

Minutes
State Board of Education Meeting
Thursday, October 8, 2015

The State Board of Education met Thursday, October 8, 2015, in the Arkansas Department of Education Auditorium. Chair Toyce Newton called the meeting to order at 10:02 a.m.

Present: Toyce Newton, Chair; Diane Zook; Dr. Jay Barth; Susan Chambers; Brett Williamson; Charisse Dean; and Johnny Key, Commissioner.

Absent: Mireya Reith, Vice-Chair; Vicki Saviers; Joe Black; and Ouida Newton, Teacher of the Year.

Consent Agenda

Dr. Barth moved, seconded by Ms. Chambers, to approve the consent agenda less C-5 Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309. The motion carried unanimously.

Educator Licensure Director Mr. Darrick Williams responded to questions from the Board regarding consent item C-5 report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309.

Ms. Zook moved, seconded by Ms. Chambers, to approve the consent agenda item C-5 Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes - September 10, 2015
- Minutes - September 11, 2015
- Review of Loan and Bond Applications
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case 15-094 – Terry Lynn Simmons
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case 15-111 - Mary Elizabeth Fitzgerald
- Consideration of the Recommendation of the Professional Licensure

Action Agenda

A-1 Consideration of Resolution for Arkansas School Bus Safety Week

Arkansas Division of Public School Academic Facilities and Transportation Senior Transportation Manager Mr. Mike Simmons said pursuant to Arkansas Code Annotated § 6-19-117, School Bus Safety Week is annually observed during the third week of October which coincides with the observance of National School Bus Safety Week. This year, Arkansas School Bus Safety Week will be observed October 19-23, 2015.

Ms. Zook moved, seconded by Mr. Williamson, to adopt the resolution for Arkansas School Bus Safety Week. The motion carried unanimously.

Recognition

Mr. Simmons and Commissioner Key recognized Ms. Susie Everett, owner of Everett Buick GMC in Bryant, and Mr. Tom Farmer, transportation director for the Bryant School District. Mr. Simmons said Ms. Everett and Mr. Farmer have both been tremendously supportive and active in the state's annual *Flashing Red. Kids Ahead.*

A-2 Consideration of the Little Rock School District Report of Progress

Little Rock School District Civic Advisory Committee Co-Chairs Dr. Dionne Jackson and Mr. Greg Adams said the committee had a retreat to focus on their assigned work. Mr. Adams said the committee was organized into four subcommittees. He said the subcommittees would meet monthly. He said the committee addressed the four questions requested by LRSD Superintendent Mr. Baker Kurrus. He said more detailed information would be provided at a later date.

Little Rock School District Deputy Superintendent Dr. Marvin Burton said the organization structure was focused on supporting student learning. He said the central office was supporting formative assessments, disciplinary literacy, reflective feedback and technical support. He said the LRSD has worked with ADE to provide training on the Indistar (school improvement) and 45-day plan template. He said leadership teams have been identified. He said all priority and focus schools have daily, dedicated time for planning of instruction and assessment. The schools utilize the data to make decisions about professional development, and the district utilizes the data to make decisions about the distribution of resources and support. He said as a result of the low reading scores at the secondary level, a focus on disciplinary literacy would assist

students in learning how to read, write and think in ways that are characteristic of discrete academic disciplines. Dr. Burton outlined the data to be reported in the 45-day plan.

Little Rock School District Associate Superintendent Dr. Sadie Mitchell said the work at Baseline Elementary School was progressing. She said the afterschool program was showing amazing results. She said the School Improvement Grant was providing resources that assist the underperforming students. She said the teachers at Baseline Elementary have received over 90 hours of professional development. She said the educators were using small group and one-to-one instruction with the students.

Little Rock School District Superintendent Mr. Baker Kurrus said the district was planning systemically. He said the key to solving the problem at the high schools was to ensure students are reading on grade level in elementary schools. He said the district was working systematically through clear lines of authority and accountability. He said the district must appreciate the teachers because they are working very hard. He said the district was close to finalizing the contract with the teachers. He said the community was donating resources and providing support. He said the distractions would not prevent the LRSD from moving forward to a world-class education for the Little Rock School District students.

