

In The Matter Of:

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

September 13, 2019

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ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION

SEPTEMBER 13, 2019
9:00 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. SUSAN CHAMBERS
MS. OUIDA NEWTON
DR. FITZGERALD HILL
DR. SARAH MOORE
MS. KATHY McFETRIDGE
MR. CHAD PEKRON

NON-VOTING BOARD MEMBERS:

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

DESE LEGAL COUNSEL:

MS. LORI FRENO	General Counsel
MS. COURTNEY SALAS-FORD	Deputy General Counsel
MS. MARY CLAIRE HYATT	Attorney Specialist
MS. JENNIFER DEDMAN	Attorney Supervisor
MS. SARAH LINAM	Chief Legal Counsel

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
- Auditorium
#4 Capitol Mall
Little Rock, AR 72201

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P R O C E E D I N G S

CHAIRMAN ZOOK: As we go through the Action Agenda items and on the rules, we will take each one individually. If you have questions, Legal will come and answer those. If you don't have questions, then we will hear a motion; and in that motion be sure and say I move for approval of the motion pending Governor's review.

Okay. Everybody good on that?

All right. Here we go. We have a marathon.

A-1: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES GOVERNING FEDERAL PROGRAM COMPLAINT RESOLUTION

CHAIRMAN ZOOK: Jennifer, the first one -- several are yours, so be on alert.

Consideration of Release for Public Comment of the Rules Governing Federal Program Complaint Resolution, changes that were made to incorporate the new names of Title Programs under ESSA. The Division of Elementary and Secondary Education respectively [sic] requests that these rules be approved for release for public comment, pending Governor's review.

MS. DEDMAN: I beg your pardon, Madam Chair. I noticed that there are two items on the agenda that should have been pulled: items Number 7 and 8.

1 CHAIRMAN ZOOK: Oh, that's perfectly fine with
2 us. Which are they?

3 MS. DEDMAN: They're the rules governing
4 Enrollment of Students of Military Families and the
5 repeal of the rules governing Military Student
6 Enrollment.

7 CHAIRMAN ZOOK: Okay. So that's Number 7?

8 MS. DEDMAN: And I believe Number 8, if I'm not
9 mistaken.

10 CHAIRMAN ZOOK: Number 8. Okay.

11 MS. DEDMAN: Thank you, Madam Chair.

12 CHAIRMAN ZOOK: Uh-huh. No problem.

13 Does anyone have any questions of Legal on Item
14 Number 1?

15 There being none, do I hear a motion?

16 MS. NEWTON: Move to approve pending Governor's
17 approval.

18 CHAIRMAN ZOOK: I have a motion by Ms. Newton.

19 A second by --

20 MS. DEAN: Second.

21 CHAIRMAN ZOOK: -- Ms. Dean.

22 All in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRMAN ZOOK: All opposed?

25 Motion passes.

1 A-2: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
2 GOVERNING PARENTAL INVOLVEMENT PLANS AND FAMILY AND COMMUNITY
3 ENGAGEMENT

4 CHAIRMAN ZOOK: Next is Parental Involvement.
5 I'm not going to read the whole thing every time;
6 it's in front of you. It's on the agenda for the
7 public.

8 Do any of you have questions relative to this
9 item?

10 There being none, do I have a motion?

11 MR. PEKRON: Motion to approve pending
12 Governor's approval.

13 CHAIRMAN ZOOK: I have a motion by Mr. Pekron.

14 MS. CHAMBERS: Second.

15 CHAIRMAN ZOOK: Second by Ms. Chambers.

16 All in favor?

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN ZOOK: Opposed?

19 Motion passes.

20 A-3: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
21 GOVERNING CONSOLIDATION OR ANNEXATION OF PUBLIC SCHOOL
22 DISTRICTS

23 CHAIRMAN ZOOK: Number 3, Consideration for
24 Release of Comment Public of the Rules Governing
25 Consolidation or Annexation of Public School

1 Districts. This is not relative to those things
2 we're talking about in Little Rock; this is for other
3 things like declining enrollment, those kinds of
4 things.

5 Are there any questions for Legal on this item?

6 There being none, do I have a motion?

7 MR. PEKRON: Motion to approve pending
8 Governor's approval.

9 CHAIRMAN ZOOK: Motion by Mr. Pekron.

10 MS. NEWTON: Second.

11 CHAIRMAN ZOOK: Second by Ms. Newton.

12 All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN ZOOK: Opposed?

15 Motion passes.

16 A-4: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
17 GOVERNING CREATION OF PUBLIC SCHOOL DISTRICTS BY DETACHMENT

18 CHAIRMAN ZOOK: Item 4, Create Districts by
19 Detachment. Do we have any questions on this item?

20 Do I have a motion?

21 MS. McFETRIDGE: Motion to approve pending
22 Governor's approval.

23 CHAIRMAN ZOOK: Motion by Ms. McFetridge.

24 Second by --

25 MR. PEKRON: Second.

1 CHAIRMAN ZOOK: -- Mr. Pekron.

2 All in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN ZOOK: Motion -- opposed?

5 Motion passes.

6 A-5: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
7 GOVERNING REQUIRED TRAINING FOR SCHOOL BOARD MEMBERS

8 CHAIRMAN ZOOK: Item 5, Consideration for
9 Required Training of School Board Members.

10 MS. NEWTON: Just a quick comment -- I was glad
11 to see the -- how to read an audit report put in
12 there. I think that will be very helpful. In fact,
13 I think in some of the things that we had done before
14 I would've liked to have had that training.

15 CHAIRMAN ZOOK: Another board member had
16 mentioned to me the training.

17 MS. NEWTON: Yeah, yeah.

18 CHAIRMAN ZOOK: You know, so --

19 MS. NEWTON: That would've been helpful.

20 CHAIRMAN ZOOK: I think the orientation -- but
21 it might can incorporate some of these kinds of
22 things --

23 MS. NEWTON: Yeah.

24 CHAIRMAN ZOOK: -- would be helpful.

25 Any questions of Legal?

1 There being none, do I have a motion?

2 MS. DEAN: Motion to approve pending Governor's
3 approval.

4 CHAIRMAN ZOOK: Motion by Ms. Dean.
5 Second?

6 MS. McFETRIDGE: Second.

7 CHAIRMAN ZOOK: By Ms. McFetridge.
8 All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN ZOOK: Opposed?

11 Motion passes.

12 A-6: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
13 GOVERNING SCHOOL CHOICE

14 CHAIRMAN ZOOK: Next is School Choice. Any
15 questions?

16 Being none, do I have a motion?

17 MR. PEKRON: Motion to approve pending
18 Governor's approval.

19 CHAIRMAN ZOOK: Motion by Mr. Pekron.
20 Second by --

21 MS. DEAN: Second.

22 CHAIRMAN ZOOK: -- Ms. Dean.
23 All in favor?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN ZOOK: Opposed?

1 There being none, motion passes.

2 Okay. Now let's see if I -- this is where I got
3 off track when I was reading these. Number 9 -- 7
4 and 8, is that correct? Okay.

