

In The Matter Of:

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

July 23, 2020

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ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION
JULY 23, 2020
10:00 A.M.

(via Livestream/Zoom due to Covid-19)

A P P E A R A N C E S

BOARD MEMBERS:

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

NON-VOTING MEMBERS:

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

DESE LEGAL COUNSEL:

MS. MARY CLAIRE HYATT Attorney

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P R O C E E D I N G S

CHAIRMAN DEAN: Good morning, everyone. Welcome to our July 23, 2020 special board meeting. Thank you all for joining us. I'd like to welcome all of our representatives from the school districts and the parents and the students. Thank you for joining us.

If you would, join me for a moment of silence as we -- I'd just like to do this so that we can have a moment to clear our minds, focus our heart and thoughts on, like I said, why we do what we do, why we're here, and hope that we have wisdom and guidance and clarity of thought, clarity of speech for the tasks that are before us for the day. So if you would, bow your heads -- or, excuse me, just join me for a moment of silence. Thank you.

(A FEW MOMENTS OF SILENCE)

CHAIRMAN DEAN: Okay. Thank you.

All right. So, Ms. Mary Claire Hyatt will come and give us a bit of history on the 3% cap. She's also going to let us know what the procedures are for these particular items. And, here you go.

MS. HYATT: Thank you, Ms. Dean.

So before we get started, I know we have six hearings today. I'll try and be brief because I'm sure everyone is anxiously awaiting their hearing. I

1 was asked last meeting to get a little bit of
2 background history on the 3% cap and also a little
3 bit of information about how the Board has voted on
4 the school choice hearings in the past. So I will
5 just go over that kind of briefly.

6 The 3% cap was included in the school choice law
7 in 2013, when it was passed. And I believe it was
8 kind of a provision that was in there to protect
9 districts from losing too many students each year as
10 that impacts their funding and can impact their
11 staffing and their programmatic offerings. It has
12 been in there since 2013. The only kind of change to
13 this provision has been regarding how you treat
14 sibling groups, how they count towards the 3% cap.
15 At some point they counted as one student for
16 purposes of the 3% cap; then the law was changed now
17 where each student counts individually towards the 3%
18 cap. But if the last student you grant is a sibling
19 you have to let that whole sibling group go.

20 So that's a little bit of history just on why
21 the 3% cap is in the law.

22 The other piece -- so I reviewed all of the
23 school choice appeals since 2013. There are 63 from
24 2013 until last year; I didn't count the ones from
25 this year. Most of these, 40 of them, have to do

1 with desegregation agreements. So in 2013 and 2014,
2 when the law was first passed, almost all of the
3 hearings that came those years had to do with
4 desegregation agreements because they were kind of
5 still -- there are some exemption pieces that were
6 clarified in 2015. Once they were clarified, you
7 stopped seeing so many desegregation appeals. But in
8 2013 and 2014, there were a lot. So, of the 63 only
9 7 have been about the 3% cap. The first was in 2013
10 and it was denied, and then -- there were three in
11 2013 that were denied, and then no 3% cap appeals
12 again until 2017. And since 2017 all of them have
13 been granted, which is 4. So 4 have been granted
14 that are the 3% cap and that impacted Midland, Guy-
15 Perkins, and Malvern. Two students were from
16 Malvern, one student from Guy-Perkins, one student
17 from Midland. And Guy-Perkins was the district that
18 was in front of you last -- not last month -- a
19 couple of weeks ago, with 7 3% cap appeals, and
20 Midland is the district today that all of these
21 students are from.

22 Of the 63, 14 were based on capacity, 9 of which
23 were granted and 5 of which were denied. I will say
24 I didn't go and review the transcripts; I just
25 reviewed the orders. But from the information I got

1 from the orders it seems that if the district that
2 denied based on capacity did not attend the hearing
3 or represented that they were at 100% capacity it's
4 more likely that the Board granted those. And those
5 that said "we're at 90% capacity," it was more likely
6 that the Board granted those appeals. So I'm not
7 saying that's a hard-and-fast rule, but it's
8 something that I did observe while I was reviewing
9 the orders.

10 And then two of them had to do with an
11 application issue, something being marked incorrectly
12 on the application or something getting lost in
13 translation -- one of which was granted and one of
14 which was denied.

15 So that's just a little bit of background
16 information. I hope that that is what you wanted.
17 Of course, if you need additional information or
18 would like me to put something together, please let
19 me know and I'd be happy to do that.

20 MS. CHAMBERS: Ms. Hyatt --

21 MS. HYATT: Yes.

22 MS. CHAMBERS: -- this is Susan Chambers. Could
23 I ask a question? Just could you clarify or say
24 again how we voted relative to the 90%/100%?

25 MS. HYATT: Sure. And I want to just be clear,

1 I don't think it's a hard-and-fast rule that you guys
2 have followed; it's just an observation that I made
3 when reviewing them. But a lot of the capacity
4 appeals that you granted and allowed the student to
5 transfer, it seemed that they were at 90% capacity,
6 or around that, or the district didn't show up to the
7 hearing. The ones that you've granted -- I mean,
8 sorry, denied -- I'm getting my words mixed up -- the
9 ones that you denied and did not allow the student to
10 transfer, for the most part the district represented
11 that they were at 100% capacity. And most of those
12 were White Hall -- almost all of them were White
13 Hall.

14 So I've got a list of all the districts -- I'm
15 happy to send it to you -- and the years, if you're
16 interested in that information. But I won't go into
17 detail now, if that's all right.

18 CHAIRMAN DEAN: Thank you so much, Ms. Hyatt.

19 MS. CHAMBERS: Thank you.

20 CHAIRMAN DEAN: That's great information. We
21 appreciate it.

22 MS. WOODS: Ms. Hyatt, quick question -- this is
23 Adrienne. When you talked about the four that had
24 been granted since 2017, does that -- I just want to
25 confirm, did that include the ones a few weeks ago or

1 is that in addition to the ones from a few weeks ago?

2 MS. HYATT: It's in addition to. So I did not
3 include in this information any of the appeals from
4 this year; I just looked at 2013 through 2019.

5 MS. WOODS: Okay. Thank you.

6 CHAIRMAN DEAN: Any more questions from the
7 Board?

8 Okay.

9 MS. HYATT: So if it's all right with you, Ms.
10 Dean, I'll just quickly go back over the hearing
11 procedures so that all of the parents and the
12 districts are aware.

13 CHAIRMAN DEAN: Yes. Thank you.

14 MS. HYATT: So please, before anyone starts
15 giving testimony, swear anyone in who's not an
16 attorney. I don't -- I tried to check with everyone
17 to make sure; I don't believe anyone is having their
18 attorney here today -- but, districts or parents,
19 please say something if you do.

20 Sure --

21 SECRETARY KEY: I'm sorry, Mary Claire.

22 There is one thing that I want to make sure, if
23 you could address -- because it's been mentioned
24 about desire for the Board to follow the law, whether
25 it's the 3% or the 90% capacity or any of those

1 elements. Could you just address that, the part --
2 because the appeals process is part of the law as
3 well.

4 MS. HYATT: Yes.

5 SECRETARY KEY: So from a legal standpoint,
6 would you address that?

7 MS. HYATT: Thank you, Secretary Key.

8 So the law has two -- well, three, if you count
9 the desegregation exemptions, kind of limitations to
10 school choice.

11 One is if you are granted an exemption from
12 participation because you have an active
13 desegregation order that prohibits it. And so we
14 have I think it's just the four now in southern
15 Arkansas, and then we've got the Garland County that
16 operate under a different school choice law.

17 The other two kinds of protections are, one, for
18 the nonresident districts, which is capacity -- we
19 don't have room for the student, and if you send the
20 student or make us take the student we'll have to
21 have a different classroom or hire a different
22 teacher. And in public school choice the capacity is
23 90% -- we're at 90% capacity. For opportunity school
24 choice, which we don't have any before you, it's 95.

25 Then the protection for the resident districts

1 is this 3% cap. So we put out a list every October
2 that shows what the district's 3% cap is based on
3 their enrollment from the previous year and that's a
4 limitation on the number of students that they can
5 release. So it protects them from losing too many
6 students per year.

7 Then, once someone is denied they do have an
8 appeal right; so anyone who is denied based on
9 capacity or the 3% cap, or in Garland County, if they
10 -- I won't try and veer into all that, but, as you
11 saw last month, there are some special circumstances
12 in Garland County -- they have the opportunity to
13 appeal. So even if it's a 3% cap they still have the
14 opportunity to appeal, as they do capacity. Then,
15 the parents can present information about why the
16 student should be allowed to transfer. And the Board
17 looks at what is in the best interest of the child
18 for the child's educational, social, emotional health
19 -- and that is specifically permissible in the law.

20 So the Board does have the ability to grant an
21 appeal, even if it puts a district over the 3% cap or
22 makes a nonresident district more at capacity.

23 DR. MOORE: May I ask a question? This is
24 Sarah.

25 Mary Claire, so last month and this month we

1 have instances where the person seeking a transfer
2 never attended the home district in the first place.
3 I know we can't control that, but we -- if they've
4 not attended the resident district, they're not
5 counted in enrollment for that resident district. Is
6 that correct?

7 MS. HYATT: That's correct. They're not counted
8 in the enrollment for the previous year on which the
9 3% is based. But they do count towards the 3% cap.

10 DR. MOORE: Okay. Even though they're not in
11 the denominator there. All right. Thank you.

12 CHAIRMAN DEAN: Any more questions?

13 Okay. You can proceed.

14 MR. SUTTON: Uh --

15 CHAIRMAN DEAN: Oh.

16 MR. SUTTON: Can you hear me?

17 CHAIRMAN DEAN: Yes, Mr. Sutton.

18 MR. SUTTON: Ms. Hyatt, so it appears the rule
19 was retroactive, because most of the hearings that we
20 had last -- a couple of weeks ago involved children
21 that had been enrolled for three, four, five plus
22 years. Is that correct?

23 MS. HYATT: Well --

24 MR. SUTTON: In nonresident districts.

25 MS. HYATT: -- I'm not exactly sure what you're

1 asking. But I do think it is correct that most of
2 the kids that were here last time had attended the
3 nonresident district at some point.

4 MR. SUTTON: So the rule is retroactive -- was
5 retroactive?

6 MS. HYATT: I'm not sure what -- I'm not sure
7 what that means.

8 MS. WOODS: Mr. Sutton, I -- maybe -- I think I
9 understand. So like in the case of Trotter, that
10 one, they had attended the nonresident district for
11 -- I think it was almost 10 years. And it wasn't
12 until they moved down the street from the first
13 family that suddenly they became a resident, or that
14 they attended Guy-Perkins, but they never actually
15 had attended. So I think that was my understanding
16 of why we had went ahead and granted at the 3%. Is
17 that what you're asking?

18 MR. SUTTON: Yes. But not just that case; I
19 think there were some other cases too.

20 MS. WOODS: Right. Right, right.

21 MR. SUTTON: I don't even know that they moved.
22 It's like they had attended the nonresident and no
23 one said anything for three or four or five years,
24 and then the rule comes up and it's then applied
25 retroactively, apparently. And maybe I'm not making

1 myself clear -- but anyway, that's my question.

2 MS. HYATT: So I don't believe that any of the
3 ones last year involved someone who had been
4 attending a nonresident district and then found out
5 they weren't supposed to be there. I think they all
6 had to do with students who moved or had been
7 attending a school, like a home-school or a private
8 school or something like that, and not their resident
9 district. If someone has been attending a
10 nonresident district by accident they would, I
11 assume, continue to attend that district, unless
12 somebody filed a residency dispute or the nonresident
13 district found out that they were attending there
14 inappropriately and asked them to attend their
15 resident district. But I don't think that was the
16 case in any of the appeals last month -- or week.

17 MR. SUTTON: Okay. Then I stand corrected,
18 because I did think there were a couple of cases that
19 were exactly like that. But, again, that was my
20 first meeting; maybe I got confused. Thank you, Mary
21 Claire.

22 MS. HYATT: So if there are no other questions,
23 I'll just go over the hearing procedure really
24 quickly.

25 Again, swear before having anyone testify. Then

1 each party will start with the nonresident district,
2 then go to the resident district, and then the parent
3 -- and I'll be sure to tell you who is who on each
4 hearing. We'll have 5 minutes for just an opening
5 statement, where you can kind of say whatever you
6 plan on presenting. After that every party is given
7 20 minutes, following the same rotation. There's
8 absolutely no requirement that you use all of your
9 time, if you've said everything that you need to say.
10 And the Board may ask questions at the end of the
11 hearing -- or if you've got questions during their
12 time, I think that's fine also. After the conclusion
13 of the testimony you can continue discussing, asking
14 questions, and then make a decision.

15 And I do think similarly to last -- I keep
16 saying last month -- I'm sorry -- two weeks ago, we
17 do have one family where there are two children.
18 It's fine if you want to discuss those children in
19 the same hearing, but it would be my preference that
20 you make two separate motions.

