BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

DECEMBER 13, 2018
10:00 A.M.

E X H I B I T S

A-2(c): WAIVER REQUEST BY FT. SMITH SCHOOL DISTRICT

ACA 6-17-203, Waiver Request, ASTA Email (with errors), Letter from Clarksville PPC Chair, PPC Election Plan, Correspondence Between FSEA VP and FSPS, Letters from Ft. Smith Community in Opposition to Waiver

B-10: PROGRESS REPORT BY DOLLARWAY SCHOOL DISTRICT

Progress Report 2018-2019, Emails from Dr. Sarah McKenzie to Principal Prim and Superintendent Warren

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C E R T I F I C A T E

I, SHARON K. HILL, a Certified Court Reporter, do hereby certify that the exhibits contained herein, and as listed above, are true and correct copies of the exhibits provided to me in the captioned matter.

WITNESS MY HAND AND SEAL THIS DATE: December 27, 2018.

Sharon K. Hill

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

From: **Shanna Morgason** <shanna@astapro.org>
Date: Tue, Nov 13, 2018 at 9:32 AM
Subject: Make November 26th school board meeting a priority!
To: Shanna Morgason <Shanna@astapro.org>

Hi Fort Smith ASTA members,

This is such an exciting time! We sent the attached letter to the superintendent on November 6th requesting that the current collective bargaining agreement between the district and the union(FSEA) be revoked. We could NOT believe Fort Smith did not have a PPC (Personnel Policies Committee) as does 267 districts in Arkansas. Fort Smith and Little Rock were the only 2 operating under this dated agreement. Last night at the school board meeting, the school district attorney brought this letter before the board. He stated there must be, by law, a 51% majority of teachers in the district belonging to the union for this to be valid. FSEA hasn't had a majority in at least 17 years or more. Guess what year this agreement was signed and hasn't been looked at since? 1987! ☹ All this to say...I need you to speak up at the next meeting when the school board will vote. I have 3 ASTA members who attended last night who will be speaking and would love for you to join them. It's November 26th at 5:30pm, building B at the service center. Trust me, you will be highly favored for speaking on behalf of teachers wanting a voice at the table when it comes to contracts and compensation-you want the administration and school board to know you're a part of ASTA and this change for the better. PPC's work as follows: each building will elect a representative to be on the committee (there must be at least 5 but can be as many teachers as the district suggests, at least 3 administrators, and the superintendent.) As you can see, teachers are nominated and elected. You don't have to be a member of any association although we LOVE that you've chosen us. It's a NEW day in Fort Smith... THIS IS EPIC! I can't tell you how thrilled I am to be a part of this. Fort Smith is a district that should be a shining light in Arkansas! Let me know if you can attend and show your support. You don't have to speak at the meeting—just being there will be a great help!

p.s. Do not let anyone tell you this is NOT good for Fort Smith teachers. It will be the best decision the school board has made in 20 years. Take a look at Little Rock if you need an example of what you don't want.

A-2(c) - FT. SMITH PUBLIC SCHOOLS
EXHIBIT ONE (1)

Arkansas Department of Education

State Board of Education Hearing
December 13, 2018

District Waiver Request by Fort Smith Public Schools – Ark. Code Ann. 6-17-203 and Ark. Code Ann 6-17-205

Fort Smith Education Association request to deny waiver

PENGAD 800-631-6989
EXHIBIT
1
A 2(c)

December 12, 2018

To The Members of The Fort Smith School Board:

The classroom teachers of the Clarksville School District have successfully held elections for the Personnel Policy Committee members for more than 30 years. We received our initial training from AEA and continue to train our Personnel Policy Committee using AEA personnel. As a matter of fact many of the members of our committee are AEA members. The Personnel Policy Committee sets the election dates, the faculty nominates members for the committee and then the election is completely conducted by teachers. Our administrators do not nominate nor do they handle the election, including ballots, in any way. We have never had an election which was questioned and have always conducted the elections in a fair and honorable way. This procedure—teachers conducting the election of fellow teachers who will represent their views concerning matters of policy—guarantees that teachers' views are understood and presented to the School Board. Our superintendent does appoint administration members to this committee, but they, too, are professionals and understand that this committee was established to give teachers a voice in the process of establishing policy and honor the process by enabling teachers to conduct the election. We feel that when teachers handle the election of their committee they have a better understanding that it is THEIR committee and represents THEM.

This year we assisted the Classified Personnel Policy Committee as they held elections for their committee and am assisting them in acquiring training in order to effectively represent the classified personnel of our district. They followed the same procedures the Licensed Personnel Policy Committee did—set a date, took nominations, voted—all fairly and without any questions concerning the election.

I personally know many of your teachers. They are capable of following the process established in law and handling the election of their own Personnel Policy Committee.

Sincerely,

Kathy Howell
Personnel Policy Chairman
AEA Member

A.C.A. § 6-17-203

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*** Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 17 Personnel
Subchapter 2 -- Personnel Policies

A.C.A. § 6-17-203 (2017)

6-17-203. Committee for each school district.

(a) Each school district shall have a committee on personnel policies which shall consist of no fewer than five (5) classroom teachers and no more than three (3) administrators, one (1) of which may be the superintendent.

(b) (1) The classroom teacher members of each school district's committee on personnel policies shall be elected by a majority of the classroom teachers voting by secret ballot.

(2) The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers.

HISTORY: Acts 1987, No. 687, § 2; 1989, No. 56, § 1; 1989, No. 479, § 1.

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A.C.A. § 6-17-204

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 17 Personnel
Subchapter 2 -- Personnel Policies

A.C.A. § 6-17-204 (2017)

6-17-204. Incorporation into teachers' contracts.

(a) The personnel policies of all school districts shall be considered to be incorporated as terms of the licensed personnel contracts and shall be binding on the licensed personnel and the school district.

(b) (1) Any changes or additions to the personnel policies shall not be considered a part of licensed personnel contracts until the next fiscal year.

(2) (A) Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of the licensed personnel employed by the school district voting by secret ballot.

(B) The voting and counting shall be conducted by the personnel policy committee.

(3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.

(c) (1) Notwithstanding subsection (b) of this section, a change or addition to the personnel policies that is necessary to ensure compliance with a state or federal regulation, a state law enacted during a legislative session, or a federal law that is adopted by the school district board of directors each year by the later of June 30 or ninety (90) days after the effective date of a change to a state or federal regulation, a state law enacted during a legislative session, or a federal law giving rise to the specific policy change or addition shall be considered a part of licensed personnel contracts on July 1 of the same calendar year or upon the date of adoption if adopted after June 30.

(2) Any changes or additions to the personnel policies adopted by the school district board of directors between May 1 and June 30 each year that are not required to ensure compliance with state or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year if:

(A) A notice of the change is sent no later than five (5) working days after final board action by first class letter to the address on record in the personnel file of each affected employee; and

(B) The notice of change includes:

(i) (a) The new or modified policy.

(b) A modified policy shall be provided in a form that clearly shows additions underlined and deletions stricken; and

(ii) (a) A provision that states that due to the policy change, each continuing employee under contract shall have the power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school district board of directors takes final action by providing to the school district board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

(b) For continuing contract employees covered under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.

(d) (1) A school district shall adopt, in accordance with this subchapter, a supplement to the salary schedule for those licensed staff employed longer than the period covered by the salary schedule and for duties in addition to licensed employees' regular teaching assignments.

(2) Compensation policies approved by the personnel policy committee shall not apply to the chief administrator who is charged with administration of salary policy for all employees.

A.C.A. § 6-17-204

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ARKANSAS DEPARTMENT OF EDUCATION

DISTRICT WAIVER REQUEST FORM

District Name: Fort Smith Public School District

Superintendent: Doug Brubaker

Email Address: dbrubaker@fortsmithschools.org

District LEA: 6601000 **Submission Date:** 12/13/2018

Phone Number: 479-785-2501

Name of Charter School(s) Attended by District Students

Future School of Fort Smith

Waiver Topic: **Personnel**

Statute/Standard/Rule to be Waived

Arkansas Code Annotated

- Ark. Code Ann. §6-17-203
- Ark. Code Ann. §6-17-205

Rationale for Waiver

Since 1970, the District has recognized the Fort Smith Education Association ("FSEA," f/k/a Fort Smith Classroom Teacher's Association) for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement. The District has learned that FSEA falls well short of representing a majority of its certified staff as required by: (1) Ark. Code Ann. § 6-17-202(a); (2) the current Consulting Agreement the District executed with FSEA in 1987; and, (3) District Policy GCQF. Currently, little more than 30% of the District's certified staff are represented in personnel policies, salaries, and educational matters of mutual concern. The District also has learned that FSEA has been on a continuous membership decline and has not held a membership comprising a majority of its certified staff for more than a decade. As such, the District desires to form a Certified PPC ("PPC") as quickly as possible to dramatically increase certified staff representation in the District. Given the decades that have passed without a PPC (if the District ever has had one), and the limitations imposed by Ark. Code Ann. § 6-17-203 and § 6-17-205 regarding the time of year and assistance that can be provided in organizing the PPC, a waiver would give the District the flexibility to move immediately to create a broad based, fully representative committee of certified staff with representation from each of its 27 school buildings.

