

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

October 15, 2015

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
CHARTER AUTHORIZING PANEL

#4 CAPITOL MALL
LITTLE ROCK, AR 72201

October 15, 2015

A P P E A R A N C E S

PANEL MEMBERS:

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

ALSO APPEARING:

Ms. Mary Perry	Coordinator - Learning Services
Ms. Alexandra Boyd	Public School Program Coordinator

ADE LEGAL COUNSEL:

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

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P R O C E E D I N G S

CHAIRPERSON COFFMAN: Ladies and Gentlemen, the October 15, 2015 meeting of the Charter Authorizing Panel is called to order. I'd like to welcome everyone to the Arkansas Department of Education. Please silence all of your electronic devices. As we begin our work today, I will ask that if you're coming to the microphone to be sure to speak clearly so that we, the Panel, may hear you and also because the meeting is being recorded and live-streamed, and so that our audience may hear you as well. Please state your name and your title when you come to the microphone, for the record. I would appreciate that very much. All right. Ms. Clay, if you will come and explain the process for today?

MS. CLAY: Good morning. Kendra Clay, General Counsel for the Department of Education. The hearing procedures today are going to be the same as yesterday. All persons, with the exception of attorneys, will need to be sworn in. The charter school seeking amendment will then have 20 minutes to explain the amendment they're seeking. Any parties opposed will have 20 minutes after that, and then the charter school will have 5 minutes for rebuttal and closing. You'll follow that with discussion and

1 questions. And you may take a vote today or take the
2 matter under advisement and vote at a later meeting
3 and ask the charter school to come back with
4 additional information or get technical assistance
5 from the Department. Just like yesterday, you have a
6 Google doc where you will type in your vote and the
7 reason for your vote. We're doing this to make the
8 State Board review of your decision -- to give them
9 more information on whether they would like to review
10 your decision or not. On the pages today, there are
11 multiple spaces in the event you need to take
12 multiple votes on a particular amendment request.
13 Some of the charter schools have asked for a couple
14 of different amendments. And if you want, you can
15 take them as one vote together, but if you wanted to
16 split them up the sheet reflects that. And if we
17 need to go through that again when the time comes,
18 I'll be happy to help. Does anybody have any
19 questions?

20 CHAIRPERSON COFFMAN: And, Ms. Clay, as the
21 directions you gave us yesterday, is today a
22 negotiation of those amendments?

23 MS. CLAY: Yes. Just like yesterday, anything
24 that the charter school says or agrees to today that
25 is different than what is in their written materials

1 they will be held to and it will become part of the
2 amendment to their charter contract. So, yes, it is
3 basically a contract negotiation, just like the
4 application hearings yesterday.

5 CHAIRPERSON COFFMAN: Thank you, Ms. Clay.

6 A-2: REQUEST FOR OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
7 AMENDMENT: NORTHWEST ARKANSAS CLASSICAL ACADEMY

8 CHAIRPERSON COFFMAN: All right. Action Item 1
9 has been pulled from the agenda, so let's begin with
10 Action Item 2, Request for Open-Enrollment Public
11 Charter School Amendment: Northwest Arkansas
12 Classical Academy. Ms. Boyd, you are recognized.

13 MS. BOYD: Thank you, Madam Chair. The State
14 Board of Education approved the application for the
15 Northwest Arkansas Classical Academy on November 1,
16 2012. The charter is approved to serve students in
17 grades K-12 with a maximum enrollment of 685.
18 Representatives of Northwest Arkansas Classical
19 Academy are appearing before the Charter Authorizing
20 Panel to request an amendment to their current
21 charter. Speaking on behalf of the Classical Academy
22 we have Christopher Stevens and we also have someone
23 on the phone to answer questions, if you need.

24 MR. BRADBERRY: Mr. Shack, Chris.

25 CHAIRPERSON COFFMAN: Chris Shay?

1 MR. BRADBERRY: Shack.

2 CHAIRPERSON COFFMAN: Representatives from
3 Northwest Arkansas Classical Academy, please stand,
4 and anyone on the phone that plans to speak, if
5 you'll raise your right hand. Do you swear or affirm
6 that the testimony you're about to give shall be the
7 truth, the whole truth and nothing but the truth?

8 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

9 CHAIRPERSON COFFMAN: Thank you.

10 MR. BRADBERRY: If you're listening online, if
11 you could turn your computer down; we're getting
12 feedback. You can still watch but just make sure
13 that you turn the volume down. Thank you.

14 CHAIRPERSON COFFMAN: Mr. Stevens, you're
15 recognized.

16 MR. STEVENS: So we are seeking permission to --
17 excuse me; let me open my notes here. I'm sorry.

18 CHAIRPERSON COFFMAN: You may want to start with
19 your name and title for the record.

20 MR. STEVENS: Christopher Stevens. I'm Campus
21 Director at Quest Middle School of West Little Rock,
22 and I'm speaking on behalf of Northwest Arkansas
23 Classical Academy.

24 CHAIRPERSON COFFMAN: All right. Thank you.

25 MR. STEVENS: Sure. So we would like a -- we're

1 seeking a waiver to -- so that required -- that AP
2 courses would be part of the required 38 courses
3 under ADE regulations. We would like to be able to,
4 for some courses, exchange the AP course for the non-
5 AP course. So we do have a -- there is a brief
6 PowerPoint --

7 CHAIRPERSON COFFMAN: Okay.

8 MR. STEVENS: -- if y'all would like to see
9 that.

10 CHAIRPERSON COFFMAN: Yes.

11 MR. STEVENS: If you can advance the slide, go
12 ahead. Oh, I have it here. Okay. I've never done
13 this before, as you can tell. I don't know if this
14 is on. Oh, it's off. Okay. All right. So the
15 mission of Northwest Arkansas Classical Academy, they
16 are committed to providing our future leaders with a
17 college preparatory education focused on liberal
18 arts. We will promote a rigorous academic program,
19 fostering intelligent curiosity, critical thinking,
20 virtuous character building, and a lifelong passion
21 for learning. Charter schools are a school of choice
22 and we'll do all things possible to serve the
23 educational needs of our student body and the
24 community. We want to provide the following to our
25 students: the opportunity to earn a year's worth of

1 college credit prior to graduation from high school,
2 and also we want to provide our high school students
3 identified as high-achieving with opportunities for a
4 more rigorous curriculum. As charter schools, we are
5 not staffed as -- we need fewer staff; I'll put it
6 that way. And so it is at times difficult to offer,
7 say, an AP course and the regular course given the
8 number of teachers we have in our schools, and it
9 would -- so it would help in that regard. We'd also
10 be able to get our -- offer our students the
11 opportunity to earn college credit and so also serve
12 our community. There's quite a significant savings
13 for students who earn college credit in high school,
14 and we'd like to make that opportunity available for
15 our students.

16 So this is a sample of what we might do. We
17 would like to be able to, say, for example, with AP
18 U.S. Government and Politics to be able to offer that
19 instead of the regular U.S. Government and Politics.
20 So our students would take that course and then not
21 offer the non-AP version of that course. So, but
22 this is a sample of what we would do.

23 So that's everything on that.

24 CHAIRPERSON COFFMAN: Does that conclude your
25 presentation?

1 MR. STEVENS: Yes, it does.

2 CHAIRPERSON COFFMAN: Is there anyone here to
3 speak in opposition? Any additional words from you,
4 Mr. Stevens, or from anyone on the phone?

5 MR. STEVENS: Not from me.

6 CHAIRPERSON COFFMAN: From the phone?

7 MR. STACK: No, not from me either.

8 CHAIRPERSON COFFMAN: Okay. Thank you. Then,
9 we'll start with questions from the Panel. And, Dr.
10 Jones, I'll start with you.

11 DR. JONES: Good morning, Mr. Stevens.

12 MR. STEVENS: Good morning.

13 DR. JONES: The College Board has a philosophy
14 of open-enrollment in all of their AP courses. Tell
15 me about the limitations on kids that come into your
16 program. My concern is that you will have no regular
17 classes; you'll have only advanced placement work,
18 which does fit with your mission, your mission of
19 your charter. But you also, in having that, must be
20 willing to open the doors to those that may not be
21 prepared for AP work. Tell me about your plans for
22 that?

23 MR. STEVENS: So we provide a lot of support for
24 our students and we're going to offer -- we would
25 offer what our students needed. So there may be

1 situations at the higher level where we may do an AP
2 Physics instead of a regular Physics. But this would
3 be something that at those higher level courses where
4 students would -- where there's some optional courses
5 that we would do just the AP.

6 DR. JONES: Okay. Let me be more specific. A
7 student comes in with a transcript of C's, not
8 exceptional work in the past. Can he enroll in your
9 program?

10 MR. STEVENS: In the AP course?

11 DR. JONES: Uh-huh. Well, isn't that all you're
12 going to have for some courses?

13 MR. STEVENS: For some. So there's some courses
14 where we wouldn't do that, say, for English. I mean,
15 there are always going to be students who need a
16 regular English course.

17 DR. JONES: Okay.

18 MR. STEVENS: And so that is -- you know -- that
19 is something that we would continue to offer.

20 DR. JONES: Okay. So what would you do with
21 this student with a "C" background?

22 MR. STEVENS: Well, we would offer the courses
23 that student needs. And if there are -- if they need
24 the regular course, that's a course we would offer.
25 And if we can support them and have them in AP, we

1 would do that.

2 DR. JONES: Okay. Thank you.

3 CHAIRPERSON COFFMAN: Ms. Pfeffer.

4 MS. PFEFFER: How many AP courses do you
5 currently offer at Northwest Arkansas Classical
6 Academy?

7 MR. STEVENS: I'm going to refer to Mr. Shack
8 for that question.

9 MS. PFEFFER: Okay.

10 MR. BRADBERRY: Mr. Shack, did you hear the
11 question?

12 MR. SHACK: Yes. Currently, there are no AP
13 courses being taught at Northwest Arkansas Classical
14 Academy.

15 MR. BRADBERRY: You're going to have to turn
16 your computer down because we're hearing a reverb of
17 what we're saying. So if you could mute your
18 computer as you talk, I would appreciate that. Thank
19 you.

20 MS. PFEFFER: Okay. So am I understanding that
21 currently you have not been teaching AP courses at
22 all?

23 MR. SHACK: Is that better?

24 MR. BRADBERRY: Yes, sir. The question is: so
25 currently, you do not teach any AP courses at

1 Northwest Classical Academy?

2 MR. SHACK: We have not. We will offer our
3 first AP course. We don't.

4 MR. BRADBERRY: Thank you.

5 MR. STEVENS: The highest grade currently is
6 10th grade at Northwest Arkansas.

7 MS. PFEFFER: Okay. So in your current charter
8 agreement, what is the plan for the addition of AP
9 courses in your current charter?

10 MR. SHACK: Right now, in the current charter we
11 are to stay with the 438. I mean, we're adding those
12 courses with the plan to go forward.

13 MS. PFEFFER: Okay. So this current school year
14 you are not required to add any then for this 15-16
15 school year; it will be 16-17 before you're required
16 to add any AP courses. Is that what I'm
17 understanding?

18 MR. SHACK: Correct.

19 MS. PFEFFER: Okay. And what courses do you
20 plan to offer in 16-17?

21 MR. SHACK: We have been working on a list. I
22 would have to get that list for you.

23 MS. PFEFFER: Okay. And Mr. Stevens commented a
24 minute ago that there will always be some courses
25 where you would need to offer both the regular course

1 and an option for AP. How would that determination
2 be made as to which courses you would have to always
3 offer the regular option?

4 MR. SHACK: We would always offer the regular
5 options for all core subjects. Even if we do an AP
6 course, like AP U.S. History, we would always offer
7 United States History because it's a core history
8 subject. So it would be mostly based on what the
9 students sign up for. But all core subjects as far
10 as science, math, English, social studies, would
11 always be offered.

