

ARKANSAS STATE BOARD OF EDUCATION

JUNE 13, 2024

9:02 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

DR. SARAH MOORE, Chair
MS. KATHY McFETRIDGE-ROLLINS, Vice Chair
MS. LISA HUNTER
MS. ADRIENNE WOODS
MR. KEN BRAGG
MR. RANDY HENDERSON
MS. LEIGH S. KEENER
MR. JEFF WOODS

NON-VOTING PARTICIPANTS:

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MS. STACY SMITH, Deputy Secretary of Education
MR. DARRELL SMITH, Assistant Commissioner - Office of
School Choice and Parent Empowerment
MS. HOPE WORSHAM, Assistant Commissioner - Public
School Accountability
MS. COURTNEY SALAS-FORD, ADE Chief of Staff
MS. CAPRI SALAAM, Arkansas Teacher of the Year
MS. KARLI SARACINI, Assistant Commissioner - Educator
Effectiveness and Licensure

MR. ANDRES RHODES, ADE Chief Legal Counsel
MS. WHITNEY JAMES, Managing Attorney - Professional
Licensure Standards Board

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
- Auditorium
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Little Rock, AR 72201

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P R O C E E D I N G S

1: WAIVER REQUEST FOR STANDARDS FOR ACCREDITATION 1-A.4.1

1A: ARKANSAS ARTS ACADEMY STANDARD

1B: BENTONVILLE

1C: HAAS HALL ROGERS

1D: LISA ACADEMY ROGERS

1E: ROGERS PUBLIC SCHOOLS

CHAIR MOORE: Then we will go ahead and get started with our action agenda. The first item are waiver requests.

Ms. Worsham.

MS. WORSHAM: Good morning, Board. Hope Worsham, assistant commissioner for public school accountability. We have five districts that have put forward a waiver request for standard 1-A.4.1 which is the 170-day calendar year. Due to the tornada that affected Northwest Arkansas, they were unable to finish their year, many of them were in the last few days of that year. Just requesting to have that waiver granted so that they can move forward with accreditation.

MS. WOODS: I will -- I lived it. I'll move to approve all of those.

MS. HUNTER: I'll second.

CHAIR MOORE: Okay. There is a motion and a

1 second. Are there any questions?

2 I know we do have some of the school districts
3 online and I know that you all have been working so
4 hard to support students and families across the
5 region.

6 Any questions or comments for school districts?

7 (NO RESPONSE)

8 CHAIR MOORE: Okay. Then we have a motion and a
9 second. All in favor, say aye.

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIR MOORE: Any opposed?

12 Motion passes.

13 And we will be thinking about you all as you
14 continue to do that work.

15 **2: STANDARDS FOR ACCREDITATION STATUS RECOMMENDATIONS FOR THE**
16 **2023-2024 ACCREDITATION CYCLE**

17 **2A: RECOMMENDATION OF FINAL ACCREDITED STATUS FOR DISTRICTS**

18 **2B: RECOMMENDATION OF FINAL ACCREDITED-CITED STATUS AND**
19 **ACCREDITED-PROBATION STATUS FOR DISTRICTS**

20 CHAIR MOORE: Next, you're up again for the
21 accreditation status recommendations.

22 MS. WORSHAM: I do have a few slides just to
23 explain.

24 CHAIR MOORE: And you know what? While we're
25 waiting, I want to double check. I don't see Kathy

1 Rollins on Zoom, but I want to make -- give her an
2 opportunity to speak if I'm missing something.

3 MS. PERRY: She said she might be running a
4 little late.

5 CHAIR MOORE: Okay. Great. Then we'll -- if --
6 when we see her, we'll join here. Thank you.

7 MS. WORSHAM: So for this item, we are
8 requesting approval of the accreditation status for
9 our school districts in the state of Arkansas. This
10 is an annual process that we go through that is
11 required in law. And so as you know my -- we have
12 the standard unit here at the Department that reviews
13 and investigates any potential standards violations
14 for the state of Arkansas; we do that through a few
15 methods. One is through the standards for
16 accreditation tool that we have, a system that's
17 available to us.

18 Kim, I can't move forward on this.

19 The other way that we do that is through on-site
20 monitoring should that be needed. So our -- my team
21 will on-site monitor as needed or other teams on --
22 at the Department will do that and any information
23 from there is flowed back up through my office. Then
24 determine if the school is in full-accreditation
25 status or not.

1 Okay. There we go. Okay.

2 So again, just required by law, two ways that we
3 do that and the ways that we do monitor.

4 So for this past school year you -- there were
5 several districts that came before the Board across
6 the year for different reasons for violations. One
7 was Cutter Morningstar; they were cited back in July.
8 They have met their corrective action plan, so today
9 you will be seeing them requested to be in fully
10 accredited status. Watson Chapel came in October for
11 violations and was put in probation status at that
12 point. They are still in corrective action, so you
13 will see that they are requested to remain in
14 corrective action in this next coming school year.

15 Then we had a group of schools that had a 95
16 percent tested violation in '22-'23, so that is they
17 did not test 95 percent of their students in the '22-
18 '23 school year. I'm happy to say that of those
19 districts, everyone that you see on the left actually
20 on -- based on preliminary data, has tested more than
21 95 percent of their students. And I really want to
22 give a shout out to these districts. My team and the
23 assessment team and the school performance team work
24 jointly with their district testing coordinators, had
25 on-site meetings with them, and all of these

1 districts were able to meet their testing goals and
2 did phenomenal work there.

3 Graduate Arkansas, although they did not meet
4 their 95 percent, they're at about 60 percent, they
5 more than doubled the number of students that they
6 were able to reach and assess. And they have a plan
7 in place next year to even increase that number. So
8 I'm confident that across the next year with the plan
9 they have in place, working with their district,
10 they'll be able to reach that goal next year; but we
11 are recommending that they stay in corrective action,
12 so that we can keep that plan in place and support
13 them throughout the next year in doing so.

14 So you have two lists that we're asking for
15 action on today. The first list is a pretty
16 extensive list of our districts which would be in
17 fully accredited status. And then Watson Chapel will
18 remain in accredited probation and Graduate Arkansas
19 High School would remain in accredited-cited status
20 for the coming school year.

21 And I'll open up for questions.

22 CHAIR MOORE: Thank you.

23 I'll go to my right first. Questions?

24 Mr. Henderson?

25 MR. HENDERSON: Yes.

1 What do you think was the -- or what is the
2 contributing factor of Arkansas Graduate being able
3 to increase enrollment like that?

4 MS. WORSHAM: Yeah. So for them, it really is a
5 matter of the nature of their program. Much of their
6 program is fully remote. Their student -- a lot of
7 their students are working. And so just being able
8 to -- to get their schedules to work to be able to
9 test has been a challenge for them. Also, we were
10 able to move to remote testing this year which we
11 haven't had the availability for previous and that
12 has actually opened up a lot of avenues for them to
13 be able to test more kids. So they plan to utilize
14 remote testing more next year, so they're not having
15 to go -- have their teachers go all over the state
16 and -- and do testing sites. Yeah.

17 MR. HENDERSON: Yeah. I've visited that
18 facility and they're doing an incredible job there --

19 MS. WORSHAM: Yeah.

20 MR. HENDERSON: -- is the reason why I asked.

21 MS. WORSHAM: Yeah.

22 CHAIR MOORE: More questions? Questions to my
23 left?

24 CHAIR MOORE: I do want to follow up on Cutter
25 Morning Star. So they were moved off their

1 probation. I know we had a hearing last summer about
2 that and that was student enrollment issues.

3 MS. WORSHAM: Correct.

4 CHAIR MOORE: Can you talk to me about what your
5 -- what the agency did to monitor them this year to
6 make sure that issue --

7 MS. WORSHAM: Yeah. So we did keep close on
8 their enrollment. We did have a team that went
9 on-site two different times to look at what's going
10 on in the district to ensure that the issues that we
11 saw before were not present now; and so we were able
12 to confirm that. And then they did complete all of
13 their training which was part of their corrective
14 action plan. And then correct the coding inside of
15 eSchool which was also requested.

16 CHAIR MOORE: Was there -- did they have to
17 return any funds?

18 MS. WORSHAM: I will --

19 CHAIR MOORE: Because I -- and again, this might
20 may not be the most appropriate time to ask it, but
21 wanted to hear --

22 MS. SMITH: Stacy Smith, deputy commissioner.

23 So funds that had to be returned were returned
24 last year and that had to do with the alternative
25 learning. The other -- the way they had students

1 in the system coded would have resulted in them
2 getting an increase of funding for the new school
3 year, but because it's been corrected, they
4 wouldn't be getting that extra --additional
5 funding. So it's been corrected.

6 CHAIR MOORE: Okay. Okay. And then on Watson
7 Chapel School District, the probation status, can you
8 talk to us about the consequences of that at this
9 point in time and what happens if more citations
10 occur in this upcoming school year?

11 MS. WORSHAM: Correct. Yeah. So the rules
12 require that if a district -- that a district cannot
13 remain in probation-cited status for more than two
14 years; and if they do remain in that status for more
15 than two years, then the board can take additional
16 actions; and there's an entire list of things that
17 could happen there. So our hope is that with Watson
18 Chapel and the support we can provide them over the
19 next year that we would not have any additional
20 violations, but if they did, there are mechanisms in
21 there that the Board can take further action.

22 CHAIR MOORE: Okay. Thank you.

23 With that, any additional questions, Board
24 Members?

25 (NO RESPONSE)

1 CHAIR MORE: So I believe our first item -- or
2 do we approve it as one batch or do we need to
3 approve the two issues?

4 MS. WORSHAM: I believe it needs to be two.
5 Andres, is that accurate?

6 MR. RHODES: Two.

7 CHAIR MOORE: Okay. So the first is a
8 recommendation for the final accredited status for
9 school --

10 MS. WORSHAM: Correct.

11 CHAIR MOORE: -- districts.

12 MS. HUNTER: Move to approve.

13 CHAIR MOORE: There's a motion to approve. Is
14 there a second?

15 MR. WOOD: Second.

16 CHAIR MOORE: A second by Mr. Wood and the
17 motion by Ms. Hunter.

18 Sorry.

19 Any questions?

20 (NO RESPONSE)

21 CHAIR MOORE: Okay. All in favor, say aye.

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIR MOORE: Any opposed?

24 Motion passes.

25 Next, we have the final accredited status list

1 --

2 MS. WORSHAM: Correct.

3 CHAIR MOORE: -- with the two districts listed.

4 MS. WORSHAM: That is accurate. So that is for
5 Watson Chapel to remain in cited probation and for
6 Graduate Arkansas High School to remain in -- I'm
7 sorry -- accredited probation for Watson Chapel and
8 accredited cited for Graduate Arkansas High School.

9 MR. WOOD: I move to approve the recommendation.

10 CHAIR MOORE: Okay.

11 There is a motion by Mr. Wood. Is there a
12 second?

13 MR. HENDERSON: Second.

14 CHAIR MOORE: A second by Mr. Henderson. Any
15 questions?

16 (NO RESPONSE)

17 CHAIR MOORE: Okay. All in favor, say aye.

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIR MOORE: Any opposed?

20 Motion passes. Thank you.

21 **3: CONSIDERATION OF BOUNDARY CHANGE PETITION BY THE PRAIRIE**
22 **GROVE SCHOOL DISTRICT**

23 CHAIR MOORE: Next, we have a request to
24 petition -- a petition change by the Prairie Grove
25 School District. I didn't say that right.

1 Great. Thank you. Mr. Rhodes.

2 SUPT. CAMPBELL: Good morning.

3 MR. RHODES: Good morning, Members of the Board.
4 Before you, there is a petition by the Prairie Grove
5 School District to alter its boundary line with the
6 Lincoln School District. This would be annexing 18
7 parcels around -- along Kelly Mountain Rd. This
8 petition was filed on April 16th, 2024, which is at
9 least 30 days before today's meeting. The Prairie
10 Grove School District published notice of this
11 petition in two newspapers in Northwest Arkansas
12 which includes the Northwest Arkansas Gazette. The
13 -- Prairie Grove voted to send this item to you on
14 April 16th, the same day that they actually ended up
15 sending it to us. Ultimately, this would result in
16 about \$4,000 gain for Prairie Grove School District
17 and about a \$6,000 loss for Lincoln School District.

18 As to process, all persons wishing to testify
19 before the State Board will take an oath by the
20 Chair. Each side will have 15 minutes to present
21 their case; and the petitioning side will have an
22 additional five minutes to close. The State Board
23 may also allow public comment of other interested
24 parties at its discretion and for a time period
25 determined by the State Board. The State Board shall

1 then discuss, deliberate and vote upon the matter
2 proposed by the -- proposed boundary change, and then
3 we're resolving the change petition. You may either
4 grant that -- the petition in its entirety; you may
5 deny the petition in its entirety; you may grant the
6 petition and modify the district's boundary as you
7 see fit; or you may take the matter under advisement
8 to make a final decision at a later date. Once
9 you've come to a decision, we'll put an order
10 together for your signature, and at that point we'll
11 file it with the county clerk, the Secretary of State
12 and the GIS office; and then it'll become final.

13 So at this time, I'll turn it over to the
14 Prairie Grove School District.

15 CHAIR MOORE: Okay.

16 On Zoom --

17 SUPT. CAMPBELL: Good morning.

18 CHAIR MOORE: -- Superintendent Campbell?

19 SUPT. CAMPBELL: Yes, ma'am. Can you hear me?

20 CHAIR MOORE: Yes. If you and anyone else who
21 plans to speak and anyone from the Lincoln School
22 District plans to speak, we need to do a -- do an
23 oath for you.

24 SUPT. CAMPBELL: Yes, ma'am.

25 CHAIR MOORE: So if you would raise your hand.

1 Thank you. Do you swear to tell the truth, the whole
2 truth and nothing but the truth?

3 (ALL ANSWER AFFIRMATIVELY)

4 CHAIR MOORE: If you would say, I do.

5 (ALL ANSWER AFFIRMATIVELY)

6 CHAIR MOORE: Great. Thank you very much. We
7 will allow you all to proceed.

8 SUPT. CAMPBELL: Good morning. My name is Lance
9 Campbell and I serve as the superintendent for
10 Prairie Grove Schools. The gentleman next to me is
11 Pete Joenks. He's the assistant superintendent for
12 Prairie Grove.

13 CHAIR MOORE: Superintendent, if you don't mind,
14 one second. We're going to get the volume up a
15 little bit louder so we can hear you all. I
16 apologize about that. Okay. And we're going to need
17 you to get a little bit closer to your microphone.
18 We can hear you, but not fully.

19 SUPT. CAMPBELL: Is that better?

20 CHAIR MOORE: A little bit better; a little bit
21 louder if you could.

22 SUPT. CAMPBELL: So we'll talk louder. Can you
23 hear me now?

24 CHAIR MOORE: Yes, thank you.

25 SUPT. CAMPBELL: Okay. So we appreciate the

1 Board giving us the opportunity to hear our petition.
2 At this time, I want to turn it over to Mr. Joenks
3 and he's going to provide the presentation.

4 MR. JOENKS: Good morning, ladies and gentlemen
5 of the Board. My name is Pete Joenks, assistant
6 superintendent.

7 I was involved with a lot of these negotiations
8 and discussion with the State Board's legal team and
9 I just wanted to go through some background to give
10 you some background about the events that occurred.
11 On August 15th, 2023, during a regularly scheduled
12 meeting of the Prairie Grove School District Board of
13 Education, parents of students enrolled in the
14 Prairie Grove School District but whose homes were
15 located in the Lincoln School District, approached
16 the board -- our board with a heartfelt request.
17 They asked the Prairie Grove Board to consider
18 changing the school district boundaries to include
19 their homes within the Prairie Grove School
20 District's boundaries. A request to underscore their
21 unwavering education to their children's education.

22 These patrons explained to the Prairie Grove
23 Board that their children were attending Prairie
24 Grove Schools because, given the current road
25 situation to commute between their homes and the

1 Lincoln School District schools, took longer than the
2 commute to the Prairie Grove schools. And to give
3 you some perspective -- and I believe there's some
4 maps on there that were part of this package. It's
5 about 19.6 miles from their homes to Lincoln Schools,
6 compared to four miles to Prairie Grove schools. And
7 this 19.6 miles is deceiving, because while it is the
8 distance of the route, the students in this area will
9 be -- would be the last to be picked up by Lincoln to
10 go to school, and the last to be returned home which
11 means students as young as kindergarten age are on
12 that bus for over an hour.

13 These parents had enrolled their children in
14 Prairie Grove schools using the state school choice
15 protocol. And while these students were approved to
16 enroll in Prairie Grove Schools, due to school
17 choice, the Prairie Grove School District was not
18 required to provide bus service to these residences
19 to aid transportation for families before and after
20 school. To give some perspective, some of these
21 families have three generations of their family that
22 have attended Prairie Grove schools. Furthermore,
23 some of these parents have decided to send their
24 children as kindergarteners in June, but that missed
25 the deadline for school choice, which is the May

1 first deadline.

2 After this initial conversation -- or -- was
3 brought forward to the Prairie Grove School District,
4 the school district asked Dr. Campbell to investigate
5 the matter further and upon the request of the
6 parents of the Prairie Grove School District
7 students, we sent a -- an initial request was sent to
8 the State School Board in the fall of 2023. And this
9 was -- there was the summary of the situation, the
10 reasons for the request as well as maps to describe
11 the area in question.

12 We were contacted by Mr. Andres Rhodes from the
13 Department of Education and Secondary -- excuse me --
14 Elementary and Secondary education of the ADE -- and
15 he told us in the winter of '23-'24 -- he explained
16 that we need to do a more detailed request to the
17 State Board of Education that included documentation
18 of at least one advertised public meeting for a
19 discussion on the matter and to allow for public
20 comment. Furthermore, the Prairie Grove School
21 District Board of Education needed to approve and
22 submit a formal petition to the Arkansas State Board
23 of Education to consider this request of an
24 adjustment in the school boundaries -- district
25 boundaries between the Prairie Grove and Lincoln

1 School Districts.

2 After thorough research, including a legal
3 description of the area in question, the Prairie
4 Grove School District held a public meeting on March
5 12, 2024, to allow public comment on the proposal to
6 move the existing school district boundaries between
7 Lincoln and Prairie Grove. This meeting was a
8 powerful testament to the strong community support,
9 with five area residents speaking in favor of the
10 proposal. During these comments, a petition was
11 presented and included 29 signatures of the residents
12 of this area in question and that favored the
13 boundary change. The unanimous support from the
14 people assembled was palpable, as no one in the in
15 the attendance group spoke against the proposal.

16 At the regularly scheduled Prairie Grove School
17 Board meeting in March 19, 2024, a motion was made
18 and approved to petition the Arkansas State Board of
19 Education formally. This formal petition, a
20 significant step in the process, was created to
21 change the school district boundaries between the
22 Prairie Grove School District and Lincoln School
23 District, underlining the situation's gravity and
24 issues importance. This change will involve
25 approximately 200 acres of land, including 17

1 residences, and I believe the gentleman before has
2 talked about the tax implications involved.

3 And I'll turn it back to Dr. Campbell.

4 SUPT. CAMPBELL: And that concludes our
5 presentation. Thank you again for allowing us this
6 opportunity.

7 CHAIR MOORE: Thank you so much.

8 Mr. Rhodes, do -- do -- hearing and such -- do
9 we hear from Lincoln now, or do we need questions
10 first?

11 MR. RHODES: So it'll be an opportunity for the
12 Lincoln School District to present as well in defense
13 and then five additional minutes for the petitioning
14 party. Now, if they don't want to say anything
15 further then at that point, but you can ask questions
16 anytime. So --

17 CHAIR MOORE: Okay.

18 MR. RHODES: Yeah. I don't know if the Lincoln
19 School District -- do we know if --

20 CHAIR MOORE: Yes. I see Dr. Spears.

21 MR. RHODES: Okay.

22 CHAIR MOORE: Superintendent Spears on.
23 Superintendent, can you hear us?

24 SUPT. SPEARS: Yes.

25 CHAIR MOORE: Okay.

1 SUPT. SPEARS: Yes, thank you. And thank you
2 for allowing us to voice our objections.

3 So my board objects to this, you know, basically
4 this does affect our assessment. We're a very small
5 district and we're -- we're not growing like our
6 neighbor. So our assessment is pretty flat at the
7 moment and our enrollment's relatively flat as well.
8 So we just we, you know, we -- we don't want to give
9 up any of our school district boundaries.

10 And you know, I've -- well, I've had -- I've had
11 parents ask me because we kind of border Siloam and
12 -- and Prairie Grove and Cedarville to the south, you
13 know, we've had requests before like this. And I've
14 always told them, you know, that's kind of like a
15 county line, a state line, those boundaries just
16 don't change. And with school choice and now the
17 school transfer, that's wide open, you know, students
18 are certainly allowed to go where they need to go.
19 We have students that choice in from all our
20 neighboring districts and we make bus service
21 available.

22 So, I mean, the bus service shouldn't be an
23 issue. So we run buses -- we run buses and pick up
24 kids who actually live in the Siloam School district.
25 We pick up kids that live in Cedarville. We also

1 pick up kids that live in the Prairie Grove District
2 who have choiced or transfer to us. So we, you know,
3 Lincoln opposes this change. I -- the main thing is
4 this will set a precedent going forward, you know,
5 that other -- others will approach, and we'll just be
6 back and forth doing this constantly. And I just
7 don't feel like that's in our best interest as school
8 districts.

9 CHAIR MOORE: Thank you, Dr. Spears.

10 SUPT. SPEARS: Thank you.

11 MR. RHODES: And now, Prairie Grove has an
12 additional five minutes if they'd like to speak.

13 SUPT. CAMPBELL: We do not have anything else to
14 add.

15 CHAIR MOORE: Okay. Thank you.

16 Then at this point, we'll open it up for
17 questions -- Board Members with questions. To my
18 right, Mr. Henderson?

19 MR. HENDERSON: Not at the moment.

20 CHAIR MOORE: And Mr. Bragg?

21 MR. BRAGG: Yeah. For Lincoln, did you say you
22 provide bus service that overlaps into other
23 districts for students that are transferring into
24 Lincoln?

25 DR. SPEARS: Yes, we do.

1 MR. BRAGG: Okay. A question for Prairie Grove.
2 Could y'all do the same thing for these families that
3 live on this road? Could you provide the service to
4 them?

5 SUPT. CAMPBELL: We currently do not provide
6 services for transfers, but it would be certainly a
7 conversation that we could have. We definitely want
8 to meet the needs of our kids.

9 MR. BRAGG: Okay. And how many students are
10 affected among these families?

11 SUPT. CAMPBELL: About 19 students.

12 MR. BRAGG: Thank you.

13 CHAIR MOORE: Questions, Ms. Woods?

14 MS. WOODS: I just had a question about the gain
15 and loss that we talked about. So you said it was
16 going to be a \$4,000 gain. I guess this is for Mr.
17 Rhodes. A \$4,000 gain for Prairie Grove, but then a
18 \$6,000 loss for Lincoln, can distinguish the
19 difference?

20 MR. RHODES: Right. So our team in our fiscal
21 office looked at the data in trying to determine what
22 would be the change in millage because Lincoln didn't
23 mention that they -- in their response to the
24 petition, that they had built a new school in 2010
25 and that they had passed a new millage in excess of

1 the 25 mils. So we try to look at the difference
2 that -- so if these parcels were to move over into
3 Prairie Grove, Prairie Grove will get about a \$4,000
4 gain and Lincoln would get about a \$6,000 loss.

5 MS. WOODS: Because of the millage piece?

6 MR. RHODES: Correct.

7 MS. WOODS: I have got it. Okay.

8 CHAIR MOORE: Ms. Salaam?

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

10 CHAIR MOORE: Okay.

11 Questions, Ms. Hunter?

12 MS. HUNTER: (Shakes head side to side)

13 CHAIR MOORE: Mr. Wood?

14 MR. WOOD: Yeah. I've got a few questions.

15 Do we -- I kind of think that while it is
16 important to know how many people currently live
17 there and how many current students are impacted by
18 this, I think you have to take a little bit of a
19 longer-term view than just a 13-year view of, you
20 know, a few -- 19 students that live there. So, I
21 guess, I'm curious, do we know how many landowners'
22 own property in the impacted area?

23 MR. RHODES: We actually have Shelby Johnson
24 with the GIS office to help address some of those
25 geography questions. And it's my understanding that

1 there are 18 parcels.

2 MR. WOOD: There are what?

3 MR. RHODES: 18 parcels. And I think 16 of them
4 are actually housing individuals. So it is -- I
5 don't know if -- you should have the maps in front of
6 you. Let me go to -- I think this map is titled
7 Exhibit A and then Exhibit B. And they're from the
8 GIS office. Exhibit B actually shows the geographic
9 area. It looks like a chair. And every dot within
10 that area is a -- is a verified address under 911.
11 So each one of those areas -- each one of those dots
12 is a household. Now, it may not have any people in
13 it, but it is my understanding that 16 out of the 18
14 do have people in them.