21 A-1: SCHOOL CHOICE APPEAL: JENNIFER WARREN

22 A-2: SCHOOL CHOICE APPEAL: WILLIAM WARREN

23 MS. HYATT: So if there are no questions, we can
24 proceed to the first hearing which is a school choice
25 appeal for Jennifer Warren. Amy Warren is the

1 parent, and I do see her here on the Zoom. Midland
2 School District is the resident district, who I also
3 see, and Pangburn School District is the nonresident
4 district. This was denied based on the 3% cap. And
5 just in case we get into it, the other student, who
6 is related to Jennifer Warren, is William Warren.
7 And those are the number one and two on the agenda.

8 So if you'll swear everyone in, and then we can
9 start with Pangburn.

10 CHAIRMAN DEAN: Okay. If all parties will raise
11 your right hand -- do you swear or affirm that the
12 testimony you're about to give shall be the truth,
13 the whole truth, and nothing but the truth?

14 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

15 CHAIRMAN DEAN: Thank you. And if you would
16 mute your Zoom until it's time for you to speak,
17 because I think we're getting feedback here; so if
18 you would mute until it's time for you to speak.

19 We're going to begin with the nonresident school
20 district, which I think that's Pangburn.

21 SUPT. ROLLAND: Yes. My name is David Rolland
22 and I'm the superintendent with the Pangburn School
23 District.

24 CHAIRMAN DEAN: Welcome, Mr. Rolland.

25 SUPT. ROLLAND: Thank you.

1 We received word from the Midland District that
2 this Freedom was denied based on the 3% cap. The
3 Warrens have never attended our district. I believe
4 they've been with the Concord District, which is
5 another school district. And we have checked and we
6 do have capacity for -- to accept these students.

7 CHAIRMAN DEAN: Okay. Thank you.

8 And the resident school district, Midland -- who
9 do we have for Midland?

10 SUPT. BRYANT: Yes. Good morning.

11 CHAIRMAN DEAN: Good morning, Mr. Bryant.
12 Welcome.

13 SUPT. BRYANT: Nice to have the opportunity to
14 address the Board this morning. I am Dr. Bruce
15 Bryant, superintendent at Midland. I'm new to this
16 position, so just letting everybody know that, that
17 some of these decisions were made prior to my coming
18 in on July 1. But I have researched this information
19 and it remains the position of the Midland School
20 District, as the resident district, that the State
21 Board of Education should reject this appeal based on
22 its adoptive rules in relation to this matter,
23 because it's in the spirit of the law to protect the
24 district from losing too many students.

25 And I'll share more information in our

1 presentation. Thank you, Madam Chair.

2 CHAIRMAN DEAN: Thank you.

3 And, Ms. Warren, you have 5 minutes. Welcome.

4 MS. WARREN: Thank you for hearing me. I'm here
5 on behalf of my two children. They do attend Concord
6 at this time; they have been there for seven years,
7 and they asked to move to Pangburn. We tried to do a
8 legal transfer last -- in the middle of the year last
9 year, and we were denied that. And we did our
10 Freedom of Choice, and, of course, was denied.

11 Basically, we love Concord school. There's not
12 an issue with the education. We have some bullying
13 situations that's been going on for about three years
14 now and it's just -- we've had enough; we can't do it
15 anymore and we need to move districts. Midland is
16 not a choice for us because they have a D-rating
17 school. And while we were there during the board
18 meeting they talked about they've been trying to
19 close that up and different things that they want to
20 do on the school, but they never talked about
21 education or how they wanted to raise it. And so I
22 need my kids to go to something that's not a D-rating
23 school. And Pangburn, we have researched them;
24 they've got a flex schedule that we really love, and
25 we really feel like that's the school for our kids at

1 this time.

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

3 Back to Mr. Rolland, you have 20 minutes.

4 SUPT. ROLLAND: Okay. We want to support this
5 family if we -- if they were able to attend our
6 district. We do have a school of innovation which
7 does have a flex schedule, which gives the students a
8 lot of options for their education. You know, these
9 students never attended the Midland District, so I
10 don't see where this is affecting their enrollment.
11 And we will support whatever the Board's -- the Board
12 will decide; we will definitely back that up. But we
13 would appreciate the opportunity to work with this
14 family. Thank you.

15 CHAIRMAN DEAN: Thank you, Mr. Rolland.

16 Dr. Bryant, you have 20 minutes.

17 SUPT. BRYANT: Thank you again.

18 It remains the position of the Midland School
19 District that the State Board should reject this
20 appeal based on its own rules about the 3% maximum on
21 transfers. The purpose of that rule was to protect
22 districts from losing too many students. And while
23 it is the right of parents to appeal -- that is a
24 part of the rules and we realize that -- it is the
25 District's position that the Board should protect the

1 financial interest of this and follow the spirit of
2 those protections.

3 The Midland School District Board of Education
4 has approved 22 public school choice transfers this
5 year. Additionally, the board accepted transfers
6 from 6 students from other districts and that makes
7 us have a net transfer of 16 students. And,
8 according to the list that was provided to the State
9 Board today, the net maximum number of transfers for
10 our district is 15, and so we're already one student
11 over the required number and that makes us exceed
12 this allowable 3% maximum.

13 Our student is not in -- our district is not in
14 academic distress, it's not in facilities distress,
15 the appellant is not in foster care. And so I only
16 point that out because those are things in the law
17 that could cause us to have to go above this 3% cap,
18 and so there are no issues here that exist that cause
19 us to need to go above the 3% cap.

20 And so we contend, once again, that this appeal
21 should be denied to protect our financial interest in
22 not losing too many students.

23 Thank you, Madam Chair.

24 CHAIRMAN DEAN: Thank you.

25 Ms. Warren, you have 20 minutes.

1 MS. WARREN: Okay. So I want to address -- he
2 said that the school is not in educational distress,
3 but I consider a D-rating school in distress. But
4 maybe I'm wrong with that; I don't know what the law
5 is on that. But that is not, you know, okay for my
6 children. My kids are not even attending Midland at
7 this time. They asked -- seven years ago, they got a
8 Freedom of Choice to move to Concord and that was
9 granted. So it would cause no distress, no financial
10 issues whatsoever for Midland to grant my children to
11 move districts. We're asking to move. Like I said
12 before, we attend there. My daughter, my oldest one,
13 she graduated there, got scholarships. We have no
14 problem with Concord education-wise. My oldest
15 daughter absolutely loved it. My issue with it is my
16 middle daughter, Jennifer Warren, the one we're
17 discussing; she's been there for, like I said, seven
18 years, and the last three years have been awful, to
19 the point that she called me last year, in the
20 bathroom, crying -- I couldn't even understand her --
21 because she was being bullied so bad. My child was a
22 very vibrant, happy child, and she would come home
23 (inaudible) over her head, ear buds in, and just, you
24 know, just wasn't our normal child. And so I'm all
25 about standing up for yourself and that kind of

1 thing, but the point that her mental health has to --
2 you know, I have to look at that and decide, you
3 know, this is no longer best for our child. On the
4 other hand of that, education-wise she struggles in
5 math. And, unfortunately, Concord was not able to
6 provide her -- they have a tutor, but she was not
7 available during the math time that my daughter had,
8 and she made C's and sometimes a B in there.
9 Pangburn we looked at and they have a flex schedule,
10 and their flex schedule is where they work Monday --
11 or Monday, Wednesday, and Friday, and then they have
12 flex days on Tuesday and Thursday, which means that
13 she can go to the math teacher and get tutored and
14 get help in the -- in that subject or anything else
15 that she needs to. My son is a straight-A student,
16 so he doesn't necessarily need tutoring. But it has
17 community college -- you know, he can take, you know,
18 online college classes; so it would benefit him as
19 well.

20 Addressing the bullying, yes, I understand that
21 I'm sure that there's bullying at Pangburn. That's
22 not the issue. We have family -- she has friends
23 there already; she has a big support group already
24 from having family there and cousins and stuff, and
25 they spent the whole summer together basically. And

1 so I don't believe that we're going to have any
2 issues with that.

3 And I did let my children know that if we do
4 move to Pangburn, if we were granted, that there will
5 not be another move, so they will graduate from this
6 school; no matter what the case is, we're not moving
7 again.

8 So my daughter has a letter that she was going
9 to read to y'all, so --

10 CHAIRMAN DEAN: Good morning, Jennifer.

11 JENNIFER WARREN: Good morning.

12 Besides the amazing academic opportunities that
13 Pangburn provides, I have many friends there who
14 support me emotionally with -- which I did not have
15 at Concord. While Concord does have a good
16 educational system, bullying is a very bad problem
17 there and their tutoring is not the best. I have
18 been bullied by a group of girls in my grade that I
19 used to call my best friends. They started doing bad
20 things, such as drugs, and they were not happy that I
21 wouldn't do these things with them; so they started
22 bullying me. This has been happening for around
23 three years now. And this year I figured it would be
24 better because two of the three girls had moved
25 schools; however, soon after school had started they

1 moved back and the bullying then got worse. It was a
2 very hard year and things got really rough. But I
3 feel like Pangburn would be a better choice because
4 they can help me emotionally and academically.

5 CHAIRMAN DEAN: Thank you, Jennifer.

6 JENNIFER WARREN: You're welcome.

7 MS. WARREN: William wants to talk.

8 WILLIAM WARREN: At Pangburn, they have a system
9 there where they can bus us to ASU; so I would be
10 able to graduate with an associate's degree, which
11 would get my two basic years of college out of the
12 way, which would let me get more, I guess, majors as
13 I was younger. So --

14 CHAIRMAN DEAN: Thank you, William.

15 MS. WARREN: And that's it.

16 CHAIRMAN DEAN: Thank you, Ms. Warren.

17 MS. WARREN: Thank you.

18 CHAIRMAN DEAN: We appreciate it.

19 Okay. We've heard from the Warren family, both
20 Jennifer and William, and their mom Ms. Warren.

21 Do we have any questions from the Board, or
22 discussion?

23 DR. MOORE: I do have a question.

24 CHAIRMAN DEAN: Okay.

25 DR. MOORE: I think this might be for Mary

1 Claire.

2 Thank y'all so much for presenting and talking
3 to us today.

4 This seems like a unique situation in which a
5 student has previously sought a school choice
6 transfer and is now seeking another. Have we faced
7 this before?

8 CHAIRMAN DEAN: She's on her way to the podium.

9 MS. HYATT: I'm not -- I don't believe you have.
10 And it is a unique situation. But once a -- so the
11 student is attending Concord through school choice.
12 Once a student is un-enrolled for purposes of
13 enrolling in another district, home-school, private
14 school, charter school, then that choice is voided.
15 So in this case if this was granted the choice to
16 Concord would be voided and the choice to Pangburn
17 would be granted. If this is denied and the Warren
18 family still chooses to withdraw the students from
19 Concord, the choice would also be voided; they would
20 no longer be entitled to go to Concord. And if they
21 wish to attend there in the future they would have to
22 reapply through school choice and then they could
23 attend Midland or charter school, home-school,
24 private school.

25 Does that answer your question, Dr. Moore?

1 DR. MOORE: It does. So this -- just in this
2 instance, the -- Concord plays no role in the 3% cap
3 --

4 MS. HYATT: That's right.

5 DR. MOORE: -- even though that student was in
6 that district previously?

7 MS. HYATT: That student probably was counted in
8 Concord's enrollment last year. So --

9 DR. MOORE: Right.

10 MS. HYATT: -- Concord's 3% cap probably was
11 impacted by those students being enrolled there. But
12 in terms of this school choice matter before you,
13 Concord doesn't play a role.

14 DR. MOORE: Okay. Thank you.

15 MS. McFETRIDGE: I have a question, Ms. Dean.

16 CHAIRMAN DEAN: Go ahead, Ms. McFetridge.

17 MS. McFETRIDGE: With Midland School District,
18 would William be able to work towards his associate
19 degree attending the Midland School District? Can
20 you answer that?

21 SUPT. BRYANT: Thank you for your question. And
22 the answer to that is yes. We do have partnership
23 agreements and we also bus students into Batesville
24 in a partnership and Memorandum of Understanding with
25 UACC-Batesville. So the answer to that would be yes.

1 MS. McFETRIDGE: All right. Thank you.

2 CHAIRMAN DEAN: Thank you.

3 Any further questions?

4 Any more discussion?

5 Well, we --

6 MS. CHAMBERS: Ms. Hyatt --

7 I'm sorry, Ms. Dean. Could I ask Ms. Hyatt one
8 more question?

9 CHAIRMAN DEAN: Sure.

10 MS. CHAMBERS: I'm still wrestling with the 3%.
11 So when these students were enrolled in Concord, they
12 became part of the count for Midland by virtue of
13 residence? Because I wasn't even sure how Midland
14 knew to count them as students and towards the 3%.

