

**In The Matter Of:**

*DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
STATE BOARD OF EDUCATION*

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*November 12, 2020*

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ARKANSAS DIVISION OF  
ELEMENTARY AND SECONDARY EDUCATION  
STATE BOARD OF EDUCATION  
NOVEMBER 12, 2020  
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

MS. CHARISSE DEAN, Chairman  
MR. BRETT WILLIAMSON, Vice Chairman  
MS. OUIDA NEWTON  
DR. FITZGERALD HILL  
MS. KATHY McFETRIDGE  
DR. SARAH MOORE  
MS. SUSAN CHAMBERS  
MS. ADRIENNE WOODS  
MR. STEVE SUTTON

NON-VOTING MEMBERS:

DR. IVY PFEFFER, Assistant Commissioner of Education  
MR. JOEL LOOKADOO, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MS. LORI FRENO	General Counsel
MS. COURTNEY SALAS-FORD	Attorney
MS. AMY DOUGLAS	PLSB Attorney

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
- Auditorium  
#4 Capitol Mall  
Little Rock, AR 72201

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P R O C E E D I N G S

A-1: STATE BOARD STATUS REVIEW OF PLSB 17-193 - JERRI LYNN  
ODOM

CHAIRMAN DEAN: We have State Board Status  
Review, Jerri Lynn Odom.

MR. HENSLEY: Good morning.

CHAIRMAN DEAN: Ms. Douglas.

MS. DOUGLAS: Good morning. We are here just  
for a State Board review. Last October, Ms. Odom's  
license was suspended via State Board order and she  
was ordered to do drug treatment. I believe you got  
an email this morning of some drug screens that were  
negative. I don't really have anything to say. Her  
attorney is on the line, so I think they will do the  
talking and answering any of your questions.

CHAIRMAN DEAN: Okay. Good morning --

MR. HENSLEY: Good morning.

CHAIRMAN DEAN: -- Mr. Henley -- Hensley.

MR. HENSLEY: Hello there.

CHAIRMAN DEAN: There we go. Mr. Hensley, good  
morning.

MR. HENSLEY: Good morning.

CHAIRMAN DEAN: Does anyone have any questions  
of Mr. Hensley?

MS. NEWTON: Could he just give us an update of

1 how things are going with Ms. Odom?

2 CHAIRMAN DEAN: If you can give us an update,  
3 Mr. Hensley, we'd appreciate it.

4 MR. HENSLEY: Yes, thank you for asking. Ms.  
5 Odom, back in October, consented to discipline based  
6 on some issues she had with drugs. She got that  
7 matter it looks like taken care of. I sent your  
8 attorney five different tests that were all negative,  
9 of course. And there was two more or -- there were  
10 two more; we could not get in touch with the people  
11 who actually did that test because they're doing  
12 Covid tests and would not give it -- give those to  
13 us. At this point we're still trying to get them.  
14 But these are five -- there was like four or five in  
15 a row in that month or so, and then another one. Ms.  
16 Odom had limited funds. To do things with the  
17 counseling and that requirement that we've been  
18 trying to get done, it's just almost impossible.  
19 Everybody is doing Covid tests. There's not health  
20 -- and, you know, we had trouble finding some help to  
21 do counseling. But once we get our -- if we can get  
22 our job back we'll certainly continue doing the  
23 counseling because the insurance will take care of it  
24 also. We would do things like church counseling,  
25 private things like that, but it wasn't what we

1 really wanted. It was enough to get us to where  
2 we're fine now. But that's where we are now. Things  
3 are cleaned up, ready to go.

4 Do y'all have any questions?

5 CHAIRMAN DEAN: Any more questions? Any  
6 questions?

7 MR. WILLIAMSON: I want to say congratulations.  
8 The hair drug tests go back three months, by the way,  
9 if you guys don't know that. So she has done  
10 remarkably well.

11 MS. ODOM: Thank you so much.

12 MR. HENSLEY: It wasn't easy, but she -- it was  
13 important to her.

14 MS. ODOM: Yes.

15 MR. HENSLEY: So thank y'all for giving her this  
16 chance.

17 MS. ODOM: Absolutely. Thank you.

18 CHAIRMAN DEAN: Thank you, Mr. Hensley.

19 And keep going forward and keep up the good  
20 work, Ms. Odom.

21 MS. ODOM: Thank you so much.

22 CHAIRMAN DEAN: Glad you had a good report.

23 MS. ODOM: Thank you.

24 CHAIRMAN DEAN: Thank you, Ms. Douglas.

25 DR. MOORE: Can I ask a question of the

1 Department?

2 CHAIRMAN DEAN: Yes. Ms. Moore has a question  
3 -- Dr. Moore, I mean.

4 DR. MOORE: So originally this was a revocation  
5 of license and we decided to do the one-year  
6 suspension with checks along the way. Is that  
7 correct?

8 MS. DOUGLAS: I believe that is correct.

9 MR. HENSLEY: Yes.

10 DR. MOORE: Okay. Oh, and so are the -- looking  
11 at the sanctions that we imposed last year -- one-  
12 year suspension, complete drug treatment inpatient  
13 basis -- have all of those been fulfilled?

14 MR. HENSLEY: The -- you know, having the drug  
15 treatment, we wasn't able -- we couldn't. I mean  
16 other than it being cost prohibitive, we would do --  
17 we would do what we could. As far as going through  
18 an organized drug test type facility, that did not  
19 happen. But I don't think the Department really --  
20 they just wanted to make sure we were doing  
21 something; that was what it was kind of billed as.  
22 We certainly wish we could've done even an inpatient  
23 drug treatment plan, but found that we just didn't  
24 have the money for that; so we did what we could. We  
25 did the testing, went to church, we would go to AA,

1 places like that, when we were able to. But we'll be  
2 back -- we'll be doing the drug treatment if y'all  
3 are kind enough to let us go back to work, because  
4 then we'll have the insurance and we'll keep doing  
5 that until -- she has several partners that's helping  
6 her, including me. She has my cell phone any time  
7 she -- she and her family are welcome at my house. I  
8 live in the Greenbrier/Wooster area; she's in the  
9 Benton area. She's not that far away. I hear from  
10 her regularly, and I just call her out of the blue  
11 too, so there's several people that kindly keep her  
12 feet to the fire. But as far as going to organized  
13 drug counseling, that has not fully been done. We  
14 have done some, but has not done some that --  
15 something like that is probably going to be a very  
16 long time, if not lifelong.

17 DR. MOORE: Okay. And so thank you for sharing  
18 that. For the Department, so today our -- what is  
19 our action to be taken or what are our options for  
20 actions to be taken?

21 MS. DOUGLAS: I don't really believe that you  
22 need to do an actual -- I guess you can accept her  
23 drug screens are in lieu of inpatient treatment. Her  
24 suspension would effectively have been over last  
25 month. We're here for review. You have the option

1 of accepting that or extending it to allow her to go  
2 into inpatient. I think that she's done a great job  
3 trying to show her sobriety, so --

4 DR. MOORE: Okay.

5 MS. DOUGLAS: -- I don't have an objection to  
6 reinstatement.

7 DR. MOORE: Okay. Thank you.

8 MS. NEWTON: Do we need to go straight to  
9 reinstatement or do we need to go through a probation  
10 period? I don't -- I'm not sure exactly how this  
11 works.

12 MS. DOUGLAS: There's no requirement that you go  
13 through a probationary period. So today you would,  
14 you know, accept her drug treatment or her drug  
15 screenings as effective for the order and then she  
16 would just go on to renew her license and such  
17 because her suspension would be over.

18 MS. NEWTON: Okay.

19 CHAIRMAN DEAN: Okay. Well, with that in mind  
20 we're looking for a motion to accept her treatment  
21 and let her move forward with going into teaching  
22 again or something else.

23 MS. NEWTON: With congratulations to Ms. Odom, I  
24 move that we accept what she has done. And I urge  
25 her to stay on this track and just continue what

1 she's doing and know that she has our support and  
2 that we don't want to see her back again with  
3 anything like this again.

4 MS. ODOM: Thank you.

5 CHAIRMAN DEAN: We have a motion by Ms. Newton.  
6 Do I have a second?

7 MR. WILLIAMSON: Second.

8 CHAIRMAN DEAN: Seconded by Mr. Williamson.  
9 All in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN DEAN: Any opposed?

12 Seeing none, motion passes.

13 Congratulations, Ms. Odom.

14 Thank you, Mr. Hensley.

15 MR. HENSLEY: Sure enough. I'll talk with Mr.  
16 Taylor, your attorney, and we'll go from there.

17 Is there any other questions y'all have?

18 CHAIRMAN DEAN: I don't believe so. Y'all have  
19 a great day.

20 MR. HENSLEY: Y'all -- thank y'all so much.  
21 Good job. Bye-bye.

22 A-2: STATE BOARD REVIEW OF PLSB 20-002 ETHICS HEARING

23 COMMITTEE RECOMMENDATION - KATRINA ALUMBAUGH

24 CHAIRMAN DEAN: All right. Ms. Douglas, we have  
25 the State Board Review Ethics Hearing Recommendation

1 for Katrina Alumbaugh.

2 Ms. Freno.

3 MS. FRENO: Thank you, Ms. Dean --

4 CHAIRMAN DEAN: Yes.

5 MS. FRENO: -- Madam Chair. Lori Freno,  
6 Department of Education.

7 This is an appeal of the Ethics Hearing  
8 Subcommittee's recommendation that Katrina  
9 Alumbaugh's license be revoked, her educator license.  
10 Ms. Alumbaugh is here today and she is represented by  
11 an attorney, Matt Campbell. And Amy Douglas is here  
12 on behalf of the PLSB.

