

**In The Matter Of:**  
*BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION*

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*July 12, 2019*

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*Sharon Hill Court Reporting  
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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION

JULY 12, 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  
MR. BRETT WILLIAMSON  
MS. OUIDA NEWTON  
DR. FITZGERALD HILL  
DR. SARAH MOORE  
MS. KATHY McFETRIDGE

NON-VOTING BOARD MEMBERS:

MR. JOHNNY KEY, Secretary of Education

ADE LEGAL COUNSEL:

MS. LORI FRENO	ADE General Counsel
MS. MARY CLAIRE HYATT	ADE Specialist
MR. TAYLOR DUGAN	ADE Attorney

LOCATION:

Arkansas Department of Education  
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Little Rock, AR 72201

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P R O C E E D I N G S

CHAIRMAN ZOOK: I want to call to order the July 12, 2019 Board Meeting. Y'all were so quiet before I called it to order it was like I've totally managed this classroom well. Thank you all for being here, and thank you to the people on live-stream.

Do we have any changes to the agenda?

There being none, we will move to the Action Agenda.

A-1: PUBLIC SCHOOL CHOICE ACT APPEALS

CHAIRMAN ZOOK: And our first order is a Public School Choice Act Appeal and the presenter will be one of our attorneys, Jennifer Dedman.

MS. DEDMAN: Good morning. We have three of these today. They're all under the Public School Choice Act of 2015.

The Public School Choice Act allows a student to attend in a nonresident district, a district in which they do not live. They can submit a School Choice application form to their nonresident district no later than May 1st. If the district has decided to accept or deny the student, they must send out a letter by July 1st. Once the parent has received a notice of denial the parent has 10 days in which to appeal.

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There are a few limitations:

If the provisions of the School Choice law conflict with the provisions of an enforceable desegregation order, the school district can submit proof to us and we can grant them a waiver from participation in the School Choice Act.

There is also a limitation -- a 3% net maximum limitation on School Choice transfers each year from a school district. That is a net maximum limit on School Choice transfers. Once they have reached that 3% net maximum limit they can decline to release any additional students from their district through Public School Choice. A district can set standards concerning the acceptance or rejection of a School Choice application and that can include the capacity of a program, class, grade level, or school building. A district can claim a lack of capacity under Public School Choice only if the school district has reached at least 90% of the maximum authorized student population in that program or class, grade level, or school building. The standards cannot include academic achievement, athletic, or extracurricular activity, ability, English proficiency level, special education needs except as allowed under capacity, or previous disciplinary proceedings except for

1 expulsions.

2 Are there any questions?

3 (BRIEF MOMENT OF SILENCE)

4 a) CREEKMORE FAMILY PUBLIC SCHOOL CHOICE APPEAL

5 MS. DEDMAN: Okay. Our first School Choice  
6 appeal is for the Creekmore Family. Ms. Creekmore is  
7 here today.

8 All of the speakers will need to be sworn.  
9 People who speak have 5 minutes to begin with an  
10 opening statement, and then 20 minutes to present  
11 their cases.

12 Because Ms. Creekmore is already here, we're  
13 going to begin with her.

14 CHAIRMAN ZOOK: Would all of those who plan to  
15 give testimony in the Creekmore consideration please  
16 stand and raise your right hand to be sworn? Do you  
17 swear or affirm that the testimony you are about to  
18 give shall be the truth, the whole truth, and nothing  
19 but the truth?

20 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

21 CHAIRMAN ZOOK: Thank you. You may proceed.

22 MS. CREEKMORE: Hi, I'm Whitney Creekmore. I'm  
23 the mother of Paige Lynn Creekmore; she's five, and  
24 we went to Southside for preschool. And she's going  
25 into kindergarten and we're wanting her to go to --

1 back to Southside since she was already a student  
2 there, made friends, loved it. I love Southside  
3 School. We live in Midland School District, but  
4 we're only two miles from Southside and we're 20  
5 miles -- or 20 minutes give or take from Midland  
6 Elementary. It's the opposite way I go to work. I'm  
7 a Deputy at Independence County and for me to take  
8 her to school -- I drive my cop car every day, so the  
9 only way that I can go is if it's on my way to my  
10 work or, you know, on a call or anything like that.  
11 I have to -- it has to be on my way; I can't go out  
12 of my way to take her. And since she's five I do not  
13 want her riding a bus; I think she's too young and  
14 school is crazy. So that's the only way that I can  
15 transport her to school is if it's on my way to town,  
16 which is Batesville -- and Southside is -- and  
17 Midland is out-of-the-way. My grandparents also help  
18 me to transport her back and forth to school because  
19 I don't get off in time; so they have to pick her up.  
20 And they're my next-door neighbors, so it's just  
21 easier for us to go to Southside than it is to go to  
22 Midland. And I personally don't like Midland School.  
23 I was a student there and my sisters are students  
24 there now, and I just -- I don't think it's right for  
25 my daughter.

1 CHAIRMAN ZOOK: Anything else?

2 MS. CREEKMORE: No.

3 CHAIRMAN ZOOK: You have a lot of time left.

4 MS. CREEKMORE: No.

5 CHAIRMAN ZOOK: Okay. All right. Thank you.

6 MS. CREEKMORE: Thank you.

7 MS. DEDMAN: The stated reason for denial was  
8 that the Midland School District had reached the  
9 limitation cap for allowable transfers. We do have  
10 the nonresident district here. Is that correct?

11 MR. RICH: Yes.

12 MS. DEDMAN: The nonresident district is  
13 entitled to time to speak. But I believe  
14 Superintendent Wammack is also here; is that correct?

15 SUPT. WAMMACK: (Raised his hand.)

16 MS. DEDMAN: Okay. So if you have questions for  
17 him, he's also here.

18 CHAIRMAN ZOOK: Okay. Thank you.

19 Mr. Rich, do you have anything? My presumption  
20 is you made the denial based on their saying they  
21 were at capacity?

22 SUPT. RICH: Yes. We'd love to have any family  
23 that wants to be a part of our school district.

24 Personal dilemma, I understand --

25 (COURT REPORTER'S NOTE: Mr. Rich comes to the



1 podium.)

2 CHAIRMAN ZOOK: And state your name.

3 SUPT. RICH: Roger Rich, superintendent at  
4 Southside School District. We'd love any child that  
5 wants to be a part of our school district to have  
6 that opportunity. Personal dilemma. Dewayne Wammack  
7 is a great gentleman, and Midland School District --  
8 I have the utmost respect for both of those. The  
9 Creekmore Family is an awesome family as well. So  
10 tough decision for you to make and I'm sure you'll  
11 make the best decision for the child and for the  
12 family. So we'd love to have them if we have the  
13 opportunity; if not, we totally understand.

14 CHAIRMAN ZOOK: Okay.

15 SUPT. RICH: Thank you.

16 CHAIRMAN ZOOK: Okay. I'm going to --

17 SUPT. WAMMACK: Dewayne Wammack.

18 CHAIRMAN ZOOK: Yes, go ahead.

19 SUPT. WAMMACK: Midland School District.

20 CHAIRMAN ZOOK: Yes. I'm going to ask this  
21 question and only because yesterday we discovered  
22 that some of the districts had not accurately figured  
23 their net 3%, like the number going out and the  
24 number coming in and then the net. So have you  
25 looked through that?

1 SUPT. WAMMACK: Yes.

2 CHAIRMAN ZOOK: And you --

3 SUPT. WAMMACK: We met our 3% on the net.

4 CHAIRMAN ZOOK: Okay.

5 SUPT. WAMMACK: What we submitted was the net.  
6 We brought in five, so we extended down five. And  
7 some of the ones -- Ms. Creekmore -- their  
8 application was like two from the cutoff, but we had  
9 some turned in later. We had five turned in later  
10 that met those five, but they had siblings going  
11 elsewhere, so they got priority over the next two or  
12 whatever that was on that list.

