

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

March 8, 2018

*Sharon Hill Court Reporting
4021 Robinwood Cr.
Bryant, AR 72022
(501) 680-0888*

Original File BOE - 3-8-18.prn

Min-U-Script® with Word Index

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

March 8, 2018
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

Mr. Johnny Key	Commissioner/Non-Voting
Dr. Jay Barth	Chairman
Mr. Joe Black	Vice Chairman
Ms. Mireya Reith	Board Member
Ms. Diane Zook	Board Member
Ms. Charisse Dean	Board Member
Ms. Susan Chambers	Board Member
Mr. R. Brett Williamson	Board Member
Ms. Ouida Newton	Board Member
Dr. Fitzgerald Hill	Board Member
Ms. Courtney Cochran	Teacher of the Year/ Non-Voting Member

ADE LEGAL COUNSEL:

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

ALSO PRESENT:

Ms. Kelicia Hollis	ADE Administrative Analyst
--------------------	----------------------------

LOCATION:

Arkansas Department of Environmental Quality
- Auditorium
5301 Northshore Drive
North Little Rock, AR 72118

I N D E X

	Page
A-1: Teaching License Revocation/V. Jackson	4
A-2: JNP District and Wilbur Mills Co-op Petition re: Area Boundaries	10
A-3: Act 1240 Waivers	
Procedures	13
(a) Hermitage School District	14
(d) Mountain Pine School District	18
A-4: CAP Decision Consideration	
(a) LISA Academy	21
(b) Rockbridge Montessori	22
A-5: School Choice Exemption Appeals	
Procedures	34
(a) Camden-Fairview	38
(b) Hope	77
(c) Lafayette County	108
(d) Junction City	123
B-1: 2018 APPEL Handbook Addendum	138
B-2: ADE Rules Governing Dyslexia	141
B-3: ADE Rules Governing Arkansas Fiscal Assessment and Accountability Program	145
Adjournment	147
Court Reporter's Certificate	149

E X H I B I T S

A-1: TEACHING LICENSE - VICTOR M. JACKSON

EXHIBIT ONE (1)
PLSB File

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

CHAIRMAN BARTH: On our first action agenda item I believe we -- this is -- we're relying upon paper on this one, so I think we can go ahead and move forward on this one. And we will take a break if the wireless is not fixed by the time we get to the next action item.

And so I want to welcome Ms. Blagg for the first time before us, and we appreciate your being here and look forward to working with you.

MS. BLAGG: Thank you. If you guys have any suggestions, please let me know, well, at the end of this and we'll kind of work through that too.

CHAIRMAN BARTH: Great.

MS. BLAGG: Good morning. My name is Simone Blagg. I'm the attorney for Educator Effectiveness and Licensure. Our purpose today, I'm here to -- for you to consider revocation of the teaching license of Victor M. Jackson. This hearing was requested by Mr. Victor Jackson, an educator who pled guilty to a disqualifying offense while holding a lifetime teaching license.

At this time I ask that if Mr. Jackson is present that he step forward.

(COURT REPORTER'S NOTE: No one stepped

1 forward.)

2 MS. BLAGG: I would like to let the Board know
3 that I did receive a phone call from Mr. Jackson
4 about 9:00 this morning, saying that he thought it
5 was at 10:30. But we've had several notifications
6 and left voicemails saying that it is at 10:00. So,
7 however you guys would like to proceed -- if you'd
8 like to move forward now we can or if you'd like to
9 --

10 CHAIRMAN BARTH: I think -- so there is a sense
11 he is on his way?

12 MS. BLAGG: I can't speak to that; I don't feel
13 comfortable with saying yes or no. Just it was a
14 very ambiguous conversation.

15 CHAIRMAN BARTH: Okay. Okay. Well, I tell you
16 what, why don't -- since we are having wireless
17 issues, why don't we go ahead and take a break
18 because we can't really move on without getting our
19 wireless remedied. So let's go ahead and take a
20 break. If he is -- we'll pick up with this item when
21 we come back from that break and that will give him a
22 few more minutes to arrive.

23 MS. BLAGG: Thank you, sir.

24 CHAIRMAN BARTH: Sound good? Okay.

25 MS. BLAGG: Thank you.

1 CHAIRMAN BARTH: So let's take a -- let's plan
2 on about a 10-minute break but we'll see -- we hope
3 we can be there in 10 minutes.

4 (BREAK: 10:30 - 10:40 A.M.)

5 CHAIRMAN BARTH: All right. Thanks, everyone,
6 and we apologize for our delay. We are now proving
7 how dependent we are on technology. We now have
8 coverage.

9 COMMISSIONER KEY: Mic.

10 CHAIRMAN BARTH: Oh, mic. All right. Sorry,
11 apologize; even more technology that we are dependent
12 upon. All right. We are back.

13 Ms. Blagg, any --

14 MS. BLAGG: We haven't heard from him, and as
15 far as I know he hasn't arrived.

16 Mr. Jackson, are you present?

17 (BRIEF MOMENT OF SILENCE)

18 CHAIRMAN BARTH: Okay.

19 MS. BLAGG: Would you like me to proceed?

20 CHAIRMAN BARTH: Yes, if that's the will of the
21 Board.

22 MR. WILLIAMSON: Yes.

23 (Court Reporter's Note: Several board members
24 nodded their head up and down.)

25 CHAIRMAN BARTH: Yes.

1 MS. BLAGG: Okay. Mr. Jackson is not here to
2 contest. So if you would like, I will quickly
3 address the underlying basis for the recommendation
4 of revocation.

5 CHAIRMAN BARTH: And I will note that we do have
6 a packet in front of us.

7 MS. BLAGG: Yes.

8 CHAIRMAN BARTH: Great.

9 MS. BLAGG: Thank you. You have a packet of
10 exhibits beside you. You have exhibits; they're
11 labeled One (1) through Seven (7). If you'll go to
12 the bottom-hand -- bottom right-hand corner, they are
13 labeled by -- with exhibit number and page number.

14 (WHEREUPON, ADE Exhibits One (1) through Eight
15 (8) were entered into evidence.)

16 MS. BLAGG: I do tend to talk fast when I'm
17 nervous, so please just feel free just to let me
18 know.

19 So Mr. Jackson is a licensed educator. He holds
20 a lifetime teaching license. If you look to ADE
21 Exhibit One (1), you'll turn the page and you'll see
22 that. However, Arkansas law provides that the State
23 Board of Education shall revoke the license of any
24 person who has pled guilty to or been found guilty of
25 the enumerated offenses listed in Arkansas Code

1 Sections 6-17-410 and 6-17-411. This is marked as
2 ADE Exhibit Seven (7).

3 Mr. Jackson pled guilty to an enumerated
4 disqualifying offense on November 9, 2017. A file-
5 marked Plea Statement is marked at -- as marked -- is
6 marked as ADE Exhibit Two (2). If you'll look there,
7 you'll see that his name is listed as the Defendant
8 and on the second page of that document you'll see
9 his signature.

10 The Department notified Mr. Jackson of the
11 disqualification on January 3, 2018. Notification is
12 found at ADE Exhibit Three (3).

13 On February 5, 2018, Mr. Jackson requested a
14 hearing, as evidenced at ADE Exhibit Four (4).

15 The Department has information from public
16 records that Mr. Jackson was charged with a
17 disqualifying offense on June 8, 2017. The charging
18 information and Probable Cause Affidavit are marked
19 as ADE Exhibit Five (5). If you'd like to turn to
20 page 3 of that document, you'll -- I'd like you to
21 take a moment to read that, the situation that
22 occurred.

23 (A FEW MOMENTS OF SILENCE)

24 MS. BLAGG: Please note that this crime was
25 committed less than one year ago and he was arrested

1 on school grounds. Mr. Jackson was found guilty and
2 sentenced by the court of Possession of a Controlled
3 Substance, a Class "C" felony, on November 9, 2017.
4 The Sentencing Order was filed on December 27th, and
5 this is marked as ADE Exhibit Six (6). On page 4 of
6 that document you'll see that Mr. Jackson was
7 sentenced to five years of probation. I'm sorry;
8 that's on page 1 of that document.

9 I would like to note that Mr. Jackson has not
10 provided any additional information or evidence, such
11 as employment or character references, to demonstrate
12 that he does not pose a threat to the health or
13 safety of school children or school personnel.

14 And for these reasons, we -- the Department
15 recommends revocation of his license.

16 That concludes our presentation. Are there are
17 any questions?

18 CHAIRMAN BARTH: Thank you very much.

19 I'll start over here with Ms. Newton; any
20 questions? Mr. Williamson? Mr. Black? Ms. Zook?

21 MS. ZOOK: Is he currently employed?

22 MS. BLAGG: As far as we know, no.

23 MS. ZOOK: Okay. Thank you.

24 CHAIRMAN BARTH: All right. Ms. Dean? Ms.
25 Reith?

1 Okay. You've heard the presentation. And thank
2 you very much, Ms. Blagg, for your presentation. I
3 will entertain a motion.

4 And the proper motion would be to either accept
5 the request for waiver or deny the request for
6 waiver; correct?

7 MS. BLAGG: Yes, sir.

8 CHAIRMAN BARTH: Okay.

9 MS. CHAMBERS: I move that we deny the request
10 for waiver.

11 MS. DEAN: Second.

12 CHAIRMAN BARTH: Motion by Ms. Chambers, second
13 by Ms. Dean.

14 Any further discussion?

15 All those in favor say "aye."

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRMAN BARTH: Opposed, same sign.

18 All right. Thank you very much.

19 MS. BLAGG: Thank you.

20 CHAIRMAN BARTH: Great.

21 A-2: CONSIDERATION OF JACKSONVILLE NORTH PULASKI SCHOOL
22 DISTRICT AND WILBUR D. MILLS EDUCATION SERVICE COOPERATIVE
23 PETITION FOR THE ALTERATION OF COOPERATIVE AREA BOUNDARIES

24 CHAIRMAN BARTH: Okay. We are now on to our
25 second action agenda item, and this is consideration

1 of Jacksonville North Pulaski School District's
2 petition for alteration of the cooperative area
3 boundaries. And Mr. Duffie is here to talk about co-
4 op boundaries. Thank you.

5 MR. DUFFIE: Good morning. Bryan Duffie,
6 superintendent of Jacksonville North Pulaski Schools.
7 Also Mr. Williams is here, co-op director for Wilbur
8 Mills.

9 CHAIRMAN BARTH: Great.

10 MR. DUFFIE: Jacksonville North Pulaski would
11 like to be a member of the Wilbur Mills Co-op. This
12 request would facilitate the alteration of boundaries
13 as required by law, and we just ask consideration of
14 that request.

15 CHAIRMAN BARTH: Okay.

16 MR. DUFFIE: We would benefit from services from
17 the co-op for our staff and our students.

18 CHAIRMAN BARTH: All right. I'll start with --
19 over here with Ms. Reith; any questions? Ms. Zook?

20 MS. ZOOK: One of the recommendations that has
21 come to us before is that the Pulaski County either
22 access current or have involvement with a co-op. So
23 I'm pleased to see Jacksonville and North Little Rock
24 leading that.

25 MR. DUFFIE: Appreciate it.

1 CHAIRMAN BARTH: So Ms. Zook hits my -- it's
2 just -- since my comment relates to hers, I'll pick
3 up. It's both my appreciation for this request but
4 it's also my worry about this request in some ways in
5 that I think that we have also said that in an ideal
6 world the four districts and the charter schools that
7 are in Pulaski County would be working together
8 collaboratively, that that might produce the most
9 benefit. Now I understand wholly why your district
10 wants this now in the short-run. I just do want to
11 kind of raise that flag that -- I hope that nothing
12 that's happening today is going to get in the way of
13 some later true collaboration within --

14 MR. DUFFIE: No, sir.

15 CHAIRMAN BARTH: -- the county.

16 MR. DUFFIE: No, there is not. And we've had
17 discussions about various partnerships with our four
18 districts on various projects we could do in the
19 future.

20 CHAIRMAN BARTH: Okay. Thank you.

21 Ms. Zook, anything else?

22 MS. ZOOK: No.

23 CHAIRMAN BARTH: Okay. Mr. Black?

24 Okay. All right. Okay. Then if there are no
25 other questions I would entertain a motion on this

1 action item.

2 MS. ZOOK: I move that Jacksonville be allowed
3 to join the Wilbur Mills Co-op.

4 MR. WILLIAMSON: Second.

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

7 All those in favor say "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRMAN BARTH: Opposed, same sign.
10 Great. Great. Congratulations.

11 MR. DUFFIE: Thank you.

12 CHAIRMAN BARTH: Thank you. And thanks for
13 being conscious of how you can better serve your
14 students and faculty and staff.

15 MR. DUFFIE: Thank you. Appreciate it.

16 COMMISSIONER KEY: May I clarify -- Ms. Zook,
17 did your motion also include changing the boundaries?

18 MS. ZOOK: Yes.

19 COMMISSIONER KEY: Okay. Thank you.

20 CHAIRMAN BARTH: Great.

21 A-3: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
22 CHARTERS

23 CHAIRMAN BARTH: Okay. Next item, we have a
24 couple of Act 1240 waivers and Ms. McLaughlin or Ms.
25 Boyd -- Ms. Boyd.

1 MS. BOYD: Thank you, Chairman Barth. Alexandra
2 Boyd, Director of Charter Schools. We have a
3 district waiver request -- I'll go over the
4 procedures first. Sorry.

5 CHAIRMAN BARTH: Great.

6 MS. BOYD: So with district waiver requests the
7 procedures have been to give the applicant 20 minutes
8 to present their case and then you all can go into
9 questions and answers, if there's no opposition --
10 which today I don't think we have any.

11 a) HERMITAGE SCHOOL DISTRICT

12 MS. BOYD: The first school we have -- the first
13 district we have up is the Hermitage School District.
14 This is a waiver request that you are quite familiar
15 with: it's the allowable first day of school. Prior,
16 Hermitage did not have a student at a open-enrollment
17 charter school, so that's why this request didn't
18 come with the others.

19 So from the Hermitage School District we have
20 Superintendent Tucker here to present their request.
21 And if you would swear in Ms. Tucker?

22 CHAIRMAN BARTH: Great. All right.

23 All right. Good to see you again, Dr. Tucker.

24 SUPT. TUCKER: Good to see you as well.

25 CHAIRMAN BARTH: If you would raise your right

1 hand. Do you swear or affirm that the testimony
2 you're about to give shall be the truth, the whole
3 truth and nothing but the truth?

4 SUPT. TUCKER: I do.

5 CHAIRMAN BARTH: Great. You can proceed and you
6 have up to 20 minutes.

7 SUPT. TUCKER: I promise you I won't take 20
8 minutes.

9 CHAIRMAN BARTH: All right.

10 SUPT. TUCKER: Good morning, Chairman Barth,
11 Commissioner Key, Members of the State Board. My
12 name is Tracy Tucker; I'm superintendent of the
13 Hermitage School District. And like Ms. Boyd said,
14 the schools in our co-op came to you previously
15 asking for a waiver for early start-date. At that
16 time we were not eligible for the waiver because we
17 did not have a student enrollment in the charter
18 school, virtual charter school, which we do now.

19 I'm going to give you two main reasons -- and
20 then I'm going to stop talking -- that this waiver
21 would greatly benefit us.

22 Number one, our school is partners with the
23 Hampton School District, the Woodlawn School
24 District, the Warren School District, and the Rison
25 Cleveland County School District in SEACBEC, a career

1 center that's based there in Warren. Our students
2 attend classes there, so this would allow us to make
3 our schedule match theirs so our students would be
4 able to not miss instruction while they are attending
5 classes at the career center there in Warren.

6 The second reason that I want to give you is
7 probably one that I'm sure you've not heard before,
8 and I'm quite serious with this. But the second
9 reason that I want to give you is simply tomatoes.
10 Our school district raises tomatoes. We are probably
11 known nationwide for our tomatoes. It's one of the
12 main industries in Bradley County. I have numerous
13 staff members, as well as numerous students who will
14 leave as soon as the school day is over in late May
15 and early June and hit the tomato fields. They work
16 picking, they work processing, they work
17 transporting, and being able to start our school year
18 earlier when tomatoes aren't in the fields would
19 allow us to dismiss school earlier when tomatoes are
20 in the field, thus allowing our staff and students to
21 work in that industry in our country.

22 So with that I'm going to stop. Of course,
23 questions I'll be happy to answer.

24 CHAIRMAN BARTH: All right. Great. And it
25 sounds like there is no opposition. I'll just ask

1 again if there's any opposition?

2 MS. BOYD: No.

3 CHAIRMAN BARTH: All right. Then I'll start --
4 Mr. Williamson, have any questions? Okay. Ms.
5 Newton?

6 MS. NEWTON: How long is this waiver for?

7 SUPT. TUCKER: We would request for five years.

8 MS. NEWTON: Five years.

9 SUPT. TUCKER: I think that's what the other
10 schools in our co-op got.

11 CHAIRMAN BARTH: Okay. I'll whip around here to
12 Ms. Reith? Ms. Dean? Ms. Zook?

13 All right. And just to clarify: I saw that the
14 student -- it sounds like there was a student who was
15 a fairly new admittee to the virtual -- the Arkansas
16 Connections?

17 SUPT. TUCKER: Correct.

18 CHAIRMAN BARTH: Is that student still attending
19 Arkansas Connections?

20 SUPT. TUCKER: Yes, sir, he is. He has siblings
21 that attend in our school district, but he is
22 attending that school.

23 CHAIRMAN BARTH: All right. Thank you.

24 Okay. Y'all understand the issue and I would
25 entertain a motion.

1 MR. WILLIAMSON: Mr. Chairman, being a huge fan
2 of Bradley County tomatoes, I move that we grant the
3 waiver.

4 CHAIRMAN BARTH: All right. Thank you, Mr.
5 Williamson.

6 MS. REITH: And I second it being a huge fan of
7 Dr. Tucker, as well.

8 CHAIRMAN BARTH: Yeah. Great. All right.
9 If no further discussion, then all those in
10 favor say "aye."

11 (UNANIMOUS CHORUS OF AYES)

12 CHAIRMAN BARTH: Opposed, same sign.
13 All right. Congratulations.

14 SUPT. TUCKER: Thank you.

15 CHAIRMAN BARTH: Good to see you again.

16 d) MOUNTAIN PINE SCHOOL DISTRICT

17 CHAIRMAN BARTH: Okay. And then our second Act
18 1240 waiver, having -- for -- just for folks who may
19 have come in, we are -- two of them were removed, but
20 there is a second one that will be heard, and that's
21 the Mountain Pine School District waiver request.

22 MS. BOYD: Thank you, Chairman Barth. Mountain
23 Pine School District is before you to request a
24 waiver under Act 1240. The request expires on May
25 11, 2018, and the request they have made is for three

1 years. Superintendent Applegate is here to present
2 you with the request.

3 CHAIRMAN BARTH: All right. Thank you, sir. If
4 you'll raise your right hand -- do you swear or
5 affirm that the testimony you're about to give shall
6 be the truth, the whole truth and nothing but the
7 truth?

8 SUPT. APPLGATE: I do.

9 CHAIRMAN BARTH: Thank you, sir. You have 20
10 minutes, up to 20 minutes.

11 SUPT. APPLGATE: Okay. I'm like her, I won't
12 need that long.

13 CHAIRMAN BARTH: Okay.

14 SUPT. APPLGATE: All right. I'm B.J.
15 Applegate; I'm the superintendent of Mountain Pine.
16 We're here requesting a waiver to not hire -- have to
17 hire a media specialist. Right now we are a school
18 of 544 students. Last year at this time we were at
19 499, so we're steadily growing this year, which is a
20 good thing. The problem we have, in the last two
21 months our elementary has grown 15 students, which
22 put us over the 300 number to hire another media
23 specialist. At this time we feel like it is not a
24 big deal for our students, there not being any
25 different with nine students over. We have a full-

1 time assistant at the high school, which works
2 directly under our media specialist; she does the
3 same thing as the media specialist would do. And we
4 feel like our students will be just as productive
5 with just an aid at the high school.

6 CHAIRMAN BARTH: Okay. All right. I'll start
7 with Ms. Dean; any questions? Ms. Reith? Okay. Ms.
8 Newton? Okay. Mr. Williamson?

9 SUPT. APPLGATE: You know, we're requesting at
10 least a three-year --

11 CHAIRMAN BARTH: Okay.

12 SUPT. APPLGATE: -- waiver. But if we can just
13 get by this year we would just -- that would be
14 great.

15 CHAIRMAN BARTH: You read my mind. The formal
16 request is for three years?

17 SUPT. APPLGATE: Yes, sir.

18 CHAIRMAN BARTH: Okay. Thank you.

19 Ms. Zook?

20 MS. ZOOK: Yes. What does your media specialist
21 think of the request?

22 SUPT. APPLGATE: We have spoken with her and
23 she's fine with it.

24 MS. ZOOK: And parents, teachers, you got --

25 SUPT. APPLGATE: Yes, ma'am.

1 MS. ZOOK: Your board is on-board?

2 SUPT. APPLGATE: Yes, ma'am. We had a board
3 meeting. They accepted the request to come up here
4 and ask for the waiver.

5 MS. ZOOK: Okay. Thanks.

6 Then I move that we grant the waiver.

7 MS. NEWTON: Second.

8 CHAIRMAN BARTH: Okay. We have a motion by Ms.
9 Zook, a second by Ms. Newton.

10 Further discussion?

11 All those in favor say "aye."

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN BARTH: Opposed, same sign.

14 Okay. Thank you, sir.

15 SUPT. APPLGATE: Thank y'all.

16 CHAIRMAN BARTH: Thanks for being here. Okay.

17 A-4: CONSIDERATION OF CHARTER AUTHORIZING PANEL'S DECISIONS -
18 SUMMARY INFORMATION

19 a) LISA ACADEMY - AMENDMENT REQUEST

20 CHAIRMAN BARTH: All right. We are now down to
21 Charter Authorizing Panel and, again, Ms. Boyd with
22 two of those.

23 MS. BOYD: Thank you, Chairman Barth. As a
24 reminder for your decision today, on 4(a) your
25 decision is to review or not review the decision that

1 the Panel made last month at its meeting.

2 And so the -- so last month the Panel met and
3 made a decision to approve an amendment request made
4 by Lisa Academy charter school. And if you have any
5 questions about that the representatives from the
6 charter are here. You also have information in front
7 of you. So again the decision you have before you
8 for this item is to review or not review.

9 CHAIRMAN BARTH: All right. Great. Thank you.

10 I'll start with Ms. Zook; do you have any
11 questions? Ms. Dean? Ms. Reith? Okay. Mr. Black?
12 Ms. Chambers? Mr. Williamson? Ms. Newton?

13 Okay. All right. The proper motion is to
14 review or to not review.

15 MS. CHAMBERS: I move to not review.

16 CHAIRMAN BARTH: Okay. Motion by Ms. Chambers
17 not to review the decision.

18 MS. DEAN: Second.

19 CHAIRMAN BARTH: And a second by Ms. Dean.

20 All those in favor say "aye."

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN BARTH: Opposed, same sign.

23 Okay. Thank you. And good to see our friends
24 from Lisa Academy. Thank you.

25 b) ROCKBRIDGE MONTESSORI SCHOOL - PROBATIONARY REPORT

1 CHAIRMAN BARTH: Our second item is an issue
2 we've dealt with recently. This is Rockbridge
3 Montessori Public Charter School. And, Ms. Boyd, if
4 you'll kind of catch us up on a lot of moving parts
5 here.

6 MS. BOYD: Definitely. So this item is a little
7 different. Traditionally, this would be something
8 that would appear on your consent agenda, but you all
9 asked for it to be on your action agenda. Last
10 month, the Charter Authorizing Panel got what I'm
11 calling the third-quarter report on Rockbridge
12 Montessori concerning its probationary status. It
13 was on special education, governance, finance, and
14 required reporting. For the most part, all reports
15 were positive or there was no report to be had in the
16 area.

17 So with special education things are moving in
18 the right way. They're almost completely finished
19 with correcting mistakes that were found last year.

20 With governance, their governing board is
21 growing and seeking out professional development.

22 With finance, they are running a tight budget
23 but they have a small school. But things are
24 remaining positive.

25 And then with required reporting we didn't have

1 any issues.

2 So with this being the last report that the
3 Panel will hear before the probation expires on April
4 19th, the Panel has requested for Rockbridge to
5 appear before them next week. At that time they'll
6 decide whether or not to take action on the charter.
7 So their decision essentially will be to extend the
8 probation, release the probation, or possibly revoke
9 the charter. Those are the options that are on the
10 table for next week.

11 CHAIRMAN BARTH: Okay. So, thank you for that
12 update.

13 Can you just -- one quick question: on the --
14 there was a reference in the materials to one item,
15 in particular, that they want to focus on next month?

16 MS. BOYD: Right. So there were a couple of
17 requests. One request was to specifically go over
18 what they're doing with their reading intervention.
19 The Montessori approach is a whole-language approach
20 and, you know, through Arkansas R.I.S.E. initiatives,
21 you know, we are -- the State is pushing phonemic
22 awareness. And Rockbridge is, with a lot of things,
23 working on bringing the Montessori approach and
24 meeting state standards. They're doing a lot of
25 things to try to meet both of those needs so that

1 they stick to their model and they're also meeting
2 state standards. So the Panel did request more
3 information about how that's actually taking place on
4 campus.

5 Another thing that the Panel wanted to hear was
6 if they are released from probation what continued
7 support are they going to get to make sure that they
8 stay off of probation.

9 Those were the two main things.

10 CHAIRMAN BARTH: All right. Thank you.

11 MS. BOYD: Uh-huh.

12 CHAIRMAN BARTH: Okay. All right. So we would
13 expect to see this item again next month after the
14 Charter -- the decision of the --

15 MS. BOYD: That's correct.

16 CHAIRMAN BARTH: -- of the Panel. Okay.

17 MS. BOYD: Yes. So you'll have a chance to
18 review or not review an action decision that the
19 Panel will make next week on Rockbridge.

20 Now also representatives from Rockbridge are
21 here today should you have questions.

22 CHAIRMAN BARTH: Okay. So the proper motion
23 today is to accept this report?

24 MS. BOYD: Yes.

25 CHAIRMAN BARTH: That's the proper motion.

1 Okay. I'll start with Ms. Newton; do you have
2 questions?

3 MS. NEWTON: I don't know that I have questions,
4 but I have concerns. You know, looking at some of
5 the achievement growth it's concerning; you know, I'm
6 concerned.

7 CHAIRMAN BARTH: Okay. All right.

8 Mr. Williamson? Okay. Mr. Black? Ms. Zook?

9 MS. ZOOK: Yeah. The question I have is maybe
10 for Ms. Boyd or Legal. Is it ever in the process of
11 -- the way the law is written is it proper for the
12 State Board to make a decision before the Charter
13 Panel makes a recommendation?

14 MS. BOYD: Right. So right now the way the law
15 and the regulations read is that the Charter
16 Authorizing Panel is the authorizer and makes the
17 authorizing decisions. And then you all sort of have
18 oversight over those decisions whether to review or
19 not to review. We have discussed ways to possibly
20 change that. Our rules are in draft; we're starting
21 to draft new rules now. So if you have comments
22 about those, about that process we'd love to hear it.

23 CHAIRMAN BARTH: So just help me out a little
24 bit because obviously, you know, I voice concerns and
25 we do appreciate your presence today. So next month

1 we're going to get a -- the Charter Authorizing Panel
2 will take an action; our question next month will be
3 to review or not review that action by the Charter
4 Authorizing Panel, whatever that decision is of the
5 Charter Authorizing Panel?

6 MS. BOYD: That's correct.

7 CHAIRMAN BARTH: Okay.

8 MS. BOYD: That's correct.

9 CHAIRMAN BARTH: Ms. Chambers?

10 MS. CHAMBERS: So what does accepting or
11 approving this report today do? Does it obligate us
12 in any way for next month?

13 CHAIRMAN BARTH: My understanding is this will
14 be on the agenda next month again with some opinion
15 -- action by the Charter Authorizing Panel to guide
16 that discussion. Is that correct?

17 MS. BOYD: That's correct. So the Panel is
18 going to -- the Panel will take action next week.
19 They didn't take action last month because there's a
20 time period where we have to give notice to the
21 charter that we'll take -- that the Panel will take
22 action. So they've received that notice that the
23 Panel is looking to taking action next week. Then
24 once they take that action, next month, in April,
25 you'll decide to review or not review that decision.

1 If you decide to review that decision, then they'll
2 appear again on your May agenda where you all will be
3 set with the responsibility of taking action.

4 MS. CHAMBERS: Okay. I just wanted to make sure
5 we weren't signaling something unintentionally.

6 CHAIRMAN BARTH: Yeah. I think this is just
7 accepting a report. I think that's a neutral action
8 today but also know that there will be continued
9 action. Some may be frustrated by that in terms of
10 kicking this issue further along; I'm seeing -- I'm
11 reading Ms. Newton's mind. But I think that it is a
12 neutral -- it would be a neutral statement, just
13 accepting a report today.

14 MS. ZOOK: I think the frustration that I have
15 is that should the recommendation be to terminate
16 then once again we have made a decision after the
17 lottery. And I do know that we have both traditional
18 and charter opportunities in that area, but I don't
19 know if they've already done their lottery and
20 already, you know, advertising -- you know, not that.
21 But, you know, my concern, among others, is that
22 there were children last year who went -- children
23 who were handicapped that went 72 school days without
24 an instructor working with them, someone who was
25 trained. And one thing that you have to do as a

1 school is if that happens offer compensatory
2 education. And as of the report that the Charter
3 Panel got last month, they had found out which
4 parents wanted it or not but they still have not done
5 it. And to me, you know, I love the fact that there
6 is a Montessori type opportunity for parents who
7 prefer Montessori but can't afford private school;
8 you know, I like that idea. But I just feel like
9 they have spent all of this time learning how to do
10 school. And I do recognize we have a new
11 administrator now; I do recognize they have a more
12 active board. But my concern are those periods of
13 time when in good faith parents have made this choice
14 but may or may not have been a good choice. They
15 also have, what, 100 open seats. So, you know, since
16 we can't take an action -- but I did feel that it was
17 important to let the people at Rockbridge know what
18 my concerns are and the kinds of things that I will
19 be wondering about once we do get a recommendation.

20 MS. BOYD: Okay. Just a point of clarification,
21 Rockbridge are at about -- they have already gone
22 through about two-thirds of that compensatory
23 education. So of the 72 they've completed 48.

24 MS. ZOOK: Thank you.

25 CHAIRMAN BARTH: Great. Okay. And did --

1 welcome back to -- I know these are not pleasant
2 interactions that we have, but we appreciate your
3 dedication to making this school work. If you would,
4 restate your name for the record --

5 SUPT. FELTON: Absolutely.

6 CHAIRMAN BARTH: -- and then if you want to make
7 a response that would be appropriate.

8 SUPT. FELTON: Okay. Will Felton,
9 superintendent of Rockbridge. I understand
10 everybody's concerns. When I took over I feel it --
11 we are very excited about all the things that are
12 happening and all the changes we've made. We have
13 seven students in compensatory ed. We've done 48
14 hours so far out of the 120 hours we need to make up.
15 They're all scheduled. The kids are coming. We're
16 doing it with certified teachers -- and, of course,
17 our certified special ed. teacher is in the mix of
18 that. So we are in the process of doing that. I
19 know it was -- it seemed like it was an extensive
20 period. And so we're making sure that they're
21 getting that, a big chunk of it, before the ACT
22 Aspire just to make sure they've got what they need.

23 On the test scores, the ESEA score was extremely
24 low. But when I started investigating that there
25 were about 40 kids that their scores weren't counted

1 because of test irregularities that those people were
2 actually deemed for. So I really feel like it wasn't
3 a true picture. And then on the NWEA test we had a
4 huge chunk of our kids already reach their year's
5 growth by the winter. So I believe that we're going
6 to see huge growth on the ACT Aspire.

7 Also the Montessori approach was whole-language
8 and I immediately saw that within the first two or
9 three weeks, which is why I brought on a teacher that
10 has a background in middle school and high school
11 English and also a background -- and a master's. And
12 we've already -- we started phonemic awareness in the
13 science of reading read off the bat, and we
14 eliminated whole-language really quickly and we're
15 already seeing ready growth. Some of the -- most of
16 the kids have moved up in their reading levels by two
17 or three grade levels. I've been in education for
18 quite a long time and I've been an administrator for
19 a while. So one of the things that I made sure I
20 knew before I became an administrator was
21 understanding curriculum and instruction. I spent a
22 long time in that. I was with e-STEM for five years
23 in that role as a curriculum instruction person. So
24 I wanted to make sure that I understood this role
25 before I took it on, because I knew that's what they

1 needed. And I feel excited about it because I really
2 think when those test scores come back these are
3 going to be amazing. Now are they all on grade
4 level? Probably not. But they will be very close.
5 And keep going, they're going to be. I feel
6 obligated to do that for these kids.

7 The other thing -- and I'm going to get a little
8 -- I'm sorry -- I've kind of gotten attached to them.
9 I'm sorry. So anyway, but another thing almost 92%
10 of our parents have signed to come back. We have not
11 had our lottery yet; it's on March 15th. We already
12 have 24 kids signed up for kindergarten. These are
13 mostly from parents sending the word out. We've not
14 really done a big kind of push yet because I was kind
15 of waiting to see what you guys decided. I didn't
16 want to do a big push and then -- you know what I
17 mean? I kind of feel like you do. But all my
18 teachers are coming back; they're very excited.
19 There was some concern, you know, in letting go of
20 some of the Montessori aspects they wouldn't come
21 back, but they are pumped. They want to go to these
22 summer trainings; they want to, you know, have a
23 teacher be a coach with them. They're excited. We
24 had, you know, River Valley Montessori close. We
25 have a parent night for those parents coming up.

1 They're excited. They've been to the school.
2 There's a lot of potential in this school. And
3 though you have to make a decision based on -- all
4 the decisions, I can't even imagine. I just wanted
5 to let you know there's a better picture here than
6 what you're seeing on this and there's more going on.
7 And I would invite any of y'all to come see. I mean
8 the struggle is real, I mean it's there, but we have
9 overcome so much. And the success is not just me;
10 the Arkansas Department of Ed. has been wonderful.
11 I've never felt alone or like a lone wolf out there.
12 And, of course, the APSRC too.

13 CHAIRMAN BARTH: Great. Thank you.

14 Ms. Dean, any questions or comments? Ms. Reith?

15 Okay. Any further questions or comments?

16 Okay. We appreciate you being here. I think we
17 will see you again.

18 SUPT. FELTON: Yes.

19 CHAIRMAN BARTH: Probably quite soon, based on
20 the comments today, and we look forward to further
21 conversations.

22 MS. BOYD: I would just like to say one more
23 thing. I understand frustrations about timing. I
24 will say that the quarterly reports were put in, that
25 if something was going terribly wrong I think the

1 school would've been called in at an earlier date for
2 the Panel to take action on them.

3 CHAIRMAN BARTH: Thank you, Ms. Boyd.

4 MS. BOYD: Thank you.

5 MS. ZOOK: And I will say that he sounds better
6 than he looks on paper. So, looking forward to the
7 Charter Panel.

8 CHAIRMAN BARTH: All right. I would invite a
9 motion to accept this report.

10 MS. REITH: So moved.

11 MS. DEAN: Second.

12 CHAIRMAN BARTH: All right. Motion by Ms.
13 Reith, second by Ms. Dean.

14 All those in favor say "aye."

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRMAN BARTH: Opposed, same sign.

17 Okay. Thank you, Ms. Boyd, for helping us
18 through that issue.

19 MS. BOYD: Thank you.

20 CHAIRMAN BARTH: Okay. All right. Everybody
21 good?

22 A-5: PUBLIC SCHOOL CHOICE EXEMPTION APPEALS

23 CHAIRMAN BARTH: Okay. All right. We are now
24 moving to an issue -- obviously the broad issue we
25 have dealt with before, but a very different

1 incarnation of the issue of public school choice
2 exemption. And because we are changing course here I
3 thought it was important for Ms. Hyatt to really talk
4 us through how we got to this point overall and then
5 we'll drill down to the specific cases with which
6 we're dealing today.

7 MS. HYATT: Thank you. Mary Claire Hyatt from
8 the Department. So just as Dr. Barth mentioned, I
9 was just going to go over briefly kind of the
10 procedure, how we got here today, so that you
11 understand the questions that are before you. And
12 then if I may discuss the actual procedure that we'll
13 go through in each of the four school choice
14 exemption appeals.

