

**Minutes
State Board Meeting
October 14, 2021**

Present: Dr. Sarah Moore, Vice-Chair; Charisse Dean; Randy Henderson; Dr. Fitz Hill; Kathy McFetridge; Dr. Beth Anne Rankin; Steve Sutton; Adrienne Woods; Susanna Post, 2021 Arkansas Teacher of the Year; and Johnny Key, Secretary.

Present via ZOOM: Ouida Newton, Chair

The Arkansas State Board of Education (State Board) met Thursday, October 14, 2021, in the Arkansas Department of Education (Department) Auditorium. Chair Ouida Newton joined via ZOOM. Vice Chair Dr. Sarah Moore chaired and called the meeting to order at 10:02 AM, led by a moment of silence.

Changes to Agenda

Dr. Moore stated Item V11.1.d. [Consideration of Act 1240 District Waiver request for a Digital Learning Plan – Little Rock School District (New Provider)] was pulled from the agenda.

IV. Consent Agenda

Items included for consideration in the Consent Agenda were as follows:

1. Minutes
 - August 19 – Draft
 - August 12 – Draft
 - September 9, 2021 Draft
2. Newly Employed, Promotions and Separations
3. Consideration of Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
4. Consideration of the Recommendation of the Professional Licensure Standards Board for Case #21-073 Ricky Morrow
5. Consideration of the Recommendation of the Professional Licensure Standards Board for Case #21-081 Dedric Davis
6. Consideration of the Recommendation of the Professional Licensure Standards Board for Case #21-125 Bradley Atchley
7. Review of Loan and Bond Applications

A motion to approve the Consent Agenda was made by Ms. Adrienne Woods, seconded by Ms. Kathy McFetridge. The motion passed unanimously.

Action Agenda

VI.1. Resolution to Recognize Arkansas Safe Schools Week

A motion to adopt the Arkansas Safe Schools Resolution and to recognize Arkansas Safe Schools Week, October 17-23, 2021, was made by Mr. Randy Henderson, seconded by Dr. Beth Anne Rankin. The motion passed unanimously.

VI.2. State Board Hearing PLSB Case No. 21-055 Michael Dean Appeal of the Ethics Hearing Sub-committee's recommendation that Educator Michael Dean's educator's license be suspended for six months for inappropriate physical contact and inappropriate comments.

Dr. Fitz Hill recused himself, stating that Mr. Michael Dean, also known as Coach Dean, was his former teammate.

Motion 1: Finding of fact (State Board agreement with finding of fact with the case)

A motion agreeing to finding of fact with the case was made by Ms. Charisse Dean and seconded by Ms. Kathy McFetridge. The motion passed unanimously.

Motion 2: Conclusion of law (Based on the facts, does the State Board find that Mr. Michael Dean did violate:

Standard 1 – An educator maintains a professional relationship with each student both in and outside the classroom.

Standard 2 – An educator maintains competence regarding his or her professional practice, inclusive of skills, knowledge, dispositions, and responsibilities related to his or her organizational position.

or both Standard 1 and Standard 2 of the Code of Ethics for Educators

A motion agreeing that Mr. Michael Dean violated both Standards 1 and Standard 2 was made by Ms. Charisse Dean and seconded by Ms. Kathy McFetridge. The motion passed unanimously.

Motion 3: Sanction (Currently Recommended by PLSB) – six-month suspension of teaching license

Ms. Kathy McFetridge made a motion to modify the sanction to a two-year probation, with a monthly report requirement on the educator's progress to the State Board, and adding to the training list requirement to take trauma-informed training. The modified recommendation was seconded by Ms. Ouida Newton.

Ms. Charisse Dean made a substitute motion to modify the original sanction of a 6-month suspension of teaching license to a suspension of teaching license through the end of this

(2021) calendar year, a \$250 fine, and no reporting requirement. The substitute motion was seconded by Ms. Adrienne Woods. By roll call the substitute motion failed (3 Yes to 4 No).