13 CHAIRMAN ZOOK: Okay. And are you a K-6 school?

14 SUPT. WAMMACK: We're K-6, 7-12.

15 CHAIRMAN ZOOK: Okay. And do you know if the  
16 number of -- I know the October 1st ADM is what your  
17 -- you figure off of. Do you know if the number of  
18 6th graders leaving and the number of kindergarteners  
19 coming in is the same number?

20 SUPT. WAMMACK: I do not believe it is. Right  
21 now we're sitting around 27 kindergarten kids that's  
22 enrolled for this upcoming year and we're losing --  
23 or we're moving up about 32 or 40 6th graders.

24 CHAIRMAN ZOOK: Okay. So that would've almost  
25 made your 3% number go down. Okay. That's all I

1 have.

2 Does anybody else have a question?

3 Ms. Newton.

4 MS. NEWTON: I'm a little bit confused on the  
5 dates on the application. She's got a date of 3/4/19  
6 on the application. When did you reach your 3% cap?

7 SUPT. WAMMACK: We received her application on  
8 March 6th.

9 MS. NEWTON: Okay.

10 SUPT. WAMMACK: March -- or February 28th  
11 would've been when we reached the cut-off, with the  
12 exception of those five we moved in. And then we had  
13 five parents turn in applications from March 8 all  
14 the way down to -- we received one of them May 2nd,  
15 but it was mailed to us on May -- April 30th. But  
16 all of those had siblings attending other schools,  
17 another school -- the school they're choicing to. So  
18 they got priority up above the other.

19 MS. NEWTON: Okay. Okay. That was my question.

20 CHAIRMAN ZOOK: Okay. Anyone else on this side?  
21 Over here?

22 Okay. Thank you.

23 SUPT. WAMMACK: You're welcome.

24 CHAIRMAN ZOOK: Oh, I'm sorry. I have one more  
25 question. I apologize.

1           You said you had 27 kindergarteners coming in.  
2           So you're --

3           SUPT. WAMMACK: I believe that's what our  
4           enrollment right now is.

5           CHAIRMAN ZOOK: Are you going to have to have  
6           two kindergartens?

7           SUPT. WAMMACK: Yes.

8           CHAIRMAN ZOOK: Okay. All right. Thank you.

9           SECRETARY KEY: Madam Chair, may I ask a  
10          question --

11          CHAIRMAN ZOOK: Yes, Mr. Secretary.

12          SECRETARY KEY: -- of Ms. Dedman?

13          Ms. Dedman, have you, in your conversations with  
14          any of the parties, after the denial of the School  
15          Choice application, do you know if there was any  
16          conversation about board-to-board transfer, legal  
17          transfer between the districts?

18          MS. DEDMAN: In some of the cases. But in the  
19          Creekmore case I don't believe there was a discussion  
20          of a board-to-board transfer here.

21          SECRETARY KEY: Okay. All right. Thank you.

22          CHAIRMAN ZOOK: What he's -- Ms. Creekmore, what  
23          he was referring to is there are -- there's School  
24          Choice and then there's legal transfers, and that's  
25          decisions between the two school boards about a

1 transfer.

2 MS. CREEKMORE: (Nodding head up and down.)

3 CHAIRMAN ZOOK: Anyone have a motion or want  
4 further discussion?

5 MS. CHAMBERS: I just have a question --

6 CHAIRMAN ZOOK: Ms. Chambers.

7 MS. CHAMBERS: -- about what you were both  
8 talking about. So is that an option available?

9 SECRETARY KEY: Well, it depends on the local  
10 policies. So I think the two superintendents would  
11 probably need to answer that because I don't know  
12 what their policies are -- their local policies are  
13 regarding when they hear transfer requests, if they  
14 hear transfer requests, you know, in that process.

15 MS. DEDMAN: A board-to-board transfer, or a  
16 legal transfer, as we sometimes call it, is just upon  
17 the agreement of the boards. All that happens is the  
18 two school boards get together and decide we're going  
19 to allow the transfer to happen. The school  
20 districts do often have policies as to whether or not  
21 they will allow that, whether or not the parent is  
22 entitled to a hearing. The standard model policy for  
23 the State of Arkansas does entitle the parent to a  
24 hearing.

25 SECRETARY KEY: Just to clarify that, it's a

1 hearing before the local --

2 MS. DEDMAN: That's correct.

3 SECRETARY KEY: -- the receiving board, the  
4 nonresident board, or the resident district board?

5 MS. DEDMAN: I don't recall what's in the model  
6 policy. But it does entitle -- I think it's the  
7 resident district -- it does entitle the parent to go  
8 before their board to ask for the transfer --

9 SECRETARY KEY: Right.

10 MS. DEDMAN: -- to be heard.

11 MS. CHAMBERS: But it's local discretion?

12 MS. DEDMAN: It's a local --

13 SECRETARY KEY: Yes.

14 MS. DEDMAN: -- discretion issue. Yes.

15 DR. MOORE: I -- Jennifer, I have a question for  
16 you, if that's okay.

17 CHAIRMAN ZOOK: Dr. Moore.

18 DR. MOORE: Yes, thank you. And I should  
19 understand this. But as far as the way applications  
20 come in, as he described, it's first come/first serve  
21 with priority to siblings. So does that mean that  
22 the decision as to who is able to transfer is made at  
23 that May 1st mark?

24 MS. DEDMAN: There's a couple of cases of  
25 priority. So when a district receives applications

1 for School Choice they mark it with the date and time  
2 that it's received, and it is a first come/first  
3 serve; they're addressed in the order in which  
4 they're received. Now if you were denied a School  
5 Choice transfer the previous year you do get priority  
6 the following year; so those students will also have  
7 priority. When we talk about sibling priority in  
8 your rules in the back of the packet -- we're looking  
9 at Section 4.04.3 -- if you've got a sibling who  
10 resides in the same household and is already enrolled  
11 in the nonresident district by choice, there will be  
12 priority given to that applicant. Also, if you have  
13 a sibling group -- if the second sibling, for  
14 example, is the sibling that would cause you to go  
15 over your 3% cap, you send the sibling on.

16 DR. MOORE: Okay. Thank you.

17 CHAIRMAN ZOOK: Any further discussion?

18 Ms. Newton.

19 MS. NEWTON: Commissioner, could you give us a  
20 little background on the 3% cap, why it's there and  
21 the reasoning behind that?

22 SECRETARY KEY: Sure. So I believe the 3% cap  
23 was first introduced in 2013. And that was kind of a  
24 safety-valve, if you will, because there was concern  
25 that especially smaller districts may have so many

1 students leaving, that was choicing out to a  
2 neighboring district, that it would put those  
3 districts in either, you know, financial or otherwise  
4 difficulties. And so the 3% was kind of that  
5 safeguard to provide a buffer to not necessarily  
6 prevent, but at least to mitigate a large group of  
7 students leaving on an annual basis and then putting  
8 that district at risk of fiscal distress or some  
9 other type of bad situation.

10 MS. NEWTON: Okay. Thank you.

11 CHAIRMAN ZOOK: Ms. Chambers.

12 MS. CHAMBERS: I don't know if it's appropriate  
13 to ask the superintendents now. But have you in the  
14 past or would you be willing to entertain this board-  
15 to-board agreement on a transfer?

16 SUPT. RICH: It's been the policy of the  
17 Southside School District to approve a release at any  
18 time. So that is our school board's philosophy and  
19 our practice.

20 SUPT. WAMMACK: I have presented those that -- I  
21 sent letters out to the board when we approved those  
22 coming in, if they would like to do a board-to-board  
23 transfer. They took no action on it; they said,  
24 "We'll do what you guys do." Their policy -- they  
25 didn't want to open a door where everybody could just



1 go.

2 CHAIRMAN ZOOK: And this is the only appeal --  
3 of the others that were turned down, this is the only  
4 parent who appealed?

