

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

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*August 9, 2018*

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*Susan B. Whitson, CCR, Inc.*

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION

August 9, 2018  
10:00 a.m.

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A P P E A R A N C E S

BOARD MEMBERS:

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

ADE LEGAL COUNSEL:

Ms. Lori Freno	ADE General Counsel
Ms. Courtney Salas-Ford	ADE Deputy General Counsel
Ms. Jennifer Dedman	ADE Attorney Supervisor
Ms. Mary Claire Hyatt	ADE Attorney

ALSO PRESENT:

Ms. Kelicia Hollis	ADE Administrative Analyst
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LOCATION:

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

1   **ALSO PRESENT:**

2	Ms. Stacy Smith	ADE Learning Services
	Ms. Kelly McLaughlin	ADE Charter School Office
3	Ms. Susan Underwood	ADE Division of Early Childcare and Education
4	Ms. Joan Luneau	ADE Ed Prep
	Ms. Vicki King	ADE
5	Mr. Thomas Coy	ADE Learning Services
	Dr. Jeremy Owoh	ADE Educator Effectiveness
6	Mr. Mike Poore	Superintendent Little Rock School District
7	Dr. Keith McGee	Principal Horace Mann Middle School
8	Mr. Jace Roberts	Chief of Staff Malvern School District
9	Mr. Larry Newsom	Superintendent Ouachita School District
10	Mr. Brad Smith	Parent
	Ms. Amy Smith	Parent

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1 P R O C E E D I N G S

2 A-1: 38 UNITS AND GRADUATION REQUIREMENTS

3 CHAIRMAN BARTH: All right. We are now  
4 down to the action agenda, and first up are the  
5 38 Units and Graduation Requirements. And I'll  
6 turn it over to Ms. Smith.

7 MS. SMITH: Stacy Smith, Learning  
8 Services.

9 So last month we brought to you the 38  
10 required. We've done a little adjusting to  
11 that list by adding the course codes that was  
12 requested by districts and cleaned up some  
13 typos and just some minor errors that were on  
14 there. So this is the updated form and we  
15 wanted to make sure and bring it back for you  
16 to see.

17 Also, when we were looking at the newly  
18 revised Standards for Accreditation, the  
19 question got brought up about graduation  
20 requirements and Smart Core, and those have  
21 been removed as far as being explicit in  
22 Standards for Accreditation and in the new ones  
23 it talked about the State Board approving  
24 graduation credits. So nothing has changed  
25 from previous years, as far as Smart Core or

1 the 22 required graduation credits. This is  
2 the exact same thing that was in Standards for  
3 Accreditation, so we wanted to bring it  
4 officially before the State Board to see and  
5 get an action for you guys to be able to vote  
6 on that.

7 Are there any questions about that?

8 CHAIRMAN BARTH: Any questions on this  
9 side?

10 Okay. Any questions over here?

11 Ms. Newton?

12 MS. NEWTON: Are the -- are the allowances  
13 for concurrent -- concurrent credit in the  
14 English still the same?

15 MS. SMITH: Yes, ma'am.

16 MS. NEWTON: Okay. And the other question  
17 was on Algebra 2 on the Smart Core, the ADE  
18 approved fourth math credit, does it have to be  
19 higher than Algebra 2?

20 MS. SMITH: Yes.

21 MS. NEWTON: Okay. I wondered because it  
22 didn't say it there --

23 MS. SMITH: Right.

24 MS. NEWTON: -- so I was just curious on  
25 that.

1           The other question that I had was the only  
2 differences that I saw between the Smart Core  
3 and the minimum was the Algebra 2 and the  
4 Integrated Chemistry.

5           MS. SMITH: Uh-huh. And that was -- so  
6 this is minimum graduation, which is what we  
7 refer to as Core.

8           MS. NEWTON: Right.

9           MS. SMITH: And those are the only  
10 differences.

11          MS. NEWTON: Okay. And so, you know, I  
12 was just kind of wondering if it's worth the --  
13 the showing the difference between those, if we  
14 only have two courses different.

15          MS. SMITH: That has been in discussion  
16 and topic for a while; since I've been at the  
17 Department we've received constant feedback  
18 about Smart Core. There is lots of people who  
19 even just the terminology of referring to it as  
20 Smart Core and Core, we've had some  
21 conversations around that.

22          MS. NEWTON: Uh-huh.

23          MS. SMITH: One of our strategic planning  
24 goals for the Department is to look at our  
25 graduation pathways, and that's something we've

1           been talking to you about. Also with our  
2           student success plans in eighth grade and  
3           trying to prepare schools to talk about what  
4           their students' course pathways are through  
5           high school, and we feel like there could be  
6           some recommended changes coming to the State  
7           Board in the future, but for right now with  
8           what we had in the Standards for Accreditation,  
9           we felt like we needed to leave it the same  
10          moving forward, but I'm hoping to bring to you  
11          guys within the next year or two maybe some  
12          changes there.

13                 MS. NEWTON: Okay. And the final question  
14                 was these graduation requirements, because I  
15                 know there are some different course names  
16                 in -- in science and then we've got a little  
17                 bit of difference in the financial and the  
18                 civics exam, what year will this -- these  
19                 graduation requirements go?

20                 MS. SMITH: So this is -- this is for  
21                 current students who are entering the high  
22                 schools. Okay. So Smart Core has not changed.

23                 I mean, when you look at the course  
24                 titles, we have several different equivalent  
25                 courses in our course code management system

1 for, like, Algebra 1 and Honors and things like  
2 that. So when you talk about U.S. History and  
3 American History, we have several courses that  
4 when they -- I'm not explaining this very well.  
5 When we brought new courses for social studies  
6 and we renamed them, we basically had to say  
7 this course now counts for the U.S. History  
8 course. Okay?

9 MS. NEWTON: My -- my question was on the  
10 science. So -- so for this year's seniors,  
11 we're -- these -- these requirements are the  
12 same and we still take the old whatever?

13 MS. SMITH: Okay. So for science the new  
14 high school science courses became -- started  
15 this year.

16 MS. NEWTON: Right.

17 MS. SMITH: So for our freshman kids the  
18 Chemistry Integrated course for Smart Core  
19 would be the course.

20 MS. NEWTON: Okay.

21 MS. SMITH: For kids previous with the  
22 Smart Core form in previous years it was what  
23 was in Standards for Accreditation the year  
24 they started --

25 MS. NEWTON: Right.

1 MS. SMITH: -- their ninth grade year.

2 MS. NEWTON: Right. Okay. So this will  
3 be -- I guess, what I'm trying to say is this  
4 will be for this year's ninth graders?

5 MS. SMITH: Yes, ma'am.

6 MS. NEWTON: Okay.

7 CHAIRMAN BARTH: My question is about  
8 process. So we talked last month that the 38  
9 units are going to come probably back to us in  
10 the winter, maybe February.

11 MS. SMITH: (Nodding head up and down.)

12 CHAIRMAN BARTH: Do we -- will we also  
13 kind of bring the graduation requirements on an  
14 annual basis in the -- or -- or is that a more  
15 infrequent thing?

16 MS. SMITH: You know, I -- I think that  
17 what would be good practice is to bring them  
18 both at the same time, visiting each time here  
19 with the 38, here is what the graduation  
20 requirements look like, and so that we kind of  
21 keep it at the same time at the same process.

22 You know, this is the first time that  
23 we've not had these explicitly stated in the  
24 Standards for Accreditation, and so I think in  
25 good practice as far as being very clear to our

1 schools and to the State Board on what  
2 requirements are, beginning the practice of  
3 bringing them at the same time.

4 CHAIRMAN BARTH: Great. Ms. Zook?

5 MS. ZOOK: Yes. Okay. I think two  
6 things, I want you to explain for the public  
7 what Transition Math Ready and Transition  
8 Literacy Ready are, because I had misunderstood  
9 what those were. It was clarified for me, but  
10 I think to be sure that the public knows what  
11 those courses in fact are. It's not like  
12 teaching somebody to read who doesn't know how  
13 to read.

14 MS. SMITH: These are rigorous courses.  
15 There was actual legislation passed about  
16 students who were planning to go to college and  
17 yet maybe they did not -- were not necessarily  
18 demonstrating the skills showing that they were  
19 ready; however -- so these are students who are  
20 making possibly on the ACT an 18, a 19, or a  
21 20, kind of at that bubble area, so these were  
22 rigorous courses for students in their juniors  
23 and senior years to help kind of close that  
24 gap.

25 MS. ZOOK: Okay. And then back -- because

1 we have a lot of students who are -- have  
2 chosen, either because of interest or finances  
3 or ability, that they are probably not going to  
4 go to college --

5 MS. SMITH: Uh-huh.

6 MS. ZOOK: Okay. So I understand Algebra  
7 1 and Geometry, I guess they can substitute  
8 Bridge to Algebra 2 for Algebra 2, I don't  
9 know, but the requiring of Pre-calculus, I'm  
10 not sure that -- it seems like Mathematic  
11 Application or Statistics would be -- I don't  
12 know. What will we have to do to rethink  
13 having Pre-calculus one of the four required  
14 courses?

15 MS. SMITH: So Pre-calculus is not one of  
16 the required four.

17 MS. ZOOK: Oh, I'm sorry. Did I  
18 misread -- I misread it.

19 MS. SMITH: So it is considered one of  
20 four courses, ADE approved courses. There are  
21 several courses that can be considered a fourth  
22 ADE approved course --

23 MS. ZOOK: Okay. Okay.

24 MS. SMITH: -- that is higher in rigor  
25 than Algebra 2.

1 MS. ZOOK: Okay.

2 MS. SMITH: So it is one of the courses --

3 MS. ZOOK: Okay.

4 MS. SMITH: -- but there are several that  
5 are considered in that level. But there has  
6 been lots of conversation around what should  
7 the minimum required courses be for Math for  
8 Smart Core or for Core, and so that's some of  
9 the conversation that we would like to dig into  
10 a little bit more. But this has kind of  
11 been -- the Smart Core has been the same, kind  
12 of, for the last few years.

13 MS. ZOOK: Yeah. Okay. So if a student  
14 took Algebra 1 and Geometry and then struggled  
15 through Bridge to Algebra 2, the -- the  
16 student's plan through the new SOA and the  
17 counselor and everybody, they could then  
18 recommend a different course than Algebra 2 or  
19 Pre-calculus?

20 MS. SMITH: Yeah. The -- you currently  
21 have students in the state of Arkansas who take  
22 Algebra A, Algebra B, Geometry A, Geometry B as  
23 their four math courses.

24 MS. ZOOK: Okay.

25 MS. SMITH: They are not considered Smart

1 Core graduates, meeting the requirements for  
2 Smart Core, but they have met the minimum  
3 requirements for graduation.

4 MS. ZOOK: Okay. Thank you.

5 MS. SMITH: You're welcome.

6 CHAIRMAN BARTH: So to follow on that, so  
7 Statistics is not in the list of -- for Smart  
8 Core, Advanced Math course? It would not be  
9 the fourth -- it could not be the fourth?

10 MS. SMITH: It would be considered as an  
11 ADE approved fourth course.

12 Is that correct, Tommy?

13 Yes.

14 CHAIRMAN BARTH: Okay. So it would count  
15 as that?

16 MS. SMITH: Yes, sir.

17 CHAIRMAN BARTH: Okay. Okay. All right.  
18 Any further questions?

19 Okay. This may be a question for legal.  
20 Can we approve these two together or do we need  
21 separate motions on them?

22 MS. FRENO: Lori Freno.

23 I think you can approve them together.

24 That would -- there would be no problem with  
25 that, as long as everyone was willing to do

1 that. You know, if there was going to be a  
2 different opinion on them, of course, you would  
3 want to do them separately, but I see no reason  
4 why you can't do them together.

5 CHAIRMAN BARTH: Okay. Okay. Just didn't  
6 want to mess up.

7 Okay. Thank you.

8 So we do have two items together. The --  
9 the required list of 38, which we passed last  
10 month but this is with updated course codes and  
11 edits, and then the 22 required graduation  
12 credit -- credits. And I am ready with a  
13 motion whenever anyone is.

14 Yes.

15 MS. CHAMBERS: I move to approve the 38  
16 required units and the 22 required graduation  
17 requirements as presented.

18 CHAIRMAN BARTH: Okay.

19 MS. NEWTON: Second.

20 CHAIRMAN BARTH: All right. Motion by  
21 Ms. Chambers, second by Ms. Newton. All those  
22 in favor, say, "Aye."

23 BOARD MEMBERS: Aye.

24 CHAIRMAN BARTH: Opposed, same sign.

25 All right. Thank you, Ms. Smith.

1 A-2: DISTRICT REQUEST FOR WAIVERS GRANTED TO  
2 OPEN-ENROLLMENT CHARTERS

3 CHAIRMAN BARTH: All right. We are now  
4 down to our only Act 1240 waiver request of the  
5 day, and I will turn things over to  
6 Ms. McLaughlin.

7 MS. McLAUGHLIN: Good morning. Kelly  
8 McLaughlin, Charter School Office.

9 Today we have one request before you for  
10 Little Rock School. Act 1240, as you know,  
11 I've told you many times, of 2015, allows the  
12 school district to petition the State Board of  
13 Education for all or some of the waivers  
14 granted to open-enrollment public school for  
15 students that attend those open-enrollment  
16 public schools, charter schools.

17 We do have representatives of the Little  
18 Rock School District here today appearing  
19 before you for a petition of their teacher  
20 licensure extension. They have -- their 90  
21 days will expire on October 17th and they are  
22 requesting the extension to end on October 13,  
23 2022, according to the original request.

24 You will want to swear the representatives  
25 in. We have Dr. Keith McGee, Principal, and

1 Superintendent Mike Poore.

2 And just for a matter of procedure, they  
3 will have 20 minutes to make their  
4 presentation. If there is anyone here for  
5 opposition, they will also have that amount of  
6 time, 20 minutes, and then the district can  
7 respond with five extra minutes and then, of  
8 course, the Q&A session.

9 CHAIRMAN BARTH: Great. Thank you.

10 MS. McLAUGHLIN: Okay.

11 CHAIRMAN BARTH: So if Dr. McGee and  
12 Mr. Poore will please stand and raise your  
13 right hand.

14 (WHEREUPON, the witnesses were sworn by  
15 the Chairman.)

16 CHAIRMAN BARTH: All right. Y'all have up  
17 to 20 minutes.

18 DR. KEITH MCGEE: Good morning. I'm  
19 Dr. Keith McGee, Principal of Horace Mann. I  
20 want like to thank the State Board and  
21 Commissioner Key for allowing us to come and  
22 make this presentation about this teacher  
23 extended -- or extension waiver.

24 At Horace Mann our current mission  
25 statement is here. We believe the staff -- we

1 believe at Horace Mann that we can create an  
2 environment and actively engage all students in  
3 a rigorous, relevant, and challenging  
4 curriculum, emphasis on science, lab science,  
5 and let me add and fine arts, which results in  
6 high level student achievement and student  
7 pride.

8 We also believe that we will support this  
9 effort through high expectation by working  
10 collectively and collaboratively together with  
11 the faculty, staff, parents, students, and the  
12 community support system to achieve this shared  
13 purpose.

14 Our emphasis, again, is more actively  
15 engaged for rigorous and relevant curriculum.  
16 Our students at Horace Mann are not a -- would  
17 not have a zone, they would have to apply to  
18 attend this magnet program so they have  
19 emphasis on lab science or the fine arts. Our  
20 content again is on the lab science side, the  
21 side of the curriculum, we have what we call  
22 the STEM, the science, technology, engineering,  
23 and then we added the A for Arts and for Math.  
24 It is a pretty rigorous curriculum, that we  
25 collaborate with the University of Central

1 Arkansas and Arkansas State University, where  
2 they come in, provide professional development  
3 to our teachers as well as data support to our  
4 students to analyze and interpret and it's a  
5 two-way communication.

6 On the Fine Arts side, students are  
7 participating in selective areas, which is the  
8 visual arts, drama, dance, choir, piano, band,  
9 and orchestra.

10 Our lab -- our lab science classes are a  
11 full year requirement. We do put emphasis on  
12 project-based learning. Some -- we have some  
13 including problem solving and some engineering  
14 design processes. Not all but some. Our  
15 science fair -- not all of the kids are able to  
16 get that engineering part. So as a result of  
17 that, the leadership team, we try our best to  
18 do -- to enhance our magnet program with  
19 Fidelity. We take pride in this so we do this  
20 through research based professional  
21 development. Items such as Kagan, Step up to  
22 Writing, the Criterion Writing, we add Coding  
23 for the Career Technical Education, these  
24 embedded in the information communication  
25 classes, and also again several of our

1 partnerships with the University of Central  
2 Arkansas and Arkansas State. We also have  
3 partnerships on our Fine Arts side to enhance  
4 that as well, such as the Thea Foundation with  
5 our drama and the Arkansas Symphony with our  
6 orchestra program.

7 And one of our several goals that we're  
8 trying to do is continue to increase technology  
9 in our classrooms and add more community  
10 partnerships that would be able to enhance our  
11 magnet program.

12 So with that being said, we have come here  
13 to -- to request an extension on the waiver  
14 because we had two goals -- and let me go ahead  
15 and fast forward before I come back. Our one  
16 goal -- let me amend this slide here, is to  
17 increase the student participation in the  
18 science, technology, engineering, arts, and  
19 math. Right now, again, only the lab science  
20 students were able to get that. By adding --  
21 by Adding Project Lead The Way to our  
22 curricula, it is open to all of our kids,  
23 students, to take this and to enhance this  
24 project.