13 I'd like to first go over the procedures for  
14 this hearing. First, Ms. Alumbaugh or her lawyer may  
15 make a statement of up to 10 minutes, and then Ms.  
16 Douglas would likewise have 10 minutes to make a  
17 statement. Additional time can always be granted at  
18 the Chair's discretion. Board Members may ask  
19 questions to the Educator, to her lawyer, or to a  
20 PLSB -- or to any lawyer or PLSB investigator at any  
21 time during the hearing. Testimony by non-lawyers  
22 must be under oath.

23 Following the hearing, the Board must make three  
24 decisions:

25 First, you will need to make a Finding of Fact

1 -- and what that is, in other words you'll need to  
2 determine whether you agree with the Ethics Hearing  
3 Subcommittee's decision with regard to the facts of  
4 this case;

5 Second, if you do agree with the facts  
6 underlying the Subcommittee's decision you need to  
7 determine whether based upon those facts Ms.  
8 Alumbaugh violated Standard 1, Standard 2, or both or  
9 neither, of the Code of Ethics for Arkansas  
10 Educators;

11 Third, if you find that Ms. Alumbaugh violated  
12 Standard 1, Standard 2, or both, you then must decide  
13 whether you agree with the sanction that has been  
14 imposed in this case, which again was revocation of  
15 her educator's license.

16 And it would be best if you would take up these  
17 three issues in three separate motions.

18 CHAIRMAN DEAN: Yes, ma'am.

19 MS. FRENO: And if no one has any questions I  
20 will turn the floor over to Ms. Alumbaugh's attorney.

21 CHAIRMAN DEAN: Okay. Thank you, Ms. Freno.

22 MR. CAMPBELL: Morning.

23 CHAIRMAN DEAN: Good morning.

24 MR. CAMPBELL: My name is Matthew Campbell. I'm  
25 here on behalf of Ms. Alumbaugh. And I want to

1 start, and finish, I guess, with the same general  
2 idea; I just want to make it clear from the outset  
3 that we are not -- I don't want it to come across at  
4 any point that I'm suggesting or that Ms. Alumbaugh  
5 is suggesting that we don't think that there should  
6 be discipline imposed in this. We absolutely agree  
7 that there should be discipline. Our argument is  
8 that that discipline should stop short of revocation  
9 of her license. And we base that on a number of  
10 factors -- specifically, at the PLSB hearing there  
11 was the initial report -- and, you know, we had our  
12 PLSB hearing and the -- so contrary to evidence that  
13 actually came out during that hearing, actual  
14 admissible evidence, the PLSB adopted the report just  
15 in its entirety, despite the fact that there were  
16 allegations and assertions in the report that had not  
17 been supported at all during the hearing.

18 And I guess big picture first is we disagree  
19 with the idea that there should be a revocation of  
20 her license, and the reason for the disagreement is  
21 the actual weighting factors in the PLSB rules. They  
22 give us a list and the list -- there's overlap in  
23 between each of the lists, you know, as we go from  
24 the sort of no discipline all the way up to  
25 termination. But the weighting factors for when

1 revocation is appropriate are multiple violations,  
2 violations that occur over a period of years,  
3 moderate to high level of negative impact on the  
4 student, high level of damage to loss of or misuse of  
5 school district property or funds, willful or  
6 intentional violation of the Code of Ethics, an act  
7 of child maltreatment, or criminal offenses involving  
8 a student. In this case, as I'll explain shortly,  
9 the only one of those weighting factors that's  
10 arguably present is that there are multiple  
11 violations -- and I'd ask that you kind of hold that  
12 in your head, come back to it, just because I want to  
13 knock off these other ones.

14 There was no -- I don't even think that they are  
15 arguing that there's any kind of loss of or damage to  
16 property or funds; that's not an issue. There was no  
17 evidence or testimony presented about a negative  
18 impact on the student. I'm not saying that there was  
19 or was not; I'm just saying that at this hearing  
20 there was no evidence presented of that. And by  
21 extension I think any assumption of what kind of  
22 impact -- especially if we're having to narrow it  
23 down to whether there's a moderate to high level or  
24 something less than that when there's no evidence of  
25 an impact on the student, I think any sort of

1 assumption of where that would fall would be  
2 improper. There's no finding of child maltreatment  
3 by DHS and no finding of criminal activity by  
4 Arkansas State Police, both of which actually did an  
5 investigation and didn't find either of those. And  
6 the PLSB's own report stopped short of accusing Ms.  
7 Alumbaugh of a willful or intentional violation  
8 because it only went so far as to say -- to state  
9 that she should have known. They didn't state that  
10 she did know and just willfully violated it.

11 So all we have is the multiple violations and I  
12 would just point out that these came -- these  
13 multiple violations were part of a series of events  
14 with a student rather than I guess sort of multiple  
15 separate violations of the Code of Ethics.

16 I know that Ms. Jackson's [sic] position is each  
17 one of these messages -- text messages could be, you  
18 know, considered a violation on its own, to which I  
19 would only point out that the only messages that were  
20 actually included as evidence at the hearing -- there  
21 were only a few messages and none of them standing  
22 alone either on its face is something that would rise  
23 to the level of termination. Should the messages  
24 have been sent? No. Did the messages, alone or  
25 together -- the actual messages that we've seen and

1 that are evidence, do they alone or together warrant  
2 termination? Absolutely not. They fall short of  
3 that.

4 Related to that issue is the fact that there's  
5 this talk of whether there were more messages and,  
6 you know, something beyond what you see in the actual  
7 evidence. The problem is those messages were never  
8 obtained. We don't have any -- some screen shots or  
9 any kind of evidence or testimony to say what those  
10 other messages were in a way that would suggest that  
11 the messages standing alone should warrant  
12 termination. But my bigger point here as far as this  
13 particular weighting factor is that this weighting  
14 factor multiple violations doesn't automatically mean  
15 termination. Multiple violations is also a weighting  
16 factor for suspension. I mean it's right there in  
17 the actual guidelines. So to only look at were there  
18 multiple violations and say because there were that  
19 warrants termination creates a situation where  
20 conduct that would warrant a suspension because of  
21 multiple violations also warrants termination of a  
22 license because of multiple violations without any  
23 sort of distinction or looking beyond just that one  
24 weighting factor.

25 Our other issue is the PLSB in their final

1 determination said that they recommend the  
2 termination of her license based on the following  
3 rationale. And then in that rationale two of the  
4 things they list were the Educator gave the student  
5 rides around the city and to restaurants and that the  
6 Educator paid for haircuts, shoes, a hoodie and other  
7 items for multiple students. Regarding the first one  
8 of those, that she gave rides around the city, that's  
9 simply false and there was no evidence to support  
10 that at all. Ms. Alumbaugh testified that that  
11 didn't happen. There was no testimony to contradict  
12 that. All that there was was testimony from Mr.  
13 Greer talking about something that he heard  
14 secondhand from an unspecified person. And even if  
15 we agree that, you know, the rules of hearsay are  
16 relaxed a bit in this kind of hearing that still  
17 doesn't change the fact that we have actual sworn  
18 testimony saying it didn't happen and we have sort of  
19 a recollection of what somebody heard from a third-  
20 party without any details to actually support it on  
21 the other side.

22 Regarding the finding that Ms. Alumbaugh paid  
23 for items for multiple students, I object to that  
24 being treated as a negative in this instance because  
25 it's in the record that Mr. Greer thanked Ms.

1 Alumbaugh for doing that. When she was taking a  
2 student to go get a haircut and get some shoes, Mr.  
3 Greer texted her that her actions were, quote,  
4 "awesome," and that she was, quote, "a blessing." To  
5 turn around and then hold that against her and say  
6 that this is a negative, when she was doing something  
7 that the Principal praised her for, is -- doesn't  
8 make sense and doesn't seem sort of in the spirit of  
9 the types of things that should support a termination  
10 of a license.

11 The PLSB determination only says that its  
12 conclusions were based on the following rationale,  
13 and then these two factors and some others were  
14 thrown in there. But it never says what weight was  
15 given to any one of those, how those were supported.  
16 So having this rationale without any sort of  
17 differentiation or weight given to any of these  
18 factors makes the whole underlying rationale kind of  
19 problematic in my view.

20 The final determination also lists the  
21 aggravating factors that were considered. Two of  
22 them, as I just said -- you know, the Educator  
23 picking up the student and a claim that the Educator  
24 spent, quote, "exorbitant amounts of money on two  
25 students" -- as I just said, those were not supported

1 by actual evidence.

2 The other aggravating factors were that the  
3 Educator acknowledged that she communicated with male  
4 and female students via Facebook Messenger, Snapchat,  
5 text messages; that the students said that the  
6 Educator -- sorry, scratch that -- the students that  
7 the Educator communicated with were not her students,  
8 they came to her classroom; and the Educator has nine  
9 years of educational experience. Just sort of taking  
10 those in order, as far as the modes of communication  
11 between Ms. Alumbaugh and the students there was no  
12 policy that said that she couldn't use any of those  
13 modes to communicate with students. And the PLSB's  
14 own report noted that she communicated with male and  
15 female students alike through these various methods.  
16 So just on its face that's not necessarily an  
17 aggravating factor if it didn't violate any sort of  
18 school policy; that was just how she was  
19 communicating with multiple students.

