

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

February 8, 2018

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

February 8, 2018
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

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

ADE LEGAL COUNSEL:

Ms. Lori Freno	ADE General Counsel
Ms. Mary Claire Hyatt	ADE Attorney

ALSO PRESENT:

Ms. Kelicia Hollis	ADE Administrative Analyst
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LOCATION:

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

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P R O C E E D I N G S

CHAIRMAN BARTH: All right. Good morning, everyone. Welcome to the February meeting of the State Board. And welcome to Ms. Reith; you made it just on time. So we are all here and ready to go. We are slowly nearing our return to ADE; we look forward to that. We're very happy to be at the ADEQ. Robert could not be here and give us our safety briefing today, but I think we remember what to do and appreciate everyone here.

I did want to note a couple of changes to the agenda. In the afternoon action agenda item 2B, which is the National Board certification rules, those have been removed. We are close to being in a spot to consider those, but they are not ready here today.

I do have, however, a request from the Department to add an item in that place. And we have on the agenda Final Rules Governing Educator Licensure, this big set of rules that we've looked at before. But those are not going -- because of some challenges with getting those approved by the pertinent legislative committees we have gotten a request to add an emergency -- identical emergency set of rules to allow those to move forward and give

1 districts guidance on hiring process.

2 So I would -- this does require a two-thirds
3 vote because it was not on the agenda before it was
4 published in a timely fashion. So I would invite a
5 motion to add that item to the agenda for this
6 afternoon in that same place.

7 MS. NEWTON: Move to add item in spot B2.

8 CHAIRMAN BARTH: All right.

9 MS. REITH: Second.

10 CHAIRMAN BARTH: Great. So, motion by Ms.
11 Newton, second by Ms. Reith.

12 All those in favor of that addition?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN BARTH: Any opposition?

15 Okay. So we have a two-thirds vote -- unanimous
16 vote, and so that is a change to the agenda.

17 (OFF THE RECORD - 10:10 a.m.)

18 (THE CONSENT AGENDA IS NOT REPORTED BY THE COURT REPORTER)

19 (BACK ON THE RECORD - 11:42 A.M.)

20 B-1: CONSIDERATION FOR FINAL APPROVAL: ADE RULES GOVERNING
21 EDUCATOR LICENSURE (and repeal of ADE Rules Governing Educator
22 Preparation Program)

23 B-2: CONSIDERATION FOR EMERGENCY APPROVAL: ADE RULES
24 GOVERNING EDUCATOR LICENSURE

25 CHAIRMAN BARTH: Because of kind of some

1 unexpected issues this afternoon, without objection
2 we're going to need to do some shifting around of the
3 agenda. And most importantly we're going to need to
4 pop down and grab the Rules Governing Educator
5 Licensure and try to get those done now because Dr.
6 Owoh is going to have to be away unexpectedly this
7 afternoon. And so, if there's not an objection, if
8 we can move to that item --

9 Hearing none --

10 MR. BLACK: What number is that?

11 CHAIRMAN BARTH: That would be -- so we're on
12 Action Agenda B item 1, and it is actually two parts.
13 It would be the Rules Governing Educator Licensure,
14 the permanent rules, and then also the emergency
15 rules that we placed on the agenda this afternoon.
16 And Dr. Owoh obviously is central to this work.

17 So I'll turn it over to Ms. Freno.

18 MS. FRENO: Thank you, Dr. Barth. As you said,
19 we're going to be talking about the permanent rules
20 and the emergency rules at the same time. Both sets
21 of rules are identical with the exception of course
22 the emergency rules have emergency language at the
23 end. These rules have gone through two public
24 comment periods. They have -- we've of course had
25 two public comment hearings. There were changes

1 made, substantive changes after the first public
2 comment period; that's why we went into the second.
3 After the second public comment period changes were
4 made but they were non-substantive. They have been
5 approved by the Governor's office to be issued as
6 both emergency rules. And also we're seeking today
7 your final -- your approval of the final rules for
8 permanent promulgation.

9 And probably it would -- I mean certainly, you
10 know, there are folks here to answer any questions
11 you all might have, but it would probably be a good
12 idea to vote individually on the emergency rules and
13 the permanent -- rules for permanent promulgation.

14 CHAIRMAN BARTH: Great. Thank you. But we can
15 do the discussion together since they are identical?

16 MS. FRENO: Yes.

17 CHAIRMAN BARTH: So I'll just start over -- Ms.
18 Cochran, do you have any questions or comments about
19 the final rules?

20 MS. COCHRAN: No.

21 CHAIRMAN BARTH: Ms. Newton?

22 MS. NEWTON: Ms. Smith, I know there were
23 several parts in the rules that Learning Services is
24 working on as far as demonstrating for the tiers and
25 demonstrating for the reading proficiency; y'all were

1 working on -- am I wrong?

2 DR. OWOH: Jeremy Owoh, Educator Effectiveness.
3 The educator continuum with the tiers, our division
4 is assisting with that as well as the reading, a
5 standalone reading assessment in accordance to Act
6 416. Act 1063 is the proficiency requirement that
7 Mrs. Smith's division is working on. So are you --

8 MS. NEWTON: Both parts of it, I just wanted to
9 know the progress; you know, where were we at as far
10 as making specifics for teachers, what the
11 requirements were going to be for demonstrating
12 competency for the tiers, demonstrating competency
13 for the reading. Just kind of where we were is what
14 my question was.

15 MS. SMITH: So, Stacy Smith, Learning Services.
16 So we still have a group who is working on the
17 prescribed pathways; it's not been finalized yet. We
18 have pretty much the plan in place for awareness, in
19 demonstrating awareness. So that piece is being made
20 by AETN.

21 On the prescribed pathways we're looking at
22 doing it in two phases: Phase 1, documenting the --
23 how they'd received their training or their
24 knowledge, and the second part is the demonstration
25 piece. So we have a group of people talking about do

1 we need to have principals going through some type of
2 professional development training to be able to
3 determine when a teacher has demonstrated proficiency
4 at their school and documenting that the teacher has
5 attended trainings and then has put these skills into
6 place in their classroom. So we're still in the
7 process of working on that.

8 MS. NEWTON: Okay. Do you have an idea of maybe
9 a timeline of about what you're shooting for as far
10 as completion?

11 MS. SMITH: So we're hoping to have something by
12 this summer to be able to come out, so that in the
13 fall of next year people know exactly what they're
14 working towards.

15 MS. NEWTON: Okay. Great. Thank you.

16 MS. SMITH: You're welcome.

17 CHAIRMAN BARTH: Dr. Hill? Ms. Chambers,
18 anything? Mr. Williamson? Mr. Black? Okay.

19 B1 - MOTION & VOTE:

20 CHAIRMAN BARTH: All right. Then I would invite
21 a motion to approve the permanent rules first.

22 MS. DEAN: Move to approve the permanent rules.

23 MS. ZOOK: Second.

24 CHAIRMAN BARTH: All right. Motion by Ms. Dean,
25 second by Ms. Zook.

1 Any further discussion?

2 All those in favor say "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN BARTH: Opposed, same sign.

5 Okay. Great.

6 B-2 - MOTION & VOTE:

7 CHAIRMAN BARTH: And now we move to a separate
8 motion on the emergency rules.

9 MR. BLACK: I move that we approve the emergency
10 rules.

11 CHAIRMAN BARTH: Okay. Motion by Mr. Black.

12 MS. REITH: Second.

13 CHAIRMAN BARTH: Second by Ms. Reith.

14 All those in favor say "aye."

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRMAN BARTH: Opposed, same sign.

17 And I just want to voice on behalf of the Board
18 how much work these very complex rules were. And
19 we're so appreciative of y'all's working with us to
20 give us a sense that we had a deep understanding of
21 them, and so I appreciate everybody in the Department
22 for that. So thank y'all very much. And this is
23 good work, so --

24 DR. OWOH: Thank you.

25 CHAIRMAN BARTH: And I think it provides some --

1 we know they're not perfect; we know we will return
2 to this issue again and again and again. But I do
3 think it gives some really new, tangible pathways for
4 changing the teaching profession in Arkansas in a
5 really positive way. So I'm very appreciative of
6 that.