25 Our second goal is to also increase the

1 percentage of students who show growth from  
2 sixth to seventh grade, and we started with  
3 sixth grade because we want to be able to track  
4 the students now that we can have it with if  
5 they were able to grant this request, to try to  
6 establish the ACT Aspire, math, science. And  
7 again the STEM component of that, we look at it  
8 all. Project Lead The Way would help us with  
9 this. We believe that it will provide that  
10 rigor that we need in the relevant curriculum  
11 that we are designed to have and that we would  
12 like to add.

13 So therefore let me go back to this side  
14 here. That's the way, as the leadership team,  
15 we decided that we wanted to improve our  
16 curriculum, by adding Project Lead the Way for  
17 all of our students. What we found out -- and  
18 we wanted to do it in three phases, this year  
19 phase one to sixth grade, next year phase two  
20 for sixth and seventh, and last or third phrase  
21 would be for all grade levels, sixth through  
22 eighth. But what we found out, that we are  
23 running into a program with all of our -- one  
24 particular subgroup, and that's the gifted and  
25 talented students. The gifted and talented

1 students, because we do have a set curriculum,  
2 would not be able to take Project Lead the Way  
3 because we have a course already outlined. By  
4 allowing us to have this waiver, those gifted  
5 and talented students now could be able to  
6 embed the keyboarding into the Project Lead the  
7 Way and also added P.E. in the Project Lead the  
8 Way by extending the waiver where teachers can  
9 collaborate with the career technical education  
10 department to invent those skills and those  
11 standards and collaborate with the P.E.  
12 teachers, the Physical Education teachers, so  
13 that they could also enhance that through the  
14 Project Lead the Way.

15 That is our goal and that is why we're  
16 here to ask you for permission and to grant us  
17 flexibility in scheduling so that we will be  
18 able to do away with some of the accreditations  
19 and for the sixth grade more specifically for  
20 the gifted and talented students, so that they  
21 can be able to have -- be able to take in the  
22 Project Lead the Way.

23 We are roughly talking about this year 105  
24 students out of 270 students of sixth grade.  
25 That's the number of students that we're

1 talking about it would affect. So if you grant  
2 us this waiver, again, it is our job and we  
3 have embedded in our master schedule that where  
4 our Project Lead the Way teachers can  
5 collaborate with the career technical education  
6 teachers and the physical education teachers to  
7 make sure that we include the standards.

8 That's all of the slides that I have. Are  
9 there any questions?

10 CHAIRMAN BARTH: Mr. Poore, anything?

11 Okay. Great.

12 I'll start over here. Ms. House, any  
13 questions?

14 Ms. McFetridge?

15 MS. McFETRIDGE: I'm just not real  
16 familiar with Project Lead the Way. Can you  
17 just talk a little bit about what that is and  
18 how different it is compared to what you're  
19 doing now?

20 DR. KEITH McGEE: Yes, ma'am. Thank you  
21 for that.

22 Project Lead the Way is a little bit  
23 different. It's a national program, they come  
24 and where students will be able to get the true  
25 engineering design model that includes science,

1           technology, and the math component. And while  
2           we do have the science and we do have -- we're  
3           increasing and improving our technology, but we  
4           don't have that true engineering part that  
5           allow us -- our students to get. We have some  
6           engineering design processes, not all of them,  
7           but Project Lead the Way would allow our kids  
8           to be exposed to all of those engineering  
9           design processes

10           MS. McFETRIDGE: Okay. Thank you.

11           DR. KEITH MCGEE: Yes, ma'am.

12           CHAIRMAN BARTH: Dr. Hill?

13           Ms. Newton?

14           MS. NEWTON: I think this question might  
15           be for Mr. Poore for Ms. Smith and  
16           Ms. McLaughlin.

17           The original waiver that you had, the  
18           reason you had then the extension applied, what  
19           was the original waiver for? Was it high  
20           school or I guess why you had to ask for that  
21           extension?

22           DR. KEITH MCGEE: Because when we did our  
23           research we found out that the district had the  
24           waivers already to allow flexibility of  
25           scheduling, so what we needed to do is to

1 extend that waiver to include Horace Mann Arts  
2 and Science Magnet Middle School. So I'm  
3 not -- I guess your question is about the  
4 original waiver; is that correct?

5 MS. CHAMBERS: Yeah.

6 MS. NEWTON: Yeah. Yeah. Why, why the  
7 extension, I guess.

8 MR. MIKE POORE: I believe that, and I  
9 appreciate the help from the Department, that  
10 we had set up our initial waiver for career ed  
11 classes when we came in --

12 MS. NEWTON: Okay.

13 MR. MIKE POORE: -- and so this now goes  
14 into an academic environment specifically tied  
15 to Project Lead the Way course.

16 MS. NEWTON: Okay. That was my question.  
17 Thank you.

18 CHAIRMAN BARTH: Okay. Ms. Zook?

19 MS. ZOOK: I'm not ready yet. Thanks.  
20 Pass, I guess.

21 CHAIRMAN BARTH: All right.  
22 Mr. Williamson?

23 MR. WILLIAMSON: Nothing.

24 CHAIRMAN BARTH: Dr. Moore?

25 DR. MOORE: I do have a more specific

1 question just to get a better understanding.  
2 How will physical education be incorporated,  
3 into what classes and what will that look like?

4 DR. KEITH MCGEE: What we designed -- what  
5 we decided that we will do, if we're granted  
6 permission, we'll allow for the Project Lead  
7 The Way teachers to collaborate with the  
8 physical education teachers to be able to  
9 create a lesson one day a week so that we can  
10 require to meet those minutes required for the  
11 State Department.

12 DR. MOORE: Thank you for the  
13 understanding. Thank you. Appreciate it.

14 MS. ZOOK: Okay.

15 CHAIRMAN BARTH: Ms. Zook?

16 MS. ZOOK: I notice that overall your  
17 school is, you know, a good average school,  
18 and -- and will this be exclusively for those  
19 children who are ready or exceeding or will the  
20 students who are close have an opportunity and,  
21 like, shoring up their reading ability or  
22 whatever it is that's keeping them from being  
23 where we would prefer them?

24 DR. KEITH MCGEE: It is our intention to  
25 open it for all students, in need of support,

1 close, we want to expose all of them. We  
2 believe that if we can expose and motivate our  
3 students through this Project Lead the Way with  
4 the technology that it will motivate them to  
5 achieve a lot better.

6 MS. ZOOK: And then I think in addition to  
7 motivation we have to have somebody who can  
8 actually teach them the skills they don't have.

9 DR. KEITH MCGEE: Correct.

10 MS. ZOOK: So will that be a part of it or  
11 will you do that -- will they have to, parents  
12 have to pay for a tutor or how will those  
13 kids --

14 DR. KEITH MCGEE: We have a free tutoring,  
15 early morning tutoring as well as after school  
16 tutoring program that we design, and we also  
17 embed in our curriculum to address those  
18 specific needs of those kids individually built  
19 inside.

20 For example, we're on an eight period day.  
21 Those students would go into a math or literacy  
22 enrichment course to help them and this Project  
23 Lead the Way would be an elective course for  
24 them.

25 MS. ZOOK: Okay. Thanks to you. Thank

1           you.

2                   CHAIRMAN BARTH:   Okay.   Any additional  
3           questions over here?

4                   My question is, is there going to be --  
5           and this really probably goes back to -- I  
6           cannot remember the -- the waiver request from  
7           last year.   What is -- what is there in that --  
8           what was there in that waiver request in the  
9           form of reporting on the impact of the waivers  
10          on achievement?

11                   MR. MIKE POORE:   If I understood your  
12          question right, the question -- the initial  
13          waiver we sought was for our career tech  
14          programs.

15                   CHAIRMAN BARTH:   Uh-huh.

16                   MR. MIKE POORE:   And specifically it  
17          allowed us to utilize staff that were trained  
18          professionals, had education background, in  
19          terms of taking course work that fit into a  
20          medical field, and that's what we sought was to  
21          get a waiver so those professionals could come  
22          in to teach those classes.

23                   In terms of it tying directly into an  
24          academic performance in, that's probably a  
25          little bit more difficult to judge because a

1 lot of those areas are not necessarily tested  
2 areas. But the success of the program,  
3 specifically for the Excel Career Tech Program,  
4 the numbers have doubled going into this year,  
5 similar to what happened in Bentonville with  
6 the Ignite Program. So we're on the  
7 R.I.S.E. --

8 CHAIRMAN BARTH: Uh-huh.

9 MR. MIKE POORE: -- and we have business  
10 partnerships that continue to expand. And have  
11 a chamber of commerce right now that also is  
12 looking to try to figure out a better way to  
13 enhance scope within those projects so that we  
14 can get even more students involved.

15 CHAIRMAN BARTH: Yeah. And I actually --  
16 I mean, I think those are more accurate impacts  
17 of the program than -- than the student  
18 achievement is. You know, kind of students  
19 feeling connected to a future and -- and,  
20 obviously, increases in the number of students  
21 participating in the program, those are the  
22 kinds of things that I think really are where  
23 there is a clear connection. And I didn't know  
24 what, what kind of -- did y'all have any  
25 reporting requirements in that or was this

1 simply at the end of the -- that was for five  
2 years; right?

3 MR. MIKE POORE: I believe it was at the  
4 end, there was a five year span and there was  
5 something we need to provide. If there was  
6 something that we missed on that, that may be  
7 my fault.

8 CHAIRMAN BARTH: No, no, no. It is not  
9 required. It is -- some schools do it, some  
10 schools don't sometimes. We get a little --

11 MS. ZOOK: We like it when they do.

12 CHAIRMAN BARTH: We love it when everybody  
13 does but -- but, anyway, I just didn't know  
14 what requirements.

15 I am a little confused. So -- so that I'm  
16 wondering if it actually makes more sense for  
17 this to be a four-year request since the -- the  
18 previous one would come up for expiration in --

19 MR. MIKE POORE: And I don't mean to speak  
20 for Dr. McGee, but I will share that I don't  
21 have a problem with amending it to be a  
22 four-year request. We had taken the five-year  
23 route because, if you remember, the first time  
24 that you-all handled waivers, and that was when  
25 I was in Bentonville, that we kind of settled

1 on that five-year trajectory for review, and so  
2 we simply were following the previous recipe.  
3 But in this case, to have it match up with the  
4 other Little Rock waiver, I have no problem  
5 with amending that to be a four-year review.

6 COMMISSIONER KEY: I think that would be  
7 good.

8 CHAIRMAN BARTH: Okay. I think that would  
9 be a little cleaner in terms for us just  
10 reviewing all of these waivers, and in four  
11 years from now, I think that is plenty of time  
12 for us to see the impact. So that, I do hear  
13 that as a -- as an amendment from the floor,  
14 and I think it would, would just make more  
15 sense.

16 Ms. Zook?

17 MS. ZOOK: Yes. Is this -- is your plan  
18 to, like, work the kinks out here and then  
19 spread it to your other middle schools, or is  
20 there some reason that -- that Mann is -- is it  
21 the leadership that's prompted the request for  
22 this school or is it something with regard to  
23 the staff or the students at the other schools  
24 why it's not in all of the middle schools?

25 MR. MIKE POORE: Well, I'll start and

1 Dr. McGee may have a comment beyond that.

2 Project Lead the Way is not just isolated  
3 in terms of Mann being the only middle school,  
4 so we do have Project Lead the Way in multiple  
5 campuses.

6 And just for a little reference point for  
7 State Board members, there are Project Lead The  
8 Way all over the state, and in almost every  
9 major district you're going to have Project  
10 Lead the Way both at the high school and the  
11 middle school level. So we have not found that  
12 need.

13 This one, as Dr. McGee, I think, outlined  
14 kind of came as a result of kind of almost a  
15 disconnect that we were having within the G.T.  
16 population to try to make this one work.

17 But it is my assumption, and I could be  
18 wrong, but by moving forward on this that that  
19 would allow us, if we run into another problem  
20 with a school in the Little Rock District, that  
21 that would also -- a waiver then would cover  
22 it?

23 MS. ZOOK: Well, I don't know. I don't  
24 know. Commissioner, if they ask for a specific  
25 school, even though the district gets the

1 waiver for that school, can they use it in  
2 others without having to come back to us?

3 DR. KEITH MCGEE: But if you would permit  
4 me to say something before that. For Mann,  
5 again let me outline, Mann has a strict  
6 curriculum with the magnet piece --

7 MS. ZOOK: Yes.

8 DR. KEITH MCGEE: -- which comes with  
9 courses already outlined.

10 MS. ZOOK: Yes.

11 DR. KEITH MCGEE: I'm not saying -- I'm  
12 not -- I'm not sure about the other middle  
13 schools, but I know for Mann, they're not --  
14 our school is not able to get that elective of  
15 that choice. For example, in the G.T. on the  
16 lab science side, that if given permission,  
17 like Project Lead the Way, that gifted and  
18 talented student would not be able to take  
19 Project Lead The Way because the courses for  
20 sixth grade is already lined out for them and  
21 the same thing for a sixth grade Fine Arts  
22 students.

23 So for your question, your original  
24 question, it was prompted by the leadership  
25 team at Horace Mann that we felt like Project

1           Lead the Way would enhance the lab science  
2           side, but also provide an opportunity for the  
3           Fine Arts students to also take advantage into  
4           the two goals that I mentioned earlier, to  
5           increase. Because we know that technology is  
6           the way now and we know that kids right now,  
7           that's the -- I -- they are -- it motivates  
8           them. It's a hands -- Project Lead The Way is  
9           a hands on and we believe that it would just  
10          enhance what we are doing at Horace Mann.

11           MS. ZOOK: Okay. And since you're a  
12          magnet and so you have kids that go to all of  
13          the different high schools when they leave  
14          you --

15           DR. KEITH MCGEE: Correct.

16           MS. ZOOK: -- is there a way that we can  
17          or that you can find out the difference between  
18          the kids that were involved and -- and how  
19          that -- well they did then in math on up or --  
20          so you can -- we can track to see, gosh, we  
21          want everybody to do this or, no, you know --

22           DR. KEITH MCGEE: That's a great question;  
23          however this will be the first year that we're  
24          implementing this.

25           MS. ZOOK: Right.

1 DR. KEITH MCGEE: So it is our plan to try  
2 to track that beginning in the sixth grade this  
3 year. Majority of our students go -- attend  
4 Parkview and Central --

5 MS. ZOOK: Uh-huh.

6 DR. KEITH MCGEE: -- with a few going to  
7 Hall and the other high schools in the Little  
8 Rock School District, but the majority will go  
9 to Parkview or Central; and Parkview has that  
10 Project Lead the Way piece at their high school  
11 level.

12 MS. ZOOK: Yeah. I wonder, since you  
13 provide transportation, what it is that prompts  
14 the students from those high school attendance  
15 zones to pick Mann over the others. It just  
16 seems like you would sort of have a balance  
17 between Southwest, Hall, Parkview.

18 DR. KEITH MCGEE: That's a great question.  
19 I wish I had the answer for that.

20 MS. ZOOK: Yeah. Yeah. Because sometimes  
21 they will say, well, kids don't go to church  
22 because there is no transportation, but, you  
23 know, Horace Mann has transportation, so  
24 it's -- you know, it would be interesting. We  
25 should get somebody to run a doctoral

1           dissertation on that.

2                   CHAIRMAN BARTH: I've seen what  
3           Dr. Boyd --

4                   MR. MIKE POORE: She just referenced to me  
5           that -- that her belief would be, as advice to  
6           me and to you as a Board, that you would -- the  
7           current recommendation is just for Mann, and if  
8           we wanted to broaden it, we could do that as  
9           well, but we would need to be intentional about  
10          it.

11                   COMMISSIONER KEY: That was my -- I mean,  
12          all of this conversation we've had with  
13          Dr. McGee, and we have been talking about this  
14          for several weeks now, and he's identified the  
15          challenge and we kind of got caught up in that  
16          transition from the old standards to the new  
17          standards. So I want to say I express my  
18          appreciation to Dr. Boyd and her team in  
19          working with Dr. McGee to come up with -- this  
20          was the agreed upon method of making sure they  
21          could do what they wanted to do and get it in  
22          process before Monday, which is -- which we  
23          were kind of under the gun.

24                   So it would be my opinion, as Mr. Poore  
25          said, that this would be specific for Mann, but

1 if they -- if other middle schools felt like it  
2 would be helpful, that we would want -- we  
3 would expect to see another modification  
4 brought to you all.

5 MS. ZOOK: Well, and I know that a lot of  
6 times, if -- if that principal comes and says,  
7 can we do this, it's more apt to succeed than  
8 if we say you're going to do this.

9 COMMISSIONER KEY: And Dr. McGee has been  
10 very determined to find a way to make this  
11 work, because I think they worked really hard  
12 with -- with his team to identify the  
13 challenges that they need to overcome. And  
14 I -- I just commend them and commend our team  
15 in the Charter Unit for working to come up with  
16 this solution, and Dr. Pfeffer. Dr. Pfeffer  
17 had a lot of influence on coming up with a way  
18 to think strategically so that we could make  
19 this happen.

20 CHAIRMAN BARTH: Okay. Any additional  
21 comments or questions?

22 Okay. So Dr. Boyd?

23 DR. BOYD: No.

24 CHAIRMAN BARTH: Okay. So what I'm  
25 hearing is the request as written with one

1 amendment, which would shift it to a four-year  
2 request. All of the items are in the teacher  
3 licensure category, and so I think we can do  
4 this with a single motion to -- whether to  
5 approve -- the proper motion is either to  
6 approve the waivers or to reject the waivers,  
7 the waiver requests.

