

LOUISIANA STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

FEBRUARY 19, 2009

**The Louisiana Purchase Room
Baton Rouge, LA**

The Louisiana State Board of Elementary and Secondary Education met in regular session on February 19, 2009, in the Louisiana Purchase Room, located in the Claiborne Building in Baton Rouge, Louisiana. The meeting was called to order at 9:15 a.m. by Board President Keith Guice and opened with a prayer by Ms. Frankie Day, a first grade teacher at the LSU Lab School.

Board members present were: Mr. Dale Bayard, Mr. John Bennett, Ms. Penny Dastugue, Mr. Jim Garvey, Ms. Louella Givens, Mr. Keith Guice, Ms. Linda Johnson, Mr. Walter Lee, Ms. Tammie McDaniel, and Mr. Chas Roemer.

Ms. Glenny Lee Buquet was absent.

Ms. Staci Thomas, a kindergarten teacher at A.C. Steere Elementary School, led the Pledge of Allegiance.

Agenda Item 5 On motion of Mr. Bayard, seconded by Ms. Dastugue, the Board approved the agenda as printed and disseminated, with the addition of Emergency Agenda Items 16 – 18. (Schedule 1)

Agenda
Item 6

Motion 6A On motion of Ms. Givens, seconded by Ms. Dastugue, the Board received and referred to the State Authorized School Oversight Committee: "Consideration of a discussion regarding transfer of schools to the jurisdiction of the Recovery School District for operation as charter schools or for operation by Education Management Organizations (EMOs)."

Motion 6B On motion of Ms. Dastugue, seconded by Mr. Garvey, the Board amended Motion 9-G-4 of the January 15, 2009, minutes as follows:

Motion 9-G-4

On motion of ~~Mr. Garvey~~ Ms. Dastugue, seconded by ~~Ms. McDaniel~~ Mr. Garvey, the Board approved the recommendations of the Department to: ~~place schools that will be transferred to the Recovery School District for supervision through a Memorandum of Understanding or as Direct Management~~

1. permit schools to remain under the jurisdiction of their respective local school boards and to be operated by their respective local school boards pursuant to a Memorandum of Understanding between the Department of Education and the school's local school board, and with regard to the MOU schools, that such schools can be transferred to the jurisdiction of the Recovery School District under the conditions set forth in the Department's recommendation and

2. transfer schools to the jurisdiction of the Recovery School District for operation as charter schools or for operation by Education Management Organizations (EMOs).

The following schools were approved for ~~supervision~~ operation through a Memorandum of Understanding:

Caddo Parish

Oak Park Elementary,
Barrett Elementary,
J.S. Clark Middle,
Caddo Heights Elementary,
Green Oaks High,
Fair Park High,
Woodlawn High, and
Booker T. Washington High;

Calcasieu Parish

Reynaud Middle;

East Baton Rouge

Winbourne Elementary,
Istrouma High,
Greenville Elementary, and
Claiborne Elementary;

(Motion continues on page 3)

East Carroll Parish

Lake Providence/Griffin Junior High;

Franklin Parish

Winnsboro Elementary;

Louisiana Department of Education (EBRP)

Louisiana School for the Deaf;

Madison Parish

Madison Middle (with feeder schools: Tallulah and Wright Elementary);

Rapides Parish

Reed Avenue Elementary and
Ewell S. Aiken Optional (EMO/Alternative Provider);

Richland Parish

Delhi High;

St. Helena Parish:

St. Helena Central Middle (with feeder schools: St. Helena Central Elementary and St. Helena Central High);

St. James Parish

Romeville Elementary;

St. Landry Parish

St. Landry Accelerated Transition.

The following schools were approved for transfer to the jurisdiction of the Recovery School District for Direct Management by the state operation as charter schools or for operation by Education Management Organizations (EMOs):

Caddo Parish

Linwood Middle and
Linear Middle;

East Baton Rouge Parish

Park Elementary,
Kenilworth Middle,
Banks Elementary,

(Motion continues on page 4)

Dalton Elementary,
Capitol Elementary,
Crestworth Middle,
Capitol Middle, and
Lanier Elementary.

Mr. Bayard and Ms. Givens were recorded as being opposed to the motion.

