

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

March 9, 2017

*Sharon Hill Court Reporting
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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

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March 9, 2017  
10:00 A.M.

A P P E A R A N C E S

BOARD OF EDUCATION:

|                         |                         |
|-------------------------|-------------------------|
| Mr. Johnny Key          | Commissioner/Non-Voting |
| Dr. Jay Barth           | Acting Chairman         |
| Ms. Diane Zook          | Board Member            |
| Mr. Joe Black           | Board Member            |
| Ms. Susan Chambers      | Board Member            |
| Ms. Charisse Dean       | Board Member            |
| Mr. R. Brett Williamson | Board Member            |
| Ms. Ouida Newton        | Board Member            |

ADE LEGAL COUNSEL:

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

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

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## E X H I B I T S

## LEE COUNTY SCHOOL DISTRICT - PUBLIC COMMENTS

## EXHIBIT ONE (1)

Order for Exparte Injunction and/or Writ of Prohibition  
Circuit Court of Lee County, Arkansas (02/23/17)

## EXHIBIT TWO (2)

Petition to Remove or Suspend Lee County School Board  
of Directors

## EXHIBIT THREE (3)

Letter from Great Rivers Educational Cooperative to  
Arkansas State Board of Education nominating  
Superintendent Willie Murdock for Rural Education  
Association's Superintendent of the Year (03/07/17)

## EXHIBIT FOUR (4)

Letter from ADE/Cynthia Smith to Supt. Willie Murdock  
re: Petition for Removal from Fiscal Distress (02/21/17)

## EXHIBIT FIVE (5)

Letter from ADE/Cynthia Smith to Supt. Willie Murdock  
re: Delaying of Petition for Removal from Fiscal  
Distress (02/23/17)

1 P R O C E E D I N G S

2 A-1: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION  
3 ON THE DISTRICT CONVERSION PUBLIC CHARTER SCHOOL AMENDMENT  
4 REQUEST: WARREN MIDDLE SCHOOL, WARREN, AR

5 CHAIRPERSON BARTH: We are now down to our  
6 Action Agenda 10:00 a.m. and the first item there is  
7 Consideration of the Charter Authorizing Panel  
8 Decision on the District Conversion Charter School  
9 Request from Warren Middle School. And I believe we  
10 have Warren on the phone; is that right? Okay,  
11 great. And so are they already on or do we need to  
12 get them on?

13 MS. COFFMAN: I think Teal was getting them  
14 outside on the phone to bring in.

15 CHAIRPERSON BARTH: Okay, great.

16 All right. Then I will call up -- who's  
17 handling this? Okay. Yeah, go ahead.

18 MR. SCOTT: Would you like me to handle  
19 procedures at all or are we good?

20 CHAIRPERSON BARTH: Do we need a reminder on the  
21 procedure?

22 COMMISSIONER KEY: This is just a --

23 CHAIRPERSON BARTH: Okay.

24 COMMISSIONER KEY: There's no procedure on this  
25 one.

1 CHAIRPERSON BARTH: Okay.

2 MR. SCOTT: We have on the phone Ms. Carla  
3 Wardlaw, assistant superintendent for Warren, who  
4 will be able to handle any questions you may have.

5 CHAIRPERSON BARTH: All right. Welcome, Ms.  
6 Wardlaw.

7 MS. WARDLAW: Yes.

8 CHAIRPERSON BARTH: Thank you.

9 Are there questions on this item?

10 All right. Going, going -- Mr. Williamson, do  
11 you --

12 MR. WILLIAMSON: I was going to move that we not  
13 review it, but --

14 CHAIRPERSON BARTH: All right. Is there a  
15 second?

16 MS. NEWTON: Second.

17 CHAIRPERSON BARTH: All right. Motion by Mr.  
18 Williamson, second by Ms. Newton. All those in favor  
19 say "aye."

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRPERSON BARTH: Opposed?

22 All right. Thank you, Ms. Wardlaw.

23 MS. WARDLAW: Thank y'all.

24 A-2: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION ON  
25 THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT REQUEST:

1 ARKANSAS CONNECTIONS ACADEMY, BENTONVILLE, ARKANSAS

2 CHAIRPERSON BARTH: Okay. Our second item, Ms.  
3 Perry -- Ms. Virginia Perry.

4 MS. VIRGINIA PERRY: Good morning.

5 MS. ZOOK: Mr. Chairman, I need to recuse on  
6 this one.

7 CHAIRPERSON BARTH: All right.

8 (COURT REPORTER'S NOTE: Ms. Zook stepped out of  
9 the room.)

10 CHAIRPERSON BARTH: Please note that Ms. Zook  
11 has recused on Item 2.

12 This is the Authorizing Panel decision on an  
13 open-enrollment public charter amendment request from  
14 Arkansas Connections Academy. Ms. Virginia Perry.

15 MS. VIRGINIA PERRY: Yes, sir. And on the phone  
16 we have Ms. Darla Gardner from Arkansas Connections  
17 Academy.

18 CHAIRPERSON BARTH: Welcome, Ms. Gardner.

19 MS. GARDNER: Thank you.

20 CHAIRPERSON BARTH: Great. Ms. Perry, do you  
21 have any comments --

22 MS. VIRGINIA PERRY: No.

23 CHAIRPERSON BARTH: -- opening comments? All  
24 right.

25 Any questions for Ms. Gardner?

1 All right.

2 MS. CHAMBERS: I would move to not review.

3 CHAIRPERSON BARTH: All right.

4 MR. WILLIAMSON: Second.

5 CHAIRPERSON BARTH: All right. Motion by Ms.  
6 Chambers, second by Mr. Williamson. All those in  
7 favor say "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRPERSON BARTH: Opposed?

10 All right. Thank you. Appreciate it.

11 And then Ms. Perry also has the -- let's wait  
12 for Ms. Zook.

13 (COURT REPORTER'S NOTE: Ms. Zook re-enters the  
14 room and resumes her seat.)

15 CHAIRPERSON BARTH: Oh, she magically appears.  
16 Great.

17 A-3: CONSIDERATION OF THE CHARTER AUTHORIZING PANEL DECISION  
18 ON THE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT REQUEST:  
19 KIPP DELTA, HELENA, ARKANSAS

20 CHAIRPERSON BARTH: This is an amendment request  
21 from KIPP Delta in Helena. And do we have anyone on  
22 the phone?

23 MS. VIRGINIA PERRY: Yes, sir.

24 MS. JENKINS: Yes. This is Janelle Jenkins,  
25 Chief Operating Officer for KIPP Delta. And we also



1 have Chintan Desai.

2 CHAIRPERSON BARTH: Welcome. Thank y'all for  
3 joining us this morning.

4 This is the KIPP Delta amendment. Are there any  
5 questions for the folks from KIPP Delta about this  
6 relocation?

7 Okay.

8 MS. DEAN: I move to not review.

9 CHAIRPERSON BARTH: Ms. Dean moves to not  
10 review.

11 MS. NEWTON: Second.

12 CHAIRPERSON BARTH: Second from Ms. Newton.

13 All those in favor say "aye."

14 (MAJORITY CHORUS OF AYES; MS. ZOOK RECUSED AND DID NOT VOTE)

15 CHAIRPERSON BARTH: Opposed?

16 All right. This is easy so far. Okay.

17 All right. Now I think it gets a little more  
18 complicated.

19 COMMISSIONER KEY: Mr. Chair.

20 CHAIRPERSON BARTH: Yes.

21 COMMISSIONER KEY: I did not properly guide Ms.  
22 Zook on this one. She needed to recuse on that item,  
23 so she did not vote.

24 CHAIRPERSON BARTH: I was confused why she --

25 COMMISSIONER KEY: Yeah.

1 CHAIRPERSON BARTH: I thought that's what was  
2 going on, but I --

3 COMMISSIONER KEY: She did not vote, so --

4 MS. ZOOK: It was not his fault. I had it  
5 written down second, not third. It is my fault  
6 completely.

7 CHAIRPERSON BARTH: All right. So did you not  
8 cast a vote on the third item?

9 COMMISSIONER KEY: She did not.

10 MS. ZOOK: I did not cast a vote.

11 CHAIRPERSON BARTH: And so -- so Ms. Zook was  
12 absent for the second item and recused on the third  
13 item. Just let the record show that. Fair enough?

14 COMMISSIONER KEY: Thank you, Mr. Chairman.

15 CHAIRPERSON BARTH: Okay.

16 A-4: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT  
17 CHARTER: BRINKLEY SCHOOL DISTRICT

18 CHAIRPERSON BARTH: All right. Item 4, and this  
19 is a waiver request from the Brinkley School  
20 District.

21 MR. SCOTT: Yes. Freddie Scott, Charter Schools  
22 Office. And we have with us Dr. Debbie Goodwin,  
23 superintendent of Brinkley, who will be here to  
24 answer any questions and all as you make a decision  
25 to review or not review.

1 CHAIRPERSON BARTH: Okay. And remind me the --  
2 so we don't have formal procedures, but we typically  
3 allow how long for a presentation?

4 All right. Great.

5 MR. SCOTT: So thank you. Procedurally, all  
6 persons who are here will have an opportunity to get  
7 sworn in, except their attorneys that are  
8 representing them. The districts will have 20  
9 minutes to present their case, unless more time is  
10 granted by the Chair. The opposers will have 20  
11 minutes as well to present their case against them,  
12 unless granted more time by the Chair. The district  
13 then will have 5 minutes for rebuttal and at the end  
14 of the day the State will have discussions and a Q-  
15 and-A. You can ask questions at any time during the  
16 course of the presentations, and can either grant in  
17 whole or in part or deny in whole or in part, and  
18 make a final decision either at this hearing or at a  
19 future decided scheduled meeting. You have 90 days  
20 from the time we receive a petition to make that  
21 decision.

22 CHAIRPERSON BARTH: Great. Thank you, Mr.  
23 Scott.

24 All right. If everyone who is planning to  
25 testify on this proposal please raise your right

1 hand. Okay. Do you swear or affirm that the  
2 testimony you're about to give shall be the truth,  
3 the whole truth and nothing but the truth?

4 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

5 CHAIRPERSON BARTH: All right. Proceed. Thank  
6 you. And please do state your name for the record.

7 SUPT. GOODWIN: Okay. I'm Debbie Goodwin,  
8 Superintendent at the Brinkley School District. I am  
9 accompanied today by Ms. Brenda Poole, she is our  
10 School Improvement Specialist, and Mr. Oscar  
11 Conyears, the chairman of our school board of  
12 education.

13 CHAIRPERSON BARTH: Okay. Thank you.

14 SUPT. GOODWIN: Okay. We're here today to --  
15 for our first time to come and ask for some  
16 accommodation in order to get the Brinkley School  
17 District to a better place to fit the needs of the  
18 students in our area. We were identified at the high  
19 school as a Focus school five years ago, have been  
20 working in that process. I worked for three years as  
21 their consultant and now this is my first year as a  
22 superintendent. When the ESEA flexibility document  
23 first came out in 2012, the Arkansas Department of  
24 Education kind of identified what a Focus school is  
25 and the thing that I remember from that the most is

1 that a Focus school has systemic issues within the  
2 running of the school. Those are the things that we  
3 are trying to address. What we have discovered in  
4 our analysis and in our gathering data -- and we've  
5 gathered perceptual data from students, community,  
6 staff, and all of the stakeholders involved, and have  
7 identified that our basic problem is the culture in  
8 our school, which is a culture of somewhat low  
9 expectations. And we're trying to rise to expect  
10 more from our students and to support our staff so  
11 that they can effectively expect more from our  
12 students.

13 So in the process we have a list of things that  
14 we have identified that we need to do.

15 First of all, we had to face the very brutal  
16 facts. We are a five-year -- our high school is a  
17 five-year Focus school, our elementary school  
18 vacillates between Achieving and Needs Improvement,  
19 and so we recognize that; we recognize we are  
20 declining enrollment; we recognize that we have a  
21 need of rigorous instruction. Lots of things going  
22 on we have identified. And so to meet those things  
23 we want to hire qualified individuals to teach our  
24 schools, to teach our students. We want to implement  
25 a one-day-a-week dismissal, early dismissal so that

1 our teachers can collaborate on curriculum and  
2 assessment. We want to reinstate a vocational career  
3 program which will allow our juniors and seniors to  
4 seek career certification at the same time that they  
5 are seeking their high school diploma. We will do  
6 that in conjunction with EACC at Forrest City. We  
7 want our seniors to be afforded an opportunity to do  
8 internships with businesses within the community. We  
9 have implemented the one thing that all -- there's  
10 research out called High-Poverty High-Performing  
11 Schools. This research has identified  
12 characteristics that all of these high-performing,  
13 high-poverty schools have, and the number-one is what  
14 they call advisory time in order to have a time for  
15 students and teachers to build relationships. We  
16 have instituted that this year and will be working on  
17 that to make it more effective, even next year. We  
18 have -- our school board has supported us in going  
19 down the path toward a one-to-one initiative with  
20 technology. We're in the process of training our  
21 teachers and purchasing iPad Pros for all of our  
22 students so that we can move toward more  
23 collaborative and project-based learning activities.  
24 And the main thing is providing -- right now is  
25 providing the training for our teachers to be able to

1 pull that out for our students. We want to implement  
2 research-based 21st century learning assessment  
3 strategies in our classrooms and we want to provide  
4 job embedded professional development for our  
5 teachers. In order to do that, we need four waivers  
6 that we're asking you for today:

7 First one is on Teacher Licensure. We're asking  
8 for a waiver on teacher licensure so that we can hire  
9 qualified people. In the Delta it is difficult  
10 sometimes to get certified people, and right now I'm  
11 thankful that we do have -- all of our teachers are  
12 certified. But should the need arise -- and it could  
13 this very year -- we would -- we're asking for that  
14 waiver and we're asking for this waiver for five  
15 years.

16 The second waiver we're asking for is on Library  
17 Media Specialist. We have a very good librarian;  
18 she's been there, but she's been on an ALP and this  
19 is the end of the three years and she is one point  
20 from passing the Praxis on that test; she's going to  
21 take it again in about two weeks. But just to make  
22 sure that we can meet that need for our students and  
23 not be in violation of standards we're asking for the  
24 library media specialist waiver.

25 The School Day Hours -- we're asking for a

1 waiver of this in order to provide a one-hour-a-day  
2 block of time -- I mean, a one-hour-a-week block of  
3 time that our teachers can collaborate, and in order  
4 to do that we need a waiver on the school day hours.  
5 The correlates of effective schools -- research has  
6 been out for over 30 years and it has been proven  
7 over and over and over that there are seven things  
8 that you will find in effective schools, and so  
9 frequent monitoring of student progress and home-  
10 school relations are two of the things that you find  
11 in those effective correlates. So this time of  
12 shortening the school day so that we can focus on  
13 those things, that's the purpose for doing that. PLC  
14 meetings is basically what we're after.

15 And then the last one is Instructional Seat Time  
16 and the reason we're asking for this one is because  
17 it's 30 minutes over to EACC. We haven't -- our  
18 students have not had the opportunity in several  
19 years to seek career certifications, so we want to  
20 reinstate that. It's going to require a little bit  
21 of travel time and it's going to require students  
22 being over on that campus for part of the time. And  
23 also we -- because we're a small school we have a lot  
24 of times juniors and seniors who are searching for  
25 something to take -- and I almost lost my composure



1 when I found out I had a student taking health for  
2 the third time. So we're trying to address that  
3 situation by offering some things that they can have.  
4 And one of those things would be that our seniors  
5 coming up next year could be involved in internships  
6 with the businesses in our town and -- during the  
7 school day. So they would be at school at least till  
8 after lunch and then participate in -- all of that  
9 program would be run through the counselor's office  
10 in our high school and fully monitored and -- so that  
11 everyone is held accountable in that situation.

12 So, that's the four waivers and the reasons that  
13 we're asking. And I'd be glad to answer any  
14 questions or call on these people to answer any  
15 questions that you might have.

16 CHAIRPERSON BARTH: Great. Thank you for your  
17 very clear presentation.

18 I'll just go around. Ms. Newton, do you have  
19 any questions?

20 MS. NEWTON: The only question I had ahead of  
21 time was the library media specialist and so it  
22 pertains -- how many specialists do you have on your  
23 campus?

24 SUPT. GOODWIN: We have two and -- one at the  
25 elementary and one at the high school. And we

1           actually could do with one-and-a-half. But the  
2           library is a very important part of things to me, and  
3           in order to keep that good person who's reaching kids  
4           in that position is the reason I'm asking for that  
5           waiver.

6           MS. NEWTON: Okay. And so this person is still  
7           -- is seeking the certification?

8           SUPT. GOODWIN: Yes. Yes.

9           MS. NEWTON: That was my only question.

10          SUPT. GOODWIN: But I do -- I would like to add  
11          that library has been added to the shortage area list  
12          and in being in the Delta it would help us to have  
13          that waiver in place.

14          CHAIRPERSON BARTH: Ms. Chambers.

15          MS. CHAMBERS: Just going through the notes very  
16          quickly -- thank you for your presentation.

17          SUPT. GOODWIN: Uh-huh.

18          MS. CHAMBERS: I know for the first -- for the  
19          licensure waiver it's a five-year request. Are they  
20          all?

21          SUPT. GOODWIN: Yes. I'm sorry if I didn't make  
22          that clear. Yes, all four of the requests are for  
23          five years.

24          MS. CHAMBERS: And you may have spoken to this.  
25          I appreciate your connecting the dots between the

1 waiver and specifically what you plan to do with  
2 that. Relative to the, again, licensure waiver,  
3 specific subject matters in particular that you're  
4 thinking this may first be applied or necessarily  
5 applied?

6 SUPT. GOODWIN: Yes. And it's not core content;  
7 it's most -- well, it's mostly business and technical  
8 issues where we have very good people in the  
9 community who could teach classes that are on the  
10 list of approved courses and broaden the chance for  
11 our students, you know, to have other classes besides  
12 the core. But I will tell you that I know other  
13 schools in our area are searching for core people and  
14 if we were to lose someone -- which we have some  
15 people who drive a long ways now and if they find  
16 something closer to home, then I know that we will  
17 lose some teachers. So in that case then I'd like to  
18 have the waiver in case we do need to -- and  
19 specifically one that comes to mind is science,  
20 because we have a science teacher who's driving quite  
21 a ways and if he can find a job in Memphis I feel  
22 like he probably won't be at Brinkley next year. So  
23 that probably would be the first as far as core  
24 subjects.

25 MS. CHAMBERS: Okay. Thank you.

1 SUPT. GOODWIN: Uh-huh.

2 CHAIRPERSON BARTH: I have a couple of questions  
3 but I'll go around. Ms. Zook.

4 MS. ZOOK: Thank you for connecting it to the  
5 seven things that cause an effective school. You  
6 were speaking my language and I appreciate your  
7 knowledge of that, as well as your willingness to  
8 involve. I would like for you to talk with South  
9 Side over in Batesville -- South Side; they have  
10 figured out a way --

11 SUPT. GOODWIN: I have.

12 MS. ZOOK: Okay, you're familiar with it --  
13 where they don't have to release children early but  
14 they work it with that. So that might be another  
15 option. Because I think of the teachers who have  
16 children, and if they're like most parents, then  
17 what's the kid doing and are they doing their  
18 homework and this, and I'm trying to focus on the  
19 things you're trying to teach me. So, you know, look  
20 at that more closely and see if that might be a way  
21 --

22 SUPT. GOODWIN: I have talked with Mr. Rich and  
23 we've had several discussions about it. And I'm  
24 actually from Batesville, so --

25 MS. ZOOK: Oh, well --

1 SUPT. GOODWIN: -- you know, so I'm well aware  
2 of their program and very impressed with their  
3 program.

4 MS. ZOOK: Yes.

5 SUPT. GOODWIN: At this point I don't foresee  
6 just turning kids loose.

7 MS. ZOOK: Okay.

8 SUPT. GOODWIN: I foresee them all -- anyone who  
9 is going someplace has a place to go and someone  
10 who's checking to see that they're there --

11 MS. ZOOK: Yes.

12 SUPT. GOODWIN: -- someone to get them back to  
13 the building. Because transportation is an issue for  
14 our students, we want to make sure that they all --  
15 but the main thing is for them to get to pick  
16 something that interests them and be involved in that  
17 to see if they're headed down the right path.

18 MS. ZOOK: Okay. And you mentioned that you  
19 were going to work with some of the businesses. Have  
20 you been in conversation at this point on those  
21 partnerships and how they might come to your campus  
22 or your students might go to theirs?

23 SUPT. GOODWIN: Limited. I have -- we have the  
24 career/technical worked out with the ACC; that one is  
25 worked out. We're just in the beginning stages of

1 the internships, and we have several businesses. We  
2 have agri business, and we have healthcare  
3 businesses, auto parts, a lot of things -- you know,  
4 a lot of retail. But the -- and also we have an  
5 elementary school. For those that might be  
6 interested in being a teacher, we will allow them to  
7 do an internship at our elementary school and that's  
8 going to add a dimension to this whole program. So  
9 I've had limited --

10 MS. ZOOK: Right.

11 SUPT. GOODWIN: But it's -- from what I have  
12 received so far I believe the businesses will be a  
13 hundred-percent behind it.

14 MS. ZOOK: And I know one thing that often when  
15 you're trying to work out internships and  
16 apprenticeships and everything that often is -- I  
17 realize that when you're 16 and 17 you don't know  
18 what you're going to do or where you're going to be,  
19 and a lot of people choose to stay where they are,  
20 what's home, where they graduated. So thinking in  
21 terms of whether at this point they think they're  
22 going to stay in the area or they hope to go away and  
23 visit on the holidays would be something I think  
24 would be helpful as you prepare them for the  
25 workplace or college so --

1 SUPT. GOODWIN: That is our goal. Yes.

2 MS. ZOOK: Yes.

3 SUPT. GOODWIN: Our hope.

4 MS. ZOOK: So that we will -- you know -- that  
5 we at least have them prepared for where they think  
6 they're going to be at that point. I realize  
7 there's, you know, no guarantees. But there are some  
8 professions where you could live anywhere you want to  
9 --

10 SUPT. GOODWIN: Right.

11 MS. ZOOK: -- and there are others that are  
12 unique to an individual.

13 SUPT. GOODWIN: We have a student who graduated  
14 last year, who is at UCA this year, who has his own  
15 business already in media. He does commercials, he  
16 does lots of different things, and he's been very  
17 successful. He's been like a spark for our kids to  
18 realize, you know, I can be anywhere and do that.

19 MS. ZOOK: Right.

20 SUPT. GOODWIN: So --

21 MS. ZOOK: Right. And that's a good thing to  
22 have an occupation where you can live anywhere you  
23 choose to. Okay. That's all of mine.

24 SUPT. GOODWIN: Okay.

25 CHAIRPERSON BARTH: Okay. A question on the

1 internship piece -- what kind of academic components  
2 do you envision attached to those internships?  
3 Beyond the experience itself, what written reflective  
4 work or other pieces do you envision being a part of  
5 those internship experiences?

6 SUPT. GOODWIN: I have not planned at this  
7 point, although we're in the beginning stages and I'm  
8 open to suggestions -- we've not planned to tie it to  
9 their grades. I'm only looking at students who are  
10 seniors who have the credits to graduate already and  
11 are looking for something else for -- to fill out  
12 their day, and so I don't see there being any part of  
13 a grade. But there will be responsibilities, a  
14 responsibility list and an accountability list to be  
15 where you're supposed to be, and to reflect and  
16 provide reflection on the program for the kids who  
17 are coming up next year. That would be one way we  
18 would evaluate the program and improve it, you know,  
19 as we went on. So like I said, I'm not asking to  
20 give them credit but I am asking to make it a part of  
21 their lives and reflect on it to make it meaningful.

22 CHAIRPERSON BARTH: Yeah. And I agree with -- I  
23 hear you. I do -- and this is -- my area of work is  
24 engaged learning and I have found over the years of  
25 doing this that to make this a rich learning



1 experience -- and we do want it to be a learning  
2 experience, not just --

3 SUPT. GOODWIN: Exactly.

4 CHAIRPERSON BARTH: -- a way to spend time --  
5 that building in some guided reflection or some other  
6 --

7 SUPT. GOODWIN: Uh-huh.

8 CHAIRPERSON BARTH: -- reflective work can be  
9 pretty powerful as students think about what their  
10 talents are, and how they connect to that job or  
11 don't connect to that job, how their passions connect  
12 or don't connect, how this really is potentially a  
13 part of their future life. So I would really urge  
14 you to think about making those internship  
15 experiences beyond check -- ticking boxes, but really  
16 incorporating some conscious reflection and learning  
17 into them.

18 SUPT. GOODWIN: Yeah.

19 CHAIRPERSON BARTH: Because I think that will  
20 make for a better experience for students, based on  
21 my experiences over the years.

22 SUPT. GOODWIN: Well, and I appreciate that.  
23 Our goal is to build this in, starting with even 7th  
24 grade, but especially in 9th grade, into our advisory  
25 program, which we call Tiger Time, for them to start

1 taking assessments as far as their interests and  
2 their capabilities and things like that, guidance  
3 counseling type things early; and reflecting and  
4 researching, so that when they get up to the  
5 internship place they have -- based on who they are  
6 and what they understand about themselves, to make  
7 that decision and be -- so it will be more meaningful  
8 and then build the reflection into it. I see them  
9 graduating four years from now, my 9th graders,  
10 knowing who they are better than we have in the past  
11 and what goals they have for their future.

