



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

MINUTES
SPECIAL BOARD MEETING
March 30, 2010

The Board of Directors of the Little Rock School District held a special meeting on Tuesday, March 30, 2010, in the Boardroom of the Administration Building, 810 West Markham Street, Little Rock, Arkansas. President Charles Armstrong presided.

MEMBERS PRESENT:

Charles Armstrong
Melanie Fox
Jody Carreiro
Dianne Curry
Mike Daugherty
Baker Kurrus
Katherine Mitchell

MEMBERS ABSENT:

None

ALSO PRESENT:

Linda Watson, Superintendent
Beverly Griffin, Recorder of Minutes

I. Call to Order / Roll Call

Mr. Armstrong called the meeting to order at 5:38 p.m. All members of the Board were present at roll call.

Mr. Armstrong requested a motion to reorder the agenda. Mr. Kurrus moved to reorder the agenda in the manner requested by Mr. Armstrong. Mr. Carreiro seconded the motion and it **carried unanimously**. The meeting was conducted in the order presented by these minutes.

II. Target 2015: A Strategic Plan for the LRSD

The administration presented ***Target 2015: A Strategic Plan for the LRSD*** in a public meeting on March 18, 2010, at Parkview Magnet High School. Members of the Strategic Planning Commission met several times over the course of a year with consultants from Lawrence O. Picus & Associates. Funding for the development of the plan was allocated from ARRA funding. The Commission voted unanimously to recommend the Plan for the board's review, approval and implementation.

The six critical areas of the plan include:

- Ambitious “eye-popping” goals
- Research proven strategies for attaining goals
- Adequate and effective funding for schools
- Recruitment and retention of a high quality staff
- Data and accountability
- Effective, performance driven leadership

Dr. Watson was asked to read the items from the Plan which had been modified since the previous presentation. Board members spoke in support of the plan and encouraged the administration to begin immediate planning for implementation.

Dr. Mitchell and Mr. Armstrong discussed the goal targeting recruitment of quality teachers, specifically the shrinking pool of new teachers and the need to recruit and advertise nationally. Mr. Kurrus discussed the need to step up the pay scales for new teachers, noting that new teachers will not come into the LRSD until the pay is competitive with other districts across the State of Arkansas.

Dr. Mitchell also discussed the need to attract African American students to AP classes and to encourage earlier entry into pre-AP courses. Ms. Curry echoed those remarks, and asked that more effort be placed on early intervention at the K-2 levels and more emphasis on gifted program placement.

Mr. Kurrus encouraged better decision making by the board and the administration, calling the Plan “data driven,” and based on an obligation to embed data driven decisions in overall operations.

Mr. Carreiro stressed the importance of immediate implementation of the Plan, and suggested a board worksession with the superintendent and staff. He asked that the board get an update on the data currently available, an assessment of what needs to be done immediately, and a determination of which measurement tools are already in place. Ms. Curry agreed and asked for administrative efforts to get the information to the parents and the community to encourage buy-in and support.

Ms. Fox moved to adopt ***Target 2015 – A Strategic Plan for the LRSD***; Ms. Curry seconded the motion and it **carried unanimously**.

IV. LRSD v. PCSSD Motion to Enforce 1989 Settlement Agreement

Attorney Chris Heller presented information and a recommendation to take legal action against the State Board of Education to enforce the 1989 settlement agreement with the State in the LRSD v PCSSD lawsuit. The basis for this recommendation was specifically the State’s continual approval of public charter schools without regard for the impact to the local school district. The students leaving the LRSD have been the higher achieving, upper socio-economic level students, which has resulted in a lower-achieving, higher poverty student population in the LRSD.

Mr. Heller reported that he had been negotiating with the State for several months in an effort to settle the remaining financial issues of the settlement agreement. Although the State was willing to settle on the financial aspects of the case, they have been unwilling to discuss the implications of continued approval of open enrollment charter schools in Pulaski County. Mr. Heller reported that on numerous occasions he had raised the issue of charter schools with the Attorney General, the Arkansas Legislative committee, and the State Board of Education.

