

In The Matter Of:

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

August 13, 2020

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Original File BOE - 8-13-20.prn

Min-U-Script® with Word Index

ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION

AUGUST 13, 2020
10:00 A.M.

(held via Livestream/Zoom due to Covid-19)

A P P E A R A N C E S

BOARD MEMBERS:

MS. CHARISSE DEAN, Chairman
MS. OUIDA NEWTON
DR. FITZGERALD HILL
DR. SARAH MOORE
MS. SUSAN CHAMBERS
MS. KATHY McFETRIDGE
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. MARY CLAIRE HYATT	Attorney
MR. TAYLOR DUGAN	Attorney
MS. JENNIFER DEDMAN	Attorney
MS. AMY DOUGLAS	Attorney

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1 P R O C E E D I N G S

2 A-1: CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED
3 MEMBERS FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD TO
4 REPLACE MEMBERS WHOSE TERMS ARE VACANT OR EXPIRING JUNE 30,
5 2020

6 CHAIRMAN DEAN: Let's move on to the Action
7 Agenda. All right. Number One, we have our
8 presenter, Ms. Karli Saracini. If you'll state your
9 name for the record, please?

10 MS. SARACINI: Karli Saracini, Assistant
11 Commissioner, Educator Effectiveness and Licensure.

12 And this morning I bring to you a nomination for
13 our PLSB Standards Board -- our Professional
14 Licensure Standards Board. This nomination is very
15 -- is coming from the Arkansas Public School Resource
16 Center, and their nomination is Luanne Baroni. And
17 she is currently serving out a term for someone else
18 and so she is just being brought to you to have a new
19 term.

20 CHAIRMAN DEAN: Okay.

21 MS. SARACINI: And this is the nomination for a
22 three-year term for our PLSB Board.

23 CHAIRMAN DEAN: Okay. Do we have a motion to
24 accept the nomination?

25 Moved by --

1 DR. MOORE: Move to approve.

2 CHAIRMAN DEAN: Moved by Ms. Sarah Moore.

3 Do I have a second?

4 MS. McFETRIDGE: Second.

5 CHAIRMAN DEAN: Seconded by Ms. McFetridge.

6 All in favor say "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN DEAN: Any opposed?

9 Seeing none, motion passes.

10 MS. SARACINI: Thank you.

11 CHAIRMAN DEAN: Thank you, Ms. Saracini.

12 A-2: STATE BOARD HEARING - REQUEST FOR WAIVER - LA 19-13:

13 RACHEL FINNERTY

14 CHAIRMAN DEAN: Next, we have State Board
15 hearing, request for waiver, Rachel Finnerty.

16 If there is anyone that would need to recuse
17 themselves from any of these, feel free to.

18 Okay. And presenter will be Taylor Dugan.

19 Mr. Dugan, did you want to take Mr. Burriss's
20 case first or do -- you put that where you want to
21 put it.

22 MR. DUGAN: If I may, Madam Chair, put him after
23 this case.

24 CHAIRMAN DEAN: Okay.

25 MR. DUGAN: And this case, Madam Chair, the

1 Educator should be on the Zoom. I saw her name up
2 there.

3 CHAIRMAN DEAN: Right.

4 MR. DUGAN: Ms. Finnerty, can you hear me? And
5 you're on mute right now, if you don't mind un-muting
6 yourself.

7 MS. FINNERTY: Yes, Mr. Dugan, I can hear you.

8 MR. DUGAN: Awesome. You sound great.

9 CHAIRMAN DEAN: Welcome, Ms. Finnerty.

10 MR. DUGAN: Madam Chair, if I could just real
11 briefly go over the procedures for these?

12 CHAIRMAN DEAN: Please do.

13 MR. DUGAN: First of all, thank you, Educator
14 Effectiveness, for letting me handle this case for
15 Ms. Finnerty, because I've been working with her over
16 the past 18 months or so, trying to help her get her
17 license.

18 So they were nice enough to let me continue on
19 with this case, because typically it would be
20 Jennifer Link handling these cases.

21 So in these cases -- Ms. Finnerty is asking for
22 a waiver of a disqualifying offense. We received
23 information from her criminal background check that
24 the offense in question was Theft of Property and
25 Grand Larceny in Florida, but no Theft of Property

1 here in Arkansas.

2 In these cases, first, the Department has a 5-
3 minute opening statement and then, next, the Educator
4 has a 5-minute opening statement. And then after
5 that it's I believe 15 -- it's 15 minutes, correct --
6 15 minutes for the Department, and then 15 minutes
7 for the Educator. And then obviously if the Board
8 has any questions we can stop at any time to ask
9 questions. And then, in conclusion, each side will
10 have 5 minutes for a conclusion.

11 And so with that, Madam Chair, I believe Ms.
12 Finnerty would be the only person providing
13 testimony, and so I just ask that Ms. Finnerty be
14 sworn in.

15 CHAIRMAN DEAN: Okay. Ms. Finnerty, if you'll
16 raise your right hand. Do you swear or affirm that
17 the testimony you're about to give shall be the
18 truth, the whole truth, and nothing but the truth?

19 MS. FINNERTY: Yes, ma'am.

20 CHAIRMAN DEAN: Thank you.

21 All right. Mr. Dugan, you can start with your 5
22 minutes.

23 MR. DUGAN: Thank you, Madam Chair.

24 So in the packet that I've put together for the
25 Board, it first has the legal authority because I

1 just wanted just real briefly to say why we're here
2 today. Section -- or 6-17-410(c) states that The
3 State Board shall not issue a first-time license or
4 renew an existing license and shall revoke an
5 existing license not up for renewal for a person who
6 has a true report in the Child Maltreatment Central
7 Registry or has pled guilty to or has been found
8 guilty of one of the following offenses by a court in
9 the state of Arkansas or of any similar offense by a
10 court in another state or federal court.

11 And so, Ms. Finnerty was found guilty of what
12 would be considered, here in Arkansas, Theft of
13 Property, in 2005. And so it was -- in Arkansas,
14 Felony Theft of Property starts at \$1,000, and then
15 goes to \$5,000 for a D Felony, which is the lowest
16 level felony. This case involved about \$1,134. It
17 dealt with the Rent-A-Center. I was not able to
18 obtain a police report in this case; I did do a FOIA
19 request. But I did contact the District Attorney's
20 office down there in Florida, I contacted the courts
21 there in Florida, and I also talked with Ms.
22 Finnerty's probation officer down there in Florida,
23 to get a little more background on the case. And
24 pretty much all they could tell me was that she
25 completed her probation, she paid all of her court

1 costs, she paid all her fines, she paid all her
2 restitution, and that this case involved something
3 dealing with the Rent-A-Center. So Ms. Finnerty
4 would be better to give you guys the detail of the
5 background of the case. But I did try to follow-up
6 and tried to get you guys a police report, but the
7 Sheriff's office down there, the arresting agency,
8 did not have that report anymore.

9 And so I will save more for my other
10 presentation, but just kind of give you guys again
11 why we're here. That's the disqualifying offense
12 that she was convicted of.

13 The Board has the authority to do the things
14 that I put in Section 2 of our packet here: put her
15 on probation, grant her an all-out waiver, not allow
16 her to get a license through reciprocity.

17 And so I'll yield the floor to Ms. Finnerty to
18 give you guys some background on the case.

19 CHAIRMAN DEAN: Ms. Finnerty, you have 5
20 minutes. Welcome.

21 MS. FINNERTY: Thank you. Thank you. And thank
22 you for your time. Sorry for shaky voice, little
23 nervous.

24 So what happened was, back in 2004, I was
25 involved in a domestic violence relationship. I went

1 into a shelter. While I was staying in that shelter
2 I made some wrong decisions and I invited -- when I
3 was able to leave the shelter to go to my own place I
4 invited someone from the shelter to come with me,
5 with her children, because she was about to be put
6 out. Her time had extended. She was involved, once
7 again, with her abuser. And for the first two or
8 three months or so, things went very well. Well, New
9 Year's Eve, I came home to discover that everything
10 in the apartment was gone. And I called the police,
11 and they said, "Listen, there's nothing we can do
12 about it. She lived there" -- and it was actually
13 the same police department that was my arresting
14 agency. Well, through other advice I was told [audio
15 distortion] like your personal things, your I.D.,
16 your checkbook, because everything was gone. They
17 said, "Call again and report that there was personal
18 things taken." Well, I was told until she did
19 anything illegal with them, she had a right to the
20 home and they couldn't -- it was basically civil.

21 Well, a few months went by and nothing happened.
22 So I believed -- I replaced my license, I changed my
23 bank account, and I thought we were moving on, until
24 the police department came to my place of employment
25 and said, "We have a warrant for your arrest." And I

1 was totally in shock. And basically he had given me
2 the opportunity -- he said, "If Rent-A-Center will
3 send someone to do an I.D. and they say it's not you,
4 I won't arrest you. If they won't come, I have a
5 warrant and I have to do my job." Well, Rent-A-
6 Center refused to come, and so I was taken to jail.

7 I originally tried to go through PTI, which is
8 like pre-trial, because it was my first offense,
9 never been in trouble before, never arrested before.
10 But I lost my job because I was arrested. And so
11 that led to a long spiral of being unable to pay my
12 rent and my bills; so it led to homelessness and a
13 whole, obviously, financial debacle that I had to
14 find a way to get myself out of.

15 So I have since done that. I have taught here
16 in Arkansas in a private school for three years, and
17 I love teaching, it is my passion. I feel I am very
18 efficient, impactful. I believe my students and
19 parents feel that way, and I was very proud how they
20 have come to stand for me with their letters and
21 their support.

22 CHAIRMAN DEAN: Thank you, Ms. Finnerty.

23 Mr. Dugan.

24 MR. DUGAN: Thank you, Madam Chair.

25 CHAIRMAN DEAN: You have 20 minutes.

1 MR. DUGAN: And I'm going to be brief because
2 kind of in the opening I think it kind of gave an
3 outline of what's going on here. But, so here at the
4 Department my job is to prove by a preponderance of
5 the evidence that there's a cause for this that
6 exists and so that's why I provided the sentencing
7 order from Florida, just to show that this is the
8 case, this is the conviction, and also hopefully how
9 it fits into the Arkansas statute. And so I think
10 that we've proven that by a preponderance, by Ms.
11 Finnerty's comments and also by the sentencing order
12 that was provided to the Board.

13 And if I could just say, I mean Ms. Finnerty --
14 I've been working with her for about 18 months, you
15 know, trying to help her get her license and, you
16 know, having this little hiccup on her record. She
17 always returns my calls, she always returns my
18 emails, she's always quick, she's a delight to work
19 with, and so that's why I attached the letters of
20 recommendation that she provided from her school.

21 And so when I look at this case I see that this
22 is an offense from 2005. I see that in 2016 she gets
23 her bachelor's degree. She has paid off all her
24 restitution, all her court costs; it's the only
25 hiccup she has on her record, and then now is wanting

1 to, you know, teach. So I think she's worked really
2 hard and she's done a really good job of trying to
3 get her license.

4 And so if there's any questions from the Board,
5 I would love to entertain questions. But if not,
6 I'll turn it back over to Ms. Finnerty.

7 CHAIRMAN DEAN: Okay. Ms. Finnerty.

8 MS. FINNERTY: Thank you for listening. And as
9 I said, teaching is my passion; it's what I worked so
10 hard for. And I hope that you can see the effort and
11 the quality that I put into my livelihood and
12 profession, and allow me to teach in your great state
13 of Arkansas.

14 CHAIRMAN DEAN: Thank you, Ms. Finnerty.

15 Do we have any discussion or questions?

16 So we've heard from Mr. Dugan (the Department)
17 and we've also heard from Ms. Finnerty the details of
18 the case. So at this time do I have a motion?

19 MS. CHAMBERS: I move to approve the waiver.

20 CHAIRMAN DEAN: Move to approve the waiver from
21 Ms. Susan Chambers.

22 Do I have a second?

23 DR. HILL: I second.

24 MS. NEWTON: Second.

25 I just want to say something to Ms. Finnerty,

1 how proud I am of her hard work; that a lot of people
2 would have given up under the circumstances that
3 she's been through, and she's shown determination to
4 not give up, to keep being diligent, to work hard, to
5 do the right thing. And so I can't speak for the
6 whole Board, but for me personally I'm very proud of
7 the hard work that you've done.

8 DR. HILL: And I echo those sentiments.

9 MS. WOODS: May I also say something?

10 CHAIRMAN DEAN: Uh-huh.

11 MS. WOODS: Ms. Finnerty, have you ever looked
12 into having your record expunged?

13 MS. FINNERTY: Unfortunately, in the state of
14 Florida, if it's a felony and it's a guilty verdict
15 you can't. So this is part of the reason why I've
16 laid my cards out on the table, because it is
17 extremely important for me to be able to present my
18 efforts and hard work and my dream. And so I'm
19 willing to put myself out there for that.

20 MS. WOODS: Thank you.

21 CHAIRMAN DEAN: Wonderful.

22 So we have a second by Ms. Ouida Newton.

23 All in favor say "aye."

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN DEAN: Any opposed?

