

Minutes
State Board of Education
June 11, 2001

The State Board of Education met on Monday, June 11, 2001, in the Auditorium of the State Education Building. Luke Gordy, Chairman, called the meeting to order at 9:55 a.m.

The following members were present: Luke Gordy, Chairman; Richard Smith, Vice Chairman; JoNell Caldwell; Claiborne Deming; William Fisher; Robert Hackler; Shelby Hillman; Betty Pickett; Lewis Thompson, Jr.; and Anita Yates.

No members were absent.

Chair's Report

Mr. Gordy expressed his appreciation to members of the Board and staff for their kind words and expressions of sympathy following the death of his father.

Ms. Hillman stated that she had read all the letters and e-mail messages received concerning Board issues. There was a large number of each since the last meeting.

Mr. Hackler indicated that he had visited the Calico Rock prison and was escorted on a tour of their instructional facility by Charles Allen. He encouraged Board members to visit such a facility when the opportunity is presented.

Mr. Thompson indicated he was surprised to have received so many letters from individuals supporting educational programs and expressing concern for certain programs.

Director's Report

Mr. Simon called Board members attention to a publication from the Southwest Educational Development Laboratory citing references to rural schools and highlighting schools from Arkansas.

Mr. Gordy reported that Consent Agenda Item (C-3), Review of Loans and Bonds Applications was being moved to the Action Agenda.

CONSENT AGENDA

Mr. Fisher moved adoption of the Consent Agenda after removal of Item C-3, Review of Loans and Bonds Applications. Ms. Yates seconded the motion. The motion passed unanimously.

- Minutes – May 14, 2001
- Newly Employed, Promotions and Separations
- Personnel Recommendations

ACTION AGENDA

Mr. Fisher moved the Action Agenda be amended to include consideration of action on the Lake View Court Case and endorsement of The American Institute for Public Service. Ms. Yates seconded the motion. The motion passed unanimously.

Consideration of Appeal of Lake View Court Case

During a Work Session held prior to the meeting, Brian Brooks representing the Attorney General's Office reviewed the essential elements of Judge Kilgore's ruling. Mr. Brooks indicated that an appeal of the ruling to the Arkansas Supreme Court would help clarify some of the issues outlined in the ruling. Mr. Fisher moved that the Board request the Attorney General's staff initiate an appeal of Judge Kilgore's decision rendering the Arkansas educational system unconstitutional. Mr. Fisher's motion cited the need to establish more clear definitions of "general, suitable and efficient" as related to the educational system. Mr. Deming seconded the motion. The motion was adopted – 8 voted yes, 1 voted no. (Pickett voted no.)

Public School Fund Budget Adjustments for Fiscal Year 2000-2001

John Kunkel was recognized for this presentation. Mr. Kunkel stated that minor adjustments were needed in the current Public School Fund Budget to complete the fiscal year. He highlighted line items where revisions were recommended and cited reasons for the changes. Mr. Fisher moved approval of staff recommendations. Ms. Hillman seconded the motion. The motion passed unanimously.

Public School Fund Budget Recommendation for Fiscal Year 2001-2002

ADE State Operating Budget Recommendation for Fiscal Year 2001-2002

John Kunkel was recognized for these presentations. He reminded Board members of the sequence of steps required in preparation and submission of the annual budget. Both Mr. Kunkel and Mr. Simon reiterated that cuts were necessary in this budget due to the revenue forecast and that the recommendations reflect Board priorities and staff's responsibility to present a balanced budget within the revenue forecast. In response to questions from the Board about funds budgeted to support Department work in academic distressed districts, Mr. Simon and Dr. Charity Smith indicated that the budget does include additional funds to support increased staff and program costs for working with those districts.

Board members asked for clarification of the impact of various programs included in the recommended items for funding. In determining priorities for budgeting, Mr. Simon

noted that items supporting a local school district's ability to fund the proposed teacher raises were given priority.

The Chair noted that State Representative Ken Cowling requested the opportunity to address the Board on the topic of legislative intent pertaining to the Arkansas Better Chance (ABC) Program. Mr. Fisher moved to allow Representative Cowling to address the Board. Mr. Smith seconded the motion. The motion passed unanimously. Mr. Cowling stated to the Board that proceeds from the Beer Tax which was passed by the legislature were intended to support the ABC program and supplement the cuts that were made in the early budget process. He further noted that since this program had not had an increase since it was originally funded, any overage in collection should be dedicated to program expansion.

Ms. Caldwell suggested that the ABC program should engage in a program evaluation and submit evidence that efforts are improving student performance as participating children enter kindergarten and first grade.