5 A-9: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: REPEAL OF
6 ADE RULES GOVERNING THE SCHOOL CHOICE ACT OF 2015

7 CHAIRMAN ZOOK: Number 9 is Rules of School
8 Choice Act of -- okay, all right, I'm back on track
9 now. Any questions on this item?

10 There being none, do I have a motion?

11 MS. DEAN: Move to approve pending Governor's
12 approval.

13 DR. HILL: Second.

14 CHAIRMAN ZOOK: Motion by Ms. Dean, second by
15 Mr. Pekron. Any comments --

16 MR. PEKRON: Dr. Hill.

17 CHAIRMAN ZOOK: Oh, I'm sorry. Dr. Hill. I
18 didn't look; I was just guessing.

19 Motion by Ms. Dean, second by Dr. Hill.

20 Do I -- all in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN ZOOK: Opposed?

23 Motion passes.

24 A-10: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: REPEAL OF
25 DESE RULES GOVERNING OPPORTUNITY SCHOOL CHOICE

1 CHAIRMAN ZOOK: Then the next one is the Repeal
2 of Opportunity School Choice rules, number 10. Any
3 questions?

4 Do I have a motion?

5 MS. CHAMBERS: Move to approve pending
6 Governor's approval.

7 CHAIRMAN ZOOK: Moved by Ms. Chambers.

8 Second by --

9 MR. PEKRON: Second.

10 CHAIRMAN ZOOK: That was Mr. Pekron. Okay.
11 Second by Mr. Pekron.

12 All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN ZOOK: Opposed?

15 Motion passes.

16 A-11: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
17 GOVERNING DISTANCE AND DIGITAL LEARNING

18 CHAIRMAN ZOOK: Distance Digital, number 11.

19 I have a comment on this. I think it's terrific
20 that we are trying our best, as we move to more
21 student-focused restorative justice, trying to help
22 kids who maybe made bad decisions; that we've giving
23 them an opportunity in out-of-school suspension and
24 -- or if they're expelled to still -- if the student
25 will step up and do it, then we will provide the

1 opportunity.

2 Okay. Do I have a motion?

3 MS. McFETRIDGE: Motion to approve pending
4 Governor's approval.

5 CHAIRMAN ZOOK: Motion by Ms. McFetridge.
6 Second?

7 MR. PEKRON: Second.

8 CHAIRMAN ZOOK: By Mr. Pekron.

9 All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN ZOOK: Opposed?

12 Motion passes.

13 A-12: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
14 GOVERNING COURSE CREDIT AND GRADING

15 CHAIRMAN ZOOK: The next is Course Credit and
16 Grading. Any questions?

17 Do I have a motion?

18 MR. PEKRON: Motion to approve pending
19 Governor's approval.

20 DR. HILL: Second.

21 CHAIRMAN ZOOK: Motion by Mr. Pekron, second by
22 Dr. Hill.

23 All in favor?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN ZOOK: Opposed?

1 A-13: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: REPEAL OF
2 ADE RULES GOVERNING UNIFORM GRADING SCALES

3 CHAIRMAN ZOOK: And then number 13 is to repeal.

4 Any questions?

5 Do I have a motion?

6 MS. DEAN: Move to approve pending Governor's
7 approval.

8 CHAIRMAN ZOOK: Motion by Ms. Dean.

9 Second by --

10 MS. CHAMBERS: Second.

11 CHAIRMAN ZOOK: -- Ms. Chambers.

12 All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN ZOOK: Opposed?

15 A-14: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: REPEAL OF
16 ADE RULES GOVERNING CONCURRENT CREDIT

17 CHAIRMAN ZOOK: 14 is the repeal of concurrent
18 credit rules. Any questions, comments?

19 Do I have a motion?

20 MS. CHAMBERS: Move to approve pending
21 Governor's approval.

22 MS. NEWTON: Second.

23 CHAIRMAN ZOOK: Moved by Ms. Chambers, second by
24 Ms. Newton.

25 All those in favor?

1 (UNANIMOUS CHORUS OF AYES)

2 CHAIRMAN ZOOK: Opposed?

3 Motion passes.

4 A-15: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: REPEAL OF
5 ADE RULES GOVERNING ADVANCED PLACEMENT AND THE INTERNATIONAL
6 BACCALAUREATE INCENTIVE PROGRAM

7 CHAIRMAN ZOOK: Number 15 is the repeal of the
8 former AP rules. Let me get -- let me catch up here.
9 Any questions, comments?

10 Do I have a motion?

11 MR. PEKRON: Motion to approve pending
12 Governor's approval.

13 CHAIRMAN ZOOK: Motion by Mr. Pekron.

14 Second by --

15 MS. CHAMBERS: Second.

16 CHAIRMAN ZOOK: -- Ms. Chambers.

17 All in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN ZOOK: Opposed?

20 Motion carries.

21 A-16: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
22 GOVERNING INSTRUCTIONAL MATERIALS

23 CHAIRMAN ZOOK: Instructional Materials.

24 I have no questions, no comments.

25 Motion?

1 MS. DEAN: Move to approve pending Governor's
2 approval.

3 CHAIRMAN ZOOK: I have a motion by Ms. Dean.

4 MR. PEKRON: Second.

5 CHAIRMAN ZOOK: Second by Mr. Pekron.

6 All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN ZOOK: Motion -- opposed?

9 Motion carries.

10 Then this is where I jumped around.

11 A-17: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
12 GOVERNING THE ARKANSAS EDUCATIONAL SUPPORT AND ACCOUNTABILITY
13 ACT

14 CHAIRMAN ZOOK: Okay. The next is -- okay, "the
15 big guy" is what I call this one. This replaces all
16 of our former governings and rules on a lot of
17 different areas and is very important and critical
18 for the schools -- the rules governing Arkansas
19 Educational Support and Accountability.

20 Do I have any questions or comments?

21 Okay. I do have some.

22 I wanted to point out that the thing that we
23 have been referring to in the past as NSLA dollars --
24 or NSL dollars are the things that -- it's now called
25 the Enhanced Student Achievement. And the purpose of

1 this is to narrow the achievement gap, which some
2 districts are doing and others maybe not so much; so
3 we, you know, really want them to focus on that. At
4 5.07 it says 3 to 12 assessed, so that was a little
5 confusing to me because I know we do different kinds
6 of testing K-2; I know we do Aspire 3-10; I know we
7 do ACT in 11th. I wasn't aware of any tests that
8 were given, unless it's the career test, in 12th
9 grade.