1 Seeing none, motion passes.

2 Ms. Finnerty, I want to echo -- Ms. Newton took
3 the words right out of my mouth. As someone who has
4 worked with women who have been in domestic violence
5 situations and have lived in shelters, I understand
6 on a closer, more intimate level what it takes to
7 build your life from there, from that point. And
8 it's a testament to your focus and determination to
9 make a better life for yourself. And, as Ms. Newton
10 said, very proud of you; keep up the good work, keep
11 moving forward. You know, your -- the letters of
12 recommendation and support just speak to the
13 influence and the good that you're doing in your
14 community and at your school and how you're touching
15 the lives of students every day. So be encouraged,
16 keep moving forward, and wish you all the best.

17 MS. FINNERTY: Thank you so much. Thank you,
18 everyone.

19 CHAIRMAN DEAN: Thank you.

20 All right. Love to hear those.

21 MR. DUGAN: That was a good one. And --

22 CHAIRMAN DEAN: Yes.

23 MR. DUGAN: -- Ladies and Gentlemen, she has,
24 you know, over the time I've gotten to know her --
25 because I denied her, you know, last year because of

1 it, and it was because of the wrong fingerprint card,
2 didn't have the right code on it. Most people
3 would've given up, but she -- she probably has my
4 number saved in her phone, because I've spoken with
5 her a lot, and she really wants this.

6 A-14: STATE BOARD HEARING - REQUEST FOR WAIVER: JEFF BURRIS

7 MR. DUGAN: And if I may, Madam Chair, Mr.
8 Burriss is outside, if I could go grab him real quick?

9 CHAIRMAN DEAN: Please do. Thank you.

10 (COURT REPORTER'S NOTE: Mr. Burriss enters the
11 room.)

12 CHAIRMAN DEAN: Welcome, Mr. Burriss.

13 MR. BURRIS: Thank you.

14 MR. DUGAN: And, Madam Chair, for this case
15 there will be two people that might talk, and it
16 would be Mr. Burriss and his son Mr. Seth Burriss; and
17 so if I may ask for them to be sworn in at this time?

18 CHAIRMAN DEAN: All right. If you will raise
19 your right hand -- do you swear or affirm that the
20 testimony you're about to give shall be the truth,
21 the whole truth, and nothing but the truth?

22 (WITNESSES ANSWERED AFFIRMATIVELY)

23 CHAIRMAN DEAN: Thank you.

24 MR. DUGAN: Board Members, thank you so much for
25 allowing Mr. Burriss to come here today and present

1 his case on such short notice, like Ms. Dean spoke of
2 at the beginning of the meeting, as I was contacted
3 by the school district and also Mr. Cody Keys about
4 the waiver that the school district is in support of
5 for Mr. Burris. And, you know, I did the typical
6 response, it was too late because the meeting is on
7 Thursday. And so I really do appreciate you guys
8 making that change to the agenda to help clear this
9 up for the district and for Mr. Burris prior to next
10 week with school starting.

11 So this is also a case dealing with a
12 disqualifying offense; this one is not a criminal
13 action.

14 Oh, and I forgot to ask the Board -- I did make
15 copies; was there anyone that did not get the
16 electronic copy that I sent? I do have hard-copies
17 in here. Would you like one, Ms. Newton?

18 MS. NEWTON: [inaudible, microphone not on]

19 (COURT REPORTER'S NOTE: Mr. Dugan passes out
20 hard-copies to some board members.)

21 MR. DUGAN: This is one though that deals with a
22 true finding on the Child Maltreatment Registry, so
23 it's not a criminal offense; the finding that was
24 found was abuse. And I'll let Mr. Burris, you know,
25 give more details about the case. He brought his son

1 with him though because it is a case that was
2 involving his son.

3 I did not make a timeline for this one, and I
4 should have. But to give the Board a timeline -- so
5 Mr. Burris here, he's been teaching in Arkansas for
6 awhile. He's actually been with the Ouachita School
7 District for 17 years, and the Board will see that
8 this finding is from 2008. So how did that happen?
9 So I know the question is how did Mr. Burris be --
10 why is he here in 2020, when this is a finding from
11 2008, when he's been teaching for awhile. I went
12 back and checked our files and the information that
13 we received from DHS in 2010 cleared him. So what we
14 get from DHS when there is -- from the Child
15 Maltreatment Central Registry, it's just a little
16 piece of paper; it's a card that says this person has
17 no findings on the Child Maltreatment Registry, and
18 it's boilerplate language that they have nothing, and
19 they just send that over. If they do have something,
20 they send that letter that's provided in the packet
21 that says what the finding was and what that date
22 was.

23 So in 2010, when he renewed the information we
24 received said he didn't have anything on the Child
25 Maltreatment Registry. I went back and checked that

1 application. Social Security was right, the social
2 security number was right, the name was right; so it
3 wasn't something that I could see from my
4 investigation that he was trying to mislead anything.

5 In 2015, I could not find the application but I
6 did see that it was approved, you know, by the
7 Department; so that makes me assume that we received
8 the same information that we received from 2010.

9 So, however, when Mr. Burriss went to renew his
10 license this time this came up, and so that's why
11 we're here today. And as I spoke with Mr. Burriss, he
12 was surprised that it did come up because he's been
13 renewed the last two times he's gone to renew his
14 license.

15 And so the statute though says if they do have a
16 true finding the Board has those options that have
17 been provided in the packet: probation, suspension,
18 revocation, or an all-out waiver and those other
19 things as far as trainings and those types of things
20 that the Board may see fit.

21 But that's why we're here today. Like I said,
22 when I got it I was concerned too when I looked back
23 and saw, well, how has he been teaching this long.
24 And so with that I'll turn it over to Mr. Burriss,
25 unless the Board has any more questions of me. But

1 I'll save anything else for my presentation.

2 CHAIRMAN DEAN: Any questions?

3 Okay. Mr. Burriss, you have 5 minutes.

4 MR. BURRIS: Five minutes, okay. Thank you.

5 And I had been teaching in Hot Springs eight
6 years prior to going out of Garland County into Hot
7 Springs County, but I don't think that has anything
8 with the mix-up.

9 But anyway, I was divorced from my wife and I
10 was living down in Hot Springs County. And on the
11 night of the incident she had called the cops several
12 times for his behavior. And I didn't want to go but
13 I finally did go, and then we did wrestle and we did
14 scuffle and I did take the phone from his hand and we
15 did put him in cuffs and we -- my ex-wife and I did
16 call the cops. Then we went through the court system
17 with Judge Vicky Cook in Hot Springs, and she herself
18 assured me that I probably would not have any problem
19 getting my license and she wanted us to be able --
20 for me to be able to provide for the family still and
21 pay child support and all that, and did not want it
22 to ruin my record. So from then on I always thought
23 that was the case and never had a problem, never,
24 renewing my license at all until very recently. And
25 I had went to a meeting in Hot Springs County DHS and

1 it lasted just about 5 minutes, so I thought that
2 went along with what I'd heard in Garland County.

3 And like I said, I've never been trying to hide
4 it up to this point at all and I always got renewed.
5 So that's what I can say to that.

6 CHAIRMAN DEAN: Okay.

7 MR. DUGAN: Thank you, Mr. Burris.

8 And so what I provided for the Board -- my
9 presentation will be very brief here -- is request
10 for a waiver. Like I said, this one moved kind of
11 fast -- is the legal authority that the Board has in
12 these types of cases, his request for the waiver.
13 Also I spoke with Mr. Newsom, who is the
14 superintendent of the Ouachita School District; they
15 support Mr. Burris getting a waiver. I told him a
16 letter was fine; you know, he was -- he -- but he was
17 willing to come. But because of Covid, to limit the
18 number of people, so I attached the letter that he
19 sent, what is marked as DESE Exhibit Three (3), and
20 that's the first page. And then I also provided,
21 just again trying to prove by a preponderance of the
22 evidence do we have a reason to be here. Here's the
23 information from DHS that says he's got that true
24 finding, and then here's the excerpts from the
25 interviews from that to give some background on the

1 case. So I would think with those documents we've
2 proven by a preponderance of the evidence that
3 there's a reason for us to be here and that Mr.
4 Burris -- we have to by law request the waiver.

5 CHAIRMAN DEAN: Thank you.

6 Mr. Burris, you have 20 minutes now.

7 MR. DUGAN: Have you got anything else?

8 CHAIRMAN DEAN: Have you got anything else?

9 MR. BURRIS: Nothing else, except for, you know,
10 I appreciate the school board standing behind me.
11 I'm in my 26th year and I figured this would be my
12 last renewal. This definitely wasn't the way I
13 wanted this to have went out.

14 And I also want to point out that, you know,
15 what happened, when I did it, even though it was a
16 long time ago, I've always been apologetic for it.
17 And since then I've had a great relationship with my
18 son; I see him all the time now. I have a
19 grandchild, one more on the way. So I don't think
20 there's any -- anybody should feel bad about signing
21 a waiver for this incident because to me, it had been
22 taken care of already a long time ago.

23 CHAIRMAN DEAN: Would your son like to speak?

24 Would you like to speak?

25 MR. SETH BURRIS: Yeah. This shouldn't be held

1 against him for what I did a long time ago. And like
2 he said, it's all already been forgotten between us.
3 So that's all I know to say.

4 CHAIRMAN DEAN: Thank you. Appreciate it.

5 Okay. Mr. Dugan, closing?

6 MR. DUGAN: And I'll waive my closing, Madam
7 Chair.

8 CHAIRMAN DEAN: Okay.

9 All right. So we've heard the case and all of
10 the circumstances surrounding the case. Do we have
11 any questions or discussion?

12 Seeing none, I'm ready for a motion.

13 MR. SUTTON: Motion to grant the waiver.

14 CHAIRMAN DEAN: We have a motion to grant the
15 waiver from Steve Sutton.

16 Do I have a second?

17 MS. WOODS: I'll second.

18 CHAIRMAN DEAN: Seconded by Ms. Adrienne Woods.

19 All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN DEAN: Any opposed?

22 Seeing none, motion passes.

23 Congratulations.

24 MR. BURRIS: Thank you.

25 CHAIRMAN DEAN: Thank you.

1 Thank you, Mr. Dugan.

2 MR. DUGAN: Thank you. I appreciate all your
3 time.

4 CHAIRMAN DEAN: You're welcome.

5 A-3: STATE BOARD HEARING OF REVOCATION OF LICENSE LA 20-05 -
6 MICHAEL MONTGOMERY

7 CHAIRMAN DEAN: Okay. The next case is
8 presenter Amy Douglas for Michael Montgomery, if I'm
9 not mistaken.

10 MS. DOUGLAS: Amy Douglas for Educator
11 Effectiveness.

12 This is a licensure action, 20-05, for educator
13 Michael A. Montgomery. The procedure is the same,
14 minus the fact that the educator is not present, has
15 not responded to any of our letters or
16 correspondence. And so, therefore, I will waive any
17 formal opening and just kind of give you guys a
18 timeline and ask you to vote.

19 So Michael Montgomery was issued a standard
20 five-year teaching license that expires December 31,
21 2020 -- I mean 2022. On March 4th he was arrested
22 for Sexual Assault Second Degree in Craighead County,
23 Jonesboro, Arkansas. On June 2nd he entered a guilty
24 plea to Sexual Assault in the Second Degree,
25 receiving a sentence of two years in the Arkansas

1 Department of Corrections, plus six years suspended
2 imposition of sentence. Based on his plea, he is now
3 registered as a sex offender in the state of
4 Arkansas.

5 He was sent notice in the middle of June
6 regarding his options to request a waiver from the
7 Board on his disqualifying offense. He has not
8 responded to that, as I'm sure he's in -- he is in
9 the Arkansas Department of Correction at this time.
10 So the Department is asking that you revoke his
11 license permanently.

12 CHAIRMAN DEAN: Okay. Thank you.

13 Any questions or comments?

14 Seeing none, do we have a motion?

15 MS. McFETRIDGE: [inaudible, microphone not on]

16 CHAIRMAN DEAN: We have a motion to permanently
17 revoke the license of Mr. Montgomery by Ms.
18 McFetridge.

19 Do we have a second?

20 MR. SUTTON: Second.

21 CHAIRMAN DEAN: Seconded by Mr. Sutton.

22 All in favor say "aye."

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRMAN DEAN: Any opposed?

25 Seeing none, motion passes.

1 MS. DOUGLAS: Thank you. And we will --

2 CHAIRMAN DEAN: Thank you.

3 MS. DOUGLAS: -- put in ALS and in NASDEC.

4 CHAIRMAN DEAN: Okay. Thank you so much.

5 A-4: SCHOOL CHOICE APPEAL: MALACHI ELLISON

6 A-5: SCHOOL CHOICE APPEAL: RACHEL ELLISON

7 CHAIRMAN DEAN: Next case is School Choice
8 Appeal, Malachi Ellison, presented by Ms. Mary Claire
9 Hyatt.

10 MS. HYATT: [inaudible, not at the microphone]

11 CHAIRMAN DEAN: Okay.

12 MS. NEWTON: Ms. Dean?

13 CHAIRMAN DEAN: Yes, ma'am.

14 MS. NEWTON: I'm going to recuse on these next
15 two items.

16 CHAIRMAN DEAN: Okay. Thank you.

17 If you'd like to, let's take a 5-minute break
18 while we wait on Ms. Mary Claire Hyatt to get them,
19 and that'll just -- let's reconvene at -- oh, well,
20 there she is. Do we need to take a break?

21 Let's take a break. Let's take a quick 5-minute
22 break and we'll come back at 10:41.

23 (BREAK: 10:36 - 10:43 A.M.)

24 CHAIRMAN DEAN: I'll call the meeting back to
25 order. All right, Ms. Mary Claire Hyatt. This is

1 the School Choice Appeal case, Malachi Ellison.

