

**Minutes**  
**State Board of Education Meeting**  
**Thursday, December 20, 2018**

The Arkansas State Board of Education (State Board) met Thursday, December 20, 2018, in the Arkansas Department of Education (Department) Auditorium. Chair Dr. Jay Barth called the meeting to order at 10:04 a.m.

Present: Dr. Jay Barth, Chair; Charisse Dean, Vice-Chair; Diane Zook; Ouida Newton; Brett Williamson; Susan Chambers (via phone); Dr. Fitz Hill; Dr. Sarah Moore; Kathy McFetridge; and Johnny Key, Commissioner.

Absent: Randi House, 2018 Arkansas Teacher of the Year

Dr. Barth recognized the elected officials who were attending the meeting.

Ms. Newton moved, seconded by Ms. Zook, to hear public comment. The motion passed unanimously.

**Action Agenda**

**A-1 Consideration of Waiver of education-related laws in the Pine Bluff School District**

In November of 2018, the State Board classified the Pine Bluff School District as in Need of Level 5 Intensive Support pursuant to the Arkansas Educational Support and Accountability Act (AESAA). Under Ark. Code Ann. § 6-15-2916, if a school district receives this classification, the State Board may take various actions including waiving education-related laws. The ADE recommends that the State Board waive application of both the Teacher Fair Dismissal Act (Ark. Code Ann. § 6-17-1501 et seq.) and the Public School Employee Fair Hearing Act (Ark. Code Ann. § 6-17-1701 et seq.) within the District for the 2019-2020 school year.

Dr. Barth said that the agenda of this item would be as follows.

- The Department will introduce the item.
- The State Board will ask any questions.
- Pine Bluff School District Superintendent Dr. Owoh can provide a presentation.
- Public comment will be heard.
- State Board members can present motions for discussion and then vote.

Mr. Key said the presentation for this item and the Little Rock School District items were heard during the Thursday, December 13, 2018, State Board meeting. Mr. Key said that Office of Coordinated Support and Services State Superintendent Dr. Mike Hernandez was also available to answer any questions.

Mr. Key read from Article 14 of the state Constitution.

"Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system

of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education."

Mr. Key read another section of the Constitution that addresses the supervision of public schools says:

"In the execution of the laws regulating the same, shall be vested in and confided to such officers as may be provided for by the General Assembly."

Mr. Key said that the State Board members are those officers provided by the General Assembly. He said that items for consideration are in keeping with what the people of Arkansas have spoken through the Constitution and have enabled through the General Assembly, and have been interpreted clearly by the Arkansas Supreme Court. He said that we have learned a number of things from the history of the state-controlled districts. Mr. Key said when the State Board determines that a district is failing to meet the needs of students at the levels demanded by the Constitution, the State Board must also grant the needed level of flexibility to address the policies, practices, and adult actions. He said that if the waivers for the Teacher Fair Dismissal Act and the Public School Employee Fair Hearing Act were granted, they would be used judicially, with equity and integrity. Mr. Key is also asked that the State Board limited the waiver through the 2019-2020 school year.

The State Board members had no questions for the Department.

Pine Bluff School District Superintendent Dr. Jeremy Owoh was available for questions.

Dr. Moore asked for clarification on the grievance process for teachers in the district. Dr. Owoh explained that there is a three level process with level one being through the immediate supervisor, level two through the superintendent, and level three being through the school board or, in place of the board, the ADE hearing panel. He said that if the waivers are granted, the grievance process would still be in place.

Dr. Barth asked if Owoh was aware of the request coming from the Department last week. Dr. Owoh said that he knew of the possibility of waivers; however, he did not know the specific waivers to be introduced. Dr. Barth asked if Dr. Owoh believed that this was the correct path forward at this time. Dr. Owoh said that he has spent some time thinking about it and there is more of a concern with personnel outside the class versus inside the classroom. He said that if we support teachers and follow the TESS and LEADS, then there can be the change that they need; however, currently there is not a consistent support or learning, nor consistent use of TESS and LEADS. Dr. Owoh said that he is not comfortable when waiving educational laws, but he acknowledges the need for significant change in the school district. He said that work must be done at the leadership level and he does not know what that would look like under the waiver. Currently, he said, leadership is consistently not supportive of teaching staff.

