

ARKANSAS STATE BOARD OF EDUCATION

MAY 9, 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
MR. RANDY HENDERSON

NON-VOTING PARTICIPANTS:

MR. JACOB OLIVA, ADE Secretary
MS. STACY SMITH, Deputy Secretary of Education
MS. KARLI SARACINI, Assistant Commissioner
MS. HOPE WORSHAM, Assistant Commissioner of Public
School Accountability
DR. ERIC SAUNDERS, Associate Deputy Commissioner

MS. CAPRI SALAAM, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MR. ANDRES RHODES, ADE Chief Legal Counsel

LOCATION:

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P R O C E E D I N G S

1. SCHOOL START DATE WAIVER REQUESTS

CHAIR MOORE: We will go ahead and start with item one, Ms. Smith, with school start date waivers.

MS. SMITH: Good morning. Stacy Smith, deputy commissioner. When I saw my name on the agenda so many times, I threatened to have, like, an outfit change each time. But I decided not, how's that?

All right. So the first items on the agenda today are school start date waivers. These are familiar start -- school start date waivers that you've seen each month.

1.a. LITTLE ROCK SCHOOL DISTRICT

1.b. MOUNTAIN PINE SCHOOL DISTRICT

1.c. WESTERN YELL COUNTY SCHOOL DISTRICT

MS. SMITH: The three districts that we have on our agenda is Little Rock, Mountain Pine and Western Yell. We have been in contact with all of them. Most of them are starting on August -- I think all three of them are August 12th. They requested five years as practice, and the other ones, you guys have only approved them for one year. So I would ask today for an action to approve the three school start date waivers. And then you determine the number of years.

1 CHAIR MOORE: Okay.

2 Board Members, questions? Ms. Hunter? Mr.
3 Woods? Ms. Keener? Any questions? Any questions
4 from Zoom?

5 (NO RESPONSE)

6 So just to clarify, they all did request five
7 years, but we have been doing one-year waiver for any
8 other district that has chosen this waiver this year?

9 MS. SMITH: Correct.

10 CHAIR MOORE: Okay. Well, with that, if no
11 questions or comments, the floor will be open.

12 MS. HUNTER: You're looking for a motion?

13 MS. SMITH: Yes, ma'am.

14 MS. HUNTER: So I'll make a motion to approve
15 these waivers for one year.

16 MS. KEENER: Second.

17 CHAIR MOORE: There's a motion to approve by Ms.
18 Hunter and second by Ms. Keener. All in favor say
19 aye.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIR MOORE: Any opposed?

22 Motion passes.

23 **2. INCLEMENT WEATHER CALENDAR WAIVER REQUESTS**

24 CHAIR MOORE: Next, inclement weather calendar
25 waivers.

1 MS. SMITH: So the second set is inclement
2 weather and, again, you have seen these frequently.

3 **2.a. HILLCREST SCHOOL DISTRICT**

4 **2.b. SHIRLEY SCHOOL DISTRICT**

5 MS. SMITH: You have two school districts who
6 are requesting the inclement weather is Hillcrest and
7 Shirley. They're both requesting to move to an
8 alternate calendar for this school year. So I am
9 asking for a motion to approve these two districts to
10 move to an alternate calendar.

11 CHAIR MOORE: Board Members, questions to my
12 left? To my right?

13 MS. WOODS: Are these similar to the ones we
14 have already approved?

15 MS. SMITH: Say that again. Would you repeat
16 that.

17 CHAIR MOORE: I'm sorry, Ms. Woods, can you
18 repeat that.

19 MS. WOODS: Yes. Are these similar to the ones
20 that we approved in bulk a while back?

21 MS. SMITH: Yes, ma'am. The -- yes. They're
22 asking for us -- it's about the notice about the
23 start date -- changing their calendar and so it's
24 very -- it's the exact same waiver that we granted to
25 everyone else in the state who has requested.

1 MS. WOODS: Okay. Thank you.

2 CHAIR MOORE: Ms. Rollins, do you have any
3 questions?

4 MS. McFETRIDGE-ROLLINS: (Shakes head side to
5 side)

6 CHAIR MOORE: And this is just for this school
7 year?

8 MS. SMITH: Yes, ma'am.

9 CHAIR MOORE: Okay.

10 With that, the floor will be open for a motion
11 without any more questions.

12 MR. BRAGG: I move we approve the waiver.

13 CHAIR MOORE: Okay. A motion to approve the
14 waiver by Mr. Bragg. Is there a second?

15 MS. HUNTER: Second.

16 CHAIR MOORE: A second by Ms. Hunter. All in
17 favor, say aye.

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIR MOORE: Any opposed?

20 Motion passes.

21 **3. ONE-YEAR STANDARDS FOR ACCREDITATION WAIVER REQUESTS**

22 CHAIR MOORE: Now we have standards for
23 accreditation waiver with Ms. Worsham.

24 MS. WORSHAM: Good morning. Hope Worsham,
25 assistant commissioner for public-school

1 accountability.

2 **3.a. HUNTSVILLE PUBLIC SCHOOL DISTRICT'S ONE-YEAR STANDARDS**
3 **FOR ACCREDITATION REQUEST**

4 MS. WORSHAM: We have one request for a
5 standards accreditation waiver for standard 1-A.5 for
6 class size. This comes from Huntsville Intermediate
7 School. They are requesting the flexibility to
8 combine two art classes into one so that they can
9 provide their Tier 1 and Tier 3 instruct -- core
10 instruction interventions in longer blocks of time in
11 the morning. They have indicated in the request that
12 they will provide a paraprofessional in the classroom
13 with the art teacher in order to facilitate the
14 number of students that would be in the classroom.
15 And I believe that Ms. Hawkins is online if you have
16 questions for her.

17 CHAIR MOORE: Thank you. Yes.

18 Principal Hawkins, can you hear us?

19 MS. HAWKINS: Yes.

20 CHAIR MOORE: Thank you. Did you want to make
21 any comments?

22 MS. HAWKINS: No. Just really our schedule this
23 year wasn't great and conducive for all the pull-outs
24 and push-ins for the SPED inclusion, so we're really
25 trying to work on that. So this would allow us the

1 flexibility to make that more feasible for core
2 instruction in our SPED inclusion.

3 CHAIR MOORE: Board Members, questions? Mr.
4 Wood?

5 MR. WOOD: I have some questions, yes. So why
6 the decision to go to four-day week instead of a
7 five-day week?

8 MS. HAWKINS: That was just a decision the
9 community had -- they polled them, so we had lots of
10 surveys that went out. So community, staff,
11 students, everyone voted on that, and that's why they
12 decided to go ahead and do that.

13 MR. WOOD: And is that what has led to the need
14 to combine these classes?

15 MS. HAWKINS: Somewhat. This year our schedule
16 wasn't conducive. Like, we had -- so in the past,
17 we've just set up a schedule and then SPED is went
18 and pulled -- got first pull and then our speeches
19 got, like, second pull and then OT/PT goes and pulls.
20 So this year, with that not -- and dyslexia -- so
21 with that not working as well this year, I pulled all
22 of our students needs and strategically placed them
23 to where we can pull them during Tier 3 time for
24 their dyslexia, their OT, their PT, speech and then
25 we can follow the SPED inclusion model. So that way

1 students are not missing the core instruction.

2 MR. WOOD: Yeah. So I hear -- you're talking
3 about a lot of really important things that are being
4 impacted by this decision and I guess I'm -- I guess
5 I'm a little more frustrated about the four-day
6 decision than necessarily the -- the art class
7 decision or request. Is your superintendent
8 available this morning?

9 MS. HAWKINS: No, he's not. He's out today.

10 MR. WOOD: All right. Well, I think the
11 questions I have would probably be better directed to
12 policymakers, and I don't want to put you through the
13 -- the exercise of having to answer some of those.
14 But I -- I do have some questions for your
15 superintendent one of these days just about --

16 MS. HAWKINS: Okay.

17 MR. WOOD: -- the -- the effectiveness of a
18 four-day week. Was this decision based on, you know,
19 evidence? Is it -- the impact of the students
20 considered? I just have a lot of doubts about that
21 --

22 MS. HAWKINS: Yeah.

23 MR. WOOD: -- and -- and I'm a little frustrated
24 that that has left y'all in a position now of having
25 to combine other classrooms to meet the -- the basic,

1 most important core needs of your students. But
2 anyway --

3 MS. HAWKINS: Yeah. I mean, I really don't know
4 what to say. They did research and they came back --
5 they did live feeds on Facebook, gave out
6 information. Like I said, there was votes and stuff.
7 I do appreciate you not putting me in the situation
8 to --

9 MR. WOOD: Yeah, I get it.

10 MS. HAWKINS: -- answer that because I really
11 don't know. I'm just trying to --

12 MR. WOOD: No, I understand. I would -- I
13 guess, my counter to that would be that, you know,
14 polls and, you know, Facebook that -- that's not
15 evidence-based decision making. I'm looking for, you
16 know, the policymakers in the district to justify how
17 four days a week improves student learning in the
18 classroom more so than, you know, was this a popular
19 community decision; right? That's not really my
20 concern, but nonetheless I appreciate that you were
21 not the policymaker on that and so I won't continue
22 with that.

23 MS. HAWKINS: Okay. Thank you.

24 CHAIR MOORE: Ms. --

25 MS. HUNTER: Yeah. So -- and this -- this is

1 for the coming school year; correct?

2 MS. HAWKINS: Yes.

3 CHAIR MOORE: Board Members, questions?

4 Ms. Keener?

5 MS. KEENER: (Shakes head side to side)

6 CHAIR MOORE: Mr. Bragg?

7 MR. BRAGG: (Shakes head side to side)

8 CHAIR MOORE: Ms. Salaam?

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

10 MR. OLIVA: I'm going to make a comment on -- to
11 kind of Mr. Wood's comments to the Board, not
12 necessarily to the school district. But perhaps if
13 the Board would like for us to do some kind of data
14 poll in this space to do a workshop, maybe with the
15 Board on kind of a correlation between schools that
16 are going four days a week, schools that are going
17 year to -- year-round or schools that are following a
18 more traditional calendar and how does that impact
19 performance based on maybe certain demographics or
20 programs needs for students.

21 I think this is a topic we should discuss and --
22 and if we're looking at supporting some of our most
23 vulnerable students where the research says that they
24 benefit from core instruction systematically,
25 implicitly and as often as they can get it, is there

1 an impact between going from five days a week to a
2 four, especially in your consistently low performing
3 school? So I -- I'll just put that to the Board that
4 that may be -- it may take us a little time to pull
5 that together, but, like, it would be a good summer,
6 maybe, workshop? Like, maybe in June or July to dig
7 deep into that because I think those are some really
8 good questions.

9 MR. WOOD: Yeah. I would be very interested,
10 for one.

11 MS. HAWKINS: We're having a hard time hearing.
12 I can't tell -- I can't really make out what he's
13 saying. I'm sorry.