12 MS. PFEFFER: Okay. And I may not be
13 understanding, but if that's the case would this
14 waiver be necessary?

15 MR. SHACK: It would, because we would run into
16 a lot of times where kids will sign up for, say, an
17 AP European history course and we might not have
18 students sign up for another history course as a core
19 subject.

20 MS. PFEFFER: Okay. I'm going to stop on my
21 questions because I think maybe Ms. Barnes can help
22 us out from here. I'm sorry, Madam Chair.

23 CHAIRPERSON COFFMAN: Ms. Barnes.

24 MS. BARNES: Thank you. Good morning.

25 MR. STEVENS: Good morning.

1 MS. BARNES: Annette Barnes. And thank you so
2 much for your presentation. I believe I was looking
3 at the presentation, at some samples of what courses
4 would look like. It looked to me that you had
5 Algebra II, which would've been the standard course
6 under the 38. But as opposed to teaching Algebra II
7 you would probably teach AP Cal -- I can't remember.
8 So I didn't get a chance to --

9 CHAIRPERSON COFFMAN: Ms. Barnes, would it be
10 helpful if we put that back up?

11 MS. BARNES: It would be helpful if I --

12 CHAIRPERSON COFFMAN: Kevin, could you put the
13 PowerPoint back up, please?

14 MS. BARNES: And part of the line of my
15 questions -- and let me just say this -- where do you
16 currently draw the primary bulk of the student
17 population from? Which districts?

18 MR. STEVENS: Little Rock. Little Rock School
19 District.

20 MS. BARNES: And Northwest --

21 MR. STEVENS: Oh, I'm sorry. I'm sorry.

22 MS. BARNES: This is not Quest.

23 MR. STEVENS: Sorry about that. So that's --
24 I'll defer to Curtis on that.

25 MR. SHACK: The majority of our students come

1 from Bentonville School District.

2 MS. BARNES: Okay. So, and I did ask primarily.
3 So if the majority comes from Bentonville -- I'm
4 looking at the fact that should this amendment be
5 granted and you get this waiver then any other
6 district that you're drawing students from we have to
7 consider those things as well. But along with the
8 question that I was asking about, the standard
9 schedule and what you would be teaching as opposed to
10 -- since you can already, if you have no students
11 signed up in the regular course, teach an AP course,
12 with permission and make that request, I'm hesitant
13 until I can hear a few more things about what you're
14 doing. Because I support the mission of the school
15 but I also have to look at what comes after. And if
16 you're not going to be teaching Algebra II, I'm still
17 waiting to see what those courses -- what that sample
18 --

19 MR. STEVENS: The course opposed to that on that
20 page is AP Calculus AB.

21 MS. BARNES: That's what I thought. So what
22 happens with Calculus and how are you prepared to
23 teach the required six math's if you're going to
24 start out opening up into AP courses? I'm just
25 asking these questions to determine what the plan is,

1 if you would still -- if you would go ahead and teach
2 those in the required 38; how many courses are we
3 looking at of the required 38 that you would intend
4 to teach as an AP course. Because, technically, by
5 granting this amendment you could pretty much just
6 decide, "Well, we're going to teach AP; wherever
7 there are AP courses we're going to teach those. We
8 will not teach the regular courses." And so because
9 of that, if you have students who are able to become
10 a part of the student population, you are not in a
11 position to provide them with the courses that they
12 may have been in prior to coming to your school. And
13 since you are an accredited school you would need to
14 -- students -- you would need to honor some of that
15 transfer policy.

16 MR. STEVENS: Uh-huh.

17 MS. BARNES: And so, I mean, I'm a little
18 confused as to how you would meet the needs of
19 students that may want to come into the school. I'm
20 also concerned about granting an amendment that would
21 allow for more than one AP course to count as your
22 required 38. Would you open it up to any courses? I
23 did understand that you will teach the core, the
24 English I, English II, English III, English IV, but I
25 also noted that the standard English 12 on the

1 schedule showed the composition, I believe. So I
2 need a little more information. Because when we
3 grant a waiver like this with respect to core
4 curriculum classes, we have to look at additional
5 pieces and how many others would then have the
6 opportunity not to teach the required courses and
7 what that does for equitable access for all students
8 across districts as they enroll in another school
9 district.

10 MR. STEVENS: So I'll let Mr. Shack respond as
11 well, but where this would be helpful is if we had
12 computer science, for example, and if we wanted -- if
13 we could offer just the AP computer science and not
14 regular computer science. And that would be an area
15 where this would be helpful.

16 MS. BARNES: Okay. And I understand it could be
17 helpful all the way across the board in keeping with
18 your mission.

19 MR. STEVENS: Right.

20 MS. BARNES: I think what's giving me pause is
21 it could be all of your courses or as many courses as
22 there is an AP course.

23 MR. STEVENS: So it's worded too -- it's too
24 general or expansive.

25 MS. BARNES: I think it's too expansive.

1 MR. STEVENS: Yeah.

2 MS. BARNES: Far too expansive for me right now.
3 Right now. There may be some more detail that comes
4 out in the questions.

5 CHAIRPERSON COFFMAN: Dr. Jones.

6 DR. JONES: On the computer science, you
7 currently can offer the AP computer science. There's
8 a Commissioner's Memo that has four that are
9 acceptable to meet the law and AP computer science is
10 one of those.

11 MR. STEVENS: Okay.

12 DR. JONES: I have an additional question. In
13 looking at this today, whether this goes today or
14 not, my question would be: as you take on AP courses
15 and you offer weighted credit, is it your intention
16 to offer weighted credit for those AP courses for
17 your students?

18 MR. STEVENS: Mr. Shack, if you could respond to
19 that.

20 MR. SHACK: Yes. The plan is that we will offer
21 weighted credit for those courses.

22 DR. JONES: Okay. And within the law for you to
23 offer weighted credit, your students are required to
24 complete the course and your teachers are required to
25 have the proper training. We define "proper

1 training" as College Board training. And so is it
2 your plan to have all of your AP teachers trained
3 within their College Board training?

4 MR. STEVENS: Yes.

5 DR. JONES: And is that true for both schools?

6 MR. STEVENS: Yes.

7 DR. JONES: Okay. Thank you.

8 CHAIRPERSON COFFMAN: Dr. Gotcher.

9 MR. SHACK: Yes, that is the current plan to
10 have all of them trained. Yes.

11 CHAIRPERSON COFFMAN: Thank you, Mr. Shack.

12 DR. GOTCHER: Thank you, Madam Chair. Mr.
13 Stevens, I'm looking at the rationale for your
14 amended request. I want to commend you for wanting
15 to offer a more rigorous curriculum. But it also
16 says "without adding extra teaching loads to our
17 certified staff." So I'm not sure -- to Dr. Jones'
18 example, if we see a student coming in that may excel
19 in the liberal arts but may struggle in some of the
20 core academic courses, I'm not sure how I can
21 visualize, having done master schedules before, how
22 it wouldn't increase your teaching load if you do
23 have to offer a regular class and, to Mrs. Barnes' --
24 or Ms. Barnes' comment, receiving transfers. You're
25 going to have to receive transfers of students that

1 may not have been in any kind of an AP course. So
2 can you or Mr. Shack address how you can not avoid
3 increasing staff if you want to be able to offer this
4 to all kids in this situation?

5 MR. STEVENS: Sure. And I think that we were
6 thinking more of, say, the physics or the calculus
7 where we'd offer the AP and not the regular. But Mr.
8 Shack may have more to say on that.

9 DR. GOTCHER: We'll wait for his response.

10 MR. SHACK: What we would do, it would depend on
11 when the student comes in. If they come in the
12 current year or the beginning of the school year, it
13 makes it easier for the master schedule to be
14 created. But if that student comes in mid-year, it's
15 very difficult to change our master schedule for that
16 student. So from that point we could put the student
17 in the AP course but differentiate his instruction.
18 So we would accommodate that student inside of the
19 classroom.

20 DR. GOTCHER: Thank you, Mr. Shack. I guess
21 that's it. Yeah. Thank you.

22 CHAIRPERSON COFFMAN: Ms. Pfeffer, do you have a
23 follow-up question?

24 MS. PFEFFER: I do. And something that Ms.
25 Barnes said made me think of this. Isn't there

1 already a mechanism -- and it may be one of our panel
2 can answer this -- I believe we already have a
3 mechanism for what they're asking. Because
4 essentially it seems what they're asking is --
5 they're going to continue to offer regular courses in
6 those core areas unless they do not have students
7 sign up. So we already have a mechanism if no
8 students sign up for the course where you would not
9 have to offer that course?

10 MS. BARNES: Yes, in the standards.

11 MR. STEVENS: Yeah. I believe we have to
12 communicate with the ADE and seek permission to do
13 that under current --

14 MS. PFEFFER: Okay. So do you feel that that is
15 too much of a barrier? Is that why you would go
16 ahead and ask for this blanket waiver? I guess I'm
17 just trying to understand -- there's already a
18 mechanism for you to do that -- if the waiver would
19 really be necessary.

20 MR. STEVENS: So I think it would give us some
21 -- in terms of timeline and flexibility, especially
22 as we see a lot of change from year to year, just as
23 a charter and adding grades, that we could do it as
24 needed apart from that, the current mandates.

25 MS. PFEFFER: May I ask like what is our process

1 if we're a school or district that's going to ask for
2 that waiver? Is it a fairly simple process?

3 MS. BARNES: Yeah. Excuse me. Yes, it's a
4 fairly simple process. Basically though, we have to
5 insure that you have not encouraged students not to
6 sign up for the regular required course. Once you
7 have registration, if you have no students who have
8 signed up for that course and you'd like to teach an
9 AP course in its place, you request permission to do
10 that to the Board and it's granted. It may be a
11 little extra work for the district to have to, you
12 know, create the paperwork, communicate with our
13 Standards Unit, and then us make the recommendation
14 to the Board that they be allowed to count the AP
15 course as opposed to the regular course, so that it
16 does not impact their accreditation status. But I
17 don't see it so cumbersome that it's not something --
18 especially in light of the fact that the conversation
19 here today is more in line with where the need, not
20 just as a general waiver to teach all courses that
21 they may desire to teach as an AP course.

22 CHAIRPERSON COFFMAN: Mr. Lester, any questions?

23 MR. LESTER: No.

24 CHAIRPERSON COFFMAN: Mr. Rogers?

25 MR. ROGERS: No.

1 CHAIRPERSON COFFMAN: Ms. Liwo?

2 MS. LIWO: No.

3 CHAIRPERSON COFFMAN: Any -- Dr. Jones.

4 DR. JONES: Have you been teaching AP courses?

5 MR. STEVENS: No. At Northwest Arkansas, the
6 highest grade there is 10th grade.

7 DR. JONES: Okay.

8 MR. STEVENS: Yeah.

9 DR. JONES: And so do they have in place a
10 waiver? Because other schools must teach the four
11 core AP courses. The charter, I mean, they have to
12 teach four core AP courses. Do you have a waiver not
13 to teach AP courses?

14 MR. STEVENS: I'll defer to Mr. Shack.

15 MR. SHACK: As of right now, we don't have a
16 waiver not to teach AP courses but we have the waiver
17 to phase in the 38 courses. So we're adding our
18 course load as we add grades.

19 DR. JONES: I understand. Okay. So it is the
20 expectation you as you phase in that you have those
21 AP courses, which in place of a waiver that's what
22 you have to do. Thank you.

