

**Minutes
State Board of Education
Thursday, May 14, 2020**

The Arkansas State Board of Education (State Board) met Thursday, May 14, 2020, via Zoom video conferencing. Chair Ms. Diane Zook called the meeting to order at 10:00 a.m. Ms. Zook led the Pledge of Allegiance.

Present: Ms. Diane Zook, Chair; Ms. Charisse Dean, Vice-Chair; Dr. Sarah Moore; Dr. Fitz Hill; Ms. Kathy McFetridge; Ms. Ouida Newton; Ms. Susan Chambers; Ms. Stacey McAdoo, 2019 Arkansas Teacher of the Year; and Mr. Johnny Key, Secretary

Absent: Mr. Brett Williamson

Recognition

National ESEA Distinguished Schools for 2019

Coordinator of Monitoring and Systems Support Ms. Tracy Webb introduced the item and recognized Bismarck Elementary School and Greenbrier Wooster Elementary School as National ESEA Distinguished School for 2019. These schools were chosen for having exceptional student performance for two consecutive years.

Blue Ribbon Schools for 2019

Coordinator of Monitoring and Systems Support Ms. Tracy Webb introduced the item and recognized City Heights Elementary School and Sequoyah Elementary School as Blue Ribbon Schools for 2019.

Ms. Zook congratulated the schools being recognized. She and the other State Board members also recognized all of the 2020 graduates from around the state.

Changes to the Agenda

Attorney Ms. Jennifer Link said action item A-2 State Board Hearing of Revocation of License LA 20-03-Blake Barrow needed to be removed from the agenda.

Consent Agenda

There was general discussion about the PLSB decision making process in regard to sanctions and what happens when educators try to get another teaching position. Ms. Zook suggested that PLSB and State Board members should meet to discuss the State Board's questions and concern in depth.

1. Minutes
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 # 20-043 Tara Fuller
5. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-048 Pamela Draper
6. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-065 Randall Barnhill
7. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-066 Jared Crisco
8. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-079 Jennifer Jackson
9. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-103 Ace Horton
10. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-114 Blake Davis
11. Consideration of the Recommendation of the Professional Licensure Standards Board for Case # 20-090 Zachary Nidiffer
12. Ashdown School District Act 1240 Annual Progress Report

Ms. Dean moved, seconded by Ms. Newton, to approve the consent agenda. The motion passed unanimously.

Action Agenda A

A-1 State Board Hearing - Request for Waiver- LA 20-04; Zachary Nidiffer

Attorney Ms. Jennifer Link reviewed the rules and the process for the action item.

Educator Mr. Zachary Nidiffer said a little over a year ago he received DUI while his 11 year old child was in the car. Mr. Nidiffer said he has sought counseling and stopped drinking entirely.

Ms. Link said the educator's license is valid until December 31, 2020. She reviewed the exhibits from the package sent to the State Board members, as well as the relevant code.

State Board members asked clarifying questions of the presenters and expressed their concerns.

Ms. Newton moved, seconded by Dr. Hill, for Mr. Nidiffer to have a six month concurrent suspension starting May 14, 2020. The motion passed unanimously.

A-2 State Board Hearing of Revocation of License LA 20-03-Blake Barrow (Removed from the Agenda)

This item was removed from the agenda.

A-3 State Board Review of PLSB 20-016 Ethics Subcommittee Recommendation- Bobby Max Pennington

Attorney Mr. Dugan reviewed the rules and process for this action item. He noted that Mr. Pennington's attorney, Mr. Greg Alagood, had filed a motion for recusal.

Mr. Alagood explained his reasoning for the motion and the processes of the PLSB. He asked the State Board members to approve the PLSB's recommendation.

Mr. Dugan explained the different option available to the State Board members in this case.

Ms. Zook asked if there were any recusals from the State Board members and there were no recusals. Dr. Hill explained why he did not feel the need to recuse himself from this action item.

State Board members asked clarifying questions of the presenters and the educator.

Dr. Hill moved, seconded by Ms. Dean, to send the item back to the PLSB for an evidentiary hearing. There was a roll call vote. The motion passed unanimously.

A-4 Request for Transfer of Succeed Scholarship

Deputy General Counsel Ms. Courtney Salas-Ford said the Yandell family requests approval to transfer their scholarship from St. Joseph Catholic School to Prism Education Center.

