

In The Matter Of:

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

October 8, 2020

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ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION
OCTOBER 8, 2020
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

MS. CHARISSE DEAN, 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:

MR. JOHNNY KEY, Secretary of Education
MR. JOEL LOOKADOO, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MS. LORI FRENO	General Counsel
MS. COURTNEY SALAS-FORD	Attorney
MS. MARY CLAIRE HYATT	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

II. RESOLUTIONS

ARKANSAS SAFE SCHOOLS RESOLUTION AND GOVERNOR'S
PROCLAMATION RE: BULLYING

CHAIRMAN DEAN: Our first item on the agenda are
our resolutions. The very first one is the Arkansas
Safe Schools Week.

Okay, one moment.

DR. CHERYL MAY: Madam Chair, Commissioner Key,
Distinguished Members of the Board, thank you so much
for the privilege to before -- to be before you
today. We're going to talk -- I'm going to ask you
to support not only a resolution focusing on Arkansas
Safe Schools Week, but to also present you with a
proclamation from the Governor concerning bullying.

Speaking of the Governor, I think everybody in
here knows that he is a true champion of school
safety, and I want to personally thank him for his
commitment and dedication to school safety. I also
want to thank the members of the Safe Schools
Committee, the Division of Elementary and Secondary
Education's committee. I also want to thank the
staff at the Arkansas Center for School Safety and
all of our superintendents and administrators and
staff for everything that they do to make our schools

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safe.

SAFE SCHOOLS WEEK RESOLUTION

DR. MAY: So let me read the resolution to you:

WHEREAS, More than 49 -- more than Four Thousand Seven Hundred Ninety Thousand [sic] students attend public schools in Arkansas; and

WHEREAS, A safe and secure environment enhances student learning; and

WHEREAS, Approximately 69,603 administrators, faculty, and staff at Arkansas' public schools are committed to providing a safe and secure learning environment for all students; and

WHEREAS, More than 405 school resource officers assist in ensuring students remain safe at public schools; and

WHEREAS, The Division of Elementary and Secondary Education, Arkansas Center for School Safety, and Arkansas Safe Schools Association have partnered together to provide school safety resources and promote a safe education environment; and

WHEREAS, The Safe Schools Committee is charged with developing model policies and procedures that may ensure a safe and productive learning environment of students and school employees, for recommending to the State Board of Education any necessary rules and

1 regulations for ensuring a safe school environment,
2 and for recommending to the House Committee an
3 education -- on Education and the Senate Committee on
4 Education any necessary legislation for ensuring a
5 safe school environment; and

6 WHEREAS, Local and state law enforcement
7 agencies and organizations provide support to school
8 districts;

9 NOW, THEREFORE, BE IT RESOLVED

10 We, the members of the Arkansas State Board of
11 Education, recognize the week of October 17 through
12 23, 2020, as Arkansas State [sic] School Week.

13 GOVERNOR'S PROCLAMATION RE: BULLYING

14 DR. MAY: I'd also like to take this moment to
15 read the proclamation from the Governor concerning
16 bullying. Bullying is obviously very much on
17 everybody's mind and is a critical element to any
18 school safety strategy. So, according to the
19 Governor's proclamation:

20 TO ALL WHOM THESE PRESENTS COME - GREETINGS:

21 WHEREAS, Bullying is physical, verbal, sexual,
22 or emotional harm or intimidation intentioned --
23 intentionally directed at a person or group of
24 people; and

25 WHEREAS, Bullying occurs in neighborhoods,

1 playgrounds, schools, and through technology; and

2 WHEREAS, Cyberbullying can occur through text
3 messages, rumors sent via email or posted on social
4 networking sites and embarrassing pictures, videos,
5 websites or fake -- and -- or fake profiles; and

6 WHEREAS, Various researchers have concluded that
7 bullying is the most common form of violence,
8 affecting millions of Arkansas -- American children
9 and adolescents with or without disabilities; and

10 WHEREAS, Targets of bullying are more likely to
11 acquire physical, emotional, and learning problems,
12 and students who are repeatedly bullied often fear
13 activities such as riding the bus, going to school,
14 and attending community events; and

15 WHEREAS, Children who witness bullying often
16 feel less secure, more fearful and intimidated;

17 NOW, THEREFORE, I, ASA HUTCHINSON, Governor of
18 the State of Arkansas, by virtue of the authority
19 invested in me in the laws of the State of Arkansas,
20 do hereby proclaim October 2020, as

21 NATIONAL BULLYING PREVENTION MONTH IN ARKANSAS

22 across the State, and I encourage my fellow citizens
23 to be engaged in a variety of awareness and
24 prevention activities designed to make our
25 communities safer and kinder for all children,

1 adolescents, and adults.

2 IN TESTIMONY WHEREOF, I have hereunto set my
3 hand and caused the Great Seal of the State of
4 Arkansas to be affixed this 2nd day of October, in
5 the year of our Lord 2020.

6 CHAIRMAN DEAN: Thank you, Dr. May. We
7 appreciate that.

8 DR. MAY: Thank you.

9 CHAIRMAN DEAN: I don't know if we're going to
10 do a photo-op or not?

11 Okay.

12 (COURT REPORTER'S NOTE: A group photo with Dr.
13 May was taken.)

14 CHAIRMAN DEAN: Appreciate the Governor and
15 those who have worked on this resolution and just
16 understanding the importance of making sure that our
17 children are safe in learning environments. Thank
18 you. Thank you, Dr. May.

19 Okay. Next item --

20 SECRETARY KEY: Madam Chair, if I may, I did ask
21 Courtney to -- since she's overseeing our overall
22 effort in the Department on school safety, if she
23 could give you a brief update.

24 CHAIRMAN DEAN: Okay. Thank you.

25 MS. SALAS-FORD: Thank you, Madam Chair,

1 Secretary Key, Members of the Board. Courtney Salas-
2 Ford for the Department. And, yes, I just want to
3 echo all of the thoughts and comments made by Dr.
4 Cheryl May and how much we appreciate our continued
5 partnership with the Safe Schools Center and the work
6 of the Safe Schools Committee following along after
7 the Governor's Safe Schools Commission and
8 implementing those recommendations and working to
9 ensure that our students and schools are a safe
10 environment for them.

11 I'd also like to, with your permission,
12 introduce Ms. Suzanne Jones. She recently has joined
13 me in taking on the role of supporting this work and
14 leading the school safety efforts. And so I believe
15 in the next few months and year to come you will be
16 seeing a lot of us as we bring to you, you know, more
17 information about what the committee is doing, the
18 legislation recommendations, and rule recommendations
19 that are being suggested and implemented and the
20 resources that Suzanne, in particular, will be
21 working with the Safe Schools Center to bring to
22 school districts and making sure that we are carrying
23 out the vision and the mission and the goals of the
24 resolution and the proclamation in keeping students
25 safe.

1 So I just want to say thank you and let you all
2 know about Suzanne.

3 CHAIRMAN DEAN: Thank you.

4 MS. SALAS-FORD: Thank you.

5 CHAIRMAN DEAN: Do we have any other changes to
6 the agenda?

7 SECRETARY KEY: Madam Chair, this isn't a change
8 to the agenda. Just to let y'all know that the
9 Governor has a cabinet meeting this afternoon at
10 2:30. I know we have a short agenda, but if the
11 meeting goes beyond a little after 2:00 I'll be
12 stepping out and Dr. Pfeffer will be stepping in to
13 finish out the meeting.

14 CHAIRMAN DEAN: Okay. Thank you.

15 (COURT REPORTER'S NOTE: A motion and vote was
16 taken on the Consent Agenda, which may be viewed on
17 the DESE website.)

18 SECRETARY KEY: Madam Chair, we do need the
19 Board to vote to adopt that resolution that Dr. May
20 presented.

21 CHAIRMAN DEAN: Thank you.

22 Do I have a motion to vote for approving the
23 resolution?

24 MS. NEWTON: So moved.

25 MS. WOODS: Second.

1 CHAIRMAN DEAN: I have a motion to approve by
2 Ms. Newton, seconded by Ms. Woods.

3 All in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN DEAN: Any opposed?

6 Seeing none, motion passes.

7 Thank you, Mr. Key.

8 Okay. Let's get down to our Action Agenda.

9 V. ACTION AGENDA A

10 V-1: STATE BOARD HEARING OF REVOCATION OF LICENSE - LA 20-08

11 STEVEN BARNETT

12 CHAIRMAN DEAN: All right. Ms. Lori Freno, if
13 you would -- State Board Hearing of Revocation of
14 License, Steven Barnett.

15 MS. FRENO: Thank you, Ms. Dean. Lori Freno
16 with the Department of Education.

17 I would like to read for the Board the
18 procedures for the hearing that will be before you
19 today. This is the matter of Mr. Steve Barnett.

20 He's seeking a waiver of a disqualifying offense.

21 Mr. Barnett is here, as well as is Amy Douglas who
22 will be representing the Agency in this matter.

23 Each party will have the opportunity to present
24 an opening statement of no longer than 5 minutes,
25 beginning with the representative from the Division.

1 The Chairperson of the State Board may for good cause
2 shown allow either party additional time. Each party
3 will provide -- be provided 15 minutes to present
4 their cases, beginning with the representative for
5 the Division. And, again, the Chair may afford
6 additional time at her discretion.

7 Every witness giving oral testimony will need to
8 be sworn in by the Chair, and there can be direct
9 examination, cross examination, and questioning by
10 the Board at any time during the hearing. The
11 Division shall have the burden of proving by a
12 preponderance of the evidence that the -- that cause
13 for the proposed licensure action exists. After both
14 parties have presented their cases the State Board
15 may allow each party to present rebuttal testimony,
16 and each party will then be given 5 minutes for a
17 closing argument, ending with the Division's
18 representative. And, of course, the parties do not
19 have to take up all this time; that is just the
20 guideline. And, again, you know, there is an
21 opportunity for additional time if deemed appropriate
22 by the Chair of the Board.

23 CHAIRMAN DEAN: Thank you, Ms. Freno.

24 Let me swear in everyone that plans on giving
25 testimony. If you would raise your right hand -- do

1 you swear or affirm that the testimony you're about
2 to give shall be the truth, the whole truth and
3 nothing but the truth?

