

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

October 11, 2018

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

OCTOBER 11, 2018
10:00 A.M.

A P P E A R A N C E S

Mr. Johnny Key	Commissioner/Non-Voting
Dr. Jay Barth	Board Chairman
Ms. Charisse Dean	Board Vice Chairman
Ms. Diane Zook	Board Member
Ms. Susan Chambers	Board Member
Mr. R. Brett Williamson	Board Member
Ms. Ouida Newton	Board Member
Dr. Sarah Moore	Board Member
Ms. Kathy McFetridge	Board Member
Ms. Randi House	Teacher of the Year/ Non-Voting

ADE LEGAL COUNSEL:

Ms. Lori Freno	ADE General Counsel
Ms. Jennifer Dedman	ADE Attorney Supervisor

LOCATION:

Arkansas Department of Education
#1 Capitol Mall - Auditorium
Little Rock, AR

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Application for Arkansas Teaching License (05/07/18)

ADE EXHIBIT TWO (2)

Verdict, filed 08/29/1995

ADE EXHIBIT THREE (3)

Notice of Disqualifying Offense (08/15/18)

ADE EXHIBIT FOUR (4)

Request for Waiver Hearing (09/11/18)

ADE EXHIBIT FIVE (5)

Felony Information and Affidavit for Warrant of Arrest
(03/08/1995)

ADE EXHIBIT SIX (6)

Sentencing Order (08/29/1995)

ADE EXHIBIT SEVEN (7)

Arkansas Code Annotated 6-17-410 (2017)

EDUCATOR'S EXHIBIT ONE (1)

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Educator's Exhibit - Notice for FREE LUNCH (for KIDS)

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Educator's Exhibit - Georgia Clearance Certificate
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ADE EXHIBIT SEVEN (7)

Arkansas Code Annotated 6-17-410 (2017)

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P R O C E E D I N G S

A-1: RESOLUTION - ARKANSAS SCHOOL BUS SAFETY WEEK (OCTOBER 22-26, 2018)

CHAIRMAN BARTH: We are now down to the Action Agenda, and we start with a couple of resolutions.

Mr. Owens is here with the Arkansas School Bus Safety Week Resolution. And I'll turn it over to you.

MR. OWENS: Good morning. Thank you. My name is Jerry Owens, Senior Transportation Manager, here again with -- asking you to approve this resolution for School Bus Safety Week, October 22nd through the 26th. Again, there's certainly a need. Each year we do the Flashing Red Kids Ahead campaign and we do a survey every year, a statewide survey. And this past April there were 857 illegal passings in one day, guys. And this is consistent -- we do this every year -- and this is out of 194 school districts. So we know we have a few more school districts, so we can easily say we have 1,000 illegal passings every day. This is with a big yellow school bus sitting there, the red lights going off, the stop arm out, and kids crossing the road, and we have cars passing them. So there is certainly a huge need for us to make the public aware of the safety needs and

1 concerns.

2 I would like to read this resolution -- and then
3 later on we always recognize an outstanding
4 professional in transportation, and we have one here
5 with us as well. But if you will allow me to read
6 this resolution, it says:

7 The Arkansas State Board of Education recognizes
8 that providing Arkansas students with safe school bus
9 transportation is a vital part of the education
10 system; and

11 In Arkansas, more than 7,000 buses transport
12 approximately 350,000 students to and from school and
13 school-related events each day;

14 Arkansas school bus drivers travel more than 240
15 [sic] route miles each day; and

16 WHEREAS, The Arkansas Department of Education
17 and the Arkansas Division of Public School Academic
18 Facilities and Transportation are committed to
19 raising public awareness about the importance of
20 school bus safety; and

21 WHEREAS, School bus drivers, mechanics,
22 transportation directors across the state are to be
23 commended for their unwavering commitment to school
24 bus safety; and

25 WHEREAS, Concerned citizens and leaders are to

1 be commended for devoting their time, talent, and
2 resources to promoting school bus safety;

3 NOW, THEREFORE, BE IT RESOLVED THAT

4 We, the members of the Arkansas State Board of
5 Education, recognize the week of October 22nd through
6 the 26th, 2018, as Arkansas School Bus Safety Week.

7 And with this, again, before your action I would
8 like to recognize Tom Farmer. His name is well-known
9 with the -- he's been Transportation Director for 26
10 years, and I think he's talking about retiring and
11 moving into politics. But even on the national
12 level, when you mention transportation folks know Tom
13 Farmer and he's been instrumental with the Flashing
14 Red Kids Ahead campaign. Every organization -- the
15 Southeast Pupil Transportation, he's highly involved
16 with that, and has just been so committed to
17 improving school bus safety. We know school buses
18 are the safest way to travel. But, again, 26 years,
19 I think that takes a special person and we need to
20 recognize him.

21 Tom, please stand up and --

22 [APPLAUSE]

23 MR. OWENS: Much of that time he's had to drive
24 a bus too. So Transportation Directors --

25 CHAIRMAN BARTH: Thank you, Mr. Farmer.

1 MR. OWENS: -- they have to drive a bus.

2 So, again, with that, I submit to you the
3 Resolution and ask for your --

4 CHAIRMAN BARTH: All right. Thank you.

5 Y'all have heard the resolution and I would
6 entertain a motion to pass it.

7 MS. McFETRIDGE: So moved.

8 MS. ZOOK: Second.

9 CHAIRMAN BARTH: All right. Motion by Ms.
10 McFetridge, second by Ms. Zook.

11 All in favor say "aye."

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN BARTH: Opposed, same sign.

14 All right. Thank you very much.

15 MR. OWENS: Thank you so much.

16 MS. ZOOK: I think too there's a lot -- so much
17 emphasis right now in the public on school safety --

18 MR. OWENS: Yes.

19 MS. ZOOK: -- and I think people need to realize
20 that school safety starts on the bus --

21 MR. OWENS: Absolutely.

22 MS. ZOOK: -- and not just in the building.

23 MR. OWENS: Absolutely. That's great. Yes.

24 MS. ZOOK: Do the local and state police help
25 monitor -- do they --

1 MR. FARMER: Yes, ma'am.

2 MS. ZOOK: So we've got a good partner with
3 them. Great. Okay. Thank you.

4 MR. OWENS: They're heavily involved. So thank
5 you.

6 (COURT REPORTER'S NOTE: The Commissioner and
7 Chairman sign the Resolution. Then a group
8 photograph is taken.)

9 A-2: RESOLUTION - ARKANSAS SAFE SCHOOLS WEEK (OCTOBER 21
10 THROUGH 27, 2018)

11 CHAIRMAN BARTH: All right. I didn't see you
12 come in, Dr. May. Welcome.

13 Our second resolution is Arkansas Safe Schools
14 Week resolution. And I turn it over to Dr. Cheryl
15 May.

16 DR. MAY: Thank you, sir, and Members of the
17 Board. It's always a great pleasure to be before you
18 and I greatly appreciate your considering our
19 resolution today.

20 As many of you know, I'm chair of the Criminal
21 Justice Institute -- director of the Criminal Justice
22 Institute.

23 COMMISSIONER KEY: Pull your mic down.

24 DR. MAY: A little bit difference in size maybe.

25 I'm director of the Criminal Justice Institute

1 and the Arkansas Center for School Safety. I'm also
2 chair of the Department of Ed.'s Safe Schools
3 Committee, and I'm also chair of the Governor's
4 Arkansas Commission for Safe Schools.

5 I want to, first of all, commend Commissioner
6 Key. The whole time that I've known him and he's
7 been Commissioner, school safety has been a number-
8 one priority for him.

9 I'm very grateful to the members of the Safe
10 Schools Committee for all their diligent work. Part
11 of what we're going to try to do to roll out Safe
12 Schools Week is to provide a series of certificates,
13 make them available to school resource officers.
14 Rather than mandate there be a certain level of
15 training, it was felt that having them be optional
16 was the best way to go. And so we're going to be
17 rolling out the availability of those certificates,
18 and I'm very grateful for the committee members for
19 coming up with that option.

20 I'm here to ask for a resolution. And if it's
21 okay, I'll go ahead and read that resolution.

22 CHAIRMAN BARTH: Please.

23 DR. MAY: WHEREAS, More than 49,000 -- hundred
24 thousand students attend public schools in Arkansas;
25 and

1 WHEREAS, A safe and secure environment enhances
2 student learning; and

3 WHEREAS, Approximately 72,000 administrators,
4 faculty, and staff at Arkansas' public schools are
5 committed to providing a safe and secure learning
6 environment for all students; and

7 WHEREAS, More than 315 school resource officers
8 assist in ensuring students remain safe at public
9 schools; and

10 WHEREAS, The Arkansas Department of Education,
11 the Arkansas Center for School Safety, and the
12 Arkansas Safe Schools Association have partnered
13 together to provide school safety resources and
14 promote a safe and educational environment; and

15 WHEREAS, The Safe Schools Committee is charged
16 with developing model policies and procedures that
17 may ensure a safe and productive learning environment
18 of students and school employees, for recommending to
19 the State Board of Education any necessary rules and
20 regulations for ensuring the safe school environment,
21 and for recommending the House -- to the House
22 Committee on Education and the Senate Committee on
23 Education any necessary legislation for ensuring a
24 safe school environment; and

25 WHEREAS, Local and state law enforcement

1 agencies and organizations provide support to school
2 districts;

3 We, the members of the Arkansas State Board of
4 Education, recognize the week of October 21 through
5 27, 2018, as Arkansas Safe Schools Week.

6 I would appreciate a good vote.

7 CHAIRMAN BARTH: Great. Thank you, Dr. May.

8 Any questions?

9 All right. I'll entertain a motion on this
10 item.

11 MR. WILLIAMSON: Move to approve.

12 CHAIRMAN BARTH: All right. Motion by Mr.
13 Williamson.

14 MS. DEAN: Second.

15 CHAIRMAN BARTH: Second by Ms. Dean. Sorry.

16 All those in favor say "aye."

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN BARTH: Opposed, same sign.

19 All right. Excellent.

20 (COURT REPORTER'S NOTE: Commissioner Key and
21 Chairman Barth signed the Resolution. Then a group
22 photograph was taken.)

23 A-3: CONSIDERATION OF REVOCATION OF TEACHING LICENSE,
24 LICENSURE ACTION CASE NO. 18-025 - COURTNEY L. SANDERS

25 CHAIRMAN BARTH: Okay. We are now down to

1 Action Item 3, and I'll turn it over to Ms. Blagg.
2 This is the Consideration of Revocation in the
3 Sanders case.

4 MS. BLAGG: Good morning.

5 CHAIRMAN BARTH: Good morning.

6 MS. BLAGG: Good morning. My name is Simone
7 Blagg, attorney for Educator Effectiveness and
8 Licensure. I am here today for you to consider the
9 request -- the waiver request of Courtney Sanders, an
10 applicant for licensure who was found guilty of a
11 disqualifying offense. I ask that if Mr. Sanders is
12 present that he step forward at this time.

13 (COURT REPORTER'S NOTE: Mr. Sanders stands and
14 steps to the podium.)

15 CHAIRMAN BARTH: Good morning, Mr. Sanders.

16 MS. BLAGG: Dr. Barth, Mr. Chair, I ask that
17 witnesses be sworn in at this time.

18 CHAIRMAN BARTH: All right. If you would,
19 please raise your right hand. And do you swear or
20 affirm that the testimony you're about to give shall
21 be the truth, the whole truth, and nothing but the
22 truth?

23 MR. SANDERS: Yes.

24 CHAIRMAN BARTH: Thank you.

25 All right. So, Ms. Blagg, if you'll walk us

1 through our --

2 MS. BLAGG: Yes. Thank you.

3 The rules -- under the rules governing
4 background checks the Educator and the Department of
5 Education each have five minutes for an opening
6 statement. Board members may ask questions at any
7 time. Each party will be given 20 minutes to present
8 their cases, beginning with the representative of the
9 Department of Education. The chairperson of the
10 State Board may, only for good cause shown, and upon
11 the request of either party, allow either party
12 additional time to present their case. Each party
13 will have five minutes to make a closing statement.

14 To that end, I will proceed with an opening
15 statement, with leave of the chairperson.

16 CHAIRMAN BARTH: All right. Great.

17 Mr. Sanders, you can have a seat and we'll get
18 you up in just a minute.

19 MS. BLAGG: Thank you.

20 CHAIRMAN BARTH: Thank you.

21 MS. BLAGG: Mr. Courtney L. Sanders has applied
22 for an Arkansas teaching license. A redacted copy of
23 his application is before you marked as ADE Exhibit
24 One (1). However, Arkansas law provides that the
25 State Board of Education shall not issue a first-time

1 license to any person who has pled guilty to or been
2 found guilty of the enumerated offenses listed in
3 Arkansas Code Section 6-17-410 and 6-17-411. The
4 relevant sections of 6-17-410 are listed in ADE
5 Exhibit Seven (7).

