In The Matter Of:

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

May 11, 2017

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

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May 11, 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**
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ADE LEGAL COUNSEL:

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

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

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Summary

P R O C E E D I N G S

A-1: CONSIDERATION OF ARKANSAS BETTER CHANCE 2016-2017 FUNDING INCREASE FOR CLASSROOMS

A-2: CONSIDERATION OF ADDITIONAL FUNDING FOR PARIS SCHOOL DISTRICT

A-3: CONSIDERATION OF ARKANSAS BETTER CHANCE 2017-2018 PROFESSIONAL SERVICE CONTRACTS

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CHAIRPERSON REITH: Moving on to our action agenda this morning, Action Agenda A-1, Consideration of the Arkansas Better Chance 2016-2017 Funding Increase for Classrooms. Ms. McKinney, you are recognized.

MS. WILLIAMS: As most of you know, I am not Ms. McKinney.

CHAIRPERSON REITH: Yes.

MS. WILLIAMS: So I'm Tonya Williams; I'm the director at the Division of Childcare and Early Childhood Education. Mary Kaye is representing us in Chicago at a meeting with an initiative that Arkansas was one of four states chosen to participate in, so I wish her well there. I know she's representing Arkansas well, and the initiative is really about doing everything we can to support and improve and encourage quality in our current pre-K program. So I

know she's having a very wonderful learning opportunity.

I also want to thank the Commissioner and Board Members for your continued support of early childhood education. I know that I'm not here generally, Mary Kaye is, but I can assure you that every time she returns to the office there's a report about how things went and the very thoughtful questions that board members ask regarding early childhood.

We have a very unique relationship and partnership that many do not understand. And just because something has been done a certain way doesn't necessarily mean that it should always be done a certain way. But I want to thank Commissioner Key for his continued efforts on our partnership and I can tell you that we are coveted nationally for many things that we take for granted because people don't know about them. But when I go to national meetings many state representatives that are in the similar role to myself are meeting each other, in early childhood from K-12, for the very first time, and folks don't understand the incredible richness of what we're doing here. Because what it allows me to do is to think about all children birth to 5 in Arkansas and try to make improvements for all

children, not just the very small number that are in pre-K. So I just wanted to acknowledge you all for that.

I also want to make you aware of two things before I get into the items; I know you've had a big morning. I wanted to let you know -- I know there's been a lot of talk about the longitudinal study, and I thank again Commissioner Key and the Governor's office and many folks who worked prior to the session and during the session to reconnect that dot. Because of some changes in how student data was being looked at we did have about a three-year gap. I can show you right here that we have a report already and I will be sending it as soon as I return to the office so that you'll have a chance to see it prior to the next meeting and be able to digest it and maybe have some really thoughtful questions about it. What I would point out to you is that students in Arkansas who get Arkansas Better Chance has not changed in the 13 years that I have been in this position. Children who get pre-K, compared to their peers who do not, score better, more proficient on every exam. There have been some changes in assessments and you'll start to see some interesting data about that. I think it can really inform our

work across P-12 around assessments and what that does to children when they're having to learn a new assessment system and we do see a little hiccup there. But it's for all students; I'd say it's across the board. But children in pre-K by 5th grade are right back on track.

I think an even bigger part of the work of the Arkansas Research Center is return on investment analysis. And for every dollar we invest in pre-K by the time students are in 5th grade there is a $3.58 return on investment. There are not very many things that you can give $1.00 for and get almost a $4.00 -- or $3.50 return on. So I wanted you all to know that as State Board members, because I think that's very important to the work.

And then lastly, before I start with the action items, is Arkansas has been awarded for the very first time a $3.8 million Early Head Start Childcare Partnership grant. Head Start is generally funded federal to local. This was the first attempt at something very new in our state and it's very specific to babies because many families work and many low-income families need high quality early care in education for the youngest citizens. It will only serve about 168 students, but we'll be working with

high-priority need communities, many of which you have seen in here and have to take action regarding, but to connect those resources into those communities to help lay the foundation for high quality programming at the local level. So I wanted you all to be aware of that and I'm just going to jump right into the action items.

This is -- everything that's on here is about what balance remains in the pre-K funds. Every year, because we have programs that have a child who may leave during the course of a month, we pay them based on their enrollment and so there's generally a little bit of money left. Some years there's been a little more than others. This year there's a little over $1,000,000 remaining at the end of the year, and so we have attempted to do a couple of things. The first item is about giving programs that are going to be expanding classrooms next year. Some of that is with some other federal childcare dollars that we have, some of it may be returned pre-K slots that they wrote for, but it's to give them a little bit of money to help purchase supplies for those classrooms. So that's action item 1.

And I'll give you time, unless you want me to present everything.

CHAIRPERSON REITH: Oh, I leave it to your discretion, Ms. Williams. Would you prefer --

MS. WILLIAMS: Let me just do it --

CHAIRPERSON REITH: -- just the interconnectivity?

MS. WILLIAMS: Let me just do it all.

CHAIRPERSON REITH: Yeah. And then we'll just take every item at a time. That sounds great.

MS. WILLIAMS: And if folks have questions, Madam Chair, please feel free to stop me.

The second item, we have worked with -- and this is another wonderful advantage of our partnership. There's a wonderful video that I saw that ForwARd Arkansas has put out about what is happening to children in foster care with regard to prison. If you haven't seen that, I encourage you. But we have made a very concentrated effort because of what we know about brain development in children who are exposed to very toxic situations to work with our sister division, Child and Family Services, to insure that children who are 3- and 4-year olds will get access to high-quality pre-K Arkansas Better Chance. So Paris School District has served a child and so there's an item asking for some additional funds that -- it's $6,318 -- just to pay for that foster care

child that they served, beyond what had already been approved.

And then there are the professional service contracts. These are efforts to do things like content area; so literacy, early learning standards training, math and science, social/emotional supports. It is supports for the teacher assistance in classrooms, but those are professional service contracts and those are with generally universities; you'll see University of Arkansas, Arkansas State University, Dawson Co-op -- those are generally family engagement strategies that we're working on. But those professional service contracts are next.

And then you will see a couple of new things that we haven't done before with what -- the remaining balance after those. We have had a partnership with Americorp in south Arkansas over the past several years. They have actually given us some data, and I'll be happy to forward that so that you all can see it, for I think about eight school districts that they work with that show some real improvement around literacy and math scores. But to support that effort we're asking for consideration of that. We also have a new one that I'm very excited about; it was a little bit of a last-minute, but to

support the R.I.S.E. initiative, the reading initiative at the Department of Ed., as well as the Dolly Parton Imagination Library work. We've asked to send $275,000 over to the state Dolly Parton Imagination Library work so that children will get books under the age of 5.

So I think that is everything that we have. Everything else is given to the programs. We just took the remaining balance, divided it by their enrollment and gave -- it came out to about $30 per child. This would allow them -- they could buy books for summer to extend learning activities as children go home for the summer; they could do some enhancements. It's not a lot of money but it is the remaining balance of the Arkansas Better Chance funds.

So with that, I'll stop and entertainment any questions.

CHAIRPERSON REITH: Thank you so much, Ms. Williams. It's a pleasure to make your acquaintance and we really appreciate your presentation and all the information you've provided.

And for my colleagues and for those following us on live-stream, she just presented on Action Agenda Items A-1 through A-4.

So with that, we'll entertain questions and then beyond questions we'll entertain motions in regards to each action agenda item. But any questions to begin with?

Yes, Ms. Newton.

MS. NEWTON: I had a question about the action item 2, the foster child. I know when that happens lots of times it's midyear, you know, and it's unexpected. And if it's like in my area the programs fill up, I mean, they're at capacity. What do you do when you have that foster child coming in the middle of the year and your program is at capacity?

MS. WILLIAMS: So we've used a lot of data analysis and this particular program they had 20 children in a classroom and we allowed them to go over one child. If a child leaves they don't backfill, but in this case I think they went over that 20 that we currently hold. You know, these programs can only have generally 20 children in a classroom with a teacher and a teacher assistant. I think Paris, we gave them permission; they have a very high-quality program at the district and we were able to support them for that. So we don't see that happen every time, but that is a challenge sometimes is that these classrooms are full. Part of it is

we're trying to do more this year on the front-end as we do enrollment and recruitment. We started this work right at the beginning of the school year so those classrooms did fill up last year. But as you go forward I think you'll start to see -- we have about 200 children in foster care that we're serving. I think you'll see a little bit more of that as we go forward. But that's what happened this year.

MS. NEWTON: So you're willing to be flexible with numbers if it's --

MS. WILLIAMS: Absolutely.

MS. NEWTON: -- best for the child?

MS. WILLIAMS: Absolutely.

MS. NEWTON: Thank you.

CHAIRPERSON REITH: Yes, Dr. Barth.

DR. BARTH: Just a note of thanks on the longitudinal study. And I know a lot of people worked on that and it's been a challenge, but I want to thank you in particular for your work on that. I know that we all have I think been frustrated by the absence of good data in this -- yes, I know; everybody has who's worked on this issue. I think we -- it's one of those things we thought we knew what was happening based on what's -- all the good national data, but it's really important to have

Arkansas data. And so this is -- I look forward to seeing it and thank you for your work on that.

MS. WILLIAMS: Thank you.

CHAIRPERSON REITH: Thank you.

Any additional questions?

Yes, Ms. Zook.

MS. ZOOK: I guess Mary Kaye braced you for me because I always have lots of questions. First question is: did you find a head-hunter for your husband so he's not hanging out?

Her husband is the superintendent of Russellville School District and, unfortunately, he's leaving -- but fortunately for Mr. Gotcher; he has a new job.

On item number one, are these added seats?

MS. WILLIAMS: They are not. They are exactly the same number that we had last year, but they are new classrooms for these programs. Some of them are through some federal dollars that we have, Ms. Zook, but some of them are reallocated ABC slots. As most of you know, we haven't received funding to expand the program in about nine years, so these are just reallocated slots. It could be a new classroom for that particular district.

MS. ZOOK: So the $3,000,000 additional dollars

will not go to add seats?

MS. WILLIAMS: That is correct. The Governor has made that very clear he wants to support quality and the existing program.

MS. ZOOK: Okay. And I think Ms. Newton asked my Paris question. Are -- like on the action item 3, are these contracts bid out?

MS. WILLIAMS: They are. We follow the state procurement process. Most of ours are through seven years. That's generally the practice. And these will end this coming year and so we will be re-computing those out. But you can stop renewal at any point if you have an unsuccessful, you know, experience with a contractor, with good cause.

MS. ZOOK: Okay. And the environmental rating scale, how often is that done?

MS. WILLIAMS: In Arkansas Better Chance programs, we do every three years and we usually focus on new classrooms. You know, those are kind of -- we give them an opportunity to learn before we go in, but every three years is what we're doing with ABC programs.

MS. ZOOK: And for those pre-K programs that are connected with the school districts, have they considered using DIBELS since that's what's used in

the K-3 now as opposed to the assessments that you are using?

MS. WILLIAMS: So I -- you know, that's a very good question. I haven't had anybody request that. We certainly could look at that. We've tried to keep -- because the law that created Arkansas Better Chance is very specific that we have to have one assessment for all children, you know, it would probably have to take a law change to make that. But it certainly doesn't preclude them from doing DIBELS if they wanted to with children in their program. But the current assessment is a holistic assessment; it includes language, math, you know, it looks at everything, but it allows us to look across the state and see all children that are participating in Arkansas Better Chance. So there's some advantages to that, but it certainly -- that's a good question and we certainly could talk to folks who are interested in that.

MS. ZOOK: Is it a state or federal law?

MS. WILLIAMS: It's the state.

MS. ZOOK: Okay.

MS. WILLIAMS: It's the Arkansas Better Chance law.

MS. ZOOK: Okay. And, finally -- or I think --

no, not finally -- almost finally -- the $2,000,000 for professional development seems like a lot of money, and help me realize why it's not.

MS. WILLIAMS: So if you think about the $111,000,000, you know, in that context --

MS. ZOOK: Right.

MS. WILLIAMS: -- that's a pretty small amount. I don't know; I haven't looked at the Department of Ed's, but we try to run things fairly parallel to how the Department -- the teachers need training. I mean, you can't -- we have teachers who are coming in that are new sometimes; we have teachers who are seasoned and experienced, but sometimes teachers in schools are moving from K-6 down to pre-K and they may not understand sometimes early childhood development. So we -- you know -- early learning standards, we haven't had a revision; I think Mary Kaye presented that. So that's a big part of our training this coming year is making sure everybody understands the standards revision and what those are. But, you know, we certainly can take a look at that. I will say, over time, you know, there are things that you will shift in priority. So, you know, we may have a big focus on literacy, and while it may be focused with R.I.S.E. -- I mean, certainly,

looking at R.I.S.E., but over time you may go, "Well, all the teachers are trained on that, but what are other areas?" You know, we look at this data, as Dr. Barth said. I mean, this data absence can create a problem because we have to be able to see what's going on out there in the field. The environmental rating scale gives us some of that data, but the assessment or the longitudinal study also gives us that, and we can go, "Oh, there's something happening in math." I mean, we know math in general with early grade teachers, but in pre-K it's the same way. So we've got to make sure that we shore that up. So, you know, we certainly can look at the amounts but I would say -- I would make, you know, a case that teachers and teacher assistants need training. But we just have to look at what are we training them on and why are we training them on that; just for training sake or is there data? And we've tried to use data to inform "here's what we need to be focused on."

MS. ZOOK: Okay. So --

MS. WILLIAMS: That's a good question.

MS. ZOOK: -- I totally agree on the need for professional development. I don't question that at all. So this could be five or six or eight sessions

per teacher or -- so, it's over the whole thing?

MS. WILLIAMS: Absolutely. It's over the course of a whole year and it's a lot of teachers. And it could be that you need some intensity. We work -- as many of you have seen, in certain schools we do a lot of work; some of the effort is with a handful of programs that need a lot of intensive work. Sometimes there are changes in leadership or staffing; they may need more than a school that's operating at a very high level or a program that's operating at a very high level of quality.

MS. ZOOK: Okay. And the question that I get asked a lot, and I encourage your department and ADE to work together to at some point give us a hypothesis, if nothing else, is: more than 50% of the 4-year olds are in a pre-K program. I think it's closer to 60%, maybe a little more than that. And then the other kids are assuming they don't need it or different classes of family, different socioeconomic group. And we hear the financial gains, but we also hear that this increases the odds that they will be on grade level by age 3 -- I mean, 3rd grade; sorry. But we have the 35% or 40% that aren't in pre-K and we have the 60% that are, but then at the end of 3rd grade the kids are tested and

less than 35% are on grade level. So I applaud the Governor for wanting us to work and find out where is the disconnect. If we're working with them, if we're aligned with K-5, something is amiss, and I'm not always sure it's the kids. So I would just encourage all of you -- I know you are more concerned about that than I. But it is a concern, and I get asked that a lot by laypeople and/or parents who are saying, "Well, is there any point in pre-K because" -- you know, and blah-blah-blah. And fortunately there are big percentage of citizens, families that are concerned and do follow this. So at some point before I leave the Board I hope that we can find out why that we are not on grade level. I personally think that we should be putting them on grade level by the end of 4th grade, as opposed to 3rd, because of the developmental differences between male and female and poverty and non-poverty. But, you know, everybody wants to think about 3rd grade. So I would just encourage you to -- if y'all haven't already, to brainstorm about that in your department, work with ADE, see if the, quote, "test numbers" are in fact real, and help us with that. Because, you know, we all want to get behind programs and quality programs that work. But we don't have answers for that

particular question.

MS. WILLIAMS: So that's a very fair question. I think it's certainly doable. I know the Commissioner is nodding his head and we'll certainly look at it. I will tell you anecdotally that because only 60% have access there's about 30% or 40% that do not. And we look at the data on children that we serve in another federal program and their test scores do not look the same. And I would venture to say that when children do not get access, especially low-income children, they're going to continue to drive those test scores. We're still going to see that gap, but it's not necessarily the pre-K and Head Start children for that matter. Both of those programs seem to be getting good outcomes when you look at them and track them out through 3rd, 4th, 5th grade. But there is a population of kids that aren't accessing sometimes anything. I talk to superintendents and they have kids that are coming that aren't even getting, you know, what I would call just childcare in the community. They haven't been anywhere and that is very concerning, you know, and it's made us start looking at family engagement in a different way; how can we help either with home visiting or just help families know "here are the

expectations." So we have a whole team back in my office that's doing nothing but going around the state working with families, but really focusing on school-readiness, kindergarten-readiness type things. I mean, being very strategic, not just we're going to help families but very, very specifically -- and we could certainly add some of the work with R.I.S.E. and Imagination Library to get books into the hands -- but to help these families understand that, you know, everybody has a choice about what -- you know, whether or not you're going to send your child somewhere. But they all have to -- we all want them to be ready. We all want them to have the skill-set so that when they come to school that they are prepared.

So that's a very fair question. We certainly can do some work. I think we haven't really dug into that deeply, but I have anecdotally because, yes, that's the kind of stuff that keeps me awake at night.

MS. ZOOK: Thank you.

CHAIRPERSON REITH: Thank you, Ms. Williams.

Yes.

MS. ABLES: I'm looking at these numbers on PD, and that's a lot, which is good if it's quality PD.

So I'm just wondering how you evaluate the success of the PD or what kind of data you're using and are you surveying the teachers, or how do you know that you're getting the best bang for your buck?

MS. WILLIAMS: Now that's a great question. So there are some tools that we use. The environmental rating scale is one, because it has specific categories and you can look at some things around teacher effectiveness. There are some other tools that are being used. We do surveys obviously at every training. We require that the professional service contractor has a tool so that folks can provide that back in anonymously even. And so we take all of that, but it's a lot of data analysis that goes into that. And we do find sometimes that, you know, either a particular trainer or a particular training may not be giving us, you know, the best expectation or the best bang for our buck, so we do modify. And sometimes even if it's the same contractor we'll be modifying the focus of what they're doing based on that data.

CHAIRPERSON REITH: Thank you so much.

So with that, I don't know if there are any additional questions from my colleagues. Otherwise, I would entertain a motion, and we'll take each

action agenda item separately.

So is there a motion regards to Action Agenda Item A-1, which again is the funding increase for the classrooms?

MS. NEWTON: Move to approve.

MS. DEAN: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Ms. Dean.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to Action Agenda Item A-2, and this is in regards to the Paris School District.

DR. BARTH: Move approval for additional funding for ABC programs at the Paris School District.

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth, seconded by -- I heard Ms. Chambers first, so seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to Action Agenda Item A-3, and this is

in regards to the professional service contracts. I'll entertain a motion.

MS. DEAN: Move to approve the ABC Chance [sic] professional service contracts.

CHAIRPERSON REITH: Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Dean, seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

And then, finally, Action Agenda Item A-4; this is the enhancement grants. I'll entertain a motion.

DR. BARTH: Move approval of the 2017-18 professional -- oh, excuse me, wrong one -- the enhancement grants, I apologize -- 16-17 enhancement grants.

DR. HILL: Second.

CHAIRPERSON REITH: Okay. Motion made by Dr. Barth, seconded by Dr. Hill.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Once again, motion carries unanimously.

Thank you so much, Ms. Williams.

MS. WILLIAMS: Thank you. I will be sending you the longitudinal study when I get back to the office, I'll send it to Deb Coffman, and we'll get it out to you before the next meeting. Thank you.

CHAIRPERSON REITH: Very much appreciated. Thank you, Ms. Williams.

And with that, we will take a 10-minute break and return at 10-to-12:00. Thank you.

(BREAK: 11:40 - 11:52 A.M.)

CHAIRPERSON REITH: If we could kindly reconvene, I know we have a long agenda today and we do have some teachers that need to get back to some classrooms.

A-7: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE - CAROL McCOLLUM (ISENHOWER)

CHAIRPERSON REITH: So with that, just to let everyone know this is being done in consultation with the Department, but we're going to take the next agenda items out of order just slightly, and we're going to consider Action Agenda Item A-7 next, which is the Consideration of Waiver Request for Teaching License for Ms. Carol McCollum. And with that, Ms. Harris-Ritter, you are recognized.

MS. HARRIS-RITTER: Thank you so much. Yes,

this is a consideration of a waiver request for a teaching license for Ms. McCollum. The Department recommendation is that you grant the waiver. I've given you a handout of documents that Ms. McCollum provided through her attorney. And at this time I'd like to introduce Clayton Blackstock, her attorney, to answer any questions and let you know a little bit more information about this situation. Thank you.

MR. BLACKSTOCK: Thank you.

CHAIRPERSON REITH: Yes.

MR. BLACKSTOCK: Good morning. Clayton Blackstock, on behalf of Carol McCollum, who's here, a teacher from Fort Smith, Arkansas. You've dealt with a number of these before. Way back in 1999, she left her child who had the chicken pox in her car seat while she went in to get the medicine for her child. And a police officer was standing out there, in 1999, and said, "You left your child in the car unattended." At that time people got put in the Child Maltreatment Registry without any notice or hearing and -- because the law was unconstitutional at the time. So this is one of many clients who I've represented who 20 years later realizes that their name is in the Child Maltreatment Registry and had no idea that it was there. The law provides, of course,

for a waiver when somebody has been put in the Registry. And so in order for her to get her contract renewed at Fort Smith, where she's ready to have it renewed, she needs to have a waiver. If she had known she was in the Registry back in 1999, she would've been able to get out immediately, but had no idea until her license came up for renewal just this last time. She's been teaching for many years; her license has been renewed multiple times. And we will eventually -- we've filed a petition with the Department of Human Services to have her name removed; that will happen probably later this month. But in the meantime, she needs to have her contract renewed with Fort Smith. Thank you.

CHAIRPERSON REITH: Thank you, Mr. Blackstock. And, Ms. McCollum, I don't know if you'll be offering any testimony. If you will, I'll swear you in, but otherwise I can open it up to questions from the Board.

MR. BLACKSTOCK: Yeah. There's no testimony unless anybody has any questions.

CHAIRPERSON REITH: So with that, again, I look to the Board for any questions or comments. Otherwise, we'll entertain a motion.

MR. WILLIAMSON: Move to grant the waiver.

MS. ZOOK: Second.

CHAIRPERSON REITH: Okay. Motion made by Mr. Williamson, seconded by Ms. Zook.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

MR. BLACKSTOCK: Thank you very much.

CHAIRPERSON REITH: Best of luck, Ms. McCollum, and thank you so much.

MR. BLACKSTOCK: And we'd like to thank too your next person on the agenda for allowing us to go ahead of them.

CHAIRPERSON REITH: Thank you. Thank you, Mr. Blackstock.

A-5: PLSB CASE NO. 16-149, CLINTON IRVING CLAY, EDUCATOR'S PROPOSAL TO SETTLE CASE PRIOR TO STATE BOARD REVIEW

CHAIRPERSON REITH: So with that, now we'll revisit Action Agenda Item A-5, which is our PLSB Case on Clinton Irving Clay. It's an Educator's proposal to settle case prior to the State Board review. Ms. Harris-Ritter, you are recognized.

MS. HARRIS-RITTER: Thank you very much. This is a little bit unusual that there is a settlement offer made directly to the State Board circumventing

the PLSB process that has been going on. I want you all to know that this process is allowed under Arkansas Code Section 6-17-428(c)(4). It just doesn't happen very often that someone uses it. So that section states that the State Board of Education may make an informal disposition of the ethical violation by stipulation, settlement, consent order, or default. And although Mr. Donaldson, who represents Educator Clay, did provide a courtesy copy of the settlement offer to the PLSB, the offer is directed to the Board. So the Board -- the PLSB, of course, recommends that you decline the offer and we go forward with the State Board review. But I'm going to step aside and let Mr. Donaldson make his settlement offer to you at this time.

CHAIRPERSON REITH: Thank you.

If you'll kindly state your name for the record, sir.

MR. DONALDSON: I will. Good morning, Ladies and Gentlemen. My name is Tom Donaldson and I'm a practicing attorney in Marion, Arkansas. I am honored to be here before you today on behalf of my client, Clinton Irving Clay, which most everybody calls Coach Clay, a man who has been a universally well-respected educator here in this state for over

29 years.

We have, as Ms. Harris-Ritter said, been pursuing a process separately and we had a hearing before an evidentiary panel back on February 10. We have appealed that decision and recommendation to you. But the reason we're taking this step is that Coach Clay more than anything wants to deal with this matter and try to put it behind him after he's had such a sterling career as an educator here. Accordingly, we have proposed a settlement, that you should've been provided with a copy of, and that settlement would require two years of probation; a $75 fine; complete training on the AETN Arkansas IDEAS online portal; courses IAD 14-491 Classroom Management, Managing Challenging Behavior, 2 hours; IAD 14-492 Classroom Management, Building Effective Relationships 2nd Edition, 11 hours; and LAB 15-051 Closing the Attitude Gap, 2 hours. It would require written reflections on how each respective training will impact Mr. Clay's future conduct with students. Mr. Clay would be required to complete the training and reflections within 90 days of the State Board's final order, and Mr. Clay would be responsible for all associated costs.

This settlement proposal differs from the

recommendation of the Evidentiary Hearing Panel in only two regards, and that is that it requests two years' probation as opposed to the recommendation of six months' suspension, and the only difference is the amount of the fine; the maximum fine for a probation is $75, so that's less than what the recommendation is of $100. So those are the only differences.

We believe this settlement is more consistent with the Board's decisions in prior cases than the recommendation of the Hearing Panel, particularly given the Hearing Panel's conclusion that there is, quote, "no conclusive proof that Educator Clay intentionally struck the student outside the bus," closed-quote. We also believe this proposal achieves the Board's goals of correction and deterrents, while not putting the Board in the position of essentially second-guessing the local Marion school board.

Shortly after this occurrence took place, back in April of last year, 2016, there was a lengthy hearing before the Marion school board on the recommendation of the superintendent to terminate Coach Clay. The Marion school board voted unanimously 6-to-0 to reject that recommendation and Coach Clay immediately went back to work and has been

performing his duties as Dean of Students and high school basketball -- men's high school basketball coach ever since without further incident. I would also note that three of the board members from Marion actually came over and testified on Coach Clay's behalf before the Evidentiary Hearing Panel, as did the incoming superintendent, Dr. Glen Fenter, who some of y'all may know from his prior role as president of Mid-South Community College. In any event, we believe that this settlement proposal is fair and is in the best interest of all parties, including this board.

With that, you know, I would be glad to answer any question you have with regard to the cases that I referenced, with regard to the facts of this case, or any other question that you have. Otherwise, we would submit this settlement proposal to you for your consideration.

CHAIRPERSON REITH: Thank you, Mr. Donaldson.

Ms. Harris-Ritter, do you have any additional comments on behalf of the Department before I open it up to questions from the Board?

MS. HARRIS-RITTER: Well, I feel like I'm really not able to make comments regarding this settlement offer because it wasn't made to the PLSB but to

circumvent the PLSB. I would say that one of the reasons that the Department believes this should be declined is we do believe you should hear the other side of the story. There's a lot that wasn't said by Mr. Donaldson. For instance, the school board deals with employment; y'all deal with Code of Ethics violations. There are other aspects of the case that I think that really should be pointed out.

So as far as specifically commenting any more on the settlement offer I think I'm probably right at the line since it didn't come to us. But thank you for this opportunity.

CHAIRPERSON REITH: Thank you, Ms. Harris-Ritter.

So with that, I open it up to questions.

Ms. Zook.

MS. ZOOK: This is for Ms. Harris-Ritter. Are there things that you're saying the PLSB board would hear that were not in the packets we received?

MS. HARRIS-RITTER: No. You received the record from the PLSB but you received it related to the State Board review, not related to the settlement. That that you were sent has all the evidence that was presented at the evidentiary hearing; it has what was recommended by the Ethics Subcommittee in their

reasonable belief review, in addition to what was advised by the Evidentiary Hearing Panel and the evidence that they all relied on, including the video from the school bus.

MS. ZOOK: Okay.

MS. HARRIS-RITTER: Does that answer your question?

MS. ZOOK: It does. Thank you. It's unusual that we get a recommendation from PLSB for six months. So is there some reason they wanted to suspend for six months, not a year or two, which we usually see?

MS. HARRIS-RITTER: The Ethics Subcommittee, in making the reasonable belief determination and recommendation, recommended a one-year suspension based on specific items of evidence. The Evidentiary Hearing Panel made the six-month recommendation. If you look at their determination and recommendation in their findings, they made that based solely on the video. So when it is my turn I'm going to ask you to combine those two things and I'm going to ask for a one-year suspension.

MS. ZOOK: Okay. Thank you. And, Mr. Donaldson, have there been any incidents reported and has he had to be before the superintendent and school

board in the over a year since this incident happened?

MR. DONALDSON: No, ma'am. He has not.

MS. ZOOK: That's the questions I have right now.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Additional -- yes, Dr. Hill.

DR. HILL: For Ms. Harris-Ritter, I have a question. And what's -- I want to make sure I'm clear on the facts. There are -- the difference in what they're proposing and what was -- I can't remember what --

MS. HARRIS-RITTER: They want probation. We wanted suspension.

DR. HILL: Okay. All right. So --

MS. HARRIS-RITTER: Okay.

DR. HILL: Okay. That's what I wanted to make sure. Thank you.

CHAIRPERSON REITH: Thank you. Yes, Ms. Dean.

MS. DEAN: What happens if the two years' probation is broken or --

MS. ZOOK: They said that it would immediately suspend his license.

MS. DEAN: Immediately suspend his license. Okay.