5 SUPT. WAMMACK: Yeah, I believe so.

6 MS. DEDMAN: (Nodding head up and down.)

7 SUPT. WAMMACK: But now I will say this, my  
8 board in the five years I've been there we have done  
9 a board-to-board transfer twice for extenuating  
10 circumstances, which was what we thought was in the  
11 best interest of a student, that we had to give them  
12 a new start at another district.

13 CHAIRMAN ZOOK: All right. Thank you. And this  
14 student, we'll remind everyone, has not been in your  
15 district to this point?

16 SUPT. WAMMACK: No, ma'am. I do not believe so.

17 MS. CREEKMORE: No.

18 CHAIRMAN ZOOK: Right. Okay. All right.

19 MS. NEWTON: How many students --

20 SUPT. WAMMACK: Pardon?

21 MS. NEWTON: How many students -- what's your  
22 enrollment?

23 SUPT. WAMMACK: We're about 497 right now.

24 MS. NEWTON: Okay.

25 CHAIRMAN ZOOK: Is that K-12?

1 SUPT. WAMMACK: K-12.

2 CHAIRMAN ZOOK: Anyone on this side? Anything  
3 further? Any more discussion?

4 Does someone have --

5 Oh, yes, Ms. Chambers.

6 MS. CHAMBERS: Just one more question. The  
7 calculation of the 3%, is it K-6 or is it K-12?

8 SUPT. WAMMACK: It's K-12.

9 MS. CHAMBERS: It's K-12. Okay.

10 CHAIRMAN ZOOK: Is anyone ready with a motion?

11 MR. WILLIAMSON: I really hate this School  
12 Choice stuff.

13 CHAIRMAN ZOOK: I know you -- we're all kid-  
14 oriented, so we do.

15 MR. WILLIAMSON: Yeah. I move we grant the  
16 transfer.

17 CHAIRMAN ZOOK: We have a motion to grant the  
18 transfer. Do I have a second?

19 DR. HILL: Second.

20 CHAIRMAN ZOOK: I have a second. Moved by Mr.  
21 Williamson, seconded by Dr. Hill.

22 Let's take a name-call vote.

23 SECRETARY KEY: Okay. Dr. Hill.

24 DR. HILL: Yes.

25 SECRETARY KEY: Mr. Williamson.

1 MR. WILLIAMSON: Yes.  
2 SECRETARY KEY: Ms. Chambers.  
3 MS. CHAMBERS: Yes.  
4 SECRETARY KEY: Ms. McFetridge.  
5 MS. McFETRIDGE: Yes.  
6 SECRETARY KEY: Dr. Moore.  
7 DR. MOORE: Yes.  
8 SECRETARY KEY: Ms. Newton.  
9 MS. NEWTON: No.  
10 SECRETARY KEY: Ms. Dean.  
11 MS. DEAN: Yes.  
12 SECRETARY KEY: Six yea's, one no.  
13 CHAIRMAN ZOOK: Okay. You got your transfer.  
14 MS. CREEKMORE: Thank you.  
15 CHAIRMAN ZOOK: If you all that were here on  
16 this case want to be excused, then you may leave now.  
17 We won't take it personally.

18 b) KENNEDY FAMILY PUBLIC SCHOOL CHOICE APPEAL

19 CHAIRMAN ZOOK: The next case is the Kennedy  
20 case. Ms. Dedman, if you will come and present that,  
21 please?

22 MS. DEDMAN: This is also a case under the  
23 Public School Choice Act of 2015. In this matter, we  
24 have the parents here. The resident district is Guy-  
25 Perkins, and the nonresident district is Greenbrier.

1           The notice of denial was issued by -- I'm  
2           turning to the page -- by Greenbrier and it's based  
3           on the 3% limitation of the resident district, Guy-  
4           Perkins -- I'm sorry -- yes, Guy-Perkins Schools.

5           CHAIRMAN ZOOK: If you'll wait just a second,  
6           for some reason it's not pulling up on our computers  
7           the next two attachments.

8           MR. WILLIAMSON: Close your browser and open it  
9           --

10          CHAIRMAN ZOOK: Well, that's easy for you to  
11          say.

12          MS. DEDMAN: We did have trouble with that this  
13          morning.

14          CHAIRMAN ZOOK: Yeah. Let us get this because  
15          we don't want to overlook anything.

16                   [A FEW MOMENTS OF SILENCE]

17          MS. DEDMAN: If anyone is still having trouble,  
18          I can lend my packet.

19                   [A FEW MOMENTS OF SILENCE]

20          CHAIRMAN ZOOK: Well, I reviewed it before, and  
21          everyone else's is open. I'll work on it while  
22          you're presenting.

23          MS. DEDMAN: Okay.

24                   [A FEW MOMENTS OF SILENCE]

25          CHAIRMAN ZOOK: Go ahead, Ms. Dedman.

1 MS. DEDMAN: Each party will need to be sworn.  
2 And they will have 5 minutes to open and up to 20  
3 minutes to make their argument. We'll begin with the  
4 parent. The Kennedy family is here.

5 CHAIRMAN ZOOK: Okay. Would everyone that's  
6 here for the Kennedy hearing please stand and -- that  
7 plans to give testimony please stand and raise your  
8 right hand? Do you swear or affirm that the  
9 testimony you're about to give will be the truth, the  
10 whole truth, and nothing but the truth?

11 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

12 CHAIRMAN ZOOK: Thank you. You may proceed.  
13 Good morning, Ms. Kennedy.

14 MS. KENNEDY: Good morning.

15 CHAIRMAN ZOOK: If you'll identify yourself,  
16 please?

17 MS. KENNEDY: My name is Sierra Kennedy. I'm  
18 the mother of Trenton Kennedy; he -- or he attended  
19 kindergarten at Greenbrier last school year. And we  
20 moved mid-school year into the Guy School District  
21 and we were denied by Guy to move back to Greenbrier,  
22 I guess. We moved to Greenbrier in 2013 so he could  
23 attend the Greenbrier School District. He's gone to  
24 a daycare there since 2013 -- he was seven months old  
25 -- until now. He -- they take him to and from school

1 for us. I'm a full-time nursing student here in  
2 Little Rock. My husband works in Maumelle from 6:00  
3 to 6:00. So we have no one to pick him up or take  
4 him to school, and we've just always relied on our  
5 daycare to do that, and they won't transfer --  
6 transport back and forth from Greenbrier to Guy for  
7 us. So I did put in for a district -- or the board-  
8 to-board transfer between Guy and Greenbrier. I've  
9 not heard anything back from Guy from that yet, and  
10 that was about three weeks ago. When I talked to the  
11 former superintendent of Guy, they -- he told me that  
12 I could do it but it wouldn't -- it would not be  
13 worth my time, that it would automatically be denied.  
14 So I went ahead and did it anyways, but I've not  
15 heard anything back from them yet. And so that's  
16 where we are with that. I did try calling this  
17 morning. I don't know if they're just out of the  
18 office today or not, but -- so I don't know where  
19 that is. But we would just like to be able to at  
20 least this year have him in Greenbrier because I  
21 still have another year of school. We have no way to  
22 get him to school other than our daycare, so that's  
23 where we are.

24 CHAIRMAN ZOOK: Okay. Do you have anything  
25 else?

1 MS. KENNEDY: No, I don't think so.

2 CHAIRMAN ZOOK: Okay. Thank you.

3 Does anyone have any questions before the -- we  
4 hear from the school district?

5 Okay. You may sit down.

6 MS. KENNEDY: Okay. Thank you.

7 CHAIRMAN ZOOK: And is it the nonresident, the  
8 one -- okay, the nonresident district. Okay. Thank  
9 you.

10 MS. O'RILEY: Hi, I'm Peggy O'Riley from the  
11 Greenbrier School District. I'm assistant  
12 superintendent. And we would be happy to have any  
13 student that would be allowed to come to Greenbrier.  
14 He was denied based on the 3% max from Guy-Perkins.