Mr. Hackler moved adoption of the Public School Fund Budget and Operating Budget as presented by staff. Mr. Smith seconded the motion.

Ms. Pickett moved to amend the motion by changing the Department recommendation for Public School Fund Budget as follows: decrease alternative learning by \$3 million, decrease Pygmalion Commission by \$25,000, and decrease Play it Again Arkansas in the Operating Budget by \$73,624 and distribute to libraries and Arkansas Leadership Academy. Mr. Deming seconded the motion. The amended motion failed on a 4-5 vote.

The original motion failed on a 4-5 vote.

The Board recessed for lunch break at 11:45 a.m.

The meeting resumed at 12:30 p.m.

Mr. Deming moved to decrease the Public School Fund Budget line item for Alternative Learning Environments by \$1.5 million and that amount be transferred to support libraries and approve the rest of the budget as presented. Ms. Hillman seconded the motion. The motion passed unanimously.

Ms. Caldwell moved that after July 1, \$100,000 of fund balances in the Operating Budget be allocated to Leadership Academy making that total budgeted amount \$400,000 and approve the balance of the budget for 2001-2002 as presented. Ms. Pickett seconded the motion. The motion passed unanimously.

Ms. Pickett suggested that ABC staff prepare a report and tell how funds appropriated will be used over the next two years and present this report to the Board by January, 2002. Mr. Gordy affirmed that the Board has oversight responsibility for the ABC funds

and concurred with the need for a reporting of the programs to be implemented with the new revenue in the program.

Fiscal Distress Report

Patricia Martin was recognized for this report. Ms. Martin summarized the steps undertaken by staff in arriving at the recommendations. She also noted that staff works very closely with schools designated as districts in fiscal distress. Mr. Smith moved adoption of staff recommendation. Ms. Yates seconded the motion.

- Districts to be removed from fiscal distress: Alzheimer Unified School District; Cross County School District; and Winslow School District
- Districts to be placed on Fiscal Distress Phase I: Crawfordsville School District and Marked Tree School District
- Districts to remain on Fiscal Distress Phase I: Magnet Cove School District
- Districts to remain on Fiscal Distress Phase II: Lake View School District

Mr. Gordy questioned the option of moving Lake View to Phase III and inquired as to what that would mean for the district. Ms. Martin indicated that in Phase III the Department becomes the fiscal agent for the district and manages the budgetary matters of the district. Ms. Martin noted that the staff has experienced a good track record for working with districts and being able to remove them from the fiscal distress list. Staff is working intensely with Lake View. One of the major issues is the lack of a tax base in the district to generate revenue. The vote on the motion to accept staff recommendations was unanimous. Ms. Pickett requested that the Board receive a six months report on progress from the Lake View District.

Review of Loans and Bonds Applications

Ms. Pickett indicated that she requested this issue be moved to the Action Agenda for the same reason as others have been in past meetings. She expressed her continuing concern that the only time the Board is apprised of licensure violations in districts is at the time of application for loans and bonds. Ms. Pickett believes that some districts have too many licensure violations and such reports are never seen by the Board. Mr. Gordy requested that the Standards and Accountability Unit make a report to the Board concerning the number of licensure violations in schools in the state. Ms. Pickett moved adoption of the Loans and Bonds recommendations as presented. Mr. Hackler seconded the motion. The motion passed unanimously.

Rules and Regulations Governing Mobile Phone Usage by School Bus Drivers

This item was removed from the agenda to be presented at a later date.

Emergency Rules and Regulations Governing Certification and Licensure

Dr. Charity Smith summarized the issues related to the need for emergency status of these rules and regulations. She also indicated that although these have not worked through the Administrative Procedures Process, that will be done at a later date. Mr. Richard Smith moved approval of the emergency status of these changes to the Licensure rules and regulations. Ms. Caldwell seconded the motion. The motion passed unanimously.

Rules and Regulations Governing Teacher Retirement Earnings Limitations

Dr. Bobbie Davis was recognized to present this item. Dr. Davis indicated that staff had been working closely with the Arkansas Teacher Retirement System in the development of these Rules and Regulations and requested approval for public comment. Mr. Smith moved approval of the recommendation. Ms. Hillman seconded the motion. The motion passed unanimously.

Rules and Regulations Governing Charter Schools

Randall Greenway was recognized for this issue. Mr. Greenway indicated that these rules and regulations are a major rewrite of current policy based on changes in legislation and comments from Board members. Also, he indicated that some items were not included because they were in the law and an attempt was made to extend or explain legislation, not repeat verbatim sections from the law. Mr. Greenway requested approval for public comment. Mr. Fisher moved adoption for public comment. Mr. Hackler seconded the motion. The motion passed 8-1 (Pickett voted no).