When the form is complete, email it with the waiver lists for the charter school(s) that serve district students to Kelly McLaughlin at kelly.mclaughlin@arkansas.gov. Waiver lists can be accessed from the Arkansas Department of Education: My School Info webpage at https://myschoolinfo.arkansas.gov/. Instructions for accessing waiver reports can be found at www.arkansased.gov/public/userfiles/Learning_Services/Charter_Schools/Accessing_Waivers_on_My_School_Info.pdf.

Questions should be directed to Kelly McLaughlin by email at kelly.mclaughlin@arkansas.gov or by phone at (501) 682-2130.

Arkansas Department of Education
Fort Smith Public Schools (FSPS) Waiver Request
FORT SMITH EDUCATION ASSOCIATION (FSEA)

Table of Contents
Thursday, December 13, 2018

FSEA submits the following materials for consideration in opposition of FSPS's waiver request from A.C.A. § 6-17-203.

EXHIBITS

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2.	Waiver Request	2-4
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OPTIONAL CONSIDERATIONS TO ADDRESS

The State Board of Education requests, but cannot require, written responses to the following considerations as part of the petition for district waivers. All written responses should be emailed to the Arkansas Department of Education with the waiver request and list(s) of open-enrollment charter waivers.

Discuss the ways in which the proposed waivers will impact the district.

- Ways in which the waivers would support or complement the district's **vision, mission, and/or strategic plan**
- District **policies**, if any, that would have to be developed or revised to implement the waiver
- The **fiscal impact** of the waivers, if any
    - Additional costs associated and sources of funding
    - Planned uses for savings
- Effects of the waivers, if any, on current academic, fiscal, or facilities **distress status**
    - Ways the waivers will help alleviate distress issues
    - Potential for implementation of the waivers to cause distress issues
- Effects of the waivers, if any, on compliance with the **Standards for Accreditation**
    - Ways the waivers will help alleviate accreditation issues
    - Potential for implementation of the waivers to cause accreditation issues

Discuss the planning that has taken place to ensure successful implementation of the waivers.

- **Options considered** by the district to request the waivers
    - School of innovation
    - District conversion charter
    - Reasons district waivers are being requested rather than seeking a school of innovation or a charter
- **Student gains** for students if these waivers are granted
    - Academic gains
    - Other benefits
- **Implementation** of the waivers
    - **Charter** school(s) use of the waivers
        - Application of the waivers
        - Evaluation of ongoing need for the waivers
    - **District** use of the waivers
        - **Specific plans** to implement the waivers
            - Certain schools, grade levels, and/or programs to be affected
            - Description of the changes to take place
            - Length of time for which the waivers are requested
- **Evaluation** of the usefulness of the waivers
    - **Method(s)** to be used to determine benefits of and/or problems with using the waivers
    - **Timeframe** for assessing the use of the waivers
    - **Outcome(s)** that will demonstrate successful use of the waivers
    - **Plan of action** if use of waivers is not achieving the desired results

Discuss the transparency of the process and methods used for garnering support for the waivers.

- Efforts, including **methods, times, dates, places**, for notifying and including all stakeholders
    - Students
    - Teachers and other staff
    - Parents
    - Community members
    - School board (board resolution)
- **Feedback** received from stakeholders and how it was and will be used in district planning

Fort Smith Public Schools Personnel Policy Elections (PPC) 2018

With the FSPS Board's decision to no longer recognize the Fort Smith Education Association as the negotiating organization for the district, A.C.A § 6-17-203 now requires Fort Smith to form a personnel policy committee through an election that "shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers."

It is imperative to understand that the law is unequivocal that classroom teachers, and classroom teachers alone, shall be the ones to conduct the election and construction of the PPC.

When FSEA was collectively bargaining with the district, all employees were being represented in negotiations. Unfortunately, the district has decided to end that agreement and reduce input to solely classroom teachers, as specified in the PPC law. For that reason, only classroom teachers may participate in the elections, and be members of, the PPC.

The PPC members will be expected to:

1. Organize itself in the first quarter of each school year and elect a chair and a secretary.
2. Develop a calendar of meetings throughout the year to review the school district's personnel policies in order to:
    1. Determine whether additional policies or amendments to existing policies are needed;
    2. Review any policies or changes to policies proposed by the board;
    3. Propose additional policies or amendments to the board; and
    4. Review any proposed distribution of a salary underpayment from previous years.

A PPC can simply propose policy to the board and is not an equal negotiating partner. However, the board and the district's lawyer both confirmed that once FSEA's membership surpasses 50%, Fort Smith educators' ability to collectively bargain could be reinstated.

Until then, in order to remain compliant with state law, Fort Smith classroom teachers must begin the process of electing their PPC members.

The classified employee PPC law (A.C.A. § 6-17-2303) requires one member from:

- Maintenance, operation, and custodians;
- Transportation;
- Food service;

- Secretary and clerk;
- Aides and paraprofessionals; and
- At-large

It is designed so that each group is represented equitably, but still able to maintain a reasonable quorum. A teacher's schedule is already overloaded with obligations, finding enough members to hold a quorum for a meeting when a committee has too many members is a recipe for dysfunction. There's a reason there are only seven school board members representing a district with a population of 88,037.

Following that precedent, Fort Smith classroom teachers shall elect to their PPC: two members from elementary schools, two members from junior highs, two members from high schools and Belle Point, and one at-large non-management representative for a total of seven members, which would meet the state PPC law's requirement of a minimum of five classroom teachers.

*The seven-member committee is believed to be the most effective and efficient option that is backed in precedent. However, if classroom teachers decide on a different allotment of at least five or more PPC representatives before or after the elections, that is fine, as long as the process is conducted by classroom teachers, which the law clearly states.

The committee will be elected through the following procedure:

- For the sake of equity, FSEA has reached out to an ASTA member to collaborate in the effort of organizing this new election process. She will collect the nominations and announce the nominees as soon as the nomination window closes.

- Ballots with the corresponding candidates will be distributed to every classroom teacher two days after the nominees are announced.

- There will be locked ballot boxes in each building where votes must be submitted by the end of school two days after the ballots are distributed.

- Those boxes will be collected and taken to an independent accountant, who will tabulate the results and announce the seven winners.

- Those winners will then conduct their first PPC organization meeting to elect a chair and secretary to remain compliant with Arkansas state law.

- Secretary and clerk;
- Aides and paraprofessionals; and
- At-large

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FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Ryan Gray <rgray1@fortsmithschools.org> Fri, Nov 30, 2018 at 8:46 AM
To: Doug Brubaker <dbrubaker@fortsmithschools.org>, susanmcf5@aol.com

Hello,

As Vice President and chief negotiator for FSEA I wanted to reach out to both of you to set up a meeting about our role in the upcoming PPC process. After meeting with our FSEA board last night, we are focused on the future, on making the PPC the best it can possibly be, and on ensuring it is an active voice for our teachers. We have been researching and learning about the process, speaking with other districts who already have robust PPCs, and believe we have much to offer in this process. I would also like our AEA Uniserv Director, Joe Duvall, to attend as well, as he has worked with many districts across Western Arkansas to ensure teachers voices are effectively represented through the PPC process. If you could shoot me a few dates for next week that work for the two of you, we would very much appreciate your time. I will coordinate with Joe and Lorrie about which of those dates work best for us. I look forward to working with you. Thanks.

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Doug Brubaker <dbrubaker@fortsmithschools.org> Fri, Nov 30, 2018 at 9:45 AM
To: Ryan Gray <rgray1@fortsmithschools.org>
Cc: Susan McFerran <susanmcf5@aol.com>, Nadine Brooks <nbrooks@fortsmithschools.org>

Ryan,

Thank you for reaching out about this. I am very interested in hearing your ideas.

I'll ask Mrs. Brooks to work with you on some dates. I'll ask Dr. Morawski to join us, too.