6 A jury found Mr. Sanders guilty of a
7 disqualifying offense on August 29, 1995, evidenced
8 as ADE Exhibit Two (2). Notice of that
9 disqualification was sent to Mr. Sanders on August
10 15, 2018. A copy of the notification is found as ADE
11 Exhibit Three (3).

12 On September 11, 2018, Mr. Sanders requested a
13 hearing. This request is marked ADE Exhibit Four
14 (4).

15 During the course of the presentation of
16 evidence I will discuss the documents before you.
17 And with that, I yield the floor.

18 CHAIRMAN BARTH: Great. Thank you, Ms. Blagg.

19 All right. Mr. Sanders, you have initially five
20 minutes and then you will have longer later.

21 MR. SANDERS: Good morning to everyone.

22 CHAIRMAN BARTH: Good morning.

23 MR. SANDERS: I'm here -- thankful to be here,
24 thankful to be before you. Just like this first page
25 says, I'm coming home to give back. I graduated from

1 Texarkana Senior High, back in '95; left and went to
2 school at UAM; played ball for three years down
3 there; left there and transferred to the U of A,
4 where I earned my degree in 2002, and I worked as a
5 student assistant the first couple of years, then I
6 worked as a graduate assistant. All told, I worked
7 seven years at the U of A. Whether it was student
8 assistant, grad assistant, quality control, I did a
9 lot of jobs at the U of A for seven years. I left
10 the U of A and went to Missouri State University as
11 an assistant coach/intervention coordinator. I
12 worked seven years up there with students, got a
13 chance to meet a lot of students, change a lot of
14 lives. Left there in 2014 -- 2015, and went to
15 Georgia, south Georgia. It was my first high school
16 job. I spent three years down there working at
17 Colquitt County High School, which leads me here
18 today at -- Hot Springs High School is where I'm at
19 now.

20 Coming home to give back has kind of been the
21 reason I got back to Arkansas. I wanted to do some
22 things I was doing in Georgia. I had a free lunch
23 program where kids could come eat for free on
24 Saturdays, and it was a success. I kind of want to
25 do something like that in this area because there is

1 a need for that.

2 I made a mistake in 1995. I don't hide from it.
3 I've actually used that as a tool to educate our
4 youth, men and female -- male and female, on treating
5 people with respect and just really, really being
6 considerate of people's feelings. I thank God for
7 this opportunity, thank God that y'all was able to
8 listen to me. That's where I'm at.

9 CHAIRMAN BARTH: All right. Great. And you'll
10 have additional time in just a few minutes as well.
11 Great.

12 MR. SANDERS: Thank you.

13 CHAIRMAN BARTH: Thank you.

14 Ms. Blagg, you have up to 20 minutes.

15 MS. BLAGG: Thank you, sir. The Department has
16 information from public records that Mr. Sanders was
17 found guilty of a disqualifying offense --
18 specifically, Sexual Abuse in the First Degree -- on
19 August 29, 1995. Again, the verdict is marked as ADE
20 Exhibit Two (2).

21 A redacted copy of the felony information and
22 Affidavit for Warrant of Arrest are marked as ADE
23 Exhibit Five (5). And though the date of birth is
24 not visible to you, it does match the information
25 that's on Department records.

1 I'll give you a moment to review the facts
2 constituting probable cause found on page 2 of the
3 document. I've highlighted that information for you.

4 (A FEW MOMENTS OF SILENCE)

5 MS. BLAGG: Note that the crime was committed on
6 school grounds.

7 The sentencing order was filed on August 29,
8 1995, and is marked as ADE Exhibit Six (6). Again,
9 the relevant sections that I will direct you to are
10 highlighted. At the top of the sentencing order you
11 will see that the defendant was found guilty at jury
12 trial. Following that, the sentencing order
13 identifies Mr. Courtney LaRoy Sanders as the
14 defendant -- and the date of birth, again, is
15 redacted, but it does match Department records.

16 Yes, ma'am -- do you have a -- okay.

17 At the middle of the same page you will see the
18 offense that Mr. Sanders was convicted. To the right
19 of that you will see the classification as a felony,
20 C level. And, finally, at the bottom of the page you
21 will see that the sentencing order was signed by a
22 judge in 1995.

23 That concludes my presentation. Are there any
24 questions?

25 CHAIRMAN BARTH: We'll just start over here.

1 Ms. McFetridge, any questions?

2 MS. McFETRIDGE: I don't have any questions.

3 CHAIRMAN BARTH: Okay. Ms. Newton? Ms.
4 Chambers? Ms. Zook?

5 MS. ZOOK: Where did you say the sentencing was?

6 MS. BLAGG: The sentencing order is marked as
7 ADE Exhibit Six (6).

8 MS. ZOOK: Exhibit Six (6). Okay.

9 MS. BLAGG: Yes, ma'am.

10 MS. ZOOK: That's all I have for now.

11 CHAIRMAN BARTH: Mr. Williamson?

12 MR. WILLIAMSON: No questions.

13 CHAIRMAN BARTH: Okay. Dr. Moore?

14 DR. MOORE: No.

15 CHAIRMAN BARTH: Any other questions?

16 All right. Thank you.

17 MS. BLAGG: Thank you.

18 CHAIRMAN BARTH: Mr. Sanders, you have up to 20
19 minutes.

20 MR. SANDERS: Again, I thank you all for giving
21 this opportunity. I've done some things in my life
22 that I'm proud of, but it's really not about me at
23 this point in my life. I have a nine-year old
24 daughter and a six-year old daughter, and I want to
25 be a role model and a good dad for them. That's why

1 I give back the way I give back: I want them to be
2 able to give back.

3 That's all I have.

4 CHAIRMAN BARTH: All right. Thank you, sir.

5 Any questions? Any questions?

6 Ms. Zook.

7 MS. ZOOK: How old were you in August --

8 (COURT REPORTER'S NOTE: Mr. Sanders walks away
9 from the podium.)

10 CHAIRMAN BARTH: Mr. Sanders -- yeah.

11 (COURT REPORTER'S NOTE: Mr. Sanders returns to
12 the podium.)

13 MR. SANDERS: Sorry.

14 MS. ZOOK: How old were you in August of 1995?

15 MR. SANDERS: I was 18.

16 MS. ZOOK: Okay. And did you serve time?

17 MR. SANDERS: No, ma'am. Well, I initially -- I
18 served eight days and eight nights in jail.

19 MS. ZOOK: Okay. And this didn't come up the
20 first time you got a license because it's just on the
21 renewal?

22 MR. SANDERS: This is the first time I've ever
23 dealt with this in 18 years. I've been in education
24 for 18 years.

25 MS. ZOOK: Okay. And does DHS require you to be

1 supervised when you're with your own children or --

2 MR. SANDERS: No, ma'am.

3 MS. ZOOK: So --

4 MR. SANDERS: No issues.

5 MS. ZOOK: Are you on the register?

6 MR. SANDERS: No, ma'am. No register.

7 MS. ZOOK: That's all I have.

8 CHAIRMAN BARTH: Okay. Ms. Dean?

9 MS. DEAN: No.

10 CHAIRMAN BARTH: Ms. Chambers?

11 MS. CHAMBERS: No.

12 CHAIRMAN BARTH: Okay. Ms. Newton?

13 MS. NEWTON: Have you had any other incidents
14 since this time in 1995?

15 MR. SANDERS: No trouble with the law.

16 CHAIRMAN BARTH: Ms. McFetridge, anything?

17 MS. McFETRIDGE: No.

18 CHAIRMAN BARTH: Okay. Any additional
19 questions?

20 MS. ZOOK: You are teaching at the moment --

21 MR. SANDERS: Yes, ma'am.

22 MS. ZOOK: -- at Hot Springs High School?

23 CHAIRMAN BARTH: Okay. Thank you.

24 Okay. So we still have plenty of time, if there
25 are additional questions of the Department or if

1 anything else arises from Mr. Sanders.

2 My question is, is there a recommendation from
3 the Department?

4 MS. BLAGG: Our recommendation, for
5 consistencies sake, is that we not issue a license.
6 In my closing I have prepared for you guys, basically
7 this was 23 years ago; he was 18 at the time. The
8 offense, though, did occur on school grounds. We
9 acknowledge that Mr. Sanders has not had any other
10 criminal incidents that we're aware of, that -- he
11 has applied for a license here in Arkansas through
12 reciprocity. There is -- that's the licensure side
13 of things that I'm not privy to, but we're here for
14 the background check part of things. And so he's
15 been involved in a lot of things, and we acknowledge
16 the good that he's done. But that is -- that's all I
17 have on that.

18 CHAIRMAN BARTH: Okay. All right. And does he
19 have a closing statement? Does he have time for a
20 closing?

21 MS. BLAGG: He does have time for a closing
22 statement.

23 CHAIRMAN BARTH: Okay. Do you have any
24 additional closing?

25 MS. BLAGG: No, sir. No, sir.

1 CHAIRMAN BARTH: Okay. Great.

2 MS. BLAGG: Oh, I'm sorry. I would like to add
3 Mr. Sanders has provided additional evidence and
4 information -- specifically, employment and character
5 references -- to demonstrate that he does not pose a
6 threat to the health or safety of school children and
7 school personnel, and that the disqualifying offense
8 is listed and the Board has authority to take action.
9 And evidence for the Board's consideration should
10 include the age at which the time -- the age at which
11 the crime or incident was committed, the
12 circumstances surrounding the crime or incident, the
13 length of time since the crime or incident,
14 subsequent work history, employment references,
15 character references, and other evidence
16 demonstrating that the applicant does not pose a
17 threat to the health or safety of school children and
18 school personnel. I just wanted to add that for you.
19 Thank you.

20 CHAIRMAN BARTH: Great. Thank you.

21 All right. Mr. Sanders, if you have any closing
22 remarks --

23 MR. SANDERS: In closing, I ask that you all
24 grant me a waiver where I can be a certified teacher
25 in the state of Arkansas. I will not disappoint you,

1 will not let you down, and you've got my word. For
2 18 years I've been involved with kids and I know this
3 is what the Lord taught me to do. And I just ask
4 that you all grant me the waiver to become a
5 certified teacher.

6 CHAIRMAN BARTH: Okay. Thank you, sir.

7 Are there any additional questions?

8 Okay. Ms. Zook.

9 MS. ZOOK: Yeah, just procedural probably. Is
10 there such a thing as a probationary license or --
11 since this is a first-time -- since it's reciprocal?
12 I know if you get a license the first time as a --
13 you know, right out of high school or college that
14 you are provisional, and then it becomes permanent.
15 When it's reciprocal, is that something that comes to
16 play or is it either licensed or not licensed?

17 CHAIRMAN BARTH: Okay. I think it's Ms. Jacks.

18 Do I need to swear her?

19 Okay. Great. Thank you.

20 MS. JACKS: So currently we don't have all the
21 information we need in order to grant a reciprocal
22 license. All that we've received from Georgia was a
23 temporary license, a one-year provisional, and that
24 usually means that there were deficiencies to
25 complete. So we can't reciprocate based on that. We

1 need the rest of the information before we could go
2 ahead and work through the reciprocity application.
3 So I think this is basically about the background
4 check -- and there's no type of provisional that we
5 have based upon a background check, only that they
6 can come before State Board.

7 MS. ZOOK: So he can apply -- just not asking
8 you to reciprocate, but just say "I want an Arkansas
9 license?" Or does he have to do a reciprocal since
10 he was provisionally licensed in another state?

11 MS. JACKS: He doesn't have to do reciprocal,
12 but we would have to have more information of what to
13 base a license upon. We can't use the Georgia
14 license to reciprocate --

15 MS. ZOOK: Okay.

16 MS. JACKS: -- that we received.

17 CHAIRMAN BARTH: So if this waiver was granted,
18 that process would still move forward; it would allow
19 the rest of the process to move forward?

