

In The Matter Of:
*BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
CHARTER AUTHORIZING PANEL*

November 15, 2017

*Sharon Hill Court Reporting
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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
CHARTER AUTHORIZING PANEL

November 15, 2017
8:30 A.M.

A P P E A R A N C E S

PANEL MEMBERS:

DR. MIKE HERNANDEZ	Acting Chairperson - State Supt./ Office of Coordinated Support and Service
DR. JEREMY OWOH	ADE Asst. Commissioner/ Educator Effectiveness
MS. KATHI TURNER	Deputy Director/Career & Technical Ed./Ark. Dept. of Career Ed.
MR. MIKE WILSON	Attorney & Education Advocate
MS. TOYCE NEWTON	Past State Board of Ed. Member
DR. NACCAMAN WILLIAMS	Past State Board of Ed. Member

ADE LEGAL COUNSEL:

MS. JENNIFER DAVIS	ADE Staff Attorney
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ALSO APPEARING:

MS. ALEXANDRA BOYD	Public School Program Coordinator
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LOCATION:

Arkansas Department of Environmental Quality
- Auditorium
5301 Northshore Drive
North Little Rock, AR 72118

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P R O C E E D I N G S

CHAIRMAN HERNANDEZ: Good morning, Ladies and Gentlemen. The November 15, 2017 meeting of the Charter Authorizing Panel is called to order. I would like to welcome everyone to the Arkansas Department of Environmental Quality auditorium. Please, if you would, silence all of your electronic devices.

I would like to -- next like to introduce the Panel. The Charter Authorizing Panel oversees the authorization, renewal, revision, and revocation of charters. Recently passed Act 462 of 2017 allows individuals outside the Department to serve on the Panel. In accordance with Act 462 and in an effort to increase representation from multiple stakeholder groups, Commissioner Key named seven members to the Charter Authorizing Panel on August 3, 2017. Those members are Dr. Ivy Pfeffer, ADE Deputy Commissioner; Dr. Jeremy Owoh, ADE Assistant Commissioner for Educator Effectiveness; Dr. Mike Hernandez, State Superintendent for Office of Coordinated Support and Service; Kathi Turner, Deputy Director for Career and Technical Education at the Arkansas Department of Career Education; Mike Wilson, education advocate and attorney in Jacksonville; Dr. Naccaman Williams,

1 former State Board of Education member from August
2 11, 2004 to June 30, 2011; Toyce Newton, former State
3 Board of Education member from August 18, 2009 to
4 June 30, 2016.

5 The Chair of this panel, Dr. Pfeffer, is absent
6 today and has asked me to stand in as Chair. As
7 Chair my goal is to facilitate a fair and responsible
8 hearing. I will request that each person speaking
9 please state your name and title for the record. I
10 will ask that you continue to speak clearly into the
11 microphone and for the benefit of the Panel, the
12 audience and the viewing audience. The entire
13 meeting will be live-streamed and recorded. Ms.
14 Sharon Hill, the court reporter will be providing a
15 transcript of the meeting that will be posted on the
16 ADE website.

17 CONSENT AGENDA

18 CHAIRMAN HERNANDEZ: We will now move into the
19 Consent Agenda. Are there any items on the Consent
20 Agenda that the Panel would like to discuss?

21 If not, I will accept a motion.

22 DR. WILLIAMS: So moved.

23 DR. OWOH: Second.

24 CHAIRMAN HERNANDEZ: Okay. We have a motion and
25 a second. All in favor say "aye."

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(UNANIMOUS CHORUS OF AYES)

CHAIRMAN HERNANDEZ: Any opposed?

Okay. Motion passes.

HEARING PROCEDURES

CHAIRMAN HERNANDEZ: We'll now move into the action item agenda and I would like to invite up the staff attorney, Jennifer Davis. If you would, please tell us a little bit about the hearing process, the voting process, and kind of the function of how we will report to the State Board.

