

Minutes
State Board of Education
Monday, September 12, 2005

The State Board of Education met on Monday, September 12, 2005, in the Auditorium of the Department of Education Building. Dr. Jeanna Westmoreland, chair, called the meeting to order at 9:00 a.m.

The following Board members were present: Dr. Jeanna Westmoreland, Chair; Mrs. Dianne Tatum, Vice-Chair; Mrs. Sherry Burrow; Mrs. Shelby Hillman; Dr. Calvin King; Mr. Randy Lawson; Ms. MaryJane Rebick; and Dr. Naccaman Williams.

Chair's Report

Dr. Jeanna Westmoreland recognized Dr. James to begin his report.

Commissioner's Report

Dr. T. Kenneth James reported to the Board an update on the state's increased enrollment due to Hurricane Katrina. Dr. James stated that as of Friday, 635 students have been enrolled in AR in grades K-12. There are currently 2,020 students in shelters around the state and 370 of those numbers are 3-4 year olds. The Department has set up a separate code to track these students and the expenditures. These students are being coded under the Homeless Act. Dr. James expressed his appreciation of Susan Underwood and the work she has done.

Ms. Burrow asked about the number of students placed around the state. Dr. James stated that a large number of students (about 160) have been placed in the Little Rock area. He stated the students are spread throughout the state, and Ms. Underwood will track the numbers and break them down as they are processed. Dr. James also praised the school districts around the state for welcoming the students with open-arms. Ms. Burrow also inquired about the number of teachers in the state because of Katrina. Dr. James stated he was not sure of the numbers, but the Human Resources Office has worked through a process to facilitate the teachers displaced. Dr. James stated he wasn't sure that any had been employed, but there have been some inquires and interest expressed.

Dr. Westmoreland expressed the Board's appreciation to the Districts and the Department staff for welcoming the students into Arkansas' educational system.

Dr. Westmoreland noted item A-12 will be removed from the agenda.

Consent Agenda

Ms. Hillman moved approval of the Consent Agenda. Dr. King seconded the motion. The motion was adopted unanimously.

- August 8, 2005 SBE minutes
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations

- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001

Ms. Rebick inquired about the position Ms. Devonda Cox has filled and the duties she will be responsible for. Dr. Dianna Julian reported Ms. Cox would be Coordinator of one of the new sections of Learning Services. Ms. Rebick asked if Ms. Cox would be reporting to Dr. Julian. Dr. Julian stated yes.

Ms. Burrow inquired about three individuals on third year of an ALP. Ms. Beverly Williams stated the report does note how many years the individuals are on an ALP.

Action Agenda

Approval of the Arkansas Department of Education proposed Rule Governing Waivers of the Earnings Limitations Under the Teacher Retirement System for Emergency Basis and Public Comment

Mr. Scott Smith was recognized to present this item. He noted the additional handout distributed to the Board. Mr. Smith requested the Board approve the Rule for public comment and also put in place on an emergency basis for 120 days.

Ms. Hillman asked if the changes mentioned were the only changes made since receiving the information. Dr. Smith noted the added definitions to address changes necessary to implement the Rule.

Ms. Burrow asked if many requests had been made under this regulation. Dr. James noted this Rule allows the Department the flexibility needed to move forward in the case of a reorganization or reconstitution of a school district. He noted the Department needs the latitude to compete in placing individuals into those positions and not have them subject to the earnings limitation. Dr. James also noted the Department has worked hand-in-hand with Teacher Retirement in this process.

Ms. Rebick asked if the individual hired under this Rule would receive retirement benefits. Dr. James stated the person taking a position who is over the age of 65; there is no earnings limitation. He also stated that a person below age of 65 would have the limitations. This Rule would allow the Department to work with Teacher Retirement around those limitations. Ms. Rebick inquired if the person hired would receive the benefits under the Teacher Retirement System. Dr. James stated they would.

Ms. Hillman stated she agreed this needed to be done, especially with the influx of teachers from the storm. Dr. James spoke of reality type situations that may be presented from time to time. He stated this Rule allows the Department to be able to work with Teacher Retirement and have the latitude to hire someone to cover the job.

Dr. King asked if a superintendent displaced because of a merger would be given priority over retired individuals when the openings occur. Dr. James explained most superintendents would have a multi-year contract when mergers occur. Dr. James stated the district being merged with must honor the contract.

