

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

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*July 14, 2016*

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*Sharon Hill Court Reporting  
4021 Robinwood Cr.  
Bryant, AR 72022  
(501) 847-0510*

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**Min-U-Script® with Word Index**

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION

July 14, 2016  
10:00 A.M.

APPEARANCES:

Mr. Johnny Key	Commissioner
Ms. Mireya Reith	Chairman
Dr. Jay Barth	Vice 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
Dr. Fitzgerald Hill	Board Member

LEGAL COUNSEL FOR THE BOARD:

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

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

## I N D E X

	Page
A-1: Little Rock School District Report . . . . .	4
A-2: School Choice Appeal - Dulany . . . . .	7
A-3: School Choice Appeal - McAuliffe . . . . .	20
Discussion, Motions and Votes . . . . . to Reconsider A-2 & A-3	77
A-4: PLSB Hearing - Brett Difani . . . . .	101
Discussion on Reconsideration of A-2 & A-3 . . . . .	137
Reconsideration, Motion & Vote re: A-2 (Dulaney) . . .	140
Reconsideration, Motion & Vote re: A-3 (McAuliffe) . .	145
A-5: Review of PLSB Hearing - Jamie Morton . . . . .	146
A-6: Teacher Waiver Request - Michael Magouyrk . . .	149
A-7: Teacher Waiver Request - Marianne Gandolph . . .	150
A-8: Licensure Hearing - Jermichael Riley . . . . .	151
A-9: Licensure Hearing - Chadwick Martin . . . . .	153
A-10: Licensure Hearing - Deborah Craig . . . . .	154
A-11: Licensure Hearing - Penny Oden . . . . .	155
A-12: Licensure Hearing - Billy Carter . . . . .	157
A-13: PLSB Fine Review - Earl Young . . . . .	158
A-14: Licensure Hearing - Andrea Day . . . . .	160
B-1: Professional Standards/Educational Leaders . . .	162
B-2: Little Rock Preparatory Academy . . . . .	166

(cont.)

B-3: Haas Hall Academy/Fayetteville & Bentonville . . .	204
- Comments by State Representative Dotson . . .	236
B-4: Mountain Home HS Career Academies . . . . .	310
Chair's Closing Comments . . . . .	336
Adjournment . . . . .	337
Court Reporter's Certificate . . . . .	344

#### E X H I B I T S

**A-1: LITTLE ROCK SCHOOL DISTRICT PROGRESS REPORT**

**EXHIBIT ONE (1)**

Memo from Supt. Mike Poore

**A-2: SCHOOL CHOICE APPEAL - DULANEY**

**EXHIBIT ONE (1)**

Letter to ADE from Supt. Tony Thurman, Superintendent,  
Cabot School District

**EXHIBIT TWO (2)**

Letter to ADE from Attorney Scott Richardson on behalf  
of the Jacksonville North Pulaski School District

**B-2: LITTLE ROCK PREPARATORY ACADEMY**

**EXHIBIT ONE (1)**

ACT Aspire Results Comparison

**B-3: HAAS HALL ACADEMY**

**EXHIBIT ONE (1)**

Letter to BOE from Springdale School District  
re: Charter School Expansion Efforts

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P R O C E E D I N G S

A-1: CONSIDERATION OF LITTLE ROCK SCHOOL DISTRICT PROGRESS REPORT

CHAIRPERSON REITH: Moving on to our action agenda, Action Agenda Item 1, Consideration of the Little Rock School District Progress Report. There has been a swap in presenters; Ms. Freno, you are recognized.

MS. FRENO: Thank you, Madam Chair. I've been asked to read to the Board the letter that was submitted to the Commissioner of Education, Johnny Key, by Superintendent Mike Poore, dated July 12, 2016, which is the report in lieu of his being here, because he has an illness.

"I will start this memo with an apology and share my regrets that I am unable to be with you this week at the State Board meeting. I am undergoing a surgical procedure on July 13 and will be out of the office for the rest of the week.

"I want to thank you, the State Board, and Governor Asa Hutchinson for the opportunity to transition into this important role over the past two-plus-months. It has been -- it has provided me a jump-start into the role and has been invaluable in allowing me to reach out to the community, work with

1 school staff, and spend time with Baker Kurrus. My  
2 Entry Plan is being executed, and I am enjoying my  
3 calls to parents and staff, having time to learn from  
4 one-on-one meetings with Little Rock School District  
5 Principals, and benefitting from multiple community  
6 engagement forums. In the near future, we will host  
7 our first Twitter Town Hall meetings and our first  
8 community walks will start the weekend of July 23.

