

In The Matter Of:

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

May 14, 2020

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ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION

(Via Livestream/Zoom due to Covid-19)

MAY 14, 2020
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

MS. DIANE ZOOK, Chairman
MS. CHARISSE DEAN, Vice Chairman
MS. OUIDA NEWTON
DR. FITZGERALD HILL
DR. SARAH MOORE
MS. SUSAN CHAMBERS
MS. KATHY McFETRIDGE

NON-VOTING MEMBERS:

MR. JOHNNY KEY, Secretary of Education
MS. STACEY McADOO, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

| | |
|-------------------------|-----------------|
| MS. LORI FRENO | General Counsel |
| MS. MARY CLAIRE HYATT | Attorney |
| MS. COURTNEY SALAS-FORD | Attorney |
| MR. TAYLOR DUGAN | Attorney |

DESE PLSB LEGAL COUNSEL:

| | |
|-----------------|-------------------|
| MS. AMY DOUGLAS | Managing Attorney |
|-----------------|-------------------|

DESE EDUCATOR EFFECTIVENESS/LICENSURE LEGAL COUNSEL:

| | |
|-------------------|----------|
| MS. JENNIFER LINK | Attorney |
|-------------------|----------|

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E X H I B I T S

A-1: WAIVER HEARING - ZACHARY NIDIFFER

ADE Exhibit One (1)
Arkansas Code Annotated 6-17-410

ADE EXHIBIT TWO (2)
Educator's License (valid to 12/31/20)

ADE EXHIBIT THREE (3)
Sentencing Order

ADE EXHIBIT FOUR (4)
Notice of Disqualifying Offense

ADE EXHIBIT FIVE (5)
Notice of Hearing

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P R O C E E D I N G S

A-1: STATE BOARD HEARING - REQUEST FOR WAIVER - LA 20-04:
ZACHARY NIDIFFER

CHAIRPERSON ZOOK: The first item on the action agenda is Ms. Link. If you will -- are you on the line?

MS. LINK: Yes, ma'am.

CHAIRPERSON ZOOK: Okay. If you will present, and if you'll get close enough to the microphone so that we can hear you clearly.

MS. LINK: Okay. Can you hear me right now?

CHAIRPERSON ZOOK: Yes.

MS. LINK: Okay. Good morning. Jennifer Link, attorney for Educator Effectiveness and Licensure.

Before you this morning is a waiver request for Educator Zachary Nidiffer. He is requesting a waiver for a disqualifying offense. And I believe Mr. Nidiffer is on the call or the Zoom.

Mr. Nidiffer, if you're on the Zoom can you un-mute yourself?

(A BRIEF MOMENT OF SILENCE)

CHAIRPERSON ZOOK: Does anyone see his name? Oh, I see it up here, yes.

Nidiffer, if you will please un-mute.

(A BRIEF MOMENT OF SILENCE)

1 MS. LINK: Mr. Nidiffer?

2 CHAIRPERSON ZOOK: It still says he's muted on
3 mine. Maybe he's looking for the un-mute button. I
4 understand if that's the case.

5 (A BRIEF MOMENT OF SILENCE)

6 MS. LINK: Well, while we're waiting on him I
7 can go over the rules.

8 CHAIRPERSON ZOOK: Okay, that would be great. I
9 do -- maybe he can hear us.

10 MS. LINK: Okay. Under the rules governing
11 background checks, the Educator and the Division each
12 have 5 minutes for an opening statement. Board
13 Members may ask questions at any time. Each party
14 will be given 15 minutes to present their cases,
15 beginning with the representative for the Division.
16 The Chairperson of the State Board may, only for good
17 cause shown and upon the request of either party,
18 allow each party additional time to present their
19 case. Each party will have 5 minutes for closing.

20 CHAIRPERSON ZOOK: Okay. Thank you, Ms. Link.

21 Ms. Nidiffer, I see that -- Mr. Nidiffer, I see
22 that you are un-muted now. Did you hear the method
23 of transporta -- of presentation that Ms. Link gave?

24 MR. NIDIFFER: Yes, ma'am.

25 CHAIRMAN ZOOK: Okay. Ms. Link.

1 MS. LINK: Yes. Would you like to swear in the
2 Educator?

3 CHAIRPERSON ZOOK: Yes, okay. If you will raise
4 your right hand, do you swear or affirm that the
5 testimony you're about to give shall be the truth,
6 the whole truth, and nothing but the truth?

7 MR. NIDIFFER: I do.

8 CHAIRPERSON ZOOK: Okay. We will start with Ms.
9 Link. You will present the case first, or he?

10 MS. LINK: I will present the case first, but
11 I'm waiving my opening. So if Mr. Nidiffer would
12 like to give an opening, he can do so at this time.

13 CHAIRPERSON ZOOK: Okay. Would you like to give
14 an opening statement?

15 MR. NIDIFFER: Yes, just a short one.

16 CHAIRPERSON ZOOK: Okay, you may go ahead.

17 MR. NIDIFFER: Okay. So about -- a little over
18 a year ago I received a DUI, which is embarrassing
19 enough, but the worst part was that my 11-year old
20 son was in the car with me, as I had had a couple of
21 drinks with dinner and then found out that I needed
22 to take him to a baseball game. And then on the way
23 home I hit a curb with the front passenger tire on my
24 car while turning and there just happened to be a
25 police officer that witnessed that and pulled me

1 over. This is my -- the first offense that I've ever
2 been arrested for, and since then I've done my best
3 to try to make amends for it. I've sought
4 counseling, I've stopped drinking entirely, and I'm
5 really just trying to move on.

6 CHAIRPERSON ZOOK: Okay. Thank you.

7 And would you say your last name for me so I
8 don't continue to butcher it?

9 MR. NIDIFFER: Yes. It's Nidiffer [pronouncing
10 Ny-difur] actually.

11 CHAIRPERSON ZOOK: Nidiffer, okay. I'll do my
12 best to pronounce it correctly.

13 Ms. Link.

14 MR. NIDIFFER: I'm quite used to it.

15 CHAIRPERSON ZOOK: Ms. Link.

16 MS. LINK: Yes, ma'am. So I'll begin my
17 presentation. Mr. Nidiffer -- I'm sorry about that
18 --

19 MR. NIDIFFER: That's okay.

20 MS. LINK: -- is a licensed educator and his
21 license is valid until December 31, 2020, and his
22 license is marked Exhibit Two (2) in your packets
23 that I emailed earlier. The Division received
24 information that Mr. Nidiffer was found guilty of a
25 disqualifying offense, Endangering the Welfare of a

1 Minor, and his sentencing order is labeled Exhibit
2 Three (3). Notice of the disqualification was sent
3 to Mr. Nidiffer on March 26, 2020, and he's here
4 today from that notice. Mr. Nidiffer subsequently
5 requested a waiver. And Arkansas law provides that
6 the State Board shall not renew an existing license
7 and shall revoke any existing license not up for
8 renewal of any person who has a true report in the
9 Child Maltreatment Central Registry or has pled
10 guilty or nolo contendere to or has been found guilty
11 of any of the enumerated offenses in Arkansas Code
12 Annotated 6-17-410; Endangering the Welfare of a
13 Minor in the First Degree as prohibited in -- by
14 Arkansas Code Annotated Section 5-27-205, or
15 Endangering the Welfare of a Minor in the Second
16 Degree as prohibited by 5 -- Arkansas Code Annotated
17 Section 5-27-206 -- are both disqualifying offenses.
18 And that is labeled as Exhibit One (1) in your
19 packet.

20 (WHEREUPON, ADE Exhibits One (1) through Five
21 (5) were marked for identification and entered into
22 evidence.)

23 MS. LINK: The Division is tasked -- the
24 Division is tasked to prove by a preponderance of the
25 evidence that the Educator was found guilty of a

1 disqualifying offense listed in 6-17-410, and all the
2 evidence provided in your packet does that.

3 So this concludes my presentation. And if there
4 are no further questions, I yield the floor to the
5 Educator.

6 CHAIRPERSON ZOOK: Okay.

7 MR. NIDIFFER: I just --

8 CHAIRPERSON ZOOK: Wait just one second.

9 MR. NIDIFFER: Okay.

10 CHAIRPERSON ZOOK: Ms. Link, I have one question
11 before we go to his presentation. When they say
12 endangering a minor, did they elaborate on exactly
13 what took place to endanger the minor or is it just a
14 generalized term and it could mean several things?

15 MS. LINK: It is just a generalized offense and
16 it could mean several things. It doesn't specify
17 which type of endangerment.

18 CHAIRPERSON ZOOK: Okay. And was it turned in
19 as a true finding to -- on a hotline?

20 MS. LINK: No, he just -- no. To my knowledge,
21 he does not have a true finding. He was only charged
22 with Endangering the Welfare of a Minor in the Second
23 Degree.

24 CHAIRPERSON ZOOK: Okay. Sir, you may proceed.

25 MR. NIDIFFER: Okay. I just would like to

1 express my apology, I guess, for the offense that I
2 committed, and I know that it was a huge and horrific
3 mistake. I believe that it's something that I have
4 learned from since then. And the charge itself was
5 put under advisement by the Centerton court and after
6 one year that should be off of my record.

7 CHAIRPERSON ZOOK: Anything in addition?

8 MR. NIDIFFER: No, ma'am.

9 CHAIRPERSON ZOOK: Okay. Ms. Link.

10 MS. LINK: So in closing, Mr. Nidiffer was found
11 guilty of Endangering the Welfare of a Minor as the
12 disqualifying offense and the Board has the statutory
13 authority to take action. Evidence for the Board's
14 consideration should include the age at which the
15 crime or incident was committed, circumstances around
16 the crime or incident, the length of time since the
17 crime or incident, subsequent work history, personal
18 references, character references, and other evidence
19 demonstrating that the applicant does not pose a
20 threat to the health or safety of school children or
21 school personnel.

22 Just as a reminder, the Board has the power to
23 grant the waiver or put certain conditions on the
24 waiver -- for example, professional development,
25 probation, or a reflective statement.

1 CHAIRPERSON ZOOK: Okay. And what age was the
2 child, the student?

3 MR. NIDIFFER: He was 11.

4 CHAIRPERSON ZOOK: 11. And was he a student of
5 yours?

6 MR. NIDIFFER: No, he was my son.

7 CHAIRPERSON ZOOK: It was your -- okay.

8 Board Members, anyone have questions of either
9 Mr. Nidiffer or Ms. Link?

10 DR. HILL: Yeah, I want to --

11 CHAIRPERSON ZOOK: Okay, Dr. Hill.

12 DR. HILL: Yeah, I want -- Zachary had mentioned
13 he had been in counseling. How long have you been in
14 counseling, and are you continuing to go or have you
15 joined any support groups or -- I heard you say that
16 you quit drinking completely, and I just wanted to
17 know what's the status of your rehabilitation?

18 MR. NIDIFFER: Oh, I've attended several AA
19 meetings. I've since moved to Oklahoma and I have my
20 first appointment to begin counseling again coming
21 up, but I was in Arkansas receiving counseling.

22 DR. HILL: So you're going to continue your
23 counseling --

24 MR. NIDIFFER: Yes, sir.

25 DR. HILL: -- as before?

1 MR. NIDIFFER: Yes.

2 DR. HILL: Is there a time -- do you have -- do
3 you have -- I guess my question, do you have a plan
4 of action -- your new counselor, they're going to
5 give you that. Do you know how long you will remain
6 in counseling through this process?

7 MR. NIDIFFER: Well, the counseling is by choice
8 and I just believe that it's helpful to me; so I
9 don't plan on stopping at any time soon.

10 DR. HILL: Okay. Are you applying for another
11 job in Oklahoma?

12 MR. NIDIFFER: Yes, sir.

13 DR. HILL: Okay. Well, okay. So will you have
14 a sponsor through their -- through your AA meetings
15 or whatever that you will continue to do?

16 MR. NIDIFFER: Once I find a place to go to,
17 yes.

18 DR. HILL: Okay. I think -- you know, I'm very
19 supportive of restoration and -- but I think it's
20 very important that you have a game plan for recovery
21 --

22 MR. NIDIFFER: Uh-huh.

23 DR. HILL: -- and for being a teacher. You
24 understand the liability that you could have created
25 for your own family --

1 MR. NIDIFFER: Yes, sir.

2 DR. HILL: -- and others. I mean that's
3 something this board can't take lightly. But we need
4 great teachers and you can learn from this, and I
5 don't think any -- our experiences can help us in the
6 future. And I think if you can use this as a
7 learning experience, I'm going to definitely support
8 you having an opportunity to do that. But if you're
9 not continuing in what you -- your counseling, your
10 personal rehabilitation, then I have a problem with
11 granting you that.

12 MR. NIDIFFER: No, I definitely plan to -- my
13 wife is helping me see that through as well.

14 DR. HILL: Okay. That's all I have, Ms. Zook.

15 CHAIRPERSON ZOOK: Okay. Any other board member
16 have questions of other of the two of the presenters?

17 DR. MOORE: Yes, I would. This is Sarah and --

18 CHAIRPERSON ZOOK: Dr. Moore.

19 DR. MOORE: So, Ms. Link, I was confused. So is
20 this the same individual that we voted on in the
21 consent agenda for PLSB?

22 MS. LINK: Yes, but it's for a completely
23 different incident. The two are not related.

24 DR. MOORE: Okay. So if we are to grant back
25 the license, it looks like there would be a six-month

1 suspension. Is that correct?

2 MS. LINK: Yes, I believe so.

3 CHAIRPERSON ZOOK: Would those six months start
4 when they became an employee of a district in the
5 state of Arkansas, or does the six months start based
6 on our vote at this meeting?

7 MS. LINK: I would defer that to Ms. Douglas,
8 because I'm not -- I'm not sure I know. That's a
9 PLSB issue.

10 MS. DOUGLAS: It would start by the signing of
11 the State Board order from the consent agenda today.

12 CHAIRPERSON ZOOK: So it would -- part of the
13 six months would be during the summer, when we're not
14 in school?

15 MS. DOUGLAS: That is correct.

16 CHAIRPERSON ZOOK: Okay. Thanks for the
17 clarification.

18 Dr. Moore, did you have anything further?

19 DR. MOORE: No, I don't -- I don't know if it
20 would be appropriate to -- I guess we can't discuss
21 that case; is that correct?

22 CHAIRPERSON ZOOK: No. You can only discuss the
23 information that was included on the action agenda.

24 DR. MOORE: Okay. Thank you.

25 CHAIRPERSON ZOOK: Any other board member?

1 MS. DEAN: I have the same concern as Dr. Moore
2 -- the same observation, I guess I should say.

3 CHAIRPERSON ZOOK: Okay. Thank you, Ms. Dean.
4 Does the Board want to have further discussion
5 before someone makes a motion?

6 DR. HILL: Well, it sounds like our feelings are
7 based on collectively, rather than individually. So
8 how can we do that, or is it possible?

9 CHAIRPERSON ZOOK: Say it again, Dr. Hill. I'm
10 not sure I clearly understood what you said.

11 DR. HILL: No. No, I was saying we're looking
12 at two individual situations and it seems like as a
13 board we want to look at them collectively, rather
14 than individually. And I said --

15 CHAIRPERSON ZOOK: Right.

16 DR. HILL: -- is there a way that we can do that
17 --

18 CHAIRPERSON ZOOK: Ms. Link or Ms. Douglas?

19 DR. HILL: -- even though they're separate?

20 CHAIRPERSON ZOOK: Yeah, Ms. Link.

21 MS. LINK: So, yes, ma'am.

22 CHAIRPERSON ZOOK: His question is if there's
23 two different things, one of which was a six-month
24 probation and the other was a disqualifying offense
25 -- we moved on the probation, so we still have to

1 look at this as an individual, not as collective. Is
2 that correct?

3 MS. LINK: That is correct. The jurisdiction
4 for us to revoke his license through this particular
5 incident has nothing to do with his PLSB, but it
6 would influence the outcome of the revocation, so --
7 but they're two totally separate incidents. And I'm
8 not even privy to the PLSB incident as the licensure
9 attorney, so I don't even know what happened. So
10 this is strictly based on this incident which came up
11 in the background check.

12 CHAIRPERSON ZOOK: Okay. And is this
13 disqualifying offense one of those that in the future
14 a person could get their license back if we took away
15 the license, or is this disqualifying offense one
16 that they could not?

17 MS. LINK: Hmmm.

18 CHAIRPERSON ZOOK: Mr. Dugan, are you on the
19 phone? 'Cause he always --

20 MR. DUGAN: Yeah, I am. I am. Can you guys
21 hear me?

22 CHAIRPERSON ZOOK: Yes.

23 MR. DUGAN: So Act 628 of 2019 allows the Board
24 the discretion to reinstate or revoke a license as
25 long as it doesn't involve sexual or violence against

1 a child, and so -- a sexual [sound cuts out] against
2 a child. So I mean Endangering the Welfare of a
3 Minor from a DUI is a pretty common charge that's
4 associated in this type of instance, and so I mean
5 there's an argument for it. But I think the counter-
6 argument would be that this was not a sexual offense
7 and this wasn't a violent offense, so I would think
8 that he would be able to get his license reinstated
9 if it was to be revoked in 10 years under Act 628.
10 But, again, the reinstatement or to revoke a license
11 is the Board's discretion. So I would say it's not
12 sexual, it was not violent, so I would think that he
13 [sound cuts out] reinstated.

14 CHAIRPERSON ZOOK: But if we removed his
15 license, he would not be able to reapply for 10
16 years; is that correct?

17 MR. DUGAN: That is correct. Yes, ma'am.

18 CHAIRPERSON ZOOK: Okay. Board, with all the
19 information that you have, and having --

20 MS. NEWTON: Ms. Zook --

21 CHAIRPERSON ZOOK: Yes, Ms. Newton.

22 MS. NEWTON: -- can I ask a question?

23 CHAIRPERSON ZOOK: Sure.

24 MS. NEWTON: We've read so many -- we've read so
25 many rules in the last few weeks so that I'm --

1 they're starting to all run together. So can you
2 help -- maybe somebody in Legal can help me. Did I
3 read a rule that says that if a violation was
4 expunged from a person's record that that could not
5 be a -- that they could not -- that would be a reason
6 they couldn't have their license removed? Did I read
7 that somewhere in a rule? And I'm thinking I did.

8 MR. DUGAN: Yes.

9 MS. NEWTON: And I think --

10 CHAIRPERSON ZOOK: Mr. Dugan I think --

11 MS. NEWTON: -- it could be taken off in a year?

12 CHAIRPERSON ZOOK: Yeah. I think Mr. Dugan --

13 MR. DUGAN: That's correct, Ms. Newton. It used
14 to be that if it was a sexual or violent offense then
15 they would have to wait -- no, if it was
16 disqualifying they had to wait 10 years. So, for
17 example, unless it -- and now where -- they changed
18 the law where if it's sealed and it's not sexual and
19 it's not violent then it's no longer disqualifying.
20 And so in this instance, Mr. Nidiffer was convicted
21 of a Class A Misdemeanor. Once he's completed his
22 sentence, he will be eligible to petition The Court
23 to have that sealed. And so like whenever he
24 completes that sentence he files a petition with The
25 Court and The Court has the discretion to grant that

1 petition. And if they grant that petition, it's no
2 longer disqualifying because, according to the law,
3 it's been sealed. So, yeah, if he was able to get it
4 sealed after his sentence it would no longer cause
5 him any issues.

6 MS. NEWTON: Okay. So in a year's time he would
7 be able -- he would be eligible for the license
8 anyway or if we did away with it he would have to
9 wait the 10 years?

10 MR. DUGAN: Correct. So today, if -- let's say
11 the Board voted to revoke Mr. Nidiffer's license, he
12 would have to wait 10 years before he could ask for
13 it to be reinstated. The criminal issue as far as
14 getting it sealed is whatever Mr. Nidiffer's sentence
15 was -- and I think Mr. Nidiffer said -- I couldn't
16 hear a hundred percent -- but once he completes that
17 sentence -- it's a Class A Misdemeanor, so The Court
18 would only have jurisdiction for a year. But -- so
19 he's probably done some of the sentence; so once
20 that's done he can file a petition with The Court.
21 In my experience, The Court would grant the petition.
22 And so if The Court granted the petition he would not
23 even be here because we would not have jurisdiction
24 to even bring him before the Board because it
25 would've been sealed. So, yeah --

1 MS. NEWTON: Okay.

2 MR. DUGAN: -- once it's sealed it's no problem.
3 So if this was six or seven months down the road and
4 it gets sealed, his background check would've been
5 approved.

6 MS. NEWTON: Okay. So probably when his six-
7 month suspension is up it would be approved anyway?

8 MR. DUGAN: Probably. That's obviously up to
9 the Judge there, the district court there in
10 Centerton. But it's a Class A Misdemeanor and in the
11 criminal sense it is not a very high-ranking offense.

12 MS. NEWTON: Okay. So, more than likely in six
13 months then this would not even be an issue. Okay.
14 All right.

15 MR. DUGAN: Correct.

16 MS. NEWTON: Thank you.

17 CHAIRPERSON ZOOK: Okay. The question is if he
18 -- are you applying for a teaching job in Oklahoma?

19 MR. NIDIFFER: Yes, ma'am.

20 CHAIRPERSON ZOOK: Okay. So the question
21 becomes if we suspend his license or revoke his
22 license would he -- would Oklahoma be able to check
23 that, in Arkansas, and realize that his license is
24 currently either suspended or revoked; and therefore,
25 he would not be able to get -- I guess at their

1 discretion be able to -- at least not in a reciprocal
2 manner be able to be employed as an educator in
3 Oklahoma? Mr. Dugan.

4 MR. DUGAN: I beg your pardon, Ms. Zook? We're
5 actually experiencing some technical difficulties
6 over here. We've got a bunch of folks over here.
7 What was the question?

8 CHAIRPERSON ZOOK: The question was -- he said
9 he is applying for a job as an Educator in Oklahoma.
10 If Oklahoma looks at his credentials in Arkansas, and
11 we have revoked or suspended his license, would that
12 then be at their discretion about whether or not to
13 employ him or would they be able to absolutely not
14 employ him, or is that at their discretion?

15 MR. DUGAN: So I'm not too familiar with
16 Oklahoma's [sound cuts out]. In Arkansas, he would
17 not be able to because of that suspension from the
18 PLSB. So what happens is, with suspension and
19 revocations, they're reported to NASDTEC, the
20 national clearinghouse. And so Oklahoma would, you
21 know, pull up his record on NASDTEC and they would
22 see that suspension order and then they would also
23 see, if it was revoked today, that revocation order.
24 And I would hope Oklahoma's law is like Arkansas, to
25 where, yes, they -- he would not be eligible to work.