15 MS. HYATT: Okay. So the 3% cap is calculated
16 by the Division, based on that district's enrollment,
17 average daily membership of the previous year. So we
18 calculate it and then we put out a Commissioner's
19 Memo that says, "Midland, you may lose 15 students;
20 Guy-Perkins, you may lose 10 students," and then they
21 follow the information that we provide to them. So
22 when a student is enrolled in a district, whether
23 it's their resident district or nonresident district,
24 they are counted in the enrollment counts of the
25 district where they are enrolled. So if I am a

1 student in the Cabot School District, but really I'm
2 supposed to go to Vilonia, I am counting as a Cabot
3 student for purposes of counting your average daily
4 membership, even though that's not my resident
5 district.

6 Does that make sense?

7 MS. CHAMBERS: Yes. So these two students were
8 counted in Midland's numbers?

9 MS. HYATT: No, they were counted in Concord's
10 numbers. They were counted in Midland's numbers for
11 purposes of releasing students under the 3% cap.

12 So when you're calculating the 3% cap you look
13 at the number of students enrolled in a district, and
14 then we say, "Midland, based on your enrollment of X
15 amount of students 3% of those is 15." Then, every
16 school choice application involving a resident
17 student, whether they're enrolled in the district or
18 whether they're home-school, private school, charter
19 school, or attending a whole different district
20 through school choice, all of the applications are
21 processed and applied towards that 3% cap. So every
22 student that is a resident -- or is a resident
23 whether they're enrolled or not counts towards the 3%
24 limitation for the district. So students like the
25 Warren children, they were not counted in the average

1 daily membership for Midland, so that 3% cap that we
2 calculated for them does not include those students.
3 But when they are processing applications and
4 approving them they --

5 MS. CHAMBERS: Right.

6 MS. HYATT: -- go based on the 3% cap we gave
7 them and every application counts.

8 MS. CHAMBERS: Thank you. It's complicated.

9 MS. WOODS: So just to clarify, to build on
10 that, because Concord School District is not at play
11 here, does that 3% then apply towards Midland and
12 that's who we should be basing this off of? Does
13 that make sense?

14 MS. HYATT: Yeah. I think maybe I have confused
15 you guys, because the 3% cap -- there's like two
16 components to it. The first is when we calculate the
17 3% cap and we tell a district how many students they
18 need to let go under school choice. In that way,
19 these students or any other students who are not
20 actually enrolled in the district are not counted in
21 that 3% -- counted in the total number of students on
22 which we base the 3%. Then, when it comes to using
23 the 3% as a limitation on how many students can leave
24 the district, every application counts towards the
25 3%, whether they are enrolled or not enrolled.

1 Does that clarify?

2 MS. WOODS: Yes, it does.

3 MS. HYATT: Okay.

4 CHAIRMAN DEAN: Okay. Do we have any more
5 questions?

6 Okay. So we have the case -- we're going to
7 take them separately, but we have Jennifer and
8 William Warren. Just to kind of recap the issues
9 that are going on with these particular cases, you
10 have the bullying issue; the fact that they have
11 never attended Midland and they were actually a part
12 of another district; and the fact that Midland is at
13 16, which is 1 over their 3% cap for releasing
14 students. Just a reminder that, as Ms. Hyatt said
15 earlier, I'm glad that Mr. Key pointed that out --
16 the appeal process is part of the legal process for
17 parents to advocate for their children. So, and
18 we've been -- we've legally been given that
19 opportunity to make discretion -- to use our
20 discretion toward those decisions. So we take
21 everything into account -- the physical, emotional,
22 psychological, and educational health aspects of that
23 child or those children.

24 So in this case we've got two students in the
25 same family. We will take these cases separately.

1 So with that information in mind, I am looking for a
2 motion.

3 MS. CHAMBERS: Ms. Dean?

4 CHAIRMAN DEAN: Yes.

5 MS. CHAMBERS: I have a question, and then I'd
6 like to make a motion --

7 CHAIRMAN DEAN: Okay.

8 MS. CHAMBERS: -- depending on the answer.

9 So to Ms. Hyatt's last explanation, the Midland
10 School District does not lose existing income if
11 these students are allowed to go to Pangburn; they
12 lose potential income if they were to be added to the
13 district. Is that true?

14 CHAIRMAN DEAN: Yes, ma'am, that is correct.

15 MOTION/VOTE RE: A-1 (JENNIFER WARREN)

16 MS. CHAMBERS: Okay. Then I'd like to make a
17 motion to grant the appeal for -- and we're taking
18 one student at a time?

19 CHAIRMAN DEAN: Yes, ma'am. This is for
20 Jennifer.

21 MS. CHAMBERS: Okay. For Jennifer.

22 CHAIRMAN DEAN: Okay. We have a motion to grant
23 the appeal for Jennifer Warren.

24 Do I have a second?

25 Sorry -- that was by Ms. Susan Chambers.

1 Do I have a second?

2 MS. McFETRIDGE: I'll second that.

3 CHAIRMAN DEAN: Seconded by Ms. McFetridge.

4 Do we want to do a roll-call?

5 SECRETARY KEY: (inaudible)

6 CHAIRMAN DEAN: Okay. Let's just -- all in
7 favor say "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRMAN DEAN: Any opposed?

10 Motion passes for Jennifer Warren.

11 MOTION/VOTE RE: A-2 (WILLIAM WARREN)

12 CHAIRMAN DEAN: Okay. And then, William Warren
13 -- we need a motion for William Warren.

14 MS. CHAMBERS: I move to grant the appeal for
15 William Warren.

16 CHAIRMAN DEAN: Move to -- a motion to grant the
17 appeal for William Warren, by Ms. Susan Chambers.

18 Second?

19 MS. McFETRIDGE: Second.

20 CHAIRMAN DEAN: Seconded by Ms. McFetridge.

21 All in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN DEAN: Any opposed?

24 Seeing none, motion passes.

25 Congratulations, Warren family.

1 MS. WARREN: Thank y'all all so very much.

2 CHAIRMAN DEAN: You're welcome. Thank you.

3 And thank you, Mr. Rolland and Dr. Bryant, for
4 joining us today. Okay, but you'll be staying with
5 us for the next few.

6 A-3: SCHOOL CHOICE APPEAL: GRAYCEN BRIDGES

7 CHAIRMAN DEAN: Okay. Ms. Hyatt.

8 MS. HYATT: So the third agenda item is the
9 appeal for Graycen Bridges. Amy Bridges is the
10 parent, and I saw her earlier. I believe she's on
11 the Zoom.

12 CHAIRMAN DEAN: Okay.

13 MS. HYATT: I'm not seeing her now.

14 Oh, yes, I am. I see you, Amy.

15 And Midland School District is the resident
16 district. Midland is the resident district for every
17 one today, except for the very last one.

18 CHAIRMAN DEAN: Okay.

19 MS. HYATT: And the nonresident district is the
20 White County School District, who I'm also seeing on
21 the Zoom. And, again, this was denied based on the
22 3% cap.

23 CHAIRMAN DEAN: Okay. All right. Ms. Bridges,
24 if you will raise your right hand so I can swear you
25 in. Do you swear or affirm that the testimony you're

1 about to give shall be the truth, the whole truth,
2 and nothing but the truth?

3 MS. BRIDGES: Yes, ma'am.

4 CHAIRMAN DEAN: And, I'm sorry, who do we have
5 from White County School District?

6 SUPT. STANLEY: My name is Dean Stanley; I'm
7 superintendent of White County Central School
8 District.

9 CHAIRMAN DEAN: Mr. Stanley, thank you. I'm
10 sorry, I couldn't see if you were sworn in. Let me
11 just do that again. All the parties included, do you
12 swear or affirm that the testimony you're about to
13 give shall be the truth, the whole truth, and nothing
14 but the truth?

15 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

16 CHAIRMAN DEAN: Okay. Thank you.

17 All right. Mr. Rolland, you have 5 minutes.

18 Oh, I'm sorry, excuse me -- Mr. Stanley. Got it
19 confused.

20 SUPT. STANLEY: Thank you.

21 CHAIRMAN DEAN: Go ahead. Welcome.

22 SUPT. STANLEY: Thank you, Madam Chair, and the
23 rest of the State Board for [sound fading out] --

24 CHAIRMAN DEAN: I'm sorry; Mr. Stanley, can you
25 speak up? I'm having a hard time hearing you.

1 SUPT. STANLEY: Yes, ma'am. Can you hear me
2 better now?

3 CHAIRMAN DEAN: A little bit better.

4 SUPT. STANLEY: Okay. I'll try not to talk very
5 long.

6 CHAIRMAN DEAN: Okay, that's better. Thank you.

7 SUPT. STANLEY: Thank you to Madam Chair and the
8 rest of the State Board that you would hear this for
9 the Bridges family.

10 On behalf of White County Central School
11 District, we feel that this is the best place for the
12 Bridges to be. This is a family that has had their
13 children here in our district for the entire time.
14 They actually had a child graduate two years ago from
15 here, and this is a younger sibling that will be a
16 kindergarten student. And we will give more
17 information during our presentation. Thank you very
18 much.

19 CHAIRMAN DEAN: Thank you.

20 Dr. Bryant, you have 5 minutes.

21 SUPT. BRYANT: Good morning, and thank you
22 again.

23 I kind of renew my similar argument as before,
24 that the Board has already heard that this does
25 violate the 3% maximum. And we are anxious to hear

1 what the parent has to say, and it's not that we're
2 not concerned about parents and their needs.

3 So I want to just add that we would ask that the
4 State Board kind of consider this parade of horrors
5 that might extend from this, of undesirable events
6 that might come if we continue to offer appeals and
7 the standard becomes for all appeals to be granted.
8 If parents become aware that all that's necessary is
9 to make an appeal and their school choice action will
10 be granted by the State Board, this really puts small
11 districts, like Midland, into an awful situation.

12 For Midland this year, if that action had
13 occurred and all of our school choice denials had
14 gone up before you for appeal that can cost our
15 district \$100,000 and would be draining on our small
16 district. And we're trying our best to stay afloat,
17 to provide the education that schools really do need.
18 And we further believe that this can begin to create
19 ethical and other violations of the law if you truly
20 don't consider each of these matters individually.

21 And so I'm just encouraging you today to
22 consider those things individually and to also listen
23 to a district that's pleading with you not to
24 continue to allow school choice to make an exodus out
25 of our small school in Pleasant Plains, Arkansas, and

1 in Floral, Arkansas, since we are a consolidated
2 district.

3 So those are my arguments to you this morning,
4 and ask once again that you deny the appeal. Thank
5 you.

6 CHAIRMAN DEAN: Thank you.

7 I just want to interject there, that's one thing
8 that we've emphasized on every single one of these
9 cases, every time this comes before the Board, is
10 that we take each case individually; each child is
11 different; each circumstance and each family and each
12 district is different. And I believe this board has
13 done that consistently, which is to look at the case
14 of each child and figure out what is best for
15 everyone involved, but our focus is on what's best
16 for the children. But we do take each individual
17 case and we look at all of the issues surrounding
18 that case.

19 So thank you for those comments.

20 And, Ms. Bridges, welcome; you have 5 minutes.

21 MS. BRIDGES: Thank you. Thank you, Ms. Dean.

22 While I do empathize with Dr. Bryant, because I
23 myself was a Midland graduate of 1995 -- it is a
24 small school, but so is White County Central. And
25 there is extenuating circumstances, I believe, in

1 Graycen's situation, which I'll go into when I get my
2 20 minutes. But it is -- each child is different and
3 I believe that this instance does make a lot of
4 difference on why I have requested a transfer to
5 Central.

6 CHAIRMAN DEAN: All right. Thank you, Ms.
7 Bridges.

8 Okay. Mr. Stanley, you have 20 minutes for a
9 presentation.

10 SUPT. STANLEY: Thank you, Ma'am.

11 CHAIRMAN DEAN: You're welcome.

12 SUPT. STANLEY: First of all, Ms. Bridges turned
13 the appeal in to us on April 1st, which was the
14 deadline day, I believe -- the end of the deadline
15 day. Our board met on April 27th to act on all April
16 transfers, and we sent the form in to Midland after
17 that, and apparently by that time it was already over
18 the 3% cap. So, first of all, she was very, very
19 much on time as far as getting the form turned in on
20 April 1st with us.

21 Secondly, this child, as I stated before, is a
22 kindergarten student, has never been at Midland, does
23 not necessarily affect their funding this year. As
24 was pointed out before, this would be future funding
25 only. As I mentioned before, they had a son that

1 graduated here a couple of years ago that had
2 attended here all along; so this family is a longtime
3 member of the White County Central community. I
4 think the parents are involved with jobs that are
5 located in Searcy, and as a result of that they would
6 be headed south, towards our campus in Searcy, for
7 their workplace. Then, if they had to go to Midland
8 or actually to Floral on these days it would be a
9 long trip in the wrong direction from their
10 workplace.

11 So I would ask on behalf of the family and
12 behalf of this child that they be granted the
13 transfer to White County Central. I appreciate your
14 time.