4 MR. BARNETT: Yes.

5 CHAIRMAN DEAN: Thank you. Go ahead, Ms.
6 Douglas.

7 OPENING STATEMENT BY PLSB

8 MS. DOUGLAS: Amy Douglas for the Division. I
9 am going to waive my opening statement.

10 CHAIRMAN DEAN: Okay. Thank you.

11 Mr. Barnett, good morning. Thank you for
12 joining us.

13 OPENING STATEMENT BY THE EDUCATOR

14 MR. BARNETT: Good morning. Yes, back in 2009,
15 I did -- I got charged with a Conspiracy to Defraud
16 the Government through the first-time homebuyer. So
17 a childhood friend of mine contacted me and asked me
18 did I know anything about it, and I told him no, I
19 didn't know. We was entering --

20 CHAIRMAN DEAN: Mr. Barnett, would you move
21 closer to the mic and lift it up so we can --

22 MR. BARNETT: Okay.

23 CHAIRMAN DEAN: -- pick you up on Zoom, as well
24 --

25 MR. BARNETT: Okay.

1 CHAIRMAN DEAN: -- so we can hear you better.
2 Thank you.

3 MR. BARNETT: Yes. Back in 2009, I got charged
4 with the first-time home buyer loan Conspiracy to
5 Defraud the Government with respect to claims. A
6 childhood friend of mine contacted me and asked me
7 did I know anything about it, and I told him, "No, I
8 don't know." He said, "Well, Google it and see what
9 you think about it." So I Googled it and I seen that
10 it was saying that you have to purchase a home, that
11 some people would be audited and some wouldn't. So
12 he said, "Well, I think I'm going to try it, man.
13 This is my last [inaudible]; I ain't really got no
14 money. You know, I'm going to turn my name in." So
15 after going back and forth I eventually, you know,
16 considered doing it too. So once I did that, I took
17 me and his name and put it in a mailbox, you know, to
18 the people that were doing it. So once that
19 happened, the IRS started an investigation; so they
20 contacted just the people who did it. So when the
21 lady contacted me from the IRS, I went and talked to
22 her and I told her what I did. So she said, "Well,
23 Mr. Barnett," she said, "I see you're not a big fish
24 in this pond, but based on your testimony that you
25 took some names over and put them in a mailbox I have

1 to send your name in to Washington, D.C." She said,
2 "So just go on with your life." And a couple of
3 years later, I got indicted. So she just said it was
4 based upon, you know, the testimony that I gave that
5 I took the names over there, so it was like I
6 participated in the scheme.

7 CHAIRMAN DEAN: Thank you, Mr. Barnett.

8 Ms. Douglas.

9 PLSB'S CASE

10 MS. DOUGLAS: So as Mr. Barnett said, so, in
11 2014, he pled guilty to Conspiracy to Defraud the
12 Government. In 2014, Mr. Barnett was found guilty of
13 Conspiracy to Defraud the Government. He completed a
14 three-year federal probation. In 2018, he was denied
15 a provisional professional teaching license. A
16 letter was sent to the school -- I believe it was
17 KIPP Delta at the time -- as well as the Educator
18 because of this disqualifying offense. Somehow,
19 through the Division that information did not get
20 uploaded into the Arkansas Education Licensure
21 System. Mr. Barnett continued to work. In 2020, he
22 comes up for a background check. It is determined he
23 was originally cleared, and then it is later
24 determined, a few days later, that, wait a minute,
25 this is equivalent to a disqualifying offense that we

1 have under 6-17-410, number 26, which is Theft of
2 Services. He was then sent a denial letter.

3 I believe you received in your packet his
4 sentencing order. You have his admission that he was
5 indicted and his involvement in that particular
6 ordeal. We have sent him a denial letter. He's here
7 asking for a waiver. The Board has the options to,
8 when considering a waiver, to consider the
9 circumstances, the age at which the crime or incident
10 was committed, the circumstances surrounding the
11 crime or incident, the length of time since the
12 crime, subsequent work history, employment
13 references, character references, or any other
14 evidence the applicant demonstrates.

15 So it is our position that it is completely up
16 to you whether you want to grant Mr. Barnett's
17 waiver.

18 CHAIRMAN DEAN: Okay. Thank you, Ms. Douglas.

19 Mr. Barnett, did you have anything you wanted to
20 add?

21 MR. BARNETT: Yes, ma'am.

22 EDUCATOR'S CASE

23 MR. BARNETT: I'd just like to thank the Board
24 for allowing me the opportunity --

25 CHAIRMAN DEAN: Mic. If you can get as close as

1 possible.

2 MR. BARNETT: Okay. Yes, I would just like to
3 thank the Board for allowing me this opportunity to
4 be here. I made a mistake in the past that I'm not
5 proud of. I'm looking to put it behind me and move
6 forward with my life, doing what I love to do --
7 that's teach and coach. It is my hope that the Board
8 will grant me this waiver to allow me to continue to
9 support my kids and support aspiring youth in my
10 local community.

11 CHAIRMAN DEAN: Thank you, Mr. Barnett.

12 Ms. Douglas.

13 MS. DOUGLAS: I have nothing further.

14 CHAIRMAN DEAN: Okay. Thank you.

15 All right, Board. We have heard Ms. Douglas
16 from the Department of Education and we've heard Mr.
17 Barnett's story and the details. Do we have any
18 questions or comments? I'll start with Mr. Sutton.

19 MR. SUTTON: Do I have any questions? No.

20 CHAIRMAN DEAN: Okay. Ms. Woods.

21 MS. WOODS: I do. Mr. Barnett, have you been
22 teaching --

23 (COURT REPORTER'S NOTE: Ms. Woods turned on her
24 microphone.)

25 MS. WOODS: I'm sorry. Have you been teaching

1 as a non-licensed teacher --

2 MR. BARNETT: Yes.

3 MS. WOODS: -- in the last few years? Okay.

4 And then, as it relates to the crime, did you
5 actually benefit and take the money or were you just
6 a conspirator in the process?

7 MR. BARNETT: I got the \$7,500 and paid it back.

8 MS. WOODS: Okay. That's it for me.

9 CHAIRMAN DEAN: Is that -- okay. Ms. Moore?
10 Ms. Chambers? Ms. Newton?

11 MS. NEWTON: A question for Ms. Douglas. Does
12 the Department have a recommendation?

13 MS. DOUGLAS: The Department has already deemed
14 him disqualified. But, so other than that, we do not
15 have a further recommendation.

16 MS. NEWTON: Okay.

17 CHAIRMAN DEAN: Ms. McFetridge? Dr. Hill?

18 Okay. Do we have any further discussion?

19 All right. With that -- oh, I'm sorry.

20 DR. HILL: I didn't hear how much you said that
21 was. I didn't hear it.

22 MR. BARNETT: The first-time home loan buy was
23 \$7,000 -- it was between \$7,000 to \$7,500.

24 DR. HILL: Okay. All right.

25 CHAIRMAN DEAN: And you said you paid it back?

1 MR. BARNETT: Yes, ma'am, I paid it back in
2 full. Yes.

3 CHAIRMAN DEAN: Okay. Mr. Lookadoo, I'm sorry,
4 I didn't mean to overlook you.

5 MR. LOOKADOO: No questions.

6 CHAIRMAN DEAN: No, okay. With that, then I'm
7 ready for a motion.

8 MS. CHAMBERS: May I ask a question on process
9 --

10 CHAIRMAN DEAN: Sure.

11 MS. CHAMBERS: -- just to be clear on "shall"
12 and "will" and what our options are? Could you
13 remind us of that, please?

14 MS. DOUGLAS: So the statute says you "shall"
15 revoke or non-renew a license. But it also says that
16 if an educator comes requesting a waiver that you
17 consider those circumstances, and then it's up to you
18 whether you want to grant the waiver or if you want
19 to grant the waiver with stipulations or deny the
20 waiver.

21 CHAIRMAN DEAN: Any further questions,
22 discussion?

23 We're ready for a motion.

24 DR. HILL: I move we grant the waiver.

25 CHAIRMAN DEAN: Okay. I have a motion to grant

1 the waiver by Dr. Hill.

2 MS. CHAMBERS: Second.

3 CHAIRMAN DEAN: Seconded by Ms. Chambers.

4 All in favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN DEAN: Any opposed?

7 Seeing none, the motion passes.

8 Congratulations, Mr. Barnett.

9 MS. DOUGLAS: I will prepare an order and have
10 this entered into ALS.

11 CHAIRMAN DEAN: Okay. Thank you so much, Ms.
12 Douglas.

13 DR. HILL: I do have a comment.

14 CHAIRMAN DEAN: Yes, go ahead.

15 DR. HILL: Mr. Barnett, I appreciate you being
16 in the teaching profession and how valuable you are
17 to the schools, for African American males to be in
18 the classroom. It's very, very important. And if I
19 can assist you in any way -- and we all make
20 mistakes; I'm only sitting here because of the grace
21 of God -- you know, and that's grace not made to come
22 to you, it's made to go through you. So I hope you
23 understand this and recruit other men to come and do.
24 Because of the crisis that we see out in our schools
25 I want you to be involved in being a remedy -- you've

1 heard all the violence and things going on -- that
2 you take this as an opportunity to step up and really
3 get people in the game to help you. Okay?

4 MR. BARNETT: All right. Thank you.

5 DR. HILL: Yes, sir.

6 CHAIRMAN DEAN: Thank you, Mr. Barnett.

7 MR. SUTTON: Amen to that, Dr. Hill.

8 V-2: CONSIDERATION OF CHARTER AUTHORIZING PANEL DECISION TO
9 APPROVE AMENDMENT REQUEST FOR ARKANSAS VIRTUAL ACADEMY

10 CHAIRMAN DEAN: Okay. Moving on to Item Number
11 2, Consideration of Charter Authorizing Panel
12 Decision to Approve Amendment Request for Arkansas
13 Virtual Academy. That's Ms. Tracy Webb.

14 MS. WEBB: Good morning. Tracy Webb, Charter
15 Office.

16 CHAIRMAN DEAN: Good morning.

17 MS. WEBB: The next item is regarding the
18 amendment request for Arkansas Virtual Academy.
19 [cough] Excuse me. In September, the Charter
20 Authorizing Panel approved an amendment request for
21 Arkansas Virtual Academy to increase their enrollment
22 cap from 4,000 to 5,500. By a unanimous vote, the
23 Panel voted to approve the request. The State Board
24 has the option to review the amendment request and
25 conduct a hearing at the next State Board meeting

1 regarding the amendment request. And Ms. Amy
2 Johnson, the superintendent, is on the Zoom if you
3 have any questions.

