

ARKANSAS STATE BOARD OF EDUCATION

FEBRUARY 8, 2024

9:00 a.m.

A P P E A R A N C E S

BOARD MEMBERS:

DR. SARAH MOORE, Chairman
MS. KATHY McFETRIDGE-ROLLINS
MS. LISA HUNTER
MR. JEFF WOOD
MS. ADRIENNE WOODS
MR. KEN BRAGG
MS. LEIGH S. KEENER

NON-VOTING PARTICIPANTS:

MR. JACOB OLIVA, ADE Secretary
MS. STACY SMITH, Deputy Secretary of Education
MS. HOPE WORSHAM, Assistant Commissioner of Public
School Accountability
MS. CAPRI SALAAM, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MR. ANDRES RHODES, ADE Chief Legal Counsel

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
- Auditorium
#4 Capitol Mall
Little Rock, AR 72201

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PROCEEDINGS

1: ONE-YEAR STANDARDS FOR ACCREDITATION WAIVER REQUESTS

1A: ONE-YEAR STANDARDS FOR ACCREDITATION WAIVER REQUESTS -
ALPENA PUBLIC SCHOOL DISTRICT

CHAIR MOORE: So action agenda item one we have a standards for accreditation request from the Alpena School District.

MS. WORSHAM: Good morning, Hope Worsham, assistant commissioner of public-school accountability. We do have one waiver request today for class size. It's standard 1-A.5. The Alpena School district, when I spoke to them, they were at -- they were actually requesting one less student over. They had a student move out. But they are requesting the waiver for the remainder of the year. But I did speak to them; they do have support in the classroom for the teacher. The teacher was actually advocating for keeping the 30 students in her classroom which is two over what is in the standards for accreditation for that class size. And they actually rotate students; there's other teachers that help in the classroom. I believe Mr. Smith may be on. He was invited today if you have additional questions.

CHAIR MOORE: I see -- Mr. Smith, you're on Zoom.

1 today?

2 MR. SMITH: Yes, we are.

3 CHAIR MOORE: Thank you for joining us. Did you
4 all want to make any comments?

5 MS. CURRY: We would just like to say we did --
6 I'm the classroom teacher as well -- the sixth-grade
7 teacher. And we had -- I had a waiver last year
8 because I had 30 students and we had hired a teacher
9 at the end of last year -- the school year to be my
10 partner. However, a week before school started, we
11 were aware of something that would potentially cause
12 an issue for us, so she had to resign that Friday
13 before school started on Tuesday. And so we had a
14 lot of conversations about what we felt best -- would
15 be best for these students going forward and we
16 didn't feel that hiring a teacher at that point in
17 the year would be the best option for them. And so
18 that's the reason why we chose to ask for the waiver
19 for this year to keep them all together in my
20 classroom.

21 CHAIR MOORE: Thank you. And what is your name?

22 MS. CURRY: Sara Curry.

23 CHAIR MOORE: Thank you, Ms. Curry. We
24 appreciate you sharing that today and appreciate the
25 work you are doing in sixth grade.

1 Board Members, questions?

2 Ms. Rollins?

3 MS. McFETRIDGE-ROLLINS: Just reading through
4 the material it sounded like these students were also
5 in a rotating group --

6 MS. CURRY: Yes.

7 MS. McFETRIDGE-ROLLINS: -- that had --

8 MS. CURRY: So I teach fourth grade and sixth
9 grade literacy so I'm their literacy teacher and then
10 they go to a math teacher for part of the day and
11 then they go to a science and social studies teacher
12 for another part of the day. So they actually have
13 three of us as teachers.

14 MS. McFETRIDGE-ROLLINS: Okay. And you feel
15 well supported in the classroom as well as the other
16 teachers that have this group of students?

17 MS. CURRY: Yes, we all do. And two of us have
18 had these students previously and so they're very
19 comfortable with us and us with them. And we're all
20 veteran teachers and so we feel very confident in our
21 ability to continue this through the rest of the
22 year.

23 MS. McFETRIDGE-ROLLINS: Okay. Thank you.

24 CHAIR MOORE: And -- more questions, Ms. Keener?

25 MS. KEENER: Yeah. Just a quick question. This

1 is a waiver for the remainder of the year?

2 MS. WORSHAM: That is correct.

3 MS. KEENER: It would expire -- what' the --

4 MS. WORSHAM: June 30.

5 MS. KEENER: Okay. Thanks

6 MR. SMITH: Yes, that is correct.

7 CHAIR MOORE: More questions? Questions? QMs.
8 Woods, any questions?

9 MS. WOODS: (Shakes head side to side)

10 CHAIR MOORE: With that, then if there's no more
11 questions or comments, the floor is open for a
12 motion.

13 MS. McFETRIDGE-ROLLINS: I'll make a motion that
14 we support this waiver request.

15 CHAIR MOORE: A motion by Ms. Rollins to support
16 the waiver request; is there a second?

17 MS. HUNTER: Second.

18 CHAIR MOORE: A second by Ms. Hunter. All in
19 favor, say aye.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIR MOORE: Any opposed?