20 MS. JACKS: To move forward or not.

21 CHAIRMAN BARTH: And we have no -- and we don't
22 know what the outcome --

23 MS. JACKS: Correct. I don't have the
24 transcripts yet or --

25 CHAIRMAN BARTH: Okay.

1 MS. JACKS: -- things like that, of that nature,
2 that I would need.

3 CHAIRMAN BARTH: Okay. But if the waiver is
4 denied, then the process stops?

5 MS. JACKS: Correct.

6 CHAIRMAN BARTH: Okay. All right. Thank you,
7 sir.

8 We'll deliberate now, and I'll open it up for
9 conversation or a motion. But if folks want to talk
10 for a moment --

11 MS. NEWTON: I move that we grant the waiver.

12 MS. ZOOK: And I second.

13 CHAIRMAN BARTH: Okay. So a motion by Ms.
14 Newton, second by Ms. Zook.

15 Are there any comments?

16 Ms. Chambers.

17 MS. CHAMBERS: I would just, based on the
18 direction that we're heading, would appreciate any
19 conversation or perspective from folks that are
20 supporting this, what you're thinking and why you
21 feel that way.

22 MS. ZOOK: I guess my consideration -- you know,
23 I wear another hat as a CASA worker. He's not on the
24 maltreatment or abuse register. He did not -- they
25 did not require him to serve time after the true

1 finding. He admitted to what he did. He has been
2 working with youth and around youth for 18 years, and
3 he is not required to have supervision to be with his
4 own children. So all of that goes into my belief
5 that he is not a risk or he is not a repeat offender.

6 MS. NEWTON: In my judgment, I looked at the
7 guidelines that were given and it says "circumstances
8 that the State may consider includes but is not
9 limited to." In the list, I looked and I found -- I
10 thought six of the seven were already met and that
11 those conditions were met -- the age, the length of
12 time since the incident occurred, subsequent work
13 history, employment references, character references,
14 and evidence that he does not pose a threat, which
15 were some of the things that Ms. Zook listed.

16 MS. CHAMBERS: Thank you.

17 CHAIRMAN BARTH: Okay. Any other -- Ms. House,
18 anything?

19 MS. HOUSE: No.

20 CHAIRMAN BARTH: Okay. All right. I want to do
21 a roll-call on this.

22 So the motion is to grant the waiver and allow
23 the process to continue.

24 COMMISSIONER KEY: Yeah. Ms. Zook.

25 MS. ZOOK: Yes.

1 COMMISSIONER KEY: Mr. Williamson.

2 MR. WILLIAMSON: Yes.

3 COMMISSIONER KEY: Ms. Chambers.

4 MS. CHAMBERS: No.

5 COMMISSIONER KEY: Ms. McFetridge.

6 MS. McFETRIDGE: Yes.

7 COMMISSIONER KEY: Dr. Moore.

8 DR. MOORE: Yes.

9 COMMISSIONER KEY: Ms. Newton.

10 MS. NEWTON: Yes.

11 COMMISSIONER KEY: Ms. Dean.

12 MS. DEAN: Yes.

13 COMMISSIONER KEY: Okay.

14 CHAIRMAN BARTH: And please record me as a no.

15 Congratulations. And the process will continue
16 and we wish you the best of luck in that process and
17 in the future. And safe travels.

18 A-4: CONSIDERATION OF REVOCATION OF TEACHING LICENSE,

19 LICENSURE ACTION CASE NO. 18-018 - SHANE JONES

20 CHAIRMAN BARTH: All right. Ms. Blagg, you are
21 up again. And this is the Jones case, item 4.

22 MS. BLAGG: Thank you. Good morning again.
23 Simone Blagg, attorney for Educator Effectiveness and
24 Licensure. I'm here today for you to consider the
25 revocation of the teaching license of Shane Samuel

1 Jones, due to his plea of guilty to a disqualifying
2 offense.

3 If Mr. Jones is present, I ask that he step
4 forward at this time.

5 (COURT REPORTER'S NOTE: No one stood and
6 stepped forward.)

7 MS. BLAGG: Mr. Jones is not here to contest.
8 So if you'd like, I will quickly address the
9 underlying basis for the recommendation of
10 revocation.

11 CHAIRMAN BARTH: (Nodding head up and down.)

12 MS. BLAGG: Arkansas law provides that the State
13 Board of Education shall revoke the license of any
14 person who has pled guilty to or been found guilty of
15 the enumerated offenses listed in Arkansas Code
16 Section 6-17-410 and 6-17-411. The relevant section
17 of 6-17-410 is marked as ADE Exhibit Seven (7).

18 Mr. Jones is a licensed educator with a standard
19 teaching license that expires on December 31, 2022.
20 A copy of his last issued license is marked as ADE
21 Exhibit One (1).

22 Mr. Jones pled guilty to an enumerated
23 disqualifying offense on July 23, 2018. A file-
24 marked plea and waiver statement is marked as ADE
25 Exhibit Two (2). The plea and waiver document names

1 Mr. Jones as the defendant and has his signature.
2 The charging information and probable cause affidavit
3 are marked as ADE Exhibit Three (3).

4 I'll give you a moment to review the probable
5 cause affidavit. Again, I've taken the liberty to
6 highlight the relevant portions for you. If you'd
7 please turn to page 2 of 5 and read the first
8 sentence of the last paragraph, I'd like to just draw
9 your attention to that. And then, turn to page 4 of
10 5 and read the last sentence of the third paragraph.

11 [A FEW MOMENTS OF SILENCE]

12 MS. BLAGG: Note that the crime was committed on
13 school grounds and less than one year ago. Mr. Jones
14 was convicted and sentenced by the court of the crime
15 of Video Voyeurism, a Class D felony, on July 23,
16 2018. The amended sentencing order was filed on
17 August 13, 2018, and is marked as ADE Exhibit Four
18 (4). Mr. Jones was sentenced to 48 months in the
19 Arkansas Department of Corrections, with 24 months
20 suspended imposition of sentence. The top of page 3
21 of that document indicates that he must register as a
22 sex offender.

23 Mr. Jones was notified of the disqualification
24 on July 31, 2018, by both First Class and Certified
25 Mail, to the last address on file with the

1 Department. The Certified Mail was delivered on
2 August 13, 2018, and the First Class mail was not
3 returned. The notice is labeled as ADE Exhibit Five
4 (5). Mr. Jones did not respond to the Notice of
5 Disqualification, nor did he request a waiver of the
6 disqualification.

7 The Department sent Mr. Jones a notice of
8 today's hearing on September 14, 2018, also by First
9 Class and Certified Mail, to the last address on file
10 with the Department. As evidenced by ADE Exhibit Six
11 (6), the Certified Mail was delivered on September
12 17, 2018, and the First Class mail was not returned.
13 Mr. Jones is not here today.

14 The Department recommends that the Board revoke
15 Mr. Jones' license.

16 CHAIRMAN BARTH: Any questions for Ms. Blagg?
17 Okay. I'd invite a motion.

18 MS. ZOOK: I move to revoke.

19 MR. WILLIAMSON: Second.

20 CHAIRMAN BARTH: The proper motion would be to
21 deny the --

22 MS. BLAGG: The motion is to revoke.

23 CHAIRMAN BARTH: Okay. The motion is to revoke?

24 MS. BLAGG: Yes.

25 CHAIRMAN BARTH: Okay. All right. You're

1 right, Ms. Zook.

2 Motion by Ms. Zook --

3 MS. ZOOK: Wonders never cease.

4 CHAIRMAN BARTH: Motion by Ms. Zook, second by
5 Mr. Williamson.

6 All in favor say "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN BARTH: Opposed, same sign.

9 Thank you --

10 MS. BLAGG: Thank you.

11 CHAIRMAN BARTH: -- Ms. Blagg.

12 COMMISSIONER KEY: And, Ms. Blagg, would you
13 take up any of the packets that members may want to
14 give back to you, please?

15 CHAIRMAN BARTH: Okay. I think we -- this next
16 item may be fairly detailed, and so I think we're
17 going to take a -- let's just take a 10-minute break.
18 We'll come back at five after 11:00.

19 (BREAK: 10:55 - 11:09 a.m.)

20 A-6: STATE BOARD REVIEW OF PLSB EVIDENTIARY HEARING

21 RECOMMENDATION - REBEKAH BENNETT

22 CHAIRMAN BARTH: All right. So this is --
23 remember that we -- item 5 was pulled, and so we are
24 now down to item 6, which is the Bennett case. And
25 this is different than things that -- this -- we

1 don't normally do this, so it's kind of a new
2 process. And Ms. Blagg is going to get us started
3 and then I'll -- Miss -- sorry --

4 MS. TAYLOR: It's okay.

5 CHAIRMAN BARTH: I'm sorry, Daryl.

6 MS. TAYLOR: No problem.

7 CHAIRMAN BARTH: We will move from -- we will --
8 after Ms. Taylor presents things, I will then take it
9 from there.

10 MS. TAYLOR: All right. I'm Daryl Taylor,
11 Managing Attorney for PLSB. And we are here for the
12 State Board to review the findings and
13 recommendations of the PLSB Evidentiary Hearing
14 Subcommittee in the matter involving Educator Rebekah
15 Bennett, case number 17-157. Attorney Matthew
16 Campbell is here as counsel for the Educator.

17 CHAIRMAN BARTH: Thank you.

18 MS. TAYLOR: Would the Board care for a review
19 of the rules for this proceeding?

20 CHAIRMAN BARTH: I think that probably would be
21 helpful -- or I can do it, either way. Your call.

22 MS. TAYLOR: So the preliminary rules -- Section
23 16-4 of the Rules Governing Code of Ethics for
24 Arkansas Educators provide that the PLSB attorney
25 shall introduce the item on the agenda. The Educator

1 will then have 10 minutes to present an oral argument
2 in opposition to the findings and recommendations,
3 and then the PLSB attorney will have 10 minutes for
4 oral argument in support of the findings. Upon good
5 cause shown, the Chair of the State Board may grant
6 either party additional time for oral argument. And
7 so that just essentially lays out how the procedures
8 will flow. If there are additional questions as it
9 relates to witnesses and so-forth, we can address
10 that as well.

11 CHAIRMAN BARTH: Great. And I want to do a
12 couple of things before we get started with the case.
13 I want to go around and be sure that everyone has --
14 was able to get access to all of the evidence?

15 MS. ZOOK: I haven't looked at all of the things
16 that she sent us this morning, but all the things
17 that we got before today I have looked at.

18 CHAIRMAN BARTH: Okay.

19 MS. TAYLOR: And if I may clarify, in
20 relationship to some questions I received this
21 morning, I sent a matrix which would outline the
22 proposed fines -- potential fines in this case --

23 CHAIRMAN BARTH: Okay.

24 MS. TAYLOR: -- in addition to, if there's
25 training that is recommended in this case, provided a

1 training guide so that you'll have the options by
2 which you can choose from. So as it relates to the
3 case, nothing new, substantive. As it relates to the
4 content of the case, it just gives you further
5 guidance as it relates to how you will craft a
6 potential sanction.

7 CHAIRMAN BARTH: Okay. Were y'all able to
8 review the --

9 MS. ZOOK: Yes.

10 CHAIRMAN BARTH: -- substantive content?

11 Okay. Okay. And so just to -- I also want to
12 get -- so folks have the three things that ultimately
13 we will have to decide, we will, as a board, have to
14 determine the Finding of Fact; we'll, second, have to
15 articulate the Conclusion of Law; and then, third, we
16 will have to choose a final determination -- that is,
17 if there is a sanction what that sanction would be.
18 And so that's three things we're going to have to do
19 out in open. It's a little bit like making sausage
20 in public because we obviously are deliberating in
21 public, so -- but as you are thinking through this
22 case recognize that we're going to have to do each of
23 those three things.

24 So the first is a Finding of Fact -- that is,
25 what happened. Second, the Conclusion of Law -- and

1 with Conclusion of Law, is or is not that a violation
2 of the Code of Ethics. And then, finally, the final
3 determination, which would be the actual sanction.

4 And we have broad -- if there is a determination
5 that there was a violation of law, of the ethics
6 standards, then we have a tremendous amount of room
7 to maneuver in terms of what that sanction is. Is
8 that correct?

9 MS. TAYLOR: That is correct.

10 CHAIRMAN BARTH: All right. Okay. So we start
11 with 10 minutes, as we turn things over to the
12 attorney for Ms. Bennett. And you have up to 10
13 minutes. Thank you.

14 MR. CAMPBELL: Good morning. As Ms. Taylor
15 said, my name is Matthew Campbell. I'm here on
16 behalf of the Educator, Ms. Rebekah Bennett. I
17 assume -- well, there are two separate categories
18 that I think are objections to the findings -- the
19 earlier findings in discipline could be boiled down
20 to. One is the Finding of Fact that Ms. Bennett
21 shoved or slammed a student against the wall. And
22 then the other is an objection to the severity of the
23 discipline that was imposed. I'm going to try to
24 keep those sort of separate but moving forward at the
25 same time.