4 CHAIRMAN DEAN: Welcome, Ms. Johnson.

5 Okay. Do we have any questions or comments?

6 We'll start with Dr. Hill.

7 DR. HILL: No, I don't.

8 CHAIRMAN DEAN: No. Ms. McFetridge? Ms.

9 Newton? Ms. Chambers? Ms. Moore?

10 DR. MOORE: Didn't we already approve an
11 enrollment cap this year?

12 SUPT. JOHNSON: Yes. I'm hoping to not become a
13 permanent fixture in your meetings. But we have been
14 capped at 4,000 and we have just over 100 students on
15 our wait-list and have had those students wait-listed
16 since August 30th. So we met the original increase
17 of 1,000, which you all heard earlier in the fall,
18 very quickly -- much more quickly than we expected.
19 And so we do have a wait-list, with several
20 applications in the cue as well.

21 DR. MOORE: Thank you. As far as teacher
22 capacity goes, are you all prepared to take on
23 additional students?

24 SUPT. JOHNSON: Yes. So we're fully staffed
25 right now and we have a plan to continue to staff in

1 batches basically of 500 students. So we have a plan
2 to -- we already have job postings up and are already
3 vetting candidates for any potential influx of
4 students and we have a plan to step out those -- that
5 hiring process as we see enrollments come in.

6 DR. MOORE: Will these students -- if your cap
7 was granted, would these students be able to start in
8 the middle of the semester, right now, or do you
9 onboard at semester?

10 SUPT. JOHNSON: Yes, so our plan is to onboard
11 students well through the month of November. Once we
12 get to that point, as you all are well aware, if
13 we're going to be granting a grade we want to make
14 sure that we have that student's mastery in mind.
15 And so we start to narrow enrollments then, and then
16 open up again in January at the semester, but we do
17 have plans in place to do a rolling on-boarding. We
18 have some advisors and staff that keep an eye on that
19 new student influx and do orientations and [audio
20 distortion].

21 DR. MOORE: Okay. Well, I guess looking at your
22 -- hearing you have that 100% increase, do y'all
23 expect a big -- I mean why are you asking for 1500
24 when you just have 100 right now, if that's --

25 SUPT. JOHNSON: So the real reason we're asking

1 for that is for some runway, you know, when we can't
2 really predict what the virus is going to do, what
3 virtual options are going to do with longevity; just
4 simply for the fact of continually reappearing to the
5 Charter Panel and in front of you all, to be able to
6 have some of that cushion so that we can be
7 available, especially in the need of, you know,
8 smaller school districts or large populations of
9 students if the virus numbers do increase or we have
10 shutdowns or longer-term quarantines where we might
11 have a larger bulk of students that would need to
12 come to us.

13 DR. MOORE: Okay. I know it's very challenging
14 for all of us in this time and I know that -- I'm
15 certain y'all are facing challenges as you onboard
16 more students. So I am a little hesitant for us to
17 keep going, but I understand this is an option that
18 parents want.

19 For the Department, how long is this being
20 requested for? I guess when is their next -- when
21 are they up for renewal again?

22 MS. WEBB: I believe it's being requested
23 through their renewal, and I do not have that
24 information with me.

25 Ms. Johnson, do you know when you're up for

1 renewal?

2 SUPT. JOHNSON: I believe it's 2025. We were
3 just renewed last December. And I know that -- I
4 wanted to offer this as well -- I know, you know,
5 consideration of our academic progress for our
6 students is always a top concern for us and for the
7 Charter Panel, and for you all as a board as well.
8 When we appeared in front of the State Board last
9 January for our renewal, it was requested of us to
10 appear annually to report on that student growth --
11 and we will definitely be doing that, you know, each
12 year to also provide not only updates in enrollment
13 but also those updates for academic performance
14 annually.

15 DR. MOORE: Okay. Thank you. That makes me
16 feel better.

17 CHAIRMAN DEAN: Okay. Ms. Woods? Mr. Sutton?

18 MR. SUTTON: Where's the home base? It's in
19 Little Rock? Okay.

20 MS. WEBB: Their office is in Little Rock.

21 SUPT. JOHNSON: Little Rock. Yeah, our office
22 is in Little Rock.

23 MR. SUTTON: Okay. Thank you.

24 CHAIRMAN DEAN: Mr. Lookadoo?

25 MR. LOOKADOO: Just similar to that teacher

1 capacity question, what is the average number of
2 students that teachers have on their roster,
3 elementary and secondary?

4 SUPT. JOHNSON: So we have a 60-to-1 ratio in
5 the elementary. We have a 47-to-1 ratio in the
6 middle school. We lowered that ratio just in the
7 last few years just because of that transition
8 period. If you've had much exposure with middle
9 school, you know that's a tough time; they're not
10 really elementary, they're not really high school.
11 So we found some success in lowering that. And then
12 our high school ratios are 150-to-1.

13 MR. LOOKADOO: So you said 60 for elementary; is
14 that right?

15 SUPT. JOHNSON: Yes.

16 MR. LOOKADOO: Okay.

17 SUPT. JOHNSON: Uh-huh.

18 MR. LOOKADOO: All right. Thanks.

19 MR. SUTTON: Well, that bodes another question.
20 Does the State have limits on student/teacher ratios
21 for -- on virtual?

22 MS. WEBB: They do not for a virtual -- totally
23 virtual program. For in-class that would be -- 150
24 for grades 5-8 would be the teacher load limit. Then
25 for elementary classrooms, of course, there is a

1 limit of -- kindergarten is 20-to-1, 1st through 3rd
2 is 25-to-1, and then 4th through 6th is 28-to-1. But
3 in all-virtual programs those do not apply.

4 MR. SUTTON: Are you considering such limits?

5 MS. WEBB: I think there's some discussion about
6 just limits in general, but at this point I'm not
7 sure.

8 MR. SUTTON: Well, okay. Thank you.

9 SECRETARY KEY: If I may, Mr. Sutton, that is a
10 question that, as you can imagine, is getting bandied
11 about quite a bit right now and a topic regarding --
12 because of the nature of this school year, the end of
13 last school year, and so many districts having
14 virtual options. So it is part of the broader
15 conversation of, you know, what's -- what limits may
16 or may not need to exist. So it's -- I'm sure that
17 either through rules changes in the future -- you
18 know, you will all see that if those changes are
19 made. So I expect we'll be talking about it quite a
20 bit more in months to come.

21 CHAIRMAN DEAN: Do you have any further
22 questions or comments or discussion?

23 With that, I'm looking for a motion to either
24 review or not to review.

25 MS. CHAMBERS: I move to not review.

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

3 MS. McFETRIDGE: Second.

4 CHAIRMAN DEAN: Seconded by Ms. McFetridge.

5 All in favor say "aye."

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN DEAN: Any opposed?

8 Seeing none, the motion passes.

9 V-3: CONSIDERATION OF ONE-YEAR STANDARDS FOR ACCREDITATION
10 WAIVER REQUEST - BRYANT SCHOOL DISTRICT

11 CHAIRMAN DEAN: All right. Then we have Bryant
12 School District.

13 MS. WEBB: The Bryant School District is
14 requesting a one-year Standards for Accreditation
15 waiver for Library/Media Specialist for the 2020-21
16 school year. On August 3rd, they had a Library/Media
17 Specialist to resign. They would like to share a
18 Library/Media Specialist with another building in the
19 district and, therefore, they would need a waiver for
20 the ratio to be able to share that Library/Media
21 Specialist. We do have Ms. Karen -- Dr. Karen
22 Walters, Superintendent of Bryant, and Jeremy
23 Lasiter, the district attorney.

24 CHAIRMAN DEAN: Welcome, Ms. Walters and Mr.
25 Lasiter.

1 Do we have --

2 MS. WEBB: They're on the Zoom.

3 CHAIRMAN DEAN: Okay, thank you.

4 Welcome. Thank you.

5 Dr. Hill, we'll start with you -- questions?

6 DR. HILL: I don't have any.

7 CHAIRMAN DEAN: Ms. McFetridge?

8 MS. McFETRIDGE: Yes.

9 CHAIRMAN DEAN: Okay.

10 MS. McFETRIDGE: I did not see in our packet
11 that the board -- your school board approved this.
12 Can you speak to that?

13 MS. WEBB: Board approval is not needed for the
14 one-year Standards for Accreditation waivers, only
15 for 1240 waivers.

16 MS. McFETRIDGE: I'm sorry; can you say that
17 again?

18 MS. WEBB: Board approval is not needed for the
19 one-year Standards for Accreditation waivers, only
20 for 1240 waivers.

21 MS. McFETRIDGE: Okay. Thank you.

22 SUPT. WALTERS: Madam Chair, if I could add, our
23 board did not take action on this, but this was
24 discussed at our board meeting and they are aware of
25 our request.

1 CHAIRMAN DEAN: Thank you, Ms. Walters.

2 Ms. Newton?

3 MS. NEWTON: Dr. Walters, the person that you
4 have chosen to share both libraries, is she going to
5 have a para? I saw that you're going to provide a
6 para in the one where they left. Is she going to
7 have a para in both buildings?

8 SUPT. WALTERS: So, Ms. Newton, the full-time
9 building that she currently is assigned to, they had
10 two Library/Media Specialists there. We have a full-
11 time para in the building where we have the opening
12 right now. So the Library/Media Specialist from the
13 high school is going over once a week to meet with
14 the para that is there to go over I guess you might
15 say lessons for the week. Since it is a middle
16 school we are not -- we are not scheduling classes to
17 go to the library as we do in elementary. And
18 actually during this time we're not even doing that
19 in elementary, with the pandemic. So she is being a
20 support to teachers but, like I said, she does have
21 another full-time Library/Media Specialist at her
22 home station.

23 MS. NEWTON: Okay. All right. That was my
24 question. Okay, thank you.

25 CHAIRMAN DEAN: Ms. Chambers, no? Ms. Moore --

1 Dr. Moore?

2 DR. MOORE: And so just to be clear, this
3 Library/Media Specialist is aware -- they're all
4 aware of this being requested and this concern at
5 this point in time and are okay with moving forward
6 as-is?

7 SUPT. WALTERS: I had a little trouble hearing
8 you. Did you say are all the Library/Media
9 Specialists aware?

10 DR. MOORE: Sorry. Just the people involved are
11 aware of the waiver --

12 SUPT. WALTERS: Oh, yes, ma'am.

13 DR. MOORE: -- being requested and -- at that
14 point?

15 SUPT. WALTERS: So the Library/Media Specialist
16 that's going to Bethel, that's already happened. So,
17 yes, ma'am.

18 DR. MOORE: Right.

19 SUPT. WALTERS: She's aware and she was very
20 gracious to agree to help us out.

21 DR. MOORE: Okay. And plans are for next year
22 to hire a Library/Media Specialist for that building.
23 Is that correct?

