

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

April 20, 2016

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Original File CAP - 4-20-16.prn

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
CHARTER AUTHORIZING PANEL

April 20, 2016

Arkansas Department of Education
#4 Capitol Mall
Little Rock, AR 72201

A P P E A R A N C E S

PANEL MEMBERS:

Ms. Deborah Coffman	Chairman/Chief of Staff
Dr. Mark Gotcher	Vice Chair/Deputy Commissioner
Ms. Ivy Pfeffer	Asst. Commissioner - HR/Educator Effectiveness & Licensure
Dr. Eric Saunders	Asst. Commissioner - Fiscal & Administrative Services
Mr. Greg Rogers	Asst. Commissioner - Fiscal & Admin. Services
Ms. Stacy Smith	Asst. Commissioner of Learning Services
Mr. Bobby Lester	Director of Federal Programs
Ms. Jennifer Liwo	PLSB Attorney

ALSO APPEARING:

Ms. Alexandra Boyd Public School Program Coordinator

ADE LEGAL COUNSEL:

Ms. Jennifer Davis	ADE Deputy General Counsel
Ms. Kendra Clay	ADE General Counsel
Ms. Lori Freno	ADE Deputy General Counsel

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E X H I B I T S

Report-2: APPLICATION CYCLE UPDATES

EXHIBIT ONE (1)
 2016 Application Adult Education Public Charter
 School

EXHIBIT TWO (2)
 Proposed Adult Education Public Charter School
 Application Timeline

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P R O C E E D I N G S

CHAIRPERSON COFFMAN: Good morning. The April 20, 2016 meeting of the Charter Authorizing Panel is called to order. I'd like to welcome everyone to the Arkansas Department of Education and ask that you please silence all electronic devices.

The Charter Authorizing Panel oversees the authorization, renewal, revision and revocation of charters. The Arkansas Quality Charter Schools Act of 2013 requires the Commissioner to appoint ADE staff to this panel, and those members are seated before you today.

I will ask that you speak clearly into the microphone, state your name and title for the record, and I will ask that you continue to speak clearly into the microphone for the benefit of the Panel, the audience, and the viewing audience. The meeting is being live-streamed and recorded and will be posted on the ADE website.

CONSENT AGENDA

CHAIRPERSON COFFMAN: Panel Members, you have three items on the Consent Agenda. After your review of those minutes, I will accept a motion.

DR. GOTCHER: Motion to approve the consent items, number one.

1 CHAIRPERSON COFFMAN: Dr. Gotcher has made a
2 motion to approve the Consent Agenda.

3 DR. SAUNDERS: Second.

4 CHAIRPERSON COFFMAN: Second by Dr. Saunders.
5 Any discussion?

6 All those in favor of the motion?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON COFFMAN: Any opposed? Motion
9 carries.

10 A-1: REQUEST FOR DISTRICT CONVERSION PUBLIC CHARTER SCHOOL
11 AMENDMENTS: BADGER ACADEMY

12 CHAIRPERSON COFFMAN: Action Agenda Item 1,
13 Request for District Conversion Public Charter School
14 Amendments for Badger Academy. Ms. Boyd, you're
15 recognized.

16 MS. BOYD: Thank you, Madam Chair. On March 12,
17 2007, the State Board of Education approved the
18 district conversion charter application for Badger
19 Academy. On May 4, 2012, the Board approved the
20 renewal application for Badger Academy for five
21 years, granting an enrollment cap increase and
22 additional waivers. On March 10, 2016, the charter
23 school appeared before the Board to appeal its
24 academic distress designation. The Board tabled the
25 appeal. Representatives of Badger Academy are

1 appearing before the Charter Authorizing Panel to
2 request amendments to the charter.

3 And before we get started, we'll have Jennifer
4 Davis come and remind you of the procedures.

5 CHAIRPERSON COFFMAN: Ms. Davis, you're
6 recognized.

7 MS. DAVIS: Good morning. Jennifer Davis, staff
8 attorney for the Department. The procedures you're
9 going to follow today for this amendment: everybody
10 wishing to provide testimony will need to be sworn
11 in, except the attorneys. The conversion charter is
12 going to have 20 minutes to present its amendment
13 request to you. If there's any opposition, they will
14 also have 20 minutes. You can extend that time, as
15 necessary. After opposition, the district conversion
16 will have an additional 5 minutes rebuttal time. At
17 that point you can ask any questions and then you can
18 make your decision. You may defer your decision to a
19 later date, if you choose, but if you make your
20 decision today you also have a Google doc that you'll
21 need to put your reasons in for that and that is due
22 to when it goes to the State Board they can
23 understand why you made your decision.

24 Do you have any questions? Thank you.

25 MS. BOYD: Madam Chair, from Badger Academy in

1 the Beebe School District we have the superintendent,
2 Dr. Belinda Shook, to start their presentation.

3 CHAIRPERSON COFFMAN: Thank you. All those that
4 will speak -- will be speaking on behalf of Badger
5 Academy, if you will stand and raise your right hand,
6 and anyone speaking in opposition.

7 Do you swear or affirm that the testimony you're
8 about to give shall be the truth, the whole truth and
9 nothing but the truth?

10 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

11 CHAIRPERSON COFFMAN: Thank you. Ms. Shook,
12 you're recognized.

13 DR. SHOOK: Okay. Good morning. And, first of
14 all, thank you for fitting us in because we are
15 hoping that we can implement this plan for the next
16 school year, so it's important that we go ahead and
17 find out whether we are approved or not approved.

18 And I also want to thank Ms. Boyd's division for
19 the help and direction they've given us on this. We
20 really didn't even realize we needed to do an
21 amendment.