Best regards,

Doug Brubaker, Ph.D.
Superintendent
Fort Smith Public Schools

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FORT SMITH PUBLIC SCHOOLS

[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

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Superintendent
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[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Nadine Brooks <nbrooks@fortsmithschools.org> Fri, Nov 30, 2018 at 10:34 AM
To: rgray1@fortsmithschools.org

December is a busy month and you will need a late afternoon time to meet, right?

I have Friday, December 14, and Thursday, December 20 that will work for Dr. Brubaker, Ms. McFerran and Dr. Morawski. Will either of these dates work for you and the people you mentioned in your email? i'm sorry but these are the only dates open for December with the holiday break.

--
Nadine Brooks
Office Manager, Superintendent's Office
Fort Smith Public Schools
P.O. Box 1948
Fort Smith, AR 72902
479-785-2501
479-785-1722 Fax

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FORT SMITH PUBLIC SCHOOLS

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Ryan Gray <rgray1@fortsmithschools.org> Fri, Nov 30, 2018 at 11:00 AM
To: nbrooks@fortsmithschools.org

We'd really like to meet next week if at all possible. We can work with the time if a meeting in the evening, even after hours, works better. Thanks so much!
[Quoted text hidden]
--

Ryan K. Gray
Social Studies Teacher
Ramsey Junior High
FSEA Vice President

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Ryan Gray <rgray1@fortsmithschools.org>

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Ryan K. Gray
Social Studies Teacher
Ramsey Junior High
FSEA Vice President

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FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA proposal for PPC elections

1 message

Ryan Gray <rgray1@fortsmithschools.org> Mon, Dec 3, 2018 at 3:23 PM
To: Doug Brubaker <dbrubaker@fortsmithschools.org>, "susanmcf5@aol.com" <susanmcf5@aol.com>, Terry Morawski <tmorawsk@fortsmithschools.org>
Cc: Loretta Woodward <lwoodwar@fortsmithschools.org>

I understand your schedules are very busy during this time of year, so I wanted to get the attached information to you as quickly as possible. After meeting last week with a large number of teachers, we have created and voted to confirm a proposal that reflects the simplest and most transparent way for district to move forward with a teacher elected PPC. We also believe that following this plan would negate the need for the wavier from portions of the PPC law that are in place to ensure the PPC is "solely and exclusively conducted by classroom teachers". While we regret the recent rescinding of our negotiation agreement, we look forward to working with you all to ensure the voices of teachers are heard during the transition to a PPC that is an independent voice for our teachers. Thanks for your time and consideration!

--

Ryan K. Gray
Social Studies Teacher
Ramsey Junior High
FSEA Vice President

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FORT SMITH PUBLIC SCHOOLS

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Ryan K. Gray
Social Studies Teacher
Ramsey Junior High
FSEA Vice President

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FSPS teacher directed PPC election proposal 2018.docx
16K

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Doug Brubaker <dbrubaker@fortsmithschools.org> Mon, Dec 3, 2018 at 3:15 PM
To: Ryan Gray <rgray1@fortsmithschools.org>
Cc: Terry Morawski <tmorawsk@fortsmithschools.org>, Susan McFerran <susanmcf5@aol.com>, Nadine Brooks <nbrooks@fortsmithschools.org>

Ryan, thank you for your email. I am happy to meet with you and will ask Nadine to continue to work with you to find a time for us to do that.

However, as we move into a process that will be led by classroom teachers across the District, I don't think it's appropriate that I meet with any third party organization. Organizational membership is within the discretion of each teacher, so it's important that we not be in a position of appearing to endorse or favor one over another. As you know, Lorrie was highly critical of me on social media after a member of ASTA introduced herself to me at the conclusion of the most recent board meeting. I want to learn from this and not appear to be in anyone's court other than the court of each and every one of our classroom teachers.

Best regards,

Doug Brubaker, Ph.D.
Superintendent
Fort Smith Public Schools

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[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Doug Brubaker <dbrubaker@fortsmithschools.org> Mon, Dec 3, 2018 at 3:15 PM
To: Ryan Gray <rgray1@fortsmithschools.org>
Cc: Terry Morawski <tmorawsk@fortsmithschools.org>, Susan McFerran <susanmcf5@aol.com>, Nadine Brooks <nbrooks@fortsmithschools.org>

Ryan, thank you for your email. I am happy to meet with you and will ask Nadine to continue to work with you to find a time for us to do that.

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Doug Brubaker, Ph.D.
Superintendent
Fort Smith Public Schools

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[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Ryan Gray <rgray1@fortsmithschools.org> Mon, Dec 3, 2018 at 3:28 PM
To: Doug Brubaker <dbrubaker@fortsmithschools.org>

Completely understood, and I appreciate your willingness to work with us. I've sent you an email this afternoon with some thoughts and a plan we worked with teachers across the district to create. It actually includes working with ASTA members because we value input from teachers across the district, no matter if they are affiliated with FSEA or any other group. And again, thank you.
[Quoted text hidden]
--

Ryan K. Gray
Social Studies Teacher
Ramsey Junior High
FSEA Vice President

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FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Doug Brubaker <dbrubaker@fortsmithschools.org> Tue, Dec 4, 2018 at 8:30 AM
To: Ryan Gray <rgray1@fortsmithschools.org>

Ryan,

Thank you for your email and work on this. Let's get a meeting scheduled so that we can continue to share ideas.

For our meeting, I'd like for you to consider a few things:

1. As you state, the law requires that both a PPC be formed AND that this occur in the first quarter of each school year. As we are beyond the first quarter of the school year, we must obtain a waiver from the State Board to ensure compliance with the law. Stated simply, no organization or election can take place prior to guidance from the State Board, which is also what our Board directed.
2. While I understand optically why you've proposed including an ASTA member for inclusion in your process, the fact is that the teachers who need to be included are among the 70% who are not represented in either group. Adding one of ASTA's handful of members to the process does not solve the problem of woeful under-representation of our classroom teachers.
3. Limiting participation to seven teachers also misses the goal of the Board to dramatically increase participation. In such a large district, teachers will continue to feel disconnected from the process unless they have one or more representatives in each of their 27 buildings. Our recent successes in the District have resulted from more -- not less -- engagement. As you will recall, the Board set up a Strategic Planning team of 32 and a Citizens Committee of 53.
4. Regarding reinstatement of FSEA as a representative, surpassing 50% permits reapplication, which would then be left to the discretion of the Board.

I will ask Nadine to find a time for us to meet.

Thank you,

Doug Brubaker, Ph.D.
Superintendent
Fort Smith Public Schools

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[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

FSEA and the PPC

Doug Brubaker <dbrubaker@fortsmithschools.org> Tue, Dec 4, 2018 at 8:30 AM
To: Ryan Gray <rgray1@fortsmithschools.org>

Ryan,

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3. Limiting participation to seven teachers also misses the goal of the Board to dramatically increase participation. In such a large district, teachers will continue to feel disconnected from the process unless they have one or more representatives in each of their 27 buildings. Our recent successes in the District have resulted from more -- not less -- engagement. As you will recall, the Board set up a Strategic Planning team of 32 and a Citizens Committee of 53.
4. Regarding reinstatement of FSEA as a representative, surpassing 50% permits reapplication, which would then be left to the discretion of the Board.

I will ask Nadine to find a time for us to meet.

Thank you,

Doug Brubaker, Ph.D.
Superintendent
Fort Smith Public Schools

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[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Nadine Brooks <nbrooks@fortsmithschools.org> Tue, Dec 4, 2018 at 4:21 PM
To: Ryan Gray <rgray1@fortsmithschools.org>

Hi Ryan,

Dr. Brubaker asked me to check back with you and see if either of these two dates work for you?

Just let me know.

[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Ryan Gray <rgray1@fortsmithschools.org> Tue, Dec 4, 2018 at 4:56 PM
To: Nadine Brooks <nbrooks@fortsmithschools.org>

December 20th would be the best. Thanks.
[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Ryan Gray <rgray1@fortsmithschools.org> Tue, Dec 4, 2018 at 4:56 PM
To: Nadine Brooks <nbrooks@fortsmithschools.org>

December 20th would be the best. Thanks.
[Quoted text hidden]

FORT SMITH PUBLIC SCHOOLS

Ryan Gray <rgray1@fortsmithschools.org>

Dates to Meet with Dr. Brubaker, Ms. McFerran and Dr. Morawski

Nadine Brooks <nbrooks@fortsmithschools.org> Wed, Dec 5, 2018 at 8:26 AM
To: Ryan Gray <rgray1@fortsmithschools.org>

Okay. I'll schedule the 20th.