15 So in 2017, the Public School Choice Act of 2015
16 was amended. And so just so you know kind of where
17 we are, by January 1st of each year any school
18 district that claims a conflict with the Public
19 School Choice Act must submit proof to the Department
20 of Education. That proof has to include
21 documentation that the desegregation order or court
22 approved desegregation plan is active and
23 enforceable, and must also show the specific language
24 that the district believes limits its participation
25 in school choice. Within 30 days of that submission

1 the Department reviews it and then must notify the
2 district whether or not it must participate in school
3 choice. If the Department does not provide a full
4 exemption, then the school district is required to
5 participate in school choice.

6 In each of the four cases that you'll hear
7 today, the district -- I mean the district -- the
8 Department either denies the exemption in full or
9 denies the exemption in part in the case of Camden-
10 Fairview. And since the request was made pursuant to
11 the School Choice Act that the State Board of
12 Education review the decision of the Department upon
13 petition by the affected school district. You have
14 the ability to affirm or reverse the decision of the
15 Department under the rules.

16 And then, I would like to go over procedure, if
17 that's okay.

18 CHAIRMAN BARTH: Quick question: you said affirm
19 or reverse. Amend or not?

20 MS. HYATT: That's not contemplated in the law.

21 CHAIRMAN BARTH: Because there is one of these
22 that is a partial --

23 MS. HYATT: Yes.

24 CHAIRMAN BARTH: -- and I just wanted to be
25 clear on that before we got to that point.

1 MS. HYATT: So what the law says is that it may
2 affirm or reverse the decision. I think if you want
3 to amend -- and I will defer to Lori on this too.
4 But if you want to amend it, it could be reversed in
5 part to change that particular section.

6 CHAIRMAN BARTH: All right. Thank you.

7 MS. HYATT: Do you mind if I continue with the
8 procedure?

9 CHAIRMAN BARTH: Proceed. Yeah. Thank you.

10 Are there any questions about how we got to
11 where we are?

12 Okay. Thank you.

13 MS. HYATT: Okay. So we don't have formal
14 appeal procedures set forth in the school choice
15 rules for this exact type of appeal. But we do have
16 a general procedure that we've followed in the past
17 when there's no specific appeal procedure.

18 So all persons, with the exception of attorneys
19 need to be sworn in. You can do all of the districts
20 together at the beginning or you can do them
21 individually, as you did with the waiver requests.
22 The school district will then have 20 minutes to
23 present its case. We're going to do each school
24 district separately because each has a different
25 consent decree and presents separate unique issues.

1 So we'll start with Camden-Fairview; second will be
2 Hope; third I believe is Lafayette; and then fourth,
3 Junction City. And before we move on to the next
4 school district there will be a vote to affirm or
5 reverse the decision of the school that we've been
6 discussing in front of you.

7 So, 20 minutes for the district, then the
8 Department will have 20 minutes to respond. The
9 Board has the discretion to allow additional time or
10 to allow time for rebuttal at its discretion. And
11 you may ask questions of attorneys or witnesses
12 either during the presentation or you can hold them
13 to the end, at the Board's pleasure.

14 CHAIRMAN BARTH: Okay. I think it's going to
15 make a little more sense to go ahead and swear with
16 each -- since they are discreet actions --

17 MS. HYATT: Sure.

18 CHAIRMAN BARTH: -- just to kind of treat them
19 each separately, if that's okay.

20 a) CAMDEN-FAIRVIEW SCHOOL DISTRICT

21 MS. HYATT: So at this time I think we can bring
22 up the attorneys that are representing the school
23 districts; we can go ahead and move into Camden-
24 Fairview and you can swear the witnesses.

25 CHAIRMAN BARTH: Okay. And so I'll turn it over

1 to Ms. Moore for guidance on the Camden-Fairview
2 School District. Anyone aside from the attorneys who
3 plan to present?

4 MS. MOORE: Yes.

5 CHAIRMAN BARTH: Great. Welcome. If you could
6 raise your right hand -- do you swear or affirm that
7 the testimony you're about to give shall be the
8 truth, the whole truth, and nothing but the truth?

9 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

10 CHAIRMAN BARTH: All right. Welcome. And when
11 you come to the microphone if you'll just be sure to
12 note your name for the record.

13 MS. MOORE: Chairman Barth, is it okay if they
14 sit until they are --

15 CHAIRMAN BARTH: Of course. Yes. Yes.

16 MS. MOORE: Good morning. My name is Whitney
17 Moore; I'm one of the attorneys for Camden-Fairview
18 School District.

19 CHAIRMAN BARTH: Would you get a little closer
20 to the mic? It's a little soft.

21 MS. MOORE: Okay.

22 CHAIRMAN BARTH: Thanks, Ms. Moore.

23 MS. MOORE: Chairman Barth, Commissioner Key,
24 Members of the Board, thank you for having us today.
25 And thank you to Ms. Hyatt for introducing this item.

1 I think she covered most of my bases. As she noted,
2 the School Choice Act of 2015 was amended during the
3 last legislative session and the 2017 Act, as I'll
4 refer to those changes, put a new obligation on
5 districts desiring to exempt from participation in
6 school choice. They had previously been required to
7 submit proof but there was no follow-up obligation on
8 behalf of anyone to do anything with that proof or
9 for this board to interpret it or make any kind of
10 decision about it. That changed with the 2017 Act,
11 so here we are today.

12 Camden-Fairview was -- did request an exemption
13 from participation in school choice for the 18-19
14 school year. That request was partially granted and
15 partially denied by the Department of Education in
16 mid-January. The explanation for the partial denial
17 was -- I'm going to read it from the letter -- that
18 Camden-Fairview partially has a genuine conflict with
19 the 2015 School Choice Act for transfers to the
20 Harmony Grove School District, but sufficient proof
21 has not been submitted to show the district has a
22 genuine conflict for all other districts.

23 Consequently, the Department determined that Camden-
24 Fairview is required to participate in the Public
25 School Choice Act of 2015 for the 18-19 school year

1 for all transfers except for those to the Harmony
2 Grove School District.

3 So Camden-Fairview is here today appealing that
4 decision that was made by the Department, and, as Ms.
5 Hyatt noted, the statute does provide that appeal
6 option. The statute states that this board can
7 affirm or deny the recommendation of the Department;
8 it also says according to the rules that will be
9 promulgated by the Department. And the rules for
10 school choice have not been updated since the 2017
11 Act came about, so I'm not really clear on affirming,
12 denying, partial exemptions; you know, there isn't a
13 lot of guidance for us on that. But Camden-Fairview
14 was granted a partial exemption, as I mentioned.

15 And I had prepared as though y'all might want me
16 to present for all four districts together, so I
17 apologize in advance for some references to all of
18 the districts. But I think you may hear me repeat
19 myself a lot today, so I'm going to try to avoid that
20 as best I can.

21 Camden-Fairview is subject to a federal court
22 desegregation order. It actually has several orders.
23 It believes that participation in school choice
24 conflicts with their continuing desegregation
25 obligations under these orders. Camden-Fairview has

1 a substantial black student population in comparison
2 with its neighboring districts, including Harmony
3 Grove but not limited to Harmony Grove, and
4 participation in school choice by Camden-Fairview
5 would have a segregative inter-district result on
6 Camden-Fairview in violation of its desegregation
7 obligations.

8 I'll tell you a little bit about Camden-
9 Fairview's desegregation cases. The first case is
10 Milton versus Clinton, et al; it was filed in 1988.
11 The second we refer to as Lancaster versus Guess; it
12 was filed in 2009. The Milton case was filed by
13 parents of black students and black staff in 1988 and
14 alleged that the Camden School District, the Fairview
15 School District, the State of Arkansas, Harmony Grove
16 School District, and other local political
17 subdivisions, including the Camden Housing Authority,
18 were operating a segregated education system in
19 Ouachita County. The case was resolved in 1990 by
20 settlement agreement, by consolidating the
21 predominantly non-black district, Fairview, with the
22 predominantly black district, Camden. And the basis
23 for that consolidation was that State action
24 promoting the movement of non-black students out of
25 one district into one or more other districts was

1 deemed unconstitutional. This was the same legal
2 theory applied in the Pulaski County desegregation
3 case. And you guys have heard me go through this
4 many times, but I'm going to do it again.

5 Camden-Fairview was subsequently declared
6 unitary with qualification in February 2002. The
7 essence of that qualification was that inter-district
8 movement of white students from the desegregated
9 Camden-Fairview School District to the whiter
10 neighboring districts -- in particular, Harmony Grove
11 but not limited to Harmony Grove -- had a continuing
12 segregative impact. So basically the court found in
13 2002 that Camden-Fairview had done what it was
14 supposed to do and could be deemed unitary, but the
15 segregative impact of inter-district transfers
16 continued to be a problem and something that the
17 consolidation did not totally resolve because of the
18 presence of neighboring whiter school districts --
19 again, namely Harmony Grove but not only Harmony
20 Grove. You'll see that these orders focus on Harmony
21 Grove; that's because Harmony Grove was a party to
22 these lawsuits. So Camden was declared unitary in
23 2002, and there's not a lot of movement in the Milton
24 case after that.

25 Then later litigation is issued in 2010, also

1 involving Camden-Fairview, also involving Harmony
2 Grove. And the same court finds that the same inter-
3 district conditions continued to exist and continued
4 to cause unconstitutional segregation, even after
5 Camden-Fairview was declared unitary, and that such
6 inter-district movement of students was therefore
7 still barred by the original 1990 order. And that is
8 where the case stands today.

9 So getting into how the 2017 Act changes were
10 applied to Camden-Fairview's request for exemption, I
11 think there's no question that Camden-Fairview has an
12 inter-district order. I think there's no question
13 that Camden-Fairview continues to be obligated under
14 that order by virtue of the Lancaster order in 2010,
15 finding that the conditions remain the same and
16 Camden-Fairview's obligations remain the same. There
17 is no mention of a partial exemption anywhere in the
18 2017 Act or the 2015 Act or anything. In fact I
19 think when the 2013 Act, the original school choice
20 act, passed, you know, there was some discussion
21 amongst superintendents "is the 3% cap it or is there
22 going to be any leeway if we want to admit someone
23 based on many different factors or let others go."
24 And the answer was an unequivocal no; you either
25 participate in school choice or you don't participate

1 in school choice. You know, if there are other
2 transfers with extenuating circumstances and those
3 requests are made, that's something that can be
4 handled through the legal transfer process. But for
5 the purposes of school choice you're in or you're
6 out; there's no halfway.

7 So I'll go through, I've got some numbers for
8 you.

9 The other problem I have with the partial
10 exemption is that the Department's letter notifying
11 Camden-Fairview of its decision to grant only a
12 partial exemption contained no evidence that the
13 Department evaluated or considered the segregative
14 impact of partial participation on Camden-Fairview.
15 So, we're here today asking this board to consider
16 that segregative impact now.

17 Camden-Fairview is bordered by Harmony Grove and
18 Smackover School District, among other districts.
19 Camden-Fairview's black student enrollment is
20 approximately 60%, while Harmony Grove's is 19.5% and
21 Smackover's is 17.6% -- and these districts are all
22 within 10 to 20 miles of each other. Camden-Fairview
23 enrolls 80% of Ouachita County's black students.
24 These demographics show inter-district segregation,
25 and not just between Camden-Fairview and Harmony

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Grove.

State school choice data shows that recipients of school choice transfers were overwhelmingly non-black. Of the, let's see, 14,123 students who received a choice transfer last year or were enrolled in the program 13,048 of them, or 92.4%, were non-black -- and of this, 11,806, or 84%, were specifically identified as white. So in the school choice program you only have 1,075 black students in the entire state taking advantage of this program and these transfer requests; that's 7.6%, and that's less than -- it doesn't mirror total public school student enrollment of which 20% is black. You have 479,000-and-some total students of which almost 97,000 are black. So I think the demographic numbers are important when you have this many black students concentrated in one school district bordered by districts that have a substantially smaller number of black students, coupled with the fact that black students, for whatever reason, are not taking -- are not participating in school choice at the levels that other races are.

The Camden-Fairview superintendent and board president are here and they've been sworn. I think they can both attest to their experience with parents

1 requesting transfers that race has been a factor in
2 some of those requests. Other superintendents of
3 districts similarly situated to Camden-Fairview have
4 testified before this board before and in various
5 other lawsuits that race is a factor for parents when
6 they make these transfer requests, if not the factor.

7 The State, through the Department of Ed. and
8 this board, has an obligation not to approve or
9 facilitate state policies that have the purpose or
10 effect of creating, maintaining, or increasing school
11 districts or school attendance zones that are
12 racially identifiable. And the State, through the
13 Department and this board, is forbidden from allowing
14 private decisions to promote or achieve the same
15 unconstitutional result. And I think that, you know,
16 we've seen that there can be and has been racial
17 motivation in some of these decisions. But even in
18 the cases where race is not the motivating factor of
19 these parents, if the effect is inter-district
20 segregation that the State has sponsored then the
21 State can be held constitutionally liable for that.

22 So Camden-Fairview continues to believe it has
23 constitutional obligations to avoid taking action,
24 the natural and probable consequence of which would
25 be a segregative impact within its district. This

1 was one of the holdings of Judge Hickey in the El
2 Dorado case. Camden-Fairview's demographics are
3 similar to El Dorado's. They're actually -- I think
4 El Dorado is about 49, 50, 51. They're more evenly
5 split on race than Camden is. And El Dorado's
6 original order was not inter-district and did not
7 involve other districts like Camden's does. So I
8 think on the face of the 2018 Act, when you look at
9 the original orders in these cases Camden-Fairview is
10 more of a qualifier than even El Dorado was. But for
11 this board's decision in 2016 that sent El Dorado
12 back to court I think I might be up here talking
13 about El Dorado too.

14 So Camden, there's no reason Camden should not
15 receive an exemption to school choice based on the
16 law as it's written and the underlying proof in their
17 lawsuits, not to mention the demographics which were
18 determined to be important in the El Dorado case.

19 So it's no secret that the Legislature is trying
20 to expand school choice. In the original 2013 Act
21 any district with a history of segregation could
22 choose to exempt from participating -- and by my
23 count 23 districts did. In 2015, the Legislature
24 eliminated the pure opt-out and required that a
25 district -- that in order to exempt a district must

1 be subject to a desegregation order and that reduced
2 the number of exempt districts from 23 to 16. In
3 2017, the Legislature apparently decided that 16 was
4 still too many, looked at the districts with
5 conflicts under the 2015 act, and attempted to create
6 law that would require those districts to participate
7 despite their desegregation obligations. For 2018-
8 19, the Department of Education has fully exempted
9 only six districts. The Legislature continues to
10 amend the portion of the law regarding desegregation
11 conflicts, and the only possible reason for their
12 continued revisions is to make it more difficult for
13 districts to exempt from participating. But it is
14 plainly unconstitutional for the State to require
15 districts to participate if such participation runs
16 counter to their existing federal court desegregation
17 obligations, and it's irresponsible not to consider
18 the segregative impact that these transfers are
19 likely to have.

20 Camden-Fairview is also similarly situated to
21 the other five schools that received an exemption for
22 2018-19, in that it is a party to an inter-district
23 desegregation case that explicitly limits student
24 transfers. It's also worth noting that at the time
25 Camden-Fairview was litigating Milton and Lancaster

1 the 1989 School Choice Act was in place and
2 segregative inter-district transfers were prohibited.
3 I think that's a lot of the reason the order focuses
4 only on Harmony Grove. The plaintiffs for whatever
5 reason chose not to make other districts, such as
6 Smackover, parties to the case and inter-district
7 transfers between Camden and Smackover that were
8 segregative were not allowed at the time these orders
9 were entered in 1989, 1990, or 2010. So there was no
10 reason to address inter-district transfers, other
11 than those to Harmony Grove which was also a party to
12 the case. The exemptions granted to Jacksonville
13 North Pulaski and the Garland County districts are
14 not partial exemptions limited to the other districts
15 who are parties to their respective cases, so there's
16 no reason Camden-Fairview should be treated any
17 differently.

18 One last point, and I've made this argument
19 before -- forgive me again -- but the Department,
20 despite the Legislature's actions, does not have the
21 authority to interpret court orders and determine
22 whether or not a district should be exempt. I
23 recognize that the Legislature gave them this
24 authority, but the federal court with jurisdiction of
25 Camden-Fairview's desegregation case is still the

1 appropriate entity to determine whether participation
2 in school choice conflicts with its desegregation
3 orders. And the Legislature's decision divests the
4 Department with this authority to determine which
5 districts have conflicts by attempting to interpret
6 federal court orders as unconstitutional, in my
7 opinion.

8 On that point I would refer you back to Cooper
9 versus Aaron. It's a 1958 United States Supreme
10 Court case involving the State of Arkansas, the
11 genesis of which was the 1957 Little Rock Central
12 High School desegregation crisis. And the court
13 found that there is a duty on state officials to obey
14 federal court orders resting on a federal court's
15 considered interpretation of the United States
16 Constitution and state officials may not act in ways
17 that nullify a court order. I think the
18 Legislature's attempt to rewrite these desegregation
19 orders by questioning the inclusion of certain
20 phrases, such as "inter-district" or "explicitly
21 limits the transfer of students," is an attempt to
22 nullify a federal court order by inserting language
23 that wasn't relevant at the time the order was
24 entered and that it's something the court must take
25 up to get a final answer.

1 So again I would urge you to rescind the
2 Department's recommendation to grant Camden-Fairview
3 a full exemption from participation in school choice
4 based on the proof submitted for the 2018-19 school
5 year. And if you have any questions for me or
6 Superintendent Keith or our board president, Reverend
7 Moore, we're happy to answer.

8 CHAIRMAN BARTH: Great. So I think what we will
9 do is we will hear the State's -- the Department's
10 case from Ms. Hyatt and then we will open it up to
11 questions at that point, if that's appropriate. You
12 do still have a couple of minutes if you have
13 anything else.

14 MS. MOORE: I'll preserve it, I guess.

15 CHAIRMAN BARTH: All right.

16 MS. MOORE: Thank you very much.

17 CHAIRMAN BARTH: Okay. Great. Thank you.

18 Ms. Hyatt.

19 MS. HYATT: The issue before the Board today is
20 relatively simple; it's does the consent decree
21 prohibit school choice such that they would be
22 exempted.

23 The Public School Choice Act of 2015 as amended
24 -- and I'm going to disagree with the way that
25 Counsel represented the Public School Choice Act

1 because the Public School Choice Act specifically
2 gives deference to consent decrees and federal court
3 ordered desegregation plans both in the intent of the
4 act that's actually placed in the statute and by
5 making sure -- in placing a duty and an obligation on
6 the Department to view the consent decree and make
7 sure that it doesn't prevent school choice, and, if
8 it does, to grant an exemption. It's very clear in
9 the statute that such deference is mandated and in no
10 way gives the Department the ability to interpret any
11 consent decree, but not only gives the Department the
12 ability to review a consent decree to see if the
13 plain language is clear. And in the case of Camden-
14 Fairview the Department did not have to interpret a
15 consent decree and did not engage in the
16 interpretation of the consent decree because the
17 plain language was very clear. The plain language
18 was that Harmony Grove shall maintain an open
19 admission policy; Harmony Grove shall not permit the
20 transfer of white students from Fairview into the
21 district without written permission of Fairview; and
22 later, in a subsequent order, that those provisions
23 shall remain in full force and effect to prevent
24 future white-flight from Camden-Fairview School
25 District to Harmony Grove School District.

1 And I also would like to point out that
2 especially at the time that this consent decree was
3 entered into originally, in 1990, and then later in a
4 new order the school choice language was not
5 something that was foreign. We already had the
6 School Choice Act of 1989, as Ms. Moore pointed out,
7 and this consent decree and subsequent order
8 specifically mentioned school choice, and the
9 language that was used to kind of represent it during
10 the district's case was including Harmony Grove
11 School District but not limited to. Unfortunately,
12 that language "including but not limited to" is not
13 present in the consent decree or in any of the
14 orders. The orders are very clear that it is
15 pertaining to the movement of students from Camden-
16 Fairview School District to Harmony Grove School
17 District, which is why we allow the partial
18 exemption.

19 The School Choice Act of 2015 as amended says
20 that if a provision of a consent decree conflicts
21 with the provisions of the School Choice Act then
22 that provision rules. It does not say that the
23 entire consent decree or that none of the provisions
24 of the school act law can apply; it's merely making
25 sure that if there is a conflict between a federal

1 order, a federal consent decree, or settlement
2 agreement that that provision that's in conflict is
3 the one that rules the school district. And in this
4 case as it relates to Harmony Grove there was a
5 conflict. But as I've mentioned, no other school
6 district is named -- could have easily been named,
7 and therefore we decided that Camden-Fairview must
8 have to participate in school choice with any
9 district besides Harmony Grove School District.

10 Just to kind of address the segregative impact
11 that Ms. Moore discussed during her 20 minutes, most
12 of the things that are put before this board are
13 speculation; going over statistics of neighboring
14 school districts is speculation. We don't have
15 evidence that shows that absolutely it's going to
16 cause this effect. And, you know, kind of a ruling
17 on something because of a hypothetical isn't, I don't
18 think, a road that we want to follow.

19 She also mentioned the El Dorado case, and I
20 know that this board has heard about this case and
21 discussed this case before in other school choice
22 actions. The El Dorado case both -- neither the
23 plaintiffs or the defendants, the school districts or
24 the plaintiffs wanted to participate in school
25 choice. So it's not surprising that the court found

1 the way that it found, because the Department nor any
2 other proponent of school choice presented any
3 evidence or arguments to the contrary.

4 I also think the 1989 School Choice Act was in
5 effect at the time of this original consent decree.
6 We've seen in other consent decrees, such as in
7 Garland County, where the court actually incorporated
8 that mandate that they would be subject to the 1989
9 version with the racial restrictions into the consent
10 decree. That school district is still bound by the
11 1989 School Choice law, even though it doesn't exist
12 in that form, and this court certainly could've done
13 that as well.

14 I will -- if there are any questions?

15 CHAIRMAN BARTH: Okay. So thank you, Ms. Hyatt.

16 So I think what we'll do is we'll go around and
17 fair game for questions for either Ms. Hyatt, Ms.
18 Whitney, or anyone from the district. Does that
19 sound good?

20 Okay. And I'll start with Ms. Newton to see
21 what questions she has.

22 Okay. Mr. Williamson?

23 MR. WILLIAMSON: None right now. It seems
24 pretty clear to me.

25 CHAIRMAN BARTH: Okay. Ms. Chambers?

1 MS. CHAMBERS: I just want to make sure I was
2 hearing. So the consent decree -- I want to go back
3 to the legality of a partial. And so as far as
4 you're concerned, from a legal perspective the
5 consent decree relative to that specific intra-
6 district limitation trumps a full exemption. Did I
7 say that correctly?

8 MS. HYATT: So the way that the School Choice
9 Act of 2015 as amended reads is that if there's a
10 provision of a consent decree that conflicts with the
11 law then that provision has to rule, because it gives
12 the deference and recognizes that the -- you know,
13 the supremacy clause, basically; so we have to give
14 deference to that provision. In the consent decree,
15 in Camden-Fairview's case it only conflicted with one
16 school district. There wasn't a conflict with
17 participating in any other school district, because
18 the language was so clear that it only intended to
19 prohibit the transfer of students between Camden-
20 Fairview and Harmony Grove.

21 CHAIRMAN BARTH: All right. Anything else?
22 Okay. Ms. Zook.

23 MS. ZOOK: Would it be possible for this
24 district to get an opinion from their federal judge,
25 like the order says, where the Judge says "yes, this

1 is a genuine conflict?" I mean I'm not a lawyer; I
2 chose not to be one. I don't understand why if it's
3 clearly stated that there has been reluctance on the
4 part of the district or districts to go to the Judge
5 and say, "Do we have a genuine conflict or not?"
6 Because, you know, people don't go into the school
7 business, like this good superintendent, because they
8 don't want to serve kids and the parents that exist
9 in the district. So, am I missing something?

10 MS. HYATT: You're correct that should the
11 school district believe that there is something in
12 the consent decree that's not in the plain language
13 they are welcome to file in federal court seeking a
14 modification or a clarification of their consent
15 decree as long as they have some sort of sufficient
16 evidence to show that there's a need for that and
17 meet any other requirements of standing.

18 MS. ZOOK: Okay. So if we are reading the plain
19 language, as you say, we're not really interpreting
20 unless we start making references to other districts
21 in other cases, which then would be what applies and
22 what doesn't. So when Little Rock School District
23 and North Little Rock School District, who are
24 basically surrounded by predominantly non-black
25 districts, chose to participate, and Pulaski County

1 this coming year, we don't -- we have not had any
2 reports from that Judge or those superintendents that
3 it has caused their districts to become segregated;
4 is that correct?

5 MS. HYATT: To our knowledge, yes. Yes.

6 MS. ZOOK: And that's all I have right now.

7 CHAIRMAN BARTH: Ms. Moore, would you -- do you
8 want to respond on any of those issues?

9 MS. MOORE: No.

10 CHAIRMAN BARTH: Okay. Great.

11 Ms. Dean? Ms. Reith?

12 MS. REITH: Thank you. And I guess I'm having a
13 hard time framing my question here in regards to --
14 because of the issues --

15 CHAIRMAN BARTH: Ms. Reith, I think your mic --

16 MS. REITH: I'm sorry.

17 CHAIRMAN BARTH: Yeah.

18 MS. REITH: Thank you. So I think the thing
19 that stands out with me with Ms. Moore's comments is
20 in regards to the segregative impact, right, and the
21 obligation of this board and the Department to look
22 into that. How does that relate -- you didn't really
23 respond to that in your comments, Ms. Hyatt -- from
24 the perspective of the Department? Obviously, in the
25 latest decree there wasn't a reference to other

1 districts. But if we could anticipate that a
2 segregative impact could happen isn't that the
3 obligation of this board to weigh that?

4 MS. HYATT: I do agree with you that I think
5 it's important for this board to view all of the
6 facts before making any type of decision, including
7 the segregative impact. The evidence that we have --
8 I just would caution anyone to make a decision based
9 on speculation or based on a hypothetical or based on
10 a fear of something. And since we don't really have
11 any hard evidence any facts in front of the Board
12 that would show that that's happened, either in other
13 districts or that it would happen in this district, I
14 don't know how much there is there to determine that
15 it would happen, if that makes sense.

16 MS. REITH: And I guess that gets to then my
17 second question, Ms. Hyatt. So then in this case
18 let's say if this board decided to, you know, grant
19 -- affirm, basically -- the decision of the
20 Department in terms of a partial exemption, and later
21 we did get a choice request, there's still an appeal
22 process for the districts in that regard; correct?

23 MS. HYATT: Yes. And so all of the limitations
24 of the 3% cap and all of that still apply.

25 MS. REITH: Okay. So that if they did get a

1 choice request and other districts were implicated,
2 besides Harmony Grove, they could still come before
3 us and appeal?

4 MS. HYATT: I don't think that it limits any of
5 their rights under the Public School Choice Act at
6 all.

7 MS. REITH: This is just saying that we're
8 making a decision specifically -- we're affirming
9 that in our review -- because that was your point,
10 correct, that this -- so basically the trigger here
11 is that we've reviewed the decree, is we made sure
12 and we can affirm for the Legislature we have
13 reviewed the decrees and the only reference that we
14 saw was to Harmony Grove?

15 MS. HYATT: That's correct.

16 MS. REITH: But then they can still appeal later
17 on decisions related to other districts?

18 MS. HYATT: Right. And I mean they have the
19 appeal [sic] to appeal your decision here today --

20 MS. REITH: Perfect.

21 MS. HYATT: -- to circuit court also, so --

22 MS. REITH: Okay. And in that case is it
23 appropriate at this time or not, since I know we have
24 members of the district here to speak to any requests
25 that they may or may not have received at this point?

1 MS. HYATT: I think that you are more than
2 welcome to question any of the members of the
3 district that are here that have been sworn -- or if
4 anyone has come in subsequently I'm sure we could
5 swear them.

6 MS. REITH: I would like to pose that question
7 to the members of the district here, if there's
8 anticipations around any choice requests -- if this
9 is something that you do anticipate happening beyond
10 the -- so we heard the demographics; but has there
11 been any requests filed thus far from other districts
12 besides Harmony Grove?

13 SUPT. KEITH: It's a little early.

14 CHAIRMAN BARTH: And if you could just identify
15 yourself for the record.

16 SUPT. KEITH: Mark Keith -- Reith; close.

17 MS. REITH: Yes.

18 SUPT. KEITH: It's a little early right now.
19 We're -- they usually come in -- they'll hold them
20 till right there at the end and get them. In the
21 past most of the choice have come from equally --
22 honestly, probably more from Smackover. And, yes, we
23 do have them from Harmony Grove as well, but right
24 now we haven't had any yet. But this is -- like I
25 said, this is early. They'll hold them right till

1 the end and then bring them all at once.

2 MS. REITH: But you have denied requests in the
3 past from Smackover?

4 SUPT. KEITH: Yes.

5 MS. REITH: And there was concern in regards to
6 the demographics, that it's comparable to Harmony
7 Grove?

8 SUPT. KEITH: Very close.

9 MS. REITH: Okay.

10 SUPT. KEITH: Very close. We -- I predict the
11 emphasis will be off Harmony Grove and then turn to
12 Smackover once this happens. It will.

13 MS. REITH: And you could -- okay. And you all
14 would appeal that?

15 SUPT. KEITH: Yes.

16 MS. REITH: Okay.

17 SUPT. KEITH: Definitely.

18 MS. REITH: Okay. Thank you.

19 If you would care to comment? I know it's
20 school board president; correct? Yes.

21 MR. MOORE: Well, I'm Ed Moore; I'm president of
22 the school board. And I'm just here in support of
23 this appeal because I've served on the school board
24 for some 25 years and I've watched white-flight. I
25 graduated from Lincoln High School that was all

1 black, consolidated into Camden High. Camden became
2 all black because of white-flight, and then Camden
3 and Fairview consolidated and now we've become too
4 black again. So eventually we'll be right back here
5 because -- if we don't get the appeal we'll be right
6 back here because it's going to happen again; I don't
7 know when. But I can imagine at the end of the
8 school year all kind of requests are going to come to
9 go to Smackover. And I don't know the outcome, but I
10 know eventually Camden-Fairview will be 70, 80
11 percent black.

12 MS. REITH: Thank you. Thank you for that, sir.
13 Thank you, Gentlemen.

14 And I guess once again -- and, Ms. Hyatt --

15 CHAIRMAN BARTH: Ms. Freno -- I'm seeing Ms.
16 Freno. Do you --

17 MS. REITH: Oh.

18 MS. FRENO: Lori Freno, Department of Education.
19 I'd just like to clarify one thing. When it comes to
20 the next round of school choice appeals the appeal
21 will not be for the school district; the appeal will
22 be for the parent who was denied a school choice
23 appeal. So at this juncture this is where this
24 school district has opportunities to appeal. They
25 can appeal to the circuit court your decision today

1 or they can go into federal court and, as Ms. Hyatt
2 pointed out, they can seek a modification or
3 clarification of their consent decree. But I just
4 didn't want to leave the impression that there's
5 going to be another opportunity beyond this for the
6 school district to come before you and actually
7 appeal to you, but there are places right now that
8 the school district can go.

9 CHAIRMAN BARTH: But I think Ms. Reith's
10 question was if there was a --

11 MS. REITH: A denial.

12 CHAIRMAN BARTH: -- denial of the exemption
13 individual parents would be -- would come -- would
14 have the open appeal process that we have
15 historically had, and that's -- is that --

16 MS. REITH: Yes. And then also, and the
17 district informed us that if there were requests from
18 Smackover that they could envision themselves -- in
19 your interpretation of the court, right -- to deny
20 it; is that correct, as well? Am I understanding
21 that?

22 Yes, Ms. Moore, yes. I'm sorry; I'm looking at
23 you but, yes, I -- yes, Ms. Moore.

24 MS. MOORE: I'm sorry; can you repeat the
25 question?

1 MS. REITH: I guess I'm trying to anticipate --
2 so, you know, I feel like what we're affirming here
3 is basically just the Department's interpretation,
4 right, of the decree. But you all hold a different
5 interpretation?

6 MS. MOORE: Correct.

7 MS. REITH: And so in which case, if I'm
8 understanding correctly, if you all get a choice
9 request from a district, such as Smackover, which it
10 seems could be anticipated based on history, that you
11 all would deny it; is that correct?

12 MS. MOORE: Well, our --

13 MS. REITH: Because of the potential segregative
14 outcome?

15 MS. MOORE: Our opinion -- and I appreciate your
16 use of the word "interpretation" -- is that Camden-
17 Fairview would get very few school choice
18 applications from Smackover or Harmony Grove. But
19 Smackover and Harmony Grove would get very many
20 school choice applications from Camden-Fairview.

21 MS. REITH: Yes.

22 MS. MOORE: And I just -- again, based on
23 historical trends and the demographics and our
24 experiences in dealing with Smackover and Harmony
25 Grove, our indication has been that the only reason

1 they have denied transfers in the past is because
2 they recognized our desegregation obligations and our
3 exemption and that there is capacity for students.
4 So I don't really anticipate any appeals, because I
5 expect all --

6 MS. REITH: Gotcha.

7 MS. MOORE: -- choice transfers to be granted up
8 until we reach that 3% cap.

9 MS. REITH: Thank you for that clarification.
10 Thank you.

11 MS. MOORE: And I apologize; Dr. Barth, you
12 asked me if I had any comments and I said no. But I
13 did want to say, you know, the school board and Mr.
14 Keith, they're in the business of educating students
15 and running the school day-to-day and Allen and I
16 aren't up there every day encouraging them to go back
17 into court and find new things to litigate. Based on
18 Ms. Hyatt's arguments about the references to Harmony
19 Grove and not to Smackover and not to anyone else I
20 would ask -- and she's not wrong that we could
21 request a modification or a clarification. But for
22 the district to get a specific order referencing
23 Smackover or El Dorado or Parkers Chapel or Bearden
24 or anybody else in reasonably close proximity or in
25 the whole state I think we would need to name all of

1 those districts as defendants in a lawsuit and seek
2 to bring them in. I'll point out that that's not --
3 El Dorado's order doesn't -- the order -- even though
4 the motion talked a lot about Parkers Chapel and
5 demographics like I have today, the order doesn't say
6 anything about Parkers Chapel or put any onus on
7 Parkers Chapel, because Parkers Chapel is not a party
8 to the El Dorado case. And the State was not a party
9 to the El Dorado case which is why, you know, even
10 though -- and Ms. Hyatt again is correct that the
11 plaintiffs in El Dorado School District were the only
12 ones who presented testimony in that proceeding; they
13 were the only parties. Now you've seen the state get
14 involved in the Hope School District's case, so they
15 have that opportunity. But the uncontroverted
16 evidence in the El Dorado case and in the Hot Springs
17 case and in the Pulaski County case with Jacksonville
18 is that there would be a segregative impact. And I
19 think it's error to say that there's no evidence,
20 because we've had several witnesses testify; I can
21 think of Dr. Guess, Jim Tucker at El Dorado, Bob
22 Watson, the former superintendent of El Dorado. All
23 three of them testified in the El Dorado case that
24 they have seen it happen. And like Reverend Moore
25 said, you know, it's happened before, it will happen

1 again, and that's something we're trying to avoid.

2 One other thing about -- Ms. Zook I think
3 mentioned the Little Rock and North Little Rock
4 participating in school choice and being surrounded
5 by districts with substantially fewer black student
6 populations. The 2013 Act originally required the
7 Department to keep records of the race of school
8 choice transfers so that the Department could analyze
9 whether a segregative impact occurred or not. That
10 requirement was removed in 2015, so the Department is
11 no longer under any obligation to watch for that.
12 And I'm just -- I'm guessing here, and I will admit
13 totally that it's a guess, but I'm guessing that
14 Little Rock and North Little Rock were so relieved to
15 be out of Judge Marshall's court that they're not
16 going to run back unless it's just really something
17 to be concerned about. And I would think the 3% cap
18 -- I don't know if that would be enough to encourage
19 them to go back to federal court, but I can't speak
20 for them because I don't represent them.

21 So I'm sure that has exhausted my rebuttal time
22 and I'll step back.

23 CHAIRMAN BARTH: I do have a question for -- I
24 see Ms. Zook, but I do have a question for Ms. Hyatt,
25 if possible, to kind of build on this conversation.

