

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

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*September 14, 2017*

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*Linda Parker Court Reporting  
501-847-9448*

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION

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September 14, 2017  
10:00 A.M.

A P P E A R A N C E S

Mr. Johnny Key Commissioner of Education

BOARD OF EDUCATION:

|                         |                                           |
|-------------------------|-------------------------------------------|
| Dr. Jay Barth           | Chairman                                  |
| Mr. Joe Black           | Vice Chairman                             |
| Ms. Mireya Reith        | Board Member                              |
| Ms. Diane Zook          | Board Member                              |
| Ms. Susan Chambers      | Board Member                              |
| Ms. Charisse Dean       | 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/<br>Non-Voting Member |

ADE LEGAL COUNSEL:

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

LOCATION: ADE Auditorium  
#4 Capitol Mall  
Little Rock, AR

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P R O C E E D I N G S

1 A-1: 2017-2018 TESTING CALENDAR AND K-2 ASSESSMENTS

2 CHAIRMAN BARTH: We now move to the action  
3 agenda, the 10 a.m. session, and our first item is  
4 the testing calendar and the K-2 assessments. And  
5 Ms. Allen is our presenter.

6 MS. ALLEN: Good morning. Hope Allen, director  
7 of Assessment for the ADE. So we provided for you  
8 the proposed testing calendar for the 17-18 school  
9 year, so we're asking for the approval of that  
10 calendar. And the addition this year would be the  
11 removal of the QELI and the Iowa Assessment and the  
12 addition of the new K-2 assessments which the three  
13 vendors are I-station, NWEA, and Renaissance Learning  
14 that won the bid through a competitive bid process  
15 with -- through OPM. So we're just asking for  
16 approval of that calendar as it's set, as well as the  
17 addition of the three new vendors to our testing  
18 program.

19 CHAIRMAN BARTH: I'll just start with Ms. Reith  
20 and come around.

21 MS. REITH: For me, this is not so much a  
22 question but more of a comment, knowing that this  
23 will be the last time I vote on this as a state board  
24 member. But I remember when I started on the State  
25 Board the English Language Proficiency Assessment

1 used to come after the other assessments and that  
2 used to be of grave concern to our English as a  
3 second language teachers. So I just wanted to  
4 applaud the Department. I know this isn't the first  
5 year we're doing it; it's been a process. But I just  
6 wanted to express my gratitude on behalf of all the  
7 teachers with whom I'm working about moving that up  
8 earlier in the calendar. I know it's made a big  
9 impact in trying to be able to assist our students,  
10 really assess where they're at and move them forward  
11 and not have to deal with testing exhaustion. So I  
12 just wanted to lift that up for all my colleagues and  
13 say thank you.

14 MS. ALLEN: Thank you.

15 CHAIRMAN BARTH: Ms. Dean? Ms. Zook?

16 MS. ZOOK: Yes. Because I don't know all of the  
17 acronyms, are one of these tests for students who are  
18 thinking more in terms of apprenticeships and career  
19 as opposed to college?

20 MS. ALLEN: Currently we do not have that as  
21 part of our program at ADE. We do give work keys  
22 through ACE, through the Arkansas Career Ed.

23 MS. ZOOK: Right.

24 MS. ALLEN: But we are looking into potentially  
25 some programs for students to get career

1           certifications and trying to work with ACE to make  
2           that happen. That's not currently --

3           MS. ZOOK: Yeah. Because I think those high  
4           schools that do conversion charters and that's been  
5           such a helpful thing in so many communities, I think  
6           if we could help those students know -- not that  
7           taking a test helps them know that we value  
8           something, but they would -- particularly if they  
9           didn't do that well on an ACT. Thank you.

10          MS. ALLEN: Yes, ma'am.

11          CHAIRMAN BARTH: Okay. A couple of questions  
12          from me: on the K through 2, how many days of testing  
13          are we looking at in K-2?

14          MS. ALLEN: Yeah. So each student, the longest  
15          that any student would be testing there is two days  
16          and that would be with -- NWEA is the longer of the  
17          three; it's approximately 45 minutes per student per  
18          test. So we would anticipate no more than two days  
19          per student. We've also really --

20          CHAIRMAN BARTH: Is that two days for all or six  
21          days total?

22          MS. ALLEN: Six days total across the year.

23          CHAIRMAN BARTH: Okay. Thank you.

24          MS. ALLEN: The other piece of that is we've  
25          really encouraged schools to look at K-2 testing

1 differently than we have in the past and look at ways  
2 to embed it more into classroom instruction, not  
3 shutdown school for weeks.

4 CHAIRMAN BARTH: Great.

5 MS. ALLEN: Our schools have been very  
6 responsive to that and they like the flexibility.

7 CHAIRMAN BARTH: Great. And my other question  
8 is back on the science portfolio. What are  
9 qualifying students -- how are qualifying students  
10 determined for that?

11 MS. ALLEN: So there's a criteria, a checklist  
12 that schools have to look at to see if students  
13 qualify for that. It's based on their disability and  
14 based on -- well, it's all based around their  
15 disability and whether or not that qualifies them for  
16 that assessment.

17 CHAIRMAN BARTH: Okay. Okay. Exactly. Okay.  
18 Mr. Black, anything? Ms. Chambers? Ms. Newton?

19 MS. NEWTON: Going back to the K-2 assessment  
20 for just a minute, have you gotten any indication of  
21 kind of which direction schools are going? Are they  
22 choosing one more than the other or --

23 MS. ALLEN: Yeah, that's a great question. We  
24 actually have -- they've already chosen their  
25 assessments and some of them are starting currently

1 and the rollout process has been very quickly here.  
2 But about 50% of our schools chose NWEA and then the  
3 other 50% was split equally between I-station and  
4 Renaissance Learning.

5 MS. NEWTON: Okay. And the other question, you  
6 kind of touched on it just a little bit. Since the  
7 windows are starting to open for testing what has  
8 been the response from schools in doing this a  
9 different way?

10 MS. ALLEN: So initially there's been some pains  
11 just getting things set up and running, but we  
12 expected that. But overall, I have heard very  
13 positive feedback that teachers are happy with the  
14 choice, that they're happy with immediate feedback;  
15 with Iowa we didn't get feedback for a very long  
16 time, it wasn't very useful for schools. So they're  
17 looking forward to being able to utilize the data.  
18 We do have plans for each vendor to come into the  
19 state and provide data training -- next month is when  
20 that's going to start -- so that they get immediate  
21 training on how to utilize their data and how to use  
22 that. One of the vendors is actually providing that  
23 training throughout the year. So overall, we've had  
24 positive response. I think there are some growing  
25 pains here and some shifts in differences, but

1 schools are excited about having a program that's  
2 going to give them data immediately.

3 MS. NEWTON: Yes. As a teacher that would be  
4 something I would be getting excited about too. Do  
5 you think there would be any way that maybe we might  
6 in the future be able to move this type of testing  
7 past K-2?

8 MS. ALLEN: I think ESSA allows for that and  
9 that is -- that was one of our reasons that we went  
10 to this program. It was one of the not main reasons,  
11 but it was a nice secondary reason for moving this  
12 way with K-2 was we could see how is this working K-  
13 2, look at the psychometrics behind making the scores  
14 all line up, work with our TAC on that. So in fact  
15 that's our first agenda topic and the TAC meeting is  
16 going to be looking at K-2 assessment and how -- what  
17 do we need to do psychometrically to make the scores  
18 valid and reliable so that we could potentially use  
19 them in accountability. So there is the potential  
20 there for that to happen and we're looking at it to  
21 see if it could.

22 MS. NEWTON: Okay. Thank you.

23 CHAIRMAN BARTH: One final question on ACT/ACT  
24 Aspire. How long is our contract with ACT/ACT  
25 Aspire?

1 MS. ALLEN: So we currently have a two -- we  
2 signed a two-year contract this year. So the current  
3 contract that we're on runs through the end of 2019.

4 CHAIRMAN BARTH: Okay. And in terms of other  
5 states' actions around ACT/ACT Aspire, what are --  
6 has there been any more -- I know there was early on  
7 -- over the summer there was some action in that  
8 arena. Any states coming on or going off?

9 MS. ALLEN: So we don't know of any more coming  
10 on directly at the moment. I do know several states  
11 that have RFPs out and I know that ACT is bidding on  
12 those. But I have not been to a meeting lately with  
13 enough other states to hear about anybody coming on  
14 at this time.

15 CHAIRMAN BARTH: Okay. All right. Ms. Zook.

16 MS. ZOOK: I know ACT -- the same people who  
17 make ACT and ACT Aspire also make career tests. And  
18 is that one of the ones that you all are looking at  
19 as well?

20 MS. ALLEN: Yes, ma'am. And that's the one that  
21 ACE currently uses; it's called Work Keys and they're  
22 currently using that in our CTE courses. And so that  
23 is -- we've been in contact with ACT about learning  
24 more about that program and seeing how we could  
25 potentially scale it up across the state.

1 MS. ZOOK: Okay. Thank you.

2 CHAIRMAN BARTH: Ms. Chambers.

3 MS. CHAMBERS: Would it be possible for -- you  
4 know -- just kind of a naturally occurring maybe  
5 break when some of these RFPs would be in and you're  
6 going to get a sense of who has stayed with ACT and  
7 who has done something else. Would you mind coming  
8 back at some point and just reporting to us on where  
9 things stand with that? I think it would be good for  
10 us to know.

11 MS. ALLEN: Yes. We can certainly keep you  
12 updated.

13 MS. CHAMBERS: Thank you.

14 CHAIRMAN BARTH: All right. I'll invite a  
15 motion to approve this testing calendar and these K-2  
16 assessments.

17 MS. REITH: So moved.

18 CHAIRMAN BARTH: Motion by Ms. Reith.

19 DR. HILL: Second.

20 CHAIRMAN BARTH: Second by Dr. Hill.

21 All those in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN BARTH: Opposed?

24 All right. Thank you, Ms. Allen.

25 MS. ALLEN: Thank you.

1 CHAIRMAN BARTH: We appreciate your help.

2 A-2: FISCAL DISTRESS

3 (a) CONSIDER REMOVAL OF MAYNARD SCHOOL DISTRICT FROM  
4 FISCAL DISTRESS CLASSIFICATION

5 CHAIRMAN BARTH: All right. We'll now move to  
6 some good news on the fiscal distress front. And so  
7 I will turn things over to Ms. Smith for her  
8 presentation on -- first off is the Maynard School  
9 District.

10 MS. SMITH: Hi. Cyndy Smith, Fiscal Services  
11 and Support. The Maynard School District was  
12 classified in fiscal distress on May 14, 2015. Ms.  
13 Pat Rawlings, the superintendent, took over just  
14 shortly after that and she has worked very hard with  
15 our unit to get them back in a good position. And so  
16 we are ready to request that they are released from  
17 fiscal distress.

18 CHAIRMAN BARTH: And so from Maynard who all do  
19 we have?

20 MS. SMITH: The superintendent, Ms. Pat  
21 Rawlings.

22 CHAIRMAN BARTH: All right. Good to see you  
23 again, Ms. Rawlings.

24 Does anybody have any comments or questions?  
25 I'll start -- anything? Ms. Newton.

1 MS. NEWTON: Just congratulations on your hard  
2 work and --

3 SUPT. RAWLINGS: Thank you.

4 MS. NEWTON: -- and keep it up.

5 SUPT. RAWLINGS: Thank you.

6 DR. HILL: I echo that.

7 SUPT. RAWLINGS: Thank you.

8 MR. WILLIAMSON: Third time. How's that?

9 MS. CHAMBERS: I'd certainly add my thanks. And  
10 any words in terms of things that you've learned that  
11 are applicable that you could share with other  
12 schools that are maybe wrestling with the same  
13 issues?

14 SUPT. RAWLINGS: Well, I can talk loud; I'm a  
15 past teacher. I had to take a hard look at our  
16 staff. Our student population had dropped but our  
17 staff had stayed steady, which it's a little  
18 difficult, you know, to get rid of staff, but it was  
19 really costing us money. But I lucked out because I  
20 had a lot of staff members that were ready to retire,  
21 so I just didn't replace was the main thing. A good  
22 thing in my favor this year, my student population is  
23 up 30 students this year.

24 CHAIRMAN BARTH: Excellent. Great.

25 MS. SMITH: And I would like to say during this

1 process they actually built a school and they're in  
2 the process of building another. So she really I  
3 mean had to manage the money well to accomplish this.

4 CHAIRMAN BARTH: Great. Mr. Black, anything?

5 All right. Ms. Zook? Ms. Dean?

6 MS. DEAN: Congratulations.

7 CHAIRMAN BARTH: All right.

8 MS. REITH: Well, on my part, just thank you for  
9 the opportunity to help celebrate your district and  
10 what you all have accomplished. And then I guess  
11 what I would ask as well: to what extent do districts  
12 who have done this successfully mentor districts that  
13 are still trying to get out of fiscal distress? Is  
14 there some peer-to-peer exchange or interaction?

15 MS. SMITH: I do try to talk to superintendents  
16 and tell them if there's someone in their area that  
17 has gone through this that that is a good person to  
18 talk to. I have a few superintendents that are  
19 really good at this, that they can be a good mentor.  
20 So we try to give them, you know, names and contact  
21 numbers and encourage them to see what the process  
22 was like for those districts.

23 MS. REITH: Fantastic. No, that's fantastic,  
24 because I know peer-to-peer advice can many times  
25 resonate more deeply than from outside assistance

1 providers. And I just offer that up since you have  
2 over-gone this amazing feat and hurdle is you have  
3 the ability to help other districts as well and offer  
4 your learning.

5 And then any lessons learned in regards to -- I  
6 know Ms. Chambers had asked about lessons learned on  
7 the fiscal side, but in bringing more students to  
8 your district? I know that that's something in  
9 general we have several school districts trying to  
10 do.

11 SUPT. RAWLINGS: Well, we had the opportunity to  
12 have the Peco chicken plant move into a neighboring  
13 school district and I think that fluctuated some. We  
14 had several people in our district build chicken  
15 houses, which is going to help me on the tax end  
16 also. And I think that's where most of ours came  
17 from is that factory moving in.

18 MS. REITH: Okay.

19 SUPT. RAWLINGS: And I would also like to thank  
20 Ms. Smith and her staff for all the support that they  
21 gave us throughout this process. I had a bookkeeper  
22 my first year that had 25-plus years' experience.  
23 She retired on me that first year of me being  
24 superintendent, so I've had to train a bookkeeper  
25 also. And their staff was great.

1           CHAIRMAN BARTH: Okay. Well, we hear that again  
2           and again and again, and we thank Ms. Smith and her  
3           team for how -- not only how smart you are in the way  
4           in which you share that wisdom, but the  
5           personableness and genuine support that you provide  
6           folks. So we don't hear this accidentally; it's  
7           real.

8           Okay. All right. I'll invite a motion on this  
9           to -- on the Maynard School District.

10          MS. CHAMBERS: I move to remove the Maynard  
11          School District from fiscal distress.

12          MS. REITH: Second.

13          CHAIRMAN BARTH: All right. Motion by Ms.  
14          Chambers, second by Ms. Reith.

15          All those in favor say "aye."

16          (UNANIMOUS CHORUS OF AYES)

17          CHAIRMAN BARTH: Opposed?

18          Congratulations.

19          SUPT. RAWLINGS: Thank you very much.

20          (b) CONSIDER REMOVAL OF LEE COUNTY SCHOOL DISTRICT FROM  
21          FISCAL DISTRESS CLASSIFICATION

22          CHAIRMAN BARTH: All right. And next up is the  
23          Lee County School District.

24          MS. SMITH: Okay. The Lee County School  
25          District was classified in fiscal distress on May 8,

1           2014. During that time Ms. Willie Murdock was the  
2           superintendent and we worked closely with her to, you  
3           know, answer all the questions they needed and to get  
4           them to the point that we could release for fiscal  
5           distress. Mr. Hobbs is now the superintendent and  
6           he's with us today. And we would like to recommend  
7           them for release from fiscal distress.

8           CHAIRMAN BARTH: Okay. Thank y'all for being  
9           here. Are there questions from board members? Dr.  
10          Hill, I'll start with you. Any questions? All  
11          right. Ms. Newton?

12          MS. NEWTON: Just congratulations.

13          SUPT. HOBBS: Thank you.

14          CHAIRMAN BARTH: Ms. Reith?

15          MS. REITH: Congratulations again. And any  
16          words of wisdom for us as we posed to your previous  
17          colleague?

18          SUPT. HOBBS: I'd just like to thank Ms. Cyndy  
19          Smith and her support team for all the training that  
20          they've provided to my staff, and I'd like to  
21          continue with the support and the training. And  
22          thank you all for the consideration.

23          CHAIRMAN BARTH: Ms. Dean?

24          MS. DEAN: Congratulations.

25          CHAIRMAN BARTH: Ms. Zook?

1 MS. ZOOK: I think Ms. Smith and Mr. Rogers and  
2 their team are good examples of what the new ESSA  
3 will be where your levels of support as opposed to  
4 coming in and pointing out your errors and leaving.  
5 So I think that this -- they will be good -- they are  
6 good role models for the way ESSA will be, which will  
7 be levels of support for the district, and I  
8 appreciate both of them and all they do, as well as  
9 their staff.

10 MS. SMITH: And we fully intend on staying in  
11 contact with them and working with them and providing  
12 the training that their business office needs to make  
13 sure that, you know, they have the capacity to do the  
14 job they need to do and be, you know, fiscally stable  
15 and be on their own.

16 CHAIRMAN BARTH: Uh-huh. And that was actually  
17 my question, was sustainability. I mean we know  
18 there have been challenges facing this district, and  
19 so we know certainly the bar has been met here. Do  
20 you feel good about the long-term sustainability of  
21 this model?

22 MS. SMITH: They have done very well  
23 financially. They have, you know, almost doubled  
24 what their ending balance was. They've put, I  
25 believe, \$600,000 last year in the building fund. So

1           it's just going to be able to monitor them and help  
2           them make wise decisions on how they're going to  
3           spend their money; you know, watch for the declining  
4           enrollment and make sure we make adjustments in  
5           staffing for that. So as I said, we're just going to  
6           continue to provide the support. I think they've  
7           agreed that they want to continue to send the monthly  
8           reports to us --

9                   CHAIRMAN BARTH: Great.

10                   MS. SMITH: -- for us to continue the  
11           monitoring, so that, you know, they won't have any  
12           hiccups and end up with us again.

13                   CHAIRMAN BARTH: Great. Thank you very much.  
14           Commissioner?

15                   COMMISSIONER KEY: Thank you, Dr. Barth. You  
16           know, a couple of years ago we changed the name of  
17           this unit; it used to be the Fiscal Distress Unit and  
18           now it's Fiscal Support. And that sounds maybe  
19           minor, but really it's not because Ms. Smith and her  
20           team really have taken on that attitude of support.  
21           And as other districts are seeing that then the word  
22           around the state is, "Hey, if you have trouble call  
23           Cyndy." And that's -- you know -- so I just -- my  
24           hat is off to Cyndy, to Mr. Rogers for leading that  
25           team. And I do want to thank you, Ms. Zook, for your

1 statement because this does exemplify what we hope to  
2 model with respect to academics and everything else,  
3 is that we're not out to just be the hammer, to put  
4 the hammer down, but to try to help you find areas  
5 you can improve, lend our expertise, help develop the  
6 expertise. And Mr. Hobbs is a new superintendent;  
7 you know, he's been on the job for, what, two-and-a-  
8 half months, almost three months. So we want him to  
9 be successful and part of that is, in his role as  
10 superintendent, certainly is on the financial side of  
11 things. So we look forward to continuing that  
12 relationship with them.

13 CHAIRMAN BARTH: Great. Mr. Black, any  
14 comments? Ms. Chambers?

15 All right. All right. If there are no more  
16 questions, I'll entertain a motion on the Lee County  
17 fiscal distress proposal.

18 MR. WILLIAMSON: Move to remove Lee County from  
19 the fiscal distress list.

20 MR. BLACK: Second.

21 CHAIRMAN BARTH: All right. Motion by Mr.  
22 Williamson, second by Mr. Black.

23 All those in favor say "aye."

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN BARTH: Opposed, same sign?

1                   Congratulations and safe travels.

2                   SUPT. HOBBS: Thank you.

3                   CHAIRMAN BARTH: Great.

4                   All right. Folks feeling -- yeah, we had a  
5                   break earlier. I think we're fine now. Okay.

6   A-3: CONSIDERATION OF REVOCATION OF TEACHING LICENSE - CARL  
7   MOUTON

8                   CHAIRMAN BARTH: We now move into teacher -- two  
9                   teacher licensure issues, and the first case is Mr.  
10                  Mouton. I did hear a request from another board  
11                  member -- it's just actually for Ms. Taylor. In  
12                  terms of getting -- you should have on your table, on  
13                  your -- by your chair fairly long documents of  
14                  exhibits. And the question that came from another  
15                  member was is it possible to get those in advance  
16                  securely when they are ready but before the meeting?  
17                  Or do we have no other option except to get those  
18                  kind of on the day of the meeting?

19                  MS. TAYLOR: So Daryl Taylor, attorney for PLSB.  
20                  In response to that, I did speak to Cheryl Reinhart  
21                  and kind of did ask that question specifically. The  
22                  nature of your hearing essentially requires that you  
23                  receive the evidence as you are hearing the evidence.  
24                  And so we do provide it ahead of time; however, just  
25                  for the sake of orderliness -- but you actually

1 review that evidence, you sort of take it in and make  
2 your decision during the course of the hearing. And  
3 so for those sorts of actions it is necessary that  
4 you receive it on the day of.

5 And to try to assist in that I will go through  
6 those pieces of evidence hopefully to help you  
7 understand what those documents are, what the purpose  
8 of the documents are, and what the outstanding pieces  
9 of evidence are. The other side will do the same.  
10 And so hopefully it will help to clarify any issues,  
11 if there are any.

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

13 And I was told, fellow board members, if at any  
14 time you feel like you need a two-minute break or  
15 three-minute break to read anything we will do that  
16 so that everybody feels good about having thought  
17 through all the issues at hand. So don't hesitate  
18 just to raise your hand and say, "I need a quick  
19 break here for some reading." Sound good?

20 All right. Thank you. Thanks for considering  
21 that issue.

22 And so we are now to item 3, which is the case  
23 of Carl Mouton.

24 MS. TAYLOR: Mouton.

25 CHAIRMAN BARTH: Yeah. Mouton. I'm sorry.

1 MS. TAYLOR: No problem. So we are here for  
2 your consideration of the revocation of the teaching  
3 license of Carl Mouton. He did not request a  
4 hearing; however, I will go through the evidence  
5 which was provided in order to assist you in making  
6 your decision. So before I start I want to insure  
7 that all the parties have the evidence?

8 CHAIRMAN BARTH: Yes.

9 MS. TAYLOR: That's an affirmative from all  
10 parties?

11 (COURT REPORTER'S NOTE: All board members  
12 affirmatively responded, either verbally or  
13 nonverbally.)

14 MS. TAYLOR: Very good. So I'll proceed.

15 Carl Mouton holds a standard teaching license  
16 that's set to expire December 31, 2017. A copy of  
17 that license is in your packet at ADE Exhibit Number  
18 Six (6). And as I go through these I will pause and  
19 give you time to digest that.

20 MS. REITH: And if I could just say this  
21 coversheet is a wonderful addition. Thank you. That  
22 makes it so easy to review. Thank you.

23 MS. TAYLOR: Thank you.

24 So continuing on, although he does hold a  
25 current license Arkansas law provides that the State

1 Board of Education shall -- it is a "shall" -- revoke  
2 the license of any person who has (1) pled guilty to  
3 or, (2) or been found guilty of an enumerated offense  
4 that is listed in Arkansas Code 6-17-410 -- 6-17-411.  
5 That statute is provided for you at ADE Seven (7) and  
6 the relevant portions are highlighted. Specifically,  
7 you'll see that Sexual Assault in the Second Degree  
8 is one of the enumerated offenses.

9 Continuing on, Mr. Mouton was found guilty of  
10 the offense of Sexual Assault in the Second Degree at  
11 a jury trial. A sentencing order dated June 1, 2017  
12 reflects that. That is marked ADE Exhibit Number  
13 Four (4). And I'll take a moment here because I know  
14 this document may be foreign to you. Also, if there  
15 are questions I will specifically address those.

16 [A FEW MOMENTS OF SILENCE]

17 MS. TAYLOR: If there are no questions, I will  
18 continue on.

19 CHAIRMAN BARTH: Great. Thanks.

20 MS. TAYLOR: Also included at ADE Exhibit Number  
21 Five (5) is an inmate roster and this essentially  
22 shows that Mr. Mouton has been transported; he is now  
23 in the custody of the Arkansas Department of  
24 Corrections. We put this in specifically because it  
25 also makes note that he was committed for the purpose

1 of the Sexual Assault in the Second Degree.

2 Continuing on, Mr. Mouton was notified of the  
3 disqualifying offense July 22 -- July 26, 2017. That  
4 notification is provided for you at ADE Exhibit  
5 Number One (1). He was personally served -- at that  
6 point was in the custody of the Pulaski County jail;  
7 he was personally served with that. If you take a  
8 look at Exhibit Number Two (2), he was given the  
9 opportunity to acknowledge the revocation action;  
10 however, he chose to not formally acknowledge it.  
11 You will see that he signed the document and refused  
12 to acknowledge it. However, we do have proof of  
13 service because he did sign the document; it is  
14 dated. There was also a witness to that. And so  
15 you'll see that at ADE Number Three (3). It gives  
16 you sort of a timeline of how that service went. One  
17 of the employees there at the facility served him,  
18 and so he was notified; however, he did not make an  
19 election to have a hearing.

20 So as previously stated, Mr. Mouton did not  
21 request a hearing; therefore, the Department  
22 recommends that the State Board revoke Mr. Mouton's  
23 license. With that being said, are there any  
24 questions?

25 CHAIRMAN BARTH: Any questions about this case?

1 All right. Okay. Then I will invite a motion.

2 MS. REITH: I move to accept the recommendation  
3 of the Department of Education to revoke Mr. Mouton's  
4 license.

5 CHAIRMAN BARTH: Okay.

6 MS. DEAN: Second.

7 CHAIRMAN BARTH: All right. Motion by Ms.  
8 Reith, second by Ms. Dean.

9 All those in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN BARTH: Opposed, same sign.

12 All right. Thank you.

13 A-4: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -  
14 MICHAEL PATRICK HYNES

15 CHAIRMAN BARTH: And so the next item is  
16 consideration of a waiver request from Mr. Michael  
17 Patrick Hynes.

18 MS. TAYLOR: Very good. And so because there is  
19 a hearing in this case we will proceed a little bit  
20 differently. I will begin by laying out sort of the  
21 rules of the road and then we'll proceed from there,  
22 if that is acceptable.

23 CHAIRMAN BARTH: That is great.

24 MS. TAYLOR: So, once again, we're here for a  
25 hearing requested by Michael Hynes, an educator who

1 was denied licensure based on a background check. At  
2 this point witnesses should be sworn.

3 CHAIRMAN BARTH: All right. Mr. Blackstock, do  
4 you -- are you the only person who's going to present  
5 or --

6 MR. BLACKSTOCK: My client is here and his wife  
7 is here also.

8 CHAIRMAN BARTH: Okay. And do they plan to  
9 testify as well?

10 MR. BLACKSTOCK: Yes.

11 CHAIRMAN BARTH: Okay. So if anyone who's not  
12 an attorney if you could just please rise -- who  
13 plans to testify in this case -- and raise your right  
14 hand and repeat -- or, excuse me -- just answer. Do  
15 you swear or affirm that the testimony you're about  
16 to give shall be the truth, the whole truth and  
17 nothing but the truth?

18 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

19 CHAIRMAN BARTH: Great. Thank you very much.  
20 All right. Ms. Taylor.

21 MS. TAYLOR: Under the Rules Governing  
22 Background Checks, the educator and the ADE each have  
23 five minutes for an opening statement. Board members  
24 may ask questions at any time. Each party will be  
25 given 20 minutes to present their cases, beginning

1 with the representative of the Department of  
2 Education. The chairperson of the State Board may  
3 only for good cause, upon the request of either  
4 party, allow either party additional time to present  
5 their cases. Each party will have five minutes to  
6 make a closing statement -- and to that end, I will  
7 make an opening, if that's appropriate.

8 CHAIRMAN BARTH: That is appropriate. You can  
9 proceed.

10 MS. TAYLOR: Mr. Hynes is a licensed educator  
11 who holds a standard teaching license, which expired  
12 December 31, 2016. He applied for renewal June 7,  
13 2017. However, Arkansas law provides that the State  
14 Board of Education once again shall not renew an  
15 existing license of any person who has pled guilty to  
16 or been found guilty of offenses listed in the  
17 statute previously mentioned. A second offense of  
18 Domestic Battery within a five-year time period falls  
19 within the criteria listed in the statute that is  
20 provided for you at ADE Exhibit Number Fifteen (15).  
21 And it's actually -- specifically, once again, that  
22 section probably should be highlighted for you. And  
23 the statute provides that any felony not listed in  
24 this subsection involving physical or sexual injury,  
25 mistreatment, or abuse against another would be

1 applicable.

2 Mr. Hynes pled guilty to a second offense of  
3 Domestic Battery on April 14, 2000, and the  
4 Department notified Mr. Hynes of the disqualification  
5 on August 1, 2017. That notification is provided for  
6 you at ADE Exhibit Number One (1).

7 Mr. Hynes requested a hearing on August 8, 2017.  
8 Subsequently, the Department will not make a  
9 recommendation as it relates to this case. There are  
10 several pros and cons that go on both sides. I feel  
11 like my duty here is to provide you with the  
12 information in a neutral manner to assist you in  
13 making your decision. However, during the course of  
14 the presentation I will discuss with you all the  
15 documents that have been provided, as well as several  
16 factors that you should consider when working towards  
17 your decision. And with that being said, I will  
18 yield the floor to Mr. Blackstock.

19 CHAIRMAN BARTH: All right. Great.

20 Mr. Blackstock, you have five minutes for  
21 opening and then a longer period later, of course.

22 MR. BLACKSTOCK: Thank you, Mr. Chairman.

23 My name is Clayton Blackstock. Members of the  
24 Board, I'm here on behalf of my client, and his wife  
25 is here today too. We're requesting a waiver. Just

1 to go back, the statute lists the items that the  
2 Board will consider when a waiver comes in before  
3 you: the age at which the person was at the time of  
4 the offense; the circumstances surrounding the crime,  
5 the second thing; the length of time since this  
6 happened; number four is his subsequent work history;  
7 number five, employment references; number six,  
8 character references; and, finally, and probably the  
9 most important, whether they pose a threat to the  
10 health or safety of school children or school  
11 personnel.

12 Going down that list, my client and his wife are  
13 here today. Back in the 90s they had an on-again and  
14 off-again relationship. They were married in '92;  
15 they divorced in '96. He was still in college. They  
16 ended up in a scuffle a couple of times and he ended  
17 up in court in 1999, and ended up pleading guilty to  
18 a Battery charge. They had fallen down the stairs  
19 and she hurt herself. Then he became licensed and  
20 he's been an -- it's been 17 years ago; he's been an  
21 educator ever since then, teaching third grade in  
22 elementary schools. His wife is also an educator.  
23 And I have to say that his wife is the same person  
24 who -- they got married and divorced in '92 and '96;  
25 they got remarried again. They've reconciled and

1 that was around 2002, and they've lived happily since  
2 then. They have two children, a son who is now  
3 graduated from college and they have a daughter who's  
4 in third grade now. So the age at which it occurred:  
5 they were in their 20s. The circumstances  
6 surrounding the crime: you'll have documents, and  
7 both Stephanie, his wife, and he have explained what  
8 happened back at the time. The length since the  
9 crime of course is 17 years. You will have -- his  
10 work history has been excellent. He has good  
11 evaluations, no reprimands or anything. We have some  
12 employment references there. We have -- you'll see  
13 one from a counselor, assistant principal, some of  
14 his colleagues. I found out from Daryl the other day  
15 that she was concerned we didn't have something from  
16 a current -- his current administrator. He's only  
17 been -- his current principal he's only known for  
18 four weeks now. We attempted this week to try and go  
19 back to his previous principal, were unable to get in  
20 touch with him to get something. He does have  
21 character references in his file from various people.  
22 I don't think he poses any threat to the school  
23 children or the personnel in the school.

24 There's one other item that will come up in I  
25 think it was 2007 or 2008. There's a police report

1 from them. You have the information on that.  
2 Stephanie, his wife, has written up what happened  
3 back at that time, so you have the information on  
4 that. But other than that, there's -- the last 17  
5 years there's been nothing else and so we are going  
6 to ask that you grant him a waiver and allow him to  
7 continue to teach and do the job that he's been doing  
8 for the last 17 years.

9 CHAIRMAN BARTH: Great. Thank you very much.

10 So, Ms. Taylor, you now have the heart of your  
11 presentation now.

12 MS. TAYLOR: So, once again, I want to insure  
13 that everyone has all of the relevant evidence,  
14 beginning with ADE Exhibit Twelve (12); that is the  
15 arrest report of the incident that essentially  
16 triggered this review. And the thing that I will  
17 make note of there specifically, if you review the  
18 section that discusses facts of the arrest it  
19 indicates that the victim sustained physical injuries  
20 that required medical treatment.

21 Continuing on to ADE Exhibit Number Nine (9),  
22 this is the criminal information. Essentially what  
23 this does, this is the charging document; it's what  
24 would have brought Mr. Hynes within the jurisdiction  
25 of a circuit court. And so this is actually the

1 charge for Domestic Battery. And it's necessary to  
2 do a bit of explanation here because Domestic Battery  
3 Third Degree typically is a misdemeanor offense;  
4 however, the Arkansas statute provides that a second  
5 offense of Domestic Battery within a five-year time  
6 period is an enhancement. And so that is why this  
7 offense is charged as a felony as opposed to what you  
8 would typically see as a misdemeanor offense. And  
9 that is reflected in the charging document  
10 specifically in sentence three, after having been  
11 previously been convicted of Domestic Battery in the  
12 Third Degree. So that is why we are put in the realm  
13 of a felony offense.

14 Any questions about that?

15 CHAIRMAN BARTH: Any questions?

16 MS. TAYLOR: Because I think that is very  
17 important to note.

18 Continuing on to ADE Exhibit Number Six (6), if  
19 you will turn to page 2, toward the bottom of the  
20 page this is the document which would reflect that a  
21 plea was entered as it relates to the Domestic  
22 Battery offense and it outlined what the sentence  
23 would be in terms of fines, probation, so-on and so-  
24 forth.

25 If you look at ADE Exhibit Number Seven (7),

1           essentially the same information is captured there;  
2           however, there's a bit more detail. And I want to  
3           point out at the very bottom of the page you'll see  
4           that there was a requirement for alcohol treatment  
5           and domestic battery courses.

6                    Any questions about that?

7                    CHAIRMAN BARTH: Thank you.

8                    MS. TAYLOR: ADE Exhibit Number Eight (8) is in  
9           response to a petition by Mr. Hynes to seal the  
10          record. And I think this document is important  
11          because it's telling as it relates to the manner in  
12          which the probation was proceeding at that time,  
13          because essentially Mr. Hynes was put on probation  
14          for the felony offense. And so the petition to seal  
15          would essentially say he was -- and I guess go back a  
16          little bit -- he was sentenced under a provision that  
17          would have allowed this offense to be sealed. So at  
18          some point, once he has successfully completed a  
19          probation, he would have done a petition to seal.  
20          And this is the state or the prosecutor's response to  
21          that position -- petition. And, first, you'll see  
22          that the state did object to the petition and then  
23          they go on to enumerate why they objected, the first  
24          reason being that he failed to undergo the required  
25          alcohol abuse courses; and, secondly, he got a new

1 offense for DWI within eight months of being on  
2 probation. And so essentially he did not  
3 successfully complete that probation initially. At  
4 some point that petition to seal was granted.  
5 However, as mentioned by opposing counsel, there was  
6 a new offense for Domestic Battery on June 27, 2008,  
7 and the police report which reflects that offense  
8 will be found at ADE Exhibit Number Seventeen (17).  
9 And if you will go there, specifically to the final  
10 page where there is a narrative of the offense, there  
11 are a couple of tidbits that I would like to point  
12 out.

13 CHAIRMAN BARTH: And this is the very last page  
14 of the packet.

15 MS. TAYLOR: Page 4. Yes, Seventeen (17) should  
16 be your final page. So page 4 of Exhibit Seventeen  
17 (17) should be a narrative of that offense. And I'll  
18 point out there that the incident did involve alcohol  
19 and there was also once again injury.