The original motion made by Ms. Kathy McFetridge and seconded by Ms. Ouida Newton was modified to include a maximum fine of \$250 and passed unanimously by roll call vote (7 YES to 0 NO).

VI.3. State Board Hearing LA-22-002; Randall Peckham

Licensure Action Item 22-002 was presented by Ms. Amy Douglas, Managing Attorney with the Professional Licensure Standards Board. Ms. Douglas stated that Mr. Randall Peckham has pled guilty to the disqualifying offense, Ark. Code Ann. § 5-27-304 Pandering Visual Medium Depicting Sexually Explicit Conduct, which requires the State Board to take action on his license. She further stated that Mr. Peckham is not eligible for employment due to the sexual nature of the offense to which he pled guilty and that Mr. Peckham has consented to surrendering his license. Furthermore, Ms. Douglas stated that Mr. Peckham's teaching license shall be permanently revoked, and he is no longer eligible to request reinstatement based on Ark. Code Ann. 5-27-304. Licensure asked the State Board to accept the surrender of and permanently revoke Mr. Randall Peckham's teaching license.

A motion to accept the surrender of and permanently revoke Randall Peckham's teaching license was made by Mr. Steve Sutton, seconded by Ms. Adrienne Woods. The motion passed unanimously.

VI.4. Consideration of Requests for Act 1240 Waivers

Pursuant to Ark. Code Ann. § 6-15-103 (Act 1240 of 2015), a traditional public school may petition the State Board for waivers granted to an open-enrollment public charter school. Ms. Lori Freno, General Counsel for the Division of Elementary and Secondary Education, presented two Act 1240 Waivers to the State Board for consideration.

VI.4.a. Bauxite School District Act 1240 Waiver Request

Bauxite School District, represented by Dr. Leeann Pinkerton, Director of Academic Affairs; Ms. Becky Reynolds, Principal of Pine Have Elementary School; and Mr. Matt Donaghy, Superintendent of the Bauxite School District, sought an Act 1240 waiver of class size through the remainder of this semester for one kindergarten class at Pine Haven Elementary School.

A motion to approve the Act 1240 waiver for Bauxite School District was made by Dr. Beth Anne Rankin, seconded by Mr. Randy Henderson. The motion passed unanimously.

VI.4.b. Marvell-Elaine School District Act 1240 Waiver Request

Marvell-Elaine School District, represented by Ms. Karmen McNutt (via ZOOM), K-5 Elementary Principal, and Ms. Denetra Williams, Interim Superintendent, sought an Act 1240 waiver for the kindergarten and third grade class sizes at Marvell-Elaine Elementary School.

A motion to approve the Act 1240 waiver for Marvell-Elaine School District was made by Ms. Kathy McFetridge, seconded by Ms. Charisse Dean. The motion passed unanimously.

VI.5. Considerations of Petitions for Minimum School District Size Waivers

Act 60 of 2004 requires that if a school district had an Average Daily Membership (ADM) of fewer than 350 students in the two years immediately preceding the current school year, Ark. Code Ann. § 6-13-1603 requires the district to be annexed to or consolidated with another school district. The Department must publish each year a list of school districts that had an ADM of fewer than 350 students for two consecutive years immediately preceding the current school year. This year, 2021, the following six school districts fell into this category: Strong-Huttig School District, Augusta School District, Marvell-Elaine School District, Guy-Perkins School District, Shirley School District, and Western Yell County School District. The district may petition the State Board for a minimum school district size waiver under Ark. Code Ann. § 6-13-1613. The State Board shall grant the petition to waive the minimum school district size if the criteria set forth in Ann. § 6-13-1613 are met.

All six aforementioned school districts presented petitions, and all six meet the requirements set forth in law, which are:

1. The school district may not be in Level V intensive support, fiscal distress, or facilities distress.
2. May not be in probationary status for violation of the standards for accreditation.
3. Its academic facilities, as evidenced by the district's facilities master plan, must be adequate.
4. Must be in the best interest of the students as the board of that local school district has noted in a resolution.