15 MR. WOOD: Okay. Does the law not require an
16 election of the impacted area?

17 MR. RHODES: No, it doesn't. So it's been on
18 the books since about 2001. It does it -- it is a
19 pretty -- so let me give you the statute just so you
20 have it, but it -- we're being governed by 6-13-1414.
21 And the statute does provide some pretty basic
22 guidelines as to how this is petitioned. So,
23 generally speaking, they come to us, and they provide
24 proof that they've noticed this to residents in the
25 area and newspapers of general circulation for at

1 least two consecutive weeks. And then they have to
2 give it to us with, you know, 30 days before the next
3 scheduled meeting. In this case, it was a little bit
4 longer than that just because of when it fell. In
5 addition to that, what we advise the school districts
6 -- at least the petitioner school district -- is to
7 contact the other affected school district to see if
8 they can agree on a boundary change. Because if they
9 can agree on a boundary change, the statute allows
10 you to just simply approve their agreed upon boundary
11 change, and then there's no dispute. If they can't
12 agree to a boundary change, then it comes before you.
13 There's no election. If you order the boundary
14 change, then like I said, we'll file it with the
15 Secretary of State's office, with the GIS office and
16 with the county clerk; and upon that filing, it
17 becomes final.

18 MR. WOOD: Okay.

19 I guess, a question then to Prairie Grove. A
20 couple -- I think I'll follow up on a question was
21 asked a minute ago about could you provide bus
22 service to Kelly Mountain Road. I think your answer
23 was no, you do not currently do it, but I assume that
24 you have a bus stop somewhere on Kelly Mountain Road
25 that probably stops just before the portion of the

1 road that's in Lincoln School District; would -- is
2 that fair to assume or is that correct?

3 CHAIR MOORE: Superintendent Campbell, did you
4 hear Mr. Woods' question? I can't tell if you're
5 speaking back. We can't hear you.

6 MS. KEENER: Are they muted?

7 CHAIR MOORE: I think it's muted now. The --
8 I'll go ahead and say, I was wondering the same
9 thing. Is that a neighborhood?

10 MR. WOOD: Yeah.

11 CHAIR MOORE: And I wonder, you know, we've had
12 other districts that have come where people bought
13 land promised that it was in one district, and they
14 didn't do their due diligence not realizing it was on
15 a boundary.

16 MR. WOOD: Yeah.

17 CHAIR MOORE: So I wonder if that occurrence
18 happened here, but it's a different world with
19 complete school choice --

20 MR. WOOD: Yeah.

21 CHAIR MOORE: -- versus ten years ago when that
22 couldn't be the case. I've been thinking the same
23 thing.

24 Prairie Grove, can you -- Superintendent, can
25 y'all hear us? Okay. We cannot hear you still.

1 Let's do this. Does anyone have any questions
2 specifically for the Agency or for Dr. Spears of the
3 Lincoln district?

4 MS. HUNTER: I -- for the Agency.

5 So you describe that if the districts can agree
6 that it doesn't come to this Board. How often do
7 districts agree on boundary changes? Is that
8 something --

9 MR. RHODES: It's my understanding that this is
10 the first time it's come before the State Board, so
11 this is a novel issue.

12 MS. HUNTER: But how often did that happen and
13 not come to the Board? Do you know? I mean --

14 MR. RHODES: So there are different processes
15 for altering boundary lines. There's annexations,
16 consolidations, there's a number of things; you can
17 have a detachment from another school district.
18 There are different processes and those have
19 happened. I don't know that school districts ever
20 really agree on a boundary change.

21 MS. HUNTER: I would -- I'm not surprised.

22 MR. RHODES: Right.

23 MS. HUNTER: Okay. Thank you.

24 CHAIR MOORE: We had one issue a few years ago.
25 Was anyone else on the Board then? It was a district

1 up by Missouri.

2 MS. SMITH: One time --

3 CHAIR MOORE: One time --

4 MS. SMITH: -- in my 15 years.

5 CHAIR MOORE: Yeah. Okay. And that was -- did
6 both districts agree or one --

7 MS. SMITH: Yeah.

8 CHAIR MOORE: Okay. Both agreed.

9 MS. SMITH: Yeah.

10 CHAIR MOORE: And so we -- this is the first
11 time I've seen where there is a disagreement in that
12 sense. But I do know there's -- we've had numerous
13 school choice cases where people have claimed to live
14 in one district only to later realize to live in
15 another and have boundary disputes there too. Okay.
16 Let's go back and see -- oh, it looks like --

17 DR. SPEARS: Prairie Grove is trying to reboot
18 and come back in. They just called me to let me know
19 that, so --

20 CHAIR MOORE: Thank you for passing that along.

21 DR. SPEARS: -- they're coming back on, I think.

22 CHAIR MOORE: Board Members, any other questions
23 of the Agency at this point?

24 Mr. Wood?

25 MR. WOOD: I guess, similar question, though --

1 I mean, surely in some amount of recent history we've
2 created new school districts that came out of areas
3 that had a pre-existing school district?

4 MR. RHODES: Jacksonville North Pulaski is the
5 only one that comes to mind.

6 MR. WOOD: Okay.

7 MR. RHODES: And that was a -- that was a
8 detachment, so it was a completely different process.

9 MR. WOOD: It was a detachment?

10 MR. RHODES: Correct.

11 MR. WOOD: Okay.

12 MR. RHODES: And I think to sort of answer one
13 of the questions you asked earlier, this is something
14 that I got from the GIS office with the tax parcels
15 that we're talking about are a mix of
16 residential/agricultural parcels. So it appears to
17 be a fairly rural area and it's at the end of a rural
18 road.

19 CHAIR MOORE: Well, I'll ask a --

20 MS. HUNTER: Well, I mean, so this means that
21 this map and these boundaries have been in place for
22 a relatively long time? I mean to, you know, again,
23 getting back to your question about could there be
24 confusion on the part of the homeowners at the --

25 MR. RHODES: So --

1 MS. HUNTER: -- is it fair to say no?

2 MR. RHODES: So the boundaries have probably
3 been in place for a couple of years. So after --
4 after every decade, when you have a census, you have
5 redistricting, and it happens at every level of
6 electoral geography. So you'll have it at the state
7 level when you're drawing congressional districts by
8 the legislature; you'll have it at the state level
9 for House and Senate districts for the state
10 legislature and that's done by the Board of
11 Apportionment, which is the governor, the Secretary
12 of State, and the Attorney General. And then you'll
13 have school districts do redistricting for their
14 boundary lines. We also have --

15 MR. WOOD: No, they don't -- they don't redraw
16 their district boundary line. They may redraw their
17 zones --

18 MR. RHODES: Their zones, right.

19 MR. WOOD: -- in their district, but that
20 wouldn't impact --

21 MR. RHODES: Right.

22 MR. WOOD: -- which property was Lincoln versus
23 which property was Prairie Grove.

24 MR. RHODES: It depends on when it was annexed.
25 So if a school district has grown in the past five to

1 ten years, there may be a boundary change.

2 SUPT. CAMPBELL: Can you all hear us now?

3 MR. WOOD: I -- I don't -- I think I question
4 that, whether a school district boundary -- the
5 Little Rock School District boundary remains the same
6 no matter what population growth occurs within Little
7 Rock. That just doesn't change unless you go through
8 a process of some equivalence to this. That doesn't
9 change every ten years. The election zones within
10 the Little Rock School District do change every ten
11 --

12 MR. RHODES: Right.

13 MR. WOOD: -- years or can. And the same would
14 be said about Prairie Grove or Lincoln or whatever.
15 So I'm -- so I think maybe some confusion there
16 between boundary alteration.

17 MS. SALAS-FORD: That's correct, Mr. Wood. And
18 Shelby Johnson from GIS is here, and he can actually
19 speak more knowledgeably about how long those lines
20 have been in place.

21 If -- Mr. Johnson, you want to come up, if you
22 guys want to ask him questions?

23 MR. JOHNSON: Good morning, Board. Shelby
24 Johnson; I'm in the Department of Transformation and
25 Shared Services in the Arkansas GIS office.

1 We have the role and responsibility of updating
2 and maintaining the school district boundary maps for
3 the state of Arkansas on behalf of the Department and
4 your Board. And I went back and looked, our legacy
5 maps that we have available to us date back as far as
6 1936. And in 1936, this particular area was part of
7 what was formerly known as the Apple Hill School
8 District. That was in the era of the one room
9 schoolhouse, and everybody walked to school.

10 Kelly Mountain is indeed a mountain, and to the
11 west is Blair Creek. Blair Creek flows into Lake
12 Prairie Grove, and that's part of their drinking
13 water source from Prairie Grove. And so to the west
14 side of this area is very, very steep. It falls off
15 of the mountainside and then into the valley where
16 Blair Creek sits. And then to the south is another
17 different mountain that is only accessed from the
18 south.

19 So truly this area is a little bit isolated. It
20 is at the end of the dead end on top of a mountain to
21 the east is Sulphur Creek both of those flow to the
22 north. As far back as we can tell, the former Apple
23 Hill School District was annexed at some point in
24 history into the Lincoln School District, and I don't
25 know the exact time frame; but the particular

1 boundary line that you see on the contemporary map
2 today has at least been there since that Apple Hill
3 School District was established back in history. I
4 don't know if that's -- answers all your questions or
5 not.

6 MR. WOOD: Roughly. I mean, we're coming close
7 to 100 years of known boundaries; right?

8 MR. JOHNSON: Correct.

9 MR. WOOD: Yeah.

10 CHAIR MOORE: May I ask you a question on that?
11 Are any of these new build houses, do you know? or
12 are they --

13 MR. JOHNSON: I did not look at that
14 information.

15 CHAIR MOORE: Okay.

16 MR. JOHNSON: That area is mostly -- it's mostly
17 timberland on top of the mountain. There is a little
18 bit of pasture. It's about 30 percent pasture, about
19 70 percent timberland. And it -- there is -- being
20 at the end of a dead-end road on a mountain there is
21 not doesn't appear to be a lot of new housing. When
22 I looked back at some of our older maps, it looks
23 like a lot of the housing that's there has been there
24 for quite a long time.

25 CHAIR MOORE: Thank you. Thank you for coming

1 in today.

2 MR. JOHNSON: You're welcome.

3 CHAIR MOORE: Board Members, any more questions
4 for Mr. Johnson?

5 CHAIR MOORE: Thank you very much. We
6 appreciate it.

7 Prairie Grove? Superintendent Campbell?

8 SUPT. CAMPBELL: Yes, ma'am. We're -- yes,
9 ma'am, we're -- apologize. We're back on if you have
10 --

11 CHAIR MOORE: That happens.

12 SUPT. CAMPBELL: -- any questions for us.

13 CHAIR MOORE: Thank you for getting back on and
14 we will resume back.

15 Mr. Wood, you have a question?

16 MR. WOOD: Sure. Yes.

17 So my question is, does Prairie Grove provide a
18 school bus stop along Kelly Mountain Road prior to
19 the boundary with the Lincoln School District?

20 SUPT. CAMPBELL: Yes, sir. We do have a bus
21 that runs close to the boundary lines that we're
22 talking about with, but we typically do not pick up
23 students that are not in the boundary of Prairie
24 Grove. That's not been our precedent.

25 MR. WOOD: Yeah. Okay. Typically not been your

1 precedent. Would you consider -- I mean, how far is
2 that to the last student that lives on Kelly Mountain
3 Road in the --

4 SUPT. CAMPBELL: I wouldn't --

5 MR. WOOD: -- Lincoln School District, how far
6 is that?

7 SUPT. CAMPBELL: Yes, sir. I wouldn't -- I
8 wouldn't say it's very far at all. We would
9 definitely -- we're talking about 19 potential
10 families -- have that conversation. The thing that
11 you run into is that it opens the door for all
12 transfers to potentially be able to pick them up, but
13 I see both sides of the argument.

14 MR. WOOD: I understand. What about the
15 possibility of offering a compromise to those 19
16 students that they could come to a bus stop in
17 Prairie Grove --

18 SUPT. CAMPBELL: Yes, sir.

19 MR. WOOD: -- along Kelly Mountain Road and get
20 on the bus?

21 SUPT. CAMPBELL: We would definitely feel
22 comfortable having that conversation with our board
23 and being a part of that conversation. We definitely
24 want to meet the needs of those kids.

25 MR. WOOD: Okay. Is there a portion of Kelly

1 Mountain Road here -- and I'm sorry to get so
2 specific on this, but it looks to me like Kelly
3 Mountain Road goes some distance where one side of
4 the road is Lincoln, and one side of the road is
5 Prairie Grove?

6 SUPT. CAMPBELL: That is accurate.

7 MR. WOOD: Yeah. Okay.

8 SUPT. CAMPBELL: And you -- and at the back of
9 the mountain, is Lincoln's -- and help me if I'm --
10 here, Dr. Spears, if I'm wrong. But at the back of
11 the mountain, there is Lincoln's jurisdiction of
12 their district. You have to come back through
13 Prairie Grove to get down the mountain.

14 DR. SPEARS: Yes, I believe so. Yes.

15 MR. WOOD: And that's what creates the
16 long-distance difference for a student in the Lincoln
17 School District having to go so much further than if
18 they were to go to a Lincoln school than if they were
19 going to a Prairie Grove school because of the path
20 to get to the school is --

21 SUPT. CAMPBELL: Yes, sir. That's correct.

22 MR. WOOD: -- hard to traverse? Yeah. So
23 another question for Prairie Grove unrelated to
24 transportation, but if this were to be approved by
25 the Board -- your request -- what -- what do you have

1 to say about the division of property and millage and
2 payment for property that has been financed based on
3 this property being part of Lincoln School District?

4 SUPT. CAMPBELL: Yeah. I mean, our intention
5 was never to take any of the property value of
6 Lincoln. I think it's just a group of parents that
7 have gone through generations of Prairie Grove and
8 that's what they want to be a part of. They don't
9 want to go through the -- every year -- the annual
10 filling out the documents and not being -- feel like
11 they're part of Prairie Grove. So I -- there was
12 never any intent to take any funds from Lincoln. We
13 obviously get the \$7,700 per kid that comes to
14 Prairie Grove. So there's funding that comes with
15 those kids anyway.

16 MR. WOOD: And -- no. I understand that, but
17 also understand that if Lincoln relied on the size of
18 their district to finance buildings a few years ago,
19 they -- it's not unreasonable for them to point out
20 that, you know, we need to make our debt payments and
21 that's finance based on the -- what the size of our
22 district was on the day we financed that.

23 SUPT. CAMPBELL: And then, we would not argue
24 that at all.

25 MR. WOOD: Yeah. Would you be willing to

1 discuss with them a financial payment to the district
2 for a certain amount of time --

3 SUPT. CAMPBELL: We would --

4 MR. WOOD: -- to help them --

5 SUPT. CAMPBELL: We would --

6 MR. WOOD: -- with paying their debt millage?

7 SUPT. CAMPBELL: We would be willing to have
8 negotiations with Dr. Spears and her team.
9 Absolutely.

10 MR. WOOD: Okay. I think I'm done.

11 CHAIR MOORE: Ms. Keener, questions?

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

13 CHAIR MOORE: Ms. Hunter?

14 MS. HUNTER: I don't have questions. I just --
15 I do have a comment. I think that this is a slippery
16 slope for us to go down. I think that particularly
17 with school choice, there is so -- there are so many
18 -- so many situations like this. There might not be
19 a mountain, or a dead-end road involved, but I think
20 that if this goes forward, we're going to just open
21 the door for so many of these situations to come our
22 way. And I also believe that reasonable people make
23 reasonable decisions. And so I think that this is a
24 question for the school districts to resolve between
25 the two of them.

1 MS. WOODS: I would add on that, it feels like
2 we're arguing over money and not kids and at the end
3 of the day our job is the kids. So I don't know if
4 that millage and all of that is a good enough reason
5 for us to get involved, just to tag along to your
6 comment.

7 CHAIR MOORE: Okay.

8 MS. KEENER: Mr. Rhodes, would you mind
9 reminding us that -- I think there were four options:
10 order change, deny change and then --

11 MR. RHODES: Right. So you can approve the
12 petition from Prairie Grove in its entirety; you can
13 deny the petition; you can change the boundaries as
14 you see fit so that -- there is a lot of discretion
15 there. If you want to -- if you think that the
16 petition had some merit, but maybe you disagree on
17 the boundary line, you could make a change there; or
18 you can just table this for a future meeting.

19 MR. WOOD: Well, I'll -- I'll speak to my
20 opinion of this. First of all, I don't think that
21 this is an issue of millage. I do think this is an
22 issue of students; we're talking about very small
23 millages here; very small financial impact. But 13
24 years from now, there may be zero students impacted
25 by this; but there is going to be land that is zoned

1 to a school district for 100 more years, despite no
2 children living there. And so for 100 or 500 years,
3 somebody's going to get the money from that zoned
4 piece of land and that's why it has to be considered
5 as the impact to districts go. It also may blow up
6 in population. There may be 600 kids that live there
7 in ten years. I don't know.

8 I'm also not against it in principle. I think
9 there is a process for people who live in an area to
10 decide I want to be -- we want to be in a different
11 school district for whatever reason and this is the
12 process of doing it. And I -- I'm not against it,
13 just on the notion of I don't want to deal with this,
14 it's more just what -- I don't even know what
15 standard we're supposed to apply. I haven't even
16 been able to figure that out it. I don't want it to
17 be willy -nilly and just on a whim whatever we think
18 about the presenter that day.

19 But I would -- rather than setting a precedent
20 for how we would deal with disputes in the future,
21 and I think more could be coming. There's a --
22 there's a lot of landmark stuff ahead that could
23 bring more of these types of questions before us.
24 But I would love given some of the answers that we've
25 heard today about willingness to discuss further,

1 willingness to make bus stops available, willingness
2 to discuss financial compensation for a period of
3 time, I would like to maybe table a decision on this
4 for a month and give the two districts the
5 opportunity to go back to the negotiation table and
6 see if they can work out a resolution that wouldn't
7 require a, you know, a forced decision from us to see
8 if they could address those issues.

9 MR. BRAGG: I'd like to say -- I mean, to me the
10 priority is what's best for the students and it does
11 seem like a better option to drive four miles than
12 19, but I may be oversimplifying it; but it seemed
13 like a simple solution would just be provide bus
14 service to these kids and still have the financial
15 impact, you know, stable for Lincoln.

16 But I know -- because other school districts
17 cross boundaries for buses too. I'm not sure what
18 the actual closest bus stop is here, but it doesn't
19 seem like it'd be that much trouble. But I -- I
20 agree that that I think there could be further
21 discussion on this. I feel better, you know, if
22 there was a commitment from Prairie Grove to maybe
23 provide the bus service.

24 MS. KEENER: What --

25 MS. WOODS: Can we also say no, and then they

1 also come back? Is that also an option?

2 MR. RHODES: Correct.

3 MS. WOODS: Okay.

4 MR. RHODES: You could deny it.

5 MS. WOODS: Okay. So we can table or no and get
6 kind of the same outcome. Okay.

7 MS. KEENER: One thing that sort of spoke to me
8 to your point -- and maybe I need some clarification
9 -- but Prairie Grove mentioned that there are
10 instances where there are three generations of a
11 single family choicing in; is -- was that what I
12 heard?

13 SUPT. CAMPBELL: Yes, ma'am.

14 MS. HUNTER: Choicing in?

15 MS. KEENER: Yeah. Because I --

16 MS. HUNTER: Choicing in or simply having --

17 MS. KEENER: Because I thought --

18 MS. HUNTER: -- a connection to the school?

19 I'm sorry.

20 MS. KEENER: Well, no, that's -- and that's what
21 I was wondering because you were mentioning school
22 choice being the last ten years. Was there -- there
23 was a previous option that I'm unaware of or --

24 CHAIR MOORE: I believe school -- I mean, in the
25 past -- prior to this past session, there was a cap

1 on it.

2 MS. KEENER: Oh, okay.

3 CHAIR MOORE: So it was harder to have access to
4 school choice --

5 MS. KEENER: Okay.

6 CHAIR MOORE: -- versus now without a cap. I'm
7 not sure how long that has been on the books.

8 MS. WOODS: I was also going to say, so I looked
9 up a couple of the property deed transfers cause one
10 of you asked, like, how long some of these have been
11 living there. And -- I mean, this is an area that's
12 like 20-30 minutes up the road from where I am, so I
13 don't see population growth going down in the future
14 years because there is a lot of land out there and
15 that's the one thing we can't create. And so I see
16 more of the population moving out that way.

17 But some of these are within, I would say even
18 the last five to ten years. Granted I only looked up
19 like six or seven, but you've got '20, '21, 2018,
20 there was a 2017, one from 2023. So, I mean, they're
21 moving in knowing what district they're in. So if
22 they're still -- and that's not to say there aren't
23 multiple that have done it for multiple generations.
24 But people are moving into those areas knowing it's
25 in the Lincoln School District.

1 MR. HENDERSON: Yeah. From a pragmatic stance
2 we're talking about 19 miles where the school
3 districts interchange taking students to and from
4 school districts all the time. I'm certainly in
5 favor of some type of compromise. I'm willing to
6 make a motion to deny. Perhaps they bring it back
7 with some other type of option.

8 CHAIR MOORE: Okay. You're willing to or you
9 made a motion?

10 MR. HENDERSON: I'll make a motion to deny.

11 CHAIR MOORE: Okay. There is a motion to deny.
12 Is there -- any questions of Mr. Henderson on his
13 motion and a second?

14 MR. WOOD: I guess, question to the Department.
15 If it's denied, do the districts have to go through
16 the process all over again to come back before us, or
17 can they just request that it be reheard?

18 MR. RHODES: That's a great question. The
19 statute doesn't say that. Now procedurally, if you
20 table it, you're acting on the same motion that's
21 before you today -- I mean, the same petition. So
22 they wouldn't have to go through all the same steps
23 in order to bring it back to you. Arguably, if you
24 deny it, they would have to take all the same steps
25 they've already taken to bring it back to you because

1 they would have to re-notice it and the paper they
2 would have to resubmit it to the Department 30 days
3 before the meeting. So to your point, tabling, you
4 get to keep the current petition and decide it later,
5 deny they have to bring a new one back to you. It
6 may be identical, but --

7 MR. WOOD: Yeah.

8 Well, without a second, I guess there's not a
9 discussion on the motion, but --

10 MS. HUNTER: Yeah. Well, I -- so -- but if they
11 came to an agreement between themselves, it wouldn't
12 have to come back to us; is that correct? Or is any
13 change in boundaries required?

14 MR. RHODES: If there is a change in the
15 boundary that they agree upon, it'll come back to
16 you. If they come to an agreement on bus service, it
17 would not come back to you.

18 MR. WOOD: They would withdraw it.

19 CHAIR MOORE: Okay. So there is a motion on the
20 floor to deny. Is there a second?

21 MS. WOODS: I will second because I think it
22 should be difficult to change a boundary and if they
23 are not -- I feel like if we table it -- as in my
24 rationale, if we table it, there's less of an
25 incentive to try and work it out because then they

1 can just punt it back to us next month to be, like,
2 well, y'all decide. Whereas if we just say no, they
3 can really decide are they going to work it out or
4 are they not? And if they really want to keep moving
5 forward with this, they can come back. That's my
6 argument. So I'll second the motion.

7 CHAIR MOORE: So there's a motion to deny by Mr.
8 Henderson, a second by Ms. Woods.

9 Should we do roll call?

10 MR. WOOD: Well, can I speak against the motion?

11 CHAIR MOORE: Yes.

12 MR. WOOD: I'm sorry. I don't mean to be a pain
13 here at all. And I think I agree with the sentiment
14 of everything y'all are saying. I too believe it
15 should be difficult to change the boundary. Don't
16 get me wrong, I do not think that this should be a
17 thing that every year school districts change their
18 boundaries. That cannot become -- that is not
19 stabilizing at all. I do think that they have
20 already gone through a lot of difficult process, a
21 year's worth almost to get to this day, to get to
22 this Board. I do not want to place on them the
23 burden of having to have town hall meetings again,
24 advertisements and newspapers again, votes of the
25 school boards again, just to come back to us if they

1 can't agree on a bus stop or \$2,000 a month a year
2 for ten years or whatever. I'm not suggesting
3 anything.

4 But that's why I feel like if we were to table
5 it, all of their petitions and their school board
6 meetings and their advertisements and newspapers
7 still are effective and valid and then they, you
8 know, they do place it in front of us to decide their
9 fate. They're -- it's almost -- it's a -- like a
10 divorce proceeding. Ya'll figure this out on your
11 own or else a judge gets to decide everything whether
12 you like it or not. So my hope would be that they
13 have understood the tenor of our conversation and our
14 feelings on this and that they would go make an
15 agreement among themselves and come back and withdraw
16 the petition and there wouldn't have to be a
17 decision. So I agree it should --

18 MS. WOODS: I'm going to deny your motion to
19 continue and save that for the divorce.

20 MR. WOOD: I don't even know what you just said.
21 So anyway, that's why --

22 CHAIR MOORE: Yeah.

23 MR. WOOD: -- I'll vote against the current
24 motion.

25 CHAIR MOORE: Okay. Any more comments on this

1 motion at this point? Questions?

2 (NO RESPONSE)

3 CHAIR MOORE: Okay. So we will take a vote by
4 roll call.

5 Ms. Woods?

6 MS. WOODS: We are voting to deny?

7 CHAIR MOORE: Yes.

8 MS. WOODS: Yes. Yes.

9 CHAIR MOORE: Mr. Bragg?

10 MR. BRAGG: No.

11 CHAIR MOORE: Mr. Henderson?

12 MR. HENDERSON: Yes.

13 CHAIR MOORE: Ms. Hunter?

14 MS. HUNTER: No.

15 CHAIR MOORE: Mr. Wood?

16 MR. WOOD: No.

17 CHAIR MOORE: Ms. Keener?

18 MS. KEENER: No.

19 CHAIR MOORE: Okay. So the motion failed four
20 to two. So now the floor is back open for a motion.

21 MR. WOOD: And I'll make a motion in the same
22 spirit --

23 CHAIR MOORE: Okay.

24 MR. WOOD: -- of what my colleagues over here
25 tried to do. I'm -- I move to table this and allow

1 the districts to go have further discussions to see
2 if they can reach an agreement amongst themselves.