12 CHAIRPERSON BARTH: Uh-huh. Good. Ms. Zook.

13 MS. ZOOK: Yes. And I recognize sometimes the  
14 State Board frustrates the General Assembly because  
15 of this process. And -- but I think to the point he  
16 was making about the students, sometimes going  
17 through, thinking it, bouncing it off of educators,  
18 bouncing it off of other people --

19 SUPT. GOODWIN: Uh-huh.

20 MS. ZOOK: -- causes you to come up with -- or  
21 maybe we might even have something you hadn't thought  
22 of. But I hope you were not frustrated by this  
23 process --

24 SUPT. GOODWIN: No.

25 MS. ZOOK: -- but in fact you find that it will

1 be helpful for your students.

2 SUPT. GOODWIN: Oh, definitely, I do. It made  
3 me -- all of the stuff that I have in my head I had  
4 to organize it and get it into, you know, how I  
5 wanted to present it, and I appreciate that. No, it  
6 was a good process for us.

7 MS. ZOOK: Well, you did a good job.

8 SUPT. GOODWIN: And also presenting it to my  
9 board --

10 MS. ZOOK: Yes.

11 SUPT. GOODWIN: -- I had to put it together to  
12 present to them, to say, "Here's where I want to go,"  
13 and get this lady to buy into what -- and that was  
14 not hard at all. We have a good team. We have a  
15 wonderful team. We have all new administration, and  
16 that's no disparagement on anybody; I'm just saying  
17 that right now is a good time for Brinkley to kind of  
18 start over and meet the needs of our kids.

19 (COURT REPORTER'S NOTE: When Superintendent  
20 Goodwin said "this lady," she pointed to Ms. Brenda  
21 Poole.)

22 CHAIRPERSON BARTH: And you did a good job of,  
23 obviously, interacting with your board and getting  
24 their resolution in support of this. In terms of --  
25 especially on the first waiver topic, the Teacher

1           Licensure piece, what kind of interaction did you  
2           have with faculty and staff in particular on that?

3           SUPT. GOODWIN: Well, as I said, I was their  
4           School Improvement Specialist and their consultant  
5           for three years, and I worked with the faculty at the  
6           high school, which is where we mostly need the  
7           waivers, during all that time. In the beginning,  
8           when they were put into a Focus school I helped them  
9           write their first targeted improvement plan. I  
10          helped them -- and so -- and monitor all of their  
11          ACSIP, and now, you know, the other things as we've  
12          gone through the changes. The topic of getting good  
13          certified teachers to come to our area has been at  
14          the top of the conversation with the staff for the  
15          last three years and they recognize that it's hard to  
16          get, quote, good people to come here. There's a --  
17          they're open to that. And we have had  
18          nontraditionally certified and, you know, teachers  
19          throughout the year, and the faculty accepts them;  
20          there's no animosity, which as a nontraditional  
21          teacher several years ago I did experience. So I  
22          have not seen that and it's just -- but it's mostly  
23          been informal.

24          CHAIRPERSON BARTH: Uh-huh. Thank you.

25          SUPT. GOODWIN: Uh-huh.

1 CHAIRPERSON BARTH: All right. Then we  
2 traditionally take these by waiver topic; that's our  
3 normal practice. And so we start with the first  
4 waiver topic, which is Teacher Licensure, and I would  
5 invite a motion.

6 MS. NEWTON: I move to approve the waiver for  
7 five years.

8 MS. ZOOK: Second.

9 CHAIRPERSON BARTH: All right. Do we typically  
10 roll-call this or --

11 COMMISSIONER KEY: No.

12 CHAIRPERSON BARTH: Okay.

13 COMMISSIONER KEY: Not typically.

14 CHAIRPERSON BARTH: Okay. Then all those in  
15 favor say "aye."

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRPERSON BARTH: Any opposed?

18 All right. That passes.

19 Second waiver topic is the Library Media  
20 Specialist.

21 MS. CHAMBERS: I move to approve the waiver.

22 MR. BLACK: Second.

23 CHAIRPERSON BARTH: Motion by Ms. Chambers,  
24 second by Mr. Black. All those in favor say "aye."

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRPERSON BARTH: Opposed?

2 All right.

3 Our third waiver topic is Instructional Seat  
4 Time. Is there a motion?

5 MS. CHAMBERS: I move to approve the seat time  
6 waiver.

7 MR. BLACK: I'll second.

8 CHAIRPERSON BARTH: All right. Motion by Ms.  
9 Chambers, second by Mr. Black. All those in favor  
10 say "aye."

11 (UNANIMOUS CHORUS OF AYES)

12 CHAIRPERSON BARTH: Opposed?

13 All right.

14 And, finally -- oops, having -- oh, is that it?

15 SUPT. GOODWIN: School Day Hours.

16 CHAIRPERSON BARTH: School Day Hours. I'm  
17 sorry, I skipped that one. I'm having trouble with  
18 this new device. School Day Hours.

19 MS. DEAN: I move to approve.

20 CHAIRPERSON BARTH: Motion by Ms. Dean.

21 MS. CHAMBERS: Second.

22 CHAIRPERSON BARTH: Second by Ms. Chambers. All  
23 those in favor say "aye."

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRPERSON BARTH: All those opposed?

1 All right. Congratulations. Thank y'all and  
2 safe travels back to Brinkley.

3 SUPT. GOODWIN: Thank you. And the Brinkley  
4 School District patrons appreciate it.

5 CHAIRPERSON BARTH: Thank you.

6 A-5: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT  
7 CHARTERS: CLEVELAND COUNTY SCHOOL DISTRICT

8 CHAIRPERSON BARTH: All right. Next up, another  
9 Act 1240 waiver and this is the Cleveland County  
10 School District.

11 MR. SCOTT: Yes, sir. Freddie --

12 CHAIRPERSON BARTH: Mr. Scott. Yeah.

13 MR. SCOTT: Cleveland County School District is  
14 petitioning for waivers per Act 1240, and with us is  
15 Superintendent Johnnie Johnson and his team to answer  
16 any questions.

17 CHAIRPERSON BARTH: Thank you. We will ask that  
18 anybody who plans to testify to please raise their  
19 right hand. Do you swear or affirm that the  
20 testimony you're about to give shall be the truth,  
21 the whole truth, and nothing but the truth?

22 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

23 CHAIRPERSON BARTH: All right. Proceed.

24 MR. KING: My name is Davy King and I'm the high  
25 school principal at Rison High School. We're here

1 today to request a five-year waiver for daily  
2 instructional time and seat time, school day hours.  
3 Our district would like to implement a program to  
4 allow seniors that meet certain criteria to be able  
5 to participate in internships, work release, and be  
6 able to pursue college interests. We're within 35  
7 minutes of driving distance of three colleges there:  
8 SEARK, UAM, and UAPB.

9 At this time I'd like to ask our superintendent  
10 to come forward and kind of give an overview of our  
11 district.

12 SUPT. JOHNSON: My name is Johnnie Johnson; I'm  
13 the superintendent of Cleveland County School  
14 District. Rison is a small -- and Cleveland County  
15 school district -- a small rural public school  
16 district located -- it's between Pine Bluff and  
17 Fordyce. The Rison and Cleveland School Districts  
18 consolidated to form what is now the Cleveland County  
19 School District and provides education for roughly  
20 925 students. We employ more than 725 educators and  
21 have roughly 55 support staff. Our millage is 38.10  
22 and generates approximately \$58,745.91. Our free-  
23 and-reduced rate is 72%. Our district extends into  
24 areas where cell phones and internet reception is  
25 nonexistent. I might add that our 925 students does



1 include a pre-K, which is our Head Start. We are the  
2 only district in the state that our Head Start is  
3 part of our district, but that's one reason that we  
4 have that number of students listed, which I think I  
5 have something to say on that later on. Mr. King.

6 MR. KING: To give you an idea of our school a  
7 little bit more in detail, our middle school -- our  
8 middle school and high school are housed in the same  
9 building; we have a middle school wing and a high  
10 school wing. Our middle school serves approximately  
11 200 students. This past year our 7th grade was  
12 awarded a science outstanding award for achievement  
13 on our testing, so we were very proud of that. Our  
14 high school, as well, we serve approximately 275  
15 students a year. As Mr. Johnson stated, we have  
16 limited resources, but we do not use that as an  
17 excuse; we utilize everything we have with that. We  
18 have numerous students for a school our size to  
19 attend and be accepted into medical school, pharmacy  
20 school; while also we have multiple students return  
21 to our district and provide education to our  
22 students. So that is a big challenge to us, as we  
23 was here last month as part of the Southeast Co-op  
24 requesting that. And we strongly and we highly  
25 recruit our local people to enter the education

1 workforce and come back to our district to help us  
2 and continue on the process that has been established  
3 for many years. Our students have many opportunities  
4 as far as extracurricular activities. The thing that  
5 we like to instill in them is hard work, teamwork,  
6 character, how to overcome obstacles, and also our  
7 overall setting is to establish a close family  
8 atmosphere. This week alone our high school received  
9 notification that we received four outstanding  
10 educational performance awards for our ACT Aspire  
11 scores from last year. In the region, we ranked  
12 second overall. So while we know that there's a lot  
13 of work still to be done, we are proud of those  
14 rewards that we received.

15 At this time I'm going to ask our curriculum  
16 coordinator at the high school, Ms. LeTitia Johnson,  
17 to come up and go over our academic expected gains of  
18 this program and the implementation plans and  
19 monitoring process that we will be conducting.

20 MS. JOHNSON: Thank you. Our expected academic  
21 gains --

22 CHAIRPERSON BARTH: Your name again is LeTitia  
23 --

24 MS. JOHNSON: LeTitia --

25 CHAIRPERSON BARTH: -- Johnson?

1 MS. JOHNSON: -- Johnson. Yes, sir.

2 CHAIRPERSON BARTH: Thanks.

3 MS. JOHNSON: Expected academic gains from the  
4 waiver request, Rison High School, we work hard to  
5 excel in everything that we do. Our goal is for our  
6 students to be lifelong learners. You know, when  
7 they graduate from high school they continue to go on  
8 into college or the workforce and hopefully they  
9 return to our community, if they go off to college,  
10 or they work in our community. To assist us with  
11 that, we would like to provide a more personalized  
12 learning environment for our students by allowing our  
13 seniors the opportunity to complete their required  
14 coursework in less than six hours per day on the  
15 Rison High School campus. Only the students who are  
16 on track to graduate will be allowed to participate  
17 in this personalized learning. Currently, Rison High  
18 School requires 24 credit hours to graduate and 90%  
19 of our seniors next year only need one to four  
20 credits in order to graduate. We are currently  
21 contacting employers who are interested in providing  
22 employment for our students and internships for our  
23 students. We also have our elementary campus -- our  
24 elementary building is also on that campus, so  
25 students who may not have transportation they can go

1 to our elementary if they would like to pursue a  
2 degree in education or somewhere in our community  
3 where they have some jobs available there for our  
4 students.

5 During our registration the counselor is going  
6 to meet with our qualified students and parents who  
7 are interested in participating in the program. Our  
8 target is for qualified students to clock  
9 approximately 12 hours a week for the off-campus  
10 activities. Students will be required to submit  
11 monitoring documentation, as well as create a  
12 portfolio. This portfolio will be monitored on a  
13 nine-week basis; you know, every quarter, just like  
14 report cards come out, we would be monitoring these  
15 portfolios. The counselor and administration will  
16 monitor and facilitate the program. No additional  
17 staffing would be necessary and it would not cost the  
18 district any more funds.

19 SUPT. JOHNSON: Okay. Our district is not under  
20 academic, fiscal or facilities distress. And I'll  
21 meet with the -- at the end of each semester, as  
22 needed, for those responsible for monitoring those  
23 students. And we will monitor the students to make  
24 sure that they're doing what we expect them to do and  
25 what they tell us they'll do. But surely they'll not

1 be running up and down the streets because you can't  
2 go much anyplace in Rison and not go in front of the  
3 high school, so --

4 You know, from 1977 to approximately 2010 we had  
5 one of the best welding programs in the state with  
6 our -- in our agriculture department. And when our  
7 agriculture teacher retired we kind of lost our  
8 welding program, but in the last couple of years  
9 we've gotten it back. And, you know, welding in our  
10 area is big; it's a big deal. And we've got a new --  
11 it's kind of ironic that this morning, when I was  
12 getting my education at the coffee shop, a man asked  
13 me, "What are you so dressed up for?" And I told  
14 him. And he has a business -- or they've started a  
15 new business where they are rebuilding skidders and  
16 stuff of that nature. Well, you know, forestry is  
17 big in our area too. And I told him what we were  
18 doing -- and he was a long-time board member at one  
19 time for the Rison School District. And I told him,  
20 and he said, "Man, that's great." He said, "I might  
21 be interested in helping out if some of those  
22 students may want to come out and work with us and  
23 learn." Because we know that all our kids, our  
24 students are not going to go to college. But a lot  
25 of them, if we can get them interested in this and go

1            somewhere in a two-year institution or whatever, and  
2            then come back in our area where we need those  
3            people, this would be a tremendous -- a tremendous  
4            opportunity for them, instead of us putting them in  
5            classes they don't want or they don't need, where  
6            they could be out learning something that will help  
7            them in their future. Which we know that's what  
8            education is for; it's to make them -- get them ready  
9            for their future, whatever they want to be, whether  
10           it be a welder or a teacher or whatever they want to  
11           be.

12                            And in January of 2017 our board approved a  
13           resolution for us to come here and ask you for this  
14           and our board was very receptive and very excited for  
15           us to be able to present this to you. We have had --  
16           the staff and the parents of our district have  
17           expressed words of support. And we ask for this  
18           grant on our waiver to request that we can get  
19           started and establish a new tradition for our  
20           students, for this personalized learning. Thank you  
21           very much.

22                            CHAIRPERSON BARTH: Great. Thank y'all for your  
23           presentation and your dedication to your students.

24                            I'm going to go around. Ms. Dean, do you have  
25           anything?

1 MS. DEAN: (Shaking head from side to side.)

2 CHAIRPERSON BARTH: Ms. Zook?

3 MS. ZOOK: Were you asking for a certain number  
4 of years or open-ended?

5 MR. KING: Five years.

6 MS. ZOOK: Okay. Do you notice the -- or have  
7 you noticed -- how long have you been doing the Head  
8 Start pre-K with the district, how many --

9 SUPT. JOHNSON: When I came to Rison in 1977, I  
10 drove a Head Start bus. We've had a Head Start  
11 program for years.

12 MS. ZOOK: Right.

13 SUPT. JOHNSON: But as far as the Head Start  
14 program being like it is now -- we mostly had a  
15 summer Head Start program. I left the district in  
16 two thousand -- in '94 and went to -- and served -- I  
17 was gone for awhile --

18 MS. ZOOK: Uh-huh.

19 SUPT. JOHNSON: -- and it's been incorporated  
20 sometime in that -- in that -- while I was away --

21 MS. ZOOK: Okay.

22 SUPT. JOHNSON: -- or gone. But it's been a  
23 part of the district for probably 20, 25 years maybe;  
24 maybe longer than that.

25 MS. ZOOK: So you may not have any clear data as

1 to the difference in the achievement of the students  
2 with or without it, because it's been in there so  
3 long that, you know, it is what it is?

4 SUPT. JOHNSON: Yes, ma'am.

5 MS. ZOOK: So that's what I was looking for is  
6 to see if --

7 SUPT. JOHNSON: Basically, it's a part of our  
8 district. I mean, their funds are -- you know -- an  
9 auditor made them put us in the district, the funds  
10 in our district. But it's a great part of our  
11 district, I mean -- and I think it's been --

12 MS. ZOOK: So you can align the curriculum?

13 SUPT. JOHNSON: Yes, ma'am.

14 MS. ZOOK: Yes, okay. All right. Thank you.  
15 That's all.

16 CHAIRPERSON BARTH: Great. Ms. Chambers?

17 MS. CHAMBERS: I have a question for Ms.  
18 Johnson. You were talking about the portfolio and I  
19 was wondering, is it clear how you'll define success  
20 for this program?

21 MS. JOHNSON: We haven't gone that far just yet.  
22 We are going to develop like check-off lists or  
23 criteria, things that are required to be in there,  
24 documentation as far as what they do on a daily  
25 basis, projects, what -- you know -- if they're



1 working with welding or something like that, maybe a  
2 project that they have completed since they've been  
3 there that time. But it's a work in progress.

4 MS. CHAMBERS: You know, something I'd suggest  
5 -- I don't know if it's relevant, but I used to be  
6 responsible for an internship program. And I think  
7 sometimes we think folks that are good at something,  
8 the mentor, that it will just be intuitive how to be  
9 a good mentor to a student or an intern. And  
10 anything that you can do -- this actually ties back  
11 to a previous conversation, a previous school  
12 district -- anything you can do to help those mentors  
13 mentor -- sometimes just having an adult that's  
14 interested in you, that listens and gives you  
15 perspective, that could be a rich success, as you  
16 think about how you define success and the students  
17 perspective on that. But I'm excited for what you're  
18 thinking about doing; I think it's very good.

19 MS. JOHNSON: Thank you.

20 CHAIRPERSON BARTH: Mr. Black?

21 MR. BLACK: No.

22 CHAIRPERSON BARTH: Mr. Williamson?

23 MR. WILLIAMSON: No.

24 CHAIRPERSON BARTH: Great. Ms. Newton?

25 MS. NEWTON: Just thank you for your

1 presentation; it was very clear and well done.

2 CHAIRPERSON BARTH: Great. Thank you.

3 And I would just reiterate Ms. Chambers' point;  
4 I mean, I think making those internship experiences  
5 as rich as possible, whether it's providing, you  
6 know, guided reflection, giving tools to those  
7 mentors so that they can really make that a rich  
8 learning experience, I think that's where I would  
9 emphasize; I think it will pay off big-time.

10 So we only have one waiver topic on this  
11 district -- a number of waivers but just one waiver  
12 topic, and that's the school hour day seat time. And  
13 so I would invite a motion on this topic. Ms. Dean?

14 MS. DEAN: Move to approve.

15 MS. CHAMBERS: Second.

16 CHAIRPERSON BARTH: All right. Motion by Ms.  
17 Dean, second by Ms. Chambers. All those in favor say  
18 "aye."

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRPERSON BARTH: Opposed?

21 All right. Congratulations. Thank y'all so  
22 much.

23 COMMISSIONER KEY: I wanted to wait until y'all  
24 had voted on that. But I'm going to send you all an  
25 email, forward you an email, because there's an

1 organization here in Little Rock called Noble Impact.  
2 Some of you may be familiar with it. But as we have  
3 more of these schools coming and describing this  
4 concept of portfolio, you know, they have developed  
5 an electronic portfolio system, working with eSTEM  
6 High School. And it looks like a very promising tool  
7 that many of our districts could possibly use but --  
8 and there are multiple tools out there, but this one  
9 I think you would just find interesting to see what's  
10 out there and see what's being developed. And after  
11 -- sometime later today or tomorrow -- well, not  
12 tomorrow since we'll be on the road to Dermott -- but  
13 within the next few days I'll make sure y'all see  
14 that, because I think it goes to your question as to  
15 define success; you know, helping a teacher, helping  
16 a school system create that definition of success as  
17 it relates to the individual students in these  
18 project-based learning opportunities, I think this  
19 tool may help show you what's available out there.

20 CHAIRPERSON BARTH: Great.

21 COMMISSIONER KEY: Also, just as an update: the  
22 seat time waivers, you've had -- you've approved two  
23 of those today. Our bill to modify that -- right now  
24 we have 130 districts who have seat time waivers.  
25 That bill that would eliminate the need for those

1           waivers on that particular item has made it through  
2           one leg of the legislative process. So in my report  
3           later on this afternoon I'll give you a more  
4           comprehensive report on the status of our legislative  
5           package. But it's pretty relevant right now.

6                   CHAIRPERSON BARTH: Great. Thank you.

7   A-6: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT  
8   CHARTERS: CABOT SCHOOL DISTRICT

9                   CHAIRPERSON BARTH: So our last Act 1240 waiver  
10           request is from the Cabot School District. So, Mr.  
11           Scott.

12                   MR. SCOTT: Yes, Mr. Chair. The Cabot School  
13           District is requesting a waiver for Act 1240. And  
14           with us is Superintendent Tony Thurman and his team  
15           are with him to answer questions.

16                   CHAIRPERSON BARTH: Great. Thank you.

17                   SUPT. THURMAN: And we have an entire entourage.

18                   CHAIRPERSON BARTH: Great.

19                   SUPT. THURMAN: So whenever you're ready, sir.

20                   CHAIRPERSON BARTH: All right. If anybody who  
21           plans to testify, if you'll raise your right hand --  
22           if you'll -- do you swear or affirm that the  
23           testimony you're about to give shall be the truth,  
24           the whole truth, and nothing but the truth?

25                   (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

1 CHAIRPERSON BARTH: Great. Superintendent  
2 Thurman.

3 SUPT. THURMAN: Thank you. Good morning and  
4 thank you for this opportunity to present this  
5 morning. First of all, I'd like to present this  
6 entourage: Mr. Hawkins is here with me, he's our high  
7 school principal; and Dr. Duerkop is director of  
8 Evaluation and Accountability; and Dr. Tucker is our  
9 Assistant Superintendent. And we have them here  
10 because we started to look at this venture -- we had  
11 these two [indicating Dr. Duerkop and Dr. Tucker]  
12 tasked with "go out, explore, research, and then come  
13 back with what our plan could be," and then they work  
14 with Mr. Hawkins -- and Mr. Hawkins originally had  
15 the idea. So it's been a team effort to come to this  
16 point to share with you today.

17 We are asking for a five-year waiver for: first  
18 of all, number one is the units of credit clock hours  
19 for a unit of credit; and, number two, the -- of  
20 course, the instructional time issue again.

21 And we did have a presentation; I believe it was  
22 shared with you. Real quickly, Cabot High School and  
23 Cabot Schools, we have a long tradition of providing  
24 students the best education opportunities. I truly  
25 believe we have the very best conversion charter

1 school in Arkansas. And I think the Commissioner --  
2 he spent a couple hours with us to meet some of our  
3 students. And extremely proud of what we're doing  
4 there and it kind of fits in this mode of transition  
5 to Cabot High School; they work hand-in-hand  
6 together. But we've been in this charter school  
7 business with the online learning for many years now  
8 and I feel like we do it as good -- or really I feel  
9 like we do it better than anyone else in Arkansas.  
10 And I would like to invite you again to come see it,  
11 if you ever have an opportunity.

12 The staff recognizes the need that we need to  
13 continue to change. And in this process we actually  
14 visited other schools and we've looked at a lot of  
15 other programs. Dr. Duerkop and Dr. Tucker -- if you  
16 have any questions on that they can explain kind of  
17 the rationale for how we pulled all this together.

18 Our rationale for our waiver request is quite  
19 simple: flexible scheduling for students; students  
20 can experience anytime anywhere learning -- that's  
21 really worked for us in our charter school; and  
22 students develop self-directed skills; and students  
23 accept responsibility for their own scheduling and  
24 time of learning.

25 Something we've learned through the charter

1 school is that it's nice to give them this  
2 flexibility. And a lot of people say that it's good  
3 for them to start experiencing it and learning their  
4 own guidance, but we've also learned that it's nice  
5 to have someone looking over their shoulder. So  
6 that's what we are presenting with this at Cabot High  
7 School.

8 The waivers requested -- of course, definition  
9 of planned instructional day and school day hours and  
10 accreditation -- all that information is laid out in  
11 our application. And to answer the specifics of what  
12 we're asking for to take place at Cabot High School  
13 this next year, I'm going to let Mr. Hawkins come  
14 forward. And I will go ahead and tell you now this  
15 started out as a broad vision and then it comes down  
16 to, okay, what do we want to make happen this first  
17 year? Even though this is a five-year plan we want  
18 it to evolve, so we are going to start very slow this  
19 first year. So as you start to hear the presentation  
20 you'll think, well, just four? Well, yes, just four.  
21 We just want to make sure we're doing it right and  
22 doing it well. So that was our rationale for just  
23 starting out with only the four courses to begin  
24 with, and Mr. Hawkins will explain in more detail.

25 Mr. Hawkins.

1 MR. HAWKINS: Thank you for allowing us to be  
2 here. Henry Hawkins, Cabot High School Principal.  
3 It is our goal and it is our aim to start small, and  
4 we do want to open this up. We love the concept  
5 Learning Anytime Anywhere and that's what we want to  
6 offer our children and our students at Cabot High  
7 School. Our thought at this point is we would love  
8 to offer 11th and 12th grade English digitally and  
9 we'd also like to offer U.S. History and World  
10 History, so just four classes. We want to see how  
11 that goes. We feel like it's going to be a success.  
12 We've done surveys with our students and we've done  
13 surveys with our teachers and we've had great  
14 feedback. And our teachers are excited to maybe  
15 explore this opportunity, and our students are  
16 excited as well. Again, we do this already with a  
17 health class -- it's a digital class in class, seat  
18 time is there -- so we've had a little bit of  
19 experience with this. And now we want to be able to  
20 expand on this and offer it to our 11th and 12th  
21 graders where they do not have to be in class, but  
22 the opportunity will be there if they do need to come  
23 into class. And that's why we feel like this is a  
24 great opportunity, because the teachers will have  
25 office hours -- we'll just say first period we're



1 offering 11th grade English digitally and first hour  
2 is going to be 11th grade English. That English  
3 teacher will be there and if a student is struggling  
4 with a term paper or maybe a literary piece or  
5 something they can come in and that teacher is there  
6 and they're able to get help from that teacher. So  
7 the teacher may see that Henry is struggling with a  
8 concept and she may email Henry and just say, "Hey, I  
9 need you to come in on Wednesday and Thursday; we've  
10 got to get you caught up; you're not really where you  
11 need to be." So we have a little flexibility there,  
12 and so we're excited about that.

