

Minutes  
State Board of Education  
Monday, September 8, 2003

The State Board of Education met on Monday, September 8, 2003, in the Arkansas Traveler Room of the Wyndham Hotel in North Little Rock. JoNell Caldwell, Chairman, called the meeting to order at 1:00 p.m.

The following members were present: JoNell Caldwell, Chairman, Shelby Hillman, Vice-Chairman; Luke Gordy; Robert Hackler; Dr. Calvin King; Randy Lawson; MaryJane Rebick; Diane Tatum; and Dr. Jeanna Westmoreland.

No members were absent.

Revised Minutes with corrections suggested by Mr. Lawson were distributed. Mr. Lawson moved approval of the revised Minutes. Ms. Rebick seconded the motion. The motion was adopted unanimously.

Mr. Simon asked that Tim Gauger from the Attorney General's Office be recognized for an update on the Jacksonville Detachment Hearing. Mr. Gauger reviewed the sequence of events related to this issue. He reported that most recently Judge Wilson responded to an appeal from the Pulaski County Special School District thus delaying the detachment election in the Jacksonville area. He also indicated that the Jacksonville parties were seeking to appeal this decision to the Eighth Circuit Court. Mr. Gauger asked if the Board wished for the Attorney General's Office to join the appeal in support of the detachment election. He noted that "no action" would allow the Jacksonville parties to move forward without the endorsement of the State Board of Education.

Mr. Gordy stated that he initially supported the motion to allow an election based on the letter from the Attorney General. He inquired if there was additional evidence that should be considered before such a decision was made. Ms. Rebick stated that she believed that the Board made its decision based on the best evidence presented at the time of the hearings. It was her opinion to let Jacksonville move forward on their own.

Ms. Rebick inquired if formal action was needed. Mr. Gauger responded that a consensus of opinion of the Board would be sufficient, but a motion would be the more appropriate way to respond.

Scott Smith reported that at the direction of Judge Wilson, he wrote a letter on behalf of the Board to rescind the Board's order for an election to be held. Mr. Gordy moved to add an item to the Agenda to formally withdraw the election order. Mr. Hackler seconded the motion. The motion was adopted unanimously.

### **Director's Report**

Mr. Simon noted that at the August Board Meeting, the Board adopted Rules pursuant to Act 1467 of 2003, the Omnibus Education Act. Those rules outlined the statewide testing for students in Arkansas public schools that includes both criterion-referenced tests (CRT) and norm-referenced tests (NRT). Also, rules and regulations governing testing under previous statutes were repealed. Mr. Simon stated that since that action, a

number of supporters of the Governor's education initiatives voiced concern and expressed the need for more norm-referenced testing. Some have suggested other strategies, such as an augmented NRT to meet the requirement for testing Arkansas' content standards. In response to these expressed concerns, Mr. Simon proposed a plan that would expand the testing schedule so that either a normed or national test is required at each grade level. Included in this array are the Explore, Plan and ACT, which link to informing students and their parents about the students' preparation for college. Mr. Simon stressed that this proposal maintains the CRT and thus maintains the State's assessment requirement as prescribed in **No Child Left Behind**. He indicated that no action was being requested at this session; however, amendments to the previously adopted Rules will be required. The changes must be subjected to the Administrative Procedure Act that includes public comment.

Under current practice there is a common screening tool for kindergarten, a developmentally appropriate reading and mathematics test for grades 1 and 2; and a norm-referenced test for grades 5 and 9. To these the proposal adds an NRT at grades 3, 4, 6, and 7; grade 8 would be the Explore; grade 10 would be Plan; and once during grades 11 or 12 all students would be required to take the ACT. Additionally, any student taking an Advanced Placement (AP) course would be required to take the AP exam for that course at state expense. Taking that exam would be a requirement to receive credit for an AP course.

Mr. Simon indicated that this plan, if adopted, could be operational for the 2004-2005 school year.

Mr. Gordy stated that he was excited about this proposal. He expressed the opinion that some of the Board's action from the August meeting was misunderstood or misrepresented. It's his opinion that the State should have a vehicle to compare Arkansas schools with other states and the nation. This is a good addition without changing the accountability system. Ms. Hillman stated she supported additional norm-referenced testing.