22 We are currently located on the east end of our
23 campus, about a half-mile from where we would like to
24 move the conversion charter. Badger Academy is a
25 conversion charter school but it's also an

1 alternative learning environment. When we got our
2 amendment in 2012, we increased the cap on the number
3 of students. With it being an alternative learning
4 environment, we also want to integrate those students
5 back into the mainstream of the regular school. We
6 also already have those students integrated into
7 classes, but right now we have to transport them from
8 one site to the center of the campus, which takes
9 time. We have to transport them for lunch, which
10 takes time. So we really believe that moving our
11 conversion charter to the center of the campus will
12 be an advantage, not only for the ALE students but
13 also for other students who might be identified as
14 needing some alternative learning services. The plan
15 is that we put this -- locate it on one wing of the
16 9-10 high school building. One of our main focuses
17 for next year is -- well, it's always student
18 achievement but we are really focusing in on 9th
19 graders because we feel like the transition between
20 8th and 9th grade is sometimes where we lose some
21 students, so we really want to put the focus there.

22 Mr. Madden is the director of the conversion
23 charter and the alternative learning, and I'll tell
24 you he is very good at working with at-risk students.
25 So we really feel like putting him over in the

1 mainstream, putting the students in the mainstream,
2 allowing these services for students who are already
3 over at the high school would be an advantage for
4 everyone.

5 Occasionally -- I don't know if you've ever
6 visited our campus, but we have wireless internet.
7 We have a few different campuses. We have -- and
8 sometimes we have a little trouble with it, with our
9 students having a lot of their instruction online.
10 If our internet services go down, we have to find an
11 alternative way to provide those instructional
12 services. So, once again, we think this would be an
13 advantage.

14 We will have more personnel. Right now, the
15 only administrator we have at our conversion
16 charter/ALE is Mr. Madden. We have a lot of other
17 instructional people, but he is the administrator.
18 We feel like having it on one end of the high school
19 will also provide some other support for him, as well
20 as him providing support for others.

21 So those are basically our reasons. We'll be
22 happy to answer any questions. Like I said, it's not
23 really going to change the services or anything that
24 we're offering. The only amendment we're requesting
25 is to move the physical location. Thank you.

1 CHAIRPERSON COFFMAN: Thank you. Is there
2 anyone here to speak in opposition?

3 Dr. Shook, do you have any closing words before
4 Q-and-A?

5 DR. SHOOK: No, ma'am.

6 CHAIRPERSON COFFMAN: All right. We'll start
7 with questions then. Ms. Pfeffer.

8 MS. PFEFFER: I don't have any questions. I
9 just applaud the -- I think that your decision to
10 move is based on solid rationale to have a better
11 environment for kids. I know you want to know your
12 school district and I know you want quality education
13 for all students. So I have absolutely no concerns.

14 DR. SHOOK: Thank you.

15 CHAIRPERSON COFFMAN: Dr. Gotcher.

16 DR. GOTCHER: Yes. And I know we've talked
17 about this before, but because you're changing
18 locations would this change your LEA? I know this is
19 not part of the amendment, but would there be an LEA
20 change request?

21 DR. SHOOK: No.

22 DR. GOTCHER: There would not be?

23 DR. SHOOK: It's my understanding that we have
24 to keep a separate LEA --

25 DR. GOTCHER: Okay.

1 DR. SHOOK: -- because it's a conversion
2 charter.

3 DR. GOTCHER: Because it's a conversion, of
4 course. All right. Thank you.

5 CHAIRPERSON COFFMAN: Dr. Saunders?

6 DR. SAUNDERS: No.

7 CHAIRPERSON COFFMAN: Mr. Rogers?

8 MR. ROGERS: No.

9 CHAIRPERSON COFFMAN: Mr. Lester?

10 MR. LESTER: No.

11 CHAIRPERSON COFFMAN: Any additional questions
12 from the Panel?

13 Ms. Davis, are there any remaining issues
14 regarding this request?

15 MS. DAVIS: No.

16 CHAIRPERSON COFFMAN: Then, if there are no
17 further questions, I will accept a motion regarding
18 the request for Badger Academy.

19 DR. SAUNDERS: I'll make the motion to accept
20 that amendment.

21 MS. PFEFFER: Second.

22 CHAIRPERSON COFFMAN: Motion has been made by
23 Dr. Saunders and seconded by Ms. Pfeffer to grant the
24 request. Any discussion? All those in favor?

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRPERSON COFFMAN: Any opposed? The motion
2 carries.

3 If you'll give us just a moment, we'll provide a
4 written explanation of the vote and read it to you.

5 DR. SHOOK: Okay. Thank you.

6 (A FEW MOMENTS OF SILENCE)

7 CHAIRPERSON COFFMAN: Dr. Gotcher.

8 DR. GOTCHER: I voted in favor of the motion. I
9 feel this is a positive move for kids, for students
10 and staff. So I have no concerns.

11 CHAIRPERSON COFFMAN: Mr. Lester.

12 MR. LESTER: I voted for the amendment; I
13 approve the environment for the students. I have no
14 concerns.

15 CHAIRPERSON COFFMAN: Ms. Liwo.

16 MS. LIWO: I voted for the amendment. I don't
17 have any concerns.

18 CHAIRPERSON COFFMAN: Ms. Pfeffer.

19 MS. PFEFFER: The amendment request will provide
20 the district the opportunity to better serve ALE
21 students and add additional supports for students and
22 staff.

23 CHAIRPERSON COFFMAN: Mr. Rogers.

24 MR. ROGERS: I voted for the amendment. I don't
25 have any concerns about relocation.

1 CHAIRPERSON COFFMAN: Dr. Saunders.

2 DR. SAUNDERS: I voted for the amendment. I
3 thought this would allow the district to function
4 more efficiently and provide more opportunities for
5 the students.