8 MS. ZOOK: I move to approve.

9 MS. CHAMBERS: Second.

10 CHAIRMAN BARTH: Okay. Motion by  
11 Ms. Zook, second by Ms. Chambers. All those in  
12 favor, say, "Aye."

13 BOARD MEMBERS: Aye.

14 CHAIRMAN BARTH: Opposed, same sign.

15 All right. Thank you. Great. Good luck.  
16 Have a great start to the year, Dr. McGee, and  
17 see you soon, Mr. Poore.

18 Okay. I will remind folks on the  
19 microphones, if you could get them kind of  
20 about here when you're speaking and turn them  
21 down, especially some folks up here, turn them  
22 down when you're not speaking so that we don't  
23 hear all of the cacophony in -- in the room.

24 COMMISSIONER KEY: But point them straight  
25 toward you when you are speaking, please.

1 A-3: THIRD ROUND FOR ARKANSAS BETTER CHANCE 2018-2019

2 RENEWAL GRANTS:

3 CHAIRMAN BARTH: Okay. Our next item up  
4 is the third round of the ABC 2018-2019 Renewal  
5 Grants.

6 I'll turn it over to Ms. Underwood.

7 MS. UNDERWOOD: Thank you. Susan  
8 Underwood with the Division of Early Childcare  
9 and Education.

10 I bring to you the third round of the  
11 Arkansas Better Chance Grants that include an  
12 award an additional ten slots, each to Mammoth  
13 Springs School District and the Little Rock  
14 School District, in addition to the one-time  
15 funding startup, a funding of \$5,000 for each  
16 program.

17 During the June 2018 State Board meeting  
18 the ABC Funding was approved for the following  
19 programs to increase their preschool services  
20 with additional slots; that includes Bradford,  
21 Concord, Elkins, Kipp Delta Public Charter  
22 School, Little Rock, Northeast Arkansas Co-op,  
23 Our Education Co-op, Prairie Grove, and the  
24 Southwest Education Co-op.

25 The attached chart in the Board packet

1 reflects the one-time funding startup of \$500  
2 per additional slot. This provides assistance  
3 to purchase materials and supplies for the new  
4 classrooms, therefore a request to approve  
5 additional slots to Mammoth Springs and Little  
6 Rock School Districts.

7 The total grant amount includes the retro  
8 pay in the amount of \$48,600 to both Mammoth  
9 Springs and the Little Rock School Districts  
10 for the payment one of July 2018, as well as  
11 approval of the one-time funding for the listed  
12 agencies.

13 This is proposed for your consideration.

14 CHAIRMAN BARTH: Okay. I'll start over  
15 here, anyone on this side have any questions?

16 We've obviously seen -- seen these  
17 regularly.

18 Anybody over here? Ms. Zook? Okay. You  
19 already -- you good?

20 MS. ZOOK: No. I was just -- when she  
21 finished -- when she finished I was going to  
22 have her share with the Board what she shared  
23 with me earlier. Because I had asked her last  
24 month if the ABC-run facilities were  
25 coordinating with the school districts when the

1 school district wasn't running, and she had  
2 great news for me, so I wanted her to share  
3 that with the Board.

4 CHAIRMAN BARTH: Okay. I've got a quick  
5 question. On these startup funds, is -- is --  
6 how -- how is -- what kinds of things does that  
7 go to?

8 MS. UNDERWOOD: Well, a lot of times they  
9 have to set up a new classroom, or even if it's  
10 just ten slots, they are adding it to another  
11 ten that they have, so in order to have those  
12 education materials and supplies for their  
13 children, and 10,000 is a good start to help  
14 them.

15 CHAIRMAN BARTH: Okay. So this is -- this  
16 is enough new seats to pop -- to create a new  
17 classroom, which has all of those?

18 MS. UNDERWOOD: Yes.

19 CHAIRMAN BARTH: Okay. Great. All right.  
20 I'll entertain a motion on this item.

21 MS. ZOOK: So moved.

22 CHAIRMAN BARTH: Okay. Motion is to  
23 approve these -- these renewal grants. Is  
24 there a second?

25 MR. WILLIAMSON: Second.

1                   CHAIRMAN BARTH: All right. Motion by  
2 Ms. Zook; second by Mr. Williamson.

3                   All those in favor, say, "Aye."

4                   BOARD MEMBERS: Aye.

5                   CHAIRMAN BARTH: Opposed, same sign.

6                   Okay. And, Ms. Zook -- Ms. Underwood, do  
7 you want to make a comment on Ms. Zook's  
8 question from last month?

9                   MS. UNDERWOOD: Yes. I took it on as a  
10 challenge when Ms. Zook asked about how do  
11 programs really work with each other. We have  
12 a lot of programs that are private-funded  
13 programs and then we have programs that are in  
14 the school districts, and in a lot of the  
15 communities these programs work together. So  
16 when we went back and we were working with the  
17 ABC coordinators I asked the question, how are  
18 you doing this? I said, I'm sure you're doing  
19 it but how are you doing it?

20                   They came up flooded in wanting to tell  
21 us. There was one little private program said,  
22 "In our community we are the hub of preschool.  
23 We work with the elementary. Kindergarten  
24 teachers come down and read to our children.  
25 We are invited to come to the school to -- for

1 the children to be involved in some of the  
2 events or maybe special guests or community  
3 involvement."

4 Then we also had others, even the larger  
5 ones and the smaller ones, they said, "We  
6 invite every caregiver in our area to come and  
7 do professional development with us." And the  
8 thought is these communities, these children  
9 are our children, whether they go to  
10 Ms. Susie's little pre-K or they go to the  
11 school district-ran pre-K, they are our  
12 children, so why not have quality information  
13 and instruction and build the teachers, build  
14 the students, and also link that to your  
15 kindergarten and your first grade teachers as  
16 well. So they are doing it, it may not be as  
17 apparent, but they are excited to report that  
18 to you.

19 Thank you.

20 CHAIRMAN BARTH: Great. Thank you very  
21 much for -- for doing that.

22 Okay. Everybody doing okay?

23 A-4: CONSIDERATION OF ARKANSAS BETTER CHANCE PROGRAM

24 APPEAL:

25 CHAIRMAN BARTH: Okay. Next up we have an

1 issue that I don't know that I've seen before,  
2 but it's always something new on the State  
3 Board of Education. Another early childhood  
4 issue with an ABC Program appeal and I'll turn  
5 it over to Ms. Dedman to walk us through this.

6 MS. DEDMAN: Good morning. Jennifer  
7 Dedman for the Department.

8 We have before us an ABC appeal that the  
9 Board was to hear this morning, but there is no  
10 representative from the -- the person  
11 appealing.

12 They had legal representation and they did  
13 receive notice, the Department did notify them  
14 of this appeal. Although we have not heard  
15 from them that they are planning to withdraw  
16 their appeal, they did not appeal today and the  
17 Board may consider the appeal abandoned and  
18 choose to deny it.

19 CHAIRMAN BARTH: Okay. All right. And  
20 because it was on the addenda, I do think we  
21 need to deal with it as take action on it in  
22 some -- some way.

23 But do you folks have -- have questions  
24 about what we are being asked to vote on today?

25 MS. DEDMAN: I would add that a

1 representative from the DHS is here and they do  
2 have documentation to indicate that the program  
3 has closed its doors.

4 CHAIRMAN BARTH: All right. Dr. Moore?

5 DR. MOORE: I don't have anything.

6 CHAIRMAN BARTH: Okay. Okay. So basic  
7 story is they appealed but in between the  
8 filing of the appeal and today, they  
9 voluntarily closed?

10 MS. DEDMAN: Yes, Dr. Barth. Between the  
11 time that they requested the appeal and today  
12 DHS has received indication, and we do have  
13 copies of a screen shot that indicates that  
14 they voluntarily closed their doors. A member  
15 representing the party and the party, they are  
16 not here today.

17 At your option you may consider the appeal  
18 abandoned and therefore denied.

19 CHAIRMAN BARTH: I do have a -- it's not  
20 a -- it's not exactly on this issue but it's  
21 probably a Ms. -- maybe a Ms. Underwood  
22 question. My question is, with, obviously, a  
23 significant -- a number of slots here that were  
24 at this facility in a -- in a -- in a community  
25 that we know is -- is challenged in terms of

1 close -- yep?

2 COMMISSIONER KEY: Question. I'm sorry,  
3 Dr. Barth. I want to make sure we don't miss  
4 something, because this is a hearing, is there  
5 a point at which we need to swear anyone in for  
6 the purposes of the record?

7 MS. DEDMAN: If anyone plans to give  
8 testimony, you might consider swearing them in.  
9 Yes.

10 COMMISSIONER KEY: Okay. So questions  
11 don't fall under that requirement?

12 CHAIRMAN BARTH: And I can hold my  
13 question until after the actual hearing, if  
14 that would actually be cleaner, since I know  
15 it's --

16 MS. DEDMAN: No attorney, so swear them  
17 in?

18 Yes. We're hearing yes, do swear them in.

19 CHAIRMAN BARTH: Okay. I'm going to just  
20 hold and ask this question after we deal with  
21 this issue. I'm curious about something that  
22 is relevant but not direct.

23 Okay. Everybody clear on where we are on  
24 this?

25 So the proper motion would -- first off,

1 we have no one who is not -- is not an attorney  
2 here to be a part of the hearing; correct?

3 MS. DEDMAN: Correct. Yes. But we do  
4 have a representative from DHS that is an  
5 attorney but --

6 CHAIRMAN BARTH: But also an attorney?

7 MS. DEDMAN: Right.

8 CHAIRMAN BARTH: Also an attorney so we  
9 don't need to swear them. So no one to be  
10 sworn.

11 So the proper -- if there are no  
12 questions, the proper motion would be to deny  
13 the appeal or to, if someone wished, accept the  
14 appeal on the basis of paper, not on the basis  
15 of any actual testimony today.

16 MS. ZOOK: Where is that located?

17 COMMISSIONER KEY: This is in southwest  
18 Little Rock.

19 CHAIRMAN BARTH: It's a southwest Little  
20 Rock.

21 MS. ZOOK: Okay. I thought it was.

22 CHAIRMAN BARTH: Yeah.

23 MS. DEDMAN: Would the Board -- did the  
24 Board wish to consider the documentation DHS  
25 has today indicating the program was closed?

1 MS. ZOOK: Do we know how many slots they  
2 had and whether or not anyone has worked  
3 with --

4 CHAIRMAN BARTH: Ms. Zook, that was  
5 exactly my question --

6 MS. ZOOK: Okay. I'm sorry.

7 CHAIRMAN BARTH: -- and I think we don't  
8 want to go there at this moment.

9 MS. ZOOK: Okay.

10 CHAIRMAN BARTH: We'll go there right  
11 after this.

12 MS. ZOOK: Okay.

13 MS. DEDMAN: Again, because -- because no  
14 one has appeared and they were notified, they,  
15 essentially, abandoned their appeal and the  
16 Board may therefore deny it.

17 MS. NEWTON: Are you ready for the --

18 CHAIRMAN BARTH: Yes. I am, Ms. Newton.

19 MS. NEWTON: I move to deny the appeal.

20 MR. WILLIAMSON: Second.

21 CHAIRMAN BARTH: All right. Motion by  
22 Ms. Newton, second by Mr. Williamson. All  
23 those in favor, say, "Aye."

24 BOARD MEMBERS: Aye.

25 CHAIRMAN BARTH: Opposed, same sign.

1           Okay. We've denied that appeal.

2           Now, Ms. Zook and Dr. Barth, our question  
3           is relevant because I think we have the same  
4           concern about the loss of slots in a -- in a  
5           neighborhood that has major achievement gap  
6           issues; and so if you could respond to that,  
7           that would be helpful.

8           MS. UNDERWOOD: And we anticipated this.  
9           So we -- when we -- when we were working on  
10          this situation we thought, what are we going to  
11          do with these children; where -- where are the  
12          opportunities, and they did have 170 slots. In  
13          southwest Little Rock, we have several  
14          different programs in that area. We reached  
15          out to Little Rock, we -- School District,  
16          which have several in those areas; we reached  
17          out to Pulaski County School District; and then  
18          there is a couple of private programs in that  
19          area.

20          Now, Little Rock does have more additional  
21          slots; Pulaski County had -- in those areas had  
22          programs that were not being filled so they  
23          were taking those children in, and some of the  
24          private programs. They have all reported to me  
25          that parents are coming with their children,

1 enrolling the children. We even have some of  
2 the teachers from that program that are  
3 reaching out to our other ABC programs for  
4 employment.

5 CHAIRMAN BARTH: Okay. So your  
6 anticipation is that at the end of the day,  
7 that -- that -- that most of this -- this --  
8 these slots will get shifted around to other --

9 MS. UNDERWOOD: Yes, sir. That's what  
10 we're anticipating.

11 CHAIRMAN BARTH: -- other -- okay. Was  
12 that your question?

13 MS. ZOOK: Uh-huh.

14 CHAIRMAN BARTH: Okay. Are there other  
15 questions related to this topic, now that we've  
16 dealt with the appeal?

17 All right. Thank you, Ms. Underwood.

18 MS. UNDERWOOD: Thank you.

19 CHAIRMAN BARTH: Thank you, sir. Thank  
20 you, Ms. Dedman.

21 Okay. That -- that's why we expected that  
22 to be a much longer item, obviously, and it was  
23 a short item.

24 B-2: PRAXIS ENGLISH TO SPEAKERS OF OTHER LANGUAGES

25 (5362) FOR ENGLISH TO SPEAKERS OF OTHER LANGUAGES

1 ANCILLARY LICENSE:

2 CHAIRMAN BARTH: Okay. We are now down to  
3 action -- take care -- down to Action Agenda B  
4 at 1 p.m.

5 We know that we need to hold the school  
6 choice issue until all the parties are here,  
7 but we do -- can go ahead and deal with the  
8 Praxis English Speakers of Other Languages  
9 License, and I'll turn it over to -- oh,  
10 Ms. Luneau?

11 MS. LUNEAU: Good morning. Joan Luneau,  
12 Coordinator of Ed Prep here at the ADE.

13 We have two items on the addenda that deal  
14 with the new ancillary license areas that were  
15 added in April. One of those areas is ESOL,  
16 English to Speakers of Other Languages, and the  
17 other is Dyslexia.

18 I'll start with the ESOL Ancillary  
19 License. You really have two pages. You've  
20 got the recommendation to use the practice test  
21 that we're already using, and then there was  
22 just a one-pager, just a general explanation of  
23 the new areas and what would be required of  
24 each of those.

25 For the ESOL Ancillary License, this one

1 will require a master's degree or higher in  
2 ESOL or equivalent, and then in addition,  
3 because we do have a test approved by the State  
4 Board, we would like to recommend the use of  
5 that test; and it is the English to Speakers of  
6 Other Languages 5362. We already have an  
7 established cut score of 155, and we recommend,  
8 effective September 1, 2018, that we adopt that  
9 for this ancillary license as well.

10 CHAIRMAN BARTH: Are there any questions  
11 on -- all right. Ms. McFetridge, questions?

12 MS. MCFETRIDGE: No.

13 CHAIRMAN BARTH: Okay. No questions?  
14 Dr. Moore?

15 DR. MOORE: Have y'all received any  
16 feedback or concerns from teachers on this?

17 MS. LUNEAU: No, I have not, to my  
18 knowledge.

19 No, we have not in licensure either.

20 CHAIRMAN BARTH: All right. And so for  
21 new members of the Board, this is one of those  
22 things that does come regularly when -- when  
23 tests are altered or cut scores are altered or  
24 new tests are created or new licenses are  
25 created.

1 All right. I would entertain a motion to  
2 approve this -- this -- this license and test  
3 score. The license has been created, it's the  
4 test and the cut score.

5 MS. LUNEAU: Yes, sir.

6 MS. CHAMBERS: So moved.

7 CHAIRMAN BARTH: All right. Motion by  
8 Ms. Chambers.

9 MS. McFETRIDGE: Second.

10 CHAIRMAN BARTH: Second by Ms. McFetridge.  
11 All those in favor, say, "Aye."

12 BOARD MEMBERS: Aye.

13 CHAIRMAN BARTH: Opposed, same sign?

14 All right. Great.

15 MS. LUNEAU: All right. I'll pass to  
16 Ms. Smith.

17 CHAIRMAN BARTH: All right. Ms. Smith and  
18 Ms. King.

19 B-3: CERTIFIED ACADEMIC LANGUAGE THERAPIST (CALT)  
20 CERTIFICATION FOR DYSLEXIA ANCILLARY LICENSE

21 MS. SMITH: Okay. Stacy Smith.

22 So we're very excited to be bringing this  
23 to you today as far as recognizing the CALT  
24 license or the Certified Academic Language  
25 Therapist License for an ancillary license.

1 This is not a master's program in the state of  
2 Arkansas; however, it is a very -- it is  
3 nationally recognized, very rigorous  
4 professional development; you have recognized  
5 professional development, practicum, there is a  
6 test that you have to sit by -- sit for to be  
7 able to get this recognition for this license.  
8 And so we were recommending to you and to the  
9 Department of Licensure to recognize this as  
10 its own ancillary license.

11 We have about 100 teachers in the state  
12 who are actually working through this practicum  
13 piece and working through the training that  
14 would actually benefit from this.

15 CHAIRMAN BARTH: Okay. Any questions  
16 related to this issue?

17 Ms. Newton?

18 MS. NEWTON: You partially answered my  
19 question. You said you had about 100 teachers  
20 in the state. Are they located in one area or  
21 are they spread throughout the state or --

22 MS. SMITH: Vicki could probably answer  
23 some, but Vicki is considered one of these  
24 therapists. Go ahead.

25 MS. NEWTON: Congratulations.

1 MS. KING: Hi. Vicki King.

2 I -- we have had three different co-ops  
3 that have hosted -- let me correct that -- four  
4 this summer that have hosted training in this  
5 area. So we had Northeast, Crowley's Ridge  
6 College -- Crowley's Ridge Co-op has hosted  
7 sessions three summers in a row --

8 MS. NEWTON: Okay.

9 MS. KING: -- Northwest, there has been a  
10 couple of training sessions up there, and then  
11 this year South Central hosted a training.