Motion 6C On motion of Ms. Dastugue, seconded by Mr. Garvey, the Board amended Motion 9-G-7 of the January 15, 2009, minutes as follows:

Motion 9-G-7

On motion of ~~Mr. Garvey~~ Ms. Dastugue, seconded by ~~Ms. McDaniel~~ Mr. Garvey, the Board approved:

- 1) as Declaration of Emergency ~~for an additional 120-day period (2/19/09-6/18/09)~~, effective from 2/19/09 – 6/18/09 or until finally adopted as a Rule, Bulletin 1706, *Regulations for Implementation of the Children with Exceptionalities Act* (R.S. 17:1841, et. seq.), Subpart A. Regulations for Students with Disabilities, §464. Admission and Release; and
- 2) as Notice of Intent revisions to Bulletin 1706, *Regulations for Implementation of the Children with Exceptionalities Act* (R.S. 17:1841, et. seq.), Subpart A. Regulations for Students with Disabilities, §464. Admission and Release.

Motion 6D On motion of Mr. Lee, seconded by Mr. Bayard, the Board approved the minutes of January 15, 2009, as amended, and approved the minutes of February 4, 2009.

Agenda **Notices of Intent**
Item 7

There were no Notices of Intent ready for final adoption at this time.

The Board agreed to take Agenda Item 17, "Consideration of endorsing a Lincoln Penny Drive sponsored by the Secretary of State Jay Dardenne," out of order.

Agenda Item 17 On motion of Ms. Johnson, seconded by Ms. Givens, the Board adopted the following Resolution:

A RESOLUTION

WHEREAS, 200 years ago this month, Abraham Lincoln was born in Hardin County, Kentucky; and

WHEREAS, Mr. Lincoln later went on to be elected the 16th President of United States; and

WHEREAS, Mr. Lincoln and his wife, Mary Todd, were the parents of four sons, but only one lived to adulthood, due to two sons' dying from tuberculosis and one son's dying from typhoid fever; and

WHEREAS, the Louisiana Abraham Lincoln Bicentennial Commission has launched a campaign to collect Lincoln pennies in our state to send to the United Nations International Children's Emergency Fund (UNICEF), to help UNICEF work worldwide to combat tuberculosis and typhoid fever; and

WHEREAS, that project by the Louisiana Abraham Lincoln Bicentennial Commission, is called the "Children's Lincoln Penny Campaign," and is chaired by Jay Dardenne, Louisiana's Secretary of State.

NOW, THEREFORE, BE IT RESOLVED by the Louisiana State Board of Elementary and Secondary Education and the Louisiana State Department of Education, on this the 19th day of February 2009, that they support the "Children's Lincoln Penny Campaign," and respectfully request that all local public elementary and secondary education agencies in Louisiana also support that campaign through their local schools.

L. Keith Guice
Board President

Paul G. Pastorek
State Superintendent of Education

(Schedule 2)

The Board returned to the regular agenda order.

Agenda
Item 8**Report by the State Superintendent of Education**

- Superintendent Pastorek stated that President Obama signed the federal stimulus bill into law earlier this week allowing federal dollars to come into Louisiana for various projects aimed at strengthening the economy and filling in budget holes created by state funding shortages.
 - According to *Education Week* magazine, already this fiscal year more than a dozen states have made cuts to education because of budget deficits.
 - Louisiana is also mentioned as one of seven states with the biggest budget problems looming ahead in 2010.
 - Education is a major benefactor of these stimulus funds, and now is Louisiana's chance to demonstrate that it is a good steward of the people's money by thoughtfully and effectively investing in the future success of its children.
 - People across the nation will be carefully monitoring the projects and initiatives that are funded through the stimulus package, and they expect measurable results to be achieved with these funds.
 - A quick review of stimulus package shows total funding of \$787 billion. Education will receive \$115 billion. Highlights of the education funding include:
 - \$53.6 billion in state aid for schools/critical needs,
 - \$13 billion for Title I,
 - \$12.2 billion for special education,
 - \$2.1 billion for Headstart,
 - \$2 billion for childcare development,
 - \$900 million for technology,
 - \$400 million for teacher quality,
 - \$70 million for the education of homeless students, and
 - \$250 million in other funding.

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- While Louisiana must wait for the specifics and details of its share of the funding, the Department has reached out to the districts and requested that they submit to the Department some of their plans for using stimulus funds.
 - So far, 57 districts have responded, and the Department will work with those districts to review the plans and prioritize their projects.
- The Department held a status update on the Educational Mission to Prepare Louisiana's Youth (EMPLoY) pilot program.
 - Working with our partnering state agencies and key district personnel, the Department was able to get feedback on the progress of the program and any opportunities or challenges the districts are facing.
 - Superintendent Pastorek stated that he was pleased to announce that the Department of Social Services will provide funding for JAG job specialists to work with each of the 14 EMPLoY school districts addressing the needs of student participants.
 - The roughly 550 students in the EMPLoY program are dually enrolled in courses that teach skills in welding, allied health professions (nursing assistant), carpentry, graphic arts, auto mechanics, collision repair, child care, electrical, construction, drafting, computer electronics, and more.
 - It is the Department's hope that, after reviewing results of the pilot program, it can expand the program to include more districts in the fall.
 - The EMPLoY program is aimed at teaching students career skills so they are less likely to drop out. It is one of several initiatives that target struggling students and work to prevent them from dropping out.
- While EMPLoY was being launched last month, the Department also began a series of eight regional dropout summits, bringing together local community leadership teams to tackle the dropout crisis.
 - All total, more than 1,000 people attended the regional summits and began the process of developing grass roots plans to work as a community to keep students in school.