24 SUPT. WALTERS: Yes, ma'am. In fact, we will
25 even advertise at the end of this month. If we can

1 find a December grad that could maybe take a teaching
2 position -- I believe we will have several in-house
3 candidates, several teachers. It's just at this time
4 we are having such a hard time finding teachers that
5 unless we can find a December grad we won't be able
6 to fill it until next year.

7 DR. MOORE: Okay, that makes sense. Thank you.

8 CHAIRMAN DEAN: Ms. Woods?

9 MS. WOODS: Dr. Moore asked my question.

10 CHAIRMAN DEAN: Okay. Mr. Sutton? Mr.
11 Lookadoo?

12 MR. LOOKADOO: Just more of a comment. I
13 appreciate you saying that even in December, you
14 know, you could be looking for someone. Because I
15 think this has been kind of a growing trend of
16 Library/Media Specialists and looking for these
17 waivers. And it concerns me a little bit that
18 either, you know, those qualified applicants are just
19 not out there and what are we doing to push for that,
20 because it is such an important role and it can be
21 such a useful piece. So I just appreciate you saying
22 you're even looking at the December mark.

23 CHAIRMAN DEAN: Thank you.

24 SUPT. WALTERS: Thank you.

25 CHAIRMAN DEAN: If we have no more comments or

1 discussion, I would look for a motion.

2 MS. WOODS: I move to approve the waiver.

3 CHAIRMAN DEAN: I have a motion to approve the
4 waiver by Ms. Woods.

5 MS. CHAMBERS: Second.

6 CHAIRMAN DEAN: Seconded by Ms. Chambers.

7 All in favor say "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRMAN DEAN: Any opposed?

10 Seeing none, motion passes.

11 Okay, Ms. Webb.

12 SUPT. WALTERS: Thank you, Madam Chair, Board.

13 CHAIRMAN DEAN: Thank you, Dr. Walters.

14 V-4: CONSIDERATION OF ONE-YEAR STANDARDS FOR ACCREDITATION

15 WAIVER REQUEST - SHIRLEY SCHOOL DISTRICT

16 MS. WEBB: The next item is a one-year Standards
17 for Accreditation waiver for the Shirley School
18 District for Kindergarten Class Size. They currently
19 have 23 students on-site, which is one over the
20 limit. Kindergarten class sizes are 20 students or
21 22 with a part-time paraprofessional. And I believe
22 they have two paraprofessionals in the classroom; one
23 is assisting a special needs student, but the other
24 is a full-time paraprofessional in the building. We
25 do have Ms. Tyrene Gardner, the Superintendent on the

1 Zoom, if you have any questions.

2 CHAIRMAN DEAN: Did you say Miss -- welcome, Ms.
3 Gardner.

4 Do we have any questions? We'll start with Mr.
5 Lookadoo; questions or comments?

6 MR. LOOKADOO: No.

7 CHAIRMAN DEAN: Mr. Sutton? Ms. Woods?

8 MS. WOODS: I have one question. Is that
9 current second paraprofessional, is it a one-to-one
10 ratio?

11 SUPT. GARDNER: Yes.

12 CHAIRMAN DEAN: Dr. Moore?

13 DR. MOORE: Yes, I do have a question. Is this
14 -- is the teacher providing online instruction as
15 well, or just in-person?

16 SUPT. GARDNER: We have three virtual
17 kindergarten students, but they're taught by another
18 teacher.

19 DR. MOORE: Okay.

20 SUPT. GARDNER: So she's only providing on-site
21 instruction.

22 DR. MOORE: Okay, thank you.

23 CHAIRMAN DEAN: Ms. Chambers? Ms. Newton? Ms.
24 McFetridge?

25 MS. MCFETRIDGE: I'm just curious, has your

1 numbers stabilized or are you still adding students?
2 What is the current status of your number?

3 CHAIRMAN DEAN: Ms. Gardner?

4 SUPT. GARDNER: Are you asking about my -- we
5 have at this time currently 325. We ended the year
6 last year with 330 K-12. Is that -- was that what
7 the question was?

8 MS. McFETRIDGE: No, I was just curious how many
9 do you have in the classroom now. Has that number
10 stabilized or are you --

11 SUPT. GARDNER: Yes. Yes, we have 23 at this
12 time --

13 MS. McFETRIDGE: Okay.

14 SUPT. GARDNER: -- in the classroom. And we've
15 moved them to a larger room where they have plenty of
16 social distance.

17 CHAIRMAN DEAN: Dr. Hill?

18 Okay. Well, with that, if we have no further --
19 Oh, Ms. Newton.

20 MS. NEWTON: I didn't think of this until you
21 asked that question. If their numbers go over 23,
22 this waiver would only apply at 23 or would it -- if
23 they were to get another student what would happen
24 then?

25 MS. WEBB: The waiver would still apply.

1 MS. NEWTON: So this would be an unlimited
2 number?

3 MS. WEBB: It could. But I do think that Ms.
4 Gardner has a plan if she does -- more than just a
5 few more kindergartners enroll, Ms. Garner?

6 SUPT. GARDNER: If we were to go more than two
7 over, we would either hire another teacher or we
8 would move our staff around, assign. We have two
9 virtual teachers at elementary, and at this time we
10 need those two. But if more students come back we
11 may not need two virtual teachers and we could move
12 one of those to kindergarten.

13 MS. NEWTON: Okay. So this would be for a max
14 of 24 then?

15 SUPT. GARDNER: Yes, ma'am.

16 MS. NEWTON: Okay, thank you.

17 CHAIRMAN DEAN: All right. Thank you.

18 Any further questions?

19 Okay. Seeing none, I'm ready for a motion.

20 MS. McFETRIDGE: I move to approve the waiver.

21 CHAIRMAN DEAN: I have a motion to approve the
22 waiver by Ms. McFetridge.

23 MR. SUTTON: Second.

24 CHAIRMAN DEAN: Seconded by Mr. Sutton.

25 All in favor say "aye."

1 (UNANIMOUS CHORUS OF AYES)

2 CHAIRMAN DEAN: Any opposed?

3 Seeing none, the motion passes.

4 SUPT. GARDNER: Thank you.

5 CHAIRMAN DEAN: Thank you, Ms. Gardner. Have a
6 good day.

7 V-5: CONSIDERATION OF ACT 1240 DISTRICT WAIVER REQUEST -
8 SILOAM SPRINGS SCHOOL DISTRICT

9 CHAIRMAN DEAN: All right, Ms. Webb.

10 MS. WEBB: The next item is a 12 -- Act 1240
11 waiver request for the Siloam Springs School District
12 for Educator Licensure and Class Size and Teaching
13 Load. On the Zoom we have Mr. Jody Wiggins,
14 Superintendent, Kelly Svebek, Director of Assessment
15 and Accountability, and Amy Carter, Curriculum
16 Director to present the request.

17 CHAIRMAN DEAN: Welcome. Thank you for joining
18 us today.

19 We'll start with Ms. McFetridge.

20 MS. McFETRIDGE: I don't have any.

21 CHAIRMAN DEAN: Okay. Ms. Newton.

22 MS. NEWTON: I understood that -- the asking for
23 art and music to be able to be done by your
24 elementary teachers. But I'm unclear on the 5-8
25 class size and teaching load, what your request is.

1 Could you explain that a little bit more?

2 SUPT. WIGGINS: Yes, ma'am. Class Size and
3 Teaching Load, we're just asking to be on the same
4 accountability level as the virtual charters. And I
5 heard Ms. Johnson say earlier that her middle school
6 had 47-to-1 ratios. We have -- it's become
7 logistically challenging in a very short period of
8 time to try to offer on-site instruction and offer a
9 brand-new virtual academy as well. And so we have
10 some teachers, 5-12 especially, that are doing on-
11 site instruction and virtual classes. And we have
12 those classes -- those virtual classes as small as
13 possible for our core teachers and -- but we are over
14 slightly in a couple of areas. And the 150, I think
15 the most we have for one of our teachers -- and when
16 you combine on-site and virtual it's 158. But the
17 logistics of trying to work all that out with master
18 schedules, running two separate schools with the same
19 faculty becomes very challenging. At the beginning
20 of the year, as you might expect, we had a flood of
21 students interested in virtual academy and so we had
22 to try to establish those two different master
23 schedules. Since then, of the 620 or so that we had
24 sign up for virtual we've had a considerable number
25 decide that they wanted to come back on campus. So

1 our numbers have actually dropped considerably since
2 we put in this waiver request. We are currently
3 around 475 in K-12 that have decided to go virtual
4 and stay.

5 We have a desire to keep that virtual academy
6 going into the future. We see that as a need for our
7 district and we just want to have the same playing
8 field as our virtual charters that we're competing
9 against.

10 MS. NEWTON: So, but you have teachers that are
11 over the 150 that are doing both virtual and on-site,
12 but you have no on-site that are over?

13 SUPT. WIGGINS: No, we do not have any on-site
14 -- that are solely on-site that are over 150. Or if
15 we do, we do pay them extra.

16 MS. NEWTON: Okay.

17 SUPT. WIGGINS: We do not currently, to my
18 knowledge, have any [audio distortion]. So we may
19 have one or two on-site that we know.

20 MS. SVEBEK: That is correct. We do not have
21 any on-site at this time.

22 MS. NEWTON: Okay. All right. Are you
23 considering a max number on your --

24 SUPT. WIGGINS: We have not established a max
25 number. But our max numbers currently -- our class

1 sizes are below what Ms. Johnson had described in her
2 building, her max numbers. We do not have anybody at
3 60-to-1, which she had mentioned at the elementary
4 level, and so we are below those numbers. And we --
5 going forward, we will establish a maximum number. I
6 know with the on-site providers that we're working
7 with they had given us some general guidelines back
8 in the summer as to what they thought the teachers
9 could handle with their curriculum. And the 60-to-1
10 seemed to be standard at the elementary levels, and
11 then there was varying thoughts on what middle school
12 and high school teachers would be able to do if the
13 curriculum is on-line.