20 So if the students that she was communicating  
21 with were not her students, but there is no  
22 prohibition against teachers communicating with other  
23 students, then the mere fact that these were not her  
24 students doesn't make the communication an  
25 aggravating factor in and of itself. I mean that

1 seems to be a bit of a stretch.

2 And then, finally, it throws in that she has  
3 nine years of teaching experience but without ever  
4 saying -- without even saying like whether that's a  
5 lot of teaching experience or a little teaching  
6 experience, without explaining how that particular  
7 number should have made this more or less likely.  
8 It's just thrown in there as a statement of fact that  
9 she has this number of years and then treating that  
10 as an aggravating factor without any sort of  
11 elaboration.

12 CHAIRMAN DEAN: Thank you, Mr. Campbell. Your  
13 10 minutes are up. Thank you.

14 MR. CAMPBELL: Okay. Thank you.

15 CHAIRMAN DEAN: Okay. Ms. Douglas.

16 MR. CAMPBELL: I guess I should ask if there's  
17 any questions for me or Ms. Alumbaugh?

18 CHAIRMAN DEAN: I need to swear Ms. Alumbaugh  
19 in.

20 MR. CAMPBELL: Okay.

21 CHAIRMAN DEAN: If you would please -- if you  
22 would stand and raise your right hand. Do you swear  
23 or affirm that the testimony you're about to give  
24 shall be the truth, the whole truth and nothing but  
25 the truth

1 MS. ALUMBAUGH: Yes, ma'am.

2 CHAIRMAN DEAN: Thank you.

3 All right. Any questions?

4 DR. MOORE: Was this just opening statement or  
5 was this -

6 MS. DOUGLAS: Yeah.

7 CHAIRMAN DEAN: Yes, this is opening statements.  
8 I'm sorry.

9 DR. MOORE: Okay.

10 CHAIRMAN DEAN: Ms. Douglas, you have 10  
11 minutes.

12 MS. DOUGLAS: Okay.

13 MR. DAN DAVIS: Microphone.

14 CHAIRMAN DEAN: Sorry.

15 MS. DOUGLAS: There actually are --

16 CHAIRMAN DEAN: Ms. Douglas.

17 MS. DOUGLAS: There are no opening statements  
18 for this portion. They get 10 minutes, we get 10  
19 minutes, and you get to ask questions of the  
20 Educator.

21 CHAIRMAN DEAN: Okay.

22 MS. DOUGLAS: I don't know if you want to ask  
23 questions of the Educator now or --

24 (COURT REPORTER'S NOTE: Several board members  
25 shake their head.)

1 CHAIRMAN DEAN: Okay.

2 MS. DOUGLAS: Okay. So I want to reserve part  
3 of my time for rebuttal after the Educator is  
4 questioned.

5 Good morning. So I just want to give you guys a  
6 little bit -- and so I've been practicing law for 14  
7 years, and six of those years I defended clients  
8 charged with capital murder facing the death penalty;  
9 so I was a Public Defender for 13 years. So in all  
10 of those years I -- you can ask me about the  
11 Department -- I haven't labored over my argument like  
12 I have today. So I just want you guys to know that I  
13 took my job very seriously and I know that today I'm  
14 asking you to take her license.

15 So as Counsel said, she admits to violating the  
16 Code of Ethics. Your Findings of Fact in that regard  
17 are not that difficult, I don't believe. So the Code  
18 though requires Educators to show transparency in  
19 their actions and communications; the Code further  
20 requires Educators to set boundaries. Those  
21 boundaries encompass the verbal, physical, emotional,  
22 and social distances that an Educator must maintain  
23 in order to insure security, structure,  
24 predictability in education. Right? So my argument  
25 is that she was not transparent and she did not set

1 boundaries for these students.

2 Counsel argues that Appendix D of the Rules  
3 Governing the Code of Ethics, which is the  
4 sanctioning guideline -- I don't know if you guys  
5 have looked at it or not -- but so for revocation of  
6 a license it's suggested to have one or more  
7 weighting factors. Mr. Campbell argues that at best  
8 there's one weighting factor. I would disagree with  
9 that. Two panels of her peers made findings that  
10 support three of the weighting factors of Appendix D:  
11 multiple violations, willful or intentional violation  
12 of the Code of Ethics, moderate to high level of  
13 negative impact.

14 Multiple violations -- Counsel argues that they  
15 stem from a single series of events rather than from  
16 multiple separate violations. I would argue that  
17 simply because a violation occurred with one student  
18 it doesn't negate that it happened multiple times,  
19 and it has been said that misconduct is not an event  
20 but a process.

21 Willful or intentional violation of the Code of  
22 Ethics is also a weighting factor. Each time a  
23 teacher interacts inappropriately with a student by  
24 sending or receiving nude photos, innuendo emojis or  
25 text messages it is willful, it's intentional; it's

1 not an accident.

2 So for both of those weighting factors, for me,  
3 if it happens three times in an hour, three times in  
4 a month, or three times in a year it is -- every time  
5 it's a separate violation it's willful and  
6 intentional.

7 Moderate to high level of negative student  
8 impact -- by her own testimony at the hearing -- page  
9 69, I believe, of your review packet -- she states,  
10 and I quote, "Not only did, you know, I hurt my  
11 family and friends around me, but my -- but my  
12 students, my first grade students." So, and then  
13 when questioned further by one of the panel members,  
14 "What impact do you think your behavior had on the  
15 high school students that were most directly  
16 affected," she said, "I did feel like there was an  
17 impact. There was. It was inappropriate. And I  
18 feel like I made an impression on them that something  
19 like that was okay, and that's -- and that's not  
20 okay. It's wrong." That's a quote from Ms.  
21 Alumbaugh herself.

22 As far as aggravating factors go, let's be real;  
23 we're not asking you to revoke her license because  
24 she communicated with male and female students or  
25 that she -- the students that she communicated were

1 not in her classroom or because she has nine years of  
2 teaching experience. We're asking you to revoke her  
3 license because she was told by administration to be  
4 careful with her communications with male students;  
5 she continued to text the student after that. She  
6 even told the PLSB investigator, "They told me to be  
7 careful; he did not ever tell me I could not." She  
8 acknowledged she was flirting with the student during  
9 their text message exchange. She acknowledged  
10 receiving and sending inappropriate sexual pictures  
11 from a student and to a student. She sent a picture  
12 of her breasts and received a picture of a child's  
13 penis.

14 She's here today to ask for leniency. I'm  
15 asking you not to make her actions acceptable.  
16 Lowering the sanction does not protect the children  
17 of Arkansas.

18 I'll reserve the rest of my time.

19 CHAIRMAN DEAN: Thank you, Ms. Douglas. You  
20 have five-and-a-half minutes left.

21 Let's get questions. Ms. Woods?

22 MS. WOODS: Good morning. Out of curiosity I  
23 did a quick search. But there is no ongoing criminal  
24 investigation relating to this case?

25 MR. CAMPBELL: That's correct.

1 MS. WOODS: You contend that the violation --  
2 that multiple violations shouldn't automatically  
3 equal revocation. And I think the issue, at least  
4 for me, in this case is that even if there was one  
5 violation it's sort of egregious. Would you not  
6 agree with that?

7 MR. CAMPBELL: I do. I do. And that's why I  
8 wanted to make clear that this isn't the type of  
9 thing where we're saying, hey, you know, this -- she  
10 just -- this was minor and she shouldn't be  
11 disciplined. I mean, we are, you know, sort of  
12 falling on the grenade here in terms of, you know,  
13 the full amount of suspension that this board could  
14 impose; we wouldn't bat an eye, we wouldn't complain  
15 at all. We have a teacher that made a mistake, a bad  
16 mistake, and isn't trying to deny that now. She had  
17 an exemplary teaching record before. She's taught  
18 for nearly two years since this happened and she's  
19 still teaching. She hasn't had any other issues  
20 whatsoever. And we're saying like on the totality of  
21 the circumstances suspend her license for as long as  
22 you possibly can, if you feel that that's what's  
23 necessary. Don't take a good teacher out of the  
24 system based on this, is our entire -- and I don't  
25 disagree for a second that it was egregious.

1 CHAIRMAN DEAN: Dr. Moore.

2 DR. MOORE: So can you explain -- the year of  
3 these incidences, what grade were you teaching?

4 MR. CAMPBELL: I'll let you --

5 DR. MOORE: Whoever wants to answer.

6 MR. CAMPBELL: Yeah.

7 MS. ALUMBAUGH: I was teaching first grade.

8 DR. MOORE: Okay. And currently what grade do  
9 you teach?

10 MS. ALUMBAUGH: Third grade.

11 DR. MOORE: Okay. In another district?

12 MS. ALUMBAUGH: Uh-huh.

13 DR. MOORE: Okay. And so the -- similar to  
14 that, the -- in looking through the evidence, the  
15 main issue occurred between high school students.  
16 How and to what extent did you even know these high  
17 school students if you were teaching elementary?

18 MS. ALUMBAUGH: The superintendent, she asked --  
19 I am -- I've gone through a lot of dyslexia  
20 interventionist training, and she asked me -- we had  
21 -- there were several high school students who were  
22 not able to read or were on the lower reading level.  
23 And she asked me and another -- one of my colleagues  
24 if we could do intervention with them.

25 DR. MOORE: Okay. So you were teaching those

1 students --

2 MS. ALUMBAUGH: Uh-huh.

3 DR. MOORE: -- at the time. Okay. And at that  
4 point in time did you have an inappropriate  
5 relationship or messages with multiple students or  
6 just one?