2 MS. HYATT: Good morning.

3 CHAIRMAN DEAN: Good morning.

4 MS. HYATT: Mary Claire Hyatt. Nice to see all
5 of you guys in person.

6 CHAIRMAN DEAN: Yes.

7 MS. HYATT: So the first -- the two school
8 choice appeals, next two, are the same family. So,
9 again, you're welcome to talk about them together,
10 but please separate your motions.

11 So Malachi and Rachel Ellison -- I believe
12 Daniel Ellison is on the Zoom, should be on the Zoom.
13 Malvern School District superintendent Brian Golden
14 or Chief of Staff Jace Roberts should be -- I think I
15 see them. And then the superintendent from Poyen
16 should also be on here. I thought I saw on there
17 also.

18 The hearing procedures, just to refresh your
19 memory, please swear everyone in who is not an
20 attorney. Each party, beginning with the nonresident
21 school district -- so in this case it would be Poyen
22 -- will get 5 minutes for an opening, then Malvern
23 will get 5 minutes, and then the Ellison family will
24 get 5 minutes. After that everyone will get 20
25 minutes. You can ask questions and then make a

1 decision. And I see Malvern and Poyen, but I'm not
2 seeing Mr. Ellison.

3 Mr. Ellison, if you're on can you speak?

4 MR. ELLISON: Yes, I'm here.

5 MS. HYATT: Okay. Thank you, Mr. Ellison.

6 CHAIRMAN DEAN: All right. Everyone that plans
7 to speak, if you will raise your right hand -- do you
8 swear or affirm that the testimony you're about to
9 give shall be the truth, the whole truth, and nothing
10 but the truth?

11 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

12 CHAIRMAN DEAN: All right. Thank you.

13 We're going to start with Mr. -- is it Kissire,
14 from Poyen?

15 SUPT. KISSIRE: Yes, ma'am.

16 CHAIRMAN DEAN: Kissire. Mr. Kissire, welcome.

17 SUPT. KISSIRE: Yes.

18 CHAIRMAN DEAN: You have 5 minutes.

19 SUPT. KISSIRE: I don't have a whole lot to say.
20 You know, we just all try to follow the law. I know
21 that the Ellison's have been in the district all of
22 their lives and, you know, we'd love to keep them.
23 But the law says what the law says, and anything
24 other than that, commonsense is up to the State
25 Board.

1 CHAIRMAN DEAN: All right. Thank you, Mr.
2 Kissire.

3 And we have Mr. Golden from Malvern.

4 SUPT. ROBERTS: This is actually Mr. Roberts.

5 CHAIRMAN DEAN: Mr. Roberts. I'm sorry; she
6 said that.

7 SUPT. ROBERTS: That's fine.

8 I really don't have anything to add as well,
9 other than this is just a cap issue where we'd gone
10 above our 3% cap.

11 CHAIRMAN DEAN: Okay. Thank you.

12 And then we can hear from the Ellison family.
13 Mr. Daniel Ellison, you have 5 minutes. Welcome.

14 MR. ELLISON: I'd like to say -- thank the Board
15 for your time. And our kids have been in Poyen
16 School since pre-K, and we recently just finished a
17 house and moved outside the district. And that's the
18 only reason we were looking to try to keep them in
19 the same school that they'd started in. That's
20 pretty much where we're at.

21 CHAIRMAN DEAN: Okay. Thank you, Mr. Ellison.

22 Mr. Kissire, do you have anything else to add?
23 You have 20 minutes.

24 SUPT. KISSIRE: No, ma'am.

25 CHAIRMAN DEAN: Okay.

1 SUPT. KISSIRE: Thank you.

2 CHAIRMAN DEAN: Thank you.

3 Mr. Roberts.

4 SUPT. ROBERTS: No, ma'am.

5 CHAIRMAN DEAN: All right. Mr. Ellison, do you
6 have anything to close with?

7 MR. ELLISON: Only that I'd like the -- our kids
8 -- we've talked to our kids about this and they would
9 like to remain in their existing school district,
10 just because of the friends they've built over the
11 years. Malachi is going into 11th grade and Rachel
12 is going into 9th grade.

13 Sorry, I'm a little nervous here.

14 But they -- like I say, there's -- if we
15 would've moved from one district and moved into
16 Malvern and tried, you know, to go into a different
17 one, you know, I can definitely see that. But like I
18 said, we're just trying to keep them where they've
19 been going to school their entire year -- or lives.
20 So that's kind of where we're at.

21 CHAIRMAN DEAN: Okay.

22 MR. ELLISON: And thank you for your time.

23 CHAIRMAN DEAN: Thank you, Mr. Ellison.

24 Okay. We've heard the case, we've got the
25 information in our packet. Do we have any discussion

1 or questions?

2 Ms. Moore.

3 DR. MOORE: Yes, I have a question for either
4 Poyen or Malvern.

5 In this instance, when the students have never
6 attended the Malvern School District to start with,
7 did the boards look at doing a legal transfer for
8 the family?

9 CHAIRMAN DEAN: Mr. Roberts or Mr. Kissire.

10 DR. MOORE: I guess is a legal transfer
11 something that's done for -- between your districts?

12 SUPT. ROBERTS: We typically have not done legal
13 transfers around -- in the county, for a variety of
14 reasons; one of which, it becomes kind of tricky with
15 the cap because then you run into, you know, what's
16 the purpose of the cap.

17 CHAIRMAN DEAN: Anymore questions?

18 DR. MOORE: No, no more questions.

19 CHAIRMAN DEAN: Do we have any further questions
20 or discussion?

21 MS. CHAMBERS: I had a question.

22 CHAIRMAN DEAN: Okay.

23 MS. CHAMBERS: And it may not be relevant. But
24 I was curious where this application or request came
25 relevant to others in that 3% cap? Sometimes we have

1 that material, and I didn't see it.

2 SUPT. ROBERTS: Yeah, I can answer that, I
3 believe. Give me two seconds; I'm going to look at
4 my computer.

5 CHAIRMAN DEAN: Okay. Thank you.

6 SUPT. ROBERTS: It looks like we received that
7 request April 14th, and we met our cap -- it gets a
8 little tricky with telling you the exact date because
9 obviously siblings get priority and those who were --
10 had been denied the year before. It looks like
11 there's roughly 20 students between -- 20 to 25
12 students between when we met our cap and when we
13 received the Ellisons' application.

14 MS. CHAMBERS: Thank you.

15 CHAIRMAN DEAN: Any other questions or comments?
16 Dr. Moore.

17 DR. MOORE: It is tricky in these situations
18 where the student is not counted in the Malvern
19 School District to begin with. And so I still have a
20 hard time in wrapping my number [sic] around that cap
21 that doesn't include the students that were there to
22 begin with. That's my only comment right now.

23 CHAIRMAN DEAN: Okay. Thank you.

24 If we don't have any further discussion or
25 questions, I'm ready for a motion.

1 MS. CHAMBERS: I'm sorry; I'm not sure -- I need
2 the answer to Dr. Moore's question. Can somebody
3 speak to that?

4 CHAIRMAN DEAN: Ms. Mary Claire Hyatt.

5 MS. CHAMBERS: Is there an answer?

6 MS. HYATT: I think we talked about this a
7 little bit last time. So the 3% cap is in the law,
8 it's kind of a stop-loss provision to prevent schools
9 from losing too many kids per year. Students who
10 were not in that district -- so let's take Poyen and
11 Malvern; the Ellison children would've counted in the
12 enrollment for the Poyen School District last year,
13 because they were attending that district. So when
14 we calculated the 3% cap the Ellison kids were
15 calculated in Poyen's number, not in Malvern's,
16 because they didn't attend Malvern. Now they've
17 moved into the Malvern District, and Malvern can only
18 let the 3% go. Their applications still count
19 towards that 3% cap, as do any other students who
20 didn't attend if they were in a charter school or a
21 home school or something like that. There are, I'm
22 sure, also kids that were counted in Malvern who then
23 choiced to go somewhere else or the opposite of what
24 we're talking about in this situation. So I don't
25 have the numbers to know if it quite evens out, but I

1 do know that anyone's application is considered.
2 Because you do have to attend school, because of the
3 Arkansas residency law, where you are living, and the
4 school that would be a resident district is where
5 you're zoned. And so in order to go to a school
6 that's not in that district you do have to either use
7 school choice, a legal transfer, or one of the other
8 choice options.

9 MS. CHAMBERS: Thank you.

10 CHAIRMAN DEAN: Thank you.

11 MS. CHAMBERS: It is tricky.

12 MS. WOODS: A question for Mr. Ellison.

13 Did y'all know that you were moving into Malvern
14 when you built?

15 CHAIRMAN DEAN: Mr. Ellison, you're still muted.
16 You're still muted.

17 MR. ELLISON: Can you hear me now?

18 CHAIRMAN DEAN: Yes.

19 MR. ELLISON: We were aware that the property
20 was outside the other county that we were currently
21 living in. Yes.

22 CHAIRMAN DEAN: Thank you.

23 Okay. Any further discussion?

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

25 MS. McFETRIDGE: I was just looking at the

1 numbers on the -- Malvern's student population is
2 much higher than Poyen's. So in my thought process,
3 I would think that we would not be hurting Malvern by
4 letting these students choice into Poyen at this
5 point.

6 So I would like to go ahead and make the motion
7 that we approve this transfer.

8 CHAIRMAN DEAN: Okay. We're going to start with
9 -- we're going to do those separately. We'll start
10 with Malachi.

11 MS. McFETRIDGE: Okay.

12 CHAIRMAN DEAN: So would you like to make a
13 motion --

14 MOTION/VOTE RE: MALACHI ELLISON (A-4)

15 MS. McFETRIDGE: I make a motion that Malachi be
16 awarded the transfer.

17 CHAIRMAN DEAN: Okay. We have a motion for
18 Malachi Ellison to be granted a school choice waiver
19 -- transfer, excuse me.

20 DR. MOORE: I'll second the motion.

21 CHAIRMAN DEAN: Seconded by Dr. Sarah Moore.
22 We'll do a roll-call.

23 SECRETARY KEY: Okay. On the motion to grant --
24 to approve the waiver, Dr. Moore.

25 DR. MOORE: Yes.

1 SECRETARY KEY: Mr. Sutton.
2 MR. SUTTON: Yes.
3 SECRETARY KEY: Ms. McFetridge.
4 MS. McFETRIDGE: Yes.
5 SECRETARY KEY: Ms. Woods.
6 MS. WOODS: Yes.
7 SECRETARY KEY: Ms. Chambers.
8 MS. CHAMBERS: Yes.
9 SECRETARY KEY: I'm sorry; yes?
10 MS. CHAMBERS: Yes.
11 SECRETARY KEY: Okay. Dr. Hill.
12 DR. HILL: Yes.
13 SECRETARY KEY: Six yea's, zero nay's.
14 CHAIRMAN DEAN: Motion passes for Malachi
15 Ellison.
16 SECRETARY KEY: I should -- and one recusal; I
17 should add that.
18 CHAIRMAN DEAN: And I'm so sorry -- and one
19 recusal. That's right.
20 MOTION/VOTE RE: RACHEL ELLISON (A-5)
21 CHAIRMAN DEAN: And next we'll accept a motion
22 for Rachel Ellison.
23 MS. McFETRIDGE: I'll make a motion that we
24 approve Rachel's transfer -- Rachel Ellison.
25 CHAIRMAN DEAN: Okay. Moved for approval for

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transfer by Ms. McFetridge.

Do I have a second?

DR. MOORE: Second.

CHAIRMAN DEAN: Seconded by Dr. Moore.

Roll-call, please.

SECRETARY KEY: Okay. Dr. Moore.

DR. MOORE: Yes.

SECRETARY KEY: Mr. Sutton.

MR. SUTTON: Yes.

SECRETARY KEY: Ms. McFetridge.

MS. McFETRIDGE: Yes.

SECRETARY KEY: Ms. Woods.

MS. WOODS: Yes.

SECRETARY KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

SECRETARY KEY: Dr. Hill.

DR. HILL: Yes.

Six yea's, zero nay's, one recusal.

CHAIRMAN DEAN: Thank you.

Motion passes for transfer for Rachel Ellison.

Mr. Ellison, congratulations on your transfer
for your two children.

MR. ELLISON: Thank you.

MS. HYATT: Ms. Dean, if you'll allow me, I'll
go grab Jennifer for the next two.

1 CHAIRMAN DEAN: Okay. Thank you.

2 A-6: SCHOOL CHOICE APPEAL - MARY LANCASTER

3 A-7: SCHOOL CHOICE APPEAL - DAREON LANCASTER

4 CHAIRMAN DEAN: Okay. The next case is --

5 MS. DEDMAN: Good morning. Jennifer Dedman,
6 attorney for the Division of Elementary and Secondary
7 Education.

8 CHAIRMAN DEAN: Okay. Good morning.

9 MS. DEDMAN: As with the last one, we have a
10 school choice appeal by the Lancaster family with two
11 siblings. So you'll take that about like we took the
12 last one, two motions.

13 This matter is a Garland County matter. The
14 Lancaster family resides in the Fountain Lake School
15 District and wish to transfer to the Lakeside School
16 District.

17 Before I get started, I should probably check
18 and make sure everybody is on. We have
19 Superintendent Shawn Cook or Assistant Superintendent
20 Rick McLaughlin for Lakeside. We have Superintendent
21 Dr. Michael Murphy for Fountain Lake. And Jason
22 Lancaster is the parent of the Lancaster children.
23 Is everyone on today?

