

August 12, 2021 at 10:00 AM - State Board of Education

Minutes

State Board Members present: Ms. Ouida Newton, chair; Dr. Sarah Moore, vice chair; Ms. Charisse Dean; Dr. Fitzgerald Hill; Ms. Kathy McFetridge; Ms. Adrienne Woods; Mr. Steve Sutton; Dr. Beth Anne Rankin; Ms. Susanna Post (ATOY, non-voting); Mr. Johnny Key (Secretary of Education, non-voting)

Call to Order

Presenter: Ouida Newton

Moment of Silence

Presenter: Ouida Newton

Recognitions

Presenter: Ouida Newton

Arkansas Rising Educators

Presenter: Sharlee Crowson

Description: DESE Educator Effectiveness and Licensure would like to recognize Arkansas Rising Educators who placed in the Educators Rising National Competitions or served in a national level Educators Rising leadership position. Educators Rising National Competitions are performance-based competitive events in which aspiring educators demonstrate their knowledge, skills, and leadership in education.

Changes to Agenda

Presenter: Ouida Newton

Consent Agenda

Presenter: Ouida Newton

- Minutes
- Newly Employed, Promotions and Separations
- Consideration of Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. Â§6-17-309
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #21-043 Alex Beall
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 21-090 Blake Jones
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 21-107 Michael Bramlett
- Review of Loan and Bond Applications
- Commercial Bond Applications -5 Second Lien and 4 Voted

Dr. Rankin, seconded by Mr. Sutton, moved to approve the consent agenda. The motion passed unanimously.

Action Agenda A. 10:00 a.m.

Presenter: Ouida Newton

AI.1. State Board Hearing PLSB Case No. 21-073 Ricky Morrow

Presenter: Amy Douglas

This item was pulled from the consent agenda in July. The educator was not present for the meeting today. State Board members would like more information.

Dr. Moore, seconded by Ms. Woods, moved to return the case to the PLSB for an evidentiary hearing. The motion passed unanimously.

AI.2. State Board Hearing PLSB Case No. 21-088 Sara Hudson

State board members asked clarifying questions. Mr. Sutton, seconded by Dr. Rankin, moved to uphold the PLSB recommendation. The motion passed unanimously.

AI.3. State Board Hearing - Request for Waiver- LA-21-007; Jessica Brundage

Presenter: Ivy Pfeffer

All witnesses are sworn in; State board members asked clarifying questions. Ms. Woods, seconded by Dr. Moore, moved to grant the waiver. The motion passed unanimously.

AI.4. State Board Hearing - Request for Waiver- LA-21-008; Amber Kidwell

All witnesses are sworn in; State board members asked clarifying questions. Dr. Rankin, seconded by Ms. Dean, moved to grant the waiver. The motion passed unanimously.

AI.5. State Board Hearing - Request for Waiver- LA-22-001; Candice Lawson

All witnesses are sworn in; State board members asked clarifying questions. Dr. Moore, seconded by Ms. McFetridge, moved to grant the waiver. The motion passed unanimously.

AI.6. School Choice Appeal -- Gordon Family

Presenter: Lori Freno

The Gordon family appeals the denial of their school choice application. The Gordon's resident district is the Midland School District; the non-resident district is the Bald Knob School District. Midland's reason for denial was that the District had reached its 3% cap. Midland also noted that it had not received the application until July 12, 2021 (although Bald Knob alleges that it faxed the application to Midland on April 29, 2021).

All witnesses are sworn in; Ms. Freno informed board members that they must make a factual determination before considering the appeal. The resident district (Midland) did not receive a school choice application for this family until July 12. The nonresident district (Bald Knob) faxed the application in late April. The application must be received by both districts (or postmarked by) May 1. It is the responsibility of the applicants to make sure both districts receive the application by that date. This cannot be appealed.

State board members asked many clarifying questions of both districts, the family, and ADE.

1st Motion: Ms. Woods moved to dismiss the appeal because Midland did not receive the application by May 1. The motion failed for lack of a second.

