

**Minutes
State Board Meeting
February 10, 2022**

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

Absent: Charisse Dean; Dr. Fitz Hill

The Arkansas State Board of Education (State Board) met Thursday, February 10, 2022, in the Arkansas Department of Education (ADE) Auditorium. Chair Ouida Newton, called the meeting to order at 9:59 AM, led by a moment of silence.

Recognitions

Mr. Ross White, Director, ADE Division of Career and Technical Education presented the Career and Technical Education (CTE) Month Proclamation to the State Board. February has been proclaimed CTE Month in Arkansas by Governor Asa Hutchinson. The Division of Career and Technical Education will be celebrating CTE Month all month throughout the State through regional showcase events. Mr. White distributed to the State Board Members a folder containing information on CTE Month, as well as invitations to the events, and CTE Day at the State Capitol. Mr. Ross welcomed State Board members to attend any of the events.

Changes to Agenda

Added: VI.4.c. Harmony Grove School District Act 1240 Waiver Request

A motion to add VI.4.c. Harmony Grove School District Act 1240 Waiver Request to the Consent Agenda was made by Dr. Beth Anne Rankin, seconded by Dr. Sarah Moore. The motion unanimously passed.

Consent Agenda

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

1. Newly Employed, Promotions and Separations
2. 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
3. Consideration of the Recommendation of the Professional Licensure Standards Board for Case #22-047 Michael Logan
5. Review of Loan and Bon Applications

Due to a technical issue, the State Board members did not have the opportunity to review the Minutes of January 13, 2022, prior to the State Board Meeting scheduled February 10, 2022. Consequently, the Minutes of January 13, 2022, were removed from the Consent Agenda of February 10, 2022, to be added to the Consent Agenda of the next State Board Meeting scheduled, March 10, 2022.

A motion to approve the Consent Agenda, less the Minutes of January 13, 2022, was made by Ms. Adrienne Woods, seconded by Ms. Kathy McFetridge. The motion unanimously passed.

Action Agenda A.

VI.1. Request for Waiver – LA-22-003; Alan Rathmann

Ms. Karli Saracini, ADE Assistant Commissioner of Educator Effectiveness & Licensure and Ms. Amy Douglas, Professional Licensure Standards Board, presented Item VI.1.

Mr. Alan Rathmann was not represented by a legal entity. The ADE received information that Mr. Rathmann has a true finding in the Child Maltreatment Central Registry. A true finding in the Child Maltreatment Central Registry is a disqualifying offense, pursuant to Ark. Code Ann. § 6-17-410. Mr. Rathmann requested a waiver.

Prior to the issuance of an educator's license, the decision of the Department of Human Services to either remove or not remove Mr. Rathmann from the Neglect in Child Maltreatment Central Registry will be made. At the time of Mr. Rathmann's formal application for licensure, the State Board will revisit, if necessary, the request for waiver of the disqualifying true finding for Neglect in Child Maltreatment Central Registry.

A motion was made to grant a conditional waiver during Mr. Alan Rathmann's prep period that will allow Mr. Rathmann to complete his coursework. The motion was made by Mr. Steve Sutton, seconded by Dr. Beth Anne Rankin. The motion unanimously passed.

VI.2. Annual Statistical Report

Mr. Greg Rogers, ADE Assistant Commissioner of Fiscal & Administrative Services, presented Item VI.2. Annual Statistical Report to the State Board. In compliance with the provisions of A.C.A. § 6-20-2203 et seq., the Annual Statistical Report (ASR) of the Public Schools for Arkansas, Open Enrollment Charter Schools, and Education Service Cooperatives, 2019-2020 Actual and 2020-2021 Budgeted, the ASR for Arkansas is considered for adoption by the State Board.

A motion to accept the Annual Statistical Report for Arkansas was made by Dr. Sarah Moore, seconded by Mr. Randy Henderson. The motion unanimously passed.

VI.3. Consideration of Requests for a Standards for Accreditation Waiver

Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support/Charter School; Interim Director of Charter School, presented Items VI.3.a through VI.3.d. to the State Board for consideration.

VI.3.a. Crossett School District Request for Waiver of Standard for Accreditation 1-A.5.