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- Superintendent Pastorek stated that a Superintendent's Institute was recently coordinated by Deputy Superintendent Ollie Tyler, with help from the DOE staff.
 - This first institute was born out of requests made by local superintendents during the inaugural Superintendent's Retreat last fall, which focused on best practices for adolescent literacy and offered superintendents an opportunity to listen to a national expert and share ideas in small groups. Most of the feedback received was positive, and Superintendent Pastorek hopes to schedule similar institutes in the future.
- Every fall, Lowell Milken and representatives from the Milken Family Foundation present \$25,000 awards to unsuspecting teachers in schools across the country. Last year, out of roughly 80 teachers nationwide who received Milken awards, three were from Louisiana. These teachers are valued as some of the best in their field and have a proven track record of success in the classroom. Next month they will travel to the national education conference in Los Angeles, California, where they will attend a special gala in their honor and receive their prize checks.
 - Superintendent Pastorek recognized and presented the official Milken Educator Award obelisk and a certificate from the Department and BESE to three of Louisiana's top teachers who were selected as Milken Educator Award winners for 2008. The recipients were:
 - Ms. Frankie Day, a first grade teacher at the LSU Lab School in Baton Rouge, Louisiana. Ms. Day is a 17-year veteran in the classroom.
 - Ms. Lynn Foy, a first grade teacher at Joseph A. Craig Elementary School in the Recovery School District in New Orleans, Louisiana. Ms. Foy has 13 years of teaching experience.
 - Ms. Staci Thomas, a kindergarten teacher at A.C. Steere Elementary School in Caddo Parish. Staci has also been teaching for 13 years.

Agenda **Board Administration/Relations Committee (COW)** (Schedule 3)
Item 9-A1

9-A1-1 On motion of Ms. Johnson, seconded by Ms. Givens, the Board approved the out-of-state travel requests to be reimbursed by BESE for:

- 1) Ms. Tammie McDaniel to attend the NASBE Study Group in Alexandria, VA, on March 13-14, 2009, and to attend the Leadership Session II of the College and Career-Ready Policy Institute in Scottsdale, AZ, on March 25-27, 2009.

9-A1-2 On motion of Ms. Johnson, seconded by Ms. Givens, the Board authorized conducting the Eligibility Review of 8(g) Competitive Proposals for FY 2009-2010 with LDE staff and authorized Board staff to notify ineligible applicants of the appeals process.

9-A1-3 On motion of Ms. Johnson, seconded by Ms. Givens, the Board authorized Board staff to approve the appeals of ineligible 8(g) competitive proposals requesting funding for FY 2009-2010 allowing those proposals to move forward for consideration only if a letter of appeal, signed by the agency head, is submitted to the BESE office by April 1, 2009. The letter must address the specific eligibility criteria cited by the Eligibility Review Team and must include a justification for reconsideration.

9-A1-4 On motion of Ms. Johnson, seconded by Ms. Givens, the Board directed BESE staff to amend the asterisked language contained in the Program Components for FY 2009-2010 Statewide Projects; Exemplary Programs; Item 3.) LaSIP Professional Development (S017), as follows:

*Target schools include schools in High School Redesign/9th Grade Academies, LINCS, TAP, and schools participating in the LDE Literacy and Numeracy Initiative, ~~and other LDE high-priority schools.~~

9-A1-5 On motion of Ms. Johnson, seconded by Ms. Givens, the Board directed that in March 2009 the Department provide the Board, during its Board Administration/Relations Committee meeting, with a report that analyzes the practical implication of not funding the regional certification counselors with Local Teacher Quality funds in future years and in future years to more narrowly define the focus of these funds to literacy and numeracy.

9-A1-6 On motion of Ms. Johnson, seconded by Ms. Givens, the Board approved the program components of 8(g) statewide programs for FY 2009-2010, as amended in Motion 4 above.

