

**Minutes
State Board of Education Meeting
Monday, October 8, 2012**

The State Board of Education met Monday, October 8, 2012, in the auditorium of the Department of Education building. Jim Cooper, Chair, called the meeting to order at 9 a.m.

Present: Jim Cooper, Chair; Brenda Gullet, Vice Chair; Dr. Jay Barth; Sam Ledbetter; Alice Mahony; Mireya Reith, Vicki Saviers; Toyce Newton; Dr. Tom Kimbrell, Commissioner

Absent: Joe Black and Kim Wilson

Reports

Chair's Report:

Ms. Gullett gave an update on a meeting of the National Association of School Boards with the Council of Chief State School Officers to discuss teacher preparation programs. She said a proposal would be finalized in November and presented to state education boards for adoption, much like the Common Core State Standards process.

Ms. Mahony expressed appreciation to 4H for their work in developing youth.

Commissioner's Report

There was no report from the Commissioner.

FIRST Robotics Competition

Meredith Novak, FIRST Regional Director for Arkansas, announced that more than 40 Arkansas high schools will bring students, teachers, mentors, sponsors and family members together to participate in Arkansas's inaugural FIRST® Robotics Competition (FRC) April 4-6, 2013, at Barnhill Arena on the Campus of the University of Arkansas in Fayetteville.

Ms. Novak explained the FIRST Robotics Competition is a program that challenges high school students—working with professional mentors—to design and build a robot to contend in competitions that measure the effectiveness of each robot, the power of collaboration and the determination of students. It allows teams to compete for honors and recognition that reward design excellence, sportsmanship, teamwork and more. She said teams are forming now for the 2013 build and competition season which begins January 5, 2013.

Recognition of Superintendent of the Year

Mike Mertens, Assistant Director of the Arkansas Association of Educational Administrators, and Commissioner Kimbrell recognized Dr. Greg Murry as the 2012-2013 Superintendent of the Year. Dr. Murry, superintendent in the Conway School District, will represent the state in the national competition.

Informational Update on Common Core State Standards and PARCC

Dr. Laura Bednar, Assistant Commissioner of Learning Services, paid tribute to the state's classroom teachers for their work in implementing the Common Core State Standards. She announced a mathematics bridge course to Algebra II would be released October 15 during the sixth CCSS institute. She also said Arkansas was partnering with five other states through SREB to develop a transition course to college algebra.

Consent Agenda

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

Items included in the Consent Agenda:

- Minutes of the September 10, 2012, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- An Update on the Pulaski County Special School District 2011-12 School Climate Report
- Newly Employed, Promotions and Separations
- Waivers for Teachers Teaching out of Area
- Review of Loan and Bonds—Three Second Lien Bond Applications and Two Voted Applications
- Approval of the Education Service Cooperatives' Annual Reports
- Sanction for Teachers as Recommended by the Professional Licensure Board
 - Liisa Pridemore
 - Kevin Wayne More
 - Bruce Wayne Bryant
 - Felicia S. Kelly
 - Deann Mary Roberts
 - Wanda Lee Mann
 - Christie Kay Stockburger
 - Dennis Raymond Koch
 - Sheila Lorraine Mann
 - Stephanie A. Alexander
 - Debra Ann Cowart

- Shauna Catherine Andres
- Mavis Virginia Cherry

Action Agenda

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

Request for District Conversion Public Charter School Charter Amendment: Cross County School District - Cross County Elementary Technology Academy Charter School

Mary Perry, Charter Schools Program Director, presented a request from the Cross County School District to waive class size standards for grades K-6 at the Cross County Elementary Technology Academy Charter School.

Superintendent Dr. Matt McClure told the State Board that enrollment is increasing faster than anticipated. He said the district is planning to add new classrooms, but the work won't be completed until 2014-15.

Ms. Gullett moved, seconded by Mr. Ledbetter, to grant the waiver by allowing the enrollment cap in each grade to increase by five for no more than two years. The motion carried unanimously.

Consideration of Approval of ABC Grants

The Division of Childcare and Early Childhood Education (DCCECE) requested approval of three grants—two for Arkansas State University totaling \$340,405.88 and one for the University of Arkansas at \$102,084.00—for a grand total of \$442,489.88. The grants are for services rendered last fiscal year but billed this fiscal year.

Mr. Ledbetter moved, seconded by Ms. Mahony, approval of the request. The motion carried unanimously.