10 MS. SALAS-FORD: There is someone from
11 Assessment here who maybe could better answer that
12 than I could.

13 CHAIRMAN ZOOK: I apologize for not contacting
14 y'all ahead with my questions, but there were so many
15 --

16 MS. SALAS-FORD: Yeah. No, we understand.
17 That's fine.

18 CHAIRMAN ZOOK: I didn't want to call you at
19 2:00 in the morning, so y'all can be happy about
20 that.

21 MS. SMITH: I was ready for every rule you gave
22 except this one.

23 CHAIRMAN ZOOK: I'm sorry.

24 MS. SMITH: No, you're good. So what was the
25 specific question?

1 CHAIRMAN ZOOK: It says 3-8 [sic] assessed, and
2 I don't -- I couldn't recall, unless we're talking
3 about when they take that credential for career test
4 in 12th grade or 11th grade. I wasn't sure why it
5 said 3-12.

6 MS. SMITH: Okay. So you are correct; we don't
7 have a state assessment in grade 12. I want to say
8 maybe that this was a previous statement that had
9 always been inclusive of grade 12.

10 CHAIRMAN ZOOK: Just in case we decided to.
11 Okay.

12 UNKNOWN LADY IN THE AUDIENCE: (inaudible, not
13 at the microphone)

14 CHAIRMAN ZOOK: Okay. Do you want to repeat
15 what she said or you want --

16 MS. SMITH: Civics assessment.

17 CHAIRMAN ZOOK: Okay.

18 MS. SMITH: Most students take it well before
19 grade 12, but they could take it their senior year.

20 CHAIRMAN ZOOK: Okay. That answers that.

21 And then 8.05, I think the part that I focused
22 in on is that in keeping with our stakeholder
23 involvement it says that the improvement plans yearly
24 involve stakeholders. And I hope our school
25 districts will really focus on that, because Ms. Dean

1 and Dr. Hill and Kim Wright and that committee did
2 lots of work and that's all been rolled out. Am I
3 correct that -- in understanding what that says?

4 MS. SALAS-FORD: Yes. And that is an existing
5 requirement from Act 930 of 2017 that, yes, the
6 school district engage stakeholders when they're
7 developing their plan of support for their schools,
8 and the school-level support plan as well.

9 CHAIRMAN ZOOK: Okay. And then 8.10.1, it talks
10 about the State's responsibility in plans for Level
11 5. Is that the same as exit criteria or is it in
12 addition to?

13 MS. SALAS-FORD: I'm sorry; tell me which number
14 again.

15 CHAIRMAN ZOOK: 8.10.1.

16 MS. SALAS-FORD: Yes. That would be the plan
17 that's developed in conjunction with the district,
18 detailing the levels of support that we will provide
19 in order to help the district meet its exit criteria.

20 CHAIRMAN ZOOK: Okay. And I think that's all I
21 have.

22 Anyone else have anything?

23 Dr. Moore.

24 DR. MOORE: Yes. I was either going to ask here
25 or on the reading, for Stacy. That district literacy

1 plan, can you speak to that a little bit? And is it
2 in code that it has to be a district plan versus a
3 school plan? Yeah, just a little bit more around
4 that.

5 MS. SALAS-FORD: It is in code -- I can answer
6 that part -- that it be a district plan, but --

7 MS. SMITH: So the literacy plan is a part of
8 the school level improvement plan that is submitted
9 at the district level, and then the district support
10 plans are in response to the school level plans. So
11 the literacy plans for -- each school in their school
12 improvement plan has to have a literacy component
13 that addresses the professional development and it
14 addresses the curriculum that they use at their local
15 schools.

16 DR. MOORE: Okay. And so then that will be
17 incorporated into their district plan?

18 MS. SMITH: Right. And the district support
19 plan then should address the needs of the school
20 level plans.

21 DR. MOORE: Okay. Will y'all be --

22 MS. SMITH: Plus curriculum.

23 DR. MOORE: Will your unit be looking at these
24 literacy plans in all districts or in districts in
25 certain levels of support, or what will that look

1 like?

2 MS. COFFMAN: So we have a district support team
3 put together that has a person that -- from Stacy's
4 team and some people from my team, and we're going
5 through those school improvement plans and then
6 district support plans. They're out on the road
7 today; they're out on the road doing trainings with
8 school districts to make sure that they're all clear
9 about what is required in there. And then they'll be
10 providing follow-up to any district or school that
11 doesn't meet the expectation.

12 DR. MOORE: Okay.

13 CHAIRMAN ZOOK: Anything else?

14 DR. MOORE: Thank you.

15 CHAIRMAN ZOOK: Do I have a motion?

16 MS. NEWTON: Move to approve pending Governor's
17 approval.

18 CHAIRMAN ZOOK: Motion by Ms. Newton.

19 MS. McFETRIDGE: Second.

20 CHAIRMAN ZOOK: Second by Ms. McFetridge.

21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN ZOOK: Opposed?

24 Motion passes.

25 A-18: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES

1 GOVERNING TEST SECURITY, TESTING VIOLATIONS, AND ALLEGED
2 TESTING IMPROPRIETIES

3 CHAIRMAN ZOOK: 18 is test security and test
4 violations and tampering.

5 I think the thing that -- you know, we have over
6 time had several PLSB cases come before us on the
7 Consent Agenda where this was an issue. So I'm glad
8 that it's there, it's clear; people can refer to it,
9 and they understand the responsibility.

10 Any other questions or comments?

11 Seeing none, do I have a motion?

12 MS. DEAN: Move to approve pending Governor's
13 approval.

14 CHAIRMAN ZOOK: I have a motion by Ms. Dean.
15 Second?

16 MS. CHAMBERS: Second.

17 CHAIRMAN ZOOK: By Ms. Chambers.

18 All in favor?

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN ZOOK: Opposed?

21 Motion passes.

22 A-19: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
23 GOVERNING STUDENT SPECIAL NEEDS FUNDING

24 CHAIRMAN ZOOK: Let's see. Okay, 19, rules
25 governing special needs funding. Do we have any

1 comments or concerns?

2 Do I have a motion?

3 MS. CHAMBERS: Move to approve pending
4 Governor's approval.

5 CHAIRMAN ZOOK: Moved by Ms. Chambers.

6 Second by --

7 MR. PEKRON: Second.

8 CHAIRMAN ZOOK: -- Mr. Pekron.

9 All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN ZOOK: Okay.

12 A-20: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
13 GOVERNING THE SUCCEED SCHOLARSHIP

14 CHAIRMAN ZOOK: Rules governing Succeed
15 Scholarships.

16 Okay, I do. She knew I would. And I'm sorry I
17 didn't note the specific on this. But it says that a
18 child can be eligible if the superintendent okays,
19 whether they were previously in a traditional public
20 school or not. Okay, that's been in the rules.

21 MS. SALAS-FORD: Yes, that was a -- well, it
22 wasn't in the rules but it was added to the law in
23 2017. We're just behind in updating the rules.