22 Motion passes.

23 Thank you. Thank you all for joining us on Zoom
24 today.

25 **2: CONSIDERATION OF DESE RULE GOVERNING PAYMENTS UNDER THE**

1 **EDUCATIONAL FREEDOM ACCOUNT PROGRAM**

2 CHAIR MOORE: Up next, we have two sets of
3 rules. The first is the rules governing payments
4 under the Education Freedom Account Program.

5 MR. RHODES: Good morning, Chair, Members of the
6 Board. We do have two rules before you. The first
7 are the permanent DESE rules governing payments under
8 the EFA accounts. This is not the full rule; this is
9 simply to process payments on a permanent basis. We
10 did receive some public comments, but none of them
11 were substantive. And we did make a few changes to
12 sections 1.01.1, 1.01.1.4 and then .5. Again, none
13 of them changed the spirit of the rule or any actual
14 substantive language or operative language, it was
15 simply to include participating school or service
16 provider to be consistent.

17 CHAIR MOORE: Thank you.

18 Board Members, questions? To my left, Ms.
19 Rollins? Questions, Mr. Bragg?

20 MR. BRAGG: No.

21 CHAIR MOORE: Ms. Salaam? Ms. Woods, questions?
22 Okay.

23 I do want to ask -- so this -- you just said, is
24 this going -- is there going to eventually be a rule
25 for the Education Freedom Accounts Program and this

1 will be a subsection of that; is that correct?

2 MR. RHODES: Correct. This language will
3 eventually be included in the permanent rules as
4 well. We didn't receive public comment on those
5 rules, and we are going to put it out for a second
6 hour of public comment. We're finalizing the changes
7 currently; we're not done yet. But --

8 CHAIR MOORE: Okay. But this one needed to be
9 prioritized?

10 MR. RHODES: Correct. It was to continue making
11 payments. Correct.

12 CHAIR MOORE: Okay.

13 Any more questions, Board Members?

14 The floor is open for a motion then.

15 MR. WOOD: I move to approve the rules.

16 MR. BRAGG: I second.

17 CHAIR MOORE: A motion by Mr. Wood; a second by
18 Mr. Bragg. All in favor, say aye.

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIR MOORE: Any opposed?

21 Motion passes.

22 MR. RHODES: Thank you, Chair.

23 **3: CONSIDERATION OF DESE RULE GOVERNING TUTORING GRANTS**

24 MR. RHODES: Thank you, Chair. The next rule on
25 your agenda are the tutoring grant rules. These are

1 the permanent rules. We're operating currently under
2 the emergency rules, and I know that we sent a press
3 release on January 30th. We did receive some public
4 comments on this rule. Again, none of them are
5 substantive effectively. Most of them were to add
6 the word "section" in front of the section number.
7 And then to make sure that parenthetical numbers were
8 right after the longhand. So for example, a 30, you
9 would write down thirty(30) and move on. Those are
10 effectively the only comments that were received.
11 And I'm open for any questions.

12 CHAIR MOORE: Board Members, questions to my
13 left? Ms. Rollins? Ms. Hunter?

14 MS. McFETRIDGE-ROLLINS: Yes. I understand that
15 families can apply to tutor outside of the classroom,
16 outside of the school. How do we help those parents
17 apply for these grants when they may not have access
18 to the internet to do it themselves? Do they get
19 help from the schools to apply?

20 MR. RHODES: I don't know if we have anybody
21 that's been communicating with schools that can help
22 with that question. Again, I'm --

23 MS. SALAS-FORD: Good morning. Courtney
24 Salas-Ford. So the school districts where those
25 students are notified, and they can also reach out

1 and assist the parents in accessing that information.
2 The parents can come to the school and use their
3 computers. Although, I don't believe everything is
4 electronic. But the school district is working very
5 closely with the parents and the identified students
6 to make sure that they can access that. So a
7 computer is not necessary.

8 MS. McFETRIDGE-ROLLINS: Okay.

9 MR. OLIVA: Additionally, we created what's
10 called a DigiLocker for the school districts to go
11 down and they can then write personalized letters to
12 each of the families that they can send home with the
13 students to go directly to the families as well. So
14 part of -- part of those processes is -- this is a
15 great point -- is getting the rules and everything
16 across the finish line because we had the emergency
17 rules that allowed us to start up with codifying a
18 new program now. But how we work with districts to
19 bring awareness is kind of the next big step and it's
20 going -- it's going to be a multitude of different
21 factors.