23 CHAIRPERSON COFFMAN: Any additional questions?
24 Dr. Saunders.

25 DR. SAUNDERS: Yes. In looking at this idea of

1 essentially -- with it being so broad, as it's worded
2 -- possibly replacing core classes with AP classes, I
3 do commend your performance and everything. I think
4 you have great numbers there. In looking at your
5 student population, I do have some concerns. Your
6 special ed. population is around 2.3% as opposed to
7 the Bentonville district, which I'm just comparing,
8 as you stated, where the children come from is 10%.
9 Your LEP percent is zero and free-and-reduced lunch
10 is 20. And so I would be concerned, and I would want
11 to make sure that all the courses for anyone that
12 would want to be able to attend would be available,
13 and it would not just be for those for who the system
14 is designed for, and would like the opportunity for
15 more students to be able to take advantage of some of
16 the great things that you're offering. Can you
17 address any of the student population concerns that I
18 have?

19 MR. STEVENS: I'll let Mr. Shack answer that.

20 MR. SHACK: With it being a school of choice, we
21 currently allow all students who want to enroll into
22 the charter school to actually enroll. We don't put
23 any restrictions on students that want to come in,
24 and as students come in we accommodate them based on
25 every need that they may need. So it's kind of hard

1 for us to -- kind of hard for us to predict what
2 population is going to come into our school.

3 DR. SAUNDERS: I can understand that. And I
4 guess my question would be: by eliminating some of
5 the core classes would that not then be a barrier for
6 some students who may want to enroll?

7 MR. SHACK: I don't think it's a barrier because
8 we're not going to not give a student a course that
9 he really needs. We will always serve our students
10 and give them the instruction that they need to be
11 successful.

12 DR. SAUNDERS: Thank you.

13 CHAIRPERSON COFFMAN: Any additional questions?
14 Ms. Clay, are there any remaining issues?

15 MS. CLAY: No.

16 CHAIRPERSON COFFMAN: At this time I will accept
17 a motion from the Panel.

18 MS. PFEFFER: I make a motion to deny the
19 request for the amendment.

20 DR. JONES: I'll second that.

21 CHAIRPERSON COFFMAN: We have a motion by Ms.
22 Pfeffer and a second by Dr. Jones to deny the request
23 for amendment for Northwest Arkansas Classical
24 Academy. All those in favor?

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRPERSON COFFMAN: Any opposed? Motion
2 carried. We'll take a moment for you to write your
3 reasons and then we'll go around and report those for
4 the record.

5 Dr. Gotcher.

6 DR. GOTCHER: Almost. I have a little more to
7 complete.

8 CHAIRPERSON COFFMAN: Dr. Jones, I'll start with
9 you.

10 DR. JONES: I voted in favor of the motion to
11 deny the amendment because there's already a
12 mechanism in place to accomplish what you want to do.

13 CHAIRPERSON COFFMAN: Mr. Lester.

14 MR. LESTER: I voted for the denial because the
15 process is currently in place to change to AP courses
16 if no student registers.

17 CHAIRPERSON COFFMAN: Ms. Liwo.

18 MS. LIWO: I voted in favor of denying the
19 waiver request because there is a mechanism in place
20 to do what you want.

21 CHAIRPERSON COFFMAN: Ms. Pfeffer.

22 MS. PFEFFER: I made the motion based on that
23 reason and also out of concern for students in that
24 they -- there needs to be that assurance that the
25 courses would be offered and this would -- this

1 mechanism brings it to an option of not offering if
2 students do not choose it. I'm just worried that a
3 blanket waiver would take away that choice for
4 students.

5 CHAIRPERSON COFFMAN: Mr. Rogers.

6 MR. ROGERS: I voted for the motion, along the
7 same lines as everyone else, because the opportunity
8 already exists through ADE to offer those classes.

9 CHAIRPERSON COFFMAN: Ms. Barnes.

10 MS. BARNES: I voted in favor of the motion to
11 deny. Like everyone else, a mechanism is already in
12 place to accomplish the goals presented, your request
13 is too expansive, and could preclude students
14 equitable access to needed courses when enrolling in
15 the school.

16 CHAIRPERSON COFFMAN: Dr. Gotcher.

17 DR. GOTCHER: I voted for the motion to deny the
18 waiver. I'm still concerned about how -- I feel it's
19 still unclear how increasing staff could be avoided
20 while providing what is necessary for current or
21 incoming students. And furthermore, to coin the
22 phrase of Ms. Barnes, I also feel it appears too
23 expansive in this present form.

24 CHAIRPERSON COFFMAN: Dr. Saunders.

25 DR. SAUNDERS: Yes. I voted in favor of denying

1 the amendment for two issues: one, with another
2 system already being in place; and number two, I feel
3 that it could limit the ability for some students to
4 take advantage of the opportunities.

5 CHAIRPERSON COFFMAN: Thank you.

6 Mr. Stevens, I think you've heard the Panel
7 today --

8 MR. STEVENS: I did.

9 CHAIRPERSON COFFMAN: -- and you understand our
10 concerns. We are very concerned about any limitation
11 that might cause students not to enroll and to take
12 the opportunities available to them, as well as the
13 clarity that we feel is needed to actually meet the
14 mission that you've set forth. So we appreciate your
15 -- any understanding --

16 MR. STEVENS: Thank you.

17 CHAIRPERSON COFFMAN: -- that you've gained from
18 this meeting.

19 MR. STEVENS: Thank you.

20 CHAIRPERSON COFFMAN: Good luck to you. Thank
21 you.

22 MR. STEVENS: Thank you.

23 CHAIRPERSON COFFMAN: Do y'all need a break or
24 are we ready to go on? Okay. All right. Thank you,
25 sir.

1 A-3: REQUEST FOR OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL

2 AMENDMENT: QUEST MIDDLE SCHOOL OF WEST LITTLE ROCK

3 MR. STEVENS: I'm here again. I'm the next --

4 CHAIRPERSON COFFMAN: You're the next guy.

5 MR. STEVENS: And if it pleases the Panel, the
6 next waiver is for the same thing but for Quest-
7 Little Rock. So I'm content with the answer that you
8 gave for Northwest Arkansas, and I don't know what
9 procedures you must follow.

10 CHAIRPERSON COFFMAN: Ms. Clay?

11 MS. CLAY: They can either withdraw their
12 request for a waiver or you all can go ahead and vote
13 on the request. It's up to the charter school.

14 CHAIRPERSON COFFMAN: Mr. Stevens?

15 MR. STEVENS: I don't necessarily see a purpose
16 in going through all of it again. And so if you
17 would like to vote now or I'll withdraw it -- I guess
18 --

19 CHAIRPERSON COFFMAN: It's your decision, sir.

20 MR. STEVENS: I'll withdraw.

21 CHAIRPERSON COFFMAN: Okay.

22 MR. STEVENS: So, yes.

23 CHAIRPERSON COFFMAN: All right. Thank you.

24 Action Item 3 is withdrawn. I'm sorry?

25 MR. STEVENS: My apologies. There is a second

1 -- I didn't realize they were considered as one. We
2 would like to change our name and that is the second
3 part of this one.

4 MS. BOYD: Madam Chair --

5 CHAIRPERSON COFFMAN: Yes.

6 MS. BOYD: -- I'd just like to offer some
7 direction on the name-change.

8 CHAIRPERSON COFFMAN: Thank you.

9 MS. BOYD: Some information. I spoke with
10 Carmen Jordan and if you guys do approve the name-
11 change, it won't take effect until the change of the
12 school year, which will be July 1.

13 CHAIRPERSON COFFMAN: Okay. And which action
14 item are we on, Ms. Boyd?

15 MS. BOYD: A-3 has two parts.

16 CHAIRPERSON COFFMAN: Okay.

17 MS. BOYD: Their amendment request has two parts
18 to it. So one was the name change and the other was
19 the AP courses.

20 CHAIRPERSON COFFMAN: Okay. So on Action Item 3
21 you're withdrawing your request for the amendment
22 regarding the waiver, but you would still like us to
23 consider the name-change?

24 MR. STEVENS: Very much so.

25 CHAIRPERSON COFFMAN: Okay. All right. Make

1 your case for the name-change.

2 MR. STEVENS: Quest Middle School of West Little
3 Rock would like to request the name-change to the
4 campus so that the name fits the entire student body,
5 instead of the middle school grades, as we continue
6 to add upper level grades per our charter agreement
7 with the Arkansas Department of Education. The
8 requested name is Quest Academy.

9 CHAIRPERSON COFFMAN: All right. Ms. Barnes.

10 MS. BARNES: I just wanted to be sure that you
11 do understand that should this be granted today, as
12 Ms. Boyd said, because of all the various
13 recordkeeping and all of the pieces that go along
14 with that, it would not take effect until the
15 following school year?

16 MR. STEVENS: Yes, ma'am. I understand that.

17 MS. BARNES: Okay.

18 CHAIRPERSON COFFMAN: Any other questions from
19 the Panel?

20 DR. JONES: I'll make a motion that we approve
21 the name-change to Quest Academy.

22 MS. BARNES: Second.

23 CHAIRPERSON COFFMAN: Ms. Barnes, did you
24 second?

25 MS. BARNES: Yes.

1 CHAIRPERSON COFFMAN: The motion has been made
2 by Dr. Jones and a second by Ms. Barnes to approve
3 the name-change. Any discussion? All those in
4 favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON COFFMAN: Any opposed? The motion
7 passed.

8 MR. STEVENS: Thank you very much.

9 CHAIRPERSON COFFMAN: If you'll give us just a
10 second, we'll put that into the record.

11 Dr. Jones.

12 DR. JONES: I voted in favor of the motion
13 because changing the name from Quest Academy Middle
14 to Quest is appropriate due to the grade expansion.

15 CHAIRPERSON COFFMAN: Mr. Lester.

16 MR. LESTER: I voted for the motion to change
17 the name. The name-change will fit the entire
18 student body.

19 CHAIRPERSON COFFMAN: Ms. Liwo.

20 MS. LIWO: I voted in favor of the motion
21 because the name-change reflects the entire student
22 body.

23 CHAIRPERSON COFFMAN: Ms. Pfeffer.

24 MS. PFEFFER: I voted in favor of the motion for
25 all the reasons listed.

1 CHAIRPERSON COFFMAN: Mr. Rogers.

2 MR. ROGERS: I voted for the motion and concur
3 with what everybody else has already said.

4 CHAIRPERSON COFFMAN: Dr. Saunders.

5 DR. SAUNDERS: Yes. I voted for, because I
6 didn't have any concerns and I support the ability
7 for you to make decisions when you can.

8 CHAIRPERSON COFFMAN: Dr. Gotcher.

9 DR. GOTCHER: I voted for the motion to change
10 the name because I felt acceptable reasons for the
11 change were presented.

12 CHAIRPERSON COFFMAN: And Ms. Barnes.

13 MS. BARNES: I voted in favor of the motion
14 because it is an appropriate change.

15 CHAIRPERSON COFFMAN: Good luck to you.

16 MR. STEVENS: Thank you.

17 CHAIRPERSON COFFMAN: And we celebrate your new
18 name.

19 MR. STEVENS: Thank you very much.

20 CHAIRPERSON COFFMAN: Thank you.

21 A-4: REQUEST FOR DISTRICT CONVERSION PUBLIC CHARTER SCHOOL
22 AMENDMENT: BAUXITE MINER ACADEMY

23 CHAIRPERSON COFFMAN: All right. That brings us
24 to Action Item 4. Ms. Boyd.

25 MS. BOYD: Thank you, Madam Chair. The State

1 Board of Education approved the application for the
2 Bauxite School District to operate Bauxite Miner
3 Academy, on March 11, 2013. The charter is approved
4 to serve grades 7-12 with a maximum enrollment of
5 200. Representatives of the Bauxite School District
6 are appearing before the Charter Authorizing Panel to
7 request an amendment to their current charter. Here
8 from Bauxite we have Tyler Tarver, who is the
9 Director of Curriculum, Instruction and Federal
10 Programs at Bauxite.