Ms. Dean moved, seconded by Ms. Chambers, to grant the transfer. The motion passed unanimously.

A-5 Consideration of Charter Authorizing Panel Decisions

a. Request for Open-Enrollment Charter School Amendment: Future School of Fort Smith

Public School Program Advisor Ms. Kelly McLaughlin said on April 14, 2020, representatives of Future School of Fort Smith appeared before the Charter Authorizing Panel requesting an amendment to their charter and by a unanimous vote, the Panel approved the request. She said no request for the State Board of Education to review the Panel decision had been submitted.

Clarifying questions were asked by the State Board members.

Ms. McFetridge moved, seconded by Ms. Chambers, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

b. Request for Open-Enrollment Charter School Amendment: LISA Academy

Public School Program Advisor Ms. Kelly McLaughlin said on April 14, 2020, representatives of LISA Academy appeared before the Charter Authorizing Panel requesting an amendment to their charter and by a unanimous vote, the Panel approved the request. She said no request for the State Board of Education to review the Panel decision had been submitted.

Clarifying questions were asked by the State Board members.

Ms. Chambers moved, seconded by Ms. McFetridge, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

c. Request for Open-Enrollment Charter School Amendment: The Excel Center

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said on April 14, 2020, representatives of The Excel Center appeared before the Charter Authorizing Panel requesting an amendment to their charter and by a unanimous vote, the Panel approved the request. She said no request for the State Board of Education to review the Panel decision had been submitted.

Ms. Newton moved, seconded by Ms. Dean, to not review the Charter Authorizing Panel's decision. The motion passed unanimously.

A-6 Consideration of One-Year Standards for Accreditation Waivers

Coordinator of Monitoring and Systems Support Ms. Tracy Webb said due to storms that occurred in the state in March, several schools were not able to provide AMI instruction due to a loss of electricity in the community. The school districts involved were Hermitage, White Hall, Warren, and Fordyce.

State Board members asked clarifying questions and expressed their thoughts.

Ms. Chambers moved, seconded by Ms. Newton, to approve the waiver request. The motion passed unanimously.

A-7 District Request for Waivers Granted to Open Enrollment Public Charter Schools

a. District Request for Waivers Granted to Open Enrollment Public Charter Schools: Norfolk School District

Public School Program Advisor Ms. Kelly McLaughlin said according to Arkansas Code Annotated 6-15-103, a school district can petition the State Board of Education for all or some of the waiver granted to an Open-Enrollment Public Charter School. She said representatives of the Norfolk School District are requesting a teacher licensure waiver for a period of three years.

Arrie Goforth Elementary School Principal Deanna Klaus provided the presentation for the Norfolk School District and explained the reasoning for the waivers.

State Board members asked a few clarifying questions.

Ms. Newton moved, seconded by Ms. McFetridge, to approve the waiver request. The motion passed unanimously.

b. District Request for an Extension of Waivers Granted to Open-Enrollment Charter Schools: Forrest City School District

Public School Program Advisor Ms. Kelly McLaughlin said representatives of the Forrest City School District are appearing before the Board with a request for an extension waiver for teacher licensure.

Forrest City School District Superintendent Dr. Tiffany Hardrick provided an overview of the waivers requested by the district and answered questions from State Board members.

Ms. Dean moved, seconded by Dr. Hill, to grant the waivers. The motion passed unanimously.

A-8 Consideration of Petition for School District Boundary Change: Ozark Mountain School District and Lead Hill School District

General Counsel Ms. Lori Freno said pursuant to Ark. Code Ann. § 6-13-1414, the Ozark Mountain School District and Lead Hill School District jointly petitioned the State Board for an

order altering boundary lines between the districts. The territory at issue includes two pieces of land north of Bull Shoals Lake that are a part of the OMSD. In their Petition, the Districts seek a State Board Order altering school district boundaries so that these pieces of land will become part of the LHSD.

Attorney Mr. Cody Kees, the lawyer for both school districts, provided an overview of the districts' request. Mr. Kees, as well as Kerry Sailors, the superintendent of Ozark Mountain School District, and Tami Richey, the superintendent of the Lead Hill School District, answered questions from board members.