14 MS. NEWTON: You know, I can understand if a
15 teacher is all virtual, you know, setting those
16 limits, but when you've got a mix of trying to do on-
17 site and virtual it's different. And so, I'm very
18 uncomfortable with the class size and teaching load,
19 especially not setting the max, and just realizing
20 that we're hearing from teachers all over the state
21 that are trying to do both and they are overwhelmed.
22 And when we talk about upping a number limit on that,
23 that just makes me uncomfortable.

24 SUPT. WIGGINS: Yes, ma'am, I understand. And
25 to be honest, all of our teachers are overwhelmed.

1 Because our on-site teachers are trying to do remote
2 teaching as well, so they have a mixture -- even our
3 on-site only teachers have a mixture of on-site and
4 remote students that they're trying to reach and
5 teach. So, all of our teachers are overwhelmed this
6 year, to be honest. We do not have -- we're not
7 going over on individual classes on-site. And so,
8 there are things like an 8th grade math class that
9 might have over that 30 on virtual that ends up
10 putting that teacher over when it combines virtual
11 and on-site. So it may be one or two virtual classes
12 that are slightly over what we would have in a normal
13 classroom, but to try to move a whole another teacher
14 into virtual that period causes us some scheduling
15 issues. And so that's why we're putting in our
16 request. And, again, there is a provision for us
17 doing that and paying those teachers per child for
18 those extra students, and we can do that. We were
19 just asking for the same playing field as our virtual
20 charter friends.

21 MS. NEWTON: But, you know, you're -- thinking
22 about the virtual charter friends, they are doing all
23 virtual. They don't -- their teachers are not trying
24 to do both, you know. And that's -- I think that's
25 where my feelings of being uncomfortable with this on

1 the teachers' side comes.

2 CHAIRMAN DEAN: Okay. Thank you, Ms. Newton.

3 Ms. Chambers?

4 MS. CHAMBERS: Just building on what Ms. Newton
5 was talking about, I have similar concerns. Is there
6 anything that you would suggest, as you think about
7 your request, that would set limits on some of the
8 exposure that we're talking about for the teachers
9 that makes it, first and foremost, more doable for
10 the teachers but something that we'd feel comfortable
11 approving and not setting a precedent that's going to
12 be even more tedious for the teacher?

13 SUPT. WIGGINS: I'm sorry; was that directed to
14 me? I couldn't hear the first part of your question.

15 MS. CHAMBERS: I'm sorry. It was directed at
16 you. The question is: sometimes when a waiver
17 request comes to us that we have concerns about the
18 requester is able to kind of think through and
19 tailor, maybe set limits, offer some suggestions that
20 make it -- allow us as a board to feel more
21 comfortable that there are limits to what this will
22 impose on the teacher. Do you have -- have you
23 talked about -- do you have any suggestions on how
24 you might shape your request a little differently to
25 impose some limits on what these teachers are bearing

1 as a load?

2 SUPT. WIGGINS: I would say that the limit that
3 Ms. Johnson mentioned earlier on elementary 60-to-1
4 is kind of the way we were -- that's the direction we
5 were headed in establishing that for next year. And
6 we don't have anybody at that level right now.

7 As far as the class load, I don't know what an
8 appropriate number is. I had some on-site -- or
9 online curriculum providers tell me that they had the
10 high school and middle school teachers teaching as
11 many as 200, 240 students virtually. I don't know
12 that that's reasonable. Our highest one right now is
13 158 and that's combining virtual and on-site. Some
14 of our virtual teachers only have one class
15 virtually; they are not over. We have some that have
16 four to five classes virtually and then one to two on
17 campus, and those are the ones who are very close.
18 We may have slightly more in an individual class
19 virtually.

20 I would suggest that that limit maybe be on the
21 actual class size and possibly the number of classes
22 they can teach. Currently, if we had someone on-site
23 we could -- we are on a block schedule; that
24 complicates things as well. So we have eight periods
25 per day, instead of seven. And so, if you figure an

1 average teacher in our schedule that had six or seven
2 classes they could go over that 150 very quickly.
3 And so when we start combining those and trying to
4 work out the, you know, small numbers in virtual --
5 and if we have 35 or 30 or 33 sign up for 9th grade
6 English, it's more efficient to use one teacher to
7 teach that virtual class with an online curriculum,
8 and so that can put us over. Those small numbers in
9 individual classes are what's putting us over. So
10 I'm not sure that --

11 MS. SVEBEK: I'm sorry, Mr. Wiggins; I would
12 like to add too that our teachers who are doing both
13 virtual and on-site [audio distortion] dedicated
14 strictly to virtual. We have not put the same number
15 of on-site classes on them and then added virtual to
16 them. So they have class periods that are dedicated
17 strictly to virtual instruction for that time period
18 in order to, you know, help them reach out to
19 students and do all of the things they need to do
20 during that time.

21 MS. WEBB: Our attorney has indicated that with
22 the new 1240 rules that the Board does have the
23 ability to change the request, but the school doesn't
24 have to do that.

25 MS. CHAMBERS: I just -- I don't know if Ms.

1 Newton or anybody else has a perspective. I don't
2 have a frame of reference on what makes this more
3 manageable -- and obviously we're all learning as we
4 go. But I thought if -- but we all are getting some
5 very impassioned communications from teachers. But
6 the hybrid in particular is so, so difficult -- and
7 realizing that teaching loads before we got into this
8 moment were difficult enough, just looking for what
9 keeps it reasonable as we approve these waivers. And
10 I don't know if anyone has any suggestions that help
11 us feel more comfortable with that?

12 MS. NEWTON: I'm just still hesitant because
13 this is not all virtual; this is the combination and
14 that's what gives me pause. And the district does
15 have an option; if they go over, they can pay those
16 particular teachers. So if we weren't -- if we'd
17 said no on this waiver, the district still has an
18 option of what they can do if they wanted to keep
19 going this route; they could pay those teachers that
20 chose to have 158 students and they could have --

21 MS. CHAMBERS: Do the teachers get to opt in
22 into who takes this on?

23 SUPT. WIGGINS: Our teachers did opt in. They
24 volunteered to do the virtual courses and with the
25 knowledge that we were not going to -- at the time we

1 thought that the automatic waivers covered the class
2 size and the class load. We were told later, after
3 we had established -- after we had gone through our
4 parent meetings and asked for volunteers from our
5 staff, we were told that the 150 did not apply
6 through the automatic waivers. So that's why we are
7 bringing this to you all. The class size in and of
8 itself is waived currently, but we are afraid that
9 that will go away when State of Emergency goes away.
10 And I think that's going to be an issue for schools
11 across the state that are offering virtual classes
12 now.

13 And just for clarification, I heard the word
14 blended or the word hybrid. We offer three -- well,
15 two things. Our on-site is blended or hybrid because
16 our on-site teachers have remote classes or remote
17 kids who are quarantined or isolated because of
18 positive tests or because they're just staying at
19 home now. The virtual is a separate school -- it is
20 a separate curriculum, it is a prepared curriculum
21 and an online curriculum -- and those kids and those
22 teachers who are teaching those classes are just
23 virtual for those classes. So if our teachers are
24 split, they're only split in their schedule; they're
25 not split in individual classes. So they have -- may

1 have four virtual classes that are completely virtual
2 and they may have two on-site.

3 CHAIRMAN DEAN: Okay.

4 SUPT. WIGGINS: So those are the teachers that
5 we are talking about.

6 CHAIRMAN DEAN: Thank you. Thank you, Mr.
7 Wiggins.

8 Dr. Pfeffer, do you have something to add to
9 that?

10 DR. PFEFFER: Thank you, Madam Chair. And the
11 questions you all are asking today are some of the
12 same questions that we've been discussing internally,
13 but also with our school districts. I think since we
14 -- districts started planning for the return to
15 school -- you know, we know that different districts
16 implemented various options after visiting with
17 families. And there are still some inconsistencies
18 when we use words, and Mr. Wiggins just talked about
19 blended versus hybrid virtual; that can be both on-
20 site and off-site or virtual that's totally remote
21 learning. And so these are some things that we're
22 working to try to help really bring together.

23 Mr. Wiggins talked a little bit about his
24 concern that if that -- that there are some things
25 that have been waived under the Emergency

1 declaration; there are some things that have been
2 waived under the streamlined Act 1240 waivers. And
3 so we're working to clear up those things so that
4 districts are assured of the waivers that are in
5 place through this school year. We're also looking
6 to see are there some things that may need to stay in
7 place longer to allow districts to continue these
8 virtual options.

9 I think in terms of the questions that you're
10 asking today, Mr. Wiggins just pointed out there
11 really is a difference between a teacher who is
12 teaching only remote virtual learners, especially if
13 it's in an asynchronous manner where there's not that
14 direct interaction during a specific time period all
15 day every day, like we have when we're on-site or
16 when we have the synchronist learning.

17 And so I think today, for us, I don't know that
18 we have a strong enough understanding of exactly what
19 Siloam Springs is planning to do. We could work with
20 the District and -- between now and next month's
21 meeting to get some more information and have a
22 clearer picture of what their virtual proposal looks
23 like. I know that we have a couple of district
24 conversion virtual charters, like Springdale School
25 of Innovation and Fayetteville Virtual Academy, and I

1 do believe they do have a limit that's higher than
2 150. But I do believe that there is a limit that
3 maybe we could visit with them about, talk a little
4 bit more about with Mr. Wiggins. So that could be an
5 option if everyone wanted to discuss that. But we do
6 plan to continue having this conversation because
7 districts really are grappling with what's best --
8 and what's best in Siloam Springs may look different
9 than Fayetteville, may look different than Magnolia.
10 So we know that and we know that you understand that
11 as well. So I want to help the District, but I also
12 want all of us to feel confident and, you know, be
13 able for teachers to understand as well that this is
14 not something that we just want to keep piling on top
15 of them. So I just feel like there needs to be a
16 better understanding on everyone's part before we
17 start making too many decisions about long-term
18 waivers.

19 CHAIRMAN DEAN: Thank you, Dr. Pfeffer.

20 So with that in mind, I'll go ahead and finish,
21 if there's not any more questions.

22 Dr. Moore?

23 DR. MOORE: Yes. So just to understand, this is
24 a one-year waiver. Does this end at the end of this
25 school year?

1 MS. WEBB: That is correct.

2 DR. MOORE: Okay. So we're just talking the
3 next -- okay. And -- okay. Thank you.

4 CHAIRMAN DEAN: Ms. Woods?

5 MS. WOODS: In light of that -- no.

6 CHAIRMAN DEAN: Okay. Mr. Sutton?

7 MR. SUTTON: Well, based on what Ivy was saying
8 and some of the other concerns, is there a such thing
9 as a conditional waiver that after further study, if
10 that's what Ivy is saying --

11 CHAIRMAN DEAN: I think what we have an option
12 to do is maybe to table it until next month. That
13 may be an option. But, Dr. Pfeffer.

