

ARKANSAS STATE BOARD OF EDUCATION

March 14, 2024
9:00 a.m.

A P P E A R A N C E S

PANEL MEMBERS:

DR. SARAH MOORE, Chair
MS. KATHY ROLLINS, Vice Chair
MS. ADRIENNE WOODS
MS. LISA HUNTER
MR. JEFF WOOD
MS. LEIGH KEENER
MR. KEN BRAGG

NON-VOTING PANEL MEMBERS:

MR. JACOB OLIVA, Secretary of Education
MS. CAPRI BELL SALAAM, Arkansas Teacher of the Year

ADE LEGAL COUNSEL:

MR. ANDRES RHODES, Chief Legal Counsel
MR. STEPHEN REYNOLDS, Legal Counsel
MS. COURTNEY SALAS-FORD, ADE Chief of Staff

LOCATION:

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

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P R O C E E D I N G S

V.1. (Removed from Agenda)

V.2. DISTRICT WAIVER REQUESTS FOR ALTERNATE SCHOOL CALENDAR

CHAIRMAN MOORE: So we will move on to the action item No. two, the District Waiver Requests for the Alternate School Calendar.

MS. SMITH: So, good morning. Stacy Smith, Deputy Commissioner.

So before you today, these are the same types of waiver requests that we requested at the special board meeting last month.

These, that you see before you right now, have to do with the alternate school calendar. These districts are only asking for the waiver of when they have to notify the Department on that July 1 deadline.

We have two different groups today, so I'll be asking for two different motions.

The first motion I'm going to be asking for is a motion to grant a waiver of the dates of Arkansas Code 6-10-106(g)(3), which a public school district board must notify the Division of its intent to implement a school calendar on July 1st and post the alternate calendar on their website by August 1st for the school year for the six districts that have

1 submitted a full waiver petition. The six districts
2 are DeQueen, Flippin, Hope Academy, Horatio, Imboden,
3 and Imboden Charter. So there's I think five there.

4 Let me make sure there's not supposed to be a
5 sixth district.

6 Andres, Stephen?

7 MR. ANDRES: No. That's correct. It's five.

8 MS. SMITH: Okay. So it's five districts.

9 So I'd ask for a motion to approve those.

10 CHAIRMAN MOORE: Okay. Board Members, questions
11 to my left? Ms. Hunter?

12 Questions to my right?

13 And I believe we do have districts on Zoom if
14 there was a specific question of a school district.

15 Okay. If not, then the floor is open for a
16 motion. And this will be specifically for these five
17 school districts' waiver requests.

18 MS. SMITH: Again, this would be --

19 CHAIRMAN MOORE: Any questions?

20 MS. SMITH: -- inclement weather days and
21 districts switching from a 178 traditional calendar
22 to an alternate calendar. And the waiver request has
23 to do with the notification date to the Department on
24 July 1.

25 MS. WOODS: So the only difference between the

1 top five and the bottom seven is the top have -- have
2 their boards already approved?

3 MS. SMITH: The top group has submitted all
4 documentation; the bottom group has to still do their
5 local board resolution and submit that to us. Most
6 of them have board meetings planned and it's on the
7 agenda --

8 MS. WOODS: Okay.

9 MS. SMITH: -- with the timing with this board.

10 MS. KEENER: And you said most have that planned
11 and on the agenda. Are there some that --

12 MS. SMITH: No. I'm sorry. They -- we -- they
13 have provided evidence that it's on their local --

14 MS. KEENER: Okay.

15 MS. SMITH: -- board agenda. Uh-huh.

16 CHAIRMAN MOORE: But this first vote will just
17 be for this five?

18 MS. SMITH: Yes. The first vote is for the five
19 that have everything submitted. And then the second
20 motion I'll make is a contingency based on them
21 submitting their information.

22 MS. KEENER: Well, I'll make a motion we approve
23 the first five.

24 CHAIRMAN MOORE: Okay. There's a motion by Ms.
25 Keener. Is there a second?

1 MS. WOODS: I'll second.

2 CHAIRMAN MOORE: Okay. Second by Ms. Woods.

3 All in favor say aye.

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN MOORE: Any opposed?

6 Motion passes.

7 MS. SMITH: For the second motion, it's to grant
8 a waiver of the dates of -- the dates in Arkansas
9 Code for 6-10-106(g) (3), by which a public school
10 district board notify the Division of its intent to
11 implement a school calendar by July 1 and post the
12 alternate calendar on their website by August 1st for
13 the school year, pending school board approval --
14 local school board approval, for the seven districts
15 that have yet to submit their board resolutions.

