

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

August 10, 2017

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

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

August 10, 2017
10:00 A.M.

A P P E A R A N C E S

BOARD OF EDUCATION MEMBERS:

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

ADE LEGAL COUNSEL:

Ms. Lori Freno	ADE General Counsel
Ms. Jennifer Davis	ADE Staff Attorney

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

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A-1: LITTLE ROCK STAKEHOLDERS' REPORT

EXHIBIT ONE (1)
Core Recommendations

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P R O C E E D I N G S

A-1: CONSIDERATION OF THE LITTLE ROCK AREA PUBLIC EDUCATION
STAKEHOLDER GROUP REPORT

CHAIRMAN BARTH: It is now time to move to the Action Agenda, and our first action agenda item is the Little Rock Stakeholder Group Report. And so that -- the chair of that group is Tommy Branch, vice chair is Jim McKenzie. And I believe Mr. McKenzie is going to be the presenter for that group -- and I hope you do identify the other members of the stakeholders group who are here, Jim.

MR. MCKENZIE: Thank you, Mr. Chairman, Members of the Board. I am Jim McKenzie; I'm the vice chairman of the Little Rock Area Public Education Stakeholders Group, hereinafter to be referred to as "the Group" or "the Stakeholders." I'll be making our presentation. Today we have -- I'll introduce the other stakeholders in just a second.

Let me make some introductory remarks. First, the report, Making the Connections That Count, is 50 or so pages long. There's a lot of really good stuff in it. This presentation will be a simple overview of the report itself. After I've finished, some of the other members of the Stakeholders Group would like to make some brief comments, and then we'll

1 stand for any questions that you may have. Finally,
2 we'd like to thank Commissioner Key and the hard-
3 working staff at the Department of Education,
4 especially Ms. Coffman for her able assistance. Many
5 of us have worked most of our careers in public
6 service and we know how frustrating it can be when
7 you're asked to do too much with too little
8 resources. So if anything in this report is
9 critical, it is critical of the system and of the
10 situation that we are all trying to solve in the
11 Little Rock area in regards to public education and
12 not of any individuals who are doing their best to
13 serve the public interest, and I hope the report will
14 be received as much.

15 Let's see if I can work this. Are we -- there
16 we go, and that goes forward.

17 The Stakeholders Group was ably chaired by Mr.
18 Tommy Branch; I served as vice chairman. Ms. Tamika
19 Edwards, who is on Mackinac Island at the Grand Hotel
20 right now, hopefully on vacation, wishes she could be
21 here and sends her regards. Ann Marshall Grigsby,
22 who is here with us, served as our Editor in Chief
23 and brought multiple voices together into a single
24 voice to make the report coherent and readable. Mr.
25 Antwan Phillips has joined us; he was in a deposition

1 earlier today but made it just in the nick of time.
2 Leticia Reta has just joined us, and Diana Varady is
3 here as well. We also want to acknowledge the
4 assistance of Dr. Denise Airola, who is the director
5 of the Office of Innovation and Education at the
6 University of Arkansas, and of course Ms. Coffman,
7 and Dr. Barth served as our liaison with the State
8 Board. I have to say on a personal note that I've
9 been honored to work with these outstanding people
10 for the last year. Commissioner Key, you did a good
11 job in selecting this group; they're really top-
12 notch.

13 Let me start with the original charge because I
14 think it's important. The State Board asked us to
15 address six questions:

- 16 . How every child can have access to an
17 achieving school;
- 18 . How schools can best meet the needs of a
19 diverse population (income, achievement,
20 English Language Learners, special education
21 needs);
- 22 . How to be most cost efficient in the delivery
23 of education;
- 24 . How to respond to a pattern of certain
25 students seeking out open enrollment charter

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schools;

- . How facilities can be modernized and located in light of current and future demographics;
- . And, finally, how collaboration between traditional public schools and open enrollment public charter schools can maximize the achievement level of students and the efficiency of the system of public education south of the Arkansas River.

Taken as a whole, basically you asked us to solve the problems of urban public education in the United States, using Little Rock as a case study. That is a monumental task, but we believe the correct one, and you gave us six months in which to do it.

Now in my career I've had the opportunity to work with multiple contractors and one contractor I was negotiating with said, "Son, let me tell you something, you have three choices: you can have it quick, you can have it cheap, or you can have it good. Pick two out of three." So the first choice was quick. Dr. Airola helped us through the process in identifying contractors, research that had been done, questions to ask, and we finally came to the conclusion that given the breadth of the topics that we were asked to address there was no single firm in

1 the country that could address all six areas; they
2 tend to specialize, the good ones do, in these areas.
3 The estimated cost for doing the work was between
4 \$375,000 and \$500,000. The estimated timeframe from
5 the time a contract was signed until completion would
6 be 18 months. Commissioner Key advised us that it
7 would take six months to work through the state
8 procurement process to get us to contract initiation
9 and we needed to report to you guys by the end of
10 2016. And in the end the Commissioner advised us
11 that there was not a budget to hire a research
12 facilitator that he could scrape \$10,000 or so out of
13 existing budget items. So the second choice was
14 cheap; quick and cheap. We were disappointed that we
15 did not get to address the whole charge. We believe
16 the original impetus, to develop a strategic plan for
17 public education in the Little Rock area, was the
18 correct one and that will be continually emphasized
19 in the report. But we did then focus on the new
20 charge, came back to the Board at the Commissioner's
21 suggestion, and you asked us to focus on the last
22 question: How collaboration between traditional
23 public schools and open enrollment public charter
24 schools -- and I'm going to quit saying all of that
25 and just say "charter schools" as shorthand, but

1 please understand that in Arkansas language I mean
2 open enrollment public charter schools -- can
3 maximize the achievement levels of students, and then
4 the efficiency of the system of delivering public
5 education.

6 So we worked on that and worked on that and
7 worked on that and put a lot of heads together.
8 Editing was a challenge, and we want to thank Ann
9 again for her diligence in that.

10 The report is organized in three main parts.
11 The first part focuses on the main charge of
12 collaboration. The second part deals with strategic
13 planning and research, part of the original charge,
14 also I think very germane to the ability to have
15 successful collaboration between charter schools and
16 traditional schools. And the third identifies some
17 public policy issues and asks -- reiterates some
18 questions, policy questions that were asked by the
19 Stakeholders Group to which we never got the answers
20 before the report had to be finished.

21 After the report was finished we distilled a set
22 of six core recommendations out of it. These are not
23 specifically enumerated in the body of the report but
24 I think you have a copy of those in front of you
25 today.

1 (WHEREUPON, A-1 Exhibit One (1), the Core
2 Recommendations, was marked for identification and
3 appended.)

4 MR. MCKENZIE: And then, finally, Mr. Phillips
5 wrote a concurring opinion that he will address to
6 you in his comments.

7 Now because we picked quick and cheap, speaking
8 for myself and I think most of the other
9 Stakeholders, this report is not as good as we all
10 would have hoped that it would be and it does not do
11 enough to solve the problems facing public education
12 in the Little Rock area. But hopefully you will find
13 it a useful first step as we move forward.

14 So Part 1, Collaboration -- we were lucky in
15 this area because, just as our charge changed, the
16 Center for Reinventing Public Education issued a
17 report on collaboration between district and charter
18 schools that we will quote extensively. If you
19 haven't read it, we would commend it to you; it's got
20 a lot of really good information in it. We write
21 then extensively about equity in student discipline,
22 special education, and for English Language Learners.
23 There's a section on how to foster the appropriate
24 climate for collaboration and move past a competitive
25 adversarial paradigm. We talk about providing

1 parents full information on their public education
2 alternatives so that they can make a truly informed
3 decision about their choices for their children. And
4 we conclude with a discussion on the collaboration
5 models that are available today.

6 Let me talk about -- we've excerpted some of the
7 things from the CRPE report. The acronym is
8 pronounced serpie. I first started saying creepy,
9 but they corrected me and said that's not the right
10 way to say this. The name of the report is Bridging
11 the District Charter Divide to Help More Students
12 Succeed, and, like -- as I said, we relied on that
13 extensively. They did a lot of very good research.
14 The research was based on 23 communities that were
15 self-selected to participate in a Bill and Melinda
16 Gates Foundation-funded initiative and that had
17 formally signed a district charter collaboration
18 pact. So this is a self-selected group that's been
19 highly incentivized to work towards collaboration.

20 There were several common sets of problems that
21 CRPE found in all of these districts and that are
22 reflected in the Little Rock area. The first is
23 inconsistent discipline policies, which leads to a
24 feeling that charters are dumping hard to educate
25 students on public schools. Quality school deserts

1 that -- where there's not access to a quality school
2 choice, either a traditional or charter school. And
3 particularly an equity issue is raised over
4 transportation, especially many low income families
5 may not have an automobile in their household, may
6 rely on public transportation, may only have one, may
7 have work schedules that do not permit them to drive
8 their child across town to a charter school, for
9 example, or to another public school. And so those
10 equity issues were apparent in all of the areas.

11 The hostility between district and charter
12 schools again was because, I think, of the
13 competitive adversarial paradigm and we think that
14 that's also present here in the Little Rock area;
15 lack of information on school choices for parents
16 impede equitable access to all of their options;
17 inequities in charter school funding in terms of
18 access to funding mechanisms that are available to
19 traditional public schools, in particular funding
20 mechanisms regarding facilities; lack of a property
21 tax base issues being obvious; and then inequities in
22 the provision of special education services, and I
23 think the most recent numbers that we saw indicated
24 that that's the case here in the southern part of
25 Pulaski County.

1 But the report also indicated or identified
2 several areas of potential public policy wins:
3 replacing chronically failing schools, traditional
4 public schools, with high achieving charter schools
5 in certain neighborhoods; development -- and this is
6 intriguing -- of citywide common enrollment systems,
7 and herein in that is having all of the comparable
8 information for all of the education choices
9 available to parents so that they can access that;
10 more equitable and transparent discipline policies.

11 Now these are areas where collaboration has led
12 to success in these districts: coordinated cost
13 sharing systems for special education services;
14 coordinated transportation services; and common
15 accountability tools so that parents have common
16 standards to evaluate a school's performance and,
17 again, can make an informed decision for their
18 children.

19 Now there were a lot of cautions that were
20 raised by the CRPE findings, a lot of attempts of
21 collaboration that failed, and I think there was a
22 sense of disappointment that especially in these
23 self-selected districts with funding incentives for
24 collaboration that there were not more long-term
25 successes to report. One of the things that they

1 identified was that collaboration efforts failed in
2 toxic political environments -- and, actually, when
3 tried in toxic political environments and failed it
4 made the situation worse than before the
5 collaboration efforts began. Most successful efforts
6 require extraordinary leadership, particularly what
7 they called "boundary spanning leadership," leaders
8 on both sides of the aisle that could see the other
9 side and reach across and pull people together.
10 Efforts in many cities did not last beyond leadership
11 changes and that's -- the stability in leadership was
12 there -- not there long enough to institutionalize a
13 culture of collaboration into the organizations and
14 moreover into the communities that the school systems
15 served. And they mentioned that stable leadership
16 top to bottom and a commitment both of the
17 institutions and the communities was critical for
18 long-term success. Now these cautions should be
19 taken to heart because we do not have a stable
20 leadership situation in the Little Rock area right
21 now. You don't have an elected school board in the
22 Little Rock School District, and hopefully we'll have
23 one again shortly, but that is a significant
24 leadership change. We're talking about leadership,
25 both elected and professional. The Pulaski County

1 School District has a newly-elected board that just
2 dismissed their long-serving superintendent, so you
3 have some instability there. So I think we would be
4 wise in planning these collaboration efforts to look
5 at the situation on the ground and be frank with
6 ourselves about the challenges that we face in
7 dealing with collaborative efforts.

8 In the next section we dealt with disparities in
9 discipline, special education, and English Language
10 Learners. The inequities in these three areas are a
11 source of a significant feeling by traditional public
12 schools that charter schools are dumping hard to
13 educate students on the public school system. CRPE
14 identified -- on the up-side has a handy matrix that
15 identified areas of potential collaboration on low to
16 high cost and low to high success rate. These three
17 areas were all identified as low cost/high success.
18 So these present themselves as low -- potential low-
19 hanging fruit in any collaboration effort and I think
20 that is a suggestion that we all ought to take to
21 heart.

22 Let's see; let me catch up with my clicker here.

23 Now let me just say regarding discipline,
24 there's significant questions that the group asked
25 that the Office of Education Policy was not able to

1 answer for us. And I want to point out in particular
2 that issues of racial disparity in discipline are of
3 significant concern to the Little Rock area
4 population. The most recent figures provided to us
5 support the conclusion that traditional districts are
6 educating a disproportionately high portion of both
7 children needing special education services and
8 English Language Learners. We have made a series of
9 suggestions -- I won't go over those in detail but
10 would hope that you would study them in detail --
11 about how we can deal with any inequities in each of
12 these three areas.

13 Next, we talk about fostering the climate for
14 collaboration. Collaboration really is building
15 trust, and trust is based on personal relationships.
16 It takes some time and some patience and some effort
17 to do it but it can be fostered by several factors:

18 . One is sensitivity to opportune timing; for
19 example, initiating the collaboration effort
20 before you've got a directly elected Little
21 Rock school board might not be the wisest
22 timing, so we need to be sensitive to that.
23 It's something where you need to be invited to
24 participate and it cannot be a demand or you
25 won't get wholehearted participation.

1 . There must be mutual gains for everybody
2 involved and everybody must see that.

3 . And all parties must be treated equally. We
4 must promote all schools via transparent,
5 even-handed and inclusive decisions and
6 actions.

7 So in order to foster a climate we need to set
8 the table properly and one way to do that -- one way
9 to build personal relationships is to provide a place
10 for people to come together on a regular basis.
11 Pulaski County apparently is the only county in the
12 state without an education services co-op. We
13 suggest that one be established and that it should be
14 formed so that all the public schools in the county
15 are invited to participate and that it be
16 incentivized to have an aggressive agenda of
17 fostering collaboration between all of the schools
18 involved. Once again, it's important that we
19 approach this as a partnership development process.
20 And we also suggest that the school co-op could be an
21 excellent source for a one-stop information and
22 registration center to insure complete and comparable
23 information, again, for all of the parents so that
24 they can make informed choices.

25 Part 2 deals with Strategic Planning and

1 Research. Now where there is no vision the people
2 perish, says Proverbs. As a professional planner
3 this is one of my favorite Bible quotations. But the
4 modern corollary I think is equally as important:
5 where the vision is not shared the people war against
6 each other. And if you doubt this is true just look
7 at the Congress of the United States; you probably
8 have three or four different visions of what this
9 country could be and, consequently, you have a
10 dysfunctional institution.

11 Let's talk about Research. This whole process
12 started out with us wanting to hire a research --
13 being directed to hire a research facilitator to deal
14 in basic fact-finding. Pertinent data really are the
15 foundation for decision-making and long-term planning
16 and subsequent execution, monitoring and evaluation.
17 So when we're talking about research here we're
18 talking really about two kinds: one is some basic
19 strategic level research. But the other is the
20 ongoing collection of data, the analysis of that data
21 at the school level, at the district level, feedback
22 to the teachers and the district, for a process of
23 constant improvement. Both of those require an
24 additional investment we recommend from the State or
25 wherever resources can be found.

1 In terms of Strategic Planning, I want to quote
2 Dr. Barth here from his original motion that he made
3 on March the 31st of last year. Now this was not the
4 one that the Board ultimately passed. "Working with
5 an outside consultant, affected school districts and
6 the charter schools in the area, the Arkansas
7 Department of Education shall provide a strategic
8 plan for public education, traditional and open
9 enrollment charter schools south of the Arkansas
10 River in Pulaski County in order to guide the
11 evaluation of future charter proposals." And this is
12 what we believe the entire process really hinges on
13 and something that is almost a prerequisite for
14 meaningful collaboration in the Little Rock area.
15 The lack of a community strategy for public education
16 that has the support of a reasonable level of
17 consensus in the community is going to make any
18 efforts at successful collaboration that much more
19 different -- difficult. And as Dr. Barth alluded to,
20 we believe that an adopted strategic plan will make
21 your job of charter authorization a more logical and
22 effective one.

23 Tipping Points -- a tipping point, of course, is
24 a series of small changes that hits an inflection
25 point, or tipping point, and where at which point

1 changes become uncontrollable and cascading. Now
2 former Little Rock School District superintendent
3 Baker Kurrus stated that he believed LRSD had reached
4 a tipping point last year when the state approved the
5 expansion of the Lisa Academy and eSTEM school
6 systems. We were unable to confirm Dr. Barth's [sic]
7 contention, but we do believe there is a tipping
8 point for LRSD at which it can no longer remain
9 educationally, politically or ultimately financially
10 viable, and we also think that the Department of
11 Education does not know where that tipping point is.
12 We strongly believe that some research should be done
13 to establish the number and the rate of expansion for
14 charter seats that the Little Rock area can
15 sustainably absorb. We think that is a fundamental
16 research task.

17 Zero Sum Game -- Zero Sum Game is a game in
18 which gains by one party exactly equal the losses of
19 another party; think of Texas Hold 'Em poker
20 tournaments as a zero sum game. Zero Sum Games by
21 their nature are competitive and adversarial and not
22 conducive to collaboration. So in our -- in the
23 testimony that we heard -- we heard both public --
24 traditional public school educators and charter
25 educators -- we recognize that the current situation

1 in the Little Rock area is a zero sum game and, as I
2 said, that makes it adversarial and not conducive to
3 collaboration. So changing the competitive paradigm
4 to a collaborative one, we believe once more it can
5 be done easier in the context of a community-based
6 strategic plan because everybody then is working
7 together towards one goal.

8 Why do parents select one school over another?
9 And this really goes back to the original charge
10 about responding to patterns of students with certain
11 characteristics who choose open enrollment charter
12 options. It really in my mind is Marketing 101
13 information. It needs to go deep; it needs to look
14 at the reality of parents' decision-making, not just
15 the traditional school/charter school decision but
16 also why people choose private schools, why people
17 choose to home-school, why people will uproot their
18 families and move to an adjoining school district for
19 different educational opportunities. And once we
20 know that then we can start addressing some of the
21 problems in order to keep those folks around, because
22 we believe that it's really the only way to keep the
23 district charter issue from being in the end a zero
24 sum game. To attract more students into the public
25 education -- the publicly funded education system

1 from private schools, and when people move into
2 central Arkansas area have them move to Little Rock
3 because of the quality education options available in
4 our publicly funded schools rather than locate an
5 adjoining school district which all too many of them
6 are doing today, both of those are net gains to the
7 system and ought to be part of our strategy, we
8 think.

9 Efficiency in Education Services -- we didn't
10 spend a lot of time on this. It's pretty clear that
11 overlapping school systems in the same geographic
12 area are inefficient. But perhaps efficiency is the
13 wrong term to be used; perhaps we really should be
14 talking about educational effectiveness. It may be
15 worthwhile wasting some money in duplicating
16 administration and school system overhead if you get
17 commensurate gains and the quality of educational
18 services provided to all of the students in the area.
19 But you need metrics to be able to measure that, what
20 you're spending versus what you're gaining in
21 educational service performance.

22 Finally, and this is just an opinion, we heard
23 the word "choice" a lot in public education services.
24 Unlimited choice, especially when the choice is
25 between quality educational alternatives, is very

1 expensive, and simply from our point of view there
2 does not seem to be the resources available to
3 support that policy. And so it would -- it might
4 make sense to say we either need to put more
5 resources into this system so that we can provide
6 choice for all or to somehow tailor the policy to the
7 resources that are available.

8 We also looked at the Pulaski County school
9 boundaries report. We would urge the State Board to
10 revisit that for several reasons. One, I think
11 Pulaski County Special needs some certainty about
12 what they're fate is. I think that one of the
13 reasons the school board unfortunately dismissed Dr.
14 Guess was because of what was recommended in the
15 boundary report about the dismemberment of the
16 district. So they need to be certain, one way or
17 another, what their future is going to be now. And
18 Dr. Guess' testimony to us -- and I would say he is
19 probably the leading expert on school district
20 separations in the state -- he questioned the
21 potential financial viability of splitting up the
22 Pulaski County Special and the districts, especially
23 on the north side of the river for Maumelle and
24 Sherwood. At the very least, some kind of financial
25 analysis in detail needs to be done to see if that's

1 even viable from a financial standpoint for those two
2 districts. Certainly, if that is done then the rest
3 of the Pulaski County Special District would not be
4 financially viable. If the boundary commission
5 report recommendations are followed, we would suggest
6 that you look at the possibility of regional task
7 base sharing. And we would point you to the
8 experience of the Metropolitan Council in the
9 Minneapolis/St. Paul area, which has been sharing a
10 regional property tax base since 1975, very
11 successfully. The fact is that probably for all of
12 Pulaski County, but certainly on the north side of
13 the river, it is an integrated urban economy. And it
14 should not make any difference where property tax
15 generated businesses are located because folks from
16 all over are going to work there or shop there and
17 those revenues should be shared among all of the
18 districts. So, once again, we would commend you --
19 frankly, it might not be a bad idea to do it county-
20 wide, but it's worth a look.

21 We were aware of some research done by Mr. David
22 Russ for the Woodrow Wilson Institute in his seminal
23 book called Cities Without Suburbs that he published
24 in the early 1990s, where he took census data from
25 1950 through 1990 and talked about inelastic cities

1 and elastic cities. The same set of data also
2 applies to school districts. Cities that annex their
3 natural suburban growth were elastic; they were
4 typically less segregated and more prosperous than
5 inelastic cities who did not -- and the same thing
6 applies to school districts. These are long-term
7 trends. And so he has updated that research after
8 the 2010 census and I think it is worth looking at in
9 the context of the recommendations. Clearly, merging
10 the districts on the south side of the river would be
11 elastic and should be more integrative. Splitting
12 the districts up on the north side would be
13 balkanizing to the school districts and, according to
14 his hypothesis, would be more segregative in the
15 long-term. So we suggest that you look at that
16 research when you review the report.

17 And, finally, we were troubled a little bit by
18 the incongruent rationales for the disposition north
19 of the river and south of the river. North of the
20 river the districts are split up based on the
21 philosophy that you needed to deal with communities
22 of interest; south of the river was because of
23 economies of scale. In both instances there was a
24 high probability that the net result would've been
25 white majority school boards in all of the districts

1 in Pulaski County. And having worked on school
2 district boundaries for all of the districts in the
3 county, except North Little Rock, I can tell you that
4 there are some voting act implications to that about
5 diluting the black vote. So we suggest that you look
6 at that. We think that one rationale, one consistent
7 rationale county-wide would be better; if it were
8 applied statewide it would be even better. But just
9 review that in light of that potentiality.

10 This should be the beginning of Part 3,
11 Rethinking Charter Authorization. It seems to us
12 that there is a conflict between the narrow
13 ministerial function that your -- the charter review
14 panel has in reviewing individual charter
15 applications and the broader constitutional
16 stewardship responsibility that this board has for
17 insuring equity and adequacy for all public schools,
18 per the Lake View decision. And so whether it's by
19 law or by policy or resource constraints we think the
20 Department and the Board has been far more reactive
21 than proactive in Pulaski County and has been taking
22 action on charter authorizations absent that
23 strategic plan while retaining all the legal
24 liability under Lake View.

25 So we would urge all parties involved, including

1 the General Assembly, to simply relook at the charter
2 authorizing process in that light and see if that
3 potential conflict can be dealt with. We would
4 suggest in the southern part of Pulaski County,
5 because that's the geography of our charge, that one
6 good step towards rationalizing that would be a
7 community-based consensus on the strategic plan that
8 everybody could follow in future charter
9 reauthorizations.

10 And, finally, the last part of the report is a
11 series of finance or policy questions or clusters of
12 policy questions that the Stakeholders Group asked;
13 we did not receive answers to those before the report
14 was completed. We suggest that they be addressed as
15 a first step towards any possibility of developing a
16 strategic plan for the area.