1 So you talked about the speculative nature of what
2 might happen in Smackover. If that -- if what is --
3 what folks from Camden have -- Camden-Fairview have
4 said does happen it's pretty much a done deal at that
5 point; right? I mean if there is enhanced
6 segregation as a result of the opening of the door to
7 Smackover and other districts it's pretty much --
8 it's a done deal at that point; right? I mean there
9 really is no remedy after the fact; is that correct?

10 MS. HYATT: They could certainly go to federal
11 court to request new remedies for, you know, some
12 type of -- if it were to happen where it did become
13 segregated, they are more than welcome to go into
14 federal court to request remedies for that.

15 CHAIRMAN BARTH: But there would not be a remedy
16 from the State?

17 MS. HYATT: Once the State has determined that
18 they have to participate in school choice -- and in
19 this case, participate with the, you know, partial
20 exemption -- then that's a decision that's made and
21 it's not heard again unless there's actually, as Ms.
22 Reith brought up, you know, individual appeals from
23 parents, students.

24 CHAIRMAN BARTH: Okay.

25 MS. HYATT: And if I may have just a brief

1 moment --

2 CHAIRMAN BARTH: Of course.

3 MS. HYATT: -- just to respond to a couple of
4 things. I definitely understand that going into
5 federal court to modify or clarify a consent decree
6 is not an easy task; however, I take issue with the
7 request to read things into a consent decree that are
8 not there to avoid having to do that. And the plain
9 language of the consent decree is clear, and it's a
10 well-established principle of law that when the plain
11 language is clear the plain language rules. And so
12 to be asked to read into a consent decree something
13 that's clearly not there is to be asked to interpret
14 the consent decree in a way that I think both the
15 Department and the school districts have agreed would
16 be prohibited.

17 CHAIRMAN BARTH: Okay.

18 MS. HYATT: I also want to mention just briefly,
19 because it was in their appeal but has not actually
20 been brought up today through the discussion, there
21 was a constitutionality claim made in the actual
22 appeal document. The constitutionality of this
23 school choice act does amend it. I just want to be
24 sure to mention that it is not this board's place;
25 this board is prohibited from making a determination

1 of whether or not the actual statute itself is
2 constitutional. That is a court decision, a
3 judiciary decision, and can be addressed and appealed
4 to circuit court.

5 CHAIRMAN BARTH: Thank you. Anything else
6 before we move on to other questions?

7 MS. HYATT: No.

8 CHAIRMAN BARTH: I think Ms. Zook had a
9 question; did you?

10 MS. ZOOK: No. It just --

11 CHAIRMAN BARTH: Okay.

12 MS. ZOOK: It just seems that when you look at
13 the plain language it would -- it moves beyond what
14 we're supposed to do to look at other court cases or
15 one attorney versus another attorney. But just --
16 and short of a federal judge saying there is a
17 genuine conflict if you start participating in choice
18 -- you know, because they're having to pay their
19 attorneys to come here, so, you know, they'd have to
20 pay them to go there. So I don't -- I have no
21 intention of interpreting a federal court order but I
22 do -- I can read, and therefore I'm ready for a
23 motion when you decide it's time.

24 CHAIRMAN BARTH: Yeah. I think we may have a
25 couple more comments or questions.

1 Ms. Dean, did you have anything?

2 Okay. Ms. Reith.

3 MS. REITH: And I have a comment. I have a
4 feeling, knowing my colleagues, where I'll probably
5 stand in relation with everyone here, so let me go on
6 the record to say that I will oppose this. And I do
7 take seriously, Ms. Hyatt -- while I can appreciate
8 the concepts of plain language, the obligation around
9 not having a segregative impact is one that we need
10 to take seriously and isn't always as simple as what
11 is written or not written in something like a consent
12 decree. And when we do have trends, not just
13 demographic data but trends that we can actually rely
14 on, and we know that these issues are really playing
15 out in our schools I do think that it is part of the
16 obligation of this board and within our
17 responsibilities to take actions accordingly. And it
18 brings me concern that we would simplify something as
19 important as the re-segregation of our schools to
20 issues of plain language. I take issue with that.
21 So, thank you.

22 MS. HYATT: Thank you.

23 CHAIRMAN BARTH: Okay. Any other questions over
24 on this side?

25 Okay. All right. Then I would entertain a

1 motion. The proper motion, as was stated earlier, is
2 either to -- Ms. Hyatt may have to help me here -- is
3 to either affirm the decision of the Department or to
4 overturn the decision of the Department?

5 MS. HYATT: That's correct.

6 CHAIRMAN BARTH: Okay. All right. I would
7 entertain a motion.

8 MS. ZOOK: I move to affirm the decision of the
9 Department.

10 MR. WILLIAMSON: Second.

11 CHAIRMAN BARTH: Okay. We have a motion by Ms.
12 Zook, a second by Mr. Williamson.

13 I think we probably need to do a roll-call on
14 this one.

15 COMMISSIONER KEY: Ms. Reith.

16 MS. REITH: No.

17 COMMISSIONER KEY: Ms. Zook.

18 MS. ZOOK: Yes.

19 COMMISSIONER KEY: Mr. Williamson.

20 MR. WILLIAMSON: Yes.

21 COMMISSIONER KEY: Ms. Chambers.

22 MS. CHAMBERS: Yes.

23 COMMISSIONER KEY: Ms. Dean.

24 MS. DEAN: Yes.

25 COMMISSIONER KEY: Ms. Newton.

1 MS. NEWTON: Yes.

2 COMMISSIONER KEY: Mr. Black.

3 MR. BLACK: Yes.

4 COMMISSIONER KEY: Six yea's, one nay.

5 CHAIRMAN BARTH: Okay. So thank you to the
6 folks from the district; appreciate you being here
7 today and taking time for this issue.

8 It is 12:05. I think these are going to --
9 probably the next few will be shorter but I think
10 also take some time. I hate to keep y'all for --
11 let's discuss for a second how --

12 MS. HYATT: Do you want to do Hope and see how
13 fast it goes? I think that Whitney and I discussed
14 before today's board meeting started that it is
15 anticipated that -- because a lot of the arguments
16 are going to be almost identical, if not the same,
17 that the next three would go relatively quickly. But
18 I would just kind of defer to what the Board wants to
19 do. And also if there's -- if they have someone
20 that's here that you might have questions of that
21 needs to leave, I'd just caution you to make sure
22 that --

23 CHAIRMAN BARTH: Yeah, yeah. Yeah, I think if
24 we can -- let's just see how fast the first one goes.
25 The issues are different than in the case we just

1 heard because it's a different result from the
2 Department, but I think the logic is probably pretty
3 much established. So why don't we go ahead and try
4 this one and then we'll see how -- whether we want to
5 try to do all of them before.

6 MS. ZOOK: May I ask a question --

7 CHAIRMAN BARTH: Yes.

8 MS. ZOOK: -- before we start Hope? In light of
9 the fact that Hope and the board or Hope and the
10 Department, Hope and somebody is in court and there
11 has not been a resolution to that, is this in any way
12 inappropriate for us to hear this today?

13 MS. HYATT: I believe that Ms. Freno can speak
14 to that.

15 MS. FRENO: No, Ms. Zook, it's not inappropriate
16 to hear it today. Because I mean what is really
17 before the federal court -- I mean it's been -- there
18 has been a hearing, it has been briefed, and Judge
19 Hickey has just not made a decision yet. But what
20 we're here for today, as Ms. Hyatt pointed out, is
21 for you all to make decisions based upon Arkansas'
22 school choice law as to the decision -- the agency's
23 decision whether or not an exemption exists within
24 the consent decree. No, it is -- I mean that is your
25 job under state law and you need to do that. Now who

1 knows, federal court might agree with you or federal
2 court might not later. But there's nothing improper
3 about it and it's something that does need to be
4 heard.

5 MS. ZOOK: Okay. Thank you.

6 MS. FRENO: Okay.

7 MS. MOORE: If I may add to that, the 2017 Act
8 is not an issue that's currently before Judge Hickey.
9 So even though she hasn't entered her order we're not
10 expecting it to be part of that order, so --

11 MS. ZOOK: I just didn't want to get too far
12 outside.

13 CHAIRMAN BARTH: Great.

14 b) HOPE SCHOOL DISTRICT

15 CHAIRMAN BARTH: Okay. Ms. Hyatt.

16 MS. HYATT: If it's okay with the Board, I think
17 we'll proceed with Hope. And again 20 minutes for
18 Hope, 20 minutes for the Department, and then
19 questions to follow.

20 CHAIRMAN BARTH: All right. Great. Ms. Moore,
21 you have up to 20 minutes.

22 MS. MOORE: Thank you. Again, I'm Whitney
23 Moore; I'm one of the attorneys for Hope School
24 District. I will try to go a little bit faster.
25 I'll incorporate some of the arguments that I made

1 earlier on behalf of Camden-Fairview; some of them
2 are the same for Hope. There are some differences
3 and I will try to stick to just the differences.

4 Hope requested a Declaration of Conflict with
5 participation in the School Choice Act for the 2018-
6 19 school year like -- well, not like Camden-
7 Fairview; their request was denied by the Department
8 outright. And so the decision of the Department is
9 that Hope will have to participate in school choice
10 in 2018-19. Hope continues to believe that it is
11 subject to a federal court desegregation order; it
12 continues to believe that participation in school
13 choice conflicts with the desegregation obligations
14 of those orders.

15 Hope has a substantial black student population
16 in comparison with its neighbor districts, as Camden-
17 Fairview did, and participation in school choice by
18 Hope would have a segregative inter-district result.

19 Again, I will mention the Department did not --
20 in its letter notifying Hope of its decision to deny
21 the request for exemption there was no evidence that
22 the Department evaluated or considered the
23 segregative impact of participation on Hope, and so
24 we ask you to consider that today.

25 Hope is adjacent to Spring Hill School District,

1 among others, but Spring Hill is the most
2 dramatically opposite school district when it comes
3 to the racial demographics. Hope's black student
4 enrollment is approximately 45%, while Spring Hill's
5 is 1%. Hope enrolls -- even though they only have
6 45% total black enrollment, they actually enroll 92%
7 of Hempstead County's black students and Spring Hill
8 enrolls just half a percent. So I would again
9 suggest that these demographics show that inter-
10 district segregation is present in Hempstead County.

11 I won't repeat the state school choice data, but
12 I will remind you of the fact that the overwhelming
13 participation in school choice is by non-black
14 students, and the majority of those identify
15 specifically as white.

16 We did not swear my superintendent, and our
17 board president was unable to be here today, but if
18 you have any questions later I assume we can swear
19 them before they get up here. And I do think they
20 would attest to their experience with parents
21 requesting transfers in which race is the primary
22 factor, and they actually have some experience in
23 recent years with transfer requests that does show
24 segregative impact. So I think when you talk about
25 do we have evidence, we do have evidence for Hope.

1 They have been subject to opportunity choice transfer
2 requests in 2016-17 and 2017-18. Of those, in 2016,
3 14 non-black and two black students transferred to
4 Spring Hill. I've got a breakdown for you. Of those
5 14 non-black students 10 were white, 1 was Spanish, 1
6 identified as white and Hispanic, 1 identified as
7 Asian, and 1 identified as white and Pacific
8 Islander. In 2017, the number of applicants
9 increased. We had 24 non-black applicants and 1
10 black applicant. Of those 24, 17 identified as
11 white, 4 as Hispanic, 2 as two or more races, 1 as
12 Asian.

13 And, again, I would suggest that the State has
14 an obligation not to approve or facilitate state
15 policies that have the purpose or effect of creating,
16 maintaining or increasing school districts or school
17 attendance zones that are racially identifiable. The
18 demographics show that Hope and Spring Hill are
19 racially identifiable school districts in Hempstead
20 County. And the school choice program is a policy --
21 whether or not it has the purpose, it has the effect
22 of creating, maintaining or increasing school
23 districts that are racially identifiable and I think
24 that's borne out by the racial breakdown of the
25 applications that we saw with opportunity choice.

1 Hope continues to believe it has a
2 constitutional obligation to avoid taking action, the
3 natural and probable consequence of which would be a
4 segregative impact within their district, the '17
5 Act, the language focusing on explicit limitations on
6 inter-district transfer. Hope's 1990 consent decree
7 states its intent to remedy any past discrimination
8 based upon race and to prevent any like
9 discrimination from occurring in the future. It also
10 imposes the obligation to hereafter maintain a
11 unitary racial nondiscriminatory school system
12 wherein all schools are effectively and equitably
13 desegregated and integrated. And the decree
14 recognized the obligation to eliminate racial
15 discrimination in any and all aspects of school
16 operations, including student assignments and student
17 treatment.

18 I think in talking about reading the plain
19 language of the order the directive to remedy past
20 discrimination based on race and prevent any like
21 discrimination from occurring in the future, Spring
22 Hill has a 1% black student population; I don't
23 really see how -- and I think their high schools are
24 less than 10 miles apart. I don't really see how
25 facilitating policies that would enable white

1 resident students of Hope to attend school in Spring
2 Hill isn't a return to the dual system that existed
3 in Hempstead County prior to 1970.

4 For purposes of determining a conflict with the
5 desegregation order, I think we saw in the El Dorado
6 case with Judge Hickey whether or not the order says
7 the word "intra-district" or "inter-district" is not
8 dispositive; it's just a reflection of the parties to
9 the case. The operative question is whether
10 participation in inter-district school choice would
11 have a segregative impact on a district with intra-
12 district desegregation obligations based on its
13 demographics and those of its neighbor districts.
14 The Legislature cannot undermine federal court
15 authority and orders by inserting restrictions such
16 as explicitly inter-district where they do not
17 appear.

18 I will incorporate my argument about the
19 Legislature trying to expand school choice and
20 whittling down the number of districts that are able
21 to not participate in choice. And I will incorporate
22 my argument before about -- I think I did mention --
23 if I didn't, I should have -- but we do believe that
24 at least a portion of the 2017 Act is
25 unconstitutional in that it's an attempt by a

1 legislative body to grant judicial powers to a member
2 of the executive branch. We don't think the
3 Department has the authority to interpret these court
4 orders and make the determination of whether or not a
5 district should be exempt.

6 Mr. Roberts is here. He would like to speak
7 about the decision in Cooper versus Aaron, and then I
8 think that will conclude our presentation.

9 CHAIRMAN BARTH: Thank you.

10 MR. ROBERTS: I don't have anything to say, Mr.
11 Chairman; it's in the letter --

12 CHAIRMAN BARTH: If you can come to the
13 microphone.

14 MR. ROBERTS: I'm Allen Roberts; I'm one of the
15 attorneys for all four districts here today. The
16 argument is the same.

17 I would feel remiss if we did not point out the
18 constitutionality. I call your attention again to
19 2012. We tried to point out some problems of
20 litigating constitutionality of school choice acts,
21 because when it was decided to challenge the '89 Act
22 anyway there was no severability clause in it, which
23 caused some of us to have to work extra hard to come
24 up with the 2013 Act. You were without school choice
25 for a year-and-a-half or two years because there was

1 no severability provision in it. I urge you only to
2 look at Cooper versus Aaron. It is the same argument
3 that we made before, and that is that in this
4 instance today you are the State of Arkansas, you're
5 the agency acting on behalf of the State. Cooper
6 versus Aaron is the case of ultimate state
7 interference with the application and interpretation
8 of federal court orders. So anything you ever want
9 to know about interfering with federal court orders
10 you can find a reference to in Cooper v. Aaron in the
11 Little Rock case.

12 I'll be happy to try to answer questions. I
13 threatened the chairman with reading the entire
14 Cooper versus Aaron opinion to you, but he
15 immediately said he'd call me out of order if I did.
16 But I will be happy to try to answer any questions
17 you may have.

18 CHAIRMAN BARTH: Thank you. Again, we
19 appreciate it. And again we will go to the State's
20 20 minutes, but then we'll move to Q&A for anybody.

21 Ms. Hyatt.

22 MS. HYATT: So to avoid repetition I'd just like
23 to incorporate the arguments that were made in the
24 Camden-Fairview decision moments before, save the
25 partial exemption arguments that don't apply in this

1 case.

2 One thing that I do want to point out is that
3 Hope's consent decree refers only to intra-district
4 remedies. In Hope, the segregation was within the
5 district; there was segregation within the district
6 and all of the remedies that are in the consent
7 decree refer to remedying segregation within the
8 school system.

9 The section of the consent decree that Counsel
10 for the school read to you if taken out of context
11 certainly could mean the way that it was presented.
12 But in context of a completely 100% intra-district
13 consent decree referring to discrimination within the
14 school system, reading remedying past discrimination
15 based on race and to prevent any like discrimination
16 from occurring in the future, is referring to that
17 discrimination that the entire consent decree is
18 discussing, which is the discrimination in the dual
19 school system operating within the Hope School
20 District.

21 School choice and public school choice as it
22 exists in the Public School Choice Act of 2015 as
23 amended is an inter-district public school choice
24 option. Hope certainly would, you know, have an
25 ongoing duty to prevent a dual school system from

1 operating in Hope by segregating Hope schools into
2 black schools and white schools. But that is very
3 different than participation in an inter-district
4 public school choice plan.

5 So that's all that I have to add.

6 CHAIRMAN BARTH: Okay. I'll start here with Ms.
7 Newton. Mr. Williamson. Ms. Chambers. And it's
8 going to be for either side; we'll just have an open
9 conversation, as we did before.

10 MS. CHAMBERS: Thank you. Yeah, because I'm not
11 sure who to direct my question to. So there was
12 earlier a reference to there are still some districts
13 that have been allowed exemption and I was curious
14 what distinguished Hope in the statistics that we
15 just heard from those districts that have been
16 granted exception?

17 MS. HYATT: So Ms. Davis is the person that
18 actually reviewed those, so I will -- she's better
19 suited probably to answer your question than I am.

20 CHAIRMAN BARTH: Thanks. Ms. Davis.

21 MS. DAVIS: Hi, good morning. Jennifer Davis,
22 Staff Attorney for the Department. I'd have to go
23 back and look at all of them, but -- so for like
24 Jacksonville North Pulaski, they have a court order
25 that specifically says that -- well, they actually

1 have an agreement that says that they're going to
2 limit school choice that they've entered into and
3 been accepted by the court. El Dorado, which was the
4 subject last year with school choice, a court hearing
5 said they have a court decree -- I mean a court order
6 that says that they cannot. So the other districts
7 actually have documentation from a court or an agreed
8 upon order accepted by the court that says that their
9 participation in school choice is limited. These
10 that you have here -- like I say, Camden-Fairview was
11 a little different because it had a narrow
12 limitation, but the other ones do not have a
13 limitation and the law was clear on the fact that it
14 says it's inter-district transfers. And much like
15 Ms. Hyatt had said, Hope -- in this case they
16 operated dual systems within their district and so
17 they did not qualify for an inter-district exemption
18 because their desegregation was limited to within
19 their district.

20 Does that help?

21 CHAIRMAN BARTH: Okay.

22 MS. HYATT: And if I just might add, I know that
23 at least in Garland County's case their consent
24 decree specifically mentions the Public School Choice
25 Act of 1989, and so they continue to be bound by that

1 version of the Public School Choice Act which
2 contains some racial restrictions on transfer. And I
3 believe that that's why they were exempt.

4 CHAIRMAN BARTH: Okay. Mr. Black. Okay. Ms.
5 Zook.

6 MS. ZOOK: I was struck by the comment that was
7 made about Hempstead County. So it would seem that
8 the way the school districts were drawn was what was
9 -- became -- caused the segregative effect, not
10 choices and in-and-out and all. And I see my friend
11 in the back of the room. But if we have a county and
12 the courts are wanting balance, whatever that is -- I
13 don't think you can get too white or too non-white or
14 -- you know, I think teachers come and they take care
15 of the kids that are sent there. But if the way the
16 district boundaries are drawn in Hempstead County
17 causes one to be 1% and another to be 45%, that would
18 seem to be the issue, not the court case that we're
19 asked to look at. So, you know, that's sort of an
20 aside; you didn't have to pay anything for that.

21 But, you know, I was struck by the fact that one
22 is one way and one is another and the court case, as
23 you mentioned, is intra, not inter. Thank you.

24 CHAIRMAN BARTH: Ms. Dean. Ms. Reith.

25 I do have a question that kind of builds on or

1 ties back to Ms. Zook's question. So obviously in
2 the first case that we heard there was a great deal
3 of focus or speculation. Here, we do have real
4 numbers that -- from the last couple of years. As
5 was said earlier, while we tend to focus on state
6 actions, when we know that private actions are going
7 -- we begin to allow private actions that have an
8 impact on segregation, aren't we casting a blind eye
9 to these real numbers when we say this is okay in the
10 State's eyes?

11 MS. HYATT: I think that if you view the numbers
12 presented in terms of black and non-black that the
13 numbers do seem staggering, but when you view them in
14 terms of minority versus non-minority -- and then we
15 use the language black versus non-black because at
16 the time that these consent decrees are entered into
17 that's the type of discrimination that we're
18 concerned about. As she pointed out, several of the
19 students were Hispanic, several -- I mean at least
20 one identified as Pacific Islander, several
21 identified as bi-racial, one identified as Asian. So
22 it's not the all-white, you know, exit from the
23 school district that it might seem. If you couch it
24 in terms of black and non-black I think that it
25 becomes a lot more racially balanced, because I think

1 it's 11 to 14 in terms of minority/non-minority if
2 you look at it that way.

3 CHAIRMAN BARTH: But don't those numbers -- so
4 are you -- aren't you accepting that those numbers do
5 matter and should matter?

6 MS. HYATT: I do think that any evidence that's
7 put before you matters in terms of your decision. I
8 don't think that you should discard any evidence
9 that's put in front of you. I do think that if you
10 view the numbers in terms outside of the box of black
11 versus non-black and actually look at what it means
12 for evidence as white-flight that it means something
13 very different.

14 CHAIRMAN BARTH: Okay. Thank you.

15 Are there other questions?

16 Ms. Freno.

17 MS. FRENO: Thank you. Lori Freno. I think
18 it's just really important to recognize what we're
19 doing here today in that if there in fact is going to
20 be -- if there in fact develops a segregative effect
21 or an allegation of a segregative effect that is an
22 issue that needs to be before the federal court that
23 entered this consent decree. That's why we're here,
24 because there's a consent decree and we're looking at
25 that consent decree to see does it limit choice. And

1 in this case that consent decree doesn't limit
2 choice, it doesn't. So that's why the Department
3 made the decision that it did.

4 Now if in fact there is some segregative effect
5 down the road certainly they can -- the school
6 district can go into federal court, they can bring in
7 other parties if they need to. That's what the
8 federal courts are for. So I just want to make it --
9 I guess I just wanted to make that point that there's
10 -- that's where the evidence -- I believe Counsel
11 spoke of, well, there was this testimony by this
12 person, testimony by that person. That testimony was
13 in federal court and the Judge considered it and
14 weighed it and determined, you know, whether these
15 people were experts or not; you know, numbers, data
16 would be introduced in federal court and that would
17 -- you know, that could go to a modification of a
18 consent decree or clarification of a consent decree.

19 So Ms. Hyatt is doing wonderfully, but I just
20 had to jump in.

21 CHAIRMAN BARTH: Yes, Commissioner.

22 COMMISSIONER KEY: Ms. Freno, while you're
23 there, there were -- there have been two terms
24 mentioned here today that I want to see from a legal
25 standpoint if there's a distinction -- and if there

1 is, what is it -- and if there's any -- if there are
2 any recent court rulings, whether in Arkansas or
3 other courts, other jurisdictions. One was
4 segregative effect and the other was racially
5 identifiable schools. And I think Ms. Hyatt
6 mentioned, you know, the timing, and the context at
7 one point was racially identifiable as white and non-
8 white or maybe black and non-black; I can't remember
9 which direction it went. But now with like any
10 districts, Hope being one of them, that's over 20%
11 Hispanic/Latino, how does that play in? Do you have
12 any -- have you seen any guidance, anything from the
13 courts that could help make a distinction between
14 racially identifiable schools and segregative
15 effects?

16 MS. FRENO: Okay. I think, if I understand your
17 question, the Supreme Court has recognized -- has
18 well recognized that demographics play a huge part in
19 determining -- I mean they play a big part. So if
20 you have a school district for example that has 80%
21 African American students, the fact that the school
22 will have 80% African American students isn't a
23 problem at all. I mean is that what you're getting
24 at or the facts that surround the district?

25 COMMISSIONER KEY: Well, and how they've changed

1 through the years as -- you know, because we're
2 dealing with cases that the genesis was decades ago
3 and so demographics have changed, and that's kind of
4 what I'm getting at --

5 MS. FRENO: Oh, yeah, demographics --

6 COMMISSIONER KEY: -- as it relates to the
7 decision this board has to make.

8 MS. FRENO: Yeah, demographics have changed, I
9 mean incredibly over the years and, you know, that's
10 one of the things that the federal court would take
11 into consideration. If there was -- if a school
12 district wanted to go into federal court and get a
13 consent decree modified, terminated, or clarified
14 they would look at the demographics as well as
15 everything else.

16 MS. ZOOK: And you're talking about the
17 democratic -- demographics from which the school
18 district draws people, not the demographics of those
19 who actually are attending?

20 MS. FRENO: The demographics from which the
21 school district draws the students, yes. Yes, that's
22 correct.

23 CHAIRMAN BARTH: Any questions?

24 Yeah, Ms. Chambers.

25 MS. CHAMBERS: I'm afraid to try to repeat the

1 Commissioner's -- the definitions of segregative
2 versus racially defined. Could you speak to that
3 just for a second? What was the point you were
4 making or that you were trying to elicit an answer
5 to?

6 COMMISSIONER KEY: Oh, they were just two terms
7 that have been used in reference to some of these
8 cases. And the term "racially identifiable schools,"
9 you know, that's something to be avoided because you
10 don't -- you know, I think the courts have made it
11 very clear that the separate-but-equal is, you know,
12 unconstitutional. My question was about the context
13 of cases from 20, 30, 40, 50 years ago versus now the
14 reality where our student -- our populations have
15 changed, state demographics have changed, and
16 regions, you know, have changed. So I simply was
17 asking if there were distinctions that are now in --
18 have been ruled on by the courts, as opposed to the
19 realities of three, four, five decades ago -- and one
20 being the influx and growth of the Hispanic/Latino
21 population, not just in Arkansas but in other parts
22 of the nation.

23 MS. FRENO: And I think a point I was thinking
24 of earlier as well was, you know, that -- I mean
25 that's very important because I believe there's a

1 statistic that, you know, there are so many thousands
2 of students who have choiced in Arkansas and, you
3 know, only such-and-such a percentage of them were
4 African American or Latino or whatever. You have to
5 look at these things on an individual basis because,
6 you know, you have to look -- you just have to really
7 look at the school district; you need to look at the
8 consent decree. Every -- all of these are really,
9 really individual and the data are really important
10 and the demographics are really important, and you
11 just can't get up and make general statements about,
12 you know, well this might have a segregative effect.
13 You need to prove that, and federal court is a place
14 where you do prove -- is where you do prove it.

15 CHAIRMAN BARTH: I think my -- Ms. Freno, my
16 question -- I agree with you and I've made that case
17 again and again on school -- individual school choice
18 issues. But it feels like here we're being invited
19 to do that kind of interpretation. We shouldn't -- I
20 don't think we should be doing it, but we're being
21 invited to do it; and therefore, it feels like we're
22 -- we do have some responsibility to, you know, take
23 into account as much evidence as possible about the
24 possible impact.

25 MS. FRENO: I think what you're being invited to

1 do by the 2015 School Choice Act as amended is to
2 determine whether the consent decree prohibits
3 choice; that's -- I think that's -- as Ms. Hyatt said
4 at the very beginning, that's what you're here for
5 today, to determine whether the consent decree,
6 because the court enters -- the federal court enters
7 the consent decree. And Cooper versus Aaron keeps
8 coming up and, you know, Cooper versus Aaron stands
9 for the proposition that the supremacy -- I mean
10 under the supremacy clause, you know, if a federal
11 court holds X the state can't say, "Well, we're not
12 going to do X." You can't do that. But Cooper
13 versus Aaron, that is recognized -- as Ms. Hyatt
14 said, that's implicit in the School Choice Act of
15 2015 as amended because it specifically says if there
16 is a federal court order that is contrary -- you
17 know, that says no choice -- you've got to follow
18 that court order.

19 CHAIRMAN BARTH: Thank you.

20 Ms. Reith.

21 MS. REITH: Again, I guess this is one of these
22 issues I feel compelled to speak on, in large part
23 because I know I'm the minority in these positions
24 and maybe to put some things on record. But I feel
25 challenged with some of these particular

1 conversations. You know, I will say first and
2 foremost -- and I'm appreciative of everyone at the
3 Department; I'm appreciative of the attorneys, the
4 efforts you're putting into this. I know that these
5 are complex issues, and please know I'm the last
6 person that would say anybody is looking at these
7 things in simple isolation. But it's for that same
8 reason I can also say and feel compelled to respond
9 where -- you know, my full reality of why I sit on
10 this board and why I'm in Arkansas is tied to the
11 demographic changes that you all have alluded to in
12 regards to our Latino population here in Arkansas.
13 But I can say I still carry these same concerns as
14 somebody that works alongside our African American
15 community and the realities that we see and where the
16 challenges may be different. And while you say, Ms.
17 Zook -- I like you have and hold in great esteem our
18 teachers and their desire to teach every student that
19 is there. I mean all we have to look at is even to
20 what we just did with the ESSA process and know that
21 we are challenged in our state in reaching our
22 subgroups; that's why we still measure them. And
23 where the challenges may look different, and they are
24 maybe a little different within the populations,
25 overall we are continuing and need to strive to do

1 better with all of our subgroups. And so where I
2 believe our state has, you know, gone through this
3 tremendous history in regards to race -- and as I've
4 shared before on this board I don't think anyone
5 carries racist intentions; as we look at these votes
6 I do continue to feel that these are outcomes,
7 whether it's us or what the state legislature does.
8 And as our chair has said, I think it's our
9 obligation when we can have the foresight to look
10 into these matters and weigh them that we must, and
11 we know that when we can see and have trends and
12 evidence around this that point in those directions
13 to take some moments and have those reflections.

14 And so I know this isn't easy because we're
15 responding to some specific mandates here from the
16 state legislature. This isn't the first time that
17 we've been in this position of being asked to look at
18 something very narrowly. But I just feel, as I'm
19 going to walk away from these seven years, we can't
20 just aspire to say that we should not, because I
21 continue to look with concern as we move forward from
22 continued court cases to come. And any time we say,
23 "Well, that remedy is there," I just want to continue
24 to say that putting onus on our victims, right, on
25 the worst case scenario happening, and then trying to

1 find justice through our court system should not be a
2 fair way of trying to find justice and move forward.
3 If we have the opportunity to act, then I believe we
4 must do so.

5 And I don't feel our Latino community is
6 isolated from our African American in these matters.
7 I do think our issues are different. The challenges
8 that the teachers have working with our populations
9 may look different, but they are real.

10 And I share a concern overall because I continue
11 to believe when we hold back one population,
12 interpret or let results happen that hold back one
13 population it holds back our whole state and it holds
14 back our whole potential. So, thank you.

15 CHAIRMAN BARTH: All right. Any further
16 discussion?

17 Okay. I'll invite a motion on -- and, again,
18 the motion is whether --

19 Oh, Miss --

20 MS. MOORE: Do I have any time left?

21 CHAIRMAN BARTH: I'm sorry. You do, yeah.

22 MS. MOORE: I thought it was --

23 CHAIRMAN BARTH: This is very casual; I
24 apologize.

25 MS. MOORE: I thought it was going to be

1 quicker, but --

2 CHAIRMAN BARTH: Yeah.

3 MS. MOORE: I apologize.

4 CHAIRMAN BARTH: That's all right.

5 MS. MOORE: I just -- I had a few comments to
6 respond to some of the questions. One --

7 MS. GAYLE MORRIS: Talk louder.

8 MS. MOORE: Oh, sorry. Yes. One of the
9 questions raised by Ms. Zook, or I think it was this
10 side, about how these districts were formed, I would
11 point out briefly that, you know, historically
12 Arkansas had 5,000 school districts. I think now
13 it's down -- you guys know better than I do how many
14 there are (but it's not near that many) and how those
15 districts were consolidated. I know there was an act
16 in the 40s or so that you had to have a high school
17 -- but, you know, the school districts sprang up
18 because you had to walk to them. That's obviously
19 not the case anymore. So as they've evolved and
20 changed that number has shrunk.

21 I don't know today what the last district Hope
22 incorporated was, or Spring Hill, but I do know that
23 as the consolidation process is written under
24 Arkansas law right now the districts have a lot of
25 authority over who they consolidate with until they

1 get down below that 350 enrollment. So if you're
2 basing it on voluntary consolidation, I'm sure there
3 were districts that chose to go with Hope or not to
4 go with Hope at one point in time. The Smackover-
5 Norphlet consolidation 10 or 15 years ago springs to
6 mind, because I remember Norphlet being emphatic
7 about not consolidating with El Dorado even though
8 they were closer geographically to El Dorado than
9 they were to Smackover. So I don't know that we can
10 totally hold Hope or Spring Hill responsible for what
11 their boundaries look like now.

12 And as far as the black/non-black, white/non-
13 white breakdown historically during the time of
14 school segregation that was mandated by the state,
15 the students that were segregated were black. Any
16 Hispanic population -- even though it may have been
17 smaller 50 or 60 years ago, any Hispanic or Pacific
18 Islander or any other race students were allowed to
19 go to the white school; it was only the black
20 students that were segregated.

21 I think the racially identifiable term is just
22 something that has sprung up from political
23 correctness in trying to move away from state-
24 sponsored segregation, which is requiring students of
25 different races to be separated. But I think it's

1 important that these districts exist, these schools
2 exists side-by-side.

3 And there was a comment earlier that because
4 Hope's order is intra-district, and not inter-
5 district, that that makes it all okay. But if Hope
6 had done -- if Hope had one elementary school that
7 was predominantly black and another elementary school
8 that was predominantly white that would violate
9 Hope's court order. And I think what we're talking
10 about is just putting different labels on the same
11 thing. I mean you're talking about two schools --
12 two districts that have schools that are very close
13 together, yet one of them has 92% of the black kids
14 and the other one has 1%. So, you know, just because
15 it wasn't Hope's decision for them to be assigned
16 that way I think misses the larger point. Hope is
17 exactly situated to El Dorado before El Dorado went
18 back to court. And you're right that Hope can go to
19 court and get that clarification; we're there now. I
20 anticipate we will be back there on this issue. But
21 there's no reason to think that Hope will not end up
22 with the same result as El Dorado; there's just not.

23 So thank you very much and we would encourage
24 you to grant the exemption for Hope School District.

25 CHAIRMAN BARTH: All right. Thank you.

1 Ms. Hyatt, any closing words?

2 MS. HYATT: I'm going to be really brief, I
3 promise. I just want to point out that we do have a
4 federal court case from 2015 in the Eastern Division
5 of Arkansas, Forrest City Special School District
6 versus -- I'm going to try really hard not to say
7 Palestine -- Palestine Wheatley School District and
8 Wynne School District that involves a situation where
9 a consent decree was completely intra-district, and
10 that school district was operating segregated schools
11 within the school district. It found that their
12 consent decree did not prevent them from
13 participating in inter-district transfers because
14 their consent decree was primarily -- or was
15 completely intra-district. So that distinction is
16 one that's found in case law; that distinction is one
17 that's important. It's not a distinction that is
18 just made arbitrarily for purposes of advancing
19 whatever position. So, I will say that.

20 And then also I just want to note, you know,
21 there are other factors that go into racial makeup of
22 schools, like where people choose to live and work
23 and have their community and their fellowship. And
24 so I think we just have to take all of that into
25 consideration when looking at racial make-up of

1 schools, because it's not just where they choose to
2 -- you know, where they choose to choice out of or
3 choice into; it's also where they choose to have
4 their communities.

5 CHAIRMAN BARTH: Thank you. Did you want to
6 make a comment?

7 SUPT. HART: Yes.

8 CHAIRMAN BARTH: All right. And so we'll need
9 to swear you. Do you swear or affirm that the
10 testimony you're about to give shall be the truth,
11 the whole truth and nothing but the truth?

12 SUPT. HART: I do.

13 CHAIRMAN BARTH: Great. If you'll identify
14 yourself, please.

15 SUPT. HART: Bobby Hart; I'm the superintendent
16 of Hope Public Schools, and I want to thank you. I
17 know it's well past the noon hour and you all are
18 probably hungry, so I'll be brief.