Petition by the DeWitt School District to Close the Gillett Elementary School

Jeremy Lasiter, General Counsel, said on September 7, 2012, the DeWitt School District petitioned the State Board of Education for an order closing the Gillett Elementary School, an isolated campus. Mr. Lasiter said members of the Gillett community oppose the petition. He informed the State Board they could hear the petition pursuant to Ark. Code Ann. § 6-20-602(b)(2) and the Arkansas Department of Education Rules Governing the Closing of Isolated Schools.

Superintendent Gary Wayman told the State Board he and his staff recommended last spring that Gillette Elementary be closed after this school year and those students be reassigned to the DeWitt Elementary School. However, the DeWitt school board voted 5-2 for the closure making the final decision that of the State Board.

Mr. Wayman said closing the school would save at least \$134,000 and as much as \$241,000 a year in the district's approximately \$12 million budget. He acknowledged the district's year-end balances had increased but attributed that to cost saving measures including reducing the number of work days for some employees. Mr. Wayman said teacher salaries had not been raised in four years.

Mr. Wayman was complimentary of the 74-student school's high achievement but said the facilities that date back to 1943 will need repairs if they remain open.

Members of the Gillette community opposed the closing saying the school's small size and the relationship teachers have with students and families are key to the school's achievement.

State Board members expressed reluctance to closing a high performing school. Ms. Mahony questioned whether parents in DeWitt were notified they could send their children to Gillette.

Gillette Principal Vicki Reed said board policy allowed families to choose schools but that option had not been advertised.

Mr. Wayman said he wasn't sure such transfers were legal given Gillette Elementary was an isolated school and eligible for extra state aid of \$1,000 per student.

Mr. Ledbetter urged the district and the Gillette community to explore all options to mitigate the cost of operating a school that is performing well and has community support. He said he didn't want to put DeWitt School District in fiscal distress but wanted to see if there was some way to coexist.

Ms. Mahony moved, seconded by Ms. Newton, to deny the request to close Gillette Elementary and to direct the Arkansas Department of Education to work with the district to explore options. The motion carried five to two in a roll call vote.

Yeas—Mahony, Ledbetter, Newton, Reith and Barth
Nays—Saviers and Gullett

Consideration of Committee Recommendations for Textbook Adoptions

The Division of Learning Services, Curriculum and Instruction Unit, requested approval of committee recommendations of the K-8 math textbook adoption list, 9-12 math textbook adoption list and K-12 health and PE adoption list.

A representative of Carnegie Learning asked the State Board to amend the committee's recommendation and include Carnegie's grades 6-8 mathematics textbooks and instructional materials. He said the textbook selection committee approved Carnegie's bid for high school math textbooks and materials earlier this year.

Thomas Coy, mathematics curriculum specialist, said the committee, comprised of teachers, was formed in May and developed criteria to score various bids for textbook

companies. He noted the careful work of the committee and asked the Board to support their recommendation.

Dr. Barth moved, seconded by Ms. Reith, to accept the committee's recommendation as proposed. The motion carried. Ms. Mahony voted no.

Hearing on Waiver Request for Certified Teacher License – Kevin Baer

Katherine Donovan, legal counsel for the Professional Licensure Board, said Kevin Baer was requesting a waiver of his 1999 disqualifying conviction for Public Sexual Indecency, a class "A" misdemeanor, in order to renew his Arkansas teaching license. Mr. Baer's record had been sealed and expunged.

Mark Jesse, legal counsel for Mr. Baer, said his client had been employed in higher education since the disqualifying conviction.

Mr. Ledbetter moved, seconded by Ms. Reith, approval of the waiver with the stipulation of probation for a period of two years and no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

Hearing on Waiver Request for Certified Teacher License – Nicole Francis

At the request of Ms. Francis, this item was postponed.

Hearing on Waiver Request for Certified Teacher License – David Yarbrough

Ms. Donovan reported that David Yarbrough applied for renewal of his license December 13, 2010. His license renewal application was denied because of his February 27, 2011, conviction for felony theft of property from the Guy-Perkins School District for misappropriation of band booster funds and district activity funds while he was the music director. On May 16, 2011, the State Board heard his request for a waiver and denied his waiver request but left open the possibility for Mr. Yarbrough to appear again to request a waiver at a later date. On August 9, 2012, Mr. Yarbrough filed a new application for renewal of his license and requested the State Board of Education grant his waiver.

Ms. Gullett moved, seconded by Ms. Saviers, approval of the waiver with the stipulation of probation for a period of two years and no other disqualifying conviction or violation of code of ethics. The motion carried unanimously.

Consideration for Final Approval: Proposed Arkansas Department of Education Rules Governing Educator Licensure

On June 11, 2012, the State Board of Education released for public comment proposed new Rules Governing Educator Licensure. On August 13, 2012, the State Board approved and released for a second public comment period a revised version of the proposed rules. Public hearings were held July 11 and September 6, 2012, and a total of 264 oral and written comments were received. In response to the comments, the

Department proposed a significant number of revisions to the proposed Rules.