17 Now the Core Recommendations -- and this is
18 going over some of the things that I've emphasized in
19 the presentation:

- 20 . Establish a Pulaski County Education Service
21 Cooperative and set out a proactive agenda to
22 start a process of collaboration. The CRPE
23 report discusses the State role in
24 incentivizing collaboration processes, and
25 this would be an excellent tool to incentivize

1 all of the schools to come together and start
2 talking with each other on a regular basis;
3 . Revisit the Pulaski County Boundaries Report,
4 as I just talked about;
5 . Conduct Resources and bring -- Basic Research
6 and bring the resources to the table, either
7 directly or by soliciting foundation
8 resources, to do some of this research. And
9 in our minds the two most important basic
10 questions that need to be addressed are why
11 parents choose to enroll their children in
12 certain schools and to establish the number
13 and rate of expansion of charter seats in the
14 Little Rock area that it can sustainably
15 absorb while allowing the traditional
16 districts to remain educationally -- as I
17 said, educationally, politically and
18 ultimately financially viable;
19 . Target -- again as potential low-hanging fruit
20 -- inequities in discipline, special
21 education, and English Language Learners;
22 . Lead in developing a comprehensive, community-
23 based plan for public schools; again, if
24 nothing else take the lead in organizing or
25 finding the resources to incentivize the

1 development of that plan; and
2 . Rethink the charter authorization process.
3 So, in conclusion, heading in the right
4 direction requires courage and a compass; it also
5 requires a roadmap. Yogi Berra once said, "If you
6 don't know where you're going you're going to end up
7 someplace else." Our hope is that this report, the
8 issues that we've raised, the suggestions and
9 recommendations that we've made will help point the
10 way through some old barriers into hopefully
11 productive new territory.

12 So that concludes my presentation. I'm going to
13 ask first Mr. Phillips and then Ms. Grigsby to
14 address comments to the Board, and then we'd be glad
15 to take any questions you might have.

16 Antwan.

17 CHAIRMAN BARTH: Thank you, Mr. McKenzie.

18 MR. PHILLIPS: Thank you, Mr. McKenzie, for
19 thoroughly representing our year-long work. Board,
20 good morning. I'm Antwan Phillips; I'm a member of
21 the Stakeholder board. And I always want to say
22 whenever I speak about education that I'm a product
23 of Little Rock School District and proud McClellan
24 alumni. So I always give McClellan a shout-out
25 whenever I get a chance to do so.

1 I wrote a two-page concurrent opinion, just to
2 be very succinct in my personal opinions based on our
3 year-long assessment of Little Rock -- public
4 education in Little Rock. I remember being here,
5 sitting in these chairs, at that March 31st meeting
6 that went till about midnight. And one thing I kept
7 hearing from everyone and some of the board members
8 at the time is "we need a plan, where is the plan, we
9 need a plan" -- and my understanding of our role, as
10 Mr. McKenzie pointed out, is to help you create a
11 plan.

12 And I want to point out three things that I
13 think are very important when this plan was drafted
14 and hopefully -- and I hope that they will be part of
15 your thought process when you draft this strategic
16 plan:

17 First, in my opinion the ADE must be a
18 facilitator for collaboration between traditional
19 public schools and charter schools. I'm a lawyer
20 during the day, so I always rely on my legal
21 education and experiences and the way I see it, or
22 the way it's been thus far, there's been competition
23 and there's been choice. And when there's
24 competition and choice there's -- it's adversarial,
25 just like it is when I go to a courtroom. I do a lot

1 of defense work, and there are plaintiffs' attorneys;
2 we're on opposite sides, we're looking for different
3 things, but there's a judge that controls the
4 environment. He controls what -- he or she controls
5 what can and cannot be said, what rules are set.
6 Different judges have different courtroom
7 environments. I know when I'm in certain judges'
8 courtroom it's a brawl and I know in some other
9 courtrooms I don't get to say a word, but the judge
10 controls it. He/she is a facilitator. I see the ADE
11 as that role as it relates to traditional charter
12 schools and public schools in Little Rock, so -- and
13 as I understand Arkansas law, the ADE has the general
14 supervision of the public schools of the state;
15 that's statutory. So I think my thought process is
16 correct with the law. To do that I think the ADE --
17 some of the policy issues that Mr. McKenzie addressed
18 must be resolved to promote an environment where
19 there can be collaboration, where there can be
20 complimentary services.

21 I will point out in our report just a couple of
22 examples of the policy issues that came up that I
23 think are important for the ADE to consider as its
24 role as the facilitator. I'll just take a step back
25 before I get there.

1 During our meetings we constantly talked about,
2 "Well, who's in charge of this, who makes this
3 happen, who makes sure everyone is playing by the
4 same rules," and I think there were different
5 opinions. But that's why I wrote the current
6 opinion, because I wanted the Board to know where I
7 stood on this.

8 An example of a way that the ADE can facilitate
9 collaboration is to give a preference to charter
10 school applications that are complimentary to the
11 districts instead of in competition to the districts.
12 Mr. McKenzie already talked about doing an analysis
13 of the seats and the viability of the different
14 districts when charter schools are granted permission
15 to operate. But when you think about -- I'll use the
16 example that Ms. Edwards always used of Wal-Mart and
17 Target; if there's a Wal-Mart and then you build a
18 Target, I mean, they offer pretty much the same
19 services; you may want a different thing here or a
20 different environment at different times, but they
21 essentially offer the same services. And when that
22 happens I think that continues to promote
23 competition, not collaboration. So an example that
24 we mentioned on page 40 of our report is what if the
25 Charter Authorizing Panel and you as the State Board

1 gave preference to charter schools that were
2 complimentary with the support of the districts of
3 needs that they are not meeting at the time or issues
4 that need addressing. For example, and this quote
5 has been -- this has been said a few times, "Research
6 reveals that seven out of ten central Arkansas fourth
7 graders are reading below grade level. If their
8 reading level doesn't improve, some 65 percent of
9 these students will drop out of high school and wind
10 up on Welfare or in prison." So that's a need;
11 literacy is a need. So if there was a preference
12 given not to just every charter school that comes but
13 a charter school that said, "Hey, we're focusing on
14 K-through-3 literacy," and then once those kids
15 finished third grade they go back to their district,
16 reading at probably a higher level than anyone ever
17 -- if there was a charter school that focused on
18 that, now that's collaboration; that's complimentary
19 and not competition.

20 Another issue that I think is important for the
21 ADE to address as the facilitator is to insure that
22 there's trust among the community. And there's some
23 disconnect, in my opinion, on how things operate
24 between the charter schools and the traditional
25 public schools. For example, on page 41 of our

1 report we talk about the regulation Section 6.01.7 of
2 the -- and Ms. Coffman corrected me on this a couple
3 of weeks ago; this is from the ADE Education Rules
4 Governing Public Charter Schools, Section -- I mean,
5 Regulation 6.01.7. In that regulation it says that
6 when a charter school applies the local district has
7 a right to review the charter school application.
8 Well, what happens when there's no district like we
9 have in Little Rock School District? Who's reviewing
10 that to insure that there is collaboration and
11 complimentary services being offered to the district?
12 Right now there is no board to review these
13 applications, so that's an issue that needs to be
14 addressed and I think that is definitely the role of
15 the ADE.

16 Secondly, my second point in my concurrent
17 opinion relates to something Mr. McKenzie mentioned,
18 so I won't harp on it: we need to know why families
19 are making the decisions they're making. We heard
20 from the Office of Innovation for Education and
21 Office of Education Policy and there's a lot of data
22 about kids going back and forth from traditional
23 schools and charter schools. So we have the numbers;
24 we know who's leaving and we know who's coming back;
25 we know how they do when they leave, we know how

1 they're doing when they come back. We don't know
2 why. And I think it's important for the ADE to
3 engage an outside firm to conduct a very serious and
4 substantial survey of the parents to say, "Why are
5 you making this decision?" And then when you have
6 that data then you can offer complimentary
7 collaborative services when you know, well, this is
8 why a family chose Meadowcliff over eSTEM or vice-
9 versa or whatever example you want to use. That's --
10 I think that's very important.

11 The last point in my concurrent opinion that I
12 want to highlight is that I think the ADE must be
13 receptive to the concerns of the community in the
14 sense that trust is important at this time. If
15 you're going to have collaboration -- I can't
16 collaborate with you if I don't trust you. I can't
17 work with you if I think there's some kind of
18 disconnect between what I'm -- what my vision is and
19 what your vision is. I think the first way you can
20 do that to help build that trust is be receptive to
21 the concerns of the community. And so this is kind
22 of a self-serving point for me and my Stakeholder
23 members is that we spent a lot of time coming up with
24 this 50-plus page report. Take it to heart. We
25 understand that it's not binding. But if the

1 community understands that these seven folks got
2 together for a year and put in all this time and work
3 and then the State Board and ADE was like, "Oh,
4 that's a good report, I'm going to put it on a
5 shelf," that's not building trust, it's not building
6 collaboration. I know members of the Civic Advisory
7 Committee who did very extensive work in putting
8 their report together and I think they would agree
9 with me that they don't want that work to go
10 unnoticed; when that happens the community loses
11 trust, they lose engagement. And it's hard to
12 collaborate and compliment one another when we --
13 "we" -- I'm a member of the community, so I can say
14 "we" -- when we feel like there's effort, there's
15 time, the conversation that Ms. Dean mentioned is
16 happening. But if I'm talking and you're not
17 listening, then I don't want to talk to you. I tell
18 people all the time, "Don't" -- I'll use my wife for
19 example; she asks me, "What shoes should I wear," and
20 I'll say, "You should wear those," and then she picks
21 the other ones. "Well, why did you ask me? You
22 already had your mind made up." And that's kind of
23 how I feel about this situation. Don't ask us to
24 spend time and be involved in a conversation if
25 you're not going to take it to heart to some degree.

1 And that's the extent of my concurrent opinion.
2 I think Ms. Grigsby has a few words and I'll be happy
3 to address any concerns that any of the board members
4 have.

5 CHAIRMAN BARTH: Thank you, Mr. Phillips. And,
6 Ms. Grigsby, in the interest of time if you can keep
7 yours very brief so we can move to questions.

8 MS. GRIGSBY: Yes, I'll do that although it's
9 going to be an effort. But I want to springboard
10 immediately off of what my colleague Antwan said.
11 You know, I've been in the Little Rock School
12 District since -- for a long time. We had four
13 children throughout that district. They started out
14 -- three of our four started out at the age of six
15 weeks at the Rockefeller Early Childhood Education
16 Center. If y'all don't know about it, it's the best
17 kept secret in the Little Rock School District; it
18 needs to be everywhere. And they went all through
19 the system. I'm an LRSD public school supporter;
20 that goes for all public schools.

21 Volunteers work for free, but we don't work for
22 nothing. We made a big investment of our time and
23 our energy. Quite frankly, ask my husband, he'll
24 tell you that I have been a captive of this report
25 for a year because my heart and soul is in it, as are

1 my colleagues'; so we expect a return on our
2 investment.

3 Our core recommendations are not your Cliffs
4 Notes; they are an invitation to read our reasoning
5 behind why we have made these and so many more
6 recommendations.

7 One of the things I want to point out to you is
8 in the back of your report. Appendix B is a process
9 -- we'll have to see how many steps we've got here
10 now. It's 12 steps -- it's not a recovery process,
11 it's a different type of 12-step process -- from the
12 National Association of Partners in Education. I've
13 sat on their board of directors in Washington, DC for
14 about 15 years. The recent depression got us and
15 it's no longer extant because of funding but we did
16 one heck of a job throughout the United States,
17 Canada, South America, and Europe, teaching people
18 how to build collaborations, how to build
19 partnerships school-to-school, school-to-community
20 agency, school-to-business. This process works; it's
21 sequential, it's simple, it's not easy, but it is a
22 how-to. And one of the things that we've said about
23 our report, thinking of the old Bloom's Taxonomy --
24 you educators remember that -- we have to address the
25 affective domain and we have to address the

1 cognitive. So this is a how-to manual and it's also
2 a sales pitch. We've written it to be accessible,
3 we've written it to be interesting, and we have lots
4 of good ideas. Don't take just the core
5 recommendations; there are lots of goodies in here
6 that we want you to really pay attention to.

7 One last thing, when I was the editor of our
8 school book, of our school annual I was looking for a
9 really, you know, big, weighty quote to put on my
10 editorial page, and it was this: We live in the
11 future -- we live in the present, we dream of the
12 future, but we learn eternal truths from the past.

13 Now I wrote a lot of this report -- all of us
14 contributed, but one of the sections that was dear to
15 my heart was on discipline. And I went back to a
16 report that I had written sometime back when I was
17 monitoring the schools as the director of the Office
18 of Desegregation Monitoring and I took much of what I
19 put in our report from that report about discipline
20 -- and that report was published in 1998, and nothing
21 had changed. So as people who care, as people who
22 keep children at the center, it's up to us to do what
23 is imperative for all civilizations and all action
24 agencies, and that's to learn from our past. If we
25 don't learn then we are doomed to repeat it and we

1 will be held accountable by those who come after us.

2 Thank you for this opportunity. A special
3 thanks for Deborah Coffman. Somebody asked her one
4 time, "Well, what do groups like us do," and she
5 signed and said, "There is no group like you."
6 Thanks, Deborah; you made a world of difference for
7 us.

8 CHAIRMAN BARTH: Great. Thank you, Ms. Grigsby.

9 And I want to -- on behalf of the Board, I want
10 to thank all of y'all for your time and your service
11 and your dedication and your thoughtful consideration
12 of these issues. We appreciate it very, very much.

13 We have several -- this is what I envision as
14 our -- as what's going to happen next: I want to give
15 an opportunity for board members to ask any questions
16 of this group. We then need to accept the report,
17 even though it's not an endorsement of the report but
18 an acceptance of the report, and simultaneously
19 release these -- this group from their work, having
20 completed their revised charge. And then, finally,
21 we need to talk at some point about next steps and
22 what we take from this report and as has been our
23 challenge put forward how we turn at least some of
24 these things into action.

25 So let's go around, questions. Ms. Chambers,

1 I'll start with you. Do you have any questions for
2 any --

3 MS. CHAMBERS: Can I make an observation?

4 CHAIRMAN BARTH: You may.

5 MS. CHAMBERS: So to the introduction, I think
6 the Stakeholder Group has performed a minor miracle
7 because this work product is quick and it's cheap and
8 it's very, very good. So I think you've managed all
9 three things, regardless of any -- the thought that
10 you'd have to set one aside.

11 And I just -- the other observation I'd make,
12 having some close proximity to Wal-Mart, I think that
13 was an interesting analogy. Is it Antwan?

14 MR. PHILLIPS: Yes, ma'am.

15 MS. CHAMBERS: One thing that's interesting
16 about retail, whenever you have a Wal-Mart and a
17 Target across the street from each other the Wal-Mart
18 with almost very few -- with very few exceptions
19 always performs better with the competition because
20 it makes them better, it makes them hustle and want
21 to make sure that it beats that competition. And I
22 think there's some application to what we're talking
23 about in education, but I don't think everything in
24 retail applies to education. And I think there is
25 not only room but I think it's essential that we find

1 where collaboration is what we lead with in the
2 interest of our children and the students of
3 Arkansas. So I just -- I thought this work was very
4 good and wanted to thank you for the investment
5 you've made in our state and in our children.

6 MR. MCKENZIE: Thank you. Let me introduce our
7 chairman, Mr. Tommy Branch, who has joined us.

8 Tommy, do you want to say anything?

9 MR. BRANCH: No, I just want to say -- well,
10 yeah, I guess I should, huh?

11 Thank everybody for giving us the opportunity to
12 serve the community once again, and my co-chair and
13 my colleagues did an excellent job with this report.
14 I guess a great leader lets the great people do what
15 they do. And I'd like to say again thanks to Deborah
16 and chair -- Mr. Key for giving us the opportunity to
17 do this. Thank you.

18 CHAIRMAN BARTH: Thanks, Mr. Branch.

19 Anything, Dr. Hill, any questions?

20 DR. HILL: No.

21 CHAIRMAN BARTH: Ms. Newton, questions or
22 comments?

23 MS. NEWTON: Just a comment. Thank you for your
24 hard work because it's very evident. And the job
25 that y'all have done and the information that you

1 have put together is outstanding and there are
2 several good ideas in here that I hope that we'll be
3 able to do something with. But some of it feels like
4 that it's decisions that we can't do, that it's
5 legislative. And I was wondering -- and,
6 Commissioner, if we could make sure that the members
7 of the Education Committee and the Governor all get
8 this report because there are several good ideas that
9 would be more their -- you know, things that they can
10 do instead of things that we can do.

11 COMMISSIONER KEY: Yeah, we'll make sure we get
12 that forwarded to the Committee and to the Governor's
13 office.

14 CHAIRMAN BARTH: And I do want to -- on that
15 point, you're totally right, there are a lot of
16 things that are legislative here. And, you know,
17 this group was challenged to not be constrained by
18 the things that were either fixable or changeable via
19 policy by this board or by the Department, but bigger
20 issues. They knew that some of these things are
21 totally outside of our purview at this point.

22 MR. PHILLIPS: And to that point, Ms. Newton, I
23 mentioned this in my concurrent opinion and I did
24 mention it during my remarks, I think a lot of those
25 policy recommendations are legislative, and I

1 understand that. But I also understand that the ADE
2 has been involved in legislative policy in the past.
3 So as our understanding, this is now outside the
4 purview of the Department to say these are statutes,
5 these are regulations that we want to get passed and
6 we can work towards it. So in my opinion it takes
7 some work, but work has been done in the past when we
8 wanted to get done, and I hope work can be done in
9 the future as it relates to this report.

10 CHAIRMAN BARTH: Great. Ms. Cochran, anything?

11 MS. COCHRAN: Just on behalf of the teachers and
12 the students, I want to thank you so much for
13 volunteering your time. And educators all know that
14 a school and a district without a vision, a mission
15 and a plan flounders and the students lose. So I
16 think that recommendation particularly is wonderful.

17 CHAIRMAN BARTH: Great. Ms. Reith.

18 MS. REITH: No. Once again I think I have to
19 echo with all my colleagues around our gratitude and
20 my personal gratitude, as well as I know I was right
21 there with Dr. Barth in wanting to make sure that
22 this opportunity came together and I feel a
23 reaffirmation. I know a lot of thoughtfulness went
24 into who would be on the Stakeholders Group and just
25 again reaffirmation of a process. When you have a

1 diverse and committed people working together you can
2 actually tackle hard questions. Sometimes it just
3 takes the intentionality and desire and I don't think
4 there's any question in my head or heart that you all
5 had that. And this product in many ways even exceeds
6 expectations for I know myself personally. But
7 that's why I think the best tribute that we can make
8 to what you all have done is taking action on it and
9 I think that's the comments that Ms. Grigsby and Mr.
10 Phillips were saying at the very end and to not let
11 this just be a report but to do something about this.
12 And where I do concur with Ms. Newton and Dr. Barth
13 that some of this is maybe up to the legislature, I
14 definitely feel that there's things within this that
15 we can do and opportunities in terms of how we look
16 at the charter process and applications, things that
17 we had talked about anyways, and maybe this lends
18 itself to that. And I think, Dr. Barth, you're kind
19 of -- you've alluded to there will then -- could be
20 some next steps as part of this and I would just echo
21 my desire as somebody who sits on this board to see
22 next steps affirmed as related to this. And whether
23 it's the creation of a committee where a few of us,
24 you know, spend some time with attorneys and actually
25 think through here, right, which of these can we

1 actually take action on and make a commitment to do
2 so. And I'll just offer up as somebody in her last
3 year and one year left to this process if there's
4 anything I can personally do, Mr. Chair, in making
5 sure that these next steps come to fruition and
6 putting even my own time and energy behind this, the
7 last thing I would want to see happen is that these
8 thoughtful recommendations and research items and
9 additional thought that you all are tasking right
10 back at us don't get picked up in a meaningful way.
11 And I know that where there was a lot of
12 intentionality, and I was very privy to see with Ms.
13 Grigsby and I want to be able for everyone to know
14 her work with Ms. Reta in terms of making sure that
15 there were diverse voices coming into this
16 conversation, and even coming down and doing a focus
17 group with members of the Latino community, this
18 group was committed. When they said it was their
19 life product they were committed and put in time and
20 effort and wanted to make sure it wasn't even just
21 their voices but that they were going out into the
22 broader community. And I think, again, that's
23 something that both needs to be acknowledged but
24 something maybe again where we also have
25 opportunities to continue to; right? I think that's

1 part of the lessons learned throughout this whole
2 process is -- and even with our previous agenda item
3 -- is that we really are needing to talk to as many
4 people as possible. And maybe it comes to something
5 as formal as a survey, as been suggested, right, with
6 parents to be able to really get some input. But I'm
7 grateful for the urgency that you all have expressed.
8 And, again, I think, Mr. Chair and Commissioner and
9 to my colleagues, if I can even put some personal
10 time in making sure that there is a next step in
11 support with this -- I'm not one that likes to pass
12 the buck, and if there's more that we can do I think
13 we owe it to this conversation, we owe it to Little
14 Rock, but we most importantly owe it to Arkansas to
15 tackle the hard issues even though it's hard. So,
16 thank you. Thank you for your service.

17 CHAIRMAN BARTH: Thank you, Ms. Reith.

18 Ms. Dean? Ms. Zook?

19 MS. ZOOK: Yes. It was very easy to read. It
20 was very well written and many times these kinds of
21 reports, if you don't have a background in whatever,
22 they're not easy to read. So I do appreciate that
23 fact because, as you know, we have a very long agenda
24 and easy-to-read speaks real loudly to us.

25 I was disappointed as I watched your meetings

1 that you didn't rely more on OEP and CRPE because
2 those were free. But I do appreciate the fact that
3 when I asked Ms. Coffman to forward the CRPE
4 information that you did use that y'all found that
5 very helpful. So I was glad to help as much as I
6 could.

7 And to the parents, I have probably spoken I
8 guess since I got your report to between 150 and 200
9 parents who have kids in school, one kind or another,
10 and I'm finding almost as many answers as I find
11 parents. So I will continue this and perhaps can
12 give feedback to the Board, because I am retired and
13 so therefore I have the time to go out into the
14 community, in all parts of the Little Rock School
15 District and Pulaski County community, to do this
16 kind of thing. And it won't be scientific but it
17 will be anecdotal and I will record it accurately.

18 But so thank you again to each of you. I
19 appreciate your time and your energy and your
20 attention and attending the meetings and doing the
21 study on the outside. Thank you.

22 CHAIRMAN BARTH: Great. Mr. Black?

23 MR. BLACK: I want to thank you all for really
24 doing a wonderful job. And now the real effort
25 begins in trying to implement and taking the

1 decision-making process a little bit further. So I
2 appreciate you. Thank you.

3 CHAIRMAN BARTH: I do have one question. It's
4 actually for Ms. Freno, I believe. And both the
5 boundaries committee that Ms. Zook and I served on
6 and then y'all's group also has emphasized this need
7 for the potential for a co-op that does begin to
8 bring these voices together. I know that statute --
9 the statutory law on co-ops is a little complicated.
10 I thought it might make sense if Ms. Freno could just
11 give a quick overview. I asked her -- I gave her a
12 heads-up on this that I thought we might need some
13 clarity on what was feasible there with the co-ops.

14 MS. FRENO: Uh-huh. As you said -- Lori Freno,
15 General Counsel for the Department. As you said, Dr.
16 Barth, the law isn't perfectly clear. The law
17 appears to contemplate that there will be 15
18 educational service co-ops. There currently are 15.
19 But it's not clear that there couldn't be another one
20 developed at some point. I think something that's
21 very important to remember is these are voluntary
22 associations of school districts, so a school
23 district cannot in any way be required to be in a co-
24 op. Right now if you look at the Pulaski County area
25 we have two school districts, Jacksonville-North

1 Pulaski and also North Little Rock, that are in --
2 already in different co-ops; one is in Wilbur Mills
3 and one is in Arch Ford. So they would have to be
4 willing to voluntarily leave and come to a new co-op,
5 if it even is possible to develop that. Now that
6 said, I mean it's important to recognize every school
7 district is absolutely welcome to be in a co-op. I
8 mean Little Rock could be in a co-op if it wanted, so
9 could Pulaski County Special School District.

