

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

July 13, 2017

*Sharon Hill Court Reporting
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Original File BOE - 7-13-17.prn

Min-U-Script® with Word Index

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

July 13, 2017
10:00 A.M.

A P P E A R A N C E S

BOARD OF EDUCATION:

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

ADE LEGAL COUNSEL:

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

ADE Auditorium
#4 Capitol Mall
Little Rock, AR

I N D E X

	Page
A-1: Waiver Request - Anthony Chambers	4
A-2: Waivers/Districts/Teachers Teaching Out of Area for Longer than 30 Days	20
A-3: Comprehensive 2016-17 Waivers Report	22
A-4: Fiscal Distress	
- Guy-Perkins	44
- Yellville-Summit	47
A-5: Act 1240 Waivers	
- Deer/Mt. Judea	51
- El Dorado	78
- Vilonia	91
- Southeast Cooperative-Woodlawn	115
Misc. Housekeeping Matters	123
B-1: Opportunity School Choice Appeal - Foster	124
B-2: School Choice Appeals	
- Childs	165
- Marzonie	185
B-3: Stand Alone Reading Test/K-6	195
B-4: 2017-18 Embedded Courses	198
B-5: Praxis Fundamental Subjects: Content Knowledge	201
B-6: Replacement of PLT for K-12	203
B-7: PLSB Replacement Members	205
B-8: 2018 BOE Meeting Calendar	206
Public Comment by Mr. Jack Foster	208
Adjournment	219
Court Reporter's Certificate	226

E X H I B I T S

A-1: WAIVER REQUEST - ANTHONY CHAMBERS

EXHIBIT ONE (1)
PLSB File

A-5: ACT 1240 DISTRICT WAIVER REQUESTS

(b) DEER/MT. JUDEA

EXHIBIT ONE (1)
Resolution of District Board of Directors

(e) SOUTHEAST COOPERATIVE - WOODLAWN

EXHIBIT ONE (1)
List of Waivers Requested, Explanation for
Requesting Each Waiver, Resolution of District
Board of Directors, Resolution of Southeast
Arkansas Cooperative Board of Directors

B-1: OPPORTUNITY SCHOOL CHOICE

(b) FOSTER

EXHIBIT ONE (1)
ADE File

B-2: SCHOOL CHOICE

(b) MARZONIE

EXHIBIT ONE (1)
ACA 6-18-206, Public School Choice

PUBLIC COMMENT BY MR. JACK FOSTER

EXHIBIT ONE (1)
6-13-1414 - Boundary Change by State Board of Education

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P R O C E E D I N G S

A-1: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -
ANTHONY CHAMBERS

CHAIRMAN BARTH: We now move into our action agenda. The first item is the Consideration of Waiver Request for Teacher License for Mr. Anthony Chambers. And I will turn it back to Ms. Reinhart for her presentation.

MS. REINHART: Yes, good morning. This is a hearing requested by Mr. Anthony Chambers, an educator who was denied renewal of his license based on his background check. There are witnesses here present and those witnesses do need to be sworn in.

CHAIRMAN BARTH: All right. If all the witnesses who are not attorneys, if they could please stand so I could swear you on the Chambers case. All right, great. Do you swear or affirm that the testimony you're about to give shall be the truth, the whole truth, and nothing but the truth?

(ALL WITNESSES ANSWERED AFFIRMATIVELY)

CHAIRMAN BARTH: Thank you very much.

Ms. Reinhart.

MS. REINHART: Okay. And you have exhibits before you, the first are the ADE exhibits. Mr. Chambers was given notification of the denial of

1 renewal of his license based on the background check.
2 The letter indicates First Degree Battery. There is
3 also another charge that was not on our reports from
4 the FBI that we reviewed and that was a Negligent
5 Homicide also that -- charge that he pled guilty to.

6 Mr. Chambers is represented today by an
7 attorney, Tonya Floyd Chambers. And we have before
8 us today someone who -- this incident occurred when
9 he was around the age of 48. He has been with the
10 Little Rock School District for like 27 years, has an
11 exemplary record there. He's provided to you in his
12 exhibits references and statements and I think his
13 attorney will be referring to those. He has also
14 been through some rehabilitation following this
15 incident. And I will let him explain to you exactly
16 what happened and his actions since that time. Given
17 the circumstances the Department is recommending a
18 waiver. These are two very serious charges; however,
19 I think once you hear all the circumstances you'll
20 probably agree that Mr. Chambers should be granted a
21 waiver for these offenses, and after that I will turn
22 it over to him.

23 Actually, under the rules we each have 5
24 minutes' opening statements, 20 minutes argument, 5
25 minutes closing. I don't need that period of time;

1 this is really all I need to say. But I will turn it
2 over and allow his attorney and Mr. Chambers to
3 present their case.

4 CHAIRMAN BARTH: Okay, great. And so if the
5 presenters could come up? And so, Ms. Reinhart, this
6 will be the opening statement, a 5-minute opening
7 statement, but you will have the -- you will have
8 extra time because of the procedures. And for the
9 purposes of the record if you could also clearly
10 state your name. Thank you.

11 MS. TONYA CHAMBERS: To the Board, to the
12 Chairman of the Board, and to the Board of the
13 Arkansas State Department of Education, my name is
14 Attorney Tonya Floyd Chambers. I'm a practicing
15 attorney in the state of Arkansas, and for full
16 disclosure to the Board I'd also like to add that Mr.
17 Chambers is also my husband; so I want to give full
18 disclosure to the Board as well. And, again, my name
19 is Attorney Tonya Floyd Chambers, licensed attorney
20 with the state of Arkansas.

21 I am here today on behalf of Mr. Anthony
22 Chambers and we are here asking the Board for a
23 waiver of his licensure eligibility pursuant to a
24 criminal matter that occurred within the past few
25 years. And I'm going to go over in-depth the charges

1 at hand, I'm going to go over in-depth the facts of
2 the case, and I'm also going to be calling forward to
3 the podium Mr. Chambers, as well as one of the
4 witnesses and the exhibits that you have. We've
5 presented several statements from several
6 professionals within the Little Rock School District,
7 and we've also brought in one of those professionals
8 as a witness who will also give statements today as
9 well. And Mr. Chambers is open and welcoming to
10 answer questions, any questions that the Board may
11 have, and also direct them directly to my client.

12 We are here today regarding circumstances that
13 took place between the years of 2012 and 2014. And
14 has already been stated on the record, Coach
15 Chambers, Mr. Anthony Chambers -- and he's known as
16 Coach Chambers all throughout the district -- was
17 hired with the Little Rock School District in
18 December of 1990, and he has had a distinguished 27-
19 year career with the Little Rock School District.

20 On Friday, August 24, 2012, Coach Chambers, as
21 he is known, was a coach, a head football coach with
22 the McClellan High School. And because of several
23 circumstances at work -- and we'll go into those
24 further -- Mr. Chambers resigned his position. The
25 circumstances then throughout that weekend leading

1 into Saturday, August 25th: Mr. Chambers was
2 conversing and sharing what happened with friends,
3 and those friends -- as he was visiting with friends
4 regarding what had happened at work, as we often do,
5 sharing with friends and family situations that are
6 involving work, they ended up engaging in and
7 drinking as they were fellowshiping and visiting.
8 One of those friends, a gentleman by the name of Mr.
9 Tim Hester, then proceeded to go home with Mr.
10 Chambers. They had been childhood, lifelong friends,
11 and Mr. Chambers was then going to sleep off his
12 depression over the events that had transpired the
13 previous Friday. And Mr. Hester, trying to cheer up
14 Mr. Chambers, told him, "You've got to get out of bed
15 and come on; let me go and cheer you up." And Mr.
16 Chambers -- Mr. Hester took Mr. Chambers' car keys
17 and they proceeded to drive around the city. Mr.
18 Hester then picked up a few other friends that were
19 in the car and Mr. Chambers during this entire
20 incident was the passenger in his vehicle. He was
21 not driving; he was the passenger in his vehicle.
22 After a few hours of driving around Little Rock and
23 conversing with friends, which they had been
24 drinking, Mr. Chambers at that point had enough and
25 was ready to go home and he demanded his car keys.

1 He said he just wanted to go home. At that point --
2 and one of the things that led to it was that two of
3 the passengers in the car ended up arguing. At that
4 point Mr. Chambers had just had enough and said he
5 wanted to go home. At that point -- and I'll let Mr.
6 Chambers go further into detail. At that point when
7 he next woke up they'd been in an accident and he did
8 not remember anything that transpired from the time
9 that he asked for his keys and wanted to go home. He
10 found out later in the hospital he was injured and
11 one of the other passengers was injured; Mr. Tim
12 Hester, the friend who had encouraged him "get out of
13 the house, let me cheer you up," he had passed away.

14 Mr. Chambers, approximately a year later, was
15 charged with a count of Negligent Homicide and a
16 count of First Degree Battery and, on July 10, 2014,
17 the hearing for these charges took place in the
18 courtroom of Judge Chris Piazza. And Judge Chris
19 Piazza, looking at Mr. Chambers' character, looking
20 at the nature of the circumstances, looking at the
21 courtroom that was filled with educators, former
22 students, members of the community -- Judge Chris
23 Piazza stated that it would be a compounded tragedy
24 to send Mr. Chambers to jail for what was just a
25 horrible and unfortunate accident, and he was thus

1 given --

2 CHAIRMAN BARTH: Ms. Chambers, so --

3 MS. TONYA CHAMBERS: Yes.

4 CHAIRMAN BARTH: -- we've reached the five-
5 minute mark.

6 MS. TONYA CHAMBERS: Oh, yes, definitely.

7 CHAIRMAN BARTH: I think Ms. Reinhart is going
8 to allow you to just simply proceed --

9 MR. TONYA CHAMBERS: Sure, certainly.

10 CHAIRMAN BARTH: -- to your main argument. Is
11 that correct, Ms. Reinhart?

12 MS. REINHART: Yes. Yes.

13 CHAIRMAN BARTH: Okay, great.

14 MS. TONYA CHAMBERS: So we can go ahead and go?

15 CHAIRMAN BARTH: So you have up to 20 minutes --

16 MS. TONYA CHAMBERS: Okay.

17 CHAIRMAN BARTH: -- for the entirety of your
18 case --

19 MS. TONYA CHAMBERS: Okay, certainly.

20 CHAIRMAN BARTH: -- from this point on. Thank
21 you.

22 MS. TONYA CHAMBERS: Okay, certainly. Well, as
23 a set-up, so we will proceed and we'll continue
24 there. I will call up Mr. Chambers as the first
25 witness to the podium and we will proceed from there.

1 I'll call up Mr. Anthony Chambers as the first
2 witness.

3 CHAIRMAN BARTH: Great, thank you. And, Mr.
4 Chambers, if you'd also identify your -- state
5 clearly your name for the record --

6 MR. CHAMBERS: Yes. Anthony --

7 CHAIRMAN BARTH: -- into the microphone.

8 MR. CHAMBERS: Again, my name is Anthony
9 Chambers. I've been employed with Little Rock School
10 District quite a few years now, since December of
11 1990. Like I say, I've been teaching and coaching
12 and doing the best job that I could to inspire kids,
13 to motivate kids. I've sent plenty of kids on to --
14 help send plenty of kids on to college and football
15 and track. And I've tried to be an exemplary teacher
16 and coach for the students that I serve.

17 To continue on with that evening, I was later
18 told after this incident had occurred -- someone also
19 in that vehicle called me a few days later and said,
20 "Look, this is what took place that night, since you
21 don't remember. These guys were arguing in the
22 vehicle and then we pulled over at a service station
23 and then at that time they got into a physical
24 altercation. And so you asked for your keys so we
25 can get back home" -- so I can get back home. And

1 she said, "You drove a few blocks and then hit this
2 pole." But then also at that time I was also
3 medicated with an anti-depression medication, along
4 with this mixture of alcohol, and I believe that had
5 a lot to do with it that evening. After this
6 incident occurred my doctor took me off work for six
7 weeks. I went back and I've still been employed with
8 the Little Rock School District ever since. And I
9 think since that time I've just continued to do what
10 I normally do every day: work with kids. My staff,
11 they were happy to see me return back to work, to
12 continue on with what I've been doing since 1990.
13 And I believe I've done a very effective job, at
14 least that's what everyone tells me. And all I tell
15 them is this: I do the best that I can.

16 CHAIRMAN BARTH: Thank you, sir.

17 MS. TONYA CHAMBERS: If the Board would have any
18 questions for Mr. Chambers before -- and I also have
19 -- would like to direct a couple of questions to Mr.
20 Chambers.

21 ANTHONY CHAMBERS, Witness

22 DIRECT EXAMINATION

23 BY MS. TONYA CHAMBERS:

24 Q Have you at any time ever been in trouble with the law
25 prior to that incident or following that incident?

1 A No, ma'am, never have. Well, I've had maybe a speeding
2 ticket before, years back. But other than that, any kind of
3 criminal activity or anything like that prior to this incident,
4 since this incident, no. No. Like I say, I do the best I can
5 to be an upstanding citizen.

6 Q And at that time, the time in which it occurred and
7 following, when was the last time that you consumed any type of
8 alcohol whatsoever?

9 A August 27th -- I mean September 27, 2012 is the last time
10 I took a drink. I mean I still took some a little bit after
11 this incident occurred at my house because this incident was
12 real tragic and I was still stressed out about it. But I
13 realized that, hey, I had to get this stuff out of my life and
14 I went to seek some help. I went to AA to learn more about
15 this alcohol, and as I learned about the alcohol I realized I
16 cannot take a drink. There's some people that may can take one
17 or two, but me, I can't. And since that time I have not taken
18 one; I have no desire to take one. It is something I have -- I
19 just put out of -- completely put out of my life. And moving
20 forward, I know that my life has gotten so much better since I
21 have. You know, I'm a church-going guy. I mean I know a lot
22 of people that just throw that up there but, listen, I truly --
23 I truly try to live what's in that Word and I keep myself --
24 that's how I start my day off, in the Word. That's how I end
25 my day. I try to live it, not just talk it. And that's who I

1 am.

2 Q Were there any children or any minors in any way involved
3 in the situation that occurred on October twenty -- August 25,
4 2012, leading into the morning of August 26, 2012?

5 A No.

6 Q So they were all adults over the age of 21?

7 A Clearly over the age of 21, yes.

8 Q And in what capacities have you served and what jobs have
9 you served -- or held in the Little Rock School District over
10 the years?

11 A Well, the first year I started out I was at Forest
12 Heights, the year of 1990, and then the following year I went
13 over to Cloverdale for seven years. In 1997, I started
14 teaching -- or started coaching at McClellan. The next year I
15 went into the building, in '98, and started teaching and
16 coaching there, up until 2016. That's when I transferred from
17 McClellan now to Hall High School, where I still do in-school
18 suspension. And I leave there every evening going to coach
19 football over at Henderson Middle School. And that's what I
20 do.

21 Q And regarding your license when was the last time you had
22 to apply for licensing renewal of your teaching license?

23 A I applied -- oh, I believe it was in December of 2012.
24 This was after the incident had occurred. However, I mean I
25 had to go in court but my license, the current license -- I

1 mean the license that I have now was issued after this incident
2 occurred. And like I say, I've been employed ever since. So
3 that's where we are.

4 Q And on the day of the hearing, July 10, 2014, following
5 Judge Chris Piazza's statement following the court proceedings,
6 what steps did you take immediately on that day -- immediately
7 following the hearing?

8 A Immediately that day my wife -- at the time she was my
9 fiancé -- and she's an attorney, she said, "We need to self-
10 report this to the Arkansas Board of Education," which we did.
11 And then we left from here and went to the Little Rock School
12 District to report it to the head of Human Resources, Robert
13 Robinson. And he told us to submit a letter of what took place
14 that evening, what since this court incident, and we did that.
15 So we followed all of the steps necessary that we were supposed
16 to follow since this incident has occurred.

17 MS. TONYA CHAMBERS: Does the Board have any
18 questions for Mr. Chambers?

19 CHAIRMAN BARTH: Okay. And I'll just swing
20 around. Ms. Reith?

21 MR. BLACK: Just a point of clarification. Did
22 you say the gentleman that was driving, did he have a
23 wreck?

24 MR. CHAMBERS: No. No, I was the driver at the
25 time of the incident, when the wreck occurred. But

1 the circumstances leading to that, yes, he was the
2 driver, and him and a guy in the vehicle were
3 arguing. There was also a female in the vehicle with
4 us and she said -- she's the one told me -- called me
5 a few days later and said, "Well, we pulled over at a
6 service station and at that time they got out, those
7 two guys that were arguing, and now it became
8 physical." And she said that's when I asked for my
9 keys so I could get back home, and so that's the
10 reason why I got behind the wheel; it was to try to
11 get back home.

12 MR. BLACK: Okay.

13 CHAIRMAN BARTH: Ms. Chambers?

14 MS. SUSAN CHAMBERS: Just thank you for your
15 transparency.

16 MR. CHAMBERS: Thank you.

17 MR. WILLIAMSON: Are you still active in AA?

18 MR. CHAMBERS: Oh, yes. That's how I pay my
19 bill.

20 MR. WILLIAMSON: All right.

21 CHAIRMAN BARTH: Ms. Newton?

22 MS. NEWTON: No.

23 CHAIRMAN BARTH: Ms. Reith?

24 MS. REITH: No questions.

25 CHAIRMAN BARTH: Ms. Zook?

1 MS. ZOOK: The First Degree Battery -- I think I
2 understand the Negligent Homicide but apparently the
3 scuffling or fighting or whatever was between two
4 other people. Is there a reason why you were charged
5 with First Degree Battery?

6 MR. CHAMBERS: Well, yeah, there was also
7 another friend of mine in that vehicle. So he got --
8 he was injured in that accident and so that's what
9 the First Degree Battery charge came from.

10 MS. ZOOK: Okay. And Hall High School is a
11 school that gets special attention from the State
12 Board and I know one of the issues there is
13 attendance. Are you -- do you have in your head what
14 your attendance record is as far as coming to work
15 every day?

16 MR. CHAMBERS: Oh, I'm usually there; I'm there
17 every morning pretty much. You know, I take off if
18 there's something -- if, you know, I just have to or,
19 you know, periodically I may get sick, but I'm
20 usually a trusted employee to be there. You know,
21 for one, I do bus duty every morning and so I'm the
22 one that has to count the buses. And, you know, I
23 enjoy that and they depend on me to get that done, so
24 I try my best to get to work every day.

25 MS. ZOOK: Thank you.

1 CHAIRMAN BARTH: Any other questions?

2 Okay. Do you have any closing comments?

3 MS. TONYA CHAMBERS: We have one other witness
4 as we bring to a close that we wanted to bring to the
5 podium, Mr. Carl Duncan, who has worked with Mr.
6 Chambers in the athletic capacity of Little Rock
7 School District. And we'd like to have him present a
8 statement.

9 CARL DUNCAN, Witness

10 MR. DUNCAN: My name is Carl Duncan and I work
11 for Little Rock School District, specifically Don
12 Roberts Elementary. And I worked with Coach Chambers
13 for two years at McClellan as an assistant with a
14 couple of different positions. Coach Chambers is --
15 the best way I can describe him is a man with a heart
16 of gold. He has more compassion for the students in
17 southwest Little Rock than any educator I've ever
18 dealt with. He's fed them, he's clothed them, he's
19 sheltered them when necessary, and that's just not a
20 quality I see very often in that area. And he's also
21 very gracious not only to the people that work for
22 him; if you're loyal to him, he'll be loyal to you --
23 but even in my experience when other coaches weren't
24 loyal to him, he will extend grace over and over and
25 over again just in hopes that they may have a change

1 of heart -- and he did it even more often with the
2 kids. We did our best to keep each and every kid on
3 the team at McClellan because we knew it would be
4 better for them to be with us than doing something
5 else. And so his compassion and his grace to me make
6 him an exemplary educator.

7 CHAIRMAN BARTH: Thank you, Mr. Duncan.

8 Any questions?

9 MS. ZOOK: I have -- I don't have a question of
10 him, but I have one more question.

11 CHAIRMAN BARTH: All right.

12 MS. ZOOK: I don't -- either Mr. Chambers or his
13 attorney -- I see that he's on 10 years' probation?

14 MS. TONYA CHAMBERS: Yes.

15 MS. ZOOK: Okay. And has he met all the
16 stipulations of that probation?

17 MS. TONYA CHAMBERS: Yes, absolutely, he has met
18 all the stipulations. He received 10 years'
19 probation, a \$1,000 fine, and 100 hours of community
20 service. He immediately paid the \$1,000 fine and
21 immediately completed the 100 hours of community
22 service actually early and received excellent,
23 excellent commendation from the officials for which
24 he provided the community service. And he has been
25 an exemplary, exemplary person in meeting all of the

1 stipulation requirements of his probation.

2 MS. ZOOK: Okay. Thank you.

3 CHAIRMAN BARTH: All right. Any further
4 questions?

5 All right. Ms. Dean?

6 MS. DEAN: I'm ready with a motion. I move to
7 grant the waiver request for teaching license for
8 Anthony Chambers.

9 MS. REITH: Second.

10 CHAIRMAN BARTH: All right. Motion by Ms. Dean,
11 second by Ms. Reith. Any further conversation?

12 All those in favor say "aye."

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN BARTH: Opposed, same sign?

15 All right. Congratulations and good luck with
16 your work.

17 A-2: CONSIDERATION OF REPORT ON WAIVERS TO SCHOOL DISTRICTS
18 FOR TEACHERS TEACHING OUT OF AREA FOR LONGER THAN THIRTY (30)
19 DAYS

20 CHAIRMAN BARTH: All right. We move next to Dr.
21 Pfeffer. And we have two items involving waivers,
22 one -- the second item is waivers for -- to school
23 districts for teachers teaching out of area for
24 longer than 30 days. I'll turn it over to you.

25 DR. PFEFFER: Okay. Thank you. Good morning.

1 Ivy Pfeffer, Deputy Commissioner, Department of
2 Education, and I'm doing these reports as we
3 transition in positions. So Dr. Owoh could not be
4 here today, but next month he'll be here to start
5 providing you with this information. We normally
6 have the waivers on the consent agenda but because of
7 doing the comprehensive report we went ahead and
8 moved it to the action item.

9 And so to go ahead with item number two, we had
10 15 districts request waivers for the 2017-18 school
11 year. There were a total of 18 requests and we have
12 recommended that 17 of those be approved. And so we
13 would ask you to approve those waivers that have been
14 submitted so far for this 17-18 school year. All of
15 these are additional licensure plan waivers.

16 CHAIRMAN BARTH: Any questions?

17 So, Dr. Pfeffer, will we expect to see these on
18 the action agenda or the consent agenda kind of
19 moving forward, just to --

20 DR. PFEFFER: And I think that would be up to
21 you all. What would you prefer? I know a lot of
22 times there are questions and this is an item that is
23 pulled off the agenda. So that would really be up to
24 you. If you would prefer to have them on the action
25 agenda we can certainly do that moving forward. None

1 of these -- also I was going to note, none of these
2 so far are from academic distress, focus or priority
3 district, so --

4 CHAIRMAN BARTH: Fellow board members, do y'all
5 have a preference of where these are placed on the
6 agenda?

7 I think we'll leave it up to y'all --

8 DR. PFEFFER: Okay.

9 CHAIRMAN BARTH: -- to determine that. Okay?

10 DR. PFEFFER: Okay.

11 CHAIRMAN BARTH: So we have an item before us.
12 The recommendation is to approve this. Is there a
13 motion?

14 MR. WILLIAMSON: Move to approve.

15 MS. CHAMBERS: Second.

16 CHAIRMAN BARTH: All right. Motion by Mr.
17 Williamson, a second by Ms. Chambers.

18 All those in favor say "aye?"

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN BARTH: Opposed?

21 All right. Thanks.

22 A-3: CONSIDERATION OF THE COMPREHENSIVE 2016-2017 REPORT ON
23 WAIVERS

24 CHAIRMAN BARTH: Next item, Dr. Pfeffer. And
25 this is the comprehensive 2016-17 waivers.

1 DR. PFEFFER: Yes. And we just have a short
2 presentation, kind of bringing together a summary
3 from the documents that you had received. And the
4 summary goes into detail for the 15-16 and the 16-17
5 school years, so just giving you an idea of the recap
6 of the last school year and some comparison to the
7 year before. So summary, we'll go quickly through
8 the types of waivers, just a summary of the
9 additional licensure plan, ALPs, long-term
10 substitutes, and Act 1240 licensure waivers.

11 Over the past three years you can see that we've
12 actually had a reduction in the number of ALPs,
13 number of additional licensure plans, so -- and in
14 sharing this information with you today I don't know
15 that I have all the answers for you, but I think it's
16 good just for us to be looking at this and as we go
17 forward continuing to share information with school
18 districts, continuing to ask the questions that we
19 need to ask, and being able to respond to you all.
20 So we have seen a reduction in that, but we have also
21 seen a reduction in the number of teachers coming out
22 of the pipeline. So as we had more and more teachers
23 completing programs we saw an increase in the number
24 of ALPs being requested. So in some ways that would
25 seem to be a disconnect in preparation, our teachers

1 being prepared for the positions we need. And now
2 that we're seeing fewer completers coming out of
3 programs we may be finding that with fewer positions
4 out there we are matching them up to the positions
5 that they need.

6 But then I think as we go to the next slide
7 you're going to see another factor that almost
8 balances out those numbers of waivers. So what we do
9 know is that special education ALPs continue to be
10 our largest area of requests for additional licensure
11 plans. It's the most common ALP, not only issued
12 statewide but in each co-op. And something I think
13 we really have to look at are our novice teachers and
14 the percent of those novice teachers who are teaching
15 on an ALP; it did go down in the 2016-17 school year
16 from the 2015-16 school year. One thing to note,
17 when a teacher begins an ALP we currently don't track
18 whether they complete that. And so what we tend to
19 find is we have a lot of teachers who do get hired
20 and start an ALP but they don't always finish that.
21 And so that's one of our goals is to look at can we
22 actually track the completion of those who start an
23 ALP, whether or not they finish adding that area of
24 licensure. So -- and I'll pause there in case you do
25 have questions.

1 CHAIRMAN BARTH: Questions? Ms. Zook.

2 MS. ZOOK: I think that the thing that was
3 confusing -- for example, in northwest Arkansas,
4 Bentonville had a seemingly -- I don't know if
5 disproportionate -- but they had a lot more than say
6 Rogers, Springdale, the districts that surround them.
7 And I don't know if that's because of the -- they're
8 growing so much so quickly. And then, of course, it
9 concerns me that both Dollarway and Little Rock
10 School District had a large number. Little Rock's
11 was disproportionate to North Little Rock, Pulaski
12 County, Jacksonville. Do you have any idea? Do
13 y'all -- does your department, or your old
14 department, go into that kind of depth about what's
15 prompting those?

16 DR. PFEFFER: And we have not typically done
17 that. I think that what we are seeking to do as a
18 department is shifting to focused support for
19 districts, and realizing that sometimes support is
20 not always for districts that may seem to be having
21 the most trouble but support all the way through. So
22 I think that you raise a good point in as we actually
23 look at this data sometimes we get so busy just
24 trying to manage the day-to-day operation of granting
25 the waiver that following up with a district like

1 Bentonville that does have a large number of waivers
2 and asking those questions and seeing if they need
3 information or coordination in some things -- I would
4 think that you are probably on the right track with
5 rapid growth; it does make it difficult to plan your
6 staffing early. And you've got a lot of schools in
7 that area that are hiring a lot of qualified
8 teachers, so that definitely could be a factor. With
9 the other two districts you've mentioned I think that
10 our approach to using the Workforce Stability Index
11 with districts and to have focus conversations in
12 equity labs is going to lend itself to a greater
13 focus on each district's recruitment plan or
14 retention plan and identifying the benefit of if we
15 even retain teachers. That makes a big difference in
16 our recruitment efforts. So I think the -- and also
17 being able to know are these teachers that we hire or
18 employ on a waiver are they actually completing that
19 process -- and if they're not, then why not. So I
20 think you'll see more focused intervention by the
21 Department in this area going forward.

22 MS. ZOOK: And, you know, when you get to the
23 Forrest City's and the Lee County's and those that
24 have some struggles to begin with that have a lot
25 first-year teachers, and then they have these and

1 kids having a teacher in their classroom,
2 particularly at the elementary level, that may not
3 have been trained in science of reading and, you know
4 -- I know the districts are likely way more
5 frustrated by this than I. So I do appreciate the
6 fact that the Department is keeping an eye on that.
7 Thank you.

8 DR. PFEFFER: Okay.

9 CHAIRMAN BARTH: Other questions?

10 All right. Proceed.

11 DR. PFEFFER: Okay. Just going forward a little
12 more with the presentation, the long-term substitutes
13 -- and I think -- so this is where we saw a big
14 change. In 15-16 we -- you all approved 411 unique
15 positions requiring a long-term sub. Going to the
16 next year it was up to 661, so a significantly higher
17 number of people hired as a long-term sub when you
18 look at those who began the school year as a long-
19 term sub where there was no teacher of record.

20 So this is where we get a sense of what those
21 true vacancies were: that next year it went up to
22 182. And where the year before you had only 54 of
23 those who actually filled that vacancy for the entire
24 year it went up to 152 last year, so -- but the use
25 of long-term subs to fill vacancies for a school year

1 has greatly increased. If you look at that and think
2 about the reduction in the ALPs it may be the
3 districts did not have licensed teachers to add an
4 area to their license; so therefore, then they were
5 hiring people who were not licensed to do this.

6 Again, what we're seeing in a lot of districts
7 is the hiring of a long-term sub and then putting
8 them on a path towards licensure, which is a good
9 thing. Act 294, the legislation related to
10 licensure, put in provisions for some flexibility.
11 So instead of hiring a long-term sub what we would be
12 looking at districts being able to do would be
13 finding those people who had the qualifications that
14 agree and qualifications for positions who then would
15 be seeking that route. And so it would actually be a
16 different type of permit they would be teaching under
17 rather than a long-term sub, and kind of going back
18 to a long-term sub primarily serving in an area of a
19 medical need or more of a short-term planned leave
20 and not to come in and fill vacancies. But we do
21 know that last year we had a lot of instances where
22 schools contacted us early in the year or at semester
23 for teachers who left without notice, and therefore
24 they didn't have another option.

25 CHAIRMAN BARTH: Any questions? Ms. Newton.

1 MS. NEWTON: The long-term sub for the entire
2 year is very, very concerning to me. And so my
3 question is: why would a district -- because I know
4 there's some regulations on what you can put on an
5 ALP -- why would they put a person on a long-term sub
6 and not go on an ALP?

7 DR. PFEFFER: Well, they may not have the staff
8 to be able to have that person -- add that area of
9 licensure and also teach other classes. So it may be
10 that their staffing is limited to what they have, the
11 teachers that they have available for the
12 certifications that they have available, and they
13 just don't even have a licensed person free to work
14 on a different area.

15 MS. NEWTON: So an ALP, they have to have a
16 license?

17 DR. PFEFFER: Yes.

18 MS. NEWTON: A long-term sub just has to have a
19 degree?

20 DR. PFEFFER: Bachelor's degree.

21 MS. NEWTON: Okay. All right. Because I
22 noticed that -- I think it was Dollarway had no --
23 none of theirs was on ALPs; they were all long-term
24 subs. And so as a department and as a district or as
25 a co-op, wherever it would need to come through, we

1 -- I know that with the new rules that we've got
2 going in we give a lot of support to novice teachers
3 because we know that they need it. And I would think
4 that a teacher that's on an ALP would be getting
5 support because they're having to do class work and
6 coursework. But we've got 152 teachers in the
7 classroom all year long, but you multiply that times
8 the number of students that they have -- we're
9 talking about a lot of kids that may be in a
10 classroom with a teacher that I'm not sure is getting
11 any support at all.

12 DR. PFEFFER: And I think that's where if we
13 utilize the emergency teaching permits going forward.
14 Now those will not be in effect until the rules are
15 in effect, which may be January before those would
16 actually be in place. But under an emergency
17 teaching permit the educator is acting as the teacher
18 of record, so they not only will have the -- they'll
19 have their bachelor's degree, but they will have
20 demonstrated the content knowledge in that area. And
21 so then they would automatically be picked up through
22 mentoring, so it would be different than a long-term
23 sub. So what we would like to see going forward is
24 the long-term sub be someone -- it was originally
25 designed just to be no more than a semester, but then

1 the allowance was made for the additional semester
2 because of the continuing problems.

3 I think one thing that we can get better at is
4 actually really keeping up with the requests for
5 long-term subs as they come in. I don't know that
6 any of us -- you know -- we come to you each month
7 with, you know, two or three requests, and then all
8 of a sudden you look and then there are 15 or more.
9 And so that is something that I know that Dr. Owoh in
10 his unit will be looking at is, okay, as this
11 continues to build then how do we utilize our Office
12 of Coordinated Support and Services to come to really
13 continuously monitor that and look to see, okay, if
14 we do have that situation what support is being
15 provided there.

16 MS. NEWTON: And, you know, I guess I'm just
17 going to be blunt: are there going to be any pushes
18 to the district to get their -- the ones that they've
19 got on long-term subs to go this provisional teaching
20 license? I can't remember what you called it, but --
21 because isn't it cheaper for a district to hire a
22 long-term sub than to have a teacher --

23 DR. PFEFFER: I think it would -- I think it's
24 going to depend on what the district policies are and
25 how they pay. Yes, if they're being paid off the

1 teacher's salary schedule, obviously it is more --

2 MS. NEWTON: Right.

3 DR. PFEFFER: -- expensive to do that. I think
4 -- so it will depend on -- I think it will depend on
5 the district and the circumstances around that and
6 the amount of support that they're getting, the level
7 of support that they're getting from the Department.

8 MS. NEWTON: So could we do any encouraging, I
9 guess is what I'm asking?

10 DR. PFEFFER: Definitely.

11 MS. NEWTON: Okay.

12 CHAIRMAN BARTH: Ms. Reith.

13 MS. REITH: Dr. Pfeffer, are Act 1240s having
14 any impact in the increase in these numbers or is
15 this more because of the teacher pipeline and lack of
16 teachers?

17 DR. PFEFFER: So these numbers would not be
18 reflected with the Act 1240 numbers. Actually, I'll
19 go to the next couple of slides and we can talk about
20 those and kind of circle the conversation back
21 together.

22 So as of January 1st there were 27 districts
23 that have been granted a waiver of licensure under
24 Act 1240. I did not find last night how many
25 additional since January had been added. So there

1 are more than 27 districts that do have that waiver.
2 Once that waiver is granted though we don't always
3 know how extensively those waivers are being used.
4 And as you know, in some of the waivers the licensure
5 is only waived for the non-core areas, maybe it's a
6 career technical area, maybe it's only one or two
7 positions, but in some it's quite a bit more. And so
8 what we have done is in eSchool we have built a way
9 for districts to identify any teacher who is not
10 licensed to teach in the area they're assigned; they
11 have to mark the type of waiver that's being
12 received. We did that for the first time this past
13 year. Now we did have some areas where we knew that
14 the data got entered incorrectly, and so we're
15 working with districts and we really plan next year
16 to have a more concerted effort so that districts are
17 really understanding, okay, if I have this teacher
18 and they're not licensed to teach 7th grade science
19 what is it -- what type of waiver do we have that's
20 approving us to have that teacher teach in that
21 class. And so when you look at the number, what we
22 found in My School Info was that districts had
23 reported 229 people teaching under an Act 1240
24 licensure waiver. Now I don't know for certain if
25 that number is a hundred percent accurate, but that

1 was what has been reported. And, again, we really
2 will work with districts this next year on making
3 sure that they're reporting those accurately for
4 informational purposes. You know, it's like Ms.
5 Newton said, and not knowing for sure how many
6 students are impacted -- once we have that data
7 reported we would know within each school the grade
8 level, the class and we would have the better number
9 to be able to report out how widely these waivers are
10 being used.

11 So just to look at -- there we go, wrong button
12 there -- if you want to have a sense by co-op the
13 percent of teachers who are teaching out of field,
14 overall -- and these go back again to the ALPs. So
15 we don't have all of the numbers put together by co-
16 op, but this chart right here going forward we would
17 like to have that replicated where it includes the
18 ALPs, the long-term subs, and the Act 1240 waivers,
19 and have it broken down by co-op. And I think if we
20 can do this at maybe some regular intervals for you
21 throughout the year that helps all of us kind of stay
22 on top of things and know maybe where we need to
23 intervene a little bit earlier and where we need to
24 focus attention so it's not always the summative
25 after the fact.

1 So you can see overall that 3% of teachers
2 teaching out of their area that they've been prepared
3 in, that's been pretty consistent over the last
4 several years. But I think even being able to
5 include the other data and break it down by co-op is
6 going to be helpful in terms of support through
7 mentoring, in terms of preparation. So that's
8 something we'll include. And then also in MSI you
9 can go in and create a map. And so what these show,
10 the red represents those that had the fewest waivers
11 and this is more inclusive of all the information
12 that's reported in eSchool, so -- pulled into MSI.
13 So the red are the lowest, those that have the
14 fewest; the green would represent the districts that
15 have the most, and the yellow are kind of that middle
16 tier of waivers requested. And when you do the math
17 and you hover over you can actually see the
18 districts. So the green there is KIPP Delta, there
19 on the right-hand side, and it would make sense that
20 they would have a large number of waivers being a
21 charter school, and they have the waiver from
22 licensure. Some of the larger school districts do
23 have more waivers -- but, again, percentage-wise how
24 much of their faculty does that represent, that's
25 additional data we would want to look at and

1 question. And then I think always it's has that
2 changed over time, and any time you see a big change
3 that's where we would want to go in and work with the
4 district and talk to a district about that. In
5 Northwest Arkansas I do know that they are some of
6 the higher percentage of districts requesting ALPs
7 for special education. Their special education
8 student population has grown, wherein the eastern
9 side of Arkansas the student population has shrunk.
10 So you just have all these dynamics going on.

11 But, again, I think some of the takeaways that I
12 have are probably some more regular synthesis and
13 analysis of this reporting maybe a couple of times
14 through the year with you all and just making sure
15 that we're really working with districts on data is
16 going to be very helpful.

17 CHAIRMAN BARTH: Great. Ms. Reith, did you want
18 to -- did you get your questions fully answered?

19 MS. REITH: Yes.

20 CHAIRMAN BARTH: Okay. Any other questions?

21 MS. ZOOK: I would think --

22 CHAIRMAN BARTH: Ms. Zook.

23 MS. ZOOK: -- that for a consent agenda item but
24 this kind of report would then need to come to the
25 action agenda item. I don't know what other people

1 think, but that was very helpful and not the kind of
2 thing we usually take that much time on in the
3 consent agenda.

4 CHAIRMAN BARTH: Yeah. I just wanted to praise
5 this report as -- I mean I think we -- this is
6 exactly what we need, because I think we often treat
7 these different types of waivers separately. And I
8 think this kind of holistic view of waivers -- and,
9 you know, back to Ms. Newton's point of, you know,
10 are districts kind of shifting from one type of
11 waiver to another, we need to often ask some
12 important questions about what that means for the
13 quality of what's going on in the classroom, that
14 those shifts take place that may be driven by other
15 forces that are adult forces rather than kid forces.

16 Ms. Reith?

17 MS. NEWTON: I have one more question.

18 CHAIRMAN BARTH: Uh-huh.

19 MS. NEWTON: Going back to what you said about
20 the ALPs, there were 25% -- or more than 25% of them
21 were special ed. Is there anything that we can do to
22 increase our pipeline for special ed.? Because
23 schools are having a tremendous problem, not just in
24 specific areas of the state but statewide, finding
25 special ed. teachers. Is there anything we can do?

1 DR. PFEFFER: Well, I think we are slowly
2 starting to see some results of things that we've
3 done over the last couple of years. We're seeing an
4 increase in the number of students enrolled in the K-
5 12 special education program. So that first time
6 licensure program only came into being about two
7 years ago. So those are educators who have made a
8 conscious choice that "I want to teach special ed.,"
9 and that's their first choice for a license. So
10 we're seeing more of those students now come out of
11 the pipeline, whereas before special education was an
12 add-on endorsement. So we are seeing an increase in
13 that pipeline. Our MAT program that was just begun
14 -- I believe it was last year, we're seeing more
15 teachers going through the MAT program and then --

16 MS. NEWTON: Can you get a special ed. licensure
17 through MAT?

18 DR. PFEFFER: Yes. So that's a new one, a new
19 area. So, but these are all just starting. So I
20 think those are some things that are going to
21 increase our pipeline. And then we also have a
22 resource license available for K-6 through 7-12 and
23 part of the work too is working with districts,
24 having them really strategically think through how do
25 we -- how are we staffing our special education

1 classes, looking at the availability of co-teaching
2 and whether some -- we could do some strategic
3 preparation in licensing for teachers.

4 CHAIRMAN BARTH: Ms. Reith, did you have --

5 MS. REITH: Yes. More of an echo to both of
6 your comments, as well as Ms. Zook's, my preference
7 of seeing this in the future on the action agenda. I
8 think it's a tremendous first step, Dr. Pfeffer. And
9 to you and to your whole staff for the data
10 collection, that's where it begins; right? It's
11 collecting data and empowering districts with this
12 data. But I do think we have a responsibility to
13 analyze the data, and I think by keeping this on the
14 action agenda it will help all of us move to that
15 next step from data collection to actually analysis
16 and what this means. So thank you so much.

17 DR. PFEFFER: May I ask what would be kind of a
18 timeframe in -- would you all want a report in
19 December that would kind of capture the first
20 semester and then again later? What are you
21 thinking?

22 CHAIRMAN BARTH: When in the year do we really
23 have, you know, the first semester? Is it
24 January/February or when do we have a pretty good
25 snapshot of the first semester typically?

1 DR. PFEFFER: Melissa says probably at the
2 January meeting. So I think --

3 CHAIRMAN BARTH: I think January and July maybe
4 makes sense --

5 DR. PFEFFER: Okay.

6 CHAIRMAN BARTH: -- as a couple of times a year.

7 DR. PFEFFER: And I do need to say that Melissa
8 Jacks and Janice Calaway and Frank Servedio really
9 are responsible for pulling all of this information
10 together. And I think today -- sharing this today
11 and hearing your questions will help us to kind of
12 really work towards making sure that we have the
13 information that we need. So I'll work with them and
14 Dr. Owoh going forward and I'm sure January's report
15 will even be much, much better than this one. So --

16 CHAIRMAN BARTH: And one other thing I would
17 appreciate is -- and it doesn't necessarily have to
18 be in the report itself but in the presentation. In
19 addition to special ed., which I think is clearly
20 always going to be an issue, what are those other
21 subject areas that are really starting to pop in
22 ways? I mean I think that -- you know -- I think as
23 a state, you know, if we can, you know, catch some of
24 these trends before they just become, you know,
25 overwhelming, I think that would be good. So, you

1 know, trend lines that we're starting to see move in
2 a negative direction or in a positive direction, I
3 think that would be helpful in terms of our role.

4 DR. PFEFFER: Okay.

5 CHAIRMAN BARTH: Ms. Zook.

6 MS. ZOOK: I'm wondering if the Governor has
7 started the Future Scholarships where you're trying
8 to get people to go into the areas that have a big
9 demand. Are those available to people if they go
10 into like a high needs area, like special education,
11 or are those just for the trades?

12 DR. PFEFFER: And I -- yeah, I don't know the
13 answer to that specifically. I do know that there
14 are loan reduction programs through the Department of
15 Higher Ed. for content -- or the shortage areas we
16 named by content, and also for geographically those
17 counties that are identified by the Economic
18 Development Commission as Tier 4 counties. So
19 they'll be updating that actually this month and so
20 we can just provide that information to you all as
21 far as where those Tier 4 counties are and go back
22 through the critical shortage areas that have been
23 identified.

24 MS. ZOOK: Thank you.

25 COMMISSIONER KEY: Yeah. Thank you, Mr.

1 Chairman. One area that we could maybe encourage the
2 General Assembly to look at on the policy side is --
3 if you remember when the funding matrix was
4 established they used -- we used, since I was there
5 -- we used one salary, you know, the average typical
6 salary for all teachers, and so all of the matrix
7 components were developed around that typical average
8 salary. And, you know, one thing the Lakeview
9 decision said was if you're going to make changes you
10 need to make changes based on evidence. There may be
11 enough evidence that the General Assembly could look
12 at changing how that salary is looked at in
13 developing the foundation funding matrix. So, you
14 know, right now when you have I think it's 2.5
15 special ed. teachers per 500 students in a typical
16 school, well, whatever that average salary is is
17 what's plugged into that. There may be a reason for
18 the -- to ask them to go back and look at that, is
19 that something that -- because that's a policy issue
20 they would need to make. But I do think that when
21 you're competing with all the other types of teaching
22 positions -- I know one of the things we hear over
23 and over from superintendents is they can't recruit
24 special ed., they just can't find the people. If
25 there was a way to have a salary some increment

1 higher that would give them some flexibility that's
2 something that may help that pipeline issue, because
3 I don't think we're solving it right now. We keep
4 getting behind even though we are trying to create
5 more opportunities. As the numbers show, we keep
6 getting behind and I think we're going to have to
7 look at something on the policy side that helps
8 alleviate that long-term.

9 CHAIRMAN BARTH: Well, and those ratios from 12
10 years ago of special ed. students to teachers we know
11 is changing; right? Especially in certain parts of
12 the state.

13 COMMISSIONER KEY: It -- yes, that is true.

14 CHAIRMAN BARTH: Thank you very much. I'd
15 invite a motion to accept this report on waivers.

16 MS. NEWTON: I move to accept.

17 CHAIRMAN BARTH: Motion by Ms. Newton.

18 MS. REITH: Second.

19 CHAIRMAN BARTH: Second by Ms. Reith.

20 All those in favor say "aye."

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN BARTH: Opposed same sign.

23 Great.

24 All right. We now move into -- okay. Yeah,
25 we're going to take a quick break. I see desperation

1 here. So we're going to take a quick 10-minute
2 break. Great. So we'll return at 11:10.

3 (BREAK: 11:01 - 11:14 A.M.)

4 CHAIRMAN BARTH: I'll call us back to order.
5 And we were obviously just talking about the
6 importance of teachers and I did want to do a short
7 recognition of one of our partners in education. Ms.
8 Brenda Robinson, president of the Arkansas Education
9 Association, is coming to the end of her term and I
10 wanted -- saw her out there and wanted to voice our
11 appreciation for your dedication to education in
12 Arkansas. And so, Brenda, thank you so much for
13 being here today, but more importantly thanks for
14 being there for years and years for teachers and
15 kids. So, thank you very much.

16 [APPLAUSE]

17 A-4(a): CONSIDERATION OF REMOVAL OF GUY-PERKINS SCHOOL
18 DISTRICT FROM FISCAL DISTRESS CLASSIFICATION

19 CHAIRMAN BARTH: All right. Next on our agenda
20 we now move into fiscal distress. We have two
21 districts that are -- that the Department now
22 recommends should be removed from fiscal distress.
23 And so I will turn it over to Cynthia Smith for her
24 presentation.

25 MS. SMITH: Cynthia Smith; I'm the coordinator

1 for Fiscal Services and Support. And our first
2 district is Guy-Perkins. They were classified June
3 11th of 2015. They have completed all of their
4 fiscal distress plan; they had two years of an
5 increased budget. A lot of thanks to Mr. Robert
6 Stewart; he was the interim superintendent this last
7 year and made a lot of hard decisions, really great
8 changes for the district, and he is going to hand the
9 baton off to Mr. Shade Gilbert. And we would like to
10 recommend them for removal from fiscal distress.

11 CHAIRMAN BARTH: Thanks very much. Do y'all
12 have any comments? At least do state your name for
13 the record.

14 MR. STEWART: Robert Stewart, former interim
15 superintendent, Guy-Perkins.

16 CHAIRMAN BARTH: All right. Any comments?

17 MR. STEWART: It's been a pleasure working with
18 the district and I'm glad to see them emerge from
19 fiscal distress. I thank Cindy and her crew --

20 CHAIRMAN BARTH: Could you speak into the
21 microphone?

22 MR. STEWART: Oh.

23 CHAIRMAN BARTH: Yeah. Thank you.

24 MR. STEWART: I thank Cindy and her crew;
25 they've been a great help. So this is my second time

1 to go through fiscal distress, so I'm glad to get it
2 done and get back into retirement. So, thank you.

3 CHAIRMAN BARTH: Great. All right.
4 Congratulations.

5 Any questions from board members?

6 All right.

7 COMMISSIONER KEY: I -- well, just to put Shade
8 on the spot since he was one of our team members not
9 too long ago, but I know that we're pretty excited
10 about what Mr. Stewart has done and what Shade is
11 going to. He's going there from Nemo Vista and --
12 after he left us, and he's -- I think he's going to
13 be a good change for the district. And I want to
14 appreciate Mr. Stewart's piloting of the district for
15 the interim time that he's been there, coming back
16 home from Alaska. Isn't that right, Robert? So
17 anyway, from where they started to where they are now
18 is fantastic, so I just want to say that publicly.
19 Good job, guys.

20 CHAIRMAN BARTH: Yeah.

21 SUPT. GILBERT: Shade Gilbert, superintendent of
22 Guy-Perkins School District. I'd just like to echo
23 what Mr. Stewart said, that it's been a pleasure
24 working with Ms. Smith and her crew and they've been
25 a tremendous help. And I can't take any credit for

1 this; Mr. Stewart and the ladies in my office have
2 done wonderful work. And I'm just looking forward to
3 taking the reins and hopefully moving forward in a
4 positive direction.

5 CHAIRMAN BARTH: Wonderful. Well said.

6 Any -- are folks ready with a motion? Ms.
7 Newton?

8 MS. NEWTON: With sincere congratulations, I
9 would like to recommend that Guy-Perkins be removed
10 from fiscal distress.

11 MS. CHAMBERS: Second.

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

14 All those in favor say "aye."

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRMAN BARTH: Opposed same sign.

17 Congratulations. Thank you all --

18 SUPT. GILBERT: Thank you.

19 CHAIRMAN BARTH: -- and continue the good work.

20 A4(b): CONSIDER REMOVAL OF YELLVILLE-SUMMIT SCHOOL DISTRICT
21 FROM FISCAL DISTRESS CLASSIFICATION

22 CHAIRMAN BARTH: And, Ms. Smith, now we go to
23 Yellville-Summit School District.

24 MS. SMITH: Yes, Yellville-Summit, they were
25 classified May 29th of 2015. They have completed all

1 of their fiscal distress plan. They've had a two-
2 year increased budget. Mr. Wes Henderson has done an
3 amazing job bringing them out of fiscal distress.
4 I've enjoyed working with him. And I would like to
5 recommend them for removal from fiscal distress.

6 CHAIRMAN BARTH: Great. Wonderful. Would y'all
7 like to make any quick comments?

8 SUPT. HENDERSON: I'm Wes Henderson, the
9 superintendent of the Yellville-Summit School
10 District. And this was my first job as a
11 superintendent and I accepted it right as they'd been
12 placed on -- well, were in the process of being
13 placed on fiscal distress. And if I ever write a
14 book about being a superintendent I would advise
15 anyone, it's the time to start being a
16 superintendent. You get to work with people like
17 this who were so much help. Norman Hill has been so
18 much help to us. There are just tremendous
19 opportunities to get help as a superintendent. And
20 our district, we have grown. We were at 689 when I
21 took over; we're at 734 now, and we're hoping to
22 continue to grow. We just want to be a great
23 district. And thank you.

24 CHAIRMAN BARTH: That's wonderful. That's
25 wonderful.

1 Any other -- Commissioner.

2 COMMISSIONER KEY: Oh, I'm going to brag on Mr.
3 Henderson. He was in Mountain Home when my kids were
4 coming up, did a fantastic job. I knew when they
5 hired him they hired the right guy to help turn that
6 ship around. So good job, Wes.

7 SUPT. HENDERSON: Thank you.

8 COMMISSIONER KEY: I'm proud of y'all.

9 CHAIRMAN BARTH: Any other questions or
10 comments?

11 All right. I'll entertain a motion.

12 MS. ZOOK: I move that we remove Yellville-
13 Summit off fiscal distress.

14 CHAIRMAN BARTH: Motion by Ms. Zook, second by
15 --

16 MS. DEAN: Second.

17 CHAIRMAN BARTH: Second by Ms. Dean.

18 All those in favor say "aye."

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN BARTH: Opposed, same sign.

21 Congratulations to y'all.

22 SUPT. HENDERSON: Thank you.

23 CHAIRMAN BARTH: And I just want to make a quick
24 comment. I remember both of these districts, when
25 they came before us and were placed in fiscal

1 distress, and there was a tremendous amount of
2 frustration with our decision at that time. And yet,
3 what we hear again and again when we're on the other
4 side of fiscal distress is how valuable it was for
5 the district in terms of getting its house in order.
6 And moreover I just want to applaud the folks and Ms.
7 Smith and your team; you've heard it every time this
8 happens, is that they say y'all are just great to
9 work with. And so I just want to say thank-you for
10 the good work that you do to aid these districts that
11 are not fundamentally flawed but simply need to get
12 their house in order, and y'all do it again and again
13 and again and again. So thank you very much.

14 MS. SMITH: We have an amazing team in there.
15 The ladies all work really hard. They have a heart
16 for this. And we're just excited to offer services
17 and support to all the districts in the state. We
18 try to make them know that you don't have to be in
19 trouble to ask for our help. If you just have
20 questions or you need additional training that's what
21 we're there for. And it seems to be really, really
22 improving our relationship with all the districts and
23 we're excited. We're going to have a couple more
24 coming up very soon, so we're getting everyone off
25 fiscal distress quickly.

1 CHAIRMAN BARTH: Wonderful. Thank you.

2 MS. SMITH: Thank you.

3 CHAIRMAN BARTH: All right. Thank y'all.

4 A-5(b): DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-
5 ENROLLMENT CHARTERS: DEER/MT. JUDEA SCHOOL DISTRICT

6 CHAIRMAN BARTH: We now move into the Act 1240
7 waiver requests. And I remind you that the first one
8 was pulled, from Carlisle. And so we are now looking
9 at the Deer/Mt. Judea request. And Ms. McLaughlin
10 will remind us of our procedures.

11 MS. McLAUGHLIN: Yes, sir. Good morning. Kelly
12 McLaughlin, ADE Charter Unit Office. Today we have
13 representatives from Deer and Mt. Judea. The Act
14 1240 of 2015 allows a school district to petition the
15 State Board of Education for all or some of the
16 waivers granted to open enrollment charter schools
17 that serve students who reside in their school
18 district. And we do have representatives here from
19 Deer and Mt. Judea appearing before the Board for
20 petitions for the following waivers: library/media,
21 teacher licensure, and flexible schedule. Their 90
22 days expires on September 6th and they have requested
23 for five years. Melissa King, Federal Programs
24 Curriculum Coordinator, and Brenda Napier, the Mt.
25 Judea principal, are here to make their presentation.

1 For our procedures, the district will have 20
2 minutes to make their presentation. If there is any
3 opportunity present, they will have an additional 20
4 minutes. And then the district will have the 5
5 minutes then for the rebuttal. You will want to be
6 sure and swear in all those present to speak.

7 CHAIRMAN BARTH: Great. Thank you very much.

8 So if Ms. King, Ms. Napier, and anyone else who
9 plans to offer testimony would please stand and raise
10 your right hand. Do you swear or affirm that the
11 testimony you're about to give shall be the truth,
12 the whole truth, and nothing but the truth?

13 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

14 CHAIRMAN BARTH: Thank you very much.

15 Y'all can proceed with your 20 minutes, however
16 you want to divide it.

17 MS. KING: Good morning, Mr. Chairman, Members
18 of the State Board, and Commissioner Key. We don't
19 really have a formal presentation for you today, so
20 we will not be taking 20 minutes, I don't believe.

21 We are asking for three waivers today. The
22 first one is library/media. We lost our district
23 library/media person to our county library this
24 summer. And what we're hoping to do is since she is
25 there we're wanting to work on a MOU with our county

1 library so that she will still either virtually be
2 working with our students or we will be taking
3 students to the county library to get some services
4 there. And we would also in her position be putting
5 classified people into the library to take care of
6 our libraries on the campus as well.