7 DR. OWOH: Thank you, Chair Barth. And I just
8 wanted to mention how much we appreciate the
9 feedback, the ongoing feedback that we receive from
10 you all and our stakeholders. That was -- they were
11 very beneficial to us with the work, and we look
12 forward to ongoing communication with you all and our
13 stakeholders and advisory groups. So, thank you.

14 CHAIRMAN BARTH: Super. Thank you.

15 A1: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
16 CHARTERS

17 CHAIRMAN BARTH: All right. Now we're going to
18 go back up to -- in the action agenda, to the
19 waivers, the Act 1240 waivers. And we're going to
20 actually change the order there a little bit as well
21 because a couple of those waivers do relate to
22 teachers, teacher issues, and if there are any
23 questions that arise it would be great if Dr. Owoh --
24 we were sure Dr. Owoh was here. So what we will do
25 is we will do the Hot Springs waiver first, then the

1 Guy-Perkins, and then we'll go back to Emerson-
2 Taylor. So that's the order we're going to use. So
3 I'll turn it over for a reminder of our process here.

4 A1(b): HOT SPRINGS SCHOOL DISTRICT

5 MS. McLAUGHLIN: Good morning. Kelly
6 McLaughlin, ADE. This morning we are going to begin
7 with Hot Springs School District?

8 CHAIRMAN BARTH: Yes.

9 MS. McLAUGHLIN: Okay. This is action A1(b).
10 Act 1240 of 2015 allows a school district to petition
11 the State Board of Education for all or some of the
12 waivers granted to open-enrollment public charter
13 schools that serve students who reside in their
14 school district. Representatives of the Hot Springs
15 School District are appearing before the Board with a
16 petition for waivers for Principal Licensure, Teacher
17 Licensure, and Library Media. Their 90 days expires
18 on February 28th and they are requesting two years
19 for the Principal Licensure and Library Media and
20 four years for the Teacher Licensure.

21 Just to remind you of the procedures: the school
22 district will have 20 minutes to present their -- to
23 make their presentation, and if there is any
24 opposition here they will have that same amount. And
25 then the school district can have 5 minutes for a

1 response. Okay.

2 CHAIRMAN BARTH: All right. And we have Dr.
3 Nehus here. And if you wouldn't mind raising your
4 right hand? Do you swear or affirm that the
5 testimony you're about to give shall be the truth,
6 the whole truth and nothing but the truth?

7 DR. NEHUS: I do.

8 CHAIRMAN BARTH: Thank you very much. You have
9 up to 20 minutes. Don't feel free -- feel free to
10 use less than that, if you so wish.

11 DR. NEHUS: I don't expect to need 20 minutes.
12 Thank you. Dr. Stephanie Nehus, Superintendent, Hot
13 Springs School District. I'm excited to be here
14 today. It's very exciting times in Hot Springs
15 School District as we passed a millage increase in
16 September of 2016, which has led to this moment where
17 I come to you and ask for some waivers allowed by Act
18 1240.

19 I've got to get used to having this clicker.

20 Our current reality is that we have four
21 elementary school campuses; three of them contain
22 pre-K; all go to fourth grade. We have an
23 intermediate school campus that is grades 5-6. We
24 have a junior high school campus, a district
25 conversion charter school, Hot Springs Junior Academy

1 that opened this fall that's grades 7-8. And then we
2 have our district conversion charter school, Hot
3 Springs World Class High School, which serves grades
4 9-12. Presently these seven schools reside on six
5 campuses, as our Park International Baccalaureate
6 Magnet Elementary shares the same building as our
7 intermediate school campus. And what we have looked
8 at over the timeframe and what we promised our voters
9 in the millage is that -- we are a high poverty
10 school district; and the research shows that if we
11 can limit the transitions of our students and we can
12 build stronger, longer relationships that's going to
13 ultimately impact our student achievement for the
14 better. And so you can see we do a lot of
15 transitioning right now in our current reality. We
16 have elementary, then we go to an intermediate, and
17 then we go to a junior high, then we go to a high
18 school campus. And so what we are ready to do
19 beginning in 2020 when our building projects end is
20 to transition to four elementary campuses, all pre-K
21 through 6th grade, one junior high serving 7 through
22 9, and one high school serving 10 through 12. Our
23 goal is to minimize our transitions and maximize the
24 efficient use of our district resources. Our
25 personnel and our transportation are two key areas

1 that we're trying to really maximize as we do share a
2 lot of staff between our buildings.

3 We do have two major building projects in
4 process. We are building a new Langston Elementary
5 Magnet School on the same site of the current one.
6 And then we are awaiting the ADE Facilities approval
7 to bid out a new junior academy building, which will
8 actually be housed on the same campus as our high
9 school. And so we are looking forward to shifting to
10 four campuses, with two of those being what we are
11 calling super campuses. We'll have a standalone
12 brand-new Langston building; a standalone Gardner,
13 which will become Oaklawn STEM Magnet; and then we
14 will have our Park building and our Oaklawn
15 Elementary side by side, because Oaklawn will shift
16 to our current middle school; and then our high
17 school and our junior academy will be side by side.

18 And so we're really excited about this
19 possibility and, again, that focus of limiting our
20 transitions. Our students will really be able to be
21 in an elementary school pre-K through 6, build those
22 strong relationships, and then when they transition
23 they're going to transition to our junior high/high
24 school campus. And so, you know, we'll eliminate the
25 multiple transitions to where they really only have

1 one major transition for our students, and so that is
2 going to require us to begin a plan.

3 When we originally started we thought, well,
4 we'll just start this transition plan in 2020 when
5 all of our buildings are completed and all the shifts
6 are made in our district. But the more we talked
7 about that we thought if we're really doing this to
8 impact student achievement why would we wait, why
9 would we not go ahead and start this transition now
10 so that in 2020 we're fully shifted to pre-K/6
11 buildings and we're providing the best education that
12 we can for our students.

13 And so our plan is that beginning in 2018-19,
14 with your approval today, that all four of our
15 elementaries will become pre-K or K-5 buildings in e-
16 school, on paper with the Department of Ed. Our
17 grade 5 will continue to be housed at our
18 intermediate school but we will have actually four
19 elementary teams in that building. And so our
20 Langston students will be together in a team, our
21 Oaklawn students will be together in a team, our Park
22 students will be together, and our Gardner students
23 will be together, and then our intermediate school
24 will transition to only grade 6. The following year
25 we'll continue that. We'll have all four

1 elementaries. We'll add grade 6. Langston will open
2 in the fall of 2019 fully pre-K/6 in that brand-new
3 building. Grades 5 and 6 will continue to be housed
4 at our current intermediate school for the other
5 three elementaries. At that time we'll dissolve Hot
6 Springs Intermediate School as an LEA. We'll
7 continue to function -- I'm kind of calling it as an
8 annex -- our intermediate school will kind of become
9 elementary annexes for the next two years.

10 In order to be able to do this, I come before
11 you today asking for some 1240 waivers because what's
12 going to happen is -- we have an opportunity. We
13 knew this was coming and so as staff changes happen
14 I'm trying to be most efficient. And so the current
15 building principal of Hot Springs Intermediate School
16 has been selected to become my associate
17 superintendent next year and serve human resources,
18 curriculum, professional development, take some of
19 those responsibilities that I've kept over the time.
20 And so instead of replacing that principal position
21 and then having an additional administrative position
22 that we don't need in two years, what I would like to
23 do is to make our current Park principal the building
24 principal of that Park Elementary and the annex
25 building, intermediate school. And so that will

1 require a waiver because I'll need one principal to
2 oversee two buildings. We are hiring a second
3 assistant principal. We currently have an assistant
4 principal; we'll hire a second assistant principal.
5 So there will be three administrators serving the
6 students in that building and there's approximately
7 750 students in that building. The Park principal
8 will oversee -- intermediate school principal -- for
9 the two years, oversee all of the functioning. The
10 two assistant principals will serve as the
11 intermediate school and do the observations and be
12 there for the day-to-day with the assistance of the
13 principal.