10 A while ago -- and this might be too much
11 information, but I know there was some kind of a tri-
12 district consortium between the Pulaski County
13 schools, and that disbanded three or four years ago,
14 but that provided some of the same services as a co-
15 op. But I think the important point on all this is
16 every school district can be in a co-op.

17 CHAIRMAN BARTH: Was that tri-district
18 consortium, was that -- that was not statutory; that
19 was simply a voluntary collaborative effort across
20 the --

21 MS. FRENO: That is my understanding. It was
22 not statutory. Correct.

23 CHAIRMAN BARTH: Okay. Great. All right.
24 Well, that does appear to be a recurrent theme of
25 trying to find a way for -- you know -- this

1 collaboration can only happen if folks are in the
2 same room and if some of those folks are
3 communicating about these issues of transportation
4 and other things.

5 MR. MCKENZIE: And I think from our standpoint
6 it really doesn't matter what you call it.

7 CHAIRMAN BARTH: Right.

8 MR. MCKENZIE: The co-op was a recognizable
9 vehicle; issue an invitation, get people together,
10 call it something else. That's the important thing
11 to your point. People have got to be in the same
12 room on a regular basis, building personal
13 relationships and trust with each other if we're
14 going to have successful collaboration.

15 CHAIRMAN BARTH: Great. Okay.

16 Any other comments or questions?

17 Okay. Mr. McKenzie.

18 MR. MCKENZIE: Let me just say one last thing on
19 behalf of my colleagues. We want to thank you for
20 this opportunity. I hope it's obvious that everybody
21 that you chose for this Stakeholders Group cares
22 deeply about their community and the children and
23 their futures in this community. It is a difficult
24 problem to wrestle to the ground. We want to thank
25 you again for the opportunity, and for your service

1 and dedication to trying to work through this. And
2 we look forward to your efforts in the future, and
3 after a little bit of rest I'm sure that we'd be glad
4 to serve again if called. Thank you.

5 CHAIRMAN BARTH: Thank you, sir.

6 All right. I would now invite a motion to
7 accept the report.

8 MS. CHAMBERS: I move to approve acceptance of
9 this report.

10 CHAIRMAN BARTH: Motion by Ms. Chambers.

11 MS. REITH: Second.

12 CHAIRMAN BARTH: Second by Ms. Reith.

13 All those in favor say "aye."

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN BARTH: Opposed?

16 All right. Now we need a motion to release this
17 good group of public servants from their duties with
18 this Stakeholders Group.

19 MS. CHAMBERS: I'd move to approve release of
20 this fine group of individuals from this important
21 body of work. And I'd like to ask with the motion if
22 we might take a pause and be able to go down and
23 thank them personally after we are done with this
24 vote.

25 CHAIRMAN BARTH: Indeed. Is there a second?

1 MS. DEAN: Second.

2 CHAIRMAN BARTH: Second. All those in favor say
3 "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN BARTH: Opposed same sign?

6 All right. I think I'm going to do one quick
7 thing and then we're going to walk down and we're
8 going to do something. In terms of next steps, and
9 this is -- I would love to look I think to other
10 ideas -- my thought is we do have a taskforce on
11 discipline that is in place. We also have the
12 taskforce on family and community engagement,
13 especially the items that were identified as the low-
14 hanging fruit do touch on those issues in many ways.
15 My request would be that if those two taskforces
16 could re-read those sections of the report that speak
17 to those issues and then think about in the coming
18 month -- I guess does the -- y'all have a meeting
19 tomorrow?

20 MS. REITH: At 1:00.

21 DR. HILL: (Nodding head up and down.)

22 CHAIRMAN BARTH: Okay. And the discipline, you
23 guys are meeting -- you met this morning, right, so
24 you'll meet again. So if those two taskforces could
25 think about the ways in which the recommendations

1 here might tie into your work, I think that might be
2 an initial step. And then I would ask us all to
3 think about this report and maybe come back in
4 September on our Friday day when we're thinking about
5 committee reports, hear back from those taskforces,
6 and then think about where we might go next with any
7 additional work in that regard. That's my proposal,
8 rather than trying to tease all this now, but try to
9 use the vehicles we already have in place.

10 I would also, related, ask Ms. Zook as liaison
11 to special education, to think through the special
12 ed. pieces in here and think about what could be done
13 with kind of current institutions in that regard.
14 Does that make sense?

15 MS. ZOOK: Yes. And I was going to share with
16 the discipline group, OEP has already done a great
17 deal of work on these schools, both the traditional
18 and the charter, so if you could get their
19 information. And also if there's additional
20 information that you think is helpful -- I know
21 they're always -- Dr. McKenzie is especially helpful
22 in making sure this gets done in a very data-driven
23 way.

24 CHAIRMAN BARTH: Okay. All right. So that's my
25 recommendation for us to take immediate steps. I

1 think we do need a month to think about the groups
2 that are in existence and how they can begin to bite
3 this off.

4 MS. REITH: And the other thing I might
5 respectfully add, Mr. Chair, is maybe the possibility
6 of the ADE, the Commissioner or his team, just what
7 is possible. And maybe this is the legal department
8 -- even beyond the co-op; right? What is -- what
9 falls within our jurisdiction versus what would fall
10 into the jurisdiction of the legislature otherwise,
11 and for next month as well, that maybe if part of
12 this report --

13 CHAIRMAN BARTH: Sure.

14 MS. REITH: -- that the leadership of the ADE
15 might look at this and just help give us some
16 guidance in terms of what we can dive in versus what
17 we might find opportunities to lift up to other
18 agencies or political entities.

19 CHAIRMAN BARTH: Okay. And so what I'll do is
20 on the Friday agenda next -- because this wouldn't
21 require action, this is really committee work -- I'll
22 place this topic on and then we'll kind of talk about
23 it in terms of the taskforces and liaisons that we
24 have now, but then also what other entities -- what
25 else we may need to do. Does that sound good?

1 A-2: CONSIDERATION OF LITTLE ROCK AREA PUBLIC EDUCATION
2 STAKEHOLDER GROUP MEETING MINUTES

3 CHAIRMAN BARTH: Okay. The final thing, and
4 then we will get to go thank these people and also
5 move towards lunch, is we -- they have a set of
6 Stakeholder minutes. And I will -- Ms. Coffman, have
7 those minutes been taken care of?

8 MS. COFFMAN: Yes.

9 CHAIRMAN BARTH: So does this board need to take
10 any action on those minutes?

11 MS. COFFMAN: No action.

12 CHAIRMAN BARTH: Great.

13 MS. COFFMAN: Deborah Coffman. No. They did a
14 vote, an electronic vote to sign those minutes. We
15 just want to enter those into the public record.

16 CHAIRMAN BARTH: Perfect. Great. So we don't
17 need to take action on that.

18 A-3: CONSIDERATION OF NEXT STEPS REGARDING THE LITTLE ROCK
19 AREA PUBLIC EDUCATION STAKEHOLDER GROUP

20 CHAIRMAN BARTH: I got consensus that on item 3
21 that we have some immediate next steps to begin
22 moving forward.

23 Okay. With that, Ms. Zook, are you okay to wait
24 till right after lunch on yours?

25 MS. ZOOK: Yes.

1 CHAIRMAN BARTH: Okay. And so we will take a
2 break for lunch -- and what time, Ms. Hollis, do you
3 think?

4 MS. HOLLIS: At 1:00.

5 CHAIRMAN BARTH: So we will return at 1:00 and
6 pick up with our afternoon agenda, but we'll go thank
7 these Stakeholders for their work in person as well.
8 Thank y'all.

9 (LUNCH BREAK: 12:17 - 1:03 p.m.)

10 CHAIRMAN BARTH: I will call us to order. I
11 think Mr. Williamson is hopefully on his way back.

12 The next item -- and for folks who are just
13 joining us for the one o'clock session, I want to let
14 everybody know that the Act 1240 waiver from
15 Lafayette County School District was -- has been
16 removed. But we do have a handful of items that were
17 leftover from this morning, most of which I think are
18 things we'll be able to deal with very swiftly.

19 A-4: CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING WITH
20 ForwARd ARKANSAS

21 CHAIRMAN BARTH: But the first item up is an
22 item that Ms. Zook asked to have placed on the agenda
23 regarding the Memorandum of Understanding with
24 ForwARd Arkansas. So I'll turn it over to Ms. Zook.

25 MS. ZOOK: Okay. As a way of background, I

1 think two-and-a-half or three years ago the Winthrop
2 Rockefeller Foundation and the Walton Family
3 Foundation, representatives from those two, came to
4 the State Board -- and at the time two of their
5 members were on the foundation board for the Winthrop
6 Rockefeller Foundation -- about going into what was
7 called a Memorandum of Understanding or partnership
8 between the three. As time went on and they started
9 their work, they came to us a little over a year ago
10 with a different Memorandum of Understanding which
11 still included the two foundations and the State
12 Board of Education, but they had also included the
13 Department of Education. And in the meantime they
14 had formed a nonprofit advocacy group, ForwARd
15 itself, which has a staff and a board separate and
16 apart from us. And one of the things that was so
17 good about the initial one is that we all knew that
18 with academic distress and with the academic distress
19 committee and everything that needed to be done, sort
20 of the gist of it -- you can't sum up anything
21 quickly. But the gist of it was to try to anticipate
22 those districts that might go into academic distress
23 and get in and help them and their communities so
24 that we could hopefully avoid that. This would be
25 above and beyond what ADE does.

1 In the new Memorandum of Understanding, which
2 you have a copy of, as you can see it's very lengthy
3 and has a lot of stipulations. Some of this was
4 necessary, my assumption is, because they wanted to
5 become a nonprofit and an advocacy group and have
6 their own staff and their own board; some of it just,
7 you know, elaborated on who will do what and all
8 that. One thing that we discovered that at least I
9 hadn't anticipated is that since we are a board
10 appointed by the Governor and we can't meet more than
11 one of us at a time outside of publicly announced
12 meetings, and they were meeting constantly. So it
13 almost became more that -- with Jay serving as the
14 liaison, our current chairman, it became more of they
15 came every three months and gave reports more than
16 they -- more than we were like collaborating. And
17 then when they got their own staff and became
18 advocacy is when I became concerned, because we have
19 a lot of education advocacy groups in the state,
20 AAEA, AEA, ASTA, you know, just Families and Youth
21 that Jay's a member of and the Family Foundation
22 which Charisse is a member of. So it began to bother
23 me that we would look like -- even though that wasn't
24 the intent and that's not what we're trying to do, it
25 was -- it might look like we were picking and

1 choosing between the advocacy groups. And also
2 because they have gone forward, ForwARd has gone
3 forward, and they have picked communities and they
4 are working with those communities -- and some of
5 them they picked were ones that needed intervention
6 and some of them they picked were going to be example
7 kind of communities, like Independence County or Pea
8 Ridge or Springdale.

9 So I thought since it was an entirely different
10 board for the most part, not totally but -- that it
11 would be worth revisiting to see if we wanted to
12 continue in this current form a partnership which is
13 now with a -- it would be with two foundations, one
14 nonprofit advocacy group and then of course ADE and
15 us, understanding all that we now understand and also
16 with ESEA coming in and Act 930 and all the new
17 things that are in place.

18 So I thought that -- I asked and was given
19 permission to put this on the action agenda to see if
20 we in fact wanted to continue this. And since I put
21 it on there I can tell you that I don't -- I don't
22 feel uncomfortable with the work they're doing, but I
23 feel uncomfortable being in partnership with an
24 advocacy group who may or may not always advocate for
25 the same kinds of things that we believe in or that

1 we've never even taken a vote on, that, you know, we
2 do. And there is no doubt in my mind that they are
3 wanting what's right for children, they're wanting to
4 help districts and on like that, just like AAEA is
5 with administrators and AEA and ASTA is with
6 teachers. But have we gotten to the point where we
7 need to rethink whether we want to continue to be in
8 a partnership when they are now an advocacy group
9 with their own board and their own employees? And I
10 would -- we talked about this briefly at lunch a
11 couple or three months ago and that's given you all
12 time to think, look at this on the agenda, and the
13 Memorandum of Understanding and have discussion and
14 then bring it up to a vote whether we want to
15 continue or not.

16 CHAIRMAN BARTH: Okay. So, thank you. And I'm
17 going to ask Ms. Freno, if she's available. You do
18 have the Memorandum of Understanding on the agenda
19 and there is a Section 3 which is an amendment or
20 cancellation. And so although we haven't heard a
21 formal motion we've heard the gist of Ms. Zook's
22 direction here. And so I would like Ms. Freno to
23 kind of speak to where we are in terms of our
24 agreement with the other parties here.

25 MS. FRENO: Thank you, Dr. Barth. Lori Freno,

1 Department of Education. Well, we're in the midst of
2 this Memorandum of Understanding. And Section 3, as
3 you pointed out, discusses amendment or cancellation.
4 It provides that the contract -- or that the
5 agreement can be canceled for cause by any party, and
6 "cause" usually means some kind of misconduct,
7 impropriety, issue, problem, negative problem. It
8 also says it could be amended or modified at any time
9 by the parties. You know, is a Memorandum of
10 Understanding a contract? It depends. I mean it's a
11 matter of legal interpretation. But probably, you
12 know, considering the fact that an MOU could be
13 considered a contract, if the Board would want to do
14 anything with regard to the contract, they might want
15 to start out by just visiting with the other partners
16 in this group and see what the other partners have --
17 I mean that would be my recommendation, just to see
18 what the other partners feel about all this. And
19 maybe -- yeah.

20 CHAIRMAN BARTH: Okay. And the timeline on this
21 2016 MOU is a three-year. So the -- well, three-plus
22 years, December 31, 2019. Correct?

23 MS. FRENO: That's correct. Yes.

24 CHAIRMAN BARTH: Okay. All right. So I just
25 wanted to kind of get everybody clear on that.

1 And so we have, well, several issues here. I
2 want to first give the Board opportunity to ask you
3 questions or engage in any conversations. We also do
4 have Susan Harriman and Cory Biggs who are here from
5 ForwARd and they've signed up for public comment. I
6 think because this agenda item relates I don't know
7 that we need to formally ask -- take public comment
8 from them. But I think if we have questions for them
9 just know that they are in the room and I think ready
10 to make any comments they would along the way. And
11 we'll certainly give them time before we move to a
12 vote for any comment. But just letting them know --
13 letting everybody on the Board know they're here to
14 answer questions as well.

15 Okay. So I guess I'll just go around for
16 thoughts on this. Ms. Newton, do you have any
17 comments you'd like to make?

18 MS. NEWTON: I guess maybe I have a question for
19 Ms. Freno. Is there anything as far as us entering
20 into an MOU with a nonprofit -- is there anything
21 that -- in the law that that's not appropriate?

22 MS. FRENO: No, there's nothing that I know of
23 in the law that would make that inappropriate.

24 MS. NEWTON: Okay. And so any kind of advocacy
25 group or anything like that that makes that

1 inappropriate? I mean I'm just asking from your
2 viewpoint.

3 MS. FRENO: There's nothing that I know of that
4 would have made this -- I keep calling it a contract;
5 that's just a term. It's not clear if it's an MOU, a
6 Memorandum of Understanding, that has an enforceable
7 contract or if it's just a Memorandum of
8 Understanding. But the bottom line is at the time it
9 was entered into there was no problem in the law that
10 was detected, and I do not know of any problem that
11 would be a legal problem that would exist at this
12 point.

13 MS. NEWTON: Okay. All right. And I guess this
14 is for someone at the Department. Is there I guess
15 harm/benefit, is kind of what I would like from
16 someone. Does that make sense?

17 CHAIRMAN BARTH: Yeah. And I'll ask the
18 Commissioner to speak to that.

19 COMMISSIONER KEY: So the Department engages
20 with other organizations; Ms. Zook alluded to some of
21 the groups, like AAFA. You know, we have entered
22 into agreements with them to -- in support of
23 superintendent mentoring where we actually grant
24 funds; we've granted funds to APSRC for help with the
25 Learning Blade; we work with co-ops. And there are

1 times where in their other -- when they have their
2 other advocacy hat we're not always in agreement, so,
3 you know, I guess there's some parallel that exists
4 already with the Department. I think maybe the
5 question Ms. Zook is bringing up is the Board -- you
6 know, the Board's involvement. From our standpoint
7 -- and we've actually had conversations during the
8 session. I recall ForwARd had ideas on pre-K and how
9 to secure more funding for pre-K. They were looking
10 at something in our -- one of our line items and we
11 went and said, "Look, this doesn't work for us," and
12 they said, "Okay, we understand," and they backed
13 away and went a different direction. So we've had
14 some occasions where the potential friction that Ms.
15 Zook is referring to has happened and it's worked
16 out.

17 So from our standpoint we see that there is
18 value and I don't know that there is a lot of risk.
19 If there had been, you know, obviously our attorneys,
20 our legal team points that out. And in this case
21 there has not really been anything that's risen to
22 that level where they've alerted me of any risk based
23 on different goals of their organizations versus the
24 goals of our organization.

25 MS. NEWTON: Okay. Thank you.

1 COMMISSIONER KEY: I hope that helps.

2 MS. NEWTON: Yes, it did.

3 COMMISSIONER KEY: Okay.

4 MS. NEWTON: Thank you.

5 CHAIRMAN BARTH: Dr. Hill?

6 DR. HILL: No.

7 CHAIRMAN BARTH: Okay. Mr. Williamson?

8 MR. WILLIAMSON: Well, I guess to kind of
9 follow-up on that a little, how much -- does the
10 Department commit a fair amount of time, a great deal
11 of time, little time? I mean what is our -- your
12 time involvement?

13 COMMISSIONER KEY: Well, you know, we meet on a
14 -- so I meet with Ms. Harriman on a four- to six-week
15 basis?

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

17 COMMISSIONER KEY: Every four to six weeks. I
18 mean we've sat that up as a schedule so they can give
19 us an update on the work that they're doing, some of
20 the work that we're looking at in the future. That's
21 where we discuss some things dealing with how do we
22 improve the quality of pre-K, what other partners do
23 we need to pull into that. So those are the types of
24 discussions that we have. Then we have the working
25 group, that high functioning working group that, you

1 know, is periodic. But it's no greater time than the
2 time we spend with many other groups that are
3 associated with education. Ms. Coffman, I know, has
4 been very involved with them and it just kind of fits
5 into the work that we are doing.

6 Yeah, so it's -- I wouldn't say that it's an
7 added burden, because it is in line with some of the
8 other things that are in our goals and our strategic
9 plan.

10 MR. WILLIAMSON: And the Department's vision,
11 along with ForwARd, I mean I guess the visions are
12 parallel for now or --

13 COMMISSIONER KEY: I won't say they're parallel
14 but there are some commonalities, yes. And in those
15 areas -- for instance, you know, Act 930 -- where
16 they had identified two-plus years ago the need for
17 pre-academic distress. Based on those conversations,
18 based on some of that work, it's -- we don't call it
19 pre-academic distress, but the concept is there of
20 what supports do districts need before they get to
21 that point of where we are planning to succeed versus
22 waiting to fail in our relationship with districts.
23 So there are things like that that I can point to
24 that are very much in line.

25 MS. ZOOK: But that's ADE, not the State Board.

1 COMMISSIONER KEY: Yes. And I'm speaking from
2 the standpoint of the Department. Yeah.

3 CHAIRMAN BARTH: Could I just follow-up on Mr.
4 Williamson? In terms of capacity enhancement from
5 ForwARd, which was always part of the vision that
6 there would be capacity there, do you see capacity
7 enhancement on issues such as Act 930 implementation
8 and other things?

9 COMMISSIONER KEY: I do. Because there are some
10 things that the ForwARd working group are talking
11 about that frankly we just couldn't do, and one of
12 those being the conversation similar to what we had
13 before. You know, ForwARd has groups engaged in some
14 of that community support building in some of these
15 rural areas, the work that's being done in
16 Independence County, work that's being done in
17 Springdale, some work is being done in Jefferson
18 County. We simply don't have the personnel and the
19 time that we can go and do that. A lot of that time
20 is afterhours. ForwARd is engaged in that and bring
21 other partners to that work. So in that respect,
22 yeah, the capacity is very helpful in that regard.

23 MS. CHAMBERS: Well, in terms of my perspective,
24 I very much appreciated the opportunity to enter into
25 this MOU a year ago and am just as excited today. I

1 think the points that you bring up, Ms. Zook, are --
2 for me are spot-on as it relates to communication; I
3 think there's an opportunity for us to better
4 understand priorities or priorities that have
5 changed. I think there's a better opportunity for us
6 to figure out how to participate without in any way
7 violating the fact that we can't collaborate. That
8 is -- that was the issue when we signed this MOU;
9 that's still the issue; that's still the challenge.
10 But I don't think that violates or calls into
11 question the existence of the MOU or the
12 relationship. I just -- with the time that we have
13 left in this particular agreement I'd love to work on
14 how do we clarify priorities and improve on or make
15 more obvious ways we can communicate with each other
16 in an appropriate way because I very much appreciate
17 the resources and expertise that ForwARd brings to
18 bear on anything, any priority that we have
19 collectively in the education community. But keeping
20 all that straight and keeping everyone clear on how
21 we plan the space when we have some limitations and
22 how we communicate is an ongoing challenge. But I
23 feel fortunate that we're in this agreement and take
24 this as a challenge for us to do better to do more
25 with what we have.

1 MR. BLACK: I too think that we need to find
2 ways to continue to collaborate, if at all possible,
3 and move forward from there. So I hope that we can
4 find ways to do that.

5 CHAIRMAN BARTH: Okay. Ms. Dean?

6 MS. DEAN: I see that there is value in what
7 ForwARd brings to the table. They've done some good
8 things in some of the communities and I know they've
9 done a little bit of work in Jefferson County, as
10 Commissioner stated. However, I just want to take
11 this opportunity to throw out there Little Rock
12 School District -- we've been talking about Little
13 Rock School District; I would love for this community
14 to be able to utilize all of the resources and
15 benefits. I think this would be a perfect community
16 to become a ForwARd community so that we can bring
17 together community, family engagement, education.
18 Because if anyone needs it -- and I'm going to just
19 put it out there for my own community -- I think we
20 need it. Pine Bluff, Dollarway, areas that are
21 hurting need extra support, need someone to come in
22 and rally the community, bring the community together
23 for the good of the community, for the good of the
24 students. So if we can continue to bring value to
25 communities and help communities in that way, the

1 ones that in my opinion need it more so than others,
2 I feel like I need to vouch for those communities,
3 which I don't see a lot of happening -- that
4 happening right now. So I would love to see more of
5 that in the future if we're going to continue this
6 relationship. But there is definitely value in what
7 they bring and if we can continue that direction, I
8 think that would be good.

9 CHAIRMAN BARTH: And I will say on the
10 implementation working group -- I'm a part of that
11 voice -- that call for more engagement by ForwARd in
12 and around the LRSD and Pulaski County, that has
13 been, I think, regularly voiced by members of that
14 working group.

15 Ms. Reith.

16 MS. REITH: No, thank you. I guess -- and I'll
17 make just a few remarks first, but I would love to
18 have the opportunity for the ForwARd team to speak
19 because I don't think they would necessarily describe
20 themselves as an advocacy group the way that I guess
21 the conversation and the concerns have been framed.
22 And I'd like them to be able to contextualize a
23 little bit more the extent to which advocacy has or
24 has not been part of their work, and I think that
25 would be helpful. And then I am privy to know that

1 they are doing work in Little Rock and I'd like for
2 them to be able to share a little bit of that.