16 So if their local board doesn't approve it, it
17 doesn't matter that you've approved it.

18 CHAIRMAN MOORE: Okay. Questions, Board
19 Members? Mr. Bragg? Ms. Salaam?

20 Questions to my left?

21 Okay. The floor is open for comments or a
22 motion.

23 MR. BRAGG: I move we accept them.

24 CHAIRMAN MOORE: Motion by Mr. Bragg to accept
25 the waiver, pending approval by their local board.

1 Is there a second?

2 MS. HUNTER: I'll second.

3 CHAIRMAN MOORE: A second by Ms. Hunter.

4 All in favor say aye.

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN MOORE: Any opposed?

7 The motion passes.

8 **V.3. DISTRICT WAIVER REQUESTS FOR 2024-2025 SCHOOL START DATE**

9 CHAIRMAN MOORE: And, next, we have the
10 alternative school calendar.

11 MS. SMITH: So the next --

12 CHAIRMAN MOORE: School start date.

13 MS. SMITH: Yeah, the school start date.

14 So these are waiver requests for next school
15 year for the school start date. You saw this
16 previously, with -- the same kind of scenario with
17 them wanting to start prior to legislative.

18 So the motion we're asking for -- again, I'm
19 going to do two separate motions, one that has -- one
20 group of 33 that have submitted everything, and then,
21 two, that are waiting for their board resolutions.

22 So, a motion to grant a waiver for the school
23 start date under Arkansas Code 6-10-106, for one year
24 -- and that was what this board did before -- for one
25 year -- for the 33 districts that have submitted a

1 full waiver petition.

2 CHAIRMAN MOORE: And all of these are seeking
3 the waiver to start August 12th; is that correct?

4 MS. SMITH: You have, I believe, a sheet that
5 shows -- that says 12th on there. I see Nettleton
6 says the 14th; South Side says the 13th. On the
7 document that Andres gave you --

8 CHAIRMAN MOORE: Yeah.

9 MS. SMITH: -- it actually lists the dates that
10 they're requesting.

11 CHAIRMAN MOORE: Okay. Can y'all see that on
12 the document in our folders, on the second page?

13 MS. WOODS: For Hope it says typo one; what does
14 that mean?

15 MR. RHODES: Some of the documents submitted by
16 Hope had August 1st, but within that same document it
17 also said August 12th.

18 MS. WOODS: Oh, okay.

19 MR. RHODES: So to clarify, they're using August
20 12th.

21 MS. WOODS: Got it. Okay.

22 CHAIRMAN MOORE: We have two here that has no
23 date given. What do we do with that information?

24 MS. SMITH: Which two are you noting?

25 CHAIRMAN MOORE: On the second page, Rogers and

1 South Conway.

2 MR. RHODES: Are you talking about the February
3 21st special meeting document?

4 MS. SMITH: Yes.

5 MR. RHODES: Oh, okay. So those are the ones
6 from last month. We just wanted to make sure
7 everything had the tally in case you had questions.

8 MR. BRAGG: I didn't hear that. What did you
9 say?

10 MS. HUNTER: Yeah. Yeah, I don't understand.

11 MR. RHODES: So the February 21st special
12 meeting document, up top, is simply just a tally of
13 the school districts that received a waiver last
14 month. That's not an action item; it's simply for
15 reference in case you wanted to know how many were
16 granted last month.

17 MS. HUNTER: Okay.

18 MS. KEENER: So just to clarify, we approved --
19 I guess I don't remember looking at what their -- at
20 a document like this that gave us their alternative
21 start date before. And I guess I was unaware that we
22 approved two school districts that it feels like they
23 don't have a plan. Is that --

24 MR. RHODES: So within a lot of the
25 applications, even if they didn't provide a date,

1 they simply asked for an additional week. So --

2 MS. KEENER: Okay.

3 MR. RHODES: And they didn't list a date, but
4 they said we want to start a week early, and that's
5 the case for a few of them. And even this month
6 where they'll list like August 14th or even August
7 13th. They'll often say within the application for a
8 waiver that they're simply asking for an actual week,
9 to start a week early.

10 MS. KEENER: Even if it's just a day or two on
11 the form --

12 MR. RHODES: Correct.

13 MS. KEENER: -- it says a week?

14 CHAIRMAN MOORE: Okay. Questions, more board --
15 Board Members, more questions?

16 I said that the wrong way.

17 As I think through this, I think it would be
18 helpful for this upcoming school year -- when do they
19 request that alternative calendar --

20 MS. SMITH: Sure.

21 CHAIRMAN MOORE: -- or changing to hours?

22 MS. SMITH: Yeah. So that would be -- I believe
23 it's in Cycle 7. So that would be at the end of the
24 year they actually submit what their calendar option
25 is for the following year.