19 I think the point came up earlier about the
20 demographics of the entire county and the
21 demographics of our city. Our city is actually 30%
22 African American; our school district is 48%. We
23 have a 20 -- excuse me -- we have a 30% Hispanic
24 population. While I'm not here to judge what's in
25 the hearts of men I do know that I sit across a desk

1 from countless parents that come in and request to go
2 to a school, all of them south of ours, all much
3 whiter. Now when I inform them we don't participate
4 in school choice, and we've not participated in the
5 time that I've been here -- this is my sixth year --
6 and I push on why, not once has it been an academic
7 issue; it is always -- and I'm going to quote you,
8 and this is disheartening to hear this, but "there's
9 no one in my daughter's class they can date;"
10 "there's no one in my son's grade level that he can
11 have for a sleepover." So don't tell me it's not
12 racially motivated; okay. And I know you all aren't
13 here to represent the State. And I want to commend
14 the Commissioner for the work he did in the 2013 law;
15 I think it was a tremendous compromise to say that
16 there are areas of our state who still haven't
17 accepted the fact that we can't have separate but
18 equal school systems. And I love Hempstead County --
19 they have welcomed me with open arms and I love the
20 citizens there -- but we are still in south Arkansas,
21 a very racially segregated society. And if we don't
22 acknowledge that, if this body doesn't acknowledge
23 that I think we're remiss in our duties. And I
24 really think that while I understand the predicament
25 you all are in and the Department is in -- they've

1 had to make a ruling and you're being asked to make a
2 ruling on legislation that was written and provided
3 for you. It was crafted very handily so that it
4 could encompass more schools and more systems and
5 more communities, just like mine, for the sake of an
6 agenda that really doesn't improve school systems but
7 simply to provide a political agenda that meets the
8 needs of certain individuals.

9 And so with that I'll refrain from getting on my
10 soapbox any farther, Mr. Chair, but -- and I'll be
11 happy to answer any questions, but I don't want to
12 take too much more of your time.

13 CHAIRMAN BARTH: Great. Thank you, Mr. Hart.

14 Any questions for him?

15 All right. Are we ready to go?

16 MS. HYATT: We are.

17 CHAIRMAN BARTH: Okay. I will entertain a
18 motion and we'll ask for a roll-call, as well. And
19 the motion, the proper motion is either to accept the
20 appeal --

21 MS. HYATT: The proper motion would be to affirm
22 the decision of the Department or to reverse the
23 decision.

24 CHAIRMAN BARTH: To reverse. Thank you. Thank
25 you.

1 MR. WILLIAMSON: Mr. Chairman, I move to affirm
2 the decision of the Department.

3 CHAIRMAN BARTH: Motion by Mr. Williamson.

4 MS. NEWTON: Second.

5 CHAIRMAN BARTH: Second by Ms. Newton.

6 We will do a roll-call.

7 COMMISSIONER KEY: Ms. Reith.

8 MS. REITH: No.

9 COMMISSIONER KEY: Ms. Zook.

10 MS. ZOOK: Yes.

11 COMMISSIONER KEY: Mr. Williamson.

12 MR. WILLIAMSON: Yes.

13 COMMISSIONER KEY: Ms. Chambers.

14 MS. CHAMBERS: Yes.

15 COMMISSIONER KEY: Ms. Dean.

16 MS. DEAN: Yes.

17 COMMISSIONER KEY: Ms. Newton.

18 MS. NEWTON: Yes.

19 COMMISSIONER KEY: Mr. Black.

20 MR. BLACK: Yes.

21 COMMISSIONER KEY: Six yea's, one nay.

22 CHAIRMAN BARTH: All right. Thank you. Thanks
23 so much.

24 I apologize that I have to hold y'all until
25 after lunch, but I think we've reached a point where

1 our brains are -- yeah, I think we'll be very quick.
2 So we will pick up with the Lafayette County School
3 District case right after lunch. And let's reconvene
4 at 1:20 p.m. to give ourselves 30 minutes. Okay.

5 (LUNCH BREAK: 12:47 - 1:28 p.m.)

6 (COURT REPORTER'S NOTE: Ms. Cochran arrived
7 during the lunch break.)

8 c) LAFAYETTE COUNTY SCHOOL DISTRICT

9 CHAIRMAN BARTH: I'll call us back to order. I
10 want to welcome Ms. Cochran for the afternoon. And
11 just for folks who may be tuning in we are now on the
12 last couple of items from the morning that we had to
13 delay, and, particularly, we're on the Lafayette
14 County School District appeal.

15 And I think we know how this -- I think we know
16 the procedure now. But I will turn it over to Ms.
17 Hyatt for an intro and then we'll turn it back to the
18 Lafayette County folks for 20 minutes.

19 MS. HYATT: So I think we've hashed procedure
20 through and through. But if you want to go ahead and
21 swear them, that's something we forgot to do before
22 with Hope.

23 CHAIRMAN BARTH: Yeah.

24 MS. HYATT: But you might want to go ahead and
25 swear anyone that's here from Lafayette.

1 CHAIRMAN BARTH: Yeah. So if folks from
2 Lafayette County, if you'd raise your right hand. Do
3 you swear or affirm that the testimony you're about
4 to give shall be the truth, the whole truth, and
5 nothing but the truth?

6 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

7 CHAIRMAN BARTH: Thank you.

8 And there we go. Thank you, Ms. Moore.

9 MS. MOORE: Good afternoon. Again, I'm Whitney
10 Moore; I'm one of the attorneys for the Lafayette
11 County School District. We are here today --

12 CHAIRMAN BARTH: Ms. Moore, can you just get --

13 MS. MOORE: Yeah, I can't -- I keep doing it;
14 I'm sorry.

15 I'm Whitney Moore; I'm one of the attorneys for
16 Lafayette County School District. We are here today
17 for Lafayette County's appeal of the Department's
18 denial of an exemption from participation in school
19 choice. Lafayette County submitted its request for a
20 conflict before January 1, and was timely, and
21 received the letter from the Department I think on
22 January 19th denying the request for an exemption.

23 Lafayette County is subject to a federal court
24 desegregation order and it believes that
25 participation in school choice conflicts with its

1 ongoing desegregation obligations. Lafayette County,
2 like the other districts before it, has a substantial
3 black student population in comparison with its
4 neighbor districts, and Lafayette County believes
5 that participation in school choice would have a
6 segregative inter-district result. Lafayette County
7 is a party to Turner versus -- it was originally
8 Turner versus Lewisville; it's now Turner versus
9 Lafayette County, and that's their desegregation
10 case.

11 Again, I will incorporate all of my arguments
12 from the Hope case, specifically -- I think we
13 touched on all of those in Hope, and not just Camden-
14 Fairview. Just to be safe I'll incorporate all of my
15 arguments from Hope and Camden-Fairview.

16 The ADE's letter notifying Lafayette County of
17 its decision to deny its request for an exemption
18 contained no evidence that the Department evaluated
19 or considered the segregative impact of participation
20 on Lafayette County. So we would ask this board to
21 consider that today.

22 And I have more demographic numbers for you and
23 some references to Lafayette County's specific
24 orders; otherwise, I'll just briefly touch on what
25 I've already said.

1 Lafayette County borders Spring Hill School
2 District and Emerson Taylor Bradley, among others.
3 Lafayette County's black student enrollment is 61%,
4 Spring Hill enrolls 1% black students, and Emerson
5 Taylor Bradley enrolls 16.1%. And an interesting
6 aside about Emerson Taylor Bradley, they are the
7 product of the consolidation of three districts:
8 Emerson, Taylor, and Bradley, those former districts.
9 They each continue to operate an elementary and a
10 high school; so there's an elementary and a high
11 school in Emerson, an elementary and a high school in
12 Taylor, and an elementary and a high school in
13 Bradley. Emerson and Taylor are both located in
14 Columbia County; Bradley is located in Lafayette
15 County. But Emerson Taylor Bradley's board has
16 adopted rules for how they accept or deny school
17 choice applications, and one of the rules they've
18 adopted is that they allow applicants to request
19 which schools they want, whether they want to go to
20 Emerson or Taylor or Bradley. And the majority of
21 the requests that Lafayette County has received are
22 requests not to the closer Bradley schools in the
23 same county, but to the Taylor schools. So Emerson
24 Taylor Bradley's black enrollment is 16.1%; the
25 Taylor schools, the primary destination for school

1 choice applications from Lafayette County, has only
2 3.7% black student enrollment. So again I'll mention
3 the state school choice data shows that school choice
4 transfers are taken predominantly by white or non-
5 black students.

6 Our superintendent, Mr. Robert Edwards, and our
7 school board president, Ms. Lindsey Nutt, are here
8 and have been sworn; they would like to I think offer
9 some testimony about their experiences with parents
10 who have requested transfers or inquired why
11 Lafayette County isn't participating in school
12 choice. They also have some previous experience with
13 school choice.

14 The district actually participated in school
15 choice in 2013-14 and I think thought at the time
16 that it wouldn't interfere with their desegregation
17 obligations. And that year they had a net loss of 30
18 students of which 29 were white and 1 was Hispanic;
19 they did not lose any black students -- or they had
20 no black students request to leave, I guess.

21 Again, I would remind you that the State -- and
22 you are the State -- has an obligation not to approve
23 or facilitate state policies that have the purpose or
24 effect of creating, maintaining or increasing school
25 districts or school attendance zones that are

1 racially identifiable, and you are forbidden from
2 allowing private decisions to promote or achieve the
3 same unconstitutional results. The explicit
4 limitations on inter-district transfers language from
5 the 2017 Act, I will give you a little bit of the
6 Turner order language. There's a consent decree that
7 was entered in March of 1993; it enjoins Lafayette
8 County from engaging in any policies, practices,
9 customs, or usages of racial discrimination in any
10 school operation, including but not limited to
11 faculty assignments, student assignments, and the
12 treatment of black and other minority pupils within
13 the school system. The decree further requires LCSD
14 to implement a desegregation and integration policy
15 which promotes pupil and staff integration, rather
16 than one of passive acceptance of desegregation
17 between students of all races without regard to
18 socioeconomic status.

19 Again, I would argue that for purposes of
20 determining a conflict with the desegregation order,
21 whether the order is intra-district or inter-
22 district, is not dispositive; it's just a reflection
23 of the parties to the case. Neither Spring Hill nor
24 Emerson Taylor, nor any other district, are a party
25 to the Turner case. But we believe the operative

1 question is whether participation in inter-district
2 school choice would have a segregative impact on a
3 district with intra-district desegregation
4 obligations based on its demographics and those of
5 its neighbor districts.

6 And, again, I would argue that the Department
7 does not have the authority to interpret court orders
8 and determine whether or not a district should be
9 exempt. Call it plain reading, call it just being
10 able to read, call it whatever you want; if you're --
11 if you are reviewing an order and making a decision
12 about that order you're interpreting that order by
13 determining whether or not you can do so.

14 Lafayette County is exactly situated -- is
15 similarly situated to El Dorado, prior to El Dorado's
16 2016 order in which Judge Hickey held that an intra-
17 district order could carry inter-district
18 obligations. And the fact that these districts
19 continue to exist side-by-side when two are
20 overwhelmingly white and the other is overwhelmingly
21 minority we just -- we think that adopting a policy
22 and participating in a program that will only
23 encourage a further divide is just against our
24 obligations under our federal court orders.

25 CHAIRMAN BARTH: Great. And I think as part of

1 your testimony did you want to go ahead and hear
2 statements from board president, superintendent?

3 MS. MOORE: We'll wait for questions --

4 CHAIRMAN BARTH: Okay. All right.

5 MS. MOORE: -- if anybody has one.

6 CHAIRMAN BARTH: Okay. Thank you.

7 MS. MOORE: Thank you.

8 CHAIRMAN BARTH: Ms. Hyatt, you have up to 20
9 minutes.

10 MS. HYATT: I'd like to first just incorporate
11 arguments I've made in the previous two hearings to
12 avoid duplication. This consent decree, like the
13 Hope consent decree, is completely intra-district and
14 aimed at remedying discrimination that existed in a
15 dual school system within the Lafayette County School
16 District. There was mention when Ms. Moore was
17 talking about losing 30 students -- and I just want
18 to clarify -- that because of the 3% cap by statute
19 that Lafayette County could stand to lose, in 2017,
20 17 students only. So I just want to make sure that I
21 have -- you know, you have an accurate picture of how
22 that looks in this year. And in the language in the
23 actual consent decree nothing in there addresses an
24 inter-district remedy, addresses school choice. And
25 as I mentioned in the Hope case, we do have a federal

1 court decision that says that an intra-district
2 consent decree does not prevent schools -- or the
3 plaintiff in this case, Forrest City -- from
4 participating in inter-district transfers. So I do
5 think that that distinction is important.

6 And although I think it's important for the
7 Board to weigh all the evidence put in front of it,
8 the issue in front of this board today, just to
9 reiterate, is whether there is explicit mention in
10 the consent decree that prohibits participation in
11 school choice, not whether it's going to lead to a
12 segregative impact. That is a decision that should
13 be made by the federal court and in a situation where
14 evidence can be put on and examined for credibility,
15 cross-examined and reviewed by both parties.

16 Thanks.

17 CHAIRMAN BARTH: Thanks, Ms. Hyatt.

18 Ms. Moore.

19 MS. MOORE: I feel like we're doing back and
20 forth, but I just can't help myself. One
21 clarification about Ms. Hyatt's numbers: I think when
22 -- I'm not sure if it was the 2015 Act revisions or
23 this one but there used to be a calculation about
24 siblings counting in the numerator, the denominator
25 and all of that. But my understanding of how the

1 calculations are done now, it's 17 units, if you
2 will, or family members, because when you factor in
3 the siblings I think it can go above the straight 3%
4 of total enrollment. So 17 was the number that was
5 mentioned to me by the superintendent, but it was 17
6 units, and so far they've gotten applications I think
7 over that.

8 SUPT. EDWARDS: Over 18.

9 MS. MOORE: They've gotten 18 and that would
10 total 30 --

11 SUPT. EDWARDS: 30 children.

12 MS. MOORE: -- 30 kids. The other thing I would
13 say is the McKissic case that she cited was decided
14 before the El Dorado case. And Judge Hickey heard
15 arguments about the McKissic case and actually
16 received -- I never know how to pronounce this -- an
17 amicus, maybe a letter -- I don't know that it -- it
18 wasn't a full-on brief -- but from a lawyer working
19 on behalf of the family in the El Dorado case that
20 said, you know, the McKissic case says what Ms. Hyatt
21 just said. And Judge Hickey took that into
22 consideration and still ruled the way she did, that
23 El Dorado with an intra-district order could still
24 have problems with inter-district choice transfers.

25 The other thing I would point out is that the

1 McKissic case -- and I think I'm right about this --
2 involves some other issues. I think Forrest City was
3 asking for financial compensation from Wynne and
4 Palestine-Wheatley for transfers that had already
5 taken place. So the intra-district versus -- intra-
6 district obligation versus inter-district choice was
7 an element of that case, but it was not the only or
8 even the primary element of the McKissic case.

9 That's all.

10 CHAIRMAN BARTH: All right. Great.

11 Anything else, Ms. Hyatt?

12 MS. HYATT: No.

13 CHAIRMAN BARTH: Okay. I'll see if there are
14 any questions on this side?

15 Okay. All right. Any questions, Ms. Zook?

16 MS. ZOOK: [clearing throat] Excuse me. The
17 Lafayette County case -- I don't want to offend
18 anybody by pronouncing it incorrectly -- wasn't that
19 case before the consolidation of the districts?

20 MS. MOORE: Yes, ma'am.

21 MS. ZOOK: There hasn't been --

22 MS. MOORE: Lewisville was the original party to
23 that case and Lafayette County has entered its
24 appearance and they've been substituted as a party,
25 so --

1 MS. ZOOK: Okay. And I must add, I know that
2 both of you are here and, you know, talking. But
3 when we're charged with not interpreting -- I did my
4 best to read what I was given ahead of time so that
5 no one could presume that I was trying to interpret
6 anything. So please know that I try not to make up
7 my mind in most instances ahead of time, but I don't
8 want to leave the impression that I am thinking about
9 El Dorado and Forrest City and interpreting and what
10 does it mean and she's a good lawyer and, boy, she's
11 a good lawyer. So that is not going into my
12 decisions on that at this point.

13 MS. MOORE: Thank you very much. I appreciate
14 that.

15 CHAIRMAN BARTH: Thank you, Ms. Zook.
16 Ms. Hyatt, did you have anything?

17 MS. HYATT: No.

18 CHAIRMAN BARTH: Okay. Ms. Dean? Ms. Reith?
19 Okay. Mr. Williamson, did you --

20 MR. WILLIAMSON: I'm fine. Thank you.

21 CHAIRMAN BARTH: Okay. All right. Anything
22 else?

23 Then I will entertain a motion. Yes, the
24 motions are to affirm the decision of the Department
25 or to overturn the decision of the Department. And

1 the decision -- and the recommendation of -- the
2 decision of the Department is that this district
3 should not be exempt from public school choice.

4 MS. CHAMBERS: I move that we affirm.

5 CHAIRMAN BARTH: All right.

6 MS. NUTT: My name is Lindsey Nutt and I am the
7 Lafayette County school board president currently.

8 CHAIRMAN BARTH: We appreciate you being here.

9 MS. NUTT: Thank you. I'm a lifelong resident
10 of Lafayette County, and today makes me very
11 emotional. I'm probably three generations deep in
12 this county. My heart and soul is in this county. I
13 have a 14-year old son in this district and a 9-year
14 old son in this district. The hateful and racial
15 words that have come out of these parents' mouths
16 about why they want to move their children is so
17 hurtful to my heart and soul. And so I'm here asking
18 you to understand the stance that the Lafayette
19 County board made to ask for it to be exempt from
20 this, because we know the ramifications -- we have
21 suffered them and we have lived them for years; to be
22 able to let us make our own decision, approve our
23 exemption, and let us educate our children, knowing
24 what past history has shown for our community, and
25 let us do what's best for our kids. Thank you.

1 SUPT. EDWARDS: And I'm not going to try to
2 curtail off of what my colleague and friend Mr. Hart
3 said, because I feel like he made a fabulous speech.
4 But I will tell you two instances that come to mind,
5 both of them from fathers. One of them is -- because
6 I'm going to ask, if they choose to leave -- "Mr.
7 Edwards, I don't want my boys being the only white
8 left in their grade;" and, number two, "Mr. Edwards,
9 you know the reason; there's no need to ask me." And
10 that's it. So, thank you all very much.

11 CHAIRMAN BARTH: Thank you, sir.

12 All right. Okay. We did not yet get a second
13 of your motion; right?

14 MS. CHAMBERS: No.

15 CHAIRMAN BARTH: Okay.

16 MS. CHAMBERS: I didn't quite get the motion
17 out.

18 CHAIRMAN BARTH: Okay. Okay. All right. So we
19 don't --

20 MS. CHAMBERS: No motion on the table.

21 CHAIRMAN BARTH: No motion on the table. Okay.
22 I'll wait to hear a motion.

23 MS. CHAMBERS: Are you looking for a motion?

24 CHAIRMAN BARTH: Yes, I'm looking for a motion
25 either to affirm or to reverse.

1 MS. CHAMBERS: First, I would like to thank you
2 for your comments. They are obviously heartfelt and
3 they run deep and they're based on your experience.
4 And I don't know that I speak for everyone here, but
5 these decisions are very difficult for us as we weigh
6 what is happening personally in communities and the
7 laws and the legislation that we are given to not
8 interpret but to fulfill. And it is with that and
9 with a heavy heart that I affirm the Department of
10 Education's recommendation that we not allow an
11 exemption for this district.

12 CHAIRMAN BARTH: Motion to affirm. Is there a
13 second?

14 MS. DEAN: Second.

15 CHAIRMAN BARTH: Second by -- motion by Ms.
16 Chambers, second by Ms. Dean. We'll do a roll-call
17 again on this.

18 COMMISSIONER KEY: Ms. Reith.

19 MS. REITH: No.

20 COMMISSIONER KEY: Ms. Zook.

21 MS. ZOOK: Yes.

22 COMMISSIONER KEY: Mr. Williamson.

23 MR. WILLIAMSON: Yes.

24 COMMISSIONER KEY: Ms. Chambers.

25 MS. CHAMBERS: Yes.

1 COMMISSIONER KEY: Ms. Dean.

2 MS. DEAN: Yes.

3 COMMISSIONER KEY: Ms. Newton.

4 MS. NEWTON: Yes.

5 COMMISSIONER KEY: Mr. Black.

6 MR. BLACK: Yes.

7 COMMISSIONER KEY: Six yea's, one nay.

8 CHAIRMAN BARTH: Okay. Thank you.

9 Thank you for being here. Thanks for your love
10 of your county and your district.

11 d) JUNCTION CITY SCHOOL DISTRICT

12 CHAIRMAN BARTH: We are now to the last of
13 these, and this is the Junction City case.

14 MS. HYATT: That's correct. I'm not sure if --
15 is there -- are there representatives?

16 MS. MOORE: Yes.

17 MS. HYATT: Okay.

18 CHAIRMAN BARTH: Great. And so I would ask
19 y'all to stand and raise your right hand. All right.

20 SUPT. LOWE: Robbie Lowe, superintendent at
21 Junction City.

22 CHAIRMAN BARTH: Thank you, sir. Do you swear
23 or -- and, yeah, why don't y'all just walk up. Thank
24 you. Do you swear or affirm the testimony you're
25 about to give shall be the truth, the whole truth,

1 and nothing but the truth?

2 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

3 CHAIRMAN BARTH: Thank you. And I will turn it
4 -- Ms. Hyatt, are you ready to go to Ms. Moore?

5 MS. HYATT: Absolutely.

6 CHAIRMAN BARTH: Okay. Thanks.

7 MS. MOORE: Again, my name is Whitney Moore; I'm
8 one of the attorneys for Junction City School
9 District. Junction City has requested to be exempt
10 from participation in the School Choice Act for 2018-
11 19. That request was denied by the Department on
12 January 19th. Junction City requested an appeal
13 before this board and so that's why we're here today.
14 I would incorporate the arguments I made on behalf of
15 Camden-Fairview, Hope and Lafayette County School
16 Districts, but I do have some demographic information
17 about Junction City and some information from their
18 orders. I would again mention that no rules have
19 been promulgated by the Department for how these
20 appeals are supposed to work.

21 Junction City believes it is -- it continues to
22 be subject to federal court desegregation orders; it
23 believes that school choice conflicts with their
24 desegregation obligations. Junction City has -- is
25 not a majority black school district, like the three

1 previous districts, but they have a more substantial
2 black student population than their neighbor
3 districts. And I think that's a testament to the
4 fact that -- I've heard John Walker use in litigation
5 there's a tipping point somewhere; when there are a
6 certain percentage of black students, white students
7 begin to flee to whiter districts. I'm not sure what
8 the tipping point is, but in my experience it seems
9 to be that if there is a district with fewer black
10 students than the one in which you reside right next
11 door then that becomes the preferred destination for
12 white parents in south Arkansas.

13 Junction City believes that school choice would
14 have a segregative inter-district result between
15 Junction City and its neighbor districts. The
16 Department again did not consider the segregative
17 impact of participation in school choice on Junction
18 City. Junction City borders Parkers Chapel; it also
19 borders El Dorado. Junction City's black student
20 enrollment is approximately 38%, while Parkers Chapel
21 is 10%. Junction City enrolls only 9.3% of all Union
22 County students, but it also enrolls a similar
23 percentage, 8.8%, of all black students in Union
24 County. Parkers Chapel enrolls 10.4% of county
25 students, but only 2.6% of Union County's black

1 students.

2 Again, I'll reference the state school choice
3 data that shows that school choice transfer
4 applicants are primarily requested by non-black
5 students. And Mr. Lowe, the superintendent of
6 Junction City, is here and has been sworn, along with
7 Principal Mason. They can attest to their experience
8 with parents requesting transfers. I'll leave it up
9 to them after I finish if they'd like to come up and
10 speak to that.

11 I'll again remind you that the State, through
12 the Department and this board, has an obligation not
13 to approve or facilitate state policies that have the
14 purpose or effect of creating, maintaining or
15 increasing school districts or school attendance
16 zones that are racially identifiable. School choice
17 has the effect of increasing racially identifiable
18 schools. It further divides these districts, which
19 are already pretty far apart. And the State is
20 forbidden from allowing private decisions to promote
21 or achieve the same unconstitutional result.

22 Junction City continues to believe it has
23 constitutional obligations to avoid taking action,
24 the natural and probable consequence of which would
25 be a segregative impact within its district. This

1 was the holding of Judge Hickey in the El Dorado
2 case, and Junction City is very similarly situated to
3 El Dorado. The 2017 Act's focus on explicit
4 limitations on the inter-district transfers should
5 not be dispositive because for purposes of
6 determining a conflict with the desegregation order,
7 whether the case is intra-district or inter-district,
8 it's just a reflection of who or what entities the
9 plaintiffs elected to sue at the time they filed
10 their complaint.

11 The orders in Junction City -- Junction City has
12 two cases: United States versus Junction City School
13 District and Love versus Junction City School
14 District. There was a Justice Department lawsuit
15 filed simultaneously with a private civil action.
16 The 1970 order entered in those companion cases
17 enjoins Junction City from assigning students to or
18 maintaining any homeroom, classroom or other school
19 related activity on the basis of race, color or
20 national origin. The October 22, 1970 motion
21 references a previous order authorizing student
22 assignment based on freedom of choice, which was
23 subsequently declared unconstitutional by the United
24 States Supreme Court in Raney versus Board of
25 Education of the Gould School District, which found

1 that freedom of choice plans are inadequate to
2 convert to a unitary nonracial system. If you'll
3 recall, the El Dorado -- the original El Dorado order
4 from 1968 had very similar language adopting a
5 freedom of choice plan before those plans were
6 determined to be unconstitutional by the Supreme
7 Court.

8 Participation in school choice would have a
9 segregative impact on Junction City School District,
10 and it is a district with intra-district
11 desegregation obligations based on its demographics
12 and those of its neighbor districts. It's exactly
13 like El Dorado School District: its order mirrors the
14 order that Judge Hickey considered in 2016 that was
15 the original order in the El Dorado case. And the
16 Legislature cannot undermine federal court authority
17 and orders by inserting restrictions, such as
18 explicitly an inter-district, where they do not
19 appear.

20 I would again remind you that the Department
21 does not have authority to interpret court orders and
22 determine whether or not a district should be exempt.
23 That should be a function of the federal court and
24 the judicial system. And the federal court with
25 jurisdiction of Junction City's desegregation cases

1 is the proper entity to determine whether
2 participation in school choice conflicts with its
3 desegregation orders. The Legislature's decision to
4 vest the Department with this authority is
5 unconstitutional.

6 I think that's all I have. We would ask you to
7 reject the Department's recommendation and grant an
8 exemption for Junction City School District from
9 participation in school choice for 2018-19. Thank
10 you.

11 CHAIRMAN BARTH: Thank you. Would the school
12 officials like to speak as part of the testimony or
13 would you want to wait?

14 SUPT. LOWE: I believe we would like to address
15 any questions that any of you may have. But as far
16 as adding anything that Hope or Lafayette County has
17 already said, we would have those exact same
18 comments.

19 CHAIRMAN BARTH: If you could come up -- I
20 thought you were not going to give a speech, but we
21 do want you to come up. Please identify yourself for
22 the record.

23 SUPT. LOWE: We'll be glad to answer any
24 questions that you all have. We can mirror some of
25 the very same comments that the superintendent from

1 Hope and Lafayette County have said about parents
2 coming into our offices and formally asking for
3 transfers based on convenience or whatever; never a
4 problem with academics or anything like that. But
5 informally the tone of what they want has a very
6 strong racial slant to it. So we stand with what
7 Lafayette has already said and with what Hope has
8 already said. So if you do have any questions I'll
9 be glad to answer them though.

10 CHAIRMAN BARTH: Thank you, sir. Thank y'all
11 both for being here.

12 I'll turn it over to Ms. Hyatt for her 20
13 minutes.

14 MS. HYATT: Thank you. Mary Claire Hyatt with
15 the Department. I incorporate any arguments made in
16 the three previous hearing.

17 The Junction City consent decree, also
18 completely intra-district, enjoins the school
19 district from maintaining homerooms, classrooms and
20 other school related activity on the basis of race,
21 color or national origin. In no way does the School
22 Choice Act of 2015 as amended, you know, assign
23 students to different schools or allow school choice
24 on the basis of race, color or national origin, which
25 is the explicit student assignment and activity

1 assignment provision as contained in the consent
2 decree. This more than any of the other ones is --
3 contains nothing even similar to enjoin from engaging
4 in policies like we saw in Lafayette County. It
5 specifically says "enjoin from assigning students to
6 these particular activities in classrooms on the
7 basis of race." In no way is the Public School
8 Choice Act of 2015 as amended an assignment to a
9 classroom, a school, a homeroom, or school-related
10 activity on the basis of race.

11 Just to briefly address the freedom of choice
12 provisions that Ms. Moore touched on, freedom of
13 choice provisions are very different than public
14 school choice. When required to desegregate, some
15 school districts did so by adopting freedom of choice
16 provisions inside their own school districts. Under
17 these types of plans black students could choose to
18 go to the white school and white students could
19 choose to go to the black school, which, as you can
20 imagine, wasn't particularly effective. So, yes, Ms.
21 Moore is correct that those types of provisions were
22 found unconstitutional and not as an effective way to
23 desegregate a district.

24 Public School Choice Act is racially a neutral
25 and does not allow a black student to choose a white

1 school or a white student to choose a black school,
2 like freedom of choice provisions. And freedom of
3 choice provisions were completely intra-district,
4 meaning the freedom of choice was to choose which
5 school they went to within the district itself.
6 Public School Choice Act of 2015 as amended is inter-
7 district student transfers and very different from
8 freedom of choice provisions.

9 And with that I don't have anything else to add.

10 CHAIRMAN BARTH: Thank you, Ms. Hyatt.

11 Ms. Moore, anything in response?

12 MS. MOORE: I would just argue that public
13 school choice, freedom of choice, the effect of this
14 law allows a white parent in south Arkansas to make
15 the same choice they would've made under freedom of
16 choice, under the guise of a race neutral statute.
17 The history that we have, the demographics, the
18 anecdotes you've heard from all of these
19 superintendents are that white parents seek out
20 transfers to leave schools with a higher percentage
21 of black students to go to schools with a lower
22 percentage of black students. And freedom of choice,
23 public school choice, whatever you want to call it,
24 it's -- the result is there are schools that are
25 predominantly white next to schools that are

1 predominantly black. You can call it racially
2 identifiable, you can call it segregation; you can
3 say that because it's not sanctioned by the same
4 superintendent it's okay. But the effect is the same
5 as it was in 1968 and before.

6 So again we would ask you to grant an exemption
7 from participation in school choice for Junction City
8 School District. Thank you.

9 CHAIRMAN BARTH: Thank you, Ms. Moore.

10 All right.

11 MS. HYATT: We don't have anything else.

12 CHAIRMAN BARTH: Okay. Thank you, Ms. Hyatt.

13 And before we move to questions, I just want --
14 I do want to thank both attorneys for how nice a job
15 you have done in stating your cases and how civil you
16 have been in this process. Thank y'all very much.
17 And I want to thank, even though the rest are gone,
18 everyone who has come in from the school districts,
19 traveling a long way in this case, to stand up for
20 your schools and to clearly articulate your
21 perspective on things. So, thank y'all.

22 Any discussion on this side or any questions on
23 this side?

24 Ms. Zook.

25 MS. ZOOK: For the -- I think this is for the

1 principal or the superintendent. I don't know who
2 would come closer to having the information.

3 How are you? I don't think we've met before.

4 SUPT. LOWE: No, ma'am, I don't believe so.

5 CHAIRMAN BARTH: Please restate your name for
6 the record.

7 SUPT. LOWE: Robbie Lowe.

8 MS. ZOOK: How many students choice into your
9 district from Louisiana?

10 SUPT. LOWE: Currently, we have 179 Louisiana
11 students that -- I mean historically, since 1894 --
12 well, that number has been much higher and it's been
13 lower; right now it's at 179.

14 MS. ZOOK: Do you choose those students based on
15 their race?

16 SUPT. LOWE: No, ma'am.

17 MS. ZOOK: Okay. So you're not discriminating,
18 are you?

19 SUPT. LOWE: No, ma'am.

20 MS. ZOOK: And are those students reported in
21 your ADA and ADM for reimbursement by the state?

22 SUPT. LOWE: By the state of Arkansas?

23 MS. ZOOK: Yes.

24 SUPT. LOWE: No, ma'am.

25 MS. ZOOK: Okay. So they pay tuition out of

1 Louisiana?

2 SUPT. LOWE: They are -- tuition agreement
3 exists between Louisiana and Junction City Schools.

4 MS. ZOOK: Okay. So if you're allowing choice
5 from another state but you don't want to allow choice
6 from this state, help me understand your reasoning.

7 SUPT. LOWE: My reason is it's simply historic.
8 I mean for a hundred-and-however-many years those
9 students in areas adjacent -- if you understand where
10 Junction City is located, the center of the town is
11 the state line. The school is three blocks into
12 Arkansas. There are a lot of students who live two
13 blocks into Louisiana. And so that's just been a
14 historical arrangement between the parishes and
15 Junction City Schools. And then, more recently
16 between a border elementary, secondary, Louisiana
17 border -- pretty much a secondary agreement through
18 charter for those same students and those same areas
19 to continue to go to school there. And --

20 MS. ZOOK: Does that other part, the part of
21 Junction City that you're saying is in Louisiana
22 parish, or in the parish in Louisiana, do they have a
23 school?

24 SUPT. LOWE: There are schools in the parishes,
25 yes.

1 MS. ZOOK: And do any of your students go to
2 that school?

3 SUPT. LOWE: No, ma'am. No Arkansas students go
4 to that school.

5 MS. ZOOK: That's what I meant.

6 SUPT. LOWE: No, ma'am.

7 MS. ZOOK: Yeah. Okay. Thank you.

8 SUPT. LOWE: I mean as far as I know, none of
9 the Louisiana students who live within that
10 attendance zone go to those schools either, so --
11 they live in Junction City.

12 MS. ZOOK: Well, you know, when you're in our
13 business a lot of information gets thrown around and
14 I knew I could get a clear answer from you because
15 you're the superintendent.

16 SUPT. LOWE: Yes, ma'am.

17 MS. ZOOK: Thank you.

18 CHAIRMAN BARTH: Great. Mr. Black? Ms.
19 Chambers? Anyone else? Ms. Cochran, anything?

20 Okay. All right. Ms. Reith? No, okay.

21 I will entertain a motion on the Junction City
22 case. And the proper motion is either to affirm or
23 to reverse the decision of the ADE on the Junction
24 City exemption.

25 MS. ZOOK: I move to uphold the decision of ADE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Legal.

MR. BLACK: Second.

CHAIRMAN BARTH: All right. Motion by Ms. Zook,
second by Mr. Black.

We'll do a roll-call just because we have on the
other cases.

COMMISSIONER KEY: Ms. Reith.

MS. REITH: No.

COMMISSIONER KEY: Ms. Zook.

MS. ZOOK: Yes.

COMMISSIONER KEY: Mr. Williamson.

MR. WILLIAMSON: Yes.

COMMISSIONER KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

COMMISSIONER KEY: Ms. Dean.

MS. DEAN: Yes.

COMMISSIONER KEY: Ms. Newton.

MS. NEWTON: Yes.

COMMISSIONER KEY: Mr. Black.

MR. BLACK: Yes.

COMMISSIONER KEY: Six yea's, one nay.

CHAIRMAN BARTH: Thank you.

All right. Thank y'all very much. Thank you.

Safe travels.

Thank you, Ms. Hyatt.

1 B-1: 2018 APPEL HANDBOOK ADDENDUM FOR INTERNATIONAL COHORT

2 CHAIRMAN BARTH: All right. We are now down to
3 our action agenda for the afternoon, Agenda B. And
4 first up is Ms. Luneau with the APPEL Handbook
5 Addendum for International Cohort.

6 MS. LUNEAU: Good afternoon. Joan Luneau,
7 Coordinator of Educator Preparation at the ADE. I'm
8 here today to ask about making an addendum to the
9 APPEL handbook that the Board approved in November of
10 2017. You have the information in the packet on what
11 we want to do with what we are calling an
12 international cohort.

13 In the addendum we made the language a little
14 bit generic, but there is a specific need and that is
15 with our Teach Chinese program that we have with UCA.
16 Because of changes in the requirements in getting the
17 teachers to Arkansas in time, they are unable to be
18 here in time for the July cohort. So what we want to
19 do is put them in a one-week condensed version for
20 APPEL that first week of August and then they'll
21 rotate into the regular APPEL with our sites around
22 the state. So -- and the reason that we see this
23 would work is these are teachers that are already
24 credentialed in their native country, already
25 experienced. But the program wants them to stay part

1 of the APPEL program for that support.

