

Minutes  
State Board of Education  
Monday, February 14, 2005

The State Board of Education met on Monday, February 14, 2004 in the Auditorium of the Arkansas Education Building. JoNell Caldwell, chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: JoNell Caldwell, Chairman; Dr. Jeanna Westmoreland, Vice-Chairman; Sherry Burrow; Dr. Calvin King; Randy Lawson; MaryJane Rebick; Diane Tatum; and Dr. Naccaman Williams.

The following Board member was absent: Shelby Hillman.

Ms. Caldwell read a note from Dr. Westmoreland addressed to Board members thanking them for the floral tribute upon the death of her father.

Dr. James reported that he and other Department staff have been very engaged with the legislative session. He observed that approximately 10% of the total number of bills that have been introduced are related to education or educational issues. He noted that staff attends and is available to respond to bills at both the House and Senate Education Committee meetings.

Dr. James and Ms. Caldwell presented Milken Educator Awards to Tammy Easterday from the Hot Springs School District and Lisa Johnson from the Van Buren School District. In presenting these awards, Dr. James also recognized other Milken Educators who were in attendance. Ms. Caldwell stated that it was a pleasure to make these awards and commended the awardees for the work they are doing on behalf of students in Arkansas.

Ms. Caldwell recognized Matt Dozier representing Project EAST. Mr. Dozier provided an informative summary of Project EAST and described the impact that the project is having on students, not just in Arkansas, but also across the country.

Ms. Rebick asked how schools were selected to participate in Project EAST. Mr. Dozier responded that a school applies to the Department for funding that is used to purchase state-of-the art computer equipment and software. He noted that students in the program have the opportunity to engage in learning how to use equipment and software not available in any other program. Mr. Dozier emphasized that schools must also demonstrate an ability to schedule classes, provide trained staff, and observe the rules established for EAST classrooms.

Mr. Dozier invited Board members to visit the national conference for Project EAST students on March 15-16 at the Statehouse Convention Center.

**Consent Agenda**

Dr. Westmoreland moved approval of the Consent Agenda. Ms. Tatum seconded the motion. The motion was adopted unanimously.

- Approval of Minutes – January 10, 2005
- Approval of Minutes – January 31, 2005
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations

### **Action Agenda**

Ms. Caldwell announced that Action Agenda Item 8 and Action Agenda Item 9 have been removed from consideration.

Dr. Westmoreland moved that an additional item be added to the agenda for further consideration of the licensure status of Joan C. Stuard. Mr. Lawson seconded the motion. The motion was adopted unanimously.

### **Request for Approval of Contractor for End-of-Course Examinations for Algebra I and Geometry and for Grade 11 Literacy, as well as for the Development and Implementation of End-of-Course Biology**

Dr. Gayle Potter was recognized to present this item. Dr. Potter provided a summary of the process used by Department staff in preparing the request for proposals, conducting the bidder's conference, reviewing the proposals, and working with the selection committee in the final review. Dr. Potter introduced members from the committee who were present: Bob Watson, El Dorado; Dr. Gordon Floyd, Fort Smith; and Dr. Jim Rollins, Springdale. Mr. Watson served as chair of the committee and was recognized to present the committee's report.

Mr. Watson summarized the committee's work and affirmed that the summary document in the Board Agenda materials reflected the unanimous vote from the committee.

Ms. Rebick asked for clarification on the category, "Corporate Qualifications." Mr. Watson responded that evidence in that category included information such as the qualification of management and program staff, the qualifications of staff to be assigned to the Arkansas project, the number of other projects currently managed by the company, the amount of time that is projected to be spent on the Arkansas project, and the longitudinal history of the company. Ms. Rebick also asked about information suggesting that Questar might be purchased by another company. Mr. Watson indicated that he has no information that any sale or take over is pending. He also asked Dr. John Adams, President of Questar, also in attendance to respond. Dr. Adams reported that his company was not for sale and, to his knowledge, no other entity is looking at Questar as a potential purchase. Dr. Adams assured the Board that Questar would be available to carry out the contract if awarded. He also reported that Questar was recently awarded the new contract for performance assessment in Minnesota for Grades 3 through 8.

Dr. Williams asked if Questar held other Arkansas contracts. Mr. Watson stated that they have the contract for administration of the Benchmark in Arkansas. Dr. Floyd asked to respond. He stated that his experience with administration of tests with Questar were very positive and probably there are fewer issues with Questar than with other vendors and other large scale assessment providers. He stated that the teachers and test coordinators feel comfortable with this company for the future.