9 "July is a busy month for staff. Test scores  
10 have arrived and we are all disaggregating our  
11 results from the ACT Aspire, ITBS, and AP exams. We  
12 are also examining data related to student risk  
13 factors associated with attendance and discipline.  
14 Additionally, as a District team, we are reviewing  
15 our delivery to students with special needs. We will  
16 present this data to you in the near future.

17 "I am pleased with our initial work with your  
18 staff, under the leadership of Dr. Richard Wilde, to  
19 support our schools on the improvement list. We have  
20 committed to exploring a more comprehensive way to  
21 support schools whose performances have resulted in a  
22 'Priority' list designation. A new model of support  
23 called the Achieve Team is being developed and I am  
24 anxious to share this delivery system with you and  
25 the State Board at future meetings -- at a future

1 meeting.

2 "We will move forward with the presentation of  
3 plans to have all of our 'Distressed Schools' removed  
4 from the watch list. We also plan to bring you and  
5 the State Board recommendations for waivers and  
6 innovation status for some Little Rock School  
7 District schools; and even potentially seek  
8 conversion charter status for several of our  
9 campuses.

10 "All efforts are being made with two -- with the  
11 two goals in mind: (1) significantly impact the  
12 ability of each student in the school district to  
13 move forward academically, as well as support their  
14 development as young citizens; and (2) return local  
15 control to the Little Rock School District as quickly  
16 as possible."

17 CHAIRPERSON REITH: Thank you, Ms. Freno. And  
18 my understanding is that representatives from the  
19 school district are here in the case that any of my  
20 colleagues have questions.

21 To my colleagues: any questions in regards to  
22 this memo or any additional inquiries in regards to  
23 Little Rock School District?

24 Okay. Then for the members of the Little Rock  
25 School District, please send our wishes for a quick

1 recovery to Dr. Poore. We do hope that he gets to  
2 feel better soon and we do look forward to seeing him  
3 in the months ahead. Best of luck with the start of  
4 the new school district.

5 So with that, if I could get a motion in regards  
6 to action item 1.

7 MR. WILLIAMSON: Move to accept the report.

8 CHAIRPERSON REITH: Okay.

9 MS. DEAN: Second.

10 CHAIRPERSON REITH: So we have a motion by  
11 Brett, and Ms. Dean, our second. All in favor say  
12 "aye."

13 (UNANIMOUS AFFIRMATIVE VOTE)

14 CHAIRPERSON REITH: Any opposed?

15 Wonderful. Then the motion passes unanimously.

16 A-2: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE  
17 APPLICATION - DULANEY

18 CHAIRPERSON REITH: Moving on now to  
19 Consideration of the Appeal from the Denial of School  
20 Choice Application, Dulaney, Action Item Number 2.  
21 Ms. Davis -- or I see a swap here. Yes, Ms. Davis,  
22 you are recognized.

23 MS. DAVIS: Yes. Good morning. Jennifer Davis,  
24 Staff Attorney for the Department. I'm going to go  
25 over the procedures that you're going to use for

1 Action Items Number 2 and Number 3 before I introduce  
2 the action item.

3 For the School Choice appeals, the procedures  
4 you will follow will be that everybody wishing to  
5 provide testimony outside of attorneys will need to  
6 be sworn in. Beginning with the resident district,  
7 followed by the parent, each party will have 5  
8 minutes to make an opening statement, followed by 20  
9 minutes to present their argument for why you should  
10 affirm this -- I mean, grant the appeal or deny it.  
11 You may ask questions of anyone, both the resident  
12 district, nonresident district, or any parties. At  
13 the end you may take it under advisement or you can  
14 go ahead and vote today to either grant the appeal or  
15 to sustain the rejection.

16 Do you have any questions?

17 CHAIRPERSON REITH: To my colleagues: any  
18 questions?

19 Thank you so much, Ms. Davis.

20 MS. DAVIS: Okay. On Action Item Number 2, this  
21 is the Dulaney appeal. This is -- the Dulaney family  
22 lives in the Jacksonville-North Pulaski School  
23 District and wishes to school-choice into Cabot,  
24 which was denied.

25 Cabot School District was here earlier this

1 morning and they said they have a really busy day, so  
2 they provided a letter for me that states the reason  
3 for their rejection.

4 (WHEREUPON, A-2 Exhibit One (1), a letter from  
5 the Cabot School District, was marked for  
6 identification and entered into evidence.)

7 MS. DAVIS: Also, Scott Richardson with the  
8 Jacksonville-North Pulaski School District did notify  
9 me that he was not going to be here, but did provide  
10 information that was provided to you in the packet.  
11 But the Delaney family is here.