14 CHAIR MOORE: Ms. Hawkins, we were talking about
15 the policy in general of a four-day school week and
16 our Board --

17 MS. HAWKINS: Oh, okay.

18 CHAIR MOORE: -- doing some more investigating
19 into that.

20 MS. HAWKINS: Okay.

21 CHAIR MOORE: I think -- I -- I certainly have
22 an appetite to do that.

23 There's a lot of conversations to have and when
24 we're thinking about particularly students receiving
25 special services that now -- you know, in a five-day

1 week, districts have a hard time figuring out the
2 best schedule for pull-outs for students, much less
3 than the four-day week and we're starting to see the
4 ramifications of that here.

5 I do want to check, Ms. Woods and Ms. Rollins,
6 do you all have any questions?

7 MS. McFETRIDGE-ROLLINS: Yes, I do.

8 CHAIR MOORE: Ms. Rollins?

9 MS. McFETRIDGE-ROLLINS: I guess, you know, I'm
10 frustrated as well because normally this request
11 comes from the superintendent, and we also know if
12 this has been approved by your school board. Just
13 seems like the request isn't on our normal proper
14 forms for asking for a waiver. I'm just really not
15 very comfortable with this at all in this form and
16 knowing if your board has approved this or not.
17 Where is your superintendent with this?

18 MS. HAWKINS: He is aware that I applied for the
19 waiver because I asked him about doing so. He gave
20 me full permission to go ahead and so I reached out
21 to Hope and asked how to do the process. And so I
22 sent the letter in and that's really all I know.

23 MS. SMITH: So this was a request for a
24 standards for accreditation waiver which comes in
25 form of a request and letter from the district to the

1 standards unit, not necessarily -- this is not what
2 we call -- consider a 1240 waiver, or one of those
3 types of waivers. So that's why it looks different.
4 And this is one of those in which the district is
5 seeking it on their own.

6 CHAIR MOORE: What's the difference between this
7 and 1240 waiver?

8 MS. SMITH: The 1240 waiver is maybe waiving
9 legislation, maybe waiving something in standards for
10 accreditation, where this is purely just standards
11 for accreditation. So they're asking to waive the
12 class size component of that.

13 CHAIR MOORE: But we -- I feel we've had class
14 size waivers for Act 1240 too?

15 MS. SMITH: You have, usually built in with the
16 other waivers.

17 CHAIR MOORE: Okay. And in that process, that
18 does require school board approval; is that correct?
19 Does this --

20 MS. SMITH: Yes.

21 CHAIR MOORE: -- require school board approval?

22 MS. WORSHAM: Yeah. The different --

23 MS. SMITH: Go ahead.

24 MS. WORSHAM: The difference is the amount of
25 time that they're requesting. So if they're

1 requesting a standards for accreditation waiver for
2 one year, this is the process we've been using. If
3 they're requesting that for a longer, extended period
4 of time, that would be a 1240 waiver.

5 CHAIR MOORE: Okay.

6 Ms. Hawkins, I have some further questions. So
7 you all are an intermediate school? Are you K-8?

8 MS. HAWKINS: No. We're 3-5.

9 CHAIR MOORE: 3-5. Okay. So will all students
10 in grades 3-5 receive art instruction in this
11 setting?

12 MS. HAWKINS: Yes. Well, it depends on the
13 week. So they would actually -- but some weeks we're
14 still meeting the 1440-minute law. So some weeks
15 she'll have two classes for third grade and then some
16 she might just have one.

17 CHAIR MOORE: Okay. And is the art teacher
18 aware and on board --

19 MS. HAWKINS: Yes.

20 CHAIR MOORE: -- with this decision?

21 MS. HAWKINS: She is. She's aware. But like I
22 said, we're waiting to see what happens. So -- but
23 she is fully aware, and we talked about it with the
24 schedule options.

25 CHAIR MOORE: Can you talk to me a little bit

1 further about the benefit of it? So if you have --
2 you know, if you're combining two 3rd grade classes
3 to do an art class, is it because it's freeing up
4 time for your teachers to do intervention or what --
5 what are we achieving by putting them together?

6 MS. HAWKINS: Well, so if you -- if we don't,
7 then we would have other pull-outs; it's just art was
8 really affected. But we would have to do six
9 pull-outs a day versus three. So when you're looking
10 at three, we could do the afternoon and that's, like,
11 the time most kids are checked out early or our buses
12 sometimes have to run early due to shortage of
13 drivers. So it kind of maximizes that core
14 instruction time for the morning and also allows more
15 flexibility for the SPED inclusion model whereas if
16 we have to do six pull-outs a day, three of those
17 have to be in the mornings which interrupts, like,
18 the kids -- you know, if you're doing that core the
19 afternoon, some of them are going to miss that doing
20 checkouts and so forth. So this would be more ideal
21 to capitalize on student learning.

22 CHAIR MOORE: Student learning in art class or
23 student learning in math and English? All are
24 important, but --

25 MS. HAWKINS: Well, in math and English.

1 Because right now, we're a D school, so we're really
2 trying to focus on that and getting our academics
3 going in the right direction, student needs met. The
4 art room would be a bigger -- moved into a bigger
5 classroom so they can house to classes; and then we
6 would have a para in and -- possibly two para support
7 coming in.

8 CHAIR MOORE: Okay. And they would do that art
9 class in the afternoon?

10 MS. HAWKINS: Yes.

11 CHAIR MOORE: Okay. And you have a longer
12 school day; is that correct -- with the four-day
13 week?

14 MS. HAWKINS: Yes. We will be going --

15 CHAIR MOORE: That is concerning to hear that
16 you have students frequently leaving early and buses
17 running early. It sounds like you might have some
18 lost instructional time with that particularly only
19 going four days. Those are my questions right now.

20 MS. HAWKINS: I think the hope is with the four
21 day that maybe the bus that maybe won't be as big,
22 like, maybe we can find more drivers. I don't know.
23 I mean, I'm just -- honestly, I'm just trying to do
24 what's best for my school and my students to get all
25 their needs met.

1 CHAIR MOORE: Certainly. Do you -- the art
2 teacher and other -- musics and PE teacher -- do they
3 -- do -- when they're not doing their special
4 classes, are they doing student pull-outs?

5 MS. HAWKINS: They push-in to our classrooms --

6 CHAIR MOORE: They do push-in?

7 MS. HAWKINS: -- to help with interventions.

8 CHAIR MOORE: Okay. And do you share those with
9 other school -- like, in the K-2 school or 6-8?

10 MS. HAWKINS: Some, but they have their own in
11 some areas. But some overlap, yes.

12 CHAIR MOORE: Okay. So for art, is your teacher
13 just at your school?

14 MS. HAWKINS: Yes, she's just at my school.

15 CHAIR MOORE: Okay.

16 I'll open up the floor back to other Board
17 Members for questions.

18 MS. KEENER: Ms. Smith, I had a quick question.
19 You mentioned that as this is a -- should use the
20 term waiver -- but as this is a request for
21 accreditation, that the request should come from the
22 district and not from the school level.

23 MS. SMITH: So they're all coming from the
24 district.

25 MS. KEENER: Okay.

1 MS. SMITH: I probably --

2 MS. KEENER: So --

3 MS. SMITH: -- wasn't --

4 MS. KEENER: -- as a representative of the
5 district?

6 MS. SMITH: Yes.

7 MS. KEENER: Okay.

8 MS. SMITH: Yeah. So standards for
9 accreditation -- in the rules for standards for
10 accreditation, there is a process in which districts
11 can submit a letter requesting a waiver from a
12 standard, and this is what this school and district
13 has done. We have school based -- in standards for
14 accreditation, there are school standards and then
15 there are the district standards. So they're asking
16 for a very specific school standards waiver, and they
17 submitted a letter. When they're going for multiple
18 years, our rules don't allow that, and that's where
19 you come into, like, the 1240 waivers and things like
20 that.

21 CHAIR MOORE: Well, with the 1240 waiver, you
22 typically have -- a school board has signed off on
23 it.

24 MS. SMITH: I would -- I would think so. So
25 again, that would be whether or not the district did

1 that or approved that in the standards for
2 accreditation. I don't know if they did that or not.

3 CHAIR MOORE: Yeah.

4 Ms. Hawkins, has there been any conversation
5 with your school board?

6 MS. HAWKINS: Not that I -- I have not had any
7 --

8 CHAIR MOORE: Okay.

9 MS. HAWKINS: -- conversations with them. I
10 don't know if Mr. Warren did or not.

11 CHAIR MOORE: Okay.

12 MS. KEENER: And forgive me, I should have asked
13 this earlier. This is for one year for next school
14 year?

15 MS. HAWKINS: Yes.

16 MS. KEENER: So I -- since it's not immediate,
17 since we're not looking at the last few weeks, I'm
18 interested in -- and I don't know the right process
19 to this -- but maybe delaying this and all these
20 questions that we have for the superintendent -- and
21 I have concerns with there being a four-day week,
22 being a D school and understanding that there's lost
23 instruction time due to a lack of drivers. I think
24 we have some larger questions to ask and maybe we
25 push this till next month and -- with the

1 superintendent.

2 MS. SMITH: Yeah. I mean, I think -- you most
3 definitely have the authority to not take action on
4 it today and request that they come back next month
5 with more explanation.

6 MS. KEENER: So what would that motion look --
7 sorry.

8 CHAIR MOORE: To table?

9 MS. SMITH: Yeah. To table it.

10 MS. KEENER: Okay.

11 CHAIR MOORE: So do we need to take a vote to
12 table?

13 MR. RHODES: That's right. You can table it;
14 you don't have to have a motion to table it.

15 CHAIR MOORE: Okay.

16 MS. KEENER: Okay. Thank you.

17 CHAIR MOORE: Board Members, any further
18 questions, or concerns with that? Okay.

19 So, Ms. Hawkins, we're going to make the
20 decision to table this until next month, our June
21 meeting. We will -- the agency will be in touch with
22 you all with our further questions as you prepare for
23 that. Thank you for being here today.

24 MS. HAWKINS: Thank you.

25 CHAIR MOORE: And then I do agree that some sort

1 of work session this summer, as we're thinking about
2 school start date calendars and all of that and the
3 ramifications, would be really beneficial.

4 MS. SMITH: And Ms. Worsham and Legal, they're
5 working on a process as far as waivers, where it all
6 -- they're all kind of coming in the same spot, so
7 we're trying to uniform, like, some of the forms and
8 things like that. So hopefully this will get more
9 streamlined as well.

10 CHAIR MOORE: Thank you.

11 **4. CONSIDERATION OF THE RECOMMENDATIONS TO REMOVE THE LEE**
12 **COUNTY SCHOOL DISTRICT FROM FISCAL DISTRESS**

13 CHAIR MOORE: Okay. We will move on the agenda
14 item four, the consideration to remove Lee County
15 School District from fiscal distress.

16 MS. SMITH: Dr. Saunders.

17 DR. SAUNDERS: Yeah.

18 Good morning, Board. Eric Saunders with
19 district operations. So before you this morning I
20 have a recommendation to remove Lee County School
21 District School from fiscal distress classification.
22 I do have Dr. Michael Stone here with us as well.