20 And so I want to also move on to the character  
21 letters that were provided by opposing counsel. You  
22 should have those in a separate packet; it's a  
23 thinner package that just contains the reference  
24 letters. I will agree that the content is  
25 commendable. They seem to indicate that he is an

1           excellent teacher, coach, he goes above and beyond.  
2           However, one of the things that I must point out is  
3           that none of these letters indicate that there's any  
4           knowledge of the drinking problems, any knowledge of  
5           the domestic battery issues. And as previously  
6           stated, we do not have a letter from a current  
7           supervisor. I believe there will be a letter later  
8           provided -- there will be a letter provided from a  
9           previous supervisor in some capacity; however, once  
10          again, that letter does not indicate any knowledge of  
11          any of the circumstances that we've discussed.

12                    If there are no questions, I will yield the  
13                    floor to opposing counsel.

14                    CHAIRMAN BARTH: Any questions on -- from the  
15                    Department? Ms. Chambers.

16                    MS. CHAMBERS: Yes. I just want to make sure I  
17                    understood. So Mr. Hynes has had a teaching  
18                    certificate -- has been teaching since 2000?

19                    MR. BLACKSTOCK: 2000. Correct.

20                    MS. CHAMBERS: Since 2000. And the 2008 issue  
21                    did not cause any -- didn't raise any questions  
22                    relative to licensure then?

23                    MR. BLACKSTOCK: No.

24                    MS. TAYLOR: So --

25                    MR. BLACKSTOCK: It was just -- I'm sorry; go

1 ahead.

2 MS. TAYLOR: Yeah. So, essentially that offense  
3 was dismissed. And so it was an arrest. Just to  
4 sort of give -- to clearly delineate, there was an  
5 arrest, however, there was no conviction. And so  
6 because it was ultimately dismissed, no, it did not  
7 create any issues for the license at that point.

8 MS. CHAMBERS: Okay. Thank you.

9 MS. NEWTON: So were there any charges filed at  
10 that time?

11 MS. TAYLOR: There were. There were charges;  
12 however, they were dismissed.

13 MS. NEWTON: Okay.

14 CHAIRMAN BARTH: Any other questions for the  
15 PLSB?

16 All right. Ms. Reith.

17 MS. REITH: Just one. Ms. Taylor, do you all  
18 have a specific recommendation?

19 MS. TAYLOR: We do not at this point because  
20 there are I guess pros and cons on both sides. I  
21 think you are probably in the better position to make  
22 that decision.

23 With that being said, I will yield the floor.

24 CHAIRMAN BARTH: All right. Mr. Blackstock, you  
25 have up to 20 minutes.

1 MR. BLACKSTOCK: We have a -- Daryl was kind  
2 enough to put together a packet of the things that we  
3 had submitted to her, so I think you have the packet  
4 that says Exhibits from Michael Hynes; you have that.  
5 And there's one letter that we accidentally left off,  
6 and two others that we added, and I've got those  
7 right here. I've numbered them in my own handwriting  
8 down at the bottom right, so it would be Eight (8),  
9 Nine (9), and Ten (10). And if we could have a  
10 minute, Mr. Chairman, I can just hand this up and  
11 they can pass them around.

12 CHAIRMAN BARTH: Yeah.

13 MR. BLACKSTOCK: I've crisscrossed them here so  
14 you can just pass it down the aisle.

15 CHAIRMAN BARTH: Great. Thank you very much.

16 All right. I think we're ready to go.

17 MR. BLACKSTOCK: Okay. Thank you.

18 Before I call Michael up here to visit with you,  
19 I'd point out a couple of things and just go through  
20 the documents with you and the State Department's  
21 exhibits. Daryl has Exhibit Number Five (5).  
22 Exhibit Number Five (5) does reflect that -- that's a  
23 court order and it does reflect that Mr. Hynes  
24 completed all of his terms of probation from 1999.  
25 He did eventually attend all of the classes that the

1 court required him to attend and then was able to get  
2 the file sealed.

3 On our list of exhibits, the first two exhibits  
4 that you have, Exhibits One (1) and Two (2), there's  
5 a letter there from Michael, a letter from Stephanie.  
6 We presented those to the Department of Education  
7 early on. They discuss in those letters some things  
8 about their relationship, going back to the 90s, what  
9 happened back at the time, where they are now and how  
10 they've gotten through all of this. Then Exhibits  
11 Three (3) through -- a number of the other exhibits  
12 are character reference exhibits. Exhibit Nine (9),  
13 which is a new one that you have, is from the  
14 assistant principal who worked with Michael for an  
15 extended time. And also Exhibit Number Ten (10) is  
16 from a guidance counselor who worked with him for an  
17 extended period of time. Exhibit Number Eight (8) is  
18 a new one; it's another letter from Stephanie -- and  
19 Stephanie, she'll talk to you today, but she also --  
20 in that letter she explains what all happened in 2008  
21 with the charges that were dismissed and how that  
22 came about. So that's a rundown of our exhibits.

23 And at this point I'd like to introduce you to  
24 Michael and let him come up and tell you something  
25 about himself.

1 CHAIRMAN BARTH: Great.

2 MR. HYNES: Michael Hynes.

3 THEREUPON,

4 The witness, Michael Patrick Hynes, who was previously  
5 sworn in, testified on his oath, as follows:

6 DIRECT EXAMINATION

7 BY MR. BLACKSTOCK:

8 Q So, Michael, if you would, introduce yourself to the Board  
9 and tell them -- first, let's start just with your educational  
10 background, bachelor's degree, where you went to school?

11 A Bachelor's degree in Elementary Education, UALR, and  
12 master's in Education and Administration at UALR also. All of  
13 this was during the same timeframe.

14 Q So you got your bachelor's was in 19 --

15 A '99.

16 Q '99?

17 A December '99.

18 Q And you started your career in 2000 then; correct?

19 A Yes, sir.

20 Q And where have you worked all since you started teaching?

21 A I've been in the Little Rock School District at different  
22 schools, in various schools, a lot of them.

23 Q And so thank you so much. So this year, what school are  
24 you working at this year?

25 A I'm at Forest Heights this year.

1 Q And is that different -- where were you last year?

2 A I was at Hamilton Learning Academy last year, the prior  
3 three years.

4 Q So this year -- I mean you have a new principal this year?

5 A I do. Danny Cooper. This is my first year. I was  
6 displaced from Hamilton because the school burned down and so I  
7 was displaced to Forest Heights. And so this is my first full  
8 month there.

9 Q Okay. And so during your tenure as a teacher, tell us  
10 about your evaluations, whether you've had any reprimands,  
11 write-ups, conflicts, controversies, anything bad?

12 A I've never had anything bad. I've always had a good  
13 relationship with all my students and teachers and  
14 administrators. I've never had any reprimands. I've always  
15 had good relationships with everyone I worked with before.

16 Q And I noticed when Daryl indicated to us that she had some  
17 concern that we didn't have a letter from, you know, a current  
18 administrator -- and since you don't know your current  
19 principal but for four weeks -- did you go back and try -- who  
20 was it you've served under the longest?

21 A I served under Willie Vinson [ps] for the longest. I  
22 served under him at Hamilton and also at Cloverdale Middle  
23 School, for about eight years. I tried to get in contact with  
24 him but it was such late notice -- I had references; I didn't  
25 know I should have went earlier to try to get these references

1 from a principal that I worked for.

2 Q So you were able to get in touch -- Exhibit Number Nine  
3 (9) is from Reginald Knight. How do you know Reginald Knight  
4 and what's his position?

5 A I worked under Reginald for the last three years at  
6 Hamilton. He's the assistant principal there.

7 Q And then Elliot Johnson I see is a guidance counselor; how  
8 do you know her and how long have you worked with her?

9 A Well, Elliot, he -- I've worked with him several years.

10 Q He. I'm sorry.

11 A We also graduated undergrad together and worked several  
12 places, summer school, afterschool tutoring, and also at  
13 Hamilton. So he's been a guidance counselor and like we  
14 graduated undergrad together.

15 Q So let's talk about in the 90s you and Stephanie -- how  
16 long have you -- how long have you actually known each other?

17 A I met Stephanie in '90. '90. I'll never forget that.

18 Q And that's where -- where were you at that time?

19 A Where was I?

20 Q Yeah. I mean like high school? I don't want the details  
21 of how you met, just --

22 A I was in college and she was in college, and we had a  
23 long-term -- well, we had a long-distance relationship. She  
24 went to Memphis and then I was at Arkansas, and we've been  
25 together ever since.

1 Q And you actually got married in the 90s initially;  
2 correct?

3 A Yes.

4 Q And approximately when was that?

5 A That was '92, I think. '92.

6 Q And then that was followed by a divorce?

7 A Yes. I was pretty immature then, and some back-and-forth,  
8 and I wasn't, you know, equipped at the time to deal with my  
9 immaturity. And so -- and it was back-and-up-and-down.

10 Q Okay. So you got divorced in '96, and then you were  
11 living together, not living together, back-and-forth a lot?

12 A Yes, sir. Yes, sir.

13 Q And that's when the charges came about in 1999?

14 A Yes.

15 Q And those have been described; what happened to you and  
16 Stephanie are described in your letters to the Board --

17 A Yes.

18 Q -- and how that came about and what happened. And then  
19 you saw that we had -- eventually you completed all of the  
20 courses that the court --

21 A Yes.

22 Q -- asked you to complete as a result of that?

23 A Yes.

24 Q And during this time tell us about your children, how many  
25 and when were they born?

1 A Well, I have one son; he's 26. He just turned 26 this  
2 past week. He just graduated from Columbia Law School. I have  
3 a 10-year old daughter who is at Chenal Elementary, me and  
4 Stephanie. So we've had ups and downs, but we've -- it's been  
5 mainly good.

6 Q And then -- and so you ended up getting remarried?

7 A Yes.

8 Q And this was the real one?

9 A Yes. That's the real one.

10 Q Approximately when was that?

11 A That was in 2002.

12 Q And so since that time there was just one situation that  
13 we know about, and that's in the record too where in 2008, I  
14 think it was -- correct? There's actually a police report from  
15 2008?

16 A Yes.

17 Q And nobody got charged -- convicted with anything;  
18 correct?

19 A Correct.

20 Q And Stephanie has written a note and y'all have written  
21 notes to explain to the Board what happened in 2008?

22 A Yes.

23 Q So since then, since the last 10 years or so, how has life  
24 been?

25 A I would like to say bliss. We've had a great

1 relationship. I've learned a lot from my mistakes and we've  
2 been great, raising a young daughter 16 years after our first.  
3 He just graduated, so then we've put a lot of effort into  
4 getting him through law school. A 10-year old child is  
5 challenging, but it's the greatest thing ever. And we've been  
6 just great ever since.

7 MR. BLACKSTOCK: Okay. Counsel for the ADE may  
8 have some questions for you and the Board may have  
9 some questions for you, and then I'd like Stephanie  
10 to come up and introduce herself.

11 MR. HYNES: Yes.

12 MR. BLACKSTOCK: Any questions?

13 CHAIRMAN BARTH: We have just under 11 minutes  
14 left.

15 MS. ZOOK: I have a question.

16 CHAIRMAN BARTH: Okay.

17 MS. ZOOK: Good morning, Mr. Hynes.

18 MR. HYNES: Good morning.

19 MS. ZOOK: I'm Diane Zook. Welcome. Appreciate  
20 you for being a teacher and for admitting your  
21 mistakes. Did you at any point ever -- did anyone  
22 ever suggest that any of the abuse organizations,  
23 like AA, would be helpful or to help with the anger  
24 management that sometimes maturity itself doesn't  
25 eliminate? Have you been involved in any way with

1 that? Or is your wife in Al-Anon or any of those  
2 programs?

3 MR. HYNES: No, I haven't. But whatever the  
4 court ordered me to do I made sure I did it with zest  
5 and made sure I did all those things. We've also had  
6 personal counseling that I requested, just marriage  
7 counseling. But, no, I haven't, to answer your  
8 question.

9 MS. ZOOK: Thank you.

10 CHAIRMAN BARTH: Great. Any other questions  
11 from -- I'll start -- Ms. Cochran, did you have  
12 anything? Okay. Ms. Newton?

13 MS. NEWTON: Just concerns with the alcohol, are  
14 you still having problems with alcohol?

15 MR. HYNES: No, ma'am. Not at all.

16 MS. NEWTON: Okay.

17 CHAIRMAN BARTH: Any -- Dr. Hill, anyone else?  
18 Ms. Chambers?

19 All right. So you can proceed. You've still  
20 got 11 minutes.

21 MR. BLACKSTOCK: Thank you, Michael.

22 Stephanie.

23 I'd like to -- I mean in response to one of your  
24 questions, the documents here show that, I mean,  
25 whenever there's a Battery charge like this there's

1           this extensive set of Domestic Battery type courses  
2           that you go through, and it's pretty intensive, that  
3           the court orders you go through. He did all of that  
4           back at the time.

5   THEREUPON,

6           The witness, Stephanie Hynes, who was previously sworn,  
7   testified on her oath, as follows:

8                                   DIRECT EXAMINATION

9   BY MR. BLACKSTOCK:

10   Q   All right, Stephanie. If you would, please introduce  
11   yourself.

12   A   I'm Stephanie Hynes.

13   Q   And how are you --

14   A   And we met in '88, not '90.

15   Q   Oh, I see. And do you know the circumstances?

16   A   When we met?

17   Q   Yes.

18   A   We were snowed in at UALR together at an Omega party.

19   Q   And so, I mean, you know Michael better than anybody here.

20   A   I do. I do.

21   Q   And so at least from 2008, forward -- I mean we could  
22   start with that because that's the last report that we have of  
23   anything nearing anything that might be a problem. But how  
24   have things been since 2008, and how has Michael been doing?

25   A   Things have been great since 2008. As with any marriage,

1 of course there's no perfect marriage. He doesn't have an  
2 alcohol problem; in fact, we casually drink, so that's not an  
3 issue. We attended marriage counseling back in '08. I was  
4 postpartum; I also attended -- I had a late-age baby in 2007,  
5 so I also attended individual counseling because I was -- I had  
6 to take six months off work; I was very emotional, and we were  
7 building a house and there was a lot of things going on. And  
8 I'm not an abused victim in any way. He may feel that way  
9 sometimes, that he is, but I'm definitely not.

10 Q Okay. And you're an educator also; correct?

11 A I am a licensed teacher. I am, yes.

12 MR. BLACKSTOCK: Okay. Thank you very much.  
13 And we'll open it if anybody else has any questions.

14 CHAIRMAN BARTH: Any -- Ms. Reith.

15 MS. REITH: Yeah, just -- do you currently  
16 teach?

17 MS. HYNES: No, but I still have my license.

18 CHAIRMAN BARTH: Okay. Ms. Dean, questions?

19 Ms. Zook? All right. Any questions? Okay.

20 MS. HYNES: Thank you.

21 CHAIRMAN BARTH: Thank you. Mr. Blackstock?

22 MR. BLACKSTOCK: We have nothing further. Thank  
23 you.

24 CHAIRMAN BARTH: Great. All right. So we have  
25 five minutes closing for each side. Ms. Taylor.

1 MS. TAYLOR: In closing, we do acknowledge the  
2 age of the offenses. We also acknowledge that there  
3 are letters from peers and colleagues that discuss  
4 the contribution that he makes to his -- to the  
5 students, so-on and so-forth. We also acknowledge  
6 the discussions about their marriage since the time  
7 of these incidents. However, there was a pattern of  
8 behavior and that behavior began somewhere around  
9 1995 with the initial arrest and conviction for  
10 Domestic Battery. And then it continued for the  
11 second arrest and conviction, and once again  
12 continued with a third arrest. Now ultimately that  
13 offense was dismissed but nevertheless it did occur  
14 after the time or right around the timeframe in which  
15 he would've been coming off probation. And at least  
16 we have facts from at least two of those offenses  
17 that indicate there was physical injury involved, so  
18 it was more than just a scuffle; it was more than  
19 just verbal back-and-forth. There was physical  
20 injury of some sort.

21 And so then we move on to a discussion about the  
22 letters of reference, and once again they are  
23 glowing. However, we must point out that none of  
24 them make reference to any knowledge of these --  
25 anything we've discussed today. There's no letter

1 from a supervisor, current or previous, that says,  
2 "yes, we understand what he's gone through, we are  
3 aware of the offenses, and nevertheless we welcome  
4 him." And so for us that is a point of concern.

5 We will acknowledge that there was an order to  
6 seal that is a good thing, that his record at some  
7 point was sealed. However, at the same time there  
8 was an outstanding arrest for Domestic Battery; that  
9 would've been the 2008 arrest and charge that we've  
10 discussed. That offense was not dismissed until  
11 2009. And so what that indicates is that if we go  
12 back to the police report at ADE Exhibit Seventeen  
13 (17) you'll see that there was some discussion that  
14 there were still issues with alcohol abuse and there  
15 were still issues that resulted in physical injury.  
16 And so, once again, what that says is that those  
17 issues that should've been addressed with the  
18 probation were not addressed because there were some  
19 issues that still flowed over into 2008.

20 So with that being said, that is all I have.  
21 Once again, we do not have an official  
22 recommendation. I will yield the floor to opposing  
23 counsel, if there are no questions.

24 CHAIRMAN BARTH: Any questions? All right. Mr.  
25 Blackstock, you have up to five minutes.

1           MR. BLACKSTOCK: Thank you. I just encourage  
2 you to take a look at the documents to see what  
3 actually happened at the time. You'll see that in  
4 the first instance they fell down the stairs and she  
5 injured herself when he landed on her arm. And the  
6 second one is -- I don't mean to make light of it,  
7 but there's a flip-flop, you know, a little --  
8 whatever you wear -- a flip-flop and a bruise to the  
9 thigh. But if you read those documents we have the  
10 details in there of what happened.

11           We think we've met all the criteria, the seven.  
12 There's no threat to any students. He'd been a great  
13 educator, no threat to anybody. It's a domestic  
14 issue that they've worked through and they're happy  
15 now. And while I'm not supposed to have conflicts of  
16 interest with my client I do hope that you grant the  
17 waiver because I have offered to read to both his  
18 third grade class and his daughter's third grade  
19 class should he continue to teach. Thank you very  
20 much.

21           CHAIRMAN BARTH: All right. Questions for  
22 counsel? All right. Any conversation or discussion?  
23 Ms. Dean, are you --

24           MS. DEAN: I'm ready with a motion.

25           CHAIRMAN BARTH: Proceed.

1 MS. DEAN: I move to grant the waiver request  
2 for Mr. Michael Hands [sic] -- Hynes. Excuse me.

3 CHAIRMAN BARTH: Okay. And any conditions on  
4 that or just --

5 MS. DEAN: No.

6 CHAIRMAN BARTH: Okay. All right. You've heard  
7 the motion. Any further conversation?

8 MS. REITH: I'll just -- I'll second it.

9 CHAIRMAN BARTH: Yes. I'm sorry. Motion by Ms.  
10 Dean, second by Ms. Reith. I apologize for not being  
11 clear on that.

12 MS. NEWTON: Just a quick comment. I want them  
13 to understand that we're not taking this lightly,  
14 that we consider abuse something that's very serious  
15 and that we hope that we don't see you back in here  
16 again.

17 CHAIRMAN BARTH: All right. Okay. No further  
18 comments? Ms. Chambers? Oh.

19 MS. CHAMBERS: No. Just thank you.

20 CHAIRMAN BARTH: Okay. Okay, I thought there  
21 were words about the -- okay.

22 All those in favor say "aye."

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRMAN BARTH: Opposed, same sign?

25 All right. Congratulations, Mr. Hynes, and

1           thank y'all for being here. Thanks, Ms. Taylor, for  
2           a very good presentation and walking us through the  
3           case in a very tidy manner. So, thank you very much.

4           MR. BLACKSTOCK: Thank you.

5           CHAIRMAN BARTH: All right. All right. Thank  
6           you.

7           Okay. We are about 15 minutes away from a lunch  
8           break. Is everybody okay?

9           CHAIRMAN BARTH: Okay. All right.

10        A-5: PETITION FOR MINIMUM SCHOOL DISTRICT SIZE WAIVER

11           CHAIRMAN BARTH: So our next item up is moving  
12           into minimum school size waiver cases. There are two  
13           of them. And I know there are new members on the  
14           Board since we last heard any of these waiver cases,  
15           and so I'll ask Ms. Freno to walk us through the  
16           overarching issues before we get to the specific  
17           cases.

18           MS. FRENO: Thank you, Dr. Barth. Lori Freno,  
19           Department of Education. There are two school  
20           districts, as you mentioned, that are before you  
21           today that are both seeking a minimum district size  
22           waiver. The law is -- as I indicated in the summary  
23           that I gave you, if a school district is at or below  
24           350 for two consecutive years prior to the current  
25           school year they are placed on what's called a

1 consolidation list. And the school districts then  
2 have to consolidate or annex with or to another  
3 school district, unless they get a waiver. And it is  
4 in 6 -- the law provides in 6-13-1613 those criteria  
5 that they have to prove in order to get the waiver  
6 and they also have to submit a petition for that.

7 We have the two school districts. One is Kirby;  
8 this is their first year on the consolidation list.  
9 We also have Strong-Huttig; they are approved for a  
10 minimum school size waiver last year and they are on  
11 the list again this year because they have to renew  
12 every year.

13 CHAIRMAN BARTH: Great. Any questions about the  
14 law before we move into the specifics of the cases?

15 MS. ZOOK: Does the law --

16 CHAIRMAN BARTH: Ms. Zook.

17 MS. ZOOK: -- say -- it's my understanding that  
18 the law says "shall," not "may."

19 MS. FRENO: Grant the waiver, Ms. Zook?

20 MS. ZOOK: Yes.

21 MS. FRENO: Yes. I mean the law -- it is in 6-  
22 13-1613(b)(1) -- or (b)(2) actually, and it discusses  
23 that the State Board shall grant the petition for  
24 waiver if there's -- if the school district  
25 demonstrates certain things.

1 MS. ZOOK: So if they demonstrate --

2 MS. FRENO: Yes.

3 MS. ZOOK: Not we just -- okay.

4 MS. FRENO: Yes.

5 MS. ZOOK: All right. Thank you for that  
6 clarification.

7 MS. FRENO: Yes.

8 CHAIRMAN BARTH: Okay. Any other questions?

9 (a) CONSIDERATION OF PETITION FOR MINIMUM SCHOOL  
10 DISTRICT SIZE WAIVER FILED BY THE KIRBY SCHOOL DISTRICT

11 CHAIRMAN BARTH: All right. So first up is the  
12 Kirby petition. Ms. Freno.

13 MS. FRENO: Thank you. The Kirby School  
14 District, as I mentioned, is -- this is the first  
15 year that they're on the consolidation list and they  
16 have submitted a petition. And just to save the  
17 Board time, the Department has checked into many of  
18 the criteria that are required for the granting of  
19 the waiver. The school district currently is not  
20 classified in facilities distress, fiscal distress,  
21 or academic distress. The school district is not on  
22 probationary status for violation of Standards for  
23 Accreditation. The school district's facilities are  
24 adequate, as evidenced by the school district's  
25 facilities master plan. And in addition to that, the

1 director of the academic facilities -- Public School  
2 Academic Facilities and Transportation went out and  
3 visited with the school district and did walk through  
4 the facilities and found that in fact they were --  
5 the facilities were adequate. And the local school  
6 board of the Kirby School District has passed a  
7 resolution in support of the minimum district size  
8 waiver.

9 CHAIRMAN BARTH: Great. Thank you. Is anybody  
10 here from Kirby?

11 MS. FRENO: Yes. The superintendent Pike Palmer  
12 is here and I will, as Daryl would say, yield the  
13 floor to him.

14 CHAIRMAN BARTH: All right. Great. Thank you  
15 very much.

16 And please state your name for the record.

17 SUPT. PALMER: Yes, sir.

18 CHAIRMAN BARTH: Thank you.

19 SUPT. PALMER: Pike Palmer, superintendent of  
20 Kirby School District. And I have with me Mike Putz,  
21 my board president, and Randy Stewart, board member  
22 and former legislator.

23 CHAIRMAN BARTH: Great. Thank you very much.

24 Are there -- I'll start with Ms. Cochran; any  
25 questions? Okay. Ms. Newton, any questions or

1           comments? All right. Anybody? Ms. Zook? Ms. Dean?  
2           Ms. Reith?

3                     Okay. Obviously we don't have a lot of choice  
4           here -- or I think -- Commissioner.

5                     COMMISSIONER KEY: Give Mr. Palmer a chance to  
6           brag a little bit. Okay. How are you now? Where  
7           are you as far as enrollment? How are things  
8           looking? And what are some of the local signs that  
9           you may be growing, given some economic development  
10          that I know is going on in the area?

11                    SUPT. PALMER: Okay. Two years ago we ended the  
12          year -- our third quarter ADM was 329; we ended the  
13          year at 332. Last year our third quarter ADM was at  
14          338; we ended the year at 350.6. And currently we  
15          stand at about 338. So we are doing well. We did a  
16          lot of innovative things last year, our high school,  
17          with Schools of Innovation, with the flex-mod  
18          scheduling. We had a bunch of school districts from  
19          all over Arkansas come and look at our school  
20          district and very impressed with a lot of things that  
21          were going on. Now I believe about half of them are  
22          implementing some form of flex-mod this year. We in  
23          the past -- one of the reasons we're here is because  
24          we had an enrollment decrease, a decline from about  
25          400 to 370 to 329. We had a couple of mills in our

1 local area that closed down. One of them has started  
2 operation again in the local community, about nine  
3 miles away. So we are hoping that that draws  
4 students and families back into our school district.  
5 So as of right now enrollment-wise I think we are  
6 doing really well with where we stand. We enrolled  
7 six students today, I was told, so that looks  
8 promising for us. And we're highly mobile; there's  
9 not really a lot of business in our community. Our  
10 school district is our community and it's the heart  
11 and soul of our community. And we're highly mobile,  
12 so it's in and out. So, you know, one day we may be  
13 low and one day we may be higher, as you can see  
14 today, like I said, as I mentioned, six students. So  
15 we're doing a lot of great things in our school  
16 district and, you know, we look forward to what the  
17 future holds for our school district.

18 CHAIRMAN BARTH: Great. Thank you very much.

19 Any further questions? Ms. Chambers.

20 MS. CHAMBERS: Just a quick process question.  
21 The waiver, does it last for two years then?

22 CHAIRMAN BARTH: It's a one-year waiver.

23 MS. CHAMBERS: It's just -- so he will have to  
24 come back or the school would have to grow?

25 COMMISSIONER KEY: They have to come back -- or

1 if they go over 350, then the clock resets.

2 MS. CHAMBERS: Resets?

3 COMMISSIONER KEY: Yeah.

4 MS. CHAMBERS: So it would be a two-year clock?

5 CHAIRMAN BARTH: No.

6 COMMISSIONER KEY: Well, then yeah; then if they  
7 -- if they're below 350 it has to be two years again.  
8 So, yes.

9 CHAIRMAN BARTH: But if they stay at -- stay  
10 below 350 then it is an annual waiver.

11 MS. CHAMBERS: Okay. Thank you.

12 CHAIRMAN BARTH: All right. Further questions?  
13 Thank you for your information and presentation.  
14 I'll invite a motion.

15 MS. NEWTON: I move to grant the minimum school  
16 size district waiver for the Kirby School District.

17 MS. CHAMBERS: Second.

18 CHAIRMAN BARTH: All right. Motion by Ms.  
19 Newton, second by Ms. Chambers.

20 All those in favor say "aye."

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN BARTH: Opposed, same sign?

23 All right. The second petition -- and  
24 congratulations.

25 SUPT. PALMER: Okay.

1 CHAIRMAN BARTH: And we hope we don't see you in  
2 a year.

3 SUPT. PALMER: Y'all made my job a lot easier.

4 CHAIRMAN BARTH: All right. Well, safe travels  
5 back.

6 SUPT. PALMER: All right. Thank you.

7 CHAIRMAN BARTH: And we wish you all the best  
8 and wish your community the best.

9 SUPT. PALMER: Yes, sir. Thank you. I  
10 appreciate it.

11 MS. ZOOK: And I appreciate your board members  
12 for taking the time to --

13 CHAIRMAN BARTH: Yes.

14 MS. ZOOK: Y'all are very important and we value  
15 our board members and we know it takes out of your  
16 day and it's a thankless no-pay job. But we do  
17 appreciate you.

18 MR. STEWART: I'd like to say just a few words.

19 MS. ZOOK: Absolutely.

20 MR. STEWART: I'm a former teacher at Kirby.

21 CHAIRMAN BARTH: State your name for the record.

22 MR. STEWART: Randy Stewart.

23 CHAIRMAN BARTH: Thank you.

24 MR. STEWART: I'm a buddy of Johnny Key's. I  
25 was former state representative from Kirby and

1 graduated from Kirby in 1969. My mom graduated  
2 there, my grandfather graduated there. I have three  
3 kids; all of them were valedictorians at Kirby. One  
4 of them graduated from UAMS, one of them graduated  
5 from University of Georgia law school, and the other  
6 one from UCA. So they're -- we do produce some  
7 really good kids from Kirby. In June I went to the  
8 UAMS graduation. We had a doctor graduating from  
9 Kirby and then my niece graduated there with a degree  
10 in ophthalmology technician. So we are producing  
11 good kids and it's a good school. And hopefully with  
12 that mill opening in Glenwood it will create some  
13 jobs and people to move back into our area, and we're  
14 on the growth pattern. So it's a really good school.

15 CHAIRMAN BARTH: All right. Well, thank you for  
16 your service and we appreciate it.

17 MR. STEWART: All right. Thank you.

18 CHAIRMAN BARTH: All right. Okay.

19 (b) CONSIDERATION OF PETITION FOR MINIMUM SCHOOL DISTRICT  
20 SIZE WAIVER FILED BY THE STRONG-HUTTIG SCHOOL DISTRICT

21 CHAIRMAN BARTH: So next up is the petition from  
22 Strong-Huttig. Ms. Freno.

23 MS. FRENO: Thank you, Dr. Barth. Yes, the  
24 Strong-Huttig School District has had two years prior  
25 to this one that they were under 350 students.

1 Again, this is the second year that they will be  
2 applying for a petition. Last year they applied for  
3 a petition and it was granted. The school district  
4 is currently not classified in facilities, fiscal or  
5 academic distress. It is not on probationary status  
6 for any violation of the Standards for Accreditation.  
7 The school district's academic facilities are  
8 adequate, as evidenced by the district's facilities  
9 master plan. And as with Kirby, Brad Montgomery went  
10 to the Strong-Huttig School District and with the  
11 superintendent walked through and found that there  
12 were not any problems as far as adequacy of the  
13 school buildings. And the local school board has  
14 passed a resolution again that supports the waiver.

15 If there are no questions, I know that  
16 Superintendent Alphin is here --

17 CHAIRMAN BARTH: All right.

18 MS. FRENO: -- and I will yield the floor to  
19 him.

20 CHAIRMAN BARTH: Great. And Senator Garner I  
21 know is also here. And if you want to speak on this  
22 we'd certainly welcome it as well.

23 So, Superintendent -- and state your name for  
24 the record.

25 SUPT. ALPHIN: Good morning, Mr. Chairman,

1 Board. I'm Jeff Alphin; I'm the superintendent of  
2 the Strong-Huttig School District. And I have my  
3 board president, Cindy Smith, with me this morning;  
4 our two school improvement specialists, Becky Bolding  
5 and Shirley Kyle; Barbara Goldsby, literacy  
6 specialist; and K-12 principal Dr. Wendell Colon.  
7 From the community, the two mayors: Mayor Cole from  
8 Huttig, Mayor Howell from Strong. And we appreciate  
9 Senator Garner and Representative Barker being with  
10 us this morning.

11 CHAIRMAN BARTH: Great.

12 SUPT. ALPHIN: And I can't bring the news like  
13 Kirby that our numbers have increased, but if you  
14 look in your handout we've got better test scores.  
15 So I'll take improvement where I can get it. We have  
16 dropped in numbers. It was odd; my counselor brought  
17 me the numbers of students that we had come back to  
18 the district and we had about 12 students come back.

19 MS. ZOOK: Good.

20 SUPT. ALPHIN: And we lost about 13. So our  
21 number sits at 296 this morning. I think the letter,  
22 when it came to you, was at 301. And much like Mr.  
23 Palmer I've had a call that I've got a couple of  
24 folks going to come back hopefully tomorrow. So  
25 we're still hovering around 300. Our test scores

1 have improved. Our facilities -- in your handout  
2 there's a little notation in there that we have  
3 upgraded our fire alarms; we have improved our  
4 buildings; we have been economical about this. I  
5 applied for a grant working with Representative  
6 Barker and we received that and we did some painting  
7 and some cleaning. We, of course, had matching money  
8 on the fire alarm system. And Mr. Montgomery came  
9 down and walked all over our buildings and checked  
10 everything, so we are -- financially we're not in  
11 trouble with buildings; we're not in trouble. It's  
12 just our number. And we will continue to try to  
13 improve that number.

14 CHAIRMAN BARTH: Great. Any questions for the  
15 superintendent? Okay.

16 MS. ZOOK: So you do --

17 CHAIRMAN BARTH: Ms. Zook.

18 MS. ZOOK: -- participate in choice so kids can  
19 choice in?

20 SUPT. ALPHIN: Yes, ma'am. We can accept all  
21 the transfers and any school choice that is legal for  
22 us to accept.

23 MS. ZOOK: Okay. And I know you're a Priority  
24 school. In what regard did you wind up as a Priority  
25 school?

1 SUPT. ALPHIN: As a Priority? Oh, the high  
2 school is a Priority school; the elementary school is  
3 a Focus school. And we know those labels are going  
4 to change under ESSA, so we have not -- with our  
5 improved test scores I'm optimistic for a better  
6 label.

7 And one other thing -- and I will not take Mayor  
8 Howell's thunder, I guess -- Mayor Howell and Mayor  
9 Cole have been working in city government to try and  
10 obtain some housing projects for the city of Strong,  
11 and I know that's been going on. Like I said, I'm  
12 not going to take his thunder, but I know that has  
13 been a focus because we worked -- myself, board  
14 president Smith and the two mayors -- if we don't  
15 talk once a week, it's at the least every two weeks;  
16 most of the time it's once a week.

17 MS. ZOOK: Right. I think the thing that -- in  
18 the paperwork we were provided it seems that your  
19 student attendance is better than your teacher  
20 attendance by percentage.

21 SUPT. ALPHIN: Yes, ma'am.

22 MS. ZOOK: So do -- is this they're out for PD  
23 or are they just phoning in? Are they sick or --

24 SUPT. ALPHIN: I have one teacher that had to  
25 take treatments and she was out an extended period of

1 time. A lot of it is professional development. And  
2 something that I also see as a positive, three -- we  
3 only changed three teachers this year. Everyone else  
4 came back. And those three had some of those numbers  
5 and the three teachers that we did hire, one of those  
6 teachers is an experienced veteran that had been in  
7 the district about 10 years ago and she has returned.  
8 And then we've got another experienced teacher that  
9 came from a neighboring district, and then we have  
10 one Arkansas Teacher Corp teacher that we hired. So  
11 I'm looking to improve the teacher attendance.

12 MS. ZOOK: And for your students who may choose  
13 not to go to college, what kind of opportunity for  
14 training do they have either with local businesses or  
15 nearby businesses?

16 SUPT. ALPHIN: We have a partnership with South  
17 Arkansas Community College that we allow students --  
18 we transport -- "allow" is not the right word -- we  
19 transport to the vocational center every day where  
20 they can work on trade skills, if that's something  
21 that they would like to do. And through that  
22 partnership with the community college we are in  
23 contact with local businesses. We've had several  
24 local businesses tell our graduating seniors "if you  
25 will graduate and when you take the wage test we will

1 put you to work."

2 MS. ZOOK: Thank you.

3 SUPT. ALPHIN: And on the other -- the total  
4 opposite side of the spectrum, I've got a young lady  
5 over at UALR that graduated last year that's a  
6 Donaghey scholar.

7 MS. ZOOK: Yeah. Thank you.

8 CHAIRMAN BARTH: Great. I have a question for  
9 Ms. Cyndy Smith from the Department, if you're  
10 willing. You know, you're obviously our person who  
11 provides us insight on fiscal matters. And, you  
12 know, where we have districts that are, you know,  
13 really well below the 350, as in a case like this, I  
14 really -- I'm just intrigued; I know everything is  
15 different district by district because of population  
16 differences, et cetera. But at what level is a  
17 district really sustainable for the long-haul from a  
18 fiscal perspective?

19 MS. SMITH: Strong is amazing at what they have  
20 done with their finances. For a district that small  
21 they closed their prior fiscal year with an  
22 unrestricted fund balance of \$627,000. That is  
23 really almost as good as schools that are double that  
24 size. So they are managing everything that they  
25 bring in. They're being very frugal with their

1 expenditures. I know Mr. Alphin, he watches his  
2 staffing, makes sure that, you know, he has the  
3 teachers that the students need but then nothing in  
4 excess.