1 I know Ms. Taylor provided the video, the
2 surveillance video, and I believe everyone had a
3 chance to watch it. I've seen it as well. I don't
4 know how much context has been provided, other than
5 the video and the transcript of the previous hearing.
6 But what you had in the moments leading up to what
7 you can see on the video was an unruly student who
8 had been asked to leave the classroom, refused to
9 leave the classroom, and then at some point escalated
10 to the point where he was leaving the classroom but
11 did not to do what he'd been told to do; he was just
12 going to go. Ms. Bennett goes into the hallway, and
13 then that's where the video picks up that you've
14 seen.

15 As part of our brief, I submitted the findings
16 from DHS regarding the Child Maltreatment Registry.
17 At the time of the prior hearing that got us here for
18 this appeal, this was still pending; DHS hadn't made
19 a decision. There was a question near the end of
20 that earlier hearing asking what DSH had determined.
21 Ms. Bennett's attorney noted "it's being appealed,"
22 and one of the hearing officers at the previous
23 hearing said, "Well, you know, until it's been
24 determined by DHS, then that still stands." Because
25 on appeal -- DHS had originally determined that there

1 was a violation, but on appeal, once the DHS hearing
2 officer had a chance to look at the video and
3 consider the circumstances, what she found was that
4 there was no -- there was no choking, there was no
5 slamming, there's no violation like that. This was
6 an Educator using the specific amount of force that
7 was necessary to protect both the child and herself
8 and that the contact was instigated -- the escalation
9 in contact was instigated when the child tried to
10 shove away from Ms. Bennett as she was trying to get
11 him to the office, where she had told him to go.

12 I point to the DHS findings for two reasons:
13 one, at this point we have one determination that,
14 yes, there was some sort of slam/shove against the
15 wall, and another state agency saying no, there
16 wasn't, this was just the appropriate minimal use of
17 force necessary. But the DHS hearing also pointed
18 out that the student in the testimony related for DHS
19 -- none of his testimony actually matched what was on
20 the video. She said, you know, that nothing in the
21 video supported what the student had said and that he
22 had exaggerated, you know, the allegations and made
23 it sound like more than it actually was. And I think
24 that's sort of part and parcel of what we're dealing
25 with here is this started from allegations from the

1 student and his parent. And at this point we've had
2 one state agency saying the student is not telling
3 the truth here, this is exaggerated, and it has blown
4 up into something more than what it really is.

5 I will submit to you that having seen the video,
6 and in the context of what you saw, this was not Ms.
7 Bennett slamming or shoving a child against the wall;
8 this was an appropriate use of force. And I think
9 that's borne out by the fact that the child --
10 contrary to the child's testimony at the previous
11 hearing, he testified that he broke free from Ms.
12 Bennett and he ran out the door and left the school.
13 Not at all what happened; he went to the office and
14 then he returned to her classroom the next day
15 without incident and did not have another incident
16 with her following that. So the student was either
17 confusing two different events or was otherwise
18 exaggerating to try to make this seem like it had
19 more of an impact on him, which leads me to -- sort
20 of dovetails into the severity of the discipline.

21 The matrix that was -- the disciplinary matrix
22 that was relevant at the time of the previous hearing
23 listed for sanction guidelines under suspension that
24 -- weighting factors for suspension included multiple
25 violations, violations that occur over a period of

1 years, moderate to high level of negative impact on
2 the student level of damage to school property, or
3 willful or intentional violation of the Code of
4 Ethics. It's not disputed at all that this was only
5 a single incident, so the first two factors aren't at
6 play. The only one -- and I think that you'll hear
7 argument about -- is that somehow the student -- the
8 student testified that he had, you know, extensive
9 emotional trauma over this, yet he was able to return
10 to the classroom the next day; that wasn't an issue.
11 His dad even testified at the previous hearing that
12 while they had looked at counseling they had -- I
13 believe the quote was -- "missed several
14 appointments." This wasn't something that they were
15 pursuing -- and this is a child who, you know, for
16 all intents and purposes had already had some
17 emotional issues. Ms. Bennett had asked for
18 counseling for him, had tried to get the father to
19 get him counseling months before this incident even
20 happened because of behavioral issues in the
21 classroom. The father flatly refused. This incident
22 happens and then, all of a sudden, he goes to a
23 little bit of counseling, then starts missing
24 appointments. So I don't think there's anything in
25 the record, beyond the testimony of the student, to

1 suggest any sort of emotional trauma, but certainly
2 not any extensive emotional trauma that would rise to
3 the level of a moderate to high level of negative
4 impact on the student. There's been no showing that
5 the student had trouble, based on -- had trouble
6 because of this incident, had trouble, you know,
7 completing the school year, or has been unable to
8 attend school, or has had any sort of, you know, like
9 real necessary counseling. They went to counseling
10 and then stopped going. So I don't see anything in
11 the record to support the negative impact -- and if
12 you don't have that, then we're down to none of the
13 factors for suspension being at play.

14 The problem -- and it's raised in our brief --
15 is that at the previous hearing the board looked at
16 it and said, "Yeah, this was a single incident and
17 without explanation, but we still think a suspension
18 is warranted." So we have no Finding of Facts from
19 them to even suggest why they found it was warranted.
20 This was sort of a "yeah, it was a one-off," which
21 was the only factor they -- and then they just sort
22 of glossed over. And I don't think -- just as a
23 procedural matter and as a due process issue I don't
24 think you can go so far as an 18-month suspension,
25 which -- I mean, practically a 15-month suspension at

1 this point -- I don't think you can do that without
2 some sort of finding of -- an explanation as to if
3 you found one of these factors for suspension how you
4 found it and what facts support it. And if there are
5 no facts to support it, then you haven't found that
6 factor. It's as simple as that. And you certainly
7 can't even fail to reference which factor you thought
8 warranted.

9 So if we don't -- if there's no other factors
10 for suspension, we're back down to the far left side
11 of -- excuse me -- of the matrix. You know, a letter
12 of caution has the most relevant factors, you know --
13 only one incident, actions don't warrant disciplinary
14 sanction, no detrimental impact on the student, no
15 prior history of similar behavior -- which also I
16 meant to get into is Ms. Bennett has been teaching
17 for 16 years. She's been at this middle school for
18 over two years. This is the first allegation of this
19 -- of any kind, but this -- of any sort of physical
20 contact with a student. This is by far the first and
21 only -- and it hasn't been an issue. She's back in
22 the exact same position this year, teaching. The
23 setup is so that she's in a building that is adjacent
24 to the gym at the middle school; she's not in the
25 main building, and there's -- the superintendent is

1 not coming by to check on her, the principal is not
2 coming by to check on her. Nobody at the school has
3 evidenced any sort of concern or worry that she's
4 going to -- like this is an ongoing event or that
5 she's somehow unstable. They let her go back to
6 work, and it's been exactly as it was for every other
7 day of the 16 years, aside from this one day where
8 she used just the amount of force that was necessary.

9 If the Board has any questions for me, I'm happy
10 to answer. I also know that the rules allow for the
11 Board to ask Ms. Bennett any questions, if you have
12 questions directly for her, and she's, you know,
13 prepared and available for that as well. So I'll
14 turn it over to you for the remainder of my time or
15 for any questions you may have.

16 CHAIRMAN BARTH: I think you have five seconds,
17 so I think that's --

18 MR. CAMPBELL: Nailed it.

19 CHAIRMAN BARTH: You've done a very good job of
20 your time usage. Thank you, Mr. Campbell.

21 MR. CAMPBELL: Thank you.

22 CHAIRMAN BARTH: Ms. Taylor, you have 10
23 minutes.

24 MS. TAYLOR: The Arkansas Department of
25 Education received a complaint February 9, 2017,

1 which alleged the following: we have video footage of
2 a teacher removing a student from a classroom and
3 slamming him against a wall. That complaint is
4 provided for you at PLSB Exhibit Number Five (5),
5 page 1. In the student's testimony at the
6 evidentiary hearing, he says that when he was
7 instructed to go into the hallway repeatedly, he said
8 no. You'll find that testimony on page 15, line 21
9 of the transcript. He was honest about his verbal
10 refusal to cooperate. He goes on to say his teacher
11 told him to leave at least twice. After that he
12 refused yet again, but then she yanked him from his
13 chair, put him in a chokehold, jerked him, drug him
14 across the floor until he got to the door, and then
15 pulled him up to where he was standing. When they
16 got into the hallway she slammed him against the
17 wall. And what you see in the video, from the point
18 at which they leave the room, is consistent with his
19 testimony. You see the educator's arm around his
20 neck, what he classifies as a chokehold. You see the
21 slamming, however you choose to classify it, against
22 the wall. So for all intents and purposes his
23 testimony is consistent with the physical evidence
24 that you have before you. When the educator was
25 asked why did she do this, her response was she was

1 frustrated.

2 Now Counsel has outlined several points in his
3 brief, he's discussed several issues as he stood here
4 today, and I'd like to address a couple of these.
5 However, before I do, I want to point out that the
6 procedural history of this matter is outlined in
7 PLSB's response to the Educator's brief that has been
8 provided for you. I'd also like to point out
9 specifically that Educator Bennett holds a standard
10 Arkansas teaching license that expires December 31,
11 2008 [sic]; this is provided for you at PLSB Exhibit
12 Eleven (11). And that is what brings her within the
13 jurisdiction of this board.

14 So specifically, as it relates to the arguments
15 articulated by Counsel, first, he relies heavily on a
16 final order from the Department of Human Services,
17 which I will refer to as DHS. As articulated in that
18 order, the purpose of the appeal hearing was to
19 ascertain whether Rebekah Bennett, and I quote,
20 "engaged in conduct that created a realistic and
21 serious threat of death, permanent or temporary
22 disfigurement, or impairment of any bodily organ."
23 However, in stark contrast, the question before this
24 body is whether conduct occurred which violated the
25 Code of Ethics.

1 It is alleged, specifically, that Educator
2 Bennett violated Standard 1. That standard provides
3 that an Educator shall maintain a professional
4 relationship with each student, both inside and
5 outside of the classroom, and the rules for the Code
6 of Ethics give some level of explanation as to what a
7 professional relationship looks like. It says that
8 it encompasses such behavior and action that promotes
9 at all times the mental, emotional, physical health
10 and safety of a student.

11 Now although the DHS proceeding does flow from
12 the same set of circumstances as this PLSB matter,
13 the standard which was applied in the DHS proceeding
14 is vastly different from the standard that you will
15 utilize to evaluate a code violation. PLSB does not
16 seek to establish that there was a realistic and
17 serious threat of death, permanent or temporary
18 disfigurement, or any impairment of a bodily organ.
19 However, it is alleged that while escorting a student
20 down the hallway Educator Bennett shoved, slammed or
21 threw the student against the wall -- and that is a
22 violation of the Code of Ethics. Therefore,
23 Counsel's reliance on the DHS proceeding is improper
24 and misapplied in this case.

25 He goes on to discuss in the brief and today he

1 talked about some summations and observations that
2 flow from the DHS order. However, you have been
3 provided with direct evidence and you have been
4 provided with the video; so there is no necessity for
5 you to look at a summation of what the video
6 provides. You have the video. You have been
7 provided with the transcript. So you have direct
8 testimony from individuals who were physically in the
9 room, physically at the school that day, and that is
10 the best record of what occurred.

11 Now to clarify, there are two different videos.
12 The first video is going to show as the Educator
13 exits the classroom with the student; the second
14 video is a continuation further down the hall, and so
15 you are going to see different angles. But that
16 primary video, the initial physical contact, is the
17 one that I would argue is the most relevant. And it
18 is upon this direct evidence that you should base
19 your decision, not a summation or observation from a
20 different proceeding, utilizing the standard that is
21 not applicable here.

22 And, thirdly, Counsel for the Educator argues
23 that the sanction is inconsistent with the
24 disciplinary matrix that was attached to the rules
25 governing the Code of Ethics that was applicable at

1 that time. That matrix has been provided for you at
2 PLSB Exhibit Number Twelve (12). However, the
3 sanction -- I would argue that sanctions at each
4 level of this proceeding -- the first being a
5 revocation, the next being suspension -- are both
6 consistent with the matrix. Because if you will look
7 at that matrix, you will see that the black-and-white
8 language provides that one or more factors may be
9 present; so, accordingly, a single factor may form
10 the basis for a sanction. In this case, you have
11 multiple factors -- the first, negative impact on the
12 student. The student and his father testified that
13 he was affected emotionally. You can find that
14 testimony at page 17, line 16 of the transcript. His
15 father's testimony is at page 49. Both indicated
16 there was emotional distress, and the father's
17 testimony was that the counseling was directly
18 related to the emotional distress. There was no
19 conversation about any previous issues, any previous
20 concerns that had been voiced by any Educator; he
21 went into counseling as a direct response to his
22 distrust of his teachers. The way the father
23 articulates it, he has this concept -- he was going
24 through a conspiracy theory, he felt that all
25 teachers were now out to get him. He was concerned

1 that this could happen to him again. That is the
2 direct evidence from the father.