12 So it's kind of spread out across the  
13 state.

14 MS. NEWTON: Are there any -- just, you  
15 know, the training is so intense and -- and  
16 great benefit for our students. I just  
17 wondered if there was any push to -- to push  
18 that in into all the states -- all areas of the  
19 state?

20 MS. SMITH: So the training is tied to  
21 specific programs or curriculum the teachers  
22 are trained through, so there are different  
23 programs and curriculums that schools can use  
24 for dyslexia training. So this is specific to  
25 some specific curriculum products as far as

1 getting the actual training.

2 Certain states, like Mississippi, they do  
3 have colleges who recognize this for a master's  
4 program; SMU and Texas recognizes the training  
5 as -- so as far as we would have to have a  
6 university in our state to be able to take it  
7 up to get their master's program. As far as  
8 local districts choosing the curriculum to use  
9 and having teachers go through for the  
10 training, those are kind of local decisions,  
11 but we have lots of teachers on their own who  
12 didn't go through with the district who chose  
13 to get into the training program because they  
14 saw the benefit and then after they get the  
15 certification they can use a variety of  
16 dyslexia programs to instruct with.

17 MS. NEWTON: I just -- you know, the  
18 intensity of it, I just -- I can see great  
19 benefits coming.

20 MS. SMITH: In the original dyslexia  
21 legislation, when the state kind of -- the  
22 original in which we were talking about  
23 different programs to be endorsed, or at the  
24 state level we had legislation changed that  
25 changed who could teach a dyslexia program or

1 who could be the dyslexia interventionist, and  
2 this was kind of at that highest level of rigor  
3 for a teacher; this is what really --

4 MS. NEWTON: Yeah.

5 MS. SMITH: -- this is what you would want  
6 for all. Okay. And so at this point these  
7 teachers have had this high training, this  
8 training and this license haven't been  
9 recognized, and so this is giving them the  
10 opportunity to actually get a license for this  
11 and for schools to look at hiring these folks  
12 as their dyslexia therapist.

13 MS. NEWTON: Yes, absolutely.

14 CHAIRMAN BARTH: So just to get myself  
15 clear, so we have the -- the dyslexia law, of  
16 course, requires every school to have a  
17 dyslexia interventionist for the district;  
18 correct?

19 MS. SMITH: (Nodding head up and down.)

20 And that could be a paraprofessional all  
21 the way to a licensed teacher.

22 CHAIRMAN BARTH: Okay. And so if they are  
23 a licensed teacher, they might or might not  
24 have this license; right?

25 MS. SMITH: Correct.

1                   CHAIRMAN BARTH: Okay. If an  
2                   interventionist in a district does not have  
3                   this license, does not have this level of  
4                   training, what level of training will they  
5                   typically have?

6                   MS. SMITH: So the law requires that they  
7                   have training in the program in which the  
8                   district is using, so whichever curriculum,  
9                   program the district chooses to use, they are  
10                  using that program with Fidelity and have  
11                  training in that program.

12                 CHAIRMAN BARTH: But there could be a -- a  
13                 fairly large gap in terms of the level of  
14                 training for the person -- person who is the  
15                 go-to on issues of dyslexia in a district as a  
16                 result of -- of this?

17                 MS. SMITH: Yeah. And we would want to  
18                 encourage districts to look for the most  
19                 capable, you know, the teacher who is applying  
20                 that has the best training.

21                 CHAIRMAN BARTH: Yeah. Well, and that  
22                 was -- that was actually my question. What --  
23                 what can we do, what are we doing, to urge the  
24                 licensed teachers who are in that role to -- to  
25                 move in this direction, recognizing it is very

1 intensive and -- and in a variety of ways?

2 MS. SMITH: I think today's step is the  
3 first step in moving that direction, that we're  
4 recognizing it as an analyst re-license. We  
5 are continuing to work with higher ed programs  
6 in establishing programs that are recognized as  
7 dyslexia to add to a teacher's license. The  
8 law itself actually recognized that the state  
9 needed time to develop these programs --

10 CHAIRMAN BARTH: Sure.

11 MS. SMITH: -- when it was originally  
12 passed, and so that -- that's what we're in  
13 right now. We're in that piece of continuing  
14 to work with Higher Ed who are establishing  
15 programs and recognizing national programs that  
16 meet that rigor.

17 CHAIRMAN BARTH: Uh-huh. And what is --  
18 what is your estimate of the -- of, in a  
19 typical case, for a -- for a licensed teacher,  
20 what would be the cost of all the activities  
21 involved in terms of getting to this stage?

22 MS. KING: I believe currently our co-ops  
23 that are arranging for this, it's costing --  
24 for an individual teacher, I think it's costing  
25 about 3,000-3,500 dollars for the two years,

1 but that includes their materials to get  
2 started in the classroom, and that's pretty  
3 extensive with this -- with -- with the one --  
4 the primary that's being used, that's a lot of  
5 material.

6 CHAIRMAN BARTH: And so that, that cost  
7 could be covered by the district, could be  
8 covered by the individual, I mean there is --  
9 it's a district-by-district issue?

10 MS. KING: Yes.

11 CHAIRMAN BARTH: Well, it does -- you  
12 know, it does raise that -- that concern, I  
13 mean, of -- we know that dyslexia is a -- there  
14 are tremendous inequities in terms of how much  
15 professional coverage exists, even with this  
16 baseline, and it does raise the question of  
17 what we as a state could do to begin to speed  
18 that movement of folks into this level of  
19 training.

20 MS. SMITH: So -- and I may not be  
21 answering this question, but I will say the  
22 legislation about Science of Reading and it  
23 prescribed the pathways for proficiency of  
24 teachers, that is rooted in what these programs  
25 teach in a very intensive manner. Okay. So as

1 we are providing that professional development  
2 state wide in the Science of Reading under our  
3 R.I.S.E. academies, we're laying a solid  
4 foundation and that's what we're -- that's what  
5 we're hoping to do. So I think we are  
6 accelerating it into the state, much more than  
7 just about dyslexia.

8 What I hope we see is that schools start  
9 recognizing that most of their students should  
10 be able to read and read on level if we're  
11 using the right practices in our classroom, and  
12 that the students who are receiving intensive  
13 dyslexia intervention are really a few -- a few  
14 in number.

15 All right. When you hear folks talk about  
16 the numbers of dyslexia students, you know, one  
17 out of five, I believe that; but I believe that  
18 some of those students are not as severe, they  
19 are low in dyslexia --

20 CHAIRMAN BARTH: That's true.

21 MS. SMITH: -- and that their needs would  
22 have been met had we properly taught them to  
23 read in the general classroom in kindergarten  
24 and first grade. And you may never see that  
25 those students actually get dyslexia

1 intervention but that we're providing the right  
2 type of instruction early on to be preventative  
3 to it.

4 So we want all of our teachers trained in  
5 the Science of Reading and we are in talks with  
6 Higher Education about making this a priority  
7 in their colleges so that teachers who are  
8 coming out have this knowledge, they now have  
9 to pass that stand-alone reading assessment.  
10 So I think this is much bigger than just the  
11 dyslexia conversation. Today with this license  
12 for dyslexia and recognizing this group of  
13 teachers who are highly skilled and trained, I  
14 think, is a win for us. I think it's something  
15 for Higher Education to continue to look at  
16 about this is what best practices look like for  
17 this area for students with dyslexia, and so I  
18 think this is the first step today.

19 CHAIRMAN BARTH: Okay. So I'm seeing  
20 Ms. Chambers and then I see Dr. Owoh as well.

21 Ms. Chambers?

22 MS. CHAMBERS: I was just curious, it's a  
23 specific question but maybe has a broader  
24 response. Do we, in terms of what -- trying to  
25 incentivize these kind of skills, this depth of

1 skill, do we pay for those? Is it left to a  
2 district? Is it left to their discretion in  
3 terms of paying for these additional acquired  
4 skills?

5 MS. SMITH: So for this right here you  
6 have districts in the state who partnered with  
7 the co-ops to send teachers to this training  
8 because it was tied to a certain curriculum and  
9 the district is paying for it and paying for  
10 their teacher to attend.

11 And you also -- the co-op opened it up to  
12 other teachers in the area who wanted to come  
13 because those teachers were interested in  
14 becoming dyslexia therapists maybe in their  
15 district or other districts and they are paying  
16 for themselves to attend, so we have a little  
17 bit of both.

18 MS. CHAMBERS: But is their -- does their  
19 compensation change? So it's one thing to have  
20 the cost offset, which is great; but does this  
21 result in some additional qualifications that  
22 they are compensated for?

23 MS. SMITH: So at this time this is not  
24 recognized as a master's -- okay -- but I think  
25 as we continue to have conversation, and I

1 think school districts recognizing that their  
2 teacher has an additional license could make  
3 that choice to give that teacher additional  
4 compensation.

5 CHAIRMAN BARTH: Dr. Owoh and then we'll  
6 go to -- on to comment.

7 COMMISSIONER KEY: Ms. Chambers, you know,  
8 the only certification that we have established  
9 as for state wide bonus or incentive of any  
10 type is the National Board certification. So  
11 as far as a systemic boost to compensation, no.  
12 It would all be -- anything on this would be at  
13 the local level.

14 MS. CHAMBERS: Okay. Thank you.

15 CHAIRMAN BARTH: Dr. Owoh.

16 DR. OWOH: Morning. Jeremy Owoh,  
17 Educational Practices.

18 Two points that I wanted to highlight.

19 First, Ms. Chambers, to -- to provide  
20 additional information for your question  
21 concerning the raise. With the educator career  
22 continuum, with the Lead Professional and the  
23 Master Professional area, the districts will  
24 now have the flexibility to incentivize with a  
25 financial stipend or they may have the

1 flexibility -- sorry -- but they will now have  
2 the flexibility with the educator career  
3 continuum to highlight the professionals who  
4 have a master -- or who have mastered certain  
5 content areas as well as individuals who may be  
6 providing that professional learning within  
7 that school or district.

8 And then I just wanted to clarify that we  
9 would continue to offer the dyslexia  
10 endorsement as well as the ancillary license so  
11 that we can continue to provide pathways to  
12 meet the need of -- of our students who may  
13 have dyslexia.

14 CHAIRMAN BARTH: Okay. Ms. Newton, then  
15 I'll come over here.

16 MS. NEWTON: Just -- just curious. It  
17 seems to me that in a lot of our conversations  
18 that we have as far as moving education forward  
19 in Arkansas Southeast Co-op comes up a lot, the  
20 things that they are doing that they are trying  
21 to -- to make available to teachers and  
22 professional development, their cooperation  
23 with local colleges and offering. I just  
24 wonder if they might be a good place for us to  
25 start talking to about a master's degree in --

1 in this area.

2 MS. SMITH: We'll look into that.

3 MS. NEWTON: Yeah.

4 CHAIRMAN BARTH: Ms. House?

5 MS. HOUSE: I'm just curious, as someone  
6 who is going through the R.I.S.E. training, I  
7 have a Master's Degree in Reading but this  
8 aspect of the Science of Reading was not  
9 something I was exposed to until I went to the  
10 Science of Reading training.

11 Is there a pathway to -- because you're  
12 building the basis of what you're saying that  
13 these folks are going through and getting a lot  
14 more extensive training in this area. Is there  
15 a way for those that have gone through the  
16 R.I.S.E. training to put them on the pathway to  
17 continue their learning? Do they correlate  
18 that well?

19 MS. SMITH: So in the prescribed pathways  
20 legislation this would actually qualify for a  
21 teacher demonstrating the pathway to  
22 proficiency.

23 The R.I.S.E. training is a foundational  
24 piece, where this actually has the practicum  
25 with the student, it actually has your

1 screening for an assessment. So at this point  
2 right now with the K-2 R.I.S.E. Academy, we're  
3 not there. What we hope to do is we hope to  
4 build some micro-credential components with it  
5 so that you have demonstration in the classroom  
6 where you show success with your students, and  
7 through those micro-credentials and looking at  
8 future visions of where we want to be with  
9 recognizing teacher skills, that that's  
10 something that we want to be able to build.

11 Did you enjoy your academy experience so  
12 far?

13 MS. HOUSE: I've loved it. I'm still in  
14 it so I'm loving every bit of it.

15 MS. SMITH: Love it. Love it. Thank you.

16 CHAIRMAN BARTH: Ms. Zook?

17 MS. ZOOK: Yes. Mine is more of the way  
18 of collaboration. I've been in this with Vicki  
19 from the very beginning, and I think what they  
20 are saying is everybody who has -- is affected  
21 by dyslexia doesn't learn to read the same way.  
22 So this credential will help you say, okay,  
23 well, I'm familiar with the way to teach with,  
24 say, Barton's, and I'm way -- I'm familiar with  
25 Orton-Gillingham, you know, there are different

1 programs. So we used to say to parents, "If  
2 you have seen a child with dyslexia, you've  
3 seen a child with dyslexia," because they are  
4 different, they can be approached different.  
5 If you're fortunate you may have two or three  
6 in the group that all learn and can be taught  
7 the same way, but these -- the people who get  
8 this training are going to be -- they will have  
9 the Science of Reading, they will have the  
10 R.I.S.E., they will know about Wilson, they  
11 will know about Orton-Gillingham, they will  
12 know about Barton's, they will know about all  
13 of those particular things. Ms. King, for  
14 example, went through the program in Texas. Am  
15 I remembering correctly?

16 MS. KING: I actually got my initial  
17 training here in Little Rock.

18 MS. ZOOK: Right.

19 MS. KING: But then whenever the Texas  
20 R.I.S.E. for high school developed their  
21 program I was able to go back there and get  
22 some additional training. Yes.

23 MS. ZOOK: Right. And because she had all  
24 of that, then when it came time to -- to  
25 develop and write the resource guide for

1 dyslexia, she was more than qualified, with  
2 input from other people, on how to get that  
3 done.

4 The -- the issue was all of this started  
5 in '13 -- the session in '13, and the efforts  
6 by Senator Elliott and others were to make sure  
7 these students were getting served. The  
8 problem was you didn't have people who were  
9 prepared to serve them, and they were trying to  
10 do it where it was not a financial burden; but  
11 as you know, any time you get additional  
12 training then it will cost. So it's been a  
13 work in progress and Ms. King has been very  
14 patient in working through all of this and --  
15 and working with Ms. Smith and Learning  
16 Services. You know, we've come a long way. In  
17 my opinion we didn't come a long way as fast as  
18 it would have been great, because if you have a  
19 child with a learn disability that is in the  
20 dyslexia area then, you know, five years have  
21 passed now and may or may not have gotten the  
22 service they needed. But a lot of the  
23 districts are doing a hundred percent better  
24 job than they were a few years ago. Would  
25 you --

1 MS. KING: I agree.

2 MS. ZOOK: Yeah. Okay.

3 But I think just -- just by way of  
4 explanation, this is my field so I felt  
5 comfortable sharing.

6 CHAIRMAN BARTH: Mr. Williamson?

7 Dr. Barth, I do think it would be nice at  
8 some point -- or I guess the question is would  
9 it -- would the state be that -- how long --  
10 how quickly do you think we're going to begin  
11 to see significant numbers of -- of individuals  
12 with -- with this license?

13 MS. KING: We currently have, just since  
14 the passing of the dyslexia law and with the  
15 four co-ops hosting their sessions, and then  
16 we've had a couple of other private sessions,  
17 we've gone from I was the only person that was  
18 in the state that would train, again in like an  
19 accredited program to I think we've got two  
20 that have completed their advanced training  
21 that could train and we have a third -- a  
22 fourth one, a person that is working toward  
23 that.

24 But and then we have, I believe last count  
25 was 150 that have started, if not completed and

1 are eligible to sit for that certification  
2 exam. So and I don't even know what the  
3 numbers from this summer are so -- that -- from  
4 South Central. But so it's -- and then there  
5 were people that had received it prior to  
6 passing the dyslexia legislation, so we're  
7 probably looking at about 200-250.

8 CHAIRMAN BARTH: Uh-huh.

9 MS. KING: Uh-huh.

10 And some teachers didn't see an incentive  
11 for getting their certification. We have  
12 several others that have been trained in  
13 their -- done the level of training but they  
14 didn't -- there wasn't an incentive to go ahead  
15 and certify, so they have got the training but  
16 never finished the certification. So I know a  
17 lot of people have said, well, if I knew what I  
18 know now back then I would have gone ahead and  
19 certified. So I can see some of them possibly  
20 even trying to renew.

21 CHAIRMAN BARTH: I think at some point,  
22 and y'all can be a judge on when, it would be  
23 great to get a report on the districts in the  
24 state and, you know, how -- first off how --  
25 how the -- the degree in which they've abided

1 by the basic requirement, and I think we  
2 probably are, hopefully, at 100 percent there,  
3 but then what number of districts have  
4 individuals who have this level of  
5 certification.

6 Because I -- what I'm, you know, concerned  
7 about is, you know, that student with severe  
8 dyslexia who happens to be born in a district  
9 where there is not someone who is -- is really  
10 trained in this way, and -- and they are  
11 really, you know, trapped educationally in a  
12 way that somebody who is born a few miles away  
13 is not; and -- and so I would like us to just  
14 kind of get some snapshot at the time that you  
15 guys think there is enough data to actually be  
16 able to -- to make that happen.

