

**Minutes  
State Board of Education  
Monday, November 14, 2005**

**Electric Cooperatives of Arkansas  
Board Room – 1:00 p.m.**

The State Board of Education met on Monday, November 14, 2005, in the Board Room of the Electric Cooperatives of Arkansas Building. Dr. Jeanna Westmoreland, Chair, called the meeting to order at 1:30 p.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.

No Board members were absent.

**Chair's Report**

Dr. Westmoreland began by sharing the Childhood and Adolescent Obesity Report for the state of Arkansas. She explained the report answers questions about geographic areas where children are at greater risk of obesity and answers questions the Board had previously raised. Dr. Westmoreland also shared the document, "Pathways to College Access and Success", with the Board. Dr. Westmoreland invited the Board members to share visits and other related activities.

Ms. Rebick reported attending the session on counseling techniques for the catastrophic occurrences. She stated many teachers and counselors were in attendance throughout the entire day. Ms. Rebick also shared her visit to UALR to hear John Stossel speak about education related topics such as the No Child Left Behind Act and Charter Schools, of which he is an avid component.

Mr. Lawson commended Dr. James and Julie Thompson for a presentation they recently made, and for Dr. James continuance of speaking at various events and representing the state.

Dr. Westmoreland thanked Dr. James for being out in the community and keeping the citizens abreast of the state's educational issues.

**Commissioner's Report**

Dr. T. Kenneth James shared the "Just for the Kids" packet of information and reported an evening event, hosted by "Just for the Kids" will be taking place around the state in about fifty communities. Dr. James stated Hall High School and JA Fair High School would host two local events. He reported the packet of information contains a powerful message for the parents to learn more about their schools and test results.

Dr. James also shared progress being made toward the NGA grant and the American Diploma Project (ADP) Network. He reported the State's Alignment Team recently returned from the first ADP Alignment Institute where they reviewed the state standards, in a side-by-side comparison, to see how they measure up to the ADP benchmarks. Dr. James stated the reports are coming back positive and some of Arkansas' standards have been used as a model for other states. He

also shared about an upcoming meeting with Michael Cohen to visit with other states regarding an Algebra II assessment. The Arkansas Alignment Team will attend two more alignment institutes and the information will be spread throughout the state as progress is being made, building a task force with higher education and workforce education. Dr. James stated it is an honor to be one of the ten states chosen as an Honor States Grant recipient.

Dr. James reported the Council of Chief State School Officers (CCSSO) would convene for the annual policy institute next week in Richmond, VA. Dr. James stated that next year the policy institute will be held in Little Rock, which will be the first time in history for AR to host. He explained the excitement of hosting the CCSSO policy institute, and the benefits it holds for the state and for the city of Little Rock.

Dr. Westmoreland presented an item to add to the agenda. Mr. Lawson moved to add a presentation by Luke Gordy to the agenda as item A-11. Ms. Burrow seconded the motion. The motion was adopted unanimously.

### **Work Session**

#### **Certification of Three School Districts Classified in Fiscal Distress for the 2004-2005 School Year**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that six districts were classified in Fiscal Distress for the 2004-2005 school year. She presented information for three of the six districts, Crossett, Heber Springs and Lakeside (Garland Co.), certifying that each of the three districts can petition the Board to be removed from the Fiscal Distress Classification. Dr. Davis reported that Department staff has been working with all six districts, but the three other districts, Augusta, Greenland and Jasper, will continue to be reviewed, and the Department is not making a report on them at this time.

Dr. Davis noted the information provided to the Board and gave a synopsis of how the three districts have worked to improve and make better decisions to implement their plan to move out of Fiscal Distress. Dr. Davis stated that according to the Rule, after a district provides a plan and has implemented that plan, the Department audits to see if the goals and objectives have been met. The Department recognizes that Crossett, Heber Springs and Lakeside (Garland Co.) School Districts have implemented their plans and are certifying them as being qualified to petition the Board for removal of Fiscal Distress Classification.

Dr. Davis congratulated the three school districts and stated she looked forward to hearing their petitions in January.