13 Again, I mentioned the survey results, they were  
14 very positive, and it's in your folder and you can  
15 see that as well.

16 We want to make sure that the students that we  
17 offer this to are academically able to do this, so  
18 we're looking at kind of a "C" threshold. For  
19 example, 11th grade English, if you sign up for that  
20 digital class we're going to make sure that -- the  
21 pre-requisite is you're going to have a "C" in 10th  
22 grade English before we allow you to move into that  
23 digital class. We're not sure this is going to be  
24 for everyone, so we're going to academically -- we're  
25 going to make sure it's academically feasible for

1 every student before we do that. Thank you.

2 CHAIRPERSON BARTH: Thank you.

3 SUPT. THURMAN: We have Dr. Duerkop and Dr.  
4 Tucker to answer questions on kind of what we did for  
5 research and activities, Mr. Hawkins can talk about  
6 the specifics, and I can talk about the broad vision,  
7 so --

8 CHAIRPERSON BARTH: All right.

9 SUPT. THURMAN: Yes, sir.

10 CHAIRPERSON BARTH: We'll go ahead. I'm going  
11 to start with Ms. Chambers and go around this time.

12 MS. CHAMBERS: I'm still thinking.

13 CHAIRPERSON BARTH: Okay. We can come back.

14 Mr. Black, anything?

15 MR. BLACK: No.

16 CHAIRPERSON BARTH: Mr. Williamson?

17 MR. WILLIAMSON: Not yet.

18 CHAIRPERSON BARTH: Ms. Newton? Ms. Dean? Ms.  
19 Zook?

20 MS. ZOOK: Okay. Did you mention a number of  
21 years or is this open-ended?

22 SUPT. THURMAN: Five years.

23 MS. ZOOK: Okay. And would the student be able  
24 to take their six or seven credits and this, or will  
25 they be limited on how many credits in the classroom

1 they can take if they do this?

2 SUPT. THURMAN: We will -- we'll consider  
3 letting them. It depends on how well academically  
4 they've done in the past. In our charter school, we  
5 allow students to go ahead and expedite -- what we  
6 call expedite their learning experience.

7 MS. ZOOK: Right.

8 SUPT. THURMAN: So, yes, that would be a  
9 possibility. And we can see that being something  
10 reasonable, as long as the students can be  
11 academically able to do that. The main thing is that  
12 the teachers will be available and one of the key  
13 components of this that we want to make clear is  
14 we're very fortunate that the size of our school --  
15 we have a lot of sections of each of these offerings.  
16 And when students display a lack of motivation, then  
17 we have other seats available and we can put them  
18 into a regular setting immediately. So there's -- we  
19 have a lot of options available with just the sheer  
20 size. But, yes, we do anticipate being able to allow  
21 students to do that. We've had luck with it in our  
22 charter school. It motivates students; those  
23 students do well. So, yes, ma'am.

24 MS. ZOOK: And will they be able to take part in  
25 this in the off-school summertime too or just during

1 the school year?

2 SUPT. THURMAN: Just during the school year.

3 MS. ZOOK: Okay. Great.

4 SUPT. THURMAN: And I also want to add that  
5 right now at our charter school we're using a  
6 curriculum -- we use a curriculum overview, but we  
7 have certified teachers. And it goes back to that  
8 concept of looking over the shoulder, is if you're  
9 doing well you're okay. But we have classes -- or  
10 certified teachers ready to pull you back to class  
11 when necessary. What we want to do in this -- and it  
12 started out with this pilot group of four classes --  
13 is use this online curriculum. We already have it  
14 available anyway, we use it anyway, but eventually  
15 we'd like to see the teachers start to take this and  
16 tweak it to kind of make it their own. So I think  
17 that would make it even more exciting. But we can  
18 start out on a grade level using those standards-  
19 based curricula that we already use through our  
20 charter school, and that group is already so familiar  
21 with that they can help train these teachers that are  
22 going to take on the digital courses.

23 MS. ZOOK: I wonder if for kids who are  
24 struggling that if at some point as an innovation, as  
25 opposed to a conversion charter, that you might have

1 summer offering in certain subjects, you know, for  
2 the -- so the students can work. And I realize you'd  
3 have to pay a teacher and that involves money, but,  
4 you know, it might be something to noodle on for --

5 SUPT. THURMAN: Yes.

6 MS. ZOOK: -- future times.

7 SUPT. THURMAN: Absolutely. And we have started  
8 doing some of those courses, the PE, the Health,  
9 those type things. We offer those in the summer.  
10 Typically, the summer school program has been for  
11 students that have not been successful --

12 MS. ZOOK: Right.

13 SUPT. THURMAN: -- in a course and they need to  
14 make that up. But we can use this in the future to  
15 allow the students to go ahead and do that. We do it  
16 on a limited basis now.

17 MS. ZOOK: Right.

18 SUPT. THURMAN: But as this grows that is  
19 certainly something we will consider.

20 MS. ZOOK: Every idea comes up with a new one,  
21 doesn't it?

22 SUPT. THURMAN: Yes, ma'am.

23 MS. ZOOK: Thank you.

24 CHAIRPERSON BARTH: In this model, is there an  
25 opportunity for peer-to-peer interaction in terms of

1 a discussion board or some other --

2 SUPT. THURMAN: That platform is not right now.  
3 But what we'll tell the teachers is, we would like  
4 some seminar classes, some times for them to come  
5 together, so that way -- they will be blocked during  
6 that time necessarily -- and to have that block open.  
7 So, no sir, the specificity of having that platform  
8 where they could do those type things is not in place  
9 now, but that again is something else that we'll move  
10 forward. Because we want the teachers -- we have the  
11 curriculum platform now to use for the curriculum and  
12 the ability for students to work online, but that  
13 will be the teachers taking it to make it their own.  
14 That's kind of the vision as the next step in this,  
15 is how do you make it where the students are doing  
16 work, having those platforms, the Blackboards, those  
17 type things to do that interaction without having to  
18 be there with a teacher.

19 CHAIRPERSON BARTH: Okay. Thank you.

20 Ms. Chambers, did you get there?

21 MS. CHAMBERS: I love the innovation, it's  
22 exciting. And you spoke to the thing that I was  
23 starting to noodle on which is the teachers and how  
24 they feel about this. So, do you tend to see  
25 teachers that are interested and able to do both?

1 They certify for digital but they teach  
2 conventionally as well, or do you have a -- is there  
3 a ladder for that or a development program for  
4 teachers for that?

5 SUPT. THURMAN: I'll be honest with you. What  
6 we've seen through our charter school and its  
7 development over the years is -- I think it's good  
8 for them to do both, to be honest with you. Some of  
9 our charter school teachers, it's been for them --  
10 we've put them back in the classroom for some hours  
11 of a day to have more of the traditional type  
12 setting. And what we've found is that's been  
13 advantageous to that instructor because they have the  
14 best of both worlds instead of just that one sole  
15 environment. So eventually, yes, we can move towards  
16 that, and we've seen some success with having  
17 teachers in both those settings. At the charter  
18 school now some of those teachers actually go teach  
19 more of the traditional courses and they go back to  
20 the charter school for the online courses.

21 MS. CHAMBERS: Okay.

22 CHAIRPERSON BARTH: Great. Anything else?

23 All right. Although it's again a variety of  
24 waivers, there is only one topic and that is the  
25 flexible time request for a waiver.

1 MS. CHAMBERS: I move to approve the waiver for  
2 flexible time.

3 CHAIRPERSON BARTH: All right. Second?

4 MS. DEAN: Second.

5 CHAIRPERSON BARTH: All right. Motion by Ms.  
6 Chambers, second by Ms. Dean. All those in favor say  
7 "aye."

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRPERSON BARTH: Opposed?

10 All right. Great. Congratulations.

11 SUPT. THURMAN: Thank you.

12 CHAIRPERSON BARTH: Thank you, Dr. Thurman.

13 SUPT. THURMAN: Thank you.

14 CHAIRPERSON BARTH: Thanks to everybody else  
15 from Cabot.

16 So we're going to take a break for a few  
17 minutes.

18 I did want to note for the record that this  
19 morning the members of the Board who are present did  
20 sign the letter that was part of the Consent Agenda,  
21 which is a letter to superintendents around the state  
22 encouraging them to institute a district Teacher of  
23 the Year program and nominate that teacher for the  
24 Arkansas Teacher of the Year program. And the letter  
25 concludes, "The State Board is very proud of Arkansas



1 teachers. Please help us in -- help us recognize our  
2 outstanding educators. We look forward to receiving  
3 many applications." And so that letter will be  
4 signed by our last two members.

5 And then also I did want to note that Ms. Ables  
6 is absent this morning, but I think she will be here  
7 this --

8 MS. COFFMAN: (Shaking head from side to side.)

9 CHAIRPERSON BARTH: Maybe. Maybe?

10 MS. COFFMAN: No.

11 CHAIRPERSON BARTH: Okay. She will not be here  
12 this afternoon. Okay. All right. So, never-mind.

13 So with that, let's reconvene at 11:20.

14 (BREAK: 11:08 - 11:21 A.M.)

15 A-7: CONSIDERATION OF APPEALS FOR MAINTAINING ACADEMIC  
16 DISTRESS CLASSIFICATION

17 CHAIRPERSON BARTH: Thanks, everyone. We now  
18 move into the portion of the agenda that relates to  
19 academic distress classification, and so we have  
20 several items of business there. And who's going to  
21 represent the Department on this? Great.

22 MR. FERREN: I'm Louis Ferren, State Systems  
23 Administrator for School Performance. I'd like to  
24 present a few comments about the appeal we received.  
25 Mr. Hoy, who's the superintendent from Helena-West

1 Helena -- he was here earlier but I don't see him at  
2 this point, so I'm going to have to go ahead.

3 According to the ACTAAP program, if 49.5% or  
4 less of the students achieve proficient or advanced  
5 then that school can be classified in academic  
6 distress. Because the achievement levels of the 2014  
7 ACTAAP were less rigorous than the college and career  
8 ready performance levels of the 2015 PARCC and the  
9 2016 ACT Aspire, the concordance calculation was  
10 done. This makes the test comparable so you can  
11 compare the concordant percent proficient and  
12 advanced for the PARCC to the 49.5% from the ACTAAP,  
13 and also you can compare the concordance calculation  
14 for Aspire with the 49.5 from ACTAAP.

15 In Mr. Hoy's written appeal that's an  
16 attachment, part of the appeal stated "the  
17 methodology for calculating the performance threshold  
18 was not solely the performance of the high school."  
19 I'd like to mention that two different technical  
20 advisory committees with nationally recognized  
21 assessment experts both approved virtually the same  
22 concordance calculation method, so I believe that we  
23 can depend on that.

24 Now also if you look at the 2015 and 2016 scores  
25 for Helena-West Helena Central High School without

1 the concordance calculation the scores are much  
2 lower. The 2015 PARCC proficiency without  
3 concordance for Central High was 11.76%; in the 2016  
4 proficiency calculation without the concordance was  
5 18.77%. Now if you look at the concordance numbers,  
6 the 2016 ACT Aspire concordant score was 49.315%  
7 proficient; the 2015 PARCC assessment concordant  
8 score was 52.97% proficient. Central High School's  
9 lowest score in the three-year average was their  
10 oldest score; it was the 2014 ACTAAP score which was  
11 not -- the concordance calculation was not used on  
12 that score. The non-concordance ACTAAP score was  
13 46.002% proficient. And if you do the three-year  
14 weighted average, which is used to determine academic  
15 distress, their three-year weighted average was  
16 49.426% proficient. And the ACTAAP rule states it  
17 has to be above the 49.5% to be removed from academic  
18 distress.

19 So I would like to recommend that the Helena-  
20 West Helena Central High School remain in academic  
21 distress, according to the rule.

22 CHAIRPERSON BARTH: Great. Thank you. Ms.  
23 Freno, can you walk us through where we go next?

24 MS. FRENO: Dr. Barth -- Lori Freno, Arkansas  
25 Department of Education -- at this point we're trying

1 to contact John Hoy, who is -- who Mr. Ferren has  
2 referred to. Apparently, he -- well, he was here  
3 this morning and apparently he has gone up to the  
4 Capitol. At this point, if Mr. Hoy has any comments  
5 to make he would make them at this point; he would  
6 have up to 20 minutes to make comments or, you know,  
7 more time if the Board would allow. The Board then  
8 could, of course, ask any questions to either Mr.  
9 Ferren or to Mr. Hoy as it wishes, and then at that  
10 point they would proceed in determining whether to  
11 grant or deny the appeal.

12 CHAIRPERSON BARTH: Okay.

13 MS. FRENO: And we are contacting Mr. Hoy right  
14 now to find out if he plans to return.

15 CHAIRPERSON BARTH: Okay. And obviously this  
16 action item is -- later action items are contingent  
17 upon this action item; right?

18 MS. FRENO: That is correct.

19 CHAIRPERSON BARTH: And so we're in a little bit  
20 of a bind in this regard. Ms. Zook.

21 MS. ZOOK: The question I had is, had the  
22 concordance been applied to the oldest score -- I  
23 don't expect you to answer this --

24 MS. FRENO: No, I was just looking over at  
25 Louis.

1 MS. ZOOK: Since it was such a significant  
2 difference between the actual score and the  
3 concordance applied score in '15 and '16, was it  
4 concorded, if that's a word, off of the '14 score?  
5 Or, if we had applied the concordance to the '14  
6 score might that have also brought it up, which then  
7 would've brought their number up?

8 MR. FERREN: It's not possible to apply the  
9 concordance score to the 2014 score since the reason  
10 for the concordance is to make everything -- make the  
11 test comparable to the '14.

12 MS. ZOOK: Okay. That's what my assumption --  
13 okay. Yes, thank you.

14 MR. FERREN: And '14 is actually what was  
15 approved by the rule.

16 MS. ZOOK: Okay. But since you pointed it out I  
17 thought we needed to be sure that we were all clear  
18 about that.

19 CHAIRPERSON BARTH: So, Ms. Freno, did we get  
20 word?

21 MS. FRENO: Yes. Mr. Hoy is on his way, Dr.  
22 Barth.

23 CHAIRPERSON BARTH: Okay.

24 MS. FRENO: And he's only at the Capitol, so --

25 CHAIRPERSON BARTH: Right.

1 MS. FRENO: -- it should be any time.

2 CHAIRPERSON BARTH: Okay. Do you think we could  
3 go ahead and move to the districts in academic  
4 distress, since this is a school in academic  
5 distress? Could we act on that?

6 MS. FRENO: Yes. Yes.

7 CHAIRPERSON BARTH: Okay. And so could we just  
8 -- what do we need to do in terms of procedural  
9 motion? By the time we get through with this he'll  
10 walk in the door, but --

11 MS. FRENO: Yes.

12 CHAIRPERSON BARTH: Okay.

13 A-8: CONSIDERATION TO MAINTAIN CLASSIFICATION OF ACADEMIC  
14 DISTRESS - DISTRICT

15 MR. FERREN: The districts in the attachment  
16 were -- none of them were above the 49.5% proficient,  
17 which is required to remove --

18 CHAIRPERSON BARTH: Okay. And so just for  
19 clarification here, we're moving now to Action Item 9  
20 -- no, excuse me, Action Item 8 -- Action Item 8. So  
21 we're going to hold on 7 until Mr. Hoy gets over  
22 here, then we'll go back to that. So we're now  
23 moving to Action Item 8, which is the District, list  
24 of two districts that are in academic distress.

25 MR. FERREN: Since neither one of those

1 districts achieved above the 49.5% proficient we  
2 recommend that they remain in academic distress.

3 CHAIRPERSON BARTH: All right. Are there  
4 comments?

5 I had one comment and it relates to Covenant  
6 Keepers and the persistent challenges that Covenant  
7 Keepers has had. It is, you know, nowhere near the  
8 49.5%. We know how challenged the student population  
9 is at Covenant Keepers, but we also know that other  
10 districts -- other charter schools working with and  
11 other districts working with similarly challenged  
12 populations have gotten there and indeed have shown  
13 real improvement. And so I know I sound like a  
14 broken record, but this persistent challenge with  
15 Covenant Keepers and I think our failure to  
16 assertively deal with that academic challenge, no  
17 matter how warm and inviting and community-minded  
18 that school is, it just really is I think a problem.  
19 So I just want to say that for the record.

20 MS. ZOOK: I agree. And I'm wondering since  
21 we're on a pause as far as putting people into  
22 academic distress -- and I think Covenant Keepers is  
23 up for review at what point? Is anybody here from --  
24 it seems like we were going to review -- that we were  
25 going to call them back in and review them. I do

1 know -- if we did decide to withdraw the charter I  
2 don't know what would be the kind thing to do to give  
3 those parents and those teachers -- the parents time  
4 to look for a school for their children, and if they  
5 wanted to continue the public charter route when the  
6 lottery is for the other public charters -- or if the  
7 teachers wanted to apply for jobs. So I know there  
8 is timing just out of compassion and reason, so maybe  
9 we can get someone from the Charter Office to tell us  
10 when we're calling them back in. Seems like it was  
11 this year, by the end of the year; I'm not positive  
12 about that, but I think that. And then also guidance  
13 from the Charter Office about when the lotteries are  
14 for the others and everything because I don't want us  
15 to leave the students, parents, and teachers hanging  
16 out to dry, should we decide to pull the charter.

17 CHAIRPERSON BARTH: Right.

18 MR. WILLIAMSON: They're scheduled to come back  
19 in June.

20 MS. ZOOK: June. Okay. To our committee?

21 MS. NEWTON: Yeah.

22 MS. ZOOK: But it seems like it was on the list  
23 to be reviewed by the Charter Panel in possibly May.  
24 I don't know. They usually hear things before us.  
25 Ms. Coffman, do you happen to know?



1 CHAIRPERSON BARTH: They may have had more  
2 reviews -- they've had more frequent reviews by the  
3 Charter Authorizing Panel. Ms. Coffman, do you know  
4 that?

5 MS. COFFMAN: I was searching on the website to  
6 see when they come up for renewal.

7 MS. FRENO: And, Dr. Barth -- Lori Freno -- I  
8 also have contacted the Charter Office. They're  
9 right here and somebody should be down shortly.

10 CHAIRPERSON BARTH: Okay. Great.

11 MS. ZOOK: And there they are. No.

12 Mr. Hoy is here.

13 CHAIRPERSON BARTH: That's what I was just  
14 thinking. This is going to get so confusing. I  
15 would like to -- things were going so well. I think  
16 it is best to deal with this item and then go back to  
17 the schools, if we can.

18 MS. CHAMBERS: Does the answer regarding timing  
19 affect how we would approach this particular  
20 decision?

21 CHAIRPERSON BARTH: It does not affect this, the  
22 decision here, but I think it might affect some  
23 actions kind of out of -- after this decision. So I  
24 think it's some stuff on this agenda item, I guess is  
25 the --

1 MS. ZOOK: Yeah. I just don't know that it's  
2 imperative that we know the next steps in the other  
3 in order to say yes in fact they still are in  
4 academic distress.

5 CHAIRPERSON BARTH: Yes. Okay. So, okay, fair  
6 enough. So why don't we -- we'll deal with this item  
7 before we leave today. We will get additional  
8 information on Covenant Keepers' timelines and that  
9 would still be on our agenda today and we could kind  
10 of consider where we might go next with Covenant  
11 Keepers. Is that fair?

12 MS. ZOOK: How about I do this? I move that we  
13 maintain the academic distress on Dollarway and  
14 Covenant Keepers, and then -- I don't know, I'll need  
15 Ms. Freno -- can I say "and we would like to table  
16 for later discussion the Covenant Keepers?" Or is  
17 that irrelevant?

18 CHAIRPERSON BARTH: Well, I think it's fine for  
19 us to just take action on these districts. Covenant  
20 Keepers is also on the Schools list --

21 MS. ZOOK: Okay.

22 CHAIRPERSON BARTH: -- and so we can discuss it.  
23 Next item is when we get to the schools.

24 MS. ZOOK: Then I move that we maintain  
25 Dollarway and Covenant Keepers in academic distress.

1 MS. CHAMBERS: Second.

2 CHAIRPERSON BARTH: All right. Motion by Ms.  
3 Zook, second by Ms. Chambers. All those in favor say  
4 "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON BARTH: Opposed?

7 All right. Good. Great.

8 A-7: CONSIDERATION OF APPEALS FOR MAINTAINING ACADEMIC  
9 DISTRESS CLASSIFICATION (continuing)

10 CHAIRPERSON BARTH: Now we are back up to Item 7  
11 -- and thanks to Mr. Hoy for running back over from  
12 the Capitol. Mr. Hoy, before you -- we welcome you  
13 up to the -- Mr. Hoy, are you -- yeah.

14 MS. ZOOK: There he is.

15 CHAIRPERSON BARTH: Yeah. Welcome. Please come  
16 on up. We got the report, of course, from the  
17 Department on the data and how we got to this number  
18 that we're dealing with today, and obviously we have  
19 looked at your appeal.

20 Ms. Freno, I believe Mr. Hoy has up to 20  
21 minutes -- correct -- to make his case for why -- for  
22 this appeal?

23 MS. FRENO: Yes, Dr. Barth, that is correct.

24 CHAIRPERSON BARTH: Great. Mr. Hoy, you are  
25 recognized.

1 Ms. Freno, does he need to be sworn?

2 MS. FRENO: Yes. Everyone should be sworn in,  
3 except for attorneys.

4 CHAIRPERSON BARTH: All right, great. So, Mr.  
5 Hoy, if you'll raise your right hand. Do you swear  
6 or affirm that the testimony you're about to give  
7 shall be the truth, the whole truth, and nothing but  
8 the truth?

9 SUPT. HOY: I do.

10 CHAIRPERSON BARTH: Thank you, sir. Proceed.

11 SUPT. HOY: Thank you, Mr. Chair, for  
12 recognizing me. I come to you today not because I  
13 can dispute a 4.95 [sic] or above -- 49.5 or above;  
14 actually, I cannot. I can tell you that I have a  
15 problem being placed in academic distress in our  
16 particular situation in Helena-West Helena School  
17 District. Here's the reason why: I noted a few --  
18 maybe about a month ago in Arkansas Democrat Gazette,  
19 in an editorial, wherein an educator from Office of  
20 Education Policy said that growth was actually a more  
21 important indicator of how a school district was  
22 doing, rather than the actual number or percentage  
23 that they have been in. If you go back and look at  
24 academic distress in terms of the indicators that  
25 we've had at Helena-West Helena, you'll notice that

1 we've had a steady increase in terms of percentage  
2 over that three years that moved toward academic  
3 distress, to get out of it. What you'll also notice  
4 is that we are less than a percent away -- as a  
5 matter of fact, we may be less than a hundredth of a  
6 percent away; it's really, really that close. The  
7 problem I have with that label and the closeness  
8 thereof is because over that same length of time that  
9 we look at those three years we've had three  
10 different sets of test scores. I understand there's  
11 a concordance that was taking place or put in place  
12 to deal with that. I also understand -- I used to  
13 work on the technical advisory committee that had to  
14 deal with that. I know that they're extremely  
15 intelligent individuals. I also know that  
16 statisticians disagree from time to time. I don't  
17 know if they disagreed in this regard, but I suspect  
18 some of them probably did in terms of some of the  
19 calculations.

20 What I also feel is this: on that initial test  
21 that we were given, we were given that test with the  
22 understanding that the PARCC -- well, that PARCC  
23 assessment, which is actually two years out, we were  
24 given that test with the understanding that it would  
25 not be used in accountability in terms of identifying

1 students or school districts for a lot of the  
2 different things. But that didn't work out that way,  
3 I understand that. When Marvell made their appeal  
4 they did not -- they were not successful in that  
5 appeal. I also know that ACT Aspire is a different  
6 test. I know we were tasked with taking that  
7 assessment, and we did. So my difficulty is not  
8 necessarily the fact that we did not -- that we are  
9 growing every year, but my difficulty is also due to  
10 the fact that with that growth we've had it based on  
11 the concordance with three different sets of tests.

12 So let me come back to my thoughts in terms of  
13 rationale for academic distress: it is to help those  
14 districts that are in academic distress. One of the  
15 things that the State is tasked with in terms of  
16 helping those districts is to make certain they have  
17 adequate teaching for us. That's one of the things  
18 that the state and federal says that they're trying  
19 to do. While we've had some help in terms of Teach  
20 for America, getting some teachers there, our  
21 struggle has been getting teachers. Now last year  
22 this State Board did give me quite a bit of  
23 assistance in terms of the waivers that you read my  
24 report on earlier today in terms of the number of  
25 teachers we have actually teaching off the waiver;

1           whereas, we have degreed people now, rather than  
2           substitutes, and that would've been a tragic day for  
3           us.

4           But in terms of the other assistance in terms of  
5           getting out of academic distress, while it has been  
6           there I think the label itself has created more harm  
7           than it has done good in terms of all of the people  
8           that you've sent to help us. I say that because it  
9           continually comes up in our efforts to bring the  
10          community in terms of support with us and our efforts  
11          in the district. The most recent thing that we're  
12          dealing with right now: I'm certain some of you are  
13          aware that we have a millage that we're trying to get  
14          passed in the district. One of the arguments that  
15          comes up in those meetings is, "Well, you're on  
16          academic distress." The labels are horrible. I  
17          don't know that the label has helped us. I will tell  
18          you this: even if we lost that label we will be in  
19          priority school status, which means we'll still get  
20          the help until the federal government does something  
21          about that with the different accountability systems.