6 CHAIRPERSON COFFMAN: Ms. Smith.

7 MS. SMITH: No concerns regarding the request to
8 relocate the charter to the main campus.

9 CHAIRPERSON COFFMAN: Dr. Shook,
10 congratulations. We expect great things for your
11 students.

12 DR. SHOOK: We are really going to work on it.
13 We appreciate you. Thank you.

14 CHAIRPERSON COFFMAN: Thank you.

15 REPORT-1: CHAIR'S REPORT

16 CHAIRPERSON COFFMAN: All right. With that,
17 we'll move to the reports section of our agenda.
18 Panel Members, do you have any reports?

19 I have one, quickly, for the record. The
20 Charter Authorizing Panel and the State Board of
21 Education completed two sessions of training with the
22 National Association of Charter School Authorizers
23 that focused on the evaluation of charter applicant
24 capacity, multiple measures of academic performance,
25 monitoring intervention, and renewal of charters.

1 And I found the training very worthwhile; I hope our
2 panel members did, as well.

3 REPORT-2: APPLICATION CYCLE UPDATES

4 CHAIRPERSON COFFMAN: Ms. Boyd, you're
5 recognized for Report-2, Application Cycle Updates.

6 MS. BOYD: Thank you, Madam Chair. So I just
7 want to let you know that we have received, I believe
8 it's 30 letters of intent for application. I believe
9 18 of those are from district conversions and 12 of
10 those are for open-enrollments. The open-enrollment
11 applications are due in just eight days; they're due
12 on April 28th. So we're going to get to working on
13 those soon, internally reviewing those, and then
14 sending them out, back out to the open-enrollment
15 applicants to kind of work through and better --
16 provide better answers, if they need them.

17 Also, in front of you I've passed out -- we have
18 put together a draft of the Adult Education Public
19 Charter School application. This is something that
20 we would like to get out soon. And I've also
21 included a draft of the timeline for you; you can see
22 that there.

23 You will notice as you look through the
24 application it's similar to the open-enrollment
25 application. There are some differences and mostly

1 it includes what's in the statute and the rules for
2 what the requirements for adult application -- or
3 what adult education charter schools will look like
4 in the state of Arkansas.

5 So I want to give you time to look through those
6 and then have any questions and any -- make any
7 suggestions for improvement.

8 DR. SAUNDERS: I have some questions I'll start
9 off on.

10 MS. BOYD: Thank you.

11 DR. SAUNDERS: You said there are 30 applicants
12 and 18 of those are district conversion, so 12 would
13 be open-enrollment. And so when I look down on the
14 August timeline for the 17th and 18th, with that
15 being adult education and open-enrollment applicant
16 hearings, would that be making the assumption over
17 those two days there would be the possibility of 12
18 applications for open-enrollment charter schools and
19 then in addition to the adult education hearings?

20 MS. BOYD: That's correct. That is a
21 possibility. We're anticipating only one application
22 for the adult education charter school. And,
23 traditionally, all letters of intent do not bring
24 forth complete applications. I can know more about
25 that on the 28th and if it looks like we have -- if

1 all 12 people have submitted an application in a
2 timely fashion, then at our May meeting we might want
3 to consider adding a third day to the August
4 meetings.

5 DR. SAUNDERS: Do we have restrictions in the
6 law or anything that requires when, month or dates,
7 on when those hearings occur?

8 MS. BOYD: I'll defer to Legal.

9 DR. SAUNDERS: Okay.

10 MS. DAVIS: No. It's just we have dates on when
11 amendments can be heard, which can be waived, of
12 course, and the rest is adopted by you guys, the
13 timeline.

14 DR. SAUNDERS: I don't know the feelings of the
15 rest of the group. I think I would like just to
16 consider, as we're looking at the schedule, the
17 possibility of trying to find some way to limit the
18 number of hearings on any particular day, even if we
19 had to space it out over say a couple of days one
20 week and a couple of days the following week or
21 something of that nature. I think it would allow us
22 more time to carefully look at each application and
23 give it the effort that it deserves instead of trying
24 to stack it all up or cram it all into a small amount
25 of time. Just my thoughts.

1 CHAIRPERSON COFFMAN: Ms. Smith.

2 MS. SMITH: I agree with you that we probably
3 need to look at the number that we have on any given
4 day. Because just I know when we have these marathon
5 days that last -- I mean, even our recent State Board
6 meetings that lasted late into the night, I just felt
7 like we got to a point where, you know, people
8 weren't as in tune. I do know right now, as far as
9 the charter office -- I mean, we do have all these
10 intents-to-apply but, again, they may not all come
11 through with a full application. So I do think that
12 is something that the charter office can look at.

13 I mean, Alexandra, do you see that being an
14 issue?

15 MS. BOYD: Right. So, last year, just to kind
16 of give you an idea, there were 17 letters of intent.
17 We only got five applications that came through
18 completed and then in the end we only had three that
19 went through the entire process.

20 DR. SAUNDERS: So does that mean at a maximum
21 we'd only hear three potentially?

22 MS. BOYD: I can't tell you that right now.

23 DR. SAUNDERS: Okay.

24 MS. BOYD: I can just tell you that
25 traditionally those numbers really narrow down by the

1 time it's time for you guys to see them.

2 MS. SMITH: But I do agree with you. I mean, I
3 think when you get to the point where we're trying to
4 hear more than four a day, you know, that that
5 probably needs to be looked at on a schedule. So
6 once the charter office and possibly you guys know
7 the actual number of applications, then we can go
8 back maybe and look at the dates. With the adult
9 charter, you know, those adult charters, they have to
10 come with a million dollars of support before they
11 ever even come before us. And so that's part of the
12 legislation, because they're not actually asking for
13 funds from the education revenues or whatever. But,
14 so the adult charters, we're really only looking at
15 one that you should be getting, so that shouldn't
16 take up that much time.

17 CHAIRPERSON COFFMAN: Are there dates that you
18 would like to set aside just in case they're needed
19 for future planning, for example, the Wednesday and
20 Thursday of the following week in August? Ms. Clay.

