

**BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION**

**March 25, 2019  
10:30 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
MS. CHARISSE DEAN	Vice Chairman
MS. DIANE ZOOK	Board Member
MR. R. BRETT WILLIAMSON	Board Member
MS. OUIDA NEWTON	Board Member
DR. FITZGERALD HILL	Board Member
DR. SARAH MOORE	Board Member
MS. KATHY McFETRIDGE	Board Member
MS. RANDI HOUSE	Teacher of the Year (Non-Voting)

BOARD MEMBERS (via telephone):

MS. SUSAN CHAMBERS	Board Member
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ADE LEGAL COUNSEL:

MS. LORI FRENO	ADE General Counsel
MS. MARY CLAIRE HYATT	ADE Attorney

LOCATION:

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

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# EXHIBITS

## A-1: LEE COUNTY SCHOOL DISTRICT

### EXHIBIT ONE (1)

Standards for Accreditation Recommendation for  
Accredited - Probation Status

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

## NEW BUSINESS - COVENANT KEEPERS CHARTER

CHAIRMAN BARTH: We do -- on behalf of the Department do have one piece of new business that has emerged. And Ms. Hyatt is going to come explain, and after that I'll ask y'all to vote to place it on the agenda this morning. So I'll turn it over to Ms. Hyatt.

MS. HYATT: Thank you.

Our operating procedures in 6-17-425 of the Arkansas Code allows this board to issue subpoenas relating to Covenant Keepers -- and I can get into more detail later or now. There is a need to issue a subpoena in order to obtain some financial records; so that is the item that we would like to be placed on the agenda at the end of the agenda.

CHAIRMAN BARTH: Okay. And I'd just remind everyone that -- I think that is specific enough for the purposes of knowing what the topic is. And, of course, placing it on the agenda does not lock you into a final vote in terms of whether you -- we take action or not, but this just allows us to consider action.

So I'll entertain a motion to add this item to the action agenda as the third item today.

1 MR. WILLIAMSON: So moved.

2 CHAIRMAN BARTH: All right.

3 MS. DEAN: Second.

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

6 All in favor say "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN BARTH: Opposed?

9 Okay. We will see you in a bit, Ms. Hyatt.  
10 Thank you very much.

11 **A-1: CONSIDERATION OF PROBATIONARY STATUS FOR LEE COUNTY**  
12 **SCHOOL DISTRICT AND LEE HIGH SCHOOL**

13 CHAIRMAN BARTH: Our first item of the day  
14 though is the Consideration of Probationary Status  
15 for Lee County School District and Lee High School.  
16 And I'm going to turn it over to Ms. Freno to get us  
17 started. I think Ms. Coffman will also be a part of  
18 this opening presentation.

19 MS. FRENO: Thank you, Dr. Barth. Lori Freno,  
20 Arkansas Department of Education.

21 Following an onsite review of the Lee County  
22 School District, the Department determined that both  
23 the District and Lee High School were in probationary  
24 violation of the following Standards for  
25 Accreditation:

1 Lee County School District: Violation of 1-C.2.1  
2 - Each school district shall maintain accurate -- one  
3 second, please.

4 (COURT REPORTER'S NOTE: Ms. Freno repositions  
5 microphone.)

6 MS. FRENO: Each school district shall maintain  
7 accurate student records including graduation  
8 requirements. Specifically, the District did not  
9 maintain accurate, up-to-date transcripts, and  
10 parents/students were not notified of  
11 issues/significant changes such as students waiving  
12 Smart Core.

13 Second --

14 CHAIRMAN BARTH: Ms. Freno, just -- why don't we  
15 wait till we get this technical challenge --

16 MS. FRENO: I think I made the technical  
17 malfunction happen. It just sounded like it was  
18 screeching at y'all and I didn't want to be  
19 screeching at y'all.

20 Second, Lee High School was found to be in  
21 probationary violation of 1-C.2.2 - For graduation,  
22 students must have acquired a minimum of twenty-two  
23 (22) units of credit as determined by the State Board  
24 of Education. Specifically, students expecting to  
25 graduate did not have appropriate guidance to

1 schedule a minimum of twenty-two (22) units of  
2 approved credit, and student transcripts did not  
3 reflect the appropriate courses aligned with Smart  
4 Core or Core.

5 The District [sic] notified the Lee County  
6 School District of these violates -- of these  
7 findings on March 6, 2019. The District then  
8 appealed these findings and the State Board will hear  
9 this appeal during its board meeting today as the  
10 first step that it should take. If the State Board  
11 denies the appeal, it must next vote -- so that's  
12 number one, the appeal.

13 Number two, if it denies the appeal, in that  
14 case it would next determine whether to place the  
15 High School, the School District, or both, on  
16 probationary status for standards violations. If the  
17 State Board places either the District or the High  
18 School (or both) in probationary status, the Board  
19 may take one or more of the actions set forth in  
20 Section 6-15-207 of the Arkansas Code.

21 So at this point, unless the State Board has --  
22 unless anyone has any questions, I would like to read  
23 the procedures for the appeal.

24 [MOMENT OF SILENCE]

25 MS. FRENO: All persons wishing to testify

1 before the State Board shall first be placed under  
2 oath by the Chairperson of the State Board. The  
3 Department shall have -- the Department goes first,  
4 and the Department shall have up to 20 minutes to  
5 present its case to the State Board. The Chair of  
6 the State Board may also allow additional time, if  
7 necessary. The appealing public school district  
8 shall have up to 20 minutes to present its case to  
9 the State Board. The Chair, again, may allow  
10 additional time, if necessary. And the Board may  
11 pose questions to any party at any time during the  
12 hearing.

13 CHAIRMAN BARTH: All right. And so at the end  
14 of this appeal process the proper motion will be to  
15 either uphold the appeal or deny the appeal.  
16 Correct?

17 MS. FRENO: Yes, Dr. Barth, that's correct.

18 CHAIRMAN BARTH: All right.

19 MS. ZOOK: And will the Department have a  
20 recommendation?

21 MS. FRENO: Yes, the Department will.

22 COMMISSIONER KEY: Yes.

23 CHAIRMAN BARTH: Okay. Any other questions  
24 about the process?

25 All right. So we are now ready to go -- first

1 off, why don't we get everybody -- why don't we go  
2 ahead and swear anyone from the District who plans to  
3 offer testimony. So if everybody -- anybody from the  
4 District who plans to offer testimony would go ahead  
5 and stand and raise your right hand. Okay. All  
6 right. Stand and -- and we can swear additional  
7 people if it becomes clear that other people need to  
8 offer testimony. But for those who plan to testify  
9 -- do you swear or affirm that the testimony you're  
10 about to give shall be the truth, the whole truth,  
11 and nothing but the truth?

12 (ALL WITNESSES WHO STOOD TO BE SWORN ANSWERED AFFIRMATIVELY)

13 CHAIRMAN BARTH: Great. Thank you very much.

14 All right. I'll now turn it over to Ms. Coffman  
15 for 20 minutes from the Department.

16 MS. COFFMAN: Deborah Coffman, Arkansas  
17 Department of Ed.

18 First of all, I'd like to say that if you've not  
19 had a chance to visit Lee County School District you  
20 are going to meet some of the most remarkable  
21 students around. They are so courteous, they are  
22 kind, they are engaging. They're just what you would  
23 expect of Arkansas students. They're just amazing.  
24 I would also like to say that the staff that we  
25 encountered were just equally lovely and

1           accommodating to us.

2           So today we bring this to you with a heavy  
3 heart, but we do believe that this school district is  
4 in violation of two probationary items from our  
5 Standards for Accreditation. Now the reason I bring  
6 this to you today is because of the timeline that  
7 we're under.

8           We started on February 5th with an onsite  
9 monitoring and identified an issue with transcripts.  
10 This is egregious and needs to be resolved  
11 immediately. The last day for seniors, my  
12 understanding, is May 10th, so days are ticking by  
13 and we have a lot of work to do. Without immediate  
14 intervention, 35 of the 56 seniors will either not  
15 graduate on time or they will graduate with an  
16 incomplete or incorrect transcript. Because of the  
17 lack of adult oversight study transcripts contained  
18 errors, course schedules do not include the required  
19 22 credits, students were not on track to graduate  
20 with Smart Core, and the appropriate documentation  
21 for a waiver of Smart Core had not been put into  
22 place at that time, which means that parents and  
23 students had not been consulted with -- and waiting  
24 till the last 60 days before graduation is late to be  
25 having those conversations with parents. Students

1           were not enrolled in credit recovery as needed, and  
2           evidence that they were being supported for credit  
3           recovery was not obvious to us.

4           So since that meeting there was little urgency.  
5           We began to go back to insure that students' were --  
6           needs were being met. We went back February 26th --  
7           and as you go through here, you'll see our timeline  
8           starting on page 3. On February 26th Dr. Kristi  
9           McIntosh, our Standards and Systems Support  
10          Specialist, Ms. Gina Windle, our Chief of Staff, and  
11          I sat with the superintendent, Ms. Johnson, with the  
12          high school principal, Mr. Simpson, and with the  
13          counselor, Mr. Taylor -- and all of them are here  
14          today. We sat with them; we went through every  
15          senior transcript and identified what the issues were  
16          that we were seeing in Triand and talked with them  
17          about what's going on -- got to get these kids in  
18          credit recovery, we're missing these classes, they  
19          need to be enrolled in an accelerated program to get  
20          their required 22. We went through every one of  
21          those. We asked at that time, "What can we do to  
22          support you?" And the counselor said, "Would you  
23          come one day a week and just stay with us, stay --  
24          keep us on track?" We said, "Absolutely, we would --  
25          we will be there to help you."

1           The next day we were notified that the counselor  
2           was suspended, and had been suspended as of February  
3           21st -- and that's certainly a personnel issue  
4           between the District and the counselor; however, the  
5           counselor was there, so we felt that that was a false  
6           pretense. We noticed then, in reflection, that the  
7           counselor was not engaged in -- on the computer in  
8           eSchool, in Triand, looking at the transcripts; they  
9           were taking notes, which was fine. But finding out  
10          next day that he was suspended made it make more  
11          sense. We were then notified that the counselor was  
12          reinstated and returned to work on February 28th.

13          We visited again. Dr. McIntosh and I went back  
14          on March 5th and we once again visited with Mr.  
15          Taylor, the counselor, and we went through every one  
16          of the transcripts again. At that time he had access  
17          to some things, but not all things that a counselor  
18          needs to have access to -- eSchool, Triand, APEX, all  
19          of the tools a counselor uses. At that time we did  
20          not feel that we were getting -- that the sense of  
21          urgency to get these students enrolled in their  
22          courses was there. They had not been enrolled. We  
23          were -- he -- Mr. Taylor was enrolling some as we  
24          were sitting with him but there were many that had  
25          not been enrolled, and certainly students had not

1           been contacted and their parents had not been  
2           contacted at that time.