Thanks.
[Quoted text hidden]

Arkansas Department of Education:

I oppose the Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

I have been a teacher in the Fort Smith School District for 14 years. In all of those years I have been given information from FSEA about policy/calendar negotiations. Every year FSEA send a survey to every district employee asking for our opinion in what we feel needs to be negotiated or addressed. They sent this survey to me even when I was not a member. They have done a fabulous job working with the school board and administration for not just the last 14 years but the last 50 years.

Since FSEA is not negotiating with Fort Smith Schools anymore, I feel like teachers our more than capable of setting up a PPC. I feel like as professionals, we should be treated as such. We should be allowed to run our own election and set up our own PPC without help from administration.

All the information I have received about PPC's has been by me researching on my own or information provided to me from FSEA. The district did not go to any effort to educate us on what a PPC is or what it does. I am worried that if the administration is given control of PPC formation that they send the message that I we are not capable adults who can think for ourselves or work together effectively.

Please vote against Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

Thank you,

Lori Campbell

Lori Campbell

Kathy L Ewing
1061 Crooked Creek
Greenwood, AR 72936
kewing@fortsmithschools.org
479-461-4514

8 December 2018

Arkansas Department of Education
4 Capitol Mall #26
Little Rock, AR 72201

To Whom It May Concern:

I am writing this letter to inform you of my feelings about the waivers that Fort Smith Public Schools is asking for. I understand that our district needs a waiver for 6-17-203 in light of the district dissolving negotiations with Fort Smith Educators Association. Because there was no formation of a PPC prior to the dissolution of a decades-long agreement, we are currently out of compliance with Arkansas law.

That being said, the district is asking for a waiver that would allow non-classroom teachers to create our first PPC. I must fervently ask you not to extend a waiver for 6-17-205. The district claims that they ended negotiations with FSEA because they wanted a more fair representation of classroom teachers, then they ask you to give them a 2-year waiver that overrides teacher control in the formation of a PPC.

Each teacher in our district has a college degree, at least one certification, and hours upon hours of professional development. I have full faith in the abilities of my colleagues to be able to create a PPC without any interference from the administration. I implore you to refuse to issue a waiver for 6-17-205. It is irrelevant, seeing as the teachers in our district are more than capable of taking care of the nominations, election, and creation of *our* PPC. By issuing this waiver, you would be allowing the administration of Fort Smith Public Schools to further silence the voices of the teachers that it employs. Please allow us to create a PPC that is "solely and exclusively by the teachers."

Thank you for your time and consideration,

Kathy L. Ewing
Belle Point: A New Tech Academy
Classroom Teacher

To the Arkansas Department of Education:

I am writing to express my concern and opposition to a waiver that the Fort Smith Public School District is requesting in order to put a PPC into place. I have taught in the Fort Smith Public School District for 16 years and am deeply concerned that, if approved, my rights and responsibilities as a teacher will be compromised. The Arkansas Personnel Policy Law (1989) was specifically designed to give teachers more independent control of the policy process. Within the law, the words, "solely and exclusively" make clear that the administration is to refrain from the formation of the PPC, thus putting it in the hands of classroom teachers. This language was thoughtfully designed and put into this law for the sole purpose of allowing teachers to lead the process and is the fundamental motivation for why the law was enacted.

By requesting the waiver, the Fort Smith School District has become less transparent in their motives to remove teachers from forming a PPC. The administration has not been forthcoming with details regarding a plan to educate teachers on PPC, how it works, or the changes we should expect.

It is crucial that classroom teachers remain the key part of the policy process. Teachers are willing and capable to conduct their own elections and form their own PPC without the involvement of administration while continuing to move forward. I believe in the rule of law and respect that this law was designed to keep administration honest and protect the rights and responsibilities of the teachers.

Thank you for considering this matter as important and necessary as our teachers do in order to maintain a culture that is fair and honest within our educational environment.

Sincerely,

Erin Wilson

Erin Wilson

Classroom Teacher for Fort Smith Public Schools

To Whom It May Concern,

I'm writing you today to express my concerns about the current waiver requested by the Fort Smith Public School District. As you know, the request is to waive requirements of the PPC law that has been in place for over 30 years. This law was put in place to give teachers an independent voice and has been a vital part of ensuring teachers are heard and recognized when making policy decisions.

I oppose this waiver as a teacher in FSPS because the PPC election, by law, is to be run "solely and exclusively by classroom teachers". This portion of the law is very clear, and extremely important because it ensures that the PPC is free from undue influence by administration and truly represents the will of teachers in the school district. Granting this waiver would significantly reduce trust in the PPC and its effectiveness in representing teachers in our district.

I, and many other teachers, do not believe this request is what is best for our school district. We believe that we are fully capable of implementing a PPC election without involvement from administration as the law states. We also believe that requesting this waiver for two years shows a heavy handed approach that will ultimately benefit only administration to the detriment of the teachers in our district, and ultimately have a negative impact on not only teachers, but every student in our district as well. Simply put, there is no reason to waive important legal protections for our teachers because we are ready to fulfill our duty and elect our PPC without assistance from the district administration, as the law states.

Thank you for your consideration,
Ryan Gray
Social Studies Teacher
Fort Smith Public Schools

Ryan Gray

Dear Arkansas Board of Education,
I am writing this letter to oppose the waiver being asked for by the Fort Smith School Board in regards to Arkansas Code 6-17-203 and 6-17-205. I do understand that we need part of Code 6-17-205 in order to be in compliance with the law in terms of the time frame.h
However, I see no need to override all the parts that allow teacher control of the elections, setup, and initial implementation and certainly not for 2 years.

Teachers are fully capable of working together as professionals to set up the PPC in the way in which the law requires. A group of teachers have actually already submitted a plan, not in an effort to run the PPC, but as a way to get one immediately started so that the Fort Smith School District would be in compliance with the law.

The whole point of the PPC is to allow teachers to have a committee that is "solely and exclusively" theirs to set up and represent them in the district. Allowing for this waiver shows that the state and the local board do not have faith in the professional capabilities of their teachers.

Please deny the Fort Smith School District the waivers that will deny the teachers the right to setup and run their own PPC. Thank you for your consideration in this matter.

Sincerely,
Donella Smither
6th Grade Teacher Cavanaugh Elementary, Fort Smith Schools District
NBCT
Mount Vernon Master Educator

Robbie Wilson
4808 S. 16th Terrace
Fort Smith, AR 72901
(479) 763-6252
robert_p_wilson@icloud.com

December 12, 2018

Arkansas Department of Education
4 Capitol Mall #26
Little Rock, AR 72201

To the Arkansas Department of Education,

I am writing to you today as a concerned citizen, taxpayer, and someone who has benefitted from the excellent education I received in the Fort Smith Public Schools. As a former student, who went on to college and later started my own business, I attribute much of my personal success to the hard work and dedication of my teachers who helped me along the way, acting as mentors and guides during those often confusing, but profoundly formative, years of my life. I would not be where I am today had it not been for my teachers in the Fort Smith Public Schools.

Recently, I witnessed the Fort Smith Board of Education buckle under pressure from the district's administration and entities outside of Fort Smith to end the long-standing agreement between the school district and the Fort Smith Education Association, stripping away their rights to negotiate on behalf of all teachers and personnel, citing what I consider to be a faulty interpretation of the law. This was done quickly and without giving the FSEA a chance for rebuttal or compromise, despite past assurances that something like this would not be done.

Adding insult to injury, the Fort Smith Board of Education is now seeking a waiver from parts of the very law that they, in my opinion, erroneously interpreted in the first place in order to end their almost 50 year old agreement with the FSEA. There are also plenty of other issues with school board's hypocritical pursuit of this waiver:

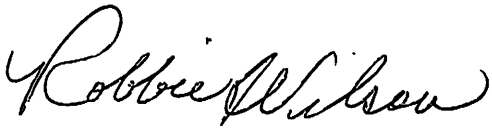
- The Arkansas Personnel Policy Law for education was enacted in 1987 and was intended to grant educators more independent control in the policy making process, yet it took 31 years for the school board and administration to decide — using a faulty interpretation, in my view — that the district has not been following the law.

- The statute implicitly states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers," so the verbiage of "solely and exclusively" indicates that the law was designed to keep the administration and school board out of the formation of a PPC and that it should be created by the teachers themselves.