11 CHAIRPERSON COFFMAN: All those speaking for
12 Bauxite Miner Academy please stand and raise your
13 right hand, and anyone speaking in opposition. Do
14 you swear or affirm that the testimony you are about
15 to give shall be the truth, the whole truth and
16 nothing but the truth?

17 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

18 CHAIRPERSON COFFMAN: Mr. Tarver, you are
19 recognized.

20 MR. TARVER: Thank you. I thank you guys for
21 allowing me to come speak today. So far, things are
22 going very well at Miner Academy at Bauxite. We just
23 noticed an area that might limit us in the future if
24 we continue to grow like we've been doing every year
25 since we started. We're requesting a waiver to waive

1 our class size and the teaching limit for all grades
2 that we offer classes to, from section 10.02, for the
3 Standards of Accreditation -- I'm sorry, I muttered
4 that -- Standards of Accreditation. You guys know
5 that; you don't need me to say it. A few reasons it
6 would help, this would help our students to be more
7 successful. With this waiver we -- some of us
8 already have -- we have an extended school day waiver
9 where we can offer classes before or after school.
10 You know, that puts an extra class on a teacher that
11 might be already teaching multiple classes. We don't
12 have to do this very often and we've been able to
13 accommodate it in the past. You know, it usually
14 applies to some of our AE students, you know, who are
15 trying to catch up, kids that are trying to graduate
16 on time, things like that, they need to take more
17 classes. But this would help us have a little more
18 leeway than we've had in the past. Also, we share
19 teachers with our high school because of where our
20 campus is located, which is very beneficial. It
21 gives us some flexibility, you know, but in the case
22 of -- you know -- in the future, say, next year, if
23 some teacher leaves, some teacher comes in, certain
24 certifications happen, this allows us to maybe have a
25 teacher from the high school who's there more of the

1 day than they are at Miner Academy; they could come
2 in and help with those, you know, before or after
3 school waivers or maybe during the school day if we
4 have to accommodate certain kids. It just fluctuates
5 quite a bit year-to-year with what students we get
6 and what they need. With asking teachers to teach
7 more students, you know, we don't want it to take
8 away from the education or the instruction process.
9 But while it's not less of a workload, it's a
10 different workload for teachers, because our teachers
11 do a lot of preparation in the summer and they
12 deliver a lot of the curriculum through an online
13 portal and through that, blended learning. And then
14 a lot of the -- the way the instruction is delivered
15 and the way the teachers are able to help the
16 students it's a different workload. So some teachers
17 that we've been able to, you know, kind of figure out
18 "this works with this teacher, this teacher works
19 better at Miner Academy," they're able to kind of
20 work better and help more students than maybe a
21 normal teacher would or some teachers in that
22 situation. Also, a good portion of our students are
23 credit recovery students, so a lot of the students
24 have already sat through the class. You know, they
25 may have missed too many days or for one reason or

1 another they didn't get the credit for the course.
2 And so a lot of them don't need quite as much teacher
3 guidance or instruction or help because they knew the
4 material; they just for one reason or another didn't
5 pass the class. So it requires less on the teacher
6 with regards to that percentage of students that we
7 have for credit recovery. And also we are not --
8 we're not over-sized in any of these capacities. We
9 also have two paraprofessionals that allow, you know,
10 us to help and monitor and assist, but we, you know,
11 we don't attach students to them because of their
12 position and their certifications. And so our goal
13 is for this not to be an issue. You know, as we
14 continue to grow we can start bringing in more
15 teachers and have the teachers there for more periods
16 of the day. So we don't want it to be, but in case
17 it is we don't want to have our students limited
18 because of this. So thank you guys again for
19 listening to me and I'm more than happy to answer any
20 questions you have.

21 CHAIRPERSON COFFMAN: Ms. Barnes, we'll start
22 with you.

23 MS. BARNES: Yes, sir, thank you for your
24 presentation. Miner Academy is 6-12?

25 MR. TARVER: Yes, ma'am. 6-12, yes. On paper,

1 it said 7-12 but whenever you guys granted us I think
2 it was 6-12.

3 MS. BARNES: I was thinking it was 6-12.

4 MR. TARVER: Yes, ma'am.

5 MS. BARNES: I recalled some work with it
6 earlier in the year. But I guess my question is:
7 since we did recently have legislation that allows
8 for a teacher in grades 7-12 to exceed the maximum
9 load with compensation, where does that enter into
10 this particular type of an amendment request? And
11 there are other mechanisms for credit recovery, so --

12 MR. TARVER: Yes, ma'am. Well, currently, with
13 our -- the way our school is set up, this is our best
14 option for kids with credit recovery on that point.
15 So I'm not sure -- I'm not completely positive on the
16 options you're talking about. But with regards to
17 that recent statute that came in, I think is the
18 terminology, we plan on compensating our teachers
19 even with this waiver. We don't have any problem --
20 if the teachers are doing more work, we don't mind
21 compensating them for it.

22 MS. BARNES: And I'm confused then about the
23 request for the waiver. Furthermore, Miner Academy
24 is an alternative learning environment. Correct?

25 MR. TARVER: Yes, ma'am.

1 MS. BARNES: An AE?

2 MR. TARVER: Yes, ma'am.

3 MS. BARNES: Okay. Thank you.

4 MR. TARVER: Thank you.

5 CHAIRPERSON COFFMAN: Dr. Saunders.

6 DR. SAUNDERS: Yes. Following up on what Ms.
7 Barnes was saying with the Act 993, and it was
8 specifically that there would be compensation for
9 those teachers in excess of 150 as well as
10 instructions on how to do that. And so any kind of
11 waiver I would presume to be a waiver from this new
12 law, so -- on the 150 aspect, not on a particular
13 class size.

14 MR. TARVER: Okay.

15 DR. SAUNDERS: And so do you still see the need
16 to have a waiver from the number of students taught
17 within the day?

18 MR. TARVER: Well, I guess I would see what you
19 guys recommended. If you think that it's not
20 necessary with that new change, then we're fine with
21 not having it, if it's not necessary. We would just
22 compensate our teachers accordingly. So it's up to
23 you guys.

24 DR. SAUNDERS: I'll seek Counsel's opinion.

25 CHAIRPERSON COFFMAN: Ms. Clay.

1 MS. CLAY: It would really be up to the charter
2 school on how they're planning on structuring. So if
3 they already plan on compensating a teacher if
4 they're above the 150 class size, then the waiver
5 would not be necessary. If they plan on compensating
6 above their new requested 200 class size, then they
7 would need a waiver of the class size standard but
8 they would not need a waiver of the act -- I have it
9 pulled up -- 993. Does that make sense? So, I mean,
10 it depends on how they want to structure it and at
11 what point the compensation would come in for extra
12 students.

13 DR. SAUNDERS: So do you plan on compensating
14 according to Act 993 or those in excess of 150 on the
15 teaching load?

16 MR. TARVER: Yes, sir.

17 DR. SAUNDERS: Okay. So that waiver would not
18 be needed. Is that correct?

19 MR. TARVER: Yes, sir, I believe so.

20 DR. SAUNDERS: Okay. So the waiver then would
21 be needed on class size?

22 MR. TARVER: Yes, sir.

23 DR. SAUNDERS: Okay. That's all I have right
24 now.

25 DR. JONES: Can the charter -- do you already

1 have a waiver for the ALE class size, 15-to-1?

2 MR. TARVER: No, ma'am. I think we're still
3 limited on that. It's 15 and then if we have a
4 paraprofessional it goes up to 17, I believe. I
5 think we're still under that.

6 DR. JONES: Is that the waiver that they're
7 trying to seek here? Because class size for ALE's
8 are different. I think that maybe that's the waiver;
9 is it?

10 MR. TARVER: No. Because of our -- the way our
11 classes are set up they're in different -- because
12 not every student that's at Miner Academy is coded as
13 AE, so some of the students are, you know, general
14 education students. And they're not full-time
15 students at Miner Academy; they are taking a class or
16 two that they can't take at the high school. And so
17 it helps in those classrooms, as well.

18 DR. JONES: Okay. Sum up the AE. Some students
19 are coded as AE?

20 MR. TARVER: Yes.

21 DR. GOTCHER: Only a fourth.

22 MR. TARVER: Yes.

23 DR. JONES: Only what?

24 DR. GOTCHER: A fourth of their population.

25 DR. JONES: Okay. So they're still following

1 those class sizes?

2 MR. TARVER: Yes.

3 DR. GOTCHER: That would be --

4 DR. JONES: Regulation?

5 MR. TARVER: Yes, ma'am.

6 DR. JONES: Okay.

7 MR. TARVER: Yes, ma'am. We are.

8 DR. JONES: I also have a question about -- can
9 you clarify for the online? Because I think this
10 speaks to workload for teachers too. Are they using
11 Virtual Arkansas or are they creating their own
12 online --

13 MR. TARVER: No, ma'am. They're using -- we
14 went through Odysseyware and then our teachers went
15 in the summer and edited the courses to meet our
16 state standards and adjust them based on how they
17 wanted the course delivered. And so we took their
18 courses and it gave us essentially a skeleton for it
19 and then we were able to go in; it's very easy to
20 edit those courses. You can go in and add things
21 from different areas and then you can also create
22 your own assignments, and so that's what our teachers
23 did.

24 DR. JONES: Okay. And it blended along with
25 direct instruction?

1 MR. TARVER: There's not as much. It depends on
2 the teacher and the course. Some courses are more --
3 a lot of times, if the teacher was able to get in the
4 summer and get that course set up the way they wanted
5 to -- a lot of it is delivered through, you know,
6 videos either that they've recorded or that they
7 found that kind of deliver the lesson. And then a
8 lot of it is they walk around, help kids; they see a
9 kid did poorly, they go help them; a lot of one-to-
10 one, if they're not doing the blended stuff.

11 DR. JONES: Okay. Thank you.

12 MR. TARVER: Thank you.

13 CHAIRPERSON COFFMAN: Before we move forward, I
14 think I need to clarify what we're requesting.

15 DR. GOTCHER: That's exactly what I was going to
16 do.

17 MR. TARVER: Okay.

18 CHAIRPERSON COFFMAN: So I got a little lost in
19 this conversation.

20 MR. TARVER: Yeah.

21 CHAIRPERSON COFFMAN: Ms. Clay, Ms. Boyd, can
22 you help us to be very clear about the request today?

23 MS. BOYD: So as the amendment request is
24 written, they are requesting a waiver from the
25 Standards of Accreditation 10.02.5. And it seems

1 like what we've said, because of the Act 993 that
2 they really are only needing the 45 students in the
3 classroom to have that classroom size waiver.

4 MS. BARNES: So, may I ask a question?

5 CHAIRPERSON COFFMAN: Ms. Barnes needs to
6 clarify that.

7 MS. BARNES: Well, I mean, I didn't see the
8 class size waiver one, so that --

9 DR. GOTCHER: It's embedded.

10 MR. LESTER: It's embedded inside the --

11 MS. BARNES: Oh, okay. So, yeah, I saw the
12 10.02.5 which made me zoom in on 150. And I remember
13 that Miner Academy does have students -- some are
14 regular students, some are not, but, you know, it's
15 geared toward the AE environment for many. Again,
16 I'm concerned. If we're talking about a situation
17 now of a possibility of 45 students -- up to 45
18 students in a class, as opposed to the maximum 30 for
19 grades 7-12, then, again, it's a waiver that would
20 apply to anyone else, even though Bauxite Miner
21 Academy is right -- it's pretty much right there in
22 Bauxite. But should someone -- students come in --
23 and there is also a mechanism where you can go up
24 above -- it can exceed by three or so, and you don't
25 have large classes. So the discussion was more in

1 terms of the fact that you would have teachers from
2 the high school who may teach a class, which would be
3 in excess of the 150. And since we're withdrawing
4 that part, I'm confused now about the real need for
5 the up to 45 students in a class. Can somebody maybe
6 help me --

7 DR. SAUNDERS: I think I can clean that up as a
8 question. I think it would satisfy both of us. How
9 would increasing class size to 45 benefit the kids,
10 as opposed to a class size at a lower level?