Item VI.3.a. was presented by Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support. Also present was Mr. Gary Williams, Superintendent, Crossett School District. Crossett School District is requesting a waiver of Standard for Accreditation 1-A.5., which requires "Each public school district comply with the laws of the State of Arkansas and the rules of the Division regarding class size and teaching load." The request is to allow for an overage of one (1) student for two (2) Kindergarten classes that have a class count of 23. Both classes have a paraprofessional to assist the teachers with the overage. This waiver is for the 2021-2022 school year.

A motion to approve the waiver of Standard for Accreditation 1-A.5. for Crossett School District was made by Mr. Steve Sutton, seconded by Ms. Adrienne Woods. The motion unanimously passed.

VI.3.b. Alpena School District Request for Waiver of Standard for Accreditation 1-A.5.

Presented by Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support, Alpena School District is requesting a waiver of Standard for Accreditation 1-A.5., which requires "Each public school district comply with the laws of the State of Arkansas and the rules of the Division regarding class size and teaching load." The request is to allow for an overage of one (1) student for a grade 2 class that has a class count of 26. The class has a full-time aide to assist the teacher with the overage. This waiver is for the 2021-2022 school year.

A motion to approve the waiver of Standard for Accreditation 1-A.5 for Alpena School District was made by Mr. Steve Sutton, seconded by Ms. Kathy McFetridge. The motion unanimously passed.

VI.3.c. Rector School District Request for Waiver of Standard for Accreditation 1-A.5.

Presented by Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support/Charter School; Interim Director of Charter School, **Rector School District** is requesting a waiver of Standard for Accreditation 1-A.5., which requires "Each public school district comply with the laws of the State of Arkansas and the rules of the Division regarding class size and teaching load." The request is to allow for an overage of one student, for two, grade 2 classes that has a class count of 26. This waiver is for the 2021-2022 school year.

A motion to approve the waiver of Standard for Accreditation 1-A.5 was made by Ms. Kathy McFetridge, seconded by Dr. Beth Anne Rankin. The motion unanimously passed.

VI.3.d. DESE Requests a one-year Standards for Accreditation Waiver of Standard 1-C.1.1

Presented by Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support and Ms. Deborah Coffman, Assistant Commissioner, Public School Accountability provided clarity of the waiver request. After reviewing the statewide summative student assessment data for 2020-2021, it has been determined that 111 schools in 55 districts are out of compliance with the DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts for the following standard:

Standard 1-C Student Performance

1-C.1.1 Each public school shall assess at least 95% of its students on the annual statewide summative student assessment. This is a (S/C)-School/Citation.

Due to the impact of COVID-19, the Division of Elementary and Secondary Education (DESE) is requesting a one-year Standards for Accreditation Waiver of Standard 1-C.1.1 on behalf of all districts/LEAs identified.

DESE contacted each district to request permission to include the identified LEA in this waiver request. This waiver is for the 2021-2022 school year.

A motion to approve the one-year waiver of Standards for Accreditation Waiver of Standard 1-C.1.1 was made by Dr. Sarah Moore, seconded by Mr. Randy Henderson. The motion unanimously passed.

VI.4 Consideration of Requests for Act 1240 Waivers

Ms. Lori Freno, General Counsel for the Division of Elementary and Secondary Education (DESE), presented two Act 1240 Waiver requests to the State Board for consideration. 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.

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

Item VI.4.a. was presented by Ms. Lori Freno, DESE General Counsel. Greenwood School District was represented via ZOOM by Ms. Suzanne Wilson, Assistant Superintendent and Ms. Monica Riley, Interim Executive Director, University of Arkansas Fort Smith.

The Greenwood School District requests a waiver of class size and teaching load for East Hills Middle School, grades 5 and 6 English classes. This waiver will support a teacher internship program. The district requests this waiver through the end of the 2021-2022 school year.

A motion to renew the Act 1240 waiver for Greenwood School District for East Mills Middle School was made by Ms. Kathy McFetridge, seconded by Mr. Randy Henderson. The motion unanimously passed.

VI.4.b. Bryant School District Act 1240 Waiver Request

Item VI.4.b. was presented by Ms. Lori Freno, DESE General Counsel. Bryant School District was represented via ZOOM by Ms. Angie Dischinger, Assistant Superintendent of Secondary; Ms. Lindsey Lyle, Internship Teacher; Dr. Todd Edwards, Bryant High School Principal; and Ms. Evelyn Butler, CTE Coordinator.