Ms. Rebick stated it is a good thing that districts are able to remove themselves from the list. Ms. Rebick asked when the other three districts two-years would be up. Ms. Patricia Martin stated that all six districts were identified as being in Fiscal Distress in April 2004, and Mr. Scott Smith reported, according to statute, a district has two years from the date of notice from the Department. Dr. Davis stated that one issue at present is that the Department does not have a final audit, but the determination is made by looking at the reports that are submitted.

Dr. Williams complimented the districts and the superintendents who were new to the district and worked through the process to be removed.

Dr. Westmoreland commended Crossett, Heber Springs and Lakeside (Garland Co.) School Districts for their accomplishments.

**Report on the Status of School Districts Classified in Fiscal Distress for the 2005-2006 School Year**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that she, along with Ms. Patricia Martin, and Ms. Hazel Burnet, conducted on-site visits to the twelve districts identified in Fiscal Distress Status for the 2005-2006 school year. Of the twelve schools listed, the Parkin School District was annexed to the Wynne School District and the Helena/West Helena School District was taken over by the Department. Dr. Davis referenced the packet of information prepared on each of the ten districts listed in Fiscal Distress. She stated each contained a matrix of enrollment, projected balance for the 2005-2006 school year, any identification criteria, and Department comments from on-site visits.

Dr. Davis reported an overview of each of the ten districts listed: Altheimer, Dierks, Dollarway, Eudora, Flippin, Lead Hill, Midland, Pulaski County Special, Waldo, and Western Yell County. She noted that the Department would continue to analyze each district's information and reports. She also noted that the Department is requiring and tracking monthly reports from each district and will continue to provide technical assistance. Dr. Davis pointed out some additional information that had been added for the Board's review, and concluded the report required by law to the Board every six months.

Ms. Rebick asked if districts are aware that the state has already developed a purchasing contract. Dr. Davis stated that the districts are aware and the Department also includes the purchasing and bidding laws information in the financial training provided to the districts.

**Report on the Status of Department Efforts to Address the Mental Health Needs of Students Displaced by Hurricanes Katrina and Rita**

Dr. Charity Smith and Ms. Susan Underwood were recognized to present this item. Dr. Smith explained why she was involved, noting the Academic Director must always be cognizant of how things of this nature will impact student achievement. Dr. Smith stated the importance of a child's mental health and the impact it makes on the learning. She noted that the state had never witnessed such a catastrophic event and there was nothing to fall back on to determine how to deal with the issues our children were facing. Dr. Smith stated that according to research, the impact was categorized into the three R's: Rescue, Relief, and Recovery. Rescue to the children impacted by the storm has been a far different meaning than most think of. City Year took on and provided relief efforts for the students. Lastly, mental recovery for the children, so they can focus academically. Dr. Smith presented an overview of the impacts that stayed with the children and stated that Arkansas was one of the first states to address this issue. Dr. Smith commended Dr. Terri Hardy and Dr. James for their immediate response to the concerns. She noted that the training for Counselors was put together via many committees, and was the first of two events scheduled. Dr. Smith thanked all the individuals who participated.

Ms. Susan Underwood shared an overview of how Arkansas has responded to the events and what has been happening to those students who were impacted. She noted that Arkansas had nearly 5000 Pre-K through 12<sup>th</sup> grade students that our schools have taken in. Each district has a homeless education liaison and those individuals stepped forward to do what they have been trained to do. Ms. Underwood noted that the state still has about 3000 students in Arkansas' school districts. She stated that Dr. James is working with the other Chief State School Officers on a variety of issues such as the senior class of 2006. Ms. Underwood also explained some other issues, such as emotional well-being for the children and the effects on their academic progress.

She noted that the state will have a follow-up training with the art reach model project, where over 45 teachers, counselors, art teachers, and G/T teachers will reach out to all students, regardless of their traumatic event. She said a future symposium with the seven states that have been directly affected by the hurricanes and those in the surrounding states.

Ms. Rebick stated that it is not just the displaced students that are having issues, but also the students that are here and wondering why the others are receiving special treatment. Ms. Underwood noted that Kroger has sent several loads of school supplies, desks, and backpacks, in an effort to reach out to help all students.