VI.5.a. Petition of Strong-Huttig School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Strong-Huttig School District meets all requirements set forth by law. Strong-Huttig School District was represented by Superintendent Kimberly Thomas via ZOOM.

A motion was made by Dr. Beth Anne Rankin to grant a minimum school district size waiver to Strong-Huttig School District, seconded by Ms. Charisse Dean. The motion passed unanimously.

VI.5.b. Petition of Augusta School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Augusta School District meets all requirements set forth by law. Augusta School District was represented by Superintendent Cathy Tanner via ZOOM.

A motion to grant a minimum school district size waiver to Augusta School District was made by Mr. Steve Sutton, seconded by Ms. Kathy McFetridge. The motion passed unanimously.

VI.5.c. Petition of Marvell-Elaine School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Marvell-Elaine School District meets all requirements set forth by law. Marvell-Elaine School District was represented by Ms. Denetra Williams, Interim Superintendent.

A motion to grant a minimum school district size waiver to Marvell-Elaine School District was made by Ms. Charisse Dean, seconded by Dr. Fitz Hill. The motion passed unanimously.

VI.5.d. Petition of Guy-Perkins School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Guy-Perkins School District meets all requirements set forth by law. Guy-Perkins School District was represented by Dr. Joe Fisher, Superintendent, via ZOOM.

A motion to grant a minimum school district size waiver to Guy-Perkins School District was made by Dr. Beth Anne Rankin, seconded by Mr. Randy Henderson. The motion passed unanimously.

VI.5.e. Petition of Shirley School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Shirley School District meets all requirements set forth by law. Shirley School District was represented by Ms. Tyrene Gardner, Superintendent, via ZOOM.

A motion to grant a minimum school district size waiver to Shirley School District was made by Ms. Charisse Dean, seconded by Mr. Steve Sutton. The motion passed unanimously.

VI.5.f. Petition of Western Yell County School District

Ms. Lori Freno, General Counsel, Division of Elementary & Secondary Education, stated that Western Yell County School District meets all requirements set forth by law. Western Yell County School District was represented by Ms. Deanna Klaus, Superintendent, via ZOOM.

A motion to grant a minimum school district size waiver to Western Yell County School District was made by Ms. Kathy McFetridge, seconded by Ms. Adrienne Woods. The motion passed unanimously.

VII. Action Agenda B. 1 p.m.

VII.1. ACT 1240 Digital Learning Applications, Waivers, and Reports

Ms. Stacy Smith, Deputy Commissioner, Division of Elementary and Secondary Education, reminded the State Board that at the last State Board meeting, Virtual Arkansas was asked to submit a report. She advised that Virtual Arkansas has submitted a written report for today's State Board meeting. She also advised that instead of Ms. Talley Harp, Ms. Traci Holland would be presenting the remainder of the digital learning plans.

VII.1.a. Virtual Arkansas Report and Digital Learning Plans

Mr. John Ashworth, Director of Virtual Arkansas, was available via ZOOM for any questions from the State Board regarding the written Virtual Arkansas report. The State Board did not have any questions.

A motion to approve the Virtual Arkansas report was made by Ms. Charisse Dean, seconded by Ms. Adrienne Woods. The motion passed unanimously.

Ms. Traci Holland, Public School Program Advisor, Public School Accountability, presented the first batch of remaining Digital Learning Plans for the State Board's consideration for Act 1240 district waivers. The districts considered were:

- VII.1.b. Westside Consolidated (Craighead) - K-2 Addendum to an existing State Board approved digital learning plan
- VII.1.c. Searcy K-3 Addendum to an existing State Board approved digital learning plan
- VII.1.e. Alpena K-3 Addendum to an existing State Board approved digital learning plan
- VII.1.f. Helena/West Helena K-4 Addendum to an existing State Board approved digital learning plan
- VII.1.g. Omaha K-8 Addendum to an existing State Board approved digital learning plan
- VII.1.h. Lakeside Garland Addendum to add Virtual Arkansas as a provider for students, Grades 7-8

New Digital Learning Plans:

