

Minutes
State Board of Education
Monday, April 14, 2003

The State Board of Education met on Monday, April 14, 2003 in the Auditorium of the State Education Building. Shelby Hillman, Chairman, called the meeting to order at 9:10 a.m.

The following Board members were present: Shelby Hillman, Chairman; JoNell Caldwell, Vice-Chairman; Luke Gordy; Peggy Jeffries; Dr. Calvin King; MaryJane Rebick; and Dr. Jeanna Westmoreland.

The following Board members were absent: Robert Hackler and Lewis Thompson, Jr.

Work Session

Educational Technology and the Effective Delivery of Instruction

Ms. Hillman recognized Jim Boardman for a presentation on the status of distance learning and the uses of technology to deliver instruction in Arkansas Schools. Mr. Boardman identified different delivery systems for bringing courses to students, which included audio-graphics, satellite delivery, full motion video, fixed motion video, and Web-based initiatives. His premise is that at some point a mix of all the delivery systems will become a standard as opposed to identifying one option and all delivery narrowing to that single medium.

Mr. Gordy inquired about limits for delivery by some media. Mr. Boardman noted that the most limited would be the full motion video delivery because of the need for equipment and band width for the delivery system. That is currently the most costly system and probably one that will not expand very much. Mr. Boardman did emphasize the fact that one or more of the current delivery systems is available to every school in our state and there is no excuse for schools not making remote delivery of courses an option.

Ms. Jeffries noted that such delivery of courses should be a "bonanza" to the smallest schools in the state. Such courses can and should extend the limited curriculum for students in those schools and provide cost effective options for delivery of instruction. She inquired if passed or pending legislation would be satisfactory to keep the progress going in this area. Mr. Boardman indicated that it would. He reported that those drafting distance-learning bills were in contact with the Department and with staff in his area. Ms. Jeffries further inquired about potential overlapping of content delivered electronically. Mr. Boardman noted that this could happen, but for the most part he and his staff were invited to participate in discussions with significant groups that are developing proposals for distance learning.

Legislative Update

Mr. Simon reported that the Omnibus Accountability Legislation supported by the Department had been introduced and is being considered in the House Education Committee. He is optimistic of passage. He reported that either recess or adjournment of this session was probable by the end of the week. (Editor's Note: This bill cleared both houses of the legislature and was signed into law by the Governor on April 18.)

Mr. Simon also reported the following:

- The Governor's education reorganization plan appears to be stalled in the Senate and is probably dead for this session.
- Other reorganization bills introduced have yet to clear the Senate Education Committee.

- The major educational legislation, with the exception of the accountability bill, will likely not be considered until after the adequacy study is complete and reported in September.
- The Adequacy Commission has signed a contract that will cover the implementation of the adequacy study.

Teach Arkansas

Ms. Hillman recognized Bruce Villineau, the primary contact for **Teach Arkansas** who made a brief report of the progress of this work in assisting schools in high poverty areas of the state in identification and hiring of qualified teachers.

Consent Agenda

Ms. Caldwell moved that an item be added to the Consent Agenda to approve a personnel recommendation. Documentation on the position was mailed under separate cover and was received by Board members well before the Board materials were received. Ms. Jeffries seconded the motion. The motion was adopted unanimously.

Ms. Jeffries moved to approve the consent agenda as amended. Dr. King seconded the motion.

Ms. Rebick asked for clarification on the issue of partnerships that are required for eligibility to be approved for a QZAB award. Cindy Hedrick responded that the federal guidance was very broad as to what constituted partnerships. She gave examples of volunteer service or other arrangements that might be made with parent groups, civic groups, etc., as opposed to a more structured partnership with another agency or community group.

Mr. Gordy questioned the policy of approving a QZAB application to a district that was in some phase of fiscal distress. Ms. Hedrick responded that no such award had been made, but it would be a committee recommendation before such a consideration could be made.

Ms. Jeffries asked what would happen to this debt or any other debt incurred by a local district should the legislature adopt total state funding of public schools. Ms. Hedrick responded that it would have to be considered as any other debt of a school district. Scott Smith noted that before any of these issues could become law, a constitutional change would be necessary. Additionally, such action would invoke a myriad of other issues, potentially requiring court settlement. Ms. Jeffries expressed concern for the practice of allowing school districts to continue to acquire debt in view of the possible restructuring in the fall. Mr. Simon responded that the bigger issue of "school debt" would be a consideration addressed in any reorganization legislation.