I would like to remind the Arkansas Department of Education, the Fort Smith Board of Education, and the Fort Smith Public Schools administration that the language of the law makes clear its purpose and intent, which is for the teachers to have an election process for their PPC that is free from any interference by the administration or the school board. Finally, let me assert my firm belief that our local educators are competent enough to elect their own leaders, who are indeed experts in the field of education, and are more than capable of holding their own elections to form their own PPC.

It is for these reasons that I oppose the Fort Smith Public School's waiver request, except for A.C.A. § 6-17-205(a)(1), to allow the PPC to be organized after the first quarter of each school year. I strongly encourage the Arkansas Department of Education to deny this request. I believe the future of our local school system will be jeopardized if we continue to deny teachers their rightful place in the crafting of our district's educational policies.

Sincerely,



Robbie Wilson

To whom it may concern:

I am writing to this to express the reasons why I oppose the Fort Smith Public Schools request for a waiver in regards to the formation of a PPC. Regrettably, the Fort Smith Education Association no longer holds collective bargaining rights with the district. That decision follows the law and I support that move, even though it is a sad situation. For more than 50 years, this local organization has fought for and won many policy decisions that benefited the district's teachers and classified personnel.

What is done it done and it is time to now move forward. However, Ft. Smith Public Schools are overstepping their authority with connection to the creation of a PPC. Since 1987, Arkansas Personnel Policy Law for education has been in place was designed to give local teachers more independent control in the policy processes that directly affect them. The waiver as requested by the Ft. Smith Public Schools attempts to put the administration in control of this process.

The law specifically states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." It must have been important to the authors of this law for it to be clear only classroom teachers are to be involved in the formation of a PPC and to keep the administration out of it. It was so important, they used "solely and exclusively" to describe how the classroom teachers are to be in control of this process. Administration should not be involved at all. The letter and spirit of the law are very clear.

Classroom teachers are professional, college educated people and are more than capable of conducting their own elections and forming their own PPC. This administration is overstepping its authority by attempting to include in its waiver their part in formation of a PPC. For these reasons, I respectfully oppose the Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

Sincerely,

Wendy Peer

Wendy Peer
Classroom Teacher

Lynn Pevehouse
3900 South S Street
Fort Smith, AR 72903

Arkansas Department of Education
December 11, 2018

In regards to the request by the Fort Smith Public School District to waive Arkansas Code 6-17-203 and 6-17-205, I ask that you only grant a waiver for a specific portion of 6-17-205, section (a) (1) which states "Each school district's committee on personnel policies shall organize itself in the first quarter of each school year and elect a chair and a secretary."

Due to the fact that the district has ceased to recognize FSEA (Fort Smith Education Association) for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern, the need to organize a PPC outside of the first quarter of the year is a reasonable one-time waiver. The teachers in our district need representation as soon as possible and the immediate organization of a PPC would allow for the teachers to have at least some representation.

The remaining portion of 6-17-205 describes the organization and duties of the PPC committee. Neither the duties nor the organization of the committee needs to be waived to increase staff representation, which is the stated rationale for the waiver, which is "to dramatically increase certified representation in the District." I ask that you deny a waiver for this remaining portion of 6-17-205.

The request for waiving 6-17-203 is concerning. This portion of the code specifically says that "The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." I do not understand how starting a PPC by removing the rights of the teachers to solely and exclusively conduct the elections contributes in any way toward the stated rationale for the waiver.

I ask that you vote yes to allow a PPC to be organized outside the required first quarter of each school year, deny all other waivers, and allow the teachers of the Fort Smith Public Schools to organize and exclusively conduct the elections for certified representation in our district, which was the intent of the original law.

Lynn Pevehouse

December 10, 2018

To the Arkansas Department of Education:

I oppose Fort Smith Public Schools waiver for A.C.A. § 6-17-203. The law specifically states in A.C.A § 6-17-203 (b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." Why does Fort Smith administrators need a waiver for this law? It specifically states the teachers are allowed to conduct the elections. That language is there for a reason. Independence from administration in the election process is not just a suggestion; it is the fundamental motivation for the law. I believe Fort Smith Public Schools should only receive a waiver for A.C.A § 6-17-205 (a) (1) which allows the PPC to be organized during the first quarter of each school year. I have been a teacher in Fort Smith for 6 years and I believe the PPC election process should be left to the teachers as the law states.

Sincerely,

Ben Hornung

Ben Hornung
Social Studies Teacher

December 10, 2018

To Whom It May Concern:

The law specifically states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." This process is not happening in Fort Smith Public Schools. I feel the administration asking for a waiver before even attempting to follow the law is uncalled for. The language of law is to keep administration OUT of this process for a reason. From my understanding, the other districts in the state PPCs were not put together by administration, rather from classroom teachers.

I have full faith in the ability of the teachers within Fort Smith Public Schools to come up with our own PPC. We have not been given an opportunity or even any time to put together our own PPC. Please do not allow the waiver to go through.

Thank you,

Heather Aguilar

Heather Aguilar
Teacher
Fort Smith Public Schools

December 11, 2018

Dear Arkansas Department of Education,

I am writing to you to say that there is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2 year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State Board to vote no on the waiver.

Sincerely,

Susan Hannan

Fort Smith, AR

To the Arkansas Department of Education

I (Co-Workers), support the PPC laws and is against any waiver that take it out of the hands of the teacher. Teachers are very capable of doing the job, they can delegated certain tasks to different teachers and do a wonderful and effective job.

Many time they operate under tight constraints because top management has an urgent need for the information, they have been asked to provide. Teachers are very smart, they are highly educated and know all about education.

Teachers are capable of forming their on group, decisions made by self-managed teams are much more effective because they know most about their needs, wants and what to expect, they will require guidance from other leaders within the group of teachers, which has more knowledge in certain area than others. Respectfully, administration is external, they will struggle to find the appropriate balance, they do not know what we need, we are in the classroom. That's why I asked of you to allow elections and let the FSPS teachers form a PPC on their own. Again, please know that we respect the laws, and are very much against the waiver, please do not take this out of the hands of the teacher.

Respectfully, Retired

12 December 2018 To the Arkansas Department of Education

A waiver requested by the Fort Smith Special School District to waive requirements of the PPC law in place for over 30 years is unnecessary because teachers themselves are capable of forming a PPC.

This is covered by current Arkansas state law. The law in place was designed to insure legal protection for Arkansas educators. Please consider rejecting the waiver put forth by the Fort Smith Special School district.

Thank you for all you do for us

Marcus C. Woodward

Social Studies Teacher working on year 34 in this great state of Arkansas.

Larry Kennedy
8700 S. 30th Terrace
Fort Smith, AR 72908

Arkansas Department of Education
December 10, 2018

Th FSPS teachers have proven themselves to to able to make sound decisions about many issues. There is no need for a waiver, sought by the Fort Smith Public Schools, on 6-17-203 nor most of 6-17-205.

The Fort Smith Teachers are willing and capable of working together to set it up the way the law requires.

I have faith in the abilities of Fort Smith Teachers to do this. A plan has been presented of a way to get the PPC started. I believe teachers are looking to do this correctly and will support all teachers.

Larry Kennedy

Larry Kennedy
Retired Fort Smith Teacher
Retired FSCTA (FSEA) President
Lifetime Member of the Arkansas Education Association
Lifetime Member of the National Education Association

December 11, 2018

To whom it may concern:

I have been a teacher in Fort Smith Public Schools for nearly nineteen years. I find myself nonplussed by the actions of the Fort Smith Public Schools Superintendent and its school board. In the past, the FSEA (The Fort Smith Educators Association) has maintained a very good working relationship and there have been no serious conflicts. I feel that their most recent actions of pursuing a waiver to place themselves in the position to form a PPC to be inappropriate and an act of flagrant disrespect.

The School Board of Fort Smith schools with prompting from Dr. Brubaker voted to remove the FSEA (Fort Smith Education Association) as the negotiators for the teachers of Fort Smith Public Schools. The action seemed to come from a suggestion from ASTA (The Arkansas State Teachers' Association), that does not negotiate, or offer assistance to teachers in dealing with administrators.

Now Dr. Brubaker, the superintendent of Fort Smith Schools is asking fora waiver to initiate a PPC for our district. This concept of the PPC was announced very suddenly with no attempts to educate teachers on how the process works or how the teachers serving on the PPC will be selected. It appears as though the administration will be setting up the PPC themselves if they can get this waiver. The administration seems to be denigrating the faculty of Fort Smith Public Schools by attempting to take over this process. Before any attempt to set up a PPC, the administration should present an in-depth education session to inform teachers of what rights they have and what rights they stand to lose in setting up a PPC.