5 CHAIRMAN BARTH: Great.

6 MS. SMITH: And I mean when I say that, that  
7 would be not out of the unrestricted funds. He uses  
8 that -- you know, his categoricals and his title  
9 money for the rest of that.

10 CHAIRMAN BARTH: Great. Because, you know, I  
11 think -- and not every district is that way and I  
12 think that's really helpful that you're watching it  
13 so closely --

14 MS. SMITH: Right.

15 CHAIRMAN BARTH: -- to be sure that we really do  
16 have long-term sustainability here. Because this --  
17 it's a pretty small school. I mean --

18 MS. SMITH: It is a very small school. But each  
19 time I see these reports that they send in monthly  
20 I'm just amazed at how well they are doing. There  
21 are so many districts that are much larger than  
22 Strong that do not have an unrestricted fund balance  
23 like this.

24 CHAIRMAN BARTH: Mr. Williamson, did you have  
25 something that you want to --

1 MR. WILLIAMSON: Well, I mean you all know El  
2 Dorado is the center of the universe and Strong-  
3 Huttig are just down the road a bit from where we  
4 are. And I think as a county we all get together  
5 once a quarter and have some economic development  
6 discussions. And so as a county we're all looking to  
7 support every community in the area and we've all  
8 worked hard trying to get things going again back in  
9 Strong-Huttig and I'm going to support them. It is a  
10 really good school. I've got some really good  
11 friends that have graduated from there and have a lot  
12 of family history. So I just want to say a few  
13 little positive things that -- I'm going to make a  
14 motion here in a minute to grant the waiver and y'all  
15 just I hope fall in line.

16 CHAIRMAN BARTH: All right. Ms. Zook.

17 MS. ZOOK: Yeah, I have another question for Mr.  
18 Alphin, the superintendent.

19 CHAIRMAN BARTH: Thanks, Ms. Smith; I appreciate  
20 it.

21 MS. ZOOK: Yeah. Are you able to offer the 38  
22 units? And what kind of -- I think I can -- I  
23 graduated from Melbourne, so you know how small a  
24 district I came from back then. So I guess my  
25 concern is when you're in a really small school there

1 are a lot of pluses to that, but there are also some  
2 limitations about the number of courses that you can  
3 offer or whether there's enough students to take the  
4 courses and bounce ideas off of each other. Help me  
5 get a picture of that at Strong-Huttig, please.

6 SUPT. ALPHIN: Yes, ma'am. We offer above the  
7 38. We have two elective teachers that offer our CTE  
8 credits, what you were addressing, with the  
9 partnership with South Ark. We have a variety of  
10 electives; we have AP classes. And the smallest  
11 class we have on campus is eight students and that is  
12 an AP biology class. And I've been in there; there's  
13 some spirited discussion that goes on in there.

14 MS. ZOOK: Yeah. Okay. That helps give me a  
15 picture of what's going on for the kids.

16 SUPT. ALPHIN: Thank you, ma'am.

17 CHAIRMAN BARTH: All right. I wanted to see if  
18 Senator Garner or Representative Barker, if either of  
19 y'all have any comments before we -- before Mr.  
20 Williamson makes his motion.

21 SENATOR GARNER: Thank you, Mr. Chairman. I'll  
22 be extremely brief. Thank you, Distinguished Members  
23 of this Board, for hearing me. I apologize for my  
24 humble attire. As Senator Key could tell you,  
25 sometimes you drive from your home district and you

1 think you'll get in your Capitol apartment and you  
2 leave your keys at the house. So I apologize for  
3 that.

4 Speaking to the technical aspects of the  
5 requirement, I'm not going to get into that other  
6 than the D requirement which is the distance that a  
7 student would have to drive. This is an extremely  
8 rural area and people would have to drive, if they go  
9 to El Dorado or Crossett, an extreme measure. But  
10 what I want to speak to very briefly is the community  
11 involvement and love for this school. When I ran my  
12 campaign last year -- I just got elected in November  
13 -- on the very few bases that I had was in the small  
14 town of Huttig because people wanted to have the  
15 elected officials and their potential elected  
16 officials there to discuss this issue and others.  
17 When I got elected, I think before I was sworn in,  
18 the superintendent called me and said, "Come by, we  
19 want to tell you about Strong." And less than a  
20 month ago, they had a community Town Hall with 30  
21 people in Strong on a weekday night; had myself and  
22 Representative Barker come by to discuss the issues  
23 specifically keeping the Strong School District open.  
24 This is a community invested, that cares and loves  
25 its school, and they will fight every single day to

1 meet all the requirements and to make it be  
2 successful in the future. Thank you so much for your  
3 time. I appreciate it.

4 CHAIRMAN BARTH: Great. Thank you, Senator.  
5 Representative Barker.

6 REPRESENTATIVE BARKER: I don't think I can add  
7 anything that they haven't said, and I hate to just  
8 get up there and say "ditto."

9 CHAIRMAN BARTH: All right. Great. Thank you.  
10 That's a good role model there.

11 Dr. Hill.

12 DR. HILL: I would just like -- I'd just like to  
13 say, you know, as we look at institutions  
14 individually -- and I echo, Brent, what you're saying  
15 is that we have an opportunity here to model  
16 something in a struggling environment. And to look  
17 at the numbers -- I mean from a quality/qualitative  
18 assessment and how they're doing with very limited  
19 resources and to close a fiscal year in a surplus  
20 with all the challenges that they're facing is  
21 probably something a lot of schools can learn from  
22 this, best practices, from a challenging environment.  
23 And we should be holding this up rather than looking  
24 down and moving forward because we are a rural state  
25 and we're going to -- and possibly facing with

1           technology more of these things as we move forward  
2           into the years. And so I mean I applaud what y'all  
3           have done. You know, and in the midst of adversity  
4           you performed very, very well. I mean my hat is off  
5           to you and, you know, I'm very proud to -- and I used  
6           to do drill at the 21st in El Dorado, so I was there  
7           every weekend and I would drive right through. So I  
8           know what it is and I'm proud to know that, you know,  
9           that we have people overcoming adversity. And I'm  
10          going to second the motion.

11           CHAIRMAN BARTH: Closing comments?

12           SUPT. ALPHIN: Yes. Dr. Hill, thank you. We  
13          were right on the same track. I was going to tell  
14          you the last thing I wanted to say is I have the two  
15          best bookkeepers in the world and a maintenance man.  
16          And like I told the teachers at the first of the  
17          year, two things: if it's want, you're probably not  
18          going to get it; if it's a need, you will. And don't  
19          even think about going to the central office without  
20          a ticket to get reimbursed.

21           CHAIRMAN BARTH: Commissioner.

22           COMMISSIONER KEY: Thank you, Mr. Chairman. I  
23          think the story of Strong-Huttig is one that should  
24          be noted and lifted up. At the same time, this  
25          really shows you the dynamic that happens from

1 district to district and, you know, I don't think we  
2 could say the same thing about every district that  
3 might fall below 350. You know, it's hard because  
4 when legislators pass laws you try to pass laws that  
5 apply to everybody. You know, we went for a number  
6 of years -- you've heard from districts who've said  
7 "we should never have been consolidated;" maybe,  
8 maybe not. But now with this option, you know, there  
9 is something to consider.

10 But just let me speak to Dr. Barth's question;  
11 my team is back there doing some quick calculations.  
12 This district generates about \$400,000 in excess debt  
13 service. So, you know, some districts have had bond  
14 issues and over a period of time those debt mills no  
15 longer are needed for debt, so they can go in under  
16 state law to General Operations. So that's one of  
17 the positive things they have going for them, for  
18 sure. And so they are funded as if they had an extra  
19 72 kids, based on some of those quick calculations,  
20 and that's through a number of years. So as far as  
21 can they sustain the sustainability, through a couple  
22 of decades, at least another 14, 15 years maybe, they  
23 are able to do that. And then as Senator Garner  
24 said, then, you know, communities will have  
25 opportunities to vote at the ballot box on whether

1 they want to maintain those millages and things like  
2 that.

3 So I don't want anybody to think that everybody  
4 can do this, because not everybody can do this. But  
5 it takes good leadership, it takes support from the  
6 communities, it takes good boards to be able to  
7 manage and lead in tough situations. And then,  
8 hopefully as that economic development comes back  
9 then that 350 doesn't become an issue anymore.

10 But, Jeff, good job to you and your team and  
11 appreciate the work y'all are doing down there.

12 SUPT. ALPHIN: Thank you, sir.

13 DR. HILL: Can I ask --

14 CHAIRMAN BARTH: Yeah. Dr. Hill.

15 DR. HILL: -- a question of the Commissioner?  
16 With that being said, is there a winning formula  
17 though like I mean for -- so say El Dorado is a part  
18 of that. You know what I'm saying? Some rural areas  
19 they are and some they're not. I was just wondering  
20 is there, you know, a winning formula?

21 COMMISSIONER KEY: There is so much variance  
22 from county to county in the state of Arkansas. I  
23 mean, you know, you can see Strong-Huttig and its  
24 proximity to El Dorado and whatever; you know they're  
25 going to benefit from some of that economic

1 development. Gurdon probably will benefit from the  
2 economic development there at Arkadelphia; come  
3 spring, there's a new Chinese paper mill. So I don't  
4 think there is a formula because of the variation  
5 that happens between counties. Calhoun County, you  
6 know, is not that far from them but there's just not  
7 much happening there. So could the same thing happen  
8 there? I don't know. Property values are different,  
9 the ownership of the land, the classification of the  
10 land, you've got a lot of forest land in one county  
11 versus another and that drives so much of the  
12 finances of school districts. So I don't think you  
13 could say there's one particular formula that makes  
14 it work or not work.

15 DR. HILL: A trend maybe?

16 COMMISSIONER KEY: Well, I think the trend is in  
17 areas of growing economic opportunities you're going  
18 to see, and also good management, long-term  
19 management. I think probably what Strong-Huttig  
20 leadership and board -- you know, they didn't just --  
21 it just didn't start yesterday, it didn't start last  
22 -- this is a period of good behavior, good management  
23 for a number of years that has put them in a position  
24 now where they can sustain this. You know, we have  
25 districts that would come before us and you can't

1 really say the same thing for over the last 20 years  
2 where those opportunities have been maintained, so  
3 they might not be able to pull this off. That's why  
4 I think the law sets it up so the State Board gets to  
5 analyze each one on an individual basis.

6 DR. HILL: Okay.

7 CHAIRMAN BARTH: All right. Mr. William -- oh,  
8 Ms. Newton before.

9 MS. NEWTON: I just have a quick comment. I  
10 didn't want us to get by without us recognizing the  
11 growth that your students did, and I know that's a  
12 lot of work on behalf of your staff and your teachers  
13 and your students. And I just wanted to applaud  
14 their efforts for the growth and hope to see that  
15 continue also.

16 SUPT. ALPHIN: Thank you. Our school  
17 improvement specialists are fantastic and we  
18 appreciate their efforts working with our teachers.

19 CHAIRMAN BARTH: Great. Thank you very much.  
20 Mr. Williamson.

21 MR. WILLIAMSON: Mr. Chairman, I move to grant  
22 the waiver or the request for the minimum school size  
23 of Strong-Huttig.

24 CHAIRMAN BARTH: Great. Thank you.

25 DR. HILL: Second.

1 CHAIRMAN BARTH: All right. Motion by Mr.  
2 Williamson, second by Dr. Hill.

3 All those in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN BARTH: Opposed?

6 All right. Congratulations. And, you know, I  
7 think we probably will see you in a year because of  
8 the numbers, but I think that's actually a healthy  
9 thing because we do need to keep a constant check so  
10 that the students of Strong-Huttig get the  
11 opportunities that Ms. Zook referenced earlier.

12 SUPT. ALPHIN: Absolutely. Thank you, Dr.  
13 Barth, Mr. Williamson, Dr. Hill, Board. Appreciate  
14 it.

15 CHAIRMAN BARTH: Bye-bye.

16 A-6: ACT 1240 DISTRICT WAIVER REQUESTS

17 CHAIRMAN BARTH: All right. We're now to the  
18 Act 1240 waivers. We have three this meeting. I did  
19 want to let folks know that we have public comment  
20 requested on (b) and then Representative Sturch is  
21 here on (c). So we have about 20 minutes until lunch  
22 and so let's see how quickly the first one moves and  
23 we'll kind of gauge where we are. I want to be  
24 respectful of folks who have been here all morning  
25 but also recognizing that we will need to give the

1 full time to these.

2 (a) DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-  
3 ENROLLMENT CHARTERS: LAFAYETTE COUNTY SCHOOL DISTRICT

4 CHAIRMAN BARTH: So why don't we start with the  
5 Lafayette County waiver request.

6 MS. McLAUGHLIN: Okay. Yes, sir. District  
7 Request for Waivers Granted to Open-Enrollment  
8 Charters, we have Lafayette County School District.  
9 Act 1240 of 2015 allows a school district to petition  
10 the State Board of Education for all or some of the  
11 waivers granted to open-enrollment public charter  
12 schools that serve students who reside in the school  
13 district. We do have representatives of the  
14 Lafayette County School District appearing before the  
15 Board with a petition for waivers. They are seeking  
16 a topic for Teacher Licensure. Their 90 days expires  
17 on November 13th and they are requesting for five  
18 years. Robert Edwards, superintendent, and Opal  
19 Anderson, curriculum coordinator, are here to make  
20 their presentation.

21 CHAIRMAN BARTH: All right. And we do need to  
22 swear them; correct?

23 MS. McLAUGHLIN: Yes.

24 CHAIRMAN BARTH: All right.

25 MS. McLAUGHLIN: You will want to swear them in.

1 And as a reminder, the school district will have 20  
2 minutes for their presentation. If there's any  
3 opposition, they will have that time as well. And  
4 then, of course, there's five minutes --

5 CHAIRMAN BARTH: Closing?

6 MS. McLAUGHLIN: -- response. Closing, yes, for  
7 both sides.

8 CHAIRMAN BARTH: Okay. All right. Great. So  
9 anyone planning to testify on the Lafayette County  
10 School District waiver please stand and raise your  
11 right hand. And do you swear or affirm that the  
12 testimony you're about to give shall be the truth,  
13 the whole truth and nothing but the truth?

14 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

15 CHAIRMAN BARTH: All right. You may proceed.

16 SUPT. EDWARDS: Thank you. Thank you, Ms.  
17 McLaughlin. My name is Robert Edwards, the  
18 Superintendent of Schools for Lafayette County School  
19 District. And the reason we're here: in 2017-18, we  
20 had 12 positions available. We had 14 applicants and  
21 we had four that were Arkansas certified apply. We  
22 were able to interview early enough in the year to be  
23 able to hire those four. The remaining eight are  
24 continuing working on their certification and they  
25 have -- still have one test to pass. And we are --

1 as a district we're tutoring them in the process, so  
2 hopefully that will be complete by December. At the  
3 current time Lafayette County Elementary has 79% of  
4 the teachers Arkansas qualified and our high school  
5 has 92%. In the past we've been very lucky.  
6 However, our homegrown teachers have either retired  
7 or been successful in jobs outside of Lafayette  
8 County, therefore they are moving. Our high school,  
9 last year we entered into the Teacher Cadet program  
10 and we had nine students in that through the ADE and  
11 SAU. This year we have zero. Ms. Anderson, who is  
12 here with us, has been on the road with Arkansas  
13 Tech, UCA, Henderson, SAU, pretty much all the state  
14 colleges as far as attending teacher fairs. It is  
15 very difficult at best for us to recruit teachers to  
16 our part of the state. Lafayette County -- as the  
17 county we will continue to seek out Arkansas  
18 qualified teachers, but we would humbly ask that you  
19 grant Act 1240 to Lafayette County so if we are  
20 unsuccessful in finding those teachers we can fill  
21 our classrooms with qualified individuals.

22 CHAIRMAN BARTH: All right. Thank you.

23 SUPT. EDWARDS: Yes, sir.

24 CHAIRMAN BARTH: So we have one waiver topic  
25 before us and this is an array of waivers tied to

1 Teacher Licensure. And so, Ms. Reith, I'll start  
2 with you to see if you have any questions.

3 MS. REITH: If you could speak a little bit, Mr.  
4 Edwards -- thank you for your kind presentation.

5 SUPT. EDWARDS: Yes, ma'am.

6 MS. REITH: But if you could speak a little bit  
7 to the process by which you all made your school  
8 district aware of your request for this waiver. I  
9 guess I just want to make sure teachers were  
10 consulted before you put this --

11 SUPT. EDWARDS: As far as the applications, yes,  
12 ma'am; Texarkana Gazette, web, AAEEA, we get it out  
13 there on multiple levels. I'm sorry; I had that  
14 written down. I'm just a little nervous today.

15 MS. REITH: Thank you. And no concerns were  
16 raised by your teachers?

17 SUPT. EDWARDS: No, ma'am.

18 MS. REITH: Thank you.

19 CHAIRMAN BARTH: Ms. Dean? Ms. Zook? Mr.  
20 Black? Ms. Chambers? All right. Ms. Newton?

21 MS. NEWTON: I'm assuming you have board  
22 approval for --

23 SUPT. EDWARDS: Yes, ma'am.

24 MS. NEWTON: Okay. What -- are you looking for  
25 these waivers for K-12?

1 SUPT. EDWARDS: Yes, ma'am.

2 MS. NEWTON: And subject areas?

3 SUPT. EDWARDS: K-6 more predominantly. We had  
4 one that's having an issue as far as an  
5 extracurricular activity at the high school. But,  
6 yes, ma'am, K-12.

7 MS. NEWTON: K-12 in all subject areas?

8 SUPT. EDWARDS: Yes, ma'am.

9 MS. NEWTON: Okay.

10 SUPT. EDWARDS: Yes, ma'am.

11 CHAIRMAN BARTH: Ms. Cochran?

12 MS. COCHRAN: What is your plan for supporting  
13 the teachers who aren't fully Arkansas certified?

14 SUPT. EDWARDS: We have Ms. Anderson who is our  
15 curriculum coordinator. We have teachers that are  
16 staying after school to tutor these teachers, to help  
17 them get their Praxis passed.

18 CHAIRMAN BARTH: Okay. All right. Are there  
19 any other questions about -- Ms. Reith, are you --  
20 okay. All right. Any -- if there's not, I will  
21 entertain a motion at any point.

22 MS. REITH: I move to grant the waiver request  
23 for Teacher Licensure.

24 CHAIRMAN BARTH: A motion by Ms. Reith.

25 MS. CHAMBERS: Second.

1 CHAIRMAN BARTH: Second by Ms. Chambers. Why  
2 don't we do a roll-call on this one -- we typically  
3 do -- if you don't mind. I apologize.

4 COMMISSIONER KEY: Ms. Reith.

5 MS. REITH: Yes.

6 COMMISSIONER KEY: Ms. Zook.

7 MS. ZOOK: Yes.

8 COMMISSIONER KEY: Mr. Williamson.

9 MR. WILLIAMSON: Yes.

10 COMMISSIONER KEY: Ms. Chambers.

11 MS. CHAMBERS: Yes.

12 COMMISSIONER KEY: Ms. Dean.

13 MS. DEAN: Yes.

14 COMMISSIONER KEY: Dr. Hill.

15 DR. HILL: Yes.

16 COMMISSIONER KEY: Ms. Newton.

17 MS. NEWTON: Yes.

18 COMMISSIONER KEY: Mr. Black.

19 MR. BLACK: Yes.

20 CHAIRMAN BARTH: All right. Congratulations.

21 SUPT. EDWARDS: Thank you all very much.

22 CHAIRMAN BARTH: All right. Thank you.

23 (b) DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-  
24 ENROLLMENT CHARTERS: PALESTINE-WHEATLEY SCHOOL DISTRICT

25 CHAIRMAN BARTH: Okay. Next up we have -- I

1 think we could try to get through this one,  
2 Palestine-Wheatley waiver request. Ms. McLaughlin.

3 MS. McLAUGHLIN: Yes. We do have  
4 representatives from Palestine-Wheatley School  
5 District. They are seeking topics of Classroom Size  
6 and Teacher Fair Dismissal Act. Their 90 days are  
7 going to expire on November 23rd, and they are  
8 requesting two years from this date. John Estes,  
9 superintendent, is here to make their presentation.  
10 And Ms. Boyd is passing out their most updated  
11 district waiver request that they have submitted that  
12 separates those topics and provides further  
13 explanation as to the waivers that they are seeking.

14 CHAIRMAN BARTH: All right. Great. And I will  
15 let the Board know that when we come to that point we  
16 do have public comment requested on this item. But  
17 we'll first hear the 20-minute presentation from the  
18 board [sic]. If you would, raise your right hand.  
19 Do you swear or affirm that the testimony you're  
20 about to give shall be the truth, the whole truth and  
21 nothing but the truth?

22 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

23 CHAIRMAN BARTH: All right. And if you'll just  
24 state your name for the record.

25 SUPT. ESTES: I'll be quick. John Estes,

1 superintendent, Palestine-Wheatley School District.  
2 You've got a copy of my rationale up there and you  
3 can see by that that we have a very good school in  
4 Palestine, a very excellent school in Palestine. I'm  
5 a school teacher and my wife is a nurse, and we could  
6 go anywhere in the state of Arkansas and work and be  
7 employed. And if I thought my own children -- my  
8 children could get a better education anywhere we'd  
9 be there. But I believe in what we do at Palestine.  
10 With that being said, we're still in east Arkansas  
11 and people don't graduate from the University of  
12 Arkansas with hopes of landing their dream job in  
13 Palestine most of the time. In comparison, Conway  
14 has three colleges that produce teachers; Arkadelphia  
15 has two. The closest colleges to us are UALR, which  
16 is 90 miles, Arkansas State, which is 67 miles, UAPB,  
17 93 miles, UAM, 140 miles, and there's some private  
18 colleges scattered in and out of there too. We also  
19 recruit Williams Baptist at Walnut Ridge a lot.  
20 UALR, there's 93 school districts closer to UALR than  
21 Palestine. Arkansas State, there's 42 school  
22 districts that's closer to Jonesboro than Palestine.  
23 And there's also -- if you draw that circle, there's  
24 also a lot of school districts in Missouri and  
25 Tennessee that would get Arkansas State teachers

1 that's not listed; UAM, 73 school districts, and  
2 UAPB, 63 school districts. I tell you that because  
3 -- to point out, you know, if I get a teacher from  
4 one of those colleges it's somebody sometimes that  
5 couldn't get a job at any of those 93 school  
6 districts that's closest, closer to the college where  
7 they graduated -- grew up and graduated at. I don't  
8 get the cream of the crop all the time. We advertise  
9 online and in the state and local newspapers. We  
10 attend every job fair we can. We actually have two  
11 coming up within the next two weeks, one at Arkansas  
12 Tech and one at Henderson. This past year we had 13  
13 openings for the school year. We were able to fill  
14 them all, seven with fully licensed teachers, two  
15 from Arkansas Teacher Corp; then I got a call at the  
16 beginning of this meeting and said that he couldn't  
17 pass his Praxis, so I'm going to have to turn him  
18 into a long-term sub. We went through APPLE. I've  
19 got two people on an ALP and one who is waiting to  
20 get her license, everything finished up, and she quit  
21 me yesterday, so I've got an opening there.

22 I just tell you all that to tell you that I'm  
23 not up here requesting this waiver as a way to run  
24 teachers off, go back and have a firestorm sale on  
25 teachers; not going to do that. I value my teachers.

1 I have the best teachers in the state and they  
2 support me in this action. Some people may think  
3 that if we have an opening we're going to advertise  
4 that opening; we're going to take applications and  
5 resumes; we're going to look through our list of  
6 resumes; we're going to take the top four candidates  
7 that we think that we have; we're going to interview  
8 those candidates and hire the best one. That's not  
9 what happens where we are. We have to hire whoever  
10 applies. Sometimes those applicants are at the  
11 bottom of the barrel, like I say; they couldn't get a  
12 job in any other school districts closer to where  
13 they went to school at, so they come to Palestine.

14 Ms. Zook, you said a while ago about student  
15 attendance was better than the teachers' attendance.  
16 We deal with that sometimes with these few teachers  
17 that I'm talking about. I'm asking for a waiver from  
18 Teacher Fair Dismissal Act in order to be able to get  
19 rid of teachers who, because of their inabilities,  
20 hurt children in the classroom. People we hire --  
21 have to hire to remain in line with standards to have  
22 somebody -- people -- and this goes on in every  
23 school district -- is somebody with a pulse and a  
24 license, somebody with a heartbeat and a license.  
25 I'm trying to get away from having to have these

1 people stay in a classroom longer than they have to.  
2 People we hire -- and we look and we say -- look at  
3 each other and frown and say, "Well, we've got  
4 somebody, but we'd better start getting working on  
5 him now." I requested a waiver from Teacher Fair  
6 Dismissal Act to be able to get rid of these  
7 teachers. The most important thing in the success of  
8 a school and the success of a child is the quality of  
9 the teacher in the classroom; not curriculum, not  
10 quality of the cost of the building, not the way the  
11 building looks, not a PLC, not even the students'  
12 home life, but the quality of the teacher in the  
13 classroom. Whenever we used to be able to use TFA,  
14 Teach for America teachers our test scores in  
15 Palestine, in the Delta, 100% free and reduced, we  
16 was comparable with Valley View and Cabot. But now  
17 since TFA is mostly pulled out of the public schools  
18 in the Delta and caters mostly to the charter schools  
19 we're not doing as good. KIPP Delta has a waiver for  
20 Teacher Fair Dismissal Act and they use it. In this  
21 day of school choice, when we're competing for  
22 students in this day of school choice, I ask that you  
23 allow me to compete without one hand tied behind my  
24 back; put me on a level playing field. Coach Hill,  
25 it's not fair for me to have to go five yards to get

1 a first down and you've got to go ten. So, that's  
2 it.

3 CHAIRMAN BARTH: Conclusion?

4 SUPT. ESTES: I told you I'd be quick. Hey, now  
5 I do still have the Class Size one. Do you want to  
6 do them both at the same time?

7 CHAIRMAN BARTH: Yes. Go ahead and do your full  
8 presentation.

9 SUPT. ESTES: All right. We're requesting a  
10 waiver for Class Size for the following reason:  
11 school choice law requires us to accept up to 90%  
12 capacity. Capacity for kindergarten is 22 students  
13 if you have an aid in the classroom. We have three  
14 sections of kindergarten; 90% of 66 is 59.4. Since  
15 we couldn't take in point-four-tenths of a child, we  
16 took up to 60 on school choice. When school started  
17 we had nine students in-district show up, so that put  
18 us over. So now our average in kindergarten is 23  
19 students, which puts us over one of 22, the required  
20 maximum.

21 CHAIRMAN BARTH: All right. So thank you, sir.  
22 Thank you, Mr. Estes, for your presentation. So --

23 SUPT. ESTES: Also, Mr. Barth --

24 CHAIRMAN BARTH: Yes.

25 SUPT. ESTES: -- I had a last page I didn't look

1 at.

2 CHAIRMAN BARTH: Oh, okay. No problem. You  
3 breathed and I seized the opportunity.

4 SUPT. ESTES: We've advertised and we can't find  
5 a teacher. If we could find a teacher, we're asking  
6 for this for two years, not five years, not ten  
7 years. We're asking for it for two years because  
8 we're in the process of building a new high school,  
9 we're doing great things, we've got a great school.  
10 We'll have room, we'll have space eventually. But  
11 right now if we could find a teacher, which we can't,  
12 we don't have a room to put them in.

13 CHAIRMAN BARTH: All right. Thank you.

14 I need a little guidance from Ms. McLaughlin on  
15 the order here. So we do have public comment; that  
16 public comment, I believe, is in opposition. But I  
17 didn't know how -- whether to treat that as formal  
18 opposition or whether to treat that as public comment  
19 that would not be part of that formal opposition.  
20 Thoughts on how to proceed?

21 MS. McLAUGHLIN: I'm going to defer to Ms.  
22 Davis.

23 CHAIRMAN BARTH: Thank you.

24 MS. DAVIS: I would take it as part of the 20  
25 minutes, so formal opposition time that you have.

1 CHAIRMAN BARTH: All right. And so we would  
2 move directly to that and then come back to questions  
3 after that?

4 MS. DAVIS: Then they would have -- the  
5 applicant is going to have an opportunity to --

6 CHAIRMAN BARTH: For five minutes?

7 MS. DAVIS: Yes.

8 CHAIRMAN BARTH: And up to five minutes after  
9 that?

10 MS. DAVIS: And then discussion, yes.

11 CHAIRMAN BARTH: Okay. Great. So I have -- on  
12 the list I have Tracey-Ann Nelson and David Kizzia  
13 from the Arkansas Education Association. Ms.  
14 McLaughlin, swear them as testifying?

15 MS. McLAUGHLIN: Yes.

16 CHAIRMAN BARTH: Okay. All right. And so just  
17 you, Ms. Nelson? Oh, yeah, you don't -- David, don't  
18 put your hand up.

19 MR. KIZZIA: I don't need to be sworn in, Dr.  
20 Barth.

21 CHAIRMAN BARTH: That's right; I apologize. I  
22 knew you were an attorney. Do you swear or affirm  
23 that the testimony you're about to give shall be the  
24 truth, the whole truth and nothing but the truth?

25 MS. NELSON: I do.

1                   CHAIRMAN BARTH: Thank you, Ms. Nelson. Just  
2 present yourself for the record.

3                   MS. NELSON: Sure. Good afternoon. My name is  
4 Tracey-Ann Nelson. I'm the executive director of the  
5 Arkansas Education Association. Thank you, Mr.  
6 Chairman, Members of the Board, for allowing us this  
7 opportunity.

8                   First, I just want to acknowledge all the work  
9 that continues to go into helping educators be  
10 excellent and the work that the Department is doing  
11 to work on the teacher pipeline. The Arkansas  
12 Education Association has some significant concerns  
13 with the Act 1240 waivers requested by Palestine-  
14 Wheatley School District. And for the record this  
15 board has consistently rejected waiver requests for  
16 Teacher Fair Dismissal.

17                   We submitted a letter to each of you yesterday  
18 that outlines all of the citations that we're going  
19 to speak about. So I'm just going to not specify  
20 each law that we're referring to because it's already  
21 in the letter.

22                   First, prompted by the new federal law, the  
23 Every Student Succeeds Act, the state has worked to  
24 develop a plan that makes inroads into districts  
25 accessing excellent educators. This board, along

1 with our colleges of education, our-selves (AEA),  
2 education co-ops around the state, and many others  
3 have committed itself to improving the skills and  
4 developing the leadership of teachers in order to  
5 meaningfully address the teacher attrition rates in  
6 Arkansas. Additionally, the policy of this state is  
7 to provide support for educators to improve outcomes  
8 for students. TESS is a demonstrable commitment to  
9 each teacher's improvement.

10 The Teacher Fair Dismissal Act does two things.  
11 Number one, it establishes a specific date by which a  
12 teacher can rely on having their teaching position  
13 for the coming year. Two, it establishes a process  
14 by which a teacher can challenge a recommendation for  
15 termination from their contract. In this context  
16 due-process simply means that teachers are entitled  
17 to notice and a hearing prior to being terminated by  
18 their employer. Both of these provisions help to  
19 mitigate the teacher shortage in Arkansas. None of  
20 these things disallows the termination of a teacher  
21 for lack of performance or any other reason a  
22 superintendent may identify.

23 The General Assembly has determined that the  
24 Teacher Fair Dismissal Act does not confer a lifetime  
25 appointment and is not a tenure law. This means that

1           once a teacher is hired the district is not forever  
2           required to keep a teacher employed. To act as it is  
3           is not correct and a misappropriation of the law.  
4           However, the General Assembly has found that a school  
5           district should follow its own rules as set out in  
6           the district's personnel policies. Even then, the  
7           district only has to meet the legal standard of  
8           substantial compliance. This means that the district  
9           is not legally required to do anything extraordinary  
10          in order to terminate an employee. It means that a  
11          district can terminate a teacher's employment for  
12          reasonable cause.

13                 The request made by Palestine-Wheatley is  
14          disturbing in multiple respects. First, it is  
15          unconscionable that a public school in Arkansas would  
16          hire and, I quote, "from the application someone with  
17          a pulse and a license," knowing they will be harmful  
18          to our students. Any person who knows that harm will  
19          be caused by a prospective employee and hires them  
20          anyway should not be entrusted to protect school  
21          children and should be reported to the Professional  
22          License Standards Board immediately. That level of  
23          irresponsibility by a leader is intolerable, and I  
24          hope the Board understands that. Second, that a  
25          school district would retain a person who would do

1 harm to children for a period of years also lacks the  
2 required standard we have in Arkansas for a leader  
3 entrusted with the oversight of student care and  
4 learning.

5 The Teacher Fair Dismissal Act distinguishes  
6 between newly hired teachers and regular teachers.  
7 Any teacher who has not completed three consecutive  
8 years of employment in the school district where they  
9 are working is considered probationary. The  
10 requirement of three consecutive years applies to  
11 every employee, not just the first three years of a  
12 teacher's career. For example, a teacher could work  
13 25 years in school district one and then decide to  
14 take a position in school district two. They are  
15 subject to the three-year probationary period in  
16 school district two under Arkansas law. Probationary  
17 status creates an important distinction between  
18 teachers in the Teacher Fair Dismissal Act.  
19 Probationary teachers have no right of appeal to  
20 circuit court following a school board's decision to  
21 terminate employment. The Teacher Fair Dismissal Act  
22 makes the decision of the school board final in cases  
23 involving probationary teachers. This begs the  
24 question how does Palestine-Wheatley justify keeping  
25 people harmful to children in the classroom for

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longer than three years.

Unfortunately, the additional waiver Palestine-Wheatley is seeking offers even further evidence that student success is not the heart of this application. The district is asking to cram additional kindergarten students in their classrooms. The district is seeking to do this by waiving Standards of Accreditation which states that there shall be no more than 20 students to one teacher in a classroom. However, kindergarten class maximum may be no more than 22 without one halftime instructional aid being employed for those classes. As a reminder, these standards are put in place for a reason. One of those reasons is what research shows: the most widely cited class size study is the Tennessee Star experiment. The Star experiment tracked the effect of class size on kindergarten students. The study found the smaller class size performs substantially better by the end of the second grade in test scores and fewer disciplinary referrals, as well as grades. Commonsense and research show us that increasing class size, especially in the lower grades -- and in this case, kindergarten, the lowest grade -- has a detrimental impact on student achievement and actually moves public education in the wrong

1 direction, which is the antithesis of the ESSA work  
2 that we're trying to do in Arkansas.

3 If we truly want to achieve the Arkansas  
4 Department of Education's vision of transforming  
5 Arkansas to lead the nation in student-focused  
6 education we must recommit ourselves, offering  
7 adequate support to attract and retain top teachers  
8 and improving student outcomes using a variety of  
9 proven tools, including smaller class size.

10 The Arkansas Education Association respectfully  
11 requests that the State Board rejects the application  
12 for the waiver of the Teacher Fair Dismissal Act and  
13 to uphold its previous rulings on the Teacher Fair  
14 Dismissal waivers requested.

15 CHAIRMAN BARTH: Thank you, Ms. Nelson.  
16 Appreciate it.

17 MS. NELSON: Uh-huh.

18 CHAIRMAN BARTH: We now have a five-minute  
19 response from Mr. Estes and then we will open it up  
20 to questions and debate. Unless Mr. Kizzia -- did  
21 you want to speak as well, Mr. Kizzia?

22 MR. KIZZIA: (shaking head from side to side.)

23 CHAIRMAN BARTH: All right.

24 MR. KIZZIA: No, Mr. Chairman, I don't.

25 CHAIRMAN BARTH: Okay. Thank you.

1 SUPT. ESTES: I wouldn't have went so fast if  
2 I'd known we was going to take up the whole time. I  
3 was trying to get to lunch.

4 As far as I know, I have zero teachers in AEA;  
5 zero in my whole district. She's representing zero  
6 bodies in my district, zero. So anyway, bad teachers  
7 are harmful to kids. We hire the best we have who  
8 apply. We hire our best options. Sometimes they're  
9 not who we want. We do the best we can. Talking to  
10 the lawyer yesterday about probationary teachers and  
11 they said no, said, "You're not going to -- you still  
12 have to go through all the steps; you still have to  
13 do everything you have to do with probationary  
14 teachers. Maybe they don't have an appeal to circuit  
15 court, but you still have to go through TESS" -- and  
16 it takes a year to go through TESS. And guess what?  
17 You've got to keep them till the next year and it  
18 takes a year to get TESS scores back. Sorry. Just  
19 where we're at we don't get cream of the crop  
20 applicants. I'm just trying to get on a level  
21 playing field. If it's good for KIPP, it's good for  
22 me. Thank you.

23 CHAIRMAN BARTH: Thank you, sir.

24 All right. I think there probably are some  
25 questions on this. I'm going to start over with Ms.

1 Newton. Do you want to start and we will go around  
2 the -- I'll go to Ms. Cochran next.

3 MS. NEWTON: Are we going to do questions on  
4 both or just one, or how do you want to do that?

5 CHAIRMAN BARTH: Why don't we focus on Class  
6 Size first and then we'll come back with Teacher Fair  
7 Dismissal, since -- so Class Size questions first.