3           At that time, that afternoon I shared with the  
4           superintendent that we would recommend probation for  
5           them, that this was an issue that had to be resolved  
6           immediately.

7           We then had another -- we sent those appropriate  
8           letters that you have on your agenda, and then Dr.  
9           McIntosh and Kristy Harrell from our Standards and  
10          Systems Support once again visited. This time they  
11          visited with the high school principal and the high  
12          school counselor substitute, Ms. McCrae, and again  
13          reviewed the student transcripts. We did receive an  
14          appeal letter, and then with that appeal letter on  
15          your agenda you'll see additional documentation. In  
16          that additional documentation is information about  
17          credit recovery classes, the kids that were enrolled.

18          We went through and aligned our notes with those  
19          notes in the appeal, and we believe that in the  
20          graduating class of 2019 that we still have 12  
21          seniors that need credit recovery courses that have  
22          not been enrolled in those courses. We know that  
23          based on that documentation 12 other seniors are  
24          enrolled in 30 credit recovery courses, meaning 30  
25          credits worth of courses on top of their senior class

1           schedule. Some students have two, four, six, eight  
2           credit recovery classes to try to complete before  
3           graduation on top of their daily schedule. Two  
4           seniors have not had access to the required 22  
5           credits; they still need to be enrolled into an  
6           accelerated class to try to get that done. And we  
7           have 10 additional transcripts that still need  
8           verification. And so we've had conversations and  
9           they say, "Yes, yes, we have this," but we haven't  
10          seen evidence that the students have completed the  
11          courses, and that's what we're looking for -- hard  
12          evidence that, yes, they completed a credit recovery  
13          or, yes, they took the class somewhere else or maybe  
14          they're taking it as a concurrent credit at a  
15          university, where is the credit coming from. We need  
16          to see the documentation so that we can feel  
17          confident that those students are ready to graduate.

18                 These kids need our immediate attention --  
19          immediate. We have approximately 46 calendar days to  
20          help them not only complete their senior class  
21          schedule but all of these additional courses that  
22          they need to graduate on time.

23                 Is this a systemic issue? We believe it is.  
24          When I pulled up the transcripts -- the Triand  
25          transcripts for grade 11, I can see clearly 20

1 students have transcript errors that are just  
2 obvious. They have 200 credit hours. So there are  
3 data entry errors in those transcripts which have to  
4 be cleaned up so that you can actually see what the  
5 student really has and what they really need. So  
6 right now, to our best estimate 31 of the 44 juniors  
7 have completed the on-time credits necessary to  
8 graduate if they pass all the classes they're in  
9 right now. So they're running about 70%.

10 In the 10th grade you can see 13 obvious errors.  
11 Once again, there's been data entry errors into the  
12 transcripts that have yet to be cleaned up that we  
13 have noted from the very beginning of our on-site  
14 visits.

15 Grade 9 has two students with transcript errors.

16 And as you'll see, the numbers that I'm giving  
17 you are our best estimates -- and until you have the  
18 transcripts cleaned up, you don't really know if the  
19 kids are on track to graduate. That's just by taking  
20 a look in Triand. If you've ever been in there, it's  
21 green and pink and it gives you an indicator whether  
22 or not the kids are on track.

23 Now just for your purposes I want you to note  
24 that this does not reflect their cohort data. This  
25 is just actual kids in those classes this year. This

1 is not tracking back all the way to their cohort  
2 data. So that'll be another conversation at another  
3 time.

4 I did go back and look at last year's graduating  
5 class of 2018, and it's very clear -- the records are  
6 clear that 36 of our seniors graduated with the Smart  
7 Core; 13 had 22-plus credits but were not reported as  
8 Smart Core in Triand, which means they may have  
9 graduated on a waiver but that was not clearly noted;  
10 9 students were flagged for not having appropriate  
11 credits -- but when I dug into each one of those I  
12 can see that one student graduated with 21.5 credits  
13 as reported in Triand. Now once we get in there and  
14 we get to working closely with the counselor we may  
15 find that there's additional documentation that was  
16 just never entered. So I don't want you to walk away  
17 thinking that they were graduating kids with less  
18 than. We don't know because of the numerous errors  
19 that we're finding or incomplete documentation.  
20 There may be better documentation that we just don't  
21 see in the system; so in the files, somewhere on  
22 paper there may be information that can report this.  
23 Another student graduated but failed English 11,  
24 second semester -- can't find any place where the  
25 student took that second semester. Six other kids

1           may have graduated on IEPs; it was not accurately  
2           documented into the transcript -- and those students  
3           failed numerous courses and I can't see anywhere in  
4           there where there was documentation that they took  
5           credit recovery or took another class.

6           So I can't say certain, but I can say certainly  
7           the transcripts are not accurate and that is a  
8           violation of Standards for Accreditation. And not  
9           giving kids the opportunity for a quality education  
10          is a violation of Standards for Accreditation.

11          Thank you.

12          CHAIRMAN BARTH: Thank you.

13          Any questions before Ms. Coffman sits down?  
14          Obviously there'll be later opportunities as well,  
15          but --

16          Ms. Zook.

17          MS. ZOOK: Is anyone hearing a feedback on the  
18          microphones? Dan, is there something that --

19          DAN: I'm steadily -- I'm steadily trying to  
20          adjust them. I think part of it is coming off our  
21          conference call mic.

22          MS. ZOOK: Okay. Okay. Thank you.

23          CHAIRMAN BARTH: Okay.

24          DAN: I'm working on it.

25          CHAIRMAN BARTH: All right. Thank you.

1                   Okay. All right. Then next up, the District.  
2                   And y'all can arrange your presentation however you'd  
3                   like, but you do have up to 20 minutes.

4                   Great. And as everybody comes up, if you'll  
5                   just identify yourself for the record.

6                   Good morning.

7                   SUPT. JOHNSON: Good morning. My name is  
8                   Elizabeth Johnson and I'm presently superintendent of  
9                   Lee County School District.

10                  We are actually appealing this because of  
11                  exactly some of the things that she said.

12                  I became interim superintendent there on March  
13                  1, 2018. So when I came in there were things already  
14                  in process -- one had to do with the individuals  
15                  being RIF'd. So we dealt with that, and after which  
16                  the same personnel were there and they were in charge  
17                  of everything until July -- July 1. July 1 a new  
18                  game came in, myself and the persons we hired. We  
19                  are now getting a-hold on what was going on. Let me  
20                  tell you about the staff that's there now. The lady  
21                  here, the gentleman back there, and myself have over  
22                  100 years of active service in education. We would  
23                  never, ever violate any standards knowingly. For one  
24                  thing, I can know that I -- you should know that I've  
25                  worked with every Commissioner since Tommy Venters.

1           So we know what should be done and how it should be  
2           done.

3           Now the reason we appeal this, number one,  
4           because they came in with the guise of "we're going  
5           to help you." So that's what we were expecting.  
6           Came in February 5th, first time we ever saw them.  
7           We called a couple of ladies here about the errors  
8           they said we had. Those errors had to do with  
9           teacher certification and licensure, as well as  
10          background checks. That was all. Those were the  
11          things we were told. How do we know this? Because  
12          online you can see standards. Not until November  
13          15th was it open. So once it was open and we got  
14          those standards listed -- we were told that these  
15          standards would be new and it would be done a  
16          different way. So, of course, we waited for that.  
17          When we printed those standards out to see were we  
18          meeting those standards we could not see them. Now  
19          after November 15th came Thanksgiving. Right after  
20          Thanksgiving came Christmas, which was another two to  
21          three weeks. So as I said, again, we never saw them  
22          till February 5th.

23          We did not understand from the very first visit  
24          that anything was wrong. Three people came in; one  
25          talked to the federal programs and the other person

1           talked to the counselor from the high school. Now we  
2           did know there are some problems, so I'm not going to  
3           tell you there were not problems. But we know our  
4           children too and we know what we can do with our  
5           children, and they know us. Now in Lee County, we've  
6           done everything we can to make certain those children  
7           graduate, and each year they have done so.

8           Number two that we appeal on is we should've had  
9           more notice on this. March 5th was the first time we  
10          heard from them about big problems -- very first  
11          time. We got a letter on March 5th. And I believe  
12          you know calendars -- you can see how fast that is  
13          for us to answer this. Well, we have pretty much  
14          answered everything that you -- I mean, we've given  
15          two documents about what was wrong with standards in  
16          Lee County. We have those documents for you and I  
17          believe you'll be able to access them. Everything  
18          that they said was wrong we found all of the  
19          information for them, because we have it. Again,  
20          this has to do with students and graduation and we  
21          will make certain that they are -- now we've counted  
22          down how many students and transcripts they looked  
23          at. We went back over the same -- some of the same  
24          stuff later on that we -- after we give this. And  
25          those students were special ed. students. They don't

1           come out the right color on that grid. So you have  
2           to go back and find that out. We went into Triand  
3           and we found out that some of the things just had not  
4           been put in -- many of those things had not been put  
5           in. So we put them in there. And so I don't think  
6           there's nearly the students -- we came up with about  
7           10 or so, but they are enrolled in classes right now  
8           that will make certain -- we've got to look at the  
9           report and that's it now to make certain they're  
10          passing those classes and they will graduate, because  
11          they're enrolled in there. Credit recovery -- we do  
12          that every semester, all semester. We have after-  
13          school and we have APEX and we have other programs to  
14          make certain they're passing those classes. My  
15          understanding now, there's no seat time, so they go  
16          to other schools and get out in a couple of weeks or  
17          whatever, out of a course. It's not like it used to  
18          be; you had to sit there for all those hours, you  
19          know. You can go online and take those courses. And  
20          even if -- years ago, you could take a course that  
21          was correspondence and you still could pass and  
22          graduate, I know; we did it many times.

23                So the urgency of this we feel might be  
24                something less than probationary status because we're  
25                a new group. If we were the same people, I might say

1 "yes, okay." But we are a new group who knew that  
2 there were problems in Lee County, and we came back  
3 to solve those problems because -- we could've been  
4 on a beach where we were, but we came back in to help  
5 the school district. This was a total surprise. And  
6 one day somebody gives you all of this information  
7 that we don't have. I had never heard of this thing  
8 she said until now; this is my first time seeing this  
9 document. I can't address things that you haven't  
10 given me, but I can fix things when I know -- and I  
11 have done so. I've been an administrator in a school  
12 district for over 20-some years. Never once has  
13 Standards ever come to a building where I was an  
14 administrator and just said that we have a problem.  
15 We adhere to our problems now, but we don't think the  
16 probationary status is correct for Lee County. We do  
17 want to be afforded time to take care of our  
18 children. They're our children. We want them to  
19 have the best education possible, and so we're going  
20 to do that -- and we are doing that.