15 CHAIRMAN ZOOK: Thank you. And I will  
16 compliment you on how well y'all are doing with your  
17 RISE training and your reading. Appreciate all that  
18 effort.

19 And we have -- and when you come to the podium  
20 if you will please --

21 SUPT. FISHER: Good morning. Dr. Joe Fisher,  
22 Guy-Perkins School District.

23 First of all, to answer a couple of her  
24 questions, I have not seen a formal request for our  
25 board. We do meet next Tuesday, so we'd be glad to

1 take that matter up. It has been a tradition that  
2 they do deny any transfers out because our numbers  
3 are now under 350. We are now being visited by the  
4 State and we have to do a debt request with the  
5 State. So our numbers are below 350. We did follow  
6 the law. We did cap our 3% back in March, according  
7 to Denny Acree, our secretary. And so we did send  
8 the District notice that this family would not be  
9 able to transfer out.

10 CHAIRMAN ZOOK: Did you have to deny others as  
11 well?

12 SUPT. FISHER: Yes, we did.

13 CHAIRMAN ZOOK: Okay. Does anybody have  
14 questions while he's at the podium?

15 Dr. Moore.

16 DR. MOORE: How many -- within that 3% cap how  
17 many students transferred in and how many transferred  
18 out, do you know?

19 SUPT. FISHER: I don't have that in front of me.  
20 I'm so sorry. It is my eleventh day on the job. But  
21 I do know we had --

22 DR. MOORE: Oh, congratulations.

23 SUPT. FISHER: Twelfth day now. But in looking  
24 at the list in my mind, I know there were a number of  
25 others that were declined and I do believe there were



1 five that were in.

2 DR. MOORE: Okay. Thank you.

3 CHAIRMAN ZOOK: Yeah. If your number is below  
4 350, 3% is not very many children.

5 SUPT. FISHER: It's 10 children.

6 CHAIRMAN ZOOK: Yeah. And did you have any  
7 coming in?

8 SUPT. FISHER: Yes. I do believe it was five.

9 CHAIRMAN ZOOK: Okay.

10 SUPT. FISHER: Yes, ma'am.

11 CHAIRMAN ZOOK: Ms. Chambers.

12 MS. CHAMBERS: With the 350, does that create a  
13 new threshold? So once you hit 350 do you stop  
14 honoring even the 3%, or not?

15 SECRETARY KEY: No.

16 CHAIRMAN ZOOK: No.

17 SECRETARY KEY: There's no connection between  
18 the 350 minimum enrollment and the 3%. They're two  
19 separate areas of the law.

20 CHAIRMAN ZOOK: The reference he possibly was  
21 making to the 350 is that is if -- if you stay below  
22 350 for I think it's two years you have to come  
23 before us. And so, you know, that -- he wanted to be  
24 sure we understood that.

25 SUPT. FISHER: And it does affect financing.

1 CHAIRMAN ZOOK: Yes.

2 Ms. Newton.

3 MS. NEWTON: What did you say your enrollment  
4 was?

5 SUPT. FISHER: I do believe it will be 327, is  
6 what was on the third-quarter for the state-aid  
7 notice.

8 CHAIRMAN ZOOK: And how many kindergarten  
9 students do you have coming in?

10 SUPT. FISHER: We are still registering those.  
11 And I asked our secretary before I came up here and  
12 she didn't have a solid number, so I can't give you  
13 those in-and-outs.

14 CHAIRMAN ZOOK: So you don't know if you're  
15 going to have one teacher's worth or --

16 SUPT. FISHER: Yes, ma'am.

17 CHAIRMAN ZOOK: -- a teacher-and-a-half or two?

18 SUPT. FISHER: And I do apologize.

19 CHAIRMAN ZOOK: Okay. All right. Thank you.  
20 Anyone else?

21 Okay. You may sit down. Thank you.

22 Does the Board have questions of any of the  
23 other presenters or of Ms. Dedman?

24 SECRETARY KEY: Let me -- if I may, Madam Chair?

25 CHAIRMAN ZOOK: Mr. Secretary.

1           SECRETARY KEY: Just to say -- so third-quarter  
2           average ADM for Guy-Perkins in 18-19 was 332.55.  
3           That is the number that will be published later this  
4           year when we publish the list under the statute that  
5           requires -- you know, before January 1 we have to  
6           issue lists of all districts under 350. So 332.

7           CHAIRMAN ZOOK: Any more discussion, questions?

8           DR. MOORE: I have a question of the family just  
9           to clarify.

10          CHAIRMAN ZOOK: Yes.

11          DR. MOORE: So your son has been in --

12          CHAIRMAN ZOOK: If you'll come to the  
13          microphone.

14          DR. MOORE: Your son was in kindergarten in  
15          Greenbrier School District?

16          MS. KENNEDY: Yes.

17          DR. MOORE: Is that correct?

18          MS. KENNEDY: Yes, he's going into first grade.

19          DR. MOORE: Okay. And you all moved during the  
20          year?

21          MS. KENNEDY: Yes.

22          DR. MOORE: And you wish to retain him at the  
23          same elementary school or --

24          MS. KENNEDY: Yes. Or just -- yeah, we would  
25          like the same elementary school, but any Greenbrier

1 District elementary school would work.

2 DR. MOORE: Okay. Thank you.

3 MS. KENNEDY: Thanks.

4 CHAIRMAN ZOOK: Any other questions, discussion?

5 Does anyone have a motion? Ms. Dean?

6 MS. DEAN: I move that we grant the waiver  
7 request.

8 CHAIRMAN ZOOK: I have a motion to grant the  
9 waiver request by Ms. Dean. Do I have a second?

10 MS. CHAMBERS: Second.

11 CHAIRMAN ZOOK: Second by Ms. Chambers.

12 Ms. Dedman.

13 MS. DEDMAN: I just want to address the motion  
14 really quickly. The -- a proper motion will be to  
15 grant or deny the application --

16 CHAIRMAN ZOOK: Okay.

17 MS. DEDMAN: -- the request to move.

18 CHAIRMAN ZOOK: Okay. That's what I understood  
19 you to say.

20 MS. DEAN: Yeah.

21 CHAIRMAN ZOOK: Well, I thought that's what you  
22 said. I'm sorry. I knew what you meant, so --

23 MS. DEAN: To grant the application, grant the  
24 transfer. Yes.

25 CHAIRMAN ZOOK: Okay. Have you got that,

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Tiffany?

MS. DONOVAN: Yes.

CHAIRMAN ZOOK: Okay. I have a motion and a second to grant the transfer. All in favor?

Oh, roll-call.

SECRETARY KEY: Dr. Hill.

DR. HILL: Yes.

SECRETARY KEY: Mr. Williamson.

MR. WILLIAMSON: Yes.

SECRETARY KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

SECRETARY KEY: Ms. McFetridge.

MS. McFETRIDGE: Yes.

SECRETARY KEY: Dr. Moore.

DR. MOORE: Yes.

SECRETARY KEY: Ms. Newton.

MS. NEWTON: Yes.

SECRETARY KEY: Ms. Dean.

MS. DEAN: Yes.

SECRETARY KEY: All yea's.

CHAIRMAN ZOOK: Motion passes.

MS. CHAMBERS: Madam Chair, I just wanted to add a comment to what Mr. Williamson said. This is such a difficult decision because the superintendents are doing exactly what they're supposed to do. And I

1 wanted to -- it may seem hollow, but express  
2 appreciation for them doing the difficult work that  
3 they've been handed; we so appreciate that. And  
4 hope, as we try to render specific decisions to  
5 specific families, you understand we're trying to  
6 support both sides of this equation. It's just hard  
7 to do. But thank you.

