



LITTLE ROCK SCHOOL DISTRICT  
810 WEST MARKHAM STREET  
LITTLE ROCK, ARKANSAS 72201

**MINUTES**  
**REGULAR BOARD MEETING**  
**August 25, 2011**

The Board of Directors of the Little Rock School District held their regular board meeting at 5:30 p.m. on Thursday, August 25, 2011, in the boardroom of the administration building, 810 West Markham Street, Little Rock, Arkansas. President Melanie Fox presided.

**MEMBERS PRESENT:**

Melanie Fox  
Jody Carreiro  
Michael Nellums  
Greg Adams  
Charles Armstrong  
Dianne Curry  
Katherine Mitchell

**MEMBERS ABSENT:**

**ALSO PRESENT:**

Morris Holmes, Superintendent of Schools  
Beverly Griffin, Recorder of Minutes

**I. CALL TO ORDER / ROLL CALL**

Ms. Fox called the meeting to order at 5:37 p.m. Six members of the board were present at roll call; Mr. Nellums arrived at 5:45 p.m. Ryan Westin, the teacher ex-officio from **Romine Elementary School**, and Andrew Culberson, student ex officio from **J. A. Fair High School**, were also present.

**II. REPORTS/RECOGNITIONS/PUBLIC COMMENTS**

**A. Superintendent's Remarks**

No citations or commendations were presented at the August agenda meeting. Recognition was given to the ex officio representatives for the month Andrew Culberson, from J. A. Fair High School and Ryan Westin, teacher at Romine Elementary School.

## B. Remarks from Citizens

There were no citizens' comments.

## C. Legal Update

Chris Heller provided information regarding the upcoming oral arguments in the appeal of Judge Miller's decisions in the desegregation lawsuit. Mr. Heller and Dr. Holmes will travel to St. Louis on September 19, 2011 for the 2:00 p.m. hearing in the Eighth Circuit Court of Appeals.

Mr. Heller also briefly reviewed a decision from Judge Price Marshall who agreed with the LRSD's position in the M-M transfer funding decision from Judge Miller. He reminded the board of the district's motion to enforce the 1989 settlement agreement which argued the state had violated agreements on the continuing unconditional approval of charter schools. Even though the LRSD was granted unitary status, we still have standing on the issues of the 1989 agreement. He reported we have been given until January to effect discovery and Judge Marshall agreed we are entitled to information requested from the state on charter schools. The oral arguments are set for March 29, 2012.

Mr. Heller briefed the board on the settlement of a lawsuit by employees who were affected by a previous districtwide administrative reorganization. He reported the judge had declared summary judgment and dismissed the case. Other pending legal actions include a case from a group of employees in the maintenance department, a few individual employee grievances, and a liability issue where a student fell from the back of a school bus. As those cases progress, updates will be provided to the board.

## D. Donations of Property

The board was asked to approve the receipt of recent donations to the district. Student ex officio Andrew Culberson read the donations. Mr. Armstrong made a motion to accept; Ms. Curry seconded the motion and it **carried unanimously**.

### DONATIONS

SCHOOL/DEPARTMENT	ITEM	DONOR
Gifted Programs / LRSD Quiz Bowl	\$2,500.00 to offset costs associated with Quiz Bowl competition	Windstream Corporation

## E. Little Rock PTA Council

Henri Smothers, PTA Council president, announced the first council meeting of the year to be held on September 13, at 11:30 a.m. The meeting will be held in the administration building board room, and principals, PTA presidents and one other representative from each school are invited to attend.

Ms. Smothers read from a large poster promoting the PTA and the importance of membership in the PTA. She encouraged the audience to join the PTA at their local school or at another LRSD school.

#### **F. Little Rock Education Association**

Cathy Kohler thanked Dr. Holmes and Ms. Fox for attending the recent open house at the new offices of the LREA. Ms. Kohler expressed appreciation for the new leadership at J. A. Fair High School and publicly congratulated Principal Jeremy Owoh on the improvements being made at Fair.