23 So next slide, please.

24 Here is a look -- timeline -- a recent timeline
25 of occurrences within the district. The district

1 classified in probationary status for standards of
2 accreditation and placed under state authority in
3 2019; and also in 2019 shortly thereafter, the State
4 Board of Education classified them in fiscal
5 distress; they have been on physical distress since
6 that time as well. In 2020, the district remained
7 classified as probationary status for standards of
8 accreditation; and then in '21, under -- the
9 district, requested Level 5, intensive support, and
10 it was approved by the State Board of Education and
11 -- under that authority there. Also, had a question
12 from the work session yesterday about some of the
13 history regarding fiscal distress. They were on
14 fiscal distress in 2014 -- placed on fiscal distress
15 -- released in '17. And that was due to a declining
16 net legal balance to threaten the fiscal integrity of
17 the district.

18 So a little bit over the most recent
19 classification of fiscal distress was a drop in the
20 net legal balance. You can see the numbers right
21 there from 1.1 million to 675,000 in one year -- for
22 the decline in net legal balance. But a lot of the
23 findings dealt with state and federal audit
24 exceptions. You will see there were 15 instances and
25 of those instances, six were repeat findings, which

1 is a fairly extensive list of audit findings.

2 Since that time, you can see in 2019, there were
3 six notations on the management letter, one finance
4 finding, and two federal findings. 2020, they had a
5 clean audit. In 2021, there was one finding on the
6 management letter and no finance or federal findings.
7 And then they had clean audits in 2022 and 2023.

8 We worked with the district on creating a fiscal
9 distress plan and it includes a lot of items, 22
10 actions specifically, including updating policies and
11 procedures, training staff, staffing adjustments and
12 frequent monitoring of the finances. We, with the
13 Department and Office of Coordinated School Support,
14 we meet with the district at a minimum monthly going
15 over finances and other things specific to the fiscal
16 distress plan and that area. The district has met
17 all the components of the fiscal distress plan.

18 Can see one thing for Lee County to consider is
19 the three-quarter ADM, especially in that area that
20 you can see the loss of students over the four-year
21 decline. Dr. Stone has come in. You can see just
22 the change in student enrollment by 41 students from
23 last year to this year. He is a -- a heavy recruiter
24 and a staunch supporter of the school district as a -
25 - I believe a product himself and has strong

1 community ties and is able to build that trust with
2 the community; and I think you can see that reflected
3 with student enrollment.

4 A little bit of some of the changes with the
5 future for Lee County School District, so as --
6 coming out of this year going into next year, the
7 first item you would see mainly due to the increase
8 in students -- or you would see an increase in
9 revenue -- unrestricted revenue by approximately
10 \$322,000. Also, if you look on the right-hand side,
11 you can see savings and that's from rightsizing the
12 staff and different funds unrestricted through
13 categorical and some title funds that add up to
14 571,000 just in savings alone there. So you can kind
15 of stack that amount on top of the 322 amount that I
16 just mentioned. Also, in ESSER 3 that is expiring
17 this year, and those staffing reductions amount to
18 146,000 that they had this year that they would not
19 have last -- next year.

20 So my recommendation is to release Lee County
21 from fiscal distress. Anytime a district is released
22 from fiscal distress, they are still required for
23 three years to receive the monitoring from the fiscal
24 services and support unit, as well as having -- they
25 do debt requests, so they have items -- individual

1 items. We have a threshold with Lee County at the
2 time, I believe of \$1,000. Any time there's a
3 purchase that has to be approved to buy that unit so
4 that -- you know, we have a streamlined process that
5 works very fast, many times within the same day, on
6 approving those purchases and those expenditures.
7 And so the debt would still need to be approved and
8 we would continue to provide additional support as
9 needed or requested by the district. So with that, I
10 do have -- Dr. Stone is here and be happy to answer
11 any questions.

12 CHAIR MOORE: Thank you, Dr. Saunders.

13 Thank you, Dr. Stone, for being here today.

14 Board members, questions?

15 MS. HUNTER: I do have a question for Dr. Stone
16 and this kind of piggybacks on questions that I had
17 yesterday. And -- I'm just really interested in
18 knowing, like, how you feel kind of the culture of
19 the business office at the district. You know, it's
20 one thing to have written policies, written
21 procedures and people just following them because
22 that's what the procedure says versus creating a
23 culture of understanding controls and, you know, kind
24 of a strong business acumen by the team there. How
25 do you feel? Are they moving, you know, positively

1 along that path or --

2 DR. STONE: Yes. I feel like that -- that we're
3 in a positive direction there. I've got a fantastic
4 team. We are -- they're continuously learning. We
5 go to trainings and make sure that we stay abreast of
6 all the latest anything and then also we have APSRC
7 and OCSS is going to be monitoring us and then we'll
8 have some oversight from APSRC continuing to move
9 forward.

10 MS. HUNTER: Okay. Thank you.

11 CHAIR MOORE: Board members? Mr. Wood?

12 MR. WOOD: So what are -- what are the other
13 options available other than release? That's the
14 recommendation from the Division, but --

15 MS. SMITH: Yeah.

16 MR. WOOD: -- what does the law allow?

17 MS. SMITH: So one thing I want to make sure is
18 clear on the fiscal distress classification. So
19 they're at their five-year mark at the end of June,
20 okay, for fiscal distress classification. For level
21 5 support, which they're under state authority for,
22 that goes through May 2026. So they're still
23 receiving complete wraparound support services and
24 the timeline on that is May 2026. So I want to make
25 sure that we're not thinking today that everything's

1 are -- hands off.

2 MR. WOOD: Okay.

3 MS. SMITH: It's the classification today that
4 we're recommending for fiscal distress that is
5 removed because the initial placement for fiscal
6 distress really was about audit findings, was already
7 about that -- the struggling school going on and off.
8 They had a board, let go of a board. Things that we
9 need to start thinking about in terms of knowing that
10 date of 2026 -- and you've asked this before, like,
11 what's the timeline, what's the plan -- starting to
12 think about when do we put in possibly another
13 limited authority board? Start getting that board
14 trained looking at their systems pieces to make sure
15 that when we do a hand off, they're ready for it. So
16 right now it's -- the recommendation today is, and
17 the ask is that they remove the classification of
18 fiscal distress and then we continue to support them
19 with the current services that we're providing them
20 under level 5.

21 MR. WOOD: Okay. That's good. That's a good
22 explanation too because I do think that I was
23 confusing the two things there, state authority
24 versus the classification. But what is the impact of
25 the classification and is the -- is there a similar

1 requirement that we -- that we have to remove them
2 within five years of the classification?

3 MS. SMITH: So there is a timeline on fiscal
4 distress classification. Under fiscal distress
5 alone, the State Board has the authority to remove
6 and assume authority. Okay? That was not what
7 assumption of authority for Lee County was. Y'all --
8 you assumed authority under -- of Lee County based on
9 standards of accreditation violations.

10 MR. WOOD: Okay.

11 MS. SMITH: Okay. And then they came -- we came
12 forward and requested Level 5 support and you assumed
13 authority under Level 5 support. In the mix of all
14 that, we classified them under fiscal distress
15 because they had so many audit findings --

16 MR. WOOD: Sure.

17 MS. SMITH: -- and they were having that
18 continuous decline. Under -- that fiscal distress
19 piece gave Eric's office the authority to those
20 weekly calls clamping their expenditures where at
21 first, they weren't allowed to spend over \$500
22 without getting it approved. And so every
23 expenditure decision in that has been managed and
24 directed by this office.

25 MR. WOOD: Okay. I see.

1 CHAIR MOORE: More questions, Ms. Keener?

2 MS. KEENER: (Shakes head side to side)

3 CHAIR MOORE: Mr. Bragg?

4 MR. BRAGG: So does the trend look stable or
5 improving right now, financially?

6 MS. SMITH: The balance?

7 MR. BRAGG: Yeah.

8 MS. SMITH: It's stable. They do -- they're a
9 district -- some of the positive things about this
10 district is they are growing. They did have a growth
11 of enrollment. They had been losing for multiple
12 years. So that's a positive sign. We think that is
13 a positive sign because Dr. Stone has been --
14 provided some stability within the district and has
15 done a good job recruiting. Right now -- we're at
16 this cliff right now because the ESSER funding is
17 going away. And so we are wanting to make sure that
18 the district is not relying upon the federal funds
19 that they had. And so this next year, with our team
20 working with them and Dr. Stone, we feel like they
21 are in a good place; but if they spend a lot of
22 money, then they won't be; right? So it's about that
23 budgeting piece.

24 MR. BRAGG: Okay. Thank you.

25 CHAIR MOORE: Ms. Salaam?

1 MS. SALAAM: (Shakes head side to side)

2 Ms. Rollins, questions?

3 MS. McFETRIDGE-ROLLINS: (Shakes head side to
4 side)

5 Ms. Woods?

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

7 MR. WOOD: Dr. Moore, I have some other
8 questions.

9 CHAIR MOORE: Yes.

10 MR. WOOD: I apologize that I forgot about
11 these.

12 So financially, what are the overall expenses of
13 the district in the -- this current school year? I
14 guess what I'm asking, more bigger picture, is what
15 is the improvement from five years ago to today, with
16 regard to balancing its budget and --

17 DR. SAUNDERS: Yeah. Okay.

18 MR. WOOD: -- a reflection of the health --

19 DR. SAUNDERS: Okay. Yeah. I think I can
20 address that. So I think it's coming back. Let's
21 talk about the audit exceptions. And so, you know,
22 you have audit exceptions based upon the culture as
23 we talked about and perhaps a lack of written
24 procedures and policies are being followed through.
25 You know, you have to determine the factor there.

1 But with that you also run into, typically, coding
2 issues, in other words, where things are coded and
3 that makes it real difficult to -- to budget and to
4 track your expenditures and everything with that.
5 And so that is one thing that we really focus on from
6 the very beginning is we know what funds are coming
7 in, where they are going out. We double check on all
8 those that -- they're -- we call them single line
9 debt requests for every item and we go through every
10 single code with those and make sure they're coded
11 appropriately because sometimes, you know, just for
12 example, you may use one line item and lump a bunch
13 of things in there, whereas you could code it in five
14 different areas and you would have a better
15 understanding of where your money's going. It was --
16 so we have that understanding now at this point of
17 where's the money going, you know, where are places
18 for more efficiencies because previously you just --
19 you couldn't do it unless you basically you pulled up
20 your entire check register and tried to go through
21 everything.

22 MR. WOOD: Sure. But, I guess, my concern is
23 based on one of these slides that talks about the
24 decline in net legal balance from '18-'19 to '19-'20.

25 DR. SAUNDERS: Yes, sir.

1 MR. WOOD: It looks like it was roughly cut in
2 half. So it -- what's the improvement there?

3 DR. SAUNDERS: Yeah. So what you would see
4 there -- so if I go there, you look at the declining
5 net legal balance in that specific instance -- let me
6 get the numbers right in front of me. So you could
7 just imagine if you extrapolated out one more year
8 where that --

9 MR. WOOD: Yes.

10 DR. SAUNDERS: -- what would happen. Then, you
11 know, then you could have cash flow issues; you could
12 have all kinds of things. So yeah, we've worked with
13 that. We may see a slight dip this year on the net
14 legal. It's just because of tax collections that
15 occurred during the fall semester, and I know Dr.
16 Stone has reached out to them. But, like, with the
17 rightsizing and their corrections, you notice there
18 was on that last slide -- or not the last slide, the
19 second or third to the last slide, I show it is about
20 \$1,000,000 worth of, I guess, you'd say positives
21 between this year and next year. We're able to do
22 the resource allocation and make sure that every
23 position that we had was needed and that where the
24 needs are there is a position with that. And so --
25 yeah. I feel very comfortable with it.