15 CHAIRMAN DEAN: Thank you, Mr. Stanley.

16 Dr. Bryant, you have 20 minutes.

17 SUPT. BRYANT: Thank you again. And in response
18 to Mr. Stanley's comments that the appeal was
19 received in a timely fashion, as well as the original
20 application -- however, as we track those, per the
21 rules that are promulgated and adopted by the State
22 Board, this particular application comes in as number
23 41 of all of the applications that we received, all
24 the way down in May after the appeal or whatever was
25 dealt with. So this is a rather late request as far

1 as the whole list is concerned; it's number 41 of 43
2 of those received by the District.

3 I do understand that this student has not been a
4 member of the Midland School District. But I would
5 add to you at this point in time that if we consider
6 kindergartners having never enrolled here that's all
7 well and good; but this year we have lost what would
8 be equivalent to an entire class of kindergartners to
9 school choice because of sibling connection or
10 because of the 15 cap that's a part of the 3%. So
11 it's hard for us to add new students to us and make
12 them members of our school district when we are
13 losing an entire class of kindergartners each year to
14 school choice. So that's a difficult process for us.

15 And so I go back and reiterate that this is
16 detrimental to Midland Public Schools in relation to
17 our financial position to continue to allow students
18 above the 3% cap to be released to other districts.
19 And therefore we recommend again that the State Board
20 deny this appeal.

21 Thank you, Madam Chair.

22 CHAIRMAN DEAN: Thank you, Dr. Bryant.

23 Ms. Bridges, you have 20 minutes.

24 MS. BRIDGES: Thank you.

25 Just for Graycen, since her birth she has been

1 at all extracurricular activities at White County
2 Central School due to her brother and her cousins all
3 attending that school. She has grown up in that
4 community; is familiar with the administrators; she
5 has spoke with Mr. Stanley; she has spoke with the
6 elementary principal, Ms. Sturdivant, the teachers,
7 the staff -- as well as the campus itself, she is
8 very familiar with that campus.

9 Her father and I both work in close proximity to
10 White County Central School. I work within 10 miles,
11 her father works within 6 -- in contrast to me being
12 32 miles away from my child with her being in Floral
13 and her father being 26 miles away. Our residence is
14 actually 0.2 miles from the White County Central
15 line. I can step out onto my driveway and throw a
16 rock and hit the county -- hit the school line. It's
17 on my way to work; therefore, it's more feasible for
18 me to drop her off at school and with her being able
19 to -- and I have an enormous amount of family at, in,
20 and around White County Central School District; so
21 she could be able to be picked up every afternoon.
22 And if she has to ride the bus, it's only just right
23 down the road from one of our family members.

24 Emergencies will happen. I mean she's 5 years old;
25 emergencies will happen. But if she went to the

1 Midland School District there is absolutely no one
2 that is close enough to go pick her up and able -- if
3 me or her father is not able to. If she went to
4 White County Central, she has aunts, cousins, brother
5 -- her brother can go pick her up and is just right
6 there.

7 I have worked with some children for 20 years --
8 over 20 years. I work with the White County Juvenile
9 Office and been here for 21 years. It is my
10 experience that children thrive in a community and
11 environment in which they are comfortable. She has
12 absolutely no idea where Midland School District is,
13 how that campus works. She has never passed by the
14 campus at Floral. White County Central is the
15 comfortable, safe environment that she would feel
16 comfortable and safe. She's comfortable around the
17 teachers; she trusts them. She knows Dr. Underwood,
18 the high school principal -- and goes on and on. She
19 -- and she has met some and became friends with a lot
20 of kids that -- through various activities with
21 families and through school activities, that are
22 entering kindergarten with her this year; so she
23 already has friends.

24 Kindergarten is scary enough, especially for the
25 younger kids. And with what is going on with the

1 world right now related to Covid-19 and emergencies
2 that will happen, I strongly believe that if my child
3 was forced to go to a school where she didn't know
4 anyone and was confronted with some of the
5 restrictions and/or limitations that they're probably
6 going to be faced with due to Covid-19 it would not
7 promote a healthy educational experience for my
8 child.

9 And as the lady had before said, test scores at
10 White County Central are higher than the ones at
11 Midland.

12 While I empathize with Dr. Bryant, I believe
13 since my child is entering kindergarten she shouldn't
14 be counted as one of their things. And when I had
15 talked to Mr. Womack previously, because he was the
16 previous superintendent, it is concerning to me that
17 on September 30th of 2019 is when he said they
18 reached their limitation. How -- if I was to know
19 that that was how it was going to be, I would've
20 probably sent in a transfer when my daughter turned 4
21 and not when she turned 5. But as Mr. Stanley had
22 said, my son graduated from White County Central two
23 years ago, started there in kindergarten via
24 transfer. So, granted, if he was still in school
25 this might be a different thing. But, yes, I waited

1 later in life to have another child, so -- by no
2 fault of her.

3 So for all these reasons, I am humbly asking the
4 State Board to deny -- or to repeal the decision made
5 by the Midland School District based on, you know,
6 these reasons that I gave you.

7 CHAIRMAN DEAN: Okay.

8 MS. BRIDGES: Thank you so much for your time
9 and consideration.

10 CHAIRMAN DEAN: Thank you, Ms. Bridges.
11 Do we have any questions from the Board?

12 MS. WOODS: I have one --

13 MS. CHAMBERS: Ms. Dean --

14 MS. WOODS: -- just really fast. Sorry.

15 MS. CHAMBERS: No, go right ahead.

16 CHAIRMAN DEAN: Ms. Woods.

17 MS. WOODS: So I was reading through the packet.
18 Did she have a brother -- does her brother currently
19 attend there as a senior, or he graduated in 2019?

20 MS. BRIDGES: He actually -- yes, he graduated
21 in 2018.

22 MS. WOODS: Okay. So you do not have another
23 child there currently?

24 MS. BRIDGES: Currently, no.

25 MS. WOODS: Okay. Thank you. I just needed to

1 make that clear.

2 CHAIRMAN DEAN: Was that Ms. Chambers?

3 MS. CHAMBERS: Yes, thank you, Ms. Dean. I have
4 a question then for Dr. Bryant.

5 I just want to make sure I understood the math,
6 Dr. Bryant. I think you said that this last year --
7 or I guess the year we're about to start you had six
8 transfers in, 22 out, resulting in the 16 that
9 slightly exceeded the 3%. And as you were talking
10 earlier about siblings, are you saying there were
11 additional sibling transfers to that 22? And if so,
12 how many students did that amount to?

13 DR. BRYANT: No, ma'am. That would include the
14 siblings within that number.

15 MS. CHAMBERS: Okay. So siblings aren't outside
16 the 3%; they're part of the 3%?

17 DR. BRYANT: That is my understanding.

18 MS. CHAMBERS: Okay. Thank you.

19 CHAIRMAN DEAN: Any more questions from the
20 Board? Any discussion?

21 Okay. Then we need a motion --

22 MS. CHAMBERS: [inaudible]

23 CHAIRMAN DEAN: -- in this appeal for Graycen
24 Bridges. I'm sorry?

25 MS. CHAMBERS: I move to grant the appeal.

1 CHAIRMAN DEAN: Okay. We have a motion to grant
2 the appeal from Susan Chambers.

3 Do I have a second?

4 DR. MOORE: Second.

5 CHAIRMAN DEAN: Seconded by Dr. Hill.

6 DR. MOORE: I said second, but I'll --

7 CHAIRMAN DEAN: Okay. I'm sorry. I just -- I
8 couldn't tell who popped up, if Dr. Hill popped up.

9 Okay. Dr. Moore seconded.

10 Do we -- all in favor say "aye."

11 (MAJORITY CHORUS OF AYES)

12 CHAIRMAN DEAN: Any opposed?

13 MS. WOODS: Aye.

14 CHAIRMAN DEAN: We have one no from Adrienne
15 Woods. Motion passes.

16 Congratulations, Ms. Bridges.

17 MS. BRIDGES: Thank you so much. On behalf of
18 my daughter, we thank you.

19 CHAIRMAN DEAN: You're welcome.

20 A-4: SCHOOL CHOICE APPEAL: MADELINE McMINN

21 CHAIRMAN DEAN: Okay. And then we have the next
22 case which is Madeline McMinn. Do we have Mr. or
23 Mrs. McMinn? Let's see.

24 MS. HYATT: It should be Jamie McMinn --

25 CHAIRMAN DEAN: Jamie McMinn.

1 MS. HYATT: -- is the parent.

2 MR. McMINN: I'm Sam, and my wife Jamie is here
3 as well.

4 MS. HYATT: Oh, there we go. Sam McMinn.

5 CHAIRMAN DEAN: Okay.

6 MS. HYATT: There we go.

7 CHAIRMAN DEAN: And then we have Mr. Rich from
8 Southside School District.

9 MS. HYATT: I know I saw him earlier. There he
10 is.

11 SUPT. RICH: Yes, I'm here.

12 CHAIRMAN DEAN: Okay. If I can get everyone to
13 raise your right hand -- do you swear or affirm that
14 the testimony you're about to give shall be the
15 truth, the whole truth, and nothing but the truth?

16 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

17 CHAIRMAN DEAN: All right. We'll start with Mr.
18 Rich from the Southside School District. You have 5
19 minutes. Welcome.

20 SUPT. RICH: Good morning. I appreciate you
21 having us this morning.

22 CHAIRMAN DEAN: Good morning.

23 SUPT. RICH: Thank you, Madam Chair and Board.

24 CHAIRMAN DEAN: Can I get you to speak into the
25 mic a little bit? You can pull it -- maybe you can

1 pull it closer, because we're having a hard time
2 hearing you.

3 SUPT. RICH: Okay. Can you hear me okay now?

4 CHAIRMAN DEAN: That's better. Yes.

5 SUPT. RICH: All right. Thank you, Madam Chair.
6 Thank you, Board. I'm Roger Rich; I'm superintendent
7 of the Southside School District.

8 And the McMinn family had turned in their
9 Freedom of Choice application I believe on December
10 30th. Southside School District had to deny based on
11 meeting the 3% cap. And we welcome any child that
12 wants to be a part of our school district. About a
13 third of our students attend by school choice. And I
14 think we have some creative, innovative opportunities
15 for kids and we welcome anybody that wants to be a
16 part of that.

17 CHAIRMAN DEAN: Thank you, Mr. Rich.

18 Dr. Bryant.

19 SUPT. BRYANT: Good morning. Thank you again,
20 Madam Chair. We just continue to, once again,
21 encourage the State Board to examine the 3% cap rule
22 that is a part of the rules, to examine each case on
23 a case-by-case basis. And as in our previous
24 position, we ask that the Board deny this appeal.
25 Thank you.

1 CHAIRMAN DEAN: Thank you.

2 And the McMinn family.

3 MR. McMINN: Madam Chair, Commissioner Key,
4 Fellow Members of the Board, good morning.

5 CHAIRMAN DEAN: Good morning.

6 MR. McMINN: My wife and I would like to thank
7 everyone for their time. We're here to speak on
8 behalf of our daughter Madeline regarding Midland
9 School District's denial of school choice for
10 enrollment into the Southside School District.

11 Midland School District did follow policy and
12 denied our school choice request based off the 3%
13 enrollment guidelines. However, we feel that our
14 situation should not apply to the 3% cap.

15 First, our daughter has never attended Midland
16 School District. Our daughter was enrolled in
17 Batesville School District in the summer of 2011; she
18 attended Batesville schools till the fall of her 7th
19 grade year. Then due to medical reasons we decided
20 to move our daughter to home-school and then into
21 Arkansas Virtual Academy, where she has been enrolled
22 the past three years. Situations have changed and
23 it's our desire for Madeline to enroll in a brick-
24 and-mortar school again. After careful consideration
25 of all the schools in the area, the decision was made

1 that Southside School District would be the best
2 choice for her academic and social needs. Even
3 though she has never attended Midland schools, we
4 reside in their district a half-a-mile and have to
5 have their permission to attend Southside.

6 More specifically, the following reasons are why
7 Southside is a better choice for our family:

8 First off, academic offerings -- Southside
9 offers more choices academically and socially for
10 students. As mentioned earlier, in the most recent
11 school ratings Midland did receive a "D" rating and
12 Southside High School has a "B" rating;

13 Our location -- we live on the border of
14 Southside and Midland School Districts. Our daughter
15 is now old enough to drive herself to school, and
16 Southside is within a few miles of our house, while
17 Midland is a 20-minute drive;

18 Finally, my wife and I both understand that a
19 student's success involves more than just a number.
20 Madeline has worked hard to be ready to return to a
21 traditional school setting. We feel that it's
22 important for her to be comfortable with the school
23 environment to be successful. By not allowing her to
24 make the decision for what school best fits her needs
25 they're not offering her the best chance at success.

1 Thank you.

2 CHAIRMAN DEAN: [inaudible, mic not on]

3 Sorry.

4 Mr. Rich, you have 20 minutes for presentation.

5 SUPT. RICH: We just welcome the opportunity for
6 the McMinn family --

7 CHAIRMAN DEAN: Yes -- I'm sorry; go ahead.

8 SUPT. RICH: We just wish the opportunity for
9 the McMinn family to be able to send their child
10 where they feel like is best academically for their
11 child.