21 MS. CLAY: If I can mention something, multiple
22 days would certainly be okay. But I think you're
23 probably going to have to look at all in the same
24 week because you'll remember that any decision you
25 make gets the opportunity to be reviewed by the State

1 Board at either the next regular meeting or a
2 specially called meeting, if earlier. So you know
3 our timelines on turning around and getting stuff on
4 the State Board agenda; that's why the charter
5 meetings are always placed in the week immediately
6 after the State Board so we have a couple of weeks to
7 get items posted and prepped before they're on the
8 State Board agenda. So there is -- there are some
9 constraints on when those days could be. So it might
10 have to be multiple days all in one week, but going
11 in -- the further we go away from when they're
12 scheduled and the closer to the next State Board
13 meeting, it starts not working with our timelines
14 with the State Board.

15 MS. PFEFFER: If I can add, so that week is
16 going to be the first week of school. Correct?

17 DR. GOTCHER: It is.

18 MS. PFEFFER: But I'm going to -- and so I
19 understand it's going to be difficult, but I'm going
20 to echo Dr. Saunders. More than four in one day, I
21 just can't personally say that I'm going to be able
22 to review and make good decisions. And I know the
23 hard part is, right now, you don't know how many
24 ultimately we are going to be hearing. So I guess we
25 have a dilemma and I guess part of me would say I

1 understand and I understand about the timeline for
2 this, the Board then hearing it the next month, and I
3 understand that's part of the process. But I just --
4 I don't think we need to sacrifice convenience for
5 quality. So I just don't -- I don't think -- I don't
6 think we can just commit and say these two dates in
7 August are going to be something we feel really good
8 about committing to right now.

9 MS. BOYD: Okay.

10 DR. GOTCHER: Looking at the schedule, is it
11 possible, Ms. Boyd, that we could tentatively
12 schedule August 19th? And we've got --

13 MS. BOYD: Yeah. I would ask the rest of the
14 Panel to look at their calendars and say if you guys
15 would be interested in blocking off the 16th and the
16 19th or just the 19th. Because if we had all 12 come
17 through with applications and then the adult, that
18 would be 13. And we could do -- it would -- if you
19 only want to do four in a day, then we'll have to do
20 four days. And it makes sense to me to only -- not
21 do more than four in one day.

22 DR. SAUNDERS: Would it be possible, Ms. Clay,
23 what you were referencing earlier? I know it would
24 be a little departure from what we've done in the
25 past, but if we were to have say two days on August

1 17th and 18th -- and let me just throw out an idea.
2 Let's say that we also put out two days, August 24th
3 and 25th or the week following that. I know that it
4 would not be in time for that next board meeting, but
5 could those decisions then be had or addressed at the
6 October board meeting?

7 MS. CLAY: No.

8 DR. SAUNDERS: Okay.

9 MS. CLAY: The law says they've got to be, at
10 the earliest, the next regularly scheduled meeting or
11 a specially called meeting. And so the next regular
12 meeting, which would be September, is when they'd
13 have to be heard.

14 DR. SAUNDERS: And I have September 8th on that,
15 and, if I'm correct, it's 10 days -- 10 working days
16 prior to that for the agenda items. Is that correct?

17 MS. BOYD: That's correct. We also have to
18 provide anyone in opposition the opportunity to
19 submit a letter stating that they would like to
20 request a review from the State Board. So that also
21 comes into play. After you have to make the
22 decision, I have to immediately send a letter out to
23 the school -- or the applicant and affected districts
24 to let them know that they can formally request
25 opposition from the State Board. And usually those

1 are due -- so like if you make a decision on the
2 17th, I send the letter out on the 19th and they have
3 until like the 24th or 25th to make that
4 recommendation. So if you make a decision on the
5 24th, I send the letter out on the 26th. The agenda
6 and everything will already be posted by the time
7 they can formally make a request for opposition.

8 DR. GOTCHER: May I suggest that we block
9 Tuesday, the 16th, in the morning, as well as Friday,
10 the 19th, for the morning.

11 MS. BOYD: Just for half a day?

12 DR. GOTCHER: Well, I'm hopeful that we could do
13 two --

14 MS. BOYD: Two a day?

15 DR. GOTCHER: -- on those.

16 MS. BOYD: Two or three.

17 DR. GOTCHER: But obviously we would need to
18 block out on our personal schedules all day.

19 MS. BOYD: Okay. I'll make note of that.

20 DR. GOTCHER: And I want to echo something Ms.
21 Pfeffer said. I think the thing that I'm impressed
22 with this team is -- or this panel is how critically
23 -- the detail by which we review the applications --
24 we take it very seriously -- and the time that is
25 required to do an effective review of an application,

1 especially since these are new applications. I think
2 four is my personal preference, as well.

3 MS. BOYD: And we definitely appreciate that,
4 and the state of Arkansas appreciates that.

5 CHAIRPERSON COFFMAN: So I believe the consensus
6 has been that we will hold August 16, 17, 18 and 19
7 on our calendars, filling up the 17th and 18th first,
8 and then using the 16th as needed, and then the 19th
9 would be the final date to add.

10 MS. BOYD: Yes. And at our next meeting, in
11 May, I will know how many applications, completed
12 applications I receive. So I can give you another
13 report to give you a better idea of what we'll be
14 tackling in August.

15 CHAIRPERSON COFFMAN: Great. What additional
16 feedback do you need on the adult charter
17 application?

18 MS. BOYD: Just if you have any input or any
19 questions, and if you could approve the application
20 as is or with needed revisions.

21 CHAIRPERSON COFFMAN: Do you need that approval
22 today?

23 MS. BOYD: I would like that approval today.
24 Yes.

25 DR. GOTCHER: Then we'll take some time.

1 MS. BOYD: Yeah. Take your time. I'm sorry.

2 DR. SAUNDERS: Can you just describe to me a
3 little bit of the process in creating this, just what
4 the thought process was?