17 MS. KING: I would like to take a moment  
18 to -- I mean, all of our co-ops are doing  
19 excellent jobs supporting the schools, but we  
20 did have two co-ops right off the bat, right  
21 from the beginning, that worked with their  
22 superintendents of their district and they had  
23 one representative from each school in the  
24 co-op area to go through this type of training.

25 CHAIRMAN BARTH: That's great.

1 MS. KING: And so, you know, that will  
2 be -- that will be --

3 MS. SMITH: Who were those two?

4 MS. KING: That was Southeast and  
5 Crowley's Ridge, so both of those co-ops were  
6 able to get their superintendents onboard. And  
7 one may not have been enough for the size of  
8 the district, but at least they had a person in  
9 their district that went through the training  
10 initially that could be a resource for them.

11 CHAIRMAN BARTH: Great. Thank you.

12 Anything else?

13 Okay. We need to --

14 MS. SMITH: Thank you.

15 MS. ZOOK: Thanks.

16 CHAIRMAN BARTH: -- therefore entertain a  
17 motion to approve this new ancillary licensure  
18 and the criteria for identifying those who are  
19 deserving of a license.

20 MS. NEWTON: I move approval of the  
21 ancillary license and the method of approval.

22 MS. CHAMBERS: Second.

23 CHAIRMAN BARTH: All right. Motion by  
24 Ms. Newton, second by Ms. Chambers. All those  
25 in favor, say, "Aye."

1 BOARD MEMBERS: Aye.

2 CHAIRMAN BARTH: Opposed, same sign.

3 Okay. Thank you guys very much.

4 Thanks for a good conversation of that  
5 issue.

6 We're now down -- I want to get the next  
7 two items done, if I can, before lunch.

8 B-4: EMBEDDED COURSES FOR 2018-2019

9 CHAIRMAN BARTH: We're down to the  
10 embedded courses for 2018-2019, and I'll turn  
11 it over to Mr. Coy.

12 MR. COY: Morning, Dr. Barth, members of  
13 the State Board. Thomas Coy, Arkansas  
14 Department of Education in Learning Services.

15 For our new members of the Board, you may  
16 have seen us do this before, but if you've --  
17 if you've ever paid attention or watched --  
18 watched other board meetings, but we are here  
19 to present for your approval embedded courses,  
20 and Act 421 of 2013 allows schools to embed two  
21 different content areas into a single course,  
22 hence allowing students to earn more than one  
23 credit for that course. We review that to make  
24 certain that all the standards of both courses  
25 are met.

1 I wanted to take just a moment on the  
2 front end today because you may have seen the  
3 list and you may have had some questions, and  
4 especially around those things like World  
5 History and Personal Finance. They -- they  
6 don't really seem to go together and you will  
7 see a lot of those. Before Ms. Herring retired  
8 we were able to review those.

9 We're seeking only a one-year approval for  
10 those courses, and it's intended to bridge the  
11 gap year because of the legislation that now  
12 requires Personal Finance to be taken in 10th,  
13 11th, or 12th grade. So many of our schools  
14 had already had economics in the ninth grade,  
15 but because the way the legislation read, that  
16 did not meet the requirement. So on these  
17 Personal Finance and World History, as well as  
18 the Personal Finance and U.S. History, we have  
19 worked with the districts to come up with a  
20 plan where they are teaching those Personal  
21 Finance standards in an isolated time period at  
22 the end of the year after they have completed  
23 the World History content and the United States  
24 History content. So we're only seeking for a  
25 one-year approval to kind of get those students

1 through the gap year and then after that those  
2 approvals would go away because we are hoping  
3 the districts will have made a plan to move  
4 Economics or Personal Finance out of the ninth  
5 grade year, so they are coming up with a more  
6 comprehensive plan for their district.

7 So this helps us bridge that gap year for  
8 those students who had already had economics in  
9 the ninth grade without layering on an  
10 additional course requirement for them.

11 But I would entertain any questions or --  
12 or a motion to approve.

13 CHAIRMAN BARTH: Dr. Moore, any questions?  
14 And, Mr. Williamson?

15 Ms. Zook?

16 MS. ZOOK: I guess what I don't understand  
17 is how you can finish what you need to cover in  
18 World History or U.S. History and still have  
19 time to do this. Are you talking about for the  
20 11th graders?

21 MR. COY: The 10th or 11th grade. Again,  
22 the -- the Personal Finance has to be addressed  
23 in the 10th or 11th or 12th grade. So we saw  
24 lot of different plans.

25 I'll tell you an example of one that I

1 thought was relatively innovative. One of our  
2 schools is using Junior Achievement, and they  
3 are using the first Friday of every month. So  
4 the first Friday of every month they are  
5 bringing in community partners just to talk to  
6 the students about Personal Finance standards  
7 and the requirements of that legislation, so  
8 they are taking minimal -- you know, minimal  
9 days. But again, it was a concern about how  
10 they cover everything that they need to address  
11 in World History and U.S. History. But this  
12 was the -- this was the -- the plan that we  
13 came up with to help get through that gap year.

14 MS. ZOOK: And they couldn't do it over  
15 in -- with -- in a math course? Could you not  
16 do -- cross from one --

17 MR. COY: Sure.

18 MS. ZOOK: -- requirement area to another?

19 MR. COY: Sure. And so we -- we do have  
20 an approval for Algebra 2 with Personal  
21 Finances, some of them did it within them.  
22 Some of them -- most of our schools actually  
23 made it, made a move, you know, moved Economics  
24 or they were using one of our other approved  
25 courses as a stand-alone course.

1 MS. ZOOK: If I vote for this it will have  
2 to be out of trust for you and Ms. Smith.

3 MR. COY: Thank you.

4 MS. ZOOK: Because I just -- I don't -- I  
5 just don't get it at all.

6 MS. SMITH: And -- and I don't know want  
7 you to think that we wrote the combination of  
8 those two courses together because that is not  
9 the case. Okay. The school district submitted  
10 to us that they wanted to teach this course  
11 with these standards. Our unit's  
12 responsibility then is to talk to that school  
13 to determine how are you going to do this,  
14 ensuring that all of those standards are being  
15 met. We had conversations about is this an  
16 ongoing, is this a one year. I mean we felt  
17 like that we needed to tell folks this -- this  
18 is for one year that we'll bring it to the  
19 State Board but you've got to make the  
20 adjustment for your districts. If you're going  
21 to keep economics in ninth grade, which you're  
22 welcome to do, but if you're going to do that,  
23 you have to have a plan that's maybe not  
24 necessarily this plan.

25 MS. ZOOK: So will that be in the AP too?

1           Because I've got grandchildren that are doing  
2           AP but haven't had Personal Finance yet.

3           MS. SMITH: It's going to be -- that's  
4           going to be an individual district decision on  
5           how they do that and what they are submitting.

6           MR. COY: We only had one -- we only had  
7           one district that submitted with AP, and I  
8           believe that was Cabot.

9           MS. ZOOK: And did they get college board  
10          okay on that?

11          MR. COY: That is what we asked Cabot to  
12          do.

13          MS. ZOOK: Yeah.

14          MR. COY: Yes, they did. They -- they --  
15          you know, and they are still using the approved  
16          AP U.S. History syllabus.

17          MS. ZOOK: And they didn't want to do it  
18          in a math class?

19          MR. COY: No.

20          MS. ZOOK: That's all my questions.

21          CHAIRMAN BARTH: I share the -- I share  
22          the concerns of my colleague.

23          MS. NEWTON: I actually have more concern  
24          with the math class than I do with the World  
25          History because I know that the content of

1 Algebra 2, how it's always a struggle to get  
2 just that in and then to add the Personal  
3 Finance in with it. You know, I know that  
4 there would be some correlation but still, you  
5 know, I -- you know, I -- I guess I'm asking,  
6 is that one also one year?

7 MR. COY: Yes.

8 MS. NEWTON: Okay. Because, you know, I  
9 understand the struggle also that the school  
10 districts are under trying to get the Personal  
11 Finance in for these students before they  
12 graduate, I understand that, and I -- I  
13 appreciate this for -- for trying to fill in  
14 the gap. So but past one year, I just don't  
15 see that -- that we can keep doing this.

16 MR. COY: Yes. And if I misspoke, I  
17 apologize. Everything with Personal Finance on  
18 this list is only --

19 MS. NEWTON: Okay.

20 MR. COY: -- we're only asking for one  
21 year approval.

22 MS. NEWTON: All right.

23 CHAIRMAN BARTH: But the others are -- are  
24 permanent?

25 MR. COY: Well, at least until we bring

1 different standards.

2 CHAIRMAN BARTH: Okay.

3 MR. COY: With the English and oral  
4 communication, when we revise those standards,  
5 we will have to resubmit in line with the new  
6 standards.

7 MS. ZOOK: And with each -- you talked  
8 with each of the separate districts about their  
9 plan or did one or two of them you talked to  
10 and then the others requested and so you said,  
11 okay, there?

12 MR. COY: No. We talked to every district  
13 and we -- and we asked them to include a  
14 specific statement that they understood that  
15 this -- that we were only seeking one year  
16 approval and that this would be a larger  
17 discussion that they would need to have in  
18 their district as to how to move economics or  
19 how to address the Personal Finance through one  
20 of our other approved courses.

21 COMMISSIONER KEY: In all of these  
22 districts, did they have ninth graders that had  
23 already taken Personal Finance?

24 MR. COY: Yes.

25 COMMISSIONER KEY: Okay.

1 MR. COY: No, had already taken economics.

2 COMMISSIONER KEY: Or economics? Sorry.

3 MR. COY: Right. They had taken the  
4 economics course, which included most of the  
5 Personal Finance standards, but then when we  
6 revised those standards there were additional  
7 requirements within economics. But all the --

8 COMMISSIONER KEY: And all that was --

9 MR. COY: -- cases were the ninth graders  
10 had had economics.

11 COMMISSIONER KEY: And that was the Cabot  
12 issue and that was affecting those kids that  
13 were going to take six or seven AP courses and  
14 they were having trouble.

15 MR. COY: (Nodding head up and down.)

16 COMMISSIONER KEY: Wasn't aware that all  
17 of the districts on the list, but the common  
18 factor though is the ninth graders have already  
19 taken economics.

20 MR. COY: Yes, sir. And that --

21 COMMISSIONER KEY: That is why this is a  
22 one-year bridge.

23 MR. COY: Right. And that is common  
24 place. Because most of our -- most of our  
25 schools offer economics and civics as a -- as a

1 block, a half unit each semester in the ninth  
2 grade year, so they are having to make -- you  
3 know, we have some that are just saying this  
4 year we will have these kids that come up --  
5 and I know for example one of our districts in  
6 western Arkansas is going to ask everyone to  
7 either take a Personal Finance course through  
8 career technical ed or through quantitative  
9 literacy course, which is also approved, but  
10 that's proving problematic as well. We're  
11 getting phone calls because those students then  
12 have to give up an elective in their junior or  
13 senior year, and so, you know, trying to --  
14 trying to balance this in the best way, and  
15 then make sure that districts are making  
16 broader decisions about how they -- how they  
17 schedule these courses in the future. We're  
18 just trying to get them through this one year.

19 MS. ZOOK: So if we don't approve it what  
20 will they do?

21 MR. COY: Then all the students would have  
22 to take an additional course in 10th, 11th, or  
23 12th grade and possibly give up, like we said,  
24 one of their electives.

25 MS. McFETRIDGE: But, you know, one of the

1 biggest complaints I hear as a parent and as a  
2 past school board member is our children  
3 graduate from school without these Personal  
4 Finance skills; I mean, constantly, and that's  
5 a real concern that I have.

6 MR. COY: Yes. And that's why I don't  
7 think anyone would -- would argue that the  
8 legislation was really good that we're actually  
9 asking students to engage in this. I know, Ms.  
10 Newton, you were very favorable and some  
11 previous board members. You know, I guess some  
12 of the student feedback that you got that our  
13 students are getting this. The timeline was  
14 what has -- what has proved to be a little bit  
15 difficult because it started immediately and  
16 then it had to be in 10th, 11th, or 12th grade;  
17 so that those students who were already  
18 scheduled in economics in ninth grade will  
19 either have to do something like this or take  
20 another course in --

21 MS. ZOOK: Could it combine with an  
22 elective?

23 MR. COY: It could. It could.

24 MS. ZOOK: I mean --

25 CHAIRMAN BARTH: But that would have to

1 be embedded --

2 MR. COY: That would still have to be an  
3 embedded course with approval.

4 MS. ZOOK: Well, I know, but what I'm  
5 saying is instead of taking a required course,  
6 like World History and U.S. History, could they  
7 combine it with one of the electives?

8 For example, I had a conversation with two  
9 of my grandchildren yesterday, and one of them  
10 just graduated and the other of them is going  
11 into 10th, and I said, "Do you know you will  
12 have to have Personal Finance?" And the one  
13 who just graduated said, "Do they teach you,  
14 like, filing taxes and stuff like that?" And I  
15 said, "Yes." And he said, "Can I go back and  
16 audit it?" And I said, "No, but you could talk  
17 to your parents and they might help you with  
18 this." But so I think the kids are excited  
19 about it, but I just don't know --

20 MS. SMITH: So the -- the problem with  
21 saying they could do it in their electives is  
22 these schools right now are trying to ensure  
23 that all of their students in a specific grade  
24 are meeting their graduation requirement. So  
25 when they know all of their students have to

1 take World History and be in that course, and  
2 so right now that's how they are meeting their  
3 requirement needs for this group of kids.

4 You know, earlier when we talked about the  
5 22 and the 38 and, you know, courses that are  
6 specifically mentioned in legislation, as we  
7 work on those pathways and we start really  
8 examining what are the courses that we say are  
9 important for all of our students to take, I  
10 mean, you saw the excitement on the 38 when we  
11 removed journalism as a have to for schools to  
12 offer. So as we go into that conversation  
13 about what really as a State Board do we  
14 believe are the 22 requirements for kids, and  
15 if we want to say Personal Finance is, I mean,  
16 those are conversations I think that -- that we  
17 can move to.

18 For these school districts asking for this  
19 embedded, they are trying to ensure that they  
20 have a course for their students that are  
21 teaching the required standards.

22 The Curriculum Instruction Unit has worked  
23 with those districts to ensure that standards  
24 that are for World History and for Personal  
25 Finance are both being taught and that the

1 schools have a plan for that.

2 So -- so I get that, I think that an  
3 elective probably would be a better place, I  
4 think they are just trying to ensure that all  
5 of their kids when they graduate have it.

6 MS. ZOOK: Yeah. Because I could even --  
7 I could even think of some career ed courses  
8 that it might embed better with. And I could  
9 see why they have that concern for their  
10 seniors but, you know, their sophomores and  
11 juniors, you know, they have got a little -- a  
12 little bit of time in there. I just --

13 CHAIRMAN BARTH: Well, and I think the --  
14 you know, it's just the message that sends  
15 about the value of history courses and, you  
16 know, it's -- it's sending us -- it's sending  
17 us -- and Algebra 2. I mean, they are pretty  
18 darn important courses. They're -- I put them  
19 with an asterisks on the -- on the required  
20 list and so, anyway, that's the -- I think, the  
21 deep -- the deep concern.

22 Any? Ms. House?

23 Okay. I do have a question on the, so  
24 there is one, the Career Ready 101 and Personal  
25 Finance are looped together. Is that a one

1 year or is that a --

2 MR. COY: That is also a one year.

3 CHAIRMAN BARTH: Okay. So everything with  
4 Personal Finance is -- is a one year?

5 MR. COY: Yeah. The solution is that  
6 Greene County Tech has asked to reserve the  
7 right to come back if it works, again, they are  
8 requiring all of their seniors to do the Career  
9 Ready 101 online, so they are actually getting  
10 the digital component and the Personal Finance  
11 all in one, but I told her we would only  
12 approve it -- we would only seek approval for  
13 one year and then she could come back or  
14 request again next year if it was successful.

15 CHAIRMAN BARTH: Okay. I'm going to use  
16 my prerogative and ask both of these questions  
17 into the one-year approvals related to Personal  
18 Finance and then the multi-year approvals  
19 related to the others. Is that appropriate?

20 MS. SMITH: Well, let me clarify. We  
21 bring these to you every single year for  
22 approval, even the ones that are multi-year.

23 CHAIRMAN BARTH: Okay.

24 MS. SMITH: They will all come back to you  
25 the next year, we always bring them to you each

1 year; is that correct?

2 MR. COY: That's not right.

3 MS. SMITH: Oh, never mind. Can we delete  
4 that?

5 MS. ZOOK: We can start the question, I  
6 believe but let me check with Mr. Coy.

7 MR. COY: We used to do that when we first  
8 started; when we first started embedded courses  
9 we would bring you the entire list every single  
10 year. And then -- and then at your request --

11 CHAIRMAN BARTH: They didn't want to have  
12 to focus their energies on --

13 MR. COY: -- a lot of schools didn't have  
14 to want to have to resubmit that, everything  
15 that they had to submit to us for that approval  
16 each year, so I believe we came to an agreement  
17 that we would only bring it when the standards  
18 changed. So for an example, oral common  
19 English, when we revise those standards, we  
20 will ask the schools to resubmit their entire  
21 approval at that point.

22 CHAIRMAN BARTH: All right. Is it all  
23 right with everybody that we split those? It  
24 may be the same vote but I'm sensing a slightly  
25 different energy on the -- on the two.

1                   So I'll first entertain a motion on the  
2 multi-year approvals for -- including issues  
3 like English, oral communications, etc.

4                   MS. CHAMBERS: Move to approve.

5                   DR. HILL: Second.

6                   CHAIRMAN BARTH: All right. Motion by  
7 Ms. Chambers, second by Dr. Hill. All in  
8 favor, say, "Aye."