2nd Motion: Mr. Sutton moved, seconded by Ms. McFetridge, to hear the appeal based on the fact that Midland did receive the application but did not know it. A roll call was conducted. The motion failed. The appeal failed for lack of a motion.

AI.7. School Choice -- Cunningham Family

The Cunningham family appeals the denial of their school choice application. The Cunningham's resident district is the Pine Bluff School District; the non-resident district is the White Hall School District. White Hall's reason for denial is capacity; specifically, it had reached its 90% cap for eighth grade.

All witnesses are sworn in; State board members asked clarifying questions. The districts indicated they would work together for a solution so the siblings could be in the same district. Ms. Dean moved, seconded by Ms. Woods, to table the appeal. The motion passed unanimously.

AI.8. Embedded Courses

Presenter: Dr. Kiffany Pride/Rachel Horn

Description: Act 421 of 2013 allows curriculum frameworks from two (2) separate courses to be taught in a single course, known as a combined or embedded course. Three school districts made application for approval of combined or embedded courses and assured, in writing, which the academic standards for both courses will be fully taught in the combined or embedded course. The Division of Elementary and Secondary Education respectfully requests the State Board of Education (SBE) approve the embedded courses linked below, understanding that when the academic standards for one of the courses are revised, a new course approval request must be submitted to the SBE and approval must be granted before a school would be allowed to offer the embedded course.

State board members asked clarifying questions. Dr Moore moved, seconded by Ms. McFetridge, to approve. The motion passed unanimously.

Action Agenda B. 1 p.m.

Presenter: Ouida Newton

B.1. Mena School District Act 1240 Request

Presenter: Mary Claire Hyatt

Description: The Mena School District requests an extension of its Act 1240 waiver related to instructional time for Mena High School (9-12) Alternative Education students. The request is for an extension of 5 years. If approved, the Act 1240 waiver would expire in 2026.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Dr. Moore, to approve. The motion passed unanimously.

B.2. Western Yell School District Act 1240 Request

Description: The Western Yell County School District requests a waiver of teacher licensure for K-6 physical education only. The request is for three years. If approved, the waiver would expire in 2024.

State board members asked clarifying questions. Mr. Sutton moved, seconded by Dr. Rankin, to approve. The motion passed unanimously.

VII.3. Osceola School District Act 1240 Request

Description: The Osceola School District requests a waiver of class size, teaching load and teacher licensure. The request is for three years. If approved, the waiver would expire in 2024.

State board members asked clarifying questions. Dr. Moore moved, seconded by Ms. McFetridge, to approve. The motion passed unanimously.

VII.4. Pine Bluff School District Act 1240 Extension Request

Description: The Pine Bluff School District is requesting an extension of their teacher licensure waivers. After feedback from the internal review committee, the school district has amended this request to be for three years rather than five.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Dr. Rankin, to approve. The motion passed unanimously.

VII.5. Clarendon School District Act 1240 Extension Request

Description: The Clarendon School District requests a 1-year extension of its teacher licensure waivers.

The district rescinded their waiver request.

VII.6. Consideration of Charter Amendments

Presenter: Tim Johnston, Director DESE Charter Unit

VII.6.a. Consideration of Charter Amendment - Friendship Aspire Academy Pine Bluff

Description: Friendship Aspire Academy Pine Bluff is requesting an amendment to add an additional campus, increase the enrollment cap and add additional waivers. The charter was originally granted in 2017 and serves students in grades K-3 with an enrollment cap of 240. The charter has been approved to expand to grade six and increase the enrollment cap to 880 by 2023-2024.

State board members asked clarifying questions. Dr. Moore moved, seconded by Mr. Sutton, to approve. The motion passed unanimously.

VII.7. Consideration of Charter Digital Learning Programs and Charter Amendments

VII.7.a. Consideration of Charter Amendment for Digital Learning Program and Charter Amendment - Bauxite Miner Academy

Description: Bauxite Miner Academy has submitted an amendment request for Digital Learning Program, an increase in the enrollment cap from 250 to 300, and the addition of grades K-5 to the charter.