24 CHAIRMAN ZOOK: And then it goes on to say that
25 an IEP or ISP has to be written by the district who

1 has never had the child; so that's troubling for me.
2 Can you help me walk through that?

3 MS. SALAS-FORD: So it is standard practice
4 under IDEA that if a student in a private school
5 wishes to receive services from the public school,
6 the public school will develop a service plan, an ISP
7 for that student --

8 CHAIRMAN ZOOK: Right.

9 MS. SALAS-FORD: -- detailing the services.
10 They would not typically be developing an IEP unless
11 they actually placed the child in the private school
12 in order to receive that. And, again, this was just
13 an attempt to marry the laws that have been passed
14 which did extend the eligibility criteria to include
15 the service plan, but knowing that under IDEA it has
16 to be developed by the public school.

17 CHAIRMAN ZOOK: Okay. So this gets me a step
18 further. Since the public school --

19 MS. SALAS-FORD: Uh-huh.

20 CHAIRMAN ZOOK: And I think there's been
21 confusion out there about is it the public school in
22 which the private school is located or the public
23 school in which the student's parents live, their
24 resident district.

25 MS. SALAS-FORD: It's the public school in which

1 the private school is located.

2 CHAIRMAN ZOOK: Okay. And then since the
3 traditional public school is not spending any money
4 on the Succeed Scholarship -- that's state money -- I
5 don't understand why the resident district has to
6 develop an IEP or ISP for a student they've never
7 seen and for whom they're spending no money.

8 MS. SALAS-FORD: So it wouldn't be the resident
9 district; it would be the district where the private
10 school is located.

11 CHAIRMAN ZOOK: Okay.

12 MS. SALAS-FORD: Under federal law, they have to
13 spend a proportionate share of funds on providing
14 services to home-school and private school students.
15 And so in order to do that they are supposed to have
16 consultation meetings with the different schools and
17 parents, determine what services they're going to
18 provide. And then again they develop a service plan
19 for each student, not necessarily based on the needs
20 of that student but based on what the public school
21 district is willing to provide, and then which the
22 parent is choosing to receive for their child. So a
23 student might actually need speech and occupational
24 therapy, but if the public school district is only
25 offering speech that's the only service that that

1 child would even be eligible to receive.

2 CHAIRMAN ZOOK: So it's not a full plan?

3 MS. SALAS-FORD: Correct.

4 CHAIRMAN ZOOK: It's just a plan focused on
5 that?

6 MS. SALAS-FORD: Correct. Again, it's not
7 focused on what that child needs; it's focused on
8 what the district is willing to provide.

9 CHAIRMAN ZOOK: Okay. And it's not necessarily
10 what they will provide; it's just what they would be
11 willing to?

12 MS. SALAS-FORD: Correct.

13 CHAIRMAN ZOOK: Okay. So I think there -- and
14 is there another rule somewhere that speaks to the
15 fact of children who are benefitting from the Succeed
16 Scholarship, they've never been in the public school,
17 they will be receiving no service from -- where can I
18 find out what the district's financial responsibility
19 is? Is it in addition to Succeed or to fill out the
20 Succeed or the difference between what it would've
21 cost had they sent a speech therapist over there? I
22 mean, can you help me with that?

23 MS. SALAS-FORD: Yeah. So in our special
24 education rules there is a section that specifically
25 talks about private school proportionate share and

1 districts' obligation to provide services to private
2 school students. I can't tell you the exact section
3 --

4 CHAIRMAN ZOOK: Well, that's okay.

5 MS. SALAS-FORD: -- number, but I can send it to
6 you.

7 CHAIRMAN ZOOK: No, that's okay.

8 MS. SALAS-FORD: But that does lay it all out --
9 all of that out in there and, again, there is a
10 formula in the federal regulations that actually
11 tells a district how to determine the amount of
12 money. And it's, again, too complicated for me to
13 explain but it has to do with the number of students
14 in the public school, it has to do with the number of
15 students in the school district, even including
16 private school; and then there's, you know, fractions
17 and percentages and things.

18 CHAIRMAN ZOOK: Right.

19 MS. SALAS-FORD: And then once they arrive at
20 that amount of money, again, the district has full
21 control over saying how they are going to spend that
22 money.

23 CHAIRMAN ZOOK: Okay.

24 MS. SALAS-FORD: And to kind of answer your
25 other question, it doesn't necessarily take into

1 account costs of providing the services; only to the
2 extent that when the district is determining what
3 it's going to provide they, of course, internally
4 would say, "Well, we know this is how much a speech
5 pathologist is going to cost us; we have to expend X;
6 therefore, we can provide Y hours for that cost," and
7 they only have to provide up until that amount is
8 spent. So if they spend all of their funding in the
9 first six months of school they are not obligated to
10 continue to provide services the rest of the year.

11 CHAIRMAN ZOOK: So they can either provide the
12 money or they can send like a speech therapist over
13 there X days -- number of days a week to do that?

14 MS. SALAS-FORD: Correct.

15 CHAIRMAN ZOOK: I think this is where the
16 confusion came from some parents not knowing who to
17 talk to, not knowing which -- is it resident of the
18 school they're in or resident of where I live or --
19 anyway, so I think that now that we have this and you
20 have a really good grasp and understanding and
21 explain it in terms where those of us non-attorneys
22 can understand, I think that will be very helpful.

23 MS. SALAS-FORD: Yeah. And --

24 CHAIRMAN ZOOK: So thank you for your work on
25 this.

1 MS. SALAS-FORD: Yeah. I think some of the
2 confusion came with private schools who had not
3 previously worked with the public school districts
4 also not understanding. So we've made sure that they
5 are communicating with the public school district to
6 -- they all know what their obligations are so that
7 they can jointly communicate with parents as to who's
8 responsible for that.

9 CHAIRMAN ZOOK: Right. And I think some of the
10 families who had advocated to the legislatures who
11 passed this law were thinking they just wanted --
12 because the private school was doing an ISP, they
13 were thinking this. And then they realized, no, we
14 have to -- I don't want to use the word "jump through
15 hoops;" they had to understand the steps.

16 MS. SALAS-FORD: Correct.

17 CHAIRMAN ZOOK: And it was new --

18 MS. SALAS-FORD: Yes.

19 CHAIRMAN ZOOK: -- and the law took effect July
20 24th, but the rules hadn't been fleshed out yet. So,
21 you know, I think that now we can communicate with
22 the districts, communicate with the parents,
23 communicate with the private schools, and I think
24 it'll go more smoothly now.

25 MS. SALAS-FORD: Correct. There was some

1 misunderstanding, that just because a private school
2 develops something and calls it an ISP doesn't mean
3 legally it is an ISP.