12 CHAIRMAN DEAN: Thank you, Mr. Rich.

13 And Dr. Bryant.

14 SUPT. BRYANT: Thank you again, Madam Chair.

15 I do want to clarify just a couple of things in
16 my response here, based on the Southside response
17 that Mr. Rich had that's a part of the record. In
18 that, Mr. Rich alludes to the fact that the Midland
19 School District didn't release the next student on
20 the list. And I do want us to be aware that Midland
21 has released 17 students already to the Southside
22 School District, and so we did release the next
23 student on the list. We found out that one student
24 was not returning because they had moved out of
25 state, and we were able to confirm that. And then

1 Mr. Rich had conversations with the previous
2 superintendent to go ahead and move the next two
3 students on the list, which would be one of -- the
4 student in this particular appeal. What we're a
5 little concerned about procedurally is whether we
6 should do that, just because we have been told by the
7 nonresident district that two other students who are
8 scheduled to go to Southside already are actually
9 going to return to Midland. We can't confirm that
10 information and those students have not responded to
11 us. And so our concern here is that what if on
12 August 24th those students actually attend Southside,
13 and now we also approve an appeal here and
14 potentially the next appeal, and this became a
15 procedural issue for us.

16 Additionally, the district is not sure that a
17 superintendent has the authority to change the status
18 of students that have already been released. Even if
19 you offer to put that in writing to us, those have
20 been approved by the resident school board, the
21 nonresident school board, and there are no rules
22 about us changing our mind in relationship to this;
23 so there's nothing in the record to suggest that this
24 is something that could even be done.

25 And we do have two students that could

1 potentially end up at Southside or could potentially
2 end up at Midland, which then would have allowed one
3 of these appeals not to have even been an appeal but
4 we would've just released them. And so we're not
5 sure about that.

6 We do agree with Mr. Rich that these families
7 have done the things that they were supposed to do in
8 order to make application and to follow proper
9 procedures; however, we are once again at our 3%
10 maximum. We have already released 17 students to
11 Southside. We cannot confirm that the next two
12 students on our list should be released because of
13 students who were already released are potentially
14 coming back to us at Midland. And so we are really
15 at a loss here procedurally. And we come back to our
16 foundational argument in all of the cases before the
17 Board today that this is above the 3% cap. It is
18 injurious to us in a financial position.

19 And so for this reason we believe that this
20 appeal should be denied. Thank you, Madam Chair.

21 CHAIRMAN DEAN: Thank you, Dr. Bryant.

22 Mr. McMinn, you have 20 minutes.

23 MR. McMINN: Okay. Like we said earlier, our
24 daughter is entering her junior year. She is
25 interested in some of the other electives that would

1 be available at Southside, more CTE options. We just
2 want -- she's interested in starting her college
3 planning and getting more involved in school
4 activities and things like that, and just options
5 that aren't available for her currently with ARVA.

6 I mentioned location. You know, yes, you've had
7 people that live closer to the district line than
8 ours; you know, ours is down at the end of the road
9 but it's still within half-a-mile, you know. And we
10 would rather, you know, our daughter spend 10 minutes
11 on the road in the morning and afternoon, as opposed
12 to 40 or 45, as a young driver.

13 Never could I have fathomed when I turned in the
14 school choice form on December 30th that I would be
15 told that Midland had already hit their numbers for
16 their 3% cap; the reason for that is because the
17 Commissioner's Memo just came out on December 27th
18 for school choice transfers this year. But in having
19 the conversation with Mr. Rich later, you know, I did
20 inquire about if we were doing the proper thing with
21 listing Midland as that, as opposed to ARVA. You
22 know, we just find ourselves in a unique situation.
23 ARVA is listed on the memo as being able to lose 74
24 students. Once again, it goes back to Midland is not
25 really losing a student that they have ever had, you

1 know. And, you know, I don't know if there needs to
2 be a new carve-out for situations such as ours and
3 the Warrens' earlier. But, you know, it's just kind
4 of ridiculous when a school hits their cap late
5 September before I think the districts even know that
6 number in the middle of October.

7 And so I think that, you know, just -- we need
8 the best for our daughter and we feel that Southside
9 is the current situation for that at this time. But
10 we thank you and are willing to answer any questions.

11 CHAIRMAN DEAN: Thank you, Mr. McMinn.

12 Do we have any questions from the Board?

13 Ms. Newton.

14 MS. NEWTON: Yes, I have a question for Dr.
15 Bryant from Midland. Is he still there?

16 CHAIRMAN DEAN: Dr. Bryant?

17 I'm not seeing him. We may have lost him.

18 Dr. Bryant?

19 He may have stepped away for a moment. Does
20 anyone else have -- maybe we can ask him when --

21 MS. NEWTON: Well, no, I have another question.

22 CHAIRMAN DEAN: Okay.

23 MS. NEWTON: Can Mary Claire come and clarify
24 about the question the parent just raised on the cap
25 between Arkansas Virtual and then the resident

1 district? And the way I understand it, Arkansas
2 Virtual could not be even considered if the parent
3 had put it down. Is that correct?

4 MS. HYATT: Yes, ma'am. I'm not sure why
5 Arkansas Virtual was included on that list. They
6 don't have resident students because they're an open-
7 enrollment charter school, so they wouldn't have a 3%
8 cap. And one thing also is every school district --
9 well, maybe not every school district -- I'm sure
10 some do it the same way -- but school districts and
11 boards are given the authority through the rules to
12 adopt their own policy about school choice, including
13 when they're going to begin accepting applications.
14 So some begin in January, some begin in December,
15 some begin in May of the previous school year, and
16 accept them on a rolling basis; so it just kind of
17 depends. And it seems like Midland -- and I'm sure
18 when Dr. Bryant comes back he'll be able to give you
19 that information -- probably starts accepting them at
20 the beginning of the school year or at the end of the
21 previous school year. So schools do it differently
22 depending on their own policy, and that policy is
23 adopted by their board.

24 CHAIRMAN DEAN: Dr. Hill, can you mute your --
25 we're getting a little bit of feedback. Thank you.

1 DR. HILL: Sure.

2 CHAIRMAN DEAN: Thank you.

3 Did that answer your question, Ms. Newton?

4 MS. NEWTON: Yes, on that. I still have a
5 question for Dr. Bryant when he comes back.

6 CHAIRMAN DEAN: Okay. Thank you.

7 Anyone else have questions, comments, or
8 discussion?

9 Dr. Bryant, there was a question for you from
10 Ms. Newton.

11 I see that he's unmated. Well --

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

13 CHAIRMAN DEAN: Okay. Okay, I think he's
14 reconnecting. Okay.

15 DAN DAVIS: [inaudible, not at the microphone]

16 CHAIRMAN DEAN: Yes, we'll give him just a
17 moment to get reconnected.

18 MS. CHAMBERS: Ms. Dean, this is Susan. I also
19 have a question -- it may be of Dr. Bryant or just in
20 general for Ms. Hyatt -- about the procedural
21 question that was raised with the status of what
22 students are maybe staying in Midland or transferring
23 out. If we could speak to that after Ms. Newton's
24 question is answered?

25 MS. HYATT: I was thinking somebody might have a

1 question about that.

2 So I believe in a previous version of the school
3 choice rules and law it required districts to have
4 their boards approve these transfers. Right now,
5 what the status of the law and the rules is is that
6 the boards must adopt a policy. That policy may
7 include a provision that says the board must approve
8 them, but doesn't necessarily have to. So that's
9 just one kind of clarifying thing.

10 It sounds like Midland and a couple of the
11 others that have talked today are still having their
12 boards approve their school choice applications.

13 So, the law allows -- I'm going to try and be
14 very clear but -- because it gets confusing even in
15 my own mind. So when students apply and are denied
16 based on the 3% cap they retain priority until July
17 1st. Because students may say "I want to transfer
18 out of Midland and go to Southside," and then change
19 their mind and -- or move out of state or move to
20 another part of Arkansas, and then students who are
21 retaining that priority may be released; so
22 additional students may be released. So say you
23 release 10 students under school choice, then, hit
24 your cap and you've got 50 on your retaining priority
25 until the July 1st list. If 5 of your 10 decide not

1 to school choice, you would be required to release an
2 additional 5 students so that you're still meeting
3 your cap. That priority ends on July 1st. So after
4 July 1st, if you receive information that somebody is
5 not transferring, you would not be required to
6 release them. I guess it kind of depends on what
7 your board's policy is on that. Because just reading
8 the rules and the law, since the rules and the law
9 don't place a requirement on the board approving
10 things, if that's in your local policy you would have
11 to do it. But the law doesn't require it.

12 So the procedure piece might be different based
13 on what the local policy is. But if your local
14 policy doesn't require your board to approve things,
15 the procedure would be the district itself, the
16 superintendent, would release those additional
17 students by the July 1st deadline. If their board
18 has to approve it, then they should be going through
19 the process to do that still by the July 1st deadline
20 because it is in law.

21 I hope I was -- I hope that was clear.

22 MS. CHAMBERS: It was helpful. Thank you.

23 SUPT. BRYANT: I apologize; I've had some
24 technical difficulties, so I missed part of this
25 discussion. If there's something I need to clarify,

1 then I'm happy to do that. Again, I apologize.

2 CHAIRMAN DEAN: [inaudible, mic not on]

3 MS. NEWTON: I'm not sure if you're ready for me
4 or not. I couldn't hear you, Ms. Dean.

5 Dr. Bryant, my question is -- and I got a little
6 bit unclear in the last comments -- have you released
7 22 students all together?

8 SUPT. BRYANT: That is correct. We have
9 released 22 students total; 22 students less the 6
10 students in equals our 16 students that we have
11 released that get us to that 3% cap.

12 MS. NEWTON: Okay. All right. So you've
13 released 22 already. And then this student that
14 we're discussing right now, what number on the list
15 are they?

16 [A MOMENT OF SILENCE]

17 MS. NEWTON: Did we lose him again or am I
18 muted?

19 SECRETARY KEY: Well, yeah. Madam Chair, if we
20 could say -- Dr. Bryant, you have two links open
21 right now. And our tech expert says if you could
22 close both of those links and re-log in again into
23 the Zoom that may be able to correct the sound
24 problem that we're having.

25 MS. HYATT: One thing -- just a couple of

1 options to consider while we're waiting on Midland to
2 get back on, you can postpone this and come back to
3 it, and we could do Cooper Estep, which does not
4 involve Midland, which is the reconsideration of the
5 Guy-Perkins and Greenbrier one that's on -- last on
6 the agenda. Or we could take a short break and give
7 them an opportunity to reconnect. It's up to the
8 Board, but you have flexibility.

9 CHAIRMAN DEAN: [inaudible, mic not on]

10 SUPT. BRYANT: I think that I'm back. I again
11 apologize.

12 Mrs. Newton, can I hear your question again?
13 I'll try to answer that.

14 MS. NEWTON: Yes. My question was that you had
15 released 22; I was clear on that now.

16 And then what number is this child that we're
17 discussing right now?

18 SUPT. BRYANT: This student would actually not
19 be the next student on the list but would be the
20 following student on the list to be released.

21 MS. NEWTON: Okay.

22 SUPT. BRYANT: The student that appeals -- whose
23 appeal will be heard next is the next student on the
24 list.

25 MS. NEWTON: And then my question is -- and I

1 wasn't real clear on this -- are you getting word
2 that you have two students that are coming back to
3 Midland -- that would be instead of a plus-6 it would
4 be a plus-8?

5 SUPT. BRYANT: Mr. Rich has informed us that he
6 believes that there are two students who exercised
7 school choice and were released, that they actually
8 are now going to attend at Midland.

9 MS. NEWTON: Okay. So that would --

10 SUPT. BRYANT: If that were the case, then this
11 appeal and the next appeal will be moot. But I can't
12 confirm or deny that at this point. And I have no
13 assurance that if I were to release this student and
14 the next appeal student, and these two students that
15 Mr. Rich is talking about -- if they actually show up
16 at Southside, then I have no way to stop that. Am I
17 making sense with that? If there was some method by
18 which I was assured that these two students would be
19 denied enrollment at Southside, and Mr. Rich has the
20 authority to deny their access at this point, then
21 this appeal is moot and so is the next appeal. I'm
22 more than happy to release them, but I don't feel
23 comfortable doing that without having that assurance
24 from Mr. Rich that he's not going to enroll those
25 students and that he has the authority not to enroll

1 those students.

2 MS. NEWTON: Mr. Rich --

3 SUPT. BRYANT: Is my concern legitimate and
4 understood?

5 MS. NEWTON: Yes, I understand your concern.
6 Yes.

7 SUPT. BRYANT: Thank you, Ms. Newton.

8 MS. NEWTON: Mr. Rich, any response to that?

9 SUPT. RICH: Yes, ma'am. I spoke with then-
10 superintendent Mr. Womack back in mid-June when I
11 found out the two students were leaving. I offered
12 to send a letter of denial to those two students that
13 chose to remain at Midland, to give them the
14 assurance that Dr. Bryant is talking about. In his
15 defense, he's not been there. But he at that time
16 chose not to go that route, said his legal counsel
17 had advised him of something else. But I'd be more
18 than willing to write a letter of denial or whatever
19 we need for the two that are going to remain at
20 Midland.