5 MS. BOYD: Right. So what we did was we looked
6 at the open-enrollment application, because it has
7 the most -- it has more constraints and prompts for
8 the applicant. So we looked at that. We went
9 through and we looked at what would be applicable to
10 an adult education charter school and we marked it
11 up. And then we went through again, looking at the
12 statute and the rules beside it, and then made
13 additions as needed. In the last few pages, you'll
14 see are the Statement of Assurances; that's where a
15 lot of additions were made, because there's a lot of
16 -- in the statutes and the rules that are
17 requirements for the adult charter applications. So
18 like the one million dollars that Ms. Smith
19 referenced, that's part of the Assurances.

20 Before -- we talked to a different -- different
21 groups of stakeholders before we started the process.
22 We know that these -- this charter school can only
23 serve people who are 18 years or older. They won't
24 be getting state funds. However, they could be
25 serving special needs populations, so we tried to

1 take into account how that would play out. Because,
2 you know, federal monies can be given to those
3 students up to like 21 or 23 -- 23, I believe. So
4 there were a few things that we took into account.

5 MS. PFEFFER: I think my questions -- I'm just
6 sitting here -- I don't know that I have enough
7 knowledge about requirements for adult education and
8 how they differ from K-12 education. And, yes -- and
9 I just -- I'm concerned that we might need a rundown,
10 a training, a something to go over here's what's
11 specifically different about adult ed. in terms of
12 what's required for teachers, what's required if you
13 have special needs students, what's required for
14 facilities, and how much of it is the same as K-12
15 and how much of it is different. I just -- I
16 definitely would want that before I hear any kind of
17 -- and even trying to approve this application,
18 because there's a few things that look different and
19 I just -- I'm unprepared.

20 MS. DAVIS: Sure. And the deal with adult
21 charters is they will be providing a high school
22 diploma. So they are going to be providing the same
23 high school education; they're going to be under the
24 same requirements that any other high school in the
25 state is, because they're going to be offering a high

1 school diploma in addition to like some kind of
2 industry certification, such that, you know, their
3 goal is to get those students who have maybe dropped
4 out or for whatever reason, and to come back in and
5 get a high school diploma. They feel that a high
6 school diploma carries a different connotation than a
7 student getting a GED, so they want to give that. So
8 they're going to be under our standards; they're
9 going to be under our same rules that any other high
10 school would give. They're just not going to be
11 getting money from us.

12 MS. PFEFFER: So they would have -- they would
13 be under the same standards for accreditation?

14 MS. DAVIS: Yes.

15 MS. PFEFFER: Is that what you're saying?

16 MS. DAVIS: Yes.

17 DR. GOTCHER: Thus, the reason they need a GT
18 program, ELL instruction, et cetera.

19 MS. DAVIS: Absolutely.

20 DR. GOTCHER: Because I think the only thing
21 that applied would be special education until their
22 21st birthday. But if it -- wow, that's a --

23 MS. SMITH: Yeah. This is really a recovery. I
24 mean, the law --

25 MS. DAVIS: Right.

1 MS. SMITH: -- was intended to be a recovery for
2 students or a place for -- instead of going back to
3 high school when you're 21 --

4 DR. GOTCHER: Right.

5 MS. SMITH: -- and high school principals having
6 to make that decision about this is a place that will
7 cater to that group, that population.

8 DR. GOTCHER: Okay.

9 CHAIRPERSON COFFMAN: And then they would be
10 eligible for all waivers?

11 MS. SMITH: Yeah.

12 MS. DAVIS: And just real quick, you know, one
13 of the people that has displayed interest in this is
14 Goodwill Industries. And what they have, they have
15 what's called their Excel programs, and they have
16 them all over the country, and it is designed -- I
17 mean, it could be somebody who's, you know, in their
18 60s who never got a high school diploma or, you know,
19 somebody who's dropped out, for whatever reason, at
20 whatever age, and they want to come back and they
21 want the satisfaction of having a high school diploma
22 or if they have dropped out at such a young age to
23 come back and get an industry certification. So they
24 have this program all over and they get a high school
25 diploma. So they basically are a high school; it's

1 just for older kids. They're going to be under all
2 the same laws; they're going to be under all the same
3 standards; they're going to have to -- they're just
4 going to have to fund it themselves.

5 CHAIRPERSON COFFMAN: So just for clarification,
6 you must be 18 years or older and there's no --

7 MS. DAVIS: It's 19 -- 19 and older.

8 CHAIRPERSON COFFMAN: 19 and older. And there's
9 no cap on the age?

10 MS. DAVIS: No.

11 DR. SAUNDERS: Would someone be eligible to
12 enroll if they already have a high school diploma but
13 they were seeking a technical certificate?

14 MS. DAVIS: I don't believe so. I think the law
15 says -- and I think it's in the rule -- that it says
16 they cannot have had a high school diploma or have
17 the credit to receive a high school diploma.

18 MS. PFEFFER: I'm sorry.

19 DR. GOTCHER: No, no. Please.

20 MS. PFEFFER: On page 9 of the application,
21 number 5, the assessment for measuring performance, I
22 would be interested in seeing how do -- what would be
23 the expectation there in terms of a graduation rate,
24 is it -- you know -- what would be looked at there in
25 terms of measuring performance for adult ed. schools?

