

Minutes
State Board of Education
September 10, 2001

The State Board of Education met on Monday, September 10, 2001, in the Auditorium of the State Education Building. Robert Hackler, Chairman, called the meeting to order at 9:45 a.m.

The following members were present: Robert Hackler, Chairman; Shelby Hillman, Vice Chairman; Jo Nell Caldwell; Claiborne Deming; Luke Gordy; Betty Pickett; and Lewis Thompson, Jr.

No members were absent.

Chair's Report

Mr. Hackler reported attending back-to-school functions in the Mt. Home School District.

Mr. Gordy reported attending open house as part of the Springdale School District back-to-school events. He also reported on a visit with Anita Yates at which time he, Mr. Simon and Janinne Riggs presented her with the Board's resolution and a plaque recognizing her work on the Board.

Director's Report

Mr. Simon reported on a visit to the State by Deputy Secretary of Education (U.S. Department of Education [USDE]), Bill Hansen on Friday, September 7. Mr. Hansen visited Boone Park Elementary School in North Little Rock and met with community leaders.

Consent Agenda

Mr. Simon informed the Board that the anticipated personnel recommendation in Item C-5 was not ready for confirmation. He requested the Board authorize him to fill the position as soon as possible. Ms. Caldwell moved adoption of the Consent Agenda as notated by Mr. Simon. Ms. Hillman seconded the motion. Ms. Pickett expressed her appreciation for teachers and others who work on the various textbook selection committees. She observed that these individuals give of their time and do a credible job in reviewing the materials and making very detailed recommendations to the State, which help in the adoption process. The motion was approved unanimously.

- Minutes – August 13, 2001
- Newly Employed, Promotions and Separations
- Recommendation of Standards Assurance and Assessment Unit
- Approval of Revised Fine Arts Framework
- Personnel Recommendation

Action Agenda

Ms. Pickett moved that an item be added to the Action Agenda to discuss the vote on NASBE membership and the moratorium on travel voted at the last session when she was not present. Mr. Thompson seconded the motion. The motion passed on a 5-1 vote. (Caldwell voted no.)

Student Participation in Competitive Interscholastic Activities

Janinne Riggs was recognized to present this issue. Ms. Riggs reported that an electronic statewide teleconference was conducted with limited participation. She highlighted the written responses, which were summarized in the Agenda materials. Ms. Caldwell asked if there were funds available for implementation or administration of the Supplemental Instruction Program (SIP). Ms. Riggs responded that none were available. Ms. Hillman inquired what incentives might be available for schools to implement the SIP program. The response was that the program helped keep students in school by keeping them eligible for participation in activities.

Ms. Pickett noted that several years ago the Board voted for strict compliance with the 2.0 GPA. Since that time the current rules and regulations were approved under which the SIP plans could be implemented.

Mr. Deming suggested that before a final vote is taken on this issue, it would be helpful if additional information could be collected such as what other, if any, states have such a program and how it is monitored. He avowed that academics must be the Board's primary concern and that nothing, including athletics, should interfere with academic quality.

Mr. Hackler pointed out that discussions such as this (SIP) should not be needed. He believes that the State's accountability plan, ACTAAP, provides for an individual learning plan for any student who performs below proficient on the Benchmark Exams. These tests – which include Algebra 1, Geometry and Literacy – should determine a student's eligibility for participation in student activities. He further observed that ACTAAP and the Benchmark Exam scores are more reliable than grades or GPA.

Mr. Gordy suggested that the requirement for competing in athletics, 2.0 GPA, is higher than the requirement for graduation (1.0). He also argued that not all children have equitable background and support from home; some students need a second chance. The SIP program provides this second chance. He observed that abuses of the program are the fault of adults administering the program, not the students, and by eliminating the program we are penalizing the students.

Ms. Hillman echoed the sentiment of Mr. Hackler that all students should be subjected to the same guidelines, not just those who opt to participate in activities.

Ms. Caldwell noted that under ACTAAP, the Board has adopted a plan for helping every child in academics, not athletics. Mr. Gordy questioned how ACTAAP could be linked to the SIP program. This is another issue that would have to be considered by staff.

Mr. Gordy asked if the Arkansas Activities Association (AAA) wanted to monitor the program. Lance Taylor representing the AAA asked to respond. Ms. Hillman moved that Mr. Taylor be recognized to speak. Mr. Gordy seconded the motion. The motion passed unanimously. Mr. Taylor stated that AAA would do whatever it took to see that the SIP program was successful and that the Association would work with the Board and the Department as needed. Ms. Pickett suggested that some group other than AAA should be involved in monitoring.