22 MS. SMITH: Yeah. And let me add one more
23 thing. Not -- Stacy Smith. Not every vendor on the
24 list is digital or computer based. You could have a
25 Tutoring Corp veteran teacher who is local that is

1 providing in-person tutoring. So not everyone is --
2 not every one of the vendors is digital. Okay. Some
3 are, but some are not. So that again, would go into
4 the decision by the parent about what they are going
5 to select.

6 MS. McFETRIDGE-ROLLINS: That's great. Okay.

7 CHAIR MOORE: While you're up here, Stacy, I
8 have another question if you don't mind. Or -- but
9 I'll let other Board Members go. Ms. Hunter? Ms.
10 Keener?

11 MS. KEENER: Well, is there -- is it a rule in
12 the application for vendors? Is there a cap on how
13 many or is it, like, needs to be approved by August?
14 You know, I didn't see any --

15 MS. SMITH: Yeah. So earlier this year, we put
16 out a -- from the Department of Ed -- we put out a
17 call for proposals from tutoring vendors where they
18 had to submit their application. And then that was
19 vetted by -- it was led by Missy Walley and her team,
20 and they went through and reviewed all the different
21 vendors and their -- their status: were they aligned
22 to the science of reading, what did they have to
23 offer? And then there is a spreadsheet made that has
24 everything listed on it. The vendors who are on for
25 the \$500 have to be aligned to the science of reading

1 and their primary focus is K-3. The high-impact
2 tutoring was broader; it's K-12, multiple subjects. And
3 so you will see different vendors on the literacy list and
4 then the high-impact list.

5 MS. KEENER: On the literacy list, whenever I
6 glanced at it, I thought gosh I hope we can get more.
7 So can people continue to apply or does that stop at
8 this point --

9 MS. SMITH: No, I believe it's actually still
10 open -- yeah. It's still open. We're still
11 accepting applications for that.

12 MS. KEENER: Okay. Great, thanks.

13 CHAIR MOORE: As far as -- Stacy, as far as the
14 identification of students, it's not based on the
15 end-of-the-year assessment; is it? I know that they
16 put it into core tiles.

17 MS. SMITH: So this last year, we -- last year
18 we pulled -- to identify kids for this year we did
19 start by pulling data from last year's --

20 CHAIR MOORE: Okay.

21 MS. SMITH: -- summative for students that were
22 in kindergarten through second grade to help us
23 identify the lowest core tile piece. And so that's
24 how we started. And then, we actually have data from
25 this year as well that has gone into that.

1 CHAIR MOORE: Okay. So they're -- besides
2 kindergarten, it's their interim assessment?

3 MS. SMITH: Yes. Yeah.

4 CHAIR MOORE: So do you want to --

5 MS. SMITH: Yeah. We had to go back and then
6 for current kindergartners to use that.

7 CHAIR MOORE: Yeah. Because I know -- I know
8 our assessment results for this year won't come back
9 till later, so more real-time information so that
10 we're not waiting for the results to come back.

11 MS. SMITH: Correct. And once we get our K-3
12 screener in place which will be early next year --
13 the requirement for screening early in the year --
14 that will be a tool that's used for kindergarten
15 early on.

16 CHAIR MOORE: Okay. And then, can you remind
17 me, the high-impact tutoring grants, are those ones
18 done by the school?

19 MS. SMITH: Yes. Those are --

20 CHAIR MOORE: Okay. And these are external
21 providers?

22 MS. SMITH: Uh-huh. But you -- in these set of
23 rules, you have both of those grants in there. So
24 the high-impact tutoring grants, most of those have
25 partnered with a vendor to provide high-dosage

1 tutoring during the school day. So you'll see -- and
2 you'll see some that are doing their own programs,
3 but most of them have done a partnership.

4 CHAIR MOORE: Okay. Thank you.

5 MS. McFETRIDGE-ROLLINS: So these dollar amounts
6 are figured on an annual basis?

7 MS. SMTIH: And it's based on allocation of
8 funding availability.

9 MS. McFETRIDGE-ROLLINS: Okay. And then who
10 decides -- who decides that? The --

11 MR. OLIVA: The legislature.

12 MS. McFETRIDGE-ROLLINS: Okay. So that can be
13 variable every year? Okay.

14 MR. BRAGG: I've got a question. Upon final
15 review at AOC, does this go into effect immediately
16 or is this for next year?

17 MS. SMITH: So there were emergency rules if you
18 want to talk about that.

19 MR. RHODES: Correct. So we have emergency
20 rules. Again, none of the changes were substantive
21 so effectively the rules are more or less the same.
22 We have authorization I think for probably another
23 three months because we got them approved last month.
24 And then -- as soon as these go into effect, ten
25 days after we AOC and submission to the Secretary of

1 State's office and state library, we would be
2 operating under the permanent rules and no longer the
3 emergency rules.