1 But, again, I don't know [sound cuts out], but it
2 would be reported to NASDTEC. So whatever state Mr.
3 Nidiffer went to it would pop up.

4 CHAIRPERSON ZOOK: Okay. Board, did you get all
5 of that?

6 MS. NEWTON: Ms. Zook --

7 CHAIRPERSON ZOOK: Yes, Ms. Newton.

8 MS. NEWTON: -- here's my opinion, and I don't
9 know what the Board's pleasure is, and I'm fine
10 either way, whatever they want to do. But because of
11 the way Mr. Dugan described the level of the offense,
12 and he's already got a six-month suspension, and
13 potentially at the end of that six-months the
14 decision would be sealed, I think that -- I don't
15 know if we would do a concurrent six-month along with
16 the six-month that he already had -- I don't know if
17 that's possible -- but to waive the six months before
18 he would be eligible for teach again.

19 CHAIRPERSON ZOOK: Okay. Any other discussion
20 or input from board members?

21 Ms. Dean.

22 MS. DEAN: I agree with Ms. Newton. That's
23 basically what I understood from Mr. Dugan, that once
24 the six months is over it really wouldn't matter
25 anyway. So I'm okay with allowing him to teach after

1 that six months is over.

2 CHAIRPERSON ZOOK: So, basically, we're talking
3 about a semester?

4 MS. DEAN: What was that?

5 CHAIRPERSON ZOOK: We would be talking about a
6 semester.

7 MS. FRENO: This is Lori Freno.

8 CHAIRPERSON ZOOK: This is May, and he would --

9 MS. FRENO: May I be recognized?

10 CHAIRPERSON ZOOK: Ms. Freno.

11 MS. FRENO: Yes. I just want to be recognized.
12 I want to make clear that we do not know if this case
13 will be sealed or not. I just want to make that
14 perfectly clear. We don't know if it will be sealed
15 or not. So as the Board is thinking through this, it
16 shouldn't assume that that offense is going to be
17 sealed.

18 CHAIRPERSON ZOOK: Okay. Thank you, Ms. Freno.
19 Did everyone hear that?

20 MS. DEAN: Yes.

21 CHAIRPERSON ZOOK: Okay. Dr. Hill?

22 DR. HILL: Yes, I heard.

23 CHAIRPERSON ZOOK: Okay. Does the Board want
24 further discussion, ask more questions, or is someone
25 ready for a motion?

1 MS. NEWTON: Can I ask Ms. Link a question?

2 CHAIRPERSON ZOOK: Sure.

3 MS. NEWTON: Ms. Link, would we need to make a
4 motion to have a six-month suspension in addition to
5 the one that's already done, so it would start from
6 today? How would we need to do that, or would we go
7 with the one that's already in place?

8 MS. LINK: I believe that would be up to you-
9 all. I mean you can -- like I said, you can add
10 conditions. So if you-all want to I guess do a
11 concurrent suspension, you can. I think that's up to
12 you guys.

13 MS. NEWTON: Okay.

14 CHAIRPERSON ZOOK: So the motion would be -- if
15 that was the pleasure of the Board, the motion would
16 be to accept what's already in place and take no
17 further action?

18 MS. NEWTON: Just to hold with the six-month
19 suspension that he's already tasked with?

20 MS. LINK: Yes.

21 MS. NEWTON: I make that a motion.

22 CHAIRPERSON ZOOK: Okay. Can you restate it so
23 it's clear to him?

24 MS. NEWTON: I move that he is faced with a six-
25 month suspension to go concurrently with the other

1 PLSB order, I guess starting from today's date.

2 DR. HILL: Second.

3 CHAIRPERSON ZOOK: I have a motion by Ms.
4 Newton, a second by Dr. Hill.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON ZOOK: Opposed?

8 Motion passes.

9 I hope and wish you well. And understand that
10 endangering the child, whether it be your own or
11 someone else's, we take very seriously. But being
12 your first offense and not being a felony, we want to
13 help give you the benefit of the doubt.

14 MR. NIDIFFER: I appreciate that. Thank you
15 very much.

16 CHAIRPERSON ZOOK: You're very welcome.

17 Okay, Board, number 2 was pulled.

18 A-3: STATE BOARD REVIEW OF PLSB 20-016 ETHICS SUBCOMMITTEE
19 RECOMMENDATION - BOBBY MAX PENNINGTON

20 CHAIRPERSON ZOOK: So we now go to Mr.

21 Pennington. And, Mr. Dugan, I think that's yours.

22 And who is the -- or Mr. Alagood is the attorney --
23 who is the attorney for Mr. Pennington?

24 You're on mute. Okay, you're logged in under
25 Amy Douglas, and I know you're not Amy Douglas, so --

1 MR. ALAGOOD: I am not Amy Douglas.

2 CHAIRPERSON ZOOK: Okay. We've got the
3 feedback, so we need to work on that.

4 (A FEW MOMENTS OF SILENCE)

5 CHAIRPERSON ZOOK: Okay, try it again.

6 (A FEW MOMENTS OF SILENCE)

7 CHAIRPERSON ZOOK: Okay. Are there several of
8 you in the same room, all logged in on separate Zoom
9 --

10 MR. ALAGOOD: Can you hear me?

11 CHAIRPERSON ZOOK: I would -- yes. It's a lot
12 clearer now.

13 MR. ALAGOOD: Greg Alagood here.

14 CHAIRPERSON ZOOK: And identify yourself please.

15 MR. ALAGOOD: Well, I'm not hearing her.

16 CHAIRPERSON ZOOK: Okay.

17 MR. ALAGOOD: Can you hear me? This is Greg
18 Alagood.

19 CHAIRPERSON ZOOK: Yes, Mr. Alagood.

20 MR. ALAGOOD: Okay. Isn't technology wonderful?
21 I am identified on your screen as Amy Douglas.

22 CHAIRPERSON ZOOK: Yes, you are.

23 MR. ALAGOOD: I'm not Amy Douglas.

24 CHAIRPERSON ZOOK: No. Is your --

25 MR. ALAGOOD: Max Pennington is with me --

1 CHAIRPERSON ZOOK: Okay.

2 MR. ALAGOOD: -- and we are present in the
3 meeting room in the offices of the PLSB, just behind
4 you, in the hopes that we were going to be able to
5 video with you on the big screen. But as long as I
6 see you, Chairperson Zook, and Mr. Key sitting to
7 your right, and if you can hear me, then Hallelujah.

8 CHAIRPERSON ZOOK: Okay. Let's see if you can
9 hear Mr. Dugan.

10 MR. ALAGOOD: Okay.

11 MR. DUGAN: Can you guys hear me?

12 MR. ALAGOOD: I hear Mr. Dugan, as well as see
13 him.

14 CHAIRPERSON ZOOK: Okay. It's just me that you
15 can't hear?

16 MR. ALAGOOD: No, I can hear you.

17 CHAIRPERSON ZOOK: Okay, great. All right.
18 We're good to go.

19 Mr. Dugan, would you go over the rules and then
20 we will start the process?

21 MR. DUGAN: Definitely. And I apologize about
22 that, Board. Mr. Alagood and I were trying to use
23 the system over here at PLSB, and we've been working
24 on it since about 9:30 -- and it looked like we
25 almost had it working, but it decided to not do it.

1 So we're back in separate spots and hopefully it's
2 not too much feedback, so --

3 CHAIRPERSON ZOOK: Let me interrupt you briefly
4 and ask you if you will speak more slowly. It's
5 difficult to hear on the microphone when you're
6 speaking quickly, Mr. Dugan.

7 MR. ALAGOOD: That is going to be a challenge
8 for me to speak slowly, but I will do my very best,
9 Ms. Zook.

10 CHAIRPERSON ZOOK: Okay. Mr. Dugan is frozen in
11 place. So while he works on that --

12 MR. ALAGOOD: One of your tech quiz guys is over
13 here, and so I think he's headed to Taylor's office
14 as we speak to see if he can get him back with us.

15 CHAIRPERSON ZOOK: Okay. He's --

16 MR. ALAGOOD: There he is.

17 CHAIRPERSON ZOOK: There he is.

18 MR. ALAGOOD: Still frozen.

19 CHAIRPERSON ZOOK: Okay. Mr. Dugan, if you will
20 go over the rules for the Board?

21 MR. DUGAN: Can you hear me?

22 CHAIRPERSON ZOOK: We can hear you.

23 (A FEW MOMENTS OF SILENCE)

24 CHAIRPERSON ZOOK: He's frozen again.

25 I tell you what, Mr. Alagood, if you will, one

1 thing that I know for sure is we'll have to swear
2 your client, if they plan to present, and -- or
3 testify, and anyone else. So if you will have them
4 stand and raise their right hand --

5 MR. ALAGOOD: It's not my intention for Mr.
6 Pennington to testify; however, I realize some board
7 members may have questions for him. So he is
8 standing up and he is raising his -- well, there he
9 is; he's raising his right hand.

10 CHAIRPERSON ZOOK: Thank you, Mr. Pennington.
11 Do you swear or affirm that the testimony you're
12 about to give shall be the truth, the whole truth,
13 and nothing but the truth?

14 MR. PENNINGTON: I do.

15 CHAIRPERSON ZOOK: All right. I heard that.
16 Thank you.

17 Mr. Dugan is getting assistance. Are you back,
18 Mr. Dugan?

19 MR. DUGAN: That should be better. I hard-wired
20 into the system, so that should be better.

21 CHAIRPERSON ZOOK: Okay, that is much better.
22 Thank you.

23 MR. DUGAN: My apologies. And so going back to
24 the rules, so this was an item that was removed from
25 the consent agenda -- and the State Board may do that

1 under Section 16 of the rules. And the Educator will
2 be allowed 10 minutes and then the PLSB will be
3 allowed 10 minutes. This is a case where both the
4 PLSB and the Educator agree on the recommendation in
5 this case. So Ms. Douglas is in the room with me and
6 I expect that she will be asking the Board to approve
7 it, but I'll let her speak on that herself. However,
8 Mr. Alagood filed a motion for recusal to the Board
9 in this case, and so I'm here to deal with that.

10 And so the Board will have two things to do
11 today, is rule on Mr. Alagood's motion for recusal
12 and then the other thing is whether to accept the
13 PLSB recommendation or send it back to an evidentiary
14 hearing with the PLSB.

15 Mr. Pennington never had a hearing. This was a
16 case where the Ethics Subcommittee, that first level,
17 made a recommendation and Mr. Pennington accepted
18 that recommendation, so he never had a hearing. And
19 so these reviews are not hearings under the APA, so
20 if there was anything changed to that sanction that
21 Mr. Pennington does not agree with, he would have to
22 be given that opportunity for a full-blown hearing
23 with the PLSB.

24 And so if there are no questions, I will yield
25 the floor to Mr. Alagood for his motion for recusal

1 and more information for the Board.

2 CHAIRPERSON ZOOK: Okay. Do you understand,
3 Board, what they're talking about? State Board
4 members, like judges, use their own mind about
5 whether or not they can fairly and objectively hear a
6 case -- and if you do not feel that you can be fair
7 or objective, then you should recuse yourself; if you
8 believe that you can be both fair and objective, then
9 you do not have to recuse. Are there any questions
10 from the board members?

11 Seeing none, are there any of you that believe
12 that you cannot be fair or objective and choose to
13 recuse?

14 Seeing none, Mr. Alagood, you may proceed.

15 MR. ALAGOOD: Thank you, Ms. Chairperson.

16 Regarding the issue of recusal, I see that
17 everyone has made a decision as they have determined
18 their heart and their mind to be. It is true that
19 the decision of whether or not to recuse is within
20 each individual board member's respective discretion.

21 I just want to very briefly touch on the history
22 of this case as it relates to proceedings before the
23 Department of Education. You may recall that at your
24 August State Board meeting there was a gentleman who
25 had requested to be a part of the public comments.

1 His name was Johnny Smith. And when he started
2 talking about Dumas and Max Pennington, Mr. Key
3 informed him that his office had received numerous
4 inquiries about Mr. Pennington and the situation in
5 Dumas, and that he had referred them to the
6 Professional Licensure Standards Board, which handles
7 inquiries in a confidential fashion. So he didn't
8 even know but what the PLSB might not be
9 investigating that case. You, Ms. Zook, you may
10 recall, reiterated that, that it could very well be
11 being investigated by the PLSB and y'all wouldn't
12 know anything about it. I promise you, Johnny Smith
13 knew that it was being investigated by the PLSB
14 because the person who filed the complaint was
15 present with him before you on August 8th. Be all
16 that as it may, let's give everybody the benefit of
17 the doubt as far as the August board meeting was
18 concerned. But just a couple of weeks later, board
19 member Dr. Fitz Hill attended a public forum in
20 Dumas; it took place on August 18th of 2019. It's my
21 understanding there were perhaps a couple of dozen
22 folks present. I wonder if at that point he was
23 aware that there had been a PLSB ethics complaint
24 filed against Mr. Pennington. But then, Mr. Smith
25 shows back up on September 12th and brings three

1 folks with him and he handed out a packet of
2 documentation to you. Now I requested a copy of
3 whatever that documentation was that he gave to you,
4 and the nice young lady who handles the FOIA
5 requests, Brittany Kincaid, she searched high and low
6 and reported to me that it could not be found. Well,
7 let's give everybody the benefit of the doubt as far
8 as the September board meeting is concerned. But Mr.
9 Pennington was on the agenda for February, so
10 everybody knew at that point in time that there was a
11 PLSB investigation and recommendation concerning him.
12 Now the week before that meeting I looked online and
13 your agenda showed him to be on the consent agenda;
14 the Friday before the meeting I determined that he'd
15 been moved over to the action agenda. I don't know
16 how it is that that happened. But what's really
17 troubling to me is that with every member of the
18 Board knowing that there was a matter that ultimately
19 you were going to have to decide regarding Max
20 Pennington, Mr. Smith was allowed to come in again
21 and make public comments. And if you will look on
22 page 4 of the motion that I filed, I quoted the
23 pertinent statute of the Administrative Procedures
24 Act which tells us in uncertain terms that members of
25 an agency that are going to render a decision or make

1 some sort of final Findings of Fact or Conclusions of
2 Law shall not communicate with any person except upon
3 notice and opportunity for all parties to
4 participate.

5 So my submission to you is that at least by that
6 February 13th meeting you should not have been taking
7 public comment about Mr. Pennington without having
8 given him notice that that was going to occur. His
9 situation just sort of illustrates the problem with
10 people being allowed to make comments about specific
11 educators, because you don't know but what the PLSB
12 might not be investigating them.

13 So make no mistake, however, be all that as it
14 may, what we are asking you to do is to approve the
15 agreement that was entered into by the PLSB Ethics
16 Subcommittee and Mr. Pennington for a two-year
17 probation, for him to pay a fine, and for him to
18 complete some additional training that was delineated
19 in the materials that were furnished to you.

20 Now let me say that usually when the PLSB
21 authorizes an investigation of an educator over an
22 allegation they will send one investigator to
23 interview two or three, or maybe sometimes four or
24 five folks, they prepare a report, and they usually
25 interview the Educator. The Educator is given a

1 response to -- an opportunity to respond to the
2 report, and then they make their recommendation,
3 which the Educator can either accept, in which event
4 it comes to you for your approval, or the Educator
5 can reject it, in which event it goes to the hearing
6 panel for their consideration. In Max Pennington's
7 case -- and let me digress for a moment, I hope
8 everyone understands that his school board did not
9 accept his superintendent's recommendation to
10 terminate his employment; he still works there. But
11 in his case, the PLSB sent three investigators -- the
12 chief investigator, a senior investigator, and a
13 staff investigator. They went to Dumas, they
14 interviewed 12 people, and they surveyed 36 students;
15 they compiled a 35-page report, with 255 pages of
16 supporting documentation and 72 pages of student
17 surveys, you know, as opposed to the 8-page summary
18 that you received, based upon which you decided to
19 conduct a State Board review of this. This is what
20 the PLSB had compiled and accumulated. It includes
21 107 pages worth of letters from community members in
22 Dumas in support of Mr. Pennington; it included --
23 these were presented to his school board; it included
24 petitions signed by 110 students in support of Mr.
25 Pennington. This was likewise presented to the

1 school board and was part of the basis upon which
2 they voted to keep Mr. Pennington in their employ.

3 So I'm sure that you folks are well aware that
4 the PLSB has a sanctioning guideline that they
5 promulgated in August of 2018, when they tweaked the
6 Code of Ethics and revised their regulations. It
7 sets out the various sanctions that are possible and
8 the factors that they should take into consideration
9 in determining what would be an appropriate sanction.
10 I presume that y'all are all well aware that if you
11 vote to remand Mr. Pennington's case back to the PLSB
12 for them to conduct an evidentiary hearing that there
13 is a possibility that the hearing panel makes a
14 disposition of his case that never makes it back to
15 your agenda, or there's a possibility that instead of
16 a probation they decide that perhaps a reprimand
17 would've been more appropriate. What are you going
18 to do if you remand it and it comes back to you with
19 a recommendation from the hearing panel for a more
20 lenient sanction than what's before you now? I
21 submit to you that a two-year probation is
22 commensurate for this case and am strongly
23 encouraging the Board to go ahead and approve the
24 PLSB recommendation, which has been agreed to with --
25 by Mr. Pennington. And with that I will yield the

1 screen, as it were.

2 CHAIRPERSON ZOOK: Mr. Dugan.

3 Or, does any board member have a question before
4 Mr. Dugan starts?

5 Seeing none, Mr. Dugan.

6 MR. DUGAN: I don't have too much -- I do not
7 have very much to add to what Mr. Alagood said. I
8 think he put out pretty much what's going on with
9 this case as far as how the investigation went and
10 all the documents that the PLSB had. My role in this
11 was to file the response to the motion for recusal,
12 and obviously Mr. Alagood and I disagree on the
13 options before the Board. In his motion he argues
14 that the Board should accept the recommendation and
15 that could -- if not, it could result in litigation.
16 And in response I gave the option that the Board
17 still has the option of remanding it back for an
18 evidentiary hearing or accepting the recommendation.
19 As stated earlier, Mr. Pennington has not had an
20 evidentiary hearing on this and so therefore under
21 the A.P.A. he's entitled to have that hearing. And
22 so those are the options that I outlined in my motion
23 -- in my response to Mr. Alagood's motion. But I
24 don't really have too much to add. I think Mr.
25 Alagood did a good job as far as outlining what's

1 going on with this case.

2 CHAIRPERSON ZOOK: Okay. Mr. Dugan, the
3 question I have on the two-year probation, is the
4 answer the same as when we asked on another person
5 about would the two-year probation start at the end
6 of this meeting or did it start back when PLSB made
7 that decision and recommendation?

8 MR. DUGAN: Yes, ma'am, Madam Chair, it starts
9 from the date the State Board signs the order; so it
10 would be today.

11 CHAIRPERSON ZOOK: Okay. Thank you.

12 Do any other board members -- I think, first, I
13 will ask the question again: do any of the board
14 members believe that they should recuse?

15 Seeing none -- oh, Dr. Hill.

16 DR. HILL: No, I just want to address the
17 attorney. I know your name is not Amy Douglas, but
18 -- Mr. Alagood, is that right?

19 CHAIRPERSON ZOOK: Yes. May I --

20 MR. ALAGOOD: Yes, sir.

21 CHAIRPERSON ZOOK: May I --

22 DR. HILL: Okay. I'm sorry.

23 CHAIRPERSON ZOOK: Yeah.

24 DR. HILL: I'm sorry. Okay. Yeah. I just
25 wanted to -- because you insinuated that I was

1 operating maybe undercover; I mean that's just how it
2 came across. And I want to let you know I made two
3 trips down at the request of community members to
4 come, and I want to state that for the record. And I
5 do that most frequently because I'm heavily involved
6 in community engagement and I like to see things for
7 myself and hear things for myself as I make up my own
8 mind on what I think is in the best interest for
9 students throughout the state of Arkansas. So, yes,
10 I did go to Dumas twice upon request, as I've gone to
11 Pine Bluff, as I've gone to Fayetteville, as I go
12 anywhere. So please don't think that Dumas was the
13 only place that I've gone as a community engagement
14 outreach person. I will go anywhere I'm requested to
15 go. And I did mention to the Commissioner -- you
16 know, I've never done anything that I'm trying to
17 hide, and I only serve on this board, just so you
18 know, for the best interest of the state of Arkansas,
19 for the education -- so the students are getting the
20 best education possible, in the best environment
21 possible.

22 So, no, I didn't see any need to recuse, because
23 if that's the case I just need to stay in the office,
24 at the desk, and not out -- I never know what's
25 presented before me. So I just wanted to make sure

1 you understood that and I appreciate the presentation
2 you made.

3 MR. ALAGOOD: Well, absolutely, Dr. Hill, I
4 understand that. And I certainly did not mean to
5 imply that I felt like you had been doing anything
6 surreptitiously. I mean --

7 DR. HILL: Okay.

8 MR. ALAGOOD: -- you did it in the light of day.

9 DR. HILL: Yes.

10 MR. ALAGOOD: The fact remains that this process
11 is governed by a set of Arkansas statutes known as
12 the Administrative Procedures Act, which says in the
13 pertinent part on page 4 -- I cited it in my brief,
14 and it's Ark. Code. Ann. Section 25-15-201 -- "a
15 member of an agency that's to render a decision or to
16 make final or proposed Findings of Fact or
17 Conclusions of Law in any case of adjudication shall
18 not" -- and the emphasis is mine -- "shall not
19 communicate with any person except upon notice and
20 opportunity for all parties to participate." That's
21 a due process right that's built into the system that
22 we utilize, so --

23 DR. HILL: Yes, sir. Well, let me say this,
24 everybody was available to participate in any meeting
25 I went to. So that was never -- it was never an

1 isolated meeting, so there was due process for
2 everybody. The only reason that I went along is
3 because it had to be publicized with more than two
4 board members there. That's the law. So when I was
5 there, everybody -- it was available to everybody.
6 In fact, Coach Pennington's wife was in the meeting.
7 So it was never -- there was never anything done
8 there in isolation. She sat in the meeting with me.
9 So there was no -- there was nothing ever "you can't
10 come here." And I said that; I said, "I'm a public
11 official, this is a public meeting, everybody has to
12 have a right to come in here if I do."

13 MR. ALAGOOD: And, Dr. Hill, I appreciate your
14 point, and I feel like I have made mine.

15 DR. HILL: No problem. I just -- exactly. I
16 just wanted to state that for the record since --

17 MR. ALAGOOD: Sure.

18 DR. HILL: -- you shared that for the record.
19 Okay. Thank you so much, Mr. Alagood.

20 MR. ALAGOOD: Well, yes, thank you, Dr. Hill.

21 CHAIRPERSON ZOOK: Okay. Mr. Dugan, do we need
22 to do anything more, other than I posed the question
23 about whether anyone believed that they needed to
24 recuse? Do I need to do anything further on that or
25 do we now go on to whether or not to send this back

1 to PLSB?

