

LOUISIANA STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

JULY 19, 2007

The Louisiana Purchase Room Baton Rouge, LA

The Louisiana State Board of Elementary and Secondary Education met in special session on July 19, 2007, in the Louisiana Purchase Room, located in the Claiborne Building in Baton Rouge, Louisiana. The meeting was called to order at 9:20 a.m. by Board President Linda M. Johnson.

Board members present were: Mr. Dale Bayard, Ms. Polly Broussard, Ms. Glenny Lee Buquet, Dr. Edgar Chase, Ms. Leslie Jacobs, Ms. Linda M. Johnson, Dr. James Stafford, and Ms. Mary A. Washington.

Ms. Penny Dastugue, Ms. Louella Givens, and Mr. Walter Lee were absent.

Ms. Connie Aucoin served as the Hearing Officer for Agenda Item 5, "Consideration of extension or revocation of the Charter with Innovators in Milestones, Inc." Mr. Charles Patin, Jr., and Mr. Max Kees, attorneys with Kean Miller, represented Innovators in Milestones, Inc.; and Ms. Uma Subramanian, Office of the Attorney General, represented the Board of Elementary and Secondary Education.

Representing the Department were Ms. Patti Wallace, Mr. Kyle Wedberg, and Mr. Jason France.

Mr. Kevin Ebarb represented EdGear, LLC.

Agenda Item 3 On motion of Dr. Stafford, seconded by Mr. Bayard, the Board approved the agenda as printed and disseminated. (Schedule 1)

Agenda Item 4 On motion of Mr. Buquet, seconded by Mr. Bayard, the Board approved the minutes of June 11, 2007.

On motion of Dr. Stafford, seconded by Mr. Bayard, the Board agreed to take Agenda Items 6, 8, 9, and 10 out of order.

Agenda Item 6 **NOTE:** This matter was referred back to Legal/Due Process Committee.

On motion of Ms. Jacobs, seconded by Mr. Bayard, the Board deferred until August 2007 "Consideration of allowing the reinstatement of the Type B teaching certificate for Mr. John Rougeou." (Schedule 2)

Agenda Item 8 **NOTE:** See the motion pertaining to Agenda Item 8 on pages 4 and 5 for the Board's final action on this item.

Board members received information from the Department regarding the contract with EdGear, LLC. Board members were also provided copies of a memorandum dated July 13, 2007, from Ms. Beth Scioneaux to Ms. Patti Wallace regarding "Special Consideration of Contract with EdGear, LLC," and a memorandum dated July 18, 2007, from Mr. Kyle Wedberg to BESE Members and Ms. Penny Dastugue, Finance Chair, concerning the EdGear Contract.

Ms. Jacobs offered a motion, seconded by Mr. Broussard, that the Board approve the contracts with Louisiana State University; Public Consulting Group; and EdGear, LLC, as presented by the Department.

Ms. Washington requested that the Department provide information regarding the experiences of the districts dealing with EdGear, LLC; whether or not those districts have been receiving information from EdGear in a timely manner; and verification that the complaints those districts have are not related to the company's software.

The Board deferred action on this item until later in the meeting.

Agenda Item 9 **Received and/or Referred**

Agenda Item 9-A On motion of Ms. Washington, seconded by Ms. Jacobs, the Board received and referred to the Legal/Due Process Committee: Consideration of allowing the reinstatement of the Louisiana Teaching Certificate for Mr. Calvin Caesar. (Schedule 3)

Agenda Item 9-B On motion of Ms. Washington, seconded by Ms. Jacobs, the Board received and referred to the Legal/Due Process Committee: Consideration of allowing the issuance of a teaching certificate appropriate to her credentials for Ms. Julie Cortez McCarty. (Schedule 4)

Agenda Item 10 On motion of Ms. Washington, seconded by Dr. Chase, the Board approved out-of-state travel requests for Ms. Linda Johnson and Ms. Louella Givens to attend a meeting with Senator Mary Landrieu on August 1-3, 2007, concerning federal funding for a boarding school for at-risk students to be located in New Orleans, Louisiana. (Schedule 5)

The Board returned to the regular agenda order.

Agenda Item 5 Ms. Johnson introduced and turned the meeting over to Ms. Connie Aucoin, who served as the Hearing Officer for Agenda Item 5, "Consideration of extension or revocation of the Charter with Innovators in Milestones, Inc."

Ms. Aucoin outlined the process that would be followed regarding receipt of evidentiary documents and testimony concerning this item.

Ms. Uma Subramanian, the attorney representing BESE, and Mr. Charles Patin, the attorney representing Innovators in Milestones, Inc., provided brief opening statements.