8 MS. NEWTON: Okay. On your Class Size you said  
9 you are one student over; right?

10 SUPT. ESTES: Yes, ma'am.

11 MS. NEWTON: And you have an aid in that  
12 classroom right now?

13 SUPT. ESTES: Yes, ma'am. Yes, ma'am.

14 MS. NEWTON: And your plans are to keep the aid  
15 in the classroom?

16 SUPT. ESTES: Yes, ma'am. May hire another one.

17 MS. NEWTON: Okay. All right. You're  
18 requesting the waiver on the Class Size. Do you have  
19 an upper limit on the size?

20 SUPT. ESTES: If it got -- in my mind -- and,  
21 you know, it depends on the kids. It may be --  
22 sometimes -- sometimes it depends on the kids. But I  
23 wouldn't go over 25.

24 MS. NEWTON: Okay. Because I'm going to be a  
25 whole lot more comfortable with this if you'll tell

1 me your mind and speak to maybe an upper limit that  
2 you would not go over.

3 SUPT. ESTES: I would not go over 25.

4 MS. NEWTON: Thank you. And you have plans for  
5 an aid in there?

6 SUPT. ESTES: Yes, ma'am.

7 MS. NEWTON: And this is only for two years?

8 SUPT. ESTES: Two years.

9 MS. NEWTON: And only for kindergarten?

10 SUPT. ESTES: Well, the waiver, only for  
11 kindergarten this year. But it's for Class Size --  
12 that's the only one I need it for this year; that's  
13 the only place I ran into trouble this year.

14 MS. NEWTON: But the two-year waiver is for what  
15 grades?

16 SUPT. ESTES: I think it's kindergarten through  
17 fourth -- kindergarten through sixth. What did KIPP  
18 have? I think it's the same waiver that -- whatever  
19 KIPP has is what I'm asking for.

20 MS. NEWTON: Okay.

21 SUPT. ESTES: But I don't plan to use it.

22 MS. NEWTON: Well, I still need some -- I still  
23 need clarification on what you plan to use it --

24 SUPT. ESTES: I'm just trying to stay off  
25 probation.

1 MS. NEWTON: I understand that. And I'm just  
2 trying to get some clarification on what you're  
3 asking for, I guess.

4 SUPT. ESTES: Uh-huh.

5 MS. NEWTON: Ms. Davis, do you have information  
6 on what we're asking for?

7 MS. DAVIS: Their application requested a waiver  
8 of 10.02 which does include all the grades. It also  
9 asks for 10.02.02 which is limited to grades -- just  
10 to kindergarten. So if they don't need the overall  
11 waiver of 10.02 they can go ahead and withdraw that  
12 and then leave their 10.02.2 which will be just  
13 kindergarten. That's up to the applicant.

14 MS. NEWTON: Okay.

15 CHAIRMAN BARTH: Do you understand that  
16 question?

17 SUPT. ESTES: Yes, sir, I did. But just so I  
18 don't have to come back next year I'd rather leave  
19 them both in because we are a good school district;  
20 we offer a top quality education. And if we accept  
21 school choice kids and then we don't know who's  
22 coming -- kindergarten, very hard to do because you  
23 don't know who was there last year, so -- and parents  
24 don't think about signing up for kindergarten in the  
25 previous year. And that's what happened this year.

1 CHAIRMAN BARTH: So just to clarify, you're  
2 putting an upper cap, through your testimony, on  
3 kindergarten of 25. You're not putting any upper  
4 caps on any of the other grades?

5 MS. DAVIS: Do you know what the limits are?

6 SUPT. ESTES: I know what the limits are. I go  
7 through it every year. I think -- well, you may  
8 correct me -- I don't foresee using them. You know,  
9 if I went one or two over is all I would ever go  
10 over.

11 MS. NEWTON: So would you say two over would be  
12 your maximum?

13 SUPT. ESTES: I'd say three over.

14 MS. NEWTON: Say three over.

15 SUPT. ESTES: Because with three over -- we're  
16 three over in kindergarten and I think three over in  
17 each grade level, whatever the number is -- if I  
18 could get three over I think that would cover me  
19 well, with three sections.

20 MS. NEWTON: Okay. And this is just for two  
21 years?

22 SUPT. ESTES: Yes, ma'am.

23 MS. NEWTON: Okay. That's all my questions.

24 CHAIRMAN BARTH: Ms. Cochran, do you have  
25 questions or comments on the Class Size issue?

1 MS. COCHRAN: No.

2 CHAIRMAN BARTH: Okay. Class Size?

3 MS. REITH: No. Ms. Newton laid it out very  
4 well. Thank you.

5 CHAIRMAN BARTH: Ms. Dean? Ms. Zook?

6 MS. ZOOK: I had the same question. So are you  
7 having a fulltime aid in each of the three sections  
8 of kindergarten if you want to go up to 25?

9 SUPT. ESTES: The standards call for a halftime  
10 aid. I will get another one in there. I'll get one  
11 for each classroom if I go up anymore, and I may do  
12 that now anyway.

13 MS. ZOOK: Yeah. Because I think what it says  
14 is if you go up to 22 you have to have a halftime.

15 SUPT. ESTES: A halftime aid. Yes, ma'am.

16 MS. ZOOK: So if you're going to go -- or  
17 anticipate that you might have to go to 25, then I'd  
18 like a commitment that it'll be a fulltime aid, not a  
19 halftime.

20 SUPT. ESTES: If I go to 25, I will for sure  
21 have a fulltime aid.

22 MS. ZOOK: Okay. Thank you.

23 CHAIRMAN BARTH: Okay. Mr. Black, any  
24 questions? Ms. Chambers? Mr. Williamson? Dr. Hill?  
25 Okay. Any further questions on Class Size?

1 I want to go ahead and get to the conversation  
2 on the other issue and then we'll vote on them  
3 sequentially; so we'll now move to Teacher Fair  
4 Dismissal. I'll start with Ms. Dean. Any questions  
5 on Teacher Fair Dismissal?

6 MS. DEAN: No.

7 CHAIRMAN BARTH: Ms. Reith?

8 MS. REITH: Yes, on this one I do have a few  
9 questions. I won't lie, Mr. Estes; I definitely  
10 appreciated having you come before us over the years  
11 and your commitment, but some of the things you said  
12 and how you talked about teachers I would admit if I  
13 was a teacher in your district I'd be concerned. I  
14 guess I'm wondering -- and I don't know if it's you  
15 or someone at the Department can speak to this.  
16 First and foremost, I guess I'm surprised -- or maybe  
17 confirmation -- do you all have the licenses -- the  
18 licensure waivers that other districts have applied  
19 for? And if not, then why isn't the application  
20 first for that versus Teacher Fair Dismissal Act?

21 SUPT. ESTES: I may have to be up here next  
22 month getting that. I have not --

23 MS. REITH: Okay.

24 SUPT. ESTES: I have not gotten that and --

25 MS. REITH: I couldn't remember if you were part

1 of the co-ops that had applied for that.

2 SUPT. ESTES: I've not -- I've talked to the  
3 State about that. And I mean really -- basically --  
4 and let me tell you how I talk about our teachers  
5 every time, my all-star teachers. We've got the best  
6 teaching staff in the state. I'd put them up against  
7 anybody. I love the fact that my children go to  
8 school there; love it. They're wonderful. And they  
9 support me being here today because they know the  
10 ones I'm talking about -- and it's nobody  
11 specifically that I'm talking about right now, zero,  
12 none. I'm not going to get a waiver and go back and  
13 fire somebody; that's not the intention. I have  
14 stayed away from the licensure waiver, like the ones  
15 at Lafayette County, just basically because I don't  
16 want to hire people who can't pass the test. That's  
17 just my personal/professional preference of it. I  
18 mean, I want to stay away from that because I just --  
19 I think it could get bad. I want to try to keep  
20 people who --

21 MS. REITH: I appreciate that. And I know the  
22 districts that have come to us, it's never because  
23 they don't want to hire a licensed teacher but  
24 acknowledging that sometimes the entry point to  
25 teaching can come from different places or people are

1 on different trajectories, and so it's the  
2 combination of that. And then -- and I acknowledge  
3 and, you know, re-read again, you know, your -- the  
4 interview issue. If, in general, something like this  
5 that has broader implications -- and I do believe  
6 that's something that does give authority for the AEA  
7 to be here, even though maybe your teachers aren't  
8 part of their association. There are broader  
9 implications once we start a slippery-slope of giving  
10 approval to something like this, and so I can't see  
11 this just in isolation. But even if I had done this  
12 before I would've wanted to see more on the upfront  
13 to what you could've done for who's coming in on the  
14 entry point, right, like these licensure waivers,  
15 like Lafayette and so many others have applied for,  
16 or more on the interview process before getting to  
17 something as extreme as asking for a request on the  
18 Teacher Fair Removal. Can you speak a little bit to  
19 professional development in your district? I guess I  
20 would also want to know about interventions that  
21 support teachers before we're jumping again to the  
22 dismissal.

23 SUPT. ESTES: Great. Yes. We offer  
24 professional development in-house ongoing, sustaining  
25 all the time, personalized professional growth plans

1 for everybody; you know, whatever a teacher needs,  
2 you know, we work with them to try to get it. So we  
3 do that. And speaking on your slippery-slope, I  
4 think if KIPP, seven miles away, they have Teacher  
5 Fair Dismissal, are we not already on the slippery-  
6 slope? How can you -- how can we keep saying, "Hey,  
7 we're going to let KIPP and charter schools do this  
8 but let public schools -- not give them the same  
9 waivers," whenever it's been shown to improve student  
10 success?

11 MS. REITH: No. And I guess I'll just  
12 reiterate, and not all my colleagues may share this  
13 opinion, but charter schools are really supposed to  
14 be incubators of innovation.

15 SUPT. ESTES: Right.

16 MS. REITH: So we have specialized circumstances  
17 for and opportunities to be able to explore. And  
18 there are standards for a reason and this is just one  
19 of those that -- I think many reasons that were  
20 stated by the AEA, and then just even in general  
21 yourself, right? So, wanting good licensed teachers  
22 --

23 SUPT. ESTES: Right.

24 MS. REITH: -- and the shared knowledge is a  
25 standard that we've held ourselves to across

1 Arkansas, and I don't think that's been negative to  
2 our public schools. And that's been part of the  
3 reason that I know I've always voted against, as has  
4 been noted here, since -- my trajectory on the Board  
5 has always covered the 1240s since the beginning to  
6 this moment; I've always voted against the Teacher  
7 Fair Dismissal Act. And I just -- I didn't hear  
8 anything different in your presentation that would  
9 lead me to want to get to a different conclusion on  
10 that. And that's not to say that we don't want to be  
11 able to support you and what you're doing. And as  
12 you've said, you with your teachers are doing some  
13 great things and we see that in the test scores and  
14 the results, despite the challenges. But I would've  
15 wanted to see more on the upfront and maybe beseech  
16 you to think about some of these other licensure  
17 waivers, if waivers is really where you're going to  
18 need -- right -- some support. Maybe there's some  
19 other ones besides this one to get you to the end  
20 goal, and I hope the Department can work with you on  
21 that.

22 CHAIRMAN BARTH: Thank you. Ms. Cochran?

23 MS. COCHRAN: Obviously I'm a public school  
24 teacher. And I think that --

25 SUPT. ESTES: I am too.

1 MS. COCHRAN: -- just because a charter school  
2 has something doesn't mean we need it in public  
3 schools. I think we can be better.

4 SUPT. ESTES: I believe I am better.

5 MS. COCHRAN: Good.

6 SUPT. ESTES: My test scores show it.

7 MS. COCHRAN: That's wonderful. I would just  
8 like to have a more personal perspective of -- how  
9 would you convince me to come teach in your school  
10 district? And if you could convince me how would you  
11 support me and help me grow specifically, not just  
12 through a professional growth?

13 SUPT. ESTES: We're located in the holy city of  
14 Palestine, Arkansas. Our school is a diamond of the  
15 Delta. We're growing. It's a wonderful place to be.  
16 We're like a family. Just about everybody who works  
17 up there has kids go up there. I have 10  
18 commandments of teaching at Palestine. One of the  
19 commandments is teach every class as if your child  
20 was in it. Every parent wants the best education for  
21 their child. And because we have so many parents up  
22 there the quality of education is there. It's just a  
23 wonderful place to work. We're growing. A lot of  
24 people, local people think it's the Mall of America  
25 but we just had a Dollar General store open up right

1 across from the school. We just had a fish house  
2 open up less than a mile from the school. We have a  
3 Mexican restaurant and a clothing store and a  
4 furniture store going in. We have -- we're in the  
5 process of building a brand-new 93,000 square foot  
6 high school. Love to have you. We'll give you a  
7 \$5,000 first year bonus if you come.

8 CHAIRMAN BARTH: Thanks. Ms. Newton?

9 SUPT. ESTES: If y'all need a job next year,  
10 send me in an application; we'll talk more.

11 CHAIRMAN BARTH: Anything else, Ms. Cochran,  
12 before --

13 MS. COCHRAN: No, thank you.

14 SUPT. ESTES: Thank you.

15 CHAIRMAN BARTH: All right. Ms. Newton.

16 MS. NEWTON: I can tell you have great  
17 enthusiasm for your district and I appreciate that  
18 and I know it's probably contagious within your  
19 staff. I do have some problems with the Teacher Fair  
20 Dismissal and I'm going to be honest, I was disturbed  
21 by the comment that was in your application that  
22 sometimes you have to hire teachers that you -- that  
23 knowing that they would be bad for your students.  
24 But we'll get past that and go on and let me ask you  
25 another question. What -- if you were to get this

1 waiver, what would be your plans? Do you have  
2 specific plans laid out as far as due-process for  
3 your teachers?

4 SUPT. ESTES: Yes, ma'am. We go through all the  
5 same steps that we go through now. We have  
6 reprimands, we have verbal, written, go through that;  
7 still go through TESS; still go before the board; the  
8 board hires, the board would have to terminate, still  
9 go through all that. It just won't be bound by the  
10 laws of the Teacher Fair Dismissal Act.

11 MS. NEWTON: Is that written down somewhere?

12 SUPT. ESTES: No, ma'am. What our policy is  
13 now, our policy is to -- we don't have a policy; it's  
14 just Arkansas School Board Association policy to  
15 follow the Teacher Fair Dismissal. So we'd have to  
16 get rid of that and I would ask Scott Shirey at KIPP  
17 for what his policy is, but -- and I would model  
18 something off that. But my policy -- my practice  
19 would still be, hey, we're going to -- I mean, we  
20 can't afford to just run people off. We can't afford  
21 that. We don't have that -- we don't have  
22 applicants. We work with people. We do everything  
23 we can to make people be successful for our children.

24 MS. NEWTON: Okay. Thank you.

25 CHAIRMAN BARTH: Thanks, Ms. Newton. Dr. Hill?

1 Mr. Williamson? Ms. Chambers?

2 MS. CHAMBERS: I would just add to some of the  
3 comments that have already been made about the -- I  
4 think the wording is unfortunate, Superintendent,  
5 relative to the Teacher Fair Dismissal Act. It's  
6 just -- not just from an application standpoint, but  
7 if wording like that were to be used regularly in and  
8 with your teachers I don't think that's -- it doesn't  
9 sound like that's reflective of how you truly feel  
10 about them. So --

11 SUPT. ESTES: No. My teachers are wonderful, my  
12 all-star teachers, all-star cast.

13 MS. CHAMBERS: That's wonderful. And I also  
14 want to express empathy for what sounds like a very  
15 challenging situation in terms of getting and keeping  
16 great teachers. I was going to ask -- maybe you can  
17 speak to it or maybe somebody from ADE, but I'm  
18 assuming this waiver doesn't apply just to new hires;  
19 it would apply to any teacher, regardless of tenure.  
20 Right?

21 SUPT. ESTES: Yes, ma'am.

22 MS. CHAMBERS: And as you've expressed, you  
23 can't afford to -- of course it wouldn't be  
24 motivating to get rid of great teachers. But other  
25 than what you're saying right now, here in your

1 testimony, we don't know exactly what your process  
2 would be for dismissal if we were to apply a waiver  
3 here. You're going to look at KIPP school, maybe see  
4 what they do, but --

5 SUPT. ESTES: We would still go by the same  
6 thing we do now. We would go through -- we -- they'd  
7 still be evaluated through TESS. If it was an action  
8 that was something, say, being late for work, you  
9 know, I can't be too specific or at least -- let's  
10 just say being late for work. Well, I'm going to  
11 warn you; the next time I'm going to say -- I might  
12 just let it go the first time, probably not say  
13 anything because everybody is late for work  
14 sometimes. But if it's the second time that week  
15 then I'm going to say, "Hey, you need to be at work  
16 on time." The third and fourth time I'm going to  
17 write you up, then I'm probably going to write you up  
18 again. And then the fifth time or so it's still  
19 going on then I'm going to suspend you, send you home  
20 with pay, and then you go before the board for  
21 termination. I mean it's the same thing. I'm not --  
22 I can't afford and wouldn't want to go back and just  
23 start firing people. That's not what this is about,  
24 not at all. It's about protecting children.

25 MS. CHAMBERS: Thank you.

1 SUPT. ESTES: Hey, and let me explain the -- I  
2 don't understand the game of basketball. I don't  
3 know why they intentionally put the ball on the  
4 ground. I'm a football/baseball person. I don't  
5 understand why somebody intentionally puts a ball on  
6 the ground. So if I was to apply for a basketball  
7 job I would be harmful to that basketball program. I  
8 don't know it.

9 CHAIRMAN BARTH: Okay. Mr. Black, anything?

10 MR. BLACK: No.

11 CHAIRMAN BARTH: All right. Commissioner?

12 COMMISSIONER KEY: I probably would need to ask  
13 the attorneys to come up, but to your question I want  
14 to make sure that we're clear. You asked about would  
15 it only apply to new hires. I think the action today  
16 -- if this waiver were to be approved, they still  
17 sign contracts that have provisions in them and I  
18 believe the attorneys would tell us that those  
19 contracts would be -- the district would be bound by  
20 what's in those contracts that were previously signed  
21 --

22 MS. CHAMBERS: Regardless of the waiver?

23 COMMISSIONER KEY: -- regardless of the waiver.  
24 But let me let them come up and talk about that.

25 MS. DAVIS: That is correct. They would be

1 still bound by that in the contract, unless they took  
2 all those contracts back to their personnel committee  
3 and reissued contracts. And I know that the law has  
4 some pretty -- you know -- some requirements on what  
5 it takes to go back through that policy to reissue  
6 them. But unless that happened they would be bound.

7 CHAIRMAN BARTH: Ms. Zook, anything?

8 MS. ZOOK: Okay. I'll start this by saying I am  
9 a teacher and I do -- I've never been written up or  
10 reprimanded for cause because, you know, I'm -- I  
11 could teach at Palestine; you'd be happy.

12 SUPT. ESTES: Good. Apply. We've got a new  
13 Dollar General.

14 MS. ZOOK: Right. Well, we've got one of those  
15 in Melbourne. See?

16 SUPT. ESTES: I've been there.

17 MS. ZOOK: We're in good shape. I think the  
18 thing that gives me pause and what I'm trying to  
19 weigh in my mind is -- I wasn't on the Board when  
20 KIPP started and when they were given that. I don't  
21 know how I would've voted on it at the time. But I  
22 also understand for those of you in close proximity  
23 to KIPP that if you're having to work and play on 150  
24 yard football field and they're only playing on a 100  
25 yard football field that makes the game a whole lot

1 different.

2 SUPT. ESTES: Thank you.

3 MS. ZOOK: So that's something that I'm weighing  
4 before I make my vote, because if we're going to  
5 allow the waivers and you come in and you see that  
6 that would benefit you in some way, you know, it  
7 almost looks like it would be the other way; if you  
8 didn't -- if you didn't have Fair Dismissal and you  
9 wanted to do it, then teachers would all like flock  
10 there. But KIPP at this point, to my knowledge,  
11 other than special ed., they don't have any trouble  
12 getting teachers. And I don't want Palestine-  
13 Wheatley to have trouble getting teachers either.

14 CHAIRMAN BARTH: Ms. Reith?

15 MS. REITH: If I could have a follow-up to Ms.  
16 Zook; if I might actually borrow a question you've  
17 asked in the past in these regards and to pose it to  
18 Dr. Estes. Have you investigated if KIPP has ever  
19 used this waiver?

20 SUPT. ESTES: Yes, they have. And I can't be  
21 too specific about that. But, yes, they have.

22 MS. REITH: But they haven't given you any  
23 details on how and under what circumstances and  
24 whether it was really of value to the district or --  
25 I apologize -- the charter?

1 SUPT. ESTES: I can tell you it was of value to  
2 the district, to the charter, and they did use it.  
3 Now I wish I could be more specific because I'd  
4 really love to.

5 MS. REITH: I wish you could too. Thank you.

6 SUPT. ESTES: All right.

7 CHAIRMAN BARTH: Any other questions on this  
8 issue?

9 Okay. Then we have two waivers before us.  
10 We'll treat them separately because there's been  
11 separate conversation.

12 The first is the Class Size waiver. It was  
13 through -- Mr. Estes' testimony was there were some  
14 constraints placed on it through the questioning Ms.  
15 Newton asked. It is for all grades but a two --  
16 three over per -- in a classroom per -- at those --  
17 when those numbers change at different grade levels.

18 SUPT. ESTES: Yes.

19 CHAIRMAN BARTH: But whatever the number is plus  
20 three --

21 SUPT. ESTES: Yes.

22 CHAIRMAN BARTH: -- for two years. And so I  
23 will entertain a motion on the Class Size waiver.

24 MS. NEWTON: I move to grant the waiver for  
25 Class Size with the constraints that were mentioned

1 with a maximum of three per grade.  
2 MS. CHAMBERS: Second.  
3 CHAIRMAN BARTH: All right. Motion by Ms.  
4 Newton, second by Ms. Chambers.  
5 Let's do a roll-call on this.  
6 COMMISSIONER KEY: Ms. Reith.  
7 MS. REITH: Yes.  
8 COMMISSIONER KEY: Ms. Zook.  
9 MS. ZOOK: Yes.  
10 COMMISSIONER KEY: Mr. Williamson.  
11 MR. WILLIAMSON: Yes.  
12 COMMISSIONER KEY: Ms. Chambers.  
13 MS. CHAMBERS: Yes.  
14 COMMISSIONER KEY: Ms. Dean.  
15 MS. DEAN: Yes.  
16 COMMISSIONER KEY: Dr. Hill.  
17 DR. HILL: Yes.  
18 COMMISSIONER KEY: Ms. Newton.  
19 MS. NEWTON: Yes.  
20 COMMISSIONER KEY: Mr. Black.  
21 MR. BLACK: Yes.  
22 CHAIRMAN BARTH: Okay. Unanimous on that.  
23 We'll now come to the Teacher Fair Dismissal  
24 waiver. Ms. Newton.  
25 MS. NEWTON: I move to deny the waiver for

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Teacher Fair Dismissal.

MS. CHAMBERS: Second.

CHAIRMAN BARTH: All right. Motion by Ms. Newton, second by Ms. Chambers.

Again, a roll-call please.

COMMISSIONER KEY: Ms. Reith.

MS. REITH: And if I can just confirm, you said deny; correct?

MS. NEWTON: Yes.

MS. REITH: Then, yes.

COMMISSIONER KEY: Ms. Zook.

MS. ZOOK: No.

COMMISSIONER KEY: Mr. Williamson.

MR. WILLIAMSON: No.

COMMISSIONER KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

COMMISSIONER KEY: Ms. Dean.

MS. DEAN: Yes.

COMMISSIONER KEY: Dr. Hill.

DR. HILL: Yes.

COMMISSIONER KEY: Ms. Newton.

MS. NEWTON: No. Wait. Yes.

CHAIRMAN BARTH: Yes.

MS. REITH: It's that double negative. Yeah.

MS. NEWTON: Yeah.

1 MS. REITH: Yes.

2 COMMISSIONER KEY: That was a yes?

3 MS. NEWTON: That was a yes.

4 COMMISSIONER KEY: Mr. Black.

5 MR. BLACK: No.

6 COMMISSIONER KEY: Dr. Barth.

7 DR. BARTH: Yes.

8 COMMISSIONER KEY: Five-to-four vote.

9 CHAIRMAN BARTH: All right.

10 SUPT. ESTES: Thank you.

11 CHAIRMAN BARTH: Congratulations.

12 SUPT. ESTES: Appreciate you.

13 CHAIRMAN BARTH: Good luck.

14 So it's past lunch time. I apologize. I know  
15 Representative Sturch is here though and I want to  
16 give him the opportunity to speak.

17 REPRESENTATIVE STURCH: If you want to pay for  
18 lunch I can wait and let Johnny buy me a sandwich.

19 CHAIRMAN BARTH: All right. Well, we will see  
20 you after lunch. Thanks for that agreeability.

21 We will pick up with the district requests for  
22 waivers on -- for the Batesville School District  
23 right after lunch. We will return -- how much time  
24 do you guys need? Okay. We will return at 1:40.

25 Okay. And I apologize to folks who've shown up for

1 1:00, but that's what happens.

2 (LUNCH BREAK)

3 CHAIRMAN BARTH: All right. Welcome, everyone.  
4 We apologize for running a little bit behind, but we  
5 had -- we were in the middle of a hearing this  
6 morning that we wanted to finish. We are -- for  
7 folks watching online, we are down to the Act 1240  
8 waivers, the last of those (c) which is the  
9 Batesville School District waiver. So we're just a  
10 couple of items behind and then we'll get to the  
11 afternoon agenda.

12 I also want to remind everybody that this will  
13 be our last meeting in this space, so we will be gone  
14 from here for several months while they're renovating  
15 this space. So I don't know if there are axes for us  
16 to use to tear this apart tomorrow, but it will be  
17 the last time we are here for awhile.

18 (c) DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-  
19 ENROLLMENT CHARTERS: BATESVILLE SCHOOL DISTRICT

20 CHAIRMAN BARTH: So, Ms. McLaughlin is here and  
21 you'll walk us through the Batesville proposal.

22 MS. McLAUGHLIN: Thank you, Dr. Barth. Kelly  
23 McLaughlin, ADE. Today we have the Batesville School  
24 District here to seek Act 1240 district waivers for  
25 Flexible School Day, Educator Licensure, and Library

1 Media Services. Their 90 days will expire on  
2 November 23rd and they are requesting for five years.  
3 They do have representatives here to make their  
4 presentation: Dr. Michael Hester, superintendent;  
5 Jennifer Douglas, assistant superintendent; and also  
6 we have James Sturch, State Representative.

7 CHAIRMAN BARTH: All right.

8 MS. McLAUGHLIN: And you will want to have  
9 everyone sworn in for the proceedings.

10 CHAIRMAN BARTH: Indeed. So anybody who is  
11 planning to testify on the Batesville waiver, if you  
12 could stand and raise your right hand that would be  
13 great. All right. Do you swear or affirm that the  
14 testimony you're about to give shall be the truth,  
15 the whole truth and nothing but the truth?

16 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

17 CHAIRMAN BARTH: Thank you very much. So y'all  
18 can proceed and you have up to 20 minutes to make  
19 your presentation.

20 SUPT. HESTER: Thank you. Dr. Mike Hester from  
21 Batesville, superintendent. As you see in our  
22 rationale before you, we have put students first as  
23 our branding -- and more than just our motto, but our  
24 beliefs in Batesville. And with that belief we've  
25 initiated some very innovative things with our one-

1 to-one technology initiative and we're using Virtual  
2 Arkansas Ingenuity, which is a K-12 online curriculum  
3 that can be manipulated by classroom teachers for  
4 blended learning in the classroom and other online  
5 venues. We allow students to work at their own pace  
6 and receive personalized training for -- whether it's  
7 correctives or enhancements or a personalized  
8 learning path. We assist our at-risk students. We  
9 seek out and provide learning opportunities for all  
10 of our children and the community. We are in a  
11 remote location, which may lead to some of the  
12 rationale. We also are one of the ones that -- with  
13 the state law minimum for teachers we were \$200 below  
14 and we'll have to make sure that we get that up this  
15 year. And then when it comes to attracting and  
16 retaining, obviously the Batesville School District  
17 does not anticipate any significant fiscal impact and  
18 has not been identified in distress by the State.  
19 But because of these issues we are seeking, actively  
20 seeking ways to stay on top of the game. The board  
21 of education has approved these movements and  
22 decisions. We've met with our leadership team and  
23 our general superintendent counsel, with principals  
24 and directors. We also met with our librarians and  
25 have shared this information with our staff.

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At this time I'll let our assistant superintendent, Ms. Jennifer Douglas, talk about Educator Licensure.

CHAIRMAN BARTH: Thank you.

MS. DOUGLAS: Jennifer Douglas, assistant superintendent for Batesville School District. If I may, I would just like to say starting out I stood before you guys about two years ago and we were the second school district in the state of Arkansas to request Act 1240 waivers. So just to update you: we have -- I feel like we've handled those very well to this point. Our very first year of implementation was last year and we had 15 students participate in CNA, welding or the National Apprenticeship Training Foundation apprenticeships. This year will be beginning our second full year of implementation and this year we have over 50 students that are participating in those initiatives. Last year we had the very first EMT to graduate in Independence County. She graduated high school and was able to go to work as an EMT. So thank you so much for those waivers. They're going wonderfully. I submitted some videos last year; I hope they made it all the way to you. So in that respect I did want to say thank you.

1           Today we're here to talk about Educator  
2           Licensure and some Flexible Schedule waivers. The  
3           past two years we've had over 60 teachers, certified  
4           teacher vacancies that we've had to fulfill; 13 of  
5           those vacancies were in shortage areas. Currently,  
6           we have four teachers who are working on trying to  
7           get admitted into Master's of Teaching programs. One  
8           example of those teachers is a teacher who has a  
9           Bachelor of Education in Health Science, but because  
10          his program of study did not include student teaching  
11          then he cannot get an Arkansas certificate to teach  
12          P.E. So we're working with him, trying to get his  
13          Praxis score where he can teach or get an Arkansas  
14          license to teach P.E. In addition, we have several  
15          teachers on ALPs. Another reason we're kind of  
16          asking for this waiver, this year when school started  
17          we had almost 100 students enrolled in Virtual  
18          Arkansas classes where the teacher of record is  
19          provided through Virtual Arkansas. And the first  
20          week of school started and we had about 50 of those  
21          students that Virtual Arkansas was unable to enroll,  
22          and so we had to find sections. And thankfully,  
23          through our Educator Licensure waiver for career  
24          courses we were able to do that through Ingenuity and  
25          place students in courses. But that was an

1 unexpected thing that we hadn't anticipated; we  
2 thought those students were ready to go.

3 Dr. Hester also wanted me to mention -- this  
4 year we also had two teachers in August who wished to  
5 resign to go to neighboring districts to either make  
6 more money or move closer to home. And we actually  
7 had to deny those requests because we didn't have any  
8 qualified candidates that we could fill their  
9 positions with.

10 So we are requesting this waiver for five years.  
11 We will still work diligently to pursue Arkansas  
12 qualified teachers. We will continue to support our  
13 teachers as they go through the Master's of Teaching  
14 program and provide them professional development  
15 specific to their area of interest, but also  
16 professional development with the initiatives that  
17 our district has adopted, such as Google Classroom  
18 and Ingenuity.

19 The second waiver I'm going to speak about  
20 before turning it back over to Dr. Hester is the  
21 Flexible Schedule. We have met with our district  
22 leadership teams and the leadership team at the  
23 junior high and high school. We would like to ask  
24 for these waivers for two reasons. One, we would  
25 like to pursue possibly implementing flex-mod

1 scheduling at our 7-12 campuses. Through our initial  
2 waivers we were able to implement a 40-minute block  
3 for intervention for all students at the 7-12 level  
4 to receive enrichment or remediation during that  
5 time, and they receive that daily. But we feel at  
6 this point it might benefit all of our students to  
7 move to a flex-mod schedule so that they can have  
8 some of these opportunities that are listed on the  
9 screen. We have a very active career and academic  
10 planning process where students receive a mentor when  
11 they're in the 8th grade, and that mentor follows  
12 them all the way through. With Ingenuity it does  
13 offer blended learning. It also offers personalized  
14 interventions. This year we moved to the NWEA  
15 benchmark for our K-2 assessment, but we also adopted  
16 that for 3-10. And after our students take that  
17 benchmark assessment it will interface with Ingenuity  
18 and offer personalized interventions for our students  
19 in ELA and math. And so we feel like with those two  
20 components, in addition to our Google Classroom, if  
21 we look into the future and possibly can pursue flex-  
22 mod scheduling that will allow students to have more  
23 personalized time with the teacher; struggling  
24 students can use their flex time to go get smaller  
25 group and specific intervention and instruction from

1           their teachers through a flex-mod schedule. We would  
2           also like to be able to expand and offer more  
3           opportunities for students to go out into the  
4           community, visit local businesses, and possibly  
5           expand our internship programs and have students have  
6           the opportunity to go do more project-based learning,  
7           like we see with our EAST initiatives, as they go  
8           through the course -- as they go through various  
9           courses.

10                        So the other piece of Flexible Scheduling that  
11           we would like to explore is we've had some home-  
12           school families that have approached us and through  
13           Ingenuity and the online courses that are available  
14           there and Google Classroom we would like to have a  
15           personal pioneer pathway available to home-school  
16           families who would like to send their students to  
17           receive coursework through Batesville High School and  
18           possibly Batesville Junior High, where they would  
19           receive high school credit and could graduate with a  
20           high school diploma if they completed their  
21           coursework on our campus. And those courses would be  
22           through Ingenuity and either our teacher would be  
23           teacher of record or if those chose to take courses  
24           through Virtual Arkansas then we could also use  
25           Virtual Arkansas as teacher of record.

1                   So I'll turn it back over to Dr. Hester.

2                   SUPT. HESTER: And for our Library Media waiver,

3                   our one-to-one initiative is called Future Ready and

4                   we began this year working with our teachers and

5                   staff and all the stakeholders involved to make sure

6                   and prep for that. But the library has become a hub

7                   where technology and learning occur together for us.

8                   You know, so many times anymore the library gets left

9                   out with digital learning and those kind of things.

10                  Our plan is that we center at that the search and

11                  research is done through the library with our techies

12                  and our librarians with some of the solutions. Some

13                  of the traditional things that might be in the

14                  descriptor for librarian could change. And we met

15                  with our librarians and we told them we're not trying

16                  to do away with any type of administrative time or

17                  whatever; we're just trying to say that when there

18                  are exceptions -- for instance, when we want to offer

19                  a customer service to our students, where the library

20                  is where you take your computer to be worked on or to

21                  get help, or teachers during their planning time need

22                  help from a techie on some type of PD thing, a

23                  student can be there, but a student would have to be

24                  assigned to a librarian. So, technically, that would

25                  be an assignment and that would be a grievance to the

1           librarian's job descriptions. And so that's why  
2           we're applying for it and our librarians are good  
3           with that. They understand our intentions is that  
4           only when there's an exception -- no one is trying to  
5           take anything away. In fact, we value that time for  
6           them. We need them more than ever. But we do know  
7           that as we're trying these innovative things there  
8           may be times that the letter of the law could be --  
9           you know -- the spirit of the law is that we're all  
10          working together with that, students first. But the  
11          letter of the law sometimes could be that this is why  
12          we'd need it.

13                 The librarians will be the leaders in our web  
14                 culture with the search and research. And, again,  
15                 the personal pioneer pathway is going to be huge for  
16                 us in our students first. And we're requesting this  
17                 waiver for five years. It is our honor to have our  
18                 servant leader with us, Representative James Sturch,  
19                 with us today too.

20                 REP. STURCH: Thank you, Dr. Barth, and thank  
21                 you, Members of the Board. I just wanted to kind of  
22                 come and vouch for Batesville School District. You  
23                 know, this is the fourth district in my service area  
24                 that I've come and spoke on their behalf for some of  
25                 these same vouchers. Cedar Ridge you graciously gave

1           these same vouchers for -- or same waivers for, the  
2           Library Media Specialist and Flex-Mod Schedule.

3           Ms. Zook, I am old school. I just got my first  
4           renewal, so I've only been out five years but I'm  
5           still kind of -- I don't know -- a little bit  
6           hesitant about Flex-Mod Schedule. I'll just be  
7           honest. But I've seen it work now with Cedar Ridge  
8           and they've implemented this this first year and I  
9           can see that the flexibility that it brings really is  
10          able to reach a lot of students in different ways.  
11          And I think really that's what they're all about  
12          here. We have to accept the fact that the 21st  
13          century schools don't look the same as they used to  
14          just five years ago. And libraries aren't going to  
15          look the same way they did five years ago. And so  
16          I'm really -- I've very confident in Dr. Hester.  
17          It's his first year at Batesville and he's a native  
18          Arkansan, but he's been over in Kansas for several  
19          years now. But he's got a lot of innovative ideas  
20          and I know just by talking with him they're going to  
21          be very responsible with these waivers. I know that  
22          they're not wanting to just start from scratch  
23          tomorrow; they're wanting to really kind of ease into  
24          it and will do the responsible things. But students  
25          really have a lot more opportunities and can adapt

1 their own learning projects, whether it's technical  
2 training or career training, or whether they want to  
3 go into a concurrent credit at college, whatever it  
4 might be. And I fully support their request today.  
5 Thank you very much.