1 MS. DAVIS: Sure. And that -- I think one of
2 the questions that, you know, we have addressed in
3 here is, you know, like everybody has to take the
4 11th grade assessment test, like how are they going
5 to determine -- is it the 11th grade end-of-course?
6 How are they going to assess who is actually an 11th
7 grader for purposes of that. I mean, that's going to
8 have to be something, how they're going to tell us
9 how they're going to do that. And the law does say
10 that that's one of the things they have to provide us
11 is the assessment of how they're going to judge those
12 students' performance. Like, you know, somebody
13 who's 21 comes back, you know, how do they determine
14 are they a 10th grader, an 11th grader, a 12th
15 grader. I mean --

16 MS. PFEFFER: Will they be taking state
17 assessments then?

18 MS. DAVIS: Uh-huh.

19 MS. SMITH: But there is not a state assessment
20 for 11th and 12th grade. The ACT for 11th grade is
21 an optional test; 12th grade, there is not one; 9th
22 and 10th grade -- so that would probably need to be
23 something that was decided. If like credits you were
24 considered to still be a sophomore, then how would
25 that play out? So that would be something that would

1 need to be figured out. And had they ever taken it
2 before. I mean, did they drop out before their
3 sophomore year?

4 MS. PFEFFER: And school accountability, where
5 do they fall in terms of -- I may be getting in the
6 weeds on some of this, but I think it just speaks to
7 -- I don't want to sound like I'm opposed. I want --

8 MS. DAVIS: Sure.

9 MS. PFEFFER: I want these opportunities, so I
10 don't want to be an obstructionist. But I don't want
11 us to get in and -- and the rest of the Panel, y'all
12 may come in -- I almost feel like we're trying to
13 figure this out and have no idea what the end-result
14 really needs to be. And if that's the way it needs
15 to be, then that's fine. But I just have a lot of
16 questions.

17 MS. BOYD: I think I can help. So part of it is
18 -- so we walk a fine line. What we have built is a
19 shell to house the requirements as led by statute and
20 rule. A lot of the work that needs to be done to
21 make a lot of those determinations in my mind is work
22 that the applicant has to provide to us. They have
23 to say this is our plan, just like with open-
24 enrollment; this is our plan to execute these things.
25 And so that's really -- a lot of that is on them.

1 MS. PFEFFER: Has our Adult Education -- have
2 they had a part in working with us on this? And have
3 we had conversations with them? This just seems new
4 and maybe it's not; maybe it's just new to me.

5 MS. BOYD: No. We have not had -- that I'm
6 privy to, we have not had conversations with Adult
7 Education.

8 DR. GOTCHER: Ms. Boyd, you mentioned that -- I
9 like the way you phrase it -- this is a shell to
10 support the things that are in rules and legislation.
11 So you created this based upon the requirements. So
12 there's nothing more, nothing less than; this is what
13 simply was required at this point.

14 MS. BOYD: Right.

15 DR. GOTCHER: Okay.

16 CHAIRPERSON COFFMAN: Ms. Smith, could you
17 respond to the question that Ms. Pfeffer proposed
18 about what does this mean for assessment. You kind
19 of alluded to. And then, Ms. Barnes is not here but
20 do you know how that would then play into state
21 accountability measures?

22 MS. SMITH: One thing I think we need to
23 remember is this is not -- we're not funding it.
24 This was legislation that really Goodwill Industries
25 kind of put forward based on a model program -- I

1 believe in Indiana?

2 MS. DAVIS: Uh-huh.

3 MS. SMITH: Is that correct? They've got
4 several there. They worked with several legislators.
5 I know that I attended a meeting early on with
6 Commissioner Wood and some of the legislators about
7 trying to get this through. And the whole idea about
8 the funding part was anybody coming to apply for an
9 adult charter had to come with their money and that
10 they were really focusing on giving a pathway for
11 adults to obtain a high school degree beyond just
12 going out and getting a GED. So I don't know that in
13 terms of accountability and the measures -- I mean, I
14 don't know that it even falls in the same category
15 because, one, we're not funding them; there's no
16 money tied to this. The thing that I think that we
17 have to be accountable for is the pathway that we
18 lead out to say that that is a high school diploma,
19 that when they have finished the requirements set
20 forth by our agency before they can say this to -- or
21 this participant has received a high school diploma.
22 So I think when -- that's something I think they're
23 going to have to closely work with the Curriculum
24 Instruction Unit on the courses that they're
25 providing and if those meet the requirements of "this

1 is an English course for credit." I think you're
2 going to have to -- the seat time and all those
3 discussions, that's going to change because you're
4 looking at flexible schedules with an adult program,
5 a lot of evening classes, digital learning, mentoring
6 places, and it's more about course credit than
7 anything else.

8 MS. PFEFFER: And I'm with you completely there,
9 but we don't know those answers. I just -- I would
10 like to look at the law; I would like to better
11 understand all of it before we try to approve an
12 application today. Because I don't know -- and maybe
13 I should've been more aware, but I wasn't and there
14 wasn't an attachment on here, and I don't think I was
15 prepared for all of this today. If the rest of you
16 feel differently, talk me through all of this. But
17 if we don't know for sure what will be held
18 accountable for and things like that, I just -- I
19 want to do this right. And I don't want to put
20 barriers in the way, I don't want to put obstruction
21 to make it happen, but those would be my concerns.

22 MS. DAVIS: Right. And there is a lot that --
23 as an agency that, you know, we would need to look
24 at, accountability assessment, all that kind of
25 stuff, to see where these are going to fall in our

1 existing laws. But outside of the decisions that we
2 make on how we view the adult education charters,
3 either way the application itself can go out. It
4 could go out in tandem while we can get together and
5 have a work session to get together and discuss and
6 decide how we want to handle those type things. They
7 can work in tandem, if that's something that you
8 would choose to do. But, I mean, because the
9 application itself, the only thing other than -- like
10 I say, it was modeled off the open-enrollment; we did
11 take out the -- you know -- what's the assessment
12 data for the district and where you're going to be
13 located, because, you know, there's not going to be a
14 competition for the students. So we took out that.
15 But the only other things is what's required by law.
16 Everything else that we would have to, you know,
17 decide how we want to do that and we can decide that,
18 you know, in conjunction -- in a work session that
19 runs along the application cycle.