2 MR. DUGAN: I would say that since you asked
3 them and then no one decided to recuse that the next
4 issue would be to make a motion to accept the
5 recommendation or remand it to PLSB for an
6 evidentiary hearing.

7 CHAIRPERSON ZOOK: Okay. And do any of the
8 board members have a question of either of the
9 attorneys or Mr. Pennington?

10 MS. NEWTON: I have a question for Ms. Douglas
11 or Mr. Dugan, one of the two. Is it -- am I
12 understanding that the -- that y'all are recommending
13 -- the Department is recommending that we accept the
14 ruling of the PLSB?

15 CHAIRPERSON ZOOK: Mr. Dugan, did you hear that?
16 Her question is: is the Department recommending that
17 we accept what PLSB has already done or do y'all have
18 a recommendation?

19 MR. DUGAN: That's correct. The PLSB's
20 recommendation is that -- they recommend that this be
21 accepted; that's what the PLSB's position on it is.
22 So the Educator and the PLSB agree that it should be
23 accepted.

24 MS. NEWTON: Okay.

25 CHAIRPERSON ZOOK: Does that --

1 MS. NEWTON: Yes, that answers it. And just a
2 comment, I'm looking at the sanction guidelines and
3 one of the discussions that we had for a few minutes
4 when we first started this was we wanted to try to be
5 consistent. And if I'm looking at the consistency in
6 the guidelines for what I'm thinking this violation
7 fits, the guidelines show a minimum of a written
8 reprimand and a maximum of probation with training.
9 So I think we're within the guidelines -- and if
10 we're going to for consistency, then we would accept
11 the recommendation of the PLSB.

12 CHAIRPERSON ZOOK: Does any other board member
13 have any other comments or observations?

14 DR. HILL: So to make -- I want to make sure I'm
15 understanding. So we're saying based on what we have
16 before us today that -- spell out the sanctions
17 that's going to be tied to this, Mr. Dugan.

18 MR. DUGAN: So, today, since Mr. Pennington did
19 not have an actual evidentiary hearing on this the
20 only sanction that could be today -- because of what
21 he's agreed to, would be that probation and the
22 trainings and [sound cuts out] with it. And that's
23 because he -- that's what he's agreed to. I guess if
24 I could compare it to a plea agreement, the defendant
25 comes up with an agreement with the State and then

1 asks for a judge to approve it. Obviously, that
2 judge doesn't have to approve it. But this would be
3 a similar situation with the prosecutor (the PLSB)
4 and the defendant (Mr. Pennington, the Educator) in
5 this both agreeing and are asking for approval. But
6 it's because an Educator has agreed to it. If it was
7 something different [sound cuts out], you know,
8 notice and opportunity to have a hearing.

9 MS. NEWTON: Dr. Hill, let me -- I've got it in
10 front of me; I'll read it to you. It's a two-year
11 probation, a \$250 fine, and then there's five
12 different trainings listed with written reflections.

13 DR. HILL: So I guess my question is -- to this
14 board is that Coach Pennington is still going to have
15 supervisory authority over students that -- and
16 concern of parents who basically are concerned about
17 him being in the school. And so all of that is -- it
18 comes to the table today and we go back to that
19 without -- because nothing else is spelled out about
20 what that training would be. Who's going to
21 administer that?

22 MR. ALAGOOD: It's set out in the recommendation
23 and it would be incorporated in your -- in the State
24 Board's order.

25 CHAIRPERSON ZOOK: I have a question for Mr.

1 Pennington. Mr. Pennington, could you get on camera
2 and close to a microphone please?

3 MR. PENNINGTON: Yes, ma'am.

4 CHAIRPERSON ZOOK: When the superintendent
5 recommended to you that you be terminated, or
6 recommended to the board, and then the board gave you
7 an opportunity to stay, how exactly -- what exactly
8 did they do as far as what your responsibilities
9 were? Were you suspended for any period of time?
10 Were you limited to the students you could work with?
11 What exactly was done at the district level at the
12 time?

13 MR. PENNINGTON (to Mr. Alagood): You want me to
14 answer?

15 MR. ALAGOOD: Well, yeah, I want you to answer
16 her.

17 But if you'll look on -- in the first paragraph
18 on page 2 of my motion I quoted verbatim the school
19 board's decision as it related to what would be
20 required of Mr. Pennington. And now I'll let him
21 answer.

22 MR. PENNINGTON: It was a 100-day suspension
23 without pay, a public apology, and a racial
24 sensitivity class that was approved by the
25 superintendent.

1 CHAIRPERSON ZOOK: Okay. And were those 100
2 days -- was that at a May meeting, a July meeting?
3 Were the 100 days in the school year or were they
4 weekends? You know, help me. How was 100 days --

5 MR. PENNINGTON: It was June -- June 18th, I
6 believe, we had the meeting, and the 100-day
7 suspension started on the 19th.

8 CHAIRPERSON ZOOK: Okay. And did it count
9 weekends? And what are your responsibilities for
10 students in the July, August months? I know you are
11 a dean and a football coach. Is that correct?

12 MR. PENNINGTON: To answer the first question,
13 I'm not real sure exactly how he counted it. He gave
14 me October 1st as my return-to-work date. And as far
15 as I was the dean of the students and that has also
16 been taken away from me, and I am currently a P.E.
17 teacher at Reed Elementary.

18 CHAIRPERSON ZOOK: Is that in the Dumas
19 district?

20 MR. PENNINGTON: Yes, ma'am.

21 CHAIRPERSON ZOOK: Okay. I didn't know. I know
22 that the May deadline and people signing their
23 contract is in process right now, so I didn't know if
24 you had been re-employed in Dumas. And so you're
25 going to be P.E. teacher at the elementary, but you

1 will not be coaching; is that correct?

2 MR. PENNINGTON: Yes, ma'am, I will still be the
3 head football coach. I will not have the title of
4 Dean of Students at the high school anymore.

5 CHAIRPERSON ZOOK: Okay. So during that time
6 were you continuing to be Dean of Students and just
7 not coaching, or were you doing neither?

8 MR. PENNINGTON: No, ma'am. As soon as I came
9 back on October 1st I was basically moved to the
10 elementary school where I taught P.E.

11 CHAIRPERSON ZOOK: Okay. And did you coach this
12 past football season?

13 MR. PENNINGTON: Yes, ma'am. I did not coach
14 the first -- I believe it was five playing dates; I
15 coached the last five playing dates.

16 CHAIRPERSON ZOOK: Okay. And what kind -- how
17 would you characterize your interaction with the
18 African American students and the Caucasian American
19 students on your team during the time when you came
20 back and were coaching?

21 MR. PENNINGTON: I think it went well. They
22 were all excited and happy to have me back.

23 CHAIRPERSON ZOOK: And did all of the students
24 play for you?

25 MR. PENNINGTON: Yes, ma'am. Well, a few did

1 not.

2 CHAIRPERSON ZOOK: Okay. And were any of those
3 students seniors, as far as, you know, hoping to get
4 a scholarship to play football going into their
5 college?

6 MR. PENNINGTON: I think so. I'm not real sure.
7 Yes, ma'am.

8 CHAIRPERSON ZOOK: Okay. Thank you.

9 MR. PENNINGTON: Yes, ma'am.

10 CHAIRPERSON ZOOK: Any other board members have
11 questions of Mr. Pennington while he is on camera and
12 by the microphone?

13 Seeing none, Mr. Dugan, are we ready to proceed
14 with a motion?

15 Dr. Hill.

16 DR. HILL: I have -- yes. I think it's
17 important as we -- and I'm going to -- even though
18 I'm a board member, I'm also a parent. And I think,
19 just as we heard earlier today, I'm all about
20 restoration and rehabilitation, and God has given
21 that to Fitz Hill. But I have a great concern based
22 on this situation, and I know that our options today
23 as a board are limited and I cannot back this during
24 this process. And I think it's important that we --
25 if we have to go through the process, then we do.

1 But based on -- that's why I go visit. Based on the
2 knowledge that I have, the firsthand knowledge that I
3 have of this case, I think we are not doing
4 everything we're supposed to do as board members in
5 the guidance and governance of our students. Now I'm
6 not saying what that is, but I am concerned about --
7 unless I know, you know, personally how -- and I only
8 have one vote. But I know right now, based on what I
9 know, based off going to visit and hearing from
10 everybody -- and I'm not saying that this needs to --
11 something needs to just happen. But I'm saying this
12 evidentiary hearing -- this process needs to go and
13 I'm very uncomfortable with restoring without
14 furthering this process. And that's me, and I can't
15 support this as that hearing, and so I'm not in
16 support of the recommendation.

17 CHAIRPERSON ZOOK: Okay. Would -- do you want
18 to put that in the form of a motion?

19 DR. HILL: Yes, I'm putting it in the form of a
20 motion that we go to an evidentiary hearing --

21 CHAIRPERSON ZOOK: Remand it --

22 DR. HILL: -- and then we allow --

23 CHAIRPERSON ZOOK: The thing is send it back to
24 PLSB for an evidentiary hearing.

25 DR. HILL: Yes. Yes, or however that has to be,

1 however that has to happen.

2 MS. DEAN: Second.

3 CHAIRPERSON ZOOK: Motion by Dr. Hill, second by
4 Ms. Dean.

5 We'll do a roll-call. Do you have the form?

6 MS. DEAN: I have a statement before we vote as
7 well. I just have a comment.

8 CHAIRPERSON ZOOK: Okay, Ms. Dean.

9 MS. DEAN: I just -- yes, I want to echo Dr.
10 Hill's concerns; they're my concerns as well. I did
11 not go to Dumas and I'm making my decisions and the
12 way I'm feeling and what I'm thinking based on the
13 evidence that I've received. And as a parent, as an
14 African American, I feel very uncomfortable with
15 accepting this recommendation as it -- I think it's
16 important for the community, for the parents, for the
17 stakeholders in the community, for parents and
18 students to all feel safe and feel as if their voice
19 has been heard. And just as a parent it just gives
20 me pause; it makes me very concerned about the
21 wellbeing of these students in this community, along
22 with the parents, as far as their psychological and
23 emotional wellbeing as well. So I think we need to
24 go through the process as well, so that's why I
25 seconded the motion.

1 CHAIRPERSON ZOOK: Okay. Thank you, Ms. Dean.

2 Mr. Key, do you want to test your microphone and
3 then call the roll?

4 SECRETARY KEY: Yes. Can y'all hear me?

5 CHAIRPERSON ZOOK: Can everyone hear Secretary
6 Key?

7 Okay. Would you go ahead and un-mute yourself
8 so when you vote we'll be able to hear you?

9 SECRETARY KEY: Dr. Moore.

10 DR. MOORE: Yes.

11 SECRETARY KEY: Mr. Williamson.

12 [NO RESPONSE]

13 CHAIRPERSON ZOOK: He may not be back yet.

14 SECRETARY KEY: I'm not sure if he's back on
15 yet.

16 Ms. McFetridge.

17 MS. McFETRIDGE: Yes.

18 SECRETARY KEY: Ms. Dean.

19 MS. DEAN: Yes.

20 SECRETARY KEY: Ms. Chambers.

21 MS. CHAMBERS: Yes.

22 SECRETARY KEY: Dr. Hill.

23 DR. HILL: Yes.

24 SECRETARY KEY: Ms. Newton.

25 MS. NEWTON: Yes.

1 SECRETARY KEY: Six yea's.

2 CHAIRPERSON ZOOK: Okay. Motion passes. It
3 will be remanded back to PLSB for a full hearing.

4 Do you know, Mr. Dugan, when PLSB will start
5 their hearings again?

6 MR. DUGAN: I do not. Ms. Douglas might know.

7 CHAIRPERSON ZOOK: Say it again.

8 MS. DOUGLAS: We have some hearings scheduled in
9 June.

10 CHAIRPERSON ZOOK: I can't hear you. I'm sorry.

11 MS. DOUGLAS: We have some hearings scheduled in
12 the month of June as of right now.

13 CHAIRPERSON ZOOK: June?

14 MS. DOUGLAS: Yes, ma'am.

15 CHAIRPERSON ZOOK: And do you already have a
16 full docket for June?

17 MS. DOUGLAS: I'll have to look.

18 CHAIRPERSON ZOOK: Okay. Thank you.

19 Mr. Alagood, you will -- if you choose to, y'all
20 will have a full evidentiary hearing in June or they
21 will contact you when it will be.

22 MR. ALAGOOD: I understand.

23 CHAIRPERSON ZOOK: And thank you and we
24 appreciate your patience with our Zoom meeting.

25 Ms. McFetridge, did you have something you --

1 No?

2 MS. McFETRIDGE: No, I'm sorry.

3 CHAIRPERSON ZOOK: That's okay. Okay.

4 Let me ask a technical question. Dan, I have
5 their names on my screen and then I have a couple of
6 faces. Is there -- are they controlling whether
7 their face is there?

8 MR. DAVIS: Yes, ma'am.

9 CHAIRPERSON ZOOK: Okay. All right. I just
10 wanted to be sure that it wasn't something on our end
11 that's preventing your lovely faces from popping up.

12 MR. DAVIS: (inaudible)

13 CHAIRPERSON ZOOK: Okay. Right. So, y'all have
14 all joined by -- or most all of you have joined by
15 audio but not video.

16 A-4: REQUEST FOR TRANSFER OF SUCCEED SCHOLARSHIP

17 CHAIRPERSON ZOOK: Okay. Next up is Ms. Salas-
18 Ford to present Succeed Scholarship transfer.

19 MS. SALAS-FORD: Good morning, Ms. Zook, Members
20 of the Board. Courtney Salas-Ford for the Division.

21 We have a request from the Yandell family to
22 transfer their child's Succeed Scholarship from St.
23 Joseph Catholic School to Prism Education Center.
24 And as you know, under our current rules any request
25 for transfer requires approval from the Board.

1 CHAIRPERSON ZOOK: Okay. Under current rules --
2 so until you present the new rules later in the day
3 we're still -- it still says "may grant" as opposed
4 to "shall grant." Am I correct?

5 MS. SALAS-FORD: Well, no. Currently, under the
6 rules it's still a "may;" it's up to the Board
7 whether to grant the transfer. The new process that
8 we've proposed in the rules that will be presented
9 later is that it just goes to the Division and not
10 through the Board unless we feel that there's
11 something rising to the level that it needs Board
12 approval.

13 CHAIRPERSON ZOOK: Okay. Do I have a motion
14 from the Board to grant the transfer or to deny the
15 transfer?

16 MS. DEAN: I move to grant the transfer.

17 CHAIRPERSON ZOOK: Moved by Ms. Dean.

18 MS. CHAMBERS: Second.

19 CHAIRPERSON ZOOK: Second by Ms. Chambers.

20 All in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRPERSON ZOOK: Opposed?

23 Okay. Ms. Salas-Ford, before you jump off, let
24 me ask are there processes in place, where the
25 schools that are offering this service where the

1 parents are placing the children, to be sure they
2 have teachers that are certified to teach the area
3 the child needs and provide any related services --
4 OT, PT, Speech, those kind of things -- or are once
5 they're accredited we just go on faith?

6 MS. SALAS-FORD: So under the law governing
7 Succeed Scholarship a school, in order to
8 participate, must only have one licensed special
9 education teacher and they must tell parents what
10 related services they provide -- but they're not
11 required to offer any and all, such as a public
12 school would be -- and then it's up to the parent to
13 decide whether that will sufficiently meet the needs
14 of that student. Once they tell us what they are
15 providing and that they do have a licensed special
16 education teacher, we have an annual certification
17 process where they must reaffirm to us that they in
18 fact still meet that requirement. But other than
19 that, it would just be -- if it comes to our
20 attention, which it has in the past, you know, from a
21 parent or someone else that the school is no longer
22 meeting those requirements, we contact the school, we
23 find out why they're not meeting that, and make sure
24 that they come into compliance. There's just not any
25 type of regular monitoring. And, again, no

1 requirement that they offer the full array of
2 services that a public school would be required to
3 offer.

4 CHAIRPERSON ZOOK: So that also would account
5 for if a great many children went to that same
6 school, and so there might be one teacher but there
7 might be 27 children. There's nothing that we can do
8 about that except respond to a parent's concern?

9 MS. SALAS-FORD: Yes, ma'am. Under the law, it
10 only requires one special education teacher -- and,
11 again, we can't designate the grade level, the
12 expertise. Like you said, you might have 27
13 children, and if that one teacher cannot serve all
14 those children that's the parent's decision under the
15 Succeed Scholarship program whether that's sufficient
16 for their child or not.

17 CHAIRPERSON ZOOK: Thank you.

18 A-5: CONSIDERATION OF CHARTER AUTHORIZING PANEL DECISIONS

19 a) REQUEST FOR OPEN-ENROLLMENT CHARTER SCHOOL AMENDMENT:
20 FUTURE SCHOOL OF FORT SMITH

21 CHAIRMAN ZOOK: Okay. Next item, Charter Panel
22 decisions. There was a Charter Panel meeting in
23 March. And, Ms. McLaughlin, if you will present
24 those three please.

25 MS. McLAUGHLIN: Thank you. Kelly McLaughlin

1 with the Charter School Office.

2 On April 14, 2020, representatives of Future
3 School of Fort Smith appeared before the Charter
4 Authorizing Panel requesting an amendment to their
5 charter. By a unanimous vote the Panel approved the
6 request. No request for the State Board of Education
7 to review the Panel decision has been submitted, but
8 you do have the right to exercise a review and
9 conduct a hearing on the Charter Authorizing Panel's
10 decision at the next State Board meeting.

11 CHAIRPERSON ZOOK: Is a representative from
12 Future School on the line -- or any of these three
13 schools?

14 MS. McLAUGHLIN: Yes, they are all on the line.

15 CHAIRPERSON ZOOK: Okay. Thank you.

16 Do any of the board members have any questions
17 or comments with regard to Future School?

18 Seeing none, I think I had one question in
19 particular. The number of students that have -- are
20 receiving services, dyslexia services, is almost non-
21 existent. So my question is: are you not screening
22 the students or do you just happen to be an exception
23 where there aren't any students who need the service
24 attending your school?

25 MS. McLAUGHLIN: I believe Mr. Boyd Logan --

1 SUPT. LOGAN: Yes, ma'am. [Inaudible due to
2 technical difficulty.] I don't know where that is
3 coming from.

4 CHAIRPERSON ZOOK: It's required --

5 SUPT. LOGAN: But we are providing --

6 CHAIRPERSON ZOOK: -- that every district and
7 every public charter to be on your website, and
8 that's where I went to look for the information upon
9 which I'm basing my question.

10 SUPT. LOGAN: Okay. That's not up-to-date. Let
11 me pull up the latest dyslexic -- dyslexia
12 information [inaudible] sent to me.

13 CHAIRPERSON ZOOK: Your microphone is cutting in
14 and out. Maybe lean closer to your microphone.

15 SUPT. LOGAN: [inaudible]

16 CHAIRPERSON ZOOK: We're still not hearing you.

17 MS. McLAUGHLIN: Ms. Zook, I believe he's -- if
18 I picked up on it correctly, I believe he stated that
19 he was going to update that information on the
20 website. But he was going to get the most accurate
21 information on the dyslexia reporting and I think he
22 said he would have to get it from his specialist.

23 SUPT. LOGAN: Our special ed. teacher just sent
24 this information to me for the website [inaudible] on
25 that. I believe we have nine students receiving

1 dyslexia services right now. [inaudible] with them.
2 We actually have a student [inaudible] have since
3 gone to the AMI [inaudible] graduating but she's
4 requesting to continue those services over the summer
5 because she's had [inaudible] at this point.

6 CHAIRPERSON ZOOK: Okay. I think what I would
7 be interested in knowing -- and you can provide this
8 to Ms. McLaughlin -- is what screener you're using,
9 how you go about getting the recommendation for the
10 students that are going to be screened, and then what
11 your total number who were screened and the total
12 number who actually are receiving service by a
13 dyslexia interventionist or specialist.

14 SUPT. LOGAN: Sure, I can absolutely get that to
15 you.

16 CHAIRPERSON ZOOK: Okay. Thank you.

17 Do I have a motion to either review or not
18 review?

19 MS. McFETRIDGE: I'll make a motion not to
20 review.

21 CHAIRPERSON ZOOK: Okay. Ms. McFetridge moved
22 to not review.

23 Do I have a second?

24 MS. CHAMBERS: Second.

25 CHAIRPERSON ZOOK: Second by Ms. Chambers.

1 All in favor?

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRPERSON ZOOK: Opposed?

4 Okay. You will not be reviewed. Thank you, Mr.
5 Logan.

6 SUPT. LOGAN: Thank you very much.

7 b) REQUEST FOR OPEN-ENROLLMENT CHARTER SCHOOL
8 AMENDMENT: LISA ACADEMY

9 CHAIRPERSON ZOOK: Okay. Next is LISA Academy.

10 MS. McLAUGHLIN: Thank you, Ms. Zook.

11 On April 14, 2020, representatives of LISA
12 Academy appeared before the Charter Authorizing Panel
13 requesting an amendment to their charter. By a
14 unanimous vote the Panel approved the request. No
15 request for the State Board of Education to review
16 the Panel decision has been submitted. However, you
17 may exercise a right of review and have a hearing on
18 the Charter Authorizing Panel's decision at your next
19 board meeting.

20 CHAIRPERSON ZOOK: And who will be speaking for
21 LISA Academy?

22 MS. McLAUGHLIN: We have Dr. Fatih Bogrek; we
23 have LuAnne Baroni, assistant superintendent; and we
24 also have Hasan Sazci, assistant superintendent on
25 the line.

1 CHAIRPERSON ZOOK: Okay. Do any board members
2 have any questions of the representatives from LISA
3 Academy? Or if not, do I have a motion?

4 DR. MOORE: I do have a question I think for the
5 Department, if that's okay.

6 CHAIRPERSON ZOOK: Okay, Dr. Moore, if you want
7 to ask your question.

8 DR. MOORE: My understanding is this is adding a
9 new school to their charter; is that correct?

10 SUPT. BOGREK: Yes.

11 MS. McLAUGHLIN: That is correct.

12 DR. MOORE: And have we decided that in order --
13 the best way to add a new school under a current
14 charter is just to go through this route as opposed
15 to the route in which a new school is started, with a
16 new LEA? Has that been y'all's preference?