4 MR. BRAGG: Okay. Thank you.

5 CHAIR MOORE: I think one more just in thinking
6 about -- I know we talked about it last month -- but
7 the high-impact tutoring grants. Is there going to
8 be any sort of monitoring or data coming out around
9 it?

10 MS. SMITH: Yeah. So the legislation actually
11 outlines specific data reports that are due to the
12 Department. And it even outlines if a vendor cannot
13 show that their students are making progress, that
14 they can be removed from the list. And so there are
15 reports that are actually due to the legislature and
16 to the Department based on the progress of the
17 different vendors.

18 CHAIR MOORE: I would be curious if -- if there
19 would be conversation later on to move those
20 high-impact tutoring grants to the after-school
21 grants or summer grants as opposed to end-day
22 instruction.

23 MS. SMITH: So it's really based upon what best
24 practice is around high-dosage tutoring and what the
25 national definition is. There has actually been

1 research for a while about effective tutoring and
2 what that is. A lot -- and, I mean, it goes all the
3 way back even to like the -- the Odden-Picus adequacy
4 studies for -- for the Department. You will see
5 tutoring in there. But the research around
6 high-dosage is about during the school day and about
7 being a certified teacher, the curriculum alignment
8 piece, kind of that point in time need for tutoring
9 versus extended time. We did allow, in our high-
10 impact tutoring grants, districts to tell us, beyond
11 what they're doing in the school day, how can they
12 extend it and how can they go into the summer. So we
13 have tried to provide that flexibility, but we're
14 still trying to hold tight to what do we know
15 research says about outcomes.

16 CHAIR MOORE: I -- I totally understand that,
17 but also logistically it's hard to provide that for
18 students with -- and not have them miss core
19 instruction or supplement instruction that is
20 important as well.

21 MS. SMITH: I would agree with you.

22 MS. McFETRIDGE-ROLLINS: Is there any priority
23 given to a D or F school district?

24 MS. SMITH: The high-impact tutoring grants are
25 competitive so they're -- they submit them and when

1 we're looking at how we are determining who gets the
2 grant, there are those considerations in fact -- that
3 are factored in.

4 MS. McFETRIDGE-ROLLINS: Okay.

5 CHAIR MOORE: Any Board Members? Ms. Woods, do
6 you have any questions?

7 MS. WOODS: (Shakes head side to side)

8 CHAIR MOORE: Other questions or comments from
9 Board Members?

10 I think it would be great -- and we can talk
11 about it in the work session -- this would be
12 something that in -- in six months to a year --

13 MR. OLIVA: Sure.

14 CHAIR MOORE: -- getting an update on what we're
15 seeing in schools and how this is going and getting
16 an assessment.

17 MR. OLIVA: We're required to provide a report
18 annually --

19 CHAIR MOORE: Okay.

20 MR. OLIVA: -- so -- we will be happy --

21 MS. SMITH: Do you want to talk about Tuesday's
22 visit?

23 MR. OLIVA: Well, we can -- we actually have --
24 so we have these rules that are going in place around
25 the high-dosage tutoring, but we also earlier this

1 year to help support LEARNS implementation because
2 all -- a lot of this is really about how we're
3 targeting literacy in the state aligned with LEARNS
4 to make sure we're supporting students with access to
5 high-quality teachers, high-quality instruction and
6 getting intervention timely. We applied for a
7 competitive grant for a few districts to participate
8 in high-dosage tutoring as well and we were
9 successful in achieving and reaching that grant. It
10 was a million-dollar grant that we brought in to the
11 state above and beyond what we have gotten from the
12 legislature to support. So we actually have -- on
13 the 20th -- and we can send the Board information --
14 a showcase where we are going to spotlight some of
15 the high-dosage tutoring in action that's happening
16 in the Jacksonville schools.

17 MS. SMITH: It might be something you guys would
18 be interested in attending.

19 CHAIR MOORE: That's great. Thank you.

20 Questions? Comments, Board Members? Okay.

21 The floor will be open for a motion then on the
22 tutoring -- rules governing tutoring grants.

23 MR. BRAGG: I move that we accept the rules.

24 CHAIR MOORE: There is a motion to accept. Is
25 there a second?

1 MS. McFETRIDGE-ROLLINS: I'll second.

2 CHAIR MOORE: A motion by Mr. Bragg, second by
3 Ms. Rollins. All in favor, say aye.

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIR MOORE: Motion passes.

6 MR. RHODES: Thank you, Chair, Members of the
7 Board.

8 (The Action Agenda was concluded at 9:26 a.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS)

) ss

COUNTY OF PULASKI)

I, Miranda McEntire, Certified Court Reporter #852, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties in the action.

WITNESS MY HAND AND SEAL this 15th day of February, 2024.



MIRANDA MCENTIRE, CCR

Certified Court Reporter #852