3 CHAIR MOORE: Okay.

4 There is a motion to table the item. Is there a
5 second?

6 MR. BRAGG: I second.

7 CHAIR MOORE: Okay.

8 A second by Mr. Bragg. Are there any questions
9 or comments at this point?

10 I do have a lingering question though, if you
11 don't mind at this point. To get the signatures for
12 it, is there a threshold of the number of people --

13 MR. RHODES: So --

14 CHAIR MOORE: -- that you have to have?

15 MR. RHODES: -- they submitted a signature
16 petition, but it's not required by the statute.

17 CHAIR MOORE: It's not? Okay.

18 MR. RHODES: So I think it was to show the will
19 of the individuals in the neighborhood that is
20 affected, but it's not like a petition for signatures
21 that you normally see for, like ballot access; right?
22 So if -- like, if somebody wants run for judge, they
23 can collect signatures and get on the ballot. It's
24 not like that. It doesn't have that procedure.

25 CHAIR MOORE: Okay.

1 MR. RHODES: So -- yeah. Literally just
2 noticing in the paper, submitting to you within, you
3 know, outside of the 30-day window and then having
4 some level of conversation about mutual agreement is
5 really all that's required by the statute outside of
6 the filing requirements when the --

7 CHAIR MOORE: And the statute doesn't require a
8 vote by their local board?

9 MR. RHODES: That statute does not. Again, it's
10 not -- it's not a procedure that's often used to
11 change boundary lines. Usually you have annexations
12 of one district with another. Let's say you have a
13 new neighborhood that's being built, one district may
14 move to annex that, and that does trigger certain
15 other requirements that we're accustomed to seeing.

16 CHAIR MOORE: Versus the boundary change --

17 MR. RHODES: Correct.

18 CHAIR MOORE: -- in this request? Could Prairie
19 Grove have considered an annexation?

20 MR. RHODES: I'm not their legal counsel, but
21 they should definitely consult their legal counsel --

22 CHAIR MOORE: Okay. So that's --

23 MR. RHODES: -- about the annexations.

24 CHAIR MOORE: -- can continue talking about.

25 MR. RHODES: They can certainly have those

1 discussions with their --

2 CHAIR MOORE: Okay.

3 MR. RHODES -- their advisors.

4 CHAIR MOORE: Okay. Thank you for answering my
5 lingering questions.

6 So we do have a motion on the floor to table and
7 a second. Any questions or comments?

8 (NO RESPONSE)

9 CHAIR MOORE: Okay. We will do a vote again.

10 Ms. Woods?

11 MS. WOODS: Yes.

12 CHAIR MOORE: Mr. Bragg?

13 MR. BRAGG: Yes.

14 CHAIR MOORE: Mr. Henderson?

15 MR. HENDERSON: Yes.

16 CHAIR MOORE: Ms. Hunter?

17 MS. HUNTER: Yes.

18 CHAIR MOORE: Mr. Wood?

19 MR. WOOD: Yes.

20 CHAIR MOORE: Ms. Keener?

21 MS. KEENER: Yes.

22 CHAIR MOORE: So motion passes to table the item

23 --

24 SECRETARY OLIVA: For next month.

25 CHAIR MOORE: -- for next month.

1 SECRETARY OLIVA: (Indiscernible)

2 MR. WOOD: Yeah. That was the intention of my
3 table, yes.

4 CHAIR MOORE: For next month.

5 School districts, did you all have any questions
6 of us before you all proceed to have any more
7 conversations between the two of you?

8 SUPT. CAMPBELL: No questions from Prairie
9 Grove.

10 CHAIR MOORE: Okay.

11 SUPT. SPEARS: No questions from Lincoln. We're
12 good.

13 CHAIR MOORE: Okay.

14 Any additional comments from Board Members?

15 (NO RESPONSE)

16 CHAIR MOORE: Okay.

17 Thank you all. Thank you for your time today.

18 SUPT. SPEARS: Thank you.

19 SUPT. CAMPBELL: Thank you.

20 **4: CONSIDERATION OF REQUEST TO RELEASE ADMINISTRATIVE RULES**
21 **FOR PUBLIC COMMENT**

22 **4A: DESE RULE GOVERNING CAREER-READY PATHWAYS TO DIPLOMA**

23 **4B: DESE RULE GOVERNING THE STANDARDS FOR ACCREDITATION OF**
24 **ARKANSAS PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS**

25 **4C: DESE RULE GOVERNING THE DOCUMENTS POSTED TO SCHOOL**

1 **DISTRICT AND EDUCATION SERVICE COOPERATIVE WEBSITES**

2 CHAIR MOORE: We will move along to item No.
3 four, request to release rules for public comment.
4 We have a lot of rules today.

5 MS. SMITH: Good morning. Stacy Smith. And we
6 do have a power -- a presentation.

7 Jeff, I'm going to request that you just approve
8 all of them right now. Let's just do it.

9 All right. All right. This first set of rules
10 I just wanted to go back over this piece with you
11 again. You're going to know it like the back of your
12 hands before I'm done with you. We -- on the set of
13 rules we release for public comment. It goes out for
14 public comment for 30 days, they are noticed. If
15 there is substantive change, it goes back out again
16 for 30 days, changes are made, then it comes back to
17 this Board for final approval. Once you give it
18 final approval, it then goes to a ALC, the
19 Legislative Council for review, right.

20 There -- today I think we have a set of --
21 there's 25 rules on here today. We're going to kind
22 of do them in groups again. I believe we've
23 workshopped almost every rule that's on here. If
24 we've not workshopped it, I will pause and take a
25 little bit more time on that one. Is that okay? All

1 right.

2 So the first set of rules that we have on here,
3 these were -- what we'd call new rules and today
4 we're asking that you release them for public
5 comment. These are the set of rules that we did do a
6 Board work session on a few weeks ago. So quickly,
7 just let me kind of hit the highlights of those.

8 We have the career ready pathways to diploma
9 rules. Again, this Board, you've seen a couple
10 presentations about the pathways, and these are the
11 rules that outline that process. This is beginning
12 with the 9th grade class of the '24-'25 school year
13 and the identified pathways for high demand, high
14 growth jobs. This is where you've also seen Dr.
15 Pride and Ross White working closely together with
16 Hope with the accountability system. So again those
17 systems and those alignment pieces.

18 The next one that's -- let me pause there for a
19 minute.

20 CHAIR MOORE: Questions?

21 (NO RESPONSE)

22 CHAIR MOORE: Okay.

23 MS. SMITH: I'm going to go ahead and go through
24 a couple of these and then we'll batch them; is that
25 okay?

1 CHAIR MOORE: Great.

2 MS. SMITH: All right.

3 The second one is standards for accreditation.
4 Again, earlier you guys did a motion for
5 accreditation for districts, okay. These are the
6 rules that guide that standards for accreditation,
7 okay, and that process. In these rules, a lot of the
8 changes that we workshopped and talked about a couple
9 weeks ago had to do with changes from Arkansas
10 LEARNS, okay. Including middle school exploration
11 for career and technical pathways, including the
12 career ready pathways and those other rules that we
13 just talked about. That class size for hiring -- the
14 -- it's saying that the Department will determine
15 that by October 1st, so we can stop doing monthly
16 waivers, okay. The 75 hours of community service,
17 clarifying the components of school level improvement
18 plans which will be helpful to districts and just
19 streamlining some dates that you're also going to see
20 pop up in the website rules. All right? So again
21 releasing these for public comment.

22 The next one has to do with websites. And I am
23 going to pause on this one just for a minute because
24 this was one we did not workshop. All right. These
25 is a set of rules that outlines when required

1 notification or publications or documents have to be
2 on a districts or educational cooperatives website.
3 All right.

4 And so the change is -- the only change --
5 these are preexisting rules. The only changes that
6 you see in these have to do with legislative changes.
7 For example, we've required superintendents to post
8 their contracts and their goals on the website. So
9 you see that change in there. Some of the date
10 changes we made over in the previous standard for
11 accreditation rules, you see alignment between those
12 so that we changed the date from August 1 to
13 September 1, you see that in these rules as well,
14 okay. So no content changes; it was really date
15 changes to align between the two, except for the
16 content of what was in LEARNS. And again, releasing
17 for public comment for 30 days.

18 The next one that you see -- let me pause.
19 Let's just do those. Let's do those three. So I'm
20 going to ask --

21 CHAIR MOORE: Questions on those three, Board
22 Members?

23 I do have a question on that last one.

24 MS. SMITH: Yes, ma'am.

25 CHAIR MOORE: It came to my attention recently,

1 school districts aren't required to post school board
2 agendas?

3 MS. SMITH: I believe that they are.

4 CHAIR MOORE: Are they? Is that -- that's in
5 law?

6 MS. SMITH: Yes.

7 CHAIR MOORE: Okay. Then I will follow up on
8 the law there.

9 On the other one where you said class size,
10 could you speak a little bit about what will that
11 process be in October with the Agency?

12 MS. SMITH: So it's similar to what it was
13 previously before we built a system in our -- we
14 built a system called standards for accreditation
15 that every month is pulling data and looking at
16 numbers in classes, okay. And when -- right now our
17 ratio class size rules indicates how many students
18 are with the teacher, all right. And so what's
19 happening is you'll have a student move in, the
20 district will go one over for the month, they have to
21 come before you and ask for a waiver or they have to
22 hire someone, all right. What we're going to do is
23 in October 1, we feel like every district should
24 pretty much have their ratios established; and if
25 they've got to hire someone, by October 1 they need

1 -- they need to have that done. All right. If
2 they're flagged because they're over and they want to
3 come ask for a waiver, this Board now has the ability
4 to think, okay, they're asking for a waiver for the
5 entire year, not just for the last month of school;
6 and then determine whether or not you think they
7 should hire someone or if you are okay with the ratio
8 as it is. So for us -- for standards purposes for
9 accreditation, we will check that at that point.
10 Now, as far as school districts requiring to still
11 follow the ratios and class size rules, that's still
12 a requirement for them. But for us, being able to
13 check where they're at on October 1 for standards for
14 accreditation, that's what we're doing here.

15 Now, we do want to do more work on the class
16 size rules themselves. Those ratios are set right
17 now, and they're not changed from what you're
18 familiar with, but we do feel like there is some
19 flexibility that we can give as far as, like, banding
20 some grade levels together, K and 1. Giving
21 districts flexibility to look at their numbers and
22 making sure that they're -- you know, if they're one
23 over here, but they're five under here, we're not,
24 you know, we're not forcing people to pull teachers
25 around and stuff in the middle of the year. But we

1 feel like that October 1, at the beginning, you
2 should have your ratio set.

3 Did that help?

4 CHAIR MOORE: Yes, thank you.

5 Board members, any other questions or comments
6 on these three?

7 MS. KEENER: Well, I was wondering about -- in
8 older grades and semester changes, is -- can't there
9 be some influx of students at semester; is that --

10 MS. SMITH: Yeah, you'll see changes in moving
11 around in the semester with older grades, especially
12 middle school to high school. There is 150 cap for
13 teachers, but there is legislation that allows them
14 to go over the 150 and get compensated.

15 MS. KEENER: Oh, okay.

16 MS. SMITH: Where you get into that class size
17 piece and where you guys see most of the waivers,
18 it's in elementary grades.

19 MS. KEENER: Yeah.

20 MS. SMITH: All right. And so that's where I
21 think we had some work to do.

22 CHAIR MOORE: Okay. Additional questions or
23 comments?

24 (NO RESPONSE)

25 MS. SMITH: So I would be asking for a motion to

1 release for public comment the three rules listed:
2 career ready pathways, standards for accreditation
3 and the rules governing websites.

4 CHAIR MOORE: A, B and C on item four. Floor is
5 open for motion.

6 MS. WOODS: I'll move to release for public
7 comment.

8 CHAIR MOORE: Motion by Ms. Woods to release A,
9 B and C for public comment. Is there a second?

10 MR. BRAGG: I'll second.

11 CHAIR MOORE: A second by Mr. Bragg. All in
12 favor, say aye.

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIR MOORE: Any opposed?

15 Motion passes.

16 **4D: DESE OFFICE OF EARLY CHILDHOOD (OEC) RULE GOVERNING THE**
17 **ARKANSAS BETTER CHANCE PROGRAM**

18 **4E: DESE RULE GOVERNING MATH INTERVENTION**

19 **4F: DESE RULE GOVERNING THE ARKANSAS EDUCATIONAL SUPPORT AND**
20 **ACCOUNTABILITY ACT (AESAA) IS PRESENTED FOR APPROVAL TO BE**
21 **RELEASED FOR PUBLIC COMMENT**

22 MS. SMITH: Okay. The next three are also in
23 the same -- same we are asking today to release them
24 for public comment. So the one is the Arkansas
25 Better Chance rules. That is our state funded early

1 childhood program that we administer through the
2 Department of Elementary and Secondary Education.
3 Some of the changes that you see in these rules are
4 the defining of kindergarten readiness, shifting
5 language about a new quality rating tool to hopefully
6 be able to come in the next year, the 178 days that
7 we've discussed before about still maintaining seven
8 hours of minimum a day. However, if they do less
9 than 178 days, they're -- they're prorated on the
10 amounts of funding that they receive. Literacy
11 curriculum aligned to the science of reading; and
12 streamlining the cleanup from the transition still
13 from the Department of Human Services to the
14 Department of Ed.

15 Math intervention. This was directly from
16 LEARNS. Not only is our focus in this state
17 laserlike on improvement in literacy, but math needs
18 it as well. So this is a requirement for a math
19 intervention plans for grades three through eight. I
20 want to brag on Hope's group and Tiffani's group for
21 working on the ATLAS and building that within the
22 system. So again, when we talk about streamlining
23 our systems here, this is another opportunity to do
24 so. Within the system when we have set those cut
25 scores, which will come to this board to do, it will

1 identify students to be able to say these students
2 need a math intervention plan. And then school
3 districts are notified; we know; everybody knows
4 because we're all using the same cut scores.

5 And the last part has to do with Arkansas
6 Educational Support and Accountability plan. Again,
7 this was updating this plan to reflect LEARNS.
8 Again, what you see here is you see the career ready
9 pathways piece again. You also see that comparable
10 elective coursework. That's where they took core
11 content such as math and science, and they've
12 compared it to career and technical courses to
13 determine, does this course have enough science
14 credit to not just count as a current technical
15 course, but to count as a science graduation credit?
16 Right? So a lot of good work has been happening
17 there and you see that in these rules. Also has the
18 high-quality-evidence-based screener as part of the
19 assessment system. This is where you see the state
20 assessment requirements and the curriculum
21 requirements, and it also builds on the previous
22 section on student success plans to reflect the
23 changes in LEARNS.

24 So I'm going to pause there on those three and
25 then ask for a motion on those to be released for

1 public comment.

2 CHAIR MOORE: Board Members, questions to my
3 right?

4 MS. WOODS: Quick question, will we ever as a
5 Board approve the screener programs or just the
6 assessment pieces like we have today?

7 MS. SMITH: So the -- very good question. So
8 the screener is actually built into the ATLAS
9 assessment.

10 MS. WOODS: Oh, okay.

11 MS. SMITH: But what we will be bringing to you
12 -- this Board is we will be bringing to you the
13 different cut scores, okay, identifying, you know,
14 giving you guys our recommendation. This would say
15 this would lend to a testlet, which would be some of
16 the dyslexia diagnostic screening, or this would be
17 for the intervention reading plan.

18 MS. WOODS: I have got it. Okay.

19 CHAIR MOORE: More questions, Board Members?

20 (NO RESPONSE)

21 And Ms. Rollins, thanks for joining us. Can you
22 hear us?

23 MS. ROLLINS: Yes, I can.

24 CHAIR MOORE: Okay. Great. If you have any
25 questions on these -- you see we're on item 4: D, E

1 and F?

2 MS. ROLLINS: Okay. Thank you very much.

3 CHAIR MOORE: Good to see you today.

4 MR. BRAGG: I move we release these for public
5 comment.

6 CHAIR MOORE: There's a motion by Mr. Bragg to
7 release for public comment. Is there a second?

8 MR. HENDERSON: Second.

9 CHAIR MOORE: Second. Okay. So this is to
10 release item 4: D, E and F for public comment. Any
11 questions?

12 (NO RESPONSE)

13 CHAIR MOORE: Okay. All in favor, say aye.

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIR MOORE: Any opposed?

16 Motion passes.

17 **5: CONSIDERATION OF REQUEST FOR FINAL APPROVAL OF**
18 **ADMINISTRATIVE RULES**

19 CHAIR MOORE: And we're on item five which is
20 request for final approval for these rules.

21 MS. SMITH: We are rocking and rolling on this
22 guys. All right. Here we go.

23 This next section has to do with final approval
24 of rules, and this is releasing these rules to the
25 legislative council. Okay. So these rules have been

1 through that process. They've come to you before;
 2 we've workshopped them; they've gone out for public
 3 comment. Some of them have gone out for public
 4 comment twice. Any -- if they were non substantive
 5 changes, those were made. If there's technical
 6 changes, it's highlighted or some -- sorry. If it
 7 was technical changes, changes were made. If it was
 8 substantive, you'll see that highlighted, okay,
 9 between -- if -- if it went out twice. These are for
 10 final approval to release to ALC.

11 MS. WOODS: : What does ALC -- after they do
 12 with them? What are they? Like, are there changes
 13 made at the ALC level?

14 MS. SMITH: They become final.

15 MS. WOODS: Final. Okay.

16 **5A: DCTE RULE GOVERNING THE ADULT DIPLOMA PROGRAM**

17 **5B: DESE OEC RULE GOVERNING THE REQUIREMENTS AND PROCEDURES**

18 **FOR OBTAINING AN ARKANSAS BIRTH THROUGH PREKINDERGARTEN**

19 **TEACHING CREDENTIAL**

20 **5C: DESE RULE GOVERNING BACKGROUND CHECKS**

21 **5D: DESE RULE GOVERNING THE CODE OF ETHICS**

22 **5E: DESE RULE GOVERNING MATERNITY LEAVE COST SHARING**

23 **5F: DESE RULE GOVERNING PUBLIC SCHOOL POLICIES RELATING TO**

24 **OVERNIGHT TRAVEL AND USE OF PUBLIC-SCHOOL LAVATORIES**

25 MS. SMITH: All right. The first set has to do

1 with the adult diploma program. This is one that was
2 first presented to you when we were at ASU by Dr.
3 Warden and Ross White and they talked to you about
4 the process for that diploma program. I think you
5 guys asked really good questions during that session,
6 went pretty deep on that.

7 The next one has to do with the requirements for
8 the birth through pre-K teaching credential. This
9 was one that Ms. Williams presented to you at the
10 workshop, talked about mostly it's associate degreed
11 folks getting this credential. This is a set of
12 rules that came from the Department of Human Services
13 to the Department of Ed. So not really any
14 substantive changes on that, really just technical
15 from agency to agency.

16 The third set of rules here are background
17 checks. This is where you saw those registered
18 volunteer coaches that we talked about having to have
19 those required background checks completed through
20 the Department of Education. We got into
21 conversations around really kind of some sporting.
22 and small sports a lot of times have volunteer
23 coaches, especially in your more small -- smaller
24 districts, even in some of your larger districts.
25 Also requiring district level administrators to

1 report arrest or charges for disqualifying offenses
2 within a 24-hour period. And also flagging
3 employment statuses as under review when they're --
4 when it's pending a resolution. All right. So those
5 were background checks.

6 Code of ethics. Code of ethics expanded the
7 definition to include our registered volunteers.
8 Again, that's where you see that parallel between
9 those previous rules and this set of rules. But
10 those are the ones who are obtaining a certificate
11 through AAA to be able to coach. Again, that
12 requirement of substantiated allegations within 24
13 hours for standard one. And that involves
14 relationships with students, okay, direct involvement
15 with students, and clarifies the procedural due
16 process and conflicts over interest of rule.

17 The next set of rules is maternity leave. And
18 -- if -- of all rules and all opportunities for
19 teachers that I don't think probably has gotten
20 enough positive press or opportunity has to do with
21 the maternity leave aspect. This is a great
22 opportunity for school districts to incentivize their
23 teachers to pick them because they offer the best
24 opportunities and options for their teachers. It
25 encourages school districts to offer up to 12 weeks

1 of maternity leave, provides funding to school
2 districts to split the cost of substitute staff
3 during maternity leave of the public school district
4 employees.

5 Let's see. I'm going to do one more and then
6 I'm going to pause.

7 The next thing you see is overnight travel and
8 use of school laboratories. So this is again
9 ensuring privacy and safety of students in public
10 restrooms, talks about requirements for the use of
11 restrooms, allows district authority to provide
12 reasonable accommodations, provides guidance for
13 overnight trips and allows processes for
14 noncompliance.

15 So I'm going to pause at that point because I
16 believe we went over several and ask for -- see if
17 you have any questions and then I'll ask for a
18 motion.

19 CHAIR MOORE: Okay. So this is item five, A
20 through F rules, and this will be for final approval.
21 So questions?

22 Mr. Bragg?

23 MR. BRAGG: Yeah.

24 On maternity leave, was that supposed to be,
25 like, a 50/50 cost share on this?

1 MS. SMITH: Yeah. So it is a 50 percent cost
2 share. Some of the questions we've received on it
3 had to do about the employee salary. So the teachers
4 -- the districts are funded based on -- foundational
5 funding based on the number of teachers for students.
6 Okay. So based on the number of students that they
7 have -- and I know you're very familiar with the
8 funding matrix where it has a number for each
9 teacher. So the state has already funded districts
10 for hiring those teachers. All right. So what we've
11 done here is the cost that's not been funded is the
12 cost to provide a substitute for that classroom. So
13 that's the part that's being shared at 50 percent.

14 MR. BRAGG: Okay. Thank you.

15 CHAIR MOORE: Questions on these rules.

16 Ms. Rollins, do you have any questions on this
17 set of rules?

18 MS. ROLLINS: On the maternity leave, is this
19 just for a female employee or does this include the
20 father?

21 MS. SMITH: Yeah, it's just maternity.

22 MS. ROLLINS: Okay. All righty.

23 That's all I have.

24 MS. SMITH: Yes. All employees. All employees.

25 MS. ROLLINS: All employees?

1 MS. SMITH: All female employees.

2 MS. ROLLINS: Okay. I have got you.

3 MS. HUNTER: But it covers adoption as well; is
4 that correct?

5 MS. SMITH: Yes, ma'am.

6 CHAIR MOORE: Additional questions?

7 (NO RESPONSE)

8 CHAIR MOORE: Okay. The floor will be open for
9 a motion. This is item five, A through F.

10 MR. BRAGG: I move we approve these.

11 CHAIR MOORE: Okay.

12 There's a motion to approve by Mr. Bragg. Is
13 there a second?

14 MR. HENDERSON: Second.

15 CHAIR MOORE: Okay.

16 Floor is open for any questions or comments.
17 Okay. We'll take a vote then. All in favor, say
18 aye.

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIR MOORE: Any opposed?

21 Motion passes.

22 **5G: DESE RULE GOVERNING THE EDUCATIONAL FREEDOM ACCOUNT**
23 **PROGRAM**

24 MS. SMITH: All right. The next set of rules --
25 Darrell, I want to make sure you're paying attention.

1 Darrell may jump out of his seat when the -- when a
2 vote goes on this one.

3 So presenting to you today the rules for
4 Educational Freedom Accounts Programs. These rules
5 have been released for public comment twice. We
6 actually workshopped these at the last one, we
7 brought them back to you and went back over them
8 again for Darrell to highlight those. It clarifies
9 this -- in the second public comment part, we
10 clarified the eligibility criteria and the
11 application process. We outlined provider
12 expectations and requirements -- updated some of that
13 language and provided -- it provides a framework for
14 home school students and qualifying expenses for home
15 school families.

16 So I'm going to just sit on that one and see if
17 you have questions.

18 MS. WOODS: Just a question about the comments.
19 So were all of these that you -- that were uploaded
20 -- this was both sets of public comment periods?

21 MS. SMITH: Yes, ma'am.

22 MS. WOODS: It's not just since we released --

23 MS. SMITH: They were both. Both sets. All the
24 comments.

25 MS. WOODS: And so, presumably anything that had

1 a -- there was nothing that had a substantive change
2 the second time; right? Because then we would --

3 MS. SMITH: Correct.

4 MS. WOODS: -- re-release it? Okay.

5 MS. SMITH: Correct.

6 MS. WOODS: Okay.

7 CHAIR MOORE: Questions on the EFA rules?
8 Ms. Rollins, questions at this point?

9 MS. ROLLINS: I think I'm good. Thank you.

10 CHAIR MOORE: Thank you.

11 MS. SMITH: So let's go ahead and get these
12 approved if you don't mind. I was going to ask for a
13 motion to approve these rules?

14 CHAIR MOORE: Okay. So we'll have the floor
15 open to a motion to approve. This is item --

16 MS. SMITH: G.

17 CHAIR MOORE: -- 5G, Education Freedom Account
18 Program.

19 MR. WOOD: Move to approve.

20 CHAIR MOORE: There's a motion by Mr. Wood to
21 approve. Is there a second?

22 MS. HUNTER: Second.

23 CHAIR MOORE: And a second by Ms. Hunter. Floor
24 is open for any questions or comments. Okay. All in
25 favor, say aye.