17 MS. McLAUGHLIN: They will receive a new LEA for
18 each charter school. They will receive that, but
19 they do have an option. They can expand their
20 current school. LISA has multiple campuses under one
21 contract, so -- or under one charter. I'm sorry.
22 And that is an option that provides -- it's a little
23 quicker than the 18-month new application process.

24 Mary Claire may wish to speak to that a little
25 further, if I've misspoke in any way.

1 MS. HYATT: Kelly is --

2 CHAIRPERSON ZOOK: Ms. Hyatt, did you have
3 anything or --

4 MS. HYATT: Kelly is exactly right, there are
5 two avenues. I don't think there's a preference;
6 it's just how the school chooses to operate. Because
7 when they're all under one charter versus having
8 separate charters the funding is different, the
9 standards violations are different; you know, it's
10 just -- it's up to them as to how they want to do it.
11 And I don't believe that there's a preference on the
12 part of the Department.

13 DR. MOORE: Okay, that's helpful. Thank you.

14 CHAIRPERSON ZOOK: Okay. Are there questions by
15 anyone else?

16 MS. McFETRIDGE: Yes, I have a question. It may
17 be more of a Department question as well.

18 CHAIRPERSON ZOOK: Okay.

19 MS. McFETRIDGE: I understand that LISA Academy
20 has different schools in the -- within the state, but
21 when I went on their website they have five school
22 board members and they're not from zones. So I'm
23 just curious about how that works and if there's
24 enough representation at each site on their school
25 board.

1 CHAIRPERSON ZOOK: Okay. That wouldn't be a
2 requirement, but that's an excellent question. Do
3 you want to -- does someone from LISA want to respond
4 to that as either a question or a suggestion?

5 SUPT. BOGREK: I would like to answer the
6 question. This is Fatih Bogrek, superintendent of
7 LISA Academy.

8 CHAIRPERSON ZOOK: Okay. You're going to need
9 to get closer to your microphone.

10 SUPT. BOGREK: So, you know, our school board
11 members they are from central Arkansas, and right now
12 we have some advisory board members from the
13 northwest Arkansas region. Hopefully in the future
14 we will have representatives from that region too,
15 but we have just right now one that just started this
16 year. In the future we might have. But as of now,
17 all of them they are from central Arkansas.

18 CHAIRPERSON ZOOK: Okay. Thank you.

19 MS. McFETRIDGE: Do you feel like each area --
20 each area school is well represented then with
21 parents?

22 CHAIRPERSON ZOOK: Ms. Hyatt, is that something
23 within the rules that the Panel or the Board can
24 require or is it just something we can express a
25 desire for?

1 MS. HYATT: So typically charter schools, during
2 their application period they receive waivers from
3 the Arkansas code sections that deal with elected
4 school boards because charter schools have appointed
5 school boards. They make representations in their
6 application about how their school board will be made
7 up. It's up to the Charter Authorizing Panel to
8 express concerns or ask for changes with that, if
9 they want to do that. Certainly, if there's a
10 concern the Charter Authorizing Panel would have the
11 authority to call the school in to ask questions, and
12 the Charter Authorizing Panel can modify the charter
13 to require a specific board makeup. I don't know
14 that that's been done, at least in the past three
15 years, but it's certainly within the Charter
16 Authorizing Panel's authority to do that. Typically,
17 especially with charters, how LISA is set-up is they
18 have the one charter management organization and a
19 lot of licenses under the same number; they have one
20 governing school board. And I think, just as LISA
21 just said, as they are expanding into northwest
22 Arkansas we might see that school board composition
23 change. I think this is their first year in
24 northwest Arkansas, with Ozark Montessori, and then
25 with this amendment request and the expansion they'll

1 move more into that region. So it could definitely
2 be something that we could make a note of to follow-
3 up with them at their next appearance before the
4 Charter Authorizing Panel or the Board could request
5 that the Charter Authorizing Panel follow-up on that
6 on their own.

7 CHAIRPERSON ZOOK: Does that answer --

8 MS. McFETRIDGE: Okay.

9 CHAIRPERSON ZOOK: -- your question, Ms.
10 McFetridge?

11 MS. McFETRIDGE: It does. Thank you very much.

12 CHAIRPERSON ZOOK: Okay. And the representative
13 from LISA heard the desire or the reflection.

14 Do I have a motion?

15 MS. CHAMBERS: Yes, I'm sorry. May I ask a
16 quick question?

17 CHAIRPERSON ZOOK: Sure, Ms. Chambers.

18 MS. CHAMBERS: It has to do with the existing
19 waivers. And as that was mentioned as wanting to
20 continue the existing waivers, I didn't know when the
21 clock started or stopped generally in reviewing
22 waivers and determining that we would continue that
23 and as we might extend them to other schools, new
24 schools. I just wanted to make sure I understood
25 that process and how it works.

1 CHAIRPERSON ZOOK: Do you want --

2 MS. HYATT: I think --

3 CHAIRPERSON ZOOK: -- to answer that, Ms.
4 McLaughlin, or do you want me to, or Ms. Hyatt?

5 MS. HYATT: I think I can answer that.

6 Typically the waivers -- existing waivers are
7 renewed at the renewal hearing. I believe LISA's
8 renewal hearing is in 2030.

9 Kelly or Tracy, correct me if I'm wrong on that.

10 But, so their waivers will be renewed at their
11 renewal hearing. But typically when we go through
12 the existing waivers we see are these waivers that
13 they still need, do they need to pare down these
14 waivers, do they need additional waivers. And then
15 any time that we make a change to a law or rule when
16 charters have waivers of that, we review those
17 waivers so we can update their waivers if there's a
18 change in those.

19 CHAIRPERSON ZOOK: Does that answer your
20 question, Ms. Chambers?

21 MS. CHAMBERS: It does. Thank you.

22 I would -- unless there are other questions, I
23 would move to not review.

24 CHAIRPERSON ZOOK: Okay. We have a motion to
25 not review by Ms. Chambers.

1 Do we have a second?

2 MS. McFETRIDGE: Second.

3 CHAIRPERSON ZOOK: We have a second by Ms.
4 McFetridge.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON ZOOK: Any opposed?

8 Motion passes.

9 SUPT. BOGREK: Thank you.

10 c) REQUEST FOR OPEN-ENROLLMENT CHARTER SCHOOL AMENDMENT:
11 THE EXCEL CENTER

12 CHAIRPERSON ZOOK: Next would be Excel Center.

13 MS. WEBB: Yes, ma'am. In April,
14 representatives from The Excel Center appeared before
15 the Charter Authorizing Panel requesting an amendment
16 to their charter. By a unanimous vote the Panel
17 approved the request. No request for the State Board
18 of Education to review the Panel decision has been
19 submitted. The State Board may exercise a right of
20 review and conduct a hearing on the Charter Panel's
21 -- Charter Authorizing Panel's decision at the next
22 State Board meeting.

23 I would like to add for this particular waiver
24 request in Excel -- The Excel Center's original
25 application they were granted the law that relates to

1 this standard, but for some reason the standard was
2 left off. So they were still flagging in our SFA
3 system, and so that's why they're requesting this
4 now. And we do have Superintendent Cindy Varner, as
5 well as School Director Greg Wertenberger on the
6 phone should you have any questions.

7 CHAIRPERSON ZOOK: Okay. Are there any
8 questions on this catch-up?

9 Do I have a motion?

10 MS. NEWTON: Move not to review.

11 CHAIRPERSON ZOOK: Moved by Ms. Newton.

12 MS. DEAN: Second.

13 CHAIRPERSON ZOOK: Second by Ms. Dean.

14 All those in favor?

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRPERSON ZOOK: Opposed?

17 Motion passes. Thank you.

18 Would the board members like to take a little
19 bit of a break or do you want to press on?

20 Seeing no break recommendations, we will
21 continue.

22 A-6: CONSIDERATION OF ONE-YEAR STANDARDS FOR ACCREDITATION
23 WAIVERS

24 CHAIRPERSON ZOOK: The Standards for
25 Accreditation waivers -- Ms. Webb.

1 MS. WEBB: Yes, ma'am. Due to severe storms on
2 Sunday, April 12th in the southern part of the state,
3 we had several schools that were not able to continue
4 AMI instruction for several days due to loss of
5 electricity in the community. And so we have four
6 schools that have submitted waiver -- standards for
7 accreditation waiver requests for this school year
8 for the 178 days.

9 The first one is Hermitage School District. I
10 don't know if you want to take these individually or
11 all together?

12 CHAIRPERSON ZOOK: I'll have to take the
13 recommendation of Legal. Do we need to take them
14 individually or as a group of four? It's all for the
15 same reason, just different numbers of days.

16 MS. HYATT: Take them all together.

17 CHAIRPERSON ZOOK: Okay. Hermitage, White Hall,
18 Warren, and Fordyce. It was the storm that went
19 through and the power was out in that area for a long
20 period of time.

21 Do I have a motion?

22 DR. MOORE: May I ask a question?

23 CHAIRPERSON ZOOK: Sure, Dr. Moore.

24 DR. MOORE: These are certainly unusual times.
25 Have we in a normal school year in the past approved

1 this many school days to be waived?

2 MS. WEBB: I believe so. I could research that
3 and see how many days have been waived, but I know we
4 have before for flooding, for power outages -- maybe
5 not this many at one time. But I could certainly
6 research and get that information to you.

7 DR. MOORE: Okay. Just curious, okay, because
8 some of these are up to five days -- but knowing,
9 again, these are different than a regular school
10 year, so --

11 MS. WEBB: They were out of electricity for at
12 least a week, I believe.

13 CHAIRPERSON ZOOK: And had this happened before
14 spring break or something, that was often what the
15 board would say, "Well, then did you use your spring
16 break" or "did you use your Easter break" or whatever
17 thing like that. But --

18 DR. MOORE: Right.

19 CHAIRPERSON ZOOK: -- the power outage happened
20 after that.

21 DR. MOORE: Right.

22 MS. COFFMAN: Dr. Moore, this is Deborah
23 Coffman.

24 We did waive a number of days probably five or
25 six years ago when we had a big snow and ice storm

1 and numerous school districts were out for extended
2 periods of time.

3 CHAIRPERSON ZOOK: Thank you.

4 MS. NEWTON: Ms. Zook, I just had a quick
5 question.

6 CHAIRPERSON ZOOK: Ms. Newton.

7 MS. NEWTON: I'm just curious, because down in
8 our area almost everybody was out of power for a
9 week. And so my question is why are we seeing really
10 just so few districts asking for those four or five
11 days? Were they completely online as far as doing
12 their AMI or were they doing a combination method?
13 Because I mean almost everyone down in our area was
14 out. And so I was just curious why -- you know, if
15 they're having to apply for waivers, why are we not
16 really seeing even more?

17 CHAIRPERSON ZOOK: I was wondering the same
18 thing. Do y'all have any insight?

19 MS. WEBB: Yes. Ms. Newton, we did have a
20 request from a couple of other schools, but they did
21 not submit -- I sent them the application, but they
22 haven't submitted it yet. So I'm not sure if they
23 ended up providing instruction or if they will still
24 request the waiver for next month. And they've all
25 been kind of working through the co-op, so I'm not

1 sure how many of -- how many of the other school
2 districts missed days or if some of them were able to
3 provide paper packets in some way or had already done
4 that.

5 CHAIRPERSON ZOOK: I think my concern there is
6 by the time we have our next board meeting, unless we
7 call a special meeting, school will already be out
8 and the students will already be dismissed. And so
9 if we chose -- which unlikely we would -- to not
10 grant that, then the odds of them calling the
11 children back or all the children coming back would
12 be slim. It looks to me like the superintendents
13 need to have been more -- or the co-op needed to have
14 been more timely in their request.

15 Do I have a motion?

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

17 CHAIRPERSON ZOOK: Moved by Ms. Chambers that we
18 grant the waiver.

19 Do I have a second?

20 MS. NEWTON: Second.

21 CHAIRPERSON ZOOK: Second by Ms. Newton.

22 All in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRPERSON ZOOK: Opposed?

25 Motion passes.

1 A-7: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
2 PUBLIC CHARTER SCHOOLS

3 a) NORFORK SCHOOL DISTRICT

4 CHAIRPERSON ZOOK: Okay. Now we have 1240
5 waivers. Ms. McLaughlin.

6 MS. McLAUGHLIN: Yes, we have -- Norfork School
7 District is present today to ask for a waiver of
8 Teacher Licensure. Just as a background, Act 1240 of
9 2015 allows a school district to petition the State
10 Board for all or some of the waivers granted to any
11 open-enrollment public charter school in Arkansas.
12 And we do have representatives from Norfork School
13 District. We have Superintendent Chip Layne and we
14 have High School Principal Deanna Klaus. Their 90
15 days will expire on June 3rd and they are requesting
16 for three years, ending on June 30, 2023.

17 CHAIRPERSON ZOOK: Okay. Board Members, do you
18 have questions?

19 MS. McLAUGHLIN: I believe that they will have
20 20 minutes to make their presentation, Ms. Zook --

21 CHAIRPERSON ZOOK: Oh, okay. I'm sorry.

22 MS. McLAUGHLIN: -- and then any opposition.

23 CHAIRPERSON ZOOK: Okay, yes. Norfork, if you
24 want to make your presentation as to why you should
25 be given this 1240 waiver?

1 MS. KLAUS: Hi. Can you hear me?

2 CHAIRPERSON ZOOK: Yes.

3 MS. KLAUS: Okay. This is Deanna Klaus; I'm
4 elementary principal. And Superintendent Layne is
5 also here.

6 We are requesting a waiver for [sound cuts out]
7 in the elementary, which is a K-6 building. We --
8 last -- this last 10 or 15 years we have had
9 [inaudible] taught half-time [inaudible] due to
10 financial issues. We are working with Ms. Cindy
11 [inaudible] up there at the State due to some
12 financial issues, and that lady is no longer with us
13 and we were able to hire that position back. This
14 past year our teachers actually taught that one unit
15 of P.E. [inaudible], a week-day of P.E. a week and we
16 had to cover that class later in the day to give that
17 teacher her planning period, because those teachers
18 missed their planning to teach that P.E. section.
19 This is not in the best interest of our students,
20 because these teachers are now teaching physical
21 education and maybe not teaching in reading or core
22 subjects where they really need -- we need that
23 expertise for our students.

24 So we do have an aid who has been with us a
25 special education student for the last several years.

1 That student is graduating this year, and he would be
2 available to teach P.E. in the afternoons for us at
3 the elementary. I -- as the elementary principal,
4 I'm also a certified physical education teacher and I
5 will help oversee him. I will make sure he gets the
6 training that he needs to teach those classes in
7 accordance with the standards. And it'll just free-
8 up our teachers to spend more time in the core
9 classes, which is where they need to be.

10 We're also requesting -- the same type of
11 situation is happening in art in this part of the
12 state. We did try -- last year try to find a half-
13 time art teacher. We had no applicants. There's
14 just no one around here that wants to teach half-a-
15 day or is able to just teach half of a day. And
16 that's kind of where we are with art as well.

17 So we're just requesting some waivers to try to
18 help us a little bit with that and make sure our
19 teachers are in core subjects and in core areas,
20 rather than -- I know art is a core area, but right
21 now we have a GT coordinator and teacher who's
22 spending a lot of time doing an ALP, helping us out
23 for a few years to do art. We are hoping within the
24 next three years to get our finances in order and to
25 be able to replace these positions as -- you know, as

1 we can.

2 And I'll answer any questions that you might
3 have now.

4 CHAIRPERSON ZOOK: Okay. Ms. McLaughlin, did
5 the DESE have anything they wanted to present before
6 we go into discussion?

7 MS. McLAUGHLIN: I don't have anything further
8 to present. I can defer to Tracy.

9 MS. WEBB: Yes, I just wanted to point out that
10 within their application they did state that because
11 art is a core content that anyone serving as a
12 teacher would need to be AQT. And so they did state
13 that in their application, but I wanted to make sure
14 that was very clear.

15 CHAIRPERSON ZOOK: Okay.

16 MS. KLAUS: And if we're not able to find that,
17 we will go ahead and do art as we've done it this
18 year with the GT teacher on an ALP. If we are able
19 to find a parapro who happened to meet that criteria,
20 we would like to use that. But we will make sure
21 they are AQT.

22 CHAIRPERSON ZOOK: Okay. Do any board members
23 have questions or comments?

24 DR. MOORE: Yes.

25 CHAIRPERSON ZOOK: Dr. Moore.

1 DR. MOORE: Tracy, could you refresh us, what
2 are the requirements for AQT?

3 MS. WEBB: So they would have to have a degree,
4 take the Praxis, and there's one more in lieu of the
5 -- having a degree in that area -- so there also --
6 there is a way that they can have -- accumulate
7 points, 100 points on the form to be AQT, and that
8 might include having previous experience in the area,
9 being nationally board certified in the content area,
10 or having a degree in that content area.

11 DR. MOORE: Okay. And that's required for an
12 elementary art teacher?

13 MS. WEBB: It is required for any core content
14 area, which would be the core content art and foreign
15 language.

16 DR. MOORE: Okay.

17 MS. McLAUGHLIN: And just for clarification
18 purposes, they do have to hold a bachelor's degree.
19 That is the first recommendation. And then the
20 second recommendation are all of those that Ms. Webb
21 has already mentioned -- they can hold 18 college
22 credit hours in that area, they could've passed a
23 Praxis in that content area, they could've passed the
24 national board certification, or they could have a
25 year's worth of experience, if the superintendent is

1 willing to accept that.

2 DR. MOORE: Okay. And so we cannot waive that;
3 we're just waiving --

4 MS. WEBB: Correct.

5 MS. McLAUGHLIN: No.

6 DR. MOORE: -- a licensed teacher for -- okay.
7 For Superintendent Layne, is this art teacher
8 just elementary level? Do you have a licensed art
9 teacher at the high school level?

10 SUPT. LAYNE: Yes, we do.

11 DR. MOORE: Okay. Great. Those are all the
12 questions --

13 MS. KLAUS: And that licensed teacher is willing
14 to work with --

15 SUPT. LAYNE: Yes, ma'am.

16 CHAIRPERSON ZOOK: Any other board members have
17 any questions?

18 Okay. I have a couple.

19 Have you had what we call stakeholder engagement
20 meetings? Have you met with your community and your
21 staff to see what their pros and cons, expressions,
22 might be?

23 MS. KLAUS: Yes, ma'am, I did. I had a meeting
24 that I had, I believe, two of my teachers and two
25 parents involved in. I'd also met with Mr. Layne

1 before I met with those, with that group of people,
2 and they all felt like that, you know, it would be
3 better served if the teachers are in the classroom
4 teaching math, science, reading, language arts,
5 rather than being in the gym teaching physical
6 education. And I'm a physical education teacher and
7 I agree physical education is important, but I would
8 rather my teachers be able to be in the classroom.
9 And I can -- and I actually taught two sections of
10 physical education this year and it took me away from
11 my administrative duties, because two days a week I
12 was having to go down to the gym and I taught a 4th
13 grade physical education and a 6th grade physical
14 education. And so it's pulling all of us from duties
15 and things that we can better serve our students.

16 CHAIRPERSON ZOOK: Okay. Thank you.

17 Do we have any other questions?

18 DR. MOORE: I didn't ask -- what's the number of
19 years for this waiver?

20 MS. KLAUS: Three. Three years.

21 DR. MOORE: Okay.

22 CHAIRPERSON ZOOK: Okay. And also, before
23 Norfolk -- after we pass -- after we vote on this and
24 before Norfolk hangs up, I have a couple of questions
25 that are off of this topic. So if you will, hang on

1 once we take a vote.

2 Do we have a motion?

3 MS. NEWTON: Move to approve the waivers.

4 CHAIRPERSON ZOOK: Moved by Ms. Newton.

5 Second by --

6 MS. McFETRIDGE: Second.

7 CHAIRPERSON ZOOK: I'm sorry, I didn't see who
8 that was.

9 MS. McFETRIDGE: Second.

10 CHAIRPERSON ZOOK: Ms. McFetridge, yes. Second
11 by Ms. McFetridge.

12 All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRPERSON ZOOK: Any opposed?

15 Okay. Motion passes.

16 Okay. I know Norfolk is one of the districts
17 that's doing a four-day week, and I understand you're
18 having longer days, so that addresses the seat time
19 for your students. But what are -- how are you
20 addressing the 178-day requirement for teacher --

21 SUPT. LAYNE: Did you say how are we addressing
22 teacher [sound cuts out]?

23 CHAIRPERSON ZOOK: Could you hear me? Could
24 y'all socially distance and get him in front of the
25 camera so we can hear him, please?

1 Okay, great. Thank you.

2 SUPT. LAYNE: Was your question on the teacher,
3 for the 178 days?

4 CHAIRPERSON ZOOK: Yes.

5 SUPT. LAYNE: Well, we got that through some
6 professional development. Teachers will have to
7 honor that time as usual and [sound cuts out]. All
8 of this is kind of -- with the situation we're in
9 right now we're kind of -- you know, we're trying to
10 evaluate our situation moving forward on, you know,
11 where we're going to be, if school is going to be the
12 same. You know, obviously when we approved this and
13 made plans for this we hadn't experienced the Covid-
14 19 issue yet, so -- but as far as the teachers go,
15 they will be putting in the same amount of time in
16 preparation for our students as they always do.

17 CHAIRPERSON ZOOK: And are you doing pre and
18 post data so you'll have good data about which to
19 reference to make your decision?

20 SUPT. LAYNE: Yes, ma'am. We have -- we've been
21 involved -- we have -- of course, you know Kirby, I'm
22 sure, is kind of -- I know they have been bothered
23 tremendously this year. There are several other
24 schools in our area that have went ahead and approved
25 a four-day week going into next year -- some of our

1 neighbors that actually touch our school district and
2 then some others. But we have been involved with
3 some Missouri schools, Kirby -- some references that
4 Kirby put us on, involved in a lot of, you know, data
5 from them as far as the positives and the negatives,
6 starting back before we made this decision -- I mean
7 carrying on through the year, especially with Kirby
8 as this has been their first year and how it has
9 affected them. And we've made two visits to their
10 campus with different groups and spent two different
11 days with them, visiting with their administration
12 and teachers and even parents and students. So I
13 think we have done our due-diligence to do the pre --
14 you know, the pre-existing work in making a decision
15 to go four days. And obviously it's different --
16 it'll be different for every school district to some
17 degree, I'm sure, with the problems and the
18 positives. But we will track that and monitor that
19 as we go. And I told my board and I've told our
20 people and our administrators and teachers and
21 everything else, you know, if we see that it's not
22 what's best for our students we can always go back to
23 a more traditional way or try something different.
24 We're trying to think outside the box and do what's
25 best for our students.