2 CHAIRMAN BARTH: All right. Thank you.

3 I'll start over here to see if there are any
4 questions. Ms. Cochran? Ms. Newton? Anyone? Mr.
5 Black? Ms. Zook?

6 MS. ZOOK: Does it only apply to the Chinese in
7 that program or does this -- like I know a guy that's
8 moved here from Russia --

9 MS. LUNEAU: Right.

10 MS. ZOOK: -- you know, and he would like to
11 teach. And I didn't know, does this apply to those
12 kinds of situations?

13 MS. LUNEAU: It could be used by other school
14 districts. We know some of our school districts are
15 using international teachers, and if they want to do
16 this we would work with them for the same type of
17 thing. And that's why the language in the APPEL
18 handbook is generic; it's not specific to the Teach
19 Chinese program.

20 MS. ZOOK: Okay. Thank you.

21 CHAIRMAN BARTH: Ms. Reith?

22 MS. REITH: No, I -- Ms. Zook --

23 CHAIRMAN BARTH: Ms. Dean? Ms. Reith.

24 MS. REITH: Ms. Zook definitely posed the
25 question that I had. And so knowing this -- because

1 I've actually known a few districts in this situation
2 before as well -- how will they be made aware of this
3 opportunity?

4 MS. LUNEAU: We'll do that through
5 communication. We know a few districts, but I want
6 to make sure all --

7 MS. REITH: Yeah.

8 MS. LUNEAU: -- who would want to do this could.

9 MS. REITH: No, that's fantastic. And thank you
10 for accommodating. I work directly in our
11 international immigration processes; I know how
12 difficult they are right now, so I'm excited to see
13 this accommodation. I can see districts being very
14 responsive to this. Thank you.

15 MS. LUNEAU: Well, the school districts have
16 been doing their own support, but the APPEL program
17 is there and we know it works. So that might take a
18 little bit of a burden off the school district if we
19 can put them in the APPEL program.

20 CHAIRMAN BARTH: All right. I'll entertain a
21 motion to approve this amendment -- or addendum.
22 Excuse me.

23 MR. BLACK: I move that we approve the addendum.

24 CHAIRMAN BARTH: All right. Motion by Mr.
25 Black.

1 MS. CHAMBERS: Second.

2 CHAIRMAN BARTH: Second by Ms. Chambers.

3 All those in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN BARTH: Opposed, same sign.

6 Great. Thank you.

7 MS. LUNEAU: Thank you.

8 B-2: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: ADE RULES
9 GOVERNING DYSLEXIA

10 CHAIRMAN BARTH: All right. Next up, after a
11 breather, Ms. Hyatt, we have Release for Public
12 Comment: ADE Rules -- or amendments to the ADE Rules
13 Governing Dyslexia.

14 MS. HYATT: Yes. And I am sure you all are
15 tired of hearing me talk, so I will try and be brief.

16 Act 1039 of 2017 amended some of the provisions
17 in the dyslexia laws. Changes to the rule were
18 necessary to incorporate those changes. So ADE
19 respectfully requests that the Board release this
20 rule as amended for public comment. I'm happy to
21 answer any questions.

22 CHAIRMAN BARTH: All right. Any -- Ms. Reith,
23 anything? Ms. Dean? Ms. Zook? Okay. Mr. Black?
24 Ms. Chambers? Okay. Any questions there?

25 I do have one question on -- could a -- under

1 our Act 1240 waivers could a district get a waiver on
2 the dyslexia?

3 MS. HYATT: That is a great question. I'm going
4 to ask Vicki or someone that -- Lori maybe?

5 CHAIRMAN BARTH: My question was whether a
6 school -- or a district could apply for an Act 1240
7 waiver to waive out of the dyslexia requirements.

8 MS. FRENO: Lori Freno, Department of Education.
9 I'm conferring with Vicki King, our dyslexia
10 specialist, and Stacy Smith, our assistant
11 commissioner for Learning Services, and it's our
12 understanding that no charter school has that waiver;
13 consequently, no traditional public school district
14 could request that waiver. I don't think there's
15 anything necessarily that would prohibit someone from
16 -- a charter school from asking for that waiver.
17 But, of course, that has to exist before you can get
18 the 1240 waiver.

19 MS. ZOOK: Yeah. I think that the concern is
20 because it's taken out of special ed. And we know
21 they can't get waivers for special ed. because -- but
22 because this is sort of an aside that we were
23 concerned that --

24 MS. FRENO: You are correct. I mean they cannot
25 get waivers from special ed., but this law is outside

1 of special ed. Yes.

2 MS. ZOOK: Okay.

3 MS. FRENO: So I guess arguably could they
4 request a waiver? They could request it. You know,
5 would they get it? It would be up to the Charter
6 Authorizing Panel.

7 CHAIRMAN BARTH: Would it be prohibited for this
8 rule to include a prohibition on that?

9 MS. FRENO: I think it would. That would not be
10 allowed because I don't think we could put a
11 prohibition in there. I mean Act 1240 I think would
12 override.

13 CHAIRMAN BARTH: But we do have rule-making
14 authority over the dyslexia law; right?

15 MS. FRENO: We have rule-making authority over
16 the dyslexia law, yes. But I think in that situation
17 you would start to get into a conflict between
18 charter school -- the charter school law and what is
19 allowed and what isn't. And dyslexia -- I mean if
20 one -- I mean one option would be to change the law
21 -- you know, propose a change in the law in the next
22 session --

23 CHAIRMAN BARTH: We can't do that.

24 MS. FRENO: -- well -- that would add this to
25 the list of things that could not be waived by

1 charter -- or the waivers charter schools cannot get.

2 CHAIRMAN BARTH: Okay.

3 MS. ZOOK: And a lot of the reason behind this
4 too is to give it teeth, because they passed a law
5 that had no teeth. So this -- "teeth" is probably
6 not a really good choice of words, but it had no --

7 MS. FRENO: Enforcement mechanism?

8 MS. ZOOK: Yes, whatever you said.

9 CHAIRMAN BARTH: And this does explicitly have
10 that in the last section, so that was just my
11 question.

12 Ms. Smith -- I see Ms. Smith. Did you have --

13 MS. SMITH: No.

14 CHAIRMAN BARTH: Okay, just standing up. Okay.
15 All right.

16 Any additional questions?

17 Okay. This again is just to release for public
18 comment. I encourage board members to express their
19 own comments along the way if they so choose.

20 Is there a motion?

21 MS. NEWTON: I move to release for public
22 comment.

23 MR. WILLIAMSON: Second.

24 CHAIRMAN BARTH: Motion by Ms. Newton, second by
25 Mr. Williamson.

1 Any discussion?

2 All those in favor, say "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN BARTH: Opposed, same sign.

5 Okay. Thank you.

6 B-3: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT: ADE RULES
7 GOVERNING THE ARKANSAS FISCAL ASSESSMENT AND ACCOUNTABILITY
8 PROGRAM

9 CHAIRMAN BARTH: And, Ms. Hyatt, you have
10 another rule for release. This is the Fiscal
11 Assessment and Accountability Program.

12 MS. HYATT: That's correct. Act 745 of 2017
13 amended provisions of Arkansas code in various
14 sections, so changes to this rule were also necessary
15 to incorporate those amended provisions. As I'm sure
16 you noticed, the changes were very, very small and
17 minor; just some section numbers and a couple of
18 words. So I'm happy to answer any questions and ask
19 that they be released for public comment.

20 CHAIRMAN BARTH: Okay. Any questions, comments?
21 Ms. Zook.

22 MS. ZOOK: The question I have is: I know that
23 occasionally districts are put on a watch-list if
24 they have a declining balance for whatever reason; we
25 are not made aware of that. Is it not -- is it okay

1 for us to be made aware or are we not to be made
2 aware?

3 MS. HYATT: That is a great question for Greg
4 Rogers.

5 MS. ZOOK: That's a question so easy he can
6 answer it.

7 MS. HYATT: Right.

8 MR. ROGERS: Greg Rogers, Department of
9 Education. Yeah, early intervention list -- we do
10 produce an early intervention list, and when those
11 schools are added to that list we can share it with
12 you. That would be easy.

13 MS. ZOOK: It would be okay for us to know?

14 MR. ROGERS: Yes, ma'am. It's public knowledge.
15 We can share it.

16 MS. ZOOK: Okay.

17 MR. ROGERS: It's out there.

18 MS. ZOOK: All right. Thanks.

19 CHAIRMAN BARTH: Okay. Other questions? Ms.
20 Newton, anything?

21 Okay. All right. I will entertain a motion to
22 release these rule amendments for public comment.

23 MS. ZOOK: So moved.

24 MS. REITH: Second.

25 CHAIRMAN BARTH: Motion by Ms. Zook, second by

1 Ms. Reith.

2 All those in favor say "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN BARTH: Opposed, same sign.

5 All right. Thank you.

6 ADJOURNMENT OF ACTION AGENDA

7 CHAIRMAN BARTH: All right. We have reached the
8 end of our action agenda. I know that we need to
9 take a brief break and get some technology changed,
10 for Sharon to escape. So let's take -- we do need a
11 motion to adjourn this meeting and then we'll pick --
12 do we? Or, maybe we don't.

13 MS. NEWTON: Move to adjourn.

14 MS. DEAN: Second.

15 CHAIRMAN BARTH: Yeah, I think it would be
16 cleaner. So, Ms. Newton makes the motion, Ms. Dean
17 seconds.

18 All those in favor say "aye."

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN BARTH: Opposed, same sign.

21 Let's take a 10-minute break. We'll come back
22 at 2:30 to pick up with the reports.

23

24 (The action agenda was adjourned at 2:19 p.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A-1

EXHIBIT ONE (1)

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas State Department of Education, State Board of Education, in North Little Rock, Arkansas, on March 8, 2018, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to this action.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: March 17, 2018.

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

	achieve (3) 47:14;113:2; 126:21	134:21	15:1;19:5;36:14, 18;37:2;38:4;39:6; 41:7;60:19;61:12; 74:3,8;104:9;106:21; 107:1;109:3;119:24; 120:4;121:25;122:9, 12;123:24;136:22	115:14
[add (6) 77:7;86:5;87:22; 119:1;132:9;143:24		al (1) 42:10
[clearing (1) 118:16	achievement (1) 26:5	added (1) 146:11	74:3,8;104:9;106:21; 107:1;109:3;119:24; 120:4;121:25;122:9, 12;123:24;136:22	Alexandra (1) 14:1
[sic] (1) 61:19	acknowledge (2) 105:22,22	ADDENDUM (6) 138:1,5,8,13; 140:21,23	AFFIRMATIVELY (3) 39:9;109:6;124:2	allegation (1) 90:21
A	across (1) 104:25	adding (1) 129:16	affirming (3) 41:11;61:8;66:2	alleged (1) 42:14
	Act (62) 13:24;18:17,24; 30:21;31:6,35;15,19; 36:11;40:2,3,10,19, 25;41:11;44:9,18,18, 19,20;48:8,20;49:5; 50:1;51:16;52:23,25; 53:1,4;54:6,19,21,24; 56:4;57:9;61:5;69:6; 71:23;77:7;78:5; 81:5;82:24;83:21,24; 85:22;87:25;88:1; 96:1,14;99:3;100:15; 113:5;116:22; 124:10;130:22; 131:8,24;132:6; 141:16;142:1,6; 143:11;145:12	address (5) 7:3;50:10;55:10; 129:14;131:11	afternoon (4) 108:10;109:9; 138:3,6	alleged (1) 42:14
A-1 (1) 148:24		addresses (2) 115:23,24	affirming (3) 41:11;61:8;66:2	Allen (2) 67:15;83:14
A-2 (1) 10:21		ADE (16) 7:14,20;8:2,6,12, 14,19;9:5;136:23,25; 138:7;141:8,12,12, 18;145:6	afford (1) 29:7	allow (11) 16:2,19;38:9,10; 54:17;89:7;111:18; 122:10;130:23; 131:25;135:5
A-3 (1) 13:21		ADE's (1) 110:16	afraid (1) 93:25	allowable (1) 14:15
A-4 (1) 21:17		adjacent (2) 78:25;135:9	African (6) 92:21,22;95:4; 97:14;99:6;104:22	allowed (6) 13:2;50:8;86:13; 101:18;143:10,19
A-5 (1) 34:22		adjoin (2) 147:11,13	again (48) 14:23;17:1;18:15; 21:21;22:7;25:13; 27:14;28:2,16;33:17; 43:4,19;50:19;52:1; 64:4,6,14;66:22; 68:10;69:1;70:21; 77:17,22;78:19;79:8; 80:13;83:18;84:18, 19;95:17,17;96:21; 99:17;109:9;110:11; 112:2,21;113:19; 114:6;122:17;124:7, 18;125:16;126:2,11; 128:20;133:6;144:17	allowing (5) 16:20;47:13;113:2; 126:20;135:4
Aaron (9) 51:9;83:7;84:2,6, 10,14;96:7,8,13		ADJOURNMENT (1) 147:6	ago (6) 8:25;93:2;94:13, 19;101:5,17	allows (1) 132:14
ability (3) 36:14;53:10,12		ADM (1) 134:21	against (1) 114:23	alluded (1) 97:11
able (5) 16:4,17;82:20; 114:10;120:22	acting (1) 84:5	administrator (3) 29:11;31:18,20	agency (1) 84:5	all-white (1) 89:22
above (1) 117:3	action (29) 4:2,7;10:25;13:1; 23:9;24:6;25:18; 27:2,3,15,18,19,22, 23,24;28:3,7,9;29:16; 34:2;42:23;47:23; 81:2;126:23;127:15; 138:3;147:6,8,24	admission (1) 53:19	agency's (1) 76:22	almost (4) 23:18;32:9;46:14; 75:16
Absolutely (3) 30:5;55:15;124:5		admit (2) 44:22;69:12	agenda (13) 4:2;10:25;23:8,9; 27:14;28:2;106:6,7; 138:3,3;147:6,8,24	alone (1) 33:11
academic (1) 105:6		admittee (1) 17:15	ago (6) 8:25;93:2;94:13, 19;101:5,17	along (3) 28:10;126:6; 144:19
academics (1) 130:4		adopted (2) 111:16,18	agree (3) 60:4;77:1;95:16	alongside (1) 97:14
ACADEMY (3) 21:19;22:4,24		adopting (3) 114:21;128:4; 131:15	agreed (2) 71:15;87:7	ALTERATION (3) 10:23;11:2,12
accept (5) 10:4;25:23;34:9; 106:19;111:16		advance (1) 41:17	agreement (5) 42:20;55:2;87:1; 135:2,17	although (1) 116:6
acceptance (1) 113:16		advancing (1) 103:18	ahead (11) 4:4;5:17,19;38:15, 23;76:3;108:20,24; 115:1;119:4,7	always (2) 73:10;105:7
accepted (4) 21:3;87:3,8;105:17		advantage (1) 46:10	aid (1) 20:5	amazing (1) 32:3
accepting (4) 27:10;28:7,13;90:4		advertising (1) 28:20	aided (1) 20:5	ambiguous (1) 5:14
access (1) 11:22		affected (1) 36:13	aimed (1)	Amend (5) 36:19;37:3,4; 49:10;71:23
accommodating (1) 140:10		Affidavit (1) 8:18		amended (15) 35:16;40:2;52:23; 54:19;57:9;85:23; 96:1,15;130:22; 131:8;132:6;141:16, 20;145:13,15
accommodation (1) 140:13		affirm (23)		AMENDMENT (3) 21:19;22:3;140:21
according (1) 41:8				amendments (2) 141:12;146:22
accordingly (1) 73:17				
account (1) 95:23				
ACCOUNTABILITY (2) 145:7,11				
accurate (1) 115:21				

American (6) 92:21,22;95:4; 97:14;99:6;104:22	14:7;80:10	117:15;124:14; 130:15	51:5	138:1
amicus (1) 117:17	applicants (4) 80:8,9;111:18; 126:4	Arkansas (26) 7:22,25;17:15,19; 24:20;33:10;42:15; 51:10;84:4;92:2; 94:21;95:2;97:10,12; 100:12,24;103:5; 105:20;125:12; 132:14;134:22; 135:12;136:3; 138:17;145:7,13	attend (3) 16:2;17:21;82:1	B-2 (1) 141:8
among (4) 28:21;45:18;79:1; 111:2	application (1) 84:7	Arkansas' (1) 76:21	attendance (5) 47:11;80:17; 112:25;126:15; 136:10	B-3 (1) 145:6
amongst (1) 44:21	applications (6) 66:18,20;80:25; 111:17;112:1;117:6	arms (1) 105:19	attending (4) 16:4;17:18,22; 93:19	back (29) 5:21;6:12;30:1; 32:2,10,18,21;48:12; 51:8;57:2;64:4,6; 67:16;69:16,19,22; 86:23;88:11;89:1; 99:11,12,13,14; 102:18,20;108:9,17; 116:19;147:21
analyze (1) 69:8	applied (2) 43:2;44:10	around (7) 17:11;56:16;62:8; 73:8;98:12;136:13; 138:21	attest (3) 46:25;79:20;126:7	background (2) 31:10,11
and-some (1) 46:14	applies (1) 58:21	arrangement (1) 135:14	attorney (4) 4:16;72:15,15; 86:22	balance (2) 88:12;145:24
anecdotes (1) 132:18	apply (6) 54:24;60:24;84:25; 139:6,11;142:6	arrested (1) 8:25	attorneys (13) 37:18;38:11,22; 39:2,17;72:19;77:23; 83:15;97:3;109:10, 15;124:8;133:14	balanced (1) 89:25
ANSWERED (3) 39:9;109:6;124:2	appreciate (12) 4:9;11:25;13:15; 26:25;30:2;33:16; 66:15;73:7;75:6; 84:19;119:13;120:8	arrive (1) 5:22	August (1) 138:20	barred (1) 44:7
anticipate (5) 60:1;62:9;66:1; 67:4;102:20	appreciation (1) 12:3	arrived (2) 6:15;108:6	Authority (13) 42:17;50:21,24; 51:4;82:15;83:3; 100:25;114:7; 128:16,21;129:4; 143:14,15	BARTH (234) 4:2,14;5:10,15,24; 6:1,5,10,18,20,25; 7:5,8;9:18,24;10:8, 12,17,20,24;11:9,15, 18;12:1,15,20,23; 13:5,9,12,20,23;14:1, 5,22,25;15:5,9,10; 16:24;17:3,11,18,23; 18:4,8,12,15,17,22; 19:3,9,13;20:6,11,15, 18;21:8,13,16,20,23; 22:9,16,19,22;23:1; 24:11;25:10,12,16, 22,25;26:7,23;27:7,9, 13;28:6;29:25;30:6; 33:13,19;34:3,8,12, 16,20,23;35:8;36:18, 21,24;37:6,9;38:14, 18,25;39:5,10,13,15, 19,22,23;52:8,15,17; 56:15,25;57:21;59:7, 10,15,17;62:14; 64:15;65:9,12;67:11; 69:23;70:15,24;71:2, 17;72:5,8,11,24; 73:23;74:6,11;75:5, 23;76:7;77:13,15,20; 83:9,12;84:18;86:6, 20;87:21;88:4,24; 90:3,14;91:21;93:23; 95:15;96:19;99:15, 21,23;100:2,4; 102:25;104:5,8,13; 106:13,17,24;107:3, 5,22;108:9,23;109:1, 7,12;114:25;115:4,6, 8;116:17;118:10,13; 119:15,18,21;120:5, 8;121:11,15,18,21, 24;122:12,15;123:8,
anticipated (2) 66:10;75:15	appreciative (2) 97:2,3	Asian (3) 80:7,12;89:21	authorizer (1) 26:16	
anticipations (1) 62:8	approach (4) 24:19,19,23;31:7	aside (4) 39:2;88:20;111:6; 142:22	AUTHORIZING (11) 21:17,21;23:10; 26:16,17;27:1,4,5,15; 127:21;143:6	
anymore (1) 100:19	appropriate (4) 30:7;51:1;52:11; 61:23	aspects (2) 32:20;81:15	avoid (8) 41:19;47:23;69:1; 71:8;81:2;84:22; 115:12;126:23	
apart (2) 81:24;126:19	approve (8) 22:3;47:8;80:14; 112:22;120:22; 126:13;140:21,23	Aspire (3) 30:22;31:6;98:20	avoided (1) 94:9	
apologize (7) 6:6,11;41:17; 67:11;99:24;100:3; 107:24	approved (2) 35:22;138:9	ASSESSMENT (2) 145:7,11	aware (4) 140:2;145:25; 146:1,2	
apparently (1) 49:3	approving (1) 27:11	assign (1) 130:22	awareness (2) 24:22;31:12	
appeal (25) 37:14,15,17;41:5; 60:21;61:3,16,19,19; 63:14,23;64:5,20,21, 23,24,25;65:7,14; 71:19,22;106:20; 108:14;109:17; 124:12	approximate (3) 45:20;79:4;125:20	assigned (1) 102:15	away (2) 98:19;101:23	
appealed (1) 72:3	April (2) 24:3;27:24	assigning (2) 127:17;131:5	aye (10) 10:15;13:7;18:10; 21:11;22:20;34:14; 141:3;145:2;147:2, 18	
appealing (1) 41:3	APSRC (1) 33:12	assignment (4) 127:22;130:25; 131:1,8	AYES (10) 10:16;13:8;18:11; 21:12;22:21;34:15; 141:4;145:3;147:3, 19	
APPEALS (6) 34:22;35:14;64:20; 67:4;70:22;124:20	arbitrarily (1) 103:18	assignments (3) 81:16;113:11,11	B	
appear (5) 23:8;24:5;28:2; 82:17;128:19	AREA (4) 10:23;11:2;23:16; 28:18	assistant (2) 20:1;142:10	B-1 (1)	
appearance (1) 118:24	areas (3) 105:16;135:9,18	assume (1) 79:18		
APPEL (9) 138:1,4,9,20,21; 139:1,17;140:16,19	arguably (1) 143:3	attached (1) 32:8		
Applegate (12) 19:1,8,11,14,15; 20:9,12,17,22,25; 21:2,15	argue (3) 113:19;114:6; 132:12	attempt (3) 51:18,21;82:25		
applicant (2)	argument (5) 50:18;82:18,22; 83:16;84:2	attempted (1) 49:5		
	arguments (12) 56:3;67:18;75:15; 77:25;84:23,25; 110:11,15;115:11;	attempting (1)		

<p>12,18,22;124:3,6; 129:11,19;130:10; 132:10;133:9,12; 134:5;136:18;137:3, 22;138:2;139:2,21, 23;140:20,24;141:2, 5,10,22;142:5;143:7, 13,23;144:2,9,14,24; 145:4,9,20;146:19, 25;147:4,7,15,20</p> <p>based (23) 16:1;33:3,19; 44:23;48:15;52:4; 60:8,9,9;66:10,22; 67:17;76:21;81:8,20; 82:12;85:15;114:4; 122:3;127:22; 128:11;130:3;134:14</p> <p>bases (1) 40:1</p> <p>basically (6) 43:12;57:13;58:24; 60:19;61:10;66:3</p> <p>basing (1) 101:2</p> <p>basis (8) 7:3;42:22;95:5; 127:19;130:20,24; 131:7,10</p> <p>bat (1) 31:13</p> <p>Bearden (1) 67:23</p> <p>became (3) 31:20;64:1;88:9</p> <p>become (3) 59:3;64:3;70:12</p> <p>becomes (2) 89:25;125:11</p> <p>begin (2) 89:7;125:7</p> <p>beginning (2) 37:20;96:4</p> <p>behalf (5) 40:8;78:1;84:5; 117:19;124:14</p> <p>behind (1) 144:3</p> <p>believes (7) 35:24;41:23; 109:24;110:4; 124:21,23;125:13</p> <p>below (1) 101:1</p> <p>benefit (3) 11:16;12:9;15:21</p> <p>beside (1) 7:10</p> <p>besides (3) 55:9;61:2;62:12</p> <p>best (3) 41:20;119:4; 120:25</p>	<p>better (6) 13:13;33:5;34:5; 86:18;98:1;100:13</p> <p>beyond (3) 62:9;65:5;72:13</p> <p>big (5) 19:24;30:21;32:14, 16;92:19</p> <p>bi-racial (1) 89:21</p> <p>bit (6) 26:24;42:8;77:24; 113:5;138:14;140:18</p> <p>BJ (1) 19:14</p> <p>Black (79) 9:20;12:23;22:11; 26:8;42:1,13,13,22; 45:19,23;46:4,7,9,13, 15,16,19,19;64:1,2,4, 11;69:5;75:2,3; 78:15;79:3,6,7;80:3, 10;81:22;86:2;88:4; 89:12,15,24;90:10; 92:8;101:15,19; 102:7,13;107:19,20; 110:3;111:3,4,24; 112:2,5,19,20; 113:12;123:5,6; 124:25;125:2,6,9,19, 23,25;131:17,19,25; 132:1,21,22;133:1; 136:18;137:2,4,19, 20;139:5;140:23,25; 141:23</p> <p>black/non-black (1) 101:12</p> <p>Blagg (20) 4:8,11,15,16;5:2, 12,23,25;6:13,14,19; 7:1,7,9,16;8:24;9:22; 10:2,7,19</p> <p>blind (1) 89:8</p> <p>blocks (2) 135:11,13</p> <p>Board (57) 5:2;6:21,23;7:23; 15:11;21:1,2;23:20; 26:12;29:12;36:11; 38:9;39:24;40:9; 41:6;45:15;46:23; 47:4,8,13;52:6,19; 55:12,20;59:21;60:3, 5,11,18;63:20,22,23; 67:13;71:25;73:16; 75:14,18;76:9;77:16; 79:17;93:7;97:10; 98:4;110:20;111:15; 112:7;115:2;116:7,8; 120:7,19;124:13; 126:12;127:24; 138:9;141:19;144:18</p>	<p>Board's (3) 38:13;48:11;71:24</p> <p>Bob (1) 68:21</p> <p>Bobby (1) 104:15</p> <p>body (2) 83:1;105:22</p> <p>border (2) 135:16,17</p> <p>bordered (2) 45:17;46:17</p> <p>borders (3) 111:1;125:18,19</p> <p>borne (1) 80:24</p> <p>both (13) 12:3;24:25;28:17; 46:25;53:3;55:22; 71:14;111:13; 116:15;119:2;121:5; 130:11;133:14</p> <p>bottom (1) 7:12</p> <p>bottom-hand (1) 7:12</p> <p>bound (2) 56:10;87:25</p> <p>BOUNDARIES (7) 10:23;11:3,4,12; 13:17;88:16;101:11</p> <p>box (1) 90:10</p> <p>boy (1) 119:10</p> <p>Boyd (29) 13:25,25;14:1,2,6, 12;15:13;17:2;18:22; 21:21,23;23:3,6; 24:16;25:11,15,17, 24;26:10,14;27:6,8, 17;29:20;33:22;34:3, 4,17,19</p> <p>boys (1) 121:7</p> <p>Bradley (10) 16:12;18:2;111:2, 5,6,8,13,14,20,22</p> <p>Bradley's (2) 111:15,24</p> <p>brains (1) 108:1</p> <p>branch (1) 83:2</p> <p>break (10) 4:5;5:17,20,21;6:2, 4;108:5,7;147:9,21</p> <p>breakdown (3) 80:4,24;101:13</p> <p>breather (1) 141:11</p> <p>BRIEF (7) 6:17;70:25;103:2;</p>	<p>104:18;117:18; 141:15;147:9</p> <p>briefed (1) 76:18</p> <p>briefly (5) 35:9;71:18;100:11; 110:24;131:11</p> <p>bring (4) 38:21;63:1;68:2; 91:6</p> <p>bringing (1) 24:23</p> <p>brings (1) 73:18</p> <p>broad (1) 34:24</p> <p>brought (3) 31:9;70:22;71:20</p> <p>Bryan (1) 11:5</p> <p>budget (1) 23:22</p> <p>build (1) 69:25</p> <p>builds (1) 88:25</p> <p>burden (1) 140:18</p> <p>business (3) 58:7;67:14;136:13</p>	<p>70:3;78:1;84:24; 87:10;110:15;124:15</p> <p>Camden-Fairview's (6) 44:10,16;45:19; 48:2;50:25;57:15</p> <p>Camden's (1) 48:7</p> <p>came (3) 15:14;41:11; 104:19</p> <p>campus (1) 25:4</p> <p>can (67) 4:4;5:8;6:3;13:13; 14:8;15:5;20:12; 24:13;37:19,20; 38:12,21,23,24;41:6, 20;45:3;46:25;47:16, 21;54:24;61:12,16; 64:7,25;65:1,2,8,24; 68:20;72:3,22;73:7, 13;75:24;76:13; 79:18;83:12;84:10; 88:13;91:5,6,6;97:8, 13;98:9,11;101:9; 102:18;105:9,10; 109:12;114:13; 116:14;117:3;126:7; 129:24;131:19; 133:1,2,2;140:13,19; 142:17;146:5,11,15</p>
C				
			<p>calculation (1) 116:23</p> <p>calculations (1) 117:1</p> <p>call (10) 5:3;83:18;84:15; 108:9;114:9,9,10; 132:23;133:1,2</p> <p>called (1) 34:1</p> <p>calling (2) 23:11;138:11</p> <p>Camden (12) 42:14,17,22;43:22; 48:5,14,14;50:7;64:1, 1,2;70:3</p> <p>Camden- (11) 36:9;38:23;40:23; 42:8;53:13;54:15; 57:19;66:16;78:6,16, 110:13</p> <p>Camden-Fairview (42) 38:1,20;39:1,17; 40:12,18;41:3,13,21, 25;42:4,6,43;5,9,13; 44:1,5,11,13;45:11, 14,17,22,25;46:23; 47:3,22;48:9;49:20, 25;50:16;52:2;53:24; 55:7;64:10;66:20;</p>	<p>cap (5) 44:21;60:24;67:8; 69:17;115:18</p> <p>capacity (1) 67:3</p> <p>care (2) 63:19;88:14</p> <p>career (2) 15:25;16:5</p> <p>carries (1) 98:5</p> <p>carry (2) 97:13;114:17</p> <p>case (77) 14:8;36:9;37:23; 42:9,12,19;43:3,24; 44:8;48:2,18;49:23; 50:6,12,25;51:10; 52:10;53:13;54:10; 55:4,19,20,21,22; 57:15;60:17;61:22; 66:7;68:8,9,14,16,17, 17,23;70:19;75:25; 82:6,9;84:6,11;85:1; 87:15,23;88:18,22; 89:2;91:1;95:16; 98:25;100:19;103:4, 16;108:3;110:10,12; 113:23,25;115:25; 116:3;117:13,14,15, 19,20;118:1,7,8,17, 19,23;123:13;127:2,</p>

<p>7;128:15;133:19; 136:22 cases (17) 35:5;36:6;42:9; 47:18;48:9;50:15; 58:21;72:14;93:2; 94:8,13;98:22; 127:12,16;128:25; 133:15;137:6 casting (1) 89:8 casual (1) 99:23 catch (1) 23:4 Cause (3) 8:18;44:4;55:16 caused (3) 59:3;83:23;88:9 causes (1) 88:17 caution (2) 60:8;75:21 center (3) 16:1,5;135:10 Central (1) 51:11 certain (3) 51:19;106:8;125:6 certainly (5) 56:12;70:10;85:11, 24;91:5 certified (2) 30:16,17 chair (2) 98:8;106:10 CHAIRMAN (236) 4:2,14;5:10,15,24; 6:1,5,10,18,20,25; 7:5,8;9:18,24;10:8, 12,17,20,24;11:9,15, 18;12:1,15,20,23; 13:5,9,12,20,23;14:1, 5,22,25;15:5,9,10; 16:24;17:3,11,18,23; 18:1,4,8,12,15,17,22; 19:3,9,13;20:6,11,15, 18;21:8,13,16,20,23; 22:9,16,19,22;23:1; 24:11;25:10,12,16, 22,25;26:7,23;27:7,9, 13;28:6;29:25;30:6; 33:13,19;34:3,8,12, 16,20,23;36:18,21, 24;37:6,9;38:14,18, 25;39:5,10,13,15,19, 22,23;52:8,15,17; 56:15,25;57:21;59:7, 10,15,17;62:14; 64:15;65:9,12;69:23; 70:15,24;71:2,17; 72:5,8,11,24;73:23; 74:6,11;75:5,23;</p>	<p>76:7;77:13,15,20; 83:9,11,12;84:13,18; 86:6,20;87:21;88:4, 24;90:3,14;91:21; 93:23;95:15;96:19; 99:15,21,23;100:2,4; 102:25;104:5,8,13; 106:13,17,24;107:1, 3,5,22;108:9,23; 109:1,7,12;114:25; 115:4,6,8;116:17; 118:10,13;119:15,18, 21;120:5,8;121:11, 15,18,21,24;122:12, 15;123:8,12,18,22; 124:3,6;129:11,19; 130:10;132:10; 133:9,12;134:5; 136:18;137:3,22; 138:2;139:2,21,23; 140:20,24;141:2,5, 10,22;142:5;143:7, 13,23;144:2,9,14,24; 145:4,9,20;146:19, 25;147:4,7,15,20 challenge (1) 83:21 challenged (2) 96:25;97:21 challenges (3) 97:16,23;99:7 CHAMBERS (33) 10:9,12;22:12,15, 16;27:9,10;28:4; 56:25;57:1;74:21,22; 86:7,10;93:24,25; 107:13,14;120:4; 121:14,16,20,23; 122:1,16,24,25; 136:19;137:13,14; 141:1,2,24 chance (1) 25:17 change (4) 26:20;37:5;143:20, 21 changed (9) 40:10;92:25;93:3, 8;94:15,15,16; 100:20;147:9 changes (9) 30:12;40:4;44:9; 97:11;138:16; 141:17,18;145:14,16 changing (2) 13:17;35:2 Chapel (8) 67:23;68:4,6,7,7; 125:18,20,24 character (1) 9:11 charged (2) 8:16;119:3</p>	<p>charging (1) 8:17 charter (32) 12:6;14:2,17; 15:17,18;21:17,21; 22:4,6;23:3,10;24:6, 9;25:14;26:12,15; 27:1,3,5,15,21;28:18; 29:2;34:7;135:18; 142:12,16;143:5,18, 18;144:1,1 CHARTERS (1) 13:22 children (6) 9:13;28:22,22; 117:11;120:16,23 Chinese (3) 138:15;139:6,19 choice (155) 29:13,14;34:22; 35:1,13,15,19,25; 36:3,5,11;37:14;40:2, 6,13,19,25;41:10,23; 42:4;44:19,25;45:1, 5;46:2,3,5,9,21; 48:15,20;50:1;51:2; 52:3,21,23,25;53:1,7; 54:4,6,8,19,21;55:8, 21,25;56:2,4,11;57:8; 60:21;61:1,5;62:8, 21;64:20,22;66:8,17, 20;67:7;69:4,8; 70:18;71:23;72:17; 76:22;78:5,9,13,17; 79:11,13;80:1,20,25; 82:10,19,21;83:20, 24;85:21,21,22,23; 86:4;87:2,4,9,24; 88:1;90:25;91:2; 95:17;96:1,3,14,17; 104:2,3;105:4; 109:19,25;110:5; 111:17;112:1,3,3,12, 13,15;114:2;115:24; 116:11;117:24; 118:6;120:3;124:10, 23;125:13,17;126:2, 3,16;127:22;128:1,5, 8;129:2,9;130:22,23; 131:8,11,13,14,15, 24;132:2,3,4,6,8,13, 13,15,16,22,23; 133:7;134:8;135:4,5; 144:6 choiced (1) 95:2 choices (1) 88:10 choose (13) 48:22;103:22; 104:1,2,3;121:6; 131:17,19,25;132:1, 4;134:14;144:19</p>	<p>CHORUS (10) 10:16;13:8;18:11; 21:12;22:21;34:15; 141:4;145:3;147:3, 19 chose (4) 50:5;58:2,25;101:3 chunk (2) 30:21;31:4 circuit (3) 61:21;64:25;72:4 circumstances (1) 45:2 cited (1) 117:13 citizens (1) 105:20 City (40) 38:3;103:5;104:21, 21;116:3;118:2; 119:9;123:11,13,21; 124:8,9,12,17,21,24; 125:13,15,18,18,21; 126:6,22;127:2,11, 11,12,13,17;128:9; 129:8;130:17;133:7; 135:3,10,15,21; 136:11,21,24 City's (2) 125:19;128:25 civil (2) 127:15;133:15 claim (1) 71:21 claims (1) 35:18 Claire (2) 35:7;130:14 clarification (8) 29:20;58:14;65:3; 67:9,21;91:18; 102:19;116:21 clarified (1) 93:13 clarify (5) 13:16;17:13;64:19; 71:5;115:18 Class (2) 9:3;105:9 classes (2) 16:2,5 classroom (2) 127:18;131:9 classrooms (2) 130:19;131:6 clause (3) 57:13;83:22;96:10 cleaner (1) 147:16 clear (13) 36:25;41:11;53:8, 13,17;54:14;56:24; 57:18;71:9,11;87:13;</p>	<p>94:11;136:14 clearly (3) 58:3;71:13;133:20 Cleveland (1) 15:25 Clinton (1) 42:10 close (7) 32:4,24;62:16; 63:8,10;67:24; 102:12 closer (4) 39:19;101:8; 111:22;134:2 closing (1) 103:1 co- (1) 11:3 coach (1) 32:23 Cochran (4) 108:6,10;136:19; 139:4 Code (2) 7:25;145:13 COHORT (4) 138:1,5,12,18 collaboration (1) 12:13 collaboratively (1) 12:8 colleague (1) 121:2 colleagues (1) 73:4 color (3) 127:19;130:21,24 Columbia (1) 111:14 comfortable (1) 5:13 coming (6) 30:15;32:18,25; 59:1;96:8;130:2 commend (1) 105:13 comment (14) 12:2;63:19;73:3; 88:6;102:3;104:6; 141:8,12,20;144:18, 22;145:6,19;146:22 comments (14) 26:21;33:14,15,20; 59:19,23;67:12; 72:25;100:5;122:2; 129:18,25;144:19; 145:20 COMMISSIONER (44) 6:9;13:16,19; 15:11;39:23;74:15, 17,19,21,23,25;75:2, 4;91:21,22;92:25; 93:6;94:6;105:14;</p>
--	--	---	--	---