24 MR. LANCASTER: Yes.

25 SUPT. McLAUGHLIN: This is Rick McLaughlin with

1 Lakeside. Yes.

2 MS. DEDMAN: I see Mr. Lancaster. Is someone
3 here for Fountain Lake?

4 (BRIEF MOMENT OF SILENCE)

5 MS. DEDMAN: Okay.

6 CHAIRMAN DEAN: Okay. All right. If you will
7 all raise your hands, right hand -- do you swear or
8 affirm that the testimony you're about to give shall
9 be the truth, the whole truth, and nothing but the
10 truth?

11 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

12 CHAIRMAN DEAN: Thank you.

13 MS. DEDMAN: I'll go ahead and give you all a
14 summary of what's going on today. Both the Lakeside
15 School District and the Fountain Lake School District
16 are located in Garland County. And as you recall,
17 those districts are all under a current active
18 desegregation order in Davis, et al versus Hot
19 Springs School District, et al, which requires that
20 school choice transfers in Garland County be
21 conducted in accordance with the School Choice Act of
22 1989. The State Board does remain a party to the
23 Davis case.

24 The School Choice Act of 1989 prohibits a
25 student from transferring to a nonresident district

1 where the percentage of enrollment for that student's
2 race exceeds the percentage in the student's resident
3 district, with limited exceptions. We have three:

4 - When the transfer is between two school
5 districts within the same county and the minority
6 percentages of school enrollment in both the resident
7 and nonresident district remain within an acceptable
8 range of variance, as calculated by ADE. You will
9 see those numbers and ranges in your board packet;
10 it's the last page right before the statutes and act,
11 if you need to reference that;

12 - Number two, when neither district involved in
13 the transfer have a critical mass of minority
14 percentage and the student's race of more than 10% of
15 any single race;

16 - And, number three, the limited exception here
17 is when a transfer would violate a desegregation
18 order or plan the terms of the court order will
19 govern.

20 In this matter the student has been denied the
21 requested school choice transfer because the
22 percentage of enrollment for the student's race
23 category, which is students of two or more races, in
24 the Lakeside School District exceeds the percentage
25 in Fountain Lake School District. The percentage of

1 students of more than one race in the resident
2 district is approximately 4.75% and the percentage of
3 students of more than one race in Lakeside School
4 District is approximately 4.85%.

5 You'll see that the hearing procedures for the
6 1989 School Choice Act are not robust, so you may
7 feel free to use your general hearing procedures in
8 this matter. In the 2015 School Choice Act, the
9 nonresident district goes first. It's entirely at
10 the pleasure of the Board here because we do not have
11 guidance in that rule.

12 If you need to reference again those limited
13 exceptions, you'll find them in Section 8 of the
14 rules provided in your board packet. Feel free to
15 ask me any questions.

16 CHAIRMAN DEAN: Okay. We're ready to hear from
17 the nonresident school district.

18 MR. McLAUGHLIN: Yes, ma'am. Thank you. I
19 appreciate it.

20 CHAIRMAN DEAN: Mr. McLaughlin.

21 MR. McLAUGHLIN: This is Rick McLaughlin,
22 assistant superintendent at Lakeside School District.
23 I've been dealing with the school choice in our
24 district since 2006; so I've been dealing with this,
25 and you guys have had some already on appeal.

1 As she stated, we're under the School Choice Act
2 of 1989, which is strictly based on race. And as I
3 told you before, we're -- Lakeside will take any kid
4 at any time, but my -- I have to go by the guidelines
5 that were set up. And through training for our deseg
6 order through the State and through attorneys we have
7 been taught that we have to adhere to these
8 guidelines.

9 Let me go through this a little bit. We
10 received the first school choice application from the
11 Lancasters on April 15th of this school year. On
12 that application they had put African American, which
13 our percentages are much higher than Fountain Lake's
14 so they were denied and they later got the letter. I
15 received a second application June 25th and this one
16 had -- they had marked Two or More. When I look at
17 Two or More on our range that we do get from the
18 State Department, as she stated, our percentage is
19 4.85, Fountain Lake is 4.75. I understand that's not
20 a very big spread. But if you can look through all
21 our districts and all of the seven categories there's
22 a lot of those that are not a very big spread, but we
23 have to go by that. The acceptable range -- we do
24 not fall into the acceptable range to oversee these
25 -- override these numbers on the race percentages,

1 which we also receive from the State. So there's no
2 way that I can legally accept those students, even
3 though we'd take anybody -- but legally I cannot do
4 that.

5 I'd be glad to answer any questions that you may
6 have. That's all I have at this time.

7 CHAIRMAN DEAN: Okay. Thank you, Mr.
8 McLaughlin.

9 SUPT. McLAUGHLIN: You're welcome.

10 CHAIRMAN DEAN: Mr. Murphy from Fountain Lake.

11 (MOMENT OF SILENCE)

12 CHAIRMAN DEAN: Do we have --

13 MS. DEDMAN: No. Mr. -- Dr. Murphy did not
14 answer.

15 CHAIRMAN DEAN: Okay.

16 MS. DEDMAN: So he does not appear to be here
17 today.

18 CHAIRMAN DEAN: Okay. All right. Then we'll
19 hear from Mr. Lancaster.

20 MR. LANCASTER: I appreciate you taking the time
21 to hear me today. My wife and I have seven children
22 -- four are biological, three from adoption -- and
23 we've always tried to do what's best for each of our
24 children educationally.

25 I'm here today to appeal a school choice

1 decision for two of my children, Dareon and Mary, 9
2 and 10. And they were rejected for school choice at
3 Lakeside, which is in Garland County, and the reason
4 given is the code 6-18-206 with regard to the
5 minority percentages of 4.85 and 4.75.

6 I was not intending to make this a racial issue,
7 as there are unknown origins at times of their race.
8 I don't want to get into their background of why that
9 is, because I don't want to talk about abandonment
10 issues and unknown parent issues. And I didn't want
11 to make this a race issue, which I could from the
12 George Floyd thing. So whether we're looking at it
13 as African American or Two or More, which is in this
14 case right here, my appeal is still the same, and
15 both percentages still fall under the 10% that is
16 lacking in Lakeside and lacking in Fountain Lake.

17 And I'm going to read to you what you probably
18 have in front of you from the Arkansas Public School
19 Choice Act of 1989, and I'm drawing your attention to
20 the exception and that is going to be in point two.
21 It says when neither district involved in a transfer
22 has a critical mass of minority percentage in the
23 student's race or more than 10% of any single race.

24 Now as you can tell with the case we've got
25 before us now, whether it's Two or More, the 4.75

1 being in Lakeside and 4.85 -- or vice-versa, those
2 are both under 10% and so I think those fall within
3 an acceptable range of variance.

4 And I have an emotional appeal to make, I have a
5 logical appeal to make, but I'm going to stick to the
6 appeal of the current law without getting into any
7 dramatic race arguments at this time for my children.
8 And I'm just going to appeal to the law and Section
9 F(3) or as you see number 2 on the 6-18-206, which I
10 think that since both of the schools fall under 10%
11 the transfers should be permitted since they fall
12 within the acceptable range and variance.

13 That's all I have for now.

14 MR. McLAUGHLIN: Can I respond to that at this
15 time?

16 CHAIRMAN DEAN: Yes, you may.

17 MR. McLAUGHLIN: And, again, Mr. Lancaster,
18 we've talked several times. We'd love to have your
19 kids here, but that law says 10% in any one -- and
20 both districts have 10% or more of the minority. It
21 does not say for one single race classification, so
22 that one doesn't apply. And, again, I'm bringing
23 that up -- and I would love to take your kids, but
24 that law is not how you read that or how you're
25 taking that; it's for any -- if you've got 10% or

1 more in any one category, not one specific category.

2 And then I did talk about the acceptable range
3 which the State has sent us, and that's not in that.

4 Again, you and I have talked before -- and I
5 heard in the last appeal about a board-to-board
6 transfer. Our deseg court order does not allow
7 board-to-board transfers because, again, that would
8 change the percentages of the races involved. And
9 believe me, we would not like to be based on race;
10 we'd like to be like the rest of the state, and we've
11 said that all along. We lost that appeal to the
12 courts in St. Louis. Our county has done that and we
13 lost that, so we still have to go by this federal law
14 that we've been handed down.

15 MR. LANCASTER: [audio distortion]

16 CHAIRMAN DEAN: Go ahead, Mr. Lancaster.

17 MR. LANCASTER: Once again, I'm just reading the
18 code that you have right in front of you. It does
19 say any single race; it's not talking about a
20 minority percentage of all minorities. I'm going to
21 read it again; it says when neither district involved
22 in the transfer has a critical mass of minority
23 percentage in the student's race of more than 10% of
24 any single race. It's talking about the one race,
25 not minorities in general -- but each particular race

1 of minorities as the code is laid out there. And
2 since Fountain Lake and Lakeside are both under 10%
3 of that single race, that's what my appeal -- it's an
4 appeal to law.

5 CHAIRMAN DEAN: Thank you, Mr. Lancaster.

6 Ms. Dedman.

7 MS. DEDMAN: It comes to my attention that the
8 Board may have some questions, some follow-up
9 questions about the acceptable range of variance and
10 the other acceptance -- I'm sorry -- the other
11 exceptions that are located in Section 8 of the
12 rules. I'm happy to address those questions. Would
13 anyone like a little more information about those
14 exceptions?

15 CHAIRMAN DEAN: Yes.

16 MS. DEDMAN: Okay. I think that -- and the
17 rules do, of course, comport with the 1989 law. I
18 think it's probably easiest if you turn to page 5 of
19 the rules that are provided in your board packet;
20 it's like five pages from the end of your board
21 packet. We're looking here at Section 8 of the
22 rules. At 8.01 we see that no student may transfer
23 to a nonresident district where the percentage of
24 enrollment of the student's race exceeds the
25 percentage in the student's resident district, except

1 as provided below. So there's the general rule. We
2 then see two different sections below that. A
3 transfer is permitted if (1) the transfer between the
4 districts are within the same county -- so we do have
5 that here; and (2) the transfer does not result in
6 either district exceeding the acceptable range in
7 variance for the representation of minority or
8 majority students. The acceptable range of variance
9 is as provided in Section 8.02, which we can go to
10 but I think the easier thing to do is if you'll turn
11 to just before your statutes in your board packet we
12 actually have a printout there. It looks like this.
13 You've heard in my summary that the acceptable range
14 of variance can be calculated, as you see in 8.02,
15 but we've actually provided it. If you look at the
16 bottom of the column that says Two or More Races,
17 you'll find acceptable ranges indicated. When you go
18 over to Two or More Races, for Lakeside you see 4.85%
19 and for Fountain Lake you see 4.75%. But if you go
20 down to the bottom of that column where it says
21 acceptable ranges it's 5.55% to 7.14%. So that's
22 your acceptable range of variance.

23 Let's address now that 10%. In 8.01.2, that
24 second section, a transfer is permitted if each
25 school district affected by the transfer does not

1 have a critical mass of minority percentages of more
2 than 10% of any single race. When we turn back to
3 that same sheet you can see -- there we are -- you
4 can see here that in Fountain Lake School District --
5 if you go over across the ranges, you see that we've
6 got 10.02 under Hispanic students. And in Fountain
7 -- in Lakeside School District, rather, we have
8 11.17. So each district does in fact have a category
9 that exceeds 10%, but you will also see that
10 acceptable range of variance is stated for you. In
11 8.02 you see the math that we used to arrive there.
12 We could walk through that math, if you need it. We
13 do have the raw numbers. But you are also able to
14 rely on the Department's calculation on that sheet.

15 Are there any questions?

16 CHAIRMAN DEAN: Dr. Moore.

17 MS. WOODS: Well, my question isn't for you. My
18 question is for -- well, Mr. Lancaster or whoever
19 received the application. Why did we go from one
20 race to two, if I understood that correctly?

21 MR. LANCASTER: Well, we were doing it for my
22 children, as many people in our country, including
23 the new nominee for Vice President, has a variety of
24 backgrounds that can be chosen at different times
25 depending on the situation at times. And considering

1 what has happened, I didn't want to make this an
2 African American race issue or a Two or More race
3 issue. But since that time, my background -- my
4 children have a variety of backgrounds that are
5 unknown and -- because they're adopted. And when I'm
6 talking about unknown we're talking about unknown
7 parentage at all. And I know specifically on one of
8 the children we're talking about here it's two or
9 more of the parents that we do know. So to go into
10 the specifics of what is it in each category and each
11 time, it all depends on what am I going to push. Did
12 I want to come here and talk about the race issue and
13 racial issues they've been having at Fountain Lake
14 and how -- the racism we've been experiencing there?
15 I'm trying to not throw Fountain Lake under the bus
16 and kind of put that aside and just go with the Two
17 or More to see if that was a better outcome.

18 MS. WOODS: Right. So, but I guess my question
19 is you submitted an application and you only checked
20 one race category. And then when it was denied you
21 submitted a second application with Two or More
22 checked. Is that correct? I just want to make sure
23 I understand.