21 MS. NEWTON: Okay. So if you wrote the letter
22 of denial, then that would take care of these -- this
23 appeal and the next appeal. Is that correct?

24 SUPT. RICH: That's my understanding. Yes,
25 ma'am.

1 MS. NEWTON: Okay.

2 SUPT. BRYANT: And may I -- if I might interject
3 -- is that okay, Madam Chair?

4 CHAIRMAN DEAN: Yes.

5 SUPT. BRYANT: I do believe that those were the
6 conversations and I am aware of those conversations.
7 But we were under legal counsel to take this
8 procedural matter before the State Board so that
9 perhaps we could seek clarity as to if that is
10 permissible, if superintendents have this authority
11 to do this under these terms and conditions after
12 those things have been approved by their local school
13 boards. And I did hear part of that conversation
14 about that's not necessarily the procedure in the
15 law. But that is the procedure that's in policy at
16 Midland, and so it's hard for me then as a
17 superintendent to go against what has been approved
18 by the board; I'm not legally authorized to do that.
19 And so that is the reason our legal counsel advised
20 us to take this to the State Board so that you can
21 hear our concern about a procedural issue.

22 Thank you, Madam Chair and Ms. Newton.

23 MS. NEWTON: Can I ask a question of Ms. Hyatt?

24 CHAIRMAN DEAN: [inaudible, mic not on]

25 MS. NEWTON: I don't know if she's there yet or

1 not.

2 MS. HYATT: Oh, I'm here. Sorry. I'm here.

3 MS. NEWTON: Okay. Okay. Ms. Hyatt, would that
4 legally be all right if Southside wrote a letter of
5 denial and sent it to -- I don't know if he would
6 send it to the students or to Midland -- or how would
7 that work?

8 MS. HYATT: So it also depends on what their
9 local policy is; so it depends on what their school
10 choice policy says. If their board has to approve
11 it, then they would have to go through those things.
12 So without being familiar with their local policy --
13 and just saying from what the law and the rules say,
14 the law and the rules definitely anticipate that some
15 students who apply for school choice are going to
16 decide not to exercise that, which is why we have
17 that priority date of July 1st.

18 So if the districts want to handle it that way,
19 by issuing a denial letter or receiving something in
20 writing from the parent, or how they want to do it
21 and what's in their policy, I think it is in line
22 with what the law says, as it does anticipate that
23 students are not going to exercise that right even if
24 they are approved.

25 MS. NEWTON: So if the districts chose to do

1 that, would we need to take any action on either one
2 of these two appeals today?

3 MS. HYATT: I think it's kind of at the pleasure
4 of the Board how you would like to do it. Certainly,
5 they could come to an understanding and the parent
6 could withdraw their appeal at this point, because
7 the parent is the one that has the appeal before you,
8 or you could have the Board vote on it.

9 MS. NEWTON: Thank you.

10 CHAIRMAN DEAN: [inaudible, mic not on]

11 MS. WOODS: Ms. Dean, I don't think we can hear
12 you.

13 CHAIRMAN DEAN: I'm sorry.

14 MS. WOODS: At least I can't on my end.

15 CHAIRMAN DEAN: Sorry.

16 Mr. McMinn, would you be willing to withdraw
17 your appeal based on the agreement between the
18 Southside and Midland School District?

19 MR. McMINN: I feel it would be contingent on
20 like a full guarantee that she would be able to
21 enroll on Southside -- in Southside.

22 CHAIRMAN DEAN: So if we can get Southside --

23 Mr. Rich, so you definitely agree to deny those
24 two students and make sure the parents are aware of
25 everything that's going on?

1 SUPT. RICH: Yes, ma'am. That's been our
2 practice for the last 10 years, and we thought that
3 was just part of the process. But we'd be more than
4 glad to do so.

5 CHAIRMAN DEAN: Okay. And then, Dr. Bryant, are
6 you --

7 SUPT. BRYANT: I'm here. We are definitely in
8 agreement because we feel that we followed the advice
9 of our counsel to place this procedural concern
10 before the State Board. And we are happy to work
11 with Mr. Rich to admit these next two students,
12 subject to his denial of the two students in question
13 -- AH and BH.

14 CHAIRMAN DEAN: Okay.

15 SUPT. BRYANT: Thank you.

16 CHAIRMAN DEAN: Thank you, Dr. Bryant.

17 Mr. McMinn.

18 MR. McMINN: What happens if those other
19 parents, you know, change their mind again and still
20 want to go to Southside?

21 CHAIRMAN DEAN: Ms. Hyatt is coming to speak to
22 that.

23 MS. HYATT: I think my question would be did the
24 parents notify Southside or Midland in writing. If
25 they did, I think that's sufficient. If it was

1 something that was verbal, I would want to see
2 something from the parents.

3 So I guess that might be a question for Mr.
4 Rich.

5 SUPT. RICH: The conversation was verbal. There
6 was nothing in writing.

7 CHAIRMAN DEAN: I think that causes -- that may
8 cause an issue.

9 MS. HYATT: And I want to -- I'm trying to steer
10 clear -- I don't want to be giving any legal advice
11 to school districts, just to State Board. So, but I
12 do think it's important that we think about the fact
13 that those parents are not here today, so they're not
14 part of this conversation. If there was something in
15 writing where we knew --

16 CHAIRMAN DEAN: Right.

17 MS. HYATT: -- that the parents were -- had that
18 intention, it would be easy, I think, for the Board
19 to see very clearly that those students were not
20 going to attend. If that's not the case, then I
21 think it would be up to the Board to kind of decide
22 what to do with that information.

23 CHAIRMAN DEAN: Thank you, Ms. Hyatt.

24 I would agree. If the parents did not provide
25 anything in writing, then that's not something that

1 is written in stone basically. I would not feel
2 comfortable with making decision -- making a decision
3 about their child without their knowledge and their
4 participation and engagement.

5 Ms. Hyatt.

6 MS. HYATT: I just wanted to mention it is a
7 possibility we could table this and the next one and
8 get the parents on the phone.

9 CHAIRMAN DEAN: Okay.

10 MS. HYATT: If they want to do that -- of
11 course, they received no notice of this hearing, and
12 so that might be more trouble. We could also table
13 it until August and then get something in writing or
14 give us time to work with Midland and Southside
15 outside of this. It's just at the pleasure of the
16 Board. I just want to make sure that you understand
17 all of your -- of course, you can rule on it also
18 today. I just want to make sure you know your
19 options.

20 CHAIRMAN DEAN: I do have a question. So if it
21 were postponed till August, at the latest, does that
22 give all the parents involved an opportunity -- ample
23 enough time to make the decisions that need to be
24 made for enrollment?

25 MS. HYATT: So I believe they can still enroll

1 at that point. We will have school choice appeals on
2 the August agenda --

3 CHAIRMAN DEAN: Okay.

4 MS. HYATT: -- from other districts. Certainly,
5 if we move this one to August, we -- I would be happy
6 to work with Mr. Rich and Dr. Bryant and the McMinn
7 family to see if we could just work it out, and then
8 we would not have it on the agenda if we were able to
9 settle it outside of that -- or if not, come back in
10 August, if that works.

11 I'm hopeful that if the -- if we can get a-hold
12 or if Mr. Rich can get a-hold of those parents --

13 CHAIRMAN DEAN: Right.

14 MS. HYATT: -- we could have it resolved in the
15 next day or so and not necessitate coming back in
16 August, but have that as a safeguard if we needed to.
17 So that's --

18 CHAIRMAN DEAN: So that would mean that we would
19 need a motion to table it for today?

20 MS. HYATT: Uh-huh. You can do a motion to
21 table it, you can vote on it today, or we could table
22 it until later this afternoon and try to see what we
23 can do in the next 20 minutes.

24 CHAIRMAN DEAN: Right. Okay. Thank you.

25 MS. WOODS: Ms. Hyatt, I have a quick question.

1 I'm looking through the statutes here and I can't
2 find it. Is there a deadline that the parents have
3 to exercise school choice, or is it up until the day
4 of school starting? Does that make sense?

5 MS. HYATT: Sure. There's not a deadline that
6 I'm aware of. I think that they're --

7 MS. WOODS: Okay.

8 MS. HYATT: -- allowed -- especially when
9 they're filing an appeal, they're allowed to enroll
10 after the Board hears their appeal. So --

11 MS. WOODS: Got it.

12 MS. HYATT: -- you will hear -- I'm not sure if
13 you heard that part. You will hear additional school
14 choice appeals in August -- not these, but additional
15 ones -- and certainly those students, depending on
16 how you vote on those, would be eligible to enroll at
17 whichever district the Board votes.

18 MS. WOODS: Okay. Got it. Thanks.

19 MS. NEWTON: Ms. Dean --

20 CHAIRMAN DEAN: Yes, Ms. Newton.

21 MS. NEWTON: -- just as a discussion point, I
22 would like to see us table it until August to see if
23 the districts can work it out, this one and the next
24 one also. I think that would be a better choice for
25 us as a board if we could just see the districts work

1 together to work the situation out.

2 CHAIRMAN DEAN: Okay. Any further discussion?

3 DR. MOORE: I'm inclined to vote for it today.
4 I think the parents made the case for the transfer.
5 And I think, similar to the other cases, whether
6 these other two students drop out or not, I'm
7 comfortable voting for it. That's just my
8 perspective.

9 CHAIRMAN DEAN: Okay. Any further questions or
10 discussion?

11 Okay. Then looking for a motion, ready for a
12 motion.

13 MS. NEWTON: I move to table this till the
14 August meeting.

15 MS. McFETRIDGE: I'll second that.

16 CHAIRMAN DEAN: Okay. I have a motion by Ms.
17 Ouida Newton to table this until a further date, and
18 I have a second by Ms. McFetridge.

19 Let's do --

20 MS. CHAMBERS: Ms. Dean?

21 CHAIRMAN DEAN: Yes.

22 MS. CHAMBERS: I'm sorry, just to clarify -- the
23 motion includes this and the next item on the agenda?

24 CHAIRMAN DEAN: Yes.

25 MS. CHAMBERS: Is that correct?

1 CHAIRMAN DEAN: Yes. This is the motion to --

2 SECRETARY KEY: One at a time. Yeah.

3 CHAIRMAN DEAN: I'm sorry. One at a time. So

4 --

5 MS. CHAMBERS: Thank you.

6 CHAIRMAN DEAN: -- we'll do a motion to table
7 the appeal for Carlee Duncan -- no, sorry -- Madeline
8 McMinn first. Madeline McMinn would be the first
9 case.

10 SECRETARY KEY: A roll-call?

11 CHAIRMAN DEAN: Yes.

12 SECRETARY KEY: Okay.

13 CHAIRMAN DEAN: We definitely want to do a roll-
14 call. Mr. Key.

15 SECRETARY KEY: Okay. On the motion to table --
16 Dr. Moore.

17 DR. MOORE: No.

18 SECRETARY KEY: Mr. Sutton.

19 MR. SUTTON: Yes.

20 SECRETARY KEY: Ms. McFetridge.

21 MS. McFETRIDGE: Yes.

22 SECRETARY KEY: Ms. Woods.

23 MS. WOODS: Yes.

24 SECRETARY KEY: Ms. Newton.

25 MS. NEWTON: Yes.

1 SECRETARY KEY: Ms. Chambers.

2 MS. CHAMBERS: Yes.

3 SECRETARY KEY: Dr. Hill.

4 DR. HILL: Yes.

5 SECRETARY KEY: Mr. Williamson.

6 [MOMENT OF SILENCE]

7 SECRETARY KEY: I think he had to briefly get
8 off the call. But that's 6 yeas and 1 nay for the
9 motion to table.

10 CHAIRMAN DEAN: Okay. Motion passes to table
11 the case for Madeline McMinn.

12 And hopefully we can get this resolved today,
13 Mr. McMinn. They're going to try to see if they can
14 get the parents on the phone today.

15 And then the next one -- I'm sorry; Ms. Hyatt,
16 go ahead.

17 MS. HYATT: I just wanted to say, Superintendent
18 Rich and Superintendent Bryant, I will get in touch
19 with you after the State Board special meeting is
20 over so that we can -- I'm happy to help in any way.

21 A-5: SCHOOL CHOICE APPEAL: CARLEE DUNCAN

22 MS. HYATT: And on the next one the family is
23 actually here.

24 CHAIRMAN DEAN: Okay.

25 MS. HYATT: So if you wouldn't mind letting me

1 grab them really quickly so they can be in here for
2 any of the conversations.