3 And that just gets back to I think where my
4 comment is overall, and maybe it's because I've had
5 that privilege especially over the course of this
6 last year. I know I was with you, Ms. Zook, right;
7 we both were in a shared place at the beginning of
8 last year as we were having these conversations about
9 who ForwARd was, who they were becoming, and what our
10 role was, and a lot of the development they had
11 wasn't always communicated with us at that time --
12 and we saw that especially come out when the ForwARd
13 communities came to be. But I think all of us,
14 including this board and them, really gave
15 intentionality to the process last year of trying to
16 figure out our identities, who we were, how we might
17 work together. And I don't know if I've lifted this
18 up enough, because I've had Ms. Gina Dickey join us
19 in a couple of events and not maybe always been able
20 to describe. But that actually came out in the
21 ability of her to work as much as she has on, first,
22 deeper learning and now in this parent engagement is
23 because of this MOU that we have with ForwARd and
24 this shared partnership. And I really envision that
25 as being a huge asset not just to the Department, to

1 us as a state board where they can add value. They
2 bring together stakeholders from across the state who
3 are education experts and Ms. Dickey is one of those
4 perfect examples. And this is an opportunity through
5 this direct partnership that lets us be able to
6 benefit from individuals who support us, be able to
7 share their expertise, but even play direct roles as
8 Ms. Dickey will be playing as a partner in the
9 taskforce with parent involvement and also as a
10 facilitator. Because sometimes even to have our own
11 conversations we need outside facilitators that share
12 our vision and goals, and I think that's a perfect
13 example. And so I think I'll echo what several of
14 our colleagues have here: I'd like to see us continue
15 in this relationship. And I think if anything I'm
16 grateful as always, Ms. Zook, when you ask us to take
17 pause and reflect because I think just as we did last
18 year I hope that this can be an additional
19 opportunity to see how this relationship really can
20 be one that is working together. But the other
21 reason that I would be really hesitant to walk away
22 from this -- one of the things I've come to learn
23 with NASBE is a lot of states have state visions,
24 they've worked hard in different capacities to create
25 a vision that's owned by the state board. And

1 ForwARd was our way of trying to do that with our
2 philanthropy community, to try and create a vision
3 toward which we could work, and that doesn't mean
4 that each of us as partners don't have specific
5 elements or focuses. And I think that gets to the
6 heart of what the Commissioner's comments are, but
7 that we all agree that we're going to work together.
8 And I just would hate to see an education vision in
9 Arkansas that didn't have us be part of that; right?
10 And I think that's what ForwARd is trying to be there
11 and part of where I guess I would like to offer at
12 least from my personal perspective a desire for us to
13 continue this.

14 So with that, I don't know -- Ms. Harriman or
15 Mr. Biggs, if either of you -- if I could recognize
16 either of you to speak a little bit to the concerns
17 here?

18 CHAIRMAN BARTH: Well, can I --

19 MS. REITH: Yes.

20 CHAIRMAN BARTH: Mr. Williamson.

21 MR. WILLIAMSON: I guess to help me, define
22 "we." Define "us." I mean we've had these
23 discussions before. You know, is "we" the
24 Department? Is it Johnny and his group? Or is "we"
25 the Board as a whole? And I think that's the

1 difference that you're trying to make the distinction
2 about, Diane, is --

3 MS. ZOOK: Right. I wasn't trying to -- I
4 wasn't trying to keep ADE from working with ForwARd.

5 MR. WILLIAMSON: Right.

6 MS. ZOOK: I wasn't trying to keep ForwARd from
7 working. You know, I don't think you always have to
8 be partners with people in order for them to do. And
9 the reason I used the word "advocacy" is because
10 that's what Dr. West called their-self when we had
11 our meeting, our luncheon meeting, was -- she said
12 "we're an advocacy group." So that's her words and
13 not mine. You know, I think the frustrations I feel
14 is because I'm a get-in-and-get-your-hands-dirty-and-
15 do kind of person. And when they selected their
16 board we had no input; when they selected the
17 communities we had no input; when they selected the
18 working group we had no input. And so I think if
19 we're going to continue the MOU, which I think the
20 majority of this board should make that decision,
21 then I think then we need to say -- or at least my
22 frustration is that I don't feel like a partner; I
23 feel like somebody -- I feel like a grandmother where
24 the kids and the grandkids come and tell you what
25 they're doing but they don't -- but you don't get

1 much input into it. And when I have, you know, other
2 advocacy groups saying, "Well, can we do that with
3 y'all or can we do that with y'all" -- because they
4 feel like that when they talk with a legislator it
5 gives them impetus. And I had a lot of people ask on
6 the -- when the Governor said "we want three
7 million," and ForwARd was wanting twenty million,
8 they were going to go, "Well, is the Board saying you
9 want twenty million," and I was going, "No, you know,
10 we serve at the pleasure of the Governor and we don't
11 advocate or push our legislators into what they do."

12 So all of this is what made me want you all to
13 reaffirm or deny the continuation of this. I'm not
14 trying to get into whether they continue to work with
15 ADE, because originally they weren't working with
16 ADE. And originally on their website it said a
17 partnership between the two foundations and the State
18 Board, and now it's -- which is good. It's, you
19 know, parents and communities and stakeholders and
20 all of that. So I think there's been enough movement
21 in their goals and in their structure and in our lack
22 of ability to influence decisions that I believe that
23 it was worth a conversation among the board members.
24 Because, you know, we can't talk unless we talk out
25 here in public and --

1 CHAIRMAN BARTH: Right.

2 MS. ZOOK: -- to each other. So that's where
3 I'm coming from.

4 MR. WILLIAMSON: Well, that's where I was
5 headed. I mean I think it's an important project
6 and, you know, like we've said before, you know, you
7 and I can't go sit down in a room with Mr. Biggs and
8 then try to figure out how we could help them.

9 MS. ZOOK: No.

10 MR. WILLIAMSON: You know, Johnny and his team,
11 he can take the whole staff over there --

12 MS. ZOOK: Right.

13 MR. WILLIAMSON: -- and do that and it would be
14 fine and much more productive, by the way. And so
15 that's -- I understand where you're coming from and,
16 you know, I agree.

17 CHAIRMAN BARTH: Okay. So I heard -- Ms. Reith
18 asked for the perspective of ForwARd and so we
19 appreciate Ms. Harriman and Mr. Biggs being here. It
20 was a question, so I don't think we need to treat
21 this as formal comment, public comment, if y'all are
22 in consensus. This is really a response to Ms.
23 Reith's question. And so I will turn it over to Ms.
24 Harriman. Thank you.

25 MS. HARRIMAN: All right. All right. Mr.

1 Chair, State Board Members, and Commissioner Key, I'm
2 very pleased with this opportunity to provide you
3 with an update on the tremendous progress that
4 ForwARd has made over the past year. While we are a
5 unique collaborative structure, it's not common, it
6 represents the type of public/private partnerships
7 that are found elsewhere to bring support and
8 resources to bear on the matters of public
9 importance. We are very fortunate to have two of our
10 state's leading philanthropies working so closely
11 with our state education priorities and providing
12 flexible capital that is critical to power the goals
13 that you have for our educational system. I am very
14 proud of the rapid progress in such a short period of
15 time and I want to underscore the participation by
16 ADE is essential to our success. This partnership
17 has proven extremely valuable to engage a wide range
18 of stakeholders, community members, and organizations
19 in our shared commitment to improve the quality of
20 education for the children of our state.

21 I'd like to highlight a few of our early
22 successes. I want to begin with academic distress,
23 which Commissioner Key spoke about. And I want to
24 tell you that Cory Biggs and I had a ringside seat as
25 this unfolded because as most of you know, we worked

1 at the Department and we have seen a culture change,
2 a sea change in the direction and the customer
3 service shift for the Department. And you're
4 correct, Commissioner Key, the ForwARd vision report
5 unanimously adopted by the State Board in 2015 was
6 the first to publicize -- the first publicized
7 document to suggest the creation of a pre-academic
8 distress zone, which is the chief basis for Act 930.
9 We worked closely with the Department of Ed. to
10 create a crosswalk beginning last summer that aligned
11 the vision report with the State's new strategic plan
12 at the Agency with the new ESEA plan. We feel like
13 we have contributed significantly to the new message
14 to our schools that they are too important to fail.

15 I want to talk a little bit about teaching and
16 learning. We believe strongly that we've impacted
17 this culture of learners. We work very closely and
18 align with the Arkansas Campaign for Grade Level
19 Reading. As you know, it's been around for five
20 years and it is really taking off. We believe that
21 that work, with the Winthrop Rockefeller Foundation,
22 has helped create the impetus for the R.I.S.E.
23 Arkansas campaign, which we strongly support. We
24 also support the Dolly Martin -- Dolly Parton
25 Imagination Library and are looking at ways to bring

1 that into communities. We are providing scholarships
2 to UA Teach Students, their STEM majors who will
3 commit to teaching in a ForwARd community. And we
4 are closely in alignment with Expect More, which many
5 of you know is a new initiative with the Winthrop
6 Rockefeller Foundation to help prepare students for
7 high skill, high wage jobs.

8 One of -- another one of our early successes
9 that's very important is our success in support
10 beyond the classroom. And I'm just highlighting a
11 few examples of what we feel we've been able to
12 contribute to. We have partnered with the Arkansas
13 Hunger Relief Alliance to increase the number of
14 schools that are enrolled in CEP. That number has
15 grown from 70 schools in 22 districts to 185 schools.
16 That means now that 72,012 students are now receiving
17 healthy meals every day free of charge.

18 As was mentioned earlier, we've had a
19 significant role in pre-K this past session. We were
20 able to align in partnership with the Arkansas
21 Advocates for Children and Families and with Richard
22 Abernathy's Arkansas Administrators Educators
23 Association. We were able to attract outside funding
24 from the Gates Foundation in order to promote the
25 value of pre-K. And in this state there is a

1 universal opinion that school readiness is one of the
2 most important levers for success in the future. We
3 did work with Governor Hutchinson and policymakers to
4 secure three million dollars in additional funding,
5 in a time when additional funding was very hard to
6 get. We have contracted with Westat to study
7 Arkansas' pre-K data and how the quality of our
8 systems can be improved to provide reliable
9 longitudinal data. As a result of that -- those
10 findings, the Walton Family Foundation has released
11 an RFP to research these topics this starting year.

12 I'd like now for Cory to talk about ForwARd
13 communities. And we are looking at bringing those to
14 scale and using them as demonstration sites to scale
15 innovation, and we are preparing and building a
16 foundation to include the entire state. Cory.

17 CHAIRMAN BARTH: Thanks, Ms. Harriman.

18 MR. BIGGS: Thank you. Cory Biggs, Associate
19 Director for ForwARd. And as Ms. Zook had mentioned,
20 we do have five ForwARd communities that we work in,
21 which we've shared with you before. Those are
22 Crossett in southeast Arkansas, Independence County
23 in northeast Arkansas, Lee County in the Arkansas
24 delta, as well as Pea Ridge and Springdale in
25 northwest Arkansas. That work has been going on for

1 about a year now, almost a year, and we've laid
2 pretty good groundwork there and have started to get
3 to a place where we can share a lot of the good
4 stories from out of there. I know that Independence
5 County had an education summit with all four of their
6 public school districts and local Chamber of
7 Commerce, as well as their two institutions of higher
8 education, just last week, and had a lot of good
9 shares that came out of that. We just had a block
10 party in Lee County, back-to-school block party the
11 following day, last Saturday. And next Saturday
12 we'll be having one of those in Crossett as well.
13 And those two communities are both progressing
14 towards solid strategic plans with one-year, three-
15 year and five-year goals that they can commit to on
16 paper and that they have -- members of the local
17 communities who are holding one another accountable
18 to accomplish and to see investment in that
19 community. And in Pea Ridge and Springdale, I'm
20 heading up there tomorrow actually, so -- and they're
21 progressing quite well, as well, as Ms. Zook had
22 mentioned.

23 Yes, there is a difference of resources
24 available in those communities. That was
25 intentional. Those five communities were chosen as a

1 cohort because of their geographic and cultural
2 diversity and the difference in resources that they
3 had available to them, so that they could learn from
4 one another and they could share their successes with
5 one another, as they're already starting to do. The
6 team from Independence County made a trip up to
7 Springdale recently; they'll be making trips
8 throughout the delta and into southeast Arkansas as
9 well. So these communities are learning from one
10 another and that's how you scale that kind of work.
11 It's not something that is going to be done through
12 private investment alone; that's not scalable. You
13 can't just have, you know, wealthy foundations coming
14 in and seeding every project for millions of dollars,
15 because we can't do that in every community across
16 Arkansas. We have to change our mindset to where our
17 community leadership knows that they have to invest
18 themselves in their communities and that they have to
19 identify the people that need to be at the table and
20 they all need to be moving in the same direction
21 together. So that's that work that's happening.

22 I am happy to share with you some of the work
23 that we've done in addition to that cohort as well,
24 which is in response to the last time that we were
25 here reporting to you all, at which Dollarway School

1 District had also given a report. And there was deep
2 discussion about all of the very real needs in that
3 community, that we have doubled up our support for
4 the Rural Community Alliance and the work that
5 they've been doing on the ground for well over a year
6 in Dollarway now. And we've also partnered with
7 Dolly Parton's Imagination Library and we have
8 located a sponsor to bring the Dolly Parton
9 Imagination Library program to every student or every
10 child actually under five years of age in the
11 Dollarway School District. So that's being worked
12 out currently between Dolly Parton's Imagination
13 Library and the district and its superintendent. So
14 we're very happy about that. That's just a small
15 scratch on the surface. We know there's a lot more
16 to be done, but I think it's a good inroad into that
17 community in addition to the cohort of the five other
18 communities that we call our ForwARd communities.

19 In Little Rock we are very excited. And we
20 shared this before but I don't think in this
21 audience, but that work is going to start next month.
22 We are partnering with the Clinton School of Public
23 Service, as well as the district, to have a practicum
24 team of three to four first year graduate students at
25 the Clinton School join us. They'll be sponsored by

1 ForwARd Arkansas and to work on behalf of the
2 district to make this idea of middle school
3 partnerships with community institutions here in the
4 city a reality. They're going to be conducting a
5 year's worth -- an academic year's worth of best
6 practices research where similar programs have been
7 implemented in other places around the country. And
8 they're going to get on the ground here in the Little
9 Rock community and really listen to folks and make
10 sure that they've got a good grasp on how they can
11 take those models that have worked elsewhere and make
12 them work here in Little Rock. And we hope that by
13 next spring we've got a list -- I know Mr. Poore has
14 already been working on some of this, but we hope to
15 have some folks who've signed on the dotted line and
16 we can announce those formal partnerships between
17 every middle school in the district and a community
18 partner that can get involved in that school, allow
19 opportunities for students from each of those schools
20 to come see a part of their community that is doing
21 work and get involved in that in a very real world
22 project-based way, and really start to transform the
23 culture of these middle schools as well. And we hope
24 to have that to announce in the spring so that the
25 entire city can celebrate that together.

1 So that's just a little bit of what we've done.
2 It's a lot, especially considering that it's just the
3 two of us. But I just wanted to share some of that
4 with you. Thank you.

5 CHAIRMAN BARTH: Thank you, Mr. Biggs.

6 MS. HARRIMAN: Thank you, Cory. And then I do
7 want to mention what's next and I think some -- a lot
8 of this depends on you. And we appreciate being able
9 to report to you and by you holding us accountable
10 that makes us better.

11 We're looking at forming a common data
12 consortium. What we have found with our report with
13 Westat on pre-K is there are a lot of different
14 organizations in the estate that are looking for the
15 same data; they're paying for it, they're spending
16 time gathering it, and it is very redundant and
17 duplicative. And also there's common research that
18 we can do with other organizations. So we are
19 embarking on the creation of a common data consortium
20 to conduct research and inform policies and better
21 focus our state resources. We're also looking at
22 creating a spending model for schools and districts
23 across the state to replicate best practices for the
24 most efficient use of funds. We're looking at
25 broadband and we hope to build on the completion of

1 the high-speed fiber optic network to every school
2 district and explore ways to expand connectivity into
3 student homes. We're looking at leadership
4 effectiveness. We're evaluating strategies right now
5 to provide leadership to develop a strong cohort of
6 leaders, of high quality leaders in highest need
7 areas of this state. And as you mentioned, Mireya,
8 we've been working with your board on parental
9 engagement, school discipline, and many other things.

10 As ForwARd gains momentum, we're going to be
11 providing a vehicle for communication and
12 opportunities for parents, business and community
13 leaders to participate and/or lead this effort in
14 their own communities. We will be doing this through
15 things such as our blog, hosting community forums,
16 forming community Facebook pages, developing a
17 toolkit for communities, providing monthly updates,
18 and other ways we don't even know yet.

19 In closing, we are working hand-in-hand with
20 Governor Hutchinson on issues where our strategic
21 plan and his priorities align. I want to thank you
22 for this opportunity. And I wanted you to look at
23 the last slide and see that we have a real -- the
24 last page of our handout and see that we have a real
25 opportunity in this state to flip those numbers and

1 change those statistics where our state performs and
2 our students deserve better. And we very much
3 appreciate helping our state in aligning our
4 education goals together. Thank you.

5 CHAIRMAN BARTH: Great. Thank you, Ms.
6 Harriman. Any -- thank you both for that report.

7 I come back to the Board to see, first off, if
8 you have any questions about that. But I guess we do
9 have this issue that is sitting in front of us.
10 We've heard -- we've had no motion, but we do need to
11 deal with this issue before us. And so I look to the
12 Board for its --

13 MS. ZOOK: Yeah. And as I tried to preface my
14 statement earlier, I have no problem with the work
15 that's been done, the hard work that's been done, the
16 people that are doing the work, and whether we're a
17 member of the group or not this work will continue,
18 which is good. It just seemed to me that it would
19 only be appropriate that this board, not other boards
20 -- not in the past -- I'm sort of like they are about
21 a legislator; you don't commit people to other
22 things, so that's why you're hearing this is a four-
23 year plan or a five-year plan. And since this -- the
24 majority of this board wasn't here when we went into
25 the original MOU. I just thought it appropriate that

1 since the structure under which ForwARd works has
2 changed that it would be good if this board made the
3 decision about whether to continue in the MOU or not,
4 not whether ForwARd's work will continue because the
5 ForwARd's work will continue -- but whether since
6 they are now a nonprofit group with their own board
7 whether -- and not to stop them from working with ADE
8 or these communities or anything; I'm not wanting to
9 change anything. I just wanted this board to decide
10 whether or not they wanted to continue to be a part
11 of this MOU through '19. That's, you know, all I --
12 I just felt like if I was new on the board I would
13 want somebody wanting to know what I thought as well.
14 So Kathy Smith did call me and want to know -- and
15 she said -- we talked a long time; she talked a lot
16 and I listened, and I talked a lot and she listening,
17 which makes for a good conversation. And although we
18 never did get into what we thought should ultimately
19 happen, she did understand my point about partnering
20 with a group that's now become a nonprofit versus all
21 the other nonprofits, and not including ADE in any
22 way or trying in any way to limit them in the work
23 that they do with this group.

24 CHAIRMAN BARTH: I guess my question for you,
25 Ms. Zook, is -- and I appreciate obviously the

1 composition of boards change all the time. And if a
2 board was so quick to kind of back out of an
3 agreement just because of the change in composition,
4 doesn't that really reduce the reliability of this
5 board in terms of any agreements we may make with any
6 entity? And I think I want to speak in particular
7 because this was a three-year commitment. This was
8 not a particularly long agreement; this was actually
9 a fairly short agreement, which I think, you know,
10 speaks to the fact that, you know, there are going --
11 there is going to be change over time. But I worry
12 that if we were to back out of this agreement that we
13 would really be seen as -- set the board up for the
14 future being a kind of reliable actor, unreliable
15 partner if we said we were going to do something --

16 MS. ZOOK: Well, I never want to be perceived as
17 unreliable, and I agree with you. But since they did
18 become a nonprofit after this, and since they did
19 appoint a new board after this, I thought there had
20 been enough change that it was worth our revisiting.
21 And I'm not trying to persuade anybody one way or the
22 other. I just wanted to have the conversation, and
23 the only way we can do that is have it at our
24 meetings.

25 CHAIRMAN BARTH: Right.

1 MS. ZOOK: So here we are.

2 CHAIRMAN BARTH: Thank you.

3 Ms. Chambers.

4 MS. CHAMBERS: So is there a motion?

5 CHAIRMAN BARTH: There is no motion, and so --
6 and I'm really looking to Ms. Zook as the -- if there
7 is going to be a motion. I mean, I think that no
8 action is a reaffirmation of our relationship. But a
9 change in that -- and I think any motion would also
10 need to speak to the cause because the agreement, as
11 Ms. Freno laid out, said that any backtracking from
12 the agreement does require us to do so because of
13 cause.

14 MS. CHAMBERS: Is an affirmative to continue in
15 the arrangement, does it require a motion?

16 CHAIRMAN BARTH: It does not. We are in
17 agreement until 2019. If you would like -- if this
18 board would like to reaffirm, you know, that is
19 appropriate, but that is certainly not required.

20 COMMISSIONER KEY: I'm pretty sure that no
21 action on an action item is action in and of itself.
22 I mean that --

23 MS. ZOOK: Say that fast three times.

24 CHAIRMAN BARTH: Okay. Is there a motion?

25 [BRIEF MOMENT OF SILENCE]

1 CHAIRMAN BARTH: Is there a motion?

2 [BRIEF MOMENT OF SILENCE]

3 CHAIRMAN BARTH: All right. Then I believe we
4 have passed this item on the agenda.

5 I do have a question, since we are now decided
6 that we are still a partner in this relationship,
7 what my fellow board members would like from me as
8 liaison to ForwARd so as for the board as an entity
9 to feel more fully engaged in this relationship;
10 recognizing that we are dramatically limited, as we
11 said, in terms of our ability to have conversations
12 outside of this setting which, you know, creates some
13 challenges from time to time. So I would ask what
14 more -- what can we do, Ms. Zook, for you to feel
15 less like a grandmother and more like a fully
16 conversant part of the relationship?

17 MS. ZOOK: I have no idea.

18 MR. WILLIAMSON: Well, I don't know -- I don't
19 know how more than one of us can participate at any
20 time, I mean, with an agreement, without an
21 agreement, or anything. I mean we can encourage
22 Johnny and his team to continue to support them as
23 well as they have in the past and I mean there's just
24 not a whole lot else we can do, I don't think.

25 COMMISSIONER KEY: I want to make sure we're

1 clear in who "we" is. Lori just -- Ms. Freno, if you
2 could come this way. I'm not sure that it's -- that
3 you cannot -- two or more of you cannot participate;
4 it's that if you do, proper notice must be given.

5 MS. FRENO: That is correct. You could -- one
6 can participate with no notice; if two participate
7 all that has to be done is you have to notify Kim
8 Friedman so that she can notify the appropriate press
9 and so forth --

10 COMMISSIONER KEY: Right.

11 MS. FRENO: -- or the media.

12 COMMISSIONER KEY: I just want to make sure that
13 we're clear on what that means.

14 CHAIRMAN BARTH: Ms. Chambers.

15 MS. CHAMBERS: I think as we've matured in our
16 understanding of what opportunities that we have, and
17 recognizing that it's pretty dynamic, as we continue
18 to affirm the priorities, the definition of success,
19 where we're at in terms of performance against those
20 objectives, and when there's an opportunity -- and I
21 appreciate very much, Commissioner, the clarification
22 -- where there are opportunities to participate,
23 whether it's a Town Hall meeting or a working session
24 or whatever it might be, that that's just something
25 we continue to weave into the work so that we can

1 participate as fully as possible and share in the
2 accountability and the success of what I think will
3 happen as a course of this relationship.