We the teachers, as educated individuals can form our own PPC. We have done nothing to warrant such an overreach, and should be accorded the respect that we deserve.

Sincerely,

Paula S. Bodnar, Northside High School

December 7, 2018

I am writing to you to request that you deny the waiver that the Fort Smith Public School District is requesting in reference to Ark. Code Ann. §6-17-203 and §6-17-205. Arkansas Personnel Policy Law for education has been in place since 1987 and was designed to give educators more independent control in the policy process. I believe that the district is claiming that the FSEA (f/k/a Fort Smith Classroom Teachers Association) has been below the required 51% necessary for a bargaining collective to be recognized. I further believe their data is incorrect and they are not being 100% transparent in their application. The law specifically states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." The language solely and exclusively" makes clear that the law is designed to keep administration out of the formation of a PPC and put in the hands of classroom teachers themselves. This language is there for a reason. Independence from administration in the election process is not just a suggestion, it is the fundamental motivation for the law. I believe classroom teachers are more than capable of conducting their own elections and forming their own PPC. For these reasons, I oppose the Fort Smith Public School's waiver request except for A.C.A. §6-17-205(a) (1) to allow the PPC to be organized after the first quarter of each school year.

Sincerely,

Sharon Lowe

Sharon Lowe

Fort Smith Public Schools Teacher

479-650-2745

Sharon.lowe72@yahoo.com

Arkansas Board of Education
Four Capitol Mall
Little Rock, AR 72201

RE: A. C. A. 6-17-203 & A. C. A. 6-17-205 Waiver Request of Fort Smith Public Schools

Dear Sir or Madam:

Please be advised that I am against the aforementioned waivers. Arkansas law has been presented and passed by a legislative body and the sole essence of these waivers is detrimental to public schools and should not be allowed. These laws were put in place to maintain the integrity of public schools, not to disavow laws that do not succumb to the personal preference of a superintendent. There is no reason to allow these waivers as the school district has not offered valid information and there is not an urgent need nor the necessity of same to set up a PPC.

Please believe in the teachers you have licensed. We are professionals. We are educated. We are here. We are not going anywhere.

Elections have consequences. Take heed. God bless you.

Sincerely your humbly licensed and indebted teacher.

Amy N. Newman
Fort Smith Public Schools
UA Fort Smith, Engl. Dept.

Cara Newell
FSPS

December 11, 2018

To Whom It May Concern:

I oppose the Fort Smith Public School's waiver request. As educated professionals, I strongly believe classroom teachers are fully capable of conducting their own elections and forming their own personal policy committee (PPC).

Arkansas Personnel Policy Law for education has been in place since 1987 and was designed to give educators more independent control in the policy process.The law specifically states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." The language "solely and exclusively" makes clear that the law is designed to keep administration out of the formation of a PPC and rely on classroom teachers only. Those words are there for a reason. Independence from administration in the election process is not just a suggestion; it is the fundamental motivation for the law. For these reasons, I oppose the Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

Sunshine Burch

Hays

2003 Falls Branch Lane
Van Buren, AR 72956

December 8, 2018

Dear Arkansas Department of Education:

As a teacher in Fort Smith public schools, I support following Personnel Policy Committee laws. I am against granting any waivers. Doing so would take the rights to hold elections and form a PPC out of the hands of teachers .Granting a waiver would appear to be a rash and unseemly act, not to mention highly insulting. There is no need for a waiver. I am asking that we be treated like the well-trained professionals we are. A PPC is one of the few areas that teachers have voice in forming educational policy. The public trusts teachers to educate children; the ADE should trust them to make policy in their districts.

Sincerely,

Deloris Hays

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Kevin Gaston

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Leah Stark

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

December 9, 2018

Arkansas Department of Education

Wavier for PPC for Fort Smith Public Schools

To Whom It May Concern: Fort Smith Public School Board recently voted to no longer recognize the FSEA as the negotiating organization for the district teachers and will now use a PPC format. It is my understanding that the district is applying for a waiver since the PPC by law is formed in the first semester of the school year. This wavier would allow a committee to be formed now so that our educators will not be left without representation until the next school year.

It has not been explained by our superintendent has privileged us with information on how this committee will be formed. Our FSEA executives have reached out to ASTA and worked out a plan for elections to be held immediately. This includes nominating and voting with a certified accountant counting the ballots.

I personally feel this is a great and efficient way to get our PPC up and going. In the wavier procedure with the FSPS board it is unclear how these representatives are chosen. The proposal by the FSEA works with the ASTA and allows for teachers to have a say in who will be representing this this year.

Thank you for your consideration.

Sincerely

Ruth Brewer

Classroom teacher, Bonneville Elementary

December 10, 2018

Arkansas Department of Education

Wavier for PPC for Fort Smith Public Schools

To Whom It May Concern:

I am writing this letter in regards to action taken by the Fort Smith Public School Board and Dr. Brubaker during the November 27, 2018, School Board meeting. The board voted to no longer recognize the FSEA as a negotiating organization for the district teachers. The board announced during the meeting that Fort Smith Public Schools would now use a PPC format and the district would apply for a waiver since the PPC by law is formed in the first semester of the school year. The waiver would allow a committee to be formed now so that our teachers would have representation. Arkansas Personnel Policy Law for education has been in place since 1987 and was designed to give educators control that is more independent in the policy process. The law specifically states in A.C.A. § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." The language "solely and exclusively" makes clear that the law is designed to keep administration out of the formation of a PPC and put in the hands of classroom teachers themselves. That language is there for a reason. Independence from administration in the election process is not just a suggestion; it is the fundamental motivation for the law. Members of FSEA and nonmembers have contacted ASTA members and devised a plan for holding elections immediately. Including hiring a certified accountant to count the ballets. I support the PPC law and I am against any wavier that takes that right out of the hands of the teachers and gives it to the administration. I have confidence and faith in our teachers to hold elections and form a PPC on their own. I believe classroom teachers are more than capable of conducting their own elections and forming their own PPC.

Since the November 27, 2018, School Board Meeting, district administration has done nothing to educate teachers on what a PPC is or how it works, what changes to expect, and most importantly HOW CLASSROOM TEACHERS CAN BECOME INVOLVED IN THE PPC. I oppose the Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a) (1) to allow the PPC to be organized after the first quarter of each school year. A group of Fort Smith teachers has a plan for a PPC in our district. FSEA members talked with nonmembers and ASTA members to develop this plan following the law. This plan has been sent to Dr. Brubaker and all FSPS board members. We believe this plan can be implemented in the district with support from all teachers working together and will negate the need for a waiver of PPC law in order to sit it up with fidelity.

Thank you for your consideration on this matter,

Kelley Jackson

Bonneville Elementary School

December 10, 2018

To Whom It May Concern:

I am writing today with concerns about a waiver request from Fort Smith Public Schools. It is my understanding they are requesting a waiver to give the administration permission to develop a PPC. In the law, it states the teachers will form their own PPC. The teachers have not been given a chance to do this. We are requesting time to form our own PPC. Classroom teachers are more than capable of creating their own PPC.

Thank you,

Noe Aguilar

Mr. Noe Aguilar
Teacher
Fort Smith Public Schools

To Whom It May Concern,

I am writing this letter in opposition to Fort Smith Public School's waiver request in regards to the PPC committee. According to Arkansas law, the PPC committee "shall be elected by a majority of the classroom teachers voting by secret ballot." I believe that FSPS does not need a waiver to form the PPC. Teachers are educated professionals who are capable of choosing their own representation separate from the administration in order to maintain a fair representation. I oppose the Fort Smith Public Schools' waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

Benjamin Simmons

Teacher, Northside High School

bsimmons@fortsmithschools.org

To members of the ADE:

I respectfully write this letter to show my support of the PPC being organized later than the first quarter of the school year A.C.A. § 6-17-205(a)(1). However, I am against Fort Smith Public Schools waiver for A.C.A. § 6-17-203. The law specifically states in A.C.A § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." I am not supportive of the members of the PPC being selected by administrators. I feel since we want to be sure to comply with the law of having the majority of our teachers represented in negotiations, then those representatives should be chosen by all of the district teachers. With technology this nomination and voting process could be accomplished within a week's time period.

Thank you for your time and consideration,

Sherry Lindenau

Sherry Lindenau
Fort Smith Public School Teacher

December 11, 2018

To the Arkansas Department of Education:

I oppose Fort Smith Public Schools waiver for A.C.A. § 6-17-203. The law specifically states in A.C.A § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." Why does Fort Smith administrators need a waiver for this law? It specifically states the teachers are allowed to conduct the elections. That language is there for a reason. Independence from administration in the election process is not just a suggestion; it is the fundamental motivation for the law.