After Ms. Kohler's comments, Dr. Holmes introduced Mr. Owoh and invited him to make comments to the board.

### **III. REPORTS AND COMMUNICATIONS**

#### **A. Remarks from Board Members**

Ms. Curry welcomed the members of the audience. She thanked the summer school teachers and employees for their contributions over the summer and she expressed excitement for the upcoming school year.

Mr. Adams discussed the changes being made across the district as budgetary reductions are realized. He acknowledged those who have expressed concern about the reductions in staff and thanked them for paying attention to the reasons why these changes are being made. The decisions being made by the board are directly related to the available resources and the possibility of a reduction in state desegregation funding. He pledged the board would work toward a realistic budget and seek ways to meet the expectations of the strategic plan.

Mr. Nellums thanked Shoutell Richardson, principal at Chicot, for the work being done at that school. He also thanked Mr. Owoh, principal at J. A. Fair, and Ericka McCarroll, principal at Bale Elementary School. He reported visiting Bale on the Saturday before school opened when teachers and staff members met parents and students. He closed by introducing Senator Joyce Elliott and thanking her for visiting with him regarding the Promise Neighborhood initiative.

Mr. Carreiro welcomed students and teachers to the new school year. As a reminder he read the board's goals for this school year.

- Planning and implementation of 3<sup>rd</sup> grade reading initiative
- Evaluation and alignment for superintendent and staff to help with organizational structure
- Middle School improvement and reform
- Improving board and superintendent relationships
- Development of a PR plan to help encourage and support community and parental involvement

Mr. Armstrong acknowledged the challenges faced in getting the community and parents involved in the schools. He promised the board would face the challenges head on and work to resolve the divisions in the community which keep people from wanting to be involved.

Dr. Mitchell had a previous commitment and was scheduled to leave the meeting early. Mr. Nellums asked for a round of applause for Dr. Mitchell in recognition of her service to the LRSD. She had made the decision not to run for another term as the Zone 1 representative.

*Dr. Mitchell left the meeting at 6:20 p.m.*

Ms. Fox congratulated the schools and administration on a positive start to the school year.

## **B. District Data: Benchmark, EOC, AYP**

Mr. Glasgow provided a brief update on middle and high school math and literacy test results. No Child Left Behind legislation requires exams in literacy and math to students in grades three through eight and in high school courses in Algebra, Geometry and eleventh grade literacy. The results of these exams are used to determine if a district or school met an expected level of achievement or progress, better known as AYP, or adequate yearly progress. The district and school-by-school results report was attached to the agenda.

## **C. Realignment of Instructional Staff**

Mr. Glasgow provided information on the revised organizational structure for the district's instructional staff. The realignment will create a stronger line of accountability from the instructional staff to the associate superintendents and will provide additional support for the schools. A detailed report was attached to the board's agenda. No additional funding was requested, and no board action was required.

## **D. Quarterly Report Related to Board and District Goals**

Mr. Glasgow provided a quarterly progress report on the district goals and initiatives for information purposes. Mr. Burton will be further developing and presenting a detailed overview of the proposed improvement strategies for the southwest area schools, and in September a comprehensive review of the special education department and a revision of the processes used in special education will be presented.

## **E. Student Attendance and Enrollment**

Dr. Whitehorn and Mr. Burton provided a brief oral report on the issue of truancy reduction. Processes are being developed to further account for students who are chronically absent and implementation of measures to support student attendance will begin. They have been working with the district's truancy reduction commission to fully review and implement measures to increase attendance and provide support for students who need encouragement to stay in school.

## **F. Student Counseling and Referral Services**

Board members were provided a copy of a School and Community Resource Directory. The directory will be provided to each school, and will be posted on the LRSD website.

## **G. Internal Auditors Report**

Mr. Becker's report was provided as part of the board's agenda.

