

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

**APRIL 9, 2020
10:00 A.M.**

(Held via Zoom and Livestream due to Covid-19)

A P P E A R A N C E S

BOARD MEMBERS:

MS. DIANE ZOOK, Chairman
MS. CHARISSE DEAN, Vice Chairman
MR. BRETT WILLIAMSON
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

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P R O C E E D I N G S

A-1: REQUEST FOR TRANSFER OF SUCCEED SCHOLARSHIP: HARPOLE

CHAIRMAN ZOOK: The first item is -- in the
Action Agenda is a Succeed Scholarship transfer.

And, Ms. Salas-Ford, are you on the line?

(A MOMENT OF SILENCE)

CHAIRMAN ZOOK: Remember to un-mute.

(A MOMENT OF SILENCE)

CHAIRMAN ZOOK: Okay. Members, you received
this and you have a link. This is one of those where
the parent is requesting that we approve the
student's transfer from one approved school to
another approved school. The way the legislation
reads this says we shall do this, not we may do this.
So it's -- it has to appear on our agenda but we have
to approve them as long as they're staying within the
approved schools.

So, do I hear a motion to that effect?

MS. DEAN: Move to approve.

DR. MOORE: Second.

CHAIRMAN ZOOK: Moved by Ms. Dean, second by Dr.
Moore -- was it? Or Ms. Newton?

DR. MOORE: Sure.

CHAIRMAN ZOOK: Okay. Dr. Moore.

All in favor?

1 (UNANIMOUS CHORUS OF AYES)

2 CHAIRMAN ZOOK: Opposed?

3 Motion passes.

4 While we're on this one agenda, I might mention
5 to you that I have been in conversation not only with
6 Learning Services and Special Education here at the
7 Department but with the Reform Alliance. And they
8 are touching base with the schools where each of our
9 students who have special needs are attending, and
10 all of those schools are in fact continuing to follow
11 the IEPs for these students either through computer
12 packet or thumb-drive. So we can be comfortable with
13 that.

14 **A-2: CONSIDERATION OF A ONE-YEAR STANDARDS FOR ACCREDITATION**
15 **WAIVER REQUEST: EARLE SCHOOL DISTRICT**

16 CHAIRMAN ZOOK: The second item is -- Ms. Webb,
17 are you on the line for Earle?

18 MS. WEBB: I am.

19 CHAIRMAN ZOOK: Okay. You may go ahead.

20 MS. WEBB: So the Earle School District
21 currently has 45 kindergarten students enrolled and
22 that is one over the required number for Standards
23 for Accreditation. They do not think it would be
24 beneficial to separate the classes at this time. The
25 teachers have been consulted and are in agreement

1 with the request. The waiver would not be needed
2 next year due to the larger class sizes in first
3 grade. And Superintendent Tish Knowles is on the
4 line if you have any questions.

5 CHAIRMAN ZOOK: Okay. Did all the members hear
6 Ms. Webb?

7 Okay. Seeing no objection, do any of you have
8 questions for Ms. Knowles, the Superintendent, who is
9 on the line?

10 Hearing none, do I have a motion to approve the
11 waiver?

12 MS. NEWTON: Move to approve the waiver.

13 CHAIRMAN ZOOK: Ms. Newton moved to approve.
14 Do I have a second?

15 DR. HILL: Second.

16 CHAIRMAN ZOOK: Second by Dr. Hill.
17 All in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN ZOOK: Any opposed?

20 Motion passes.

21 **A-3: CONTINUED REVIEW OF SOUTHEAST ARKANSAS PREPARATORY HIGH**
22 **SCHOOL**

23 CHAIRMAN ZOOK: The second one is an update on
24 the Southeast Arkansas Prep High School that was on
25 the agenda last month.

1 Ms. Webb, are you there?

2 MS. WEBB: I am.

3 On December 18, 2019, representatives from
4 Southeast Arkansas Prep High School appeared before
5 the Charter Authorizing Panel for a review of their
6 charter. By a unanimous vote the Panel voted to
7 revoke the charter. In January, 2020, the State
8 Board reviewed the Charter's Panel decision --
9 Charter Panel's decision and voted to allow Southeast
10 Arkansas Prep High School to remain open until the
11 end of this school year and requested they return to
12 the State Board for review in March. During the
13 March meeting the State Board voted to approve the
14 transfer of the Southeast Arkansas Prep High School
15 charter to Friendship Aspire, effective June 30,
16 2020, and to approve amendment requests for the
17 charter including changing the name to Friendship
18 Aspire Southeast Pine Bluff, waiving the Teacher Fair
19 Dismissal Act, waiving the Public School Employee
20 Fair Hearing Act, waive -- waiving the flexibility
21 and awarding course credit, waiving Standard 1(a)(2)
22 requiring clock hours for a unit of credit. The
23 Board delayed voting on the Charter's request to add
24 additional grades and increase the enrollment cap due
25 to the need to review the desegregation analysis.

1 Mary Claire Hyatt from the Division legal team
2 completed a deseg analysis, as well as was reviewed
3 by APSRC, and determined there are no concerns with
4 the additional amendment request. Pine Bluff School
5 District did not submit a deseg analysis.

6 So, today the Board is considering the request
7 for the Friendship Aspire's Southeast Pine Bluff
8 charter to add grades 6-8 and to increase the
9 enrollment cap from 220 to 720, adding approximately
10 100 students per grade level each year.