7 MS. ALUMBAUGH: Just one.

8 DR. MOORE: Okay. And from there, did you leave  
9 the district by choice after that year?

10 MS. ALUMBAUGH: I resigned.

11 DR. MOORE: Okay. At this point in time do you  
12 have any contact with high school students?

13 MS. ALUMBAUGH: No, ma'am, none whatsoever.

14 DR. MOORE: Okay. And is your current district  
15 aware of these proceedings?

16 MS. ALUMBAUGH: Yes, ma'am.

17 DR. MOORE: Okay. That's all right now.

18 CHAIRMAN DEAN: Thank you, Dr. Moore.

19 DR. MOORE: I also have questions of the State  
20 --

21 CHAIRMAN DEAN: Okay.

22 DR. MOORE: -- of Ms. Douglas, if you don't  
23 mind.

24 CHAIRMAN DEAN: Ms. Douglas.

25 DR. MOORE: Thank you.

1 I guess I don't understand. So it says there  
2 was a -- was there an investigation by DHS or the  
3 State Police?

4 MS. DOUGLAS: There was an investigation by  
5 State Police. Some of the interview with the student  
6 was included in your State Board packet.

7 DR. MOORE: Okay. And that interview -- that  
8 student was 18 years old. Is that correct?

9 MS. DOUGLAS: I believe they turned 18.

10 DR. MOORE: Okay. Does that make a difference,  
11 had they been under the age of 18?

12 MS. DOUGLAS: I don't know what the State Police  
13 based their decision on --

14 DR. MOORE: Okay.

15 MS. DOUGLAS: -- to not file charges.

16 DR. MOORE: Was there a -- so because they did  
17 not file charges is that why DHS did not do a  
18 hearing?

19 MS. DOUGLAS: I don't know anything about her  
20 DHS proceedings.

21 DR. MOORE: Okay.

22 MS. DOUGLAS: She would have to speak to that.

23 DR. MOORE: Okay. Could -- I guess can I have  
24 you all speak to that?

25 MR. CAMPBELL: Why don't you.

1 MS. ALUMBAUGH: Both DHS and State Police, they  
2 cited it was unfounded; they did not find any  
3 evidence that I was messaging or doing anything with  
4 a mine -- with a minor.

5 DR. MOORE: Okay. Is that -- was it unfounded  
6 because it was evidence that was destroyed or was it  
7 unfounded because Snapchat goes away?

8 MS. ALUMBAUGH: No, no, no. No. They had --  
9 they had everything printed.

10 DR. MOORE: Okay.

11 MS. ALUMBAUGH: So they -- he just said that  
12 they didn't see anything that was detrimental or that  
13 --

14 DR. MOORE: Okay.

15 MS. ALUMBAUGH: -- could lead to a prosecution.

16 DR. MOORE: Okay.

17 Okay. Now back to the State. Sorry, Ms.

18 Douglas. So --

19 MS. DOUGLAS: Can I add on that real quick?

20 DR. MOORE: Yes.

21 MS. DOUGLAS: So the sexual Snapchats that were  
22 sent were brought to the Principal. They didn't  
23 screenshot them. There was no physical evidence --

24 DR. MOORE: Right.

25 MS. DOUGLAS: -- of the pictures that were sent.

1 The student did tell the Principal, "Hey, I can get  
2 you more photos to prove it," but they obviously told  
3 him to cease communication immediately.

4 DR. MOORE: Okay.

5 MS. WOODS: Ms. Alumbaugh, I have a question for  
6 you. I think the thing that just causes me pause is  
7 when your Principal told you to be careful with your  
8 communications you were -- you came back with "but he  
9 didn't tell me I couldn't do it." And as educator  
10 for nine years, why would you think that was okay, I  
11 guess is where I'm going with this? Our standard  
12 here is a preponderance of the evidence -- it's not,  
13 you know, beyond a reasonable doubt -- and so that's  
14 a low threshold. And that just seems to me a pretty  
15 -- somebody with nine years of experience I would  
16 have expected to have better discretion.

17 MS. ALUMBAUGH: Right. So in January -- oh,  
18 sorry -- so in January, he and the high school  
19 principal had called me in and just said, you know,  
20 "We know you're helping, you guys have been over.  
21 You know, we just don't want, you know, you know,  
22 anybody to say anything." And I said, "Well, if  
23 that's the case I will not set foot back over there.  
24 I will not go back over there." And he said, "No,  
25 no, no, no, no, that's not what we're saying. That's

1 not what we're saying. Just be careful with -- with  
2 your actions."

3 MS. WOODS: Is this -- at this point in time in  
4 your relationship had this already escalated --

5 MS. ALUMBAUGH: No.

6 MS. WOODS: -- or no?

7 MS. ALUMBAUGH: No. No.

8 CHAIRMAN DEAN: Any further questions?

9 Ms. Newton.

10 MS. NEWTON: Ms. Alumbaugh, do you have -- is  
11 there any kind of restraining order or has there been  
12 any kind of restraining order in the past between you  
13 and any student?

14 MS. ALUMBAUGH: No, ma'am.

15 DR. MOORE: I guess I do have a question. So we  
16 -- you know, in cases here we want to see -- the  
17 recommendation is revocation, and so we need to have  
18 enough evidence and belief to overturn that decision.  
19 And so I want to hear from you a pattern of changed  
20 behavior, an assurance that this would never happen  
21 again in order to change that recommendation, if that  
22 makes sense.

23 MS. ALUMBAUGH: Well, the first thing where I  
24 messed up is having students as friends on social  
25 media. I don't have Snapchat, period, and then no

1 one -- no one actually under 25 on Facebook unless  
2 they're a family member. This has a pit in my  
3 stomach every single day. I did actually -- my --  
4 speak to my superintendent and the deputy  
5 superintendent. I teach at Forrest City School  
6 District. And they were both -- they were both  
7 supportive and wanted to know how they could help. I  
8 -- it just -- as I've said it over and over and over  
9 again, it has just made me so sick. I would never,  
10 ever dream of anything like that ever again.

11 MS. WOODS: Did you bring any of this to your  
12 administration at the time or did this all come out  
13 after a student reported it?

14 MS. ALUMBAUGH: No, no, no, no, no. Oh, wait --  
15 in my new district?

16 MS. WOODS: No, in your -- the cause of action,  
17 so in your old district.

18 MS. ALUMBAUGH: It literally happened on -- I  
19 believe it was March the 16th. And then March the  
20 twenty -- and then there was spring break, and then  
21 right after that is --

22 MS. WOODS: But you didn't self report; this  
23 came from the student?

24 MS. ALUMBAUGH: Right.

25 MS. WOODS: Okay.

1 CHAIRMAN DEAN: Any other questions?

2 Okay. Ms. Douglas.

3 MS. DOUGLAS: Page 88 of your State Board packet  
4 the student sends emojis -- an eggplant, a peach,  
5 drops of water. Alumbaugh sends back -- emojis back  
6 -- big eyes multiple times, a winking/smiling face.  
7 A little bit later, "Are you trying to get me in  
8 trouble?"

9 Page 100, at the bottom, the student is being  
10 questioned by State Police, "I texted and then we  
11 started a streak." He goes on to speak of the text  
12 exchange just mentioned.

13 103, student talking to State Police -- State  
14 Police, "So you sent her a picture. What did you  
15 send her a picture of?" "My meat." "Okay. You said  
16 your 'meat?'" Student nods head. "Okay. And then  
17 she sent you a picture. What did she send you a  
18 picture of?" "Like her titties and her cootchie."  
19 "Okay. And in the picture is -- how are her  
20 clothes?" "She ain't have none on." "Okay. So tell  
21 me how you knew for sure that was her?" "Because  
22 like she had her phone. Like at first, like when I  
23 first added her on Snapchat she had just sent a  
24 picture of her face. That's when -- that's when we  
25 started doing all that. Then some days like she had

1 a picture of her face and her chest, like -- like  
2 sexy. She had a nightgown on or something."

3 Page 105, "I was just wanting to see how far it  
4 was going to go" -- this was the student. "So I was  
5 egging it on." "Okay. So how far did it go?" "Like  
6 she was trying to pick me up and take me places."  
7 "Okay." "And then she said she would set me up and  
8 all that." "Okay. When did she say that?" "Like,  
9 after the day she was sending the picture."

10 At the bottom of page 126, "While I communicated  
11 with Student 2 about sex and I considered having sex  
12 with him, I would have never done so because my  
13 conscience would not allow me."

14 As the State Board you're entrusted -- you're in  
15 a trusted position to elevate the teaching profession  
16 and protect the children of Arkansas. It is  
17 undoubtedly an honor that you were chosen. Two  
18 panels of her peers found the appropriate level of  
19 punishment is revocation. The children of Arkansas  
20 should not be punished for the poor choices of Ms.  
21 Alumbaugh. A mistake is not okay by any standard,  
22 but especially in education. She said it herself, "I  
23 made an impression on them that something like that  
24 was okay, and that's -- and that's not okay. That's  
25 wrong." She's right, it is wrong. It's wrong not

1 just in education, it's wrong in life.

2 Asking you to revoke a teacher's license is not  
3 something that PLSB takes lightly. Each panel  
4 considers the conduct of the Educator and the impact  
5 on students. The impact of her actions not only  
6 affected the student she interacted with  
7 inappropriately, but also her first graders. It's  
8 never okay for an adult to send a picture of their  
9 breasts to a child. We cannot allow the educators of  
10 Arkansas to conduct them-selves in this manner. We  
11 can't excuse this behavior. There's only one  
12 reasonable sanction, and it's revocation. Thank you.

