.1 million.

Mr. Moore reported the ending balance at \$35 million. He explained that \$25 million of the balance was revenue above that forecasted by Department of Finance and Administration.

Dr. Kimbrell said some of the changes were reconciliation of over-budgeted items.

Ms. Newton moved, seconded by Ms. Saviers, approval of the amended Public School Fund Budget for FY10. The motion carried.

### **Consideration of the Public School Fund Budget for FY11**

Mr. Moore presented the FY11 budget totaling \$2,587,706,466, an increase of \$30,592,407 over FY10. He said the FY11 budget reflected the \$35 million carry-forward from FY10. In pointing out some of the increases, he said the National School Lunch Act funding increased by \$9.3 million and the consolidation incentive program increased by \$8 million to accommodate five new consolidations.

Mr. Moore said school districts would receive \$6,023 per student in Foundation Aid, up from \$5,905 last year.

Ms. Saviers asked about the reduction of funds to distance learning.

Dr. Kimbrell explained that distance learning was funded through the educational cooperatives. He said he met with those providers and all but two could operate without additional funds for FY11 and still provide services to school.

Ms Gullett asked if the Pygmalion Commission would be discontinued.

Dr. Kimbrell said the \$40,000 funded to Pygmalion in past years would be discontinued. He said professional development activities the Commission had provided in the past would now come through the ADE professional development unit and that Alternative Learning Education staff would provide administrative services and support to the Commission.

Davis Hendricks, legislative advocate for Arkansas Gifted and Talented Educators (AGATE) expressed concerns regarding the reduction of funding for gifted and talented supervisors. He said GT supervisors anchored the programs in the schools and, if funding was not restored, continuity of services would be impacted.

Dr. Kimbrell pointed out that each school is required to have a GT coordinator and reducing the funding to educational cooperatives for GT supervisors would not directly impact services to students.

Dr. Mays questioned the \$2.5 million originally budgeted for speech pathologists.

Mr. Moore explained there was an appropriation but no funding to provide a \$5,000 bonus to speech pathologists.

Dr. Mays moved, seconded by Ms. Mahony, acceptance of the FY11 budget. The motion carried.

### **Consideration for Approval: Adoption of the Common Core State Standards**

Dr. Gayle Potter, Associate Director of Curriculum and Assessment, recommended adoption of the Common Core State Standards. Dr. Potter said the state-led set of learning standards in mathematics and English language arts, an initiative of the Council of Chief State School Officers and the National Governors Association, were designed to prepare students to be ready for college and career upon graduation from high school. The internationally benchmarked standards are considered to be higher, fewer and deeper than those found in many states. The objective, as Dr. Gayle Potter pointed out, is to allow teachers to teach to deeper levels of understanding for permanent learning.

Dr. Potter discussed the need for a transition plan to incorporate the standards into the state's classrooms, complete with curriculum, professional development and a new set of assessments. She asked the Board to adopt the standards with the understanding they would not be implemented until the new tests were in place.

Ms. Saviers suggested a communication plan be developed to explain the new standards so educators, students and parents could easily understand the expectations.

Ms. Gullett moved, seconded by Ms. Saviers, adoption of the Common Core State Standards. The motion carried.

### **Request for Charter Amendment of Open-Enrollment Public Charter School: Kipp Delta Public Schools, Helena and Blytheville, AR**

Scott Shirey, Executive Director of KIPP Delta Public Schools, requested the following amendments to the charter: a waiver from monthly board meetings; a change in the dismissal time for the Helena campus from 5 p.m. to 4 p.m.; allow sixth, seventh and eighth grade students to take algebra; flexibility to teach physical science in the eighth grade; and elimination of Ds from the grading scale.

Mr. Ledbetter moved, seconded by Ms. Burrow, to grant the amendments. The motion carried.

## **Review of Open Enrollment Public Charter School: Hope Academy, Pine Bluff, AR**

Dr. Mary Ann Duncan, Charter Schools Coordinator, updated the Board on the status of Hope Academy, which opened in 2007. Dr. Duncan reported that on May 29, 2010, the U.S. Department of Agriculture terminated the school's National School Lunch and breakfast programs. This action was taken as a result of the Academy seeking \$28,288.13 in reimbursement for free and reduced meals beyond the amount for which it qualified.

Dr. Duncan reported preliminary 2010 scores indicated 82 percent of the school's fifth grade students scored below grade level in math. The charter called for no more than 20 percent of the students scoring below grade level the first three years the school was open.

Bill Goff, Assistant Commissioner for Fiscal Services, said the school had a bank balance of approximately \$24,000 prior to repaying the food program debt. He said the school's budget for the FY10-11 school year relied on growth in enrollment to meet revenue projections and, therefore, would likely end the year with a negative balance.

Ms. Saviers moved, seconded by Ms. Gullett, to revoke the charter for Hope Academy. The motion carried in a roll call vote:

Yeas: Mays, Burrow, Ledbetter, Mahony, Saviers, Gullett

Nays: None

## **Request Approval of the Accreditation Status Report for Arkansas Public Schools and School Districts 2009-2010**

Dr. Charity Smith, Assistant Commissioner for Academic Accountability, and Johnie Walters, Standards Assurance Unit Leader, presented the 2009-2010 accreditation status report reflecting 778 fully accredited schools; 227 accredited-cited schools; 63 accredited-probationary schools; 11 districts accredited-cited and 4 districts accredited-probationary. Thirteen of the 63 accredited-probationary schools have violated standards for two consecutive years.