7 The second waiver that we're asking for is
8 teacher licensure. We have a tremendous problem in
9 filling slots in our district. We're like the Delta
10 region really. If they're not homegrown or they
11 don't have connections to our district it's hard to
12 keep them there. And we use the nontraditional
13 program and the MAT program; we accept all of those.
14 But they'll usually stay two years and then they
15 leave us. But we're not asking for core teachers;
16 we're only asking for extra, I guess we would say,
17 teachers. We use the ALPs when we have to. We
18 prefer not to for our core content. We really want
19 certified teachers in those positions.

20 And then our third waiver on the flexible
21 schedule, we know that Act 867 took care of this for
22 9 through 12. We want to move it down a little bit
23 for 7th and 8th grade because last year we actually
24 lost students to Arkansas Virtual Academy because
25 they can go three days, complete all of their

1 assignments, and then two days they're working in
2 their family business. We have that a lot in our
3 district.

4 So that's what we're asking for in a nutshell.

5 CHAIRMAN BARTH: All right. Thank you. Any
6 other comments?

7 MS. NAPIER: I just want to say thank you --

8 CHAIRMAN BARTH: And your name for the record?

9 MS. NAPIER: Brenda Napier, Mt. Judea principal.
10 I've been Curriculum for several years. But a real
11 good scenario, we lost our coach and principal at
12 that campus in one week's time. So I was asked to go
13 to that campus and I'm very proud to be there. These
14 kids that we're talking about -- we're small. But I
15 don't think I've ever been so motivated as when we
16 were at the school improvement conference in Hot
17 Springs and Mr. Key talked about the student and ESSA
18 and the fact that the students -- they're more than
19 just a test score; they're just -- we need to make
20 them a whole, well-rounded kid. We need to look at
21 each and every one of them. So we don't take lightly
22 these waivers that we've asked for because we want
23 quality. We want the best for our students. We are
24 producing students that are receiving Chancellor's
25 scholarships at U of A, that go to Duke University.

1 We have a Dartmouth grad. So we are producing
2 quality students. We have a lot of students that
3 receive career and technical degrees, and that's
4 where the teacher licensure comes in because we can
5 have an agriculture teacher but he may not be -- he
6 or she may not be welding certified. So if we bring
7 in a professional that is a welding -- has welding
8 certification they can help that student be in a
9 progression of moving forward into their career. So
10 thank you for letting me speak, but that's where
11 we're going.

12 CHAIRMAN BARTH: Thank you, Ms. Napier.

13 I'm going to just swing around and see if there
14 are questions on any of these three items. I'll
15 start with Ms. Newton.

16 MS. NEWTON: I have several questions. The
17 first one has --

18 CHAIRMAN BARTH: Excuse me just one second.
19 There's not opposition, correct, Ms. McLaughlin?

20 MS. McLAUGHLIN: No, sir.

21 CHAIRMAN BARTH: I apologize. Ms. Newton.

22 MS. NEWTON: The first one has to do with the
23 library/media and it's not necessarily specifically
24 with this school but just a concern that I wanted to
25 raise to the Board. We looked at our state -- we got

1 the results of our state reading scores, you know,
2 and they are still low. And we as a state through
3 the R.I.S.E. initiative are trying very hard to
4 increase our reading scores and get them improved,
5 because we all know that if kids can't read well then
6 they have difficulty all through life. And my
7 concern is we're getting these library/media requests
8 almost every month. And I have a library/media
9 degree and I've been in that position before, and I
10 know that if kids don't have access to not just books
11 but quality and books that will pique their interest
12 and then someone to guide them, they don't always get
13 that. And so just -- not just for this school but
14 overall I've got a concern about some of the
15 library/media waivers that we are looking at.

16 Specifically with this one, you said that you
17 were -- had lost your library/media specialist to the
18 county library and you are looking at MOU.

19 MS. KING: Yes.

20 MS. NEWTON: Have you already gone into that
21 agreement?

22 MS. KING: We couldn't until she started January
23 1st. So we have to start now working on that with
24 her and the county library board.

25 MS. NEWTON: So this summer -- January 1st or

1 July 1st?

2 MS. KING: I'm sorry; July 1st.

3 MS. NEWTON: All right. So that's in the
4 process?

5 MS. KING: Yes, ma'am.

6 MS. NEWTON: What is your outlook for that being
7 --

8 MS. KING: Ms. Wendall, who's the librarian, she
9 has already agreed to come back to the classroom
10 personally and make classroom visits. She will be
11 setting up each student with a library card for the
12 county library and they have a vast collection of
13 eBooks. So that will give them access to that. And
14 I don't want you to feel that we're not doing any
15 reading. All of our elementary teachers have gone
16 through the literacy lab project, so our classroom
17 libraries have 4,000 to 5,000 books in them for our
18 students.

19 MS. NEWTON: How far away is the county library
20 from your school?

21 MS. KING: About 20 minutes.

22 MS. NEWTON: Twenty minutes?

23 MS. KING: Uh-huh.

24 MS. NEWTON: So the transport of students to the
25 library, how often?

1 MS. KING: Right now like elementary students go
2 once a week to the library, per grade. And even if I
3 have to drive them there myself on a bus I will do
4 that.

5 MS. NEWTON: So you're still looking at --

6 MS. KING: Yes.

7 MS. NEWTON: Okay.

8 MS. KING: And I want to apologize; our
9 superintendent Mr. Curry couldn't be here today. His
10 plane lands from his mission trip today, so -- we
11 wanted to be here but couldn't.

12 MS. NEWTON: I understand.

13 MS. NAPIER: May I share?

14 MS. NEWTON: Sure.

15 MS. NAPIER: With the library/media specialist,
16 each campus, Deer and Mt. Judea, we each have a
17 retired library/media specialist that is volunteering
18 and very willing to come in. They do -- it's all
19 volunteer basis, but we do have two licensed people
20 in each -- one at each campus.

21 MS. NEWTON: Did you want to take each one by
22 topic or --

23 CHAIRMAN BARTH: Why don't we see if there's
24 anything else on the library issue and then we'll
25 come back around? Any other questions or comments on

1 the first waiver request?

2 MS. ZOOK: I think -- how many students do you
3 have that you're connecting to the Virtual Academy --
4 I'm getting there -- either the Connections or the
5 Virtual Academy? Because library/media is not
6 necessarily the same in virtual as it is brick-and-
7 mortar. So how -- have you talked with them how they
8 use this waiver, if they're using this waiver, and
9 how it contributed to student success?

10 MS. KING: One parent who pulled two of her
11 students -- or her children, I should say --
12 everything is done virtually for them. But she
13 didn't even mention library/media as part of their
14 lessons for the week. They had P.E., they had some
15 music activities, but she has not mentioned anything
16 about the library/media. So I'm not -- I can't
17 really answer that for sure.

18 MS. ZOOK: Okay. Thank you.

19 CHAIRMAN BARTH: Any other -- I just do want to
20 piggyback on Ms. Newton. I mean I think that on the
21 library/media we've -- and I feel bad hitting y'all
22 because -- but you're in front of us; right? And I
23 think we've looked at a lot of these and I worry a
24 little bit that on some of these issues we just begin
25 to give up a little bit and say, "Well, we're just

1 not going to be able to have library/media
2 specialists in every school." But it is so
3 fundamental, you know, falling in love with the
4 physical book and then knowing that the world moves
5 beyond that with virtual digital materials. So it's
6 really -- it is troubling. I just think we have to
7 be careful about seceding to what we -- I think many
8 of us in our hearts know is the right thing to do,
9 which is to have high quality librarians and media
10 specialists in the schools. So I just think it's a
11 concern. And y'all are just going to ask these
12 questions or comments and it's --

13 MS. KING: I'm a literacy specialist, so I do
14 not disagree with you at all.

15 CHAIRMAN BARTH: Right. Well, I appreciate
16 that.

17 All right. I guess we'll next move to the
18 teacher licensure waiver and I'll just -- I'll kind
19 of start with Ms. Dean. Anything you see, any
20 questions or concerns there? I'll come back around,
21 Ms. Reith. Dean, Zook -- okay. Ms. Reith.

22 MS. REITH: And I guess maybe I'm trying to
23 think when's good timing for this. But I have kind
24 of broader questions, concerns with this specific
25 application in that it feels somewhat broader than I

1 think some of the applications that we've received in
2 the past. And I wanted to ask Ms. McLaughlin I guess
3 more than anything on behalf of the Department -- it
4 feels like to me this is coming to us because of, you
5 know, school year about to start and needing some
6 waivers; right? And I was wondering -- I mean is
7 this the only avenue that's available to the school
8 districts to get prepared for when school starts or
9 -- because I feel that many in the past, the Act
10 1240s that I've felt more confident with have been
11 tied to a specific program maybe, some sort of career
12 education or innovation approach; there was, you
13 know, a five-year kind of set a marker and they were
14 able to make a strong case, right, of the
15 interconnectivity. And this just felt broader and
16 maybe in some ways reminiscent of some of the early
17 Act 1240 applications that we got. And I know since
18 your department has been working with the school
19 districts to kind of try and get a little bit more
20 clarity, how does your team feel about this
21 application? Is this really the avenue -- only
22 avenue that's available to them to be ready to serve
23 children and to be compliant by the start of the
24 school year?

25 MS. McLAUGHLIN: Well, time-wise it is probably

1 the only avenue for them. Usually -- I work with
2 school districts and another unit that I work with is
3 Curriculum Support and I send a lot of folks to Tommy
4 Coy, who is the program manager for that unit. But
5 the time has past, the deadline has past for course
6 approvals, although the library/media request doesn't
7 really have anything to do with the course approval.
8 So basically for anything that would be starting this
9 year this really is their only avenue. There is the
10 district conversion charter application cycle but
11 that will require about 18 months. And, of course,
12 if they wanted to go through the approach of the
13 school of innovation that takes a little bit less
14 time but still not an avenue for them for August of
15 2017.

16 MS. REITH: Thank you. Thank you for affirming
17 that. That was my question.

18 CHAIRMAN BARTH: Ms. McLaughlin, while you're
19 there, are there time limits on these waivers?

20 MS. McLAUGHLIN: I believe --

21 CHAIRMAN BARTH: I've not seen them.

22 MS. McLAUGHLIN: -- they asked for five years.

23 CHAIRMAN BARTH: They did?

24 MS. McLAUGHLIN: Uh-huh.

25 CHAIRMAN BARTH: I just was missing it. I

1 apologize.

2 Ms. Newton.

3 MS. NEWTON: Just on that particular topic, it's
4 not real clear in your application what classes that
5 you are seeking these waivers for and what grade
6 levels. So could you tell me that?

7 MS. KING: Right now we do not have an agri
8 person.

9 MS. NEWTON: Okay.

10 MS. KING: We don't have anyone that's applied
11 that's actually certified, but we have people that
12 have applied that have a degree in agriculture
13 business. So we feel that if we could hire these
14 people, since they do have a degree, it's -- we don't
15 -- what am I trying -- we don't want just anybody in
16 there helping our students. But we feel that if they
17 have that degree they can support and teach these
18 lessons to the students.

19 MS. NEWTON: So, what, you're looking at 7-12,
20 9-12?

21 MS. KING: 7-12.

22 MS. NEWTON: 7-12 for that. Okay.

23 CHAIRMAN BARTH: Any other questions on that?

24 And then, finally, flexible schedule, any
25 questions on the flexible schedule proposal? I see

1 -- I'll start with Ms. Newton and come around.

2 MS. NEWTON: I saw in your application that
3 you're thinking about lower grades. What's your plan
4 for implementation in the lower grades?

5 MS. KING: We want to start talking with the 6th
6 graders first and their parents to let them know what
7 options are there. We're a very high poverty
8 district and those students don't even know where to
9 begin really on what types of jobs or careers they
10 could have. And we're not saying we're sending them
11 out anywhere; we just want to start helping them plan
12 and set educational goals, then move them up to 7th
13 and 8th grade; let them experience some of those with
14 like visitations, internships possibly during 7th and
15 8th grade, so when they hit 9th grade they know
16 exactly what path they want to take.

17 MS. NEWTON: What kind of oversight are you
18 going to give to those 7th and 8th grade students?

19 MS. KING: I'm sorry; what?

20 MS. NEWTON: Oversight for those 7th and 8th
21 grade students.

22 MS. KING: We will have to have a team in place
23 and those parents will be involved, the student, the
24 principals and the counselors, to watch them
25 throughout the year. And then they'll have a written

1 plan that they will follow. And they're not getting
2 out of, say, not doing other things; they're still
3 responsible for all curriculum.

4 MS. NEWTON: I guess what I'm trying to ask is
5 -- I'm not making it clear -- when a 7th and 8th
6 grade student -- go ahead. You go ahead; I just
7 wanted you to hear my question. So you go ahead. Go
8 ahead.

9 MS. McLAUGHLIN: It's been brought to my
10 attention that we have -- in the application it
11 states that they're not asking for the core areas,
12 and we do need them to -- but they are asking for art
13 and music. And according to the Licensure Unit that
14 is considered a core area. So I just need you guys
15 to state that verbally.

16 MS. KING: We have musicians and artists that
17 live in our area, so we're talking about using them
18 like for one period a day above and beyond our art
19 and music teachers that we have on campus as an extra
20 activity.

21 MS. NEWTON: Okay. The question I had about 7th
22 and 8th grade students would be oversight after they
23 left your campus, you know, talking about young kids,
24 how would you --

25 MS. KING: Oh, okay.

1 MS. NEWTON: -- how would you take care of
2 making sure that they were safe? And will you
3 provide any sort of transportation?

4 MS. KING: Yes. Usually when we do activities
5 like that the counselor will take them and she's the
6 one that's made the connections with the businesses
7 or the colleges. So she would be there, along with
8 their parents, if they want to attend; they're more
9 than welcome to attend any of those too.

10 MS. NEWTON: So would they be going as a group
11 or is it individuals? I'm not clear.

12 MS. KING: We have done it individually and we
13 have done small groups. I don't think we should take
14 a whole group all at once, unless the business would
15 prefer that.

16 MS. NEWTON: Okay.

17 MS. KING: But they will be supervised. We
18 won't send them off on their own.

19 MS. NEWTON: Okay.

20 CHAIRMAN BARTH: Okay. Mr. Williamson, any
21 questions?

22 MR. WILLIAMSON: No.

23 CHAIRMAN BARTH: Ms. Chambers? Mr. Black? Ms.
24 Zook?

25 MS. ZOOK: So this is -- what you're talking

1 about is more like a career orientation, like going
2 on a field trip to see the different businesses as
3 opposed to individual children doing an internship at
4 the 7th and 8th and 9th grade?

5 MS. KING: We will be looking at the students
6 individually. If there are students that are mature
7 enough to handle that, it will be on an individual
8 basis. We're not going to send anybody out there
9 that's not ready. But then again, if we have people
10 that are ready then we do want to give them those
11 experiences.

12 MS. ZOOK: Well, they're 12, so you can only be
13 so mature by 12.

14 I know that when Mountain Home came before us
15 and wanted to move down to 9th grade I was challenged
16 with that. And 7th and 8th, you know, like what are
17 your achievement scores in 7th and 8th in their
18 reading and math areas and science and writing? It
19 would seem to me that if those aren't -- if all those
20 students aren't at their ready-level that they would
21 do better to be at school getting extra help in those
22 areas. But I tried to look up real quick and see
23 what your 15-16 scores were and I couldn't find it
24 quickly. So where are you as far as your 6th, 7th
25 and 8th grade students relative -- I mean are they --

1 like 80% of them are ready or is it lower than that?

2 MS. KING: District-wide it would be lower than
3 that. I can't off the top of my head tell you what
4 it was. I know that our 6th grade and 8th grade on
5 one campus was stronger than the other campus, with
6 most of those students being ready, with several
7 exceeding. And at the other campus the 8th grade was
8 lower than the 6th and 7th, so --

9 MS. ZOOK: Yeah. I guess until we're ready to
10 -- as measured by tests and parents and maturity and
11 all of those things -- in my mind you'd be -- time
12 would be better spent shoring up those skills as
13 opposed to thinking about an internship. I know
14 Southside in Batesville -- or, it is a town on its
15 own now, but it's Southside, close to Batesville --
16 they have had success with students setting their
17 life goals and they do counseling and all that, which
18 seems a good approach to this. But, you know,
19 exposure I get; you know, they could -- but with the
20 internet and things like that you can expose students
21 a lot without actually doing a hands-on internship.
22 So I'll be real frank with you, this gives me great
23 pause.

24 MS. KING: Okay. Well, it's not something that
25 we would be doing with every -- like every week. And

1 like I said, it would only be students that could
2 handle that. And we may not have any that can handle
3 going in and doing that, like an internship, so they
4 would be on campus. And we will be setting those
5 goals for them and exposing them, like you said,
6 through the internet, I guess, or guest speakers
7 coming to them to show --

8 MS. ZOOK: Like a career --

9 MS. KING: Like a career, yes.

10 MS. ZOOK: Like career orientation. Okay.

11 Thank you.

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

13 MS. REITH: I guess maybe it's more of a
14 comment, but I do want to give the district a chance
15 to elaborate. This application in general still
16 gives me some pause. I want to get there because
17 you're a high achieving school district that
18 obviously is doing some great things for your
19 students, and you're here just asking for some
20 additional support to try some new things. But this
21 doesn't feel to me yet as fleshed out of a program as
22 we've seen I think with some of the other
23 applications. And I guess I just would like to know
24 to what extent maybe you've consulted with other
25 districts or some maybe other supports? I think if

1 maybe there were some partnerships in place or I'd
2 known that some research was done off which these
3 waivers were based -- it's just when we grant these
4 broad-stroke waivers it can open a slippery slope,
5 right, depending -- a lot of it is just based on you-
6 all's word, right, of how you're going to use it.
7 And I just feel like there's a little less meat here
8 than what we've seen I think with some other
9 applications. But I want to give you all the benefit
10 of a doubt because you've done some great things for
11 Arkansas students. So I guess maybe if you could
12 talk to me a little bit more about the process by
13 which you came to this application or identified
14 these interventions for which you want to seek
15 waivers, beyond obviously the library/media
16 specialist which is more about a need.

17 MS. RAPIER: Thank you. Yes, I do think we have
18 done a very good job with our students. I think
19 broadening -- because we are a very small district;
20 we're not close to towns where they can go
21 participate in a lot of sports, other arts, crafts,
22 those sort of things. So I think we are trying to
23 bring as much flexibility on our own campus as we can
24 bring to those students, so they see a broader
25 perspective of what's out there. Because in terms of

1 solid core, yes, we strive daily. But with an --
2 when she's talking about the 7th and 8th grade -- we
3 have an eight-hour period and if a student doesn't
4 participate in, you know, say basketball, then it's
5 like those students have a couple hours that they
6 need something. So, yes, we have interventions and
7 we remediate and we do all sorts of additional ACT
8 prep work. We fill those hours and voids with
9 positive good things. But we think showing them a
10 broader area of interest is what we're trying to do
11 with this, not taking anything away.

12 MS. NEWTON: Just a comment, I totally agree
13 that the upward level high school students need that
14 and should be provided that opportunity. I just have
15 real questions about the lower grades. That's where
16 my hold-up is.

17 CHAIRMAN BARTH: Ms. Zook.

18 MS. ZOOK: Do you participate with Economics
19 Arkansas? Do your teachers?

20 MS. RAPIER: We have one, yes, that started this
21 year. So that is a new interest; it's a new area for
22 us.

23 MS. ZOOK: Because that would be helpful as far
24 as, you know, students being exposed. And then
25 there's going to be a finance course, is that right,

1 personal finance?

2 MS. RAPIER: Are you talking about the
3 mathematics?

4 MS. ZOOK: Uh-huh.

5 MS. RAPIER: The mathematics, yes. And I so
6 would applaud whoever came up with that. Because I
7 am by trade a math teacher and so many years when
8 consumer math -- when those went away we lost
9 something. So I am so proud to have that back.

10 MS. ZOOK: So it would seem that with Economics
11 Arkansas and with the finance and the student
12 feedback we get about banking and taxing and all
13 that, it would seem that if you have students who are
14 not in those other extracurricular activities that
15 you could take those standards and then apply them
16 and write your own curriculum for those lower grades,
17 if this doesn't pass. This may pass, I don't know.
18 But there are some creative things that you might do
19 in that light that would lend themselves to any
20 occupation -- that combined with having those skilled
21 professionals coming to the campus. So I don't know
22 if this will pass or not, but --

23 MS. RAPIER: Okay. But that is a great idea and
24 we will use that; we will drop down those, because it
25 is an upper math class and some of the standards can

1 be dropped down, like you said. In terms of consumer
2 math, practical day-to-day mathematics that they
3 need, we'll start that in the 7th grade. Thank you.

4 CHAIRMAN BARTH: Any concluding questions on
5 this proposal?

6 Okay. Then we will take them by waiver topic.
7 I've heard different conversations on -- Ms. Davis,
8 are you --

9 MS. DAVIS: I'm sorry. No, I just want to make
10 a note that they'd asked for on the flexible schedule
11 6-18-211 and it is repealed effective August 1st. So
12 that really -- I mean not that that changes the
13 entire thing but it doesn't need to be requested
14 because it's not going to be an issue for them.

15 CHAIRMAN BARTH: Okay. Great.

16 MS. ZOOK: Also, do we have whoever works with
17 library/media from ADE available so we could get
18 their feedback on this library/media thing? I knew
19 we'd get Ms. Smith up there.

20 MS. SMITH: Stacy Smith, Assistant Commissioner
21 of Learning Services. So the library/media
22 specialist is Cassandra Barnett here at the
23 Department. I can check to see if she's upstairs.
24 But we have seen many waivers come across that have
25 asked for waivers for library/media, whether it's

1 within charter, whether it's within Act 1240. I have
2 visited schools where I have seen the waivers used
3 very effectively, where they waived a library/media
4 specialist and they looked at what was the role that
5 they really wanted that person to take on. Library/
6 media is much more than a brick-and-mortar library
7 with books on the shelves and dispensing books; it's
8 about research, it's about getting information and
9 books into the hands of kids. You've seen some
10 schools who've taken literacy specialists, technology
11 specialists and partnered them together to be able to
12 provide those services in their school.

13 So I think in particular to this waiver that
14 would be their responsibility to describe to you how
15 they're going to take the current responsibilities of
16 their library/media specialist and do that with their
17 students. And so that's kind of what I was listening
18 for today was how they were going to attempt to do
19 that, and what I heard was taking them to a public
20 library once a week. I did hear that she had the
21 library specialist background herself. But if you'd
22 like me to go get Cassandra to talk more to you I can
23 -- would be happy to do that.

24 MS. ZOOK: No.

25 MS. SMITH: No?

1 MS. ZOOK: I think part of the part that
2 bothered me about that was the 20 minutes to and
3 from, so that's like a whole class period.

4 MS. SMITH: Yes, ma'am.

5 MS. ZOOK: So thank you, Ms. Smith.

6 MS. SMITH: You're welcome.

7 CHAIRMAN BARTH: Great. Any concluding
8 questions? Thank you, Ms. Zook.

9 All right. Then we will take these items
10 separately because I heard different conversations on
11 them. Would y'all prefer roll-call or voice before
12 we move there, any preference? Okay. Then we'll do
13 a voice vote and follow-up with roll-call, if
14 necessary.

15 I would invite a motion in either direction
16 regarding the library/media waiver.

17 MS. ZOOK: I wonder if they would like to
18 elaborate on the points Ms. Smith made before we vote
19 on that.

20 CHAIRMAN BARTH: Certainly. You're always
21 welcome to do that.

22 MS. KING: We do want to put a technology person
23 into that position to help our students there on
24 campus.

25 MS. ZOOK: Do you have a technology person to

1 put into that position?

2 MS. KING: We have one technology person, but
3 it's easier for our school district to find a
4 technology certified person than it is to find a
5 teacher.

6 MS. ZOOK: Okay. Thank you.

7 CHAIRMAN BARTH: I'll invite a motion.

8 MS. REITH: I move for approval of the library/
9 media waiver.

10 CHAIRMAN BARTH: Motion by Ms. Reith. Is there
11 a second?

12 MR. BLACK: Second.

13 CHAIRMAN BARTH: Second by Mr. Black.

14 All those in favor say "aye."

15 (MAJORITY CHORUS OF AYES)

16 CHAIRMAN BARTH: Opposed?

17 MS. NEWTON: No.

18 CHAIRMAN BARTH: Okay. I heard one no, Ms.
19 Newton. The rest were ayes.

20 Okay. The second waiver topic is teacher
21 licensure.

22 MS. REITH: I move to deny the waiver request
23 for teacher licensure.

24 CHAIRMAN BARTH: Motion by Ms. Reith. Is there
25 a second?

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[A MOMENT OF SILENCE]

CHAIRMAN BARTH: All right. That dies for lack of a second.

MR. WILLIAMSON: Let's try it the other way. I move to grant the waiver for teacher licensure.

MR. BLACK: And I second.

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

All those in favor say "aye."

(MAJORITY CHORUS OF AYES)

CHAIRMAN BARTH: Opposed?

MS. REITH: No.

CHAIRMAN BARTH: All right. That is -- that waiver is approved; one no vote from Ms. Reith.

And now on the flexible schedule waiver --

MS. ZOOK: I move to deny for 6th and 7th, that part -- and I think that's the only added part.

Aren't they already approved for 9th through 12th?

CHAIRMAN BARTH: I believe it's 7th and 8th that they're asking for here.

MS. ZOOK: What did I say?

CHAIRMAN BARTH: You said 6th and 7th, and I think they're asking for 7th and 8th.

MS. ZOOK: Okay. I move to deny this waiver for 7th and 8th grade students.

1 MS. NEWTON: Second.

2 CHAIRMAN BARTH: All right. So motion by Ms.
3 Zook to deny the waiver, seconded by Ms. Newton.
4 Any further discussion?

5 All those in favor say "aye."

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN BARTH: Opposed same sign?

8 Okay. That is unanimous to deny.

9 Okay. Congratulations on your partial success
10 and safe travels back to the most beautiful place in
11 the world.

12 MS. KING: Thank you.

13 MS. ZOOK: Besides Melbourne.

14 MR. WILLIAMSON: And El Dorado.

15 CHAIRMAN BARTH: We won't start anything now. I
16 knew that was going to happen.

17 A-5(c): DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-
18 ENROLLMENT CHARTERS: EL DORADO SCHOOL DISTRICT

19 CHAIRMAN BARTH: All right. Our second Act 1240
20 waiver proposal today is from the El Dorado School
21 District. And, Ms. McLaughlin, I'll turn it over to
22 you to get us started.

23 MS. McLAUGHLIN: All right. Thank you. Today
24 we have representatives from the El Dorado School
25 District. They are here to request -- to petition

1 for waivers for teacher licensure. Their 90 days
2 will expire on September 10th. They have requested
3 for five years. We have Jim Tucker, superintendent,
4 and Melissa Powell, assistant superintendent, here to
5 make their presentation. And you will want to swear
6 them in.

7 CHAIRMAN BARTH: Great. So --

8 MS. ZOOK: May I ask her a question --

9 CHAIRMAN BARTH: Yes.

10 MS. ZOOK: -- before she leaves? Who checks
11 each year to see that there are still charter
12 students in a district?

13 MS. McLAUGHLIN: I do. I request a resident
14 district report every time the cycle report comes
15 through. So I always check to make sure they have
16 students in that open enrollment charter school.

17 MS. ZOOK: Okay. So if they lose a student -- I
18 know sometimes they gain a student and then they come
19 to us. If they lose a student, then do they have
20 till the end of that school year to stop that waiver
21 or do they have to stop it at the closest coming
22 semester?

23 MS. McLAUGHLIN: Are you asking me if I check to
24 see if any school that's ever applied for Act 1240
25 waivers, if I check on those students?

1 MS. ZOOK: Yes.

2 MS. McLAUGHLIN: I do not check on those
3 students. Ms. Boyd may have a different answer, but
4 --

5 MS. BOYD: No, you're right.

6 MS. McLAUGHLIN: They keep it until the end of
7 the term?

8 MS. BOYD: Alexandra Boyd, director of the
9 Charter Office. Good morning. I just want to
10 clarify the way the law is written that they will --
11 they're able to retain the waiver as long as the open
12 enrollment charter still exists. So if we had -- if
13 my school district had one student that went to ARVA
14 and I came and asked you for waivers and you granted
15 them to me, and then that student came back to my
16 school, I would still be able to have those waivers,
17 unless something happened to ARVA and ARVA was
18 closed.

19 MS. ZOOK: Thank you.

20 MS. BOYD: Uh-huh.

21 CHAIRMAN BARTH: All right. All right. Mr.
22 Tucker and Ms. Powell, if you'll raise your right
23 hand. Do you swear or affirm that the testimony
24 you're about to give shall be the truth, the whole
25 truth and nothing but the truth?

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(ALL SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRMAN BARTH: Thank y'all. And y'all can proceed with your presentation for 20 minutes.

SUPT. TUCKER: Okay. Jim Tucker, superintendent of the El Dorado School District. Ms. Zook, we have open enrollment charter students go to those every year, so we're covered on that. I just want to let you know.

MS. ZOOK: It wasn't directed at El Dorado.

SUPT. TUCKER: I want to say thank you very much for hearing our request and I want to say thank you to Kelly also for the help that she provides. She was very beneficial.

I want to share with you briefly a couple of problems that we face in El Dorado School District that I feel like this waiver will help us with. Many schools in our area are still trying to fill vacancies, even at this time of the year. With the current teacher shortage that you're very familiar with more schools are competing with a very small applicant pool. So we feel like this waiver will allow us to open up that applicant pool a little bit bigger.

The second problem that we typically have is that we hire MAT teachers, we hire APPEL, we hire

1 TFA, we hire ATC, and we do this every year and they
2 do a wonderful job for us. The problem with that
3 though is that most of the time these teachers finish
4 up the program and they go back to their hometown,
5 which is understandable, you know, especially if
6 they're not from El Dorado or south Arkansas.

7 So with those two problems we feel like the
8 waiver will definitely help us.

9 I want to share with you some things that we do
10 in our district to retain teachers and recruit
11 teachers, and I want to do this because if you do
12 grant the waiver I want you to understand that it
13 will not be wasted and we do everything we absolutely
14 can to bring our teachers along. We did a salary
15 increase, a significant salary increase back in the
16 15-16 school year. We did this to help retain
17 teachers and to help recruit better to south
18 Arkansas. Currently, we're the highest paid district
19 in our county and one of the highest paying in south
20 Arkansas. Each year, for the past five years we've
21 given a bonus each year to try to help supplement
22 teachers. We give a \$2,000 stipend to our math and
23 science teachers each year; that's something that
24 we've been doing for about eight to ten years, or
25 maybe even longer before I got there. We give a

1 signing bonus to teachers whenever they come aboard
2 our district. Two years ago we hired a media
3 marketing director. We did this specifically to try
4 to recruit teachers to our district. We reach out to
5 them through various social media campaigns, very
6 broad social media campaigns I might add. We reach
7 out to Oklahoma, Tennessee, Mississippi, Alabama,
8 Louisiana. We're reaching everywhere we possibly can
9 to try to get the teachers that we need for our
10 district. We've implemented gas station TV; you
11 know, when you're at Murphy USA and you're pumping
12 your gas and you see a TV, we have a commercial there
13 trying to recruit teachers. On our local TV stations
14 we even reach out further than that. We have TV
15 commercials, job fairs, numerous job fairs -- and Ms.
16 Powell is going to explain a little bit more about
17 that. We use the Observe Me, talking about retaining
18 teachers and how to bring them along. I know you're
19 very familiar with Observe Me. And Ms. Ables came
20 down to our district and observed me, and it's a very
21 big benefit to us and we really do enjoy it -- and
22 our teachers do too.

23 We have a math chair, a science chair, and a
24 literacy chair, three different endowed chairs for
25 our district that help teachers with curriculum and

1 instructional strategies. We're the only school in
2 the state and one of the only schools in the country
3 to have that. We do that for our teachers and bring
4 them along. In each building, at each school in our
5 district we have a math coach and a literacy coach.
6 That is in every school. Those coaches help our
7 teachers with instructional strategies; they help
8 them with lesson plans and any materials that they
9 might need.

10 This coming school year we're starting something
11 new called Admin Cohorts. I visited with Dr. Murry
12 over at Conway about this; this is something that he
13 does. We're bringing in teachers that aspire to be
14 administrators, that are working towards their
15 licensure, and we're going to meet with them every
16 month, everybody at central office, and we're going
17 to go over different aspects of being an
18 administrator, give them shadowing time. It's kind
19 of like an interview process, but it lets them know
20 whether or not they want to be an administrator and
21 it brings them along through that course. We're
22 doing this because we do have teachers come in from
23 out of town that want to be an administrator and we'd
24 like to keep them. So we want to give them
25 leadership roles, put them in that position to

1 hopefully keep them in our district. So that's one
2 thing that we're starting this school year.

3 One thing that we started last year, which was
4 very successful, was teacher leader. We started at
5 the high school. We had four teachers at the high
6 school where we modified their schedule. We freed
7 them up for almost half a day, which was -- that's
8 very difficult to do when you have a teacher
9 shortage, but we feel like it was important. And we
10 paired up these teacher leaders with new teachers,
11 you know, just like I do whenever a new teacher comes
12 out of college. They typically don't know a lot
13 about teaching and you have to be on the job to learn
14 that a lot of times, and a lot of times they're
15 thrown into the mix without a lot of support. These
16 teacher leaders work with the teachers every week.
17 They observe the teachers in the classroom, the sit
18 down with them every week and give one-on-one
19 feedback, they work with the teachers on classroom
20 management, lesson planning, and it was very
21 successful. We're very excited about it. We're
22 going to continue it next year at the high school
23 only, and then after that we're going to expand it
24 out to other schools in our district. So we're
25 excited about that.

1 Every teacher that you talk to in our district
2 they're going to talk about the support that we give.
3 If they leave and go to another district and come
4 back, they come back even happier because they
5 realize they did not get the support that we give.
6 And I don't mean that bad about anybody, but we go
7 out of our way to give support to teachers and we're
8 doing that to try to retain them. It is a major
9 focus for us and it's very important for us.

10 At this time I'm going to let Ms. Melissa
11 Powell, our director of personnel, go over a few more
12 things with you. Okay.

13 MS. POWELL: Good morning. I am Melissa Powell
14 with El Dorado School District; I am director of
15 human resources. This year I had the pleasure to
16 attend 16 job fairs, and six of those were out of
17 state. We did reach anywhere in our region. We were
18 able to get teachers from nine of those universities
19 we visited and we think that's a pretty good success
20 rate; anywhere from one to four from any of those job
21 fairs. Because of that we do plan to extend our job
22 fair reach next year. We plan to go into Oklahoma
23 some and we also -- in some of the schools where we
24 haven't seen a lot of success in the last few years I
25 think we're going to look at different universities.

1 For example, we've gone to south Louisiana but we
2 haven't seen as much success there lately, so we're
3 going to try to look at different regions to go to
4 and some different states.

5 I know that support is a huge part of being a
6 new teacher. We do realize that these teachers, if
7 they were under the Act 1240 waiver, would need a
8 different level of support even than for a first year
9 teacher. We would provide that in each building for
10 that teacher. We do that now. If we hire a long-
11 term substitute, we have someone now that is assigned
12 to them. We don't really treat them as a substitute.
13 We had a lot of success last year with our long-term
14 substitute waivers. We had six of our ten get
15 certification before the end of the year, and they've
16 worked on that -- perhaps it might've been an exam
17 they were waiting on or they were waiting to get into
18 a program, and we were able to make that happen for
19 many of those. And we will -- we would also insure
20 that any teacher we have under this waiver would be
21 actively working toward licensure and we would help
22 them with that. One of the ways we plan to help them
23 with that, our universities do a great job helping
24 them with the Praxis exams, but there are times that
25 we need some one-on-one tutoring; they've been out of

1 school for awhile, particularly it seems that in math
2 if maybe the requirements weren't as rigid when they
3 were in high school. And so we plan to provide that
4 as a district to those teachers, some one-on-one
5 tutoring. And we know that would be at our expense,
6 but we know that we can get those teachers to pass
7 the required exams so they can seek alternative
8 licensure.

9 I think Mr. Tucker -- oh, I want to tell you how
10 many openings we have left. We have had 66 openings
11 total. I believe in your report you see that we had
12 69, but we had been able to reduce that number to 66.
13 Of those, we have filled 51 and -- but 11 of these
14 position could possibly fall under the 1240 waiver.
15 We don't anticipate that they would all. We are
16 actively pursuing licensed teachers. We have some
17 candidates from the APPEL program that we are -- that
18 have applied to some of our recent openings. But we
19 just -- we have a few that we feel -- we have some
20 candidates we feel could fall under this that would
21 be very effective teachers and that would be able to
22 get into a program very soon.

23 Okay. Do you have any questions?

24 CHAIRMAN BARTH: Thank you, Ms. Powell. Thank
25 you, Mr. Tucker.

1 I'll -- let me just start with Ms. Reith, see if
2 you have any questions.

3 MS. REITH: And I apologize, Ms. McLaughlin, if
4 you said this at the beginning. Is there a time
5 limit for this, number of years?

6 MS. McLAUGHLIN: (holding up five fingers)

7 MS. REITH: Five years. Okay. Thank you.
8 That's my only question.

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

10 MS. ZOOK: And have you spoken with your
11 community about this and the parents?

12 MS. POWELL: (Nodding head up and down.)

13 MS. ZOOK: Okay. And they're all good with it,
14 they understand it?

15 SUPT. TUCKER: Yes. We -- our board actually
16 approved the resolution for this, so it's been before
17 the board. We've had a conversation with the
18 community members, and so they are familiar. And I
19 wanted to back-up just a moment too and talk about
20 trying to get hometown folk, you know, to be
21 teachers. I'm from El Dorado; Ms. Powell is from the
22 area; my wife teaches, she's from the area. We have
23 a lot of teachers from El Dorado that teach there.
24 We actually have 13 high school graduates that went
25 to college with El Dorado Promise that have come back

1 to teach. So we're actively recruiting hometown
2 people.

3 CHAIRMAN BARTH: Great. Thanks. Mr. Black?
4 Ms. Chambers? Mr. Williamson? Okay. Ms. Newton?

5 MS. NEWTON: Mr. Tucker, I just want to take the
6 time to applaud what you're doing for your community
7 as far as recruitment. That's fantastic. But to go
8 further, the retention part -- what you're doing to
9 support teachers I think is a great example for other
10 districts around the state. I hope that they will be
11 listening and they'll take a look at what you're
12 doing as far as recruitment and retention for
13 teachers. Because as a former teacher, I would, you
14 know, relish to be able to teach in a place where
15 there was so much support.

16 SUPT. TUCKER: Thank you.

17 MS. NEWTON: So thank you for what you're doing
18 for teachers.

19 SUPT. TUCKER: Thank you.

20 CHAIRMAN BARTH: Great. Any other questions or
21 comments?

22 If not, I would invite a motion.

23 MR. WILLIAMSON: I move to grant the waiver.

24 CHAIRMAN BARTH: Motion by Mr. Williamson.

25 MS. REITH: Second.

1 CHAIRMAN BARTH: Second by Ms. Reith.

2 All those in favor say "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN BARTH: Opposed?

5 Congratulations and safe travels to y'all.

6 SUPT. TUCKER: Thank you very much.

7 CHAIRMAN BARTH: All right. I think we are
8 going to go ahead and break here. Lunch is ready.
9 Why don't we plan -- 1:00 is good. Okay. We'll just
10 plan to return at 1:00. I apologize to the couple of
11 1240 waiver folks that will be pushed to after lunch,
12 but we're not too far behind. Thank y'all very much.

13 LUNCH BREAK: 12:09 - 1:00 P.M.

14 A-5(d): DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-
15 ENROLLMENT CHARTERS: VILONIA SCHOOL DISTRICT

16 CHAIRMAN BARTH: Good afternoon. I will call us
17 back to order. And we have two items left from this
18 morning's agenda that we didn't get to. And next in
19 the Act 1240 waivers is a waiver request from the
20 Vilonia School District. I'll turn it back to Ms.
21 McLaughlin.

22 MS. McLAUGHLIN: Thank you. Good afternoon. We
23 have representatives from Vilonia School District
24 here today to petition for waivers for flexible
25 schedule. Their 90 days expires on September 25th,

1 and they are requesting for five years. We have Dr.
2 David Stephens, superintendent, and Cathy Riggins,
3 assistant superintendent here to make their
4 presentation. And you might want to swear them in.

5 CHAIRMAN BARTH: I will. Dr. Stephens and Ms.
6 Riggins, if you'll stand, raise your right hand. Do
7 you swear or affirm that the testimony you're about
8 to give shall be the truth, the whole truth and
9 nothing but the truth?

10 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

11 CHAIRMAN BARTH: Thanks. And y'all can proceed
12 for 20 minutes.

13 DR. STEPHENS: First of all, on behalf of our
14 district thank you for taking the time to consider
15 our request. I know your schedule is very full. At
16 Vilonia we have been focused over the last several
17 years of being very intentional about what we're
18 doing with our instructional practices in the
19 classroom and how we're examining student data. We
20 have been also very intentional about developing our
21 professional learning communities. Our
22 administrative team earlier this summer went to the
23 National PLC Conference. We are implementing a
24 leadership retreat next week to further that
25 discussion. And that's what brings us here

1 requesting this waiver.

2 One of the key components in a professional
3 learning community is that you provide collaboration
4 time. In our district we have worked really hard to
5 try to create master schedules that would allow
6 collaboration time for teachers within content areas
7 and then across grade levels. But because of our
8 limited human resources and the diversity of our
9 schedule that's been difficult. We have been able to
10 pull that off in a couple of specific areas, but as
11 far as having dedicated intentional time for teachers
12 to have to examine student data and to examine their
13 instructional practices in relation to how our
14 students are achieving standards we've come across
15 some roadblocks there. So if the Board grants our
16 waiver request what we intend to do is implement an
17 early-out professional learning community
18 professional development schedule which will dismiss
19 courses one hour early one day a week. We want to
20 protect the instructional time, and so what we plan
21 to do with that time is an abbreviated schedule so
22 that even though we're dismissing an hour early every
23 course meets with every instructor.

24 What we've done over the past couple of years to
25 meet this need is brought in substitute teachers to

1 release teachers within content areas or grade
2 levels. And while that has been beneficial, the
3 exchange there is lost instructional time. And so we
4 are very also intentional about protecting our
5 instructional time.

6 So we -- our board met on Monday night at a
7 regular board meeting; our board expressed approval
8 and approved a resolution to go forward with this
9 schedule, pending State Board approval of our waiver
10 request.

11 And so now I'd like to ask my colleague, Mrs.
12 Riggins -- she'll give you a little bit of background
13 about where we've been in the past, what brought us
14 to this point, and how this would flesh out.

15 MS. RIGGINS: Hi, Cathy Riggins, assistant
16 superintendent. We are excited about this
17 possibility. As Dr. Stephens said, our
18 administrative team attended the Solution Tree PLC
19 Institute and the common theme throughout this
20 institute in every session was that teachers need
21 collaborative time within the contract day. And that
22 is something that has been modeled nationwide.
23 Schools that are model schools for PLCs, they have
24 those times embedded. Some start with a late start,
25 some start with an early release, but that was

1 something that our team talked about that. You know,
2 we've struggled trying to get response-to-
3 intervention practices in place; we've struggled with
4 the true PLC concepts. We've worked on that and we,
5 quite frankly, felt frustrated and our teachers do.
6 Teachers need their prep time. Teachers need time at
7 home. They need time with their families, and we
8 can't expect them to work night and day. So we can't
9 expect them to meet as a team if we can only get
10 together by subject matters, and that's so important.
11 And we want them to know that we recognize them as
12 professionals and we want to build them as
13 professionals and we want to build our skills. So
14 our collaborative team time would focus on learning,
15 adult and student learning, looking at the four
16 questions that are a constant focus: what skills
17 should every student know; how will we know if the
18 student has acquired essential knowledge; how will we
19 respond when some students don't learn; how will we
20 extend the learning for the students who are already
21 proficient. Those are the four questions that we
22 will have a constant focus on as we work through
23 these PLC times.

24 Over the past two years we've recognized a lack
25 of rigor for intervention plans. This will be an

1 area of concentration as we strive to assist teachers
2 in developing and implementing student intervention
3 plans. We feel like it is very important for us to
4 take the time to look at all students. It's not okay
5 to have a percentage of students who are still not
6 proficient, who are still not -- we're not meeting
7 their needs; and because it's only a small number
8 that sometimes that we think we're doing pretty good.
9 So our focus is to work on all students and to help
10 kids develop personalized learning plans so that we
11 can direct them into paths, because our goal is at
12 the end of that K-12 educational journey that we've
13 had them with us is that they go out into the world
14 ready for college, the workplace, some may go into
15 the military service, some may work in vocational
16 educational programs. But that is our goal, is that
17 we create a program that works to serve all students
18 in the K-12 profession -- in the K-12 journey of
19 their educational process.

20 During these PLC times our teams will be
21 developing concentrated instruction to actually
22 deliver in the classroom. We'll demonstrate
23 proficiency through common assessments to determine
24 the level of student learning. We will analyze
25 results to develop and activate intervention plans

1 for struggling students through these collaborative
2 teams. We'll be focusing on identifying ways that
3 students make real life connections to the standards;
4 that they focus on how to create individualized
5 student learning plans for their self; that they
6 learn to take responsibility. One of the things that
7 we've been working on extensively was in our K-3
8 programs; we're working on core literacy and writing
9 instruction. That is the foundation. If we do not
10 meet the needs -- and we have seen a reduction in our
11 students that are qualifying for dyslexia
12 interventions; we've seen a reduction this year in
13 the number of students who are being placed in
14 special education, and I think that is due to the
15 core instruction. That has been hard work and it
16 continues to be hard work. One of the reasons that
17 we need this waiver time is because we are struggling
18 to find time for our teachers to actually progress
19 monitor those students and work together in the
20 planning of those interventions. And so, but we feel
21 strongly -- and as I know the state does through the
22 R.I.S.E. initiative -- that the science of reading is
23 essential to helping a student be successful. And if
24 we're going to close the achievement gap for students
25 then we have to make sure that students have those

1 skills, because as they get older the gap gets wider
2 and then it's very difficult to come back.

3 Looking at our 4-6 classrooms, there's an
4 intentional focus on response-to-intervention. If we
5 have students that have come from that 3rd grade --
6 and we do now; we need to really intensify our
7 intervention program so that when they leave 6th
8 grade they have those foundational skills.

9 Moving into the 7th and 8th grade program, we
10 need intentional focus on STEM initiatives. We know
11 from looking at our test data that students -- that
12 is a variable that correlates with high achievement.
13 STEM scores indicate to us -- we've looked at
14 students in lower grades and looked at their upper
15 level scores, and that is a high correlation of
16 achievement with the ACT because they have those
17 activities. And we need to increase the rigor there
18 at our 7th and 8th.

19 And those are things that we'll be working on as
20 we strive to create that viable guaranteed curriculum
21 for our students. We know that we have to create
22 higher standards; we know that we have to have common
23 assessments. We've been working on that, but we have
24 struggled. I'm going to tell you we're not there
25 yet. But we think this is the key to bringing all of

1 this knowledge that we've been trained to acquire
2 together. It's not really just training; we've had
3 training in RTI process. We have worked through our
4 cooperative at Arch Ford with simplifying RTI. Mike
5 Mattos was one of the co-authors of that book. We
6 have taken our principals, leadership team to Little
7 Rock to listen to Mike Mattos. We have scheduled
8 Paul Farmer, who's with Solution Tree; he will be
9 attending our district -- on our preschool
10 professional development days. We have an all-day
11 scheduled with him to talk about the RTI process,
12 PLCs, with our entire certified staff. We're
13 committed to making sure that we provide our teachers
14 the resources, that they understand how to provide
15 these tier interventions at one, two and three
16 levels.

17 The time for us -- we feel a sense of urgency.
18 The time is now. We have struggled to implement
19 appropriate timing. What we realized is without that
20 collaborative team time we're going to continue to
21 struggle. We may be able to get teachers out for
22 half-a-day, but then they're missing their
23 instruction time and that doesn't happen on a weekly
24 basis. And if there's one thing I've learned in the
25 last few years is that you can work on implementing

1 initiatives and progress monitor students, but if you
2 only do it just every once-in-a-while it's not
3 effective. It needs to be weekly intentional and our
4 instruction needs to be intentional; our lesson
5 planning needs to be intentional. We're looking at
6 our grading process. If we have students who are
7 scoring A's in the classroom they should be
8 proficient on the standardized test. And I don't
9 think that any of those issues are necessarily just
10 limited to our district, but I think that that's
11 something as an entire educational profession we are
12 working to try to make sure.

13 But going up to the 9th grade, we have a
14 freshman academy there. Our focus is to start
15 helping them to learn to take responsibility for
16 planning their educational process and to bridge the
17 transition to high school. There is a lot of
18 advisory with those students, working on student
19 finance, you know, personalized learning. We have a
20 little advisory period during that day, and I think
21 that's so important.

22 And then in the 10th through 12th grade our goal
23 is to really give kids that opportunity to apply
24 their knowledge. This is the time where our kids
25 will need to really expand out their flex scheduling.

1 It's something that I think is so important if we're
2 going to meet the needs of individualized students.

3 I would like to say I think in the spring of
4 2016 I stood before you with Arch Ford Cooperative
5 and asked for a waiver. If I may, I would just like
6 to share with you that we had 23 seniors this year
7 that participated in that program that were at-risk
8 of not graduating, and there was a variety of reasons
9 for that. We graduated every one of those students
10 on time. I have had students say to me, "I have some
11 career goals; now I know what I want to do." It's
12 been such a blessing that we had the waiver because
13 those students just could not fit in a traditional
14 day. But we've placed them in workplaces; we have
15 students that are 18, they're on their own, and
16 they've been able to live on their own in an
17 apartment, get a job, and complete their high school
18 diploma. And I think that is just something that --
19 I want to say thank you for that, because that waiver
20 has helped us to change kids' lives. And we feel
21 like this waiver is going to help us as professionals
22 to learn together, to grow together, to look at our
23 students individually, and to catch those students
24 that need the assistance -- but not only to do that
25 but to provide that enrichment for those students

1 that need to be pushed to another level. And
2 sometimes we get so focused in how do we help
3 students that are not proficient. Well, what are we
4 doing for students that are? We need to go to that
5 next level with those students too.

6 In our district we're really focusing on our CTE
7 program, where tonight we're going to meet with our
8 community about a millage increase to possibly build
9 a new CTE building and an auditorium, and we're so
10 excited about that. But those are things that we
11 believe -- as a district we want to be a complete
12 professional learning community, and that includes
13 everyone in our district. This waiver will require
14 the assistance of maintenance personnel; they will
15 help us drive our buses on Wednesdays when we have
16 some teachers that teach core subjects and drive
17 buses. We've tried to think of all the anticipated
18 barriers. We have afterschool care presently
19 available to students, for the younger students. We
20 may need to provide some additional classified
21 personnel to assist in those programs so that if kids
22 need to stay there that day because their parents
23 work -- and most of our parents work in Little Rock
24 or Conway or Searcy. And so we want to make this
25 transition as smooth as possible and we want our

1 parents to know why we're releasing an hour early.
2 We want -- we're going to -- our goal is to educate
3 our parents as to what's going on in the classroom.
4 We're already bringing parents into our first grade
5 writing celebrations and parents are having
6 opportunities to sit down and read students' writing
7 and look at the rubric. And we're trying to train
8 parents as to how we're grading their writing and
9 what they can do to help at home. So we think this
10 is an extension opportunity for us to visit with
11 individuals and parents to help them understand
12 what's going on during that PLC process time, because
13 I think that's how you build a community for
14 excellence. And we want our parents to say, "Well,
15 our students are released an hour early but we know
16 what our people are doing; they're in there working
17 to make sure that they provide every opportunity."
18 And we also want them to be able to see the progress.

19 And our goals through our strategic plan is that
20 we have a hundred-percent graduation rate. We want
21 our students prepared to enter the next level. All
22 students will read at grade level by the 4th grade,
23 and I've kind of explained to you about the
24 initiatives that we've been implementing for that.
25 We do see this as a barrier -- time as a barrier. We

1 feel like this is going to be so beneficial to
2 helping us move that forward. The district -- also
3 it is our desire that we would score in the top ten
4 percent of schools in the state. We think that a
5 growth mindset is essential from adults and students
6 to help them reach the next level. And so in our
7 district we say "good enough is not good enough for
8 Vilonia students." We don't want to just be good
9 enough; we want to be in that top ten percent. We're
10 not there now but in five years I hope I can come
11 back and report to you and say we're in the top ten
12 percent. And the reason we're asking for this waiver
13 is because it's not just enough -- and I think we do
14 this in education; we train teachers and we send --
15 we spend lots of money on professional development.
16 But what about implementation? And that's what we're
17 asking for is the chance to receive this waiver so
18 that we can implement all of these things that we've
19 been trying to put together and we think this is key.
20 Thank you so much.

21 CHAIRMAN BARTH: Thank you so much, Ms. Riggins,
22 and thanks to both you and Dr. Stephens for laying
23 out your vision.

24 I'm going to start -- I'll just start over here
25 with Ms. Zook and see if you have any questions about

1 this request.

2 MS. ZOOK: Well, I had questions about your
3 logistics but you covered that for me, because I
4 thought, well, you know, we've got to bus kids, you
5 know. But thank you for covering that. And also
6 what I would encourage if you got this waiver is to
7 talk with the other districts, particularly those of
8 similar size, that aren't going to do this waiver and
9 how they're going to work it into their schedules
10 too. Because, you know, you may find that all this
11 planning was great but it didn't work out as great as
12 we planned. So I encourage you to do that as well.
13 But, yes, it was logistics that I was -- which is
14 your issue, not mine, but I always wonder how you're
15 going to do it when you let out an hour early. Thank
16 you.

17 CHAIRMAN BARTH: Ms. Dean?

18 MS. DEAN: No.

19 CHAIRMAN BARTH: Okay. Ms. Reith?

20 MS. REITH: Just you had laid out -- and, again,
21 to join my colleagues in celebrating your laying out
22 of a wonderful vision of what you want to accomplish.
23 And you talked about, you know, wanting to be able to
24 bring parents into this process. So I was just
25 wondering have you consulted with parents already

1 and/or your teachers about this, and what kind of
2 feedback have you gotten from the community?

3 MS. RIGGINS: We haven't talked to our parents
4 as much; we have a few parents, but not at the depth
5 that we feel like we need to. So our plan is is that
6 if we receive this waiver then we will go to work
7 with that and we'll start promoting now that, hey,
8 our district will be releasing -- we'll send out
9 surveys -- what are your needs, what do you see
10 issues that you will face -- so that we can prepare
11 better before school starts on that first day. We
12 know that we may have to tweak some things. As
13 things come up we may have to make some modifications
14 to try to assist parents. We have talked to our
15 teachers. Each year I survey teachers and ask them,
16 you know, about curriculum needs and how can we serve
17 better. Every year since I've been the assistant
18 superintendent they beg for time to collaborate. And
19 the days that we have had some professional
20 development days and we're able to allow students --
21 or teachers 7-12 to work together in subject contents
22 we have seen great benefits from that. And so I
23 think -- I just talked to some teachers this week
24 about it and they were just so excited. And I also
25 feel like it's recognizing teachers as professionals

1 and it's also saying we recognize that you need time.
2 And sometimes it's not a respect of their profession
3 when we expect them to continue to add more and more
4 and more and be successful but we don't offer an
5 opportunity for them to actually do the work. And
6 they have families and they have a life, and we know
7 that to build a sustainability program -- people will
8 wear out after a while. And they may be able to stay
9 and work late nights on their own for a while, but
10 that is generally not sustainable.