Mr. Lawson stated that he applauded the presentation at the earlier joint session and he supports the Smart Core. He expressed the need to act on these proposals as soon as possible. He confirmed his belief that the State must be able to compare itself with others around the country. He believes this proposal is a good step in that direction.

Mr. Hackler stated he wanted to make sure that this proposal would not compromise the CRT assessment system; but additional assessment information would be useful to correlate with the system. With this in mind, he suggested that the Board move forward with consideration of this recommendation.

Ms. Rebick asked if it was appropriate to amend today's Agenda to consider the Smart Core curriculum recommendations. Mr. Simon indicated that he was not expecting a vote today; a formal proposal will be forthcoming. Ms. Rebick expressed concern for spending more money on testing and stated that more money on testing will not fix accountability. She asked if there was any research base that would clearly show that testing with a norm-referenced test would improve student performance. She stated that spending money on more testing was not a smart idea. She further observed that companies across the state seem to be growing without testing in place. She asked for

data that would show that if more norm-referenced tests were given more businesses would locate in Arkansas.

Mr. Hackler suggested that all of the Board's decisions should have the context of, "is this good for children," and that better educated children will forbear economic development. He will vote for education of children, not economic impact.

Ms. Rebick suggested it was her preference to adopt the recommended testing program without an NRT at grades 3 – 8.

Mr. Hackler stated that it is important to have a strong accountability program and schools need to place high importance on being accountable. Mr. Lawson stated that measurements are needed to help educate children. With mandating NRT assessments only at Grades 5 and 9 there is no basis for any longitudinal tracking for value added information.

Dr. King noted that timing of adopting these recommendations for impact on funding will be the key to success. Mr. Simon indicated that Department staff are compiling cost estimates to cover these recommendations. The total cost of the assessment system would include measures currently in place or adopted along with the new measures. He observed that assessment is currently a line item in the budget. He was unsure of how redirecting funds already at use by districts for off-grade testing might be combined into a final cost.

Dr. King also inquired as to policy issues related to concurrent credit for high school students. Mr. Simon responded that, in general, resources are present to support much of the cost of concurrent credit; however, some realignment of budgets for higher education will be necessary unless new allocations are found. Dr. Cummins observed that funding for this program can be provided in a variety of ways – all, as of now, still flexible. It will be necessary for all three education agencies to work together to make this idea a reality.

Mr. Gordy suggested that staff prepare revisions to Rules and submit them to the Board for consideration at the October meeting. If that were done, then the public comment period would be complete for final adoption in December. Mr. Simon indicated that the Board would have a document to consider in October.

### **CONSENT AGENDA**

Ms. Tatum moved adoption of the Consent Agenda. (Revised Minutes were previously approved.) Dr. King seconded the motion. The motion was adopted unanimously.

- Newly Employed, Promotion and Separations
- Commitment to Principles of Desegregation Settlement Agreement Report on the Execution of the Implementation Plan

### **ACTION AGENDA**

#### **Request for Approval of the Governor's School Site Selection**

Ann Biggers was recognized to present this issue. Ms. Biggers summarized the process followed by the Selection Committee, which was appointed by Mr. Simon and was representative of various geographical regions of the state. Members of the Committee were present and were introduced. She reported that two proposals were received and that site visits to each location were conducted as part of the review process. She also indicated that representatives from the two campuses submitting proposals were present.

Ms. Rebick noted the Board's concern for assuring the process provided flexibility to attract potential applicants. The question has arisen as to why Hendrix College has been the only site approved since the onset of Governor's School. She observed that there seems to be a disparity in the opportunity or ability of other campuses to submit a competitive proposal. Ms. Rebick noted in the application one of the questions was to describe how the host campus would separate students at Governor's School from regular students on campus. She observed that the ratings from Southern Arkansas University (SAU) on this point were quite low and asked what contributed to such a low rating. Ms. Biggers indicated that the proposal was vague in the response and the site visit did not provide additional information.