### **Consent Agenda**

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

- Approval of Minutes: October 10, 2005
- 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

Dr. Williams asked how long a teacher could teach out of area. Ms. Beverly Williams reported that the maximum number of years is three. After three years, the teacher may go back to another area and some districts are relieving them from employment. Ms. Williams also stated that the Department did deny a district that requested a fourth year.

Ms. Burrow asked if the districts were able to find replacements for those denials. Ms. Williams stated that some of those denials are in the fall co-hort of the Non Traditional Licensure program and will be fully licensed by December and will not require a waiver.

### **Action Agenda**

#### **Resolution to Authorize Commissioner of Education's Approval of Revolving Loans and Commercial Bonds**

Dr. Bobbie Davis was recognized to present this item. Dr. Davis explained that according to law the Commissioner is allowed to approve bond applications. Dr. Davis noted the Department knew of about ten requests to be made in December. Dr. Davis stated that due to the Board not meeting in December, the Department is requesting approval of the resolution, which would give Dr. James permission to review and approve the applications brought forth in December.

Ms. Hillman asked if prior to submitting this resolution the attorney's office had reviewed it for legal purposes. Mr. Scott Smith stated he had not seen the resolution, but that the law does give the Commissioner approval of this matter. Dr. Davis noted that the approval is for one month only.

Ms. Rebick stated the Board could have an option of a conference if needed. Dr. Davis noted that unless something unusual comes forth, Dr. James should be able to approve. Dr. James stated there is no anticipation of something unusual in the first few applications. He noted that in the event of any signs of questions, the Board would be consulted and he would not move forward with any that had significant questions.

Ms. Hillman moved approval. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Dr. Williams requested to receive a list of the approvals at the January Board meeting. Dr. Davis stated yes, that would be prepared.

**Request from McGehee School District for Approval to Close an Isolated School: Arkansas City Elementary School** (This item was recorded and reported by a court reporter and can be found as an attachment to the minutes.)

Mr. Scott Smith was recognized to present this item. He reported that on September 14, 2005, the McGehee School District submitted its request to close an isolated school. Last year the AR City High School students had transferred to the McGehee campus and this year the elementary students were transferred. The Attorney General's office and justice office had been contacted and reported that no desegregation issues are known at this time. Mr. Brooks Gill, representing the McGehee School District, stated that students will be bussed a little over 12 miles, affecting about 40 students, and the closure would save the district about \$900,000 a year. He noted if the request is denied, the district could be back on fiscal distress and possibly other probations because of teachers not being licensed. Mr. Gill explained that there is no longer staff in the building and therefore, there are no longer students in the building. Mr. Gill stated the district is requesting the Board to approve the closure of the Arkansas City School District campus.

Ms. Burrow moved approval of closing the Arkansas City School District campus. Dr. Williams seconded the motion. The motion was adopted unanimously via roll call vote.

Mr. Smith stated additional requests for school closures will be brought to January Board meeting.

**Request for Final Approval of Arkansas Department of Education Proposed Rule Governing the Distribution of Consolidation/Annexation Incentive Funding**

Mr. Scott Smith was recognized to present this item. On September 12, 2005, the Department received approval from the Board to put the proposed rule out for public comment. A public hearing was held on October 11, 2005. The Department is now requesting final approval.

Mr. Lawson moved approval. Ms. Hillman seconded the motion. The motion was adopted unanimously.

**Approval for Public Comment on the Repeal of the Rules Governing the Acquisition of Energy Conservation Measures**

Mr. Scott Smith was recognized to present this item. Mr. Smith stated that due to legislation, this Rule has been transferred to the facilities commission.

Ms. Rebick moved approval. Dr. King seconded the motion. The motion was adopted unanimously.

**Approval for Public Comment on the Repeal of Rules and Regulations Governing the Minimum Schoolhouse Construction Standards**

Mr. Scott Smith was recognized to present this item. Mr. Smith stated that due to legislation, this Rule has been transferred to the facilities commission.

Ms. Hillman moved approval. Dr. Williams seconded the motion. The motion was adopted unanimously.

The following three licensure items were recorded and reported by a court reporter and can be found as an attachment to the minutes:

**Permanent Revocation of Teacher's License: Heath Leonard**

Mr. Tripp Walter was recognized to present this item. Mr. Walter stated that Mr. Leonard pled guilty to two counts of Sexual Assault in the Second Degree, a Class B Felony, on September 15, 2005.