Commissioner Key read the following statement, "Our legal team will review the filing with the Arkansas Attorney General's Office, so it is premature at this time to comment on the veracity of the claims made by Rep. Walker, Mr. Ross, Ms. Springer and the other plaintiffs. This we do know: Student learning occurs in the classroom, not the courtroom. To that end, this agency will remain focused on supporting Baker Kurrus and his team in improving the delivery of education to all the students of the Little Rock School District. The presentation by Mr. Burton to the State Board of Education today clearly demonstrates the urgency of this task."

Ms. Zook moved, seconded by Ms. Chambers, to approve the Little Rock School District Report of Progress and confirm Commissioner Key's statement. The motion carried unanimously.

A-3 Consideration of Appeal from Denial of School Choice Application – Cleaves

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015; the Cleaves family appealed the decision of the Palestine-Wheatley School District to deny school choice applications for the 2015-2016 school year. She said the family resided in the Forrest City School District.

Palestine-Wheatley School District Superintendent Mr. John Estes said the district denied the application because the Forrest City School District submitted an exemption for school choice.

Forrest City School District counsel Mr. Sam Jones said multiple items were submitted in response to the appeal. Mr. Jones said the application was a request under the opportunity school choice act. He said the student was enrolled in an elementary school that was not identified in academic distress; therefore, the application should be denied. Mr. Jones said the Forrest City School District was scheduled for a current court case to be heard in January. He said the lawsuit might move the district closer to unitary status.

Ms. Davis said that the parent had said this was the application provided to her; therefore, Ms. Davis did not feel it was fair to deny the application on that point alone.

Parent Ms. Cleaves said she wanted the best education for her daughter. She said her neighbor's children were accepted into the Palestine-Wheatley School District, and she requested her child be approved.

Dr. Barth moved, seconded by Ms. Chambers, to deny the appeal for the School Choice Application for Cleaves. Ms. Zook, Mr. Williamson, and Ms. Dean voted no. The final vote was 2-3. The motion failed.

Ms. Zook moved, seconded by Mr. Williamson, to grant the appeal of the School Choice Application for Cleaves. Dr. Barth and Ms. Chambers voted no. The final vote was 3-2. The motion carried.

Commissioner Key said many of the factors in determining school choice have changed over time. Ms. Davis said the standards and district self-reporting requirements might cause districts to move forward toward obtaining unitary status and removal from court supervision.

A-4 End of Semester Review of Open-Enrollment Public Charter School in the Initial Year of Operation: Exalt Academy of Southwest Little Rock

Division of Learning Services Coordinator Ms. Mary Perry said pursuant to Ark. Code Ann. §6-23-406, end-of-semester financial and student enrollment data were provided for the initial school year of operation of open-enrollment charter Exalt Academy of Southwest Little Rock.

Exalt Academy of Southwest Little Rock Principal Ms. Tina Long said the current enrollment was 233 with a cap of 240. She said the students were demonstrating academic growth. She said the educators were utilizing small

group learning and data decision-making.

Dr. Barth moved, seconded by Ms. Zook, to approve the end of semester review of Open-Enrollment Public Charter School in the initial year of operation: Exalt Academy of Southwest Little Rock. The motion carried unanimously.

A-5 End of Semester Review of Open-Enrollment Public Charter School in the Initial Year of Operation: Quest Middle School of West Little Rock

Charter School Coordinator Ms. Alexandra Boyd said pursuant to Ark. Code Ann. §6-23-406, end-of-semester financial and student enrollment data were provided for the initial school year of operation of open-enrollment charter Quest Middle School of West Little Rock.

Quest Middle School of West Little Rock Program Manager Mr. Curtis Shack said the current enrollment was 233. He said the school was recruiting more diversity in the student enrollment. He said the school does not provide transportation.