(UNANIMOUS CHORUS OF AYES)

CHAIR MOORE: Any opposed?

Motion passes.

5H: DESE RULE GOVERNING PROFESSIONAL DEVELOPMENT

5I: DESE RULE GOVERNING SCHOOL TRANSFORMATION CONTRACTS

**5J: DESE RULE GOVERNING EMERGENCY RESPONSE EQUIPMENT AND
TRAINING IN ARKANSAS PUBLIC SCHOOLS**

**5K: DESE RULE GOVERNING WATER SAFETY INFORMATION PROVIDED BY
PUBLIC SCHOOLS**

MS. SMITH: The next set of rules is professional development and I'm going to take a little bit longer on these as well. These rules actually came to this Board for the first time to release for public comment back in December. There were a lot of legislative changes around professional development. Some of those changes eliminated some of the repetitive professional development that teachers were required to get every four years. For example, family/community engagement or, you know, they were required to get it every four years. So this allows them, once they have that professional development, they've had it and they're not required to keep going back and getting it every two years. It did that to a couple of those.

It defined microcredential and professional

1 learning credit, allowing for teachers to get their
2 professional learning not just for sitting in a room
3 and getting face to face, because that has previously
4 how it was done, six hours face-to-face PD. So it
5 allowed some -- for some other options for
6 professional development. Makes mental health a
7 priority which we self-reflected in LEARNS. So the
8 professional development requirements around mental
9 health and also clarified and separated professional
10 learning separate from professional development
11 required for your license.

12 So there are certain things you have to do to
13 get a license. You have to take your child
14 maltreatment. You have to have suicide, you know,
15 there's certain PD. So we've clarified those that
16 you have to have them to get your license and then
17 there's PD that you have to have on a reoccurring
18 basis. So that's why this is taking a little bit
19 longer because they were taking all of those
20 legislative changes and making sure they were
21 reflected here. So you have seen these rules before.
22 There have been some changes made on those and then
23 now they're ready to go. Basically the changes in
24 here were legislative changes.

25 CHAIR MOORE: Questions, Board Members?

1 MS. SMITH: The next set of rules is school
2 transformation contracts. This is again a set of
3 rules that I believe you've seen. It's been out for
4 public comment twice and it's come back, and I think
5 we've workshopped it both -- both times. It allows
6 for districts to enter into a -- transformation
7 contracts with an external operator which could be a
8 charter management company or an educational support
9 operator, okay. So it doesn't have to be necessarily
10 a charter school. Provides the option beyond
11 consolidation annexation or reconstitution and
12 provides other opportunities for schools to help
13 themselves before the state gets involved.

14 To have a transformation contract, it has to
15 come before this Board and this Board would approve
16 the contract and that then would allow that school to
17 have a different accountability measure, all right.
18 Schools are allowed to do contracts without a
19 transformation contract, all right, but for them to
20 get the accountability part of it, they would have to
21 be approved by this Board to be considered a
22 transformation contract.

23 Any questions about that one?

24 CHAIR MOORE: Board Members, questions on school
25 transformation contracts?

1 I continue to have a lingering question of what
2 happens at the end of a -- when a state takeover time
3 ends? What happens with the school contract?

4 MS. SMITH: So I think that would -- I think
5 that would be dependent upon the progress that
6 district made. And then for this Board to determine
7 whether or not at the end of that five years, do you
8 utilize your authority to annex, reconstitute,
9 consolidate, restructure in some way? It would come
10 -- if this school is under state authority, it would
11 come back to this Board.

12 CHAIR MOORE: It would?

13 MS. SMITH: Uh-huh. For final decision on -- in
14 that time period, what to do next.

15 CHAIR MOORE: Okay. And if it was a -- if it
16 was deemed to be successful, could it continue?

17 MS. SMITH: So under a district -- under state
18 authority, where you are acting -- I mean, you --
19 this Board could reconstitute or do a different
20 governance structure if you so choose. There is a
21 whole list of things that this Board has the ability
22 to do.

23 CHAIR MOORE: But the terms of that is within
24 that state? Okay.

25 MS. SMITH: Yes.

1 CHAIR MOORE: That makes sense.

2 MS. SMITH: Right.

3 CHAIR MOORE: So Marvell-Elaine is in their
4 first year?

5 MS. SMITH: First year of a transformation
6 contract.

7 CHAIR MOORE: Of a transformation contract.

8 MS. SMITH: They just completed.

9 CHAIR MOORE: Okay. And we'll hear from them
10 later today.

11 MS. SMITH: Yes.

12 CHAIR MOORE: Okay.

13 Questions? Comments on these?

14 Thank you.

15 MS. SMITH: Uh-huh.

16 The next set of rules is rules governing
17 emergency response equipment and training. This has
18 to do with the -- with opioid rescue kits on each
19 campus at a public school district. And actually
20 Secretary Oliva and I recently got to visit Bryant
21 School District, who was doing a training, by a very
22 passionate educator who had been personally affected,
23 the loss of family or friends, due to opiate --
24 opioids. And so this again seems to be a growing
25 crisis in our state and the importance of this is --

1 I don't think can be understated here.

2 It also is keeping students safe by having the
3 AEDs at certain school sponsored sporting events.
4 And again, we know of instances in where those AEDs
5 being present have saved lives. Keep students safe
6 by making sure that personnel is trained in using the
7 appropriate emergency response equipment.

8 The next was legislation about water safety, and
9 it requires school districts to inform parents of the
10 importance of water safety education by making sure
11 that they're aware of where swimming lessons are
12 available.

13 Okay. So I would ask this Board for a motion to
14 approve these to move forward for final.

15 CHAIR MOORE: Okay.

16 Board Members, questions, to my right? Okay.
17 Questions, to my left?

18 Ms. Rollins, any questions?

19 MS. ROLLINS: No, thank you.

20 CHAIR MOORE: Okay. With that, the floor is
21 open for a motion, and this is items --

22 SECRETARY OLIVA: H to K.

23 CHAIR MOORE: H to K.

24 Thank you.

25 MR. BRAGG: I'll move these items be approved.

1 CHAIR MOORE: There's a motion by Mr. Bragg. Is
2 there a second?

3 MR. WOOD: I'll second.

4 CHAIR MOORE: A second by Mr. Wood. Questions
5 or comments?

6 MR. WOOD: I'm glad that finally school
7 districts will fulfill their very important duty of
8 telling parents it's important for their kids to
9 learn how to swim as a part of this.

10 CHAIR MOORE: It is important.

11 Floor is open for a vote. This is a motion to
12 approve for final approval. All in favor, say aye.

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIR MOORE: Any opposed?

15 Motion passes.

16 Thank you.

17 **6: CONSIDERATION OF FINAL APPROVAL OF REQUEST TO REPEAL**
18 **ADMINISTRATIVE RULES**

19 **6A: DESE RULE GOVERNING THE EDUCATOR COMPENSATION REFORM**
20 **PROGRAM**

21 **6B: DESE RULE GOVERNING ELIGIBILITY OF PARTICIPATING SCHOOL**
22 **DISTRICTS IN THE TRAVELING TEACHER PROGRAM**

23 **6C: DESE RULE GOVERNING INCENTIVES FOR TEACHER RECRUITMENT AND**
24 **RETENTION IN HIGH-PRIORITY DISTRICTS**

25 **6D: DESE RULE GOVERNING REIMBURSEMENT BY SCHOOL DISTRICTS FOR**

1 **ELECTION EXPENSES**

2 **6E: DESE RULE GOVERNING SCHOOL BOARD ZONES AND REZONING**

3 **6F: DESE RULE GOVERNING SCHOOL DISTRICT DUTY TO REPORT STUDENT**

4 **CRIMINAL ACTS**

5 **6G: DESE RULE GOVERNING THE SUCCEED SCHOLARSHIP PROGRAM**

6 **6H: DCTE RULE GOVERNING METHODS OF ADMINISTRATION OF CAREER**

7 **AND TECHNICAL EDUCATION PROGRAMS**

8 MS. SMITH: All right. The next group of rules
9 are repeals and we talked about these a little bit
10 during the workshop. These are rules or pieces of
11 legislation that are not in use, and they haven't
12 been used or it's an inactive program. And so these
13 are rules that we are repealing some of these rules
14 have been folded into other sets of rules, and
15 they're addressed in other places. So there is a
16 full set here for repeal. These rules went through
17 the same process. They were released for 30 days.
18 We received public comment. Most had to do with why
19 were we doing it? And we would address the fact that
20 it's not being used anymore or else it was covered
21 somewhere else.

22 So there is a list of repeals. I'm going to
23 just pause for a second. I'm going to show you the
24 whole list of the ones that are up there: educator
25 compensation, Traveling Teacher Program, teacher

1 recruitment and retention in high-priority districts,
2 rules governing the election expenses, school board
3 zoning, school district duty to report student
4 criminal acts. And again, if you think about some of
5 these, we've addressed them in other places in other
6 rules. Rules governing the Succeed Program and
7 governing -- methods governing career and technical
8 education programs. And that would be those.

9 CHAIR MOORE: Board Members, questions, to my
10 right on these repeals?

11 (NO RESPONSE)

12 CHAIR MOORE: Okay.

13 To my left?

14 (NO RESPONSE)

15 MR. WOOD: When we repeal these, do we leave a
16 note in our current rules to inform people where to
17 go look for the recodification of these rules?

18 MS. SMITH: I don't believe we do, but I do
19 believe that the Department -- because there are so
20 many rules coming out and so many rules being
21 repealed, it would probably be in the best interest
22 of districts and everyone for us to kind of create
23 some type of document that kind of does that. So --

24 MR. WOOD: I just think it could be good for the
25 public too. I mean, school board zones and rezoning

1 is an important thing and they go looking where
2 they've --

3 MS. SMITH: Right.

4 MR. WOOD: -- looked for 30 years and then -- I
5 don't know. I'm sure they can find it on their own.
6 But nonetheless --

7 MS. SMITH: Not. But I -- I do think there's so
8 many changes, I think that there's -- it would be in
9 everyone's --

10 MR. WOOD: Yes.

11 MS. SMITH: -- best interest to be able to do --
12 create something.

13 CHAIR MOORE: Ms. Rollins, any questions?

14 MS. ROLLINS: No.

15 CHAIR MOORE: -- on the repeal of those?

16 MS. ROLLINS: Thank you.

17 CHAIR MOORE: Okay.

18 Any additional questions or comments?

19 (NO RESPONSE)

20 CHAIR MOORE: The floor will be open for a
21 motion.

22 MR. WOOD: Move to approve.

23 CHAIR MOORE: Okay. A motion to approve the
24 request to repeal rules, item 6. Is there a second?

25 MR. HENDERSON: Second.

1 CHAIR MOORE: A second by Mr. Henderson. Take a
2 vote. All in favor, say aye.

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIR MOORE: Any opposed?

5 Motion passes.

6 MS. SMITH: All right. Very good.

7 **7: REQUEST FOR APPROVAL OF NORM-REFERENCED TESTS TO FULFILL**
8 **THE EDUCATION FREEDOM ACCOUNT TESTING REQUIREMENT FOR**
9 **PARTICIPATING STUDENTS**

10 CHAIR MOORE: Now we will move on to item seven,
11 request for approval of the norm-referenced for the
12 EFA Program. Now we will move on to item 7. Request
13 for approval of the norm reference test for the EFA
14 program.

15 MS. SMITH: I'm actually going to ask Assistant
16 Commissioner Dr. Smith to come up and -- so he can
17 take any questions on this.

18 CHAIR MOORE: Awesome. Thank you.

19 DR. SMITH: Good morning, everybody. Darrell
20 Smith, assistant Commissioner, Office of School
21 Choice.

22 As the rules that you have approved here just a
23 few minutes ago -- thank you for that. I certainly
24 appreciate that. One of the requirements is that you
25 approve norm-referenced tests for schools to

1 participate so that -- you'll notice that one of the
2 requirements in those rules was that every EFA
3 student present a norm-referenced test result at the
4 end of every school year for not only just folks --
5 so for us to look at and measure kinds of progress
6 and growth in all the students that are participating
7 in our program.

8 And so at this point you can see the list there
9 of the tests that we would like to bring before you
10 to approve today. Most of them we --basically, the
11 list came from a survey of all of our currently
12 participating schools, what tests they were already
13 taking. We looked at those tests, made sure they met
14 the criteria for a norm-referenced test, and I'll
15 tell you that primarily most of our schools are
16 taking you the IOWA basic skills test or the MAP
17 test, NWEA MAP test. I mean, probably over 60
18 percent of our schools are taking one of those two
19 tests and then everything else kind of falls in
20 between that. Stanford -- probably Stanford 10,
21 probably falls right underneath that. And so
22 basically the bottom line is, is that we surveyed,
23 and we find out they were taking, we made sure they
24 met the norm-referenced test, and this is the list
25 that we'd like to bring before you today.

1 CHAIR MOORE: Board Members, questions? To my
2 right?

3 Mr. Bragg?

4 MR. BRAGG: So all of the tests listed are
5 actually being used?

6 DR. SMITH: Correct.

7 MR. BRAGG: Okay.

8 CHAIR MOORE: Questions, to my left?

9 MS. KEENER: I have a comment. This is -- I'm
10 going to get on one of my soapboxes again. But the
11 -- the narrative that the Department isn't holding
12 private schools to the same standards as public
13 schools or that that should be -- that there should
14 be a parallel. This is one of those points that I
15 always make is they have to take a norm-
16 referenced test and report those numbers. And I'm
17 staring -- I'm looking at my daughter's test right
18 now from this year and the one that they take is the
19 comprehensive testing program. It's called the ERB.
20 And it gives me the scale score, the percentile, the
21 state -- and in both the national and the independent
22 norm. So we see that -- where she falls in a
23 multitude of areas. And so the idea that -- that
24 there isn't accountability for them frustrates me.
25 So I'm glad to see this list and I have a lot of

1 experience with many, many of these tests. So
2 anyway, thank you for putting this together.

3 DR. SMITH: You bet.

4 CHAIR MOORE: I do have a question. Could a
5 district -- could a private school administer the
6 ATLAS assessment?

7 DR. SMITH: We are working towards that. Yes.
8 And so I think we've made plans that beginning this
9 -- actually this this school year, we have made an
10 option -- opportunity. We've expressed that
11 opportunity in some of our webinars with our private
12 schools.

13 CHAIR MOORE: Okay.

14 DR. SMITH: And I think at this point we have
15 met five private schools that are interested in
16 administering the ATLAS test this coming school year.

17 CHAIR MOORE: And do we classify that as a
18 criterion-referenced test or a norm-referenced test?
19 And does that --

20 DR. SMITH: A criterion-referenced test.

21 CHAIR MOORE: Okay.

22 DR. SMITH: But it is a state assessment and
23 therefore -- and the law -- and the rules and the
24 laws all --

25 CHAIR MOORE: It would count.

1 DR. SMITH: -- say that we can count it.

2 CHAIR MOORE: Would we have to vote on it or
3 we'll just kind of --

4 DR. SMITH: No, that -- that's already been
5 approved by the law and this -- and the rules.

6 CHAIR MOORE: Okay.

7 DR. SMITH: Yeah.

8 CHAIR MOORE: And because I know some districts
9 did the -- or some private schools did do the ACT
10 Aspire before, but that's that test is gone; is that
11 correct?

12 DR. SMITH: Well, it's still available --

13 CHAIR MOORE: Oh, it is?

14 DR. SMITH: -- but it's -- I think it's
15 available for the younger grades, I believe.

16 CHAIR MOORE: Okay.

17 DR. SMITH: I think they missed -- they took out
18 the upper end of that test.

19 CHAIR MOORE: Okay. Do we know if there's any
20 assessments that private schools are using right now
21 that aren't on this list?

22 DR. SMITH: To the best of our --

23 CHAIR MOORE: -- that were eliminated?

24 DR. SMITH: -- knowledge there's not.

25 CHAIR MOORE: Okay. Okay. Thank you.

1 Ms. Rollins, I'm sorry. I don't know if I asked
2 you, did you have any questions?

3 MS. ROLLINS: No, that's okay.

4 I was curious, are all the schools pretty much
5 on the same testing schedule?

6 DR. SMITH: For the most part, yeah, most of
7 them test in the spring just like our public schools
8 do. I think their windows may be a little different
9 than the public schools, but predominantly, it's an
10 April testing window for most of our private schools.

11 MS. ROLLINS: And so they get their testing
12 information back about the same time as well?
13 Although we know ATLAS is going to be later this
14 year; is that right?

15 DR. SMITH: Well, the -- yeah. The ATLAS scores
16 -- I can't speak -- but I believe the ATLAS scores
17 will come out later than typically -- in a typical
18 cycle, since this is the first year. But to answer
19 your questions on the private schools, typically
20 they'll get their scores mid-June, maybe -- you
21 obviously -- you have yours for now. So it really
22 just depends on when they take it and what type of
23 tests they're taking and then the turnaround for that
24 particular test, but I would say most of our schools
25 will have the results back by mid-June. The rules

1 that you approved require them to put them back by
2 June 30th -- to report them back to the Department by
3 June 30th, unless for some reason they haven't
4 received them yet.

5 MS. ROLLINS: Okay. So this will be the only
6 year that you see ATLAS coming back as late as it is?

7 DR. SMITH: I believe so. I'm -- I'll let --

8 MS. SMITH: So we have legislation that requires
9 that the state assessment scores be back by August
10 1st. Generally, they were in earlier than that, but
11 this year is the year that we're going to be setting
12 the cut scores and so they'll be released later.

13 MS. ROLLINS: Okay. All right. Thank you.

14 That's all I have.

15 CHAIR MOORE: And with this, once they -- so you
16 -- they will report their scores to you all, but that
17 won't be public information, will it?

18 DR. SMITH: We'll report them aggregately. So

19 --

20 CHAIR MOORE: Okay.

21 MR. WOOD: When -- when the state was in the
22 process of forming the new ATLAS test, were any of
23 these tests on this list considered as the
24 replacement for the ACT Aspire?

25 MS. SMITH: So the state actually did an RFP for

1 procurement and took bids and so we were asking for
2 states that were -- or an assessment that would be
3 directly aligned to our standards. And so most of
4 these would not fit that criteria.

5 MR. WOOD: Oh, really?

6 MS. SMITH: There is going to be a correlation
7 to our standards with these assessments, but when we
8 were looking for grade level criterion-referenced
9 tests, we were looking to match our standards verse
10 test questions.

11 MR. WOOD: And is -- couldn't find one?

12 MS. SMITH: Well, we did. So, I mean, I --

13 MR. WOOD: Didn't we make -- did we not make up
14 the ATLAS test ourself essentially?

15 MS. SMITH: Okay. So good question. So Cambium
16 is our testing provider. Cambium has a bank of
17 questions, right, that multiple states use; right?
18 So we're going to be pulling questions from their
19 test bank matched to our assessment, right. The
20 delay that we're seeing with some of the tests this
21 year has to do with we -- we rewrote our math and
22 literacy standards this last year, and so we ended up
23 having to go back and do comparisons between our bank
24 and our questions. We ended up then having to write
25 additional test bank questions for our test. Those

1 test bank questions will go into the full Cambium
2 view. And so as the years go on, those questions
3 will be used nationally getting us a better
4 percentile nationally of how we're ranking. We do
5 have the ability, as we're going to set our cut
6 scores, we'll be looking at national tests such as
7 NATE, those things with standards to determine so
8 that we make sure that we set a high standard for our
9 students in Arkansas and don't lower the bar.

10 MR. WOOD: Okay.

11 CHAIR MOORE: So --

12 MR. WOOD: I guess, it just surprises me that
13 none on here matched the standards in Arkansas --

14 MS. SMITH: They're not going to match
15 one-to-one.

16 MR. WOOD: Yeah.

17 MS. SMITH: And these are norm-referenced tests.
18 So you're getting questions that are below grade
19 level, above grade level, okay, for that national
20 norm on your grade specific. Our ATLAS test is
21 taking you on the grade level that you're in.

22 MR. WOOD: I see.

23 MS. SMITH: Okay. And then it is -- so there's
24 been some confusion around the fact of the test is
25 adaptive, right, but it's adaptive within the grade

1 band. All right. So if you are a third-grade
2 student taking the 3rd grade test and you are let's
3 say at the higher end, as you're asking -- answering
4 questions within the system, it's going to move you
5 up faster into those more difficult questions or more
6 complex questions. If you're a student who may be a
7 struggling learner, you'll start taking the test,
8 you're missing questions, it'll bump you back down.
9 So part of that is one, test anxiety that you hear
10 about, students getting frustrated easily with the
11 test. It's going to do a better job adapting to keep
12 you where the level you're in to determine where
13 you're really at within your grade. And if you've
14 mastered those standards or not.

15 MR. WOOD: Okay. I guess, slightly different
16 question. I -- in your review of all of these
17 testing companies, are there any criticisms of any of
18 them -- that you found concerns? I guess, I'm
19 slightly surprised. Just a -- I mean, honestly just
20 a little surprised that every private school in
21 Arkansas is giving a test and all of those tests
22 qualified under our standard -- under whatever
23 standard you applied to decide if it was a good test
24 or not.

25 DR. SMITH: Correct. So -- so again, the rules

1 and the law required a norm-referenced test. And
2 then -- so once we surveyed the schools, they took
3 our list. We looked at -- some of the tests we threw
4 out and we told the school that's not going to --
5 you're going to have to pick on -- one of these tests
6 because we felt like this was the group that said --
7 that met the requirements based on the law and the
8 rules that -- that were approved. And so we told
9 that schools and they got a little bit of a little
10 bit of leeway here this first year because it was --
11 it was the first year. And so it took them all --
12 they already kind of made some plans for what tests
13 they were taking. But moving into the '24-'25 school
14 year, once this list is approved, they will have to
15 take one of these tests because regardless of what
16 tests they're taking at -- currently. But we did
17 notify schools at the beginning of last year when
18 they when they were approved, if the test that they
19 were taking was going to be -- if it would be
20 considered a norm-referenced test.

21 MR. WOOD: Okay. And so some have made changes
22 to --

23 DR. SMITH: Correct.

24 MR. WOOD: -- fit within that?

25 DR. SMITH: Correct.

1 MR. WOOD: All right.

2 MS. SMITH: And then, you know, you could look
3 at some of these as being those off-the-shelf tests;
4 right? And that was some of the criticism we
5 received from ACT Aspire was that we had an
6 off-the-shelf test that didn't necessarily match up
7 to the standards in the specific grade levels. And
8 so we -- we've gotten very specific. So the test
9 this year is an Arkansas test because we have
10 Arkansas educators reviewing test items, matching up
11 standards, making sure that it is reflected of what
12 we have set standards in our state; and then as far
13 as the standard being set on that scale, that will
14 come before this Board.

15 MS. WOODS: It's also my understanding just to
16 confirm, correct me wrong. This is, like, a living
17 document so we can see future assessments put on the
18 list for voting. And when you say it doesn't match
19 it correctly, so I'm thinking of, like, the classical
20 model charter schools that we had opened up. They're
21 probably taking a classical assessment versus, like,
22 ATLAS, so that wouldn't match directly, but they're
23 still -- they're still on standard for the classical
24 curriculum. Yes? Fair assessment?

25 DR. SMITH: That's correct, yes.

1 MS. WOODS: Okay.

2 CHAIR MOORE: But if it's a Charter, they have
3 to take ATLAS.

4 MS. WOODS: Oh, okay.

5 CHAIR MOORE: Yeah. Because every -- right?

6 MS. SMITH: Yeah.

7 CHAIR MOORE: Every public charter would have
8 to, but if it's a private --

9 DR. SMITH: But a private school --

10 MS. WOODS: Okay.

11 DR. SMITH: -- has to be a classical model --

12 CHAIR MOORE: And they and they might do, you
13 know, they might do multiple assessments.

14 MS. WOODS: Sure.

15 MS. SMITH: Yeah. Right. You have you have
16 public school districts in our state who use NWEA.

17 MS. WOODS: Oh, okay.

18 MS. SMITH: There are numerous school districts
19 that use that use that. You -- so a single
20 assessment -- the ATLAS assessment is the state's
21 summative assessment matched to our standards, right.
22 So you have school districts in our state who would
23 use some of these other assessments for other
24 purposes. Some of these assessments have ongoing
25 assessment pieces to it. We've tried to build an

1 assessment system that would eliminate them having
2 the need to go and purchase other assessments, all
3 right, so that we're minimizing the amount of testing
4 that we're doing. But, you know, this is our first
5 year for it -- to actually give the assessment.

6 Next year more of the tools within the system
7 will open up. They'll have formative classroom
8 assessment tools that they can pick from. They'll
9 have an interim assessment that they can use that
10 predicts how you're going to do on the final.
11 They'll have the reading plans, the math intervention
12 plans, there will be parent resources built into it.
13 So we're hoping that some of our private school
14 partners and friends will eventually say, you know
15 what, there's a lot of good stuff in there. I'd like
16 to be a part of that as well.

17 CHAIR MOORE: Okay. Board Members, any
18 additional questions, or comments?

19 Ms. Rollins?

20 MS. ROLLINS: No.

21 CHAIR MOORE: Okay. No additional questions or
22 comments, the floor will be open for motion, and this
23 is on item 7.