MS. DAVIS: Good morning. Jennifer Davis, Staff Attorney for the Department. The procedures that you're going to follow today will be that all persons wishing to provide testimony will need to be sworn in, with the exception of any attorneys. They will have 20 minutes, the charter, to present its presentation to you. Because this hearing could result in a modification, revocation or probation of the charter, there is no time for opposition. However, once the 20 minutes is up and you have asked any questions of the app -- I mean of the charter, of the staff, of anyone else, you can then take any public comment at three minutes per person, if there is any, at that time. At that time you can make any vote to modify, to put the charter on probation, to

1 revocate, or to take no action. And once you have
2 your vote, you do have a voting sheet that you will
3 need to state your reasons for your vote. And
4 whatever your vote today, whether it's take action or
5 to take no action, that will be presented to the
6 State Board for review or not review at the December
7 State Board meeting. Any questions?

8 CHAIRMAN HERNANDEZ: Any questions for Ms.
9 Davis?

10 Okay.

11 A-1: HEARING AND POTENTIAL ACTION ON OPEN-ENROLLMENT CHARTER
12 SCHOOL: ARKANSAS CONNECTIONS ACADEMY

13 CHAIRMAN HERNANDEZ: We'll next move right into
14 Action 1, Hearing and Potential Action on Open-
15 Enrollment Charter School: Arkansas Connections
16 Academy. Ms. Boyd, you're recognized.

17 MS. BOYD: Thank you, Dr. Hernandez. Alexandra
18 Boyd, Director of Charter Schools. This morning
19 we'll be hearing from Arkansas Connections. Present
20 we have school leader Darla Gardner; she'll begin the
21 presentation. We also have their VP of State
22 Relations and the Director of Finance from
23 Connections Academy here to speak. I believe they
24 also have members of their board here should you have
25 questions for them.

1 CHAIRMAN HERNANDEZ: All right. So it looks
2 like we will go right into the hearing. Will all the
3 representatives from the Arkansas Connections Academy
4 and anyone speaking in opposition or commenting stand
5 to receive the oath? If you'd raise your right hand.
6 Do you swear or affirm that the testimony you're
7 about to give shall be the truth, the whole truth and
8 nothing but the truth?

9 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

10 CHAIRMAN HERNANDEZ: Okay. Thank you.

11 All right. According to the procedures, the
12 charter school has 20 minutes to present. And so if
13 you will just please state your name and you're
14 recognized.

15 MS. GARDNER: My name is Darla Gardner. Good
16 morning. I am the school leader at Arkansas
17 Connections Academy. I'm joined today by our board
18 treasurer, Virginia Walden Ford, and Mindy Whisman,
19 our Director Finance, as well as Bryce Adams, our VP
20 of State Relations. We appreciate this opportunity
21 to explain last year's situation with APSCN and to
22 answer any questions that you may have.

23 We believe we are now on the right track. To
24 clear up the misconception from the last hearing, we
25 know that as a public school we have to report in

1 APSCN. We have always made APSCN entries and we have
2 now clarified with the ADE the level of detail that
3 they would like to see. The confusion started with
4 our understanding of proper reporting procedure.
5 Connections handles our payroll and is the pay agent
6 for our accounts payable. We reported the school's
7 expenditures but it wasn't as detailed as the ADE
8 needed. We tried to catch up last year with a year's
9 worth of more detailed entries, but we ran out of
10 time and fell short. The ADE recognized our weakness
11 in this area and they have been a tremendous help as
12 we put into action the right procedures for this
13 year. We appreciate all of their training and
14 support. On our side, we've aligned our personnel
15 and we think our working relationship with the ADE is
16 better than ever. We have successfully filed the
17 last three cycles in APSCN on time; cycle three was
18 submitted yesterday. However, we would be happy to
19 return and provide any additional reporting
20 requirements recommended by the Panel or ADE and we
21 welcome any questions that you may have.

22 CHAIRMAN HERNANDEZ: So is that -- any other --
23 anybody else needing to speak during your 20 minutes?

24 MS. GARDNER: No.

25 CHAIRMAN HERNANDEZ: Okay. All right. So now,

1 we will now turn to Panel questions.

2 MS. NEWTON: I have some concerns, but I think
3 probably I'd like to hear from ADE as it relates to
4 the issue that was -- it seems like a simple
5 explanation of what they've done and it appears that
6 you guys have been working with them. And I still
7 can't understand just the absence of reporting and
8 what came with that, whether or not you're satisfied
9 with the response.