The Bryant School District requests a waiver of class size and teaching load for Bryant High School, grades 11-12, to support a student internship program. This waiver will support a teacher internship program. The district requests this waiver for five (5) years, specifically the 2022-23 through 2026-2027 school years.

A motion to renew the Act 1240 waiver for Bryant School District for Bryant High School was made by Ms. Kathy McFetridge, seconded by Dr. Beth Anne Rankin. The motion unanimously passed.

VI.4.c. Harmony Grove Act 1240 Waiver Request

Item VI.4.c. was presented by Ms. Lori Freno, DESE General Counsel. Harmony Grove School District was represented via ZOOM by Mr. Matt Patterson, Principal, Harmony Grove Elementary School.

The Harmony Grove School District requests a waiver of class size and teaching load for Harmony Grove Elementary School, grades 3 and 4 literacy classes. This waiver will support a teacher internship program. The district requests this waiver through the end of the 2021-2022 school year.

A motion to renew the Act 1240 waiver for Harmony Grove School District for Harmony Grove Elementary School was made by Dr. Beth Anne Rankin, seconded by Mr. Steve Sutton. The motion unanimously passed.

VI.5. Thirty-Eight Required High School Courses

Item VI.5 was presented by Dr. Kiffany Pride, ADE Assistant Commissioner, Office of Learning Services. DESE presents the Arkansas Thirty-Eight Required High School Courses high school course requirements to the State Board of Education for approval.

A motion to approve Thirty-Eight Required High School Courses was made by Dr. Beth Anne Rankin, seconded by Ms. Kathy McFetridge. The motion unanimously passed.

VI.6. Charter Authorizing Panel Amendment Decisions

Dr. Matthew Sutherlin, DESE Office of Public School Accountability, Coordinator of Standards and Systems Support/Charter School; Interim Director of Charter School, presented Items VI.6.a. and VI.6.b. to the State Board to determine to review or not review amendment decisions voted on by the Charter School Authorizing Panel.

VI.6.a. Exalt Academy Charter Enrollment Increase Amendment

Exalt Academy Southwest Little Rock submitted an amendment request to increase the student enrollment cap from 540 students to 1,080 students. The increase would be incremental over a five (5)-year period:

- 2022-2023 adding 108 students, resulting in a 648 student cap
- 2023-2024 adding 108 students, resulting in a 756 student cap
- 2024-2025 adding 108 students, resulting in an 864 student cap
- 2025-2026 adding 108 students, resulting in a 972 student cap
- 2026-2027 adding 108 students, resulting in a 1,080 student cap

A motion to not review the Charter Authorizing Panel's decision of approval of the Exalt Academy charter enrollment increase amendment was made by Ms. Kathy McFetridge, seconded by Ms. Adrienne Woods. The motion unanimously passed.

VI.6.b. Cross County Charter Amendment Request

Cross County High School has submitted an amendment request to add waivers for statutes 6-17-908 and 6-17-919. These waivers were recommended by the Charter Authorizing Panel when the elementary school came up for renewal. The district has now requested them to complement their existing Teacher Licensure Wavier at the high school and would not change how the current waiver is being utilized.

A motion to not review the Charter Authorizing Panel's decision of approval of the Cross County Charter amendment was made by Mr. Randy Henderson, seconded by Dr. Beth Anne Rankin. The motion unanimously passed.

Action Agenda B.

VII.1. 2022-23 Core Academic Subject Area Teacher Shortage List

Item VII.1.22-23 was presented by Ms. Karli Saracini, Arkansas Department of Education (ADE) Assistant Commissioner of Educator Effectiveness & Licensure and Ms. Sharlee Crowson, Public School Program Coordinator, DESE Office of Educator Effectiveness & Licensure.

In December of each year, the U.S. Department of Education allows States to submit proposed teacher shortage areas for designation to comply with regulations at 34 CFR 682.210(q), 34 CFR 674.53(c) and 34 CFR 686.12.

As described in Arkansas Code Annotated §§ 6-81-1601 through 6-81-1606, teachers in shortage areas may be entitled to financial incentives.

The Arkansas Department of Education, Division of Elementary and Secondary Education has designated the following as core academic subject teacher shortage areas for the 2022-2023 school year.

Art (K-12)	Music (K-12)	Secondary Social Studies (7-12)
Computer Science (4-12)	Secondary Mathematics (7-12)	Special Education (K-12)
Foreign Language (K-12)	Secondary Science (7-12)	

A motion to approve the Core Academic Subject Area Teacher Shortage List was made by Dr. Sarah Moore, seconded by Ms. Adrienne Woods.