1 CHAIRPERSON ZOOK: And what kind of feedback did
2 you get back -- did you get from your working
3 parents?

4 SUPT. LAYNE: From the parents?

5 CHAIRPERSON ZOOK: The working parents, yes.

6 SUPT. LAYNE: It was actually good. There was
7 -- that was my biggest concern was -- all of our
8 biggest concern was, you know, that one day a week
9 what they would do with their students, their kids.
10 But we actually done a survey of the whole community,
11 and I think it was 74% --

12 MS. KLAUS: It was in the upper 70s.

13 SUPT. LAYNE: And we had -- we'd always have --
14 I've been in some districts where you don't have a
15 lot of great response on things like that. But we
16 had I'd say over 300 responses.

17 Would you say that was accurate? I'm talking --
18 I'm leaning on Ms. Klaus here again on this.

19 But of the 300 responses, parent responses, 74%
20 of them were for going to the four-day week. And I
21 have spoken with some people individually, parents
22 individually. I know Ms. Klaus has, so has Mr. Bobby
23 Hulse, our high school principal, other teachers.
24 And I would say -- and I expected some blowback, you
25 know, and some things on that, and, you know, "Hey,

1 what am I going to do with this." But most of it has
2 been positive and they're working through that, and
3 we feel like we got it out there early enough, the
4 decision. I mean we actually got this information
5 out and the board acted on it in October, and we've
6 been putting out things here and there, getting ready
7 for the four-day week. And like I said earlier about
8 Kirby and collecting information from other schools,
9 even in other states that are doing this, you know,
10 and putting that out -- so overall, it's been really
11 positive. I haven't had -- I expected someone at
12 some point to come in and really be -- because it
13 just seems to work that way from time to time -- but
14 to really be anti against this. But we haven't
15 experienced that at all. It's all, for the most
16 part, really been positive.

17 CHAIRPERSON ZOOK: Yeah. I would hate to see
18 something interfere with the very positive, the very
19 excelling that Norfolk has done. You've always sort
20 of been a pacesetter in your area. And I just don't
21 want to see anything to harm the children or for
22 those children, you know, to worry about the summer
23 lag when students regress a bit over the summer. And
24 I would really ask you to look at that over four days
25 a week with a three-day break every week to see if

1 you begin to detect that. And, you know, it's never
2 too late to go back, I would think.

3 But thank you for your time and taking the time
4 to respond to my questions, even though that wasn't
5 the item on the agenda. I appreciate that very much.

6 SUPT. LAYNE: Yes, ma'am. We thank you. And we
7 will do that.

8 CHAIRPERSON ZOOK: All right. Thank you.

9 SUPT. LAYNE: Thank you.

10 b) FORREST CITY SCHOOL DISTRICT

11 CHAIRPERSON ZOOK: Forrest City.

12 MS. McLAUGHLIN: Thank you.

13 SUPT. HARDRICK: Hello. Can you hear me?

14 CHAIRPERSON ZOOK: We can, Ms. Hardrick.

15 Ms. McLaughlin, do you have anything you want to
16 say before she starts?

17 MS. McLAUGHLIN: Yes. I'm sorry, I was having a
18 little trouble scrolling down.

19 Today we have representatives from Forrest City
20 School District seeking an extension waiver for
21 Teacher Licensure. Their 90 days will expire on July
22 23, 2020. They are requesting for five years, ending
23 on June 30, 2025. And we do have Dr. Tiffany
24 Hardrick, the Superintendent, and Dr. Veronica
25 Perkins, Deputy Superintendent. And you will want to

1 swear them in.

2 CHAIRPERSON ZOOK: Okay. Let me find my swear-
3 in sheet. Here it is.

4 Would you raise your right hand and stand? Do
5 you swear or affirm that the testimony you're about
6 to give shall be the truth, the whole truth, and
7 nothing but the truth?

8 (DISTRICT REPRESENTATIVES ANSWERED AFFIRMATIVELY)

9 CHAIRPERSON ZOOK: Okay. And you both may un-
10 mute at this point, if you choose to, so you won't
11 have to keep remembering whether to or not. You can
12 go ahead, Dr. Hardrick. If I remember correctly, it
13 is Dr. Hardrick, right?

14 SUPT. HARDRICK: Yes. Yes, ma'am.

15 So Dr. Perkins is on mute. We won't take 20
16 minutes. But just to kind of give an overview, I'll
17 do that and then she'll un-mute and help with any
18 questions that you may have.

19 CHAIRPERSON ZOOK: While she's finding the un-
20 mute button, we'll let you make your presentation.

21 SUPT. HARDRICK: Okay. Thank you. So, again,
22 Dr. Tiffany Hardrick, Superintendent of Schools of
23 the amazing city of Forrest City, Arkansas, here to
24 request an extension of our waivers as it relates to
25 teacher certification, teacher licensure.

1 Our mission in Forrest City is to try to provide
2 services that meet and exceed the expectations of our
3 students, our families, and our communities. We
4 believe that waivers have allowed us to work toward
5 our goal of quality and committed professionals,
6 specifically those professionals that are committed
7 to the -- to our community by giving us an
8 opportunity to grow and develop our own.

9 Any time that I speak about Forrest City I like
10 to take an opportunity to speak or mention the
11 students in Forrest City, the reason we're requesting
12 this waiver. And normally I'll give an example --
13 one or two examples of a particular student, but
14 today I just wanted to acknowledge and recognize the
15 Class of 2020. We have a group of resilient young
16 people who have experienced some very difficult times
17 and they have shown their resilience. And those
18 students, last night it was announced that they were
19 awarded over \$12 million in scholarship offers. So,
20 even with us doing things virtually these young
21 people have stayed committed to their futures and I
22 just think that they deserve to be acknowledged and
23 recognized, not only in Forrest City but across the
24 state of Arkansas.

25 We want to extend our waivers but we wanted to

1 share with you that we are committed in Forrest City.
2 Our school board has been very committed, the
3 District has been very committed in supporting
4 teachers towards certification -- and not the waiver
5 being the end-game but the beginning for our staff.
6 And so we have to date nine teachers that were
7 credentialed as a result of the Act 1240 waiver.
8 Seven of those teachers received the standard content
9 and two were for the standard technical permit. And
10 so we also have about -- approximately 18 teachers --
11 we're in the midst of contract renewals, and so I'll
12 say approximately 18 teachers that -- staff members
13 that are participating in waiver programs and will
14 continue if we're granted the waiver. So our board
15 has been very clear that when teachers enter on a
16 waiver that they show adequate progress toward
17 certification. And so we have teachers that have
18 worked in -- have been a part of several programs
19 across the state, including from the APPLE program,
20 to Arkansas Teacher Corp, to working with the
21 university, Arkansas State. So they have shown that
22 they are committed.

23 We believe that we have an opportunity to
24 continue to recruit and retain, and, more
25 importantly, develop talent here for the Forrest City

1 community. And so we hope that you will grant us an
2 extension so that we can continue to support these
3 adults in their careers and their path to become
4 certified teachers, licensed teachers, and so that we
5 would not have a major impact on our students by them
6 losing approximately 18 teachers, and so we can
7 continue to support these teachers in their path to
8 licensure. We're living in a very challenging time,
9 which makes recruitment even more difficult, and so
10 we're hoping that we can continue to support these
11 teachers as they work toward -- since they've shown
12 progress. And if the opportunity presents itself to
13 hire additional staff under the waiver, we would like
14 to do that as well and continue to support them.

15 So having said that, I would love to turn it
16 over to questions and I can answer any specific
17 questions you have about our request --

18 CHAIRPERSON ZOOK: Okay.

19 SUPT. HARDRICK: -- along with Dr. Perkins.

20 CHAIRPERSON ZOOK: Are you going to help, Ms. --
21 Dr. Perkins? If you'll wiggle the arrow, then the
22 mute and un-mute should appear over in the bottom
23 left-hand corner. There you go.

24 Did you have anything that you needed to add
25 before we go to questions from the Board?

1 DR. PERKINS: Veronica Perkins, Deputy
2 Superintendent, Forrest City School District.

3 I'll just echo what our Superintendent Dr.
4 Hardrick has shared today. We believe that we've
5 been good stewards with our 1240 waiver and we want
6 to continue to do what we can to put quality talent
7 in front of our students. And we do hope that you'll
8 consider and grant the request that we're seeking
9 today.

10 CHAIRPERSON ZOOK: Okay. Thank you.

11 Okay. Board, do I have questions or comments
12 from any board member?

13 MS. NEWTON: I have a couple.

14 CHAIRPERSON ZOOK: Ms. Newton.

15 DR. MOORE: I do.

16 CHAIRPERSON ZOOK: And then Dr. Moore.

17 MS. NEWTON: The first one is for Ms.
18 McLaughlin. Is this the first series of extensions
19 that we're going to get to come -- that come through?

20 MS. McLAUGHLIN: Well, the different school
21 districts have different expiration dates. So there
22 will be others that I try to monitor.

23 I did want to point out that this particular
24 extension is in coordination with their Opportunity
25 Culture initiative that they have been working with

1 Educator Licensure. I don't know if Ms. Saracini is
2 online and would be -- wants to add any to that.

3 MS. NEWTON: Okay.

4 CHAIRPERSON ZOOK: Does that answer your
5 question?

6 MS. NEWTON: Yeah. I just think -- have been
7 thinking about, you know, this is our -- the five
8 years that when we initially started granting these
9 waivers for them are going to start coming due. And
10 so I was just wondering maybe from Dr. Hardrick or
11 Dr. Perkins, or maybe from the Department, either
12 one, if we have gathered any information or any data
13 on how well -- you know, I know that we're putting
14 teachers in there. I guess my question is, are we
15 putting quality teachers in there and have we been
16 gathering any data on that as far as how well are
17 these 1240 -- because this is our -- you know, kind
18 of the end of the cycle where they were initially
19 granted for five years. Have we been looking at that
20 any at all?

21 SUPT. HARDRICK: Yes, I can speak specifically
22 to that. So we initially requested a three-year
23 waiver; so we did not do five initially. So we're
24 ending year-three. We do have a model that we use
25 that we refer to as the Dusky [ps] model. So there's

1 a rating of one to five and we try to rate between
2 three, four, and five, with five being student
3 outcomes; so that's the highest level. So for every
4 teacher that's under the Act 1240 waiver we do look
5 at student impact and outcomes, but we look more at
6 growth data, we look at proficiency data. And so --
7 as well as a Level 4, where we look at teacher --
8 I'll say teacher input, the things like professional
9 development, lesson planning, those kind of things.
10 So we look at that and we also look at student
11 outcomes.

12 MS. NEWTON: So are you saying you're thinking
13 the quality of teachers that you're getting from
14 these 1240 -- because you're looking at, you know, 27
15 teachers -- you're thinking the quality is great --

16 SUPT. HARDRICK: Yes.

17 MS. NEWTON: -- is what you're saying?

18 SUPT. HARDRICK: Yes. So I think that -- a
19 couple of things. So we do have Act 1240 teachers
20 that will come through the process that we have not
21 renewed or requested back over the three-year period.

22 MS. NEWTON: Okay.

23 SUPT. HARDRICK: So everyone that enters with
24 1240 does not remain in the District those three
25 years just because they're on a 1240. So they are

1 held to a set of standards and we work with our co-op
2 around how they receive professional development and
3 mentoring. So, no. So our data drives and helps
4 determine, and their progress towards certification,
5 all determine whether or not those teachers are
6 invited back.

7 MS. NEWTON: Okay. Good. All right. And just
8 one more question. What level are your -- most of
9 your 1240 waivers? Are they elementary, junior high,
10 high school --

11 SUPT. HARDRICK: Yes.

12 MS. NEWTON: -- or all the way through?

13 SUPT. HARDRICK: Yeah, you see more at junior
14 high and high school.

15 MS. NEWTON: Okay.

16 SUPT. HARDRICK: It's easier to recruit
17 elementary teachers. We seem to see more teachers
18 graduating in our elementary ed. programs. It's
19 typically aligned with those hard-to-staff areas in
20 the state. So we typically try to look for someone
21 who has a degree in the area, content area for which
22 they'll teach. So it's definitely more of your 7-12
23 area.

24 MS. NEWTON: Okay. All right. What are you
25 doing specifically at the junior high level to maybe

1 address someone's academic concerns that you have
2 there?

3 SUPT. HARDRICK: Yeah. So, you know, we've done
4 a lot of work over the last year or so to revamp our
5 program at junior high. But if you look at the
6 student achievement data for grades 6, 7, and 8, we
7 saw growth in grades 6 and 8 in every content area.
8 The area we did not see growth was 7th grade, and we
9 did not see growth in 7th grade because we did not
10 staff. The students, unfortunately, went a year
11 without an English -- a full year without an English
12 teacher and a math teacher. And so we're actually
13 doing -- we've talked a lot about what does 8th grade
14 -- how does 8th grade look for those students and how
15 does support interventions look, because we owe those
16 students that because of not having a consistent
17 teacher for a year in 7th grade. But all the other
18 content areas in grades 6 and 8 did show growth.

19 MS. NEWTON: Have you addressed the missing
20 teachers at the 7th grade level?

21 SUPT. HARDRICK: Well, if this -- if we're
22 granted our waivers, that will be from 6th to 8th
23 grade, that will be -- don't quote me -- two or three
24 teachers there. And junior high will be -- 6-8 will
25 be fully staffed.

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

2 SUPT. HARDRICK: Uh-huh.

3 CHAIRPERSON ZOOK: Dr. Moore.

4 DR. MOORE: Yes. I recall y'all are a part of a
5 -- maybe a pilot program in how you pay your
6 teachers. Is that correct? And building leadership.
7 Can you talk about how that fits into this?

8 SUPT. HARDRICK: Opportunity Culture.

9 DR. MOORE: Yes.

10 SUPT. HARDRICK: Okay. So, yeah, the program
11 that we're a part of was Opportunity Culture, which
12 was -- has been an excellent program. We were one of
13 I think three districts selected by the Department a
14 year ago, I think after North Little Rock launched
15 the program. And we started by hiring two teachers
16 -- two -- we're using two schools to launch the
17 program, which was our -- one of our elementaries and
18 junior high. We have what we call multi-classroom
19 leaders which are high-performing teachers. You
20 cannot even make it to the second phase of the
21 process without showing data of high student growth,
22 direct reach teachers. And that program has helped
23 minimize the need for teachers because those teachers
24 take on a larger teaching load with what we call
25 Reach Assistance, which are very high level

1 paraprofessionals who can manage some of the
2 classroom when the multi-classroom leaders are
3 coaching other novice teachers. So that program has
4 seen some success, and so we will add two schools
5 next year -- the high school and our second
6 elementary school. And we've to date hired two --
7 three multi-classroom leaders for those campuses.

8 DR. MOORE: Okay. Will those leaders be Act
9 1240 teachers or not?

10 SUPT. HARDRICK: No.

11 DR. MOORE: They'll be licensed teachers. Okay.

12 SUPT. HARDRICK: No.

13 DR. MOORE: Okay. I recall -- so I think -- are
14 y'all a part of an international program where you
15 have international teachers?

16 SUPT. HARDRICK: Yeah. About three years ago,
17 we did partner with -- the contract, the agreement
18 has ended --

19 DR. MOORE: Okay.

20 SUPT. HARDRICK: -- with the international
21 program. But we do have teachers that are still in
22 the District that at the end of those three years we
23 all agreed they want to continue teaching and we want
24 them to continue to stay in the District.

25 DR. MOORE: Are they part of 1240 or have they

1 -- are they on a path to licensure?

2 SUPT. HARDRICK: No, the path to licensure.
3 Some of them were hired on a 1240, but -- like we
4 just learned one -- I think her license, provisional,
5 was supposed to transfer over this month or last
6 month. So we're working with her to send in the
7 paperwork, because she meets the requirements for
8 certification.

9 DR. MOORE: Okay. I think my concern typically
10 is that we want them on a pathway to licensure, to
11 get a license, but also the input that goes in along
12 the way. Are you requiring -- if you hire an Act
13 1240 teacher, are you requiring them to be on a
14 pathway?

15 SUPT. HARDRICK: Yes. Our board is very --
16 yeah, our board is very clear that at the end of the
17 year we want to see progress toward licensure. So we
18 require them to show us if they're -- one, what
19 program they're in, how many courses they've taken,
20 if they've taken the Praxis, even if they haven't
21 passed, how many times they've taken it. So, yes,
22 they are required to show a genuine attempt.

23 DR. MOORE: And how many years are you allowing
24 them to (sound cuts out)?

25 SUPT. HARDRICK: Yeah, so we basically gave them

1 the three years, the length of -- initially the
2 length of the Act -- the waiver. Most of them, if
3 they're depending on the program they average about
4 two years.

5 DR. MOORE: Okay.

6 SUPT. HARDRICK: Most of them -- we would have
7 more licenses; it's the Praxis. Typically the
8 coursework -- it's the Praxis that gives them the --
9 that poses the challenge.

10 DR. MOORE: Is your co-op able to provide
11 support to those teachers around the Praxis or other
12 resources?

13 SUPT. HARDRICK: Yeah. So they do participate.
14 They have some online study things that they provide
15 for teachers, you know, but sometimes it does pose a
16 challenge.

17 DR. MOORE: Okay. And you mentioned mentoring
18 is done through the co-op. Is there -- in my
19 opinion, a first-year teacher needs intensive
20 mentoring, and even more so if you don't have any
21 background. What does that mentoring look like? Is
22 it within the building or --

23 SUPT. HARDRICK: Yeah. So we submitted a plan,
24 I think it was maybe two years ago, that we still
25 have been holding through our mentoring. And we

1 basically created three phases, three levels -- well,
2 I'll say three levels of mentoring. So it depends on
3 where a person is in the process. And so if we feel
4 like you need intense mentoring first-year teaching,
5 you are assigned a mentor in the building from a
6 high-performing teacher, and that teacher can mentor
7 up to two individuals.

8 DR. MOORE: Okay. Thank you. Those are all the
9 questions I have. Thank you.

10 MS. SARACINI: Can I say something? This is
11 Karli Saracini.

12 CHAIRPERSON ZOOK: Yes.

13 MS. SARACINI: And I just want to let you guys
14 know that we worked with Forrest City yesterday.
15 Melissa Jacks and my-self sat down with them, I mean,
16 and walked through them, with Tracy Webb. So we are
17 looking at where their teachers are and where they
18 are on the plan. So I wanted y'all to know we are
19 checking.

20 CHAIRPERSON ZOOK: Thank you.

21 Are there any other board members that have
22 comments or questions at this time?

23 Okay. Seeing none, I'm going to express some
24 concerns. Part of the -- or the sole purpose of the
25 1240 waiver was to give a waiver to a district so we

1 could see a change or improvement in student
2 achievement. And when you have 46% of your teachers
3 on ALP, you have four D's and an F, you have 2206
4 students and only six have been identified, according
5 to your website, as receiving dyslexia services,
6 where is the evidence to the stakeholders and to the
7 Board that these 1240 waivers in fact are meeting
8 what in fact we gave you the waivers to do?

9 SUPT. HARDRICK: Yeah, so I'm pulling up our
10 ESSA chart that I'm looking at. And so when you look
11 at the four schools that have D's -- for example, you
12 see Central Elementary whose ESSA score was 59.3,
13 which is now a 62.86, and now two points from a C,
14 but we don't [sound cuts out] this year. So this
15 year would've been -- our hope was that we would have
16 saw that -- the growth. So if you look at four --
17 two, three, four -- four of the five campuses, even
18 including the campus with an F, you will see that
19 their ESSA score grew from 54.59 to 58.65. So I do
20 believe that there is some evidence of growth; I just
21 think that it's a process and that we are working
22 extremely hard to get there. But two of our schools
23 are about three points or so from a C letter grade.
24 I think it's Lincoln and Central.

25 CHAIRPERSON ZOOK: But the students as a group

1 are not meeting the growth goals. They are showing
2 some improvement but they are not meeting the
3 expected growth for that child as an individual.

4 SUPT. HARDRICK: Yeah, so I think it depends --
5 so, for example, if you look at the high school by
6 grade, you'll see the growth goal. That's the growth
7 of 81.29 where they did meet it. So it ranges from
8 grade to grade. But I also think that part of that
9 is because, as I mentioned earlier, it was 7th grade
10 -- there are grades where, you know, it's still very
11 difficult to staff and, you know, we're working
12 really hard to do that.

13 CHAIRPERSON ZOOK: Okay. And I noticed you
14 mentioned the \$12 million in scholarships. Of those
15 students coming out of your school, the graduates, do
16 you know what percent are having to take remedial
17 classes in order to actually start gaining college
18 credit?

19 SUPT. HARDRICK: No, I do not have that
20 percentage. I can pull that. But the majority -- a
21 lot of our students who may not qualify initially, we
22 do partner with our community college and we have a
23 large portion of our students who are taking courses
24 now through our community college while they're in
25 high school.

1 CHAIRPERSON ZOOK: Okay. I think, you know,
2 based on just data, which I can look up, I am
3 hesitant to want to extend a 1240 waiver when it
4 doesn't appear that the students are benefitting from
5 the waiver at this point.

6 MS. DEAN: Madam Chair, I have a question.

7 CHAIRPERSON ZOOK: Ms. Dean.

8 MS. DEAN: Dr. Hardrick --

9 SUPT. HARDRICK: Yes.

10 CHAIRPERSON ZOOK: Can you get a little closer
11 to your microphone, Ms. Dean?

12 MS. DEAN: Okay. With these 1240 waivers, had
13 you not had these waivers would you have been able to
14 staff your school and provide teachers for your
15 students?

16 SUPT. HARDRICK: No, ma'am.

17 MS. DEAN: Okay. So if we don't provide you or
18 allow the 1240 waivers, then that's even more
19 students that go without teachers?

20 SUPT. HARDRICK: Yes.

21 MS. DEAN: Because you mentioned before that you
22 had a 7th grade class that did not even have a
23 teacher for a year?

24 SUPT. HARDRICK: Yes, that's correct.

25 MS. DEAN: So we can imagine how much more

1 difficult it would be to provide teachers if you
2 don't have the waiver?

3 SUPT. HARDRICK: Yes.

4 MS. DEAN: Okay. So for that reason I'll be
5 voting to -- moving to approve the waivers.

6 CHAIRPERSON ZOOK: Those are excellent points,
7 Ms. Dean.

8 MS. NEWTON: I have just another comment also.

9 CHAIRPERSON ZOOK: Ms. Newton.

10 MS. NEWTON: I agree with Ms. Dean totally on
11 what she just said. And also I just want to ask one
12 more question of Dr. Hardrick. When you're hiring
13 teachers do you make an effort to first hire a
14 certified teacher and then, if you cannot find that
15 certified teacher, then you move to 1240?