24 MR. LANCASTER: That is correct.

25 MS. WOODS: Okay. And then my other question

1 is, is there a particular reason why you're trying to
2 get into Lakeside? Because I know you have seven
3 children. I didn't know if you already had children
4 in that district or --

5 MR. LANCASTER: No. I currently -- none have
6 attended that district this past year. I have
7 another child -- two children that were attending
8 Fountain Lake this past year. But the two children
9 that we're talking about right now I pulled out of
10 Fountain Lake due to educational and racism issues
11 and had to put them into a private school out --
12 obviously outside of Fountain Lake this past year.
13 So I could argue that they wouldn't even be included
14 in these figures because they didn't attend -- they
15 were pulled out of Fountain Lake because of the
16 racism issues that we're having there, but I didn't
17 want to make this a racism issue. I know you've got
18 the desegregation thing you've got to follow. That
19 was the challenges we've been having at Fountain Lake
20 with regard to racism and difficult education there
21 for those two kids.

22 Like I said, I have seven kids, trying to do
23 what's best for each of them, and my children there
24 have not functioned well in that environment, these
25 two.

1 CHAIRMAN DEAN: Thank you, Mr. Lancaster.

2 Dr. Moore, did you have a question?

3 DR. MOORE: Yes, I have some questions. Thank
4 y'all for explaining this to us. For Jennifer, so
5 the acceptable ranges, at this point in time both
6 districts are below the acceptable range for two or
7 more races?

8 MS. DEDMAN: That's correct.

9 DR. MOORE: I'm assuming that if these students
10 were to move into Lakeside it might bump up that so
11 that they would fall within acceptable range?

12 MS. DEDMAN: They --

13 MR. McLAUGHLIN: [audio distortion] with what we
14 have from this past year. Those kids are not there
15 and [audio distortion].

16 DR. MOORE: Okay.

17 MR. McLAUGHLIN: We can say a lot about moving
18 here or there, but what we have is what we've got.

19 MS. DEDMAN: It is true that both districts are
20 below the acceptable range of variance. But based on
21 the raw numbers I wouldn't expect them to -- that two
22 transfers would bump either district to 5%.

23 DR. MOORE: Okay. So just theoretically, if
24 both districts were within that range a transfer
25 could be allowed. Is that correct?

1 MS. DEDMAN: That is one of the exceptions. You
2 might think of it as a plus or minus. The acceptable
3 range of variance is kind of a range in which you
4 could fall, but it is true that everybody is
5 underneath it currently.

6 DR. MOORE: Okay. So since they are both
7 underneath the acceptable range, again, it seems --
8 and I know [audio distortion] -- but it seems to me
9 that that transfer could be allowed because they're
10 both in the same condition, in that same situation.

11 Okay. So second, my second question revolves
12 around the second exception of 10% or more.

13 MS. DEDMAN: I'm going to go back just a little
14 bit to your first question. Under 8.01.1, it doesn't
15 talk about falling within the acceptable range of
16 variance. It says that the transfer does not result
17 in either district exceeding the acceptable range of
18 variance. So both districts are under the acceptable
19 range of variance, which you see goes all the way up
20 to 7%. The transfer of two students would not in
21 fact bump either district over the acceptable range
22 of variance.

23 DR. MOORE: So in that case would that not be
24 allowable?

25 MS. DEDMAN: It does appear to fall within the

1 exception in 8.01.1, if the Board chooses.

2 DR. MOORE: Okay. Okay. Now that makes sense.
3 Okay. So, but then on the 10%, is it 10% of
4 minority, not minority split out?

5 MS. DEDMAN: It says that a transfer is
6 permitted if each school district -- so both
7 districts have to meet this criteria -- affected by
8 the transfer. It does not have a critical mass,
9 which is undefined, of minority percentages of more
10 than 10% of any single race. In the chart that you
11 have before you, you'll see that both districts
12 exceed 10% in the category of Hispanic students.

13 DR. MOORE: Okay. But even though that is not
14 the race defined here it still hinders --

15 MS. DEDMAN: And I'll go back to the -- I'll go
16 back to the language, because we do not have a
17 definition, of course, for critical mass. But it
18 says those districts do not have a critical mass of
19 minority percentages of more than 10% of any single
20 race. I'll leave that to your judgment.

21 DR. MOORE: Okay.

22 MS. DEDMAN: But it doesn't define critical
23 mass, but it does say of any single race.

24 DR. MOORE: Okay.

25 MS. WOODS: And here, that he's putting forth is

1 the two races. So is that the column that we would
2 be --

3 MS. DEDMAN: You would be under two or more
4 races. Yes.

5 MS. WOODS: Okay.

6 MS. DEDMAN: And you can see that we've got 4.75
7 in one district and 4.85 in the other district. But
8 what we're looking at is down at the very bottom of
9 the column you've also got an acceptable range that's
10 calculated by ADE.

11 MS. NEWTON: You're saying that because this
12 would not put them above the acceptable range that we
13 would be okay with the statute?

14 MS. DEDMAN: It's of course up to the Board and
15 within the Board's judgment. But this would not
16 exceed the acceptable range for either district,
17 because the acceptable range stretches all the way to
18 7% and those districts are well below it.

19 MS. NEWTON: Okay. All right. Thank you.

20 MOTION/VOTE RE: MARY LANCASTER (A-6)

21 CHAIRMAN DEAN: [inaudible, microphone not
22 turned on.]

23 DR. MOORE: I move to approve the transfer based
24 upon the exception that allows us to do so because
25 it's below the acceptable range.

1 DR. HILL: Second.

2 CHAIRMAN DEAN: So we have a motion by Dr. Moore
3 to grant the waiver and seconded by Dr. Hill for Mary
4 Lancaster. And we'll do a roll-call.

5 SECRETARY KEY: Dr. Moore.

6 DR. MOORE: Yes.

7 SECRETARY KEY: Mr. Sutton.

8 MR. SUTTON: Yes.

9 SECRETARY KEY: Ms. McFetridge.

10 MS. McFETRIDGE: Yes.

11 SECRETARY KEY: Ms. Woods.

12 MS. WOODS: Yes.

13 SECRETARY KEY: Ms. Newton.

14 MS. NEWTON: Yes.

15 SECRETARY KEY: Ms. Chambers.

16 MS. CHAMBERS: Yes.

17 SECRETARY KEY: Dr. Hill.

18 DR. HILL: Yes.

19 SECRETARY KEY: Seven yea's, zero nay's.

20 CHAIRMAN DEAN: Motion passes for Mary
21 Lancaster.

22 MOTION/VOTE RE: DAREON LANCASTER (A-7)

23 CHAIRMAN DEAN: Do we have a motion for Dareon
24 Lancaster?

25 DR. MOORE: I make a motion to approve the

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transfer of Dareon Lancaster.

DR. HILL: Second.

CHAIRMAN DEAN: We have a motion by Dr. Moore,
seconded by Dr. Hill. And we'll do roll-call.

SECRETARY KEY: Dr. Moore.

DR. MOORE: Yes.

SECRETARY KEY: Mr. Sutton.

MR. SUTTON: Yes.

SECRETARY KEY: Ms. McFetridge.

MS. McFETRIDGE: Yes.

SECRETARY KEY: Ms. Woods.

MS. WOODS: Yes.

SECRETARY KEY: Ms. Newton.

MS. NEWTON: Yes.

SECRETARY KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

SECRETARY KEY: Dr. Hill.

DR. HILL: Yes.

SECRETARY KEY: Seven yea's, zero nay's.

CHAIRMAN DEAN: Motion passes for Dareon
Lancaster.

Congratulations, Mr. Lancaster.

MR. LANCASTER: Thank you.

CHAIRMAN DEAN: Thank you, Mr. McLaughlin, for
-- McLaughlin, for joining us today.

1 MR. McLAUGHLIN: Thank you. Thank you for your
2 time.

3 CHAIRMAN DEAN: Thank you.

4 Okay, let's see. We're moving --

5 MR. DAN DAVIS: [inaudible, not at microphone]

6 CHAIRMAN DEAN: Definitely complicated.

7 A-8: CONSIDERATION OF DISTRICT CONVERSION CHARTER SCHOOL
8 AMENDMENT REQUEST - FAYETTEVILLE VIRTUAL ACADEMY

9 CHAIRMAN DEAN: Okay. We have Ms. Tracy Webb
10 who is doing the Consideration of District Conversion
11 Charter School Amendment Request for Fayetteville
12 Virtual Academy. Welcome.

13 MS. WEBB: Yes, ma'am. Tracy Webb, Charter
14 Unit.

15 On July 14, 2020, representatives from
16 Fayetteville Virtual Academy appeared before the
17 Charter Authorizing Panel to request an amendment to
18 increase the enrollment cap from 500 to 5,000. By a
19 unanimous vote the Panel approved the request. No
20 request for the State Board of Education to review
21 the decision made by the Panel has been submitted.
22 The State Board may exercise a right of review and
23 conduct a hearing on the Charter Authorizing Panel's
24 determination at the next State Board meeting.

25 We do have Dr. Megan Slocum on the Zoom, should

1 you have any questions.

2 CHAIRMAN DEAN: Okay. Thank you.

3 Welcome, Mr. Slocum [sic].

4 DR. SLOCUM: Thank you.

5 CHAIRMAN DEAN: Sorry. Ms. Slocum. Dr. Slocum.

6 Excuse me. I'll get it right in a second.

7 DR. SLOCUM: I'll take any. Thank you.

8 CHAIRMAN DEAN: Do we have any discussion?

9 Okay.

10 MS. CHAMBERS: I had a question.

11 CHAIRMAN DEAN: Okay.

12 MS. CHAMBERS: I'm not sure who to direct it to.

13 It just -- it had to do with the rationale that went
14 with the voting tally, about enrollment cap increases

15 not supported by the parent survey results. And I

16 didn't see the parent survey results in the material

17 --

18 CHAIRMAN DEAN: Right.

19 MS. CHAMBERS: -- and was wondering if anyone
20 could speak to that?

21 DR. SLOCUM: Yes, ma'am. I can, as the
22 district, or if Ms. Webb wants to on her end, either
23 one.

24 MS. WEBB: I think she'll have to furnish it.

25 CHAIRMAN DEAN: Okay. Go ahead, Dr. Slocum.

1 DR. SLOCUM: Yes. So we had an initial plan
2 that we rolled out as a district that did not include
3 a five-day face-to-face option for students; that was
4 rolled back, and we have now created a new survey
5 with that additional option added. So we are in the
6 process of collecting that new data now to determine
7 how many students will fall into each one. The
8 reason that we're asking for this cap, which I think
9 you will hear from other districts asking for the
10 same thing, is to have the flexibility we need to be
11 able to respond to demands that we have on us for
12 Covid-19.

13 CHAIRMAN DEAN: Okay. Any further questions?

14 DR. MOORE: I do.

15 CHAIRMAN DEAN: Okay, Dr. Moore.

16 DR. MOORE: This is more of a Department
17 question. So this is a very unique year in which
18 because of our waivers every district is allowed to
19 have virtual students; students can go all virtual.
20 Is that correct?

21 MS. WEBB: Correct. Yes.

22 DR. MOORE: So in many districts those students,
23 where will they -- their enrollment will just fall in
24 their home school even though they're on virtual; is
25 that correct?

1 MS. WEBB: It will. So, some of our districts
2 do have a district conversion charter, which
3 Fayetteville does. And so if they want to be 100%
4 virtual -- I think sometimes that is a choice that
5 they make to be enrolled in that virtual school and
6 that's usually at least a semester commitment, from
7 what I've heard from how they're handling that.
8 Others are just doing virtual through their regular
9 school district; maybe a teacher is designated per
10 grade level to do virtual. There are lots of
11 different scenarios, but that's kind of how they're
12 doing that.

13 DR. MOORE: So in this case do they even need
14 the enrollment cap, because we've already approved
15 the waivers or --

16 MS. WEBB: So if they're going to be enrolled in
17 their district conversion charter, they will. If
18 those students were still enrolled in their district,
19 they would not need this waiver.

20 DR. MOORE: And this waiver, how many years will
21 it be?

22 MS. WEBB: Their charter actually expires next
23 year, and so they'll be coming back for renewal at
24 the end of -- in December --

25 DR. MOORE: Okay.

1 MS. WEBB: -- for the cap. And so they may
2 rescind that waiver at that time or continue the
3 waiver -- request to continue it.

4 DR. MOORE: Okay. Thank you very much.

5 MS. McFETRIDGE: They're also requesting a grade
6 level increase, aren't they, as well?

7 DR. SLOCUM: Yes, ma'am.

8 MS. McFETRIDGE: Okay.

9 CHAIRMAN DEAN: Any other questions or comments?

10 Dr. Slocum, did you have anything you wanted to
11 add or present?

12 DR. SLOCUM: No, ma'am. We're excited about
13 this school year and ready to get started.

14 CHAIRMAN DEAN: Okay. Thank you.

15 SECRETARY KEY: If I may, Dr. Slocum -- good
16 morning -- would -- could you share -- I know you
17 probably don't have all your results back yet from
18 the latest survey. But do you have an estimation of
19 what the impact will be? Because one of the concerns
20 that had been voiced by educators and others in the
21 community was the issue with social distancing. If
22 you -- of course, just to remind the Board, you know,
23 in our clarification we are not insisting that the
24 schools be open for full capacity, but rather that
25 those students that need to be on campus that it is

1 available for them to be on campus. But, Dr. Slocum,
2 in your preliminary numbers that you're getting
3 coming back, I mean what does that look like as far
4 as the impact on the reduced number of students that
5 would be on campus?