24 MR. BRAGG: I move we approve this item.

25 CHAIR MOORE: Okay. There's a motion by Mr.

1 Bragg to approve. Is there a second?

2 MS. KEENER: Second.

3 CHAIR MOORE: A second by Ms. Keener. Any
4 questions before we take a vote?

5 (NO RESPONSE)

6 CHAIR MOORE: Okay. Let's -- we'll take a vote.
7 All in favor, say aye.

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIR MOORE: Any opposed?

10 Motion passes.

11 Thank you.

12 **8: REQUEST FOR APPROVAL OF ASSOCIATIONS TO ACCREDIT EDUCATION**
13 **FREEDOM ACCOUNT PARTICIPATING PRIVATE SCHOOLS**

14 CHAIR MOORE: Now we see you again for item
15 eight --

16 DR. SMITH: Yes, ma'am.

17 CHAIR MOORE: -- approval of associations to
18 accredit.

19 DR. SMITH: Exactly. So in much the same
20 fashion formerly that we did for the test. The law
21 and the rules require us to approve accrediting
22 agencies for our private schools. And before you,
23 you will see the list of private -- accrediting
24 agencies that we are bringing to the Board for
25 approval.

1 Again, an accrediting agency is the agency or
2 the organization that accredits a private school that
3 says to ensure quality within that school just in
4 much the same way that our state accreditation
5 standards require our public schools to perform. And
6 so basically when you look into the rules, it says
7 that these accrediting agencies have to -- there's a
8 process we go through with them as well to determine
9 if they meet certain requirements. Number one, they
10 have to have been in business for a while -- for two
11 or three years; they have to have good standards,
12 high-quality standards for educational quality among
13 all of the -- many of the same standards that our
14 public schools have to meet as far as safety and as
15 far as academic standards and teacher requirements
16 and those type of things. So these accrediting
17 agencies have those high-quality standards. In
18 addition, they have to -- in their -- in the way they
19 do things, they have to do a site visit. So we
20 require the -- whatever agency it is, they -- every
21 seven years -- within every seven years, they have to
22 get on-site and make sure that what's being reported
23 annually that's happening at the school truly is
24 happening. And so we're going on-site, we're asking
25 these accrediting agencies basically to vouch for the

1 quality of the schools that are the private schools
2 within our state which is going to obviously increase
3 the quality of all of our schools. And so within
4 this group we looked at, we consulted with ANSAA, you
5 know, our Arkansas non-public school organization.
6 We looked at the Texas Association, TEPSAC, which is
7 the private school organization for Texas. And we
8 looked at -- and so -- because ANSAA and Texas work
9 really similar -- work a lot closely to get together
10 and partner together in looking for other agencies,
11 they might partner with for our duly accredited type
12 schools.

13 And so this is the list that kind of is the, I
14 guess, the conglomeration of all that -- of all those
15 discussions. And we feel like this is a list that
16 will help the quality. Just as a -- kind of a point
17 of fact here, almost half of our schools -- private
18 schools in the state were not accredited prior to
19 EFA. And so what has happened now, by -- we're
20 forcing these schools and requiring these schools to
21 go through an accreditation process, it's going to
22 require a greater level of accountability for our
23 private schools. And it's also going to, you know,
24 continue to improve the quality of the education in
25 our state.

1 MS. WOODS: Can a school be accredited by more
2 than one --

3 DR. SMITH: Correct, yes. So there's a lot of
4 school that would -- maybe ANSAA and Cognia --

5 MS. WOODS: Cognia.

6 DR. SMITH: -- that type of thing.

7 CHAIR MOORE: Board Members, questions?

8 MR. WOOD: Did any private schools bring you an
9 accreditation that you rejected?

10 DR. SMITH: Yes. So there were several, most of
11 them because they didn't have a site visit associated
12 with their process. There were -- there was several
13 accrediting agencies who changed their policies --
14 their board policies to start including a site visit
15 in order to continue accrediting in the state --

16 MR. WOOD: Okay.

17 DR. SMITH: -- because they feel like that's --
18 they saw the value in that. But yes, if the
19 accrediting organization was not willing to perform a
20 site visit in our -- to our private schools, then we
21 would not allow them to be on this list.

22 MR. WOOD: Okay.

23 CHAIR MOORE: Mr. Rollins, questions?

24 MS. ROLLIN: No. Thank you.

25 CHAIR MOORE: Okay. I do have a question that

1 came to my attention at the last minute. I'm sorry --

2 DR. SMITH: No. Absolutely.

3 CHAIR MOORE: -- that I -- I should have asked
4 you beforehand. And this might be the case, there
5 was a classical school, American Academy for Liberal
6 Education --

7 DR. SMITH: Uh-huh.

8 CHAIR MOORE: -- was that one -- and that's not
9 on the list?

10 DR. SMITH: It should have been.

11 CHAIR MOORE: I didn't know if that was one of
12 the ones --

13 DR. SMITH: No. They're -- that's -- this -- I
14 believe -- yeah. There should be two Classical that
15 -- I'm not sure exactly why -- how they were not on
16 this list, so I apologize for that.

17 CHAIR MOORE: Okay.

18 DR. SMITH: And so I -- we probably need to
19 amend that -- the sheet. And -- yeah. So we --

20 CHAIR MOORE: Okay. And I'm sorry, it just --

21 DR. SMITH: No.

22 CHAIR MOORE: -- came to me this morning and I
23 didn't get to see it, so --

24 DR. SMITH: No, I'm glad you brought that up. I
25 -- you know, honestly that didn't cross -- I mean,

1 when I looked at that, I'm just kind of -- we put it
2 -- I'm not sure how it didn't make the list. But
3 yes, they -- that -- there's two actually Classical
4 schools that are accrediting agencies that should be
5 on this list.

6 CHAIR MOORE: Okay.

7 MS. KEENER: One of the -- I had a question
8 about the Montessori Society and the Montessori
9 council.

10 DR. SMITH: Uh-huh.

11 MS. KEENER: Are those K-12, or do they stop at
12 a certain -- I often think of Montessori as being
13 early childhood, but I know there are -- anyway.
14 What are the grade levels for --

15 DR. SMITH: I think it just depends, obviously,
16 on the school. The school -- again, the -- many
17 Montessori schools go to, like, K-8 and they're not
18 that really into the high school. But there are some
19 that continue that type of model throughout
20 graduation. And so the accrediting agency is just
21 accrediting the school regardless of whether it goes
22 K-8 or K-12.

23 MS. KEENER: I'm asking because I'd be
24 interested to add another early childhood program to
25 this that -- but it only goes through 2nd grade; and

1 so I didn't know if that -- if that would apply to
2 the EFA counts if there are any schools that, you
3 know -- anyway --

4 DR. SMITH: Well, again if --

5 MS. KEENER: -- since we're amending --

6 DR. SMITH: -- if they're accredited by one of
7 our accrediting --

8 MS. KEENER: Yeah.

9 DR. SMITH: -- the approved accrediting
10 agencies, then, certainly -- then regardless of their
11 age band, you know, their span of their grades, they
12 would be an accredited school.

13 MS. KEENER: Thanks.

14 DR. SMITH: And so --

15 CHAIR MOORE: Okay. Board members, any
16 additional questions, or comments? Okay. The floor
17 will be open.

18 Is -- for the one that was added, do we need to
19 come back another month?

20 MS. SMITH: We'll bring it back for you the next
21 months --

22 DR. SMITH: Yeah.

23 CHAIR MOORE: Okay. Okay.

24 MS. HUNTER: So I think I have a question,
25 though.

1 DR. SMITH: Yes, ma'am.

2 MS. HUNTER: On that -- what you -- what I
3 thought I heard you say. I want to make sure
4 I didn't hear that. You said, like, in the example
5 that they're an agency that only -- or they accredit
6 only K-2, but you said they could have -- be an
7 accredited school, regardless of grade band. And I'm
8 like, well, maybe they can only accredit up to --

9 DR. SMITH: Sure.

10 MS. HUNTER: -- 10th grade; right?

11 DR. SMITH: Yeah. Maybe I -- maybe I
12 misunderstood the question and I apologize for that.
13 So basically what I was attempting to say was that
14 regardless of the school's grade level, you know, the
15 accrediting agency is accrediting a school and it's
16 not necessarily accrediting grades.

17 MS. HUNTER: Okay.

18 DR. SMITH: And so typically -- so if you're a
19 Montessori school, then the Montessori accrediting
20 associations accrediting that school based on the
21 Montessori standards that it has set. And so
22 regardless of the school that comes to them for
23 accreditation, regardless of that grade range, the
24 accrediting agencies going to apply those standards
25 to that school. So it -- usually accrediting

1 agencies, don't accredit by grades. They don't --
2 it's not an accrediting agency that says we're just
3 going to do K-2 or K-8. It's accrediting agency
4 that's going to accredit a model. So again, I
5 apologize if I misunderstood that question.

6 MS. KEENER: So to clarify, the school that I'm
7 aware of, they have -- they've got ANSAA
8 accreditation; they've got NAIS which I guess here
9 it's referenced as the SAIS which is the independent
10 schools and then also SAES which is the Episcopal
11 schools; they also have NAEYC accreditation specific
12 to their early childhood program.

13 MS. HUNTER: Okay.

14 MS. KEENER: So when NAEYC came in and does the
15 visit -- does a visit, they only visit pre-K and, you
16 know, whatever grade levels that school enrolls that
17 accredit -- is accredited by them. So the other
18 accreditations cover the rest of --

19 MS. HUNTER: The rest of the school?

20 MS. KEENER: -- the school, if that makes sense?
21 But, in addition, they wanted an additional, you
22 know, national distinction.

23 MS. HUNTER: For those lower grade levels --

24 MS. KEENER: Yes.

25 DR. SMITH: Right.

1 MS. HUNTER -- which I -- that's very admirable.
2 I just didn't want the reverse to happen --

3 MS. KEENER: Right.

4 MS. HUNTER: -- like, I'm going to get
5 accredited from this --

6 MS. KEENER: But I'm also going to serve --

7 MS. HUNTER: Yeah.

8 MS. KEENER: -- 3rd through 8th and not --

9 DR. SMITH: Right. Yeah, exactly.

10 MS. KEENER: -- get accredited.

11 MS. HUNTER: That's right. That's what I want
12 to make sure.

13 DR. SMITH: Right, right. I certainly
14 understand.

15 MS. HUNTER: And that's what I wanted to clarify
16 was that it's additional?

17 DR. SMITH:

18 MS. KEENER: Yeah.

19 MS. HUNTER: Thank you.

20 DR. SMITH: You bet.

21 CHAIR MOORE: Okay. With that, the floor is
22 open for a motion, unless there's any further
23 questions?

24 MS. KEENER: Are -- are we holding? Do we table
25 this or we're moving to table this?

1 DR. SMITH: We can -- oh. I'm sorry. Go ahead.

2 MS. SMITH: I would ask that you go ahead and
3 approve these today and then we will bring back the
4 extra one on the next Board meeting.

5 CHAIR MOORE: Okay. Thank you.

6 MS. WOODS: I'll move to approve these.

7 CHAIR MOORE: Okay. There's a motion by Ms.
8 Woods.

9 MS. KEENER: Second.

10 CHAIR MOORE: A second by Ms. Keener.

11 CHAIR MOORE: Any questions? Comments?

12 (NO RESPONSE)

13 CHAIR MOORE: We'll go on for a motion. All
14 approve -- all in favor, say aye.

15 (UNANIMOUS CHORUSE OF AYES)

16 CHAIR MOORE: Any opposed?

17 Motion passes.

18 DR. SMITH: Thank you.

19 CHAIR MOORE: Thank you.

20 Okay.

21 Next we move on -- do we want to break before --

22 MS. HUNTER: Yes.

23 CHAIR MOORE: -- or keep going? Break? Okay.

24 Let's take a break. Let's take -- let's come back at
25 11:00 and we'll start with the PLSB cases.

1 (WHEREUPON, after a break was taken, the
2 proceedings were resumed as follows, to-wit:)

3 **9: CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**
4 **LICENSURE STANDARDS BOARD FOR CASE 21-075 - STEVEN SHOOK**

5 CHAIR MOORE: We are on action item No. 9.
6 We will get started here with Ms. James.

7 MS. JAMES: Yes, ma'am.

8 My name is Whitney James with the Department.
9 This item is regarding Steven Shook. This was on
10 your consent agenda last month, but you voted to have
11 a review of the evidentiary hearing transcript. Mr.
12 Shook is not present today. He was -- or his
13 attorney was given notice of the hearing by certified
14 mail and by email and we have confirmation that they
15 received both. If it pleases the board, the PLSB
16 would like to make a -- an oral argument regarding
17 this case. Okay. And this may not be appropriate
18 for little ears or --

19 CHAIR MOORE: Okay. So you're -- because he's
20 not here, we're not going to be doing the full
21 proceeding?

22 MS. JAMES: Yes, ma'am. The rules state that if
23 he is not present, we go ahead and conduct the review
24 without him.

25 CHAIR MOORE: Okay.

1 MS. JAMES: Yes, ma'am.

2 MR. WOOD: Can I ask a question about the
3 notice? Is that okay?

4 MS. JAMES: Yes.

5 MR. WOOD: How do we -- do you -- did you
6 confirm that the attorney still represents him?

7 MS. JAMES: He did at the time of the hearing,
8 and he -- if he does not represent him, I would think
9 he would let him know about the hearing. I would
10 hope. But we had to serve the attorney with the
11 notice. Yes, sir.

12 MR. WOOD: Did you serve him personally with
13 notice of today's proceeding?

14 MS. JAMES: Yes. He received it by certified
15 mail, and he also received it by email. We have
16 confirmation that he received both.

17 MR. WOOD: Mr. Shook?

18 MS. JAMES: The attorney, Mr. Patrick Benca.

19 MR. WOOD: I know, but if Mr. Benca doesn't
20 represent Mr. Shook anymore -- when was -- when was
21 the PLSB hearing?

22 MS. JAMES: The hearing was March the 26th. And
23 I did also email his attorney on the day that you all
24 voted to move it to the action agenda and let him
25 know, you know, you will be getting a hearing notice

1 from us, this has been moved to the action agenda for
2 next month; and I also sent him a copy of all of the
3 exhibits that we sent to you which is the hearing
4 transcript and everything that was in that folder.

5 MR. WOOD: All right. I guess you did not hear
6 from the attorney that he does not represent him?

7 MS. JAMES: No, I did not.

8 MR. WOOD: All right.

9 MS. JAMES: But I will tell you that that has
10 been -- we've had this case for three years and that
11 has been the standard, non-responsive.

12 MR. WOOD: Oh.

13 MS. JAMES: Yes. In short, that -- it was not
14 surprising to me.

15 Are we ready to proceed?

16 MR. WOOD: Him not being here seems surprising,
17 though. I guess that is the deal, but I hate --

18 MS. JAMES: Are we ready to proceed?

19 CHAIR MOORE: Yes.

20 MS. JAMES: Okay. We have earphones on -- and
21 --

22 CHAIR MOORE: Yes.

23 MS. JAMES: Okay. Wonderful.

24 Again, this case is case number -- with the PLSB
25 -- 21-075 regarding Steven Shook. Mr. Shook had an

1 evidentiary hearing on March 26th, 2024. He was on
2 the May State Board agenda; you all voted to move it
3 to this month's action agenda for review of the
4 evidentiary hearing transcript which we have
5 requested and sent to you all. Mr. Shook is not
6 present, and he did not respond at all to any of the
7 communication that we had regarding this -- this
8 hearing. PLSB would like to make oral argument. We
9 have ten minutes. I don't think I'll take that long.

10 The educator in this case, Mr. Shook, started
11 working at the England School district in the
12 2020-2021 school year on a provisional license. By
13 the end of December of 2020, two students have
14 reported to their parents that he touched them in
15 their private area while in the classroom at his
16 desk. The desk -- and there are pictures in your
17 file -- had items stacked up on one side to obscure
18 the vision from the rest of the class. The
19 photographs of the desk were taken by the chief of
20 police at the time, Bill Duerson, who also testified
21 at the evidentiary hearing.

22 Two additional students stated that Mr. Shook
23 had rubbed their shoulders and back area, and an
24 allegation was filed with our office and reports were
25 also made to DHS. Our case was placed on hold

1 because Mr. Shook had a criminal case. He was
2 charged with sexual assault. He had a jury trial
3 this past summer and he was acquitted, but that does
4 not mean that he did not violate the code of ethics.
5 As you know, that is a different burden of proof in a
6 criminal case than we have here today. Today, the
7 burden of proof is preponderance of evidence, where a
8 criminal case is beyond a reasonable.

9 The PLSB met its burden of proof at the
10 evidentiary hearing in this matter. Mr. Shook came
11 to the hearing with no witnesses, no evidence other
12 than his own testimony. He argued that the PLSB
13 should have requested the jury trial transcript to
14 provide "all the facts" showing that he is innocent.
15 But this was not the burden of the PLSB to request
16 the jury -- the jury trial transcript.

17 In this case, there was DNA testing done on the
18 leggings, underwear and skort of the first student
19 who was the one that reported the assault the day
20 that it happened. The clothing was collected from
21 her following her report of the sexual assault by Mr.
22 Shook. Mr. Shook could not be excluded as a major
23 contributor of the DNA found on the crotch of S1's
24 underwear. If you look at the DNA test results, his
25 DNA -- or what was collected -- is a match for 27

1 markers. And that report is in your hearing
2 exhibits. And there's not a 100 percent match on the
3 DNA. And while it could be the DNA of someone else
4 in the population, this student did not identify
5 anyone other than Steven Shook as the person who
6 sexually assaulted her.

7 When the Ethics Subcommittee reviewed this case,
8 they found there was a preponderance of the evidence
9 that Mr. Shook violated Standards 1 and 2 of the code
10 of ethics. The rationale was that there were two
11 true findings with DHS, very high negative impact on
12 young students -- first grade. Multiple students
13 reported inappropriate sexual touching by the
14 educator. Student 1 reported that the educator
15 pulled her pants and panties out towards him and
16 stuck his hand in her pants and started touching her
17 privates. S2 reported that the educator put his hand
18 in her pants and touched her privates. S2 reported
19 that after being touched by the educator, she
20 experienced pain with urination. S3 reported that
21 the educator rubbed her shoulders and lower back.
22 There were a total of four students that reported
23 that he had touched them; the first two were the
24 sexual touching. The DNA test conducted by a private
25 laboratory could not eliminate the educator as a

1 major contributor.

2 At the evidentiary hearing, like I said, Mr.
3 Shook presented no evidence other than his own
4 testimony and provided no witnesses. The hearing
5 panel reduced the recommendation to a two-year
6 probation, \$150 fine and code of ethics training,
7 child maltreatment training and parental involvement.
8 They also required -- or recommended -- written
9 reflections and requested, of course, that the
10 educator pay all costs -- or required that he did.
11 He did not respond to the recommendation, thereby
12 deeming it accepted, which led us to the consent
13 agenda in May.

14 The rationale at the evidentiary hearing was
15 there wasn't enough evidence to -- provided today to
16 support the violation of standard one. Educator
17 testified that he did not report concerns to the
18 child maltreatment hotline rather -- and rather
19 contacted a fellow educator. Based on testimony and
20 evidence provided by the state and educator, the
21 hearing panel was unable to support the findings of
22 the ethics hearing panel concerning violations
23 listed. The mitigators were sheriff testimony stated
24 not enough evidence in the first student allegation,
25 delay in arresting, parent witness, parent related to

1 first allegation -- and I'm reading this; this is
2 verbatim -- questioned child after prompted from
3 family, transcript of DNA testimony, physical
4 examination was incomplete, no report of STD, STIs,
5 etcetera.

6 Aggravators were two truthful findings with the
7 CACD, full transcription -- I'm assuming that means
8 the hearing transcript not provided. No educator
9 witnesses, including, but not limited to
10 instructional facilitators, did not contact parent.

11 The probation at the -- after the evidentiary
12 hearing was based, I think, mainly on the failure to
13 report to DHS that these students allegedly had
14 issues with scratching themselves. The evidence at
15 the evidentiary hearing from the parent was that the
16 parent had never been informed that this was an
17 issue. So I believe that that testimony regarding
18 the students scratching themselves came from Mr.
19 Shook.

20 The evidence in favor of a sanction or
21 revocation that was presented at the hearing was:
22 four student statements that Mr. Shook touched them
23 inappropriately, witness testimony that the students
24 reported the inappropriate touching and have never
25 recanted their statements, Mr. Shook's DNA was found

1 in the crotch of one student's underwear, there was
2 testimony from the Crimes Against Children's Division
3 -- Children Division of the Arkansas State Police
4 that the victim stated the inappropriate touching
5 happened and there was no motivation found for the
6 students to fabricate the statements. They were
7 interviewed by forensic interviews that are specially
8 trained to talk to students about situation --
9 situations such as this. There were two true
10 findings with DHS. The DHS, of course, of course,
11 did their own investigation and talked to witnesses
12 and found that there were two true findings.

13 Mr. Shook only has his version of events, his
14 version of what happened at the jury trial, with no
15 evidence of the testimony he claims benefited him at
16 the trial other than what he -- what he presented at
17 the evidentiary hearing. And he also discussed the
18 acquittal at the jury trial where the burden of proof
19 was higher than the one that we have today.

20 The PLSB argues that it met its burden of proof
21 with the evidentiary hearing, and that the first
22 sanction which was recommended by the Ethics Hearing
23 Subcommittee, which was the first group that reviewed
24 this, was correct and that his license should be
25 permanently revoked or not renewed and that he should

1 be assessed a \$500 fine.

2 CHAIR MOORE: Thank you. So now open for
3 questions --

4 MS. JAMES: If the --

5 CHAIR MOORE: -- at this time.

6 MS. JAMES: -- Board does have questions, I am
7 here and the investigator from our office for this
8 case, Shannon Rostad, is here as well.

9 CHAIR MOORE: Thank you.

10 Board Members, I'll go to my right first
11 questions? Mr. Henderson?

12 MR. HENDERSON: I'm good.

13 CHAIR MOORE: Mr. Bragg? Ms. Woods?

14 MS. WOODS: Where is he currently employed?

15 MS. JAMES: I do not know where he's currently
16 employed. I don't believe that he's worked in a
17 school since this occurred. He's now on the Child
18 Maltreatment Registry, so I don't know -- I mean, he
19 can't work in his school, so I don't know where he's
20 working currently.

21 MS. WOODS: I'll just make the comment, I think
22 with allegations this serious, your failure to show
23 up speaks volumes and that's disappointing.

24 CHAIR MOORE: Additional questions, to my left?

25 MS. HUNTER: I just want to clarify and make

1 sure I understood --

2 MS. JAMES: Yes, ma'am.

3 MS. HUNTER: -- that there was a child advocacy
4 interview --

5 MS. JAMES: Yes, ma'am.

6 MS. HUNTER: -- and it was found to be true --

7 MS. JAMES: Yes, ma'am.

8 MS. HUNTER: -- and then there was a separate
9 DHS investigation or are those one in the same?

10 MS. JAMES: The same.

11 MS. HUNTER: Okay. Thank you.

12 MS. JAMES: Yes, ma'am.

13 CHAIR MOORE: Mr. Wood, questions?

14 MR. WOOD: Did I hear you say in your argument
15 -- or presentation a second ago that Mr. Shook's DNA
16 was found in one of the student's underwear?

17 MS. JAMES: Yes. The -- what DNA that they
18 could pull from the underwear, he could not be
19 excluded as a contributor.

20 MR. WOOD: Well, that's not the same as his DNA.
21 That is -- he could not be excluded as a contributor.

22 MS. JAMES: Yes.

23 MR. WOOD: That's -- those are two very
24 different statements.

25 MS. JAMES: Yes.

1 MR. WOOD: So which is it?

2 MS. JAMES: He could not be excluded as a
3 contributor.

4 MR. WOOD: Okay. So -- all right.

5 MS. JAMES: Our argument of course, would be
6 that the evidence supports that it was his DNA. And
7 I don't --

8 MR. WOOD: How? How could that possibly be your
9 argument?

10 MS. JAMES: I do not think that he was disputing
11 that his DNA was in the underwear beyond it could be
12 one in 2,000 people; or -- he also made the argument
13 that because the student was in his classroom, she
14 could have touched something, and if she had an issue
15 with touching her crotch area, then it could have
16 been transferred.

17 MR. WOOD: Sure. Well, the -- what I read that
18 he -- or his attorney agreed to was that male DNA was
19 found in the underwear, but not conclusive as to
20 whose.

21 MS. JAMES: It could have been one in any number
22 in the population.

23 MR. WOOD: Yeah. Half.

24 MS. JAMES: But he was -- he -- if you look at
25 the allele -- if I'm saying that correctly -- he was

1 a match for all of those markers.

2 MR. WOOD: And so that reduced it down to how
3 many people? How many people were a match for those
4 markers?

5 MS. JAMES: I will -- let me look at the DNA
6 report.

7 MR. WOOD: While she's looking for that, I share
8 the concern of Ms. Woods. I'm disappointed that he
9 is not here to argue on his behalf. I also am
10 bothered by the fact that he was acquitted in a
11 jurisdiction that likely does not easily acquit those
12 accused of sexual molestation of children. And I
13 hate the severity of what we're asked to do, but in
14 his absence, I have a hard time making too much of an
15 argument.