21 Another thing is that we thought actually we  
22 were going to get a little help. It didn't work out  
23 that way because we were put on a high-level status.  
24 There's a lower level status for this kind of thing.  
25 We did have to work hard to get those things because

1 we didn't have access to some of that coming in new.  
2 So I'm not appealing on that. I'm appealing on that  
3 we didn't have time.

4 Number two: still those things cannot be put on  
5 the status of probationary until they don't happen.  
6 We have nine weeks left for it to happen and I assure  
7 you it will happen.

8 Okay. I can tell you other things that we have  
9 been doing. We make certain that the children are on  
10 those programs they're to be on. We have to -- of  
11 course, you have to get in a counselor's office,  
12 because we were not counselors. But we've been in  
13 that system now, where it was not enough training  
14 about that as an administrator, I can tell you that.  
15 But one thing you have to go to eSchool, to Triand,  
16 to something else before you can find all of this  
17 information. There are two people in charge of Lee  
18 County at this moment: Ms. Hayden and myself -- two  
19 -- and we work all of this. Staff development,  
20 curriculum, everything in the district we work it  
21 together, which is kind of a large plan because of  
22 the people not there in positions.

23 But I'm going to appeal to you today that we  
24 have looked at every -- every one of those standards.  
25 We've gone back to make certain that we're in

1 compliance. This one we have to -- of course, we're  
2 still working on this one. I'm not going to tell you  
3 we're not. We're working on this to make certain  
4 we're in compliance and that children will graduate.  
5 We don't want to keep them anyway. We want them to  
6 go on, just like their parents want them to go on.  
7 But as I said, the Google doc is there. We have  
8 plenty of those we've sent to Ms. Coffman, as well as  
9 Ms. Webb, and you can see them I'm sure if they give  
10 you access to it. You can see every standard that we  
11 had to meet -- every statute -- and we did that.

12 We have a plan in place coming up that this  
13 won't happen again. The plan is -- we've already  
14 sent out letters to those parents and those students.  
15 We have documentation that we've done so. The  
16 students have signed to say which core they would  
17 prefer to take. And you know when they've signed  
18 early on in 6th grade and 7th grade they say Smart  
19 Core -- but then later they do not want to take the  
20 challenge of that. So sometimes they go to the next  
21 core or they go technical and career. So that is  
22 probably what an issue was. But, of course, as I  
23 said, we've taken care of that one.

24 The next thing is afterschool, summer school --  
25 all of those areas have been taken care of. Children

1           who will come get credit recovery -- personalized,  
2           not necessarily on the computer. We also have a plan  
3           then for the summer and we do notify all parents if  
4           they're failing. We call them. We do what we can to  
5           get students in summer school. That is one way of  
6           keeping them on task and not letting them fall  
7           behind. There are some things -- is that teachers  
8           have allowed some of these students also -- according  
9           to things they want you to -- they would allow them  
10          to do projects in order to get a grade. Well, that  
11          grade sometimes is not coming in on time. And so  
12          we're getting those grades in right now of those  
13          students who lack a grade. Those teachers have sent  
14          me emails and told me that those children are getting  
15          -- they have -- they've passed them on those  
16          particular projects that they had to finish.

17                 Any other issue that has to do with students  
18                 we've approached it. We have a plan in the document  
19                 that you have access to -- I think you do anyway.

20                 If not, would you ladies give them access to  
21                 those documents?

22                 There are plenty of them. We have a box full of  
23                 those documents right over there, signed by parents,  
24                 signed letters, Certified letters. We have  
25                 approached them the best way we can. And, of course,

1           some of these students are 18; they have to sign for  
2           themselves, and they let you know, "I sign for me."  
3           So we say, "Okay." We've done that. We let them  
4           know that's also in policy. How can you become a  
5           sophomore? We have so many credits you must reach;  
6           otherwise, you're still a freshman. We do the same  
7           thing as an 11th grader, as well as a senior.

8           So we are documenting and doing the things we  
9           should be doing. And that's an excuse for a year --  
10          but I'm telling you, I haven't been back there for  
11          one -- one year this month. And, again, it was not  
12          given to us the things that she told you a few  
13          minutes ago. That documentation is brand-new to me.  
14          All they told us was about -- they said 22 students,  
15          I believe, at first -- well, the first I heard from  
16          somebody. I wasn't in on all of them because I  
17          couldn't be. And that's when we decided to tackle it  
18          again. The counselor knew. And as I've said right  
19          now, and as she said, the counselor is no longer the  
20          one in charge of that and no longer there. We have a  
21          trained staff, being trained more, to make certain we  
22          can follow what's going on. That person's name is  
23          Ms. Jarrett. She's there right now working with a  
24          different counselor to establish what can happen for  
25          these students.

1           Again, I thank you for listening to me. And Ms.  
2           Hayden has more information, a little bit more. She  
3           can give you the documents and where to find them on  
4           your computer. But those are things that I think we  
5           can take care of within this nine weeks -- [clearing  
6           throat] -- excuse me -- nine weeks -- I'm getting dry  
7           mouth. But I believe we will take care of it. We  
8           certainly want to see those students get out of  
9           school and move on. Thank you.

10           CHAIRMAN BARTH: Thank you, Ms. Johnson.

11           All right.

12           MS. HAYDEN: Good morning. My name is Mary  
13           Hayden. I am the Federal Programs Coordinator/  
14           District Coordinator for Lee County School District.

15           I do not have anything else really to offer in  
16           addition to what Superintendent Johnson says except  
17           for I have sent the documents to Ms. Coffman, Dr.  
18           McIntosh, and Ms. Tracy Webb. So I do not have all  
19           of your email addresses, but they can share the  
20           documents that we've provided to them. It will  
21           include the information for the two standard  
22           violations that you-all are looking at today, as well  
23           as other violations that we -- well, they're not all  
24           violations, but they were brought to our attention as  
25           things that are being monitored. So we wanted to

1 address all of them so you will have that  
2 information, and that can be shared by Ms. Coffman,  
3 Dr. McIntosh, and Ms. Webb. Thank you.

4 CHAIRMAN BARTH: Great. Thank you.

5 Are there any questions on either -- of anybody  
6 from the District?

7 MS. ZOOK: From Lee?

8 CHAIRMAN BARTH: Uh-huh.

9 MS. ZOOK: I was wondering if you gave interim  
10 tests so you would know how well your students are  
11 progressing -- and when they're not there, in fact,  
12 mastering these courses?

13 MS. HAYDEN: The interim test that we are giving  
14 this year comes from iReady. We're using that  
15 particular program this year. So we've given that  
16 three times a year -- we've given it twice and we  
17 have it coming up -- as well as the STAR for K-2.  
18 And we also use Classworks. They have a benchmark  
19 part there that we use to test our students.

20 MS. ZOOK: Okay. And is it in literacy, math  
21 and science or what -- the whole --

22 MS. HAYDEN: The test will address literacy and  
23 math.

24 MS. ZOOK: Okay.

25 MS. HAYDEN: So we have the reading and the

1 math. We do not have the science, but we do have  
2 literacy and math addressed.

3 MS. ZOOK: And are the teachers provided the  
4 results of those tests so they'll know how to do an  
5 RTI or refer them or check for markers of dyslexia or  
6 refer to special ed.?

7 MS. HAYDEN: They do have access to take a look  
8 at the data. And we've also brought in the  
9 consultants from those particular companies to come  
10 in and train those teachers on how to look at the  
11 data.

12 MS. ZOOK: Uh-huh. And is the information  
13 shared with the parents?

14 MS. HAYDEN: The information from the  
15 assessments for the iReady and the STAR have been  
16 shared with parents.

17 MS. ZOOK: Okay. And for the Superintendent,  
18 it's my understanding that we do in fact have  
19 standards that were updated from '83. But as far as  
20 I know, the standard for 22 credits and Smart Core  
21 and what's needed for graduation has not changed. Is  
22 that your understanding?

23 SUPT. JOHNSON: Yes, ma'am.

24 MS. ZOOK: Okay. Thank you. That's all.

25 SUPT. JOHNSON: I'd like to add, that's in our

1 policy and it's in our handbook.

2 CHAIRMAN BARTH: Dr. Moore.

3 DR. MOORE: Yes, I do have a couple of  
4 questions.

5 So the credit recovery courses that students are  
6 now being enrolled in, are those online courses?

7 MS. HAYDEN: They are APEX.

8 DR. MOORE: Okay. And so --

9 MS. HAYDEN: And some of them are working with  
10 teachers.

11 DR. MOORE: Okay.

12 MS. HAYDEN: But mostly it's APEX.

13 DR. MOORE: And what would -- are a majority of  
14 courses at the high school level taught through  
15 online courses or are they in-person teachers?

16 MS. HAYDEN: The majority of the courses or the  
17 majority of the credit recovery courses?

18 DR. MOORE: Regular courses.

19 MS. HAYDEN: The majority of the regular courses  
20 are taught by teachers on campus.

21 DR. MOORE: Okay. Okay. As far as your high  
22 school counselor goes, there is someone employed as a  
23 high school counselor right now?

24 MS. HAYDEN: We do have a substitute counselor  
25 in place.

1 DR. MOORE: Okay. Do y'all have any  
2 supplemental services for mental health and college  
3 and career readiness?

4 MS. HAYDEN: There are supplemental services.  
5 We do work with several of the external providers;  
6 they come in and work with our students as well. And  
7 then we do have our counselor there. Mrs. Johnson  
8 may be able to give you more information about that,  
9 but we do provide those kind of services -- as well  
10 as career readiness, that comes through the  
11 counselor's office.

12 DR. MOORE: Okay.

13 CHAIRMAN BARTH: Ms. Zook.

14 MS. ZOOK: Yes. Did we swear in the high school  
15 principal?

16 MS. HAYDEN: Yes.

17 CHAIRMAN BARTH: Yes.

18 MS. ZOOK: Okay. I have a couple or three  
19 questions for that person.

20 MR. SIMPSON: My name is Earnest Simpson,  
21 Junior. I'm the Principal at Lee Senior High School,  
22 in Marianna, Arkansas.

23 CHAIRMAN BARTH: Thanks, Mr. Simpson.

24 MS. ZOOK: Thank you. I know that there are  
25 requirements of how much time a counselor is supposed

1 to spend with students in actual counseling versus  
2 administrative work. So as Principal it's my  
3 assumption that you were completely aware of all of  
4 these issues that have been brought to us today?

5 MR. SIMPSON: I would say yes. Yes, I was --

6 MS. ZOOK: Okay.

7 MR. SIMPSON: -- basically aware of it. Yes.

8 MS. ZOOK: And how long have you been Principal  
9 there?

10 MR. SIMPSON: Since July 1 --

11 MS. ZOOK: Okay. And how long --

12 MR. SIMPSON: -- 2018.

13 MS. ZOOK: -- have you been a high school  
14 principal?

15 MR. SIMPSON: Beg your pardon?

16 MS. ZOOK: How long have you been a high school  
17 principal?

18 MR. SIMPSON: Since July 1, 2018.

19 MS. ZOOK: Oh. This is your first time?

20 MR. SIMPSON: I was a middle school principal  
21 prior to that. Well, I've been retired for 11 years,  
22 and I was a middle school principal when I retired.