3 The student also testified after the incident
4 that he experienced pain to his elbow and to his
5 head. That is found at page 17. His father's
6 testimony is consistent to pain to the elbow. I
7 would argue that that amounts to moderate to high
8 level of negative impact to the student.

9 Further, during Educator Bennett's testimony at
10 the evidentiary hearing, she discussed physical
11 interaction. Her testimony is evidence of willful
12 and intentional action. She acknowledged she could
13 have called for help prior to making physical
14 contact, but she chose not to do that. She
15 acknowledged specifically that she understood the use
16 of force. I asked, at line 13 of page 237, "Is it
17 fair to say you were aware of the level of force that
18 you exerted at this point, based on your testimony?"
19 Her response was yes. I continued, "So when we see
20 him make contact with the wall, you were aware of the
21 level of force you were utilizing at that point?"
22 Again, her response was yes. There you have several
23 factors that are consistent with the sanction.

24 Before I conclude -- and I'm sure I'm getting
25 close to my time -- I'd like to point out a couple of

1 other issues. The Educator had the opportunity to
2 write out a written account, and you'll see that at
3 PLSB Exhibit Three (3). And I want you to make note
4 of what you don't see there. In her written account
5 -- and she had an opportunity -- she does not talk
6 about physical aggression, she does not talk about
7 him being unruly, she does not indicate that he was
8 doing things, that he was running about the classroom
9 -- all things that you may hear at a later time. But
10 when she was given the opportunity immediately after
11 you will not see those things present.

12 And so based on the evidence that has been
13 provided and recently discussed, you have sufficient
14 evidence to find, by a preponderance of the evidence,
15 that the Educator violated the Code of Ethics -- and
16 by doing so, brings her within the purview of the
17 sanction that you will be able to craft in line with
18 that conclusion.

19 CHAIRMAN BARTH: Thank you.

20 So the hearing -- our hearing and our
21 determination is based on -- is to be based on the
22 transcript, the pleadings, and the oral argument that
23 we heard today. We can, however, provide -- ask for
24 testimony to be provided by either the investigator
25 or the Educator. Correct?

1 MS. TAYLOR: That is correct. I will note that
2 the investigator, I believe, in this case is no
3 longer with us. So that person is not available for
4 testimony.

5 CHAIRMAN BARTH: Okay.

6 MS. TAYLOR: However, I would reiterate this is
7 not intended as a re-hearing.

8 CHAIRMAN BARTH: Exactly.

9 MS. TAYLOR: That testimony would be for limited
10 purposes, and it is limited to those individuals.

11 CHAIRMAN BARTH: Correct. I just wanted to --
12 before we started asking questions, wanted to let you
13 know that we do need to make that decision about
14 whether we will accept additional limited testimony
15 or whether the Board feels that there's plenty of
16 information based on the materials that we've
17 received already.

18 So is everybody feeling they have enough
19 information on what we have gotten?

20 All right. Okay. Then it is time for our
21 discussion. And I think, just to kind of keep things
22 in as tidy a fashion as possible, we would start with
23 the Finding of Fact.

24 FINDINGS OF FACT

25 CHAIRMAN BARTH: Both parties have supplied

1 their draft, their proposed language about a Finding
2 of Fact. There's agreement that the first Finding of
3 Fact is that Ms. Bennett is a licensed educator in
4 the state of Arkansas. That is the first Finding of
5 Fact, and so I will just kind of present that. There
6 is, of course, dissent on the remaining Finding of
7 Fact -- Finding of Fact, and that is really the
8 question of whether Ms. Bennett shoved, slammed, or
9 threw the student against the wall. And so that is a
10 crucial determination of whether -- what our
11 determination is there and what our evidence for that
12 determination is.

13 And so I will open it up for conversation about
14 the Finding of Fact and where folks come down in
15 terms of that key determination.

16 Ms. Chambers.

17 MS. CHAMBERS: I'll just -- I'll start with a
18 question, if I might -- the Finding of Fact, I'm
19 assuming this comes under that heading. So is part
20 of our deliberation to give consideration to
21 provocation? Because what's interesting in the days
22 that we live in, regardless of what we read about an
23 event a video somehow takes it to an entirely
24 different level, which I think is good in terms of
25 being able to -- very much in first-person have a

1 judgment or a perspective. But an awful lot of what
2 we've been talking about -- a lot of the texts that
3 we received had to do with what led up to what we
4 saw. So is there -- how much time and consideration
5 are we to give to that in determining fact?

6 MS. TAYLOR: So it is part of the deliberation.
7 That is why you were provided with the transcript
8 that tried to or attempted to give you a full picture
9 of the circumstances which led up to what you
10 ultimately see on the video.

11 MS. CHAMBERS: Do we have the ability to ask the
12 teacher to speak?

13 MS. TAYLOR: You do have the ability. However,
14 I would note that this is not intended as a re-
15 hearing that -- some of that specific information was
16 covered during the course of it. So with that
17 limitation, you definitely can ask questions of the
18 Educator. But I guess I would also say that,
19 depending on the question, there is -- I do not have
20 the ability to provide rebuttal to that. I don't
21 have any additional witnesses. Those responses would
22 need to be provided from the transcript. Does that
23 make sense?

24 MS. CHAMBERS: It does.

25 CHAIRMAN BARTH: Uh-huh.

1 MS. TAYLOR: And so we can't do too much of a
2 back-and-forth and essentially have a whole 'nother
3 hearing.

4 CHAIRMAN BARTH: So, Ms. Chambers, would you
5 like to ask a question of the Educator?

6 MS. CHAMBERS: Well, I don't have a specific
7 question. I would, if the opportunity allows, just
8 hear perspective on the minute or two that preceded
9 what we saw in the video, to hear it from the teacher
10 directly. But I certainly appreciate this is not
11 even-handed in terms of a different perspective to
12 offer to whatever we would hear from her, so --

13 CHAIRMAN BARTH: Okay. So is that a motion to
14 --

15 MS. CHAMBERS: It is. But I would ask that my
16 peers weigh-in on if that's something they have
17 interest in.

18 CHAIRMAN BARTH: Okay. All right. So a motion
19 by Ms. Chambers to hear a limited -- ask a limited
20 question or questions to the Educator.

21 Is there a second to that?

22 MR. WILLIAMSON: Second.

23 CHAIRMAN BARTH: All right. All those in favor
24 of the motion say "aye."

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRMAN BARTH: Those opposed?

2 Okay. So, Ms. Bennett, if you could come
3 forward and raise your right hand --

4 MS. ZOOK: Since it's not a hearing, does she
5 have to be sworn?

6 CHAIRMAN BARTH: Yes, she does have to be sworn.

7 MS. ZOOK: Okay.

8 CHAIRMAN BARTH: According to the rules, she
9 does have to be sworn.

10 Do you swear or affirm that the testimony you're
11 about to give shall be the truth, the whole truth,
12 and nothing but the truth?

13 MS. BENNETT: Yes.

14 CHAIRMAN BARTH: All right. Ms. Chambers, I'll
15 turn it over to you for a question.

16 MS. CHAMBERS: So it would appear from what
17 we've already heard that you're in agreement that the
18 circumstances in that classroom had gotten to a point
19 that you felt warranted taking certain actions that
20 didn't include calling the office or asking for help;
21 you took matters into your own hands. So if you
22 could help us understand, like I said, the minute or
23 two that preceded what we saw, that would be very
24 helpful.

25 MS. BENNETT: Yes, sure. On that day, just a

1 few minutes before the video takes place, the
2 assistant principal had been in my classroom doing
3 observation. The child had actually gotten angry at
4 the assistant principal and threw his things off his
5 desk. And the assistant principal walked over and
6 told him to pick them up, and then left the room. So
7 the child was continuing to be in an agitated state
8 and wanted to keep getting up and sharpen his pencil,
9 and I told him, "No, Mr. Rash told you you had to use
10 the other pencil on your desk." He continued to
11 argue, so much that I could not continue with the
12 lesson. So I asked him to leave the room several
13 times, and he refused. So I reached down and I
14 turned his chair away from his desk and said, "You
15 need to go. You need to leave the room." And he
16 jumped up from his chair and he ran towards the back
17 of the classroom, and when he ran past me I took hold
18 of his arm to stop him -- and when I did that, he
19 resisted and pulled away from me. So I pulled him
20 into my chest and held my arm around him to guide him
21 out of the classroom, and that's when he began
22 thrashing around, knocking into tables and chairs and
23 the other 23 students that were in the classroom. So
24 when -- it was a struggle to get him to the door, and
25 I felt like if I let go of him with the hand that I

1 had, to hit the intercom button, that I was going to
2 lose my ability to control where his body was going.
3 And he had made previous statements that he was going
4 to leave the school, when he got agitated. Where my
5 classroom is located is right next to our in-doors.
6 So when I got closer to the door I realized I'm going
7 to have to pivot him around and get him away from
8 those doors until I can calm him down and get some
9 help. So that's what I did. When I got to the in-
10 doors I pivoted him around and held him against the
11 wall, and I told him, "You've got to calm down.
12 We're going to go to the office. This is enough."
13 And as I headed down the hallway with him I realized
14 that there's no way I can get him there on my own.
15 So I stopped at the next door, where my coworker was,
16 and I said, "Call the office. I need help." And at
17 that time I think he realized, okay, I've got two
18 people now; I'm going to have to comply. And then he
19 sat down against the wall and waited for the
20 assistant principal to come down.

21 MS. CHAMBERS: Okay. Thank you.

22 CHAIRMAN BARTH: Any additional limited
23 questions on this side?

24 Any questions on this side?

25 MS. HOUSE: I do.

1 CHAIRMAN BARTH: Ms. House.

2 MS. HOUSE: Have you ever received training in
3 the proper techniques of putting children in a hold?
4 Are you certified? And if there's a --

5 MS. BENNETT: No, ma'am, I'm not. I mean, I
6 have in a couple of past incidences had to help other
7 teachers or administrators out. But I've never been
8 given specific instructions on what to do when I had
9 a child that was acting in that way.

10 MS. HOUSE: Are you aware of anybody in your
11 building who you could have called to put the -- to
12 actually place the --

13 MS. BENNETT: No. We have -- I mean, we have
14 resource officers in the district, but not anyone
15 specifically for our building at all times.

16 CHAIRMAN BARTH: Any additional questions over
17 here?

18 Okay. Thank you, Ms. Bennett. Appreciate --

19 MS. BENNETT: Thank you.

20 CHAIRMAN BARTH: Appreciate your being here.

21 All right. So we are back to the key Finding of
22 Fact of whether Ms. Bennett did shove, slam, throw
23 the student against the wall, or whether she did not
24 engage in that. And obviously this is -- this can be
25 written in a way that y'all feel comfortable with.

1 Ms. Zook.

2 MS. ZOOK: I have probably a perspective that is
3 unique in that I worked with pre-teens and teenagers
4 that had behavior problems, to the point they had to
5 have been removed from public school. What I
6 observed and what I read in the transcript I think
7 fell in line with what was necessary at the time for
8 the benefit of the whole.

9 CHAIRMAN BARTH: All right. Any other --
10 Mr. Williamson.

11 MR. WILLIAMSON: Yeah. I agree with Diane's
12 assessment. I mean, it sounds like, to me, that
13 there had been a behavior problem with this child for
14 -- it wasn't just a number of days -- a number of
15 years. And to me, it sounded like the district
16 administration didn't/wouldn't/couldn't address the
17 issue. I feel like Ms. Bennett was set up to fail
18 after the assistant principal had been in the room
19 observing, knew that there was a problem with the
20 child -- I mean, admitted that in testimony that -- I
21 think he said the child had his head down, pouting --
22 you know, upset about the whole thing. And he left.
23 And with the history that this child has portrayed,
24 apparently, why would you do that? I mean, why would
25 you set her up to fail? I mean, what else is she

1 supposed to do at that point?