16 CHAIR MOORE: Mr. Bragg, yes?

17 MR. BRAGG: Would the decision have been the
18 same without the DNA issue?

19 MS. JAMES: I really -- I really can't tell you.
20 Yeah. I can't speak for the -- the hearing
21 subcommittee or the hearing -- the evidentiary
22 hearing panel. I cannot.

23 MS. WOODS: You said the investigator is here?

24 MS. JAMES: Yes.

25 MS. WOODS: Okay.

1 Did you interview Mr. Shook?

2 MS. ROSTAD: (Inaudible)

3 MS. WOODS: No? Okay.

4 MS. JAMES: Okay.

5 MS. KEENER: I'm sorry. Is that the Child
6 Advocacy Center investigator or is this --

7 MS. JAMES: This is our investigator.

8 MS. KEENER: Oh, okay.

9 MS. JAMES: Yes, ma'am.

10 MR. HENDERSON: You did say it was four
11 students?

12 MS. JAMES: Yes, sir.

13 MR. HENDERSON: But only one where DNA was
14 identified?

15 MS. JAMES: Yes. The second student, I believe,
16 didn't -- she had a very strong reaction to -- I
17 believe when they tried to complete the physical
18 examination. I think that's when it was stopped.

19 MR. HENDERSON: I have got you.

20 CHAIR MOORE: Questioning -- did this individual
21 hold a teaching license?

22 MS. JAMES: Yes.

23 CHAIR MOORE: Okay. And how long had they been
24 in the classroom?

25 MS. JAMES: This was his first semester in the

1 classroom.

2 CHAIR MOORE: Okay. Once you get placed on a
3 child maltreatment registry, do you stay on that for
4 an infinite period of time, or is it a finite period?

5 MS. JAMES: I don't know the answer to that
6 right offhand. I can look that up for you. I know
7 that after a certain period of time, you can petition
8 to have your name removed.

9 CHAIR MOORE: Okay.

10 MS. JAMES: Yes, ma'am.

11 CHAIR MOORE: But if you are on the list and you
12 try to teach in a school, you cannot; is that
13 correct?

14 MS. JAMES: He would not be able to pass a
15 background check.

16 CHAIR MOORE: Okay.

17 MS. JAMES: He would have to come -- if he were
18 to -- going to teach, he would have to come here and
19 request a waiver --

20 CHAIR MOORE: Okay.

21 MS. JAMES: -- as it stands right now.

22 CHAIR MOORE: And we've had people do that and
23 they've come, and they've brought letters of support
24 and all of that. I see none of that here. So that
25 speaks to me.

1 Additional questions, comments, Board Members?

2 MR. WOOD: I am -- I'm -- I guess I'm frustrated
3 by the standards that are accused of being violated.
4 If the facts presented are to be assumed true, it
5 seems to me that there would be other standards far
6 more severe than maintaining a professional
7 relationship. I feel like we have had cases -- and I
8 apologize that I can't -- I don't know that I have
9 the standards at my fingertips. But are there not
10 other standards that would have been violated if
11 there was a sexual --

12 MS. JAMES: Yes, sir. The Ethics Subcommittee
13 did find that he violated standard one, which is the
14 one that we see when there's an inappropriate
15 relationship or physical contact with a student.
16 Yes. And the Ethics Hearing Subcommittee found that
17 he violated standard two, failure to follow local
18 state federal laws, for the failure to report the
19 student scratching.

20 MS. WOODS: PLSB did not find that he violated
21 standard one; is that correct?

22 MS. JAMES: Well, our Ethics Subcommittee is the
23 first group that reviews it --

24 MS. WOODS: Okay.

25 MS. JAMES: -- and then the hearing panel is

1 composed of individuals who are on the full board,
2 maybe former full board members, they are individuals
3 that the PLSB elects to make up the hearing panel.

4 MS. WOODS: But they didn't find as a whole that
5 he violated standard one?

6 MS. JAMES: Correct.

7 MS. WOODS: Okay.

8 MS. JAMES: Correct.

9 MS. WOODS: So the Ethics Subcommittee did, but
10 the PLSB hearing --

11 MS. JAMES: Yes, ma'am.

12 MS. WOODS: -- committee disagreed?

13 MS. JAMES: Yes, ma'am. And they reduced it to
14 probation. Yes, ma'am.

15 CHAIR MOORE: Any additional comments,
16 questions, Board Members?

17 MS. KEENER: I just wanted to make a comment
18 sort of to piggyback off of what Mr. Woods said about
19 the vast difference in the statement that his DNA was
20 found and what I've read in the transcripts and
21 everything about the Y allele and all of that stuff.
22 So I think that was a very dangerous comment to make.
23 And with that being said, I also don't have any
24 question on how I stand on the true findings of the
25 CAC center -- the Child Advocacy Center, that is what

1 they do all the time; that is their work, and I
2 respect their true findings. That's my comment.

3 CHAIR MOORE: Ms. Rollins, did you have any
4 questions or comments?

5 MS. ROLLINS: I think my comment would be is I'm
6 very concerned at the length of his service in the
7 classroom. We really don't have any history of this
8 educator. That's a real concern for me.

9 MS. JAMES: Yes. He was not in the classroom
10 for very long before this was reported. I believe he
11 was placed on administrative leave after that, so he
12 -- as far as I know, he hasn't returned to the
13 classroom. He only had that short amount of time.

14 MS. ROLLINS: Yeah. Okay.

15 MS. WOODS: So playing this out, if he failed to
16 complete the recommendations, what happens at that
17 point?

18 MS. JAMES: If he failed to respond to the --

19 MS. WOODS: Right. So if we -- let's say, we
20 agreed to this as written today. If he fails to
21 complete the parental involvement training, the code
22 of ethics training, the child maltreatment training
23 by June 30, 2025, what happens?

24 MS. JAMES: He would remain on probation until
25 that is completed. I mean, we could potentially

1 bring it back to you all to increase the sanction,
2 but that would allow him -- he could be in a
3 classroom.

4 MS. WOODS: I thought you said he couldn't
5 because he's on the child maltreatment?

6 MS. JAMES: Yes, yes. If he's on the child
7 maltreatment registry, if he got a waiver, he could
8 be in the classroom. But if he's on probation with a
9 waiver -- if he's on -- if he's revoked, there's not
10 a waiver for that. I guess, I'm trying to
11 distinguish between the -- between the two. Yes,
12 ma'am.

13 CHAIR MOORE: What about if he were to move to
14 another state?

15 MS. JAMES: It would depend on what their laws
16 state. If he -- if he is revoked here, then he would
17 be entered in our Nasdaq system and if he were to go
18 try to teach somewhere else, they should get a Nasdaq
19 hit for him and inquire regarding. And of course
20 there's limited information. We normally can share,
21 but in this case, he's had a public hearing --

22 CHAIR MOORE: Right.

23 MS. JAMES: -- or we've had a public hearing.

24 MS. KEENER: So that -- this is a little bit off
25 topic, but on the same track -- Arkansas does not

1 participate in the national fingerprint database and
2 that would -- this is one of those reasons that
3 should someone have a similar instance in another
4 state, you know, if it's a few years out, we don't
5 have a way to find it. Other states that are
6 participating would; it would come up in their
7 search. So that's just a --

8 MS. WOODS: Would that be for any -- any job
9 you're talking about or just for teaching
10 specifically?

11 MS. KEENER: Any job that requires a fingerprint
12 background check. So I think nursing homes --

13 MS. WOODS: Okay.

14 MS. KEENER: There's several that have -- that
15 also require that, early childhood education being
16 one of them.

17 MR. WOOD: What about the financial aspect? The
18 fines that were recommended if he were to not pay
19 that, what's the effect of that?

20 MS. JAMES: Again, it's -- I believe, it's in
21 the order that if you don't meet -- if you don't pay
22 the fine, you don't meet the requirements that the
23 State Board gives you that we could -- we could bring
24 you back and increase the -- increase the sanction.

25 MR. WOOD: Do we pursue fines? I mean, do we go

1 after people to pay their \$500 fine? If he has
2 decided he doesn't want any interest in the education
3 field ever again and he just disappears to Alaska,
4 are we going to chase him down for 500 bucks?

5 MS. JAMES: Karli? Just have a question about
6 the fines.

7 MS. SARACINI: Karli Saracini, assistant
8 commissioner, educator effectiveness and licensure.

9 At this time, we do as much due diligence as we
10 can about the fines. We sometimes feel like we're
11 people going after you with these fines. But yes, we
12 do as much as we can and right now, we probably have
13 about 85 percent to 90 percent payout with those
14 fines. And as unlikely as it sounds, even when we do
15 fines with revocations, we even process those. So
16 they're pretty good about the fines. So --

17 MR. WOOD: All right. Just wondering.

18 CHAIR MOORE: Any additional questions,
19 comments, Board Members?

20 (NO RESPONSE)

21 CHAIR MOORE: As far as what a motion looks
22 like, do we have to have multiple motions?

23 MS. JAMES: Yes, ma'am. There will be three
24 motions. The first will be whether he violated the
25 code of ethics and what standards those are; the

1 second motion is the -- whether you want to accept or
2 modify the recommendation of the hearing panel; and
3 the third is the rationale -- if you want to accept
4 or modify or if you have new rationale.

5 CHAIR MOORE: Okay.

6 Okay. We haven't done one of these in a while,
7 so if any Board Members have questions on what that
8 looks like, step up now.

9 MS. WOODS: So sorry. So motion one is
10 basically did he violate or didn't he? Motion two is
11 accepting the recommendation or modifying? And what
12 was the third?

13 MS. JAMES: The third is the rationale.

14 MS. WOODS: Oh.

15 MS. JAMES: So it's -- it's whether he violated
16 the code of ethics, the recommendation, which is the
17 sanction, and then the rationale. Yes, ma'am. And
18 if you agree with the rationale that -- the Ethics
19 Subcommittee or the hearing panel, you can just adopt
20 it as -- as it's stated.

21 MS. WOODS: Okay.

22 MS. SMITH: Ms. James, I want to clarify. So
23 when they're saying that he -- if they're accepting
24 that he violated the code of ethics, do they have to
25 state which standard?

1 MS. JAMES: Yes.

2 MS. SMITH: Okay. And then -- so I think there
3 was two different -- one group said standard one and
4 then the second group said standard two; right?

5 MS. JAMES: The first was standards one and two
6 because standard two is professionalism and that's
7 likely the standard that's violated in every case,
8 and then standard one is the inappropriate
9 relationship.

10 MS. SMITH: Okay.

11 MS. JAMES: Yes.

12 MS. SMITH: So the Board would need to clarify
13 which one of those that they felt like he violated
14 then?

15 MS. JAMES: Yes, ma'am. Standard one or two
16 or both.

17 MS. WOODS: So what is the recommendation of the
18 Department?

19 MS. JAMES: The recommendation is a permanent
20 revocation and a \$500 fine.

21 MS. WOODS: Which deviates from this?

22 MS. JAMES: It deviates from the hearing panel,
23 yes.

24 CHAIR MOORE: Okay. Questions, comments or the
25 floor will be open for the first motion which is in

1 regard to the code of ethics. Anyone, any comments
2 before while thinking? Thank you. So our first
3 motion is in regard to the code of ethics violation,
4 which standards were violated?

5 MS. JAMES: Yes. If he did -- if he did violate
6 the code of ethics, and if so, which standards?

7 MR. WOOD: Is this us making our own decision
8 that he violated these standards or is us -- or is
9 this us merely affirming the decision of the PLSB?

10 MS. JAMES: You are making the final decision on
11 the case.

12 MR. WOOD: Are we making a separate decision
13 from PLSB?

14 MS. JAMES: You can -- if you adopt the previous
15 recommendation from either group, whatever that is,
16 is the final decision or you can make your own. You
17 are making the final decision. You are free to do
18 whatever you believe is correct.

19 MS. WOODS: Because traditionally he would be
20 here presenting his set of facts.

21 MR. WOOD: Right.

22 MS. WOODS: And then we would -- correct?
23 That's the --

24 MS. JAMES: Yes. And then, you would still make
25 the final -- the final decision.

1 MR. WOOD: I don't love being the decider of the
2 facts today having -- him not being here, but by
3 nature of his default, I would be willing to accept
4 the decision below when he was there. And even
5 though it sounds as though it's a rather poor defense
6 that he asserted. He relied a little heavily on
7 y'all should have gotten the transcript. But
8 nonetheless, he was present in the room that day. So
9 I'm just going to --

10 CHAIR MOORE: We've had instances -- I'm glad
11 that we haven't had many of these in the past couple
12 of years where our Board has had to decide these and,
13 you know, overturn the PLSB's decision or stuck with
14 the PLSB's decision. It is noteworthy here that
15 there was those two different levels of decisions.
16 We've seen that and we haven't seen that. But at the
17 end of the day, all of these decisions -- even the
18 ones on the consent agenda -- were the last to sign
19 off on them and hold that responsibility.

20 MS. WOODS: So just to be clear, I'm sorry if
21 I'm repeating myself. The Ethics Subcommittee
22 actually met with him during their hearing?

23 MS. JAMES: No, ma'am. That is the first level
24 where they review the statements.

25 MS. WOODS: Okay.

1 MS. JAMES: They review our -- they had the DNA
2 report; they had the acquittal; they had the
3 interviews that our office did; and then at the
4 evidentiary hearing, the only --

5 MS. WOODS: Which is the PLSB level?

6 MS. JAMES: No, ma'am. They're -- the Ethics
7 Subcommittee --

8 MS. WOODS: Is their own --

9 MS. JAMES: -- is -- they are all full board
10 members.

11 MS. WOODS: Okay.

12 MS. JAMES: Yes, ma'am. And then, the second
13 level is the evidentiary hearing, where he -- he did
14 attend, and he gave his version of events. He didn't
15 provide any -- he didn't bring any exhibits or
16 witnesses.

17 MS. WOODS: So -- but it was at that hearing
18 that they recommended the probation and the \$150
19 fine?

20 MS. JAMES: Yes.

21 MS. WOODS: And he was at that one?

22 MS. JAMES: He was at that one. And, of course,
23 our argument is that at that hearing, we still met
24 our burden of proof.

25 MS. WOODS: I just wanted to make sure I

1 understood --

2 MS. JAMES: Yes, ma'am.

3 MS. WOODS: -- the level of people --

4 MS. JAMES: Yes, ma'am.

5 MS. WOODS: -- and since the two are different

6 --

7 MS. JAMES: Two different groups.

8 MS. WOODS: -- which one was he at?

9 MS. JAMES: Yes. He was at the -- he was at the
10 hearing. He didn't agree with the recommendation and
11 requested the hearing. Yes, ma'am.

12 MR. HENDERSON: Have there ever been an instance
13 where we had a case like this, and if so,
14 historically, how was these type cases handled?

15 MS. JAMES: We have had cases before where a
16 revocation was reduced to a suspension and then to a
17 probation, and the person reoffended. We have -- I
18 mean, I haven't really been here long enough. That
19 one stands out in, in my mind. I think that's likely
20 what drew the attention of the Board is that it went
21 from revocation to probation, and I believe y'all
22 wanted to see exactly what happened at the -- at the
23 hearing.

24 CHAIR MOORE: Yeah. I can think of a few
25 instances in my case, and I can think of also a few

1 instances where people were on the child maltreatment
2 registry and they came to us for a waiver from that
3 and they had tons of support to overturn that, you
4 know; but here without any -- any support, anything I
5 think our -- you know, we are deciding that someone
6 should be in a classroom, but at this point in time,
7 that individual can't even be in a classroom because
8 they're on the child maltreatment list at this point.

9 MS. JAMES: And I think the revocation -- if
10 he's revoked, then he can't be in the classroom
11 again. If he's on the child maltreatment registry,
12 he will eventually be able to get off the registry
13 and he can also ask for a waiver. So even though he
14 can't be in a classroom now, he can potentially be in
15 a classroom in the next couple of years or maybe even
16 sooner if he's on the child maltreatment registry.

17 MR. WOOD: Have there been -- similar to Mr.
18 Henderson's question -- have there been examples
19 where an individual was found not guilty of the
20 allegations and this Department still revoked a
21 license?

22 MS. JAMES: This is the first one that I know
23 of. Most of the revocations that we have, that also
24 have a criminal case, they either consent to the
25 revocation and we don't get to this point. I think

1 because he had an acquittal -- which again we don't
2 know what happened at the jury trial -- that is
3 likely why we have a different -- that's why we're
4 here.

5 MR. WOOD: So no prior situation -- instances?

6 MS. JAMES: Oh, we have? Okay.

7 Sarah is our expert. She's been in the
8 Department for a long time.

9 Sarah, would you like to come up?

10 MS. BANKER: I --

11 MS. JAMES: Oh, okay.

12 MS. BANKER: But there -- I know that there have
13 been instances.

14 CHAIR MOORE: I mean, I think --

15 MS. JAMES: Okay.

16 CHAIR MOORE: At the end of the day, we have
17 such a different bar than what, you know, than a
18 criminal case in that sense. And so -- and, I mean,
19 I'd argue the other way; we've had instances where
20 they, you know, unbelievable that the criminal case
21 didn't go the way it should have.

22 MS. KEENER: Will you remind me again the
23 options for motions?

24 MS. JAMES: Options for what was -- oh, the
25 motions?

1 MS. KEENER: The motions.

2 MS. JAMES: Yes, ma'am. The first one is
3 whether or not he violated the code of ethics and
4 what standards he violated. That can all be one
5 motion. For example, I make a motion that he
6 violated standards one and two. And the second
7 motion is if he violated, do you want to accept,
8 modify or give some other recommendation? And the
9 third is the rationale.

10 So it's three different -- three different
11 motions. And the rationale can you -- can adopt the
12 previous rationale or you can modify it. If you, you
13 know, if you modify it, I guess, that's also like
14 giving your own brand-new rationale.

15 MS. KEENER: So only standards one and two are
16 up for discussion?

17 MS. JAMES: Those were the only two that were
18 authorized. And in this case, I believe those are
19 the only two that likely would apply.

20 CHAIR MOORE: Okay. So the three sets of
21 motions, we'll take a vote after each motion?

22 MS. JAMES: Yes, ma'am. Please.

23 CHAIR MOORE: Is anyone prepared to take the
24 first motion yet around the code of ethics violation?

25 MS. KEENER: I'll make a motion that Mr. Shook

1 violated standard one and standard two.

2 CHAIR MOORE: Okay. There's a motion on the
3 floor. Is there a second?

4 MR. BRAGG: I second.

5 CHAIR MOORE: A second by Mr. Bragg. Questions?
6 Can we take a vote?

7 MS. JAMES: Yes, ma'am.

8 CHAIR MOORE: All in favor, say aye.

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIR MOORE: Any opposed?

11 Okay. Motion passes.

12 The floor is open for the next motion which is
13 to accept or modify the sanctions?

14 MS. JAMES: Yes, ma'am. And state what those --
15 what those would be because we have two sets of
16 sanctions.

17 CHAIR MOORE: Will you remind us, what's the --
18 the latest sanction is?

19 MS. JAMES: It is probation -- excuse me.
20 Probation of license for two years; a fine; code of
21 ethics training; child maltreatment training;
22 parental involvement training; written reflections on
23 his trainings; and he would have to pay -- pay the
24 cost. That's just something that we include with all
25 of them. That's the ethic -- that is the ethics

1 hearing subcommittee's recommendation.

2 CHAIR MOORE: But the Department's
3 recommendation is?

4 MS. JAMES: Permanent revocation of license and
5 a \$500 fine.

6 CHAIR MOORE: Okay.

7 So floor is open for a motion to accept or
8 modify.

9 MS. KEENER: I make a motion that we modify and
10 accept the Department's recommendations of revocation
11 and a \$500 fine.

12 CHAIR MOORE: Okay. So the motion -- floor --
13 there is a motion to modify. Is there a second to
14 modify?

15 MR. BRAGG: I second.

16 CHAIR MOORE: Okay. There's a second by Mr.
17 Bragg. Any questions at this point?

18 MR. WOOD: No questions. But I'm just going to
19 say, I'm voting to support these motions by nature of
20 his not being here today. If he were here, I would
21 be far more interested in a discussion about his not
22 guilty verdict and the impact on the case.

23 CHAIR MOORE: Okay. We'll take a vote unless
24 there's any additional comments or questions?

25 (NO RESPONSE)

1 CHAIR MOORE: Okay. All in favor, say aye.

2 (UNANIMOUS CHORUSE OF AYES)

3 CHAIR MOORE: Any of opposed?

4 Motion passes.

5 And then the third motion is on the rationale?

6 MS. JAMES: Yes, ma'am. And if you would like
7 to accept -- if you're going with the revocation and
8 you would like to accept the rationale of the ethics
9 Subcommittee, that -- you can do that. Would you
10 like for me to read that to you again?

11 CHAIR MOORE: Okay.

12 MS. JAMES: Okay. The rationale -- I'm so
13 sorry. The rationale of the Ethics Subcommittee was
14 the educator has two true findings by the Crimes
15 Against Children Division that were not appealed.
16 Very high negative impact on young students, first
17 grade. Multiple students reported inappropriate
18 sexual touching by the educator. Student 1 reported
19 that the educator pulled her pants and panties out
20 toward him and stuck his other hand in her pants and
21 started rubbing her privates. S2 reported that the
22 educator put his hands in her pants and touched her
23 privates. S2 reported that after being touched by
24 the educator, she experienced pain with urinating.
25 Student 3 reported that the educator rubbed her

1 shoulders and lower back. The DNA test conducted by
2 a private laboratory could not eliminate the educator
3 as a major contributor. You may modify that
4 rationale, or --

5 CHAIR MOORE: So you can -- so the motion could
6 be to accept as is or to modify?

7 MS. JAMES: Yes ma'am.

8 CHAIR MOORE: Okay.

9 MS. JAMES: Or you can add or take away which --

10 CHAIR MOORE: Okay.

11 MS. JAMES: -- you would like.

12 MR. WOOD: Do we have to have a rationale?

13 MS. JAMES: Yes, sir.

14 MR. WOOD: Does it have to describe facts of the
15 underlying allegations?

16 MS. JAMES: We have to make, you know, finding
17 -- findings of fact. If you did not want to include
18 the very detailed -- the very detailed facts of what
19 happened, you could state multiple students reported
20 inappropriate sexual touching by the educator. And
21 then the other are the negative -- the very high
22 negative impact, the two true findings and the DNA
23 tests conducted by private laboratory could not
24 eliminate the educator as a major contributor.

25 MR. WOODS: Why do we have to include that, or

1 do we?

2 MS. JAMES: It's up to you what you would like
3 to include. You don't have to.

4 CHAIR MOORE: We can have a simple rationale
5 statement.

6 MS. KEENER: Maybe that we accept the rationale
7 of the Ethics Subcommittee, the two true findings by
8 the CACD with very high negative impact to multiple
9 students.

10 MS. WOODS: Yeah.

11 MS. KEENER: And then leave the details that --
12 you know.

13 MS. JAMES: I would suggest including that the
14 students reported the inappropriate sexual touching
15 since that -- that really speaks to standard one, but
16 it's whatever.

17 CHAIR MOORE: Okay. Is anyone prepared to make
18 the motion on the rationale at this point in time?

19 MR. HENDERSON: I'll make a motion to accept the
20 rationale based on all -- things that we've amended
21 based on that.

22 CHAIR MOORE: Okay. We have a motion by Mr.
23 Henderson to accept the rationale. Is there a
24 second?

25 MR. BRAGG: I second.

1 MS. WOODS: Can I just clarify? So are we
2 saying the rationale is based on the report of
3 inappropriate sexual conduct, the two true findings
4 -- what are the other ones?

5 MS. KEENER: Very negative high student impact
6 to multiple students.

7 MS. WOODS: Yeah. And cut it at that?

8 MS. JAMES: So just -- just so I'm clear. It's
9 -- the motion is educator has two true findings, high
10 -- very high negative impact on young students --
11 first grade and multiple students reported
12 inappropriate sexual touching by educator?

13 MS. WOODS: Is that what your motion is?

14 MR. HENDERSON: Yes.

15 MS. WOODS: Okay. I just wanted to make sure.

16 CHAIR MOORE: So there's a motion by Mr.
17 Henderson. And Mr. Bragg, you seconded it. Okay.

18 Any more questions?

19 (NO RESPONSE)

20 CHAIR MOORE: Okay. We'll take a vote. All in
21 favor, say aye.

22 MS. WOODS: Aye.

23 MR. BRAGG: Aye.

24 MR. HENDERSON: Aye.

25 MS. HUNTER: Aye.

1 MS. KEENER: Aye.

2 MS. ROLLINS: Aye.

3 CHAIR MOORE: Any opposed?

4 MR. WOOD: No.

5 CHAIR MOORE: Motion passes. Okay.

6 Let's see. With that, boy, this is hard work.
7 So it's 11:50. We're going to go ahead and take our
8 lunch break now. Are we okay coming back at
9 12:45/12:50?

10 MR. WOOD: Yeah.

11 CHAIR MOORE: Okay. Let's do that. We'll say
12 we'll come back at 12:45.

13 **10: CONSIDERATION OF THE RECOMMENDATION OF THE PROFESSIONAL**
14 **LICENSURE STANDARDS BOARD FOR CASE 21-075 - TYLER SCOTT**

15 CHAIR MOORE: We are back on our action agenda
16 item No. ten. We have Ms. James back up with us.

17 MS. JAMES: The next agenda item is an
18 evidentiary hearing review regarding Tyler Scott.
19 This is PLSB case No. 24-075. Mr. Scott had an
20 evidentiary hearing on April 3, 2024, and is
21 requesting a review. He has requested oral argument;
22 the PLSB has also requested oral argument; and we
23 will each have ten minutes to present with the
24 educator going first. He is here today as well as
25 his attorney. Thank you.