23 MS. ZOOK: Okay. So this is on-the-job  
24 training?

25 MR. SIMPSON: Basically.

1 MS. ZOOK: Okay. Thank you. That's all.

2 CHAIRMAN BARTH: Okay. Questions, Ms. Newton?

3 MS. NEWTON: I'm not sure who can best answer  
4 this. But you said most of them in credit recovery  
5 were in APEX, but some of them had teacher-led credit  
6 recovery. How are you making sure that they get what  
7 they need to complete a course?

8 MR. SIMPSON: Well, we've gone to those -- some  
9 of those teachers that -- where some of the children  
10 are doing credit recovery and we've talked to them  
11 about giving them the credit that they need and the  
12 -- doing the work that they need to get the recovery  
13 of the classes.

14 MS. NEWTON: I guess my question is how do the  
15 teachers make sure that those students have mastered  
16 the course to be able to give them the credit?

17 MR. SIMPSON: Give them tests. Yeah.

18 MS. NEWTON: Okay. According to what you're  
19 looking at, how many students do you think right now  
20 are not on track to graduate?

21 MR. SIMPSON: From what we -- the last that I  
22 looked at it, Friday before we got out for spring  
23 break, I saw maybe three that was not on track. All  
24 the others do what has been -- been told them.  
25 They've been called in. I have the documentation

1 showing where they've been called in and told that  
2 they need to do this or that, and if they do that  
3 then -- we've got about two that probably won't make  
4 it -- two or three.

5 MS. NEWTON: Let's talk about the ones, first,  
6 that you've talked to that are seemingly going to do  
7 the work. Are most of them on-board with doing the  
8 work? Are they having good attitudes about getting  
9 in there and doing the work?

10 MR. SIMPSON: All of them have good attitudes  
11 about it and are saying definitely they would  
12 complete it.

13 MS. NEWTON: Okay.

14 MR. SIMPSON: Now -- because --

15 MS. NEWTON: What's being done for the two or  
16 three that you think are not going to be on track to  
17 graduate? What are you doing for them?

18 MR. SIMPSON: Well, it's not a whole lot we can  
19 do for them, because one of them is not attending.  
20 We hadn't been able to reach him by phone. He's been  
21 out a couple of weeks. And I think he's looking at  
22 maybe 11 credits to this date.

23 MS. NEWTON: So you think you probably will have  
24 two or three that will not graduate?

25 MR. SIMPSON: Right.

1 MS. NEWTON: Okay. Okay. Thank you.

2 CHAIRMAN BARTH: Anyone else on this side?

3 I actually have a question for Ms. Coffman, if  
4 you -- and I know you weren't in this role before.  
5 But the District's previous Standards for  
6 Accreditation issues in 2013 and '14, what were --  
7 what was the general nature of those? Do you have  
8 any memory?

9 MS. COFFMAN: I don't.

10 CHAIRMAN BARTH: Okay. But they --

11 MS. COFFMAN: Memory, you know I don't have  
12 that.

13 CHAIRMAN BARTH: I don't believe -- they weren't  
14 graduation; they were more -- they were other types  
15 of -- do you -- I just can't remember what they were.

16 MS. COFFMAN: (Shaking head from side to side.)

17 CHAIRMAN BARTH: Okay.

18 MS. COFFMAN: I don't know.

19 CHAIRMAN BARTH: I was just trying to capture  
20 the persistence of this particular issue versus some  
21 other issues.

22 MS. COFFMAN: So Ms. Knowles is not here today;  
23 Rodney Ford is. But we did reach out to Ms. Knowles  
24 in the Guidance Counseling office to see if she was  
25 aware of any previous issues, and she said -- she

1 sent some documentation of previous visits where  
2 transcript errors had been an issue that they  
3 counseled with the school.

4 CHAIRMAN BARTH: Okay. Thank you very much.

5 DR. MOORE: Actually, I have another one.

6 CHAIRMAN BARTH: Dr. Moore.

7 DR. MOORE: I have another -- Ms. Coffman, I  
8 have another question for you. What -- has the  
9 District been placed under a level for ESSA?

10 MS. COFFMAN: No. Under state accountability?

11 DR. MOORE: Yes.

12 MS. COFFMAN: So for -- under ESSA there's two  
13 different things. So under ESSA they have been  
14 offered a 10.03 grant -- I believe is correct -- my  
15 person back here --

16 MS. HAYDEN: (Nodding head up and down.)

17 MS. COFFMAN: Yes. So there is an implied level  
18 of support, Level 2 support, that's been with them.  
19 Actually, my intention in going in with them was to  
20 offer a level of support to them -- but when we did  
21 not see immediate action, we felt that our level of  
22 support was not going to be met in the timeline that  
23 these students needed.

24 DR. MOORE: Okay. And then looking at their  
25 report cards, both -- there's two schools in the

1 District and both received F's --

2 MS. COFFMAN: That's correct.

3 DR. MOORE: -- last year with very low  
4 performance?

5 MS. COFFMAN: That's correct. We did offer  
6 immediate support. I mean, Dr. McIntosh has been  
7 going every week. But we've been there -- she's been  
8 there three times now and we've done the same thing  
9 each time; so we're not making progress -- and these  
10 students need progress.

11 DR. MOORE: And is -- has Dr. Hernandez and his  
12 team come into the District?

13 MS. COFFMAN: Sheila Whitlow is here and she has  
14 been providing support.

15 DR. MOORE: Okay. Thank you.

16 CHAIRMAN BARTH: Ms. Zook, would you like to --

17 MS. ZOOK: Yes. Maybe -- I don't know if it's a  
18 question or a statement. My concern for students,  
19 who the vast majority of them cannot read on level,  
20 is that if they are left to work on a computer for  
21 credit recovery, I'm not -- that -- the teacher in me  
22 and the parent in me, that doesn't work. So how can  
23 you feel comfortable that credit recovery can in fact  
24 happen if a student who is significantly below level  
25 in reading and math can in fact complete the task

1 without help from an adult?

2 SUPT. JOHNSON: They're never left alone.  
3 There's always someone there with them in whichever  
4 room they're in. They're never left alone. But I  
5 can tell you -- I can assure you that we get the  
6 printout on what they're doing and you'd be  
7 surprised; they're passing. They are passing with --  
8 usually there's an instructor in that room. They  
9 don't go home with a computer; they use the computer  
10 there in the presence of other adults. And then when  
11 they get -- when the printouts -- the last printouts  
12 I got of them, they were passing.

13 MS. ZOOK: And are those adults certified to  
14 teach --

15 SUPT. JOHNSON: Yes.

16 MS. ZOOK: -- those areas?

17 SUPT. JOHNSON: Well, maybe not in that area,  
18 but they're certified teachers. Because they could  
19 be in, let's say, the science room, but he's  
20 monitoring those students if they're doing a  
21 recovery.

22 MS. ZOOK: Right. But if it's a geometry  
23 problem or English IV problem, do -- I mean, I know  
24 we -- our teachers are capable and bright, but there  
25 are some things that we would have to study ourselves

1 in order to be helpful to a student.

2 SUPT. JOHNSON: As I said, I kind of felt like  
3 you feel, but it has not been as big a problem as I  
4 thought -- because one area is geometry and they  
5 passed. So I was kind of like okay. These children  
6 are acclimating to watching TV, to cell phones; they  
7 are tech ready, so they can do it. And plus usually  
8 they can get those tutorials too to help them finish  
9 things, so they know how to do that; so they do that.

10 MS. ZOOK: Okay. Are these students planning on  
11 industry certification, two-year college? Do you  
12 know what their after-high school plan is and whether  
13 they are going to be prepared to actually accomplish  
14 those things?

15 SUPT. JOHNSON: I'll say most of them go career.  
16 That's what they think they should do. We probably  
17 have more children who do that -- go into a career  
18 field. Whether they go into college -- although many  
19 of them have the college-bound, where they can go to  
20 college if they want to -- we do encourage them to go  
21 to college. We have -- do a credit offering in our  
22 school district, and right now we have -- also with  
23 the career tech they go to UACC and they're receiving  
24 that line as well as the school line. And so pretty  
25 much I think they know they can choose one way or the

1           other. We've been kind of successful, I assume, with  
2           our children getting jobs and being able to  
3           accomplish that for themselves when they're out of  
4           Lee High School.

5           MS. ZOOK: Okay. When these students were --  
6           the high school students were screened for markers of  
7           dyslexia did you -- how many did you find had the  
8           markers and what kind of intervention did you give  
9           them?

10          SUPT. JOHNSON: We just looked at that, because  
11          we've been audited on every situation. And what we  
12          found was that in high school -- I believe she had  
13          three students that they identified as dyslexic, and  
14          one is getting that help; the other two actually went  
15          to special ed. So what happens here -- I'm saying  
16          that 11th and 12th grade -- what happens here is  
17          sometimes that they're too low to be classified as  
18          dyslexic, which is the word now, and so then they put  
19          them in special ed. -- which is another route for  
20          African Americans to go to special ed. Bless our  
21          hearts. And so we give them -- we have three --  
22          three people there that do that job in Lee County,  
23          called dyslexic, and so I think they're being taken  
24          care of.

25          MS. ZOOK: Uh-huh.

1 SUPT. JOHNSON: We know one anyway --

2 MS. ZOOK: Yeah. I would --

3 SUPT. JOHNSON: -- at the high school that is.

4 MS. ZOOK: -- caution you --

5 SUPT. JOHNSON: But there's two or three of them

6 --

7 MS. ZOOK: Yeah. I would caution you if those  
8 three people are advising you that there is a level  
9 of too low or too high or a racial component to  
10 dyslexia, then I think you need to ask for those  
11 people to get training because those in fact are not  
12 accurate information.

13 SUPT. JOHNSON: Well, I think the ones that  
14 receive that -- and according to my -- my knowing and  
15 hearing about dyslexic, something else wrong -- you  
16 know, the person that had that did get that. But the  
17 other children probably need some kind of extra help;  
18 so that's why they're put in special education. We  
19 do give them -- they're from the -- I believe it's  
20 the Boulder -- they have two programs that they use  
21 for dyslexic students and they are being taught with  
22 that.

23 CHAIRMAN BARTH: Additional questions or  
24 comments from --

25 Ms. Coffman.

1 MS. COFFMAN: I have follow-up to the previous  
2 question.

3 CHAIRMAN BARTH: Great. Thanks.

4 MS. COFFMAN: In '13-14, they were placed on  
5 probationary status second-year. And that year it  
6 was Lee High School was put on probationary status  
7 and the District was cited for late cycle  
8 submissions. They were put on probationary status  
9 for not having the appropriate job codes applied to  
10 the right people.