16 SUPT. HARDRICK: Yes.

17 MS. NEWTON: Okay. Thank you.

18 CHAIRPERSON ZOOK: Any other questions or
19 comments from the Board?

20 If not, I'm ready for a motion.

21 MS. DEAN: I move to grant the waivers for
22 Forrest City School District.

23 CHAIRPERSON ZOOK: Moved by Ms. Dean.

24 DR. HILL: Second.

25 MS. NEWTON: Second.

1 CHAIRPERSON ZOOK: Second by Dr. Hill.

2 All in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRPERSON ZOOK: Any opposed?

5 Motion passes. Thank you both.

6 SUPT. HARDRICK: Thank you.

7 DR. PERKINS: Thank you.

8 CHAIRPERSON ZOOK: Okay, Board, does anybody
9 need to take a break?

10 MS. DEAN: Yes.

11 MS. NEWTON: I think that would be good.

12 CHAIRPERSON ZOOK: I'm seeing some nods. So
13 it's 12:28. Let's come back in -- at 12:35. Will
14 that give everybody plenty of time?

15 MS. DEAN: Yes.

16 CHAIRPERSON ZOOK: And feel free to grab a snack
17 and bring it back to your meeting.

18 (BREAK: 12:28 - 12:36 p.m.)

19 CHAIRPERSON ZOOK: I'll call the meeting back to
20 order. Let's see, maybe we'd better call the roll
21 again to be sure that everyone is back on.

22 Ms. Newton.

23 MS. NEWTON: Here.

24 CHAIRPERSON ZOOK: Dr. Hill.

25 DR. HILL: Here.

1 CHAIRPERSON ZOOK: Ms. Chambers.

2 MS. CHAMBERS: Here.

3 CHAIRPERSON ZOOK: Ms. Dean.

4 MS. DEAN: Here.

5 CHAIRPERSON ZOOK: Ms. McFetridge.

6 (MOMENT OF SILENCE)

7 CHAIRPERSON ZOOK: Ms. McFetridge, if you said
8 here, you're on mute and I didn't hear you. I'm
9 sorry.

10 Dr. Moore.

11 DR. MOORE: Here.

12 CHAIRPERSON ZOOK: Mr. Williamson.

13 (MOMENT OF SILENCE)

14 CHAIRPERSON ZOOK: He's still away.

15 Ms. McFetridge.

16 (MOMENT OF SILENCE)

17 CHAIRPERSON ZOOK: Okay. Y'all help me --

18 And Ms. McAdoo.

19 MS. McADOO: I'm here.

20 CHAIRPERSON ZOOK: Okay. Y'all help me remember
21 to check back with Ms. McFetridge shortly.

22 Okay. The next --

23 MS. McFETRIDGE: I'm sorry. I'm here, Diane.

24 CHAIRPERSON ZOOK: Okay, that's good. Thank
25 you.

1 MS. McFETRIDGE: Thank you.

2 CHAIRPERSON ZOOK: We didn't want to lose
3 anyone.

4 A-8: CONSIDERATION OF PETITION FOR SCHOOL DISTRICT BOUNDARY
5 CHANGE: OZARK MOUNTAIN SCHOOL DISTRICT AND LEAD HILL SCHOOL
6 DISTRICT

7 CHAIRPERSON ZOOK: The next is Ozark Mountain
8 and Lead Hill boundary changes. Ms. Freno, you're
9 up.

10 MS. FRENO: Thank you, Ms. Zook. Lori Freno,
11 Division of Elementary and Secondary Education. And,
12 first, I have to apologize to anyone who had to sit
13 and listen to me talking to myself while I apparently
14 wasn't on mute.

15 But under Arkansas Code Annotated 6-13-1414, a
16 school district -- or in this case school districts
17 -- may petition the State Board to adjust or change a
18 boundary line between two adjoining school districts.
19 The Ozark Mountain District and Lead Hill District,
20 which are adjoining districts, have jointly
21 petitioned the State Board to change boundaries so
22 that two pieces of land to the north of Bull Shoals
23 Lake, that are currently a part of Ozark Mountain,
24 would become part of the Lead Hill School District.

25 Under the law, upon proof that a public notice

1 was issued in a newspaper in each of the affected
2 districts, no less than twice a week for two
3 consecutive weeks, the Board may issue an order
4 changing or adjusting the boundary line to the school
5 districts. Although the Board may not order any
6 change in the boundary that hampers, delays or in any
7 manner negatively affects the deseg efforts of the
8 district, the districts both assert that a boundary
9 change would not have this result.

10 Also, I would like to have Superintendent Kerry
11 Sailors at some point confirm that the publication
12 made in the newspaper was in both school districts,
13 because -- just for the record, because that does not
14 reflect in the agenda; only the notices were
15 published in both places.

16 So the school districts, assuming the notice was
17 good, have met the requirements of the statute and it
18 is now up to the State Board to decide whether --
19 it's within your discretion to decide whether to
20 change the boundary lines.

21 We have today with us Cody Kees, who is the
22 lawyer for both Ozark Mountain and Lead Hill School
23 Districts; also Superintendent Kerry Saylor; and
24 Tami Richey, who's the superintendent of the Lead
25 Hill School District.

1 So if the Board has no questions for me, I would
2 like to turn the floor over to Cody Kees.

3 CHAIRPERSON ZOOK: Do they need to be sworn in?

4 MS. FRENO: Cody Kees does not, but the other
5 two do, if they testify, yes.

6 CHAIRPERSON ZOOK: Okay. Would you please raise
7 your right hand? Do you swear or -- and please un-
8 mute so I can hear you -- do you swear or affirm that
9 the testimony you're about to give shall be the
10 truth, the whole truth, and nothing but the truth?

11 SUPT. RICHEY: Yes.

12 CHAIRPERSON ZOOK: I heard one yes from Ms.
13 Richey.

14 SUPT. SAYLORS: Yes.

15 CHAIRPERSON ZOOK: Okay. There you go. Thank
16 you.

17 I don't -- who will do the presentation?

18 MR. KEES: Madam Chair, this is Cody Kees.

19 CHAIRPERSON ZOOK: Okay.

20 MR. KEES: I represent both districts. And
21 their superintendents, who you just sworn in, are
22 Tami Richey, who's the superintendent of Lead Hill,
23 and Kerry Saylor, who is the superintendent for
24 Ozark Mountain. I appreciate Ms. Freno's recitation
25 of what we're trying to do. It sums it up very well.

1 The Ozark Mountain School District is a
2 conglomeration of several school districts over the
3 years through consolidation. And if you look at the
4 map that we provided, there are two pieces of land
5 which are best described as peninsulas; they're
6 completely surrounded by Bull Shoals Lake. The only
7 access point is to Missouri. And on each peninsula
8 roughly 12 -- there's roughly 12 students, and on
9 each peninsula there's six each. And they, for all
10 intents and purposes, are Missourians but for they do
11 live in that area which is -- so they're Arkansas
12 residents, but they attend school in Missouri by
13 agreement with Ozark Mountain, whereby Ozark Mountain
14 buses them to their school district in Missouri, and
15 they attend school there. So their only connection
16 to Ozark Mountain is presumably the name on the side
17 of the bus. And Ozark Mountain is a very large
18 district and, you know, 394 square miles. These two
19 pieces of land are -- they're not accessible except
20 by a ferry, and it just really makes no sense for
21 them to continue to be in Ozark Mountain just because
22 of the huge distance and they are in no way
23 contiguous.

24 So Lead Hill has an interest in obtaining that
25 property. No other school district that boundaries

1 this area has any interest, and they've all submitted
2 letters that -- Mountain Hill, Flippin, Yellville-
3 Summit, they've all submitted letters that they have
4 no interest in the property, and Lead Hill is
5 prepared to take on the expense of transporting these
6 students from their residents to the Missouri school.
7 They're going to continue the arrangement whereby the
8 students can attend school in Missouri. And for all
9 intents and purposes, it would just make more sense,
10 because Lead Hill is closer to the area, in the event
11 there was some type of emergency where the students
12 -- where we would need access quickly to the
13 students. We have to still get there by ferry, but
14 it would be faster for Lead Hill and they don't have
15 as much land mass to cover as Ozark Mountain.

16 So, in conclusion, this is -- there's no
17 opposition to this. I believe Commissioner Key
18 received a letter of support from the Representative
19 there, Representative Jack Fortner, speaking on
20 behalf of the community. And we've put this out and
21 received no negative feedback. It would benefit both
22 school districts. And all the neighboring school
23 districts have also weighed in and have no issue with
24 it.

25 CHAIRPERSON ZOOK: Is that Henderson Ferry?

1 MR. KEES: What's the ferry, Mr. Saylor's? I
2 know it's Peel. Is it the Peel ferry?

3 SUPT. SAYLORS: It is the Peel ferry.

4 CHAIRPERSON ZOOK: Okay. Thank you.

5 Any questions or comments from board members?

6 Do I have a motion?

7 SECRETARY KEY: Ms. Zook --

8 MS. FRENO: Ms. Zook --

9 CHAIRPERSON ZOOK: I'm sorry.

10 MS. FRENO: -- before we have a motion --

11 CHAIRPERSON ZOOK: Secretary Key has a comment

12 --

13 SECRETARY KEY: Yeah, just --

14 CHAIRPERSON ZOOK: -- or a question.

15 SECRETARY KEY: Yeah, just a clarification. Mr.
16 Kees said that I'd received a letter. I received a
17 phone call from Representative Fortner and I told him
18 that I would convey his support for this request to
19 the Board.

20 So thank you, Mr. Kees, for reminding me of
21 that.

22 But it wasn't something that I could provide in
23 writing for you, but he is very interested and
24 supportive of this request on behalf of the
25 districts.

1 CHAIRPERSON ZOOK: Are both of these districts
2 in his area?

3 SECRETARY KEY: Yes.

4 CHAIRPERSON ZOOK: Okay. Ms. Freno, you started
5 to say something?

6 MS. FRENO: Thank you, Ms. Zook.

7 I'd just like to clarify with Superintendent
8 Saylor's that the public notice was issued in the
9 newspaper in both of the counties that would be in
10 both of the school districts that would be affected?

11 SUPT. SAYLORS: Yes, ma'am, it was.

12 MS. FRENO: Thank you.

13 CHAIRPERSON ZOOK: Okay. Ms. Newton, did I see
14 something from you?

15 MS. NEWTON: Yes, I did have several questions.

16 CHAIRPERSON ZOOK: Okay.

17 MS. NEWTON: I guess my first question is on the
18 publication, since we're talking about that. Now I
19 know a lot of homeowners no longer take a newspaper.
20 And so was there an effort to make sure that every
21 homeowner in the area that we're talking about was
22 aware of what's going on?

23 CHAIRPERSON ZOOK: I guess --

24 MS. KEES: Mr. Saylor's, could you speak to that?

25 I think the answer is no. I'm certain the

1 answer is no. It was done by legal publication, but
2 I'll let Mr. Saylor speak to that.

3 SUPT. SAYLORS: It was done by legal publication
4 and by contacting the superintendents in Missouri and
5 all the superintendents in Arkansas schools that
6 surround this property.

7 CHAIRPERSON ZOOK: Were the parents --

8 MS. NEWTON: So we really don't know if --

9 CHAIRPERSON ZOOK: Yeah, well, excuse me, Ms.
10 Newton. I was wondering if the parents of those
11 children were contacted?

12 SUPT. RICHEY: This is Tami Richey. I received
13 a phone call from the superintendent of Mark Twain,
14 who is one of the districts in question in Missouri.
15 He did receive phone calls from some of the members
16 of their community, wanting to be sure that they were
17 going to continue to be able to go to school at their
18 district. And then those that go on over to Lutie,
19 which is the other school district in Missouri, they
20 wanted to make sure that they can continue to go to
21 school there and that we would not try to make them
22 basically come across the ferry every day. I assured
23 them if the change is made that we would continue to
24 support them going to school in Mark Twain.

25 MS. NEWTON: Okay. I have several questions.

1 My other question is: I know you're getting to
2 them by ferry, but when they go to Missouri they're
3 not going by ferry. Is that correct?

4 SUPT. RICHEY: That's correct. They live on the
5 other side of the lake, so they are just taking a
6 school bus on a regular highway. So --

7 MS. NEWTON: Okay. Okay. And then my next
8 question is, what is the millage difference between
9 the two districts?

10 SUPT. SAYLORS: 2.5 mills.

11 MS. NEWTON: Increase or decrease?

12 SUPT. SAYLORS: Increase.

13 MS. NEWTON: So do we know if those homeowners
14 are aware that they're going to have an increase of
15 2.5 mills?

16 SUPT. RICHEY: That's not something that I
17 shared. No.

18 MS. NEWTON: Okay. You know, I guess that's my
19 question is, you know, we've publicized it but we
20 don't know that everyone in the area knows. And then
21 we're talking about an increase in -- you know, 2.5
22 may not seem like much, but if someone didn't know
23 that that was going to happen, you know, that's I
24 guess my concern there on that. So those are my -- I
25 think my big questions is did we have direct contact

1 with [sound cuts out] to make sure, and then there is
2 a millage difference.

3 SUPT. SAYLORS: Yes, ma'am.

4 CHAIRPERSON ZOOK: Any other questions or
5 comments?

6 Seeing none, do I have a motion?

7 DR. MOORE: I do have a question, actually.
8 This is Sarah.

9 CHAIRPERSON ZOOK: Okay, Dr. Moore.

10 DR. MOORE: For the Department, just out of
11 curiosity, are there other -- many other districts in
12 the state that have this type of an agreement with
13 another state where our state funding is going there?

14 MS. FRENO: We do have other school districts
15 that have tuition agreements with other -- like I
16 know, for example, there are students from Louisiana
17 that are attending Junction City. I think we have
18 arrangements around the Oklahoma area like that.
19 Someone else might know that better than me, but I do
20 know that there are agreements where some students go
21 in opposite directions. You know, in this case --
22 like I mentioned, in Junction City, they come into
23 Arkansas. But in this case it's obvious the reason
24 they leave Arkansas -- if you look at those little
25 land masses that are up there, there's just no way to

1 get around that lake --

2 SECRETARY KEY: Dr. Moore, I can --

3 MS. FRENO: -- except by ferry.

4 SECRETARY KEY: Yeah. Dr. Moore, I can affirm
5 that at least in the past there's been a similar
6 arrangement between the Mountain Home School District
7 and school districts in Missouri. I don't know if
8 there are any students in that area now. But in the
9 past there were students that lived, again, on that
10 side of the lake but they were in the Mountain Home
11 School District, and for the same reason a tuition
12 agreement was undertaken and those students attended
13 in Missouri. I think if you look along either -- any
14 of the areas where there are bodies of water or
15 rivers that may have changed at different times,
16 there is the potential for a portion of Arkansas to
17 be either locked due to water or because of the shift
18 of the river. There have been in different parts of
19 -- times in history those types of agreements because
20 of the access issue. So this is not that unusual; we
21 just don't see it in very large numbers.

22 CHAIRPERSON ZOOK: I think the main difference
23 there would be that they are going to another state,
24 but staying in the same district with the same
25 district millage. Am I interpreting that correctly?

1 DR. MOORE: And Lead -- and this might've
2 already been said, but Lead Hill has other sections
3 north of the river. Are those students already going
4 to Missouri?

5 SUPT. RICHEY: Well, the students that are in
6 that section -- I mean there are other places where
7 the lake -- where the land mass is north of Bull
8 Shoals Lake. But there's -- you know, there's also
9 an area where at one time we had students that at the
10 end of this one road goes into Missouri, and they
11 came to Lead Hill. There are not any right now, but
12 there was a time when we had students there. So just
13 the way that the lake weaves, yes, there are other
14 areas where -- but not like this, no.

15 DR. MOORE: Okay.

16 MS. DEAN: Madam Chair, I have a question.

17 CHAIRPERSON ZOOK: Ms. Dean.

18 MS. DEAN: It's concerning Ms. Newton's concern,
19 which is a very good point that she made. What would
20 be -- I don't know who this would be directed to.
21 But what would be the remedy for making sure that we
22 have proper input from the community and that they
23 are aware of everything that's going on?

24 SECRETARY KEY: I'm going to take a stab at
25 that. From a legal standpoint, I believe the

1 districts have met their obligation under the
2 statute; that's the way it's set forward, the process
3 is set forward. So from a legal standpoint, the
4 publication in the Mountaineer Echo up there, which
5 is pretty widely read in that part of the state, is,
6 you know, they've met that obligation. As far as,
7 you know, the -- any notices to taxpayers, that will
8 happen through the County Assessor's office.

9 MS. DEAN: Okay.

10 SECRETARY KEY: So it won't be anything that
11 will happen ahead of time, but they will be notified
12 by the change in their assessment.

13 MS. DEAN: Thank you.

14 CHAIRPERSON ZOOK: Do I have a motion?

15 DR. MOORE: I'll make a motion to approve.

16 CHAIRPERSON ZOOK: Moved by Dr. Moore.

17 MS. DEAN: I second it.

18 CHAIRPERSON ZOOK: Second by Ms. Dean.

19 All those in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRPERSON ZOOK: Opposed?

22 Motion passes.

23 Thank you to the superintendents. And thank
24 you, Ms. Freno.

25 SUPT. RICHEY: Thank you very much.

1 SUPT. SAYLORS: Thank you, Board.

2 MR. KEES: Thank you. Thank you, Madam Chair.

3 A-9: PERKINS V PLAN

4 CHAIRPERSON ZOOK: Okay. Now we have the
5 Perkins Five (V). Dr. Kremers -- am I saying your
6 name correctly?

7 DR. KREMERS: Kremers, yes.

8 CHAIRPERSON ZOOK: Okay.

9 DR. KREMERS: Good afternoon. The Division of
10 Career and Technical Education respectfully requests
11 the Arkansas State Board of Directors' final approval
12 of the Perkins V state plan. Four items were
13 submitted for the Board to review, and these include
14 the Perkins V state plan, the Perkins V executive
15 summary, the Perkins V overview, and the Perkins V
16 data overview. The successful implementation of the
17 Arkansas Perkins V state plan will prepare high
18 school students and college students for high skill,
19 high wage, in demand future careers; it will develop
20 a strong pipeline of talent for Arkansas employers;
21 it will build strong communities, engage stakeholders
22 and workforce, and education planning and solutions;
23 establish a clear and consistent goal for alignment
24 of education and workforce systems; and provide
25 excellence in education and equal opportunities for

1 all students.

2 To accomplish this, the Arkansas Perkins V state
3 plan focuses on alignment with the state's ESSA and
4 also the Workforce Innovation Opportunity Act state
5 plan to address six essential areas. These areas
6 include equal opportunities for all students;
7 workforce alignment; clear pathways to college and
8 career; stakeholder engagement; college, career, and
9 community readiness; and remaining student focused in
10 all that we do.

11 The state plan is required to have the Board's
12 approval prior to submission to the U.S. Department
13 of Education, the Office of Career Technical Adult
14 Education. The submission deadline is June 15, 2020.
15 The DCTE staff respectfully requests the Board's
16 final approval.

17 CHAIRPERSON ZOOK: Thank you.

18 Do we have any questions or comments?

19 MS. DEAN: I have a comment. I just wanted to
20 commend them on this plan. I was very impressed with
21 the amount of stakeholder engagement that they
22 employed in reaching out to the community and all
23 stakeholders in the community, and the fact that
24 there will be ongoing engagement. So I was very
25 pleased with that. So, very good job on that.

1 DR. KREMERS: Thank you.

2 CHAIRPERSON ZOOK: Absolutely.

3 Anyone else?

4 DR. MOORE: Yes.

5 CHAIRPERSON ZOOK: Dr. Moore.

6 DR. MOORE: I agree with what Ms. Dean said, but
7 wanted to ask -- I know it says that the new plan
8 will require increased partnerships between
9 businesses and schools for work-based learning, and
10 wanted to know a little bit more into that.

11 DR. KREMERS: Yes. Thank you for asking about
12 that. So we have worked really hard to work on
13 infrastructure for what work-based learning looks
14 like. We've now added different levels of work-based
15 learning so that it's more clear for business and
16 industry to partner with schools. In former
17 structures of work-based learning the option was
18 sometimes just paid or not paid, whether it tied to
19 the program of study the student was actually
20 learning or not. So now there is a clear delineation
21 of what is the role of the business and industry
22 partner and what is the role of the education entity
23 and the teachers. And so, that -- there are guides
24 that are now available, information on the website.

25 We have coordinated with the State Board of

1 Education -- excuse me -- with the state Chamber of
2 Commerce to present and make sure there is connection
3 clearly with the state Chamber of Commerce. And so
4 what will happen is that now there are those more --
5 there are additional options so that, you know, there
6 are less concerns about liability, the age of
7 students, requirements for the number of hours,
8 options for whether the student is on-site versus
9 off-site, or a hybrid model. So, there is a lot more
10 opportunity for those communications and connections
11 to occur. Documentation is a lot more clear in
12 setting the goals and plan between the student and
13 the employer, and that has been a big win on behalf
14 of the employer because they don't have as much time
15 investing. They're happy to bring students on-board.
16 But with a better, cleaner infrastructure and
17 documentation in place it is much easier now to align
18 what are the goals of the students' learning while
19 they're on that worksite location. So a lot of good
20 things happening with that.

21 We also have the local Chambers of Commerce
22 involvement so that where there is challenges in
23 finding a local business and industry partner they
24 are helping to facilitate some of those
25 conversations.

1 Additionally, there was legislation that passed
2 that helps to incentivize the business and industry
3 partners to support work-based learning through tax
4 incentives, through tax relief if they do pay a
5 stipend to the student.

6 DR. MOORE: That's great. And obviously I'm an
7 advocate of y'all's work and of y'all's work
8 strengthening in schools. I know it's a great
9 advantage that you're within DESE to strengthen that
10 as we go along. So, thank you.

11 DR. KREMERS: Thank you. Thank you so much.

12 CHAIRPERSON ZOOK: Anyone else?

13 MS. DEAN: I actually have an additional
14 question I meant to ask.

15 CHAIRPERSON ZOOK: Ms. Dean.

16 MS. DEAN: It's concerning the ongoing
17 stakeholder feedback. I noticed that it says that
18 you'll have key government stakeholders to monitor
19 implementation and y'all have CTE coordinators to
20 convene regional advisory groups. What will that
21 advisory group look like on the local level?

