

**Minutes**  
**State Board of Education Meeting**  
**Monday, May 14, 2012**

The State Board of Education met Monday, May 14, 2012, in the auditorium of the Department of Education building. Dr. Ben Mays, Chair, called the meeting to order at 9 a.m.

Present: Dr. Ben Mays, Chair; Jim Cooper, Vice Chair; Joe Black; Brenda Gullett; Sam Ledbetter; Alice Mahony; Toyce Newton; Mireya Reith; Vicki Saviers; Dr. Tom Kimbrell, Commissioner; and Kathy Powers, Teacher of the Year

Absent: None

**Reports**

**Chair's Report:**

Dr. Mays noted the artwork on display in the lobby was the 2012 Nutrition Education Poster Contest winners.

Ms. Saviers and Mr. Black said they visited Cross County School District to see the New Tech High School in operation. Both reported the school's innovative teaching model was exciting for the rural school.

Ms. Mahony mentioned she accompanied fourth grade students and teachers from El Dorado to Dolphin Island for an ocean educational experience. Ms. Mahony also announced she and Ms. Newton would again be hosting the Girls Learning About Math and Science Conference the following day.

**Commissioner's Report**

Dr. Kimbrell said consultation with US Department of Education (USDE) staff to provide clarification for components of the state's application for ESEA Flexibility was ongoing. He said USDE was struggling with Arkansas's teacher evaluation system, particularly how a teacher's performance will impact student academic growth.

The Commissioner said the iterative process should result in an approved plan within a couple weeks. He said those schools identified as priority should know the ADE will have a more active role in their school improvement efforts.

Ms. Saviers reiterated her desire for the state to take a stronger role in failing school districts.

Dr. Kimbrell explained that once approval was granted, a revision of the academic distress rule would be submitted for State Board approval to allow the Department to deal with the school system.

Mr. Ledbetter said it would be a travesty to not move as quickly as possible and suggested a rule be adopted on an emergency basis.

Dr. Kimbrell said the rule would come before the Board in June.

### **Recognition of Master Principal Awardees - Arkansas Leadership Academy**

Dr. Kimbrell, along with Dr. Debbie Davis and Diana Peer representing the Arkansas Leadership Academy, presented recognition awards to the following principals who met all qualifications for completion of the Master Principal Program: Lori Griffin of Elgin B. Milton Primary School in Ozark; Brenda Tash of Center Valley Elementary in Russellville; Cathy Riggins who serves in Vilonia; and Tanya Sharp of Elm Tree Elementary in Bentonville.

### **National Title I Distinguished School Program**

Fouke Elementary School in the Fouke School District was recognized for its schoolwide academic performance and the innovative programs that contributed to its success. The school represented the state at the National Title I conference.

### **Informational Update on Common Core State Standards and PARCC**

Dr. Laura Bednar, Assistant Commissioner of Learning Services, said more information and resources were being provided by PARCC to assist the state's educators in the implementation of Common Core State Standards. She said educators from across the state would serve on committees to assist with item development and aligning instructional resources with Common Core.

Dr. Bednar also gave a briefing on a recent activity in Northwest Arkansas sponsored by the Springdale School District designed to bring K-12 and Higher Education together to embrace Common Core. She predicted more engagement with Higher Education to ensure the success of the new learning standards.

### **Special Report on Athletic Expenditures for Selected Arkansas Public School Districts for Year Ended June 30, 2010**

Kathleen Crain, Interim Assistant Commissioner for Fiscal Services, presented the Special Report on Athletic Expenditures submitted by the Legislative Joint Auditing Committee dated January 14, 2011. The report covered the athletic expenses of selected districts chosen on a rotating basis and a re-examination of

districts that underreported spending by more than ten percent the previous audit year.

Total athletic expenditures reported to the Department prior to review adjustments for the districts examined was \$20.5 million. Expenditures for 15 of the districts reviewed were adjusted in excess of ten percent. Those ranged from \$9,443 at Sloan Hendrix to \$292,591 at Mountain Home and a range of 11.7 percent at Midland School District to 178.6 percent at Armorel School District.

### **Consent Agenda**

Mr. Cooper moved, seconded by Ms. Reith, approval of the Consent Agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes of the April 9-10, 2012 Board Meetings
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Waivers to Educational Agencies for Teachers Teaching Out of Area for Longer than 30 Days
- Sanction for Teachers as Recommended by the Professional Licensure
  - Zachry Donald Wilson
  - Charlotte Maxine Ellison
  - Brendon James Harris
  - Nevada Ray Mills
  - Arlene Bridges
  - Glen Howard Knod
  - Nathan Allen Miller
  - Alex Glenn Scarborough
  - Ted Jester

### **Action Agenda**

*(Complete records of the hearings are available in the State Board office.)*

#### **Consideration of ABC Funding Request for CDI-Denver**

The Division of Childcare and Early Childhood Education requested \$113,792 in additional funding for CDI-Denver. Paige Cox, staff representative, said the balance transfer from CDI- Russellville to CDI-Denver was not sufficient to cover the amount needed to support the ABC program for the remainder of the year.