13 CHAIRMAN DEAN: Thank you, Ms. Douglas.

14 Do we have any questions or further discussion?  
15 Mr. Sutton.

16 MR. SUTTON: Just a question. Did I understand,  
17 did this happen -- well, when did this happen?

18 CHAIRMAN DEAN: Ms. Douglas?

19 MS. DOUGLAS: August 2019.

20 MR. SUTTON: Okay. I thought I heard two years.

21 CHAIRMAN DEAN: Ms. Newton.

22 MS. NEWTON: I don't have any more questions,  
23 but I do have a comment. I am heartbroken that this  
24 happened. And, you know, as much as I would love to  
25 give mercy to Ms. Alumbaugh I have to think about the

1 students of Arkansas, and my first responsibility is  
2 to them. And I cannot in good conscience do anything  
3 less than revocation.

4 CHAIRMAN DEAN: Thank you, Ms. Newton.

5 Any other further comments or discussion?

6 If not, we have three decisions --

7 DR. HILL: I do. I do.

8 CHAIRMAN DEAN: Okay. Dr. Hill.

9 DR. HILL: When we revoke a license, over a  
10 period of time -- can a person re-apply over -- after  
11 five years or so of therapy or good, you know --

12 MS. DOUGLAS: I believe the law recently changed  
13 to allow an educator to re-apply after 10 years.

14 DR. HILL: Okay.

15 MS. DOUGLAS: And I do not believe, however, if  
16 it's revoked due to sexual --

17 DR. HILL: Okay.

18 MS. DOUGLAS: -- misconduct that that is  
19 allowed.

20 DR. HILL: Okay. So that's the up-side.

21 CHAIRMAN DEAN: Thank you, Ms. Douglas, for that  
22 clarification.

23 DR. HILL: I didn't know.

24 CHAIRMAN DEAN: Okay. Any further discussion?

25 MS. WOODS: I make a motion --

1 MR. WILLIAMSON: I've got a question real quick  
2 back on that.

3 CHAIRMAN DEAN: Okay, Mr. Williamson.

4 MR. WILLIAMSON: So if we revoke a license they  
5 can come back in 10 years and re-apply. Is that what  
6 I just heard?

7 CHAIRMAN DEAN: If it does not have to do with  
8 sexual misconduct. In this case it has to do with  
9 sexual misconduct, so --

10 MR. WILLIAMSON: Right. Right.

11 CHAIRMAN DEAN: -- she would not be able to come  
12 back.

13 MR. WILLIAMSON: Okay.

14 MS. DOUGLAS: And after 10 years they would have  
15 to come back in front of -- if you revoke a license,  
16 they would have to come back to you.

17 CHAIRMAN DEAN: Right.

18 MR. WILLIAMSON: Okay.

19 MS. DOUGLAS: They couldn't just re-apply.

20 CHAIRMAN DEAN: Right. They'd have to come back  
21 before the State Board -- but not in this case.

22 DR. HILL: It doesn't even come back at all  
23 because --

24 CHAIRMAN DEAN: At all.

25 DR. HILL: -- of sex. That's what I'm saying.

1 MS. DOUGLAS: Correct.

2 DR. HILL: Okay.

3 CHAIRMAN DEAN: Okay. Any further discussion?

4 FINDINGS OF FACT

5 CHAIRMAN DEAN: Okay. So we have three items or  
6 decisions that we need to make, the first being the  
7 Finding of Fact, do we agree with the hearing  
8 decision. So let's take that one first. Do we have  
9 a motion or discussion or questions or anything?

10 MS. WOODS: I'll motion that we accept the  
11 Findings of Fact.

12 CHAIRMAN DEAN: Okay. I have a motion by Ms.  
13 Woods to accept the Findings of Fact.

14 MS. NEWTON: Second.

15 CHAIRMAN DEAN: Seconded by Ms. Newton.

16 All in favor say "aye."

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN DEAN: Any opposed?

19 Seeing none, motion passes.

20 STANDARD 1 AND/OR STANDARD 2

21 CHAIRMAN DEAN: Second item that we need to  
22 decide is whether -- to determine whether Ms.  
23 Alumbaugh violated Standard 1 or Standard 2, or if  
24 she violated both Standard 1 and Standard 2. Do we  
25 have any discussion?

1 If not, then I'm ready for a motion.

2 MS. WOODS: I'll motion to accept that she --  
3 that she -- find that she violated Standard 1 and 2.

4 CHAIRMAN DEAN: We have a motion by Ms. Woods  
5 for a determination of violation of Standards 1 and  
6 2.

7 Do we have a second?

8 MS. McFETRIDGE: (held up a hand)

9 MR. SUTTON: Second.

10 CHAIRMAN DEAN: Seconded by Ms. McFetridge.

11 All in favor say "aye."

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN DEAN: Any opposed?

14 Seeing none, motion passes.

15 SANCTION

16 CHAIRMAN DEAN: Third is do we agree with the  
17 sanctions that were given as recommendations from the  
18 PLSB. If there's no discussion, I'm ready for a  
19 motion.

20 MS. McFETRIDGE: I move to agree to the  
21 sanction.

22 CHAIRMAN DEAN: I have a motion by Ms.  
23 McFetridge to agree to the sanction of PLSB for the  
24 revocation of license and a fine of \$500, I think  
25 that's what it was.

1 MS. DOUGLAS: I believe the Evidentiary Hearing  
2 Panel did not give a fine.

3 CHAIRMAN DEAN: No, okay.

4 MS. DOUGLAS: Just a revocation.

5 CHAIRMAN DEAN: I'm sorry, wrong case. Okay.

6 So --

7 MS. WOODS: No, there was a \$500 -- it was  
8 permanent revocation and a \$500 fine.

9 MS. DOUGLAS: Okay.

10 CHAIRMAN DEAN: Okay. All right.

11 All right. So, motion to agree with the PLSB  
12 findings -- sanction of revocation, \$500 fine.

13 Do we have a second?

14 MS. WOODS: Second.

15 CHAIRMAN DEAN: Seconded by Ms. Woods.

16 All in favor say "aye."

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN DEAN: Any opposed?

19 Seeing none, motion passes.

20 Go ahead, Ms. Douglas.

21 MS. DOUGLAS: (shaking head from side to side)

22 CHAIRMAN DEAN: You don't have anything? Okay.

23 Ms. Alumbaugh, I hope that you take this  
24 experience and you learn and you grow from it and  
25 that you realize how important our children are to us

1 and how important it is to safeguard them and to  
2 protect them -- their minds, their hearts, their  
3 emotions, their physical being. Our children are  
4 precious to us. And your role as a teacher is  
5 someone that we trust with our babies and it's not a  
6 role that we take lightly. You're someone that the  
7 community trusts to take care of the children. So in  
8 this situation we need to make it known and let it be  
9 known we don't take that lightly as a community, as a  
10 state, as a country. Our children are precious to  
11 us. So take this experience, learn from it, grow  
12 from it. And I wish you well in life and I hope that  
13 you can find another career that is fulfilling to you  
14 and move forward in life.

15 MS. ALUMBAUGH: Thank you.

16 CHAIRMAN DEAN: Okay. Thank you.

17 MS. ALUMBAUGH: Thank you.

18 CHAIRMAN DEAN: Thank you, Mr. Campbell.

19 MR. CAMPBELL: Thank you.

20 CHAIRMAN DEAN: Thank you.

21 A-3: CONSIDERATION OF CHARTER AUTHORIZING PANEL DECISIONS

22 a) APPROVAL OF DISTRICT CONVERSION CHARTER SCHOOL  
23 APPLICATION - CAVE CITY MIDDLE SCHOOL CAREER AND  
24 COLLEGIATE PREPARATORY

25 CHAIRMAN DEAN: Okay. Next we have on the

1 agenda the Consideration of Charter Authorizing Panel  
2 Decisions. Ms. Tracy Webb.

3 MS. WEBB: Good morning. The first item is the  
4 application for a district conversion charter for the  
5 Cave City Middle School.

6 In October, the Charter Authorizing Panel  
7 approved the district conversion charter for Cave  
8 City Middle School Career and Collegiate Preparatory  
9 for a period of five years. The school will serve a  
10 maximum of 375 students in grades 6-8 and will offer  
11 a traditional and a hybrid program, as well as an  
12 online program for students.

13 We do have Ms. -- Dr. Cheryl Bell on the line,  
14 or on Zoom, should you have any questions.

15 CHAIRMAN DEAN: Okay. Thank you.

16 DR. BELL: Hi. Thank you --

17 CHAIRMAN DEAN: I'm sorry; there we go. I was  
18 trying to find you. Good morning, Ms. Bell.  
19 Welcome. Thank you for joining us.

20 DR. BELL: Thank you for having us today.

21 CHAIRMAN DEAN: Okay. Do we have any questions  
22 for Ms. Bell?

23 Do you have any presentation or statements, Ms.  
24 Bell?

25 DR. BELL: I don't have a presentation. We just

1 want to say thank you for the opportunity and we're  
2 very excited about our charter status and [audio  
3 distortion] for us for the future.

4 CHAIRMAN DEAN: All right. Thank you, Ms. Bell.  
5 All right. Do we have any questions?

6 Ms. Newton.

7 MS. NEWTON: I just have a comment. I just had  
8 a comment. I was very impressed with the thought  
9 that you put into it and the engagement that you're  
10 going to do with students, especially the younger  
11 ages.