6 DR. SLOCUM: I think what we're going to see is
7 a mix between. The reason that we came forward
8 initially with this request, one, to lower the number
9 of grades served K-12, and then to expand the numbers
10 that we could potentially accept so that parents have
11 as much flexibility as possible. We also knew that
12 our charter was up for renewal. So we anticipate
13 that we will be able to either lower or then justify
14 those numbers when we come back before the Charter
15 Authorizing Panel in December.

16 SECRETARY KEY: And as it relates to the number
17 of students that -- it looks like you might be having
18 --

19 DR. SLOCUM: At the virtual.

20 SECRETARY KEY: -- on campus your -- this is
21 going to have an impact. This increase is going to
22 have an impact on what you can expect at the various
23 building levels; is that correct?

24 DR. SLOCUM: Correct. And so in our efforts to
25 try to socially distance, that's the reason we were

1 trying to give as many options to parents as
2 possible. They are still making those decisions.
3 Once we have that data, then we'll be able to put
4 each of those in those various categories and know
5 what our numbers are and then be able to report that
6 back to the Charter Authorizing Panel in December and
7 then you guys in January, to then really know what
8 our number needs to be.

9 SECRETARY KEY: Okay. Thank you.

10 DR. SLOCUM: Thank you.

11 CHAIRMAN DEAN: Thank you.

12 Any further discussion, questions?

13 Ms. Chambers.

14 MS. CHAMBERS: Just an observation -- it just
15 seems like it would be so very difficult to predict
16 where the students will be this fall, and my guess is
17 it could change over the course of the fall. So in
18 terms of planning and in terms of even where the
19 dollars go to the schools, how does that work when it
20 is as fluid as it is right now?

21 SECRETARY KEY: So with respect to the dollars,
22 you know, that's a determination based on ADM
23 calculations and we will have a better idea in the
24 fall as to what -- and October is typically the time
25 that we start getting those numbers. So there will

1 be some weeks that there could be some fluctuations.
2 So we're looking right now at what we can do to
3 support districts in extending the time that they
4 have to report a number, those metrics, so that we
5 can make sure that the data is accurate. You are
6 correct; I mean we may see a very fluid situation
7 over the next several months. But we are -- we have
8 that on our radar to make sure. And then a number of
9 districts and co-ops have reached out to us with
10 concerns about -- you know, they are currently seeing
11 lower pre-registration enrollments and the impact
12 that that could have down the road on school district
13 finances. Those are all things that we are looking
14 at and we'll be monitoring, so that if any
15 adjustments need to be made, either through rule or
16 through statute -- because a number of these things
17 are statutory, then we'll be able to address those
18 when we get into the regular session.

19 CHAIRMAN DEAN: Thank you.

20 Any other questions?

21 If not, then we're ready for a motion for
22 Arkansas -- for Fayetteville Virtual Academy -- to
23 not review, excuse me.

24 MS. NEWTON: Move to not to review.

25 CHAIRMAN DEAN: We have a motion to not review

1 by Ms. Newton.

2 Seconded? Do we have a second?

3 MS. CHAMBERS: Second.

4 CHAIRMAN DEAN: Seconded by Ms. Chambers.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN DEAN: Any opposed?

8 Seeing none, motion passes.

9 And then we're on --

10 DR. SLOCUM: Thank you very much.

11 CHAIRMAN DEAN: Thank you. Have a good day.

12 DR. SLOCUM: Yes, ma'am. You too.

13 A-9: CONSIDERATION OF OPEN-ENROLLMENT CHARTER SCHOOL AMENDMENT
14 REQUEST - ARKANSAS VIRTUAL ACADEMY

15 CHAIRMAN DEAN: Then we'll move on to Number 9,
16 Consideration of Open-Enrollment Charter School
17 Amendment Request for Arkansas Virtual Academy.

18 MS. WEBB: In July, representatives from the
19 Arkansas Virtual Academy appeared before the Charter
20 Authorizing Panel requesting an amendment to increase
21 the enrollment cap from 3,000 to 4,000. By a
22 unanimous vote the Panel approved the request. No
23 request for the State Board to review the decision
24 made by the Panel was submitted. The State Board may
25 exercise a right of review and conduct a hearing on

1 the Charter Authorizing Panel's determination at the
2 next State Board meeting.

3 Amy Johnson, superintendent of Arkansas Virtual
4 Academy, is on the Zoom should you have any
5 questions.

6 CHAIRMAN DEAN: Thank you.

7 Welcome. Do you have any comments or anything
8 you'd like to say, Ms. Johnson?

9 SUPT. JOHNSON: I'm here. Good morning.

10 CHAIRMAN DEAN: Good morning.

11 SUPT. JOHNSON: Thank you so much. No general
12 comments from me. I'd be happy to field questions
13 from the Board as you would have them for me.

14 CHAIRMAN DEAN: Okay. Thank you.

15 Do we have any questions for Ms. Johnson --
16 questions or --

17 Ms. Newton.

18 MS. NEWTON: Just out of just kind of curiosity,
19 are you having to add teachers this year because of
20 your increase in cap?

21 SUPT. JOHNSON: Yes. That's a --

22 MS. NEWTON: And so -- go ahead.

23 SUPT. JOHNSON: -- profound yes.

24 MS. NEWTON: Okay. Tell me about the training
25 for those teachers?

1 SUPT. JOHNSON: Absolutely. So we have an
2 intensive new teacher training that we're conducting.
3 And typically we would do that face-to-face; we
4 actually do hold most of our teacher trainings face-
5 to-face, so we have shifted those to virtual. So we
6 conduct not only teacher training for expectations
7 for the school but for platforms. As you can
8 imagine, in our environment there's multiple
9 platforms that our teachers need to be astute and
10 capable to be able to utilize for our students. The
11 other very strong thing that we do is connect them
12 immediately, on day-one, with a mentor within our
13 school district -- a long-term virtual teacher who
14 has been successful and has high observation ratings
15 with us -- and they walk hand-and-hand; they walk
16 together to set up classes. That mentor teacher will
17 actually step into some of the new teacher's classes
18 in the first week of school, and the new teacher will
19 have a chance to observe the returning teacher as
20 well. So we have a pretty good structure of making
21 that transition, not only to that virtual environment
22 but also to our staff culture and to the expectations
23 of service that we want for our families.

24 MS. NEWTON: Okay. And along those same lines,
25 we're going to have a lot of parents and students

1 this year that are going to be completely new to the
2 virtual environment. What training are you looking
3 at for giving -- to giving parents and students
4 coming into this?

5 SUPT. JOHNSON: Absolutely. Great question. So
6 it's very much exactly the same. We have some peer
7 learning coaches that we partner up -- more
8 experienced learning coaches.

9 We're actually getting ready to launch some
10 parent shadowing opportunities, much like a job
11 shadow, where a new parent can shadow a current
12 learning coach that has experience. And we're really
13 working to partner them with their individual
14 experiences. If they have elementary students -- we
15 have a parent who has five children in our school at
16 all three building levels, and so she's a great one
17 to pair with another parent who's really addressing
18 the needs of students at multiple grade levels. So
19 we do those sorts of opportunities for our parents.

20 We also have orientations that happen for our
21 students where we bring them in, introduce them to
22 platforms, really let them play around -- they're
23 very tech savvy, so they usually get it quicker than
24 we can even explain it -- and get them comfortable
25 even before they have their first day of class.

1 We're doing some meet-and-greet opportunities so
2 that students can actually virtually meet other
3 virtual students from across the state, the different
4 areas, so that someday when we're not dealing with
5 Covid we can connect students face-to-face for some
6 of our outings and they'll already have those
7 relationships.

8 And then we also have an advisor program. Every
9 single one of our families has a single point of
10 contact advisor who is their go-to person for any
11 question that they have, and that advisor champions
12 any needs that the parent has or the student has, any
13 struggles that they have.

14 So a pretty rich scaffolded structure of
15 assistance for those new families as well.

16 MS. NEWTON: Have any of the districts around
17 the state reached out to you as far as giving some
18 extra help and advice in charting new territory for
19 all of us?

20 SUPT. JOHNSON: Yes, absolutely. So we partner
21 with multiple districts; we have Zoom sessions for
22 teachers to -- you know, the platforms are all over
23 the place, so not all platforms mesh for platform
24 training. But, definitely, we've worked with
25 teachers and staff to help them understand the

1 difference -- the different mindset of a virtual
2 student. Because there is a little something
3 different that happens in the brain of a student when
4 they're being educated virtually -- how you bridge
5 that gap, how you create that engagement -- because
6 that's very different when you can't see that student
7 in front of you every day and check on them. So
8 we've done some of those pieces.

9 We've collaborated with the Department on how we
10 conduct our testing and proctor our testing to make
11 sure we have valid results, even when we can only be
12 virtual.

13 We've also worked with the Department for
14 Special Education Services, how are we conducting IEP
15 meetings and assessments and making sure we're
16 meeting the needs of our special needs population.

17 So we've basically thrown out a blanket and
18 said, "Anybody who wants to know how we do it we'll
19 be perfectly transparent and let you know how, you
20 know, we're clicking things off to make sure that we
21 meet the needs of everyone involved." So we've had
22 several folks that have taken us up on that and we've
23 tried to extend that hand to anybody that's
24 interested.

25 MS. NEWTON: And I'm sure it's very much

1 appreciated. Thank you.

2 CHAIRMAN DEAN: Thank you, Ms. Johnson.

3 Do we have any more questions?

4 DR. MOORE: I do.

5 CHAIRMAN DEAN: Dr. Moore.

6 DR. MOORE: Yes. First, for the Department,
7 what is the length of this waiver?

8 MS. WEBB: So this waiver will be through --
9 their charter expires on 6/30/25.

10 DR. MOORE: So this enrollment increase would
11 continue for that full period of time?

12 MS. WEBB: It would.

13 DR. MOORE: Okay. Second to that, I know this
14 is a very unique time, and so I am interested in how
15 many students do you all have on a waitlist for this
16 school year?

17 SUPT. JOHNSON: So we are currently active at
18 3,688; so clearly, until the State Board gives final
19 approval those 688 are waiting for final word to be
20 included. And then we have 1,532 applications that
21 are currently in process. And right now -- when
22 you're a virtual school sometimes families fill out
23 applications, much like you and I would shop on
24 Amazon. They'll fill out an application and put it
25 in the cart, and sometimes they come back and

1 complete that application and sometimes they don't.
2 So right now those applications are transferring to
3 active students at about a 40% rate; so of that 1,532
4 we expect that roughly 613 of them will become active
5 students. So we're increasing enrollment by an
6 average of 100 to 150 a week right now. So we are
7 looking at being close to cap by the end of the first
8 week of school.

9 DR. MOORE: Do you all provide students with
10 devices and connectivity?

11 SUPT. JOHNSON: We do. Based on -- for reduced
12 lunch we do collect that data on our families and
13 provide laptops for those students that meet the
14 income requirements. At the same time, the Arkansas
15 Virtual Academy board has also committed that they
16 will not deny a student a computer. So if we have a
17 student that does make a request, you know, as long
18 as we know about it and we can meet that request
19 we're going to do that. So we do provide that.
20 We're very happy to provide the hotspots through the
21 provision of the Department of Ed. And we also
22 provide a stipend for our families, a yearly family
23 stipend to help cover the cost of internet. And then
24 we also have a family resource council that works
25 with our families if they do have any issues with

1 internet that become a barrier to help them find free
2 resources and opportunities in their geographical
3 area to insure that they have connectivity.

4 DR. MOORE: Thank you. I think -- I know this
5 is not a hearing today, and we're voting whether or
6 not to have a hearing, and I will vote at the
7 appropriate time for it. But I do -- I did notice
8 that, unfortunately, y'all have dropped in the past
9 couple of years from a C to a D rating. And I know
10 that y'all are working hard, and I want to see that
11 go up, especially as you get more students, knowing
12 that in this unprecedented time we have a lot of
13 families that will be doing online education.

14 SUPT. JOHNSON: Yes, absolutely. And that's our
15 commitment that even with the increase in enrollment
16 that the academic rigor and growth will still be in
17 place. We were able -- because we did not have to
18 cancel classes in the spring we were able to continue
19 with our students; we were able to complete a full
20 range of beginning, middle, and end of year
21 assessments with Star 460. And so we do have data
22 that shows that our students grew at about a 20%
23 higher rate this year than last year, and so we do
24 feel like some of the pieces that we've put in place
25 are turning the tide on that academic piece that

1 we've really been focusing on. We're really focusing
2 on making sure that all of our students are growing
3 at least a year, and then those students that need to
4 close that gap are making more than that year's
5 growth. So we had about 62% of our students who made
6 more than one year's growth last year, which is
7 mirroring the same amount of students that come to us
8 in the two lower bands of ACT Aspire. So we're happy
9 about that percentage because we do think it mirrors
10 those -- that same student population that we know we
11 need to grow at a faster rate to get them back on
12 track.

13 DR. MOORE: Thank you.

14 SUPT. JOHNSON: You're welcome.

15 CHAIRMAN DEAN: Thank you, Ms. Johnson.

16 Anyone else, any more questions or comments or
17 discussion?

18 If not, then I'm ready for a motion to either
19 review or not to review.

20 MS. NEWTON: Move not to review.

21 CHAIRMAN DEAN: We have a motion to not review
22 by Ms. Newton.

23 Do I have a second?

24 MS. CHAMBERS: Second.

25 CHAIRMAN DEAN: Seconded by Ms. Chambers.

1 All in favor say "aye."

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN DEAN: All opposed?