11 Joe Harris from Friendship Academy, as well as
12 APSRC representatives are on the line if you have any
13 questions.

14 CHAIRMAN ZOOK: Okay. But I thought one of the
15 primary reasons we were coming back, Ms. Hyatt, was
16 to look at the desegregation. Is that not accurate?

17 MS. HYATT: Yes, ma'am, that is accurate. So
18 part of the issue was that the law and the charter
19 rules require that any time you're adding grades or
20 increasing enrollment caps of an open-enrollment
21 charter you have to look at the impact on
22 desegregation efforts; so that's why we delayed it.
23 I conducted a desegregation analysis following the
24 procedure that we use, looking at the data from the
25 surrounding school districts and any other charters

1 in the area, as well as looking to see if there are
2 any active court cases. I found no issues in my
3 analysis. APSRC submitted an analysis on behalf of
4 the charter, and we did reach out to the Pine Bluff
5 School District superintendent to allow them to
6 submit additional info. We didn't receive anything
7 from them. So I think that the desegregation issues
8 have been properly analyzed and addressed.

9 I would add to what Tracy Webb just said that I
10 believe the school intends to first decrease their
11 enrollment cap or limit the enrollment cap in a way
12 that they can limit the amount of students they'll be
13 educating for the next three years as they phase out
14 the high school grades, and then increase the
15 enrollment cap when the school starts accepting 6th,
16 7th and 8th graders.

17 So I would like someone from APSRC or Friendship
18 to explain to you-guys what they intend to do so you
19 have a clear picture of what you're approving before
20 you vote.

21 CHAIRMAN ZOOK: Okay. Thank you.

22 Is someone from APSRC on the line?

23 MR. SMITH: Madam Chair, this is Scott Smith
24 from APSRC. Can you hear me?

25 CHAIRMAN ZOOK: I can hear someone talking but I

1 can't hear what they're saying.

2 MS. SMITH: Madam Chair, this is Scott Smith
3 from APSRC. Can you hear me better now?

4 (BRIEF MOMENT OF SILENCE)

5 MS. WEBB: Ms. Zook, there should also be Joe
6 Harris on the line for Friendship Academy.

7 MR. HARRIS: Yes. Yes, ma'am.

8 CHAIRMAN ZOOK: I think we were wanting to hear
9 from someone from APSRC who did the analysis.

10 MR. HARRIS: And Joe Harris is on the line. Can
11 I be heard as well?

12 CHAIRMAN ZOOK: Are they on a phone-in?

13 MR. HARRIS: Yes, Joe Harris is on phone-in.

14 MR. DAN DAVIS: (inaudible)

15 CHAIRMAN ZOOK: Okay. So whoever was speaking,
16 would you get as close to your phone as possible and
17 speak as loudly as possible?

18 MR. SMITH: Madam Chair, this is Scott Smith
19 from APSRC. Can you hear me now?

20 CHAIRMAN ZOOK: Yes.

21 MR. SMITH: Okay. The proposal is that they
22 will add 500 additional students which will take
23 their cap to an overall at-large cap of 720 students.
24 For the 20-21 school year, they will restrict
25 enrollment to only 84 students as they wind-down the

1 9th grade; for the 21-22 school year, they will
2 restrict enrollment to 58 students as they wind-down
3 both the 9th and 10th grade; and for the 22-23 school
4 year students will be restricted to 25 students as
5 they wind-down all grades except the 12th grade and
6 finish out. In the 23-24 school year, the enrollment
7 cap will go back up to 720 students at-large for
8 grades 6 through 12 and they will begin refilling
9 those grades. There would be no specific grade limit
10 per cap, but they anticipate that they will have
11 about 100 students per grade.

12 CHAIRMAN ZOOK: Okay. Thank you.

13 Did everyone hear that?

14 MS. NEWTON: No, I did not.

15 DR. HILL: I couldn't either.

16 MS. DEAN: No.

17 CHAIRMAN ZOOK: Okay. He said that right now
18 they're going to [clearing throat] -- excuse me --
19 add 500 in the 21 -- the 20-21 school year; it would
20 be 84 in 21-22; it would be 58 in 22-23; it would be
21 25 in 23-24. The cap would go back -- would go up to
22 720 as they serve grades 6 through 12.

23 As I think back to the desegregation analysis --
24 and correct me if I get off-track, Ms. Hyatt -- that
25 the thing they primarily look for is if the majority

1 in the charter and the majority in the traditional
2 public schools is the same majority as opposed to
3 there is a majority of one race in a public school
4 and a majority of a different race in a charter
5 school. Is that sort of the thumbnail of it?

6 MS. HYATT: Yeah, more or less. Typically what
7 I do is I go and I look at our data entry system and
8 I pull how many students and the percentages that are
9 enrolled for African American, White, Asian,
10 Hispanic, Pacific Islander, Native American, and
11 White. And then I look -- I compare first all of the
12 enrollment data of the traditional public school
13 districts that the charter might draw students from
14 and then get kind of a percentage of that area. Then
15 I compare all of the enrollment info for any open-
16 enrollment charter school that's in the area and
17 compare that info, and then compare the two to each
18 other. In this one you can see in the attachments
19 that the enrollment in Southeast Arkansas Prep very
20 closely mirrors the enrollment in Pine Bluff, Watson
21 Chapel, and Dollarway. The enrollment is a little
22 bit different than White Hall, but White Hall is
23 different than the other three in Jefferson County in
24 terms of their enrollment. So I don't see any
25 issues.