12 DR. BELL: Thank you so much.

13 CHAIRMAN DEAN: Any other comments or questions?  
14 Okay. Well, with that --

15 MS. McFETRIDGE: I do. I'm sorry.

16 CHAIRMAN DEAN: Oh, I'm sorry. Ms. McFetridge.

17 MS. McFETRIDGE: I noticed that you had 18  
18 members of your community on the Zoom meeting. And I  
19 was just curious, was there any other communications  
20 that you had or was there any other way that people  
21 could really respond to this application other than  
22 the Zoom meeting?

23 (MOMENT OF SILENCE)

24 CHAIRMAN DEAN: Ms. Bell, did you -- were you  
25 able to hear her?

1 DR. BELL: Sorry, I couldn't hear her.

2 CHAIRMAN DEAN: Okay.

3 MR. WILLIAMSON: I couldn't hear a single word  
4 she said either.

5 CHAIRMAN DEAN: Okay. Can you make sure your  
6 mic is green? If you'll just push the button and  
7 then you can let-go.

8 MS. McFETRIDGE: Oh, let-go. Okay.

9 MR. WILLIAMSON: There she is.

10 MS. McFETRIDGE: I'm so sorry.

11 CHAIRMAN DEAN: Okay.

12 MS. McFETRIDGE: I noticed that you had 18  
13 community members on a Zoom meeting. And I was just  
14 wondering if there was another way that -- was there  
15 another opportunity for your community to also hear  
16 your presentation but also a way for them to  
17 communicate and ask questions other than a Zoom  
18 meeting, if they were not able to attend at that  
19 time?

20 DR. BELL: Yes. Thank you for that question.  
21 We actually posted the presentation and recorded Zoom  
22 session through our Facebook page and our school  
23 website. And we're a very small-knit community, so  
24 we see community members at our football games [audio  
25 distortion]. And so we really want our community

1 [audio distortion]. Because we live in an area that  
2 not everyone has access to the internet, so we knew  
3 that we would [audio distortion] to some people and  
4 let them know [audio distortion] some feedback. So  
5 we did a lot of face-to-face. We were delivering  
6 meals also at that time, so we [audio distortion].  
7 So that's how we handled that.

8 CHAIRMAN DEAN: Ms. Bell, can you get closer to  
9 your mic and speak up a little bit more? We're  
10 having a hard time deciphering you and hearing you.  
11 Thank you.

12 DR. BELL: Sure. Is that a little better?

13 CHAIRMAN DEAN: That is a little bit better.  
14 Thank you.

15 MS. McFETRIDGE: Thank you. Thank you for your  
16 response. I thought it was a great, thorough  
17 application.

18 DR. BELL: Thank you so much.

19 MS. McFETRIDGE: I appreciate all your effort  
20 into it.

21 DR. BELL: Thank you.

22 CHAIRMAN DEAN: Any more questions or comments,  
23 discussion?

24 Okay. Then we're ready for a motion.

25 MS. NEWTON: I move not to review.

1 CHAIRMAN DEAN: We have a motion to not review  
2 by Ms. Ouida Newton.

3 MR. WILLIAMSON: Second.

4 CHAIRMAN DEAN: Seconded by Mr. Williamson.  
5 All in favor say "aye."

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN DEAN: Any opposed?

8 Seeing none, motion passes.

9 Congratulations, Ms. Bell. And congratulations,  
10 Cave City.

11 DR. BELL: Thank you so much.

12 CHAIRMAN DEAN: You're welcome. Have a great  
13 day.

14 b) APPROVAL OF DISTRICT CONVERSION CHARTER SCHOOL  
15 APPLICATION - BATESVILLE CHARTER HIGH SCHOOL

16 CHAIRMAN DEAN: Okay. Ms. Webb.

17 MS. WEBB: The next item is a district  
18 conversion charter application for the Batesville  
19 Charter High School.

20 In October, the Charter Authorizing Panel  
21 approved the district conversion charter application  
22 for Batesville Charter High School for a period of  
23 five years. The school will serve a maximum of 2,000  
24 students in grades 9-12 and will offer career  
25 pathways that will increase opportunities for

1 students to expand their careers and college options.

2 The Board may decide to review or not review the  
3 application.

4 CHAIRMAN DEAN: All right.

5 MS. WEBB: So I have Dr. Jennifer Douglas,  
6 Assistant Superintendent, on Zoom, if you have any  
7 questions.

8 CHAIRMAN DEAN: Okay. Thank you.

9 Dr. Douglas, welcome. Thank you for coming this  
10 morning -- or joining us this morning.

11 DR. DOUGLAS: Thank you.

12 CHAIRMAN DEAN: Okay. Do you have any  
13 statements or presentation?

14 DR. DOUGLAS: We do not have a presentation  
15 today. But, again, we just want to thank you for the  
16 opportunity to serve our students in this manner. We  
17 believe in putting students first and we feel like  
18 this is going to help us take a step in that  
19 direction. And we just appreciate your consideration  
20 of our charter application.

21 CHAIRMAN DEAN: Thank you, Ms. -- Dr. Douglas.

22 Do we have any questions, comments, discussion?

23 All right. Seeing none, I'm ready for a motion.

24 DR. MOORE: I move to not -- accept the  
25 recommendation of the Charter Panel.

1 CHAIRMAN DEAN: Okay. We have a motion to not  
2 review.

3 DR. MOORE: Or not review. I'm sorry. I move  
4 to not review.

5 CHAIRMAN DEAN: No problem.  
6 We have a motion to not review by Dr. Moore.

7 MR. SUTTON: Second.

8 CHAIRMAN DEAN: Seconded by Mr. Sutton.

9 All in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN DEAN: Any opposed?

12 Seeing none, motion passes.

13 Congratulations, Dr. Douglas. And  
14 congratulations, Batesville Charter High School.

15 DR. DOUGLAS: Thank you so much. We appreciate  
16 it.

17 CHAIRMAN DEAN: You're welcome. Have a great  
18 day.

19 c) APPROVAL OF DISTRICT CONVERSION CHARTER SCHOOL  
20 APPLICATION - ACADEMIES AT RIVERCREST HIGH SCHOOL

21 CHAIRMAN DEAN: Okay, Ms. Webb.

22 MS. WEBB: The next item is a district  
23 conversion charter application for the Academies at  
24 Rivercrest High School.

25 In October, the Charter Authorizing Panel

1 approved the district conversion charter school  
2 application for the Academies at Rivercrest High  
3 School for a period of five years. The school will  
4 serve a maximum of 500 students in grades 9-12 doing  
5 the academy model, allowing for unique educational  
6 experiences and opportunity-based student interests  
7 -- opportunities based on student interests. The  
8 model includes academies for freshmen, agriculture,  
9 technology, general education and virtual learning.

10 Today the State Board may decide to review or  
11 not review the Panel's decision. We have Mr. Harry  
12 Alvis, Assistant Superintendent for Rivercrest.

13 CHAIRMAN DEAN: Okay. Good morning, Mr. Alvis.  
14 I don't -- there you are, Mr. Alvis.

15 MR. ALVIS: Good morning.

16 CHAIRMAN DEAN: Good morning. Thank you for  
17 joining us. Do you have any statement or  
18 presentation that you'd like to make?

19 MR. ALVIS: No presentation. I would just like  
20 to say I'm really excited about this opportunity. I  
21 feel like here at Rivercrest we're uniquely  
22 positioned here in Mississippi County and with not  
23 only our location but with some of the resources and  
24 community support that we have. And I feel like this  
25 will help us really help meet the needs of our

1 students and I'm excited.

2 CHAIRMAN DEAN: All right. Thank you, Mr.  
3 Alvis.

4 Do we have any questions for Mr. Alvis?

5 Dr. Moore.

6 DR. MOORE: So one of the academies is virtual  
7 learning. Is this -- I guess a clarification -- a  
8 component of these students going to be virtual  
9 students or are all the programs virtual or all in  
10 person?

11 MR. ALVIS: No, it just provides an opportunity  
12 for portions of each of the programs to be provided  
13 virtually. You know, when we say virtual academy we  
14 don't see that as being just one individual pathway  
15 that is a hundred-percent delivered virtually. We  
16 see each one of these academies taking part and  
17 having virtual as an aspect of it, but not a one-  
18 hundred percent aspect of it.

19 DR. MOORE: Okay. So by-and-large these will be  
20 -- students will be doing these programs in person,  
21 barring Covid?

22 MR. ALVIS: Yeah.

23 DR. MOORE: Okay.

24 MR. ALVIS: Yes.

25 DR. MOORE: Was that in response to Covid this

1 year or was it -- was that a prior plan?

2 MR. ALVIS: No, we actually began this process  
3 in thinking through these academies pre-Covid.  
4 Because, you know, we've seen with -- especially with  
5 -- you know, at the college level there was a shift  
6 and a desire for that kind of flexibility for virtual  
7 learning. So we saw that it was on the horizon, but  
8 Covid kind of pushed us into it way quicker than we  
9 had originally anticipated.

10 DR. MOORE: Thank you.

11 CHAIRMAN DEAN: Any other questions?

12 Seeing none -- [coughing] excuse me -- I'm ready  
13 for a motion to review or not to review.

14 MS. McFETRIDGE: I move to not review this  
15 application.

16 CHAIRMAN DEAN: Okay. We have a motion by Ms.  
17 McFetridge to not review.

18 DR. HILL: Second.

19 DR. MOORE: Second.

20 CHAIRMAN DEAN: Okay. Seconded by Dr. Hill.  
21 All in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN DEAN: Any opposed?