4 CHAIRMAN ZOOK: Okay, thank you.

5 MS. SALAS-FORD: Uh-huh.

6 CHAIRMAN ZOOK: Any other questions or comments
7 there?

8 DR. MOORE: I have two.

9 CHAIRMAN ZOOK: Dr. Moore.

10 DR. MOORE: So first is the State Board's
11 involvement. We get involved when a student
12 transfers only?

13 MS. SALAS-FORD: Correct.

14 DR. MOORE: Is that in statute?

15 MS. SALAS-FORD: No, it's not. And so actually
16 we -- that is one of the proposed changes --

17 DR. MOORE: Okay.

18 MS. SALAS-FORD: -- that we made so that
19 transfers would not even have to come to you as the
20 board --

21 DR. MOORE: Okay.

22 MS. SALAS-FORD: -- that we could handle those
23 internally, again, just because of the routine nature
24 of them.

25 DR. MOORE: Right. Well, to me it didn't make

1 sense that if we didn't approve it the onset --

2 MS. SALAS-FORD: Right.

3 DR. MOORE: That makes sense.

4 CHAIRMAN ZOOK: And if we -- it says "shall
5 approve," as opposed to "may."

6 MS. SALAS-FORD: Right.

7 CHAIRMAN ZOOK: So it really wasn't even up for
8 discussion.

9 MS. SALAS-FORD: Right.

10 DR. MOORE: The other was -- and I think this is
11 in statute, but I wanted to check -- the eligible
12 private school has to send a lot of information now?

13 MS. SALAS-FORD: Yes.

14 DR. MOORE: One of which, it says, the testing
15 and their test results. Is that each student in the
16 school's test results or just those that are doing
17 the Succeed?

18 MS. SALAS-FORD: Just those that are receiving
19 the Succeed Scholarship.

20 DR. MOORE: Okay.

21 MS. SALAS-FORD: Yes. And that is in statute
22 and we will be working with different entities on
23 collecting that and making sure everything remains
24 secure and confidential.

25 DR. MOORE: Okay. Thank you.

1 CHAIRMAN ZOOK: Anything else?

2 Seeing none, do I have a motion?

3 MS. DEAN: Motion to approve pending Governor's
4 approval.

5 CHAIRMAN ZOOK: Moved by Ms. Dean.

6 Second?

7 MR. PEKRON: Second.

8 CHAIRMAN ZOOK: By Mr. Pekron.

9 All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN ZOOK: Opposed?

12 Being none, motion passes.

13 Now let me get back on track here.

14 A-21: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
15 GOVERNING SCHOOL DISTRICT REQUIREMENTS FOR PERSONNEL POLICIES,
16 SALARY SCHEDULES, MINIMUM SALARIES, AND DOCUMENTS POSTED TO
17 DISTRICT

18 CHAIRMAN ZOOK: Okay. Requirements for
19 personnel policies, salaries, et cetera, number 21.

20 Any questions or comments?

21 Seeing none, do I have a motion?

22 MS. CHAMBERS: Move to approve pending
23 Governor's approval.

24 MR. PEKRON: Second.

25 CHAIRMAN ZOOK: Motion by Ms. Chambers, second

1 by Mr. Pekron.

2 Any -- oh, all in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN ZOOK: Opposed?

5 Motion passes.

6 A-22: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: (NEW) DESE
7 RULES GOVERNING DATA REPORTING, THE ARKANSAS PUBLIC SCHOOL
8 COMPUTER NETWORK, AND INFORMATION SYSTEMS, AND FOUR REPEALS

9 CHAIRMAN ZOOK: Number 22, Public School
10 Computer Network and Information Systems. Questions,
11 comments?

12 Motion?

13 MR. PEKRON: Motion to approve pending
14 Governor's approval.

15 CHAIRMAN ZOOK: Motion by Mr. Pekron.
16 Second?

17 MS. CHAMBERS: Second.

18 CHAIRMAN ZOOK: By Ms. Chambers.

19 All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN ZOOK: Opposed?

22 Motion passes.

23 A-23: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
24 GOVERNING SCHOOLS OF INNOVATION

25 CHAIRMAN ZOOK: Next is Schools of Innovation.

1 Questions?

2 Dr. Moore.

3 DR. MOORE: Yeah, I do want to make a comment on
4 this. So Schools of Innovation, we don't really play
5 -- we don't play a role in as a state board; correct?

6 CHAIRMAN ZOOK: That's correct. I think it goes
7 straight to the Secretary and he works with -- he and
8 his senior team work with the person making the
9 application. I don't think we even see the
10 application, do we?

11 SECRETARY KEY: No.

12 DR. MOORE: No? Is there some way we could get
13 an annual report or a report as those are applied?
14 Because I feel like I keep -- you know, not that we
15 have to know, but it would be helpful to understand
16 what's going on with these schools, how are they
17 different from district conversion charters, and that
18 kind of thing, just so we have a better picture of
19 what's going on in the state.

20 SECRETARY KEY: Yeah, we can; I'd be happy to
21 provide an update on that. I mean we have a regular
22 -- I mean we keep a lot of information about them.
23 So that would be under Stacy Smith's unit, and we'd
24 be glad to put that together.

25 CHAIRMAN ZOOK: Yeah, it would be helpful

1 because I think when we think of innovation -- you
2 know, because like the first one was the one that's a
3 whole building in Springdale. And so when we hear
4 "innovation," we've got to understand there's a lot
5 of different kinds of innovation that doesn't involve
6 a shiny new building and a lot of money.

7 DR. MOORE: Right. There's other -- you know,
8 and when we talk about charter schools, the idea that
9 they are in front of the Charter Authorizing Panel
10 quite frequently and that if they are not following
11 their contract it can be revoked. Is there any
12 mechanism -- there is a mechanism for y'all to revoke
13 Schools of Innovation?

14 SECRETARY KEY: Yes.

15 DR. MOORE: Are y'all doing some sort of annual
16 progress reports?

17 SECRETARY KEY: We are. And if y'all wouldn't
18 mind, I'd be happy to let Stacy come and explain more
19 of that process, because it has changed recently.
20 We've gone more from where you start out getting the
21 School of Innovation designation to one where you
22 work your way to achieving that designation. So, if
23 Stacy could --

24 MS. SMITH: Yeah, and that's part of the reason
25 why you're seeing these rules and some legislative

1 changes. Originally, a school would submit an
2 application for a School of Innovation and if they
3 passed the application phase they were designated
4 and, you know, everybody put the signs up, and you
5 were never guaranteed that they actually followed
6 through and, you know, met the level of their
7 application. So in this process we actually go
8 through -- we've extended even the timeline of going
9 through an application process. It takes about a
10 year and they have to show evidence of having
11 community meetings. I mean there is a process for
12 the application; they have to -- there's group
13 meetings, there's community meetings, there's an
14 application phase, there's feedback. I mean there is
15 a process. Once they are approved for a School of
16 Innovation application, it's just the application
17 that's approved; they're not designated at this
18 point. Okay? So they are approved for the waivers
19 to start working towards meeting this designation of
20 a School of Innovation, and that's the change that
21 you're seeing in these rules. So where a lot of
22 times -- I mean the group that works for School of
23 Innovation -- we've actually created teams throughout
24 the Agency that actually go and visit that school,
25 conduct interviews. There's been a couple of times

1 where once their application was approved we've done
2 site visits and asked questions and saw that they
3 were making growth towards their application, but
4 maybe they weren't ready to be designated. And so
5 we've given them a timeline that they have to
6 substantially show growth towards meeting what they
7 put in their application so that they're designated.
8 And so it's generally taken about a year to two years
9 after an application is approved for them to be
10 formally designated, but that counts within their
11 years of designation. Does that help?