1 MR. WOOD: Okay.

2 CHAIR MOORE: Dr. Saunders, you -- thank you for
3 giving me a timeline earlier of the district. So it
4 looks like the district had previously been under
5 state control, was previously under fiscal distress
6 classification, it was rescinded in 2017. And then
7 by -- September 2017. And then by May of 2019, the
8 district was reclassified in fiscal distress. So I
9 would like to hear just a little bit more about what
10 y'all's work is going to look like the next five
11 years with the district such to avoid what happened
12 before.

13 MS. SMITH: So we've had legislative changes
14 since then. So one of the things that has happened
15 was the legislation that passed that allowed the
16 Department, once released, to continue to monitor for
17 an additional three years. Previously, you were
18 classified, released and --

19 CHAIR MOORE: And there was no monitoring?

20 MS. SMITH: And there was no monitoring, and we
21 were completely -- completely stepped back. And I
22 think as we have continued in our support for
23 districts that are under state authority, we see that
24 this gradual release back is important, just like
25 establishing a limited authority board, having time

1 to slowly release versus your board was removed and
2 then the next day we release and you have a whole new
3 board again and nobody's there to help you again. So
4 I think this slower process is needed. So I think
5 that's some of the changes. You have seen this with
6 Lee County going back and forth. I'm feeling
7 probably more confident with Lee County in terms of
8 community support, ongoing support, but it is -- the
9 conversation that needs to start occurring now is how
10 do we how do we start operating over the next two
11 years to ensure that when we do step back, that they
12 can continue to handle it.

13 CHAIR MOORE: Thank you.

14 MR. WOOD: I guess the significant difference
15 between right now and what would have been seven
16 years ago is that Lee County is still under state
17 authority. In 2017, they were not under state
18 authority after that decision; right?

19 MS. SMITH: Most likely. I'd have to have the
20 timeline right in front of me.

21 MR. WOOD: Yeah.

22 MS. SMITH: But I'm going to agree with you.

23 MR. WOOD: Well, I think that -- yes.

24 MS. SMITH: Okay.

25 MR. WOOD: Thanks for agreeing.

1 CHAIR MOORE: Yes. They have been returned to
2 local --

3 MR. WOOD: Yes.

4 CHAIR MOORE: -- a local board in March of 2015.
5 So --

6 MR. WOOD: Yeah.

7 DR. SAUNDERS: And right on top of that, the law
8 on the three-year monitoring and the debt request
9 that continues on, that was not passed until 2019.

10 MR. WOOD: Yeah.

11 DR. SAUNDERS: So that --

12 MR. WOOD: Yeah.

13 CHAIR MOORE: Thank you.

14 Board Members, more questions or comments? On
15 Zoom, any questions?

16 Welcome, by the way. Any questions from you?

17 MR. HENDERSON: No.

18 Okay. Then our floor will be open for a motion
19 if no further questions.

20 MR. WOOD: I move that the Board release Lee
21 County School District from fiscal distress.

22 CHAIR MOORE: Okay. There's a motion by Mr.
23 Wood.

24 MS. HUNTER: I second.

25 CHAIR MOORE: A second by Ms. Hunter.

1 Any questions? Okay. All in favor, say aye.

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIR MOORE: Any opposed?

4 Motion passes. Thank you.

5 Thank you, Dr. Stone, and your team for
6 traveling here today. We appreciate it.

7 MR. OLIVA: Can I -- before -- Dr. Stone, before
8 you leave, I do think it would be worth a minute if I
9 could request to just give Dr. Stone a chance to brag
10 on some of the gains they've had academically this
11 past year and the year before. They -- their
12 elementary school went up with full letter grade in
13 over a year. There's a lot of wonderful things
14 happening in the school district and it's a lot of
15 the testament to his leadership and the culture
16 around increasing rigor and academics in the
17 classroom. And since he's already here and I think
18 it'd be worthwhile if we just have a few minutes to
19 just celebrate with Dr. Stone the many
20 accomplishments he's achieved. I'm totally putting
21 you on the spot, so I apologize for that, but it's
22 worth --

23 DR. STONE: I'm sitting here thinking I did not
24 make notes or prepare for that -- but yes. We did
25 move a letter grade from, I guess, over the last

1 decade or so our -- both of our schools have been F
2 schools. Last year we moved into -- at our
3 elementary school at -- to a D status; and we were .3
4 percentage points away from a D at the high school as
5 well. So we're looking forward to seeing what this
6 new assessment and this new time yields for this
7 year. So we -- we've had a lot of accomplishment.
8 We've been looking at our formative assessments and
9 we've shown growth from the beginning to the end of
10 our formative assessments. So we -- we're feeling
11 pretty confident that we're going to be in a good
12 spot. This year we've graduated -- I understand that
13 last year, 200 students in the state of Arkansas
14 graduated with an associate's arts degree. This year
15 alone, we've had -- we had three to graduate with an
16 associate of arts. And so we -- we've got a lot of
17 positive growth as students with a score of 30, 26,
18 25 on ACT. So we're steadily growing. We're trying
19 to get better; we will get better. We just -- we're
20 putting those systems in place, systems of
21 accountability systems for academic growth, and I
22 think we'll continue to see those growth throughout
23 the years as we get better at what we do -- what we
24 do as a district. So thank you for giving me the
25 opportunity.

1 MR. OLIVA: Yeah. I mean, you're already here.

2 So --

3 MS. KEENER: Yeah. And before you --

4 MR. OLIVA: -- we have got to give you a chance
5 to brag.

6 MS. KEENER: Before you leave, I want to brag as
7 well. I had the pleasure of heading down there and
8 visiting and we spoke a lot at length about early
9 childhood and his desire to, you know, bring industry
10 to the area. And I said, you've got to provide
11 childcare, and you guys are on -- I have this dream
12 of creating this community school in the Delta. And
13 you guys are on kind of my short list of where I'd
14 love to see that in place where you can serve infants
15 all the way through preschool, you can serve as a lab
16 school for high school students that are earning
17 their CDA concurrent credit, a place for high school
18 students with children to have their children on
19 campus and go -- and more likely to graduate high
20 school. And, you know, all the discussions we had
21 about these things he wants to get involved and he
22 wants to look for solutions and it's on us to do what
23 we can do to make that possible for you. So you're
24 on my list.

25 DR. STONE: All right.

1 MS. KEENER: Thank you.

2 DR. STONE: Well, thank you. And we -- we've
3 had our second PLC with our community, pre-K or
4 anyone serving daycares, the private school, anyone
5 serving anyone that's in the pre-K area. We had our
6 second PLC where we brought everyone together and
7 we're talking about looking at data, what can we do
8 to support your program to get them ready for any one
9 of our schools? And so we are looking forward to
10 continuing that work. Thank you.

11 MS. KEENER: Well, if you have another one reach
12 out and I'd be happy to come down and visit again.

13 DR. STONE: Right. Thank you.

14 MS. KEENER: Thanks.

15 CHAIR MOORE: Thank you, Dr. Stone.

16 DR. STONE: Thank you.

17 CHAIR MOORE: We appreciate you.

18 DR. STONE: Have a great day.

19 CHAIR MOORE: Thank you. Thank you. And thank
20 you again, Lee County staff for coming as well.

21 **5. CONSIDERATION OF ADMINISTRATIVE RULES FOR FINAL APPROVAL**

22 **5.a. DESE RULE GOVERNING THE STUDENT PROTECTION ACT**

23 **5.b. DESE RULE GOVERNING STUDENT TRANSFERS**

24 **5.c. DESE RULE GOVERNING EDUCATOR PERFORMANCE**

25 **5.d. DESE RULE GOVERNING THE RIGHT TO READ ACT**

1 CHAIR MOORE: We will move on to agenda item
2 five. We have a set of four rules for final
3 approval.

4 MS. SMITH: All right. Just quickly, again,
5 wanted to kind of state the process that rules go
6 through. They come to the State Board to be released
7 for public comment. They go out through their notice
8 into the public and go out for public comment for a
9 minimum of 30 days. If substantive changes are made
10 because of the public comment, they go back out
11 again. Once changes are made, comments are
12 addressed, they come back to the Board for final
13 approval. Once you approve, they then go to the
14 Arkansas Legislative Council for review.

15 So this first set of four rules, the Student
16 Protection Act, the legal transfer, educator
17 performance rules, and the Right to Read rules are in
18 their final leg for State Board. They have gone
19 through this process of public comment, changes that
20 needed to be made have been made, and now they're
21 back to you for final approval.

22 So again, the Student Protection Act, very
23 quickly, had one addition to it. This was a previous
24 rule, so it had minor changes; did not receive --
25 there were no changes after public comment.

1 Rules governing student transfer. This was the
2 -- the change here was local school boards had the
3 ability to do student transfers between board to
4 board. What was added to this was it now allows for
5 a process that people can come to State Board as an
6 appeal to be heard.

7 Third rule, educator performance. This was one
8 that was changed because of public comment and the
9 definition of annual rating. Most of the comments
10 had specifically to do with confusion between a final
11 summative evaluation and the opportunity to give an
12 annual rating. So we clearly just defined what
13 annual rating was because it was mentioned in the
14 rules.

15 And then the last one, Right to Read. Most of
16 the comments on that really were around professional
17 development training, the new assessment system, but
18 nothing to -- necessarily to change in the specific
19 rules.

20 So today I request for final approval these four
21 rules to move from State Board to AOC.

22 CHAIR MOORE: Board Members, questions?

23 Mr. Henderson?

24 MR. HENDERSON: None.

25 CHAIR MOORE: Mr. Bragg?

1 MR. BRAGG: (Shakes head side to side)

2 CHAIR MOORE: Ms. Salaam?

3 MS. SALAAM: (Shakes head side to side)

4 MR. WOOD: Not a question, but a comment --

5 MS. SMITH: Yes, sir.

6 MR. WOOD: -- about the rules governing educator
7 performance, specifically the -- it's not really
8 about the rules, it's about the -- the volume of
9 comments that we got on that one. And, you know, a
10 lot of times we put rules out and we get no comments.