As reported to the Board in previous meetings, Mr. Heller noted that the short-term financial issues of the settlement could be fairly resolved through agreement with the State. The North Little Rock and Pulaski County School districts would likely support any agreement negotiated with the State on future operations of magnet schools. The funding would phase out after a period of seven years with the total payment of approximately \$430 million. Providing the background, he reminded the Board that the legislature passed Act 395, which authorized the Attorney General's office to negotiate with the three Pulaski County districts on the remaining desegregation funding issues. However, the State hasn't been willing to agree to anything that would extend beyond seven years for supporting magnet schools and inter-district transfers. They haven't been willing to consider the charter school issues, and it was Mr. Heller's opinion that litigation was the only avenue open at this time.

Board members weighed in on both sides of the recommendation for filing the lawsuit. Dr. Mitchell thanked Mr. Heller for the information provided by the draft motion to enforce, stating that it had provided history and background thoroughly and effectively.

Mr. Kurrus questioned the objective of filing a lawsuit, and expressed preference for a collaborative effort to develop a long term plan for magnet and charter schools to eliminate "duplication and inefficiencies." He also suggested finding the reasons why students want to attend charters, and suggested that the district, the State, and all parties stop now to find ways to prevent the creation of one-race schools and districts. It was noted that Mr. Kurrus had objected to the formation of charter schools since the first one was approved in Pulaski County, and he had addressed the State Board of Education on the application by LISA Academy. Later in the discussion, Mr. Kurrus remarked that the State was aware that LISA Academy was set up to recruit the highest achieving students, and that public schools had continued to lose students to charters and to private schools over the objections of the public schools.

Ms. Fox also spoke in opposition to the filing of the lawsuit, stating that we were "rolling the dice" with respect to litigation over the certainty of settlement. She also expressed concerns regarding a loss of public perception and whether the benefits of litigation would outweigh the loss of public support. Mr. Heller responded by addressing the possibility of losing six of the District's most economically and racially balanced schools if there was no way to continue funding the magnet schools and programs. It was his opinion that this wouldn't be an "all or nothing" proposition in court, and he expressed doubt that Judge Miller would order an immediate end to funding.

Although he would expect some negative public reaction, Mr. Heller suggested that this was more an opportunity for serious discussion among the parties about education in Pulaski County. He was hopeful that the North Little Rock and Pulaski County Districts would come back into the discussions, and that the perception would be that all parties want to do what is best for our students, especially the long term prospects for the neediest students.

Mr. Heller discussed the problems he had encountered in attempting to gain information from the State regarding the students who are attending charter schools in Pulaski County. There is a lack of exit information when students leave the LRSD to enter charter schools, and that information could be gained quickly if it were requested through the Court.

Preliminary but incomplete exit interviews with the parents of students leaving the LRSD show that students who leave for charter schools are much less likely to be eligible for free-reduced lunch. Also, since charter schools do not provide transportation, poorer families are much less likely to apply to enroll in charter schools.

Dr. Daugherty spoke in support of Mr. Heller's recommendation to file the lawsuit. He reminded the Board that Act 395 became law in 2007, and since that time the Attorney General had taken the position that he is limited by legislation to authorize a funding settlement over a seven year period, but not authorized to come to any agreement that would extend beyond that time. He noted that the State had not allowed significant input from the LRSD administration, board or attorneys on the issue of charter schools. He called charters "publicly funded private corporations," which have their own boards, their own facilities, but which recruit students who are achieving at proficient or advanced levels from the local school districts.

Mr. Heller responded in agreement, noting that applications to attend open enrollment schools are accepted from anyone, but the most disadvantaged students don't tend to apply. He reported that the Commissioner of Education, Dr. Kimbrell, had admitted the State had not done the required monitoring or evaluating to determine if charter schools were operating as specified in their applications.

Ms. Curry spoke in support of the recommendation, and commented that the charters were being approved, but they weren't being regulated in the same way as public schools. The public schools were not provided the same accommodations as charter schools under the accountability requirements of the State, providing an unfair advantage.