MS. ZOOK: Isn't that -- is that true, Mr. Donaldson, that you recommended that -- or your -- part of your proposal is if he violates anything during his probation that you would expect him to immediately have his license suspended?

MR. DONALDSON: Oh, I think he'd be back in there having his license suspended. Yes.

MS. DEAN: For how long?

MS. ZOOK: Well, there's a difference in he'd be back in here to have his license suspended than you're agreeing that he would come back in here, without coming back in here to have his license suspended.

MR. DONALDSON: Well, I mean, he's entitled to some due process.

MS. ZOOK: Okay.

MR. DONALDSON: When you say if anything happens, I mean, you know, I don't know what that means. So it's hard for me to say yes, he'd be willing to say his license can be suspended if he's late getting to work one day or something. You see what I'm saying? I mean, I certainly think if there were any incidents involving any kind of disagreement, confrontation with a student, yes, I think that would be appropriate. But, you know, I

can think of a range of things that, you know, I wouldn't want to sit here and stipulate that should result in an automatic suspension of his license, so --

MS. DEAN: What are the parameters of the probation? I mean, what are the parameters?

MR. DONALDSON: It's going to be the same as probation that you guys order in every case that you've decided where probation has been ordered. And it's going to require that he comply with the things that I enumerated as far as the training and the reflections as well. But as far as, you know, any additional detail about the probation, it's going to be no different than the probation that any other person that receives probation, whether by order or by, you know, consent would receive. So it's going to be the same.

CHAIRPERSON REITH: Yes, Dr. Barth.

DR. BARTH: Well, and this is for Ms. Harris -- Ms. Harris-Ritter. If there is a probation typically there -- that is connected with that, if there is any additional sanctioning it is an automatic suspension; right?

MS. HARRIS-RITTER: Well --

DR. BARTH: Or is that not --

MS. HARRIS-RITTER: -- not exactly. First of all, if the PLSB knows about it and there's a violation during probation, then the PLSB can file an allegation right there and bring it back. But it's not automatic. There are due-process considerations, just as Mr. Donaldson indicated. He would still be able to teach and it would be on his record in our files that he had been on probation for two years.

MS. ZOOK: And I don't know if this question is for the teacher-coach or the attorney. But what is the relationship -- okay, since you have a superintendent who recommended termination and you had a board who overruled, how has that working relationship impacted their work -- professional working relationship and his ability to work effectively with the students he coaches?

MR. DONALDSON: Coach Clay, I'll be glad to let him speak to that. He's going to be the personal witness. To my knowledge, that's not been a problem at all and he's performed all of his duties, again, without incident and sufficiently ever since. I know -- personally, I know the superintendent who's leaving and he's actually moving to South Carolina where he has some young grandchildren. I also personally know the incoming superintendent, Dr.

Fenter, that testified. And, you know -- you know, I know y'all got a huge packet of materials and one of the things in there would've been the testimony of Dr. Fenter. But Dr. Fenter personally testified to the importance that he places on having Coach Clay there to help him implement the programs that he has in mind for the Marion School District when he takes over July 1st. So I think -- it's hard to get a stronger endorsement from somebody than the incoming superintendent about the importance of an employee. And the probation, again, I think serves the -- you know -- the need you may have to deter conduct from Coach Clay and others, but at the same time allows him to be able to continue performing his duties, and so I think it's a reasonable compromise.

DR. HILL: Question.

MR. DONALDSON: Yes.

DR. HILL: So the new incoming superintendent has requested -- what is his recommendation? I mean, explain that to me. I'm just --

MR. DONALDSON: He testified at the hearing before the Evidentiary Hearing Panel, as did three of his board members, as to the importance of Coach Clay to the school district, as to Coach Clay's, you know, terrific history as an educator there in the Marion

School District. And so they requested that he not be suspended at that hearing.

DR. HILL: So, and short and to the point, he wants him?

MR. DONALDSON: Absolutely he wants him.

DR. HILL: All right. I wanted to make sure.

MR. DONALDSON: Absolutely. And, you know, this is not a forum to present additional testimony, so I can't call Glen Fenter.

DR. HILL: I understand.

MR. DONALDSON: I need to call him again because --

DR. HILL: I didn't want that.

MR. DONALDSON: I understand.

DR. HILL: I didn't want that.

MR. DONALDSON: But you can look at his testimony and that's exactly what he said, he wants him. So, yes. Now if you really want to hear from him about what he's been doing in the year since we had the Marion school board I'll be glad to let Coach Clay address that, if you still want to hear that. Ms. Zook, I think that was your --

CHAIRPERSON REITH: That's the pleasure of the Board, if any board members would like to hear testimony. I just would have to swear you in, sir,

prior to. Yes?

MS. HARRIS-RITTER: Could I just add something before we --

CHAIRPERSON REITH: Ms. Harris-Ritter, yes, if you could come to the mic please.

MS. HARRIS-RITTER: Yes. Thank you. The Board can either accept or reject the settlement offer. But if you reject it and you have the State Board review, you can make any decision you want about what type of sanction you believe is appropriate. I don't know if all of you have seen the video on this. If you haven't, or you'd like to see it again, we can show it to you. The school board members weren't there that day when this happened, and I don't want you to lose sight of the student in this. So we'd be glad to show it to you now or during the State Board review following this, if we have it.

CHAIRPERSON REITH: No, thank you. And as a point of order, Ms. Harris-Ritter, before you sit down, so depending on the outcome of Action Agenda Item A-5 determines whether A-6 --

MS. HARRIS-RITTER: Correct.

CHAIRPERSON REITH: -- is reviewed or not; correct?

MS. HARRIS-RITTER: If you accept the settlement

offer, then --

CHAIRPERSON REITH: Then there's no --

MS. HARRIS-RITTER: -- we won't have the other one.

CHAIRPERSON REITH: And then, otherwise, if we don't, then we proceed into --

MS. HARRIS-RITTER: Yes.

CHAIRPERSON REITH: -- the actual A-6, yes, which is the hearing itself to which you've alluded to.

MS. HARRIS-RITTER: Correct. Thank you.

CHAIRPERSON REITH: Thank you for that clarification for everyone there.

So with that, in regards to making a decision on the settlement offer does any of my colleagues have any additional questions or concerns they would like to voice? Otherwise, I'll entertain a motion regards to specifically Action Agenda Item A-5, which is the settlement offer.

And, Ms. Harris-Ritter, just to confirm that appropriate here is accept or deny; correct?

MS. HARRIS-RITTER: That's correct.

CHAIRPERSON REITH: So the motion would be to either accept the settlement offer or deny the settlement offer. Or any additional information that

my colleagues need to make a decision?

Yes, Ms. Newton.

MS. NEWTON: I guess my question is to the members of the Board. Have all of you watched the video and gone through the materials?

Okay. All right. So since some of us have not, I think we need to deny and go through a hearing then.

CHAIRPERSON REITH: Would you like to turn that into a motion, Ms. Newton?

MS. NEWTON: Yes. I move that we deny.

MR. WILLIAMSON: I'll second that.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Mr. Williamson.

Comments by Dr. Barth?

DR. BARTH: Just a comment. I'm supportive, and I think we also need to be very careful about setting precedent for bypassing the process that I think we have gotten more and more confidence in, and so that's additionally why I'm supportive.

CHAIRPERSON REITH: Thank you, Dr. Barth.

So with that, all in favor of the motion? Again, motion made by Ms. Newton, seconded by Mr. Williamson.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously to deny the settlement offer.

A-6: STATE BOARD REVIEW OF PLSB EVIDENTIARY HEARING FINDINGS AND RECOMMENDATIONS - PLSB CASE NO. 16-149; CLINTON IRVING CLAY

CHAIRPERSON REITH: And so that means we will move into Action Agenda Item A-6, which is the evidentiary hearing and findings and recommendations. So once again, Ms. Harris-Ritter, you're recognized.

MS. HARRIS-RITTER: Thank you very much. As we all know by now, Educator Clay has requested State Board review and oral argument before you in PLSB Case Number 16-149. Mr. Donaldson will address you first on this case and he will have 10 minutes to do so. When he has finished his allotted time, I will then present the PLSB argument and I will also have 10 minutes. You may ask questions of either or both of us during the presentations or after them. Thank you.

Mr. Donaldson.

CHAIRPERSON REITH: Okay. And, Mr. Donaldson, will -- at any point will your client be offering testimony, so that I swear him in?

MR. DONALDSON: No. I'm not planning on

presenting any testimony, so --

CHAIRPERSON REITH: Okay. Thank you so much.

So then, Mr. Donaldson, you are recognized for your 10 minutes.

MR. DONALDSON: Thank you. As we've talked about briefly already, this case against Coach Clay was the subject of a lengthy hearing before the Evidentiary Hearing Panel back on February 10th of this year. It's the job of that panel to hear the evidence, determine the facts, and make a recommendation to you. In its written decision dated the same day as the hearing, February 10, 2017, the only facts found by the Hearing Panel were (1) on March 21, 2016 Educator Clay, head basketball coach and Dean of Students, accompanied the Marion High School boys' basketball team on a school bus from Marion to Russellville for the State Basketball Championship Tournament; (2) when the bus arrived at the tournament there was a confrontation between Educator Clay and a student that was recorded on video; the confrontation continued just outside the bus and that portion was not caught on video but some portions are audible.

The Hearing Panel's decision contains no Findings of Fact as to what actually transpired

during this confrontation. However, as I briefly mentioned earlier, the Hearing Panel's decision does contain one significant conclusion and that was, quote, "there was no conclusive proof that Educator Clay intentionally struck the student outside of the bus," closed-quote. Despite the lack of factual findings the Hearing Panel's written decision recommends, amongst other things which we've discussed, a six-month suspension. We've also discussed this same confrontation, as the Hearing Panel characterized it, being the subject of an even lengthier hearing before the Marion school board shortly after the event. At that hearing well over 100 people came out to support Coach Clay and 13 of them, from diverse backgrounds, testified on Coach Clay's behalf. You were provided with the transcript of the testimony at that hearing. I know it's lengthy; I hope that you took time to look at it.

I'm not going to try to go over every witness's testimony because of our time constraints here today, but I do want to highlight the testimony of two people at that Marion school board hearing. The first is Suzanna Thompson. Ms. Thompson has been a teacher at Marion School -- High School for 21 years and has known Coach Clay since he came to work for

Marion; Coach Clay grew up in Marion, but he came to work for the Marion School District in 2002. At the Marion school board hearing Ms. Thompson testified, quote, "Coach Clay has very positive interactions with students at Marion High School. I have never seen a negative interaction at all. In fact, he seems to bring a very positive, consistent authority figure and that's what we need," closed-quote. She further testified, quote, "There's been a very noticeable change since Coach Clay has left; 'amok' may not be the correct word, close maybe." When asked whether she wanted Coach Clay back in the high school Ms. Thompson testified, "I do. I need him back."

The second person whose testimony I want to highlight is Debbie Peters. Ms. Peters has worked at Marion High School for 28-1/2 years and has been the librarian there for the past 11 years. She testified, "Coach Irving Clay is one of the most highly regarded administrators in the Marion School District. He has been a source of constant leadership and discipline to young people in our high school and on the MHS basketball team for many years." She further testified, quote, "Coach Clay has always worked with devotion and commitment to

encourage students' best behavior on and off the court. And while the job becomes more difficult with each passing year he continues to strive to do his best. He may not be a perfect man, void of mistakes, but he's good -- he is a good and thoughtful man who truly is dedicated to his job."

As I stated, at the conclusion of that lengthy hearing the Marion school board voted unanimously, 6-to-0, to reject the superintendent's recommendation to terminate Mr. Clay's employment. A copy of the minutes of that meeting is included in your packet as part of the exhibits; it's in Volume 1 at pages 50 through 51, to be specific. Again, Coach Clay after that hearing went back to work both as Dean of Students at the Marion High School and as the high school boys' basketball coach, and he's performed those duties without incident since.

I alluded to the board members that came and testified at the hearing on February 10th before the Evidentiary Panel. One of those was Reverend Jeffrey Richards -- Richardson, excuse me. He served on the Marion school board for 25 years, in addition to numerous other civic activities, and he's known Coach Clay for 56 years. When asked about Coach Clay, Reverend Richardson testified, "Fine person that I've

grown to respect; very appreciated person in the community for our school district, for our children. The ambition that he instills in our children to be a better product to further them-self in life is very appreciated in our community." When asked what kind of impact it would have on the school district if Coach Clay were no longer able to teach and coach there, Reverend Richardson responded, "It would hurt us severely. We have built a program trying to enhance discipline and things that our young men need. We don't have a lot of positive role models, and absent of him it would hurt our school severely." Steve Sutton, another person who has been on the Marion school board for 26 years and has known Coach Clay since they went to high school together, testified, "Irving Clay has been an exemplary employee, a great role model for both African American as well as white students; just been a great mentor to both male and female. I wish we had about 15 of him. In all respects he's been a great employee; so glad to have him. It would be a travesty to not have him at Marion, which is why I'm here." Mr. Sutton went on to describe the important -- the, quote, "big role," closed-quote, that Coach Clay helped in assisting the students who were taken

into the Marion School District from the Crawfordsville School District and from the Turrell School District to smooth -- make a smooth transition into the Marion School District. Bart Turner, who has lived in Marion his whole 60 years and been on the school board for 15 years, similarly testified, "I wish the school district had three more of him. I think he's a tremendous role model for the students. He has a lot of respect." And then I come to Dr. Fenter, who we talked about earlier, who will take over as superintendent July 1st. Dr. Fenter said, "When I came to Arkansas, Irving Clay was a name that you heard in conversations about educators that were making a difference in the lives of young people." And when asked how it would affect him as incoming superintendent if Coach Clay were not available to assist him, Dr. Fenter responded, "Well, I don't think it's ever possible to have enough positive role models, particularly working in districts where you have a high concentration of poor students or minority students, or both. And I guess the easiest way to answer that is if I knew there was 10 more like Coach Clay I'd be trying to hire them tomorrow." Dr. Fenter went on to say, "And I would trust him with my own children or any students that I'm charged

with just because of the pattern of behavior that he's exhibited over the last 25 years."

In the brief that I filed with you guys on behalf of Coach Clay we cited 11 publicly available cases in which the Educator received a lesser sanction than a suspension for conduct more egregious than that alleged against Coach Clay. You have those cases, and because of time limits I'm probably not going to be able to go through all of them with you but I would like to highlight a couple, and keeping in mind here what the board found about any contact between Coach Clay -- not being intentional by Coach Clay. In one case Michael Darren Dean, case number 15-027, the findings were "elbowed a student in the side and grabbed the student around the neck and started to choke him." That Educator got one year of probation and some fines and other things. Stephen Tyler Hart, case number 15-032, findings, "Repeatedly directed the student to sit down, and when the student didn't comply grabbed the student's shirt to sit him in his desk." That Educator got a written reprimand. Denan Elaine Cagle, 15-069, findings, "Struck the student in the face, slapped the student on the arm during science class, and asked the student not to report that she had slapped him during

the science class." One year of probation. Casey Lanne Spradlin, 15-073, called students inappropriate names: crack-head, jack-wagon, retarded; used pressure points on students causing pain and embarrassment and used wrestling moves on students while, quote, "rough-housing," closed-quote, with them, causing pain and embarrassment. A written reprimand.

Now because there's not really an opportunity for me to respond, I'm going to go ahead and take an opportunity -- I know one of the things that was in the materials that the PLSB filed were six additional cases that they cited, but I would submit to you that those cases are nowhere like the situation here regarding Coach Clay. One of the ones they cited, Jamie Gail Morton, 15-152, the findings were "struck a student on the hand when he tried to get a pencil off her desk and hit students," plural, "in her class." Yeah, her license got suspended. But there's no proof here, as the Evidentiary Panel found, that Coach Clay hit the student at all.

CHAIRPERSON REITH: Mr. Donaldson --

MR. DONALDSON: Yes.

CHAIRPERSON REITH: -- I'm afraid you're out of time. If you could kindly wind up your comments,

please.

MR. DONALDSON: I will do so. I will do so. So based on all that, in sum, if you follow the Hearing Panel's recommended six months' suspension you're essentially going to bring to termination -- the board -- the Marion School District cannot employ somebody whose license is suspended. So you're effectively bringing Coach Clay's career to its end after 29 years in our area, and you're effectively second-guessing that school district, that local school board is what you're doing.

For all these reasons you ought to reject the Panel's recommendation and you should determine -- and if you determine that the sanction is appropriate it should be no more severe than probation. Thank you.

CHAIRPERSON REITH: Thank you, Mr. Donaldson.

Ms. Harris-Ritter, you're recognized for your 10 minutes.

MS. HARRIS-RITTER: Thank you very much. You heard a lot about what people who weren't on that school bus think about Mr. Clay. You heard a lot about cases that had nothing to do with this case.

Just after the team arrived in Russellville for the State Boys' Basketball Tournament, on March 1,

2016, a confrontation started on the bus between Educator Clay and a student. The bus was equipped with a video camera that caught part of the incident. After review of the video from that bus and review of a number of documents that included the police report of the incident, statements from students who saw the entire incident off the bus and some who only saw part of it, a statement from the student involved, a statement from Educator Clay himself, a statement from the father of the student involved who spoke with Educator Clay by telephone shortly after the incident, and documentation of the school district disciplinary reprimand of Educator Clay that he received for his verbal threat and inappropriate language towards another student less than four months before this incident on the bus; that was before this incident he'd already been reprimanded. They also reviewed the PLSB Final Report of Investigation. After reviewing all of this, the Ethics Subcommittee found that Educator Clay violated Standard 1 when he grabbed, pushed, hit or had other similar inappropriate contact with a student, used profanity in the presence of one or more students, said "get your ass off the bus, I'm tired of talking to you" or similar to a student, and provoked or

encouraged a student to hit him.

The Ethics Subcommittee based this reasonable belief of violation on the following: in the video Educator Clay used curse words, grabbed the student and appeared to force the student down the stairs of the bus; he taunted the student and encouraged the student to be physically violent toward him; the student grabbed the bar on the bus in an apparent attempt to steady himself; additionally, after being struck by the student the Educator lunged at the student and had to be restrained. The video did not show any attempt by the Educator to de-escalate the situation at any time. As the Educator, who's also the Dean of Students, he was responsible for de-escalating the situation. The student could've sustained severe injuries when the Educator pushed him off the bus. During the incident the Educator was the first one to use curse words.

The Educator contradicted himself during his interview with the PLSB investigator. The Educator's statements to the PLSB investigator contradicted what was reflected on the video. The Educator's statements to the PLSB investigator contradicted information he provided to the police.

The Educator has a prior history of similar

conduct with regard to using inappropriate language at the school district level. The school district issued a letter of reprimand to him for making a verbal threat and using inappropriate language on November 13, 2015. Yet, the incident at issue in the ethics complaint occurred less than four months later. The Educator's conduct was willful and it was intentional. Because of the incident the student was expelled from school and had to complete the rest of the year at another school in another district.

The Ethics Subcommittee's recommendation sanction was a one-year license suspension, a $100 fine, and specific training that Mr. Donaldson already related to you. This recommendation was rejected by Educator Clay, who then requested an evidentiary hearing, as is his right. During the evidentiary hearing when I asked him about his behavior on the bus Educator Clay described himself as "like a monster." That is in the transcript of the hearing at page 106, line 4, and those are his words that were made under oath.

Like the Ethics Subcommittee, the Evidentiary Hearing Panel also found that Educator Clay violated Standard 1 of the Code of Ethics, but the determination and recommendation was based on the

video alone. The recommended sanction was a license suspension for six months, the same fine and training. Those findings from the hearing were: that on March 1, 2016 Educator Clay, head basketball coach and Dean of Students, accompanied the Marion High School boys' basketball team on a school bus from Marion to Russellville for the basketball championship tournament. When the bus arrived at the tournament there was a confrontation between Educator Clay and a student that was recorded on video. The confrontation continued just outside the bus and that portion was not caught on video, but some portions are audible. The Panel then determined that the action of Educator Clay on the bus reflected poor judgment. A situation was instigated and exacerbated by Educator Clay and merit sanction, and there was no conclusive proof that Educator Clay intentionally struck the student outside of the bus. That's not the standard that we use; it's a preponderance of the evidence. It's more likely than not; not conclusive.

Suspension of Educator Clay's license is appropriate for his violation of Standard 1. I'm asking you to adopt the findings and rationale of both the Ethics Subcommittee and the Evidentiary Hearing Panel. I ask that you suspend his teaching

license for one year based on all the evidence, not just the video, and assess the $100 fine and require the training that was recommended, because it's clear that Educator Clay violated Standard 1 which states, "An Educator maintains a professional relationship with each student, both inside and outside the classroom." Not only did Educator Clay not maintain a professional relationship with this student on March 1, 2016, but he escalated his prior inappropriate behavior. Remember, this was less than four months after he received a letter of reprimand from the school district for a verbal threat and inappropriate language while speaking to a different student in front of other students. Educator Clay's actions this time were more egregious. They included not just inappropriate language but also grabbing and pushing a student, appearing to force the student down the steps of the bus, lunging at the student and being physically restrained by others after the student hit him in response to Educator Clay's actions and making no attempt to de-escalate the situation at any time.

Educator Clay violated Standard 1. His behavior is such that probation is not appropriate and his license should be suspended. The standard of proof

required is a preponderance of the evidence. There's no requirement that the proof be conclusive, only that it be more likely than not that it occurred. I urge you to find that it is more likely than not that Educator Clay violated Standard 1 of the Code of Ethics by his behavior on March 1, 2016, when he grabbed, pushed, provoked and encouraged a student to hit him and lunged at him after he did without ever making any attempt to de-escalate the situation.

I urge you to adopt the findings of both the Ethics Subcommittee and its Evidentiary Hearing Panel. I urge you to sanction Educator Clay by ordering that his license be suspended for one year based on all the evidence, not just the video; that he be assessed a $100 fine; and he complete the training that has been recommended. He said under oath that his behavior was "like a monster." Please sanction him accordingly. Thank you.

CHAIRPERSON REITH: Thank you, Ms. Harris-Ritter.

And with that, I think it's now open to the Board for questions -- or does he get a rebuttal?

MR. DONALDSON: Well, I --

MS. HARRIS-RITTER: Yeah, well, he gets no rebuttal.

MR. DONALDSON: May I --

CHAIRPERSON REITH: Well --

MR. DONALDSON: Here's my concern.

CHAIRPERSON REITH: Mr. Donaldson, I'm afraid -- if my colleagues have questions for you then they can point --

MR. DONALDSON: Well, she said some things that are just flat inaccurate --

CHAIRPERSON REITH: And then --

MR. DONALDSON: -- and I ought to have an opportunity to respond.

CHAIRPERSON REITH: -- my colleagues can definitely point questions to you. I do have to open it up, as a point of order, to the Board and some of them may want to give you an opportunity here.

So with that, I leave it to the discretion of the Board. Questions?

DR. HILL: Yeah.

CHAIRPERSON REITH: Yes.

DR. HILL: I want to hear what you --

CHAIRPERSON REITH: Okay. Dr. Hill.

MR. DONALDSON: Well, I mean --

CHAIRPERSON REITH: Then, yes, Mr. Donaldson.

MR. DONALDSON: -- here's one, is she's now said two or three times that the Evidentiary Hearing Panel

based their decision only on the video. That is totally incorrect. That hearing panel had all the same evidence that you have before you now. I don't know what else she thinks they were supposed to consider that they didn't have. So that's just not true.

MS. HARRIS-RITTER: Yes.

MR. DONALDSON: They considered all the facts. Their materials are what you received, so they considered all the facts. It's a misquote of what he says about his-self, "like a monster." He says "it makes me look like a monster;" he doesn't say I was a monster or I acted like a monster. He knows his behavior on that day doesn't reflect his normal behavior and demeanor but -- and then another misstatement is -- I mean, watch the video your-self, quite frankly, but nobody has ever said he pushed the kid off the bus; that's just not a factually accurate statement. And, you know, now we're playing -- the PLSB wrote the decision; they used the evidence language that they've quoted. They could have written a different decision. But the point is the Evidentiary Hearing Panel heard all this evidence live, found there wasn't sufficient evidence to conclude that he hit the kid off the bus. And I

would tell you -- I don't have the cite to it but go back and look to what the kid his-self testified, and the kid his-self testified that Coach Clay went to brush his hand off and his hand made contact. Even the kid that's the center of the -- the center of this dispute has the same testimony. The incident before, it's not like Coach Clay randomly assaulted some kid; it was this kid's brother. These two kids have been troublemakers at that school the whole time. The kid cussed at Coach Clay, pulled his jersey off --

MS. HARRIS-RITTER: I object.

MR. DONALDSON: -- and threw it at him.

MS. HARRIS-RITTER: I object.

CHAIRPERSON REITH: Yes, Ms. Ritter-Harris, you're recognized now. Yes.

MS. HARRIS-RITTER: Thank you.

CHAIRPERSON REITH: The Board had asked to hear his testimony and so we were letting him finish that. Yes, Ms. Harris-Ritter.

MS. HARRIS-RITTER: I understand that. But I didn't say anything that wasn't accurate. In the decision that was taken from the transcript of the hearing, the Panel based their decision based on what was on the video. Yes, they heard everything else

but they focused only on the video. The other language is from the Ethics Subcommittee.

I think we should show you the video so you can see for yourselves what actually happened on that bus. And the student testified that Coach Clay punched him in the face, not that he accidentally hit him. That's what Coach Clay said after he told the police that he hit him, and it's in the police report. So if -- with your -- with your agreement, we can show you the video right now.

CHAIRPERSON REITH: I turn to the discretion of the Board here. Would the Board like to see the video?

DR. HILL: I'd like to see it.

CHAIRPERSON REITH: Would that be -- then, yes, Ms. Harris-Ritter, you may proceed --

MS. HARRIS-RITTER: Thank you.

CHAIRPERSON REITH: -- with the showing of the video.

MS. ZOOK: Is this going out?

COMMISSIONER KEY: Can we take just a pause before we hit play on that, please?

CHAIRPERSON REITH: Yes, Commissioner.

COMMISSIONER KEY: Could we have about a 2-minute recess?

CHAIRPERSON REITH: Oh. So that they can get it --

COMMISSIONER KEY: So I need to ask a question of Legal.

CHAIRPERSON REITH: Okay. All right. So with that, we'll take a 2-minute recess to allow for technology and conference.

MS. ZOOK: My question is whether or not we -- since this involves children who aren't --

CHAIRPERSON REITH: Yeah.

MS. ZOOK: No, I want to talk to --

CHAIRPERSON REITH: But we did say recess, so --

MS. ZOOK: Okay.

CHAIRPERSON REITH: -- just so it gets on the record.

(BREAK: 12:40 - 12:42 P.M.)

CHAIRPERSON REITH: So with that, Board and Audience, we are going to reconvene with some instructions from our legal department in regards to student privacy here and how we proceed moving forward, so --

MS. FRENO: Thank you, Madam Chair. Lori Freno, Department of Education. We have concerns with this because there are other students on the bus and they might well show up in the video. You already all

have been provided a copy of the video by secured server and we ask that we take a break -- it's only about two minutes long -- and that you review individually -- you review the video, if you haven't already done so, on your own personal devices. And then that way we don't -- we do not want this live-streaming out; we do not want to take any chances of violating student privacy.

CHAIRPERSON REITH: Thank you, Ms. Freno.

Yes, Commissioner.

COMMISSIONER KEY: And I would add to that that if -- we have tech folks; if you need assistance, bring it up on your computer. We've got folks that can come up and help do that -- or on your phone; whatever device you have we'll be able to support you getting to that.

CHAIRPERSON REITH: Yes. And so with that, if I could pose a question to the Board -- since lunch is here, I don't know -- but then at the same time to not inconvenience -- really, it's to the discretion of the Board if we watch this and have -- go and continue the break to have lunch and then reconvene, or would folks want to just take a 5-minute break to watch this, make a final decision, and then go into lunch? What would be the preference?

A 5-minute break. Okay, 5-minute break and then -- so that we can conclude this prior to the lunch. Is that the discretion of the Board? I'm seeing predominantly nods here.

So for those again following us on live-stream, we will reconvene at 10 minutes to 1:00, and at this time each board member will individually be reviewing the video. And when we recommence, Ms. Zook was making comments and we'll recognize her first and then open it up to additional questions and comments from the Board.

So, again, a 6-minute break right now. If anyone needs assistance, please raise your hand so that the appropriate tech people from the Department of Ed. can support you in that.

(BREAK: 12:44-12:55 P.M.)

CHAIRPERSON REITH: So with that, for all of those here, I think some are already in anticipation of a 1:00 start. I apologize. Our morning session has gone over with our agenda items and we're actually only on Agenda Item Action A-6.

For the purpose of live-stream and those here, there was -- we've had some technological issues in regards to being able to watch the video that is part of the evidence in regards to Action Agenda Item A-6.

And so as not to be inferred by anyone that this is an executive session, right now board members will be individually with a member of the Department; those that need to review the videotape will be doing so individually, but that will take time. And so to do that we are going to go ahead and break for lunch and it will be -- we will reconvene here at 1:30, and at that time we will pick up Action Agenda Item A-6 for any final questions and a decision. And I will in the interim, during our lunch break, confer with Ms. Coffman and the Department to see if there's any reordering of the agenda we can do for those who've been either waiting around this morning or have hearings that they're prepared to come for starting at 1:00. I'll announce that at the start, at the commencement at 1:00.