14 The other waiver that I need is Licensure.
15 Obviously with an intermediate school I have a lot of
16 teachers that are certified for 8. A lot of those
17 are certified in only two subject areas. They might
18 just be social studies and language arts; they might
19 just be math and science. And so what we've done is
20 we pulled all of our intermediate school teachers and
21 we surveyed them to see what they wanted to do as we
22 transitioned, what buildings they wanted to go to,
23 what were their strengths, what were their
24 weaknesses. And so we have actually shared with them
25 where they're going to be because we want them to

1 start doing professional development with those
2 elementary schools, we want them to start becoming a
3 member of those elementary campuses. And we also
4 want them to connect with those principals because
5 those principals will be coming over and checking in
6 on those teachers and those students as we do this
7 transition. And so doing that, we're going to need
8 some flexibility for just a few years. We're asking
9 for this waiver for four years because I not only
10 need it for the next two years as we start
11 transitioning and some of them start teaching 5th
12 grade, what we call self-contained, all subject
13 areas, where they've not been doing that in the past,
14 but I want to give them an additional two years just
15 in case they need to go back and do any necessary
16 schooling or any furthering PD to handle those
17 licensure needs.

18 I did talk with Dr. Owoh because I do know with
19 the new licensure rules there are some flexibilities
20 in there, but it's possible that I need one of those
21 teachers to teach 2nd grade and teach all subjects in
22 2nd grade over these next few years.

23 And then the final one is Media Services. And
24 again I'm only asking for that for two years, along
25 with the Principal Licensure, because we will have

1 one library media specialist that will be servicing
2 two buildings. We do have a full-time classified
3 paraprofessional in that library to assist with that
4 area.

5 That's all I have.

6 CHAIRMAN BARTH: All right. Great. I'll start
7 -- Mr. Black, any questions? Mr. Williamson? Ms.
8 Chambers, any questions?

9 MS. CHAMBERS: So your teachers --

10 CHAIRMAN BARTH: Excuse me, before you do -- I
11 assume there is no opposition on this, Ms. Boyd?

12 MS. FRENO: No.

13 CHAIRMAN BARTH: Okay. I'm sorry, Ms. Chambers.

14 MS. CHAMBERS: So not speaking specifically to
15 opposition, but how did the teachers feel? Are they
16 excited about this, they're concerned about this?
17 What's their perspective?

18 DR. NEHUS: We have some excited and we have
19 some nervous, but they've been very open. And we
20 work really hard on transparency and so sharing the
21 whys. They understand this is best for kids. And so
22 we've had some real -- very strong open dialogue
23 about what their strengths and what their weaknesses
24 are and, you know -- and we really tried to place
25 everybody in their first choice. Now obviously that

1 wasn't possible. But if they didn't get their first
2 they got their second, unless they said all their
3 choices were to move to Hot Springs Junior Academy.
4 And knowing that, as we have openings there we're
5 going to give them the first opportunity to go ahead
6 and transfer to those positions. So really the
7 teacher feedback has been positive. Like I said,
8 we've got them nervous to have to teach all four
9 subject areas when they haven't done that in several
10 years, and many of them never. But we're providing
11 them supports and we're going to start with that PD,
12 hitting it hard in June.

13 CHAIRMAN BARTH: Great. Thanks.

14 Dr. Hill? Ms. Newton?

15 MS. NEWTON: On behalf of teachers, I appreciate
16 that your focus is making sure that you provide them
17 support. And so I really appreciate that. Thank
18 you.

19 CHAIRMAN BARTH: Ms. Cochran?

20 MS. COCHRAN: It just seems like so well
21 organized, this plan, and I'm sure your teachers do
22 appreciate that. Just thinking about those students
23 who are going to have teachers with some gaps in
24 their knowledge, how connected are they within their
25 own school community and within the larger

1 professional learning community?

2 SUPT. NEHUS: The teachers?

3 MS. COCHRAN: Yes.

4 SUPT. NEHUS: Very connected. And actually the
5 district is really -- I believe the game-changer is
6 professional learning communities and so we're
7 putting all of our professional development efforts
8 with Solution Tree in that PLC process. We have one
9 school that applied for the pilot last year and did
10 not get accepted; they're applying again this year.
11 And we've got another school applying as well. And
12 we're bringing Solution Tree in and we're sending
13 teachers to the Rogers Institute this summer from
14 across the district, 55 teachers to be exact. So
15 they are tied in. We are growing that, really
16 excited about growing that. But all of our 5th grade
17 teachers -- we met with our leadership team on Monday
18 and we're making a plan for them to go to those
19 buildings and go sit in on 4th grade classrooms and
20 see how a classroom runs when you're teaching all
21 four subject areas. And so we're putting all of
22 those pieces in place because we do know how critical
23 that is.

24 CHAIRMAN BARTH: Great. Thank you.

25 Ms. Reith, anything?

1 MS. REITH: And I guess piggybacking off Ms.
2 Cochran's comments, well, first and foremost it's
3 obvious a lot of work has gone into this, so I have
4 to applaud you and your leadership. And I'm so
5 grateful you were able to bring your community along
6 in this process with the millage because we know that
7 that is not an easy piece. So congratulations and
8 hats off to you on that.

9 I think my concern -- and it's both from a
10 teaching perspective but also the student perspective
11 -- is just special needs kids during this time. I
12 know you have a growing English Language Learner
13 population, special ed. -- I mean what is that going
14 to look like during this transition in supports?

15 SUPT. NEHUS: Those supports won't change. We
16 have an amazing ESLL district coordinator, amazing
17 ESLL facilitators in our district. And so they will
18 continue to work with the students in those school
19 buildings and in the annex location as well, and same
20 with special education. You know, that's something
21 that we're very proud of. We actually have students
22 who school-choice to us because of the special
23 education services we provide, and nothing will
24 change with that. We will continue with those high
25 level of services. The staff that currently serves

1 intermediate school will be placed wherever those
2 high needs are in our district to be most efficient.

3 MS. REITH: Thank you.

4 CHAIRMAN BARTH: Ms. Dean? Are you sure?

5 MS. DEAN: This looks like a great plan. And
6 I'm glad that you were able to get the millage
7 passed, because when the millage passes there's a lot
8 of stuff that you can do.

9 SUPT. NEHUS: Yeah.

10 MS. DEAN: So that's all I have to say.

11 CHAIRMAN BARTH: Okay. Ms. Zook?

12 MS. ZOOK: Logistics and planning -- I love both
13 of those. I would've wanted to be on that team. And
14 y'all have done an exceptional job. It's really
15 impressive. And you're right; a lot of people choose
16 to go to Hot Springs because it has a great special
17 education program. Congratulations.

18 SUPT. NEHUS: Thank you.

19 CHAIRMAN BARTH: Just a -- and I'm not seeing it
20 in here. Was there a resolution from your local
21 board?

22 SUPT. NEHUS: There was. Yes.

23 CHAIRMAN BARTH: Okay. I just wasn't seeing it
24 in my packet.

25 All right. Great. I will invite a motion. Are

1 folks comfortable doing these as a -- all together?

2 Okay, rather than breaking them up. Then I will
3 invite a motion on the full package of three
4 different waiver areas.

5 MS. ZOOK: So moved.

6 MS. REITH: Second.

7 CHAIRMAN BARTH: Motion by Ms. Zook, second by
8 Ms. Reith.

9 Any further discussion?

10 All those in favor say "aye."

11 (UNANIMOUS CHORUS OF AYES)

12 CHAIRMAN BARTH: Opposed, same sign.

13 All right. Congratulations.

14 SUPT. NEHUS: Thank you. Thank you, all.

15 CHAIRMAN BARTH: Thank you for being here.

16 A1(c): GUY-PERKINS SCHOOL DISTRICT

17 CHAIRMAN BARTH: All right. Okay. All right.

18 We are going to go ahead and try to finish the
19 waivers since folks have been waiting today.

20 Our second up is Guy-Perkins.

21 MS. McLAUGHLIN: That will be action item 1A(c)
22 -- or, I'm sorry, action item 1-1(c). Today we have
23 representatives from the Guy-Perkins School District.
24 They are asking for Class Size and Teaching Load.
25 Their 90 days expires on April 11th and they are

1 requesting for two years. And we have Superintendent
2 Shade Gilbert here that you'll want to swear in.

3 CHAIRMAN BARTH: All right. Great. Welcome,
4 Mr. Gilbert. And I'd ask you to raise your right
5 hand. Do you swear or affirm that the testimony
6 you're about to give shall be the truth, the whole
7 truth and nothing but the truth?