12 (WHEREUPON, A-2 Exhibit Two (2), a letter from  
13 Attorney Scott Richardson for JNPSD, was marked for  
14 identification and entered into evidence.)

15 CHAIRPERSON REITH: Thank you. And any non-  
16 attorneys making testimony do need to be sworn in.  
17 So everyone intending to testify that is non-attorney  
18 if you can please raise your right hand. Do you  
19 swear and affirm to tell the truth, the whole truth  
20 and nothing but the truth?

21 MS. DULANEY: I do.

22 CHAIRPERSON REITH: Thank you. You may proceed.  
23 And if you could say your name for the record,  
24 please.

25 MS. DULANEY: My name is Nacesha Dulaney. You

1 have to excuse me; I'm very nervous. I only prepared  
2 one statement. I wasn't aware of the 5-minute and  
3 20-minute deal, so I only prepared one statement, if  
4 I could just read that, if that's okay.

5 CHAIRPERSON REITH: That should be fine, Ms.  
6 Dulaney, or proceed when you begin and we'll see if  
7 there's others. But, yes, please --

8 MS. DULANEY: Okay.

9 CHAIRPERSON REITH: -- go ahead and begin.

10 MS. DULANEY: When you look into the eyes of  
11 your newborn child -- oh, I'm sorry -- when you look  
12 into the eyes of your newborn child you make a silent  
13 promise to love, protect and provide -- to provide  
14 them with the skills to survive, and the values to be  
15 their best version of themselves, and the tools to  
16 succeed in this game called life. By denying my  
17 daughter my best efforts to follow through on the  
18 promises I made to her is doing her a disservice.

19 Even though my daughter Kiley Dulaney is only  
20 14, she has already begun on her road to success.  
21 She's a straight-A student, a member of Junior Honor  
22 Society, and a part of her school GT program. Both  
23 her Science Fair and National History Day projects  
24 were chosen to go to State. She's already received  
25 her credits to -- some credits to go toward college

1 -- to go toward graduation, and she is also a member  
2 of her soccer club's national team that traveled to  
3 Costa Rico this summer. To say that I'm proud of my  
4 daughter's achievements is an understatement, but to  
5 not support and hold up my end of the bargain is  
6 criminal.

7 Kiley now attends Jacksonville Lighthouse  
8 Charter. Even though she has done very well at this  
9 school, I question the school's ability to help her  
10 flourish in the last four and the most important  
11 years of her high school career. Discipline has been  
12 a constant problem at her school and is a major  
13 distraction for the students that actually enjoy  
14 going to school every day to learn. Unless something  
15 major happens in this department, I foresee it  
16 getting worse.

17 Kiley has an interest in studying zoology once  
18 she goes to college. Her hopes are to attend a  
19 Division 1 or 2 school on soccer scholarship to fund  
20 her way through college. She has received  
21 invitations from a couple of universities to attend  
22 training sessions. She is currently the youngest  
23 player on her club's local and national teams that  
24 she roster on. Cabot High's animal science course  
25 and history of helping their student athletes gain

1 scholarships will assist in Kiley's plight to further  
2 her secondary education.

3 Juniors that took the ACT in Jacksonville, their  
4 scores were far lower than those in Cabot and some of  
5 the lowest in the state. Less than 20% of  
6 Jacksonville students are college ready, compared to  
7 less than 50% in Cabot. I understand that all  
8 juniors in Arkansas are required to take the ACT,  
9 even though they may have no intention of attending  
10 college, but to me that speaks volumes. With  
11 Jacksonville in the process of establishing its own  
12 district now is not the time for me to experiment  
13 with my child's education. With the graduation rate  
14 of Cabot in the 2015 school year being 90% and  
15 Jacksonville's only 70% in the same year, it would be  
16 hard for me to believe that a school district that is  
17 still in its infancy, JNPSD, that their graduation  
18 rates will make a significant jump in the following  
19 years that could compare to the success of a well-  
20 established Cabot High.

21 The argument here has been that PCSSD is part of  
22 the desegregation lawsuit of 1989, and in order for  
23 Jacksonville to separate and develop its own district  
24 they must also comply with this lawsuit. I  
25 completely understand those terms, but to take away a

1 parent's choice to choose and to neglect the child  
2 the opportunity to have a better education right now  
3 because certain people have not complied with the  
4 lawsuit that was filed against them 27 years ago is  
5 unacceptable. I can't as a parent stand by idly and  
6 allow my daughter to be a guinea pig to a system that  
7 may fail her. Thank you.