10 MS. BOYD: So, thank you. I think Ms. Gardner
11 did a great job of recounting what happened. There
12 was an issue with communication and how detailed they
13 needed to report in APSCN. And so it did take a lot
14 of work on everybody's part, but in talking to our
15 people in Finance, we think that we're in a pretty
16 good place right now. I think the ultimate goal is
17 for Arkansas Connections to start using APSCN in a
18 live way in January. So right now the way that
19 they're running their books, they're running it on
20 their own system and then they're inputting that data
21 into APSCN afterwards, and we would like for it to
22 kind of be the reverse. And so we would like for
23 that -- January is a good time for that to -- for
24 that switch to take place.

25 So, did that answer your question?

1 MS. NEWTON: I just wonder how we got here, when
2 it seems like a simple explanation. You know, when
3 we were here before it was serious enough that we
4 were all concerned that --

5 MS. BOYD: Yeah, I will -- thank you; I'm sorry
6 to cut you off.

7 MS. NEWTON: No problem.

8 MS. BOYD: So within -- since the last time
9 we've been together many, many hours of work have
10 taken place to get us to the place that we needed to
11 be, to be comfortable with where we are now. So last
12 month we didn't feel like we had enough information;
13 we didn't feel like we were getting enough
14 information from the charter in APSCN. Saliha Qazi
15 and Kathleen Crane with the Department have spent
16 many, many hours above and beyond their 40 hours a
17 week working with Mindy Whisman, who I'm sure has
18 spent many, many hours above her 40 a week, to get
19 them in a situation where now today we can say we are
20 at least comfortable with where they are.

21 So to answer your question, last month that was
22 not the case but this month it is.

23 CHAIRMAN HERNANDEZ: Ms. Boyd, may I take a --
24 just reading through the material, this is kind of
25 what I understood the issue to be -- and maybe this

1 might help, Ms. Newton, with your question -- is with
2 the case of Arkansas Connections Academy a lot of
3 their typical things that a school district would do
4 in terms of accounting practices and things like that
5 and how they pay vendors and various groups, they've
6 chosen to outsource that to an outside group,
7 although it's Connections, the home-based company.
8 And so the items that they did put in APSCN were kind
9 of lump sums that we just -- basically, "Here's a
10 transaction, we sent money to the company," and then
11 they filtered out and paid all those payments. And
12 so there wasn't a lot of transparency as far as how
13 that was working. So if you want full reports to see
14 how much they were spending on X, Y and Z, it wasn't
15 there because it was going as a group, even though
16 those payments were being made. And so now what I
17 understand the group to be working on is making those
18 codings actually being put into the system where it
19 can be more transparent and more in line with what
20 we're used to seeing.

21 So that's what I understand the issue to be, and
22 correct me if any of that is wrong.

23 MS. BOYD: That is correct, Dr. Hernandez.

24 CHAIRMAN HERNANDEZ: I think that's how we got
25 here because we couldn't see anything and I think

1 that's -- when I say "we," the Department couldn't
2 see anything. I think that is what raised the
3 concern, not knowing where they were and how they
4 were doing that process. I don't know if that helps
5 but --

6 MS. NEWTON: It does.

7 CHAIRMAN HERNANDEZ: Ms. Turner.

8 MS. TURNER: Ms. Boyd --

9 MS. BOYD: Yes, ma'am.

10 MS. TURNER: -- do you have other schools or
11 does the State have other schools that are not using
12 APSCN for their reporting or their accounting system?

13 MS. BOYD: No, ma'am. In the State of Arkansas
14 all public schools have to use APSCN, so everyone is
15 using APSCN. Prior to last year there was a large
16 school district that wasn't using APSCN, but now they
17 are using APSCN. So everybody is using APSCN in the
18 state.

19 DR. WILLIAMS: A question, do we have a process
20 in place where when we onboard new school districts
21 or new charter schools that APSCN is part of that
22 process?

23 MS. BOYD: Yes, sir. So we have -- there's
24 APSCN training. It is more -- the APSCN has two
25 sides: there's a student side, a finance side.

1 DR. WILLIAMS: Yes.

2 MS. BOYD: I will say that the training for the
3 student side is more lengthy and detailed than the
4 training for the finance side. That is something
5 that we're working on and the Department is trying to
6 figure out what is the right balance for training for
7 APSCN and finance. Unfortunately, our APSCN
8 eFinance, they work -- the people that are there work
9 really hard but they're almost always staffed at
10 about 50%.