But for those of you that are here for action agenda items that were slated for this afternoon, again, we are behind on our agenda from the morning; we are only on Action Agenda Item A-6. And so if folks need to partake in lunch, especially I know those that are here for the afternoon hearings, I strongly encourage you to do so at this time, in that it does look like today's agenda will go long. So, apologies to all for any inconvenience. And for the

live-stream folks, I hope this gives some clarification of where we're at with our agenda.

But with that, we are now officially on break until 1:30. Thank you.

(LUNCH BREAK: 12:56 - 1:34 p.m.)

CHAIRPERSON REITH: Thank you, everyone. We're going to reconvene this session of the State Board of Education. And, again, for those of you that are joining us since lunch or for those following on live-stream and just tuning in this afternoon we did leave off on Action Agenda Item A-6. During the break, in individual sessions, board members needing to do so did review some additional video testimony, video evidence in regards to the evidentiary hearing that we are considering for Mr. Clinton Irving Clay.

At this time we will entertain additional questions or comments from the Board. And if none, then we could entertain a motion as well on this specific action agenda item.

MS. ZOOK: Well, I was --

CHAIRPERSON REITH: Ms. Zook.

MS. ZOOK: Okay, excuse me while I get organized. Who turned this in to the PLSB board? Who filed the complaint?

MS. HARRIS-RITTER: The complaint was filed by

the superintendent of the school district.

MS. ZOOK: Okay. And let's see if I have another one before you sit down. And you made the comment that the student could have sustained injury, but in fact the student did not. Is that correct?

MS. HARRIS-RITTER: Right. The student caught himself on that bar and did not fall all the way out of the bus because of that.

MS. ZOOK: Thank you.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Additional questions or comments or discussion from the Board?

Yes, Dr. Barth.

DR. BARTH: Can I get a description of the scope of duties of him in his role as Dean of Students? I don't know who this goes to. I'm just curious about what that role includes at the school.

MS. HARRIS-RITTER: He might have to tell you. But from what the superintendent stated, the Dean of Students deals with student discipline.

DR. BARTH: And is that -- is it primarily a disciplinary role or are there other activities? I'm just curious. I know that's different in different schools. I was just curious what the responsibilities were for here.

MS. HARRIS-RITTER: I don't know any more than that part that I was told.

DR. BARTH: Okay.

CHAIRPERSON REITH: Thank you, Dr. Barth.

Additional questions?

Mr. Donaldson.

MR. DONALDSON: Only my client could answer that question fully because, I mean, he's the only one who knows what he does every day. So, I mean, if you want to hear from him I'll be glad to let him speak but --

DR. BARTH: I mean, I think that's --

MR. DONALDSON: Okay.

DR. BARTH: I just wanted to get the general overview. That's fine.

CHAIRPERSON REITH: Thank you, Dr. Barth.

Additional questions? Otherwise, I will entertain a motion.

MS. NEWTON: I just have a question about what are our options as far as -- does it go back to the PLSB board if we don't go by what's here? What are our options as far as what we can and we cannot do?

MS. HARRIS-RITTER: You may dismiss it; you may order a sanction of written warning, a written reprimand, probation, a suspension for a specific

period of time, or permanent revocation. You may sanction him with a fine. If it's probation it's a $75 fine or less; if it's a suspension it's $100 fine or less. You may require training, such as that that was recommended by the Ethics Subcommittee and the Evidentiary Hearing Panel.

CHAIRPERSON REITH: Okay. Thank you. And, Ms. Newton, if I might offer, with previous cases, as this, a recommendation is being offered by the PLSB, correct, in terms of what is here. And so we can accept that or we can offer --

MS. HARRIS-RITTER: Your own.

CHAIRPERSON REITH: -- any of our own alternative, as per the guidelines that Ms. Ritter-Harris has said here. And if you could remind us again the recommendation of the Department?

MS. HARRIS-RITTER: The recommendation I gave to you today was to adopt the findings from the Ethics Subcommittee and the Evidentiary Hearing Panel; suspend his license for one year, order a $100 fine, and the training that was specifically recommended. And I can slip over and grab my paper and read you what those classes are; Mr. Donaldson already indicated what they were specifically.

CHAIRPERSON REITH: And they're also listed here

in our action agenda, but -- thank you; I wanted it --

MS. HARRIS-RITTER: Yes.

CHAIRPERSON REITH: -- for just the clarity of this motion --

MS. HARRIS-RITTER: Yes.

CHAIRPERSON REITH: -- for my colleagues to have the opportunity to be reminded on what the recommendation of the Department is.

MS. HARRIS-RITTER: Thank you.

CHAIRPERSON REITH: So with that, it is now to the discretion --

DR. HILL: Can we have some discussion?

CHAIRPERSON REITH: Yes, Dr. Hill.

DR. HILL: Okay.

CHAIRPERSON REITH: Yes, most definitely.

DR. HILL: Just based off -- and I know we talk about academic distress; I know I'm on the discipline committee. I left that this morning at 8:30. And I know we give waivers oftentimes because we don't have people qualified. I know identifiable role models are critical in the area for which we're concerned with. And although not taking it lightly on what has happened, I have been a coach; I've been in a lot of situations. There's not an excuse for anything. But

I think based on the fact that the new superintendent has spoken that -- and as a board we're deciding hiring and daily operation practices for a school district, that we're deciding the personnel and what they need from this board. And I'm not saying that the superintendent has to hire him, or the new principal. But based on being in situations that you realize the challenges that we have for identifiable role models, people who are respected in the community, the decisions that can be made -- nobody has to hire him; in fact, they could terminate him. But I think for a board to remove the licenses of a person who has shown many, many years of goodwill in the community is punitive and could be harmful to the community that's looking for positive role models that could follow -- replace the fathers. I'm not saying that he was right; I'm not saying that, you know, by giving any reason -- in fact, it's unacceptable as being an administrator. However, I think that, you know, a strict probationary term and evaluation to see exactly how that will work is what I'm hoping that this board will consider.

CHAIRPERSON REITH: And then with that, Dr. Hill, if you have -- no, most definitely -- but did you have a sense within that of the type of --

DR. HILL: I would -- yes. I would say -- well, I was looking at a two-year probationary term that would come up that -- for the new superintendent to understand, because once again that's a day-to-day operation decision that we're not there. I don't think we can sit here and tell them what they need in their community. And we're giving waivers for people, individuals, that are not -- you know -- don't have the things that we've shown that even met those criteria. And it's in the Delta. We talk about trying to find that. And I think that if we put some strict parameters around that and allow him the opportunity to -- we call it restorative justice -- to give back and maybe do community service to go in and to make sure this doesn't happen again. And if it does then we realize that, you know, that we could act accordingly, swiftly, and move forward.

CHAIRPERSON REITH: Thank you.

Yes, Dr. Barth.

DR. BARTH: You know, I think what's gnawing at me and it's my question about the Dean of Students' role. I mean, I do -- I mean, I agree with much of what Dr. Hill said, but I do think that the fact that he was in that role as the chief disciplinary officer in the school raises deeper concerns about this

behavior. You know, there are good role models and then there are deeply problematic role models, and especially in terms of school discipline this is a pretty bad role model for how discipline is handled. And, you know, and this kind of would appear to be a quick action towards a more violent response rather than a -- and I know it's -- the context is what it is. I think we saw the conflictual nature of what was going on. But, you know, adults have that responsibility --

DR. HILL: Absolutely.

DR. BARTH: -- to control themselves, especially when they're responsible for the discipline in the school district.

DR. HILL: So are you saying that his position you don't like, moving forward as Dean of Students, or --

DR. BARTH: I'm pretty troubled by it.

DR. HILL: Yeah.

DR. BARTH: But --

DR. HILL: But you're okay with the probationary without the title?

DR. BARTH: I think that would probably get me there, but we also know that's a local issue --

DR. HILL: Absolutely. Right.

DR. BARTH: -- in terms of what positions folks are in. And this is -- you know, this is really out of our -- it's a close call for me. I mean, I think in general I'm there with a more -- a probation, but it does feel like it goes to another level. And I think, you know, based on what we see it could've gone badly off-track if a fall had gone the other way. We know this would be a very different kind of case that we'd be dealing with. Fortunately, it did not -- you know -- did not lead to harm, permanent harm to the student.

DR. HILL: Right.

DR. BARTH: It's just a close call. I mean, I don't disagree, but it just feels a little more problematic than that.

DR. HILL: Well, I think we all know, as my mother always tells me, you know, you can live good for 20 years and then one day make one mistake and that ruins your 20 years of good living -- and I think that's what we're dealing with right here. But I think the fact that -- it seems like we're over-reaching our boundaries for the personnel. I mean, we're not saying they can't terminate him; what we're saying is we're not going to remove his licensure for him to do that. Now if the superintendent and the

principal do not want to keep him there because they don't see value of him being there that's their discretion. But for us to decide that for them I think that that's not what boards do. But what we're saying is that we understand that he's over-stepped his boundaries and that we definitely need to put some type of sanction -- because the behavior is not acceptable, and that we want to allow him to restore himself because of the recommendation that comes from the leaders of the community. And for that reason -- you know, what that probationary period is, Chairman, I think that we can work with our --

CHAIRPERSON REITH: PLSB. Yeah.

DR. HILL: -- to decide what that is. But I just think to just give a year, I don't know that we as a board can do that. I would like for us to go back and have them come up, if we accept that, based on that -- rather -- because I think that's too harsh.

CHAIRPERSON REITH: Thank you. And just as a point of order to that though, I think the appropriate is offer the replacement -- right -- the appropriate behavior versus -- because they've given their -- what they have given to us at this point represents their recommendation. So, but that is --

and that's why there's, within the due process, us in that, in that we could come to the discretion that that is too harsh and offer an alternative. But I don't think there is of going back to the PLSB --

DR. HILL: Okay.

CHAIRPERSON REITH: -- in that regard. Just to offer that for a point of order, not trying to sway colleagues one way or the other.

Yes, Ms. Dean.

MS. DEAN: I just have to agree with Dr. Hill and second what he says. I believe that the recommendations are too harsh for this situation based on the testimony of the people in the community, the incoming superintendent, the fact that they see value in him being there with the students. I agree this was -- especially after seeing the video and hearing -- reading through the testimony, it was not -- it was not the best behavior for a Dean of Students. I agree with you, Dr. Barth. But as Dr. Hill said, you can do really well for 20-something years and you make -- we're human; we make mistakes. As adults we do have responsibilities, but as adults we're still human. And I think to just disregard and ignore all of the good that he's done in the community and the fact that the community embraces

him and wants him there, I think it's important for us to listen to that local control and go with the recommendations that he offered as the two-year probation that his lawyer offered with the $75 --

MS. ZOOK: Fine.

MS. DEAN: -- fine -- thank you -- and all of the courses. I never think it's -- I think it's never too late to learn. And although he has years of experience I think he's shown and proven to us that he is willing to learn and that he's willing to learn from this mistake and from the error of his ways and learn something new and apply it to helping the children in this community. So I think we should go with the recommendations of his lawyer for the settlement.

CHAIRPERSON REITH: Thank you, Ms. Dean. Did you want to turn that into a motion or would you want to see further discussion first?

MS. DEAN: See if there's further discussion.

CHAIRPERSON REITH: Yes, Ms. Chambers.

MS. CHAMBERS: I agree with what you said, Charisse, and I think that sounds reasonable. To address Dr. Barth's concern, which I share, I was reflecting on -- not rationalizing, but I'm guessing spirits and adrenaline was running high if they were

on their way to a state basketball tournament -- and not that that justifies anything, but it might underscore the circumstance. I was curious if Mr. Clay had ever taken the opportunity to address the school after this happened. Sometimes when events happen that are unfortunate and disproportionate maybe to the character of the individual sometimes, especially when you think about the Dean of Students standing in front of the school body and talking about "I was wrong." I know there's a vulnerability to that, but it's actually powerful and sends a message that we all make mistakes and here's how we handle it. Has that ever happened, Mr. Donaldson?

MR. DONALDSON: He certainly took --

CHAIRPERSON REITH: Could you come to the mic please -- I'm sorry -- for the purposes of the record and live-streaming.

MR. DONALDSON: Sure. He certainly took responsibility for his actions in the public hearing before the school board, and there were hundreds of people there, including some of the students. He's not gone in front of the whole school; honestly, that would've been something I would have advised him not to do, you know, while this matter is pending. So, I mean, you've got to understand that, you know, us

lawyers we're a cautious bunch and we don't like our clients talking to anybody they don't have to when there's something pending. You know, I think if this is resolved that changes that and that removes any concern I might have about him, you know, saying whatever he wants to say to anybody. But certainly in a public forum in our community he took responsibility for his action, no doubt about it, and expressed regret for the circumstances.

MS. CHAMBERS: And I appreciate the legal perspective. But when we were talking about if it's a year probation and there's a fine and there's some classes. And I don't know if it's appropriate for us to ask this as well but I'm more concerned about what the students take away from this, especially if he's going to be the Dean of Students.

MR. DONALDSON: Right.

MS. CHAMBERS: Is there merit or value in adding some element of that to what we would ask for in exchange to a probationary status as opposed to suspension.

DR. HILL: Restorative justice. That's exactly how that works.

CHAIRPERSON REITH: Any additional discussion?

MS. ZOOK: I think too one of the things in a

good classroom management session that you learn -- and I suspect this particular coach may have used before -- that when you're addressing a group of athletes or a group of young teenagers sometimes if you'll get up from where you're sitting and go back to where they are and talk to them face-to-face, as opposed to sitting and coming to them with direction over your shoulder, then you can quieten a situation before it gets to this point. And the fact that he has the years prior and then the school has kept him for the 15 months since, I think that -- I'm real big on immediate and specific when you come to discipline, whether it's positive reinforcement or discipline that winds up being looked at as a punishment -- and this is neither immediate or specific.

So I think that I agree with the others that a couple of years probation and attend these classes would be more appropriate and more effective, and then also communicate to the students you can improve, this one thing does not have to define you. So I would be in support of the articulation that Ms. Dean had made.

DR. HILL: And, lastly, Coach Clay, I would like to speak directly --

(COURT REPORTER'S NOTE: Coach Clay stands from his seat in the audience.)

DR. HILL: -- is that -- and being a coach for 20 years I know sometimes the language barrier can come out. But I want to encourage you to be very cautious in using profanity moving forward. I just think -- and I have done it, but I tried to make it when it happened to be something so out of kilter that I was trying to make a point, that it was not standard operating language that was -- that my students saw that come from me. So, I mean, that to me is something that you can work on personally to make sure that's something that changes instantly.

COACH CLAY: Right.

DR. HILL: You know, and not talking, using that as common language as everyday behavior from yourself.

COACH CLAY: I understand. Thank you.

CHAIRPERSON REITH: Any additional discussion? Otherwise, I will entertain a motion.

Ms. Dean.

MS. DEAN: I move that we -- I don't know how to form -- I move that we offer the probation, that we assign a two-year probation, $75 fine, and the classes that were outlined. So whatever it was that

was offered as the settlement we go with those parameters.

CHAIRPERSON REITH: Yeah, Commissioner.

COMMISSIONER: Maybe a suggestion that instead of the word "offer" you use the word "impose."

DR. HILL: And hers --

CHAIRPERSON REITH: Yes.

DR. HILL: -- we need to include that piece.

MS. DEAN: Help me.

MS. CHAMBERS: As part of -- in addition to the education to pick an opportunity to stand in front of the student body and express what's been learned.

MS. ZOOK: Assuming that's okay with the principal and superintendent.

MS. NEWTON: I was going to say that's a local decision, so I'm not sure that, you know, we could impose that.

CHAIRPERSON REITH: Sorry. As a point of order, we do need a first and a second and then we can have discussion on amending it. So --

MS. DEAN: Can I add that into the motion though?

CHAIRPERSON REITH: You can add it --

MS. DEAN: Okay.

CHAIRPERSON REITH: -- into the motion and then

-- but in terms of the exact wording, that would have to be decided after we have a first and a second --

MS. DEAN: Okay.

CHAIRPERSON REITH: -- and then we can fine-tune wording from there.

MS. DEAN: So I'd also like to add that he have an opportunity -- to impose an opportunity for him to speak to the student body, as well.

CHAIRPERSON REITH: Thank you. And so I have a motion made by Ms. Dean. Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Okay. Second by Ms. Chambers.

Now discussion on wording and maybe a question here, I guess, for Legal. Is it appropriate to, Ms. Harris-Ritter, to ask him to address the student body or is that a question I think of local -- a local decision?

MS. HARRIS-RITTER: You can ask him to do that and it would be up to the local to arrange it to happen.

DR. HILL: Recommend.

MS. DEAN: Recommend. I recommend that.

CHAIRPERSON REITH: So the first --

MS. DEAN: Yes.

CHAIRPERSON REITH: The first part is impose and the last --

MS. DEAN: Yes. And recommend.

CHAIRPERSON REITH: -- with the last stipulation recommend --

MS. DEAN: Uh-huh.

CHAIRPERSON REITH: -- to offer that opportunity.

MR. WILLIAMSON: I'll second that.

MS. DEAN: All right.

CHAIRPERSON REITH: Well, we already had a first and second, and so if there's no change in language --

MR. WILLIAMSON: To recommend.

CHAIRPERSON REITH: So, well, the word recommend --

MS. DEAN: Yes. Impose --

CHAIRPERSON REITH: So you're seconding the amendment?

MR. WILLIAMSON: Yes.

CHAIRPERSON REITH: Then duly noted. So Ms. Dean amends her own motion and it's seconded by Mr. Williamson.

Any further discussion on this point? Otherwise -- yes, Dr. Barth.

DR. BARTH: Just a question for Legal about language we typically include about future instances that come -- or am I missing -- it's included --

MS. HARRIS-RITTER: It will be in the order --

DR. BARTH: Okay.

MS. HARRIS-RITTER: -- regarding the time this will be on his record.

DR. BARTH: Okay. And any --

MS. HARRIS-RITTER: And that if he does anything in the future then he is going to be vulnerable to additional sanction by the State Board.

DR. BARTH: Okay. I just wanted to be certain that that was included. Thank you.

CHAIRPERSON REITH: That's standard.

MS. HARRIS-RITTER: In the -- may I ask one more question? In the recommendation from the PLSB, in addition to taking the classes they recommended that the Educator prepare written reflections on what he learned in the courses that he would be taking. Do you wish to incorporate that as well as the courses?

MS. DEAN: Yes.

DR. HILL: Yes.

MS. HARRIS-RITTER: Okay. And then one more thing, in addition to your order on the sanction under the Administrative Procedures Act you need to

have findings which indicate the basis of why that's your sanction.

CHAIRPERSON REITH: So with that --

MS. HARRIS-RITTER: You could -- may I make a suggestion?

CHAIRPERSON REITH: Yes.

MS. HARRIS-RITTER: You could adopt what came from the Evidentiary Hearing Panel and the Ethics Subcommittee and then just simply say you are not adopting their recommendation on the sanction.

CHAIRPERSON REITH: So we adopt findings but not the recommendation --

MS. HARRIS-RITTER: Correct.

CHAIRPERSON REITH: -- and instead, impose --

MS. HARRIS-RITTER: Your own.

CHAIRPERSON REITH: -- our own, which are the parameters as worded by Dr. -- Mr. Donaldson, and in addition a recommendation to the local authorities to offer a space for him to address the student body, and in addition to offer written comments upon conclusion of his courses?

MS. HARRIS-RITTER: Yes.

CHAIRPERSON REITH: Okay. And would that have to be in the form of an amendment to the original motion since we are adding a few things?

MS. HARRIS-RITTER: Well, you're doing a motion on the sanction right now, then you could do a motion on adding the findings that you want, that you're adopting those other findings. But to answer your question, if you're doing the sanction then probably you should amend it to include the written reflections, anything else you want in the sanction portion of it.

CHAIRPERSON REITH: Okay. And so the motion on the table is in regards to the sanction, which Ms. Dean has offered, and it sounded as if there was a verbal consensus. We do need to now put in the format of a motion, a motion to amend the original motion that would reflect the written courses. Would anyone like to offer that motion?

MS. DEAN: So moved.

CHAIRPERSON REITH: Okay. And do we have a second for that motion?

DR. HILL: Second.

CHAIRPERSON REITH: Okay. So that is the active motion that is on the table -- and again this is just in regards to the sanction. And for reiteration, it is the parameters of what has been offered by Mr. Donaldson as an imposition recommendation in regards to local authorities to coordinate an opportunity for

Coach Clay to address the student body and recommendation in regards to offering written comments upon conclusion of the courses and his learning. Is everyone in agreement that that is the active motion that is on the table?

So motion made again by Ms. Dean and it was seconded by -- was it Dr. Hill?

So all in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

And now we do need a motion in regards to the findings. And as offered by Ms. Ritter-Harris, it could be as simple as acceptance of the findings as revealed by the Evidentiary and Ethics committees.

Is there a motion towards and in regards to the findings?

DR. BARTH: So moved.

CHAIRPERSON REITH: Okay. Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth and seconded by Ms. Chambers.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

MS. ZOOK: Aye.

CHAIRPERSON REITH: Okay. Motion carries, majority. Please note the opposition of Ms. Zook, a no vote by Ms. Zook.

And, Ms. Ritter -- Harris-Ritter, we are concluded with this action item; is that correct? Or are there any additional --

MS. HARRIS-RITTER: Yes. Yes, we are.

CHAIRPERSON REITH: Okay. Thank you. And thank you to all in this regard. And, Coach Clay, I hope that you can take the comments seriously of the board here, concerns expressed, but at the same time aspirations because of your long trajectory of service. And so we hope we do not see you here again.

MR. CLAY: Absolutely. Thank you.

CHAIRPERSON REITH: Thank you. Thank you so much.

A-8: CONSIDERATION OF REVOCATION OF TEACHING LICENSE - WILLIAM HARDIMAN

CHAIRPERSON REITH: Now moving on to Action Agenda Item A-8, the Consideration of Revocation of Teaching License for Mr. William Hardiman. Ms. Harris-Ritter, you're once again recognized.

MS. HARRIS-RITTER: Yes, thank you. And I took

the opportunity during --

CHAIRPERSON REITH: Oh. Just for those again following, we did already consider A-7. That was the reverse in order with a teacher that was trying to urgently get back.

MS. HARRIS-RITTER: Right.

CHAIRPERSON REITH: So we did already address A-7. So A-8, Ms. Harris-Ritter.

MS. HARRIS-RITTER: Thank you. During the break I did take the opportunity to give you a handout for this one and the next two that follow it. The request for revocation of educator license on Mr. Hardiman -- Mr. Hardiman was a coach and teacher at Parkview High School. He holds a teaching license that is valid through December 31, 2019. He had ethics violations that occurred between March 2015 and March 2016. There was an allegation of sexual contact with a 17-year old female student. On January 12, 2017, he entered a plea of guilty to First Degree Sexual Assault in Pulaski County Circuit Court. He's required to register as a sex offender and he was sentenced to probation for five years. The sentencing information is attached. We sent him a letter on February 23rd, advising that we were going to request revocation of his license because

this is one of the enumerated offenses; you cannot be teaching if you have pled guilty or been convicted of this particular offense. We had no response from Mr. Hardiman, although I did have several conversations with his attorney and at one time thought he was going to voluntarily surrender, which did not happen.

So what I'm looking for is a motion that you revoke his license.

MS. ZOOK: I move that we revoke his license.

MS. NEWTON: Second.

CHAIRPERSON REITH: And then, Ms. Harris-Ritter, before we do, just to make sure no one is here -- no counsel or any representatives on his behalf --

MS. HARRIS-RITTER: No one.

CHAIRPERSON REITH: -- to offer testimony? Okay.

Then, once again, a motion made by Ms. Zook, seconded by Ms. Newton.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

A-9: CONSIDERATION OF REVOCATION OF TEACHING LICENSE - LESTER DWAYNE CURRY

CHAIRPERSON REITH: Action Agenda Item A-9,

Consideration of Revocation of Teaching License for Lester Dwayne Curry. Once again, Ms. Harris-Ritter.

MS. HARRIS-RITTER: Thank you. Mr. Curry was at Lake Hamilton Middle School in Lake Hamilton School District at the time of his crimes. He was 60 to 61 years old. He holds a teaching license that was valid through December 31, 2016. He did not apply for renewal, but we still need to go ahead and revoke. Is that correct, Ms. Reinhart?

MS. REINHART: Yes.

MS. HARRIS-RITTER: Yes.

MS. REINHART: Non-renewal.

MS. HARRIS-RITTER: It's non-renew basically. Ethics violations occurred in August of 2015 through May of 2016, and again in November of 2016. He entered a plea of guilty to Felony Sexual Indecency with a Child in Garland County Circuit Court. He's required to register as a sex offender and he was sentenced to five years in prison. He's currently incarcerated in the Grimes Unit of the Arkansas Department of Corrections in Newport, Arkansas. His attorney did respond to our notice and said he would voluntarily surrender, but that has never been received.

MS. ZOOK: I move that we revoke the license.

MS. CHAMBERS: Second.

MR. BLACK: Second.

CHAIRPERSON REITH: Motion made by Ms. Zook, seconded by Ms. Chambers.

And again confirming no one is here on his behalf?

MS. HARRIS-RITTER: That's correct.

CHAIRPERSON REITH: All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

A-10: CONSIDERATION OF REVOCATION OF TEACHING LICENSE - JAMES C. ARENDER

CHAIRPERSON REITH: Moving on to Action Agenda Item A-10, Consideration of Revocation of Teaching License, James Arender.

MS. HARRIS-RITTER: Mr. Arender holds a teaching license that is valid through December 31, 2017. On August 16, 2016, he pled guilty to felony Possession of Drug Paraphernalia, Manufacture of Methamphetamine/Cocaine, which is again an enumerated offense under Arkansas Code Annotated 5-64-443(b), which means he cannot be teaching since he has been convicted of that. He was given probation for 60 months. He also had an additional violation in

January of this year which appears to be a probation violation. We sent him information; it was delivered, it was tracked, but he did not respond.

CHAIRPERSON REITH: Thank you. And so the recommendation is revocation?

MS. HARRIS-RITTER: Yes, it is.

CHAIRPERSON REITH: And no one here is speaking on his behalf?

MS. HARRIS-RITTER: No one.

CHAIRPERSON REITH: Then I'll entertain a motion from the Board or questions.

MS. ZOOK: I move that we revoke the license.

MR. BLACK: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Zook, seconded by Mr. Black.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Thank you so much, Ms. Harris-Ritter.

MS. HARRIS-RITTER: Thank you.

A-11: CONSIDERATION OF THE RECOMMENDATION OF THE OFFICE OF EDUCATOR EFFECTIVENESS, NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ADVISORY SUBCOMMITTEE, FOR SUSPENSION OF LICENSE - MELISSA ADAMSON (RICE)

CHAIRPERSON REITH: Moving on now to Action Agenda Item A-11, Consideration of the Recommendation of the Office of Educator Effectiveness in regards to the Suspension of License for Melissa Adamson (Rice). Ms. Pfeffer, you are recognized.

DR. PFEFFER: Thank you. On this action agenda item this is a candidate who received funding for National Board candidacy and did not complete that process and has not repaid the funds as was agreed to for candidates who accepted the scholarship and did not complete the certification process. So at this time we are recommending suspension of the license until the repayment can be made.

DR. BARTH: I move suspension.

CHAIRPERSON REITH: Do I have a second?

MS. NEWTON: Second.

CHAIRPERSON REITH: Okay. Motion made by Dr. Barth and I'm afraid I -- was it Ms. Newton?

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

CHAIRPERSON REITH: Second made by Ms. Newton. All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

A-12: CONSIDERATION OF THE RECOMMENDATION OF THE OFFICE OF

EDUCATOR EFFECTIVENESS, NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ADVISORY SUBCOMMITTEE, FOR SUSPENSION OF LICENSE - EVELYN E. JAMES

CHAIRPERSON REITH: Moving on to Action Agenda Item A-12, Consideration of the Suspension of License of Evelyn James. Ms. Pfeffer.

DR. PFEFFER: Yes. This is the same situation. Ms. James received the candidate funding and has not completed certification and has not repaid the funds. We would recommend the suspension until repayment is made.

CHAIRPERSON REITH: Do I have a motion in regards to this item?

MS. NEWTON: Recommend suspension until repayment is made.

DR. HILL: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Dr. Hill.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

A-13: CONSIDERATION OF THE RECOMMENDATION OF THE OFFICE OF EDUCATOR EFFECTIVENESS, NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ADVISORY SUBCOMMITTEE, FOR SUSPENSION OF

LICENSE - YVETTE GREEN

CHAIRPERSON REITH: Moving on to Action Agenda Item A-13, Consideration of the Suspension of License of Yvette Green. Ms. Pfeffer.

DR. PFEFFER: Yes. And this is the same scenario. The candidate did not complete the process and has not repaid the funds that were received. And so we would recommend the suspension until the repayment is made.

CHAIRPERSON REITH: Okay. Do I have a motion regards to this agenda item?

DR. BARTH: Move suspension until repayment.

CHAIRPERSON REITH: Do I have a second?

MS. NEWTON: Second.

CHAIRPERSON REITH: Okay. Motion made by Dr. Barth, seconded by Ms. Newton.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Once again, motion carries unanimously.

A-14: CONSIDERATION OF REPORT ON WAIVERS TO SCHOOL DISTRICTS FOR TEACHERS TEACHING OUT OF AREA FOR LONGER THAN THIRTY (30) DAYS

CHAIRPERSON REITH: And then, finally, Action Agenda Item A-14, Consideration of Report on Waivers

to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days. Ms. Pfeffer.