1 CHAIRMAN MOORE: Okay.

2 MS. SMITH: I think you're going to see most
3 districts probably select alternate calendar,
4 especially if they came to the Board this year asking
5 to change to that.

6 CHAIRMAN MOORE: Yeah.

7 MS. SMITH: So this should not be something we
8 see happen again.

9 CHAIRMAN MOORE: Okay. I would like to see
10 probably in the fall, before the legislative session
11 -- and certainly these conversations will gear up --

12 MS. SMITH: Good point.

13 CHAIRMAN MOORE: -- again -- who has what as far
14 as start date and as far as alternative calendar.
15 And if they do the alternative calendar with the
16 hours, how many days they're going. So just --

17 MS. SMITH: Okay.

18 CHAIRMAN MOORE: -- some directive on that.

19 MS. SMITH: I think that's a great --

20 Mary, I'm going to ask that you note that, for
21 us to be able to pull that for the board for the
22 fall.

23 CHAIRMAN MOORE: Thank you.

24 MS. SMITH: Uh-huh.

25 CHAIRMAN MOORE: Okay. Board Members, questions

1 or comments? Or the floor will be open for a motion.

2 So, our first motion is on 33?

3 MS. SMITH: Uh-huh. Again, I'll read the motion
4 for you again: a motion to grant a waiver of the
5 start date under Arkansas Code 6-10-106, for one
6 year, for the 33 districts that have submitted a full
7 waiver petition.

8 CHAIRMAN MOORE: Questions, comments? Or the
9 floor is open for a motion.

10 MS. KEENER: I'll make a motion that we approve
11 the request for waiver of the 34 school districts.

12 CHAIRMAN MOORE: Yeah. Our agenda did say 34
13 and you said 33. So maybe we should correct that.

14 MS. SMITH: I'll let legal address that.

15 CHAIRMAN MOORE: Good catch.

16 MR. RHODES: So just to make sure that we're
17 getting all the school districts, the ones that I
18 have listed are Brookland, Cave City, Cedar Ridge,
19 Concord, Cotter, Deer-Mount Judea, Flippin, Foreman,
20 Gosnell, Guy-Perkins, Heber Springs, Helena-West
21 Helena, Highland School District, Hope, Izard County,
22 Mammoth Spring, McCrory School District, Melbourne
23 School District, Mountain View School District, Mount
24 Vernon-Enola School District, Nemo Vista, Nettleton,
25 Norfork, Omaha, Perryville, Rivercrest, Salem,

1 Shirley, South Side, Two Rivers, Van Buren, Vilonia,
2 Viola, and Wonderview.

3 CHAIRMAN MOORE: I didn't hear Calico Rock. Did
4 you say Calico --

5 MR. RHODES: So Calico Rock is in the second
6 group. They haven't -- they haven't gotten board
7 approval.

8 CHAIRMAN MOORE: Okay.

9 MR. RHODES: They would be in the second motion.

10 CHAIRMAN MOORE: Okay. So that's our --

11 MS. KEENER: Thirty-three is the first motion,
12 two in the second?

13 MR. RHODES: That's correct.

14 MS. KEENER: Okay. So I'll make a motion that
15 we approve the 33 waiver requests for the alternate
16 calendar -- start date -- okay, start date.

17 CHAIRMAN MOORE: There is a motion by Ms.
18 Keener. Is there a second?

19 MR. BRAGG: Second.

20 CHAIRMAN MOORE: A second by Mr. Bragg.

21 All in favor say aye.

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN MOORE: Any opposed?

24 The motion passes.

25 MS. SMITH: The second motion I'm requesting is

1 a motion to grant a waiver for school start date
2 under Arkansas Code 6-10-106, for one year, for
3 Calico Rock and Concord. They have filed the waiver
4 petition but have not yet submitted their board
5 resolution. So upon submission of their board
6 resolution, then they would be final approval.

7 CHAIRMAN MOORE: Okay. Board Members, questions
8 or comments on that?

9 Okay. The floor is open for a motion then.

10 MS. KEENER: So I make a motion we grant the
11 waiver for the school start date under -- well, I'm
12 not going to read that -- for one year for the two
13 school districts that are awaiting board approval,
14 local board approval.

15 CHAIRMAN MOORE: Okay. Thank you, Ms. Keener.

16 Is there a second?

17 MR. BRAGG: Second.

18 CHAIRMAN MOORE: A second by Mr. Bragg.

19 All in favor say aye.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN MOORE: Any opposed?

22 Motion passes.

23 Thank you.

24 **V.4. DESE RULES FOR RELEASE FOR PUBLIC COMMENT**

25 CHAIRMAN MOORE: Next, we will move to agenda

1 item four, the rules for release for public comment.