Quest Middle School of West Little Rock Campus Director Mr. Christopher Stevens said the school has demonstrated growth and increased parental involvement. He said the school received an EAST grant.

Mr. Williamson moved, seconded by Ms. Dean, to approve the end of semester review of Open-Enrollment Public Charter School in the initial year of operation: Quest Middle School of West Little Rock. The motion carried unanimously.

A-6 Consideration of Waiver from Repayment Obligations for NBPTS Program Funding - Miranda McDiarmid

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said Ms. Miranda McDiarmid was a licensed educator who received state funding for participation in the National Board for Professional Teaching Standards certification program. She said Ms. McDiarmid did not complete the certification and was required by law to repay the state funding she received. The State Board may suspend or revoke an educator's license for failure to repay the state funding. Ms. McDiarmid requested that the State Board grant a waiver from the repayment obligation due to extenuating circumstances. Ms. Reinhart said the Department recommended that the Board grant the waiver.

Dr. Barth moved, seconded by Ms. Chambers, to approve the waiver from repayment obligations for the NBPTS Program Funding for Ms. Miranda McDiarmid. The motion carried unanimously.

A-7 Consideration of Waiver Request for Teaching License – Lynn D. Lang

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Lynn D. Lang applied for a first-time teaching license. On April 28, 2015, the Department notified Mr. Lang that a background check conducted under Ark. Code Ann. § 6-17-410 revealed a disqualifying offense for licensure.

Mr. Lang said he previously worked in Memphis City Schools. He made a poor decision, and his teaching license was suspended. He said his Tennessee teaching license was reinstated, and he is currently licensed in three states.

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said she did not believe Mr. Lang's licensure areas were critical shortage areas.

Ms. Liwo said Georgia revoked Mr. Lang's teaching license. She said Mississippi did reinstate the license for Mr. Lang.

Ms. Zook moved, seconded by Dr. Barth, to deny the waiver request for teaching license for Mr. Lynn D. Lang. The motion carried unanimously.

A-8 Consideration of Waiver Request for Teaching License – Anwar H. Fairley

Professional Licensure Standards Board (PLSB) Attorney Ms. Jennifer Liwo said Mr. Anwar H. Fairley was a licensed educator. On August 14, 2015, Mr. Fairley was notified that the Department would seek revocation of his teaching license based on a disqualifying offense for licensure under Ark. Code Ann. § 6-17-410.

Attorney Mr. Greg Alagood said Mr. Fairley previously taught in the Pulaski County Special School District. He requested a probationary status of license during the period of probation.

Ms. Liwo said the Department was concerned by the sentence received by Mr. Fairley. She said Mr. Fairley had a previous ethics sanction by the State Board.

Pulaski County Special School District Human Resources Director Mr. Paul Brewer said Mr. Fairley's employment was suspended pending outcome of the State Board decision. He said if Mr. Fairley were provided a license, he would be re-employed by the district.

Mr. Fairley said he was transparent with the PCSSD about the incident. He said he didn't realize he was pleading guilty to a disqualifying offense. He said he completed the 200 hours of community service. He said the home detention was removed from his requirements. He said he completed the counseling requirement and paid all fines.

Ms. Liwo said Mr. Fairley initialed a legal document verifying the sentence applied. She said the affidavits indicated the severity of the incident. She requested Mr. Fairley's license be suspended during the probation period.

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said a license would not be renewed during suspension. At the end of suspension, an educator may apply to renew the license.

Dr. Barth moved, seconded by Ms. Chambers, to approve a two-year suspension of license followed by a one-year probation of license with all professional development requirements met and no additional disqualifying offenses during the three years. Ms. Dean and Mr. Williamson voted no. The final vote was 3-2. The motion carried.

A-9 Consideration of Waiver Request for Teaching License – Melanie J. Williams

The item was pulled from the agenda.