4 CHAIRMAN BARTH: Anyone else have -- Ms. Newton.

5 MS. NEWTON: Just a comment maybe for the
6 ForwARd group. I know we got an invitation to the
7 conference they had this summer; I think it was at
8 Batesville where you had the groups together. We got
9 that invitation. But, you know, if you could extend
10 invitations to things that you're doing that maybe we
11 could participate in or observe or whatever that
12 might make us feel more included and that might help
13 a little bit. And then, you know, if more than one
14 went along then Kim could just notify the press. But
15 I think that would maybe help that a little bit.

16 MS. HARRIMAN: Okay.

17 CHAIRMAN BARTH: Great. All right. Thanks, Ms.
18 Zook, for bringing this up. And thanks to everyone
19 for a good conversation, and a particular thanks for
20 our continued partners with ForwARd. Thank y'all.

21 A-5: RESOLUTION - BRING YOUR LEGISLATOR TO SCHOOL MONTH

22 CHAIRMAN BARTH: All right. Next up we have a
23 resolution, Bring Your Legislator to School Month,
24 and this is a State Board resolution. Oh, we're
25 about to be photographed. The State Board of

1 Education Resolution reads -- and this goes back to
2 2015 when the Legislature really began to say that
3 there needed to be a more seamless relationship
4 between the communities' representatives at the State
5 Capitol and local schools. And the resolution reads:

6 WHEREAS, More than 450,000 Arkansas students
7 prepare to return to the classroom;
8 and

9 WHEREAS, In the 2015 Regular Session the
10 Arkansas General Assembly passed a
11 resolution designating September as
12 the annual Take Your Legislator to
13 School Month; and

14 WHEREAS, This initiative was motivated by a
15 need for members of the Arkansas
16 General Assembly to fully understand
17 the issues and challenges facing
18 public schools in their districts, as
19 well as educators' innovative
20 solutions; and

21 WHEREAS, HCR 1008 encourages public school
22 districts to plan special events, such
23 as classroom visits, opportunities to
24 read to students, and other activities
25 that engage and involve legislators;

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NOW, THEREFORE, BE IT RESOLVED THAT

We, the members of the Arkansas State Board of Education, recognize September as Take Your Legislator to School Month.

And so I would invite a motion on that very worthy statement.

MS. NEWTON: I make a motion that we approve the resolution as September to Bring Your Legislator to School Month.

CHAIRMAN BARTH: Is there a second?

MS. CHAMBERS: Second.

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

All those in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed, same sign.

And I would extend this, that this is also a great time for State Board members to do just as we said and, State Board members, I would encourage us all to commit in the coming month to take at least one trip to a public school.

And so I will sign this on behalf of the Board. I'm trying to remember what the date is. And I will turn it over to the Commissioner for his signature.

1 Great. Thanks, everyone.

2 A-6: CONSIDERATION OF THE RECOMMENDATION TO APPROVE THE 2017
3 EDUCATOR PREPARATION PROVIDER REPORTS (EPPR)

4 CHAIRMAN BARTH: All right. Next up,
5 Consideration of the Recommendation to Approve the
6 2017 Educator Preparation Provider Reports. And so
7 for that it's -- who -- yeah, Dr. Servedio.

8 DR. SERVEDIO: Good afternoon, Chair, Members of
9 the Board, Mr. Commissioner. Frank Servedio, Special
10 Projects Administrator, Office of Educator
11 Effectiveness, Arkansas Department of Education. I
12 need a bigger business card.

13 I'm here this afternoon to present to you for
14 your review one of our -- or this year's annual
15 Educator Preparation Provider Report. On the ADE
16 website we have posted the statewide report, which is
17 a compilation of all -- a variety of data elements
18 and characteristics of our Educator Preparation
19 programs, along with individual reports on the same
20 location at the website for each of the individual
21 Educator Preparation providers. The content of the
22 reports consist of a variety of different aspects, as
23 I said, in characteristics of the programs, from
24 numbers of enrollment, numbers of program completers,
25 some demographic data on each of the institutions or

1 entities. We have data on both the teacher
2 preparation programs and the administrator
3 preparation programs. We also have information on
4 completers from these providers who are actually
5 working in Arkansas public schools. We also have
6 information on their licensure tests and pass rates,
7 as well as survey information on the teachers'
8 perceptions of their preparation providers and their
9 programs.

10 As I mentioned, the reports are posted on the
11 ADE website and you can see on the screen the
12 statewide report which, if you care to, at your
13 pleasure we could scroll through and see the
14 different aspects of the report, or I would entertain
15 questions.

16 CHAIRMAN BARTH: Great. Thank you. And so this
17 comes from the Department with a recommendation to
18 approve this report, but I want to give folks a
19 chance to ask questions. I'll start with Ms. Zook.

20 MS. ZOOK: Yes. One of the things that is in
21 the report that came directly out of a working group
22 of the State Board of Education when Dr. Walters was
23 here before Ms. Pfeffer and before Mr. -- or I told
24 him I was going to call him Dr. J so I wouldn't take
25 a chance on mispronouncing his name, Dr. Owoh. What

1 I would draw your attention to is to look at the
2 preparation institution, the number of people that
3 graduated with those degrees, and then the pass/fail
4 rate on the Praxis because this is not good in some
5 places. You know, if you go to college and you do
6 your work and you graduate, many times with a three-
7 point, and then you can't pass the Praxis, that says
8 maybe something about the student but it also says a
9 great deal when there's several of them from that
10 institution. And I know that K-12 gets a lot of
11 grief when we send students to college who have to be
12 remediated. Well, I think it's even equal or not a
13 greater problem when you send teachers out,
14 particularly in times when we have a teacher
15 shortage, when they are not able to pass the Praxis
16 test for the very thing they've been working to do
17 for four years. So we try our best -- he put
18 together a group meeting of the Deans and they were
19 helpful in some ways and didn't like what we said in
20 other ways. But if the colleges, the two-years and
21 the four-years don't become responsive to the needs
22 of the workforce, whether it's in education or
23 plumbing or welding, in this state we are never going
24 to achieve the goals that we've talked about earlier
25 with ForwARd. Everybody is going to have to work

1 together and not point fingers. But it is an issue
2 here when you don't have very many people making an
3 attempt to be a teacher and then a great percentage
4 of those don't -- weren't able to teach because they
5 couldn't pass the Praxis. And we give 1240 waivers
6 but at some point they have to be able to do that.
7 So I do appreciate you providing all these links and
8 I would encourage my fellow board members to follow
9 the links beyond the report that's here. Thank you.

10 CHAIRMAN BARTH: Uh-huh. That's good. And I
11 think I just want to reiterate that; that's very well
12 said, Ms. Zook. And the disconnect between K-12 and
13 Higher Ed. in this area creates real challenges for
14 us in terms of our ability to do anything except
15 shine the light, which is what we do with these
16 reports. But --

17 MS. ZOOK: Higher Ed. has no board like we do.
18 The Governor is not even in charge of Higher Ed., you
19 know, so they are just entities out there in and to
20 themselves. But if we don't help them realize the
21 need that we have and their part in the economic
22 development education and the moving forward of this
23 state then, you know, we've got a real problem. And
24 we need to all work together to solve the problem
25 instead of ignoring the problem.

1 CHAIRMAN BARTH: Thanks. Ms. Dean, anything?

2 MS. DEAN: No.

3 CHAIRMAN BARTH: Okay. Ms. Reith?

4 MS. REITH: No.

5 CHAIRMAN BARTH: Okay. Ms. Newton?

6 MS. NEWTON: Yeah. This goes back to I guess
7 one of the consent agenda items. But I had noticed
8 when we were looking at the waivers the number of
9 teachers going in for ALP. I think 58 percent of
10 them were special ed. And I know it's not in the
11 report but I just wondered are the number of teachers
12 that are going through and coming out with a degree
13 in special ed., is that also declining? Because I
14 really am getting the feeling that we're in a crisis.
15 I mean, I think we already knew that as far as
16 teacher retention and recruitment that special ed.
17 was up there. But it just even feels worse than that
18 to me right now.

19 DR. SERVEDIO: I think -- and I'm not sure
20 exactly, but I think -- and, Joan, maybe you could
21 help me out -- the numbers in special ed. are
22 actually going up in enrollment in special ed.
23 programs.

24 DR. PFEFFER: Do you want to speak to that?

25 MS. LUNEAU: Uh-huh.

1 DR. SERVEDIO: By the way, I just would like to
2 point out that I did not write this report in its
3 entirety by myself. I had a lot of help from Joan
4 Luneau and the Educator Preparation Unit.

5 CHAIRMAN BARTH: Thanks, Ms. Luneau.

6 MS. LUNEAU: Joan Luneau, Department of Ed., Ed
7 Prep Coordinator. Just a quick thing about special
8 ed.: in 2010-2011, there was a big change to the
9 structure for special ed. where we transitioned to a
10 K-12 first-time license, and so those numbers are
11 increasing. I do my annual survey in September and
12 I'll share that with you. It will be the third year
13 as we transition to going to that K-12 structure and
14 also as we added the special ed. resource last year,
15 and I can share those numbers. But I can say in
16 those new areas the numbers are going up overall.

17 MS. NEWTON: Good.

18 MS. LUNEAU: So, and I can share that with you.

19 MS. NEWTON: Thank you.

20 MS. LUNEAU: Thank you.

21 CHAIRMAN BARTH: Yeah, Dr. Pfeffer.

22 DR. PFEFFER: Yes. Ivy Pfeffer, Department of
23 Education. And, Ms. Newton, your comment about the
24 ALPs in special ed., it's by far our highest
25 percentage of ALPs. One of the issues that we have

1 is -- and this is something for your consideration, I
2 think for all of our consideration -- a teacher can
3 be placed on an Additional Licensure Plan for special
4 education and for that first year not complete any
5 coursework for special education. And oftentimes
6 they get placed there and then they leave when they
7 can, and that is a system issue that we probably need
8 to look at. So a lot of those ALPs are people who
9 started initially and don't complete it. That being
10 said, when you don't have people coming out of
11 programs who want to teach special education,
12 sometimes that's what schools have to do is put
13 people on an Additional Licensure Plan. Right now we
14 are not able to really track those who complete those
15 ALPs for those areas. That's probably something we
16 need to look at, you know, is that going to be
17 possible as well. I do think, as Ms. Luneau said,
18 that the change of now having candidates complete a
19 K-12 special education program or a specific resource
20 license that is going to make a difference. But the
21 special education is still an area that we've not
22 quite figured out a permanent fix.

23 MS. NEWTON: So we could have special education
24 kids that are going years without ever getting a
25 teacher that knew anything about special education?

1 DR. PFEFFER: Or that was fully -- yeah, that
2 had completed that. That is a possibility,
3 unfortunately. And, you know, a lot -- some of it
4 comes down to the assignment of teachers in schools,
5 the placement of students in different special
6 education classes. So I think that the other thing
7 we do now have is the nontraditional route for
8 special education teachers through the MAT program,
9 and so we have created more routes now for people who
10 want to be a special education teacher to be a
11 special education teacher. In the past it was an
12 endorsement area. So teachers who started out
13 teaching elementary or in a content area, that then
14 added on that certification, now we have three or
15 four routes for people who that's what they want to
16 do. So I think in the long-run that's going to be a
17 good solution because people are making that
18 conscious choice that they want to be the expert
19 teacher there.

20 MS. NEWTON: Do you think if we track completers
21 it would help the situation or would it just be
22 figuring out that we've got a problem?

23 DR. PFEFFER: I think we need to really focus on
24 the data of those completers. In response to Ms.
25 Zook's concern, I do think that Higher Education

1 programs have done some shifting in some cases;
2 candidates can't progress through the programs until
3 they have passed their basic skills and content
4 assessment. So we have had some programs respond in
5 that way. One of the bigger issues I think is when
6 you look at that data with regards -- we still have
7 about I think 40 percent of our teachers who do
8 complete a program but do not go to work in an
9 Arkansas public school. And when you start looking
10 at those specific content areas that are more likely
11 to complete the program but not go to work in an
12 Arkansas public school you can start identifying
13 those. By and large, your special education teachers
14 who complete a program, I think it's, you know, it's
15 very high they go to work in schools, so --

16 MS. NEWTON: All right. Thank you.

17 CHAIRMAN BARTH: Great. Ms. Cochran, I
18 apologize for skipping over you. Any comments or
19 questions?

20 MS. COCHRAN: I do have one question. I'm
21 looking at the demographics of school teachers and
22 administrators and students. And I'm just curious if
23 we have any initiatives or programs at the ADE to
24 attract teachers of color into the workforce?

25 DR. SERVEDIO: I do know that there is an Office

1 of Minority Recruitment in the Department. The
2 extent to which they're -- we're successful in
3 recruiting minorities into the teaching profession,
4 that I can't speak to.

5 MS. LUNEAU: I can answer that.

6 DR. SERVEDIO: Oh, but Joan can answer that.

7 MS. LUNEAU: I'll give an answer to that. I
8 think with our teacher cadets and our Grow Your Own
9 initiatives that we've started, I think that's how
10 we're going to -- I think that answers part of your
11 question there, that that's one of the ways that we
12 work towards that.

13 MS. COCHRAN: Thank you.

14 CHAIRMAN BARTH: Okay. Dr. Pfeffer.

15 DR. PFEFFER: Districts also submit minority
16 recruitment reports and we have started the Educator
17 Effectiveness Unit as partnering with our Equity
18 Unit. Ms. Coffman and Dr. Owoh had a conversation I
19 think just yesterday on how do we work more closely
20 with districts in supporting them with their minority
21 recruitment. And we also within our Equitable Access
22 to Excellent Educator's Plan are looking at how we
23 can create opportunities for educators to have
24 targeted personalized learning around culturally
25 responsive teaching and using micro credentials,

1 which are also available for students, for districts
2 that become an Educator's Rising school. And those
3 micro credentials are available and students can
4 access those even in high school. So, all of those
5 are initiatives that are kind of building toward
6 really helping us to have a more diverse workforce.

7 MS. COCHRAN: Thank you.

8 CHAIRMAN BARTH: Great. Thank you. Dr. Hill,
9 anything?

10 DR. HILL: No.

11 CHAIRMAN BARTH: Mr. Williamson? Ms. Chambers?
12 Okay. I will invite a motion to accept this
13 report.

14 MS. DEAN: I move to accept this report.

15 MR. BLACK: Second.

16 CHAIRMAN BARTH: Motion by Ms. Dean, second by
17 Mr. Black. All those in favor say "aye."

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN BARTH: Opposed same sign.

20 Thank you, guys, for being here.

21 DR. SERVEDIO: Thank you.

22 A-7: CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED
23 MEMBERS FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD TO
24 REPLACE MEMBERS WHOSE TERMS ARE VACANT OR EXPIRING JUNE 30,
25 2017

1 CHAIRMAN BARTH: All right. Our final item from
2 the morning, and then we will take a break, is the
3 Request for Approval of Nominated Members for the
4 PLSB to Replace Vacant Terms. And I'll turn it over
5 to Dr. Owoh.

6 DR. OWOH: Good afternoon, Chair.

7 CHAIRMAN BARTH: And welcome for your first time
8 before us in your new role.

9 DR. OWOH: Well, thank you. Glad to be here;
10 definitely have enjoyed the past six weeks, so
11 looking forward to the years to come.

12 Good afternoon, Chair Barth, Commissioner Key,
13 and Board Members. In accordance to Act 564 of 2017,
14 I would like to offer for your consideration for
15 approval three nominations to the Professional
16 Licensure Standards Board.

17 First, Lynn Gronseth, Special Education
18 Instructor at Springdale High School; Dudley Webb the
19 Third, a Literacy Teacher at Hot Springs Intermediate
20 School. Both have been nominated by the Arkansas
21 State Teachers Association. And then Scott Shirley
22 [sic], Executive Director of KIPP Delta Public
23 Schools, who has been nominated by the Arkansas
24 Public School Resource Center.

25 These terms -- the terms for these members are

1 July 1, 2017 through June 30, 2020.

2 CHAIRMAN BARTH: Great. Any questions?

3 All right. I will invite a motion.

4 MS. NEWTON: Move to approve.

5 CHAIRMAN BARTH: Moved by Ms. Newton.

6 DR. HILL: Second.

7 CHAIRMAN BARTH: Second by Dr. Hill.

8 All those in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN BARTH: Opposed, same sign.

11 Great. Thank you. Congratulations to Mr.

12 Shirey back there.

13 MS. ZOOK: Did you know Dr. Owoh has an

14 identical twin? And I mean identical.

15 CHAIRMAN BARTH: Thanks for the warning.

16 MS. ZOOK: So you've got to be sure which one.

17 COMMISSIONER KEY: Since he actually put it in

18 the record, he did say "years to come," plural.

19 DR. OWOH: Yes.

20 CHAIRMAN BARTH: I heard that.

21 All right. Let's take a 10-minute break. We'll

22 return at 2:25.

23 (BREAK: 2:14 - 2:25 P.M.)

24 CHAIRMAN BARTH: All right. We'll go ahead and

25 get started. I know Ms. Reith is on her way back in.

1 As folks know, the first item on our afternoon action
2 agenda is pulled, the Act 1240 waiver. So this is
3 maybe the first month we will have not had an Act
4 1240 waiver in a couple of years.

5 B-2: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION
6 ON THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT REQUEST
7 - KIPP DELTA PUBLIC SCHOOL

8 CHAIRMAN BARTH: So now we are to the Charter
9 Authorizing Panel's decision on an amendment request
10 from KIPP Delta Public Schools. And I will turn it
11 over to Ms. Boyd.

12 MS. BOYD: Thank you, Chairman Barth. Alexandra
13 Boyd, Director of Charter Schools. Last month the
14 Charter Authorizing Panel heard an amendment request
15 from the KIPP Delta Public Schools. They unanimously
16 approved that request and no request of review has
17 been made. At this time you are to make a decision
18 whether or not you want to review that -- the
19 decision that the Panel made.

20 CHAIRMAN BARTH: Okay. And I want to note for
21 the record that Ms. Zook has recused herself on this
22 item.

23 And so I'll turn it over. I know Mr. Shirey is
24 here, if there are any questions about the amendment
25 as well. But, Board, it is y'all's call.

1 MR. WILLIAMSON: I see no reason to review. I
2 move to pass on it.

3 CHAIRMAN BARTH: Okay. Moved by Mr. Williamson
4 not to review.

5 MR. BLACK: Second.

6 CHAIRMAN BARTH: Second by Mr. Black.

7 All those in favor say "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRMAN BARTH: Opposed?

10 All right. Congratulations.

11 MS. BOYD: Thank you.

12 CHAIRMAN BARTH: And safe travels back.

13 B-3: CONSIDERATION OF APPEAL FROM DENIAL OF OPPORTUNITY SCHOOL
14 CHOICE APPLICATION - HARRIS FAMILY

15 CHAIRMAN BARTH: All right. Now we move to the
16 section of our agenda on school choice appeals; we
17 have one Opportunity School Choice and then two
18 Public School Choice of 2015. And I'm going to turn
19 it over to Ms. Davis to get us started.

20 MS. DAVIS: Good afternoon. Jennifer Davis,
21 Staff Attorney for the Department. The first appeal
22 you're going to hear today is under Opportunity
23 School Choice. And the procedures for that you'll
24 follow will be that all persons wishing to provide
25 testimony to you will need to be sworn in, with the

1 exception of attorneys. The nonresident district,
2 which in this case is Spring Hill, will have five
3 minutes to make their opening statement to you,
4 followed by five minutes by the parent. At that
5 point it goes to the nonresident district with 20
6 minutes to state their argument, followed by the
7 parent. The resident district, which is Hope, is
8 here today and it has been traditional that you have,
9 after the nonresident district has given their time,
10 to allow them time to state their argument to you as
11 well. You can ask any questions of me, of either
12 district, or anyone else that may have information to
13 help you make your decision, and then you may make
14 your decision at that time. Are there any questions?

15 CHAIRMAN BARTH: No. So anyone planning to
16 offer testimony, besides attorneys, in the
17 Opportunity School Choice appeal for the Shell
18 family, if you could please stand and raise your
19 right --

20 MS. DAVIS: Harris, it's the Harris family.

21 CHAIRMAN BARTH: Harris. I apologize, sorry,
22 it's late. Yes, I've got it, Harris family. If you
23 would, please stand and raise your right hand. If
24 you could -- I've lost my oath, I'm ill-prepared. Do
25 you swear or affirm that the testimony you're about

1 to give shall be the truth, the whole truth, and
2 nothing but the truth?

3 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

4 CHAIRMAN BARTH: Thank you very much.

5 All right. So we will proceed.

6 MS. DAVIS: Okay. So it will start with Spring
7 Hill School District.

8 CHAIRMAN BARTH: Exactly, Spring Hill School
9 District to be followed by the Hope School District.

10 MS. STREET: Good morning, Board and Chairman
11 and Director. This is Sharon Street; I'm here for
12 the Spring Hill School District. I met with you all
13 a couple of weeks ago on a similar one.

14 The Spring Hill School District, the position
15 that we're taking on this one is that we are trying
16 to thread the needle with the Hope School District in
17 the sense that we do not wish to contribute to any
18 desegregation problems that they may have. At the
19 same time the Spring Hill School District is more
20 than glad to take any student that we can, that we
21 have room for. So in this particular case we have
22 room for this student. It won't affect any of our
23 programs; we're not at capacity in any one that we
24 think this student would be involved in. This
25 student has been a private school student up until

1 now. She's an 11th grader this year. So we're more
2 than willing to take her. However, we have abided by
3 the notice from the Hope School District that they
4 have a desegregation order that does not allow them
5 to participate in choice and we therefore denied all
6 requests for choice transfers because of that notice.

7 So we're here to say that we're willing to take
8 them. We took the position that, upon notice by
9 them, we did not have the option to approve them.
10 But we are more than glad for you to approve them and
11 we'll take them if you do.

12 CHAIRMAN BARTH: Thank you.

13 MS. STREET: Now I'm going to let Ms. Harris
14 speak.

15 MS. DAVIS: Typically Hope --

16 CHAIRMAN BARTH: Right.

17 MS. DAVIS: -- the resident district will get an
18 opportunity during the 20 minutes to have time to
19 make its argument to you.

20 CHAIRMAN BARTH: Okay. I apologize. These are
21 just the opening.

22 MS. DAVIS: Yes.

23 CHAIRMAN BARTH: And so right now you have up to
24 five minutes, correct, and then you will have
25 additional time.

1 MS. STREET: I understand that. And ours is
2 short and sweet, so it won't take that long.

3 CHAIRMAN BARTH: Yeah, great. All right. Thank
4 you. And if you'll just state your name for the
5 record.

6 MS. HARRIS: Jackie Harris.

7 CHAIRMAN BARTH: Thank you, Ms. Harris. You may
8 proceed.

9 MS. HARRIS: And I'm kind of nervous. I don't
10 know who I need to say hi to and all that.

11 CHAIRMAN BARTH: We're a very friendly crowd
12 here.

13 MS. HARRIS: Anyway, my daughter has been a
14 private school student all her life. I had -- she's
15 the baby of four and 10 years younger. My daughter
16 that was 10 years above her was a Hope School
17 District -- loved the school district, everything,
18 but being it's in distress -- and my daughter now is
19 just begging me to go to public school just to -- and
20 she's going to probably graduate this year. She is
21 going into 11th grade but she's got enough credits to
22 graduate and move on to college. And I would like
23 her to go to Spring Hill because of the academic
24 distress and also so I don't have to worry about her
25 up there at the Hope Public School District. There's

1 nothing more that I would like for that school
2 district to get out of distress, because I'm a
3 realtor and that helps me with selling homes there.
4 But I wish y'all would please just let her go to
5 Spring Hill.

6 CHAIRMAN BARTH: Okay. Thank you.

7 MS. HARRIS: Okay.

8 CHAIRMAN BARTH: Thanks. And you'll have
9 additional time if you'd like to reply later on.

10 All right. Ms. Davis, could you -- and I
11 apologize for not asking this earlier. So this was a
12 late filing; correct?