11 CHAIRMAN BARTH: Mr. Key.

12 COMMISSIONER KEY: Thank you, Mr. Chairman. Dr.
13 Stephens, Ms. Riggins, when -- about two weeks ago a
14 number of members of the ADE team went to a Solution
15 Tree gathering down in Atlanta; there were some
16 legislators that went. Really about -- you're
17 probably aware of the PLC initiative that we've had
18 to pilot and we're considering applications now. One
19 of the things that kept coming up was -- you know,
20 there were two things: one was the PLC light, as it's
21 known as, where folks say, "Oh, yeah, we use PLCs" --
22 and really, it's just glorified faculty meetings;
23 they don't really do the deep-dive in the data. And
24 the other thing was we had an opportunity to have a
25 rather large state-focused discussion with all of the

1 districts that were represented. And I posed the
2 question, "How do we balance this issue with the
3 statutory requirement for 200 minutes of planning for
4 the teachers versus that collaborative time?" And as
5 you can imagine, I got a lot of different thoughts on
6 that.

7 Just talk a little bit -- because it goes to a
8 broader audience than just your waiver -- of how you
9 may have tried to do that collaborative time
10 previously and then the concept of what you're trying
11 to do now, which is beyond the PLC light; you're
12 really trying to do everything that, you know, the
13 Marzano research, Matos, all those guys, you know,
14 that they say this is the way it needs to be done
15 effectively. Either one of you is fine.

16 SUPT. STEPHENS: Well, as far as what we've done
17 in the past, we have a benefit in our district that
18 we're on block scheduling and so getting the required
19 minutes of teacher prep time is not an issue because
20 we have that required time -- but then to have extra
21 time depending on when their prep period is. The
22 issue though is orchestrating a master schedule to
23 where all the math teachers are off the same hour and
24 all the literacy teachers are off the same hour. In
25 our district, you know, like we've tried that; we got

1 10th grade literacy teachers on a common plan last
2 year and we've seen some increase in writing, in our
3 writing scores. And last year we also made a
4 commitment -- Ms. Riggins and I were having a
5 conversation about how can we empower teachers to
6 fulfill what we're requiring of them as far as
7 looking at the data, examining our instructional
8 practices, aligning our instruction and our
9 curriculum implementation with the standards that we
10 have. And we determined at that point that we need
11 to put some money in it and so we started bringing in
12 subs. We would say, "Okay, on this particular day
13 we're going to have subs for all the math department
14 and this is your day." And while there is benefit to
15 that, there was also some negative. The negative was
16 that you can't do it often enough. Another negative
17 is that you're taking away instructional time.
18 Because even though we may have exceptional
19 substitute teachers, you know, it sounds cliché to
20 say but it's true, there is no substitute for a
21 quality teacher.

22 And so those are some of the things we've
23 accomplished in the past. You mentioned Marzano and
24 one of the things that we were just talking about
25 this morning on the way here -- one concept that

1 Marzano stresses over and over again in all his
2 research in what works for high schools, what works
3 for schools, and even his more recent research is
4 there are all these dynamics in place that come
5 together for student achievement -- but the most
6 significant one is quality of instruction. It's not
7 class size, it's not in facilities, it's not even
8 necessarily instruction time, but it's when you have
9 those students in there what kind of quality do you
10 have.

11 And so I feel like I'm kind of dancing around
12 your question a little bit but that's kind of where
13 our passion is right now, is we have -- this year --
14 at the June -- our June board meeting we added
15 another instructional facilitator because -- we
16 currently have two instructional facilitators for the
17 district. And when I asked the board to approve that
18 two years ago I said, "Fasten your seat belts because
19 I'm going to be coming back to you for more, because
20 if we're going to ask the teachers to be responsible
21 for more and more then we've got to provide the
22 resources for that." So we've implemented
23 instructional facilitators, not to the extent that we
24 need to. But what we're looking at right now is
25 teacher time and protecting teacher time and also

1 valuing teacher time. And so, you know, that's where
2 we see the benefit of, yes, we are going to have on
3 that particular Wednesday, when we have an early out,
4 we're going to have an abbreviated schedule. We're
5 going to take those 60 minutes and we're going to
6 adjust the schedule to where all of that doesn't come
7 out of one class period so that we can protect that
8 instructional time as well. But I truly believe
9 without a doubt that even though there are some --
10 there's some expense to doing this, the benefit of
11 having professionals together in their content area
12 or in their grade level, looking at student data,
13 comparing that student data to what our objectives
14 are, and then looking at what am I doing in the
15 classroom that's impacting that, we are going to get
16 enough bang for our buck out of that that will offset
17 anything that might be a negative to that.

18 MS. RIGGINS: If I could address elementary,
19 I'll give you one example. Our teachers get a 40-
20 minute prep and then, you know, to try to get
21 teachers in they need that time. But if you're going
22 to have a data wall meeting it's just a rush-in and a
23 rush-out, and it seems like that that's where they've
24 really struggled. And we hear that constantly and we
25 really are not allowed to take prep time, so in our

1 elementary they would have like a 40-minute prep with
2 one extra one time a week. So we could do that but
3 it's not effective like we want it to be. And they
4 are asking for that. They feel -- they feel a lot of
5 stress in that area that -- and we feel stress
6 because we feel like we can't really get to the next
7 level because we can't get enough time to complete
8 the work.

9 CHAIRMAN BARTH: Mr. Black?

10 MR. BLACK: Yes. I want to thank you for the
11 report you've given us. It's been concise and good.
12 You stated in five years you will be in the top ten
13 percent in education in Arkansas?

14 MS. RIGGINS: That's our hope and our goal.

15 MR. BLACK: Okay. I'll hold you to that.

16 CHAIRMAN BARTH: Okay, thanks. Ms. Chambers?
17 Mr. Williamson? Ms. Newton?

18 MS. NEWTON: They already touched on my
19 questions; I had some logistics questions. And then
20 the parent question, I still -- I wish you'd done the
21 parent work ahead of time to make sure that they were
22 on board. But I encourage you -- there's not a lot
23 of time left between now and the time school starts
24 to, if you get this waiver, do a good job in your
25 community getting out the word about the early

1 release. Because, you know, parents can't make
2 arrangements overnight; sometimes it takes weeks to
3 make an arrangement and -- you know -- and then I
4 applaud your efforts of thinking ahead, of realizing
5 that there may be a kindergarten student or an
6 elementary student that may not be able to go home on
7 Wednesdays at their regular time. The question on
8 that end would be: those students that are staying
9 late, because they don't have anyone at home, how
10 will you get them home or will you have an extra bus
11 route? Have y'all thought about that or --

12 MS. RIGGINS: I think those are things that
13 we've talked about. But when we could get a clarity
14 on the needs then we would try to make adjustments
15 for that. Like we had one question come up already
16 from a parent about a special needs child, they might
17 need -- and we talked about how we might utilize some
18 of those aids to assist with that. And even our
19 director said, you know, we might be able to run a
20 bus at that point. So we're willing to look at what
21 we need to do to serve our kids.

22 MS. NEWTON: Thank you for doing that.
23 Appreciate it.

24 CHAIRMAN BARTH: Great. And I want to applaud
25 the spirit in your presentation of respect for

1 teachers as professionals and also the notion that
2 teachers have to balance their teaching lives with
3 the other aspects of their lives. And so I really
4 appreciate that in your presentation. So thank you
5 very much for that.

6 Any further questions or comments?

7 All right. I would invite a motion on this --
8 oh, let me ask Ms. McLaughlin. This is a little
9 complicated; it's a different format than we usually
10 have. Should we take this as a single -- because
11 they are intertwined? Does that make the most --

12 MS. McLAUGHLIN: Yes. They all fall under
13 flexible schedule.

14 CHAIRMAN BARTH: Okay. So they're all under
15 flexible schedule.

16 Okay. So I would invite a motion on this waiver
17 -- as -- waiver request -- several waiver requests.

18 MS. ZOOK: I move that we accept the waiver
19 request presented by Vilonia Public Schools.

20 MS. REITH: Second.

21 CHAIRMAN BARTH: All right. Motion by Ms. Zook,
22 second by Ms. Reith.

23 All those in favor say "aye."

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN BARTH: Opposed, same sign.

1 All right. Congratulations. Thank y'all and
2 good luck.

3 A-5(e): DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-
4 ENROLLMENT CHARTERS: SOUTHEAST COOPERATIVE - WOODLAWN SCHOOL
5 DISTRICT

6 CHAIRMAN BARTH: All right. Our last item from
7 the morning agenda is our last 1240 waiver request
8 and this comes from the Woodlawn School District.
9 Ms. McLaughlin.

10 MS. McLAUGHLIN: Thank you. We do have the
11 final school from the Southeast Co-op that has come
12 forward today with petitions for waivers in teacher
13 licensure and library/media. Their 90 days will
14 expire on September 6th and they have requested for
15 five years. I will be passing out a packet that is
16 going to be used for the presentation, for the
17 Southeast Co-op presentation for Woodlawn School
18 District. It is the same presentation that has
19 already been uploaded into your board packet and we
20 also have it available for a multimedia presentation
21 as well.

22 Today we have Karen Eoff, Southeast Arkansas
23 Education Service Co-op director, Dudley Hume,
24 superintendent, Jeff Wylie, the high school
25 principal, and Genell Davis, elementary principal.

1 And you will want to swear all of those in.

2 CHAIRMAN BARTH: Great. If anyone who's
3 planning on offering testimony this afternoon will
4 stand and raise your right hand. Thank y'all. Do
5 you swear or affirm that the testimony you're about
6 to give shall be the truth, the whole truth and
7 nothing but the truth?

8 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

9 CHAIRMAN BARTH: Great. Thank you very much.
10 And Ms. Eoff --

11 MS. EOFF: Chairman Barth and Members of the
12 Board, I've been before you before; this is the
13 fourth time. This is the final school in the
14 Southeast Co-op. Woodlawn is now eligible --

15 CHAIRMAN BARTH: Would you move to the
16 microphone?

17 MS. EOFF: Woodlawn is now eligible for Act 1240
18 waivers and that will mean that all 14 of our schools
19 would have waivers. And again it is the same report;
20 I will not go over it in elaborate detail. But I
21 will remind you that based on -- the Teacher
22 Recruitment and Retention Research Report of April
23 12, 2016 bears out everything I'm about to tell you
24 in general terms: that we do in our area of the state
25 have the greatest decline in the number of teachers

1 that are traditionally licensed; we do have the
2 lowest salary schedule in most of the state; we do
3 have the lowest number of college graduates that can
4 quit their jobs and enter an alternate program,
5 although we encourage all alternate programs. Most
6 of our college graduates, because of the economic
7 disparity, cannot afford to quit their job, pass --
8 and gamble on passing a Praxis test to thereby enter
9 a MAT program or an alternative program. So that
10 renders us with a declining enrollment of a number of
11 eligible licensed teachers. The MAT program at UAM,
12 as you know, is a great supplier and the APPEL
13 program is a great supplier of our teachers; we
14 depend on them heavily. But the roadblock to that is
15 without the Act 1240 waivers they cannot be hired
16 until they have a professional license, a provisional
17 license; they cannot get a provisional license until
18 they pass the Praxis exams in their content area. So
19 we are road-blocked.

20 So the reality of the teacher shortage in
21 Woodlawn, which is a small rural district of 576
22 students, 47 -- 42 teachers, is best shared by an
23 actual real-life scenario that happened in April. In
24 April, the K-12 music teacher which services the
25 district let it be known that she was retiring. She

1 had been in the position for 24 years at Woodlawn and
2 she had a total number of teaching years of 31. And
3 so after extensive advertising, recruiting, begging,
4 pleading, talking, talking with everyone possible,
5 five candidates were found; three were from Arkansas
6 and two from other states. The first fully licensed
7 candidate was from out of the area but came to an
8 interview and accepted the position verbally,
9 accepted the offer, and was hired at the very next
10 board meeting. But before a contract could be issued
11 the teacher received another offer from a larger
12 district at a higher starting salary and rescinded to
13 accept that offer. The second fully licensed music
14 teacher was then recruited, verbally accepted the
15 offer, but then rescinded as well when the larger
16 district where she lived needed a music teacher and
17 she was hired. The third Arkansas candidate
18 recruited Googled the information and would not even
19 come for an interview after finding out that Woodlawn
20 was indeed a rural area and that the starting salary
21 at that time was \$32,000. The fourth candidate, from
22 Oklahoma, and the fifth candidate, from Texas, stated
23 -- and I'm sure after using Google -- they would not
24 move to the area because of the low starting salary
25 and the lack of apartments in this community --

1 because this is a community, not even an organized
2 town -- and the lack of recreational activities. The
3 K-12 music teacher position is still open and there's
4 no one in sight for this position.

5 The teacher shortage impact in the Woodlawn
6 School District has also affected their accreditation
7 as well in the area of additional hiring and
8 additional part-time library/media specialist. At
9 this point if they go over 300 in each building they
10 have to hire a part-time library/media person. I
11 will tell you it is harder to find a licensed
12 library/media person than it is a K-12 music person.
13 They do have a fully licensed library/media person at
14 this time in the district and will do all they can to
15 keep that person.

16 The waivers we're requesting here today will
17 allow the school district to fill classrooms with a
18 highly qualified person with a passion for teaching
19 and a commitment to be a teacher. We will also put
20 them in the same program and support them in the same
21 manner that we have with the other 13 school
22 districts. We will track their progress, just as we
23 will report to you on the second year and the fourth
24 year how these teachers are doing, how many have
25 become licensed, whether these teachers compared to

1 their peers are an average, below average, or above
2 average teacher, as Dr. Barth explained to us. We
3 will follow that up; we will support them with
4 mentors. We also have incorporated into our
5 mentoring program at the Co-op that any Act 1240
6 teacher that is hired will be required to have
7 ProEthica online training. We will not forget our
8 promises and the goal is the same; we will not use
9 this unless we have to. And, in fact, there were
10 four openings that -- desperate openings at the high
11 school -- that the high school was facing: math,
12 science, special education, and English. The special
13 education and English has been filled. We will not
14 divulge their names because we don't want any
15 rescinding. We will not under promise -- we will not
16 reveal their names, but they have been hired. But we
17 still need K-12 music, we still need math, and we
18 still need science, and there are no licensed
19 teachers that we can find.

20 So if you will allow Woodlawn these waivers we
21 will hire only when needed -- have the opportunity to
22 hire the highest qualified college graduate we can
23 find. We will support, mentor, guide, and train
24 them, and we will start their journey toward becoming
25 a licensed teacher, because we don't want them just

1 for one year; we want them for a lifetime of
2 teaching. Thank you.

3 CHAIRMAN BARTH: Thank you very much.

4 Any other comments?

5 Okay. Is that the entirety of your
6 presentation?

7 MS. EOFF: (Nodding head up and down.)

8 CHAIRMAN BARTH: Okay. I'll start -- Ms.
9 Newton, do you have any questions? Ms. Chambers?
10 Mr. Black? Ms. Zook? Ms. Dean? Ms. Reith?

11 All right. I think you've heard them before.
12 So thank you very much.

13 I will now entertain a motion on -- now we have
14 historically -- you're speaking for the Co-op and --

15 MS. EOFF: For this district.

16 CHAIRMAN BARTH: But the superintendent is here
17 and so we --

18 MS. EOFF: Yes.

19 CHAIRMAN BARTH: I'm seeing -- could you just
20 come to the microphone and just state your name and
21 state that you --

22 SUPT. HUME: Dudley Hume.

23 CHAIRMAN BARTH: You are --

24 SUPT. HUME: Superintendent.

25 CHAIRMAN BARTH: -- making the request on behalf

1 of the district?

2 SUPT. HUME: You saw me last month. Yes.

3 CHAIRMAN BARTH: All right.

4 SUPT. HUME: And I guess we didn't try all our
5 angles because if there's anybody in the room or on
6 the board that is fully certified in the areas we
7 need we would love to visit with you after the
8 meeting.

9 CHAIRMAN BARTH: Ms. Chambers is a very talented
10 teacher -- singer, as is Ms. Dean. So we've got some
11 musicians up here, but that's --

12 MS. ZOOK: And this isn't band; right? This is
13 music appreciation or music --

14 SUPT. HUME: Yes, ma'am.

15 MS. ZOOK: Okay.

16 CHAIRMAN BARTH: All right. Great. I will
17 invite a motion on this waiver request.

18 MS. REITH: Mr. Chair, we can take both waiver
19 requests together I believe; there's teacher
20 licensure and the media specialist. But I move to
21 grant both, both waivers, for both the media
22 specialist and on teacher licensure.

23 CHAIRMAN BARTH: Okay. And is everyone fine
24 with doing this as a combo?

25 Okay. Thank you. Thank you, Ms. Reith. Thanks

1 for correcting me.

2 Is there a second?

3 MS. DEAN: Second.

4 CHAIRMAN BARTH: Okay. Motion by Ms. Reith,
5 second by Ms. Dean.

6 All those in favor say "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN BARTH: Opposed, same sign.

9 All right. Thank y'all. Thanks again for being
10 here.

11 MISC. HOUSEKEEPING MATTERS

12 Okay. A bit of housekeeping about the afternoon
13 -- we're now moving into the afternoon session. I'll
14 remind everyone that item 1(a) has been pulled. I
15 also want to let folks know that we do have a request
16 for public comment on an item not on the agenda, and
17 so that would -- that request for -- to hear public
18 comment would come at the end of the agenda.

19 I also wanted folks to know that Ms. Hope Allen
20 will not be able to be here tomorrow. She has the
21 report on tomorrow's agenda on the 2016-17 state
22 assessments. And so after we adjourn I would request
23 that we go ahead and hear that report today, we'd
24 hear that report, and then -- I'm feeling pretty good
25 about time -- we'll move into the work session as

1 planned. So that's kind of the game plan for the
2 afternoon. Okay?

3 B-1(b): CONSIDERATION OF APPEAL FROM DENIAL OF OPPORTUNITY
4 SCHOOL CHOICE APPLICATION - FOSTER

5 CHAIRMAN BARTH: All right. I've asked Ms.
6 Davis to give us an overview of the complexity of
7 school choice. And, of course, this only -- we have
8 a season in which we deal with a lot of these issues,
9 but it's been a while.

10 MS. DAVIS: It has.

11 CHAIRMAN BARTH: And so she's going to remind us
12 and refresh our memories on the various school choice
13 issues that we're going to deal with today.

14 MS. DAVIS: Okay. Good afternoon. Jennifer
15 Davis, staff attorney for the Department. So you
16 originally had two opportunity school choice; the
17 first one, like you said, has been pulled, so you
18 will only hear one opportunity school choice appeal
19 today. And because of the complexity of this
20 compared to the Public School Choice Act -- we both
21 have a 2015 and a 1989 appeal -- I will just cover
22 opportunity school choice until we get to the others,
23 if that's okay with you.

24 Okay. So the opportunity school choice law
25 allows a student who attends a school or a district

1 that has been classified in academic distress to
2 transfer to a school or district that is not. The
3 limitations come for capacity, which is at 95%
4 according in our laws. One of the issues that you
5 will deal with in this case is the fact that there is
6 a statement in the law that says if there is a
7 provision of a federal desegregation order that
8 conflicts then the order governs.

9 So that's how -- does anybody have any questions
10 about just the law generally in and of itself?

11 Okay. So the first one you're going to hear is
12 for the Foster family. The family appealed the
13 decision of the Spring Hill School District to deny
14 their child a transfer. The transfer was denied by
15 Spring Hill on the assertion that Hope School
16 District, who is classified -- not the district but
17 the Hope High School is in academic distress. But
18 their assertion is that they have a conflict with the
19 desegregation court order.

20 The procedures that you will follow is that
21 anyone wishing to provide testimony, with the
22 exception of attorneys, will need to be sworn in.
23 The nonresident district will have five minutes to
24 open -- make an opening statement to you, followed by
25 five minutes from the parent, followed by 20 minutes

1 to make their entire case by the nonresident district
2 and 20 minutes by the parent. You can ask questions
3 of anybody that you may wish to and ask questions of
4 the Department or anyone else that you feel has
5 information. The resident district, Hope, is here
6 today and they don't have an official time.
7 Traditionally what you've done in the past is allow
8 the nonresident district to share that time with the
9 resident district, but that is up to your choice in
10 how you allot that time and you can always give more
11 time as necessary.

12 CHAIRMAN BARTH: And just to reaffirm, five
13 minutes for the nonresident district?

14 MS. DAVIS: Uh-huh.

15 CHAIRMAN BARTH: Five minutes for the parent?

16 MS. DAVIS: Uh-huh.

17 CHAIRMAN BARTH: Twenty minutes for the
18 nonresident district, twenty minutes for the parent?

19 MS. DAVIS: Yes.

20 CHAIRMAN BARTH: Okay.

21 MS. DAVIS: And of course you can, you know,
22 adjust that as you see fit.

23 CHAIRMAN BARTH: Okay, great.

24 MS. ZOOK: I have a question.

25 CHAIRMAN BARTH: Question on procedure? Yeah.

1 MS. ZOOK: Can you tell me whether or not Hope
2 has complied with the Section 5.0 reporting
3 requirements?

4 MS. DAVIS: Oh, the standards for accreditation?

5 MS. ZOOK: No, on --

6 MS. DAVIS: The rules. Okay, hang on.

7 MS. ZOOK: Yes, on rules.

8 MS. DAVIS: I'd have to verify. We'd have to
9 ask them and I'd have to check with somebody in our
10 Research and Technology Department to see what
11 reports are available. I couldn't say right off the
12 top of my head.

13 MS. ZOOK: Okay. Would you find that out,
14 please?

15 MS. DAVIS: I sure will.

16 MS. ZOOK: Thank you.

17 CHAIRMAN BARTH: All right. So I think the
18 attorney for the Hope district -- is now the
19 appropriate time to answer that question or do we
20 want to deal with that later?

21 MS. DAVIS: I think that you -- it would
22 probably just -- I mean you could deal with it all at
23 once, just so that way it's not a constant -- and
24 I'll find out and then they can be able to respond as
25 well. I could say what we have and they can say what

1 they've done, but I would go ahead. And it would
2 probably be best to swear everybody in and just start
3 this procedure.

4 CHAIRMAN BARTH: Okay. So for all non-attorneys
5 if you will -- who plan to offer testimony in any way
6 on this case -- and this is the Foster appeal --
7 please raise your right hand and repeat -- or, excuse
8 me, not repeat -- do you swear or affirm that the
9 testimony you're about to give shall be the truth,
10 the whole truth and nothing but the truth?

11 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

12 CHAIRMAN BARTH: Thank you.

13 All right. And so we will start with the Hope
14 district, the nonresident district, with five
15 minutes.

16 MS. MOORE: Well, I just -- I represent Hope. I
17 represent the resident district. But I just had a --

18 CHAIRMAN BARTH: Resident district.

19 MS. MOORE: -- procedural question. Ms. Davis
20 mentioned that historically the nonresident district
21 has shared time with us and that wasn't my
22 understanding of how it has operated in the past.
23 Now I think this is my third one in as many years and
24 traditionally the nonresident district hasn't had
25 very much to say; they're usually wanting to accept

1 the transfer, if not for our deseg order. But I
2 think the Board has allowed me the courtesy of
3 treating me like a party and giving me my own 20
4 minutes, even though the rules don't address the
5 resident district as a party to this type of appeal.
6 So I would ask the Board's permission for that same
7 courtesy this time.

8 CHAIRMAN BARTH: All right. And, Ms. Davis, is
9 that -- would that be your interpretation as well?

10 MS. DAVIS: I don't think that you guys have
11 treated the resident district as a party. The
12 situations that we have seen in this instance have
13 been that, as she stated, the nonresident district
14 has not necessarily had an issue and so they have,
15 you know, waived their time in order for the resident
16 district to take that. It is not treated as a third-
17 party, according to the rules. But I mean there is
18 flexibility for allowing additional time as
19 necessary.

20 CHAIRMAN BARTH: Right. Okay. So, in essence,
21 we will have five minutes for the districts, five
22 minutes for the parents, twenty minutes for the
23 districts, both resident and nonresident, and then
24 twenty minutes for the parents. Is that appropriate?

25 MS. DAVIS: That is correct.

1 CHAIRMAN BARTH: Okay. So --

2 COMMISSIONER KEY: If I may, Mr. Chair, could we
3 pause just for a moment so our Teacher of the Year,
4 Courtney Cochran, can come and take her place at the
5 table?

6 [APPLAUSE]

7 CHAIRMAN BARTH: Great. Welcome, Ms. Cochran.
8 And I apologize to the folks who are holding here,
9 but thank you, welcome, so much. Welcome to your
10 first meeting. And for those who -- I think we've
11 all met Courtney at some point but she is of course
12 Arkansas Teacher of the Year 2017, but she is also a
13 Spanish teacher at Van Buren High School where she's
14 been for nearly 10 years. And so congratulations on
15 this, and we'll give you a second. But I want to on
16 behalf of the Board, in addition to welcoming you, I
17 really also want to say to you that while you're not
18 a voting member of the Board you are a fully voiced
19 member of the Board and your voice is crucially
20 important. And so I and we encourage you to ask
21 questions, make comments, engage in debate, and your
22 voice is incredibly valuable in the year ahead. And
23 so welcome and we look forward to getting to know you
24 in the year ahead; so if you'd like to make an
25 opening comment that would be great.

1 MS. COCHRAN: Yes. I am so thrilled and so
2 honored to be here. It's just an incredible thing
3 that we do here in Arkansas to allow teachers to have
4 this representation on the Board of Education. I
5 have learned through my travels with the other state
6 Teachers of the Year just how fortunate we are here
7 in Arkansas. And so I am just so excited to take
8 advantage of this opportunity and to get to know you
9 all. Thank you so much.

10 CHAIRMAN BARTH: Great. Welcome.

11 All right. Okay. So we will proceed with the
12 districts.

13 MS. STREET: Commissioner Key and Board of
14 Education and Teacher of the Year, I'm Sharon Street
15 and I'm here for the Spring Hill district. And Angie
16 Raney, the superintendent, is also here to answer
17 questions or whatever.

18 Spring Hill had a number of applicants this year
19 to transfer under 6-8-227, the academic distress
20 school choice statute; the district received
21 applications from Hope, Blevins, Nevada County. The
22 superintendent from Hope notified us when the
23 superintendent notified him of the applicants that
24 they were claiming that they were exempt from the
25 school choice statute under -- because they had a

1 desegregation order. Based on that communication
2 from the superintendent at Hope, Ms. Raney notified
3 the applicants from Hope that we would not be
4 accepting applications from Hope because of -- I mean
5 from Hope because of Hope's claim that they were
6 covered by a desegregation order and were exempt.

7 The particular student that has appealed that
8 decision -- and only one appealed -- is from Taiwan,
9 and he is coming to the United States to live with
10 his aunt who resides in Hope. And he is Asian, not
11 African American or White, and he has never attended
12 school in the Hope School District.

13 So that is the appeal that's before you today.

14 A couple of comments I would make is we had no
15 notice from the school district last year that they
16 were exempt under this school choice statute because
17 of their desegregation status. And in looking at the
18 order that they claim is a desegregation order I
19 don't view that as a desegregation order affecting
20 student attendance, if that's the order they're
21 basing their requirement on. But those are the
22 basics of the appeal that's before you today.

23 The Spring Hill School District would most
24 definitely accept this student but for the notice
25 that they are exempt, and would accept several other

1 students to the extent that capacity allows. So that
2 is the basics of our position.

3 CHAIRMAN BARTH: All right. Thanks, Ms. Street.
4 All right. So --

5 MS. STREET: This is Ms. Foster, who is Mr. --
6 is Phillip Lee's aunt.

7 CHAIRMAN BARTH: Great. And, Ms. Foster, we
8 will allow you a full five minutes in just a minute.
9 I think -- Ms. Dean [sic], would now be the time to
10 allow the Hope district to also speak or should I --

11 MS. DAVIS: You can allow them now, it's your
12 preference, or -- I mean I think -- and I'm going to
13 go out on a limb here and say that I think that
14 pretty much Spring Hill has pretty much told you the
15 basis of their, you know, arguments on why this
16 appeal should be granted. So at that point it would
17 pretty much be -- the rest of the arguing would be --

18 CHAIRMAN BARTH: Okay.

19 MS. DAVIS: -- from the Hope School District.

20 CHAIRMAN BARTH: Okay. So --

21 MS. DAVIS: I mean you can correct me if I'm
22 wrong, but --

23 MS. STREET: Well, we don't want to give up an
24 opportunity to respond to the Hope School District.

25 MS. DAVIS: No, of course not.

1 CHAIRMAN BARTH: I understand.

2 MS. DAVIS: I mean, but you have some
3 flexibility so that way nobody is denied their
4 opportunity for you to hear them.

5 CHAIRMAN BARTH: Okay. So without objection,
6 I'm going to do it this way: of course we'll go ahead
7 and allow Ms. Foster to speak, then I will turn it
8 over to the Hope district for up to 20 minutes. But
9 we will certainly give you time as the nonresident
10 district to say -- to conclude.

11 MS. STREET: To respond.

12 CHAIRMAN BARTH: Does that make sense?

13 MS. STREET: Thank you.

14 CHAIRMAN BARTH: All right.

15 Welcome, and please do state your name for the
16 record.

17 MS. FOSTER: Cindy Foster. And I just want my
18 nephew to come here and stay with me and go to school
19 at Spring Hill district, because he's never been to
20 the states to school. So I just want him to go to a
21 good school because the Hope school is not quite that
22 good right now; so I just want him to go to a better
23 school. That's all.

24 CHAIRMAN BARTH: All right. Thank you very
25 much. And we will have of course the opportunity for

1 questions at the end of all the testimony. Thank you
2 very much.

3 And so I will now for 20 minutes give the
4 opportunity to the Hope district to make their case
5 in this issue. Welcome.

6 MS. MOORE: Thank you, Mr. Chairman. I don't
7 know if I formally --

8 CHAIRMAN BARTH: If you'd also state your name
9 for the record.

10 MS. MOORE: Well, I was about to say I don't
11 know if I formally introduced myself before. I've
12 been up here before. But my name is Whitney Moore;
13 I'm one of the attorneys for Hope School District.

14 Chairman Barth, Commissioner Key, Members of
15 the Board, and Teacher of the Year, thank you for
16 having us this afternoon. Thank you for allowing us
17 the time to speak. Our superintendent, Mr. Bobby
18 Hart, is here with me and has been sworn; he would
19 like to speak about the opportunities available at
20 Hope High School and can answer any questions about
21 their current academic distress designation that the
22 Board may have.

23 The opportunity school choice application filed
24 by Ms. Foster was correctly denied by Spring Hill and
25 I'm going to give you some legal reasons why you

1 should vote to deny Ms. Foster's appeal.

2 The first is that Hope has a conflict with
3 participating in opportunity school choice due to the
4 provisions of a federal desegregation court order.
5 The Opportunity Choice Act is clear that when such a
6 conflict exists the desegregation order, not the
7 Opportunity Choice Act, controls.

8 The second is that the State Board of Education
9 plainly does not have the authority to interpret any
10 judicial orders submitted by Hope. The Board had
11 some questions about this exact issue last year when
12 Jacksonville-North Pulaski and El Dorado School
13 Districts were involved in school choice appeals.
14 Two different federal judges ruled last August and
15 confirmed that the State Board is not the proper
16 entity to determine whether a district's
17 desegregation order conflicts with participation in
18 choice.

19 The third reason is Hope High's participation in
20 opportunity choice last year illustrates a clear
21 segregative impact. Mr. Hart was under the mistake
22 impression last summer that desegregation conflicts
23 were applicable only to regular school choice
24 transfers and not to opportunity choice transfers.
25 That mistake led to the transfers of 16 students,

1 only two of whom were black. This year Hope received
2 applications for opportunity choice transfers from 25
3 students; I believe 22 of those were to attend Spring
4 Hill, only one of whom was black, and only one of
5 those has been appealed. The rest were rejected by
6 Spring Hill.

7 The fourth reason is that Hope is exempt from
8 participating in regular school choice due to the
9 conflict between its federal desegregation court
10 order and participating in choice. It stands to
11 reason that a conflict with regular school choice due
12 to desegregation obligations also conflicts with
13 opportunity choice. Hope has previously declared
14 their conflict with participating in regular school
15 choice and Hope has submitted to ADE all of the
16 documents that statute requires. Hope has complied
17 with all components of declaring a conflict under
18 both the Public School Choice Acts of '13 and '15, as
19 well as the Opportunity School Choice Act.

20 So I'll come back to each of these points, but I
21 wanted to give a little history about Hope's
22 desegregation case and orders.

23 Hope School District historically operated a
24 dual system of schools for black children and schools
25 for other, predominantly white, children. Other

1 minorities, to the extent they were present in the
2 area, were allowed to attend the white schools;
3 hence, the use of the terms black and non-black when
4 desegregation issues are considered. I understand
5 Spring Hill's point that this particular student is
6 Asian. But for desegregation purposes we're talking
7 about children who would've attended the black school
8 in the 50s or the predominantly white school, and
9 Asian students would have attended the predominantly
10 white school.

11 Hope's first attempt at integration was adoption
12 of a Freedom of Choice plan that allowed students to
13 attend either the white school or the black school of
14 their choice. After the U.S. Supreme Court found
15 Freedom of Choice plans unconstitutional in *Raney*
16 *versus Board of Education of the Gould School*
17 *District*, an Arkansas school district, and after the
18 federal Department of Health Education and Welfare
19 threatened to withhold federal funding for schools
20 who continued to use Freedom of Choice as a
21 desegregation method, Hope merged its black and white
22 schools. Now between this merger, which occurred
23 around 1969, and 2013, Arkansas law restricted white
24 students from residing in one district and attending
25 school in another whiter district. The most notable

1 of these laws was the Public School Choice Act of
2 1989, which contained a racial restriction on
3 movement but allowed integrative transfers. A court
4 challenge of the 1989 act racial restriction in
5 around 2010, 2011 -- it's the Teague case -- led to
6 the passage of the Public School Choice Act of 2013,
7 which has been amended in 2015 and 2017. The '13,
8 '15 and '17 acts all recognize the possibility of
9 school choice conflicting with a district's
10 desegregation obligations.

11 So back to my first point -- the first reason
12 you should deny the appeal is that Hope has a
13 conflict with participating in opportunity school
14 choice due to the provisions of a federal
15 desegregation court order. The Opportunity Choice
16 Act is clear that when such a conflict exists the
17 desegregation order and not the Opportunity Choice
18 Act controls. That's Arkansas Code Annotated 6-18-
19 227(e)(2). The January 8, 1990 order in Davis states
20 that the court enjoins for bids and restrains Hope
21 from hereinafter engaging in any policies, practices,
22 customs, or usages of racial discrimination in any of
23 its school operations, including but not limited to
24 student assignments. The consent decree also states
25 it is the intent of the decree to remedy past racial

1 discrimination and prevent racial discrimination from
2 occurring in the future.

3 Hope has interpreted its obligations under the
4 Davis orders as requiring the district to avoid
5 taking any action the natural and probable
6 consequence of which would be a segregative impact in
7 Hope. Hope's enrollment is 46% black and 54% non-
8 black. It is neighbored by Spring Hill, which is
9 0.3% black and 99.7% non-black. Blevins, which is
10 16.6% black and 83.4% non-black, and Prescott, which
11 is 38.5% black and 61.5% non-black, also neighbor
12 Hope.

13 The natural and probable consequence of
14 participation in school choice of any kind, given the
15 demographics of Hope and its neighbors, is white
16 flight from Hope to the surrounding districts. Now
17 Hope is very similarly situated to El Dorado School
18 District. As I mentioned previously, El Dorado
19 School District was the subject of a federal court
20 order last summer entered by Judge Susan Hickey.
21 Judge Hickey noted that El Dorado's desegregation
22 orders were directed to the problem in the 1960s and
23 '70s of segregation within a single district and not
24 between multiple districts. Nevertheless, she
25 determined that El Dorado had a continuing

1 constitutional obligation to avoid doing anything
2 that had a segregative impact within the district.
3 She further found that participation in school choice
4 would have such an impact, given the demographics of
5 El Dorado and its neighbors. And Hope is no
6 different.

7 The second reason you should deny the appeal is
8 that the State Board of Education does not have the
9 authority to interpret the judicial order defended by
10 Hope. And I mentioned that there was a question
11 about this issue last year when Jacksonville-North
12 Pulaski and El Dorado were here for their school
13 choice appeals. It was debated exhaustively by this
14 board. Y'all discussed it --

15 MR. WILLIAMSON: We're probably not done.

16 MS. MOORE: I understand. I would -- I
17 mentioned then, and I'll mention again, the two
18 Attorneys General opinions -- one is from 2003, one
19 is from 2015 -- state that both the State Board and
20 the Department of Education are not the proper
21 entities to interpret these orders. I reviewed the
22 transcripts of the State Board meeting from last July
23 and note that the staff attorneys, Ms. Freno and Ms.
24 Davis, both made comments to the effect that their
25 reading of the AG opinions were that the State Board

1 was included when the AG referenced boards and
2 commissions not having authority to interpret consent
3 decrees and that that job is left -- to be left to
4 the courts.

5 Following that meeting two different federal
6 judges, Judge Hickey, as mentioned before, in El
7 Dorado, and Judge Marshall, in the Pulaski County
8 case, confirmed that the State Board of Education is
9 not the proper entity to determine whether a
10 district's desegregation order conflicts with
11 participation in choice. I submitted Judge
12 Marshall's opinion. But in his opinion he also
13 referenced the comments he made on the record at the
14 end of the hearing -- and I apologize for not
15 submitting the transcript, but I would like to read
16 portions of it and I can submit it to the court
17 reporter if she needs an exhibit or anything like
18 that. But at the end of that hearing, when Judge
19 Marshall granted Jacksonville's motion to enforce the
20 settlement agreement and voided the State Board's
21 decision to allow the transfer out of Jacksonville to
22 Cabot, he said -- and he was addressing Mr. Patrick
23 Hollingsworth who was there on behalf of the AG's
24 office that day -- he said, "Mr. Hollingsworth, our
25 discussion about different kinds of disputes and

1 where they might be decided, it is just unworkable to
2 think that one of three decision-makers" -- he was
3 talking about the State Board, a federal court, or a
4 state court -- "could be charged with construing the
5 consent decree and the parties agreement, depending
6 upon what the disagreement was about. In my view
7 it's an all-or-nothing thing and it's all in this
8 situation. This court has the obligation to do the
9 best that it can to construe this settlement and the
10 related decree. It's just untenable to think that
11 the State Board might have the final word on the
12 decree in some disputes and that this court might in
13 some disputes and that the state court might in some
14 disputes." He goes on, "The potential -- if you've
15 got three cooks in the kitchen, Mr. Hollingsworth,
16 the potential for them to be elbowing each other and
17 having a conflicting view about what's on the stove
18 and what goes in and what comes off and all of that
19 is just too great. I just don't see it being
20 workable." So I would suggest that this is
21 determinative of the issue of whether the State Board
22 should consider court orders, and not just in the
23 Pulaski County case. I think that was a question of
24 law. I don't think that was solely applicable to
25 Jacksonville.

1 So I'll go on to my third reason: Hope is exempt
2 from participating in regular school choice due to
3 the conflict between its federal desegregation court
4 order and participating in choice. It stands to
5 reason that a conflict with regular school choice due
6 to desegregation obligations also conflicts with
7 opportunity choice. Hope has previously declared
8 their conflict with participating in regular school
9 choice and Hope has submitted to ADE all of the
10 documents the statute requires. Hope has not been
11 declared unitary.

12 The fourth is -- the fourth reason is Hope High
13 School's participation in opportunity choice last
14 year illustrates a clear segregative impact. Now Ms.
15 Street mentioned that Hope High allowed opportunity
16 choice transfers last year, and that's true. But
17 after doing so we realized a 7-to-1 ratio of non-
18 black to black transfers, and this year a 24-to-1
19 ratio. We don't see how we can participate in that
20 and also comply with the Davis order that tells us
21 not to engage in any policy, practice, custom or
22 other action that could lead to racial segregation.
23 We don't think that we can do it and stay in the good
24 graces of the federal court.

25 So I'll close with Hope High School is 6.7 miles

1 away from Spring Hill High School, and I understand
2 Hope is on academic distress. Mr. Hart is here and
3 he would like to speak about the gains they have made
4 and the wonderful progress they're making. I'd also
5 like to note that their designation as being on
6 academic distress came from averaging three different
7 tests -- the benchmark, the PARCC exam, and the
8 Aspire test. And I know there's a concordant score
9 and I know the Department has come up with a way to
10 make -- or to say that they've justified all of these
11 tests being the same, but I think that's definitely a
12 special circumstance that shouldn't go unnoted.

13 So, again, I want to remind you how close these
14 two schools are, less than 10 miles apart; yet, one
15 of them is 46.5% black -- this is the high school in
16 Hope -- and the other -- I actually ran out of time
17 to do the percentage calculation, but there are three
18 black students out of 279 total at Spring Hill High.

19 So I want to ask you if you grant this appeal if
20 you are okay in light of Judge Marshall and Judge
21 Hickey's order directing you in previous cases not to
22 consider -- or not to construe federal court orders.
23 Are you okay with approving a transfer that would
24 only increase the divide between these two schools
25 that are so close?

1 I don't know how much time I have left --

2 CHAIRMAN BARTH: You have about five-and-a-half
3 minutes.

4 MS. MOORE: That's perfect. I would like Mr.
5 Hart to address the high school's offerings and
6 academic distress.

7 CHAIRMAN BARTH: Yes, Mr. Hart.

8 SUPT. HART: Good afternoon, Mr. Barth and
9 Board, Commissioner Key. As a matter of fact, we'll
10 be presenting tomorrow afternoon, so I asked our
11 attorneys, "Please don't upset the Board before we
12 meet on Friday." But we feel like we've made some
13 serious progress. Matter of fact, our own school
14 improvement department here, within the Department,
15 was gracious enough to ask us to present at this past
16 June's school improvement conference to show some of
17 the steps we've taken as a district and how we've
18 patterned what we believe ESSA would like to see in
19 regard to school districts supporting individual
20 schools in their improvement plan. So I think we've
21 taken some major steps. Our test data from the high
22 school was much like many of the State's -- schools
23 in the state. We were stagnant in one grade; in 10th
24 grade math we were stagnant. We made some
25 improvements in our ELA scores and we're going to

1 continue to make those improvements. I will add Ms.
2 Moore mentioned the timing of the testing and all.
3 We're one of only six schools in the state that fell
4 into the academic distress category without ever
5 having the luxury or the warning of being an academic
6 -- or a priority or focus school. There are only six
7 of us that hit that. It's not a great group to be
8 in, but, you know, we've accepted and embraced the
9 fact, okay, we've got some instructional issues.
10 I'll say this, we have some offerings at our -- in
11 our high school that are not going to be found in any
12 other school in our county, and many in our region.
13 We have one of the most robust concurrent credit
14 programs that you're going to find. We partner with
15 our local community college and students have the
16 opportunity right now to walk across the stage with
17 an associate's degree and their high school diploma
18 at the same time. Now we're able to do this -- and
19 it's at no cost to the family; that's the beauty of
20 the program. Right now 85% of our student population
21 is on free and reduced lunch, which means they
22 qualify for PEL. Our community college is one of the
23 only community colleges in the nation, but definitely
24 one of the only colleges in the nation, that has a
25 pilot program for PEL. And so we -- those 15% of the

1 students that are not on free and reduced, our
2 district picks up the cost of college credit hours.
3 So our concurrent program is probably one of the most
4 robust opportunities. We had -- this is the first
5 full year we were really operational. We had a young
6 man graduate with 59 hours; the only reason he
7 couldn't get to the 60 is because he waited until his
8 11th grade year to start the program. He's a
9 Hispanic student that was at risk of failure when he
10 was in the 9th grade. So I think we're making some
11 progress.

12 We certainly understand the dilemma that you all
13 are under as board members, but we feel like to
14 uphold -- if you uphold this appeal we're going to
15 continue to be segregative in nature. This will
16 allow more of our white students a free pass to go
17 out the door. We're not here to hold them and punish
18 them, by any stretch of the imagination, but we feel
19 like we've got some good things going, good
20 opportunities. Forty-six percent of our student
21 population is African American, 32% of our population
22 is Hispanic; we're at about that magic 20% level of
23 Caucasian families. The impact that you're going to
24 have by upholding this appeal is going to be you're
25 going to have -- Hempstead County will now have two

1 completely separate school systems, that one is for
2 the black families and one will be for white
3 families. And I'm not prepared to be the person
4 responsible for allowing that to happen.

5 So with that, I'll be happy to answer any of
6 your questions.

7 CHAIRMAN BARTH: All right. Thanks, Mr. Hart.

8 And now I'm going to -- we have 20 minutes
9 remaining and so I will go back to the Foster family,
10 and then after that give the Spring Hill district an
11 opportunity for any comments they have.

12 MS. FOSTER: Okay. I have nothing against the
13 Hope School because I had three kids graduated from
14 Hope School. You know, I was hoping -- I lived in
15 Hope for a long time, but I wanted the kids can go to
16 a better school [sic], because right now the school
17 is not that great. I want him to go to Spring Hill,
18 a better school, because, you know, I take the kids
19 to school; I have the two grandkids that go to school
20 down at Spring Hill, so even that way I can take them
21 once and so I don't have to go to Spring Hill, then
22 Hope. You know, when you're getting older you have
23 to watch what you're doing. So, you know, I'm not
24 that young; I'm 74 years old. So, you know, I have
25 to take the grandkids to school, now I'm going to

1 take my nephew to school. If I go to Spring Hill and
2 to Hope School, you know, in the morning is busy and
3 can make it to school. That's all I want, just go to
4 Spring Hill School. I don't have anything against
5 Hope. Okay. Thank you.

6 CHAIRMAN BARTH: Thank you very much.

7 And any closing comments from the Spring Hill
8 district before we open it up to questions and
9 comments?

10 MS. STREET: I have a couple of points to make.
11 Presumably, the legislature in enacting the School
12 Choice Acts were advised and got good advice about
13 the desegregation status and how to work that into
14 the statutes. While I would agree that it's not for
15 the State Board to interpret a court order, I think
16 that what you need to look at here carefully is what
17 the School Choice Act in this particular circumstance
18 allows and then you need to look at what Hope is
19 required to do. And what they're required to do
20 under their deseg order is not to take any action
21 that promotes re-segregation or promotes segregation.
22 By resisting this transfer they have done that, so
23 they have met their obligation under their
24 desegregation order by resisting this transfer. That
25 does not mean that this transfer is illegal or

1 shouldn't be granted. So I think you have to look at
2 what they're saying, because what they're really
3 saying is that you shouldn't do it, not that they
4 shouldn't. I think they've met their obligation by
5 notifying us that they have a problem and that they
6 consider themselves to be exempt.

7 Second point I would make is at the time that
8 their desegregation case was in the forefront, when
9 you talked about white and non-white you were pretty
10 much talking about black versus white students. Now
11 then, the racial makeup of Arkansas and the nation is
12 significantly different. And when we actually look
13 at the number of students that moved from Hope, white
14 students that moved from Hope last year and this
15 year, we're talking about really pretty significantly
16 different numbers than what Mr. Hart recommended.
17 And a couple of reasons for this: number one, seven
18 of the students that moved last year were non-white,
19 but not black; five of the students this year that
20 applied were non-white, but not black; and six of the
21 students that -- five of the students that applied
22 this year were not coming from the Hope School
23 District's schools, they were coming from private
24 schools. Last year there were a few that also came
25 from private schools, so -- and when you're looking

1 at desegregative impact it's significantly less than
2 what Mr. Hart has presented it as, simply because of
3 where those students are when they come. And
4 obviously this child is not going to affect the
5 desegregation status of Hope because he has never
6 attended Hope to start with, so he's not going to be
7 affecting the status.

8 Now then, by the same token the Spring Hill
9 School District is very cognizant of Hope's position
10 that they have desegregation problems, and we don't
11 want to contribute to those. But if any student can
12 move, then black students can move; white students
13 can move, non-white, but not black students can move.
14 So I don't think anything that Hope is doing or
15 Spring Hill is doing affects who can make the move.
16 That is something that individual parents and their
17 families are making about who moves from one district
18 to another district.

19 So, once again, I think Hope has met their
20 obligation under their deseg order by making this
21 argument and by raising the issue with Spring Hill.
22 Spring Hill has said, "Okay, we're willing for the
23 State Board to make that decision," and that's where
24 we leave it, with you.

25 I would like to give the superintendent a minute

1 to make any comments that I may not have made that
2 she wants you to know.

3 CHAIRMAN BARTH: Thank you.

4 SUPT. RANEY: Hello. My name is Angie Raney; I
5 am the superintendent at Spring Hill. I believe that
6 Ms. Street did cover everything that I wanted to go
7 over. Our racial breakdown is 87% white, 13 -- you
8 know -- 13% of a different race. So, again, some of
9 the numbers are not exactly the way they have been
10 presented. If every one of the applicants were
11 accepted of the 26 applicants for school choice, only
12 five would have -- white students would have left
13 Hope High School. And I know that may still be in
14 conflict, but I'm just saying it's not the 25 or
15 whatever, 24, that was said too. I mean I just think
16 we need to make sure that we're looking at all the
17 right kinds of things. And we do offer a robust
18 concurrent program too at Spring Hill. We do
19 partnerships with the local colleges and we also have
20 students that are graduating with CNA and welding
21 certificates and on their way to associate degrees as
22 well. So we are very competitive in that area as
23 well.

24 But, yes, Ms. Foster, her children do go to --
25 her grandchildren do go to Spring Hill, and she is

1 not their guardian but she is their -- you know --
2 their caretaker during the day for their parents that
3 work, and she has been down there for years, you
4 know, taking care of them. And she approached me a
5 few months back asking about her nephew, about he was
6 going to be moving in with her and that, you know, he
7 would be in the high school, 10th grade, and could he
8 come to school from Hope. And because of last year
9 and not having any kind of word from the Hope School
10 District that anything would change, then we kind of
11 went together -- I mean I kind of "yeah, they should,
12 they're still I believe on academic distress." And I
13 believe had it not been for a courtesy of myself to
14 email Bobby Hart and ask him, tell him that I had
15 applicants for school choice from Hope High School
16 again this year and I was getting ready to accept
17 them, the ones that I could -- because we did -- we
18 would've denied some because of capacity in some of
19 the grades -- I would've accepted them all; sent
20 them, like I was supposed to, the copies, and here we
21 would -- I don't know where we would be. I guess I
22 might've been in a lawsuit, because that's what I was
23 threatened with anyway if I accepted any students
24 from the Hope School District in the high school.

25 So anyway, I just -- I want to do what's right

1 for kids. I know we all want to do what's right for
2 kids. He's coming from another country here to live;
3 he's never been in the Hope School District. And,
4 you know, I did appeal because of the desegregation.
5 I would like for you to overturn it. But I want to
6 do what's right for kids too and I do not want to be
7 in any type of violation of their desegregation order
8 for us. I certainly do -- I am a rule-follower and
9 want to follow the law. Thank you.

10 CHAIRMAN BARTH: Okay. Thanks, Ms. Raney.

11 All right. And so I'm going to start with Ms.
12 Reith and come around and see if you have any
13 questions or comments.

14 MS. REITH: Thank you. Actually, my first
15 question is going to be for Ms. Davis in this regard
16 because I do believe this is the first time that
17 we've had, at least since I've been on the Board, a
18 student individual who's not in the district itself
19 but is coming in from another country. Does that
20 make a difference?

21 MS. DAVIS: The law is not clear. It doesn't
22 say -- I mean it's not contemplated for those. All
23 the cases of, you know, kids coming in from private
24 school and things like that is unclear.

25 MS. REITH: And then another question for you,

1 Ms. Davis, just because I'm intimately familiar with
2 the census and the debate around our Asian community,
3 our Latino community, whether we're racially white or
4 the categories in which we fit. This is one that our
5 government is actually still fighting and working
6 through in many respects. But in this specific case
7 I know that when -- for my community, unless we have
8 actual African dissent we are racially white but we
9 can list ourselves as ethnically Latino, that that's
10 been added too. But then with the Asian community,
11 they're actually their own category -- Asian, Pacific
12 Island, and such -- that fits into the "other"
13 category. So I don't know if within school law,
14 education law here in Arkansas if that's ever been
15 delineated, our specific groups, or do we just align
16 ourselves with federal government -- with the federal
17 government in this regard?

18 MS. DAVIS: You know, the only thing that -- I
19 mean I think that you would align yourself with
20 federal government. I don't -- I can't say that
21 there's anything. I know that when you look at a lot
22 of the reports for like student enrollment or by race
23 it is broken out by more than just, you know, African
24 American and White. But I don't know if that's just
25 because that's what people -- the box that people

1 have checked or not. I couldn't say.

2 MS. REITH: But then what Ms. Moore had said
3 about black versus non-black --

4 MS. DAVIS: Right.

5 MS. REITH: -- is that stated?

6 MS. DAVIS: In the law, no. In the school
7 choice it just talks about if it conflicts with the
8 -- because there's no racial provision in the
9 opportunity school choice law. It just said that
10 there's a provision of the desegregation order that
11 conflicts and that portion governs, and it's a
12 portion of the opportunity school choice law. It
13 doesn't necessarily say the entire law; it just says
14 if any portion of it conflicts. But it does not have
15 any -- it actually specifically says that race cannot
16 be a factor in a decision to deny a student.

17 MS. REITH: With the exception though of the
18 deseg order; correct?

19 MS. DAVIS: Well, it just says whatever the
20 provisions are that would govern. Yes. So if the
21 provision of the deseg order dealt with race, then
22 that provision would govern.

23 MS. REITH: Okay. Thank you. Thank you, Ms.
24 Davis. Those are my questions.

25 CHAIRMAN BARTH: Thanks. Ms. Dean.

1 MS. DEAN: I think I -- Ms. Davis --

2 MS. DAVIS: I should have worn comfortable
3 shoes. Just kidding.

4 MS. DEAN: I think I'd like a little bit more
5 clarification on the point that Spring Hill brought
6 up about Hope fulfilling their portion by rejecting
7 the school opportunity choice.

8 MS. DAVIS: Well, you know, the appeal -- I mean
9 a school choice application under opportunity school
10 choice is submitted to the nonresident district. The
11 nonresident district -- you know -- how I have seen
12 it has been in communication -- or has been notified
13 by the surrounding districts if there is any conflict
14 or they're not participating. Under other laws there
15 is a percentage cap or things of that nature where
16 they notify them and say "you can't take that child."
17 Now, you know, there's no percentage cap under this
18 law that they are notified. So, you know, the
19 nonresident district has, you know, been notified,
20 and so, you know, they've fulfilled their part, they
21 denied it. I mean, they could've accepted it but
22 they denied it and allowed it to come to you to make
23 the final determination. They've both kind of
24 completed their part.

25 MS. DEAN: Okay. Thank you.

1 CHAIRMAN BARTH: Ms. Zook.

2 MS. ZOOK: Okay. Did you find the answer to my
3 question?

4 MS. DAVIS: They are looking it up right now.

5 MS. ZOOK: Okay.

6 MS. DAVIS: We're waiting for a response.

7 MS. ZOOK: And then to the superintendent of
8 Hope -- I'll wait until he gets to the microphone.

9 SUPT. HART: Yes, ma'am.

10 MS. ZOOK: Your board has not chosen to appeal
11 to the courts for unitary status. Do you know what
12 their reasoning is?

13 SUPT. HART: We don't feel like we're unitary in
14 nature in every aspect.

15 MS. ZOOK: Okay. And I guess also I agree that
16 this is similar to what Judge Hickey decided. But
17 the other instance with Judge Marshall, which was
18 heavily related to today, Judge Marshall went to the
19 agreement between Pulaski County and Little Rock and
20 North Little Rock and the state in that agreement
21 where Mr. Guess and the other superintendents had
22 said "we won't be forced to participate in choice
23 until we decide to." And it's my understanding from
24 the paper -- Mr. Guess can answer me -- that they're
25 going to participate in choice in '18-19. Is that

1 correct?