22          My point is, is if you're looking to help this  
23          district, with the fact that we've grown through the  
24          concordance over the years, it might be the best way  
25          to help us is to help us lose one more label. Now in

1 case you feel compelled to stay with that label  
2 because of the 49.5%, I understand there are two  
3 methodologies for getting into academic distress;  
4 that's just one of them. The other methodology, from  
5 what I understand in a report that I read from the  
6 Bureau of Legislative Research, is that -- one that  
7 is rarely used. So the question is: do you have to  
8 label us in academic distress? You don't have to use  
9 any one of those particular things; you can choose to  
10 do so. Will it help us to keep us in academic  
11 distress? I don't know that it will.

12 I will tell you this: we are -- as a part of  
13 what we're doing in accountability now, we take those  
14 interim assessments, ACT Aspire, and we take them  
15 every quarter. I don't know if you have the ability  
16 to view those at the state level, but I've looked at  
17 them and they already show growth from the previous  
18 assessment, from prior year. They show growth more  
19 so from the first quarter than they did in the second  
20 quarter, but still getting better is getting better.  
21 I think as we season the teachers that we have on  
22 waivers, as we continue to find ways to innovate and  
23 find ways to help our students, I think that this  
24 49.7, whatever -- 49.473, whatever it is, I think  
25 that that is close enough till -- one of the things



1 that we used to do, what's called a correlation for  
2 error, where you have a little thing on both sides of  
3 it, I think that would be nice to apply to Helena-  
4 West Helena in this particular instance, especially  
5 since we're still going to get help with priority  
6 school status; we're going to get help in those other  
7 situations at the high school. We've still got those  
8 grants to help us out, as well.

9 I sure would like to lose a label that I don't  
10 think helps us at all. That is the end of my  
11 statement.

12 CHAIRPERSON BARTH: Great. Thank you, Mr. Hoy.  
13 Why don't I start with Ms. Newton to see if she  
14 has any questions?

15 MS. NEWTON: No.

16 CHAIRPERSON BARTH: Mr. Williamson?

17 MR. WILLIAMSON: Not yet.

18 CHAIRPERSON BARTH: Okay. Mr. Black?

19 MR. BLACK: I just -- it may be relevant, it may  
20 not be. I was in Helena yesterday and I noticed some  
21 signs in people's yards Vote No to the Tax. What  
22 kind of tax are you all about to try to implement?

23 SUPT. HOY: The district is seeking a millage to  
24 re-do the high school. I believe --

25 MR. BLACK: I suspected that.

1           SUPT. HOY: I believe when you were there before  
2 you guys toured the high school and you saw the  
3 condition it was in, especially the area where the  
4 alternative school is located. And you probably also  
5 knew that we had a tremendous number of expulsions  
6 from our school. We have kind of dealt with that in  
7 what we think is a progressive manner. We've moved  
8 the alternative school from the high school; we have  
9 stopped expelling student. This will be the first  
10 year that we've expelled less than 20 since the time  
11 that I've been there and for years before. This  
12 year, we won't expel any. So we think we're moving  
13 in the right direction. We think that that high  
14 school needs to be redone. The issue is that people  
15 have a choice in that; they really do. And I don't  
16 argue anybody having a choice in terms of how they  
17 vote. As a matter of fact, I encourage everybody to  
18 vote, however you feel. The question is, is do we  
19 need a new high school in that district? Most  
20 people, including those people that want to vote  
21 against it, say, "Yeah, we do; we just don't want to  
22 pay the tax." I get it. And when you say you don't  
23 want to pay the taxes, one of the things you can  
24 bring up is, "You're in academic distress" -- and  
25 we've heard that. Like I said, the label is not

1 helping us; it's hurting us.

2 MR. BLACK: Thank you.

3 CHAIRPERSON BARTH: Ms. Chambers, anything?

4 MS. CHAMBERS: Just a comment. I hate labels  
5 too, but I did want to encourage you on the growth  
6 that you've cited that you've seen. Has anything  
7 else transpired -- other than this observation about  
8 the article where you read someone quoted, is there  
9 anything else specific that you'd speak to that just  
10 better helps us understand where the district is  
11 right now relative to these hurdles and the academic  
12 performance we're looking for?

13 SUPT. HOY: Relative to the hurdles, yeah, I can  
14 tell you some of it is just a little sensitive, but  
15 I'll go ahead and share; you've asked. And right now  
16 I work for the district and I believe they feel the  
17 way that I feel, the board of directors down there.  
18 It simply goes like this: we are a town that's kind  
19 of divided. That may be the same in a lot of small  
20 towns over in the Delta. And it's not just black and  
21 white; it's haves, haves-not. We're even divided  
22 based on which bank you bank at, from what I  
23 understand. And so what I have noticed recently in  
24 terms of the entire town is there seems to be a  
25 little bit more signs of it coming together. There

1 are businesses moving into the town; there are  
2 reconstruction projects going on; there are  
3 revitalization efforts on Cherry Street. There are a  
4 lot of great things happening in Helena-West Helena;  
5 we'd like to be a part of it. Again, I don't think  
6 the label helps us; I think it hurts us.

7 In terms of academics, which is where this  
8 academic distress has to start with, we are  
9 addressing that as well. We know that a number of  
10 our students have choiced-out of our district because  
11 of the draw for the college and career, the college  
12 readiness piece. Those academies that we told you we  
13 would establish when we were last before you are  
14 fully in place right now, K-6. I will tell you that  
15 the high school, we were going to adopt this upcoming  
16 year -- I will tell you we've already signed on with  
17 Ken James to implement the AIMS program for our high  
18 school students. We toyed around with doing the  
19 concurrent credit as a major push. We had a  
20 community meeting; we had brought people in. After  
21 the community meeting, and after we had some more  
22 conversations around the table, internal of the  
23 district, we decided to go with that push. We're not  
24 ignoring academics. As a matter of fact, that's the  
25 full force effort of what we do.

1           I will tell you also this though: our community  
2           and our businesses that are located near -- I sat  
3           around the table with them and I understand that it's  
4           not just the academics that make great students; they  
5           need students with work ethics, they need students  
6           that will come to work every day, they need students  
7           that will do what you ask them to do. So we're  
8           working on that as well as a part of our mission.

9           So I will tell you that even on our improvement  
10          team we have students on -- we've had students on it  
11          every year when we meet as a district and we hear  
12          them and we listen to them, and we make adjustments  
13          based on that. One of the concerns of this board --  
14          I believe last year it was the fact that we didn't  
15          know who was going to be in place when you released  
16          us from State control. Right now, we feel like the  
17          board is in place. Unfortunately, we did have a  
18          board member pass away. We're going to try to fill  
19          that spot at our next meeting, next week. But the  
20          board has also seen fit to extend my contract out  
21          over three years.

22          I think the feeling is there that we as a  
23          community might go one way or the other. I would  
24          love to go in that positive direction because it  
25          seems like there's so much evidence thereof right

1 now. And again, with all that being said, the  
2 community, the school, the academics, the push, I  
3 just don't think the label helps us. And if that was  
4 what the label was intended to do, I think it has  
5 overstated its purpose at this particular point.

6 MS. CHAMBERS: Thank you.

7 SUPT. HOY: You're welcome.

8 CHAIRPERSON BARTH: Ms. Zook.

9 MS. ZOOK: For those of you who weren't on the  
10 Board at the time, Mr. Hoy was placed at the Helena-  
11 West Helena District by the State, when the State was  
12 in charge of it. He inherited a less than ideal  
13 situation. He told me at the time that based on his  
14 past experience that it usually took three to five  
15 years to turn a district around, and I think now  
16 maybe -- Dr. Wilde is telling us it may even take  
17 longer than that with some districts. But I will  
18 commend you because in the time that you have been  
19 there the community is more concerned and involved  
20 with their district. The scores have come up both of  
21 the years.

22 So I guess my question would be for Ms. Freno.  
23 Can we delay this decision until we have the '16-17  
24 scores to see if we're on the path? And then, rather  
25 than designate it now and then have to wait an entire

1 year, can we -- could we delay this decision?  
2 Because as we see the things he reported, as well as  
3 the scores that we're seeing, they are and they did  
4 miss by one-tenth of a percent. And I just have a  
5 lot of confidence in Mr. Hoy, as apparently his board  
6 does as well. I have a lot of love for this  
7 particular community, as well as my knowledge of  
8 several others. But is that something that's  
9 possible, Ms. Freno, to table this decision if we got  
10 the votes?

11 MS. FRENO: Ms. Zook, no, I do not think so.  
12 Because under Arkansas Code Section 6-15-428 there is  
13 a timeline for the Department identifying a school  
14 district as being -- or a school as being in academic  
15 distress and then for the Board to hear any appeals  
16 and make the classification, and that is 60 days.  
17 The Board has to hear the appeal within 60 days of  
18 receipt of the written appeal and make its  
19 determination as to classification or not.

20 CHAIRPERSON BARTH: What was the date of receipt  
21 of this, do you know?

22 MS. ZOOK: We won't have the test scores back.

23 CHAIRPERSON BARTH: Yeah. But I was just  
24 curious the date of receipt of this.

25 MS. FRENO: The date of receipt of the written

1 appeal --

2 CHAIRPERSON BARTH: Yes.

3 MS. FRENO: Sixty days of the date of receipt of  
4 the written appeal. When was the written appeal  
5 received?

6 MR. WILLIAMSON: March 2nd.

7 CHAIRPERSON BARTH: May -- or March 2nd. Right.  
8 March 2nd. Okay, thanks.

9 MS. CHAMBERS: When are the scores available?

10 MS. ZOOK: Usually we get them in the summer, if  
11 we're lucky.

12 MS. COFFMAN: July 1st.

13 MS. ZOOK: But then they have to apply the  
14 concordance, and then we -- you know, there's a whole  
15 process after that.

16 CHAIRPERSON BARTH: Ms. Dean, do you have  
17 anything before I go back around?

18 MS. DEAN: No.

19 COMMISSIONER KEY: Just to point out to that  
20 question too, delaying action -- if you were able to  
21 delay action, it would not remove the academic  
22 distress classification from the previous year.

23 MS. ZOOK: No, but it would say to the community  
24 "we're hoping that your scores continue in this  
25 drive, because you're headed in the right direction."



1 I guess that was my point.

2 CHAIRPERSON BARTH: Okay.

3 COMMISSIONER KEY: Understood. I just wanted to  
4 make sure everyone was clear that delaying action  
5 wouldn't change anything.

6 MS. ZOOK: Right.

7 COMMISSIONER KEY: Okay.

8 CHAIRPERSON BARTH: Could I ask Ms. Freno -- and  
9 I see Ms. Newton, but I have a question for Ms.  
10 Freno. And we had a case very similar to this from  
11 Mineral Springs last year; correct? Similar --

12 COMMISSIONER KEY: It was --

13 MS. FRENO: We had a case from Mineral Springs,  
14 yes, we did, where they appealed their academic  
15 distress.

16 CHAIRPERSON BARTH: Okay. And some of the  
17 grounds were similar to this --

18 MS. FRENO: They were similar to this.

19 CHAIRPERSON BARTH: -- but they were different,  
20 as well. Do we run into any inequity issues in terms  
21 of differential treatment of districts?

22 MS. FRENO: Yes. Certainly, we would run into  
23 equity questions because there are other school  
24 districts who might want to make the same argument as  
25 Mr. Hoy is making, and they -- the rules are -- the

1 rules are clear and the law is clear as far as the  
2 49.5 efficiency. And, yes, it would result in  
3 inequities for other school districts who didn't know  
4 that that opportunity was out there -- and the  
5 opportunity really isn't there.

6 CHAIRPERSON BARTH: I think Ms. Newton had a  
7 question. I see Ms. Chambers, as well.

8 MS. NEWTON: I think this one is for Mr. Harvey.  
9 What's the difference in the level of support from  
10 the Department for academic distress and priority?

11 MR. HARVEY: Actually, we're a little bit more  
12 involved -- Elbert Harvey, Public School  
13 Accountability -- a little bit more involved with the  
14 academic distress, as opposed to the priority. With  
15 the academic distress the Board has the  
16 recommendations they've approved that the school has  
17 to implement, and so we monitor more closely on those  
18 recommendations; whereas, with a priority school  
19 we're there to provide general assistance. So it's a  
20 little bit more in-depth in what we would do. We  
21 will continue our level of support for the district.

22 MS. NEWTON: So there is a difference between  
23 the supports?

24 MR. HARVEY: Yes, ma'am.

25 MS. NEWTON: Okay.

1 CHAIRPERSON BARTH: Ms. Chambers.

2 MS. CHAMBERS: My question is, I think, process  
3 or procedural. So if the school remains in academic  
4 distress then we would -- when you think through the  
5 calendar, so then the scores would come forward for  
6 16-17 sometime this summer or fall. Then would  
7 Superintendent Hoy return and at that point appeal to  
8 be removed from academic distress? What happens?

9 COMMISSIONER KEY: The scores -- okay. In the  
10 process that we have now scores comes back in July,  
11 July 1. There is a time following that for a  
12 corrections window that allows schools -- districts  
13 to go in and make any adjustments that -- as it says,  
14 corrections. And then after -- using the corrected  
15 scores then the data is evaluated; the concordance is  
16 applied; the TAC then would review. So, you know, it  
17 would be the fall before -- and that's typical --  
18 before the scores would be ready for action or  
19 appeal, depending on the outcome, so --

20 MS. CHAMBERS: If the outcome is such to warrant  
21 -- it exceeds the hurdle, right, in terms of the  
22 performance, then this fall would be the general  
23 timeframe we'd be talking --

24 COMMISSIONER KEY: That we would bring you  
25 recommendations. Because the pause would go away and

1 then we would be bringing you recommendations. I  
2 would remind you, I would be remiss if I didn't say  
3 that our revised accountability program changes all  
4 that. Okay, so -- but we can't really be assured of  
5 that until it passes and is signed by the Governor.  
6 So I'm just speaking with the process that we  
7 currently have in place, that's in statute and in  
8 rule.

9 CHAIRPERSON BARTH: Commissioner, if that  
10 legislation was successfully passed, and at least in  
11 the basic form that has been laid out, this label  
12 would disappear; right? We wouldn't need --

13 COMMISSIONER KEY: That's correct.

14 CHAIRPERSON BARTH: We would move instead to a  
15 number system. At what stage -- I guess it could  
16 depend upon -- is there an emergency clause in that  
17 legislation?

18 COMMISSIONER KEY: There is not an emergency  
19 clause. And there would be a transition period.

20 MS. ZOOK: Ninety (90) days.

21 COMMISSIONER KEY: So it would be in -- it would  
22 be August.

23 CHAIRPERSON BARTH: Yeah, okay. But in cases  
24 like this when do you envision -- do you envision us  
25 going back and re-classifying existing schools into

1 one of those five --

2 COMMISSIONER KEY: Yes.

3 CHAIRPERSON BARTH: -- into the categories?

4 COMMISSIONER KEY: As part of the transition, we  
5 would come to you with a transition plan, a  
6 transitional support plan based on where these  
7 districts are. We would look at each district  
8 individually and identify what level of support they  
9 need, depending on a multiple set of factors, such as  
10 academic distress, focus, priority, and other  
11 measures that can be factored in as important to  
12 student success.

13 CHAIRPERSON BARTH: So if that legislation is  
14 successful these labels will be disappearing, if we  
15 get that opportunity?

16 COMMISSIONER KEY: Yes. The academic distress  
17 labels will go away and the priority and focus labels  
18 -- as we understand it from the U.S. Department of  
19 Education, we maintain those until such time as we  
20 re-identify schools under ESSA. So while we've been  
21 sitting in here I just got notice that the Senate has  
22 gone through the CRA process, Congressional Review  
23 Act, and it appears that our ESSA regulations are now  
24 repealed.

25 MS. ZOOK: You're talking about U.S. Senate?

1                   COMMISSIONER KEY: U.S. Senate, yes. So I'm  
2                   trying to catch up with some of that news as we are  
3                   doing this work. So there is some uncertainty right  
4                   now in that process -- and I hate to even introduce  
5                   that, but you all need to know. But as far as our  
6                   state plan, we plan to move forward based on the  
7                   things that we have communicated to you already. And  
8                   this bill that we're talking about, we would move  
9                   forward with that. But it's important to know that  
10                  transitional plan -- that's why there's no emergency  
11                  clause is because we recognize there is a need for  
12                  transition, so that these districts will not just be  
13                  left hanging, you know, from the Department and  
14                  without the necessary resources and without a way to  
15                  access, you know, what they need to make a difference  
16                  and continuing improvements that Mr. Hoy has just --  
17                  you know -- he has laid out. And he's accurate in  
18                  the work that they've been doing and the improvements  
19                  they've been making. So hopefully next month we can  
20                  have a different conversation. Sadly, he's stuck in  
21                  a timing situation that we really don't have a lot of  
22                  flexibility on until the passage of the new bill.

23                  MS. ZOOK: So if ESSA has been repealed, we go  
24                  back under No Child Left Behind.

25                  COMMISSIONER KEY: No.

1 MS. ZOOK: And are the -- no?

2 COMMISSIONER KEY: No.

3 MS. ZOOK: Okay.

4 COMMISSIONER KEY: No, ESSA has not been  
5 repealed.

6 MS. ZOOK: Okay.

7 COMMISSIONER KEY: It would be the regulations  
8 promulgated by the U.S. Department of Education.

9 MS. ZOOK: Oh.

10 COMMISSIONER KEY: ESSA has a statute that's  
11 still in place, and so at this point anything we do  
12 defaults to the language of the federal legislation.  
13 It would not be subject to the departmental rules  
14 that had previously been issued.

15 MS. ZOOK: So we don't think that it would  
16 affect us as far as being able to refer to districts  
17 by levels of help needed, not labels that are -- have  
18 a negative connotation?

19 COMMISSIONER KEY: That's correct. We believe  
20 that we can move forward as -- with this legislation,  
21 as we have drafted it, and will not run afoul of  
22 anything in ESSA.

23 MS. ZOOK: So if the Board votes to continue  
24 this same classification Mr. Hoy can at least go back  
25 to his board and his community and say, "We're moving

1 in the right direction; we're caught in a bind,"  
2 whatever words he chooses to use to reassure his  
3 community that their children in fact are getting a  
4 good education at Central High School in Helena-West  
5 Helena?

6 COMMISSIONER KEY: He can confirm that we are  
7 happy with the direction they're going and he can  
8 blame it on the Department.

9 CHAIRPERSON BARTH: And the date of your vote  
10 is?

11 SUPT. HOY: The 14th, next week.

12 MS. ZOOK: Next Tuesday.

13 CHAIRPERSON BARTH: Okay. Mr. Williamson.

14 MR. WILLIAMSON: Yeah. Everywhere that I've  
15 seen the classification it's 49.5, one decimal place.  
16 But we always report out three decimal places. I  
17 mean, what is the right way to do that? Because, I  
18 mean, he's twenty-four-thousandths away --

19 COMMISSIONER KEY: Yeah.

20 MR. WILLIAMSON: -- from being --

21 COMMISSIONER KEY: It's my understanding that  
22 that was initiated some years back so as to provide  
23 more precision and questions about rounding or  
24 anything like that would not come into play.

25 MR. WILLIAMSON: Darn. Okay.



1                   COMMISSIONER KEY: And Mr. Hoy may have some  
2 insight on that too. I think he may have been at the  
3 Department --

4                   MS. ZOOK: He was here.

5                   COMMISSIONER KEY: -- when that happened.

6                   CHAIRPERSON BARTH: Yeah, that's -- I mean,  
7 let's -- I mean, I think our heart is with this  
8 district, but we know how other districts and schools  
9 have been treated over now many years, and we've had  
10 districts that have -- and schools that have been  
11 this close before. So it is a quandary.

12                  SUPT. HOY: I would love to just delve into that  
13 49.5, if you'd care to.

14                  MS. ZOOK: And round off?

15                  SUPT. HOY: Actually, the 49.5 was established  
16 based on trying to find the lowest 5% of schools in  
17 the district -- I mean, in the state. My thinking  
18 was, is that when we changed assessments we would  
19 still look at -- we would change that percentage from  
20 49.5 to whatever the lowest 5% was. We didn't do  
21 that. That would have made it a little easier for  
22 districts to be able to run the calculations. The  
23 way the calculations are run now through the  
24 concordance -- I believe that the number of pages  
25 have now gone up from 22 pages to 30-some pages, and

1 then the 30-some pages refer you to other pages that  
2 you have to do to dismantle and try to put back  
3 together the numbers, which makes it awfully  
4 difficult for any school district to go back and look  
5 at the numbers to see whether or not the numbers are  
6 even correct. We're not statisticians; we don't have  
7 the time to be. I did have my person that teaches  
8 statistics at my high school look at it. From what  
9 he can tell, it seems like it may have been fair. He  
10 can't find any flaw in it -- but at the same time, we  
11 can't reproduce the numbers.

12 CHAIRPERSON BARTH: Right.

13 SUPT. HOY: Even if we know how many we had  
14 proficient every single year, we're at a disadvantage  
15 just even using a concordance.

16 MS. ZOOK: Right. Well, I think you weren't  
17 here at the time --

18 SUPT. HOY: I wasn't.

19 MS. ZOOK: -- that the presentation was made,  
20 but he did point out that your non-concordant scores  
21 didn't look quite as good --

22 SUPT. HOY: Yes.

23 MS. ZOOK: -- as your concordant scores.

24 SUPT. HOY: Yes, ma'am. And that's absolutely  
25 correct. However, if we're looking at the lowest 5%

1 in the state -- I don't know if we ever go back and  
2 look at that because we're looking at a concordance  
3 now, so it's different. And it was to parallel the  
4 federal; they wanted 5% of districts over a three-  
5 year period, so it was put in place to parallel that.

6 MS. ZOOK: Right.

7 SUPT. HOY: Also, what I understand is that we  
8 did not identify any new schools, so there may be  
9 other schools lower than that 49.5 that didn't get  
10 identified. That was one of those things I was  
11 hoping I could research before I got to this  
12 particular point. I was not able to because  
13 researching those numbers at this point are a little  
14 difficult trying to get through those concordants,  
15 especially with the scores not being released.

16 MS. ZOOK: Yeah. I think the concordance has  
17 now been applied to the priority and focus schools.  
18 So anyway, we're sorry.

19 SUPT. HOY: Understood.

20 CHAIRPERSON BARTH: All right. I'm ready to  
21 hear a motion on this item.

22 MS. CHAMBERS: With regret, I move to deny the  
23 appeal for the school to be removed from academic  
24 distress.

25 CHAIRPERSON BARTH: Is there a second?

1 MS. DEAN: Second.

2 CHAIRPERSON BARTH: All right. Motion by Ms.  
3 Chambers, second by Ms. Dean. All those in favor of  
4 the denial of appeal please say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON BARTH: Opposed?

7 All right. Thank you, Mr. Hoy, for your hard  
8 work and making a very good case today.

9 SUPT. HOY: Thank you for your consideration.

10 A-9: CONSIDERATION TO MAINTAIN CLASSIFICATION OF ACADEMIC  
11 DISTRESS - SCHOOLS

12 CHAIRPERSON BARTH: All right. I think we are  
13 now back to -- we're now moving forward to the  
14 districts and -- no, to the schools; excuse me, we've  
15 done that. So we're now on Item 9, Action Item 9,  
16 and these are the individual schools. So we will  
17 turn -- take it away.

18 MR. FERREN: The list of schools in the  
19 attachment there, none of them have achieved above  
20 the 49.5% proficient. So I recommend that they  
21 remain in academic distress.

22 CHAIRPERSON BARTH: Did you see the data on the  
23 individual schools?

24 MS. ZOOK: Help me here because I'm -- if I'm  
25 not reading incorrectly, on this one it has Central

1 High School as 48.517 as opposed to 49.476. So,  
2 which is correct?

3 MR. FERREN: Okay. The three-year average,  
4 weighted average percent proficient for Central High  
5 School is 49.426.

6 MS. ZOOK: Okay. It's -- the number is reported  
7 incorrectly then on this second report that you gave  
8 us, because on that it has 48.517.

9 COMMISSIONER KEY: That reflects the 2013 to '15  
10 numbers.

11 MR. FERREN: Yes.

12 MS. ZOOK: As opposed to the 14 to 16?

13 COMMISSIONER KEY: Correct.

14 MS. ZOOK: Okay. Thank you.

15 MR. FERREN: The 2015 three-year weighted  
16 average is the 48.517; that's what was used the last  
17 time to consider academic distress, the last year  
18 previous.

19 CHAIRPERSON BARTH: So, okay, I need some  
20 clarification then. So I know we have a pause, but  
21 does that mean we are simply using last year's  
22 numbers?

23 MR. FERREN: No. We should use the 2016 three-  
24 year average consideration to remove.

25 CHAIRPERSON BARTH: Okay. So I think the data

1 that we have in our packet is not that data.  
2 Instead, our -- we have the 13 through 15.

3 MR. HARVEY: Yes. The data that was provided,  
4 that was the last data that we used to actually  
5 classify, to put a school into academic distress.  
6 And so the new data that we're using was -- we only  
7 calculated for them to exit, so we didn't recalculate  
8 a new score to post for classification; it was  
9 strictly based on the previous classification they  
10 will continue on. So we're not reclassifying anyone  
11 in academic distress; it's just a continuation of the  
12 prior classification.

13 CHAIRPERSON BARTH: So I understand that, but in  
14 terms of our decision-making about whether to  
15 continue the classification it feels a little  
16 troublesome that we have -- that we're looking at  
17 data that is last year's data.

18 COMMISSIONER KEY: If I may try to help on this,  
19 I think last month the information that was uploaded  
20 had all the letters and that three-year average was  
21 in last month's board packet. This is just the  
22 listing of those current schools that are classified.  
23 I don't think it was the intent for the numbers to be  
24 relevant; it was just the list of those schools. But  
25 the letters that were sent, I think all of those were

1 uploaded in last month's board packet and they do  
2 show that 14-16 three-year average. Confirm -- Mr.  
3 Harvey, is that --

4 MR. HARVEY: Yes, sir, that's it; absolutely  
5 correct. This data that was displayed here is the  
6 data that actually had them classified. So the new  
7 data that was in the letter would've been data that  
8 would've been used to move them out of the  
9 classification.

