

Minutes
State Board of Education
Special Called Meeting – Thursday, March 4, 2004

The State Board of Education met for a special called meeting on Thursday, March 04, 2004, via telephone conference call at 11:30 a.m. Dr. Charles Watson called the roll and determined a quorum to be present. JoNell Caldwell, Chairman, called the meeting to order.

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

The following Board member was not present: MaryJane Rebick.

Ms. Caldwell asked Tom Courtway to discuss the issues related to consideration of Emergency Rules Governing Administrative Consolidation or Annexation of Public School Districts. Mr. Courtway stated that these Rules were provided in draft format at the February 9th Board meeting and Board members received, via fax, proposed revisions to the Rules as well as supplemental documents necessary for full implementation of the Act.

Mr. Courtway reported that he and Scott Smith have been diligent in involving the professional associations, members of the General Assembly and school administrators regarding the requirements of Act 60 and the proposed Rules. He reported that on Tuesday, March 2, the Department hosted a statewide interactive videoconference, which was directed to school and cooperative administrators.

Mr. Courtway identified the most significant changes that are proposed from earlier versions of the draft Rules. Those included:

- Requirement for public notice,
- Conditions under which the Board could deny a petition (Section 5.01),
- Use of special appropriation funds for consolidation/annexation (Section 7.07), and,
- Board action should an identified district fail to submit a petition.

Scott Smith added that adoption of these Rules under the Emergency provision limits their authority to 120 days; during which time the Board should have the permanent Rules under consideration consistent with the Administrative Procedure Act. He noted that the steps in the Administrative Procedure require a period of public comment.

Mr. Gordy questioned the deletion of annexation as a choice option for local districts. Mr. Smith responded that annexation is still a voluntary option, but the only change is that the Board, under amendment to the legislation, does not have the authority to annex

when a local district fails to file a petition by the April 1 deadline; the Board may only invoke consolidation of districts.

Ms. Hillman asked for clarification on the joining of districts that are not contiguous. Mr. Courtway described options when non-contiguous districts are in the same county or when they are not in the same county.

Dr. King requested some examples of instances when non-contiguous consolidations or annexations would be preferable. Mr. Courtway responded such cases might include proposals where one or more districts may not fully meet standards, may be in academic or fiscal distress, or may be experiencing some other type of corrective action linked to standards.

Dr. Westmoreland questioned the short timeline provided to districts in Section 4.10. She noted that the Board needs adequate time to review the documents submitted prior to making a decision. Mr. Courtway responded that this section does place a very tight timeline on the Department and staff to get information to the Board in a timely manner. However, he continued, that it is imperative that the local district(s) have adequate time to respond to the issues.

Mr. Gordy moved adoption of emergency Rules as proposed and the adoption of the same Rules for public comment pursuant to meeting the Administrative Procedures for permanent adoption. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Ms. Caldwell expressed thanks from the Board to Mr. Courtway and Mr. Smith for their intense work to prepare and submit these Rules for review and approval. She noted these have been difficult assignments and they have been handled masterfully.

Mr. Gordy moved adjournment. Mr. Lawson seconded the motion. The motion was adopted unanimously. The meeting adjourned at 12:10 p.m.

These minutes were recorded and reported by Dr. Charles D. Watson.

Tom Courtway, Interim Director

JoNell Caldwell, Chair