The school will offer instruction in both asynchronous and synchronous formats, with grades K-6 being offered virtually, and grades 7-12 in a blended model. The charter expires in June 2023.

State board members asked clarifying questions. Ms. Woods moved, seconded by Dr. Moore, not to review. The motion passed unanimously.

VII.7.b. Consideration of Digital Learning Program and Charter Amendment for Cabot Academic Center for Excellence (ACE)

Description: Cabot Academic Center for Excellence has submitted an amendment for a Digital Learning Program in grades 7-12. The school will offer asynchronous and synchronous instruction with virtual and blended options through the use of an approved digital provider. The application has been reviewed by the DESE team.

Cabot Academic Center for Excellence is requesting an amendment to relocate the existing campus, and increase the enrollment cap to 2,500. The charter expires June 2022.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Ms. Dean, not to review. The motion passed unanimously.

VII.8. Consideration of Charter Amendments for Digital Learning Plans

VII.8.a. Consideration of Charter Amendment for Digital Learning Program - Arkansas Arts Academy

Presenter: Tim Johnston, Director DESE Charter Unit

Description: Arkansas Arts Academy has submitted an amendment request for a Digital Learning Program at Arkansas Arts Academy Elementary in grades K-6, and Arkansas Arts Academy High School in grades 7-12.

Arkansas Arts Academy Elementary will offer both asynchronous and synchronous instruction in a virtual environment through a Learning Management System (LMS). Arkansas Arts Academy High School will offer asynchronous instruction virtually through a LMS. The Charter expires June, 2028. The Charter Authorizing Panel approved the Digital Learning Program for three (3) years.

State board members asked clarifying questions. Dr. Moore moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.8.b. Consideration of Charter Amendment for Digital Learning Program - Batesville High School Charter

Description: Batesville High School Charter has submitted an amendment for Digital Learning Program in grades 9-12. The school will offer asynchronous and synchronous instruction with virtual and blended options through the use of an approved digital provider. The application has been reviewed by the DESE team. The charter expires June 2026. The Charter Authorizing Panel approved the Digital Learning Program for three (3) years.

State board members asked clarifying questions. Dr. Rankin moved, seconded by Dr. Moore, not to review. The motion passed unanimously.

VII.8.c. Consideration of Charter Amendment for Digital Learning Program - Cave City Middle and High School Career and Collegiate Prep

Description: Cave City School District has submitted an amendment for Digital Learning Program for Cave City Middle School Career and Collegiate Preparatory in grades 6-8, and Cave City High School Career and Collegiate Preparatory in grades 9-12.

Both campuses will offer synchronous instruction virtually through a Learning Management System utilizing licensed district staff. The application has been reviewed by the DESE team. Both charters expire June 2026. The Charter Authorizing Panel approved both Digital Learning Programs for three (3) years.

State board members asked clarifying questions. Mr. Sutton moved, seconded by Ms. McFetridge, not to review. The motion passed unanimously.

VII.8.d. Consideration of Charter Amendment for Digital Learning Program - Cross County Elementary Technology Academy

Description: Cross County Elementary has submitted an amendment for Digital Learning Program in grades 3-6. The school will offer asynchronous and synchronous instruction virtually through the use of an approved digital provider. The application has been reviewed by the DESE team. The charter expires June 2022.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Ms. Woods, not to review. The motion passed unanimously.

VII.8.e. Consideration of Charter Amendment for Digital Learning Program - Cross County High School A New Tech School

Description: Cross County High School has submitted an amendment for Digital Learning Program in grades 7-12. The school will offer asynchronous and synchronous instruction virtually through the use of an approved digital provider. The application has been reviewed by the DESE team. The charter expires June 2026. The Charter Authorizing Panel approved the Digital Learning Program for three (3) years.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.8.f. Consideration of Charter Amendment for Digital Learning Program - Friendship Aspire Pine Bluff

Description: Friendship Aspire Academy Pine Bluff has submitted an amendment for a Digital Learning Program in grades K-5. The school will offer Asynchronous and Synchronous instruction virtually through the use of an approved digital provider and licensed district staff. The application has been reviewed by the DESE team. The charter expires June 2023.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Ms. Woods, not to review. The motion passed unanimously.