10 CHAIRPERSON BARTH: Yeah, okay.

11 MS. ZOOK: But in this report it doesn't list  
12 the three additional districts from the Little Rock  
13 School District, which were in the 13-15 in academic  
14 distress, but they aren't in the 14-16. So I  
15 understand what you're saying, but it seems  
16 inconsistent to what we know to be --

17 MR. HARVEY: Yes. Those were actually removed  
18 from this list because they actually met the exit  
19 criteria.

20 MS. ZOOK: Oh, okay.

21 MR. HARVEY: And so we're just --

22 MS. ZOOK: They would have been on here but  
23 because -- okay, got it.

24 CHAIRPERSON BARTH: You did see on the bottom  
25 line of that page the note that the 10 schools were

1 removed?

2 MS. ZOOK: You mean I have to read the whole  
3 thing? [laughing]

4 CHAIRPERSON BARTH: The footnotes -- footnotes  
5 are important.

6 MS. ZOOK: Yes.

7 CHAIRPERSON BARTH: All right.

8 MS. ZOOK: Thank you.

9 CHAIRPERSON BARTH: Is everybody clear? Okay.  
10 All right. Any further questions?

11 Okay.

12 MS. ZOOK: I move to accept the schools on the  
13 list for continuing academic distress.

14 MS. CHAMBERS: Second.

15 CHAIRPERSON BARTH: All right. Motion by Ms.  
16 Zook, second by Ms. Chambers. All those in favor  
17 please say "aye."

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRPERSON BARTH: Those opposed?

20 All right.

21 COVENANT KEEPERS CHARTER SCHOOL - DISCUSSION

22 CHAIRPERSON BARTH: Now, do we want to come back  
23 to Covenant Keepers at this point? Would that be the  
24 appropriate --

25 MS. ZOOK: You'll have to ask the



1           parliamentarian.

2           COMMISSIONER KEY: We're going to see if -- do  
3 we have my Charter -- okay. All right, Ms. Perry.

4           MS. FRENO: Yes, Dr. Barth, Mary Perry is here  
5 to field questions regarding charter issues.

6           CHAIRPERSON BARTH: Great. Thanks, Ms. Perry.  
7 And you may -- I don't know what you heard, but we  
8 had questions about Covenant Keepers' timeline for  
9 return to the Charter Authorizing Panel for review.

10          MS. PERRY: Yes. The -- Mary Perry, Division of  
11 Learning Services. The Charter Authorizing Panel  
12 will be reviewing renewal for Covenant Keepers in the  
13 18-19 school year. Their current contract expires  
14 June 30, 2019, so year-after-next.

15          CHAIRPERSON BARTH: Now did they not have --  
16 because of the concerns about their continuing low  
17 scores, did they -- they had a special review last  
18 year?

19          MS. PERRY: Yes, they did have a review last  
20 year.

21          CHAIRPERSON BARTH: Okay. That was out-of-  
22 cycle; right? It was --

23          MS. PERRY: Right.

24          CHAIRPERSON BARTH: Okay. But there's nothing  
25 else planned until their full renewal?

1 MS. PERRY: Not that I recall.

2 CHAIRPERSON BARTH: Okay.

3 COMMISSIONER KEY: And there wouldn't be, based  
4 on anything, until y'all had actually taken action on  
5 your previous work. So now should the Charter Review  
6 Panel want to pursue anything on that, then you have  
7 -- they have certified, if you will, action by the  
8 State Board; then they would pursue, should they  
9 choose to.

10 CHAIRPERSON BARTH: Okay.

11 MS. ZOOK: So we can request that the Charter  
12 Panel review?

13 MS. PERRY: I would assume that you could let  
14 the chair of the Charter Panel know or our office  
15 know that you wanted to have that -- wanted them to  
16 take a look at it and they could consider that  
17 request.

18 MS. ZOOK: I just --

19 MS. PERRY: I don't think there's anything --

20 MS. ZOOK: I knew we could call them in to see  
21 us; I just didn't know if we could call them in to  
22 see the -- if we can tell the Charter Panel to look  
23 at them or if we'd call them directly to us.

24 MS. PERRY: Well, I think there's a friendly  
25 relationship between the two groups.

1                   COMMISSIONER KEY: Yeah. Whether you -- whether  
2                   it's a "telling" or a "requesting," the outcome could  
3                   be the same either way.

4                   MS. PERRY: Thank you for helping me with that  
5                   one.

6                   CHAIRPERSON BARTH: Thank you. So, Ms. Freno,  
7                   do we need to -- if that was the desire of this  
8                   Board, do we need to do a motion on that or could an  
9                   individual board member make that request?

10                  MS. PERRY: I was just going to say, we also  
11                  need to know the specifics of what you're -- and I'm  
12                  sorry, because I did miss that other part of the  
13                  conversation -- to know exactly what it is that you  
14                  wanted the Panel to review with them.

15                  MS. FRENO: And I would recommend, in accordance  
16                  with the operating procedures of the Board, that the  
17                  chair of this board make any recommendations through  
18                  the Commissioner that the Board would like.

19                  CHAIRPERSON BARTH: Okay.

20                  MS. FRENO: So I think that would be probably  
21                  the appropriate way to proceed. I mean, the  
22                  information is going to get to the Charter Appeal  
23                  Panel, in any event, and I think that is probably the  
24                  most appropriate way to do it.

25                  CHAIRPERSON BARTH: Okay. Does that need to be

1 Ms. Reith or --

2 MS. FRENO: That would -- well, that would be  
3 Ms. Reith. I mean, I guess today you are the acting  
4 chair; it could be made through you as well.

5 CHAIRPERSON BARTH: Okay.

6 MS. ZOOK: So we don't have to vote on it as a  
7 board to say "yes, the Board wants it," as opposed to  
8 if an individual on the Board wanted it?

9 MS. FRENO: Well, okay, I guess I'm not  
10 understanding. All you're doing is -- you want to  
11 make a request for the Charter Appeal Panel to  
12 consider taking an act.

13 MS. ZOOK: No, to review.

14 CHAIRPERSON BARTH: I think our concern was to  
15 try to get some clarity about the continued low  
16 performance scores for Covenant Keepers and whether  
17 resulting action out of that would be necessary and  
18 appropriate.

19 MS. FRENO: We're discussing.

20 CHAIRPERSON BARTH: Okay.

21 MS. FRENO: We just need to make sure we  
22 understand what the Board would like --

23 MS. PERRY: I guess I'm not understanding if  
24 that's stated that we would have in the Charter  
25 Office or if it's stated it would be in the

1           Accountability and with the group that deals with  
2           academic distress.

3           COMMISSIONER KEY: Let me see if I can cut  
4           through this.

5           MS. FRENO: Yes.

6           MS. PERRY: Thank you.

7           MS. FRENO: Thank you.

8           COMMISSIONER KEY: You all want to ask the  
9           Charter Panel to look at Covenant Keepers, based on  
10          the academic performance, as per the action that you  
11          all just took on academic distress. And so the  
12          question is: does that need to be in the form of a  
13          motion and a vote by this board to make that request  
14          official or can it be a sense of the Board simply  
15          making that request here today, since the unit and  
16          the chair of the Panel is here? And then who has the  
17          data would be something that would be handled --

18          MS. PERRY: That we can determine.

19          COMMISSIONER KEY: -- at a later time. So I  
20          think -- is that -- Dr. Barth, does that --

21          CHAIRPERSON BARTH: I think that's -- yeah, I  
22          think we want to know what the challenges are at  
23          Covenant Keepers and are those fixable. And y'all  
24          obviously have the insight as the Charter Authorizing  
25          Panel to make those decisions -- to make those

1 recommendations to us; is that right?

2 MS. ZOOK: Right. And I would also want to know  
3 at such time, not just Covenant Keepers, that there  
4 is a decision -- should there be a decision to remove  
5 a charter or to pull a charter, whatever the word is  
6 --

7 MS. FRENO: Revoke.

8 MS. ZOOK: -- that we would need to know the  
9 timing on that so that we do not put the children,  
10 their parents, and the staff in jeopardy as far as  
11 the students' next year of -- you know -- like does  
12 it need to be by January of the previous year? You  
13 know, so that everybody -- when it comes to August  
14 everybody knows where they have a job, where the kids  
15 are going to school. And some of that I would think  
16 would have to do with when -- if the parents chose to  
17 apply or be put in the lottery -- some of it will  
18 have to be guided by when the other charters have  
19 their lottery drawing; some of it would have to be if  
20 a kindergarten person, because kindergarten  
21 enrollment comes earlier. So what would be done in  
22 such a way as to cause the least amount of concerns,  
23 problems and issues for those humans who are involved  
24 in this.

25 MS. PERRY: Okay. We've had different

1 discussions at various meetings about the timeline  
2 and the timing of renewals even and things. And,  
3 again, it goes back to what you were dealing with  
4 just a few minutes ago, getting the data in the  
5 current year. And so there's only so far back you  
6 could push those things and have the relevant data  
7 that you need to make a decision. There were also  
8 extensive conversations about many charters and  
9 whether or not, because of the extreme review and  
10 assistance they're already getting, if they need to  
11 come back for interim reviews routinely. And so, I  
12 can tell you that the Charter Authorizing Panel dealt  
13 with that and discussed that and considered that when  
14 they went ahead and gave the three-year renewal to  
15 Covenant Keepers. And so I just wanted to put that  
16 out there --

17 MS. ZOOK: Okay.

18 MS. PERRY: -- for thought.

19 MS. ZOOK: That helps.

20 MS. PERRY: It's just the big, big issue about  
21 the timing and getting the data to be able to make  
22 the right decision versus making sure the charter is  
23 ready to do those things. Dr. Barth, you'll recall  
24 because we actually worked on moving the timeline up  
25 and moved it as far as we think we possibly can and

1 yet still let you have enough data to make a good  
2 call on charter renewals. So it's a tough balance.

3 MS. ZOOK: Yeah. I think I remember on this  
4 particular one because of some new leadership, some  
5 new teacher training that that had an influence on  
6 the Charter Panel's decision for the renewal.

7 CHAIRPERSON BARTH: Great. Just a final  
8 question: when is the -- when are the lotteries for  
9 -- what's the window for lotteries, typically?

10 MS. PERRY: There is really not a prescribed  
11 time. But typically they're happening just about --  
12 from just about now on into April. We already have  
13 staff who are -- Charter Unit staff who are  
14 participating this week, and even earlier, at some  
15 schools -- not participating; observing lotteries. A  
16 staff member was yesterday at the Scott charter  
17 observing a lottery.

18 CHAIRPERSON BARTH: Okay. All right. What is  
19 the will of the Board on this issue?

20 [A MOMENT OF SILENCE]

21 MS. FRENO: I guess perhaps no one knows what to  
22 do. Perhaps someone should make a motion and it  
23 should be -- there should be a decision by the Board.

24 CHAIRPERSON BARTH: Okay.

25 MS. COFFMAN: I've crafted a motion.



1 CHAIRPERSON BARTH: Could you -- you've crafted  
2 one?

3 MS. COFFMAN: Well, I was listening to your --  
4 what you were saying and I've just crafted your  
5 motion, if so decided. It would be to request the  
6 Charter Authorizing Panel review Covenant Keepers  
7 Charter School regarding academic performance,  
8 including but not limited to identifying the  
9 challenges, and if the challenges are correctable.

10 MS. NEWTON: I move that.

11 MS. ZOOK: And I second that.

12 CHAIRPERSON BARTH: All right. Thank you.

13 MR. WILLIAMSON: And I vote yes for that.

14 CHAIRPERSON BARTH: All right. Motion by Ms.  
15 Newton, second by Ms. Zook. All those in favor say  
16 "aye."

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRPERSON BARTH: Opposed?

19 All right.

20 All right. It is 12:20. I think we need --  
21 we've only got one more action item, but I think it's  
22 -- I need some guidance. Ms. Coffman, should we  
23 tackle this?

24 COMMISSIONER KEY: It can be quick.

25 CHAIRPERSON BARTH: It could be quick? Okay.

1 All right. So then, that will be great.

2 A-10: CONSIDERATION OF REMOVAL OF SCHOOLS FROM FOCUS OR  
3 PRIORITY STATUS

4 CHAIRPERSON BARTH: So this one is Item 10 --  
5 Ms. Barnes is back -- and this is the Consideration  
6 of Removal of Schools from Focus or Priority Status.

7 MS. BARNES: Good afternoon. And Mr. Ferren  
8 will continue the presentation. Again, this is a  
9 consideration that we have brought before the Board  
10 due to the fact that this is a -- these are federal  
11 designations that were going to continue, and then we  
12 received some guidance in January; otherwise, this  
13 would not have been possible. Once we received that  
14 guidance, we determined that we should take a look at  
15 those that had met year-one criteria, and these are  
16 the ones that met year-two. So we're bringing it to  
17 the Board regarding their status.

18 CHAIRPERSON BARTH: Great.

19 MS. BARNES: Did I just present the whole thing?

20 COMMISSIONER KEY: Yeah. And this is a very  
21 positive thing for these schools and the work that  
22 they've been doing.

23 MR. FERREN: Yes. As Ms. Barnes just said, the  
24 U.S. Department of Education sent states a letter on  
25 January 13, 2017 that gave states the option, if the

1 states were participating in the flexibility --  
2 approved flexibility at the time ESSA was passed,  
3 then this would give them the option to remove  
4 schools in Focus and Priority that have met exit  
5 criteria. And the list you have shows those schools  
6 that have met the exit criteria, so we would  
7 recommend that they be removed from the Focus list.

8 CHAIRPERSON BARTH: Great. Any comments,  
9 questions?

10 Ms. Newton.

11 MS. NEWTON: I just want to congratulate the  
12 students and teachers and staff of these schools. I  
13 know they worked really hard and it shows. So I  
14 really appreciate their dedication and hard work.

15 And with that, I move that we remove.

16 CHAIRPERSON BARTH: Is there a second?

17 MS. DEAN: Second.

18 CHAIRPERSON BARTH: All right. Motion by Ms.  
19 Newton, second by Ms. Dean. All those in favor say  
20 "aye."

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRPERSON BARTH: Opposed?

23 Great. And so that comes to the conclusion of  
24 our Action Agenda.

25 I would -- one thing that I talked to Ms. Freno

1 about, in terms of action items for next month's  
2 agenda, we, of course, last month did remove a couple  
3 more schools from the Little Rock School District's  
4 list of schools that are in academic distress. And I  
5 do think that it is time, especially with the vote  
6 coming up in this district that is crucial to its  
7 future, that this board have a conversation about a  
8 timeline for returning the district to local control.  
9 And so I would ask that that be on our action agenda  
10 for the April meeting. That is according to our  
11 procedures; right, Ms. Freno?

12 MS. FRENO: Yes, that is correct, Dr. Barth. If  
13 you could recommend that to Ms. Coffman, the Board's  
14 liaison, in writing 20 days before the next board  
15 meeting.

16 CHAIRPERSON BARTH: All right. And so just for  
17 everyone's information, I do plan to do that. And  
18 I'm obviously not wedded to that date, that meeting  
19 for that. I will obviously be in conversation with  
20 the Commissioner. But I just -- don't be surprised  
21 if that pops up, just for your information.

22 All right.

23 Yes, sir.

24 COMMISSIONER KEY: Just for a point of  
25 information, whatever time you all decide that we'll

1 reconvene, there is a delegation here and  
2 Representative Murdock will be introducing a topic as  
3 part of public comment. But since we typically allow  
4 members of legislature to break in between items, it  
5 is -- just letting you know that's our intent for  
6 them. And then I understand there's some folks here  
7 now from Lee County on that subject. So, just  
8 letting you know that. I think what I had  
9 communicated to Representative Murdock that right  
10 after lunch would be the window that we would have  
11 for that topic.

12 CHAIRPERSON BARTH: And they did get their  
13 notice of desire for public comment in in a timely  
14 manner and so that's not something that we need to  
15 vote on. We do have some additional individuals who  
16 signed up today and we will need to accept public  
17 comment from them. And so that will actually still  
18 be on the action agenda, right, for today, so we will  
19 then move from that into Reports.

20 And so let's get back down here about three  
21 minutes till 1:00 so we can start that right at 1:00,  
22 if possible. So a pretty quick lunch because they  
23 need to get over to the session that convenes at  
24 1:30.

25 (LUNCH BREAK: 12:25 - 1:00 p.m.)

1 CHAIRPERSON BARTH: All right. We will come to  
2 order. And first off I see Ivy Pfeffer back there  
3 and Ivy Pfeffer is now Doctor Ivy Pfeffer, and  
4 congratulations.

5 [APPLAUSE]

6 CHAIRPERSON BARTH: Wearing my other hat, I sat  
7 on her dissertation committee and she did a great  
8 job. So, congratulations to her.

9 MS. ZOOK: A dissertation that will be helpful  
10 for us.

11 CHAIRPERSON BARTH: Yes, in our own work, as  
12 well.

13 MS. ZOOK: Yes.

14 PUBLIC COMMENT PERIOD RE: LEE COUNTY SCHOOL DISTRICT

15 CHAIRPERSON BARTH: So we are now to the public  
16 comment period of our meeting. And Representative  
17 Murdock and former Senator Lewellen are here, and  
18 they had requested time with us in a timely manner.  
19 And so they are -- I think Representative Murdock  
20 will introduce things; we do have other individuals  
21 from Lee County who are here, as well. And so I  
22 think we, in essence, now have this topic.

23 Our goal for public comments is to limit things  
24 to, you know, three minutes, but we're not going to  
25 be resolute about that.

1           So we will let you take it away, Representative  
2 Murdock.

3                           STATE REPRESENTATIVE MURDOCK

4           REPRESENTATIVE MURDOCK: Thank you, President --  
5 Chairman Barth and to the State Board. First of all,  
6 it is an honor to have an opportunity to come before  
7 you again. I've had a chance to come see you a  
8 couple of times and it's always been eventful, but  
9 it's always been fair. And I appreciate this  
10 opportunity to see friendly faces that I see from  
11 time to time across the state as we do the work on my  
12 other job.

13           I would be remiss if I did not thank the ADE  
14 staff. Commissioner Key has been wonderful; Office  
15 of Intensive Support, led by Mr. Tolbert, Ms.  
16 Streeter, others, Dr. Wilde, Mr. Harvey -- I mean,  
17 the names go on and on for the help that they have  
18 provided for Lee County during the time -- the last  
19 three years, I'll say, or so -- that we have been  
20 trying to make you proud; for giving us an  
21 opportunity to perform as an independent district.  
22 Also, first of all, as you helped us, again, with the  
23 people that I've mentioned, we are so thankful that  
24 you give us an opportunity -- gave us an opportunity  
25 to do that.

1            Obviously, I'm in a peculiar position because as  
2            the Representative for this district I have the  
3            pleasure of my wife being the superintendent of this  
4            district. That's a unique situation that we are in.  
5            We are thankful, we are humbled to serve our  
6            community in the way that we have, but sometimes it's  
7            difficult. It's difficult. And the environment that  
8            we live in sometimes just makes it more difficult,  
9            but we are ripe for the challenge. We have not  
10           skirted our responsibility to the State of Arkansas,  
11           to Lee County, the district that I serve, and we've  
12           tried to be honorable in our dealings and in our  
13           doings.

14           I come before you today to allow the community  
15           citizens that have asked me -- and the Commissioner  
16           probably can attest to this has been going on for a  
17           long time -- asking me to summon this type of  
18           gathering, if you will, or attend this type of  
19           meeting to present what the community has to say on  
20           some issues, some very important issues. We have  
21           tried and tried with the help to prevent this from  
22           happening, from being here in this manner, but we  
23           come in this manner humbly and again with regard for  
24           the community that we serve, that I represent and  
25           that we serve.



1           With that being said, I will present and allow  
2 presenters to speak to you on behalf of their  
3 thoughts, their input in their own way for the  
4 matters of Lee County School District.

5           Again, thank you for this opportunity. At the  
6 end I may be available, if so, for questions and a  
7 closing comment possibly at the end. We'll see how  
8 it flows.

9           CHAIRPERSON BARTH: All right.

10          REPRESENTATIVE MURDOCK: Are there any questions  
11 before we start?

12          CHAIRPERSON BARTH: Anyone?

13          All right. Thank you, Representative.

14          REPRESENTATIVE MURDOCK: Senator Lewellen.

15          CHAIRPERSON BARTH: Great. Thank you, Senator.

16          STATE SENATOR LEWELLEN

17          SENATOR LEWELLEN: Good afternoon, Mr. Chairman,  
18 Members of the Board, Commissioner. I wish I could  
19 say that I take great pleasure in being here, but on  
20 behalf of the fact of Lee County School District, our  
21 children, administration, and staff, and the fact  
22 that for two decades I've spent 20 years doing school  
23 litigation -- okay -- from Lakeview to Deere-Mt.  
24 Judea. As you're aware, several years ago the State  
25 Department was forced to place Lee County School

1 District under supervision because of academic and  
2 fiscal distress. I guess when that occurred we  
3 didn't see it as being something we wanted, but after  
4 looking back it did put our district pretty much in  
5 the right direction.

6 Well, we have accomplished something I think  
7 very few districts accomplish over this period when  
8 they get placed in that situation. We have turned  
9 our things around. But because of the staff -- that  
10 turnaround was because of the staff and the  
11 leadership that we had; it wasn't because we had a  
12 board, because there was no board. Now we have our  
13 own board. They've been serving about two years, and  
14 in those two years we have seen nothing but  
15 bickering. We've seen non-communication, irrational  
16 decisions, 11:30 at night board meetings, and seeing  
17 very little be accomplished. Our administration  
18 can't recommend hiring because the board refuses to  
19 accept recommendations. On many occasions I have  
20 said to them, "Look, you only have one employee;  
21 that's the superintendent. Everybody else works for  
22 the superintendent. So you can't micromanage what  
23 she's to do. If she hires someone who fails, that's  
24 on her; you know, you deal with it." But as of this  
25 month we're now on accreditation problems. Why?

1           Because we could not get the board to even accept a  
2           recommendation to fill a counseling position in the  
3           manner which she saw fit. This has been nothing but  
4           discord and our community is pretty much tired of it.

5           I have raised these issues with the Department  
6           in the last few months. And even when we were  
7           assigned monitors from the Department our board  
8           couldn't be civil in front of the monitors. You  
9           know, we would think if you knew the bosses were here  
10          you'd wait till they leave before you act up again.  
11          They cared less whether or not ADE was sitting there  
12          watching; they didn't care whether or not they -- the  
13          Department has written -- constantly written letters,  
14          telling them "these are the things you need to do."  
15          As far as this board is concerned, it goes in the  
16          trash. They don't care whatsoever. Now, we have,  
17          you know, asked the Department -- well, I tried to  
18          stay out of it but there were two things that  
19          happened in the recent months that made me feel that  
20          I owed more to this community. First of all, the  
21          board -- ADE had signed a two-year contract with our  
22          superintendent. That superintendent worked hard to  
23          get things in order, led the staff. So, but I took  
24          the position that, well, the contract period is up in  
25          June; it's up to the board to decide who they're

1 going to hire as superintendent, and I'm not going to  
2 get involved based upon that fact of the contract. I  
3 said it will speak for itself; there will be a search  
4 committee, and I hope that they will do the right  
5 thing. Well, that -- so that doesn't cause me to  
6 move. What did cause me to move was that the other  
7 meeting, last meeting, when the recommendation was  
8 made to hire an employee. The board goes into  
9 recess, comes back, no explanation, and says, "We're  
10 going to vote 4-to-3 and fire the superintendent,"  
11 you know. And at that point in time I felt it  
12 necessary to do something. So as you may or may not  
13 be aware, I filed a petition for a restraining order  
14 against the board; I took it to the Judge, and the  
15 Judge read the facts and he entered his order. And  
16 we had several school board members who even  
17 supported the Judge entering a restraining order.  
18 And he found that -- he based it, as I have said,  
19 "Why do you interfere with the continuity of an  
20 operating school district two months before school is  
21 out? It has not rational basis. You know, explain  
22 to me what's the rationale behind your decision to  
23 say you want to fire a superintendent whose contract  
24 is up in June and school is going to be out the first  
25 of June." There's no explanation for it. The Judge

1 entered an order restraining, told them, "Leave this  
2 alone, I'll review it. But I am equally concerned  
3 that what you're doing is not rational and it  
4 threatens the continuity of the education system in  
5 Lee County." I can provide a copy of that Order from  
6 the Judge, if you have not been provided one, that  
7 you can look at. This was filed on February 28th.  
8 And that is what made me feel there has to be  
9 something done.

10 (WHEREUPON, Exhibit One (1), the Judge's Order,  
11 was passed around to board members for review, then  
12 marked for identification and entered into the  
13 record.)

14 SENATOR LEWELLEN: Now, we have continued to --  
15 you know -- but I felt enough is enough. We are in a  
16 situation now that we're ending our school-year. I  
17 have asked the board, "What's the problem? How is it  
18 that you can say that you're making a decision on a  
19 superintendent who you've never given an evaluation  
20 to since the day you started?" Our superintendent  
21 has never had a written evaluation performed  
22 whatsoever. "Show me where she scored three out of  
23 five, or two out of five, or zero out of five. Give  
24 the community some rationale for what's going on.  
25 Show us where you evaluated her on performance, on

1 supervision, and where she failed those based upon  
2 your standards." They won't do an evaluation. I ask  
3 still, "What's going on? Why can't you answer? Even  
4 though she answers to you, the board answers to the  
5 community." Based upon that, they wanted to know  
6 why. Well, then three days -- in a three-day period  
7 I've said to them, "We're going to ask that you guys  
8 be put off the board if you don't do what you want to  
9 do." I'm not the only one. In 72 hours, another 200  
10 citizens signed the same -- signed the petition  
11 saying, "We want you gone too." And that was in 72  
12 hours, said, "We are tired of it." Okay, those are  
13 all voters. And probably if you give me 72 hours I  
14 can get another 200 of them that's saying, "No."