11 MS. SMITH: Right.

12 MR. WOOD: There's a lot of comments about those
13 rules and I understand why it's sensitive nature
14 that, you know, the most important people in the
15 process of educating children are directly impacted
16 by this, and so it generated a lot of interest across
17 the state. That interest is going to continue. And
18 as I looked through the comments and when you look at
19 the Department response to those comments, probably,
20 it was unsatisfying to the people that that made
21 those comments or -- and read the response. And I
22 understand -- I understand, you know, why the
23 response is so abbreviated and whatever, but I hope
24 that it just highlights that -- that a lot of people
25 across the state want to know a lot about this, and

1 there needs to be a lot of communication with
2 teachers and, you know, however, that is to help
3 them, you know, feel that --

4 MS. SMITH: No.

5 MR. WOOD: -- that their comments are heard,
6 appreciated and that they are the most valuable part
7 of the education --

8 MS. SMITH: And, actually, I appreciate you
9 pointing that out because it gives me the opportunity
10 to kind of tell you a little bit more about what
11 we've done. Okay. So in reading the rules --
12 because this is the rules that address merit pay.
13 And so there's lots of questions and lots of -- this
14 is the first time we've done that where teachers are
15 actually -- school districts are doing rostering on
16 their students and their test scores and teachers are
17 actually going in saying yes, I teach this kid, I'm
18 the primary teacher; I'm the secondary teacher. It's
19 the first time they've done a lot of things. So a
20 lot of the questions you're seeing in the rules were
21 pertaining to that. A lot of the questions in the
22 public comments, not the rules, the public comments,
23 had to do with the evaluation and did it align with
24 TESS? Did it not align with TESS? Karli has
25 actually been out going around and doing --

1 addressing teachers, administrators and
2 superintendents throughout the co-ops. She's
3 actually been on several Zooms with AAEEA and their
4 administrative teams, the superintendents from around
5 the state, talking through this. And so while the
6 comments -- Legal -- we try not to get Legal to say a
7 whole lot; we try to keep them short. And so Legal's
8 comments were no, if we didn't change, we didn't
9 change or just addressing specifically what it was.
10 But in terms of going through and explaining, trying
11 to make connections, Karli's team is working on that.

12 MR. WOOD: Well, good.

13 MS. SMITH: So -- but I appreciate that and as
14 these move forward and as we are hoping to be able to
15 do our first round of merit pay hoping -- if once
16 these get approved and get through AOC, we're hoping
17 that we'll be able to do that in June. And I'm sure
18 we're going to learn lessons the first time we do it
19 and we may have to come back with changes or
20 revisions based on our experience.

21 MR. WOOD: Sure.

22 MS. SMITH: But good questions and thanks for
23 reading the comments because there were a bunch.

24 CHAIR MOORE: Ms. Rollins, Ms. Woods, do y'all
25 have questions?

1 MS. WOODS: Again, not a question so much as the
2 comment. Was there anything -- because there was a
3 lot of rules to read through -- but was anything
4 majorly substantive that I might have missed?

5 MS. SMITH: No. The only thing that was changed
6 on the performance was really defining that annual
7 rating, what that was versus the summative
8 evaluation. The TESS -- the TESS evaluation is only
9 required -- full teacher evaluation is only required
10 once every four years, but that is on all components.
11 And there are artifacts required; there is
12 observations required; there is a collection -- it is
13 a big task. And so school districts don't have to --
14 or haven't been in the practice of necessarily giving
15 an annual rating. The annual rating is not the full
16 TESS evaluation, and that's where confusion was
17 coming in. And so Karli's team again is going around
18 talking about what is an annual rating. You're still
19 doing teacher walkthroughs; you're still collecting
20 data; you're still doing teacher observation. But
21 you're not necessarily asking for a portfolio.
22 Teachers every year still have professional growth
23 plans. So they're getting information and feedback
24 on that. You can give a teacher an annual rating
25 based on that information without a full TESS

1 evaluation. And so that's the clarification and the
2 requirement to receive merit pay is that you do have
3 at least an annual rating.

4 MS. WOODS: So if we made that substantive
5 change, what's -- why would we not reissue these for
6 public comment?

7 MS. SMITH: We didn't feel like --

8 MS. WOODS: (Indiscernible)

9 MS. SMITH: We didn't feel like it was
10 substantive, and this is the reason, the word annual
11 rating was in the rules -- that they had to have an
12 annual rating. Where we saw confusion expressed
13 through the comments where people were saying annual
14 rating was that summative evaluation. So we just
15 clarified it with the definition of annual rating.

16 MS. WOODS: Okay. Sorry. I misunderstood.

17 MS. SMITH: Well, that's -- probably, I didn't
18 explain it right.

19 MS. WOODS: No. I'm going to take blame for
20 that, Stacy. You probably did a great job.

21 MS. SMITH: Okay. Thanks.

22 CHAIR MOORE: Ms. Rollins, questions?

23 MS. McFETRIDGE-ROLLINS: (Shakes head side to
24 side)

25 MR. WOOD: May I ask one more?

1 MS. SMITH: You can because you said my dress
2 was lovely today.

3 MR. WOOD: Oh, yeah.

4 MS. SMITH: So yes, you can.

5 I'm sorry, Dr. Moore. That was really you.

6 MR. WOOD: A little bit in the vein of my
7 comment a minute ago. Will there be direct
8 communication to educators regarding this as opposed
9 to depending on AAEEA or co-ops to communicate it? I
10 feel like if a letter went to every educator and
11 every new educator got this information at the time
12 of licensure, that it would be very beneficial to
13 hear it explicitly, clearly from the Department what
14 the various criteria are and whatever.

15 MS. SMITH: So I see Karli making her way up
16 here, so I'm sure Karli has a plan that she's going
17 to share with you.

18 MS. SARACINI: Karli Saracini, assistant
19 commissioner.

20 Yes. We are working on a plan, but with the
21 rules not through the process of approval, it's hard
22 to really push out any communication.

23 MR. WOOD: I understand.

24 MS. SARACINI: And then we have a really short
25 runway this year to get the money out. My office, we

1 push out the National Board money every year and the
2 funding for it. So we are working on a plan that we
3 will do something similar. We will verify things
4 with the superintendent and then we will push out in
5 our "L" system, which is our licensure system, we
6 have emails of everyone that's working. And so we
7 can do a mass email to everyone, and we thought we
8 would try to do that simultaneously as we go forth
9 when we're -- with the funding.

10 MR. WOOD: Yeah.

11 MS. SARACINI: So that's our --

12 CHAIR MOORE: May I ask a question on that,
13 though?

14 MS. SMITH: And I did -- go ahead. No, go
15 ahead.

16 CHAIR MOORE: That does prove a little bit
17 challenging because the annual observation rating
18 some teachers might not have had this year.

19 MS. SMITH: So go -- yeah, answer that.

20 MS. SARACINI: Okay. So I had -- I felt like
21 I've been on a -- a whirlwind tour of the state
22 because I've not only addressed administrators, but
23 also school board members, and we're making it clear
24 that now that we have our own evaluation system, the
25 EES System, we can pull that at any given time

1 because of SlideData and we can pull that ourselves.
2 We have really talked to every administrator over the
3 past probably four to six weeks to make them
4 understand that this annual rating is very important.
5 And we are taking phone calls, we rolled it out with
6 superintendents, followed up by webinars, followed up
7 by office hours. And we are still doing office hours
8 two days a week so that administrators can get on and
9 we can make sure and help them through this process.
10 So we've really had a great plan as we've tried to
11 roll this out because communication, communication is
12 so important. So -- and we've really learned that
13 the office hours are really important. We can have
14 anywhere from 50 to 150 on it and we even do
15 breakouts because larger districts have different
16 issues than smaller districts. So yes, we knew the
17 support and communications were top on our priority.

18 MS. SMITH: And as we roll this out the first
19 year, we're always going to err on the side of the
20 teacher. If someone doesn't have an annual rating
21 and we see that their scores are here, we're going to
22 contact that district. We're going to make sure that
23 that the opportunity is given for them to be able to
24 get it. We don't want to punish someone because
25 someone else didn't know or have something done. So

1 our goal is to work. And kind of going back to your
2 comment about teachers don't understand this right
3 now. That is clear. And so once the approval and
4 we're able to roll this out, being able to provide
5 some type of information more than probably -- than a
6 letter, but something that's maybe a chart or a table
7 about how this is distributed because the whole --
8 the goal is that teachers look around and see
9 teachers in their own building who are getting it and
10 that they have an understanding of how that occurred.
11 And what's their opportunity next time? We want to
12 celebrate the teachers who are getting merit pay, so
13 what does that look like as we move forward? We just
14 haven't had the chance to do all those pieces yet,
15 but it -- it is needed. So I think our dependence
16 right now on talking to the administrators has to do
17 with more of making sure they're getting those
18 ratings in. So --

19 CHAIR MOORE: More questions, Board Members?
20 Ms. Woods or Ms. Rollins?

21 Okay. So we have four sets of rules for final
22 approval. Yeah. We can have a motion to approve all
23 four at once, or one at a time.

24 MS. SMITH: Yes. So I would be seeking a motion
25 to approve the Student Protection Act rules, legal

1 transfer rules, educator performance rules and Right
2 to Read rules as approved for -- as -- in final form
3 -- the final review.

4 CHAIR MOORE: The floor is open for a motion to
5 approve.

6 MR. BRAGG: I move we approve final approval of
7 all four.

8 CHAIR MOORE: Okay. There's a motion by Mr.
9 Bragg to approve four sets of rules for final
10 approval. Is there a second?

11 MR. HENDERSON: Second.

12 CHAIR MOORE: A second by Mr. Henderson. Any
13 questions, comments? Okay. All in favor, say aye.

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIR MOORE: Any opposed?

16 Motion passes.

17 Thank you.

18 **6. CONSIDERATION OF REQUEST TO RELEASE ADMINISTRATIVE RULES**
19 **FOR PUBLIC COMMENT**

20 CHAIR MOORE: Now we have a set of rules to be
21 released for public comment.

22 MS. SMITH: So we have 11 rules that we're
23 looking at releasing for the first time for public
24 comment. So again, once you release them, they'll be
25 noticed to the public and they'll be out for at least

1 30 days. So that's what we're asking for today. So
2 those set of rules are as follows.

3 Let's see -- is the presentation still up?

4 **6.a. DESE RULE GOVERNING ARKANSAS GOVERNOR'S SCHOOL**

5 **6.b. DESE RULE GOVERNING BACKGROUND CHECKS**

6 **6.c. DESE RULE GOVERNING THE CODE OF ETHICS FOR ARKANSAS**
7 **EDUCATORS**

8 MS. SMITH: So the first set is Arkansas
9 Governor's School. Really the main work here was
10 clarification of processes. When you look at this
11 set of rules, there are a lot of revisions, but it's
12 not necessarily a lot of changes. It's just in how
13 it was organized throughout.

14 The second set is background checks. And this
15 has to -- I'm going to do three right now. If you
16 want to stop me at any time for questions, please
17 just wave me down. Okay?

18 The second one on here was the rules governing
19 background checks, and this is where we had
20 registered volunteer coaches are now required to have
21 a background check. It also requires a -- district
22 level administrators to notify within 24 hours of a
23 disqualifying offense for a registered coach or staff
24 and then our system actually then flags anybody who
25 has -- is under an investigation.

1 And then the third one, which kind of piggybacks
2 a little bit on the background checks that we talked
3 about yesterday, was the code of ethics. So it takes
4 that registered volunteer coach and kind of lays them
5 underneath that educator thing, so that if there is a
6 complaint against them, it now can go to PLSB for an
7 actual hearing where before we were just relying --
8 we weren't relying on either. And so now they fall
9 under that same category. And as we talked about
10 yesterday, there are lots of districts throughout the
11 state who have registered volunteer coaches,
12 especially for smaller sports. And so now they're
13 underneath that umbrella.

14 So I'm going to pause there on those three and
15 see if you have any questions on those three.

16 CHAIR MOORE: Board Members, questions?
17 Mr. Henderson, Mr. Bragg, questions?

18 MR. HENDERSON: None.

19 MR. BRAGG: (Shakes head side to side)

20 CHAIR MOORE: Ms. Rollins, Ms. Woods, questions?

21 MS. McFETRIDGE-ROLLINS: Yes. Dr. Moore, could
22 Stacy talk to us about what it means, registered
23 volunteers? What is that? How are they registered?