Ms. Fox suggested partnering with charter schools and other entities to make sure that they accept more of the students who need assistance and to collaborate with charter schools to better serve our students.

Mr. Kurrus referenced the Lakeview Funding lawsuit, and noted that the State of Arkansas is ultimately responsible for educating the children in the State. He again stated that he did not believe litigation was an effective way to resolve problems and that it was the District's responsibility to "get busy doing the things we can control."

Dr. Daugherty again commented in support of the recommendation to file the lawsuit, saying that it was an effort to "level the playing field" for all children. The litigation would provide a means to work with the State to "get them to recognize they are part of the problem that they have created."

Scott Richardson, attorney for the State, requested time to make comments. He encouraged the Board to continue to attempt to negotiate a resolution. He promised that any litigation would be contested and that it would not be a simple fight. He reminded the Board that they had voted to continue negotiations at their November meeting, and that the State was willing to consider the charter school issues.

Mr. Richardson stated that \$390 million had been offered to bring the litigation to a close. However, it was noted that this amount would be payable over a seven year period and would be shared among the three districts in Pulaski County. He expressed willingness to continue negotiations.

John Walker, attorney for the Joshua Intervenors, spoke in support of the proposal submitted by Mr. Heller. He agreed that the LRSD had been refused by the State Board in every attempt to address the charter school issues, referring to Mr. Richardson's contention that the State was willing to negotiate on charter schools. Mr. Walker stated, "We have not heard that before today."

Regarding the North Little Rock and Pulaski County district's efforts to achieve unitary status, Mr. Walker reported that they were being urged by the State to seek release of court supervision. He agreed with earlier comments from Mr. Heller regarding the State's unwillingness to negotiate in good faith regarding approval of charter schools. He stated that filing this lawsuit would strengthen efforts to provide an education for the students in Little Rock. The State would be more inclined to reason and less likely to continue unconditional approval of charter schools.

Mr. Carreiro expressed displeasure in the timing of presenting discussion of litigation at the meeting where the Strategic Plan was just approved. He spoke in opposition to filing a lawsuit in the matter saying that it would distract from the intent and the implementation of the Strategic Plan. "We have to be laser focused to get this plan to work . . . and the implementation is going to be very intense." Mr. Carreiro also reminded the administration that the Board had been requesting more detailed information on students who were exiting the District, saying ". . . we need to find out why we are losing students and out-recruit the charter schools."

Ms. Fox expressed concern regarding the lack of options for school choice under NCLB. She agreed with Mr. Carreiro's comments regarding the timing of the presentation on the filing of a lawsuit, and stated that implementing the strategic plan would bring all of the schools up to par.

Mr. Armstrong asked Mr. Richardson about transportation options for students who attend charter schools and about accountability requirements which are applied to public schools but not charters. He asked why the charter schools aren't being held accountable for the specific provisions of their charter applications.

Mr. Richardson reported that Commissioner Kimbrell had set up a team to more closely monitor charter school performance. He also reported that one of the recently approved charter schools in Pulaski County was specifically planned to meet the needs of students from lower socio groups who hadn't historically performed well in the regular school setting. He assured the Board that charter schools would undergo increased scrutiny. He noted that the State Board had recently approved the conversion charter for Cloverdale Aerospace Middle School in the LRSD.

Mr. Kurrus made a motion to authorize our lawyers, including John Walker, to initiate a ninety day period of intense discussion to settle the issue amicably. He requested monthly updates, (in April, May and June), and by the July board meeting to have reached a settlement, or if not to file the motion at that time. Ms. Fox seconded the motion.

Dr. Daugherty spoke in opposition to the motion, stating that litigation is necessary due to a violation by the State of the 1989 settlement agreement. He expressed belief that the State had violated that contract and that there wasn't anything to prevent them from violating any new agreement. Mr. Kurrus responded, stating that any agreement would have to be comprehensive and clear, concise and enforceable.