11 And then also March 17, 2017, the A-D -- well,  
12 actually, April 13, 2017, at the regular Board  
13 meeting there was Standards for Accreditation  
14 conversation with the State Board. And both the  
15 District and Lee High School were put into violation  
16 of Standards for Accreditation for failure to employ  
17 a counselor to meet the 1-to-450 student ratio. And  
18 Lee High School, failure to offer and teach the 38  
19 required courses.

20 CHAIRMAN BARTH: Okay. Thank you.

21 MS. CHAMBERS: Dr. Barth, I have a question.

22 CHAIRMAN BARTH: Yes, Ms. Chambers, go ahead.

23 MS. CHAMBERS: If we were to deny the appeal,  
24 could Ms. Coffman speak to then what would be  
25 different? I guess I'm looking for the contrast.

1 But what additional resources would be brought to  
2 bear to address the urgency that we're hearing about  
3 relative to this particular graduating class? That's  
4 one question.

5 Second question has to do with the arriving  
6 juniors and sophomores and what additional could  
7 be/would be done for them to insure that we aren't  
8 facing a similar issue for them their senior year?

9 CHAIRMAN BARTH: Great. Thank you.

10 Ms. Coffman, do you want to --

11 MS. COFFMAN: So if the appeal is denied and you  
12 do find them in probationary status, then we would  
13 ask that you give us permission to go in immediately  
14 with a team and begin working not only on cleaning up  
15 these transcripts but supporting students, making  
16 sure that they know what they need to accomplish, and  
17 to see if they can; if they can't, make sure that  
18 we're already getting them scheduled into summer  
19 courses, making contact with the parents as necessary  
20 to keep them informed. But we need to have some  
21 trained counselors on-site immediately. We believe  
22 there may also be some IEPs that need to be monitored  
23 to insure that those students are actually graduating  
24 with the appropriate coursework. So that needs to be  
25 done immediately -- because if these students have to

1 complete all of this credit recovery, that's a lot of  
2 work in a short amount of time.

3 CHAIRMAN BARTH: And I think the second part of  
4 the question related to -- that's obviously very much  
5 focused on this year's graduating --

6 MS. COFFMAN: Yes.

7 CHAIRMAN BARTH: -- students. So I think Ms.  
8 Chambers was also asking about what would be going on  
9 for rising sophomores and juniors.

10 MS. COFFMAN: So the second thing is then we've  
11 got to have people in there making sure the  
12 transcripts for the future classes -- graduating  
13 classes, that we -- that those transcripts are all  
14 corrected. As I told you, we identified those  
15 errors, but we need to go in and make sure that those  
16 classes -- those courses are accurately reported in  
17 those transcripts. That's the first thing is to make  
18 sure that's happening. And we've got to get master  
19 schedules built that don't allow kids to miss the  
20 required 22 courses. Those are just the most obvious  
21 up-front.

22 CHAIRMAN BARTH: And when does schedule-building  
23 typically happen?

24 MS. COFFMAN: Now.

25 CHAIRMAN BARTH: Yeah. Okay.

1 MS. COFFMAN: Or already finished in some cases  
2 or all the way into the summer in some schools. So  
3 it's immediate.

4 CHAIRMAN BARTH: It's the heart of the season.

5 MS. COFFMAN: Yes.

6 CHAIRMAN BARTH: Okay. Ms. Chambers, did that  
7 answer your questions?

8 MS. CHAMBERS: It did. Thank you.

9 CHAIRMAN BARTH: Okay. Ms. Newton.

10 MS. NEWTON: Ms. Coffman, go back to what you  
11 said just a minute ago, because you talk fast and I  
12 guess I didn't catch it. April 2017 -- again, what  
13 happened then?

14 MS. COFFMAN: Oh, here it is.

15 MS. NEWTON: Because that wasn't on our timeline  
16 is the reason I'm asking.

17 MS. COFFMAN: No, it wasn't. It was -- the  
18 question was had they had previous accreditation  
19 issues -- yes. And if you notice back on your  
20 timeline, on June 12th the State Board voted to  
21 classify Lee County High School as second-year  
22 probationary status for Standards for Accreditation.  
23 And so they had been notified as of March 17, 2017  
24 that there had been accreditation issues with the  
25 employment of a counselor to meet the ratio and

1 failure to offer and teach the 38 required courses.

2 MS. NEWTON: So was that why they were already  
3 on second-year -- or were they still on second-year  
4 or -- I mean --

5 MS. COFFMAN: That's what happened in that year.

6 MS. NEWTON: So were they on any kind of --

7 MS. COFFMAN: They were on probationary from the  
8 year before as well.

9 MS. NEWTON: So they were still on probation and  
10 they still had a standards violation?

11 MS. COFFMAN: That's correct.

12 MS. NEWTON: And so are they under any kind of  
13 probation right now?

14 MS. COFFMAN: They are not.

15 MS. NEWTON: Okay. So apparently they at that  
16 time cleared this up?

17 MS. COFFMAN: At that time.

18 MS. NEWTON: This was cleared up?

19 MS. COFFMAN: Yes.

20 MS. NEWTON: Okay. Thank you.

21 CHAIRMAN BARTH: Ms. McFetridge.

22 MS. McFETRIDGE: Ms. Coffman, you talked about  
23 bringing in trained counselors to help. How many are  
24 you talking about? And are they trained counselors  
25 from the Department that you bring in? Can you talk

1 a little bit about that?

2 MS. COFFMAN: Yes. We have two persons from our  
3 counseling office here at the Department that are  
4 prepared to go in this week and begin to assist. And  
5 then we've reached out to our partners to say are  
6 there retired counselors that we might be able to  
7 hire to come in and assist as well. And so we have  
8 some that -- we have names and numbers, as needed, if  
9 -- whatever is decided today.

10 MS. McFETRIDGE: Would they have to be on  
11 probationary status in order for you to bring the  
12 additional counselors in?

13 MS. COFFMAN: Well, maybe I need to talk to my  
14 Counselor back here. If there had been an agreement  
15 -- if we had had a relationship going in, we might  
16 could've come to a mutual decision to get that done  
17 together. And we felt like when we went in on  
18 February -- I don't have my date in front of me --  
19 February whatever that was and then found out next --  
20 the next day that the counselor that was there was  
21 suspended and wasn't supposed to be on-staff that we  
22 weren't sure that what we were being told was the  
23 complete truth. And so at this time I'm not sure  
24 that that relationship would produce the results that  
25 these kids need quick enough.

1 CHAIRMAN BARTH: All right. Are there  
2 additional questions?

3 MS. ZOOK: I wondered are any of your board  
4 members here? Are any of their board members here?  
5 I know Mr. Simpson is on the board at Helena-West  
6 Helena, but he's not on this board. Right?

7 UNKNOWN MAN IN AUDIENCE: No board members are  
8 here.

9 MS. ZOOK: Thank you.

10 CHAIRMAN BARTH: Okay. Yes. Yes, I'm getting  
11 notes about public comment, so -- yes.

12 SUPT. JOHNSON: Okay. Just --

13 CHAIRMAN BARTH: Please -- please come forward.

14 SUPT. JOHNSON: I would like to kind of let her  
15 know, as you, we have no problem with that -- anyone  
16 coming in to help us. The point is we have now -- we  
17 have a retired counselor of over 30 years' experience  
18 who worked in Marvell, and she is in this position  
19 right at this moment to make certain that we carry  
20 out the things that we are telling you we're going to  
21 do. Coming up the first week in April, we're going  
22 to get those students who are in the 11th grade, as  
23 we have done years to pass [sic] when I worked in Lee  
24 County -- we had every student to come, his parent  
25 came, and they looked at his transcript, and we made

1           certain it was done correctly so they could get out  
2           of school. We don't want to keep them in there over  
3           the years they're supposed to be there. We are  
4           concerned very much about them reading. We want them  
5           to read too. But we have a plan that we can do this  
6           -- but if they're going to help us, we have no  
7           problem. So we don't want to establish like we don't  
8           have a relationship. We will have a relationship,  
9           because we need help wherever we can get it. But  
10          right now, Ms. McCrae is there and she has already  
11          begun talking to all students. And then we have a  
12          person who would do the manual stuff of putting the  
13          grades and putting the things in order to -- that's  
14          Ms. Jarrett.

15                 Now we might look for the new thing that's going  
16          to happen with counselors, where they come in and  
17          counsel students. But we have the people coming from  
18          those services in the school all the time, helping  
19          mental and all of those. We've got a lot of those  
20          coming in and their parents have assigned them those  
21          people to help them. So that's why we don't  
22          necessarily need somebody talking to them all the  
23          time, but we do need them to be -- go into the right  
24          courses. The principal and I will do the scheduling.  
25          We just did it in January. We changed it where so

1           that those 8th graders would get in 8th grade  
2           courses, straight-line. And why we haven't gone to  
3           the 9th grade is because it was already kind of set  
4           up. But we have people who have talked to the  
5           counselor -- and the counselor was there. I did  
6           suspend him, but I had to once I found out it was as  
7           egregious as we were thinking it was. But it was not  
8           quite that egregious, because we went back to look --  
9           to make certain Jim, Sue -- one person they named to  
10          me came to that school February 9th. When they came  
11          back they found this student, but they still had just  
12          come. No, we didn't have any records on him, because  
13          the records hadn't made it to us. So there are  
14          issues like that that happen that you're not sure who  
15          he is, where he is, and why you haven't gotten the  
16          grades on him. We had a student with no grade in  
17          11th grade, but she was at another school. So we did  
18          find the part where she had been in another school  
19          and now we know she can go on. So it's just small  
20          things sometimes like that.

21                 We don't intend to hurt children. We don't  
22                 intend to hurt children. We intend for them to  
23                 graduate. And we're not here for the money. If we  
24                 were, we would probably be at some corporate place.  
25                 We're not here for money.

1 CHAIRMAN BARTH: Thank you.

2 SUPT. JOHNSON: We're here to help. And we've  
3 been at that school district -- I have for over 30  
4 years in that one town. I have a home there. I  
5 would hate to lose that school district, because we  
6 have nothing else in Lee County.

7 So I just want to make sure that you know that  
8 individually we know who they are -- one, two, three  
9 -- and probably know their momma.

10 CHAIRMAN BARTH: Thank you.

11 MS. ZOOK: Without going --

12 CHAIRMAN BARTH: Thank you, Ms. Johnson.

13 MS. ZOOK: Excuse me. Without going into  
14 personnel issues, can you tell me why you felt that  
15 it was the total responsibility of the counselor and  
16 not the principal?