A-10 Adoption of State Board of Education Meeting Dates for Calendar Year 2016

General Counsel Ms. Kendra Clay said Arkansas statute required each constitutional board and commission to set proposed dates for the next calendar year. The State Board of Education has previously set the second Thursday and Friday of each month as its regular meeting dates. She said the Board would need to approve these dates again in December as required by statute, but the Department was requesting the dates earlier to assist in setting schedules.

Ms. Zook moved, seconded by Ms. Dean, to adopt the State Board of Education Meeting Dates for Calendar Year 2016. The motion carried unanimously.

A-11 Consideration of High School Partnership for Assessment of Readiness for College and Careers (PARCC) Cut Scores

Assessment Director Ms. Hope Allen requested approval of the high school PARCC cut scores for Arkansas. She reviewed the performance level setting process followed by the PARCC states. She presented scores for Algebra I, Geometry, ELA Grade 9, and ELA Grade 10. She also presented scores for Algebra II and ELA Grade 11 (these assessments were optional for schools).

Assistant Commissioner for Learning Services Dr. Debbie Jones said rules are

being revised.

General Counsel Ms. Kendra Clay said the Department was considering timelines and emergency rules as needed.

Ms. Dean moved, seconded by Ms. Chambers, to approve the High School Partnership for Assessment of Readiness for College and Careers (PARCC) cut scores. The motion carried unanimously.

A-12 Consideration to Approve Cut Scores for the National Center and State Collaborative (NCSC) Assessment

Assessment Director Ms. Hope Allen requested approval of the cut scores for the National Center and State Collaborative (NCSC) Assessment. She reviewed the performance level setting process followed by the NCSC states. She said the assessment was for students with significant cognitive disabilities.

Dr. Barth moved, seconded by Ms. Dean, to approve the cut scores for the National Center and State Collaborative (NCSC) Assessment. Ms. Zook voted no. The final vote was 4-1. The motion carried.

A-13 Consideration of Praxis Test for New Age 3-4 Special Educational Licensure passing score

Public School Program Advisor Mr. Michael Rowland said to address a new Arkansas educator licensure area in Age 3-4 Special Education, Educational Testing Service (ETS) provided the following information from a state test review for the Praxis™ Interdisciplinary Early Childhood Education (5023). The 5023 is currently one of two tests required for the Early Childhood Special Education Integrated (Birth-Kindergarten) license and is the content assessment for the special education components of the B-K license. To support the decision-making process for the Arkansas Department of Education (ADE) with regards to establishing a passing score, or cut score, for the Praxis™ Interdisciplinary Early Childhood Education (5023) test, research staff from ETS designed and conducted a state test review in February 2014 and a follow-up meeting in April 2014. He said the review collected content related validity evidence to confirm the importance of the content specifications for entry-level early childhood special education integrated (B-K) teachers. The two-hour assessment contains 100 multiple choice questions covering four content areas: Growth and Development of Young Children Across the Spectrum of Development (24 questions); Educational and Service Requirements for Children with a Range of Abilities and Special Needs (19-20 questions); Curriculum, Instruction, and Assessment for Young Children (26-27 questions); Play and Learning Environment for Young Children (24 questions); Collaboration with Families and Colleagues (14-15

questions); and Professionalism and Growth through Professional Development (11-12 questions). He said the recommended passing score was provided to help the ADE determine an appropriate operational passing score. For the Praxis™ Interdisciplinary Early Childhood Education (5023), the recommended passing score was 160 (on a 100 - 200 scale). For the Age 3-4 Special Education license, the ADE recommends adopting the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 immediately.

Assistant Commissioner for Educator Effectiveness and Licensure Ms. Ivy Pfeffer said this opportunity would add an endorsement for Age 3-4 Special Education. She said this would eliminate a barrier for educators with a K-12 license for Special Education.

Dr. Barth moved, seconded by Ms. Dean, to approve the Praxis Test for New Age 3-4 Special Education Licensure passing score of 160 effective immediately. The motion carried unanimously.