14 DR. PFEFFER: So I may have misguided you.
15 Legal has just said that we need to check when their
16 90 days -- because by statute once a request is made
17 there can -- there's a 90-day time period by which
18 you have to take action. So, you know, depending on
19 what you decide today, we could allow the District to
20 come back if they wanted to; look and see if there
21 are other virtual charters that do have some maximum
22 numbers that they've set and have a rationale for
23 what that might look like. You know, I understand
24 that if teachers agree to do something and they
25 realize that there may be different conditions for

1 them, then, you know, that might make all of you feel
2 more comfortable. But I don't think it could
3 probably be tabled; so I do apologize for that.

4 CHAIRMAN DEAN: No problem.

5 MS. NEWTON: If we were to deny the waiver,
6 could they come back next month with another request?

7 MS. HYATT: Yeah. Mary Claire Hyatt with the
8 Department. Sorry that Legal always has to throw a
9 wrench in the plans.

10 So the 90 days will expire before the November
11 meeting. So the way I see it, there are kind of two
12 courses we can take. You guys can vote today, deny
13 or approve, or deny in part, approve in part. Or the
14 District could withdraw its request and then resubmit
15 it. They can resubmit later this afternoon, which
16 would restart the 90-day clock. And then we can --
17 since we've already done a lot of vetting, we could
18 put it on the November agenda. So up to the District
19 how it wants to proceed and the Board.

20 MS. WOODS: Mary Claire, I'm looking at this --

21 SUPT. WIGGINS: May I ask a question?

22 CHAIRMAN DEAN: Yes, one moment, Mr. Wiggins.
23 Go ahead, Ms. Woods.

24 SUPT. WIGGINS: Okay.

25 MS. WOODS: So are we using the August 11th date

1 for the waiver? I'm just looking at the file.

2 MS. HYATT: Yes. So right --

3 MS. WOODS: Okay. So it literally expires the
4 day before our next meeting?

5 MS. HYATT: Yes.

6 MS. WOODS: Okay.

7 MS. HYATT: And so right now -- and this is
8 something I think we're having a lot of internal
9 conversations about -- right now the way that the law
10 reads, the day they submit it is when the clock
11 starts ticking. And we do a lot of work with the
12 districts on the front-end, and so hopefully
13 eventually we'll be able to kind of play around with
14 that. But right now, yeah, it expires the day
15 before.

16 CHAIRMAN DEAN: Okay. So with that in mind --

17 Mr. Wiggins -- go ahead, Mr. Wiggins. What were
18 you going to say?

19 SUPT. WIGGINS: So there's two parts to the
20 waiver request; one is licensure and one is class
21 load and teaching load. I would like to request that
22 there at least be a partial approval, for the
23 licensure, because we [audio distortion] October 1
24 and we are trying to get our licensure issues fixed
25 at this point. And so that would help us now and I

1 don't think that that is out of line.

2 I'd also -- I may be misguided; my impression
3 was that the virtual charters and the online high
4 schools do not have limits imposed upon them. I
5 think some of them did voluntarily establish limits.
6 But my impression was that they did not have limits
7 -- and I may be wrong in that. And if somebody wants
8 to correct me, that would be fine.

9 But we would happily reapply for that portion,
10 if we -- if we could at least get the licensure
11 portion approved today.

12 CHAIRMAN DEAN: Thank you, Mr. Wiggins.

13 Okay. So with that in mind, we have the option
14 of partial approval of the -- just approval of the
15 licensure portion. And he stated that they're
16 willing to withdraw the other request and then it'll
17 be put on the November -- it can be put on the
18 November agenda. So with that, do I have a motion?

19 MS. NEWTON: Move to approve the licensure
20 portion.

21 CHAIRMAN DEAN: Okay. We have a motion to
22 approve the licensure portion by Ms. Newton.

23 MS. CHAMBERS: Second.

24 CHAIRMAN DEAN: Seconded by Ms. Chambers.

25 All in favor say "aye."

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(UNANIMOUS CHORUS OF AYES)

CHAIRMAN DEAN: Any opposed?

Seeing none, the motion passes for the licensure.

And, Mr. Wiggins, I'm sure someone from the Department will be in contact with you. And we'll see you in November.

SUPT. WIGGINS: Okay. Thank you, Madam Chair.

CHAIRMAN DEAN: Thank you, sir. Thank you, Ms. Svebek. Did I say it correctly? Oh, she's gone.

MS. SVEBEK: Yes, that's correct.

CHAIRMAN DEAN: I did, okay, good. All right. Thank you for joining us today.

V-6: CONSIDERATION OF ACT 1240 DISTRICT WAIVER REQUEST -
BATESVILLE SCHOOL DISTRICT

CHAIRMAN DEAN: All right, Ms. Webb. We have another one, Batesville.

MS. WEBB: The next item is an Act 1240 waiver request for the Batesville School District for Daily and Weekly Planning Periods for grades 6-12. Dr. Michael Hester is here in person to present his request.

CHAIRMAN DEAN: All right. Thank you. Welcome, Dr. Hester.

SUPT. HESTER: Thank you, Madam Chair,

1 Commissioner Key, Board of Directors. Thank you for
2 hearing us. We want to say hi from Batesville today.
3 So thank you for your work and for everything that
4 you've been doing. And we are excited about the
5 things that we're learning and the ways that I think
6 that we've learned to use for the future, and we
7 appreciate things that we've been doing that we don't
8 get to do anymore. So it's been a very learning
9 experience. So thank you again for hearing us today.

10 All right. We do have a presentation. I don't
11 know if we can put that up. But what I wanted to say
12 is this is the 1240 waiver request that involves
13 teacher planning time.

14 If you'll go to the next slide --

15 Statute 6-17 --

16 (COURT REPORTER'S NOTE: Dan Davis helped Supt.
17 Hester with the PowerPoint clicker.)

18 SUPT. HESTER: There we go. Okay. There's only
19 like two other slides, so we should be good.

20 Statute 6-17-114 that deals with teacher
21 planning time, this request is just for this year to
22 try to get us through this Covid thing. We are on a
23 -- we have gone to an A/B block. We were on an A/B
24 modified block, but modified means on Fridays we had
25 all eight or nine periods, if you count the activity

1 period. And so we went to just an all A/B block, and
2 that's a two-week cycle; that means 80 minutes of
3 planning every-other-day for our teachers. So one
4 week you would have two days of 160 minutes and the
5 second week of the cycle you'd have 240. In the
6 spirit of the law -- that averaged to 200 minutes per
7 week. But what the law says is shall be 40 minutes a
8 day, slash, 200 minutes a week. And so in the spirit
9 of the law, we were able to do 200 minutes a week for
10 the A/B two-week cycle. In the letter of the law,
11 it's in violation, so that's why we're here in front
12 of you today. The reason we changed that is
13 obviously instead of having eight passing periods on
14 Friday we were told that in the automatic waivers
15 that you could modify your schedule to reduce
16 transitions for safety and health of staff. And so
17 that was the whole intent to taking away Fast Friday
18 was just to make it where we were not in the halls
19 for 20 more minutes than we had to be. And we are in
20 a crowded situation. Our junior high and high
21 school-- we were in the middle of a bond issue that
22 we had to postpone when the pandemic hit, and we
23 share a cafeteria, gym, and many classrooms between
24 the junior high and the high school, as well as
25 staff. So getting everybody on the same schedule,

1 eliminating more people in the halls than we could,
2 was a safety issue for us. Obviously, to the letter
3 of the law though we do not accomplish on the one
4 week a teacher may only have 160 minutes, and that's
5 the grievance.

6 I don't know if this will work, but we'll try
7 it. If you could help me go one more slide --

8 But, no, as I said, we were acting on the
9 automatic waivers on the Ready for Learning model.
10 It says in the guidelines that we can modify
11 schedules to minimize transitions due to Covid-19.
12 That's why we removed Fast Friday. Block scheduling
13 also aligns -- we worked it out for our postsecondary
14 partners; we have apprenticeships, we have
15 internships, and we have concurrent credits. As well
16 as all of our higher pedagogical and lab models will
17 be in the block schedule for the 80 minutes -- and,
18 of course, the efficient use of resources and
19 increased instructional time. An eight-period day
20 puts the students in the halls for 20 to 25 more
21 minutes of passing time and we get to have that as
22 instructional time when it goes to the A/B block.

23 So, again, because of the statute saying "shall"
24 -- because our legal counsel looked at it, as well as
25 ADE -- and Dr. Ivy Pfeffer helped us with all this as

1 well -- they felt like this did not address the issue
2 when it came to the inadequacy of a week on that
3 statute language of "shall."

4 So we're asking for a waiver of one year that --
5 in the spirit of the law and the fact that in an A/B
6 block it is a two-week cycle that we do average 200
7 minutes a week. We are not trying to -- we love that
8 standard; we wish we could afford to make it even
9 higher -- but we're not trying to remove that
10 standard. But in the spirit of the law we have 200
11 minutes going; in the letter of the law there are
12 weeks that a teacher only has 160 but the next week
13 they have 240.

14 The other reason we need the waiver is the law
15 also says 40 minutes per day. So even if you save
16 one, with 200 minutes a week it could be grieved that
17 because we're not in a lock-step eight, nine period
18 cycle of 40 minutes that that is still a violation,
19 if you don't have 40 minutes per day -- which almost
20 dictates secondary schedules across the state to be
21 in the eight, nine period modes. So we need to have
22 the waiver just because we feel like it could even be
23 pressed that because it's not 40 minutes a day it
24 would actually pull us off the entire block for all
25 of our secondary schools.

1 Questions?

2 CHAIRMAN DEAN: We'll start with Mr. Lookadoo.

3 MR. LOOKADOO: Yeah, two quick questions. One,
4 do we know -- other schools who have block
5 scheduling, are they -- that 40 minutes a day, do
6 they abide by that or is it more the 200 minutes a
7 week, or is it both? Do we know which schools have
8 block?

9 SUPT. HESTER: Can I give you my research?

10 MR. LOOKADOO: Sure.

11 SUPT. HESTER: I don't know if it's legit. I
12 mean it's legit as far as we know. But we're aware
13 of 25 school districts that are in block and only
14 three have waivers.