20 MS. SMITH: Just would this type of this charter
21 fall underneath the rules that are currently -- you
22 know -- that we're working on with the ALE groups and
23 that -- you know -- accountability and how student --
24 I mean, would this type of charter even fit in that
25 set of rules?

1 MS. DAVIS: No. No. I mean, these fall under
2 our normal charter school rules.

3 MS. SMITH: Okay.

4 MS. DAVIS: You know, in our charter school
5 rules there's a section that applies to all types of
6 charters and then there's one that applies to
7 district conversion, some that applies to open-
8 enrollment, and then we've added an entire section of
9 rules that apply to just the adult education
10 charters.

11 MS. SMITH: Okay.

12 DR. GOTCHER: And for me, Madam Chair, if we're
13 just looking at the application and the application
14 is fulfilling what is already written in legislation
15 and in rules I'm okay with moving forward with an
16 application, while sharing the same concerns Ms.
17 Pfeiffer has. A lot of those concerns will be
18 addressed at an actual review of the application. Am
19 I correct?

20 MS. DAVIS: Sure. And, I mean, I would suggest
21 that we would get together prior to to kind of talk
22 through some of these things. So if we need to, you
23 know, look at other laws to see how these schools may
24 or may not fit and what we can do, then, I mean, I
25 would suggest that we do that and not wait until you

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DR. GOTCHER: Sure.

MS. DAVIS: -- actually review the full application.

DR. GOTCHER: I almost laugh before I say this, but we could actually have a work session?

MS. BOYD: Yeah.

MS. DAVIS: Yeah.

DR. GOTCHER: Okay. Okay.

CHAIRPERSON COFFMAN: I do have a few edits that I noted.

MS. BOYD: Thank you.

CHAIRPERSON COFFMAN: One is on page 11, number 8.

MS. BOYD: Yes, ma'am.

CHAIRPERSON COFFMAN: "Describe the process that will be used to ensure all curriculum materials used in the educational program are aligned with the Arkansas Academic Standards."

MS. BOYD: Thank you.

CHAIRPERSON COFFMAN: And on page 26 and number 2, there's a comma spacing issue --

MS. BOYD: Got it.

CHAIRPERSON COFFMAN: -- on the third line.

MS. BOYD: Would you all be interested in

1 setting a date for a work session?

2 CHAIRPERSON COFFMAN: Ms. Davis, do you have a
3 date in mind when you would be ready?

4 MS. DAVIS: No. Your schedules are probably a
5 lot less flexible than mine, so --

6 CHAIRPERSON COFFMAN: How many items will we
7 have May 18th, Ms. Boyd?

8 MS. BOYD: Right now, formally we have three on
9 the agenda. I'm anticipating an addition of two
10 possibly. So it could be five. They're amendment
11 requests; a majority of them are location changes or
12 additional -- or, no, there's one that includes a cap
13 increase. But most of them are just a change in the
14 physical location of where the students are served.
15 And there are some about -- there are a couple that
16 are going to be about seat time for -- mostly for
17 seniors.

18 CHAIRPERSON COFFMAN: Would it be appropriate
19 that we would have time to discuss this at the end of
20 that meeting or do we need to have the work session
21 prior to?

22 MS. BOYD: Yeah, I think so. I think we can
23 make that happen.

24 MS. PFEFFER: Can we make some suggestions on
25 what we would -- what would be the -- what would the

1 work session look like?

2 MS. BOYD: Yes, please.

3 MS. PFEFFER: Okay. Because that may determine
4 -- that may, because --

5 MS. SMITH: Well, and I kind of want to know,
6 just for Alexandra and Mary, is this their role as a
7 charter office to clarify all this? Or is it -- I
8 mean, who's responsible for pulling the law down,
9 really looking at the models, looking at the
10 different other states? I mean, that's a huge task.
11 And that unit has very few people with a lot of work
12 to do, and so I kind of want to clarify who's
13 responsible for all that.

14 MS. BOYD: Thank you, Ms. Smith.

15 MS. PFEFFER: So, Ms. Smith, you said that you
16 had attended a meeting a while back where you were
17 kind of introduced to this whole idea. For me, I
18 would want someone to basically give an overview of
19 the law and how this falls within the ADE charter
20 review process. And then, some examples from other
21 states and really be able to definitively say you
22 wouldn't have the same accountability requirements.
23 You know, so I think that may take more than one
24 person. And so I think you're right that that could
25 --

1 MS. SMITH: Right.

2 MS. PFEFFER: -- be a very complex --

3 MS. SMITH: The meeting that I attended had
4 someone from Goodwill Industries there and had the
5 legislator who was wanting to sponsor this bill. The
6 intention really at the meeting was to inform
7 Commissioner Wood that we're not asking for
8 Department of Education funding, and just kind of the
9 premise of it and would it be something that we would
10 be comfortable with. So it was really just kind of a
11 courtesy meeting prior to legislation being
12 submitted. But having someone probably from Goodwill
13 Industries that will be submitting an application
14 would probably be someone that we'd want to have
15 there, and possibly the legislator who --

16 MS. DAVIS: Sure.

17 MS. SMITH: -- proposed the legislation.

18 MS. DAVIS: And we have been in communication
19 with the person that's in Arkansas that would be
20 heading up this education program. And I'm sure that
21 she would be more than willing to come and speak to
22 you about how their program works, how it's worked in
23 other states and the models that they have used, if
24 you'd like that.

25 MS. PFEFFER: And, Ms. Davis, though, I think I

1 would want ADE Legal --

2 MS. DAVIS: Sure.

3 MS. PFEFFER: -- then to clarify. Because if
4 they are required to follow all of our standards for
5 accreditation that does include accountability
6 measures. So if they're not held accountable to some
7 of those same accountability things, then I would
8 want you all to be able to clarify everything.