6 CHAIRMAN BARTH: Thank you, Representative  
7 Sturch.

8 All right. We're not at a point where we can  
9 ask questions. I believe there is no opposition  
10 signed up. So we are ready, and so I'll just start  
11 with Ms. Chambers. Anything that -- any questions  
12 you have?

13 MS. CHAMBERS: Not this moment. But I did want  
14 to thank you. I so appreciate you coming back and  
15 speaking to previous waivers and how they've  
16 performed. We're just getting to a point where we're  
17 cycling through enough of these to be able to  
18 understand if this is working or not. So that's a  
19 great foundation to come and ask for additional  
20 waivers. So thank you.

21 MS. DOUGLAS: I would add -- I forgot to  
22 mention, we do have now over 100 students also taking  
23 concurrent credit classes through UACCB and some  
24 through Virtual Arkansas, as well. So those waivers  
25 have also allowed us to expand that opportunity as

1 well.

2 CHAIRMAN BARTH: Great. Mr. Black?

3 MR. BLACK: No.

4 CHAIRMAN BARTH: Okay. Oh, I'll ask, as it  
5 comes around. On the Library Media Specialist, you  
6 did note that you had visited with the librarians  
7 about it. Could you describe their sentiments about  
8 that proposed change?

9 SUPT. HESTER: We went through probably an hour-  
10 and-a-half of the Future, Future Ready, of our ideas  
11 and obviously asked them to be collaborators with us  
12 for the future. And at first they didn't really  
13 understand why we were going to have to ask for the  
14 waiver. The question after we finished was, "Well,  
15 what do we need the waiver for? We do these things  
16 and we can do this." And then we gave them the  
17 example of what I just told you about technically  
18 when you assign -- I have -- the librarian -- we have  
19 a techie that works with the techs in our -- that  
20 will show them how to crack the shell and do those  
21 kind of things. The librarian would be more on the  
22 PD side, software side, but they'd also be the  
23 teacher of record. And that is a technical violation  
24 for them to have an assignment during their planning,  
25 administrative time, or their duty-free lunch. And

1 we need that librarian -- if it's going to be in the  
2 hub, it's got to be open all during the time of  
3 school. And so when we explained that they were  
4 like, "Oh, well, yeah, we would do that." And so we  
5 just simply said, "We're talking upfront. We brought  
6 it to you because, number one, we want this open; we  
7 want you to understand that. We thought that this  
8 might be an issue and technically, by the letter of  
9 the law, it would be a violation and that's why we  
10 wanted to just make sure we're upfront and that we  
11 get this clear." Not that our intentions would be to  
12 take away any type of administrative time or  
13 anything. In fact, when they list the things they do  
14 they probably do more than we would ask them. But,  
15 you know, so that in the future that the letter of  
16 the law is taken care of versus the spirit of the law  
17 that's why we're asking for the waiver. And as we  
18 adapt and grow with what search and research means  
19 for the librarian -- for instance, we talked about  
20 online library called MyOn and it has a lot of  
21 features where not only is it a log of all the  
22 activity that a student reads, but it has all kinds  
23 of accommodations for special ed. and for  
24 disabilities, and it also has a Smart Find in that  
25 when a student reads it finds other related things to

1 suggest on the library. And then on top of that, you  
2 take that log and all that information, the Lexile  
3 levels that they're reading, and you're able to copy  
4 and paste that right into the IEPs. And so sometimes  
5 all those things that you're hitting as things change  
6 the letters of the law sometimes are broken -- not  
7 that anybody intends to, but we just -- we understand  
8 that this would help us navigate through it. We're  
9 going to communicate with them through anything. And  
10 what we told them is, "If you have any kind of  
11 grievance we'll do like we always do; that is, we'll  
12 sit down and we'll grieve and we'll come to an  
13 understanding and an agreeable solution." But this  
14 is to protect us. If my principals are asking their  
15 librarians to be the web hub, I need to be able to  
16 make sure the letter of the law is taken care of.

17 CHAIRMAN BARTH: Okay. Thank you very much.

18 MS. DOUGLAS: Could I also add, we -- the day  
19 after -- actually, it was probably the weekend -- we  
20 had our high school librarian go out and find a  
21 Google summit that was available in Fayetteville and  
22 request to attend. And within probably three days I  
23 had four of our librarians who had requested. So I  
24 think overall they're very excited about this  
25 initiative and they're seeking training. So we are

1 sending probably a group of about eight to ten to a  
2 Google summit in Fayetteville, so -- and that was on  
3 their request. So I think that they're very excited  
4 about this overall, even though they may have had a  
5 few inhibitions at the beginning. But after our  
6 conversations they're actually seeking and would like  
7 to receive further training so they can provide that  
8 professional development to teachers.

9 CHAIRMAN BARTH: Thank you.

10 Ms. Zook. No? Ms. Dean? Ms. Reith?

11 MS. REITH: Just to say that maybe there's an  
12 opportunity here to -- with your teachers, if we do  
13 move forward with these waivers -- right -- to have  
14 this conversation and to address their concerns --  
15 right -- in terms of still having the time they need.  
16 Because we acknowledge that it's not just what  
17 happens in the classroom. Right?

18 SUPT. HESTER: Right.

19 MS. REITH: It's what they also do outside to  
20 get ready for what happens in the classroom. And I  
21 know I've been so excited to see everything coming  
22 out of Batesville, Independence County. You all are  
23 definitely a shining beacon for our state overall,  
24 and I would hate, if this moves forward, for it to  
25 cause any tensions within the people that are making

1 that work happen in the classrooms. So if I could  
2 just lift that up as an opportunity, if this does  
3 move forward. Thank you.

4 SUPT. HESTER: Thank you. And I did remember  
5 one of our librarians is a state officer in the  
6 Libraries Association. And we had -- I went to her  
7 and we spoke privately, or personally, together and  
8 we came to assurances and agreements and  
9 communication routes that we'd make sure that we all  
10 are vested and working as an educational family for  
11 continuous improvement.

12 CHAIRMAN BARTH: Ms. Cochran?

13 MS. COCHRAN: Your school district sounds like a  
14 very welcoming and attractive place to teach and to  
15 learn. And it's really exciting to hear about all of  
16 these opportunities in your school district. I  
17 appreciate you speaking about specific teachers that  
18 you're trying to help achieve certification. That's  
19 -- I appreciate that a lot. And on the media  
20 specialist, I just want to say that they are some of  
21 the most hardworking, giving people in our school  
22 buildings. They're the runners, and runners don't  
23 complain. So I just hope that you make sure that  
24 they don't have any unnecessary tasks on their plate.

25 SUPT. HESTER: We will.

1 CHAIRMAN BARTH: Ms. Newton?

2 MS. NEWTON: Again, I want to also thank you for  
3 your update on how you've used the waivers in the  
4 past because that's very helpful as we go forward.  
5 And I do have a little bit of concern about the  
6 Library Media. The way I'm understanding it -- and  
7 you correct me if I have a wrong understanding -- is  
8 that you're not taking away administrative time from  
9 these media specialists; it's going to be the same  
10 time, but they may be assigned a student that will be  
11 in there helping other students and teachers -- just  
12 to have oversight of that one student. Is that what  
13 you're looking for?

14 SUPT. HESTER: One to two. We don't want more  
15 than two students anyway. That becomes a management  
16 issue.

17 MS. NEWTON: Right.

18 SUPT. HESTER: We only want one to two techies  
19 each hour that they're available. And like for  
20 elementaries, we're thinking we can get the  
21 librarians actually help with some high school techs.  
22 And so we think that it will help lighten their load  
23 in a lot of ways. But, yes, you're absolutely  
24 correct. This is only for when things like that  
25 technically go over. They keep their administrative

1 time, their planning time, and their duty-free lunch.

2 MS. NEWTON: Okay. So everything stays the  
3 same; it's just that there may be a student in there  
4 doing work for other students and teachers during the  
5 day?

6 SUPT. HESTER: Yes, ma'am.

7 MS. DOUGLAS: And those students would be  
8 trained by our tech department, so they will actually  
9 be tech interns that would be trained by our  
10 technology staff. So they would really be there to  
11 support the librarian and as people bring in  
12 Chromebooks or have questions.

13 MS. NEWTON: Okay. Thank you.

14 CHAIRMAN BARTH: Thanks. Dr. Hill? Mr.  
15 Williamson?

16 Okay. Anyone else with questions?

17 All right. So we have three sets of waivers.  
18 We'll take them in order. The first one is the  
19 Flexible School Day, the set of waivers that come  
20 under the topic of Flexible School Day. And so I  
21 would invite a motion on that issue.

22 MS. REITH: I move to request [sic] the waivers  
23 requested in regards to Flexible School Day.

24 MS. ZOOK: Second.

25 CHAIRMAN BARTH: Okay. Motion by Ms. Reith,

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second by Ms. Zook.

All those in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed?

Okay. On Educator Licensure --

MS. REITH: I once again move to grant the  
waivers requested for Education Licensures.

CHAIRMAN BARTH: Okay.

MS. CHAMBERS: Second.

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

All those in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed, same sign.

Okay. And then, finally, let's plan to do a  
roll-call on Media. I heard a little more talk on  
this one and so I would ask for a roll-call on Media  
Services, but -- whichever way the motion is. But I  
will invite a motion.

MS. ZOOK: I move that we grant the waiver on  
Media Services as stated.

MR. WILLIAMSON: Second.

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

COMMISSIONER KEY: Ms. Reith.

1 MS. REITH: No.  
2 COMMISSIONER KEY: Ms. Zook.  
3 MS. ZOOK: Yes.  
4 COMMISSIONER KEY: Mr. Williamson.  
5 MR. WILLIAMSON: Yes.  
6 COMMISSIONER KEY: Ms. Chambers.  
7 MS. CHAMBERS: Yes.  
8 COMMISSIONER KEY: Ms. Dean.  
9 MS. DEAN: Yes.  
10 COMMISSIONER KEY: Dr. Hill.  
11 DR. HILL: Yes.  
12 COMMISSIONER KEY: Ms. Newton.  
13 MS. NEWTON: Yes.  
14 COMMISSIONER KEY: Mr. Black.  
15 MR. BLACK: Yes.  
16 CHAIRMAN BARTH: All right. And that passes  
17 seven-to-one.  
18 Okay. All right. Thank you all and  
19 congratulations. And we do want to reiterate the  
20 appreciation for updating us on those early waivers  
21 and what's going on in Batesville, and we look  
22 forward to hearing more from you guys.  
23 MS. DOUGLAS: Thank you so much.  
24 SUPT. HESTER: Thank you.  
25 CHAIRMAN BARTH: All right. Bye-bye.

1 A-7: CONSIDERATION OF ARKANSAS BETTER CHANCE (ABC) 2017-2018  
2 ALLOCATION OF FUNDING

3 CHAIRMAN BARTH: Our next item is now item 7 and  
4 Mary Kaye McKinney is here. We've got two items in a  
5 row on the Arkansas Better Chance program allocations  
6 for the upcoming year.

7 MS. MCKINNEY: Thank you. I wanted to bring to  
8 you a request to -- we had four programs who  
9 relinquished their slots, one that closed. Well,  
10 actually we had three close; one was due to a death,  
11 the other two was due to difficulty finding  
12 enrollment and also they were family care homes and  
13 had decided that they no longer wanted to be involved  
14 in the program. And then we had a HeadStart program  
15 in Van Buren who had 80 children that they're  
16 relinquishing and maintaining 37. And they also  
17 indicated that the Van Buren School District had been  
18 providing more services to preschool children, so  
19 they were having difficulty with their enrollment.  
20 So, those four were closing.

21 And so what we are proposing is the list that  
22 was provided to you in the attachment. And what we  
23 did was we indicated what the April board approved --  
24 the board approved in April a certain number of slots  
25 for these districts and this is the amount that was

1 given. There is one-time startup dollars for when  
2 they're serving more than 10, 10 or more, and so we  
3 tried to give you the final award amount that they  
4 would be receiving by the end of the fiscal year.

5 CHAIRMAN BARTH: All right. So we have this  
6 proposal for a number of shifts in spots for the  
7 Arkansas Better Chance program. Are there any  
8 questions about this? Ms. Newton, you do?

9 MS. NEWTON: I was just curious on how the  
10 programs were selected to receive these new slots?

11 MS. MCKINNEY: At the beginning of the year we  
12 asked in the renewal grants for them to identify the  
13 number of existing slots and if they have a need for  
14 more slots to expand. And so when we brought the  
15 list in April we did expand some of those, trying to  
16 be responsive. We look at a number of things. We  
17 look at the matrix data, and that includes the census  
18 information. We also consider the number of children  
19 that are served in each one of those locales and our  
20 communities and whether or not they've been able to  
21 fulfill their enrollment over the past year, each  
22 month, and whether or not they've made good use of  
23 their money and they've complied with the regulations  
24 and they're in good-standing. So we take a number of  
25 things into consideration. And with that these are

1 the programs that still were on our list requesting  
2 additional existing -- or expansion of their program.

3 MS. NEWTON: Do you have other programs that are  
4 requesting also that did not get funds?

5 MS. MCKINNEY: There were a few. Yes, ma'am.  
6 And that was due to the -- some of them had not  
7 fulfilled their slots the previous year, and so the  
8 question comes up if they didn't fulfill them the  
9 previous year, and yet they're asking for expansion,  
10 whether or not that was logical.

11 MS. NEWTON: Thank you.

12 CHAIRMAN BARTH: Does that answer your  
13 questions?

14 MS. NEWTON: (Nodding head up and down.)

15 CHAIRMAN BARTH: Okay. Anyone else on -- Ms.  
16 Zook.

17 MS. ZOOK: Yes. Just more of a comment than  
18 anything. The feedback that I get from particularly  
19 the elementary principals is that for the districts  
20 that run the pre-K program that they can tell a  
21 significant difference with the children who come to  
22 pre-K and then on into kindergarten, 1st, 2nd.

23 They're not so thrilled with the students that are in  
24 pre-K that is not connected with the school district.  
25 So I don't know if you will communicate that to DHS

1 and maybe encourage them to work more with the  
2 schools for alignment; then all the kids, no matter  
3 where their parents choose, will be getting what we  
4 want them to have before they come to kindergarten.

5 MS. MCKINNEY: I will certainly communicate that  
6 back.

7 MS. ZOOK: Thank you very much.

8 CHAIRMAN BARTH: Okay. Any other questions?

9 All right. Ready to act on this?

10 Okay. I'll entertain a motion.

11 MS. ZOOK: I move to approve the report as  
12 given.

13 MR. BLACK: Second.

14 CHAIRMAN BARTH: All right. And so this is a  
15 motion to make these shifts of dollars and slots to  
16 these, I guess, eight programs.

17 All those in -- the motion was by Ms. Zook, the  
18 second by Mr. Black.

19 All those in favor say "aye."

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN BARTH: Opposed, same sign.

22 Okay. Thank you.

23 A-8: PROVISION OF ARKANSAS BETTER CHANCE (ABC) 2017-2018

24 FUNDING TARGETING FOSTER CARE

25 CHAIRMAN BARTH: The next item relates to foster

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care targeting --

MS. McKINNEY: Yes.

CHAIRMAN BARTH: -- of ABC's program.

MS. McKINNEY: Yes. Currently, in state we have approximately 602 children that are 3 and 4 years of age in foster care. Last year, which is what we have to look at with ABC data, is that there were -- we serve 232 children in foster care. In the middle of the year, we started getting more requests from the Division of Children and Family Services requesting that as children shift into communities or, unfortunately, into foster care that they would like to see these children have access to foster care -- I mean to services and a qualify ABC program. So we have been offering to some of our programs -- to all the programs in ABC that as long as they have the capacity, the 35 square feet per child, and they're licensed to take an additional child, even though they may be at a capacity of 20, that we would allow them to add that 21st child temporarily until either a child leaves the program, so then they can move into an ABC slot. So last year we started it toward the end of the year and we had about 15 programs that took advantage of that. And then I brought back to you the request to make an additional payment to

1 Paris School District because they -- unfortunately,  
2 that community is small; they only have the one ABC  
3 program; they stay full to capacity. So in each one  
4 of their classrooms they were serving an overage of  
5 one foster care child. So many times they do add an  
6 assistant in there to try to assist with the  
7 additional child, if there are any other additional  
8 issues that the child may come into the program with.

9 So what this request is is to -- when I bring to  
10 the Board and ask for a program to serve X number of  
11 slots for a certain amount of money, that really  
12 doesn't lend for us to be able to process a payment  
13 quickly to that program who maybe has gone over to  
14 that 21st slot. So this is a request, in talking to  
15 the ADE Finance, to allow DHS to process a request  
16 for this foster care child and label it in the  
17 billing process to pay for this one child and  
18 identify it as an ABC foster care child. And so  
19 that's really -- I'm asking for a request to be  
20 permitted to do that so that it can be processed  
21 through the ADE Finance.

22 CHAIRMAN BARTH: Okay. I'll see -- Ms. Zook, do  
23 you have a question?

24 MS. ZOOK: And I will echo that request. As  
25 y'all know, I work with CASA and it's traumatic

1 enough for the child when they're taken out of the  
2 home, but then to have to change where they're going  
3 to school. And I've worked with children that  
4 because of rules that are well intended, but with DHS  
5 and ADE at different times I've had children who had  
6 to be in five different districts within a period of  
7 three or four months, and that on top of all else  
8 they're dealing with. So I would appeal to you on  
9 behalf of her request to approve this.

10 CHAIRMAN BARTH: Okay. Anyone else? Other  
11 questions, comments?

12 Okay. Then I will entertain a motion on this  
13 one. Ms. Zook?

14 MS. ZOOK: I move to grant the request.

15 MR. BLACK: Second.

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

18 All those in favor say "aye."

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN BARTH: Opposed, same sign.

21 All right. Thank you.

22 MS. MCKINNEY: Thank you very much.

23 CHAIRMAN BARTH: Great to see you.

24 B-1: CONSIDERATION OF CHARTER AUTHORIZING PANEL DECISIONS -  
25 SUMMARY INFORMATION

1 CHAIRMAN BARTH: All right. We are now to a  
2 whole number of proposals related to Charter  
3 Authorizing decisions. Also, on the public comment  
4 list I see Senator Joyce Elliott; she has signed up  
5 as well. We obviously always let legislators speak  
6 when they wish, and so -- as we did this morning. So  
7 I don't know --

8 SENATOR ELLIOTT: I'm here for the duration.

9 CHAIRMAN BARTH: Okay. So you'll speak --  
10 you'll send a signal when you want to speak?

11 SENATOR ELLIOTT: I think I signed up for (a)  
12 and (c).

13 CHAIRMAN BARTH: Okay. All right. Great.

14 And so I will now turn things over to Ms. Boyd  
15 to guide us through this process. And it's  
16 complicated because of the large number of proposals  
17 here.

18 MS. BOYD: That's correct. Alexandra Boyd,  
19 director of Charter Schools. Jennifer Davis will  
20 likely be assisting me with these explanations. As  
21 you always do, you have items that the Charter Panel  
22 previously approved before you. With these items --  
23 I believe there are 11 -- you will decide whether or  
24 not you want to review the decisions that the Panel  
25 made. They have made decisions on open-enrollment

1 charter school applications. Right now, the law  
2 states that the cap for open-enrollment charter  
3 schools to be approved is for five schools, and the  
4 Panel has approved five schools. So if you elect to  
5 review a school that has been denied by the Panel,  
6 then that means you'll automatically have to review  
7 the five that have been approved, because in the end  
8 we can only have five approvals. Do you have  
9 questions about that piece?

10 CHAIRMAN BARTH: And could you talk through the  
11 ranking process that's also discussed in the --

12 MS. BOYD: Right. So if it becomes a case that  
13 you decide to review a decision that has been denied,  
14 then you'll have to review that decision and the five  
15 applications that have been approved. So you'll have  
16 six hearings. If at the end of those six hearings  
17 you have voted to approve all six of those  
18 applications, then we'll request that you rank the  
19 applications -- each board member will rank the  
20 applications. And then we will -- according to your  
21 rankings, the first five will be considered approved  
22 and the sixth one will be considered denied at that  
23 time.

24 CHAIRMAN BARTH: All right. Ms. Chambers?

25 MS. CHAMBERS: Just a quick process question. I

1 had a thought too about rank. So is the way we got  
2 to the five that we have, were those decisions  
3 reached independently or was a ranking considered in  
4 terms of landing on five?

5 MS. BOYD: It was reached independently. So  
6 they didn't have to do a rank. They decided  
7 independently on each of the applications which would  
8 be approved and denied. And when we got to the end  
9 of the hearings there were only five that were  
10 approved.

11 CHAIRMAN BARTH: Any other -- Ms. Reith.

12 MS. REITH: Just making sure for the calendar  
13 purposes, we're not going to hear any more charter  
14 school applications this year? This was --

15 MS. BOYD: You will hear a district conversion  
16 application.

17 MS. REITH: Okay. But not open-enrollment?

18 MS. BOYD: Not open-enrollment.

19 MS. REITH: Okay.

20 CHAIRMAN BARTH: And possibly --

21 MS. REITH: The one slate. Okay.

22 MS. BOYD: Yes.

23 CHAIRMAN BARTH: And possibly some then that's

24 --

25 MS. BOYD: Right. Right now, we only have one

1 amendment request for October and it has to do with  
2 the reconfiguration of grades at campuses. It's not  
3 an additional campus or anything like that.

4 CHAIRMAN BARTH: All right. Great. Any other  
5 questions about the process?

6 Okay. And I see that -- I saw that Senator Bond  
7 also walked in, but now he left again. So if he  
8 comes in, the same invitation -- there he is -- the  
9 same invitation that I gave to Senator Elliott,  
10 whenever -- if and when you would like to speak we  
11 will obviously recognize you. And Representative  
12 Dotson is also here, and so you have the same  
13 invitation; so, whenever.

14 All right.

15 MS. BOYD: Dr. Barth, there's one more thing  
16 that I think we should go over before we get started.  
17 In this case, Superintendent Poore has formally  
18 requested a review of three of the applications. And  
19 I would like for Jennifer Davis to talk you through  
20 how that goes in terms of hearing procedures.

21 CHAIRMAN BARTH: Great. Thank you very much.

22 MS. DAVIS: Hi, good afternoon. Jennifer Davis,  
23 Staff Attorney for the Department. Because an  
24 affected district or if one of the applicants later  
25 on requests a formal review, the applicant or the

1 affected district will have three minutes to state  
2 its argument to you for why it desires a review of  
3 the decision. If there's an applicant or in  
4 opposition will come after that with three minutes,  
5 followed by one minute for the person wanting the  
6 review to have any kind of wrap-up or closing  
7 statements. You can, of course, grant any additional  
8 time if that is necessary.

9 CHAIRMAN BARTH: Okay. So the order is three  
10 minutes to the entity requesting review?

11 MS. DAVIS: Yes.

12 CHAIRMAN BARTH: Three minutes to the -- for the  
13 charter applicant?

14 MS. DAVIS: That's correct.

15 CHAIRMAN BARTH: And then three minutes -- one  
16 minute --

17 MS. DAVIS: One minute.

18 CHAIRMAN BARTH: One minute close?

19 MS. DAVIS: Yes, that would be correct.

20 CHAIRMAN BARTH: Okay. All right.

21 MS. DAVIS: And then at that point you can do  
22 your discussion. Of course, like I say, you may  
23 allow any additional time as necessary for that.

24 CHAIRMAN BARTH: All right. And should I swear  
25 everyone who may be --

1 MS. DAVIS: Yes.

2 CHAIRMAN BARTH: -- related to each of the  
3 proposals who might be --

4 MS. DAVIS: I would do it, whether it's the  
5 applicant or the affected district superintendent or  
6 whomever on that behalf is making that argument. I  
7 would swear those people in. Yes.

8 CHAIRMAN BARTH: All right. Thank you.

9 MS. ZOOK: So --

10 CHAIRMAN BARTH: Ms. Zook.

11 MS. ZOOK: I think we have one where it was  
12 denied and they're asking for review?

13 CHAIRMAN BARTH: And so they would go -- they  
14 would --

15 MS. DAVIS: They would have three minutes. If  
16 there is any opposition to that review, there would  
17 be that person -- collectively, persons, group of  
18 persons in the next three minutes. If there's no  
19 opposition to that, then they could just get an  
20 additional one minute to make any closing statements  
21 to you.

22 MS. ZOOK: Okay.

23 CHAIRMAN BARTH: All right. At what point in  
24 that process would it be appropriate to ask the  
25 Department for -- or members of the Charter

1 Authorizing Panel why they made the decision to deny  
2 in the first place? At what stage would that come  
3 into play?

4 MS. DAVIS: If somebody has requested a formal  
5 review, once you've heard the statements and then you  
6 would get into your normal part of your questioning  
7 and discussion, it would be more prudent at that  
8 point.

9 CHAIRMAN BARTH: Okay. All right. Ms.  
10 Chambers.

11 MS. CHAMBERS: And I couldn't remember this. So  
12 if we vote to review any one of the five that's  
13 already been approved, then we would review all of  
14 them?

15 MS. DAVIS: No.

16 MS. CHAMBERS: No? Did I get that wrong?

17 CHAIRMAN BARTH: Not necessarily.

18 MS. CHAMBERS: Okay.

19 MS. DAVIS: If you -- do you want to -- I mean,  
20 if you review -- vote to review one of the five that  
21 had been approved, then you can just hear that one.  
22 If you vote to review any of them that had been  
23 denied, then you must review all of them -- or  
24 otherwise, the charter that was denied really has no  
25 remedy at that point because there's only five

1 charters available.

2 MS. CHAMBERS: Thank you. And the remedy, does  
3 that occur in the next meeting?

4 CHAIRMAN BARTH: Yes.

5 MS. CHAMBERS: Reviewing all of them, as opposed  
6 to a special meeting?

7 CHAIRMAN BARTH: We would have a choice.

8 MS. REITH: We can choose.

9 MS. DAVIS: Yes.

10 CHAIRMAN BARTH: And the deadline for that --  
11 those hearings would be how many days? Do you  
12 remember?

13 MS. BOYD: It just has to be prior to your  
14 regularly scheduled meeting, and then it also has to  
15 allow for the public meeting laws to be -- the notice  
16 to go out.

17 CHAIRMAN BARTH: The deadline on the back-end is  
18 simply --

19 MS. BOYD: Uh-huh. So it could be three days  
20 from now, up until the actual -- your regular hearing  
21 day.

22 CHAIRMAN BARTH: Okay. Thank you very much.

23 Okay. Ms. Reith.

24 MS. REITH: I do have a question but I'm going  
25 to be cautious, I guess, in how I frame this because

1 I want to come at it at least as an essential  
2 question, Ms. Davis, to you as a legal question. I  
3 guess I'm trying to grapple -- because I did see and  
4 read about Mr. Poore's comments in regards to the  
5 charter and offered his testimony at that time. And  
6 the Charter Authorizing Panel really didn't tackle  
7 the question around impact to the Little Rock School  
8 District. And I'm just wondering here if it's  
9 because it wasn't in their kind of criteria for  
10 consideration; is that something that's really more  
11 us up here, or was it just more that that wasn't a  
12 factor in regards to their decision-making?

13 MS. DAVIS: You know, I of course can't speak  
14 for the members of the Charter Panel. But, you know  
15 -- the Charter Panel members.

16 MS. REITH: And let me ask them in regards --

17 MS. DAVIS: Right.

18 MS. REITH: I'm just trying to get more in terms  
19 of is there a legal -- I'm just wondering if there  
20 was a legal reason why maybe they didn't enter into  
21 those questions.

22 MS. DAVIS: Sure. I think their task was seeing  
23 the entire picture as a whole. You know, much like  
24 the information you get --

25 MS. REITH: Okay.

1 MS. DAVIS: -- it's quite voluminous.

2 MS. REITH: Okay. So there wasn't anything  
3 limiting them legally from looking at that?

4 MS. DAVIS: That is correct.

5 MS. REITH: Okay.

6 MS. DAVIS: Like I say --

7 MS. REITH: Okay.

8 MS. DAVIS: -- they look at everything as a  
9 whole that has been presented, plus any questions  
10 that they may have during testimony.

11 MS. REITH: Okay. Thank you.

12 CHAIRMAN BARTH: And so back -- Ms. Davis, one  
13 last thing. So we have the three minutes, the three  
14 minutes, the one minute, and if there was any public  
15 comment it would come after that seven-minute block?

16 MS. DAVIS: Actually, it would come -- if  
17 there's public comment after your discussion, it  
18 would come at the end of that discussion.

19 CHAIRMAN BARTH: Okay.

20 MS. DAVIS: Before a vote.

21 CHAIRMAN BARTH: Before the vote.

22 MS. DAVIS: Yes.

23 CHAIRMAN BARTH: Okay. All right. Everybody  
24 clear on where we're headed?

25 Okay. All right.

1 (a) EINSTEIN CHARTER SCHOOL, LITTLE ROCK

2 CHAIRMAN BARTH: So, first up is a proposal for  
3 the Einstein Charter School in Little Rock.

4 MS. BOYD: Thank you, Dr. Barth. On August 15th  
5 the representatives of Einstein Charter School  
6 appeared before the Panel requesting a charter in the  
7 Little Rock School District area. By a unanimous  
8 vote the Panel approved the request. A request for  
9 the State Board to review the decision made by the  
10 Panel was submitted by the Little Rock School  
11 District. The State Board may exercise a right of  
12 review and conduct a hearing on the Charter  
13 Authorizing Panel's determination at the State  
14 Board's next meeting or an earlier special meeting.

15 From Einstein we have Dan Daniels here, if you  
16 have questions for him. And then we also have Shawn  
17 Toranto on the phone, if you have questions for her,  
18 representing Einstein Charter School.

19 CHAIRMAN BARTH: All right. Great.

20 So anyone who might offer testimony, either in  
21 support or opposition to this proposal, if you could  
22 stand and raise your right hand? And I'll -- the  
23 person on the phone I trust that you are raising your  
24 right hand as well. Do you swear or affirm that the  
25 testimony you're about to give shall be the truth,

1 the whole truth and nothing but the truth?

2 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

3 CHAIRMAN BARTH: Thank you very much.

4 And so now it would be time to turn it over to  
5 Mr. Poore, right, for three minutes?

6 All right. Thank you, Mr. Poore.

7 MR. POORE: Thank you very much. I will share  
8 -- if I can be told when my three minutes start, I do  
9 have one question procedurally that I want to ask  
10 before we start, is that I think it goes back to what  
11 Director Chambers was bringing up, is that if -- it  
12 seems to me that if you choose to allow a charter  
13 that got denied the right to come in, it seems like  
14 then we're into a situation where we're reviewing all  
15 six of these things in a separate meeting. It seems  
16 like that should happen first. So I respectfully  
17 bring that forward as a potential thing because at  
18 that point then you are in some form of review.  
19 That's my lens listening to what was shared, based on  
20 Ms. Chambers' comments.

21 MS. ZOOK: So what you're saying is that you  
22 think we should go through the ones who were denied  
23 and get through them to see if we are going to review  
24 any of them, because if we are you don't need to make  
25 your argument because we'll have to hear your

1 argument later?

2 SUPT. POORE: That's correct.

3 CHAIRMAN BARTH: All right. Okay. And so I  
4 believe that was a proposal to change the order of  
5 the agenda, which would have to come -- I'm looking  
6 at Ms. Davis -- would have to come as a motion?

7 MS. DAVIS: Uh-huh.

8 CHAIRMAN BARTH: Because the agenda was  
9 submitted early, it would have to come for a motion  
10 from a member of the Board; correct?

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

12 CHAIRMAN BARTH: And that would be a majority or  
13 two-thirds?

14 MS. DAVIS: I think it would just be a majority  
15 vote to change the order of the day.

16 CHAIRMAN BARTH: All right. Thank you.

17 And so that proposal has been put forward. If  
18 someone would like to move in that direction, we can  
19 then see how that would alter the agenda.

20 MS. NEWTON: I move to change the order of the  
21 day.

22 MS. REITH: Second.

23 CHAIRMAN BARTH: All right. All those in favor  
24 say "aye."

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRMAN BARTH: Opposed, same sign.

2 All right. So we'll need a little help here.

3 So that would now move to -- we would move the  
4 Einstein proposal -- so the denials are (b) the Focus  
5 STEM Academy/Bentonville, (d) the McGehee proposal,  
6 (e) the Prolific Learning Arts Academy, (f) the  
7 Academy of Agriculture and Technology, and --

8 MS. BOYD: That's it. That's it.

9 CHAIRMAN BARTH: So --

10 MS. BOYD: So that's it.

11 CHAIRMAN BARTH: That's it. Okay. So those  
12 would come first. And so we'll just simply move  
13 everything above that down and start over. Everybody  
14 clear on where we're headed?

15 Okay. Sorry about --

16 MS. CHAMBERS: And to just make sure, that's not  
17 a hardship on anyone in terms of the changing order?

18 CHAIRMAN BARTH: I don't -- I don't think so. I  
19 think because these are fairly brief hearings, I  
20 think we can -- I don't think it is a huge hardship.

21 Do you have any problems?

22 Okay. All right.

23 CHAIRMAN BARTH: So now we are looking at the  
24 Focus STEM Academy. I apologize for swearing folks  
25 in. We'll get back to you, but we'll swear you back

1 in in case something happens between now and then.

2 (b) FOCUS STEM ACADEMY, BENTONVILLE

3 CHAIRMAN BARTH: All right. Let's look at the  
4 Focus STEM Academy of Bentonville which was denied.  
5 Ms. Boyd.

6 MS. BOYD: Thank you, Dr. Barth. On August 15th  
7 representatives of the Focus STEM Academy appeared  
8 before the Panel requesting a charter in the  
9 Bentonville School District area. By a three-to-two  
10 vote the Panel denied the request. A request for  
11 State Board review was made by the applicant. The  
12 Board may exercise their right to review. And Micah  
13 Cummings is here to -- Micah Cummings is here to  
14 represent the applicant and requesting that review.

15 CHAIRMAN BARTH: All right. So should I swear  
16 -- okay. So, Ms. Cummings. Yeah, I'm sorry; I'm  
17 having trouble seeing you. I see you now. Do you  
18 swear or affirm that the testimony you're about to  
19 give shall be the truth, the whole truth and nothing  
20 but the truth?

21 MS. CUMMINGS: I do.

22 CHAIRMAN BARTH: All right. Thank you. You  
23 have now three minutes to make your case for our  
24 review.

25 MS. CUMMINGS: Well, thank you very much for

1 your time consideration. We do know that this is a  
2 big ask of your time considering the law in reviewing  
3 all approvals as well. We feel like we have basis  
4 for review based on a potential misunderstanding of  
5 financial viability in our original application; so  
6 in our request for review we sought to clarify that.  
7 Also, we value the Charter Authorizing Panel's  
8 feedback and have already begun to move in a  
9 direction of adjusting our budget to address any  
10 additional concerns that they had at that time.

11 So the misunderstanding around our budget would  
12 be regarding the capital loan, and we know that we  
13 are not allowed to take on any indebtedness until the  
14 charter is approved. But the purpose of that loan  
15 would be to streamline cash-flow in our pre-  
16 operational year and would only be used for hard  
17 goods within the building. We were concerned that  
18 the Charter Authorizing Panel thought that that was  
19 for building in full and for renovations of our  
20 proposed facility in our Facilities Usage Agreement.  
21 That is not the case. And if that was their  
22 understanding, we could certainly see how we would be  
23 insolvent at that point. But our developer is  
24 offering us a turnkey building, so that capital lease  
25 would be strictly for hard goods and we've accounted

1 for that in the budgets and revenues in our first  
2 operational year.

3 The second basis for our request for review  
4 concerns other approved schools who -- at one time  
5 one of them did not have a Facilities Usage Agreement  
6 in place and is not scheduled to open until 2019,  
7 even though it was heard in this cycle for a 2018  
8 open. So we had some concerns about that and felt  
9 like it was in our organization's best interest to  
10 bring forward this request for review.

11 CHAIRMAN BARTH: All right. Thank you, Ms.  
12 Cummings.

13 So now would be, of course, the time we can ask  
14 questions of Ms. Cummings or it would be appropriate  
15 to ask any members of the Department, key staff at  
16 the Department. Correct?