Dr. Hill asked, if approved, would the waiver prohibit Dr. Owoh from getting things done how he needs it to be. Dr. Owoh said that they will still have to follow the TESS and LEADS process. He said that the district students and teachers need support. He said that leadership must exhaust all avenues of support. Dr. Owoh said that they need an assessment of the right people, being in the right roles. He also said that the appeals process, as it stands currently, is quite lengthy.



Ms. Newton applauded Dr. Owoh's understanding of teacher support being needed and the importance of leadership in a district. She asked if Dr. Owoh knew what size reduction that the district would be facing over the next year or so. Dr. Owoh said that he was unsure at this point and that the Reduction in Force (RIF) process is in progress. He said that currently the district has approximately 235 licensed educators and 260 classified staff members. He also said that there has been a drop in student enrollment as well. Ms. Newton asked if the waiver would help get the right people in the positions. Dr. Owoh said that the waiver would expedite the process. He said that there are good leaders in the district, but leadership is not consistent.

Ms. Chambers asked about the performance of teachers needing to be addressed and if there was any better way to support Dr. Owoh in his role at the district, provided what he needs to help students. Dr. Owoh said that he is unsure, this has not been historically done in any other school districts; however, he had no specific recommendations.

Ms. Zook asked Dr. Owoh to explain the RIF policy in the Pine Bluff School District and how that would or would not be helpful in the goals he wants to set for his students. Dr. Owoh went over the RIF policy in detail saying that the educators with the highest points are placed at the top. He said that educators with full licensure would have more priority than non-licensed educators.

Dr. Hill said that he wants to ensure that Dr. Owoh has all assistance that he needs and asked what Dr. Owoh really needed and if the waiver would help. Dr. Owoh said that he doesn't know if the waiver will definitely help, but he needs consistent support across the district.

Dr. Moore asked if the decline in enrollment of 400 is a consistent drop. Dr. Owoh said that the past year was the biggest drop. He also said that RIFs had been done before, but only partial RIFs. He said that there has not been a major reduction in central office; however, they did combine some positions.

Mr. Key asked if other districts knew that the waivers that they were requesting would actually benefit them. Dr. Owoh said no, that most said that they wanted to try and see what worked. Mr. Key asked if Dr. Owoh would be willing to making a report to the State Board regarding the waiver, if approved. Dr. Owoh said that he would be willing to make that commitment.

Dr. Moore asked how many charters have waivers of the Teacher Fair Dismissal Act. General Counsel Ms. Lori Freno said that most of the open-enrollment charters and two to three of the district conversion charters have the waiver.

Public comment was heard on this item.

Mr. Williamson moved, seconded by Ms. McFetridge, to follow the recommendation of the Department by waiving the Teacher Fair Dismissal and Public School Employee Fair Hearing Acts limited to the 2019-2020 school year with the addition of quarterly reports to the State Board. There was some further discussion on this motion. A roll call vote was held and Dr. Barth voted no. The final vote was 8-1. The motion passed.

## **A-2 Consideration of Waiver of education-related laws in the Little Rock School District**

In July of 2017, the State Board classified the Little Rock School District (LRSD) as in Need of Level 5 Intensive Support pursuant to the Arkansas Educational Support and Accountability Act (AESAA). Under Ark. Code Ann. § 6-15-2916, if a school district receives this classification, the State Board may take various actions including waiving education-related laws. These may include the waiver of the application of both the Teacher Fair Dismissal Act (Ark. Code Ann. § 6-17-1501 et seq.) and the Public School Employee Fair Hearing Act (Ark. Code Ann. § 6-17-1701 et seq.), on onsite monitoring of the district's special education program and how funds are distributed to support all schools and programs, adoption and implementation of a science of reading based literacy curriculum, reorganization of Hall High School, and reconstitution and reorganization of central office.

Dr. Barth said that Ms. Zook had a list of suggested proposals.

Ms. Zook said that her proposal were in regard to the following items.