2 I'm just thinking out-loud, but I just -- that's
3 what's really been sticking in my craw the whole
4 time.

5 CHAIRMAN BARTH: Dr. Moore? Ms. House?

6 Okay. Comments over here?

7 MS. NEWTON: I guess my comment comes from a
8 teacher perspective. I have had lots of observations
9 in the past and I can't imagine an administrator
10 leaving me in that position. I mean, that -- you
11 know, that also bothered me.

12 And I also look at it from the viewpoint that
13 this was not the only student in the classroom.
14 There were others in that classroom that she was
15 responsible for, not just to keep safe but for their
16 education. And so, I look at it that way also, so --
17 but that's kind of my -- where I'm at.

18 CHAIRMAN BARTH: Okay. Any additional comments?

19 Ms. McFetridge.

20 MS. McFETRIDGE: I was also surprised that there
21 was no discipline plan for him in the school, from
22 the administration. So, again, I felt like the
23 teacher was left unsupported in this situation -- and
24 it went on for a considerable long time, not just
25 this one instance.

1 CHAIRMAN BARTH: Okay.

2 MS. McFETRIDGE: I was also wondering how often
3 the videotape was viewed. It sounded like until the
4 parent questioned about this incident being
5 videotaped -- and how often is this videotape viewed
6 throughout the school day or year or how often do
7 they really view these tapes to see what is happening
8 in this building, other than this instance.

9 CHAIRMAN BARTH: Ms. Zook.

10 MS. ZOOK: And I think also the period of time
11 it took the principal, who already had been there and
12 knew there was an issue, who had a student that was
13 constantly having to be intervened. I think another
14 point that I think we can all learn from is when we
15 have students who are functioning below the level of
16 the other students in the classroom -- and she
17 teaches English Language Arts -- that you are going
18 to get frustrated. And that child has a lot of
19 things going on at home. So I think, you know,
20 there's an order against the father; the mother is no
21 longer in the home; the siblings -- the child is to
22 be -- there should be a great deal of concern about
23 this child. And what I read and what I heard
24 testified to is that it was just piecemealed and
25 passed along, passed along, no real plan. The one

1 place where he seemed to function best was stopped
2 because they thought he saw it as a reward, as
3 opposed to this is where he's functioning best. So I
4 think there is a lot of concern about the child,
5 about the child's home environment, about the fact
6 that nobody was taking care of this, knowing that, if
7 they had dealt with teenagers and preteens very long,
8 that this would more than likely happen, as opposed
9 to less than likely happen. So I think there are a
10 lot of factors going on here.

11 And I guess my question is: who referred this to
12 PLSB? Because she was suspended without pay for
13 three months, and then she was rehired and taught an
14 entire year, and now is before us. So who sent it to
15 PLSB? And do we know who released the video to the
16 public?

17 MS. TAYLOR: So in terms of who filed a
18 complaint, I believe that is provided as an exhibit.
19 I believe it was Lisa Gattis. I think it was the
20 superintendent or the assistant superintendent at the
21 time. And as it relates to releasing the video, I do
22 not know.

23 MS. ZOOK: Okay. But the board under whom she
24 works and under whom the superintendent works chose
25 to keep her as an employee? And that student would

1 have been -- or is in the same building where she is
2 teaching now. Correct?

3 MS. TAYLOR: I do not have information as it
4 relates to the HR matter with the school. And I
5 cannot be responsive to that second part of the
6 question either.

7 MS. ZOOK: Okay. Thanks.

8 MR. CAMPBELL: I would like to -- as to who
9 released the video, it was released by Dr. Skelton,
10 the superintendent, within a day or so. It began the
11 subject of a separate lawsuit for his failure to
12 notify Ms. Bennett before it was released to media
13 and released to the student's father.

14 Additionally, yes, she was rehired and is in the
15 same position, in the same building, at the same
16 school as she was at the time that this happened.
17 And the rehire occurred following the three-month
18 suspension, as you noted.

19 MS. ZOOK: Okay. So this was in the winter of
20 the 16-17 school year; she went without pay for the
21 rest of '17; she taught in the 17-18 school year and
22 has now been rehired for the 18-19 school year?

23 MR. CAMPBELL: Yes. That is correct.

24 MS. ZOOK: Thank you.

25 MR. WILLIAMSON: By the same district?

1 MR. CAMPBELL: Yes, sir.

2 CHAIRMAN BARTH: All right. So I will entertain
3 a motion. We're going to have this as three separate
4 motions, the first being the Finding of Fact, if
5 there is consensus that the Part A of this is that
6 Ms. Bennett is a licensed educator in the state of
7 Arkansas. The second, I am looking to someone to
8 create that language.

9 MS. TAYLOR: If I may?

10 CHAIRMAN BARTH: Yeah.

11 MS. TAYLOR: There is -- the allegation was
12 specifically outlined in the language that is
13 provided. So it does need to conform with that
14 language.

15 CHAIRMAN BARTH: Okay. So Option A is while
16 escorting a student down the hallway --

17 MS. TAYLOR: Yes.

18 CHAIRMAN BARTH: -- Educator Bennett did
19 shove/slam/throw the student against the wall. If
20 that is the finding, we need evidence to support
21 that.

22 The other option proposed is while escorting a
23 student down the hallway Educator Bennett did not
24 shove/slam/throw the student against the wall.

25 MS. CHAMBERS: I'm sorry. So there's a question

1 hanging there. So you're asking for us to make a
2 motion --

3 CHAIRMAN BARTH: Uh-huh.

4 MS. CHAMBERS: -- on one versus the other?

5 CHAIRMAN BARTH: Yeah. And I think it is
6 important that this ties to later issues in terms of
7 the Conclusion of Law and the final determination.

8 MS. CHAMBERS: Okay. Can I ask a question or
9 make a statement before coming --

10 CHAIRMAN BARTH: Oh, sure. Sure.

11 MS. CHAMBERS: So it certainly would seem that
12 this teacher faced a very difficult set of
13 circumstances. It would also appear in the video
14 that she responded in a way that was understandable
15 -- but in my opinion, not appropriate. And those
16 kind of play to that something happened, was the
17 response correct, and what do we do about that. Is
18 that true, to put it in layman's language?

19 No, go ahead.

20 CHAIRMAN BARTH: I mean, it's certainly
21 appropriate to have a Finding of Fact that there was
22 physical -- inappropriate physical action. But that
23 does not predetermine later sanctions.

24 MS. CHAMBERS: That helps. Thank you.

25 Okay. I will make the motion that the

1 instructor did -- I'm sorry.

2 COMMISSIONER KEY: Yes. Can we hold on just for
3 a second?

4 MS. CHAMBERS: I'm sorry.

5 MS. TAYLOR: I feel I need to assist, based on
6 your conversation. So essentially you can make the
7 finding, but your concerns about whether it was
8 warranted, that's how you would -- that would be
9 reflected in your sanction.

10 MS. CHAMBERS: Exactly.

11 MS. TAYLOR: So you would utilize that to try to
12 address that.

13 MS. CHAMBERS: Okay.

14 COMMISSIONER KEY: May I ask a question?

15 CHAIRMAN BARTH: Of course.

16 COMMISSIONER KEY: And maybe for clarity. In
17 the determination, the Finding of Fact, if the State
18 Board agrees -- I'm thinking -- I'm reading from what
19 Dr. Barth is reading from -- shove/slam/throw.

20 MS. TAYLOR: It has to be that specific language
21 because that is the way that it was alleged.

22 COMMISSIONER KEY: Okay. So that was what came
23 from PLSB. So if the Board views it differently than
24 those words -- shove, slam or throw --

25 MS. TAYLOR: It's limited to that language.

1 That's the way it was alleged.

2 COMMISSIONER KEY: That's what I'm asking. I
3 mean --

4 MR. WILLIAMSON: It's a yes or no.

5 CHAIRMAN BARTH: It's a yes or no.

6 COMMISSIONER KEY: Okay.

7 MS. TAYLOR: Yes.

8 COMMISSIONER KEY: Thank you.

9 MS. TAYLOR: Did or did not. Yes.

10 MR. WILLIAMSON: For or against, however you
11 want to put it.

12 MS. TAYLOR: Yeah, yeah.

13 CHAIRMAN BARTH: Okay.

14 MS. ZOOK: So is that --

15 CHAIRMAN BARTH: Ms. Newton? Ms. Chambers? I'm
16 just -- I'm all ears.

17 MS. NEWTON: I want to go back to being a
18 teacher. You know, I agree that she was put in a
19 horrible position -- but also you have to be careful
20 and you don't want to put your hands on a student, I
21 mean, you know, unless there's another educator
22 there. And so I don't like the wording that was used
23 there. I think that something else could have been
24 done. If we -- I don't want to -- I don't want to
25 give the impression that it's okay. Does that make

1 sense? And so it's not okay to -- you know, we've
2 got to be careful. We want to make sure that every
3 student is treated with respect, that every -- you
4 know, I go back to what the Ethics Code One says, you
5 know -- treat every student in a professional manner,
6 which means with respect, which means emotional,
7 physical, all of those things that happen. And so,
8 you know, I really don't like the wording that's
9 there, but I do want to give the -- I don't want to
10 give the impression that this is not serious. Does
11 that make sense?

12 CHAIRMAN BARTH: Uh-huh.

13 MS. NEWTON: So, but I don't know what we can do
14 about it.

15 CHAIRMAN BARTH: Okay. Ms. Chambers.

16 MS. CHAMBERS: I'm very -- I think I am very
17 similar in perspective to what Ms. Newton just
18 articulated. I do think we have a duty to
19 acknowledge something happened that should not have
20 happened. It was incorrect, it was wrong. I don't
21 like the wording. I understand that it's binary, so
22 you either agree with it or you don't. So if this is
23 a question, I guess, of process, if we were to agree
24 with the language that "shoved" occurred, and then we
25 determine from an ethical perspective what violation

1 corresponds to that, and then -- because I do believe
2 we can have latitude in the sanction that is
3 something other than what was recommended, which is
4 where my thinking is flowing. If there's another
5 combination that others feel more comfortable with,
6 where you don't start with -- you say no, a shove
7 didn't occur, I'm not sure what cure we then have an
8 option to recommend if we don't first start with
9 something happened, that was shoving. Am I making
10 sense?

11 CHAIRMAN BARTH: Totally. Yes. So I do think
12 that if you do want to take some action, even much
13 more limited than was initially determined, then I
14 think it probably does make sense to say that
15 something did happen, that there -- that Ms. Bennett
16 did, even if you don't like those verbs.

17 MS. NEWTON: Can you repeat those words again?

18 CHAIRMAN BARTH: While escorting a student down
19 the hallway, Educator Bennett did, or did not, shove/
20 slam/throw the student against the wall.

21 MS. NEWTON: Shove -- okay.

22 CHAIRMAN BARTH: Shove, slash, slam, slash,
23 throw the student against the wall.

24 MS. NEWTON: Okay.

25 CHAIRMAN BARTH: Ms. Newton, do you want to make

1 --

2 MS. NEWTON: Can I make that into a motion?

3 CHAIRMAN BARTH: Yeah. And if you could also
4 state that -- I do think it's important to say that
5 it was a -- that she is a licensed educator.

6 MS. NEWTON: Okay -- is a licensed educator, and
7 then the word shoved. Okay. I agree. I make that a
8 motion. Let's use your word, if you want to.

9 CHAIRMAN BARTH: Can we pick one of those words
10 or do we need the combination of words?

11 MS. TAYLOR: It can be either.

12 CHAIRMAN BARTH: Okay. So you -- I'm hearing
13 now "while escorting a student down the hallway,
14 Educator Bennett did shove the student against the
15 wall." That's your motion?

16 MS. NEWTON: Yes.

17 CHAIRMAN BARTH: A two-part -- both parts there.
18 Is there a second to that motion?

19 MS. CHAMBERS: Second.

20 CHAIRMAN BARTH: Okay. So that's the Finding of
21 -- that's the proposed Finding of Fact. Is there
22 further discussion on this?

23 Okay. We have a motion by Ms. Newton, second by
24 Ms. Chambers.

25 COMMISSIONER KEY: For benefit of notes,

1 minutes, could we make sure we're clear on the
2 motion?

3 CHAIRMAN BARTH: I will read it and see if it's
4 accurate. Finding of Fact (a), Rebekah Leeann
5 Bennett is a licensed educator in the state of
6 Arkansas; (b) while escorting a student down the
7 hallway, Educator Bennett did shove the student
8 against the wall.