17 MS. DAVIS: Did you ask if there was opposition?

18 CHAIRMAN BARTH: Is there opposition to the  
19 review?

20 [BRIEF MOMENT OF SILENCE]

21 MS. DAVIS: Okay. So then I would go ahead and  
22 if she wants another minute she can go ahead and  
23 close.

24 CHAIRMAN BARTH: Okay. No problem.

25 MS. DAVIS: And then at that time would be

1 appropriate for questions.

2 CHAIRMAN BARTH: All right.

3 MS. DAVIS: Okay.

4 MS. CUMMINGS: We are passionate and we are  
5 committed to helping students in Benton County,  
6 across the county and of all persuasions. And so we  
7 appreciate the time and consideration of our request  
8 and we look forward to serving Benton County.

9 CHAIRMAN BARTH: All right. Thank you very  
10 much.

11 All right. Now we can move to any questions of  
12 her or of anyone else who was involved in the  
13 process. And why don't I just start with Ms.  
14 Cochran. Any questions? Ms. Newton?

15 MS. NEWTON: I think I'd like to hear from  
16 someone in the Charter Office if they have concerns  
17 about the funding issues or financial issues.

18 CHAIRMAN BARTH: All right. Okay. Ms. Boyd.

19 MS. BOYD: I would just like to go over kind of  
20 our process with reviewing the applications and maybe  
21 that could assist with your decision-making. So we  
22 get Letters of Intent; we send out the -- we get  
23 Letters of Intent and then two days later we have a  
24 workshop where we go over the application and we  
25 speak to the points of the application. At this

1 workshop we go -- we start to go more in detail into  
2 the budgeting sheet. We even had someone from  
3 Finance there this time to talk about the budgeting  
4 sheet. Then the applicants have time to complete the  
5 application; they return that to us. We review it  
6 internally and we return that review to them and we  
7 discuss -- we have a discussion either over the phone  
8 or through Zoom where we talk about the areas of  
9 concern for us and then they have the opportunity to  
10 respond to those concerns. And then after that we  
11 put the remaining issues on the board and we give the  
12 applicant an opportunity to talk to us about those  
13 remaining issues and address those during the  
14 hearing. So at each step of the process we take time  
15 to do one-on-one with the applicant.

16 CHAIRMAN BARTH: Great.

17 MS. BOYD: And during these steps we did address  
18 with the applicant that we were concerned about the  
19 budget prior to the hearing, and then that was also  
20 addressed during the hearing.

21 CHAIRMAN BARTH: Okay. Ready? Okay. Dr. Hill,  
22 anything? Okay. Mr. Williamson?

23 MS. CHAMBERS: So just to be clear, so you've  
24 gone through the iteration with the applicant so that  
25 you've exhausted or given them an opportunity to

1 respond to all of your questions before you vote. So  
2 the vote that we see is post all of those  
3 opportunities to answer questions?

4 MS. BOYD: So, yes. In my -- my job I feel  
5 prior to the hearing even beginning is to try to pose  
6 all the questions that I anticipate the Panel or the  
7 State Board will pose to the applicant so that they  
8 can be prepared and that we can go through the  
9 hearing with everyone having the correct information  
10 that they need. So I've increased the level of  
11 technical assistance that's given to applicants  
12 during the application process so that the applicants  
13 are fully aware of the issues that the Internal  
14 Review Committee has. So the Internal Review  
15 Committee consists of ADE staff, and then the Charter  
16 Authorizing Panel is separate from that. But they  
17 get all the information and see the process that we  
18 went through with the application in order to make  
19 their decision.

20 CHAIRMAN BARTH: Okay. Mr. Black, anything?  
21 Ms. Zook?

22 MS. ZOOK: Am I correct that this is not an  
23 established CMO and they've not run schools before?

24 MS. BOYD: You're correct.

25 MS. ZOOK: That's all.

1 CHAIRMAN BARTH: Okay. All right. Ms. Reith.

2 MS. REITH: And, Ms. Boyd, if you can remind me,  
3 was there any opposition expressed by the school  
4 district to opening?

5 MS. BOYD: No, ma'am.

6 MS. REITH: Okay. Thank you.

7 CHAIRMAN BARTH: Any further questions?

8 All right. So I know Representative Dotson is  
9 here. I don't -- did you want to speak on this issue  
10 or did you have a particular --

11 REPRESENTATIVE DOTSON: Thank you, Members. I  
12 appreciate the opportunity to speak before you. I'll  
13 be brief. With this particular charter school, if --  
14 I understand you only have the option to authorize up  
15 to five. And so not wanting to take special  
16 consideration, if there are already five that have  
17 been authorized, then -- that are more qualified,  
18 according to the Chamber -- or the Charter  
19 Authorizing Panel's view to this point, then I  
20 wouldn't necessarily ask for special consideration.  
21 However, if one of those slots does open up in your  
22 process I do ask that you give special consideration  
23 and fully vet this particular proposal. So I  
24 appreciate it, and just generally supportive of  
25 options for kids in our state. Thank you.

1           CHAIRMAN BARTH: All right. Thank you,  
2           Representative Dotson.

3           Ms. -- I'm seeing Ms. Davis needing to speak.

4           MS. DAVIS: I just -- I know that there's a  
5           whole lot of charters on -- in play today, and  
6           there's a lot of questions about how to handle them.  
7           And, unfortunately, the decision either has to be to  
8           review or not review; that if a slot opened up later  
9           it would still not be in time for this application  
10          cycle. So that's kind of part of, I know, the issue  
11          that you're faced with having to make today, so --

12          CHAIRMAN BARTH: All right. Thank you.

13          Okay. I will invite a motion, and the proper  
14          motion is either to review or not to review.

15          MS. ZOOK: I move not to review.

16          MS. REITH: Second.

17          CHAIRMAN BARTH: Okay. Motion by Ms. Zook,  
18          second by Ms. Reith.

19          Further conversation?

20          Let's do a roll-call on these just to be --  
21          probably to be safe. I'm sorry; have you got enough  
22          paper?

23          COMMISSIONER KEY: I don't know. We'll make  
24          more.

25          CHAIRMAN BARTH: All right. Thank you.

1 COMMISSIONER KEY: Okay. Motion to not review.

2 Ms. Reith.

3 MS. REITH: Yes.

4 COMMISSIONER KEY: Ms. Zook.

5 MS. ZOOK: Yes.

6 COMMISSIONER KEY: Mr. Williamson.

7 MR. WILLIAMSON: Yes.

8 COMMISSIONER KEY: Ms. Chambers.

9 MS. CHAMBERS: Yes.

10 COMMISSIONER KEY: Ms. Dean.

11 MS. DEAN: Yes.

12 COMMISSIONER KEY: Dr. Hill.

13 DR. HILL: Yes.

14 COMMISSIONER KEY: Ms. Newton.

15 MS. NEWTON: Yes.

16 COMMISSIONER KEY: Mr. Black.

17 MS. BLACK: Yes.

18 CHAIRMAN BARTH: All right. All right. And  
19 thanks for Miss -- thank you, Ms. Cummings, for being  
20 here and I appreciate your -- we look forward to  
21 probably seeing you in the future.

22 MS. CUMMINGS: Yes, sir.

23 CHAIRMAN BARTH: All right. Okay.

24 (d) P3 ACADEMY CHARTER SCHOOL/McGEHEE

25 CHAIRMAN BARTH: That moves us now to the second

1 denial by the Charter Authorizing Panel and that is  
2 the P3 Academy Charter School/McGehee. This is item  
3 (d) on your original agenda.

4 MS. BOYD: Thank you, Dr. Barth. On August 15th  
5 representatives of P3 Academy appeared before the  
6 Charter Authorizing Panel requesting a charter school  
7 in the McGehee School District area. By unanimous  
8 vote the Panel denied the request. No request for  
9 the state review -- State Board to review the  
10 decision made by the Panel was submitted. You may  
11 exercise your right to review this decision.

12 CHAIRMAN BARTH: Al right. Okay. And so here  
13 for -- there was not a request for review. Is anyone  
14 from that --

15 MS. BOYD: No.

16 CHAIRMAN BARTH: -- that project here? Okay.  
17 So any questions or comments about this  
18 proposal? Mr. Williamson.

19 MR. WILLIAMSON: I'm just ready for a motion.

20 CHAIRMAN BARTH: All right. Have at it.

21 MR. WILLIAMSON: I move to not review.

22 CHAIRMAN BARTH: Okay.

23 MS. DEAN: Second.

24 CHAIRMAN BARTH: Second. I think we can  
25 probably just go with a voice vote on this.

1 All those in favor say "aye."

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN BARTH: Opposed, same sign.

4 Okay. Thank you. I do think whenever we've got  
5 folks in the room we do need to do roll-calls on  
6 these just to be fair for those folks.

7 (e) PROLIFIC LEARNING ARTS ACADEMY/LITTLE ROCK

8 CHAIRMAN BARTH: The third is the item (e) which  
9 is the Prolific Learning Arts Academy. There was --  
10 this was denied. There was -- I'll let you take it  
11 on, Ms. Boyd. I'm not doing your job.

12 MS. BOYD: No problem. On August 16th the  
13 Prolific Learning Arts Academy requested a charter.  
14 By unanimous vote the Panel denied that request. No  
15 decision [sic] for you to review the Panel's decision  
16 was submitted. You may exercise your right to  
17 review.

18 CHAIRMAN BARTH: Okay. And no one has appeared  
19 today?

20 MS. BOYD: No.

21 CHAIRMAN BARTH: Okay. All right.

22 MS. REITH: I move to not review.

23 CHAIRMAN BARTH: All right. Ms. Reith, motion.

24 MS. CHAMBERS: Second.

25 CHAIRMAN BARTH: Ms. Chambers seconds.

1 All those in favor say "aye."

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN BARTH: Opposed, same sign.

4 Okay. All right.

5 (f) WEINER ACADEMY OF AGRICULTURE AND TECHNOLOGY/WEINER

6 CHAIRMAN BARTH: We are now down to (f) which is  
7 the Weiner Academy of Agriculture and Technology in  
8 Weiner. Ms. Boyd.

9 MS. BOYD: Dr. Barth, thank you. On August 16th  
10 representatives from the Weiner Academy of  
11 Agriculture and Technology requested a charter school  
12 in the Harrisburg School area -- School District  
13 area. By a vote of six-to-one the Panel denied the  
14 request. No request for your review has been  
15 submitted. You may exercise your right to review.

16 MS. DEAN: I move --

17 MS. REITH: I move not to -- oh, go for it.

18 CHAIRMAN BARTH: Ms. Dean.

19 MS. DEAN: I move to not review.

20 CHAIRMAN BARTH: All right.

21 MS. REITH: Second.

22 CHAIRMAN BARTH: All right. Motion by Ms. Dean,  
23 second by Ms. Reith.

24 Any conversation about this proposal?

25 All those in favor say "aye."

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(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed, same sign.

All right. Thank you.

Okay. So we are now back to the top.

(a) EINSTEIN CHARTER SCHOOL/LITTLE ROCK (continuing)

CHAIRMAN BARTH: So we are now back to the top?

MS. BOYD: That's correct.

CHAIRMAN BARTH: All right. Okay. So we're back where we were.

MS. BOYD: All right.

CHAIRMAN BARTH: Okay. So I think we can start over. So I think everyone has been sworn. I don't know what the legalities of -- how long it's good for. All right. Okay. So everybody is sworn and please let me know if somebody needs to be added to that list.

And so now would be time for Mr. Poore, and you have up to three minutes on -- and this is specifically on the Einstein proposal.

SUPT. POORE: Yes, sir. And I will share that my comments probably will fall into really all three because I think you have to look at these collectively for the Little Rock School District. I appreciate the opportunity to speak in front of you. I also would ask that in my short time here that I do

1 think that a more thorough review is warranted. I  
2 appreciate the fact that you had a report delivered  
3 to you just less than two months ago from the  
4 stakeholders group that asked for alignment and asked  
5 for collaboration. I think that's a key thing.

6 I think it's also important to understand that  
7 when you go look at the charter application it asks  
8 for community impact. When it asks for the community  
9 impact and you go read the applications of the  
10 different entities, they are putting down legal  
11 things to share that everything is fine in terms of  
12 making sure that we don't disrupt any of the  
13 desegregation rules that have been brought forth. It  
14 does not talk about and honor the fact of the  
15 community as a whole and all the dynamics that are  
16 going on within our community, and I think that's  
17 something that needs to be looked at.

18 I know that you've received my letter. There  
19 are two different key documents so-to-speak. One is  
20 a facility planning document. I will quickly draw  
21 attention to the fact that in Board Zone 1 there's  
22 been a 46% drop in population in the Little Rock  
23 School District area. The 46% drop in residence from  
24 2000 to 2015 represents not just Little Rock School  
25 District children; it represents home-school

1 children, private school students, charter school  
2 students. There are simply less students in Board  
3 Zone 1. Board Zones 2, 3, 6 and 7 have had anywhere  
4 between a 13% to 15% drop in their enrollments, and I  
5 say that in generic. There are two zones in the  
6 Little Rock School District where there's growth, and  
7 that is Board Zones 4 and 5 where there is a student  
8 population increase.

9 Next, I'd like to share that academics -- that  
10 one of the things that is no fault of the charter  
11 entities in terms of their submission is they are  
12 reviewing academic data that actually is from a year  
13 ago and they do not include the academic data that  
14 has come in as the recent ACT Aspire test. So now  
15 there are some things that are going on. One of the  
16 things that was even shared today in an editorial  
17 that criticized me for opposing the Panel was that we  
18 are one of 12 school districts that increased our  
19 academic performance last year. Now keep in mind, we  
20 increased our academic performance in the middle of a  
21 three-year budget reduction; keep in mind that we had  
22 to close schools and close programs. And so the  
23 turmoil of that, it shares so much about our staff  
24 and the good work that they are doing to move things  
25 forward.

1 I also want to share that one of the schools  
2 that's mentioned in there -- and we actually have our  
3 principal from Watson Elementary here today, Ms.  
4 Stephanie Walker, and also Mr. Phillip Carlock from  
5 Stephens. When you look at Watson's data -- go look  
6 at it -- 15 of the 15 tested areas, improvement.

7 [TIMER GOES OFF]

8 SUPT. POORE: I lost my time. I don't know what  
9 else to tell you. I'm far from done, but I  
10 understand that I have three minutes.

11 CHAIRMAN BARTH: You will have one more minute  
12 after we hear from Einstein.

13 SUPT. POORE: I'll talk fast for next time.

14 CHAIRMAN BARTH: All right. Great.

15 All right. So next up, anyone -- whoever the  
16 presenter is from Einstein, and please identify  
17 yourself when you come to the microphone.

18 MR. DAVIS: Good afternoon. My name is Daniel  
19 Davis and I'm the Chief Strategy Officer for Einstein  
20 Charter Schools. I want to say it is my distinct  
21 honor and privilege to be here today in front of you  
22 all. We have thoroughly enjoyed this process in the  
23 extent to which it has been thorough. The application  
24 started months ago. We appeared before the Charter  
25 Authorizing Panel. We have met with stakeholders in

1 the Little Rock area going over a period of months.  
2 I would also like to thank Superintendent Poore; I  
3 appreciate his engagement with us through this  
4 process in front of this board. I appreciate the  
5 fact that he said nothing negative about Einstein  
6 Charter School, our model, our results, or our almost  
7 decade-long record of success in New Orleans, serving  
8 a population that's 90-plus percent free and reduced  
9 lunch, 90-plus percent minority. Effectively, last  
10 year we educated 50% of the entire city's ELL  
11 population. What we seek to do in Arkansas is to  
12 open a community school in the Garland facility in  
13 Southwest Little Rock. We will provide  
14 transportation so that we can address any issues  
15 arising from capacity. We believe there is a need  
16 for a high-performing school in this area, and we  
17 look forward to doing that work.

18 CHAIRMAN BARTH: All right. Anyone else who  
19 would like to speak for the proposal, thus against  
20 review?

21 Okay. Mr. Poore, you have a minute for close.

22 SUPT. POORE: Okay. The -- I'm going to start  
23 then with the end. Your role as state board members  
24 is that you have the opportunity, just like you did  
25 last spring. The Charter Authorizing Panel came

1 forward to you to say that Covenant Keepers needed to  
2 close and they had rationale and they'd looked at it.  
3 You took a deeper look and said "within this  
4 community, we believe that that is a needed entity,"  
5 and you voted for it and so it remains open. You  
6 have that authority.

7 As a good superintendent, you try to find other  
8 data sources. So I went to the OEP. Now I can tell  
9 you there are people in this room that shake because  
10 when they hear Gary Ritter they think it's some  
11 conspiracy, but the data was used to support the  
12 Little Rock School District. Do you realize that we  
13 are one of three school districts that exceeded its  
14 growth when you look at free and reduced lunch with  
15 the previous test scores? We're one of three  
16 districts in the state that improved in the middle of  
17 all the drama that we went through.

18 The areas that you're talking about right now --  
19 Grayson -- you go look at -- and I've got the data to  
20 break down, if you're -- if I'm asked the question  
21 about Washington, Gibbs, Booker, Stephens and  
22 Rockefeller -- to share how well they did last year.

23 CHAIRMAN BARTH: Thank you, Mr. Poore. And we  
24 can -- we will probably be following up with other  
25 questions. I think you'll get another chance.

1           So we would now have conversation and then we  
2 would turn it over to one more comment. Is that  
3 correct?

4           All right. So I'm going to go around and see if  
5 folks have questions, either for the LRSD or for the  
6 Einstein proposal. Why don't I start with Mr. Black.  
7 Do you have anything?

8           MR. BLACK: No.

9           CHAIRMAN BARTH: All right. Ms. Chambers?

10          MS. CHAMBERS: I think this is a question that  
11 piggybacks on something that Ms. Reith asked earlier.  
12 Do we -- when the Panel considers an individual  
13 charter request does it have any analysis as context  
14 for the number of other public schools, the  
15 enrollment in those schools, or drop or increase,  
16 presence of new charter schools? Is there any  
17 context for an individual decision, or has there been  
18 need before now?

19          MS. BOYD: The application requests that the  
20 applicant describe the need for a school in the area.  
21 So that's one place that it comes into account is in  
22 that question, how they respond to that question.  
23 Then also panel members, much like you all, can  
24 request additional information from the Charter  
25 Office prior to the hearing. A panel member did

1 request that we provide a map with all the locations  
2 of existing charter schools, and we provided that as  
3 well. And, you know, the achievement data is all  
4 publicly available data. And so any time they  
5 request additional information, if it's not already  
6 presented or captured in the application, then we  
7 provide that as well. Does that answer your  
8 question?

9 MS. CHAMBERS: Yes. Something that  
10 Superintendent Poore said that I think is important,  
11 sometimes it's -- I think we over-simplify the  
12 movement of students purely between charter and  
13 public, as opposed to private and home-school. And  
14 then in addition you have families moving in and out  
15 of the area. And so I just -- I didn't know what  
16 kind of context from that perspective played into  
17 decisions that we are making on charters.

18 MS. BOYD: Yeah. I will say in my experience we  
19 have not gathered data based on public school -- I  
20 mean private school attendance or home-school  
21 assignments.

22 MS. CHAMBERS: Okay. Thank you.

23 CHAIRMAN BARTH: All right. Mr. Williamson?

24 MR. WILLIAMSON: Not right now.

25 CHAIRMAN BARTH: Okay. Dr. Hill?

1 DR. HILL: Not right now.

2 CHAIRMAN BARTH: Ms. Newton?

3 MS. NEWTON: I'm probably going to have more  
4 questions in a little bit. But right now, I never  
5 want to not give a superintendent a chance to brag on  
6 his teachers and students. So I know that you have  
7 schools that you wanted to brag on, so I'll give you  
8 the opportunity to do that.

9 SUPT. POORE: Thank you, Ms. Newton, and I  
10 appreciate your advocacy for teachers and students  
11 and family members. These are in no particular  
12 order. And what this data represents, I tried to dig  
13 a little deeper, you know, and that's what we ask you  
14 to do right now is dig just a little bit deeper and  
15 spend a little more time on this. And I'm sure that  
16 there will be some data from this -- these set of  
17 results that someone will say, "Well, here's what  
18 Little Rock is not doing." So I first want to share,  
19 we have a lot of work still to do but we're on the  
20 right track; we're a district on the rise. What this  
21 data represents is -- I asked -- I wanted to have  
22 more specifics from the University of Arkansas and  
23 the Office of OEP to say is there a way to really  
24 quantify what we're doing here to see that if our  
25 gains are statistically significant. So look at it

1 in a different lens. So what they did is they looked  
2 at the set of results, and from the last -- last  
3 year's results, this year's results, and then looked  
4 at your free and reduced lunch population to  
5 determine whether or not you would have -- what your  
6 growth was and what your expected growth should be,  
7 given you've got free and reduced lunch. So in some  
8 ways it almost levelizes everyone out to say where do  
9 you stand, where do you stand right now.

10 So Rockefeller, which is in Board Zone 1, which  
11 is where several of these potential charters could  
12 locate, its 3rd grade scores -- and I'll give you a  
13 range that -- for in 3rd grade their writing scores  
14 were -- this was their best statistic -- 119 out of  
15 456 elementary schools. Reading is always important.  
16 They were 139th out of 146. Math, 165 out of 456,  
17 and their English scores were 255 -- 252 out of 456.  
18 Their 5th grade scores, which I'm not going to go  
19 into because of time -- their 5th grade scores were  
20 the best out of all three grade levels.

21 You go to Stephens Elementary, and again I'll be  
22 consistent. With 3rd grade, his English scores were  
23 at 308 out of 456; his math scores were 201 out of  
24 456; his reading scores, 120 out of 456; his writing  
25 scores, 216 out of 456 elementary schools. His best

1 grade level in terms of overall results probably --  
2 his 4th and 5th grade scores were actually a little  
3 bit better than his 3rd grade.

4 Booker -- Booker had on English scores 277 out  
5 of 456. That's where they ranked. Math, 260;  
6 reading, they were at 251st out of 456 schools;  
7 writing, they were at 120. But I can tell you, if  
8 you go to 4th and 5th grade -- their scores in 4th  
9 grade, almost all their scores are in the top 100.

10 If you go to Gibbs, Gibbs Elementary, 3rd grade,  
11 20 -- they're in the 20th as a rank out of 456  
12 schools in the state, 43rd in math out of 456, 14th  
13 in reading out of 456, writing they were at 142nd out  
14 of 456. And their 4th and 5th grade scores are very  
15 similar all the way across.

16 Washington Elementary, again in one of these  
17 areas where this is going on, you'll notice that  
18 Washington -- you won't notice, but what I will share  
19 is Washington is at 318 of out 456; 202 out of 456 on  
20 math; reading, 288 out of 456; writing, 270 out of  
21 456.

22 Now again all those scores -- you know, here --  
23 you know, a lot of them in that 200 rank. But think  
24 about that, that there are 200 other schools in this  
25 state that didn't meet that expected growth compared

1 to the Little Rock schools.

2 Watson is not on there, and the reason is that  
3 we've reconfigured the Watson attendance pattern in  
4 terms of making it a K-5 and so it does not have the  
5 data. But again I want to point out the fact that  
6 Watson, if you go look at the sheet that I did  
7 provide you in the board packet, it is -- had  
8 improvement in 15 of 15 tested areas.

9 So I appreciate your question, Ms. Newton.

10 CHAIRMAN BARTH: Ms. Newton, anything else?

11 MS. NEWTON: Come back to me.

12 CHAIRMAN BARTH: I will. All right. Ms.  
13 Cochran? Okay. Ms. Reith?

14 MS. REITH: Mr. Poore, I'm sorry, I know you've  
15 just sat down, but if I could call you on again.  
16 Congratulations on the success. And I guess I'm just  
17 trying to link the bits of your presentation with our  
18 decision to review or not review. But is it my  
19 understanding that you are concerned that if we were  
20 to accept this charter and/or any of the other ones  
21 in the district it could have a negative impact on  
22 the academic progress that you've been making?

23 SUPT. POORE: I think it has a larger set of  
24 things that we should be talking about in terms of  
25 not only the academic end, but also then on the

1 economic factors of the schools.

2 MS. REITH: And that was my subsequent question,  
3 the financial.

4 SUPT. POORE: Yes. So it does end up, in my  
5 mind -- and I think that's what warrants a deeper  
6 discussion.

7 MS. REITH: Thank you, Mr. Poore. And then I  
8 guess my next question goes to either Ms. Boyd or to  
9 Ms. Pfeffer -- Dr. Pfeffer, whichever one would like  
10 to take the question. I guess my understanding is  
11 Mr. Poore raised these concerns during the  
12 conversations within the Charter Authorizing Panel.  
13 And I just wondered to what extent -- it doesn't seem  
14 it was directly addressed, and I guess I kind of want  
15 to understand a little bit more of maybe why that  
16 might've been the case. And, Ms. Davis, if you feel  
17 --

18 MS. DAVIS: I don't think it's appropriate to  
19 ask the Charter Panel members why they voted the way  
20 that they did, mainly because there's only a few of  
21 the members here -- that are not here. They do have  
22 a voting sheet that they put the reasons for their  
23 vote --

24 MS. REITH: Yeah.

25 MS. DAVIS: -- that was provided to you. So I

1 think it's best that we leave it there because, you  
2 know, there's only a few members that are here today.

3 MS. REITH: Okay. So then I guess my question  
4 then, Ms. Davis, is if we did review it then we may  
5 have an opportunity for questions at that time or --  
6 because I feel in the past we've been able to ask  
7 Charter Authorizing Panel members in regards to the  
8 nature of the conversation.

9 MS. DAVIS: Well, in the past though all the  
10 Charter members were also ADE employees, so it is a  
11 little different and there's a lot of those members  
12 that aren't here. And so I think it puts a lot of  
13 pressure on the few that are here to make a decision  
14 for the full body. If you decide to review, that  
15 hearing will be held, pursuant to the way that the  
16 Charter Panel does, and you can ask any members any  
17 questions that are there to provide any information.  
18 It will be as if the Charter Panel, you know, hearing  
19 did not happen. You'll be able to hear it all over.

20 MS. REITH: Okay. Thank you. And then I guess  
21 my question for Ms. Boyd is a follow-up, so -- but am  
22 I understanding correctly -- and I apologize that I  
23 wasn't able to be there in person or watch the full  
24 video. But this specific about impact on the Little  
25 Rock School District was not part of the

1 conversation. Is that correct? And, honestly, I'm  
2 looking just for a yes or no sort of on that. Was  
3 that sort of --

4 MS. BOYD: I really -- I can't give you a yes or  
5 no. I don't know what each panel member thought  
6 about before they made their decision.

7 MS. REITH: Or I guess I was just meaning the  
8 conversation, what was discussed.

9 MS. BOYD: I'll review the transcript and get  
10 back to you.

11 MS. REITH: Okay, if there was something there.  
12 I guess I just -- and maybe again trying to say the  
13 opportunity here for my colleagues that maybe we have  
14 an opportunity to reflect a little more deeply on Mr.  
15 Poore's --

16 MS. DAVIS: Right.

17 MS. REITH: -- data and to be able to -- one  
18 justification for review.

19 MS. DAVIS: Right. And I will say that Mr.  
20 Poore did submit written documentation and also  
21 appeared in front of the Charter Panel during the  
22 hearings. So it's not as if his concerns had gone  
23 unnoticed; they were addressed. You know, what the  
24 panel members took into consideration in their  
25 decision, of course I can't answer that. But he did

1 have an opportunity to both provide written and  
2 testimony to the Panel.

3 MS. REITH: Most definitely. No, thank you.  
4 No, and I appreciate that. And again this isn't a  
5 criticism of the Charter Authorizing Panel but I  
6 think maybe more an opportunity for us.

7 And my last bit here will just be a comment. As  
8 our Chair offered after our last meeting the  
9 stakeholders' report that there were some tangible  
10 recommendations that we were to consider, one of  
11 which was, even as Mr. Poore has recommended and  
12 lifted up, the alignment issue and impact on each  
13 other, and it just feels that this merits a broader  
14 conversation; that especially being under our state  
15 control here and the case of impact to his district  
16 then that we have an opportunity to bring that up.  
17 Again, it's not necessarily -- and I know very  
18 unclear in the law and otherwise who should carry  
19 this decision, but I do think that us as a state  
20 board have the opportunity to do so. And toward that  
21 I do hope we'll end up reviewing this application, as  
22 well as the others from Little Rock. Thank you.

23 CHAIRMAN BARTH: Great. Thanks, Ms. Reith.

24 Ms. Dean? Ms. Zook?

25 MS. ZOOK: Yes. I'd like to ask the CMO

1 director --

2 MR. DAVIS: Yes, ma'am.

3 MS. ZOOK: Can you give me an idea of the other  
4 schools that you run, what your staff attendance  
5 record is?

6 MR. DAVIS: My staff attendance?

7 MS. ZOOK: Staff, like the teachers; you know,  
8 what is their attendance record? If you don't know,  
9 that's fine.

10 MR. DAVIS: Off the top of my head -- I'd be  
11 happy to provide that information.

12 MS. ZOOK: Okay. Just off the top of your head,  
13 do you have a sense that it's of concern?

14 MR. DAVIS: No. Our staff attends daily,  
15 overwhelmingly so. We provide incentives for that.

16 MS. ZOOK: Okay. Thank you.

17 CHAIRMAN BARTH: Okay. Any -- Ms. Chambers, you  
18 asked to come back to you. No, I said you asked --

19 MS. CHAMBERS: Oh, yes.

20 CHAIRMAN BARTH: -- to come back to you.

21 MS. CHAMBERS: Yes, sorry.

22 CHAIRMAN BARTH: So, here we are.

23 MS. CHAMBERS: No, just -- I don't know if this  
24 is an observation or question. I do want to thank  
25 the Einstein school program. It's -- I think it's

1 strong and I think it --

2 MR. DAVIS: Thank you.

3 MS. CHAMBERS: -- sounds like a very good  
4 program for students. I have to admit I'm sitting  
5 here really torn with thinking through when is our  
6 duty discharged by making a discreet decision as  
7 opposed to understanding the context of that decision  
8 so that the entire community and all the schools,  
9 both traditional charter and -- excuse me -- public  
10 charter and traditional public.

11 MR. DAVIS: As I recall during the Charter  
12 Authorizing Panel, Superintendent Poore spoke for the  
13 entire balance of his time and that issue was raised  
14 and heard by the Charter Authorizing Panel. So I do  
15 believe it was a part of their conversation and it  
16 was definitely, I would assume -- I can't speak to  
17 what their considerations were, but it was definitely  
18 present during the conversation.

19 MS. CHAMBERS: It's a very good point, which  
20 actually leads to the last comment that I'll make. I  
21 have known Superintendent Poore for quite awhile and  
22 it's the first time I remember him taking this  
23 particular position relative to charter, which I'm  
24 sorry in thinking about because it says something  
25 about the circumstance he sees or is observing with

1 the Little Rock School District, which I just want to  
2 reflect on because it makes me think forward. So  
3 when Little Rock is performing even better than it is  
4 today -- and I'm so proud to hear about the  
5 improvement that we've been hearing about -- but when  
6 it's performing at its top level does that imply that  
7 there's not a place for charter to come into it? I  
8 don't think it's an issue of necessarily -- the  
9 performance enters into it, but charter is about  
10 choice.

11 MR. DAVIS: Yes, ma'am.

12 MS. CHAMBERS: Having choices. And so I just  
13 wanted to offer -- that's something I kind of  
14 thinking through as we talk about the improvement  
15 that we're seeing in the Little Rock School District.  
16 I think there's always a place for charter, depending  
17 on what the needs are of the community and the  
18 families.

19 MR. DAVIS: Thank you.

20 CHAIRMAN BARTH: Mr. Williamson?

21 Mr. Poore, did you want to respond to that?

22 SUPT. POORE: If I might. I appreciate you  
23 sharing my track record and I think even when I came  
24 to Little Rock there was a lot of concern about the  
25 bald guy was just going to come down and, you know,

1 charterize everything. I have never been afraid of  
2 competition. I view choice as being a strong thing.  
3 One of the things that was a part of our settlement  
4 in the recent lawsuit was that we have to do a better  
5 job of marketing the things that are available and  
6 possible in our school district, whether it's in  
7 gifted and talented options, whether it's in AP  
8 options, or our magnet. Those things were actually  
9 built into our employees' evaluations prior to the  
10 lawsuit ever even getting into a place that -- those  
11 were things that were recognized that needed to be  
12 done.

13 The other thing is that, you know, when you look  
14 at the stakeholders' report -- and this is going to  
15 cause some people to have a little bit of concern,  
16 but I've got to put my eggs all in a basket right now  
17 for you -- is that, you know, charter -- the  
18 opportunity with charters, there is an opportunity to  
19 partner. Now what that might look like, I don't  
20 know. But you know what, there's some interesting  
21 things -- and I don't mean to put Senator Elliott in  
22 an awkward spot; she's getting ready to go do a piece  
23 of legislation tomorrow that has her and Senator  
24 Hendren -- many people would've considered that  
25 strange bedfellows. But two people can and two

1 groups can come together if they have the intent to  
2 find ways to do things. We have folks in our  
3 district that want to do some innovative things that  
4 sometimes we have a little bit of challenge. I know  
5 you can say charter conversion, go do that route.  
6 But our world is a little bit different. We do have  
7 entities like Einstein and others that are saying  
8 they want to come be a part of things. But we need  
9 to pause right now to let things settle to determine  
10 what's the right course of action and do it in a  
11 strategic way that I believe can be done together.  
12 Now I am a person who has his head in the clouds,  
13 okay, but it's got me a long way of having those --  
14 that living at that height. So, thank you.

15 CHAIRMAN BARTH: Thank you.

16 Mr. Williamson? Dr. Hill?

17 DR. HILL: Well, I'm just -- I guess my question  
18 was just from experience. If the L-R-S -- if Little  
19 Rock School District was not under our control right  
20 now, what would the process be for the charter school  
21 to be heard still?

22 CHAIRMAN BARTH: It would be just what it is  
23 now.

24 DR. HILL: Okay.

25 CHAIRMAN BARTH: It would've been obviously a

1 superintendent working with an elected board rather  
2 than --

3 DR. HILL: Than us. Okay. I mean, but it went  
4 to the other board there, not this board is my point.

5 CHAIRMAN BARTH: Right.

6 DR. HILL: Okay.

7 CHAIRMAN BARTH: No. It would come -- if there  
8 was opposition from a local district, then it would  
9 come to us just like this opposition is coming from  
10 Mr. Poore.

11 DR. HILL: Okay.

12 MS. ZOOK: And in fact it did when other  
13 charters, when they had a locally elected school  
14 board then their locally elected school board's  
15 attorney always came and objected to the charters in  
16 Little Rock School District.

17 DR. HILL: This is more like an appeal, I mean  
18 if it came -- if we got it?

19 MS. ZOOK: No.

20 CHAIRMAN BARTH: No. I mean it's pretty much --

21 MS. ZOOK: It's no different.

22 CHAIRMAN BARTH: Yeah. And I think,  
23 importantly, if there is a review it really is a  
24 process -- a de novo process that really starts anew  
25 as a process.

1 DR. HILL: Okay.

2 CHAIRMAN BARTH: Are you wanting to speak on  
3 behalf of Einstein?

4 MR. WALTER: Yes, if I may, Dr. Barth.

5 CHAIRMAN BARTH: Yes, sir.

6 MR. WALTER: Thank you. Tripp Walter, Staff  
7 Attorney, Arkansas Public School Resource Center. I  
8 just wanted to add a couple of things to what I  
9 believe has been said so far as to educational need  
10 and impact. Both of those are requirements of the  
11 charter application. As I'm sure you've seen, there  
12 are specific rubric pieces that address that, and  
13 those were both fully vetted, in my opinion, by the  
14 Panel in their analysis. And as was also said, there  
15 was a full -- I believe full and complete discussion  
16 in the educational need part of data, and those were  
17 found to be both fully responsive by the Department  
18 and by the Panel and probably in no small part led to  
19 the unanimous decision of the Panel to grant the  
20 application for Einstein.