Classroom teachers are professional, college educated people and are more than capable of conducting their own elections and forming their own PPC. This administration is overstepping its authority by attempting to include in its waiver their part in formation of a PPC. For these reasons, I respectfully oppose the Fort Smith Public School's waiver request except for A.C.A. § 6-17-205(a)(1) to allow the PPC to be organized after the first quarter of each school year.

Sincerely,

Debra Cole

Debra Cole
Special Education Teacher

December 11, 2018

To the Arkansas Department of Education:

I oppose Fort Smith Public Schools waiver for A.C.A. § 6-17-203. The law specifically states in A.C.A § 6-17-203(b) that the PPC "shall be elected by a majority of the classroom teachers voting by secret ballot" and "the election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers." Why does Fort Smith administrators need a waiver for this law? It specifically states the teachers are allowed to conduct the elections. That language is there for a reason. Independence from administration in the election process is not just a suggestion; it is the fundamental motivation for the law.

Sincerely,

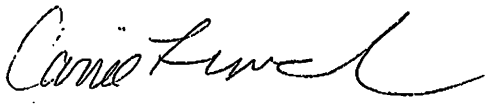
Mark Crane
Special Education Teacher

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,



Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Lara McLaughlin

December 7, 2018

1218 N. 58th Terrace

Fort Smith, AR 72904

To Whom It May Concern:

I fully support a rejection of the proposed waiver that would essentially allow the Fort Smith Public Schools Administration to exercise much more direct control over teachers.

This proposed change would be facilitated by the waiver's affording a Personnel Policy Committee with an enhanced administrative perspective, via such things as control of elections, voting, and the running of the committee itself.

The current law states that teachers, not administrators, are to have the role of running such a committee.

I also personally trust these fully qualified professionals to be more than capable of forming and running such a committee on their own.

As to why I favor this action of rejection, it is partly on a personal note...when my husband and I first moved here, I was truly impressed by the advertising about the Fort Smith Public Schools and the inclusive message that was presented. This kind of positive image, a balanced one, I felt was to the credit of the district.

I subsequently tutored after school through a private company's program at one of the grade schools and again was impressed with the children, their families, the teachers, and the staff. I have become friends with several teachers and retired teachers—all of whom seem very much dedicated to the calling of teaching.

Fort Smith can be proud of its public schools and its teachers, who demonstrate caring and offer skills each day for all the children among us.

By rejecting this waiver, we can demonstrate our confidence in and gratitude to those same young students and to those who guide them through teaching.

Thank you in advance for your consideration of taking the wise step of rejecting the waiver.

Sincerely yours,

Sue Ann Hamiter Frizzell

Sue Ann Hamiter Frizzell, AB, MS

Tuesday, December 11, 2018

Arkansas Department of Education
4 Capitol Mall, #26
Little Rock, Arkansas 72201

TO WHOM IT MAY CONCERN:

I am writing in opposition of the waiver filed by the Fort Smith Public Schools regarding initial implementation of the PPC, specifically Ark. Code Ann. §6-17-203 and §6-17-205. The district has done nothing to gauge community nor employee opinions on the waivers, nor have they done anything to education anyone regarding the implications of the waivers.

Ark. Code Ann. §6-17-03 lays out the broad guidelines for forming a PPC. The words are "solely and exclusively by the teachers." No administration.....no school board.....no organization.....just teachers.

Ark. Code Ann. §6-17-205 gives the specific guidelines a district's teachers must follow when forming and running a PPC. Part (a) (1) states the PPC must be set up in the first quarter of the school year. That is the only part of 6-17-205 that we need a waiver for to be in compliance with the law in the time frame that we are now working with.

There is not a need to override all the parts under teacher control for the elections set-up and initial implementation of the PPC. There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a two-year waiver.

Fort Smith Public School teachers are highly educated and well-trained. We are capable and willing to work together as professionals to set up the PPC in the way that the law requires. We have full faith in the abilities of our teachers to do this.

We have presented a plan, not in an effort to run a PPC, but as a way to get one started. We are a group of teachers asking the Arkansas Department of Education to deny the waiver as written, and allow district teachers to set up the PPC as Arkansas law stipulates.

Sincerely,

Vicki Chamlee
Fort Smith Public Schools
Indian Education Tutor

The Fort Smith Public School district is asking the State Board of Education for waivers on the following 2 statutes: Ark. Code Ann. § 6-17-203 and § 6-17-205.

Ark. Code Ann. § 6-17-203 lays out the broad guidelines for forming a PPC. The words are "solely and exclusively by the teachers". No admin.¿ No school board.¿ No organization.¿ Just teachers.

Ark. Code Ann. § 6-17-205 gives the specific guidelines a district's teachers must follow when forming and running a PPC. Part (a) (1) is where it states the PPC must be set up in the first quarter.

Yes, we need that part of 6-17-205 in order to be in compliance with the law in the time frame. But why ask to override all the parts under teacher control for the elections setup, and initial implementation of the PPC?

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2 year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

We have full faith in the abilities of our teachers to do this.¿ We presented a plan,¿ not in an effort to run a PPC,¿ but as a way to get one started.¿ We are a group of teachers looking to implement the law as required and we support all teachers doing the same.

Sincerely

Madeline Marquette
7818 Valley Forge
Fort Smith, AR 72903

Arkansas Department of Education
December 9, 2018

This letter is concerning the Fort Smith Public Schools asking the State Board of Education for waivers on two statutes. The teachers of FSPS have proven themselves to be capable of making sound decisions about many issues.

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, especially a two year waiver.Teachers are willing and capable of working together to set this up the way the law requires.

We have full faith in the abilities of teachers to do this. A plan has been presented of a way to get the PPC started. We are teachers looking to do, this correctly and support all teachers.

Madeline Marquette

Madeline Marquette
Retired Teacher
Lifetime member of the Arkansas Education Association

Virginia Kennedy
8700 S. 30th Terrace
Fort Smith, Arkansas 72903

Arkansas Department of Education
December 10th 2018

This letter is concerning the FSPS asking the State Board of Education for Waivers on two statutes. The teachers of FSPS have proven themselves to be capable of making sound decisions about many issues. I know this because I have taught in the FSPS for 36 years. I was a member of the FSCTA (FSEA) for all of those years. We made many sound decisions together like helping to provide planning periods and duty free lunches for all teachers.

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, especially a two year waiver. As I said previously, Fort Smith teachers are willing and capable of working together to set up the Personnel Policy Committee in the way the law requires.

I have full faith in the abilities of Fort Smith teachers to do this. A plan has been presented to get the PPC started. I believe teachers are looking to help do this correctly and will support all teachers. All FSPS teachers have benefitted from all of our working together in the past.

Virginia L. Kennedy

Virginia L. Kennedy
Retired Fort Smith Teacher
Retired FSCTA(FSEA) Secretary
Lifetime Member of the Arkansas Education Association
Lifetime Member of the National Education Association

December 11, 2018

Dear Arkansas Department of Education,

I am writing to you to say that there is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2 year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State Board to vote no on the waiver.

Sincerely,

Jeff Hannan

Jeff Hannan

Fort Smith, AR

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

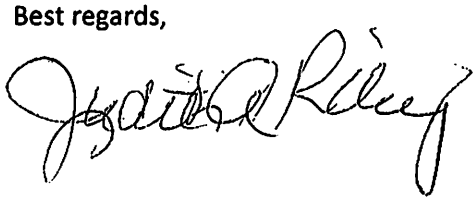
Budgt Boggs

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,



Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Jade Martinez

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Jill Gilbenmorger

To Whom It May Concern, Dec. 12, 2018

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2 year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State Board to vote no on the waiver.

Thank You
for your time,

Gina King

December 8, 2018

Dear Sir or Madam,

Recently changes have been made in the Fort Smith Public School District regarding policy negotiating. The need for developing a PPC representing classroom teachers has become essential. For that reason, I am writing in support of the waiver request for A.C.A. 6-17-205 (a)(1) to allow the organization of the PPC after the first quarter of the school year.

By law, the PPC representing classroom teachers should be organized by the teachers themselves without the intervention of other parties. The classroom teachers should be allowed to form their own PPC. The classroom teachers in the Fort Smith Public School District are very able to elect representatives in accordance with A.C.A. 6-17-203(b). As such, there is not a need for a waiver regarding A.C.A. 6-17-203.