2 I want to reiterate I appreciate having the work
3 session prior to this meeting so that we could dig
4 into the rules. I understand -- I know some board
5 members were unable to be there though, so I want to
6 leave us time for questions as you all present it.

7 MS. SMITH: Yeah. And I do also want to remind
8 the Board too that this is just releasing for public
9 comment for 30 days, and so even digging into more
10 questions or comments that you guys might have will
11 also play into that 30-day comment period. And so if
12 -- if even today -- after today you have additional
13 questions or things you want us to look at, we can
14 still take that in the next 30 days, before they come
15 back to you.

16 Okay. So we're going to utilize the same
17 presentation that we utilized during the work session
18 to kind of hit the highlights.

19 Again, there are going to be several rules
20 coming forward to you. So I actually think this was
21 a great idea by Secretary Oliva to do these work
22 sessions on these bullet points, to kind of have
23 these conversations prior to, because there are so
24 many coming.

25 **a) DESE RULES GOVERNING THE RIGHT TO READ ACT**

1 MS. SMITH: All right. So the first one is
2 governing Right to Read.

3 Again, these were existing rules in which we
4 know that the Arkansas LEARNS legislation actually
5 added some additional components and pieces to it,
6 one that ensures high quality literacy screeners for
7 all students in K-3. Again, that is an opportunity
8 to streamline our assessment system and is a big deal
9 for schools. It establishes literacy coach support
10 for schools currently having a D and an F, which we
11 have seen that program roll out this year; it reduces
12 redundancy regarding the Science of Reading and
13 streamlines everything into one place; and it
14 establishes supports for students not meeting grade 3
15 reading expectation.

16 I'm -- so what I'm going to do is I'm going to
17 move forward through all the rules, unless you -- you
18 want me to pause there for a question and then you
19 can make a motion at the end, or do you want to make
20 motion-by-motion?

21 CHAIRMAN MOORE: Let's -- let's pause for
22 questions --

23 MS. SMITH: Okay.

24 CHAIRMAN MOORE: -- after each one, but then we
25 can do the motions at the end.

1 MS. SMITH: Okay. That's great.

2 CHAIRMAN MOORE: Board Members, questions on the
3 Right to Read Act rules?

4 SECRETARY OLIVA: I think, Ms. Smith, it would
5 be fitting if maybe you can give an update on where
6 we are with the implementation of the unified
7 coordinated progress monitor.

8 MS. SMITH: Yeah. Yeah, because I do think that
9 is a big deal in our state.

10 SECRETARY OLIVA: It's a big deal.

11 MS. SMITH: Uh-huh. So we have recently
12 released an -- awarded, not just released -- but we
13 have been awarded a request for proposals for the K-3
14 screener. Cambium, who is also our partner in 3rd
15 through 10th grade assessment, won that bid. We have
16 actually built -- we're going to build an all-
17 encompassing one-assessment system that will include
18 the screener, which will have the dyslexia components
19 in that, in addition to the K-2 summative assessment
20 that are state requirements for math and literacy,
21 and it will be streamlined efficiently into our 3-10
22 system. And so we are going to have one assessment
23 system, one platform. We'll be able to bring cut
24 scores to this board to identify what are the cut
25 points to have a reading intervention plan, what are

1 the cut points that would kick a student into taking
2 a testlet, which would be considered more like a
3 diagnostic assessment for a Level 1 dyslexia
4 screener. Those will all be built into the system.
5 There are reading plans for parents, a parent
6 platform to -- how to assess their child with
7 reading, based on how they've done in the assessment
8 system, will all be built into one system.

9 SECRETARY OLIVA: And I think the great part
10 about this is that a lot of districts are currently
11 doing progress monitoring in some form or fashion,
12 but it's not unified or coordinated.

13 And the last bullet on there talks about meeting
14 that grade 3 expectation, and that's a real pivotal
15 time in a student's academic journey. Because as
16 we're building those foundations in literacy that's
17 so prevalent in K, 1 and 2 curriculum instruction,
18 where there's a illicit/explicit systematic
19 instruction in phonics and phonemic awareness, as a
20 student progresses through the academic journey that
21 focused level of instruction tends to wane because we
22 focus more on fluency, vocabulary, comprehension, how
23 students interact with text.