4 Seeing none, motion passes.

5 Number 10 -- thank you, Ms. Johnson. We
6 appreciate you joining us today.

7 SUPT. JOHNSON: Thank you.

8 CHAIRMAN DEAN: Have a good one.

9 A-10: CONSIDERATION OF DISTRICT CONVERSION CHARTER SCHOOL
10 AMENDMENT REQUEST - DON TYSON SCHOOL OF INNOVATION (SPRINGDALE
11 SCHOOL DISTRICT)

12 CHAIRMAN DEAN: We'll move on to number 10 and
13 that's Don Tyson School of Innovation. Ms. Webb.

14 MS. WEBB: In July, representatives from the Don
15 Tyson School of Innovation in Springdale School
16 District appeared before the Charter Authorizing
17 Panel requesting an amendment to increase the
18 enrollment cap from 2,000 to 8,000. By a unanimous
19 vote the Panel approved the request. No request for
20 the State Board of Education to review the decision
21 has been made by the Panel -- made by the Panel was
22 submitted. The State Board may exercise a right of
23 review and conduct a hearing on the Charter
24 Authorizing Panel's determination at the next State
25 Board meeting.

1 Ms. Kendra Clay has been the contact for the
2 district, but I think she has a replacement today
3 that is on the Zoom to answer any questions.

4 CHAIRMAN DEAN: Okay. Thank you.

5 May I ask who is the representative for Don
6 Tyson? Is it --

7 DR. SMITH: Yes. Yes. Marcia Smith, Associate
8 Superintendent.

9 CHAIRMAN DEAN: Marcia Smith. Nice to meet you
10 and thank you for being here today.

11 Do you have any comments or presentation or
12 anything that you'd like to say?

13 DR. SMITH: Just the comment, we are slowly
14 taking all the students in our district that are
15 currently requesting a virtual experience and we are
16 moving them to our Don Tyson School of Innovation.
17 And so currently our numbers reflect that we have
18 approximately 2,637 students that are enrolled in our
19 DTSOI experience, and that will be in addition to the
20 other students that are attending face-to-face.

21 CHAIRMAN DEAN: Okay. Thank you.

22 Do we have any questions or discussion?

23 Ms. Chambers.

24 MS. CHAMBERS: Ms. Smith, I just had a question
25 about maybe where the 23,000 -- where we first came

1 up with that cap and then adjusted it to eight, just
2 some of the thinking behind those numbers?

3 DR. SMITH: So we wanted to make sure when we
4 originally put our request in that we can guarantee
5 that every single student had an opportunity to have
6 a virtual experience, if so chosen by their parents,
7 which would've been all 23,000 of our students. At
8 the same time, Don Tyson School of Innovation can
9 house 2,000 students face-to-face. So when we were
10 requesting that, that was with the possibility of
11 more students going virtual. We're glad we requested
12 it because we did have quite a few students in our
13 district that requested the virtual experience. That
14 does not include the students throughout the district
15 that are choosing a blended model.

16 MS. CHAMBERS: Thank you.

17 CHAIRMAN DEAN: Thank you, Ms. Smith.

18 Did you have a question, Ms. Newton?

19 MS. NEWTON: About what percent of your students
20 are choosing to go completely virtual?

21 DR. SMITH: So we currently have a little under
22 3,000; so 2,600 students approximately -- so, you
23 know, one-seventh of our students.

24 MS. NEWTON: Okay. And then the blended model,
25 are you having quite a few that way?

1 DR. SMITH: So we -- depending on the grade
2 level and depending on the school -- as you know, we
3 have 31 different schools across the district. We
4 have some that are as low as 20% choosing the blended
5 model and we have some schools where there's almost
6 51% or 52% choosing a blended model. And, remember,
7 our blended model means they have two choices for the
8 blended model: they can come Mondays, Wednesdays, and
9 Fridays and then learn remotely Tuesdays and
10 Thursday, or vice-versa. So we actually really have,
11 you know, four different options for students.

12 MS. NEWTON: Okay. Thank you.

13 MS. McFETRIDGE: So, Dr. Smith, you did not need
14 to change your grade level status on the Don Tyson
15 School of Innovation, if I understand that right?

16 DR. SMITH: Our original application had grades
17 K through 12. However, in the virtual we had used
18 grades K through 6; we expanded it to include those.
19 But they were already approved originally.

20 MS. McFETRIDGE: Okay.

21 DR. SMITH: We were just now putting it into
22 place.

23 MS. McFETRIDGE: Okay. Thank you.

24 CHAIRMAN DEAN: Any other questions?

25 Dr. Moore.

1 DR. MOORE: I do. As we're looking at other
2 districts, do y'all have teachers in your district
3 that solely teach virtual at Don Tyson?

4 DR. SMITH: So we have -- just to give you
5 numbers, we have a little over 1200 elementary
6 students and about the same secondary students. So
7 what we did, when we had that shift to DTSOI that
8 decreased the number of teachers in the buildings; we
9 actually relocated them to be housed at Don Tyson
10 School of Innovation. And we are right now working
11 with teachers who are teaching specific grade bands;
12 so we have students -- teachers teaching just 1st,
13 2nd, 3rd. One of the things we did try to do was if
14 there was a large enough number of students in a
15 grade band from a particular school then a teacher
16 from that school is teaching those students
17 vertically -- or virtually. The other thing is we
18 hope in January -- we're hoping everything is going
19 to be back to normal, as normal as it can be. And if
20 at that time they choose to go back to their original
21 school or zoned school, then that will be an option.

22 DR. MOORE: Okay. Thank you.

23 CHAIRMAN DEAN: Any other questions, comments or
24 discussion?

25 Okay. At this time we're ready for a motion to

1 review or not to review.

2 MS. McFETRIDGE: I'll make a motion not to
3 review.

4 CHAIRMAN DEAN: We have a motion to not review
5 by Ms. McFetridge.

6 Do we have a second?

7 MS. CHAMBERS: Second.

8 CHAIRMAN DEAN: Seconded by Ms. Chambers.

9 All in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN DEAN: Any opposed?

12 Seeing none, the motion passes.

13 MS. SMITH: Thank you.

14 CHAIRMAN DEAN: Thank you, Dr. Smith. Have a
15 great day.

16 A-11: CONSIDERATION OF OPEN-ENROLLMENT CHARTER SCHOOL

17 AMENDMENT REQUEST - NORTHWEST ARKANSAS CLASSICAL ACADEMY

18 CHAIRMAN DEAN: All right, Ms. Webb.

19 MS. WEBB: In July, representatives from the
20 Northwest Arkansas Classical Academy appeared before
21 the Charter Authorizing Panel requesting an amendment
22 to open a new campus in the Rogers School District
23 and to increase the cap from 1500 to 2500, all before
24 the 2022-23 school year. By a unanimous vote the
25 Panel approved the decision. No request for the

1 State Board of Education to review the decision made
2 by the Panel was submitted. The State Board may
3 exercise a right of review and conduct a hearing on
4 the Charter Authorizing Panel's determination at the
5 next State Board meeting.

6 Mr. Steven Gast is on the Zoom should you have
7 any questions; he's the superintendent.

8 CHAIRMAN DEAN: Thank you. Welcome, Mr. Gast.

9 SUPT. GAST: (inaudible, on mute)

10 CHAIRMAN DEAN: We're not able to hear you.

11 SUPT. GAST: There we go.

12 CHAIRMAN DEAN: Okay, there we go.

13 SUPT. GAST: How about now? Thank you.

14 CHAIRMAN DEAN: Yes. Welcome.

15 Do you have anything to add to the presentation
16 or to comment?

17 SUPT. GAST: No, not at this time. Thank you.

18 CHAIRMAN DEAN: Okay. Thank you.

19 Do we have any questions or discussion from the
20 Board?

21 Dr. Moore.

22 DR. MOORE: Yes, I do for the Department.

23 So I noticed on the sheet it said that they
24 didn't go through the typical process of requesting a
25 new location; is that correct? What is the --

1 CHAIRMAN DEAN: I noticed that as well.

2 MS. HYATT: Dr. Moore, I'm not exactly sure what
3 you're looking at. But there are a couple of
4 different ways that charter schools can get new
5 campuses. One way is they can go through the entire
6 process again and submit for a separate charter. The
7 other way is they can ask for a license, which is
8 essentially what they've done here -- which is we
9 already operate a charter school, we have a charter
10 with the State, and the law allows them to get a
11 license for another campus. So I believe the comment
12 at the Charter Authorizing Panel was a question to
13 ResponsiveEd why didn't you do this as a separate
14 charter. But, for instance, I'll use the Haas Hall
15 example: they now have four campuses -- Rogers,
16 Springdale, Bentonville, Fayetteville -- all under
17 one charter.

18 DR. MOORE: Okay.

19 MS. HYATT: And so ResponsiveEd, they operate
20 the Premier Schools, the Northwest -- no, not the
21 Northwest Arkansas Classical -- the Classical
22 Academies and used to have the Quest Schools here,
23 and so they do have different charters for their
24 different models.

25 DR. MOORE: Okay. So this enrollment cap, is it

1 for the Bentonville campus or for the Rogers campus,
2 or both?

3 MS. HYATT: So it's for their entire charter.
4 And Tracy will have to help me remember which exact
5 schools are under the charter. But when you do a
6 license the enrollment cap is for the charter as a
7 whole. So if you're going to add a campus you have
8 to increase the enrollment cap for the entire charter
9 to account for the new students, unless you have such
10 a high enrollment cap already that -- and you're not
11 at your maximum that you would have space for them.

12 DR. MOORE: Okay.

13 MS. HYATT: But that's pretty typical when
14 you're asking for a license to also ask for an
15 increase in enrollment cap.

16 DR. MOORE: Okay, great. And this says that
17 they still went -- I mean they still went through the
18 Charter Authorizing Panel and they did the whole
19 hearing on it?

20 MS. HYATT: Yes. They just didn't submit a new
21 charter application and go through the new charter
22 application. But the law absolutely allows them to
23 do it this way and request a license.

24 DR. MOORE: Okay. That makes sense. Thank you.

25 CHAIRMAN DEAN: Thank you, Ms. Hyatt.

1 Any other questions, comments, discussion?

2 Okay. If not, then we're ready for a motion to
3 approve -- I mean to --

4 SECRETARY KEY: Review --

5 CHAIRMAN DEAN: -- review -- thank you -- or not
6 to review.

7 MS. CHAMBERS: Move to not review.

8 MS. WOODS: Second.

9 CHAIRMAN DEAN: Moved to not review by Susan
10 Chambers, seconded by Ms. Adrienne Woods.

11 All in favor say "aye."

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN DEAN: Any opposed?

14 Seeing none, motion passes.

15 Let's see, where are we?

16 SUPT. GAST: Thank you.

17 CHAIRMAN DEAN: Thank you, Mr. Gast. You have a
18 great day. Appreciate your time.

19 All right. Let's see, I have to get back to my
20 agenda.

21 Okay. That was the last one as far as the
22 enrollment charter school amendments. I think this
23 is a great time for us to take a break. I believe
24 lunch should be almost ready. And then we will
25 reconvene at 12:30 -- 12:30.

1 Do I have a motion to recess?

2 MS. McFETRIDGE: So moved.

3 MS. CHAMBERS: Second.

4 CHAIRMAN DEAN: We have a motion by Ms.

5 McFetridge, seconded by Ms. Chambers.

6 All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN DEAN: Any opposed?

9 Seeing none, motion passes. Let's go to lunch.

10 (LUNCH BREAK: 11:50 A.M. - 12:36 P.M.)

11 A-12: DELAYED SCHOOL START DATES

12 CHAIRMAN DEAN: All right. We're going to come
13 back to order for our State Board meeting. We are on
14 Number 12, which is Delayed School Start Dates, and
15 the presenter will be Ms. Lori Freno.

16 MS. FRENO: Thank you, Ms. Dean. Lori Freno,
17 Arkansas Department of Education.

18 If it is acceptable to you, this is kind of a
19 two-part item and I'll ask that there be two votes.
20 And I'd like to present it in two parts, if I may,
21 for clarity.

22 CHAIRMAN DEAN: Okay.

23 2020-2021 SCHOOL YEAR START DATE

24 MS. FRENO: On July 9th of 2020, Governor
25 Hutchinson announced that due to the ongoing health

1 emergency due to the impact of Covid-19 that Arkansas
2 public schools would delay their planned start time
3 until the week of August 24th and that schools would
4 then open either on the 24th, 25th, or 26th of
5 August. It is expected that all schools will begin
6 with onsite instruction at the beginning of the
7 school year and implement a blended learning system
8 that provides for teacher and student interaction,
9 using both face-to-face and technology instruction,
10 while also planning for contingencies. Schools may
11 also, of course, as been discussed today, offer a
12 fully virtual option. This new start date will allow
13 families time to make informed choices based upon
14 district plans and additional time for districts to
15 prepare for a safe return.

16 I put a copy of Arkansas Code Annotated 6-11-105
17 in your packet. And under that section the State
18 Board is empowered to take actions as it may deem
19 necessary to promote the physical welfare of school
20 children. And it is under that provision that the
21 Division respectfully requests that this board order
22 that the school year not begin until the week of the
23 24th, with the start date being either the 24th, 25th
24 or 26th.

25 And if you have any questions, I'd be happy to

1 answer them.

2 CHAIRMAN DEAN: Okay. Do we have any questions
3 or comments, discussion?

4 Okay. So then we are looking for -- I'm looking
5 for a motion to approve the start date --

6 MS. FRENO: A motion to -- well, I would say a
7 motion requiring that schools not start until --

8 CHAIRMAN DEAN: A motion requiring that school
9 -- the school year begins the week of the 24th,
10 beginning on either the 24th, 25th, or 26th.