Ms. Hillman moved approval. Ms. Tatum seconded the motion. The motion was adopted unanimously.

**Permanent Revocation of Teacher's License: Steven Mitchell**

Mr. Tripp Walter was recognized to present this item. Mr. Walter stated that Mr. Mitchell pled guilty to one count of Sexual Assault in the Second Degree, a Class B Felony, on August 23, 2005.

Mr. Lawson moved approval. Dr. Williams seconded the motion. The motion was adopted unanimously.

**Application for Licensure by Reciprocity Denied: Ms. Adrienne Brown**

Mr. Tripp Walter was recognized to present this item. Mr. Walter stated that Ms. Brown was convicted of two counts of Assault in the Third Degree, a misdemeanor, on May 5, 2000.

Ms. Brown was present and requested the Board to reconsider their decision. Ms. Brown stated the incident was isolated and dealt with her own two children.

The Board inquired further of the incident and requested to seek further information prior to making a final decision.

Ms. Tatum moved to table the item to seek further information. Dr. King seconded the motion. The motion was adopted unanimously.

**Approved 2006 State Board of Education Meeting Dates**

Dr. Jeanna Westmoreland presented to the Board the proposed meeting dates for 2006. Dr. Westmoreland noted that the meeting is scheduled for the second Monday of each month. She also noted that the July and December meetings could be canceled if there is not sufficient work for those two months.

Ms. Hillman moved approval. Ms. Tatum seconded the motion. The motion was adopted unanimously.

**Presentation on the Comprehensive Augmented Assessment by Mr. Luke Gordy**

Mr. Luke Gordy, Executive Director of the Arkansas for Educational Reform Foundation (AERF), was recognized to present this item. Mr. Gordy thanked the Board for allowing him the opportunity to present the information regarding the implementation of an augmented assessment. He noted that this is a unique opportunity for the state, and this type of assessment would be an assessment "for" education and not an assessment "of" education. Mr. Gordy explained that this information being presented was not a condemnation of the state's

current efforts with assessments. He noted that the development of the Benchmark examination was one of the single most important initiatives the state has taken and he noted that he is, and was, an unwavering disciple and advocate for the testing system when he served on the Board. He noted that current high stakes testing is still a Criterion Referenced Test (CRT), which is a summative assessment. The CRT is designed to assess what our students should know and be able to do by grade level, based on standards developed by the state. Mr. Gordy noted that there is a need to know much more. He referenced a quote by Rick DuFour, which explains how a summative assessment is an assessment “of” education, and along with that summation, we also need an assessment FOR education, which shows progress in comparative terms and shows performance related to district, state and national standards. Mr. Gordy noted that as a result of Act 35, the law requires that this happen. He stated that our kids are over tested and under assessed, and that an augmented assessment system should and can be developed and implemented as the next step in the process. He noted that the important pieces of our current assessment should be preserved, while addressing the issues of the current law to take our students to the next level. Mr. Gordy referenced the Texas assessment system and the changes they implemented.

Mr. Gordy thanked Dr. James for his leadership of improving the assessment system. Mr. Gordy noted that the point of his presentation was to respectfully point out recommendations today, of an assessment which administrators across the state have evaluated and piloted with the results being outstanding. Mr. Gordy referenced a handout provided to the Board (attached to the minutes) regarding the testing system and the timing of administering the assessments and receiving the results back in a timely manner.

In closing, Mr. Gordy stated that if the recommendations are accepted and used in the decision making process, this would be one of the most important decisions the Board would make. Mr. Gordy stated that every educator in the state deserves the best system to give him or her the opportunity to maximize the educational experience for every child in the state.

Dr. Westmoreland thanked Mr. Gordy and reminded the Board that this presentation was for information only and that the Department would be bringing forth further information regarding the assessment system at the January Board meeting.

Dr. Williams moved to adjourn. Ms. Tatum seconded the motion. The meeting was adjourned at 3:45 p.m.

These minutes were recorded and reported by Ms. Kristi Horrell Pugh.

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Dr. T. Kenneth James, Commissioner of Education

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Dr. Jeanna Westmoreland, Chair