8 CHAIRPERSON REITH: Thank you, Ms. Dulaney. And  
9 you didn't even occupy your first 5 minutes. If  
10 there's some things that you would like to add in  
11 addition afterward --

12 MS. DULANEY: No, that's all.

13 CHAIRPERSON REITH: -- please know you'll have  
14 the opportunity to do so. I appreciate that.

15 So from the nonresident district, comments -- or  
16 anyone else presenting testimony today?

17 MS. DAVIS: No, nobody from -- else from Cabot,  
18 other than the letter I provided, is here. Their  
19 argument is the same that you've seen before, is that  
20 Jacksonville-North Pulaski has notified them that  
21 they are under a desegregation order and so,  
22 therefore, they said otherwise they would have  
23 accepted the child.

24 CHAIRPERSON REITH: Okay. Thank you. And so we  
25 expect no other testimony in regards to this, to

1 maybe allow Ms. Dulaney some final comments?

2 MS. DAVIS: Right.

3 CHAIRPERSON REITH: Okay.

4 MS. DAVIS: I'm not expecting any.

5 CHAIRPERSON REITH: Okay.

6 MS. DAVIS: But if you have any questions I'm  
7 sure that there are other people in here that may can  
8 answer for you, but I'm not expecting any direct  
9 testimony.

10 CHAIRPERSON REITH: Okay. Thank you so much,  
11 Ms. Davis. And, Ms. Dulaney, with you or your  
12 family, anyone else that would want to make some  
13 final comments before we open questions to the Board?

14 MS. DULANEY: No, thank you.

15 CHAIRPERSON REITH: Thank you. Thank you so  
16 much for being such a strong advocate for your family  
17 and your daughter.

18 So with that, I open up to questions from my  
19 colleagues -- questions and comments from my  
20 colleagues.

21 MS. ZOOK: I guess I have to continue with, and  
22 to be consistent, I'd like to ask Mr. Wood some  
23 questions, the superintendent of Pulaski -- I mean,  
24 of Jacksonville.

25 SUPT. WOOD: I don't think this is the

1 appropriate forum for that, but that's up to the  
2 State Board.

3 CHAIRPERSON REITH: If you'd want to pose your  
4 comment and maybe your question in the form of a  
5 comment and then we can discern --

6 MS. ZOOK: Okay. Well, it's my understanding  
7 that the Legislature has passed a law that says that  
8 a district is to provide a letter that shows or  
9 demonstrates from the courts that there is a genuine  
10 conflict, and to this point the people in the new  
11 Jacksonville District have not chosen to ask the  
12 judge to do that. There were four -- five parties to  
13 that lawsuit: one was Pulaski County, one was the  
14 Joshua Interveners, one was North Little Rock, Little  
15 Rock, and the State. So the agreement was reached,  
16 and an agreement in that court suit was so a limited  
17 number of people between Pulaski County and  
18 Jacksonville and Little Rock and North Little Rock  
19 could transfer in and out. But it did not address  
20 Cabot or Conway or Bryant or any of the other  
21 districts. And both Little Rock and North Little  
22 Rock, who are party to the same suit, have chosen to  
23 have Choice. So since we have some in the lawsuit  
24 that the Judge adjudicated participating in Choice  
25 and some not participating in Choice I think it would

1 be helpful for this board if the Judge in fact said  
2 there is a genuine conflict, or there's not, because  
3 we are put in an untenable position of having to make  
4 a decision about a family and the lives of children.  
5 You know, we do know that all four of the districts  
6 have been declared unitary when it comes to student  
7 assignment. And not to be crass, but obviously this  
8 child is -- the mother is an African American and so  
9 the fact that it would contribute unjustifiably, I  
10 don't agree with that. But the fact that it would  
11 cause a desegregative or segregative effect if that  
12 child left the district is just not palatable to me.  
13 But I continue to be frustrated by the fact that the  
14 two districts that choose to deny Choice to their  
15 families also choose and refuse to talk to the Judge  
16 and ask him for this letter of genuine concern. So,  
17 I have not changed my position. I will today, as I  
18 have in the past, vote for parental choice.

19 CHAIRPERSON REITH: And, yes, Dr. Barth.

20 DR. BARTH: And, first off, I want to voice  
21 again my deep appreciation for your dedication to  
22 your daughter. And this is the most awkward thing we  
23 do on a daily -- on a week -- a monthly basis because  
24 it is some very real people versus some court cases  
25 and some principles, but it is important.