8 CHAIRMAN ZOOK: If y'all would like to be  
9 excused, feel free.

10 SECRETARY KEY: If I may --

11 CHAIRMAN ZOOK: Mr. Secretary.

12 SECRETARY KEY: -- just say because I think  
13 we've heard a couple of things today -- and I know  
14 local boards have autonomy to do what they need to  
15 do. I do think that a blanket -- and this isn't the  
16 superintendents. Okay? These are the boards. But  
17 just to blanket say "well, we don't grant board-to-  
18 board transfers," I'll just take this opportunity to  
19 say that I don't know if that is -- I think that's  
20 not a good policy, and I just want y'all to know  
21 that's not something we advocate from the Department.  
22 We -- if we're going to live our vision and our  
23 mission of student-focused education -- we know that  
24 not every district meets all the needs of the  
25 students and -- you know, because we've created these

1 boundary lines, you know, sometimes just saying no is  
2 not the right decision, and I know you guys know  
3 that. You know, Dr. Fisher, Mr. Truxler, you know,  
4 Greenbrier, I know that y'all are in a tough spot,  
5 you know, because you have boards that say "this is  
6 our policy, this is our community." I get that. But  
7 I just think that is why the General Assembly vested  
8 that -- this authority with this Board.

9 So I didn't want to leave this opportunity at  
10 least publicly to say I think that's the reason why  
11 you are given this opportunity to review these  
12 situations. And I know in the past there has been  
13 some concern that this Board might overturn that --  
14 these denials based on the 3% cap. But I just want  
15 to say I trust when you all look at these packets and  
16 you all look at these situations that you make those  
17 decisions based on the best interest of the students.  
18 And, again, it's -- that's why we have the system we  
19 have, because local decision-makers make those  
20 decisions based on what they know and the facts they  
21 have and their local considerations. We look at it  
22 from a broader perspective at the State.

23 So I just wanted to take the opportunity to say  
24 that before we pass this item on.

25 CHAIRMAN ZOOK: And I agree. To just batch a

1 group of requests and not even really study them  
2 you're not making student -- instead of making batch  
3 decisions, we want to make student decisions. And I  
4 know those of you who are superintendents don't  
5 always have control over what your boards do. I get  
6 that. I live in a small town too. But we want to  
7 look at it -- and we are not criticizing you in any  
8 way for doing the 3%. We get that. That was what  
9 was given. But just boards to say "we're not going  
10 to do any legals," that closes too many doors for  
11 parents.

12 Okay. Y'all may be excused if you'd like to  
13 leave.

14 c) LAYMON FAMILY PUBLIC SCHOOL CHOICE APPEAL

15 CHAIRMAN ZOOK: The next family is the Laymon  
16 Family. Ms. Dedman.

17 MS. DEDMAN: I'd like to check and see if Ms.  
18 Laymon is here.

19 Brandy Laymon?

20 (COURT REPORTER'S NOTE: Ms. Freno sounds the  
21 hall for Ms. Laymon.)

22 MS. FRENO: Ms. Laymon is not here.

23 MS. DEDMAN: Okay. Ms. Laymon has not appeared  
24 today. She was given notice and responded to the  
25 notice. She has not appeared.



1 Do we have -- is Superintendent Truxler here?

2 SUPT. TRUXLER: Yes.

3 MS. DEDMAN: Yes, sir.

4 Would the Board like to hear from Superintendent  
5 Truxler in this matter?

6 CHAIRMAN ZOOK: Yes.

7 MS. DEDMAN: Okay.

8 CHAIRMAN ZOOK: And she knew that she would be  
9 given an opportunity to speak?

10 MS. DEDMAN: She did.

11 CHAIRMAN ZOOK: And she knew what time our  
12 meeting started?

13 MS. DEDMAN: Yes, ma'am. She did receive a  
14 notice letter. It is in your packet.

15 This is a unique situation. What's happening in  
16 this appeal is you will find that there is no denial  
17 letter. Superintendent Truxler will explain to you  
18 that it is the District's contention that the  
19 application was presented late; there was a denial by  
20 the parent that the application was late. So for  
21 that reason you'll find no denial letter.

22 CHAIRMAN ZOOK: If you'll stand and raise your  
23 right hand?

24 SUPT. TRUXLER: Yes, ma'am.

25 CHAIRMAN ZOOK: You're already standing, aren't

1           you?

2                   SUPT. TRUXLER:   Yes, ma'am.

3                   CHAIRMAN ZOOK:   Okay.  Do you swear or affirm  
4           that the testimony you're about to give shall be the  
5           truth, the whole truth, and nothing but the truth?

6                   SUPT. TRUXLER:   I do.

7                   CHAIRMAN ZOOK:   Okay.  You may proceed.

8                   SUPT. TRUXLER:   Dennis Truxler, Superintendent  
9           at Quitman School District.

10                   The application was turned in late, according to  
11           my elementary secretary and elementary principal.  On  
12           5/2/19, at 8:05, the dad brought it in and he was  
13           informed that it was late.  And it's my understanding  
14           the mom called back and told the elementary principal  
15           she had sent it in her 1st grader's backpack and they  
16           failed to turn it in.  It was still late.  I did not  
17           take it to the board because on May 1st, at the end  
18           of the day, I gathered up the packet from my  
19           secretary of all those that were turned in.  They  
20           were all approved.  I would've proudly recommended  
21           the board to approve Ms. Laymon's application if it  
22           had been turned in on time.

23                   CHAIRMAN ZOOK:   And do you know if it was for  
24           all of her children or just one?

25                   SUPT. TRUXLER:   It was her two children.

1 CHAIRMAN ZOOK: Two children. Okay.

2 SUPT. TRUXLER: Yes, ma'am. Her girl in the 1st  
3 grade will be going into 2nd; her son was in the 6th  
4 grade, who will be a 7th grader.

5 CHAIRMAN ZOOK: Okay. And they were wanting to  
6 go to --

7 SUPT. TRUXLER: They had been in our district  
8 for a little over a year. They came from Guy-  
9 Perkins; moved into our district two years ago,  
10 second semester. They were there all last year and  
11 then they moved into the Heber Springs School  
12 District I guess after school was out. And she was  
13 informed that she would need to turn in a Freedom of  
14 Choice when we found out that they were moving.

15 CHAIRMAN ZOOK: Okay. Any questions?

16 Ms. Newton.

17 MS. NEWTON: So these are students that were in  
18 your district last year?

19 SUPT. TRUXLER: Yes, ma'am. They've been there  
20 a little over a year. They enrolled -- they moved  
21 from the Guy-Perkins School District in the -- what  
22 would be 17-18 school year and enrolled in our  
23 district second semester. And so they were there  
24 close to a year-and-a-half.

25 DR. MOORE: Do you know if the family has sought

1 a board-to-board transfer?

2 SUPT. TRUXLER: I'm sorry?

3 DR. MOORE: Have they discussed a board-to-board  
4 transfer?

5 SUPT. TRUXLER: Ma'am, I have not talked to --

6 DR. MOORE: Okay.

7 SUPT. TRUXLER: -- to the mother. That was what  
8 I would -- I always tell folks. If they want to come  
9 to our district and it's passed the Freedom of Choice  
10 deadline, I do explain the board-to-board transfer to  
11 them.

12 DR. MOORE: That makes sense. Because in her  
13 letter it sounds like she's going to be moving back  
14 into the district; it's unclear. So maybe that's  
15 something that could --

16 SUPT. TRUXLER: That's what was stated in the  
17 letter. And again I've not talked to the mother; I  
18 don't know what their situation is.