9                   BOARD MEMBERS: Aye.

10                  CHAIRMAN BARTH: Opposed, same sign.

11                  Okay. And then I would entertain a motion  
12 on the Personal Finance, the one-year approvals  
13 on Personal Finance, I believe, including  
14 embedding Personal Finance in other courses.

15                  MR. WILLIAMSON: So move.

16                  MS. NEWTON: Second.

17                  CHAIRMAN BARTH: All right. Motion by  
18 Mr. Williamson, second by Ms. Newton.

19                  All those in favor say, "Aye."

20                  BOARD MEMBERS: Aye.

21                  CHAIRMAN BARTH: Opposed, same sign.

22                  MS. ZOOK: No.

23                  CHAIRMAN BARTH: Thank you, Ms. Zook. So  
24 one -- one -- one nay then.

25                  MR. COY: Thank you.

1 MS. SMITH: Thank you.

2 CHAIRMAN BARTH: Thank you, guys.

3 B-5: APPROVAL OF METHOD FOR DEMONSTRATING CONTENT  
4 KNOWLEDGE FOR ADDING JOURNALISM TO A LICENSE

5 CHAIRMAN BARTH: All right. And finally  
6 this morning, Dr. Owoh, this is Item 5, this is  
7 the content knowledge of adding journalism to a  
8 license.

9 DR. OWOH: Good morning again. Jeremy  
10 Owoh, Educator Effectiveness.

11 In July we were informed from Praxis from  
12 the ECS that the Praxis Assessment for  
13 Journalism will be discontinued after August.  
14 And so the team met and the team here and the  
15 Licensure Unit met, and in accordance to our  
16 newly approved licensure rules, we would like  
17 to request your approval for an alternative  
18 method of demonstrating content knowledge by  
19 the use -- with the use of an approval code and  
20 course work with a minimum grade as the method  
21 of assessing content knowledge for adding  
22 journalism to a license.

23 We currently have three programs in the  
24 state so we thought it was important to move  
25 quickly and have a method for providing that

1 alternative opportunity, and so a method of  
2 demonstration.

3 CHAIRMAN BARTH: Okay. Any questions on  
4 this issue? Ms. Newton?

5 MS. NEWTON: The -- the course works are  
6 through a couple of universities or --

7 DR. OWOH: Yes. We currently have three  
8 programs: Arkansas State University,  
9 University of Arkansas at Fayetteville, and  
10 University of Arkansas at Little Rock.

11 MS. NEWTON: Okay. And then what would  
12 the minimum grade be?

13 DR. OWOH: A C.

14 MS. NEWTON: Okay.

15 DR. MOORE: Does this -- I'm sorry.

16 CHAIRMAN BARTH: Oh, no.

17 DR. MOORE: Does this affect those who  
18 already have the journalism license or is it  
19 just teachers in the future that are seeking  
20 that?

21 DR. OWOH: It's just the ones that are  
22 currently within the program of study. We are  
23 currently pursuing or looking for another  
24 assessment for journalism, but currently that's  
25 in the process. And so we wanted to make sure

1 that we are prepared to address the current  
2 students who are in the program.

3 CHAIRMAN BARTH: Okay. So we should  
4 expect or there is a likelihood we will -- we  
5 will be back to revisit this issue when an exam  
6 is identified that's appropriate?

7 DR. OWOH: That's correct. Yes, sir.

8 CHAIRMAN BARTH: Okay. Any further  
9 questions?

10 I will entertain a motion to approve this,  
11 the new -- new assessment mechanism.

12 MS. ZOOK: So moved.

13 CHAIRMAN BARTH: All right. Motion by  
14 Ms. Zook, the second by Ms. McPetridge. All in  
15 favor, say, "Aye."

16 BOARD MEMBERS: Aye.

17 CHAIRMAN BARTH: Opposed, same sign.

18 All right. Great morning this morning.  
19 Lunch -- it's 11:58, we did a lot of good work.  
20 So we will pick back up with the first item on  
21 the afternoon agenda and then we'll go to the  
22 rules after lunch, so we should be able to be  
23 finished fairly early this afternoon.

24 (WHEREUPON, a lunch break was held at this  
25 time.)

1                   CHAIRMAN BARTH: All right. Welcome back  
2                   for our truncated afternoon session today.

3 B-1: PUBLIC SCHOOL CHOICE APPEAL - SMITH FAMILY

4                   CHAIRMAN BARTH: We start with Public  
5                   School Choice Appeal and I'll turn it over to  
6                   Ms. Dedman.

7                   MS. DEDMAN: Good afternoon. Jennifer  
8                   Dedman with the Department.

9                   We have here an appeal under the Public  
10                  School Choice Act of 2015 which allows students  
11                  to attend a district in which they do not  
12                  reside. If the application is timely submitted  
13                  and it has been denied, the party may appeal to  
14                  the State Board, and that is why we have a  
15                  party here today.

16                  There are a few limitations contained in  
17                  the Act. If the school choice law -- the  
18                  provisions of the School Choice Law conflict  
19                  with the enforcement of a current and active  
20                  desegregation order, or a desegregation plan  
21                  approved by the Court, that would be a  
22                  limitation. The district does have to submit  
23                  proof that it is an active and enforceable plan  
24                  for that to apply.

25                  The law does set a 3 percent net maximum

1 limit on school choice transfers every year  
2 from a district, and a district can claim a  
3 lack of capacity, but only if the school  
4 district has reached at least 90 percent of the  
5 maximum authorized student population in a  
6 program, a class, a grade level, or a school  
7 building.

8 The matter before us today is The Matter  
9 of the Smith Family. We have, Brad and Amy  
10 Smith here with us today and they have  
11 submitted the items in your packet.

12 We also have here for the nonresident  
13 district we have Jace Roberts and we have  
14 Superintendent Larry Newsom for the resident  
15 district. All the parties must be sworn.

16 You will hear first from the nonresident  
17 district. They will have five minutes to give  
18 an introduction and then the parents may also  
19 give a five-minute introduction. Each side  
20 will have 20 minutes to present their case and  
21 the Board may allow up to five minutes for  
22 rebuttal.

23 CHAIRMAN BARTH: Okay. Thank you.

24 MS. DEDMAN: Thank you.

25 CHAIRMAN BARTH: So I ask everyone who is

1 not an attorney to please -- who plans to  
2 testify, please stand and raise your right  
3 hand.

4 (WHEREUPON, the witnesses were sworn by  
5 the Chairman.)

6 CHAIRMAN BARTH: Great. And so we will  
7 start with the nonresident district, up to five  
8 minutes, but then you will have much more time  
9 later if you wish.

10 MR. LARRY NEWSOM: Thank you.

11 I think I'm the nonresident district. I'm  
12 actually Superintendent Larry Newsom from  
13 Ouachita School District.

14 Of course, we had the School Choice  
15 Application that was turned in to the Malvern  
16 School District. Of course, Malvern has denied  
17 the School Choice based on the 3 percent cap.

18 The only thing that I can say with this  
19 case is that we have sent the parents the  
20 letter stating that we had to deny based on the  
21 Malvern raising the 3 percent cap, the matter  
22 of School Choice Law. And we told them, you  
23 know, we would be glad to take the student,  
24 it's just that the law is not -- not written  
25 that way. So that's basically why -- my

1 defense on that.

2 CHAIRMAN BARTH: And you're from Malvern;  
3 right?

4 MR. JACE ROBERTS: Yes, sir.

5 CHAIRMAN BARTH: And we normally kind of  
6 conjoin those two things together, so should we  
7 wait for Malvern until the 20 minutes or should  
8 we --

9 MS. DEDMAN: We -- we normally hear from  
10 the nonresident district first and then that's  
11 it, but I see no reason that the Board --

12 CHAIRMAN BARTH: It just always gets  
13 confusing in terms of what we do with the  
14 resident district.

15 MS. DEDMAN: The Board would like to see  
16 if they should receive information from the  
17 district as well as the nonresident district in  
18 the nonresidency plan or do they not address  
19 that?

20 MS. FRENO: The rules don't address that.

21 CHAIRMAN BARTH: Okay. Well, are we --  
22 we'll wait to hear from Malvern in the -- in  
23 the 20 minutes, if that's -- if that's -- if  
24 that's appropriate.

25 MS. DEDMAN: Yes, sir.

1                   CHAIRMAN BARTH: Okay. So we'll -- we  
2 will turn it over to -- to y'all to spend your  
3 five minutes, and then you'll have 20 minutes  
4 later on if you wish.

5                   And the Board has, of course, gotten all  
6 of your written material as well.

7                   MR. BRAD SMITH: Yes, sir. I'm Brad  
8 Smith. This is my wife, Amy Smith. We're both  
9 originally from Arkansas. She was from  
10 Clarendon and I'm originally from Malvern.  
11 We've been out of state for the past seven  
12 years with my job with FedEx in Louisiana,  
13 Mississippi, and just currently as of July  
14 moved back into the area and moved to family  
15 property in -- in question down on Saginaw Eddy  
16 Road. So that's kind of our -- our story, our  
17 background.

18                   The reason we're here is, obviously, to  
19 try to get our child in the best educational  
20 and social situation that we can, based on the  
21 move. So I guess we'll save everything else  
22 for the next 20 minutes.

23                   CHAIRMAN BARTH: All right. Great. Thank  
24 you.

25                   Thank you-all so much for being here.

1 All right. So we'll turn it back -- back  
2 to you. Sounds like you have said all you --

3 MR. LARRY NEWSOM: All I need.

4 CHAIRMAN BARTH: All you have to say?

5 MR. LARRY NEWSOM: Yes, sir.

6 CHAIRMAN BARTH: So I think it probably  
7 is -- can we go ahead and hear Malvern's  
8 explanation at this point?

9 MS. DEDMAN: Yes, sir.

10 CHAIRMAN BARTH: Okay. So I think that's  
11 what makes the most sense at this point.

12 MR. JACE ROBERTS: Like I say, I don't  
13 have a whole lot to say, so more than I'll need  
14 actually.

15 This is a case of a cap issue. We reached  
16 our cap. The cap issue is 59 and we had 11  
17 transfers in, so that cap got up to 70.

18 Obviously, there are reasons for that cap. The  
19 reasons, you know, lesser the cap in terms of  
20 staffing issues from our end, and we uniformly  
21 enforce that cap because from our end, if we  
22 were to make one exception, then what is our  
23 role in making -- it just doesn't work real  
24 well on our end that way so obviously we -- the  
25 cap has been reached. This was after the cap.

1                   You know, I'm here to answer any questions  
2 you guys have.

3                   CHAIRMAN BARTH: All right. I think we  
4 will probably be getting back to you with some  
5 questions in a minute.

6                   Okay. All right. We'll turn it back to  
7 y'all for whatever additional details you would  
8 like to add.

9                   MR. BRAD SMITH: Obviously, my wife  
10 submitted the letter, which you guys have. I  
11 guess I would just like the opportunity to  
12 highlight the areas that we feel like the most  
13 important and the primary reason that we're  
14 here today.

15                   And in terms of moving into the area, this  
16 disruption from -- from her routine coming from  
17 Mississippi back into Arkansas, she's already  
18 made friends with the people that live on our  
19 road, and all six of the children that live on  
20 our road attend the Ouachita School District;  
21 and so therefore our preference, if possible,  
22 would be for her to, obviously, attend school  
23 with the children that she's going to live next  
24 door to whenever -- whenever that starts. So  
25 from the social standpoint our concern, I'm

1 concerned about that aspect of it and trying to  
2 make that transition as smooth as possible.

3 Another aspect, and maybe Mr. Roberts can  
4 explain the cap a little bit better, I know  
5 there is a 3 percent cap that was met, he said  
6 it was after the cap. I'm not real sure how  
7 that works in terms of we submitted our  
8 application timely, is there a line or is  
9 there -- how does that -- we're not sure how  
10 that piece fits together.

11 Also something had been said to us at some  
12 point about that if the cap was full this year,  
13 then you could potentially move next year, and  
14 that further for me and my wife creates concern  
15 that we've already moved her from one place to  
16 another and then to -- for one year and then to  
17 move her again the next year, that creates more  
18 instability and more issues in terms of the  
19 child.

20 So secondly, and -- and as a father, as  
21 her dad, you can paraphrase all of this, but  
22 the educational opportunity we feel like is  
23 better at Ouachita, based on the state scores  
24 and the rankings. I -- to my understanding  
25 Malvern is a failing school district and we

1 would like to have our child in a successful  
2 school district, so from an educational  
3 standpoint there is some concern there.

4 Also since we are two miles away from the  
5 Ouachita School versus nine-plus away from  
6 Malvern School, and so for a person that has to  
7 get up at 5:00 in the morning in order to go to  
8 work, my wife will be in charge of our three  
9 and our five year old in terms of getting them  
10 up and getting them ready, the burden not only  
11 financially but just on her to make that happen  
12 would be much less if we could, if we could  
13 attend the Ouachita School District with just  
14 the shorter distance, shorter commute.

15 And I guess lastly, my son, Drew, who is  
16 three, he's already been accepted into the  
17 Pre-K at Ouachita, which I understand doesn't  
18 have a cap requirement, so forth. We've  
19 already been there and he's already enrolled,  
20 we met the teacher. It's not feasible if -- if  
21 you guys decide today not to allow her to go to  
22 Ouachita, it's not feasible for us to have him  
23 go to Ouachita and her go to Malvern so we,  
24 basically, with school starting I believe on  
25 Monday --

1 MS. AMY SMITH: Monday.

2 MR. BRAD SMITH: -- have to sort out his  
3 situation too in terms of Pre-K and getting him  
4 enrolled and square all that up. So that's --  
5 that's somewhat disruptive for him in this  
6 process as well.

7 I guess, and in all principle and law,  
8 sure, I understand the 3 percent cap and --  
9 and -- and I will just say that I'm not sure,  
10 in terms of a cap, if this situation meets the  
11 cap, meets the best -- the best outcome for my  
12 children in this case. Ultimately that's up to  
13 you guys to decide and we appreciate the time.

14 CHAIRMAN BARTH: Thank you very much.

15 So we have five minutes now and that --  
16 obviously, anything that Ouachita would like to  
17 add, but it sounded like most of the questions  
18 were -- were more Malvern oriented, so  
19 whichever, if y'all would like to talk about.  
20 Do you have any -- would you like to respond to  
21 any of the issues that were raised?

22 MR. JACE ROBERTS: Well, just a few  
23 things.

24 You know, I spoke with the parents. You  
25 know, obviously, you guys know this, but the

1 way we have to do the cap, we received the  
2 applications as we receive them. The parents  
3 having to make first, obviously, to get those  
4 to us. It actually takes usually until June  
5 for us to sort through that to figure out what  
6 our cap number is because there are siblings  
7 and/or students that might have been denied the  
8 year before, as long as they get in by May 1  
9 they get that preference the next year, so  
10 really we can't sort out the actual where that  
11 cap date is going to hit until June 1 when we  
12 get all of those.

13 Again, like I said, we take those in  
14 strict one, two, three, four, five, six order  
15 as we get them. And I emphasize, you know,  
16 what the reasons are, there are reasons for the  
17 cap and why those were instituted, you know.

18 Does that appear to answer your question?

19 CHAIRMAN BARTH: So I'm going to go  
20 around. I know probably a variety of folks are  
21 going to have questions. I'll start,  
22 Dr. Moore, do you have questions?

23 DR. MOORE: No.

24 CHAIRMAN BARTH: Okay.

25 MR. WILLIAMSON: Not yet.

1 CHAIRMAN BARTH: Okay. Ms. Zook?

2 MS. ZOOK: Just a point of clarification,  
3 not just Malvern but in general, and Ms. Dedman  
4 may need to refresh me on this. Is the 3  
5 percent the total number of kids leaving you or  
6 the 3 percent each year the number would  
7 change? For example --

8 MR. JACE ROBERTS: It's 3 percent each  
9 year.

10 MS. ZOOK: -- if you had a hundred kids  
11 the first year you could let three of them  
12 leave, and then the next year you had 97 --

13 MR. JACE ROBERTS: (Nodding head up and  
14 down.)

15 MS. ZOOK: -- it's 3 percent every year as  
16 the figure?

17 MR. JACE ROBERTS: (Nodding head up and  
18 down.)

19 MS. ZOOK: Yes. And can you tell me what  
20 your total enrollment is and what your 3  
21 percent number is for the '18-'19 school --

22 MR. JACE ROBERTS: Last year the 3 percent  
23 number was 59, and I think I said earlier I  
24 believe we had 11 school choice ends, and if  
25 you have a school choice end, that bumps the

1 number up one, so that bumps us up to 70.

2 MS. ZOOK: Right.

3 MR. JACE ROBERTS: And that was our number  
4 from last year, as given by the ADE based on  
5 our 3 percent from the prior year, on the  
6 October 15th date.

7 MS. ZOOK: Okay. And do you have any that  
8 have choiced in this year?

9 MR. JACE ROBERTS: Eleven. Yes, ma'am.

10 MS. ZOOK: Oh, that's the 11?

11 THE WITNESS: That's 11. Fifty-nine was  
12 the original cap and then, once we had those 11  
13 transfer in, that bumps the cap up to 70. That  
14 goes back to what I said earlier, it's  
15 difficult for us, if we do reach our cap, when  
16 we reach that cap it usually takes until about  
17 June to get all that sorted out.

18 MS. ZOOK: So 59 would have been how many  
19 kids you could have let go, but because you got  
20 11 in, now you can let 70 kids go?