1           A few responses to Ms. Zook: I do think that  
2           when we look at Mr. Richardson's letter it's quite  
3           clear that in the global settlement that allowed  
4           JNPSD to come into existence there was an agreement  
5           that the Public School Choice Act that was in  
6           existence at that time, which was the 2013 Act, which  
7           has now been replaced, there was a commitment that  
8           that would be agreed to, including the exemptions  
9           that are contained in that law. And that's exactly  
10          what we're doing here. And so I think it -- you know  
11          -- my response to you is that I think that JNPSD, you  
12          know, has done -- did their part by coming into  
13          existence via that agreement and our subsequent  
14          actions. And, therefore, you know, I do think that  
15          it's important to recognize that that was part of  
16          that agreement. And I think that we have said again  
17          and again and again and again that our ultimate goal  
18          is to get this district, both PCSSD and this new  
19          district, you know, out of federal court oversight  
20          and anything that would put that at risk I think is  
21          not an appropriate action by this board, as painful  
22          as it is for us and as painful as it is for  
23          individual families.

24                I would also -- I think it is very important to  
25          note that, you know, the reason that the 2013 School

1 Choice Act came into existence was because the old  
2 School Choice Act was declared unconstitutional  
3 because it explicitly took race into account. And so  
4 I really do have concerns about anything that we say  
5 during these proceedings that is race conscious in  
6 that way because the Supreme Court has said we can't  
7 do that and the Federal Courts have said we can't do  
8 that. And so I just want to put that on the record.

9 CHAIRPERSON REITH: And as a reminder to both  
10 the Dulaney family as well as to my colleagues that  
11 the appeal process that they have does not have to  
12 end here at a personal level and that this is a  
13 required step that still opens the possibility of  
14 taking this to court. But it is a required step that  
15 triggers that, then where you could still find  
16 resolution for your family.

17 But, yes, Mr. Williamson.

18 MR. WILLIAMSON: Ms. Dulaney?

19 MS. DULANEY: Yes, sir.

20 MR. WILLIAMSON: You have always lived where you  
21 live since your daughter has been in school; is that  
22 correct?

23 MS. DULANEY: Yes, sir. Uh-huh.

24 MR. WILLIAMSON: And so that was not in the  
25 Cabot School District; that was inside the Pulaski

1 County Special School District. Right?

2 MS. DULANEY: Correct. Yes, sir.

3 MR. WILLIAMSON: So at one time the Pulaski  
4 County Special School District allowed your child to  
5 transfer to Cabot; is that right?

6 MS. DULANEY: I'm not aware of that.

7 MR. WILLIAMSON: How did your child -- if you  
8 live in that district, how did your child wind up at  
9 Cabot?

10 MS. DULANEY: She's not at Cabot.

11 MR. WILLIAMSON: She's not there?

12 MS. DULANEY: No, she's not.

13 MR. WILLIAMSON: Okay.

14 MS. DULANEY: She goes to Jacksonville  
15 Lighthouse Charter right now.

16 MR. WILLIAMSON: Okay. Okay. I misunderstood.

17 MS. DULANEY: Yes, sir.

18 MR. WILLIAMSON: Thank you.

19 CHAIRPERSON REITH: Thank you, Mr. Williamson.

20 Other questions or comments from my colleagues on the  
21 Board?

22 Seeing none, I would entertain a motion.

23 MS. ZOOK: I move that we allow the Choice of  
24 the child to Cabot.

25 MR. WILLIAMSON: Second.

1 CHAIRPERSON REITH: Okay. Motion made by Ms.  
2 Zook, seconded by Mr. Williamson. All in favor -- or  
3 questions, comments in that regard before we vote?

4 Then all in favor say "aye."

5 (MAJORITY CHORUS OF AYES)

6 CHAIRPERSON REITH: And all against?

7 DR. BARTH: No.

8 MS. CHAMBERS: Opposed.

9 MS. DEAN: No.

10 CHAIRPERSON REITH: And then just to note for  
11 the record the no's were Ms. Chambers, Dr. Barth and  
12 Ms. Dean. So that would mean motion carries in that  
13 regard.

14 MS. DULANEY: Thank you.

15 CHAIRPERSON REITH: So, Ms. Dulaney, Ms. Davis  
16 will be able to advise you on how to proceed moving  
17 forward.

18 MS. DULANEY: Thank you.

19 CHAIRPERSON REITH: Thank you.

20 A-3: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE  
21 APPLICATION - McAULIFFE

22 CHAIRPERSON REITH: All right. Moving on to our  
23 next action item, Action Item 3, Consideration of  
24 Appeal from the Denial of School Choice Application,  
25 the McAuliffe family.

1 MS. DAVIS: McAuliffe.

2 CHAIRPERSON REITH: Okay. McAuliffe. Apologies  
3 for that. Ms. Davis, once again you're recognized.

4 MS. DAVIS: Okay. Would you like to hear the  
5 procedures again or would you just like to go  
6 straight into this appeal? Do you need the  
7 procedures?