Dr. Moore moved, seconded by Ms. Dean, to approve the school district boundary change. The motion passed unanimously.

A-9 Perkins V Plan

Director Dr. Angela Kremers provided an overview of Arkansas' plan and answered questions from the State Board. Ms. Dean commended the staff for their work on the plan and the amount of stakeholder engagement that was included.

Ms. Dean moved, seconded by Dr. Moore, to approve the Perkins V State Plan. The motion passed unanimously.

A-10 Consideration for Final Approval: Proposed Rules Governing the Arkansas Teacher of the Year Program

General Counsel Ms. Lori Freno said the State Board released these proposed rules for public comment in October of 2019. Following Governor's Office approval, they were released for public comment. A public comment hearing was held on April 13, 2020, and the public comment period ended April 20, 2020. Comments received did not result in substantive changes to the proposed rules.

Ms. Newton moved, seconded by Dr. Moore, to approve the rules pending Arkansas Legislative Council review and approval. The motion passed unanimously.

A-11 Consideration for Final Approval: Proposed Rules Governing Public School Student Services (Repeal)

General Counsel Ms. Lori Freno said the State Board released these proposed rules repeal for public comment in October of 2019. Following Governor's Office approval, the proposed repeal was released for public comment. A public comment hearing was held on April 13, 2020, and the public comment period ended April 20, 2020. No public comments were received.

Ms. McFetridge moved, seconded by Ms. Dean, to approve the rules pending Arkansas Legislative Council review and approval. The motion passed unanimously.

A-12 Consideration for Final Approval: DESE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

Attorney Ms. Mary Claire Hyatt said on September 13, 2019, the Board approved these rules for release for public comment. A public comment hearing was held on March 11, 2020, and the

public comment period expired on March 27, 2020. No substantive changes were made subsequent to the public comment period.

Ms. Newton moved, seconded by Dr. Moore, to approve the rules. The motion passed unanimously.

A-13 Consideration for Final Approval: DESE Rules Governing Act 1240 Waivers

Attorney Ms. Mary Claire Hyatt said a virtual public comment hearing was held on April 13, 2020. The public comment period expired on April 20, 2020. No substantive changes were made to the Rules after the public comment period.

Ms. Chambers moved, seconded by Dr. Moore, to approve the rules. The motion passed unanimously.

A-14 Consideration of Final Approval: DESE Rules Governing Kindergarten through 12th Grade Immunization Requirements in Arkansas Public Schools

Ms. Mary Claire Hyatt said a virtual public comment hearing was held on April 13, 2020. The public comment period expired on April 20, 2020. No substantive changes were made to the Rules after the public comment period. DESE respectfully requests the Board's final approval.

Ms. McFetridge moved, seconded by Ms. Chambers, to approve the rules. The motion passed unanimously.

A-15 Consideration for Final Approval: DESE Rules Governing Scoliosis Screening

Attorney Mr. Taylor Dugan said Act 843 of 2019 transferred these rules from the Department of Health to the Department of Education. A public comment hearing was held on February 12, 2020. Public comments were received, but resulted in no substantive changes to the Rules.

Ms. Chambers moved, seconded by Ms. Dean, to approve the rules. The motion passed unanimously.

A-16 Consideration for Final Approval: DESE Rules Governing Home Schools

Attorney Mr. Taylor Dugan said these Rules have been amended to incorporate the changes of Act 429 and 430 of 2019. A public comment hearing was held on October 28, 2019. Public comments were received, but resulted in no substantive changes to the Rules.

Ms. Dean moved, seconded by Ms. McFetridge, to approve the rules. The motion passed unanimously.

A-17 Consideration for Final Approval: DESE Rules the Code of Ethics for Arkansas Educators

Attorney Mr. Taylor Dugan said these Rules have been amended to incorporate the changes of Act 475 of 2019. A public comment hearing was held on November 18, 2019. Public comments were received, but resulted in no substantive changes to the Rules.

Ms. Dean moved, seconded by Ms. Newton, to approve the rules. The motion passed unanimously.

A-18 Consideration for Final Approval: DESE Rules Governing Background Checks

Attorney Mr. Taylor Dugan said these Rules have been amended to incorporate the changes of Act 536 and 1040 of 2019. A public comment hearing was held on February 12, 2020. Public comments were received, but resulted in no substantive changes to the Rules.