24 MS. SMITH: So they are registered through the
25 AAA as a coach, and they have to go through

1 trainings. There are certain requirements for
2 coaches in our state for training and so -- they also
3 have to have the child maltreatment. So they're --
4 they are someone who is maybe volunteering within the
5 district, but they're working in the district, and
6 they have met all the qualifications required through
7 AAA to be a coach.

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

9 MR. OLIVA: I'll also add, what's really great
10 about this role and you can see that it ties to the
11 LEARNS priorities and legislation initiative that a
12 lot of times with LEARNS we've really been focusing
13 on the literacy, the empowerment, accountability, but
14 the ESSA safety. And there were some great pieces of
15 that legislation to ensure that when we put adults in
16 charge of monitoring students or taking them on trips
17 or being -- they're -- the person of record, that we
18 want to make sure we have qualified and folks that
19 have had these background checks. And what this
20 great piece of legislation does is make sure that
21 when a district is hiring someone to be a coach or
22 that may not be a full faculty member with a teacher
23 license where they came in to get background checks
24 because they're getting a certification, that we're
25 requiring those folks that are going to work with our

1 children to meet those same background checks and
2 requirement. And then even the notification on if
3 there's a substantiated allegation -- I mean, if
4 there's an investigation where somebody made an
5 egregious behavior or conduct or something that would
6 say was on the level five concern of ethics that we
7 put a flag in the system. And it's not saying that
8 we've made a decision, it's just letting our state
9 know and would let potential other districts know
10 that there's something there that they need to call
11 and get some more information about because we have
12 reciprocity with several other states; and
13 unfortunately there's been incidences where bad
14 actors that have been under investigation in this
15 state go to another state and use reciprocity to get
16 a license and continue that bad acting and we are
17 closing this hole because of the priority on student
18 safety. And this is -- this is a great rule and I
19 look forward to continuing the dialogue.

20 MS. SMITH: And it's connecting that background
21 check over now with code of ethics. So when -- this
22 group that's registered and volunteered, they never
23 had that level of scrutiny too. So they could be
24 removed completely if found over here, whereas before
25 you didn't have that. And unfortunately, you guys

1 have seen too many come before you with violations of
2 standard one, maintaining professional relationships.

3 MS. KEENER: One, what I can -- what I really
4 appreciate about this is that it adds that extra
5 layer by requiring them to report it, but also
6 relieving some of the burden on the school districts
7 to repeat background checks. You know, you can
8 repeat them every year and you're just doing
9 ridiculous work that's -- this is the way to do it.
10 And so we know about the bad actors without
11 overburdening those that are not doing the wrong
12 thing in the district --

13 MR. OLIVA: Right.

14 MS. KEENER: -- so I appreciate that.

15 MS. SMITH: Okay.

16 CHAIR MOORE: Any more questions or comments on
17 these three rules?

18 MS. SMITH: So I'm going to go ahead and ask for
19 an action to approve these three rules: Arkansas
20 Governor's School, background checks and code of
21 ethics for release for public comment.

22 CHAIR MOORE: The floor is open for a motion.

23 MS. KEENER: I'll make a motion that we approve
24 these to release for public comment.

25 CHAIR MOORE: Okay. Ms. Keener made a motion.

1 Is there a second?

2 MR. BRAGG: I second.

3 CHAIR MOORE: A second by Mr. Bragg. All in
4 favor, say aye.

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIR MOORE: Any opposed?

7 Motion passes.

8 MS. SMITH: Okay.

9 CHAIR MOORE: Thank you.

10 **6.d. DESE RULE GOVERNING BETTER BEGINNINGS**

11 **6.e. DESE RULE GOVERNING THE REQUIREMENTS AND PROCEDURES FOR**
12 **OBTAINING AN ARKANSAS BIRTH THROUGH PREKINDERGARTEN TEACHING**
13 **CREDENTIAL**

14 **6.f. DESE RULE GOVERNING DYSLEXIA SCREENING AND INTERVENTIONS**

15 MS. SMITH: All right. So we will move forward
16 with the next batch here. So Better Beginnings,
17 yesterday in the work session, Ms. Keener identified
18 a couple of areas that she wanted us to address, and
19 those adjustments have been made. So the ratio piece
20 where there was, like, a pasting error that has been
21 corrected. So those have been updated on the agenda
22 and when they're released, those will be the ones
23 that are posted.

24 Again, so Better Beginnings is our quality
25 rating for our early childhood centers throughout the

1 state. Some of the biggest pieces really on this one
2 was the transformative change of moving the Office of
3 Early Childhood from the Department of Human Services
4 over to the Department of Ed. As I stated in the
5 work session, we fully expect to see these rules
6 overhauled over the next year. Okay. As we continue
7 to analyze what we rate as quality, as we continue to
8 look at how we want to transform early childhood in
9 our state, these rules will be coming back to you
10 again. Do you have a question? No?

11 MS. KEENER: I just want to say that I so
12 appreciate the extra effort on the Legal Department
13 and everybody for making those changes because it'd
14 be really easy to say, oh, we'll fix those later when
15 we do the overhaul. But understanding the need to
16 make this work now is -- I really do appreciate that,
17 so thank you.

18 MS. SMITH: The next set of rules have to do
19 with the rules regarding governing the requirements
20 of procedural procedures for obtaining an Arkansas
21 birth through prekindergarten teaching credential, my
22 goodness. Might need to work on the title in the
23 change; right? Get that shorter. So this was a rule
24 that came over from DHS to the Department. And so it
25 was about attaining a credential for early childhood.

1 This is not a full teaching license; this is a
2 credential. As -- again, we continue to look for how
3 do we create these pathways? How do we intertwine
4 even our pre-educator force with early childhood
5 pieces? I think there's opportunities here, but this
6 is for folks who generally have, like, an associate's
7 degree.

8 CHAIR MOORE: Any questions, Board Members?

9 MS. SMITH: The third set of rules here are the
10 rules governing dyslexia screenings and
11 interventions. So in these rules, there are actually
12 quite a few changes centering around reporting,
13 centering around the new assessment and the screening
14 tools within that. I do feel that we will get
15 numerous comments on this. Yesterday in the work
16 session, one of the things that was talked about was
17 the length of the program and rules. So in my mind,
18 I thought it might be helpful in the next month for
19 us to even kind of take these rules and break them
20 apart in a chart so that we can kind of see, like,
21 this is what parents would now be getting out of
22 these rules, this would be the responsibility on a
23 timeline for assessment because right now, when you
24 read them, you're seeing the days and times. But
25 like, how can we break that out so that you can --

1 because there's quite a bit in here. So I think
2 we'll try to get that done in the chart form that we
3 can kind of post along and be able to answer
4 questions a little bit easier with that.

5 I'll pause and see if there's any questions on
6 that one.

7 CHAIR MOORE: I think that would be great,
8 particularly, if there will be public interest and
9 public comment on these rules.

10 MS. SMITH: Yeah. And I think when we can kind
11 of block it together like that, maybe we might find a
12 hole or we might find, like, oh, wow, there is a lot
13 of communication there or there's a pretty good
14 timeline or is that timeline too tight? Is it
15 reasonable? Right? Seven days sounds good, right,
16 but what does it look like when it's kind of mapped
17 out?

18 MS. KEENER: Timeline wise for these, I assume
19 these will not come back to us in June? It will --

20 MS. SMITH: No.

21 MS. KEENER: -- have to -- yeah. It will be
22 more like July? Okay.

23 MS. SMITH: These will go out for 30 days. If
24 there's substantive comments, then they'll go --
25 we'll make those changes and we'll go again. And

1 we'll keep you apprised of that. I know there's
2 several on the Board who are really interested in the
3 -- in these. And so if not, if there's not
4 substantive changes, if there's -- if it's pretty
5 good, then they'll come back to you pretty quickly.

6 CHAIR MOORE: Board Members, questions? Mr.
7 Henderson? Mr. Bragg? Ms. Salaam? Ms. Rollins?
8 Ms. Woods, questions?

9 MS. WOODS: I do have a question and I apologize
10 if this was covered yesterday in the work session.
11 When it talks about -- under -- let me get it pulled
12 up here, probably under old section four or five
13 about, like, the DIBELS or dabbles. We aren't taking
14 those rules out to say that is not an assessment we
15 could administer? It's just one of? Is that -- am I
16 understanding that?

17 MS. SMITH: So for K-2, we now have a statewide
18 screening tool that's built in our assessment system.

19 MS. WOODS: Okay.

20 MS. SMITH: So every student across the state
21 will be taking the same assessment and same screener.
22 So if -- and this Board will help us set those cut
23 scores. So we'll come to you guys with
24 recommendations. And so when a student score is a
25 certain level, they will be flagged for additional

1 level one dyslexia screening which we have built into
2 the system. And so districts instead of pulling
3 different screening tools that they're using, they
4 will be now using the tools that we've established
5 and the cut scores that we've established so that we
6 have clearly defined what those levels are. Again,
7 there is different diagnostic assessments that you
8 can do -- delve deeper into to get more information.
9 Let's say a student flags low, they do more
10 diagnostics and maybe it was the kid wasn't feeling
11 well or something like that. So it's not an
12 automatic that you're -- but you're definitely going
13 to have to take the screening assessment and then
14 you're definitely -- parents are going to be
15 notified.

16 MS. WOODS: My other overarching question was --
17 and I haven't read these side by side -- is there any
18 potential conflict between the rules that we just
19 approved with the Right to Read and then also these
20 going out for public comment?

21 MS. SMITH: Not that I believe. We -- the
22 literacy team gave feedback to both of these.

23 MS. WOODS: Okay.

24 MS. SMITH: And I think in some of the -- I'm
25 trying to think on the license -- on the Right to

1 Read rules, you know, special education teachers who
2 are teaching literacy have to demonstrate
3 proficiency. And so in these rules, you'll see it
4 where they're referred to special education teachers
5 providing the dyslexia services because they've met
6 that proficiency standard, but we don't necessarily
7 outline it again in these rules. But --

8 MS. WOODS: And the only reason I asked is I'm
9 thinking -- forward thinking I just didn't want
10 somebody coming to the Board saying well under the
11 Right to Read, I have -- I'm entitled to these
12 services, but I'm not under dyslexia rules.

13 MS. SMITH: Yeah. We -- we'll go back and do a
14 side by side, but I feel like the team that has
15 worked on both of those rules are the same set. But
16 that's happened before.

17 MS. WOODS: Well, you know --

18 CHAIR MOORE: Any more questions, Board Members?

19 Do we want to go ahead and -- with -- it was
20 three sets of rules here?

21 MS. SMITH: Yeah. So I will ask for a motion
22 from the Board to release for public comment the
23 Better Beginning rules, the requirement procedures
24 for obtaining an Arkansas birth through pre-K
25 teaching credential and the dyslexia screening and

1 intervention rules.