21 CHAIRMAN BARTH: Okay. Thank you, sir.

22 Ms. Newton.

23 MS. NEWTON: I want to go back to something Mr.  
24 Poore said just a minute ago, was, you know, Little  
25 Rock needs to do a better job sometimes of sharing

1 the good things, and that was the reason I wanted to  
2 give you an opportunity to share what's going on with  
3 your students and your teachers of improvement. But  
4 I think you would realize that there's more to go and  
5 that we've got, you know, things that we can do for  
6 kids to make them better. And as I looked at this  
7 charter application I was very impressed with some of  
8 the things that this school has done with high  
9 poverty and just kids where there was a big gap in  
10 achievement and been able to move those. And so I  
11 hope you understand how much I've wrestled with this  
12 decision, Mr. Poore, you know, of what to do. But I  
13 look at it this way: I think if we can take these few  
14 kids here and take them here and put them into  
15 something like this and maybe move their achievement,  
16 let them get better, and then -- because this entity  
17 has a great history of collaboration. Collaborate  
18 with Little Rock and come into some of the elementary  
19 schools that we're looking at and show how we can  
20 make those gains even more. I think that would be a  
21 positive thing for the district and the students of  
22 Little Rock, because we all -- I'm in it to give  
23 students every opportunity that they can have to get  
24 the best education possible for every child. And so  
25 that's how I'm looking at it; how can we use this --

1           you know -- because we look at charters as a way of  
2           innovation. They can take these and they can  
3           innovate and they can do things that you might not be  
4           able to do in those schools. But then once they've  
5           done them and you can learn, then they can be  
6           applied. And so I'm thinking this is a way that we  
7           can take and we can move -- you had one school that  
8           you mentioned that was 14th in the state. Why can't  
9           all of your elementary schools be there? That's what  
10          I want. And so I think this might be an avenue that  
11          we can use to try to get better. And, again, I want  
12          you to understand I've wrestled with this; I've lost  
13          sleep over this and I've prayed and I've done lots of  
14          things with this. But I want the best for the kids  
15          of Little Rock, absolutely.

16                 SUPT. POORE: Thank you. And, Ms. Newton, I  
17                 appreciate your wrestling and I hope you'll wrestle  
18                 for another five minutes or ten here. I have those  
19                 same desires and goals for where we want to be as a  
20                 school district and as an individual school. You  
21                 know, Stephens Elementary is one that's probably the  
22                 closest in proximity, and Mr. Carlock is here. And  
23                 if you go look at his tenure as a principal, in terms  
24                 of what's being done on innovation, they have a bank  
25                 inside the school partnered with First Security Bank.

1           The students are incentivized to do the right things  
2           with their academics, their behavior, their  
3           citizenship, their attendance. If they do well at  
4           that school -- there, believe it or not, is a beauty  
5           salon; the girls go get their nails done. They can  
6           go get -- go to a game room, they can go to a film  
7           room based on incentives. The culture -- when we  
8           closed Franklin and the parents came up to Stephens  
9           they were like, "Holy Cow, what -- I can't believe  
10          this." We've not had one parent complain as they've  
11          come into Stephens' environment because of the things  
12          that Mr. Carlock is doing. The kids actually get a  
13          credit card, talk about innovation. The faculty  
14          gives fake cash, they deposit it to the bank teller  
15          run by kids; they get to charge up a credit card,  
16          which is kind of scary that they're learning how to  
17          charge up credit cards, and then they get to go use  
18          the credit cards. That's the kind of innovation  
19          that's going on, along with academic performance. So  
20          the very thing that you're doing -- you're saying you  
21          want it's actually happening right now. And so I  
22          want you to wrestle just a little bit more because of  
23          the things that we are trying to do right now to make  
24          the exact things that you're doing -- and, you know,  
25          you look at the Einstein Charter recommendation;

1           they're saying some of those same things, as are some  
2           of the other charter entities, but they're also  
3           saying the same things that we're doing in Little  
4           Rock. And you can say, "Well, that's one year." I  
5           agree; that's why I'm saying we need to pause. I'm  
6           not trying to say that it should never happen. But  
7           also maybe there's an opportunity to partner, and the  
8           partner would be different than how you described it.  
9           So, thank you for your comment.

10           CHAIRMAN BARTH: Great. I would just make --  
11           before we move to comments from others, you know, I  
12           would remind folks that this is not a decision fully  
13           on the merits; this is a decision to review, and I  
14           think that is an important thing. I have some  
15           questions about the Einstein performance in New  
16           Orleans, but I don't want to get into those unless we  
17           decide to make the review. So I just -- I think I  
18           want to keep a focus on what our decision is here  
19           today.

20           Any final questions before we let anyone speak,  
21           specifically the couple of folks that have signed up  
22           to speak?

23           Ms. Davis.

24           MS. DAVIS: I was just going to go check to see  
25           if there are more people.

1 CHAIRMAN BARTH: Okay. That'll be great.

2 Any other comments?

3 Okay. Then Senator Elliott and Senator Bond are  
4 both on the list.

5 SENATOR ELLIOTT: Thank you, Mr. Chairman. And  
6 before I make any other comments, I do want to thank  
7 the board members who came to the Town Hall meeting  
8 here in Little Rock. It was a very good, I think,  
9 and positive exercise. And for those of you who were  
10 not able to make it, I appreciate your letting me  
11 know about that because I think that's something that  
12 meant the world to the people in Little Rock, and  
13 especially the folks who were in the Senate district  
14 where things -- new charter schools will likely be  
15 located. We know for sure that one of them will be  
16 located in the Senate district that I represent.  
17 Chances are excellent all three of them will be in my  
18 Senate district because that is the targeted district  
19 most of the time, primarily because I think it's a  
20 relatively easy population to target because we can  
21 make the case that these are low income students and  
22 there are some issues with schools, just as there are  
23 in all of the districts. That's not new. But what I  
24 would like to ask you to think about, in addition to  
25 what Mr. Poore said, because I think he did an

1           excellent job of talking about the way we are moving  
2           forward, I don't think the Authorizing Panel was even  
3           positioned to do the kind of thoughtful,  
4           comprehensive review that you will do when it comes  
5           to the entire community. And there's nothing we  
6           could say that would -- that could make the case that  
7           we should be thinking about schools as small  
8           buildings divorced from the rest of the community.  
9           And if you just talk about Senate District 31 right  
10          now, where I think the whole action is going to be,  
11          it's a struggling area. One of the things that  
12          people want there so badly is to have an opportunity  
13          to create some stability. I don't think you need to  
14          be a part of continuing that instability by  
15          continuing to upset the apple carts of the schools  
16          where we're making progress and people are committed.  
17          Think about this: we just closed three schools in  
18          that very district. I'm just talking about District  
19          31. We closed three schools because of efficiency.  
20          We're now talking about creating schools that are  
21          smaller than the ones that we closed because of  
22          efficiency. Think about what that means to a  
23          community. Was it really about efficiency if we turn  
24          right around and do something else by placing these  
25          schools here?

1           And I think the final thing I'll probably have a  
2 chance to talk to you about is charters get the  
3 convenience -- and it's not a criticism, but they get  
4 the convenience of being concerned about the two or  
5 three hundred students that they're going to have in  
6 their schools, or five hundred. We have no such  
7 convenience. And that's why I think it's so  
8 important that you have the awesome responsibility of  
9 not divorcing this whole discussion from the entire  
10 community and from the entire school ecosystem,  
11 because there is the upset that goes on when parents  
12 don't know if my school is going to have enough kids  
13 in it to even be there next year; will we be viable  
14 even economically. And we've all made the sacrifice  
15 already to be viable economically, whether we liked  
16 it or not. Three schools have been closed so we can  
17 be viable economically. So how is that going to work  
18 in the equation if we just take that same money out  
19 and create three smaller schools? I think you have  
20 to think about that bigger picture. There's not a  
21 person in this room who doesn't want every child to  
22 have a great education. We can't do that if we keep  
23 pulling the rug from under the schools that are  
24 trying to do it for all the kids. So I ask you to  
25 please, Ms. Newton and others, wrestle with that.

1 And once again we thank you for the Town Hall and  
2 thanks for listening today.

3 CHAIRMAN BARTH: Thanks, Senator Elliott.  
4 Senator Bond.

5 SENATOR BOND: And I'll be very brief and really  
6 just have one thing to say. At some point you have  
7 to listen to the guy that the Commissioner of  
8 Education has hired to run the Little Rock School  
9 District. And he's here telling you what he thinks  
10 should happen, and you have to listen to that at some  
11 point, and we've yet to do it on this issue. And  
12 he's saying pause, take some time, let's do this  
13 right. If we all closed our eyes and thought what do  
14 we envision for education for all kids south of the  
15 river in 10 years -- if you close your eyes right now  
16 and think about that, does anybody even have a vision  
17 of what that is? Do we? Has anybody studied that?  
18 Is anybody listening to the one person who you hired?  
19 Is anybody listening? Thank you.

20 CHAIRMAN BARTH: Thanks, Senator Bond.

21 Ms. Davis, was there any other public comment?

22 MS. DAVIS: (Shaking head from side to side.)

23 CHAIRMAN BARTH: Okay. All right. Senator  
24 Dotson, did you want to speak or --

25 SENATOR DOTSON: Never fail with an opportunity

1 to speak for charter schools and I'm unashamedly a  
2 proponent of options for kids. And I think, as I've  
3 listened to this discussion back and forth, I have  
4 great reverence and respect for Mr. Poore, big  
5 proponent of his. However, in this particular  
6 instance I think giving people or kids -- giving  
7 parents of kids in areas of this state the options to  
8 be able to -- it doesn't matter how much we've  
9 improved, how much further we have to go; if there's  
10 one kid that doesn't have the option because they're  
11 stuck in a particular spot, they need the options  
12 available to them, and that's something that I've  
13 been a proponent of. And to Ms. Chambers' point, I  
14 think that's something that you need to think about  
15 when you're making these decisions; giving options to  
16 kids wherever they're at is something we need to  
17 really propose in this state to move forward. The  
18 legislature has given you the authority to make this  
19 decision and -- but it's also given the indication  
20 that we want these options available to kids all  
21 across the state. And so I'd just recommend or ask  
22 that you would give this opportunity to the kids in  
23 this district or this area to move forward and  
24 approve this -- these charter schools. Thank you.

25 CHAIRMAN BARTH: Thank you.

1 Ms. Davis.

2 MS. DAVIS: We did have one person that I think  
3 came in as I was going out, and then we crisscrossed  
4 when she went back in to sign up for public comment,  
5 that if possible she would like to go ahead and have  
6 her three minutes.

7 CHAIRMAN BARTH: Okay. And we generally allow  
8 legislators to speak without a formal public comment  
9 proposal.

10 MS. DAVIS: Right.

11 CHAIRMAN BARTH: I would invite public comment  
12 for at least one person who would like to speak on  
13 this issue.

14 MS. REITH: I move to hear public comment.

15 MS. ZOOK: Second.

16 CHAIRMAN BARTH: All right. All those in favor  
17 say "aye."

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN BARTH: Opposed?

20 And so we have three -- up to three minutes.  
21 Yeah, just state your name for the record.

22 MS. HATTER: Hello, you guys. Thank you. I'm  
23 Vicki Hatter. I'm one of the parent advocates and  
24 organizers for a parent group for Save our Schools.  
25 And I am a very strong supporter of the Little Rock

1 School District. And I believe that if we continue  
2 to expand charter schools within the Little Rock  
3 School District, and if we continue to allow charter  
4 schools to have opportunities that our district do  
5 not have -- they are able to move at a pace and  
6 they're able to provide services that our Little Rock  
7 School District cannot provide, not because the  
8 Little Rock School District cannot do it, because the  
9 ability is not there, but then because of all of the  
10 red tape. And then -- and so I think that we should  
11 pause right on expanding the charter schools here in  
12 Little Rock. I have had experience with charter  
13 schools. I personally know how they operate in  
14 Little Rock. One of the prize charter schools that  
15 is not a big charter school that is praised and given  
16 a lot of support, they are consistently not meeting  
17 academic levels, and Little Rock far, far, far  
18 exceeds most of the charters here in Little Rock. So  
19 I think that I agree with our superintendent and then  
20 our Senator, Joyce Elliott, that we need to pause.  
21 We really need to think about what does charters do  
22 to our district, and then we are pulling resources  
23 away from our district. And then the state of  
24 Michigan is now regretting the expansion of charters.  
25 If we look in different states, whether it's

1 Philadelphia or New Jersey, we're constantly seeing  
2 that when charter schools put out their application,  
3 on paper it looks great, but it is also like public  
4 policy; we don't know how well it works until it's  
5 put in action. So I'm just saying -- I know some  
6 have prayed, because I was listening on my way in,  
7 about what to do. But I still think that we need to  
8 pause and we do not need to rush and then approve so  
9 many charters.

10 And then the accountability piece, Little Rock  
11 School District does have more accountability than  
12 most all of the charters here in Little Rock and then  
13 I think that we need to take that into consideration.  
14 And I also think that we need to put the resources  
15 behind Little Rock the exact same way we have put a  
16 lot of resources behind the charter. Thank you.

17 CHAIRMAN BARTH: Thank you, Ma'am. We  
18 appreciate your engagement.

19 All right. Concluding conversations among the  
20 Board before we move to a motion?

21 MS. REITH: I guess if I may just -- and again,  
22 very brief final comment. Ms. Newton, you shouldn't  
23 have to pray on your own on this. I think we have an  
24 opportunity have a bigger discussion on this if we  
25 review it together, which is one of the things I

1 think we've talked about our need in regards to  
2 Little Rock; that unless it's done in open forum we  
3 can't have conversations together, and this would  
4 give us a chance to do so. And in doing so, comply  
5 with something that we all said we would spend some  
6 time thinking on, which is the stakeholders group  
7 recommendations. Because I don't think we should be  
8 making these decisions in isolation of other  
9 decisions we've made. We have a chance to look at  
10 all of this holistically together and starting  
11 tomorrow hopefully even entertaining some of these  
12 conversations. So I know we're all going to bring  
13 different thoughts to the table and -- but I think  
14 that's what makes the conversations rich and great.  
15 And I'm just asking for the opportunity for us to  
16 have that conversation collectively, together,  
17 because that really is the only format in which we  
18 can do so. Thank you.

19 CHAIRMAN BARTH: Thanks.

20 Any other comments? Ms. Dean.

21 MS. DEAN: The first thing I want to say is I  
22 keep hearing the word "pause." And in my opinion,  
23 when it comes to children and insuring that they get  
24 the education that they need, and seeing the numbers  
25 and the results that are happening in Little Rock

1 School District, yes, there are improvements; yes,  
2 there's forward movement. But I want to say why  
3 pause? Let's move all of our children forward. This  
4 is another opportunity to move forward, to move our  
5 children's education forward. In my opinion, this is  
6 an opportunity to partner. There's a saying that  
7 many hands makes light work. Instead of seeing this  
8 as competition or an entity to take students, I see  
9 it as an opportunity to share the load and the  
10 responsibility of educating all of the children of  
11 Little Rock, those in the lower socioeconomic areas  
12 as well. And being that that is an area that has  
13 targeted, I see it as an opportunity for all of our  
14 children to move forward. And that's where my  
15 mindset is, moving forward, moving forward. We want  
16 to move the line forward for all of our children.

17 As far as allowing opportunities for the public  
18 to be involved, the Charter Authorizing Panel, that's  
19 a public meeting. It is open to the public to come  
20 and view; it is open to the public -- it is -- it's  
21 live-streamed; it's also recorded. So you have an  
22 opportunity to come; you have an opportunity to watch  
23 it live; you also have an opportunity to see it after  
24 the fact. And as it was stated earlier, Mr. Poore  
25 and Little Rock School District brought their

1 concerns to the meeting and they were verbalized and  
2 expressed. And trusting that the Charter Authorizing  
3 Panel takes everything into consideration when they  
4 are deliberating for six-and-a-half hours, I'm sure  
5 that was taken into consideration. I would assume  
6 and I would hope that that was taken into  
7 consideration.

8 So just to conclude, I think we should move the  
9 ball forward for all the children of Little Rock.  
10 And I don't believe pausing in this particular case  
11 is in the best interest of all of the children, so --

12 CHAIRMAN BARTH: Thanks, Ms. Dean.

13 Any other concluding comments? If not, I think  
14 we are ready for a motion whenever anyone is ready.

15 MR. WILLIAMSON: I move to not review Einstein  
16 Charter School's application.

17 MS. DEAN: Second.

18 CHAIRMAN BARTH: Okay. Motion by Mr.  
19 Williamson, a second by Ms. Dean. Roll-call please.

20 COMMISSIONER KEY: Ms. Reith.

21 MS. REITH: No.

22 COMMISSIONER KEY: Ms. Zook.

23 MS. ZOOK: Yes.

24 COMMISSIONER KEY: Mr. Williamson.

25 MR. WILLIAMSON: Yes.

1 COMMISSIONER KEY: Ms. Chambers.

2 MS. CHAMBERS: Yes.

3 COMMISSIONER KEY: Ms. Dean.

4 MS. DEAN: Yes.

5 COMMISSIONER KEY: Dr. Hill.

6 DR. HILL: Yes.

7 COMMISSIONER KEY: Ms. Newton.

8 MS. NEWTON: Yes.

9 COMMISSIONER KEY: Mr. Black.

10 MR. BLACK: Yes.

11 COMMISSIONER KEY: Seven votes to one.

12 CHAIRMAN BARTH: All right. All right.

13 Congratulations to the Einstein folks.

14 And I think it is time for a little break, so we  
15 will return at 3:45.

16 (BREAK)

17 CHAIRMAN BARTH: I'll call us back to order.

18 [BOARD MEMBERS SNEEZES]

19 CHAIRMAN BARTH: Bless you.

20 (c) SCHOLARMADE ACHIEVEMENT PLACE/LITTLE ROCK

21 CHAIRMAN BARTH: On the agenda is the  
22 ScholarMade proposal, which is item (c) on the  
23 original agenda but is now in a slightly different  
24 spot. So, Ms. Boyd.

25 MS. BOYD: Thank you, Dr. Barth. On August 15th

1 representatives of ScholarMade Achievement Place  
2 requested a charter school in the Little Rock School  
3 District area. By unanimous vote the Panel approved  
4 the request. A request for the State Board to review  
5 the decision made by the Panel was submitted by the  
6 Little Rock School District. The State Board may  
7 exercise their right of review and conduct a hearing  
8 at a later time.

9 CHAIRMAN BARTH: All right. Okay. So on this  
10 -- obviously, the Little Rock School District and Mr.  
11 Poore will be presenting, and then we have the other  
12 folks from ScholarMade.

13 MS. BOYD: Dr. Anderson is here representing  
14 ScholarMade.

15 CHAIRMAN BARTH: Great. Okay. So if everyone  
16 who plans to testify on either side of this could  
17 please stand and raise your right hand. Great. Do  
18 you swear or affirm that the testimony you're about  
19 to give shall be the truth, the whole truth and  
20 nothing but the truth?

21 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

22 CHAIRMAN BARTH: Thank you very much.

23 And so I turn it over now to Mr. Poore for three  
24 minutes. Long time no see.

25 SUPT. POORE: Yes, it is. I'll be probably able

1 to accomplish it in the three minutes. I do want to  
2 appreciate the fact of what Ms. Dean brought up on  
3 "pause" and I hope that my remarks and my action and  
4 work with the staff makes you feel far from anything  
5 about pausing. That would be the wrong thing to  
6 leave anywhere in this community in terms of a  
7 perception. This is a district on the rise.  
8 Yesterday -- just the mentality on what we can do if  
9 we work together and if we make things happen. You  
10 know, Mr. Hill helped us start 6th grade football and  
11 it's unbelievable what's happened with that. But  
12 yesterday, as a takeoff of that, KARK sponsored an  
13 opportunity for a mentor match and the mentor match  
14 in 210 days of the organization, Big Brothers/Big  
15 Sisters trying to get somebody to join, they had 120  
16 people join in 210 days. That's how long it took  
17 them. In less than 10 hours, people working  
18 together, school district jumping in, we ended up  
19 with 120 mentors in 10 hours to go help middle-  
20 schoolers. This district is not waiting. This  
21 district is not pausing. This district is moving  
22 forward and that is why I'm passionate about having  
23 you look at this thing in terms of my word "pause" is  
24 to take a deeper dive into the reality of how we work  
25 together, how we look at this on both the side of

1 economy and achievement. I appreciate how Ms.  
2 Chambers had framed it. I have had a charter school  
3 in my high school that was run by the teacher union,  
4 inside of my high school. Okay. I have had multiple  
5 charters that I got to be a part of in Colorado  
6 Springs. I didn't fight anything in Bentonville.  
7 I'm not anti options and choice, but I am about smart  
8 decision-making to impact our community.

9 I will share one thing about Dr. Anderson as she  
10 gets ready to present. She did come to the district  
11 and reach out to simply talk. That did not happen in  
12 any other instance out of the charter entities. That  
13 is important. And I'm not trying to build her case,  
14 but my point is that -- imagine if we could go work  
15 together over the next two years, and I know she  
16 doesn't like this part. Imagine we'd go work  
17 together for the next two years; maybe something  
18 really, really, really great could happen for kids.  
19 Thank you.

20 CHAIRMAN BARTH: Thank you, sir.

21 All right. Dr. Anderson, you now have up to  
22 three minutes to argue against review.

23 DR. ANDERSON: Thank you. Good afternoon.  
24 ScholarMade Achievement Place, to be located at the  
25 historic Mitchell Building in Central Little Rock,

1 participated in a rigorous application process guided  
2 by the ADE Charter School Office. The process  
3 included an extensive facility search, acquiring  
4 zoning approval from the City of Little Rock board of  
5 directors, a review from ADE staff experts, and a  
6 thorough hearing conducted by the Charter Authorizing  
7 Panel. The process, without any technical issues,  
8 resulted in a unanimous vote of approval. The  
9 ScholarMade application fully meets the intention of  
10 the Arkansas Charter School legislation. It is  
11 designed to include student learning for all  
12 students, with a special emphasis on expanded  
13 learning opportunities for students who are  
14 identified as low achieving. It creates new  
15 professional opportunities for teachers, including  
16 the opportunity to be responsible for the learning  
17 program at the school site. It provides parents and  
18 students with expanded choices in educational  
19 opportunities, and the goals hold the charter  
20 accountable for meeting measurable student  
21 achievement standards. The ScholarMade application  
22 also has the support of the Wright Avenue  
23 Neighborhood Association. The ScholarMade  
24 application addresses the documented academic, social  
25 and emotional needs presented within the district.

1           The ScholarMade application addresses an opportunity  
2           gap, the disparity in access to high quality schools  
3           and the resources needed for all children to be  
4           academically successful. Every school within five to  
5           seven miles of the proposed location is labeled as a  
6           Focus school or a school in Needs Improvement.

7                       We are requesting that the State Board of  
8           Education honor the authorization process thus far  
9           and the decision of the Charter Authorizing Panel.  
10          Little Rock School District and all others were  
11          afforded a right to object during the Charter  
12          Authorizing Panel hearing. Little Rock School  
13          District objected and presented data and a defense  
14          during the hearing for each charter that applied for  
15          Little Rock. The information submitted to the State  
16          Board of Education requesting a review of the  
17          decision was also submitted and reviewed by the  
18          Charter Authorizing Panel. No new information has  
19          been submitted. ScholarMade included an analysis of  
20          the district's 2017 data in our presentation to the  
21          Authorizing Panel and recognized and applauded the  
22          gains made, but also notes that too many children  
23          still lag behind and the achievement gap is  
24          significant. Parent choice remains the most  
25          important reason that we need ScholarMade Achievement

1 Place. We must commit to providing families a  
2 diverse menu of school options to meet the needs of a  
3 diverse student population so that students can  
4 participate in an educational environment that works  
5 best for them.

6 We request that you affirm the decision of the  
7 Charter Authorizing Panel and vote not to review.  
8 Thank you.

9 CHAIRMAN BARTH: Thank you, Dr. Anderson.  
10 Mr. Poore, you have a minute to close.

11 Thank you very much.

12 All right. There was no other -- no one signed  
13 up for public comment, correct, on this issue? I  
14 believe not.

15 Senator Elliott said that she did have to leave.  
16 She apologized for that, but stood by her earlier  
17 comments on the first -- the previous proposal.

18 So now is the time -- no more -- no one else.  
19 All right.

20 Any questions on this proposal? And I'll start  
21 with Ms. Newton. Anything on this?

22 MS. NEWTON: No.

23 CHAIRMAN BARTH: All right. Ms. Cochran? Okay.  
24 Ms. Reith?

25 MS. REITH: I'll just go on record to say the

1 same concerns as I shared with the Einstein proposal.

2 CHAIRMAN BARTH: Okay.

3 MS. REITH: Thank you.

4 CHAIRMAN BARTH: Thank you. Ms. Dean? All  
5 right.

6 MS. ZOOK: Yes.

7 CHAIRMAN BARTH: Ms. Zook.

8 MS. ZOOK: And I know you said you were going to  
9 be at Mitchell. Does Mitchell have an elevator? The  
10 reason I'm asking is because -- thinking in terms of  
11 all children and parents having an option. And if  
12 I'm in a wheelchair, then, if there's no elevator I  
13 can't get to second floor.

14 MR. YOUNG: Right. I'm Chad Young; I'm the  
15 architect for the project. It will have a new  
16 elevator in the three-story Mitchell school. We're  
17 combining all three buildings that are on the campus  
18 through a link, so there's a process of ramps as well  
19 as new stairs. But everything will be fully ADA  
20 accessible at all levels.

21 MS. ZOOK: And do you know whether -- you may  
22 not know this because you're the architect. But do  
23 you know whether or not there will be a bus that can  
24 transport children who are in a wheelchair?

25 MR. YOUNG: Yes.

1 MS. ZOOK: Yes. Okay. Thank you.

2 CHAIRMAN BARTH: All right. Anything else? All  
3 right. Mr. Black? Ms. Chambers?

4 MS. CHAMBERS: I think this is a question for  
5 Dr. Anderson. I surely liked what Superintendent  
6 Poore said about that you had reached out. Thank  
7 you. I think there's still tremendous potential in  
8 the collaboration where we actually live in the end  
9 where that traditional public and the public charter  
10 are working together to create something even better  
11 than either part singularly. Do you have experience  
12 with that? I don't know what your own background is.  
13 But as you think about how you might work with him,  
14 any specific ideas or conversations that would be  
15 useful to us to hear?

16 DR. ANDERSON: Yes. Thank you for your  
17 question. I have actually managed schools in New  
18 York, as well as in Oklahoma, and where they -- I've  
19 seen district schools and charter schools co-locate,  
20 share professional development, serve as thought  
21 partners with each other. We actually spoke about  
22 some of these things that we could possibly do. He  
23 knows that, you know, we're open to working with him  
24 in any capacity that he is comfortable with his  
25 school.

1 MS. CHAMBERS: It's probably not appropriate for  
2 me to ask, but Superintendent Poore has experience  
3 with this too. And so between the two of you it  
4 would be encouraging on many levels to see those put  
5 into best practices and to occasionally maybe ask for  
6 updates should this be approved today so that we can  
7 hear what that looks like.

8 DR. ANDERSON: I would be very open to that.

9 CHAIRMAN BARTH: Thank you.

10 Mr. Williamson? Dr. Hill? Okay. Ms. Newton?  
11 Okay. Ms. Cochran? Okay.

12 I think we're -- I'm -- it's like a merry-go-  
13 round; I don't know where I'm getting on or off.  
14 Okay. Any further conversations? Okay. If not, I  
15 will invite a motion at any point.

16 MS. NEWTON: I move not to review.

17 MS. CHAMBERS: Second.

18 CHAIRMAN BARTH: Motion by Ms. Newton, second by  
19 Ms. Chambers. We'll do a roll-call just for the  
20 record.

21 COMMISSIONER KEY: Okay. We'll go in reverse  
22 order this time just to jazz things up. Mr. Black.

23 MR. BLACK: Yes.

24 COMMISSIONER KEY: Ms. Newton.

25 MS. NEWTON: Yes.

1 COMMISSIONER KEY: Dr. Hill.  
2 DR. HILL: Yes.  
3 COMMISSIONER KEY: Ms. Dean.  
4 MS. DEAN: Yes.  
5 COMMISSIONER KEY: Ms. Chambers.  
6 MS. CHAMBERS: Yes.  
7 COMMISSIONER KEY: Mr. Williamson.  
8 MR. WILLIAMSON: Yes.  
9 COMMISSIONER KEY: Ms. Zook.  
10 MS. ZOOK: No.  
11 COMMISSIONER KEY: Ms. Reith.  
12 MS. REITH: No.  
13 COMMISSIONER KEY: Six to two --  
14 CHAIRMAN BARTH: All right.  
15 COMMISSIONER KEY: -- in favor.  
16 CHAIRMAN BARTH: Okay. Thank you and  
17 congratulations, Dr. Anderson and everybody else from  
18 the team.  
19 (g) SOUTHEAST ARKANSAS PREPARATORY HIGH SCHOOL/PINE BLUFF  
20 CHAIRMAN BARTH: All right. Now we are down to  
21 (g) and this is the Southeast Arkansas Preparatory  
22 High School/Pine Bluff proposal.  
23 MS. BOYD: Thank you, Dr. Barth. On August 17th  
24 representatives of Southeast Arkansas Preparatory  
25 High School appeared before the Panel to request a

1 charter in the Pine Bluff School District area. By  
2 unanimous vote the Panel approved the request. No  
3 request to the State Board for review has been made.  
4 You may exercise your right to review.

5 CHAIRMAN BARTH: Okay. And we do have  
6 representatives from --

7 MS. BOYD: Yes.

8 CHAIRMAN BARTH: -- the school here; correct?

9 MS. BOYD: That's correct, if you have any  
10 questions.

11 CHAIRMAN BARTH: All right. And, Ms. Davis,  
12 while you're out, will you check and see if there's  
13 any public comment on this? Thank you.

14 Anyone who plans to offer testimony or answer  
15 questions from Southeast Arkansas Preparatory, if you  
16 could please stand and raise your right hand. Do you  
17 swear or affirm that the testimony you're about to  
18 give shall be the truth, the whole truth and nothing  
19 but the truth?

20 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

21 CHAIRMAN BARTH: Yes. Thank you very much. And  
22 so we have no opposition. And so I guess the -- no,  
23 no concerns. Okay. So I think you have up to three  
24 minutes, the school proposers do, if they so wish, or  
25 we can move straight into questions.

1 MS. BOYD: I would venture to say they're pretty  
2 comfortable with the Charter's vote to approve their  
3 charter school.

4 CHAIRMAN BARTH: All right. Okay. All right.  
5 Ms. Dean, we'll start with you. Anything? Okay.  
6 Ms. Reith?

7 MS. REITH: Ms. Boyd, if you can kindly confirm,  
8 was any opposition expressed from the school  
9 district?

10 MS. BOYD: No, we have not had any  
11 correspondence from the district superintendent. I  
12 can see his face, but I can't remember his name; I'm  
13 sorry about that.

14 CHAIRMAN BARTH: Okay.

15 MS. ZOOK: Mr. Robinson.

16 MS. BOYD: Mr. Robinson. That's correct.

17 CHAIRMAN BARTH: And neither Pine Bluff nor  
18 Dollarway voiced any opposition in the Charter  
19 Authorizing -- at the Panel level either?

20 MS. BOYD: No.

21 CHAIRMAN BARTH: Okay. Great. Thank you. Ms.  
22 Reith, is that all?

23 MS. REITH: That's my question.

24 CHAIRMAN BARTH: Okay. Ms. Cochran? No. Ms.  
25 Newton? Dr. Hill? All right. Mr. Williamson? Ms.

1 Chambers? Okay.

2 I think we can probably do this on a voice vote.

3 I'll entertain a motion on this.

4 MS. ZOOK: I move that we not review.

5 MS. DEAN: Second.

6 CHAIRMAN BARTH: All right. Motion by Ms. Zook,  
7 second by Ms. Dean.

8 All those in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN BARTH: Opposed, by the same sign.

11 All right. Thank you. Thanks, Ms. Boyd. And  
12 congratulations to the proposers.

13 (h) FRIENDSHIP ASPIRE ACADEMY AT LITTLE ROCK/LITTLE ROCK

14 CHAIRMAN BARTH: We are now down to (h) which is  
15 the Friendship Aspire Academy at Little Rock  
16 proposal. And we have several folks here from that,  
17 I believe, or at least one person --

18 MS. BOYD: That's correct.

19 CHAIRMAN BARTH: -- here, along with Mr. Poore,  
20 who is representing the district. So I would ask  
21 them to stand and raise their right hand. Thank you.  
22 Do you swear or affirm the testimony you're about to  
23 give shall be the truth, the whole truth and nothing  
24 but the truth?

25 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

1                   CHAIRMAN BARTH: Thank you. And so I will turn  
2 it over to Mr. Poore for up to three minutes.

3                   SUPT. POORE: Thank you. Just a couple of  
4 things. One, I would like you to review dates of  
5 when you have the Charter Authorizing Panel. It was  
6 held on the first week as we came back to school;  
7 very problematic for educational leaders to take part  
8 in these kind of conversations because it's during  
9 the first week of school. It doesn't show a great  
10 deal of sensitivity towards what school people are  
11 going through.

12                   Second thing is the weaknesses particularly on  
13 the Friendship application that I brought up as a  
14 part of the Charter Panel that I would like to share  
15 again is they did not have in their application a  
16 very specific, if any at all, plan for  
17 transportation.

18                   Next, and I think this is really the crux of one  
19 of the things that falls back into you as a board,  
20 State Board of Education, is that you're trying to  
21 gauge, you know, that community interest of whether  
22 or not to move forward. You realize that in this  
23 particular one, I believe -- and I hope I'm correct,  
24 and I'm sure they'll correct me if I'm wrong -- there  
25 were seven families that attended this meeting to say

1 that they're interested in it. Yet, look where we're  
2 at right now in terms of potentially approving a  
3 charter. They used the model of Stephens as their  
4 thing to say this is why we need to move forward --  
5 and, again, I hope I've made my case as to why  
6 Stephens is really a school that we ought to uphold  
7 and push out as a model of innovation and strong  
8 academic delivery and improvement.

9 And, finally, I hope that -- I asked the Charter  
10 Panel and ask you as well to please look at the list  
11 of waivers that this charter presented because I  
12 think that needs to be taken in context as well by  
13 not just the Charter Panel but also you as a state  
14 board. Thank you for the time.

15 CHAIRMAN BARTH: Thank you, Mr. Poore.

16 All right. Who would like to present on behalf  
17 of the Friendship Aspire Academy proposal?

18 MR. HARRIS: My name is Joe Harris and I'm here  
19 today to ask that this body confirm -- affirm the  
20 Panel's decision to approve our charter and not vote  
21 to review our application. Friendship is proposing  
22 -- we were selected, our charter application -- we  
23 were voted unanimously approved for two charters: one  
24 in Pine Bluff, which has not been opposed; the other  
25 is in Little Rock. Both would be mirror schools that

1 will be K through 5th grade. We have -- and I'll  
2 speak today mostly on the Little Rock School because  
3 it's being opposed by Superintendent Poore.

4 The Friendship School, we intend to open up a K  
5 through 5 school in the Southwest neighborhood of  
6 Little Rock. We've done so because we gave  
7 consideration to the -- in listening to the --  
8 looking at the data, listening to the community, and  
9 also talking to parents, we heard Superintendent  
10 Poore talk about the -- what he believes or perceives  
11 to be lack of community interest and communication or  
12 connections to parents. And the number that you  
13 quoted of seven is incorrect; we actually held two  
14 hearings, where we were only required to do one. We  
15 had 13 parents that represented over 21 kids, and  
16 overwhelmingly what we heard from the parents was the  
17 need for choice. Many of them also talked about --  
18 which I think was really highlighted here -- was the  
19 fact that they were considering moving out of the  
20 Southwest neighborhood because they didn't feel like  
21 the schools there best served their kids. So they  
22 were supportive in having a choice.

23 We believe that the Panel approved the  
24 Friendship schools, one, because they acknowledged  
25 and recognized the integrity and soundness of our

1 academic program; second, our experience -- we've  
2 been doing this for 20 years. Friendship School is  
3 based in Washington, DC. We have schools in Baton  
4 Rouge, Louisiana, Philadelphia, and Baltimore,  
5 Maryland, which really shows that we have experience  
6 in dealing with -- or successfully operating schools  
7 in both an urban and a rural area. We also bring --  
8 and what we hope -- what we know that the Panel  
9 recognizes is the innovation that we will -- we are  
10 excited about bringing to the Little Rock community.

11 Friendship -- all of our schools, when you look  
12 at our schools, they're in the hardest to serve  
13 areas. We welcome the opportunity to serve Little  
14 Rock's most vulnerable and we also do more than just  
15 give lip service to collaboration. Our model is  
16 based on the belief of a community school. All of  
17 our schools are open beyond just a normal school day.  
18 They're not just school buildings; they become a  
19 community resource center. So when we talk about  
20 innovation we talk about a community school model  
21 that really works to enrich the community. We talk  
22 about -- we've had an opportunity -- we've made  
23 overtures to Superintendent Poore and we've not heard  
24 anything. So when we think about collaborations we  
25 hope that it works both ways. We are open to it. We

1 have wonderful examples of how collaborations between  
2 charter schools and the district will work. In  
3 Baltimore, for instance, our --

4 CHAIRMAN BARTH: Mr. Harris, we appreciate -- I  
5 could tell you were coming to an end, but I could  
6 tell you were just warming up.