8 SUPT. GILBERT: I do.

9 CHAIRMAN BARTH: Thank you. You have up to 20
10 minutes, so please proceed.

11 SUPT. GILBERT: Dr. Barth, I don't think mine is
12 going to take that long; ours is fairly
13 straightforward. When I came onboard July 1st our
14 district was on fiscal distress. In looking at
15 staffing loads my principal and I, we knew that our
16 1st grade was very close in numbers and we made the
17 decision because of the fiscal distress to try it
18 with one teacher, as many small school
19 superintendents do. As providence would have it,
20 most of our new enrollees have been in 1st grade.
21 And so because of that it came to a head after
22 Christmas; we had a student move in that would put us
23 over. We also had a student who had petitioned for a
24 legal transfer to come to our district, a special
25 needs young man. And I don't know if any of you know

1 anything about the Guy community, but our motto is
2 "the small town with a big heart." And because of
3 that our board agreed to take him as well, which is
4 fine; we're proud to have the young man. And -- but
5 we thought we would be remiss if we did not ask for a
6 waiver. We have since gone to work in our community
7 and we found a retired teacher from our district that
8 is K-6 certified. She is serving as a long-term sub,
9 so we've taken care of most of the load and there
10 will not be class size overages. The necessity of
11 the waiver will come in the art and the music,
12 because the focus for our music is classroom in
13 nature and not choir and band for large group
14 instruction, and in the arts. We do not have a
15 certified art teacher. We do have one alternative
16 that we could place those children with some
17 kindergarten students. We see an advantage to
18 keeping them with their same-age peers.

19 With that, the reason we've asked for the 4-6
20 waiver is we have another class there that's close as
21 well. We thought if we were asking for it we might
22 as well go ahead and ask for both, just to be candid
23 for you.

24 Other than that, that is the reason behind the
25 waiver. It's fairly straightforward. I'll entertain

1 any questions anyone has.

2 CHAIRMAN BARTH: Just to clarify, how long --
3 what's the waiver request?

4 SUPT. GILBERT: Two years.

5 CHAIRMAN BARTH: Two years. Thank you.

6 Ms. Zook, any questions?

7 MS. ZOOK: Great community with a big heart and
8 a wonderful coach.

9 SUPT. GILBERT: For a short time. He's about to
10 retire.

11 MS. ZOOK: I know. I know. Y'all got a lot of
12 good publicity for him.

13 SUPT. GILBERT: Yes, ma'am.

14 MS. ZOOK: So tell him congratulations.

15 SUPT. GILBERT: Yes, ma'am.

16 MS. ZOOK: No, I have no questions. I think
17 it's a good plan.

18 How experienced are the teachers that will have
19 the extra --

20 SUPT. GILBERT: The K-1, we're doing -- excuse
21 me -- a one-two split. Excuse me, I misspoke. The
22 lady that is in the one-two split class is a retired
23 teacher with a K-6 certification. The 1st grade
24 teacher is very experienced; 2nd grade teacher is on
25 their second year. So we wanted to look at --

1 MS. ZOOK: Mentors.

2 SUPT. GILBERT: -- the class size.

3 MS. ZOOK: Okay. Thank you.

4 CHAIRMAN BARTH: Ms. Dean? Okay.

5 Ms. Reith?

6 MS. REITH: Just wanting to double-check: I'm
7 assuming it's the case -- I know it's a small
8 community -- but that these teachers that are
9 involved in this they've been consulted and are aware
10 that you're here asking for this?

11 SUPT. GILBERT: Yes, ma'am. They actually came
12 into my office and we had a nice conversation. I
13 wanted to explain what we were doing. I also
14 explained the plan that, oh, this was a safety
15 measure. I mean we did not want to keep them with a
16 larger class size because, as anyone knows, we do
17 believe that, you know, class size plays a huge role
18 in student achievement. But as superintendent I felt
19 it was my role to try to protect the district as
20 well, so we wanted to make sure that we're not
21 opening ourselves up to a probationary violation.

22 MS. REITH: But these teachers don't have
23 concerns; they feel they can handle this?

24 SUPT. GILBERT: They do. In fact -- and they're
25 proud since we've been able to. And the art and

1 music teacher is fine; I've consulted with both of
2 them as well, so -- and these are actually the two it
3 will affect and they're fine. My art teacher is a
4 go-getter; she feels the more the merrier.

5 MS. REITH: Thank you.

6 CHAIRMAN BARTH: All right. Ms. Cochran?

7 MS. COCHRAN: You do have a Teacher Cadet
8 program, right, in your district?

9 SUPT. GILBERT: We are in the process of
10 applying for the waiver and -- excuse me, the start-
11 up grant. I misspoke. And we are planning on
12 starting it next year.

13 MS. COCHRAN: I would love to come help you
14 recruit students for that program --

15 SUPT. GILBERT: I would love for you to.

16 MS. COCHRAN: -- for your program, yeah, and
17 your teachers.

18 SUPT. GILBERT: But, yes, ma'am, we are in the
19 process of getting that started. We've applied
20 through Lori Mitchell with Arch Ford Co-op and
21 getting the process started.

22 CHAIRMAN BARTH: Thank you.

23 Ms. Newton, anything?

24 MS. NEWTON: Is this district -- I mean is this
25 waiver for district-wide or is it just for

1 elementary?

2 SUPT. GILBERT: Well, that's one and the same
3 with my district. I have one elementary school, so
4 --

5 MS. NEWTON: I mean would it apply if you had a
6 need at the high school, I guess is what my question
7 is.

8 SUPT. GILBERT: No, ma'am. This would just be
9 for the elementary school.

10 MS. NEWTON: Okay. For those places that you
11 are going to be over, is there going to be a para
12 available for those teachers?

13 SUPT. GILBERT: We have moved some NSLA/federal
14 funds. We have -- we're about to take a para to the
15 board. Our board meeting is the 20th.

16 MS. NEWTON: So there will be one available?

17 SUPT. GILBERT: Yes, ma'am. We have already
18 interviewed that person. I've gone through the
19 second interviews two days ago. We think we have the
20 right qualified person, 80 hours of college, comes
21 from a long line of teachers. She just didn't become
22 one; she became an LPN.

23 MS. NEWTON: Okay. All right. Thank you.

24 CHAIRMAN BARTH: Great. Dr. Hill? Ms.
25 Chambers?

1 All right. Then I would invite a waiver for
2 this -- invite a motion for this two-year waiver for
3 Guy-Perkins.

4 MS. NEWTON: I move we approve for two years.

5 CHAIRMAN BARTH: All right.

6 MS. REITH: Second.

7 CHAIRMAN BARTH: Motion by Ms. Newton, second by
8 Ms. Reith.

9 All in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN BARTH: Opposed, same sign.

12 Congratulations.

13 SUPT. GILBERT: Thank you.

14 CHAIRMAN BARTH: Safe travels.

15 A1(a): EMERSON-TAYLOR-BRADLEY SCHOOL DISTRICT

16 CHAIRMAN BARTH: All right. And we're going to
17 get through this final waiver and then -- before we
18 break for lunch, an issue -- we return to an issue we
19 know well. And, Ms. McLaughlin, thank you.

20 MS. McLAUGHLIN: Okay. This is action item
21 A1(a) and we do have representatives from the
22 Emerson-Taylor-Bradley School District. They are
23 here seeking waivers for Flexible Schedule on the
24 Allowable First Day of School. Their 90 days expires
25 on February 11th and they are requesting for five

1 years. And we do have Superintendent Gary Hines here
2 to make his presentation.

3 CHAIRMAN BARTH: Great. Thank you.

4 Good afternoon, Mr. Hines. If you would raise
5 your right hand? Do you swear or affirm that the
6 testimony you're about to give shall be the truth,
7 the whole truth and nothing but the truth?

8 SUPT. HINES: I do.

9 CHAIRMAN BARTH: All right. You may proceed for
10 up to 20 minutes.

11 SUPT. HINES: It'll be closer to two.

12 CHAIRMAN BARTH: Okay.

13 SUPT. HINES: Y'all are familiar with this
14 subject, so I won't bore you with all the details.
15 We want to start school possibly a week earlier than
16 what current law allows. We want to get in more days
17 of instruction prior to the ACT Aspire testing, as
18 well as equalize our semesters. First semester and
19 second semester will be equal in days; both will be
20 89, which will make more -- better equity, especially
21 in our half-credit courses at the secondary level.
22 So that's our request.