2 SUPT. GUESS: That's what the board has
3 indicated.

4 MS. ZOOK: Right. So under Judge Marshall it
5 would seem like he adjudicated based on the agreement
6 that those guys reached to get out from under deseg.
7 Now, Hickey I totally completely agree. But based on
8 the other and the -- it seems like there -- if you're
9 under Judge Hickey, with El Dorado, that was a
10 decision based purely on El Dorado and the court case
11 and deseg and all of that. And like you say, you
12 don't believe you'd state you are unitary. But I
13 think to use the Judge Marshall argument, it probably
14 is not the argument that would convince me at this
15 point. So just --

16 SUPT. HART: I don't know if that's a question,
17 but we hire attorneys to make arguments for us, so --

18 MS. ZOOK: No, I don't need any more answers.
19 Thank you.

20 CHAIRMAN BARTH: Mr. Black, any questions?

21 MR. BLACK: I'm just curious, what school does
22 the boy want to go to?

23 MS. FOSTER: Spring Hill.

24 MR. BLACK: Spring Hill.

25 CHAIRMAN BARTH: Ms. Chambers? Mr. Williamson?

1 MR. WILLIAMSON: I'd better now. I'm just going
2 to sit back, I think, on this.

3 CHAIRMAN BARTH: Okay. Ms. Newton? Ms.
4 Cochran?

5 All right. Commissioner.

6 COMMISSIONER KEY: Ms. Davis, Ms. Moore has told
7 us about Judge Hickey's ruling. But what was the
8 State's argument in that case?

9 MS. DAVIS: I don't think -- the State didn't
10 have a part in that.

11 COMMISSIONER KEY: So it was a unilateral --

12 MS. DAVIS: Absolutely.

13 COMMISSIONER KEY: -- presentation to the Judge,
14 and the Judge agreed. So can we make an assumption,
15 a blanket assumption on all cases based on that type
16 of situation?

17 MS. DAVIS: No. In fact, the -- you know, Ms.
18 Zook pointed it out. The El Dorado, and even the
19 Eighth Circuit, you know, those were all individual
20 districts, their own consent decrees, their own
21 agreements. And I don't think that you can make any
22 assumptions, anything, because all of those are
23 unique, much like Hope's desegregation order is
24 unique to their situation.

25 COMMISSIONER KEY: Okay.

1 CHAIRMAN BARTH: Okay. Other questions?

2 I mean I think all nine of us -- or eight of us
3 have been here before. And so I will invite a
4 motion, but then I think we also probably need to do
5 a roll-call on this. We're on the same page,
6 literally.

7 All right. I will invite a motion in either
8 direction, either -- the proper motion would be to
9 either accept or to deny the appeal.

10 MS. ZOOK: I do agree with the Spring Hill
11 attorney's presentation that Hope did meet their
12 requirement to object. However, I believe that in
13 this instance that to allow an Asian child to go to
14 school with his relatives and because Hope is
15 currently, and hopefully not for long, in academic
16 distress I think that that would meet the spirit of
17 the law. And so, therefore, I move that we grant the
18 transfer.

19 MR. WILLIAMSON: Second.

20 CHAIRMAN BARTH: Further discussion before we
21 move to a vote?

22 MS. REITH: I guess I would just offer up I'll
23 obviously be voting no on this. I just get
24 challenged with us taking some authority in this
25 matter and playing the role of the courts. But I

1 know I've iterated that before and it will continue
2 to be my position in this regards.

3 MS. ZOOK: I think the difference is we're not
4 taking anything from the courts, but in the law it
5 allowed the parent to make an appeal to us. And if
6 there is no point in them coming to us, then we need
7 to change the law that says they can make an appeal
8 to us. So I think as long as the law says they can
9 appeal to us that that behooves us, right or wrong,
10 to make a decision and give the parent some guidance
11 from the Board that looks over the education of all
12 the students in the state.

13 CHAIRMAN BARTH: My response would be -- I mean
14 I think we did have two court rulings, and I
15 understand every case is different. But those two
16 Judges were quite clear in terms of the limitations
17 of our interpretive responsibility and power, no
18 matter, you know, what the appeal process is. And so
19 that -- you know, it felt as though -- and we've had,
20 you know, a series -- obviously, we've been doing
21 this awhile, and in the court there hasn't been a
22 great deal of consistency. And my view would be that
23 consistency may change and future courts may go a
24 different direction, but it starts to feel like a
25 very clear pattern of decision-making.

1 MS. DAVIS: I just want to point out -- I know
2 that there has been a lot of discussion about who
3 gets to make the decision. And, you know, one of the
4 documents that was presented by Hope School District
5 is the 2003 Attorney General's opinion, and there is
6 language in there that suggests that a state
7 administrative agency does not overstep their bounds
8 in making a decision when there is other evidence to
9 support the decision that's not based solely -- I
10 mean solely on the desegregation orders. And in this
11 instance that evidence would be the fact that there
12 was 16 transfers last year. So I mean I don't know
13 that that changes it, but just that way -- you know,
14 I know that there has been a lot of concern, so I
15 just want to remind you guys of that language in case
16 you haven't read it in awhile.

17 CHAIRMAN BARTH: Thank you.

18 All right. Ready for a vote?

19 Okay. Call the roll.

20 COMMISSIONER KEY: So for the first time in over
21 a year, Ms. Reith?

22 MS. REITH: No.

23 COMMISSIONER KEY: Ms. Zook.

24 MS. ZOOK: Yes.

25 COMMISSIONER KEY: Mr. Williamson.

1 MR. WILLIAMSON: Yes.

2 COMMISSIONER KEY: Ms. Chambers.

3 MS. CHAMBERS: No.

4 COMMISSIONER KEY: Ms. Dean.

5 MS. DEAN: Yes.

6 COMMISSIONER KEY: Ms. Newton.

7 MS. NEWTON: Yes.

8 COMMISSIONER KEY: Mr. Black.

9 MR. BLACK: Yes.

10 COMMISSIONER KEY: It's five yes, two no's.

11 CHAIRMAN BARTH: All right. Thank you.

12 All right. Congratulations to Ms. Foster.

13 (BREAK: 2:34 - 2:46 P.M.)

14 B-2(a): CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
15 APPLICATION - CHILDS

16 CHAIRMAN BARTH: I'll call us back to order and
17 I will slow-talk this so Ms. Davis has a chance to
18 get to the microphone. And we are now moving to the
19 School Choice Act of 2015 and Ms. Davis will prepare
20 us.

21 MS. DAVIS: Okay. So the procedures that you're
22 going to follow for this will be the same as far as
23 the nonresident district will have 5 minutes to open,
24 followed by the resident district, and then 20
25 minutes and 20 minutes.

1 The Public School Choice Act of 2015 is a little
2 different. It is available to all school districts
3 -- all students and all school districts. The
4 capacity is set at 90%, not 95 like opportunity. And
5 the school that they're coming from doesn't have to
6 be in academic distress. So there's a little
7 difference there.

8 The family is here, as well as the nonresident
9 school district, Blevins -- the resident school
10 district. They had -- their superintendent called;
11 they have Tier 1 training today and they said it's
12 the only one in their area and they really needed to
13 be at it, so they just wanted to let you know that
14 they have no objections to the transfer. They said
15 that this has actually been the second time that the
16 child has been rejected for school choice, second
17 year in a row, and that they actually -- the family
18 lives remarkably closer to the Prescott School
19 District than they do to the Blevins School. But
20 other -- I mean, so they just wanted me to let you
21 know that and that they have no objection. But they
22 will not be here.

23 CHAIRMAN BARTH: Great. Thank you very much.

24 So if I could ask anyone who plans to testify,
25 either on behalf of the school district or the

1 family, if you could please stand. Appreciate it.
2 Please raise your right hand. Do you swear or affirm
3 that the testimony you're about to give shall be the
4 truth, the whole truth, and nothing but the truth?

5 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

6 CHAIRMAN BARTH: Thank you very much.

7 So I will now turn it over to the nonresident
8 school district -- the resident school district. I
9 apologize. Yes.

10 MS. HUDMAN: Prescott School District?

11 CHAIRMAN BARTH: Yes.

12 MS. HUDMAN: Yes, sir. My name is Heather
13 Hudman; I am the special ed. supervisor for the
14 Prescott School District. And --

15 CHAIRMAN BARTH: And you have 5 minutes for this
16 opening --

17 MS. HUDMAN: Okay.

18 CHAIRMAN BARTH: -- and then you will have
19 additional time later.

20 MS. HUDMAN: Okay. Basically, I look at for
21 special education services and I write a letter to
22 the superintendent at the end of the school year.
23 I'm sorry. Based on current enrollment, if any
24 student were to transfer, whether -- regardless of a
25 district for school choice, we have classrooms that

1 provide special education services. And if we had
2 any that are at 100% capacity, or 90 or above
3 actually, then I make him aware of that. And in this
4 case, as it stands, the child that is transferring is
5 going to be in the 6th grade, and right now he would
6 attend the building that houses 5 through 8. And I
7 have two classrooms in that building, one that
8 primarily services 5th and 6th grade and then the
9 other classroom primarily services 7th and 8th
10 graders. And at this time at Sandypoint both
11 classrooms are at 100% capacity under IDEA federal
12 guidelines. And so I sent that letter, you know,
13 before any decisions were made. And that is why we
14 rejected it, because in the case that we have any
15 more students we will have to hire another teacher at
16 this time. And so that was why we rejected the
17 school choice application, so --

18 CHAIRMAN BARTH: All right.

19 MS. HUDMAN: Thank you for your time.

20 CHAIRMAN BARTH: Thank you very much. And I'm
21 going to hold off on questions until we finish the
22 testimony. Is that all right, Ms. Zook?

23 MS. ZOOK: Yeah. I was just getting my
24 microphone --

25 CHAIRMAN BARTH: Okay. Okay.

1 MS. ZOOK: I'm sorry.

2 CHAIRMAN BARTH: All right. And so I will now
3 turn it over to the family to make your case. And
4 you have five minutes now, but then later on you
5 would have additional time as well.

6 MS. SONDRRA BOSTICH: I'm Jessie Childs'
7 grandmother. We live in Emmett. We live 11 miles
8 from Prescott School District. We live 28 miles from
9 Blevins. He's in special ed. He has anxiety about
10 going to school. He's been on homebound for two
11 years, so he doesn't have -- he hasn't had the social
12 skills, you know, being with children, and that's one
13 of his lowest disabilities. So he's been tested at
14 UAMS for the last 28 days. That is his lowest score.
15 He averages second grade. So everything is from 8
16 years old down to 2 years old. And I -- you know --
17 so I'm here to ask that he be granted the ability to
18 go to Prescott.

19 CHAIRMAN BARTH: All right. Thank you. And so
20 I will -- I'll turn it back to the school district.
21 You have up to 20 minutes and then we'll come back to
22 the family for any additional response.

23 MS. HUDMAN: I don't -- I don't know what else
24 to say except that we just rejected it just -- not
25 based on disability or anything of that nature, but

1 just that we are at full capacity at this point, and
2 in doing so we will have to add additional staff
3 members. And I know that's part of the law and it
4 also is in our school board policy; they adopted a
5 school choice policy and it also reads in there, so
6 --

7 CHAIRMAN BARTH: All right. I'm sure members
8 will have questions for you in just a minute. But I
9 want to --

10 MS. HUDMAN: Okay.

11 CHAIRMAN BARTH: -- give the family any time you
12 want to close for your case.

13 MS. BOSTICH: I understand their point but with
14 Jessie he needs that social interaction. He doesn't
15 know how to act around other children. And since he
16 -- the past two years at Blevins he has been sent
17 home. This year, this past year he went eight days
18 of the school year; that's it. We did homeschooling,
19 we did school on the computer, which, you know, he's
20 a second grader in math, fifth grader in reading, so
21 that didn't work out so good. So I don't know if
22 they haven't quite figured out how to help him, but
23 now they've diagnosed him as autistic, which is, you
24 know, very, you know -- he doesn't adapt to change,
25 you know, and he's in a classroom with first through

1 sixth. So, you know, with special ed. children, if
2 you have six kindergartners and one fourth grader
3 you're not going to have the time to just sit right
4 there with him, you know. With Jessie you have to be
5 right there with him at all times. We can't move
6 from this section to this section without someone
7 taking him. So I don't know what the school is not
8 doing right, because I haven't been there but six
9 days of the school year. Even when she comes to the
10 house she can't get him to listen to her. I don't
11 know if it's because he's had such a bad experience
12 at Blevins, because with autistic children they don't
13 understand that you have to go sit in this chair when
14 you're told to. So I'm not sure what the school is
15 doing wrong, because the first two years he did great
16 but the third, the fourth and fifth grade not so
17 well. So I'm not sure what they're not doing right,
18 but I know it's not working. And I'm -- like she
19 says, I'm getting older. And compared to 11 miles
20 and 28 miles if he does have a major meltdown it
21 takes me a lot longer to get to Blevins than it would
22 to get to Prescott and then he'll be that much more
23 agitated. I mean, he's broken the school window
24 before I could get there; he's kicked the teacher
25 before I could get there. You know, I just think

1 that extra 30 minutes that it takes me to get there
2 he's wound up. So I appreciate the time and I hope
3 you grant my request.

4 CHAIRMAN BARTH: Great. And we appreciate so
5 much your dedication to your grandson.

6 I'm going to start with questions for either
7 party. I'll start with Ms. Chambers and go around.
8 Do you have any questions?

9 MS. CHAMBERS: Just a question for the district.
10 You may have said this, and I apologize. So where
11 are you based on the 90% capacity?

12 MS. HUDMAN: Yes. We're actually at 100%
13 capacity for both the classrooms in that building.

14 MS. CHAMBERS: And do those classrooms and those
15 capacities relate specifically to a child with
16 special needs or that's not how the law is written?

17 MS. HUDMAN: Yes. They are both special
18 education classrooms. Yes. And so those are the
19 teachers that we have that would provide those
20 services for students in the special education. Yes.

21 MS. CHAMBERS: Thank you.

22 MS. HUDMAN: Uh-huh.

23 CHAIRMAN BARTH: Thank you. Mr. Williamson, any
24 questions?

25 MR. WILLIAMSON: I was going to say why don't

1 they transfer --

2 CHAIRMAN BARTH: Microphone. Microphone.

3 MR. WILLIAMSON: I was going to say why don't
4 they try to transfer to Hope, but that won't work
5 either. I don't have any questions right now.

6 CHAIRMAN BARTH: Ms. Newton.

7 MS. NEWTON: You said you were at 100% in both
8 of your special ed. classrooms. What are you going
9 to do if one student moves into your district?

10 MS. HUDMAN: Well, possibly we would have to ask
11 for a waiver and it will depend -- you know -- I
12 mean, we'll have to make decisions at that time.

13 MS. NEWTON: Would federal guidelines let you
14 have a waiver for that? Would federal guidelines let
15 you have a waiver for that?

16 MS. HUDMAN: You can apply for a waiver. Yes,
17 ma'am. You can apply for one.

18 MS. ZOOK: To add a paraprofessional.

19 MS. HUDMAN: With a paraprofessional?

20 MS. NEWTON: Okay.

21 MS. HUDMAN: With a paraprofessional.

22 MS. NEWTON: Okay. If you ended up having to
23 add any staff because of adding students at your
24 district, would you be willing to take this student
25 then?

1 MS. HUDMAN: If -- you know -- if we had another
2 teacher. If we were required to hire another
3 teacher, possibly yes.

4 MS. NEWTON: You would be willing to take him
5 midyear or whenever it was?

6 MS. HUDMAN: If we had the capacity, yes, ma'am.
7 If we -- you know -- because we would at that point
8 be able to service the child. Just right now with
9 our staff we would not be able to service this child.
10 And we're meeting right now for our current
11 enrollment. I mean, legally we could provide
12 services for all students that we currently have.

13 MS. NEWTON: Ms. Davis, I saw you stand up. Did
14 you have something you wanted to add?

15 MS. DAVIS: No. I was just going to be
16 available to answer any questions. I think we were
17 trying to listen to -- we weren't sure, and that's
18 why we weren't sure whether or not this was a
19 resource classroom or a self-contained classroom,
20 because I think that plays a part into it as well as
21 far as the variance.

22 MS. NEWTON: Are they resource or self-
23 contained?

24 MS. HUDMAN: Yes. They are both coded as
25 resource non-categorical, and what that means is one

1 teacher can have up to 25 students. She can service
2 up to 25 students. Now if you have a child who
3 receives what we call self-contained minutes, which I
4 think as Grandma has said that that will be what her
5 child will require. You can have up to three self-
6 contained students in one of those classrooms,
7 allowed by the law; however, when you do that the 25
8 -- each self-contained student counts for two
9 students. So you might only could have 23 students
10 on that case roll to be legal and to meet the needs
11 of every child. And as I said, right now our
12 classrooms -- we're at 100%, meaning that those
13 teachers' caseloads as of now are -- I mean they're
14 right there. So, you know, there is a possibility we
15 may have a student that might move away and may not
16 return, and so, you know, sometimes it shifts that
17 first week of school, so --

18 MS. NEWTON: Thank you.

19 CHAIRMAN BARTH: I'm going to -- as an unrelated
20 issue, so do you have space in the grade -- if this
21 student did not need special ed. services would there
22 be space in the grade to which he would be
23 transferring, he would be choicing in?

24 MS. HUDMAN: You mean would we have to add
25 additional staff?

1 CHAIRMAN BARTH: So assuming this child was --
2 did not need special education services --

3 MS. HUDMAN: Okay.

4 CHAIRMAN BARTH: -- would you have space for
5 that child in the classroom associated with his
6 expected grade level?

7 MS. HUDMAN: Yes.

8 CHAIRMAN BARTH: Okay. And so how is not
9 allowing the child because he does need special
10 education services is not discrimination based on
11 special education?

12 MS. HUDMAN: Right. I don't know what his
13 disability is. It's just based on the services and
14 the classroom.

15 CHAIRMAN BARTH: It seems -- it seems to me that
16 the law is pretty clear about not discriminating on
17 the basis of special education needs, a disability.
18 And this does seem to be treating this child
19 differently because of the special education needs
20 than if this child lacked those same -- had lacked
21 those same -- the need for those services.

22 MS. HUDMAN: I'm just going by the law, just the
23 --

24 CHAIRMAN BARTH: Ms. Davis, do you have thoughts
25 on that?

1 MS. DAVIS: The law does say that you cannot
2 deny a student based on their disability. But the
3 law also says that they're not required to hire staff
4 and allows them to make a policy for, you know, when
5 they have -- how they determine capacity at the grade
6 or the program or the class size. And so while it
7 does seem like it is somewhat in conflict, I mean
8 there is a balance there. And I think that the
9 matter is is that it's -- you know, if they have to
10 hire staff or, you know, they can request a variance
11 or something like that, then it's not so much a
12 matter that they would deny on the disability, much
13 like if say the child needed -- or could go in a
14 mainstream classroom or regular general ed. classroom
15 and then they denied based on disability. That would
16 be a clear violation. So I think it's a matter of
17 whether or not they can provide those services based
18 on the capacity of the resources that they currently
19 have, whether it's space in a classroom or staff.

20 CHAIRMAN BARTH: So how did the district know of
21 the need based on the application itself?

22 MS. DAVIS: Now the application itself does have
23 a little checkbox that says does your student require
24 special needs or something to that affect. You know,
25 the --

1 CHAIRMAN BARTH: Why? Is it inappropriate to
2 have that on the form as criteria?

3 MS. DAVIS: I know that there are other
4 districts that may -- because, you know, oftentimes
5 you don't know exactly what needs the student may
6 have. Perhaps it's, you know, speech therapy or --
7 you know, there's a difference between those services
8 and a self-contained classroom. Some districts use
9 that information and they will offer what would be a
10 provisional acceptance based on an evaluation of the
11 student. Unless the student is coming from another
12 district that they do have documentation or something
13 of that nature, that's usually how it is.

14 CHAIRMAN BARTH: Okay. Thank you. Ms. Cochran,
15 any questions? All right. I'll come around. Ms.
16 Reith? Ms. Dean? Ms. Zook?

17 MS. ZOOK: Yes. I guess my question -- and it's
18 unfortunate that Blevins is not here because I would
19 wonder what the referral and placement conference --
20 what the IEP said and why Blevins is not meeting
21 those needs. Because other than if the child is
22 sick, like physically sick, typically homebound is
23 not in fact a category for which you can do
24 placement. So my question is can our special
25 education department work with the grandmother and

1 with the Blevins School District to see if we can
2 resolve this for her, pending the final results that
3 come out of Prescott? I do understand the distance
4 issue. But, you know, this is my wheelhouse and for
5 a district to require that a child be on homebound --
6 and the special ed. supervisor can nod to agree --
7 that's not a placement. Resource is a placement,
8 self-contained is a placement, occupational physical
9 therapy, speech therapy, all sorts of therapies, but
10 homebound, unless there is a physical ailment, is not
11 in fact a special ed. category for placement. So I
12 think we need to talk with Blevins. I think we need
13 the grandmother to get some help from -- I don't know
14 how the vote will go, but if -- apparently it will go
15 against the grandmother because Prescott does have a
16 valid argument that they don't have space. But at
17 the IEP conference do you -- has that been recent
18 enough ago that you recall what the placement
19 recommendations and the services are

20 MS. BOSTICH: Is she talking to me?

21 MS. ZOOK: Yes, ma'am; I'm sorry. Sorry.

22 MS. BOSTICH: I'm having eye trouble, so I'm not
23 sure who you're asking.

24 MS. ZOOK: Well, that's okay.

25 MS. BOSTICH: We -- every year we have a

1 meeting. We had a meeting at the end of this school
2 year.

3 MS. ZOOK: Yes, ma'am.

4 MS. BOSTICH: Their suggestion is that we start
5 one hour a day till after the holiday, which is in
6 September. But with Jessie, if you start out one
7 hour we're going to be doing an hour the rest of the
8 year.

9 MS. ZOOK: Yes, ma'am. I understand.

10 MS. BOSTICH: And Mr. Lee says that's the way
11 it's going to be. There's no arguing, you know, no
12 discussion; that's, you know --

13 MS. ZOOK: Yeah. I do know the federal courts
14 have been pretty clear about this and that they say
15 you put them in the least restrictive and then pull
16 back to a more restrictive if they can't perform. So
17 to start at one hour a day is -- would be in
18 violation of IDEA.

19 MS. BOSTICH: Well, I've done everything they've
20 asked.

21 MS. ZOOK: I'm not faulting you at all.

22 MS. BOSTICH: I've taken him to Pinnacle Point;
23 we've been to Riverview; we've even been to the
24 school over in Texarkana for behavior issues.

25 MS. ZOOK: Right.

1 MS. BOSTICH: He cannot go to that school
2 because of his learning disability. Even though he
3 can't behave at school -- they're saying he's a
4 threat to other children; they're worried about the
5 other students in the classroom, which he does get
6 very violent at times. But I don't know if it's the
7 anxiety that sets in when -- or the way they're doing
8 it.

9 MS. ZOOK: Right. Have they tried working with
10 him with an aid specifically assigned to him?

11 MS. BOSTICH: Well, I have asked for a one-on-
12 one. Their one-on-one is there's two aids in the
13 classroom and the teacher, so they had an aid; he
14 does not have an aid just for him. And she says, "I
15 don't think they're going to hire just an aid for
16 him." But the UAMS is saying that's what he's going
17 to need in order to go to school.

18 MS. ZOOK: And that's what we want to provide
19 him is somebody --

20 MS. BOSTICH: I mean they haven't got this
21 because I just got it this morning. We just left
22 that 28-day program.

23 MS. ZOOK: Right.

24 MS. BOSTICH: So they haven't seen any of this.

25 MS. ZOOK: Okay.

1 MS. BOSTICH: But the only thing is Jessie's
2 been there for two years and now it's stuck in his
3 head that that's -- you know -- the anxiety is going
4 to kick in as soon as we hit the parking lot.

5 MS. ZOOK: Yeah, I totally understand. I do.

6 MS. BOSTICH: I mean I just don't know if I can
7 get him to go into the school. Because we used to do
8 homebound at the school but now she's having to come
9 to the house --

10 MS. ZOOK: Right.

11 MS. BOSTICH: -- because he won't go into the
12 building. So I don't know what they're doing wrong.
13 Whatever they're doing is not working, so --

14 MS. ZOOK: Right. And we don't know; they may
15 be doing everything they know to do and everything
16 that they can do. I don't know.

17 MS. BOSTICH: Yeah, because Mr. Lee, he sent the
18 teacher, hand-delivered me this form that he filled
19 out --

20 MS. ZOOK: Right.

21 MS. BOSTICH: -- so I wouldn't have to come to
22 the school with Jessie.

23 MS. ZOOK: Yeah. Ms. Smith, can you respond to
24 this?

25 MS. SMITH: Stacy Smith, Assistant Commissioner,

1 Learning Services. So our special education unit
2 does have dispute resolution and Jared Hogue is the
3 person who needs to be contacted. So what we're
4 going to do is we're going to set up contact
5 information with Ms. Bostich and we'll be in contact
6 with her. So that would be --

7 MS. ZOOK: Yeah. And I'll see him next week
8 because I'm on that committee.

9 MS. SMITH: Okay. Excellent. Excellent.

10 MS. ZOOK: Yeah. But not to make a decision;
11 I'm not there -- just so anybody doesn't
12 misunderstand that.

13 MS. SMITH: Right. But our unit would be happy
14 to assist if she would like us to.

15 MS. ZOOK: Yeah. Just, you know, see if there
16 is something we can do for this child or if
17 everything has been offered and, you know, we'll have
18 to --

19 MS. SMITH: And we do have a process in place
20 that we can do that.

21 MS. ZOOK: Thank you very much.

22 MS. SMITH: Uh-huh. Thank you.

23 CHAIRMAN BARTH: Mr. Black, do you have any
24 questions?

25 MR. BLACK: No.

1 CHAIRMAN BARTH: Okay. Any additional questions
2 on this case? Ms. Reith, are you -- I thought I was
3 seeing a question on your face.

4 MS. REITH: No. Thank you.

5 CHAIRMAN BARTH: Okay. Okay.

6 Then I will invite a motion.

7 MS. ZOOK: I move that we rule that Prescott's
8 decision to reject was based on things provided in
9 the law that they were at capacity for the program
10 that this child needed to attend.

11 CHAIRMAN BARTH: So the motion would be to deny
12 the appeal?

13 MS. ZOOK: Yes.

14 CHAIRMAN BARTH: Okay.

15 MS. ZOOK: I don't think we have a choice.

16 MS. NEWTON: Second.

17 CHAIRMAN BARTH: Okay. All right. Is there
18 discussion?

19 Okay. Then I would like to do a roll-call on
20 this.

21 COMMISSIONER KEY: Ms. Reith.

22 MS. REITH: Yes.

23 COMMISSIONER KEY: Ms. Zook.

24 MS. ZOOK: Yes.

25 COMMISSIONER KEY: Mr. Williamson.

1 MR. WILLIAMSON: Yes.

2 COMMISSIONER KEY: Ms. Chambers.

3 MS. CHAMBERS: Yes.

4 COMMISSIONER KEY: Ms. Dean.

5 MS. DEAN: Yes.

6 COMMISSIONER KEY: Ms. Newton.

7 MS. NEWTON: Yes.

8 COMMISSIONER KEY: Mr. Black.

9 MR. BLACK: Yes.

10 CHAIRMAN BARTH: All right. It's a unanimous
11 decision. And we again appreciate so much your
12 commitment to your grandson's education.

13 MS. BOSTICH: Thank you.

14 CHAIRMAN BARTH: All right. Thank you.

15 B-2(b): CONSIDERATION OF APPEAL FROM SCHOOL CHOICE DENIAL -
16 MARZONIE FAMILY

17 CHAIRMAN BARTH: All right. Our last school
18 choice case of today is the Childs case -- excuse me
19 -- the Marzonie family. I apologize; the Marzonie
20 family. And so we are now moving to a different
21 school choice law.

22 MS. DAVIS: So just to round it out today, this
23 appeal -- and I've handed you a copy; this is under
24 the 1989 School Choice Act. I brought you a copy
25 this morning that is incorrectly numbered Item Number

1 1; it was actually Item Number 2-B. I'm not sure
2 where I got 1, but you do have a copy of that law
3 that has sense been repealed. And also, a few
4 minutes ago I also handed you a packet of information
5 that the grandparent provided today. So did anybody
6 not get a copy that they need?

7 Okay. So, you know, the 1989 School Choice Act,
8 which you know Garland County schools are still
9 under, it does allow for the race of the child to be
10 factored into the consideration for whether or not a
11 transfer can be allowed. This family is appealing
12 the decision of the Fountain Lake School District
13 that denied the granddaughter's request for transfer,
14 and they denied it based on capacity, not the '89 Act
15 -- or not so much the racial component of the '89
16 Act, but they denied it based on capacity.

17 So if you have any questions about that now I'll
18 be glad to answer them. But if not, we'll go ahead
19 and follow the same procedures and allow the district
20 to -- Fountain Lake is here and the grandparent -- to
21 go ahead and follow those same procedures and I can
22 answer any questions as they may come up.

23 CHAIRMAN BARTH: Just one. Since we are talking
24 about capacity here, in what ways are the capacity
25 provisions different between the two?

1 MS. DAVIS: Okay. So the capacity, it just says
2 that they don't have to allow transfers if they've
3 reached capacity and they can -- a district can
4 create procedures on how they determine that. It's
5 not set like it is in the 2015 or subsequent '17 law.

6 CHAIRMAN BARTH: Great. Thank you very much.

7 All right. Anyone either on the school district
8 side or the parent or guardian side, if you could
9 raise your right hand? All right. Thank you. Do
10 you swear or affirm that the testimony you're about
11 to give shall be the truth, the whole truth and
12 nothing but the truth?

13 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

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

16 So we begin with the school districts. Okay.
17 All right. And, again, please state your name for
18 the record when you arrive.

19 MR. SULLIVAN: I'm Brad Sullivan; I'm Director
20 of Curriculum with the Fountain Lake School District
21 and I'm representing our district. First, I'd like
22 to say it's good to be before you again. And just to
23 report on our conversion charter schools that you
24 approved three years ago for our high school and four
25 years for our middle school, it's been a huge

1 success. We've had -- we have interest in our school
2 now of people wanting to come to our school or being
3 their children to our school. But, again, just to
4 thank you for that approval and just to give a report
5 that all is well and just to give you an update
6 there.

7 But, again, we're here -- we're not questioning
8 -- the sole purpose we're here is on capacity. And
9 this is a kindergarten student that -- we had
10 kindergarten registration and when this student
11 registered we initially didn't have the information
12 about where they resided, and come to find out they
13 didn't reside in our district. And so when we
14 determined that -- and I've given you a timeline that
15 you can look at that's in your packet that kind of
16 goes over the timeline of this situation. But I'll
17 be prepared to talk more about that at a later point.

18 CHAIRMAN BARTH: All right. Thank you very
19 much. And you will have more time later.

20 Is the other school district here?

21 DR. MURPHY: Yes, sir.

22 CHAIRMAN BARTH: Would you like to make any
23 comments now?

24 DR. MURPHY: Not at this time.

25 CHAIRMAN BARTH: All right.

1 And so we'll now turn it to the parent, Mr.
2 Marzonie, for opening and you have -- you'll have
3 five minutes at this point, but you'll have
4 additional time later.

5 MR. MARZONIE: Hello. I'm Mike Marzonie. And
6 as you know, my granddaughter Sophia was denied to go
7 to Fountain Lake School. The reason I tried to get
8 her to go there was because of an endangerment for
9 her to go into Hot Springs or the Mountain Pine
10 School District. Her mother gave testimony on a
11 shooting in Garland County and by accident the
12 information that she gave was released by Garland
13 County to the defendants. The defendants know the
14 mother, they also know the granddaughter. They have
15 children and associates who are in the Hot Springs
16 School District and Mountain Pine. She would --
17 they've had threats against them. I've got letters
18 from her attorney and everything on that, Q. Byrum
19 Hurst; it will be behind my letter. The problem is
20 that if she goes to school there and anybody finds
21 out who her mother is there's a good chance she could
22 get shot. These people kill people; that's what they
23 went to prison for, and it was her mother's testimony
24 that enabled one of them to go to prison. The one
25 that was released two weeks later shot another person

1 and now he's in prison. But they have gang contacts
2 that are within the school district. I have since
3 spoken to Dr. Murphy here and I am willing to put
4 her, at my expense, into St. Luke's kindergarten for
5 one year -- and in turn that she be granted access
6 into Fountain Lake for her safety; not for any reason
7 of discrimination or bad school/good school or any
8 other confusing issues, but simply for the fact that
9 if we don't put her out there and she's into one of
10 these other schools where the gangs are still -- have
11 family members that are in there, she's going to be
12 in danger and there's no way I can do this. And Dr.
13 Murphy has stated that he will allow her into the
14 first grade next year if there's room in the school
15 choice. Basically all I ask, pending your approval,
16 is that she be placed at the front of the list for
17 first grade at Fountain Lake and I'll pay for her
18 kindergarten till that point. Thank you.

19 CHAIRMAN BARTH: Okay. Thank you.

20 And, Ms. Davis, would you like to speak to that
21 proposal and what the law has to say about it?

22 MS. DAVIS: Well, the law does not address that.
23 School choice is done year by year. And while if you
24 were say to -- you know -- if you were to grant the
25 appeal it would be for granting it for this school

1 year. If you were to deny the appeal based on the
2 agreement between the Fountain Lake School District
3 and the parent, that's not necessarily binding on
4 Fountain Lake because next year they may have
5 capacity and they have the legal ability to deny
6 that. But then it would come back on the parent to
7 have to appeal again and then you could use that as
8 your own support. But it is done year by year. So,
9 I mean I do appreciate their willingness to work
10 together. You know -- you know, we can't necessarily
11 guarantee that they would have a spot next year.

12 CHAIRMAN BARTH: Okay. Thank you.

13 So I will -- now we turn it back to the school
14 district for up to 20 minutes.

15 MR. SULLIVAN: And I'm not Dr. Murphy; I'm Brad
16 Sullivan, and we did talk about school choice. And
17 the timing of his application was later on, if you
18 look at that timeline, and it was after we'd already
19 filled our -- got to capacity with our kindergarten.
20 What I mentioned to him is that with -- you know --
21 if he would've gotten the application in at an
22 earlier date he would've been approved this year.
23 And I don't -- I can't speak to that directly, just
24 like Ms. Davis has said, but I anticipate that there
25 will be room next year. For kindergartners, you have

1 -- you can only -- you can only take 20 students per
2 teacher. That goes up as you go up through the grade
3 levels. So I anticipate that if he gets his
4 application in early that that won't be a problem,
5 but he -- but I can't speak directly to that, and I'd
6 just like to clarify that. But, you know, we're more
7 than willing to take him. It is going to be a
8 hardship on us as far as having to hire another
9 teacher or possibly an aid to meet the standards as
10 far as the numbers, so -- but we're open to doing
11 that and I don't anticipate a problem next year but,
12 you know, it's an unknown still.

13 CHAIRMAN BARTH: All right. So just to clarify
14 where we are procedurally, Mr. Marzonie, are you
15 withdrawing this appeal for this year? Is that --

16 MR. MARZONIE: No, sir. I'm just saying if she
17 can't get into Fountain Lake this year I'm willing to
18 pay for her education this year. And all I'm asking
19 for is some kind of guarantee that she be able to go
20 to Fountain Lake next year or at least be first in
21 line for this first school choice thing you have for
22 first grade. That's a lot of firsts in one sentence.

23 CHAIRMAN BARTH: Okay. All right. Thank you.

24 So does the school district have anything else
25 to add?

1 MR. SULLIVAN: No.

2 CHAIRMAN BARTH: Okay.

3 MS. ZOOK: I have a question.

4 CHAIRMAN BARTH: Okay.

5 MS. ZOOK: So you've already had your
6 kindergarten round-up?

7 MR. SULLIVAN: Yes.

8 MS. ZOOK: And do you ever have after school
9 starts somebody didn't show up they thought they
10 would?

11 MR. SULLIVAN: We do at times. We do anticipate
12 -- and we look at our data and the numbers that we
13 have in the kindergarten round-up. And then who
14 shows up in August -- we generally, you know, look
15 for those students that live in our district. We're
16 trying to give us room for -- you know -- we
17 anticipate -- you know -- we sometimes have, you
18 know, five to ten students or even more, you know,
19 just depending on the year, but --

20 MS. ZOOK: That missed the round-up?

21 MR. SULLIVAN: That missed the round-up. Yes,
22 ma'am.

23 MS. ZOOK: Okay. So you're at 95% capacity?

24 MR. SULLIVAN: We're at 90%. But we've already
25 denied a couple of school choice -- additional school

1 choice applications after we got to capacity.

2 MS. ZOOK: Okay. Thank you.

3 CHAIRMAN BARTH: All right. I'm going to --
4 I'll just go around. Any questions? Ms. Cochran.

5 MS. COCHRAN: I have a question, because I'm a
6 school choice parent in our district. And I know
7 that it's critical for us to get our application in
8 at 7:30 a.m. on the day. Do you know this far in
9 advance what the date will be for those applications
10 so that Mr. Marzonie will know?

11 MR. SULLIVAN: We can visit about that.

12 MS. COCHRAN: Okay.

13 MR. SULLIVAN: I'll be more than happy to share
14 that information but I don't want to speak off the
15 top of my head. But I can make sure he's aware of
16 that.

17 CHAIRMAN BARTH: Thank you. Ms. Newton? Okay.
18 Mr. Williamson? Ms. Chambers? Ms. Reith? Okay.
19 All right.

20 Then I think we are ready for a motion on
21 whether to accept or deny Mr. Marzonie's appeal for
22 this year for kindergarten at Fountain Lake. Ms.
23 Dean.

24 MS. DEAN: Because the school is at capacity, I
25 will move to deny.

1 MS. CHAMBERS: Second.

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

4 All those in favor say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN BARTH: Opposed?

7 Okay. Good luck and we wish you the best for
8 the start to kindergarten.

9 MR. MARZONIE: I hope we don't see you guys next
10 year. Thank you.

11 CHAIRMAN BARTH: All right. Thank you very
12 much.

13 B-3: STAND ALONE READING TEST FOR K-6 ELEMENTARY EDUCATION AND
14 K-12 SPECIAL EDUCATION LICENSURE

15 CHAIRMAN BARTH: Okay. We are now moving on to
16 a different set of issues. And Ms. Luneau has the
17 rest -- has four items in a row, and so we start on
18 Item 3 with the Stand Alone Reading Test for K-6
19 Elementary Education and K-12 Special Education
20 Licensure.

21 MS. LUNEAU: And I'll only claim three of the
22 four, so --

23 CHAIRMAN BARTH: Okay.

24 MS. LUNEAU: The next one will be for Stacy
25 Smith. But I'm Joan Luneau and I'm the Coordinator

1 of Educator Preparation here at the Department. And
2 the three assessments that I'm going to talk about
3 today all relate back to Act 416 that was passed this
4 last legislative session. So I'll start with item
5 number 3, which is for the Stand Alone Reading Test
6 in a multi-subject test for K-6 elementary and K-12
7 special education licensure.

8 And so you have the memo there that outlines
9 what was required in legislation, the five
10 requirements for the test. What we did is we brought
11 a group of stakeholders together and we met twice
12 with them, once on April 10th and then again on April
13 27th, and we had the testing company come; they got
14 to see the test, we went through them. And then
15 based on feedback from that group that's what led to
16 the recommendation of this test that you see in Item
17 B-3.

18 CHAIRMAN BARTH: All right. Are there any
19 questions about this recommendation?

20 MS. ZOOK: Yes.

21 CHAIRMAN BARTH: Ms. Zook.

22 MS. ZOOK: First of all, I compliment you on the
23 fact that you're looking both at Word Attack as well
24 as comprehension. That's great. Can you tell me
25 what 229 -- what percent mastery that represents?

1 MS. LUNEAU: Yes, I can. Give me just a second.
2 I don't want to talk off the top of my head.

3 With the test we chose, the Pearson test, that
4 is a combination of the multiple choice and the open
5 response, so they had to do kind of a correlation so
6 that it came out. And for 229, that's minus one
7 standard error of measurement below the national
8 benchmark and that equates to a 74% correct rate for
9 the test. And that, you know, enables it to meet
10 that requirement for 70% or better.

11 MS. ZOOK: Thank you.

12 MS. LUNEAU: You're welcome.

13 CHAIRMAN BARTH: Any other questions or
14 comments?

15 All right. I would invite a motion on this
16 item.

17 MS. ZOOK: I move that we accept this test for
18 the use -- for the purposes stated in Act 416.

19 CHAIRMAN BARTH: Also the cut score is --

20 MS. ZOOK: Yes.

21 CHAIRMAN BARTH: -- also part of that
22 recommendation.

23 MS. ZOOK: Yes.

24 CHAIRMAN BARTH: Okay.

25 MS. ZOOK: But I think it's low, but I'm not

1 going to argue it here.

2 CHAIRMAN BARTH: Okay. Is there a second?

3 MS. REITH: Second.

4 CHAIRMAN BARTH: All right. Motion by Ms. Zook,
5 second by Ms. Reith.

6 All those in favor say "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN BARTH: Opposed, same sign.

9 All right. Great.

10 MS. LUNEAU: All right. Thank you.

11 B-4: 2017-2018 EMBEDDED COURSES

12 CHAIRMAN BARTH: Okay. Now we do move away from
13 you for just a second -- I apologize -- and we move
14 to Ms. Smith to talk about embedded courses for the
15 coming year.

16 MS. SMITH: Stacy Smith. Embedded courses, this
17 is something we bring to you every year at this time.
18 But we have submitted to you a list of embedded
19 courses that the Learning Services Unit has reviewed
20 and approved and we're asking for your approval for
21 these courses for next year for these school
22 districts.

23 CHAIRMAN BARTH: All right. Does anyone have
24 any questions about any of these embedded courses?

25 MS. ZOOK: Do we look specifically at how the

1 students that are in these classes do on the test,
2 the 9th and 10th grade test, particularly in the
3 writing area?

4 MS. SMITH: We have not looked at that before,
5 but that's something we most definitely can look
6 into.

7 MS. ZOOK: Yeah. If it's not like a huge amount
8 of time I would be interested to see if there's a
9 significant difference or any difference at all --

10 MS. SMITH: Okay.

11 MS. ZOOK: -- between the students who have it
12 separated and those embedded.

13 MS. SMITH: Okay. We can absolutely do that.
14 The most common courses that you see embedded is, of
15 course, the oral communications and English.

16 MS. ZOOK: Right. Thank you.

17 CHAIRMAN BARTH: I have a quick question on the
18 -- and we may have seen it before and I may have
19 asked this question. These are starting to run
20 together after a few years. But on the social
21 studies with career orientation proposal, the Gurdon
22 proposal, in grade 8 --

23 MS. SMITH: Right. So that is a non-credit
24 bearing course.

25 CHAIRMAN BARTH: Okay.

1 MS. SMITH: But they did work with Arkansas
2 Career Education and our unit worked together to
3 review how the district was planning on combining
4 those two together and felt that it was satisfactory
5 and both agencies agreed.

6 CHAIRMAN BARTH: Thank you very much. Okay.

7 MS. ZOOK: One thing I'd like to see is some
8 district do a pilot project, which we did years ago,
9 and it was very successful, where you at like maybe
10 7th grade teach one semester of study skills and one
11 semester of critical thinking. It made a huge
12 difference in the scores and the success of the
13 students in later grades. Because so often, as
14 parents, we say, "Go to your room and study," and the
15 kids go, "Okay."

16 MS. SMITH: Right.

17 MS. ZOOK: You know, they don't know, does that
18 mean read it three times or, you know, what does that
19 mean. So, just a thought out there. If there are
20 any districts listening I would encourage that pilot
21 project.

22 MS. SMITH: I do want to note too that on
23 Stuttgart they were a school of innovation approval
24 for these courses, but they went and followed the
25 process anyway for approval and working with our

1 specialist to make sure that they were aligned
2 appropriately.

3 MS. ZOOK: Okay.

4 CHAIRMAN BARTH: Thank you very much.

5 I'll invite a motion on the entirety of this
6 list.

7 MS. REITH: I move to approve the proposed
8 embedded courses as presented by the Department of
9 Education.

10 MS. SMITH: Thank you.

11 MS. DEAN: Second.

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

14 All those in favor say "aye."

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRMAN BARTH: Opposed, same sign.

17 Great. Thank you very much.

18 B-5: PRAXIS FUNDAMENTAL SUBJECTS: CONTENT KNOWLEDGE (5511) FOR
19 K-12 SPECIAL EDUCATION LICENSURE

20 CHAIRMAN BARTH: And now we're back to Ms.
21 Luneau.

22 MS. LUNEAU: Now I'm back. All right. Joan
23 Luneau, Coordinator of Educator Preparation here at
24 the Department. This second test that you have on
25 the agenda is also part of that act that we mentioned

1 before. It's a little bit different because we've
2 already approved this assessment for another reason
3 last year. You might remember in summer of 2016 we
4 brought this to the Board, this fundamental subjects
5 test as a way for special education teachers and ALE
6 teachers to show AQT in the core content areas. And
7 so because of the requirement in that act, in Act
8 4126, it requires special ed. to have a multi-subject
9 assessment. And so we would like the Praxis
10 fundamental subjects content knowledge -- we
11 recommend a cut score of 148 to be the test to meet
12 that requirement. And 148 was the cut score that was
13 approved last year for that same -- for that purpose;
14 it's just adding to it.

15 CHAIRMAN BARTH: Okay. Thanks.

16 Any questions?

17 MS. ZOOK: Can you remind me what percent that
18 is?

19 MS. LUNEAU: We don't have a percent on that
20 one, but I can tell you that since September we've
21 had 58 in the state take it and they have a 98% pass
22 rate. So it doesn't equate to doing a percent
23 correct like we had to do with the reading test. I
24 don't know if that helps or not.

25 MS. ZOOK: No.

1 MS. LUNEAU: I'm sorry. These types of tests
2 don't -- they don't quite work with that on the
3 percent.

4 MS. ZOOK: Yeah.

5 CHAIRMAN BARTH: Okay. I'll invite a motion on
6 approval of this.

7 MS. CHAMBERS: I move to approve the Praxis
8 Fundamental Subjects with a cut score of 148.

9 CHAIRMAN BARTH: All right. Motion by Ms.
10 Chambers. Second by --

11 MS. REITH: Second.

12 CHAIRMAN BARTH: -- Ms. Reith.
13 All those in favor say "aye."

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN BARTH: Opposed, same sign.

16 All right. Thank you.

17 B-6: REPLACEMENT OF A PRINCIPLES OF LEARNING AND TEACHING
18 (PLT) FOR K-12 SPECIAL EDUCATION LICENSURE WITH PRAXIS SPECIAL
19 EDUCATION: CORE KNOWLEDGE AND APPLICATIONS (5354)

20 CHAIRMAN BARTH: And then, finally, final
21 Replacement examination.

22 MS. LUNEAU: Okay. This one is a little
23 different. It was a requirement of that act to have
24 a PLT, or a Principles of Learning and Teaching. We
25 already had that in place for first-time licensures,

1 but by adding the multi-subjects in the reading test
2 that was starting to add up on number of tests,
3 especially our first-time special ed. teachers, had
4 to take. And so what we were looking at is using the
5 core knowledge and application special ed. test, the
6 5354, as both a PLT and the SPED requirement, and so
7 replacing a separate PLT and using that. Other
8 states have done that and so we're doing something
9 that's already being done. Again, we're already
10 using the 5354; we already have the cut score, and so
11 it would just be the same.

12 CHAIRMAN BARTH: Great. Any questions on this
13 item?

14 I'll invite a motion.

15 MS. DEAN: I move to approve the replacement of
16 the Principles of Learning and Teaching.

17 CHAIRMAN BARTH: All right.

18 MS. REITH: Second.

19 CHAIRMAN BARTH: All right. Motion by Ms. Dean,
20 second by Ms. Reith.

21 All those in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN BARTH: Opposed, same sign.

24 All right. Thank you so much --

25 MS. LUNEAU: Thank you.

1 CHAIRMAN BARTH: -- for that flurry of test
2 changes.

3 B-7: CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED
4 MEMBERS FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD TO
5 REPLACE MEMBERS WHOSE TERMS ARE VACANT OR EXPIRING JUNE 30,
6 2017

7 CHAIRMAN BARTH: All right. Next item, Dr.
8 Pfeffer; we have another member of the PLSB board to
9 add, and we did several of these last month, I
10 believe.

11 DR. PFEFFER: Yes, we did. Dr. Suzanne Bailey
12 had a job change and therefore she had to resign her
13 position on the PLSB. She'd been on the board for a
14 few years and she represented the Arkansas
15 Association of Educational Administrators as a
16 district level administrator. So the Association has
17 recommended Dr. Andrea Martin to replace Dr. Bailey
18 on the board.

19 CHAIRMAN BARTH: All right. Any questions?
20 If not, I would invite a motion.

21 MS. REITH: I move to approve Dr. Martin for the
22 PLSB board.

23 MS. CHAMBERS: Second.

24 CHAIRMAN BARTH: All right. Motion by Ms.
25 Reith, second by Ms. Chambers.

1 All those in favor say "aye."

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN BARTH: Opposed?

4 All right. Thank you.

5 B-8: CONSIDERATION OF STATE BOARD OF EDUCATION MEETING

6 CALENDAR FOR 2018

7 CHAIRMAN BARTH: And then the final action item
8 is the board meeting calendar for 2018. And I know
9 we've had some legislation that allows us to do
10 something a little different than we have done in the
11 past.

12 MS. COFFMAN: That's correct. Deborah Coffman,
13 Assistant Commissioner. In the past we had to wait
14 till the end of the year to set the calendar for the
15 following calendar year, and with that change in
16 legislation it allows us to set it much earlier,
17 which you are always gracious enough to temporarily
18 set it earlier so for planning purposes that that
19 could be shared with others. This calendar is very
20 important, not only to you but it's very important as
21 we are communicating with so many of our stakeholders
22 and as they're preparing to present reports or come
23 before the Board to know when comments are due, when
24 reports and presentations are due to the Board. And
25 so as you look at this you see four columns there

1 that give you the actual dates of the Board on the
2 right-hand side and then back up to when is the
3 agenda posted for the public, which Cynthia is
4 interested in. And then backing up when documents
5 should be loaded internally, and also important to
6 the public to know when they have to have things in
7 to the Department so that they can be loaded
8 appropriately into the agenda.

9 So at this time I request that you approve the
10 calendar for 2018.

11 MS. ZOOK: May I ask a question? I noticed in
12 October typically one of those is a holiday for State
13 employees because of Columbus Day. So I know -- it
14 seems like I remember -- it's Veteran's Day in
15 November?

16 MS. COFFMAN: Veteran's Day is in November.
17 It's not -- we've already double-checked that one.

18 MS. ZOOK: Okay. All right.

19 MS. COFFMAN: But we're interested in Columbus
20 Day.

21 MS. ZOOK: If I could handle that? Okay. I
22 just wanted to be sure. Thank you.

23 CHAIRMAN BARTH: Okay.

24 MS. ZOOK: I move that we accept the calendar as
25 presented.

1 MS. DEAN: Second.

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

4 All those in favor say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN BARTH: Opposed, same sign.

7 Thank you, Ms. Coffman. Good to see you.

8 MS. COFFMAN: Thank you.

9 MS. REITH: Although if I could offer, if we are
10 looking at those October dates -- oh, no, it's 2018.
11 Sorry. It's not 2017. I was just like wondering why
12 it wasn't lining up with the calendar. Thanks.

13 CHAIRMAN BARTH: Great.

14 MS. COFFMAN: You know I like to plan ahead.

15 MS. REITH: Thank you.

16 PUBLIC COMMENT BY MR. JACK FOSTER

17 CHAIRMAN BARTH: All right. We have received
18 one request for public comment on an item not on the
19 agenda. This is from Mr. Jack Foster and it regards
20 school district boundaries in Jefferson County. And
21 Mr. Foster is still here, he's been here all day, and
22 so I would invite a motion to hear for three minutes,
23 as is our practice, that public comment.

24 MS. REITH: Move to hear public comment.

25 MS. ZOOK: Second.

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

3 All those in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRMAN BARTH: Opposed?

6 All right. Mr. Foster, the floor is yours.

7 MR. FOSTER: Before I get started I've got a
8 handout here.

9 CHAIRMAN BARTH: All right. Great. Super. And
10 when you do get to the microphone if you'll state
11 your name for the record and then we will start the
12 clock.

13 MR. FOSTER: My name is Jack Foster. I'll give
14 you a little background as to the reason that I'm
15 here. I was recently appointed by the City of Pine
16 Bluff to serve on a committee to look into the escape
17 of possibly revenues leaving the city of Pine Bluff
18 going to White Hall. We were basically looking at
19 taxes, but we decided to do the whole schmear and we
20 decided to look at what was happening in the school
21 district also. To my amazement, when the research
22 was done we come to find that the White Hall School
23 District comes into Pine Bluff. Pine Bluff has three
24 school districts and White Hall is getting
25 approximately \$600,000 annually out of the City of

1 Pine Bluff. Pine Bluff's industrial park is a part
2 of the White Hall School District.

3 Now back in '16, I believe it was, this board
4 put the Dollarway School District in fiscal distress,
5 and one of the things you said at that time was was
6 that they were placed there because they had a
7 declining fund balance. When I got this information
8 I called Commissioner Key and related to him the fact
9 of what I came up on and could that go a long way in
10 alleviating the problem that Dollarway had with being
11 on fiscal distress. He said, "It's a good
12 possibility it could," but nothing ever materialized
13 on that, and we're talking months now.

14 So I'm here today to try and see what can be
15 done about changing those boundary lines. The
16 Dollarway School District also includes Altheimer,
17 and Wabbaseka goes across the river. It's a very
18 large school district. They need money down there
19 right now. And just to show you that there's no
20 malice in my heart, I'm a school choice parent; my
21 son goes to White Hall. So it's not about that; it's
22 about doing the right thing, and at this juncture the
23 right thing would be to allow this board -- or this
24 board approve the fact to change those boundary lines
25 so those funds could go into the Dollarway School

1 District.

2 You know, and I -- you know, I heard a lot of
3 talk today about non-white, black, et cetera, et
4 cetera, but what you've got to understand is
5 Dollarway is 94% black. Dollarway [sic] is 72%
6 white. Go figure. Why should we continue to
7 unjustly enrich the White Hall School District while
8 Dollarway go down the tubes? That is wrong. That is
9 wrong. And if this board feels like that those lines
10 are okay and it's okay for White Hall to continue to
11 operate as they are off of money out of the City of
12 Pine Bluff, leave the boundary lines alone. But if
13 in your heart of hearts you feel like there's an
14 injustice going on here I'm asking this board to take
15 some kind of action. If I have to, I can return and
16 next time maybe we'll come and we'll bring some
17 Dollarway folks with us. You've got 1200 people in
18 that district don't have a voice right now because
19 they're under state control. They have no voice.
20 And I'm not a member of that district but I'm here
21 because I feel that an injustice is happening and it
22 needs to be corrected.

23 I'll entertain any questions if anybody have
24 any.

25 CHAIRMAN BARTH: All right. Thank you very much

1 for your very concise statement. We appreciate it
2 very much.

3 Any questions?

4 MS. ZOOK: Well, I just wonder, is Dollarway a
5 part -- is part of their district a part of the City
6 of Pine Bluff currently?

7 MR. FOSTER: Is -- excuse me?

8 MS. ZOOK: I'm sorry; it's not you, it's me. Is
9 the Dollarway attendance zone, does it come into part
10 of the City of Pine Bluff?

11 MR. FOSTER: It is in the City of Pine Bluff.

12 MS. ZOOK: Okay. But they're not getting any of
13 the tax base?

14 MR. FOSTER: They're getting some of the tax
15 base.

16 MS. ZOOK: Okay.

17 MR. FOSTER: The problem is is White Hall is
18 receiving funds out of the City of Pine Bluff. Pine
19 Bluff has three school districts. That would be like
20 North Little Rock getting monies out of Little Rock.
21 Little Rock has its own school district. Pine Bluff
22 has three.