Ms. Caldwell stated she had some issues to raise about Governor's School and the selection process. She asked the rhetorical question suggesting that if one site would always get the bid, why continue to go through the proposal and selection process. She also asked if there were firm Rules governing Governor's School in general and if there were any flexibility to shift some funding from Governor's School to the Aegis program that was eliminated for budget reasons two years ago. She reported that in response to her request to staff, a history of Governor's School was provided along with early documents that provided the early structure. However, there are no formally adopted rules that govern this process. This, in her opinion, leaves some question about the length of contractual agreement and level of funding. She emphasized that any decision should be based on a fair set of rules, clearly articulated, that may not be in place at this time.

Dr. King stated that he has concerns that a decision for something other than a three-year award would not be fair to those who responded to the request for proposals. He emphasized the Board's obligation to honor the RFP, but be open to changes before any other request for proposals is offered. Mr. Gordy stated that concerns being expressed here are not, or should not, be directed toward Hendrix. They responded to a request in good faith and because of experience submitted a quality proposal.

Mr. Gordy asked members of the Committee if they felt that the process of application and review was fair. Committee members in attendance responded that it was. Mr. Gordy observed that it is not necessary to move the location if the best proposal for the program consistently is from Hendrix.

Ms. Hillman asked if the representative from SAU wished to respond to the evaluation process and the review of their proposal. Dr. Corbit Lindsey, SAU Vice-President chose to respond. He stated that the decision on the SAU campus to apply was made late in the process, which left a relatively short period of time to prepare a comprehensive proposal. He felt the process was fair and the Committee's ratings of their proposal were valid and accurately reflected the quality of response in the proposal. He vowed

that SAU learned from the experience and would be working in the interim to prepare a more competitive proposal for the next application deadline.

Dr. J. Timothy Cloyd, President of Hendrix College also responded. He said the Committee was very comprehensive in its work and fair in its ratings. He observed that the Arkansas Governor's School program has earned national prominence for establishing and continuing residential summer programs. However, he did agree that a fresh, new look at the rules of governance would be welcome and perhaps is needed.

Dr. Westmoreland stated that previously she served on the Selection Committee. It is hard work. She suggested that this Committee has done its task and that work should be honored. Once beyond this hurdle, then the Board can revisit or develop rules that will govern future selection or other facets of Governor's School. She noted the RFP for site selection should be completed and released by the Board up to a year before proposals are due. This would allow ample time for any entity to prepare a quality proposal.

Betty Pickett, former Board member and State Representative, requested to speak to this issue. Ms. Pickett was recognized. She supported the Hendrix proposal and commended the Board for taking this and other issues of the day seriously. She stressed the importance of gathering facts to make informed Board decisions.

Dr. Westmoreland moved to accept the Committee recommendation to name Hendrix the location for Governor's School for 2004-2006. Ms. Tatum seconded the motion. The motion was adopted unanimously. Ms. Caldwell requested that staff begin work to prepare rules for the administration of Governor's School to be considered in October.

### **Act 1738 of 2003 Exemptions**

Patricia Martin was recognized to present this issue. Ms. Martin reminded Board members that the process was discussed at length in August and agreement was reached as to the procedures for meeting the requirement of this legislation. She noted that three districts currently in fiscal distress, Bright Star, Heber Springs, and Crossett applied and these have been very carefully analyzed in keeping with the plan for removal of these schools from fiscal distress. She also noted that in the case of Crossett, this was linked to a millage proposal that is being submitted to voters in the September school elections. The Crossett issue provides for additions to facilities.

Mr. Hackler inquired as to what happens should the Crossett District fail to pass the millage. Ms. Martin responded that if the election fails to pass the millage, then the debt would not be issued. Mr. Lawson asked if the Crossett millage rate was at or above the 25 mills. Ms. Martin indicated no. However, if the voters approve this proposal, then it will meet the 25-mill requirement.

Dr. King inquired about districts only planning for the minimum 25-mill requirement. Are such actions adequate, and if so, what about districts that have rates in excess of 25 mills? Mr. Simon noted that all plans assume the minimum 25-mill requirement by each local district; to mandate beyond that would require constitutional amendment. He further indicated that the issue of higher millage rates and setting higher assessment rates by the local districts has not been answered. Such issues are key questions for the future of local school finance.