23 CHAIRMAN BARTH: All right. And it's for five
24 years?

25 SUPT. HINES: Yes.

1 CHAIRMAN BARTH: Just a question: why the length
2 of that request?

3 SUPT. HINES: Basically each day -- or each year
4 the number of days moves up. This year we started on
5 August 14th. In five years we'll be back about to
6 that same time. So, you know, next year will
7 probably be the -- instead of the 13th it'll be the
8 14th, then the 15th; it'll move -- the waiver does
9 not allow us to start any earlier than the 13th.

10 CHAIRMAN BARTH: All right. Great. Thank you.
11 Any questions on this request?

12 Ms. Newton.

13 MS. NEWTON: Just curious why you didn't come
14 with your co-op when they came?

15 SUPT. HINES: My board meeting fell on a day
16 that I couldn't have my board meeting and the public
17 meeting prior to the Co-op really to submit theirs on
18 behalf of everyone else.

19 MS. NEWTON: I appreciate you waiting and making
20 sure your board and community was onboard. So, thank
21 you.

22 CHAIRMAN BARTH: All right. Good deal.

23 I'll invite a motion. Ms. Newton.

24 MS. NEWTON: Move to approve.

25 CHAIRMAN BARTH: Thank you.

1 MS. DEAN: Second.

2 CHAIRMAN BARTH: All right. Motion by Ms.
3 Newton, second by Ms. Dean.

4 All those in favor say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN BARTH: Opposed, same sign.

7 All right. Thank you very much. Safe travels.

8 SUPT. HINES: Thank you.

9 CHAIRMAN BARTH: And we will pick up -- we will
10 return at 1 p.m. and we're going to pick up with the
11 Civics Exam piece so we're pretty much back on track.
12 So I will see y'all then.

13 (LUNCH BREAK: 12:13 - 1:06 p.m.)

14 A-2: ARKANSAS CIVICS EXAM

15 CHAIRMAN BARTH: All right. We will restart our
16 afternoon session. And for folks following on --
17 streaming, we have one item left from our morning
18 agenda while we finished a couple of items from our
19 afternoon agenda this morning. The last morning item
20 is the Arkansas Civics Exam, and I'll turn it over to
21 Ms. Smith.

22 MS. SMITH: Okay. Stacy Smith, Learning
23 Services. I have a presentation for you today on the
24 new Arkansas Civics Exam that was legislated this
25 past session. So Act 478 of 2017 requires as a

1 graduation requirement that all high school students
2 seeking a diploma or an equivalency diploma must pass
3 the Civics Naturalization Test with a score of at
4 least 60%. So this requirement begins in the 18-19
5 school year for students graduating, so that's our
6 current juniors. Okay.

7 So moving forward I'm going to refer to this
8 assessment as the Arkansas Civics Exam.

9 The legislation required that the State Board
10 would actually help determine the method and manner
11 in which this will go forward into schools. So we
12 are suggesting or proposing an online exam. It's on
13 the Moodle platform. It's multiple choice. It has
14 ease-of-use and it has immediate data reporting for
15 students and schools. The Moodle platform is a
16 platform that many of our schools and students are
17 already familiar with throughout the state. Those
18 schools that use Virtual Arkansas that is the
19 platform that they use as far as digital platforms,
20 Blackboard; those students are very familiar with
21 those. So it's fairly easy to use.

22 On the multiple choice portion of this
23 assessment, the test itself is not necessarily
24 multiple choice. There are some that are fill-in-
25 the-blank; there are some that are select several

1 options. We did have conversation with folks who
2 were supporting the legislation and those who were
3 lobbying for the legislation to determine if a
4 multiple choice assessment would be appropriate and
5 they gave us the okay that it was.

6 So I want to kind of show you what we've created
7 as far as this assessment and how it would be used in
8 our classrooms and schools.

9 So this is what the landing page looks like for
10 the Arkansas Civics Exam. Students would log in.
11 Each school would have a point person who is
12 responsible for uploading the test in their school
13 and designating the different classes and students
14 who would be taking the exam. Once students log into
15 the assessment they actually have an introductory
16 like video on there that actually goes through the
17 instructions, exactly what they're supposed to do.
18 Again, this is multiple choice; it's very easy to
19 navigate.

20 The assessment has a hundred questions. And our
21 department took the hundred questions and we looked
22 at the Civics Naturalization Test, and it was already
23 naturally broke up into nine sections and so we
24 followed those same nine sections throughout the
25 assessment. All right.

1 So schools have the flexibility of when a
2 student starts the exam they can either go through
3 all hundred questions at one time; they can do a
4 section at a time; they could do five questions and
5 stop and then come back in and log back in at another
6 time. Okay. So there's flexibility as far as the
7 speed in which they take the exam.

8 Again, the test is set up into sections, so it's
9 very clear when you move from one section to another.
10 Okay. So this is the second section here, Systems of
11 Government. It gives you another introduction to
12 what that section is about. You can see on this
13 section there's actually 35 questions that's
14 considered to be under this section. The first
15 section, I believe, had 12.

16 So, again, it's a multiple choice exam.
17 Students will see a question or have the opportunity
18 to answer from a choice. If they get the correct --
19 answer correct it immediately tells them that their
20 answer was correct. Okay. If they answer a question
21 and they answered a question wrong, it sends them to
22 a detour. Okay. And in that detour it tells them
23 what they chose and what was wrong, but then it
24 immediately puts them into kind of a remediation or
25 re-teach. It gives you an article, it gives you a

1 video; it gives you something about that context that
2 you just were answering, so you have a detour. And
3 then after the students go through the detour it
4 allows them to go back to the question and have
5 another chance at the question. If they get it
6 right, it's right; if they miss it the second time,
7 it's counted wrong. Okay. So we built it into the
8 system.

9 Again, here's another example of what a detour
10 would look like. This one actually has a diagram,
11 again giving you support for the question that you
12 just missed.

13 The test, again, is an online exam. What we
14 want to tell schools is this is not the ACT Aspire,
15 this is not the ACT; this is an exam and we want you
16 to treat it as such. Any accommodations that you
17 would provide to students in your classrooms for any
18 other exam that you give we would expect you to do
19 the same here. If you normally pull a group of
20 students in your classroom back to the table to give
21 an oral exam, then we would expect you to do the same
22 thing here. If you normally eliminate answers or you
23 -- if there's something that you normally do on a
24 routine basis for an exam in your class, in either
25 IEP, 504, LPAC committees, with English Language

1 students, we expect the same thing. Okay.

2 Again, it's immediate scoring. Students know if
3 they've made a 60% or if they didn't. If they make
4 it all the way through and they didn't make the 60%,
5 well, you get to take it again. Okay. So it's not a
6 one-and-you're-done. Okay.

7 We expect every student that -- once they start
8 the portal and they're in it for that semester we
9 expect all students to be able to pass the assessment
10 within that semester with the appropriate support
11 from their schools.

12 Any teacher can administer the exam.

13 So the rollout of this: students and schools --
14 I don't know as much students, but schools, they're
15 wanting this now and a lot of schools wanted to roll
16 out paper copies and move forward with the
17 assessment. And we felt like it was important to
18 build this online platform piece because it did give
19 the ease of being able to tell immediately when a
20 student passed the assessment; it wasn't putting that
21 back on the teacher. It also had the availability
22 for schools to be able to upload their student data.
23 And we've worked closely with Research and Technology
24 to make sure that it could get uploaded and put into
25 triand that the student has passed the assessment,

1 the exam for a graduation requirement. So if you
2 have a kid who moves from one district to another it
3 will follow them.

4 So what we are proposing for 2017-18 -- that's
5 this school year -- any district who wants to go
6 ahead and start this year may, once we release it, if
7 they are currently enrolled in civics this school
8 year. So if they took it -- they had it in the fall
9 or if they're currently enrolled in it this spring
10 that they could be one to go ahead and take the
11 assessment this year; or any current junior, because
12 that's the class that has to have it for a graduation
13 requirement. And then for next year, again, any
14 student that's enrolled in civics that school year
15 and then any junior or senior who has not met the
16 requirement for graduation. Okay.

17 Because we've built it on an online portal we do
18 have a cost per student and this was the most
19 efficient way as far as to roll-out and be able to
20 control who's getting into the system for this first
21 and second year.