17 SUPT. JOHNSON: Well, I don't think we really  
18 felt that way, but that's what has been -- you know  
19 how you have a precedent for that. They kept the  
20 records, they done this, so you allow them to do  
21 that. You don't make them do it; that's just what  
22 they feel is their job that they do. Now what has  
23 come -- become -- made that job a little bit more  
24 difficult is with eSchool. There's so many things to  
25 do in eSchool and to keep up with -- send a letter

1 home if he's absent, call the parent, get the grades  
2 in. It's just so much; it's a lot. So what we did,  
3 we assigned a person to that. Her name is Ms.  
4 Jarrett, as I said. So she had to learn this stuff.  
5 Ms. Rhodes is coming to that district this week to  
6 help her get -- to be a master at this, okay, so she  
7 can get the -- and that this matches this, that  
8 matches this, so that the students -- we can put it  
9 all in one pile what they're doing. But beforehand,  
10 you had to do it -- you had to do it here; you had to  
11 hand a piece of paper to people. But we are trying  
12 to make certain we make this more manageable for the  
13 counselor.

14 CHAIRMAN BARTH: Thank you.

15 All right. If there -- thank you, Ms. Johnson.

16 SUPT. JOHNSON: Okay.

17 CHAIRMAN BARTH: Appreciate it very much.

18 PUBLIC COMMENT

19 CHAIRMAN BARTH: So if there are no other  
20 questions we do have one request for public comment  
21 on this item. And so if the Board is willing I would  
22 entertain a motion to hear public comment on this --  
23 on this item.

24 MS. McFETRIDGE: I move.

25 CHAIRMAN BARTH: All right. Motion by Ms.

1 McFetridge.

2 MR. WILLIAMSON: Second.

3 CHAIRMAN BARTH: Second by Mr. Williamson.

4 All in favor say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN BARTH: All right. And so Ms. Stanley  
7 is the one. Welcome. And you will have up to three  
8 minutes. And the floor is yours.

9 MS. STANLEY: Dr. Barth, thank you.

10 CHAIRMAN BARTH: Sure.

11 MS. STANLEY: To Commissioner Key, the State  
12 Board of Education, my name is Phylistia Stanley and  
13 I am the former high school principal at Lee Senior  
14 High School. So I wanted to just talk very briefly  
15 and give some background on some of the concerns that  
16 has transpired in the counselor's office.

17 When the new superintendent took seat, in July,  
18 I had actually had conversations with her in  
19 reference to the lack of skill-set that I had  
20 observed and to the manner where we had transitioned  
21 to an intensive support plan. Okay. The  
22 superintendent decided to get with the counselor, and  
23 they removed the oversight for the counselor from my  
24 office. We had secured the services of Mr. Ronnie  
25 Hughes to come in. He was there approximately two or

1 three years to provide that in-depth support in the  
2 counselor's office. So I was a little perturbed, if  
3 you will, when Ms. Johnson alluded to the former team  
4 which I was a part of. So, yes, the support was  
5 there. No, the current superintendent did not  
6 support the recommendations that were made to her at  
7 an open board meeting in Lee County in reference to  
8 securing the continued support of Mr. Hughes to  
9 provide those services.

10 One of the things that Mr. Hughes and I had done  
11 prior to this particular counselor coming onboard is  
12 we had conducted transcript audits of each scholar at  
13 Lee Senior High School, and after each semester we  
14 would update those audits. That information was  
15 given to the current counselor. And I had regular  
16 check-ins with the counselor to make sure that we  
17 were on-track, until the superintendent pulled that  
18 from under my umbrella as the high school principal.

19 Thank you very much.

20 CHAIRMAN BARTH: Thank you very much.  
21 Appreciate it.

22 Okay. So the question before the Board relates  
23 to the appeal from the District, whether to uphold  
24 that appeal or whether to deny that appeal.

25 MS. ZOOK: I move to deny.

1 MR. WILLIAMSON: Second.

2 CHAIRMAN BARTH: Okay. Motion by Ms. Zook,  
3 second by Mr. Williamson.

4 Is there additional discussion on this item?

5 All right. Then, a roll-call on this. The  
6 motion is to deny.

7 COMMISSIONER KEY: Ms. Zook.

8 MS. ZOOK: Yes.

9 COMMISSIONER KEY: Dr. Hill.

10 DR. HILL: Yes.

11 COMMISSIONER KEY: Mr. Williamson.

12 MR. WILLIAMSON: Yes.

13 COMMISSIONER KEY: Ms. Chambers.

14 MS. CHAMBERS: Yes.

15 COMMISSIONER KEY: Ms. McFetridge.

16 MS. McFETRIDGE: Yes.

17 COMMISSIONER KEY: Dr. Moore.

18 DR. MOORE: Yes.

19 COMMISSIONER KEY: Ms. Newton.

20 MS. NEWTON: Yes.

21 COMMISSIONER KEY: Ms. Dean.

22 MS. DEAN: Yes.

23 CHAIRMAN BARTH: All right. So that is  
24 unanimous, and so the probationary status is  
25 affirmed. And I probably should have clarified --

1 and that was both for the District and the High  
2 School? Was that the intent of -- everybody in  
3 consensus that was the intent?

4 MS. ZOOK: (Nodding head up and down.)

5 MR. WILLIAMSON: (Nodding head up and down.)

6 CHAIRMAN BARTH: I should've --

7 MS. ZOOK: Do I need to state that?

8 CHAIRMAN BARTH: I think we're -- as long as we  
9 agree that that was the intent of the -- I just  
10 wanted to clarify that for the record.

11 And so we now need to consider action. I  
12 believe there is a recommendation from the  
13 Department. Is that from the Commissioner or from --

14 COMMISSIONER KEY: Well, I have a  
15 recommendation. I'd like Ms. Freno to come and  
16 describe the options that are before you, and then  
17 I'll follow-up with the recommendation from the  
18 Department.

19 MS. FRENO: Lori Freno, Department of Education.

20 There are several actions that the State Board  
21 may take and they include requiring a school district  
22 to reorganize or reassign the administrative,  
23 instructional, or support staff of a public school;  
24 require a school or school district to institute and  
25 fully implement a curriculum that is based on state

1 academic content and achievement standards, including  
2 providing appropriate professional development at the  
3 cost to the school district; remove a particular  
4 school from the jurisdiction of the school district  
5 and establish alternative public governance and  
6 supervision of the school; require a school district  
7 to close down or dissolve a particular school or  
8 schools within the school district; annex the school  
9 district -- annex a school district or districts, or  
10 part thereof, with another receiving school district  
11 or districts pursuant to the authority of 6-13-1401  
12 and this subchapter; consolidate a school district or  
13 districts or parts thereof with any school district  
14 or districts or parts thereof to form a resulting  
15 district; reconstitute the leadership of the school  
16 district by removing permanently or suspending on a  
17 temporary basis the superintendent of the school  
18 district or any particular board members of a school  
19 district. The State Board shall have the authority  
20 to appoint an administrator or to call a special  
21 election of new school district board members to  
22 administer the affairs and provide governance of the  
23 school district, or both. And, finally, take any  
24 other appropriate action allowed by law to assist and  
25 address a school or school district's failure to meet

1 the Standards for Accreditation.

2 CHAIRMAN BARTH: Any questions of Ms. Freno?  
3 Okay. Thank you.

4 COMMISSIONER KEY: Okay.

5 CHAIRMAN BARTH: Commissioner.

6 COMMISSIONER KEY: Thank you, Dr. Barth.

7 Part of the information that we provided was a  
8 timeline and as you see, Lee County School District  
9 over the last five years has had a lot of history  
10 with the Department and the Board. In light of that  
11 -- obviously the decision you make today can only be  
12 made with respect to this particular item that's  
13 before you. But in light of that history and due to  
14 the severity of these violations -- history and  
15 violations that seem to transcend across various  
16 administrators and folks that have been in charge of  
17 meeting the needs of students there -- the Department  
18 recommends reconstitution of the leadership of the  
19 school district according to Arkansas Code 6-15-207  
20 by removing permanently the superintendent and the  
21 board of directors. Further, the Department  
22 recommends the State Board delegate authority to the  
23 Commissioner to appoint a person for -- as  
24 administrator to the affairs of the District under  
25 the supervision of the Commissioner.

1 I'll be glad to take any questions on that  
2 recommendation.

3 CHAIRMAN BARTH: We'll start on -- any  
4 questions, Dr. Moore? Mr. Williamson? Ms. Zook, any  
5 questions?

6 MS. ZOOK: The reconstituting, would that expand  
7 beyond central office to the administrators of the  
8 school or schools? Or will it -- does that -- your  
9 recommendation specifically just address central  
10 office?

11 COMMISSIONER KEY: The recommendation just  
12 follows along with the item number seven of 6-15-  
13 207(c) and it only addresses the superintendent and  
14 the board.

15 MS. ZOOK: And do we as State Board members have  
16 it within our -- within the letters of the law to go  
17 beyond that?

18 COMMISSIONER KEY: I would defer to Ms. Freno on  
19 that question.

20 MS. FRENO: Lori Freno. Ms. Zook, it depends  
21 upon the action that you -- that the State Board  
22 would want to take because (c)(8) is pretty broad,  
23 "take any other appropriate action allowed by law to  
24 assist and address a school or school district in --  
25 for failure to meet the Standards for Accreditation."

1 MS. ZOOK: Thank you.

2 CHAIRMAN BARTH: I want to go back to Dr.  
3 Moore's previous question about when the -- the kind  
4 of state accountability, what level of support, the  
5 recommendation for that. What timeline are we  
6 looking at for that -- for this district in terms of  
7 that? Do we have any ideas?

8 MS. COFFMAN: Depending upon the action of the  
9 Board today, we'll determine what recommendation that  
10 we would take back to the District for the level of  
11 support. But we are already in there supporting the  
12 district; we just need to ramp it up aggressively.  
13 So we would make any adjustment to the level of  
14 support based on the actions today.

15 CHAIRMAN BARTH: Okay. All right.

16 Ms. Dean, anything? Okay. Ms. Newton? Ms.  
17 McFetridge? Ms. Chambers?

18 MS. CHAMBERS: No. No, sir.

19 CHAIRMAN BARTH: Okay. All right. So you have  
20 heard the recommendation from the Department.

21 MS. McFETRIDGE: I'm sorry. Can we hear that  
22 again, would you mind?

23 CHAIRMAN BARTH: Sure.

24 COMMISSIONER KEY: It's the recommendation of  
25 the Department to reconstitute the leadership of the

1 school district according to Arkansas Code 6-15-207  
2 by removing the superintendent and the board of  
3 directors. Further, the Department recommends the  
4 State Board delegate authority to the Commissioner to  
5 appoint an administrator for the affairs of the  
6 District under the supervision of the Commissioner.

7 MS. ZOOK: I'm ready with the first motion that  
8 may need to be discussed.

9 CHAIRMAN BARTH: Okay. Ms. Zook.

10 MS. ZOOK: I move that we take the  
11 recommendation of the Commissioner and the Department  
12 and add to that also the principal of the High  
13 School.