During the introduction of evidentiary documents and testimony from Ms. Mary Louise "Weegie" Peabody, Executive Director of the Board of Elementary and Secondary Education, Mr. Charles Patin requested a recess in order to confer with Judge Janice Clark regarding clarification of the parameters of the Temporary Restraining Order issued by the court.

Ms. Aucoin stated that she would allow the recess and would meet privately with the attorneys prior to all parties meeting with Judge Clark.

The Board recessed at 10:36 a.m. and reconvened at 10:50 a.m. Ms. Johnson asked that the record reflect that Mr. Dale Bayard, Ms. Polly Broussard, Ms. Glenny Lee Buquet, Dr. Edgar Chase, Ms. Leslie Jacobs, Ms. Linda M. Johnson, Dr. James Stafford, and Ms. Mary A. Washington were present.

Ms. Johnson stated that the Board would consider Agenda Item 7 at this point in the meeting.

Agenda Item 7 On motion of Ms. Washington, seconded by Ms. Jacobs, the Board approved the staff recommendation and defined the kind of charter school that can be applied for in the 2008 charter application cycle as: An institution consisting of an adequate physical plant where instructional staff members and students assemble and where instruction of students takes place. (Schedule 6)

The Board recessed for lunch at 11:00 a.m. and reconvened at 12:36 p.m.

Board members present were: Mr. Dale Bayard, Ms. Polly Broussard, Ms. Glenny Lee Buquet, Dr. Edgar Chase, Ms. Leslie Jacobs, Ms. Linda M. Johnson, Dr. James Stafford, and Ms. Mary A. Washington.

At this point in the meeting, Ms. Johnson stated that the Board would consider Agenda Item 8.

The Department provided Board members with a handout entitled, "EdGear Software Accuracy Analysis." Mr. Jason France with the Department's Information Technology section provided a report regarding EdGear's performance in working with the Department and districts.

Mr. Kevin Ebarb, Senior Project Manager for EdGear, LLC, answered Board members' questions.

Agenda Item 8 On motion of Ms. Jacobs, seconded by Ms. Broussard, the Board approved the following contracts:

Executive Office of the Superintendent

1. Contractor Name: Louisiana State University
 Previous Contract: Yes
 Begin Date: 07/01/07
 End Date: 06/30/08
 Amount: \$40,000
 Source of Funds: Superintendent of Education – State

Description of Services: The contractor will provide professional staff services with regard to emergency preparedness for natural disasters and other crisis events that have affected and/or might affect educational settings, including schools, school districts, and educational organizations. The services will be provided through LSU's College of Arts and Sciences – Disaster Science and Management Program.

Recovery School District

2. Contractor Name: Public Consulting Group
 Previous Contract: Yes
 Begin Date: 07/09/07
 End Date: 10/31/07
 Amount: \$270,000
 Source of Funds: Federal – IAT

Description of Services: The contractor will provide the following services: (1) registration for 2007-2008 school year; (2) close out for 2006-2007 school year; (3) capturing basic summer school registration and credit recovery data; and (4) testing and implementing the basic functionality of a student information system to facilitate accurate enrollment, attendance, and discipline reporting on the first day of school.

(Motion continues on page 5)

- 3. Contractor Name: EdGear, LLC
Previous Contract: Yes
Begin Date: 07/01/07
End Date: 06/30/10
Amount: \$2,246,700
Source of Funds: Federal – IAT

Description of Services: The contractor will provide a complete operational computer system (SIS) for running RSD schools at the administrative level.

(Schedule 7)

At this point in the meeting, the Board discussed how it should proceed regarding consideration of Agenda Item 5.

Agenda Item 5 On motion of Ms. Jacobs, seconded by Mr. Bayard, the Board directed that:

- 1. in the event the Temporary Restraining Order issued on July 16, 2007, in Suit Number C557232, Nineteenth Judicial District Court, is not expanded to prohibit the Board from considering the educational objectives submitted by Innovators in Milestones, Inc., and set forth in the Type 2 Charter for Innovators in Milestones, Inc., the revocation hearing scheduled for and commenced on July 19, 2007, be reset for July 30, 2007;

or

- 2. in the event the Temporary Restraining Order issued on July 16, 2007, in Suit Number C557232, Nineteenth Judicial District Court, is expanded to prohibit the Board from considering the educational objectives submitted by Innovators in Milestones, Inc., and set forth in the Type 2 Charter for Innovators in Milestones, Inc., the Office of the Attorney General is authorized to request that the court set the preliminary injunction hearing within the time period mandates for the setting of such a hearing, as set forth in law.

(Schedule 8)

With no further business to come before the Board, the meeting was adjourned at 12:58 p.m.