Ms. Rebick also questioned the use of bond funds for construction of a gymnasium. Ms. Hedrick responded that such requests have been approved in the past and that there is nothing in the rules and regulations that would preclude approval of such a request. She also stated that each of these requests are analyzed carefully by the Department Loan and Bond Committee and all required criteria are evaluated before a favorable recommendation is made. Mr. Simon stated that early in the session there was legislation introduced that would place limitations on long-term funding and contracts until the reorganization issues have been settled. Scott Smith affirmed that this has not passed and without such action by the legislature, there would be no way to eliminate such requests from consideration as long as all the other conditions have been met.

The motion to approve the Consent Agenda was adopted unanimously.

- Minutes – Regular Meeting March 10, 2003
- Newly Employed, Promotions and Separations
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan.

- Review of Qualified Zone Academy Bonds (QZAB) Allocation Applications
- Review of Loan and Bond Applications
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623.
- Personnel Recommendation.

Action Agenda

Site Selection Criteria for Arkansas Governor's School

Ann Biggers was recognized to present this item. Ms. Biggers stated that during discussion by the Board prior to approving the last Sight Selection for Governor's School, the Board requested the opportunity to review the criteria before the Request for Proposals (RFP) was released. She noted that it was time for enacting a sight selection process for 2004-2006. The materials were provided with the Board materials.

Ms. Caldwell noted that members of the Board were concerned at the last selection process with restrictions placed on a host that would preclude the opportunity for Governor's School students to interact with students or others on campus simultaneously. Ms. Biggers stated that since the inception of Governor's School, one of the issues of residential living is that they can say to parents that no outside events are scheduled in the area that would detract students for Governor's School activities and this would also contribute to a safer environment for students. Ms. Biggers noted that previously there were three other proposals for campuses other than Hendrix, each of which described how Governor's School students would be separate from other activities on campus. Ms. Caldwell suggested that as long as stated criteria Number 1, "no other activities on campus," remains part of the criteria, it will eliminate some quality proposals.

Dr. Westmoreland asked how the previous sight selection committees had addressed this criterion. Ms. Biggers stated that each round has had a different group that reviewed the proposals and conducted site visits. She also noted that each component of the RFP has a review rubric and the committees are instructed to follow this outline. Mr. Gordy emphasized that this criterion has eliminated almost every location in the state except Hendrix. Mr. Simon asked if that criterion kept any applicant from consideration. Ms. Biggers expressed the opinion that she did not think that criterion alone eliminated any application. But, she and other committee members believe they have an obligation to "protect" students from other activities that might be concurrently running on campus. Ms. Caldwell noted that Boys State, Girls State, cheerleader clinics and many other activities involve high school students with no problem, why should Governor's School students be any different?

Ms. Rebick moved to amend the proposed RFP by eliminating condition #1, referring to having no other activities on campus, and striking the words "or interact" in condition #2 before submitting the RFP for distribution. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

Ms. Rebick moved to adopt the amended RFP to be submitted for sight selection for 2004-2006 Governor's School. Mr. Gordy seconded the motion.

Ms. Jeffries inquired about issues with the Governor's school curriculum that surfaced some years ago. Ms. Biggers responded that the Governor's Office previously requested the opportunity to discuss Areas 2 and 3 in the proposed curriculum. She stated that she and members of the Advisory Council worked with the Governor's Office and resolved those questions. She is not aware of any more recent questions. She also noted that Dr. Terri Hardy, the Governor's Education Liaison, has reviewed the proposed RFP.

Dr. King inquired if the suggested changes might effect the applications. Ms. Biggers responded that a number of schools have expressed interest in the RFP and she believes all applications will

be more competitive. Ms. Jeffries stated that Hendrix has exemplified a quality program and other applicants will continue to have that experience to overcome.

The motion was adopted unanimously.

Adoption of Definition of Unsafe Schools

Dr. Charles Watson was recognized to present this issue. Dr. Watson reported that one of the new provisions of the ***No Child Left Behind*** legislation is the identification of persistently unsafe schools. Each state is required to form a task force and frame a definition of schools that would be considered as unsafe. The Arkansas group met three times between November and January and recommended the definition that is submitted for adoption by the Board. Dr. Watson stressed the issue was “persistently”, not schools that experienced a one time event. He also reported under the proposal, there would be no schools identified for the 2003-2004 school year.

Mr. Gordy observed that three years of such conditions in a school seems like a long time, especially when the safety of children is involved. He inquired if there was information from other states. Dr. Watson responded that there are states with a similar three-year pattern and some others have opted for a two-year time frame. Mr. Gordy stated that he felt strongly that three-years was too long. He also inquired about the criteria that students attending a school designated as persistently dangerous would only have the option of a transfer to another school in that district. He noted that most Arkansas districts only have one school, especially at the high school or middle school levels. Dr. Watson responded that this was how the law is written and is in keeping with guidance on this issue. Also, at this time, Arkansas statutes do not provide for open choice options. However, pending legislation may change this option.