A-14 Consideration for Final Approval: Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts

Staff Attorney Ms. Jennifer Davis said the State Board released these rules for public comment on July 9, 2015. A public hearing was held on August 6, 2015, and the public comment period expired on August 14, 2015. She said public comments were received; no substantive changes were made. The proposed rules have been approved by the Governor's Office. Ms. Davis requested that the State Board of Education give final approval to these rules pending Legislative Council review.

Ms. Chambers moved, seconded by Ms. Dean, to approve the Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts. The motion carried unanimously.

A-15 Consideration for Final Approval: Arkansas Department of Education Rules Governing Professional Development

Staff Attorney Ms. Jennifer Davis said the State Board released these rules for public comment on August 13, 2015. A public hearing was held on September 2, 2015. She said the public comment period expired on September 18, 2015. No public comments were received. She said the proposed rules have been approved by the Governor's Office. She requested that the State Board of Education give final approval to these rules pending Legislative Council review.

Dr. Barth moved, seconded by Mr. Williamson, to approve the Arkansas Department of Education Rules Governing Professional Development. The

motion carried unanimously.

A-16 Consideration for Final Approval: Arkansas Department of Education Rules Governing Required Training for School Board Members

Staff Attorney Ms. Jennifer Davis said the State Board released these rules for public comment on July 9, 2015. A public hearing was held on August 6, 2015. She said the public comment period expired on August 14, 2015. No public comments were received. She said the proposed rules have been approved by the Governor's Office. She requested that the State Board of Education give final approval to these rules pending Legislative Council review.

Ms. Dean moved, seconded by Ms. Chambers, to approve the Arkansas Department of Education Rules Governing Required Training for School Board Members. The motion carried unanimously.

A-17 Consideration for Final Approval - Arkansas Department of Education Rules Governing College and Career Readiness Planning Programs

Staff Attorney Mr. Cory Biggs said on August 13, 2015, the State Board approved the proposed Rules Governing College and Career Readiness Planning Programs for public comment. He said the Department received no comments.

Mr. Williamson moved, seconded by Ms. Dean, to approve the Arkansas Department of Education Rules Governing College and Career Readiness Planning Programs. The motion carried unanimously.

A-18 Consideration for Public Comment: Arkansas Department of Education Rules Governing the Succeed Scholarship Program

Staff Attorney Mr. Cory Biggs said Act 1178 of 2015 created the Succeed Scholarship Program and directed the State Board of Education to adopt rules and develop notices and other documentation necessary to administer the Succeed Scholarship Program that are in the best interest of students.

Ms. Chambers moved, seconded by Ms. Dean, to approve the Arkansas Department of Education Rules Governing the Succeed Scholarship Program for public comment. The motion carried unanimously.

A-19 Consideration for Public Comment: Proposed Arkansas Department of Education Rules Governing Schools of Innovation

Staff Attorney Mr. Cory Biggs said Act 1136 of 2015 revised Arkansas laws pertaining to Schools of Innovation, adding a requirement that schools comply with state law and rules regarding the education of gifted and talented students.

Dr. Barth moved, seconded by Ms. Zook, to approve the proposed Arkansas Department of Education Rules Governing Schools of Innovation for public comment. The motion carried unanimously.

A-20 Consideration for Public Comment – Proposed Arkansas Department of Education Policies Governing Educator Preparation Program Approval

Professional Licensure Standards Board (PLSB) Attorney Ms. Cheryl Reinhart said the Department recommended changes to the Arkansas Department of Education Policies Governing Educator Preparation Program Approval. She said these changes are needed to update the rules.

Dr. Barth moved, seconded by Ms. Dean, to approve the proposed Arkansas Department of Education Policies Governing Educator Preparation Program Approval for public comment. The motion carried unanimously.

A-21 Consideration for Public Comment: Arkansas Department of Education Rules Governing Local Education Agency Numbers

Staff Attorney Ms. Jennifer Davis said Ark. Code Ann. § 25-6-107 addressed local education numbers and allowed the State Board of Education to adopt rules necessary to fully implement the issuance of LEA numbers.