Mr. Simon told the Board that he was extremely proud of the conversation that has occurred regarding this issue. He supports a strong commitment of academic achievement for all students. He observed that this is a similar discussion that surrounds the Lake View Case. Mr. Simon requested that the Board delay a decision on this issue today. He cited the following reasons: (1) The end-of-course data will be presented to the Board for consideration and standard setting at the next meeting. The test contractor is in the process of getting these scores to schools; (2) Additional work needs to be done to establish a context for SIP and to more clearly define which entity will administer and monitor the SIP. He stated it has been the Department's philosophy in establishing accountability that it does not matter how students get to high performance, just that they get there.

Mr. Hackler stated that this item was being tabled until additional information is provided.

Request for Final Approval of Amendments to Rules and Regulations Governing Certification by Reciprocity

Ron Tolson was recognized for this presentation. Mr. Tolson informed the Board that these rules and regulations were previously approved for public comment. A public hearing was conducted with no recommendations for change. No changes were being proposed. Mr. Deming moved approval. Ms. Hillman seconded the motion. The motion passed unanimously.

Request for Approval of Emergency Rules and Regulations Governing Parental Notification of an Assignment of a Non-Certified Teacher to Teach a Class for More than Thirty Consecutive Days and for Granting Waivers

Dr. Charity Smith was recognized to present this item. She stated that these rules and regulations were prepared in response to Act 1632 of 2001 and that the legislation is effective for the current school year, thus the need for emergency rules and regulations. Ms. Pickett suggested that requests for waivers should be directed to the Board rather than to the Department. She also asked about the period of time covered by a waiver. Dr. Smith replied that it would be for one school year. Ms. Hillman reported that a

concern had been expressed to her that it would be possible to move a non-certified teacher from class to class during the year and that person could serve an entire year in a school. In response to these expressed concerns and other related questions, Scott Smith reminded Board members that these were emergency rules and regulations and would only be valid for 120 days. These would have to be followed by permanent rules and regulations that can address these concerns in a more detailed fashion. Mr. Simon requested that the Board allow the Department to approve waivers and then report the status to the Board on a monthly basis. Ms. Hillman moved approval of the emergency rules and regulations as printed. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Proposed for Public Comment Rules and Regulations Governing Ethical Guidelines and Prohibitions for Educational Administrators, Employees, and Board Members

Dr. Bobbie Davis was recognized for this presentation. Dr. Davis indicated that these rules and regulations are based on legislation adopted in the 2001 session. She reminded Board members that sample document forms were presented at the August meeting. She reported that statewide sessions and public hearings would be held prior to submitting these rules and regulations, in November, for final approval. Mr. Gordy moved approval for public comment. Ms. Hillman seconded the motion. Ms. Pickett raised a question about language in Section 17.01 that says, "... the director may..." It is her contention that the Director should not have the option, the operative word "shall" should replace "may." Dr. Davis responded that in some instances, where allocations are made and investigations follow proving the allegation unsubstantiated, there is no need to report to the Board. The motion passed unanimously.

Proposed for Public Comment National Board for Professional Teaching Standards Rules and Regulations

Barbara Patty was recognized for this presentation. Ms. Patty reviewed highlights of the rules and regulations that address legislation from the 2001 session. Ms. Pickett inquired as to how the amount of reimbursement would be determined. Ms. Patty responded that it was set in the budget that is adopted by the Board annually. Mr. Gordy moved approval for public comment. Ms. Pickett seconded the motion. The motion passed unanimously.

Adopt Praxis II Test: Middle Childhood Education Qualifying Scores

Donna Zornes was recognized for this presentation. Ms. Zornes stated that a committee of Arkansas educators who recently studied the performance of students taking these exams recommended these qualifying scores. She noted that the scores are set low because of the newness of the program and the newness of courses offered in the state's colleges and universities. Ms. Pickett observed that the rationale was sound, however, it appeared that the score was artificially low given regional and national levels. Ms. Hillman asked if there were plans to raise the qualifying score in the future. Ms. Zornes indicated it was desirable to raise the score, but she did not see it happening soon. Mr.

Gordy moved adoption of the qualifying score as recommended. Mr. Thompson seconded the motion. The motion was approved unanimously.

Discussion of the Arkansas Department of Education Audit for Fiscal Year Ending June 30, 2000

John Kunkel was recognized for this report. Mr. Kunkel reported that the Department administers state funds along with 40 federal grant programs spanning up to 120 grant years. He noted that the findings were being addressed and procedures are now in keeping with recommended procedures. Mr. Deming inquired if there were any unusual notations in the audit that need immediate attention. Mr. Kunkel responded no. Mr. Deming moved acceptance of the report. Mr. Gordy seconded the motion. The motion was approved unanimously.