Ms. Tatum asked what criteria a superintendent must meet for licensure. Dr. James noted they would have to have the specific type of licensure required. He stated the Department would seek individuals who have recently retired and have more current experience than someone has been out of practice for a while and their license has expired.

Mr. Lawson moved approval of the Rule for Public Comment and for Emergency Basis. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Approval of the Recommendation of the Curriculum and Assessment Unit

Dr. Potter was recognized to present this item. Dr. Potter recommended the Board adopt the recommended list of materials and textbooks and to execute contracts with the publishing companies as presented.

Ms. Hillman stated her admiration of the group that conducts this yearly and the great job they have done.

Dr. Westmoreland also noted the group's thorough review.

Ms. Rebick moved approval of the Curriculum and Assessment Unit Recommendations. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval of the Education Performance Level descriptors and cut scores for Grades K-2

Dr. Potter was recognized to present this item. Dr. Potter requested the Board adopt the recommended levels provided, as required by Act 35.

Dr. Westmoreland clarified if the Board was approving two items. Dr. Potter stated yes, she requested the Board also submit the ACTAAP Rule amendment for public comment.

Dr. Williams moved approval of the Grades K-2 Education Performance Level descriptors, cut scores and ACTAAP Rule amendment for public comment. Ms. Tatum seconded the motion. The motion was adopted unanimously.

Approval of the Recommendation for Contractor of Norm-Referenced Test for Grades K-9

Dr. Potter was recognized to present this item. Dr. Potter gave an overview of the process in making the recommendation. Members of the committee recognized were: Dr. Jim Rollins, Superintendent of Springdale School District; Mr. Andrew Tolbert, Superintendent of Warren School District; and Mr. Darrel Smith, Superintendent of Wynne. Dr. Jim Rollins was recognized to present the recommendation. He recognized Dr. James and the Department staff for their efforts and work completed. He noted the committee was a well-represented group that understood the proposal set before them. Dr. Rollins stated that 12 administrators from around the state led the work on this proposal. He reported that the committee looked at each of the three Vendors qualifications. He noted each Vendor represented was able to bring forth a quality proposal. He explained the overview of the committee's work and the proposals reviewed. Noting, each individual reported to the group after an individual review. Then the group averaged the score and then ranked each one based on an overall composite. Dr. Rollins requested the Board approve Riverside Publishing as the contractor.

Ms. Rebick noted Riverside Publishing was ranked higher in every category than the other two.

Dr. Rollins agreed. He stated it was the trend that came forward in unison.

Dr. Williams asked if any consideration was given to teacher feedback regarding these tests. As some teachers had stated a preference of the SAT 9. Dr. Potter stated the alignment committee was made up of 19 teachers and the administrator committee included testing coordinators who work directly with teachers. Dr. Potter stated they had received feedback. Dr. Rollins agreed. Dr. Williams asked if the use of ITBS would allow us to do vertical tracking. Dr. Potter stated it should not be a problem. Dr. Steve Dunbar was recognized. He said part of its development is to do a longitudinal tracking system for students. He noted there is a linking back to previous achievement results.

Mr. Lawson voiced a concern about the linkage between the SAT9 and ITBS. He asked how reliable the linkage is. Dr. Dunbar reported schools should focus on getting over that "bridge" year. The most immediate linkage will be with a shorter form linkage. The first year 2006 there will be two years for linkage. Information will be better to judge whether the link makes sense or not. Mr. Lawson asked how much more testing time will be required of students in this process. Dr. Rollins stated he is satisfied additional time will be required. He explained a need to value the entire test not just strands of the test. Dr. Potter reported that currently 115 minutes are spent in math and 80 spent in reading. Dr. Potter stated a total of 371 minutes at grade three to 260 at grade nine will be spent. Mr. Lawson asked if this is an increase of about 100 minutes per grade. Dr. Potter stated she was not certain. Mr. Lawson stated he supports going to the full assessment, but wants to make sure teachers and students understand what they must do. Dr. Potter stated it will definitely be longer since we are now moving to a complete battery. Mr. Lawson stated his curiosity of what the time difference is in a whole battery.

Dr. King inquired what the additional cost would be. Dr. Potter stated the cost is actually no more than is being spent now. Dr. King asked if Riverside Publishing has been engaged in contracts in the past. Dr. Potter stated that they are a current ADE contractor.

Ms. Hillman inquired, other than assessment, what answers do we give to the people about the importance of this testing. Dr. Potter stated we do not know what students know if we do not assess them, we do not know the effectiveness of instruction unless we assess, and we do not know if we've met our standards if we do not assess. Ms. Hillman stated she agrees and the importance of teaching to the standards. Dr. Potter stated also that assessment is a learning tool.