23 MS. ZOOK: Right. It's not done proportionate
24 to how much of the city you encompass?

25 MR. FOSTER: No.

1 MS. ZOOK: Okay. Okay.

2 CHAIRMAN BARTH: All right.

3 MS. REITH: I guess I do have a question. Just
4 maybe getting some historical reference, I don't know
5 if the Commissioner can assist with this or somebody
6 else from the Department. Was there any reason for I
7 guess drawing the boundaries and tax distributions in
8 this specific way, or is this -- and is this indeed
9 something that can be corrected?

10 COMMISSIONER KEY: I asked Legal to research
11 this, and I don't know if Ms. Davis is still --

12 MS. DEAN: She stepped out.

13 COMMISSIONER KEY: Okay. So we went back and
14 looked at the history and what you have is various
15 things that happened at different times. So we don't
16 know the original -- why the boundaries were set the
17 way they are and the timing of when the industrial
18 park and all those things happened. And you also go
19 back even to a time where you have -- you know, the
20 Dollarway district in previous court cases you've got
21 some lines that were impacted under -- and I'm trying
22 to remember what community it is -- anyway, you had
23 various petitions through the years and so Mr. Foster
24 is not wrong. I mean, if you look at the map it does
25 come in. But at this point it just -- it hasn't been

1 anything that I -- working with Ms. Warren, we've got
2 a lot of things we're working on, so -- and the first
3 thing the law says you try to come in agreement with
4 the White Hall School District. Well, we've not
5 broached that with them, but we legally have
6 ascertained what the steps are if that was something
7 that were to be pursued. Mr. Foster is right to
8 bring that, and his research is not wrong.

9 MS. ZOOK: Is it based on the businesses that
10 are in the White Hall district? Is that where the
11 tax base is coming from?

12 MR. FOSTER: Yes. Pine Bluff's industrial park
13 is a part of the White Hall School District.

14 MS. ZOOK: Yeah. And you used North Little
15 Rock, so I'll use it too. The hump yards are a part
16 of North Little Rock, the city boundaries, but the
17 money from the hump yards goes to Pulaski County. So
18 there are examples of questioning all over the place
19 about you're in the city but the other one gets the
20 funds because of the way the district boundaries are
21 done. So I don't think they picked on Pine Bluff in
22 particular, but I think that historically they make
23 rules but they don't always give us the rationale for
24 the rules.

25 COMMISSIONER KEY: Ms. Davis is here now. Ms.

1 Reith, do you want to hear from her on what she's
2 found?

3 MS. REITH: Most definitely. And then I would
4 just add to where you ended off, Commissioner; just
5 what is that process to get it started?

6 COMMISSIONER KEY: And she can address that too.

7 MS. DAVIS: Do you want to repeat your question?
8 I was watching part of it upstairs and then in
9 transition to come back down I want to make sure I
10 didn't miss exactly what it is that you're asking.

11 MS. REITH: Right. I had wanted some of the
12 historical reference, if we knew why, you know, tax
13 was being allocated in this specific way across these
14 districts.

15 And then, secondly, to respond to Mr. Foster's
16 proposal, what would be the steps? So, because he
17 was giving a little bit of the history, if there's
18 anything else that you would like to add we'd welcome
19 that and then more of what would be the steps to
20 start this conversation, if this is correct.

21 MS. DAVIS: I can't address why the school
22 district boundaries for these districts versus any
23 district in the state is drawn in the way that they
24 are; that I can't address or how that tax base is
25 allocated.

1 MS. REITH: These are local control issues;
2 correct?

3 MS. DAVIS: Right. How those are --

4 MS. REITH: Yeah.

5 MS. DAVIS: So to do a boundary change the law
6 says that, you know, the school district, one or both
7 school -- more than one school district can submit a
8 petition. And I had just taken my law book upstairs,
9 but the petition also requires that, you know,
10 there's notification in the newspaper and, you know,
11 some other steps that has to be done to come. And if
12 an agreement cannot be made between the school
13 districts then it becomes a decision for you guys to
14 make to determine whether or not you want to re-
15 district the schools. I did talk to the White Hall
16 School District and at this time they were not
17 interested in entertaining an agreement, so it would
18 be -- any action on Dollarway's part would be an
19 adversarial type issue to come before you. So --

20 CHAIRMAN BARTH: Ms. Davis, obviously with one
21 of the districts that is in distress and the enhanced
22 power of the Board related to district lines under --
23 in those scenarios, does that change this dynamic at
24 all?

25 MS. DAVIS: Not necessarily. And, honestly,

1 just from reading the district boundary statute,
2 which again, like I say -- I'm sorry, I don't have it
3 in front of me; I was trying to run down here. And I
4 did not wear the right shoes and nor do I look as
5 good as the lady that was up here earlier, so -- you
6 know -- so when I'm looking at that statute it really
7 doesn't have -- I mean like districts can petition a
8 change in boundary, regardless of any kind of fiscal
9 distress. I would, you know, somewhat caution that,
10 you know, if the Commissioner acting with the
11 authority, you know, in a district that, you know, is
12 in State takeover that that's a whole lot of, you
13 know, authority to just start saying, "Oh, well,
14 you've got some issues, so we're going to take some
15 from you and we're going to take some from you," or,
16 "You built your plant in the wrong place, so we're
17 just going to go ahead and assume that," rather than
18 it being those districts that want to either, you
19 know, have an agreement -- I just think that that was
20 -- I would caution that just from my own preference
21 from reading the law. But otherwise, it would be
22 left up to you for that boundary change. And if you
23 want to start re-doing all the boundaries for, you
24 know, districts to take -- I know that there is a lot
25 of places in the state that the neighboring district

1 has, you know, a factory or a plant or farms or
2 something that, you know, generates a lot more tax
3 and it's going to end up getting into an issue for
4 you guys.

5 CHAIRMAN BARTH: Ms. Zook and I spent five
6 months on boundaries in a different county, and it is
7 very complex.

8 MS. DAVIS: Well, then you guys are the experts.

9 CHAIRMAN BARTH: Yeah. Well, I think, Mr.
10 Foster, mission accomplished in terms of starting the
11 conversation and that's the purpose of public
12 comment. And so I very much appreciate your
13 dedication to the issue and staying around and, you
14 know, we will see if the conversation continues. But
15 you've achieved your goal today. So thank you very
16 much.

17 MR. FOSTER: If I may --

18 CHAIRMAN BARTH: Very quickly. Uh-huh.

19 MR. FOSTER: -- I don't know whether I've used
20 my three minutes or not, but --

21 CHAIRMAN BARTH: Yeah.

22 MR. FOSTER: -- here's one thing I want to say.
23 A long time ago people thought Lakeview was a joke,
24 and we all know what happened with that. Dollarway,
25 don't let Dollarway become the next Lakeview. I

1 think that there's a prima facie case here. Some
2 people haven't really looked at it from the right
3 aspect. There's some problems here, because I heard
4 they had a similar problem over in the Marion area
5 about some boundary lines where another district was
6 being unjustly enriched. So what I'm saying is that
7 this is nothing new, but what has happened is we've
8 allowed it to continue to happen unjustly. And some
9 districts are being so unjustly enriched while others
10 falter, and that is wrong.

11 That's just -- that's wrong. That's all I have.
12 Thank you.

13 CHAIRMAN BARTH: Thank you very much.

14 ADJOURNMENT

15 CHAIRMAN BARTH: All right. We -- that is our
16 last -- the last of our business meeting today, and
17 so I would entertain a motion to adjourn.

18 MS. CHAMBERS: Move to adjourn.

19 MR. BLACK: Second.

20 CHAIRMAN BARTH: Motion by Ms. Chambers, second
21 by Mr. Black. All in favor say "aye."

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN BARTH: Opposed, same sign.

24 (The Action Agenda was adjourned at 3:50 p.m.)

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
 COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on July 13, 2017, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

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

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

WITNESS, MY HAND AND SEAL, THIS DATE: July 26, 2017.

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

	83:1	23:10;28:9;32:13,	215:4,18	216:19
§	above (3) 65:18;120:1;168:2	18,24;33:23;34:18;	added (4) 32:25;77:17;	advertising (1) 118:3
\$1,000 (2) 19:19,20	absolutely (4) 19:17;82:13;	51:6,13;53:21;61:9,	110:14;156:10	advice (1) 150:12
\$2,000 (1) 82:22	161:12;199:13	17;71:7;74:1;78:19;	adding (4) 24:23;173:23;	advise (1) 48:14
\$32,000 (1) 118:21	academic (13) 22:2;125:1,17;	79:24;87:7;91:19;	202:14;204:1	advised (1) 150:12
\$600,000 (1) 209:25	131:19;135:21;	98:16;116:17;	addition (2) 40:19;130:16	advisory (2) 100:18,20
	145:2,6;146:6;147:4,	117:15;120:5;	additional (23) 21:15;23:9,13;	affect (2) 152:4;177:24
	5;154:12;162:15;	124:20;136:5,7;	24:10;31:1;32:25;	affected (1) 119:6
	166:6	137:19;139:1,4,6,16,	35:25;50:20;52:3;	affecting (2) 132:19;152:7
	Academy (4) 53:24;59:3,5;	18;150:17;165:19;	69:20;71:7;102:20;	affects (1) 152:15
	100:14	166:1;170:15;	119:7,8;129:18;	affirm (8) 4:17;52:10;80:23;
[A (1) 77:1	accept (13) 43:15,16;53:13;	185:24;186:7,14,16;	167:19;169:5,22;	92:7;116:5;128:8;
[APPLAUSE] (2) 44:16;130:6	114:18;118:13;	196:3;197:18;	170:2;175:25;184:1;	167:2;187:10
[sic] (3) 133:9;149:16;	128:25;132:24,25;	201:25;202:7,7;	189:4;193:25	AFFIRMATIVELY (8) 4:20;52:13;81:1;
211:5	154:16;162:9;	203:23	add-on (1) 38:12	92:10;116:8;128:11;
	194:21;197:17;	acting (2) 30:17;217:10	address (7) 111:18;129:4;	167:5;187:13
	207:24	action (14) 4:4;21:8,18,24;	146:5;190:22;215:6,	affirming (1) 62:16
	acceptance (1) 178:10	36:25;39:7,14;140:5;	21,24	afford (1) 117:7
A	accepted (9) 48:11;118:8,9,14;	144:22;150:20;	addressing (1) 142:22	African (4) 132:11;148:21;
A-1 (1) 4:2	147:8;153:11;	206:7;211:15;	ADE (6) 4:24;51:12;73:17;	156:8,23
A-2 (1) 20:17	154:19,23;158:21	216:18;219:24	107:14;137:15;144:9	afternoon (10) 91:16,22;116:3;
A-3 (1) 22:22	accepting (1) 132:4	actions (1) 5:16	adjourn (3) 123:22;219:17,18	123:12,13;124:2,14;
A-4a (1) 44:17	access (3) 56:10;57:13;190:5	activate (1) 96:25	adjourned (1) 219:24	135:16;146:8,10
A4b (1) 47:20	accident (4) 9:7,25;17:8;189:11	active (1) 16:17	ADJOURNMENT (1) 219:14	afterschool (1) 102:18
A-5b (1) 51:4	accomplish (1) 105:22	actively (3) 87:21;88:16;90:1	adjust (2) 111:6;126:22	AG (2) 141:25;142:1
A-5c (1) 78:17	accomplished (2) 109:23;218:10	activities (5) 59:15;66:4;72:14;	adjustments (1) 113:14	again (34) 6:18;11:8;18:25;
A-5d (1) 91:14	according (3) 65:13;125:4;	98:17;119:2	Admin (1) 84:11	28:6;34:1,14;35:23;
A-5e (1) 115:3	129:17	activity (2) 13:3;65:20	administrative (3) 92:22;94:18;164:7	36:11;39:20;50:3,3,
AA (2) 13:14;16:17	accreditation (2) 119:6;127:4	Acts (3) 137:18;139:8;	administrator (4) 84:18,20,23;	12,12,13,13;67:9;
abbreviated (2) 93:21;111:4	accurate (1) 33:25	150:12	205:16	105:20;110:1;
ability (2) 169:17;191:5	accurately (1) 34:3	actual (3) 117:23;156:8;	administrators (2) 84:14;205:15	116:19;123:9;
able (31) 23:19;26:17;28:12;	achieved (1) 218:15	207:1	adopted (1) 170:4	141:17;145:13;
29:8;34:9;35:4;60:1;	achievement (5) 67:17;97:24;98:12,	Actually (33) 5:23;19:22;23:12;	adoption (1) 138:11	152:19;153:8;
61:14;74:11;80:11,	16;110:5	24:22;25:22;26:18;	adult (2) 37:15;95:15	154:16;185:11;
16;86:18;87:18;	achieving (2) 69:17;93:14	27:23;28:15;30:16;	adults (2) 14:6;104:5	187:17,22;188:3,7;
88:12,21;90:14;93:9;	acquire (1) 99:1	31:4;32:18;35:17;	advance (1) 194:9	191:7;196:12;204:9;
99:21;101:16;	acquired (1) 95:18	39:15;41:19;53:23;	advantage (1) 131:8	217:2
103:18;105:23;	across (6) 73:24;93:7,14;	63:11;68:21;89:15,	adversarial (1)	against (4) 149:12;150:4;
106:20;107:8;113:6,	147:16;210:17;	24:96;21;97:18;		179:15;189:17
19;123:20;127:24;	215:13	107:5;145:16;		age (3) 5:9;14:6,7
147:18;174:8,9;	Act (45)	151:12;155:14;		agencies (1) 200:5
192:19		156:5,11;157:15;		agency (1)
Ables (1) 83:19		166:15,17;168:3;		
aboard (1)		172:12;186:1		

<p>164:7 agenda (23) 4:5;21:6,18,18,23, 25;22:6;36:23,25; 37:3;39:7,14;44:19; 91:18;115:7;123:16, 18,21;201:25;207:3, 8;208:19;219:24 agitated (1) 171:23 ago (11) 38:7;43:10;46:9; 83:2;107:13;110:18; 179:18;186:4; 187:24;200:8;218:23 agree (8) 5:20;28:14;71:12; 150:14;159:15; 160:7;162:10;179:6 agreed (3) 57:9;161:14;200:5 agreement (11) 56:21;142:20; 143:5;159:19,20; 160:5;191:2;214:3; 216:12,17;217:19 agreements (1) 161:21 agri (1) 63:7 agriculture (2) 55:5;63:12 AG's (1) 142:23 ahead (19) 10:14;21:7,9;65:6, 6,7,8;91:8;112:21; 113:4;123:23;128:1; 130:22,24;134:6; 186:18,21;208:14; 217:17 aid (6) 50:10;181:10,13, 14,15;192:9 aids (2) 113:18;181:12 ailment (1) 179:10 Alabama (1) 83:7 Alaska (1) 46:16 alcohol (4) 12:4;13:8,15,15 ALE (1) 202:5 Alexandra (1) 80:8 align (2) 156:15,19 aligned (1) 201:1 aligning (1)</p>	<p>109:8 all-day (1) 99:10 Allen (1) 123:19 alleviate (1) 43:8 alleviating (1) 210:10 allocated (2) 215:13,25 all-or-nothing (1) 143:7 allot (1) 126:10 allow (21) 6:2;10:8;81:22; 93:5;106:20;119:17; 120:20;126:7;131:3; 133:8,10,11;134:7; 142:21;148:16; 162:13;186:9,19; 187:2;190:13;210:23 allowance (1) 31:1 allowed (11) 111:25;129:2; 138:2,12;139:3; 144:15;158:22; 163:5;175:7;186:11; 219:8 allowing (4) 129:18;135:16; 149:4;176:9 allows (7) 51:14;124:25; 133:1;150:18;177:4; 206:9,16 all's (1) 70:6 almost (3) 24:7;56:8;85:7 ALONE (4) 195:13,18;196:5; 211:12 along (6) 12:3;66:7;82:14; 83:18;84:4,21 ALP (9) 24:11,15,17,20,23; 29:5,6,15;30:4 ALPs (11) 23:9,12,24;24:9; 28:2;29:23;34:14,18; 36:6;37:20;53:17 altercation (1) 11:24 alternate (2) 117:4,5 alternative (2) 88:7;117:9 Alzheimer (1) 210:16</p>	<p>although (3) 62:6;117:5;208:9 always (13) 24:20;25:20;33:2; 34:24;36:1;40:20; 56:12;75:20;79:15; 105:14;126:10; 206:17;214:23 amazement (1) 209:21 amazing (2) 48:3;50:14 amended (1) 139:7 American (3) 132:11;148:21; 156:24 amount (3) 32:6;50:1;199:7 analysis (2) 36:13;39:15 analyze (3) 39:13;96:24 and/or (1) 106:1 Andrea (1) 205:17 Angie (2) 131:15;153:4 angles (1) 122:5 Annotated (1) 139:18 annually (1) 209:25 ANSWERED (9) 4:20;36:18;52:13; 81:1;92:10;116:8; 128:11;167:5;187:13 ANTHONY (10) 4:3,6,10;6:21;7:15; 11:1,6,8;12:21;20:8 anticipate (6) 88:15;191:24; 192:3,11;193:11,17 anticipated (1) 102:17 anti-depression (1) 12:3 anxiety (3) 169:9;181:7;182:3 apart (1) 145:14 apartment (1) 101:17 apartments (1) 118:25 apologize (11) 55:21;58:8;63:1; 89:3;91:10;130:8; 142:14;167:9; 172:10;185:19; 198:13</p>	<p>apparently (2) 17:2;179:14 APPEAL (31) 124:3,18,21;128:6; 129:5;132:13,22; 133:16;136:1; 139:12;141:7; 145:19;148:14,24; 155:4;158:8;159:10; 162:9;163:5,7,9,18; 165:14;184:12; 185:15,23;190:25; 191:1,7;192:15; 194:21 appealed (4) 125:12;132:7,8; 137:5 appealing (1) 186:11 appeals (2) 136:13;141:13 appearing (1) 51:19 APPEL (3) 81:25;88:17; 117:12 applaud (5) 50:6;72:6;90:6; 113:4,24 applicable (2) 136:23;143:24 applicant (2) 81:21,22 applicants (6) 131:18,23;132:3; 153:10,11;154:15 application (20) 60:25;61:21;62:10; 63:4;64:2;65:10; 69:15;70:13;124:4; 135:23;158:9; 165:15;168:17; 177:21,22;191:17,21; 192:4;194:7;204:5 applications (11) 61:1,17;69:23; 70:9;107:18;131:21; 132:4;137:2;194:1,9; 203:19 applied (7) 14:23;63:10,12; 79:24;88:18;151:20, 21 apply (5) 14:22;72:15; 100:23;173:16,17 appointed (1) 209:15 appreciate (13) 27:5;40:17;46:14; 60:15;113:23;114:4; 167:1;172:2,4; 185:11;191:9;212:1;</p>	<p>218:12 appreciation (2) 44:11;122:13 approach (4) 26:10;61:12;62:12; 68:18 approached (1) 154:4 appropriate (3) 99:19;127:19; 129:24 appropriately (2) 201:2;207:8 approval (11) 62:7;76:8;94:7,9; 188:4;190:15; 198:20;200:23,25; 203:6;205:3 approvals (1) 62:6 approve (10) 21:13;22:12,14; 110:17;201:7;203:7; 204:15;205:21; 207:9;210:24 approved (11) 21:12;27:14;77:14, 18;89:16;94:8; 187:24;191:22; 198:20;202:2,13 approving (2) 33:20;145:23 approximately (2) 9:14;209:25 April (5) 116:22;117:23,24; 196:12,12 AQT (1) 202:6 Arch (2) 99:4;101:4 area (39) 18:20;20:18,23; 24:10,23;26:7,21; 28:4,18;29:8,14; 30:20;33:6,10;35:2; 38:19;41:10;42:1; 65:14,17;71:10,21; 81:17;89:22,22;96:1; 111:11;112:5; 116:24;117:18; 118:7,20,24;119:7; 138:2;153:22; 166:12;199:3;219:4 areas (15) 33:5,13;37:24; 40:21;41:8,15,22; 65:11;67:18,22;93:6, 10;94:1;122:6;202:6 argue (1) 198:1 arguing (6) 9:3;11:21;16:3,7;</p>
---	---	--	--	--

<p>133:17;180:11 argument (7) 5:24;10:10;152:21; 160:13,14;161:8; 179:16 arguments (2) 133:15;160:17 Arkansas (30) 6:13,15,20;15:10; 25:3;36:5,9;44:8,12; 53:24;70:11;71:19; 72:11;82:6,18,20; 112:13;115:22; 118:5,17;130:12; 131:3,7;138:17,23; 139:18;151:11; 156:14;200:1;205:14 around (22) 5:9;8:17,22;15:20; 32:5;42:7;49:6; 55:13;58:25;60:20; 64:1;90:10;110:11; 138:23;139:5; 155:12;156:2; 170:15;172:7; 178:15;194:4;218:13 arrangement (1) 113:3 arrangements (1) 113:2 arrive (1) 187:18 art (2) 65:12,18 artists (1) 65:16 arts (1) 70:21 ARVA (3) 80:13,17,17 A's (1) 100:7 ascertained (1) 214:6 Asian (7) 132:10;138:6,9; 156:2,10,11;162:13 aspect (2) 159:14;219:3 aspects (2) 84:17;114:3 aspire (2) 84:13;145:8 Assembly (2) 42:2,11 assertion (2) 125:15,18 assessment (2) 202:2,9 assessments (4) 96:23;98:23; 123:22;196:2 assigned (3)</p>	<p>33:10;87:11; 181:10 assignments (2) 54:1;139:24 assist (6) 96:1;102:21; 106:14;113:18; 183:14;213:5 assistance (2) 101:24;102:14 assistant (8) 18:13;73:20;79:4; 92:3;94:15;106:17; 182:25;206:13 associate (1) 153:21 associated (1) 176:5 associates (1) 189:15 associate's (1) 147:17 Association (3) 44:9;205:15,16 assume (1) 217:17 assuming (1) 176:1 assumption (2) 161:14,15 assumptions (1) 161:22 ATC (1) 82:1 athletic (1) 18:6 Atlanta (1) 107:15 at-risk (1) 101:7 Attack (1) 196:23 attempt (2) 74:18;138:11 attend (8) 66:8,9;86:16; 137:3;138:2,13; 168:6;184:10 attendance (4) 17:13,14;132:20; 212:9 attended (5) 94:18;132:11; 138:7,9;152:6 attending (2) 99:9;138:24 attends (1) 124:25 attention (3) 17:11;34:24;65:10 attorney (13) 5:7,13;6:2,14,15, 19,19;15:9;19:13;</p>	<p>124:15;127:18; 164:5;189:18 attorneys (7) 4:15;125:22; 135:13;141:18,23; 146:11;160:17 attorney's (1) 162:11 audience (1) 108:8 auditorium (1) 102:9 August (9) 7:20;8:1;13:9;14:3, 4;62:14;73:11; 136:14;193:14 aunt (2) 132:10;133:6 authority (6) 136:9;141:9;142:2; 162:24;217:11,13 autistic (2) 170:23;171:12 automatically (1) 30:21 availability (1) 39:1 available (13) 29:11,12;38:22; 41:9;61:7,22;73:17; 102:19;115:20; 127:11;135:19; 166:2;174:16 avenue (6) 61:7,21,22;62:1,9, 14 average (6) 42:5,7,16;120:1,1,2 averages (1) 169:15 averaging (1) 145:6 avoid (2) 140:4;141:1 aware (3) 107:17;168:3; 194:15 away (8) 9:13;57:19;71:11; 72:8;109:17;145:1; 175:15;198:12 awhile (3) 88:1;163:21; 164:16 aye (20) 20:12;22:18;43:20; 47:14;49:18;76:14; 77:9;78:5;91:2; 114:23;123:6;195:4; 198:6;201:14; 203:13;204:21; 206:1;208:4;209:3; 219:21</p>	<p>AYES (21) 20:13;22:19;43:21; 47:15;49:19;76:15, 19;77:10;78:6;91:3; 114:24;123:7;195:5; 198:7;201:15; 203:14;204:22; 206:2;208:5;209:4; 219:22 B B-1b (1) 124:3 B-2a (1) 165:14 B-2b (1) 185:15 B-3 (2) 195:13;196:17 B-4 (1) 198:11 B-5 (1) 201:18 B-6 (1) 203:17 B-7 (1) 205:3 B-8 (1) 206:5 Bachelor's (2) 29:20;30:19 back (53) 4:7;11:25,25;12:7, 11;13:2;16:9,11; 28:17;32:20;34:14; 37:9,19;41:21;42:18; 44:4;46:2,15;57:9; 58:25;60:20;72:9; 78:10;80:15;82:4,15; 86:4,4;89:25;91:17, 20;98:2;104:11; 110:19;137:20; 139:11;149:9;154:5; 161:2;165:16; 169:20,21;180:16; 191:6,13;196:3; 201:20,22;207:2; 210:3;213:13,19; 215:9 background (5) 4:12;5:1;74:21; 94:12;209:14 backing (1) 207:4 back-up (1) 89:19 bad (4) 59:21;86:6;171:11; 190:7 Bailey (2) 205:11,17 balance (4)</p>	<p>108:2;114:2;177:8; 210:7 balances (1) 24:8 band (1) 122:12 bang (1) 111:16 banking (1) 72:12 Barnett (1) 73:22 barrier (2) 103:25,25 barriers (1) 102:18 BARTH (311) 4:4,14,21;6:4;10:2, 4,7,10,13,15,17,20; 11:3,7;12:16;15:19; 16:13,21,23,25;18:1; 19:7,11;20:3,10,14, 20;21:16;22:4,9,11, 16,20,24;25:1;27:9; 28:25;32:12;36:17, 20,22;37:4,18;39:4, 22;40:3,6,16;41:5; 43:9,14,17,19,22; 44:4,19;45:11,16,20, 23;46:3,20;47:5,12, 16,19,22;48:6,24; 49:9,14,17,20,23; 51:1,3,6;52:7,14; 54:5,8;55:12,18,21; 58:23;59:19;60:15; 62:18,21,23,25; 63:23;66:20,23; 69:12;71:17;73:4,15; 75:7,20;76:7,10,13, 16,18,24;77:2,7,11, 13,19,22;78:2,7,15, 19;79:7,9;80:21; 81:2;88:24;89:9; 90:3,20,24;91:1,4,7, 16;92:5,11;104:21; 105:17,19;107:11; 112:9,16;113:24; 114:14,21,25;115:6; 116:2,9,11,15;120:2; 121:3,8,16,19,23,25; 122:3,9,16,23;123:4, 8;124:5,11;126:12, 15,17,20,23,25; 127:17;128:4,12,18; 129:8,20;130:1,7; 131:10;133:3,7,18, 20;134:1,5,12,14,24; 135:8,14;146:2,7,8; 149:7;150:6;153:3; 155:10;157:25; 159:1;160:20,25; 161:3;162:1,20; 163:13;164:17;</p>
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165:11,16;166:23; 167:6,11,15,18; 168:18,20,25;169:2, 19;170:7,11;172:4, 23;173:2,6;175:19; 176:1,4,8,15,24; 177:20;178:1,14; 183:23;184:1,5,11, 14,17;185:10,14,17; 186:23;187:6,14; 188:18,22,25;190:19; 191:12;192:13,23; 193:2,4;194:3,17; 195:2,6,11,15,23; 196:18,21;197:13,19, 21,24;198:2,4,8,12, 23;199:17,25;200:6; 201:4,12,16,20; 202:15;203:5,9,12, 15,20;204:12,17,19, 23;205:1,7,19,24; 206:3,7;207:23; 208:2,6,13,17;209:1, 5,9;211:25;213:2; 216:20;218:5,9,18, 21;219:13,15,20,23	beauty (1) 147:19 became (1) 16:7 become (3) 40:24;119:25; 218:25 becomes (1) 216:13 becoming (1) 120:24 bed (1) 8:14 beg (1) 106:18 began (1) 27:18 begging (1) 118:3 begin (4) 26:24;59:24;64:9; 187:16 beginning (1) 89:4 begins (2) 24:17;39:10 begun (1) 38:13 behalf (7) 6:21;61:3;92:13; 121:25;130:16; 142:23;166:25 behave (1) 181:3 behavior (1) 180:24 behind (5) 16:10;43:4,6; 91:12;189:19 behooves (1) 163:9 below (2) 120:1;197:7 belts (1) 110:18 benchmark (2) 145:7;197:8 beneficial (3) 81:13;94:2;104:1 benefit (7) 26:14;70:9;83:21; 108:17;109:14; 111:2,10 benefits (1) 106:22 Bentonville (2) 25:4;26:1 Besides (1) 78:13 best (11) 11:12;12:15;13:4; 17:24;18:15;19:2; 54:23;117:22;128:2;	143:9;195:7 better (15) 13:20;19:4;31:3; 34:8;40:15;67:21; 68:12;82:17;106:11, 17;134:22;149:16, 18;161:1;197:10 beyond (4) 60:5;65:18;70:15; 108:11 bids (1) 139:20 big (5) 26:15;27:13;36:2; 41:8;83:21 bigger (1) 81:23 bill (1) 16:19 binding (1) 191:3 bit (18) 13:10;33:7;34:23; 53:22;59:24,25; 61:19;62:13;70:12; 81:22;83:16;94:12; 108:7;110:12; 123:12;158:4;202:1; 215:17 BLACK (48) 15:21;16:12;66:23; 76:12,13;77:6,8; 90:3;112:9,10,15; 121:10;137:1,4,24; 138:3,7,13,21;140:7, 8,9,10,11;144:18,18; 145:15,18;149:2; 151:10,19,20;152:12, 13;157:3;160:20,21, 24;165:8,9;183:23, 25;185:8,9;211:3,5; 219:19,21 blanket (1) 161:15 blessing (1) 101:12 Blevins (12) 131:21;140:9; 166:9,19;169:9; 170:16;171:12,21; 178:18,20;179:1,12 block (1) 108:18 blocks (1) 12:1 Bluff (13) 209:16,17,23,23; 210:1;211:12;212:6, 10,11,18,19,21; 214:21 Bluff's (2) 210:1;214:12 blunt (1)	31:17 Board (80) 6:11,12,12,16,18, 22;7:10;12:17;15:10, 17;17:12;22:4;46:5; 51:15,19;52:18; 55:25;56:24;89:15, 17;93:15;94:6,7,7,9; 110:14,17;112:22; 115:19;116:12; 118:10;122:6;129:2; 130:16,18,19;131:4, 13;135:15,22;136:8, 10,15;138:16;141:8, 14,19,22,25;142:8; 143:3,11,21;146:9, 11;148:13;150:15; 152:23;155:17; 159:10;160:2; 163:11;170:4;202:4; 205:4,8,13,18,22; 206:5,8,23,24;207:1; 210:3,23,24;211:9, 14;216:22 boards (1) 142:1 Board's (2) 129:6;142:20 Bobby (2) 135:17;154:14 bonus (2) 82:21;83:1 book (4) 48:14;60:4;99:5; 216:8 books (6) 56:10,11;57:17; 74:7,7,9 BOSTICH (20) 169:6;170:13; 179:20,22,25;180:4, 10,19,22;181:1,11, 20,24;182:1,6,11,17, 21;183:5;185:13 both (23) 25:9;39:5;49:24; 104:22;122:18,21,21, 21;124:20;129:23; 137:18;141:19,24; 158:23;168:10; 172:13,17;173:7; 174:24;196:23; 200:5;204:6;216:6 bothered (1) 75:2 boundaries (8) 208:20;213:7,16; 214:16,20;215:22; 217:23;218:6 boundary (8) 210:15,24;211:12; 216:5;217:1,8,22; 219:5	bounds (1) 164:7 box (1) 156:25 boy (1) 160:22 Boyd (5) 80:3,5,8,8,20 Brad (2) 187:19;191:15 brag (1) 49:2 break (7) 35:5;43:25;44:2,3; 91:8,13;165:13 breakdown (1) 153:7 Brenda (4) 44:8,12;51:24;54:9 brick-and- (1) 59:6 brick-and-mortar (1) 74:6 bridge (1) 100:16 briefly (1) 81:14 bring (12) 18:4,4;55:6;70:23, 24;82:14;83:18;84:3; 105:24;198:17; 211:16;214:8 bringing (6) 23:2;48:3;84:13; 98:25;103:4;109:11 brings (2) 84:21;92:25 broached (1) 214:5 broad (1) 83:6 broadening (1) 70:19 broader (6) 60:24,25;61:15; 70:24;71:10;108:8 broad-stroke (1) 70:4 broken (3) 34:19;156:23; 171:23 brought (8) 7:7;65:9;93:25; 94:13;158:5;185:24; 196:10;202:4 buck (1) 111:16 budget (2) 45:5;48:2 build (6) 31:11;95:12,13; 102:8;103:13;107:7 building (9)
--	--	---	---	---

<p>14:15;84:4;87:9; 102:9;119:9;168:6,7; 172:13;182:12 built (2) 33:8;217:16 Buren (1) 130:13 bus (5) 17:21;58:3;105:4; 113:10,20 buses (3) 17:22;102:15,17 business (4) 54:2;63:13;66:14; 219:16 businesses (3) 66:6;67:2;214:9 busy (2) 25:23;150:2 button (1) 34:11 Byrum (1) 189:18</p>	<p>37:21,25;38:16; 40:23;41:20;52:15; 53:25;55:4,8;63:17; 67:12;68:20;69:2; 70:4,20,23;72:25; 73:23;74:22;81:2; 82:14;83:8;88:6,7; 92:11;95:9;96:11; 99:25;103:9;104:10; 18;106:10,16;108:5; 109:5;111:7;117:3; 119:14;120:19,22; 122:18;126:2,10,21; 127:1,24,25;130:4; 133:11,21;135:20; 142:16;143:9; 144:19,23;149:15,20; 150:3;152:11,12,13, 13,15;156:9;159:24; 161:14,21;163:7,8; 173:16,17;175:1,1,5; 177:10,17;178:23,24; 179:1,6;182:6,16,23; 183:16,20;186:11,21; 187:3,3;188:15; 190:12;192:1,1; 194:11,15;196:24; 197:1;199:5,13; 202:17,20;207:7; 210:14;211:15; 213:5,9;215:6;216:7; 217:7</p>	<p>careers (1) 64:9 careful (1) 60:7 carefully (1) 150:16 caretaker (1) 154:2 Carl (3) 18:5,9,10 Carlisle (1) 51:8 case (29) 4:16;6:3;7:2; 10:18;24:24;61:14; 125:5;126:1;128:6; 135:4;137:22;139:5; 142:8;143:23;151:8; 156:6;160:10;161:8; 163:15;164:15; 168:4,14;169:3; 170:12;175:10; 184:2;185:18,18; 219:1 caseloads (1) 175:13 cases (4) 145:21;155:23; 161:15;213:20 Cassandra (2) 73:22;74:22 catch (2) 40:23;101:23 categories (1) 156:4 category (5) 147:4;156:11,13; 178:23;179:11 Cathy (2) 92:2;94:15 Caucasian (1) 148:23 caution (2) 217:9,20 celebrating (1) 105:21 celebrations (1) 103:5 census (1) 156:2 central (1) 84:16 certain (2) 33:24;43:11 certainly (8) 10:9,19,22;21:25; 75:20;134:9;148:12; 155:8 certificates (1) 153:21 certification (2) 55:8;87:15 certifications (1)</p>	<p>29:12 certified (6) 53:19;55:6;63:11; 76:4;99:12;122:6 cetera (2) 211:3,4 chair (6) 83:23,23,24; 122:18;130:2;171:13 CHAIRMAN (314) 4:4,14,21;6:4,12; 10:2,4,7,10,13,15,17, 20;11:3,7;12:16; 15:19;16:13,21,23, 25;18:1;19:7,11; 20:3,10,14,20;21:16; 22:4,9,11,16,20,24; 25:1;27:9;28:25; 32:12;36:17,20,22; 37:4,18;39:4,22;40:3, 6,16;41:5;42:1;43:9, 14,17,19,22;44:4,19; 45:11,16,20,23;46:3, 20;47:5,12,16,19,22; 48:6,24;49:9,14,17, 20,23;51:1,3,6;52:7, 14,17;54:5,8,55:12, 18,21;58:23;59:19; 60:15;62:18,21,23, 25;63:23;66:20,23; 69:12;71:17;73:4,15; 75:7,20;76:7,10,13, 16,18,24;77:2,7,11, 13,19,22;78:2,7,15, 19;79:7,9;80:21; 81:2;88:24;89:9; 90:3,20,24;91:1,4,7, 16;92:5,11;104:21; 105:17,19;107:11,12; 112:9,16;113:24; 114:14,21,25;115:6; 116:2,9,11,15;121:3, 8,16,19,23,25;122:3, 9,16,23;123:4,8; 124:5,11;126:12,15, 17,20,23,25;127:17; 128:4,12,18;129:8, 20;130:1,7;131:10; 133:3,7,18,20;134:1, 5,12,14,24;135:6,8, 14;146:2,7;149:7; 150:6;153:3;155:10; 157:25;159:1; 160:20,25;161:3; 162:1,20;163:13; 164:17;165:11,16; 166:23;167:6,11,15, 18;168:18,20,25; 169:2,19;170:7,11; 172:4,23;173:2,6; 175:19;176:1,4,8,15, 24;177:20;178:1,14; 183:23;184:1,5,11,</p>	<p>14,17;185:10,14,17; 186:23;187:6,14; 188:18,22,25;190:19; 191:12;192:13,23; 193:2,4;194:3,17; 195:2,6,11,15,23; 196:18,21;197:13,19, 21,24;198:2,4,8,12, 23;199:17,25;200:6; 201:4,12,16,20; 202:15;203:5,9,12, 15,20;204:12,17,19, 23;205:1,7,19,24; 206:3,7;207:23; 208:2,6,13,17;209:1, 5,9;211:25;213:2; 216:20;218:5,9,18, 21;219:13,15,20,23 chairs (1) 83:24 challenge (1) 139:4 challenged (2) 67:15;162:24 CHAMBERS (95) 4:3,7,10,16,25;5:6, 7,20;6:2,11,14,17,19, 22;7:3,9,15,15,16,20, 24;8:1,10,11,14,16, 19,24;9:4,6,14,24; 10:2,3,6,9,14,16,19, 22,24;11:1,4,6,8,9; 12:17,18,20,21,23; 15:17,18,24;16:13, 14,16,18;17:6,16; 18:3,6,12,14;19:12, 14,17;20:8;22:15,17; 47:11,13;66:23;90:4; 112:16;121:9;122:9; 160:25;165:2,3; 172:7,9,14,21;185:2, 3;194:18;195:1,3; 203:7,10;205:23,25; 219:18,20 Chambers' (2) 8:16;9:19 chance (4) 69:14;104:17; 165:17;189:21 Chancellor's (1) 54:24 change (16) 18:25;27:14;36:2; 46:13;101:20; 154:10;163:7,23; 170:24;205:12; 206:15;210:24; 216:5,23;217:8,22 changed (1) 36:2 changes (6) 42:9,10;45:8; 73:12;164:13;205:2</p>
C				
<p>Cabot (1) 142:22 Calaway (1) 40:8 calculation (1) 145:17 CALENDAR (8) 206:6,8,14,15,19; 207:10,24;208:12 call (7) 10:24;11:1;44:4; 91:16;164:19; 165:16;175:3 called (6) 11:19;16:4;31:20; 84:11;166:10;210:8 calling (1) 7:2 came (14) 17:9;38:6;49:25; 67:14;70:13;72:6; 80:14,15;83:19; 118:7;145:6;151:24; 197:6;210:9 campaigns (2) 83:5,6 campus (14) 53:6;54:12,13; 58:16,20;65:19,23; 68:5,5,7;69:4;70:23; 72:21;75:24 can (126) 10:14;11:25,25; 12:15;13:4,16;18:15; 21:25;23:11;24:21; 29:4;31:3;32:19; 34:20;35:1,9,17;</p>	<p>candidate (4) 118:7,17,21,22 candidates (3) 88:17,20;118:5 cap (2) 158:15,17 capacities (2) 14:8;172:15 capacity (26) 18:6;125:3;133:1; 154:18;166:4;168:2, 11;170:1;172:11,13; 174:6;177:5,18; 184:9;186:14,16,24, 24;187:1,3;188:8; 191:5,19;193:23; 194:1,24 capture (1) 39:19 car (4) 8:16,19,25;9:3 card (1) 57:11 care (5) 53:5,21;66:1; 102:18;154:4 career (12) 7:19;33:6;55:3,9; 61:11;67:1;69:8,9, 10;101:11;199:21; 200:2</p>	<p>careers (1) 64:9 careful (1) 60:7 carefully (1) 150:16 caretaker (1) 154:2 Carl (3) 18:5,9,10 Carlisle (1) 51:8 case (29) 4:16;6:3;7:2; 10:18;24:24;61:14; 125:5;126:1;128:6; 135:4;137:22;139:5; 142:8;143:23;151:8; 156:6;160:10;161:8; 163:15;164:15; 168:4,14;169:3; 170:12;175:10; 184:2;185:18,18; 219:1 caseloads (1) 175:13 cases (4) 145:21;155:23; 161:15;213:20 Cassandra (2) 73:22;74:22 catch (2) 40:23;101:23 categories (1) 156:4 category (5) 147:4;156:11,13; 178:23;179:11 Cathy (2) 92:2;94:15 Caucasian (1) 148:23 caution (2) 217:9,20 celebrating (1) 105:21 celebrations (1) 103:5 census (1) 156:2 central (1) 84:16 certain (2) 33:24;43:11 certainly (8) 10:9,19,22;21:25; 75:20;134:9;148:12; 155:8 certificates (1) 153:21 certification (2) 55:8;87:15 certifications (1)</p>	<p>29:12 certified (6) 53:19;55:6;63:11; 76:4;99:12;122:6 cetera (2) 211:3,4 chair (6) 83:23,23,24; 122:18;130:2;171:13 CHAIRMAN (314) 4:4,14,21;6:4,12; 10:2,4,7,10,13,15,17, 20;11:3,7;12:16; 15:19;16:13,21,23, 25;18:1;19:7,11; 20:3,10,14,20;21:16; 22:4,9,11,16,20,24; 25:1;27:9;28:25; 32:12;36:17,20,22; 37:4,18;39:4,22;40:3, 6,16;41:5;42:1;43:9, 14,17,19,22;44:4,19; 45:11,16,20,23;46:3, 20;47:5,12,16,19,22; 48:6,24;49:9,14,17, 20,23;51:1,3,6;52:7, 14,17;54:5,8,55:12, 18,21;58:23;59:19; 60:15;62:18,21,23, 25;63:23;66:20,23; 69:12;71:17;73:4,15; 75:7,20;76:7,10,13, 16,18,24;77:2,7,11, 13,19,22;78:2,7,15, 19;79:7,9;80:21; 81:2;88:24;89:9; 90:3,20,24;91:1,4,7, 16;92:5,11;104:21; 105:17,19;107:11,12; 112:9,16;113:24; 114:14,21,25;115:6; 116:2,9,11,15;121:3, 8,16,19,23,25;122:3, 9,16,23;123:4,8; 124:5,11;126:12,15, 17,20,23,25;127:17; 128:4,12,18;129:8, 20;130:1,7;131:10; 133:3,7,18,20;134:1, 5,12,14,24;135:6,8, 14;146:2,7;149:7; 150:6;153:3;155:10; 157:25;159:1; 160:20,25;161:3; 162:1,20;163:13; 164:17;165:11,16; 166:23;167:6,11,15, 18;168:18,20,25; 169:2,19;170:7,11; 172:4,23;173:2,6; 175:19;176:1,4,8,15, 24;177:20;178:1,14; 183:23;184:1,5,11,</p>	<p>14,17;185:10,14,17; 186:23;187:6,14; 188:18,22,25;190:19; 191:12;192:13,23; 193:2,4;194:3,17; 195:2,6,11,15,23; 196:18,21;197:13,19, 21,24;198:2,4,8,12, 23;199:17,25;200:6; 201:4,12,16,20; 202:15;203:5,9,12, 15,20;204:12,17,19, 23;205:1,7,19,24; 206:3,7;207:23; 208:2,6,13,17;209:1, 5,9;211:25;213:2; 216:20;218:5,9,18, 21;219:13,15,20,23 chairs (1) 83:24 challenge (1) 139:4 challenged (2) 67:15;162:24 CHAMBERS (95) 4:3,7,10,16,25;5:6, 7,20;6:2,11,14,17,19, 22;7:3,9,15,15,16,20, 24;8:1,10,11,14,16, 19,24;9:4,6,14,24; 10:2,3,6,9,14,16,19, 22,24;11:1,4,6,8,9; 12:17,18,20,21,23; 15:17,18,24;16:13, 14,16,18;17:6,16; 18:3,6,12,14;19:12, 14,17;20:8;22:15,17; 47:11,13;66:23;90:4; 112:16;121:9;122:9; 160:25;165:2,3; 172:7,9,14,21;185:2, 3;194:18;195:1,3; 203:7,10;205:23,25; 219:18,20 Chambers' (2) 8:16;9:19 chance (4) 69:14;104:17; 165:17;189:21 Chancellor's (1) 54:24 change (16) 18:25;27:14;36:2; 46:13;101:20; 154:10;163:7,23; 170:24;205:12; 206:15;210:24; 216:5,23;217:8,22 changed (1) 36:2 changes (6) 42:9,10;45:8; 73:12;164:13;205:2</p>

<p>changing (3) 42:12;43:11; 210:15</p> <p>character (1) 9:19</p> <p>charge (3) 5:3,5;17:9</p> <p>charged (3) 9:15;17:4;143:4</p> <p>charges (3) 5:18;6:25;9:17</p> <p>chart (1) 34:16</p> <p>charter (11) 35:21;51:12,16; 62:10;74:1;79:11,16; 80:9,12;81:6;187:23</p> <p>CHARTERS (4) 51:5;78:18;91:15; 115:4</p> <p>cheaper (1) 31:21</p> <p>check (8) 4:12;5:1;73:23; 79:15,23,25;80:2; 127:9</p> <p>checkbox (1) 177:23</p> <p>checked (1) 157:1</p> <p>checks (1) 79:10</p> <p>cheer (3) 8:13,15;9:13</p> <p>child (24) 113:16;125:14; 152:4;158:16; 162:13;166:16; 168:4;172:15;174:8, 9;175:2,5,11;176:1,5, 9,18,20;177:13; 178:21;179:5; 183:16;184:10;186:9</p> <p>childhood (1) 8:10</p> <p>children (15) 14:2;59:11;61:23; 67:3;137:24,25; 138:7;153:24; 169:12;170:15; 171:1,12;181:4; 188:3;189:15</p> <p>CHILDS (2) 165:15;185:18</p> <p>Childs' (1) 169:6</p> <p>choice (86) 38:8,9;124:4,7,12, 16,18,20,22,24; 126:9;131:20,25; 132:16;135:23; 136:3,5,7,13,18,20, 23,24;137:2,8,10,11,</p>	<p>13,15,18,19;138:12, 14,15,20;139:1,6,9, 14,15,17;140:14; 141:3,13;142:11; 144:2,4,5,7,9,13,16; 150:12,17;153:11; 154:15;157:7,9,12; 158:7,9,10;159:22, 25;165:14,19;166:1, 16;167:25;168:17; 170:5;184:15; 185:15,18,21,24; 186:7;190:15,23; 191:16;192:21; 193:25;194:1,6; 197:4;210:20</p> <p>choicing (1) 175:23</p> <p>CHORUS (20) 20:13;22:19;43:21; 47:15;49:19;76:15; 77:10;78:6;91:3; 114:24;123:7;195:5; 198:7;201:15; 203:14;204:22; 206:2;208:5;209:4; 219:22</p> <p>chose (1) 197:3</p> <p>chosen (1) 159:10</p> <p>Chris (4) 9:18,18,22;15:5</p> <p>church-going (1) 13:21</p> <p>Cindy (3) 45:19,24;134:17</p> <p>circle (1) 32:20</p> <p>Circuit (1) 161:19</p> <p>circumstance (2) 145:12;150:17</p> <p>circumstances (8) 5:17,19;7:12,23, 25;9:20;16:1;32:5</p> <p>citizen (1) 13:5</p> <p>city (12) 8:17;209:15,17,25; 211:11;212:5,10,11, 18,24;214:16,19</p> <p>City's (1) 26:23</p> <p>claim (3) 132:5,18;195:21</p> <p>claiming (1) 131:24</p> <p>clarification (2) 15:21;158:5</p> <p>clarify (3) 80:10;192:6,13</p> <p>clarity (2)</p>	<p>61:20;113:13</p> <p>class (8) 30:5;33:21;34:8; 72:25;75:3;110:7; 111:7;177:6</p> <p>classes (4) 29:9;39:1;63:4; 199:1</p> <p>CLASSIFICATION (2) 44:18;47:21</p> <p>classified (6) 45:2;47:25;53:5; 102:20;125:1,16</p> <p>classroom (26) 27:1;30:7,10; 37:13;57:9,10,16; 85:17,19;92:19; 96:22;100:7;103:3; 111:15;168:9; 170:25;174:19,19; 176:5,14;177:14,14, 19;178:8;181:5,13</p> <p>classrooms (11) 98:3;119:17; 167:25;168:7,11; 172:13,14,18;173:8; 175:6,12</p> <p>clear (13) 63:4;65:5;66:11; 136:5,20;139:16; 144:14;155:21; 163:16,25;176:16; 177:16;180:14</p> <p>clearly (4) 6:9;11:5;14:7; 40:19</p> <p>cliché (1) 109:19</p> <p>client (1) 7:11</p> <p>clock (1) 209:12</p> <p>close (8) 18:4;68:15;70:20; 97:24;144:25; 145:13,25;170:12</p> <p>closed (1) 80:18</p> <p>closer (1) 166:18</p> <p>closest (1) 79:21</p> <p>closing (3) 5:25;18:2;150:7</p> <p>clothed (1) 18:18</p> <p>Cloverdale (1) 14:13</p> <p>CNA (1) 153:20</p> <p>co- (1) 34:15</p> <p>Coach (12)</p>	<p>7:14,16,20,21,21; 11:16;14:18;18:12, 14;54:11;84:5,5</p> <p>coaches (2) 18:23;84:6</p> <p>coaching (3) 11:11;14:14,16</p> <p>co-authors (1) 99:5</p> <p>Cochran (8) 130:4,7;131:1; 161:4;178:14;194:4, 5,12</p> <p>Code (1) 139:18</p> <p>coded (1) 174:24</p> <p>COFFMAN (7) 206:12,12;207:16, 19;208:7,8,14</p> <p>cognizant (1) 152:9</p> <p>Cohorts (1) 84:11</p> <p>collaborate (1) 106:18</p> <p>collaboration (2) 93:3,6</p> <p>collaborative (6) 94:21;95:14;97:1; 99:20;108:4,9</p> <p>colleague (1) 94:11</p> <p>colleagues (1) 105:21</p> <p>collecting (1) 39:11</p> <p>collection (3) 39:10,15;57:12</p> <p>college (10) 11:14;85:12;89:25; 96:14;117:3,6; 120:22;147:15,22; 148:2</p> <p>colleges (4) 66:7;147:23,24; 153:19</p> <p>Columbus (2) 207:13,19</p> <p>columns (1) 206:25</p> <p>combination (1) 197:4</p> <p>combined (1) 72:20</p> <p>combining (1) 200:3</p> <p>combo (1) 122:24</p> <p>comfortable (1) 158:2</p> <p>coming (25) 17:14;23:21;24:2;</p>	<p>44:9;46:15;49:4; 50:24;61:4;69:7; 72:21;79:21;84:10; 107:19;110:19; 132:9;151:22,23; 155:2,19,23;163:6; 166:5;178:11; 198:15;214:11</p> <p>commendation (1) 19:23</p> <p>comment (11) 49:24;69:14;71:12; 123:16,18;130:25; 208:16,18,23,24; 218:12</p> <p>comments (24) 18:2;39:6;45:12, 16;48:7;49:10;54:6; 58:25;60:12;90:21; 114:6;121:4;130:21; 132:14;141:24; 142:13;149:11; 150:7,9;153:1; 155:13;188:23; 197:14;206:23</p> <p>commercial (1) 83:12</p> <p>commercials (1) 83:15</p> <p>Commission (1) 41:18</p> <p>Commissioner (44) 21:1;41:25;43:13; 46:7;49:1,2,8;52:18; 73:20;107:12;130:2; 131:13;135:14; 146:9;161:5,6,11,13, 25;164:20,23,25; 165:2,4,6,8,10; 182:25;184:21,23,25; 185:2,4,6,8;206:13; 210:8;213:5,10,13; 214:25;215:4,6; 217:10</p> <p>commissions (1) 142:2</p> <p>commitment (3) 109:4;119:19; 185:12</p> <p>committed (1) 99:13</p> <p>committee (2) 183:8;209:16</p> <p>common (6) 24:11;94:19;96:23; 98:22;109:1;199:14</p> <p>communicating (1) 206:21</p> <p>communication (2) 132:1;158:12</p> <p>communications (1) 199:15</p> <p>communities (1)</p>
--	--	---	---	--