Dr. Moore moved, seconded by Ms. Chambers, to approve the rules. The motion passed unanimously.

A-19 Consideration for Final Approval: DESE Rules Governing Financial Incentives for National Board for Professional Teaching Standards

Attorney Mr. Taylor Dugan said these Rules have been amended to clarify the National Board for Professional Teaching Standards program. A public comment hearing was held on December 9, 2019. Public comments were received, but resulted in no substantive changes to the Rules.

Ms. McFetridge moved, seconded by Dr. Moore, to approve the rules. The motion passed unanimously.

A-20 Consideration for Final Approval: DESE Rules Governing Educator Licensure

Attorney Mr. Taylor Dugan said these Rules have been amended to incorporate the changes of Acts 83, 540, and 628 of 2019. A public comment hearing was held on November 18, 2019. Public comments were received, but resulted in no substantive changes to the Rules.

Ms. Newton moved, seconded by Ms. Dean, to approve the rules. The motion passed unanimously.

A-21 Consideration for Final Approval: DESE Rules Governing Student Special Needs Funding

Deputy General Counsel Ms. Courtney Salas-Ford said the State Board released these proposed rules for public comment on September 13, 2019. Following Governor's Office approval, they were released for public comment. A public comment hearing was held on April 13, 2020, and the public comment period ended April 20, 2020. Comments received did not result in substantive changes to the proposed rules.

Ms. Dean moved, seconded by Ms. Chambers, to approve the rules pending Arkansas Legislative Council review and approval. The motion passed unanimously.

A-22 Consideration for Final Approval: DESE Rules Governing the Succeed Scholarship Program

Deputy General Counsel Ms. Courtney Salas-Ford said the State Board released these proposed rules for public comment on September 13, 2019. Following Governor's Office approval, they were released for public comment. A public comment hearing was held on April 13, 2020, and the public comment period ended April 20, 2020. Comments received did not result in substantive changes to the proposed rules.

Ms. Dean moved, seconded by Ms. Chambers, to approve the rules pending Arkansas Legislative Council review and approval. The motion passed unanimously.

A-23 Election of SBE Officers

Ms. Zook stated that the nominating committee nominated Ms. Dean as chair for 2020-2021 and Mr. Williamson as vice-chair. There were no additional nominations.

There was a roll call vote. The State Board voted unanimously to accept the nominations.

New Business

Discussion of State Board Operating Procedures

Attorney Ms. Mary Claire Hyatt discussed updates to board operating procedures. She suggested board members send her feedback on existing board procedures by June 1. Ms. Hyatt said she would present a draft of updated procedures at the June board meeting.

Reports

State Board Member Reports/Comments

Ms. Zook stated that a special education report was provided to board members. There were no other board member reports.

Commissioner's Report

Secretary Johnny Key provided an update regarding the Lee County School District. Mr. Key stated that Ms. Willie Murdock will rejoin the team as superintendent during the next school year. Mr. Key said Ms. Murdock served in that role in the past and that progress was made during her tenure.

Mr. Key then introduced Assistant Commissioner Ms. Deborah Coffman. Ms. Coffman provided an update regarding CARES Act funding and when the funds would be distributed to districts.

Mr. Key discussed the Arkansas Ready for Learning Back-to-School Playbook, which will provide guidance to districts regarding how to approach learning when school returns. Mr. Key said Director of Special Projects Missy Walley assembled a team of educators to identify essential standards and the ones missed, how students will be assessed as to whether they know the standards, and how schools can respond. Ms. Walley provided additional information about the process. Mr. Key also showed the webpage that will provide additional information.

Secretary Key stated that because of Arkansas' work with Alternative Methods of Instruction over the last several years, Arkansas made a pretty seamless transition to online learning as a result of COVID-19. He provided insight on the impact on educators and parents during this time. Secretary Key said the department is working on system platforms and the elements needed to resume school onsite this fall and preparations in case onsite instruction gets interrupted because of COVID-19.

Public Comments

There was no public comment.

Adjournment

Dr. Moore made a motion, seconded by Ms. Dean, to adjourn. The motion passed unanimously. The meeting adjourned at 2:30 p.m.

Meeting minutes recorded by Tiffany Donovan and Kimberly Mundell