VII.8.g. Consideration of Charter Amendment for Digital Learning Program - Hot Springs World Class High School and Junior Academy

Description: Hot Springs School District has submitted an amendment request for Hot Springs World Class High School in grades 10-12, and Hot Springs Junior Academy in grades 7-8. Both campuses will offer asynchronous instruction virtually through an approved digital provider and licensed district staff.

The application has been reviewed by the DESE team. Hot Springs World Class High School charter expires June 2026. Hot Springs Junior Academy charter expires in June 2022.

The Charter Authorizing Panel (CAP) approved the Digital Learning Program for Hot Springs Junior Academy until the charter expires in one (1) year. The CAP approved Hot Springs World Class High School for three (3) years.

State board members asked clarifying questions. Mr. Sutton moved, seconded by Dr. Hill, not to review. The motion passed unanimously.

VII.8.h. Consideration of Charter Amendment for Digital Learning Program - North Little Rock Center of Excellence

Description: North Little Rock Center of Excellence has submitted an amendment for Digital Learning Program in grades 9-12. The school will offer asynchronous and synchronous instruction delivered virtually through the use of an approved digital provider and licensed district staff. The application has been reviewed by the DESE staff. The charter expires June 2022.

State board members asked clarifying questions. Mr. Sutton moved, seconded by Ms. Dean, not to review. The motion passed unanimously.

VII.8.i. Consideration of Charter Amendment for Digital Learning Program - Northwest Arkansas Classical Academy

Description: Northwest Arkansas Classical Academy has submitted an amendment for Digital Learning Program for the Northwest Arkansas Classical Academy High and West Little Rock Classical campuses. Both campuses are grades 7-12. The schools will offer asynchronous instruction in a virtual format through an approved digital provider and licensed district staff. The application has been reviewed by the DESE team. The charter expires in June 2028. The Charter Authorizing Panel approved the Digital Learning Program for three (3) years.

State board members asked clarifying questions. Dr. Rankin moved, seconded by Ms. Woods, not to review. The motion passed unanimously.

VII.8.j. Consideration of Charter Amendment for Digital Learning Program -Prairie Grove Charter High School

Description: Prairie Grove Charter High School has submitted an amendment for Digital Learning Program in grades 9-12. The school will offer asynchronous instruction virtually through an approved digital provider and licensed district staff. The application has been reviewed by the DESE team. The charter expires June 2022.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.8.k. Consideration of Charter Amendment for Digital Learning Program - Premier High School Little Rock

Description: Premier High School Little Rock has submitted an amendment for Digital Learning Program in grades 9-12. The school will offer asynchronous instruction virtually through the use of an approved digital provider and licensed district staff. The application has been reviewed by the DESE team. The charter expires June 2023.

State board members asked clarifying questions. Dr. Hill moved, seconded by Dr. Hill, not to review. The motion passed unanimously.

VII.8.l. Consideration of Charter Amendment for Digital Learning Program - Premier High School of North Little Rock

Description: Premier High School of North Little Rock has submitted an amendment for Digital Learning Program in grades 9-12. The school will offer asynchronous instruction virtually through the use of an approved digital provider. The application has been reviewed by the DESE team. The charter expires in June 2024.

State board members asked clarifying questions. Ms. Woods moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.8.m. Consideration of Charter Amendment for Digital Learning Program-ScholarMade Achievement Place of Arkansas

Description: ScholarMade Achievement Place of Arkansas has submitted an amendment for Digital Learning Program in grades K-9 for all campuses. The school will offer asynchronous and synchronous instruction in a blended format through the use of an approved digital provider. The application has been reviewed by the DESE team. The charter expires in June 2023.