2 CHAIR MOORE: Okay. The floor is open for a
3 motion.

4 MR. HENDERSON: I'd like to make a motion to
5 release rules for the public -- all three.

6 MR. BRAGG: Second.

7 CHAIR MOORE: The motion by Mr. Henderson; a
8 second by Mr. Bragg. All in favor, say aye.

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIR MOORE: Any opposed?

11 Motion passes.

12 **6.g. DESE RULE GOVERNING EDUCATOR LICENSURE**

13 **6.h. DESE RULE GOVERNING EMERGENCY RESPONSE EQUIPMENT AND**
14 **TRAINING IN ARKANSAS PUBLIC SCHOOLS**

15 **6.i. DESE RULE GOVERNING THE FISCAL ASSESSMENT AND**
16 **ACCOUNTABILITY PROGRAM**

17 MS. SMITH: Okay. The next set of rules are the
18 rules governing educator licensure. This is probably
19 one of your lengthiest set of rules that you have.
20 There are lots of changes there. This has kind of
21 been a -- work that's been going on for the past
22 year. One of the executive orders had to do with
23 creating, you know, efficiency and reducing red tape
24 around, especially licensure and creating pathways.
25 And so this is the work that this team has been

1 doing. It allows districts to address vacancies by
2 permitting educator preparation intern programs, and
3 the Aspiring Teacher Permit, allows flexibility in
4 demonstrating content knowledge to obtain a license,
5 allows for multiple pathways to special education
6 licensure where before you are really tied to a
7 long-term sub or a licensed special Ed teacher. It
8 measures the fidelity of science of reading within
9 our programs, with science of reading audits. And
10 requires our educator preparation programs to
11 complete a yearlong residency. I do feel like we
12 will get lots of comments on these rules as well.

13 CHAIR MOORE: Questions, Board Members?

14 (NO RESPONSE)

15 MS. SMITH: The next set of rules is the rules
16 governing emergency response equipment and training
17 in Arkansas public schools. This requires schools to
18 have an opioid rescue kit, requires school nurses and
19 school resource officers to carry Narcan on
20 themselves; it requires schools to have their kits
21 labeled and accessible, keeps schools safe by
22 requiring the AEDs in certain school -- at certain
23 school sponsored events, and requires training for
24 personnel in the use of the different equipment that
25 is required.

1 CHAIR MOORE: Questions, Board Members?

2 MR. HENDERSON: I do have one -- one or two.
3 That type of equipment sometimes requires inspection
4 and things like that. Will we do that independently?
5 How would that process take place?

6 MS. SMITH: So our school health unit has
7 actually done an excellent job of working with school
8 nurses across the state in ensuring that they have
9 proper training. They've also secured grant funding
10 from various sources that have -- actually provide
11 equipment and materials to address this law --
12 provided the opioid rescue kits, have provided AEDs
13 where necessary, battery changing. So the training
14 part on how do you maintain and update is something
15 that our school health unit leads.

16 MS. KEENER: Well -- and I think that when the
17 fire department comes through --

18 MS. SMITH: It's an inspection.

19 MS. KEENER: Yes. It's part of the inspection
20 along with everything else they do. So --

21 MS. SMITH: And it's part of even, like, a cycle
22 report. They're asked about do you have these?
23 Where do you have them posted? And so districts are
24 prompted multiple times to give information
25 pertaining to them. And, you know, I would say I'm

1 aware of times when the AEDs and opioid rescue kits
2 have saved lives on our schools this year. And I
3 think most schools actually appreciate the fact that
4 if they were to have a situation, they're -- they
5 have -- they're a step closer to being prepared.

6 MS. McFETRIDGE-ROLLINS: Ms. Smith, I know
7 fentanyl seems to be coming more and more to the
8 forefront. Do we have any training or any equipment
9 that would help with anything pertaining to fentanyl?

10 MS. SMITH: So that -- yeah. The opioid
11 overdose rescue kit is specifically for that. And
12 the training that goes along with that, school nurses
13 throughout the state have had training. We have what
14 we call CHPS and CHNS and there's names for what
15 those mean, but I couldn't tell you what it is right
16 now. I'm just going to look pretty in my blue dress,
17 okay? Community health nurses. There you go.
18 Yeah. Yeah. She knew one of them. Anyway, listen.
19 Once does policy, one does nursing. Okay. I don't
20 even know what we're talking about -- what the
21 question was. So they do have training on that.

22 MS. McFETRIDGE-ROLLINS: So is fentanyl an
23 opioid? I don't -- is considered an opioid?

24 MS. SMITH: Yeah. So I think that's what it is,
25 yes. I think that's -- and I can definitely get our

1 school nurse people to come and ask more specific
2 questions. But I think that is what specifically the
3 Narcan is used for when there is a fentanyl overdose.

4 MS. McFETRIDGE-ROLLINS: Okay. All right. That
5 helps. Thank you.

6 MS. SMITH: And if I find out that I was wrong
7 on that, I will make sure to email you.

8 MS. KEENER: Well -- and it's for any opioid
9 like --

10 MS. SMITH: Yes.

11 MS. KEENER: -- Oxycontin, any -- anything like
12 that and -- yeah. So fentanyl is just the newest that
13 has been in the news lately.

14 MR. OLIVA: And this also follows under the
15 safety part of LEARNS. So it -- it's part of -- it's
16 part of that conversation that doesn't seem like it
17 gets a lot of attention, but for the practitioners
18 that are doing this work, it's very empowering and
19 reassuring that the training, the equipment, the
20 investments that they've made is aligned with our
21 statewide safety plan and how we're going to make
22 sure we keep students safe within our care.

23 MS. SMITH: Okay. The third one here is fiscal
24 assessment and accountability programs. The only
25 change to these rules was the repeal of Teacher Fair

1 Dismissal, so that was removed from these rules. It
2 was the only change.

3 CHAIR MOORE: Any questions on that, Board
4 Members?

5 (NO RESPONSE)

6 CHAIR MOORE: Looks like no questions.

7 MS. SMITH: Okay. So at this time, I will ask
8 for approval -- or an action to release for public
9 comment the rules governing educator licensure, the
10 rules governing the emergency response equipment and
11 training in Arkansas public schools and the rules
12 governing the fiscal assessment and accountability
13 program.

14 CHAIR MOORE: Floor is open for a motion.

15 MR. BRAGG: I move we release these.

16 MS. WOODS: I'll move to approve.

17 CHAIR MOORE: A motion by Mr. Bragg.

18 MS. WOODS: Second.

19 CHAIR MOORE: And a second by Ms. Woods. All in
20 favor, say aye.

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIR MOORE: Any opposed?

23 Okay. Motion passes.

24 **6.j. DESE RULE GOVERNING THE MATERNITY LEAVE COST SHARING**
25 **PROGRAM**

1 **6.k. DESE RULE GOVERNING WATER SAFETY INFORMATION PROVIDED BY**
2 **PUBLIC SCHOOLS**

3 MS. SMITH: All right. The next set of rules
4 are the maternity leave cost sharing program rules.
5 These were specific to LEARNS. This is a great
6 opportunity for teachers across the state and
7 districts to provide up to 12 weeks of maternity
8 leave with the state having a cost sharing agreement
9 for those educators when they are out on maternity
10 leave. This year we did have some schools who have
11 participated in a cost sharing agreement. We're
12 hoping that as we move -- as the rules get approved
13 and more information is out that we're going to see
14 this increase next year, great opportunity to recruit
15 and retain teachers in your school districts.

16 CHAIR MOOE: Absolutely.

17 Questions, Board Members?

18 MS. KEENER: I'm just so proud of this piece of
19 it. It's one that we don't hear about enough and to
20 me, you know, we understand that infant and toddler
21 care is in crisis all over the country. And I'm so
22 proud to say that here in Arkansas, we're working at
23 it from two different vantage points. We're trying
24 to improve access and quality obviously on the state
25 end, but also allowing parents the option to stay

1 home if they want to. It's just phenomenal and that
2 will relieve part of that burden on infant/toddler
3 care, so I'm excited about this.

4 MR. OLIVA: Well -- and I think too that when we
5 look at recruiting, retaining and part of the
6 strategy of making sure we have the best educators in
7 front of our classrooms, this also goes to support
8 staff as well. So this is going to help districts
9 make sure they get high-quality folks.

10 MS. SMITH: And I think you're -- and, you know,
11 the conversation on schools are thinking about
12 retention, recruitment of their staff by providing
13 things like the maternity leave or providing early
14 childhood partnership care, having a center -- school
15 based center in which their teachers' children can
16 come. So I think there's more opportunities like
17 that to be discussed and to be highlighted. So I
18 don't think it's a matter of people not wanting, I
19 think it's just people hadn't thought about it. So
20 good opportunity. Thanks for highlighting that.

21 The next set of rules has to do with water
22 safety. We had legislation that requires school
23 districts to notify and inform their parents of the
24 importance of water safety and to provide them
25 information where their child can have swimming

1 lessons. So our Department has actually created kind
2 of a form or a flyer that provides some swimming
3 facts and safety facts and then allows the school
4 districts to customize it and provide their
5 information where their parents -- or where kids can
6 go get swimming lessons locally. So these are the
7 rules around that.

8 CHAIR MOORE: Questions, Board Members?

9 I do have a question. Is that something y'all
10 will receive from the district? You'll see what the
11 district sent out?

12 MS. SMITH: No.

13 CHAIR MOORE: Okay. I would be curious. I know
14 in my part of the state, there is a lack and a gap in
15 opportunities for students. And so I --

16 MS. SMITH: I think --

17 CHAIR MOORE: -- think it will help that gap.

18 MS. SMITH: I think the intent of this
19 legislation was to create an awareness of the lack
20 and for folks to start realizing there's not things
21 around us. So is there something we can do to try to
22 create something? And so I think that was some of
23 the driving force behind this.

24 CHAIR MOORE: Yeah. Like the new community pool
25 in Pine Bluff -- newer is awesome.

1 MS. SMITH: So -- yeah. So if there's nothing
2 that they can put down, is there an opportunity to
3 create a partnership somewhere?

4 CHAIR MOORE: Okay.

5 Questions, Board Members?

6 MR. HENDERSON: It noted bodies of water, I
7 mean, my guess is inclusive to swimming pools, lakes,
8 any type of --

9 MS. SMITH: Yes, sir.

10 MR. HENDERSON: Okay.

11 MS. SMITH: Yes, sir.

12 So at this time, if there's no question, I would
13 ask for an action to approve for public comment the
14 rules governing maternity leave and the rules
15 governing water safety.

16 MS. KEENER: So I move we approve to release for
17 public comment the maternity leave cost sharing
18 program rules and the rules governing water safety.

19 CHAIR MOORE: Okay. We have a motion by Ms.
20 Keener. Is there a second?

21 MR. BRAGG: I second.

22 CHAIR MOORE: A second by Mr. Bragg. All in
23 favor, say aye.

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIR MOORE: Any opposed?

Motion passes.