14 CHAIRMAN BARTH: Ms. Freno, would you like to  
15 speak to that, the appropriateness of that addendum?

16 MS. FRENO: Can I have just a moment?

17 CHAIRMAN BARTH: Yeah. Take your time.

18 DR. HILL: Based on your recommendation, when  
19 you said it was broad in there, that once you do that  
20 you have the latitude to do whatever seems necessary  
21 -- right? Is that correct, Commissioner?

22 COMMISSIONER KEY: Right. What I'm asking is --  
23 the law says that the Board appoints an  
24 administrator.

25 DR. HILL: Right.

1           COMMISSIONER KEY: There are other sections of  
2 the law that allows you to delegate that to the  
3 Commissioner. And we don't have anyone to present to  
4 you today --

5           DR. HILL: Correct.

6           COMMISSIONER KEY: -- for your appointment. So  
7 that's why I'm asking for the delegation --

8           DR. HILL: Correct.

9           COMMISSIONER KEY: -- of that authority.

10          DR. HILL: And then that individual can -- when  
11 you say can do whatever is necessary, to make any  
12 other changes that they see need fit [sic]. Correct?

13          COMMISSIONER KEY: Subject to the limitations of  
14 statute. So when you're dealing with employment --

15          DR. HILL: Okay.

16          COMMISSIONER KEY: -- as we've discussed a  
17 number of times, you have limitations.

18          DR. HILL: So is what Ms. Zook is asking for --  
19 would that have to come from a motion here or could  
20 that person who you place in there make that change?

21          COMMISSIONER KEY: I think the removal happens  
22 here, if Ms. Freno --

23          DR. HILL: Okay.

24          COMMISSIONER KEY: -- confirms it. The  
25 appointment of that person then would be subject to

1 the administrator that's appointed to -- for the day-  
2 to-day operations.

3 DR. HILL: Okay. That was my question.

4 MS. FRENO: It's just not perfectly clear from  
5 the law what "reconstitution" means. It's the  
6 administrative staff. I mean, certainly a principal  
7 would be under the Teacher Fair Dismissal Act at this  
8 juncture. So it's just -- I mean, it's not clear.  
9 But that's not something -- even if the Board today  
10 didn't make a recommendation with regard to the  
11 principal, that's something that could be considered  
12 at a later time.

13 MS. ZOOK: I guess what I was hearing from the  
14 reports is that time is of the essence and that  
15 person may be standing in the way of getting that  
16 done quickly.

17 MS. FRENO: Time -- if time -- I mean, time is  
18 of the essence is what I was hearing as well. And  
19 certainly under the Teacher Fair Dismissal Act there  
20 are provisions for which someone covered by the Act  
21 can be removed if it's for some kind of -- for cause.  
22 And that would just be the question is if there is  
23 cause to remove them. The Teacher Fair Dismissal Act  
24 wouldn't -- I mean, would not bar that.

25 MS. ZOOK: So if a person is in charge of a high

1 school as the principal and the school is found to be  
2 in violation -- so therefore, on probation --  
3 ultimately that is that person's responsibility, I  
4 would see that as cause. But I trust you as the  
5 attorney to help clarify that for me.

6 MS. FRENO: That just might be something that  
7 could be looked into as a part of an overall analysis  
8 of where the systemic problems came from, what went  
9 wrong. That -- I mean, certainly whether or not the  
10 principal should be retained could be a part of that  
11 inquiry.

12 MS. NEWTON: Dr. Barth, can I make a comment?

13 CHAIRMAN BARTH: Ms. Newton.

14 MS. NEWTON: I have difficulty making personnel  
15 discussions in public like this and talking about  
16 people who have contracts and I just don't feel like  
17 that's appropriate for us. I think that would be  
18 appropriate for whoever the new superintendent is and  
19 take the proper channels. That's my opinion on that.

20 MS. ZOOK: Yeah. I guess because we have to  
21 notify people before May 1st and -- you know, that's  
22 why I asked Ms. Freno and the Commissioner to give me  
23 guidance about what can and cannot be done, what can  
24 we do to help these children the most today.

25 CHAIRMAN BARTH: So --

1 MS. NEWTON: And we have to also respect that  
2 we're talking about a specific person. So I have a  
3 real problem with that, so --

4 MS. ZOOK: Okay.

5 CHAIRMAN BARTH: So just --

6 MS. ZOOK: So is the superintendent.

7 CHAIRMAN BARTH: So just to get things focused  
8 here a bit, the motion did not -- as stated, the  
9 motion did not get a second. Correct?

10 MS. ZOOK: Correct.

11 CHAIRMAN BARTH: Okay. And so my question is,  
12 is there a second to the motion that was stated as it  
13 was stated?

14 MR. WILLIAMSON: Second.

15 CHAIRMAN BARTH: Okay. So there is a second to  
16 the motion as stated. And it was essentially the  
17 recommendation of the Department with the addendum  
18 that we've discussed.

19 Additional discussion of this motion before we  
20 move to a vote?

21 Dr. Hill.

22 MS. ZOOK: I'm not sure we got a motion made. I  
23 think he told what the recommendation --

24 CHAIRMAN BARTH: No. You made the motion, Ms.  
25 Zook.

1 MS. ZOOK: I know. But it didn't get a second.

2 CHAIRMAN BARTH: Yes, it did.

3 MR. WILLIAMSON: I did it.

4 MS. ZOOK: Oh, I'm sorry. I apologize.

5 CHAIRMAN BARTH: Thank you. Thank you.

6 Dr. Hill.

7 DR. HILL: No, that's -- okay, that clarified  
8 it. I'm good now, now that I know -- I was confused.

9 CHAIRMAN BARTH: Great. Okay.

10 Is everyone clear on the motion, including Ms.  
11 Chambers?

12 DR. HILL: Restate it.

13 CHAIRMAN BARTH: Okay. I will restate the  
14 motion.

15 DR. HILL: Restate it.

16 CHAIRMAN BARTH: I'll try to restate it. So the  
17 motion is that the Commissioner -- as the  
18 Commissioner stated, under section 6-13 -- 6-15-207,  
19 subsection (c)(7) that there would be reconstitution  
20 of the leadership of the school district by removing  
21 permanently or suspending the superintendent, as well  
22 as the entirety of the school board. The Board would  
23 provide to the Commissioner the power to appoint a  
24 new superintendent for the District. Plus,  
25 specifically the superintendent [sic] of the High

1 School would be removed as part of this -- it would  
2 be -- the principal, excuse me -- the principal --  
3 and that would be under it appears Section 8 --  
4 Subsection (8) below.

5 DR. HILL: No. My question is to the  
6 Commissioner. That's what you wanted?

7 COMMISSIONER KEY: Our recommendation was the --  
8 what I mentioned, and Ms. Zook added the principal.

9 DR. HILL: Okay.

10 MS. CHAMBERS: Dr. Barth, can I make a comment  
11 or --

12 CHAIRMAN BARTH: Yes, please.

13 MS. CHAMBERS: I just wanted to -- I wasn't sure  
14 the right moment, but I certainly applaud Ms. Zook's  
15 sense of urgency on insuring that there's no  
16 perceived impediment to moving quickly to get the  
17 right things done. But my sentiment aligns with Ms.  
18 Newsom [sic], which is -- excuse me -- Newton, which  
19 is about this being a bit of an over-reach because we  
20 don't have all the facts. We don't know. I'm  
21 assuming that the appointee made by the Commissioner,  
22 by the Department of Ed. would be able to make that  
23 determination if it were needed. So I just wanted to  
24 offer that point of view.

25 CHAIRMAN BARTH: Okay. Thank you.

1 Dr. Hill.

2 DR. HILL: I want to echo that, kind of like  
3 what when we were going with the LRSD, when we told  
4 the superintendent, you know, "You've got a scalpel  
5 and a hatchet." I remember using that. We don't  
6 know which one needs to be used because we're not  
7 there. And I just think given the person who you  
8 select to take that type of leadership in that  
9 situation would be the person we would trust to make  
10 all those decisions at that time, and that's where  
11 I'm most comfortable. But that's just my thought.

12 CHAIRMAN BARTH: All right.

13 Ms. Zook.

14 MS. ZOOK: I'd be happy to withdraw my motion as  
15 stated. I do understand the point. I just know that  
16 sometimes when we go into districts and we depend on  
17 some -- the leadership to do things in a timely way  
18 that, in my opinion, it's in the best interest of  
19 children -- it doesn't always happen that quickly.  
20 But I'm happy to withdraw the motion with that  
21 caveat.

22 CHAIRMAN BARTH: Okay. So you are withdrawing  
23 the motion. Mr. Williamson, you've withdrawn your  
24 second?

25 MR. WILLIAMSON: Yes.

1 CHAIRMAN BARTH: Okay. So there is no motion on  
2 the floor.

3 Dr. Hill.

4 DR. HILL: But, no -- but I'm in -- I guess I'm  
5 in total agreement with you that we must move  
6 expeditiously for our children, one-hundred percent.  
7 But I guess I will go back and state that person that  
8 the Commissioner appoints -- and if there's no law  
9 for that person to move on that day to make it  
10 happen, then it can happen almost the same period of  
11 time unless the law impedes that. Correct?

12 CHAIRMAN BARTH: Correct.

13 COMMISSIONER KEY: That is correct --

14 DR. HILL: Is that correct?

15 CHAIRMAN BARTH: I think that's what Ms. Freno  
16 said.

17 DR. HILL: Okay.

18 COMMISSIONER KEY: -- Dr. Hill.

19 DR. HILL: So -- because we all -- I think we  
20 all agree that we need intervention immediately.

21 CHAIRMAN BARTH: Okay.

22 MS. NEWTON: I make a motion to accept the  
23 recommendation of the Department as stated.

24 CHAIRMAN BARTH: Thank you.

25 MS. DEAN: Second.

1                   CHAIRMAN BARTH: Okay. And everybody is clear  
2                   on this motion?

3                   All right. Any additional comments before we  
4                   move to a roll-call?

5                   Okay. Roll-call.

6                   COMMISSIONER KEY: Ms. Zook.

7                   MS. ZOOK: Yes.

8                   COMMISSIONER KEY: Dr. Hill.

9                   DR. HILL: Yes.

10                  COMMISSIONER KEY: Mr. Williamson.

11                  MR. WILLIAMSON: Yes.

12                  COMMISSIONER KEY: Ms. Chambers.

13                  MS. CHAMBERS: Yes.

14                  COMMISSIONER KEY: Ms. McFetridge.

15                  MS. McFETRIDGE: Yes.

16                  COMMISSIONER KEY: Dr. Moore.

17                  DR. MOORE: Yes.

18                  COMMISSIONER KEY: Ms. Newton.

19                  MS. NEWTON: Yes.

20                  COMMISSIONER KEY: Ms. Dean.

21                  MS. DEAN: Yes.

22                  CHAIRMAN BARTH: Okay. Great. That is  
23                  unanimous. And we appreciate the work of the folks  
24                  from the District and we appreciate y'all being here  
25                  today.