Rules and Regulation Governing Limited Charter Schools

Mr. Greenway reported to the Board that Limited Charter Schools were authorized during the recent legislative session. Policy for review and approval is listed separately from the Charter School rules and regulations. Mr. Greenway requested approval for public comment. Mr. Fisher moved approval for public comment. Ms. Hillman seconded the motion. The motion passed unanimously.

Application Form for Limited Charter Schools

Mr. Greenway summarized this new application form and indicated it followed policy established for the other types of charter school applications. Mr. Deming moved approval of the application form as presented. Mr. Fisher seconded the motion. The motion passed unanimously.

Rules and Regulations Governing the Establishment of Single-member Zones for Local Boards of Education

Scott Smith was recognized for this presentation. Mr. S. Smith distributed a substitute set of rules and regulations replacing those distributed earlier in the Agenda materials. He indicated that the Secretary of State's Office has estimated approximately 25 districts will be impacted by this legislation and will be required now to elect board members from zones rather than at large. Mr. S. Smith requested these rules and regulations be approved for public comment. Mr. Richard Smith moved approval for public comment. Ms. Yates seconded the motion. The motion passed unanimously.

Commitment to Principles of Desegregation Settlement Agreement Report on the Execution of the Implementation Plan

Dr. Charity Smith was recognized to make this report. Dr. Smith noted that one of the Department staff functions is to review rules and regulations and determine the extent to which policy might negatively impact desegregation in Pulaski County. Also, the staff keeps the three districts apprised of such policy changes. Mr. Deming moved acceptance of this report. Ms. Pickett seconded the motion. The motion passed unanimously.

Teacher Revocations – Walter Herrick

Scott Smith was recognized to present this item. S. Smith summarized the information provided in the Agenda and recommended that Walter Herrick's teaching license be revoked. Mr. Gordy determined that Mr. Herrick was not present nor represented. Ms. Pickett moved revocation of the license. Mr. R. Smith seconded the motion. The motion passed unanimously.

Teacher Revocation – Sharon Paris

Scott Smith was recognized to present this item. S. Smith noted that Ms. Paris was reported by the Superintendent of the Omaha School District. He summarized the information provided in the Agenda and recommended that the license be revoked rather than surrendered by Ms. Paris. Mr. Gordy determined that Ms. Paris was not present nor represented. Mr. Fisher moved revocation. Ms. Hillman seconded the motion. The motion passed unanimously.

Teacher Revocation – Sammy Delane

Scott Smith was recognized to present this item. S. Smith noted that Superintendent of the Green Forrest School District reported this teacher as having been convicted of charges. Mr. Gordy determined that Mr. Delane was not present nor represented. Ms. Yates moved revocation. Ms. Hillman seconded the motion. The motion passed unanimously.

Teacher Revocation – James Meeks

Scott Smith reported that Mr. Meeks has requested via letter that information in his packet be sealed. Mr. Gordy determined that Mr. Meeks was not present nor represented. Mr. Fisher moved that this item be tabled until further information can be received. Mr. R. Smith seconded the motion. The motion passed unanimously.

Appointment of Act 1386 Advisory Committee

Mr. Simon informed the Board of its responsibility for appointing a “Blue Ribbon” panel to study the needs of education over the next two years. He stated that this panel can coordinate efforts with the Blue Ribbon Panel appointed to study education. The law required the appointment of the Panel by June 1, but it was suggested that a formal appointment be delayed until after the Blue Ribbon Panel was named. Staff will make recommendations to the Board for members of the Advisory Commission. Mr. Simon suggested that a conference call be held sometime in the following week to consider appointments to this Advisory Commission.

Election of Officers for State Board of Education

Mr. Gordy asked that William Fisher restate the recommendation of the Nominating Committee for officers for 2001-2002. Mr. Fisher reported the nomination of Robert Hacker, Chairman and Shelby Hillman, Vice-Chairman. Mr. Gordy asked if there were other nominations. Mr. Fisher moved acceptance of the nominating committee recommendations. Mr. Smith seconded the motion. The motion passed unanimously.

Resolutions

Mr. Gordy presented resolutions recognizing the service of Richard Smith and William Fisher during their terms on the Board. Terms of these Board members expire June 30, 2001. Each was presented with a copy of the resolution and a plaque.

Ms. Hillman moved adjournment. Mr. Deming seconded the motion. The motion passed unanimously. The meeting adjourned at 1:45 p.m.

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

Raymond Simon, Director

Robert Hackler, Chairman