Ms. Rebick noted that Van Buren proposed to purchase land for a new facility. Mr. Gordy spoke to that issue indicating that the district proposes to purchase property to construct a new maintenance facility. A new location would allow this operation to be removed from the current high school campus.

Mr. Hackler moved approval of the set of recommendations. Mr. Gordy seconded the motion. The motion was adopted unanimously.

**Recommendations of the State Textbook and Other Instructional Materials Selection Committees for Health and Physical Education, Special Education, Agriculture, Family and Consumer Science, and Technical and Professional Education**

Dr. Gayle Potter was recognized to present this report. Dr. Potter stated that committees of teachers, administrators and other practitioners were appointed to review materials submitted by publishers for these pending adoptions. The various committees made recommendations based on careful review of the materials in keeping with content standards and frameworks in the various areas of instruction. She noted that this process takes several months of time by committee members and it is all voluntary.

Mr. Gordy asked Dr. Potter to extend thanks to committee members for the time commitment and quality work that goes into each review.

Mr. Gordy moved adoption of committee recommendations as presented. Ms. Hillman seconded the motion. The motion was adopted unanimously.

**Revocation of Teaching License – Hanna Dickinson**

Scott Smith was recognized to present this issue. Mr. Smith referred to summary of the issues as presented in the Agenda Book. He indicated that Ms. Dickinson is represented by her attorney. James McLarty was recognized. Mr. McLarty stated that his client was recognized as a gifted teacher; however, she suffers from a medical condition, migraine headaches, which is often debilitating. He noted that there is one medication that has been found to be successful in easing the pain. Unfortunately, she became addicted to the prescription medication and was convicted of forging prescriptions and thus obtaining excessive amounts of the drug illegally. Ms. Dickinson is not currently in the classroom and has completed a program of rehabilitation. Mr. McLarty stated to the Board that his client is willing to accept a probationary license for a period of two years and be subject to random drug testing should she be employed as a classroom teacher during this time. At the end of two years she may apply for full licensure.

Ms. Hillman moved that Ms. Dickinson be awarded provisional licensure for a period of two years and be willing to submit to random drug testing during that time. Following the probationary licensure period, she may apply for full licensure if there are no incidences of drugs during the probationary time. Mr. Gordy seconded the motion. Ms. Rebick requested to see the exhibits that are referred to in the Agenda materials. Mr. Smith provided copies of the documents, but stated that it was the Board's decision several months ago not to include all the supporting legal documentation in the print materials. The motion was adopted unanimously.

**Revocation of a License – Gayle York**

Scott Smith was recognized to present this issue. Mr. Smith reported that Ms. York was convicted of a felony conviction – theft of property – and thus is subject to revocation of teacher licensure in the state. He stated that Ms. York has been officially notified and has waived the opportunity for a formal hearing. Ms. York was neither present nor represented. Mr. Gordy moved permanent revocation. Ms. Tatum seconded the motion. The motion was adopted unanimously.

**Appeal of Jacksonville Detachment Hearing**

Mr. Hackler moved that the Board not pursue further appeal proceedings in the case of detachment of the Jacksonville area from the Pulaski County Special School District. Dr. King seconded the motion. The motion was adopted unanimously.

**Other Business**

Ms. Caldwell announced that the October meeting would include a Sunday afternoon/evening work session to serve as further orientation for the newer members of the Board as well as discussions of coming events.

Ms. Caldwell also named Shelby Hillman and Luke Gordy to a committee to prepare materials for evaluation of the Director.

Ms. Caldwell announced that in coming meetings the Board would be hearing appeals from proposed charter schools in which local school boards have declined to support the development of an open enrollment school within the district. Also, the Board will be reviewing proposals for open enrollment schools. She requested that each Board member select at least one charter school and conduct a drop-in visit during the next month. Dr. Cummins will provide a list of the open enrollment charter schools with contact information.

Mr. Gordy moved adjournment. Ms. Hillman seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 2:30 p.m.

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

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Raymond Simon, Director

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JoNell Caldwell, Chair