22 DR. KREMERS: That is for the ongoing
23 requirements that are the federal component. But
24 also included in the plan is that we will be
25 developing a Perkins advisory guiding group. Just as

1 there is an ESSA steering committee, we will be doing
2 the same thing with Perkins in the development of an
3 advisory that will be cross sector and cross
4 geographic area in making sure that we have diverse
5 input and representation. So that specific portion
6 that you're reading is just to make sure we meet all
7 of the federal requirements for ongoing
8 accountability, but then we'll also have the
9 community and other stakeholder involvement. So
10 federally, each local agency is required to have a
11 regional advisory council meeting; so those
12 stakeholders are invited through their local
13 educational service cooperative and they -- now with
14 Perkins V the great thing with that is they actually
15 have a list of stakeholders to make sure it's
16 comprehensive on who is -- who there is outreach to
17 and to making sure that there is thought to all
18 populations to be involved in the conversations for
19 the local application. That helps to steer the
20 funding that goes to the local agency. So what's
21 wonderful with Perkins V is it's no longer a top-down
22 approach, although the funding and the communication
23 and the stakeholder input happens at the local level.
24 So those are the federal pieces. But then broadly,
25 for the state we will develop ongoing feedback and

1 input in the state plan for the Perkins V, whether we
2 call it steering committee, guiding committee. But
3 it will be in place for that non-federal compliance
4 stakeholder feedback and input.

5 MS. DEAN: Okay. Thank you.

6 DR. KREMERS: You're welcome.

7 CHAIRPERSON ZOOK: Any other board member?

8 Seeing none, do I have a motion?

9 MS. DEAN: I move to approve.

10 CHAIRPERSON ZOOK: Moved by Ms. Dean.

11 DR. MOORE: Second.

12 CHAIRPERSON ZOOK: Second by Dr. Moore.

13 All those in favor?

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRPERSON ZOOK: Opposed?

16 Motion passes. Thank you, Dr. Kremers.

17 DR. KREMERS: Thank you, Board.

18 A-10: CONSIDERATION FOR FINAL APPROVAL: PROPOSED RULES

19 GOVERNING THE ARKANSAS TEACHER OF THE YEAR PROGRAM

20 CHAIRPERSON ZOOK: Okay. Ms. Freno, lead us
21 into the rules.

22 (MOMENT OF SILENCE)

23 CHAIRPERSON ZOOK: Have we lost Ms. Freno?

24 MS. FRENO: No, you have not. I was just -- I'm
25 working off of two different screens and I had to un-

1 mute myself over there. Thank you, Ms. Zook, for
2 your patience.

3 The first set of rules that are going to be
4 before you today for final approval are the Arkansas
5 -- the rules governing the Arkansas Teacher of the
6 Year Program. And you might remember that these
7 rules incorporate Act 251 of 2019, which expanded
8 eligibility for the Teacher of the Year Program to
9 any licensed educator who's engaged in direct student
10 contact for up to 70% of the educator's contract --
11 or for more than 70% of the educator's contract time.
12 Prior, the law had limited eligibility to classroom
13 teachers; this opened it up a little bit further to
14 guidance counselors and library media specialists.

15 This board put these rules out for public
16 comment in October of 2019. After Governor approval,
17 they went out, and we received some public comments
18 which only resulted in tiny editorial changes to the
19 rules. And at this point the Division respectfully
20 requests final approval of these rules.

21 CHAIRPERSON ZOOK: Do I have any questions or a
22 motion?

23 MS. NEWTON: I move to approve.

24 CHAIRPERSON ZOOK: Moved by Ms. Newton.

25 DR. MOORE: Second.

1 CHAIRPERSON ZOOK: Second by Dr. Moore.

2 All those in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRPERSON ZOOK: Any opposed?

5 Motion passes.

6 A-11: CONSIDERATION FOR FINAL APPROVAL: PROPOSED RULES

7 GOVERNING PUBLIC SCHOOL STUDENT SERVICES (REPEAL)

8 CHAIRPERSON ZOOK: Next also is Ms. Freno on
9 Public School Student Services.

10 MS. FRENO: Yes. In the Public School Student
11 Services rules that are before you, this is a repeal.
12 These rules were repealed as a result of Act 190 of
13 2019. That Act repealed the Public School Student --
14 School Services Act and fully replaced it with a
15 brand-new one, which was the School Counseling
16 Improvement Act of 2019. These rules -- this -- the
17 new Act did not give the State Board the authority to
18 promulgate rules, but Learning Services -- the
19 Division's Learning Services Division has promulgated
20 lots of beautiful guidance with regard to this new
21 law. This board approved these for release in
22 October of 2019. After Governor's approval, they
23 were released and we received no public comments at
24 all.

25 So at this point we respectfully request that

1 these rules be given final approval.

2 CHAIRPERSON ZOOK: Any questions or a motion?

3 MS. McFETRIDGE: Yes, I have a question, Ms.
4 Zook.

5 CHAIRPERSON ZOOK: Yes, Ms. McFetridge.

6 MS. McFETRIDGE: Does the Department still look
7 over these counseling programs and just kind of
8 review them from time to time?

9 MS. FRENO: Could I ask Stacy Smith if she could
10 please answer that question?

11 CHAIRPERSON ZOOK: Ms. Smith.

12 MS. SMITH: I'm Stacy Smith, Arkansas Department
13 of Ed.

14 So, yes, our counseling unit actually provides
15 professional development and they actually submit
16 their plans to our counseling unit and we give
17 feedback to those.

18 MS. McFETRIDGE: Thank you, Ms. Smith.

19 MS. SMITH: Welcome.

20 CHAIRPERSON ZOOK: Anyone else?

21 Do I have a motion?

22 MS. McFETRIDGE: I'll make a motion to approve
23 this.

24 CHAIRPERSON ZOOK: Moved by Ms. McFetridge.

25 MS. DEAN: Second.

1 CHAIRPERSON ZOOK: Second by Ms. Dean.

2 All those in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRPERSON ZOOK: Opposed?

5 Motion passes.

6 Ms. Freno, before you go away, would you share
7 with the Board the honor that Ms. Hyatt received
8 recently?

9 MS. FRENO: Oh my, yes. I'm going to -- I wish
10 you would've asked me to get the exact name of it.
11 But recently Mary Claire was honored by the Arkansas
12 Bar Association for putting -- for developing and
13 presenting the best CLE, continuing legal education,
14 of the entire year. And that is really a great honor
15 because usually that award tends to go to a firm or
16 to a group of people, but this one just went strictly
17 to Mary Claire. And that was just very exciting and
18 we're all very proud, as always.

19 CHAIRPERSON ZOOK: Thank you. Congratulations,
20 Ms. Hyatt.

21 MS. DEAN: Congratulations.

22 MS. NEWTON: Congratulations. Awesome.

23 MS. HYATT: Thank you all.

24 A-12: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
25 SCHOOL DISTRICT REQUIREMENTS FOR PERSONNAL POLICIES, SALARY

1 SCHEDULES, MINIMUM SALARIES, AND DOCUMENTS POSTED TO DISTRICT
2 WEBSITES

3 CHAIRPERSON ZOOK: Okay. Now you get to speak
4 on your rules.

5 MS. HYATT: Yes, ma'am. For consideration for
6 final approval, these are the rules governing school
7 district requirements for personnel policies, salary
8 schedules, minimum salaries, and documents posted to
9 district websites. The changes are pretty vague
10 changes that we made. We took out all of the
11 information that was duplicative about personnel
12 policies, salary schedules, and minimum salaries from
13 these rules, since they just were a regurgitation of
14 the law. So this rule has really changed into a rule
15 that puts all of the website requirements into one
16 single rule. It also incorporates the provisions of
17 Acts 1039, 869 of 2017, and Acts 190, 83, 676, 757 of
18 2019. We did receive four public comments. We only
19 made very tiny changes to some numbering and some
20 grammatical errors throughout, no substantive
21 changes. And we respectfully request your final
22 approval of these rules.

23 CHAIRPERSON ZOOK: Do I have any questions or
24 comments from board members?

25 MS. NEWTON: I have a question. It's not

1 necessarily about these rules, because I'm fine with
2 all of that. But in the last few months I've
3 happened to go to different school districts'
4 websites and search for some of this information. It
5 feels like sometimes we go on a scavenger hunt, you
6 know. I have spent hours at one time looking for a
7 piece of information that I needed, you know, and I
8 would maybe finally find it. But is there any way
9 that we can give some guidance on -- I know we can't
10 dictate on what -- where it should be, but, you know,
11 just to make it a little bit easier to find
12 sometimes? Because, you know, if I know what I'm
13 looking for and I know I need the information -- but
14 I can think of a parent or someone else that -- who
15 will just finally just throw up their hands and say,
16 "It's not there," you know. Is there anything that
17 we can do to make it a little easier to find?

18 MS. HYATT: I'm hopeful that the new rules will
19 help solve some of those issues because all of the
20 information that's going to be required by these
21 rules will be required to be under a tab on the home
22 page that's called State Required Information, and
23 all of this information will be required to be in the
24 same spot. Now there are some other things that have
25 to go on the website, like your school choice

1 notification and things like that, that aren't in
2 these rules and so they're going to have more
3 flexibility on where to put those things. But almost
4 all of the website requirements are now in these
5 rules. Because before it was only five or six of the
6 website requirements in the rules, so we've tried to
7 put them all in these rules. They have to go in the
8 same place. It has to be on the home page exactly
9 for that reason.

10 MS. NEWTON: Thank you. That sounds like that
11 will help. Thank you.

12 DR. MOORE: Was there anything substantial taken
13 out that will no longer be required on a website?

14 MS. HYATT: Not for the website component. In
15 the original rule, it was personnel policies, salary
16 schedules, and website requirements. The personnel
17 policies and salary schedules were word-for-word from
18 the statute, so we removed those and turned this into
19 a rule that's just the website requirements. We
20 spent a lot of time combing through all the statutes
21 and all the rules and finding, hopefully, all of the
22 website requirements and putting them into one rule
23 for ease. So nothing has changed as far as stuff
24 that no longer has to go on the website. We've just
25 added in all of the other website requirements

1 throughout the Arkansas code into one rule.

2 DR. MOORE: I know that was a lot of work, so
3 thank you.

4 CHAIRPERSON ZOOK: Anyone else?

5 Okay. I had asked that -- because one of the
6 things, like Ms. Newton, I look for on there is the
7 -- on the dyslexia numbers. And so often when we
8 talk to a district they either were unclear about how
9 to do it -- but I had asked that we include -- on
10 their information required on the website that we ask
11 how many students were screened in the two different
12 spans, the K-2 and the 3-12; what screener was used;
13 and then the reason. So I was wondering -- I know
14 that sometimes when things aren't in legislation
15 they're added administratively. Is there some reason
16 why the DESE decided that those should be left out?

17 MS. HYATT: So if you'll look at Section 7 of
18 the rules, that's where the dyslexia information is.

19 CHAIRPERSON ZOOK: Right.

20 MS. HYATT: This tracks what's in the law. And,
21 Ms. Zook, I apologize; I don't remember you
22 requesting that specifically in these rules. It
23 would be -- I think raise concern if we added more
24 specificity than what the law allows, since the law
25 is very clear on what the expectation of the

1 legislature is. But if you would like me to add
2 those things, that's definitely something I can look
3 at either in the next edit of these rules after the
4 next session or I can bring these back to you next
5 month. Probably if we added something like that,
6 then they would have to go back out for public
7 comment. But if that's the -- if that's what the
8 Board wishes to do, I'm happy to look into it.

9 CHAIRPERSON ZOOK: Okay. I'm happy to share my
10 rationale. Obviously, we have a limited number of
11 people who can do audits of districts in the dyslexia
12 department; they're part of Learning Services. And
13 it would seem that this would aid Ms. King and others
14 if they could see, okay, here's the screener they're
15 using, how many kids they have, here's how many were
16 identified and receiving service -- but it might
17 throw up a flag; well, we better go visit this
18 district or we better visit this district to see --
19 you know, in fact, if it's done -- you know, I think
20 the frustration for those of us who have been here
21 from the beginning of the dyslexia law in '13 and
22 then the modifications that were made in '15 and '17,
23 and now in '19, is that if you're interested there's
24 still not a clear help. It's like the district this
25 morning; they were saying, oh, well, you know, we

1 didn't really report, you know, what was factual.
2 So, you know, y'all can bat it around and -- Ms.
3 Smith and the people in her department, and Ms. King.
4 So that might -- and even Ms. Coffman's department.
5 You know, that's one person out of 3,000,000 that
6 live in the state of Arkansas. But that is something
7 I look for and cannot find without specifically
8 asking a district when they come on the agenda.

9 MS. HYATT: Ms. Zook, can you repeat exactly
10 what piece of information you're wanting?

11 CHAIRPERSON ZOOK: I'd like -- you know, there's
12 two different grade spans, the K-2 and the 3-12. All
13 K-2 students have to be screened. Any students where
14 a teacher or -- feels like they need to be screened
15 are supposed to be screened 3-12. Knowing what --
16 how many students were screened, what the screener is
17 that they're using, and how many showed markers of
18 dyslexia, that -- if I were in the job at the
19 Department trying to figure out I need to visit this
20 district, I need to talk to this district, this
21 district is doing a good job, that would be helpful
22 to me, rather than looking at the website where they
23 would say students screened and two being served; and
24 then you look at the two and that's like less than a
25 percent of the total population, which prompts

1 questions when you know that other -- okay, so are
2 you serving all of those students now under special
3 education because they also have extenuating
4 circumstances, or are they being served by the
5 interventionist?

6 Ms. Smith, do you understand where I'm coming
7 from?

8 MS. SMITH: I do. Yeah, I do. And so, first
9 off, we do get that information here at the
10 Department. We get it by grade level specific to
11 students being served. And our dyslexia specialists,
12 we work with the educational cooperatives to review
13 every district and look at their numbers and provide
14 feedback that way. The request that you are talking
15 about is what the districts actually report on their
16 website.

17 CHAIRPERSON ZOOK: Yeah.

18 MS. SMITH: And they should be pulling the
19 information from, you know -- because in our eSchool
20 system they're literally marking every student, if
21 that student is receiving services. And so we can
22 see it by grade level per student in a statewide
23 report.

24 CHAIRPERSON ZOOK: Okay.

25 MS. SMITH: And we do try to follow-up on that.

1 You are right. As they are putting it on their
2 website, what was in the law to be required for
3 districts to post was not down by the grade level; it
4 really was about, you know, the number that they were
5 serving and what program they were using and who
6 their specialist was.

7 And so we did have some -- Mary Claire, Ms. Zook
8 did email me, asking those questions about, you know,
9 could we require all districts to post the same type
10 of report. And we had conversations internally here
11 about we felt like that was kind of outside what the
12 law was requiring. But we did feel like it was a
13 good suggestion on the guidance that we need to be
14 providing for school districts and dyslexia
15 specialists at the co-ops to try to get everybody
16 kind of on the same page and trying to report it the
17 same way. Because we do recognize that when you're
18 looking on websites it's all over the place, and if
19 we can ever get it to the point on our end where we
20 can actually pull it together and report it in one
21 direction that would be probably the most helpful.
22 So if they're reporting information to the
23 Department, we're able to pull some type of report
24 together with it. So I think the points you're
25 making are good points, and I understand them.

1 CHAIRPERSON ZOOK: Okay. Thank you, Ms. Smith.

2 MS. SMITH: Uh-huh.

3 MS. HYATT: And I think I'd like to just add --
4 I think there -- because of FERPA they can share
5 information with us and we can have access to
6 information that's different than what they can share
7 with the public. And if they were doing it by grade
8 level and you had maybe a K-12 school in a small
9 district, you might run into issues with being able
10 to identify students, depending on how many kids are
11 identified, if we required them to do that and they
12 were in class sizes that were smaller.

13 MS. SMITH: And we do have some reporting -- we
14 do have some reporting on dyslexia on My School Info,
15 which we can probably work with a little bit better
16 to make sure everybody here understands how to pull
17 that information. So it does show up on My School
18 Info from the information that's put in. But Mary
19 Claire is right, the number of students -- those are
20 things we have to be careful with.

21 CHAIRPERSON ZOOK: Okay. Any other comments or
22 questions?

23 Thank you both for your information.

24 Do I have a motion?

25 MS. NEWTON: Move to approve.

1 CHAIRPERSON ZOOK: Moved by Ms. Newton.

2 DR. MOORE: Second.

3 CHAIRPERSON ZOOK: Second by Dr. Moore.

4 All those in favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON ZOOK: Opposed?

7 Motion passes.

8 A-13: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
9 ACT 1240 WAIVERS

10 CHAIRPERSON ZOOK: Okay. Ms. Hyatt, the rules
11 governing 1240 waivers.

12 MS. HYATT: Yes, ma'am. Also for final
13 consideration, these are the new rules governing Act
14 1240 waivers. So it's not an amendment to a rule;
15 these are brand-new. They were promulgated pursuant
16 to Arkansas Code 6-15-103, which is the law about
17 traditional public school district waivers. It
18 incorporates provisions made to other laws by Act 641
19 and 815 of 2019. The new rule basically explains the
20 1240 process, explains how the district may petition
21 the State Board, elaborates on the State Board's
22 authority to request specific reporting or make
23 changes to a 1240 waiver request, and elaborates on
24 the extension of 1240 requests. So hopefully, if
25 these are approved and then approved by ALC next

1 month, we'll have a brand-new 1240 waiver form, a new
2 extension request form, and you guys will be getting
3 a lot more information about how the district is
4 using the waivers and what data they have looked at
5 and what community engagement they've had for both
6 the initial request and the extension request. We
7 did receive some public comments, but made no
8 substantive changes. And we request that these rules
9 be approved.

10 CHAIRPERSON ZOOK: Do I have questions or
11 comments?

12 MS. NEWTON: I just want to say thank you that
13 we have rules and it's a great thing. And so thank
14 you for your work -- you know, the time limit -- I
15 mean all of those things that we've been wishing for
16 for a long time. So thank y'all for your hard work
17 and I'm very grateful.

18 CHAIRPERSON ZOOK: Thank you, Ms. Newton.

19 Anyone else?

20 DR. MOORE: I do. I just want some
21 clarifications.

22 CHAIRPERSON ZOOK: Dr. Moore.

23 DR. MOORE: I do. I just want some
24 clarifications. I echo that as well. Just to be
25 clear, so this allows us to accept in whole, deny, or

1 revoke at any point in time. Is that correct?

2 MS. HYATT: Yes. So I tried to model that --
3 since 1240 waivers are based on charter waivers, I
4 tried to model the process and the authority similar
5 to how we deal with charter school waivers. So if,
6 for instance, there was a constituent complaint or
7 something happened where you became aware that
8 someone was misusing a 1240 or they got on fiscal
9 distress or academic -- not academic distress -- in
10 need of Level 5 support -- I'm so sorry, Deb Coffman
11 -- you would be able to call them in and to have a
12 hearing about their waivers and see if you needed to
13 revoke them before they expired.

14 DR. MOORE: Thank you. Thank you again for your
15 work on this.

16 CHAIRPERSON ZOOK: Anyone else?

17 MS. CHAMBERS: Yeah.

18 CHAIRPERSON ZOOK: Ms. Chambers.

19 MS. CHAMBERS: Please. It's a general question,
20 and, Mary Claire, something you just said made me
21 think about it. It even goes back to our discussion
22 about Forrest City. So is there an opportunity -- I
23 know waivers serve different purposes; in some cases
24 it's for equity between a traditional and charter
25 school, but in some cases it has to do with teachers

1 and licensure. Is there any planned reporting that
2 helps us understand how effective or what the impact
3 of these waivers have been over time?

4 MS. HYATT: Well, and the Commissioner might
5 want to jump in or someone else. I do think that
6 there are some people inside the Division kind of
7 looking at waivers as a whole. As it relates to
8 individual schools, right now we're just kind of
9 getting that voluntary reporting that the Board has
10 requested. These rules will allow you to specify
11 things that you want to see in the reporting and
12 specify which waivers you want to see the reporting
13 discuss. So -- and in terms of an individual school
14 district's waivers you're going to be looking --
15 getting a lot more useful data after these rules are
16 in place. In terms of how waivers as a whole affect
17 students in Arkansas, I'm not a hundred percent sure
18 what the efforts -- what the current efforts are.

19 CHAIRPERSON ZOOK: Any other questions or
20 comments?

21 Do I have a motion?

22 MS. CHAMBERS: Move to approve.

23 CHAIRPERSON ZOOK: Moved by Ms. Chambers.

24 DR. MOORE: Second.

25 CHAIRPERSON ZOOK: Second by Dr. Moore.

1 All those in favor?

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRPERSON ZOOK: Opposed?

4 Motion carries.

5 A-14: CONSIDERATION OF FINAL APPROVAL: DESE RULES GOVERNING
6 KINDERGARTEN THROUGH 12TH GRADE IMMUNIZATION REQUIREMENTS IN
7 ARKANSAS PUBLIC SCHOOLS

8 CHAIRPERSON ZOOK: Ms. Hyatt, K-12 Immunization.

9 MS. HYATT: Yes. These also are for final
10 approval. These are the rules governing kindergarten
11 through 12th grade immunization requirements in
12 Arkansas public schools. The only changes made here
13 were to change Department to Division, and then also
14 to add the provisions of Act 676 of 2019. We did
15 receive two public comments and they resulted in a
16 re-numbering of one section and a grammatical change,
17 and that's all. And we request that these be
18 approved for final approval.

19 CHAIRPERSON ZOOK: Any questions, comments?

20 I'm assuming that since we have never required
21 that a child be -- receive immunization or -- I don't
22 think that's the right word -- the flu shot that
23 unless there was federal or state requirements with
24 regard to receiving a shot, if we get an immunization
25 for Covid-19, that that would require legislation.

1 Am I correct?

2 MS. HYATT: Either legislation or I suppose it
3 could be a Governor-mandated requirement. But it's
4 not something that we could add in these rules
5 without a legislative change.

6 CHAIRPERSON ZOOK: Thank you.

7 Do I have a motion?

8 MS. McFETRIDGE: I'll move to approve.

9 CHAIRPERSON ZOOK: Moved by Ms. McFetridge.

10 MS. CHAMBERS: Second.

11 CHAIRPERSON ZOOK: Second by Ms. Chambers.

12 All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRPERSON ZOOK: Opposed?

15 Motion carries.

16 A-14: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
17 SCOLIOSIS SCREENING

18 CHAIRPERSON ZOOK: Okay. Mr. Dugan, Final
19 Approval, Scoliosis Screening.

20 MR. DUGAN: Can you hear me?

21 CHAIRPERSON ZOOK: Yes.

22 MR. DUGAN: Awesome. So what's in front of the
23 Board today is consideration for final approval of
24 rules governing scoliosis screening. These are new
25 rules; however, the Department of Health had these

1 rules since the 80s. And Act 843 of 2019 transferred
2 the promulgation of these rules to the Department of
3 Education. A public comment hearing was held on
4 February 12, 2020. We received public comments that
5 resulted in non-substantive changes. I did work with
6 the Department of Health, in coordination with them,
7 on these rules and presented them to their board in
8 January and [sound cuts out] as far as this process.
9 And I'd ask that these rules be approved.