15 (WHEREUPON, Exhibit Two, a signed petition, was  
16 passed around for board members to review, then  
17 marked for identification and entered into the  
18 record.)

19 SENATOR LEWELLEN: I found in practicing law and  
20 doing this there's irony in everything that we do.  
21 How is it that you'd say that this superintendent is  
22 not -- how can you say she can't do her job, she's  
23 not doing it. Look at where we are now, look at  
24 where we were before you got here, and, you know,  
25 what's the excuse of it? The real irony is -- I

1 don't know if y'all received the letter yet from  
2 Great Rivers Educational Cooperative that serves our  
3 area, dated the 7th.

4 (WHEREUPON, Exhibit Three (3), a letter from  
5 Great Rivers Educational Cooperative, dated March 7,  
6 2017, was passed around to board members, then marked  
7 for identification and entered into the record.)

8 SENATOR LEWELLEN: And the question is, where is  
9 the rational thinking for firing a superintendent who  
10 three days ago was nominated as Superintendent of the  
11 Year by the Great Rivers concern? I don't see that.  
12 You know, all of her peers feel that she is a  
13 competent superintendent; our school district is  
14 running fine. This is not just about her. But  
15 everybody else -- and I guess the old saying is  
16 "you're king in everybody's house but your own" --  
17 everybody, okay, says this, we've done a remarkable  
18 job. And I'm hoping that recommendation is going to  
19 be taken seriously because our school district was --  
20 had its problems, but now we are on the way to  
21 recovery.

22 You have some administrative authorities and I  
23 guess I should address what the issues are and what  
24 the remedies should be. I think our community is  
25 ready to vote a board. I think if this board is

1 removed our community will hold an election and we'll  
2 vote a board. And that board -- and we're not voting  
3 -- we don't want to vote a board to say that we're  
4 going to hire anybody as superintendent. But I think  
5 that we would do exactly like everybody else: we open  
6 the door, post the job, do a search, and let that  
7 board who has some rational thinking, hopefully, make  
8 a decision on the future of our school district. It  
9 may not be our superintendent. It may not be who we  
10 choose it to be. We may end up getting the same  
11 board re-elected, but that will be the will of the  
12 people. But right now I don't think the will and the  
13 concerns of our school district are being addressed  
14 properly and in a rational basis. If you chose to  
15 speak to the monitors, they will confirm everything  
16 I've said. It is just sheer pandemonium at times  
17 with the school board and they have not taken the  
18 advice of this district.

19 So that's all I have to say, because I know --  
20 I'm cognizant of time and I believe a few others want  
21 to say something. Thank you.

22 CHAIRPERSON BARTH: Thank you very much.

23 All right. Are there any questions before we  
24 continue with public comment?

25 All right. So I have two names but I think



1           there may be -- I see Ms. Freno going out to see if  
2           there are more names that have signed up. The first  
3           names I have are Angela Moore and then Michelle  
4           Branch, and so Ms. Moore first. Is she present --  
5           Ms. Moore? And if you could keep your comments to  
6           three minutes, that would be very much appreciated.

7           COMMISSIONER KEY: And --

8           CHAIRPERSON BARTH: Commissioner?

9           COMMISSIONER KEY: Yes, Mr. Chairman. Any  
10          member who wants copies of any of these documents,  
11          Teal has come down and can make copies for you to  
12          have. So what would you like copies -- would you  
13          like copies of the court order or the petition?  
14          Okay.

15          MS. CHAMBERS: I don't need any copies, but at  
16          some point will you advise us in terms of our  
17          response or --

18          COMMISSIONER KEY: Well, yeah, I've asked Ms.  
19          Freno to be prepared to talk about that. But we also  
20          have staff on hand to talk about the Department's  
21          response to some of these issues that have been  
22          brought to our attention. So, yes, absolutely, we'll  
23          be ready to do that.

24          CHAIRPERSON BARTH: Great. And if you could,  
25          just state your name for the record.

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ANGELA MOORE

MS. MOORE: Good afternoon. My name is Angela Moore. I'm the finance coordinator for Lee County School District. And I will be very brief because my nerves will not allow me to go any longer. I'd like to speak to you about concerns of the fiscal integrity of the Lee County School District.

In a recent letter to the Commissioner, I explained that the district has made vast improvements and that we could possibly be recommended for removal from fiscal distress. In fact, Cynthia Smith from the ADE Fiscal Support Services mailed a letter dated February 21st stating that we could petition the State Board today to be removed. I do have a copy of that letter. Also, on February 23rd we received another letter from Cynthia Smith stating that due to the actions of our school board and the employment status of our superintendent the ADE Fiscal Support Services will delay the petition to remove the district due to recent and possible negative -- recent and possibility of negative impact on the fiscal integrity of the district.

In recent months, our school board has made several decisions that have caused individuals to

1 contact legal representation. I have been in  
2 constant contact with Cynthia Smith and her staff and  
3 her team to let her know of any actions that have  
4 taken place during school board meetings; I've  
5 expressed my concerns. We have had positive growth;  
6 in fact, right now we have a balance of \$2.8 million,  
7 which is considerably an improvement from where we  
8 have been. We've been told that the district hasn't  
9 looked this good fiscally in the last 10 years. So  
10 with that being said, the district cannot afford any  
11 legal litigation that could be very costly. I do  
12 have -- I know of three individuals who may, and  
13 have, contacted legal representation because of  
14 things that have taken place in our school board  
15 meetings.

16 Do you have any questions for me or do you need  
17 me to elaborate on any of those situations?

18 CHAIRPERSON BARTH: And your title again is --

19 MS. MOORE: I'm financial coordinator.

20 CHAIRPERSON BARTH: Financial coordinator.

21 MS. MOORE: And also would you like -- here's a  
22 copy of the letters that we received from Cynthia  
23 Smith.

24 (WHEREUPON, Exhibits Four and Five, letters from  
25 Cynthia Smith to Superintendent Murdock, dated

1 02/21/17 and 02/23/17, respectively, were passed  
2 around for board members to review, then marked for  
3 identification and entered into the record.)

4 CHAIRPERSON BARTH: Great. Thank you very much,  
5 Ms. Moore.

6 MS. MOORE: Thank you.

7 CHAIRPERSON BARTH: Does anybody have questions?  
8 Okay. All right.

9 MS. DEAN: Ms. Moore --

10 CHAIRPERSON BARTH: Yeah, Ms. Moore, we do have  
11 a question for you.

12 MS. DEAN: Can you elaborate on what was going  
13 on in the meeting that someone felt like they needed  
14 legal representation?

15 MS. MOORE: Yes. In one incident we had two  
16 individuals approach the school board and said that  
17 they needed to receive their -- let me get the right  
18 name of it -- their incentive bonus. Our teachers  
19 receive a high-priority incentive bonus. And these  
20 individuals were not qualified at the time, and the  
21 ADE said that they were not qualified, but the board  
22 said, "Yeah, they can get it." So even after we did  
23 the debt request, per their request, Fiscal Support  
24 Services said no. So at this time we're in limbo,  
25 not paying them even though the school board has told

1           these individuals that they would be paid. That's  
2           one incident.

3                     Another incident, we had some individuals that  
4           have been asked to pay back stipends that's actually  
5           part of their salaries. We had an audit exception  
6           because those stipends weren't listed on a salary  
7           schedule, so they felt that those individuals needed  
8           to pay that money back -- one individual, it's close  
9           to \$8,000 that they're wanting him to pay back and he  
10          has contacted legal representation -- even though  
11          Audit said that was not part of the -- we weren't  
12          asking anyone to pay that money back.

13                     And one other one I listed was we had several  
14          board members continually ask questions and made  
15          statements about a legal -- litigation that we had  
16          going, and there was a stay order. And even though  
17          we continued to tell them, "We can't discuss it,  
18          there's an open stay order," their response was,  
19          "We're going to ask questions because we have  
20          questions." So they ignored the stay order.

21                     MS. DEAN: Thank you.

22                     MS. MOORE: Uh-huh.

23                     CHAIRPERSON BARTH: Thank you.

24                     Next up is Ms. Branch.

25                     Ms. Freno, did we have any other --

1 MS. FRENO: No.

2 CHAIRPERSON BARTH: Okay. So, Ms. Branch,  
3 please state your name for the record.

4 MICHELLE BRANCH

5 MS. BRANCH: Good afternoon. My name is  
6 Michelle Branch. And, again, I will be conscious of  
7 the time as well; a little nervous, but at any rate  
8 I'm here. First of all, I'd like to thank you all  
9 for this opportunity to come before you and speak to  
10 you on behalf of our students in Lee County School  
11 District. I thought I'd be here someday probably  
12 presenting for some type of recognition or we've  
13 received some type of Green Apple Award or some type  
14 of blue ribbon or something like that -- but at any  
15 rate, that is not the case today.

16 Okay. I'm an employee of the Lee County School  
17 District and a parent. I have three children that  
18 attend school in Lee County, and I'm glad that I'm  
19 here as an advocate for not just my children but for  
20 the children of Lee County School District. I don't  
21 stand here pretending that I have all the solutions  
22 or that I know answers to all the problems in our  
23 school district. But I do understand what's  
24 important and what should be important to anyone  
25 who's in the education arena or in the education

1 field, and that is our children -- and if that's not  
2 the case, then they are in the wrong profession. And  
3 I understand that being in the education arena and  
4 having a degree in education is not enough; you  
5 surely have to have the children in your heart. That  
6 being understood, every action taken by any person  
7 that is in leadership must govern their thoughts to  
8 the hearts of the students, of course not to the  
9 detriment of the school district but to the building  
10 up of each student so that they will have a sense of  
11 self-worth and also become lifelong learners.

12 I have witnessed Superintendent Murdock to be a  
13 person that has the students in her heart.  
14 Henceforth, the endeavors that she wills for the  
15 school district has been cut short because of what I  
16 see and believe are hidden agendas. You ask me how  
17 do I know this, and I'm so glad you ask that question  
18 because I'd like to elaborate on that. A well-known  
19 statement is, "Actions speak louder than words." So  
20 let me explain. I have sat in board meetings after  
21 board meetings and watched particular board members  
22 be mean and publicly disrespectful to the  
23 Superintendent. I believe that there has not been a  
24 meeting that has gone on that that doesn't happen.  
25 You would really be really amazed by some of the

1 things that happen in these board meetings.

2 I have two children that attend the high school  
3 and they have been without a counselor the whole year  
4 simply because the board doesn't think it's  
5 necessary, even when the Superintendent puts forth  
6 the person that applied for the job and was, by her  
7 belief, fit for the job. The board voted no for  
8 whatever reason and they have been still -- my  
9 children and the students of Lee High School are  
10 without a counselor. Not one time but several times,  
11 then she went on and on and on asking for the  
12 counselor. But anyway, again, I'll say it hurt our  
13 children -- and not only our children; it violated  
14 standards. They simply say, "Well, we'll take a  
15 hit." And when I heard that statement made, then  
16 that let me know that you don't have children in your  
17 best interest.

18 Superintendent Murdock tried to hire two school  
19 improvement specialists -- and I try not to be so  
20 emotional, but it is. Twenty-one years -- twenty-one  
21 years, and I'm very passionate about what I do and  
22 I'm very serious about what I do. And when I see  
23 children -- children who can't -- who can't do  
24 anything, can't say anything, it -- I get a little  
25 emotional. I'm getting myself together here though.



1 But at any rate -- and I wrote these -- my notes out  
2 and I was going to try to stick to that, but let me  
3 just go ahead and say what I need to say.

4 There have been several instances that the  
5 Superintendent has tried to hire school improvement  
6 specialists. Well, when she goes to make the  
7 recommendation then the board decides that "this is  
8 not the person we want or these are not the people we  
9 want; can you go get some more people for us?" And I  
10 also attend job fairs, along with Ms. Murdock, and it  
11 is so hard -- so very hard to get teachers to come to  
12 the Delta. It's so hard to get teachers to come to  
13 Lee County School District, and those that are there  
14 we want to try to keep them. But with all of the  
15 negativity going on with the school board, who wants  
16 to come to Lee County?

17 I've been there for 21 years. And this is one  
18 of the things that I told my child when she started  
19 kindergarten this year; I said, "Everything is going  
20 to be okay because Mommy is going to be in the  
21 building with you. I'll be over -- just a hall  
22 over, and if anything goes on I'll be over there to  
23 check on you." Well, I feel that that's not the case  
24 anymore. If something goes on now, there's nothing I  
25 can do. We have a school board that is in authority,

1 that is in leadership to govern and lead a school  
2 district; we have 811 students -- 811 -- and we have  
3 individuals on a school board who, for whatever  
4 apparent reasons, decide that the things that the  
5 Superintendent, that was hired to do a job, those  
6 recommendations that she brings forth is not  
7 important. And we always tell our principals, we  
8 always tell our teachers, "Look at the data and  
9 whatever the data says, then you use that data to  
10 make decisions." Well, we need a counselor; you  
11 didn't even have to look at data to figure that out.  
12 We need a counselor, that's standard. The children -  
13 - some of the basketball boys went before the board  
14 to ask for a basketball coach. The children are  
15 asking now because the Superintendent's  
16 recommendation was knocked down. But the children  
17 came, asked for a basketball coach, and guess what,  
18 they said, "Thank you." That's what they were given,  
19 "Thank you." And so there was an individual who  
20 happens to be my husband -- he just happens to be my  
21 husband -- he decided that, "Well, if I'm there and I  
22 can coach, I'll be the coach," and so he coached  
23 basketball for junior high basketball and for senior  
24 high. And may I add that he was still not voted as  
25 the coach but they decided to make him the interim

1 coach; didn't matter. They decided to cut his  
2 stipend in half; that didn't matter either. I didn't  
3 even know that you could do that. But anyway, at any  
4 rate that happened; but that was not important. What  
5 was important were those children. And those boys,  
6 the senior boys, they actually went to state this  
7 year. And I think they hadn't been to state, the  
8 boys and girls, since 1983, but they went to state  
9 this year. We didn't win, we lost in the first  
10 round, but we made it there. We made it there. And  
11 so those children are able to see --

12 And my three minutes is probably up and I'm  
13 going to stop right now because I could go on and on.  
14 But I'm going to stop right now and I'm going to ask,  
15 are there any questions?

16 CHAIRPERSON BARTH: Thank you very much, Ms.  
17 Branch.

18 MS. BRANCH: Okay.

19 CHAIRPERSON BARTH: Are there questions?

20 MS. BRANCH: At this time I think that we have  
21 another individual that wants to come.

22 CHAIRPERSON BARTH: We do.

23 MS. BRANCH: Mr. Iris Williams.

24 CHAIRPERSON BARTH: Iris Williams is the final  
25 person I have signed up. And so, Mr. Williams.

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IRIS WILLIAMS

MR. WILLIAMS: Now I'm not as eloquent as some of the other speakers. If you don't mind, I'll kind of turn that to the side just a little bit.

(COURT REPORTER'S NOTE: Mr. Williams turns the microphone to the side.)

CHAIRPERSON BARTH: You do need to use the microphone.

MR. WILLIAMS: Oh, okay. If I start screaming --

CHAIRPERSON BARTH: So --

MR. WILLIAMS: Okay, okay, okay.

CHAIRPERSON BARTH: -- three minutes, Mr. Williams.

MR. WILLIAMS: Okay. And I can cut mine to three, actually. Now I'm here to try and ask you, please sirs and please ma'ams, help us get out of the Twilight Zone somehow. I don't know when and -- well, yeah, actually, I do know when; it seems as if when the State left seemingly overnight we slipped into the Twilight Zone. Everything was going real smooth and seemingly -- it sounds like a horror movie, I know -- it seems like that when the State left the next morning we all woke up in Rod Serling's land, and seemingly we are stuck there and can't find

1 our way out. So that's why I'm here today to ask  
2 this committee, or whomever, please help us get out  
3 of the Twilight Zone.

4 And this lady, Mrs. Branch, hit it right on the  
5 head. In all the years -- I've been there 40-plus  
6 years in education there; in all my years, this is  
7 the first superintendent that I know that every  
8 student can call her by name -- first one. Every  
9 student knows her when they see her -- first one; the  
10 first one that I know of that has had me on the  
11 carpet. Now mind you, I taught her in the 9th grade  
12 -- had me on the carpet because of her kids -- I'm an  
13 ex-Marine, ex-Viet Nam veteran -- because I probably  
14 wasn't doing something that I should have done with  
15 the STRIVE program. I run the STRIVE program in Lee  
16 County. And let me say this before my three minutes  
17 runs out: if it was not for Mrs. Murdock the STRIVE  
18 program would probably be held outdoors. Every time  
19 we ran into a problem Mrs. Murdock was there with a  
20 net to bail us out, and we're talking about kids from  
21 four different counties, eight different school  
22 districts. So she wasn't just concerned about the  
23 kids in Lee County. She was concerned about all of  
24 the kids coming to Lee County, not just Lee County  
25 kids. And I don't know where we would ever find a

1 person who is kid-friendly, who is a person who cares  
2 about education, and always has. The first thing she  
3 told me, she said, "I want to be a school teacher,"  
4 when she was in my classroom. There she sits, here  
5 already. And I can't understand how a board can come  
6 to a board meeting and come with their claws and  
7 their tentacles already out. And I'm so ashamed --  
8 and I'm going to sit down when I say this -- I'm so  
9 ashamed, because I always pray, I say, "God, please  
10 don't let them kids come because I don't want the  
11 kids to see this." It's embarrassing; it's  
12 embarrassing for me and I'm 67 years old. And I know  
13 how they -- I see the kids back there shaking their  
14 heads and looking at me, and I look back at them and  
15 say, "I can't do nothing. I can't do anything. I  
16 can't help her." But I'm going to sit down and I'm  
17 going to say this: if you can, if you will, please  
18 help us get out of the Twilight Zone.

19 CHAIRPERSON BARTH: Thank you, Mr. Williams.  
20 Representative Murdock, did you want to say  
21 anything in closing?

22 REPRESENTATIVE MURDOCK: Yeah, very briefly. I  
23 just want to say thank-you for allowing us to come  
24 before you and that you see the seriousness of it.  
25 And I think that the ADE staff that has been in our

1 district, along with the Commissioner, would like to  
2 -- I would like to, also as you would, hear from  
3 them. I would like to hear it for the public.

4 CHAIRPERSON BARTH: Great. Thank you very much.  
5 Commissioner?

6 COMMISSIONER KEY

7 COMMISSIONER KEY: Just to set the stage so  
8 y'all know, in September of 2015 the Lee County  
9 District elected a board. In October of 2015, Mr.  
10 Tolbert and I went and visited at the first board  
11 meeting; it was actually their board training. And I  
12 know I expressed our hope and desire that because of  
13 the action of this board, having released them from  
14 state control, that they would stay on a path of  
15 improvement moving forward -- moving forward and  
16 doing positive things for their students. And Mr.  
17 Tolbert is kind of a good-cop bad-cop; I think Mr.  
18 Tolbert spoke to them in even more stern terms about  
19 the expectations. And we've continued a close  
20 relationship with Ms. Murdock and with her team and  
21 trying to make sure that the momentum did continue.

22 We have folks here that can answer any questions  
23 you may have about their progress on fiscal distress.

24 I will confirm what was said, that we did send a  
25 letter letting them know that they had met their

1 fiscal distress plan. We were ready to release them.  
2 That process would've required them to come and  
3 petition you-all to ask for that designation to be  
4 removed. Upon learning of the action, we sent  
5 another letter to put everything on hold until the  
6 things at the local level could be resolved.

7 We have also -- recently, when the reports were  
8 made known to us about potential violations of  
9 standards, Mr. Morris and the Standards Unit and  
10 others from various divisions in the Agency went over  
11 there, at my direction, to perform a standards  
12 monitoring visit. And we can -- Mr. Morris is here  
13 and can give you an update on the status of that and  
14 where that is.

15 So, Mr. Chairman, at the pleasure of the Board  
16 any of our team can respond to whatever y'all would  
17 like to hear.

18 CHAIRPERSON BARTH: Okay. I think I'm just  
19 going to go around and see what questions, and maybe  
20 -- it sounds -- it could be in several different  
21 pieces.

22 COMMISSIONER KEY: Yeah. Office of Intensive  
23 Support is here. I think Mr. Martello is here --  
24 yeah, he's here.

25 CHAIRPERSON BARTH: Right.



1           COMMISSIONER KEY: He has been working with  
2           them, along with our Fiscal Support Unit in-house on  
3           the fiscal aspects. Ms. Smith is in another district  
4           today, but Mr. Martello is here and can answer  
5           questions on that.

6           CHAIRPERSON BARTH: Okay. There could be legal  
7           questions, as well.

8           COMMISSIONER KEY: And as I said, Ms. Freno is  
9           also available to address any legal issues here,  
10          legal questions.

11          CHAIRPERSON BARTH: Okay. Why don't I start  
12          with Ms. Zook and we'll just go around.

13          MS. ZOOK: Okay. I think as a way of  
14          background, when this district came before the Board,  
15          I guess it was in '13 or '14, I can't remember which,  
16          the Academic Distress Committee recommended that they  
17          be -- that the State Board intervene. And at that  
18          time we were asked to vote on two different things --  
19          three different things: whether to invene [sic] --  
20          intervene, one was whether or not to dismiss the  
21          board, and one was whether or not to keep the  
22          superintendent. We did vote to intervene; we did  
23          vote to do away with the board; we voted to keep the  
24          superintendent. So, that's sort of as a way of  
25          background for the Board.

1 My question to those who came -- and I don't  
2 know who can answer this -- was it a split vote when  
3 the board voted to -- okay, thanks.

4 SENATOR LEWELLEN: Four-to-three.

5 MS. ZOOK: Four-to-three. And was the vote  
6 taken in public?

7 SENATOR LEWELLEN: Yes, I believe so. Yes.

8 MS. ZOOK: Okay. And I know that you -- Lee  
9 County has been selected to be what's called a  
10 ForwARd community.

11 SENATOR LEWELLEN: Yes, ma'am.

12 MS. ZOOK: Can you tell me at this point what  
13 they are doing to help you all?

14 SENATOR LEWELLEN: Well, right now, this board  
15 is pretty much kind of in its infancy.

16 MS. ZOOK: Right.

17 SENATOR LEWELLEN: They've only been there 18  
18 months. So a lot is not interacting; a lot of things  
19 are not interacting. They have not chosen to go  
20 through the learning process to know what it's like  
21 to administer a school district, and so I think we're  
22 in a stagnant position now. I don't know what your  
23 recommendation will be, but I will say this: sense --  
24 commonsense with them would go a long way, and that's  
25 what we haven't been able to do. There's just no

1 communication.

2 MS. ZOOK: Okay. And do you know whether or not  
3 the board members went to all of the required board  
4 training?

5 SENATOR LEWELLEN: I'm pretty sure they did.  
6 Yeah.

7 MS. ZOOK: We don't know?

8 SENATOR LEWELLEN: This is not about the  
9 training; this is plain stubbornness.

10 MS. ZOOK: It's about the listening, I  
11 understand your point. I just wanted to know if  
12 they'd been to the training.

13 SENATOR LEWELLEN: Yes, ma'am.

14 MS. ZOOK: Okay. I don't have any further  
15 questions right now.

16 CHAIRPERSON BARTH: Okay. Thanks.

17 Ms. Dean.

18 MS. DEAN: I guess mine is a legal question.

19 SENATOR LEWELLEN: Yes, ma'am.

20 COMMISSIONER KEY: Legal for our legal or legal  
21 for Mr. Lewellen? Because he's an attorney, as well,  
22 so --

23 MS. DEAN: Well, I guess our legal --

24 COMMISSIONER KEY: Okay, fine.

25 MS. DEAN: -- as far as what we do.

1 MS. ZOOK: What can we do.

2 MS. DEAN: Or can we -- what can we do?

3 COMMISSIONER KEY: Ms. Dean, if it's okay, can  
4 we save that question for the end, because there are  
5 several things at work. There are standards issues  
6 and there are fiscal distress issues, and the  
7 remedies available are somewhat different in each  
8 case. So if we could capture all the questions on  
9 those other pieces, we can come back to that one.

10 CHAIRPERSON BARTH: Great. Anything else, Ms.  
11 Dean?

12 MS. DEAN: No. She asked the one -- other one  
13 that I had.

14 CHAIRPERSON BARTH: Okay. All right.  
15 Ms. Newton.

16 MS. NEWTON: I'd like for someone from the  
17 Department to speak on the standards violations.  
18 What specific standards violation did you find at the  
19 --

20 COMMISSIONER KEY: Yeah. Ms. Barnes, Mr. Morris  
21 --

22 MS. NEWTON: -- at the review?

23 COMMISSIONER KEY: -- Mr. Harvey, any of the  
24 three of those, but whoever they choose.

25 MR. MORRIS: Good afternoon. My name is Willie

1 Morris; I'm the Program Manager for the Standards  
2 Unit. And Lee County, we went, at the Commissioner's  
3 request, on December 6th to do a preliminary  
4 standards review visit. And some of the issues that  
5 came up, some were citations; some of them were  
6 probation; one being they had not published their  
7 annual report to the public by the November 15th  
8 deadline. But they have since published that in the  
9 paper; it was published in the Courier-Index on  
10 January 25th of this year.