21 MR. JACE ROBERTS: Yes, ma'am.

22 MS. ZOOK: Okay. I had to put it in --  
23 thank you.

24 CHAIRMAN BARTH: And so how many total  
25 requests did you get and where -- do you know

1 where in the list this family was with their  
2 request?

3 MR. JACE ROBERTS: I don't have that, I  
4 mean, I can't tell you exactly where they were.  
5 I can tell you they weren't the next family but  
6 past that it gets tricky, like I said, with  
7 siblings.

8 CHAIRMAN BARTH: Siblings.

9 MR. JACE ROBERTS: And the way I have to  
10 do that in order to make it work on my  
11 spreadsheet, it's very difficult to tell that.  
12 We had, approximately, 115 school choice  
13 applications this year. The one -- you know,  
14 School Choice has had a segregatory effect for  
15 us. Over 90 percent of our School Choice  
16 students each year are Caucasian students.  
17 That is another reason why we don't, you  
18 know -- once we get to the cap we, you know,  
19 stick to the cap number because of the getting  
20 into the different issues there.

21 CHAIRMAN BARTH: But just so there was  
22 some gap between the number 70 and -- and this  
23 family?

24 MR. JACE ROBERTS: Yeah. They were not  
25 71. I did not look beyond that.

1 CHAIRMAN BARTH: Okay. Okay.

2 MS. ZOOK: Let me ask this, is -- in the  
3 law, Ms. Dedman, does it say since the -- the  
4 deadline for applying is May 1st, so  
5 everybody has to get it in by that day.

6 MS. DEDMAN: Yes.

7 MS. ZOOK: So if somebody got it in April  
8 1st and somebody April 2nd, would it not  
9 make more sense that all the applicants would  
10 come in and then you do a lottery, as opposed  
11 to -- because everybody met the deadline?

12 MS. DEDMAN: Unfortunately, the law does  
13 not make provision for a lottery. It -- it  
14 makes for provision for the date to be received  
15 and the date for the district to reply but it  
16 does not provide for a lottery of any sort.

17 MS. ZOOK: And it also doesn't say the  
18 earliest, so somebody could say I want -- I'm  
19 going to have a kindergartener next year, I'm  
20 going to put my application in September 1 so  
21 I'm sure I'm on the front end?

22 MR. JACE ROBERTS: (Nodding head up and  
23 down.)

24 MS. ZOOK: Okay. So it's date received,  
25 not lottery?

1 MR. JACE ROBERTS: (Nodding head up and  
2 down.)

3 MS. ZOOK: Thank you. And then -- and the  
4 law says that?

5 MS. DEDMAN: So -- so in your the Board  
6 packet you've got a copy of the law toward the  
7 back, I'm looking here, it's 6-18-1905.

8 MS. ZOOK: Okay.

9 MS. DEDMAN: It provides that the item  
10 must be postmarked no later than May 1st of  
11 that year. And then it says the district, upon  
12 receipt of the application, places a date and  
13 time stamp. The district is to review and make  
14 determination in the order in which it was  
15 received by the nonresident district.

16 MS. ZOOK: Okay. Okay. That's what I  
17 needed to know. Thank you.

18 MS. CHAMBERS: That answered my question.  
19 Thank you.

20 DR. HILL: I just, if -- if the State  
21 votes to approve that, what -- what would your  
22 next process be for them? To -- to include  
23 them into -- into your school?

24 MR. JACE ROBERTS: Well, they would  
25 actually be leaving our school.

1 DR. HILL: Oh, okay. Right.

2 Okay. That answered that.

3 All right. Now I've got the answer.

4 MS. ZOOK: So Ouachita is not rejecting,  
5 except that you notified them that you had  
6 reached your -- you haven't reached your --

7 MR. LARRY NEWSOM: Correct.

8 MS. ZOOK: -- receiving number?

9 MR. LARRY NEWSOM: Yes, ma'am.

10 MS. McFETRIDGE: I know Pre-K isn't  
11 included in the cutoff. Do you -- would you  
12 have room for their son if they chose to do  
13 that in the Pre-K?

14 MR. JACE ROBERTS: I don't -- I can't  
15 speak for that. The Pre-K program -- ours is  
16 actually run by the Dawson Co-op, as is  
17 Ouachita's. I believe, both Pre-Ks are  
18 actually run through the Dawson Co-op. Those  
19 are not run through our district.

20 MS. McFETRIDGE: So if a child was to  
21 leave your district, which would open up a  
22 slot --

23 MR. JACE ROBERTS: Uh-huh.

24 MS. McFETRIDGE: -- is there a family that  
25 could move in then, or once you've set that 3

1 percent at the beginning of the year, that's  
2 it, there is no more additional people in,  
3 outside the district coming in?

4 MR. JACE ROBERTS: If they moved into the  
5 district they could, obviously, still; but in  
6 terms of under the School Choice Law, no,  
7 ma'am, because it's after the deadline.

8 MS. McFETRIDGE: Once the deadline is in?  
9 Okay.

10 MS. NEWTON: I have comments, I guess.

11 And I -- this is my area. I mean this is  
12 where I live and so I'm very familiar with it.  
13 And -- and I understand from the Malvern School  
14 District why there is a 3 percent cap, and  
15 because you have to plan for the next school  
16 year, you have to have -- hire teachers, you  
17 have to make -- school starts Monday and so you  
18 have to have -- and if -- the 3 percent cap is  
19 there for a reason, so the school district can  
20 plan for the year and be ready for the students  
21 that they do have.

22 And, you know, by my count, being that you  
23 had 45 that were denied, and so, you know, and  
24 I understand the parents' reasoning and I have  
25 great sympathy for them, but the way the -- the

1 way it reads if, you know, if you let one leave  
2 for a good reason, then you're going to have to  
3 let the other 44, the way I feel about it.

4 MR. JACE ROBERTS: (Nodding head up and  
5 down.)

6 MS. NEWTON: You know, and so I really  
7 think that, you know, the laws that we are --  
8 we are constrained by are clear and I -- you  
9 know, I have sympathy for -- for you as a  
10 district, but I also have sympathy for the  
11 parents. You know, it's -- it's a hard thing,  
12 but, you know, when the legislature put that 3  
13 percent cap in there, I think they were  
14 thinking of the -- the -- the district to be  
15 able to make plans.

16 MR. JACE ROBERTS: I know you're very  
17 familiar with this, but we are an odd -- like I  
18 say, we are one of the only places in the world  
19 where they we have six school districts within  
20 a stones throw of each other --

21 MS. NEWTON: Right.

22 MR. JACE ROBERTS: -- you know, which adds  
23 a whole other element, as opposed to being, you  
24 know, two districts, there are six districts  
25 that, you know, encompass us and it's not a

1 very long drive in any direction to get to  
2 those six school districts.

3 MS. NEWTON: Right. And I could see where  
4 it would be a nightmare in planning on your  
5 part if, you know, there -- there wasn't, you  
6 know, some sort of a reasoning to -- to take  
7 care of it, and so, you know, I understand the  
8 reasoning for the 3 percent cap. You know,  
9 it's a hard thing for parents and I -- and all  
10 of you know I am a big proponent of School  
11 Choice, I think it's a great thing but, you  
12 know, we have to deal with all things.

13 CHAIRMAN BARTH: Another Pre-K question.  
14 So just for clarity, the program is  
15 administered by the co-op but there are  
16 different cites --

17 MR. JACE ROBERTS: (Nodding head up and  
18 down.)

19 CHAIRMAN BARTH: -- in different  
20 communities?

21 MR. JACE ROBERTS: Yes, sir.

22 CHAIRMAN BARTH: Okay. And so -- so I  
23 guess that's -- that's really -- it's the main,  
24 main entity that does all of the administrative  
25 work, not the -- not the site? It is at your

1 school, right?

2 MR. JACE ROBERTS: Yes. Yes, sir, it is  
3 at our school, but Dawson is the one that --

4 CHAIRMAN BARTH: Administers it?

5 MR. JACE ROBERTS: Yes, sir.

6 CHAIRMAN BARTH: Okay. Great.

7 Any additional questions or comments on --  
8 on this side?

9 Anyone else on this side?

10 All right. We -- procedurally we're --  
11 we're good?

12 MS. DEDMAN: Yes. Procedurally we  
13 would -- we would need a motion to --

14 CHAIRMAN BARTH: Sure --

15 MS. DEDMAN: -- accept or deny the  
16 application, the appeal.

17 CHAIRMAN BARTH: All right. So proper  
18 motion is --

19 MS. AMY SMITH: Wait. We're not done.

20 MR. BRAD SMITH: Can we rebuttal?

21 MS. DEDMAN: That's true. At the option  
22 of the Board the parties are given five minutes  
23 of rebuttal at the Board's discretion.

24 CHAIRMAN BARTH: Sure. Sure. Of course  
25 you can have that closing five minutes.

1 MR. BRAD SMITH: Yes. Just one point of  
2 clarification, after hearing Mr. Roberts. We  
3 were never told it was a first come first  
4 served basis on the application. Only -- it's  
5 not on the application that it's a first come  
6 first served, there is only a deadline. So we  
7 possibly could have submitted it and been one  
8 of those that could have been --

9 MS. AMY SMITH: And in the interim, I did  
10 call and I spoke with Mr. Roberts and I asked,  
11 "Is it a first come first served basis," and I  
12 was told no.

13 MR. BRAD SMITH: And so there is some  
14 confusion there in terms of what's actually on  
15 the app and what's communicated to the parents  
16 and what's communicated here.

17 MS. AMY SMITH: (Inaudible) and it's 3  
18 percent --

19 MR. BRAD SMITH: Is there any way to  
20 actually -- like they said, it's very  
21 confusing. Is there not an actual way to time  
22 and date stamp to make sure that those  
23 (inaudible) -- and even if we knew (inaudible).

24 MS. AMY SMITH: And I understand he said  
25 something about race and other things that are

1 in their consideration whenever you're  
2 transferring out of the district, but to me it  
3 doesn't matter what race you are, if you're  
4 leaving a failing school district you should be  
5 able to do it.

6 MR. BRAD SMITH: We appreciate your time.

7 CHAIRMAN BARTH: Yeah. Thank you.

8 So would you like to speak to the time and  
9 date stamp issue?

10 MR. JACE ROBERTS: Yes, I did. I did have  
11 a conversation with the parents, mostly a  
12 misunderstanding there. Obviously would, you  
13 know, I can't tell you it's exactly 45, but I  
14 have a similar conversation with a couple  
15 parents each year and I do try to explain that  
16 it is a, you know, in order, but it's very  
17 difficult to explain, you know, how that order  
18 works in terms of siblings getting preference  
19 and those who have been rejected the year  
20 before, we have a different burden with when we  
21 get involved with someone in Garland County  
22 it's even a stepped up for another difficulty  
23 because that's a whole other play, we're only  
24 20 minutes from Garland County, that's  
25 another -- I apologize for any confusion from

1 that. The way we do it is obviously down the  
2 line. We don't accept or reject other than the  
3 order we receive.

4 CHAIRMAN BARTH: You did -- you did date  
5 and -- did you put a date and time stamp on  
6 every one that you received?

7 MR. JACE ROBERTS: (Nodding head up and  
8 down.)

9 All that we received.

10 MS. ZOOK: Does the 3 percent apply to  
11 legal transfers?

12 MR. JACE ROBERTS: No, ma'am.

13 MS. ZOOK: So if it doesn't, would  
14 their -- would their next step, if -- if we  
15 say, yes, 3 percent is 3 percent is 3 percent,  
16 do -- could they come to the Board of -- the  
17 Malvern Board and ask for a legal transfer and  
18 then your Board would say yes or no?

19 MR. JACE ROBERTS: That -- that is an  
20 option for any student.

21 MS. ZOOK: Okay.

22 CHAIRMAN BARTH: Dr. Moore?

23 DR. MOORE: And can you tell us, what's  
24 the earliest you can submit an application for  
25 the next school year? So for the '19-'20

1 school year?

2 MR. JACE ROBERTS: It's always been my  
3 opinion that that law is quite vague. I've  
4 always interpreted that you could submit that  
5 once the next school year started in September,  
6 but I -- I don't have the law in front of me,  
7 but I've never read that to be a clear-cut  
8 answer to that.

9 DR. MOORE: Okay.

10 CHAIRMAN BARTH: Ms. Dedman, do you want  
11 to --

12 MS. DEDMAN: The law provides only that it  
13 has to be postmarked no later than May 1st,  
14 it doesn't actually say how soon, it's just the  
15 district cut off to respond is by July 1st,  
16 so I -- it's silent as to when but thereafter.

17 COMMISSIONER KEY: Okay. I have a  
18 question. Ms. Dedman, could you come back for  
19 a second?

20 All right. I'm looking at the packet and  
21 I'm just trying to understand for my  
22 clarification. In the packet you included a  
23 copy of the application, and there is not a  
24 page number -- well, anyway, the page right  
25 before the divider for response. But so this

1 goes -- so the time stamp there is when it was  
2 received by the nonresident district?

3 MS. DEDMAN: Yes, sir.

4 COMMISSIONER KEY: All right. Okay. And  
5 then underneath it's, where it says  
6 "application, accepted, rejected," what's --  
7 what does that mean? Where there is a check  
8 there that says "accepted" and --

9 MR. JACE ROBERTS: That is by the  
10 nonresident district in terms of their  
11 accepting the school choice transfer into their  
12 district; because they do have the option to  
13 reject based upon --

14 COMMISSIONER KEY: Okay.

15 CHAIRMAN BARTH: Capacity or --

16 MR. JACE ROBERTS: -- capacity and that  
17 kind of thing.

18 COMMISSIONER KEY: Okay. Okay. So then  
19 the only thing then that -- that Malvern  
20 would -- would respond with in this case would  
21 be a letter or some notification back to  
22 Ouachita that says we -- we've met our cap?

23 MR. JACE ROBERTS: (Nodding head up and  
24 down.)

25 COMMISSIONER KEY: So that -- so you don't

1 have anything to do with this form as the -- as  
2 the resident district?

3 MR. JACE ROBERTS: All we do is we receive  
4 it and we date stamp when we receive it, and  
5 this actually came from Ouachita is why it  
6 doesn't have our date stamp on there. I was  
7 actually on vacation the week, I think, that  
8 you emailed us, and once I received it I  
9 offered to send our copy with our date stamp we  
10 received as well and we decided that wasn't  
11 necessary.

12 COMMISSIONER KEY: So which date stamp  
13 is -- is the date stamped --

14 MR. JACE ROBERTS: It gets date stamped  
15 twice. It gets date stamped once when the  
16 nonresident district receives it and it's date  
17 stamped the second time when the resident --

18 COMMISSIONER KEY: But which one applies  
19 to the parents -- you know, the question the  
20 parents just raised? Which one applies to --

21 MS. DEDMAN: Under Section 1905 it says  
22 that the nonresident district receives the  
23 application and places the date and time and  
24 the nonresident district makes the  
25 determination on each application in the order

1 in which they were received. It says before  
2 accepting or rejecting an application the  
3 district -- the nonresident district is  
4 supposed to determine whether one of the  
5 limitations under 1906 applies. That next  
6 section does contain the 3 percent cap.

7 So the nonresident district is supposed to  
8 determine whether one of these limitations in  
9 that following section applies before they  
10 accept or reject an application.

11 Of course, in order to find out whether  
12 the other district had met their 3 percent cap,  
13 they would have to communicate that to the  
14 other district to then respond.

15 COMMISSIONER KEY: Okay. And so y'all are  
16 getting applications from multiple districts?  
17 You talked about how you get these from several  
18 districts right there on top of each other?

19 MR. JACE ROBERTS: (Nodding head up and  
20 down.)

21 COMMISSIONER KEY: So then y'all rank them  
22 in your -- with your date stamp or the date  
23 stamp of the resident -- of the nonresident  
24 districts?

25 MR. JACE ROBERTS: With our date stamp.

1 COMMISSIONER KEY: With your date stamp?

2 MR. JACE ROBERTS: Which was how we -- in  
3 fact the first year I was here, I called you  
4 guys to ask how to do it, I was told to rank  
5 them by the order in which we received them.

6 MS. ZOOK: So they might have gotten  
7 theirs in to him, some other superintendent got  
8 them all over to you, he got his over a little  
9 later -- not saying that you did -- he got his  
10 over later --

11 MR. JACE ROBERTS: He actually was --

12 MS. ZOOK: -- so they may have actually  
13 gotten their application in before somebody  
14 else did, but they got, because he was dragging  
15 his feet, you know --

16 COMMISSIONER KEY: It would have -- it  
17 would have been that Poyen Superintendent that  
18 would have been dragging his feet; right?

19 MR. JACE ROBERTS: I can tell you that  
20 with this specific question and having six  
21 districts, they almost either all fax us the  
22 day they receive them or they mail them the  
23 next day, and this one --

24 MS. ZOOK: So they are not waiting until  
25 they get all of them in and then sending them

1 over in a batch?

2 MR. JACE ROBERTS: (Shaking head from side  
3 to side.)

4 MS. NEWTON: I can tell you, no.

5 MS. ZOOK: Well, you know, I mean, that  
6 helps because, you know, if we have one slow  
7 superintendent and then the other that is  
8 speedy, we don't want to penalize the child and  
9 the parent as a result.

10 COMMISSIONER KEY: And the reason I bring  
11 it up is just probably for our -- we need to  
12 review that because it's not clear.

13 MS. DEDMAN: Uh-huh.

14 COMMISSIONER KEY: And it's certainly not  
15 clear to parents. I mean I admit after looking  
16 at this, and I thought --

17 MR. JACE ROBERTS: Oh, it's very difficult  
18 from a parent standpoint to sort through.

19 COMMISSIONER KEY: Yeah. I thought we had  
20 a lot of that stuff straightened out years ago,  
21 but obviously we don't; so -- okay.