9-A1-7 On motion of Ms. Johnson, seconded by Ms. Givens, the Board received the summary for all 2008 BESE policy actions, categorized by Committee, and retained this item on the BESE Retreat agenda for consideration in February of all subsequent years.

Agenda **Finance Committee (COW)** (Schedule 4)
Item 9-A2

9-A2-1 On motion of Ms. Dastugue, seconded by Ms. Givens, the Board received the report on the MFP formula.

Agenda **Legislative Committee (COW)** (Schedule 5)
Item 9-A3

9-A3-1 On motion of Ms. Givens, seconded by Mr. Lee, the Board received and approved the report requested by Senate Concurrent Resolution 30, which requests BESE to study and determine the feasibility of incorporating school leadership accountability factors into the computation of School Performance Scores.

9-A3-2 On motion of Mr. Garvey, seconded by Ms. Dastugue, the Board deferred until March 2009 consideration of the report regarding House Resolution 110, which requests BESE to study and make recommendations relative to participation in public school interscholastic athletic activities by students in state-approved home study programs.

9-A3-3 On motion of Mr. Garvey, seconded by Ms. Dastugue, the Board deferred until March 2009 consideration of the report regarding House Concurrent Resolution 115, which requests BESE, in consultation with the LHSA, to study and make recommendations relative to minimum academic eligibility requirements for student participation in interscholastic athletics and other extracurricular activities.

9-A3-4 On motion of Ms. Givens, seconded by Mr. Lee, the Board received and approved the report requested by House Resolution 154, which requests BESE to study certain issues relative to prohibiting inappropriate communications between students and public elementary and secondary school employees.

9-A3-5 On motion of Ms. Givens, seconded by Mr. Lee, the Board received and approved the report requested by House Concurrent Resolution 200, which requests and DHH and BESE jointly to study the feasibility and advisability to prohibiting public schools from serving foods containing trans fat to students.

9-A3-6 On motion of Ms. Givens, seconded by Mr. Lee, the Board received and approved the report requested by House Resolution 145, which requests BESE to study requiring governing authorities of K-12 public schools to record, maintain, and share certain personnel information relative to a determination that a school employee has committed misconduct with a student.

9-A3-7 On motion of Ms. Givens, seconded by Mr. Lee, the Board received and approved the report requested by Senate Resolution 175, which requests BESE to establish a group to study and make recommendations to the legislature relative to group health insurance coverage afforded to charter school employees.

9-A3-8 On motion of Ms. Givens, seconded by Mr. Lee, the Board directed the Department to seek legislation that would relieve the local school systems from the constraints of the LA 4 statute section RS 17:24.10.D.6., which requires that each participating system: "Maintain in each year of participation pursuant to this Section the same total level of funding from any source for programs or classes of early childhood education or child care provided in the year prior to such participation."

Further, the Board directed the Department to develop a report that shows the impact of this legislation.

Agenda **Board Advisory Council Reports**
Item 10

Agenda **Parish Superintendents' Advisory Council** (Schedule 6)
Item 10-A

On motion of Ms. Dastugue, seconded by Mr. Lee, the Board received the minutes of the Parish Superintendents' Advisory Council meeting held February 5, 2009, and approved the tentative agenda for April 2, 2009.

Agenda **Special Education Advisory Council** (Schedule 7)
Item 10-B

On motion of Ms. Dastugue, seconded by Mr. Lee, the Board received the minutes of the Special Education Advisory Council meeting held February 4, 2009, and approved the tentative agenda for May 6, 2009.

Agenda
Item 11

Board Advisory Council Appointments

(Schedule 8)

On motion of Ms. Givens, seconded by Ms. Dastugue, the Board approved the appointment of Superintendent Philip Martin to the Parish Superintendents' Advisory Council upon the recommendation of Ms. Glennie Lee Buquet. Superintendent Martin replaces former Superintendent Ed Richard on the Council.

On motion of Ms. Givens, seconded by Ms. Dastugue, the Board approved the appointment of Mr. Kevin Gutterrez to the School and District Accountability Commission upon the recommendation of Ms. Caroline Roemer Shirley, Executive Director of the Louisiana Charter School Association. Mr. Gutterrez fills a vacancy on the Commission.

On motion of Ms. Givens, seconded by Ms. Dastugue, the Board approved the appointment of Ms. Carol Price to the School and District Accountability Commission upon the recommendation of Ms. Tammie McDaniel. Ms. Price replaces Mr. Danny Pennington on the Commission.