Mr. Ledbetter moved, seconded by Mr. Cooper, approval of the request. The

motion carried unanimously.

**Renewal of District Conversion Public Charter School: Badger Academy, Beebe School District**

Badger Academy, a District Conversion Public Charter School located within the Beebe School District, requested renewal of its charter. The school serves students in grades 7-12 who are at risk of dropping out of school.

Ms. Mahony moved, seconded by Mr. Ledbetter, to renew the charter for one year and re-evaluate the schools's progress after one year. The motion failed five to three in a roll call vote.

Black-no  
Cooper-no  
Gullett-no  
Ledbetter-yes  
Mahony-yes  
Newton-yes  
Reith-no  
Saviers-no

Ms. Newton moved, seconded by Ms. Saviers, a five-year renewal of the charter as recommended by the Charter Review Council. The motion carried seven to one.

Black-yes  
Cooper-yes  
Gullett-yes  
Ledbetter-yes  
Mahony-no  
Newton-yes  
Reith-yes  
Saviers-yes

**Request for District Conversion Public Charter School Hearing: North Little Rock School District-Ridgeroad Middle Charter School**

The North Little Rock School District requested approval to voluntarily surrender the charter of Ridgeroad Middle Charter School effective June 30, 2012. The school serves grades 7-8 with a maximum enrollment of 700.

Superintendent Ken Kirspel said the district was reorganizing and reducing the number of campuses from 21 to 13 to better serve students be more efficient.

Ms. Saviers moved, seconded by Ms. Gullett, approval of the surrender of the

charter. The motion carried unanimously.

**Request for Open-Enrollment Public Charter School Charter Amendment: KIPP Blytheville College Preparatory School**

KIPP Blytheville College Preparatory School requested approval of a grade expansion and a new location. School officials asked permission to add fourth grade and to move the school from a leased space to its own new 24-classroom facility.

Speaking against the request, Blytheville School District Superintendent Richard Atwill questioned why the school's construction was underway and recruitment of fourth graders was taking place prior to State Board approval.

KIPP's Executive Director Scott Shirey said the state had given permission to acquire a building loan prior to a state rule change that now requires approval from the State Board. He said the school did advertise for fourth graders, but the lottery wasn't until June so no fourth grader is currently enrolled.

Ms. Gullett expressed disappointment that KIPP gave the community the impression the grade expansion and relocation was a certainty.

Mr. Shirey agreed the school should have waited to begin advertising for fourth grade.

Mr. Ledbetter moved, seconded by Ms. Newton, approval to add fourth grade and allow the relocation. The motion carried seven to one in a roll call vote.

Black-yes  
Cooper-yes  
Gullett-yes  
Ledbetter-yes  
Mahony-no  
Newton-yes  
Reith-yes  
Savier-yes

**Classification of District in Fiscal Distress-Alpena School District**

Department of Education staff announced the Alpena School District had been identified for fiscal distress status because of declining legal fund balance. Those balances dropped from \$521,289 in 2008-09 to \$380,122 in 2010-11. In that same period enrollment dropped from 579 to 554 students. The Department recommended the State Board classify the Alpena School District in fiscal distress effective May 14, 2012.

Mr. Cooper moved, seconded by Ms. Newton, to classify the Alpena School District in fiscal distress. The motion carried unanimously.

### **Classification of District in Fiscal Distress-Bismarck School District**

Department of Education staff stated the Bismarck School District had been identified for fiscal distress status because of declining legal fund balance. That year-end balance dropped from \$1.5 million in 2008-09 to \$900,000 in 2010-11. The district's enrollment increased during that same time from 934 to 978. The Department recommended the State Board classify the Bismarck District in fiscal distress effective May 14, 2012.

Bismarck Superintendent Susan Stewart-Harper said the district's financial problems were in part the result of \$300,000 in change orders in the construction of the new green high school and subsequent costs for maintenance and operation of the building.

Mr Cooper moved, seconded by Ms. Gullett, to classify the Bismarck School District in fiscal distress. The motion carried unanimously.

### **Classification of District in Fiscal Distress-Drew Central School District**

Department staff recommended the State Board classify the Drew Central School District in fiscal distress status. The district's year-end legal balance of \$627,557 in 2009-10 dropped to \$446,609 in 2010-11.