13 MS. DAVIS: That is correct.

14 CHAIRMAN BARTH: And so could you talk through
15 what we need to do to -- do we need to make a
16 decision about whether to hear this appeal before we
17 then move into the merits of it, based on the
18 timeliness, or can -- should we weave into our
19 consideration the timeliness itself? Are those
20 separate issues?

21 MS. DAVIS: I wouldn't necessarily consider them
22 separate. I think it would be part of your decision
23 of the factors. I did talk to Ms. Harris to let her
24 know that her application -- I mean her appeal -- the
25 law requires an appeal comes in within 10 days. Due

1 to, you know, the mail and when they receive their
2 denial letter, when it comes into the Department, and
3 then actually makes it to my office, it's never been
4 a complete hard-and-fast 10 days; sometimes it's 11
5 or 12. Because again it may come into the Department
6 but still take several days to get to me, but Ms.
7 Harris' appeal was I think about six weeks or so
8 after the date. So I did talk to her about it and
9 she wanted to continue the appeal and so that's why
10 that's before you. So I do believe that that would
11 just be one of many considerations for you to look at
12 today in making your decision.

13 CHAIRMAN BARTH: Okay. All right. Thank you.
14 I just wanted to be sure that we weren't missing a
15 step in the process --

16 MS. DAVIS: No.

17 CHAIRMAN BARTH: -- because of the lack of
18 timeliness.

19 MS. DAVIS: Right.

20 CHAIRMAN BARTH: Okay. Thank you very much.

21 All right. Now we will turn it over to the Hope
22 School District for its response. And right now you
23 will have five minutes, right, and then we will come
24 back with -- I get so confused on these times; I
25 apologize.

1 MS. DAVIS: Well, no. And like I say, to your
2 defense, our procedures do not have it written in for
3 when -- for the resident district. So at this point
4 I mean if you'd like to go ahead and allow the Hope
5 School District their opportunity, the 20 minutes or
6 up to, to make their argument then I think that that
7 would cover sufficiently. And then at that point
8 Spring Hill can make any determinations and then the
9 family would have the final time to speak.

10 CHAIRMAN BARTH: Perfect. Great. So you do
11 have up to 20 minutes.

12 MS. MOORE: Okay, 20 minutes. Thank you.

13 CHAIRMAN BARTH: And please do identify yourself
14 for the record.

15 MS. MOORE: I will. Good afternoon, Mr. Chair,
16 Mr. Commissioner, Members of the Board. My name is
17 Whitney Moore; I'm one of the attorneys for Hope
18 School District. I am here today with Hope
19 superintendent Bobby Hart. He has been sworn; he's
20 available if you have any questions. Like Ms. Street
21 said, we were here just a few weeks ago on the same
22 issue, so you've heard a little bit of my pitch
23 before but I'm going to make it again.

24 The Opportunity School Choice application filed
25 by Ms. Harris was correctly denied by Spring Hill.

1 And I'm going to give you several legal reasons why
2 you should vote to deny her appeal this afternoon;
3 mainly they are related to Hope's desegregation
4 obligations, but not all of them are deseg related.

5 And I'll start with the first one: Ms. Harris'
6 application was not timely filed under ADE's rules
7 regarding Opportunity School Choice.

8 The second -- and I've made this argument
9 before; I don't think I made it last time but there
10 was some discussion about it, so I'm going to say it
11 again -- the rules governing appeals do not
12 specifically allow an appeal when you're challenging
13 a district's declaration of a conflict. And I'll get
14 into that a little bit more but I'm just going to go
15 through my list first.

16 The third thing is that Hope has a conflict with
17 participating in Opportunity School Choice due to the
18 provisions of its federal desegregation court order.
19 The Opportunity Choice Act is clear that when such a
20 conflict exists the desegregation order and not the
21 Opportunity Choice Act controls. The State Board of
22 Education does not have the authority to interpret
23 the judicial order submitted by Hope, and considering
24 this appeal requires you to interpret this order.

25 The fifth is the segregative impact that

1 resulted from Hope High's participation in
2 Opportunity School Choice last year.

3 The sixth is that Hope is exempt from
4 participating in regular School Choice and it stands
5 to reason that a conflict with regular School Choice
6 due to desegregation obligations also conflicts with
7 participating in Opportunity Choice.

8 The seventh is that any student residing in
9 Hope, and therefore assigned to Hope under current
10 law, is subject to Hope's declaration of a conflict
11 if and when that student elects to apply for a
12 transfer to another public school, regardless of
13 where the student is currently enrolled. Opportunity
14 Choice is, according to the statute, supposed to be
15 only for students attending the academically
16 distressed school. Ms. Harris' daughter is not
17 attending Hope; I don't believe the Opportunity
18 Choice Act should be available to her.

19 So I'll come back to each of these points.

20 I'm going to give you all a little bit of
21 history we have about Hope's deseg case: Hope
22 historically operated a dual system of schools for
23 black children and schools for other predominantly
24 white children. Other minorities were allowed to
25 attend the white schools. Hence, when I talk about

1 desegregation cases I use the terms "black students"
2 and "non-black students."

3 Hope's first attempt at integration was adoption
4 of a Freedom of Choice plan that allowed students to
5 attend either the white school or the black school of
6 their choice. After the United States Supreme Court
7 found Freedom of Choice plans unconstitutional in
8 Raney versus Board of Education of Gould School
9 District, and after the Department of Health,
10 Education, and Welfare threatened to withhold federal
11 funding for schools who continued to use Freedom of
12 Choice as a desegregation method, Hope merged its
13 white schools with its black schools. Now between
14 this merger, which occurred around 1969, and 2013,
15 Arkansas law restricted white students from residing
16 in one district and transferring to attend schools in
17 other whiter districts. The most notable of these
18 laws was the Public School Choice Act of 1989 which
19 contained a racial restriction on movement but
20 allowed transfers if they were integrative in nature.
21 A court challenge of the '89 Act's racial
22 restriction, the Teague case, led to the passage of
23 the current Public School Choice Act that we have now
24 that was originally passed in 2013. It's been
25 amended in the legislative sessions in 2015 and 2017.

1 The '13, '15 and '17 acts all recognize the
2 possibility of School Choice conflicting with the
3 district's desegregation obligations.

4 The Opportunity Choice Act, originally passed in
5 2004, also contained a reference to the 1989 Act's
6 racial restriction. The Opportunity Choice Act
7 stopped requiring integrative transfers in 2011, but
8 retained the conflict language just as the other
9 School Choice acts have.

10 So let's talk about the timeliness argument.
11 The rules governing Opportunity Choice allow a parent
12 to appeal a district's rejection of their transfer.
13 The rules concerning such an appeal are found in
14 Section 7, and I'm going to quote that section and
15 read it verbatim, "The student or the student's
16 parent or guardian, hereinafter the appealing party,
17 must present a written appeal to the State Board of
18 Education via Certified Mail Return Receipt Requested
19 no later than 10 calendar days, excluding weekends
20 and legal holidays, after the appealing party
21 receives notice of rejection from the superintendent
22 of the nonresident district, in accordance with
23 Section 4.04 of these rules."

24 Spring Hill rejected Ms. Harris' application on
25 June 5, 2017. Ms. Harris appealed that rejection on

1 July 20, 2017. So excluding weekends and holidays,
2 as the rule permits, her response was delivered to
3 ADE 32 days after Spring Hill rejected her
4 application. It also appears that her appeal was
5 sent via email and not by Certified Mail Return
6 Receipt Requested. Granting her appeal even though
7 she did not comply with Section 7's requirement would
8 make it pointless for a limitation on time for
9 appealing to exist. Her appeal does not comply with
10 the rules that govern appeals and for that reason it
11 must be denied.

12 Now the second reason you should deny the appeal
13 is that the assertion of a desegregation conflict is
14 not appealable to this board. The only reasonable
15 reading of the rules is that an appeal may only be
16 taken when the application is rejected due to
17 capacity. A parent does not have a specific appeal
18 right under these rules or the statute to challenge a
19 resident district's desegregation conflict. There's
20 no provision in either the Act or the rules that the
21 resident district do anything when the nonresident
22 district denies an application. The phrase "resident
23 district" is not even included in the rules regarding
24 appeal procedures. The Opportunity Choice Act, like
25 the Public School Choice Act, lacks any provision for

1 the resident district to be heard as a party on
2 appeal, although you do always let me come up here
3 and speak; the rules don't mention it. If an appeal
4 of the asserted conflict was contemplated, then I
5 think party status would certainly have to be
6 accorded to the resident district. Because it was
7 not, consideration of an appeal on those grounds
8 without providing for party status for the resident
9 district would result in a denial of procedural and
10 substantive due process to the resident district. So
11 I don't think an appeal of the desegregation conflict
12 assertion was contemplated by the Legislature.

13 The third reason gets into Hope's deseg
14 obligations. Hope has a conflict with participating
15 in Opportunity School Choice due to the provisions of
16 a federal desegregation court order. The Opportunity
17 Choice Act is clear that when such a conflict exists
18 the desegregation order and not the Act will control;
19 it's Arkansas Code Annotated 6-18-227(e)(2). The
20 January 8, 1990 order in Davis versus Franks states
21 that "the Federal court enjoins, forbids and
22 restrains Hope School District from hereinafter
23 engaging in any policies, practices, customs, or
24 usages of racial discrimination in any of its school
25 operations, including but not limited to student

1 assignments." The consent decree states that it is
2 the intent of the decree to remedy past racial
3 discrimination and prevent racial discrimination from
4 occurring in the future. Hope has interpreted its
5 obligations under the Davis orders as requiring the
6 district to avoid taking any action the natural and
7 probable consequence of which would be a segregative
8 impact in Hope. Hope's enrollment is 46% black and
9 54% non-black. It is neighbored by Spring Hill,
10 which is .3% black and 99.7% non-black. It's also
11 bordered by Blevins and Prescott, which also have
12 smaller percentages of black enrollment than Hope.
13 The natural and probable consequence of participation
14 in school choice of any kind, given the demographics
15 of Hope and its neighbors, is white-flight from Hope
16 to the surrounding districts.

17 Hope's interpretation of its desegregation
18 obligation is supported by the Honorable Susan O.
19 Hickey's 2016 ruling regarding El Dorado School
20 District. Hope is very similarly situated to El
21 Dorado. As I mentioned earlier, El Dorado was the
22 subject of a federal court order last summer entered
23 by Judge Susan Hickey. Judge Hickey noted that El
24 Dorado's deseg orders were directed to the problem in
25 the 1960s and '70s of segregation within a single

1 district and not between multiple districts.

2 Nevertheless, she determined that El Dorado had a
3 continuing constitutional obligation to avoid doing
4 anything that had a segregative impact within El
5 Dorado School District. Judge Hickey further found
6 that participation in school choice would have such
7 an impact given the demographics of El Dorado and its
8 neighbors -- and Hope is no different.

9 The fourth reason you should deny the appeal is
10 that the State Board of Education plainly does not
11 have the authority to interpret the judicial order
12 submitted by Hope; therefore it is not the role of
13 the State Board to determine whether a federal --
14 whether a district's federal desegregation court
15 order conflicts with participation in Choice. Two
16 different federal judges have confirmed that the
17 State Board of Education is not the proper entity to
18 determine whether a district's desegregation order
19 conflicts with participation in Choice. Those
20 decisions are relevant here not only because of their
21 outcomes, which confirm that conflicts declared by
22 Jacksonville-North Pulaski and El Dorado -- and
23 voided the State Board of Education's orders to
24 approve school choice transfers -- but also because
25 both judges confirmed that the State Board is not the

1 proper entity to determine whether or not a
2 desegregation conflict declared by a district is
3 valid. That job falls to the courts.

4 As I mentioned last month, Judge Marshall
5 specifically focused on the issue of whose job it is
6 to interpret a federal court consent decree and
7 concluded that it was unworkable and untenable for
8 multiple entities, such as the state court or State
9 Board of Education in addition to the federal court,
10 to construe the same court order.

11 The fifth reason you should deny the appeal is
12 that Hope is exempt from participating in regular
13 school choice due to the conflict between its federal
14 desegregation court order and participating in
15 choice. Desegregation obligations that conflict with
16 regular school choice also conflict with Opportunity
17 Choice. Hope has previously declared its conflict
18 with participating in regular school choice and Hope
19 has submitted to the Department all of the documents
20 the statute requires. Hope remains under the
21 supervision of the federal courts.

22 The sixth reason you should deny the appeal is
23 Hope High School's participation in Opportunity
24 Choice last year illustrates a clear segregative
25 impact. Mr. Hart was under the mistaken impression

1 last summer that desegregation conflicts were
2 applicable only to regular School Choice transfers
3 and not to Opportunity Choice transfers; that led to
4 the transfers of 16 or 17 students, only two of whom
5 were black. And this year Hope received applications
6 for Opportunity Choice transfers from 25 students,
7 only one of whom was black.

8 The seventh reason you should deny the appeal is
9 that any student residing in Hope, and therefore
10 assigned to attend Hope Public Schools under current
11 law, is subject to Hope's declaration of a conflict
12 if and when that student elects to apply for a
13 traditional School Choice transfer to another public
14 school regardless of where the student is currently
15 enrolled. Ms. Harris' current enrollment in a
16 private school does not moot Hope's declaration of a
17 conflict with participation in School Choice. The
18 argument that if a student has never attended Hope
19 then no harm can be come to Hope by allowing this
20 transfer is misguided. Allowing this transfer under
21 that reasoning will only encourage parents to try to
22 circumvent Hope's conflict, which it is allowed to
23 declare under the law, by attending private school or
24 home-schooling for a period of time so that they can
25 then claim their departure from Hope has no effect on

1 the district.

2 And I want to say something else about academic
3 distress: Hope High School, as Mr. Hart pointed out
4 last month, was one of only six schools in the state
5 to be classified as academically distressed without
6 ever having been a focus or priority school and
7 received the state assistance that comes with those
8 labels. Hope High School was classified as
9 academically distressed based on averages of two
10 benchmark exams and one year of PARCC testing;
11 essentially, one bad test in 2015 put them in
12 distress rather than the three-year average it's
13 supposed to be. And as long as the PARCC test is
14 part of their average unfortunately I suspect that
15 the academic distress designation will continue to be
16 put on Hope High School. The problem I have with
17 academic distress is this: how do you raise those
18 test scores if you open the doors to let anyone who
19 wants to leave transfer?

20 The statute has no requirement that the
21 transferring students prove they aren't getting an
22 adequate education. There's no prohibition on
23 transfers of students who are achieving. And when
24 you let students who are achieving leave it makes it
25 that much harder, if not impossible, for the school

1 to remove itself from academic distress. The
2 Opportunity Choice Act when enacted stated that its
3 purpose was to give students attending
4 underperforming schools certain choices. And the
5 statute at Arkansas Code Annotated 6-18-227(2)(b)(3)
6 states that a student should not be compelled to
7 remain in a public school classified as a school in
8 academic distress. So ignoring the fact that there's
9 no requirement that the student must be
10 underperforming or not proficient, Opportunity Choice
11 was not meant for students who don't attend the
12 school that is academically distressed.

13 This child's petition for a transfer, based on
14 the alleged academic shortcomings of a school she's
15 never attended, should not be grounds for her
16 transfer to Spring Hill. I firmly believe that was
17 not the intent of the Legislature when they passed
18 the Opportunity Choice Act.

19 So, in conclusion, this is a segregative
20 transfer. Spring Hill High School is 1% black, Hope
21 High School is 46.5% black. These schools are less
22 than 10 miles apart. The appeal was not timely
23 filed. The student should not qualify for an
24 Opportunity Choice transfer because she has not
25 attended Hope High School. I strongly urge you to

1 deny this appeal. And if I have any time left I'd
2 like to reserve it for rebuttal, if that's an option.

3 CHAIRMAN BARTH: Yeah, you have about four
4 minutes left. Thank you, Ms. Moore.

5 MS. MOORE: Thank you.

6 CHAIRMAN BARTH: And so we'll now give an
7 opportunity for either the Spring Hill District or
8 Ms. Harris to respond.

9 MS. STREET: First of all, let me apologize;
10 while ago I referred to Commissioner Key as Director.
11 When I was at the Department of Education the head
12 honcho was the director; now we've changed names.
13 I'll catch up.

14 CHAIRMAN BARTH: He's probably been called
15 worse.

16 COMMISSIONER KEY: Today.

17 MS. STREET: Well, not by me.

18 As I've said before, this is rather simple for
19 the Spring Hill School District. We believe that
20 participation in School Choice, the decision whether
21 or not to participate is the Hope School District's
22 decision based on what they believe their
23 desegregation order requires, and we are not making
24 any -- taking any position on whether it does or does
25 not require them to do that. We do believe that by

1 contesting this they are meeting their obligations to
2 try not to do anything segregative.

3 Number two: we appropriately, we believe, denied
4 the transfers when we were notified by Spring Hill
5 that they believe their desegregation order prevents
6 them from participating. If this board approves the
7 request, however, we stand ready to educate this
8 child. We don't have a problem with the late
9 application. I think the time requirements are in
10 the Act for a couple of reasons: to make sure that
11 the districts know what their enrollment is going to
12 be and to allow time for appeals. So in looking at
13 this issue we're telling you that time is not an
14 issue for us. We don't have a problem with it being
15 this late and we obviously have time for the appeal
16 because we're here.

17 The other thing I would say is, you know,
18 there's been some discussion of the other court
19 decisions involving other districts. Maybe the Hope
20 School District needs to get a declaratory action
21 going to decide whether or not they can participate
22 in choice. We don't feel like that's our obligation.

23 In terms of your job, we're not giving you legal
24 advice; that's for your counsel to tell you whether
25 or not they believe you have the authority to do this

1 and whether or not to do so would have some
2 segregative impact for which you could be in the
3 future held responsible for. The Department has a
4 long history of looking at this issue. I was here --
5 I left in 1992, and we'd been looking at it
6 substantially at that point in time. And I think the
7 Board is in a position to make their own decision
8 about that situation.

9 I'd be glad to answer any questions, and both
10 the superintendent and Ms. Harris are here.

11 CHAIRMAN BARTH: Ms. Harris, anything else in
12 conclusion?

13 MS. HARRIS: Yes, sir.

14 CHAIRMAN BARTH: Yes. Thanks.

15 MS. HARRIS: Yes, my appeal was late but when I
16 went and applied for the application -- I think it
17 was March 4th, I'm not sure -- and I was there ahead
18 of time filling out my application to put my child at
19 Spring Hill. The appeal came and -- not that all of
20 this is relevant, but I've gotten to where the last
21 couple of years I stack my mail up, like this. I
22 have 26 hours of help a week. My husband is
23 terminally ill. I'm the full caretaker, work full-
24 time, take care of a bunch of rental property. And,
25 you know, so I called Ms. Raney; I said, "Ms. Raney,

1 I haven't got my appeal in." "Well, we're going to
2 court." I was thinking we were going to court to
3 fight the choice -- School of Choice, so I thought it
4 was going to be a whole -- in whole; I didn't think
5 it was going to be on an individual basis. So I kind
6 of procrastinated then and then I got my appeal in
7 and Jennifer got me in. So all I can say is just
8 please -- I mean one is, you know, mainly the
9 academic and it's nothing for desegregation or
10 whatever; I don't think there's control at Hope High
11 School. There was a man there that's not there any
12 longer, Michael Spraggins. He was going to be the
13 principal; he was vice principal over Academy. I
14 think there needs to be a military enforcement there
15 in Hope. I think we need stronger control at that
16 school. There's no control over those kids and I
17 can't send my child there. So, that's it.

18 CHAIRMAN BARTH: Okay. Thank you, Ms. Harris.

19 And then I believe if -- Ms. Moore, you have
20 about four minutes, if you have any last responses,
21 and then we'll open it up to Q-and-A.

22 MS. MOORE: And just one comment in response to
23 Ms. Street. I disagree that it's enough for Hope to
24 only protest the transfer. If Hope protests and the
25 State Board continually approves the transfers over

1 our protest I think it makes it a meaningless
2 exercise for us to come up here. And I don't think
3 it's -- I guess I have to say I hope it's enough for
4 us to meet our constitutional obligations to come up
5 here and oppose these transfers. But if the State is
6 going to continually approve them over our objections
7 then I think we have to say that the State is risking
8 liability for unconstitutional conduct that has a
9 segregative impact within Hope School District.
10 Thank you.

11 CHAIRMAN BARTH: Thank you.

12 Ms. Davis, do you have any closing words before
13 we move to question-and-answer?

14 MS. DAVIS: No.

15 CHAIRMAN BARTH: All right. So I'm going to --
16 I'll start over here. Ms. Reith, do you have any
17 opening questions?

18 MS. REITH: I do not.

19 CHAIRMAN BARTH: Okay. Ms. Dean?

20 MS. DEAN: No.

21 CHAIRMAN BARTH: Okay. Ms. Zook?

22 MS. ZOOK: Okay. When did the application get
23 in? Because the way I read Opportunity School Choice
24 it's July 30th and I think this one was on the agenda
25 before July 30th.

1 MS. DAVIS: That is correct. The application
2 under that law is due by July 30th. She had
3 submitted her application in more than enough time to
4 meet that deadline, and the denial letter was dated
5 June 5th. And according to the rule and laws, they
6 have 10 days to appeal. Her appeal did not come in
7 until July 20th, so it was --

8 MS. ZOOK: Okay. So even though the July 30th
9 is written into the law it relies more on the 10 days
10 from denial as opposed to the July 30th date that's
11 in the law?

12 MS. DAVIS: Right. Now Ms. Harris could have
13 reapplied for School Choice because she was still
14 within the July 30th deadline and then been denied
15 and had a timely appeal at that point, but she did
16 not. But that would have been an option for her.

17 MS. ZOOK: Okay. Now one of the documents we
18 were sent was the Attorney General's opinion -- two
19 different Attorney Generals. Tell us about opinions;
20 are they binding, are they not binding? What about
21 Attorney General's opinions?

22 MS. DAVIS: No. And, you know, we've had this
23 discussion before that those opinions are opinions.
24 They are not binding on this body. It is more
25 persuasive of what would happen, but they are not

1 binding.

2 MS. ZOOK: Thank you.

3 CHAIRMAN BARTH: Mr. Black?

4 MR. BLACK: No.

5 CHAIRMAN BARTH: Ms. Chambers?

6 MS. CHAMBERS: We do talk about this in looking
7 for continuity from discussion to discussion. Could
8 you offer your opinion -- it's always interesting --
9 it makes it even more interesting when it's someone
10 that is home-schooled or goes to a private school, so
11 not currently counted within the statistics of the
12 residential district.

13 MS. DAVIS: I wish y'all could've seen the
14 Commissioner's face when y'all asked for my opinion.
15 No, and, you know, I don't necessarily, you know,
16 have one opinion. The law has always been
17 interpreted, as far as I have been doing School
18 Choice appeals -- and this is the third year -- to
19 say for those students who are attending or zoned to
20 attend that district. And so whether or not they've
21 been a private school or a home-school student has
22 not really -- I know that has been an argument on
23 behalf of those children. We have always looked at
24 it as they could have been zoned to attend that
25 district or not, so they were really within that

1 district anyway.

2 MS. CHAMBERS: Thank you.

3 MS. DAVIS: You're welcome.

4 CHAIRMAN BARTH: Commissioner, did you have
5 anything?

6 COMMISSIONER KEY: Just in case I needed to
7 protect the attorney, that's all.

8 MS. DAVIS: I wish y'all could've seen his face.

9 CHAIRMAN BARTH: Okay. Ms. Chambers, anything
10 else?

11 MS. CHAMBERS: No.

12 CHAIRMAN BARTH: Okay. Mr. Williamson?

13 MR. WILLIAMSON: Not yet.

14 CHAIRMAN BARTH: Okay. Dr. Hill?

15 DR. HILL: No.

16 CHAIRMAN BARTH: Ms. Newton?

17 MS. NEWTON: I guess the main concern that I
18 have is, you know, if it's written into our rules
19 that the appeal has to be done within 10 days, and
20 then we don't do that, then do we open the door for
21 anybody that's sitting out there and then we have a
22 flood, "Well, you did it for one, now I'm still here,
23 so I'm going to come in?" So that's my main concern
24 is the time. No questions, just a comment.