8 CHAIRPERSON REITH: I think we can go straight  
9 into the appeal, Ms. Davis.

10 MS. DAVIS: Okay. So this family is appealing  
11 the decision of the El Dorado -- I mean, the Parkers  
12 Chapel School District to deny their three children  
13 to School Choice into Parkers Chapel. They live in  
14 the El Dorado School District. So I do believe  
15 representatives, I know, from the family and the rest  
16 of the school districts are here, so they will need  
17 to be sworn in except for the attorneys.

18 CHAIRPERSON REITH: Okay. All planning to offer  
19 testimony if you could please come forward.  
20 Wonderful. And for our non-attorneys, if you can  
21 please raise your right hand. Do you swear or affirm  
22 to tell the truth, the whole truth and nothing but  
23 the truth?

24 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

25 CHAIRPERSON REITH: Thank you. Then --

1 MS. DAVIS: All right. So Parkers Chapel, are  
2 they here?

3 MR. SETH WILLIAMS: Yes.

4 MS. DAVIS: Oh, did you get sworn in?

5 MR. WILLIAMS: Yes.

6 CHAIRPERSON REITH: Yes.

7 MS. DAVIS: Just making sure. Go ahead.

8 MR. WILLIAMS: We acknowledge receiving the  
9 McAuliffe School Choice request in an appropriate  
10 manner and we did reject the request due to the  
11 understanding that El Dorado School has opted out of  
12 the School Choice program. If the State Board so  
13 chooses, Parkers Chapel would gladly accept their  
14 transfer request to our district.

15 CHAIRPERSON REITH: Thank you.

16 COURT REPORTER: We need his name.

17 CHAIRPERSON REITH: Yes, I'm sorry. Sir, your  
18 name for the record, if you could come back to the  
19 mic. My apologies.

20 MR. WILLIAMS: Seth Williams.

21 CHAIRPERSON REITH: Okay. Thank you, Mr.  
22 Williams.

23 And if you could also state your name for the  
24 record at the beginning of your comments. Thank you.

25 MS. MCAULIFFE: My name is Kristi McAuliffe and

1 I'm the mother of three. I have twins that will be  
2 14 in September and then I have a 10-year old that  
3 will soon turn 11. So I have children that will be  
4 going into the 9th grade and then my little one will  
5 be going into the 5th.

6 So, a little background: we have always attended  
7 Parkers Chapel School District, and when we started  
8 school there my kids were under guardianship with my  
9 sister who taught school and that's how they  
10 attended. So they have attended Parkers Chapel since  
11 pre-k, all the way up until now. Last year, when it  
12 was brought to our attention that we were not  
13 grandfathered in -- because it was our understanding  
14 that when my sister retired that we were  
15 grandfathered in. When it was found out that that  
16 was not the case, then we started the process. We  
17 went to El Dorado School District to ask for release,  
18 a legal transfer, and it was denied based on them  
19 being under desegregation laws. I have attended  
20 Parkers Chapel. I went to Parkers Chapel because  
21 both my parents worked there. Both of my sisters  
22 graduated there, my cousins, all my family. We live  
23 1.5 miles from the school, so we take our kids back  
24 and forth to school, of course.

25 So we're asking that y'all allow our kids to

1 attend Parkers Chapel, to not take them out of  
2 Parkers Chapel and make them go to El Dorado,  
3 because that's their home; that's what they know;  
4 that's where they've been since pre-k. So we would  
5 ask that y'all would grant this.

6 CHAIRPERSON REITH: Thank you so much, Ms.  
7 McAuliffe.

8 MS. McAULIFFE: Thank you.

9 CHAIRPERSON REITH: Is there anyone here to  
10 speak on behalf of the Parkers Chapel School  
11 District?

12 MS. DAVIS: Well, Parkers Chapel just spoke, but  
13 we do have El Dorado.

14 CHAIRPERSON REITH: Oh, I'm sorry.

15 MS. DAVIS: El Dorado would like to --

16 CHAIRPERSON REITH: El Dorado. Apologies. Yes.

17 MS. MOORE: Good morning. My name is Whitney  
18 Moore; I'm one of the attorneys for El Dorado School  
19 District. Our superintendent, Mr. Jim Tucker, is  
20 here with me today and has been sworn. I think he's  
21 also requested time to speak, but we'll save that for  
22 our 20 minutes.

23 Just for purposes of an opening statement, Madam  
24 Chair, Commissioner, Members of the Board, the School  
25 Choice applications filed by the McAuliffe's were

1           correctly denied by Parkers Chapel. And I'm going to  
2           give you several legal reasons why you should vote to  
3           deny the McAuliffe's appeal.