Mr. Gordy moved that the policy be amended to read two years instead of three and to adopt the amended policy. Dr. King seconded the motion. The motion was adopted unanimously.

Review and Approval of Proposed Emergency Amendments to Rules and Regulations Governing Waiver to the Standards of Accreditation

Scott Smith was recognized to present this issue. Mr. Smith stated that this year parts of the state have experienced extended times when weather forced the cancellation of school. A similar situation occurred two years ago, at which time some consideration was given to allow districts who missed many days and had made “every” effort to make up as many days as possible, to apply for a waiver of the standard. Similar requests have been received and the Board must have a process if it wishes to address these requests. These emergency rules and regulations, if adopted, would provide that process. Ms. Rebick asked how such a waiver might effect professional development days. Mr. Smith indicated those days, generally, were added to the end of the school year.

Ms. Rebick moved adoption of the emergency rules and regulations. Mr. Gordy seconded the motion. The motion was adopted unanimously.

Review Bond Application – Alma School District

Cindy Hedrick was recognized to present this item. Ms. Hedrick reported that Alma requested approval of a proposal for refunding of bonds and indebtedness within the district that exceeds the 27% limit, beyond which special approval is required from the Board. Under this proposal the Alma School District debt would be at 31%.

Ms. Jeffries inquired as to the uses of the funds that would be generated under this proposal. Charles Dyer, Superintendent of Alma School District was recognized to respond to this question. Mr. Dyer reported that Alma is a very fast growing district that struggles to add classrooms to keep up with the increasing number of students. There have been building projects nearly every

year, in fact in recent years 50 new classrooms and a new auditorium have been built with new loans for each project. He stated that with this restructuring, the district was in position to take advantage of lower interest rates and consolidate these recent loans into one payment. It was also determined that a recent loan had failed to be recorded with the Department of Education. Mr. Dyer was unaware that the loan had not been reported and had no explanation.

Ms. Jeffries implied that on some projects such as the auditorium and a recent stadium, the district had gone beyond costs usually spent on those constructions. Mr. Dyer responded that in every case the community had been very clear about the expectation and he attempted to respond to their wishes. Mr. Gordy noted that Alma does have an outstanding auditorium, stadium and good classroom facilities – also a good educational system. It was his opinion that the district has not scrimped on facilities to house programs and students.

Mr. Gordy moved approval of the proposal to allow 31% debt ratio. Ms. Caldwell seconded the motion. Ms. Jeffries expressed concern that districts such as Alma are incurring debt for which the state may have to pay in the future. She stated that issues such as this contribute to the inequitable nature of funding that currently exists.

Ms. Jeffries noted that the issue of debt funding supplement provided incentive to districts such as Alma. She expressed the opinion that the district should be allowed to consolidate debt, but should not be approved for the \$300,000 new debt as requested until after funding is known in the fall.

The motion to approve was approved on a vote of 5 yes, 1 no. (Jeffries voted no.)

Report of Request for Waivers from Student –Teacher Interaction Days

Annette Barnes was recognized to present this issue. After a lengthy discussion and a review of the materials presented, the Board determined that there was inconsistency in the information presented and the tendency to respond in a fair and concise manner seemed unlikely. Dr. Westmoreland suggested that each school district requesting a waiver should provide the same information including days missed, days made up, date school is scheduled to be dismissed, etc. Such information will help make more fair assessments and decisions.

Ms. Caldwell moved that these requests be tabled and a special telephone conference call be scheduled to consider these and other requests that may be received from a formal announcement. Ms. Rebick seconded the motion.

Mr. Simon stated that a Director's Memo with a form requesting the noted information would be posted by Tuesday. Schools would be given until April 24 to return the information requested.

Dr. Watson will set up the conference call and notify Board members.

The motion was adopted unanimously.

Other Business

Scott Smith advised the Board that Evelyn Whittington was seeking reinstatement of her teacher license. Ms. Whittington's license was revoked permanently when Educational Testing Service indicated that she had compromised the security of the Praxis Exam. He noted that the case was currently scheduled for consideration in June, but the case would probably be delayed.

Dr. Charity Smith reported that a standard assessment for English Language Proficiency had been approved and would become a standard tool for determining the need for alternate assessment of students with limited English proficiency.

Dr. King moved adjournment. Ms. Caldwell seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:25 p.m.

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