1 And to give you -- just remind you about
2 something we talked about last month, the school
3 plans on -- this year they're offering 9-12; next
4 year they'll offer 10-12; the next year 11-12; and
5 then the fourth year just 12, and then at that point
6 they'll start enrolling in their 6th grade and build
7 up. So that's the reason for the very limited
8 enrollment cap over the next three years is to limit
9 it to where they're educating the kids that are there
10 and making sure that they get through and get to
11 graduate from that school, and then go back to a
12 bigger enrollment cap so they can build up from 6th
13 grade with the kids that are currently in their K-5,
14 that they have in a separate charter.

15 So I just wanted to make sure that piece was
16 clear and -- that's all.

17 CHAIRMAN ZOOK: Okay. And they did not need to
18 go before the Charter Panel for that amended
19 enrollment cap?

20 MS. HYATT: The reason that they don't have to
21 go back to the Charter is this all stems from the
22 review hearing that you guys conducted. So when a
23 charter goes to a review hearing, that was based on
24 an action from the Charter Panel to revoke the
25 charter; you held the review hearing. They asked for

1 the transfer and for some of these amendments. The
2 law and the rules say you can take any lawful action
3 on the charter that's before you. So these
4 amendments are part of that lawful action and these
5 two pieces are not new amendment requests; they're
6 carryover from the amendment requests that were asked
7 as part of that review hearing. It's just we had to
8 delay them a month so that we could make sure that we
9 do our due-diligence in looking at the impact on any
10 deseg efforts.

11 CHAIRMAN ZOOK: And the deseg is always when you
12 compare the traditional and the charter in that
13 district; is that correct?

14 MS. HYATT: It's that district and any district
15 where the school might reasonably draw students from.
16 So usually if it's in the Pine Bluff area I'm going
17 to look at any school that's in Jefferson County. If
18 it's in Little Rock, I'm going to look at any of the
19 -- kind of the Pulaski County area. So it's kind of
20 I try and do it by county to make sure that I'm being
21 fair, because if you have a school that's in Pine
22 Bluff School District you might also be getting
23 students from Dollarway or Watson Chapel, and you
24 want to make sure you're taking that into
25 consideration. But that's always how I do it is the

1 districts that are kind of in the county or
2 neighboring districts of the district where the
3 school is located.

4 CHAIRMAN ZOOK: Okay. Thank you.

5 Questions from the Members?

6 Seeing -- oh, wait.

7 DR. MOORE: I have a question. Can you hear me?

8 CHAIRMAN ZOOK: Is that Dr. Moore?

9 DR. MOORE: Yes.

10 CHAIRMAN ZOOK: Yes. Thank you.

11 DR. MOORE: Okay. So just to clarify from last
12 month, this is a charter school that they already
13 have a charter for K-6 in Pine Bluff -- that's
14 correct; right?

15 CHAIRMAN ZOOK: Friendship --

16 MS. HYATT: They have a charter for K-5.

17 MR. HARRIS: For K-5.

18 DR. MOORE: Okay. And so this will eventually
19 be 6-12. But will they be two different charters?

20 MS. HYATT: So right now, if you approve this,
21 they'll have one charter that's K-5 and then they'll
22 have this one that's K-6. I think they said at the
23 last meeting that eventually their goal was to
24 eventually merge the two charters so it would be one
25 K-12 charter. But right now it will operate as one

1 K-5 charter and one, if you approve it, 6-12 charter.

2 DR. MOORE: Okay. So they'll be on different
3 timelines as far as review for this time period, for
4 the time being --

5 MS. HYATT: That's correct.

6 DR. MOORE: -- in front of the Panel? Okay.

7 And then, second, we did clarify that students
8 who are currently at Southeast Preparatory High
9 School will be able to stay there until they graduate
10 --

11 MS. HYATT: That is correct.

12 DR. MOORE: -- and others, if they choose?
13 Okay.

14 CHAIRMAN ZOOK: Anything else?

15 DR. MOORE: Thank you.

16 MR. WILLIAMSON: Johnny, I've got a question.

17 CHAIRMAN ZOOK: Okay, Mr. Williamson.

18 MR. WILLIAMSON: We've been talking about them
19 for a few months now -- I can't remember if it was
20 two or three months ago -- that there was the issue
21 of how much, I guess, Southeast Prep would have in
22 their bank account at the end of the school year. In
23 the Delta between the three numbers it was pretty
24 big, and just curious to know kind of where are we;
25 have they run out of money or -- I think that was the

1 Department's position, and I think APSRC forecasted
2 that they would actually have some more money. I'm
3 assuming since we're talking about it now they've got
4 money, but just curious.

5 CHAIRMAN ZOOK: Okay. Mr. Rogers, are you -- or
6 Cindy, either one -- on the line?

7 SECRETARY KEY: Greg is in Joint Budget. I'm
8 not sure if we've got anybody from Finance on right
9 now, but we can get somebody.

10 CHAIRMAN ZOOK: Okay. Well, we will -- Gina is
11 in the back of the room and she's going to see if she
12 can get an answer to that question from Finance.
13 Don't let us forget to come back to it, Mr.
14 Williamson.