DR. PFEFFER: Yes. And this is something normally you would see on the Consent Agenda obviously, but we did move it to the Action Agenda item because there are a few things on the long-term sub waiver request that I wanted to be sure and let you know why we were recommending the waivers and kind of some things that happen. There are a few school districts that you can see where we are seeking to grant a waiver back from first semester for long-term subs. The waivers have to be approved each semester and you can have up to two consecutive semesters' approval for long-term sub. We had three school districts -- Rogers, Highland and Hope -- where there was a paperwork issue. The attempts to complete the process were all made and these were just strictly paperwork issues that we have been able to clear up with those districts.

The Lonoke School District had -- this was related to a military deployment that was unexpected at the beginning of the year, some staffing changes in the central office, with that paperwork overlooked, and then the realization that that person was not going to return for second semester; so

therefore, we have worked with the superintendent there. But they have -- they had gone through all the proper steps in having a qualified person to be a long-term sub.

The Jacksonville North Pulaski School District, as we know, went through a tremendous hiring process; many, many, many new hires; sometimes new hires who left and they had to re-hire new hires. In this case they had two science teachers who are currently enrolled in an MAT program, so they have a provisional license for science; however, they were misplaced in a different science class, and when the district realized the error -- and those on a provisional license cannot be on an ALP, so that was something then that we've worked with that district. Those candidates will be licensed with a standard license very soon and so we would ask that we go ahead and -- they've completed the correct paperwork for them to be long-term subs instead of on an ALP.

And with the Palestine-Wheatley situation, this is an even more unique situation. The teacher is actually -- I'm going to try to get this right -- but actually has a license under our provisional professional teaching license for the middle level area, but then at kind of the last minute was

reassigned to an elementary area. The teacher has passed the elementary assessment but because of the PPTL being a provisional license we can't add the K-6 area. They've corrected the situation for next year, so the teacher will be teaching in the correct grade level. And at the completion of the PPTL will be licensed in grades K-8, which is a very good thing. So we do not want to penalize that district and would ask that we can go ahead and clear it up as a long-term sub for the year. But the kids have had a strong teacher candidate.

So I think those were all of the standouts. If you have any other questions, I'll be happy to answer. But we just wanted to make sure that was very transparent this month.

CHAIRPERSON REITH: Thank you so much, Ms. Pfeffer.

With that, any additional questions from the Board?

Yes, Ms. Newton.

MS. NEWTON: I know we're getting to the end of the year, and I was just wondering if you were going to do any kind of report for this past school year, maybe the percentage of teachers a school had that were long-term subs or were under an ALP for, you

know, each -- maybe each school or each district, something along that line.

DR. PFEFFER: We can do a cumulative report. We can definitely produce that. Is that something you would want me to present maybe at the -- probably the July board meeting to get the --

MS. NEWTON: Yeah.

DR. PFEFFER: -- entire year?

MS. NEWTON: And maybe instead of individual numbers, to get a better picture maybe as a percentage of their total number of teachers.

DR. PFEFFER: We can do that. Yes.

MS. NEWTON: Okay.

DR. PFEFFER: We'll have that planned for the July board meeting, if it needs to be a report or action item, whatever we need to do.

MS. NEWTON: Okay. Thank you.

DR. PFEFFER: Okay.

CHAIRPERSON REITH: Thank you, Ms. Pfeffer.

Any additional questions or comments from the Board? Otherwise, I'll entertain a motion. Yes, Ms. Newton.

MS. NEWTON: I move to approve the report on waivers for teachers teaching out of area.

CHAIRPERSON REITH: Do I have a second?

MS. ZOOK: Second.

CHAIRPERSON REITH: Motion made by Ms. Newton, seconded by Ms. Zook.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously. Thank you so much, Ms. Pfeffer.

B-1: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT CHARTERS: CEDAR RIDGE SCHOOL DISTRICT

CHAIRPERSON REITH: Now finally moving on to Action Agenda B for the afternoon; we are moving on to B-1. And with this item I do want to recognize Representative James Sturch who has joined us this afternoon and will be, my understanding, speaking -- you'll be speaking to this first agenda item. So with your indulgence, Representative, we'll have our representative from the Department, Ms. McLaughlin, speak first to the item in terms of context. But thank you for joining us this afternoon.

Ms. McLaughlin, you're recognized.

MS. McLAUGHLIN: Thank you, Madam Chair. Kelly McLaughlin, ADE Charter Office.

Act 1240 of 2015 allows a school district to petition the State Board of Education for all or some

of the waivers granted to open-enrollment public charter schools that serve students who reside in the school district. Representatives of the Cedar Ridge School District are appearing before the Board with a petition for waivers; today they are asking for teacher licensure and a library media. Their 90 days expires on July 11th. They are requesting for five years. We have Andy Ashley, superintendent, and Greg Thetford, high school principal, available as well to participate in the presentation; also, Kathy Magness, elementary principal, Tracy Owens, instructional facilitator, and Ann Moore, school board member.

We do have Representative James Sturch, Chancellor Debbie Frazier from UACCB, and the North Central Co-op director Gerald Cooper available to speak on their behalf.

CHAIRPERSON REITH: And, Ms. McLaughlin, if you can remind us on the process; it's 20 minutes, correct?

MS. McLAUGHLIN: Yes.

CHAIRPERSON REITH: And then 20 minutes for any opposition. And from what I can see from the public sign-in there's no opposition signed up; is that correct, ma'am?

MS. McLAUGHLIN: Yes. The school district has

20 minutes, opposition has 20 minutes, and then they will have a 5-minute rebuttal. I can -- I will double-check to make sure that there is no one here in opposition. I'll do that right now.

CHAIRPERSON REITH: Thank you so much, Ms. McLaughlin.

With that, anyone planning to offer testimony today who is not an attorney if you could kindly stand at this time and raise your right hand. I do need to swear you in as we get started this afternoon. 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 SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRPERSON REITH: Okay. Wonderful. Thank you.

So with that, to the Cedar Ridge School District, you are recognized for your 20 minutes. You may divide it however you wish.

SUPT. ASHLEY: Thank you very much for your time. She took all the introduction, so I just want to thank those people --

CHAIRPERSON REITH: I'm sorry; if you could kindly say your name and title for the purpose of the record.

SUPT. ASHLEY: Yes. Andy Ashley, superintendent, Cedar Ridge Schools.

I want to appreciate the people that have came and driven -- Mr. Cooper, Representative Sturch, and Ms. Frazier, Chancellor at UACCB -- for coming and supporting us in our endeavors.

We're a very small rural school district in north central Arkansas near Batesville and Newport. We faced many of the flooding that you heard of over the past few weeks, so we are recuperating from that. We've been working with the -- in a partnership with the Arkansas Leadership Academy; we're in their organizational development program, which our principals are going through the master principal program. We've got a district leadership team and next year our teachers will be going to building level leadership teams.

Over the past school year we have spent many hours creating, refining, and finishing our mission statement. This is our new mission statement: "Cedar Ridge School exists to provide an environment where everyone thrives to develop successful individuals through positive relationships, relative experiences, and high expectations." And our vision is "Preparing today's students to become tomorrow's leaders." And

that leader thing is important because the thing that we want to get with our students is that every student is a leader in some capacity. Whether it's being a mom or being a dad or being a president or being whatever it is they're going to be a leader to someone in some capacity. So that's very important to us as we move forward.

Our core beliefs: we believe everyone can learn, grow and improve; everyone should be cared for and valued; we believe providing the best learning environment for all; we believe in high expectations for everyone; and we believe education should be engaging, relevant, and rigorous.

These are some of our students.

We have two elementary schools: Port Charlotte Elementary School, which is a very small or consolidated school district, had a little less than 100 students; our Newark campus has about 250 or so; and then our high school campus, which is Cedar Ridge High School, around a total of 775 students. We're on 72% free and reduced lunch rate. So our kids struggle with some of the things that we need.

So one of the things that we have as we've worked through this process looked at is thinking about our students. And something that part of the

National Superintendents Organization -- an initiative that our school district and board has adopted is redefining "ready." We hear all the time they need to be college and career ready; they need to be college and career -- well, what does that really mean? Well, through the organization of the Superintendents Association they have come up with some metrics to be able to measure what that actually means, be able to have some standard and say, "Yeah, you are college ready; you are career ready." And you can see those. We did some initial data for our graduating class of this year -- because what we want to do is see does this initiative change our kids next year; do we see a growth in our kids that are college and career ready. If we don't, then we need to come back and revisit what we're doing. Right now in our graduating class we have 51 seniors, and of those 51 seniors we had 26 that were considered college ready according to this metric. This metric has been adopted by many states; many are using this in their ESSA applications. Career ready, we had 15 students out of our 51 students that met the criteria of being career ready. When we got this data and we looked at it, it was kind of depressing. We recognize that we need to improve and we want to

improve. We had a total of 7 of our 51 kids that were both career and college ready. So our hope and desire is as we look at some of these waivers is to be able to justify and address these things that make a kid be college ready, career ready, and be able to have a metric to say, "Yes, you did," instead of us just throwing around the term, "Oh, he needs to be college and career ready" or "She needs to be college and career ready," but some standard that we can actually judge that by.

Our purpose in addressing these waivers is to provide the best personalized learning environment for our students by giving the district the needed flexibility. The Act 1240 waivers allow us to start this as early as August. We've looked and considered the charter school; we've looked at the school of innovation. This is my second year, finishing up my second year as a superintendent for the first time. And my thought process was if we take that time and we don't get started now then I've got a whole year that these kids are going to miss out on some opportunities, the whole senior class that are not going to have these opportunities. So that's why we're asking for these waivers, is because we want to start this in August. We want to come back and have

this program ready for our kids and not wait. We don't anticipate any significant financial impact. We've not been identified in any area as distressed by the State.

The first one we're looking at, waiver, is Teacher Licensure. We would like to hire community professionals without teaching licenses to instruct in areas of their expertise. We have a master electrician that is on staff. We would love to have the opportunity to allow him to take some young men and young women and teach them electricity, and while they're there they go out and actually work and fix lights in the school. We've got a gentleman in our school district that has degree in plant science. We'd love for him to come teach one class on row crops in our community. We're going to hire a new technology director and if he fits this we may want him to teach something. So we're looking at these things in our career technical classes for teacher licensures. The other part of the teacher licensures that we're looking at, with two rural elementary schools -- an example we had is this year at our -- one of our campuses we had seven 5th graders and we had eight 6th graders. So we had 15 kids and they taught -- we taught a blended class because of the

numbers. It worked out where that teacher was okay to teach that, but if it would've been a 4-5 and they had a P-4 license they wouldn't have been able to teach that 5th grade class. Or if they have a 5-8 certification and they need to teach 4th grade they wouldn't have that certification. Or we have a K-4 -- I mean, a 1-6 -- these are just some examples. We'd like to have the opportunity to teach above or below a grade level to help those fluctuating populations. We had a situation where -- we'll move to that in a second. Those are the teacher licensure requests that we're looking at.

The next one is Class Size Load and this is where I was going. When we started school this last year we had 47 7th graders. Well, by the end of the year we had 61. That's too many; we didn't have a place to put them. It was going to put us over our limit. And so what we're asking is that on these rare circumstances we'll be able to go three above the standard. Our goal is to stay at the standard; our goal is not to exceed the standard, but stay at the standard. We met with our teachers. Our principals went through this, through all these waivers in their PLCs and discussed these. Also, the district would compensate those teachers for any

allowances that are over the actual standard.

And Mr. Thetford is going to come and talk to you just a little bit about the flexible schedule.

MR. THETFORD: Good afternoon. I'm Greg Thetford, high school principal. We are looking at doing the flex-mod and the flexible modular scheduling. I didn't put an example up here because I know you've seen it. I mean, I know you've seen probably multiple ones. They're all adaptable and adjustable. We're not sure exactly what ours will look like yet. We're going to work with the -- I think at this point with the Pace Group to put that together.

What we would like is the flexibility to teach our students stuff that maybe they don't get in regular classes. I was having a conversation with some kids the other day, it was a boy and a girl, and I said, you know, "Do you know how to change the oil in a car?" And the boy said, "Yeah, I know how to do that," and the girl said, "Well, I don't know how to do that." So, "Can you change a tire?" The boy said, "Yeah, I know how to do that;" the girl said, "I don't know how to do that." I said, "Can you sauté mushrooms for a burger?" And the guy said, "No, I don't know how to do that," and the girl said,

"Well, I could do that." So with a flexible schedule it gives opportunity to teach kids soft skills and other skills like that that maybe they wouldn't normally get in classes because we're restricted to teaching certain things.

Advisory Program -- we do an advisory program.

Industrial Credentials and Certificates -- we've got a student right now going to ASU-Newport, to one of their programs, who by the end of the summer will come out as a fully certified diesel mechanic. With more flexibility we could offer this to more students. My counselor works awfully hard and one of the things she said is with the restrictions that we have right now we just can't offer it to everybody that needs it. We want to, but we just can't.

So also RTI, trying to find a way to address Response to Intervention is tough. At the middle school, junior high and high school level especially it's tough to find a way to reach these kids that are maybe falling through the cracks. And everybody wants to, but trying to find a solution is difficult and that's what we hope to accomplish by going to the flex-mod schedule.

Also, Apprenticeship and Employment -- I was talking to Greenway, the John Deere dealer, the other

day at school and he said, "Yeah, we've got apprenticeships. We can put your -- we can put your students in our business at Newport to work on these diesels so they know if they want to do it or not." But the problem is we're still restricted by seat time. With a flex-mod schedule -- when I was doing the numbers, right now we get 250. Each class is 50 minutes; over the course of five days it's 250 minutes. With the flex-mod schedule you're looking at about 210 to 220. So you lose a few minutes there, which also independent learning time will make that up, so -- also the Job-Setting Workplace is kind of that.

The "Leader in Me" that you see there, that's a program that our board approved the other day. That is for the elementary school at this point. They are trying to adapt that up higher to the high school levels.

Character Education -- a lot of times we come up short in that area. When you look at our schools across the board and you talk about character of kids and what we're putting out, how do we put out a good kid that's going to make a difference in the world? Well, it starts with character education; it starts with making them a better person. And if they don't

get it at home and they don't get it at school then where do we think they're going to get it at? And that's what we hope to accomplish through that program.

The next one, this one is I guess very near and dear to my heart, is -- my mom is a librarian, my wife is a librarian, and my sister -- I've got two sisters; one of them is a librarian in Florida. So when we have Christmas and other things we talk about either the library or administration, because my other sister is an elementary principal. So we're in agreement. This is a place to check out books. For a long time the perception of the library has been you come, you check out a book, you bring it back; that's all, that's what we use it for. We want our librarian to be an expert in technology, an expert in helping kids accomplish their goals and their tasks. Maybe that's putting together a paper; maybe it's putting together an i-movie; maybe it's putting together a presentation for a class -- because right now with the restrictions that we have sometimes it limits them. If they get two-and-a-half hours of administrative time a day, by law then if that student comes in they could say, "Hey, listen, I don't have time today; sorry, my time is up." I

don't think that would happen but it could. It could put us behind the 8-Ball in that regard. So that's our goal for the library.

All this comes together to benefit students.

And to me one of the -- all these are important, but I want to talk about Enhance Engagement for just one second specifically. To us, this is a two-way street. We talk about student engagement. What about teacher engagement? We want our teachers engaged with our students just like we want our students engaged with our teachers in the classes they teach. When I took this job one of my goals was to make school a place kids want to be. I want to be at school. It's not because I don't like what's at home; it's because I like what we're doing at school. I feel like we've done that to some extent, but I feel like we could do better at it.

Improve Achievement -- we want to impact grades, improve collaboration, and that's a two-way street as well.

Increase Graduation Rate.

Increase Behavior -- the schools that we've looked at that have done the flex-mod have all mentioned behavior gets a lot better when you go to this system because now those kids that aren't

intrinsically motivated to make As and Bs, now they've got an intrinsic motivator there. If I do well then I've got time to determine how I learn. That's important to a kid, you know. And we were talking on the way up here, the older I get the more important time becomes to me; you know, it's an important thing.

Increase Attendance, Develop Time Management, Prioritization and Other Soft Skills.

And probably the biggest one is Personalized Education. It's a not a one-size-fits-all. We're way beyond that in education. So our goal is how do you personalize education where it's meeting your child's need. And I've got three kids there; actually, they're 6, 8 and 10 now -- they were 5, 7, and 9. They're growing up quick. I want them to have a personalized educational experience. I want them to love school. I want them to have the experience of doing whatever they want to do. So if they want to take piano lab, take piano lab; if they want to play sports, play sports; you know, if they just want to go to school and make good grades and go to college and do something, or go to technical school, but I want it personal to them. And that's what I want for every kid that falls under my

leadership is how do I personalize that. This will allow us to do that. It will allow us to give the kids that experience that -- if you look back at the way we did it for many years that worked in an industrial society; well, we're changing now and the kids are changing. And for us with these waivers it will open those doors where we can accomplish what we feel is important for our kids.

I just say thank-you from the Cedar Ridge School District. I'll turn it back over to Mr. Ashley to finish this up.

SUPT. ASHLEY: Again, we thank you for the time and look forward to working with our students and our patrons in this.

And the other thing I want to add about redefining "ready," they're in the process of working on metrics; they have college ready, career ready, and they're working on the metrics for life ready, and so we're working to try to incorporate those in and the Leader in Me program. You've probably heard of Stephen Covey, Seven Habits of Highly Effective People; it's the elementary school program that we're going to implement in our elementary school this fall.

So we're excited, our community is excited, our

board is excited. Some of our partners show that they're excited by taking -- making the trip. And so we just ask that the Board approve these waivers to allow us to personalize our learning for our students at Cedar Ridge.

CHAIRPERSON REITH: Thank you. Thank you so much, Mr. Ashley. And you finished four minutes before time, so we appreciate that as well.

I do have to ask Ms. McLaughlin if there's anyone here from opposition.

MS. McLAUGHLIN: No, ma'am.

CHAIRPERSON REITH: Okay. And then with that, you do have five minutes for closing remarks. I also know Representative Sturch is here as well. And we don't have to time your remarks, Representative, so I leave that between you all. I don't know if you have any final comments, Mr. Ashley, or, Representative Sturch, if you'd like to make comments at this time?

REPRESENTATIVE STURCH: It's nice to have diplomatic immunity once in a while. Thank you, Madam Chair, and thank you, Board, for having me. As you may know, two years ago when I was first elected I came and spoke on behalf of Southside and Cave City when they came and asked for a charter authorization for a public charter school. And at that time, you

know, I was just kind of getting into the new office and was really trying to understand what they want to do as far as partnerships in our community. And that's why I wanted to come here today is because now I have two years of data, I have two years of success stories that I can share with you based on what Southside and Cave City have been able to do partnering with UACCB and some of the local businesses in our community. You may know that Senator Jane English and myself have been pretty big advocates for a new way of doing education involving three partnerships -- public schools, higher ed., and the business community -- and trying to find educational routes and career pathways for students to stay right there in our community and contribute to our community.

So the waivers that they're asking for today from Cedar Ridge, you may know we actually did a bill with the help of the Department on seat time. So come August 1st, you know, every school will be eligible for the seat time waiver. And so I'm hoping that in the future when we start to see some of these waivers really work, and work well, whether it's the licensure one grade down or one grade above, or whether it's some flexibility with media specialists,

I hope that as a state legislature that we can see if 130-something school districts are using the waivers and using them effectively maybe that's a good state policy that we should adopt so everyone has that access.

And so I just wanted to share with you a couple of things from last week as results of some of the waivers that other schools in our community have got. Southside, for example -- these waivers allow kids to do as much as they want to do or, trying to go in another route, that maybe college wasn't in their plan but maybe a welding certificate was, and that way they could be employed at Bad Boy lawnmowers or Spartan lawn mowers, right there in Batesville, Arkansas. And so Southside just recently, this past week, had one young lady who took these waivers and used them to max her potential. And she graduated from high school with her diploma on Sunday afternoon and she graduated with an associate's degree from UACCB on Monday night because she took concurrent credits as much as she could to get it knocked out at a very much reduced rate. And, of course, we have a great partnership with Lyon, so now she's going to go on to Lyon College for 50% of that tuition rate of what it would cost her just by transferring from

UACCB to Lyon; totally changed her pathway. And, of course, she wants to be a doctor, wants to go on and be a pediatrician.

Cave City had a young man, college was not even on his radar, came from a poor family, and went through the welding program at UACCB through a waiver that Cave City had got where they could actually bus students over to UACCB for that. For the first time last week he was able to take his family to the movies and pay for it out of his own pocket, based on the money he had saved from working at Bad Boy lawn mowers. I'm telling you, we take these things for granted sometimes as we get older and we get successful. But for that young man that changed his life and it changed his pathway that he could himself take his family and pay for just going to the movies on an outing.

So I'm telling you, the background of these requests, the background of what they're trying to do, they're not doing the charter route; they're doing the waiver route, as far as trying to kind of gently ease into it, because they want buy-in. They want buy-in from the community, they want buy-in from their parents, and I applaud them for that in doing it in a responsible way and coming before you and

asking for this.

So as we say in the House, I'd appreciate a good vote. Thank you.

CHAIRPERSON REITH: Thank you so much, Representative.

Any closing remarks, Mr. Ashley? Otherwise, we'll open it up to questions or comments.

SUPT. ASHLEY: I would just ask that you grant these waivers so that we can have the same opportunities for our kids.

CHAIRPERSON REITH: Thank you, Mr. Ashley.

Questions from the Board?

Yes, Ms. Zook.

MS. ZOOK: Just as a way of reminder, Independence County is one of the ForwARd communities and they are not there because they need help; they're there because they're going to be an example for the other districts. And we always have to remember that poverty is colorblind and race neutral. So you can be poor and you don't have to necessarily fit into any other category. I'm like Representative Sturch; there are a lot of those kids down there that pull at my heartstrings. I think of the one boy that has put a down-payment on his home and that's the first person in his family who's ever had a home that

they will eventually own. I know that Cedar Ridge -- I have a couple of real good friends who are in the Port Charlotte district. I know the director of your co-op, Mr. Cooper, and I know the UACCB team and the Lyon team. So I would without hesitation, when the time comes and the questions are answered, recommend that we grant these waivers and put this in the hands of these people. And I know they're going to be probably working with Southside because they've sort of figured out this RTI thing for the secondary school. So when the time comes I'd like to make the motion.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Additional questions?

Yes, Dr. Barth.

DR. BARTH: Just a few questions and I'll take them topic by topic.

On the Teacher Licensure -- and, first off, thanks for a really clear presentation and a lot of passion and obvious community buy-in. So really appreciate how well you did this. On the Teacher Licensure front, what I heard in the presentation obviously was a focus on CTE in particular.

SUPT. ASHLEY: Correct.

DR. BARTH: Now there were the occasional bridge

grades, but most of the focus was on CTE. And I'm quite comfortable with that. I'm actually comfortable with the example you provided of the P-4, the blending of a 4th/5th grade classroom as a point where the licensure doesn't cross over. But I do get more worried when it gets kind of looser than that. The examples you gave are totally appropriate, and I'm comfortable with those waivers, but I just want to be -- but the language of the waiver is obviously broader. And so I just want to get some clarity while we're here and hearing your testimony of exactly what the outer bounds are of where it might be used.

SUPT. ASHLEY: Okay. And it will be a little easier to explain by the makeup of our buildings. We have two -- like I said, two elementary schools; they will both next year be kindergarten through 5th grade. So we would like to have the flexibility of the teacher in that building be able to teach any class in that building. And then we also have a 6th, 7th and 8th grade building; 9, 10, 11, 12. We'd like the teachers that are in 6th, 7th and 8th to be able to teach 6th, 7th and 8th; the teachers that are in the 9, 10, 11, 12 building to be able to teach those classes, if that answers your question.

DR. BARTH: Yeah, more or less. I'm looking at Ms. Pfeffer. Are there any particular flags that should go up about any of these crossing of lines?

DR. PFEFFER: Well, in the legislation, the licensure legislation update, Act 294, I think -- or 295 -- don't hold me to that, but one of those two -- we -- one of the provisions we put in there was that to establish some flexibility for even an effective teacher waiver that a school could seek and be -- the idea behind that is if you have a really effective teacher who may only be licensed P-4, we no longer have the P-4 licenses but, you know, everyone now is K-6. But let's say you need to use that teacher in grade 5 or 6, and they're just an awesome P-4 teacher, to be able to have that flexibility. And that would be -- now that we have an effective teacher defined under ESSA, which is based on multiple measures of looking at effectiveness of teachers, we are hoping that in our rules and regs to be able to implement that. It's not going to be in place though till probably midway through the fall semester. So I think what they're describing is the lines that we're looking at within our rules and regs, and what we would hope to is to look at the flexibility that charters have used and getting their

input on what do we put in the rules and regs. Because, you know, we do want to have some parameters around that. But what he's describing to me is pretty close to what we are looking to put in rules and regs.

DR. BARTH: Okay. Great.

SUPT. ASHLEY: I was a high school math teacher and I don't expect a 4th grade teacher to go teach calculus.

DR. BARTH: Yeah.

SUPT. ASHLEY: So, I mean, that -- so there's some parameter there.

DR. BARTH: Well, and I think we're all in consensus on that. But, you know, these waivers are very broad, as you know, and it opens up possibilities where -- we don't know that you're always going to be there; right?

SUPT. ASHLEY: Correct.

DR. BARTH: And even for five years, as much as we hope you are. So we've got to be -- I think we have to show due diligence in putting -- maintaining the right boundaries.

Did you have a question on that?

MS. NEWTON: Yeah. Just along -- Dr. Pfeffer, I have a question along that line. I know from the 8th

grade to the 9th grade, when we get into some of the secondary things the certification is not necessarily by grade level but it's by subjects. And so I'm a little bit concerned about that 5-8 jump into the 9-12 area. So can you speak to that a little bit?

DR. PFEFFER: And I can -- what I can say is we don't have the rules fully developed on that, and so that's something that will have to be thought through very carefully. When we had first started talking about this we were looking at the same content area but not being bound by grade levels. So I think that's where, you know, in the middle level normally you have people that are licensed in two areas. But going from say someone who -- and part of that would need to be on successful experience in a classroom with outcomes of success. So if you have a 5-8 teacher who's been teaching 8th grade English and there's a section of 9th grade English that needs to have an effective teacher there, you know, maybe, you know, allowing that waiver to cover into grade 9. I don't know whether Cedar Ridge would want to, you know, work with us and -- over the next year in any of the flexibility they might need; maybe we stay connected on how they may be utilizing that waiver for the core academic areas. That may be something

they would be willing to talk about. Because it might not only help you feel better about that waiver, it might help us as we're trying to develop rules, so --

MS. NEWTON: When we're talking about core that would really make me feel better.

SUPT. ASHLEY: That would be perfectly acceptable.

CHAIRPERSON REITH: Dr. Barth, I think you had additional.

DR. BARTH: Yeah, just one more area of question and this is on the class size issue. And I do have -- often have concerns about larger classes, you know, from being in the classroom. There's a big -- there is a difference between 30 and a 33 students, and it sounds like three students but there are these magic points where a class just gets big. And obviously it's detrimental I think to the experience of the teacher but obviously most important I think it's detrimental to the experience of the student. And so I'd ask you to speak to that and, as you're doing so, also talk a little bit about the buy-in of teachers in your district on that issue.

SUPT. ASHLEY: Our goal is not to use that unless we have a situation where we had to. We have

one teacher, and it's our agri department, which is very popular for our kids, but he has volunteered to teach an extra class period and not have a prep period. And his total is 127 students; that's the biggest that one teacher has. So I don't think we're in any danger of approaching the 165. And our average class size is about 24, so we're not looking at that; we're just looking at situations where -- for instance, my son is in kindergarten and just a few weeks ago, if a kid moves in, we've got two weeks of school left and there's 20 kids in there, what do we do with this 21st kid? So if we have the flexibility of those three kids we would be able to cover that.

So we're not looking for it as a prevention, to prevent us from hiring other teachers; we're just looking at it as a safety-net when we get in those situations, like we had before. We started the school [sic] with 47, we thought we were good; we never dreamed we'd go to 61 in that one particular class and be over and not know what we're going to do with those kids.

DR. BARTH: And so you obviously gave examples of teachers that you've talked to about it. But has there been any kind of systematic --

SUPT. ASHLEY: Yes.

DR. BARTH: -- conversation with teachers?

SUPT. ASHLEY: The principals talked to them in the PLCs, talked to all the teachers. We had a parent meeting and went over all these. So it's been -- the board has approved it, the teachers have all heard of it. It was discussed in the PPC and classified PPC and with the parent meeting.

CHAIRPERSON REITH: Thank you, Dr. Barth.

Any additional -- yes, Ms. Newton.

MS. NEWTON: I have some other questions on the class size. So you're talking about the class size of three over also for elementary?

SUPT. ASHLEY: Yes, ma'am.

MS. NEWTON: So I know for kindergarten, for example, if you go over the 20 you have to put an aid in the classroom. So what if you have a 1st grade classroom and you're looking at 28 1st graders; are you thinking about aids for those teachers or --

SUPT. ASHLEY: If it was a situation where we're going to be over that much, then yes. That's why we put the limit at three.

MS. NEWTON: Okay. So for the lower elementary you would consider putting aids in those classrooms if you went three above?