VII.2. For Final Approval: DESE Rules Governing Consolidations and Annexations of School Districts (Sections 2.00, 13.00, and Table of Contents Only)

Item VII.2. was presented by Ms. Lori Freno, DESE General Counsel. Ms. Freno advised the State Board that revisions were made only to Section 2.00, Section 13.00, and Table of Contents. No changes were made to the proposed rules as a result of public comment. DESE respectfully requests that the State Board give final approval to the Division of Elementary and Secondary Education Rules Governing Consolidation and Annexation of School Districts.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing Consolidation and Annexation of School Districts was made by Dr. Sarah Moore, seconded by Mr. Randy Henderson. The motion unanimously passed.

VII.3. For Final Approval: DESE Rules Governing Act 1240 Waivers

Item VII.3. was presented by Ms. Lori Freno, DESE General Counsel to the State Board for final approval. Ms. Freno advised the State Board that the rules were amended to incorporate provisions of law that came out during the 2020-2021 session. Following public comment, only non-substantive clarifying technical changes were made to the proposed rules. DESE respectfully requests that the State Board give final approval to the DESE Rules Governing Act 1240 Waivers.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing 1240 Waivers was made by Dr. Beth Anne Rankin, seconded by Mr. Steve Sutton. The motion unanimously passed.

VII.4. For Final Consideration: DESE Rules Governing the Student Protection Act

Item VII.4. was presented by Ms. Lori Freno, DESE General Counsel to the State Board for final approval. Ms. Freno advised the State Board that these are new rules; the act came out during the 2020-2021 session. No public comments were received concerning these rules and only a few non-substantive corrections were made to the rules. DESE respectfully requests that the State Board give final approval to the DESE Rules Governing the Student Protection Act.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing the Student Protection Act was made by Mr. Steve Sutton, seconded by Mr. Randy Henderson. The motion unanimously passed.

VII.5. For Final Approval: DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts

Item VII.5. was presented by Ms. Lori Freno, DESE General Counsel to the State Board for final approval. Ms. Freno advised the State Board that these rules were presented to the Joint Education Committee in accordance with law. The only change that was made after public comment, outside clerical and technical changes, was where Waivers for Standards of Accreditation (Waivers) would be sent – the Waivers will be sent to the Office of Public School Accountability, instead of the Office of the Secretary of Education. DESE respectfully requests that the State Board give final approval to the DESE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts was made by Dr. Sarah Moore, seconded by Dr. Beth Anne Rankin. The motion unanimously passed.

VII.6. For Final Approval: DESE Rules Governing Public School Choice

Item VII.6. was presented by Ms. Lori Freno, DESE General Counsel to the State Board for final approval. Only non-substantive technical changes were made to the proposed rules as a result of public comment. The School Choice window is January 1 – May 1. DESE respectfully requests that the State Board give final approval to the Division of Elementary and Secondary Education Rules Governing Public School Choice.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing Public School Choice was made by Ms. Kathy McFetridge, seconded by Mr. Steve Sutton. The motion unanimously passed.

VII.7. For Consideration: DESE Rules Governing Grading and Course Credit (Chapters 1 and 7 Only)

Item VII.7. was presented by Ms. Lori Freno, DESE General Counsel. Ms. Freno advised the State Board that revisions were made only to Chapter 1 and Chapter 7 to incorporate provisions of Act 414 of 2021, which is the Computer Science Education Advancement Act of 2021. Only non-substantive technical changes were made to the proposed rules as a result of public comment. DESE respectfully requests that the State Board give final approval to the Division of Elementary and Secondary Education Rules Governing Grading and Course Credit.

A motion of final approval for the Division of Elementary and Secondary Education Rules Governing Grading and Course Credit was made by Dr. Beth Anne Rankin, seconded by Mr. Randy Henderson. The motion unanimously passed.

New Business

None

Adjournment

A motion to adjourn the State Board meeting was made by Mr. Steve Sutton, seconded by Mr. Randy Henderson. The motion unanimously passed. Chair Ouida Newton adjourned the State Board meeting at 2:01 PM.

Minutes recorded by Angela Scaife.

Johnny Key, Secretary
Arkansas Department of Education

Ouida Newton, Chair
State Board of Education