1 CHAIR MOORE: Thank you. And I want to double
2 check, Ms. Rollins, you can hear us okay on Zoom?

3 MS. ROLLINS: Yes, I can. Thank you, Dr. Moore.

4 CHAIR MOORE: Thank you.

5 And we have two Board Members who had to step
6 out for the rest of us here. Thank you.

7 MR. KITCHENS: May I proceed?

8 CHAIR MOORE: Thank you.

9 MR. KITCHENS: Good afternoon. My name is Tre
10 Kitchens. I'm the attorney for Tyler Scott. He's
11 the educator in this matter. He's here with his wife
12 and his in-laws from both sides of his family. We
13 have asked this Board for review today for the action
14 and the recommendation taken by the subcommittee of
15 taking my client's license for a year. You have the
16 transcript of the hearing and I want to go over some
17 of the issues that are undisputed because this is not
18 really a factual dispute that we're getting into
19 today. While we do not agree with the findings of
20 fact, for the purposes of this hearing, I'll only
21 cover undisputed matters.

22 The first issue is the person who brought the
23 complaint, Mr. Mike Busick, who is a board member,
24 brought 112-page, primarily single-spaced complaint.
25 This is glaring because he's a board member who acted

1 independently, this was not a board action. He went
2 out and solicited complaints. While there's some
3 dispute about whether or not he solicited complaints,
4 it's important to note that one of the complaints was
5 from 2017. So it begs incredulity to think that a
6 board member got a complaint and held it for a number
7 of years before he made the complaint to the -- to
8 the state. So you've got a board member who's
9 soliciting complaints on his own and not as an
10 independent board action. That's No. one. Number
11 two, the investigator didn't care that Mr. Busick had
12 a previous dispute with my client. Mr. Busick was
13 trying to have his son play baseball at a different
14 school and somehow, he blamed my client as
15 superintendent for not helping him falsify those
16 records -- or to get his son to play at a different
17 school. And it's in the transcript where the
18 individual who was the investigator for the state
19 said she didn't know that; she didn't care.
20 Additionally, it's glaring that in the complaint
21 itself, on the front page -- I'm sure you're all
22 familiar with the complaint page. It says that
23 anything contained in the complaint is under penalty
24 of perjury. It is undisputed and not debated at all
25 that the complaint had factual inaccuracies. That

1 again, the investigating officer said she simply
2 didn't care. She didn't care that there were factual
3 inaccuracies that the complaining party made under
4 penalty of perjury.

5 By way of background, my client worked for the
6 England School district for 16 years. He was
7 superintendent for five years, being renewed year to
8 year after his first two years. During his five
9 years as superintendent, my client was never
10 evaluated one time, never received an annual
11 evaluation as his contract called for. Also, he was
12 never written up. He was never suspended. He was
13 never disciplined in any way in his five years and to
14 this day he still is being paid pursuant to his
15 contract by England School District. England School
16 District's counsel is here, and they've paid him this
17 entire time that he's been suspended.

18 It comes down to this, the subcommittee is
19 recommending my client lose his license for a year,
20 and that's what we're here to dispute. When you look
21 at what he did, at best -- taking the state's
22 version, not even arguing the factual underpinnings
23 -- at best, he was mean to some people and hurt some
24 feelings. He was not accused of a single crime. He
25 was not convicted of a single crime. There was

1 nothing having to do with any student. There was
2 nothing having to do with any money. None of those
3 things are even at issue in this case. In fact, my
4 client, who allegedly -- and I'm saying allegedly
5 because while we don't agree with it but agree with
6 it for the purposes for this conversation --
7 allegedly threatened people's jobs. They can't pin
8 it to a single person that he disciplined by write up
9 or termination or cost a single person a penny. So
10 factually undisputed, no crimes, nothing involving
11 children, nobody being disciplined, no adverse job
12 consequence of any kind taken against any educator in
13 the England school district by this man. To this
14 day, he has still not been disciplined by the board.
15 The complaining party had an axe to grind against
16 him, took independent board action and solicited
17 complaints. Those are the undisputed facts.

18 For this egregious bullying that resulted in no
19 criminal or civil charges whatsoever, my client is
20 supposed to be kicked out of education for a year. I
21 need the Board to consider the standard and the bar
22 -- if you impose this penalty, the bar that's being
23 met for everyone in the state of Arkansas who has a
24 license issued by the state whether educators,
25 lawyers, doctors, chiropractors, massage therapists,

1 any -- the contractors board. The standard would be
2 established that if you're mean to somebody, if you
3 hurt somebody's feelings, you can't only get fired --
4 because that's we're not here about a termination;
5 we're not here about a renewal; we're here about the
6 revocation of a license. And the standard will
7 become in the state of Arkansas that if you're mean
8 to somebody, if you hurt somebody's feelings, the
9 state will take your license for a year.

10 The facts that I'm giving you are all
11 undisputed. The standard that we've asked for is we
12 will accept the penalty of probation; we will accept
13 the penalty of additional education. My client
14 testified in the hearing that he could have handled
15 things better. He's willing to accept responsibility
16 for that. What he's not willing to accept is to lose
17 his license, that he's spent his entire career as an
18 educator because he hurt some people's feelings.

19 I'm happy to answer any questions from the.
20 Board.

21 CHAIR MOORE: Thank you.

22 MR. KITCHENS: Thank you.

23 CHAIR MOORE: Ms. James, do we do the state's
24 now?

25 MS. JAMES: Yes.

1 CHAIR MOORE: Okay.

2 CHAIR MOORE: My name is Whitney James with the
3 Department.

4 To respond to a few of the things that Mr.
5 Kitchen's stated, the school board member did make
6 the complaint in this case, but of course anybody can
7 make an ethics complaint. The testimony at the
8 evidentiary hearing was not that the school board
9 solicited statements from individuals for the
10 allegation. There was also no evidence presented
11 that I recall -- certainly, not a preponderance that
12 there was any ulterior motive for filing the ethics
13 complaint. Also, it's not really relevant that the
14 superintendent was not written up or disciplined. We
15 were talking about specific action statements,
16 bullying, harassment that happened that -- the
17 testimony at the hearing consistently supported. Mr.
18 Kitchen's is minimizing what happened. This is so
19 far beyond hurt feelings. This was bullying and
20 harassment of his staff, all because of a personal
21 issue. And I'll get into that a little bit more.
22 Also, Mr. Scott was not the super -- the acting
23 superintendent at the school for very long after this
24 happened. So it really is not very relevant that no
25 one was written up after this because he -- I believe

1 he was placed on administrative leave pretty --
2 pretty soon after this happened.

3 You know, as Mr. Kitchen's stated, Mr. Scott is
4 the superintendent of the England School district.
5 After his contract with the district was not renewed,
6 he began to bully and harass his staff. And I have
7 examples of what was said if we need just to refresh
8 your memory on that. They feared for their jobs. At
9 his administrators' retreat last summer in front of
10 his administration and APSRC -- who I believe was
11 hosting the retreat or present at the retreat -- Mr.
12 Scott stated -- and this was confirmed by witnesses
13 during our investigation and at the hearing -- that
14 after LEARNS with Teacher Fair Dismissal gone, it was
15 going to be like Christmas morning. His words
16 "Christmas morning" for him. He disparaged his
17 school board members to his administration. After
18 the retreat, Mr. Scott proceeded to call several
19 teachers to his office on an urgent matter and the
20 matter was why are you spreading rumors about me and
21 my federal programs coordinator and my wife? So
22 teachers were very scared when they got a phone call
23 from the superintendent during the summer to come up
24 to the school, and this was about rumors which is
25 kind of what started the bullying and harassment at

1 the administrators retreat.

2 During the PLSB's investigation of this case,
3 Mr. Scott did not take accountability. He did not
4 take accountability at the evidentiary hearing. He
5 either denied that he made the statements, or he said
6 he didn't remember making the statements while
7 witness after witness testified that he did. Mr.
8 Scott wants a sanction of probation, but that is not
9 the appropriate sanction for his conduct in this
10 case. Both the Ethics Subcommittee and the Ethics
11 Hearing Subcommittee, two different groups, found
12 that Mr. Scott's license should be suspended for one
13 year, followed by probation of license for two years.

14 The hearing subcommittee's rationale was, the
15 superintendent used his position of authority
16 negatively for a personal matter. Multiple district
17 personnel were subjected to the superintendent's
18 negative behavior of bullying and harassment. The
19 superintendent failed to take accountability for his
20 actions. The superintendent violated district policy
21 3.38 regarding bullying. There was a high negative
22 impact on school culture and subordinates. The
23 superintendent used his position to bully and strong
24 arm his subordinates. He violated standard two of
25 the code of ethics.

1 This is so far beyond hurt feelings. The
2 testimony at the evidentiary hearing was "Christmas
3 morning," disparaging school board members, talking
4 about another educator's PLSB case at the retreat
5 which should be confidential. Mr. Scott denied this,
6 but his wife took the minutes at the retreat and it's
7 -- it is there. He met with the school counselor
8 one-on-one with his federal programs coordinator
9 present, threatened to sue her and take her stipend
10 away. He publicly spoke about personnel issues.
11 Again, he had his federal programs coordinator
12 present in meetings with teachers and she is not HR.
13 She should not have been in those meetings. So
14 there's a confidentiality concern. He belittled,
15 chastised ran down and spoke poorly to the entire
16 group for 2 1/2 days. That was the testimony at the
17 at the hearing he said to his leadership team I don't
18 know if you're incompetent, lazy or just don't care.
19 And people were crying; people were embarrassed. And
20 after he met with the teachers at the school, the
21 testimony was that he asked them to make a Facebook
22 post, on their personal Facebook pages, apologizing
23 for their part in spreading the rumors.

24 The recommended sanction was the appropriate
25 sanction and that is the recommendation of the PLSB.

1 CHAIR MOORE: Thank you. Ms. James, before we
2 get started with questioning, can you remind me
3 procedural-wise, do they have five-minute rebuttal?

4 MS. JAMES: No, ma'am.

5 CHAIR MOORE: Okay.

6 MS. JAMES: It's just ten minutes each of oral
7 argument and then if the Board has any questions --

8 CHAIR MOORE: Okay.

9 MS. JAMES: -- for either party.

10 CHAIR MOORE: For either party?

11 MS. JAMES: Yes, ma'am.

12 CHAIR MOORE: And then --

13 MS. JAMES: Yes, ma'am. And my investigator --
14 our chief investigator, Sarah Banker, is here if you
15 have any questions about the investigation.

16 CHAIR MOORE: Okay. And then the motions, is it
17 the same that was in the last one we had where you
18 have three separate motions that have to be taken?

19 MS. JAMES: Yes, ma'am.

20 CHAIR MOORE: Okay.

21 MS. JAMES: It is the same.

22 CHAIR MOORE: Okay. Can you remind us just
23 before we start questioning, what were the ethics
24 violations?

25 MS. JAMES: They were -- let's see. I have it

1 right here. Standard two, which is professionalism,
2 exhibited inappropriate disposition inclusive of
3 professional ethical behavior, violated a state -- or
4 district, state or federal policies or a law.
5 Standard two. There were no students involved in
6 this.

7 CHAIR MOORE: Okay. Thank you.

8 MS. JAMES: Thank you.

9 CHAIR MOORE: So let's get started with
10 questioning. I'll go to my right first. And this is
11 for the state, or the party involved.

12 Mr. Henderson, questions?

13 MR. HENDERSON: Not at this time.

14 CHAIR MOORE: Mr. Bragg?

15 MR. BRAGG: Just what's the current status of
16 the superintendent now?

17 MR. KITCHEN: May I?

18 CHAIR MOORE: Yes.

19 MR. KITCHENS: He was removed from his position
20 last fall. He is still under contract, and he's
21 still being paid by the England School district, sir.

22 MR. BRAGG: Okay. Thank you.

23 CHAIR MOORE: Questions, Ms. Woods?

24 MS. WOODS: I'm sorry. I just want to make sure
25 because I think Mr. Kitchens said revocation, but

1 we're just talking about a one-year suspension;
2 right?

3 MS. JAMES: Yes, ma'am. The recommendation of
4 both groups was suspension followed by probation.

5 MS. WOODS: Okay.

6 MS. JAMES: Yes ma'am.

7 MS. WOODS: So revocation was -- has not been
8 actually recommended?

9 MS. JAMES: That was not the recommendation, no,
10 ma'am.

11 MS. WOODS: Okay. I just wanted to make sure.

12 Are we allowed to ask him if he has a statement
13 or no because he's represented by counsel?

14 MS. JAMES: I believe that would be up to his --
15 him and his counsel whether he wants to make a
16 statement.

17 MS. WOODS: Okay.

18 MR. KITCHENS: Can I have one second, ma'am.

19 CHAIR MOORE: Yes, please.

20 MR. KITCHENS: If it -- if it's okay, he's happy
21 to take -- make a statement and also, I don't mind
22 the Board questioning him directly. I'm not -- we're
23 not trying to hide behind a wall.

24 CHAIR MOORE: Okay. Thank you.

25 If you don't mind standing and raising your hand

1 and do the oath. Do you swear to tell the truth, the
2 whole truth and nothing but the truth?

3 MR. SCOTT: Yes, ma'am.

4 CHAIR MOORE: Thank you. And if you would state
5 your name, please.

6 MR. SCOTT: Tyler Scott.

7 CHAIR MOORE: Thank you.

8 MS. WOODS: Adjust the microphone.

9 MR. SCOTT: Is that better?

10 CHAIR MOORE: Yes.

11 MS. WOODS: I just wanted to see, like, if you
12 had a statement that you'd want us to consider as we
13 --

14 MR. SCOTT: I think the term bullying is grossly
15 misused. I didn't bully anybody at that retreat. I
16 said, everybody knows I did not get my contract
17 extended and this is going to be the year of
18 accountability. And I'm going to make sure I have
19 the best year I've had as an educator at England
20 School District. And I don't feel like I was
21 bullying or threatening. I didn't write anybody up.
22 I didn't threaten to take anybody's stipends.
23 There's several things that's been said that's not
24 true. I didn't ask anybody to make a Facebook post.
25 I mean, I take responsibility for -- for trying to

1 hold teachers accountable. But again, I was in no
2 way threatening to take stipends, write people up or
3 sue anybody.

4 MS. WOODS: Did you call in teachers during the
5 summer break?

6 MR. SCOTT: We did call in some teachers and the
7 reason that they got called in is because a parent
8 contacted me and heard teachers talking about it at
9 school. They said it was a personal issue, but once
10 it carried over to school and it involved two other
11 educators, I did call them and talked about it.

12 MS. WOODS: Understood. The Department brought
13 up that you had the federal -- and I forget who you
14 said? You said that there was a federal --

15 CHAIR MOORE: Programs coordinator.

16 MS. WOODS: The programs coordinator. Thank
17 you.

18 Did you have her in rooms with meetings with
19 your teachers?

20 MR. SCOTT: Yes. But we also had principals.
21 Like, when we were interviewing or hiring -- we're a
22 small district, so we try to have all hands on deck
23 when we're dealing with stuff at the school.

24 MS. WOODS: Is that a typical protocol to have
25 the federal programs coordinator in there?

1 MR. SCOTT: When we interview, yes, because she
2 is over the teachers as far as -- and she's
3 instructional facilitator also. So it's not like
4 she's just federal programs. She was an
5 instructional facilitator, so she did assist with
6 teachers and hiring and stuff.

7 MS. WOODS: Okay.

8 MR. SCOTT: We've also had math coaches and
9 literacy coaches in on interviews also.

10 MS. WOODS: Okay.

11 I may have more, but I'll pass.

12 MR. HENDERSON: Thank you for your -- willing to
13 answer our questions.

14 MR. SCOTT: Yes, sir.

15 MR. HENDERSON: Can you tell us an event -- were
16 there any -- is there anyone here or is it -- or is
17 there anyone that was present that can speak on your
18 behalf?

19 MR. SCOTT: My wife was at the leadership
20 retreat.

21 MR. HENDERSON: Okay. What about staff and
22 faculty?

23 MR. KITCHENS: May I, sir?

24 MR. HENDERSON: Yes.

25 MR. KITCHENS: It's interesting to note, sir,

1 that the complaining board member who started all
2 this did not testify at the hearing; but the
3 president of the England School -- School Board was
4 there and did testify on my clients behalf; and we
5 also had a parent at the England School District who
6 had been very involved with the school for many years
7 also there who testified on his behalf.

8 MR. HENDERSON: Okay.

9 MS. HUNTER: So I'm a little conflicted. In
10 your comments, Mr. Kitchens, you said that Mr. Scott
11 has taken full accountability for his actions; and I
12 think that on the opposing side, there was -- it was
13 said that there was no accountability. So --

14 MR. SCOTT: Well -- I'm sorry.

15 MS. HUNTER: -- where -- where do you stand?

16 MR. SCOTT: I'm --

17 MS. HUNTER: What are you accountable for?

18 MR. SCOTT: If I had to do over, I would have
19 not had the meetings in the way I had. I mean, it
20 was -- I would have done the leadership retreat the
21 same as I did. I didn't berate or talk bad to
22 anyone. I did tell them I was going to be holding
23 them accountable. I said I walked by too many
24 classrooms where teachers are eating, and kids are on
25 their cell phones and not doing what they supposed to

1 do. I said it's the principal's job to hold the
2 teachers accountable. If the principals did not hold
3 those teachers accountable, I would hold the
4 principals accountable. And, I mean, I -- that -- I
5 did make those statements. And again, as far as the
6 meetings, obviously, I would do that differently.
7 But it was not my intent to bully or threaten. And
8 it was two weeks after -- three weeks after, I
9 believe when I was at home. Nobody was written up
10 during that time period or there was no threats of
11 writing anybody.

12 MS. HUNTER: So one other question on the topic
13 of the federal programs coordinator being in meetings
14 and interviews. And I understand if you're
15 interviewing someone, you need everyone who's going
16 to be working with that person to have some
17 contribution to that interview. But these meetings
18 were not interviews, were they?

19 MR. SCOTT: No.

20 MS. HUNTER: These were contract -- I mean,
21 these are teachers that were under contract already
22 for the coming year; is that correct?

23 MR. SCOTT: Yes. The meetings were conducted
24 with the teachers that were talking about stuff at
25 the school that involved these other educators.

1 That's why everybody was in on the meeting.

2 MS. HUNTER: Okay. Thank you.

3 CHAIR MOORE: Ms. Rollins, do you have questions
4 at this point?

5 MS. ROLLINS: Maybe talk to us about your
6 relationship with your school board, not just the one
7 school board member, but what is your relationship
8 with the board?

9 MR. SCOTT: Up until this past January when I
10 didn't get extended, it's been great. And it was --
11 it was a four-three vote to not extend my contract
12 and up until then it was great. I still speak to the
13 board president fairly regularly, not about school
14 business, obviously, but just catching up. But
15 before that, it's been great up to this point. I
16 haven't had any ill situations with any of them
17 except for the one who wanted his son to play
18 baseball at another school. The board had a meeting
19 to release him for school choice which still wouldn't
20 have made him eligible to play sports and the vote --
21 two board members didn't have their minutes at the
22 time; we didn't know. So he was released, but he was
23 not eligible to play. Well, England baseball team
24 that year was not going to have enough player -- it
25 was on the verge of not having enough to have a team.

1 So the AAA wrote a letter that said that his son
2 could play at Carlisle School District for that one
3 year; but if England had a team the next year, he
4 would have to return to England's team.

5 Well, during that time his wife and I -- his
6 wife and him got a legal separation and his wife
7 lived in Carlisle; he lived in England. Well, there
8 were several people that were supportive of me and
9 not happy that he voted to not extend my contract.
10 There were some pictures taken and sent to the AAA.
11 He called me and threatened me and said this is not
12 going to end well for you. I know you could put a
13 stop to this. And that that was pretty much the end
14 of our relationship as a board member/superintendent.

15 MS. ROLLINS: What's your relationship out in
16 the community? How much support?

17 MR. SCOTT: Well, the meeting -- when they
18 didn't extend my contract in January, the following
19 meeting when they readdressed in February, there was
20 about 150 people there in support. I still have
21 several people contact and our church members have
22 contacted and said they hate the way things happen.
23 They hate that I'm leaving. And I still feel like I
24 had a lot of support, but --

25 MS. ROLLINS: Right. Thank you.

1 CHAIR MOORE: Board Members, additional
2 questions right now?

3 Thank you.

4 Board Members, any questions of the PLSB?

5 MR. BRAGG: I've got one for Ms. James.

6 MS. JAMES: Yes, sir.

7 MR. BRAGG: In going through all the guidelines,
8 how do you -- is there a specific matrix that you
9 used? I mean, what determines where there's -- you
10 recommend probation or suspension or revocation?

11 MS. JAMES: Yes, sir. Did you get the handout
12 that we passed out earlier?

13 MR. BRAGG: (Nods head up and down)

14 MS. JAMES: Okay. These are guidelines, so --
15 obviously, each case is different, but you're really
16 looking at the weighting factors -- one or more
17 present; and then you can also look at the facts of
18 the case to decide which sanction you think is
19 appropriate. For a suspension, multiple violations
20 over -- and they don't all have to be there; it's
21 just one or more. Multiple violations over a period
22 of years, moderate to high level of negative impact
23 on student, moderate to high level of damage to loss
24 of misuse of school district property or funds, and
25 then willful or intentional violation of the code of

1 ethics versus just knew that actions violated the
2 code of ethics. So the level of impact is often a
3 consideration when deciding between probation and
4 suspension, as well as the -- the number of
5 violations and if there's any evidence of some
6 history of prior behavior or a pattern over a number
7 of years.

8 MR. BRAGG: Thank you.

9 MS. JAMES: Yes, sir.

10 CHAIR MOORE: Board Members, questions?

11 (NO REPSONSE)

12 And everyone saw that? That's appendix D of our
13 handout, that last page that has the sanctions
14 violations.

15 I do have a question. So this --

16 MS. JAMES: Yes, ma'am.

17 CHAIR MOORE: Did this case go through the
18 two-step process of the two committees?

19 MS. JAMES: Yes, ma'am.

20 CHAIR MOORE: Okay.

21 MS. JAMES: The second -- after the hearing --
22 after hearing all the testimony, the evidentiary
23 hearing panel did uphold the previous -- the previous
24 section.

25 CHAIR MOORE: Okay.

1 Ms. Rollins, any questions of the Agency right
2 now?

3 MS. ROLLINS: No, thank you.

4 CHAIR MOORE: Okay.

5 Okay. So at this point, questions, comments?

6 (NO RESPONSE)

7 Give yourself a minute to think. Just to -- as
8 a reminder, at whatever point in time we get to a
9 motion, it will be three separate motions. The first
10 one being the code of ethics violation; the second,
11 to accept or modify the sanction; and the third is
12 the rationale.

13 MS. WOODS: I guess I have a question for the
14 Department and maybe for the -- for you as the
15 investigator. How many -- how many allegations did
16 he have in total? Do we have that number?

17 MS. JAMES: For this one?

18 MS. WOODS: Uh-huh.

19 MS. JAMES: It's just one allegation. It was
20 pretty lengthy.

21 MS. WOODS: Okay.

22 MS. JAMES: But as far as previous, you've never
23 had any previous -- have you had previous allegation?

24 MR. SCOTT: No.

25 MS. JAMES: Ethics violation?

1 MR. SCOTT: No.

2 MS. WOODS: So was it a composite of a bunch of
3 different complaints? I guess, as I was reading
4 through, there was a number of witnesses, but there
5 was only actually one person that brought forth the
6 complaint; is that --

7 MS. JAMES: Yes.

8 MS. WOODS: Okay.

9 MS. JAMES: There only has to be one -- one
10 complainant. But I believe that there were several
11 statements from witnesses --

12 MS. WOODS: Within that?

13 MS. JAMES: -- with that. Yes, ma'am.

14 MS. WOODS: Okay.

15 CHAIR MOORE: Any questions or thoughts at this
16 point? You want to talk through what you're
17 thinking?

18 MR. HENDERSON: Yeah.

19 CHAIR MOORE: Mr. Henderson.

20 MR. HENDERSON: You may have shared, the
21 complaints, was it in a threshold of a -- one year or
22 is it multiple?

23 MS. JAMES: Are you asking if because there were
24 multiple complaints and the same allegation that
25 would meet the guidelines for multiple violations?

1 MR. HENDERSON: Yes. The time frame -- time
2 window, is it -- is all these complaints based on
3 one-year term, two-year term or multiple?

4 MS. JAMES: I believe there was -- there was
5 something mentioned from 2017, but all of the other
6 violations were over that period of last summer.

7 MR. KITCHENS: Can I clarify that, please?

8 CHAIR MOORE: Oh, come to the microphone,
9 please.

10 MR. KITCHENS: I know we're sort of informal,
11 and I don't want to take turns, so thank you.

12 Sir, the 2017 alleged violation that's contained
13 in the complaint, he wasn't even a superintendent at
14 that time. That goes back to the issue that Mr.
15 Busick was soliciting these complaints, going out and
16 reaching out for them and trying to find anybody who
17 had something bad to say about Mr. Tyler. Thank you.
18 Appreciate you letting me clarify.

19 MS. JAMES: Sure.

20 The evidence that the hearing was not that the
21 complaints were solicited, but if you would like to
22 review the hearing transcript on that. I believe
23 each -- each witness was asked about that.