Mr. Heller also commented, stating that there was no evidence that the State Board of education would change the way they are operating as far as approval of charter schools. He used as an example the initial conditions imposed by the State for the new UCPC charter school, to require inclusion of a percentage of underperforming students who receive free-reduced lunch. The State then reversed the limitations at their next meeting.

The Board requested a roll call vote, and the motion **failed 3-3-1**, with Mr. Carreiro, Ms. Fox and Mr. Kurrus voting in favor, Mr. Armstrong, Dr. Daugherty, and Dr. Mitchell, voting no, and Ms. Curry abstaining.

The Board recessed at 7:27 p.m. and returned at 7:45 p.m.

Upon return from recess, Dr. Daugherty made a motion to authorize the district's attorneys to move forward in enforcement of the 1989 settlement agreement including possible negotiations and litigation. Ms. Curry seconded the motion, and in a roll call vote, the motion **carried 4-3**, with Mr. Armstrong, Dr. Daugherty, Dr. Mitchell and Ms. Curry voting in favor and Mr. Carreiro, Ms. Fox, and Mr. Kurrus voting no.

II. Approval of New Futures / Stimulus Project Contract

The administration requested approval to enter into a contract with New Futures for Youth to provide school based youth intervention strategies funded by the American Recovery and Reinvestment Act (ARRA). The project was specified at the time the stabilization funding application was submitted in August 2009. However, additional board consideration was required due to the fact that Dr. Mitchell also served as a member of the New Futures for Youth Board of Directors.

Dr. Watson reported that the administration had not been aware that Dr. Mitchell served on the New Futures board or that there would be any conflict of interest at the time of the vote. A waiver was requested from the Arkansas Department of Education, however Dr. Mitchell stepped down from the New Futures board, and it was recommended that the contract be brought back to the Board for approval.

Mr. Eddings responded to questions from the Board regarding the terms of the contract and suggested that a provision be inserted to include "until stimulus funds are expended." Noting that this was a new agreement, not yet officially executed, he suggested that it was better to vote on the agreement under the specified time frame, and then bring it back for approval if an extension of the stimulus funds becomes available. The contract will provide one school-based person at each of the four high schools - - Central, Fair, Hall and McClellan.

Mr. Kurrus expressed concern that these school-based New Futures counselors don't have to be certified as school counselors. Mark Perry from New Futures for Youth was present to respond. The intervention specialists would not report to the school principal, but would report directly to the New Futures coordinator who would report directly to Mr. Perry. They would work with the school staff, report any concerns or issues to the school staff, but would not be school district employees.

Mr. Bailey responded to questions regarding the reporting of stimulus spending to the ADE, and the process which has been specified for billing and payments. Questions posed by Mr. Eddings and Board members will be answered and specified in the contract before it is signed.

Mr. Eddings clarified his participation in the contract review and development. He was not initially involved with the contract and was only asked to provide a review and opinion on the conflict of interest issues with respect to Dr. Mitchell's service on the Board of New Futures.

Mr. Perry encouraged the Board to move forward in the interest of time. He discussed the benefits of developing relationships with students before summer break. The initiative will provide an opportunity for the New Futures staff to continue in partnership with the young people in LRSD who need an advocate.

Ms. Fox spoke in opposition to the contract. Although she expressed no opposition to the intervention aspects of the proposal, she had reservations with the contract and the addition of personnel who would not continue after the stimulus funds are gone.

Dr. Mitchell spoke in support of the contract and stressed the importance of having the intervention personnel in the schools to assist students who need the additional support. She made a motion to approve the contract with the changes suggested by Mr. Bailey and Mr. Eddings. Ms. Curry seconded the motion and it **carried 4-3**, with Ms. Fox, Mr. Carreiro and Mr. Kurrus voting no.

ADJOURNMENT

There being no further business before the board, the meeting adjourned at 8:13 p.m.

APPROVED: 04-22-10

Originals Signed by:
Charles Armstrong, President
Jody Carriero, Secretary