## **IV. APPROVAL OF ROUTINE MATTERS**

### **A. Minutes**

Minutes from the regular board meeting held on July 28, 2011, were presented for review and approval. Mr. Armstrong made a motion to approve the minutes as presented. Mr. Carreiro seconded the motion and it **carried unanimously**.

## **V. BOARD POLICY AND REGULATIONS REVIEW**

### **A. Second Reading: Board Policy JRCA – Replication of Information from a School's CCTV System, Second Reading**

Specific written procedures for reproducing footage from a school's closed circuit television system were developed and incorporated into Policy JRCA. The policy will provide clear guidelines for the proper use of reproductions from school security cameras and will ensure adherence to the FERPA regulations.

Mr. Carreiro moved to approve the policy on second reading. Mr. Armstrong seconded the motion and it **carried unanimously**.

*The board recessed briefly and resumed at 7:55 p.m.*

## **VI. EDUCATIONAL SERVICES**

### **A. Approval of Contract for The Learning Institute**

The district has worked with The Learning Institute (TLI) since 2007 in an effort to improve academic achievement of all students through common interim assessments in literacy and mathematics. These assessments, known in the LRSD as SOAR (Student Online Assessment Report) are given four to five times per year and are patterned after the AR Benchmark and end-of-course examinations. These assessments provide an indication to educators about how well students are learning and whether there are areas of weakness for remediation prior to the high stakes testing.

A one year contract for TLI SOAR assessments in the amount of \$299,650 was recommended by the administration for approval. Mr. Carreiro made a motion to approve the recommendation. Ms. Curry seconded the motion, and it **carried unanimously**.

### **B. Promise Neighborhoods MOU for UALR Grant Application**

UALR applied for and received a U. S. Department of Education Promise Neighborhood planning grant. The LRSD along with several other community partners have collaborated over the course of a year to develop a project design. Each of the partners was asked to submit a memorandum of understanding in support of the grant

submission as well as a description of their in-kind match. The LRSD M o U and four-year description of the in-kind match were attached to the board's agenda.

Dr. Sadie Mitchell provided a brief overview in support of the application for submission on the partnership. Senator Joyce Elliott reviewed the commitment of the other partners involved in the grant and responded to questions from the board.

LRSD principals whose schools are within the Promise Neighborhood boundaries include Ericka McCarroll from Bale Elementary and Ann Blaylock from Hall High School. Both of them spoke in support of the initiative and pledged support for the success of the Promise Neighborhoods.

Mr. Armstrong moved to approve the recommended Memorandum of Understanding. Mr. Nellums seconded the motion and it **carried unanimously**.

## **VII. HUMAN RESOURCES**

### **A. Personnel Changes**

Routine general personnel changes were printed in the board's agenda. Mr. Carreiro made a motion to approve; Mr. Nellums seconded the motion and it **carried unanimously**.

## **VIII. FINANCE & SUPPORT SERVICES**

### **A. Budget Update**

Mr. Bailey provided a brief overview of the current budget preparation process and status of completion. More information will be provided at the agenda meeting in September.

### **B. Monthly Financial Reports**

The monthly financial reports were provided in the board's agenda. No action was taken.

### **C. Technology Services Contract**

The previous technology services contract between the LRSD and Education Innovations / Sharon Dowdy expired on June 30, 2011. Ms. Dowdy's services have been contracted on a month-to-month basis since that time so that an RFP could be developed and vendors evaluated.

The RFP Evaluation Committee unanimously selected eRate360 Solutions, LLC for these services. The administration recommended continuing contracting for technology services on a two-year term. The attached agreement outlines the services to be performed by eRate Solutions, LLC. The two-year contract for \$42,000 annually will be funded from the Dedicated Maintenance and Operations budget.

Mr. Armstrong moved to approve the recommendation; Ms. Curry seconded the motion, and it **carried unanimously**.