Dr. Williams asked if there were any plans for the math tests to provide data other than the percentage correct. Specifically, can the test results be used for diagnostic purposes and could they be linked to a nationally normed test. Mr. Watson responded that those issues were not considered in the request for proposals, but he felt the math results could be linked to a similar test. He also noted that the tests were built on the Frameworks, which considered documents from the other states and the National Council of Teachers of Mathematics. Mr. Watson implied that correlations were considered in building the RFP for the test. He felt similar implications could be made for literacy as well.

Mr. Lawson asked about the weighting given in the RFP to content and if only 30% of the points for content and alignment was adequate. Mr. Watson suggested that 30% is significant and that there needs to be a good balance across the other items in the RFP. Mr. Lawson noted the importance of getting data back in a timely manner and the vendor's response to meeting timelines is critical. He indicated that it is critical that schools have test data back early so results can be used for planning. Mr. Watson responded that the timelines in the RFP are based on requirements of the legislation and that the vendor has a plan that meets the expectations of the law. Mr. Lawson noted that in the past some vendors have not returned test data in keeping with the due date and when that occurs, the Board should address it.

Dr. James interjected that these timelines are clearly detailed in the legislation and that every year there are questions about when to test, time for testing, and the concern for instructional time before assessments are given.

Ms. Rebick asked about the elements of the rubric. Dr. Potter responded that the Department has worked very closely with the state procurement office in development of the RFP, setting of parameters for review of the bids, and acceptance of the proposals. She indicated that all of this has been done to follow the State's guidance and policy.

Dr. Westmoreland moved to accept the Questar proposal. Dr. King seconded the motion. The motion was adopted unanimously.

### **Request Approval of Revised Mathematics Framework**

Dr. Gayle Potter was recognized to present this issue. Dr. Potter reported that the process of revising this framework began with a review of frameworks from all 50 states, the National Council of Teachers of Mathematics, and other national groups such as Achieve. She stated that a team of 54 educators began meeting in July (2004) and continued through December (2004). The team included classroom teachers representative of all regions of the state and all grade levels, curriculum specialists, higher education faculty (mathematics educators and mathematics faculty from arts and science) and administrators. The work also included recommendations from nationally prominent mathematics educators, John Dossey and Mary Lindquist.

Dr. Williams commended Dr. Potter for the thorough summary, which answered many of his questions. He observed that he enjoyed working through the document, since he is a former high school mathematics teacher. He asked about the entry-level mathematics

expected for all students. Dr. Potter responded that all students are expected to enter with Algebra I or its equivalent.

Ms. Caldwell noted that this document helps affirm that with four units of mathematics expected of all students, this course description strongly demonstrates that the courses will not be watered down.

Mr. Lawson moved adoption of the Mathematics Framework. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Request from Poyen School District to Transfer from Arkansas River Education Service Cooperative to the Dawson Education Service Cooperative**

Jerry Newton, Superintendent Poyen School District, was recognized to respond to questions.

Ms. Rebick asked what he believes is the best value received from the cooperatives. Mr. Newton responded it was staff development and the services of literacy and mathematics specialists who are housed at the cooperative.

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

### **Consideration of Loans and Bonds Requests**

Patricia Martin was recognized to present this item. Ms. Martin summarized the procedure for reviewing applications and noted that this work was framed by a Rule that was previously adopted by the Board. She reported that all those presented in this item have been reviewed by staff and met all conditions imposed by the Rule.

Mr. Lawson moved approval as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

### **Consideration of Loans and Bonds Request to Exceed 27% - Turrell School District**

Ms. Martin was recognized to present this item. She reported that this item and the next are special cases presented to the revolving loan fund in that they exceed the 27% level established by the Rule and any loan ratio exceeding 27% requires special approval by the Board. Alfred Hogan, superintendent, Turrell School District, was recognized to respond to questions concerning this request.

Mr. Hogan reported that these funds were needed to replace a facility that was destroyed by fire in 2000. He reported that since that time elementary students have been bussed to the high school campus for physical education, art and music, which is not a desirable use of time and there are safety considerations. Mr. Hogan stated that this request would establish a debt ratio of 27.63%, which is just over the maximum allowed without Board approval. Mr. Hogan stated that the debt ratio will be below the 27% level after July 1, 2005. Additionally, the district will begin receiving approximately \$1,000 per month from payments from a pre-school grant for use of facilities. He also

stated that the Turrell District is experiencing student growth due to new industry opening in the area.