15 MR. WILLIAMSON: I mean that question is not
16 going to affect --

17 CHAIRMAN ZOOK: Your vote.

18 MR. WILLIAMSON: -- my vote --

19 CHAIRMAN ZOOK: Right.

20 MR. WILLIAMSON: -- on what we're doing here, so

21 --

22 CHAIRMAN ZOOK: I understand.

23 MR. WILLIAMSON: It's just --

24 MS. NEWTON: This is Ouida Newton. I think we
25 talked about that last month and projections were

1 that at the end of the year -- and I can't remember
2 the exact amount, but they were going to have a
3 balance at the end of the year. I'd have to pull my
4 notes out from last month. But I think that when we
5 talked about it last month that they were going to
6 have money to make the rest of the year payroll and
7 everything that they needed and then have a balance
8 left at the end of the year.

9 CHAIRMAN ZOOK: Yes. I think the school, --

10 MS. NEWTON: That's just going from memory.

11 CHAIRMAN ZOOK: -- APSRC, and the Department had
12 gotten together to say "okay, these bills weren't
13 reported to us that have been paid, but these have
14 been paid," and this money wasn't coming in, and how
15 many students they have. So, Mr. Williamson, I think
16 they wound up within about \$18,000 or \$20,000 of each
17 other, but both in the positive as opposed to
18 negative. So --

19 MR. SMITH: Madam Chair --

20 MR. WILLIAMSON: I just couldn't remember. I
21 mean my notes are I guess in quarantine at the
22 office, and just curious.

23 CHAIRMAN ZOOK: Okay.

24 MR. SMITH: Madam Chair, this is Scott Smith --

25 CHAIRMAN ZOOK: Yeah.

1 MR. SMITH: -- with APSRC. Currently, we
2 project the end-of-the-year balance to be over
3 \$100,000 at this time.

4 CHAIRMAN ZOOK: Okay. APSRC has changed --

5 MR. SMITH: So we can update that for you --

6 CHAIRMAN ZOOK: -- their projection --

7 MR. SMITH: -- but that's what we're projecting.

8 CHAIRMAN ZOOK: -- to over \$100,000. And I
9 don't know if that is -- has -- is the same number
10 that the Department has, but we will find out.

11 So do I have any other questions about this
12 item?

13 Hearing none, do I have a motion?

14 MS. NEWTON: Move to approve.

15 CHAIRMAN ZOOK: Moved by Ms. Newton.

16 Second?

17 MR. WILLIAMSON: Second.

18 CHAIRMAN ZOOK: Second by Mr. Williamson.

19 All in favor?

20 (MAJORITY CHORUS OF AYES)

21 CHAIRMAN ZOOK: Any opposed?

22 MS. DEAN: Aye.

23 CHAIRMAN ZOOK: Okay. Motion passes.

24 **A-4: CONSIDERATION FOR FINAL APPROVAL: DESE RULES GOVERNING**
25 **HOME SCHOOLS**

1 CHAIRMAN ZOOK: The next item are Rules
2 Governing Home Schools. And I think it started out
3 as Ms. Salas-Ford, but then it changed to Taylor
4 Dugan.

5 Mr. Dugan, are you on the line?

6 MR. DUGAN: Hey, guys. Can y'all hear me?

7 CHAIRMAN ZOOK: We can.

8 MR. DUGAN: All right.

9 CHAIRMAN ZOOK: And it's easier for those of you
10 who are going to be speaking if you actually do let
11 us see you, because seeing you and seeing your mouth,
12 as well as hearing you, is very helpful as far as the
13 sound is concerned.

14 Thank you, Mr. Dugan. You may go ahead.

15 MR. DUGAN: Well, it's great to see all of
16 y'all.

17 What you have in front of you are the rules
18 governing home schools. These amendments were made
19 to incorporate Acts 429 and 430. A public comment
20 hearing was held; we received those public comments;
21 we made non-substantive changes. And so I'd ask that
22 these rules be approved for final approval and would
23 love to entertain any questions.

24 CHAIRMAN ZOOK: Are there any questions for Mr.
25 Dugan with regard to the rules governing home school?

1 This is final, and they did have a public hearing and
2 those public hearing comments were included in your
3 packet.

4 MS. DEAN: I have a question about that.

5 CHAIRMAN ZOOK: Okay, Ms. Dean.

6 MS. DEAN: As far as my understanding is the
7 home school community has not had an opportunity to
8 view the rules after the adjustments were made, after
9 the public comment time. And with this format I
10 don't think the home school community has had an
11 ample opportunity to make comment and give input on
12 the rules as they are, as they've been changed after
13 the public comment.

14 CHAIRMAN ZOOK: Okay.

15 MR. DUGAN: That's correct.

16 CHAIRMAN ZOOK: Mr. Dugan, can you address that?

17 MR. DUGAN: Yeah, definitely. So we had the
18 public comments. These were put out back in --
19 around October --

20 MS. DEAN: Right.

21 MR. DUGAN: -- and then we received those public
22 comments. There were about, you know, three things
23 that there were public comments on -- you know, one
24 thing dealing with the drivers license, one thing
25 dealing with the waiver -- which were included in the

1 packet. We did have Lucas Harder take a double look
2 at them after all changes were made, and the
3 incorporations into these are just one-hundred
4 percent from the law; we pretty much just took what
5 the act said and just copied it to be in line with
6 that. So, for example, like the drivers license
7 issue, it's still in the law. And so I understand
8 the home school community is not -- was not happy
9 about the notarization of the Notice of Intent but
10 the statute still requires it, so I couldn't change
11 that in law.

12 MS. DEAN: Well, I'm not disputing the actual
13 parts of the rules; I'm just saying that they haven't
14 had an opportunity to view them since the non-
15 substantive changes were made. Was there an avenue
16 for them to be able to view them after the changes
17 were made, before this meeting?