12 DR. MOORE: That does help.

13 When they're applying they can apply for all
14 waivers, just like you could in 1240 or --

15 MS. SMITH: And we follow the same procedures
16 that a school would follow applying for a charter.
17 It goes through our legal unit. Our legal team
18 actually counsels and talks and pushes, "do you
19 really need that, do you not need that." When we go
20 through the process of even approving an application
21 it is through a committee at the Department from all
22 different, again, units, different divisions that go
23 through that application part. They then make
24 recommendations. It then goes to Commissioner Key's
25 office, in which district leaderships many times will

1 actually do Zoom interviews with the school, asking
2 questions and clarifications on their applications
3 and what they're trying to -- you know, what their
4 intent is.

5 DR. MOORE: Uh-huh.

6 MS. SMITH: So it's a pretty thoughtful rigorous
7 process.

8 DR. MOORE: That's great. Thank you. And I
9 think it would be helpful --

10 CHAIRMAN ZOOK: And is it for a period of time?

11 MS. SMITH: A school designation, I believe it's
12 -- is it five years? I have to go back through here;
13 it's in the actual rules. I believe it's five years.
14 Is it five?

15 SECRETARY KEY: That's right.

16 CHAIRMAN ZOOK: After reading --

17 MS. SMITH: And then they can reapply to be re-
18 designated.

19 DR. MOORE: Okay.

20 CHAIRMAN ZOOK: Any other comments or questions?
21 Do I have a motion?

22 DR. MOORE: Motion to approve pending Governor's
23 approval.

24 MS. DEAN: Second.

25 CHAIRMAN ZOOK: Motion by Dr. -- sorry; I was

1 listening. Okay -- by Dr. Moore, second by Ms. Dean.

2 All in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN ZOOK: All opposed?

5 Motion passes.

6 A-24: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: (NEW) DESE
7 RULES GOVERNING THE RIGHT TO READ ACT

8 CHAIRMAN ZOOK: The next is the new Right to
9 Read rule, which is a very exciting rule to me.

10 Any questions or comments there?

11 DR. MOORE: Yes. I would like Stacy or someone
12 to speak a little bit on that, if you don't mind.

13 CHAIRMAN ZOOK: I think Ms. Hyatt was the
14 attorney. I don't know if you need questions from
15 her or -- maybe both of you come to the front just in
16 case.

17 MS. HYATT: Squeaky shoes, sorry.

18 CHAIRMAN ZOOK: You never knew that until just
19 now, did you?

20 DR. MOORE: And I didn't have a very specific
21 question. I just think this is such a big deal,
22 something y'all have been working so hard on. And so
23 I wanted to hear some from y'all on some of the
24 highlights of what you see and how this will be
25 implemented.

1 MS. SMITH: So, first, it was hard. This --
2 these rules actually pulled from several pieces of
3 legislation regarding reading. It actually hits on
4 the professional development requirements for
5 proficiency and awareness. It actually outlines the
6 licensure pieces for what teachers have to do as far
7 as the awareness, and we had to work in conjunction
8 with licensure rules for that. We actually laid out
9 the program evaluations and approvals that we will be
10 doing at the Department, beginning to review literacy
11 curriculum materials and resources that school
12 districts may then purchase in the future for their
13 districts; so that kind of lays that out in Section
14 7. And then just the educator preparation programs,
15 what their components are and what they have to have
16 in place to meet this legislation, and then also what
17 happens if you don't --

18 DR. MOORE: Okay.

19 MS. SMITH: -- and the violations for not
20 meeting the requirements for the Right to Read Act.

21 So this was really -- we are constantly getting
22 questions on what are the different requirements for
23 legislation because there are -- the pieces of
24 legislation for Science of Reading have come in two
25 different sessions; and then you have dyslexia, which

1 goes even further back. And so, for us, it was
2 trying to make it in one place for districts to see
3 and for us to even be able to point to and give
4 clarification and guidance.

5 DR. MOORE: That's helpful. As far as the
6 process that the teachers have to do, is that just
7 licensed teachers or even if you're an Act 1240
8 teacher?

9 MS. SMITH: It's all. If you're employed in a
10 position in K-6 you have to show proficiency, and in
11 the other grades awareness. So it is based on your
12 employment as named a teacher of record.

13 DR. MOORE: Okay. Thank you.

14 CHAIRMAN ZOOK: And it includes special ed. as
15 well; right?

16 MS. SMITH: Yes, special education for
17 proficiency.

18 CHAIRMAN ZOOK: Does it include special ed. in
19 K-12 or just K-6?

20 MS. SMITH: Yes, K-12.

21 CHAIRMAN ZOOK: Okay, I thought that's what I
22 remembered.

23 DR. MOORE: Thank you. Thank y'all for all your
24 hard work on this.

25 MS. SMITH: You're welcome.

1 CHAIRMAN ZOOK: Do y'all want to go ahead -- oh,
2 she just -- okay.

3 Do I have a motion on number 24?

4 MS. NEWTON: Motion to approve pending
5 Governor's approval.

6 DR. MOORE: Second.

7 CHAIRMAN ZOOK: Motion by Ms. Newton, second by
8 Dr. Moore.

9 All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN ZOOK: Opposed?

12 Motion passes.

13 A-25: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: (NEW) DESE
14 RULES GOVERNING ACT 1240 WAIVERS

15 CHAIRMAN ZOOK: 1240 waivers.

16 MS. NEWTON: Just a comment. I was glad to
17 finally see some rules on 1240 waivers.

18 SECRETARY KEY: I was going to say surely nobody
19 is going to -- you know, somebody has got to say
20 something --

21 MS. NEWTON: Yeah.

22 SECRETARY KEY: -- because this is what y'all
23 have been waiting for for years.

24 MS. NEWTON: I always put smiley faces on my
25 kids' papers, so this one has a smiley face on it.

1 CHAIRMAN ZOOK: And now we can revoke; is that
2 correct?

3 SECRETARY KEY: I'll leave the legal questions
4 to the legal experts.

5 MS. HYATT: Sure. Let me find it in the --

6 CHAIRMAN ZOOK: And I'm sorry; I should've made
7 a note --

8 MS. HAYTT: If you look at Section 5, it does
9 say that you can exercise a right to review waivers
10 at any time. And if you conduct the review, you do
11 have to give them at least 15 days' notice that
12 you're going to bring them in and review their
13 waiver. But you can modify the waiver; you can
14 revoke the waiver in whole or revoke the waiver in
15 part.