*The board took a brief break prior to convening an executive session for an employee hearing.*

## **SUSPENSION OF THE RULES**

Prior to convening the executive session, Ms. Curry requested a motion to suspend the rules to consider an item not previously included on the board's action agenda. The item was to consider a Memorandum of Understanding to partner with organizations developing a South-Southwest Promise Neighborhood initiative. Mr. Armstrong seconded the motion to suspend the rules, and it **carried unanimously**.

Diane Charles presented a proposal to submit a grant application to develop the Promise Neighborhood initiative in South – Southwest Little Rock. If awarded, the grant would provide learning opportunities to children living south of Roosevelt extending to southwest Little Rock neighborhoods.

Dr. Holmes reported he had not had an opportunity to fully review the Memorandum of Understanding being presented for the board's consideration. He requested that if approval was granted to approve the M o U, it would be contingent upon additional review by the administration before being submitted in September.

Board members discussed the need for additional information and revision to the proposal presented. It was agreed that the board's approval of the M o U be conditional upon the administration's determination that the application be completed sufficiently to submit.

Ms. Curry moved to approve the submission of the M o U with agreed corrections, modifications, and acceptance by the LRSD superintendent and administration. Mr. Nellums seconded the motion, and it **carried 5-1** with Mr. Carreiro voting no.

## **EXECUTIVE SESSION / EMPLOYEE HEARING**

The board convened an executive session at 9:15 p.m. to conduct an employee hearing. The employee, DD, and his attorneys requested the hearing be closed. Prior to beginning the hearing, Mr. Walker asked that Phillip Vano, the sound technician, be dismissed from the room. He objected to his attendance considering Mr. Vano is also an employee in Maintenance and Operations, and stated that he might later be called as a witness.

<The employee> was recommended for termination for being under the influence of illegal substances at his worksite, Maintenance and Operations. The letter recommending termination was dated July 8, 2011. He was represented by attorneys John Walker and Bridgette Frazier. The LRSD was represented by Attorney Khayyam Eddings.

Ms. Frazier provided opening remarks and stated the allegations of being under the influence of drugs were false. She stated the symptoms presented by <the employee> on the day in question were consistent with those associated with Multiple Sclerosis, a medical condition of which <the employee> had been previously diagnosed.

Janet Rector, a budget specialist in Maintenance and Operations, was called as a witness. She responded to questions regarding her recollection of the day <the employee> admitted to her that he was using methamphetamines. She stated that she knew <the employee> had been diagnosed with MS, and she responded to questions from Attorney Walker regarding the day <the employee> visited her office and discussed his health problems and drug usage. She stated <the employee> admitted to her that he had "relapsed," and she believed he was referring to his use of meth after having been in rehab for a time.

Wayne Adams was called as a witness. He reported that he spoke with Safety and Security Director, Bobby Jones, after receiving the information reported by Ms. Rector. He and Mr. Jones agreed that <the employee> should be drug tested. Mr. Adams reported that on the day after <the employee> spoke with Ms. Rector about his drug usage, he spoke with him regarding being drug tested and about the possibility of receiving additional rehabilitation and treatment.

At that time, <the employee> refused to be drug tested and had written a statement agreeing to pursue options for treatment. After the weekend, <the employee> returned to Mr. Adams and stated he was then willing to be drug tested. He changed his mind after again meeting with Mr. Adams and Bobby Jones. After this meeting, it was determined that there was sufficient cause to recommend termination because of his behavior and his refusal to take a drug test.

Harold Jump, facilities services employee, testified briefly that he had found <the employee> sleeping in his office on the day reported earlier by Ms. Rector. Ms. Rector was recalled for additional questions regarding the time period after <the employee's> conversation in her office. It was implied that she had sent <the employee> to Mr. Jump's office to sleep.

Bobby Jones, Director of Safety and Security, responded to questions regarding the district's drug testing policy and the options available for treatment of employees with drug problems. He was questioned regarding his meeting and interview with <the employee> and the reasons why <the employee> was not taken to Baptist Hospital for the drug testing.