4           El Dorado has complied with the statute and  
5           declared their conflict. El Dorado has submitted to  
6           the Department of Education all of the documents the  
7           statute requires. El Dorado is still under court  
8           supervision, as evidenced by the orders, I think as  
9           recently as 2013, 2003, and then the original order  
10          in 1971. They have not been declared unitary in any  
11          subject area, including student assignment.

12          Procedurally, I don't believe the declaration of  
13          a conflict is an appealable issue. And,  
14          additionally, the State Board of Education is not a  
15          judicial entity and does not have the authority to  
16          interpret the judicial opinion submitted by El Dorado  
17          School District.

18          Finally, the guardianship that allowed the  
19          McAuliffe children to enroll in Parkers Chapel in the  
20          first place was illegal. Granting their appeal is  
21          contrary to the School Choice Act of 2015 and would  
22          only serve to ratify their previously illegal  
23          enrollment under the guardianship and would encourage  
24          others to do the same.

25          That concludes my opening. Thank you.

1 CHAIRPERSON REITH: Thank you, Ms. Moore.

2 Ms. McAuliffe, would you like additional time,  
3 or someone speaking on your behalf? You have an  
4 additional 20 minutes.

5 MS. MCAULIFFE: In rebuttal to that, we were not  
6 aware that anything that we did was illegal.  
7 Guardianship was how we attended Parkers Chapel. I  
8 was very open in my letter that I submitted to the  
9 Board, gave all the information of how we attended  
10 Parkers Chapel. And my kids would like to attend  
11 Parkers Chapel. That's where they would like to go;  
12 that's where their skill-set has been; they're  
13 thriving. The twins both start AP classes this year.  
14 Rue is in the 5th grade, so she has -- she's an Honor  
15 Roll student also. They play many sports, and that's  
16 what they know.

17 We would love for them to attend Parkers Chapel;  
18 that's our goal. If they do not attend Parkers  
19 Chapel and y'all do not approve it, then we will have  
20 to move. But because we're on family land -- this is  
21 where we've lived all my life. We bought land from  
22 my parents and built a house. And so we would have  
23 to uproot our family, buy a house in a different  
24 area, which is something that we don't want to do.  
25 But if that has to be done, then that's, of course,

1           what we'll do. But -- so asking for your granting  
2           for our children to go to school is what we would  
3           love to have. Again, that's what my kids know,  
4           that's what they want to do, and if they would  
5           testify you would all know that. They're a little  
6           nervous, so they didn't want to do that.

7           My husband is from south Louisiana, so he's not  
8           from here. I grew up in Parkers Chapel all my life,  
9           like I said. I played sports there; academically, I  
10          went to college, thrived; all my cousins thrived, my  
11          sisters.

12          So I guess, in closing, is I'm asking for you to  
13          grant it, to let our kids go, not for it to be based  
14          on desegregation laws. And I understand that there  
15          are several that are pending and, like he commented,  
16          there are three. Some are older than others, some  
17          are from the 1970s, and I understand that when you  
18          start looking at it it's to make sure that you're  
19          balanced between campuses and that you're not -- for  
20          El Dorado, you're balancing races between campuses,  
21          and it's not I guess something that you're looking at  
22          for another school. I understand that they consider  
23          they would be losing money or they would be losing  
24          our children, but they've never had them. And I  
25          understand her point of saying that she thought it

1 was illegal; we were not aware of that. We did all  
2 the things correctly, so we would like you to grant  
3 our request. I mean, again, we built our house; it's  
4 family land. That's where our kids have lived all  
5 their lives. We built in 1999, is how long we've  
6 been there. So, again, I guess, in closing, we're  
7 asking that you grant this.

8 CHAIRPERSON REITH: Thank you, Ms. McAuliffe.  
9 Now for the El Dorado School District.

10 MS. DAVIS: Parkers Chapel is going to defer  
11 their time.

12 CHAIRPERSON REITH: Oh, okay. Thank you.

13 MS. MOORE: I want to give a little history  
14 first about how El Dorado got here. Before Brown  
15 versus Board, historically the larger city within the  
16 county is the one that operated the dual systems.  
17 Say El Dorado had a white school and a black school.  
18 A district like Parkers Chapel either had a  
19 negligible black population or none at all, and if  
20 there were any black children there they were bused  
21 to El Dorado. So when it came time to desegregate,  
22 Parkers Chapel didn't have to desegregate; they  
23 didn't have dual systems. Only El Dorado, the county  
24 seat school, and other similar cities in south  
25 Arkansas had that situation.