15 MR. LOOKADOO: Okay.

16 SUPT. HESTER: Plan-time is the kind of thing
17 that it's not monitored, but if it's grieved it's
18 addressed. And so to our research there are 53
19 waivers for plan-time in the state. There are 25
20 schools in the state that have A/B block schedule,
21 only three have waivers. So it could become an issue
22 if people press the letter of the law too.

23 SECRETARY KEY: I don't know if Standards is
24 aware; we're -- I'm not aware of specific examples.
25 Dr. Pfeffer said she wasn't either. It would take

1 some research on our part to find out.

2 MR. LOOKADOO: And then, second question, just
3 -- I know this came up at a DPC meeting -- have you
4 asked teachers -- have you kind of polled teachers
5 and what do they -- me as a teacher, I would be okay
6 with this, like personally. But I'm just wondering
7 if you've asked teachers?

8 SUPT. HESTER: Yeah, we've had this discussion
9 with our PPC; it was brought to us from our PPC. We
10 explained that we were doing this out of the safety
11 waiver but we would check. And then when we checked
12 -- you know, no one wants to take away anybody's
13 planning time. And our lawyer even said the problem
14 is the "shall" gives the districts no wiggle room if
15 there's any variance; and so he said, "You need to
16 apply to get a waiver or else you're going to make
17 other choices." And obviously, we don't think we can
18 afford the payment part and we think it's too
19 disruptive and unsafe to put everybody back on an
20 eight or nine period day. And we talked to our PPC
21 -- it came from them -- and we said we'd investigate,
22 and so that's why we're here. And most of them are
23 -- most of the teachers are okay with it too, but,
24 again, when you have a grievance on a statute and the
25 language is that tight you've got to have some kind

1 of legal assistance on it.

2 MR. LOOKADOO: Okay.

3 CHAIRMAN DEAN: Mr. Sutton?

4 MR. SUTTON: No questions.

5 CHAIRMAN DEAN: Ms. Woods?

6 MS. WOODS: From the PPC perspective, when you
7 talk about they're okay with it, are they okay with
8 it because they have no other option or they're just
9 willing to make it work for this year? I guess I'm
10 just really hesitant to take away teacher planning
11 time, as I think everybody is. And so while some
12 teachers would be okay with it, others are not. So
13 I'm just trying to gauge what they're really feeling
14 about this.

15 SUPT. HESTER: Well, you know, it varies, when
16 they come in, who they represent. And what I would
17 tell you is if the building principals have a vote by
18 the majorities of theirs to either keep what we're
19 doing or do something else to just satisfy 200
20 minutes a week, it would be a majority. I mean this
21 is only one complaint that all this takes though.
22 And -- but the other issue is that one complaint
23 still stands if it's 40 minutes a day; it's the
24 "shall" in the statute. And so we have no wiggle
25 room there and that means that we have no choices but

1 to go eight, nine periods, and that -- we don't feel
2 like that's safe. And in our past processes, a PLC
3 with the PPC, we've determined the block schedule is
4 our preference for higher order thinking and teaching
5 skills and hands-on, real-world experiences,
6 partnerships in the community. That's why we've
7 evolved where we're at. It's just that when we
8 tinker with the Fast Friday for the safety issues it
9 threw us into this quandary.

10 MS. WOODS: So, but most of the teachers have
11 voiced their concerns --

12 SUPT. HESTER: Yes, ma'am.

13 MS. WOODS: -- if you will? Okay.

14 SUPT. HESTER: Yes, ma'am. And they are trying
15 to work out some things like on their second period
16 that's an activity period, because we've got people
17 that are out virtually we could double up and do that
18 with teachers where they've got two people that are
19 watching maybe 12 kids and one is on while one is off
20 to get their 40 minutes. But that still doesn't
21 solve the 40 minutes a day. I can get them 200
22 minutes a week, but I'll be back here because the
23 grievance -- the statute says 30 minutes a day.

24 CHAIRMAN DEAN: One moment.

25 Thank you. Thank you for that information.

1 Mr. Key, did you want to add something?

2 SECRETARY KEY: Ms. Woods, you know, I can't
3 speak directly. I can speak to the contact or the
4 communication that's come to me. I did have a
5 teacher who was concerned and voiced opposition. In
6 my response I said, you know, "This is a Board
7 decision. Do you want me to send this, your concern,
8 your opposition to the Board?" And she said, "Yes,
9 please." I think it may have been a day or two days
10 later I got another email from her and she said, "The
11 PPC has talked about this and we're -- I no longer
12 want you to send that opposition to the Board," that
13 they felt like it had been resolved. That's the only
14 communication that I had. I don't know if we got
15 anything else. I'm looking for Gina. But I don't
16 think we received anything else. And that was just
17 the one interaction that I had with the teacher from
18 Batesville, so --

19 MS. WOODS: Sure, okay. And I've not received
20 anything. I was just kind of curious. I mean
21 obviously this is just specific to Batesville, so
22 other districts might be different. But I was just
23 curious for your specific district how people were
24 feeling about it. Because I know teachers a lot of
25 times don't feel like they get 40 minutes a day but

1 they might get their collective 200 a week, and
2 that's how we've been working this whole time. So,
3 thank you.

4 SUPT. HESTER: We're willing and -- well, you
5 know, we feel horrible for everyone's plight and
6 taking plan-time. We would not do that, but this was
7 a safety issue and safety recommendations made. And
8 we could work it out with people but that 40 minutes
9 a day could stand if people still want to hold us to
10 the letter of the law. And that's why we feel like
11 the waiver is important at least to get us through
12 this year.

13 MS. WOODS: I don't have any other questions.

14 CHAIRMAN DEAN: Thank you, Ms. Woods.

15 Dr. Moore? Ms. Newton?

16 MS. NEWTON: I have a question for Legal, I
17 guess.

18 CHAIRMAN DEAN: Ms. Mary Claire Hyatt.

19 MS. NEWTON: Ms. Hyatt, the waiver is -- he's
20 saying that he can get the 200 minutes. Would the
21 law say he has to have the 40 minutes a day also, or
22 would the 200 minutes meet the requirements of the
23 law?

24 MS. HYATT: Let me get it pulled back up on my
25 tiny computer. So what the law says is that the

1 planning time must be in increments of no less than
2 40 minutes and that has to be during the student
3 instructional day, unless a teacher submits a written
4 request or a written statement that says they can
5 have it outside of the instructional day. It doesn't
6 read the planning time shall be in increments of no
7 less than 40 minutes every day.

8 MS. NEWTON: Right.

9 MS. HYATT: It doesn't say that. It says
10 increments of no less than 40 minutes during the
11 instructional day. So I know that in conversations
12 that we've had with districts their interpretation of
13 that has been 40 minutes per day. The statute itself
14 does not have that "per day" language in it; it just
15 says the planning time shall be in increments of no
16 less than 40 minutes during the student instructional
17 day, unless a teacher agrees to have it outside of
18 the instructional day.

19 MS. NEWTON: So if he was -- if the district was
20 to meet the 200 minutes, then they would be meeting
21 the law?

22 MS. HYATT: Provided that they were providing
23 the planning time in increments of no less than 40
24 minutes. So if they were doing like 20 minutes one
25 day or 20 minutes in the morning and 20 minutes in

1 the afternoon, I don't think that would meet the law
2 because it's not an increment of 40 minutes.

3 MS. NEWTON: Right.

4 MS. HYATT: But if they were doing 80 minutes
5 one day and then no planning time the next day, and
6 then 80 minutes another day, and meeting the 200
7 minutes, I believe that would meet it. But it's my
8 understanding that there were going to be some weeks,
9 depending on which the block schedule fell on, that
10 they wouldn't necessarily get the 200 minutes in the
11 week and they would make it up the next week; so on
12 average throughout the year they would have 200
13 minutes but it wouldn't be per week, which is what's
14 in the law.

15 MS. NEWTON: Okay. Dr. Hester, you said that
16 you thought you could meet the 200 minutes. Explain
17 to me how your thinking is on the 200 minutes?

18 SUPT. HESTER: When we have -- it's called
19 seminar or activity time for secondary -- it's where
20 we have academic tutoring, college and career
21 strategies, test-taking strategies -- our numbers are
22 lower because of our remote and virtual on-site, and
23 so maybe we have eight kids in a class instead of 16.
24 Well, we can combine the two classes with two
25 teachers and have one teacher be on one day, one

1 teacher off, and they could gain their time that way.
2 Now the principals are willing to work that out. But
3 our legal counsel has said that districts have lost
4 on the daily 40 minutes before in appeals.

5 MS. NEWTON: Okay. So the extra time would be
6 at 40 minute -- at least the 40 minute time?

7 SUPT. HESTER: Yeah. On the --

8 MS. NEWTON: Okay.

9 SUPT. HESTER: On the week that it's only 160 --
10 they're getting 240 -- they'll still get 240 and we
11 can adjust on the 160 to 200 --

12 MS. NEWTON: Okay.

13 SUPT. HESTER: -- and that'll get us there. But
14 it still doesn't conquer the daily thing. And we
15 think we still have an issue with some daily
16 language.

17 MS. NEWTON: The part that bothers me on the
18 planning time, I can't imagine, you know, teaching
19 and having two planning periods a week, I mean even
20 if it's 80 minutes. You know, a teacher puts a whole
21 lot more than 80 minutes a day in planning if she's
22 doing a good job. And so, I can't imagine just
23 having two of those a week. And then another thing
24 that concerns me is that this was a grievance
25 apparently of one staff member, there are probably

1 more staff members that are hesitant to speak up that
2 are feeling the same pressure. And we know that this
3 year is a year full of pressure for teachers of all
4 sorts. And so to take away planning time is a huge
5 concern for me. Especially if you're saying that
6 there is a way that you can meet the 200 minutes a
7 week, then I think that that's probably what I would
8 say that a teacher needs this year is planning time,
9 time to make sure -- I don't know if your teachers
10 are trying to do both virtual and on-site --

11 SUPT. HESTER: Yeah. Again, we can find ways to
12 do it. It's the grievance of the daily that we're
13 going to face.

14 MS. NEWTON: Right. But --

15 SUPT. HESTER: We can do it for 200 in the week.

16 MS. NEWTON: Okay.

17 SUPT. HESTER: It's the daily -- if they press
18 the daily --

19 MS. NEWTON: Right.

20 SUPT. HESTER: -- that's what we're going to be
21 --

22 MS. NEWTON: So, you know, I would be hesitant
23 approving the reducing of the planning time as the
24 waiver has been asked for. So that's just my
25 opinion.