11 Do I have a motion?

12 MS. NEWTON: (inaudible, on mute)

13 CHAIRMAN DEAN: Okay.

14 MS. NEWTON: (inaudible, on mute)

15 I know we had some school districts that went to
16 having an option of going year-round. How does this
17 affect them?

18 SECRETARY KEY: Districts that had previously
19 established that calendar could continue with that
20 calendar.

21 MS. NEWTON: Okay.

22 SECRETARY KEY: I'll give you an example. Mr.
23 Sutton represents a district that had planned to move
24 to such a calendar, but I believe they delayed that
25 because of the situation this year. Right, Mr.

1 Sutton? And so -- and also with charters having --
2 or, sorry -- this is really affecting those 1240
3 waiver schools that we provided three years ago --
4 you know, that got the blanket waiver.

5 MS. NEWTON: Right.

6 SECRETARY KEY: So this really focuses on them.
7 We also had districts that have adopted four-day
8 schools -- four-day school weeks under another
9 section of the statute. And this did not impact
10 anything to do with those four-day school districts.

11 MS. NEWTON: Okay. Thank you.

12 CHAIRMAN DEAN: Dr. Moore.

13 DR. MOORE: I do have a question on that.

14 So are we revoking this charter [sic]
15 permanently? Will they have to come back to the
16 Board in future years to start earlier?

17 SECRETARY KEY: Yes, this waiver is being
18 revoked. If you look at the calendar, next year
19 August 13th falls on Friday and the following year it
20 falls on a Saturday.

21 DR. MOORE: Okay.

22 SECRETARY KEY: And so really from a -- we --
23 the mistake was mine in allowing that five-year
24 waiver to come before previously, because, frankly, I
25 didn't look far enough out in the calendar to see

1 what the impact was in that year four and five. So
2 really it's -- there's not going to be much
3 operationally that will change.

4 DR. MOORE: Okay. And, secondly, I think based
5 on -- I know some districts are opting to phase in
6 students, certain students. Is that because of our
7 previous steps -- because of our previous waivers
8 that we approved? Is that correct?

9 SECRETARY KEY: The phasing in or -- you know,
10 the way we look at the first week of school in normal
11 years is kind of a transitional week anyway, and many
12 districts have flexible start times, you know, of the
13 day, dismissal at different times, early dismissals.
14 So we don't view that as anything contrary.

15 DR. MOORE: Okay. So they'll be able to do
16 that. Okay. Thank you.

17 CHAIRMAN DEAN: Any more questions?

18 Okay. Then I'll wait for a motion.

19 DR. MOORE: Move to approve.

20 CHAIRMAN DEAN: Okay. We have a motion to --
21 for schools to begin their school year the week of
22 the 24th.

23 Do I have a second?

24 MS. NEWTON: Second.

25 CHAIRMAN DEAN: Seconded by Ms. Newton.

1 All in -- I'm sorry.

2 SECRETARY KEY: And just for board clarity, what
3 we're asking for from this vote is just an
4 affirmation of what had been established or what had
5 been set forth by the Governor.

6 MS. FRENO: And also for clarity, this -- the
7 start date only applies to this school year. That's
8 the only -- that's what we're asking for. We're kind
9 of mixing waivers in a little bit with the start
10 date, but this -- the first half of this applies only
11 to start -- to the start date that the Governor has
12 stated under his emergency powers for this year.

13 CHAIRMAN DEAN: Okay. So we have a motion by
14 Dr. Moore and second by Ms. Newton.

15 All in favor say "aye."

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRMAN DEAN: Any opposed?

18 Seeing none, motion passes.

19 MS. FRENO: Thank you, Ms. Dean.

20 1240 WAIVERS FOR EARLY START DATE

21 MS. FRENO: And the second half is, as we were
22 discussing, the Act 1240 waivers. They were -- there
23 were many that were granted in mass quite awhile ago
24 that had to do with allowing schools to start earlier
25 than what is allowed in the law. And at this point

1 -- on July 7th, Secretary of Education notified
2 during the Governor's press conference that he would
3 be asking the Board to rescind in whole these waivers
4 for early start in the future. Now, certainly, if a
5 school later needed -- wanted these waivers for any
6 reason they can come back before the State Board and
7 request it. But at this point we're respectfully
8 requesting that the Board revoke the early start
9 waivers under its authority set forth in the Act 1240
10 rules.

11 CHAIRMAN DEAN: Okay. Any questions or comments
12 or discussion?

13 Okay. Then I'm looking for a motion to wholly
14 rescind -- rescind in whole the early start -- the
15 1240 waivers.

16 MS. CHAMBERS: So moved.

17 CHAIRMAN DEAN: Moved by Ms. Chambers.

18 Do I have a second?

19 DR. MOORE: Second.

20 CHAIRMAN DEAN: Seconded by Dr. Moore.

21 All in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN DEAN: Any opposed?

24 Seeing none --

25 MS. FRENO: Thank you, Ms. Dean.

1 CHAIRMAN DEAN: Thank you. Thank you, Ms.
2 Freno.

3 A-13: CONSIDERATION OF NEW STATE BOARD OF EDUCATION OPERATING
4 PROCEDURES

5 CHAIRMAN DEAN: Okay. Now we have Ms. Mary
6 Claire Hyatt on the Consideration of the New State
7 Board of Education Operating Procedures.

8 MS. HYATT: Thank you, Ms. Dean.

9 These are more or less the exact same ones that
10 were on the agenda last month. I did go in, like I
11 said I was going to, and fix the issue with the
12 Department versus Division, Secretary versus
13 Commissioner, and clear all of that language up. If
14 additional changes need to be made based on any
15 feedback that you have now we can bring them back
16 next month or we can move forward with adopting them.

17 Any amendments to these procedures have to pass
18 by a three-fourths vote of the Board, just to let you
19 know before you start.

20 CHAIRMAN DEAN: All right. So do we have any
21 questions, comments, discussion?

22 MS. McFETRIDGE: I do.

23 CHAIRMAN DEAN: Ms. McFetridge.

24 MS. McFETRIDGE: I believe it was in December we
25 passed kind of a special public comment resolution --

1 I don't know if it was a resolution. And I'm
2 wondering if parts of this we may want to put in the
3 operating procedures, the piece that it talks about
4 the public comment period is not a time to ask
5 questions to State Board members, to single out a
6 particular member or members for ridicule, harassment
7 or to disrupt the State Board proceedings. This may
8 not certainly be necessary often, but in December --
9 I believe it was December, maybe November we had to
10 jump in there and pass this. And my point is the
11 perception may be if we do it during -- when we're
12 having more controversy in our meetings -- I felt
13 like we were singling out a certain group or maybe
14 even a single person, and to me that would avoid
15 that, if we put this now in our operating procedures.
16 Does that make sense?

17 MS. HYATT: Sure. And certainly it's the will
18 of the Board. These operating procedures are
19 supposed to help the Board operate smoothly and help
20 the meetings run smoothly. So if the Board wants to
21 add that information in, I'm more than happy to go
22 back, and we can bring them back in September -- wait
23 -- yeah, September. I'm getting all my months
24 confused now.

25 I will say certainly what is written in the

1 public comment section now would allow the Board to
2 have those exact -- as it did last year, two years
3 ago, when we've had those more contentious meetings
4 -- allow the Board -- those are kind of general rules
5 of public comment that are -- that the Board
6 certainly has the authority to state before any
7 meeting. But if everyone is more comfortable with me
8 putting them in the operating procedures, I'm happy
9 to do that.

10 MS. McFETRIDGE: So I think it also lets our
11 public know what we expect in, you know, conducting
12 business that's not disruptive in the middle of our
13 process, you know. But I don't know. I'd be
14 interested to hear other thoughts on this.

15 CHAIRMAN DEAN: Go ahead, Commissioner.

16 SECRETARY KEY: Yeah. Thank you, Madam Chair.

17 I guess one thing to that point, there were some
18 concerns when y'all adopted those limitations about,
19 you know, any types of violations of First Amendment,
20 Free Speech type issues. So I know that was -- that
21 point was raised. I think we modified those
22 subsequently. And so I would just remind the Board
23 that we would need to be careful how restrictive that
24 language would be so as to not come across as
25 violating any First Amendment rights.

1 MS. HYATT: Yes. Thank you, Secretary Key.

2 CHAIRMAN DEAN: To Ms. Hyatt's point, I think if
3 you -- if everyone feels comfortable that the
4 language that's in there currently covers allowing
5 our business to continue at the same time of allowing
6 public comment --

7 MS. HYATT: So there is language in here -- and
8 it was in the previous version of the operating
9 procedures -- that allows the Board to restrict
10 public comment if it becomes repetitive or
11 disruptive. I don't think I actually used the word
12 disruptive, but it certainly -- if it becomes
13 repetitive, if there are too many people, you can
14 number -- you can, excuse me, limit the amount of
15 presentations you will hear by time, by number; of
16 course, never by content.

17 CHAIRMAN DEAN: Right.

18 MS. HYATT: But you do have pretty broad
19 authority to limit public comment to make sure that
20 the board meeting runs smoothly. Of course, that's
21 the goal of any board meeting is to run smoothly.

22 CHAIRMAN DEAN: We hope so.

23 All right. Any more questions or discussion?

24 Ms. Chambers.

25 MS. CHAMBERS: I was just going to -- I like

1 where Ms. McFetridge's comments are coming from --

2 CHAIRMAN DEAN: Uh-huh.

3 MS. CHAMBERS: -- with respect to not singling
4 anyone out, but we're wanting to limit what they have
5 to say. But I very much agree with what I thought
6 Secretary Key was talking about. I think we have a
7 duty to be vulnerable, but still we need to be
8 efficient and effective in our work. But we want
9 people to know that we want to hear the points of
10 view that are different than ours or that would be
11 perceived as different than ours. So I wouldn't
12 suggest limiting the language any more than what is
13 already in there.

14 CHAIRMAN DEAN: Right. Thank you, Ms. Chambers.

15 Anyone else?

16 With that in mind -- I'm sorry; go ahead,
17 Secretary Key.

18 SECRETARY KEY: The Chair always has the right
19 as well to -- if language becomes abusive or
20 inappropriate in some way, the Chair of a body always
21 has the right to put a stop to it. And so I think
22 it's just that discretion that the Chair uses versus
23 something that isn't a written policy of some type of
24 limitation. And maybe Ms. Hyatt can affirm that.
25 I'm not a legal opinion; I'm the Secretary.

1 MS. HYATT: I wish I had a gavel.

2 Yes, that's true. And to some extent in the
3 Officer's section on page 3 it does talk about the
4 Chair being responsible for running the meeting and
5 the Chair does have a responsibility to make sure
6 that the meeting keeps going and that nothing
7 disruptive is happening. I think it's important to
8 post those notices when there's still much public
9 comment, no matter what the topic is, because
10 typically -- like today, we don't have very much
11 public comment so we don't have a need to address it
12 at every meeting. But when we have -- as we've seen,
13 not just with the Little Rock School District but
14 with other issues that have come up over the years
15 and have a lot of public comment at one time, I think
16 no matter what the topic it's important to address it
17 so that the people that are here to give public
18 comment know what the expectations are --

19 CHAIRMAN DEAN: Right.

20 MS. HYATT: -- and know how everything works
21 also, because a lot of people aren't familiar with
22 giving public comment.

23 MS. CHAMBERS: Is our current Chair comfortable
24 with that?

25 CHAIRMAN DEAN: Yes, I am. I'm a firm believer

1 that people should have the opportunity to voice
2 their opinions, as you said so eloquently, whether
3 they're of the same opinion as ours or not. It goes
4 back to that First Amendment, as Ms. Hyatt said -- or
5 Mr. Key said. We want to be able to hear the voice
6 of the community. I want to know what our parents
7 and our educators and our business leaders think and
8 how they're feeling. And as you said, that's part of
9 our role here on the Board is to have the pulse of
10 the community, and the best way to do that is to hear
11 from them personally. However, we have to strike
12 that balance; we have to strike that balance between
13 listening to our community and conducting business
14 and doing it in a respectful and orderly manner.

15 So I'm comfortable with that responsibility. As
16 I said, I want to hear as much public comment as
17 possible, but that's definitely something I think we
18 should look -- consider is making sure that it's not
19 repetitive, it's not disruptive, and that it's
20 respectful and helps us to continue with our
21 business. So, thank you.

22 All right. Ms. Hyatt, what we are ready for is
23 a vote -- or a motion, excuse me, to accept the new
24 Board of Education operating procedures.

25 MS. HYATT: Or not.

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CHAIRMAN DEAN: Or not.

MR. SUTTON: Motion to approve.

CHAIRMAN DEAN: Motion to approve by Mr. Steve Sutton.

MS. WOODS: Second.

CHAIRMAN DEAN: Seconded by Ms. Adrienne Woods.
All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN DEAN: Any opposed?

Seeing none, motion passes.

Thank you, Ms. Hyatt.

MS. HYATT: Sure. And these will be in effect for your next board meeting, so I will make sure you all have an updated final copy. I'll send them out to you so that you all have them and we'll get them updated on the website.

CHAIRMAN DEAN: Sounds good.

(The Action Agenda was concluded at 12:54 p.m.)

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A-2: RACHEL FINNERTY

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