Ms. Rebick asked about the total cost of the project and what part did insurance pay. Mr. Hogan stated that the school did collect insurance as a result of the fire, but that alone was insufficient to replace the facility and all of the equipment that was lost. He reported that the total cost of the project was approximately \$4.8 million.

Ms. Rebick moved approval of the proposed loan request and to exceed the 27% level. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Consideration of Revolving Loan Request to Exceed 27% - Earle School District**

Jack Crumbly, Superintendent, Earle School District was recognized to respond to questions.

Mr. Crumbly reported to the Board that this request seeks funds to replace local district funds that were expended to purchase equipment and supplies to restore an old building in the Earle District to provide needed classroom space. He stated that if approved this loan in the amount of \$382,000 would place the district's debt ratio at 28.8%.

Dr. Williams inquired what action got the district in a cash flow problem such as this. Mr. Crumbly stated that a remodeling project was previously approved by the Board, but the amount approved was not sufficient to purchase the equipment, supplies and furniture needed to use the remodeled building for instruction. The district spent reserve funds for those items with the intent to request additional loans to replace those funds, which now are needed to replace reserve funds for operation.

Ms. Rebick asked if the loan was not approved, what would happen to the district. Mr. Crumbly stated that the district soon would not have sufficient funds to run day to day operations. He stressed that decisions to spend the reserves were not made lightly, but space was needed, equipment was essential for operation, and the district was delayed in moving forward with the previously approved project due to the Department's fiscal distress determination last year. He stated that the time taken to appeal the fiscal distress caused the cost of materials to exceed estimates and previous quotes. Mr. Crumbly stated that after the appeal was successful, it was too late to put a request for additional funds into the bond request; so the district spent reserves with the intent to replace the reserves with an additional loan from the revolving loan fund.

Dr. King stated that it was his opinion that reimbursement was in the best interest of the district, otherwise it cannot continue to operate. He stated that he did visit the campus and observed the enormous amount of work that was required to get that building back into useable status. He noted that this district is in a low income community and it is important to provide education to those children. Mr. Crumbly stated that the district could have put the remodeling project on hold and come back a year later; however, they chose not to do that. Thus as he previously stated, they took available funds out of surplus, which is now needed for operations.

Ms. Caldwell asked if there was a plan to acquire additional debt. Mr. Crumbly replied that the Earle District is facing a problem with repayment of up to \$550,000 for equipment that was purchased under the premise that it would be covered by E-rate

reimbursement. However, the company that was providing the equipment was determined to be ineligible to serve as a provider, leaving the Earle District, and a number of others with great debts for repayment. If that additional loan is approved the percentage of debt will be approximately 31.6%.

Ms. Caldwell asked about enrollment pattern in the district. Mr. Crumbly responded that the number of students was approximately the same as last year; however, there is a significant decline over the past five years.

Ms. Caldwell asked what happens if the request is not approved. Mr. Crumbly stated that the district will automatically go into fiscal distress.

Ms. Rebick stated that she did not think it was appropriate for the district to state that the vendor (Global Business Machines) was at fault, it was the responsibility of the superintendent to investigate the company before entering into such an agreement.

Dr. Westmoreland asked Ms. Martin for clarification as to the legality of the district's request. Ms. Martin stated that the Rule does allow for a district to request a loan that would be used to renovate a building, she also stated that it was allowable for a district to be reimbursed for purchases previously made. She reported that this request is approvable under the Rule for the revolving loan program.

Ms. Caldwell asked if the Board had approved this type of request before. Ms. Martin responded that the Board has approved renovation requests and has approved reimbursements. She did acknowledge that the Board has not previously approved such requests when the debt ratio exceeded 27%.

Dr. Williams asked again what happens if the request is not approved. Mr. Crumbly responded that the district would immediately go into fiscal distress, there would be insufficient funds to operate during the summer (2005). Dr. Williams inquired as to why summer was so critical. Mr. Crumbly stated that the last of the current year payments are received in June and there are no new payments from the Department until the end of August.

Mr. Crumbly avowed to the Board that his request is an allowable expense and that he had done nothing wrong. Ms. Rebick stated that if you go into fiscal distress, then the Department will step in and provide the fiscal help that appears needed.