24 Seeing none, motion passes.

25 Congratulations, Mr. Alvis --

1 MR. ALVIS: Thank you.

2 CHAIRMAN DEAN: -- and the Academies at  
3 Rivercrest. Have a great day.

4 MR. ALVIS: You too.

5 CHAIRMAN DEAN: Thanks.

6 d) APPROVAL OF DISTRICT CONVERSION CHARTER SCHOOL  
7 APPLICATION - VILONIA PATHWAYS ACADEMY

8 CHAIRMAN DEAN: All right, Ms. Webb.

9 MS. WEBB: The next item is for a district  
10 conversion charter application for the Vilonia School  
11 District.

12 In October, the Charter Authorizing Panel  
13 approved the district conversion charter school  
14 application for Vilonia Pathways Academy for a period  
15 of five years. The school will serve a minimum of  
16 700 students in grades K-12 and will offer an online  
17 core content curriculum, in addition to service  
18 learning instruction and differentiated pathways to  
19 develop workplace skills.

20 The Board may decide to review or not review the  
21 Charter Panel's decision.

22 And we have Dr. Cathy Riggins, the Assistant  
23 Superintendent, on Zoom, if you have any questions.

24 CHAIRMAN DEAN: Thank you, Ms. Webb.

25 Good morning, Ms. Riggins. Welcome.

1 DR. RIGGINS: Good morning.

2 CHAIRMAN DEAN: Do you have any statements?

3 DR. RIGGINS: Thank you for allowing me to be  
4 here today.

5 CHAIRMAN DEAN: You're welcome. We're glad to  
6 have you.

7 All right. Do we have any questions or comments  
8 for Ms. Riggins?

9 Ms. Newton.

10 MS. NEWTON: Dr. Riggins, my question is -- one  
11 of the things that we've seen, especially through  
12 this Covid season, is the problem with engagement of  
13 students with online learning. I'm assuming that  
14 you've kind of already started doing some of these  
15 service things with your students. Are you seeing  
16 that it has a positive impact on engagement with  
17 online students?

18 DR. RIGGINS: Well, actually, we have not  
19 actually completed a project yet but that is  
20 something that we plan to work on and go ahead and  
21 start in the spring.

22 MS. NEWTON: Okay.

23 DR. RIGGINS: But we are -- we have experience  
24 with service learning and we have seen how that can  
25 bring engagement to students. So we feel like that

1           that's what we need here, to add this piece to our  
2           virtual program. And we actually feel that we've  
3           learned a lot in the first few weeks being in a  
4           virtual setting, and so that's why we really -- our  
5           original thought was -- before the virus we had  
6           planned on having some type of virtual learning  
7           because that was the demand of our community. But we  
8           have just learned so much and -- especially with the  
9           Science of Reading, and we know how children learn to  
10          read. And we feel like this service learning  
11          component is going to allow us to make sure that  
12          we're using those instructional strategies at the  
13          lower levels and in developing those soft-skills. So  
14          we have not actually had a service learning project  
15          at this point, but we are planning to start those.

16                 MS. NEWTON: And as you start them and you start  
17          seeing the impact, and if you're seeing just really  
18          positive impact on engagement, I really wish that you  
19          would somehow or other share with us or different  
20          districts around, because I think that -- as a state  
21          that's something that we're struggling with is  
22          engagement. And so if we can find something that  
23          works we really need to share it with everyone.

24                 DR. RIGGINS: Yes, ma'am. And we would love to  
25          do that. And we really feel like that -- we looked

1 at a lot of other data -- for instance, screen time,  
2 what do we know about screen time -- and we're very  
3 concerned about that in what seems to be a  
4 traditional virtual option for children. So we're  
5 working to make sure that we offer these  
6 opportunities so that children have a blended option  
7 and that they're not really on a computer all day.

8 MS. NEWTON: All right. Okay. Thank you very  
9 much.

10 CHAIRMAN NEWTON: Dr. Moore.

11 DR. MOORE: Yes. Just to clarify for that  
12 though, this will be a hundred-percent virtual for  
13 all K-12 students that choose it. Is that correct?

14 DR. RIGGINS: No, ma'am, it will not. There  
15 will be a core virtual component to it. But as well,  
16 we have opportunities for children to come for field  
17 experiences on-site; we have partnerships that are  
18 established that they will be going -- for instance,  
19 in our 9-12 program we have the commercial  
20 construction component and they'll have two pathways:  
21 workforce or college prep. They may go on-site at  
22 the college level for, say, construction camps; they  
23 may visit Nabholz Construction in Conway, Arkansas,  
24 one of our lead partners, where they may go through a  
25 lab where they've created total stations for students

1 to become aware of those opportunities for the  
2 workforce. We will connect the core curriculum to  
3 the career focus. And so while students are going to  
4 have a career option -- I mean a core option that is  
5 online, it will also be connected to opportunities  
6 for on-site learning at the district level and in  
7 various partnership locations in the community.

8 DR. MOORE: Okay. That's great. And it was  
9 great to hear about your commercial construction and  
10 all the partnerships that go into that. Do students  
11 -- if students want to do the commercial construction  
12 pathway will they have to be enrolled in this portion  
13 of your school or can they do that at the traditional  
14 high school as well?

15 DR. RIGGINS: They will be enrolled in the  
16 charter --

17 DR. MOORE: Okay.

18 DR. RIGGINS: -- to start. They will be  
19 enrolled in the charter school.

20 DR. MOORE: Okay. Okay. Thank you.

21 CHAIRMAN DEAN: Any other questions, comments?

22 Okay. Seeing none, I'm looking for a motion to  
23 review or not to review.

24 MS. NEWTON: I move not to review.

25 CHAIRMAN DEAN: I have a motion by Ms. Newton to

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not review.

DR. MOORE: Second.

MR. WILLIAMSON: Second.

CHAIRMAN DEAN: Seconded by Dr. Moore.

All in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN DEAN: Any opposed?

Seeing none, motion passes.

Congratulations, Ms. Riggins. And  
congratulations, Vilonia.

DR. RIGGINS: Thank you very much.

CHAIRMAN DEAN: You're welcome. Have a great  
day.

DR. RIGGINS: Thank you.

e) APPROVAL OF DISTRICT CONVERSION CHARTER SCHOOL  
APPLICATION - DRIVEN VIRTUAL ACADEMY (PCSSD)

CHAIRMAN DEAN: Ms. Webb.

MS. WEBB: The next item is a district  
conversion charter application for the Pulaski County  
School District.

In October, the Charter Authorizing Panel  
approved the district conversion charter school  
application for Driven Virtual Academy for a period  
of five years. The school will serve a maximum of  
900 students in grades K-12 through a one-hundred

1 percent virtual program.

2 The State Board may decide to review or not  
3 review the Charter Panel's decision.

4 And we have Ms. Rachel Blackwell -- she's the  
5 coordinator of the virtual program -- on Zoom, if you  
6 have any questions.

7 CHAIRMAN DEAN: Thank you.

8 Good morning, Ms. Blackwell.

9 MS. BLACKWELL: Good morning.

10 SUPT. McNULTY: Good morning. Dr. McNulty,  
11 Superintendent.

12 CHAIRMAN DEAN: I'm sorry?

13 SUPT. McNULTY: Dr. McNulty, Superintendent.

14 CHAIRMAN DEAN: Good morning, Dr. McNulty. Glad  
15 to have you.

16 Do you have any statements or any sort of  
17 presentation that you'd like to say?

18 MS. BLACKWELL: No presentation. We're just  
19 excited about this opportunity. This was all pre-  
20 Covid, planned for the last several years, and so  
21 we're just excited to offer this for our students.

22 CHAIRMAN DEAN: Thank you.

23 Do we have any questions or comments?

24 Dr. Moore.

25 DR. MOORE: Thank y'all for being here today. I

1 know that it's great that you were planning this pre-  
2 Covid because I would expect that to have helped you  
3 shift during this time better. And I know there are  
4 other districts in the state that also already offer  
5 virtual programs such as you're proposing. But I did  
6 -- I will be voting not to review, but I did want to  
7 narrow in on a specific question about your  
8 elementary school. I noticed that you're going to  
9 give parents options of block or two courses per day,  
10 and I do have a little bit of concern about, you  
11 know, an elementary student only doing English twice  
12 a week, even though I know those are longer periods.  
13 So I did want to hear a little bit about that.

14 MS. BLACKWELL: For the elementary, that would  
15 not be a suggestion. That was more for our secondary  
16 to have block scheduling or to maybe do one course at  
17 a time. Because it is important at the elementary  
18 level to make sure you hit all the core classes each  
19 day.

20 DR. MOORE: Okay. So you all will start this  
21 school next year and I'm assuming -- will you be  
22 recruiting students from anywhere to come to your  
23 virtual program?

24 MS. BLACKWELL: That is correct. Our goal is  
25 for home-school and students who are not currently --

1 or they're zoned for the district but not currently  
2 attending. And then also we'll open it up for school  
3 choice.

4 DR. MOORE: Okay. Thank you.

5 CHAIRMAN DEAN: Thank you.

6 Any further questions?

7 Okay. If we have no further questions, I'm  
8 ready for a motion to review or not to review.

9 MR. WILLIAMSON: Not to review.

10 MS. McFETRIDGE: I move to not review.

11 CHAIRMAN DEAN: Okay. I have a motion by Brett  
12 Williamson to review -- not review, seconded by Ms.  
13 McFetridge.