State board members asked clarifying questions. Ms. McFetridge moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.9. Act 1240 Digital Learning Applications and Waivers

VII.9.a. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Bearden Amendment

Description: The Bearden School District is requesting an amendment to their approved State Board Digital Learning Plan.

VII.9.b. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Bismarck Revised Plan

Description: Bismarck School District is requesting to add Kindergarten to the district's State Board of Education approved Digital Learning Plan.

VII.9.c. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Clinton Revised Plan

Description: Clinton School District is requesting to add K-8 to the district's State Board of Education approved Digital Learning Plan.

VII.9.d. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - South Conway County Revised Plan

Description: South Conway County is requesting to add K-6 to the district's State Board of Education approved Digital Learning Plan.

VII.9.e. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Brinkley School District

Description: The Brinkley School District has submitted a Digital Learning Program for students in grades K-12. The program will offer synchronous and asynchronous learning through a virtual approach using curriculum provided by the district and Edgenuity. Teachers are Arkansas State Certified and provided through the district and Edgenuity. Class size and teaching load waivers are not being requested. The waiver is being requested through the end of the 2023-24 school year. This application has been reviewed by the DESE team.

VII.9.f. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Benton School District

Description: The Benton School District has submitted a Digital Learning Program for students in grades K-12. The program will offer synchronous and asynchronous learning through a virtual approach using curriculum provided by the Dawson Consortium for K-6 and the district and Edmentum for 7-12. Teachers are Arkansas State Certified and provided the consortium for K-6 and the district for 7-12. Class size waiver will be required for K-6; however, teaching load will not be required for this digital learning request. The waiver is being requested through the end of the 2023-2024 school year. This application has been reviewed by the DESE team.

VII.9.g. Consideration of Act 1240 District Waiver request for a Digital Learning Plan - Rose Bud School District

Description: The Rosebud School District has submitted a Digital Learning Program for students in grades K-12. The program will offer synchronous and asynchronous learning through a virtual approach using curriculum provided by the Wilbur Mills Consortium for K-8 and Virtual Arkansas for 9-12. Teachers are Arkansas State Certified and provided through the consortium and Virtual Arkansas. Class size is requested; however, teaching load waiver is not being requested. The waiver is being requested through the end of the 2021-22 school year. This application has been reviewed by the DESE team.

***All VII.9 Considered in one motion:**

State board members asked clarifying questions. Dr. Rankin moved, seconded by Mr. Sutton, not to review. The motion passed unanimously.

VII.10. Digital Learning Contingency Plans

Presenter: Mary Claire Hyatt

Description: In response to the rising COVID-19 numbers across the State of Arkansas, the Division of Elementary and Secondary Education (DESE) is offered districts that did not submit a Digital Learning Plan (DLP) through the expedited process over the summer an additional opportunity to submit a DLP. Since it is not feasible to review the DLPs prior to the start of the 2021-2022 school year, DESE supported districts in requesting limited contingency Act 1240 waivers to allow districts a temporary virtual option while their DLP is being reviewed. These waivers are for physical attendance, clock hours for grades 9-12, and recess for elementary school for virtual students only. All contingency virtual learning must follow mandated class sizes, teaching load, and instructional time.

These school districts agreed to submit a full DLP to DESE by September 1, 2021. If a plan is not received by the deadline, waivers granted under this request will expire immediately. If a plan is received by the deadline, waivers granted under this request will stay in place until the DLP is reviewed by the State Board. If the State Board approves the DLP, the waivers requested in the DLP will replace waivers granted under this contingency request. If the State Board does not approve the DLP, the Board will decide what happens to the waivers granted under this request.

State board members asked clarifying questions. Mr. Sutton moved, seconded by Ms. McFetridge, to approve. The motion passed unanimously.

VIII. New Business

None

IX. Public Comments

None

X. Adjournment

Mr. Sutton, Seconded by Ms. Woods, moved to adjourn. Ms. Newton adjourned the meeting at 4:17 p.m.

X _____
Ms. Ouida Newton
Chair

X _____
Mr. Johnny Key
Secretary