22 And so because I have the microphone I get to
23 brag on my people for a second. Hope Allen, David
24 Nance -- I've got to give David Nance lots of credit;
25 Sherry Berry; Maggie Herrick; Research and Technology

1 and the Team Digital working with us to make this
2 usable for schools.

3 So I'll answer any questions that you might
4 have.

5 CHAIRMAN BARTH: Ms. Cochran?

6 MS. COCHRAN: My only concern is for those
7 juniors and sophomores and 9th graders who may have
8 had civics in the fall, just that time that has
9 elapsed since they had that instruction and how the
10 teachers may have to just ditch the curriculum in the
11 class that they're currently in to be able to help
12 them pass the test. Are there any provisions for
13 that?

14 MS. SMITH: So that's a great, great question
15 and great concern. It's something that we've
16 expressed ourselves. First off, we went back and we
17 aligned the standards to the different questions on
18 the assessment. And these standards are not specific
19 to the civics class in high school. Okay. These
20 standards go over multiple years, multiple times.
21 This test is not a secret. It is online. In fact, I
22 went on this morning and I went online and I Googled
23 the test and got every answer right here. I mean
24 it's not a secret. We know exactly what's on the
25 assessment. The answers are clearly that this is

1 what it is. So will students have to take some time
2 to probably study, to look at, to refresh? Yes.
3 Will schools have to make a plan on how we're going
4 to meet our juniors right now? You know, are they
5 going to do that in a specific classroom? I think
6 there are some things that we can do that won't be so
7 intrusive, but in no way do we want this to become
8 the civics class or curriculum in our high schools.
9 Okay. But that was a good concern and I think that's
10 why we're hearing from so many schools that they want
11 to start now with their juniors so that there's time.

12 CHAIRMAN BARTH: Ms. Newton.

13 MS. NEWTON: You answered one of my questions,
14 was there multiple forms of the test. So there's
15 just one form of the test and everybody gets the same
16 test?

17 MS. SMITH: Yes, ma'am.

18 MS. NEWTON: And just to compliment you, from a
19 teacher viewpoint I love the idea that you've got the
20 remediation built in, that this is not going to take
21 more time for the teachers. You know, when they miss
22 that particular question they're going to get some
23 instruction right then, and that's going to be great.
24 I know teachers are going to love that.

25 I had one more question and I just went blank.

1 Oh. Is it timed? Is this a timed test?

2 MS. SMITH: It is not a timed test.

3 MS. NEWTON: Okay.

4 MS. SMITH: So there are a hundred questions,
5 and it was kind of estimated that if a student were
6 to sit down and just take the assessment that it
7 could take them about an hour. Okay. But again that
8 depends on if they know the information or not.

9 MS. NEWTON: Right.

10 MS. SMITH: We had one person who went through
11 and took it and it took them about 30 minutes, but
12 they knew most of the answers; they didn't have to go
13 through a lot of remediation -- or when they were
14 going through they were able to quickly pull out the
15 information they needed and move on. So I think it's
16 going to depend on the student.

17 MS. NEWTON: Okay. Thank you. Very good.

18 CHAIRMAN BARTH: Dr. Hill?

19 DR. HILL: I just want to commend you. I like
20 the detour. Once they get off the road they can get
21 them back on the road.

22 MS. SMITH: That's right.

23 CHAIRMAN BARTH: Ms. Smith won't be surprised; I
24 have just some comments. And first off I want to
25 reiterate my appreciation for how thoughtfully

1 everyone on your team worked on this. You know, and
2 it is law, and I recognize it, and I think you all
3 have adapted most -- as elegantly as possible to it.
4 You know, I just -- as somebody who obviously does
5 civics every day and teaches civics every day I just
6 -- I have deep concerns about whether this is the way
7 to do civics education. I think there unquestionably
8 is a basic knowledge component to understanding
9 civics; but there is also, you know, a component of
10 civics that's really about deeper learning and
11 thinking more critically about these mechanisms of
12 democracy. And I fear very much that while you
13 rightly say the curriculum should not be altered in
14 any way to link to this test, I fear very much that
15 it will in certain districts; and in particular
16 because it is a high stakes test because if a student
17 fails to pass it they will not graduate. And I think
18 we know that number will be very small but I fear
19 that there will be an alteration of the curriculum in
20 a way that really does focus on memorization of these
21 basic facts rather than heightened critical thinking
22 skills. And so I do think this is a really
23 problematic direction. We know since No Child Left
24 Behind came along the civics education -- the time
25 devoted to civics education has been on the downward

1 trajectory. We know because it's not a tested --
2 historically not a tested subject it doesn't get its
3 fair airtime, in my view, especially since I believe
4 the reason we have public education is first and
5 foremost so that folks are prepared in the age of
6 democracy. I think we have had some real challenges
7 in this regard. I fear that this is not the right
8 direction to go but it is what it is, so -- and I do
9 appreciate the attention given to it.

10 I have one very basic question. On the Moodle
11 platform do all the districts have access to the
12 Moodle platform or are some districts going to have
13 to add that?

14 MS. SMITH: So they will be able -- it's an
15 upload. I mean they'll have a link that they
16 actually go into and they'll be able to upload.
17 We'll have a server that actually holds the course
18 and the class.

19 CHAIRMAN BARTH: Okay. No cost to the district?

20 MS. SMITH: No cost to the district.

21 CHAIRMAN BARTH: Okay.

22 MS. SMITH: And we also -- because the
23 requirement is for students who are seeking a high
24 school equivalency we did work with Adult Ed. as
25 well. And Adult Ed. will have their own kind of

1 classroom setting, and so folks who are showing up
2 there to take their assessment there will have the
3 opportunity to take it as well.

4 CHAIRMAN BARTH: Any other questions, comments?

5 Okay. Then the request from the Department is
6 for us to affirm this as the Arkansas Civics Exam
7 under Act 478.

8 MS. ZOOK: So moved.

9 MR. WILLIAMSON: Second.

10 CHAIRMAN BARTH: Motion by Ms. Zook, second by
11 Mr. Williamson.

12 All those in favor say "aye."

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN BARTH: Opposed, same sign.

15 Thank you, Ms. Smith.

16 MS. SMITH: Thank you.

17 B-3: CONSIDERATION FOR PUBLIC COMMENT: ADE RULES GOVERNING
18 INSTRUCTIONAL MATERIALS

19 CHAIRMAN BARTH: All right. We now skip down to
20 item 3 for the afternoon. We have -- our last two
21 items actually; we have two items for public comment.
22 And I'll turn it over to you.

23 MS. HYATT: Thanks. Mary Claire Hyatt for the
24 Department. First, on agenda item number 3,
25 Consideration for Public Comment on the ADE Rules

1 Governing Instructional Materials, this was an
2 amended rule due to Act 929 of 2017 to make it in
3 compliance with new legislation. It's been approved
4 by the Governor's office. And we request that the
5 Board approve it to be released for public comment.
6 Happy to answer any questions.

7 CHAIRMAN BARTH: Any questions on this side?

8 Ms. Newton.

9 MS. NEWTON: Yeah, and this is not because of
10 the rules; this is because of my lack of information
11 of what came from 2014. I did not realize that -- if
12 you look at 4.01.1 it says that we can require
13 reports from districts on the use and distribution of
14 materials. And then 5.02, "they shall provide
15 instructional materials." And then the method of
16 compliance is the Statement of Assurance. I'm just a
17 little bit concerned because I know Ms. Ables talked
18 to me several times last year that she would go into
19 districts and go into classrooms and they did not
20 have basic instructional materials. And to me, if
21 this has been in since 2014 then we've got a gap
22 somewhere; there are classrooms where teachers don't
23 have textbooks or they don't have whatever they need.
24 And it looks like to me that we're in charge of -- we
25 are tasked with making sure that happens. And so I'm

1 not sure -- you know, if we go back to the 2014 rule
2 or use this rule, either one, that we're doing --
3 that I'm doing my part, I guess is what I'm trying to
4 say.

5 So I don't know what my question is, but I'm
6 really concerned that I'm hearing that students are
7 not provided materials that they need. And then this
8 says that all that we're doing is that someone is
9 signing off that yeah, they do.

10 So, I don't know who my question goes to or if
11 there is a question.

12 COMMISSIONER KEY: I'm not either. Roy, is this
13 something you can help with? Do you -- does your
14 unit look at any of this? Or maybe Ms. Smith?