18 MR. DUGAN: So it's my understanding that, no,
19 we just posted them on the agenda for the meeting.
20 And so once this agenda was posted that's when they
21 were there, so -- and I didn't receive any comments,
22 like any emails or anything from anyone after I'd
23 posted them to the agenda. But that's when they're
24 seen.

25 MS. DEAN: Okay.

1 CHAIRMAN ZOOK: If I'm understanding correctly,
2 typically if the comments prompt a non-substantive
3 change then there is not an additional public comment
4 time; there's only additional public comment time if
5 the change was substantive. Am I correct?

6 MR. DUGAN: That's correct. Yes, ma'am.

7 MS. DEAN: I understand that. I just was
8 talking about after the changes were made is there
9 any other avenues for them to view them, other than
10 them being on the Board agenda -- the State Board
11 agenda?

12 CHAIRMAN ZOOK: I don't think so.

13 MS. DEAN: Okay.

14 CHAIRMAN ZOOK: Is that correct, Mr. Dugan?

15 MR. DUGAN: That's correct, yes, ma'am, to my
16 understanding, unless Ms. Freno wants to hop in.
17 Obviously, if someone contacts me and wants to view
18 them, then I would definitely let them. But absent
19 someone contacting me, it's put on the agenda.

20 MS. FRENO: Yes, Ms. Zook, this is all
21 consistent with the Administrative Procedures Act.
22 We follow that act and promulgate it in our rules.

23 CHAIRMAN ZOOK: Okay. Thank you.

24 Ms. Dean, does the -- do the home school
25 families have a -- like a centralized point, like PTA

1 or something like that, where they could call
2 attention to the concerns about what's in there, they
3 make the public comment, there's no substantive
4 change, and then it gets on the agenda? Is there
5 someone who can reach out to them to be sure that
6 they have access and know that the information is now
7 on --

8 MS. DEAN: Yes.

9 CHAIRMAN ZOOK: Okay.

10 MS. DEAN: There's the Education Alliance -- and
11 it's my understanding that the Education Alliance was
12 an integral part of working with the Department as
13 far as the rules. And they reached out and said that
14 they had not had -- other than it being on the Board
15 agenda, that they had not had an opportunity to see
16 the rules after the changes.

17 CHAIRMAN ZOOK: Yeah. And it's my understanding
18 -- Mr. Dugan and Ms. Freno, you can correct me if I'm
19 wrong -- that's pretty much standard practice; you
20 have the public hearing, you either make or don't
21 make substantive change. If you don't make
22 substantive change, there isn't a process where you
23 then send it back out before it hits the agenda for
24 final approval. Is that correct?

25 MR. DUGAN: Yes, that's correct. And Mary

1 Claire just let me know that I forgot to mention that
2 the public can always make public comment at these
3 meetings itself. And so that's another way to let
4 them, you know, get their concerns heard.

5 CHAIRMAN ZOOK: Okay. Thank you.

6 Anything else, Ms. Dean?

7 MS. DEAN: Well, if you would remind me how did
8 we do the public comment for this particular set-up?

9 MR. DUGAN: So after we brought these for
10 approval, released for public comment -- we released
11 them for public comment; they were out for public
12 comment for the 30 days. We had a public comment
13 hearing October 29th, and then received those public
14 comments --

15 CHAIRMAN ZOOK: Excuse me just a minute. Let me
16 interrupt --

17 MR. DUGAN: -- and responded to --

18 CHAIRMAN ZOOK: They did have the public comment
19 before the quarantine/stay-at-home, whatever we call
20 this. So it was not interrupted by the new rules.

21 MR. DUGAN: That's correct. Yeah. These rules
22 were released for public comment back in September.
23 And so then we had the public comment hearing in
24 October, and then received all those comments with
25 the home school office, started responding to those.

1 And then, like I said, we even -- Lucas Harder even
2 took a look at them after we made all the changes to
3 make sure these were all good. And so they've been
4 kind of sitting out there for a little while, but --

5 MS. DEAN: Right. No.

6 MS. NEWTON: Can I --

7 MS. DEAN: This is what I meant. I meant the
8 public comment for this date, for the meeting, how
9 are we allowing people to give public comment? I
10 think it was people were allowed to email in their
11 public comment. I'm just -- I just want to be
12 reminded about how they could do that for this
13 particular State Board meeting.

14 CHAIRMAN ZOOK: Let me jump in here a minute.
15 Ms. Smith -- Stacy Smith has a comment she'd like to
16 make.

17 MS. SMITH: Stacy Smith. Can you guys hear me
18 okay?

19 CHAIRMAN ZOOK: Yes.

20 MS. DEAN: Uh-huh.

21 MS. SMITH: Okay. So, Ms. Dean, I kind of know
22 what the concern is because it actually hit me as a
23 concern myself when -- especially the drivers license
24 portion; it was in, it was out, and then it was back
25 in. And when I went -- and I actually spent a lot of