16 And I also put in here that you now have the
17 authority to require that annual reporting that you
18 guys have often --

19 CHAIRMAN ZOOK: Right.

20 MS. HAYTT: -- expressed an interest to have.

21 CHAIRMAN ZOOK: And I think that's important
22 because -- I don't know; I know legislative intent is
23 not a rule. But originally the things that were
24 addressed was so that it -- this rule may be getting
25 in the way of us being able to narrow the gap or it's

1 hampering our ability to educate a child, it's not
2 helping. So I think that's why we ask when we bring
3 the 1240 people in "can you demonstrate that your
4 student achievement has -- or student growth has in
5 fact improved? And if not, then, you know, what
6 other purpose are you using for that waiver?"

7 So, do we have a motion?

8 DR. MOORE: I have a question actually.

9 CHAIRMAN ZOOK: Okay, sure.

10 SECRETARY KEY: And then I have a comment --

11 CHAIRMAN ZOOK: Okay.

12 SECRETARY KEY: -- if I may, after the question.

13 CHAIRMAN ZOOK: Go ahead, Dr. Moore.

14 DR. MOORE: So there is -- we will be facing a
15 lot of expiration of waivers in the next couple of
16 years, and I noticed there is a renewal form.

17 MS. HYATT: Uh-huh.

18 DR. MOORE: Will we have discretion over those
19 renewal forms or are those automatically approved?

20 MS. HYATT: So I think the Charter Unit has had
21 a 1240 extension request form that they've just been
22 using in practice for the extension of waivers when
23 it's nearing the expiration date. I think they're in
24 the process of reviewing their forms to kind of
25 update them. So if you've got feedback on that I

1 think it would be really helpful to them. What we
2 did -- and if you kind of go to Section 6.05 it goes
3 through all the requirements of information that has
4 to be provided on the extension request form, such as
5 the things like the name of the charter that holds
6 it, how long they want it. But there's also things
7 like how the waiver enhanced student learning
8 opportunities promoted innovation or increased
9 equitable access to effective teachers, how the
10 students are served, how the district monitored and
11 evaluated the data and the effectiveness of the
12 waiver.

13 So we tried to kind of capture the things that
14 we asked them ahead of time, when they asked for the
15 initial waiver, to come back and reflect on that
16 piece in the extension request form.

17 DR. MOORE: Will we have a hearing on that?

18 MS. HYATT: Yes, they'll come back in front of
19 you.

20 DR. MOORE: Okay.

21 MS. HYATT: Just like an initial 1240 request --

22 DR. MOORE: Okay.

23 MS. HYATT: -- they'll come back. It'll just be
24 an extension request, rather than like an initial
25 1240.

1 DR. MOORE: Okay.

2 MS. HYATT: It's the same process that you guys
3 do now; it's just they fill out a different form.

4 DR. MOORE: Okay. And so we'll also have
5 discretion?

6 MS. HYATT: Yes, absolutely. Absolutely.

7 DR. MOORE: I appreciate that. Okay, thank you.

8 CHAIRMAN ZOOK: Mr. Secretary.

9 SECRETARY KEY: Yes, thank you, Madam Chair.

10 Just to say you all are probably at times like
11 me in that you get frustrated with this notion that
12 seems to be out there in some circles that we're just
13 up here granting waivers willy-nilly without any
14 rhyme or reason. And, you know, you all have been
15 asking for some ability to control this process. You
16 know, we didn't ask for this legislation back in 2015
17 -- "we" the Department, I mean -- certainly not the
18 Board. And y'all have been as judicious as the law
19 allowed you to be with respect to granting 1240
20 waivers. This rule is needed, and I know y'all are
21 -- y'all know that. We were able to get the
22 Legislature to realize that there needed to be some
23 methodology, rather than just they ask for a waiver
24 and, as, you know, you have seen in the past, "Well,
25 it's because so-and-so has it, we want it too."

1 I appreciate your -- as a board your continued
2 pressure to bring this type of control, for lack of a
3 better word, to this process. Because we don't just
4 grant waivers willy-nilly; we don't seek to just put
5 warm bodies in teaching positions. And, you know, I
6 don't -- I'll just say it's frustrating when we get
7 accused of doing that. This rule helps us move to
8 more of a sensible method of weighing the waiver
9 requests and this board having more of a say in how
10 they are allowed, how they can be revoked, and how
11 they can be renewed. So I just appreciate the
12 personal privilege, the opportunity, Madam Chair, to
13 say it because --

14 CHAIRMAN ZOOK: Yeah, no, absolutely. And we
15 appreciate the fact that the Department understands
16 our concern to stay student-focused and not just make
17 the paperwork in central office easier.

18 SECRETARY KEY: Yes, ma'am.

19 CHAIRMAN ZOOK: Is everybody onboard with that?
20 Okay. Dr. Pfeffer.

21 DR. PFEFFER: Yes. And, sorry, but also every
22 1240 request that comes through we review it
23 internally. And what we've really tried to start
24 working toward is thinking about -- so the revision
25 of the Standards for Accreditation. I think that was

1 a first major step in really listening to what we've
2 learned over the years from the benefits of school
3 districts being able to have waivers and writing the
4 standards in a way that you really need to have a
5 good reason if you're wanting to waive a standard or
6 wanting to waive a law. And I think also we're
7 working with school districts to help them understand
8 there are other avenues. So the Board could grant a
9 one-year waiver from a Standard for Accreditation in
10 a special case scenario; it would not have to be an
11 Act 1240 waiver.

12 And so that's where we're trying to go with
13 these rules, that these rules need to be more about,
14 like Ms. Zook was saying, that there's really a true
15 intention; there's a larger plan and it is an avenue
16 for a district to accomplish that. But if it's just
17 simply that a district -- there's a situation in a
18 district with ratios of, you know, position-to-
19 students or class sizes or things like that, we
20 really want to move away from utilizing Act 1240 for
21 things like that and really push districts to be
22 looking at what are the multitude of options. And
23 also around teacher licensure, changes you've made
24 for allowing a lot of flexibility. Sometimes it's a
25 little more work for a district.

1 So I think the team has really done well there
2 and that's -- I just wanted you all to know that
3 that's kind of the bigger picture that we're working
4 toward to get them to the right place before they
5 come to you all.