24 MS. WOODS: Well, so from my -- if I remember
25 correctly, they were all having to do with this

1 leadership retreat; correct?

2 MS. JAMES: It was an administrators' retreat.

3 Yes, ma'am.

4 MS. WOODS: Or administrators' retreat.

5 MS. JAMES: Yes, ma'am. Leadership.

6 MS. WOODS: Also, is it normal -- and I mean I
7 don't mean to speak out of turn, but, like, is it
8 normal for a spouse to take meeting minutes or is she
9 employed with the district?

10 MS. JAMES: She was employed with the district
11 --

12 MS. WOODS: She was? Okay.

13 MS. JAMES: -- at the time. She may still be.

14 MR. KITCHENS: And still is.

15 MS. WOODS: And still is, okay.

16 CHAIR MOORE: Okay. Board Members, we're --
17 additional questioning or preparing to make a motion
18 at this point.

19 Ms. Rollins, any additional questioning or
20 thoughts from you?

21 MS. ROLLINS: No, I -- I don't.

22 CHAIR MOORE: Okay.

23 I will -- just in looking at this sanctions
24 guidelines, do have some questions if you don't mind,
25 Ms. James. I have a hard time with this because it's

1 not hard and fast; right? Like, I feel like the PLSB
2 has discretion to sort of deviate up or down
3 depending on mitigating factors, in the case; is that
4 correct?

5 MS. JAMES: Yes, ma'am, they do. We have an
6 updated sanctioning matrix in our new rules to maybe
7 get some consistency. But yes, they do have
8 discretion because each case is not going to fit
9 perfectly into one of these columns. Yes, ma'am.

10 CHAIR MOORE: And I know we are -- we need to
11 take each case individually, but it is hard to see
12 this sanctioning matrix and think about cases that
13 have very different actions that lead to similar or
14 not similar sanctions and are different levels of
15 severity in that sense. Those individuals that were
16 on -- hearing the case at the time, were they in
17 consensus? Was there, you know, broader discussion?
18 Can you share a little bit more?

19 MS. JAMES: It was unanimous.

20 CHAIR MOORE: Okay.

21 Okay. So at this point back to the table. Is
22 anyone ready to make a motion? Reminder that the
23 first motion is around the code of ethics violation;
24 the second is around the sanctioning; and the third
25 is the rationale for the sanctioning.

1 MR. BRAGG: I'm not sure exactly how to phrase

2 --

3 MS. ROLLINS: Dr. Moore, did the Department have
4 a recommendation for us? Did I miss that?

5 CHAIR MOORE: Yeah. I'll have Ms. James come.

6 MS. JAMES: Ms. Rollins, the recommendation of
7 the Department is to uphold the sanction that was
8 recommended by both the Ethics Subcommittee and the
9 Ethics Hearing Subcommittee.

10 MS. ROLLINS: Okay.

11 MR. BRAGG: Is that a comprehensive motion or do
12 we still need three?

13 CHAIR MOORE: We do need three. So the first
14 being the code of ethics violation -- the standard
15 that was violated and the PLSB is referring to
16 standard No. two. Which is -- could you tell us that
17 standard again, please?

18 MS. JAMES: Standard two is an educator
19 maintains competence regarding his or her
20 professional practice, inclusive of professional and
21 ethical behavior, skills, knowledge, dispositions and
22 responsibilities relating to his or her
23 organizational position. And specifically with this,
24 the two parts of -- or the two items under standard
25 two that we were authorized to investigate were:

1 exhibited inappropriate disposition inclusive of
2 professional and ethical behavior, violated district,
3 state, or federal policies or law. And that includes
4 course district policies.

5 MR. BRAGG: I would make that motion that we
6 uphold that.

7 CHAIR MOORE: Okay. So a motion by Mr. Bragg
8 for the code of ethics violation standard two. Okay.
9 Is there a second to the motion?

10 MS. ROLLINS: Dr. Moore, I'll second that
11 motion.

12 CHAIR MOORE: A second by Ms. Rollins. Any
13 questions?

14 (NO RESPONSE)

15 CHAIR MOORE: Okay. The floor is open. All in
16 favor, say aye.

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIR MOORE: Any opposed?

19 Motion passes.

20 Now the second motion is to accept or modify the
21 sanctioning from the PLSB ethics hearing.

22 MS. WOODS: Here's where I get conflicted. I'll
23 just make a comment before somebody makes a motion.
24 Like, in reading through some of this, I absolutely
25 respect and agree with holding people accountable,

1 but there's a fine line between being mean about it
2 and bullying and also just drawing a hard line.

3 When people brought -- and, I guess, I'd ask you
4 a question, when people brought these issues to you,
5 did you ever apologize to them? I mean, because an
6 apology goes a long way.

7 MR. SCOTT: Nobody ever brought anything to me.

8 MS. WOODS: So when you call these teachers in
9 to discuss the rumors --

10 MR. SCOTT: They didn't say one word about it.
11 No, ma'am.

12 MS. WOODS: So you're saying they made all that
13 up? That --

14 MR. SCOTT: I'm not saying they made everything
15 up. I'm saying that the three teachers are very
16 close friends and they spent a lot of time together
17 and they all live beside that other board member.
18 But the -- as far as the leadership retreat, since
19 the elementary principal that was at that retreat,
20 she didn't -- she wasn't involved in the hearing has
21 told my wife that how much she misses me being there
22 and that she loved her time at England School
23 District when I was there. And she would have been
24 at that meeting -- at the leadership retreating.

25 MS. : WOODS: Mr. Kitchens, did any of the

1 other teachers or anybody at the lower-level hearing
2 provide any letters of recommendation or anything on
3 his behalf that I --

4 MR. KITCHENS: Yes.

5 MS. WOODS: -- may have missed?

6 MR. KITCHENS: One of one of the witnesses who
7 testified, the federal programs coordinator who was
8 in the meeting, specifically said there was no
9 bullying; there were no threats in either one of
10 those meetings; and you have that testimony in the
11 transcript.

12 MS. WOODS: Oh, okay. It was in the transcript.

13 MR. KITCHENS: And she -- she was part of those
14 meetings. It's also important to note that the
15 investigator for state never bothered to talk to my
16 client's wife who allegedly was part of all this and
17 saw all these meetings. And she said, well, that's
18 his wife; I'm sure she'll -- she won't testify
19 truthfully; she'll just support him. Which is ironic
20 considering she didn't even bother to find out if Mr.
21 Busick had an axe to grind, a reason to have problems
22 with my client, a reason to solicit 112-page single
23 spaced complaint, a reason to take independent board
24 action. She never did any of that. She certainly
25 said she wasn't going to talk to my client's wife

1 because oh, she'll just support her husband.

2 MS. WOODS: Okay. But how many people are we
3 talking about at this leadership retreat?

4 MR. SCOTT: Both instructional facilitators, my
5 wife, both principals, counselor and the technology
6 coordinator and the special ed director.

7 MS. WOODS: So less than a dozen?

8 MR. SCOTT: Yes.

9 MS. WOODS: But only one person spoke up on his
10 behalf?

11 MR. KITCHENS: That -- that's who we called as a
12 witness.

13 MS. WOODS: Why wouldn't you call other people?

14 MR. KITCHENS: Because originally, we were set
15 for a two-hour period of time, one hour each side.

16 MS. WOODS: Oh, this is the PLSB hearing. Okay.

17 MR. KITCHENS: If we had had full due process
18 where we had had a trial and the rules of evidence
19 applied --

20 MS. WOODS: Well, this isn't --

21 MR. KITCHENS: -- this would be a real different
22 game. And we would have called many more witnesses.
23 And we would have had the time to put on an entire
24 case where chain hearsay where you get to the fourth
25 and fifth person in hearsay, that wouldn't have come

1 in.

2 MS. WOODS: Well, but -- and I understand that.
3 But, I mean, we've had PLSB hearings before --

4 MR. KITCHENS: Yes, ma'am.

5 MS. WOODS: -- and people have submitted letters
6 on behalf of someone; and they send those to us as
7 well, so we have --

8 MR. KITCHENS: There were letters that were
9 submitted to the investigator that were not sent up
10 through the chain. My client has community support;
11 he has support of his family. And again -- and this
12 comes back to a question you asked earlier about
13 accountability. We're fine with the sanction and
14 probation; we're fine with the additional education;
15 we're fine with all of those issues. The only thing
16 we had an issue with is taking this man's license and
17 his ability to do his job. He's a postgraduate in
18 education. And he's been -- made this his entire
19 career. You made a point. What's the difference
20 between being mean and just drawing a very hard line?
21 Are you going to take somebody's license for a year
22 because that line is, as you say, it's a difficult
23 line to navigate.

24 MS. WOODS: Well -- and the thing is I -- I can
25 only read tone --

1 MR. KITCHENS: Sure.

2 MS. WOODS: -- right?

3 MR. KITCHENS: Yes, ma'am.

4 MS. WOODS: So I just -- I just have a lot
5 of conflict over only one person out of 12. Who --
6 who were the other individuals that wrote letters?

7 MR. SCOTT: One was a former teacher that was my
8 math coach for many years. I'd worked with her the
9 entire 16 years I've been there. There was a couple
10 of parents, school board president -- actually, there
11 were several parents.

12 MR. KITCHENS: And the school board president
13 came to the hearing and testified on his behalf as
14 well.

15 MS. WOODS: Ms. James, is that -- I mean, were
16 there documents? We've just never not received that.
17 So that's why I'm curious why in this case those
18 wouldn't have been escalated.

19 MS. JAMES: The policy of my office is if an
20 educator submits a character reference letter, or
21 anything that they want the subcommittee to see, we
22 include that in the packet. So I'm not -- I'm not
23 sure which letters he's referencing.

24 MS. WOODS: Okay.

25 MS. JAMES: I will also say that at the hearing

1 -- at the hearing, I called people who had firsthand
2 knowledge of what happened; and I believe he called a
3 school board member that was not at the retreat or in
4 the meetings, as well as a couple of character -- as
5 well as a character reference, as well as a special
6 education coordinator who was present at the meeting.

7 MS. WOODS: Okay. So he had one person from the
8 meeting there testify at that hearing; is that --

9 MS. JAMES: That's my recollection.

10 MS. WOODS: -- my understanding? Okay.

11 MS. JAMES: Yes. And our witnesses were either
12 the individuals who were called to the school or
13 present -- present at the meeting. Yes, ma'am.

14 MS. WOODS: Okay. And how many was that for the
15 state?

16 MS. JAMES: That was -- let me think.

17 MS. WOODS: Was there, like, six or seven?

18 MS. JAMES: I had my investigator; I had the
19 federal programs coordinator; I had two teachers that
20 were called to the school; and I also had the school
21 counselor who was -- had of one-on-one meeting with
22 Mr. Scott at the at the leadership retreat.

23 MS. WOODS: Okay. Yeah. So, like, six?

24 MS. JAMES: Yes. And, I mean, and -- I believe
25 that Mr. Kitchens made the request at the beginning

1 of the hearing to have additional time if needed; and
2 I believe the judge said, we'll give you -- we'll
3 give you as much time as you want --

4 MS. WOODS: Okay.

5 MS. JAMES: -- is my recollection.

6 MR. HENDERSON: What is the state's position on
7 this?

8 MS. JAMES: Yes, sir. Our recommendation is
9 that, you know, both groups found the same sanction
10 was appropriate and have the same rationale. Our
11 position is that it should be upheld and that we met
12 our burden of proof at evidentiary hearing.

13 CHAIR MOORE: I'm going to go on record for the
14 -- I just get so conflicted for PLSB cases. We have
15 individuals who've done egregious things against
16 students, and I'm not seeing higher levels of
17 sanctioning. And I would just like to send the
18 message as you're working with PLSB that we would
19 like to see a little bit more consistency and more
20 information when they make those sanctioning
21 decisions. This feels like a very -- this feels like
22 a district level issue that -- I mean, I'm glad that
23 we've never had a case like this in front of our
24 Board. And I'm not -- and I'm not trying to belittle
25 at all. I think when things -- when issues occur

1 that they need to be taken care of, but I just can't
2 keep thinking -- on our consent agenda we have others
3 who have misused funds and misuse students and have
4 lesser sanctioning.

5 So I would -- maybe we need to have a meeting
6 with PLSB soon, so we understand better where they're
7 coming from. This is not -- I know I'm -- again,
8 this is not a sort of stance on this particular case.
9 It's just hard to deal with these cases when we're
10 getting them at the end without a lot of thinking
11 into their -- their matters. I don't know. It's
12 hard to see either way looking at, you know, if you
13 look at the sanctioning, the suspension is multiple
14 violations over a period of years, moderate to high
15 level of student impact, which is not to belittle
16 impact on teachers. Teachers are very important too.
17 It's hard to see how they came to that conclusion
18 here but didn't come to that conclusion in our
19 earlier case we had today. And -- but again, I know
20 we need to take each case individually. So those are
21 my thoughts.

22 Board Members, I'll draw it back to you all as
23 you're thinking about -- we are back on -- there are
24 three of -- three sets of motions we have to take.
25 The first was taken a finding of standard two ethics

1 violation. Our next motion has to be to accept or
2 modify the sanctioning.

3 And Ms. Rollins, I'm sorry I haven't asked you
4 in a while if you have any thoughts or comments or
5 questions.

6 MS. ROLLINS: Well, Dr. Moore, I'd like to go
7 ahead and modify the PLSB or recommendation and move
8 that one-year suspension and add it to the probation
9 years. What -- weren't they giving him two years?
10 Could we make the probation period three then? Is
11 that right?

12 CHAIR MOORE: Ms. James is coming, and she can
13 answer to -- you.

14 MS. JAMES: Yes, ma'am. The previous
15 recommendation was suspension of license for one year
16 followed by probation of license for two years.

17 MS. ROLLINS: I'd like to go ahead and modify
18 that to make it probation for three years with all
19 the training that went with that.

20 CHAIR MOORE: Okay. So just to restate, your
21 motion is to modify the sanctioning to be three years
22 of probation with the required training --

23 MS. ROLLINS: Yes, ma'am.

24 CHAIR MOORE: -- as laid out. And a fine? Was
25 there a fine?

1 MS. JAMES: Probation would typically be a \$250
2 fine.

3 CHAIR MOORE: Okay.

4 Ms. Rollins, did you hear that? Was that
5 included in your motion as well?

6 MS. ROLLINS: Yes, it would.

7 CHAIR MOORE: Okay.

8 MS. ROLLINS: Thank you.

9 CHAIR MOORE: Okay. So there's a motion to
10 modify the sanctioning. Is there a second? And then
11 we'll answer questions.

12 MR. HENDERSON: I second that.

13 CHAIR MOORE: Okay. A second by Mr. Henderson.
14 Questions or comments, Board Members?

15 MS. HUNTER: So my -- you know, I agree with you
16 this is so -- I mean, the facts that come before us
17 and the decisions we have there -- there's just so
18 many factors and inconsistencies in the outcomes that
19 it is kind of a challenge. But in this particular
20 case, you know, I think that there was just extremely
21 poor judgment on your part in using your position to
22 -- and I'm going to use the word intimidate. I don't
23 know about bullying or harassing, but there is no
24 question that when someone is in a position of
25 authority, that they need to use that judiciously and

1 very carefully. And I think that you did step over
2 the line with respect to -- to that portion of your
3 role. So during this probationary period -- if
4 that's what this Board chooses -- I would encourage
5 you to just, you know, proceed cautiously in using
6 the authority that you're given.

7 MS. JAMES: May I ask for some clarification on
8 the motion?

9 CHAIR MOORE: Yes.

10 MS. JAMES: Just -- \$250 fine, three years'
11 probation, the code of ethics training, the two books
12 that are listed, the bullying class, separating fact
13 from fiction (1.5 credit hours) and then typically we
14 require a written reflection on each training or
15 book. On the previous recommendation, it was due to
16 the PLSB for approval within 30 days prior to the end
17 of suspension. Would you like that within a
18 different -- would you like to add to your motion a
19 different time period for the written reflections?

20 CHAIR MOORE: Ms. Rollins, did you hear that?

21 MS. ROLLINS: I really -- I really couldn't hear
22 her. I'm sorry.

23 CHAIR MOORE: So the questioning is as to
24 whether all of the trainings and courses listed in
25 the initial recommendation, if those are in our

1 motion and when that written reflection is due?

2 MS. ROLLINS: Yes.

3 CHAIR MOORE: So everything listed there --

4 MS. ROLLINS: Yes.

5 CHAIR MOORE: -- to be included in the motion
6 and the written reflection --

7 MS. ROLLINS: Yeah.

8 CHAIR MOORE: -- initially said 30 days.

9 MS. JAMES: Prior to suspension removal, we
10 would just need to know when you would like -- if you
11 were asking to modify for that, just when you would
12 like for that to be due.

13 CHAIR MOORE: Okay.

14 MS. ROLLINS: I mean, three months is good.

15 MS. JAMES: 90 days?

16 CHAIR MOORE: Okay. 90 days.

17 MS. JAMES: From the date of the order?

18 CHAIR MOORE: 90 days from the date of the
19 order. Okay. So we have a motion.

20 MS. JAMES: Oh, I'm so sorry. What about the
21 quarterly reports --

22 CHAIR MOORE: What was --

23 MS. JAMES: -- during the period of probation?

24 MS. ROLLINS: Yes. I'm sorry I don't have all
25 that.

1 MS. JAMES: Okay. I'll --

2 MS. ROLLINS: So -- yes. I would like to
3 include that as well.

4 MS. JAMES: Okay. I think that's everything
5 I'm so sorry.

6 CHAIR MOORE: Okay. Thank you.

7 Board Members, questions on the motion?

8 MS. WOODS: Are there additional costs? Because
9 I noticed on F there's to pay all associated costs.
10 Is that in addition to the fine?

11 MS. JAMES: Yes. That is the cost that would be
12 associated with the books.

13 MS. WOODS: Okay.

14 MS. JAMES: -- and the class. Yes, ma'am.

15 CHAIR MOORE: Okay. So we have a motion to
16 modify the sanctioning. Is there any additional
17 questions or comments on that?

18 MS. WOODS: So just so that I understand the
19 ramifications. If he's on probation, he can still go
20 back to being a superintendent?

21 MS. JAMES: Yes. He would be able to return in
22 any capacity.

23 MS. WOODS: Okay.

24 MS. JAMES: Yes, ma'am.

25 CHAIR MOORE: And probation does -- I mean, if

1 an instance were to occur, what is triggered during a
2 probation?

3 MS. JAMES: Typically, in the cases that we have
4 where someone has been on probation and they have
5 another ethics violation, typically they will go
6 ahead and recommend the next level of sanction --

7 CHAIR MOORE: Okay.

8 MS. JAMES: -- which would be suspension.

9 CHAIR MOORE: Okay.

10 MS. JAMES: I can't guarantee you that again
11 will depend on the facts, but typically, yes, ma'am.

12 CHAIR MOORE: Okay. So if it -- another ethics
13 violation was turned into you all, it would be
14 immediately flagged?

15 MS. JAMES: It -- yes, ma'am. We would --
16 whenever we took it to the Ethics Subcommittee, I'm
17 sure they would remember the name. If not, we could
18 let them know this person is currently on -- on
19 probation for a similar or different matter,
20 depending on the facts.

21 CHAIR MOORE: Okay.

22 Okay. So we have a motion. Any additional
23 questions on the motion?

24 (NO RESPONSE)

25 CHAIR MOORE: Ms. Rollins?

1 MS. ROLLINS: Yes, ma'am.

2 CHAIR MOORE: Okay. Then we will be ready for a
3 vote. Are we okay for a vote?

4 MS. JAMES: Did y'all take a vote on the -- of
5 the violation of standard two?

6 CHAIR MOORE: Yes. So --

7 MS. JAMES: Okay.

8 CHAIR MOORE: -- that was a motion by Mr. Bragg
9 and that was standard two.

10 MS. JAMES: I thought you did.

11 CHAIR MOORE: Yes.

12 So our second motion is by Ms. Rollins, and it
13 was seconded by --

14 MS. WOODS: I don't know if we got that far.

15 CHAIR MOORE: Yeah.

16 MR. HENDERSON: I'll second.

17 CHAIR MOORE: Yeah. Mr. Henderson seconded it;
18 is that right?

19 MR. HENDERSON: Yeah.

20 CHAIR MOORE: Okay. And so now we are in for a
21 vote on this -- on the motion to modify this
22 sanction. All in favor, say aye.

23 MR. HENDERSON: Aye.

24 MR. BRAGG: Aye.

25 MS. HUNTER: Aye.

1 MS. ROLLINS: Aye.

2 CHAIR MOORE: Any opposed?

3 MS. WOODS: Can I abstain?

4 CHAIR MOORE: Yes. On record. So Ms. Woods is
5 on the record for abstaining.

6 Motion passes.

7 We now have a third motion that needs to be
8 taken on the rationale behind the sanctioning.

9 MS. JAMES: Yes.

10 CHAIR MOORE: The rationale listed --

11 MS. JAMES: I can read it to you --

12 CHAIR MOORE: Okay.

13 MS. JAMES: -- but -- if that would help. This
14 is from both groups. The superintendent used his
15 position of authority negatively for a personal
16 matter. Multiple district personnel were subjected
17 to the superintendent's negative behavior of bullying
18 and harassment. The superintendent failed to take
19 accountability for his actions. The superintendent
20 violated district policy 3.38, bullying. High
21 negative impact on school culture and subordinates.
22 The superintendent used his position to bully and
23 strong arm his subordinates. The superintendent held
24 meetings with subordinates that lasted an extended
25 period of time, during which they were bullied. The

1 superintendent allowed two individuals in the
2 meetings who were not supervisors of the district.
3 The superintendent made multiple negative public
4 comments regarding the district school board.

5 CHAIR MOORE: So the rationale -- so we need a
6 motion to -- state your own rationale or give the
7 rationale that -- that's been given.

8 MS. WOODS: Just to comment, if we are alleging
9 that he intimidated, I don't know if the use of the
10 word bullying, in our rationale should be included.
11 It just provokes a strong reaction and so --

12 MS. HUNTER: Bullying?

13 MS. WOODS: Uh-huh.

14 MS. HUNTER: Yeah.

15 MS. WOODS: I like intimidating because I agree
16 with you, so I don't know if we want to substitute
17 that word, but --

18 MS. JAMES: We could substitute intimidate for
19 bullying in every instance other than the bullying
20 policy, because that's what it's called.

21 MS. WOODS: Okay.

22 MS. JAMES: Is that okay?

23 CHAIR MOORE: Okay. So can -- is anyone
24 prepared to make that motion on the rationale?

25 MR. BRAGG: I move we accept the rationale.

1 CHAIR MOORE: Okay. Accept the rationale, would
2 you like to exchange the word bullying for
3 intimidating?

4 MR. BRAGG: (Nods head up and down)

5 CHAIR MOORE: Okay. Is there a second to that?

6 MS. HUNTER: I'll second.

7 CHAIR MOORE: A second by Ms. Hunter.

8 Questions or comments?

9 (NO RESPONSE)

10 CHAIR MOORE: Okay. We'll take a vote. All in
11 favor, say aye.

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIR MOORE: Any opposed?

14 Motion passes. Thank you.

15 MS. JAMES: Thank you. We'll get that order
16 ready for you.

17 **11: ELECTION OF 2024-2025 STATE BOARD OFFICES**

18 CHAIR MOORE: We have one more action item
19 agenda and then we'll do the consent agenda and then
20 take a break before reports.

21 Number -- action item No. 11, the election of
22 state board officers.

23 MS. WOODS: Yes.

24 CHAIR MOORE: Oh, that's --

25 MS. WOODS: That's me.

1 CHAIR MOORE: There you go.

2 MS. WOODS: Give it to me?

3 After a grueling and heated debate between Ms.
4 Hunter and Mr. Henderson and myself, the nominating
5 committee would like to nominate Dr. Moore to serve
6 us a second year as our chair and the Ms. Rollins to
7 service vice chair for a second year. That is our
8 official nomination.

9 CHAIR MOORE: And do we take a vote on this?

10 Let's ask -- Courtney, do we take a vote -- or
11 Ms. Salas-Ford, do we take a vote on the nominating
12 committee's recommendations?

13 MS. SALAS-FORD: Yes. So -- Courtney Salas-Ford
14 for the Department.

15 If you will, as representative of the committee,
16 say who you all nominate as a Board, you can decide
17 to accept those nominations, or any individual member
18 can make a substitute recommendation or an alternate
19 recommendation. Then you can vote on those either
20 separately or together.

21 CHAIR MOORE: Okay.

22 MS. WOODS: Okay. So I'll say it is the
23 official motion of the Board to nominate Dr. Moore to
24 be our chair for the '24-'25 the year, and to -- do
25 we do it separately for Ms. Rollins or can we just do

1 it together? And then to recommend Ms. Rollins to be
2 our vice chair for the '24-'25 year.

3 MR. HENDERSON: I second.

4 CHAIR MOORE: We have a motion and a second.
5 Any questions or comments?

6 (NO RESPONSE)

7 CHAIR MOORE: Okay. All in favor, say aye.

8 CHAIR MOORE: Any opposed?

9 (NO RESPONSE)

10 CHAIR MOORE: Well, thank you. We'll keep
11 working.

12 (The Action Agenda was concluded at 1:43 p.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 10th day of July, 2024.



MIRANDA MCENTIRE, CCR

Certified Court Reporter #852