15 MS. SMITH: I'm not sure that I'll help a whole
16 lot. So our unit did for a while accept the
17 contracts that were bid when you had the Caravans,
18 back in the data we went through. And so the
19 legislation in 2014 allowed for school districts to
20 start utilizing digital resources and not having to
21 adopt a standard textbook. And so when that
22 legislation, I believe, was repealed that's where the
23 Caravans went away and districts didn't have to
24 provide a hardcopy textbook; they could actually make
25 a formal adoption as they had before.

1 Kind of along those same timelines as well
2 that's when you saw the change in standards moving
3 from Arkansas to the Common Core, and you saw lots of
4 caution about buying resources and materials because
5 things were not aligned. And I think a lot of
6 districts got off-cycle, and I think that's some of
7 the things that we've heard from teachers about, not
8 keeping up with the materials, not staying on those
9 regular years of materials to support. One thing
10 we're trying to do is as we write new standards and
11 bring them to the State Board we start talking to
12 school districts about what they need to do to be
13 able to provide the appropriate resources that are
14 aligned to those standards and trying to get
15 districts to start thinking in terms of their budget
16 and align it with how standards are adopted.

17 MS. NEWTON: I guess my question is: is there
18 anything that we can do as a board that would make
19 sure teachers are getting the materials that they
20 need? It may not be a textbook, you know. And I
21 realize things are changing and we're not textbook
22 based but, you know, if you don't have anything to
23 work with it's really hard to bring students up. So
24 is there any way that we can do something besides
25 someone signs a line that says yes, they've got it?

1 I mean is there anything we can do to make sure that
2 teachers are getting what they need?

3 MS. SMITH: So I think that's probably Roy,
4 since he's still up here. So if districts are
5 stating that they have assurance statements that
6 their districts do have the supplies and materials --
7 if that's not the case, I mean there may be something
8 there and that's where I'd have to defer to someone
9 else.

10 COMMISSIONER KEY: Mr. Causbie can speak to the
11 things they look for, you know, our Standards folks
12 that are in there looking. So maybe he can help with
13 some of that. But I'll just say this: I know that in
14 the foundation funding there is a component in the
15 matrix for instructional materials. So, you know,
16 there is funding that goes out as part of that per
17 ADM every year and it's very loosely defined in the
18 matrix what that can be used for because, as was
19 stated, there's a lot of flexibility in there.

20 MR. CAUSBIE: Roy Causbie, Standards for
21 Accreditation. To go back in history, when we used
22 to do the four-year cycle on site visits, which we do
23 not do anymore, that was one of the things that we
24 looked at. We no longer do that. But if we are sent
25 to a district and required to do an on-site visit and

1 that's one of the things we're required to review, we
2 do that. However, right now, each superintendent has
3 to sign a Statement of Assurance that Mr. Key just
4 talked about. And then if there's a complaint that
5 comes in and we're required to go out in a district
6 to review that, then we can do that. That's kind of
7 our -- that's where we are with that right now.

8 COMMISSIONER KEY: I know that's something that
9 we do. You know, for instance, one of the recent
10 districts was Earle and we sent the team in there and
11 those are things that they do look at specifically.
12 And as we are -- we're working on the new way of
13 doing this work, using a risk-based scenario of some
14 of these visits. You know, districts that might need
15 greater support are going to get a little bit more
16 help but they're also going to get a little bit more
17 scrutiny as far as, you know, what are the materials
18 you have there. So we are in that transition. We
19 don't want it to look like we're not doing anything,
20 because that's not the case, but it's not as rigid as
21 it once was.

22 MR. CAUSBIE: Yes. And when we visited with
23 school districts, Dr. Hernandez's team, and then
24 we're working on the equity lab situation, I can see
25 where some of that could come into play to review

1 those situations.

2 MS. NEWTON: I just know that we heard it from
3 multiple places that you visited last year that they
4 just did not have the materials in the classrooms
5 that they needed. And that's just bothersome to me,
6 so --

7 MS. ZOOK: Particularly when it says that the
8 State Board may require reports. So if we're
9 requiring the reports -- excuse me -- are those
10 coming to ADE? And should they be run by us so that
11 we can see those or -- you know, because I, like
12 everyone else on this board, if that says it's my
13 responsibility --

14 CHAIRMAN BARTH: Well, it's a "may." It's not
15 --

16 MS. ZOOK: I know. But when we hear from Ms.
17 Ables, and then I get calls from parents in the south
18 part of the state saying, you know, "my kid doesn't
19 have a science book," or whatever, and then I'll say,
20 "Well, maybe they're doing standards-based," you
21 know, blah-blah-blah. But -- and then we heard it a
22 lot in Little Rock School District, the teachers say,
23 "Well, these schools over at this high school don't
24 have anything and these have all the stuff in the
25 world." And that may or may not be true, but it

1 nonetheless causes angst among the community.

2 MS. NEWTON: Well, it does say "may." Are we
3 getting any kind of -- I mean y'all have got a longer
4 history than I do. Are we getting any kind of report
5 on this?

6 CHAIRMAN BARTH: I don't -- I was surprised when
7 I read this rule that that component was in there.
8 Have we -- we have not gotten that report
9 historically; right?

10 COMMISSIONER KEY: Not that I'm aware of.

11 CHAIRMAN BARTH: Not in recent years?

12 COMMISSIONER KEY: Not in recent years, no.

13 CHAIRMAN BARTH: But we do have that power under
14 current law, if there was -- that's the way it's
15 read. I don't know what that would look like.

16 COMMISSIONER KEY: Yeah, we'd have to look at
17 that and see, and he can go back to history to see if
18 there's anything prior.

19 MS. NEWTON: Could it easily be built into some
20 of the equity things that you're going to be asking
21 for, or not?

22 COMMISSIONER KEY: Well, I think this is part of
23 the overall academic -- you know, in looking --
24 remembering the systems and that wheel and the
25 student at the center, this is going to be part of

1 your academic system. So, you know, that's something
2 I'm sure -- I can make sure Dr. Hernandez puts in
3 their working conversations as part of your academic
4 system: what are your instruction materials, how do
5 you insure they're up-to-date, how do you insure
6 you're on the right cycle. So that's definitely
7 something that we can put a little more emphasis on.

8 DR. HERNANDEZ: (Nodding head up and down and
9 giving a thumbs-up sign.)

10 CHAIRMAN BARTH: I'm seeing Dr. Hernandez
11 agreeing.

12 MS. ZOOK: And also on this it said the State
13 Board, through the Department, will include funding
14 for instructional materials and foundation funding.
15 We don't do that.

16 COMMISSIONER KEY: Yeah.

17 MS. ZOOK: We don't do funding; you know, we
18 don't have any money. That needs to be legislature;
19 that doesn't need to be Ouida Newton.

20 COMMISSIONER KEY: And I'm not sure about that.
21 We can do some legal research on it. But, you know,
22 there was a time -- you know, if you go back and look
23 at old State Board minutes there was a time where the
24 State Board reviewed budgets and, you know, did a lot
25 more with respect to --

1 MS. ZOOK: Yeah.

2 COMMISSIONER KEY: But I don't think they had
3 any authority, which is why they stopped looking at
4 that, because after Lake View and a lot of the
5 changes that took place -- you're right, this is
6 probably one of those things that if you look at it
7 and read it it's not as precise as it should be when
8 it comes to describing the relationship between the
9 Board, the Department, and the money.

10 MS. ZOOK: So is it ready to be sent out?

11 CHAIRMAN BARTH: Ms. Hyatt?

12 MS. HYATT: Well, that's certainly something
13 that could be I think incorporated into the public
14 comment period. So if it's received as a public
15 comment it could be considered as a public comment
16 rather than holding up the public comment period.

17 MS. ZOOK: But, yeah, I guess would it be
18 substantive if we take it out from -- as far as the
19 financial part and say no, that's the legislature
20 that would be a substantive change. But let's see
21 what happens.