9 Is that -- Ms. Newton, is that correct?

10 MS. NEWTON: Yes.

11 CHAIRMAN BARTH: Okay.

12 COMMISSIONER KEY: Thank you.

13 CHAIRMAN BARTH: Let's do a roll-call on this.

14 COMMISSIONER KEY: Ms. Zook.

15 MS. ZOOK: No.

16 COMMISSIONER KEY: Mr. Williamson.

17 MR. WILLIAMSON: No.

18 COMMISSIONER KEY: Ms. Chambers.

19 MS. CHAMBERS: Yes.

20 COMMISSIONER KEY: Ms. McFetridge.

21 MS. McFETRIDGE: Yes.

22 COMMISSIONER KEY: Dr. Moore.

23 DR. MOORE: Yes.

24 COMMISSIONER KEY: Ms. Newton.

25 MS. NEWTON: Yes.

1 COMMISSIONER KEY: Ms. Dean.

2 MS. DEAN: Yes.

3 CHAIRMAN BARTH: Five to two?

4 COMMISSIONER KEY: Yes, five-two.

5 CONCLUSION OF LAW

6 CHAIRMAN BARTH: Okay. All right. So we now
7 move to Conclusion of Law. And the Conclusion of Law
8 is the question of whether this was a violation of
9 Standard 1 of the Code of Ethics for Arkansas
10 Educators or whether it was not a violation of
11 Standard 1.

12 MS. ZOOK: Can you read Standard 1 -- or is it
13 in that stuff we were sent this morning?

14 CHAIRMAN BARTH: Yes, it is. I've got about
15 eight screens open here.

16 MS. ZOOK: I know.

17 CHAIRMAN BARTH: I'm trying to figure out --
18 okay. So --

19 MS. TAYLOR: It may be easier -- I have it
20 pulled up, if you'd like me to read it.

21 CHAIRMAN BARTH: Okay. This is "an Educator
22 maintains a professional relationship with each
23 student, both in and outside the classroom." Is that
24 the key language?

25 MS. ZOOK: Yes.

1 CHAIRMAN BARTH: And then would you like the
2 guidance as well?

3 MS. ZOOK: If you'll just refer me to the email,
4 I'll read it.

5 CHAIRMAN BARTH: It was in what came this
6 morning. And there is the guidance, and I'll start
7 it: the standard goes to the core of a professional
8 educator's expected conduct and relationship with all
9 students and transcends criminal behavior or other
10 actions which violate law. The professional
11 relationship with students is such behavior and
12 actions which promotes at all times the mental,
13 emotional, and physical health and safety of
14 students. An educator should show respect for and
15 not demean, embarrass, or harass students. An
16 educator should not participate in and should
17 discourage bullying, based on such characteristics as
18 race, national origin, color, gender, sexual
19 orientation or identity, age, disability, or
20 religion.

21 And then there is a definition of bullying. Is
22 that enough to --

23 MS. ZOOK: Yeah.

24 CHAIRMAN BARTH: Okay. So you've got the sense
25 of that?

1 MS. ZOOK: Uh-huh.

2 CHAIRMAN BARTH: Okay. So the question is
3 whether this action, which we have now found
4 occurred, violates -- violated Standard 1 or does
5 not.

6 MS. ZOOK: Well, I think the fact that she
7 removed the child from the classroom so as to
8 diminish to a great extent the embarrassment or
9 impact on other children, the fact that she went to
10 her neighbor to call the office and have him check on
11 her students -- in my opinion, that shows that she
12 was trying to not only take care of the immediate
13 child but that she was looking at all -- looking out
14 for all of her students for whom she was in charge at
15 that time. So I don't believe she violated Standard
16 1.

17 CHAIRMAN BARTH: Is that a motion, Ms. Zook?

18 MS. ZOOK: Sure.

19 MR. WILLIAMSON: Second.

20 CHAIRMAN BARTH: All right. Motion by Ms. Zook
21 that there was not a violation of Standard 1 that
22 requires that an Educator maintains a professional
23 relationship with each student, both in and outside
24 the classroom.

25 Motion by Ms. Zook, second by Mr. Williamson.

1 Roll-call.

2 COMMISSIONER KEY: Discussion?

3 CHAIRMAN BARTH: Discussion. Any -- Ms. Newton.

4 MS. NEWTON: Read the supporting -- the
5 guidance.

6 CHAIRMAN BARTH: The guidance, okay. I'm sorry.

7 This standard goes to the core of professional
8 educators' expected conduct in relationship with all
9 students and transcends criminal behavior and other
10 actions which violate law. The professional
11 relationship with the students is such behavior and
12 action which promotes at all times the mental,
13 emotional, and physical health and safety of
14 students. An educator should show respect for and
15 not demean, embarrass, or harass students. An
16 educator should not participate in -- they should
17 discourage bullying, based on such characteristics as
18 race, et cetera. And then there is a definition of
19 bullying that's drawn from the Code. And then there
20 is also a section about social networking/technology
21 tools and the relationships there.

22 MS. NEWTON: Okay. I'm keying in on the word
23 "all students." I mean, yes, she was responsible for
24 the students in the classroom, but she's also
25 responsible for that one also -- and all students,

1 all times. And so, you know, I just think that there
2 would've been a better way to handle it for that
3 particular student. And so we had talked about his
4 needs, and you have to have that relationship with
5 them and you have to know what's going on and figure
6 out a way, no matter what. You know, the
7 circumstance she was put in was horrible, and I hope
8 that no other teachers are ever done -- treated that
9 way. But you still have to keep in mind that you're
10 responsible for all students, and so I view it as a
11 violation of that Standard 1.

12 CHAIRMAN BARTH: Okay. Is there additional --
13 Are you ready to vote?

14 Okay. So the motion is that it is not --
15 Yeah, Ms. McFetridge.

16 MS. McFETRIDGE: I just -- I wanted you to
17 repeat the motion.

18 CHAIRMAN BARTH: Okay. The motion is that it is
19 not a violation of Standard 1.

20 Okay.

21 COMMISSIONER KEY: All right. Ready?

22 CHAIRMAN BARTH: Ready.

23 COMMISSIONER KEY: Okay. Ms. Zook.

24 MS. ZOOK: Yes.

25 COMMISSIONER KEY: Mr. Williamson.

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MR. WILLIAMSON: Yes.

COMMISSIONER KEY: Ms. Chambers.

MS. CHAMBERS: No.

COMMISSIONER KEY: Ms. McFetridge.

MS. McFETRIDGE: No.

COMMISSIONER KEY: Dr. Moore.

DR. MOORE: No.

COMMISSIONER KEY: Ms. Newton.

MS. NEWTON: No.

COMMISSIONER KEY: Ms. Dean.

MS. DEAN: No.

COMMISSIONER KEY: Four votes --

MS. CHAMBERS: Five.

CHAIRMAN BARTH: Five.

COMMISSIONER KEY: Sorry.

MS. CHAMBERS: Ms. Dean was a no.

COMMISSIONER KEY: Oh, sorry.

CHAIRMAN BARTH: Okay.

COMMISSIONER KEY: Okay. Sorry. Five to two.

CHAIRMAN BARTH: So that fails.

So we do need a motion now, and I will turn to
Ms. Newton.

MS. NEWTON: I move that it is a violation of
Standard 1.

MS. DEAN: Second.

1 CHAIRMAN BARTH: All right. Motion by Ms.
2 Newton, second by Ms. Dean.

3 Is there further conversation?

4 Then I think we can go straight to a roll-call
5 on this.

6 COMMISSIONER KEY: Okay. I'm sorry. Who made
7 the motion?

8 CHAIRMAN BARTH: Motion by Ms. Newton, second by
9 Ms. Dean.

10 COMMISSIONER KEY: Okay. Ms. Zook.

11 MS. ZOOK: No.

12 COMMISSIONER KEY: Mr. Williamson.

13 MR. WILLIAMSON: No.

14 COMMISSIONER KEY: Ms. Chambers.

15 MS. CHAMBERS: Yes.

16 COMMISSIONER KEY: Ms. McFetridge.

17 MS. McFETRIDGE: Yes.

18 COMMISSIONER KEY: Dr. Moore.

19 DR. MOORE: Yes.

20 COMMISSIONER KEY: Ms. Newton.

21 MS. NEWTON: Yes.

22 COMMISSIONER KEY: Ms. Dean.

23 MS. DEAN: Yes.

24 COMMISSIONER KEY: Okay. Five votes in the
25 affirmative.

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SANCTION

CHAIRMAN BARTH: Okay. So we now move to the final section, which is the sanction. And there's a wide range here from -- in essence, the file could be closed without any sanction. Right? Or does there have to be some sanction now that there has been --

MS. TAYLOR: Yes. The only time you can close a file is if there's no finding --

CHAIRMAN BARTH: Okay.

MS. TAYLOR: -- of a violation.

CHAIRMAN BARTH: All right. So the minimum sanction would, of course, be a letter of caution. The range, now that there has been a Conclusion of Law that there was a violation, could go all the way to permanent revocation. With any of the findings above -- of a reprimand or above, there is a fine that is typically associated with that. There could also be recommended training or coursework in conjunction with any of the other sanctions.

MS. ZOOK: Is it possible that we can recommend training for the entire building?

MS. TAYLOR: (shaking head from side to side)

CHAIRMAN BARTH: I think that answer is no. I think we -- if it's an individual case --

MS. ZOOK: Well, I understand that, but --

1 CHAIRMAN BARTH: I understand that.

2 MS. ZOOK: I understand. But in my opinion,
3 we're in this position because there was not training
4 and/or reinforcement of that for them. So --

5 CHAIRMAN BARTH: I think --

6 MS. ZOOK: Do we have that list of trainings?

7 MS. TAYLOR: Yes, ma'am. That was in the
8 information I sent this morning.

9 MS. ZOOK: Okay. We got three. Can you tell me
10 --

11 MS. TAYLOR: So there should be one, a matrix.
12 The other one, I think, is called the Training Guide
13 or -- is it called the Training Guide? Okay.

14 MS. ZOOK: Would you give me a second to find
15 it, please?

16 CHAIRMAN BARTH: So there are -- sure. There
17 are a wide array of trainings in that guide.

18 MS. TAYLOR: Right. Unfortunately, this is the
19 process.

20 CHAIRMAN BARTH: Ms. Newton.

21 MS. NEWTON: I have a question. If you go with
22 the different levels, can the trainings be required
23 at any of the levels or are there certain levels the
24 trainings come in at?

25 MS. TAYLOR: Generally, any level.

1 MS. NEWTON: Any level. Okay.

2 CHAIRMAN BARTH: Do you want to get the
3 conversation started, or do you have a motion?

4 MS. NEWTON: I tell you what, I'm looking at --

5 MS. TAYLOR: Just a moment.

6 MS. NEWTON: Sure.

7 MS. TAYLOR: I may can --

8 MS. NEWTON: Okay.

9 MS. TAYLOR: A letter of caution would be the
10 exception; there is no training with a letter of
11 caution.

12 CHAIRMAN BARTH: Okay. All right. Thank you.
13 So then a written warning is the lowest
14 determination with which training can be associated.

15 MS. NEWTON: Okay. I'll tell you what I'm
16 leaning toward and then y'all can discuss however you
17 like. I looked at the different qualifications as
18 far as what this meets, and I'm looking at a written
19 reprimand with two additional trainings -- Behavior
20 is Communication and Classroom Management, Managing
21 Challenging Behavior. That's kind of where I ended
22 up --

23 CHAIRMAN BARTH: Okay.

24 MS. NEWTON: -- with the appropriate fine.

25 CHAIRMAN BARTH: Okay. And the fine, is it --

1 MS. NEWTON: It's Fifty Dollars (\$50.00).

2 CHAIRMAN BARTH: Fifty Dollars (\$50.00) is
3 generally associated with that, although y'all can
4 make a different determination. But Fifty Dollars
5 (\$50.00) is the typical associated fine.

6 Ms. Newton, would you -- do you want to --

7 MS. NEWTON: I didn't know if you wanted more
8 discussion or not.

9 CHAIRMAN BARTH: Yeah. No, I was going to see
10 if we wanted a motion before, just to get the
11 conversation started. Do y'all have --

12 MS. TAYLOR: Yes.

13 CHAIRMAN BARTH: Okay.

14 MS. TAYLOR: (inaudible - speaking from a seat
15 in the audience.)

16 COMMISSIONER KEY: Can you --

17 MS. TAYLOR: I'm sorry.

18 COMMISSIONER KEY: -- please come to the
19 microphone?

20 MS. TAYLOR: Yes. At the time of this incident,
21 a written warning was a potential sanction. However,
22 as of this time it is no longer a potential sanction.

23 CHAIRMAN BARTH: Because of the change in the
24 rules?

25 MS. TAYLOR: Yes. And so I need to talk through

1 and evaluate how we need to address that. Because as
2 of today, you cannot issue a written reprimand.