Northwood Middle School in the Pulaski County Special School District and the Academy of Excellence Conversion Charter School in the Osceola School District are in violation of standards for three consecutive years. The status of both schools will be brought before the Board at the August meeting.

Ms. Mahony moved, seconded by Dr Mays, approval of the 2009-2010 Accreditation Status Report excluding Har-Ber High School in the Springdale School District. The motion carried.

**Consideration for Final Approval: Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of those Funds**

Bill Goff said the third public hearing on the Rules was held June 2, 2010.

Mr. Ledbetter noted a recommendation from Scott Shirey in the written comments to add to section 6.07.1.2 Qualifications for Specialists/Coaches (K-12 and/or Instructional Facilitators "*or completion of the required two-year training and teaching component of the Teach for America program.*")

Mr. Ledbetter moved, seconded by Dr. Mays, approval of the final rule with additional language in 6.07.1.2 to allow for the completion of the two-year training and teaching component of the Teach for America program as a qualification. The motion carried.

**Consideration for Final Approval: Proposed Rules Governing Closing the Achievement Gap**

Dr. Laura Bednar, Assistant Commissioner of Learning Services, said a public hearing was held March 31, 2010, but no written comments were received. She said Learning Services would revisit sections 3.01, 3.02 and 3.04 in an effort to provide maximum support to schools

Ms. Burrows moved, seconded by Ms. Mahony, approval of the Rules. The motion carried

**Consideration for Final Approval: Proposed Arkansas Department of Education Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP)**

Jeremy Lasiter, General Counsel, said that although the Rules had undergone some clean up other revisions would be probably be needed after the next legislative session. He said the Department hoped to get clarification in the law to break out all components of the Rules by state and federal requirements.

Mr. Ledbetter moved, seconded by Ms. Saviers, approval of the Rules. The motion carried.

### **Consideration for Final Approval: Rules Governing Eligibility and Financial Incentives for Certified Speech-Language Pathologists**

In presenting the Rules, Beverly Williams, Assistant Commissioner of Human Resources, said the intent was to attract speech pathologists and to encourage them to get the additional certification by offering a \$5,000 incentive bonus for a period of ten years.

Ms. Gullett moved, seconded by Dr. Mays, approval of the Rules. The motion carried.

### **Consideration for Final Approval: Rules Governing Initial, Standard/Professional and Provisional Teacher Licensure**

In presenting the Rules, Ms. Williams said after being tabled last month they had undergone some minor revision. The definition of mentor contained the phrase "master teacher." She said the word master had been eliminated.

Ms. Williams requested permission to replace the word professional with advanced in reference to teacher licensure. She pointed out that Rules previously approved by the Board would also need to be changed to reflect advanced rather than professional.

Ms. Mahony moved, seconded by Ms. Burrow, approval of the Rules as amended. The motion carried.

### **Consideration for Final Approval: Rules Governing Initial, Standard/Professional Administrator and Administrator-Arkansas Correctional School Licensure**

Ms. Williams presented a recommendation from the Professional Licensure Standards Board to clarify the meaning of employment as used in the Rules. She said the proposed change was *employed by a school district and not contracted services*.

Board members expressed concern regarding the number of years experience required for administrator licensure.

Ms. Gullett moved, seconded by Ms. Saviers, approval to put the Rules back out for public comment. The motion carried.

### **Reconsideration of Decision on School Choice Petition Denial by the Bryant School District** *(A complete record of the appeal is available in the State Board office.)*

Jeremy Lasiter presented an appeal filed by Ms. Belinda Thornhill regarding the decision of the Bryant School District to deny the Arkansas Public School Choice Act application of her son Hunter Thompson.

Ms. Thornhill said she moved to Benton from Oklahoma in the spring and with the approval of Benton School District and Bryant School District enrolled her son in Bryant. She then completed the school choice application so her son could remain at Bryant for the 2010-2011 school year.

Ms. Thornhill said she received a letter approving her son's school choice application, but was later contacted by Don McGohan, Assistant Superintendent in the Bryant district, notifying her the approval was revoked. She said Bryant received Hunter's records from his former school indicating he had an IEP.

Jay Bequette, legal counsel for Bryant, said the district revoked the approval because Ms. Thornhill gave incorrect or misleading information regarding her son's need for special services. He added the district's special education classes were already operating near capacity and needed to reserve space for new students who would reside within district boundaries.

Bryant staff member Vickie Kingston said 3.5 new special education teachers had been added this year to accommodate the growing number of special needs students.

Ms. Mahony asked how many special needs students had been accepted on school choice.

The district's response was "none."

Mr. Ledbetter said he was not comfortable putting districts in a position to have to add staff.

Mr. Ledbetter moved, seconded by Ms. Mahony, to uphold denial of the petition. The motion failed in a roll call vote.

Yeas: Ledbetter, Mahony

Nays: Burrow, Gullett, Mays, Saviers

Dr. Mays moved, seconded by Ms. Saviers, to overturn the district's decision to deny the school choice application for Hunter Thompson. The motion carried in a roll call vote.

Yeas: Burrow, Gullett, Mays, Saviers  
Nays: Ledbetter, Mahony

**Request for Report**

Dr. Mays requested a report of athletic expenditures at the August meeting.

**Adjournment**

The meeting adjourned at 4:07 p.m.

*These minutes were recorded by Phyllis Stewart.*