3 CHAIRMAN DEAN: Okay. Thank you.

4 [A FEW MOMENTS OF SILENCE]

5 CHAIRMAN DEAN: Good morning, Duncan Family.

6 Welcome.

7 MR. DUNCAN: [inaudible, not at the microphone]

8 CHAIRMAN DEAN: You're welcome.

9 Okay. And so what we have on the table -- so
10 Madeline McMinn, that was passed to table. So I'm
11 looking for a motion on the Carlee --

12 SECRETARY KEY: I think, Madam Chair, probably
13 it would be appropriate for Ms. Hyatt to go ahead and
14 introduce this item --

15 CHAIRMAN DEAN: Okay.

16 SECRETARY KEY: -- and see if --

17 CHAIRMAN DEAN: I'm sorry; you're right.

18 SECRETARY KEY: Yeah. Go ahead and step through
19 the process and -- with the introductory --

20 CHAIRMAN DEAN: Okay.

21 SECRETARY KEY: -- and the 20 minutes.

22 CHAIRMAN DEAN: Thank you.

23 MS. HYATT: Thanks. So this is Carlee Duncan.

24 We have the Duncan family here, Brandon Duncan -- and

25 I'm so sorry, I don't know the mom's name; I'm so

1 sorry -- and also the same two districts. I believe
2 this is the same situation we were just talking
3 about. I'm not sure if the Duncan family had the
4 ability to hear outside. They're shaking their head
5 yes. So you can give everyone the 5 minutes and the
6 20 minutes, or I mean the Board can make a motion at
7 any time. So --

8 CHAIRMAN DEAN: Okay. Let's go ahead and hear
9 from the family.

10 All the parties for this case, if you would
11 raise your right hand -- and that is -- let's see --
12 Mr. Rich, Dr. Bryant, and Mr. and Mrs. Duncan --
13 Shelly. Thank you. Welcome. If you will raise your
14 hand -- do you swear or affirm that the testimony
15 you're about to give shall be the truth, the whole
16 truth and nothing but the truth?

17 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

18 CHAIRMAN DEAN: Okay. Thank you.

19 All right. So we'll go through the procedures
20 so that we can hear everything. We'll start with Mr.
21 Rich. You have 5 minutes.

22 SUPT. RICH: Yes. I guess one of the questions
23 I was going to ask and clarify -- I know you have
24 another case after this -- if I'm able to get
25 something in writing from that family before you

1 finish today, will these parents have to come back in
2 front of you again? Or is this something that we can
3 take care of with Ms. Hyatt?

4 CHAIRMAN DEAN: Ms. Hyatt is coming. But okay,
5 no, I can explain it. Yes, if you can get something
6 today that would be ideal. If you can get something
7 today in writing that would be ideal and they would
8 not have to come back, as long as we have something
9 in writing.

10 SUPT. RICH: Both families need some
11 clarification and are ready to move forward, either
12 way. And it sounds like both districts are in
13 agreement and I will try to make sure I get that here
14 in just the next few moments.

15 MS. HYATT: As long as it's resolved by the
16 August meeting they won't have to come back. So it
17 doesn't necessarily have to be by the time this
18 meeting ends -- but the sooner, the better.

19 CHAIRMAN DEAN: Yes.

20 MS. HYATT: I think we're all moving forward
21 with the understanding that that's what's going to
22 happen, but with the safeguard that if that's not
23 what happens they will come back -- come back in
24 August.

25 CHAIRMAN DEAN: Okay. Thank you.

1 SUPT. RICH: That's all I have. Thank you.

2 CHAIRMAN DEAN: Okay. Dr. Bryant.

3 SUPT. BRYANT: Thank you again, Madam Chair. We
4 do appreciate the opportunity to be heard on this
5 matter as far as its procedural nature. And we look
6 forward to working with Mr. Rich and these families
7 to resolve this issue and to move on down our list.
8 And we trust that Mr. Rich will get that information
9 to us today.

10 And is it my understanding then that the parents
11 of McMinn and Duncan would simply need to just
12 withdraw their appeals so that this matter doesn't
13 actually come before the Board again? Can I have a
14 little bit of clarity on that?

15 And, again, thank you, Madam Chair.

16 CHAIRMAN DEAN: You're welcome. Ms. Hyatt is
17 coming to answer that.

18 MS. HYATT: Getting my steps in today.

19 So if we table them, and then I can work with
20 those school districts and the families to resolve
21 them, all I would need to do is just get a statement
22 from the parents, even if it was in an email, saying
23 "it's been resolved, I no longer wish to move
24 forward." We were able to do that with several other
25 appeals that didn't come before you, before they made

1 it to this point.

2 So the procedure, Dr. Bryant, would essentially
3 be I will work with you and the families and make
4 sure that we get everything worked out. If we do, it
5 won't end up on the August agenda, and the families
6 will just have to put something -- like a sentence in
7 writing that says "the student has been accepted, the
8 issue is resolved." If, for whatever reason, it does
9 not work out, they would have the option then to come
10 back in August and finish presenting their appeal.

11 SUPT. BRYANT: Thank you, Mary Claire. Thank
12 you, Madam Chair.

13 CHAIRMAN DEAN: You're welcome, Dr. Bryant.

14 You have an opportunity -- you have 5 minutes.
15 Yes, if you would -- if you would come to the podium
16 here and state your name for the record.

17 MR. DUNCAN: Brandon Duncan.

18 CHAIRMAN DEAN: Thank you. Welcome, Mr. Duncan.
19 You have 5 minutes.

20 MR. DUNCAN: Okay, thank you. This change got
21 thrown at us here all of a sudden.

22 My wife and I are here today because we strongly
23 believe that it would be in the best interest of our
24 daughter Carlee to be granted the opportunity to
25 attend Southside High School this upcoming school

1 year.

2 CHAIRMAN DEAN: You can remove the mask, if you
3 want.

4 MR. DUNCAN: Oh, thank you.

5 CHAIRMAN DEAN: Yes.

6 MR. DUNCAN: Whew. Our daughter -- our daughter
7 Carlee is a straight-A student -- straight-A and
8 honor student. Being at Southside High School as a
9 charter school, we feel the curriculum, along with
10 their administration, staff of teachers, and
11 facilities, provide our daughter the best opportunity
12 to succeed academically. The charter school aspect
13 of Southside High School is something that interests
14 both my wife and I. After speaking with friends
15 whose children attend Southside High School about the
16 charter program and what it does to prepare young
17 adults for college in the future, we feel this would
18 provide the best opportunity for our daughter's
19 education.

20 Also, as we mentioned in our original letter,
21 there were some circumstances that happened last year
22 at my daughter's current school that created a
23 difficult environment for our daughter to focus on
24 her education and her academics. As parents, we have
25 the responsibility to provide the opportunity to

1 succeed --

2 (COURT REPORTER'S NOTE: Mr. Duncan becomes
3 tearful and stops speaking.]

4 CHAIRMAN DEAN: Take your time, Mr. Duncan.

5 [A MOMENT OF SILENCE]

6 CHAIRMAN DEAN: I understand when you're
7 advocating for your children it gets emotional.

8 MR. DUNCAN: It's the circumstances thing that
9 got me.

10 CHAIRMAN DEAN: Yeah.

11 [A MOMENT OF SILENCE]

12 MR. DUNCAN: -- the best of our ability, a safe
13 environment for both physically and mentally and also
14 provide the opportunity to succeed in whatever they
15 choose to do. We feel strongly that putting our
16 daughter back into the environment -- back into this
17 environment would be detrimental to her emotionally
18 and have an adverse effect on her ability to perform
19 academically.

20 This is why my wife and I are here today asking
21 you to grant our appeal so we can enroll our daughter
22 at Southside High School this upcoming school year
23 and give her what we know is the best opportunity to
24 succeed.

25 Our family would like to thank you for taking

1 the time out of your busy schedule to speak with us
2 today.

3 CHAIRMAN DEAN: Thank you, Mr. Duncan.

4 Okay. Mr. Rich, you have 20 minutes.

5 SUPT. RICH: Well, Ma'am, I don't have anything
6 else. Just look forward to working with the Midland
7 School District to clarify these situations and let
8 them enroll in the Southside School District.

9 CHAIRMAN DEAN: Okay. And Dr. Bryant.

10 SPT. BRYANT: Madam Chair, I have nothing
11 further. And we are more than willing to work with
12 Mr. Rich at Southside to resolve this matter to
13 everyone's satisfaction. Thank you, Madam Chair.

14 CHAIRMAN DEAN: Thank you, Dr. Bryant.

15 So this is what it looks like we have the
16 opportunity to do. Mr. Rich at Southside School will
17 get with Ms. Hyatt and Dr. Bryant to get the things
18 in writing from the two parents that would be
19 enrolling in Midland. So there's an opportunity for
20 the Board to vote to table this until that can be
21 resolved. It may be resolved today, it may be
22 resolved within the next couple of days. But if not,
23 it will be on the agenda for August, which is the
24 second Thursday in August. I'm not sure what day
25 that is -- let's see -- the 13th. Thank you. So

1 that will be on the 13th. But I think all parties
2 are pretty confident that this can be resolved. So
3 it will be up to the Board -- actually, you have the
4 opportunity to decide to -- I'm looking for the word
5 -- to drop your appeal -- thank you -- to decide to
6 withdraw your appeal today, or you can allow the
7 Board -- if you drop your appeal today, they'll get
8 this worked out and there won't be an issue. But --
9 maybe --

10 (COURT REPORTER'S NOTE: One of the
11 superintendents is speaking from the audience; it's
12 inaudible).

13 CHAIRMAN DEAN: Yes.

14 (COURT REPORTER'S NOTE: One of the
15 superintendents is speaking from the audience; it's
16 inaudible).

17 CHAIRMAN DEAN: She's going to explain.

18 MS. HYATT: So not withdraw today, but table
19 today, if it's the pleasure of the Board; allow me
20 and the school districts and the family to work to
21 get it resolved, hopefully. If it is resolved, at
22 that point the parent can withdraw.

23 CHAIRMAN DEAN: Okay.

24 MS. HYATT: If it is not resolved, then you
25 would come back in August and the Board would then

1 vote on it then.

2 CHAIRMAN DEAN: Right. So what we have to do
3 today is it's up to the Board to vote whether to --

4 [BRIEF MOMENT OF SILENCE]

5 MS. HYATT: No, I totally understand. It
6 happens to me all the time.

7 So, right now, the Board could vote to go ahead
8 and rule on the appeal. Or the Board could vote,
9 like it did in the previous case --

10 CHAIRMAN DEAN: Right.

11 MS. HYATT: -- to table this until --

12 CHAIRMAN DEAN: To table.

13 MS. HYATT: -- August --

14 CHAIRMAN DEAN: That's the word I was looking
15 for.

16 MS. HYATT: -- and allow the districts and the
17 family to work together to resolve it.

18 CHAIRMAN DEAN: Right. You heard it from Ms.
19 Hyatt.

20 Ms. Newton, do you have a question?

21 MS. NEWTON: I just have a motion, if you're
22 ready.

23 CHAIRMAN DEAN: Okay. Any further questions or
24 discussion?

25 DR. MOORE: I'll just say I'm also inclined just

1 to go ahead and take care of this here. To me, it's
2 in the best interest and not wait on the wait-list.
3 But I understand if others feel inclined to have that
4 process.

5 CHAIRMAN DEAN: Okay. Thank you, Dr. Moore.

6 DR. MOORE: Okay. If there are no further
7 questions or discussion, Ms. Newton, you can go ahead
8 with your motion.

9 MS. NEWTON: I move to table it and let the
10 parties see if they can work it out.

11 CHAIRMAN DEAN: So we have a motion --

12 MS. NEWTON: [inaudible, sound breaking up]

13 CHAIRMAN DEAN: I'm sorry; you broke up. But
14 you said a motion to table. Okay -- by Ms. Newton.

15 MS. NEWTON: Yes.

16 DR. HILL: Second. Second.

17 CHAIRMAN DEAN: Seconded by Dr. Hill.

18 We will take a roll-call vote.

19 SECRETARY KEY: On the motion to table item A-5
20 -- Dr. Moore.

21 DR. MOORE: No.

22 SECRETARY KEY: Mr. Sutton.

23 MR. SUTTON: Yes.

24 SECRETARY KEY: Ms. McFetridge.

25 MS. MCFETRIDGE: Yes.

1 SECRETARY KEY: Ms. Woods.

2 MS. WOODS: Yes.

3 SECRETARY KEY: Ms. Newton.

4 MS. NEWTON: Yes.

5 SECRETARY KEY: Ms. Chambers.

6 MS. CHAMBERS: Yes.

7 SECRETARY KEY: Dr. Hill.

8 DR. HILL: Yes.

9 SECRETARY KEY: Mr. Williamson, have you
10 rejoined us?

11 [MOMENT OF SILENCE]

12 SECRETARY KEY: Okay. Six yea's, one nay.

13 CHAIRMAN DEAN: So motion passes to table -- to
14 table until further notice. As Ms. Hyatt said,
15 they'll be working together to see if they can get
16 that all resolved -- and if not, then we will see you
17 back in August. But hopefully this will all be
18 resolved. Thank you so much for [inaudible, sound
19 cuts out].