SUPT. ASHLEY: If we went over three, yeah. We're still looking at the three in each grade. Again, I don't know except in that one situation where we're close to being over in any class.

MS. NEWTON: Okay. My other question was: I'm not real clear on the library media waiver. Your description talks about the waiver having to do with the duties that the library media specialist would do during the day. But then the standards that are quoted are the qualifications for the library media. So are you --

SUPT. ASHLEY: We're not looking at any of the qualifications in the waiver.

MS. NEWTON: So it's --

SUPT. ASHLEY: We're just looking at the two-and-a-half hour administrative time.

MS. NEWTON: So it's only on what duties of that library media specialist, not hiring someone else for that position?

SUPT. ASHLEY: Correct.

MS. NEWTON: Okay.

CHAIRPERSON REITH: Thank you. Thank you, Ms. Newton.

Yes, Ms. Ables.

MS. ABLES: My question is also about the

library media specialist. Are you wanting to take their whole -- all of their administrative time away, or what is that -- what is their schedule going to look like?

MR. THETFORD: As far as taking away, no. Our plans are to work with the librarian where she will have -- the library media specialist, she will have the time that she needs to get done what she needs to get done. What we're requesting is the library media specialist be able to work with kids where they don't come in and say, "I've got to have two-and-a-half hours no matter what." Maybe it's an hour. And speaking of the library media specialist, she's never mentioned anything about duties. You know, what she told me was, "I've always worked; you know, I try to get done everything I needed to get done." She's been great. When I mentioned the waiver to her she said, "I completely understand." She said, "I'm" -- she was all in favor of it as well. So because, you know, like I said, when I work with them the goal -- you know -- if you get a good library media specialist you better make sure you treat them right. You know, that's always the goal. So as far as what their schedule will look like, it will be flexible from day-to-day.

MS. ABLES: Okay. And you mentioned that you're going to give her new roles with technology. So how are you going to prepare her to do these new roles?

MR. THETFORD: Through different trainings and stuff, whether it's Google Classroom -- we're looking at going to one-to-one using Google Classroom. My expectation would be is that she would know the ins and outs of Google Classroom, whether it's submitting papers or whether it's -- you know -- if you have a new teacher that comes in and hasn't used it before, her role will be to work with that new teacher as well. We've got other teachers in the building that have used Google Classroom who completely understand it. But the library media specialist -- like I said, you have kids that come in that maybe they don't know how to use it; maybe it's that they've got to do a movie for a class; maybe they're doing National History Day and one of the categories was to put together a movie. My expectation would be if she doesn't know how to do it then she finds it. When my wife was in the library she would do technology workshops after school for teachers. I would love to see that in our school where that was taking place, so --

MS. ABLES: I just wanted to make sure that if

she's used to doing one thing and now she's going to be asked to teach classes, do PD, that's a lot more on her plate, that maybe you meet with her and make sure it's not too overwhelming and help her transition into this new role.

MR. THETFORD: Absolutely.

MS. ABLES: And, you know, and give her support in that.

MR. THETFORD: I mean, aside from the PD, the librarian already does that. I mean, she already does the classes; she already has the kids in, she's already working with them trying to help, and she's been great.

MS. ABLES: Okay.

MR. THETFORD: You know, the PD will be a new aspect and it will be one of those with what she feels comfortable with. You know, we're not going to ask her to do something she doesn't know inside and out, so --

MS. ABLES: Yeah.

SUPT. ASHLEY: I think our fear is -- the one we have now is great. But kind of like Dr. Barth said, what if she leaves and the next one comes in; if we have these waivers in place then the next one comes in that we hire would know what they were getting

themselves into and would know that on the forefront. So that's the main reason. The one we have now basically does whatever is best for kids and does whatever kids need to do.

MS. ABLES: Thank you.

CHAIRPERSON REITH: Thank you.

Any additional -- yes, Ms. Zook.

MS. ZOOK: A question that I always like to ask the districts during their 1240 requests is: you've listed the Virtual Arkansas -- Arkansas Virtual Academy. If you don't know how to get in contact with the leadership --

SUPT. ASHLEY: I've spoken with their superintendent. Yes.

MS. ZOOK: Okay. So you know my -- you -- everyone is anticipating my questions now. Have they demonstrated to you how this has helped student achievement to have these waivers?

SUPT. ASHLEY: Yes. He said they wouldn't be able to function without the waivers, of course. But he also said it allowed the personalization, and that's what we're looking for is to personalize that learning where that kid that is really good in English can move on really quick, but that kid that struggles in algebra can take as much time as they

need to do that. So, yes, he and I have had -- actually had about a 30-minute conversation of how he was using the waivers that we're requesting.

MS. ZOOK: Thank you very much for doing that.

SUPT. ASHLEY: Yes, ma'am.

CHAIRPERSON REITH: Yes, Miss -- or, sorry, Ms. Zook.

MS. ABLES: I just thought of this. I got to be a Student for a Day on a flex-mod schedule and they're actually using some of their students to help teach technology to teachers. So with your flex-mod maybe that's an outlet to help not only your librarian but your other teachers and get really creative with that role. So --

CHAIRPERSON REITH: Ms. Zook, I think you -- were you done or did you have additional --

MS. ZOOK: I'm finished and ready for a motion if everyone is finished with their questions.

CHAIRPERSON REITH: If I might just pose one quick -- very quick question that I always like to ask as well: why this route and not school of innovation or conversion charter?

SUPT. ASHLEY: Because, like I said before, our kids would miss out this next year.

CHAIRPERSON REITH: Okay. So it's about the

timeliness?

SUPT. ASHLEY: Yes, ma'am.

CHAIRPERSON REITH: Okay.

SUPT. ASHLEY: And I would ask -- encourage you to go to RedefiningReady.com and take a look at that because it's some powerful information. Each one of those metrics has data behind that, and so it's very research-based. So we're excited to look at that and implement that.

CHAIRPERSON REITH: No, and thank you. Thank you for the leadership. Is there any desire for this to become a school of innovation?

SUPT. ASHLEY: If it goes to success --

CHAIRPERSON REITH: Okay.

SUPT. ASHLEY: -- we would look.

CHAIRPERSON REITH: Fantastic. Thank you.

So if there's no additional questions, Ms. Zook, your motion.

MS. ZOOK: I move that we grant the --

CHAIRPERSON REITH: Yes, apologies. Yes, Ms. Davis. Everyone's --

MS. DAVIS: Yeah, sorry.

CHAIRPERSON REITH: -- jumping in there. No. Yes, Ms. Davis.

MS. DAVIS: I just want to point out and make

sure especially that the applicant knows that they have requested a waiver of 6-18-210 and that has been repealed; so it will be effective for their next school year. So that waiver -- I mean, like I say, granting it as a whole, if that's what you choose to do, is not going to be an issue because it's going to be repealed. But mainly I want to make sure that the applicant is aware of that.

CHAIRPERSON REITH: Thank you. And to tee that off, Ms. Davis -- Ms. Zook, before you offer your motion --

SUPT. ASHLEY: We just put it in because at that point when we were working on this we weren't sure exactly how that was going to go. And so we didn't want to not put it in and something happen.

CHAIRPERSON REITH: All right. Thank you. And thank you for that clarity.

And then just to offer with this and then with the subsequent ones, we can either take all the waivers as a whole or by discretion if we would want to go through each waiver topic. We have traditionally done that as well, based on the discretion of the Board.

Just looking for nods of heads, is there any discretion to do it by individual waiver topic?

DR. BARTH: I would like to go by topic.

CHAIRPERSON REITH: Okay. And then -- so with that, then we will entertain motions. And I see four topics here, the first of which being Teacher Licensure.

So I'll entertain a motion in regards to the waiver request for Teacher Licensure.

MS. ZOOK: I move that we grant the waiver for Teacher Licensure for Cedar Ridge.

CHAIRPERSON REITH: Do I have a second?

MS. DEAN: Second.

CHAIRPERSON REITH: Motion made by Ms. Zook, seconded by Ms. Dean.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to the waiver request in regards to Class Size and Teaching Load, do I have a motion?

MS. ZOOK: I move that we grant the 1240 waiver for Class Size and Teaching Load.

CHAIRPERSON REITH: Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Zook, seconded by Ms. Chambers.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

DR. BARTH: No.

CHAIRPERSON REITH: Okay. Please note Dr. Barth has a no vote. Otherwise, motion carries.

Moving on to the waiver request for Flexible Schedule, do I have a motion?

MS. ZOOK: I move that we grant the 1240 waiver for Flexible Schedule for Cedar Ridge.

CHAIRPERSON REITH: Do I have a second?

DR. BARTH: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Zook, seconded by Dr. Barth.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

And to the final waiver topic in regards to Library Media, do I have a motion?

MS. ZOOK: I move that we grant the 1240 waiver for Media -- Library Media for Cedar Ridge.

CHAIRPERSON REITH: Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Motion made by Ms. Zook,

seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Best of luck, Cedar Ridge. Congratulations.

SUPT. ASHLEY: Thank you very much.

CHAIRPERSON REITH: Thank you.

And then with that, we will take a brief 10-minute break and reconvene at 3:05.

(BREAK: 2:55 - 3:07 P.M.)

CHAIRPERSON REITH: We are going to resume our agenda today and thank everybody for their both indulgence and patience. We do know it's a long agenda and we're trying to give equal attention to every item.

So with that --

MR. WILLIAMSON: Madam Chair?

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: I mean, out of fairness --

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: -- to all the people that have been sitting here --

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: -- all day --

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: -- we're two hours behind schedule --

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: -- as it is.

CHAIRPERSON REITH: Yes.

MR. WILLIAMSON: So I'm sure they would appreciate us picking it up more so than I.

CHAIRPERSON REITH: Most definitely.

MR. WILLIAMSON: Okay.

CHAIRPERSON REITH: And, no, very cognizant of that, although I know we can't bypass the law in regards to the amount of time allotted for every presentation that's here. But we will do our best to be as efficient as possible and yet, as respectful as possible.

B-2: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT CHARTERS: GREENWOOD SCHOOL DISTRICT

CHAIRPERSON REITH: So with that, on to Action Agenda Item B-2, the Greenwood School District request for open-enrollment charter. Yes, Ms. McLaughlin, you're recognized.

MS. McLAUGHLIN: Yes. We have representatives of the Greenwood School District here today with -- appearing before the Board with petition for their

waivers. They only have one topic, which is for their library media services. Their 90 days will expire on June 26th of this year. They are requesting this waiver for five years. Kevin Hesslen, the assistant superintendent, and Dr. Cody Chatman, the freshman center principal is here to present their presentation. They have no media PowerPoint to present and there is no opposition here. So I think you will want to swear them in, I'm sure, before they present.

CHAIRPERSON REITH: Yes, Mr. Hesslen and Mr. Chapman, 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 SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRPERSON REITH: Thank you. Your 20 minutes will begin.

SUPT. HESSLEN: If I take 20 minutes I have failed miserably. Okay.

We opened our freshman center this school year. When we designed the building we were trying to take into account our taxpayers, our community. And so in trying to build the best facility we could for our 9th grade students, when we built it in that we were able to work with the Arkansas Division of Public

School Facilities and Transportation and they allowed us to actually attach this building to our existing high school. In that, we're able to take advantage of and not have to replicate facilities such as libraries, cafeterias, and all those type of things. The biggest issue, to really sum it all up, is they do have two different LEA numbers, even though they're under the same roof. I can't code a librarian into both buildings and meet the state requirements for accreditation. So we did get given probationary status for the freshman center this year due to the fact that I don't have a librarian actually tied to that LEA number, but our freshmen do use the high school library. And if we were operating under one LEA as a 9-12 facility, we would meet all the state requirements, law and accreditation standards.

I'm just asking for a waiver for us so we can get out of the accreditation probationary offense for our -- not having a library media specialist attached to that building, even though our kids just walk right down the hallway right into the library and use it currently.

I would entertain any questions the Board might have. It's that straightforward for us.

CHAIRPERSON REITH: Thank you. Thank you. And with no opposition then, yes -- and if you have no closing remarks to make or -- then we open up to any questions or comments or motion from the Board.

Yes, Ms. Newton.

MS. NEWTON: I have a motion if you're ready for that.

CHAIRPERSON REITH: Seeing no questions, yes, please proceed.

MS. NEWTON: I move that we approve the waiver for Greenwood School District.

MR. WILLIAMSON: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Mr. Williamson.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Congratulations and thank you for your patience today.

SUPT. HESSLEN: Thank you, and I'm glad we could help move the agenda along. Thank you. You guys have a great day.

CHAIRPERSON REITH: Thank you. Same to y'all and best of luck.

B-3: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT CHARTERS: MARVELL-ELAINE SCHOOL DISTRICT

CHAIRPERSON REITH: Moving on to Action Agenda Item B-3, the request for waivers from the Marvell-Elaine School District. Ms. McLaughlin.

[A FEW MOMENTS OF SILENCE]

MS. McLAUGHLIN: I'm sorry; we were just providing a little extra assistance to our school.

For Action Item B-3, we have Marvell-Elaine School District. We have representatives from the Marvell-Elaine School District appearing before the Board with a petition for waivers. They have topics for Flexible Schedule, Board Meetings, Teacher Licensure, and Local Taskforce on Closing the Achievement Gap. Their 90 days will expire on July 4th of this year. They have requested for five years. We have Dr. Joyce Cottoms, the superintendent, Zena Smith, the school improvement specialist, and Ms. Sylvia Moore, the elementary principal here to make their presentation.

CHAIRPERSON REITH: Thank you. And is there any opposition signed up for this?

MS. McLAUGHLIN: I'll go check.

CHAIRPERSON REITH: Okay. Thank you so much.

So with that, all planning to offer testimony if

you can kindly stand and raise your right hand at this time so that I may swear you in. 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 SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRPERSON REITH: Thank you.

You all are recognized for your 20 minutes.

SUPT. COTTOMS: Good afternoon to the Board Chair and the State Board Members.

CHAIRPERSON REITH: Apologies; if you could state your name and title for the record as you commence.

SUPT. COTTOMS: I am Joyce Cottoms, superintendent of the Marvell-Elaine School District. And joining me is our school improvement specialist for the high school, Ms. Zena Smith, and our elementary school principal, Ms. Moore, Sylvia Moore.

And, of course, we are here today -- our purpose for being here today is to request the waivers you have before you from Act 1240. But before we move to the request we'd like to share with you a short video. We ask you not to blink or turn your head because you will miss it.

(WHEREUPON, a portion of a video was shown; this

video may be viewed on the ADE website.)

SUPT. COTTOMS: That's okay. It was supposed to have music which would make it a little more interesting. But anyway, we share this video with you for two reasons: number one, if you have not been to Marvell-Elaine School District we wanted you to get a glimpse of it. We want you to see what we look like. We want you to see the great things that are happening in Marvell-Elaine School District. And, of course, I've shared with you we have our school improvement specialist and our elementary school principal who can give you some of those good things -- or share with you some of those good things that's going on. Number two -- and if you haven't been, please come. We invite you to come and visit our district. Number two, I would like that you ask yourself what did you see in that video. I hope you saw teachers teaching like teachers all over Arkansas. But more importantly than that, I hope you saw children, children who are deserving of the same things that other children across the state of Arkansas are getting.

And so for that reason we are requesting these waivers. Our children are just as intelligent, just as smart. They deserve to have everything that every

other school has, but because we are in the Delta sometimes we do not have those same opportunities. And so we are hoping to get a step ahead and we hope that these waivers -- you will grant us these waivers to get just that. Of course, our first and foremost concern is the academic achievement of our students. The selected waivers support our district's vision, mission and goals by allowing us to provide academic opportunities for our students.

The first waiver we are requesting is the Uniform Dates for beginning and ending of the school year. Because in addition to having more time to prepare our students for -- with hands-on experiences and academic opportunities, we also want to continue the summer programs that we have in place in both schools. Because our teachers -- because school ends on a Friday -- regular school ends on a Friday and summer school begins the following Monday, sometimes our teachers experience burnout. Also, the district will benefit in cases where we may experience inclement weather which would have us to extend the year farther into the summer.

We request the waivers on the Board Meetings because we are a community where our industry is limited. Some of our board members work two -- work

second and third shifts, and because they work these shifts they are working during the time we have board meetings. We have had to cancel board meetings because of a lack of a quorum. We often have to start late because we have board members who are coming from work. And so we are asking that we are granted that particular waiver so that our members can participate via telephone, if necessary.

A most genuine concern is being able to employ qualified individuals to teach our students. Again, because we're in the Delta we don't have a lot of people who are knocking our doors down, a lot of teachers who are knocking our doors down to live in Marvell, Arkansas, to teach our children. These waivers will allow us to employ individuals who may not be licensed but well qualified and credentialed in their field of study. As a result of these waivers, we will not receive certain citations from standards, which we would not like to blemish our record for accreditation.

If granted these waivers, there will be no additional cost to the district. In fact, there may be a savings to the district because the individuals whom we are looking to employ will start at the beginning end of the salary schedule as opposed to

the high end of the salary schedule where we now have retiring teachers in those positions. We believe that our students may gain skills which will help them to have a well-rounded education and possibly be career ready when they graduate. In addition, these waivers will aid us in helping our students to become productive, contributing members of society and hopefully in Marvell-Elaine or Marvell community.

We request the waiver on Local Taskforce for Closing the Achievement Gap because we feel that everything we do we are working to close the achievement gap. In our school leadership team meetings and our district leadership team meetings and our advisory board meetings, our wellness committee, in everything we do we are working to close the achievement gap. So we feel that it is redundant to have the educational force -- taskforce in place.

We decided to request these waivers because being a district again in the Delta is very challenging in many ways. The waivers selected support our district's vision -- as I said before, our vision -- our district's vision, mission and goals by allowing us to provide better academic opportunities for our students and to better promote

student achievement. Again, we believe students need to be well-rounded in order to achieve academically. If granted these waivers we will not have to eliminate certain programs due to teacher shortage. Last year we had to close our agri building for a year and it was not a good thing. Our students need some extracurricular activities, some extra -- what am I trying to say -- help me out -- that's not what I want to say, but they need classes other than core classes.

These waivers will allow Marvell-Elaine School District to employ individuals who can teach our students vocational skills and information that will aid them in obtaining employment upon graduation from high school. Our high school principal has been in communication with some different employment agencies that will employ our students directly out of high school if they have certain skills from our agri department, which would be like welding and also -- and plant services and that type of thing.

These waivers will provide stability in our district in addition to providing programs for our students to help in closing the achievement gap. The individuals who are interested in working with us are individuals who are born and raised in that

community, they are homegrown, and they are there to stay. And so that is one of the things that we need.

Based on the needs of our students, we feel positive about the benefits that these waivers will provide and we do not see any issues that we will have if we are granted these waivers. The outcomes that will demonstrate successful use of the waivers, as I stated earlier, will be stability in faculty, as they are those qualified individuals in our area, qualified and credentialed. We hope that it will improve student achievement and we believe that it will because students need to be well-rounded. And, you know, what they get in a career course they may be able to apply or they will be able to apply in math or English. We will also expect to see an increase in test scores. We started conversations about these waivers about a year ago in a faculty, a joint faculty meeting with both schools. We then took it to our PPC committee that -- and they reviewed the waivers and approved them. Then we went to our school board members with the waivers and they also approved and they are in support of us. Our district leadership team meeting has discussed these waivers -- members have discussed these waivers many times. We have talked about what's most beneficial

for us and as we have shared with you right now our focus is on getting teachers in the classroom to teach our children, teachers who will be there to stay, and so that we will not have to close certain programs.

We have been asked by community members, "Have you gotten waivers for teachers who can work with our children without being licensed?" And we have been asked, "When are you going to get those waivers?" So that is why we're here today, to get these waivers. We are asking for the waivers for a period of five years, beginning the 2017-18 school term. That is our presentation.

CHAIRPERSON REITH: Thank you, Dr. Cottoms.

So with that ending early, I don't know if any of your other colleagues wanted to speak. Otherwise, we'll just go right into questions.

(COURT REPORTER'S NOTE: Ms. Smith and Ms. Moore were shaking heads from side to side.)

CHAIRPERSON REITH: Okay. With that, open it up to any questions from the Board. Yes, Dr. Barth.

DR. BARTH: Well, thank y'all for being here. On the school board meetings issue, you know, what you presented today was participation via telephone, which seems totally appropriate. But what's in the

waiver request itself is a dramatically broader waiver, including, you know, the possibility of quarterly meetings and really moving away from ongoing local governance. And so I'm concerned about that and would ask you to speak to it. Is it as broad as is written here or as narrow as was stated earlier?

SUPT. COTTOMS: It is not as broad, but it is also not as narrow. If we needed to move, then we would like to be able to do that; however, we have no intent to do so. We wish to continue to meet on a monthly basis, but if something happened to where we could not then we would like to be able to move to that. In fact, I don't think the board members would want to not meet on a regular basis. I think they enjoy coming together.

DR. BARTH: I mean, I think it's not just about enjoyment; it's also about serving as a link between the public and the --

SUPT. COTTOMS: Right.

DR. BARTH: -- and the school district. So, I mean, I just do have -- obviously, somewhat ironic, we started the day today with folks pleading to get a school board back. And so I think it is -- it is worrisome in terms of this potential move from that

kind of commitment that this is expected in terms of --

SUPT. COTTOMS: Only if we would have to do that would we move to that.

DR. BARTH: Okay.

CHAIRPERSON REITH: Yes, Ms. Zook.

MS. ZOOK: Could I ask Legal a question with regard to that? Is -- I know the charters have different rules by statute than regular school districts with regard to school boards. And can they get a waiver from this particular -- it's actually board -- it's 6-16 -- I mean, 6-13-619 they're asking, not 6-16. But can you give me some clarity there, Ms. Davis?

MS. DAVIS: Sure. Jennifer Davis, Staff Attorney for the Department. We have not yet had a school board that has -- I mean, a local school district that has a waiver of the complete section of School Boards like our open-enrollment charter schools. We do have one district that has waivers under Act 1240 of certain provisions of this particular code section.

In listening to their presentation, if the concern is having -- members have to attend, you know, in person at the board meetings, this statute

does have a provision in there that allows the school district to create a policy to allow attendance via teleconference, telephone, for them. So the district themselves could adopt that policy. There is one provision that says they could only do that like three times a year, attend not in person; that that could be a very specific waiver if that is the problem for them. And the same thing with the monthly meetings; it could be very specific to this code section in having to meet monthly and having to be there, maybe possibly more than three times a year that they would have to be absent physically. If that's a concern then those can be very, you know, specific to that need. But there is only one other district that has waivers dealing with this code section just specifically, but not the entire school board.

MS. ZOOK: Okay. Thank you.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Yes, Ms. Newton.

MS. NEWTON: The way I read the waiver request, you're also looking at the number of members on the board. How many members are on your board right now?

SUPT. COTTOMS: We have six members on the board and one vacancy.

MS. NEWTON: So help me out here, maybe Legal or Mr. Harvey. Can they change by policy the number of members on the board? If they're having trouble getting six members, could they have a policy where they could just push it back to having five?

MS. DAVIS: I'm going to have to read the code section real quick for that one. I can't address that right off the top of my head.

MS. NEWTON: Okay.

MS. DAVIS: Give me one second.

MS. NEWTON: Okay. All right. And then I'm also a little concerned about the quarterly meetings. I would be very open to allowing the telephone meeting, but pushing it back to quarterly just -- you know -- you want your board involved, you want them knowing what's going on on campus, and just meeting four times a year it's going to be very difficult for them to really understand what's happening in the schools and in the district. And to be able to plan and to -- you know -- to make a difference -- you know, one of the things you talked about was closing the achievement gap. Well, to close that gap you've got to have a plan and you've got to have people involved and it has to be everybody; it can't be just a few. So I'm a little bit concerned about that.

Another question that I had, I wasn't real sure what you were asking for on the flexible schedule. You mentioned a little bit about summer school. What exactly are your plans there?

SUPT. COTTOMS: Well, if we started a little bit earlier then we would be able to dismiss a little bit earlier, which would give us a little more time.

MS. NEWTON: So you're planning on starting sooner in August and then getting out earlier at the end of the year?

SUPT. COTTOMS: We will not -- we will not implement that waiver this particular school term, this coming school term. But, yes, in the future.

MS. NEWTON: So you're just -- you're talking about starting school sooner and then getting out earlier?

SUPT. COTTOMS: Yes, ma'am.

MS. NEWTON: Okay. The other question that I had was on the Teacher Licensure, the flexibility. And I understand the Delta and I understand the difficulty of getting teachers. My question was on the support that you're going to give those teachers that might be coming in and not having an education background or are coming in not having training. What kinds -- what plans have you made to kind of

support those teachers that are coming into a new situation?

SUPT. COTTOMS: Well, we would like for them -- of course, they will participate in the regular PD as other teachers and we will have them to do PD on ideas. We have made plans, if we can go forward, for them to shadow the teachers who are there now.

MS. NEWTON: Okay. I would encourage you -- there's some schools in southeast Arkansas through that co-op that have done some really outstanding things in supporting those teachers that they're hiring in flexibility. So I think Dr. Pfeffer can help you get in contact with them and look at some of the things that they've done to support those teachers, because, you know, we want them to get in there and we want them to stay.

SUPT. COTTOMS: Right.

MS. NEWTON: You want them to develop those good skills and then stay in the teaching profession. And I worry sometimes that that won't happen unless we support them in that first year or two. So she can get you in contact with some good things that I think that are going on in that area.

SUPT. COTTOMS: Well, thank you so much. Our high school principal and I have had conversations

about also of partnering those teachers with veteran teachers who are in our district.

MS. NEWTON: Yeah.

SUPT. COTTOMS: And, of course, we want all of our teachers to be licensed; however, right now it's just not happening.

MS. NEWTON: Yeah.

SUPT. COTTOMS: But we are encouraging the individuals that we are looking to employ to seek their license --

MS. NEWTON: Yes. Yes.

SUPT. COTTOMS: -- to get their license.

MS. NEWTON: Good. Good. I think that's all I have.

CHAIRPERSON REITH: Thank you, Ms. Newton.

Yes, Ms. Zook.

MS. ZOOK: Okay. Back to the school board. It's my understanding in statute that you can have five members or five zones and elected by zone or you can have seven with five by zone and two at-large. So you have some flexibility. I wonder if going to five members and then maybe if you do two at-large then if you're having trouble in a sixth zone then you open it up at-large. So you'd have to just redraw your zones. So I'm not there to solve

Marvell-Elaine's problem; y'all already know that. I just wonder if we could think of it in that way as opposed to the six or seven zones you have right now. And I'm not really sure what your configuration is at the moment. Could you enlighten me there?

CHAIRPERSON REITH: And I don't know if it would be helpful, Ms. Davis, if there's anything you'd want to offer to this conversation --

MS. DAVIS: No. I just --

CHAIRPERSON REITH: -- based on your research?

MS. DAVIS: Yeah. And that is correct. You could do five, but we had to look up the code section for Ms. Newton. So it's 6-13-631 that allows you to have five with two at-large, or the seven, but -- so that's why we just wanted to give you the law for that.

MS. ZOOK: Thank you.

CHAIRPERSON REITH: Thank you, Ms. Davis.

Yes, Dr. Cottoms.

SUPT. COTTOMS: We do have the five zones and two at-large.

MS. ZOOK: Oh, already?

SUPT. COTTOMS: We have -- we're supposed to have a seven-member board. But, again, we have one vacancy.

MS. ZOOK: I wonder if statute allows you to just have a five-member board? I'm trying to get you a whole board.

SUPT. COTTOMS: Yes, ma'am. And I appreciate that. We'll have to do some research.

MS. ZOOK: Yeah. I -- yeah, I don't know.

CHAIRPERSON REITH: And Ms. Davis maybe can sum that up there. Thank you, Ms. Zook.

And did that answer your question, Ms. Newton, in regards to --

MS. NEWTON: Yeah. That was my question, if they could go to just a five-member board.

MS. DAVIS: The law says you have to have five single member zones and two at-large, so there's still seven members. Whether it's zones or at-large, either way, it does say seven members.

MS. NEWTON: Okay.

MS. ZOOK: So you either have seven zones or five zones but you still have to wind up with seven?

MS. DAVIS: That's correct.

MS. ZOOK: Thank you.

CHAIRPERSON REITH: Additional questions from the Board?

I think I just have one question regards -- have you had conversations with your teachers and with

your community in regards to these requests?

SUPT. COTTOMS: Yes, we did.

CHAIRPERSON REITH: And no concerns expressed? No concerns expressed, you have support from teachers and community?

SUPT. COTTOMS: We have support from the teachers and we have support from our community.

CHAIRPERSON REITH: Any final questions? Otherwise, we'll entertain a motion.

MS. ZOOK: I'd like to ask them if you've talked with KIPP and Arkansas Virtual Academy to see how they believe these waivers have in fact helped them?

SUPT. COTTOMS: We have not.

MS. ZOOK: Okay. Then depending on how today goes, I think it would be good because they may say, "Well, yeah, it did help, but we discovered this wasn't needed at all," or whatever. Because you're asking for a waiver because the charter has it, but if it's not helping kids for having it by the charter then, you know, it's for naught. I can't think of any reason it wouldn't help, but just check to be sure.

SUPT. COTTOMS: Thank you. We will.

CHAIRPERSON REITH: Thank you, Ms. Zook.

So as we move into now the motions here, I do

want to inquire with the Board: is there anyone that would like us to take these by waiver topic or should we take this as a whole? Yes, I see a desire by waiver topic. So we will go by waiver topic.