19 DR. MOORE: Thank you.

20 SUPT. TRUXLER: Yes, ma'am.

21 CHAIRMAN ZOOK: So we have a slightly different  
22 situation here.

23 MS. NEWTON: I wish the mother was here.

24 CHAIRMAN ZOOK: Ms. Newton?

25 MS. NEWTON: I said I wish the mother was here.

1 CHAIRMAN ZOOK: Yes. But if she was given  
2 notice and -- you know, I don't know about her -- I  
3 don't know what her situation is, so --

4 Anybody have any questions?

5 You may sit down. Thank you.

6 SUPT. TRUXLER: Thank you, Ma'am.

7 CHAIRMAN ZOOK: Uh-huh.

8 I'll give everybody a minute to think about it  
9 and ponder it. Any discussion?

10 Ms. Chambers.

11 MS. CHAMBERS: It feels like it's almost not a  
12 -- I won't say a real appeal, but I'm not sure  
13 exactly what our response is.

14 I guess I would make a motion to deny this  
15 appeal.

16 MS. DEAN: Second.

17 CHAIRMAN ZOOK: I have a motion to deny from Ms.  
18 Chambers, a second from Ms. Dean.

19 Any discussion?

20 DR. MOORE: You know, when this decision is made  
21 can the -- does the letter go out about board-to-  
22 board transfers or other avenues?

23 MS. DEDMAN: When the decision is made by the  
24 State Board I mail everyone a copy of the order, but  
25 I do not provide additional information about board-

1 to-board transfers. I have --

2 DR. MOORE: It's in the transcript.

3 MS. DEDMAN: I have been in contact with the  
4 parent and I do have her contact information. I'm  
5 able to contact her.

6 CHAIRMAN ZOOK: But you have no idea why she's  
7 not chosen to come?

8 MS. DEDMAN: I'm not aware of any -- I haven't  
9 seen any emails, I haven't had contact with her this  
10 morning. If we find that there was some extenuating  
11 circumstance, we do have an additional board meeting  
12 this month; we can consider whether she should be  
13 heard at that board meeting.

14 CHAIRMAN ZOOK: Okay. I have a motion on the  
15 floor to deny --

16 MS. NEWTON: One quick question.

17 CHAIRMAN ZOOK: Ms. Newton.

18 MS. NEWTON: If we vote to deny, and then she  
19 comes back at the end of the month, would there be a  
20 possibility of changing --

21 CHAIRMAN ZOOK: Or do we need to table?

22 MS. FRENO: Lori Freno, Department of Education.  
23 You would have to rescind your vote.

24 MS. NEWTON: So it would be possible?

25 MS. FRENO: I mean you would have to rescind

1 your vote and then re-vote in the next meeting.

2 CHAIRMAN ZOOK: Can you table a Choice --

3 MS. FRENO: Pardon me?

4 CHAIRMAN ZOOK: Can you table a Choice request?

5 I'm sorry about this.

6 MS. FRENO: I don't think there's a timeline on  
7 how soon after a request is filed that the State  
8 Board has to hear the request. So, yes, it could be  
9 tabled.

10 CHAIRMAN ZOOK: Or we could take away the motion  
11 or we have to do something?

12 MS. CHAMBERS: Right.

13 CHAIRMAN ZOOK: Right.

14 MS. FRENO: Yes, you have to act. Yes.

15 CHAIRMAN ZOOK: Okay.

16 MS. CHAMBERS: Should I take my motion away?

17 MS. NEWTON: Well, we can rescind in July if she  
18 shows up, so --

19 CHAIRMAN ZOOK: Okay. Okay.

20 DR. MOORE: Well, I would hate to make the  
21 superintendents come twice unless there was an  
22 extenuating circumstance --

23 MS. NEWTON: Right.

24 DR. MOORE: -- I would think.

25 MS. NEWTON: Right.

1 MS. McFETRIDGE: I think my concern is that she  
2 could possibly be working and just could not take the  
3 time off.

4 MS. FRENO: Well, she -- I understand that, Ms.  
5 -- yes, I understand that, Ms. McFetridge. I guess  
6 as Jennifer Dedman pointed out, you know, she did  
7 receive notice. You know, we did receive  
8 confirmation that she received notice; she knew this  
9 was going to be before the State Board today. And  
10 oftentimes, as you know, we have people calling in,  
11 and I believe we've had people calling for School  
12 Choice appeals as well.

13 MS. McFETRIDGE: Did she know that she had that  
14 option? Do you think --

15 MS. FRENO: Well, she --

16 MS. McFETRIDGE: -- she knew?

17 MS. FRENO: She knew that the board meeting was  
18 today and there was no contact made by her to us.  
19 And we're -- I mean we are very accommodating when  
20 folks -- we are very accommodating, not only in  
21 School Choice matters but in many matters when folks  
22 can't come -- you know, especially parents can't come  
23 in.

24 CHAIRMAN ZOOK: Okay. We have a motion and a  
25 second to deny. Any further discussion?



1 Roll-call.

2 SECRETARY KEY: Dr. Hill.

3 DR. HILL: What's the --

4 SECRETARY KEY: The motion is to deny the  
5 appeal.

6 CHAIRMAN ZOOK: You vote against it if you want  
7 to not deny, and you vote for it if you want to deny.

8 MS. CHAMBERS: And if folks vote to --

9 CHAIRMAN ZOOK: Get your microphone.

10 MS. CHAMBERS: Sorry. So if we vote down this  
11 denial it would allow the group to then decide if it  
12 wanted to table it until the meeting later in the  
13 month; is that right?

14 MS. DEDMAN: No. If -- we have a motion to deny  
15 the transfer. If you vote to deny it, and then we  
16 were to later discover there was some reason -- her  
17 car broke down, for example -- some reason that she  
18 could not make it today -- if you chose to hear it at  
19 the next board meeting we could give notice and  
20 attempt to hear it at the next board meeting. All  
21 you'd have to do is rescind this vote. But without  
22 an extenuating circumstance, I think what Dr. Moore  
23 was saying was it would be difficult for the  
24 superintendents to come back.

25 SECRETARY KEY: Madam Chair?

1 CHAIRMAN ZOOK: Mr. Secretary.

2 SECRETARY KEY: Okay. So stay there because --  
3 we might need Lori because -- you know, I gave my  
4 speech on purpose before the last one because those  
5 two situations were very different, and I think you  
6 had compelling, you know, parent stories. You know,  
7 Midland was the other direction from where the mom  
8 worked; the situation with Greenbrier and Guy-Perkins  
9 you had the same kind of deal. This one is quite  
10 different because the parent admits that before the  
11 fall semester they're going to be moving back. So I  
12 mean it's a little different situation.

13 But my question though from a legal standpoint  
14 is what we're seeing here is they're appealing the  
15 denial based on late submission?

16 MS. DEDMAN: That's correct.

17 SECRETARY KEY: Okay. So what is the Board's --  
18 you know, the Board has flexibility on the 3%, making  
19 decisions based on best interest of the child. When  
20 it comes to a failure to submit for timely submission  
21 what's the Board's --

22 MS. DEDMAN: The Board could choose to make a  
23 factual determination -- a determination of fact as  
24 to whether the application was late. That's one  
25 option. The appeal is normally considered complete

1 when we receive a denial letter, an application, and  
2 a letter for appeal. In this case there was no  
3 denial letter but there was a question of fact as to  
4 whether the application was timely. The District  
5 says the application was not received in time; the  
6 parent says that the application was received in  
7 time. There was a question of fact to be decided;  
8 for that reason, the appeal moved forward.

9 The Board could decide to make a determination  
10 of fact as to whether or not the application was  
11 late. If the application was late, there is no  
12 proper appeal. If the application was not late, then  
13 you would vote as to the merits.

14 CHAIRMAN ZOOK: Okay. So her application is  
15 dated 4/24/19. She said she put it in the backpack  
16 of her child --

17 MR. WILLIAMSON: Her 1st grader.

18 CHAIRMAN ZOOK: Her 1st grader.

19 MR. WILLIAMSON: Right.

20 CHAIRMAN ZOOK: Yes. Well, there's that.

21 MR. WILLIAMSON: There's a difference.

22 CHAIRMAN ZOOK: And I get -- and then it didn't  
23 get taken out and given to the superintendent, so the  
24 father brought it in the next day. The  
25 superintendent has got no problem with her coming; he

1 denied it based on the fact that it was a day late?