1 time with Taylor discussing this because I felt like
2 all the comments, especially from home school
3 parents, was that needed to be removed -- and then it
4 just got kind of like stuck back in there again, and
5 I felt like that those had already been cleaned up in
6 legislation. You know, we've done a lot of work with
7 Education Alliance Group. I feel like we're great
8 partners there. And then Taylor had taken me and
9 showed me specifically in the law in a certain
10 section where that still is. By practice, within our
11 home school office and the notarization -- you know,
12 all those kind of pieces have been taken off, and so
13 it's almost like our practice in the rules and the
14 legislation are not matching up. And so I too had
15 concerns that that was put back in there, but did not
16 -- but understood, in talking to Legal, that we were
17 literally just reflecting what was in law, and that
18 wasn't -- that can't be changed; it's what's in law.
19 I do agree that we -- especially the next legislative
20 session, working with our partners like the Education
21 Alliance Group -- we need to go in and clean those
22 pieces up so that our rules and our practice really
23 reflect each other. So was this substantive? I
24 think that's kind of the big question. And were they
25 put out again for public comment after those pieces

1 were put back in? And they weren't. They weren't
2 put out in a general all-call again. Because I think
3 our conversations -- and even with Taylor, I said,
4 "Can we just leave that part out?" And he said, "No,
5 that's what the law says." And so I think the part
6 that's going to cause lots of comments is what's
7 actually in legislation and we need to just work
8 together with Education Alliance to fix that, and we
9 want to.

10 MS. DEAN: Okay.

11 MS. SMITH: But I understand what you're
12 commenting about, because I felt the same way and
13 went and -- Taylor got an earful of public comment
14 from me about it, and we went back and forth. And in
15 the end I understood what he was saying was it's not
16 going to change because it is in the law. I don't
17 know if that helps or hurts.

18 MS. DEAN: Oh, it helps. I'm still curious -- I
19 need to go back and look at my emails, but how are we
20 allowing people to comment for this particular State
21 Board meeting, is what I'm asking. Are we -- did we
22 allow for people to email-in public comment?

23 MS. SMITH: I think if they were --

24 CHAIRMAN ZOOK: Yes.

25 MS. SMITH: I think if they were going to

1 comment --

2 CHAIRMAN ZOOK: Yes.

3 MS. SMITH: I would have to defer to Taylor and
4 Lori, but I think they would probably comment during
5 public comment time, signing up at a board meeting.
6 Once they go on the agenda, you know, receiving
7 public comment -- and I'll let Courtney jump in, or
8 Lori.

9 MS. FRENO: Yes.

10 MS. SMITH: But I think for the board meeting
11 it's through public -- by signing up.

12 MS. FRENO: Yes. And that's what we did for
13 this board meeting. Due to the situation we're
14 having, we did offer and allow folks to submit public
15 comments --

16 MS. DEAN: Okay.

17 MS. FRENO: -- in writing. And we notified
18 folks of that at the time that we let the -- that we
19 released the agenda.

20 MS. DEAN: Right. That's what I thought I
21 remembered. That's what I was trying to clarify. In
22 writing. Okay. Thank you.

23 CHAIRMAN ZOOK: Okay. Secretary Key --

24 MS. DEAN: I have no further comments. Thank
25 you.

1 CHAIRMAN ZOOK: Are you good?

2 MS. DEAN: I'm good.

3 CHAIRMAN ZOOK: Okay. Secretary Key has a
4 comment.

5 SECRETARY KEY: Yeah. Madam Chair, the Division
6 is certainly willing and is fine with delaying action
7 on this until next month. One thing we don't -- in
8 this time where we're trying to figure out how to use
9 technology to conduct business, we don't want any
10 group to feel like that they have somehow missed out
11 on opportunity to engage in a proper way. And
12 considering the questions -- and in this case, you
13 know, at least one board member, maybe others that
14 have voiced concern about provisions in this and the
15 process -- you know, this is April; we can bring it
16 back in May and answer whatever questions need to be
17 answered between now and then. I think that would be
18 reasonable for us to do, if that's the will of the
19 Board.

20 CHAIRMAN ZOOK: Ms. Dean, we'll lean on you for
21 leadership in this regard. Do you want to delay this
22 to the May meeting? And, Lord willing, we will get
23 the word out and not be in 55 different places. Or
24 do you want to go ahead and have a vote on it today?

25 MS. DEAN: So if I'm understanding, you're

1 saying do I want to delay it until May -- because I
2 could barely hear. Yes.

3 CHAIRMAN ZOOK: Yes.

4 MS. DEAN: That would be -- I think that would
5 be a good idea.

6 CHAIRMAN ZOOK: Okay. So do you want to make a
7 motion to that effect?

8 MS. DEAN: Yes. I would -- I move to table this
9 item until May.

10 CHAIRMAN ZOOK: Do I have a second?

11 DR. HILL: Second.

12 CHAIRMAN ZOOK: Second --

13 DR. HILL: Second.

14 CHAIRMAN ZOOK: Okay. Motion by Ms. Dean,
15 second by Dr. Hill.

16 All in favor?

17 (CHORUS OF AYES)

18 CHAIRMAN ZOOK: I only heard three ayes and
19 that's not a majority.

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN ZOOK: Okay. Good. I know there's --
22 you know, we're doing the best we can here. Y'all be
23 patient with us.

24 Okay. Are there any opposed?

25 Hearing none, motion passes. It'll be tabled

1 until the May meeting.

2 MS. DEAN: Thank you.

3 CHAIRMAN ZOOK: Thank you, Mr. Dugan. Thank
4 you, Ms. Freno. Thank you, Ms. Smith.

5 **A-5: CONSIDERATION OF REQUEST FOR FINAL APPROVAL: DESE RULES**
6 **GOVERNING STUDENT DISCIPLINE AND SCHOOL SAFETY**

7 CHAIRMAN ZOOK: Okay. The next is rules --
8 final rules on the Student Discipline and School
9 Safety. And this is -- will be presented by Ms.
10 Salas-Ford.