On that, I'll entertain a motion regards to Flexible -- the Flexible Schedule request.

DR. BARTH: I move approval of the waiver on Flexible Schedule.

CHAIRPERSON REITH: Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Okay. Motion made by Dr. Barth, seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

I'll entertain a motion regards to the waiver request for Board Meetings.

MS. NEWTON: I make a motion that they be allowed to have members call in, if needed, for a board meeting.

CHAIRPERSON REITH: And if I -- yeah, Ms. Davis, because I think we -- that has to be self-imposed, correct, by the district? Is that correct?

MS. DAVIS: Yes. The code section already

allows them to set a policy. It says -- hang on, let me get there -- because it does say that they have to be physically present except under subsection (d), which says the board may adopt a policy permitting a member of the board of directors who is unable to be physically present at a meeting to attend remotely. The limitation would be they cannot participate like in executive session. And it's up to three times per calendar year.

MS. NEWTON: So that's local imposed?

MS. DAVIS: Right. That would be their own board policy.

MS. NEWTON: Okay. So I move to deny the request for Board Meetings.

MR. WILLIAMSON: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Mr. Williamson.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to the waiver request for Teacher Licensure, do I have a motion?

MS. NEWTON: I move to approve the request for Teacher Licensure.

CHAIRPERSON REITH: Do I have a second?

MS. ZOOK: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Newton, seconded by Ms. Zook.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

DR. BARTH: No.

CHAIRPERSON REITH: May the record show a dissenting vote from Dr. Barth. Motion carries.

And to the final waiver request in regards to the Local Taskforce on Closing the Achievement Gap, do I have a motion?

MS. ZOOK: So moved.

CHAIRPERSON REITH: Moved to grant the waiver request. Do I have a second?

MS. DEAN: Second.

CHAIRPERSON REITH: Okay. Second made by Ms. Dean.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

DR. BARTH: No.

MS. NEWTON: No.

CHAIRPERSON REITH: Okay. Show dissenting votes

from Ms. Newton and Dr. Barth. Motion carries.

Thank you so much and best of luck.

Yes, Ms. Davis.

SUPT. COTTOMS: Thank you.

MS. DAVIS: Okay. So to add to at least my confusion -- okay, under 6-13 they did not use the Oxford comma, is really what the problem is. Under 6-13-631, for a minority population district that has 10% or greater minority they can change the zones and by resolution -- and there's a whole lot of stuff that you can have. They can choose to elect members to the board of directors from a five or a seven single member school zone or five with two at-large. So, but that would not be something that you would necessarily do; that would be for the district to do. So just for their --

CHAIRPERSON REITH: Edification.

MS. DAVIS: -- information and for those watching clarification.

CHAIRPERSON REITH: Thank you. Thank you for that, Ms. Davis. And, Dr. Cottoms, I hope that gives you some of the additional information and some research that you can take back to your community. Thank you all so much and safe travels back.

B-4: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT

CHARTERS: MOUNTAIN HOME SCHOOL DISTRICT

CHAIRPERSON REITH: Moving on to Action Agenda Item B-4; these are the waiver requests from the Mountain Home School District. Ms. McLaughlin, you're recognized.

MS. McLAUGHLIN: Thank you. Today we have representatives of the Mountain Home School District appearing before the Board with a petition for waivers. Their topics today are Flexible Schedule, Class Size and Teaching Load, Teacher Licensure, and Grading Scale. Their 90 days will expire on July 12th. They are requested for three years. The speakers that will be available for their presentation today are Dr. Gigliotti, assistant superintendent; Dr. Brown, the director of student services; I'm just going to say the junior high principal; and Janet Wood, the director of research and development. And you will probably want to swear all of these folks in today.

CHAIRPERSON REITH: Thank you. And is there any opposition signed up, Ms. McLaughlin?

MS. McLAUGHLIN: I will check.

CHAIRPERSON REITH: Thank you so much.

So with that, all intending to offer testimony if you can kindly stand at this time and raise your

right hand. 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 SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRPERSON REITH: Wonderful. Thank you so much.

To the Mountain Home School District, you now have your 20 minutes. And if each speaker could kindly state your name and title as you commence for our -- purpose of our court reporter.

DR. GIGLIOTTI: Yes. I am Dr. Leigh Ann Gigliotti, assistant superintendent of Mountain Home Public Schools. And joining me today, my colleagues: Dr. Dana Brown, director of student services; Mr. Ron Czanstkowski, Mountain Home Junior High principal; and Mrs. Janet Wood, director of research and development.

Thank you for providing time and your consideration to Mountain Home School District's Act 1240 waiver request. On June 9, 2016, the State Board of Education approved the amendment request of Mountain Home School District's conversion charter school, Mountain Home High School Career Academies, for additional waivers from state regulations to provide its students a more flexible learning

environment. This decision has enabled us to restructure our high school so as to better meet the individual needs of all of our students. We are excited to see the dividends this restructuring is already paying in terms of post-secondary readiness for our high school students.

Though we are pleased to see the success of our innovations in grades 9 through 12, we are equally excited about the future -- the future may hold for all of our students in grades K through 12. As such, we are proud to announce that Mountain Home School District has been selected to pilot Summit Personalized Learning. Summit is the product of a partnership among Summit Public Schools in California, Stanford University, and Facebook. Piloting Summit will give our teachers access to expert training and personalized learning pedagogy, as well as access to a world-class differentiated and personalized learning platform. The platform comes with a comprehensive curriculum approach developed by teachers in classrooms. The base curriculum is aligned with state standards and each course includes meaningful projects, playlists of content and assessments, all of which can be customized. Teachers can adapt or create new playlists and

projects to meet their students' needs. The goal is to empower students to be self-directed learners. Students build content knowledge by working at their own pace and take assessments on demand. Teachers help students set short-term and long-term goals and connect these back to their daily actions. This method engages students in in-depth -- excuse me -- in-depth learning projects. Students build and demonstrate cognitive skills and apply what they've learned by working through authentic, meaningful projects. Teachers facilitate these hands-on projects and a platform provides tools to customize projects or create new ones. Teachers utilize data to personalize instruction by assessing student performance on a daily basis and use that data to personalize instruction and provide additional support through mentoring and coaching.

After consulting with Summit Public Schools and visiting schools that have already fully implemented the program, we have decided it is the best interest of our students to pilot this program during the 17-18 school year for students in 8th grade. We eventually foresee making Summit and other curriculum platforms available to all students grades K through 12. As we are aware, piloting Summit will require

our K through 8 to hold many of the same waivers that had been granted to our high school. We respectfully request that pursuant to Section 4.02.7 of the Arkansas Department of Education rules governing public charter schools that you waive the provisions of Section 4.02.3 of the rules and allow Mountain Home Public School District to present its amendments request to be considered for approval.

I'd like to now turn it over to my colleague, Dr. Dana Brown.

DR. BROWN: First of all, I'd like to thank you very much for your continued support. Mountain Home High School Career Academies has been --

CHAIRPERSON REITH: I'm sorry, Ms. Brown; if you could state your title for the record. My apologies.

DR. BROWN: Sorry. I'm Dr. Dana Brown; I'm the director of student services at Mountain Home Public Schools. So, again, thank you very much for your continued support. Mountain Home High School Career Academies, grades 9 through 12, have been a conversion charter school since 2003. So we're very excited that you have continued to support our efforts to make a different opportunities and options for our students in their educational growth.

When looking at change we kind of refer to Peter

Drucker, "A systematic change requires a willingness to look on change as an opportunity." So any time that we're looking at doing something a little bit different we really want to make sure that we look at it positively and how it impacts students.

So our rationale for the waiver request is to provide students in grades K through 8 a flexible learning environment through Summit Learning and local online venues; to allow students to work through curriculum content at their own pace. The Mountain Home Public School District does have a strategic plan in place and we want to make sure that it introduces learning-based-learning within its strategic plan. We hope that our option that we're looking to provide will increase graduation rates to address that at-risk population and utilize technology within a real world application as provided in most of your post-secondary institutions.

So our requested waivers -- with Flexible Scheduling, Mountain Home School District is resolved to individualize its educational offerings to meet the unique needs and goals of each student. We understand that a true personalized learning environment demands flexible -- flexibility and seat time, as well as flexibility and credit hours and

even the school calendar. By waiving time requirements we are able to meet our students where they are and allow them to work at a pace that is appropriate on their own needs. If one student takes just 10 weeks to master standards in that semester course, then that student can proceed to the second semester content without waiting. However, if another student takes longer to demonstrate competency on a semester content the student will continue mastering that content through the second semester. This strategy allows us to insure more effectively that no child in grades K-8 is left behind and creates flexibility in the schedule for potential age appropriateness job shadowing, internships, or apprentice opportunities for upper middle school students. Ultimately, implementing personalized learning is a critical component of our district plan to increase graduation rates and to enhance that post-secondary success. In addition to the above mentioned request, flexibility to meet the requirement of a school day in an online venue due to inclement weather would further reinforce the goal of meeting our student needs.

Addressing the waiver for Class Size and Teacher Load -- to complete an effective and personalized

learning environment for all students Mountain Home School District also needs to replicate the waivers it holds from class size and teaching load at the high school and apply them to grades K through 8. Though we do not anticipate exceeding the grade level class size limit by more than five students, we nevertheless recognize that a blended learning environment in competency-based learning may lead to a more fluid progression from one class to another for some students in limited circumstances. Likewise, the Mountain Home Public School District believes that in order to implement an internship program and an exceptional array of exploratory elective courses, some elective courses and teachers of those courses may need more than the maximum allowance of students. The district will use these waivers on an as-needed basis only and will not exceed the number of students permitted by the standards rules by more than four students per case and/or 25 additional students per day. If we do have to utilize this waiver, we would ask for teachers to volunteer to educate those extra students and we would be willing to compensate that teacher for their prep time.

For Teacher Licensure, Mountain Home School

District requests a replication of these waivers which are currently held at the high school, to the extent that they are necessary to give the district the flexibility it needs to hire business and industry partners and/or professionals who otherwise possess outstanding credentials and a work history, but who may not hold that valid Arkansas licensure to teach an elective course. All individuals who are employed utilizing this waiver will be required to pass the criminal background check and child maltreatment registry check.

Concerning the Grade Scale, by waiving the grade scale for some non-core courses students are able to receive a credit-for-credit, or CR, or NC for no credit on their transcript for courses that are service learning based, as well as age appropriate job shadowing, internships and apprenticeships. This allows business partners to assess performance without assigning a level grade or letter grade and complete -- or complete an assessment for the real world experiences that they are providing.

So implementation of the competency based progression, beginning with a program by utilizing resources from Virtual Arkansas, which is a partner that we currently use, MobyMax, as well as local

resources through Google Classroom and Summit Learning, with the focus on grades K-8. Students would be able to work from any location; however, they would have to come on campus for exams. Provide students a personalized educational environment, as well as class size limits for blended learning environment and competency based learning courses.

We do want to add to the addendum, just so that you understand that we do take what we do seriously at Mountain Home and we want to make sure that we are accountable for what it is that we're offering for our students. So with the addendum that we are asking that these waivers be subject to a formal review after five years and our intention is to write a conversion charter application for grades K through 8 in the same review cycle that we currently are on, which would be -- 2014 was the last time that we renewed, so 2018-19, so that we would be within that same conversion charter with our high school so it makes it a little bit more flow.

So at this time I would like to turn it over to our director of resource and development, Janet Wood, to talk to you a little bit about some research that we did.

MS. WOOD: Hi. I'm Janet Wood, director of

research and development. To properly understand how Act 1240 waivers apply to our K-8 population we did research on how other charter schools are applying them to increase their student achievement. The waivers we are requesting meet the needs of a specific population of students, those seeking the flexibility and accommodations not readily available in our brick-and-mortar setting. For the 2016-17 school year we had 12 students in grades K through 8 who left our school to enroll in another virtual opportunity; 10 of them enrolled in Virtual Arkansas Academy and 2 of them into Arkansas Connections. And during this same time we noticed a slight increase in parents choosing to home-school. The exit interviews that we do revealed two main reasons for our students moving out of the traditional setting. The first one was they wanted a different experience for their child, and the second was to allow them to work at their own pace. Mountain Home Public Schools, we strongly support our home-school population and we respect what those parents are doing with their children. We're trying to meet the needs of parents who may not have had that same experience but they want a different venue.

We researched a couple of open-enrollment

charter schools to learn what was working for them and we did find that we're using the same methods that these waivers would permit for us. There's a growing demand for this flexibility. One of the virtual academies that we visited with started this school year with 240 students; they are currently at 500 and they're projected to have over 700 when school starts in the fall. So this information is really enlightening; it kind of helps understand the enrollment -- our enrollment that has fluctuated over the last couple of years.

When we were granted this flexibility seat time waiver for our 9th grade class for this school year it was requested that we provide you feedback. So with our current request in front of you we felt this was the appropriate time to share that 9th grade experience. Mr. Ron Czanstkowski, our junior high principal, will provide that feedback in an effort to support our rationale for this waiver request. Thank you.

CHAIRPERSON REITH: Thank you.

MR. CZANSTKOWSKI: Thank you very much. My name is Ron Czanstkowski, Mountain Home Junior High principal. About a year ago you asked me to come back and let you know how well the kids did in 9th

grade on the flex path, Virtual Arkansas curriculum. On the flex path, if you can't remember that or don't know what we're talking about, is where we allow a kid to start a class maybe in October and finish by December, or they start in August and finish in October and then start something new right then. Some kids could -- you know -- it could change the way they do things for more flexibility. And I want to thank you for letting us do that because you gave us a chance to give our parents and kids options and they really do like those options.

For a total this year, we had 344 9th grade students; only 5 kids were involved in the flex path. And last year I told y'all I expected between 5 and 10 maybe at most, because it is very serious and it's very difficult to do long-line learning at that age, and we respected your concern for the age of kid and doing the flex path model through Virtual Arkansas. For example, why the kids chose or they applied for it, a girl had the birth of a baby; another mother took a job as a traveling nurse and she was the primary caregiver; and another girl had documented social/emotional issues; and another one, the school was not meeting her learning style. Now that's kind of vague but all these kids I'm talking about we did

try traditional IEP and 504 routes, you know, to handle their concerns. But they just had extenuating circumstances in their family, personal life, or at school that caused them trouble. But what's been awesome about it is every one of these children has either stayed on track with it and doing okay -- of course, once the baby was born they had to take a break for awhile right before they started back up, but that's the flexibility that you allow us to have. And the young lady that has social/emotional issues, when I had her in the junior high didn't speak to me for over six months -- and she's my office worker. We had her there on purpose so she would actually be able to, you know, start getting socially/emotionally better. We would take time to talk to her. And straight Fs, never said a word; finally, toward the end of the year she started talking. In 9th grade this year, she -- I'm sorry -- 9th grade last year, all Fs; retaking 9th grade this year with this flex path, all As and Bs. After a rough start, after people helping her, came back and did very well. So that's been awesome. And then we had a boy that just had severe gastrointestinal issues that were just so bad that he was losing massive weight and in so much pain that he could not function even close to

normally in a school setting. Not even homebound instruction was working because he many times felt too bad. So, but he did -- he was able to recover two flunked classes, or failed classes, from the first semester of this year and has kept on pace to a point this year with his current semester classes, second semester. Now he still has to finish things because he's had a lot of trouble physically with his medical condition. But what I'd like to say in a nutshell with this is if you had not granted us the opportunity to do this we'd have most likely lost all those kids to homeschool. But because we gave them an option and we actually could say, "Look, we really do care; we think we have the best people for you; we can still help you; we want to help you, and here's some options and flexibility on your part," it's worked out pretty well. And one of the girls actually started it in October and realized it was still school and it was still hard and work and responsibility. And she came to us in December and said, "Hey, this wasn't for me. I want to come back." But I really think that if we wouldn't have given her the option up-front and the parents the option up-front we wouldn't have got her back; they would've kept going to some other venue. And I

really feel like that the young man that's very ill would've already been gone or maybe in a couple of years say, "You know what, I'm 17, I'm doing something else." And I really feel like he will have a chance to finish.

And if I can add just very quickly, what's happened recently for next years kids, from 7th grade to 8th grade, I've had two parents come in the last month -- one a parent of a gifted student, one a parent of a struggling student. And the gifted student's mom came in and she said, "Look, you do something, give me some choices or we're out." I mean, almost that bluntly. And we have Summit coming, so she -- and she's been at every meeting we've had; she's pumped about it, it's all good. The other parent was a struggling parent. You know what they said? "I need something or I'm out." I mean, it was exactly the same conversation for two different reasons. And the Summit opportunity is equally as good for the gifted as it is for the struggling kid, as well as the Google Classroom and other opportunities, plus just the fact that we teach well in our school building with our kids and our teachers and parents. I did have a kid that's exceptional Motor Cross that's been sponsored,

already making money doing it, that he wants to be a Mountain Home graduate but come to Mountain Home only so often because he has to go Thursday, Friday, Saturday, Sunday on the road to compete and he's like winning money and doing well and he's basically a professional right now.

So, in a nutshell, I have two more stories like that I could've shared; I'm out of time. But they're very similar and the options are great, if you can keep doing that with us. Thank you.

CHAIRPERSON REITH: Thank you so much, Mr. Czanstkowski. And there was no opposition signed up; correct?

MS. McLAUGHLIN: No.

CHAIRPERSON REITH: So you all do have 5 minutes for final closing remarks, if there was something that you all didn't get to touch on.

DR. GIGLIOTTI: We appreciate your consideration in granting the petition of waivers, and that concludes our closing remarks.

CHAIRPERSON REITH: Short and sweet. Thank you for that.

So with that, we open it now to questions from the Board. Yes, Ms. Newton.

MS. NEWTON: Congratulations on what you're

doing, and you're doing some great things for kids, and I love hearing the stories that you tell that show me that decisions we make do make a difference for kids. So I really appreciate that.

The question that I had was with the class size. And you're talking about increasing the class size five students K-12? Is it for K-12?

DR. GIGLIOTTI: Yes.

MS. NEWTON: For core classes?

DR. GIGLIOTTI: Yes, ma'am.

MS. NEWTON: Okay. I'm just going to be honest, that gives me some great pause. You know, one of our things that we're doing right now is trying to make sure every child is reading on grade level by 3rd grade, and I just can't see putting 30 1st graders in a class and teaching them to read. It's -- you know -- it could probably work with some teachers, but I just -- I'm very concerned about that.

DR. GIGLIOTTI: We visualize having a grade level -- we currently have, our structure, a kindergarten building; we have a 1st and 2nd grade building; and then a building for 3, 4 and 5; and then we have a middle school of 6 and 7; and then another building for 8 and 9; and then our high school is 10, 11 and 12. The idea would be to -- of

our classes, we have approximately between 250 and 300 students per grade level. Teachers would -- we have a little flexibility; our seating is not entirely at max. We would absolutely balance the class sizes and the teacher that volunteers for the flexible path to have a few more students in that classroom we will still absolutely practice the target of maximum students. So a teacher with a traditional method classroom may have 20 students, traditional method, and the teacher next door may have 15 traditional and then the 5 in a flex path. I will try to explain that better. Students that apply to be in flex path, the idea is to have four core teachers that are K-8. And imagine the power if a student is in the program and as they move through the school system entering kindergarten their English teacher would be the same English teacher K-8 as they vertically move through our system. Same for the other three core areas for the math, science and social studies. And we would integrate other SLEs, Student Learning Expectations, for example, the fine arts and the PE. So the ideas are just -- would have four classroom teachers with that flexibility also of blending the classrooms and bridging the grades for licensure and students not bound by grade. So you

could have that cohort of students with the teacher that is the teacher of Summit and that student would also be with that teacher ideally through their K-8 experience. So that's a concern for us as well, and we'd like to pilot that and monitor it closely.

MS. NEWTON: I really like the grading scale where you were going to waive and so students in the flex mod or personalized learning they could get some credit. I really like that. I thought that was a great idea. And I'm sure there will be other districts that will borrow that idea from you, so that was very good.

CHAIRPERSON REITH: Thank you, Ms. Newton.

Any additional -- Ms. Ables.

MS. ABLES: I had a question about the credits on the new grading. What grade levels is that going to be?

MR. CZANSTKOWSKI: Are you talking for Summit or are you talking for the --

MS. ABLES: For the credit or no credit, would that go all the way K-12?

MR. CZANSTKOWSKI: Well, credits only -- sorry; credits only occur --

MS. ABLES: Right.

MR. CZANSTKOWSKI: -- in grades 9 through 12 --

MS. ABLES: Right.

MR. CZANSTKOWSKI: -- as we receive waivers from the State Department --

MS. ABLES: So --

MR. CZANSTKOWSKI: -- for education, you know, for 8th grade kids and, you know, for those. So what we've had in the past -- and Ms. Brown and I were together at the high school -- she could speak to this as well. Generally, they're, you know, the local credits, you know, and they give kids opportunities to try things they would not normally try. And it's just -- it's a CR or an NC, credit or no credit.

MS. ABLES: Right. Well, how is that going to impact students that are applying for scholarships? If they have 24 hour credits but they're only getting grades -- or grades for 22 of them, or however many, have y'all figured out how that's going to work out for scholarships and all that?

MR. CZANSTKOWSKI: That's a great question. If I'm mistaken, Ms. Brown, please chime in too. But I'm certain that the credit classes have always been above and beyond the 24 and 26; 26 is honor grad status for us. Many kids -- we give 32 credits at Mountain Home. You can hold more than that actually

because we have some 8th grade courses for high school credit. So I don't recall any credit classes, the CRs, being anything even remotely close to 24. It's been way above and beyond.

MS. ABLES: Okay. And --

DR. BROWN: Can I also add --

MS. ABLES: Yes.

DR. BROWN: -- that it's been a very positive experience because whenever they apply for scholarships -- because we've given them those internship opportunities they are able to say and decide before they spend so much money in college. They make that decision what they don't like before they can say that and then they articulate that within those interviews or on their application or essays. The service learning piece is huge as well because a lot of those kids -- you want to build that philanthropic attitude early, so giving them the opportunity is very powerful.

MS. ABLES: Now I love the idea. I just want to make sure when you divide it out that it's not --

DR. BROWN: No.

MS. ABLES: -- impacting their GPA.

And will you explain a little bit more about the teacher prep time and how y'all are going to use

that, what that's going to look like?

DR. GIGLIOTTI: We would like to -- if a teacher -- if the class size is over the standard class size, the maximum, we would -- we have plans; we've been discussing an additional prep time for the teacher and compensation.

MS. ABLES: Okay. Thank you.

CHAIRPERSON REITH: Any additional questions?

Yes, Dr. Barth.

DR. BARTH: Just one quick question so I can get clear on the Teacher Licensure piece. I think I heard you say -- I think it's in -- I think this is what's said here is these are really limited to those handfuls of career oriented courses. Correct?

MR. CZANSTKOWSKI: Yes.

DR. BARTH: Okay. Just wanted to get clear on that, that it's not a broader waiver than might be suggested. Thanks.

CHAIRPERSON REITH: And then I just have one brief question. Can you confirm that you've consulted with teachers and community around this plan and there was positive feedback?

DR. GIGLIOTTI: Yes.

CHAIRPERSON REITH: I see a lot of nodding heads.

DR. GIGLIOTTI: Yes. Yes.

CHAIRPERSON REITH: Okay.

DR. GIGLIOTTI: Yes.

CHAIRPERSON REITH: All right. Thank you.

DR. GIGLIOTTI: Okay.

CHAIRPERSON REITH: Thank you. I appreciate that.

Ms. Zook, I think you have a final question.

MS. ZOOK: I appreciate you checking with the charter. Thank you very much. And I also want to take this opportunity to thank you for having me at your school. I think the one thing -- although the Governor and everyone was very impressive, but I was especially impressed with the way that you had incorporated some of your ALE students with other students in your coding and computer science classes. And I think that that could serve as a great example because if everybody starts at the same level then those kids who maybe have never been able to do -- and I noticed they interacted well with the Governor and so they obviously are building their social skills too. So thank you for having me there and thank you for letting me visit that class.

CHAIRPERSON REITH: Thank you, Ms. Zook.

So with that, I think we can move into the

motions. And I just want to briefly look around. Any desire to do this by waiver topic or can we -- okay.

So with that, I will entertain a motion regards to Flexible Scheduling.

MS. DAVIS: Okay. Real quick, can I --

CHAIRPERSON REITH: Yes, Ms. Davis.

MS. DAVIS: Okay. I just wanted to confirm, they said it again in their presentation it was for a five-year term, even though it was introduced as three years. So I just want to confirm. Is it three or five?

DR. BROWN: Three.

MS. DAVIS: Three. Okay. So it is going to be -- okay.

DR. BROWN: Three will allow it to roll with our cycle, so --

MS. DAVIS: Okay. And then also the 6-18-210, again, that's repealed.

And then in regards to the Class Size waivers, will your teachers be compensated for anybody over 150 students?

DR. GIGLIOTTI: Yes.

MS. DAVIS: Okay. I don't have anything else.

CHAIRPERSON REITH: Thank you so much, Ms.

Davis.

So with that, I will entertain a motion regards to Flexible Scheduling.

DR. BARTH: I move approval of the Flexible Scheduling waiver.

CHAIRPERSON REITH: Okay. Do I have a second?

MS. NEWTON: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth, seconded by Ms. Newton.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to the waiver request for Class Size and Teaching Load, I will entertain a motion.

MS. NEWTON: I move to deny the waiver on Class Size and Teaching Load.

DR. BARTH: Second.

CHAIRPERSON REITH: Motion made by Ms. Newton, seconded by Dr. Barth.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

MS. ZOOK: Aye.

MS. CHAMBERS: Aye.

MR. WILLIAMSON: Aye.

CHAIRPERSON REITH: Okay. May the record show dissent from Ms. Zook, Mr. Williamson, and Ms. Chambers. That said, motion still carries.

Moving on to the waiver request for Teacher Licensure, I will entertain a motion.

MS. CHAMBERS: I move we accept the waiver on Teacher Licensure.

MS. ZOOK: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Chambers, seconded by Ms. Zook.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

That motion carries unanimously.

And then to the final waiver topic on Grading Scale I will entertain a motion.

DR. BARTH: Move approval on Grading Scale waivers.

MS. ZOOK: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth, seconded by Ms. Zook.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Thank you so much to the Mountain Home School District. Keep up the good work.

B-5: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT CHARTERS: NORTH LITTLE ROCK SCHOOL DISTRICT

CHAIRPERSON REITH: Okay. And we will continue proceeding. This is our last Act 1240 request and that comes from the North Little Rock School District. Ms. McLaughlin, if you will introduce Action Agenda Item B-5.

MS. McLAUGHLIN: Yes, ma'am. For Action Item Agenda B-5, we have North Little Rock School District. Representatives are here to appear before the Board with a petition for waivers. They have topics on Teacher Licensure, Flexible Schedule, and Class Size and Teaching Load. Their 90 days will expire on July 9th of this year. They are requesting for five years. They do have Michael Clark, 6th grade building administrator; Pierce Peacock, 6th grade counselor; Lee Tackett, the North Little Rock Middle School principal; Karli Saracini, the North Little Rock School District executive director, who will all be involved in the presentation. And Dr. Beth Stewart and Kelly Rodgers, the district deputy superintendent and superintendent of schools, are

here in attendance as well.

CHAIRPERSON REITH: Thank you. Is there any opposition signed up, Ms. McLaughlin?

MS. McLAUGHLIN: I don't know, but I'll go check.

CHAIRPERSON REITH: Thank you so much.

In the interim, those planning to offer testimony if you'd kindly stand at this time and raise your right hand to be sworn in. 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 SPEAKERS ANSWERED AFFIRMATIVELY)

CHAIRPERSON REITH: Wonderful. Thank you so much.

To the North Little Rock School District, your 20 minutes will begin. And just a kind reminder, if you could say your name and title at the beginning of your testimony for our court reporter.

MS. TACKETT: I'm Lee Tackett and I'm the principal at North Little Rock Middle School. And we are a middle school that is 71% free and reduced lunch, with 1780 students, grades 6 through 8. So we have every middle school student in the city of North Little Rock. And we are excited to be looking at the

program of Opportunity Culture, extending the reach of excellent teachers, how every North Little Rock student can have -- or middle school student can have great teachers every year in smaller learning communities. When I say 1700 middle school kids I know what you think. Well, we're trying to make it a little bit smaller for these kids. So we think with the North Little Rock Middle School Charging Wildcats in conjunction with Higher Education and the State Department of Education, we are thinking world-class schools.

There are five principles to Opportunity Culture. They reach more students with excellent teachers and their teams; they pay teachers more for extending the reach; they fund-pay within our regular budget; and they provide protected in-school time and clarity about how to use it for planning, collaboration, and development. We match authority and accountability to each person's responsibility.

What we are doing is a lead teacher program and we are so excited about this happening. We have five teachers that have been named the lead teachers that we have -- that are excited about it too. I don't know if you know but North Little Rock has consolidated all their middle schools and their high

schools, so we're big. And we just -- we want to make it smaller. The transition from the elementary school to the 6th grade building is a little traumatic sometimes for a 5th grader, so we want to make those small communities in that 6th grade building where we have team teachers and these lead teachers are in charge of these teams. These teams -- these teachers just -- they take that team of teachers and they work with that team of kids and all those teachers -- math, science, social studies, English -- will all have the same kids. They will be a true team. They will -- each teacher will be building a relationship with those kids to meet those kids exactly where they are. That is what is so exciting. Some kids have missed some skills along the way. Some kids, there's gaps in their education. We believe by using a lead teacher program with a multi teaching aspect and -- our Opportunity Culture proposal will help make these kids successful when we are working with them on an individual plan.