25 CHAIRMAN BARTH: Okay. Ms. Cochran, anything?

1 MS. COCHRAN: No.

2 CHAIRMAN BARTH: Okay. Mr. Williamson?

3 MR. WILLIAMSON: Ms. Moore, hang on to your cap
4 because I'm going to agree with you on something.
5 The timeliness issue, that's what was sticking in my
6 craw too, so -- I am against all this deseg stuff; I
7 mean I think kids ought to have a choice to go to
8 school wherever they want to --

9 CHAIRMAN BARTH: Mr. Williamson, you need to
10 talk in the mic a little bit.

11 MR. WILLIAMSON: So, okay, I just -- that was
12 sticking in my craw, so I'm glad somebody else was
13 agreeing with me on that.

14 CHAIRMAN BARTH: Ms. Zook.

15 MS. ZOOK: I want to say something good about
16 Hope School District, and Mr. Hart knows I'm chairman
17 of the Academic Distress Committee that was and they
18 have been before us. They are making great strides;
19 there's a lot of really good things going on. And I
20 told him at his -- at our last meeting he actually is
21 a better advocate for his district and the good
22 things that are going on there than anyone he can
23 hire to speak for him. So I was disappointed today
24 when he didn't come forth and talk about all the good
25 things that are going on in Hope. And then he has

1 two of his people that came and spoke to us, both of
2 which he didn't script what they had to say. They're
3 excited. There's a lot of good things going on. So
4 it is my firm belief that regardless of where a
5 student goes to school that they will have a good
6 opportunity if they apply them-self and their parent
7 is involved.

8 CHAIRMAN BARTH: Ms. Dean.

9 MS. DEAN: I was just going to throw this in
10 there before the vote.

11 CHAIRMAN BARTH: Ms. Dean, go ahead and pull
12 your mic down.

13 MS. DEAN: Just going to throw this in there,
14 but I was thinking the same thing. This is -- that's
15 the issue that's bothering me is the time constraint,
16 so --

17 CHAIRMAN BARTH: Okay.

18 MS. DEAN: I just thought I'd throw that in
19 there.

20 CHAIRMAN BARTH: All right. I'll invite a
21 motion either to affirm the denial or to overturn the
22 denial and accept the appeal.

23 MS. DAVIS: Yeah. You would grant the appeal --

24 CHAIRMAN BARTH: Grant the appeal or deny the
25 appeal. Thank you.

1 MS. NEWTON: I move to deny the appeal.

2 MS. REITH: Second.

3 CHAIRMAN BARTH: Okay. A motion by Ms. Newton,
4 seconded by Ms. Reith. Do we need to do a roll-call
5 on this or --

6 COMMISSIONER KEY: It's your call.

7 CHAIRMAN BARTH: Okay. Let's do a roll-call.

8 COMMISSIONER KEY: Ms. Reith.

9 MS. REITH: Yes.

10 COMMISSIONER KEY: Ms. Zook.

11 MS. ZOOK: Yes.

12 COMMISSIONER KEY: Mr. Williamson.

13 MR. WILLIAMSON: Yes.

14 COMMISSIONER KEY: Ms. Chambers.

15 MS. CHAMBERS: Yes.

16 COMMISSIONER KEY: Ms. Dean.

17 MS. DEAN: Yes.

18 COMMISSIONER KEY: Dr. Hill.

19 DR. HILL: Yes.

20 COMMISSIONER KEY: Ms. Newton.

21 MS. NEWTON: Yes.

22 COMMISSIONER KEY: Mr. Black.

23 MR. BLACK: Yes.

24 CHAIRMAN BARTH: Okay. All right. I just
25 wanted -- I couldn't read the room, so I just wanted

1 to be sure.

2 All right. Thank y'all. And I want to thank
3 Ms. Harris for her dedication to her child and wish
4 you the best of luck. So, thank y'all.

5 B-4(a): CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
6 APPLICATION - ALLEN FAMILY

7 CHAIRMAN BARTH: All right. We now transition
8 to Public School Choice. I'll let Ms. Davis
9 transition as well because we're switching gears, and
10 as we talked about last month, a new Act. So if
11 you'll help us get in this --

12 MS. DAVIS: Okay. So the next two appeals that
13 you're going to hear are both under the Public School
14 Choice Act. The procedures you will follow will be
15 the same: all persons will need to be sworn in,
16 except those attorneys; the resident district -- the
17 timing is five minutes, five minutes, 20 minutes, and
18 20 minutes. The difference in this Act is -- the
19 first appeal you're going to hear is the 3% cap,
20 deals with that one, and the second appeal will deal
21 with capacity, and the law for School Choice states
22 that districts are not compelled to take them after
23 90% capacity. They can, but they're not necessarily
24 required to add staff or buildings or things like
25 that. So we can talk about that more when that one

1 comes up.

2 But the first appeal will deal -- it's the Allen
3 Family and they are appealing the decision of the
4 Ouachita School District to deny their School Choice
5 appeal for their children, and it was denied based on
6 Malvern had reached their 3% cap.

7 CHAIRMAN BARTH: Okay. Great. So Ouachita is
8 the nonresident district, Malvern is the resident
9 district?

10 MS. DAVIS: That is correct.

11 CHAIRMAN BARTH: Okay. So if everyone who's
12 going to offer testimony in the Allen Family appeal
13 who is not an attorney, if you could please stand and
14 raise your right hand and please -- do you swear or
15 affirm that the testimony you're about to give shall
16 be the truth, the whole truth and nothing but the
17 truth?

18 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

19 CHAIRMAN BARTH: Thank you very much. And so we
20 will start with the nonresident district, which is
21 the Ouachita School District. And please identify
22 yourself for the record.

23 MR. KISSIRE: I'm Ronnie Kissire, superintendent
24 of Ouachita. I don't have a lot to say. I was
25 following the laws, as far as I knew. You know, when

1 Malvern sent it to us saying that they reached their
2 3% cap we sent a letter saying that "you're denied
3 because of the 3% cap." I mean we're glad to take
4 everybody we can. But as far as the choice law goes,
5 I mean I was a proponent of the law and the cap
6 because the way I view it is it's not fair for a
7 district to lose that many students in one year. And
8 as, you know, the fiscal officer of Ouachita I don't
9 want to lose more than 3%, so I understand that.
10 But, you know, our denial is based solely on what we
11 believed the law was, so I don't have a whole lot to
12 add.

13 CHAIRMAN BARTH: All right. Thank you very
14 much. And so we'll now move to the Allen family;
15 correct? And right now you guys have up to five
16 minutes, and then please identify yourself, and then
17 you will have an opportunity later on to come back
18 and make a further statement. So please --

19 MR. ALLEN: My name is Thadeus Allen. I'd like
20 to thank the Chair, Commissioner and the Board for
21 hearing our appeal today. We are grateful for your
22 consideration. We recognize that our children, Erica
23 and Kenneth Allen, were denied the School Choice
24 transfer because Malvern had already reached their
25 mandatory 3% allotment. We recognize that as our

1 denial reason. We know that such policies are
2 necessary to benefit the education system, both the
3 faculty, teachers, as well as the students, so that
4 they might succeed intellectually and socially. But,
5 however, our situation falls outside of these normal
6 standards, as alluded to in our letter that was sent
7 in with our appeal, in that we are seeking an appeal
8 for our daughter's intellectual and social well-
9 being. Our son we are appealing for as well just
10 because it's convenient for us to have them both at
11 the same school instead of having two different
12 school systems that we are trying to take them to.

13 Our children both come from a traumatic
14 situation. The two we are seeking to transfer were
15 adopted through Arkansas DHS. And after spending
16 several years in the foster system we have
17 experienced impacts from the trauma that they had
18 experienced in the past that has impacted their
19 social and decision-making skills. These past couple
20 of years, while at Malvern Middle School, our
21 daughter had numerous social issues that we tried to
22 address with her and they progressively got worse
23 while we were at Malvern Middle School. We also
24 recognize this was not at fault from the school
25 themselves; this just happened to be the social

1 situation that our daughter found herself in. We
2 want to transfer to Ouachita School District to give
3 her the opportunity of a fresh start so that during
4 these formative years she might benefit from a better
5 social situation than what she was currently in. We
6 chose Ouachita School District because it is a
7 smaller school district where we have numerous
8 contacts, both in the school system and the community
9 as well, that we feel would allow us to keep a better
10 thumb on our daughter and address issues before they
11 become worse, whenever she's experiencing them, that
12 we could better extinguish fires before they ignite
13 into a greater flame.

14 This was a difficult decision for us to make. I
15 graduated from Malvern High School. I have pride in
16 my alma mater. We don't feel that there's anything
17 that the school system could have done any better to
18 help her socially. We had contacts with both the
19 counselors, with her teachers, and with the
20 principals on a regular basis. And now we have even
21 -- we've entered into a therapy situation with our
22 daughter so that we can try and curb some social
23 issues from arising in the future as well, which she
24 had previously been in therapy but we've re-
25 established that after some problems arose this last

1 year. We find that the social situation for her at
2 this time is not a good fit and as advocates for our
3 children for seeking especially her social well-being
4 and her intellectual well-being we are desiring that
5 you would grant our appeal to transfer her to the
6 Ouachita School District.

7 We failed to turn in our School Choice paperwork
8 earlier in the year. We still met the time restraint
9 but the 3% is marked by the order that they come in
10 and so we weren't on the very first list whenever the
11 schools received the letter, because we were in the
12 process of moving to a new location. But due to some
13 unforeseen circumstances the move fell through and so
14 we filed the paperwork as soon as we knew it, but we
15 still fell outside of the 3% whenever that was filed.

16 We are here today to request that you override
17 the denial and allow us to transfer our children to
18 Ouachita School District for their social and
19 educational well-being.

20 CHAIRMAN BARTH: Thank you, Mr. Allen and Mrs.
21 Allen. Thank you for your very clear statement, and
22 I know we'll have some questions for you in just a
23 minute.

24 The Malvern School District.

25 MR. ROBERTS: I'm Jace Roberts, Chief of Staff

1 of the Malvern School District.

2 CHAIRMAN BARTH: Thank you, Mr. Roberts.

3 MR. ROBERTS: I'm sorry?

4 CHAIRMAN BARTH: Thank you. And you have five
5 minutes for opening.

6 MR. ROBERTS: Good deal. Just to follow-up, we
7 did meet our cap. Our cap this year was net 62. One
8 thing that I will point out to you: obviously with
9 siblings while that's a net number after transfers
10 that did bump up to 63, but that number in total
11 transfers that is 109 because that includes siblings
12 which bumps the numbers up. Obviously, there is a
13 reason for this cap in the law and this is a, you
14 know, numbers game for us from, you know, year to
15 year; sometimes we'll meet our cap, sometimes we
16 won't. This year we did meet our cap. Obviously it
17 takes some time to determine if we meet our cap or
18 not with the sibling situation.

19 You know, that's where we're at now. I believe
20 our total number was, oh, we got up a little bit
21 above that; about 78 was the total number, and that's
22 a net number, not a gross number. Again, the net
23 number within the 63 was 109 students. Again, this
24 is the cap number. As the law clearly states, we've
25 met our cap and once we made that determination we

1 gave that notice to Ouachita and the other districts
2 in the surrounding area with our School Choice
3 students as well. Thank you.

4 CHAIRMAN BARTH: Okay. Thank you. Would either
5 the Ouachita District or the Allen family like to
6 respond or are you ready to move into questions?

7 Okay. All right. So I'm going to start -- I'll
8 start over here with Dr. Hill and see if you have any
9 questions.

10 DR. HILL: No.

11 CHAIRMAN BARTH: All right. Come this way --
12 Mr. Williamson?

13 MR. WILLIAMSON: No.

14 CHAIRMAN BARTH: Ms. Chambers?

15 MS. CHAMBERS: No.

16 CHAIRMAN BARTH: Okay. All right. I do have I
17 guess a couple of quick questions on the -- and this
18 is for Malvern. In terms of the list, where -- how
19 far below the cutoff was the Allen family, do you
20 know? Do you have --

21 MR. ROBERTS: I have it with me but I would have
22 to double-check. I don't have the digital copy.
23 Obviously we keep that in an Excel spreadsheet
24 because it gets tricky. And I'll tell you, even this
25 year it was a little trickier; we had some School

1 Choice students that school-choiced to multiple
2 schools and we had to make sure for the cap to
3 obviously count that as just one. Also, we had one
4 student that transferred twice to one district, so I
5 had to scan very carefully to get that number down.
6 I believe that they -- my memory is that their
7 application came in late in the day or later in the
8 day on May 1st. We met our cap early on May 1st. We
9 received -- started receiving faxes obviously that
10 morning with School Choice applications and met our
11 cap that morning. I believe their application came
12 sometime later that afternoon.

13 CHAIRMAN BARTH: Gotcha.

14 MR. ROBERTS: And again there was -- obviously,
15 being the deadline, there was a flood of School
16 Choice applications that day.

17 CHAIRMAN BARTH: Okay. And have you had
18 students melt off that list that have chosen to stay
19 in the Malvern District?

20 MR. ROBERTS: That's something we would not know
21 obviously until Monday.

22 CHAIRMAN BARTH: Till school day. Okay.

23 MR. ROBERTS: And even then you don't know if
24 the child is going to attend another school district
25 that they've school-choiced to. They always have

1 that right to come back to Malvern under the School
2 Choice law. So theoretically there could be someone
3 that's there for two weeks and they decide that
4 they're unhappy and come back to Malvern School
5 District.

6 CHAIRMAN BARTH: Okay.

7 MR. ROBERTS: So that's -- I don't want to say
8 it's impossible to keep up with, but it would be
9 almost impossible to keep up with.

10 CHAIRMAN BARTH: I understand entirely.

11 Ms. Zook.

12 MS. ZOOK: So if you have more requests than you
13 have spots is it done first-come first-serve or is it
14 done through lottery?

15 MR. ROBERTS: Yes, ma'am. Well, and I checked
16 with the ADE once I saw that we were going to have a
17 cap situation. And what they instructed me to do was
18 that it becomes a first-come first-serve based on
19 when those applications are submitted to us, the
20 resident school district, not the nonresident school
21 district. So we followed their command in terms of
22 how to handle that situation.

23 MS. ZOOK: So you get mail twice a day then, the
24 morning route and then the afternoon, because you
25 said one came in the morning, one came in the

1 afternoon, or did you just get around to opening it
2 in the afternoon?

3 MR. ROBERTS: No, ma'am. We mark them as we
4 receive them; we time-stamp the mail when it comes
5 in.

6 MS. ZOOK: Okay.

7 MR. ROBERTS: But a lot of the districts around
8 fax the applications to us, so we have a time-stamp
9 on the fax so we know exactly when it comes in.

10 MS. ZOOK: All right. Thank you.

11 MR. ROBERTS: And I will tell you that was -- it
12 wasn't an issue where the cap came down to a mailing
13 situation; I was having to choose, you know, which
14 letter did I want to pull out of the envelope first.

15 CHAIRMAN BARTH: Okay. Ms. Dean.

16 MS. DEAN: I just need a clarification. So you
17 did reach the 90%?

18 MS. DAVIS: So the capacity issue is separate.
19 The capacity is in the classrooms, the grades, the
20 programs that the students would be in. This is a 3%
21 cap which is total per-district. It's a net number
22 of how many kids they can lose out of the district as
23 a whole versus the number that has come in. I just
24 asked if you were to grant this appeal did he have
25 capacity for these students, but he's uncertain.

1 MS. DEAN: Okay.

2 MR. ROBERTS: One thing that I will add to is
3 the law does provide that any student that is -- you
4 know -- that the cap becomes an issue for, they
5 receive priority on the next year.

6 CHAIRMAN BARTH: So the capacity issue is really
7 on the nonresident district --

8 MR. ROBERTS: I would say that would probably be
9 on Ouachita more than me.

10 CHAIRMAN BARTH: -- and I don't think that was
11 an issue. It really was the resident district and
12 the percentage there.

13 MS. DAVIS: It's been a long day I think for all
14 of us.

15 MR. ROBERTS: I didn't think capacity was --

16 CHAIRMAN BARTH: Yeah.

17 MS. DAVIS: No, it's been a long day for all of
18 us. So as of right now they believe they have the
19 capacity, but again they don't have the numbers right
20 in front of them. And, you know, with school
21 starting Monday, people moving in and out -- so he
22 believes but is not certain. I'm sorry; it's been a
23 long day.

24 MR. ROBERTS: Well, I was a little confused.

25 MS. DAVIS: I was confused too.

1 CHAIRMAN BARTH: Ms. Newton, anything?

2 MS. NEWTON: No.

3 CHAIRMAN BARTH: Ms. Reith?

4 MS. REITH: No questions.

5 CHAIRMAN BARTH: Yeah, I'm coming back around.

6 There's a method to my madness. Don't worry. So,
7 Ms. Cochran, do you have anything?

8 MS. COCHRAN: No.

9 CHAIRMAN BARTH: Okay. Then, Ms. Newton.

10 MS. NEWTON: I just went blank. Okay. First of
11 all, I want to applaud Mr. and Mrs. Allen for what
12 you've done for these two children that needed you,
13 and I appreciate it. And I understand what a hard
14 decision it was and what you're going through to
15 provide the best for those children. And I want you
16 to know as a board we're not overlooking that at all;
17 we applaud your efforts and we are very grateful and
18 wish there were a thousand -- actually five thousand
19 more people like you to get those kids out of foster
20 care, because they need people like you. So, thank
21 you for what you're doing. We really appreciate it.

22 I guess I don't really have a question but a
23 comment is, you know, if the law says 3%, you know,
24 it's there for a reason, you know, to protect those
25 districts and to be able to have school for all

1 students. And so that's kind of where I'm coming
2 from on that one, so --

3 CHAIRMAN BARTH: Great. Commissioner.

4 COMMISSIONER KEY: Just -- yeah, Ms. Davis, have
5 we had an appeal that had claimed the best interest
6 of the student for -- I think it's academic,
7 psychological or social? Do you recall if we've had
8 that?

9 MS. DAVIS: I think that has always been a
10 factor. I was hoping the decision about what is the
11 -- and it says educational, social or psychological
12 interest of the student, and what is the best
13 interest is part of your review process.

14 COMMISSIONER KEY: But have we had an appeal --
15 do you recall an appeal --

16 MS. DAVIS: I don't.

17 COMMISSIONER KEY: -- where a parent has cited
18 that? I don't either; that's why I wanted --

19 MS. DAVIS: No, I don't, not that they've cited
20 it at all; most of the time they just say that's what
21 they want for their kids, rather than other reasons.

22 COMMISSIONER KEY: Because I -- right. And I
23 just didn't recall that having been a part of any of
24 the packets --

25 MS. DAVIS: Right.

1 COMMISSIONER KEY: -- on previous appeals the
2 last couple of years.

3 MS. DAVIS: Right.

4 COMMISSIONER KEY: Okay.

5 CHAIRMAN BARTH: Yeah. And then I think
6 although it maybe is more explicit in this case, but
7 it's often very implicit --

8 MS. DAVIS: Absolutely.

9 CHAIRMAN BARTH: -- in the appeals on these
10 cases.

11 Ms. Chambers.

12 MS. CHAMBERS: If we were to approve the appeal
13 -- when you think about the -- I would assume the 3%
14 cap to some extent has to do with the fiscal
15 situation for the school district, the losing school
16 district. So if we were to approve students being
17 able to transfer and taking that 3% -- impacting that
18 3%, what are the implications of that financially?

19 MS. DAVIS: Well, I mean just from the ADM
20 standpoint they would transfer to another district,
21 so they would be losing the foundation funding amount
22 for those students, much -- no different than you
23 guys have approved capacity. You know, districts
24 have been over capacity and you've approved those and
25 there was an impact to that as well.

1 COMMISSIONER KEY: It can't really be calculated
2 on a full -- on a year basis because ADM is more of
3 an aggregate calculation that happens --

4 MS. DAVIS: Right.

5 COMMISSIONER KEY: -- in the third-quarter of
6 the school year. And also I would just remind the
7 Board that districts get declining enrollment funding
8 too based on, you know, the ADM declines from year to
9 year, so that's something to be factored in. So it's
10 not a dollar-for-dollar student-for-student loss.
11 But the 3% was put in there as a way to -- kind of
12 like a governor on an accelerator; you know, we
13 didn't want it to get too --

14 MS. CHAMBERS: Out of control.

15 COMMISSIONER KEY: Yeah. Yeah -- too drastic at
16 one time.

17 MS. CHAMBERS: Thank you.

18 COMMISSIONER KEY: I say "we," the General
19 Assembly; excuse me.

20 CHAIRMAN BARTH: All right. Ms. Zook.

21 MS. ZOOK: Yes. I'd like to ask the Allen
22 family -- if you don't want to answer, please feel
23 free to say "I don't want to answer." Has your
24 adoption gone through on these children?

25 MR. ALLEN: Yes, ma'am.

1 MS. ZOOK: Okay. And so you don't currently
2 have CASA or another social worker involved with
3 knowing --

4 MRS. ALLEN: (Shaking head from side to side.)

5 MS. ZOOK: So your hope is if you got the
6 transfer that it would be of benefit, but we don't
7 know that for sure?

8 MR. ALLEN: Correct.

9 MS. ZOOK: Right. So you're looking out for
10 what you think would be -- but you're not a hundred-
11 percent positive?

12 MR. ALLEN: Yes, ma'am.

13 MS. ZOOK: It's hard to be an 11- or 12-year old
14 girl; trust me, I know.

15 MS. DAVIS: It is. And I just want to add that
16 in your appeal packet they did provide a letter from
17 --

18 MRS. ALLEN: From our counselor.

19 MS. DAVIS: -- from the counselor stating that
20 they felt it would be in the best interest. So, I
21 mean it does appear that while the adoption has been
22 final that there was some services still being
23 provided to the child in some form.

24 MS. ZOOK: But I guess the reason I asked about
25 the adoption is sometimes where your DHS office is

1 would be considered the agent, the address of the
2 child until the adoption was complete.

3 MR. ALLEN: Yes, ma'am. And I'd like to speak
4 on that a little bit, that whenever we did finalize
5 the adoption our children -- well, our daughter --
6 our son was yet to be in the school system -- she was
7 attending Magnet Cove and they gave us the option to
8 stay at Magnet Cove. But we really wanted our
9 children to be in Malvern because we live in Malvern,
10 we're part of the community, and we wanted them
11 there.

12 MS. ZOOK: Okay.

13 MR. ALLEN: But whenever issues have arisen, the
14 last couple of years -- we've been trying our best to
15 do what we feel is socially good and beneficial for
16 her, and this is what we've come to and this is the
17 conclusion we've come to. And while we're not
18 perfect and we can't tell the future this is what we
19 have -- what we think is the best situation.

20 CHAIRMAN BARTH: I have a question, Mr. Allen or
21 Mrs. Allen, either one, in terms of -- we got the
22 letter obviously from the counselor. Is the
23 situation at such a level that your daughter has an
24 IEP?

25 MR. ALLEN: She does not have an IEP. She did

1 go up to Dr. Snell and we had psychological exams
2 done and they said that she was right over the
3 threshold of getting an IEP, that just a little bit
4 more and she would have qualified. But she was right
5 over the limit to get an IEP and so therefore we were
6 not able to get that for her.

7 CHAIRMAN BARTH: Right. And I don't know that
8 it's particularly relevant, but I think in terms of
9 us trying to gauge this and balance these things out
10 that's -- thank you.

11 MS. ZOOK: And often even if a child doesn't
12 have an IEP they may be a 504 child, which under the
13 Civil Rights -- a different law.