11 Ms. Salas-Ford, I know you don't have your
12 camera on, and you may not want to, but it makes it
13 easier for us to hear if it's on so we can see you as
14 well as hear you.

15 MS. SALAS-FORD: Yes, ma'am, it's on. Can you
16 not hear me?

17 CHAIRMAN ZOOK: Oh, now we can. We can see you
18 and hear you. Great. Thank you.

19 MS. SALAS-FORD: Yes. And I apologize for my
20 absence earlier; that's why I didn't have the video
21 on. I wasn't -- and so, I apologize.

22 CHAIRMAN ZOOK: Not a problem.

23 MS. SALAS-FORD: But, yes, I am here now and so
24 I hope you can hear me.

25 For your consideration is final approval of the

1 Student Discipline and School Safety rules. If
2 you'll recall, many of the recommendations of the
3 State Board's Discipline Subcommittee led to
4 legislation changes in the 2019 session, which have
5 been incorporated into these rules. We did receive
6 several public comments, great information. We made
7 a few corrections to the rules, but non-substantive
8 changes. And so we are seeking final approval
9 pending approval by the Legislative Committee.

10 CHAIRMAN ZOOK: Okay. I wondered if Dr. Hill
11 might have any particular input or concern, because
12 discipline has been his passion on the Board.

13 DR. HILL: Yeah. My only thing -- and we can
14 discuss this further, because I don't think it would
15 have any impact on these rules. And I -- you know, I
16 see our rules and I understand and, you know, go
17 along and believe that we're heading in the right
18 direction. I guess I just -- as a board, as we
19 proceed, you know, when we convene, is that although
20 I see the discipline procedures and how we go about
21 the protocol of suspensions and those type things,
22 when we have people disrupting the educational
23 environment my concern still lies, you know, are we
24 -- when those people are dismissed from school I
25 don't see anywhere in there where it's talking about

1 allowing them to do their work. And I just want us
2 as a board to consider those factors because, you
3 know, when we're suspending kids and they come back
4 with 10 days of suspension and they've not been able
5 to reincorporate their work, then, you know, I think
6 we're just setting ourselves up for tragedy in our
7 community. So I know we have to have these bylaws
8 and guidelines for this, for the legislative session,
9 and -- but as a board I'm hoping that we'll look at
10 some restorative justice measures as guidelines for
11 our school districts throughout Arkansas to give them
12 leniency in helping build communities. But that's
13 something we can talk about as we move forward,
14 because I realize we've got to have a starting point,
15 and that's what I've learned over the last three
16 years in dealing with this.

17 CHAIRMAN ZOOK: Okay. Thank you, Dr. Hill. And
18 I would think now that we have been forced to do
19 online and thumb-drives and different things like
20 that that the schools would be better equipped to
21 allow a student the opportunity to not only learn but
22 demonstrate that they're assuming responsibility
23 while they're out of school and do some follow-up.
24 But I hear you, Dr. Hill, and I agree with you
25 completely.

1 Anyone else?

2 MS. SALAS-FORD: Well, and if I might add, Ms.
3 Zook, there is a provision in 5.04.9 and -- I'm
4 trying to find the other one. But, you know, there
5 were two laws passed -- Act 640 and Act 5 -- I'm
6 sorry -- in Act 709 that if a student is suspended or
7 expelled districts are required to, for suspension,
8 offer online technology and they're encouraged to
9 allow students -- but for expulsion they are in fact
10 required to allow the student to complete their work.
11 And so maybe we just didn't flesh that out in the
12 rules well enough, and I would be happy to look at
13 that again.

14 And kind of to your other point, I think this is
15 a good starting point in what we want to start doing
16 with districts. And I can speak specifically for our
17 Equity Assistance Unit that school districts are
18 required to notify us that their student handbooks
19 and their student discipline policies are posted on
20 the website by August 1 of each year. We're going to
21 start doing a random sampling of those student
22 discipline policies and working with school districts
23 to provide technical assistance to perhaps offer best
24 practices. And while still many of those decisions
25 are made at the local level, we hope that by

1 providing more information and resources and perhaps
2 sharing best practices from other districts they can
3 start to see the benefit of some of those restorative
4 justice practices and (inaudible).

5 DR. HILL: That's excellent. I appreciate it.
6 That's -- I think we're headed in the right
7 direction. I just know even now that the school is
8 sometimes the safe haven for kids we're trying to
9 reach, and then -- and I just want to make sure we
10 have those opportunities to keep them engaged in the
11 academic process. But I do understand that the
12 educational environment has to be sterile for others.
13 And so as long as we can continue moving in this
14 direction I think that we're moving toward a
15 resolution for the community.

16 CHAIRMAN ZOOK: Ms. Salas-Ford, does -- on the
17 requirement to post like -- I guess it's under state
18 required information -- is it a part of standards so
19 when they go in to assist schools who may need help
20 that they can find out what their policy is and if
21 they're following the policy?

22 MS. SALAS-FORD: I may have to defer to Ms.
23 Coffman to speak to the standards portion. But I
24 know as far as our Equity Assistance Unit, again,
25 they go on to make sure that school districts have

1 posted. We used to require them to send us a copy,
2 and we realized that's just not necessary with
3 technology these days where we can just go onto their
4 website, look at their policy. And if we identify
5 any potential issues, again, we can reach out to the
6 school district proactively and offer assistance.
7 But that would be on a random basis. And, again, Ms.
8 Coffman may have to speak to the standards portion of
9 it.