The Opportunity Culture team proposal for a lead teacher, they have to have five or more years' experience, a master's degree or be National Board certified, they have to attend the Arkansas Leadership Academy. We have an aspiring teacher, an

interim student intern, a novice teacher, and experienced teacher.

And I'm going to turn this over to Karli Saracini because she's going to talk to you a little bit about these teacher pieces.

MS. SARACINI: I'm Karli Saracini, director of HR for North Little Rock. We're excited about this because these waivers will grant us to be able to construct staffing and scheduling to reach all our students with highly effective teachers. And when we talk about that we're talking about transforming teachers into leaders and this helps us attract, develop, and retain these teachers. Because you know, as well as I do, we have a teacher shortage and that shortage is not because we don't have enough licensed; it's just they're not staying in the profession. So we're going to work and partner with Higher Education, and our two main ones that we're going to partner with are Harding University and UCA-University of Central Arkansas.

And so when we talk about the licensure waiver this is going to give us flexibility because we're going to have interns that are going to be there with the teachers in the classroom. And we want them to get a true experience because when they come to us

they may not have that cultural awareness, and especially with our diverse population in North Little Rock. We want them to be entrenched in the trenches, just like the teachers, so that when they get ready to take over their own classroom they're ready and that they're not going to come to me in September and say, "This is not what I thought it was; I'm going to quit." And believe-you-me that's what I hear. So we are really excited about this because partnering with all these different partners are going to give us that opportunity.

And when we talk about Class Size we're talking about that intern is going to be with that lead teacher and it's going to be a different student teaching than in the past. They're going to start day-one and that lead teacher is going to be in there with them 50% of the time and they're not going to be alone for just six, seven weeks. They're going to get to experience that whole team that that lead teacher is involved with. And it will also help us when we're talking about personalized learning, which -- or student focused learning. This is going to give that opportunity for that small group instruction. And that's why we're really talking about the class size, because we're not talking about

it for -- only for teacher of record; there's going to be other adults in there -- the interns, professional -- paraprofessionals -- to help support all those learners in that classroom. And so that kind of just gives you a little bit of what we envision. I know our partners are really excited.

And our five lead teachers, we actually had them apply; we had 17, and I think that's quite a few. We were pretty excited about that. And we asked the Department of Ed. -- we made our rubric, and so we vetted, we sent out an application, and they had to write and that was a different thing for them. They actually had to tell us about leading their peers and you know as well as I do that sometimes is uncomfortable. And then we actually from there chose the top and then we had interviews, and we had the Department very involved. Dr. Pfeffer let us use some of her staff and we thank her for that. Because we just wanted -- we knew this was embarking on something new and we want this pilot to be successful, so we wanted to get all the players at the table. And so that's kind of in a nutshell about how our lead teachers are going to do things.

Now another partner is Arkansas Leadership Academy and we also are working with Harding to

increase our participants in the National Board. And so we are doing both those things and we're very excited about this endeavor.

MS. TACKETT: Thank you, Karli. The waivers, I know you're wondering why do I need waivers, I've got all these teachers at North Little Rock Middle School. Well, you know why I need waivers? There's three different certifications on the middle school, grades 6 through 8. You can be 1 through 6 or K through 6, you can be 4 through 8, or you can be 7 through 12. And I may need that 7th grade -- 7 through 12 teacher teaching in the 6th grade, or I may need that 6th grade teacher teaching in the 8th grade, because it works out better within the team and within the culture of the school -- and what we're trying to do is change that culture of the school. So that is -- now that's not to say that somebody might come in and knock us off our socks and not be certified at all and do great with kids and want to teach, that we wouldn't bring somebody in that's got an agri degree or a pharmacy degree or a botanist or something that we would want to hire. We want to hire the best person for the job for the students of North Little Rock. They would go through the whole North Little Rock School District policy

and practices as far as being hired as a teacher, background checks, Arkansas qualified teacher status; you know, we would go through that whole piece, the Child Maltreatment checks, they would do all that. I don't see that happening right now, but that is certainly a possibility that could happen. So that is the reason we're asking for the Licensure waiver.

Flexible Scheduling -- oh, okay -- I never follow my --

MS. SARACINI: We've got to keep her focused.

MS. TACKETT: No, it's not up there. Okay. One of the things that we're doing due to the student-focused student learning -- as outlined in the application we're requesting the Planned Instructional Day requirements to be waived. Now when I say flexible -- oh, okay -- when I say flexible scheduling I mean I want a science teacher that meets two periods; instead of going to math I want that science teacher to have those two periods. They may not go to math that day. They may go -- they may not go to PE that day, but they're in science lab and they're dissecting frogs and it's taking them that kind of time to get it done. Now the next day they may not go to science. I want that kind of flexibility in our schedule and I want our

teachers on those teams to have their teacher voice in how that schedule works for them and their set of kids on any particular day; a true team concept. And the platform that we want to use for personalized learning and our student-focused learning is Summit Learning. And I think you heard a little bit about that, but this is -- this gives students the opportunity to reach their full potential and teachers the tools they need to meet the needs and interests of each student.

Dr. Stewart, our deputy superintendent, is the only one nationally certified in this personalized learning platform and the personalized learning. So we're excited. She is doing a PD with my staff this summer to get us rolling. Mr. Clark and I will be going to northern California this summer because we've been accepted to the Summit Learning platform and we'll learn how it all works, and we're excited about that because I want to meet the needs of each kid. It's about meeting their needs.

So the flexible scheduling would kind of be within the building itself. I don't want longer days, I don't want shorter days; I want to be able to do what I need to do or what those teachers need to do to help those kids be successful in that

classroom.

The third waiver we're doing is Class Size, and I've heard a lot of comments about class size since we were -- we've been here. But it's a little bit hard when you can only have 28 in the 6th grade -- you know, that's your max class size -- and then you have 30 in the 7th and 8th grade. You've got to do a little bit of moving around to make that happen. And we want -- there will always be two teachers in a classroom, two adults, one learning how to teach and the other modeling the teaching.

And, Karli, I know you -- come on.

MS. SARACINI: Well, we want to make sure that in case we ever need -- because teacher-of-record, if we go over that 150 that we have that flexibility. But like Ms. Tackett said, we will have more than one adult in the room when we're talking about the larger class size. We feel that it's important, and especially with our diverse population at North Little Rock we know that. We know how important that human capital is, that resource. And so -- but it allows us with having to ask any waivers from the Higher Ed. when they send the interns to us, because eventually after this coming year we want to go into a residency where they actually send their interns

for a year versus just a semester. But you all know that it takes it a little bit longer when you're talking about Higher Ed. to get something accomplished and -- but they're working toward that and we're excited about that endeavor, hopefully when we roll it out to our 7th and 8th grade the following year, 18-19. So thank you for listening to us today.

MS. PEACOCK: Can I say something? I just want to add the class size --

CHAIRPERSON REITH: If you could kindly state your name and title for the record. Thank you.

MS. PEACOCK: My name is Pierce Peacock, and I would just like to comment on the class size load. We don't want to put more -- and I'm a counselor at North Little Rock Middle School. So we don't want to overload our classes either. In fact, the way we think with our numbers for next year we're hoping to not have more than 115 kids on a team. However, with the flexibility in meeting the needs of all kids and with the personalized learning, you know, we'll have an individual plan basically for every child. And so being able to put two adults in a room with, say, 60 kids for a lab or something like that frees up other teachers on that team to pull small groups for intervention or additional instruction in those areas

where they need. So in some ways, yes, you're putting possibly more together, but it's so that you can, you know, pull smaller groups and meet the needs of those and their needs as well.

MR. CLARK: I am Michael Clark, the 6th grade building administrator of North Little Rock Middle School. The one piece that I want to add as far as the waivers is that these waivers will also correlate with the North Little Rock High School Center of Excellence. They have requested some of the same waivers that we are, and with that we will be able to transition our middle school kids into high school and they'll be using the flexible scheduling, additional class loads, or having those teachers that are certified in multiple areas to be able to teach them.

MS. PEACOCK: And, ideally, hopefully down the line -- because I've heard you mention this earlier -- we would like to be a school of innovation. And also we have met with board members, staff members in their PLCs, and also parents this semester, and continue -- and want to continue to do more of that.

MS. TACKETT: I guess it's time for questions.

CHAIRPERSON REITH: Thank you. Thank you. And you all finished before your time. And thank you for

anticipating my questions, so I will have none. I open it to my colleagues.

MS. ZOOK: I was fortunate enough to have a presentation from Dr. Pfeffer's class, the lady that's working with you-all, and I've been excited ever since. It reminded me of when we integrated the North Little Rock School District; we had a 6th grade school.

MS. TACKETT: Yes, ma'am.

MS. ZOOK: And I really credit that, the reason that North Little Rock gets and keeps most of their students. They don't have to worry about -- you know -- there's always going to be a few people that go here and there.

MS. TACKETT: Sure.

MS. ZOOK: But I think this is an excellent, excellent program. We toyed with mastery learning back then and in the 80s, and I've been excited about it ever since. And I'm so excited that I -- the Lord has given me the opportunity to stay alive long enough to see this coming time after time from the different districts. Because we know that it's just like kids don't learn to walk on a certain day kids don't learn how to read on a certain day or at a certain age. So this is very exciting to me. And

it's my understanding that as a pilot project the hope is to then go into like maybe five or ten more districts and grow it across -- I see her --

MS. TACKETT: They're saying yes.

MS. ZOOK: Yes, uh-huh. So this is great. And I'm hopeful that Higher Ed. will understand -- I know they complain because we send to them students who need to be remediated. And my comment to them is, "Well, you're training the teachers that are teaching the kids that have to be remediated. So if you'll work with us and realize that it takes more than a few months" -- and going from the beginning of school -- because we used to have them at the end of the semester --

MS. TACKETT: Yes, ma'am.

MS. ZOOK: -- at the end of school, and the first thing they have to do is start school and they have had no experience doing that. So I commend you, I commend Dr. Pfeffer and her crew, I commend the administration and the board of North Little Rock once again as being innovative and a leader in the Pulaski County area. And I am hopefully that my fellow board members will grant you all these waivers.

MS. TACKETT: Thank you.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Any additional questions? Yes, Ms. Chambers.

MS. CHAMBERS: What's the period of time you're asking?

MS. TACKETT: Five years.

MS. CHAMBERS: Five years for all three?

MS. TACKETT: Yes, ma'am.

MS. CHAMBERS: Okay.

CHAIRPERSON REITH: Thank you.

Dr. Barth.

DR. BARTH: Yeah, just a technical question. This may be for Legal, actually. So I noticed that you've got -- well, you've got eStem, Rockbridge and the Virtual Academy as your charters. And I think we know that one of those schools is relatively new and is facing some challenges, Rockbridge is. And I just want to be sure which of your waivers are based on waivers that Rockbridge has?

MS. TACKETT: Well, they were basically a lot of the same --

DR. BARTH: Okay.

MS. TACKETT: -- as far as the waivers went with the Licensure.

MS. DAVIS: The waivers, the rest that they have, are all based on the other charters.

DR. BARTH: Okay.

MS. DAVIS: So even depending on the outcome of --

DR. BARTH: Yeah.

MS. DAVIS: -- the disposition of that charter they would still be --

DR. BARTH: Okay.

MS. DAVIS: -- eligible to receive all of them.

DR. BARTH: I just didn't want y'all to get into trouble with relying on a charter that maybe are still having some challenges.

MS. TACKETT: I appreciate that.

DR. BARTH: Thank you.

CHAIRPERSON REITH: Any additional questions? Yes, Ms. Coffman.

MS. COFFMAN: This is just a comment. But Ms. Pierce Peacock is a former Reading First coach and a literacy specialist, so she knows how to teach reading.

CHAIRPERSON REITH: Well, that's -- thank you for lifting that up. That's important to know about the team that's putting this together.

Yes, Commissioner.

COMMISSIONER KEY: Madam Chair, I would like Dr. Pfeffer to just speak briefly to how this model that

they're presenting relates to some legislation that we have, we've talked about, regarding tiered licensure. But I think this is a model of what, you know, we have now enabled through our legislative process just recently. So, Ivy --

DR. PFEFFER: Yes.

COMMISSIONER KEY: -- could you talk to that?

DR. PFEFFER: And what's really exciting about this, you know, a lot of times when the requests for waivers are coming in it's because we can't find people we need, you know. And this is a whole different look at it. This is a model that is in place in other states, but what they've done -- I mean, the very first thing they show you is "we are elevating a group of teachers within our school." We have a group of 17 teachers that applied and you're going to have out of those -- how many were chosen -- five as the lead teachers. And some of the criteria they're using is the criteria we're looking at for our Level 3 and Level 4 licenses and advanced license or even going beyond an advanced license. And so what these teachers will do is they're going to be growing other teachers in that district. And so those other adults in there, whether they're an aspiring teacher, as a student intern, or a

paraprofessional, that is already invested in that district and is now going to have the opportunity to become licensed without having to quit their job and then they're going to then be licensed. So all of this falls right in line with our tiered system of licensing and it does create that model so that what -- we have included this as a strategy in our ESSA plan; if we can grow this maybe about 10 schools -- and, you know, we want to keep it at a school size because the school level knows best what they need to do. But this may be the opportunity for some of those districts that have come to you and asked for waivers; this may be an opportunity for them to say, "Okay, we have got some really great teachers here. Maybe if we move towards this model where they're able to extend their reach we can re-shift and shuffle some of our current classes; these teachers can be our lead teachers, they can be paid more to reflect their advanced levels of expertise and the advanced work they'll do, but also then grow some others." So all of this really is coming together and we're excited they're going to be our first group.

CHAIRPERSON REITH: Thank you. Thank you for that.

Any final questions?

Yes, Ms. Newton.

MS. NEWTON: I'm very excited about what I'm hearing that you're going to do for teachers. I know that they are thrilled and excited about the possibilities that are going to happen at the middle school. Middle school kids are a different animal; we all know that.

MS. TACKETT: Yes, ma'am.

MS. NEWTON: And so, you know, it's exciting to see that happening at a middle school. So I'm very, very pleased with --

MS. TACKETT: And I have a bunch of them.

MS. NEWTON: I know. Yeah. And that's one of the things -- you knew I was going to ask the question, you know, that I'm concerned about. You know, one of the statements that I read in your presentation -- or in your packet was you want to cap the face-to-face at 180. That's a lot of middle school kids for a teacher to deal with in a day.

MS. TACKETT: Right. But it will never be by themselves. It will never -- the teacher will never be by themselves.

MS. SARACINI: There will either be an intern --

MS. TACKETT: There will -- yeah, there's either

going to be an intern or a paraprofessional. And if we need to lower that cap please don't keep that from --

MS. NEWTON: I can't suggest that to you; you have to do that on your own. But, you know, it doesn't say that in your presentation that there will always be two adults in the classroom too, so --

MS. SARACINI: We need this for teacher-of-record --

MS. NEWTON: Right.

MS. SARACINI: -- for standards. But there are always -- the lead teacher is always going to have an intern with them. We have already shored that up for this year for --

MS. NEWTON: What about the other teachers?

CHAIRPERSON REITH: Oh, if you could kindly -- sorry -- speak into the mic just for the purpose of live-streaming. Thank you.

MS. SARACINI: Okay. We have already shored it up that this year those lead teachers are going to have interns first semester and second semester. And when we're talking about the class size we're talking about those lead teachers.

MS. NEWTON: Okay.

MS. SARACINI: We're going to use that --

MS. NEWTON: But that wasn't in your packet.

MS. SARACINI: We probably should've been more detailed in that, because that's where it's going to be.

MS. NEWTON: So you're talking about those five teachers --

MS. SARACINI: Yes.

MS. NEWTON: -- and those five teachers only?

MS. SARACINI: Uh-huh.

MS. NEWTON: And those teachers would have another adult with them all year-long?

MS. SARACINI: Uh-huh. Yes.

MS. NEWTON: So instead of saying "uh-huh" if you can --

MS. SARACINI: Yes, ma'am.

MS. NEWTON: -- say yes. Thank you.

MS. TACKETT: It will be a mentoring piece to the whole program also. There will be a mentoring piece.

MS. NEWTON: So the other teachers would be limited at 28 or 30, whatever the grade level in particular was?

MS. SARACINI: Yes. And this year will be at 6th, which will be 28, and then as we move on up the following years -- of course, there will be 30 in 7th

and 8th.

MS. NEWTON: Okay.

CHAIRPERSON REITH: Thank you.

Yes, Ms. Ables.

MS. ABLES: This is probably a technical question, but I'm curious -- if I had 160 kids and I knew I had an adult I'd probably be okay with that. But what about parent-teacher conference and 160 and grades and reports, you know, those things?

MS. TACKETT: The lead teacher is responsible for -- will be responsible for putting the lesson plans together for all those teachers and we will be doing student-led conferences. We're ready to implement that. And they will meet as a team or, you know, it may be a science and math teacher over here and an English and social studies teacher over here and then flip-flop and -- you know, depending on how many numbers we actually do have. But we have always compensated our teachers that have over the amount of students. So we're looking at the student-led conferences, and my teachers are excited about this.

MS. ABLES: Oh, I'm excited about it. I just -- I'm trying to think about all the little details.

MS. TACKETT: Well, the paperwork and the details -- and I get it. But I think if they -- the

team will be building relationships; they'll be building relationships with the kids. But as they build relationships as a team they're going to have each other's back and they're going to help each other.

MS. SARACINI: And I think Pierce can give you a very good example of what you're asking.

MS. PEACOCK: For example, the 180, that would be a special case. We have a person coming from NASA or we have a teacher -- one of our teachers who's going to teach with other adults in the room, supporting that teach, but she's going to teach a lesson or do a lab experiment. You know, so it's not that -- we're not even talking every day, you know, but at certain times that they're able to pull all those kids together. It's not all day, every day.

MS. ABLES: Right. Right. I'm just thinking about grading 160 essays in the middle of the day, and that's a lot.

MS. TACKETT: Well, here's the thing with that 160 essays, is that will be a science project, a math project, a language arts --

MS. ABLES: It will be all --

MS. TACKETT: It will be an all inclusive --

MS. ABLES: Okay.

MS. TACKETT: -- project and everybody gets a piece of the pie there.

MS. ABLES: Gotcha. Okay.

MS. TACKETT: Gets to share the love in grading all those essays.

MS. ABLES: And I look forward to coming and doing some training with y'all and visiting.

MS. TACKETT: Great.

CHAIRPERSON REITH: Thank you. So with that, with the Board is there a desire to do this by waiver topic or can we take these as a whole?

Yeah, Ms. Davis, any final -- yes, please.

MS. DAVIS: Yeah. So on the waiver that they've requested for flexible scheduling --

CHAIRPERSON REITH: Yes.

MS. DAVIS: -- the two code sections will be repealed beginning this fall. So the other one that they requested is not the correct standard number, first of all; it would be 10.01.4.

CHAIRPERSON REITH: Okay.

MS. DAVIS: But I don't think that they need that anyways because that still requires a 30-hour -- 6-hour day, 30-hour a week average. And if they're going to be doing that there's nothing that says they have to have, you know, 6 hours of science during the

week, 4 hours -- if they just -- as long as they're teaching the curriculum they don't need that. The only one that I can think of would be PE, and for that grade I think that they would need 40 minutes at minimum per week. So I don't think that it matters that it's happening on Monday or Thursday. So I don't think that they even need that waiver in order to accomplish what it is that they want to do, that maybe they'll have extra science one day and extra math another day, as long as at the end of the day they're still teaching the curriculum.

CHAIRPERSON REITH: So if I understand, we don't need the waivers -- we don't need to consider the waiver top of Flexible Scheduling?

MS. DAVIS: Well, they would need to want to voluntarily withdraw that. But I don't think that it would be needed for them to accomplish the goal that they've presented.

CHAIRPERSON REITH: Is -- would the district like to offer --

MS. SARACINI: I think we do need it for when we implement in 7th and 8th grade the following year.

CHAIRPERSON REITH: Ms. Davis.

MS. DAVIS: I mean, if that's what they're wanting --

CHAIRPERSON REITH: Okay.

MS. DAVIS: -- to keep, then they can keep that. Like I say, I don't think it's needed, but if they feel that they need it -- but the correct one would be 10.01.4.

MS. TACKETT: I apologize for that typo.

CHAIRPERSON REITH: And so we can correct this on your behalf then --

MS. TACKETT: Sure. Sure.

CHAIRPERSON REITH: -- for that. But my understanding, you would like the waiver still to be considered?

MS. TACKETT: Yes, ma'am.

CHAIRPERSON REITH: Just the correct title. Fantastic.

So with that, to my colleagues, would we want to consider this as a whole or by topic?

MS. ZOOK: Whole.

MS. CHAMBERS: I'd do it -- whole?

MS. ZOOK: No, go ahead.

MS. CHAMBERS: I was just going to say by topic for consistency, if that's okay.

CHAIRPERSON REITH: That will be fine.

MS. CHAMBERS: I'd like to go ahead and move to approve the Teacher Licensure waiver.

MS. ZOOK: Second.

CHAIRPERSON REITH: Motion made by Ms. Chambers, seconded by Ms. Zook.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Moving on to the waiver topic of Flexible Scheduling.

MS. ZOOK: I move that we approve the waiver for Flexible Scheduling.

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Motion made by Ms. Zook, seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

And, last but not least, Class Size and Teaching Load.

MS. CHAMBERS: I've like to approve the Class Size/Teaching Load waiver be passed.

MS. ZOOK: Second.

CHAIRPERSON REITH: Motion made by Ms. Chambers, seconded by Ms. Zook.

And discussion, yes, Dr. Barth.

DR. BARTH: Could we just clarify that it emphasizes in the limited way that you --

MS. TACKETT: Yes, sir.

DR. BARTH: -- described in your testimony?

MS. TACKETT: Yes, sir.

DR. PFEFFER: And --

CHAIRPERSON REITH: Yes, Ms. Pfeffer.

DR. PFEFFER: And I don't -- and I'm hoping I'm helping here, but really I think a lot of it is so you have one lead teacher in APSCN and that is a licensed teacher who is overseeing those students. So I think what it does is that having that flexibility prevents the kick-out for standards violations and you have the licensed teacher overseeing those students, but not necessarily the hands-on responsibility for everybody.

MS. TACKETT: Yes.

DR. PFEFFER: Okay.

CHAIRPERSON REITH: Thank you. Any further discussion? Otherwise, we do have an active motion on the floor.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Congratulations, North Little Rock. Please keep us informed about how it goes.

MS. TACKETT: Oh, we'll be back.

CHAIRPERSON REITH: We're counting on it. Thank you.

So with that, we will now take a brief 10-minute break and reconvene at 5 minutes to 5:00, where we will resume with Action Item B-6.

(BREAK: 4:45 - 4:55 P.M.)

B-6: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON THE DISTRICT CONVERSION PUBLIC CHARTER SCHOOL AMENDMENT REQUEST: CROSS COUNTY HIGH SCHOOL, CHERRY VALLEY

CHAIRPERSON REITH: Hello, all. I know it's been a long day, but again out of respect it is five-to and would like to continue with Action Agenda Item B-6, Consideration of the Charter Authorizing Panel's Decision on Cross County High School, Cherry Valley. Ms. McLaughlin, you are recognized.

MS. McLAUGHLIN: Thank you. Today we have a representative, Steven Prince, the high school principal on the phone if you would have any questions. I want to remind you that this is just whether you would wish to review or not review the Charter Authorizing Panel's decision of their

amendment request.

CHAIRPERSON REITH: Thank you. Do any board members have any questions in order to get to a motion on review or not review?

Otherwise, I'll entertain a motion.

MS. NEWTON: I move not to review.

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Motion made by Ms. Newton, seconded by Ms. Chambers.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

B-7: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON THE DISTRICT CONVERSION PUBLIC CHARTER SCHOOL AMENDMENT REQUEST: FARMINGTON CAREER ACADEMIES, FARMINGTON

CHAIRPERSON REITH: Moving on to Action Agenda Item B-7, the Charter Authorizing Panel's decision in regards to Farmington Career Academies. Ms. McLaughlin.

MS. McLAUGHLIN: Thank you. We have Farmington Career Academies, Mr. Clayton Williams, assistant principal on the phone if you should have any questions for him in your decision on whether to review the Charter Authorizing Panel's -- if you wish

to review or not review their decision for their amendment request.

CHAIRPERSON REITH: Thank you, Ms. McLaughlin. Any questions from the Board?

DR. BARTH: Move to not review.

MS. McLAUGHLIN: And they are on the phone.

CHAIRPERSON REITH: Thank you.

Do I have a second?

MS. DEAN: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth, seconded by Ms. Dean.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

B-8: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT REQUEST: ARKANSAS ARTS ACADEMY, ROGERS

CHAIRPERSON REITH: Moving on to Action Agenda Item B-8, Consideration of the Charter Authorizing Panel's Decision on Arkansas Arts Academy of Rogers. Ms. Perry -- or Ms. McLaughlin will stay there. Ms. McLaughlin, you're recognized.

MS. McLAUGHLIN: Thank you. For Arkansas Arts Academy we have Mary Ley on the phone, superintendent

of Arkansas Arts Academy if you have any questions for her in your decision of whether to review or not review the Charter Authorizing Panel's decision. I'm sorry.

CHAIRPERSON REITH: Thank you. Any questions from the Board?

If not, I'll entertain a motion.

DR. BARTH: Move to not review.

MS. CHAMBERS: Second.

CHAIRPERSON REITH: All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Oh, sorry; I apologize. The second was Ms. Chambers. So motion made by Dr. Barth, seconded by Ms. Chambers. And any opposed?

The motion carries unanimously.

MS. McLAUGHLIN: Thank you.

B-9: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL REVIEW HEARING: COVENANT KEEPERS CHARTER SCHOOL, LITTLE ROCK

CHAIRPERSON REITH: Moving on to Action Agenda Item B-9, Consideration of the Charter Authorizing Panel's decision in regards to Covenant Keepers. Ms. Boyd.

MS. BOYD: Sorry for the discrepancy. Thank you, Madam Chair. Alexandra Boyd, director of the

Charter School unit.

The Panel voted to revoke Covenant Keepers' charter, effective June 30, 2017, with a 6-to-1 vote. Representatives from Covenant Keepers are present should you have any questions in making your decision to review or not review this decision made by the Panel.

CHAIRPERSON REITH: Thank you, Ms. Boyd.

And then with that, I know there's not a formal structure of this but if the Board would like to hear -- is that correct -- from representatives or -- Ms. Davis, if you might run us through this process.

MS. DAVIS: Right. And we don't have any formal procedures. So what I would suggest, you can adopt what you want, but kind of follow some of the other unofficial procedures that we have, that no more than 20 minutes on behalf of the applicant and the charter and 20 minutes against, and then 5 minutes at that point.

CHAIRPERSON REITH: Thank you, Ms. Davis.

So then with that -- and will there be any non-attorneys speaking so that I swear them in, I'm assuming, or --

MR. ASKEW: No.

CHAIRPERSON REITH: No. All right. Then please

proceed.

MR. ASKEW: Thank you. I understand that this is 3 minutes for a presentation and then 3 minutes for any opposition, and then 1 minute for rebuttal. I'm just going to take the 3 minutes.

I'm Jess Askew, III --

CHAIRPERSON REITH: Thank you.

MR. ASKEW: -- and I am pleased to be here to represent my hardworking friends at Covenant Keepers who does request respectfully that this board review the decision of the Charter Authorizing Panel to revoke the Covenant Keepers charter at the end of June of this year. And I'm here just to speak to the reasons why this board should hear the appeal and review the decision, not to argue the merits of the decision. So that's my intention. If it sounds like I'm arguing, I really don't mean to; I'm just trying to convince you that you need to review the matter.

First, Covenant Keepers serves a high-need community in a part of Little Rock that really has no adequate alternative educational opportunities for these children that it serves; high poverty, economically disadvantaged, and an English Language Learner population.

Second, Covenant Keepers has made substantial

improvement on the academic progress of its learners in the last couple of years, since it became academically distressed. From 2015 to '16, the percentage of students scoring proficient or advanced on the benchmark test rose from 42% to just over 50% -- in fact, painfully close to 51%. And that 8% -- or 8-point increase in the percentage represents a 25% increase in the number, the percentage of proficient and advanced learners at the school. That's good progress; excellent progress. That progress beats its peers in the Little Rock middle schools that are academically distressed.

Fourth, this is where it's going to sound like argument and it's really not; it's persuasion. The grounds and the evidence on which the Panel made its decision to revoke, with all respect, were based on points that were suspect and in some cases were simply wrong, and I'd like to go through a few of those. For instances, one ground was corporate governance on the belief that Dr. Valerie Tatum, the school leader, is on the -- is a member of the board of directors of City of Fire Community Development, Incorporated, which is the sponsoring corporation. Now if she were or if she weren't it wouldn't be a big deal because there's no requirement that a school

leader be or not be on a school board. But that's beside the point. Dr. Tatum is not and has not for a long time, at least the two years that I know about, been a member of that board. The Panel erroneously relied on information from the Secretary of State's office to believe otherwise, and I understand how that happens because anybody can go to a corporation listing at the Secretary of State's office and get information that was generated probably at the time the corporation was chartered by the Secretary of State. I am an old board member of St. Francis House, which is a nonprofit corporation. I'm still on the Secretary of State's website as a director and as the agent for service. I am the agent for service, something that I forgot until I got something from a lawyer who had an estate make a gift to the corporation and contacted me because my name was there. I haven't done anything or been a board member for 20 years with that corporation. The way one determines who's on a board of directors is by looking at the minutes and resolutions of the board of the corporation, and they tell the story here and Dr. Tatum is not a member of that board. And even if she had been that wouldn't be a ground to revoke the charter.