24 So having that unified coordinated progress
25 monitor statewide will be able to give us a snapshot

1 -- districts, parents, the state -- a snapshot on a
2 student's performance from K, 1 and 2, on how they're
3 progressing, so that we're not waiting till 3rd grade
4 to determine whether or not a student is ready to
5 move forward. We can provide interventions and
6 change instruction immediately throughout the school
7 year, not waiting for a summative assessment. And
8 then when that student does get into 3rd grade,
9 taking that time to make sure that that intervention
10 is in plan -- that intervention plan is in place, so
11 that as a student does progress through the grade
12 levels that there is still time in that academic day
13 to get those holes in phonics and phonemic awareness
14 delivered if they have gaps.

15 So this is exciting. We actually put out a call
16 within the last couple of weeks for districts to
17 pilot. And I think every district wants to be a part
18 of the pilot, because they're really -- the feedback
19 has been overwhelmingly positive in moving this
20 forward.

21 So I know it's a part of this rule, but this is
22 really going to help elevate that early literacy
23 intervention that is really a big priority of LEARNS
24 and implementation in moving this work forward.

25 MS. SMITH: Yeah. I would say that when they

1 wrote the RFP we aimed for the moon, could we get one
2 system to do all of this -- and honestly like we
3 wrote it for it has to have this; no matter what, we
4 want a quality screener; but then, let us know if you
5 can do X, Y and Z, and that can be additional. And
6 honestly, we didn't know if we would get X, Y and Z;
7 we thought maybe we might get one that has the
8 screener in X, you know. But to be able to get it
9 all, it is a win for our state. I think it's going
10 to be an opportunity that other states are going to
11 be looking at what our state is doing with this
12 unified assessment system that is streamlined to our
13 standards, streamlined to our expectations for early
14 literacy and the message of early intervention is
15 best.

16 If you can start providing direct intervention
17 in kindergarten and not wait -- you know, the old
18 adage of they'll mature, he's just a boy, let them
19 grow, give them some time -- we know that early
20 intervention is best, and it really follows along the
21 lines of what we're talking about with everything
22 else.

23 So I'm very proud of the work and proud of the
24 team. They hit a homerun.

25 CHAIRMAN MOORE: Board Members, questions,

1 comments?

2 Okay.

3 MS. SMITH: Now if we have a statewide outage
4 when we're doing the assessment system, it's not our
5 fault.

6 **b) DESE RULES GOVERNING EDUCATOR PERFORMANCE**

7 MS. SMITH: All right. Moving on to the next
8 set -- yeah, somebody click it for me, please.

9 All right. Rules Governing Educator Performance
10 -- again, these were existing rules, and this is
11 where you saw existing rules on our evaluation
12 process with TESS and LEADS. So those sections were
13 not underlined because they were existing pieces.
14 The things that were added to these rules were the
15 merit and -- the Merit Teacher Incentive Fund program
16 and how that's going to be implemented. It also --
17 it had the superintendent contracts and establishing
18 goals within their contracts and the posting of their
19 contracts. And it also kind of, again, reduces the
20 bureaucracy for renewing teacher contracts each year
21 for teachers who are not making progress or meeting
22 expectations. So it hit the Teacher Fair Dismissal
23 components, as well as updating those components.

24 CHAIRMAN MOORE: Questions, Board Members?

25 SECRETARY OLIVA: I'll also add -- and just to

1 kind of remind the Board -- that when LEARNS was
2 signed into law we made a commitment as an agency to
3 develop rules in a clear and transparent manner. So
4 we've had work groups that have -- we kind of -- we
5 put out a call; the whole state had over a thousand
6 people respond. So we had a lot of talented people
7 for establishing work groups that have gone through
8 and made some of these recommendations. And I want
9 to commend every chance I get the work group and the
10 leadership that really looked at this teacher -- the
11 Merit Teacher Incentive Fund, because we have
12 teachers that are making a difference in the lives of
13 students each and every single day. Those young
14 gentlemen that were here today in the Senate Scholars
15 Program, I guarantee you they can name teachers that
16 had a big influence and impact on their lives. So
17 when we -- we want to develop a program that captures
18 that and recognizes and elevates those teachers that
19 are making a difference. That's a pretty big task
20 because a lot of these teachers that are having an
21 impact may not have a tested subject area, but we
22 know they're making a difference in students' lives.
23 And how do you recognize the art teacher or music
24 teacher, or how do you recognize teachers that are
25 teaching maybe world languages and students are

1 finding their homes, or even the current tech ed.
2 teacher that helped young Lily find a pathway and
3 opportunity to pursue a dream she probably never even
4 thought about until she decided that she just wanted
5 to paint her Jeep.