1 I do have a question for the Commissioner in  
2 terms of what expected timeline we should have about  
3 leadership.

4 COMMISSIONER KEY: Yes. I would -- and thank  
5 you for that. I was going to ask if you would allow  
6 me to kind of talk about next steps.

7 So Dr. Hernandez, State Superintendent/Office of  
8 Coordinated Support and Service and his team will  
9 immediately take on the role, for at least the  
10 remainder of this week. And we anticipate by first  
11 of next week identifying someone to be appointed to  
12 be the superintendent.

13 I don't know if -- I know y'all noticed ForwARd  
14 Arkansas is here, and I want to talk about what we  
15 will be asking ForwARd Arkansas to do. They have  
16 relationships; they have work that they have  
17 established in Lee County. We are going to -- I am  
18 going to ask that they continue that work and maybe  
19 even ramp it up. And we will work with them to  
20 determine how we can do that to build support within  
21 the community for what needs to happen for the long-  
22 term benefit of the students of Lee County.

23 Certainly, Ms. Johnson's appeal -- when she said  
24 that the school is what they have, it's the only  
25 thing they have, and we understand that and we do not

1 want that to go away. It is not our intention  
2 whatsoever to see a situation where the Lee County  
3 School District -- the Lee County Trojans -- the  
4 essence that -- there in Marianna, that it is not our  
5 intent for that to go away. It is our intent for  
6 that to be built back up for long-term benefit.

7 We have learned a lot over the last few years.  
8 Those of you that -- I think Ms. Zook, Dr. Barth, you  
9 may be the only two members remaining on the Board in  
10 the last academic distress action that the Board had  
11 to take with Lee County. We've learned a lot about  
12 how to help districts get better. And as you know,  
13 the old version of academic distress -- the old  
14 methodology did not work well to prepare a long-term  
15 foundation for success. We know better now how to do  
16 that and it is our intention and commitment to work  
17 with the personnel, the students and the parents,  
18 primarily, and with the community through the help of  
19 supporters like -- and support network like ForwARd  
20 Arkansas and others to establish that foundation for  
21 long-term success.

22 So starting with Dr. Hernandez, moving on. And  
23 we'll make you -- notify you as soon as we identify a  
24 person that would step in, as I said, hopefully at  
25 the beginning of next week to begin that work.

1                   In the meantime, not just Dr. Hernandez but, as  
2                   Ms. Coffman mentioned, the full resources of the  
3                   Department with standards and systems support, as  
4                   well as our -- Mr. Ford, Ms. Knowles, the team from  
5                   the counseling unit in the Department, and any others  
6                   -- curriculum -- any others that we need will be  
7                   directed to provide whatever support is necessary.

8                   CHAIRMAN BARTH: So I do thank Dr. Hernandez and  
9                   the folks from ForwARd for your work.

10                  I do have a couple of additional questions. Do  
11                  we have a -- as part of this strategy do we have a  
12                  communication plan to the faculty, staff, students,  
13                  and then parents of the District?

14                  COMMISSIONER KEY: That will be priority one.  
15                  Obviously, there are certain things we did not  
16                  prepare before knowing what the decision of the Board  
17                  would be, but that is one of the first things that  
18                  will happen. We have an operating procedure now,  
19                  that we did not have before, that takes place during  
20                  a takeover and that -- you know, communication is  
21                  first and foremost one of those things that will be  
22                  taking place; nuts and bolts, issues of bank  
23                  accounts, issues with all those types of things, of  
24                  the day-to-day operations. So, yes, that is going to  
25                  take place.

1 I also want to point out that the team from the  
2 co-op is there, the educational service co-op there,  
3 Crowley's Ridge, which is -- I mean, not Crowley's  
4 Ridge -- Great Rivers Co-op, which they are a member,  
5 is here, present, and I want to express appreciation  
6 for them being present. But they will also be part  
7 of this effort of bringing support into that  
8 district.

9 CHAIRMAN BARTH: Thanks.

10 Ms. Coffman, did you have anything you wanted to  
11 add?

12 MS. COFFMAN: No.

13 CHAIRMAN BARTH: Okay. All right. Are there  
14 any additional questions?

15 Okay. All right. Thank y'all very much for  
16 being here. And I think that action item is ended  
17 for today, but the action is not ended for today as  
18 we move forward in Lee County. So, good luck to all  
19 of you.

20 All right. Are y'all good to move to the next?

21 Thank y'all.

22 Are y'all ready to move?

23 Okay. So our second item on the agenda is an  
24 issue that arose when we were in Springdale two weeks  
25 ago, and this is the --

1 MS. ZOOK: Can we take a break while they're --

2 CHAIRMAN BARTH: Okay. Let's take a -- just a  
3 very brief 3- to 5-minute break.

4 (BREAK: 12:05 - 12:12 p.m.)

5 (COURT REPORTER'S NOTE: Action Item A-2, a  
6 report on Act 1240 and charter school waivers, was  
7 heard, but no board action was taken. It may be  
8 viewed on the ADE website.)

9 **A-3: COVENANT KEEPERS CHARTER SCHOOL SUBPOENA**

10 CHAIRMAN BARTH: The final item, which is an  
11 action item, is the subpoena related to Covenant  
12 Keepers. And I'll let Ms. Hyatt walk us through this  
13 issue.

14 MS. HYATT: You all should have a copy -- I put  
15 a copy of the draft order and the draft of the  
16 subpoena on your desk before you got here. So I'm  
17 going to go through just a little bit of background,  
18 explaining why this is necessary, and then I'll be  
19 happy to answer any questions.

20 In January -- on January 15th is when the  
21 charter authorizer accepted the voluntary non-renewal  
22 of the Covenant Keepers charter. So then the  
23 Department started working with Covenant Keepers/City  
24 of Fire Community Development and Friendship, who was  
25 running the school, to kind of wind down the school.

1           On the 29th of January the Department sent a  
2           letter to the school asking for a list of  
3           information, including account numbers and financial  
4           information, contact information for all the accounts  
5           that they did have, a list of debts, and other  
6           financial records. We didn't receive anything.

7           Sometime between the 29th, when that letter was  
8           sent, and the 7th of February there were some items  
9           removed from the Covenant Keepers campus, including  
10          some filing cabinets.

11          On the 7th of February we asked again for the  
12          things from our letter in January, including the  
13          financial records, and received nothing back.

14          On the 15th is when this Board immediately  
15          revoked the charter and we stepped in and began an  
16          emergency inventory of all of their property and  
17          financial records.

18          It was discovered between the 15th of February  
19          and the 1st of March that the filing cabinets that  
20          were removed included financial documents and  
21          information that was necessary to pay debts, do an  
22          audit of the school, and to have records of all the  
23          finances of the school.

24          On the 1st of March we sent a letter requesting  
25          the records by the 6th of March.

1           On the 6th of March I received an email from Ms.  
2           Tatum indicating her refusal to turn over the records  
3           and indicating a wish to keep original copies of the  
4           records for her own recordkeeping. That same day I  
5           responded and requested copies of all the records or  
6           in the alternative asked to set up a time that we  
7           could come and inspect the records and make our own  
8           copies, and I received no response.

9           Since that date I made several calls to the  
10          attorney that she said was representing her; was  
11          notified that that attorney was not representing her.  
12          I attempted to make phone calls to Ms. Tatum herself;  
13          was not able to leave a voice-mail. I received no  
14          response, and also received no response to emails or  
15          any of the written communications that were sent.

16          Arkansas Code 6-17-425 allows this board to  
17          issue a subpoena, which is what we are requesting  
18          that you do -- issue a subpoena for Ms. Tatum so that  
19          she would be compelled to produce the financial  
20          documents that are missing. So the subpoena that you  
21          have in front of you would allow her either to  
22          produce them by April 5th or, if not produced by  
23          April 5th, would compel her to attend the April 11th  
24          Board meeting to produce the documents. The other  
25          thing that you have in that packet is the order that

1           our operating procedures say that the Board issues a  
2           subpoena by order; so that will be an order Dr. Barth  
3           would sign outlining the facts that I just recited in  
4           ordering the issuance of this subpoena.

5           CHAIRMAN BARTH: Okay. Are there any questions  
6           on this?

7           All right. To my left?

8           This is a somewhat extraordinary action. I  
9           can't remember doing this before. So this is new  
10          stuff because of an important issue.

11          Ms. Chambers, any questions?

12          MS. CHAMBERS: No questions.

13          CHAIRMAN BARTH: All right. So the proper  
14          motion is to pass the order as -- or to affirm the  
15          order as laid out, which would activate the subpoena  
16          process. Correct?

17          MS. HYATT: Yes. And I have non-draft copies  
18          for your signature if it passes.

19          CHAIRMAN BARTH: Okay. All right. I will  
20          entertain a motion on this issue.

21          MS. DEAN: I move to affirm the order.

22          MS. NEWTON: Second.

23          CHAIRMAN BARTH: Motion by Ms. Dean, second by  
24          Ms. Newton to affirm the order.

25          All -- do a roll-call to be safe.

1 COMMISSIONER KEY: Ms. Zook.

2 MS. ZOOK: Yes.

3 COMMISSIONER KEY: Dr. Hill.

4 DR. HILL: Yes.

5 COMMISSIONER KEY: Mr. Williamson.

6 MR. WILLIAMSON: Yes.

7 COMMISSIONER KEY: Ms. Chambers.

8 MS. CHAMBERS: Yes.

9 COMMISSIONER KEY: Ms. McFetridge.

10 MS. McFETRIDGE: Yes.

11 COMMISSIONER KEY: Dr. Moore.

12 DR. MOORE: Yes.

13 COMMISSIONER KEY: Ms. Newton.

14 MS. NEWTON: Yes.

15 COMMISSIONER KEY: Ms. Dean.

16 MS. DEAN: Yes.

17 CHAIRMAN BARTH: Okay. Unanimous.

18 All right. Okay. That's the conclusion of our  
19 action, but we do have one other public comment.

20 (COURT REPORTER'S NOTE: A public comment was  
21 heard. It may be viewed on the ADE website.)

22 CHAIRMAN BARTH: All right. I will entertain a  
23 motion to adjourn.

24 MS. ZOOK: So moved.

25 MS. DEAN: Second.

1 CHAIRMAN BARTH: Motion by Ms. Zook, second by  
2 Ms. Dean.

3 All in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN BARTH: Opposed, same sign.

6 (COURT REPORTER'S NOTE: There was no  
7 opposition.)

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9  
10 (The meeting was concluded at 12:30 p.m.)  
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