- VII.1.i. Piggott - K12
- VII.1.j. Lee County - K12
- VII.1.k. Decatur - K-12
- VII.1.l. Smackover-Norphlet (Arkansas River Consortium) – K12
- VII.1.m. Fordyce (Arkansas River Consortium) – K-12
- VII.1.n. Rector (Tri-Region) – K-6
- VII.1.o. Buffalo Island (Tri-Region) – K-12
- VII.1.p. Lawrence County (Tri-Region) – K-12

Pulled

- VII.1.d. Little Rock School District – New Provider

A motion to approve Digital Learning Plans VII.1.b. through VII.1.p., except VII.1.d., was made by Mr. Steve Sutton, seconded by Ms. Charisse Dean. The motion passed unanimously.

Next Batch of New Digital Learning Plans for State Board consideration:

- VII.1.q. Lincoln – K-8
- VII.1.r. Cossatot River – K-12
- VII.1.s. Lamar (Guy Fenter Consortium) – K-12
- VII.1.t. Earle – K-12
- VII.1.u. Ouachita – K-12
- VII.1.v. Forrest City – K-12

VII.1.q. Lincoln School District, VII.1.r. Cossatot River School District, and VII.1.t. Earle School District were pulled for questions.

A motion to approve Digital Learning Plans VII.1.s. Lamar School District, VII.1.u. Ouachita School District, and VII.1.v. Forrest School District was made by Ms. Kathy McFetridge, seconded by Dr. Beth Ann Rankin. The motion passed unanimously.

Questions were presented by the State Board to the school districts with pulled new digital learning plans.

Lincoln School District New Digital Learning Plan

Ms. Ouida Newton posed questions to Lincoln School District, which was represented by Ms. Mary Ann Spears, Superintendent, and Ms. Traci Birks, Principal, Lincoln Elementary School.

A motion to approve the new digital learning plan waiver for Lincoln School District (VII.1.q. Lincoln) was made by Mr. Steve Sutton, seconded by Ms. Charisse Dean. The motion passed unanimously.

Cossatot River School District New Digital Learning Plan

Ms. Ouida Newton posed questions to Cossatot River School District, which was represented by Mr. Tyler Broyles, Superintendent, and Ms. Samantha Sellers, ESL/Curriculum Director,.

A motion to approve the new digital learning plan waiver for Cossatot River School District (VII.1.r. Cossatot) was made by Ms. Kathy McFetridge, seconded by Mr. Randy Henderson. The motion passed unanimously.

Earle School District New Digital Learning Plan

Ms. Kathy McFetridge posed questions to Earle School District, which was represented by Ms. Tish Knowles, Superintendent.

A motion to approve the new digital learning plan waiver for Earle School District (VII.1.t. Earle) was made by Ms. Charisse Dean, seconded by Ms. Kathy McFetridge. The motion passed unanimously.

VII.2. Consideration of Charter School Amendments for Digital Learning Programs

Mr. Tim Johnston, Public School Program Coordinator, Division of Elementary and Secondary Education, Office of Charter Schools, presented Items VII.2.a. Premier Springdale Digital Learning Program and Item VII.2.b. Academies at Rivercrest High School to the State Board to review or not review the Charter Authorizing Panel's decision last month.

Premier High School Springdale submitted a digital learning plan that will follow asynchronous and synchronous instruction through virtual delivery. School instructors will utilize a learning management system to monitor student activity and engagement in grades 9-12. The charter for Premier High School Springdale expires in 2026; the Charter Authoring Panel approved the amendment for three years.

The Academies at Rivercrest High School submitted a digital learning program application that follows asynchronous and synchronous instruction through virtual delivery. The school serves grades 9-12. The charter for the Academies at Rivercrest High School expires in 2026; the Charter Authoring Panel approved the amendment for three years.

A motion to not review the Charter Authorizing Panel's decision for Premier High School Springdale and the Academies at Rivercrest High School was made by Ms. Adrienne Woods, seconded by Ms. Charisse Dean. The motion passed unanimously.