11 DR. WILLIAMS: Okay. Thank you.

12 CHAIRMAN HERNANDEZ: All right. Good. Any
13 other questions?

14 Dr. Owoh.

15 DR. OWOH: Ms. Boyd, you said our wish would be
16 that they would reverse their processes. What will
17 be their process starting in January? I know that's
18 a wish for Ms. Boyd and the charter group, but what
19 will it be starting January 1st?

20 MS. GARDNER: I'm going to ask Ms. Mindy Whisman
21 to come up so she can answer that question for you.

22 MS. WHISMAN: Hi, good morning.

23 CHAIRMAN HERNANDEZ: Would you please recognize
24 yourself?

25 MS. WHISMAN: My name is Mindy Whisman; I'm the

1 Director of Finance for Connections Education. So to
2 answer your question, we have already begun that
3 process. We've had a lot of internal discussions
4 about how to accomplish that task and so far with
5 payroll we are already doing that. So in eFinance we
6 are putting payroll into the system under each
7 individual employee. The school currently has 26
8 employees and running that process through. That pay
9 register has been given to the staff at Connections
10 Education who then issue the checks. So we are
11 already using on that side of it the -- on that side
12 of eFinance already using that as our primary system.
13 We're still having discussions internally on how to
14 handle that for accounts payable so we can be
15 compliant on that side as well.

16 Does that help to answer?

17 DR. OWOH: Yes. Thank you.

18 CHAIRMAN HERNANDEZ: Any other questions?

19 I did have maybe a question for Ms. Smith or
20 Saliha. Do you feel good about where -- I know there
21 was some concern about where they were looking as far
22 as money-wise. Do you feel pretty comfortable with
23 the data?

24 MS. QAZI: Saliha Qazi, Program Fiscal Manager.
25 Over the past few months Mindy -- Miss Mindy has been

1 working really hard with me. We've been emailing,
2 communicating back and forth. So I feel very
3 comfortable with the communication level that we've
4 had and I would like to continue with the support
5 that I've given her and the communication that
6 they've reached out to me. If they continue like
7 this I think they will make steady progress and show
8 that they are a responsible charter company -- or
9 charter school.

10 CHAIRMAN HERNANDEZ: Thank you.

11 Did you want to make --

12 MS. WHISMAN: Sure.

13 CHAIRMAN HERNANDEZ: -- another comment?

14 MS. WHISMAN: Sure. I did think it was
15 important to raise some awareness here as well. My
16 understanding is one of the committee's concerns was
17 our fund balance at the end of '16-17. That was a
18 concern for us too. We've worked very hard and as of
19 the end of October the school's fund balance is now
20 over \$200,000. So we feel that we've made pretty
21 good process there as well.

22 CHAIRMAN HERNANDEZ: All right. Thank you.

23 Any other further questions?

24 There being none, I'm trying to go back to my
25 script so I don't mess this up. I apologize.

1 Okay. So basically the decisions that we have
2 before us are to modify the charter, put the charter
3 on probation, revoke the charter, take the matter
4 under advisement till a future meeting. Ms. Davis,
5 is that all that we can do or do we have the option
6 of taking no action? Is that the same thing as
7 putting it under advisement or --

8 MS. DAVIS: Putting it under advisement would be
9 more requesting additional information and having
10 them come back. You can choose to take no action;
11 you can choose to have them report for -- you know,
12 provide a six-month report, or you can request that
13 they provide -- not have to appear again and provide
14 a written report. Also, the Department staff can
15 give you at a future meeting something of that
16 nature.

17 CHAIRMAN HERNANDEZ: Okay.

18 MS. DAVIS: Or, again, no action is also an
19 option.

20 CHAIRMAN HERNANDEZ: All right. Also, is there
21 any other people signed up for public comment, Ms.
22 Boyd?

23 MS. BOYD: No.

24 CHAIRMAN HERNANDEZ: Okay. So basically you've
25 heard the different options, and so I can entertain a

1 motion regarding Arkansas Connections Academy
2 financial review.

3 DR. WILLIAMS: Here's a thought before I make
4 the motion.

5 I think it's on; yes, it stays on. Okay. Hang
6 on a second; I've got to get my instructions here.
7 My green light is -- okay, thank you. That does
8 sound a little better, don't it?