<p>67:15 deal (4) 19:24;70:4,8;89:2 dealing (3) 35:6;66:24;93:2 dealt (2) 23:2;34:25 Dean (29) 9:24;10:11,13; 17:12;20:7;22:11,18, 19:33;14:34;11,13; 59:11;73:1;74:23,24; 88:24;107:15,16; 119:18;122:14,16; 123:1,2;137:15,16; 139:23;141:23; 147:14,16 decades (2) 93:2;94:19 December (1) 9:4 decide (4) 24:6;27:25;28:1; 72:23 decided (6) 32:15;49:3;55:7; 60:18;83:21;117:13 decision (62) 21:24,25,25;22:3,7, 17;24:7;25:14,18; 26:12;27:4,25;28:1, 16;33:3;36:12,14; 37:2;38:5;40:10; 41:4;45:11;48:11; 51:3;60:6,8,19;61:8, 19;64:25;70:20;72:2, 3;74:3,4,8;76:19,22, 23;78:8,20;83:7; 84:24;90:7;91:3; 93:7;102:15;106:22, 23;107:2;110:17; 114:11;116:1,12; 119:24,25;120:1,2, 22;129:3;136:23,25 DECISIONS (12) 21:17;26:17,18; 33:4;47:14,17;61:17; 76:21;113:2;119:12; 122:5;126:20 Declaration (1) 78:4 declared (4) 43:5,22;44:5; 127:23 declining (1) 145:24 decree (64) 37:25;52:20;53:6, 11,12,15,16;54:2,7, 13,20,23;55:1;56:5, 10;57:2,5,10,14; 58:12,15;59:25; 61:11;65:3;66:4;</p>	<p>71:5;7,9,12,14;73:12; 76:24;81:6,13;85:3,7, 9,13,17;87:5,24; 90:23,24,25;91:1,18, 18;93:13;95:8;96:2, 5,7;103:9,12,14; 113:6,13;115:12,13, 23;116:2,10;130:17; 131:2 decrees (4) 53:2;56:6;61:13; 89:16 dedication (1) 30:3 deemed (3) 31:2;43:1,14 deep (2) 120:11;122:3 Defendant (1) 8:7 defendants (2) 55:23;68:1 defer (2) 37:3;75:18 deference (4) 53:2,9;57:12,14 defined (1) 94:2 Definitely (4) 23:6;63:17;71:4; 139:24 definitions (1) 94:1 delay (2) 6:6;108:13 democratic (1) 93:17 demographic (5) 46:15;73:13;97:11; 110:22;124:16 demographics (26) 45:24;48:2,17; 62:10;63:6,66;23; 68:5;79:3,9;80:18; 82:13;92:18;93:3,5,8, 14,17,18,20;94:15; 95:10;104:20,21; 114:4;128:11;132:17 demonstrate (1) 9:11 denial (4) 40:16;65:11,12; 109:18 denied (6) 40:15;63:2;64:22; 67:1;78:7;124:11 denies (2) 36:8,9 denominator (1) 116:24 deny (8) 10:5,9;41:7;65:19; 66:11;78:20;110:17;</p>	<p>111:16 denying (2) 41:12;109:22 Department (70) 8:10,15;9:14; 33:10;35:8,19;36:1,3, 8,12,15;38:8;40:15, 23;41:4,7,9;45:13; 47:7,13;49:8;50:19; 51:4;53:6,10,11,14; 56:1;59:21,24;60:20; 64:18;69:7,8,10; 71:15;74:3,4,9;76:2, 10;77:18;78:7,8,19, 22;83:3;86:22;91:2; 97:3;105:25;106:22; 107:2;109:21; 110:18;114:6; 119:24,25;120:2; 122:9;124:11,19; 125:16;126:12; 127:14;128:20; 129:4;130:15;142:8; 146:8 Department's (6) 45:10;52:2,9;66:3; 109:17;129:7 dependent (2) 6:7,11 desegregate (2) 131:14,23 desegregated (2) 43:8;81:13 desegregation (37) 35:21,22;41:22,24; 42:6,9;43:2;49:1,7, 10,16,23;50:25;51:2, 12,18;53:3;67:2; 78:11,13;82:5,12; 87:18;109:24;110:1, 9;112:16;113:14,16, 20;114:3;124:22,24; 127:6;128:11,25; 129:3 desire (1) 97:18 desiring (1) 40:5 desk (1) 104:25 despite (2) 49:7;50:20 destination (2) 111:25;125:11 determination (2) 71:25;83:4 determine (9) 50:21;51:1,4; 60:14;96:2,5;114:8; 128:22;129:1 determined (5) 40:23;48:18;70:17; 91:14;128:6</p>	<p>determining (5) 82:4;92:19;113:20; 114:13;127:6 development (1) 23:21 develops (1) 90:20 differences (2) 78:2,3 different (21) 19:25;23:7;34:25; 37:24;44:23;66:4; 75:25;76:1;86:3; 87:11;90:13;97:16, 23,24;99:7,9;101:25; 102:10;130:23; 131:13;132:7 differently (1) 50:17 difficult (3) 49:12;122:5; 140:12 direct (1) 86:11 direction (1) 92:9 directions (1) 98:12 directive (1) 81:19 directly (2) 20:2;140:10 director (2) 11:7;14:2 disagree (1) 52:24 discard (1) 90:8 discreet (1) 38:16 discretion (2) 38:9,10 discriminating (1) 134:17 discrimination (13) 81:7,9,15,20,21; 85:13,14,15,17,18; 89:17;113:9;115:14 discuss (2) 35:12;75:11 discussed (4) 26:19;55:11,21; 75:13 discussing (2) 38:6;85:18 discussion (9) 10:14;18:9;21:10; 27:16;44:20;71:20; 99:16;133:22;145:1 discussions (1) 12:17 disheartening (1) 105:8</p>	<p>dismiss (1) 16:19 dispositive (3) 82:8;113:22;127:5 disqualification (1) 8:11 disqualifying (3) 4:21;8:4,17 distinction (6) 91:25;92:13; 103:15,16,17;116:5 distinctions (1) 94:17 distinguished (1) 86:14 DISTRICT (159) 10:22;12:9;13:21; 14:3,6,11,13,13,19; 15:13,23,24,24,25; 16:10;17:21;18:16, 21,23;35:18,24;36:2, 4,7,7,13;37:22,24; 38:4,7,20;39:2,18; 40:20,21;41:2;42:14, 15,16,21,22,25;43:9; 44:3;45:18;46:17; 47:25;48:21,25,25; 50:22;53:21,25,25; 54:11,16,17;55:3,6,9, 9;56:10,18;57:6,16, 17,24;58:4,9,11,22, 23;60:13;61:24;62:3, 7;64:21,24;65:6,8,17; 66:9;67:22;68:11; 75:6;77:14,24;78:25; 79:2,10;81:4;82:11, 12;83:5;85:5,5,20; 87:16,19;88:16; 89:23;91:6;92:20,24; 93:12,18,21;95:7; 100:21;102:5,24; 103:5,7,8,10,11; 104:22;108:3,8,14; 109:11,16;111:2; 112:14;113:22,24; 114:3,8,17;115:16; 118:6;120:2,13,14; 122:11;123:10,11; 124:9,25;125:9; 126:25;127:13,14,25; 128:9,10,13,22; 129:8;130:19; 131:23;132:5,7; 133:8;134:9;140:18; 142:1,6,13 districts (91) 12:6,18;37:19; 38:23;40:5,22;41:16, 18;42:2,25;43:10,18; 45:18,21;46:18;47:3, 11;48:7,23;49:2,4,6, 9,13,15;50:5,13,14; 51:5;55:14,23;58:4,</p>
--	--	--	--	--

20,25;59:3;60:1,13, 22;61:1,17;62:11; 68:1;69:5;70:7; 71:15;78:16;80:16, 19,23;82:13,20; 83:15;86:12,15;87:6; 88:8;92:10;100:10, 12,15,17,24;101:3; 102:1,12;110:2,4; 111:7,8;112:25; 114:5,18;118:19; 124:16;125:1,3,7,15; 126:15,18;128:12; 131:15,16;133:18; 139:14,14;140:1,5, 13,15;145:23	drill (1) 35:5 dual (5) 82:2;85:18,25; 87:16;115:15 Duffie (10) 11:3,5,5,10,16,25; 12:14,16;13:11,15 duplication (1) 115:12 during (6) 38:12;40:2;54:9; 55:11;101:13;108:7 duties (1) 105:23 duty (3) 51:13;53:5;85:25 DYSLEXIA (9) 141:9,13,17;142:2, 7,9;143:14,16,19	92:4;95:12;112:24; 126:14,17;132:13; 133:4 effective (2) 131:20,22 effectively (1) 81:12 Effectiveness (1) 4:16 effects (1) 92:15 efforts (1) 97:4 Eight (1) 7:14 either (14) 10:4;11:21;36:8; 38:12;44:24;56:17; 60:12;74:2,3;86:8; 106:19;121:25; 136:10,22	employment (1) 9:11 enable (1) 81:25 encompass (1) 106:4 encourage (4) 69:18;102:23; 114:23;144:18 encouraging (1) 67:16 end (7) 4:12;38:13;62:20; 63:1;64:7;102:21; 147:8 enforceable (1) 35:23 Enforcement (1) 144:7 engage (1) 53:15 engaging (2) 113:8;131:3 English (1) 31:11 enhanced (1) 70:5 enjoin (2) 131:3,5 enjoins (3) 113:7;127:17; 130:18 enough (1) 69:18 enroll (1) 79:6 enrolled (1) 46:5 enrollment (11) 15:17;45:19;46:13; 79:4,6;101:1;111:3, 24;112:2;117:4; 125:20 enrolls (8) 45:23;79:5,8; 111:4,5;125:21,22,24 entered (11) 7:15;50:9;51:24; 54:3;77:9;87:2; 89:16;90:23;113:7; 118:23;127:16 enters (2) 96:6,6 entertain (10) 10:3;12:25;17:25; 73:25;74:7;106:17; 119:23;136:21; 140:20;146:21 entire (5) 46:10;54:23;84:13; 85:17;104:20 entities (1) 127:8	entity (2) 51:1;129:1 enumerated (2) 7:25;8:3 envision (1) 65:18 equal (1) 105:18 equally (1) 62:21 equitably (1) 81:12 error (1) 68:19 escape (1) 147:10 ESEA (1) 30:23 especially (1) 54:2 ESSA (1) 97:20 essence (1) 43:7 essentially (1) 24:7 established (1) 76:3 esteem (1) 97:17 e-STEM (1) 31:22 et (1) 42:10 evaluated (3) 45:13;78:22; 110:18 even (16) 6:11;33:4;44:4; 47:17;48:10;56:11; 68:3,9;77:9;79:5; 97:19;101:7,16; 118:8;131:3;133:17 evenly (1) 48:4 eventually (2) 64:4,10 Everybody (1) 34:20 everybody's (1) 30:10 everyone (5) 6:5;73:5;97:2; 122:4;133:18 evidence (22) 7:15;9:10;45:12; 55:15;56:3;58:16; 60:7,11;68:16,19; 78:21;79:25,25;90:6, 8,12;91:10;95:23; 98:12;110:18;116:7, 14 evidenced (1)
	E	El (39) 48:1,3,4,5,10,11, 13,18;55:19,22; 67:23;68:3,8,9,11,16, 21,22,23;82:5;87:3; 101:7,8;102:17,17, 22;114:15,15;117:14, 19,23;119:9;125:19; 127:1,3;128:3,3,13, 15 elected (1) 127:9 element (2) 118:7,8 elementary (8) 19:21;102:6,7; 111:9,10,11,12; 135:16 elicit (1) 94:4 eligible (1) 15:16 eliminate (1) 81:14 eliminated (2) 31:14;48:24 else (12) 12:21;52:13;57:21; 67:19,24;72:5;93:15; 118:11;119:22; 132:9;133:11;136:19 Emerson (10) 111:2,4,6,8,11,13, 15,20,23;113:24 emotional (1) 120:11 emphasis (1) 63:11 emphatic (1) 101:6 employed (1) 9:21	earlier (10) 16:18,19;34:1; 74:1;78:1;86:12; 89:5;94:24;102:3; 104:19 early (7) 15:15;16:15;62:13, 18,25;146:9,10 easily (1) 55:6 Eastern (1) 103:4 easy (4) 71:6;98:14;146:5, 12 ed (9) 30:13,17;33:10; 47:7;63:21;142:20, 21,25;143:1 educate (1) 120:23 educating (1) 67:14 Education (16) 7:23;10:22;23:13, 17;29:2,23;31:17; 35:20;36:12;40:15; 42:18;49:8;64:18; 127:25;142:8;146:9 Education's (1) 122:10 Educator (4) 4:16,20;7:19;138:7 Edwards (6) 112:6;117:8,11; 121:1,7,8 effect (18) 47:10,19;53:23; 55:16;56:5;80:15,21; 88:9;90:20,21,91:4;	

<p>8:14 evolved (1) 100:19 exact (2) 37:15;129:17 exactly (3) 102:17;114:14; 128:12 examined (1) 116:14 example (1) 92:20 except (1) 41:1 exception (2) 37:18;86:16 excited (6) 30:11;32:1,18,23; 33:1;140:12 excuse (3) 104:23;118:16; 140:22 executive (1) 83:2 exempt (13) 40:5;48:22,25; 49:2,13,50:22;83:5; 88:3;114:9;120:3,19; 124:9;128:22 exempted (2) 49:8;52:22 EXEMPTION (36) 34:22;35:2,14; 36:4,8,9;40:12; 41:14;44:10,17; 45:10,12;48:15; 49:21;52:3;53:8; 54:18;57:6;60:20; 65:12;67:3;70:20; 76:23;78:21;84:25; 86:13;87:17;102:24; 109:18,22;110:17; 120:23;122:11; 129:8;133:6;136:24 exemptions (3) 41:12;50:12,14 exhausted (1) 69:21 exhibit (9) 7:13,21;8:2,6,12, 14,19;9:5;148:25 exhibits (3) 7:10,10,14 exist (6) 44:3;56:11;58:8; 102:1;114:19;142:17 existed (2) 82:2;115:14 existing (1) 49:16 exists (4) 76:23;85:22;102:2; 135:3</p>	<p>exit (1) 89:22 expand (2) 48:20;82:19 expect (2) 25:13;67:5 expecting (1) 77:10 experience (7) 46:25;79:20,22; 112:12;122:3;125:8; 126:7 experienced (1) 138:25 experiences (2) 66:24;112:9 experts (1) 91:15 expires (2) 18:24;24:3 explanation (1) 40:16 explicit (5) 81:5;113:3;116:9; 127:3;130:25 explicitly (5) 49:23;51:20;82:16; 128:18;144:9 express (1) 144:18 extend (1) 24:7 extensive (1) 30:19 extenuating (1) 45:2 extra (1) 83:23 extremely (1) 30:23 eye (1) 89:8 eyes (1) 89:10</p>	<p>47:1,5,6,18;79:22; 117:2 factors (2) 44:23;103:21 facts (3) 60:6,11;92:24 faculty (2) 13:14;113:11 fair (2) 56:17;99:2 fairly (1) 17:15 Fairview (15) 36:10;38:24;40:24; 42:14,21;53:14,20, 21;54:16;57:20;64:3; 66:17;78:7,17; 110:14 Fairview's (1) 42:9 faith (1) 29:13 familiar (1) 14:14 family (2) 117:2,19 fan (2) 18:1,6 fantastic (1) 140:9 far (11) 6:15;9:22;30:14; 57:3;62:11;77:11; 101:12;117:6; 126:19;129:15;136:8 farther (1) 106:10 fast (3) 7:16;75:13,24 faster (1) 77:24 fathers (1) 121:5 favor (10) 10:15;13:7;18:10; 21:11;22:20;34:14; 141:3;145:2;147:2, 18 fear (1) 60:10 February (2) 8:13;43:6 federal (46) 41:21;49:16;50:24; 51:6,14,14,22;53:2; 54:25;55:1;57:24; 58:13;65:1;69:19; 70:10,14;71:5;72:16, 21;76:17;77:1,1; 78:11;82:14;84:8,9; 90:22;91:6,8,13,16; 93:10,12;95:13;96:6, 10,16;103:4;109:23;</p>	<p>114:24;115:25; 116:13;124:22; 128:16,23,24 feel (21) 5:12;7:17;19:23; 20:4;29:8,16;30:10; 31:2;32:1,5,17;66:2; 83:17;96:22,24;97:8; 98:6,18;99:5;116:19; 121:3 feeling (1) 73:4 feels (2) 95:18,21 fellowship (1) 103:23 felony (1) 9:3 felt (1) 33:11 FELTON (4) 30:5,8,8,33;18 few (7) 5:22;8:23;66:17; 75:9;100:5;140:1,5 fewer (2) 69:5;125:9 field (1) 16:20 fields (2) 16:15,18 file (1) 58:13 file- (1) 8:4 filed (7) 9:4;42:10,12,12; 62:11;127:9,15 final (1) 51:25 finance (2) 23:13,22 financial (1) 118:3 find (4) 67:17;84:10;99:1,2 finding (1) 44:15 finds (1) 44:2 fine (2) 20:23;119:20 finish (1) 126:9 finished (1) 23:18 first (16) 4:2,8;14:4,12,12, 15;31:8;42:9;75:24; 89:2;97:1;98:16; 115:10;122:1;138:4, 20 FISCAL (2)</p>	<p>145:7,10 Five (7) 8:19;9:7;17:7,8; 31:22;49:21;94:19 fixed (1) 4:6 flag (1) 12:11 flee (1) 125:7 focus (5) 24:15;43:20;89:3, 5;127:3 focuses (1) 50:3 focusing (1) 81:5 folks (6) 18:18;70:3;75:6; 108:11,18;109:1 follow (3) 55:18;77:19;96:17 followed (1) 37:16 follow-up (1) 40:7 forbidden (3) 47:13;113:1; 126:20 force (1) 53:23 foreign (1) 54:5 foremost (1) 97:2 foresight (1) 98:9 forgive (1) 50:19 forgot (1) 108:21 form (1) 56:12 formal (2) 20:15;37:13 formally (1) 130:2 formed (1) 100:10 former (2) 68:22;111:8 Forrest (4) 103:5;116:3;118:2; 119:9 forth (2) 37:14;116:20 forward (9) 4:5,10,24;5:1,8; 33:20;34:6;98:21; 99:2 found (13) 7:24;8:12;9:1; 23:19;29:3;43:12;</p>
	F			
	<p>fabulous (1) 121:3 face (1) 48:8 facilitate (5) 11:12;47:9;80:14; 112:23;126:13 facilitating (1) 81:25 fact (15) 29:5;44:18;46:19; 70:9;76:9;79:12; 87:13;88:21;90:19, 20;91:4;92:21; 105:17;114:18;125:4 factor (6)</p>			

51:13;55:25;56:1; 103:11,16;127:25; 131:22 Four (8) 8:14;12:6,17; 35:13;36:6;41:16; 83:15;94:19 fourth (1) 38:2 framing (1) 59:13 free (1) 7:17 freedom (13) 127:22;128:1,5; 131:11,12,15;132:2, 2,4,8,13,15,22 Freno (26) 64:15,16,18,18; 76:13,15;77:6;90:16, 17,17;91:22;92:16; 93:5,8,20;94:23; 95:15,25;142:8,8,24; 143:3,9,15,24;144:7 friend (2) 88:10;121:2 friends (1) 22:23 front (7) 7:6;22:6;38:6; 60:11;90:9;116:7,8 frustrated (1) 28:9 frustration (1) 28:14 frustrations (1) 33:23 fulfill (1) 122:8 full (6) 36:3,8;52:3;53:23; 57:6;97:9 full- (1) 19:25 full-on (1) 117:18 fully (1) 49:8 function (1) 128:23 further (10) 10:14;18:9;21:10; 28:10;33:15,20; 99:15;113:13; 114:23;126:18 future (5) 12:19;53:24;81:9, 21;85:16	Garland (3) 50:13;56:7;87:23 gave (1) 50:23 GAYLE (1) 100:7 general (2) 37:16;95:11 generations (1) 120:11 generic (2) 138:14;139:18 genesis (2) 51:11;93:2 Gentlemen (1) 64:13 genuine (5) 40:18,22;58:1,5; 72:17 geographically (1) 101:8 gets (2) 60:16;136:13 given (2) 119:4;122:7 gives (4) 53:2,10,11;57:11 glad (2) 129:23;130:9 goes (2) 75:13,24 Good (21) 4:15;5:24;11:5; 14:23,24;15:10; 18:15;19:20;22:23; 29:13,14;34:21; 39:16;56:19;58:7; 86:21;109:9;119:10, 11;138:6;144:6 Gotcha (1) 67:6 Gould (1) 127:25 governance (2) 23:13,20 governing (4) 23:20;141:9,13; 145:7 grade (4) 31:17;32:3;105:10; 121:8 graduated (1) 63:25 grant (10) 18:2;21:6;45:11; 52:2;53:8;60:18; 83:1;102:24;129:7; 133:6 GRANTED (6) 13:21;40:14;41:14; 50:12;67:7;86:16 Great (33) 4:14;7:8;10:20;	11:9;13:10,10,20; 14:5,22;15:5;16:24; 18:8;20:14;22:9; 29:25;33:13;39:5; 52:8,17;59:10;77:13, 20;89:2;97:17; 104:13;106:13; 114:25;118:10; 123:18;136:18; 141:6;142:3;146:3 greatly (1) 15:21 Greg (2) 146:3,8 grounds (1) 9:1 Grove (34) 40:20;41:2;42:3,3, 15;43:10,11,19,20, 21,21;44:2;45:17; 46:1;50:4,11;53:18, 19,25;54:10,16;55:4, 9;57:20;61:2,14; 62:12,23;63:7,11; 66:18,19,25;67:19 Grove's (1) 45:20 growing (2) 19:19;23:21 grown (1) 19:21 growth (5) 26:5;31:5,6,15; 94:20 Guess (12) 42:11;52:14;59:12; 60:16;64:14;66:1; 68:21;69:13;91:9; 96:21;112:20;143:3 guessing (2) 69:12,13 guidance (3) 39:1;41:13;92:12 guide (1) 27:15 guilty (5) 4:20;7:24,24;8:3; 9:1 guise (1) 132:16 guy (1) 139:7 guys (5) 4:11;5:7;32:15; 43:3;100:13	15:23 hand (5) 15:1;19:4;39:6; 109:2;123:19 HANDBOOK (4) 138:1,4,9;139:18 handicapped (1) 28:23 handily (1) 106:3 handled (1) 45:4 happen (10) 60:2,13,15;64:6; 68:24,25;70:2,4,12; 99:12 happened (2) 60:12;68:25 happening (5) 12:12;30:12;62:9; 98:25;122:6 happens (2) 29:1;63:12 happy (7) 16:23;52:7;84:12, 16;106:11;141:20; 145:18 hard (4) 59:13;60:11;83:23; 103:6 Harmony (35) 40:20;41:1;42:2,3, 15;43:10,11,19,19, 20,21;44:1;45:17,20, 25;50:4,11;53:18,19, 25;54:10,16;55:4,9; 57:20;61:2,14;62:12, 23;63:6,11;66:18,19, 24;67:18 HART (6) 104:7,12,15,15; 106:13;121:2 hashed (1) 108:19 hate (1) 75:10 hateful (1) 120:14 head (1) 6:24 health (1) 9:12 hear (11) 24:3;25:5;26:22; 36:6;41:18;52:9; 76:12,16;105:8; 115:1;121:22 heard (15) 6:14;10:1;16:7; 18:20;43:3;55:20; 62:10;70:21;76:1; 77:4;86:15;89:2; 117:14;125:4;132:18	hearing (7) 4:19;8:14;57:2; 76:18;87:4;130:16; 141:15 hearings (1) 115:11 heart (3) 120:12,17;122:9 heartfelt (1) 122:2 hearts (1) 104:25 heavy (1) 122:9 held (2) 47:21;114:16 help (6) 26:23;74:2;87:20; 92:13;116:20;135:6 helping (1) 34:17 Hempstead (7) 79:7,10;80:19; 82:3;88:7,16;105:18 hereafter (1) 81:10 HERMITAGE (5) 14:11,13,16,19; 15:13 Hi (1) 86:21 Hickey (9) 48:1;76:19;77:8; 82:6;114:16;117:14, 21;127:1;128:14 high (12) 20:1,5;31:10; 51:12;63:25;64:1; 81:23;100:16; 111:10,10,11,12 higher (2) 132:20;134:12 Hill (12) 78:25;79:1,7;80:4, 18;81:22;82:2; 100:22;101:10; 111:1,4;113:23 Hill's (1) 79:4 hire (3) 19:16,17,22 Hispanic (7) 80:6,11;89:19; 101:16,17;104:23; 112:18 Hispanic/Latino (2) 92:11;94:20 historic (1) 135:7 historical (2) 66:23;135:14 historically (4) 65:15;100:11;
G		H		
game (1) 56:17		half (1) 79:8 halfway (1) 45:6 Hampton (1)		

<p>101:13;134:11 history (5) 48:21;66:10;98:3; 120:24;132:17 hit (1) 16:15 hits (1) 12:1 hold (9) 38:12;62:19,25; 66:4;97:17;99:11,12; 101:10;107:24 holding (2) 4:21;127:1 holdings (1) 48:1 holds (4) 7:19;96:11;99:13, 13 homeroom (2) 127:18;131:9 homerooms (1) 130:19 honestly (1) 62:22 hope (56) 6:2;12:11;38:2; 68:14;75:12;76:8,9,9, 10;77:14,17,18,23; 78:2,4,9,10,15,18,20, 23,25;79:5,25;80:18; 81:1;82:1;85:4,19, 24;86:1.1,14;87:15; 92:10;100:21;101:3, 4,10;102:5,6,16,18, 21,24;104:16; 108:22;110:12,13,15; 115:13,25;124:15; 129:16;130:1,7 Hope's (6) 79:3;81:6;85:3; 102:4,9,15 Hot (1) 68:16 hour (1) 104:17 hours (2) 30:14,14 Housing (1) 42:17 huge (5) 18:1,6;31:4,6; 92:18 hundred-and-however-many (1) 135:8 hungry (1) 104:18 hurtful (1) 120:17 Hyatt (92) 35:3,7,7;36:20,23; 37:1,7,13;38:17,21; 39:25;41:5,52;10,18,</p>	<p>19;56:15,17;57:8; 58:10;59:5,23;60:4, 17,23;61:4,15,18,21; 62:1;64:14;65:1; 68:10;69:24;70:10, 17,25;71:3,18;72:7; 73:7,22;74:2,5; 75:12;76:13,20; 77:15,16;84:21,22; 86:17;87:15,22; 89:11;90:6,91:19; 92:5;96:3,13;103:1, 2;106:16,21;108:17, 19,24;115:8,10; 116:17;117:20; 118:11,12;119:16,17; 123:14,17;124:4,5; 130:12,14,14;132:10; 133:11,12;137:25; 141:11,14;142:3; 145:9,12;146:3,7 Hyatt's (2) 67:18;116:21 hypothetical (2) 55:17;60:9</p>	<p>61:1 implicit (1) 96:14 important (14) 29:17;35:3;46:16; 48:18;60:5;73:19; 90:18;94:25;95:9,10; 102:1;103:17;116:5, 6 imposes (1) 81:10 impression (2) 65:4;119:8 improper (1) 77:2 improve (1) 106:6 inadequate (1) 128:1 in-and-out (1) 88:10 inappropriate (2) 76:12,15 incarnation (1) 35:1 include (3) 13:17;35:20;143:8 including (7) 42:2,17;54:10,12; 60:6;81:16;113:10 inclusion (1) 51:19 incorporate (11) 77:25;82:18,21; 84:23;110:11,14; 115:10;124:14; 130:15;141:18; 145:15 incorporated (2) 56:7;100:22 incorrectly (1) 118:18 increased (1) 80:9 increasing (6) 47:10;80:16,22; 112:24;126:15,17 incredibly (1) 93:9 indication (1) 66:25 individual (5) 65:13;70:22;95:5, 9,17 individually (1) 37:21 individuals (1) 106:8 industries (1) 16:12 industry (1) 16:21 influx (1)</p>	<p>94:20 inform (1) 105:3 informally (1) 130:5 information (11) 8:15,18;9:10; 21:18;22:6;25:3; 124:16,17;134:2; 136:13;138:10 informed (1) 65:17 initiatives (1) 24:20 inquired (1) 112:10 inserting (3) 51:22;82:15; 128:17 inside (1) 131:16 instance (1) 84:4 instances (2) 119:7;121:4 instruction (3) 16:4;31:21,23 instructor (1) 28:24 integrated (1) 81:13 integration (2) 113:14,15 intended (1) 57:18 intent (2) 53:3;81:7 intention (1) 72:21 intentions (1) 98:5 inter (1) 88:23 inter- (5) 44:2;79:9;102:4; 113:21;132:6 interactions (1) 30:2 inter-district (35) 42:5;43:7,15;44:6, 12;45:24;47:19;48:6; 49:22;50:2,6,10; 51:20;78:18;81:6; 82:7,10,16;85:23; 86:3;87:14,17; 103:13;110:6;113:4; 114:1,17;115:24; 116:4;117:24;118:6; 125:14;127:4,7; 128:18 interesting (1) 111:5 interfere (1)</p>	<p>112:16 interference (1) 84:7 interfering (1) 84:9 INTERNATIONAL (5) 138:1,5,12;139:15; 140:11 interpret (12) 40:9;50:21;51:5; 53:10,14;71:13;83:3; 99:12;114:7;119:5; 122:8;128:21 interpretation (8) 51:15;53:16;65:19; 66:3,5,16;84:7;95:19 interpreting (5) 58:19;72:21; 114:12;119:3,9 intervention (3) 24:18;146:9,10 into (37) 7:15;14:8;38:23; 42:25;44:9;53:20; 54:3;56:9;58:6; 59:22;64:1;65:1; 67:17;70:13;71:4,7, 12;86:1;87:2;89:16; 91:6;93:11,12;95:23; 97:4;98:10;103:21, 24;104:3;117:21; 119:11;130:2;134:8; 135:11,13;138:21; 143:17 intra (1) 88:23 intra- (4) 57:5;82:11;114:16; 118:5 intra-district (16) 82:7;85:3,12; 102:4;103:9,15; 113:21;114:3; 115:13;116:1; 117:23;118:5;127:7; 128:10;130:18;132:3 intro (1) 108:17 introduced (1) 91:16 introducing (1) 39:25 investigating (1) 30:24 invite (3) 33:7;34:8;99:17 invited (3) 95:18,21,25 involve (1) 48:7 involved (1) 68:14 involvement (1)</p>
	I			
	<p>idea (1) 29:8 ideal (1) 12:5 identical (1) 75:16 identifiable (13) 47:12;80:17,19,23; 92:5,7,14;94:8; 101:21;113:1; 126:16,17;133:2 identified (8) 46:8;80:6,6,7,10; 89:20,21,21 identify (4) 62:14;79:14; 104:13;129:21 imagine (3) 33:4;64:7;131:20 immediately (2) 31:8;84:15 immigration (1) 140:11 impact (25) 43:12,15;45:14,16; 47:25;49:18;55:10; 59:20;60:2,7;68:18; 69:9;73:9;78:23; 79:24;81:4;82:11; 89:8;95:24;110:19; 114:2;116:12; 125:17;126:25;128:9 implement (1) 113:14 implicated (1)</p>			