11 MR. TARVER: Well, it would allow us not to have
12 to turn kids away because we couldn't accommodate
13 them with our facilities. You know, we have grown
14 over the past couple of years and the way our
15 classrooms are set up, if we can -- you know -- we're
16 talking about opening up two of the classrooms to
17 where there can be more students in a class. And
18 that way the students could still take classes and we
19 wouldn't have to say, no, we have to have only 30
20 kids in here with this one teacher that can monitor
21 more than just 30 students. And that would help us
22 quite a bit.

23 CHAIRPERSON COFFMAN: Dr. Gotcher.

24 DR. GOTCHER: Madam Chair, I'm actually okay
25 with increasing to 45 if it's an environment where

1 they're monitoring an online curriculum --

2 MR. TARVER: Yes.

3 DR. GOTCHER: -- and as long as it doesn't
4 increase for our ALE students. According to your
5 data, only 11 of your 45 students are ALE kids?

6 MR. TARVER: Yes, sir.

7 DR. GOTCHER: Okay. So I wouldn't want to grant
8 anything to exceed that class size for those special
9 students. If we did grant the waiver for 45 -- I'm
10 kind of asking Legal or the Panel or you, sir -- if
11 we increase to 45, would we also be allowing non-
12 online students -- in other words, would there be a
13 situation where 45 students showed up and they did
14 not need the online curriculum? Or is that the only
15 primary curriculum that you offer at Miner?

16 MR. TARVER: It's our primary curriculum.

17 DR. GOTCHER: Okay.

18 MR. TARVER: And if not, it's very blended.

19 DR. GOTCHER: And then, further -- maybe Legal
20 -- would that affect --

21 MS. BARNES: The other Bauxite --

22 DR. GOTCHER: -- other -- yeah -- other charter-
23 like waivers for other traditional public schools?
24 Would there be a caveat that says that you could do
25 45 with online curriculum but not 45 with direct

1 instruction?

2 MS. CLAY: Okay. It would only apply --
3 depending on how you grant the waiver you could
4 stipulate that it only applies to online courses.

5 DR. GOTCHER: Good.

6 MS. CLAY: As far as -- I think what you're
7 talking about is other traditional schools coming
8 before the State Board and requesting a similar
9 waiver. That only applies to open-enrollment charter
10 school waivers, and this is a district conversion.
11 So that waiver is probably available because -- well,
12 I don't know; it may already be available through an
13 open-enrollment charter school. The class size is a
14 relatively routinely granted waiver. But granting it
15 to the Bauxite district conversion would not then
16 open up any additional doors. And, also, that
17 process, as you know, has to go through the State
18 Board, so it's not an automatic grant for a
19 traditional school, even if it was an open-enrollment
20 charter school getting the waiver.

21 DR. GOTCHER: All right. Thank you.

22 MS. BARNES: Okay.

23 DR. GOTCHER: Does that help you?

24 MS. BARNES: That helps me tremendously.

25 Because my main concern was not so much other

1 districts as much as the district itself and the
2 other teachers, other classes at the high school, you
3 know, since this is the Miner Academy.

4 MS. CLAY: Oh, no. Yes. It would be specific
5 to Miner Academy. And you could even make it more
6 specific as only --

7 DR. GOTCHER: Online.

8 MS. CLAY: -- online courses --

9 DR. GOTCHER: Yes, ma'am.

10 MS. CLAY: -- within Miner Academy.

11 DR. GOTCHER: Okay.

12 CHAIRPERSON COFFMAN: Mr. Tarver, are you
13 agreeable to those conditions?

14 MR. TARVER: Sure. Sound great. Thank you.

15 CHAIRPERSON COFFMAN: Any other comments or
16 questions? I have one and it's more of a gentle
17 caution.

18 MR. TARVER: Okay.

19 CHAIRPERSON COFFMAN: And it's just that I can
20 certainly see having 45 students in the room, all
21 working independently online and teachers and aids
22 moving around, assisting as needed. I would only
23 caution you to police yourself that you don't
24 overload so much that those kids are not successful.
25 Sometimes two in a room is plenty if kids need

1 assistance. So I would just ask you to really
2 caution -- to police yourself with that to insure
3 that those kids are being successful and that they're
4 getting the quality of education they deserve.

5 MR. TARVER: Yes, ma'am. That's our number one
6 goal.

7 CHAIRPERSON COFFMAN: Thank you.

8 MR. TARVER: Thank you.

9 CHAIRPERSON COFFMAN: Any -- I'll entertain a
10 motion.

11 DR. SAUNDERS: I'd make the motion to approve
12 the waiver of class size to go to 45 for the Bauxite
13 Miner Academy for online courses.

14 CHAIRPERSON COFFMAN: And a second?

15 DR. GOTCHER: Second.

16 CHAIRPERSON COFFMAN: Dr. Saunders has made a
17 motion and Dr. Gotcher has seconded that motion to
18 approve the amendment for online, for up to 45
19 students. Is that correct?

20 DR. SAUNDERS: (Nodding head up and down.)

21 CHAIRPERSON COFFMAN: Any discussion? All those
22 in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRPERSON COFFMAN: Any opposed? Motion
25 passed.

1 MR. TARVER: Thank you.

2 CHAIRPERSON COFFMAN: If you'll wait just a
3 moment, we'll have comments to go with that.

4 DR. SAUNDERS: I do want to make one comment. I
5 was looking at your -- on some of your numbers and I
6 wanted to commend you. I think I found it
7 interesting that in the Academy you have the same
8 number of special ed. students as you have gifted.

9 MR. TARVER: Yes, sir.

10 DR. SAUNDERS: And so I see that as an
11 environment that's looking to serve all students.

12 MR. TARVER: Thank you. Yes, sir. And we try
13 to catch them on whichever end of the spectrum or
14 anywhere in between. Thank you.

15 CHAIRPERSON COFFMAN: Ms. Barnes.

16 MS. BARNES: I voted for, in favor of the motion
17 to approve because I believe the vision of the
18 amendment is appropriate for the multiple
19 instruction.

20 CHAIRPERSON COFFMAN: Dr. Gotcher.

21 DR. GOTCHER: I voted for the amendment to
22 increase. I feel this amendment does not adversely
23 affect student achievement. But I also share Madam
24 Chair's caution that 45 should not be a license to
25 become the new status quo but that it should be --

1 continue to make decisions that are best for kids.

2 MR. TARVER: Yes, sir.

3 DR. GOTCHER: Dr. Jones.

4 DR. JONES: I voted for the amendment because
5 it's acceptable because instruction delivered online
6 allows for larger class sizes.

7 CHAIRPERSON COFFMAN: Mr. Lester.

8 MR. LESTER: I voted for the amendment based
9 upon the motion; it's acceptable for online courses.

10 CHAIRPERSON COFFMAN: Ms. Liwo.

11 MS. LIWO: I voted in favor of the motion
12 because the online courses are appropriate for larger
13 group online instruction.

14 CHAIRPERSON COFFMAN: Ms. Pfeffer.

15 MS. PFEFFER: I voted for the motion because it
16 aligns with this school's goals and the online
17 program delivery, and I believe that this was looking
18 to see how they can best provide services for those
19 students there.

20 CHAIRPERSON COFFMAN: Mr. Rogers.

21 MR. ROGERS: I voted for the motion because it
22 allows the Bauxite Miner Academy to offer online
23 courses to more students without having to turn back.

24 CHAIRPERSON COFFMAN: Dr. Saunders.

25 DR. SAUNDERS: I voted for the motion because I

1 believe it would allow the opportunity for more
2 students to participate and still be in a manageable
3 environment.

4 CHAIRPERSON COFFMAN: All right. Well,
5 congratulations to you. We expect great things. And
6 please remember to think of us when you're ready to
7 share the great things that's going on in your
8 school.

9 MR. TARVER: Got it. Thank you, guys.

10 CHAIRPERSON COFFMAN: And thank you for serving
11 all kids.

12 MR. TARVER: Yes. Thank you, guys, very much.

13 CHAIRPERSON COFFMAN: All right. Let's take a
14 5- to 10-minute break.

15 (BREAK: 9:35-9:48 a.m.)

16 A-5: REQUEST FOR DISTRICT CONVERSION PUBLIC CHARTER SCHOOL
17 AMENDMENT: ROGERS NEW TECHNOLOGY HIGH SCHOOL

18 CHAIRPERSON COFFMAN: If we can reconvene,
19 Action Item 5, Request for District Conversion Public
20 School -- Public Charter School Amendment, Rogers New
21 Technology High School. Ms. Boyd, you're recognized.

22 MS. BOYD: Thank you, Madam Chair. The State
23 Board approved the application for the Rogers School
24 District to operate Rogers New Technology High
25 School, on January 14, 2013. The charter school is

1 approved to serve students grades 9-12 with a maximum
2 enrollment of 600. Representatives of the Rogers
3 School District are appearing before the Charter
4 Authorizing Panel to request an amendment to the
5 current charter. And just as a heads-up, this
6 amendment request does have two parts as well. And
7 we have Dr. Arbuckle here from Rogers New Tech to
8 speak with you.

9 CHAIRPERSON COFFMAN: All representatives from
10 Rogers New Technology High School and anyone speaking
11 in opposition please stand, raise your right hand.
12 Do you swear or affirm that the testimony you're
13 about to give shall be the truth, the whole truth and
14 nothing but the truth?

15 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

16 CHAIRPERSON COFFMAN: Thank you. Dr. Arbuckle,
17 you're recognized.

18 DR. ARBUCKLE: Thank you, Madam Chairwoman.
19 Members of the Panel, I greatly appreciate the
20 opportunity to come before you today and share a
21 little bit about the exciting things that are
22 happening at Rogers New Technology High School. As
23 Ms. Boyd indicated, we do have two parts to our
24 amendment request and so, unless otherwise directed
25 by the Panel, I'll work through the first piece,

1 which is the enrollment cap. And then after that
2 opportunity we'll work through the second piece as
3 well.

4 I believe you have access to a PowerPoint as
5 well. Our amendment today, we're going to work
6 through the first section, would be our enrollment
7 cap. As Ms. Boyd indicated, we do currently have an
8 enrollment cap of 600. What you're seeing there is
9 you're seeing a picture of the northwest corner of
10 our building. That is an addition that was added to
11 the existing structure, and that is the opening, the
12 front door, if you will, to Rogers New Technology
13 High School. Just to give you a little context of
14 what we look like compared to our district -- and I
15 think you would see that we are within just a few
16 percentage points in all of our areas. I would point
17 out that our English Language Learners, we actually
18 have more English Language Learners at Rogers New
19 Technology High School than the district has
20 demographically. We're fairly close with the special
21 education, as you can see, and the other numbers
22 there as well.

23 Currently, we are in a building that houses two
24 parts. It's a former middle school building and
25 within that building we house the Rogers New

1 Technology High School. You can see the square
2 footage there when we opened. We made some
3 additions; we made some modifications to the existing
4 building into the current space that we have
5 available that we are using, the 46,610 square feet.
6 Currently, the remainder of that building, the rest
7 of that building houses our ALE program. The
8 district is currently looking for other space for
9 that ALE program so that, as you can see, the total
10 space that we will have available to us is over
11 123,000 square feet. And so that -- right now, we
12 are utilizing about 38% of the square footage in the
13 building for our current enrollment, which is 541.
14 We are asking the Panel to increase our enrollment
15 cap from the current 600 to 900 and we are -- as a
16 district we intend to work the rest of our space
17 that's available to us as we move ALE out and utilize
18 that space, recapture that space for Rogers New
19 Technology High School.