Gateway Charter School

Randall Greenway was recognized for this report. Mr. Greenway stated that the OUR Cooperative, as expected, voted to surrender the Gateway Charter. Department of Education staff recommends that the Board accept the surrender and assume control of the assets, inventory and security insurance. Also, the staff recommends that the timeline for open-enrollment charter school applications be revised so that proposals can be received through October 31. This extension will provide the opportunity for a new entity to submit a proposal on behalf of the Gateway program as well as to allow additional time for other applicants to submit a proposal. (Only two open-enrollment proposals were received prior to the close of the current application period.) Ms. Pickett inquired if this recommendation were accepted would it set a bad precedent. Mr. Deming suggested that there is some compelling evidence that this recommendation should be adopted. Ms. Pickett inquired if the situation had changed that would encourage local school districts in the area to send students to the school. Mr. Greenway suggested that one option previously discussed would be to open the school to a wider area, perhaps statewide, for recruitment of students. Mr. Thompson moved that the following recommendations be approved: accept the Charter surrender from OUR, assume control of the current assets of Gateway, and adopt the alternate timeline for open-enrollment charters for 2001-2002. Mr. Deming seconded the motion. The motion passed unanimously.

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

Willie Morris was recognized for this update. Mr. Morris reported all aspects of this report were contained in the Board materials. He invited questions about the report. Mrs. Pickett moved acceptance of the report. Mr. Thompson seconded the motion. The motion was adopted unanimously.

Revocation of a Teaching License – Barry Matthews

Scott Smith was recognized to present this issue. Mr. Smith summarized the information presented in the Agenda and reported that Mr. Matthews was not present, nor represented. Ms. Caldwell moved revocation of the license. Mr. Thompson seconded the motion. The motion passed unanimously.

Review of Teaching License – David Welch

Scott Smith was recognized to present this issue. Mr. Smith reported that additional information has been introduced that will impact this case, but all documentation has not been received in the attorney's office. Mr. Smith asked that no action be taken on this case at this time.

Denial of Request for Renewal of Teaching License – Donna Stearns

Scott Smith was recognized to present this issue. Mr. Smith summarized the information presented in the Agenda and reported that Ms. Stearns was not present, nor represented. Mr. Gordy moved that Ms. Stearns be denied a renewal of teaching license. Ms. Hillman seconded the motion. The motion passed unanimously.

Review of Teaching License – Joe Michael Bryant

Scott Smith was recognized to present this issue. Mr. Smith summarized the information presented in the Agenda and reported that Mr. Bryant was present with counsel. Mr. Bryant previously surrendered his license and is now seeking the opportunity to renew the license. Mr. Smith reported that Mr. Bryant has agreed to drug testing over the two-year period of time in which a provisional license would be effective. Such testing would occur before returning to the classroom and before the issuance of a permanent license. Ms. Pickett made the following motion: That Mr. Bryant be issued a two-year probationary license based on recent drug test, that results of a drug test be provided before entering the classroom should he become employed, that results from a drug test be provided at the end of one year of teaching and the Board review the status of employment and performance before a permanent license is issued. Mr. Thompson seconded the motion. Ms. Pickett implied that it was the intent of the motion that a permanent license would not be granted unless Mr. Bryant has secured a job and was teaching under the probationary license. The motion passed unanimously.

Other Business

In response to the question of the period of membership of the State Board of Education in NASBE, Mr. Simon reported that the membership year follows a calendar year and that Arkansas has a paid membership through December 2001. Even though the Board voted not to renew the membership, current membership extends through the end of this calendar year.

Ms. Pickett extended an apology for not being present at the August meeting; however, she wished she had been able to convey her opinion of benefits of membership in NASBE. She stated that there are many services of the national organization that this Board does not use to its best advantage. She indicated that she was aware of the vote to put a moratorium on Board member travel until a committee could make recommendations. However, she noted that her work on a NASBE committee was culminating at the annual meeting scheduled in October. She requested that the Board reconsider the vote and allow her to attend to be part of the presentation that would be made by colleagues who worked on this committee. Ms. Pickett moved that she be approved for travel reimbursement to attend the NASBE annual meeting in October. Mr. Thompson seconded the motion. The motion failed on a 2-4 vote. (Pickett and Thompson voted yes.)

Mr. Gordy moved adjournment. Ms Hillman seconded the motion. The motion passed unanimously. The meeting adjourned at 11:40 a.m.

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