Another point, the Panel appeared to believe that the school has a negative fund balance, which is not true and is contradicted by the Department's own financial information on file. There was a timing issue about when the -- when in the first 10 days of April, I believe, the revenues for the month of April showed up on the books. And as I understand it, the Department chose a point in time and looked at a financial balance before the revenues had hit the books. In connection with that, there was a discussion of the salary of Dr. Tatum and there's no evidence or basis to conclude that Dr. Tatum's salary is a financial burden or a problem for Covenant Keepers. And there is no basis in law, statute, rule or anything that I know of that makes a charter contingent on the amount of money that the school leader makes.

Most importantly, the notice from the Panel was pursuant to a charge from this board that the Panel check up on the academic progress of Covenant Keepers, as is appropriate. So the notice said we are going to have a hearing on academic progress. If that had been the sole focus of the review we wouldn't be here because the only evidence that I see among the decision of the Panel is that the academic

progress was sufficient and adequate. It was these other things that got in the way. And I'm -- you know -- I'm not going to argue, but those things should not have been considered. For instance, it's very easy to correct the record on an outdated Secretary of State document if you have notice and an opportunity to prepare for the issue in advance, which is why we have notice.

I respectfully request that this panel hear the matter, either at a special meeting or on its regular meeting at some appropriate time in June. I'd be glad to answer any questions if you may have them. I'm going to get rid of my reading glasses so I can see you all.

CHAIRPERSON REITH: Thank you, Mr. Askew.

And with that, Ms. Davis or Ms. Freno, is any signed up to speak in opposition? I know that the -- what I have here -- we did get clarity and it is 3 minutes.

MS. DAVIS: It is.

CHAIRPERSON REITH: You were correct and I --

MS. DAVIS: It is. I'm failing today; I'm sorry.

CHAIRPERSON REITH: No. No, it's all of us as well.

MS. DAVIS: Everything is on fire.

CHAIRPERSON REITH: So though thank you, Ms. Davis, and we appreciate for you looking into that. I did want to double-check on the opposition.

MS. DAVIS: No.

CHAIRPERSON REITH: Hearing none, I do know that we have an elected official in the room that's asked to speak on this item, and that's Director Adcock. Director Adcock, you're recognized if you wish to speak.

CITY DIRECTOR ADCOCK: Thank you for allowing me to speak, and thank you for allowing me to be here this evening. I live in southwest Little Rock. I have been there as a resident 59 years in my home.

Covenant Keepers serve a population of our community that needs extra care and extra -- extra time, I guess, to fit into our community. I visit their school; I've been active going to programs that they have. Their talent nights are great. They have a very diverse population of students. I have visited with the students, talking to them as small groups and everything about school, about the community. And I'd like to ask that you reconsider this because it would be really upsetting to lots of families and it serves a need in our community.

Thank you very much.

CHAIRPERSON REITH: Thank you, Director Adcock.

So with that, questions or comments from the Board to get -- again, the decision before us is to review or not review. But if any -- if there's any clarifying questions that you all have to get to that decision then now would be the time to pose them.

Ms. Dean.

MS. DEAN: I have a motion when the time comes.

CHAIRPERSON REITH: Okay. Thank you, Ms. Dean.

MS. ZOOK: I will clarify because it was Ms. Newton and me that made the motion. And I went back and read the minutes and it says we would like for the Charter Authorizing Panel to review Covenant Keepers regarding academic performance and any of the challenges that they may or may not have to correct that. Now I recognize these other things are concerns and they may or may not have gotten in the way of academic performance, but the four-hour hearing would have been much more brief had we just talked about academic performance. And I'm not on the Charter Panel; I don't know all the rules; I'm not up-to-date; I totally trust -- but there was a lot of time spent on things that had not anything to do with academic performance.

So depending on what Ms. Dean is going to move, I think that if we decide to review it would be wise for us to do it at a special meeting because the June meeting, if we decided to uphold the Charter Panel, is a very short time for those students to get relocated. The time for lottery, if they wanted to go to a charter, is already past. And those teachers would need to find a job and most good principals will already be this month and next month hiring. So depending on whether we decide to review or not -- if we do review, then I would like for it to be at a special meeting so that we give everybody more time if we decide to uphold the Charter Panel's decision.

MS. DEAN: I have a comment. I don't have a question --

CHAIRPERSON REITH: Yes.

MS. DEAN: -- but I do have a comment.

CHAIRPERSON REITH: Yes, Ms. Dean.

MS. DEAN: For several reasons I am going to move that we review the decision by the Charter Panel, Charter Authorization Panel, for the reasons that Mr. Askew stated. And as Ms. Zook said, the original motion was for academic progress. And as Ms. Adcock stated as well, Covenant Keepers reaches a special group and a special niche in the southwest

Little Rock community and I think -- I think it would be a disservice to the students and to the parents of the community to just take that out of the area. I also think, as she stated before, that's -- it's June. I mean, this happened last -- in the last meeting. I think it's a very short time. I don't think it's -- it would be fair to the community unless we actually hear this out completely. But more so than anything I want to reiterate the fact that I believe Covenant Charter School [sic] reaches students that would not normally be reached. And I understand they've had issues with academic distress, but they have shown progress, consistent progress in the right direction. So for that reason when the time is ready I will move to have a special meeting to review the Charter Panel Authorization [sic] decision.

CHAIRPERSON REITH: Thank you.

Dr. Hill.

DR. HILL: Yeah. The thing that -- I was fortunate to visit Covenant a few months ago; probably January I was able to make a visit there. And I just want to make a couple of comments. And, you know, I'm new to the Board, so not -- maybe I'm not following protocol or maybe not by saying

something or doing something right. But I do -- I can share from educational experience of being reviewed by an accrediting body. And whether it's right or wrong or indifferent, I'll share those experiences as we make a decision collectively, decide as to the future. But I think these are things we should take into consideration. You know, I one time had an accrediting person ask me about my graduation rates for 1621 Dr. Martin Luther King Drive, and I said, "You're exactly right. We're working to improve those," just as Covenant is working to improve their test scores. But I said, "Well, one thing that we have improved is the safety rate in our community." And I said, "And living to me is more important than a score." And I said, "And today we've got 23 homicides in Little Rock, because if we put" -- and one thing I can say about walking up and down those halls, if we close the school -- and we're talking about identifiable role models -- I think it's important we understand where will those students go and will they find somebody that they're in tune to come to school for because they're excited about showing up. You can take a student and you can put them in a better academic achieving school and they're not connected and they won't do nearly as

well because they don't feel, as I said, loved, fed, and those expectations. So I think it's important that we take all of this information collectively into consideration as we move forward, in any decision we make. I'm not saying right or wrong or indifferent. I just think we have to understand that test scores -- very, very important -- I can't stress the significance of it, it is critically important -- but to want to go to school is to me probably as important because to wake up and want to go be led by someone who you feel that's empowering you every day is critically important and a motivational factor to achieve academic excellence, to whatever your best may be. Your best may not be 36 on the ACT. Your best might be 15. And if that's your best, that's the best we ask for you to do.

So I think when we're looking at 25% increase, if that's truly, you know, what we're evaluating based on the peer models of institutions like that, then I think we take those things into consideration as well. Now I'm certain our staff is doing an excellent job and kudos; I agree to that. I'm just sharing an experience on being evaluated and knowing what you're doing for the community of which you're trying to serve. And it's just very important that

we take all the collective information in consideration, because the day that you close the school where will those students go and what will they do. That's the question that I'd like to know as we move forward.

MS. ZOOK: I think --

CHAIRPERSON REITH: Thank you, Dr. Hill.

Sorry. Dr. Barth and then Ms. Zook.

DR. BARTH: I do think it's -- I think we all know that these factors of fiscal health, administrative health, academic health are all tied together. We've seen that again and again and again. And so I think that compartmentalizing them in any way is impossible, and I think we've seen that with so many of the districts that have come before us. Moreover, I think that the Charter Authorizing Panel -- and I did watch all the hearing -- I think they would've not been doing true to their service if they had ignored things that they saw that came to light. And so I did feel comfortable with their review of it and, obviously, I will -- the majority will rule in terms of whether there is a review or not. But I think I just did want to say that I think we need to be really careful in saying academic issues and their sustainability of success is distinct from some of

these other forces and factors that are part of a healthy school.

CHAIRPERSON REITH: Thank you.

Yes, Ms. Zook.

MS. ZOOK: One thing that I would like to do, if we vote to review, is I would like to see a copy of their charter, what they've agreed to do, what their aim, their goal, their mission is, and so then I will know if they have in any way violated their charter and then judge that against the academic part, as well as -- I agree that one thing can't be separated from another. But I'd like to see, if possible, a copy of their charter so that I'll know what they have agreed to do and what they were established to do and if in fact they're doing it or not.

CHAIRPERSON REITH: Yes, Ms. Dean, and then Dr. Hill.

MS. DEAN: I agree with you. I agree with what you said, Dr. Barth. I watched the video as well and read through the accompanying forms that went with it, and there were some other issues, other than academic. My issue is that -- my issue is just I don't -- I believe -- I just believe it needs to be reviewed first before we come to such a definitive decision of revoking the whole charter. I'd feel

more comfortable with reviewing it and pulling the charter contract as well. That's my issue with it.

CHAIRPERSON REITH: Dr. Hill.

DR. HILL: And that's all I would speak for, clarification of total information, because based on what their legal counsel said there could've been a conflict of information from a legal balance -- I mean, a negative fund balance on the books versus what was reality. So, I mean, I'm just saying collectively we should evaluate the entire wealth of information.

CHAIRPERSON REITH: Thank you, Dr. Hill.

Any additional -- yes, Ms. Newton.

MS. NEWTON: Just a comment. You know, I have some very -- I've visited the school; I was very impressed with the academics, what they're trying to do for kids and for the whole child. But I do have some concerns about the administration and financial and -- you know -- and I totally agree with Dr. Barth, you can't separate those. You know, if you're going to have a healthy school they all have to work and they have to work well. And so I have some very deep concerns. But, you know, if the body wants to review -- you know -- I never say that we don't need to look at all the information and to make an

informed decision, so I don't have a problem with that if that's what the group wants to do.

MS. ZOOK: And I think one thing that I even learned that day, I didn't realize that you couldn't put a charter on fiscal distress. You know, I didn't know that and I've been on the Board four years almost. So I think that every time we go through this, as we learn new things then it behooves us to give people the benefit of the doubt, because if we're just now learning some things they may be in the process of learning some things as well. I'm sure they all knew that and obviously the ADE staff did; you know, they were very well prepared and informed that day. So just -- and I don't know about facilities distress. Can they not go in facilities distress either? Do -- I mean --

CHAIRPERSON REITH: It's just academic.

MS. ZOOK: Just academic. Okay. And academic distress, quote, is going away, so --

COMMISSIONER KEY: Yeah. The facilities issue is different because a lot of charters are in leased facilities, not private -- not their own facility. So it's a different set of circumstances.

CHAIRPERSON REITH: Thank you, Commissioner.

With that, any final questions or comments?

Otherwise, I'll entertain a motion in regards to review or not review.

MS. DEAN: I move to review the --

CHAIRPERSON REITH: Motion made by Ms. Dean. Do I have a second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Second by Ms. Chambers.

All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

DR. BARTH: Nay.

CHAIRPERSON REITH: May the record show a dissenting vote by Dr. Barth.

So with that, this Board has voted to review.

And, Ms. Boyd or Ms. Coffman, I'm assuming we'll have to put our heads together around the proposal of a special session to review this and dates.

Yes.

MR. WILLIAMSON: Do we have to state now what we want to see?

CHAIRPERSON REITH: Yes. Thank you. Thank you for that reminder on that.

And then with that, in regards to a special session does that have to be reflected in the motion at this time or can that just be discussed later, Ms.

Davis?

MS. BOYD: Yeah, we need to set a -- if you're going to do a special hearing we need to go ahead and set a date because we have to give 10 days notice, I believe. And also we need to know the additional information that you want.

CHAIRPERSON REITH: Fantastic. So if we could address those two questions in that order, first the date and then what we want them -- the special -- the issues that we would like them to address.

In regards to dates to offer the soonest I guess that this could be held would be -- if we went with -- now is that 10 business days or 10 calendar days?

MS. BOYD: We're going to have to -- we have a discrepancy. We're going to figure that out.

CHAIRPERSON REITH: Thank you. So in the interim, while they look to see when is the soonest we can do this just per the calendar and the 10-day notice, whether again it's calendar days or business days, if the Board is prepared then what we will do is go around, is traditionally what we've done. And we will start with Ms. Newton, you, in terms of any special information that you would like them to prepare, while our attorneys look into the calendar here.

MS. NEWTON: Ms. Zook already said the copy of the charter. I would like to see that. And I would like to also see a copy of their original charter. I know it's been amended from different times, so I'd like to see that. I would like to know who is on their board of directors and if those people that are on the board of directors have had any business or financial contact with the school -- and if so, what it was and how much. Their staff for this next year, have they already signed contracts, which staff are planning on coming back, which staff are not, as far as numbers. I'd like to know their present enrollment for this year and what their projected enrollment is for next year, if they've had students that have already left because of what happened with the Charter Panel. I would like to know from the ADE how the Covenant Keepers have responded to either requests for information or suggestions as far as academics or governance, what was the response from the school. If the most -- I guess they undergo a legislative audit. Do they -- charters do that?

MS. BOYD: I believe they have -- they have their own private auditor and it's --

SUPT. TATUM: March 31st was when it was submitted.

MS. BOYD: They have their own private auditor and I believe legislative audit reviews the audit that their auditor submits.

MS. NEWTON: So I would like to see a copy of that, if it's available. And then I know they got an overpayment last summer, exactly how that overpayment was spent.

CHAIRPERSON REITH: Thank you, Ms. Newton.

Mr. Williamson.

MR. WILLIAMSON: That's a pretty exhaustive list. I think she covered everything I'd like to have seen too.

CHAIRPERSON REITH: Thank you, Mr. Williamson.

Mr. Black.

MR. BLACK: Mine as well.

CHAIRPERSON REITH: Ms. Chambers.

MS. CHAMBERS: Of all the finance and governance issues that were referenced in general in the voting schedule I'd like to know now with this exchange of information where maybe some things could -- were corrected or felt to be inaccurate when this decision was made; where do we net out; what inconsistencies, if any, are still left after there's been an opportunity to have that exchange of information?

CHAIRPERSON REITH: Thank you, Ms. Chambers.

Dr. Barth.

DR. BARTH: I would like to see maybe going back, just as we're going to kind of look back at the -- back to the beginning of the charter, I would really like to look at academic performance across a wide period of time, really from the start to the finish, rather than the short -- a snapshot that we're typically given. And I would also like to see the -- we see the pay of the leaders of the school, but I would like to see how that compares with similar institutions, similar schools in the state in terms of their pay.

CHAIRPERSON REITH: I see Ms. Boyd with a question. Yes.

MS. BOYD: Yes. Could you clarify what you mean by "similar schools?" Do you mean size charter, location?

DR. BARTH: Kind of all of the above. I mean, similar -- probably charters of -- you know -- of a relatively -- this -- you know -- below 250 or something like that, just kind of a relatively small charter as this one is.

CHAIRPERSON REITH: Thank you.

Ms. Zook.

MS. ZOOK: I think the only thing I have to add

there is that I'd like to see if she's available, Dr. Airola, to apply -- or if someone else knows how or does that -- the growth, not just the score but the growth. Because I know we're headed toward that in ESSA, so it would be helpful to me knowing what they might expect going forward. So a growth model as well and being sure that all this information is concorded, if that's a word -- a concordance applied to it. I've just invested a new word, but --

CHAIRPERSON REITH: Yes, Commissioner.

COMMISSIONER KEY: Okay. I'm going to caution us on that one because Dr. Airola is knee-deep in modeling ESSA right now.

MS. ZOOK: Okay.

COMMISSIONER KEY: And to pull her away from that for something even as important as this is, ESSA is vital and we have to have her fully focused on getting us those modeling results back for some decision-making that is of the -- that is urgent.

MS. ZOOK: Okay.

COMMISSIONER KEY: So --

MS. ZOOK: Then I would then just ask Dr. Tatum and her staff to be ready to represent what they presented at the Charter Panel with regard to growth. I know they worked with someone; I don't know if it

was Dr. Airola or if it was --

MR. ASKEW: Sarah McKenzley --

MS. ZOOK: Okay.

MR. ASKEW: -- McKenzie, excuse me, from the University of Arkansas.

MS. ZOOK: Okay. That works for me. I totally trust her numbers.

MR. ASKEW: Thank you.

CHAIRPERSON REITH: Ms. Dean.

MS. DEAN: I'd like to add -- I didn't see these and I don't know if they're available or not, but the minutes from board meetings.

CHAIRPERSON REITH: Okay.

MS. DEAN: Their board.

CHAIRPERSON REITH: From the Covenant Keepers --

MS. BOYD: School board meetings?

CHAIRPERSON REITH: Yes, school board meetings. Over what time period, Ms. Dean?

MS. DEAN: How long have they had the charter? No, I don't think I want that. That's nine years. Just the last couple of years.

DR. BARTH: I'd prefer the last five years.

MS. DEAN: Last five years.

CHAIRPERSON REITH: And then, finally, Dr. Hill.

DR. HILL: Just a response to everything that

you had mentioned in concrete information as far as what you were saying that was inaccurate.

MR. ASKEW: Yes.

DR. HILL: You know, that you said that was not accurate information, I'd just like to see that and your response.

MR. ASKEW: Thank you.

CHAIRPERSON REITH: Yes, Ms. Zook.

MS. ZOOK: We received a letter from a gentleman that was sent to us via email and I think it would only be appropriate if we're going to consider -- because he was objecting; he couldn't be here, he sent us a letter. I think it would only be appropriate if Covenant Keepers was able to -- because he had access to what they presented today; I think it's only right that Covenant Keepers have access to what he wrote us, so in case they need to respond to that or in case any of us have any questions as to the accuracy.

CHAIRPERSON REITH: Thank you. Thank you, Ms. Boyd, if you could help facilitate to make sure they get that.

With that, Ms. Davis and Ms. Boyd, were y'all able to determine is it 10 business days or 10 calendar days?

MS. BOYD: Ten (10) -- we just have to comply with public meeting requirements, so 10 days as that has been interpreted in the past.

CHAIRPERSON REITH: Which in the past -- remind me -- calendar, 10 calendar days?

MS. BOYD: Yes, calendar days.

CHAIRPERSON REITH: Okay. So then the soonest conceivable that we could do this would be Monday, the 22nd of May -- correct -- based on that assessment?

MS. BOYD: Uh-huh.

CHAIRPERSON REITH: And so with that, I would invite some input -- yes -- down the road about when we think we should do this. Commissioner.

COMMISSIONER KEY: We have key members of our staff that are out that week.

MS. ZOOK: The whole week?

COMMISSIONER KEY: The whole week.

MS. ZOOK: Okay.

DR. BARTH: I'm out that entire week.

CHAIRPERSON REITH: Okay. And then -- so then May -- the week of May 29th would probably be the conceivably earliest then, it sounds like. Is that -- am I understanding? And then the 29th is Memorial Day. So we're talking about the 30th would be the

first conceivable day, if I'm interpreting this --

MS. ZOOK: Yeah. I move that we do it on the 30th -- AM or PM does not matter to me -- if the majority or all of the Board can be there that day.

MR. WILLIAMSON: My preference is morning.

CHAIRPERSON REITH: My only question would be just noticing the family participation or interest that was today -- although school will be out by then; correct? So maybe it's not -- but still with working families and such -- it's the last day of school is the 30th. Well, then we might require -- Covenant Keepers, if someone might be able to tell us when is your last day of school?

MR. ASKEW: I'm not sure of the last day of school, but school will be out on May 30th. We have some concern about parents who may want to attend the meeting. The 26th is the last day of school.

CHAIRPERSON REITH: Okay. Thank you for that piece of information.

And then with that, again, this is the conversation for the Board and the Department in that regard.

COMMISSIONER KEY: Any time after 9:00 is okay with us.

MS. ZOOK: What about the two that travel the

furthest -- or the four?

MS. CHAMBERS: I can be here by 9:00, but 10:00 helps -- but I can try to be here by 9:00.

MS. ZOOK: 10:00 works for me.

MR. WILLIAMSON: I'll be 45 minutes away.

CHAIRPERSON REITH: 10:00 would be preferred for me as well, just knowing morning traffic it's a lot easier if we --

MS. ZOOK: 10:00. Did you say 10:00?

CHAIRPERSON REITH: 10:00. 10:00, so is that the consensus of the Board? I'm seeing nods here. And I don't think we have to make that in the form of a motion. We're just indicating -- or do we, Miss -- okay.

MS. BOYD: You don't need a motion.

CHAIRPERSON REITH: So then just to offer notice that May 30th at 10:00 a.m., Tuesday, May 30th at 10:00 a.m.

Yes, Dr. Barth.

DR. BARTH: And just to give guidance to parents and others who are interested in speaking out on the issues, could we maybe kind of decide in advance what we expect in terms of the length of public comments, just so that they have guidance and know on the front-end kind of what to expect when they get here

about the length? Are there -- do we have --

MS. DAVIS: Public comments get three (3) minutes at the end of the official presentation.

DR. BARTH: Okay. So that's set. So I just want us to be clear that folks who are interested can expect to speak up to three (3) minutes.

CHAIRPERSON REITH: And the presentations themselves will take probably no less than -- because there's an --

MS. BOYD: It's the same formal hearing --

CHAIRPERSON REITH: Yes.

MS. BOYD: -- procedures, so 20/20/5.

CHAIRPERSON REITH: Okay. So just as well to get a sense there will be formal presentations beforehand, if that's helpful for parents to know.

Yes, Ms. Coffman.

MS. COFFMAN: What -- how many days ahead do we have to post the agenda on a special board meeting?

MS. DAVIS: I think on a special -- oh, wait; let me check on actually posting the agenda. I know what it is for notice on the special board meeting. But hold on.

MS. COFFMAN: And while she's looking that up, I need to clarify what Ms. Newton said about the names of the board members and their relationship or --

MS. NEWTON: Who are the board of directors and then are there any on the board of directors that have had any business or financial contact with the school. And if so, what was the contact and how much financially was it.

MS. ZOOK: And did they give the notice they're supposed to when you have that.

MS. BOYD: Also, in terms of public comment I'd just like to remind everyone that on the charter school web page we still have an opportunity for people to submit public comment electronically.

CHAIRPERSON REITH: Thank you. Thank you, Ms. Boyd.

MS. DAVIS: The agenda has to be posted eight (8) days prior to the meeting.

CHAIRPERSON REITH: And that would be eight (8) calendar days?

MS. DAVIS: It just says eight (8) days. So, yes, calendar.

CHAIRPERSON REITH: Thank you. Thank you, Ms. Davis.

MS. ZOOK: So if it was posted by the 22nd.

CHAIRPERSON REITH: Thank you.

Any additional information that the Department needs from us? Otherwise, at this point we'll move

on then with action -- with the Action Agenda.

Hearing none, thank you all and thank you -- I know this was a very long day for everyone from Covenant Keepers. And to the families that were here and the students, please express to us [sic] our regrets that it was such a long day and we did see them. Please let them know that they were seen. So, thank you.

B-10: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL REVIEW HEARING: ROCKBRIDGE MONTESSORI CHARTER SCHOOL, LITTLE ROCK

CHAIRPERSON REITH: With that, moving on to Action Agenda Item B-10, Consideration of the Charter Authorizing Panel's decision in regards to the Rockbridge Montessori Charter. Ms. Boyd, you're recognized.

MS. BOYD: Thank you, Madam Chair. The Charter Authorizing Panel voted in a 5-to-1 vote to put the charter on probation for one year with reports due every 90 days to the Charter Unit in the areas of special education, governance, finance, and required reporting. There are representatives from Rockbridge here today should you have any questions from them -- for them in your effort to make a decision to review or not review.

CHAIRPERSON REITH: Thank you, Ms. Boyd.

Yes, Dr. Barth. Question?

DR. BARTH: So, Ms. Boyd, since the Charter Authorizing Panel's meeting has there been continued stability in terms of leadership and other things at Rockbridge?

MS. BOYD: Yes. The people that were in place at the time of the meeting are currently in place now. The new board members are still board members. Mr. Nuckols is still leading the school. That's correct.

DR. BARTH: Okay. And I know this is -- the reports are coming to y'all and I'm wondering if could those reports also go to the Charter Authorizing Panel?

MS. BOYD: Yes, definitely. It's our intention to put those reports on the agenda in the Reports section.

DR. BARTH: Okay. Great. Thanks.

MS. BOYD: You're welcome.

CHAIRPERSON REITH: Thank you.

Any additional questions?

MS. ZOOK: So we'll know if and when they hire a special education teacher?

MS. BOYD: Yes. So currently they have a

special -- they have a person on ALP on staff for special education. And from my understanding, they have a commitment letter from a licensed special ed. teacher to start with them next school year.

MS. ZOOK: Thank you.

MS. BOYD: Uh-huh.

CHAIRPERSON REITH: Thank you.

Any additional questions? Otherwise, I'll entertain a motion regards to review or not review.

MS. ZOOK: I move not to review.

CHAIRPERSON REITH: Motion made by Ms. Zook.

MS. NEWTON: Second.

CHAIRPERSON REITH: Seconded by Ms. Newton.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Thank you, Ms. Boyd.

MS. BOYD: Thank you.

B-11: CONSIDERATION FOR FINAL APPROVAL: ADE RULES GOVERNING EDUCATION SERVICE COOPERATIVES

CHAIRPERSON REITH: Moving on to Action Agenda Item B-11, Consideration of Final Approval, the ADE Rules Governing Education Service Cooperatives. Ms. Davis, you are recognized.

MS. DAVIS: Hi, good after -- it is afternoon -- evening, it may be evening. I don't know what time it is. I'm Jennifer Davis, Staff Attorney for the Department. You gave approval for these rules back in March. They went out for public comment. There was one public comment received from one of the co-ops and it was due to an inconsistency that we corrected. It did not change it substantively. These rules have been approved by the Governor, and so I request that you give final approval to these.

CHAIRPERSON REITH: Thank you, Ms. Davis.

Any questions for Ms. Davis? Otherwise, I'll entertain a motion.

DR. BARTH: I move final approval of the rules.

MS. DEAN: Second.

CHAIRPERSON REITH: Motion made by Dr. Barth, seconded by Ms. Dean.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

MS. DAVIS: Thank you.

CHAIRPERSON REITH: Thank you, Ms. Davis.

MS. ZOOK: I will also mention that the co-op people were very complimentary of Commissioner Key

and the staff for working so closely with them in this. They said it's probably the first time ever they haven't had to whine and complain and appear before us to get us to do something different. So that was nice to hear.

CHAIRPERSON REITH: Thank you, Ms. Zook.

DR. BARTH: That sounds like a back-handed compliment.

CHAIRPERSON REITH: Every so often we can take one of those.

B-12: NOMINATIONS FOR CHAIR AND VICE-CHAIR

CHAIRPERSON REITH: So with that, moving on to Action Agenda Item B-12, Nominations for Chair and Vice-Chair. The members of our nominating committee this year were Ms. Zook, Dr. Barth, and Mr. Black. And, Ms. Zook --

MS. ZOOK: Yes.

CHAIRPERSON REITH: Will you be offering the presentation, Ms. Zook? Then you are recognized.

MS. ZOOK: I will. We met and we were fortunate because both Dr. Barth and Mr. Black said that they would be willing to serve as Chair. And they talked it through and decided that Dr. Barth would be Chair and Mr. Black would be Vice-Chair. And then, so with your approval this is the slate we are presenting.

CHAIRPERSON REITH: Thank you, Ms. Zook.

Any questions? Otherwise, I'll entertain a motion.

MS. CHAMBERS: I move that we accept the nominations of Dr. Barth as Chair and Mr. Black as Vice-Chair for -- 2017-18?

CHAIRPERSON REITH: Correct.

MS. CHAMBERS: State Board.

CHAIRPERSON REITH: Starting in July.

MS. CHAMBERS: Starting in July.

CHAIRPERSON REITH: Do I have a second?

MS. DEAN: Second.

CHAIRPERSON REITH: Okay. Motion made by Ms. Chambers, seconded by Ms. Dean.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Any opposed?

Motion carries unanimously.

Congratulations, Dr. Barth and Mr. Black.

DR. BARTH: I think there's still an election in June.

MS. ZOOK: And thank you.

CHAIRPERSON REITH: But -- thank you. No, thank you. So that concludes our action agenda.

(THE ACTION AGENDA WAS CONCLUDED AT 5:40 P.M.)

A-7: CAROL McCOLLUM (ISENHOWER)

EXHIBIT ONE (1)

A-8: WILLIAM HARDIMAN

EXHIBIT ONE (1)

A-9: LESTER DWAYNE CURRY

EXHIBIT ONE (1)

A-10: JAMES C. ARENDER

EXHIBIT ONE (1)

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 May 11, 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: May 19, 2017.

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SHARON K. HILL, CCR
Certified Court Reporter
Certificate No. 670

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