20 I would entertain any questions at this time on
21 the enrollment cap.

22 CHAIRPERSON COFFMAN: Okay. Any questions
23 regarding the enrollment cap? Dr. Gotcher.

24 DR. GOTCHER: Yes. Having been there just a
25 couple of weeks ago, the cafeteria -- the increase

1 does not affect the capacity for the cafeteria to
2 serve the students?

3 DR. ARBUCKLE: Actually, when we recapture that
4 space in the rest of the building we will actually
5 add the more traditional commons area that existed in
6 the -- that exists currently for the ALE, existed
7 previously for that building which was Kersey Middle
8 School.

9 DR. GOTCHER: So you'll capture some more
10 cafeteria --

11 DR. ARBUCKLE: Correct. We'll actually capture
12 more cafeteria space; we'll actually capture some
13 special areas, for example, the gymnasium, you know,
14 which we currently share with ALE; we'll recapture a
15 full kitchen space, those kinds of things.

16 DR. GOTCHER: Okay. Weather permitting, the
17 kids want to be outside anyway, as you demonstrated.

18 DR. ARBUCKLE: Correct. They really do.

19 DR. GOTCHER: Yeah. All right. Thank you.

20 DR. ARBUCKLE: Thank you.

21 CHAIRPERSON COFFMAN: Any other questions? I'll
22 entertain a motion regarding the increased enrollment
23 cap.

24 DR. JONES: I will make a motion to approve the
25 enrollment cap -- to increase the enrollment cap for

1 Rogers New Tech High School.

2 MS. PFEFFER: Second.

3 CHAIRPERSON COFFMAN: A motion has been made by
4 Dr. Jones and a second by Ms. Pfeffer to increase the
5 enrollment cap to 900. Any discussion?

6 DR. JONES: I do just want to add that we had
7 the chance to visit and this is a picture of a highly
8 effective charter.

9 DR. GOTCHER: Yes.

10 DR. JONES: They are diverse. When you talk
11 about a Personalized Learning Plan, they did have
12 choices. It's not creating a Personalized Learning
13 Plan with "here it is, this is what you're doing."
14 We had students that went off to NWAC to take
15 colleges; we had students that were very much in
16 their career fields. And so they have the capacity
17 and they've done what a charter should do to be
18 successful. So I commend you for your work there and
19 your leadership.

20 DR. ARBUCKLE: Thank you.

21 DR. GOTCHER: Thank you.

22 CHAIRPERSON COFFMAN: Any other discussion? All
23 those in favor of the motion?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRPERSON COFFMAN: Any opposed? The motion

1 passed. If you'll give us just a moment, we'll have
2 our responses for the record.

3 Dr. Saunders, we'll start with you.

4 DR. SAUNDERS: Give me just a second. Yes, I
5 voted -- sorry. Yes, I voted for the motion. I
6 believe this would allow more students the
7 opportunity to take part in a specialized learning
8 environment.

9 CHAIRPERSON COFFMAN: Mr. Rogers.

10 MR. ROGERS: I voted for the motion and it's due
11 to the fact the charter has been successful and
12 there's -- I don't have any concerns with allowing
13 more kids to attend.

14 CHAIRPERSON COFFMAN: Ms. Pfeffer.

15 MS. PFEFFER: This is a good opportunity for the
16 students and the district to grow. And it's obvious
17 from the data that Rogers is providing a unique
18 opportunity in a manner that all students have access
19 to participate.

20 CHAIRPERSON COFFMAN: Ms. Liwo.

21 MS. LIWO: I voted for the motion. I didn't see
22 any issues with increasing the enrollment cap.

23 CHAIRPERSON COFFMAN: Mr. Lester.

24 MR. LESTER: I voted for, to increase the cap,
25 increasing the opportunity for Rogers' students to

1 attend a successful charter.

2 CHAIRPERSON COFFMAN: Dr. Jones.

3 DR. JONES: I voted for the motion. This is an
4 exceptional charter that truly serves a diverse
5 student population. They need to expand to offer
6 more students this opportunity.

7 CHAIRPERSON COFFMAN: Dr. Gotcher.

8 DR. GOTCHER: I voted for the amendment to
9 approve the -- the motion to approve the amendment.
10 The increase in cap size does not affect the ability
11 to effectively serve students -- and I do mean
12 "effectively."

13 CHAIRPERSON COFFMAN: Ms. Barnes.

14 MS. BARNES: I voted in favor of the increase.
15 I see no adverse impact to teaching and learning of
16 the students.

17 CHAIRPERSON COFFMAN: Congratulations.

18 DR. ARBUCKLE: Thank you.

19 CHAIRPERSON COFFMAN: Let's move forward with
20 the next waiver.

21 DR. ARBUCKLE: Thank you. Can we have the
22 PowerPoint again, please? The reason for this waiver
23 request -- currently, in our charter we have a waiver
24 on the class size from 10.2.05. We asked the State
25 Board to grant that waiver during our initial inquiry

1 for a class size of 35, but we did not increase, nor
2 are we looking to today, the teaching load of 150.
3 After the passage of Act 993, on August 31st, charter
4 leaders, charter directors and superintendents
5 received an email from the Charter Office indicating
6 that with the passage of Act 993 there, to alleviate
7 any confusion that might arise with the standard
8 10.02.05 and Act 993, that we should consider as
9 charter schools asking to extend our current waiver
10 to cover Act 993 as well. And so based on that email
11 that we received from the Charter Office and that
12 suggestion that brings us here today, we would ask
13 that we would extend the current waiver that we have
14 on class size for 35 to cover a waiver, if you will,
15 from Act 993. Again, we're not changing the teacher
16 load; we're not asking to do anything differently
17 than what's in the current charter. We're simply
18 trying to be clear as to with the new -- and respond
19 to the new legislation.

20 CHAIRPERSON COFFMAN: Questions? Dr. Saunders.

21 DR. SAUNDERS: Just to summarize, this would not
22 change any current practice that you're doing?

23 DR. ARBUCKLE: It would not. And it would not
24 really, in my view, change the current charter
25 either.

1 CHAIRPERSON COFFMAN: Any other questions? Dr.
2 Gotcher.

3 DR. GOTCHER: Just for clarity. So what's the
4 reason for the waiver request? Remind us of that one
5 more time.

6 DR. ARBUCKLE: My understanding is, from the
7 Charter Office, was it was a suggestion to simply
8 insure that there was no confusion as to the waiver
9 with the new legislation, Act 993.

10 DR. GOTCHER: Okay.

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

13 MS. PERRY: Mary Perry, Coordinator, Division of
14 Learning Services. I sent that email out after
15 consulting with Legal and everyone here, after that
16 new law was passed. That is the law that requires
17 extra compensation when teachers teach over the
18 current loads. And the clarity -- well, the email
19 actually stated -- it was not a concern that they
20 would have an issue with our Standards Unit when that
21 went out; it was that this could help with any other
22 employment issue over not allowing the compensation.
23 And we didn't really give legal advice; we said they
24 would want to consult their own attorney as well, but
25 that they should consider in fact doing this waiver.

1 DR. GOTCHER: Gotcha.

2 CHAIRPERSON COFFMAN: Thank you, Ms. Perry. Any
3 additional questions? Then I'll entertain a motion
4 if we have no additional questions.

5 MS. BARNES: I have one.

6 CHAIRPERSON COFFMAN: Oh, we have a question.
7 Ms. Barnes.

8 MS. BARNES: I'm sorry. I'm just making sure.
9 I was trying to go back through my mind and I recall
10 us just having a conversation about compensation.
11 And so I just wanted to be sure that this would not
12 put us in a situation, in one respect, being
13 concerned about the load and teachers not receiving
14 compensation if it's a greater load, and in another
15 respect allowing the opportunity. I just -- can
16 somebody help me weigh this back out? We just had a
17 conversation regarding Act 993 and compensating
18 teachers at the higher -- at the upper grades if they
19 were teaching a larger load than the maximum
20 allowable. And I'm just trying to make sure I'm
21 consistently hearing what we're doing here in this
22 particular -- what's different here?

23 CHAIRPERSON COFFMAN: Dr. Arbuckle, do any of
24 your teachers teach -- have loads beyond 150?

25 DR. ARBUCKLE: No, ma'am. They do not. And we

1 are not -- we did not ask in the original charter,
2 nor are we asking here today, to increase that
3 teaching load. We do not want to -- you know -- our
4 goal is to insure that every student receives a high
5 quality education and teaching load, and quite
6 honestly class size has a lot to do with that. And
7 so we are not asking to increase the teacher load
8 even by a student today.

9 CHAIRPERSON COFFMAN: And therefore, not try to
10 have a waiver against any payments --

11 DR. ARBUCKLE: Correct.

12 CHAIRPERSON COFFMAN: -- to teachers?

13 DR. ARBUCKLE: Correct. Rogers has a history,
14 if a teacher is asked to do more they are compensated
15 for that. We are not asking that today.

16 CHAIRPERSON COFFMAN: Ms. Liwo.

17 MS. LIWO: He just -- he answered my question.

18 CHAIRPERSON COFFMAN: Okay. Any additional --
19 Dr. Gotcher.

20 DR. GOTCHER: Did your legal team or did your --
21 did legal advice from the Rogers School District have
22 any words of wisdom?

23 DR. ARBUCKLE: I did not have conversations with
24 our legal team. But in conversation with Dr. Darr,
25 our school superintendent, who I'm sure has vetted

1 this, working with her for several years now, this
2 was her desire as well to follow the suggestion
3 through Ms. Perry's office to ask for this waiver.

4 DR. GOTCHER: I guess I'm just not sure why it's
5 necessary because you're not increasing. Is that --
6 am I alone in this?

7 DR. JONES: That's really -- I can speak to
8 that.

9 MS. BARNES: That's what I'm concerned about.

10 DR. GOTCHER: Okay.

11 DR. JONES: And it's really us that brought this
12 action on. Any time that there is a law that changes
13 that has something to do with one of their waivers,
14 then we ask them to come back and address the Board.
15 So it really was our doing. We don't have concerns.

16 DR. GOTCHER: Sure.

17 DR. JONES: They would not have done this
18 otherwise, if we hadn't asked them to do that.

19 DR. ARBUCKLE: That's correct.

20 MS. BARNES: And I think that's where I was. I
21 understood that and I understand why as an agency we
22 would want to certainly alert anyone who may be
23 impacted. But in the rationale, since it did
24 identify Act 993, and since that would be granting
25 the opportunity to exceed the maximum without

1 compensation, and since the district is saying that
2 they don't necessarily need that because they would
3 not be doing it, that was where I was coming from. I
4 wanted to be sure I was understanding, hearing -- and
5 I do understand why you've come before us today with
6 it and certainly appreciate it. But I was concerned
7 about that. That's why I needed some clarity.

8 CHAIRPERSON COFFMAN: Ms. Liwo.

9 MS. LIWO: I just need to make sure that I'm on
10 the same page as everybody else. What I'm hearing is
11 that you're already in compliance with Act 993 as far
12 as compensating teachers that have higher class
13 loads?