7 MR. HARRIS: All right.

8 CHAIRMAN BARTH: So I appreciate that. So --

9 MR. HARRIS: All right. Thank you.

10 CHAIRMAN BARTH: Thank you. Mr. Poore, you have  
11 one minute.

12 SUPT. POORE: I'll just mention the point that  
13 -- so I was wrong; seven to thirteen families. Okay.

14 You know, some of this that we do need to look  
15 at and we should be mindful of what's being stated --  
16 and as I pointed out when Dr. Anderson said that she  
17 reached out, I certainly would've pointed out if I'd  
18 been reached out to by this particular charter  
19 school, and I have not in any shape or form, that I  
20 am aware of, through phone calls or emails. I met  
21 with Dr. Anderson as soon as I could. Interestingly  
22 enough, I can, you know, be characterized, and have  
23 been, at State Board meetings because I sat next to  
24 Gary Newton. That's drawn irrational thoughts and  
25 things. Or if I go sit next to a person that is a

1 Save Our Schools person -- and I just want to be the  
2 superintendent of Little Rock and I want to do the  
3 very best job I can for kids. And, again, I'll make  
4 one last plea today because this is my last one: give  
5 us just that little bit extra lifeline of things that  
6 can help support us. And I know in the context now  
7 of having two already failed that I may be now looked  
8 at as almost stupid to come up the third time. But  
9 I'm going to keep on. That's me. I'm going to keep  
10 battling, keep on fighting for what I think is right.  
11 And I appreciate your time today.

12 CHAIRMAN BARTH: I'll just say you're anything  
13 but stupid and you have shown today, as you have over  
14 the months, your passion for Little Rock School  
15 District. And I want to voice my personal  
16 appreciation for the giftedness with which you've  
17 made your case today and I very much appreciate it.  
18 And I would make a plea to the board on this issue,  
19 on this proposal in particular, to review. But I  
20 don't have a vote.

21 Any discussion or any questions?

22 MS. ZOOK: I do. I think -- before I have a  
23 question, I think part of my concern with this is  
24 that it's not starting for another year. So we have  
25 no chance to see how well they did in Pine Bluff, if

1 we approve that. I don't know that we'll approve  
2 that. I do appreciate the fact -- and I remember  
3 what Mr. Kurrus said about we need schools in these  
4 areas, you know, and they are saying that's where  
5 they hope to locate. But they're going to be like K-  
6 1 and then K-2 and then K-3. And although in the  
7 other states where they're located, at the lower  
8 elementary levels they are high-performing. But when  
9 it gets to the four or five they say they're mid-  
10 performing, which is all well and good until you  
11 realize that mid-performing is 35 to 64 percent. So,  
12 you know, we know 35 percent of the kids doing well  
13 is not acceptable in any school. I have -- they said  
14 that they would align with the Arkansas standards,  
15 which is good. I never did hear them talk much about  
16 the transportation. They weren't asked about their  
17 special ed. program, which is the question I'm  
18 leading up to now. You said that you had budgeted  
19 for one special ed. teacher, where in fact charters,  
20 just like regular public schools, are required by law  
21 to offer the full continuum of service, and that  
22 might mean a teacher, speech therapist, occupational  
23 therapist, physical therapist. So I know we're not  
24 reviewing you now, but can you help me know what your  
25 plan is if you have a child who needs more than just

1 one teacher for a couple of hours?

2 MR. HARRIS: Sure. We plan on having a rich and  
3 -- a special ed. program to meet the needs of our  
4 students. When we speak to the one teacher that's  
5 based on our growth model, which is in the first  
6 year. That will also be coupled with any support  
7 services that are needed by that or any of the  
8 children in year-one. But we intend to grow a full  
9 and rich special ed. program to meet all the needs of  
10 our kids.

11 MS. ZOOK: Thank you.

12 CHAIRMAN BARTH: Great questions. Ms. Chambers?

13 MS. CHAMBERS: Just a comment, but it would --  
14 not necessarily to Mr. Harris. So actually my  
15 comments are probably directed more specifically to  
16 Superintendent Poore, if he's still here.

17 CHAIRMAN BARTH: He's here.

18 MS. CHAMBERS: He's still here. It's more just  
19 an observation. I think it fair to say, as difficult  
20 as the votes have been today, everyone voted their  
21 conscience and we're -- these are not -- obviously  
22 not easy decisions. But I wanted you to know,  
23 Superintendent Poore, much as Chairman Barth said, we  
24 have tremendous respect for your role and need to I  
25 think acknowledge that the way the votes have been

1 going so far didn't -- have not made your life -- or  
2 will not make your life easier, and we acknowledge  
3 that, and I wish that were not the case. But one of  
4 the things I would like to seek your help in as we go  
5 forward is how we collectively can continue to better  
6 connect with the community. Because if we're not  
7 very, very careful our decisions over time, including  
8 today, could be viewed as tone deaf to at least what  
9 some community members have been telling us, and so I  
10 think it's really important that we continue to look  
11 for opportunities to find common ground.

12 Partnerships between traditional public and charter  
13 certainly helps. But some opportunity for listening  
14 sessions where we can continue to get the facts out  
15 and learn and do a lot of listening, I would just ask  
16 your help, not to create more work for you but -- we  
17 may have already created more work for you -- in  
18 thinking about how we can continue to listen really  
19 hard to what the community is telling us.

20 SUPT. POORE: Thank you. And I think that one  
21 of the things that you all did with the Town Hall  
22 environment -- and I know that some could not attend  
23 because of, you know, previous obligations. I think  
24 there was real intent by all of you to attend. And  
25 you being there meant so much to folks and it was

1 really a quality environment because it was a very  
2 diverse environment, in my opinion, of so many  
3 different types of mindsets and mentalities in the  
4 room. But having you there -- and listen, I've heard  
5 that over and over and over how positive that was. I  
6 also know that you have a responsibility for the  
7 entire state to serve. But as the capital, the  
8 school district inside the capital, the largest  
9 school district in the state, I think every bit of  
10 attention and support is warranted and also  
11 appreciated.

12 CHAIRMAN BARTH: Any other questions over here?  
13 Ms. Newton?

14 MS. NEWTON: I would just like you to talk just  
15 a little bit about transportation, if you would.

16 MR. HARRIS: Sure. We intend to provide our own  
17 transportation, to have our staff and -- provide  
18 transportation for our students. We will provide  
19 transportation.

20 CHAIRMAN BARTH: Any questions on this side?

21 All right. Okay. The proper motion is either  
22 to review or not to review the Panel decision.

23 MS. DEAN: I move to not review.

24 MR. WILLIAMSON: Second.

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

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Mr. Williamson.  
Roll-call please.  
COMMISSIONER KEY: Ms. Reith.  
MS. REITH: No.  
COMMISSIONER KEY: Ms. Zook.  
MS. ZOOK: Yes.  
COMMISSIONER KEY: Mr. Williamson.  
MR. WILLIAMSON: Yes.  
COMMISSIONER KEY: Ms. Chambers.  
MS. CHAMBERS: Yes.  
COMMISSIONER KEY: Ms. Dean.  
MS. DEAN: Yes.  
COMMISSIONER KEY: Dr. Hill.  
DR. HILL: Yes.  
COMMISSIONER KEY: Ms. Newton.  
MS. NEWTON: Yes.  
COMMISSIONER KEY: Mr. Black.  
MR. BLACK: Yes.  
COMMISSIONER KEY: Seven votes to one.  
CHAIRMAN BARTH: All right. Congratulations to  
you. And thank you, Mr. Poore, for being here.  
CHAIRMAN BARTH: We now move to the Friendship  
Aspire Academy at Pine Bluff.  
COMMISSIONER KEY: Mike, before you leave -- I  
know you've got places to go. If I may, Mr.

1 Chairman, while he's still here?

2 CHAIRMAN BARTH: Yeah.

3 COMMISSIONER KEY: Let me just say, I can't  
4 speak more highly of this gentleman and the work that  
5 he's done. And it's really interesting that, you  
6 know, you heard many of the comments today about  
7 getting behind and, you know, the folks were behind  
8 Mr. Poore. I would just ask that they be behind Mr.  
9 Poore all the time, not just today.

10 MS. ZOOK: Right.

11 COMMISSIONER KEY: But tomorrow and next week  
12 and next month, that they would really get behind Mr.  
13 Poore, get behind the Community Advisory Board, get  
14 engaged in the growth and the progress. I see folks  
15 who are taking issue with the word "progress." I  
16 don't know what measures you want to look at since  
17 Mr. Poore has been here, but I think by any measure  
18 you're seeing progress and it's continuing. And I  
19 didn't announce it but I think the first week of  
20 October we're looking at breaking ground on a brand-  
21 new high school to meet the needs of students. There  
22 are needs being met that have not been met, that have  
23 been neglected, and this man's leadership is at the  
24 front and center of that -- I mean, the tip of the  
25 spear in making that happen.

1           So before you take off I wanted you to hear me  
2           say that in front of this board, in front of a live-  
3           stream audience, and whoever else might be listening,  
4           that regardless of the outcome of any of this --  
5           these proceedings today that guy is the leader that  
6           we need right now and I'm proud to have hired him.  
7           As Senator Bond said, he's the guy I picked. You're  
8           right. He is the guy that I picked and I would do it  
9           again tomorrow, I would do it again if I had to, and  
10          he's the guy that I would have as long as he hopes  
11          and wants to be there. And when the time comes that  
12          a local board is back I hope they keep him because  
13          he's the kind of leader that is going to move this  
14          district forward and keep moving it forward.

15                 Mike, thank you.

16                 CHAIRMAN BARTH: Thank you. Thank you,  
17                 Commissioner.

18                 MS. ZOOK: And --

19                                 [APPLAUSE]

20                 MS. ZOOK: Well, he's gone now. Anyway, it  
21                 doesn't matter if he hears this or not. I'd like to  
22                 add to that, one of the things that played into my  
23                 multiple broad things that I considered is, you know,  
24                 both of these charters -- or all three that we have  
25                 for Little Rock are going to have new buildings,

1 they're going to have high staff attendance, the very  
2 things that an element of this town chose to vote  
3 against. Mr. Poore did everything -- everything --  
4 within humanly possible to help them understand the  
5 need that sometimes those things go hand-in-hand. I  
6 know one of the people who is the immediate past  
7 president of AEA was telling me that when she was  
8 teaching prior to this, you know, she had to work in  
9 a building that was subpar and it affected her  
10 health. So I think that the things that he is  
11 advocating for and needs was always student-oriented  
12 and child-centered, and I appreciate that for him.  
13 I'm just sorry that the majority of people who chose  
14 to vote, even though it was less than 6% of the  
15 registered voters, the majority of them see the  
16 importance of that or take to heart the kinds of  
17 things that he was telling truthfully, and I  
18 appreciate that for him. But that did play into the  
19 decision that I made about my votes on these  
20 charters.

21 CHAIRMAN BARTH: Ms. Chambers.

22 MS. CHAMBERS: I just appreciate, Commissioner,  
23 you saying that because I think the whole board, as  
24 demonstrated by our applause, feels the same way. I  
25 do think for some individuals it's binary right now;

1 if you vote for charter, you're voting against Little  
2 Rock School District, which is obviously not how we  
3 feel -- but that's how some individuals certainly  
4 feel. And I think it's incumbent on us to figure out  
5 how to even in a greater way demonstrate our support  
6 for Superintendent Poore, for the district, for the  
7 community. Because right now this is, you know, the  
8 judgment; it's how we're voting on these charters.  
9 And I think it's incumbent on us to dig in deeper to  
10 get -- understand the issues and be there beside them  
11 as we go forward, because they are going to be  
12 successful and it would be good if this relationship  
13 continues to be stronger with the course of that.

14 MS. ZOOK: Thank you.

15 MS. REITH: If I could just offer one thing and  
16 just say that there are some of us that do see that  
17 that way is demeaning. And I'm sure my vote offers  
18 -- and I do want to reiterate that for many of the  
19 folks who've spoken out it's two different issues for  
20 them: local control and the charter schools. They  
21 don't see it as all one issue together; they see it  
22 as separate issues. In none of the cases -- and to  
23 reiterate what everyone said, in none of the cases  
24 it's about Poore. I think everyone has respected him  
25 and his educator [sic], and so on that I think we

1 definitely can all agree. I think we just come from  
2 different life lenses and perspectives about what  
3 some -- what moving forward is -- and, again, that's  
4 what makes a democracy rich; right? But as somebody  
5 who sits on this board I can share -- I share that  
6 life perspective that offered opposition and I'm  
7 afraid I've yet to hear arguments that would persuade  
8 me otherwise, as I know my arguments have not  
9 persuaded you all in the life perspective that you've  
10 brought to the table. So we still have work to do is  
11 what I'm trying to get. But that gets back to your  
12 point which is it's going to be done with the  
13 community, so --

14 CHAIRMAN BARTH: Thank you, Ms. Reith.

15 Any other -- okay. All right.

16 (i) FRIENDSHIP ASPIRE ACADEMY AT PINE BLUFF/PINE BLUFF

17 CHAIRMAN BARTH: We are -- we have one more --  
18 we have the Pine Bluff -- Friendship Aspire Academy  
19 of Pine Bluff proposal, which is the last of our new  
20 charter proposals. And so I'll turn it back to Ms.  
21 Boyd for this presentation.

22 MS. BOYD: Thank you, Dr. Barth. Friendship  
23 requested a charter school in the area of the Pine  
24 Bluff School District. By unanimous vote the Panel  
25 approved that request and no request for review has

1           been submitted. You may exercise your right to  
2           review.

3           CHAIRMAN BARTH: Okay. All right. So no  
4           opposition on this one. Obviously we move -- we've  
5           heard from Mr. Harris already but --

6           MS. BOYD: If you would like to hear from him  
7           again --

8           CHAIRMAN BARTH: Yeah.

9           MS. BOYD: -- he's already been sworn in. So,  
10          he's here.

11          CHAIRMAN BARTH: Okay. All right. Okay. So  
12          Mr. Harris is here to answer questions if there are  
13          specific questions related to the Pine Bluff  
14          proposal. If not, we can move directly to a motion  
15          at whatever time folks want to move.

16          Ms. Newton.

17          MS. NEWTON: Motion, if you're ready.

18          CHAIRMAN BARTH: I'm ready.

19          MS. REITH: I'll just ask a question just  
20          because I've --

21          MS. NEWTON: Sure.

22          MS. REITH: -- I've done it since -- I was just  
23          making sure that the Pine Bluff School District,  
24          there was no opposition, or any of the neighboring  
25          ones?

1 MS. BOYD: No, ma'am.

2 CHAIRMAN BARTH: Great.

3 MS. REITH: And for the historical perspective,  
4 when we had this decision when I started on the board  
5 that was the question I always asked as well. So  
6 just to offer --

7 CHAIRMAN BARTH: Okay. Thank you. Ms. Newton.

8 MS. NEWTON: I move not to review.

9 CHAIRMAN BARTH: Okay. Motion by Ms. Newton.

10 MS. ZOOK: Second.

11 CHAIRMAN BARTH: Ms. Zook.

12 All those in favor say "aye."

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN BARTH: Opposed, same sign.

15 All right. So that is unanimous.

16 AMENDMENT REQUESTS:

17 (j) OZARK MONTESSORI ACADEMY/SPRINGDALE

18 CHAIRMAN BARTH: Our next -- our final two  
19 charter items are amendments to existing charters.  
20 And so we start first with the Ozark Montessori  
21 Academy in Springdale.

22 MS. BOYD: Thank you, Dr. Barth. The Ozark  
23 Montessori Academy requested an amendment to their  
24 charter. By a vote of six-to-one the Panel approved  
25 the request. No request for a review from the State

1 Board has been submitted, and you may exercise your  
2 right of review. Ms. Silano should be on the phone,  
3 if you have questions.

4 CHAIRMAN BARTH: So, Dr. Silano, are you there?

5 DR. SILANO: Yes.

6 CHAIRMAN BARTH: Okay. Great. Thank you. I'm  
7 going to wait to swear you in, unless there are  
8 questions, for your proposal.

9 Are there any questions?

10 MS. ZOOK: Uh --

11 CHAIRMAN BARTH: Okay. Dr. Silano, I'll go  
12 ahead and swear you, if you don't mind. Do you swear  
13 or affirm that the testimony you're about to give  
14 shall be the truth, the whole truth and nothing but  
15 the truth?

16 DR. SILANO: Yes.

17 CHAIRMAN BARTH: Thank you. Ms. --

18 MS. ZOOK: I looked at -- I was there that day,  
19 but I also looked at the -- reread the decisions and  
20 why. And there seems to be -- even though they voted  
21 and it's already a charter, there is some concern  
22 about shortening your school year and your school  
23 day. And the Charter Panel meets; you're back down  
24 here asking for amendments. So, you know, I know  
25 this is a problem when you don't have an established

1 CMO and you come in and you try to start a school.  
2 And as you would probably agree with me, running a  
3 school is a very difficult task. So can you help  
4 alleviate my concerns? For example, Dr. Hernandez  
5 said, "I have strong reservations about the academic  
6 impact on the student." Mr. Owoh -- or Dr. Owoh  
7 actually voted against it, removing what he  
8 considered to be one of the innovations. So in your  
9 presentation would you address those, please?

10 DR. SILANO: Certainly. And, yes, you're right;  
11 starting a charter school without a CMO from scratch  
12 is a formidable -- and what I've discovered that as I  
13 -- as the founder I put together an application with  
14 the best research and consultation that I could find.  
15 But once a school was opened, it was opened up to our  
16 school community with the parents and our school  
17 board and our staff, they had their own opinion about  
18 -- and the school became theirs. And so it was a  
19 "like and leave the rest," I guess.

20 So in regards to the school calendar I did ask  
21 in the initial application for an extended calendar,  
22 an extra two weeks. And the rationale for that was  
23 that being a Montessori school where the curriculum  
24 is so much different from a traditional school where  
25 children are working independently using hands-on

1 materials in a classroom full of thousands of pieces  
2 of materials, there are skills that the children need  
3 to learn that take time to function in that classroom  
4 successfully. That extra two weeks, especially in  
5 our initial years, would be valuable so that we  
6 didn't have to take away from that valuable  
7 instructional time; we would have that adjustment  
8 time. Now I would've been perfectly happy to stay  
9 with the extended year, extended calendar for -- you  
10 know -- forever, into infinity, but what happened was  
11 we ran into a couple of conflicts that I did not  
12 foresee. One is that the Montessori training that  
13 our teachers have to attend to become certified by  
14 American Montessori generally run the summer. And so  
15 what we ran into was overlap at the ending of the  
16 school year, ending later than most schools -- many  
17 schools in the country, and in starting earlier than  
18 many schools. Because as we know, there is no  
19 training center in Arkansas, so teachers -- and so we  
20 had teachers who couldn't make it for in-service week  
21 because we were starting in-service the first week of  
22 August. And we had teachers who, if they did make it  
23 for in-service week, had no time to prepare their  
24 classrooms. Montessori classrooms are very difficult  
25 to -- they take quite a bit of time to set up. So we

1 did that two years in a row and it was a real  
2 hardship for teachers.

3 Now on the student side and the parent side, the  
4 extended calendar wasn't popular because it did not  
5 align with the -- am I being cut off? I'm getting  
6 some interference.

7 CHAIRMAN BARTH: We can hear you quite well.  
8 There was some background noise but --

9 DR. SILANO: It sounded like -- yeah, like a  
10 group of people started talking.

11 CHAIRMAN BARTH: Yeah. You're fine now. So,  
12 you sound good now.

13 DR. SILANO: But it's so -- as far as the  
14 parents and the students, what we found is being the  
15 only school that I know in Northwest Arkansas with an  
16 extended calendar our siblings and our families and  
17 the neighbors -- and it's just tough on the families  
18 to keep their kids engaged and keep attendance up  
19 that last week in June when we're in school past  
20 everybody else, and the same at the beginning of the  
21 year with it. And so since -- you know -- by our  
22 third year now over two-thirds -- three-quarters of  
23 our students have been with us for two years. We're  
24 kind of past that initial stage. The children, we  
25 feel, are functional in the Montessori classroom, and

1 so we did not feel the need for an extended calendar.

2 If you don't have questions about that, I can  
3 address the days situation.

4 CHAIRMAN BARTH: Ms. Zook?

5 Okay. You can continue.

6 DR. SILANO: Okay. So the extended day was --  
7 had similar rationale. When I put that in the  
8 initial application my concern was because in  
9 Montessori education -- we know this to be true -- we  
10 have what's called a three-hour uninterrupted work  
11 cycle, which is basically a three-hour block in the  
12 morning which is sacred in Montessori world. And my  
13 fear was with the test prep that would be needed, the  
14 traditional kind of learning, the paper and pencil  
15 learning that the students would need to do to be  
16 well prepared for standardized testing, I did not  
17 want to interfere with honoring and being fidelity to  
18 the Montessori method. And so -- and we had adopted,  
19 you know, computer-based tutoring and computer skills  
20 software, and so that was the rationale for the extra  
21 hour in the day. Now, again, as our school community  
22 developed and took on a life of their own -- there  
23 were two reasons; one to me was, which I think will  
24 resonate with you more than the other -- but I'm  
25 going to tell you the first is that, you know,

1 Montessori is a holistic philosophy of education, and  
2 the feeling was that the longer day -- you know --  
3 the eight-hour school day was just too much for  
4 students and staff; that we had a lot of stressed out  
5 little kids, our kindergartners; it was just a long  
6 day. Kids were missing out on some of the  
7 afterschool activities that were offered in the  
8 community, our older students. And so I -- you know,  
9 without that good school support from my school  
10 community it was hard to continue justifying that.  
11 But that's not -- this will speak to student  
12 achievement, and I think that most of the panel  
13 members understood. I know I had a couple who were  
14 not confident about it, but I think most of the panel  
15 members understood when I explained that we are not  
16 shortening our staff days. Our staff will continue  
17 to work till -- and that -- sending our students home  
18 at 3:00, every student that is not college or career  
19 ready on the ACT Aspire or the -- we've adopted I-  
20 station this year. But the Iowa Basic scores from  
21 last year, we've taken those scores and the kids who  
22 are, you know, at the lowest levels of achievement,  
23 they are either working with the special ed. resource  
24 room or they're working with our ESL  
25 teacher/department or they're working with our

1 literacy coach, and they're getting lots of extra  
2 help. And we have a lot of them; if you look at our  
3 scores we have a lot. Those kids are all being  
4 recommended for afterschool tutoring. And so those  
5 letters actually went out to the parents this week,  
6 asking them to keep their children at school two  
7 afternoons a week. We have a Tuesday and Thursday  
8 group, and all of our teachers are required to do two  
9 afternoons a week of tutoring with those kids. And  
10 so we believe that this focused instruction with  
11 those students was going to help us to improve  
12 achievement. Now for our high-end students, our  
13 students in exceeding levels, we're also going to be  
14 offering Gifted and Talented opportunities. We just  
15 started a performing arts program. We have a  
16 beautiful new auditorium that I hope you all will  
17 come see, that's outfitted with stage lights and  
18 sound equipment. And we also will have -- we have a  
19 new sports program starting with basketball. And so,  
20 you know, kids will have those opportunities. We're  
21 scheduling it so no child gets left out of those  
22 opportunities. But having that little bit of change  
23 -- you know, kids who need to go home, want to go  
24 home, don't want to stay, they can go home; the  
25 others can stay for the tutoring and the other

1           afterschool opportunities, and we'll have another bus  
2           route running at 4:00. So we think this is going to  
3           be good for kids and it will answer, you know, the  
4           complaints that we've had about the extended day.

5           CHAIRMAN BARTH: Thank you, Dr. Silano.

6           Anything else, Ms. Zook?

7           MS. ZOOK: No. Just a note here: typically  
8           children who require special education service need  
9           to be taught differently during the day because  
10          tutoring is not particularly effective. Because if  
11          they are failing all day, all they get at the last is  
12          another hour of failure. So, just a hint to the  
13          wise.

14          DR. SILANO: Yes. And that's -- like I said,  
15          those students are getting their interventions during  
16          the school day. We're just talking about those  
17          students who are in the close range where we're all  
18          concerned that they need to be up in the ready-and-  
19          exceeding, summarily targeted at them; whereas, you  
20          know, we're working hard with our students who need  
21          the extra help during the school day.

22          CHAIRMAN BARTH: Okay. Any other questions or  
23          comments about this proposal?

24          All right. So the proper motion is either  
25          review or to not review the decision of the Charter

1 Authorizing Panel on this amendment to the Ozark  
2 Montessori charter.

3 MS. NEWTON: I move not to review.

4 MS. CHAMBERS: Second.

5 CHAIRMAN BARTH: All right. Motion by Ms.  
6 Newton, second by Ms. Chambers. I think we can do  
7 voice on this.

8 All those in favor say "aye."

9 (MAJORITY CHORUS OF AYES)

10 CHAIRMAN BARTH: Opposed?

11 MS. REITH: No.

12 CHAIRMAN BARTH: All right. So, a no from Ms.  
13 Reith.

14 (k) SPRINGDALE SCHOOL OF INNOVATION/SPRINGDALE

15 CHAIRMAN BARTH: And then, finally, an amendment  
16 from a conversion charter, the Springdale School of  
17 Innovation.

18 MS. BOYD: Thank you, Dr. Barth. The Springdale  
19 School of Innovation appeared before the Panel to  
20 request an amendment to their charter. The request  
21 was approved unanimously. No request for review has  
22 been submitted.

23 CHAIRMAN BARTH: Okay. And are -- is anyone  
24 here from --

25 MS. BOYD: They're on the phone. I'm sorry.

1 Dr. Slocum should be on the phone, should you have  
2 questions.

3 CHAIRMAN BARTH: All right. Dr. Slocum?

4 DR. SLOCUM: Hello.

5 CHAIRMAN BARTH: Hi, Dr. Slocum. Good to hear  
6 your voice.

7 DR. SLOCUM: Hello. Thank you, guys, so much  
8 for taking the time to talk with us. I know today  
9 has been a very, very long day.

10 CHAIRMAN BARTH: Yes, it has. So could we -- I  
11 think we -- first off, I guess I'll just ask are  
12 there going to be questions of this proposal?

13 Okay.

14 MS. ZOOK: I was going to give them a  
15 compliment. I happened to be at dinner with a group  
16 of people who have owned and/or run different  
17 businesses in your community. They have all visited  
18 your school and the main thing they came away with,  
19 because they're not academians, is, you know,  
20 watching all those kids from all those different  
21 backgrounds and all those different levels of need  
22 and all those different countries represented, this  
23 is what we hope Springdale will be as a community,  
24 not just -- and this is a great start as a school.

25 CHAIRMAN BARTH: Okay.

1 DR. SLOCUM: Oh, thank you, Ms. Zook. We  
2 appreciate your support.

3 CHAIRMAN BARTH: All right. Okay.

4 MS. ZOOK: I move we not review.

5 CHAIRMAN BARTH: All right. Ms. Zook moves not  
6 review.

7 MS. REITH: Second.

8 CHAIRMAN BARTH: Ms. Reith seconds.

9 All those in favor say "aye."

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN BARTH: Opposed, same sign.

12 I'm glad you guys did not drive down for that,  
13 so -- but we look forward to seeing you soon.

14 DR. SLOCUM: Thank you very much. Have a great  
15 day.

16 CHAIRMAN BARTH: You too. Bye-bye.

17 B-2: CONSIDERATION FOR FINAL APPROVAL: ADE RULES GOVERNING  
18 BACKGROUND CHECKS

19 CHAIRMAN BARTH: Okay. So our final two items  
20 of the day are rules for final approval. And the  
21 first one Ms. Freno is going to do this. This is the  
22 background checks revision.

23 MS. FRENO: Yes, sir. Thank you, Dr. Barth.  
24 Lori Freno, Department of Education. This is before  
25 the Board for final consideration, the ADE rules

1 governing background checks. We had a public comment  
2 hearing; also public comments were received.  
3 However, although there were some changes as a result  
4 of public comments, none of the changes were  
5 substantive. So at this point we are ready to  
6 respectfully request that the Board release the rules  
7 for final approval -- give their final approval of  
8 the rules pending Arkansas Legislative Council  
9 review. And just so that you know, if anyone has any  
10 questions we have Daryl Taylor here, from PLSB, and  
11 also on the phone is Cheryl Reinhart, who is the  
12 director of Educator Licensure.

13 CHAIRMAN BARTH: Great. Thank you.

14 Just a question: these have been approved by the  
15 Governor's office?

16 MS. FRENO: Yes, they were.

17 CHAIRMAN BARTH: Okay.

18 MS. FRENO: Dr. Barth, just for your  
19 information, now a rule cannot even be placed onto  
20 the agenda without being approved by the Governor's  
21 office.

22 CHAIRMAN BARTH: Right.

23 MS. FRENO: And I guess you mean after we made  
24 the minor changes?

25 CHAIRMAN BARTH: Yes.

1 MS. FRENO: I caught that. Yes, they have been  
2 approved by the Governor's office, absolutely.

3 CHAIRMAN BARTH: Okay. I just --

4 MS. FRENO: Yes. Yes.

5 CHAIRMAN BARTH: I wanted to be clear, when we  
6 talked about the process a few weeks ago, and I just  
7 wanted to be sure that that last step --

8 MS. FRENO: Yes, sir.

9 CHAIRMAN BARTH: All right. So a slightly  
10 revised version of what we have seen previously on  
11 this. Any questions? Ms. Cochran, anybody on this  
12 side have questions? Anybody over here have  
13 questions?

14 Okay. I will invite a motion.

15 MS. REITH: I move for final approval.

16 MS. DEAN: Second.

17 CHAIRMAN BARTH: All right. Motion by Ms.  
18 Reith, second by Ms. Dean.

19 All those in favor say "aye."

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN BARTH: Opposed, same sign.

22 Okay.

23 B-3: CONSIDERATION FOR FINAL APPROVAL: ADE RULES GOVERNING  
24 PROFESSIONAL LEARNING COMMUNITIES

25 CHAIRMAN BARTH: And then our final rule

1 involves professional learning communities.

2 MS. FRENO: Yes. Dr. Barth, these rules were  
3 released for public comment by the State Board in  
4 June. There were two public comment periods held  
5 during that time, and of course the hearing was  
6 conducted; there were no public comments on these  
7 rules. And at this point we respectfully request  
8 that the Board give final approval to the PLC rules.

9 CHAIRMAN BARTH: Okay.

10 MS. FRENO: And, of course, Legislative Council  
11 review.

12 CHAIRMAN BARTH: Okay. I actually do have a  
13 question on this, on the way this is structured in  
14 terms of enhanced funding going to PLCs. Is this  
15 pretty much lock-in whatever the funding for  
16 professional development was in 2017, I mean for the  
17 duration, that any new funding from here on out is  
18 going to go to PLCs? Or is this really a brief  
19 window of investment in PLCs?

20 COMMISSIONER KEY: I think the best way to  
21 characterize it is that it's -- the legislature has  
22 said they want a three-year pilot, but they can only  
23 appropriate a year at a time.

24 CHAIRMAN BARTH: Okay.

25 COMMISSIONER KEY: Okay. So it's subject to

1 change. I know the Governor's budget plan carried  
2 over from -- into the next fiscal year of this  
3 included for a second year. And of course it's up to  
4 the legislature to approve that and then in the '19  
5 session continue that. So I don't really think you  
6 could say it's locked in, but their intent is for  
7 this pilot to grow over a three-year period of time.

8 CHAIRMAN BARTH: Okay.

9 COMMISSIONER KEY: Tina, did I --

10 MS. TINA SMITH: Yes.

11 COMMISSIONER KEY: Did I say that correctly?

12 Give me a nod.

13 MS. TINA SMITH: Yes.

14 COMMISSIONER KEY: Okay.

15 MS. FRENO: And that is Tina Smith who is our  
16 PLC person.

17 CHAIRMAN BARTH: Great. Okay. Super.

18 Are there any questions on this final rule?

19 Okay. I will entertain a motion.

20 MS. REITH: I move for final approval.

21 MS. CHAMBERS: Second.

22 CHAIRMAN BARTH: All right. Motion by Ms.

23 Reith, second by Ms. Chambers.

24 All those in favor say "aye."

25 (UNANIMOUS CHORUS OF AYES)

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CHAIRMAN BARTH: Opposed, same sign.

ADJOURNMENT

CHAIRMAN BARTH: Okay. We have come to adjournment. I would invite a motion to adjourn.

MS. REITH: Move to adjourn.

CHAIRMAN BARTH: Ms. Reith.

MS. DEAN: Second.

CHAIRMAN BARTH: Second by Ms. Dean.

All those in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed, same sign.

(The meeting was adjourned at 5:15 p.m.)

C E R T I F I C A T E

I, LINDA PARKER, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on September 14, 2017, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

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

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

WITNESS, MY HAND AND SEAL, THIS DATE: September 26, 2017.

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LINDA PARKER, CCR  
Certified Court Reporter  
Certificate No. 198

	<b>7:9;10:17;11:6; 21:1;41:1;44:2; 71:21;76:23;77:6; 79:3;82:22,23;89:13; 90:18;91:6,13; 110:17;111:11; 127:20;128:24; 130:2;131:2;134:10; 135:17;138:3,15; 146:20;150:12; 191:6,19,23;192:17; 201:10;202:4; 205:10;209:8;211:5, 6;217:25</b>	<b>18:6;40:5 accommodations (1) 137:23 accomplish (2) 16:3;218:1 accomplished (1) 16:10 according (2) 153:20;172:18 account (1) 184:21 accountability (3) 11:19;212:10,11 accountable (1) 220:20 accounted (1) 167:25 Accreditation (3) 57:23;64:6;99:8 ACE (3) 7:22;8:1;12:21 achieve (2) 100:3;140:18 achievement (14) 99:24;185:3; 201:10,15;216:20; 217:1;219:1,24; 220:21;221:23,25; 253:12,22;254:12 achieving (1) 220:14 acknowledge (12) 27:9,10,12;51:1,2, 5;52:5;95:8;109:2; 139:16;237:25;238:2 acknowledged (1) 232:24 acknowledging (1) 108:24 acquiring (1) 220:3 acronyms (1) 7:17 across (7) 8:22;12:25;110:25; 113:1;169:6;188:15; 209:21 ACT (34) 8:9;12:11,16,17,17, 23;13:6;80:16,18; 81:9;83:19;87:6; 90:18;91:6,20;95:13, 23;96:10,24;97:2; 98:5,18,21;100:12; 107:20;111:7; 114:10;115:5;124:7, 24;127:10;148:9; 180:14;253:19 ACT/ACT (3) 11:23,24;12:5 action (10) 6:2;12:7;27:9; 90:2;116:7;117:15;</b>	<b>198:10;206:10; 212:5;218:3 actions (2) 12:5;24:3 active (1) 130:9 actively (1) 126:19 activities (1) 253:7 activity (2) 85:5;137:22 actual (1) 159:20 actually (39) 9:24;10:22;16:1; 20:16;23:11,25; 30:21;34:25;44:16; 45:1;46:14;53:3; 56:22;80:8;89:10; 99:25;119:16;129:6; 138:19;139:6; 141:21;142:8; 145:10;161:16; 180:12;181:2;188:2; 195:20;197:8; 203:12,21;224:8,17, 21;232:13;237:14; 249:7;254:5;261:12 ADA (1) 223:19 adapt (2) 134:25;137:18 add (9) 15:9;74:6;115:2; 135:21;138:18; 149:20;150:5;200:8; 242:22 added (2) 40:6;178:15 addition (9) 6:10,12,17;25:21; 57:25;128:14; 130:20;185:14; 205:24 additional (16) 30:4;99:2,5; 135:19;147:2; 149:18,25;150:7,7; 155:3;156:7,23; 157:20;167:10; 184:24;185:5 Additionally (1) 96:6 address (10) 26:15;96:5;139:14; 167:9;170:13,17; 182:14;200:12; 249:9;252:3 addressed (5) 52:17,18;170:20; 190:14;192:23 addresses (2)</b>	<b>220:24;221:1 addressing (1) 72:8 ADE (32) 6:7;7:21;25:17; 26:5,12,20;27:4,15; 29:22;30:20;31:6; 34:14,21;35:18,25; 36:8;37:8;47:7; 52:12;83:10;115:17; 124:23;150:15,21; 151:5;171:15; 191:10;220:2,5; 258:17,25;260:23 adequacy (1) 64:12 adequate (4) 57:24;58:5;64:8; 100:7 adjourn (2) 263:4,5 adjourned (1) 263:15 ADJOURNMENT (2) 263:2,4 adjusting (1) 167:9 adjustment (1) 250:7 adjustments (1) 21:4 ADM (2) 59:12,13 Administration (1) 42:12 administrative (5) 132:16;136:25; 137:12;141:8,25 administrator (2) 33:16;43:18 administrators (1) 43:14 admit (2) 107:12;195:4 admitted (1) 128:7 admitting (1) 47:20 adopted (4) 129:17;130:15; 252:18;253:19 advance (1) 23:15 advantage (1) 149:24 adversity (2) 75:3,9 advertise (2) 89:8;90:3 advertised (1) 93:4 advice (1) 16:24</b>
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