2 MS. DEDMAN: Correct. Essentially they just  
3 didn't accept the application; it wasn't a denial on  
4 the merits. The 4/24 that you're looking for is the  
5 date that Brandy Laymon signed the application; you  
6 can see it next to her signature.

7 CHAIRMAN ZOOK: Right.

8 MS. DEDMAN: The date at the top of the  
9 application is the District's indication of what time  
10 they received it.

11 CHAIRMAN ZOOK: Right. And since they seem  
12 willing they would have no reason to date it a date  
13 differently than what they actually received it.  
14 They -- you know, the date is the date.

15 So the question is are we making a decision  
16 because the parent didn't appeal -- appear or are we  
17 looking at the denial based on the fact that the  
18 application was late? And, you know, you have to  
19 think about, well, the date is May 1st; this one came  
20 in May 2nd, for whatever reason. So if it had come  
21 in May [sic] 27th or -- I mean, are we going to be  
22 consistent about this or are we, you know --

23 MS. DEDMAN: The law does set a deadline.

24 CHAIRMAN ZOOK: Because we have no -- we have no  
25 superintendent who's arguing, you know. And there is

1 opportunity for legal transfer, and he says in their  
2 district they look at them as each student. So, all  
3 of that into consideration.

4 We have a motion on the floor to deny and we're  
5 taking a roll-call.

6 Ms. McFetridge.

7 MS. MCFETRIDGE: If the family moves back into  
8 this district in the fall they would be allowed to  
9 come back to the District?

10 MS. DEDMAN: Correct. They'd be a resident of  
11 the District.

12 MS. MCFETRIDGE: Yeah.

13 CHAIRMAN ZOOK: Ms. Dean.

14 MS. DEAN: So based on that -- sorry. So based  
15 on that, do we need a different motion?

16 MS. DEDMAN: It's up to you. One thing that you  
17 could do is make a factual determination as to  
18 whether the application was turned in late. Then you  
19 would be faced with the question of is this an appeal  
20 at all. If this is not a proper appeal it would not  
21 be decided on the merits, but rather that it was  
22 simply late.

23 CHAIRMAN ZOOK: Do you have a -- do you amend  
24 your motion or are you sticking with your motion? So  
25 you're -- if you're saying deny, are you saying deny

1 based on the application being late?

2 MS. CHAMBERS: This is new information in terms  
3 of my initial motion. I'm not sure even with what  
4 we've just talked about the most appropriate next  
5 step. Because there isn't actually a denial -- is  
6 that true -- that this appeal is based on?

7 MS. DEDMAN: So the reason that I've not been  
8 quite so forthcoming, if the parent had appeared the  
9 parent would've argued that the application was on  
10 time -- or that was the argument that she made to me.  
11 The District has said that the application was  
12 received late. You can choose to make a decision as  
13 to whether the application was timely, if you choose,  
14 and make a Finding of Fact that the application was  
15 late or on time, if you choose, and then your denial  
16 would be based on the fact that it was not a complete  
17 appeal; the application was not turned in on time and  
18 therefore, the District did not consider it.

19 DR. HILL: So we are making a decision strictly  
20 based on that, because they will accept the student?

21 MS. DEDMAN: I'm sorry; could you say it again?

22 DR. HILL: I mean we are making -- we're  
23 discussing timeliness, because the school will accept  
24 the student based off the information?

25 MS. DEDMAN: I'm not sure; we didn't reach that

1 fact pattern. We have -- we've no idea if there was  
2 a 3% limitation, if there was some other  
3 consideration, because --

4 SUPT. TRUXLER: No.

5 MS. DEDMAN: Did the school give testimony to  
6 that effect? I'm so sorry.

7 CHAIRMAN ZOOK: No. No, they didn't. They're  
8 just nodding behind you.

9 MS. DEDMAN: They're nodding, okay. We didn't  
10 receive that in the denial letter. A denial letter  
11 would normally contain that information.

12 SECRETARY KEY: Heber Springs has not been  
13 involved in this. Because of the determination of  
14 untimely filing, it never went to Heber Springs.

15 MS. DEDMAN: That is correct.

16 SECRETARY KEY: Okay.

17 MS. DEDMAN: This is the nonresident district  
18 that received this application late. Heber Springs  
19 did not receive this application from the nonresident  
20 district.

21 SECRETARY KEY: So just let me say, for the  
22 future one of the changes we made was -- to try to  
23 avoid situations like this is we went back in the  
24 statute to say that the parent has to file with both  
25 districts, the resident and nonresident district,

1 moving forward. So for next school year this kind of  
2 thing hopefully will be minimized because of that  
3 legislative change.

4 CHAIRMAN ZOOK: And that legislation doesn't  
5 take effect until July 24th, and then you have to  
6 write the rules and all of that.

7 SECRETARY KEY: Right.

8 CHAIRMAN ZOOK: So that is for the 20-21 school  
9 year.

10 SECRETARY KEY: Right.

11 MS. DEDMAN: That's correct.

12 MS. NEWTON: Just curiosity, which time-stamp  
13 will take precedent, the resident or the nonresident?

14 MS. DEDMAN: I would have to look at the new act  
15 --

16 SECRETARY KEY: Yeah, we'll have to --

17 MS. DEDMAN: -- and double-check that.

18 SECRETARY KEY: We'd have to look that up and --

19 MS. NEWTON: Okay.

20 MS. DEDMAN: But I'll --

21 MS. NEWTON: Because that would be something  
22 parents would need to know, just they want to go to  
23 that one first.

24 SECRETARY KEY: Well, and that'll be part of the  
25 rules process when we -- and we'll bring that all to



1           you --

2                   MS. NEWTON:   Okay.

3                   SECRETARY KEY:  -- to review for -- submit for  
4           public comment and all that.  So we'll make a note to  
5           get that information and make sure that that's clear  
6           before the next school year.

7                   MS. NEWTON:  All right.  Good.  Thank you.

8                   MS. DEDMAN:  And, Ms. Newton, I'll refresh my  
9           memory and get that to you.

10                  MS. NEWTON:  Okay.

11                  SECRETARY KEY:  And actually it will be  
12           important to have that by July -- January 1 because  
13           that's when parents will start applying for School  
14           Choice for the 20-21 school year.

15                  CHAIRMAN ZOOK:  There's a motion.  Go ahead --

16                  SECRETARY KEY:  Well, right now we just --

17                  CHAIRMAN ZOOK:  -- Mr. Secretary.

18                  SECRETARY KEY:  -- we still have a motion --

19                  CHAIRMAN ZOOK:  On the floor.

20                  SECRETARY KEY:  -- to deny.  So either we vote  
21           on that motion or an amended motion or a substitute  
22           motion that would be in order, if you choose to.

23                  MS. DEDMAN:  I would note that -- maybe Ms.  
24           Freno will give me a nod if she agrees -- I would  
25           note that if you decide to with a motion to deny it,

1 essentially what you're deciding is that we have a  
2 complete appeal and that you're denying that appeal.

3 DR. HILL: We have a -- what, an incomplete or a  
4 complete?

5 SECRETARY KEY: That you have a complete appeal  
6 and that's what you're denying. The other option is  
7 the determination that it's untimely filed, so that  
8 there's no appeal.

9 CHAIRMAN ZOOK: I think the Finding of Fact is  
10 -- it is factual based on the stamp that these  
11 parents turned it in late, regardless of the  
12 circumstance that led to that. The superintendent  
13 didn't, quote, deny it; he just didn't hear it at all  
14 because it was turned in late. So we're deciding if  
15 that is a factual thing.

16 DR. HILL: But the parent said it wasn't late.

17 CHAIRMAN ZOOK: Well --

18 DR. HILL: I mean that's -- I mean --

19 CHAIRMAN ZOOK: -- the parent didn't deny that  
20 it wasn't handed to them late; they denied but what  
21 they put it in the packet.