92:21 community (24) 9:22;19:19,21,24; 89:11,18;90:6;93:3, 17;102:8,12;103:13; 106:2;112:25; 118:25;119:1; 147:15,22,23;156:2, 3,7,10;213:22 company (1) 196:13 compared (3) 119:25;124:20; 171:19 comparing (1) 111:13 comparison (1) 23:6 compassion (2) 18:16;19:5 competing (2) 42:21;81:20 competitive (1) 153:22 complete (5) 24:18;53:25; 101:17;102:11;112:7 completed (4) 19:21;45:3;47:25; 158:24 completely (3) 13:19;149:1;160:7 completers (1) 24:2 completing (2) 23:23;26:18 completion (1) 24:22 complex (1) 218:7 complexity (2) 124:6,19 compliant (1) 61:23 complicated (1) 114:9 complied (2) 127:2;137:16 compliment (1) 196:22 comply (1) 144:20 component (1) 186:15 components (3) 42:7;93:2;137:17 compounded (1) 9:23 comprehension (1) 196:24 comprehensive (3) 21:7;22:22,25 computer (1)	170:19 concentrated (1) 96:21 concentration (1) 96:1 concept (2) 108:10;109:25 concepts (1) 95:4 concern (5) 55:24;56:7,14; 60:11;164:14 concerning (1) 29:2 concerns (3) 25:9;60:20,24 concerted (1) 33:16 concise (2) 112:11;212:1 conclude (1) 134:10 concluding (2) 73:4;75:7 concordant (1) 145:8 concurrent (3) 147:13;148:3; 153:18 conference (5) 54:16;92:23; 146:16;178:19; 179:17 confident (1) 61:10 confirmed (2) 136:15;142:8 conflict (15) 125:18;136:2,6; 137:9,11,14,17; 139:13,16;144:3,5,8; 153:14;158:13;177:7 conflicting (2) 139:9;143:17 conflicts (9) 125:8;136:17,22; 137:12;142:10; 144:6;157:7,11,14 confusing (2) 25:3;190:8 Congratulations (10) 20:15;46:4;47:8, 17;49:21;78:9;91:5; 115:1;130:14;165:12 connecting (1) 59:3 connections (4) 53:11;59:4;66:6; 97:3 conscious (1) 38:8 consent (8) 21:6,18;36:23;	37:3;139:24;142:2; 143:5;161:20 consequence (2) 140:6,13 CONSIDER (5) 47:20;92:14; 143:22;145:22;151:6 CONSIDERATION (11) 4:2,5;20:17;22:22; 44:17;124:3;165:14; 185:15;186:10; 205:3;206:5 considered (2) 65:14;138:4 considering (1) 107:18 consistency (2) 163:22,23 consistent (1) 35:3 constant (3) 95:16,22;127:23 constantly (1) 111:24 constitutional (1) 141:1 construe (2) 143:9;145:22 construing (1) 143:4 consulted (2) 69:24;105:25 consumed (1) 13:7 consumer (2) 72:8;73:1 contact (2) 183:4,5 contacted (2) 28:22;183:3 contacts (1) 190:1 contained (3) 139:2;174:23; 175:6 contemplated (1) 155:22 content (11) 30:20;41:15,16; 53:18;93:6;94:1; 111:11;117:18; 201:18;202:6,10 contents (1) 106:21 continue (15) 10:23;11:17;12:12; 24:9;47:19;48:22; 85:22;99:20;107:3; 147:1;148:15;163:1; 211:6,10;219:8 continued (2) 12:9;138:20 continues (3)	31:11;97:16; 218:14 continuing (4) 23:17,18;31:2; 140:25 continuously (1) 31:13 contract (2) 94:21;118:10 contribute (1) 152:11 contributed (1) 59:9 control (2) 211:19;216:1 controls (2) 136:7;139:18 conversation (7) 20:11;32:20;89:17; 109:5;215:20; 218:11,14 conversations (3) 26:11;73:7;75:10 conversing (2) 8:2,23 conversion (2) 62:10;187:23 convince (1) 160:14 Conway (2) 84:12;102:24 cooks (1) 143:15 co-op (11) 24:12;29:25;34:12, 19;35:5;115:11,17, 23;116:14;120:5; 121:14 cooperative (3) 99:4;101:4;115:4 Coordinated (1) 31:12 coordination (1) 26:3 coordinator (4) 44:25;51:24; 195:25;201:23 copies (1) 154:20 copy (4) 185:23,24;186:2,6 core (11) 53:15,18;65:11,14; 71:1;97:8,15;102:16; 202:6;203:19;204:5 corrected (2) 211:22;213:9 correcting (1) 123:1 correctly (1) 135:24 correlates (1) 98:12	correlation (2) 98:15;197:5 cost (2) 147:19;148:2 co-teaching (1) 39:1 counseling (1) 68:17 counselor (1) 66:5 counselors (1) 64:24 count (3) 9:15,16;17:22 counties (3) 41:17,18,21 country (3) 84:2;155:2,19 counts (1) 175:8 County (21) 25:12;52:23,25; 53:3;56:18,24;57:12, 19;82:19;131:21; 142:7;143:23; 147:12;148:25; 159:19;186:8; 189:11,13;208:20; 214:17;218:6 County's (1) 26:23 couple (16) 12:19;18:14;32:19; 36:13;38:3;40:6; 50:23;71:5;81:14; 91:10;93:10,24; 132:14;150:10; 151:17;193:25 course (15) 25:8;62:5,7,11; 71:25;84:21;93:23; 124:7;126:21; 130:11;133:25; 134:6,25;199:15,24 courses (10) 93:19;198:11,14, 16,19,21,24;199:14; 200:24;201:8 coursework (1) 30:6 court (26) 14:25;15:5,14; 125:19;136:4;137:9; 138:14;139:3,15,20; 140:19;142:16; 143:3,4,8,12,13,22; 144:3,24;145:22; 150:15;160:10; 163:14,21;213:20 courtesy (3) 129:2,7;154:13 Courtney (2) 130:4,11
--	---	--	--	--

courtroom (2) 9:18,21	62:10;79:14	day-to-day (2) 25:24;73:2	dedicated (1) 93:11	124:15;126:4;
courts (6) 142:4;159:11; 162:25;163:4,23; 180:13	Cynthia (3) 44:23,25;207:3	deadline (1) 62:5	dedication (3) 44:11;172:5; 218:13	127:10;138:18; 141:20;145:9; 146:14,14;178:25; 196:1;201:8,24; 207:7;213:6
cover (2) 124:21;153:6	D	deal (6) 124:8,13;125:5; 127:20,22;163:22	deep-dive (1) 107:23	depend (6) 17:23;31:24;32:4, 4;117:14;173:11
covered (3) 81:7;105:3;132:6	daily (1) 71:1	dealt (2) 18:18;157:21	Deer (3) 51:13,19;58:16	depending (4) 70:5;108:21;143:5; 193:19
covering (1) 105:5	dancing (1) 110:11	Dean (35) 20:5,6,10;49:16, 17;60:19,21;69:12; 89:9;105:17,18; 121:10;122:10; 123:3,5;133:9; 157:25;158:1,4,25; 165:4,5;178:16; 185:4,5;194:23,24; 195:2;201:11,13; 204:15,19;208:1,3; 213:12	DEER/MT (2) 51:5,9	depression (1) 8:12
Coy (1) 62:4	danger (1) 190:12	debate (2) 130:21;156:2	defendants (2) 189:13,13	depth (2) 25:14;106:4
crafts (1) 70:21	Dartmouth (1) 55:1	debated (1) 141:13	defended (1) 141:9	Deputy (1) 21:1
create (8) 35:9;43:4;93:5; 96:17;97:4;98:20,21; 187:4	data (21) 25:23;33:14;34:6; 35:5,25;36:15;39:9, 11,12,13,15;92:19; 93:12;98:11;107:23; 109:7;111:12,13,22; 146:21;193:12	Deborah (1) 206:12	definitely (9) 10:6;26:8;32:10; 82:8;132:24;145:11; 147:23;199:5;215:3	describe (2) 18:15;74:14
creative (1) 72:18	date (2) 191:22;194:9	December (4) 7:18;11:10;14:23; 39:19	Degree (13) 5:2;9:16;17:1,5,9; 29:19,20;30:19;56:9; 63:12,14,17;147:17	deseg (7) 129:1;150:20; 152:20;157:18,21; 160:6,11
credit (3) 46:25;147:13; 148:2	dates (2) 207:1;208:10	decided (4) 143:1;159:16; 209:19,20	degrees (2) 55:3;153:21	desegregation (34) 125:7,19;132:1,6, 17,18,19;136:4,6,17, 22;137:9,12,22; 138:4,6,21;139:10, 15,17;140:21; 142:10;144:3,6; 150:13,24;151:8; 152:5,10;155:4,7; 157:10;161:23; 164:10
crew (3) 45:19,24;46:24	David (1) 92:2	decision (17) 42:9;50:2;125:13; 132:8;142:21; 152:23;157:16; 160:10;163:10; 164:3,8,9;183:10; 184:8;185:11; 186:12;216:13	delineated (1) 156:15	desegregative (1) 152:1
criminal (2) 6:24;13:3	Davis (70) 73:7,9;115:25; 124:6,10,14,15; 126:14,16,19,21; 127:4,6,8,15,21; 128:19;129:8,10,25; 133:11,19,21,25; 134:2;139:19;140:4; 141:24;144:20; 155:15,21;156:1,18; 157:4,6,19,24;158:1, 2,8;159:4,6;161:6,9, 12,17;164:1;165:17, 19,21;174:13,15; 176:24;177:1,22; 178:3;185:22;187:1; 190:20,22;191:24; 213:11;214:25; 215:7,21;216:3,5,20, 25;218:8	decision-making (1) 163:25	deliver (1) 96:22	designed (1) 30:25
criteria (1) 178:2	day (29) 12:10;13:24,25; 15:4,6,8;17:15,24; 65:18;85:7,93:19; 94:21;95:8;100:20; 101:14;102:22; 106:11;109:12,14; 142:24;154:2;180:5, 17;194:8;207:13,14, 16,20;208:21	decisions (3) 45:7;168:13; 173:12	Delta (2) 35:18;53:9	desire (2) 13:18;104:3
critical (3) 41:22;194:7; 200:11	days (16) 11:19;16:5;20:19, 24;51:22;53:25;54:1; 79:1;91:25;99:10; 106:19,20;115:13; 169:14;170:17;171:9	declared (3) 137:13;144:7,11	demand (1) 41:9	desperate (1) 120:10
crucially (1) 130:19		declaring (1) 137:17	demanding (1) 41:9	desegregative (1) 152:1
CTE (2) 102:6,9		decline (1) 116:25	demanded (1) 8:25	designation (2) 135:21;145:5
curious (1) 160:21		declining (2) 117:10;210:7	demographics (2) 140:15;141:4	designed (1) 30:25
current (6) 14:25;74:15;81:19; 135:21;167:23; 174:10		decree (5) 139:24,25;143:5, 10,12	demonstrate (1) 96:22	desire (2) 13:18;104:3
currently (7) 24:17;82:18; 110:16;162:15; 174:12;177:18;212:6		decrees (2) 142:3;161:20	demonstrated (1) 30:20	desperate (1) 120:10
Curriculum (10) 51:24;54:10;62:3; 65:3;72:16;83:25; 98:20;106:16;109:9; 187:20			denial (4) 4:25;124:3;165:14; 185:15	desperation (1) 43:25
Curry (1) 58:9			denied (13) 4:11;125:14;134:3; 135:24;154:18; 158:21,22;177:15; 186:13,14,16;189:6; 193:25	detail (3) 9:6;23:4;116:20
custom (1) 144:21			denial (4) 4:25;124:3;165:14; 185:15	determination (1) 158:23
customs (1) 139:22			denied (13) 4:11;125:14;134:3; 135:24;154:18; 158:21,22;177:15; 186:13,14,16;189:6; 193:25	determine (1) 143:21
cut (5) 197:19;202:11,12; 203:8;204:10			denial (4) 4:25;124:3;165:14; 185:15	determine (7) 22:9;96:23;136:16; 142:9;177:5;187:4; 216:14
cycle (2)			denied (13) 4:11;125:14;134:3; 135:24;154:18; 158:21,22;177:15; 186:13,14,16;189:6; 193:25	determined (3) 109:10;140:25; 188:14

42:7 developing (4) 42:13;92:20;96:2, 21 Development (5) 41:18;93:18;99:10; 104:15;106:20 diagnosed (1) 170:23 dies (1) 77:2 difference (8) 26:15;155:20; 163:3;166:7;178:7; 199:9,9;200:12 different (36) 18:14;28:16;29:14; 30:22;37:7;67:2; 73:7;75:10;80:3; 83:24;84:17;86:25; 87:3,4,8;108:5; 114:9;136:14;141:6; 142:5,25;145:6; 151:12,16;153:8; 163:15,24;166:2; 185:20;186:25; 195:16;202:1; 203:23;206:10; 213:15;218:6 differently (1) 176:19 difficult (4) 26:5;85:8;93:9; 98:2 difficulty (1) 56:6 digital (1) 60:5 dilemma (1) 148:12 diploma (2) 101:18;147:17 direct (4) 7:11;12:19,22; 96:11 directed (2) 81:9;140:22 directing (1) 145:21 direction (6) 41:2,2;47:4;75:15; 162:8;163:24 directly (3) 7:11;191:23;192:5 director (7) 80:8;83:3;86:11, 14;113:19;115:23; 187:19 disabilities (1) 169:13 disability (7) 169:25;176:13,17; 177:2,12,15;181:2	disagree (1) 60:14 disagreement (1) 143:6 disclosure (2) 6:16,18 disconnect (1) 23:25 discriminating (1) 176:16 discrimination (5) 139:22;140:1,1; 176:10;190:7 discussed (1) 141:14 discussion (8) 78:4;92:25;107:25; 142:25;162:20; 164:2;180:12;184:18 dismiss (1) 93:18 dismissing (1) 93:22 disparity (1) 117:7 dispensing (1) 74:7 disproportionate (2) 25:5,11 dispute (1) 183:2 disputes (4) 142:25;143:12,13, 14 dissent (1) 156:8 distance (1) 179:3 distinguished (1) 7:18 distress (33) 22:2;44:18,20,22; 45:4,10,19;46:1; 47:10,21;48:1,3,5,13; 49:13;50:1,4,25; 125:1,17;131:19; 135:21;145:2,6; 146:6;147:4;154:12; 162:16;166:6;210:4, 11;216:21;217:9 distributions (1) 213:7 District (233) 5:10;7:6,16,17,19; 11:10;12:8;14:9; 15:12;18:7,11;22:3; 25:10,25;29:3,24; 31:18,21,24;32:5; 36:4,4;44:18;45:2,8, 18;46:13,14,22; 47:20,23;48:10,20, 23;50:5;51:4,5,14,18; 52:1,4,22;53:9,11;	54:3;62:10;64:8; 69:14,17;70:19;76:3; 78:17,18,21,25; 79:12,14;80:13;81:5, 15;82:10,18;83:2,4, 10,20,25;84:5;85:1, 24;86:1,3,14;88:4; 91:14,15,20,23; 92:14;93:4;99:9; 100:10;102:6,11,13; 104:2,7;106:8; 108:17,25;110:17; 115:3,5,8,18;117:21, 25;118:12,16;119:6, 14,17;121:15;122:1; 124:25;125:2,13,16, 16,23;126:1,5,8,9,13, 18;127:18;128:14,14, 17,18,20,24;129:5, 11,13,16;131:15,20; 132:12,15,23;133:10, 19,24;134:8,10,19; 135:4,13;137:23; 138:17,17,24,25; 140:4,18,19,23; 141:2;146:17;148:2; 149:10;150:8;152:9, 17,18;154:10,24; 155:3,18;158:10,11, 19;164:4;165:23,24; 166:9,10,19,25; 167:8,8,10,14,25; 169:8,20;172:9; 173:9,24;177:20; 178:12;179:1,5; 186:12,19;187:3,7, 20,21;188:13,20; 189:10,16;190:2; 191:2,14;192:24; 193:15;194:6;200:3, 8;205:16;208:20; 209:21,23;210:2,4, 16,18;211:1,7,18,20; 212:5,21;213:20; 214:4,10,13,20; 215:22,23;216:6,7, 15,16,22;217:1,11, 25;219:5 DISTRICTS (67) 20:17,23;21:10; 23:18;25:6,19,20; 26:9,11;27:4;28:3,6, 12;32:22;33:1,9,15, 16,22;34:2;35:14,18, 22;36:6,15;37:10; 38:23;39:11;44:21; 49:24;50:10,17,22; 61:8,19;62:2;69:25; 90:10;105:7;108:1; 119:22;129:21,23; 131:12;136:13; 140:16,24;146:19; 158:13;161:20;	166:2,3;178:4,8; 187:16;198:22; 200:20;209:24; 212:19;215:14,22; 216:13,21;217:7,18, 24;219:9 district's (5) 26:13;136:16; 139:9;142:10;151:23 District-wide (1) 68:2 diversity (1) 93:8 divide (2) 52:16;145:24 divulge (1) 120:14 doctor (1) 12:6 documentation (1) 178:12 documents (5) 23:3;137:16; 144:10;164:4;207:4 Dollarway (15) 25:9;29:22;210:4, 10,16,25;211:5,5,8, 17;212:4,9;213:20; 218:24,25 Dollarway's (1) 216:18 Don (1) 18:11 done (34) 12:13;17:23;25:16; 33:8;38:3;46:2,10; 47:2;48:2;59:12; 66:12,13;70:2,10,18; 93:24;108:14,16; 112:20;126:7;128:1; 141:15;150:22; 180:19;190:23; 191:8;204:8,9; 206:10;209:22; 210:15;212:23; 214:21;216:11 door (1) 148:17 Dorado (22) 78:14,18,20,24; 81:5,9,15;82:6; 86:14;89:21,23,25; 136:12;140:17,18,25; 141:5,12;142:7; 160:9,10;161:18 Dorado's (1) 140:21 double-checked (1) 207:17 doubt (2) 70:10;111:9 down (20) 24:15;34:19;35:5;	53:22;67:15;72:24; 73:1;83:20;85:18; 89:12;103:6;107:15; 121:7;149:20;154:3; 169:16;210:18; 211:8;215:9;217:3 Dr (51) 20:20,25;21:3,17, 20;22:8,10,24;23:1; 25:16;27:8,11;29:7, 17,20;30:12;31:9,23; 32:3,10,13,17;38:1, 18;39:8,17;40:1,5,7, 14;41:4,12;84:11; 92:1,5,13;94:17; 104:22;107:12; 120:2;188:21,24; 190:3,12;191:15; 205:7,11,11,17,17,21 drawing (1) 213:7 drawn (1) 215:23 drink (2) 13:10,16 drinking (2) 8:7,24 drive (4) 8:17;58:3;102:15, 16 driven (1) 37:14 driver (2) 15:24;16:2 driving (3) 8:21,22;15:22 drop (1) 72:24 dropped (1) 73:1 drove (1) 12:1 dual (1) 137:24 Dudley (2) 115:23;121:22 due (9) 97:14;136:3;137:8, 11;139:14;144:2,5; 206:23,24 Duke (1) 54:25 Duncan (5) 18:5,9,10,10;19:7 during (6) 8:19;64:14;96:20; 100:20;103:12;154:2 duty (1) 17:21 dynamic (1) 216:23 dynamics (2) 36:10;110:4
--	---	--	---	---

dyslexia (1) 97:11	30:17;196:1;201:23	45:18	48:4	established (1) 42:4
E	educators (2) 9:21;38:7	emergency (2) 30:13,16	enough (14) 8:24;9:4;42:11; 67:7;104:7,7,9,13; 109:16;111:16; 112:7;146:15; 179:18;206:17	et (2) 211:3,3
earlier (6) 34:23;92:22; 191:22;206:16,18; 217:5	effect (3) 30:14,15;141:24	Emmett (1) 169:7	enrich (1) 211:7	ethnically (1) 156:9
early (13) 19:22;26:6;28:22; 61:16;93:19,22; 94:25;103:1,15; 105:15;111:3; 112:25;192:4	effective (5) 12:13;73:11;88:21; 100:3;112:3	employ (1) 26:18	enriched (2) 219:6,9	evaluation (1) 178:10
early-out (1) 93:17	effectively (2) 74:3;108:15	employed (3) 11:9;12:7;15:2	enrichment (1) 101:25	even (31) 18:23;19:1;26:15; 29:13;35:4;40:15; 43:4;58:2;59:13; 64:8;81:18;82:25; 83:14;86:4;87:8; 93:22;109:18;110:3, 7;111:9;113:18; 118:18;119:1;129:4; 149:20;161:18; 171:9;180:23;181:2; 193:18;213:19
easier (1) 76:3	effort (1) 33:16	employee (1) 17:20	enrolled (1) 38:4	evening (4) 11:17;12:5;14:18; 15:14
eastern (1) 36:8	efforts (2) 26:16;113:4	employees (1) 207:13	ENROLLMENT (13) 51:5,16;78:18; 79:16;80:12;81:6; 91:15;115:4;117:10; 140:7;156:22; 167:23;174:11	events (1) 8:12
eBooks (1) 57:13	eight (3) 82:24;162:2; 170:17	empower (1) 109:5	enter (3) 103:21;117:4,8	everybody (2) 84:16;128:2
echo (2) 39:5;46:22	Eighth (1) 161:19	empowering (1) 39:11	entered (2) 33:14;140:20	everyone (6) 12:14;50:24; 102:13;118:4; 122:23;123:14
Economic (2) 41:17;117:6	eight-hour (1) 71:3	enabled (1) 189:24	entertain (4) 49:11;121:13; 211:23;219:17	everywhere (1) 83:8
Economics (2) 71:18;72:10	either (14) 19:12;53:1;59:4; 75:15;108:15; 138:13;162:7,8,9; 166:25;172:6;173:5; 187:7;217:18	enables (1) 197:9	entertaining (1) 216:17	evidence (4) 42:10,11;164:8,11
ed (21) 37:21,22,25;38:8, 16;40:19;41:15; 42:15,24;43:10; 167:13;169:9;171:1; 173:8;175:21; 177:14;179:6,11; 202:8;204:3,5	El (23) 78:14,18,20,24; 81:5,9,15;82:6; 86:14;89:21,23,25; 136:12;140:17,18,21, 25;141:5,12;142:6; 160:9,10;161:18	enacting (1) 150:11	entire (8) 8:19;27:23;29:1; 73:13;99:12;100:11; 126:1;157:13	exam (2) 87:16;145:7
educate (1) 103:2	ELA (1) 146:25	encompass (1) 212:24	entirety (3) 10:17;121:5;201:5	EXAMINATION (2) 12:22;203:21
Education (56) 6:13;15:10;21:2; 24:9;36:7,7;38:5,11, 25;41:10;44:7,8,11; 51:15;61:12;97:14; 104:14;112:13; 115:23;120:12,13; 131:4,14;136:8; 138:16,18;141:8,20; 142:8;156:14; 163:11;167:21; 168:1;172:18,20; 176:2,10,11,17,19; 178:25;183:1; 185:12;192:18; 195:13,14,19,19; 196:7;200:2;201:9, 19;202:5;203:18,19; 206:5	elaborate (3) 69:15;75:18; 116:20	encourage (7) 42:1;105:6,12; 112:22;117:5; 130:20;200:20	entities (1) 141:21	exactly (6) 5:15;37:6;64:16; 153:9;178:5;215:10
educational (7) 64:12;96:12,16,19; 100:11,16;205:15	elbowing (1) 143:16	encouraged (1) 9:12	entity (2) 136:16;142:9	exam (2) 87:16;145:7
educator (6) 4:11;18:17;19:6;	Elementary (11) 18:12;27:2;57:15; 58:1;111:18;112:1; 113:6;115:25; 195:13,19;196:6	encouraging (1) 32:8	Eoff (7) 115:22;116:10,11, 17;121:7,15,18	examine (2) 93:12,12
	eligibility (1) 6:23	end (15) 13:24;44:9;79:20; 80:6;87:15;96:12; 113:8;123:18;135:1; 142:14,18;167:22; 180:1;206:14;218:3	equate (1) 202:22	examining (2) 92:19;109:7
	eligible (3) 116:14,17;117:11	endangerment (1) 189:8	equates (1) 197:8	example (4) 25:3;87:1;90:9; 111:19
	else (8) 19:5;52:8;58:24; 126:4;169:23; 192:24;213:6;215:18	ended (4) 8:6;9:3;173:22; 215:4	equity (1) 26:12	examples (1) 214:18
	email (1) 154:14	endorsement (1) 38:12	error (1) 197:7	exams (3) 87:24;88:7;117:18
	embedded (9) 94:24;198:11,14, 16,18,24;199:12,14; 201:8	endowed (1) 83:24	escape (1) 209:16	exceeding (1) 68:7
	embraced (1) 147:8	enforce (1) 142:19	eSchool (2) 33:8;35:12	excellence (1) 103:14
	emerge (1)	engage (2) 130:21;144:21	Especially (3) 43:11;82:5;204:3	excellent (4) 19:22,23;183:9,9
		engaging (2) 8:6;139:21	ESSA (2) 54:17;146:18	except (1) 169:24
		English (3) 120:12,13;199:15	essence (1) 129:20	
		enhanced (1) 216:21	essential (3) 95:18;97:23;104:5	
		enjoins (1) 139:20		
		enjoy (2) 17:23;83:21		
		enjoyed (1)		

exception (2) 125:22;157:17	68:19	falling (1) 60:3	97:20;99:17;101:20; 104:1;106:5,25; 110:11;112:4,4,5,6; 126:4;146:12; 148:13,18;159:13; 163:24;211:13,21	71:25;72:1,11; 100:19
exceptional (1) 109:18	expressed (1) 94:7	falter (1) 219:10	110:11;112:4,4,5,6; 126:4;146:12; 148:13,18;159:13; 163:24;211:13,21	find (17) 24:19;32:24;42:24; 67:23;76:3,4;97:18; 105:10;119:11; 120:19,23;127:13,24; 147:14;159:2; 188:12;209:22
exchange (1) 94:3	extend (3) 18:24;86:21;95:20	familiar (4) 81:19;83:19;89:18; 156:1	163:24;211:13,21	120:19,23;127:13,24; 147:14;159:2; 188:12;209:22
excited (9) 46:9;50:16,23; 85:21,25;94:16; 102:10;106:24;131:7	extension (1) 103:10	families (6) 95:7;107:6;148:23; 149:2,3;152:17	feeling (1) 123:24	finding (4) 24:3;28:13;37:24; 118:19
Excuse (4) 55:18;128:7; 185:18;212:7	extensive (1) 118:3	family (17) 8:5;54:2;125:12, 12;147:19;149:9; 166:8,17;167:1; 169:3,22;170:11; 185:16,19,20;186:11; 190:11	feels (3) 60:25;61:4;211:9	finds (1) 189:20
Exemplary (5) 5:11;11:15;19:6, 25,25	extensively (2) 33:3;97:7	fantastic (3) 46:18;49:4;90:7	fell (1) 147:3	fine (4) 19:19,20;108:15; 122:23
exempt (7) 131:24;132:6,16, 25;137:7;144:1; 151:6	extent (4) 69:24;110:23; 133:1;138:1	far (18) 17:14;21:14;22:2; 41:21;57:19;67:24; 71:23;90:7,12;91:12; 93:11;108:16;109:6; 165:22;174:21; 192:8,10;194:8	Fellow (1) 22:4	fingers (1) 89:6
exhaustively (1) 141:13	extra (8) 6:8;53:16;65:19; 67:21;108:20;112:2; 113:10;172:1	Farmer (1) 99:8	fellowshipping (1) 8:7	finish (4) 24:20,23;82:3; 168:21
exhibit (1) 142:17	extracurricular (1) 72:14	farms (1) 218:1	felt (5) 61:10,15;95:5; 163:19;200:4	first (52) 4:5,24;5:2;9:16; 10:24;11:1;14:11; 17:1,5,9;33:12;38:5, 9;39:8,19,23,25;45:1; 48:10;51:7;52:22; 55:17,22;59:1;64:6; 87:8;92:13;103:4; 106:11;118:6; 124:17;125:11; 130:10;136:2; 138:11;139:11,11; 148:4;155:14,16; 164:20;170:25; 171:15;175:17; 187:21;190:14,17; 192:20,21,22;196:22; 214:2
exhibits (4) 4:23,24;5:12;7:4	eye (2) 27:6;179:22	fasten (1) 110:18	female (1) 16:3	first-time (2) 203:25;204:3
exists (3) 80:12;136:6; 139:16	F	faulting (1) 180:21	few (17) 6:24;8:18,22; 11:10,19;12:1;16:5; 86:11,24;88:19; 99:25;106:4;151:24; 154:5;186:3;199:20; 205:14	first-year (1) 26:25
expand (2) 85:23;100:25	face (3) 81:15;106:10; 184:3	favor (20) 20:12;22:18;43:20; 47:14;49:18;76:14; 77:9;78:5;91:2; 114:23;123:6;195:4; 198:6;201:14; 203:13;204:21; 206:1;208:4;209:3; 219:21	fewer (2) 24:2,3	FISCAL (21) 44:18,20,22;45:1,4, 10,19;46:1;47:10,21; 48:1,3,5,13;49:13,25; 50:4,25;210:4,11; 217:8
expect (4) 21:17;95:8,9;107:3	facie (1) 219:1	fed (1) 18:18	fewest (2) 35:10,14	fit (3) 101:13;126:22; 156:4
expected (1) 176:6	facilitator (1) 110:15	Federal (21) 51:23;125:7;136:4, 14;137:9;138:18,19; 139:14;140:19; 142:5;143:3;144:3, 24;145:22;156:16,16, 20;168:11;173:13, 14;180:13	fiancé (1) 15:9	fits (1) 156:12
expected (1) 176:6	facilitators (2) 110:16,23	feedback (5) 72:12;73:18;85:19; 106:2;196:15	field (2) 34:13;67:2	five (28) 51:23;62:22;79:3; 82:20;89:6,7;92:1; 104:10;112:12; 115:15;118:5; 125:23,25;126:12,15;
expense (3) 88:5;111:10;190:4	facilities (1) 110:7	feel (34) 57:14;59:21;61:9, 20;63:13,16;69:21; 70:7;81:16,21;82:7; 85:9;88:19,20;96:3;	field (3) 118:22;170:20; 171:16	
expensive (1) 32:3	facing (1) 120:11	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
experience (3) 18:23;64:13; 171:11	fact (16) 27:6;34:25;54:18; 120:9;125:5;146:9, 13;147:9;161:17; 164:11;178:23; 179:11;190:8; 196:23;210:8,24	feeling (1) 123:24	field (2) 34:13;67:2	
experiences (1) 67:11	factored (1) 186:10	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
experts (1) 218:8	factory (1) 218:1	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
expire (2) 79:2;115:14	facts (1) 7:1	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
expires (2) 51:22;91:25	faculty (2) 35:24;107:22	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
EXPIRING (1) 205:5	failure (1) 148:9	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
explain (2) 5:15;83:16	fair (1) 86:22	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
explained (2) 103:23;120:2	fairs (4) 83:15,15;86:16,21	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
expose (1) 68:20	fall (3) 88:14,20;114:12	feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
exposed (1) 71:24		feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
exposing (1) 69:5		feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	
exposure (1)		feels (3) 60:25;61:4;211:9	field (2) 34:13;67:2	

128:14;129:21,21; 133:8;151:19,21; 153:12;165:10; 169:4;189:3;193:18; 196:9;218:5	follow-up (1) 75:13	194:22	7:24;9:6;20:3,11; 78:4;83:14;90:8; 92:24;114:6;141:3; 162:20	glad (3) 45:18;46:1;186:18
five- (1) 10:4	football (3) 7:21;11:14;14:19	four (9) 85:5;86:20;95:15, 21;120:10;187:24; 195:17,22;206:25	future (4) 39:7;41:7;140:2; 163:23	glorified (1) 107:22
five-and-a-half (1) 146:2	forced (1) 159:22	fourth (8) 116:13;118:21; 119:23;137:7; 144:12,12;171:2,16	G	goal (7) 96:11,16;100:22; 103:2;112:14;120:8; 218:15
five-year (1) 61:13	forces (3) 37:15,15,15	Frank (2) 40:8;68:22		goals (6) 24:21;64:12;68:17; 69:5;101:11;103:19
flawed (1) 50:11	Ford (2) 99:4;101:4	frankly (1) 95:5	gain (1) 79:18	goes (10) 23:4;108:7;143:14, 18;188:16;189:20; 192:2;210:17,21; 214:17
flesh (1) 94:14	forefront (1) 151:8	free (4) 29:13;147:21; 148:1,16	gains (1) 145:3	gold (1) 18:16
fleshed (1) 69:21	Forest (1) 14:11	freed (1) 85:6	gamble (1) 117:8	good (50) 4:9;20:15,25; 23:16;25:22;28:8; 39:24;40:25;46:13, 19;47:19;49:6;50:10; 51:11;52:17;54:11; 60:23;68:18;70:18; 71:9;80:9;86:13,19; 89:13;91:9,16,22; 96:8;104:7,7,8; 112:11,24;115:2; 123:24;124:14; 134:21,22;144:23; 146:8;148:19,19; 150:12;170:21; 187:22;189:21; 195:7;208:7;210:11; 217:5
flex (1) 100:25	forget (1) 120:7	Freedom (3) 138:12,15,20	game (1) 124:1	Google (1) 118:23
flexibility (5) 28:10;43:1;70:23; 129:18;134:3	form (2) 178:2;182:18	Freno (1) 141:23	gang (1) 190:1	Googled (1) 118:18
flexible (9) 51:21;53:20;63:24, 25;73:10;77:15; 91:24;114:13,15	formal (1) 52:19	freshman (1) 100:14	gangs (1) 190:10	Gould (1) 138:16
flight (1) 140:16	formally (2) 135:7,11	Friday (3) 7:20;8:13;146:12	gap (2) 97:24;98:1	govern (2) 157:20,22
floor (1) 209:6	format (1) 114:9	friend (2) 9:12;17:7	Garland (3) 186:8;189:11,12	government (4) 156:5,16,17,20
Floyd (3) 5:7;6:14,19	former (3) 9:21;45:14;90:13	friends (8) 8:2,3,3,5,8,10,18, 23	gas (2) 83:10,12	Governor (1) 41:6
flurry (1) 205:1	Forrest (1) 26:23	front (3) 59:22;190:16; 217:3	gathering (1) 107:15	governs (2) 125:8;157:11
focus (14) 22:2;26:11,13; 34:24;86:9,95,14,16, 22;96:9;97:4;98:4, 10;100:14;147:6	fortunate (1) 131:6	frustrated (2) 27:5;95:5	gave (2) 189:10,12	grace (2) 18:24;19:5
focused (4) 25:18;26:20;92:16; 102:2	Forty-six (1) 148:20	frustration (1) 50:2	Genell (1) 115:25	graces (1) 144:24
focusing (2) 97:2;102:6	forward (18) 7:2;13:20;21:19, 25;23:17;26:21; 27:11;30:13,23; 34:16;40:14;47:2,3; 55:9;94:8;104:2; 115:12;130:23	fulfill (1) 109:6	General (6) 42:2,11;69:15; 116:24;141:18; 177:14	grad (1) 55:1
folk (1) 89:20	FOSTER (33) 124:4;125:12; 128:6;133:5,7;134:7, 17,17;135:24;149:9, 12;153:24;160:23; 165:12;208:16,19,21; 209:6,7,13,13;212:7, 11,14,17,25;213:23; 214:7,12;218:10,17, 19,22	fulfilled (1) 158:20	generally (3) 107:10;125:10; 193:14	grade (53) 33:18;34:7;53:23; 58:2;63:5;64:13,15, 15,18,21;65:6,22;
folks (9) 47:6;50:6;62:3; 91:11;107:21; 123:15,19;130:8; 211:17	Foster's (2) 136:1;215:15	fulfilling (1) 158:6	General's (1) 164:5	
follow (8) 15:16;65:1;120:3; 125:20;155:9; 165:22;186:19,21	found (7) 9:10;33:22;118:5; 138:14;141:3; 147:11;215:2	full (6) 6:15,17;92:15; 133:8;148:5;170:1	generates (1) 218:2	
followed (5) 15:15;125:24,25; 165:24;200:24	foundation (2) 42:13;97:9	fully (6) 36:18;118:6,13; 119:13;122:6;130:18	gentleman (2) 8:8;15:22	
following (11) 5:14;12:25;13:7; 14:12;15:4,5,7; 25:25;51:20;142:5; 206:15	foundational (1) 98:8	fund (1) 210:7	geographically (1) 41:16	
	Fountain (11) 186:12,20;187:20; 189:7;190:6,17; 191:2,4;192:17,20;	fundamental (5) 60:3;201:18;202:4, 10;203:8	gets (6) 17:11;98:1;159:8; 164:3;192:3;214:19	
		fundamentally (1) 50:11	Gilbert (4) 45:9;46:21,21; 47:18	
		funding (3) 42:3,13;138:19	given (8) 4:25;5:16;10:1; 82:21;112:11; 140:14;141:4;188:14	
		funds (3) 210:25;212:18; 214:20	gives (2) 68:22;69:16	
		further (11)	giving (3) 23:5;129:3;215:17	

67:4,15,25;68:4,4,7; 71:2;73:3;77:25; 93:7;94:1;98:5,8,9; 100:13,22;103:4,22, 22;109:1;111:12; 146:23,24;148:8,10; 154:7;168:5,8; 169:15;171:16; 175:20,22;176:6; 177:5;190:14,17; 192:2,22;199:2,22; 200:10 grader (3) 170:20,20;171:2 graders (2) 64:6;168:10 grades (7) 64:3,4;71:15; 72:16;98:14;154:19; 200:13 grading (2) 100:6;103:8 graduate (2) 120:22;148:6 graduated (2) 101:9;149:13 graduates (3) 89:24;117:3,6 graduating (2) 101:8;153:20 graduation (1) 103:20 grandchildren (1) 153:25 granddaughter (2) 189:6,14 granddaughter's (1) 186:13 grandkids (2) 149:19,25 Grandma (1) 175:4 grandmother (4) 169:7;178:25; 179:13,15 grandparent (2) 186:5,20 grandson (1) 172:5 grandson's (1) 185:12 grant (10) 20:7;70:3;77:5; 82:12;90:23;122:21; 145:19;162:17; 172:3;190:24 granted (14) 5:20;32:23;33:2; 51:4,16;78:17;80:14; 91:14;115:3;133:16; 142:19;151:1; 169:17;190:5 granting (2)	25:24;190:25 grants (1) 93:15 great (53) 4:17;6:4;10:13; 11:3;36:17;43:23; 44:2;45:7,25;46:3; 48:6,22;50:8;52:7; 68:22;69:18;70:10; 72:23;73:15;75:7; 79:7;87:23;90:3,9, 20;105:11,11; 106:22;113:24; 116:2,9;117:12,13; 122:16;126:23; 130:7,25;131:10; 133:7;143:19;147:7; 149:17;163:22; 166:23;171:15; 172:4;187:6;196:24; 198:9;201:17; 204:12;208:13;209:9 greater (1) 26:12 greatest (1) 116:25 greatly (1) 28:1 green (2) 35:14,18 group (5) 66:10,14;147:7; 196:11,15 groups (2) 66:13;156:15 grow (2) 48:22;101:22 growing (1) 25:8 grown (2) 36:8;48:20 growth (2) 26:5;104:5 guarantee (2) 191:11;192:19 guaranteed (1) 98:20 guardian (2) 154:1;187:8 guess (22) 31:16;32:9;53:16; 60:17,22;61:2;65:4; 68:9;69:6,13,23; 70:11;122:4;154:21; 159:15,21,24;160:2; 162:22;178:17; 213:3,7 guest (1) 69:6 guidance (1) 163:10 guide (2) 56:12;120:23	guidelines (3) 168:12;173:13,14 guilty (1) 5:5 Gurdon (1) 199:21 guy (3) 13:21;16:2;49:5 GUY-PERKINS (5) 44:17;45:2,15; 46:22;47:9 guys (12) 11:21;16:7;46:19; 65:14;108:13; 129:10;160:6; 164:15;195:9; 216:13;218:4,8	hard (7) 45:7;50:15;53:11; 56:3;93:4;97:15,16 harder (1) 119:11 hardship (1) 192:8 Hart (13) 135:18;136:21; 145:2;146:5,7,8; 149:7;151:16;152:2; 154:14;159:9,13; 160:16 head (10) 7:21;15:12;17:13; 68:3;89:12;121:7; 127:12;182:3; 194:15;197:2 Health (1) 138:18 hear (15) 5:19;42:22;50:3; 65:7;74:20;111:24; 123:17,23,24;124:18; 125:11;134:4; 208:22,24;215:1 heard (8) 50:7;73:7;74:19; 75:10;76:18;121:11; 211:2;219:3 hearing (8) 4:10;9:17;15:4,7; 40:11;81:11;142:14, 18 heart (5) 18:15;19:1;50:15; 210:20;211:13 hearts (2) 60:8;211:13 Heather (1) 167:12 heavily (2) 117:14;159:18 Heights (1) 14:12 held (1) 14:9 Hello (2) 153:4;189:5 help (35) 11:14;13:14;39:14; 40:11;43:2;45:25; 46:25;48:17,18,19; 49:5;50:19;55:8; 67:21;75:23;81:12, 16;82:8,16,17,21; 83:25;84:6,7;87:21, 22;96:9;101:21; 102:2,15;103:9,11; 104:6;170:22;179:13 helped (1) 101:20 helpful (5)	35:6;36:16;37:1; 41:3;71:23 helping (6) 63:16;64:11;87:23; 97:23;100:15;104:2 helps (3) 34:21;43:7;202:24 Hempstead (1) 148:25 hence (1) 138:3 Henderson (7) 14:19;48:2,8,8; 49:3,7,22 hereinafter (1) 139:21 here's (1) 218:22 herself (1) 74:21 Hester (5) 8:9,13,16,18;9:12 hey (2) 13:13;106:7 Hi (1) 94:15 Hickey (6) 140:20,21;142:6; 159:16;160:7,9 Hickey's (2) 145:21;161:7 High (39) 7:22;14:17;17:10; 41:10;60:9;64:7; 69:17;71:13;85:5,5, 22;88:3;89:24;98:12, 15;100:17;101:17; 110:2;115:24; 120:10,11;125:17; 130:13;135:20; 144:12,15,25;145:1, 15,18;146:5,21; 147:11,17;153:13; 154:7,15,24;187:24 higher (6) 27:16;36:6;41:15; 43:1;98:22;118:12 highest (3) 82:18,19;120:22 highly (1) 119:18 High's (1) 136:19 Hill (32) 48:17;125:13,15; 131:15,18;132:23; 133:14;134:19; 135:24;137:4,6; 140:8;145:1,18; 149:10,17,20,21; 150:1,4,7;152:8,15, 21,22;153:5,18,25; 158:5;160:23,24;
H		half (1) 85:7 half-a-day (1) 99:22 Hall (14) 14:17;17:10; 209:18,22,24;210:2, 21;211:7,10;212:17; 214:4,10,13;216:15 hand (9) 7:1;45:8;52:10; 80:23;92:6;116:4; 128:7;167:2;187:9 hand-delivered (1) 182:18 handed (2) 185:23;186:4 handle (4) 67:7;69:2,2;207:21 handout (1) 209:8 hands (1) 74:9 hands-on (1) 68:21 hang (1) 127:6 happen (5) 78:16;87:18;99:23; 149:4;219:8 happened (9) 5:16;8:2,4;80:17; 117:23;213:15,18; 218:24;219:7 happening (2) 209:20;211:21 happens (1) 50:8 happier (1) 86:4 happy (5) 12:11;74:23;149:5; 183:13;194:13		

162:10 Hill's (1) 138:5 hire (18) 26:17;31:21;63:13; 81:25,25,25;82:1; 87:10;119:10; 120:21,22;160:17; 168:15;174:2;177:3, 10;181:15;192:8 hired (11) 7:17;24:19;27:17; 49:5,5;83:2;117:15; 118:9,17;120:6,16 hiring (5) 26:7;28:5,7,11; 119:7 Hispanic (2) 148:9,22 historical (2) 213:4;215:12 historically (4) 121:14;128:20; 137:23;214:22 history (3) 137:21;213:14; 215:17 hit (4) 12:1;64:15;147:7; 182:4 hitting (1) 59:21 Hogue (1) 183:2 hold (3) 112:15;148:17; 168:21 holding (2) 89:6;130:8 hold-up (1) 71:16 holiday (2) 180:5;207:12 holistic (1) 37:8 Hollingsworth (3) 142:23,24;143:15 home (18) 8:9,25;9:1,5,9; 11:25,25;16:9,11; 46:16;49:3;67:14; 95:7;103:9;113:6,9, 10;170:17 homebound (5) 169:10;178:22; 179:5,10;182:8 homegrown (1) 53:10 homeschooling (1) 170:18 hometown (3) 82:4;89:20;90:1 Homicide (3)	5:5;9:15;17:2 honestly (1) 216:25 honored (1) 131:2 hope (84) 90:10;104:10; 112:14;123:19; 125:15,17;126:5; 127:1,18;128:13,16; 131:21,22;132:2,3,4, 5,10,12;133:10,19, 24;134:8,21;135:4, 13,20;136:2,10,19; 137:1,7,13,15,16,23; 138:21;139:12,20; 140:3,7,12,15,16,17; 141:5,10;144:1,7,9, 10,12,15,25;145:2, 16;149:13,14,15,22; 150:2,5,18;151:13, 14,22;152:5,6,14,19; 153:13;154:8,9,15, 24;155:3;158:6; 159:8;162:11,14; 164:4;172:2;173:4; 195:9 hopefully (3) 47:3;85:1;162:15 hopes (1) 18:25 Hope's (6) 132:5;137:21; 138:11;140:7;152:9; 161:23 hoping (3) 48:21;52:24; 149:14 horrible (1) 9:25 hospital (1) 9:10 Hot (3) 54:16;189:9,15 hour (11) 93:19,22;103:1,15; 105:15;108:23,24; 180:5,7,7,17 hours (7) 8:22;19:19,21; 71:5,8;148:2,6 house (6) 9:13;13:11;50:5, 12;171:10;182:9 HOUSEKEEPING (2) 123:11,12 houses (1) 168:6 hover (1) 35:17 HUDMAN (23) 167:10,12,13,17, 20;168:19;169:23;	170:10;172:12,17,22; 173:10,16,19,21; 174:1,6,24;175:24; 176:3,7,12,22 huge (4) 87:5;187:25;199:7; 200:11 Human (3) 15:12;86:15;93:8 Hume (7) 115:23;121:22,22, 24;122:2,4,14 hump (2) 214:15,17 hundred (1) 33:25 hundred-percent (1) 103:20 Hurst (1) 189:19 husband (1) 6:17 I idea (5) 23:5;25:12;72:23; 168:11;180:18 identified (3) 41:17,23;70:13 identify (2) 11:4;33:9 identifying (2) 26:14;97:2 IEP (2) 178:20;179:17 illegal (1) 150:25 illustrates (2) 136:20;144:14 imagination (1) 148:18 imagine (1) 108:5 immediately (5) 15:6,6,8;19:20,21 impact (9) 32:14;119:5; 136:21;140:6;141:2, 4;144:14;148:23; 152:1 impacted (2) 34:6;213:21 impacting (1) 111:15 implement (3) 93:16;99:18; 104:18 implementation (3) 64:4;104:16;109:9 implemented (2) 83:10;110:22 implementing (4)	92:23;96:2;99:25; 103:24 importance (1) 44:6 important (11) 37:12;85:9;86:9; 95:10;96:3;100:21; 101:1;130:20; 206:20,20;207:5 importantly (1) 44:13 impression (1) 136:22 improved (1) 56:4 improvement (4) 54:16;146:14,16, 20 improvements (2) 146:25;147:1 improving (1) 50:22 inappropriate (1) 178:1 incident (16) 5:8,15;8:20;11:18; 12:6,25,25;13:3,4,11, 11;14:24;15:1,14,16, 25 include (2) 35:5,8 included (1) 142:1 includes (3) 34:17;102:12; 210:16 including (1) 139:23 inclusive (1) 35:11 incorporated (1) 120:4 incorrectly (2) 33:14;185:25 increase (13) 23:23;32:14;37:22; 38:4,12,21;56:4; 82:15,15;98:17; 102:8;109:2;145:24 increased (3) 28:1;45:5;48:2 incredible (1) 131:2 incredibly (1) 130:22 increment (1) 42:25 indeed (2) 118:20;213:8 in-depth (2) 6:25;7:1 Index (1) 26:10	indicate (1) 98:13 indicated (1) 160:3 indicates (1) 5:2 individual (6) 67:3,7;146:19; 152:16;155:18; 161:19 individualized (2) 97:4;101:2 individually (3) 66:12;67:6;101:23 individuals (2) 66:11;103:11 industrial (3) 210:1;213:17; 214:12 Info (1) 33:22 information (18) 21:5;23:14,17; 26:3;35:11;40:9,13; 41:20;74:8;118:18; 126:5;178:9;183:5; 186:4;188:11; 189:12;194:14;210:7 informational (1) 34:4 initially (1) 188:11 initiative (3) 56:3;97:22;107:17 initiatives (3) 98:10;100:1; 103:24 injured (3) 9:10,11;17:8 injustice (2) 211:14,21 innovation (3) 61:12;62:13; 200:23 in-school (1) 14:17 inspire (1) 11:12 instance (4) 129:12;159:17; 162:13;164:11 instances (1) 28:21 instead (1) 28:11 Institute (2) 94:19,20 instruction (8) 96:21;97:9,15; 99:23;100:4;109:8; 110:6,8 instructional (14) 84:1,7;92:18;
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93:13,20;94:3,5; 109:7,17;110:15,16, 23;111:8;147:9 instructor (1) 93:23 insure (1) 87:19 integration (1) 138:11 integrative (1) 139:3 intend (1) 93:16 intensify (1) 98:6 intent (1) 139:25 intentional (9) 92:17,20;93:11; 94:4;98:4,10;100:3,4, 5 interaction (1) 170:14 interconnectivity (1) 61:15 interest (4) 56:11;71:10,21; 188:1 interested (4) 199:8;207:4,19; 216:17 interim (3) 45:6,14;46:15 internally (1) 207:5 internet (2) 68:20;69:6 internship (4) 67:3;68:13,21;69:3 internships (1) 64:14 interpret (5) 136:9;141:9,21; 142:2;150:15 interpretation (1) 129:9 interpreted (1) 140:3 interpretive (1) 163:17 intertwined (1) 114:11 intervals (1) 34:20 intervene (1) 34:23 intervention (6) 26:20;95:3,25; 96:2,25;98:7 interventions (5) 70:14;71:6;97:12, 20;99:15 interview (3)	84:19;118:8,19 intimately (1) 156:1 into (62) 4:4;7:23;8:1;9:6; 11:7,23;14:4,15; 23:4;25:14;35:12; 38:6;41:8,10;42:17; 43:24;44:20;45:20; 46:2;51:6;53:5;55:9; 56:20;74:9;75:23; 76:1;85:15;86:22; 87:17;88:22;96:11, 13,14;98:9;103:4; 105:9,24;115:19; 120:4;123:13,25; 147:4;150:13; 156:12;173:9; 174:20;182:7,11; 186:10;189:9;190:4, 6,9,13;192:17;199:6; 207:8;209:16,23; 210:25;212:9;218:3 introduced (1) 135:11 invite (16) 43:15;75:15;76:7; 90:22;114:7,16; 122:17;162:3,7; 184:6;197:15;201:5; 203:5;204:14; 205:20;208:22 involved (3) 14:2;64:23;136:13 involving (2) 8:6;20:21 Island (1) 156:12 issue (20) 40:20;42:19;43:2; 58:24;73:14;105:14; 108:2,19,22;129:14; 135:5;136:11; 141:11;143:21; 152:21;175:20; 179:4;216:19;218:3, 13 issued (3) 15:1;24:11;118:10 issues (14) 17:12;59:24;100:9; 106:10;124:8,13; 125:4;138:4;147:9; 180:24;190:8; 195:16;216:1;217:14 item (22) 4:5;20:22;21:8,9, 22;22:11,24;36:23, 25;115:6;123:14,16; 185:25;186:1; 195:18;196:4,16; 197:16;204:13; 205:7;206:7;208:18	items (5) 20:21;55:14;75:9; 91:17;195:17 iterated (1) 163:1 Ivy (1) 21:1 J JACK (3) 208:16,19;209:13 Jacks (1) 40:8 Jacksonville (3) 25:12;142:21; 143:25 Jacksonville-North (2) 136:12;141:11 Jacksonville's (1) 142:19 jail (1) 9:24 Janice (1) 40:8 January (8) 30:15;32:22,25; 40:2,3;56:22,25; 139:19 January/February (1) 39:24 January's (1) 40:14 Jared (1) 183:2 Jeff (1) 115:24 Jefferson (1) 208:20 Jennifer (1) 124:14 Jessie (5) 169:6;170:14; 171:4;180:6;182:22 Jessie's (1) 182:1 Jim (2) 79:3;81:4 Joan (2) 195:25;201:22 job (21) 11:12;12:13;46:19; 48:3,10;49:4,6; 70:18;82:2;83:15,15; 85:13;86:16,20,21; 87:23;101:17; 112:24;117:7;142:3; 205:12 jobs (3) 14:8;64:9;117:4 join (1) 105:21 joke (1)	218:23 journey (3) 96:12,18;120:24 JUDEA (7) 51:5,9,13,19,25; 54:9;58:16 Judge (21) 9:18,18,22;15:5; 140:20,21;142:6,7, 11,18;145:20,20; 159:16,17,18;160:4, 9,13;161:7,13,14 judges (3) 136:14;142:6; 163:16 judicial (2) 136:10;141:9 July (6) 9:16;15:4;40:3; 57:1,2;141:22 juncture (1) 210:22 June (4) 45:2;110:14,14; 205:5 June's (1) 146:16 justified (1) 145:10 K K- (1) 38:4 K-12 (12) 96:12,18,18; 117:24;119:3,12; 120:17;195:14,19; 196:6;201:19;203:18 K-3 (1) 97:7 K-6 (4) 38:22;195:13,18; 196:6 Karen (1) 115:22 keep (9) 13:23;19:2;43:3,5; 53:12;80:6;84:24; 85:1;119:15 keeping (3) 27:6;31:4;39:13 Kelly (2) 51:11;81:12 kept (1) 107:19 KEY (40) 41:25;43:13;46:7; 49:2,8;52:18;54:17; 93:2;98:25;104:19; 107:11,12;130:2; 131:13;135:14; 146:9;161:6,11,13,	25;164:20,23,25; 165:2,4,6,8,10; 184:21,23,25;185:2, 4,6,8;210:8;213:10, 13;214:25;215:6 keys (5) 8:16,25;9:9;11:24; 16:9 kick (1) 182:4 kicked (1) 171:24 kid (3) 19:2;37:15;54:20 kidding (1) 158:3 kids (29) 11:12,13,13,14; 12:10;19:2;27:1; 30:9;44:15;49:3; 54:14;56:5,10;65:23; 74:9;96:10;100:23, 24;102:21;105:4; 113:21;149:13,15,18; 155:1,2,6,23;200:15 kids' (1) 101:20 kill (1) 189:22 kind (38) 13:2;21:18;23:2; 25:14;28:17;32:20; 34:21;35:15;36:24; 37:1,8,10;39:17,19; 40:11;60:18,23; 61:13,19;64:17; 74:17;84:18;103:23; 106:1;110:9,11,12; 124:1;140:14;154:9, 10,11;158:23; 188:15;192:19; 197:5;211:15;217:8 kindergarten (10) 113:5;188:9,10; 190:4,18;191:19; 193:6,13;194:22; 195:8 kindergartners (2) 171:2;191:25 kinds (2) 142:25;153:17 King (35) 51:23;52:8,17; 56:19,22;57:2,5,8,21, 23;58:1,6,8;59:10; 60:13;63:7,10,21; 64:5,19,22;65:16,25; 66:4,12,17;67:5;68:2, 24;69:9;75:22;76:2; 78:12 KIPP (1) 35:18 kitchen (1)
---	---	---	---	---