14 DR. ARBUCKLE: To my knowledge, and Mr. Moore
15 might be able to speak, I don't believe at the high
16 school level we have anyone who's teaching a load
17 above 150 --

18 MR. MOORE: We do not.

19 DR. ARBUCKLE: -- in any of our buildings.

20 MR. MOORE: We do not.

21 DR. ARBUCKLE: This is -- my understanding --
22 and, again, I'm not a legal scholar and that's why I
23 hope Legal is here. But my understanding is there's
24 really two parts to the Act 993. One is the teacher
25 load and then one was the class size. We are simply

1 trying to bring in line what -- with the new
2 legislation, bring in line our -- that legislation
3 and the current charter. We believe that the current
4 charter allows us to do what we're currently doing:
5 class size of up to 35, which really I've only had to
6 do a couple of times both years, and the teaching
7 load of 150. Okay. My understanding, this is really
8 borne out of just a clarification process of Act 993
9 for us since -- and for any other charter, quite
10 honestly, that asks to waive the 30 seat count per
11 room.

12 CHAIRPERSON COFFMAN: Ms. Pfeffer.

13 MS. PFEFFER: So your current charter allows you
14 to go up to 35 students in a class session. Correct?

15 DR. ARBUCKLE: Yes, ma'am.

16 MS. PFEFFER: Okay. So, I have two questions;
17 one is for Legal. Do you feel like they need to have
18 this waiver, Ms. Clay?

19 MS. CLAY: Okay. The way I'm understanding what
20 they currently have is they have a waiver of the
21 entire section of the class size and teaching load
22 standard. So part of that is both the 150 teaching
23 load and the 30 class size. What I've heard them say
24 is they're not using that one-hundred -- they're not
25 using the teaching load side of that. If they have

1 no intention of going over that 150 teaching load
2 then they would not need a waiver. Now if they want
3 -- if they think they might in the future, and they
4 don't want to compensate in accordance with Act 993,
5 then they would need the waiver.

6 MS. PFEFFER: So, in essence, this waiver could
7 be waiving the Act 993, except they stated they don't
8 want to do that?

9 MS. CLAY: Well, the waiver they've requested is
10 Act 993.

11 MS. PFEFFER: Okay. So that was what they
12 requested in the waiver. But, Dr. Arbuckle, you do
13 not want to waive Act 993. Is that correct?

14 DR. ARBUCKLE: No. Our intention is not to
15 waive the act as far as, you know, compensating
16 teachers.

17 MS. PFEFFER: For the going over 150 maximum
18 load?

19 DR. ARBUCKLE: Correct. Our intention is to
20 just make sure that the 35, that we currently have a
21 waiver for, is still covered, if you will, with the
22 new legislation.

23 DR. GOTCHER: I understand.

24 MS. PFEFFER: Yes. So can we help them and us
25 understand? Because this is obviously a quality

1 school; they're doing what they need to do for kids,
2 which is why we've just increased it to 900. So I
3 just -- if we can help make sure that what they've
4 articulated we can do?

5 MR. BIGGS: I think --

6 CHAIRPERSON COFFMAN: Mr. Biggs, if you'll --

7 MR. BIGGS: Cory Biggs, Staff Attorney. I think
8 what we were thinking when we prepared the letter
9 that went out to every charter that already had a
10 waiver from class size, even if they weren't using
11 it, was that it would be a good practice for them to
12 come in and request a waiver from Act 993, the
13 compensation portion, just in case they ever see a
14 day where they need to use it in the future. Because
15 if they use it one time, years down the road, the
16 waiver that they already have from class size, and
17 they do not compensate, at that point then they might
18 run into an issue with 993. So this is really just a
19 safeguard to come in for a rainy day. I don't know
20 if that helps.

21 DR. SAUNDERS: I want to follow-up on that. As
22 I read 993 -- and I may be wrong -- I did not see it
23 addressing class size.

24 MR. BIGGS: Well, no. It's not for the 35
25 students; it's for the total, the 150. But they also

1 have a waiver from 150 on record already, and so we
2 have requested -- the Charter Office sent notice out
3 that anyone who had that 150 waiver come in and add
4 the waiver from 993, just in case.

5 CHAIRPERSON COFFMAN: So, let me restate what I
6 think I heard you say, is they are just updating what
7 they already have a waiver for to include the most
8 current legislation?

9 MR. BIGGS: Yes.

10 CHAIRPERSON COFFMAN: Ms. Barnes.

11 MS. BARNES: Okay. And I get that. Because 993
12 -- because basically they have -- they already have
13 the waiver to exceed the 30; they already have the
14 waiver to exceed the 150. In the meantime though,
15 there has been legislation passed that said if you're
16 going to exceed the 150 you need to compensate
17 teachers. They have -- the district is stating that
18 they in no way intend to ever not compensate teachers
19 if they are in excess of it. And so I'm trying to
20 determine why -- I'm having difficulty granting the
21 waiver to the 993 part because then it would free up
22 the compensation. There's no -- there is already no
23 issue with the 35 students. That's what's hanging me
24 up, is what I'm saying.

25 DR. ARBUCKLE: And just to be clear, in the

1 current charter -- because I have a copy of that
2 here, number 12, Section G -- we were very clear that
3 we only asked to waive the class size. And so I see
4 this as a contract between us and you and the State,
5 and we were clear when we said we requested a waiver
6 for the requirement of an individual class size limit
7 of 30, extending class size up to 35; this would
8 allow us more flexibility. The last line of that:
9 teachers will not be assigned more than 150 students.
10 That still stands for me.

11 MS. BARNES: Okay.

12 DR. ARBUCKLE: Again, this -- we -- if I'm just
13 brutally honest, we felt like this was the direction
14 that we received from the Charter Office, "Please
15 come back and -- it would be a good idea to ask for
16 this waiver," and we're simply trying to do what
17 we've been asked to do.

18 MS. BARNES: Yes, sir.

19 CHAIRPERSON COFFMAN: Ms. Clay.

20 MS. CLAY: Okay. I think I can summarize. I
21 don't think they need the waiver. I think y'all have
22 probably come to that conclusion now. I wish we
23 would have caught it before they made the drive from
24 northwest Arkansas. But they have said that they're
25 going to comply with the 150 requirement. If they

1 were going to, even in the future, not comply with
2 that portion they'd have to come back anyway because
3 of the way it was written in their original charter.
4 Does everybody understand where we are? Okay.

5 CHAIRPERSON COFFMAN: Dr. Arbuckle, are you in
6 agreement with that?

7 DR. ARBUCKLE: I'm going to say yes. Again, not
8 being a legal scholar, you know, anything -- the way
9 I see it, if this Panel decides that this is not
10 needed, if it's, you know, voted as such, then I'm
11 going to go back to the original charter, which
12 clearly states that we can go up to 35 in a class,
13 which is what we're currently doing. And, you know,
14 if that comes back and somebody says, "Hey, how come
15 you don't have" -- I'm going to come back to the
16 original charter and the information from this
17 meeting, the clarity given by Legal from that
18 standpoint.

19 CHAIRPERSON COFFMAN: Let me ask you this for
20 clarification. Would you like to withdraw or would
21 you like for us to take a vote?

22 DR. ARBUCKLE: We'd like to withdraw that piece,
23 please.

24 CHAIRPERSON COFFMAN: Then we'll consider that
25 withdrawn. Thank you, sir.

1 DR. ARBUCKLE: Thank you.

2 MISCELLANEOUS BUSINESS

3 CHAIRPERSON COFFMAN: All right. That concludes
4 our action items. We do have some business before
5 the Committee. Yesterday, at the end of our meeting
6 we did discuss a possible December date and asking
7 charters that were on the Priority list to come
8 before the Panel. Ms. Boyd.

9 MS. BOYD: Thank you, Madam Chair. As you can
10 see, I put in your folder for today, where you've
11 been pulling out those voting sheets I put in a
12 Google doc there to help facilitate our conversation.
13 You don't have it?

14 MS. BARNES: I haven't seen anything.

15 MS. BOYD: Can you look at the folder, maybe
16 refresh -- well, I think we -- yeah, I sent it out.
17 Hang on.

18 DR. GOTCHER: I'm sorry; what are we looking
19 for?

20 CHAIRPERSON COFFMAN: In your folder for today.

21 DR. GOTCHER: Okay. I had it and I closed it.

22 MS. BOYD: And there should be a document inside
23 the CAP Priority School Hearings. Are y'all seeing
24 that?

25 MS. PFEFFER: Wait a minute.

1 DR. SAUNDERS: Yes.

2 MS. BARNES: So I need to refresh it.

3 DR. JONES: Well, is this the same original
4 folder, Alexandra?

5 MS. BOYD: It was the same folder for today.

6 DR. JONES: Okay.

7 MS. BOYD: I see some of y'all are popping up.

8 DR. GOTCHER: Oh, under Google Docs. I'm sorry.

9 MS. BARNES: So basically we need to close it
10 and reopen it?

11 CHAIRPERSON COFFMAN: Yes; if you'll refresh it.

12 MS. BOYD: Make sure you're in the folder for
13 10/15. I can send it to you again.

14 MS. BARNES: I can do it; I can do it. I just
15 have to go back.

16 DR. SAUNDERS: It's there.

17 MS. BARNES: All right. I just needed to go
18 back. I'm there.

19 MS. BOYD: Okay.

20 CHAIRPERSON COFFMAN: So I think the questions
21 before us are do we want to hear from everyone on
22 this list -- and if so, we'll need to set dates and
23 then set a list of data that we would like those
24 districts to bring before us. Is that correct, Ms.
25 Boyd?

1 MS. BOYD: Yes, that would be correct. So as
2 you see on the document, I put kind of summary
3 information about the schools that are on the
4 Priority list. You have two district conversions and
5 then four open-enrollments.

6 MS. BARNES: Okay. So all of these are
7 Priority?

8 MS. BOYD: Uh-huh, the bottom 5%. Yes, ma'am.

9 MS. BARNES: We didn't put any academic distress
10 on here?

11 MS. BOYD: Well, the academic distress charter
12 schools I believe are already on here.

13 MS. BARNES: Well, I figured they probably are
14 --

15 MS. BOYD: Uh-huh.

16 MS. BARNES: -- but I think we had maybe one or
17 two.

18 MS. BOYD: Blytheville and Covenant Keepers are
19 --

20 MS. BARNES: The two. Yeah.

21 MS. BOYD: -- the academic distress. Yes,
22 ma'am.

23 MS. BARNES: They're both -- okay.

24 CHAIRPERSON COFFMAN: I apologize; I didn't hear
25 what you said.

1 MS. BARNES: Blytheville and Covenant Keepers
2 are not only Priority but they are also academic
3 distress.

4 MS. BOYD: There's already a note on the
5 Blytheville school and an add-on to the Covenant
6 Keepers that it's academic distress.

7 DR. SAUNDERS: I'll make a motion to bring back
8 all the schools listed as Priority and see them on
9 December 16th and/or 17th.

10 DR. JONES: Can I make a request? I have a
11 previous commitment for co-op on that Wednesday, on
12 December 16th. Can we limit it to the 17th or the
13 18th?

14 DR. GOTCHER: The 17th is good for me.

15 DR. SAUNDERS: Yes. Are you amending my motion?

16 DR. JONES: I am asking to amend your motion to
17 the 17th.

18 DR. SAUNDERS: So amended.

19 DR. JONES: Second.

20 CHAIRPERSON COFFMAN: Okay. So we have a motion
21 by Dr. Saunders and a second by Dr. Jones to ask all
22 of the schools listed on Priority status -- all the
23 charter schools listed in Priority status to come
24 before us December 17th and 18th -- 18th, as needed.

25 DR. GOTCHER: Is there a protocol for the 5

1 minutes, the 20 minutes, and questions? Is that --
2 is there a set protocol for that, Ms. Clay?

3 MS. CLAY: Yes. You have hearing procedures and
4 it's the same basically as you followed today and
5 yesterday.

6 DR. GOTCHER: Sure.

7 MS. CLAY: It's 20 minutes and 5 minutes
8 rebuttal.

9 MS. BARNES: Good question. I was trying to
10 remember; we don't have them coming back before the
11 academic distress committee already, do we, before
12 this time?