22 CHAIRMAN BARTH: All right. Is there any  
23 other comments or questions?

24 Then I think everybody is clear on the  
25 facts. Then I would entertain a motion at any

1 point, either to approve or deny the appeal.

2 MS. NEWTON: You're looking at me so I  
3 guess I will. And I hate -- you know, I hate  
4 it so much; but I move to deny the appeal.

5 MS. CHAMBERS: Second.

6 CHAIRMAN BARTH: All right. Motion by  
7 Ms. Newton, second by Ms. Chambers. Let's do a  
8 roll call on this.

9 MS. ZOOK: Can I do a discussion?

10 CHAIRMAN BARTH: Yes.

11 MS. ZOOK: I think I understand the 3  
12 percent, and I've been an administrator so I  
13 understand the school business. But I think  
14 that based on what the Commissioner was saying,  
15 since he in fact was in the legislature when  
16 this was passed and the fact that if it still  
17 has questions among us, then I can imagine how  
18 many questions the parents would have, so I  
19 will likely vote against the motion just  
20 because I don't think we should have things  
21 that put the parent and the child at a  
22 disadvantage because we can't get our stuff  
23 clear. So please understand my position, but I  
24 do understand the 3 percent limit and I do  
25 understand 3 percent is 3 percent.

1 CHAIRMAN BARTH: Dr. Moore?

2 DR. MOORE: Just on the discussion, I want  
3 to bring in the fact that race cannot be  
4 included so that should not have even been made  
5 mention in this conversation.

6 DR. HILL: Commissioner, is there  
7 anything, based on what she was mentioning for  
8 clarification moving forward that we would be  
9 able to -- to -- I mean --

10 COMMISSIONER KEY: I don't think anything  
11 that's relevant for your consideration, the  
12 consideration of the Board at this time. I  
13 think it's just a review that needs to take  
14 place for future legislative action.

15 DR. HILL: Thank you.

16 CHAIRMAN BARTH: All right. Everybody is  
17 clear on the motion, the motion is to deny the  
18 appeal. So we'll do a roll call.

19 COMMISSIONER KEY: Okay. Ms. Zook?

20 MS. ZOOK: No.

21 COMMISSIONER KEY: Dr. Hill?

22 DR. HILL: No.

23 COMMISSIONER KEY: Mr. Williamson?

24 MR. WILLIAMSON: No.

25 COMMISSIONER KEY: Ms. Chambers?

1 MS. CHAMBERS: Yes.

2 COMMISSIONER KEY: Ms. McFetridge?

3 MS. McFETRIDGE: No.

4 COMMISSIONER KEY: Dr. Moore?

5 DR. MOORE: No.

6 COMMISSIONER KEY: Ms. Newton?

7 MS. NEWTON: Yes.

8 CHAIRMAN BARTH: I'll vote yes on this.

9 COMMISSIONER KEY: Okay. So we have five  
10 nos, three yeas, the motion passed.

11 CHAIRMAN BARTH: Okay. And so motion is  
12 in order?

13 COMMISSIONER KEY: Yeah.

14 MS. ZOOK: I move that we approve and I --  
15 the transfer, and I do it based on the fact  
16 that this is the last day for requests and so I  
17 don't expect an onslaught of other parents  
18 coming in, and I -- I don't -- I usually try to  
19 err on the side of the child, and in this  
20 instance, if I'm erring I think it's on the  
21 side of the child.

22 MR. WILLIAMSON: I'll second that long  
23 motion.

24 CHAIRMAN BARTH: I would -- well, my  
25 comment -- my comment would be there are

1 parents -- there are parents and kids in  
2 between No. 70 and -- that we don't know  
3 exactly where, and those -- those parents did  
4 not come forward and so I -- I feel, you know,  
5 I feel that adds a level of unfairness to  
6 which -- which child does -- does get this --  
7 does get this spot.

8 MS. ZOOK: I do appreciate your point.

9 CHAIRMAN BARTH: All right. We have a  
10 motion and a second. So we'll call the roll  
11 again.

12 COMMISSIONER KEY: Okay. Ms. Zook?

13 MS. ZOOK: Yes.

14 COMMISSIONER KEY: Dr. Hill?

15 DR. HILL: Yes.

16 COMMISSIONER KEY: Mr. Williamson?

17 MR. WILLIAMSON: Yes.

18 COMMISSIONER KEY: Ms. Chambers?

19 MS. CHAMBERS: No.

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: No.

1 COMMISSIONER KEY: Dr. Barth?

2 CHAIRMAN BARTH: No.

3 COMMISSIONER KEY: All right. Five yeas,  
4 two nays, motion passes.

5 CHAIRMAN BARTH: Congratulations. And  
6 thank you for your care for your children.

7 MR. BRAD SMITH: Thank you so much.

8 CHAIRMAN BARTH: And thank you  
9 Superintendents, for the care of your district.

10 I would -- I think we -- we do have -- I  
11 think we do need to look at these rules to see  
12 what could be done through rule making in terms  
13 of clarification. I also think we need to  
14 think about on the -- as we look at the rules,  
15 what could be done in terms of a nonresident  
16 district -- or, excuse me, the resident  
17 district, which is often the key party in these  
18 conversations, and the rules are not clear  
19 exactly -- we've -- we've kind of made stuff up  
20 in some ways in terms of how to -- how to deal  
21 with the testimony of the resident district,  
22 and I think we need to change the procedures in  
23 a way that clearly states and demarcates the  
24 roles of those two -- two districts, if we can.

25 MS. ZOOK: Yeah. Because I think it

1 almost is like the nonresident is either going  
2 to accept or reject as opposed to the resident  
3 maybe rejecting because of numbers, but I think  
4 they thought nonresident because they were  
5 thinking about have to hire a new teacher and  
6 those kind of things.

7 CHAIRMAN BARTH: And we have -- we do see  
8 issues like that.

9 MS. ZOOK: Yeah.

10 CHAIRMAN BARTH: And so therefore in those  
11 cases the nonresidents district is kind of the  
12 center piece, in other cases the resident  
13 district is the center piece, and I think we  
14 need to clarify that process a little bit for  
15 our districts, I think, Commissioner.

16 COMMISSIONER KEY: We are happy to look at  
17 that. And it's probably beyond -- the  
18 procedural issues we can control, the  
19 legislative issues are at play and, you know,  
20 to -- to their credit, Malvern has been at the  
21 center of the issue of the 3 percent in trying  
22 to get clarification because they have been  
23 impacted by it. And we -- we took a step, I  
24 think, in the last session with Senator Clark  
25 to -- to get some solution on the narrow part

1 of it, but obviously just the structure of  
2 where these applications go, where the time  
3 stamps should be, where they are applicable,  
4 and how that interaction between resident and  
5 nonresident is something that we need to  
6 clarify, because it is -- it is -- it's hard  
7 for parents who have never dealt with that type  
8 of process to understand how it should work.

9 MS. ZOOK: And maybe since there is a  
10 session coming up between now and the next time  
11 all of this happens, if we can get the  
12 clarification and out to the public comment and  
13 everything before we have to make these  
14 decisions again next August. Because if  
15 they -- if they -- if they agree to deal with  
16 it in session and it passed then maybe, then we  
17 might have time to get the rules written, and I  
18 don't know, legal is back there going, oh, my  
19 gosh, what is she talking about.

20 COMMISSIONER KEY: That's a pretty tight  
21 timeline for us on rules. But procedures, the  
22 point, Dr. Barth, you made on procedures of who  
23 speaks at which point, I think, is something we  
24 can look at internally.

25 CHAIRMAN BARTH: Yeah. All right.

1                   COMMISSIONER KEY: And my -- now that I  
2 know we -- I remember we were on the record, my  
3 crack about that Poyen Superintendent,  
4 Mr. Newsom is new to the job, he -- and  
5 Mr. Kissire -- Kissire was the one that was  
6 there and now he is at Poyen within the last  
7 little while, so just to clarify who I was  
8 gigging at; so --

9                   MS. ZOOK: We were gigging  
10 Mr. (inaudible).

11                  CHAIRMAN BARTH: Safe travels to y'all and  
12 good luck on the start of the school year --

13                  MR. JACE ROBERTS: Thank you very much.

14                  MS. AMY SMITH: Thank you.

15 B-6: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT

16                  CHAIRMAN BARTH: Okay. We are now down to  
17 a series of rules to be released for public  
18 comment. And Ms. Hyatt is up first with Item  
19 6, which is the data reporting rules.

20                  MS. HYATT: Thank you. Mary Claire Hyatt  
21 for the Department.

22                  You will have to bear with me on this one  
23 because it is a new rule and a repeal of four  
24 rules and they all have lengthy titles so I  
25 apologize in advance.

1           So this is for the consideration for  
2           release for public comment of the proposed  
3           Rule -- ADE Rules Governing Data Reporting, the  
4           Arkansas Public School Computer Network, and  
5           Information Systems, which is the new rule, and  
6           a repeal of four rules, the ADE Rules Governing  
7           the Issuance of Local Education Agency Numbers,  
8           Rules Governing the Processes to Ensure the  
9           Quality, Security, Validation and Timeliness of  
10          Public School Data in the Arkansas Public  
11          School Computer Network, ADE Rules Governing  
12          the Final Close of Public School Financial  
13          Records, and the ADE Rules Governing the  
14          Arkansas Educational Financial Accounting and  
15          Reporting System and the Annual Training  
16          Requirements.

17           These four rules were combined into one  
18          more concise rule and also changes were made to  
19          incorporate provisions of Act 745 of 2017, and  
20          we request that the new rule as well as the  
21          four repeals be released for public comment.

22           Happy to answer questions.

23           CHAIRMAN BARTH: Lots of words there.

24           Is there a motion to release?

25           MS. ZOOK: So moved.

1 MR. WILLIAMSON: Second.

2 CHAIRMAN BARTH: All right. Motion by  
3 Mr. -- Ms. Zook, second by Mr. Williamson to  
4 release these rules for public comment. All  
5 those in favor, say, "Aye."

6 BOARD MEMBERS: Aye.

7 CHAIRMAN BARTH: Opposed, same sign.

8 Passes. Thank you.

9 You're up next.

10 B-7: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT

11 MS. HYATT: Thank you.

12 I am.

13 On Item No. 7, consideration for release  
14 for public comment is the Arkansas Department  
15 of Education Special Education and Related  
16 Services Rules Section 2, the definition  
17 section, and Section 5, which is the FAPE  
18 section, Free and Appropriate Public Education.

19 Act 874 of 2017 made changes to these two  
20 sections necessary, and additional changes of  
21 Section 2, the definition section, were made to  
22 reflect changes made by ESOL and some outdated  
23 language, some federal outdated language as  
24 well as just really, really outdated language  
25 that wasn't necessarily just changed; so --

1                   CHAIRMAN BARTH: Okay. All right.  
2                   Entertain a motion to release these rules for  
3                   public.

4                   MS. McFETRIDGE: So moved.

5                   CHAIRMAN BARTH: Second?

6                   MS. CHAMBERS: Second.

7                   CHAIRMAN BARTH: All right.

8                   MS. ZOOK: May I ask a question?

9                   CHAIRMAN BARTH: You may.

10                  MS. ZOOK: Okay. I couldn't find it  
11                  unless it's 2.28, but I'm not sure, that it's  
12                  clarified that if the IEP calls for the  
13                  services and the public school to which that  
14                  student is assigned or chooses in is willing  
15                  and able to provide all those services, but the  
16                  parent chooses to go somewhere else, the public  
17                  school is not liable to pay for where that  
18                  child chooses to go; is that correct? Am I --

19                  MS. HYATT: Say that again. I'm sorry, I  
20                  got a little bit lost.

21                  MS. ZOOK: Okay. You have an IEP --

22                  MS. HYATT: Yes.

23                  MS. ZOOK: -- you have an identification,  
24                  you have an IEP, they design the program. The  
25                  public school says, yes, I can put that child

1 over at Elementary A in fifth grade and we can  
2 provide every bit of that service, we have the  
3 speech, we have the O.T., P.T., all of that  
4 stuff, and the parent says, but I don't really  
5 want my child to go there, I want my child to  
6 go to X private school, and the -- the district  
7 at that point is not obligated to pay for the  
8 parent's choice if they are providing a free  
9 and appropriate public education?

10 MS. HYATT: Right. So that might be a  
11 little bit of more of a complicated answer, but  
12 I think that just as if you are moving to a  
13 private school, then that private school  
14 wouldn't be bound to follow the IEP that was  
15 written in the public school, although you  
16 could have the services planned where the  
17 district would still provide some sort of  
18 service if the type of service you are getting  
19 is the type that they provide for private or  
20 homeschooled students, and it could be  
21 different if they were moving to a different  
22 public school -- I mean if they were --  
23 certainly if they were moving to a different  
24 district through choice or something it would  
25 be that district's responsibility to meet the

1 needs of the child. Does that answer?

2 MS. ZOOK: Yes, sort of. What I was  
3 thinking about is the parent, not thinking  
4 about Succeed Scholarships or anything like  
5 that, but the parent was just hoping the school  
6 wouldn't do it because they really wanted them  
7 to be able to go to the private school where  
8 the brother went. So if the public school can  
9 and is willing and it will pay for and provide  
10 every single thing the IEP calls for but the  
11 parent still chooses to go somewhere else, that  
12 doesn't obligate the resident district to pay  
13 for it, only if it's residential does it  
14 obligate the district to pay for it; right?

15 MS. HYATT: Right. So if the child is  
16 placed in a private school placement by the IEP  
17 team because they determine that that is where  
18 the child needs to be placed, then the district  
19 would pay for it. If it is that the parent is  
20 saying, I just want to take my child and put  
21 them in private school, then the district isn't  
22 obligated. And if there is some sort of  
23 discrepancy, then they can, I guess, go through  
24 the Dispute Resolution on Processes for Special  
25 Education.

1 MS. ZOOK: Okay. Thank you.

2 CHAIRMAN BARTH: All right. Any other  
3 questions?

4 Okay. We have a motion by Ms. McFetridge,  
5 seconded by Ms. Chambers.

6 Okay. All those in favor, say, "Aye."

7 BOARD MEMBERS: Aye.

8 CHAIRMAN BARTH: Opposed, same sign.

9 All right. Thank you, Ms. Hyatt.

10 MS. HYATT: Thank you.

11 B-8: CONSIDERATION FOR FINAL APPROVAL

12 CHAIRMAN BARTH: And last up,  
13 Ms. Salas-Ford. And this is for a final  
14 approval.

15 MS. SALAS-FORD: Correct. Yes.

16 We are seeking final approval for the ADE  
17 Rules Governing the Public School Rating  
18 System. These rules were released by the Board  
19 for public comment and then we actually made  
20 revisions to the cut scores for each grade for  
21 the three individual grade spans and then put  
22 those back out for public comment after getting  
23 governor's office approval, and so we are now  
24 seeking final approval for those revisions.

25 CHAIRMAN BARTH: Any questions on this

1 side?

2 Any questions over here? Dr. Moore?

3 DR. MOORE: (Shaking head from side to  
4 side.)

5 CHAIRMAN BARTH: Oh, that looked like a  
6 question.

7 Okay. All right. Then if folks are  
8 ready, I would entertain a motion. Dr. Moore?

9 DR. MOORE: I will move to approve and  
10 congratulate the Department on the hard work,  
11 and good to see positive feedback from  
12 superintendents in y'all's changes that have  
13 been made.

14 MS. SALAS-FORD: Thank you.

15 MR. WILLIAMSON: Second.

16 CHAIRMAN BARTH: All right. Motion by  
17 Dr. Moore, second by Mr. Williamson. All those  
18 in favor, say, "Aye."

19 BOARD MEMBERS: Aye.

20 CHAIRMAN BARTH: Opposed, same sign?

21 All right. Thanks.

22 MS. SALAS-FORD: Thank you.

23 CHAIRMAN BARTH: And we appreciate your  
24 hard work on this.

25 Okay. Ms. Freno, do we have any public

1 comment that has signed up?

2 MS. FRENO: I don't believe so but let me  
3 check one last time.

4 No, there is none.

5 CHAIRMAN BARTH: Okay. All right. Then I  
6 would entertain a motion to adjourn.

7 MS. CHAMBERS: Move to adjourn.

8 DR. HILL: Second.

9 CHAIRMAN BARTH: All right. Motion by  
10 Ms. Chambers, second by Dr. Hill. All those in  
11 favor, say, "Aye."

12 BOARD MEMBERS: Aye.

13 CHAIRMAN BARTH: Great. We will return in  
14 the morning at 9 a.m. We will probably be here  
15 most of the morning because of a combination of  
16 reports and a work session, so hope we see  
17 everybody at dinner tonight.

18 (WHEREUPON, at 1:46 p.m., the  
19 above-entitled proceedings were concluded.)

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CERTIFICATE

STATE OF ARKANSAS )  
COUNTY OF PULASKI )

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the proceedings before the Arkansas State Department of Education, State Board of Education, in Little Rock, Arkansas, August 9, 2018, was taken by me in Stenotype and was reduced to computer-generated typewritten form by me or under my direction and supervision; that the witnesses were duly sworn by the Chairman; and that the same is a true and correct reflection of the proceedings that occurred, to the best of my knowledge and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the 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 attorney, or that requires me to provide any service not made available to all parties to the action.

SIGNED AND SWORN this 21st day of August 2018.

\_\_\_\_\_  
SUSAN B. WHITSON, CCR, #158  
NOTARY COMMISSION #12388076  
NOTARY PUBLIC IN AND FOR  
PULASKI COUNTY, ARKANSAS

My Commission Expires: June 4, 2022.

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