10 CHAIRMAN ZOOK: Ms. Coffman, do you have
11 anything to add to what Ms. Salas-Ford just said?

12 (MOMENT OF SILENCE)

13 CHAIRMAN ZOOK: I'm not sure she's on the line,
14 so we'll go on.

15 Any further discussion by other members?

16 MS. NEWTON: Ms. Zook, I just have a comment.

17 DR. MOORE: I have a question.

18 CHAIRMAN ZOOK: Oops, I've got two. Okay.
19 Let's start with Ms. Newton and then we'll go to Dr.
20 Moore.

21 MS. NEWTON: Just a -- okay, just a quick
22 comment. I think educators all across the state are
23 learning a lot of new lessons and very valuable
24 lessons during this time that we're doing remote
25 learning, AMI learning. And I think a lot of those

1 lessons that we're learning right now can be applied
2 to this situation where we're having students that
3 are being suspended in the future or expelled in the
4 future. And I think it's a valuable time that we
5 need to take stock of what's working with students
6 and what's not working and then be able to use those
7 in the future, maybe in this situation and others,
8 you know. We have students that for medical reasons
9 can't attend school, and other reasons. So I think
10 this is a great time that -- I don't know if we've
11 got someone at the Division that is looking around
12 the state at what are some of the best practices that
13 are being used and what are some of the great lessons
14 of things that are working and then also what is not
15 working that we for sure don't want to do in the
16 future. So I think this is a great opportunity for
17 us to learn what's working.

18 CHAIRMAN ZOOK: Yeah. Like add someone similar
19 to what -- those students who have a homebound
20 teacher and --

21 MS. NEWTON: Right.

22 CHAIRMAN ZOOK: -- you know, and something
23 similar to that. Yes, good comment.

24 Dr. Moore.

25 DR. MOORE: Yes. My question was along the

1 lines of the expulsions. So if a student is a high
2 school student and they are offered the opportunity
3 to continue digital courses or alternative courses,
4 will they receive -- if they complete their
5 coursework, will they graduate from that local school
6 district or does it become a GED or what does that
7 look like? I couldn't find that in rules.

8 MS. SALAS-FORD: No. As long as they complete
9 the coursework that school district is offering, the
10 school district is required to provide credit. And
11 once they receive those credits they would be
12 eligible for graduation with a regular high school
13 diploma from that school district.

14 CHAIRMAN ZOOK: Thank you.

15 DR. MOORE: Thank you.

16 MS. SALAS-FORD: And if I might add Ms. Hyatt
17 provided some good information for me in that in the
18 standards it does list that the discipline policies
19 be posted on the website and that's in Standard
20 1(b)(1) and 1(b)(2). So that is something that the
21 Standards Unit is monitoring to insure compliance.

22 CHAIRMAN ZOOK: Thank you.

23 Any other member have any other comments or
24 questions on this item?

25 Hearing none, do I have a motion?

1 DR. HILL: So moved.

2 CHAIRMAN ZOOK: Moved by Dr. Hill.

3 MS. McFETRIDGE: Second.

4 CHAIRMAN ZOOK: Second by Ms. McFetridge.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN ZOOK: Any opposed?

8 Motion passes.

9 **A-6: CONSIDERATION OF REQUEST FOR FINAL APPROVAL: DESE RULES**
10 **GOVERNING SPECIAL EDUCATION AND RELATED SERVICES, SEC. 11.00**
11 **DISCIPLINE PROCEDURES**

12 CHAIRMAN ZOOK: The next item is also Ms. Salas-
13 Ford and it's the final rules regarding Special
14 Education and Related Services, Discipline
15 Procedures.

16 MS. SALAS-FORD: Yes. So these are the rules
17 specific to students with IEPs and the discipline
18 policies required for them. Most of these -- this is
19 required by federal law, but we added the provisions
20 from Act 557 regarding the use of corporal
21 punishment. And so we did receive -- I incorrectly
22 stated in the summary that there were no public
23 comments received. We did receive one from Lucas
24 Harder at School Boards Association with just
25 technical corrections that were made.

1 And with that, we request approval.

2 CHAIRMAN ZOOK: Do we have any questions with
3 regard to this item?

4 Hearing none, do I have a motion?

5 MS. DEAN: Move to approve.

6 CHAIRMAN ZOOK: Moved by Ms. Dean.

7 MS. NEWTON: Second.

8 DR. MOORE: Second.

9 CHAIRMAN ZOOK: Second by Ms. Newton.
10 All in favor?

11 (UNANIMOUS CHORUS OF AYES)

12 CHAIRMAN ZOOK: Any opposed?

13 Motion passes.

14 MS. SALAS-FORD: Thank you.

15 CHAIRMAN ZOOK: Thank you, Ms. Salas-Ford.

16 **LEGISLATIVE REPORTS**

17 CHAIRMAN ZOOK: Okay. Next is the -- Dr.
18 Hernandez will give a report -- legislative reports
19 for Dollarway, Pine Bluff and Little Rock.

20 Dr. Hernandez, are you on the line?

21 DR. HERNANDEZ: Yes, ma'am, I'm here. Can you
22 hear me okay?

23 CHAIRMAN ZOOK: We can. And are any of the
24 representatives from any of the districts on their --
25 online?