- Have LRSD adopt and implement a literacy curriculum based on the science of reading.
  - ADE Division of Learning Services develop an implementation process to ensure alignment with academic standards, the science of reading, and R.I.S.E. Arkansas K-12.
- Conduct an analysis of systems, specifically for dyslexia and special education. With the special education portion going all the way from Child Find to develop of an IEP. Also, to ensure compliance with IEDA and civil rights laws as well as the staffing and full implementation of the dyslexia law (from screening to intervention).
  - Ms. Zook would want this report to come back to the State Board by the February 14, 2019, State Board meeting.
- Review of building and departmental funding.
- Superintendent and Department staff to develop a plan to reorganize the central office administration.
- Redraw attendance zones and establish feeder patterns.
- Add ninth grade to the facility that is part of the Pinnacle View facility and make progressions through 2022- 2023.
- Reconstitute or reorganize Hall High School prior to the 2019-2020 school year.

Ms. Zook said that she is concerned about students' math and reading abilities and English Learner and special needs abilities. She said that she wants LRSD students to be able to make a year's worth of growth in a year.

Ms. Newton said that she will be making a motion regarding the Teacher Fair Dismissal and Public School Employee Fair Hearing Acts for all educators.

Mr. Key said that Office of Coordinated Support and Services State Superintendent Dr. Mike Hernandez was also available to answer any questions.

Little Rock School District Superintendent Mr. Michael Poore passed out a copy of his presentation, "Fit to Dream, Disrupt, and Deliver," to State Board members and the audience. He said that Little Rock, as a city, wants what is best for the students. Mr. Poore gave a brief



overview of the LRSD Significant Foundational System Development 2016-present as found in his packet. He said that systems can make good people, great people, and they can also let poor performers know that they need to leave. Mr. Poore said that policies have been revamped and all policies have been reviewed in partnership with their Community Advisory Board and the Department. He also reviewed a handout from the Office for Education Policy regarding student growth and weighed achievement. Mr. Poore discussed the importance of having the right people in spots that are being used effectively. He also said that he believes in the work they are doing and have been doing with stakeholders and the Department. Mr. Poore said that he is open to any form of review. He said that he is opposed to doing the waiver across the entire district and that originally it was only discussed to use this waiver for D and F schools in the Little Rock School District.

Ms. Chambers asked if the Department supports all of the items that were discussed as possible motions. Mr. Key responded, saying that the Department is generally supportive of the elements presented; however, can go into further specifics if needed when the motions are made and discussed. Ms. McFetridge said that she wished there was more time to study the items brought up by Ms. Zook and had questions about balancing of funds. Mr. Poore provided a brief explanation of why the funding looks different in each school. Ms. Zook said that the point she was making was she thought the perception of the people in the building and how they may not understand or be aware of the different types of funding.

Ms. Newton said that she wanted to publicly voice that she has complete confidence in the Department's support and their doing the best things for kids. Regarding the Teacher Fair Dismissal Act waiver, she said that we have to look at district wide and see whether everyone is doing the jobs they have been given in their responsibilities to the students. Mr. Poore said that we need to figure out a governance model that works.

Dr. Hill asked what Mr. Poore's opinion was based on Ms. Zook's items. Mr. Poore expressed his appreciation of the support that the district has received from the Department thus far. He said that a few months back there had been a suggestion of a special meeting to just discuss Little Rock School District and he said that he would welcome a meeting like that to further discuss what is already going on in the district versus what mechanisms are needed. He also said that the district is open to any reviews that the State Board or Department wants to see happen.

Dr. Barth asked Mr. Poore which of the items on the list of things to consider for this meeting Mr. Poore found as a possible impediment to moving the district forward. Mr. Poore said that there needs to be a limitation on the where the State Board goes with the waiver on Fair Dismissal. He also said that he believes the item regarding a possible restructuring of the central office seems like a vote of no confidence against in himself. He also said that the Pinnacle View and Hall High items are matters of concern as they tie back to the district's own process within the community for facility decisions.

Dr. Moore asked if there have been any discussions regarding salary schedule changes, currently the schedule in place rewards longevity and has a low starting salaries. Mr. Poore said that there have been discussions and they are looking into possible adjustments to the salary schedule.



Dr. Moore asked questions about the PNA for the district to clarify that the wording of the waiver did not put a limitation on which schools that waiver could cover, if passed. She also confirmed that there would still be a grievance process in place for the teachers if the waiver was passed. Dr. Moore said that the waiver would be only be a tool for the district and not a requirement to use.

Extensive public comment was heard from several people on the multiple items up for discussion regarding the Little Rock School District.