6 So this is step one in making sure that we have
7 a system that's going to do just that, where every
8 educator that is highly effective or having an impact
9 will have the ability to qualify through maybe a
10 different tiered approach where, if they're mentoring
11 other teachers, that they would get extra credit if
12 they're in a hard-to-staff subject area or in a rural
13 area or in a tested subject area. But we wanted to
14 make sure that every teacher in the state was
15 eligible to apply -- if they're highly effective and
16 making a difference in the lives of children that
17 they be able to get something.

18 So that was not an easy task for this work
19 group. And I always want to just thank them for
20 their innovation and creativity to come back with a
21 program that I think is going to do just that.

22 MS. SMITH: One of the clarifications that came
23 out during the work session with the Board was the
24 question on just because you work in a high-needs
25 area does that grant it for you? There's still that

1 growth piece and the value of showing that you did
2 have student outcomes and were a highly effective
3 educator. Okay. So stackable.

4 CHAIRMAN MOORE: But in that, Stacy, if you do
5 work in a high-needs school --

6 MS. SMITH: Then there's an additional --

7 CHAIRMAN MOORE: Yes.

8 MS. SMITH: Uh-huh.

9 CHAIRMAN MOORE: -- there's an additional
10 incentive.

11 MS. SMITH: Uh-huh. And, you know, we --
12 earlier this year, you know, when we started first
13 looking at our VAM data, and Secretary Oliva sent me
14 out to schools -- remember, he said, go visit these
15 classrooms and see what you see. Right? And these
16 teachers didn't even know that they were producing
17 the types of growth that they were producing. Those
18 teachers then would be rewarded.

19 CHAIRMAN MOORE: Uh-huh. Thank you.

20 Board Members, questions?

21 Okay. Community Service.

22 **c) DESE RESULTS GOVERNING COMMUNITY SERVICE AND DIPLOMA**
23 **REQUIREMENTS**

24 MS. SMITH: Okay. The next slide, please.

25 All right. Community Service.

1 So Community Service and Diploma Requirements --
2 again, this was a big piece that was part of Arkansas
3 LEARNS with students graduating, so that all seniors
4 would have 75 hours of community service. It was a
5 moment for pride in the connection to their
6 communities.

7 High school students -- again, so 75 hours of
8 community service. It -- these rules allow the
9 flexibility and empowers local school districts to
10 make individual decisions about what they determine
11 is community service. We do believe that school
12 districts need to know their students and they need
13 to have the ability to make some individual
14 decisions. And they know their communities and the
15 resources in places that students have the
16 opportunity to go and do community service. We
17 talked about how schools themselves can organize
18 community service opportunities within the school
19 day. So I think there's the flexibility given for
20 school districts to be able to do that and for
21 students to be able to meet the expected graduation
22 requirement.

23 It does also outline students that are eligible
24 for an exemption. Some of the questions that we have
25 received early on have been just because a student

1 has an IEP is that an exemption? No. Again, it's
2 about individual students and students working with
3 families and working with their students in the
4 schools to determine what's appropriate.

5 CHAIRMAN MOORE: Questions, Board Members?

6 Mr. Bragg.

7 MR. BRAGG: I just want to clarify the starting
8 date here, the graduating class of 26-27. What does
9 that relate to to a current grade now?

10 MS. SMITH: So the kids that currently started
11 in 9th grade this year, as they become -- when they
12 graduate, they have to have it.

13 MR. BRAGG: Okay. So a sophomore, junior or
14 senior currently would not?

15 MS. SMITH: No, not required. It has been built
16 into our accountability system previously because we
17 have an academic course for credit. But if you earn
18 75 hours of community service, you get an academic
19 credit towards graduation. And we did have that in
20 our accountability system. So we have that
21 transitional time of kids who are still participating
22 in that would still get that credit and schools
23 getting recognized.

24 MR. BRAGG: So a current 9th grade student would
25 fall in this?

1 MS. SMITH: Yes, current 9th grade students.

2 MR. BRAGG: Thank you.

3 SECRETARY OLIVA: And I think it's also
4 important to clarify that this current cohort of 9th
5 graders will have all four years to complete the 75
6 hours. So if life circumstance happens and they need
7 to get all 75 hours their senior year, they can.
8 Some students -- many students are going to hit the
9 minimum requirement of 75 hours their freshman year,
10 and that's okay too. So we're providing a lot of
11 autonomy and flexibility to meet the minimum
12 requirements. But we're already hearing stories of
13 students that are far exceeding those minimum
14 requirements, and some students are finding a
15 connection to the community that they didn't know was
16 available to them. And it's just been a positive,
17 wonderful experience.