11 And one of the other violations that was a  
12 probationary issue was not teaching all of the 38.  
13 Some of -- it was four issues in teaching the 38,  
14 because at the time we were there we were not  
15 provided a master schedule to verify that all 38 --  
16 all of the 38 was being taught or offered. And since  
17 then, we've received documentation from Lee County  
18 that cleared up two of the four, one being that they  
19 had an AP math class that we couldn't verify on that  
20 day but they sent documentation that they have a  
21 person teaching that AP math. And they also had a  
22 digital class that was in question, but since then  
23 we've got verification that they have -- that was  
24 being taught through Virtual Arkansas. So the only  
25 two things that we haven't received verification on

1 at this point is they had a half unit of drama that  
2 wasn't on their master schedule and a half unit of  
3 social studies that they were short on.

4 And then on Standard 5, Instruction, we had  
5 concerns about improper teacher/student ratios, and  
6 documentation we received from them verified that  
7 those are no longer issues. But it wasn't -- we  
8 weren't able to verify that for the first semester  
9 and we're still looking to get that straightened out.

10 Then another issue was on graduation  
11 requirements. We had -- we looked at the transcripts  
12 and also the counseling unit looked at transcripts in  
13 Lee County and there were some concerns about some  
14 transcript irregularities for next year's seniors.  
15 And so they have time to get that corrected, but they  
16 haven't at this point.

17 Then the last thing we had was on personnel  
18 issues. And we got documentation that they sent us  
19 that says a lot of them was coding issues, one of  
20 them being that they had noncertified staff that had  
21 a wrong code. They had a four-digit code, when it  
22 should have been a three-digit code for those non-  
23 certified staff.

24 And the one that's already been discussed by Lee  
25 County staff is the fact that they did not have a

1 counselor, which is required in standards. And that  
2 was verified on-site and by the information that  
3 you've heard today.

4 MS. ZOOK: On the credits -- oh, excuse me.

5 CHAIRPERSON BARTH: I just wanted to be sure Ms.  
6 Newton --

7 MS. NEWTON: I have some more questions but it  
8 will be for other people, so let's go ahead with Ms.  
9 Zook.

10 CHAIRPERSON BARTH: Yeah, let's finish up on  
11 this standards issue.

12 MS. ZOOK: Okay. On the half units, were they  
13 offered and no one signed up for them or were they  
14 not offered?

15 MR. MORRIS: Well, that's still a question that  
16 we've got to get confirmed. They sent us  
17 documentation of the first semester master schedule  
18 and we couldn't verify that from the master schedule  
19 that was provided.

20 MS. ZOOK: Okay.

21 CHAIRPERSON BARTH: And on the annual review,  
22 the publication of the annual report, is that a duty  
23 of the school board in law or is that a duty of the  
24 superintendent?

25 MR. MORRIS: That's a district responsibility.

1 I'm not sure if it's the superintendent that  
2 publishes it in the paper, but it's required by the  
3 district to publish it in the paper or circulation in  
4 that area.

5 CHAIRPERSON BARTH: Okay. Great.

6 COMMISSIONER KEY: And just for -- it may be  
7 helpful for the Board to know, Mr. Morris, the  
8 timeline, because this preliminary visit was made and  
9 then there have been follow-up communications. So,  
10 we allow time for a district to remedy and to cure  
11 certain deficiencies and you're in that process now  
12 of back-and-forth. Would you just kind of describe  
13 that timeline briefly?

14 MR. MORRIS: Well, there are some things that  
15 has to be confirmed or corrected within 30 days after  
16 receipt of the report. And they've addressed some of  
17 those issues; there are some things that have to be  
18 corrected by the beginning of the next school year.  
19 And so they're working on correcting some of those  
20 things and we're looking -- we'll continue to review  
21 things, documentation, and if we have to go back on-  
22 site to confirm we'll do that.

23 CHAIRPERSON BARTH: Great. Ms. Newton.

24 MR. MORRIS: Mr. Harvey --

25 MR. HARVEY: Yeah, just a follow-up on what Mr.



1 Morris has eloquently explained. We did have a  
2 timeline where we were onsite, made the onsite visit.  
3 We provided a report back to them in January. From  
4 the date they received the report, which I believe it  
5 was January 23rd when they signed off on the receipt,  
6 they had 30 days to respond back to the information  
7 to provide us documentation to explain what we saw  
8 when we were actually onsite. It's not really a time  
9 to correct things; it's a time to correct what we  
10 actually witnessed, because, as you know, sometimes  
11 the documentation may not be available at that  
12 specific moment. So it gives a 30-day window for  
13 response back; they did not respond inside the 30-day  
14 window. And we did extend the window, so we're still  
15 working -- as of this morning they were still working  
16 on the issues to make sure that we could have correct  
17 information for the Board for the presentation.

18 As Mr. Morris explained, some of the items have  
19 a correction window when you look at our Standards  
20 for Accreditation, but actually they become a  
21 probationary violation. And you have a window of  
22 correction that if they're not corrected by the end  
23 of that window then they could be brought before the  
24 Board for actual loss of accreditation to the  
25 district. So, it is a probationary issue. We look

1 for a window, which would've been the 30 days, to  
2 help us understand that there was an error or provide  
3 additional documentation to clarify. After that  
4 window, it would become a probationary issue and we  
5 would potentially bring those to the Board for  
6 issuing -- putting on probation or giving them a cite  
7 for whatever issue there. If they're not corrected  
8 inside that correction window, then it would be  
9 brought back to the Board for potential loss of  
10 accreditation for the school district or the school.

11 CHAIRPERSON BARTH: Okay. Any other Standards  
12 for Accreditation questions?

13 MS. NEWTON: Just a follow-up for Mr. Harvey.  
14 The problems that the Standards Review saw, were they  
15 problems from -- that you saw that resulted from  
16 maybe organization of the administration or higher?  
17 Where do you think the source of this many problems  
18 was coming from, I guess?

19 MR. HARVEY: That is something we really did not  
20 delve into to try to determine the actual cause.  
21 Some of them could be because, as has been explained  
22 here, not being allowed to hire someone; others could  
23 have been coding issues from inside. So basically  
24 what we do is just a determination of what are the  
25 facts at the moment and not try to delve into the

1 actual causes. Now after the fact, we will come back  
2 and provide technical assistance to insure that those  
3 don't happen again. Because one of the things that  
4 we want to insure that if it's been corrected or  
5 documentation that it's corrected we do not want it  
6 to appear again the next year so it becomes a two-  
7 year probationary violation, which then requires us  
8 to bring it to the Board for action.

9 MS. NEWTON: Let me I guess say it this way:  
10 would these problems be the result of not having a  
11 counselor on staff?

12 MR. HARVEY: Some of these problems definitely  
13 would've resulted from -- especially when you're  
14 looking at transcript issues and potential areas  
15 there, since counselors typically do work intensively  
16 in insuring that students do have the right courses.

17 CHAIRPERSON BARTH: Mr. Williamson.

18 MR. WILLIAMSON: Back up, if you would -- and  
19 Johnny may be able to help me figure this out. They  
20 weren't on academic distress; they just entered the  
21 system --

22 COMMISSIONER KEY: No.

23 MR. WILLIAMSON: -- if you will, on fiscal  
24 distress.

25 COMMISSIONER KEY: No, no. No. They had both.

1 MR. WILLIAMSON: They had both?

2 COMMISSIONER KEY: They had both.

3 MR. WILLIAMSON: Okay.

4 COMMISSIONER KEY: The academic distress was  
5 just I believe one year. And the year after they  
6 were placed in academic distress their test scores  
7 rose to a level that they went beyond the 49.5%. I  
8 think it was --

9 MR. WILLIAMSON: Okay.

10 COMMISSIONER KEY: -- just they exceeded that a  
11 little bit.

12 MS. BARNES: 49.512.

13 COMMISSIONER KEY: Okay, yeah.

14 MR. WILLIAMSON: Here we go out six decimal  
15 places now.

16 COMMISSIONER KEY: Yeah. Well, yeah. So, but  
17 at that point then, you know, they were not in state  
18 control because of fiscal distress. That was not  
19 part of the classification; just the academic  
20 distress.

21 MR. WILLIAMSON: Okay. And I'm looking at an  
22 audit -- I think this is an audit of maybe 2015 --  
23 and it shows that they went under fiscal distress --  
24 was it May of '14? Does that sound about right?

25 CHAIRPERSON BARTH: It was while they were in

1 state takeover --

2 COMMISSIONER KEY: Yes.

3 CHAIRPERSON BARTH: -- I believe.

4 MR. WILLIAMSON: Okay.

5 MR. MARTELLO: They went under fiscal distress

6 --

7 COMMISSIONER KEY: Yeah. Mr. Martello can speak  
8 to the timing and everything of fiscal distress.

9 MR. MARTELLO: The fiscal --

10 COMMISSIONER KEY: Go ahead and introduce  
11 yourself, Jeff.

12 MR. MARTELLO: Jeff Martello, Office of  
13 Intensive Support. I'm finance -- director of  
14 finance for Office of Intensive Support.

15 So it was either April or May, off the top of my  
16 head, of '14 they were identified for fiscal distress  
17 identification for declining legal fund balance, and,  
18 quite honestly, that was the only identifying factor.  
19 It was not for audit findings; it was for --

20 MR. WILLIAMSON: Because the 2014 audit is  
21 horrible. I mean, '15 looked better but '14 is a  
22 disaster.

23 MR. MARTELLO: The identifying mark was  
24 declining legal fund balance. And when you put it in  
25 perspective -- we just barely touched on it -- prior

1 to the identification of fiscal distress the district  
2 was very -- the district finances were very bleak, to  
3 be completely honest. They were -- it was -- when we  
4 came in April with -- when we came in April it was --  
5 we had to close out the fiscal year and we had to get  
6 in there and do some things. And to Ms. Murdock's  
7 credit, and the business office with Ms. Moore and  
8 Ms. Freeman, you know, very tough choices had to be  
9 made, especially from the superintendent's role. She  
10 had to look a lot of people in the eyes and make some  
11 tough decisions. You know, the RIF process happened.  
12 It basically had to happen overnight for the fiscal  
13 integrity to exist. And so they went from roughly --  
14 I think it was \$300,000 at the end of that fiscal  
15 year '14, rose all the way up to \$1.2.

16 MR. WILLIAMSON: Right.

17 MR. MARTELLO: That was unprecedented for that  
18 part of the state.

19 MR. WILLIAMSON: Not proper documentation; they  
20 didn't register deposits and -- I mean, there's --

21 MR. MARTELLO: Yeah.

22 MR. WILLIAMSON: -- there's some major deals, so  
23 --

24 MR. MARTELLO: And a lot of it was improper use  
25 of funding, funding sources. But a lot of tough -- a

1 lot of tough choices. But in addition to that, at  
2 the end of '15 they got themselves to \$1.2 legal fund  
3 balance and that's what the Department -- in fact,  
4 the big thing that they look at is where they were at  
5 \$300,000 and then the next year; so that was a growth  
6 of, you know, roughly \$900,000, and then the next  
7 year they had another growth of \$800,000. And we're  
8 talking about a district that was at, you know,  
9 roughly \$300,000 at the end of fiscal year '14. So,  
10 some tremendous, tremendous strides for any school  
11 district, much less in the Delta.

12 MR. WILLIAMSON: Do you know their legal fund  
13 balance now?

14 MR. MARTELLO: I can give you a preliminary --  
15 but again, for the record, this is a preliminary:  
16 they're projected to be roughly \$1.5. Correct me if  
17 I'm wrong. So you're looking at -- and they set a  
18 precedent; we're going to set it at \$1.2, which they  
19 hadn't -- they hadn't been that way for years to set  
20 whatever that growth above legal fund balance they're  
21 going to put in the operating fund. You know, last  
22 year, like I said, it was \$800,000.

23 MR. WILLIAMSON: Okay.

24 MR. MARTELLO: So very, very tough decisions.  
25 Now with all that said, then I always say this: you

1 still have to meet those academic demands.

2 MR. WILLIAMSON: No, I understand.

3 MR. MARTELLO: It's not all about the finances.  
4 But they've made some great, great strides up to this  
5 point.

6 MR. WILLIAMSON: Okay.

7 CHAIRPERSON BARTH: Any other fiscal questions  
8 while he's up there?

9 Okay. Thank you very much.

10 All right. Anything else?

11 MR. WILLIAMSON: No, I'm good.

12 CHAIRPERSON BARTH: Okay. Mr. Black, anything?

13 MR. BLACK: No.

14 CHAIRPERSON BARTH: Ms. Chambers?

15 MS. CHAMBERS: So the board that's currently in  
16 place, is that appointed or elected?

17 COMMISSIONER KEY: It was elected; elected in  
18 September of 2015.

19 MS. CHAMBERS: And --

20 COMMISSIONER KEY: And they have had an election  
21 since then, I believe as part of the normal routine  
22 of board elections.

23 MS. CHAMBERS: Okay. Because I'm still -- I  
24 know we're going to come back and talk about what is  
25 our responsibility or response. But clarity of the



1 ask -- I don't know if we're talking about an  
2 intervention, you know, in terms of what -- what is  
3 it that's being asked for; and then, ultimately then,  
4 what are the choices that we have in response. But  
5 the superintendent right now, the contract is up in  
6 June; is that right?

7 COMMISSIONER KEY: Yes. Our current  
8 superintendent's contract ends in June.

9 MS. CHAMBERS: Okay. And the current at least  
10 consideration, if not the ask, is that we -- that  
11 there be an intervention. There's a stay right now,  
12 is that right, from a court perspective?

13 COMMISSIONER KEY: Yes. Yes, the injunction has  
14 been filed. And Senator Lewellen may be able to -- I  
15 don't know if the court has issued a schedule for  
16 briefs or anything like that, so --

17 SENATOR LEWELLEN: No, no request for hearings  
18 have been requested as it stands. That was -- one of  
19 the major concerns, and you've heard your reports, is  
20 that there has to be continuity for the things that  
21 you see that are going on and the improvements. You  
22 know, these are the folks that are improving. If we  
23 fired our superintendent three weeks ago, how do we  
24 keep going? As he said, there was some major changes  
25 and decisions she had made. Who do you bring in to

1 start the next week to do what -- and pick up on  
2 what's going on here and everything that's happened?  
3 Who wants to come to the Delta? You know, so --

4 MS. CHAMBERS: And, Senator, the irony is  
5 there's -- we hear so many pleas for return to local  
6 control; this is the first time I remember, at least  
7 in my short stay --

8 SENATOR LEWELLEN: Yeah.

9 MS. CHAMBERS: -- this particular direction.  
10 But if -- even if we were to continue with this  
11 superintendent in place through contract, there's  
12 still then this date with her contract where she  
13 could be replaced in June?

14 SENATOR LEWELLEN: Yeah. Yes, ma'am. But at  
15 the same token, the board has options. The board may  
16 suspend -- this board may suspend that board and vote  
17 and re-enter into a contract themselves. You know,  
18 you can do that. You can say, "We'll suspend you one  
19 day," and in one day sign a new contract with the  
20 superintendent and let her go back to work. You have  
21 that option, you know. You have the option of  
22 removing some; you have the option of removing all.  
23 What we're saying is we need to guarantee the  
24 continuity of things while we're on a roll and we're  
25 making this \$1.2. You know, why fix something that's

1 not broken right now, that's actually really working?  
2 And you may suspend them for -- make it a  
3 probationary thing; say something to say that y'all  
4 are going to get along or if you come back you're  
5 going to do this. You have many options to do. But  
6 our concern, one of the major ones is we are in a  
7 crucial period right now and we need to stay onboard,  
8 online, on-track, and we've got the right people  
9 there that's doing it. We just don't have the right  
10 folks to help us, which is the board.

11 MS. CHAMBERS: Thank you.

12 CHAIRPERSON BARTH: Any more general questions  
13 before we go to Ms. Freno for legal? I saw Ms.  
14 Newton, and then Ms. Zook.

15 MS. NEWTON: I heard someone say while ago that  
16 some of the ADE staff had been at some of the board  
17 meetings. Who went, and what was their role when  
18 they were there?

19 COMMISSIONER KEY: I think Mr. Tolbert can speak  
20 to that. I know he has been in attendance at some of  
21 these. I think maybe Dr. Wilde and School  
22 Improvement at different times have attended their  
23 board meetings, but I don't know the exact schedule.  
24 But Mr. Tolbert will be happy to --

25 MR. TOLBERT: First, let me go back -- Andrew

1 Tolbert, Office of Intensive Support. First, let me  
2 go back to the statement of Ms. Zook. Shortly after  
3 we were assigned to Lee County as a unit, they were  
4 placed under State authority. And I was asked in the  
5 board meeting, "If you dismiss the board, should we  
6 keep the superintendent?" And I didn't hesitate, I  
7 said, "Yes, she's not part of the problem; she  
8 inherited those problems, and you need continuity."  
9 And as we stand today, that was the right decision.

10 Then we, Mr. Key and I, got a chance to go and  
11 talk to the board when they were returned back to  
12 local control and they were in their training. And I  
13 shared with them that as a superintendent and also a  
14 previous board member I can see both sides of the  
15 table. And I said, "You know, when I was  
16 superintendent I dealt with the board and we had  
17 company issues and we had policy issues." And I  
18 said, "Those company issues are those things, the  
19 day-to-day operation of the board that you let the  
20 superintendent do. The policy issues are those  
21 things where it's legal issues or anything dealing  
22 with policy." And I said, "What you don't want is to  
23 get into the day-to-day operations as a board of the  
24 school district and get into doing the policy -- the  
25 company things when you need to be dealing with

1 company issues." And I used Wal-Mart as an example  
2 in that they have CEOs and they have managers of the  
3 stores out there. The principals manage the schools.  
4 The board doesn't get into that; they deal with the  
5 CEO.

6 And so the first local board meeting that they  
7 had I was there and I was kind of set-back at all of  
8 the questions that they asked that could've been  
9 asked aside, not there. When I talked with Ms.  
10 Murdock, I said, "Here's what you do when you send  
11 out your board packet: you give them enough  
12 information for them to make informed decisions and  
13 you give them numbers to call if they have any  
14 questions to ask." And I said, "Some want publicity  
15 and not resolution." So they asked a whole lot of  
16 questions, to the point where I'm like, wow, is this  
17 really necessary. Then a simple issue was a  
18 partnership resolution to be signed, and Ms. Murdock  
19 did an excellent job explaining what that was, and  
20 they took an insurmountable amount of time dealing  
21 with that because it seemed as if they didn't trust  
22 what she was saying. And so I was sitting in the  
23 audience, I raised my hand and I said, "May I speak,  
24 please?" I said, "It's a simple thing: if you sign  
25 the partnership resolution, it does not commit you to

1 anything other than putting your name in the pot to  
2 be considered." Then they talked for another 5, 10  
3 minutes and then they finally signed that. But when  
4 everything -- whenever things came up about finance  
5 or anything else they asked -- the board has -- they  
6 have a right to ask questions that they need  
7 clarification on, but some was on the border of being  
8 just harassment to some extent.

9 So given all the things that have been said --  
10 you know, I spoke to the faculty -- I think it was  
11 the 14-15 school year when they'd just been placed  
12 into state authority -- and I said, "The eyes of the  
13 State are looking at you. What are they going to  
14 see? I challenge you to try to do the right thing  
15 and get removed from this label," and they did that.  
16 Now the eyes of the State are looking at them because  
17 of the mismanagement and interference of the board.  
18 And anybody in their right mind, as a superintendent,  
19 is not going to go to a district where you have  
20 issues to deal with and then you have people who are  
21 barriers to that progress.

22 And I just -- from the personal information and  
23 being in that district for those two years a lot of  
24 work has been done, unprecedented work, and we need  
25 some continuity. The board can have a right to

1 choose whoever they want to to lead them, but they  
2 must allow them the autonomy to be able to run the  
3 district. And I think they're meddling in things  
4 that probably -- I don't know of many people who can  
5 deal with that. I will say in Ms. Murdock's defense  
6 she's been always professional, because I tell you  
7 personally I couldn't deal with it.

8 CHAIRPERSON BARTH: Ms. Zook.

9 MS. ZOOK: Yes. The contract that ends in June,  
10 was that a choice, Ms. Murdock, that you made or they  
11 just did not extend your contract?

12 COMMISSIONER KEY: While she's coming, I'll just  
13 say Dr. Wilde is on his way to Dermott, so he's not  
14 here to answer to that question about other ADE staff  
15 who went to board meetings.

16 SUPT. MURDOCK: Good afternoon. Willie Murdock,  
17 superintendent of Lee County.

18 CHAIRPERSON BARTH: Good afternoon, Ms. Murdock.

19 SUPT. MURDOCK: I was state-appointed, as you  
20 remember, Ms. Zook, by the Board and my contract ends  
21 on June 30th. They didn't extend it, which is fine;  
22 that's no problem. I want to make sure that the  
23 district is taken care of; however, a few days ago I  
24 was terminated, which was a breach of my contract;  
25 however, we're still going to hang in there for the

1 kids. That's what we do.

2 MS. ZOOK: Okay. Thank you.

3 CHAIRPERSON BARTH: Ms. Dean.

4 MS. DEAN: If they had renewed your contract,  
5 would you want to stay?

6 SUPT. MURDOCK: I've been asked that question so  
7 many times. With that board, probably not. We have  
8 to have the children's best interest at heart. I  
9 don't think at least four of those board members have  
10 the children's best interest at heart.

11 MS. DEAN: At least four do?

12 SUPT. MURDOCK: At least three do.

13 MS. DEAN: At least three do.

14 SUPT. MURDOCK: Four don't --

15 MS. DEAN: Four don't.

16 SUPT. MURDOCK: -- have the children's best  
17 interest at heart.

18 MS. DEAN: So if that board issue was remedied,  
19 then you would want to stay -- or let me ask you --

20 SUPT. MURDOCK: I would consider it.

21 MS. DEAN: You would consider it. Okay.

22 SUPT. MURDOCK: I would consider it, because  
23 that's my home.

24 MS. DEAN: Okay. Thank you.

25 SUPT. MURDOCK: Thank you.



1 CHAIRPERSON BARTH: Ms. Zook, do you -- okay.  
2 So I think -- can we turn to Ms. Freno?

3 COMMISSIONER KEY: Yes. Yeah, Ms. Freno could  
4 come and answer questions as to the role of the Board  
5 in this type of situation.

6 CHAIRPERSON BARTH: But I think we go back to  
7 Ms. Dean's initial question about what are the powers  
8 of the State Board in a scenario like this.

9 MS. FRENO: That's a big question. There is no  
10 general power under the law to remove a school board.  
11 I mean, we're looking at two things here: we're  
12 looking at standards violations and we're looking at  
13 fiscal distress. Currently, it's my understanding  
14 that there have been -- that the school district has  
15 not been placed on notice that it is in probationary  
16 status, as far as violating any standards. So, they  
17 are not in probationary status.

18 MS. BARNES: Not an official status. Official  
19 status typically comes by May 1, according to law.  
20 However, they did have an onsite monitoring that was  
21 ordered by the Commissioner. And in all probability  
22 they would have received a final notification had the  
23 exchange of information been received in the 30-day  
24 window. Because at that point it would've been,  
25 okay, these cannot be corrected in this school year,

1 so then they would have received a notification.  
2 They have not received a notification.

3 MS. FRENO: So if I may, under the law, the  
4 State Board has several actions that it can take upon  
5 a school district being -- after a school district  
6 has received notification that it's placed on  
7 probation for standards violations. The school  
8 district has the right to appeal, so there would not  
9 be anything you could do immediately with that  
10 regard. There would have to be a notification.  
11 There would have to be an appeal period; the appeal  
12 would be within 14 -- have to be within 14 days of  
13 the notification, and then the State Board would hear  
14 at its next meeting the possibility of what action,  
15 if any, it feels is appropriate to take. And the  
16 actions it feels are appropriate to take are set  
17 forth clearly in law at Section 6-15-207 of the  
18 Arkansas code and it's very broad from requiring a  
19 school district to reorganize, removing the  
20 superintendent, removing a school board, requiring a  
21 school district to close down -- I mean, there are  
22 various things that the State Board could do at that  
23 point if an appeal was denied and the school district  
24 remained in probationary status. Now they could do  
25 that; they do not have to do -- take any of those

1 steps, but those are steps that it could take.

2 So at this point it's kind of a premature  
3 situation. The same is true with fiscal -- I mean,  
4 fiscal distress, again, you know, there comes to be a  
5 time when the State Board does have and the director  
6 does have authority to take certain steps. Right  
7 now, it's my understanding that the fiscal distress  
8 or the -- our fiscal folks are looking at the audit  
9 findings with regard to Lee County School District  
10 and that's just something that they're considering  
11 right now. They've made no conclusions on those.

12 COMMISSIONER KEY: And that's new audit, from  
13 the most recent audit.

14 MS. ZOOK: So since they didn't respond in the  
15 30 days they were given to the standards committee,  
16 then had they done that and not corrected they  
17 possibly could've been put on probation; but because  
18 they didn't they're not on probation, even though the  
19 reason they're not is because they didn't respond in  
20 the correct amount of time?

21 MS. FRENO: And I'm looking at Elbert Harvey to  
22 answer that question.

23 MR. HARVEY: What we do with the window is to  
24 give, as you know, the correction. Now the window is  
25 past. We're working on it. There are some issues,

1 as Ms. Barnes has stated, that cannot be cleared up  
2 for this academic year. They will be receiving  
3 notification that we are going to recommend that they  
4 be placed on probation. They'll have a chance to  
5 appeal and then we'll bring it before the Board the  
6 next scheduled board meeting.