9 I was going to make a motion, but I want to make
10 sure we're on the same page -- was to take this under
11 advisement and then we receive a report mainly from
12 ADE probably, the staff, in February on -- to see how
13 the transition has gone to APSCN. And I'm open to --
14 for comments or modifications on my thinking there.

15 MR. WILSON: If that's his motion, I second it.

16 CHAIRMAN HERNANDEZ: Is that a motion?

17 DR. WILLIAMS: It is now.

18 CHAIRMAN HERNANDEZ: Okay. So the motion --

19 MS. DAVIS: Wait a second. Wait, wait. Sorry.

20 DR. WILLIAMS: Okay. Sorry.

21 MS. DAVIS: I would recommend that you vote to
22 take no action but request the report. And then at
23 that time based on the report in February, then if
24 you choose to want to call them in -- because
25 otherwise it leaves the charter somewhat kind of

1 hanging out there as if a decision may still need to
2 be made --

3 DR. WILLIAMS: Okay.

4 MS. DAVIS: -- on a modification or revocation
5 or probation.

6 DR. WILLIAMS: Got it. So there is the -- the
7 charter itself is in some type of a limbo at this
8 time?

9 MS. DAVIS: I think it does kind of put them in
10 a position that it would be best if you were not
11 going to take any immediate action or you're not
12 considering any immediate action that just to vote to
13 take no action in lieu of a report in February.

14 DR. WILLIAMS: My motion is to take -- that we
15 take no action and that we receive a report in
16 February.

17 MR. WILSON: I'll second that.

18 CHAIRMAN HERNANDEZ: You've heard the motion
19 from Dr. Williams, a second from Mr. Wilson.

20 Any discussion?

21 Okay. All those in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN HERNANDEZ: Any opposed?

24 Okay. We also need to complete the online form
25 and also state your reason and we will read those

1 aloud. The motion passes. Do you have -- does
2 everybody have the link?

3 (A FEW MOMENTS OF SILENCE)

4 DR. WILLIAMS: I'm going to need some assistance
5 here. Mine is not taking the -- won't allow me to
6 type in here.

7 CHAIRMAN HERNANDEZ: We've got technologically
8 advanced, and so we're struggling.

9 (A FEW MOMENTS OF SILENCE)

10 CHAIRMAN HERNANDEZ: Okay. We'll go ahead and
11 get started with Ms. Newton.

12 MS. NEWTON: Okay. I voted for the motion and
13 my reason is ADE staff has approved present
14 approaches and practices to data input and currently
15 still -- and is currently still working with the
16 charter.

17 CHAIRMAN HERNANDEZ: Okay. Dr. Owoh.

18 DR. OWOH: I voted for because it is obvious
19 that substantial work has been done to address
20 concerns from ADE. But I also did note that we --
21 the review within the next few months is needed to
22 continue to observe the progress of the -- of those
23 changes to make sure that those are in place.

24 CHAIRMAN HERNANDEZ: Ms. Turner.

25 MS. TURNER: I voted for the motion. I

1 appreciate the hard work of Department of Education
2 and I look forward to receiving the report in
3 February.

4 CHAIRMAN HERNANDEZ: Dr. Williams.

5 DR. WILLIAMS: I voted for it. The concerns we
6 have have been resolved and that we will receive an
7 updated report in February.

8 CHAIRMAN HERNANDEZ: Mr. Wilson.

9 MR. WILSON: I voted for the motion. I was
10 impressed that the ADE staff was satisfied with the
11 work that has been done since our last meeting, was
12 consistent and it sounds like successful, mainly
13 successful.

14 CHAIRMAN HERNANDEZ: Thank y'all very much.

15 MS. GARDNER: Thank you.

16 CHAIRMAN HERNANDEZ: We look forward to your
17 report in February.

18 Before we move on to reports can we take a five-
19 minute break? Because I know Ms. Sharon needs to
20 collect her stuff. So we'll take a five-minute
21 break.

22
23 (The Consent and Action Agenda portion of the meeting
24 was adjourned at 8:56 a.m.)
25

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas State Department of Education, Charter Authorizing Panel, in Little Rock, Arkansas, on November 15, 2017, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to this action.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: November 19, 2017.

SHARON K. HILL, CCR
Certified Court Reporter
Certificate No. 670

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