18 CHAIRMAN MOORE: Questions, Board Members?

19 Thank you.

20 **e) DESE RULES GOVERNING PETITIONS FOR STUDENT TRANSFERS**

21 MS. SMITH: All right. Rules Governing
22 Petitions for Student Transfers -- this had to do
23 with board-to-board transfers. I'm making sure I'm
24 saying that correct.

25 Andres, board-to-board transfers is this one?

1 Yeah, this is board-to-board transfers.

2 This gives the ability for a parent or a school
3 to be able to appeal to the State Board about a
4 decision. So currently districts have the ability to
5 do board-to-board transfers, but both boards have to
6 agree and that can happen at any time during the
7 school year. So if one board denies and one board
8 approves, the parent could appeal to the State Board
9 for a hearing.

10 CHAIRMAN MOORE: Questions, Board Members?

11 Okay.

12 We did skip School Choice -- or are you doing
13 that later?

14 MS. SMITH: Yeah. I'm sorry. I got to clicking
15 too much.

16 **d) DESE RULES GOVERNING PUBLIC SCHOOL CHOICE**

17 MS. SMITH: So Public School Choice. Sorry
18 about that.

19 This one was interesting, and actually I had to
20 have legal come and sit down with me after our work
21 session.

22 Apparently, there was about five to six
23 different pieces of legislation that actually went
24 into some of the changes for these rules. Okay. So
25 it wasn't all just LEARNS; there were several other

1 pieces that went in there.

2 What you see happening, one thing is that it
3 eliminates the three percent limit on school choice
4 applications. Okay. So that cap that previously was
5 there has been removed. So a school district who is
6 losing more three percent of their students can't
7 stop it and say, Nope, I hit three percent, you have
8 to stay. Okay. They have to allow those students to
9 be able to go.

10 It also opened up -- it gave the definition for
11 what lack of capacity was. And what that is, it's
12 about class sizes being full and whether or not -- if
13 they're not full, then they have to accept the
14 application. It empowers military families to
15 participate in choice through the year and allows
16 them not to have to wait for the timeframe; it puts
17 school transfers into effect immediately. So a
18 school district, on their end, can say, yes, I
19 immediately accept this student or I'm accepting this
20 student for next school year if they're full this
21 year but not next; so that gives them some
22 flexibility there.

23 It aligns the process for extracurricular
24 activities and requires -- and this was something
25 that was added in -- DESE to be notified if more than

1 20 percent of the resident students are utilizing
2 school choice to transfer to another district or to
3 do a legal transfer.

4 CHAIRMAN MOORE: Questions, Board Members?

5 MR. WOOD: I have a practical question. It's
6 not really about changing or anything.

7 But what is the point of the requirement that a
8 family notify the resident school district that the
9 family is choosing another school district? I
10 understand planning purposes. But what is the effect
11 if they don't notify their resident school district?

12 MS. SMITH: So part of that -- part of that is
13 done through the application process and it's
14 outlined in legislation that that is a requirement.

15 MR. WOOD: I see.

16 MS. SMITH: So what -- so the purpose of it was
17 probably to notify enrollment numbers --

18 MR. WOOD: Sure.

19 MS. SMITH: -- information.

20 Do you want to add to that?

21 SECRETARY OLIVA: And you can get a request for
22 a transcript so that the sending school makes sure to
23 send the academic files --

24 MR. WOOD: Yeah.

25 SECRETARY OLIVA: -- on the students to the

1 receiving school, so that it helps with the
2 transition to be a little bit more seamless.

3 MR. WOOD: Uh-huh.

4 SECRETARY OLIVA: But there is a reality that
5 sometimes families move, and whether it could be
6 parts of the state or other states or other
7 countries, and they don't notify the school that
8 they're leaving. That's kind of happened. But if
9 they do, it makes the transition a little bit more
10 seamless for those families.

11 MR. WOOD: All right.

12 CHAIRMAN MOORE: I imagine part of that is a
13 holdover from when you had that three percent cap,
14 and so you had to watch who was leaving and who was
15 coming.

16 MR. WOOD: And so --

17 CHAIRMAN MOORE: And now that we don't have that
18 I think it's ripe for some discussion in this next
19 legislative session of cleaning these different
20 pieces up.

21 MS. SMITH: Yeah. I think when you have so many
22 different pieces of legislation that are happening at
23 the same time, and then they're all kind of
24 converging together and we're implementing, I think
25 there's opportunity for some streamlining.

1 CHAIRMAN MOORE: And there's different ways to
2 transfer for the same effect, and so thinking more
3 strategically about do we just need one way or do we
4 need these multiple methods.