<p>11:22 involves (2) 103:8;118:2 involving (3) 44:1,1;51:10 irregularities (1) 31:1 irresponsible (1) 49:17 Islander (3) 80:8;89:20;101:18 isolated (1) 99:6 isolation (1) 97:7 issue (17) 17:24;23:1;28:10; 34:18,24,24;35:1; 52:19;71:6;73:20; 75:7;77:8;88:18; 90:22;102:20;105:7; 116:8 issued (1) 43:25 issues (13) 5:17;24:1;37:25; 59:8,14;73:14,20; 75:25;95:18;96:22; 97:5;99:7;118:2 item (12) 4:2,7;5:20;10:25; 13:1,23;22:8;23:1,6; 24:14;25:13;39:25 items (1) 108:12</p>	<p>58:4;59:2;69:15; 72:16;76:18;77:8; 82:6;91:13;104:24; 114:16;117:14,21; 127:1;128:14 judicial (2) 83:1;128:24 judiciary (1) 72:3 July (1) 138:18 jump (1) 91:20 Junction (36) 38:3;123:11,13,21; 124:8,9,12,17,21,24; 125:13,15,17,18,19, 21;126:6,22;127:2, 11,11,12,13,17; 128:9,25;129:8; 130:17;133:7;135:3, 10,15,21;136:11,21, 23 juncture (1) 64:23 June (2) 8:17;16:15 jurisdiction (2) 50:24;128:25 jurisdictions (1) 92:3 justice (3) 99:1,2;127:14</p>	<p>4:13;12:11;23:4; 32:8,14,14,17;35:9, 16;38:18;40:9;54:9; 55:10,16;64:8;69:25; 75:18;88:25;93:3; 95:19 kindergarten (1) 32:12 kinds (2) 29:18;139:12 King (1) 142:9 knew (3) 31:20,25;136:14 knowing (3) 73:4;120:23; 139:25 knowledge (2) 59:5;146:14 known (2) 16:11;140:1 knows (1) 77:1</p>	<p>16:14 later (8) 12:13;43:25;53:22; 54:3;60:20;61:16; 77:2;79:18 latest (1) 59:25 Latino (3) 95:4;97:12;99:5 law (27) 7:22;11:13;26:11, 14;36:20;37:1;48:16; 49:6,10;54:24;56:11; 57:11;71:10;76:22, 25;87:13;100:24; 103:16;105:14; 132:14;142:25; 143:14,16,18,20,21; 144:4 laws (2) 122:7;141:17 lawsuit (2) 68:1;127:14 lawsuits (3) 43:22;47:5;48:17 lawyer (4) 58:1;117:18; 119:10,11 LCSD (1) 113:13 lead (1) 116:11 leading (1) 11:24 learning (2) 29:9;142:11 least (4) 20:10;82:24;87:23; 89:19 leave (8) 16:14;65:4;75:21; 112:20;119:8;121:6; 126:8;132:20 leeway (1) 44:22 left (3) 5:6;99:20;121:8 Legal (6) 26:10;43:1;45:4; 57:4;91:24;137:1 legality (1) 57:3 legislation (2) 106:2;122:7 legislative (2) 40:3;83:1 Legislature (11) 48:19,23;49:3,9; 50:23;61:12;82:14, 19;98:7,16;128:16 Legislature's (4) 50:20;51:3,18; 129:3</p>	<p>less (3) 8:25;46:11;81:24 letter (7) 40:17;45:10;78:20; 83:11;109:21; 110:16;117:17 letting (1) 32:19 level (2) 32:4;105:10 levels (3) 31:16,17;46:21 Lewisville (2) 110:8;118:22 liable (1) 47:21 license (5) 4:18,22;7:20,23; 9:15 licensed (1) 7:19 Licensure (1) 4:17 lifelong (1) 120:9 lifetime (2) 4:21;7:20 light (1) 76:8 likely (1) 49:19 limit (3) 87:2;90:25;91:1 limitation (3) 57:6;87:12,13 limitations (4) 60:23;81:5;113:4; 127:4 limited (8) 42:3;43:11;50:14; 54:11,12;87:9,18; 113:10 limits (4) 35:24;49:23;51:21; 61:4 Lincoln (1) 63:25 Lindsey (2) 112:7;120:6 line (1) 135:11 LISA (3) 21:19;22:4,24 list (4) 143:25;146:9,10, 11 listed (2) 7:25;8:7 litigate (1) 67:17 litigating (2) 49:25;83:20 litigation (2)</p>
		L		
		<p>labeled (2) 7:11,13 labels (1) 102:10 Lafayette (39) 38:2;108:2,8,13,18, 25;109:2,10,16,17, 19,23;110:1,4,6,9,16, 20,23;111:1,3,14,21; 112:1,11;113:7; 114:14;115:15,19; 118:17,23;120:7,10, 18;124:15;129:16; 130:1,7;131:4 Lancaster (3) 42:11;44:14;49:25 language (26) 35:23;51:22;53:13, 17,17;54:4,9,12; 57:18;58:12,19;71:9, 11,11;72:13;73:8,20; 81:5,19;89:15;113:4, 6;115:22;128:4; 138:13;139:17 large (1) 96:22 larger (1) 102:16 Last (20) 19:18,20;22:1,2; 23:9,19;24:2;27:19; 28:22;29:3;40:3; 46:5;50:18;87:4; 89:4;97:5;100:21; 108:12;123:12; 144:10 late (1)</p>		
J	K			
<p>Jackson (14) 4:19,20,23;5:3; 6:16;7:1,19;8:3,10, 13,16;9:1,6,9 JACKSONVILLE (9) 10:21;11:1,6,10, 23;13:2;50:12;68:17; 86:24 January (5) 8:11;35:17;109:20, 22;124:12 Jennifer (1) 86:21 Jim (1) 68:21 Joan (1) 138:6 job (2) 76:25;133:14 John (1) 125:4 join (1) 13:3 Judge (17) 48:1;57:24,25;</p>	<p>keep (4) 32:5;69:7;75:10; 109:13 keeps (1) 96:7 Keith (11) 52:6;62:13,16,16, 18;63:4,8,10,15,17; 67:14 KEY (41) 6:9;13:16,19; 15:11;39:23;74:15, 17,19,21,23,25;75:2, 4;91:22;92:25;93:6; 94:6;107:7,9,11,13, 15,17,19,21;122:18, 20,22,24;123:1,3,5,7; 137:7,9,11,13,15,17, 19,21 kicking (1) 28:10 kids (11) 30:15,25;31:4,16; 32:6,12;58:8;88:15; 102:13;117:12; 120:25 kind (20)</p>			

<p>43:25;125:4 Little (24) 11:23;23:6;26:23; 32:7;38:15;39:19,20; 42:8;51:11;58:22,23; 62:13,18;69:3,3,14, 14;77:24;84:11; 87:11;97:24;113:5; 138:13;140:18 live (4) 103:22;135:12; 136:9,11 lived (1) 120:21 local (1) 42:16 located (3) 111:13,14;135:10 logic (1) 76:2 lone (1) 33:11 long (6) 17:6;19:12;31:18, 22;58:15;133:19 longer (1) 69:11 look (26) 4:10;7:20;8:6; 33:20;48:8;59:21; 72:12,14;84:2;86:23; 88:19;90:2,11;93:14; 95:5,6,7,7;97:19,23; 98:5,9,17,21;99:9; 101:11 looked (1) 49:4 looking (9) 26:4;27:23;34:6; 65:22;90:24;97:6; 103:25;121:23,24 looks (2) 34:6;115:22 Lori (5) 37:3;64:18;90:17; 142:4,8 lose (2) 112:19;115:19 losing (1) 115:17 loss (1) 112:17 lot (15) 23:4;24:22,24; 33:2;41:13,19;43:23; 50:3;68:4;75:15; 89:25;100:24; 135:12;136:13;144:3 lottery (3) 28:17,19;32:11 louder (1) 100:7 Louisiana (9)</p>	<p>134:9,10;135:1,3, 13,16,21,22;136:9 love (6) 26:22;29:5;105:18, 19;123:9;127:13 low (1) 30:24 Lowe (20) 123:20,20;126:5; 129:14,23;134:4,7,7, 10,16,19,22,24; 135:2,7,24;136:3,6,8, 16 lower (2) 132:21;134:13 lunch (4) 107:25;108:3,5,7 Luneau (9) 138:4,6,6;139:9, 13;140:4,8,15;141:7</p>	<p>62:16 marked (7) 8:1,5,5,5,6,18,9:5 Marshall's (1) 69:15 Mary (2) 35:7;130:14 Mason (1) 126:7 master's (1) 31:11 match (1) 16:3 materials (1) 24:14 matter (2) 90:5,5 matters (3) 90:7;98:10;99:6 May (27) 13:16;16:14;18:18, 24;28:2,9;29:14,14; 35:12;37:1;38:11; 41:18;51:16;61:25, 25;70:25;72:24;74:2; 76:6;77:7;84:17; 97:16,23;99:9; 101:16;108:11; 129:15 maybe (7) 26:9;92:8;96:24; 97:24;117:17;142:4; 147:12 McKissic (5) 117:13,15,20; 118:1,8 McLaughlin (1) 13:24 mean (29) 32:17;33:7,8;36:7; 58:1;61:18;70:5,8; 76:16,17,24;85:11; 87:5;89:19;92:19,23; 93:9;94:24;96:9; 97:19;102:11; 119:10;134:11; 135:8;136:8;142:24; 143:11,19,20 meaning (1) 132:4 means (2) 90:11,12 meant (1) 136:5 measure (1) 97:22 mechanism (1) 144:7 media (5) 19:17,22;20:2,3,20 meet (2) 24:25;58:17 meeting (6)</p>	<p>21:3;22:1;24:24; 25:1;75:14;147:11 meets (1) 106:7 member (2) 11:11;83:1 members (9) 6:23;15:11;16:13; 39:24;61:24;62:2,7; 117:2;144:18 men (1) 104:25 mention (10) 44:17;48:17;71:18, 24;78:19;82:22; 112:2;115:16;116:9; 124:18 mentioned (11) 35:8;41:14;54:8; 55:5,19;69:3;88:23; 91:24;92:6;115:25; 117:5 mentions (1) 87:24 merely (1) 54:24 met (2) 22:2;134:3 Mic (4) 6:9,10;39:20;59:15 microphone (2) 39:11;83:13 middle (1) 31:10 mid-January (1) 40:16 might (12) 12:8;41:15;48:12; 70:2;75:20;77:1,2; 87:22;89:23;95:12; 108:24;140:17 miles (2) 45:22;81:24 MILLS (4) 10:22;11:8,11;13:3 Milton (4) 42:10,12;43:23; 49:25 mind (6) 20:15;28:11;37:7; 101:6;119:7;121:4 mine (1) 106:5 minor (1) 145:17 minority (4) 89:14;96:23; 113:12;114:21 minority/non-minority (1) 90:1 minutes (20) 5:22;6:3;14:7;15:6, 8;19:10,10;37:22;</p>	<p>38:7,8;52:12;55:11; 77:17,18,21;84:20; 108:4,18;115:9; 130:13 mirror (2) 46:12;129:24 mirrors (1) 128:13 miss (2) 16:4;99:19 misses (1) 102:16 missing (1) 58:9 mistakes (1) 23:19 mix (1) 30:17 model (1) 25:1 modification (4) 58:14;65:2;67:21; 91:17 modified (1) 93:13 modify (1) 71:5 MOMENT (3) 6:17;8:21;71:1 MOMENTS (3) 8:23;84:24;98:13 MONTESSORI (10) 22:25;23:3,12; 24:19,23;29:6,7; 31:7;32:20,24 month (12) 22:1,2;23:10; 24:15;25:13;26:25; 27:2,12,14,19,24; 29:3 months (1) 19:21 Moore (63) 39:1,4,13,16,17,21, 22,23;52:7,14,16; 54:6;55:11;59:7,9; 63:21,21;65:22,23, 24;66:6,12,15,22; 67:7,11;68:24;77:7, 20,22,23;99:20,22, 25;100:3,5,8;109:8,9, 10,12,13,15;115:3,5, 7,16;116:18,19; 117:9,12;118:20,22; 119:13;123:16; 124:4,7,7;131:12,21; 132:11,12;133:9 Moore's (1) 59:19 more (25) 5:22;6:11;25:2; 29:11;33:6,22;38:15; 42:25;48:4,10;49:12;</p>
	M			
	<p>ma'am (11) 20:25;21:2;118:20; 134:4,16,19,24; 136:3,6,16;146:14 main (3) 15:19;16:12;25:9 maintain (2) 53:18;81:10 maintaining (7) 47:10;80:16,22; 112:24;126:14; 127:18;130:19 majority (3) 79:14;111:20; 124:25 makes (6) 26:13,16;60:15; 102:5;120:10;147:16 makeup (1) 103:21 make-up (1) 103:25 making (11) 30:3,20;53:5; 54:24;58:20;60:6; 61:8;71:25;94:4; 114:11;138:8 mandate (1) 56:8 mandated (2) 53:9;101:14 mandates (1) 98:15 many (9) 43:4;44:23;46:16; 49:4;66:19;95:1; 100:13,14;134:8 March (2) 32:11;113:7 Mark (1)</p>			

62:1,22;70:13;72:25; 80:11;89:25;106:4,4, 5,12;110:22;125:1; 131:2;135:15 morning (7) 4:15;5:4;11:5; 15:10;39:16;86:21; 108:12 MORRIS (1) 100:7 most (8) 12:8;23:14;31:15; 40:1;55:11;62:21; 79:1;119:7 mostly (1) 32:13 motion (49) 10:3,4,12;12:25; 13:5,17;17:25;21:8; 22:13,16;25:22,25; 34:9,12;68:4;72:23; 74:1,1,7,11;99:17,18; 106:18,19,19,21; 107:3;119:23; 121:13,16,20,21,22, 23,24;122:12,15; 127:20;136:21,22; 137:3;140:21,24; 144:20,24;146:21,25; 147:11,16 motions (1) 119:24 motivated (1) 105:12 motivating (1) 47:18 motivation (1) 47:17 MOUNTAIN (4) 18:16,21,22;19:15 mouths (1) 120:15 move (24) 4:4;5:8,18;10:9; 13:2;18:2;21:6; 22:15;38:3,23;72:6; 74:8;84:20;98:21; 99:2;101:23;107:1; 120:4,16;133:13; 136:25;140:23; 144:21;147:13 moved (4) 31:16;34:10;139:8; 146:23 movement (5) 42:24;43:8,23; 44:6;54:15 moves (1) 72:13 moving (3) 23:4,17;34:24 much (21) 9:18;10:2,18;33:9;	52:16;60:14;70:4,7; 76:3;87:14;95:23; 102:23;105:2; 106:12;107:23; 119:13;121:10; 133:16;134:12; 135:17;137:23 must (10) 35:19,23;36:1,2; 48:25;51:24;55:7; 98:10;99:4;119:1 myself (2) 41:19;116:20 N name (10) 4:15;8:7;15:12; 30:4;39:12,16;67:25; 120:6;124:7;134:5 named (2) 55:6,6 namely (1) 43:19 narrow (1) 87:11 narrowly (1) 98:18 nation (1) 94:22 national (3) 127:20;130:21,24 nationwide (1) 16:11 native (1) 138:24 natural (3) 47:24;81:3;126:24 nature (1) 70:1 nay (4) 75:4;107:21;123:7; 137:21 near (1) 100:14 necessarily (1) 142:15 necessary (2) 141:18;145:14 need (19) 19:12;30:14,22; 37:19;58:16;67:25; 73:9;74:13;76:25; 77:3;91:7;95:7,13; 97:25;104:8;121:9; 138:14;147:8,10 needed (1) 32:1 needs (4) 24:25;75:21;90:22; 106:8 neighbor (7) 78:16;82:13;110:4;	114:5;125:2,15; 128:12 neighboring (4) 42:2;43:10,18; 55:13 neither (2) 55:22;113:23 nervous (1) 7:17 net (1) 112:17 neutral (5) 28:7,12,12;131:24; 132:16 new (7) 17:15;26:21;29:10; 40:4;54:4;67:17; 70:11 Newton (28) 9:19;17:5,6,8;20:8; 21:7,9;22:12;26:1,3; 56:20;74:25;75:1; 86:7;107:4,5,17,18; 123:3,4;137:17,18; 139:4;144:21,24; 146:20;147:13,16 Newton's (1) 28:11 next (22) 4:6;13:23;24:5,10, 15;25:13,19;26:25; 27:2,12,14,18,23,24; 38:3;64:20;75:9,17; 125:10;132:25; 141:10;143:21 nice (1) 133:14 night (1) 32:25 nine (1) 19:25 nodded (1) 6:24 non- (4) 46:3,6;92:7;112:4 non-black (13) 42:21,24;58:24; 79:13;80:3,5,9;89:12, 15,24;90:11;92:8; 126:4 nondiscriminatory (1) 81:11 none (3) 54:23;56:23;136:8 non-minority (1) 89:14 nonracial (1) 128:2 non-white (1) 88:13 noon (1) 104:17 nor (3)	56:1;113:23,24 Norphlet (2) 101:5,6 NORTH (10) 10:21;11:1,6,10, 23;50:13;58:23;69:3, 14;86:24 NOTE (8) 4:25;6:23;7:5; 8:24;9:9;39:12; 103:20;108:6 noted (2) 40:1;41:5 notice (2) 27:20,22 noticed (1) 145:16 Notification (1) 8:11 notifications (1) 5:5 notified (1) 8:10 notify (1) 36:1 notifying (3) 45:10;78:20; 110:16 noting (1) 49:24 November (3) 8:4;9:3;138:9 nullify (2) 51:17,22 number (12) 7:13,13;15:22; 19:22;46:18;49:2; 80:8;82:20;100:20; 117:4;121:8;134:12 numbers (13) 45:7;46:15;89:4,9, 11,13;90:3,4,10; 91:15;110:22; 116:21;145:17 numerator (1) 116:24 numerous (2) 16:12,13 Nutt (4) 112:7;120:6,6,9 NWEA (1) 31:3 O obey (1) 51:13 obligate (1) 27:11 obligated (2) 32:6;44:13 obligation (17) 40:4,7;47:8;53:5;	59:21;60:3;69:11; 73:8,16;80:14;81:2, 10,14;98:9;112:22; 118:6;126:12 obligations (17) 41:25;42:7;44:16; 47:23;49:7,17;67:2; 78:13;82:12;110:1; 112:17;114:4,18,24; 124:24;126:23; 128:11 obviously (6) 26:24;34:24;59:24; 89:1;100:18;122:2 occasionally (1) 145:23 occurred (2) 8:22;69:9 occurring (3) 81:9,21;85:16 October (1) 127:20 off (5) 25:8;31:13;63:11; 121:2;140:18 offend (1) 118:17 offense (3) 4:21;8:4,17 offenses (1) 7:25 offer (2) 29:1;112:8 offices (1) 130:2 officials (3) 51:13,16;129:12 old (2) 120:13,14 on-board (1) 21:1 once (8) 27:24;28:16;29:19; 63:1,12;64:14;70:17; 105:6 one (81) 4:4,5,25;7:11,14, 21;8:25;11:20;15:22; 16:7,11;18:20;24:13, 14,17;28:25;31:19; 33:22;36:21;39:17; 42:25,25;46:17;48:1; 50:18;55:3;57:15; 58:2;64:19;69:2; 72:15;73:9;74:14; 75:4,24;76:4;77:23; 83:14;85:2;88:17,21, 22,22;89:20,21;92:3, 7,10;93:10;94:19; 96:21;99:11,12; 100:6,8;101:4;102:6, 13,14;103:16,16; 105:9,10;107:21;
---	--	--	--	--

<p>109:10,15;111:17; 113:16;115:5; 116:20,23;119:5; 121:5;123:7;124:8; 125:10;137:21; 141:25;143:20,20; 148:25 ones (3) 68:12;87:12;131:2 one-week (1) 138:19 ongoing (2) 85:25;110:1 only (26) 43:19;45:11;46:9; 49:9,11;50:4;53:11; 57:15,18;61:13; 66:25;68:11,13;79:5; 84:1;85:3;95:3; 101:19;112:1; 114:22;115:20; 118:7;121:7;125:21, 25;139:6 onus (2) 68:6;98:24 op (1) 11:4 open (6) 29:15;52:10;53:18; 65:14;86:8;105:19 OPEN-ENROLLMENT (2) 13:21;14:16 opening (1) 70:6 operate (1) 111:9 operated (1) 87:16 operating (4) 42:18;85:19;86:1; 103:10 operation (1) 113:10 operations (1) 81:16 operative (2) 82:9;113:25 opinion (5) 27:14;51:7;57:24; 66:15;84:14 opportunities (2) 28:18;64:24 opportunity (7) 29:6;65:5;68:15; 80:1,25;99:3;140:3 oppose (1) 73:6 Opposed (11) 10:17;13:9;18:12; 21:13;22:22;34:16; 94:18;141:5;145:4; 147:4,20 opposite (1)</p>	<p>79:2 opposition (3) 14:9;16:25;17:1 option (3) 41:6;85:24;143:20 options (1) 24:9 opt-out (1) 48:24 Order (56) 9:4;35:21;41:22; 44:7,12,14,14;48:6, 25;49:1;50:3;51:17, 22,23;53:22;54:4,7; 55:1;57:25;67:22; 68:3,3,5;72:21;77:9, 10;78:11;81:19;82:5, 6;84:15;86:24;87:5, 8;96:16,18;102:4,9; 108:9;109:24;113:6, 20,21;114:11,12,12, 16,17;117:23;127:6, 16,21;128:3,13,14,15 ordered (1) 53:3 orders (26) 41:22,25;43:20; 48:9;50:8,21;51:3,6, 14,19;54:14,14; 78:14;82:15;83:4; 84:8,9;110:24;114:7, 24;124:18,22; 127:11;128:17,21; 129:3 origin (3) 127:20;130:21,24 original (9) 44:7,19;48:6,9,20; 56:5;118:22;128:3, 15 originally (3) 54:3;69:6;110:7 others (5) 14:18;28:21;44:23; 79:1;111:2 otherwise (1) 110:24 Ouachita (2) 42:19;45:23 ours (1) 105:2 ourselves (1) 108:4 out (34) 23:21;26:23;29:3; 30:14;32:13;33:11; 42:24;45:6;54:1,6; 59:19;65:2;68:2; 69:15;73:15;76:20; 80:24;83:17,19; 84:15;85:2,10;89:18; 100:11;103:3;104:2; 117:25;120:15;</p>	<p>121:17;132:19; 134:25;142:7,20; 146:17 outcome (2) 64:9;66:14 outcomes (1) 98:6 outright (1) 78:8 outside (3) 77:12;90:10; 142:25 over (24) 9:19;11:19;14:3; 16:14;19:22,25; 24:17;26:18;30:10; 35:9;36:16;38:25; 55:13;73:23;92:10; 93:9;100:25;108:16; 117:7,8;130:12; 139:3;143:14,15 overall (13) 35:4;97:25;99:10 overcome (1) 33:9 override (1) 143:12 oversight (1) 26:18 overturn (2) 74:4;119:25 overwhelming (1) 79:12 overwhelmingly (3) 46:3;114:20,20 own (4) 120:22;131:16; 140:16;144:19</p>	<p>32:25;64:22; 132:14 parents (21) 20:24;29:4,6,13; 32:10,13,25;42:13; 46:25;47:5,19;58:8; 65:13;70:23;79:20; 105:1;112:9;125:12; 126:8;130:1;132:19 parents' (1) 120:15 parish (2) 135:22,22 parishes (2) 135:14,24 Parkers (8) 67:23;68:4,6,7,7; 125:18,20,24 part (14) 23:14;36:9;37:5; 58:4;73:15;77:10; 92:18,19;96:22; 114:25;129:12; 135:20,20;138:25 partial (14) 36:22;40:16;41:12, 14;44:17;45:9,12,14; 50:14;54:17;57:3; 60:20;70:19;84:25 partially (3) 40:14,15,18 participate (15) 36:2,5;40:24; 44:25,25;49:6,15; 55:8,24;58:25;70:18, 19;78:9;82:21;105:3 participated (2) 105:4;112:14 participating (10) 46:21;48:22;49:13; 57:17;69:4;72:17; 103:13;112:11; 114:22;116:4 participation (29) 35:24;40:5,13; 41:23;42:4;45:14; 49:15;51:1;52:3; 78:5,12,17,23;79:13; 82:10;86:3;87:9; 109:18,25;110:5,19; 114:1;116:10; 124:10;125:17; 128:8;129:2,9;133:7 particular (5) 24:15;37:5;43:10; 96:25;131:6 particularly (2) 108:13;131:20 parties (7) 50:6,15;68:13; 82:8;91:7;113:23; 116:15 partners (1)</p>	<p>15:22 partnerships (1) 12:17 parts (2) 23:4;94:21 party (9) 43:21;49:22;50:11; 68:7,8;110:7;113:24; 118:22,24 passed (2) 44:20;144:4 passive (1) 113:16 past (9) 37:16;62:21;63:3; 67:1;81:7,19;85:14; 104:17;120:24 pay (4) 72:18,20;88:20; 134:25 people (6) 29:17;31:1;58:6; 91:15;93:18;103:22 percent (2) 64:11;79:8 percentage (5) 95:3;125:6,23; 132:20,22 Perfect (1) 61:20 period (2) 27:20;30:20 periods (1) 29:12 permission (1) 53:21 permit (1) 53:19 person (6) 7:24;31:23;86:17; 91:12,12;97:6 personally (1) 122:6 personnel (1) 9:13 persons (1) 37:18 perspective (3) 57:4;59:24;133:21 pertaining (1) 54:15 PETITION (3) 10:23;11:2;36:13 phone (1) 5:3 phonemic (2) 24:21;31:12 phrases (1) 51:20 pick (5) 5:20;12:2;108:2; 147:11,22 picking (1)</p>
		P		
		<p>Pacific (3) 80:7;89:20;101:17 packet (3) 7:6,9;138:10 page (6) 7:13,21;8:8,20;9:5, 8 Palestine (2) 103:7,7 Palestine-Wheatley (1) 118:4 Panel (24) 21:21;22:1,2; 23:10;24:3,4;25:2,5, 16,19;26:13,16;27:1, 4,5,15,17,18,21,23; 29:3;34:2,7;143:6 PANEL'S (1) 21:17 paper (2) 4:3;34:6 parent (3)</p>		

<p>16:16 picture (3) 31:3;33:5;115:21 PINE (4) 18:16,21,23;19:15 place (5) 25:3;50:1;71:24; 95:13;118:5 placed (1) 53:4 places (1) 65:7 placing (1) 53:5 plain (13) 53:13,17,17;58:12, 18;71:8,10,11;72:13; 73:8,20;81:18;114:9 plainly (1) 49:14 plaintiff (1) 116:3 plaintiffs (5) 50:4;55:23,24; 68:11;127:9 plan (5) 6:1;35:22;39:3; 86:4;128:5 plans (4) 53:3;128:1,5; 131:17 play (3) 92:11,18,19 playing (1) 73:14 Plea (1) 8:5 pleasant (1) 30:1 please (8) 4:12;7:17;8:24; 97:5;104:14;119:6; 129:21;134:5 pleased (1) 11:23 pleasure (1) 38:13 pled (3) 4:20;7:24;8:3 pm (3) 108:4,5;147:24 point (30) 29:20;35:4;36:25; 50:18;51:8;52:11; 54:1;61:9,25;68:2; 70:5,8;83:17,19; 85:2;91:9;92:7;94:3, 23;98:12;100:11; 101:4;102:16;103:3; 104:19;107:25; 117:25;119:12; 125:5,8 pointed (4)</p>	<p>54:6;65:2;76:20; 89:18 policies (7) 47:9;80:15;81:25; 112:23;113:8; 126:13;131:4 policy (4) 53:19;80:20; 113:14;114:21 political (3) 42:16;101:22; 106:7 population (11) 42:1;78:15;81:22; 94:21;97:12;99:11, 13;101:16;104:24; 110:3;125:2 populations (4) 69:6;94:14;97:24; 99:8 portion (2) 49:10;82:24 pose (2) 9:12;62:6 posed (1) 139:24 position (2) 98:17;103:19 positions (1) 96:23 positive (2) 23:15,24 Possession (1) 9:2 possible (5) 49:11;57:23;69:25; 95:23,24 possibly (2) 24:8;26:19 potential (3) 33:2;66:13;99:14 powers (1) 83:1 practices (1) 113:8 predicament (1) 105:24 predict (1) 63:10 predominantly (8) 42:21,22;58:24; 102:7,8;112:4; 132:25;133:1 prefer (1) 29:7 preferred (1) 125:11 Preparation (1) 138:7 prepared (1) 41:15 presence (2) 26:25;43:18</p>	<p>present (10) 4:24;6:16;14:8,20; 19:1;37:23;39:3; 41:16;54:13;79:10 presentation (5) 9:16;10:1,2;38:12; 83:8 presented (4) 56:2;68:12;85:11; 89:12 presents (1) 37:25 preserve (1) 52:14 president (8) 46:24;52:6;63:20, 21;79:17;112:7; 115:2;120:7 presume (1) 119:5 pretty (6) 56:24;70:4,7;76:2; 126:19;135:17 prevent (8) 53:7,23;81:8,20; 85:15,25;103:12; 116:2 previous (5) 112:12;115:11; 125:1;127:21;130:16 previously (2) 15:14;40:6 primarily (2) 103:14;126:4 primary (3) 79:21;111:25; 118:8 Principal (2) 126:7;134:1 principle (1) 71:10 Prior (3) 14:15;82:3;114:15 private (7) 29:7;47:14;89:6,7; 113:2;126:20;127:15 Probable (4) 8:18;47:24;81:3; 126:24 probably (13) 16:7,10;32:4; 33:19;62:22;73:4; 74:13;75:9;76:2; 86:19;104:18; 120:11;144:5 probation (6) 9:7;24:3,8,8;25:6,8 PROBATIONARY (2) 22:25;23:12 problem (5) 19:20;43:16;45:9; 92:23;130:4 problems (2)</p>	<p>83:19;117:24 procedure (8) 35:10,12;36:16; 37:8,16,17;108:16,19 procedures (3) 14:4,7;37:14 proceed (5) 5:7;6:19;15:5; 37:9;77:17 proceeding (1) 68:12 process (9) 26:10,22;30:18; 45:4;60:22;65:14; 97:20;100:23;133:16 processes (1) 140:11 processing (1) 16:16 produce (2) 12:8;146:10 product (1) 111:7 productive (1) 20:4 professional (1) 23:21 program (14) 46:6,9,10;80:20; 114:22;138:15,25; 139:1,7,19;140:16, 19;145:8,11 prohibit (3) 52:21;57:19; 142:15 prohibited (4) 50:2;71:16,25; 143:7 prohibition (2) 143:8,11 prohibits (2) 96:2;116:10 projects (1) 12:18 promise (2) 15:7;103:3 promote (3) 47:14;113:2; 126:20 promotes (1) 113:15 promoting (1) 42:24 promulgated (2) 41:9;124:19 pronounce (1) 117:16 pronouncing (1) 118:18 proof (7) 35:19,20;40:7,8, 20;48:16;52:4 proper (10)</p>	<p>10:4;22:13;25:22, 25;26:11;74:1; 106:19,21;129:1; 136:22 proponent (1) 56:2 propose (1) 143:21 proposition (1) 96:9 prove (3) 95:13,14,14 provide (3) 36:3;41:5;106:7 provided (2) 9:10;106:2 provides (1) 7:22 proving (1) 6:6 provision (8) 54:20,22;55:2; 57:10,11,14;84:1; 131:1 provisions (13) 53:22;54:21,23; 131:12,13,16,21; 132:2,3,8;141:16; 145:13,15 proximity (1) 67:24 public (36) 8:15;23:3;34:22; 35:1,15,18;40:24; 46:12;52:23,25;53:1; 61:5;85:21,22,23; 86:4;87:24;88:1; 104:16;120:3;131:7, 13,24;132:6,12,23; 141:8,11,20;142:13; 144:17,21;145:6,19; 146:14,22 PULASKI (11) 10:21;11:1,6,10, 21;12:7;43:2;50:13; 58:25;68:17;86:24 pumped (1) 32:21 pupil (1) 113:15 pupils (1) 113:12 pure (1) 48:24 purpose (6) 4:17;47:9;80:15, 21;112:23;126:14 purposes (5) 45:5;82:4;103:18; 113:19;127:5 pursuant (1) 36:10 push (3)</p>
---	---	--	--	--

32:14,16;105:6 pushing (1) 24:21 put (14) 19:22;33:24;40:4; 55:12;68:6;90:7,9; 96:24;116:7,14; 138:19;140:19; 143:10;145:23 putting (3) 97:4;98:24;102:10	39:6;109:2;123:19 raised (1) 100:9 raises (1) 16:10 ramifications (1) 120:20 Raney (1) 127:24 rather (1) 113:15 reach (2) 31:4;67:8 reached (2) 107:25;147:7 reaching (1) 97:21 read (11) 8:21;20:15;26:15; 31:13;40:17;71:7,12; 72:22;85:10;114:10; 119:4 reading (9) 24:18;28:11;31:13, 16;58:18;81:18; 84:13;85:14;114:9 reads (1) 57:9 ready (4) 31:15;72:22; 106:15;124:4 real (4) 33:8;89:3,9;99:9 realities (2) 94:19;97:15 reality (2) 94:14;97:9 really (28) 5:18;31:2,14;32:1, 14;35:3;41:11;58:19; 59:22;60:10;67:4; 69:16;70:9;73:14; 76:16;81:23,24; 90:18;95:6,8,9,10; 103:2,6;105:24; 106:6;144:6 reason (17) 16:6,9;46:20; 48:14;49:11;50:3,5, 10,16;66:25;97:8; 102:21;121:9;135:7; 138:22;144:3;145:24 reasonably (1) 67:24 reasoning (1) 135:6 reasons (2) 9:14;15:19 rebuttal (2) 38:10;69:21 recall (1) 128:3 receive (2)	5:3;48:15 received (7) 27:22;46:5;49:21; 61:25;109:21; 111:21;117:16 recent (2) 79:23;92:2 recently (2) 23:2;135:15 recipients (1) 46:2 recognize (4) 29:10,11;50:23; 90:18 recognized (5) 67:2;81:14;92:17, 18;96:13 recognizes (1) 57:12 recommendation (9) 7:3;26:13;28:15; 29:19;41:7;52:2; 120:1;122:10;129:7 recommendations (1) 11:20 recommends (1) 9:15 reconvene (1) 108:3 record (7) 30:4;39:12;62:15; 73:6;96:24;129:22; 134:6 records (2) 8:16;69:7 reduced (1) 49:1 refer (4) 40:4;42:11;51:8; 85:7 reference (7) 24:14;59:25;61:13; 84:10;86:12;94:7; 126:2 references (6) 9:11;41:17;58:20; 67:18;110:23;127:21 referencing (1) 67:22 referring (2) 85:13,16 refers (1) 85:3 reflection (3) 82:8;113:22;127:8 reflections (1) 98:13 refrain (1) 106:9 regard (2) 60:22;113:17 regarding (1) 49:10	regards (5) 59:13,20;63:5; 97:12;98:3 regions (1) 94:16 regular (1) 138:21 regulations (1) 26:15 reimbursement (1) 134:21 reiterate (1) 116:9 Reith (64) 9:25;11:19;17:12; 18:6;20:7;22:11; 33:14;34:10,13; 59:11,12,15,16,18; 60:16,25;61:7,16,20, 22;62:6,16,17;63:2,5, 9,13,16,18;64:12,17; 65:11,16;66:1,7,13, 21;67:6,9;70:22; 73:2,3;74:15,16; 88:24;96:20,21; 107:7,8;119:18; 122:18,19;136:20; 137:7,8;139:21,22, 23,24;140:7,9; 141:22;146:24;147:1 Reith's (1) 65:9 reject (1) 129:7 relate (1) 59:22 related (3) 61:17;127:19; 130:20 relates (3) 12:2;55:4;93:6 relation (1) 73:5 relative (1) 57:5 relatively (2) 52:20;75:17 release (9) 24:8;141:8,11,19; 144:17,21;145:6,10; 146:22 released (2) 25:6;145:19 relevant (1) 51:23 relieved (1) 69:14 reluctance (1) 58:3 rely (1) 73:13 relying (1) 4:3	remain (3) 44:15,16;53:23 remaining (1) 23:24 remedied (1) 5:19 remedies (4) 70:11,14;85:4,6 remedy (6) 70:9,15;81:7,19; 98:23;115:24 remedying (3) 85:7,14;115:14 remember (2) 92:8;101:6 remind (4) 79:12;112:21; 126:11;128:20 reminder (1) 21:24 remiss (2) 83:17;105:23 removed (2) 18:19;69:10 repeat (4) 41:18;65:24;79:11; 93:25 repetition (1) 84:22 REPORT (10) 22:25;23:11,15; 24:2;25:23;27:11; 28:7,13;29:2;34:9 reported (1) 134:20 REPORTER'S (3) 4:25;6:23;108:6 reporting (2) 23:14,25 reports (4) 23:14;33:24;59:2; 147:22 represent (3) 54:9;69:20;105:13 representatives (3) 22:5;25:20;123:15 represented (1) 52:25 representing (1) 38:22 request (48) 10:5,9;11:12,14; 12:3,4;13:21;14:3,14, 17,20;17:7;18:21,23, 24,25;19:2;20:16,21; 21:3,19;22:3;24:17; 25:2;36:10;40:12,14; 44:10;60:21;61:1; 66:9;67:21;70:11,14; 71:7;78:7,21;105:1; 109:19,22;110:17; 111:18;112:20; 124:11;142:14;
Q				
Q&A (1) 84:20 qualification (2) 43:6,7 qualifier (1) 48:10 qualify (1) 87:17 quarterly (1) 33:24 quick (3) 24:13;36:18;108:1 quicker (1) 100:1 quickly (3) 7:2;31:14;75:17 quite (5) 14:14;16:8;31:18; 33:19;121:16 quote (1) 105:7				
R				
race (18) 47:1,5,18;48:5; 69:7;79:21;81:8,20; 85:15;98:3;101:18; 127:19;130:20,24; 131:7,10;132:16; 134:15 races (4) 46:22;80:11; 101:25;113:17 racial (12) 47:16;56:9;79:3; 80:24;81:11,14;88:2; 103:21,25;113:9; 120:14;130:6 racially (18) 47:12;80:17,19,23; 89:25;92:4,7,14;94:2, 8;101:21;105:12,21; 113:1;126:16,17; 131:24;133:1 racist (1) 98:5 raise (6) 12:11;14:25;19:4;				