7 MS. ZOOK: So since they're on a stay by the  
8 Judge then it's possible, if he maintains that, that  
9 if the superintendent is willing to work with what  
10 has been described as a hostile board, then we might  
11 take action in May or June? Because right now  
12 they're on a stay; the Judge has said, "You can't get  
13 rid of the superintendent."

14 MS. FRENO: That's my understanding, there's a  
15 temporary restraining order that the board cannot get  
16 rid of the superintendent at this point. Temporary  
17 restraining orders usually are temporary and there  
18 has to be a hearing set. But as the Commissioner  
19 brought out through questioning, there has not been  
20 any further date set for that. But my point is at  
21 this point, as of today, they are not -- Lee County  
22 is not on probationary status.

23 MS. ZOOK: Right. So today we can't act based  
24 on probation or fiscal; we can just listen to what  
25 they say, be aware the Judge has said, you know, "you

1 can't do what you did," or at least temporarily. And  
2 so we've heard it and after everything plays out,  
3 then we can make a decision based on whether they're  
4 on probation or not and whether they're in fiscal  
5 distress or not?

6 MS. FRENO: That is correct, Ms. Zook. That  
7 would be after notice and hearing. That's another  
8 very important point.

9 MS. ZOOK: Right. So --

10 MS. FRENO: It would have to be -- everyone  
11 would have to have the opportunity to participate.

12 MS. ZOOK: So we may be looking at May or June?

13 MS. FRENO: Sure.

14 MS. ZOOK: June, okay.

15 MS. FRENO: Sure. Oh, I didn't say June. We  
16 could -- several -- a couple of months, possibly.

17 MS. ZOOK: Yeah. Okay.

18 SENATOR LEWELLEN: I need to mention that that  
19 restraining order, we don't know how long it's going  
20 to be there because the regular school board  
21 attorney, Mr. Daggett, has recused himself based on  
22 conflicts. And he is -- I talked with him yesterday  
23 and he said he has called the board members and state  
24 School Board Association or whatever else, and the  
25 board is going to have to find them an attorney, so

1 -- because of a conflict with the regular attorney.  
2 So it may be in place for awhile, until they hire  
3 somebody.

4 CHAIRPERSON BARTH: Were you trying to get in?  
5 Okay. Ms. Zook.

6 MS. ZOOK: I guess my conclusion is that we have  
7 heard you. There's nothing at this point we can do  
8 in the statute or law, and -- but we have heard you.  
9 And I guess we'll have to consider it at a different  
10 time. And since it wasn't on the action agenda, this  
11 was just public comment for us to hear, take note of,  
12 have our notes and we'll be ready at which -- at  
13 whatever point the ADE team comes back to us with a  
14 recommendation.

15 CHAIRPERSON BARTH: Although I think at that  
16 point, I think I heard Ms. Freno say, I mean, that  
17 would be a full hearing; both sides would be heard;  
18 it would be a much more detailed process.

19 MS. FRENO: That is correct. There would have  
20 to be a hearing. Go ahead.

21 COMMISSIONER KEY: But that scenario was with  
22 respect to probationary. I think the fiscal distress  
23 has another set. And I wanted to make sure that you  
24 are all understanding of the differences between the  
25 two, because there are different timelines and

1 different things. So, Lori, could you talk about the  
2 fiscal distress aspect of it with respect to the  
3 power of the Board?

4 MS. FRENO: Yes. The fiscal distress law  
5 provides that the Department may petition the State  
6 Board at any time to take any action that's allowed  
7 by the law to -- and this is a quote from the law --  
8 "to secure and protect the best interests of  
9 educational resources of the state or to provide for  
10 the best interests of students and the school  
11 districts." So, but again, that would be something  
12 that there would at least have to be some kind of an  
13 -- there would have to be a hearing, notice and  
14 hearing on that as well.

15 And then the -- I guess the menu of options that  
16 the Board would have to take, it would be pretty --  
17 they're pretty close to the same as for the standards  
18 violations.

19 CHAIRPERSON BARTH: Ms. Chambers.

20 MS. CHAMBERS: So kind of checking the nuance  
21 here -- so if as it turns out there's no fiscal  
22 distress and there's no violation or concern relative  
23 -- they're not on probationary status, then is there  
24 still latitude that accrues to this board relative to  
25 taking any action going forward or not?

1 MS. FRENO: If there are no standards violations  
2 or no -- if there is not an issue with fiscal  
3 integrity, there is no big -- arguably there's no big  
4 overarching -- there is no clear big overarching  
5 authority that is given to the Board. Now both the  
6 fiscal distress -- the fiscal distress statute  
7 definitely does have a provision in it that says the  
8 State Board may take any actions at any time, you  
9 know, that are allowed by law that it wishes to take  
10 --

11 MS. CHAMBERS: Because -- thank you.

12 MS. FRENO: -- to resolve the situation.

13 MS. CHAMBERS: I think that's important for all  
14 the folks that have come here to spend time with us  
15 today and share these -- I wanted them to hear kind  
16 of the spectrum of what is available to us, depending  
17 on the outcome of the things we're talking about.  
18 But I wanted to thank them. We care about the  
19 superintendent obviously. We care about this  
20 environment that you've described, which is worrisome  
21 in terms of the district, the board. But wanted to  
22 thank you all for coming to help us understand what  
23 the community is going through right now.

24 CHAIRPERSON BARTH: Ms. Newton.

25 MS. NEWTON: I have just one more question. You



1 made a comment just a minute ago that the school  
2 board was going to have to find another lawyer;  
3 right?

4 SENATOR LEWELLEN: Yes, ma'am.

5 MS. NEWTON: Who will pay for that?

6 SENATOR LEWELLEN: I have no -- I just found out  
7 yesterday, when I spoke with the school board  
8 attorney. I have made some overtures to him to try  
9 to meet with some of the board members, and he told  
10 me that he contacted the school -- state School Board  
11 Association, he had a conflict, and asked them what  
12 their advice is. He has advised, I guess, the board  
13 president that he has a conflict. This was just  
14 yesterday afternoon, so I don't know what the process  
15 -- but I'm pretty sure they're going to want to vote  
16 that the school board -- that the school district pay  
17 for any attorney that they hire.

18 MS. NEWTON: All right. That was my question,  
19 that the district would be -- if the district would  
20 be responsible for their lawyer fees how would that  
21 physically impact -- I guess somebody from the  
22 Department might answer that -- how would that  
23 physically impact the --

24 SENATOR LEWELLEN: Well, you've got cheap  
25 lawyers and you have high-dollar lawyers, and it

1           could physically impact them a little bit or it could  
2           -- you know -- it's according to what law firm and  
3           who you hire and how far they're willing to go. But  
4           I think whether you tell them not to, they're going  
5           to go vote, so we're going to pay a lawyer anyway.  
6           Okay. And they'll tell the superintendent, "Write a  
7           check, and if you don't you're insubordinate." So  
8           we'll visit that. I'll know more after I talk back  
9           with Mr. Daggett and he tells me if and who they're  
10          going to hire. I don't know. This is just -- I was  
11          just told this yesterday.

12                 MS. NEWTON: I guess, Ms. Freno, that statement  
13          that you read at the beginning of the fiscal distress  
14          where if the Board -- I can't remember exactly how  
15          you --

16                 MS. FRENO: The fiscal integrity.

17                 MS. NEWTON: Yes. If that was endangered, would  
18          that be a condition, you know, that might trigger  
19          that, I guess?

20                 MS. FRENO: I guess if there were exorbitant  
21          attorney's fees it could. I mean, attorney's fees  
22          are just so squishy, as the Senator pointed out. You  
23          know, this might be something that you go into court,  
24          you have a hearing, it takes an hour, you're done,  
25          it's decided. This might be something where there's

1 going to be discovery and filing an answer and doing  
2 other things. So it really -- it would just be  
3 dependent upon the facts.

4 MS. NEWTON: Okay.

5 CHAIRPERSON BARTH: The Commissioner is trying  
6 to get in.

7 COMMISSIONER KEY: Yes, thank you, Mr. Chairman.  
8 And let me just caution too that I think the issue of  
9 the local litigation is really for a point of  
10 information for us. I would -- we need to be  
11 cautious not to get too far over into that because  
12 there are a lot -- it gets murky and State  
13 involvement in what is at this point a local issue is  
14 something I would caution us not to wade off into,  
15 you know. Because you've got a superintendent,  
16 you've got a board, and that district could be on the  
17 hook for two attorneys; I don't know. But that's an  
18 issue that I don't think we want to jump off into.  
19 Learned gentlemen like -- and ladies in the  
20 profession of Senator Lewellen deal with that stuff  
21 on a daily basis; I'd rather leave that to them. But  
22 for our purposes I think it's important just to know  
23 that that is part of the context in the district at  
24 the time -- at this time.

25 SENATOR LEWELLEN: I'm not asking to be paid --

1 COMMISSIONER KEY: No, I understand. No, no, I  
2 wasn't --

3 SENATOR LEWELLEN: -- for the record.

4 COMMISSIONER KEY: I didn't want to think you  
5 were saying -- that I was saying that, so --

6 CHAIRPERSON BARTH: And I do think it's  
7 important for us to recognize that we heard a side of  
8 the story in public comment and that if this actually  
9 reached a point of a true hearing we would hear both  
10 sides. And I think that we have a duty as a board to  
11 remain as unbiased as possible, if we reach that  
12 point.

13 COMMISSIONER KEY: Exactly.

14 CHAIRPERSON BARTH: All right.

15 All right. So we thank everyone from Lee  
16 County. We thank Representative Murdock in  
17 particular for taking some time away from the  
18 legislature today. Be safe traveling home.

19 Let's go -- we're going to take a break. Our  
20 reporter is going to be able to skedaddle. And so  
21 let's pick back up at 2:35.

22

23 (The action agenda was concluded at 2:23 p.m.)

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EXHIBIT THREE (3)

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EXHIBIT FOUR (4)



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EXHIBIT FIVE (5)



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|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                           | <b>88:22;90:12;102:21;<br/>130:11;137:25;<br/>141:8;146:19;<br/>152:14;158:2;171:20</b>                                                                                                                                                                                                                                                                                                                | <b>According (5)</b><br>57:3;58:21;107:10;<br>160:19;169:2                                                                                                                                                                                  | <b>45:13;54:18;60:14;<br/>67:14,20;68:23;<br/>69:25;81:11;88:15;<br/>93:4;94:6,17,18;<br/>97:4;102:24;108:17;<br/>124:4;130:6;131:16,<br/>19;134:11;144:8,10,<br/>20;154:1;171:8</b> | <b>affect (4)</b><br>64:19,21,22;86:16                                                                                                                                                                          |
| <b>\$</b>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                             |                                                                                                                                                                                      | <b>affirm (4)</b><br>11:1;30:19;43:22;<br>67:6                                                                                                                                                                  |
| <b>\$1.2 (4)</b><br>149:15;150:2,18;<br>153:25                                                            | <b>Ables (1)</b><br>56:5                                                                                                                                                                                                                                                                                                                                                                               | <b>accountability (8)</b><br>23:14;44:8;68:25;<br>70:21;71:13;81:13;<br>83:3;100:1                                                                                                                                                          | <b>add (5)</b><br>17:10;21:8;31:25;<br>51:4;129:24                                                                                                                                   | <b>AFFIRMATIVELY (3)</b><br>11:4;30:22;43:25                                                                                                                                                                    |
| <b>\$1.5 (1)</b><br>150:16                                                                                | <b>above (7)</b><br>58:17;61:16;62:1;<br>67:13,13;91:19;<br>150:20                                                                                                                                                                                                                                                                                                                                     | <b>accountable (1)</b><br>16:11                                                                                                                                                                                                             | <b>added (1)</b><br>17:11                                                                                                                                                            | <b>afford (1)</b><br>122:10                                                                                                                                                                                     |
| <b>\$2.8 (1)</b><br>122:6                                                                                 | <b>absent (2)</b><br>9:12;56:6                                                                                                                                                                                                                                                                                                                                                                         | <b>accreditation (6)</b><br>46:10;113:25;<br>144:20,24;145:10,12                                                                                                                                                                            | <b>address (4)</b><br>12:3;16:2;118:23;<br>136:9                                                                                                                                     | <b>afforded (1)</b><br>13:7                                                                                                                                                                                     |
| <b>\$300,000 (3)</b><br>149:14;150:5,9                                                                    | <b>Absolutely (4)</b><br>52:7;89:24;94:4;<br>120:22                                                                                                                                                                                                                                                                                                                                                    | <b>accrues (1)</b><br>166:24                                                                                                                                                                                                                | <b>addressed (2)</b><br>119:13;143:16                                                                                                                                                | <b>afoul (1)</b><br>86:21                                                                                                                                                                                       |
| <b>\$58,745.91 (1)</b><br>31:22                                                                           | <b>academic (66)</b><br>23:1;33:17,20;<br>34:3;35:20;56:15,19;<br>57:5;58:14,17,20;<br>61:3,4,13,24;62:2,16,<br>22;65:4,13,25;66:8;<br>67:15,24;68:2;69:13,<br>14;70:5,16;71:3,8,10;<br>73:24;74:11;75:8;<br>78:14;79:21;80:14;<br>81:10,14,15;82:3,8;<br>84:10,16;90:23;<br>91:10,21;92:17;93:5,<br>11;94:13;95:13;<br>100:2,10,11;104:7;<br>107:4;113:1;136:16;<br>146:20;147:4,6,19;<br>151:1;163:2 | <b>accurate (1)</b><br>85:17                                                                                                                                                                                                                | <b>addressing (1)</b><br>75:9                                                                                                                                                        | <b>afternoon (10)</b><br>43:3;56:12;105:7;<br>112:17;121:2;125:5;<br>139:25;158:16,18;<br>168:14                                                                                                                |
| <b>\$8,000 (1)</b><br>124:9                                                                               | <b>academically (5)</b><br>48:17,24,25;50:3,<br>11                                                                                                                                                                                                                                                                                                                                                     | <b>achieve (1)</b><br>57:4                                                                                                                                                                                                                  | <b>ADE (10)</b><br>110:13;114:11,21;<br>121:12,19;123:21;<br>133:25;154:16;<br>158:14;165:13                                                                                         | <b>again (26)</b><br>14:21;18:2;33:22;<br>44:20;45:10;47:16;<br>48:13;53:9;54:23;<br>75:5;77:1;102:3;<br>105:8;110:7,22;<br>111:23;112:5;<br>114:10;122:18;<br>125:6;127:12;146:3,<br>6;150:15;162:4;<br>166:11 |
| <b>\$800,000 (2)</b><br>150:7,22                                                                          | <b>academics (4)</b><br>75:7,24;76:4;77:2                                                                                                                                                                                                                                                                                                                                                              | <b>achieved (2)</b><br>62:1;91:19                                                                                                                                                                                                           | <b>adequate (1)</b><br>69:17                                                                                                                                                         | <b>against (3)</b><br>10:11;73:21;<br>115:14                                                                                                                                                                    |
| <b>\$900,000 (1)</b><br>150:6                                                                             | <b>academies (1)</b><br>75:12                                                                                                                                                                                                                                                                                                                                                                          | <b>achievement (3)</b><br>32:12;39:1;57:6                                                                                                                                                                                                   | <b>adjustments (2)</b><br>76:12;82:13                                                                                                                                                | <b>Agency (1)</b><br>135:10                                                                                                                                                                                     |
| <b>[</b>                                                                                                  | <b>ACADEMY (3)</b><br>6:1,14,17                                                                                                                                                                                                                                                                                                                                                                        | <b>Achieving (1)</b><br>12:18                                                                                                                                                                                                               | <b>administer (1)</b><br>137:21                                                                                                                                                      | <b>Agenda (11)</b><br>4:6;55:20;56:18;<br>64:24;65:9;106:24;<br>107:2,9;108:18;<br>165:10;171:23                                                                                                                |
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|                                                                                                                                                              |                                                                                                                                                                                                                                                                                   |                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                           |
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| <b>feel (16)</b><br>18:21;45:8,8;<br>47:11,23;53:24;<br>68:20;71:1;73:18;<br>74:16,17;76:16;<br>114:19;116:8;<br>118:12;128:23                               | <b>fired (1)</b><br>152:23                                                                                                                                                                                                                                                        |                                                                                                         | <b>Freeman (1)</b><br>149:8                                                                                                                                                                                                                                                                                                                                                                         |                                                                           |
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| <b>honestly (1)</b><br>148:18                                                                                                                                                                                             | 74:1                                                                                                                         | <b>improving (1)</b><br>152:22                                                                                            | 136:2                                                      | <b>interacting (3)</b><br>26:23;137:18,19                                                                                                                                                                                                                                                                                    |
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| <b>horrible (2)</b><br>70:16;148:21                                                                                                                                                                                       | <b>identified (8)</b><br>11:18,24;12:7,14,<br>22;13:11;90:10;<br>148:16                                                      | <b>incorporating (1)</b><br>24:16                                                                                         | <b>input (1)</b><br>112:3                                  | <b>interference (1)</b><br>157:17                                                                                                                                                                                                                                                                                            |
| <b>horror (1)</b><br>131:22                                                                                                                                                                                               | <b>ignoring (1)</b><br>75:24                                                                                                 | <b>incorrectly (2)</b><br>91:25;92:7                                                                                      | <b>inside (3)</b><br>144:13;145:8,23                       | <b>interim (3)</b><br>71:14;102:11;<br>129:25                                                                                                                                                                                                                                                                                |
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|                                                                                                                                                                                                                           |                                                                                                                              |                                                                                                                           |                                                            | <b>intentionally (1)</b><br>108:2                                                                                                                                                                                                                                                                                            |

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| <b>welding (4)</b><br>36:5,8,9;40:1                                                                                                                                                                                   | <b>wills (1)</b><br>126:14                                                                                                                                                                                     | <b>works (1)</b><br>113:21                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>1:30 (1)</b><br>108:24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>well-known (1)</b><br>126:18                                                                                                                                                                                       | <b>win (1)</b><br>130:9                                                                                                                                                                                        | <b>World (1)</b><br>47:9                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>10 (4)</b><br>94:25;105:4;122:9;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>weren't (6)</b><br>77:9;89:16;124:6,<br>11;141:8;146:20                                                                                                                                                            | <b>window (15)</b><br>82:12;103:9;<br>108:10;144:12,14,14,<br>19,21,23;145:1,4,8;<br>160:24;162:23,24                                                                                                          | <b>worlds (1)</b><br>54:14                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>West (3)</b><br>58:20;72:4;77:11                                                                                                                                                                                   | <b>wing (2)</b><br>32:9,10                                                                                                                                                                                     | <b>worrisome (1)</b><br>167:20                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>what's (16)</b><br>19:17;21:20;42:9,<br>10,19;72:1;81:9;<br>103:9;115:22;<br>116:17,24;117:3,25;<br>125:23;137:9;153:2                                                                                             | <b>wish (1)</b><br>112:18                                                                                                                                                                                      | <b>wow (1)</b><br>156:16                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>whatsoever (2)</b><br>114:16;116:22                                                                                                                                                                                | <b>wishes (2)</b><br>59:9;167:9                                                                                                                                                                                | <b>write (2)</b><br>27:9;169:6                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>whenever (2)</b><br>43:19;157:4                                                                                                                                                                                    | <b>withdraw (1)</b><br>63:1                                                                                                                                                                                    | <b>writing (1)</b><br>107:14                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>whereas (2)</b><br>70:1;81:18                                                                                                                                                                                      | <b>within (8)</b><br>12:1;13:8;31:6;<br>42:13;78:17;143:15;<br>161:12,12                                                                                                                                       | <b>written (10)</b><br>9:5;23:3;57:15;<br>78:18,25;79:4,4;<br>114:13,13;116:21                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>wherein (1)</b><br>67:19                                                                                                                                                                                           |                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>WHEREUPON (4)</b>                                                                                                                                                                                                  |                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------------|
| 157:2<br><b>10:00 (1)</b><br>4:6<br><b>10th (1)</b><br>48:21<br><b>11.76% (1)</b><br>58:3<br><b>11:08 (1)</b><br>56:14<br><b>11:20 (1)</b><br>56:13<br><b>11:21 (1)</b><br>56:14<br><b>11:30 (1)</b><br>113:16<br><b>11th (5)</b><br>47:8,20;48:1,2,19<br><b>12 (1)</b><br>35:9<br><b>12:20 (1)</b><br>104:20<br><b>12:25 (1)</b><br>108:25<br><b>1240 (4)</b><br>30:9,14;43:9,13<br><b>12th (2)</b><br>47:8,20<br><b>13 (3)</b><br>93:2;105:25;<br>136:15<br><b>130 (1)</b><br>42:24<br><b>13-15 (1)</b><br>94:13<br><b>14 (13)</b><br>60:4,5,11,14;<br>92:12;136:15;<br>147:24;148:16,21;<br>149:15;150:9;<br>161:12,12<br><b>14-15 (1)</b><br>157:11<br><b>14-16 (2)</b><br>94:2,14<br><b>14th (1)</b><br>87:11<br><b>15 (5)</b><br>60:3;92:9;93:2;<br>148:21;150:2<br><b>15th (1)</b><br>140:7<br><b>16 (3)</b><br>21:17;60:3;92:12<br><b>16-17 (2)</b><br>77:23;82:6<br><b>17 (1)</b><br>21:17<br><b>18 (1)</b><br>137:17<br><b>18.77% (1)</b><br>58:5<br><b>18-19 (1)</b><br>96:13 | <b>1977 (2)</b><br>36:4;38:9<br><b>1983 (1)</b><br>130:8<br><b>1st (1)</b><br>79:12 | <b>2</b> | <b>2 (2)</b><br>6:11;173:25<br><b>2:23 (1)</b><br>171:23<br><b>2:35 (1)</b><br>171:21<br><b>20 (8)</b><br>10:8,10;38:23;<br>59:6;66:20;73:10;<br>107:14;112:22<br><b>200 (3)</b><br>32:11;117:9,14<br><b>2010 (1)</b><br>36:4<br><b>2012 (1)</b><br>11:23<br><b>2013 (1)</b><br>92:9<br><b>2014 (4)</b><br>57:6;58:10;60:9;<br>148:20<br><b>2015 (9)</b><br>57:8,24;58:2,7;<br>92:15;134:8,9;<br>147:22;151:18<br><b>2016 (5)</b><br>57:9,24;58:3,6;<br>92:23<br><b>2017 (3)</b><br>37:12;105:25;<br>118:6<br><b>2019 (1)</b><br>96:14<br><b>21 (1)</b><br>128:17<br><b>21st (2)</b><br>14:2;121:13<br><b>22 (1)</b><br>88:25<br><b>23rd (2)</b><br>121:16;144:5<br><b>24 (1)</b><br>34:18<br><b>25 (1)</b><br>38:23<br><b>25th (1)</b><br>140:10<br><b>275 (1)</b><br>32:14<br><b>28th (1)</b><br>116:7<br><b>2nd (3)</b><br>79:6,7,8 | <b>3</b> | <b>3 (2)</b><br>118:4;174:25<br><b>30 (7)</b><br>15:6,17;96:14;<br>143:15;144:6;145:1;<br>162:15<br><b>30-day (3)</b><br>144:12,13;160:23<br><b>30-some (2)</b><br>88:25;89:1<br><b>30th (1)</b><br>158:21<br><b>35 (1)</b><br>31:6<br><b>38 (4)</b><br>140:12,13,15,16<br><b>38.10 (1)</b><br>31:21 | 176:25<br><b>5% (4)</b><br>88:16,20;89:25;<br>90:4<br><b>52.97% (1)</b><br>58:8<br><b>55 (1)</b><br>31:21 | <b>6</b> | <b>60 (2)</b><br>78:16,17<br><b>6-15-207 (1)</b><br>161:17<br><b>6-15-428 (1)</b><br>78:12<br><b>67 (1)</b><br>133:12<br><b>6th (1)</b><br>140:3 | <b>7</b> | <b>7 (3)</b><br>61:21;66:10;118:5<br><b>72 (3)</b><br>117:9,11,13<br><b>72% (1)</b><br>31:23<br><b>725 (1)</b><br>31:20<br><b>7th (3)</b><br>24:23;32:11;118:3 | <b>8</b> | <b>8 (3)</b><br>61:20,20,23<br><b>811 (2)</b><br>129:2,2 | <b>9</b> | <b>9 (3)</b><br>61:19;91:15,15<br><b>90 (2)</b><br>10:19;83:20<br><b>90% (1)</b><br>34:18<br><b>925 (2)</b><br>31:20,25<br><b>94 (1)</b><br>38:16<br><b>9th (3)</b><br>24:24;25:9;132:11 | <b>4</b> | <b>4 (2)</b><br>9:18;175:25<br><b>4.95 (1)</b><br>67:13<br><b>40-plus (1)</b><br>132:5<br><b>46.002% (1)</b><br>58:13<br><b>48.517 (3)</b><br>92:1,8,16<br><b>49.315% (1)</b><br>58:6<br><b>49.426 (1)</b><br>92:5<br><b>49.426% (1)</b><br>58:16<br><b>49.473 (1)</b><br>71:24<br><b>49.476 (1)</b><br>92:1<br><b>49.5 (8)</b><br>57:14;67:13;81:2;<br>87:15;88:13,15,20;<br>90:9<br><b>49.5% (9)</b><br>57:3,12;58:17;<br>61:16;62:1,8;71:2;<br>91:20;147:7<br><b>49.512 (1)</b><br>147:12<br><b>49.7 (1)</b><br>71:24<br><b>4-to-3 (1)</b><br>115:10 | <b>5</b> | <b>5 (4)</b><br>10:13;141:4;157:2; |
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