20 A-6: RECONSIDERATION: SCHOOL CHOICE APPEAL FOR COOPER ESTEP

21 CHAIRMAN DEAN: Okay. We've got one last one
22 and that is Cooper Estep from last --

23 MS. HYATT: Yeah.

24 CHAIRMAN DEAN: -- two weeks ago.

25 MS. HYATT: So this one is a little bit

1 different. This is the appeal from -- for Cooper
2 Estep that last month -- I'm sorry --

3 CHAIRMAN DEAN: Dr. Hill, can you mute please
4 real quickly? Thank you.

5 MS. HYATT: The Board voted -- the original
6 appeal failed for a lack of a motion, and then later
7 the Board voted to reconsider this appeal; so that is
8 why it is before you again today. The child's name
9 is Cooper Estep. The resident district is Guy-
10 Perkins; the nonresident district is Greenbrier. The
11 family -- I see them, and I know mom is Samantha, and
12 I haven't met dad yet, so he'll have to introduce
13 himself when he starts talking.

14 We don't have to have another full hearing since
15 this is just a reconsideration. You'll just need to
16 engage in any additional discussion, ask the parents
17 questions, ask the district questions, however you
18 want to do it -- but you don't have to have another
19 full hearing. And because the appeal failed for lack
20 of a motion you don't have to rescind any prior
21 action; you can just make the motion as you see fit.

22 CHAIRMAN DEAN: Okay. Thank you, Ms. Hyatt.
23 Commissioner Key.

24 SECRETARY KEY: And do they retain their sworn
25 status from the previous meeting? Yes?

1 MS. HYATT: You stumped me on that one. I'm
2 going to say please swear them in again just for --
3 just to make sure.

4 CHAIRMAN DEAN: Okay.

5 MS. HYATT: But I will definitely look into
6 that, Secretary Key, for next time.

7 CHAIRMAN DEAN: Okay. Let's see. Mr. and Mrs.
8 Estep and, let's see, Greenbrier and Guy-Perkins, if
9 you would raise your right hand. Do you swear or
10 affirm that the testimony you're about to give shall
11 be the truth, the whole truth, and nothing but the
12 truth?

13 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

14 CHAIRMAN DEAN: All right. So we don't have to
15 go through the procedures, but it is open for
16 questions and discussion. So, do we have anyone with
17 questions?

18 MR. ESTEP: I'd just like to thank the Board for
19 hearing our case again. I'm Andrew Estep; I'm
20 Cooper's father. Samantha was there two weeks ago,
21 when Cooper got denied. Any parent, I think, is
22 going to fight for their child to have the best
23 education, you know, and if we didn't do that I
24 wouldn't feel right. Cooper has never attended Guy-
25 Perkins, and so he has always went to Greenbrier his

1 whole life. Greenbrier is -- got a "A" rating and
2 Guy has a "C." So this year, when he was pulled out
3 of 2nd grade -- because we built our house just about
4 20-foot over the school district line here he got
5 pulled out, so we decided to home-school. I think it
6 worked out well. But he's ready to get back into
7 school. He's ready to get back to Greenbrier.
8 That's where he wants to go to school, and that's
9 where we want him in school at.

10 So it's just -- he was the first one on the list
11 that got the denial letter. And then when our
12 neighbor came down the road and they were approved,
13 and everybody else afterwards was approved, we
14 decided to maybe put in a request to be heard again.

15 CHAIRMAN DEAN: Thank you, Mr. Estep. You
16 definitely -- I can definitely understand, you know,
17 as a parent what all you will do to make sure your
18 child gets what you believe is the best for them in
19 every situation. So, thank you for continuing to
20 advocate for your child.

21 Dr. Fisher or Mr. Spainhour, does anyone else
22 have anything to add? Thank y'all for joining us
23 today.

24 SUPT. SPAINHOUR: [no sound]

25 CHAIRMAN DEAN: I cannot hear you, Mr.

1 Spainhour. It says you're unmated, but I just -- I
2 can't -- we can't hear you.

3 SUPT. FISHER: While he's working with that --

4 CHAIRMAN DEAN: Okay.

5 SUPT. FISHER: Can you hear me, Madam Chair?

6 CHAIRMAN DEAN: Yes, Dr. Fisher. Go ahead.

7 SUPT. FISHER: And I do apologize, Board; I'm in
8 a place that has low internet, so I'm going to hope I
9 don't drop the line here --

10 CHAIRMAN DEAN: Okay.

11 SUPT. FISHER: -- like Dr. Bryant. But I do --
12 since the parent made a statement, I'd like to
13 request a statement as well.

14 I want to, first of all, thank you guys for the
15 opportunity to represent our district again in this
16 hearing. And I want to reassure the Estep family
17 that we would love to have Cooper at our school and
18 attend his resident district. We have a T-Bird
19 Academy this year, we have a great 3rd grade teacher,
20 and we're in the process of becoming a Schools of
21 Innovation. So we're really excited about that.

22 I want to reiterate that we have met the 3% cap
23 for allowable school choice transfers for 20-21, and
24 I appreciate Ms. Hyatt for looking at the data
25 concerning that 3% cap. And I think that's going to

1 be important as we move forward in these
2 considerations, because precedents are being set.
3 And I know the Board is in a rock-and-a-hard-place
4 having to make decisions because you have no criteria
5 in the law or the rules about what should guide you
6 in making those decisions. So I know it's a very,
7 very tough decision for you.

8 Our net loss of students to date by the State
9 Board's decision to grant these school choice appeals
10 above the 3% cap is now six. Potentially, this would
11 make it the seventh. And we will be writing for our
12 waiver because we have fallen below 350 students.

13 I would be -- I would caution us not to think of
14 students who haven't attended our district as
15 students that we never had or never have that doesn't
16 play into the scenario. It actually does. When we
17 graduate a class, like this year, of 28 students, and
18 we have a class of 22 students who come in as
19 kindergartners, and we have the natural attrition of
20 losing students who move away and those houses become
21 vacant and people move into those and assume those
22 houses, we need to be very clear about thinking that
23 we do have that loss. This is not, hey, they didn't
24 attend; this is now we have -- because of the way
25 we're funded we lose an opportunity to have students

1 in a house that could attend our school district. So
2 I wanted to make that point that it is a loss for us,
3 and this year to the tune of about \$49,000. If you
4 multiply that out based on the number of years those
5 students could attend, roughly in the neighborhood of
6 \$500,000 across the years that they would've been in
7 our school.

8 Again, the state statute is somewhat vague in
9 the responsibility and the criteria that should be
10 used in this decision, so I would certainly ask that
11 you take these things into consideration. We are
12 funded based on your decision and it's vital that we
13 continue to have the opportunity to enroll those
14 students who are eligible in our district.

15 Thank you for your time and I appreciate the
16 opportunity to speak with you, Madam Chair.

17 CHAIRMAN DEAN: You're welcome. Thank you, Dr.
18 Fisher.

19 All right. Mr. Spainhour.

20 MR. SPAINHOUR: [no sound]

21 CHAIRMAN DEAN: We still can't hear you. Your
22 mic is not picking you up, for some reason. I don't
23 know why. Because for a second I could hear you when
24 you first came on, and then the sound went out. So I
25 don't know if there's a way to raise the volume on

1 your mic or --

2 SECRETARY KEY: Mr. Spainhour, I think you might
3 have to log off and log back on. Did you do that
4 too?

5 SUPT. SPAINHOUR: (Nodding head up and down)

6 SECRETARY KEY: Okay.

7 CHAIRMAN DEAN: Okay. Is there any way that you
8 could call in with your phone? Okay, let's try that.

9 [A MOMENT OF SILENCE]

10 MR. ESTEP: If we've got a spare moment, I'd
11 just like to clarify -- we didn't just move into a
12 house; we actually built the house here. So it's not
13 like we took it from a different family.

14 But I do want to thank you guys for hearing us
15 again. I know Cooper is excited to maybe get to go
16 back to school. We bought him a backpack the other
17 day, and so he's -- you know, the social welfare of
18 this child -- every one of his baseball friends are
19 in Greenbrier, everybody he knows goes to Greenbrier,
20 everybody in our neighborhood goes to Greenbrier --
21 and to pull him and place him into a school that he
22 knows absolutely nobody would be hard on him. And
23 that's where his kindergarten teacher was, that's
24 where his 1st grade teacher was, it's where he
25 started the 2nd grade, and hopefully he can start 3rd

1 grade. So, thank you.

2 CHAIRMAN DEAN: Thank you, Mr. Estep.

3 As we stated before -- I think Mr. Spainhour is
4 calling in now. But as we stated before, we take
5 each one of these cases individually. And as you can
6 see from today, they are quite varied in their -- the
7 different issues that concern each family. So we
8 appreciate each district doing their part and abiding
9 by their responsibilities to the law. And please
10 understand and trust that the Board is taking all
11 things into consideration for what's best for each
12 case.

13 Mr. Greenbrier [sic], were you able to call in?

14 It looks like he's dialing in now.

15 I appreciate everyone's patience. It looks like
16 we may get done at a good decent time today.

17 Do we need to try to take a 5-minute break and
18 see if we can get Mr. Spainhour on?

19 Okay. Why don't we take a 5-minute break and
20 see if we can get this technical issue worked out,
21 and then we'll be right back to get this case closed.
22 Thank you.

23 (BREAK: 11:58 a.m. - 12:07 p.m.)

24 CHAIRMAN DEAN: Okay. Well, we'll get started
25 again. I believe it was Guy-Perkins, Mr. Spainhour.

1 SUPT. SPAINHOUR: Right. Yeah. Scott Spainhour
2 from Greenbrier Schools. Just want to apologize for
3 the technical problems there. But just wanted to say
4 that, you know, we have room and we would love
5 nothing more than to support the Estep family at
6 Greenbrier. I know kind of the area where they live
7 and it is a mixed-up situation, and I certainly can
8 understand where they're coming from on that. I do
9 remember vaguely when they got the call about having
10 to leave during the middle of the year, after
11 building their home, and that was a very difficult
12 thing for them to have had to do.

13 But I just want to know -- just want everybody
14 to know that we will take him, love him, and help him
15 to grow as best we can. I think it's important for
16 parents to be able to make decisions about where
17 their kids go to school. I mean I understand the 3%
18 rule and why it was instituted back in 2013. I
19 probably think it's time to take a look at that rule
20 again. But nevertheless, you know, we have space and
21 would love to have them and will certainly do what
22 the State Board wants us to do. Thank you.

23 CHAIRMAN DEAN: Thank you, Mr. Spainhour.

24 Do we have any more questions or discussion from
25 the Board?

1 If not, then I welcome a motion.

2 MS. WOODS: Since I made the motion last time, I
3 will move again that we accept the appeal.

4 CHAIRMAN DEAN: I have a motion by Ms. Adrienne
5 Woods to grant the appeal for Cooper Estep.

6 Do I have a second?

7 DR. MOORE: Second.

8 MS. McFETRIDGE: I'll second.

9 CHAIRMAN DEAN: Seconded by Dr. Moore.
10 Let's do a roll-call.

11 SECRETARY KEY: On the motion to grant the
12 appeal -- Dr. Moore.

13 DR. MOORE: Yes.

14 SECRETARY KEY: Mr. Sutton.

15 MR. SUTTON: Yes.

16 SECRETARY KEY: Ms. McFetridge.

17 MS. McFETRIDGE: Yes.

18 SECRETARY KEY: Ms. Woods.

19 MS. WOODS: Yes.

20 SECRETARY KEY: Ms. Newton.

21 MS. NEWTON: Yes.

22 SECRETARY KEY: Ms. Chambers.

23 MS. CHAMBERS: Yes.

24 SECRETARY KEY: Dr. Hill.

25 DR. HILL: [inaudible]

1 CHAIRMAN DEAN: We can't hear you, Dr. Hill.
2 You're muted.

3 DR. HILL: Yes.

4 CHAIRMAN DEAN: Thank you.

5 SECRETARY KEY: Mr. Williamson is -- did not
6 rejoin us.

7 Okay. That's seven yea's, zero nay's.

8 CHAIRMAN DEAN: Seven yea's, zero nay's --
9 motion passes. Congratulations, Cooper and Mr. and
10 Mrs. Estep. Thank you.

11 MRS. ESTEP: Thank y'all.

12 MR. ESTEP: Thank you so much.

13 CHAIRMAN DEAN: You're welcome. Thank y'all for
14 joining us today.

15 And thank you, Mr. Spainhour, and -- I'm having
16 a moment --

17 SECRETARY KEY: Dr. Fisher.

18 CHAIRMAN DEAN: Dr. Fisher. Thank you.

19 Thank you, Dr. Fisher, for joining us today. We
20 appreciate you.

21 All right. So that concludes all of our school
22 choice appeals.

23

24

25 (The Action Agenda was concluded at 12:11 p.m.)

1

	14:8;20:15;41:1, 12;92:22	admit (1) 66:11	52:6;65:23;67:24	12:25;37:17
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