14 CHAIRMAN BARTH: Right. Right. Thank you.

15 Any other questions?

16 If not -- these cases are often -- always
17 difficult.

18 MS. ZOOK: And it's just a one-year decision;
19 right?

20 CHAIRMAN BARTH: This is a one-year decision.

21 MS. DAVIS: Actually, no. If you grant a School
22 Choice appeal then that child is entitled to attend
23 that school until they choose to stop going or
24 graduate.

25 CHAIRMAN BARTH: I think the denial --

1 MS. DAVIS: Oh, yes.

2 CHAIRMAN BARTH: If it was denied it would be a
3 one-year decision.

4 MS. DAVIS: Yes. Sorry.

5 CHAIRMAN BARTH: I think we were --

6 MS. DAVIS: Sorry. We were --

7 CHAIRMAN BARTH: I thought I was reading her
8 mind.

9 MS. REITH: They do get priority for next year;
10 correct?

11 MS. ZOOK: No.

12 CHAIRMAN BARTH: No. It is a new process each
13 year.

14 MS. DAVIS: It is. But the law does say that if
15 a student is unable to transfer the resident district
16 shall give the student priority for a transfer. They
17 would still have to apply and make sure that there
18 was capacity but they would have priority.

19 CHAIRMAN BARTH: Thanks. All right.

20 MS. CHAMBERS: One last question: is 3% a rule
21 or a guideline or law -- excuse me -- a law or a
22 guideline?

23 MS. DAVIS: I mean it's in law. It does say
24 that there's a numerical maximum limit set at 3%. I
25 do want to just point out just for your knowledge

1 that also the 90% capacity, which you have also
2 waived before, is also in law, so -- and I think
3 again it comes down to that educational, social or
4 psychological welfare of the decision that you have
5 to make today.

6 CHAIRMAN BARTH: Ms. Dean?

7 MS. DEAN: I move to approve the appeal.

8 MR. WILLIAMSON: Second.

9 CHAIRMAN BARTH: Okay. Let's do a roll-call on
10 this one, if you don't mind.

11 COMMISSIONER KEY: All right. The motion is to
12 approve the appeal.

13 CHIARMAN BARTH: And just to clarify, for both
14 siblings; correct?

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

16 CHAIRMAN BARTH: Okay. Thank you.

17 COMMISSIONER KEY: Okay. Ms. Reith.

18 MS. REITH: No.

19 COMMISSIONER KEY: Ms. Zook.

20 MS. ZOOK: No.

21 COMMISSIONER KEY: Mr. Williamson.

22 MR. WILLIAMSON: Yes.

23 COMMISSIONER KEY: Ms. Chambers.

24 MS. CHAMBERS: Yes.

25 COMMISSIONER KEY: Ms. Dean.

1 MS. DEAN: Yes.

2 COMMISSIONER KEY: Dr. Hill.

3 DR. HILL: Yes.

4 COMMISSIONER KEY: Ms. Newton.

5 MS. NEWTON: No.

6 COMMISSIONER KEY: Mr. Black.

7 MR. BLACK: Yes.

8 COMMISSIONER KEY: Five to three, in favor.

9 CHAIRMAN BARTH: All right. Congratulations to
10 y'all and thank you for being such good advocates and
11 being so understanding of our predicament. And y'all
12 are great role models of how to do this process. So,
13 thank you very much.

14 CHAIRMAN BARTH: All right. We have one -- is
15 everybody ready? Need a break? Need therapy, need a
16 break?

17 B-4(b): CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
18 APPLICATION - PAYTON FAMILY

19 CHAIRMAN BARTH: Okay. Our final appeal, it
20 comes from the Payton Family. So a slightly
21 different issue here, as Ms. Davis said earlier.

22 MS. DAVIS: Okay. So, this one is again under
23 the School Choice Act. It was denied based on
24 capacity of the student. And the student is
25 currently zoned to attend the Pine Bluff schools and

1 they would like to transfer to White Hall, and White
2 Hall did deny them based on 90%.

3 CHAIRMAN BARTH: All right.

4 MS. ZOOK: Is 95% opportunity?

5 MS. DAVIS: Yes.

6 MS. ZOOK: Oh, okay. Okay. Thank you.

7 CHAIRMAN BARTH: Okay. And so we will begin
8 with the nonresident district; this would be White
9 Hall.

10 MS. DAVIS: They need to be sworn in.

11 CHAIRMAN BARTH: Oh, I apologize. If everybody
12 who is not an attorney could please stand and raise
13 your right hand who plans to testify. Do you swear
14 or affirm that the testimony you're about to give
15 shall be the truth, the whole truth and nothing but
16 the truth?

17 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

18 CHAIRMAN BARTH: Great. And so we'll begin with
19 the White Hall District for up to five minutes.

20 SUPT. DORRIS: Good afternoon. My name is Doug
21 Dorris; I'm the interim superintendent for White Hall
22 School District. The reason we denied the
23 application was that we had 222 School Choice
24 students to apply. Each student -- as they turn it
25 in they are time-stamped and dated. The largest

1 number of students we had was in kindergarten, where
2 we had 39 students to apply. The White Hall School
3 District accepted 28 of those students. We went as
4 far as hiring an extra teacher to help meet some of
5 those needs. And that's where we ran into the
6 problem: we had 11 kindergarten students that we just
7 didn't have room to take, and that's the reason we
8 denied that Choice.

9 CHAIRMAN BARTH: Great.

10 SUPT. DORRIS: Thank you.

11 CHAIRMAN BARTH: Thank you. And we'll probably
12 have questions for you in just a few minutes.

13 We'll now turn to the family.

14 MS. ZOOK: This is just capacity of the room,
15 not 90% of the district?

16 CHAIRMAN BARTH: So we have a clarification --
17 I'm sorry, Ms. Payton; we're going to -- we've got a
18 clarification on the law and then we'll return to
19 you.

20 Could you, Ms. Davis, just walk through what 90%
21 really means?

22 MS. DAVIS: Okay. So the 90% is that White Hall
23 has reached the 90% capacity in either the grade or
24 the program or the classroom. So say, you know, a
25 child is in kindergarten, you know, how many ever

1 kindergarten teachers they have, they've reached 90%
2 capacity of that. It may be different if it's a
3 special needs student. It may be even more different
4 if it's a self-contained classroom, that even if they
5 had capacity in the normal but they would need self-
6 contained. So it is 90% of the available that they
7 can take by law, which is classroom size per teacher,
8 that they can take per class or program or grade.

9 CHAIRMAN BARTH: Does that clarify?

10 MS. ZOOK: Yes.

11 CHAIRMAN BARTH: Okay. All right. And I'll let
12 you have up to five minutes, but then we will have
13 the opportunity to come back later and give you more
14 time if you need it.

15 MS. PAYTON: Okay. I'm Keturah Payton. I wrote
16 it down because I'm nervous, so I wanted to make sure
17 I covered everything. First, I would like to --

18 CHAIRMAN BARTH: And we're good to listen, so --

19 MS. PAYTON: First, I would like to thank you
20 for the opportunity to be heard regarding my son
21 Trayvon's denial for School Choice to White Hall
22 School District. I would like to start by giving you
23 a background on my son to help you better understand
24 his circumstances. Trayvon was born premature with
25 several issues that were found during pregnancy, as

1 well as some after. He was born missing his left
2 forearm and hand; he was born with a club foot, his
3 foot was turned in 85 degrees, and he also had
4 several blockages in his intestines. He was born as
5 an emergency C-section; they lost his heartbeat and
6 the umbilical cord was wrapped around his neck
7 several times. There was also an excessive amount of
8 meconium in the sac due to his blockages; the doctors
9 were amazed that he didn't get an infection caused by
10 these blockages. He underwent surgery at 12 hours
11 old to remove them, which consisted of removing three
12 pieces of his intestines. At six weeks old he was
13 placed in a full leg cast for 10 months; it had to be
14 removed and replaced weekly. He did not walk until
15 he was 16 months old for this reason, and he also has
16 had five major surgeries in his five years. Genetics
17 testing also showed that he has gene duplication on
18 his X-chromosome and also to be prepared for several
19 issues such as developmental delays, skin issues,
20 autism and psychiatric issues, among other things.

21 While I was in the Air Force Trayvon attended
22 daycare for special needs children. They offered
23 physical, occupational and speech therapy, which
24 helped him tremendously up until I deployed to
25 Afghanistan, at which time he seemed to regress. His

1 provider stated that he seemed to be suffering from
2 separation anxiety because his routine as he knew it
3 had changed in an instant. This caused his behavior
4 to change drastically for the worst and his desire to
5 participate and learn had diminished. This played a
6 huge role in me leaving the Air Force after nine
7 years of service. Upon my discharge from the Air
8 Force I was unemployed for approximately six months.
9 During this time I was a stay-at-home mom. I have
10 since gone back to work for the Department of Army
11 and selecting a daycare provider for him was
12 difficult due to his circumstances. I was even told
13 by one facility that he would have to attend on a
14 trial basis due to how other children would react to
15 him. When I found his present daycare, which is Ms.
16 B's in White Hall, I was overwhelmed with the level
17 of excitement that they seemed to have for Trayvon
18 and their willingness to make accommodations for him
19 as needed, such as food. He has very peculiar eating
20 habits and he only weighs 37 pounds, and he's five.
21 The children at the daycare where he attends now were
22 curious about his arm, so they all sat -- they sat
23 all the children down, along with Trayvon, and they
24 talked to them about the differences in people. This
25 seemed to help the kids get comfortable around him

1 and since then it's not even noticeable to them
2 anymore, so that's good. He's adjusted well and he's
3 made many new friends who would be the same friends
4 attending White Hall School District. Ms. B's has
5 been a blessing to me and Trayvon and he absolutely
6 loves it and he thrives there. Ms. B's provides
7 transportation to and from White Hall schools only,
8 so if he were not allowed to attend White Hall he
9 would not -- not only would he be required to go to a
10 new school where he knows no one but would also have
11 to be moved to a different daycare provider or be --
12 for before and after school care, again changing his
13 routines and surroundings twice within a six-month
14 timeframe. We know that it is difficult being the
15 new kid on the block so-to-speak, but just imagine
16 how much harder it would be if you didn't look like
17 the other kids.

18 My point of saying this is to say that the daily
19 life activities are difficult enough for him and I
20 want to give him the best opportunity to be
21 emotionally secure and only focus on absorbing the
22 knowledge he will be learning at school. I believe
23 that with the stress and nerves for a child to begin
24 school, coupled with the additional stress of going
25 to a new daycare provider and knowing no one, will be

1 detrimental to him and cause undue anxiety, lessening
2 his chances of getting the most out of the
3 educational process as possible. I'm seeking the
4 best educational opportunity, as well as the
5 emotional situation, for my son in his particular
6 situation.

7 I was told that I could not apply for White Hall
8 School Choice until April 3rd. Had I known that I
9 could've applied earlier I would have done so to
10 insure his entrance into White Hall School District.
11 With that being said, I'm asking that you grant my
12 son the opportunity to obtain his full potential.
13 Thank you.

14 CHAIRMAN BARTH: Thank you, Ms. Payton.

15 And we'll now turn to the Pine Bluff School
16 District. Is anyone here from Pine Bluff? Ms.
17 Davis, did anybody plan to come from Pine Bluff?

18 MS. DAVIS: I have not heard anything one way or
19 the other.

20 CHAIRMAN BARTH: Okay. Thank you very much.

21 So we will now see -- I guess we've heard pretty
22 much everything from White Hall, so there's no need
23 to go back there. So we'll just open up to Q-and-A
24 if it's all right with the folks who are here. I'll
25 start with Ms. Cochran this time.

1 MS. COCHRAN: No questions.

2 CHAIRMAN BARTH: Okay. Ms. Newton.

3 MS. NEWTON: This is a question for White Hall
4 or the parent also. I guess would the child require
5 a special needs class?

6 MS. PAYTON: We're unsure if he would; he hasn't
7 been tested or anything. He's pretty smart. The
8 daycare providers at Ms. B's say that he's really
9 smart and he loves to learn. So I don't know if he
10 will for sure or not.

11 MS. NEWTON: Okay. All right.

12 MS. PAYTON: Oh, that's my mother.

13 CHAIRMAN BARTH: Yes. Were you sworn in? Were
14 you sworn in earlier?

15 MS. BATTLES: Yes.

16 CHAIRMAN BARTH: Oh, great. Okay. Please come
17 forward and identify yourself for the record.

18 MS. BATTLES: I'm Tamera Battles; I'm his --
19 Trayvon's grandmother. We're not really sure about
20 the special needs part of it, but we do know that he
21 has behavior issues and so that concerns us that he
22 may not fit in well to a regular class. I guess it
23 will be like a test to see, so that's where we're at
24 with that. And we do know he's going to require some
25 speech therapy. He's been tested by -- the Social

1 Security office sent him to the doctor for speech, so
2 we do know that.

3 CHAIRMAN BARTH: Any other questions on that
4 topic? Okay.

5 MS. NEWTON: I was just wondering what the
6 capacity of the district was, if there were -- if he
7 did need the special needs class?

8 CHAIRMAN BARTH: Would you come forward to the
9 microphone please? Thank you.

10 SUPT. DORRIS: I forgot about that. Looking at
11 the numbers yesterday, we're at near capacity in all
12 the special need classes and we know at this point in
13 kindergarten. We would probably have to hire an aide
14 to assist us and that's the ones that we know.

15 CHAIRMAN BARTH: Okay. Is that good?

16 MS. NEWTON: Yes.

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

19 MS. CHAMBERS: A question for the interim
20 superintendent. You had mentioned I think that you
21 had already needed to turn down 11 kindergarten
22 students?

23 SUPT. DORRIS: Yes, we had to turn down 11.

24 MS. CHAMBERS: Could you tell us where this
25 application was relative to the others?

1 SUPT. DORRIS: Yes, ma'am. Matter of fact, we
2 have it in our notes. They turned the application in
3 on April 25th at 1:40 p.m.

4 MS. CHAMBERS: And was that in the back of the
5 pack, the front of the pack? Where did this --

6 SUPT. DORRIS: It was in the last 11 students.
7 I can't tell you the exact number. I can probably
8 take time to look it up for you, if you'd like. I
9 would say it was around number eight for the ones
10 being denied.

11 MS. CHAMBERS: Thank you.

12 SUPT. DORRIS: Yes, ma'am.

13 CHAIRMAN BARTH: Okay. All right. Ms. Zook?
14 Ms. Dean? Ms. Reith? Okay. Other questions?

15 All right. I will invite a motion.

16 [A FEW MOMENTS OF SILENCE]

17 MS. REITH: I guess in an effort to break the
18 silence maybe I will actually ask one final question,
19 if that's all right --

20 CHAIRMAN BARTH: Sure, of course.

21 MS. REITH: -- before getting to the motion.
22 And this would be for the Pine Bluff School District
23 and their --

24 MS. DAVIS: They're not here.

25 MS. REITH: They're not here. Okay. Then we

1 don't have any sense of their ability to meet the
2 needs of this child?

3 MS. DAVIS: No. As usual, the resident district
4 is notified of the appeal and they also receive --
5 they have an opportunity to respond and they receive
6 the notice letter. And I have not heard anything one
7 way or the other regarding this student or this
8 transfer, so I don't know if they have any objections
9 or not.

10 CHAIRMAN BARTH: Okay.

11 MS. ZOOK: But the resident district does have
12 obligation -- even if it requires hiring another
13 teacher, the resident district would have to serve a
14 child from their district?

15 MS. DAVIS: That is correct.

16 CHAIRMAN BARTH: Okay.

17 MS. DAVIS: And like I say, I think that the
18 parent's argument wasn't necessarily that the child
19 isn't being served completely, as much as the
20 services they were already receiving are -- work more
21 in conjunction with White Hall rather than they did
22 in Pine Bluff.

23 CHAIRMAN BARTH: Ms. Dean, did you have -- okay.

24 MS. DEAN: No, that answered my question.

25 CHAIRMAN BARTH: Okay.

1 MS. ZOOK: As far as the special education
2 service, if he needs speech, OT, PT, whatever he
3 needs, regardless of the district he attends that
4 district is obligated to provide all those identified
5 services?

6 MS. DAVIS: Absolutely. And, again, I'm not by
7 any means even remotely close to the special
8 education expert. But those services aren't
9 capacity-driven anyways, so they wouldn't be in a
10 classroom; that if they need those services
11 regardless they would have to provide them.

12 MS. ZOOK: Right.

13 MS. REITH: And I guess I'll offer a motion on
14 this just to -- as part of the consistency toward
15 which I've approached these. And laws and
16 acknowledging not putting unfair infringements on
17 districts I will move to deny this appeal, but say at
18 the same time to the Payton family that it's not not
19 seeing you and your individual circumstances and what
20 you're doing with the families; and deep regret of
21 our constraints and realities of burden to school
22 districts of asking to hire special staff out of the
23 choice process. So I'll move to deny.

24 CHAIRMAN BARTH: Okay. Motion. Is there a
25 second?

1 MS. NEWTON: Second.

2 CHAIRMAN BARTH: All right. Motion by Ms.
3 Reith, second by Ms. Newton. We'll do a roll-call on
4 this, if the Commissioner is all right --

5 COMMISSIONER KEY: Ms. Reith.

6 MS. REITH: Yes.

7 COMMISSIONER KEY: Ms. Zook.

8 MS. ZOOK: Yes.

9 COMMISSIONER KEY: Mr. Williamson.

10 MR. WILLIAMSON: No.

11 COMMISSIONER KEY: Ms. Chambers.

12 MS. CHAMBERS: No.

13 COMMISSIONER KEY: Ms. Dean.

14 MS. DEAN: Yes.

15 COMMISSIONER KEY: Dr. Hill.

16 DR. HILL: No.

17 COMMISSIONER KEY: Ms. Newton.

18 MS. NEWTON: Yes.

19 COMMISSIONER KEY: Mr. Black.

20 MR. BLACK: Yes.

21 COMMISSIONER KEY: It's five votes yea, three
22 nay.

23 CHAIRMAN BARTH: All right. So, Ms. Payton, we
24 regret that, and I think Ms. Reith said it very well
25 in terms of where our perspective is on this, and we

1 wish you all the best. Thank you so much for being
2 an advocate for your child.

3 MR. WILLIAMSON: Break?

4 CHAIRMAN BARTH: We've got one item left. Let's
5 -- actually, let's -- do we anticipate this item
6 taking long?

7 COMMISSIONER KEY: That would depend on y'all.

8 MS. ZOOK: I don't imagine.

9 CHAIRMAN BARTH: Okay.

10 COMMISSIONER KEY: We can do it quickly.

11 CHAIRMAN BARTH: I think -- let's go ahead and

12 --

13 MS. REITH: I think we have the opportunity --

14 CHAIRMAN BARTH: Yeah. I think this is not
15 going to take that long.

16 B-5: CONSIDERATION OF PROCESS AND TIMELINE TO VERIFY THE
17 ACCURACY OR REQUEST CORRECTIONS OF STATEWIDE STUDENT ASSESSMENT
18 DATA

19 CHAIRMAN BARTH: So our final item of the day,
20 Consideration of Process and Timeline to Verify the
21 Accuracy or Request Corrections of Statewide Student
22 Assessment Data. And our old pal Deborah Coffman is
23 before us.

24 MS. COFFMAN: I'm going to take out "old."

25 MS. ZOOK: This is our pal.

1 MS. COFFMAN: Deborah Coffman, Assistant
2 Commissioner, Public School Accountability. He's
3 going to bring up a PowerPoint. I'd just like to set
4 the tone for how our work will come from the Public
5 School Accountability. We'll be data-driven in our
6 decision-making, so it's time. And in Act 930 that
7 went into effect August 1st it outlines the process
8 for us for making sure that we have the best quality
9 of data entered into our systems for accountability
10 and reporting. That assessment corrections engine is
11 ready to go and we're ready to sit with -- set a
12 timeline and process for this year.

13 So as I go to the next slide, what I wanted to
14 do first of all is kind of share some data with you
15 about how we looked at this data, how we made the
16 decisions that we're going to ask you to consider.

17 In 2016, for the 2015-16 data we had our
18 corrections window open for 30 days; 140 districts
19 did make or submit for corrections during that time.
20 But over those 30 days you'll see when the most
21 corrections came in.

22 In 2015, for the 14-15 data the corrections
23 window was open for 18 days and 200 districts applied
24 as well. So we actually had more districts provide
25 correction during that period and then again you see

1 when the corrections came in.

2 In 2014, for the 13-14 data once again it was
3 open 30 days; we had 199 districts submit
4 corrections. And you see that the majority of the
5 corrections came in at the end of the cycle.

6 So we concluded from that that --

7 CHAIRMAN BARTH: That we are procrastinators.

8 MS. COFFMAN: We understand. I mean everybody
9 is busy. But that really more time didn't mean that
10 we would have more districts supplying or submitting
11 for corrections that really -- I mean everybody is
12 under the gun for a lot of work. And so we feel
13 confident that 25 days is a good timeline for getting
14 this work done. Dr. Airola is working very
15 diligently to get the data into the system and Dr.
16 Saunders' team does magic to make the system work.
17 We project that we will have the corrections window
18 open right after Labor Day, and with a 25-day window
19 we could then close that timeline around the end of
20 September, which gets us ahead of our Cycle 2
21 submissions because then those -- some of those very
22 same people have a lot of other jobs to do in regard
23 to the work that we need to have done.

24 So in thinking about that, any questions as we
25 think through that?

1 CHAIRMAN BARTH: Just one quick question in
2 terms of -- so this is totally -- would this normally
3 be rule driven or are we going to turn this into a
4 rule?

5 MS. COFFMAN: It will eventually.

6 CHAIRMAN BARTH: Later. Okay.

7 MS. COFFMAN: Yes. Because we're in the process
8 of writing Act 930 rules --

9 CHAIRMAN BARTH: Okay.

10 MS. COFFMAN: -- we couldn't wait till that
11 became a rule, so we wanted to get this in to you and
12 this is for this year only. We will put into rule
13 how the procedure will go in the future.

14 CHAIRMAN BARTH: And under the law we have a
15 green light to do that this one time?

16 MS. COFFMAN: That's correct.

17 CHAIRMAN BARTH: Okay. Thank you.

18 MS. COFFMAN: So in the process the reports will
19 be made available to school personnel, the
20 preliminary reports. The corrections window will use
21 the ESEA, or E-S-E-A, assessment correction engine
22 interface. The districts will be encouraged to
23 review all data as early as possible. Only the 2016-
24 17 school data can be recommended or submitted for
25 correction. All data corrections must be supported

1 by evidence in the form of documentation, so they
2 have to have solid evidence to submit for a
3 correction. Our team is at the ready to answer any
4 questions that anyone has. We have presented at
5 AAFA, at the data conference. Most recently Dr. --
6 Mr. Ferren and his team all presented and had a great
7 attendance in the room and went over all of these
8 data quality issues. Post appeals will begin work
9 immediately after the window closes and then we will
10 bring you the latest greatest information as soon as
11 all of the work has been done.

12 CHAIRMAN BARTH: All right. So questions before
13 we move to a motion on this?

14 All right. So you have -- the appropriate
15 motion I guess is the 25-day timeline with the
16 specific deadlines as laid out in the test here?

17 MS. COFFMAN: The process, yes; that process
18 that I just reviewed with you. This process actually
19 is exactly the language that will go into the
20 Commissioner memo with the actual dates inserted.

21 CHAIRMAN BARTH: Great.

22 Commissioner, do you have anything?

23 COMMISSIONER KEY: No.

24 CHAIRMAN BARTH: Okay.

25 MS. ZOOK: So moved.

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CHAIRMAN BARTH: All right. Ms. Zook moves approval of this timeline and process.

MS. CHAMBERS: Second.

CHAIRMAN BARTH: Second by Ms. Chambers. All those in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN BARTH: Opposed same sign?

All right. We are adjourned. Thanks for a very good day of work and we will see you at dinner.

(The meeting was adjourned at 3:48 p.m.)

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A-1: LITTLE ROCK - REPORT
EXHIBIT ONE (1)

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