**7. CONSIDERATION OF REQUEST TO REPEAL ADMINISTRATIVE RULES
AND RELEASE FOR PUBLIC COMMENT**

**7.a. DESE RULE GOVERNING THE EDUCATOR COMPENSATION REFORM
PROGRAM**

**7.b. DESE RULE GOVERNING ELIGIBILITY OF PARTICIPATING SCHOOL
DISTRICTS IN THE TRAVELING TEACHER PROGRAM**

**7.c. DESE RULE GOVERNING INCENTIVES FOR TEACHER RECRUITMENT
AND RETENTION IN HIGH-PRIORITY DISTRICTS**

**7.d. DESE RULE GOVERNING REIMBURSEMENT BY SCHOOL DISTRICTS FOR
ELECTION EXPENSES**

7.e. DESE RULE GOVERNING SCHOOL BOARD ZONES AND REZONING

**7.f. DESE RULE GOVERNING SCHOOL DISTRICT DUTY TO REPORT
STUDENT CRIMINAL ACTS**

7.g. DESE RULE GOVERNING THE SUCCEED SCHOLARSHIP PROGRAM

**7.h. DESE RULE GOVERNING METHODS OF ADMINISTRATION OF CAREER
AND TECHNICAL EDUCATION PROGRAMS**

CHAIR MOORE: Now we are on item seven.

MS. SMITH: Item seven, rules that we are
repealing. Some of these rules are simply outdated.
Some of these rules, the information has been pulled
into another set of rules or has completely been
repealed. And so we have put forward the rules for
governing educator compensation, the rules governing
eligibility of participating school districts in the

1 traveling teacher program, teacher recruitment and
2 retention in high-priority districts, rules governing
3 reimbursement for school election expenses, governing
4 school board zones and rezoning, and the rules for
5 school districts to report student criminal acts, and
6 the rules governing the Succeed Scholarship Program,
7 and one more, the rules governing the methods of
8 administration of career and technical education
9 programs. In the work session yesterday we kind of
10 talked about which of those had been repealed, which
11 of those had kind of been pulled into the others.
12 These rules will follow the same process. They will
13 go out for 30-day public comment for people to
14 respond to us repealing these rules and give us
15 information.

16 CHAIR MOORE: Thank you.

17 Board Members, questions?

18 MR. WOOD: Is there a master document somewhere
19 that kind of explains what you just said, the purpose
20 of the repeal and where -- where it could be found if
21 it's in a new rule or something like that?

22 MS. SMITH: I don't know that I have a master
23 document. I know that -- I think in the posting that
24 you're actually --

25 MR. RHODES: Yeah. There's no master document

1 that contains all of them together, but --

2 MR. WOOD: Sure.

3 MR. RHODES: -- with each submission as we send
4 them to either BLR, the Bureau, or to the Governor's
5 office, we usually have explanations about why it's
6 being repealed. So if you have any questions about
7 any particular rules, I'm happy to answer them at
8 this time.

9 MR. WOOD: Well, I guess I'm interested in all
10 of them to be honest.

11 MR. RHODES: Okay.

12 MR. WOOD: And I kind of think the public would
13 be interested in that too. It seems as though it
14 might be wise to include that in the -- the markup
15 that's being released to the public as to why it's
16 being repealed and where its replacement could be
17 found if there is --

18 MS. SMITH: We can do that.

19 MR. RHODES: Sure.

20 MS. SMITH: Yeah. I think that's a great
21 suggestion and it's something that we can easily do.

22 MR. RHODES: Yeah. And we can attach it to the
23 document as we upload it. Sure.

24 MS. SMITH: Yeah. So we can put the reason on
25 -- yeah. So if it's been absorbed somewhere else or

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MR. WOOD: Yes.

MS. SMITH: -- if it's been -- I think it's a great suggestion.

MR. WOOD: Yeah.

MS. SMITH: All right. Thank you.

CHAIR MOORE: Ms. Rollins, Ms. Woods, questions?

MS. WOODS: (Shakes head side to side)

MS. McFETRIDGE-ROLLINS: (Shakes head side to side)

MS. SMITH: And I'll send that to you too once we get it.

MR. WOOD: Yeah. I would appreciate that.

CHAIR MOORE: Okay. The floor will be open for a motion. And this is to release these rules --

MS. SMITH: Yeah.

CHAIR MOORE: -- for public comment. So it does come back to us for final repeal?

MS. SMITH: Yes. So I'm looking for an action to release for public comment the following rules.

CHAIR MOORE: Floor is open for a motion.

MR. HENDERSON: I'll make a motion --

MS. WOODS: I'm sorry. I guess I do have a question.

CHAIR MOORE: Yes.

1 MS. WOODS: So if we get public comment that one
2 of these rules has not been absorbed somewhere else,
3 does that mean they stay in place, or we work those
4 into another set of rules?

5 MS. SMITH: So again, depending on the public
6 comment themselves, that would then be decided as it
7 has -- if it's been repealed, then it wouldn't be
8 absorbed somewhere else. If it -- we feel like the
9 information that they're saying is being repealed is
10 needed and that we've not put it somewhere else, then
11 we would make -- we would comment as to what we're
12 going to do next. So that information would then
13 come back to this Board in the form of public comment
14 in our response.

15 MR. HENDERSON: I'll make a motion to release
16 the rules for public comments.

17 CHAIR MOORE: A motion by Mr. Henderson. Is
18 there a second?

19 MR. BRAGG: I second.

20 CHAIR MOORE: A second by Mr. Bragg. All in
21 favor, say aye.

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIR MOORE: Any opposed?

24 Motion passes.

25 **8. CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED MEMBER**

1 **FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD TO REPLACE**
2 **MEMBER WHOSE TERM IS VACANT OR EXPIRING JUNE 30, 2024 -**
3 **DR. KIMBERLEY DAVIS**

4 CHAIR MOORE: Now we will go to action item
5 eight, consideration of request for nominated members
6 to the PLSB.

7 We'll get through the action here and consent
8 and then we can take a break unless, Stacy -- unless,
9 Ms. Smith, you need some more time?

10 MS. SMITH: I think we're good on the -- these
11 two here.

12 CHAIR MOORE: Okay.

13 MS. SMITH: Okay. So coming before you today to
14 request the approval to nominate a member for the
15 Professional Licensure Standards Board. So the
16 request is to recommend Dr. Davis. She'll be
17 replacing a board member who is rolling off. Rules
18 require that there are a certain number of higher Ed
19 candidates on the board, and the rules also work with
20 the deans throughout the state for them to make a
21 recommendation. And so this is their recommendation
22 to the Department which we've accepted and that we
23 are submitting to you. So we're requesting today to
24 approve Dr. Davis on the Professional Licensure
25 Standards Board.

1 CHAIR MOORE: Questions, comments, Board
2 Members? Ms. Rollins, Ms. Woods, questions?

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

4 MS. McFETRIDGE-ROLLINS: (Shakes head side to
5 side)

6 Can you tell me how many members are on the PLSB
7 board?

8 MS. SMITH: I believe it's between ten and 12.

9 CHAIR MOORE: Okay. And they're all for
10 three-year terms?

11 MS. SMITH: Yes, ma'am.

12 CHAIR MOORE: Okay.

13 MS. HUNTER: Are they -- do they apply or do
14 they -- how does the process --

15 MS. SMITH: So you have higher Ed members who
16 work with the deans and then they make a
17 recommendation. We have administrators who -- we
18 work with AAEEA. And this is all -- this is outlined
19 in the rules for it. They make a recommendation on
20 who would represent the administrators. And then you
21 have a group of teachers and then teachers are --

22 MS. SARACINI: Yes.

23 MS. SMITH: Come to the speaker.

24 MS. SARACINI: It's specifically in the law that
25 we work with ASTA and AEA so that we have equal

1 representation: higher ed educators -- teachers --
2 classroom teachers and administrators.

3 CHAIR MOORE: I've said this for a long time,
4 but I would love to see some legislation in an
5 upcoming session to put in a parent representative.
6 There's no one on that board who's specifically
7 thinking about students only. I mean, everyone's
8 thinking about students, but, like, sole role as a
9 parent that changes things sometimes. So put that on
10 y'all's list. I think we talked about it before, but
11 I -- I feel strongly in that. Take the time to say
12 it now.

13 MR. WOOD: I have a question.

14 CHAIR MOORE: Yes?

15 MR. WOOD: Are our nominations vetted to any
16 degree to make sure that they have never had a
17 finding by the PLSB?

18 MS. SARACINI: Yes, they are vetted. We make
19 sure with AAEEA, with the administrators, and when
20 they send us the recommendation, we look at
21 everything. Same thing with teachers; same thing
22 with the Deans Council.

23 MR. WOOD: Okay. And so we can assume that when
24 y'all present an individual -- a nomination to us,
25 that it's passed all that and there are no --

1 MS. SARACINI: Yes.

2 MR. WOOD: -- background issues of any sort?

3 MS. SARACINI: Yes, sir.

4 MR. WOOD: Okay. Thank you.

5 MS. SMITH: Hang out right here just in case.

6 MR. OLIVA: You should sit closer.

7 MS. SMITH: Yeah.

8 CHAIR MOORE: Yeah.

9 MS. SMITH: Come stand right beside me.

10 CHAIR MOORE: Okay. Questions, Board Members?
11 Comments?

12 I appreciate the service of those who get on
13 PLSB. It's a very challenging and difficult and very
14 important job.

15 So with that, the floor will be open for a
16 motion for the nominating member.

17 MS. HUNTER: So is this just for No. eight?

18 CHAIR MOORE: Yes.

19 MS. HUNTER: So I'll make a motion to approve
20 the nomination of Kimberley Davis to the PLSB.

21 CHAIR MOORE: Okay. There's a motion by Ms.
22 Hunter. Is there a second?

23 MS. KEENER: Second.

24 CHAIR MOORE: Second by Ms. Keener. All in
25 favor, say aye.

1 (UNANIMOUS CHORUS OF AYES)

2 CHAIR MOORE: Any opposed?

3 Motion passes.

4 **9. CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED MEMBER**
5 **FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD TO REPLACE**
6 **MEMBER WHOSE TERM IS VACANT OR EXPIRING JUNE 30, 2024 -**
7 **DR. HAROLD JEFFCOAT**

8 MS. SMITH: Also today, asking to request to
9 approve Dr. Harold Jeffcoat as a member to the
10 Professional Licensure Standard Board. He is
11 actually a current member and is -- they have
12 submitted his name to continue his role on there for
13 an additional three years.

14 CHAIR MOORE: Questions, Board Members?

15 MS. HUNTER: Is there a term limitation? I mean
16 --

17 MS. SMITH: They're up for three -- well,
18 they're recommended for three years and then they can
19 be resubmitted.

20 CHAIR MOORE: Questions, comments, Board
21 Members?

22 MS. SMITH: And he did his student teaching
23 under me. I taught him everything he knows.

24 CHAIR MOORE: Ms. Rollins -- Ms. McFetridge?
25 It is a big ask to continue to do three more

1 years on the board, so appreciate that service.

2 Okay. Floor is open for a motion then.

3 MR. WOOD: Move to approve the nomination of
4 Dr. Harold Jeffcoat to the PLSB.

5 CHAIR MOORE: There's a motion by Mr. Wood. Is
6 there a second?

7 MR. HENDERSON: Second.

8 CHAIR MOORE: A second by Mr. Henderson. All in
9 favor, say aye.

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIR MOORE: Any opposed?

12 Motion passes.

13 (The Action Agenda was concluded at 10:53 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 30th day of May, 2024.



MIRANDA MCENTIRE, CCR

Certified Court Reporter #852