<The employee> was called and reported he had received good performance evaluations since he became employed at Maintenance and Operations. He reported being diagnosed with MS and described the symptoms associated with that illness. He admitted to using methamphetamines and reported he had previously entered a treatment program on his own. Prior to entering the rehab program, he had not had any problems at work with his performance. He believed that he was treated differently by the administration when he returned to work after being in rehab.

<The employee> denied using any illegal drugs on the days documented in the termination file. He responded to questions regarding filing for short term disability benefits, and he was asked why he reported to work on the day in question if he knew he was unable to work. He had reported to Facilities Services, but did not clock in because he wasn't feeling well.

Board members questioned him regarding the prescription medications he was taking including valium and hydrocodone. He was asked to describe further the symptoms of MS and Ms. Frazier provided handouts for the board's consideration.



David Hartz responded to questions regarding notification in Human Resources of <the employee's> diagnosis of MS. He responded to questions regarding notification of the district's drug policies and he admittedly was uncertain regarding the employee's receiving copies of the drug policies upon employment.

The board convened a closed conference at 1:50 p.m. for deliberations. They returned from executive session at 2:20 p.m. and reported no action had been taken.

There were six points included in the letter recommending termination of employment for <the employee>.

Finding of Fact No. 1: The suspicion that the employee was under the influence of alcohol and/or illegal drugs on Wednesday morning June 8, 2011, while on LRSD premises . . .

Action taken: Mr. Carreiro moved that the reason set forth in Fact Number One was proven. Ms. Curry seconded the motion and it **carried unanimously**.

Finding of Fact No. 2: Employee was sleeping in the LRSD Preventive Maintenance office during working hours on June 8, 2011, after appearing for work talking incoherently and unable to walk without staggering . . . .

Action taken: Mr. Carreiro moved that the reason set forth in Fact Number Two was proven. Mr. Adams seconded the motion and it **carried unanimously**.

Finding of Fact No. 3: Employee admitted to the Maintenance and Operations Director, Budget Analyst and Electrical Foreman that he currently used methamphetamines.

Action taken: Mr. Carreiro made a motion finding that Fact Number Three was proven. Mr. Adams seconded the motion and it **carried unanimously**.

Finding of Fact No. 4: Employee told the Maintenance and Operations Director and the Budget Analyst that he could not pass a drug test.

Action taken: Mr. Carreiro moved that the facts in Fact Number Four was proven. Mr. Adams seconded the motion and it **carried 3-1**, with Mr. Mr. Armstrong voting no.

Finding of Fact No. 5: Employee refused to submit to a drug screening on Monday, June 13, 2011.

Action taken: Mr. Carreiro moved that Finding of Fact Number Five was proven. Ms. Curry seconded the motion and it **carried unanimously**.

Finding of Fact No. 6: After refusing to submit to a drug screening, the employee left work prior to the end of his shift without authorization.

Action taken: Mr. Carreiro moved that Finding Number Six was not proven. Ms. Curry seconded the motion and it **carried 3-2**, with Mr. Adams and Ms. Fox voting no.

Based on the above finding of facts, Mr. Carreiro moved to uphold the superintendent's recommendation for termination. Mr. Adams seconded the motion. The motion **carried 3-2**, with Ms. Curry and Mr. Armstrong voting no.

### **SUPERINTENDENT'S CONTRACT**

The board considered the terms and conditions of the superintendent's contract in a previous executive session.

Based on recommendations from the board president, Mr. Armstrong made a motion to pay an annual salary of \$215,000. In addition, an annuity in the amount of \$20,000 will be paid to a provider selected by the Superintendent. Twenty vacation days, 12 sick days, and two personal leave days will be granted. Insurance and other benefits will remain as were included in the previous contract. An automobile allowance in the amount of \$850 will be paid to the superintendent. Ms. Curry seconded the motion, and it **carried unanimously**.

### **ADJOURNMENT**

There being no further business before the board, the meeting adjourned 2:25 a.m..

APPROVED: 09-22-11

Originals Signed by:  
Melanie Fox, President  
Michael Nellums, Secretary