<p>143:15 knew (6) 19:3;33:13;49:4; 73:18;78:16;215:12 knowing (2) 34:5;60:4 knowledge (8) 30:20;95:18;99:1; 100:24;201:18; 202:10;203:19;204:5 known (5) 7:15;21:70:2; 107:21;117:25</p>	<p>205:9;219:16,16 late (3) 94:24;107:9;113:9 lately (1) 87:2 later (15) 9:10,14;11:17,19; 16:5;39:20;127:20; 167:19;169:4; 188:17,19;189:4,25; 191:17;200:13 Latino (2) 156:3,9 law (37) 12:24;80:10; 124:24;125:6,10; 138:23;143:24; 155:9,21;156:13,14; 157:6,9,12,13; 158:18;162:17; 163:4,7,8;170:3; 172:16;175:7; 176:16,22;177:1,3; 184:9;185:21;186:2; 187:5;190:21,22; 214:3;216:5,8; 217:21 laws (3) 125:4;139:1; 158:14 lawsuit (1) 154:22 laying (2) 104:22;105:21 lead (1) 144:22 leader (1) 85:4 leaders (2) 85:10,16 leadership (3) 84:25;92:24;99:6 leading (3) 7:25;14:4;16:1 learn (6) 13:14;85:13;95:19; 97:6;100:15;101:22 learned (3) 13:15;99:24;131:5 Learning (18) 73:21;92:21;93:3, 17;95:14,15,20; 96:10,24;97:5; 100:19;102:12; 181:2;183:1;198:19; 203:17,24;204:16 least (5) 12:14;45:12; 155:17;180:15; 192:20 leave (8) 14:18;22:7;28:19; 53:15;86:3;98:7;</p>	<p>152:24;211:12 leaves (1) 79:10 leaving (1) 209:17 led (4) 9:2;136:25;139:5; 196:15 Lee (3) 26:23;180:10; 182:17 Lee's (1) 133:6 left (13) 15:11;28:23;46:12; 65:23;88:10;91:17; 112:23;142:3,3; 146:1;153:12; 181:21;217:22 legal (4) 135:25;175:10; 191:5;213:10 legally (2) 174:11;214:5 legislation (4) 28:9;196:9;206:9, 16 legislative (1) 196:4 legislators (1) 107:16 legislature (1) 150:11 lend (2) 26:12;72:19 less (4) 62:13;70:7;145:14; 152:1 lesson (3) 84:8;85:20;100:4 lessons (2) 59:14;63:18 lets (1) 84:19 letter (5) 5:2;15:13;167:21; 168:12;189:19 letters (1) 189:17 letting (1) 55:10 level (17) 27:2;32:6;34:8; 71:13;87:8;96:24; 98:15;102:1,5; 103:21,22;104:6; 111:12;112:7; 148:22;176:6;205:16 levels (5) 63:6;93:7;94:2; 99:16;192:3 librarian (1) 57:8</p>	<p>librarians (1) 60:9 libraries (2) 53:6;57:17 library (15) 52:23;53:1,3,5; 56:18,24;57:11,12, 19,25;58:2,24;74:6, 20,21 Library/ (2) 74:5;76:8 library/media (29) 51:20;52:22,23; 55:23;56:7,8,15,17; 58:15,17;59:5,13,16, 21;60:1;62:6;70:15; 73:17,18,21,25;74:3, 16;75:16;115:13; 119:8,10,12,13 LICENSE (18) 4:2,6,11;5:1;14:21, 22,25,25;15:1;20:7; 28:4;29:16;31:20; 38:9,22;117:16,17,17 licensed (17) 6:19;28:3,5;29:13; 33:10,18;58:19; 88:16;117:1,11; 118:6,13;119:11,13, 25;120:18,25 licensing (2) 14:22;39:3 licensure (37) 6:23;21:15;23:9, 10,13;24:10,24;28:8, 10;29:9;32:23;33:4, 24;35:22;38:6,16; 51:21;53:8;55:4; 60:18;65:13;76:21, 23;77:5;79:1;84:15; 87:21;88:8;115:13; 122:20,22;195:14,20; 196:7;201:19; 203:18;205:4 licensures (1) 203:25 life (7) 13:13,19,20;56:6; 68:17;97:3;107:6 lifelong (1) 8:10 lifetime (1) 121:1 light (4) 72:19;107:20; 108:11;145:20 lightly (1) 54:21 likely (1) 27:4 limb (1) 133:13 limit (1)</p>	<p>89:5 limitations (2) 125:3;163:16 limited (4) 29:10;93:8;100:10; 139:23 limits (1) 62:19 line (1) 192:21 lines (8) 41:1;210:15,24; 211:9,12;213:21; 216:22;219:5 lining (1) 208:12 list (4) 156:9;190:16; 198:18;201:6 listen (4) 13:22;99:7;171:10; 174:17 listening (3) 74:17;90:11; 200:20 literacy (8) 57:16;60:13;74:10; 83:24;84:5;97:8; 108:24;109:1 literally (1) 162:6 Little (51) 5:10;7:6,17,19; 8:22;11:9;12:8; 13:10;14:9;15:11; 18:6,11,17;25:9,10, 11;27:11;34:23; 53:22;59:24,25; 61:19;62:13;70:7,12; 81:22;83:16;94:12; 99:6;100:20;102:23; 108:7;110:12;114:8; 137:21;158:4; 159:19,20;166:1,6; 177:23;202:1; 203:22;206:10; 209:14;212:20,20,21; 214:14,16;215:17 live (10) 13:23,25;65:17; 101:16;132:9;155:2; 169:7,7,8;193:15 lived (2) 118:16;149:14 lives (4) 101:20;114:2,3; 166:18 loaded (2) 207:5,7 loan (1) 41:14 local (4) 83:13;147:15;</p>
L				
<p>lab (1) 57:16 labs (1) 26:12 lack (5) 32:15;77:2;95:24; 118:25;119:2 lacked (2) 176:20,20 ladies (2) 47:1;50:15 lady (1) 217:5 laid (1) 105:20 Lake (11) 186:12,20;187:20; 189:7;190:6,17; 191:2,4;192:17,20; 194:22 Lakeview (3) 42:8;218:23,25 lands (1) 58:10 language (2) 164:6,15 large (5) 25:10;26:1;35:20; 107:25;210:18 larger (3) 35:22;118:11,15 largest (1) 24:10 last (45) 13:7,9;14:21;23:6; 27:24;28:21;32:24; 35:3;38:3,14;45:6; 53:23;85:3;86:24; 87:13;92:16;99:25; 109:1,3;115:6,7; 122:2;132:15; 136:11,14,20,22; 140:20;141:11,22; 144:13,16;151:14,18, 24;154:8;164:12; 169:14;185:17; 196:4;202:3,13;</p>				

153:19;216:1 logistics (3) 105:3,13;112:19 long (8) 30:7;46:9;80:11; 149:15;162:15; 163:8;210:9;218:23 long- (2) 27:18;87:10 LONGER (4) 20:18,24;82:25; 171:21 long-term (21) 23:9;27:12,15,17, 25;28:7,11,17,18; 29:1,5,18,23;30:22, 24;31:5,19,22;34:18; 43:8;87:13 Look (42) 11:20;24:13,21; 25:23;27:18;28:1; 31:8,13,33;21;34:11; 35:25;42:2,11,18; 43:7;54:20;67:22; 86:25;87:3;90:11; 96:4;101:22;103:7; 113:20;130:23; 150:16,18;151:1,12; 156:21;167:20; 188:15;191:18; 193:12,14;198:25; 199:5;206:25; 209:16,20;213:24; 217:4 looked (9) 42:12;55:25;59:23; 74:4;98:13,14;199:4; 213:14;219:2 looking (31) 9:19,19,20;23:16; 28:12;31:10;39:1; 47:2;51:8;56:15,18; 58:5;63:19;67:5; 95:15;98:3,11;100:5; 109:7;110:24; 111:12,14;132:17; 151:25;153:16; 159:4;196:23;204:4; 208:10;209:18;217:6 looks (1) 163:11 lose (2) 79:17,19 lost (6) 52:22;53:24;54:11; 56:17;72:8;94:3 lot (44) 12:5;13:21;21:21; 24:19;25:5;26:6,7, 24;28:6,21;30:2,9; 45:5,7;54:2;55:2; 59:23;62:3;68:21; 70:5,21;85:12,14,14,	15;86:24;87:13; 89:23;100:17;108:5; 112:4,22;124:8; 156:21;164:2,14; 171:21;182:4; 192:22;211:2;214:2; 217:12,24;218:2 lots (1) 104:15 Louisiana (2) 83:8;87:1 love (2) 60:3;122:7 low (3) 56:2;118:24; 197:25 lower (8) 64:3,4;68:1,2,8; 71:15;72:16;98:14 lowest (5) 35:13;117:2,3; 169:13,14 loyal (3) 18:22,22,24 luck (3) 20:15;115:2;195:7 Luke's (1) 190:4 Lunch (4) 91:8,11,13;147:21 Luneau (14) 195:16,21,24,25; 197:1,12;198:10; 201:21,22,23;202:19; 203:1,22;204:25 luxury (1) 147:5	making (12) 34:2;36:14;40:12; 65:5;66:2;99:13; 121:25;145:4; 148:10;152:17,20; 164:8 malice (1) 210:20 man (2) 18:15;148:6 manage (1) 25:24 management (1) 85:20 manager (1) 62:4 manner (1) 119:21 many (16) 32:24;34:5;59:2; 60:7;61:9;72:7; 73:24;81:16;87:19; 88:10;119:24; 128:23;146:22; 147:12;156:6;206:21 map (2) 35:9;213:24 Marion (1) 219:4 mark (2) 10:5;33:11 marker (1) 61:13 marketing (1) 83:3 Marshall (7) 142:7,19;145:20; 159:17,18;160:4,13 Marshall's (1) 142:12 Martin (2) 205:17,21 Marzano (3) 108:13;109:23; 110:1 MARZONIE (10) 185:16,19,19; 189:2,5,5;192:14,16; 194:10;195:9 Marzonie's (1) 194:21 master (2) 93:5;108:22 mastery (1) 196:25 MAT (7) 38:13,15,17;53:13; 81:25;117:9,11 matching (1) 24:4 materialized (1) 210:12 materials (2)	60:5;84:8 math (16) 35:16;67:18;72:7, 8,25;73:2;82:22; 83:23;84:5;88:1; 108:23;109:13; 120:11,17;146:24; 170:20 mathematics (3) 72:3,5;73:2 Matos (1) 108:13 matrix (3) 42:3,6,13 matter (8) 6:24;146:9,13; 162:25;163:18; 177:9,12,16 matters (2) 95:10;123:11 Mattos (2) 99:5,7 mature (2) 67:6,13 maturity (1) 68:10 may (57) 7:10;13:16;17:19; 18:25;24:3;25:20; 27:2;28:2;29:7,9; 30:9,15;37:14;39:17; 42:10,17;43:2;47:25; 55:5,6;58:13;69:2; 72:17;79:8;80:3; 96:14,15;99:21; 101:5;102:20; 105:10;106:12,13; 107:8;108:9;109:18; 113:5,6;126:3;130:2; 135:22;153:1,13; 163:23,23;172:10; 175:15,15;178:4,5; 182:14;186:22; 191:4;199:18,18; 207:11;218:17 maybe (21) 13:1;33:5,6;34:20, 22;36:13;40:3;42:1; 60:22;61:11,16; 69:13,24,25;70:1,11; 82:25;88:2;200:9; 211:16;213:4 McClellan (5) 7:22;14:14,17; 18:13;19:3 McLaughlin (26) 51:9,11,12;55:19, 20;61:2,25;62:18,20, 22,24;65:9;78:21,23; 79:13,23;80:2,6;89:3, 6;91:21,22;114:8,12; 115:9,10 mean (44)	13:9,10,21;14:24; 15:1;37:5;40:22; 59:20;61:6;67:25; 73:12;86:6;116:18; 127:22;129:17; 132:4;133:12,21; 134:2;150:25; 153:15;154:11; 155:22;156:19; 158:8,21;162:2; 163:13;164:10,12; 166:20;171:23; 173:12;174:11; 175:13,24;177:7; 181:20;182:6;191:9; 200:18,19;213:24; 217:7 meaning (1) 175:12 means (4) 37:12;39:16; 147:21;174:25 measured (1) 68:10 measurement (1) 197:7 meat (1) 70:7 media (8) 60:9;74:6;76:9; 83:2,5,6;122:20,21 medical (1) 28:19 medicated (1) 12:3 medication (1) 12:3 meet (13) 84:15;93:25;95:9; 97:10;101:2;102:7; 146:12;162:11,16; 175:10;192:9;197:9; 202:11 meeting (18) 19:25;40:2;94:7; 96:6;110:14;111:22; 118:10;122:8; 130:10;141:22; 142:5;174:10; 178:20;180:1,1; 206:5,8;219:16 meetings (1) 107:22 meets (1) 93:23 Melbourne (1) 78:13 Melissa (6) 40:1,7;51:23;79:4; 86:10,13 meltdown (1) 171:20 member (4)
	M			
	ma'am (11) 13:1;57:5;75:4; 122:14;159:9; 173:17;174:6; 179:21;180:3,9; 193:22 magic (1) 148:22 main (1) 10:10 mainstream (1) 177:14 maintenance (1) 102:14 major (3) 86:8;146:21; 171:20 MAJORITY (2) 76:15;77:10 makes (2) 26:15;40:4 makeup (1) 151:11			

<p>130:18,19;205:8; 211:20 members (15) 9:22;22:4;46:5,8; 52:17;89:18;107:14; 116:11;135:14; 148:13;170:3,7; 190:11;205:4,5 memo (1) 196:8 memories (1) 124:12 mention (2) 59:13;141:17 mentioned (12) 26:9;59:15;109:23; 128:20;140:18; 141:10,17;142:6; 144:15;147:2; 191:20;201:25 mentor (1) 120:23 mentoring (3) 30:22;35:7;120:5 mentors (1) 120:4 merged (1) 138:21 merger (1) 138:22 met (8) 19:15,17;94:6; 130:11;150:23; 151:4;152:19;196:11 method (1) 138:21 microphone (10) 11:7;45:21;116:16; 121:20;159:8; 165:18;168:24; 173:2,2;209:10 Middle (3) 14:19;35:15; 187:25 midyear (1) 174:5 might (15) 72:18;83:6;84:9; 92:4;111:17;113:16, 17,19;143:1,11,12, 13;175:9,15;202:3 might've (2) 87:16;154:22 Mike (3) 99:4,7;189:5 miles (6) 144:25;145:14; 169:7,8;171:19,20 military (1) 96:15 millage (1) 102:8 mind (1)</p>	<p>68:11 mindset (1) 104:5 mine (2) 17:7;105:14 minorities (1) 138:1 minors (1) 14:2 minus (1) 197:6 minute (5) 10:5;111:20;133:8; 152:25;170:8 minutes (48) 5:24,25;10:15; 52:2,4,5,15,20;57:21, 22;75:2;81:3;92:12; 108:3,19;111:5; 125:23,25,25;126:2, 13,15,17,18;128:15; 129:4,21,22,22,24; 133:8;134:8;135:3; 146:3;149:8;165:23, 25,25;167:15;169:4, 21;172:1;175:3; 186:4;189:3;191:14; 208:22;218:20 minutes' (1) 5:24 MISC (1) 123:11 miss (1) 215:10 missed (2) 193:20,21 missing (2) 62:25;99:22 mission (2) 58:10;218:10 Mississippi (1) 83:7 mistake (2) 136:21,25 misunderstand (1) 183:12 mix (1) 85:15 mixture (1) 12:4 model (1) 94:23 modeled (1) 94:22 modifications (1) 106:13 modified (1) 85:6 MOMENT (3) 77:1;89:19;130:3 Monday (1) 94:6 money (5)</p>	<p>104:15;109:11; 210:18;211:11; 214:17 monies (1) 212:20 monitor (3) 31:13;97:19;100:1 month (7) 21:4;31:6;41:19; 56:8;84:16;122:2; 205:9 months (4) 62:11;154:5; 210:13;218:6 MOORE (10) 128:16,19;135:6, 10,12;141:16;146:4; 147:2;157:2;161:6 more (66) 13:14;18:16;19:1, 10;23:22,22;25:5; 26:20;27:4,12;28:19; 30:25;31:8;32:1,15; 33:1,7,16;35:11,23; 36:12;37:17,20; 38:10,14;39:5;43:5; 44:13;50:23;54:18; 61:3,10,19;66:8; 67:1;69:13;70:12,16; 74:6,22;81:20;83:16; 86:11;107:3,3,4; 110:3,19,21,21; 126:10;148:16; 156:23;158:4; 160:18;168:15; 171:22;180:16; 188:17,19;192:6; 193:18;194:13; 215:19;216:7;218:2 moreover (1) 50:6 morning (14) 4:9;14:4;17:17,21; 20:25;51:11;52:17; 80:9;86:13;109:25; 115:7;150:2;181:21; 185:25 morning's (1) 91:18 mortar (1) 59:7 most (18) 24:11;25:21;35:15; 68:6;78:10;82:3; 102:23;110:5; 114:11;117:2,5; 132:23;138:25; 147:13;148:3;199:5, 14;215:3 mother (3) 189:10,14,21 mother's (1) 189:23</p>	<p>motion (47) 20:6,10;22:13,16; 43:15,17;47:6,12; 49:11,14;75:15;76:7, 10,24;77:7;78:2; 90:22,24;114:7,16, 21;121:13;122:17; 123:4;142:19;162:4, 7,8;184:6,11;194:20; 195:2;197:15;198:4; 201:5,12;203:5,9; 204:14,19;205:20,24; 208:2,22;209:1; 219:17,20 motivate (1) 11:13 motivated (1) 54:15 MOU (2) 52:25;56:18 Mountain (4) 49:3;67:14;189:9, 16 move (49) 4:4;20:6,20;22:14; 39:14;41:1;43:16,24; 44:20;49:12;51:6; 53:22;60:17;64:12; 67:15;75:12;76:8,22; 77:5,16,24;90:23; 104:2;114:18; 116:15;118:24; 122:20;123:25; 152:12,12,13,13,15; 162:17,21;171:5; 175:15;184:7; 194:25;197:17; 198:12,13;201:7; 203:7;204:15; 205:21;207:24; 208:24;219:18 moved (4) 21:8;151:13,14,18 movement (1) 139:3 moves (3) 60:4;152:17;173:9 moving (11) 13:19;21:19,25; 47:3;55:9;98:9; 123:13;154:6; 165:18;185:20; 195:15 Mrs (1) 94:11 MSI (2) 35:8,12 Mt (5) 51:13,19,24;54:9; 58:16 much (70) 4:21;13:20;17:17; 25:8;35:24;37:2;</p>	<p>39:16;40:15,15; 43:14;44:12,15; 45:11;48:17,18; 50:13;52:7,14;70:23; 74:6;81:10;87:2; 90:15;91:6,12; 104:20,21;106:4; 114:5;116:9;121:3, 12;128:25;130:9; 131:9;133:14,14,17; 134:25;135:2;146:1, 22;150:6;151:10; 161:23;166:23; 167:6;168:20; 171:22;172:5; 177:11,12;183:21; 185:11;186:15; 187:6,15;188:19; 195:12;200:6;201:4, 17;204:24;206:16; 211:25;212:2,24; 218:12,16;219:13 multimedia (1) 115:20 multiple (2) 140:24;197:4 multiply (1) 30:7 multi-subject (2) 196:6;202:8 multi-subjects (1) 204:1 Murphy (6) 83:11;188:21,24; 190:3,13;191:15 Murry (1) 84:11 music (11) 59:15;65:13,19; 117:24;118:13,16; 119:3,12;120:17; 122:13,13 musicians (2) 65:16;122:11 myself (4) 13:23;58:3;135:11; 154:13</p>
N				
<p>name (18) 6:10,13,18;8:8; 11:5,8;18:10;45:12; 54:8;121:20;134:15; 135:8,12;153:4; 167:12;187:17; 209:11,13 named (1) 41:16 names (2) 120:14,16 Napier (8) 51:24;52:8;54:7,9,</p>				

<p>9:55;12:58;13,15 nation (3) 147:23,24;151:11 National (2) 92:23;197:7 nationwide (1) 94:22 natural (2) 140:5,13 nature (6) 9:20;148:15; 158:15;159:14; 169:25;178:13 nearly (1) 130:14 necessarily (10) 40:17;55:23;59:6; 100:9;110:8;129:14; 157:13;191:3,10; 216:25 necessary (5) 15:15;18:19;75:14; 126:11;129:19 need (78) 4:13;5:25;6:1; 15:9;23:19;24:1,5; 26:2;28:19;29:25; 30:3;34:22,23;36:24; 37:6,11;40:7,13; 42:10,20;50:11,20; 54:19,20;65:12,14; 70:16;71:6,13;73:3, 13;83:9;84:9;87:7, 25;93:25;94:20;95:6, 6,7;97:17;98:6,10,17; 100:25;101:24; 102:1,4,20,22;106:5; 107:1;109:10; 110:24;111:21; 113:17,21;120:17,17, 18;122:7;125:22; 150:16,18;153:16; 160:18;162:4;163:6; 175:21;176:2,9,21; 177:21;179:12,12; 181:17;186:6;210:18 needed (5) 118:16;120:21; 166:12;177:13; 184:10 needing (1) 61:5 needs (23) 41:10;96:7;97:10; 100:3,4,5;101:2; 106:9,16;108:14; 113:14,16;142:17; 170:14;172:16; 175:10;176:17,19; 177:24;178:5,21; 183:3;211:22 negative (5) 41:2;109:15,15,16;</p>	<p>111:17 Negligent (3) 5:4;9:15;17:2 neighbor (1) 140:11 neighborhood (1) 140:8 neighboring (1) 217:25 neighbors (2) 140:15;141:5 Nemo (1) 46:11 nephew (3) 134:18;150:1; 154:5 Nevada (1) 131:21 Nevertheless (1) 140:24 new (12) 30:1;38:18,18; 69:20;71:21,21; 84:11;85:10,11;87:6; 102:9;219:7 newspaper (1) 216:10 Newton (80) 16:21,22;28:25; 29:1,15,18,21;31:16; 32:2,8,11;34:5;37:17, 19;38:16;43:16,17; 47:7,8,13;55:15,16, 21,22;56:20,25;57:3, 6,19,22,24;58:5,7,12, 14,21;59:20;63:2,3,9, 19,22;64:1,2,17,20; 65:4,21;66:1,10,16, 19;71:12;76:17,19; 78:1,3;90:4,5,17; 112:17,18;113:22; 121:9;161:3;165:6,7; 173:6,7,13,20,22; 174:4,13,22;175:18; 184:16;185:6,7; 194:17 Newton's (1) 37:9 next (36) 9:7;14:14;20:20; 21:4;22:24;24:6; 27:16,21;32:19; 33:15;34:2;39:15; 44:19;60:17;85:22; 86:22;91:18;92:24; 102:5;103:21;104:6; 112:6;118:9;183:7; 190:14;191:4,11,25; 192:11,20;195:9,24; 198:21;205:7; 211:16;218:25 night (4) 11:20;32:24;94:6;</p>	<p>95:8 nights (1) 107:9 nine (2) 86:18;162:2 nobody (1) 134:3 nod (1) 179:6 Nodding (2) 89:12;121:7 NOMINATED (1) 205:3 non- (2) 140:7;144:17 non-attorneys (1) 128:4 non-black (5) 138:3;140:9,10,11; 157:3 non-categorical (1) 174:25 non-core (1) 33:5 non-credit (1) 199:23 None (3) 21:25;22:1;29:23 nonresident (17) 125:23;126:1,8,13, 18;128:14,20,24; 129:13,23;134:9; 158:10,11,19;165:23; 166:8;167:7 nontraditional (1) 53:12 non-white (5) 151:9,18,20; 152:13;211:3 nor (1) 217:4 normally (2) 12:10;21:5 Norman (1) 48:17 North (5) 25:11;159:20; 212:20;214:14,16 northwest (2) 25:3;36:5 no's (1) 165:10 notable (1) 138:25 note (6) 22:1;24:16;73:10; 141:23;145:5;200:22 noted (1) 140:21 notice (3) 28:23;132:15,24 noticed (2) 29:22;207:11</p>	<p>notification (2) 4:25;216:10 notified (6) 131:22,23;132:2; 158:12,18,19 notify (1) 158:16 notifying (1) 151:5 notion (1) 114:1 November (2) 207:15,16 novice (3) 24:13,14;30:2 number (30) 21:9;23:12,13,21, 23;25:10;26:1;27:17; 30:8;33:21,25;34:8; 35:20;38:4;88:12; 89:5;96:7;97:13; 107:14;116:25; 117:3,10;118:2; 131:18;151:13,17; 185:25;186:1;196:5; 204:2 numbered (1) 185:25 numbers (10) 24:8;32:14,17,18; 34:15;43:5;151:16; 153:9;192:10;193:12 numerous (1) 83:15 nutshell (1) 54:4</p>	<p>occupational (1) 179:8 occurred (12) 5:8;6:24;11:18; 12:6;13:6,11;14:3, 24;15:2,16,25;138:22 occurring (1) 140:2 October (3) 14:3;207:12; 208:10 off (22) 8:11;12:6;13:24; 17:17;21:23;31:25; 45:9;49:13;50:24; 66:18;68:3;70:2; 93:10;108:23,24; 127:11;143:18; 168:21;194:14; 197:2;211:11;215:4 offenses (1) 5:21 offer (12) 50:16;52:9;107:4; 118:9,11,13,15; 128:5;153:17; 162:22;178:9;208:9 offered (1) 183:17 offering (1) 116:3 offerings (2) 146:5;147:10 Office (6) 31:11;47:1;51:12; 80:9;84:16;142:24 official (1) 126:6 officials (1) 19:23 offset (1) 111:16 often (8) 8:4;18:20;19:1; 37:6,11;57:25; 109:16;200:13 oftentimes (1) 178:4 Oklahoma (3) 83:7;86:22;118:22 old (4) 25:13;149:24; 169:16,16 older (3) 98:1;149:22; 171:19 once (10) 5:19;33:2;34:6; 58:2;66:14;74:20; 127:23;149:21; 152:19;196:12 once-in-a-while (1) 100:2</p>
O				
			<p>object (1) 162:12 objection (2) 134:5;166:21 objections (1) 166:14 objectives (1) 111:13 obligation (5) 141:1;143:8; 150:23;151:4;152:20 obligations (4) 137:12;139:10; 140:3;144:6 Observe (3) 83:17,19;85:17 observed (1) 83:20 obviously (8) 32:1;44:5;69:18; 70:15;152:4;162:23; 163:20;216:20 occupation (1) 72:20</p>	

<p>one (138) 7:3,7;8:8;9:2,11; 13:16,18,18;16:4; 17:12,21,22;18:3; 19:10;20:22;24:16, 21;31:3,33;6:37;10, 17;38:18;40:15,16; 42:1,5,8,22;44:7; 46:8;51:7;52:22; 54:12,21;55:17,18, 22;56:16;58:20,21; 59:10;65:18;66:6; 68:5;71:20;76:2,18; 77:14;80:13;82:19; 84:2;85:1,3;86:20; 87:22;93:2,19,19; 97:6,16;99:5,15,24; 101:9;107:18,20; 108:15;109:24,25; 110:6;111:7,19; 112:2,2;113:15; 119:4;121:1;124:17, 18;125:4,11;128:23; 132:8;135:13;137:4, 4;138:24;141:18,18; 143:2;145:14; 146:23;147:3,13,22, 24;148:3;149:1,2; 151:17;152:17; 153:10;156:4;164:3; 166:12;168:7; 169:12;171:2;173:9, 17;174:25;175:6; 180:5,6,17;181:12; 186:23;189:24,24; 190:5,9;192:22; 195:24;197:6;200:7, 10,10;202:20; 203:22;207:12,17; 208:18;210:5; 214:19;216:6,7,20; 218:22</p> <p>one-on- (1) 181:11</p> <p>one-on-one (4) 85:18;87:25;88:4; 181:12</p> <p>ones (2) 31:18;154:17</p> <p>online (1) 120:7</p> <p>only (46) 18:21;24:11;27:22; 30:18;33:5,6;38:6; 53:16;61:7,21;62:1, 9;67:12;69:1;77:17; 84:1,2;85:23;89:8; 95:9;96:7;100:2; 101:24;120:21; 124:7,18;132:8; 136:23;137:1,4,4; 145:24;147:3,6,23, 24;148:6;153:11;</p>	<p>156:18;166:12; 175:9;182:1;192:1,1; 195:21;206:20</p> <p>op (1) 34:16</p> <p>open (13) 7:9;51:16;70:4; 79:16;80:11;81:6,22; 119:3;125:24;150:8; 165:23;192:10;197:4</p> <p>OPEN- (4) 51:4;78:17;91:14; 115:3</p> <p>opening (7) 5:24;6:6,6;125:24; 130:25;167:16;189:2</p> <p>openings (5) 88:10,10,18; 120:10,10</p> <p>operate (1) 211:11</p> <p>operated (2) 128:22;137:23</p> <p>operation (1) 25:24</p> <p>operational (1) 148:5</p> <p>operations (1) 139:23</p> <p>opinion (3) 142:12,12;164:5</p> <p>opinions (2) 141:18,25</p> <p>opportunities (6) 43:5;48:19;103:6; 135:19;148:4,20</p> <p>opportunity (40) 52:3;71:14;100:23; 103:10,17;107:5,24; 120:21;124:3,16,18, 22,24;131:8;133:24; 134:4,25;135:4,23; 136:3,5,7,20,24; 137:2,13,19;139:13, 15,17;144:7,13,15; 147:16;149:11; 157:9,12;158:7,9; 166:4</p> <p>Opposed (22) 20:14;22:20;43:22; 47:16;49:20;67:3; 68:13;76:16;77:11; 78:7;91:4;114:25; 123:8;195:6;198:8; 201:16;203:15; 204:23;206:3;208:6; 209:5;219:23</p> <p>opposition (1) 55:19</p> <p>option (1) 28:24</p> <p>options (1) 64:7</p>	<p>oral (1) 199:15</p> <p>orchestrating (1) 108:22</p> <p>order (39) 44:4;50:5,12; 91:17;125:7,8,19; 129:1,15;132:1,6,18, 18,19,20;136:4,6,17; 137:10;139:15,17,19; 140:20;141:9; 142:10;144:4,20; 145:21;150:15,20,24; 152:20;155:7; 157:10,18,21;161:23; 165:16;181:17</p> <p>orders (8) 136:10;137:22; 140:4,22;141:21; 143:22;145:22; 164:10</p> <p>organized (1) 119:1</p> <p>orientation (3) 67:1;69:10;199:21</p> <p>original (1) 213:16</p> <p>originally (2) 30:24;124:16</p> <p>others (3) 124:22;206:19; 219:9</p> <p>otherwise (1) 217:21</p> <p>ourselves (2) 156:9,16</p> <p>out (81) 8:14;9:10,12; 13:12,13,19,19; 14:11;16:6;20:18,23; 23:21;24:2,4,8;34:9, 13;35:2;38:10;44:10; 48:3;64:11;65:2; 67:8;69:21;70:25; 83:4,7,14;84:23; 85:12,24;86:7,16; 87:25;94:14;96:13; 99:21;100:25; 104:23;105:11,15,20, 21;106:8;107:8; 111:3,7,16;112:25; 115:15;116:23; 118:7,19;127:13,24; 133:13;142:21; 145:16,18;148:17; 156:23;160:6; 161:18;164:1; 170:21,22;179:3; 180:6;182:19; 185:22;188:12; 189:21;190:9;197:6; 200:19;209:25; 211:11;212:18,20;</p>	<p>213:12</p> <p>outlines (1) 196:8</p> <p>outlook (1) 57:6</p> <p>over (47) 5:22;6:2,25;7:1; 8:12;11:22;14:6,7,9, 13,19;16:5;18:24,24, 25;20:24;23:11;35:3, 17;36:2;38:3;42:22, 23;44:23;48:21; 78:21;84:12,17; 86:11;92:16;93:24; 95:24;104:24;110:1, 1;116:20;119:9; 134:8;153:7;163:11; 164:20;167:7;169:3; 180:24;188:16; 214:18;219:4</p> <p>overall (3) 34:14;35:1;56:14</p> <p>overnight (1) 113:2</p> <p>oversight (3) 64:17,20;65:22</p> <p>overstep (1) 164:7</p> <p>overturn (1) 155:5</p> <p>overview (1) 124:6</p> <p>overwhelming (1) 40:25</p> <p>own (15) 66:18;68:15;70:23; 72:16;101:15,16; 107:9;129:3;146:13; 156:11;161:20,20; 191:8;212:21;217:20</p> <p>Owoh (3) 21:3;31:9;40:14</p>	<p>59:10;112:20,21; 113:16;125:25; 126:2,15,18;163:5, 10;187:8;189:1; 191:3,6;194:6; 210:20</p> <p>parents (25) 64:6,23;66:8; 68:10;89:11;102:22, 23;103:1,3,4,5,8,11, 14;105:24,25;106:3, 4,14;113:1;129:22, 24;152:16;154:2; 200:14</p> <p>park (3) 210:1;213:18; 214:12</p> <p>parking (1) 182:4</p> <p>part (24) 38:23;59:13;75:1, 1;77:17,17;87:5; 90:8;158:20,24; 161:10;170:3; 174:20;197:21; 201:25;210:1;212:5, 5,5,9;214:13,15; 215:8;216:18</p> <p>partial (1) 78:9</p> <p>participate (6) 70:21;71:4,18; 144:19;159:22,25</p> <p>participated (1) 101:7</p> <p>participating (9) 136:3;137:8,10,14; 139:13;144:2,4,8; 158:14</p> <p>participation (6) 136:17,19;140:14; 141:3;142:11;144:13</p> <p>particular (8) 63:3;74:13;109:12; 111:3;132:7;138:5; 150:17;214:22</p> <p>particularly (4) 27:2;88:1;105:7; 199:2</p> <p>parties (1) 143:5</p> <p>partner (1) 147:14</p> <p>partnered (1) 74:11</p> <p>partners (1) 44:7</p> <p>partnerships (2) 70:1;153:19</p> <p>parts (1) 43:11</p> <p>part-time (2) 119:8,10</p>
		P		
		<p>Pacific (1) 156:11</p> <p>packet (4) 115:15,19;186:4; 188:15</p> <p>page (1) 162:5</p> <p>paid (3) 19:20;31:25;82:18</p> <p>paired (1) 85:10</p> <p>paper (1) 159:24</p> <p>paraprofessional (3) 173:18,19,21</p> <p>PARCC (1) 145:7</p> <p>parent (16)</p>		

<p>party (5) 129:3,5,11,17; 172:7</p> <p>pass (8) 72:17,17,22;88:6; 117:7,18;148:16; 202:21</p> <p>passage (1) 139:6</p> <p>passed (2) 9:13;196:3</p> <p>passenger (2) 8:20,21</p> <p>passengers (2) 9:3,11</p> <p>passing (2) 115:15;117:8</p> <p>passion (2) 110:13;119:18</p> <p>past (21) 6:24;23:11;33:12; 61:2,9;62:5,5;82:20; 93:24;94:13;95:24; 108:17;109:23; 126:7;128:22; 139:25;146:15; 170:16,17;206:11,13</p> <p>path (2) 28:8;64:16</p> <p>paths (1) 96:11</p> <p>Patrick (1) 142:22</p> <p>pattern (1) 163:25</p> <p>patterned (1) 146:18</p> <p>Paul (1) 99:8</p> <p>pause (4) 24:24;68:23;69:16; 130:3</p> <p>pay (4) 16:18;31:25; 190:17;192:18</p> <p>paying (1) 82:19</p> <p>PE (1) 59:14</p> <p>Pearson (1) 197:3</p> <p>peers (1) 120:1</p> <p>PEL (2) 147:22,25</p> <p>pending (3) 94:9;179:2;190:15</p> <p>people (29) 13:16,22;17:4; 18:21;27:17;28:5,13; 33:23;36:25;41:8,9; 42:24;48:16;53:5; 58:19;63:11,14;67:9;</p>	<p>90:2;103:16;107:7; 156:25,25;188:2; 189:22,22;211:17; 218:23;219:2</p> <p>per (3) 42:15;58:2;192:1</p> <p>percent (13) 24:14;33:25;34:13; 104:4,9,12;112:13; 148:20;196:25; 202:17,19,22;203:3</p> <p>percentage (5) 36:6;96:5;145:17; 158:15,17</p> <p>percentage-wise (1) 35:23</p> <p>perfect (1) 146:4</p> <p>perform (1) 180:16</p> <p>perhaps (2) 87:16;178:6</p> <p>period (7) 5:25;65:18;71:3; 75:3;100:20;108:21; 111:7</p> <p>periodically (1) 17:19</p> <p>permission (1) 129:6</p> <p>permit (2) 28:16;30:17</p> <p>permits (1) 30:13</p> <p>person (20) 19:25;29:5,8,13; 52:23;63:8;74:5; 75:22,25;76:2,4; 119:10,12,12,13,15, 18;149:3;183:3; 189:25</p> <p>personal (1) 72:1</p> <p>personalized (2) 96:10;100:19</p> <p>personally (1) 57:10</p> <p>personnel (3) 86:11;102:14,21</p> <p>perspective (1) 70:25</p> <p>petition (6) 51:14;78:25;91:24; 216:8,9;217:7</p> <p>petitions (3) 51:20;115:12; 213:23</p> <p>Pfeffer (32) 20:21,25;21:1,17, 20;22:8,10,24;23:1; 25:16;27:8,11;29:7, 17,20;30:12;31:23; 32:3,10,13,17;38:1,</p>	<p>18;39:8,17;40:1,5,7; 41:4,12;205:8,11</p> <p>Phillip (1) 133:6</p> <p>physical (5) 11:23;16:8;60:4; 179:8,10</p> <p>physically (1) 178:22</p> <p>Piazza (3) 9:18,19,23</p> <p>Piazza's (1) 15:5</p> <p>picked (3) 8:18;30:21;214:21</p> <p>picks (1) 148:2</p> <p>piggyback (1) 59:20</p> <p>pilot (4) 107:18;147:25; 200:8,20</p> <p>piloting (1) 46:14</p> <p>Pine (17) 189:9,16;209:15, 17,23,23;210:1,1, 211:12;212:6,10,11, 18,18,21;214:12,21</p> <p>Pinnacle (1) 180:22</p> <p>pipeline (7) 23:22;32:15;37:22; 38:11,13,21;43:2</p> <p>pique (1) 56:11</p> <p>place (17) 7:13;9:17;11:20; 15:13;30:16;37:14; 64:22;70:1,78:10; 90:14;95:3;110:4; 130:4;183:19; 203:25;214:18; 217:16</p> <p>placed (8) 22:5;48:12,13; 49:25;97:13;101:14; 190:16;210:6</p> <p>placement (7) 178:19,24;179:7,7, 8,11,18</p> <p>places (1) 217:25</p> <p>plainly (1) 136:9</p> <p>plan (26) 21:15;23:9;26:5, 13,14;33:15;45:4; 48:1;64:3,11;65:1; 86:21,22;87:22;88:3; 91:9,10;93:20; 103:19;106:5;109:1; 124:1;128:5;138:12;</p>	<p>146:20;208:14</p> <p>plane (1) 58:10</p> <p>planned (3) 28:19;105:12; 124:1</p> <p>planning (9) 85:20;97:20;100:5, 16;105:11;108:3; 116:3;200:3;206:18</p> <p>plans (11) 23:13;24:11;52:9; 84:8;95:25;96:3,10, 25;97:5;138:15; 166:24</p> <p>plant (2) 217:16;218:1</p> <p>playing (1) 162:25</p> <p>plays (1) 174:20</p> <p>PLC (9) 92:23;94:18;95:4, 23;96:20;103:12; 107:17,20;108:11</p> <p>PLCs (3) 94:23;99:12; 107:21</p> <p>pleading (1) 118:4</p> <p>please (9) 4:15;52:9;127:14; 128:7;134:15; 146:11;167:1,2; 187:17</p> <p>pleasure (3) 45:17;46:23;86:15</p> <p>pled (1) 5:5</p> <p>plenty (2) 11:13,14</p> <p>PLSB (3) 205:8,13,22</p> <p>PLT (4) 203:18,24;204:6,7</p> <p>plugged (1) 42:17</p> <p>PM (3) 91:13;165:13; 219:24</p> <p>podium (3) 7:3;10:25;18:5</p> <p>point (30) 8:24;9:1,4,5,6; 10:20;15:21;25:22; 37:9;94:14;109:10; 113:20;119:9; 130:11;133:16; 138:5;139:11;151:7; 158:5;160:15;163:6; 164:1;170:1,13; 174:7;180:22; 188:17;189:3;</p>	<p>190:18;213:25</p> <p>pointed (1) 161:18</p> <p>points (3) 75:18;137:20; 150:10</p> <p>pole (1) 12:2</p> <p>policies (2) 31:24;139:21</p> <p>policy (7) 42:2,19;43:7; 144:21;170:4,5; 177:4</p> <p>pool (2) 81:21,22</p> <p>pop (1) 40:21</p> <p>population (5) 36:8,9;147:20; 148:21,21</p> <p>portion (4) 157:11,12,14; 158:6</p> <p>portions (1) 142:16</p> <p>posed (1) 108:1</p> <p>position (15) 7:24;53:4;56:9; 75:23;76:1;84:25; 88:14;118:1,8;119:3, 4;133:2;152:9;163:2; 205:13</p> <p>positions (10) 18:14;21:3;24:1,3, 4;27:15;28:14;33:7; 42:22;53:19</p> <p>positive (3) 41:2;47:4;71:9</p> <p>possibility (4) 94:17;139:8; 175:14;210:12</p> <p>possible (2) 102:25;118:4</p> <p>possibly (8) 64:14;83:8;88:14; 102:8;173:10;174:3; 192:9;209:17</p> <p>posted (1) 207:3</p> <p>potential (2) 143:14,16</p> <p>poverty (1) 64:7</p> <p>Powell (9) 79:4;80:22;83:16; 86:11,13,13;88:24; 89:12,21</p> <p>power (2) 163:17;216:22</p> <p>practical (1) 73:2</p>
--	--	---	--	--

practice (2) 144:21;208:23	presently (1) 102:18	procedures (8) 6:8;51:10;52:1; 125:20;165:21; 186:19,21;187:4	89:25;120:15	141:12;142:7; 143:23;159:19; 214:17
practices (5) 92:18;93:13;95:3; 109:8;139:21	president (1) 44:8	proceed (8) 10:8,23,25;27:10; 52:15;81:3;92:11; 131:11	promises (1) 120:8	pull (2) 93:10;180:15
practicing (1) 6:14	Presumably (1) 150:11	proceeded (2) 8:9,17	promotes (2) 150:21,21	pulled (8) 11:22;16:5;21:23; 35:12;51:8;59:10; 123:14;124:17
praise (1) 37:4	pretty (14) 17:17;35:3;39:24; 46:9;86:19;96:8; 123:24;133:14,14,17; 151:9,15;176:16; 180:14	proceedings (1) 15:5	promoting (1) 106:7	pulling (1) 40:9
Praxis (7) 87:24;117:8,18; 201:18;202:9;203:7, 18	prevent (1) 140:1	process (16) 26:19;48:12;57:4; 70:12;84:19;96:19; 99:3,11;100:6,16; 103:12;105:24; 163:18;183:19; 200:25;215:5	prompting (1) 25:15	pumping (1) 83:11
predominantly (3) 137:25;138:8,9	previous (3) 8:13;145:21; 213:20	producing (2) 54:24;55:1	proper (4) 136:15;141:20; 142:9;162:8	punish (1) 148:17
prefer (5) 21:21,24;53:18; 66:15;75:11	previously (4) 108:10;137:13; 140:18;144:7	ProEthica (1) 120:7	proportionate (1) 212:23	purely (1) 160:10
preference (5) 22:5;39:6;75:12; 133:12;217:20	prima (1) 219:1	profession (3) 96:18;100:11; 107:2	proposal (7) 63:25;73:5;78:20; 190:21;199:21,22; 215:16	purpose (3) 188:8;202:13; 218:11
prep (7) 71:8;95:6;108:19, 21;111:20,25;112:1	primarily (3) 28:18;168:8,9	professional (11) 55:7;92:21;93:2, 17,18;99:10;102:12; 104:15;106:19; 117:16;205:4	proposed (1) 201:7	purposes (5) 6:9;34:4;138:6; 197:18;206:18
preparation (5) 23:25;35:7;39:3; 196:1;201:23	principal (5) 51:25;54:9,11; 115:25,25	professionals (9) 7:6,7;72:21;95:12, 13;101:21;106:25; 111:11;114:1	protect (2) 93:20;111:7	pursuant (1) 6:23
prepare (2) 106:10;165:19	principals (2) 64:24;99:6	proficiency (1) 96:23	protecting (2) 94:4;110:25	pursued (1) 214:7
prepared (6) 24:1;35:2;61:8; 103:21;149:3;188:17	PRINCIPLES (3) 203:17,24;204:16	proficient (4) 95:21;96:6;100:8; 102:3	proud (3) 49:8;54:13;72:9	pursuing (1) 88:16
preparing (1) 206:22	prior (2) 12:25;13:3	program (34) 38:5,6,13,15;53:13, 13;61:11;62:4;69:21; 82:4;87:18;88:17,22; 96:17;98:7,9;101:7; 102:7;107:7;117:4,9, 9,11,13;119:20; 120:5;147:20,25; 148:3,8;153:18; 177:6;181:22;184:9	provide (18) 41:20;66:3;74:12; 87:9;88:3;93:3; 99:13,14;101:25; 102:20;103:17; 110:21;125:21; 168:1;172:19; 174:11;177:17; 181:18	pushed (2) 91:11;102:1
preschool (1) 99:9	priority (2) 22:2;147:6	programs (9) 23:23;24:3;41:14; 51:23;96:16;97:8; 102:21;117:5;147:14	provided (6) 5:11;19:24;31:15; 71:14;184:8;186:5	pushes (1) 31:17
Prescott (9) 140:10;166:18; 167:10,14;169:8,18; 171:22;179:3,15	prison (3) 189:23,24;190:1	progress (7) 97:18;100:1; 103:18;119:22; 145:4;146:13;148:11	provides (1) 81:12	put (17) 13:19,19;28:10; 29:4,5;34:15;46:7; 75:22;76:1;84:25; 104:19;109:11; 119:19;180:15; 190:3,9;210:4
Prescott's (1) 184:7	private (3) 151:23,25;155:23	progression (1) 55:9	providing (1) 21:5	putting (2) 28:7;53:4
present (8) 4:13;6:3;18:7;52:3, 6;138:1;146:15; 206:22	probable (2) 140:5,13	project (3) 57:16;200:8,21	provision (5) 125:7;157:8,10,21, 22	Q
presentation (20) 4:8;23:2;27:12; 40:18;44:24;51:25; 52:2,19;79:5;81:3; 92:4;113:25;114:4; 115:16,17,18,20; 121:6;161:13;162:11	probably (12) 5:20;26:4;36:12; 40:1;61:25;107:17; 127:22;128:2; 141:15;148:3; 160:13;162:4	Promise (2)	provisional (4) 31:19;117:16,17; 178:10	qualifications (2) 28:13,14
presentations (1) 206:24	probation (4) 19:13,16,19;20:1		provisions (5) 28:10;136:4; 139:14;157:20; 186:25	qualified (3) 26:7;119:18; 120:22
presented (7) 7:5;114:19;152:2; 153:10;164:4;201:8; 207:25	problem (12) 37:23;53:8;81:24; 82:2;140:22;151:5; 189:19;192:4,11; 210:10;212:17;219:4		public (16) 74:19;114:19; 123:16,17;124:20; 137:18;139:1,6; 166:1;207:3,6; 208:16,18,23,24; 218:11	qualify (1) 147:22
presenters (1) 6:5	problems (5) 31:2;81:15;82:7; 152:10;219:3		publicly (1) 46:18	qualifying (1) 97:11
presenting (1) 146:10	procedural (1) 128:19		Pulaski (7) 25:11;136:12;	quality (9) 18:20;37:13;54:23; 55:2;56:11;60:9; 109:21;110:6,9

67:24;218:18 quit (2) 117:4,7 quite (7) 11:10;33:7;95:5; 134:21;163:16; 170:22;203:2	27:3;56:1,4;57:15; 67:18;97:22;141:25; 170:20;195:13,18; 196:5;202:23;204:1; 217:1,21 reads (1) 170:5 ready (14) 8:25;20:6;47:6; 61:22;67:9,10;68:1,6, 9;91:8;96:14;154:16; 164:18;194:20 ready-level (1) 67:20 reaffirm (1) 126:12 real (7) 13:12;54:10;63:4; 67:22;68:22;71:15; 97:3 reality (1) 117:20 realize (2) 86:5;87:6 realized (4) 13:13,15;99:19; 144:17 realizing (2) 25:19;113:4 real-life (1) 117:23 really (52) 6:1;21:23;24:13; 31:4,12;33:15,17; 34:1;36:15;38:24; 39:22;40:8,12,21; 45:7;50:15,21,21; 52:19;53:10,18; 59:17;60:6;61:21; 62:7,9;64:9;73:12; 74:5;83:21;87:12; 93:4;98:6;99:2; 100:23,25;102:6; 107:16,22,23;108:12; 111:24,25;112:6; 114:3;130:17;148:5; 151:2,15;166:12; 217:6;219:2 reason (18) 16:10;17:4;42:17; 104:12;136:19; 137:7,11;139:11; 141:7;144:1,5,12; 148:6;189:7;190:6; 202:2;209:14;213:6 reasoning (1) 159:12 reasons (4) 97:16;101:8; 135:25;151:17 rebuttal (1) 52:5 recall (1)	179:18 recap (1) 23:5 receive (3) 55:3;104:17;106:6 received (9) 19:18,22;23:3; 33:12;61:1;118:11; 131:20;137:1;208:17 receives (1) 175:3 receiving (2) 54:24;212:18 recent (3) 88:18;110:3; 179:17 recently (1) 209:15 recognition (1) 44:7 recognize (3) 95:11;107:1;139:8 recognized (1) 95:24 recognizing (1) 106:25 recommend (4) 45:10;47:9;48:5; 202:11 recommendation (4) 22:12;196:16,19; 197:22 recommendations (1) 179:19 recommended (3) 21:12;151:16; 205:17 recommending (1) 5:17 recommends (1) 44:22 record (14) 5:11;6:9;7:14; 11:5;17:14;27:19; 30:18;45:13;54:8; 134:16;135:9; 142:13;187:18; 209:11 recreational (1) 119:2 recruit (5) 42:23;82:10,17; 83:4,13 recruited (2) 118:14,18 recruiting (2) 90:1;118:3 recruitment (5) 26:13,16;90:7,12; 116:22 red (2) 35:10,13 re-doing (1)	217:23 reduce (1) 88:12 reduced (2) 147:21;148:1 reduction (7) 23:12,20,21;28:2; 41:14;97:10,12 reference (2) 213:4;215:12 referenced (2) 142:1,13 references (1) 5:12 referral (1) 178:19 referring (1) 5:13 reflected (1) 32:18 refresh (1) 124:12 regard (3) 146:19;155:15; 156:17 regarding (4) 7:12;8:4;14:21; 75:16 regardless (2) 167:24;217:8 regards (2) 163:2;208:19 region (3) 53:10;86:17; 147:12 regions (1) 87:3 registered (1) 188:11 registration (1) 188:10 regular (12) 34:20;36:12;94:7; 113:7;136:23;137:8, 11,14;144:2,5,8; 177:14 regulations (1) 29:4 rehabilitation (1) 5:14 Reinhart (8) 4:7,9,22,23;6:5; 10:7,11,12 reins (1) 47:3 Reith (75) 15:20;16:23,24; 20:9,11;32:12,13; 36:17,19;37:16;39:4, 5;43:18,19;60:21,21, 22;62:16;69:12,13; 76:8,10,22,24;77:12, 14;89:1,3,7,90:25;	91:1;105:19,20; 114:20,22;121:10; 122:18,25;123:4; 155:12,14,25;157:2, 5,17,23;162:22; 164:21,22;178:16; 184:2,4,21,22; 194:18;198:3,5; 201:7,13;203:11,12; 204:18,20;205:21,25; 208:9,15,24;209:1; 213:3;215:1,3,11; 216:1,4 reject (1) 184:8 rejected (5) 137:5;166:16; 168:14,16;169:24 rejecting (1) 158:6 relate (2) 172:15;196:3 related (5) 28:9;143:10; 159:18;210:8;216:22 relation (1) 93:13 relationship (1) 50:22 relative (1) 67:25 relatives (1) 162:14 release (3) 94:1,25;113:1 released (3) 103:15;189:12,25 releasing (2) 103:1;106:8 relish (1) 90:14 remaining (1) 149:9 remarkably (1) 166:18 remediate (1) 71:7 remedy (1) 139:25 remember (8) 9:8;11:21;31:20; 42:3;49:24;202:3; 207:14;213:22 remind (8) 51:7,10;116:21; 123:14;124:11; 145:13;164:15; 202:17 reminiscent (1) 61:16 REMOVAL (4) 44:17;45:10;47:20; 48:5
--	---	--	--	--

remove (1) 49:12	186:13;205:3;207:9; 208:18	resolution (3) 89:16;94:8;183:2	92:24	17:209:6,9;210:19, 22,23;211:18,25;
removed (2) 44:22;47:9	requested (7) 4:10;23:24;35:16;	resolve (1) 179:2	return (5) 12:11;44:2;91:10; 175:16;211:15	212:23;213:2;214:7; 215:11;216:3;217:4; 219:2,15
renders (1) 117:10	51:22;73:13;79:2; 115:14	resource (5) 38:22;174:19,22, 25;179:7	reveal (1) 120:16	right-hand (2) 35:19;207:2
renewal (3) 4:11;5:1;14:22	requesting (4) 36:6;92:1;93:1; 119:16	Resources (6) 15:12;86:15;93:8; 99:14;110:22;177:18	revenues (1) 209:17	rigid (1) 88:2
repealed (2) 73:11;186:3	requests (8) 21:11;24:10;31:4, 7;51:7;56:7;114:17; 122:19	respond (7) 23:19;95:19; 127:24;133:24; 134:11;182:23; 215:15	review (1) 200:3	rigor (2) 95:25;98:17
repeat (3) 128:7,8;215:7	require (5) 62:11;102:13; 175:5;177:23;179:5	respects (1) 156:6	reviewed (3) 5:4;141:21;198:19	RISE (2) 56:3;97:22
REPLACE (2) 205:5,17	required (9) 88:7;108:18,20; 120:6;150:19,19; 174:2;177:3;196:9	responsibilities (1) 74:15	Riggins (12) 92:2,6;94:12,15, 15;104:21;106:3; 107:13;109:4; 111:18;112:14; 113:12	risk (1) 148:9
REPLACEMENT (3) 203:17,21;204:15	requirements (4) 20:1;88:2;127:3; 196:10	responsibility (5) 39:12;74:14;97:6; 100:15;163:17	right (181) 4:14,17;16:20; 19:11;20:3,5,10,15, 20;22:16,21;26:4; 27:10;29:21;32:2; 34:16;39:10;42:14; 43:3,11,24;44:19; 45:16;46:3,6,16; 47:12;48:11;49:5,11; 51:3;52:10;54:5; 57:3;58:1;59:22; 60:8,15,17;61:6,14; 63:7;70:5,6;71:25; 75:9;77:2,7,13;78:2, 19,23;80:5,21,21,22; 91:7;92:6;110:13,24; 114:7,21;115:1,6; 116:4;121:11;122:3, 12,16;123:9;124:5; 127:11,17;128:7,13; 129:8,20;131:11; 133:3,4;134:14,22, 24;147:16,20;149:7, 16;153:17;154:25; 155:1,6,11;157:4; 159:4;160:4;161:5; 162:7;163:9;164:18; 165:11,12;167:2; 168:5,18,22;169:2, 19;170:7;171:3,5,8, 17;173:5;174:8,10; 175:11,14;176:12; 178:15;180:25; 181:9,23;182:10,14, 20;183:13;184:17; 185:10,14,17;187:7, 9,9,14,17;188:18,25; 192:13,23;194:3,19; 195:2,11;196:18; 197:15;198:4,9,10, 23;199:16,23; 200:16;201:12,22; 203:9,16;204:17,19, 24;205:7,19,24; 206:4;207:18;208:2,	river (1) 210:17
replacing (1) 204:7	requires (4) 137:16;144:10; 202:8;216:9	rest (5) 76:19;133:17; 137:5;180:7;195:17		Riverview (1) 180:23
replicated (1) 34:17	requiring (3) 27:15;109:6;140:4	restrains (1) 139:20		roadblock (1) 117:14
report (25) 15:10,12;20:17; 21:7;22:22;34:9; 36:24;37:5;39:18; 40:14,18;43:15; 79:14,14;88:11; 104:11;112:11; 116:19,22;119:23; 123:21,23,24;187:23; 188:4	rescinded (2) 118:12,15	restricted (1) 138:23		road-blocked (1) 117:19
reported (4) 33:23;34:1,7;35:12	rescinding (1) 120:15	restriction (2) 139:2,4		roadblocks (1) 93:15
reporter (1) 142:17	research (10) 70:2;74:8;108:13; 110:2,3;116:22; 127:10;209:21; 213:10;214:8	restrictive (2) 180:15,16		Robert (4) 15:12;45:5,14; 46:16
reporting (3) 34:3;36:13;127:2	re-segregation (1) 150:21	results (4) 38:2;56:1;96:25; 179:2		Roberts (1) 18:12
reports (6) 5:3;21:2;127:11; 156:22;206:22,24	reside (2) 51:17;188:13	retain (5) 26:15;80:11;82:10, 16;86:8		Robinson (2) 15:13;44:8
represent (4) 35:14,24;128:16, 17	resided (1) 188:12	retaining (1) 83:17		robust (3) 147:13;148:4; 153:17
representation (1) 131:4	resident (12) 79:13;126:5,9; 128:17,18;129:5,11, 15,23;165:24;166:9; 167:8	retention (4) 26:14;90:8,12; 116:22		Rock (23) 5:10;7:6,17,19; 8:22;11:9;12:8;14:9; 15:11;18:6,11,17; 25:9,11;99:7;102:23; 159:19,20;212:20,20, 21;214:15,16
representatives (4) 51:13,18;78:24; 91:23	residing (1) 138:24	retired (1) 58:17		Rock's (1) 25:10
represented (3) 5:6;108:1;205:14	resign (1) 205:12	retirement (1) 46:2		Rogers (1) 25:6
representing (1) 187:21	resigned (1) 7:24	retiring (1) 117:25		role (3) 41:3;74:4;162:25
represents (2) 35:10;196:25	resisting (2) 150:22,24	retreat (1)		roles (1) 84:25
REQUEST (34) 4:2,6;20:7;21:10; 51:4,9;59:1;62:6; 76:22;78:17,25; 79:13;81:11;91:14, 19;92:15;93:16; 94:10;105:1;114:17, 19;115:3,7;121:25; 122:17;123:15,17,22; 172:3;177:10;				roll (2) 164:19;175:10