22 COMMISSIONER KEY: So, Ms. Zook, you're saying
23 that if we pulled it now, made these types of
24 corrections and then brought it back versus
25 proceeding with public comment, getting that in

1 public comment, making substantive changes and then
2 you'd have to make --

3 MS. ZOOK: Send it out.

4 COMMISSIONER KEY: -- send it back out again.

5 Is that --

6 MS. ZOOK: Yeah. I don't know which would be
7 the most expedient --

8 COMMISSIONER KEY: Yeah.

9 MS. ZOOK: -- but also the most accurate way to
10 do it.

11 CHAIRMAN BARTH: Well, it seems clear that some
12 of these things may be rule based, others may be
13 statutory, and -- even though if it's some archaic
14 statutes, right, that may need to be altered in some
15 way in the future.

16 So I'm seeing Ms. Davis now.

17 MS. DAVIS: Oh, no. Sorry.

18 CHAIRMAN BARTH: Oh.

19 COMMISSIONER KEY: No. So I don't know, Lori,
20 if you have any thoughts you want to share on that?

21 MS. FRENO: Well, Ms. Zook, I don't see any
22 reason why we can't pull it at this point and just
23 bring it back to you next month.

24 COMMISSIONER KEY: Okay.

25 MS. FRENO: I mean there's no burning need --

1 and I think the point is really well taken that it
2 needs to be looked at in whole. And, you know,
3 generally we look at the whole rule in general but we
4 focus on what are the changes. So actually I think
5 it's probably a pretty good idea because -- would
6 that be a substantive change or wouldn't it? I don't
7 know. Probably. Probably. And you're right; then
8 we would just have to put it out for another public
9 comment period.

10 So maybe what we can do is we can go back, do a
11 little research; we can look at changing that, and
12 then we can bring it back to the State Board next
13 month --

14 MS. ZOOK: Yeah, because --

15 MS. FRENO: -- if that's what the Board wants.

16 MS. ZOOK: You know, right. I think what we're
17 saying is we don't want to shun our responsibility,
18 but there's some things in here they say we're
19 responsible for that we aren't.

20 MS. FRENO: I agree.

21 MS. ZOOK: So I move that we pull this or table
22 it -- or what would the correct wording be?

23 MR. WILLIAMSON: I'll second whatever you come
24 up with.

25 CHAIRMAN BARTH: Ms. Freno, what is --

1 COMMISSIONER KEY: I think at this point the
2 Department may request that we just pull this item
3 from the agenda?

4 MS. FRENO: The Department requests that we pull
5 this item from the agenda.

6 CHAIRMAN BARTH: It is -- it has disappeared.

7 MS. FRENO: Thank you.

8 CHAIRMAN BARTH: All right.

9 All right. Ms. Hyatt, it was more complicated
10 this time than your last --

11 MS. HYATT: One of these times it's actually
12 going to be my rule and you guys are going to be
13 blown away.

14 MS. ZOOK: Good for you.

15 B4: CONSIDERATION FOR PUBLIC COMMENT: ADE RULES TO IMPLEMENT
16 THE BRAILLE AND LARGE PRINT TEXTBOOK APPROPRIATION

17 CHAIRMAN BARTH: All right. Next up we have the
18 Braille and Large Print Textbook rule.

19 MS. HYATT: Yes. So again for consideration for
20 release of public comment the Department's rules to
21 implement the Braille and Large Print Textbook
22 Appropriation -- the appropriation, you know, was
23 renewed in 2017. Really what we did with the rules
24 was just we updated some of the language. So if
25 you've had a chance to review, some of the

1 terminology was outdated. These rules haven't been
2 updated in quite sometime. So it was more just
3 bringing the language up-to-date.

4 CHAIRMAN BARTH: Any questions?

5 All right. I would invite a motion to release
6 these rules for public comment.

7 MS. ZOOK: So moved.

8 MR. BLACK: Second.

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

11 All those in favor say "aye."

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN BARTH: Opposed, same sign.

14 Great. Thank you very much.

15 CLOSING COMMENTS

16 CHAIRMAN BARTH: Before we adjourn for the day,
17 I know Mr. Williamson is not going to be able to be
18 here tomorrow and I think we need to probably get on
19 the same page about what our schedule is going to be
20 in the next month. I'll remind everyone that we have
21 a work session at 8 a.m. here in this room tomorrow
22 and that is focused on the Community Service --
23 there's that phrase -- Community Service learning --
24 but there's another word in there that I'm --

25 COMMISSIONER KEY: Credits.

1 MS. ZOOK: Credits.

2 CHAIRMAN BARTH: Credits. Credits.

3 COMMISSIONER KEY: Yeah.

4 CHAIRMAN BARTH: Yes. So, okay. The Community
5 Service that is part of the fifth indicator and so is
6 now becoming more prominent and we have a lot of
7 questions there. So Ms. Smith will give that work --
8 lead that work session. So we'll then convene at
9 nine for our meeting tomorrow with reports; not a lot
10 of action on that agenda, but we will be here for a
11 little while in the morning.

12 Next month, remember on -- we are -- it's March
13 7th and 8th. On the 7th we will -- the plan is to go
14 to El Dorado. And so we'll look to hear from
15 probably Kelisha in terms of what the travel plans
16 will be from Little Rock for that. And so she's
17 going to work with Mr. Williamson on that agenda for
18 that day. We will then return to central Arkansas
19 that evening. And we will plan to meet on Thursday,
20 in all likelihood with a work session at 8 a.m.
21 focused on Act 930. We think we're going to be ready
22 for that work session at that time. We will -- that
23 would go from 8 till 9:30. We would then have our
24 meeting action items starting at 10 am on the 8th, in
25 this room, in this place. We'll finish our action

1 and probably just a minimal number of reports that
2 just have to get done next month on Thursday. We do
3 not meet that Friday. Okay.

4 So that's the plan just so that everybody is
5 clear on our schedules. But we'll get more details
6 on travel issues to and from El Dorado in the coming
7 couple of weeks. Any questions? Does that work?

8 COMMISSIONER KEY: Yes. Another announcement --

9 CHAIRMAN BARTH: Yeah, it works great and we
10 appreciate you working on that.

11 COMMISSIONER KEY: Yeah.

12 CHAIRMAN BARTH: Ms. Reith.

13 MS. REITH: Thank you. If I could ask a
14 scheduling question -- I feel like, Ms. Hollis, that
15 we're still going to have our family and community
16 engagement task force maybe. I can't remember if we
17 said that Friday. I know we've -- or that we said
18 maybe we would do it at that dinner, that Thursday.
19 Do you remember off-hand?

20 MS. HOLLIS: I think we said we might do it on
21 Friday morning.

22 MS. REITH: Okay.

23 CHAIRMAN BARTH: And we'll be able to do that at
24 the Department, at ADE; correct?

25 MS. HOLLIS: Right.

1 MS. REITH: Yes.

2 MS. HOLLIS: Right.

3 CHAIRMAN BARTH: Okay.

4 MS. REITH: So that's a possibility. So, either
5 way, just flagging for you, Mr. Chair, that we still
6 would just -- as we'll report tomorrow, a lot
7 accomplished yesterday with the task force but a lot
8 of work ahead and a very ambitious timeline. So we
9 do want to retain a spot, whether it's that Thursday
10 evening or Friday, so --

11 CHAIRMAN BARTH: Okay. And we'll talk tomorrow
12 too about the discipline task force in terms of
13 y'all's meeting next month and whether you need space
14 or can take a month off.

15 MS. ZOOK: Great.

16 CHAIRMAN BARTH: Okay.

17 COMMISSIONER KEY: Yeah. Members, just to make
18 sure you'll be thinking about for scheduling
19 purposes, we will be contacting you likely pretty
20 soon because the National Board rules that we pulled
21 today, their A to F rules, we will need to have a
22 special probably telephone meeting for those; you'll
23 need to call in sometime in the next few weeks. But
24 we need to make that happen prior to the next monthly
25 meeting. So just be aware Kelisha will be following

1 up with you after we determine when and which rules
2 we'll be bringing to you for that.

3 CHAIRMAN BARTH: All right. Great.
4 Anything else for today?

5 ADJOURNMENT

6 CHAIRMAN BARTH: I would invite a motion to
7 adjourn.

8 MS. REITH: So moved.

9 MS. CHAMBERS: Second.

10 CHAIRMAN BARTH: Motion by Ms. Reith, second by
11 Ms. Chambers.

12 All those in favor say "aye."

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN BARTH: Opposed?

15 All right.

16

17

18 (The meeting was adjourned at 1:40 p.m.)

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