Respectfully,

Gia Bethel

Gia Bethel, M.Ed., NBCT

Ramsey Junior High

Fort Smith Public Schools

12-12-18

I am totally
Against a Waiver,

I trust Fort Smith
Teacher. Please Let
them Form their
on PPC —
Vote Against the
Waiver.
Trust Our Teacher
Thank you

Charlotte Collins

December 12, 2018

Graciously, we come to the Arkansas Department of Education

The FSPS teachers respect the PPC laws and is firmly against any waiver that take it out of the teacher's control. We are educators and very capable of conducting this job adequately

The district determine this on their own, no input from classroom teacher, the degree to which this has been magnified is horrendous, our FSEA president is here appealing and seeking for assistance, asking the Arkansas Department to vote against this waiver.

The district has not done anything to ask us our opinion of gauge the community nor the employee of the school district on the waiver, we have not been educated on anything.

That is the reason we are asking the department to allow election and let us formed our own PPC please do not take this out of the hands of the staff.

Regina Arnold

Thank you,

I am a business owner, I attended Fort Smith schools, and I have lived here all my life, the FSEA is very active here, they are involved with the Clearing house, they do many things in the community, before school begin they did the face-painting, we have no complains here, they are not controversial, have'nt had no conflicts. They are quite capable of forming their own PPC, please vote again this so call waiver, they have been here doing quite well for decades, why rock the boat, vote against this waiver.

C R

Corkey Rivers,

River valley business owner,

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Julie Keith

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Lindsey King

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Teresa Terry

Arkansas Department of Education

There is no need for a waiver on 6-17-203 nor on most of 6-17-205, and there is certainly no need for a 2-year waiver. Teachers are fully capable of working together as professionals and setting this up the way the law requires.

I have full faith in the abilities of our teachers to do this as the law provides and I am asking the State board to vote no on the waiver.

Best regards,

Valerie Repass

BYARS & HALL
ATTORNEYSATLAW

Joe D. Byars, Jr.*
jbyars@bhhfirm.com
*Also Licensed in Texas

401 Lexington Avenue
Fort Smith, Arkansas 72901
Phone 479-494-1800
Fax 479-783-0694

Brent A. Hall
bhall@bhhfirm.com

December 10, 2018

Arkansas Board of Education
Four Capitol Mall
Little Rock, AR 72201

Re:

Dear Sir/Madam:

I am writing on behalf of Carla Byars, a classroom teacher with the Fort Smith Public School District, in opposition to the waiver request submitted by the Administration of the Fort Smith Public Schools (the "District").

The District has determined that it can no longer negotiate with the Fort Smith Education Association (the "FSEA", f/k/a Fort Smith Classroom Teachers Association), due to the fact that the Association does not currently hold the *membership* of a majority of the classroom teachers. While the District may be correct in terms of the membership numbers within the FSEA, it appears little or no consideration has been given to the actual manner in which the FSEA continues to solicit participation among all classroom teachers, regardless of membership. Nevertheless, while the reason for the decision technically appears valid based upon this fact, the actions of the administration in moving towards a Personnel Policies Committee or "PPC" indicate a motive of questionable good faith, to the concern by many teachers of possibility of an intent to manipulate and override the protections afforded classroom teachers through the existing, balanced personnel policies, and the Arkansas Statutes for which a waiver is being requested by the District.

The first indication of questionable motive on the part of the District arises from the failure to comply with the notice requirement in the original consultation agreement between the Fort Smith Board of Education and FSEA, before taking the Board vote to terminate the negotiating contract. The Agreement provided, in part, as follows:

> "This agreement is made and entered into this 23rd day of March for a period of not less than one year and will continue to be in full force after that date until terminated by the Board or amended by the procedures outlined below. ...Any party desiring changes in this agreement ***will notify the other parties in writing at least thirty days prior to March 23*** of any year.

The 30 day notice was not provided to the FSEA. In fact, the vote to terminate was not even placed upon the public agenda of the Board prior to taking action to terminate the agreement.

In any event, now that the need to establish a PPC is apparently required, the District's request for a waiver of Arkansas Code §6-17-203 is ***highly*** suspect and does not appear to be based on any well-reasoned need. Of course, A.C.A. §6-17-203 is a statute which requires the personnel policies committee to consist of "no fewer than five (5) classroom teachers and no more than three (3) administrators." In addition, A.C.A. §6-17-203 mandates the manner in which the minimum of 5 classroom teachers may be selected – by vote of "a majority of the classroom teachers voting by secret ballot," in an election "solely and exclusively conducted by the classroom teachers." The ratio of teachers to administration and the manner of selection of the representative teachers is a very important component of the statute, with obvious reasons recognized by our legislature.

Why would a waiver of A.C.A. §6-17-203 be necessary to establish the PPC? The rationale stated on the District Waiver Request Form submitted by the District through Superintendent Doug Brubaker simply does not address the reason for waiving A.C.A. Section 6-17-203, other than to state that the waiver "would give the ***District*** the flexibility to move immediately to create a broad based, fully representative committee of certified staff with representation from each of its 27 school buildings." This reason does not make sense when the content of the statute is truly considered.

If the Administrator's request for "waiver" of §6-17-203 is granted, then there would be no statutory guidance for the representative composition of the PPC (with the minimum number of teachers on the committee and the limited number of administrators). In addition, there would be no statutory mandate as to the manner of selecting the teachers able to sit on the committee. In other words, the waiver request, if granted, appears to **remove** the minimum required representation of teachers on the personnel policies committee from control of the classroom teachers, as opposed to stated reason of increasing certified staff representation. Again, **why** is such a waiver necessary? Unless the District can articulate and prove a legitimate need for a waiver, the waiver request should be denied, since the request appears to be **arbitrary**. There is a heightened concern among the Fort Smith Public School teachers that the administration simply desires to remove any "control" or ability of the teachers to have a representative voice.

The reason given by the administration in essence – to make sure classroom teachers **"are** represented" is not consistent with its actions. Usually, when a party says one thing, and does another, there are future plans not placed on the table. Any request to "waive" state law should be viewed with a skeptical eye, and only where a good faith and **compelling** reason exists for a waiver should it ever be granted. These concepts have been recognized by the State Board of Education in describing the "Optional Considerations to Address" in the waiver request form. For example, the State Board has suggested that any waiver request be accompanied by **"specific plans** to implement the waivers", with a description of the changes to take place, and the length of time for which the waivers are requested, in addition to a discussion of the "transparency of the process and methods used for garnering support for the waivers", with evidence of the methods, times and places of notifying and including all "stakeholders" (teachers, students and staff) of its plans. We respectfully submit that these considerations have not been adequately addressed by the District in advance of requesting the waivers.

The District has also indicated that a waiver of the timing requirements under A.C.A. §6-17-205 is necessary in order to form a PPC sooner than later. Why is a PPC needed sooner than later? The current personnel policies governing the Fort Smith Public School personnel have been developed over many years of good-faith negotiations and have generally served the district well.

Does the current administration desire to change certain policies sooner than later? Which policies? Why are the changes needed sooner than next fall? What is the specific plan for establishing the PPC? These, and other disclosures by the District should be made in connection with its request for waiver form.

In sort, there is no legitimate need or reason to allow for a waiver of state law which is clearly in place for the purpose of maintaining a fair balance between teachers and administration in forming the personnel policies. The requests for waiver should be denied as it is currently described.

I would respectfully submit that if the District would provide greater specificity in its plan for the implementation, or its plan for assistance in the implementation (if any) of establishing a PPC ***in accordance with A.C.A §6-17-203***, then the classroom teachers such as Mrs. Byars would have greater confidence that they will be represented in a manner consistent with the law. While the FSEA might not have the requisite membership to be legally recognized as the negotiating body, the FSEA has proven that it makes all reasonable efforts to include all Fort Smith Classroom teachers in its negotiations. The FSEA appears to be currently equipped to immediately implement the selection process for a establishing or assisting in the establishment of a Personnel Policy Committee in compliance with State law. It seems there is ample room for a more cooperative and transparent effort as opposed to by-passing cooperation and input on this process from the classroom teachers.

If the State Board is inclined to grant the waiver request, it should only do so with express conditions and time frames, to maintain the basic requirements of A.C.A §6-17-203. Without such conditions, the waiver requests, as currently stated, should be denied.

Sincerely,

Joe D. Byars, Jr.

JDB:mj
cc: Doug Brubaker, Superintendent
Fort Smith Education Association
ASTA