6 CHAIRMAN ZOOK: Okay, thank you.

7 And I think another thing that gets said a lot
8 is there is no scrutiny of charters and conversion
9 charters, which is absolutely not the case. They can
10 be brought in; a waiver can be revoked, a whole
11 charter can be revoked. There are hearings, and that
12 group actually has to go before two different panels
13 in order to convince otherwise. They can be called
14 in by the Charter Panel at any time; so another way
15 too that we're focused on students.

16 Do I have a motion?

17 MS. NEWTON: Move to approve pending Governor's
18 approval.

19 CHAIRMAN ZOOK: Motion by Ms. Newton.

20 MS. CHAMBERS: Second.

21 CHAIRMAN ZOOK: Second by Ms. Chambers.

22 All in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRMAN ZOOK: Opposed?

25 Motion passes.

1 A-26: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
2 GOVERNING THE REGULATORY BASIS OF ACCOUNTING

3 CHAIRMAN ZOOK: Regulatory Basis of Accounting.
4 Where is Mr. Williamson when you need him? He's our
5 resident banker.

6 Does anybody have any questions regarding this?
7 Do we have a motion?

8 MS. DEAN: Move to approve pending Governor's
9 approval.

10 CHAIRMAN ZOOK: Motion by Ms. Dean.

11 MS. McFETRIDGE: Second.

12 CHAIRMAN ZOOK: Second by Ms. McFetridge.
13 All in favor?

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN ZOOK: Opposed?

16 Motion passes.

17 A-27: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: DESE RULES
18 GOVERNING THE ARKANSAS BETTER CHANCE PROGRAM

19 CHAIRMAN ZOOK: And ABC rules.

20 MS. NEWTON: I have a question on this one.

21 CHAIRMAN ZOOK: Okay. Do you -- of Legal?

22 MS. NEWTON: Yes, probably.

23 CHAIRMAN ZOOK: Okay. Here she comes.

24 When you come to the microphone, because we're
25 being recorded -- I have failed a couple of times --

1 go ahead and identify yourself, and then we'll go
2 from there.

3 MS. LINAM: Sarah Collins Linam, Department of
4 Education.

5 SECRETARY KEY: And let me pause to introduce
6 Sarah just for a moment because she is a new face to
7 many of you. Sarah is part of the team with the
8 Department of Education at the Secretary's office
9 level and has been working with some of those
10 entities that have come under the umbrella now, and
11 ABC being one of those. So that's why Sarah is
12 before you today. So we're glad to have her onboard;
13 she's a great addition to our team.

14 MS. NEWTON: Welcome. We're glad you're here.

15 MS. LINAM: Thank you.

16 MS. NEWTON: My question -- and there may be
17 nothing; it may have to come from legislation. But I
18 noticed in -- back on Rule 20, which was about the
19 Succeed Scholarship, there was a provision for foster
20 children after they were adopted. And so my question
21 is could that provision be put into the ABC rules
22 where a child after they -- a foster child after they
23 were adopted could have those funds continue on and
24 be provided?

25 MS. LINAM: I don't think there's anything in

1 law that would prohibit that -- and in fact, it is
2 practiced; so that is how the program treats it.

3 MS. NEWTON: It's not practiced.

4 MS. LINAM: Okay. I've been -- I'm sorry; I
5 will double-check with Susan, but it was my
6 understanding that that is how they proceeded. And
7 if there was -- is a specific program that's having
8 an issue, let me know and we can contact them.

9 MS. NEWTON: Okay. But I would really like to
10 see that put into the revision -- into the rule then,
11 if it is supposed to be practiced, that it would be
12 practiced that after they were adopted that that
13 funding would continue.

14 MS. LINAM: Uh-huh.

15 CHAIRMAN ZOOK: Because we do have instances of
16 which we are aware where -- I'm sure it's a
17 misunderstanding, lack of knowledge. But we do know
18 there are children who have been adopted who in fact
19 are having now to pay on the sliding scale because,
20 you know, maybe the family that adopted them is above
21 the 200% poverty level.

22 MS. LINAM: Right. And that shouldn't be
23 happening, so --

24 CHAIRMAN ZOOK: Right. Okay.

25 MS. LINAM: Yes. Just let me know which --

1 CHAIRMAN ZOOK: So any help you can help with
2 this would be --

3 MS. LINAM: Absolutely.

4 CHAIRMAN ZOOK: -- appreciated.

5 MS. LINAM: Yes.

6 MS. NEWTON: So that can be put into the rules?

7 MS. LINAM: Yes, we can add that to the rule.

8 MS. NEWTON: Okay. Thank you.

9 CHAIRMAN ZOOK: And I do appreciate the fact
10 that now -- we were told in the past when rules would
11 come before us if we had comments or concerns we --
12 what we said from here didn't necessarily get done;
13 so we were supposed to go the meeting or send in an
14 email. And now they've said that any comments made
15 by the Board at the time can be written down and
16 considered a part of public comment. And for that I
17 appreciate any effort that anybody -- I don't know
18 who put the effort in, but I appreciate it.

19 MS. SMITH: I do want to make one comment about
20 this. Ms. Linam did a great job walking -- the ABC
21 rules were new to us at the Department and she did a
22 great job walking us through them. And we do
23 actually see several areas that need to be updated,
24 even working with DHS and the folks who were
25 previously responsible for these rules; they had gave

1 some suggestions of things that were outdated. At
2 this point we really decided to just kind of go with
3 the transformational updates, give our staff time at
4 the Department to really get their arms around ABC
5 and the programs, and then most likely we will be
6 coming back with some more substantive changes to the
7 ABC rules, making sure that they are updated.
8 There's references in the rules, some outdated
9 assessment pieces, and some things like that, but we
10 were just not prepared to make an overhaul of these
11 rules to begin with. And she did a great job walking
12 us through those and actually taking notes on areas
13 that we needed to come back and revisit. So I
14 appreciate Ms. Linam's work on that.

15 MS. NEWTON: Thank you.

16 CHAIRMAN ZOOK: Anything else?

17 Thank you for bringing that to our attention,
18 Ms. Newton.

19 Do I have a motion?

20 MR. PEKRON: Motion to approve pending
21 Governor's approval.

22 CHAIRMAN ZOOK: Motion by Mr. Pekron.
23 Second?

24 MS. DEAN: Second.

25 CHAIRMAN ZOOK: By Ms. Dean.

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All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN ZOOK: Opposed?

Yea, people. Thank y'all so much for doing all the homework that it took to get us to this point today, and thank you for Legal and Learning Services and everyone else who contributed. It certainly was a chore but nonetheless, I can't think of one single one of these that isn't student focused and will help make us better as we learn what to do next.

(The Action Agenda was concluded at 9:50 a.m.)

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas Division of Elementary and Secondary Education, State Board of Education, in Little Rock, Arkansas, on September 13, 2019, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to this action.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: September 21, 2019.

SHARON K. HILL, CCR
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