Dr. James said the majority of feedback received from the field was that the assessment was not in depth enough. He stated teachers need the type of information gained from the complete battery to use to be successful.

Mr. Lawson added teachers use this to look at growth of their students and help to redefine their performance in the classroom. He stated the teachers could use this as an information system.

Mr. Lawson moved approval of the recommendation of Riverside Publishing as the Contractor of the Norm-Referenced Test for Grades K-9. Ms. Hillman seconded the motion.

Dr. Williams asked how long this approval is in place. Dr. Potter said one year.

Mr. Rebick inquired if special education students are given a different assessment. Dr. Potter reported the appropriate testing measure for students in special education is determined by their IEP and accommodations are available to them.

Dr. Williams asked when would this test be given. Dr. Potter stated the spring of 2006.

Dr. James acknowledged and thanked the three superintendents present who worked on this committee to get to this process. He noted they are some of the most outstanding leaders in the state and they spent two valuable days to help make better-informed decisions for the students of Arkansas.

Mr. Lawson moved approval of the recommendation of Riverside Publishing as the Contractor of the Norm-Referenced Test for Grades K-9. Ms. Hillman seconded the motion. The motion was adopted unanimously.

Dr. Westmoreland expressed appreciation to the textbook committee, the standards setting committee and this Norm-Referenced committee.

Approval of the Repeal of the Rule Governing the Specifications of School Bus Design

Mr. Mike Simmons was recognized to present this item. Mr. Simmons requested the Board approval of the Repeal of the Rule.

Ms. Rebick inquired if any federal mandates are required when considering school bus design, or if it was only state. Mr. Simmons stated many federal motor vehicle safety standards must be met. Ms. Rebick asked for an example of what the state might require and what the government might require. Mr. Simmons stated the noise reduction system, for example, would not be mandated by Federal regulations. An example of a Federal mandate would be seat specifications, joint strength, etc... Ms Rebick inquired about the miles per gallon on busses. Mr. Simmons stated on the average it would be between 5-10 mpg. Ms. Rebick asked if there are variants between manufacturers. Mr. Simmons stated there are three manufactures and there is not much difference.

Ms. Burrow inquired if by approving the Repeal this would transfer the Rule from the Department to Facilities. Mr. Simmons stated that was correct, and the Rules will be taken to the commission for final approval. Mr. Smith said there would be no gap between regulatory authorities. They will not become final until after secretary of state approves. He stated the Rules are now in the jurisdiction of the commission, but the Department will keep in place until the commission has approved all.

Ms. Burrow moved approval of the Repeal of the Rule Governing the Specifications of School Bus Design. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval of the Repeal of the Rule Governing Physical Examinations for School Bus Drivers

Mr. Mike Simmons was recognized to present this item. Mr. Simmons requested the Board approve the Repeal of the Rule.

Ms. Hillman moved to approve the Repeal of the Rule Governing Physical Examinations for School Bus Drivers. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval of the Repeal of the Rule Governing School Transportation Formula

Mr. Mike Simmons was recognized to present this item. Mr. Simmons requested the Board approve the Repeal of the Rule.

Mr. Lawson moved approval of the Repeal of the Rule Governing School Transportation Formula. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Ms. Rebick asked for a brief overview of the Rule. Mr. Simmons stated this rule had not been used in quite some time because of legislation in 1995. Mr. Smith stated this Rule is truly being repealed and will not transfer over.

Approval of the Repeal of the Rule Governing Transportation Aid Expenditures

Mr. Mike Simmons was recognized to present this item. Mr. Simmons stated this Rule was truly being repealed.

Ms. Rebick moved approval of the Repeal of the Rule Governing Transportation Aid Expenditures. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Approval of the Rule Governing the Distribution of Consolidation Incentive Funding for Public Comment

Mr. Scott Smith was recognized to present this item. He requested the Board approve the Rule for public comment. He stated this is an outline of the procedures of how the funding will be distributed in a consolidation. He stated the funding is limited in application because it would be on a one-time basis, not on-going. For districts volunteering, funding is based on prior year adm. For those who wait until forced, it will be based on current adm. He stated there were some incentives for districts to go ahead and take action but did not want to penalize the receiving district. Mr. Smith noted the need for this rule to be in place to fund those mergers that have happened and will happen this year.