13 CHAIRPERSON COFFMAN: We do not.

14 MS. BARNES: Okay. I just wanted to be sure.

15 DR. SAUNDERS: I'd recommend we look at three on
16 each day.

17 MS. BARNES: I will say that I have a commitment
18 on the 18th, about mid-day.

19 CHAIRPERSON COFFMAN: All right. We have a
20 motion on the floor. Any additional discussion?

21 DR. JONES: I do. I'm sorry; one more comment.
22 They will have access to their PARCC data, so we'll
23 have another measure by that time. So we ask that
24 they bring some of that do the Board too.

25 MS. PFEFFER: Well, and what I was going to ask

1 is if we could provide maybe some instruction or
2 guidelines for the conversation so that it doesn't --
3 I think for me it's going to be about -- based on the
4 fact that you have a charter and each charter is
5 going to look a little different, I thought it's
6 important to look at the student performance and
7 growth in that charter and look at -- then look at
8 the waivers they may have, the goals of their
9 charter, and be able to be, of course, very
10 prescriptive in how we look at things in terms of are
11 you meeting the goals of your charter and what are
12 the waivers that you have and how do you know those
13 waivers are working. And so, that way, I would like
14 to see us maybe develop some kind of document to send
15 them where they can plan how they're going to respond
16 and that will help us facilitate the conversation
17 without it being just wide-open and open-ended where
18 we really don't get down to answers.

19 CHAIRPERSON COFFMAN: I think that's what Ms.
20 Boyd would like for us to do here on this document.

21 MS. PFEFFER: Okay.

22 CHAIRPERSON COFFMAN: Any additional discussion?
23 All those in favor -- oh --

24 MS. CLAY: One thing I would mention on this
25 document, your hearing procedures call for Department

1 staff to actually do the first presentation of 20
2 minutes. How that's typically been handled in the
3 past is we have not, unless specifically requested.
4 We provide the information but don't actually do a
5 presentation. If you would like individuals here at
6 the Department to present any material or be
7 available for questions, if you'll let us know that
8 as well.

9 CHAIRPERSON COFFMAN: I would assume, Ms.
10 Barnes, that, because these are on the Priority list,
11 that Dr. Wilde will have 45-day plans and be ready to
12 give us an update. Would you agree?

13 MS. BARNES: If he's listening, no. But if not
14 -- yes, I'll have Dr. Wilde available as well as Mr.
15 Louis Ferren, if possible, since he's our Systems
16 Coordinator in School Performance.

17 MS. PFEFFER: I think just a short presentation
18 for each one giving us kind of just a picture of --
19 because, you know, some of these charters have been
20 in place for a long time and we don't necessarily
21 know what went into the development of those
22 charters. So just a -- even a short summary before
23 each one would be helpful.

24 MS. BARNES: Well, now that --

25 CHAIRPERSON COFFMAN: A brief history of the

1 charter from the Charter Office, in addition --

2 MS. PFEFFER: Right. And the work of the School
3 Improvement office, so just --

4 MS. BOYD: Ms. Pfeffer, are you wanting the same
5 information like we provide in the background
6 documents we've been giving?

7 MS. PFEFFER: I don't -- it doesn't have to be
8 anything long and detailed.

9 MS. BOYD: Okay.

10 MS. PFEFFER: But just -- I'm thinking, you
11 know, a 5-minutes overview of the charter and then a
12 brief update from the School Improvement office as to
13 what's been going on and the responsiveness that
14 they've seen from the schools or improvement that
15 they've seen, and then time for the charter to give
16 us that data. And, again, just some things that we
17 can -- I think we're going to need to make some
18 decisions.

19 MS. BOYD: Okay.

20 CHAIRPERSON COFFMAN: Are we ready to take a
21 vote on the motion? And then we can follow-up with
22 additional --

23 MS. BARNES: With additional dates, right?

24 CHAIRPERSON COFFMAN: The motion was to call all
25 of the listed charter schools, the schools that are

1 in Priority, before this Panel December 17th and
2 18th. And we'll work on -- Ms. Boyd will work on an
3 agenda. All those in favor of the motion?

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRPERSON COFFMAN: Any opposed? Motion
6 passed.

7 If we'll take a moment, a couple of things that
8 I heard us say -- I just want to kind of recap -- on
9 those dates of the hearing that we will begin with a
10 brief overview of the charter itself, Ms. Boyd.

11 MS. BOYD: Uh-huh.

12 CHAIRPERSON COFFMAN: And that will include when
13 the charter was granted, if there have been renewals,
14 the mission of the charter, the waivers that
15 currently apply to that charter, and just some
16 general information. I'm assuming probably that you
17 have visited all of those.

18 MS. BOYD: Uh-huh.

19 CHAIRPERSON COFFMAN: So just some general
20 information about those charters, because each one of
21 them have a unique plan --

22 MS. BOYD: Right.

23 CHAIRPERSON COFFMAN: -- to serve students. And
24 then, follow that by a report from School
25 Improvement, based on their report say of current --

1 of what they've experienced with those schools.

2 MS. BOYD: Okay.

3 CHAIRPERSON COFFMAN: And then as we move toward
4 what we want the schools to bring us, what
5 information would you expect to hear from the schools
6 themselves?

7 DR. SAUNDERS: I think one thing specifically
8 from the schools, I'd like to see -- we have -- first
9 of all, we have data within our agency that we would
10 need, such as, I believe, performance on state
11 assessments, looking at possibly five years. So the
12 end-of-school performance report but taking that into
13 consideration with plans for improvement -- and by
14 that, in particular, historical work they have done
15 in the past to address some of the deficiencies and
16 what their plans are for the future.

17 CHAIRPERSON COFFMAN: I would add to that what
18 they've done in the past and how it has worked.

19 DR. SAUNDERS: Yes.

20 CHAIRPERSON COFFMAN: What those results were.

21 MS. PFEFFER: And what data.

22 CHAIRPERSON COFFMAN: What data has supported
23 that as they move forward.

24 DR. GOTCHER: And I'd like to also ask them to
25 present how they continue to become -- remain

1 innovative, because the original application and the
2 original mission and vision may have been an
3 innovative method at the time. And as technology and
4 teaching methods have increased, have moved forward,
5 I'd like to know how they are maintaining an
6 innovative process for educating students.

7 DR. SAUNDERS: Also, comparative data with the
8 surrounding districts would be beneficial.

9 DR. GOTCHER: And that should be available,
10 shouldn't it?

11 DR. SAUNDERS: Yes.

12 DR. GOTCHER: Yeah.

13 DR. SAUNDERS: Which we can access.

14 CHAIRPERSON COFFMAN: Ms. Boyd, if you would
15 reference those charter schools back to 6-23-102, the
16 legislative intent of the Quality Charter Schools
17 Act, there are six items listed that they probably
18 need to address. Would you agree?

19 DR. GOTCHER: One more time, please.

20 CHAIRPERSON COFFMAN: The charters would need to
21 address these six items.

22 DR. GOTCHER: Oh, the six legislative intents?

23 CHAIRPERSON COFFMAN: Yes.

24 DR. GOTCHER: Good suggestion.

25 CHAIRPERSON COFFMAN: As in relation to where

1 they are today, currently, so that we can insure that
2 they've not gotten off track with the mission. Any
3 other comments or recommendations?

4 MS. BOYD: I have a question. On renewal
5 documents we're currently asking for, I guess, some
6 of the non-academic aspects of the school. I don't
7 know if you guys want to consider that or not. So,
8 for instance, about discipline rates and how that
9 might be affecting -- so, for instance, if they're
10 suspending a lot of students, those students aren't
11 in class; how is that affecting those kinds of
12 things.

13 CHAIRPERSON COFFMAN: I would agree; any data
14 that supports their serving students. I think as you
15 can tell from the conversations the last two days,
16 we're very concerned that they're serving all the
17 students. So I need them to explain to me why they
18 are an effective charter school in the state of
19 Arkansas; in light of their Priority status, really
20 explain to me why you are an effective charter. And
21 I'll just say Dr. Saunders and I attended the
22 Authorizers Conference in New Orleans and that was
23 one of the things that was really pressed upon us,
24 was to keep effective charters, support effective
25 charters but close down ineffective charters because

1 it was not serving the needs of students. And that
2 came from the Charter Association itself, and so I
3 think that is our due diligence to insure that we
4 have only effective charters for the State of
5 Arkansas.

6 If you think of something that we've left off
7 today, if you will contact Ms. Boyd directly and
8 share that with her, I'm sure she'll be in contact
9 with all of these schools. Any additional comments,
10 questions, concerns, thoughts?

11 DR. GOTCHER: Thinking of the amount of
12 information that we've requested, I think the three
13 days -- or three schools for each day is now quite
14 appropriate. So I think we're headed in the right
15 direction. I just know that's a lot of information
16 but I think we have a great responsibility to hear
17 all of that too. So, that's just a comment.

18 CHAIRPERSON COFFMAN: I would add one thing to
19 that, is because this is October and we're asking for
20 that presentation in December and everything that
21 we've addressed is something they should be
22 addressing every day --

23 DR. GOTCHER: That's true.

24 CHAIRPERSON COFFMAN: -- I would expect that the
25 majority of the presentation will be loaded into the

1 NOVIS agenda ahead of time. So if I can read it, see
2 their PowerPoint slides, see their data charts -- if
3 everything is put together, I don't think the
4 conversation would have to go extremely long. It's
5 either there or it's not there.

6 DR. GOTCHER: Good suggestion, Madam Chair.

7 DR. JONES: That's a good point. And when they
8 deliver items the day of, we can't give them the
9 attention they deserve. I know that it hasn't -- I
10 haven't been able to.

11 CHAIRPERSON COFFMAN: Well, it speaks of the
12 lack of organization, which is an issue, in my mind,
13 regarding effectiveness or ineffectiveness.

14 DR. SAUNDERS: I think that we just -- would it
15 be fair to say -- to ask for the schools to submit
16 their presentations by December 1st?

17 DR. GOTCHER: It's a month-and-a-half. I think
18 that's appropriate.

19 DR. SAUNDERS: I think much of the information
20 will be coming from us as well, and I do want to
21 extend my support and my division; if there's any
22 data or anything that we could assist with, don't
23 hesitate to let us know.

24 MS. BOYD: Would you have a problem with moving
25 it to December 2nd, just because that's a Wednesday

1 and that's usually when -- that's when they're used
2 to submitting thing?

3 DR. SAUNDERS: No problem.

4 CHAIRPERSON COFFMAN: Ms. Boyd, we will also
5 count on your expertise on anything that you believe
6 is missing or has been left off that you will add.

7 MS. BOYD: Okay. Thank you, Madam Chair.

8 CHAIRPERSON COFFMAN: Anyone else?

9 DR. SAUNDERS: I do. I just want -- I want to
10 thank the Charter School -- thank everybody who works
11 on everything, and Legal, and Communications and
12 everything, because y'all do a lot of work getting
13 ready for this. We do realize that and we appreciate
14 that; very well organized and all the data is there
15 that we need, and I appreciate all that y'all do.

16 MS. BOYD: Thank you, Dr. Saunders.

17 DR. GOTCHER: I'd agree.

18 CHAIRPERSON COFFMAN: Thank you, Panel, and
19 thank you to anyone who's still with us today at
20 10:30.

21 With no additional comments, this meeting -- I
22 will accept a motion for adjournment.

23 DR. GOTCHER: So moved.

24 MS. BARNES: Second.

25 DR. JONES: Second.

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CHAIRPERSON COFFMAN: Dr. Gotcher and Ms.
Barnes. All those in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON COFFMAN: Thank you very much.

(The meeting was adjourned at 10:32 a.m.)

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 October 15, 2015, 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: October 31, 2015.

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

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