Agenda
Item 12

Received and/or Referred

Agenda
Item 12-A

On motion of Ms. Dastugue, seconded by Mr. Bennett, the Board received and referred to the Nonpublic School Commission: "Consideration of revisions to Nonpublic Bulletin 741, *Louisiana Handbook for Nonpublic School Administrators*, regarding credit recovery."

Agenda
Item 12-B

On motion of Ms. Dastugue, seconded by Mr. Bennett, the Board received and referred to the Special Education Advisory Council: "Consideration of a discussion regarding districts' unused IDEA funds."

Agenda
Item 13

On motion of Ms. Givens, seconded by Mr. Bennett, the Board revised the Louisiana Educational Assessment Program Spring Testing dates for 2010, as follows:

- the test dates will be April 12-16, 2010, and
- the test make-up dates will be April 19-21, 2010.

A Roll Call Vote was taken.

Yeas: Mr. Bayard, Mr. Bennett, Ms. Dastugue, Mr. Garvey, Ms. Givens, Ms. Johnson, Mr. Lee, and Mr. Guice.

(Motion continues on page 13)

Nays: Ms. McDaniel and Mr. Roemer.

Absent: Ms. Buquet.

The motion passed.

(Schedule 9)

Agenda Item 14 On motion of Mr. Bayard, seconded by Ms. Givens, the Board approved the appointment of Ms. Linda Collier as the BESE Executive Administrative Assistant effective March 2, 2009.

The Board agreed to take Agenda Item 16, "Received and/or Referred," out of order.

Agenda Item 16 **Received and/or Referred**

Agenda Item 16-A On motion of Mr. Roemer, seconded by Ms. McDaniel, the Board received and referred to the School and District Accountability Commission: "Consideration of a discussion that addresses the issues concerning large student population changes resulting from desegregation orders, such as the recent order in Jefferson Parish."

Agenda Item 16-B On motion of Ms. Givens, seconded by Mr. Bayard, the Board received and referred to the High School Redesign Committee: "Consideration of correspondence from Mr. Michael Deshotels dated January 3, 2009, regarding revising and expanding graduation opportunities for students who are struggling with high stakes testing."

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Ms. Johnson stated that in March 2009 the Department will provide the Board with information regarding the accountability of students who are in the transformational schools. She requested that the report include additional information on which districts in Louisiana are affected by the PreK - 2 pairing.

Ms. Givens requested that the Department provide the Board with information on the educational plan for students in the transformational schools in Orleans Parish.

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On motion of Ms. Givens, seconded by Ms. Johnson, the Board received and referred to the State Authorized School Oversight Committee: "Consideration of a report on the New Teacher Project, placement of teachers in the Orleans Parish schools, and the outcome."

The Board returned to the regular agenda order.

On motion of Ms. Johnson, seconded by Ms. Givens, the Board went into Executive Session at 11:30 a.m. to discuss litigation concerning Eddy Oliver, et al. v Orleans Parish School Board, et al., Civil District Court, Parish of Orleans, Suit No. 05-12244, Division "N"; and Mary Triplett, et al. v. Board of Elementary and Secondary Education and the Louisiana Department of Education, through Paul G. Pastorek, in his official capacity as Superintendent of Education, et al., 9th Judicial District Court, Parish of East Baton Rouge, Suit No. 575277.

A Roll Call Vote was taken.

Yeas: Mr. Bayard, Ms. Dastugue, Mr. Garvey, Ms. Givens, Ms. Johnson, Mr. Lee, Ms. McDaniel, Mr. Roemer, and Mr. Guice.

Nays: None.

Absent: Mr. Bennett and Ms. Buquet.

The Roll Call Vote on the motion to go into Executive Session passed. It was noted that no votes would be taken while the Board was in Executive Session; all votes would be made in public.

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On motion of Ms. Johnson, seconded by Ms. Dastugue, the Board reconvened into Regular Session at 12:19 p.m. A quorum was present.

Agenda Item 15 On motion of Mr. Bayard, seconded by Ms. Dastugue, the Board received the report regarding litigation concerning Eddy Oliver, et al. v Orleans Parish School Board, et al., Civil District Court, Parish of Orleans, Suit No. 05-12244, Division "N".

Agenda Item 18 On motion of Mr. Bayard, seconded by Ms. Dastugue, the Board received the report regarding litigation concerning Mary Triplett, et al. v. Board of Elementary and Secondary Education and the Louisiana Department of Education, through Paul G. Pastorek, in his official capacity as Superintendent of Education, et al., 9th Judicial District Court, Parish of East Baton Rouge, Suit No. 575277.

With no further business to come before the Board, the meeting was adjourned at 12:20 p.m.