The State Board was requested to give its final approval of the proposed new Rules, as revised.

Ms. Mahony moved, seconded by Ms. Saviers, approval. The motion carried unanimously.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Addition of Areas of Licensure or Endorsement (A-9)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Initial and Standard/Advanced Level School Administrator Licensure (A-10)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Initial, Standard/Advanced Level and Provisional Teacher Licensure (A-11)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Licensure of Speech Language Pathologists by the State Board of Education (A-12)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Requirements And Procedures For Renewing A Standard/Professional Arkansas Teaching License (A-13)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Teacher Licensure by Reciprocity (A-14)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Parental Notification of an Assignment of a Non-Licensed Teacher to Teach a Class for More Than Thirty (30) Consecutive School Days During a School Year and for Granting Waivers (A-15)

The substantive provisions of these rules have been incorporated into the proposed new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment June 11, 2012, and a public hearing was held July 11, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing Waivers for Substitute Teachers (A-16)

The substantive provisions of these rules have been incorporated into the proposed

new Rules Governing Educator Licensure. The State Board released the proposed repeal of these rules for public comment August 13, 2012, and a public hearing was held September 6, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Regulations Governing the Common Core System (A-17)

These Rules were approved by the State Board February 9, 1998. Since that time, they have been superseded by new statutes and by other Department rules, in particular the Standards for Accreditation of Arkansas Public Schools and School Districts. Although these Rules use the term "Common Core," they are not related to the Common Core State Standards. The State Board released the proposed repeal of these rules for public comment August 13, 2012, and a public hearing was held September 6, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules and Regulations Governing Special Education Expenditure Requirements (A-18)

These Rules became effective November 13, 1997. Since that time, the Department has substantially revamped its rules related to Special Education, but it appears these Rules were never repealed. The State Board released the proposed repeal of these rules for public comment August 13, 2012, and a public hearing was held September 6, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Consideration for Final Approval: Repeal of Arkansas Department of Education Rules Governing the Development of a Uniform Budget and Accounting System (A-19)

These Rules were approved by the State Board June 14, 2004. Since that time, they have been superseded by new statutes and by other Department rules, including the Department's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Audit Requirements. The State Board released the proposed repeal of these rules for public comment August 13, 2012, and a public hearing was held September 6, 2012. No comments were received.

Department staff requested that the State Board give its final approval to repeal of this rule.

Ms. Gullett moved, seconded by Ms. Saviers, approval of agenda items A-9 through A-19. The motion carried unanimously.

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

The revisions to these rules streamline the State Board of Education hearing process for ethics cases in which the educator requests the State Board to review a recommendation by the PLSB subcommittee. The revisions also align the rules with the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-210. The State Board released these rules for public comment June 11, 2012. A public hearing was held July 16, 2012. Written comments were received, and minor changes were made to the rules.

Department staff requested that the State Board give final approval to these revisions.

Dr. Barth moved, seconded by Ms. Reith, approval. The motion carried unanimously.

Consideration of Approval for Public Comment: Proposed Arkansas Department of Education Rules Governing Positive Youth Development Grants (A-21)

Act 166 of 2011 created the Positive Youth Development Grant Program to expand the availability of school-based and school-linked afterschool/summer programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs. The Act directs the Department, with the advice and assistance of the Division of Child Care and Early Childhood Education, to adopt rules to implement the Program.

Department staff requested that the State Board approve and release these proposed rules for public comment.

Consideration for Approval for Public Comment: Arkansas Department of Education Rules Governing Alleged Testing Improprieties (A-22)

Ark. Code Ann. § 6-15-403 allows the State Board of Education to promulgate rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment, and accountability program. Ark. Code Ann. § 6-15-438 sets forth the statutory requirements pertaining to test security and confidentiality. Current rules should be amended to account for the Professional Licensure Standards Board (PLSB) investigative process and to set forth a clear process for the resolution of alleged testing improprieties.

Department staff requested that the State Board approve the proposed rules for public comment.

Ms. Gullett moved, seconded by Ms. Mahony, to approve agenda items 21 and 22. The motion carried unanimously.

Ms. Mahony requested a letter of support be written for Race to the Top applicants.

Commissioner Kimbrell said the Department wanted an opportunity to review the grants before giving support.

Adjournment

The meeting adjourned at 1:55 p.m.

These minutes were recorded by Phyllis Stewart.



Jim Cooper, Chair



Dr. Tom W. Kimbrell, Commissioner