1 CHAIRMAN DEAN: Thank you, Ms. Newton.

2 Ms. McFetridge, do you have any questions?

3 MS. McFETRIDGE: No.

4 CHAIRMAN DEAN: Okay. If there are no more
5 questions or comments or discussion, then I'll wait
6 for a motion.

7 MS. NEWTON: Ms. Hyatt, you said that --

8 (COURT REPORTER'S NOTE: Ms. Newton turns on her
9 microphone.)

10 MS. NEWTON: I'm sorry -- you said that we could
11 -- we now have the power to modify a waiver, that the
12 district no longer has to?

13 MS. HYATT: You have the authority to deny and
14 grant in part. So while you can't really add
15 something to it, you could say we will grant part of
16 your request but not the other part of your request.

17 MS. NEWTON: Yeah. Okay. But the waiver that's
18 being asked for is to waive both the 200 and the 40
19 minutes a day, both?

20 MS. HYATT: So it's in the same law, so I think
21 -- and I don't have the waiver request right in front
22 of me. Maybe Tracy will let me borrow hers. I think
23 they have just asked for the law. And to the
24 Superintendent's point, I think probably on the per-
25 day legal -- I could go back and look at the previous

1 versions of the statute and see if that language used
2 to be in there or what the guidance around that has
3 been and kind of clear that up. Because I know that
4 there are districts that we did ask 40 minutes per
5 day, even though that per-day language is not
6 explicitly in statute. So I think we can go back and
7 kind of sure that up between everyone. So they have
8 asked for the whole statute, which would include the
9 40-minute section and the 200-minute section.

10 MS. NEWTON: So you're saying we wouldn't even
11 need to grant a waiver for the 40 minutes a day?

12 MS. HYATT: So the way that the statute reads is
13 it says you have to provide the planning time, the
14 200 minutes each week, in increments of no less than
15 40 minutes during the student instructional day. It
16 doesn't say in no less than 40 minutes per day and
17 nowhere in the statute does it say planning time must
18 be every day. It says that planning time has to be
19 200 minutes per week and it has to be in increments
20 of no less than 40 minutes and it has to be during
21 the student instructional day, meaning you can't have
22 planning time after students are already gone or
23 lengthen the school day.

24 (COURT REPORTER'S NOTE: Dan Davis turns on the
25 podium microphone.)

1 MS. HYATT: Oh, sorry -- I'm so sorry, Dan.

2 So that per-day language is not explicitly in
3 the statute. But I do think that there are lots of
4 districts and, as the Superintendent said, district
5 counsel that are reading that to be 40 minutes per
6 day. I don't know that the Division has ever put out
7 guidance on that. I haven't researched it enough to
8 know that. So I would say if there's any type of
9 misunderstanding about whether it's 40 minutes per
10 day or not we should err on the side of safety there.
11 That would be my opinion.

12 Of course, Lori, if you disagree with me, please
13 jump in.

14 MS. FRENO: (shaking head from side to side.)

15 MS. HYATT: And I do think also the piece about
16 the 200 minutes per week, even if they're going to be
17 making it up and having more or whatever -- if there
18 are going to be weeks where maybe they get 190
19 minutes as opposed to 200 minutes, or 199 minutes as
20 opposed to 200 minutes, they would need that piece of
21 the waiver.

22 SUPT. HESTER: Could the waiver be modified or
23 what the Board considers is that if we satisfy 200
24 minutes per week that that waiver would be -- could
25 that be what the waiver says? That if we satisfy 200

1 minutes a week that we have a waiver for a year for
2 that?

3 MS. HYATT: So as a board, you can place some
4 qualifiers on the waiver. That's always been a power
5 because it's whatever is agreed to in the hearing.
6 So if the school district says "we agree to have 200
7 minutes per week for every teacher, and in return we
8 get a waiver of this 40 minute increment piece,
9 that's absolutely fine."

10 CHAIRMAN DEAN: Do we have any discussion? Is
11 there --

12 Okay. So we're ready for a motion.

13 MS. WOODS: I'll just make a comment. I was
14 looking up the original law and they have -- it's
15 never said per-day in the original, so --

16 MS. NEWTON: So, you know, I'm still unclear if
17 we would need to do the 40 minutes a day. But if we
18 said that the waiver would -- if the District ensures
19 that every teacher has 200 minutes a week, then we're
20 okay with what they do. And so however Ms. Claire --
21 Mary Claire, you said the motion, then that's what I
22 want to say.

23 MS. HYATT: So you can word it, you know, move
24 to approve with the understanding that the District
25 will provide 200 minutes of planning time per week.

1 MS. NEWTON: Okay.

2 MS. CHAMBERS: And the District has agreed you
3 would be willing to do that; is that correct?

4 SUPT. HESTER: Yes, ma'am. We can work that
5 out. We can work that one out, and the principals
6 are working with staff and glad to do that. No one
7 -- I mean we are -- we're all so empathetic. We hate
8 that this even happens, but we were put between the
9 choice for the safety and the health versus this
10 time. And we -- in the spirit of the law, it was 200
11 minutes on a two-week block cycle. So in the spirit
12 of the law we were fine, but in the letter -- and
13 this would help solve that.

14 So, thank you for considering that.

15 CHAIRMAN DEAN: So we have a motion by Ms.
16 Newton.

17 MS. CHAMBERS: Second.

18 CHAIRMAN DEAN: Seconded by Ms. Chambers.

19 All in favor say "aye."

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN DEAN: Any opposed?

22 Seeing none, motion passes.

23 So 200 minutes per week for each teacher. Thank
24 you so much.

25 SUPT. HESTER: Thank you.

1 CHAIRMAN DEAN: Okay. Get back to my agenda.

2 V-7: CONSIDERATION OF REQUEST FOR WAIVER TO IMPLEMENT THE
3 ARKANSAS READY FOR LEARNING MODEL

4 CHAIRMAN DEAN: All right. Next we have
5 Consideration of the Request for Waiver to Implement
6 the Arkansas Ready for Learning Model. Ms. Courtney
7 Salas-Ford.

8 MS. SALAS-FORD: Good morning again. Courtney
9 Salas-Ford for the Department.

10 There's been lots of talk about waivers this
11 morning, and this actually ties back to the bulk
12 group of waivers that you all granted in June to
13 every school district and charter school in the state
14 to implement the Ready for Learning model.

15 As you'll see there in the description, we
16 actually did waive the law that requires 40 minutes
17 of recess daily for students attending virtually,
18 that that would not have to be waived. At the time
19 there were not corresponding rules, but since then
20 rules have been updated. And so just to fully
21 effectuate the waiver we need to now waive that
22 section of the rules so that districts are not being
23 held to the rules, even though the law was previously
24 waived. And so that's what we are asking for today
25 is waiver of Sections 7.11 and 7.12 of the rules as

1 they relate to the requirement for 40 minutes daily
2 of recess.

3 CHAIRMAN DEAN: Okay. Do we have any questions?

4 Dr. Moore.

5 DR. MOORE: I do. So this is just for virtual
6 students?

7 MS. SALAS-FORD: Yes. It is made clear in the
8 application that all the school districts submitted
9 back in June that this only -- these waivers only
10 apply to students who are attending remotely or
11 virtually, not to any student that's on-site.

12 DR. MOORE: Okay. And this is -- oh, this is --
13 I know -- I mean I know a lot of teachers are
14 suggesting activities and different things for
15 students while at home.

16 MS. SALAS-FORD: Yes.

17 DR. MOORE: This is making -- this is saying
18 that they don't have to have a P.E. teacher for 40
19 minutes of their day; is that correct?

20 MS. SALAS-FORD: Well, it's not even tied to
21 P.E. Because if it's a P.E. course, then they still
22 have to --

23 DR. MOORE: Oh, right.

24 MS. SALAS-FORD: -- meet those requirements.

25 But for --

1 DR. MOORE: Oh, yeah.

2 MS. SALAS-FORD: Yeah, this is strictly just for
3 recess. And, yes, I know many school districts are
4 recommending different activities for students at
5 home and virtually. But because it would be very
6 difficult for the school districts to insure that
7 students --

8 DR. MOORE: Right.

9 MS. SALAS-FORD: -- at home are at recess for 40
10 minutes a day, this is what relieves them of that
11 obligation.

12 DR. MOORE: But we expect the districts are
13 still giving students breaks during the day? You
14 know, they're not just sitting in front of a computer
15 for six hours?

16 MS. SALAS-FORD: Oh, yes. No. Absolutely, yes.

17 DR. MOORE: Okay. Is there any way to prevent
18 students from having to be at the screen for seven
19 hours at a time, do you know, other than commonsense?

20 MS. SALAS-FORD: Deb and Tracy might've left.

21 DR. MOORE: Yeah.

22 MS. SALAS-FORD: So school districts, you know,
23 had to submit their Ready for Learning plans laying
24 out how they were addressing scheduling and different
25 things. Students who are on-site have to be provided

1 a lunch period, and so I'm not aware of any
2 instruction that would be going on. But, honestly, I
3 don't know. That's something we can check into and
4 get more information for you.

5 DR. MOORE: They're still -- I mean commonsense
6 would prevail that they're still getting lunch
7 periods and that sort of thing.

8 MS. SALAS-FORD: Yeah.

9 DR. MOORE: So there are still breaks. Okay.
10 Okay, thank you.

11 MS. SALAS-FORD: Uh-huh.

12 CHAIRMAN DEAN: Any further questions or
13 comments?

14 Okay. With that in mind, I'm ready for a
15 motion.

16 MS. McFETRIDGE: I make a motion to approve.

17 CHAIRMAN DEAN: Motion to approve by Ms.
18 McFetridge.

19 MR. SUTTON: Second.

20 CHAIRMAN DEAN: Seconded by Mr. Sutton.

21 All in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN DEAN: Any opposed?

24 Seeing none, motion passes.

25 MS. SALAS-FORD: Thank you.

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CHAIRMAN DEAN: Thank you, Ms. Salas-Ford.
Okay. Well, that concludes our first action
agenda for the morning.

(The Action Agenda was concluded at 11:33 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 Division of Elementary and Secondary Education, State Board of Education, in Little Rock, Arkansas, on October 8, 2020, 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 18, 2020.

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

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