Drew Central Superintendent Wayne Fawcett said the district was losing students to other areas of the state. He said the district's loss of 46 students during the 2011-12 school year would likely reduce the amount state funding the district would receive for school year 2012-13. The district is implementing \$600,000 in budget cuts for the coming year.

Mr. Cooper moved, seconded by Ms. Newton, to classify Drew Central School District in fiscal distress. The motion carried.

### **Consideration for Final Approval: Revisions to Arkansas Department of Education Rules the Code of Ethics for Arkansas Educators**

Act 1045 of 2011 amended the Arkansas Code concerning the enforcement of ethics violations by Arkansas educators. Revisions to these Rules reflect changes pursuant to Act 1045 as well as other changes to enhance the procedures and practices of implementation. The State Board was requested to give final approval to the rule revisions.

Ms. Saviers moved, seconded by Ms. Newton, final approval of the rules. The

motion carried unanimously.

**Consideration for Final Approval: Proposed Arkansas Department of Education Rules Governing Parental Involvement Plans**

Act 1002 of 2011 directed the Department to develop rules governing parental involvement plans. Following a public comment period two minor changes were made. The State Board was requested to give final approval to the rules.

Mr. Cooper moved, seconded by Ms. Saviers, final approval. The motion carried unanimously.

**Consideration for Approval for Public Comment: Arkansas Department of Education Rules Governing the Closure of Isolated Schools**

Act 1131 of 2011, now codified at Ark. Code Ann. § 6-20-602, revised Arkansas law concerning the closure of isolated schools. The proposed rules include the revisions contained in Act 1131 of 2011 and create a procedure for the State Board to follow when considering the closure of an isolated school.

The State Board was requested to approve the proposed rules for public comment.

Mr. Cooper moved, seconded by Ms. Reith, to approve the rules for public comment. The motion carried unanimously.

**Consideration for Approval for Public Comment: Arkansas Department of Education Rules Governing the Consolidation and Annexation of School Districts (A-11)**

Acts 989 and 1217 of 2011 revised Arkansas law concerning the consolidation and annexation of school districts. The proposed rules include the revisions contained in Acts 989 and 1217 of 2011.

The State Board of Education previously approved two separate rules governing the consolidation and annexation of school districts. A third rule governs the distribution of consolidation and annexation incentive funding. The proposed rules combine the separate rules into one and update their provisions to be consistent with current state law.

The State Board was requested to approve the proposed rules for public comment.

**Consideration for Approval for Public Comment: Repeal of Arkansas Department of Education Rules Governing Administrative Consolidation or Annexation of Public School Districts and Boards of Directors of**

### **Local School Districts (A-12)**

Acts 989 and 1217 of 2011 revised Arkansas law concerning the consolidation and annexation of school districts. The State Board of Education previously approved two separate rules, including this rule, which govern the consolidation and annexation of school districts.

Department staff recommended this rule be repealed so it can be combined with the other rule governing consolidation and administration of school districts and updated in accordance with Acts 989 and 1217 of 2011. The State Board was requested to approve the proposed repeal for public comment.

### **Consideration for Approval for Public Comment: Repeal of Arkansas Department of Education Rules Governing Consolidation or Annexation of Public School Districts and Boards of Directors of Local School Districts (A-13)**

Acts 989 and 1217 of 2011 revised Arkansas law concerning the consolidation and annexation of school districts. The State Board of Education previously approved two separate rules, including this rule, which govern the consolidation and annexation of school districts. Department staff recommended this rule be repealed and combined with the other rule governing consolidation and administration of school districts and updated in accordance with Acts 989 and 1217 of 2011.

State Board approval to release the proposed repeal for public comment was requested.

### **Consideration for Approval for Public Comment: Repeal of Arkansas Department of Education Rules Governing the Distribution of Consolidation/Annexation Incentive Funding (A-14)**

Each fiscal year, the Arkansas General Assembly appropriates consolidation/annexation incentive funds to the Arkansas Department of Education. The State Board of Education last approved rules governing the distribution of those funds in November 2005. Department staff requested the State Board repeal the existing rules pertaining to consolidation/annexation incentive funding so that the content of those rules can be included in the revised Arkansas Department of Education Rules Governing the Consolidation and Annexation of School Districts.

State Board approval was requested to release the proposed repeal for public comment.

Ms. Gullett moved, seconded by Ms. Newton to release agenda items A-11 through A-14 for public comment. The motion carried unanimously.

## **Nominating Committee Report**

In giving the report from the nominating committee, Mr. Ledbetter said the officer slate for State Board approval in June would include Mr. Cooper as Chair and Ms. Gullett as Vice-Chair.

## **Adjournment**

The meeting adjourned at 2:10 p.m.

*These minutes were recorded by Phyllis Stewart.*



---

Dr. Ben Mays, Chair



---

Dr. Tom W. Kimbrell, Commissioner