<p>route (2) 28:15;113:11</p> <p>row (2) 166:17;195:17</p> <p>RTI (3) 99:3,4,11</p> <p>rubric (1) 103:7</p> <p>rule (1) 184:7</p> <p>ruled (1) 136:14</p> <p>rule-follower (1) 155:8</p> <p>rules (9) 5:23;30:1,14; 127:6,7;129:4,17; 214:23,24</p> <p>ruling (1) 161:7</p> <p>ruulings (1) 163:14</p> <p>run (3) 113:19;199:19; 217:3</p> <p>rural (2) 117:21;118:20</p> <p>rush-in (1) 111:22</p> <p>rush-out (1) 111:23</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe (3) 66:2;78:10;91:5</p> <p>safety (1) 190:6</p> <p>salary (13) 32:1;42:5,6,8,12, 16,25;82:14,15; 117:2;118:12,20,24</p> <p>same (33) 20:14;43:22;47:16; 49:20;59:6;78:7; 108:23,24;114:25; 115:18;116:19; 119:20,20;120:8; 123:8;129:6;145:11; 147:18;152:8;162:5; 165:22;176:20,21; 186:19,21;198:8; 201:16;202:13; 203:15;204:11,23; 208:6;219:23</p> <p>Sandypoint (1) 168:10</p> <p>satisfactory (1) 200:4</p> <p>Saturday (1) 8:1</p> <p>saw (6) 23:23;27:13;44:10;</p>	<p>64:2;122:2;174:13</p> <p>saying (10) 64:10;107:1;151:2, 3;153:14;181:3,16; 192:16;217:13;219:6</p> <p>scenario (2) 54:11;117:23</p> <p>scenarios (1) 216:23</p> <p>schedule (20) 32:1;51:21;53:21; 63:24,25;73:10; 77:15;85:6;91:25; 92:15;93:9,18,21; 94:9;108:22;111:4,6; 114:13,15;117:2</p> <p>scheduled (2) 99:7,11</p> <p>schedules (2) 93:5;105:9</p> <p>scheduling (2) 100:25;108:18</p> <p>schmear (1) 209:19</p> <p>Scholarships (2) 41:7;54:25</p> <p>School (306) 5:10;7:6,17,19,22; 11:9;12:8;14:9,17, 19;15:11;17:10,11; 18:7,11;20:17,22; 21:10,14;23:5,6,17; 24:15,16;25:10; 27:18,25;33:22;34:7; 35:21,22;42:16; 44:17;46:22;47:20, 23;48:9;51:5,14,17; 54:16;55:24;56:13; 57:20;60:2;61:5,7,8, 18,24;62:2,13;67:21; 69:17;71:13;74:12; 76:3;78:18,20,24; 79:16,20,24;80:13, 16;81:5,15;82:16; 84:1,4,6,10;85:2,5,6, 22;86:14;88:1,3; 89:24;91:15,20,23; 100:17;101:17; 106:11;112:23; 115:4,8,11,17,24; 116:13;119:6,17,21; 120:11,11;124:4,7, 12,16,18,20,22,24,25; 125:2,13,15,17; 130:13;131:20,25; 132:12,12,15,16,23; 133:19,24;134:18,20, 21,21,23;135:13,20, 23;136:3,12,13,23; 137:8,11,14,18,19, 23;138:7,8,10,13,13, 16,17,25;139:1,6,9, 13,23;140:14,17,19;</p>	<p>141:3,12;144:2,5,8, 25;145:1,15;146:13, 16,19,22;147:6,11, 12,17;149:1,13,14, 16,16,18,19,19,25; 150:1,2,3,4,11,17; 151:22;152:9; 153:11,13;154:7,8,9, 15,15,24,24;155:3, 24;156:13;157:6,9, 12;158:7,9,9;160:21; 162:14;164:4; 165:14,19;166:1,2,3, 5,9,9,16,18,19,25; 167:8,8,10,14,22,25; 168:17;169:8,10,20; 170:4,5,18,19;171:7, 9,14,23;175:17; 179:1;180:1,24; 181:1,3,17;182:7,8, 22;185:15,17,21,24; 186:7,12;187:7,16, 20,24,25;188:1,2,3, 20;189:7,10,16,20; 190:2,7,14,23,25; 191:2,13,16;192:21, 24;193:8,25,25; 194:6,24;198:21; 200:23;208:20; 209:20,22,24;210:2, 4,16,18,20,25;211:7; 212:19,21;214:4,13; 215:21;216:6,7,7,12, 16</p> <p>school/good (1) 190:7</p> <p>schools (36) 26:6;28:22;37:23; 51:16;60:10;74:2,10; 81:17,20;84:2,85:24; 86:23;94:23,23; 104:4;110:2,3; 114:19;116:18; 137:24,24;138:2,19, 22;145:14,24;146:20, 22;147:3;151:23,24, 25;186:8;187:23; 190:10;216:15</p> <p>School's (2) 144:13;146:5</p> <p>science (8) 27:3;33:18;67:18; 82:23;83:23;97:22; 120:12,18</p> <p>score (9) 54:19;104:3;145:8; 169:14;197:19; 202:11,12;203:8; 204:10</p> <p>scores (9) 56:1,4;67:17,23; 98:13,15;109:3; 146:25;200:12</p>	<p>scoring (1) 100:7</p> <p>scuffling (1) 17:3</p> <p>Searcy (1) 102:24</p> <p>season (1) 124:8</p> <p>seat (1) 110:18</p> <p>seceding (1) 60:7</p> <p>Second (67) 20:9,11,22;22:15, 17;43:18,19;45:25; 47:11,13;49:14,16, 17;53:7;55:18;76:11, 12,13,20,25;77:3,6,8; 78:1,19;81:24;90:25; 91:1;114:20,22; 118:13;119:23; 123:2,3,5;130:15; 136:8;141:7;151:7; 162:19;166:15,16; 169:15;170:20; 184:16;195:1,3; 197:1;198:2,3,5,13; 201:11,13,24;203:10, 11;204:18,20;205:23, 25;208:1,3,25;209:2; 219:19,20</p> <p>seconded (1) 78:3</p> <p>secondly (1) 215:15</p> <p>Section (3) 127:2;171:6,6</p> <p>seeing (10) 24:2;26:2;28:6; 38:3,10,12,14;39:7; 121:19;184:3</p> <p>seek (3) 13:14;70:14;88:7</p> <p>seeking (3) 25:17;28:15;63:5</p> <p>seem (8) 23:25;25:20;67:19; 72:10,13;160:5; 176:18;177:7</p> <p>seemingly (1) 25:4</p> <p>seems (8) 50:21;68:18;88:1; 111:23;160:8; 176:15,15;207:14</p> <p>segregation (3) 140:23;144:22; 150:21</p> <p>segregative (5) 136:21;140:6; 141:2;144:14;148:15</p> <p>self (1) 97:5</p>	<p>self- (3) 15:9;174:22;175:5</p> <p>self-contained (5) 174:19;175:3,8; 178:8;179:8</p> <p>semester (9) 28:22;30:25;31:1; 39:20,23,25;79:22; 200:10,11</p> <p>send (7) 9:24;11:14;62:3; 66:18;67:8;104:14; 106:8</p> <p>sending (1) 64:10</p> <p>seniors (1) 101:6</p> <p>sense (7) 27:20;34:12;35:19; 40:4;99:17;134:12; 186:3</p> <p>sent (5) 11:13;154:19; 168:12;170:16; 182:17</p> <p>sentence (1) 192:22</p> <p>separate (2) 149:1;204:7</p> <p>separated (1) 199:12</p> <p>separately (2) 37:7;75:10</p> <p>September (7) 13:9;51:22;79:2; 91:25;115:14;180:6; 202:20</p> <p>series (1) 163:20</p> <p>serious (2) 5:18;146:13</p> <p>serve (7) 11:16;51:17;61:22; 96:17;106:16; 113:21;209:16</p> <p>served (2) 14:8,9</p> <p>Servedio (1) 40:8</p> <p>service (10) 11:22;16:6;19:20, 22,24;96:15;115:23; 174:8,9;175:1</p> <p>Services (23) 31:12;45:1;50:16; 53:3;73:21;74:12; 117:24;167:21; 168:1,8,9;172:20; 174:12;175:21; 176:2,10,13,21; 177:17;178:7; 179:19;183:1;198:19</p> <p>servng (1)</p>
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<p>28:18 session (4) 94:20;123:13,25; 196:4 set (10) 61:13;64:12;166:4; 183:4;187:5;195:16; 206:14,16,18;213:16 sets (1) 181:7 setting (3) 57:11;68:16;69:4 settlement (2) 142:20;143:9 set-up (1) 10:23 seven (2) 14:13;151:17 several (11) 7:5,5,22;35:4; 54:10;55:16;68:6; 92:16;114:17; 132:25;205:9 Shade (4) 45:9;46:7,10,21 shadowing (1) 84:18 shall (8) 4:18;52:11;80:24; 92:8;116:6;128:9; 167:3;187:11 share (7) 23:17;58:13;81:14; 82:9;101:6;126:8; 194:13 shared (3) 117:22;128:21; 206:19 sharing (4) 8:2,5;23:14;40:10 Sharon (1) 131:14 sheltered (1) 18:19 shelves (1) 74:7 shifting (2) 25:18;37:10 shifts (2) 37:14;175:16 ship (1) 49:6 shoes (2) 158:3;217:4 shooting (1) 189:11 shoring (1) 68:12 short (2) 23:1;44:6 shortage (6) 41:15,22;81:19; 85:9;117:20;119:5</p>	<p>short-term (1) 28:19 shot (2) 189:22,25 show (7) 35:9;43:5;69:7; 146:16;193:9;202:6; 210:19 showing (1) 71:9 shows (1) 193:14 shrunk (1) 36:9 sick (3) 17:19;178:22,22 side (8) 35:19;36:9;42:2; 43:7;50:4;187:8,8; 207:2 sight (1) 119:4 sign (13) 20:14;43:22;47:16; 49:20;78:7;114:25; 123:8;198:8;201:16; 203:15;204:23; 208:6;219:23 significant (3) 82:15;110:6;199:9 significantly (4) 27:16;151:12,15; 152:1 signing (1) 83:1 SILENCE] (1) 77:1 similar (3) 105:8;159:16; 219:4 similarly (1) 140:17 simplifying (1) 99:4 simply (4) 10:8;50:11;152:2; 190:8 sincere (1) 47:8 singer (1) 122:10 single (2) 114:10;140:23 sit (5) 85:17;103:6;161:2; 171:3,13 situated (1) 140:17 situation (6) 14:3;31:14;143:8; 161:16,24;188:16 situations (2) 8:5;129:12</p>	<p>six (8) 12:6;86:16;87:14; 147:3,6;151:20; 171:2,8 sixth (1) 171:1 size (3) 105:8;110:7;177:6 skilled (1) 72:20 skills (7) 68:12;95:13,16; 98:1,8;169:12; 200:10 sleep (1) 8:11 slide (1) 24:6 slides (1) 32:19 slippery (1) 70:4 slope (1) 70:4 slots (1) 53:9 slowly (2) 38:1;164:9 slow-talk (1) 165:17 small (6) 54:14;66:13;70:19; 81:20;96:7;117:21 Smith (36) 44:23,25,25;46:24; 47:22,24;50:7,14; 51:2;73:19,20,20; 74:25;75:4,5,6,18; 182:23,25,25;183:9, 13,19,22;195:25; 198:14,16,16;199:4, 10,13,23;200:1,16, 22;201:10 smooth (1) 102:25 snapshot (1) 39:25 social (5) 83:5,6;169:11; 170:14;199:20 sole (1) 188:8 solely (2) 143:24;164:10 solid (1) 71:1 Solution (3) 94:18;99:8;107:14 solving (1) 43:3 somebody (4) 127:9;181:19; 193:9;213:5</p>	<p>someone (6) 5:8;11:18;30:24; 56:12;87:11;171:6 sometimes (9) 25:19,23;79:18; 96:8;102:2;107:2; 113:2;175:16;193:17 somewhat (3) 60:25;177:7;217:9 son (1) 210:21 SONDRA (1) 169:6 soon (3) 50:24;88:22;182:4 Sophia (1) 189:6 sorry (11) 57:2;64:19;73:9; 167:23;169:1; 179:21,21;203:1; 208:11;212:8;217:2 sort (3) 61:11;66:3;70:22 sorts (2) 71:7;179:9 sounds (1) 109:19 south (4) 82:6,17,19;87:1 SOUTHEAST (5) 115:4,11,17,22; 116:14 Southside (2) 68:14,15 southwest (1) 18:17 space (5) 175:20,22;176:4; 177:19;179:16 Spanish (1) 130:13 speak (12) 45:20;52:6;55:10; 133:10;134:7; 135:17,19;145:3; 190:20;191:23; 192:5;194:14 SPEAKERS (7) 52:13;69:6;81:1; 92:10;116:8;167:5; 187:13 speaking (1) 121:14 special (52) 17:11;24:9;36:7,7; 37:21,22,25;38:5,8, 11,16,25;40:19; 41:10;42:15,24; 43:10;97:14;113:16; 120:12,12;145:12; 167:13,21;168:1; 169:9;171:1;172:16,</p>	<p>17,20;173:8;175:21; 176:2,9,11,17,19; 177:24;178:24; 179:6,11;183:1; 195:14,19;196:7; 201:19;202:5,8; 203:18,18;204:3,5 specialist (13) 56:17;58:15,17; 60:13;70:16;73:22; 74:4,16,21;119:8; 122:20,22;201:1 specialists (4) 60:2,10;74:10,11 specific (8) 37:24;60:24;61:11; 93:10;156:6,15; 213:8;215:13 specifically (9) 18:11;41:13;55:23; 56:16;83:3;157:15; 172:15;181:10; 198:25 SPED (1) 204:6 speech (2) 178:6;179:9 speeding (1) 13:1 spend (1) 104:15 spent (2) 68:12;218:5 spirit (2) 113:25;162:16 spoken (2) 89:10;190:3 sports (1) 70:21 spot (2) 46:8;191:11 spring (33) 101:3;125:13,15; 131:15,18;132:23; 133:14;134:19; 135:24;137:3,6; 138:5;140:8;145:1, 18;149:10,17,20,21; 150:1,4,7;152:8,15, 21,22;153:5,18,25; 158:5;160:23,24; 162:10 Springdale (1) 25:6 Springs (3) 54:17;189:9,15 St (1) 190:4 Stability (1) 26:10 Stacy (4) 73:20;182:25; 195:24;198:16</p>
--	---	---	---	--

<p>staff (13) 12:10;29:7;39:9; 99:12;124:15; 141:23;170:2; 173:23;174:9; 175:25;177:3,10,19</p> <p>staffing (3) 26:6;29:10;38:25</p> <p>stage (1) 147:16</p> <p>stagnant (2) 146:23,24</p> <p>stakeholders (2) 196:11;206:21</p> <p>stand (9) 4:16;52:9;92:6; 116:4;167:1;174:13; 195:13,18;196:5</p> <p>standard (1) 197:7</p> <p>standardized (1) 100:8</p> <p>standards (9) 72:15,25;93:14; 97:3;98:22;109:9; 127:4;192:9;205:4</p> <p>stands (3) 137:10;144:4; 168:4</p> <p>start (42) 13:24;21:4;24:20, 22;48:15;55:15; 56:23;60:19;61:5,23; 64:1,5,11;73:3; 78:15;89:1;94:24,24, 25;100:14;104:24, 24;106:7;120:24; 121:8;128:2,13; 148:8;152:6;155:11; 172:6,7;180:4,6,17; 195:8,17;196:4; 209:11;215:20; 217:13,23</p> <p>started (14) 14:11,13,14,15; 41:7;46:17;56:22; 71:20;78:22;85:3,4; 109:11;209:7;215:5</p> <p>starting (13) 38:2,19;40:21; 41:1;62:8;84:10; 85:2;118:12,20,24; 199:19;204:2;218:10</p> <p>starts (5) 61:8;106:11; 112:23;163:24;193:9</p> <p>state (63) 6:10,13,15,20; 11:4;17:11;37:24; 40:23;43:12;45:12; 50:17;51:15;52:18; 55:25;56:1,2;65:15; 84:2;86:17,90;10;</p>	<p>94:9;97:21;104:4; 116:24;117:2; 121:20,21;123:21; 131:5;134:15;135:8; 136:8,15;141:8,19, 19,22,25;142:8,20; 143:3,4,11,13,21; 146:23;147:3; 150:15;152:23; 159:20;160:12; 161:9;163:12;164:6; 187:17;202:21; 206:5;207:12; 209:10;211:19; 215:23;217:12,25</p> <p>stated (8) 7:14;9:23;112:12; 118:22;129:13; 157:5;190:13;197:18</p> <p>state-focused (1) 107:25</p> <p>statement (7) 6:6,7;15:5;18:8; 125:6,24;212:1</p> <p>statements (4) 5:12,24;7:5,8</p> <p>states (8) 65:11;87:4;118:6; 132:9;134:20; 139:19,24;204:8</p> <p>State's (2) 146:22;161:8</p> <p>statewide (2) 24:12;37:24</p> <p>station (3) 11:22;16:6;83:10</p> <p>stations (1) 83:13</p> <p>status (5) 132:17;150:13; 152:5,7;159:11</p> <p>statute (7) 131:20,25;132:16; 137:16;144:10; 217:1,6</p> <p>statutes (1) 150:14</p> <p>statutory (1) 108:3</p> <p>stay (6) 34:21;53:14; 102:22;107:8; 134:18;144:23</p> <p>staying (2) 113:8;218:13</p> <p>STEM (2) 98:10,13</p> <p>step (2) 39:8,15</p> <p>Stephens (7) 92:2,5,13;94:17; 104:22;107:13; 108:16</p>	<p>stepped (1) 213:12</p> <p>steps (8) 15:6,15;146:17,21; 214:6;215:16,19; 216:11</p> <p>Stewart (9) 45:6,14,14,17,22, 24;46:10,23;47:1</p> <p>Stewart's (1) 46:14</p> <p>still (30) 12:7;13:10,12; 14:17;16:17;53:1; 56:2;58:5;62:14; 65:2;69:15;79:11; 80:12,16;81:17;96:5, 6;112:20;119:3; 120:17,17,18;153:13; 154:12;156:5;186:8; 190:10;192:12; 208:21;213:11</p> <p>stipend (1) 82:22</p> <p>stipulation (1) 20:1</p> <p>stipulations (2) 19:16,18</p> <p>stood (1) 101:4</p> <p>stop (2) 79:20,21</p> <p>stove (1) 143:17</p> <p>strategic (2) 39:2;103:19</p> <p>strategically (1) 38:24</p> <p>strategies (2) 84:1,7</p> <p>STREET (10) 131:13,14;133:3,5, 23;134:11,13; 144:15;150:10;153:6</p> <p>stress (2) 112:5,5</p> <p>stressed (1) 13:12</p> <p>stresses (1) 110:1</p> <p>stretch (1) 148:18</p> <p>strive (3) 71:1;96:1;98:20</p> <p>strong (1) 61:14</p> <p>stronger (1) 68:5</p> <p>strongly (1) 97:21</p> <p>struggle (1) 99:21</p> <p>struggled (5)</p>	<p>95:2,3;98:24; 99:18;111:24</p> <p>struggles (1) 26:24</p> <p>struggling (2) 97:1,17</p> <p>stuck (1) 182:2</p> <p>student (56) 36:8,9;54:17;55:8; 57:11;59:9;64:23; 65:6;71:3;72:11; 79:17,18,19;80:13, 15;92:19;93:12; 95:15,17,18;96:2,24; 97:5,23;100:18; 110:5;111:12,13; 113:5,6;124:25; 132:7,20,24;138:5; 139:24;147:20; 148:9,20;152:11; 155:18;156:22; 157:16;167:24; 173:9,24;175:8,15, 21;177:2,23;178:5, 11,11;188:9,10</p> <p>students (138) 9:22;11:16;18:16; 30:8;34:6;38:4,10; 42:15;43:10;51:17; 53:2,3,24;54:18,23, 24;55:2,2,57;18,24; 58:1;59:2,11;63:16, 18;64:8,18,21;65:22; 67:5,6,20,25;68:6,16, 20;69:1,19;70:11,18, 24;71:5,13,24;72:13; 74:17;75:23;77:25; 79:12,16,25;80:3; 81:6;93:14;95:19,20; 96:4,5,9,17;97:1,3, 11,13,19,24,25;98:5, 11,14,21;100:1,6,18; 101:2,9,10,13,15,23, 23,25;102:3,4,5,19, 19;103:15,21,22; 104:5,8;106:20; 110:9;113:8;117:22; 133:1;136:25;137:3; 138:9,12,24;145:18; 147:15;148:1,16; 151:10,13,14,18,19, 21,21;152:3,12,12, 13;153:12,20; 154:23;163:12; 166:3;168:15; 172:20;173:23; 174:12;175:1,2,6,9,9; 181:5;192:1;193:15, 18;199:1,11;200:13</p> <p>students' (1) 103:6</p> <p>studies (1)</p>	<p>199:21</p> <p>study (2) 200:10,14</p> <p>stuff (1) 13:13</p> <p>Stuttgart (1) 200:23</p> <p>sub (13) 27:15,17,19;28:7, 11,17,18;29:1,5,18; 30:23,24;31:22</p> <p>subject (4) 40:21;95:10; 106:21;140:19</p> <p>subjects (5) 102:16;201:18; 202:4,10;203:8</p> <p>submit (3) 15:13;142:16; 216:7</p> <p>submitted (7) 21:14;136:10; 137:15;142:11; 144:9;158:10;198:18</p> <p>submitting (1) 142:15</p> <p>subs (7) 27:25;29:24;31:5, 19;34:18;109:12,13</p> <p>subsequent (1) 187:5</p> <p>substitute (6) 87:11,12,14;93:25; 109:19,20</p> <p>substitutes (2) 23:10;27:12</p> <p>success (9) 59:9;68:16;78:9; 86:19,24;87:2,13; 188:1;200:12</p> <p>successful (5) 85:4,21;97:23; 107:4;200:9</p> <p>sudden (1) 31:8</p> <p>suggest (1) 143:20</p> <p>suggestion (1) 180:4</p> <p>suggests (1) 164:6</p> <p>Sullivan (11) 187:19,19;191:15, 16;193:1,7,11,21,24; 194:11,13</p> <p>summary (4) 23:2,4,7,8</p> <p>summative (1) 34:24</p> <p>summer (6) 52:24;56:25;92:22; 136:22;140:20;202:3</p> <p>Summit (1)</p>
--	---	---	---	---

49:13 Super (1) 209:9 superintendent (29) 45:6,15;46:21; 48:9,11,14,16,19; 58:9;79:3,4;81:4; 92:2,3;94:16;106:18; 115:24;121:16,24; 131:16,22,23;132:2; 135:17;152:25; 153:5;159:7;166:10; 167:22 superintendents (2) 42:23;159:21 supervised (1) 66:17 supervisor (2) 167:13;179:6 supplement (1) 82:21 supplier (2) 117:12,13 support (29) 25:18,19,21;30:2,5, 11;31:12,14;32:6,7; 35:6;45:1;50:17; 62:3;63:17;69:20; 85:15;86:2,5,7;87:5, 8;90:9,15;119:20; 120:3,23;164:9; 191:8 supporting (1) 146:19 supports (1) 69:25 supposed (2) 15:15;154:20 Supreme (1) 138:14 SUPT (23) 46:21;47:18;48:8; 49:7,22;81:4,10; 89:15;90:16,19;91:6; 108:16;121:22,24; 122:2,4,14;146:8; 153:4;159:9,13; 160:2,16 Sure (31) 10:9;30:10;34:3,5; 36:14;40:12,14;52:6; 58:14;59:17;66:2; 79:15;97:25;99:13; 100:12;103:17; 112:21;118:23; 127:15;153:16; 170:7;171:14,17; 174:17,18;179:23; 186:1;194:15;201:1; 207:22;215:9 surround (1) 25:6 surrounding (2)	140:16;158:13 survey (1) 106:15 surveys (1) 106:9 SUSAN (2) 16:14;140:20 suspension (1) 14:18 sustainability (1) 107:7 sustainable (1) 107:10 Suzanne (1) 205:11 swear (14) 4:16,17;52:6,10; 79:5;80:23;92:4,7; 116:1,5;128:2,8; 167:2;187:10 swing (2) 15:19;55:13 sworn (3) 4:13;125:22; 135:18 synthesis (1) 36:12 system (1) 137:24 systems (1) 149:1 T table (1) 130:5 Taiwan (1) 132:8 takeaways (1) 36:11 takeover (1) 217:12 talented (1) 122:9 talk (19) 13:25;32:19;36:4; 70:12;74:22;86:1,2; 89:19;99:11;105:7; 108:7;179:12; 188:17;191:16; 196:2;197:2;198:14; 211:3;216:15 talked (10) 54:17;59:7;95:1; 105:23;106:3,14,23; 113:13,17;151:9 talking (20) 30:9;44:5;54:14; 64:5;65:17,23;66:25; 71:2;72:2;83:17; 109:24;118:4,4; 138:6;143:3;151:10, 15;179:20;186:23;	210:13 talks (1) 157:7 tax (7) 212:13,14;213:7; 214:11;215:12,24; 218:2 taxes (1) 209:19 taxing (1) 72:12 teach (11) 29:9;33:10,18,20; 38:8;63:17;89:23; 90:1,14;102:16; 200:10 Teacher (71) 4:6;11:15;24:17; 27:1,19;30:4,10,17; 31:22;32:15;33:9,17, 20;51:21;53:8;55:4, 5;60:18;72:7;76:5, 20,23;77:5;79:1; 81:19;85:4,8,10,11, 16;86:1;87:6,9,10,20; 90:13;108:19; 109:21;110:25,25; 111:1;115:12; 116:21;117:20,24; 118:11,14,16;119:3, 5,19;120:2,6,25; 122:10,19,22;130:3, 12,13;131:14; 135:15;168:15; 171:24;174:2,3; 175:1;181:13; 182:18;192:2,9 TEACHERS (114) 20:18,23;23:21,22, 25;24:13,14,19;26:8, 15,17,25;28:3,23; 29:11;30:2,6,32;16; 34:13;35:1;37:25; 38:15;39:3;42:6,15; 43:10;44:6,14;53:15, 17,19;57:15;65:19; 71:19;81:25;82:3,10, 11,14,17,22,23;83:1, 4,9,13,18,22,25;84:3, 7,13,22;85:5,10,16, 17,19;86:7,18;87:6; 88:4,6,16,21;89:21, 23;90:9,13,18;93:6, 11,25;94:1,20;95:5,6, 6;96:1;97:18;99:13, 21;102:16;104:14; 106:1,15,15,21,23, 25;108:4,23,24; 109:1,5,19;110:20; 111:19,21;114:1,2; 116:25;117:11,13,22; 119:24,25;120:19; 131:3,6;172:19;	202:5,6;204:3 teachers' (1) 175:13 teacher's (1) 32:1 teaches (1) 89:22 TEACHING (25) 4:2;11:11;14:14, 15,22;20:7,18,23; 24:14;28:16;30:13, 17;31:19;33:23; 34:13;35:2;42:21; 85:13;114:2;118:2; 119:18;121:2; 203:17,24;204:16 Teague (1) 139:5 team (14) 19:3;46:8;50:7,14; 61:20;64:22;92:22; 94:18;95:1,9,14;99:6, 20;107:14 teams (2) 96:20;97:2 technical (2) 33:6;55:3 technology (6) 74:10;75:22,25; 76:2,4;127:10 tells (2) 12:14;144:20 temporarily (1) 206:17 ten (7) 82:24;87:14;104:3, 9,11;112:12;193:18 tend (1) 24:18 Tennessee (1) 83:7 term (4) 27:19;44:9;80:7; 87:11 terms (11) 35:6,7;41:3;50:5; 70:25;73:1;116:24; 138:3;163:16;205:5; 218:10 test (26) 54:19;98:11;100:8; 117:8;145:8;146:21; 195:13,18;196:5,6, 10,14,16;197:3,3,9, 17;199:1,2;201:24; 202:5,11,23;204:1,5, 205:1 tested (1) 169:13 testify (1) 166:24 testimony (16) 4:18;52:9,11;	80:23;92:7;116:3,5; 125:21;128:5,9; 135:1;167:3;168:22; 187:10;189:10,23 testing (2) 147:2;196:13 tests (5) 68:10;145:7,11; 203:1;204:2 Texarkana (1) 180:24 Texas (1) 118:22 TFA (1) 82:1 Thanks (16) 22:21;44:13;45:5, 11;90:3;92:11; 104:22;112:16; 122:25;123:9;133:3; 149:7;155:10; 157:25;202:15; 208:12 thank-you (1) 50:9 theirs (1) 29:23 theme (1) 94:19 therapies (1) 179:9 therapy (3) 178:6;179:9,9 thereby (1) 117:8 therefore (4) 28:4,23;162:17; 205:12 thinking (5) 39:21;64:3;68:13; 113:4;200:11 third (6) 53:20;118:17; 128:23;136:19; 144:1;171:16 third- (1) 129:16 THIRTY (1) 20:18 though (11) 33:2;43:4;82:3; 93:22;108:22; 109:18;111:9;129:4; 157:17;163:19;181:2 thought (6) 105:4;113:11; 184:2;193:9;200:19; 218:23 thoughts (2) 108:5;176:24 threat (1) 181:4 threatened (2)
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138:19;154:23 threats (1) 189:17 three (23) 23:11;31:7;52:21; 53:25;55:14;83:24; 99:15;118:5;143:2; 15:145:6,17;149:13; 175:5;187:24; 195:21;196:2; 200:18;208:22; 209:23;212:19,22; 218:20 thrilled (1) 131:1 throughout (5) 7:16,25;34:21; 64:25;94:19 throw (1) 13:22 thrown (1) 85:15 thus (1) 9:25 ticket (1) 13:2 tied (1) 61:11 tier (5) 35:16;41:18,21; 99:15;166:11 till (4) 79:20;180:5; 190:18;206:14 Tim (2) 8:9;9:11 timeframe (1) 39:18 timeline (3) 188:14,16;191:18 times (15) 21:22;30:7;36:13; 40:6;85:14,14;87:24; 94:24;95:23;96:20; 171:5;181:6;193:11; 200:18;213:15 time-wise (1) 61:25 timing (5) 60:23;99:19;147:2; 191:17;213:17 today (38) 5:6,8;6:21;7:8,12; 21:4;23:14;40:10,10; 44:13;51:12;52:19, 21;58:9,10;74:18; 78:20,23;91:24; 115:12,22;119:16; 123:23;124:13,19; 126:6;132:13,22; 159:18;166:11; 185:18,22;186:5; 196:3;210:14;211:3;	218:15;219:16 together (21) 23:2;32:21;34:15; 40:10;74:11;95:10; 97:19;99:2;101:22, 22;104:19;106:21; 110:5;111:11; 122:19;154:11; 191:10;196:11; 199:20;200:2,4 token (1) 152:8 told (7) 8:14;11:18;15:13; 16:4;133:14;161:6; 171:14 Tommy (1) 62:3 tomorrow (2) 123:20;146:10 tomorrow's (1) 123:21 tonight (1) 102:7 Tonya (17) 5:7;6:11,14,19; 10:3;6,9,14,16,19,22; 12:17,23;15:17;18:3; 19:14,17 took (10) 7:13;8:16;9:17; 11:20;12:6;13:10,10; 15:13;48:21;53:21 top (9) 34:22;68:3;104:3, 9,11;112:12;127:12; 194:15;197:2 topic (4) 58:22;63:3;73:6; 76:20 total (4) 21:11;88:11;118:2; 145:18 totally (3) 71:12;160:7;182:5 touched (1) 112:18 toward (2) 87:21;120:24 towards (3) 28:8;40:12;84:14 town (3) 68:14;84:23;119:2 towns (1) 70:20 track (5) 11:15;24:17,22; 26:4;119:22 trade (1) 72:7 trades (1) 41:11 traditional (1)	101:13 traditionally (3) 117:1;126:7; 128:24 tragedy (1) 9:23 tragic (1) 13:12 train (3) 103:7;104:14; 120:23 trained (2) 27:3;99:1 training (5) 50:20;99:2,3; 120:7;166:11 transcript (1) 142:15 transcripts (1) 141:22 transfer (17) 125:2,14,14;129:1; 131:19;142:21; 145:23;150:22,24,25; 162:18;166:14; 167:24;173:1,4; 186:11,13 transferred (1) 14:16 transferring (2) 168:4;175:23 transfers (9) 136:24,24,25; 137:2;139:3;144:16, 18;164:12;187:2 transition (4) 21:3;100:17; 102:25;215:9 transparency (1) 16:15 transpired (2) 8:12;9:8 transport (1) 57:24 transportation (1) 66:3 travels (3) 78:10;91:5;131:5 treat (2) 37:6;87:12 treated (2) 129:11,16 treating (2) 129:3;176:18 Tree (3) 94:18;99:8;107:15 tremendous (6) 37:23;39:8;46:25; 48:18;50:1;53:8 trend (1) 41:1 trends (1) 40:24	tried (7) 11:15;67:22; 102:17;108:9,25; 181:9;189:7 trip (2) 58:10;67:2 trouble (4) 12:24;25:21;50:19; 179:22 troubling (1) 60:6 true (5) 27:21;43:13;95:4; 109:20;144:16 truly (3) 13:22,23;111:8 trusted (1) 17:20 truth (24) 4:18,19,19;52:11, 12,12;80:24,25,25; 92:8,8,9;116:6,6,7; 128:9,10,10;167:4,4, 4;187:11,11,12 try (22) 13:23,25;16:10; 17:24;50:18;61:19; 69:20;77:4;82:21; 83:3,9;86:8;87:3; 93:5;100:12;106:14; 111:20;113:14; 122:4;173:4;210:14; 214:3 trying (22) 8:13;25:24;41:7; 43:4;56:3;60:22; 63:15;65:4;70:22; 71:10;81:17;83:13; 89:20;95:2;103:7; 104:19;108:10,12; 174:17;193:16; 213:21;217:3 tubes (1) 211:8 Tucker (12) 79:3;80:22;81:4,4, 10;88:9,25;89:15; 90:5,16,19;91:6 turn (15) 4:7;5:21;6:1; 20:24;44:23;49:5; 78:21;91:20;134:7; 167:7;169:3,20; 189:1;190:5;191:13 tutoring (2) 87:25;88:5 TV (4) 83:10,12,13,14 tweak (1) 106:12 twenty (6) 14:3;57:22;126:17, 18;129:22,24	twice (1) 196:11 two (50) 5:18;9:2;13:17; 16:7;17:3;18:13; 20:21;21:9;26:9; 31:7;33:6;38:6; 44:20;45:4;53:14; 54:1;58:19;59:10; 82:7;83:2;91:17; 95:24;99:15;107:13, 20;110:16,18;118:6; 124:16;136:14; 137:1;141:17;142:5; 145:14,24;148:25; 149:19;163:14,15; 165:10;168:7; 169:10;170:16; 171:15;175:8; 181:12;182:2; 186:25;189:25;200:4 two- (1) 48:1 type (9) 13:7;28:16;33:11, 19;37:10;129:5; 155:7;161:15;216:19 types (5) 23:8;37:7;42:21; 64:9;203:1 typical (3) 42:5,7,15 typically (6) 25:16;39:25;81:24; 85:12;178:22;207:12
U				
UAM (1) 117:11				
UAMS (2) 169:14;181:16				
UNANIMOUS (20) 20:13;22:19;43:21; 47:15;49:19;78:6,8; 91:3;114:24;123:7; 185:10;195:5;198:7; 201:15;203:14; 204:22;206:2;208:5; 209:4;219:22				
unclear (1) 155:24				
unconstitutional (1) 138:15				
under (34) 5:23;28:16;30:16; 32:23;33:23;87:7,20; 88:14,20;114:12,14; 120:15;131:19,25; 132:16;136:21; 137:17;140:3; 148:13;150:20,23; 152:20;158:9,14,17;				

<p>160:4,6,9;168:11; 185:23;186:9; 211:19;213:21; 216:22 understandable (1) 82:5 unfortunate (2) 9:25;178:18 unilateral (1) 161:11 unique (3) 27:14;161:23,24 unit (9) 31:10;51:12;62:2, 4;65:13;183:1,13; 198:19;200:2 unitary (4) 144:11;159:11,13; 160:12 United (1) 132:9 universities (3) 86:18,25;87:23 University (1) 54:25 unjustly (4) 211:7;219:6,8,9 unknown (1) 192:12 unless (6) 66:14;80:17;120:9; 156:7;178:11;179:10 unnoted (1) 145:12 unrelated (1) 175:19 untenable (1) 143:10 unworkable (1) 143:1 up (77) 6:5;8:6,13,15,18; 9:3,7,13;10:15,24; 11:1;13:22;14:16; 21:20,23;22:7;24:4; 25:25;27:16,21,24; 30:21;31:4,49;4; 50:24;57:11;59:25; 64:12;67:22;68:12; 72:6;73:19;81:22; 82:4;85:7,10;89:6, 12;100:13;106:13; 107:19;113:15; 120:3;121:7;122:11; 126:9;133:23;134:8; 135:12;145:9;148:2; 150:8;158:6;159:4; 162:22;169:21; 172:2;173:22; 174:13;175:1,2,5; 183:4;186:22; 191:14;192:2,2; 193:9,14;204:2;</p>	<p>207:2,4;208:12; 210:9;217:5,22; 218:3 update (1) 188:5 updating (1) 41:19 uphold (2) 148:14,14 upholding (1) 148:24 uploaded (1) 115:19 upon (1) 143:6 upper (2) 72:25;98:14 upset (1) 146:11 upstairs (3) 73:23;215:8;216:8 upstanding (1) 13:5 upward (1) 71:13 urgency (1) 99:17 USA (1) 83:11 usages (1) 139:22 use (16) 27:24;53:12,17; 59:8;70:6;72:24; 83:17;107:21;120:8; 138:3,20;160:13; 178:8;191:7;197:18; 214:15 used (10) 33:3;34:10;42:4,4, 5;74:2;115:16;182:7; 214:14;218:19 using (7) 26:10;59:8;65:17; 118:23;204:4,7,10 usually (9) 17:16,20;37:2; 53:14;62:1;66:4; 114:9;128:25;178:13 utilize (3) 30:13;31:11; 113:17</p>	<p>179:16 valuable (2) 50:4;130:22 valuing (1) 111:1 Van (1) 130:13 variable (1) 98:12 variance (2) 174:21;177:10 variety (1) 101:8 various (4) 83:5;124:12; 213:14,23 vast (1) 57:12 vehicle (7) 8:20,21;11:19,22; 16:2,3;17:7 verbally (3) 65:15;118:8,14 verify (1) 127:8 versus (5) 108:4;138:16; 151:10;157:3;215:22 Veteran's (2) 207:14,16 viable (1) 98:20 view (5) 37:8;132:19;143:6, 17;163:22 VILONIA (6) 91:15,20,23;92:16; 104:8;114:19 violation (3) 155:7;177:16; 180:18 violent (1) 181:6 Virtual (5) 53:24;59:3,5,6; 60:5 virtually (2) 53:1;59:12 vision (2) 104:23;105:22 visit (3) 103:10;122:7; 194:11 visitations (1) 64:14 visited (3) 74:2;84:11;86:19 visiting (2) 8:3,7 visits (1) 57:10 Vista (1) 46:11</p>	<p>vocational (1) 96:15 voice (7) 44:10;75:11,13; 130:19,22;211:18,19 voiced (1) 130:18 voided (1) 142:20 voids (1) 71:8 volunteer (1) 58:19 volunteering (1) 58:17 vote (7) 75:13,18;77:14; 136:1;162:21; 164:18;179:14 voting (2) 130:18;162:23</p>	<p>70:3,4,15;73:24,25; 74:2;78:17;79:1,25; 80:14,16;87:14; 91:14,19,24;115:3, 12;116:18,19; 117:15;119:16; 120:20;122:21 walk (1) 147:16 wall (1) 111:22 wants (1) 153:2 warning (1) 147:5 Warren (1) 214:1 wasted (1) 82:13 watch (2) 64:24;149:23 watching (1) 215:8 way (30) 14:2;18:15;25:21; 27:4;33:8;42:25; 77:4;80:10;86:7; 108:14;109:25; 127:23;128:5;134:3, 6;145:9;149:20; 153:9,21;164:13; 180:10;181:7; 190:12;202:5;210:9; 213:8,17;214:20; 215:13,23 ways (6) 23:24;40:22;61:16; 87:22;97:2;186:24 wear (2) 107:8;217:4 Wednesday (1) 111:3 Wednesdays (2) 102:15;113:7 week (12) 58:2;59:14;68:25; 74:20;85:16,18; 92:24;93:19;106:23; 112:2;175:17;183:7 weekend (1) 7:25 weekly (2) 99:23;100:3 weeks (4) 12:7;107:13;113:2; 189:25 week's (1) 54:12 welcome (12) 66:9;75:6,21; 130:7,9,9,23;131:10; 134:15;135:5; 197:12;215:18</p>
			W	
			<p>Wabbaseka (1) 210:17 wait (2) 159:8;206:13 waited (1) 148:7 waiting (3) 87:17,17;159:6 waived (3) 33:5;74:3;129:15 WAIVER (74) 4:2,6,5;18,21;6:23; 20:7;25:25;26:18; 32:23;33:1,2,11,19, 24;35:21;37:11;51:7; 53:7,20;59:1,8,8; 60:18;73:6;74:13; 75:16;76:9,20,22; 77:5,14,15,24;78:3, 20;79:20;80:11; 81:16,21;82:8,12; 87:7,20;88:14;90:23; 91:11,19;93:1,16; 94:9;97:17;101:5,12, 19,21;102:13;104:12, 17;105:6,8;106:6; 108:8;112:24; 114:16,17,17,18; 115:7;122:17,18; 173:11,14,15,16 WAIVERS (56) 20:17,21,22;21:6, 10,13,15;22:23,25; 23:8,10;24:8;26:1; 33:3,4;34:9,18;35:10, 16,20,23;37:7,8; 43:15;51:4,16,20; 52:21;54:22;56:15; 61:6;62:19;63:5;</p>	

welcoming (2) 7:9;130:16	74:10	115:4,8,17;116:14, 17;117:21;118:1,19; 119:5;120:20	writing (8) 67:18;97:8;103:5, 6,8;109:2,3;199:3	11:10;13:2;14:10,13; 18:13;23:5,11;35:4; 38:3,7;43:10;44:14, 14;45:4;51:23;53:14; 54:10;62:22;72:7; 79:3;82:20,24;83:2; 86:24;89:5,7;92:1, 17;93:24;95:24; 99:25;104:10; 110:18;112:12; 115:15;118:1,2; 128:23;130:14; 149:24;154:3; 169:11,16,16;170:16; 171:15;182:2; 187:24,25;199:20; 200:8;205:14;213:23
welding (4) 55:6,7,7;153:20	widely (1) 34:9	Word (7) 13:23,24;70:6; 112:25;143:11; 154:9;196:23	written (3) 64:25;80:10; 172:16	
Welfare (1) 138:18	wider (1) 98:1	work (57) 7:23;8:4,6;12:6,10, 11;17:14,24;18:10, 21;20:16;29:13;30:5; 34:2;36:3;38:23; 40:12,13;47:2,19; 48:16;50:9,10,15; 52:25;62:1,2;71:8; 85:16,19;95:8,22; 96:9,15;97:15,16,19; 99:25;102:23,23; 105:9,11;106:6,21; 107:5,9;112:8,21; 123:25;150:13; 154:3;170:21;173:4; 178:25;191:9;200:1; 203:2	wrong (12) 34:11;133:22; 163:9;171:15; 182:12;211:8,9; 213:24;214:8; 217:16;219:10,11	
well-rounded (1) 54:20	wife (2) 15:8;89:22	workable (1) 143:20	Wylie (1) 115:24	
Wendall (1) 57:8	WILLIAMSON (25) 16:17,20;22:14,17; 66:20,22;77:4,8; 78:14;90:4,23,24; 112:17;141:15; 160:25;161:1; 162:19;164:25; 165:1;172:23,25; 173:3;184:25;185:1; 194:18	worked (7) 18:5,12;87:16; 93:4;95:4;99:3;200:2	Y	
Wendall (1) 57:8	willing (8) 58:18;113:20; 152:22;173:24; 174:4;190:3;192:7, 17	workforce (1) 26:10	y'all (24) 22:4,7;25:13; 45:11;48:6;49:8,21; 50:8,12;51:3;52:15; 59:21;60:11;75:11; 81:2,2;91:5,12; 92:11;113:11;115:1; 116:4;123:9;141:14	years' (2) 19:13,18
weren't (4) 18:23;88:2;174:17, 18	willingness (1) 191:9	working (26) 33:15;36:15;38:23; 45:17;46:24;48:4; 53:2;54:1;56:23; 61:18;84:14;87:21; 97:7,8;98:19,23; 100:12,18;103:16; 156:5;171:18;181:9; 182:13;200:25; 214:1,2	yards (2) 214:15,17	yellow (1) 35:15
Wes (3) 48:2,8;49:6	window (1) 171:23	workplace (1) 96:14	year (130) 7:19;9:14;14:11, 12,12,14;21:11,14; 23:6,7;24:15,16; 27:16,18,21,22,24,24, 25;28:21,22;29:2; 30:7;33:13,15;34:2, 21;36:14;38:14; 39:22;40:6;45:7; 48:2;53:23;61:5,24; 62:9;64:25;71:21; 79:11,20;81:7,18; 82:1,16,20,21,23; 84:10;85:2,3,22; 86:15,22;87:8,13,15; 97:12;101:6;106:15, 17;109:2,3;110:13; 119:23,24;121:1; 130:3,12,22,24; 131:6,14,18;132:15; 135:15;136:11,20; 137:1;141:11; 144:14,16,18;148:5, 8;151:14,15,18,19, 22,24;154:8,16; 164:12,21;166:17; 167:22;170:17,17,18; 171:9;179:25;180:2, 8;190:5,14,23,23; 191:1,4,8,8,11,22,25; 192:11,15,17,18,20; 193:19;194:22; 195:10;198:15,17,21; 202:3,13;206:14,15	you- (1) 70:5
what's (12) 13:23;25:14;37:13; 42:17;64:3;70:25; 103:3,12;143:17; 154:25;155:1,6	wish (3) 112:20;126:3; 195:7	works (4) 73:16;96:17;110:2, 2	younger (1) 102:19	
whatsoever (1) 13:8	wishing (1) 125:21	world (3) 60:4;78:11;96:13		
wheel (1) 16:10	withdrawing (1) 192:15	worn (1) 158:2		
wheelhouse (1) 179:4	withhold (1) 138:19	worried (1) 181:4		
whenever (3) 83:1;85:11;174:5	within (13) 6:24;7:6;34:7;74:1, 1;93:6;94:1,21; 140:23;141:2; 146:14;156:13;190:2	worry (1) 59:23		
when's (1) 60:23	witness (6) 7:8;10:25;11:2; 12:21;18:3,9	wound (1) 172:2		
whereas (1) 38:11	witnesses (6) 4:12,13,15,20;7:4; 128:11	wreck (2) 15:23,25		
wherein (1) 36:8	woke (1) 9:7	write (3) 48:13;72:16; 167:21		
wherever (1) 29:25	wonder (4) 75:17;105:14; 178:19;212:4			
White (33) 132:11;137:25; 138:2,8,10,13,21,23; 140:15;148:16; 149:2;151:9,10,13; 152:12;153:7,12; 156:3,8,24;209:18, 22,24;210:2,21; 211:6,7,10;212:17; 214:4,10,13;216:15	wonderful (9) 47:2,5;48:6,24,25; 51:1;82:2;105:22; 145:4			
whiter (1) 138:25	wondering (4) 41:6;61:6;105:25; 208:11			
Whitney (1) 135:12	WOODLAWN (10)			
whole (14) 4:19;39:9;52:12; 54:20;66:14;75:3; 80:24;92:8;116:6; 128:10;167:4; 187:11;209:19; 217:12				
who's (4) 57:8;99:8;116:2; 155:18				
WHOSE (1) 205:5				
who've (1)				
				Z
				zone (1) 212:9
				Zook (154) 16:25;17:1,10,25; 19:9,12,15;20:2,25,1, 2;26:22;36:21,22,23; 41:5,6,24;49:12,14; 59:2,18;60:21;66:24, 25;67:12;68:9;69:8, 10;71:17,18,23;72:4, 10;73:16;74:24;75:1, 5,8,17,25;76:6;77:16, 21,24;78:3,13;79:8, 10,17;80:1,19;81:5,9; 89:9,10,13;104:25; 105:2;114:18,21; 121:10;122:12,15; 126:24;127:1,5,7,13, 16;159:1,2,5,7,10,15; 160:4,18;161:18; 162:10;163:3; 164:23,24;168:22,23; 169:1;173:18; 178:16,17;179:21,24; 180:3,9,13,21,25; 181:9,18,23,25; 182:5,10,14,20,23; 183:7,10,15,21;

184:7,13,15,23,24; 193:3,5,8,20,23; 194:2;196:20,21,22; 197:11,17,20,23,25; 198:4,25;199:7,11, 16;200:7,17;201:3; 202:17,25;203:4; 207:11,18,21,24; 208:2,25;209:2; 212:4,8,12,16,23; 213:1;214:9,14; 218:5 Zook's (1) 39:6	91:11,19;115:7; 116:17;117:15;120:5 1240s (2) 32:13;61:10 12th (2) 77:18;100:22 13 (5) 89:24;119:21; 137:18;139:7;153:7 13% (1) 153:8 14 (1) 116:18 148 (3) 202:11,12;203:8 15 (4) 21:10;31:8;137:18; 139:8 15% (1) 147:25 15-16 (4) 23:4;27:14;67:23; 82:16 152 (2) 27:24;30:6 16 (4) 86:16;136:25; 164:12;210:3 16.6% (1) 140:10 16-17 (1) 23:4 17 (3) 21:12;139:8;187:5 17-18 (1) 21:14 18 (3) 21:11;62:11; 101:15 18-19 (1) 159:25 182 (1) 27:22 1960s (1) 140:22 1969 (1) 138:23 1989 (5) 124:21;139:2,4; 185:24;186:7 1990 (5) 7:18;11:11;12:12; 14:12;139:19 1997 (1) 14:13 1a (1) 123:14 1st (6) 32:22;56:23,25; 57:1,2;73:11	2 (1) 169:16 2.5 (1) 42:14 2:34 (1) 165:13 2:46 (1) 165:13 20 (21) 5:24;10:15;52:1,3, 15,20;57:21;75:2; 81:3;92:12;125:25; 126:2;129:3;134:8; 135:3;149:8;165:24, 25;169:21;191:14; 192:1 20% (1) 148:22 200 (1) 108:3 2003 (2) 141:18;164:5 2010 (1) 139:5 2011 (1) 139:5 2012 (6) 7:13,20;13:9;14:4, 4,23 2013 (2) 138:23;139:6 2014 (3) 7:13;9:16;15:4 2015 (9) 45:3;47:25;51:14; 124:21;139:7; 141:19;165:19; 166:1;187:5 2015-16 (1) 24:16 2016 (4) 14:16;101:4; 116:23;202:3 2016-17 (3) 22:25;24:15; 123:21 2016-2017 (1) 22:22 2017 (5) 62:15;130:12; 139:7;205:6;208:11 2017-18 (1) 21:10 2017-2018 (1) 198:11 2018 (4) 206:6,8;207:10; 208:10 21 (2) 14:6,7 22 (1) 137:3 227e2 (1)	139:19 229 (3) 33:23;196:25; 197:6 23 (2) 101:6;175:9 24 (3) 7:20;118:1;153:15 24-to-1 (1) 144:18 25 (6) 14:3;137:2;153:14; 175:1,2,7 25% (2) 37:20,20 25th (2) 8:1;91:25 26 (2) 14:4;153:11 27 (4) 5:10;13:9;32:22; 33:1 27- (1) 7:18 279 (1) 145:18 27th (2) 13:9;196:13 28 (3) 169:8,14;171:20 28-day (1) 181:22 294 (1) 28:9 29th (1) 47:25 2-B (1) 186:1	4 (2) 41:18,21 4,000 (1) 57:17 40- (1) 111:19 40-minute (1) 112:1 411 (1) 27:14 4126 (1) 202:8 416 (2) 196:3;197:18 42 (1) 117:22 4-6 (1) 98:3 46% (1) 140:7 46.5% (1) 145:15 47 (1) 117:22 48 (1) 5:9 4th (1) 103:22
0				
0.3% (1) 140:9				
1				
1 (3) 166:11;186:1,2 1:00 (3) 91:9,10,13 10 (6) 9:16;15:4;19:13, 18;130:14;145:14 100 (2) 19:19,21 100% (5) 168:2,11;172:12; 173:7;175:12 10-minute (1) 44:1 10th (7) 79:2;100:22;109:1; 146:23;154:7; 196:12;199:2 11 (3) 88:13;169:7; 171:19 11:01 (1) 44:3 11:10 (1) 44:2 11:14 (1) 44:3 11th (2) 45:3;148:8 12 (6) 38:5;43:9;53:22; 67:12,13;116:23 12:09 (1) 91:13 1200 (1) 211:17 1240 (19) 23:10;32:18,24; 33:23;34:18;51:6,14; 61:17;74:1;78:19; 79:24;87:7;88:14;				
	2			
			3	
				5
				5 (6) 5:23,24;52:4; 165:23;167:15;168:6 5,000 (1) 57:17 5.0 (1) 127:2 500 (1) 42:15 50s (1) 138:8 51 (1) 88:13 5354 (3) 203:19;204:6,10 54 (1) 27:22 54% (1) 140:7 5511 (1) 201:18 576 (1) 117:21 58 (1) 202:21 59 (1) 148:6 5-minute (1) 6:6 5th (1) 168:8
			4	

	68:1			
6	83.4% (1) 140:10			
6.7 (1) 144:25	85% (1) 147:20			
60 (2) 111:5;148:7	867 (1) 53:21			
61.5% (1) 140:11	87% (1) 153:7			
6-18- (1) 139:18	89 (2) 186:14,15			
6-18-211 (1) 73:11	8th (20) 53:23;64:13,15,18, 20;65:5,22;67:4,16, 17,25;68:4,7;71:2; 77:19,23,25;98:9,18; 168:9			
66 (2) 88:10,12				
661 (1) 27:16				
6-8-227 (1) 131:19	9			
689 (1) 48:20	9 (1) 53:22			
69 (1) 88:12	90 (5) 51:21;79:1;91:25; 115:13;168:2			
6th (11) 51:22;64:5;67:24; 68:4,8;77:16,22; 98:7;115:14;168:5,8	90% (3) 166:4;172:11; 193:24			
7	9-12 (1) 63:20			
7:30 (1) 194:8	94% (1) 211:5			
70% (1) 197:10	95 (1) 166:4			
70s (1) 140:23	95% (2) 125:3;193:23			
7-12 (5) 38:22;63:19,21,22; 106:21	98 (1) 14:15			
72% (1) 211:5	98% (1) 202:21			
734 (1) 48:21	99.7% (1) 140:9			
74 (1) 149:24	9th (7) 64:15;67:4,15; 77:18;100:13; 148:10;199:2			
74% (1) 197:8				
7th (24) 33:18;53:23;64:12, 14,18,20;65:5,21; 67:4,16,17,24;68:8; 71:2;73:3;77:16,19, 22,23,25;98:9,18; 168:9;200:10				
7-to-1 (1) 144:17				
8				
8 (4) 139:19;168:6; 169:15;199:22				
80% (1)				