VII.3. Consideration of request to release for public comment: Division of Elementary and Secondary Education Rules Governing the Star-Spangled Banner Act

Ms. Lori Freno, General Counsel, Division of Elementary and Secondary Education, presented to the State Board for consideration of release for public comment, pending Governor's Office approval, the DESE Rules Governing the Star Spangled Banner Act.

Ms. Freno further clarified the procedure for new State Board members stating that the rules are first presented to the State Board for review and are then sent to the Governor's Office for approval. Once approval has been received from the Governor's Office, the rules are released for public comment. Once public comments have been made, division responses are submitted, revisions are made to the rules, and then the rules are resubmitted to the State Board for final approval.

A motion to release the Division of Elementary and Secondary Education Rules Governing the Star Spangled Banner Act for public comment, pending Governor's Office approval, was made by Mr. Steve Sutton, seconded by Ms. Charisse Dean. The motion passed unanimously.

VII.4. Consideration of request to release for public comment: Division of Elementary and Secondary Education Rules Governing Arkansas Military Child School Transitions

Ms. Whitney James, Attorney Specialist, Division of Elementary and Secondary Education, Office of Legal Services, presented to the State Board for consideration of release for public comment, pending Governor's Office approval, the DESE Rules Governing Arkansas Military Child School Transitions.

A motion to release the rules, pending Governor's Office approval, was made by Ms. Kathy McFetridge, seconded by Dr. Beth Anne Rankin. The motion passed unanimously.

VII.5. Assessment and Accountability Presentation

An Assessment and Accountability update, dated October 13, 2021, how it impacts assessment, and next steps was presented by Ms. Smith, Deputy Commissioner, DESE; Dr. Kiffany Pride, Assistant Commissioner of the Office of Learning Services, DESE; Ms. Hope Worsham, Elementary and Secondary Emergency Education Relief Fund (ESSER) Program Director, DESE; and Dr. Denise Airola, Director of Office of Innovation for the Education at the University of Arkansas.

Ms. Smith, Dr. Pride, Ms. Worsham, and Dr. Airola presented an overview of the assessment data received and how that directly impacts accountability. They also presented to the State Board the possibilities of a new state assessment within the next two years and the feedback received from educators.

A motion to accept the update was made by Ms. Charisse Dean, seconded by Mr. Steve Sutton. The motion passed unanimously.

VII.6. Consideration of Public Comment Release: DESE Rules Governing Grading and Course Credit (Chapters 1 and 7 only)

Ms. Lori Freno, General Counsel, Division of Elementary and Secondary Education, presented to the State Board for consideration of release for public comment, pending Governor's Office approval, the DESE Rules Governing Grading and Course Credit, only amending Chapters 1 – definitions added and Chapter 7 – a new section.

A motion to release the rules for public comment, pending Governor's Office approval, was made by Dr. Beth Anne Rankin, seconded by Mr. Randy Henderson. The motion passed unanimously.

VIII. Educator Preparation Report

At the request of Ms. Ouida Newton at the last State Board meeting, Dr. Ivy Pfeffer, Deputy Commissioner, Division of Elementary and Secondary Education, provided an update on educator preparation programs. To continuously improve the quality of the state's educator preparation providers, the Arkansas Department of Education works collaboratively with Arkansas' institutions of higher education and non-traditional educator programs to report data via the Educator Preparation Provider Quality Report (EPPQR). The EPPQR provides information on enrollees and graduates at the institutions and reports demographic and statistical data to inform policy decisions.

A motion to accept the report was made by Mr. Steve Sutton, seconded by Ms. Kathy McFetridge. The motion passed unanimously.

Public Comments

Cedric Rice sent e-mail for public comment but was unable to attend.

A motion to adjourn the State Board of Education meeting was made by Mr. Steve Sutton, seconded by Ms. Charisse Dean. The motion passed unanimously. The meeting adjourned at 3:58 PM.

Minutes recorded by Angela Scaife

Johnny Key, Secretary

**Dr. Sarah Moore, SBE Vice Chair /
Presiding SBE Chair**