Dr. Williams asked if there are any incentive funds or if only the per/pupil expenditure is addressed. Mr. Smith stated that legislation has been passed, but not in this Rule. This Rule encourages district to be proactive in merging. Dr. Williams stated that even with incentives, incurring such debt on the front in, there is no way to address the debt in Rule. Mr. Smith stated Act 1236 was created to address this issue. He stated the Department has made an attempt to keep districts from incurring additional debt.

Ms. Burrow asked if the funding factor changes from year to year. Mr. Smith explained that it does change. A funding factor concept is in this rule for equal distribution. Ms. Burrow asked when that would be known. Mr. Smith replied it would be known when the state determines how many mergers will take place. He stated it couldn't be looked at on the front end.

Dr. Williams asked if this incentive money is beyond the per/pupil funding that would follow to the receiving district. Mr. Smith stated the amount of funding is \$5,400 times the adm of the smaller district up to a cap. Mr. Smith said this incentive money is beyond the adm.

Ms. Rebick inquired if there is an incentive for the district that is in trouble. Mr. Smith stated this is a package for districts that merge on a voluntary basis or non-voluntary basis. It is to help

those districts that are proactive, and it is money in addition to the money they would receive in the funding formula. It is simply a certain sum of money provided to the district.

Dr. King asked if additional aid is provided by the state. Mr. Smith stated this is additional funding above and beyond what the district would normally receive.

Dr. Williams asked why we are addressing this issue so late in the year. Mr. Smith responded that Act 60 is in place and until the legislature chooses not to appropriate additional funding, it was not clear as to the amount of funding available. He stated one of the reasons is because of Omnibus and the recent mandated merger. Dr. Williams asked if this rule applies to the past merger. Mr. Smith stated yes.

Dr. King asked what the total difference in cost will be regarding voluntary or non-voluntary mergers. Mr. Smith stated the package under Act 60 was set by law, and was a lesser amount than what is in the current package.

Ms. Hillman moved approval of the Rule Governing the Distribution of Consolidation Incentive Funding for public comment. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Approval of Arkansas Better Chance for School Success Program Recommendations 2005–2006

Mr. Paul Lazenby was recognized to present this item. Mr. Lazenby noted an amended list provided to the Board and gave an overview of revisions, asking for removal of one program.

Ms. Rebick asked if the students from the hurricane would be eligible to participate in the programs. Mr. Lazenby stated yes, they would be eligible if the program has an opening.

Dr. Williams inquired if the Westfork program is a private program. Mr. Lazenby stated they are a private family childcare home. They just received state quality approval.

Dr. King asked if districts are having conflicts to what is occurring in programs outside of the school districts. Mr. Lazenby responded they are recommending districts work with the private programs to meet goals of district and community.

Dr. Williams asked about the age level of students in a school district based program. Mr. Lazenby stated age four is the norm. Dr. Williams asked what the age is for the HIPPEY program. Mr. Lazenby stated the program is allowed to serve children up to age of 5.

Ms. Tatum asked if there would be some latitude to allow for those children displaced by Katrina to be approved to come in to the program now and or later. Mr. Lazenby stated the income requirement is being waived, and the families are being treated as homeless. If the space is available those children are being served. In the areas where ABC space is not available Health and Human Services are working with the children.

Ms. Rebick moved approval of the ABC recommendations. Dr. Williams seconded the motion. The motion was adopted unanimously.

Permanent Revocation of Teachers License: James Franklin Brown

Ms. Valerie Bailey was recognized to present this item. Ms. Bailey stated Mr. Brown pled guilty to two counts of Theft of Property over \$2500, a Class B Felony, on July 28, 2005. This offense is a disqualifying offense under Ark. Code Ann. § 6-17-410 (e)(2)(A). The Attorney's Office became aware of this conviction through a newspaper article. The Department notified Mr. Brown by certified mail dated August 16, 2005, that the Department would recommend revocation of his Arkansas teacher's license based upon his conviction of an offense listed in Ark. Code Ann. § 6-17-410(c)(9) and of his right to request a hearing in front of the State Board.

Ms. Rebick asked if Dr. James must sign each of the Teacher's Licenses. Dr. James stated it is a stamped signature.

Ms. Hillman moved approval of permanent revocation. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Ms. Hillman moved for adjournment. Ms. Burrow seconded the motion. The meeting was adjourned at 10:15 a.m.

Dr. T. Kenneth James, Commissioner of Education

Dr. Jeanna Westmoreland, Chair