Ms. Zook moved, seconded by Dr. Moore, to direct the Little Rock School District to adopt and implement a literacy curriculum based on the science of reading and that ADE Learning Services develop an implementation process to ensure alignment with the academic standards, science of reading, and R.I.S.E. Arkansas K-12. There was a brief discussion period. A roll call vote was held. Dr. Hill, Mr. Williamson, Ms. Chambers, Ms. McFetridge, and Ms. Dean voted no. Ms. Zook, Ms. Newton, and Dr. Moore voted yes. The final vote was 5-3. The motion failed.

Ms. Zook would like to have a review the district funds by the Department's Finance team. Mr. Key suggested that the requested information could be brought before the State Board during the district's next quarterly report. Ms. Zook agreed that was acceptable.

Ms. Zook moved, seconded by Ms. McFetridge, by the February State Board meeting, to have an audit of the district's special education and dyslexia systems to ensure full compliance of people and processes of all applicable laws and standards. There was a brief discussion period. There was a roll call vote and all members voted yes. The motion passed unanimously.

Ms. Zook moved, seconded by Dr. Moore, to compel the LRSD superintendent and Department staff to develop a plan to reorganize or reconstitute the central office administration for the consideration of the State Board by at least six weeks before May 1, 2019. There was a brief discussion period. A roll call vote was held. Dr. Hill, Mr. Williamson, Ms. Chambers, Ms. McFetridge, Ms. Newton, and Ms. Dean voted no. Ms. Zook and Dr. Moore voted yes. The final vote was 6-2. The motion failed.

Ms. Zook moved to redraw attendance zones and establish feeder patterns in the Little Rock School District. The motion failed for lack of a second.

Ms. Zook moved, seconded by Ms. Newton, to have Pinnacle View Middle School include a ninth grade starting in the 2019-2020 school year. There was a brief discussion period. Mr. Key suggested amending the motion to be a resolution of support for the current work of the Little Rock Community Advisory Board with regard to their direction on Pinnacle View. Ms. Zook and Ms. Newton agreed to this amendment. There was a roll call vote. Mr. Williamson, Ms. Chambers, Ms. McFetridge, Dr. Moore, and Ms. Dean voted no. Ms. Newton, Dr. Hill, and Ms. Zook voted yes. The final vote was 5-3. The motion failed.

Ms. Zook moved, seconded by Ms. Newton, to have the Little Rock School District superintendent, Mr. Key, the principals at Hall, Henderson, and Forest Heights schools develop a plan for reconstitution of Hall High School to the State Board by the February meeting, to go into effect in the 2019-2020 school year. There was a brief discussion period. There was a roll call vote. Ms. Chambers and Ms. McFetridge voted no. The final vote was 6-2. The motion

passed. There was some discussion on the definition of the word reconstitution being used in the motion. Mr. Williamson moved, seconded by Ms. Chambers, to rescind the last vote regarding the reconstitution of Hall High School. There was a roll call vote. Ms. Zook voted no. The final vote was 7-1. The motion passed.

Ms. Newton moved, seconded by Dr. Moore, to waive the application of the Teacher Fair Dismissal Act and the Public School Employee Fair Hearing Act, pursuant to Ark. Code Ann. § 6-15-2916, these waivers would be applicable to all educators in the Little Rock School District effective immediately and through the 2019-2020 school year. There was a discussion period. Based on the discussion, Ms. Newton amended her motion to waive the application of the Teacher Fair Dismissal Act and the Public School Employee Fair Hearing Act, applicable to all educators in the D & F schools (the current 22 schools listed) as well as for those district administrators in decision making roles, to be effective immediately and go through the 2019-2020 school year. The amended motion failed due to the lack of a second.

Dr. Moore moved, seconded by Ms. Newton, to make the original motion of waiving the application of the Teacher Fair Dismissal Act and the Public School Employee Fair Hearing Act, pursuant to Ark. Code Ann. § 6-15-2916, these waivers would be applicable to all educators in the Little Rock School District effective immediately and through the 2019-2020 school year. There was a brief question period. A roll call vote was held. Ms. Dean, Mr. Williamson, and Dr. Barth voted no. The final vote was 6-3. The motion passed.

### **Adjournment**

Mr. Williamson moved, seconded by Ms. Newton, to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 5:52 p.m.

  
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Dr. Jay Barth, Chair

  
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Johnny Key, Commissioner of Education