<p>143:4,4 requested (8) 4:19;8:13;24:4; 78:4;112:10;124:9, 12;126:4 requesting (5) 19:16;20:9;47:1; 79:21;126:8 requests (18) 14:6;24:17;37:21; 45:3;46:11;47:2,6; 61:24;62:8,11;63:2; 64:8;65:17;79:23; 80:2;111:21,22; 141:19 require (2) 49:6,14 required (9) 11:13;23:14,25; 36:4;40:6,24;48:24; 69:6;131:14 requirement (1) 69:10 requirements (3) 58:17;138:16; 142:7 requires (1) 113:13 requiring (1) 101:24 rescind (1) 52:1 re-segregation (1) 73:19 reside (1) 125:10 resident (2) 82:1;120:9 resolution (1) 76:11 resolve (1) 43:17 resolved (1) 42:19 respectfully (1) 141:19 respective (1) 50:15 respond (6) 38:8;59:8,23;71:3; 97:8;100:6 responding (1) 98:15 response (2) 30:7;132:11 responsibilities (1) 73:17 responsibility (2) 28:3;95:22 responsible (1) 101:10 responsive (1) 140:14</p>	<p>rest (1) 133:17 restate (2) 30:4;134:5 resting (1) 51:14 restrictions (4) 56:9;82:15;88:2; 128:17 result (10) 42:5;47:15;70:6; 76:1;78:18;102:22; 110:6;125:14; 126:21;132:24 results (2) 99:12;113:3 return (1) 82:2 Reverend (2) 52:6;68:24 reverse (8) 36:14,19;37:2; 38:5;106:22,24; 121:25;136:23 reversed (1) 37:4 review (20) 21:25,25;22:8,8,14, 14,15,17;25:18,18; 26:18,19;27:3,3,25, 25;28:1;36:12;53:12; 61:9 reviewed (4) 61:11,13;86:18; 116:15 reviewing (1) 114:11 reviews (1) 36:1 revisions (2) 49:12;116:22 revocation (3) 4:18;7:4;9:15 revoke (2) 7:23;24:8 rewrite (1) 51:18 right (103) 6:5,10,12;9:24; 10:18;11:18;12:24; 14:22,23,25;15:9; 16:24;17:3,13,23; 18:4,8,13;19:3,4,14, 17;20:6;21:20;22:9, 13;23:18;24:16; 25:10,12;26:7,14,14; 34:8,12,20,23;37:6; 39:6,10;52:15;56:23; 57:21;59:6,20;61:18; 62:18,20,23,25;64:4, 5;65:7,19;66:4;70:5, 8;73:25;74:6;77:20; 98:24;99:15;100:4,</p>	<p>24;102:18,25;104:8; 106:15;107:22; 108:3;109:2;115:4; 118:1,10,15;119:21; 120:5;121:12,13,18; 123:19,19;125:10; 133:10;134:13; 136:20;137:3,23; 138:2;139:2,9; 140:12,20,24;141:10, 22;143:14;144:15; 146:7,18,21;147:5,7 right-hand (1) 7:12 rights (1) 61:5 RISE (1) 24:20 Rison (1) 15:24 River (1) 32:24 road (2) 55:18;91:5 Robbie (2) 123:20;134:7 Robert (1) 112:6 Roberts (4) 83:6,10,14,14 Rock (9) 11:23;51:11;58:22, 23;69:3,3,14,14; 84:11 ROCKBRIDGE (10) 22:25;23:2,11; 24:4,22;25:19,20; 29:17,21;30:9 Rogers (5) 146:4,8,8,14,17 role (2) 31:23,24 roll-call (5) 74:13;106:18; 107:6;122:16;137:5 room (1) 88:11 rotate (1) 138:21 round (1) 64:20 rule (7) 57:11;141:17,20; 143:8;145:10,14; 146:22 ruled (2) 94:18;117:22 rule-making (2) 143:13,15 rules (16) 26:20,21;36:15; 37:15;41:8,9;54:22; 55:3;71:11;111:16,</p>	<p>17;124:18;141:8,12, 12;145:6 ruling (3) 55:16;106:1,2 rulings (1) 92:2 run (2) 69:16;122:3 running (2) 23:22;67:15 runs (1) 49:15 Russia (1) 139:8</p>	<p>17,19,25;36:2,4,5,11, 13;37:14,22,23;38:4, 5,20,22;39:2,18;40:2, 6,13,14,19,20,25,25; 41:2,10,23;42:4,14, 15,16;43:9,18;44:19, 25;45:1,5,18;46:2,3, 8,12,17,21;47:10,11; 48:15,20;50:1;51:2, 12;52:3,4,21,23,25; 53:1,7,24,25;54:4,6, 8,11,16,16,19,21,24; 55:3,5,8,9,14,21,23, 24;56:2,4,10,11;57:8, 16,17;58:6,11,22,23; 61:5;63:20,22,23,25; 64:8,20,21,22,24; 65:6,8;66:17,20; 67:13,15;68:11,14; 69:4,7;70:18;71:15, 23;76:22;77:14,23; 78:5,6,9,12,17,25; 79:2,11,13;80:16,16, 19,20,22;81:11,15; 82:1,10,19;83:20,24; 85:8,10,14,19,19,21, 21,22,23,25;86:4; 87:2,4,9,24;88:1,8; 89:23;91:5;92:20,21; 93:11,17,21;95:7,17, 17;96:1,14;100:12, 16,17;101:14,19; 102:6,7,24;103:5,7,8, 10,11;104:22;105:2, 4,18;106:6;108:2,8, 14;109:11,16,18,25; 110:5;111:1,10,11, 11,12,16,25;112:3,3, 7,11,13,14,24,25; 113:10,13;114:2; 115:15,15,24;116:11; 120:3,7;123:11; 124:8,10,15,23,25; 125:13,17;126:2,3, 15,15,16;127:12,13, 18,25;128:8,9,13; 129:2,8,9,11;130:18, 20,21,23;131:7,9,14, 15,16,18,19,24; 132:1,1,5,6,13,23; 133:7,8,18;135:11, 19,23;136:2,4; 139:13,14;140:15,18; 142:6,12,13,16; 143:18,18 school-related (1) 131:9 Schools (42) 11:6;12:6;14:2; 15:14;17:10;49:21; 73:15,19;81:12,23; 86:1,2,2;92:5,14; 94:8;102:1,11,12,</p>
S				
			<p>safe (2) 110:14;137:24 safety (1) 9:13 sake (1) 106:5 same (36) 10:17;13:9;18:12; 20:3;21:13;22:22; 34:16;43:1;44:2,2,15, 16;47:14;75:16;78:2; 83:16;84:2;97:7,13; 102:10,22;111:23; 113:3;126:21; 129:17,25;132:15; 133:3,4;135:18,18; 139:16;141:5;145:4; 147:4,20 sanctioned (1) 133:3 save (1) 84:24 saw (6) 17:13;31:8;61:14; 80:25;82:5;131:4 saying (6) 5:4,6,13;61:7; 72:16;135:21 scenario (1) 98:25 schedule (1) 16:3 scheduled (1) 30:15 school (324) 9:1,13,13;10:21; 11:1;14:11,12,13,15, 17,19;15:13,18,18, 22,23,23,24,25; 16:10,14,17,19; 17:21,22;18:16,21, 23;19:17;20:1,5; 22:4,25;23:3,23; 28:23;29:1,7,10; 30:3;31:10,10,33:1, 2;34:1,22;35:1,13,15,</p>	

103:10,22;104:1,16; 106:4;111:19,22,23, 25;116:2;126:18; 130:23;132:20,21,24, 25;133:20;135:3,15, 24;136:10;144:1; 146:11 science (1) 31:13 score (1) 30:23 scores (3) 30:23,25;32:2 SEACBEC (1) 15:25 seats (1) 29:15 second (41) 8:8;10:11,12,25; 13:4,5;16:6,8;18:6, 17,20;21:7,9;22:18, 19;23:1,34;11,13; 38:1;42:11;60:17; 74:10,12;75:11;94:3; 107:4,5;121:12; 122:13,14,15,16; 137:2,4;141:1,2; 144:23,24;146:24,25; 147:14 secondary (2) 135:16,17 seconds (1) 147:17 secret (1) 48:19 section (4) 37:5;85:9;144:10; 145:17 Sections (2) 8:1;145:14 seeing (4) 28:10;31:15;33:6; 64:15 seek (3) 65:2;68:1;132:19 seeking (2) 23:21;58:13 seem (4) 88:7,18;89:13,23 seemed (1) 30:19 seems (4) 56:23;66:10;72:12; 125:8 segregated (7) 42:18;59:3;70:13; 101:15,20;103:10; 105:21 segregating (1) 86:1 segregation (13) 44:4;45:24;47:20; 48:21;70:6;79:10;	85:4,5,7;89:8;101:14, 24;133:2 segregative (38) 42:5;43:12,15; 45:13,16;47:25; 49:18;50:2,8;55:10; 59:20;60:2,7;66:13; 68:18;69:9;73:9; 78:18,23;79:24;81:4; 82:11;88:9;90:20,21; 91:4;92:4,14;94:1; 95:12;110:6,19; 114:2;116:12; 125:14,16;126:25; 128:9 sending (1) 32:13 sense (3) 5:10;38:15;60:15 sent (2) 48:11;88:15 sentenced (2) 9:2,7 Sentencing (1) 9:4 separate (2) 37:25;105:17 separate-but-equal (1) 94:11 separated (1) 101:25 separately (2) 37:24;38:19 serious (1) 16:8 seriously (2) 73:7,10 serve (2) 13:13;58:8 served (1) 63:23 SERVICE (1) 10:22 services (2) 11:16;142:11 session (2) 40:3;143:22 set (2) 28:3;37:14 settlement (2) 42:20;55:1 Seven (4) 7:11;8:2;30:13; 98:19 severability (2) 83:22;84:1 several (7) 5:5;6:23;41:22; 68:20;89:18,19,20 shall (10) 7:23;15:2;19:5; 39:7;53:18,19,23; 104:10;109:4;123:25	share (3) 99:10;146:11,15 shared (1) 98:4 Sharon (1) 147:10 short (1) 72:16 shorter (1) 75:9 short-run (1) 12:10 show (8) 35:23;40:21;45:24; 58:16;60:12;79:9,23; 80:18 shown (1) 120:24 shows (4) 46:2;55:15;112:3; 126:3 shrunk (1) 100:20 siblings (3) 17:20;116:24; 117:3 side (6) 73:24;86:8;100:10; 118:14;133:22,23 side-by-side (2) 102:2;114:19 sign (10) 10:17;13:9;18:12; 21:13;22:22;34:16; 141:5;145:4;147:4, 20 signaling (1) 28:5 signature (1) 8:9 signed (2) 32:10,12 SILENCE (2) 6:17;8:23 similar (4) 48:3;125:22;128:4; 131:3 similarly (4) 47:3;49:20;114:15; 127:2 Simone (1) 4:15 simple (3) 52:20;73:10;97:7 simplify (1) 73:18 simply (4) 16:9;94:16;106:7; 135:7 simultaneously (1) 127:15 sit (3) 39:14;97:9;104:25	sites (1) 138:21 situated (6) 47:3;49:20;102:17; 114:14,15;127:2 situation (5) 8:21;103:8;116:13; 140:1;143:16 situations (1) 139:12 Six (6) 9:5;49:9;75:4; 107:21;123:7;137:21 sixth (1) 105:5 slant (1) 130:6 sleepover (1) 105:11 Smackover (17) 45:18;50:6,7; 62:22;63:3,12;64:9; 65:18;66:9,18,19,24; 67:19,23;70:2,7; 101:9 Smackover- (1) 101:4 Smackover's (1) 45:21 small (2) 23:23;145:16 smaller (2) 46:18;101:17 Smith (4) 142:10;144:12,12, 13 soapbox (1) 106:10 society (1) 105:21 socioeconomic (1) 113:18 soft (1) 39:20 somebody (2) 76:10;97:14 someone (5) 28:24;44:22;75:19; 142:4,15 somewhere (1) 125:5 son (2) 120:13,14 son's (1) 105:10 soon (2) 16:14;33:19 Sorry (11) 6:10;9:7;14:4;32:8, 9;59:16;65:22,24; 99:21;100:8;109:14 sort (4) 26:17;58:15;88:19;	142:22 soul (2) 120:12,17 Sound (2) 5:24;56:19 sounds (3) 16:25;17:14;34:5 south (4) 105:2,20;125:12; 132:14 Spanish (1) 80:5 speak (10) 5:12;61:24;69:19; 76:13;83:6;94:2; 96:22;122:4;126:10; 129:12 SPEAKERS (3) 39:9;109:6;124:2 special (8) 23:13,17;30:17; 103:5;142:20,21,25; 143:1 specialist (6) 19:17,23;20:2,3, 20;142:10 specific (9) 35:5,23;37:17; 57:5;67:22;98:15; 110:23;138:14; 139:18 specifically (11) 24:17;46:8;53:1; 54:8;61:8;79:15; 86:25;87:24;96:15; 110:12;131:5 speculation (4) 55:13,14;60:9;89:3 speculative (1) 70:1 speech (2) 121:3;129:20 spent (2) 29:9;31:21 split (1) 48:5 spoke (1) 91:11 spoken (1) 20:22 sponsored (2) 47:20;101:24 sprang (1) 100:17 Spring (13) 78:25;79:1,4,7; 80:4,18;81:21;82:1; 100:22;101:10; 111:1,4;113:23 Springs (2) 68:16;101:5 sprung (1) 101:22
--	--	--	--	---

<p>Stacy (1) 142:10 staff (7) 11:17;13:14;16:13, 20;42:13;86:22; 113:15 staggering (1) 89:13 stance (1) 120:18 stand (5) 73:5;115:19; 123:19;130:6;133:19 standards (2) 24:24;25:2 standing (2) 58:17;144:14 standpoint (1) 91:25 stands (3) 44:8;59:19;96:8 start (15) 9:19;11:18;16:17; 17:3;20:6;22:10; 26:1;38:1;56:20; 58:20;72:17;76:8; 86:6;139:3;143:17 start-date (1) 15:15 started (3) 30:24;31:12;75:14 starting (1) 26:20 State (57) 7:22;15:11;24:21, 24;25:2;26:12;36:11; 42:15,23;46:2,10; 47:7,9,12,20,21; 49:14;51:10,13,16; 67:25;68:8,13;70:16, 17;76:25;79:11; 80:13,14;84:4,5,6; 89:5;94:15;96:11; 97:21;98:2,7,16; 99:13;101:14; 105:13,16;112:3,21, 22,23;126:2,11,13, 19;134:21,22;135:5, 6,11;138:22 state- (1) 101:23 stated (2) 58:3;74:1 Statement (2) 8:5;28:12 statements (2) 95:11;115:2 states (6) 41:6;51:9,15;81:7; 127:12,24 State's (3) 52:9;84:19;89:10 stating (1)</p>	<p>133:15 statistic (1) 95:1 statistics (2) 55:13;86:14 status (2) 23:12;113:18 statute (7) 41:5,6;53:4,9;72:1; 115:18;132:16 stay (2) 25:8;138:25 steadily (1) 19:19 step (2) 4:24;69:22 stepped (1) 4:25 stick (2) 25:1;78:3 still (18) 17:18;29:4;44:7; 49:4;50:25;52:12; 56:10;60:21,24;61:2, 16;86:12;97:13,22; 105:16,20;117:22,23 stop (2) 15:20;16:22 straight (1) 117:3 strive (1) 97:25 strong (1) 130:6 struck (2) 88:6,21 struggle (1) 33:8 student (28) 14:16;15:17;17:14, 14,18;42:1;45:19; 46:12;49:23;69:5; 78:15;79:3;81:16,16, 22;94:14;97:18; 110:3;111:3;112:2; 113:11;125:2,19; 127:21;130:25; 131:25;132:1,7 students (77) 11:17;13:14;16:1, 3,13,20;19:18,21,24, 25;20:4;30:13;42:13, 24;43:8;44:6;45:23; 46:4,9,14,16,19,20; 51:21;53:20;54:15; 57:19;67:3,14;70:23; 79:7,14;80:3,5;82:1; 89:19;92:21,22; 93:21;95:2;101:15, 18,20,24;111:4; 112:5,18,19,20; 113:17;115:17,20; 125:6,6,10,22,23,25;</p>	<p>126:1,5;127:17; 130:23;131:5,17,18; 132:21,22;134:8,11, 14,20;135:9,12,18; 136:1,3,9 subdivisions (1) 42:17 subgroups (2) 97:22;98:1 subject (8) 41:21;49:1;56:8; 78:11;80:1;87:4; 109:23;124:22 submission (1) 35:25 submit (2) 35:19;40:7 submitted (3) 40:21;52:4;109:19 subsequent (2) 53:22;54:7 subsequently (3) 43:5;62:4;127:23 Substance (1) 9:3 substantial (4) 42:1;78:15;110:2; 125:1 substantially (2) 46:18;69:5 substituted (1) 118:24 success (1) 33:9 such-and-such (1) 95:3 sue (1) 127:9 suffered (1) 120:21 sufficient (2) 40:20;58:15 suggest (2) 79:9;80:13 suggestions (1) 4:12 suited (1) 86:19 SUMMARY (1) 21:18 summer (1) 32:22 superintendent (21) 11:6;14:20;15:12; 19:1,15;30:9;46:23; 52:6;58:7;68:22; 79:16;104:15;112:6; 115:2;117:5;123:20; 126:5;129:25;133:4; 134:1;136:15 superintendents (4) 44:21;47:2;59:2; 132:19</p>	<p>support (4) 25:7;63:22;139:1; 140:16 supposed (3) 43:14;72:14; 124:20 supremacy (3) 57:13;96:9,10 Supreme (4) 51:9;92:17;127:24; 128:6 SUPT (53) 14:24;15:4,7,10; 17:7,9,17,20;18:14; 19:8,11,14;20:9,12, 17,22,25;21:2,15; 30:5,8;33:18;62:13, 16,18;63:4,8,10,15, 17;104:7,12,15; 117:8,11;121:1; 123:20;129:14,23; 134:4,7,10,16,19,22, 24;135:2,7,24;136:3, 6,8,16 sure (27) 16:7;25:7;28:4; 30:20,22;31:19,24; 38:17;39:11;53:5,7; 54:25;57:1;61:11; 62:4;69:21;71:24; 75:21;86:11;101:2; 115:20;116:22; 123:14;125:7;140:6; 141:14;145:15 surprising (1) 55:25 surround (1) 92:24 surrounded (2) 58:24;69:4 swear (16) 14:21;15:1;19:4; 38:15,24;39:6;62:5; 79:16,18;104:9,9; 108:21,25;109:3; 123:22,24 sworn (5) 37:19;46:24;62:3; 112:8;126:6 system (12) 42:18;81:11;82:2; 85:8,14,19,25;99:1; 113:13;115:15; 128:2,24 systems (4) 87:16;105:18; 106:4,6</p>	<p>7:16;11:3;35:3; 79:24;100:7;141:15 talked (2) 68:4;70:1 talking (8) 15:20;48:12;81:18; 93:16;102:9,11; 115:17;119:2 task (1) 71:6 Taylor (12) 111:2,5,6,8,12,13, 15,20,23,24,25; 113:24 teach (4) 97:18;138:15; 139:11,18 teacher (3) 30:17;31:9;32:23 teachers (9) 20:24;30:16;32:18; 88:14;97:18;99:8; 138:17,23;139:15 teaching (3) 4:18,22;7:20 technology (3) 6:7,11;147:9 teeth (3) 144:4,5,5 tend (2) 7:16;89:5 term (2) 94:8;101:21 terminate (1) 28:15 terminated (1) 93:13 terms (10) 28:9;60:20;89:12, 14,24;90:1,7,10; 91:23;94:6 terribly (1) 33:25 test (4) 30:23;31:1,3;32:2 testament (1) 125:3 testified (2) 47:4;68:23 testify (1) 68:20 testimony (13) 15:1;19:5;39:7; 68:12;91:11,12,12; 104:10;109:3;112:9; 115:1;123:24;129:12 Thanks (12) 6:5;13:12;21:5,16; 39:22;86:20;107:22; 116:16,17;123:9; 124:6;146:18 theirs (1) 16:3</p>
T				
<p>table (3) 24:10;121:20,21 talk (6)</p>				

theory (1) 43:2	44:8;45:15;52:19; 61:19;64:25;68:5;	transporting (1) 16:17	type (6) 29:6;37:15;60:6; 70:12;89:17;139:16	31:16;32:12,25; 38:22;48:12;51:25;
therefore (4) 44:6;55:7;72:22; 95:21	71:20;75:7;76:12,16, 20;78:24;79:17;	traveling (1) 133:19	types (2) 131:17,21	52:10;67:7,16;70:22;
thinking (2) 94:23;119:8	83:15;84:4;90:19;	travels (1) 137:24	U	71:20;77:21;79:19;
third (1) 38:2	91:24;96:5;100:21; 109:11,16;110:21;	treat (1) 38:18	UCA (1) 138:15	83:24;95:11;96:8;
third-quarter (1) 23:11	116:8;120:10; 124:13;138:8	treated (1) 50:16	ultimate (1) 84:6	100:17;101:22;
though (11) 33:3;41:15;56:11; 68:3,10;77:9;79:5; 101:7,16;130:9; 133:17	today's (1) 75:14	treatment (2) 81:17;113:12	unable (2) 79:17;138:17	102:21;104:19;
thought (6) 5:4;35:3;99:22,25; 112:15;129:20	together (4) 12:7;37:20;41:16; 102:13	tremendous (2) 98:3;105:15	UNANIMOUS (10) 10:16;13:8;18:11; 21:12;22:21;34:15;	108:2;115:8;119:6;
thousands (1) 95:1	tomato (1) 16:15	trends (4) 66:23;73:12,13;	141:4;145:3;147:3, 19	123:23;126:8,9;
threat (1) 9:12	tomatoes (6) 16:9,10,11,18,19; 18:2	tried (1) 83:19	under (16) 18:24;20:2;36:15; 41:25;44:13;49:5; 61:5;69:11;76:25;	129:19,21;133:19;
threatened (1) 84:13	tone (1) 130:5	trigger (1) 61:10	94:12;113:3;126:21;	138:4;141:10;143:5;
Three (13) 8:12;18:25;20:16; 31:9,17;68:23;75:17; 94:19;111:7;120:11; 124:25;130:16; 135:11	took (3) 30:10;31:25; 117:21	true (2) 12:13;31:3	127:23;128:6;129:5; 131:22	144:14;147:22
three-year (1) 20:10	total (5) 46:12,14;79:6; 117:4,10	trumps (1) 57:6	uncontroverted (1) 68:15	update (1) 24:12
throat] (1) 118:16	totally (3) 43:17;69:13; 101:10	truth (18) 15:2,3,3;19:6,6,7; 39:8,8,8;104:10,11, 11;109:4,4,5;123:25, 25;124:1	underlying (2) 7:3;48:16	updated (1) 41:10
thrown (1) 136:13	touch (1) 110:24	try (13) 24:25;41:19;76:3, 5;77:24;78:3;84:12, 16;93:25;103:6; 119:6;121:1;141:15	undermine (2) 82:14;128:16	uphold (1) 136:25
thus (2) 16:20;62:11	touched (2) 110:13;131:12	trying (9) 48:19;66:1;69:1; 82:19;94:4;98:25; 99:2;101:23;119:5	understood (1) 31:24	upon (6) 4:3;6:12;36:12; 76:21;81:8;87:8
tied (1) 97:10	town (1) 135:10	Tucker (15) 14:20,21,23,24; 15:4,7,10,12;17:7,9, 17,20;18:7,14;68:21	unequivocal (1) 44:24	urge (2) 52:1;84:1
ties (1) 89:1	Tracy (1) 15:12	tuition (2) 134:25;135:2	Unfortunately (1) 54:11	usages (1) 113:9
tight (1) 23:22	traditional (2) 28:17;142:13	tuning (1) 108:11	unintentionally (1) 28:5	use (3) 66:16;89:15;125:4
till (2) 62:20,25	Traditionally (1) 23:7	turn (8) 7:21;8:19;38:25; 63:11;108:16,17; 124:3;130:12	Union (3) 125:21,23,25	used (4) 54:9;94:7;116:23; 139:13
timely (1) 109:20	transfer (12) 45:4;46:5,11;47:6; 51:21;53:20;57:19; 79:23;80:1;81:6; 88:2;126:3	Turner (5) 110:7,8,8;113:6,25	unique (1) 37:25	using (1) 139:15
times (1) 43:4	transferred (1) 80:3	Two (21) 8:6;15:19;18:19; 19:20;21:22;25:9; 31:8,16;80:3,11; 83:25;91:23;94:6; 102:11,12;114:19; 115:11;121:4,8; 127:12;135:12	unitary (6) 43:6,14,22;44:5; 81:11;128:2	usually (1) 62:19
timing (2) 33:23;92:6	transfers (28) 40:19;41:1;43:15; 45:2;46:3;47:1; 49:18,24;50:2,7,10; 67:1,7;69:8;79:21; 87:14;103:13;112:4, 10;113:4;116:4; 117:24;118:4;126:8; 127:4;130:3;132:7, 20	two-thirds (1) 29:22	United (4) 51:9,15;127:12,23	Valley (1) 32:24
tipping (2) 125:5,8			units (2) 117:1,6	various (4) 12:17,18;47:4; 145:13
tired (1) 141:15			unless (3) 58:20;69:16;70:21	version (3) 56:9;88:1;138:19
today (44) 4:17;12:12;14:10; 21:24;25:21,23; 26:25;27:11;28:8,13; 33:20;35:6,10;36:7; 39:24;40:11;41:3,19;			up (43) 5:20;6:24;12:3; 14:13;15:6;19:10; 21:3;23:4;30:14;	versus (25) 42:10,11;51:9; 72:15;83:7;84:2,6, 14;89:14,15;90:11; 94:2,13;96:7,8,13; 103:6;110:7,8,8; 118:5,6;127:12,13,24

V

102:8 violation (1) 42:6 virtual (2) 15:18;17:15 virtue (1) 44:14 voice (1) 26:24 voicemails (1) 5:6 voluntary (1) 101:2 vote (1) 38:4 votes (1) 98:5	90:2;99:2;102:16; 117:22;130:21; 131:7,22;133:19; 144:19 ways (3) 12:4;26:19;51:16 week (6) 24:5,10;25:19; 27:18,23;138:20 weeks (1) 31:9 weigh (4) 60:3;98:10;116:7; 122:5 weighed (1) 91:14 welcome (8) 4:8;30:1;39:5,10; 58:13;62:2;70:13; 108:10 welcomed (1) 105:19 well-established (1) 71:10 weren't (2) 28:5;30:25 what's (2) 104:24;120:25 Wheatley (1) 103:7 wherein (1) 81:12 WHEREUPON (1) 7:14 whip (1) 17:11 white (29) 43:8;46:8;53:20; 79:15;80:5,6,7,11; 81:25;86:2;88:13; 92:7,8;101:13,19; 102:8;112:4,18; 114:20;121:7;125:6, 12;131:18,18,25; 132:1,14,19,25 white/non- (1) 101:12 white-flight (4) 53:24;63:24;64:2; 90:12 whiter (4) 43:9,18;105:3; 125:7 Whitney (7) 39:16;56:18;75:13; 77:22;109:9,15; 124:7 whittling (1) 82:20 whole (9) 15:2;19:6;39:8; 67:25;99:13,14; 104:11;109:4;123:25	whole-language (3) 24:19;31:7,14 wholly (1) 12:9 WILBUR (4) 10:22;11:7,11;13:3 Williams (1) 11:7 WILLIAMSON (29) 6:22;9:20;13:4,6; 17:4;18:1,5;20:8; 22:12;26:8;56:22,23; 74:10,12,19,20;86:7; 107:1,3,11,12; 119:19,20;122:22,23; 137:11,12;144:23,25 winter (1) 31:5 wireless (3) 4:6;5:16,19 within (22) 12:13;31:8;35:25; 45:22;47:25;73:16; 76:23;81:4;85:4,5,7, 13,19;87:16,18; 97:24;103:11; 113:12;115:15; 126:25;132:5;136:9 without (5) 5:18;28:23;53:21; 83:24;113:17 witnesses (3) 38:11,24;68:20 wolf (1) 33:11 wonderful (1) 33:10 wonderfully (1) 91:19 wondering (1) 29:19 Woodlawn (1) 15:23 word (3) 32:13;66:16;82:7 words (4) 103:1;120:15; 144:6;145:18 work (13) 4:13;16:15,16,16, 21;30:3;83:23; 103:22;105:14; 124:20;138:23; 139:16;140:10 working (6) 4:10;12:7;24:23; 28:24;99:8;117:18 works (3) 20:1;97:14;140:17 world (1) 12:6 worry (1) 12:4	worst (1) 98:25 worth (1) 49:24 written (7) 26:11;48:16;53:21; 73:11,11;100:23; 106:2 wrong (2) 33:25;67:20 Wynne (2) 103:8;118:3	25;134:8,14,17,20, 23,25;135:4,20; 136:1,5,7,12,17,25; 137:3,9,10;139:5,6, 10,20,22,24;141:23; 142:19;143:2;144:3, 8;145:21,22;146:5, 13,16,18,23,25 Zook's (1) 89:1
W			Y	1
wait (3) 115:3;121:22; 129:13 waiting (1) 32:15 waive (1) 142:7 waived (1) 143:25 waiver (26) 10:5,6,10;14:3,6, 14;15:15,16,20;17:6; 18:3,18,21,24;19:16; 20:12;21:4,6;37:21; 142:1,7,12,14,16,18; 143:4 WAIVERS (6) 13:21,24;142:1,21, 25;144:1 walk (3) 98:19;100:18; 123:23 Walker (1) 125:4 wants (3) 12:10;75:18; 138:25 Warren (3) 15:24;16:1,5 watch (1) 69:11 watched (1) 63:24 watch-list (1) 145:23 Watson (1) 68:22 way (25) 5:11;12:12;23:18; 26:11,14;27:12; 52:24;53:10;56:1; 57:8;71:14;76:11; 85:11;88:8,15,22;	welcomed (1) 105:19 well-established (1) 71:10 weren't (2) 28:5;30:25 what's (2) 104:24;120:25 Wheatley (1) 103:7 wherein (1) 81:12 WHEREUPON (1) 7:14 whip (1) 17:11 white (29) 43:8;46:8;53:20; 79:15;80:5,6,7,11; 81:25;86:2;88:13; 92:7,8;101:13,19; 102:8;112:4,18; 114:20;121:7;125:6, 12;131:18,18,25; 132:1,14,19,25 white/non- (1) 101:12 white-flight (4) 53:24;63:24;64:2; 90:12 whiter (4) 43:9,18;105:3; 125:7 Whitney (7) 39:16;56:18;75:13; 77:22;109:9,15; 124:7 whittling (1) 82:20 whole (9) 15:2;19:6;39:8; 67:25;99:13,14; 104:11;109:4;123:25	winter (1) 31:5 wireless (3) 4:6;5:16,19 within (22) 12:13;31:8;35:25; 45:22;47:25;73:16; 76:23;81:4;85:4,5,7, 13,19;87:16,18; 97:24;103:11; 113:12;115:15; 126:25;132:5;136:9 without (5) 5:18;28:23;53:21; 83:24;113:17 witnesses (3) 38:11,24;68:20 wolf (1) 33:11 wonderful (1) 33:10 wonderfully (1) 91:19 wondering (1) 29:19 Woodlawn (1) 15:23 word (3) 32:13;66:16;82:7 words (4) 103:1;120:15; 144:6;145:18 work (13) 4:13;16:15,16,16, 21;30:3;83:23; 103:22;105:14; 124:20;138:23; 139:16;140:10 working (6) 4:10;12:7;24:23; 28:24;99:8;117:18 works (3) 20:1;97:14;140:17 world (1) 12:6 worry (1) 12:4	Y'all (12) 17:24;21:15;33:7; 41:15;75:10;107:24; 123:19,23;130:10; 133:16,21;137:23 year (19) 8:25;16:17;19:18, 19;20:13;23:19; 28:22;35:17;40:14, 25;46:5;52:5;59:1; 64:8;78:6;87:4; 105:5;112:17;115:22 year-and-a-half (1) 83:25 years (18) 9:7;17:7,8;19:1; 20:16;31:22;63:24; 79:23;83:25;89:4; 93:1,9;94:13;98:19; 101:5,17;120:21; 135:8 year's (1) 31:4 yea's (4) 75:4;107:21;123:7; 137:21	1 (13) 7:11,14,21;9:8; 80:5,5,6,7,9,11; 109:20;112:18; 148:25 1% (5) 79:5;81:22;88:17; 102:14;111:4 1,075 (1) 46:9 1:20 (1) 108:4 1:28 (1) 108:5 10 (5) 6:3;45:22;80:5; 81:24;101:5 10% (1) 125:21 10.4% (1) 125:24 10:00 (1) 5:6 10:30 (2) 5:5;6:4 10:40 (1) 6:4 100 (1) 29:15 100% (1) 85:12 1039 (1) 141:16 10-minute (2) 6:2;147:21 11 (2) 18:25;90:1 11,806 (1) 46:7 12:05 (1) 75:8 12:47 (1) 108:5 120 (1) 30:14 1240 (7) 13:24;18:18,24; 142:1,6,18;143:11 13,048 (1) 46:6

<p>14 (3) 80:3,5;90:1 14,123 (1) 46:4 14-year (1) 120:13 15 (2) 19:21;101:5 15th (1) 32:11 16 (2) 49:2,3 16.1% (2) 111:5,24 17 (6) 80:10;81:4;115:20; 117:1,4,5 17.6% (1) 45:21 179 (2) 134:10,13 18 (2) 117:8,9 18-19 (2) 40:13,25 1894 (1) 134:11 19 (3) 49:8;78:6;124:11 19.5% (1) 45:20 1957 (1) 51:11 1958 (1) 51:9 1968 (2) 128:4;133:5 1970 (3) 82:3;127:16,20 1988 (2) 42:10,13 1989 (7) 50:1,9;54:6;56:4,8, 11;87:25 1990 (5) 42:19;44:7;50:9; 54:3;81:6 1993 (1) 113:7 19th (3) 24:4;109:22; 124:12 1st (1) 35:17</p>	<p>2:30 (1) 147:22 20 (19) 14:7;15:6,7;19:9, 10;37:22;38:7,8; 45:22;55:11;77:17, 18,21;84:20;94:13; 104:23;108:18; 115:8;130:12 20% (2) 46:13;92:10 2002 (3) 43:6,13,23 2009 (1) 42:12 2010 (3) 43:25;44:14;50:9 2012 (1) 83:19 2013 (5) 44:19;48:20;69:6; 83:24;105:14 2013-14 (1) 112:15 2015 (19) 35:15;40:2,19,25; 44:18;48:23;49:5; 52:23;54:19;57:9; 69:10;85:22;96:1,15; 103:4;116:22; 130:22;131:8;132:6 2016 (4) 48:11;80:2;114:16; 128:14 2016-17 (1) 80:2 2017 (19) 8:4,17;9:3;35:15; 40:3,10;41:10;44:9, 18;49:3;77:7;80:8; 82:24;113:5;115:19; 127:3;138:10; 141:16;145:12 2017-18 (1) 80:2 2018 (5) 8:11,13;18:25; 48:8;138:1 2018- (3) 49:7;78:5;124:10 2018-19 (4) 49:22;52:4;78:10; 129:9 22 (1) 127:20 23 (2) 48:23;49:2 24 (3) 32:12;80:9,10 25 (1) 63:24 27th (1) 9:4</p>	<p>29 (1) 112:18</p> <p style="text-align: center;">3</p> <p>3 (3) 8:11,12,20 3% (6) 44:21;60:24;67:8; 69:17;115:18;117:3 3.7% (1) 112:2 30 (8) 35:25;94:13;108:4; 112:17;115:17; 117:10,11,12 30% (2) 104:21,23 300 (1) 19:22 350 (1) 101:1 38% (1) 125:20</p> <p style="text-align: center;">4</p> <p>4 (3) 8:14;9:5;80:11 40 (2) 30:25;94:13 40s (1) 100:16 45% (3) 79:4,6;88:17 479,000- (1) 46:13 48 (2) 29:23;30:13 48% (1) 104:22 49 (1) 48:4 499 (1) 19:19 4a (1) 21:24</p> <p style="text-align: center;">5</p> <p>5 (2) 8:13,19 5,000 (1) 100:12 50 (3) 48:4;94:13;101:17 51 (1) 48:4 544 (1) 19:18</p> <p style="text-align: center;">6</p>	<p>6 (1) 9:5 60 (1) 101:17 60% (1) 45:20 61% (1) 111:3 6-17-410 (1) 8:1 6-17-411 (1) 8:1</p> <p style="text-align: center;">7</p> <p>7 (2) 7:11;8:2 7.6% (1) 46:11 70 (1) 64:10 72 (2) 28:23;29:23 745 (1) 145:12</p> <p style="text-align: center;">8</p> <p>8 (2) 7:15;8:17 8.8% (1) 125:23 80 (1) 64:10 80% (3) 45:23;92:20,22 84% (1) 46:7 89 (1) 83:21</p> <p style="text-align: center;">9</p> <p>9 (2) 8:4;9:3 9.3% (1) 125:21 9:00 (1) 5:4 92% (3) 32:9;79:6;102:13 92.4% (1) 46:6 97,000 (1) 46:14 9-year (1) 120:13</p>
2			
<p>2 (2) 8:6;80:11 2.6% (1) 125:25 2:19 (1) 147:24</p>			