Assistant Commissioner of Public School Accountability Ms. Annette Barnes said if a school requested an LEA change, a process must be completed. She said there are guidelines in ESEA Flexibility.

Ms. Zook moved, seconded by Mr. Williamson, to approve the Arkansas Department of Education Rules Governing Local Education Agency Numbers for public comment. The motion carried unanimously.

Reports

Report-1 Chair's Report

Dr. Barth participated in the ForwARd working group. He said the focus was on the quick wins identified in the recommendations. He said the group was continuing communication efforts and meeting with focus groups. He said more information would become available regarding the ForwARd Communities.

Ms. Zook attended the Special Education task force meeting and reported discussion centered around discipline, funding, and the state personnel development grant.

Report-2 Commissioner's Report

Commissioner Key and Mr. Andrew Tolbert attended the Arkansas School Board Association school board training for the Lee County School Board. Commissioner Key said he was very encouraged by the conversations with the new board members.

Commissioner Key said four Arkansas public schools and one private school were named the 2015 National Blue Ribbon Schools by the U.S. Department of Education. He recognized Mount Pleasant Elementary School in the Melbourne School District, Park Magnet School in the Hot Springs School District, Valley View Junior High School in the Valley View School District, Vandergriff Elementary School in the Fayetteville School District, and St. Vincent de Paul Catholic School in Rogers (part of the Diocese of Little Rock school system). He said these five schools received the Exemplary High Performing School designations and were among 335 schools nationally that were designated as National Blue Ribbon Schools. He said the program recognizes public and private schools for high academic achievement or noteworthy progress toward closing the achievement gap.

Commissioner Key said October is National Principals' Month. He said Governor Hutchinson signed a proclamation declaring October as National Principals' Month. Commissioner Key expressed his appreciation for the hard work of all principals.

Commissioner Key said Ms. Shelina Warren, Gifted and Talented Facilitator for Jack Robey Junior High in the Pine Bluff School District, received the John Morton Excellence in the Teaching of Economics Award. He said Ms. Warren would be recognized by Economics Arkansas.

Report-7 My Child/My Student Report

Director of Communications Ms. Kimberly Friedman said the ADE Communications Team launched the 2015-16 My Child/My Student public awareness campaign in August. This school year, a monthly student safety topic has been added as well. To see the list of topics, go to http://www.arkansased.gov/public/userfiles/Communications/MyChild/MyChildTopicsList_FINAL_Jan2015SBOE_2.pdf.

Ms. Friedman said school bus safety was the My Child/My Student safety topic for August. The three-week school bus safety campaign was titled Flashing Red. Kids Ahead. During this time, ADE Deputy Commissioner Mark Gotcher and Director of Communications Kimberly Friedman appeared on multiple TV and radio shows: KATV's Daybreak, KTHV, KSSN, Tom FM, The Edge, Power 92, and KARN.

Ms. Friedman said National Preparedness Month was the September student safety topic. She said in support of emergency preparedness, the Arkansas Department of Health issued a joint press release about National Preparedness Month resources and the My Child/My Student campaign. The press release is available on the My Child/My Student webpage or at http://www.arkansas.gov/health/newsroom/index.php?do:newsDetail=1&news_id=1128.

Ms. Friedman shared a new video featuring Ms. Ouida Newton, the 2015 Arkansas Teacher of the Year, promoting the My Child/My Student resources that are available to teachers. The video is available at <http://www.arkansased.gov/divisions/communications/video-gallery/182/2016-my-child-my-student-campaign>.

Adjournment

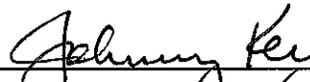
Ms. Zook moved, seconded by Ms. Dean, to adjourn. The motion carried unanimously.

The meeting adjourned at 3:12 p.m.

Minutes recorded by Deborah Coffman.



Ms. Toyce Newton, Chair



Johnny Key, Commissioner of Education