10 CHAIRPERSON ZOOK: Do I have any questions or
11 comments?

12 Do I have a motion?

13 MS. CHAMBERS: Move to approve.

14 CHAIRPERSON ZOOK: Moved by Ms. Chambers.

15 MS. DEAN: Second.

16 CHAIRPERSON ZOOK: Second by Ms. Dean.

17 All those in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRPERSON ZOOK: Opposed?

20 Motion passes.

21 A-16: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
22 HOME SCHOOLS

23 CHAIRPERSON ZOOK: Okay. Mr. Dugan, Home
24 Schools.

25 MR. DUGAN: The next rules I have in front of

1 the Board today are also for final approval. These
2 are the rules governing home schools, and these rules
3 are rules that the Department has had that we've
4 amended to incorporate the changes of Act 429 and
5 430. We had a public comment hearing on October 28,
6 2019. Last month, we put it on the action agenda but
7 was pulled to talk with more stakeholders. We did
8 reach out to those stakeholders and made the changes
9 that those stakeholders approved that are in this new
10 draft. So there's one little change from last
11 month's draft to this draft; however, that change was
12 non-substantive. And so I would ask that these rules
13 be approved.

14 CHAIRPERSON ZOOK: Ms. Dean, were you satisfied
15 based on the reason you asked for it to be pulled?

16 MS. DEAN: Yes, I am. I appreciate Secretary
17 Key and the Department, Mr. Dugan and all who were
18 involved with working with the -- and Ms. Freno --
19 who all was working with the home school community
20 through Education Alliance. So I definitely
21 appreciate the partnership.

22 CHAIRPERSON ZOOK: Okay. Thank you.

23 Do I have any comments or questions?

24 Do I have a motion?

25 MS. DEAN: I move to approve.

1 CHAIRPERSON ZOOK: Moved by Ms. Dean.

2 MS. McFETRIDGE: Second.

3 DR. MOORE: Second.

4 CHAIRPERSON ZOOK: Second by Ms. McFetridge.

5 All those in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON ZOOK: Opposed?

8 A-17: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
9 THE CODE OF ETHICS FOR ARKANSAS EDUCATORS

10 CHAIRPERSON ZOOK: Okay. Mr. Dugan, Code of
11 Ethics.

12 MR. DUGAN: So what's in front of the Board, the
13 third rules I have are the consideration for final
14 approval of the rules governing the Code of Ethics
15 for Arkansas Educators. These are rules that the
16 Department already had in Act 475 of 2019 [sound cuts
17 out] these rules, and what that Act did is it gave
18 clarification to that Act. The PLSB still has
19 jurisdiction over a complaint if the Educator lets
20 their license expire, and so that's the understanding
21 of the PLSB but just it's codified to determine that.
22 If there's an investigation after a license expires,
23 just letting your license expire doesn't mean it ends
24 the case. And so we received public comments on
25 these -- they were non-substantive; it was mostly

1 grammatical errors, and that was really the only
2 change to these rules. So I'd love to entertain
3 questions, but I'd ask that these rules be approved.

4 CHAIRPERSON ZOOK: Do we have any questions or
5 comments?

6 Seeing none, do I have a motion?

7 MS. DEAN: Move to approve.

8 MS. NEWTON: Move --

9 CHAIRPERSON ZOOK: Moved by Ms. Dean, second by
10 Ms. Newton.

11 All those in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRPERSON ZOOK: Opposed?

14 Motion passes.

15 A-18: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
16 BACKGROUND CHECKS

17 CHAIRPERSON ZOOK: Okay. Mr. Dugan, Final Rules
18 Governing Background Checks.

19 MR. DUGAN: We're halfway there, guys.

20 So the rules I have in front of y'all are the
21 rules governing background checks. This is also an
22 amendment to an existing rule, two Acts -- Act 536
23 and Act 1040. Act 536 is the one that got rid of the
24 10-year requirement when something is sealed. Once
25 it's sealed, as long as it's non-sexual and non-

1 violent, the -- it's no longer a disqualifying
2 offense. It used to be 10 years before this Act.
3 And Act 1040 is the law requiring classified
4 employees to have background checks once every five
5 years. We had a public comment hearing on these
6 rules also. And we're asking for these rules to be
7 approved for final approval.

8 CHAIRPERSON ZOOK: Do we have any questions or
9 comments?

10 I have a question. I was asked the other day if
11 a classified employee can be heard by PLSB if there's
12 a complaint against them.

13 MR. DUGAN: So if they're on an Act 1240 waiver
14 -- if they're on an Act 1240 waiver, a charter
15 school, then they are bound by the Code of Ethics.
16 But classified employees -- for example,
17 paraprofessionals, people who are driving buses,
18 things of that sort -- they -- the PLSB does not have
19 jurisdiction over them. And the background check, we
20 do do their background check, but it's up to that
21 local district, their local board. So we send them
22 notice that this Educator -- or like I said, not the
23 Educator -- this classified employee, not Educator --
24 classified employee has a disqualifying offense, and
25 then that board sends them notice saying, hey, you

1 have a disqualifying offense, you can ask for a
2 hearing in front of that local school board. And so
3 classified employees would not come to the PLSB, nor
4 would they come to the State Board.

5 CHAIRPERSON ZOOK: Okay. The question was would
6 -- if someone witnessed something that a classified
7 employee did, who would that be turned over to? And
8 your answer is to the local board?

9 MR. DUGAN: Correct. You know, and also DHS.
10 If's something that rises to the level that's
11 maltreatment, then it should be reported to DHS also.

12 CHAIRPERSON ZOOK: Okay. Thank you.

13 DR. PFEFFER: Ms. Zook.

14 CHAIRPERSON ZOOK: Ms. -- Dr. Pfeffer has a
15 comment on that.

16 DR. PFEFFER: I think the distinction would be
17 whether or not that employee is acting as the Teacher
18 of Record. If they -- they may be an unlicensed
19 Teacher of Record, but if they've been hired to be
20 the Teacher of Record that's when it would -- there
21 could be a distinction also with PLSB.

22 CHAIRPERSON ZOOK: Okay. She's saying that if
23 it's a person that's a Teacher of Record then that
24 would apply just like the teacher PLSB. If it's,
25 say, a security guard or a home -- or a lunchroom

1 worker, something like that, it would not. Is that
2 correct?

3 MR. DUGAN: Yes, ma'am, that's correct.

4 CHAIRPERSON ZOOK: Okay. Thank you.

5 Do I have any other questions or comments?

6 Do I have a motion?

7 DR. MOORE: Move to approve.

8 CHAIRPERSON ZOOK: Moved by Dr. Moore.

9 MS. CHAMBERS: Second.

10 CHAIRPERSON ZOOK: Second by Ms. Chambers.

11 All those in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRPERSON ZOOK: Opposed?

14 Motion carries.

15 A-19: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
16 FINANCIAL INCENTIVES FOR NATIONAL BOARD FOR PROFESSIONAL
17 TEACHING STANDARDS

18 CHAIRPERSON ZOOK: Mr. Dugan, Financial
19 Incentives for National Board, Professional Teaching
20 Standards.

21 MR. DUGAN: And so there was no Act for [sound
22 cuts out] rules. However, I worked with Educator
23 Effectiveness on these rules because they wanted to
24 clarify a lot of things with the program, and so
25 these changes have been for clarification. For

1 example, when do these candidates have to turn in
2 their components. If they don't complete these
3 components, they will have to repay this funding. So
4 these rules are just for clarification. We did
5 receive public comments on them that resulted in non-
6 substantive changes. And so if there's no questions
7 on this one, I'd ask this one be for final approval.
8 But this one was not one that came out of any Act
9 from this year.

10 CHAIRPERSON ZOOK: Okay. Thank you.

11 Do we have any comments or questions?

12 Do I have a motion?

13 MS. McFETRIDGE: Move to approve.

14 CHAIRPERSON ZOOK: Moved by Ms. McFetridge.

15 DR. MOORE: Second.

16 CHAIRPERSON ZOOK: Second by Dr. Moore.

17 All those in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRPERSON ZOOK: Opposed?

20 A-20: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
21 EDUCATOR LICENSURE

22 CHAIRPERSON ZOOK: Okay. Mr. Dugan, Educator
23 Licensure.

24 MR. DUGAN: On these, I saved these for last
25 because these are the big rules that are so long, and

1 I hope the summary that's attached helped give what
2 -- some of the changes that the Division made on
3 these rules. But what you have in front of you are
4 the rules governing Educator Licensure, and the
5 changes that were incorporated in these were because
6 of Acts 83, 540, and 628. We had a public comment
7 hearing on November 18, 2019. We did receive public
8 comments on these rules and the Division addressed
9 those and we didn't have any substantive changes as
10 far as to the public comments. So we would ask for
11 these to be approved. And I think there will be
12 questions on these; so if there's any questions, I'd
13 love to entertain questions on this set of rules.

14 CHAIRPERSON ZOOK: Do I have any comments or
15 questions?

16 DR. MOORE: I do have a question, because I
17 didn't notice this --

18 CHAIRPERSON ZOOK: Dr. Moore.

19 DR. MOORE: -- until this week about the change
20 to allow a license if you fail the Praxis exam and
21 the sort of rules around that.

22 MR. DUGAN: Yes, that's correct. And so what
23 we've done is we've added a section that the person
24 -- so what is the definition of the assessment. And
25 so the assessment can be the Praxis exam. However,

1 let's say the person cannot [sound cuts out]; the
2 other assessment can be the other things that we
3 outlined in those rules. They still have to take an
4 assessment exam, but they have to be within a certain
5 standard area of measurement within that, but then
6 also provide micro-credentials to show that they've
7 worked in a school for three years. And there's one
8 more that I -- it's escaping me, but they have to
9 complete those other requirements in order to be --
10 to get a license.

11 DR. MOORE: And is that something -- did y'all
12 get much feedback on that from districts?

13 MR. DUGAN: So we did receive public comments on
14 it, and maybe, you know, Karli or Melissa, you know,
15 can really address this issue more. But we did
16 receive public comments on it, but as far as our
17 responses to those public comments I think that
18 addressed their issues.

19 MS. SARACINI: Madam Chair, this is Karli
20 Saracini. And all the feedback that we have gotten
21 has been positive, both from the districts and taking
22 it to the Deans of Education, because sometimes that
23 test is a barrier. And if they can show performance-
24 based assessment in their content area with that two-
25 standard area of measurement, then that could show

1 that they have enough competencies to be a teacher.

2 CHAIRPERSON ZOOK: Thank you, Ms. Saracini.

3 DR. MOORE: And would this be after, you know, a
4 first take of the test or does it require any number
5 of takes?

6 MS. SARACINI: It's got to require at least one
7 attempt because you have to score within two measures
8 of error.

9 DR. MOORE: Okay. I know, obviously, this is a
10 real concern of many districts across the state. I
11 just want to insure that we're not watering down any.
12 Do y'all feel that it's really substantially lowering
13 the bar or just, you know, allowing --

14 MS. SARACINI: These are people that are almost
15 passing; usually, it's one or two points. And
16 nationally they say you can go up or down one or two
17 standard area of measurement. So we feel it can
18 still be legally defensible, so we feel very good.
19 Because we had just not gone down any standard area
20 of measurements, but other states do right off the
21 bat when they approve a cut score.

22 DR. MOORE: That makes sense.

23 CHAIRPERSON ZOOK: Anyone else?

24 MS. SARACINI: We just didn't want to cut all
25 the scores down. We would like to leave the bar

1 high. And if someone needs that help, we have things
2 in place to show their competency in that area.

3 DR. MOORE: I understand that. And I also
4 understand that a test doesn't always equate to --
5 you know, it doesn't equate to teaching all the time.
6 So I appreciate that.

7 MS. SARACINI: Thank you.

8 CHAIRPERSON ZOOK: Any other questions or
9 comments?

10 Do I have a motion?

11 MS. NEWTON: Move to approve.

12 CHAIRPERSON ZOOK: Moved by Ms. Newton.

13 Second --

14 MS. DEAN: Moved --

15 MS. CHAMBERS: Second.

16 CHAIRPERSON ZOOK: -- by Ms. Dean.

17 All those in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRPERSON ZOOK: Opposed?

20 Motion carries.

21 Okay.

22 MR. DUGAN: Thank y'all. Y'all be safe.

23 CHAIRPERSON ZOOK: Thank you, Mr. Dugan.

24 A-21: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
25 STUDENT SPECIAL NEEDS FUNDING

1 CHAIRPERSON ZOOK: Ms. Salas-Ford.

2 MS. SALAS-FORD: Thank you. Courtney Salas-Ford
3 for the Division.

4 Next up for your review is the Division's rules
5 governing student special needs funding. Our primary
6 goal in amending these rules was governing the
7 section previously known as National School Lunch,
8 which was changed to Enhanced Student Achievement
9 Funding. So there were changes both to the name as
10 well as to the allowable expenditures of that
11 funding. There were only minor other revisions made;
12 however, we did receive substantial public comment on
13 the alternative learning section, which we did not
14 make any changes to. As you can see in our response
15 to those public comments, the Division is planning an
16 extensive and thorough review of that section in the
17 future in which we will engage stakeholders and get
18 feedback from the community. So it wasn't that we
19 were disregarding any of these public comments;
20 that's just not the section that we were changing at
21 this time. So those changes -- those comments did
22 not result in any substantive changes, and we are
23 requesting final approval pending ALC review.

24 CHAIRPERSON ZOOK: Any comments or questions?

25 Do I have a motion?

1 MS. DEAN: Move to approve.

2 CHAIRPERSON ZOOK: Moved by Ms. Dean.

3 MS. CHAMBERS: Second.

4 CHAIRPERSON ZOOK: Second by Ms. Chambers.

5 All those in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON ZOOK: Opposed?

8 Motion carries.

9 A-22: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING
10 THE SUCCEED SCHOLARSHIP PROGRAM

11 CHAIRPERSON ZOOK: Also Ms. Salas-Ford on the
12 rules governing Succeed Scholarship.

13 MS. SALAS-FORD: Yes. Changes were proposed to
14 the Succeed Scholarship Program rules to incorporate
15 Acts from both the 2017 and 2019 session. If you
16 will recall, several things were changed in both of
17 these sessions in terms of expanding the program to
18 be available for students in group foster homes, to
19 allowing additional private schools who were in the
20 process of getting accreditation, students who had a
21 service plan instead of just an IEP. So, all of
22 these changes were incorporated into the rules. We
23 did receive only two comments regarding technical and
24 grammatical corrections, nothing substantive. And so
25 we are requesting final approval.

1 CHAIRPERSON ZOOK: Do I have comments or
2 questions?

3 Okay. I have a question. I know last year, the
4 first year when they referenced in addition to IEP's
5 -- I think it's ISP are the initials that were used
6 --

7 MS. SALAS-FORD: Yes, ma'am.

8 CHAIRPERSON ZOOK: -- there seemed to be some
9 confusion. Because under the IEP it was the district
10 and the superintendent in which the student's parents
11 actually lived. Last year, because some students
12 lived in one district but they were attending a
13 private accredited school in a different school
14 district they were saying that the district and the
15 personnel where the school was located, not where the
16 student resided, was involved. And I think my
17 frustration with that is the -- if the student has
18 never attended the district in which the school is
19 involved, but their resident district is familiar
20 with them or the superintendent has given permission
21 if they have never been in his school, why were the
22 ISP's requiring the nonresident district where the
23 school was located to have to be involved as opposed
24 to where the student's resident district was? Did I
25 state that in a very confusing way?

1 MS. SALAS-FORD: No, I completely understand.
2 And that confused a lot of people. And the reason
3 for that is because under federal IDEA law every
4 public school district who has a private school in
5 its district has to provide private school
6 proportionate share services to students in that
7 private school. Even if those students don't reside
8 in the district, the responsibility of the public
9 school is to the private school and its district. So
10 if you have a student who lives -- and I'm just using
11 for an example -- in Little Rock School District, but
12 they attend a private school in Pulaski County School
13 District, it's the Pulaski County School District who
14 is responsible under federal law for providing those
15 private school proportionate share services. So they
16 are the ones who would be drafting an ISP or a
17 service plan.

18 CHAIRPERSON ZOOK: Whether or not --

19 MS. SALAS-FORD: What's confusing --

20 CHAIRPERSON ZOOK: Okay. Whether or not that
21 child needs a service that would be provided by that
22 district? For example, maybe the district where the
23 school is located would say, okay, we'll provide
24 speech therapy or OT or whatever, a related service.
25 But if the child is not going to receive any of those

1 services, they're only going to receive academic
2 services, it's still a requirement because of the
3 reference to federal IDEA?

4 MS. SALAS-FORD: Yes. So when a school district
5 is determining what private school proportionate
6 share services to provide they don't look at the
7 individual students. They have a consultation with
8 the private schools, as well as home school parents,
9 in that area, and the public school determines what
10 service are we going to provide -- so, for example,
11 speech therapy. And they can decide to only provide
12 speech therapy up to the financial amount that they
13 are required to under federal law, and that's what
14 makes the designation under federal law strictly a
15 dollar amount. However they determine to provide
16 that dollar amount, students who are attending
17 private schools in that district can access that
18 service. They have no individual right to services
19 from that public school or from their resident public
20 school. So they may not need speech, which means
21 they may not have any access to therapy or they might
22 need access to their therapies through the private
23 school, or they may just not be getting that therapy
24 from either school. That's why this is about the
25 parent's choice whether to go to a private school

1 that may not be providing the service their child
2 needs and (inaudible) may not get it from the public
3 school if the public school has chosen not to offer
4 that service.

5 CHAIRPERSON ZOOK: And does the private school
6 take the lead as far as developing the ISP because
7 the resident district -- the -- not the resident
8 district -- the district where the school is located
9 is unfamiliar with the child and probably doesn't
10 know what kind of services would be needed in an ISP?

11 MS. SALAS-FORD: It's still that public school
12 district where the private school is located -- it is
13 still their responsibility. Now ideally they would
14 get input from the private school and possibly from
15 the resident school. But what I wanted to note is
16 that because of the requirements for the Succeed
17 Scholarship Program neither district may have ever
18 had access or involvement with this child; they may
19 have never been in a public school at all. So they
20 are going to have to work collaboratively with
21 whoever has information about the child to determine
22 what services they might need. But, again, when the
23 public school where the private school is located is
24 determining what to provide, they're not as focused
25 on what does a child need; they are focused on what

1 are we choosing to provide. And then if a private
2 school child comes to them and says, "I want to
3 access these services," they develop a service plan
4 saying this is what we're going to provide you. And,
5 yes, typically they're going to watch evaluation
6 information, parent information, educator information
7 to make that determination. But that would not be
8 something they would necessarily already have
9 available to them.

10 CHAIRPERSON ZOOK: Okay. Perhaps since this is
11 the second year into this there will be less
12 confusion for the parent, the resident district, the
13 district of the private school, and the private
14 school, so -- hopefully so. It just -- it seems
15 needlessly complicated, but I trust that we're doing
16 what we're supposed to do for the child.

17 MS. SALAS-FORD: We are. And I won't comment as
18 to whether it's more complicated than it should be,
19 but we are following federal law as it is written and
20 trying to do the best that we can explaining to
21 everyone involved whose obligation is what.

22 CHAIRPERSON ZOOK: Okay. Thank you very much.

23 Any other questions or comments?

24 And thank y'all for bearing with me on this.

25 Do I have a motion?

1 MS. DEAN: Move to approve.

2 CHAIRPERSON ZOOK: Moved by Ms. Dean.

3 MS. CHAMBERS: Second.

4 CHAIRPERSON ZOOK: Second by Ms. Chambers.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON ZOOK: Okay. Motion passes.

8 MS. SALAS-FORD: Thank you.

9 CHAIRPERSON ZOOK: Thank you, Ms. Salas-Ford.

10 A-23: ELECTION OF SBE OFFICERS

11 CHAIRPERSON ZOOK: next we have the election of
12 officers. The nominating committee nominated Ms.
13 Dean for Chair for the 2020-2021 year, and Mr.
14 Williamson for Vice Chair. There were no additional
15 nominations at that time. Do we have any additional
16 nominations at this time?

17 And both of them graciously accepted the
18 nomination. So we will need a roll-call vote to make
19 this official. So as Mr. Key gets his information
20 ready --

21 Okay. What you're voting on is for Ms. Dean to
22 be Chair and Mr. Williamson to be Vice Chair for the
23 20-21 school year.

24 SECRETARY KEY: Dr. Moore.

25 DR. MOORE: Yes.

1 SECRETARY KEY: Mr. Williamson.

2 (MOMENT OF SILENCE)

3 SECRETARY KEY: Ms. McFetridge.

4 MS. McFETRIDGE: Yes.

5 SECRETARY KEY: Ms. Dean.

6 MS. DEAN: Yes.

7 SECRETARY KEY: Ms. Chambers.

8 MS. CHAMBERS: Yes.

9 SECRETARY KEY: Dr. Hill.

10 DR. HILL: Yes.

11 SECRETARY KEY: Ms. Newton.

12 MS. NEWTON: Yes.

13 CHAIRPERSON ZOOK: Thank you both very much. We
14 look forward to your service in these positions and
15 thank y'all for being willing to serve.

16 MS. DEAN: Thank you.

17 CHAIRPERSON ZOOK: Okay. New business, Ms.
18 Hyatt.

19 Do you want to make a speech, Ms. Dean?

20 MS. DEAN: I just want to say I appreciate your
21 vote of confidence and I will do my best to serve the
22 students of Arkansas, and all of the family and
23 stakeholders in the community as well.

24 CHAIRPERSON ZOOK: We have no doubt. Thank you.

25 (The Action Agenda was concluded at 1:50 p.m.)

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A-1: ZACHARY NIDIFFER

ADE EXHIBITS 1 - 5

| | | | | |
|--|---|--|--|--|
| | 56:18 | 58:20;83:17 | 38:16;94:1;120:5; | 22:1,18;26:5;28:24; |
| § | A-6 (1) 68:22 | achievement (3) 94:6;100:2;157:8 | 154:15 | 33:20;38:13;52:5,7; |
| \$12 (2) 87:19;101:14 | A-7 (1) 73:1 | acknowledge (1) 87:14 | addressed (3) 94:19;153:8; 154:18 | 55:25;56:11;70:9; |
| \$250 (1) 44:11 | A-8 (1) 106:4 | acknowledged (1) 87:22 | addresses (1) 80:18 | 83:18;86:21;104:21; |
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