9 MS. DAVIS: Sure.

10 MS. PFEFFER: So that way, we really have a good
11 understanding of what it is we're going to be
12 reviewing when we have these types of charters come
13 before us.

14 MS. DAVIS: Sure.

15 MS. BOYD: It sounds like we'll have ADE Legal
16 there to give an overview; my office will support by
17 providing what the ADE charter review process is
18 going to look like and provide details on that; and
19 then we'll have Goodwill Industries, and the sponsor
20 of the bill possibly, to speak to what happens in
21 other states to provide you with examples of the work
22 that they're doing across the nation.

23 DR. GOTCHER: Okay. Going back to the purpose
24 of the agenda item, looking at the application,
25 excluding some grammatical and formatting issues, how

1 does everyone feel about moving forward with an
2 approval of the application, knowing that -- because
3 I think the -- if this, again, is fulfilling what is
4 in law and in rule, then I'm okay with moving
5 forward. We still -- I feel we still need to look at
6 what this looks like on a second level, but I'm
7 willing to make a motion that we approve the
8 application pending any grammatical and formatting
9 changes required to make a more effective document.

10 CHAIRPERSON COFFMAN: Is that your motion?

11 DR. GOTCHER: That just became my motion.

12 CHAIRPERSON COFFMAN: I have a motion from Dr.
13 Gotcher.

14 DR. SAUNDERS: I'll second that.

15 CHAIRPERSON COFFMAN: And a second from Dr.
16 Saunders to approve the application, with edits. Any
17 discussion?

18 DR. SAUNDERS: Yeah. I want to -- my thinking
19 on seconding it was for a multitude of factors, and
20 some of the things I was looking at, one in
21 particular, was the timeline and trying to -- with
22 the timeframe and everything else, not that that
23 should be the only driver. But I also was thinking
24 -- I think that we have a lot to educate ourselves on
25 and learn and grow in this area, but I'm not sure

1 that at this time that that would make decisions on
2 what information, additional or restricting
3 information in the application. So with those two
4 things considered, I think it would be prudent to go
5 ahead and approve the application at this time.

6 DR. GOTCHER: And also, if I can add to the
7 discussion, later down the road, if we find after the
8 work session that we find that there may be necessary
9 changes through the process of time, we can always
10 bring the application back for revision. Is that
11 correct?

12 MS. DAVIS: Uh-huh.

13 MS. BOYD: That's correct.

14 DR. GOTCHER: Okay.

15 CHAIRPERSON COFFMAN: Mr. Lester, did you have
16 an additional comment?

17 MR. LESTER: No.

18 CHAIRPERSON COFFMAN: Ms. Smith.

19 MS. SMITH: Does the application require
20 approval from the Board, from us? I mean, does it
21 require -- are you just asking out of courtesy or --

22 DR. GOTCHER: It's on the agenda.

23 MS. DAVIS: It has to be --

24 MS. SMITH: So it's an actual item?

25 MS. DAVIS: It has to be adopted by the

1 authorizer.

2 MS. SMITH: Okay.

3 DR. SAUNDERS: If in the course of our training
4 that we realize that there may be additional
5 information that we would like to see from the
6 applicant, could we request that that applicant bring
7 that information for the hearing that would occur in
8 August?

9 MS. DAVIS: I think they'd be available for
10 that.

11 CHAIRPERSON COFFMAN: Okay. We have a motion
12 from Dr. Gotcher and a second from Dr. Saunders to
13 adopt this application. All those in favor?

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRPERSON COFFMAN: Any opposed? The
16 application is adopted.

17 Ms. Boyd, we will consider May 18th as a
18 possible work session after our Charter Panel
19 meeting, if it looks like there's going to be ample
20 enough time. If there's not, can we go ahead and set
21 an alternative time for that?

22 MS. BOYD: Yes, ma'am.

23 CHAIRPERSON COFFMAN: So once you kind of see
24 what the agenda would look like to put that work
25 session together, you'll know the time and you'll be

1 closer to how many items we'll have to consider on
2 the 18th. Is the -- do y'all have the afternoon of
3 the 19th open?

4 DR. GOTCHER: Yes.

5 CHAIRPERSON COFFMAN: I'm looking for head-nods.

6 DR. SAUNDERS: August, correct?

7 CHAIRPERSON COFFMAN: No. May, May 19th.

8 DR. SAUNDERS: Okay. I was looking on the
9 August calendar.

10 CHAIRPERSON COFFMAN: Sorry. May 19th as an
11 alternative time for the work session. Ms. Liwo?

12 MS. LIWO: (Nodding head up and down.)

13 CHAIRPERSON COFFMAN: Mr. Rogers?

14 MR. ROGERS: (Nodding head up and down.)

15 CHAIRPERSON COFFMAN: I have head-nods all
16 around.

17 MS. BOYD: So starting at around 1:00 p.m.?

18 CHAIRPERSON COFFMAN: Yes.

19 MS. BOYD: Okay.

20 CHAIRPERSON COFFMAN: So the first date would
21 be, if ample time permits, on the 18th -- or, if not,
22 then we'll move it to the 19th, at 1:00.

23 And then if any -- as people are reading through
24 the application, if they find any additional edits
25 they'll let you know directly.

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MS. BOYD: Thank you.

CHAIRPERSON COFFMAN: All right. Any other items before the Panel today, Ms. Boyd?

MS. BOYD: No, ma'am. That's all I have. Thank you so much for your time.

CHAIRPERSON COFFMAN: Any additional items from panel members?

Then, I appreciate your participation today and I'll accept a motion to adjourn.

MS. PFEFFER: So moved.

DR. SAUNDERS: Second.

CHAIRPERSON COFFMAN: All those in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON COFFMAN: Any opposed?

We stand adjourned. Thank you.

(The meeting was adjourned at 9:20 a.m.)

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EXHIBIT ONE (1)

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EXHIBIT TWO (2)

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