3 CHAIRMAN BARTH: So --

4 MS. ZOOK: Why?

5 MS. TAYLOR: It is no longer a potential
6 sanction. The rules have changed to where it's no
7 longer encompassed as a sanction.

8 MS. ZOOK: Okay.

9 MS. TAYLOR: So I need to have a moment to talk
10 through how we need to handle this.

11 CHAIRMAN BARTH: Okay. You want to let's talk a
12 five-minute break?

13 MS. TAYLOR: Yes.

14 CHAIRMAN BARTH: Okay. So we'll return on this
15 last issue.

16 (BREAK: 12:12 - 12:18 P.M.)

17 CHAIRMAN BARTH: All right. So we -- just a
18 refresher on where we are, Ms. Newton, your motion --
19 your attempted motion was --

20 MS. NEWTON: A written reprimand with the two
21 courses -- Behavior is Communication, and I can give
22 the courses if you need those, and Classroom
23 Management/Managing Challenging Behavior, with a
24 Fifty Dollar (\$50.00) fine.

25 CHAIRMAN BARTH: Okay.

1 MS. ZOOK: Second.

2 CHAIRMAN BARTH: All right. So we have a motion
3 and a second.

4 I'm going to turn to Ms. Taylor. Is that a
5 proper motion?

6 MS. TAYLOR: (nodding head up and down.)

7 CHAIRMAN BARTH: Okay. And that motion is out
8 of -- the sanction is out of the current operating
9 rules related to -- not the rules that were in place
10 at the time of the incident. Is that correct?

11 MS. TAYLOR: Yes.

12 CHAIRMAN BARTH: Okay. I think that Mr.
13 Campbell wanted to make a quick comment for the
14 record.

15 MR. CAMPBELL: Yeah, this is just for the
16 purposes of preserving our record. I would just
17 argue that the disciplinary matrix that was in place
18 at the time of the event and at the time of the
19 initial hearing, where discipline was first imposed,
20 should continue to be the same disciplinary matrix
21 that's used here. Just generally speaking, as a
22 procedural matter, there's -- you're not allowed to
23 change the possible sanction or discipline that
24 somebody could face sort of midstream. Once the
25 event happened, that disciplinary matrix was locked

1 in and should be what we're working under, you know,
2 would be my argument, in general. I think since
3 reprimand is on both, it's not as much of an issue.
4 It would've been the issue had the original motion
5 been warning.

6 I'd also just remind, just because I don't know
7 if it got lost, in the three-month suspension that
8 was already served, Ms. Bennett did have to undergo
9 three training courses, totaling about six hours,
10 which included Classroom Management, Healthy
11 Relationships with Students, and she also underwent a
12 psychological evaluation by order of the school board
13 -- just for context. Thank you.

14 CHAIRMAN BARTH: Great. Okay. Ms. Newton, does
15 that change any of your --

16 MS. NEWTON: No. I think -- and can I add to
17 that written reflections to go along with the
18 coursework?

19 CHAIRMAN BARTH: Okay. All right. So your
20 motion is a written reprimand, a fine of Fifty
21 Dollars (\$50.00), the two courses that you
22 articulated, along with a written reflection?

23 MS. NEWTON: Uh-huh.

24 CHAIRMAN BARTH: Okay. Is that okay? Do you
25 second that alteration?

1 MS. ZOOK: Yes. But wasn't written reprimand an
2 option at the time she -- of the incident?

3 MS. TAYLOR: Yes.

4 CHAIRMAN BARTH: Yes, it was.

5 MS. ZOOK: So it still is?

6 CHAIRMAN BARTH: It's the warning that was the
7 problem.

8 MS. TAYLOR: Right.

9 MS. ZOOK: Oh, the word "warning." Okay. I'm
10 sorry.

11 CHAIRMAN BARTH: Okay. So we are in sync in
12 terms of --

13 MS. ZOOK: Okay.

14 CHAIRMAN BARTH: I will just note, I'm not -- we
15 can certainly fine at whatever level. The fine
16 typically associated with reprimand now would be a
17 Hundred Dollars (\$100.00), but it's fine to -- is
18 that correct, up to a Hundred (\$100.00)?

19 MS. TAYLOR: It provides up to.

20 CHAIRMAN BARTH: Okay. So we're -- so that's --
21 just to be clear on that.

22 Okay. Is there further discussion of the
23 motion, anybody?

24 All right. Let's do a roll-call on this.

25 COMMISSIONER KEY: Ms. Zook.

1 MS. ZOOK: Yes.

2 COMMISSIONER KEY: Mr. Williamson.

3 MR. WILLIAMSON: Yes.

4 COMMISSIONER KEY: Ms. Chambers.

5 MS. CHAMBERS: Yes.

6 COMMISSIONER KEY: Ms. McFetridge.

7 MS. McFETRIDGE: Yes.

8 COMMISSIONER KEY: Dr. Moore.

9 DR. MOORE: Yes.

10 COMMISSIONER KEY: Ms. Newton.

11 MS. NEWTON: Yes.

12 COMMISSIONER KEY: Ms. Dean.

13 MS. DEAN: Yes.

14 CHAIRMAN BARTH: All right.

15 COMMISSIONER KEY: Seven yea's.

16 CHAIRMAN BARTH: Great. I want to thank the

17 Board for grappling with some very tough issues in a

18 tough way. I want to thank both attorneys for your

19 professionalism today. And so I think what was --

20 could have been a very difficult situation was made

21 easier by the way in which y'all handled the case.

22 And I appreciate Ms. Bennett for being here as well

23 and wish you the best of luck as you continue your

24 career.

25 Are we done? Anything else?

1 MS. TAYLOR: I will draft the order that is in
2 line with the decision.

3 CHAIRMAN BARTH: Okay.

4 MS. TAYLOR: And I will get -- I'll try to get
5 that before you leave.

6 CHAIRMAN BARTH: Okay. All right. Okay.

7 Then I think we are ready for some lunch. And
8 so let's return at 1:15, just to give everybody close
9 to a full hour.

10 (LUNCH BREAK: 12:22 - 1:19 p.m.)

11 B-1: CONSIDERATION OF CHARTER AUTHORIZING PANEL DECISION ON
12 CHARTER SCHOOL AMENDMENT REQUESTS: STANDARDS FOR ACCREDITATION

13 CHAIRMAN BARTH: All right. Good afternoon. We
14 are back with a couple of action agenda items this
15 afternoon. The first one is a set of decisions from
16 the Charter Authorizing Panel for amendment requests
17 that are tied to Standards of Accreditation --
18 Standards for Accreditation.

19 DR. BOYD: Thank you, Dr. Barth. Alexandra
20 Boyd, interim Charter School Director. On July 1,
21 2018, new Standards for Accreditation became
22 effective, necessitating a transition in waivers from
23 the previous Standards for Accreditation.

24 On September 19, 2018, ADE staff appeared before
25 the Charter Authorizing Panel requesting approval of

1 the transition of these waivers on behalf of several
2 charter schools. By a unanimous vote, the Panel
3 approved the requests. No request for the State
4 Board of Education to review the decision has been
5 made -- to review the decision made by the Panel was
6 submitted.

7 The State Board may exercise a right of review
8 and conduct a hearing of the Charter Authorizing
9 Panel's determination at the State Board's next
10 meeting.

11 So just as a reminder, the decision today is to
12 review or not review.

13 CHAIRMAN BARTH: And can -- is it your sense we
14 can do this with one motion for the entire set?

15 DR. BOYD: Yes. The Panel -- that's the way the
16 Panel approved it.

17 CHAIRMAN BARTH: Okay. Great.

18 I'll start over here. Any questions, Ms.
19 McFetridge or anyone else on this side?

20 Any questions over here?

21 Okay. Then I'll entertain a motion to review or
22 to not review these decisions.

23 MS. DEAN: I move to not review.

24 MS. CHAMBERS: Second.

25 CHAIRMAN BARTH: All right. Motion by Ms. Dean,

1 second by Ms. Chambers.

2 All those in favor say "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN BARTH: Opposed, same sign.

5 All right. Thank you.

6 DR. BOYD: Thank you.

7 B-2: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: ADE RULES
8 GOVERNING FEDERAL PROGRAM COMPLAINT RESOLUTION

9 CHAIRMAN BARTH: And now, Ms. Hyatt -- oh, Ms.
10 Dedman, are you up?

11 MS. DEDMAN: Yes.

12 CHAIRMAN BARTH: Okay. So the ADE Rules
13 Governing Federal Program Complaint Resolution.

14 MS. DEDMAN: Good morning -- afternoon, I guess.
15 Jennifer Dedman for the Department. These are rules
16 that we have not amended since 2010. The changes
17 that you'll see are due to ESSA, mostly. It does
18 include a new section toward the end regarding
19 equitable services for private school children, and
20 that is probably the biggest change. You'll see the
21 McKinney-Vinto Act was struck from Section 1.03, and
22 that's because there's separate guidance on McKinney-
23 Vinto. These rules don't actually apply to that. So
24 I believe that's the majority of the changes that
25 were made.

1 And the Department will respectfully request
2 that you release these for public comment.

3 CHAIRMAN BARTH: Okay. So, any questions or
4 comments?

5 All right. To my left?

6 All right. Then I would entertain a motion for
7 public -- release for public comment on these items
8 -- on this item.

9 MR. WILLIAMSON: So moved.

10 MS. DEAN: Second.

11 CHAIRMAN BARTH: Motion by Mr. Williamson,
12 second by Ms. Dean.

13 All those in favor say "aye."

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN BARTH: Opposed, same sign.

16 I will remind board members that you're
17 certainly welcome to email Ms. Dedman with public
18 comments, with your own comments, as a member of the
19 public.

20 MS. DEDMAN: Thank you.

21 CHAIRMAN BARTH: All right. Well, that was
22 quick.

23 MR. WILLIAMSON: Yeah, it was.

24 MS. ZOOK: Can we do reports today?

25 CHAIRMAN BARTH: Is there -- well, I think we --

1 no, we can't do them all today. So why don't we just
2 have a nice afternoon and I'm sure people have work
3 to do, and so we will --

4 COMMISSIONER KEY: Shopping.

5 CHAIRMAN BARTH: So we --

6 COMMISSIONER KEY: Don't tell anyone we finished
7 before 1:30.

8 CHAIRMAN BARTH: So anyway, I think this is the
9 earliest we've ever finished. So here we go.

10 We will be here obviously at dinner tonight,
11 hopefully with most of you. And then we will be here
12 tomorrow at 9 a.m. and we have a set of reports,
13 including (inaudible) constituents as well. So, be
14 here.

15 Anything else you need to say?

16 COMMISSIONER KEY: Nothing I need to say. I'm
17 looking at my team to see if they have anything else.

18 CHAIRMAN BARTH: All right.

19 MS. ZOOK: I wonder if any board members need
20 the address of Trio's so they know how to get there,
21 from out-of-town?

22 MS. NEWTON: I'm not going to dinner, but I
23 didn't even get the email about dinner, so --

24 CHAIRMAN BARTH: Okay.

25 MS. NEWTON: So, I don't know.

1 CHAIRMAN BARTH: And dinner is at 6:30?

2 MS. ZOOK: It was in the midst of another one.

3 CHAIRMAN BARTH: 6:00.

4 MS. NEWTON: Okay.

5 CHAIRMAN BARTH: It's at 6:00. Okay. So 6:00.

6 And we will see you there. And if you need address,
7 it's -- can you re-send it? Okay, perfect.

8 Okay. We'll see you in the morning, if you're
9 not there tonight. But we hope to see most of you.

10 Thank you.

11 COMMISSIONER KEY: Okay.

12 CHAIRMAN BARTH: Is there a motion to adjourn?

13 MS. DEAN: So moved.

14 MS. CHAMBERS: Second.

15 CHAIRMAN BARTH: Motion by Ms. Dean, second by
16 Ms. Chambers.

17 All in favor say "aye."

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN BARTH: Thank you.

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22 (The meeting was adjourned at 1:25 p.m.)

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A-3 - SANDERS HEARING

EXHIBIT ONE (1)

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A-3: SANDERS HEARING

EXHIBIT TWO (2)

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A-3: SANDERS HEARING

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A-3: SANDERS HEARING

EXHIBIT FOUR (4)

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A-4: JONES HEARING

EXHIBIT ONE (1)

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 State Department of Education, State Board of Education, in Little Rock, Arkansas, on October 11, 2018, 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: October 20, 2018.

SHARON K. HILL, CCR
Certified Court Reporter
Certificate No. 670

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