Mr. Crumbly promised that if this request is approved he will work with Ms. Martin's office and utilize help in managing district funds. Mr. Crumbly stated to the Board that it would be unfair to deny his request, that the loan funds are available to cover emergency situations such as this, that the patrons of the Earle District entered into a bond agreement with the intent that all would be completed with no understanding of the possibility of fiscal distress. He stated this district will be OK if we received this money to reimburse our expenditure.

Ms. Tatum observed that Mr. Crumbly explained the situation clearly, but cautioned him about spending money that was not there. She stated that hopefully, this will be a fiscal lesson to you (Mr. Crumbly) and to the District.

Ms. Burrow asked how long the debt ratio will exceed 27%. Mr. Crumbly responded at least 2 ½ years.

Mrs. Tatum stated that with grave concern she moved approval of the loan as proposed. Dr. King seconded the motion. The motion was adopted on a vote of 6 yes to 1 no. (Rebick voted no.)

Dr. King asked if the facilities question under consideration in the Legislature would address any of these concerns and problems. Dr. James responded that it is not clear exactly what will come out of the facilities deliberations; however there are a number of proposals under consideration.

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

Ms. Caldwell asked Dr. Charity Smith to report on the Teacher Fair before discussing the waivers.

Dr. Smith reported that the Department hosted a very successful event on February 11 and 12. She stated that the final attendance has not been tabulated, but schools reported a larger number of applicants with better credentials attended. Dr. Smith also observed that the largest group attending was those seeking alternate licensure.

Dr. Smith stated that a number of schools are now requesting waivers for long-term substitutes to cover for teachers who experienced catastrophic occurrences. These are occurrences over which local districts have no control, she continued.

Ms. Caldwell asked if there was a “flag” that goes up when a district exceeds a designated percentage of teachers with waivers. Dr. Smith responded yes; but, the size of the school is a factor.

Ms. Burrow asked for clarification about the qualifications of a long-term substitute. Dr. Smith said that they must have at least a Bachelor’s degree. In order for a school to place a long-term substitute, there must be a teacher of record and the sub is placed as the result of a catastrophic event involving the teacher of record.

Dr. Westmoreland asked what happens to waivers when the requirement for highly qualified teachers is fully operational. Dr. Smith stated that the Department would be in the position of placing a district on probationary status. The highly qualified status will not allow a school to give a teacher three years to meet full licensure requirements. Dr. Smith did indicate that it’s too early to fully answer that question.

Ms. Rebick asked for additional information on Ms. Caldwell’s earlier question about imposing a limit on the number of waivers. Dr. Smith responded that there is no legislative mandate. She did explain that if a district has a teacher on waiver and that teacher fails to meet standards after three years, then that district may not replace that teacher with a non certified teacher and an additional waiver will not be approved. Dr. Smith affirmed under the condition of a second request the Department would issue probationary status automatically. She stated that the Accountability Office monitors those situations very carefully.

Dr. James responded that Act 1467, which is referred to as the Omnibus Education Act, states that the Board can intervene in any of these situations sooner than three years. He noted that legislation may be needed to further clarify the percentage of teachers for waivers.

Ms. Caldwell stated that it is important for staff to keep the Board informed about these situations, but at this point that is sufficient. She does not want to cause unnecessary work for the staff.

Dr. Williams noted that there was a position at Helena requesting administrator waiver.

Mr. Lawson moved approval of waivers as presented. Ms. Tatum seconded the motion. The motion was adopted unanimously.

### **Appointment of State Board of Education Election Committee**

Ms. Caldwell appointed the following Election Committee: Shelby Hillman; chair, Randy Lawson and Dr. Calvin King.

### **Reconsideration of Licensure Revocation**

Ms. Caldwell recognized Tripp Walter to present this item. Mr. Walter reported that Joan Stuard presented the Department with a cashier's check fully repaying the obligation due to the professional licensure unit. He did report that the payment was made before the Board's action could be reported. Mr. Walter recommended that the Board reinstate the suspended licensure action.

Ms. Tatum moved that the license of Joan Stuard be reinstated in full. Dr. Westmoreland seconded the motion. The motion was adopted unanimously.

Dr. Westmoreland moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting was adjourned at 11:55 a.m.

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

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Dr. Ken James, Director

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JoNell Caldwell, Chair