14 All in favor say "aye."

15 (CHORUS OF AYES BY A FEW BOARD MEMBERS)

16 CHAIRMAN DEAN: Any opposed?

17 (CHORUS OF AYES BY REMAINING BOARD MEMBERS)

18 CHAIRMAN DEAN: Any opposed?

19 Seeing none, motion passes.

20 Thank you, Ms. Blackwell.

21 MS. BLACKWELL: Thank you.

22 ASST. COMMISSIONER PFEFFER: Madam Chair, may I  
23 say something?

24 CHAIRMAN DEAN: Yes, please.

25 ASST. COMMISSIONER PFEFFER: Before they leave,

1 I just want to take a minute and say hello to my  
2 former student Rachel Blackwell. So I didn't want to  
3 say anything before the vote. But, you know, all the  
4 -- all this great work here, you know, she had some  
5 really good foundation.

6 So anyway, it's good to see you, Rachel. Thank  
7 you.

8 MS. BLACKWELL: Nice to see you.

9 CHAIRMAN DEAN: Okay. A little levity there.

10 A-4: REQUEST FOR APPROVAL OF ASSESSMENT FOR SUCCEED

11 SCHOLARSHIP PROGRAM: KTEA-3

12 CHAIRMAN DEAN: Let's move on to the Request for  
13 Approval of Assessment for Succeed Scholarship  
14 Program. Ms. Courtney Salas-Ford.

15 MS. SALAS-FORD: Good morning, Madam Chair,  
16 Members --

17 CHAIRMAN DEAN: Morning.

18 MS. SALAS-FORD: -- of the Board. Courtney  
19 Salas-Ford for the Department.

20 So we are here to consider the request of The  
21 Hannah School to use the KTEA-3 comprehensive  
22 assessment as a norm -- nationally recognized norm  
23 reference test, as is required for participation in  
24 the Succeed Scholarship Program.

25 For some of the newer members, several years ago

1 when the program was begun the State Board approved a  
2 list of about 10 different assessments that would  
3 meet that requirement. So, a school wanting to use  
4 an assessment that is not on that list needed to come  
5 to you-all for additional approval. And so that is  
6 what The Hannah School is doing today. If approved,  
7 this test could be used by any of the private  
8 schools. They are allowed to choose anything from  
9 the approved list.

10 And so Ms. Audie Alumbaugh is here as a  
11 representative of The Hannah School to answer any  
12 questions that you might have. You should've all  
13 received the supplemental information that was  
14 submitted by them as to their rationale for wanting  
15 to use that assessment. And so I'm available to  
16 answer any questions, as is Ms. Alumbaugh.

17 CHAIRMAN DEAN: Okay. Dr. Moore.

18 DR. MOORE: Just to be clear, so once this test  
19 is administered by the school and the data sent to  
20 y'all, you don't do anything with the data. Is that  
21 correct?

22 MS. SALAS-FORD: No, that is correct. We don't  
23 really see the data. We're kind of a pass-through,  
24 as required by a different section of law. The  
25 schools have to report that they did assess all of

1 the students and, if requested by the Legislature,  
2 provide the information. So if that is requested we  
3 will pass it through.

4 DR. MOORE: Okay.

5 MS. SALAS-FORD: But we don't analyze it or  
6 compare it or do anything like that.

7 DR. MOORE: Okay. And so schools can -- I'm  
8 assuming therefore schools are choosing what fits  
9 them the best and what will give them the most  
10 information about their students?

11 MS. SALAS-FORD: Correct. They choose based on  
12 their population, based on the assessment that they  
13 feel is appropriate for their students. And, again,  
14 that was the part of the rationale provided by The  
15 Hannah School was this was the reason -- this was the  
16 test that they felt was the best representation or  
17 comparison of their students.

18 DR. MOORE: And does the law require all  
19 students at this point take it or just those on the  
20 scholarship?

21 MS. SALAS-FORD: Just those on the scholarship.

22 DR. MOORE: Okay. And then obviously that's  
23 what -- their choice as to how many students take it  
24 or not?

25 MS. SALAS-FORD: Correct.

1 DR. MOORE: Okay. Thank you.

2 MS. SALAS-FORD: Uh-huh.

3 MS. WOODS: Out of curiosity, all of the tests  
4 that were approved have those been added over time or  
5 is this the original block?

6 MS. SALAS-FORD: That is the original block.

7 MS. WOODS: Okay.

8 MS. McFETRIDGE: So The Hannah School decided  
9 they were going to do the comprehensive test --

10 MS. SALAS-FORD: Correct.

11 MS. McFETRIDGE: -- versus the brief?

12 MS. SALAS-FORD: Yes, that is the comprehensive.

13 MS. McFETRIDGE: Okay. So is that the only one  
14 that gets on the list then and not the brief?

15 MS. SALAS-FORD: That is the only one that's  
16 being requested. As a state board, you all are free  
17 to add any assessment that you feel meets the  
18 requirement. But they are only requesting for the  
19 comprehensive.

20 CHAIRMAN DEAN: Ms. Newton.

21 MS. NEWTON: A couple of questions. What grade  
22 level will this test be approved for?

23 MS. SALAS-FORD: I will let Ms. Alumbaugh  
24 address that.

25 MS. NEWTON: Okay.

1 Good morning.

2 MS. ALUMBAUGH: Good morning. It is a  
3 nationally normed test, and it is normed for  
4 kindergarten through grade 12 but it can go up to age  
5 21. So any child can take this, but it's clearly the  
6 more you know the longer the test takes.

7 MS. NEWTON: Okay. All right. And then, how  
8 well does this test align with our literacy and math  
9 standards?

10 MS. ALUMBAUGH: It lines up very well with it --  
11 but not only that, with the population of The Hannah  
12 School. These are all children who have specific  
13 learning disabilities, specifically dyslexia, and so  
14 they have average to above-average IQs. So it's  
15 normed for like with non-disabled peers so we can get  
16 a better view of how these -- the idea of The Hannah  
17 School is for a child to come in, learn how to read,  
18 and then be transitioned back. Some of the tests  
19 that are on the list are normed for the special ed.  
20 population. This test is normed against general  
21 education populations so it gives the parents a  
22 better view to how their children can compete in the  
23 general education classroom, and so it lines up very  
24 well. And the digital format -- it's not given  
25 digitally, but the scoring is digital so it's easily

1 drilled down for those target skills that those kids  
2 are missing so that they can have diagnostic teaching  
3 and get those pieces remediated quickly.

4 And just to answer your question, Dr. Moore,  
5 every child at The Hannah School gets the KTEA, not  
6 just the ones on the scholarship.

7 MS. NEWTON: Thank you.

8 MS. ALUMBAUGH: Okay.

9 CHAIRMAN DEAN: Thank you. Any further  
10 questions?

11 Okay. With that, I'm looking for a motion to  
12 approve or not to approve the assessment.

13 DR. MOORE: I move to approve the assessment.

14 CHAIRMAN DEAN: We have a motion to approve the  
15 assessment by Dr. Moore.

16 MS. NEWTON: Second.

17 CHAIRMAN DEAN: Seconded by Ms. Newton.

18 All in favor say "aye."

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN DEAN: Any opposed?

21 Seeing none, motion passes.

22 Thank you, Ms. Alumbaugh.

23 MS. ALUMBAUGH: Thank you all. Stay safe.

24 CHAIRMAN DEAN: Thank you, Ms. Salas-Ford.

25 MS. SALAS-FORD: Yeah. Well, with the Board's

1 requested approval, I thought we could go ahead and  
2 move on to the afternoon agenda.

3 CHAIRMAN DEAN: Yes.

4 MS. SALAS-FORD: Might as well get it done.

5 CHAIRMAN DEAN: Might as well.

6 B-1: CONSIDERATION OF REQUEST FOR FINAL APPROVAL: DESE RULES  
7 GOVERNING SPECIAL EDUCATION AND RELATED SERVICES, SEC. 18:00  
8 RESIDENTIAL PLACEMENT

9 MS. SALAS-FORD: So the first item on the  
10 afternoon agenda is Consideration of Request for  
11 Approval -- Final Approval for the Division's Rules  
12 Governing Special Education and Related Services,  
13 Section 18:00 Residential Placement. The amendments  
14 to these rules were required by legislation in 2019.

15 And again just a little bit of a back-story for  
16 some of the newer members: we started these rules in  
17 February of 2020. We actually paused them during a  
18 public comment process because of some questions  
19 about the, say, legality of one of the provisions in  
20 law and in rule, and so an opinion had been requested  
21 from the Attorney General's office. We have since  
22 received that opinion deeming that these provisions  
23 apply as we have written them in law and in rule, and  
24 so now we are just finalizing the rule process. And  
25 so we are asking for your approval prior to approval

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from the Legislation Council.

CHAIRMAN DEAN: Okay. Thank you.

Do we have any questions, comments, discussion?

Okay. With that, I'm looking for a motion to approve for final approval.

DR. MOORE: Move for final approval.

CHAIRMAN DEAN: Okay. We have a motion by Dr. Moore.

Do I have a second?

MR. SUTTON: Second.

CHAIRMAN DEAN: Seconded by Mr. Sutton.

All in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN DEAN: Any opposed?

Seeing none, motion passes.

MS. SALAS-FORD: Thank you.

(The Action Agenda was concluded at 11:22 a.m.)



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