22 DR. HILL: Right.

23 CHAIRMAN ZOOK: Right.

24 DR. HILL: That's what the parent said.

25 CHAIRMAN ZOOK: Right.

1 DR. HILL: A 1st grader.

2 CHAIRMAN ZOOK: And not being able to answer  
3 questions, so --

4 DR. HILL: And so I guess, as you said, the  
5 determination of facts -- so it was there the day  
6 before, brought it home, realized it wasn't there,  
7 school was out, it was after the day, so they bring  
8 it in the next day which was like --

9 CHAIRMAN ZOOK: Yes, sir.

10 DR. HILL: And I mean -- and I think we're  
11 looking at extenuating circumstances that -- we're  
12 trying to place the children in appropriate places;  
13 we're making a determination based on -- and as she,  
14 Ms. McFetridge, said, we don't know why; it could be  
15 a car wreck, something this morning. I mean we don't  
16 know. And so --

17 CHAIRMAN ZOOK: No, we don't.

18 DR. HILL: And denial -- will we be able to hear  
19 this next month before school starts?

20 CHAIRMAN ZOOK: Well, we'll hear it on the -- if  
21 the parent --

22 DR. HILL: This is July.

23 CHAIRMAN ZOOK: -- chooses to --

24 DR. HILL: Right.

25 CHAIRMAN ZOOK: -- we can hear it July 30th,

1 when we have our special meeting.

2 DR. HILL: Okay. All right.

3 MS. DEAN: If we do deny it.

4 DR. HILL: If we do a denial.

5 CHAIRMAN ZOOK: If we did a denial.

6 DR. HILL: Okay.

7 CHAIRMAN ZOOK: But I think the question is,  
8 we're not -- we're denying the transfer because --

9 DR. HILL: Because of it being tardy.

10 CHAIRMAN ZOOK: But the superintendent of the  
11 receiving school didn't deny the transfer; he just  
12 said, "You missed the date." So we have to decide is  
13 that date -- is the 2nd a problem or -- then later  
14 somebody comes in, "Well, I got mine in by the 13th,"  
15 "Well, I got mine in" -- you know, so are we setting  
16 a precedent that we look at things based on the date  
17 and the intentions? Is that -- am I on target?

18 MS. FRENO: Yes, Ms. Zook.

19 Sorry, Jennifer; I didn't mean to steal your  
20 microphone.

21 I mean, that was my concern is, first, the law  
22 does not provide for an exception to the filing  
23 deadlines. The law does not allow that. And,  
24 second, if you allow -- if you allow --

25 CHAIRMAN ZOOK: An exception.

1 MS. FRENO: -- an exception that does set a  
2 precedent.

3 DR. HILL: Right.

4 CHAIRMAN ZOOK: Right.

5 MS. FRENO: And I'll turn it back over to  
6 Jennifer who's handling this very competently.

7 CHAIRMAN ZOOK: So --

8 MS. FRENO: I just wanted to make sure --

9 CHAIRMAN ZOOK: Right. So what we might want to  
10 consider is this superintendent said that he -- his  
11 board doesn't batch legal transfers; they look at  
12 them individually. That parent has that option,  
13 assuming that the Heber Springs people, who at this  
14 point are oblivious to anything that's going on -- so  
15 I think that's why we have to see how we want to word  
16 our motion.

17 Do we vote on this motion to deny or do we  
18 withdraw this motion?

19 MS. CHAMBERS: I think we need clarification of  
20 -- my wording, however simple, was just to deny this  
21 appeal, but maybe that's insufficient for what we're  
22 talking about. Is there more explicit wording that  
23 should be part of this motion?

24 MS. DEDMAN: I'm understanding you saying that  
25 you would like to deny the appeal outright, rather

1 than to deny a transfer from a proper appeal. Is  
2 that -- is that what you're trying to express?

3 MS. CHAMBERS: What's the difference between the  
4 two?

5 SECRETARY KEY: Let me throw something -- I  
6 think --

7 CHAIRMAN ZOOK: Mr. Secretary.

8 SECRETARY KEY -- to simplify, to say deny based  
9 on untimely filed.

10 MS. CHAMBERS: Okay.

11 SECRETARY KEY: Based on it being untimely filed  
12 would take care of the concern of that May 2nd.

13 CHAIRMAN ZOOK: And then if the parent came they  
14 would have the choice between trying for a legal  
15 transfer or trying to argue that they did get it in  
16 on time, it just didn't get to the secretary, you  
17 know; so giving the parents -- they'll have a choice.

18 MS. CHAMBERS: That makes perfect sense.

19 Can I have my motion reflect that, denying the  
20 timeliness of the --

21 SECRETARY KEY: So I'm hearing your motion to be  
22 denied based on the application being untimely filed?

23 MS. CHAMBERS: Yes.

24 CHAIRMAN ZOOK: And will you second that, Ms.  
25 Dean?

1 MS. DEAN: Yes. Second.

2 CHAIRMAN ZOOK: Okay. We have a motion and a  
3 second to deny the request based on the -- on missing  
4 the deadline.

5 Everybody clear?

6 SECRETARY KEY: Got it.

7 CHAIRMAN ZOOK: Okay. Roll-call.

8 SECRETARY KEY: Dr. Hill.

9 DR. HILL: Yes, to deny.

10 SECRETARY KEY: Dr. -- Mr. Williamson.

11 MR. WILLIAMSON: Yes.

12 SECRETARY KEY: You almost got a doctorate  
13 there.

14 Ms. Chambers.

15 MS. CHAMBERS: Yes.

16 SECRETARY KEY: Ms. McFetridge.

17 MS. McFETRIDGE: Yes.

18 SECRETARY KEY: Dr. Moore.

19 DR. MOORE: Yes.

20 SECRETARY KEY: Ms. Newton.

21 MS. NEWTON: Yes.

22 SECRETARY KEY: Ms. Dean.

23 MS. DEAN: Yes.

24 SECRETARY KEY: Seven yea's.

25 MS. DEDMAN: Thank you.

1 CHAIRMAN ZOOK: Thank you for your patience.

2 SUPT. TRUXLER: Thank you for your time.

3 CHAIRMAN ZOOK: Uh-huh.

4 Okay. Is everybody good? Do we need a break?

5 Okay. Thank you, Ms. Dedman; you're excused.

6 You did a really good job with these.

7 Okay. Now we move to -- or away from our action  
8 agenda to our reports agenda. And -- excuse me?

9 Oh, yes, we will pause because Ms. Hill needs to  
10 gather her stuff, and so that'll be good. Thanks.

11 So it's -- let's take 6 minutes.

12

13

14 (THE ACTION AGENDA WAS CONCLUDED AT APPROX. 9:50 A.M.)

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	<p><b>5:20;20:11</b> <b>again (3)</b> 30:18;35:17;45:21</p>	<p><b>application (36)</b> 3:20;4:15;9:8;10:5, 6,7;11:15;27:15,23; 32:19,20;33:10,21; 41:24;42:1,4,5,6,10, 11,12,14;43:3,5,9,18; 44:18;45:1,9,11,13, 14,17;46:18,19;53:22</p>	<p><b>4:19</b> <b>automatically (1)</b> 21:13 <b>autonomy (1)</b> 29:14 <b>available (1)</b> 12:8 <b>avenues (1)</b> 36:22 <b>average (1)</b> 26:2 <b>avoid (1)</b> 46:23 <b>aware (1)</b> 37:8 <b>away (3)</b> 38:10,16;55:7 <b>awesome (1)</b> 8:9</p>	<p><b>25:22;29:18;30:8,13; 32:4;33:17,21;36:22, 24;37:11,13;38:8; 39:9,17;40:19,20; 41:18,22;42:9;52:11</b></p>
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