5 MS. SMITH: Yeah. And again -- and I think I
6 said this at the work session, and Secretary Oliva
7 says it all the time -- we want public schools to
8 start thinking differently about choice and that they
9 are promoting their schools as the best and first
10 choice for students, the same as privates or charters
11 do; what are they offering their students and
12 families to stay with them; you know, what are you
13 offering your students and families to come to you,
14 to pick you. So what are the opportunities for your
15 district.

16 CHAIRMAN MOORE: More questions, Board Members?
17 Comments?

18 Thank you.

19 **g) DESE RULES GOVERNING PUBLIC SCHOOL POLICIES RELATING**
20 **TO OVERNIGHT TRAVEL AND USE OF PUBLIC-SCHOOL LAVATORIES**

21 MS. SMITH: All right. So this has the -- these
22 are new rules pertaining to overnight travel and use
23 of restrooms. It ensures that overnight travel and
24 folks staying in the room together are of the same
25 sex, and bathrooms -- that folks are ensured to have

1 a restroom to use for their sex. It provides
2 guidance for overnight field trips and allows for
3 family members -- allows districts the authority to
4 provide reasonable accommodations, as necessary.

5 And that's kind of the overview of these rules.

6 CHAIRMAN MOORE: Questions, Board Members?
7 Comments?

8 Thank you.

9 **h) DESE RULES GOVERNING THE ARKANSAS STUDENT PROTECTION**
10 **ACT**

11 MS. SMITH: Student Protection Act -- these were
12 existing rules. There's only been one line added,
13 that extended the limitation on who a school district
14 can contract with. And so it's a single change to
15 the rules.

16 CHAIRMAN MOORE: Questions, Board Members, or
17 comments?

18 Okay.

19 MS. SMITH: Okay.

20 CHAIRMAN MOORE: So with that, we can choose to
21 either vote individually or batch these.

22 Of note, we did -- the rule 4.5 -- I mean --

23 MS. SMITH: Yes.

24 CHAIRMAN MOORE: -- 4.f was pulled.

25 MS. SMITH: Yes.

1 CHAIRMAN MOORE: So that one is pulled.

2 So with that, questions or comments? Or the
3 floor will be open for a motion.

4 And the motion will entail it will be public
5 comment. So after the public comment process, the
6 rules will come back to us for final approval.

7 SECRETARY OLIVA: It may be helpful, Andres, if
8 you would just outline the timeline. So what we're
9 approving today is a release for public comment. How
10 long is this for public comment? Then, if there's
11 substantive or technical changes, that would come
12 back to the Board.

13 MR. RHODES: That's right.

14 So you would be -- if you batch them, or if you
15 vote separately, you'd be voting to release these
16 rules for public comment. That would be for a period
17 of 30 days. We would have a public comment hearing
18 for each one of these rules during that 30-day
19 period, at which point we would look at the public
20 comments received, determine whether changes need to
21 be made to those rules. And if the rules are good to
22 go, then we either didn't receive public comment or
23 no substantive changes are necessary, we would bring
24 them back to you for final approval. If substantive
25 changes need to be made, we would release those rules

1 for public comment once more.

2 But, again, the goal is to try to make sure we
3 get it right the first time. We try to spend a lot
4 of time to make sure we get this language correct.

5 And so, anyway, long story short, 30-day public
6 comment period and then we will be bringing them back
7 to you for final approval.

8 CHAIRMAN MOORE: Thank you.

9 Questions on that, Board Members?

10 Okay. The floor is open for a motion then.

11 MR. BRAGG: I'll move we approve the rules.

12 CHAIRMAN MOORE: There is a motion to approve
13 the rules. Is there a second?

14 MS. HUNTER: Second.

15 CHAIRMAN MOORE: A second by Ms. Hunter.

16 All in favor say aye.

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN MOORE: Any opposed?

19 Okay. Motion passes.

20 Thank you.

21 And thank you all, again, for having that work
22 session for us. I think it was helpful for everyone
23 involved.

24 SECRETARY OLIVA: So if I could add -- and I
25 appreciate the feedback and I feel like we have

1 consensus from the Board -- as we get through another
2 batch of rules which are coming, we're going to work
3 together to find a time that we can meet, do another
4 public workshop and then make sure we get everything
5 in line, hopefully before our April meeting, to do
6 another large batch of rules as well.

7 CHAIRMAN MOORE: Okay. So that will be -- we'll
8 be coming, once y'all know when those rules are
9 ready?

10 Okay. Thank you.

11 (The Action Agenda was concluded at 10:06 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.

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WITNESS MY HAND AND SEAL this 26th day of March, 2024.



MIRANDA MCENTIRE, CCR

Certified Court Reporter #852