1           So then Brown came down and they said separate  
2           is not equal; you have to merge these schools, you  
3           have to send white students and black students to  
4           school together. And the white districts in south  
5           Arkansas, including El Dorado, resisted that and they  
6           tried to comply with Brown, with the spirit of Brown  
7           by formulating what was called Freedom of Choice  
8           plans. And that way, they said, "Okay, we're not  
9           going to restrict attendance at this school. If it's  
10          the historically white school, if any black students  
11          want to come here we'll let them in. If it's the  
12          historically black school and any white students want  
13          to come there we'll let them in. We're not going to  
14          tell anybody where they can or can't go," and that  
15          was called Freedom of Choice. It didn't work. A  
16          handful of black students may have integrated El  
17          Dorado; none of the white students from El Dorado  
18          went to the historically black school.

19                 And so the Kemp lawsuit was filed in 1964,  
20                 alleging that dual systems were still in place post-  
21                 Brown and that it was unconstitutional. Now that  
22                 case went through the court system for several years.  
23                 El Dorado advanced the Freedom of Choice plan. The  
24                 district court said, "That's not going to work. It  
25                 hasn't achieved any desegregation."

1           Then the Raney case came down in 1969, and it  
2 specifically declared Freedom of Choice  
3 unconstitutional.

4           The Kemp order was entered in 1971. This all  
5 happened within the span of a couple of years of  
6 Raney coming down, and the final -- or the 1971 order  
7 in Kemp resulted in the merger of the dual systems in  
8 El Dorado. The black school was closed; all of the  
9 black students were merged with the white students.  
10 And the 1971 order specifically says "all vestiges of  
11 Freedom of Choice is eliminated and any further use  
12 prohibited."

13           Now I don't know how Freedom of Choice saying  
14 "you can go here or you can go there, we're not going  
15 to restrain you" is any different from the 2015  
16 School Choice Act, and we've got a court order that  
17 specifically says any further use of Choice is  
18 prohibited. And now we've got orders in 2003 and  
19 2013 that confirm continuing jurisdiction by the  
20 federal court. We remain under court supervision in  
21 the United States District Court, in Judge Susan  
22 Hickey's court. There was another case, the Townsend  
23 case, that involved some staffing issues. My  
24 understanding is that Judge Hickey is treating Kemp  
25 and Townsend as one for future filings, so some of

1 the orders are from Kemp and some are from Townsend.  
2 And how we have operated since 1971 is that El Dorado  
3 is prohibited from taking or refraining from taking  
4 action, the natural and probable consequence of which  
5 would be a segregative impact on El Dorado.

6 Now the 1989 School Choice Act allowed us to  
7 allow some transfers if they were integrative  
8 transfers.

9 Now Dr. Barth mentioned that that law was  
10 declared unconstitutional. It was declared  
11 unconstitutional by the district court, but that  
12 opinion was vacated by the 8th Circuit Court of  
13 Appeals after the 2013 act was passed. Once the  
14 Legislature repealed the 1989 act, the opinion as to  
15 the constitutionality of the 1989 act was pretty much  
16 taken away. So I think it's still an open question  
17 in court whether transfers such as those proposed by  
18 the '89 act would be constitutional, and I think they  
19 can be when you're dealing with a remedy case, which  
20 is your remedying past segregation. That's different  
21 than what parents involved in other Supreme Court  
22 case involved, which was taking race into account  
23 just for the sake of achieving diversity and not for  
24 remedying past practices.

25 So that's the history; that's how we ended up

1 with these court orders. I know it seems like a long  
2 time ago, 1964, when Kemp was filed, but we've been  
3 back to court since then. There's never been any  
4 suggestion that we're unitary. There's never been  
5 any suggestion that the court has said, "Enough time  
6 has passed, you can go on, we'll withdraw court  
7 supervision." It hasn't happened. We think if it  
8 did happen that El Dorado would rapidly become a very  
9 racially identifiable school district -- if not all  
10 black, very close -- surrounded by substantially non-  
11 black districts, including Parkers Chapel.

12 Now back to the legal reasons I gave you at the  
13 beginning: the first reason you should deny the  
14 appeal is that the statute says if you have a  
15 conflict the federal court order controls. The  
16 district asserts the conflict, it provides the  
17 documents to ADE, and it doesn't participate. That  
18 ends the inquiry. The statute doesn't provide for  
19 further talking about it by us or anyone other than  
20 the federal court. The statute 6-18-1906 says if the  
21 provisions of the Act conflict with the provision of  
22 an enforceable desegregation court order the  
23 provisions of the order shall govern. And if a  
24 school district claims a conflict the school district  
25 shall submit proof from a federal court. We've done

1 that. That particular section of the statute does  
2 not say anything about an appeal.

3 And that leads me to the second reason: the  
4 School Choice Act does not provide for this board or  
5 the Department of Education to take any action on the  
6 proof submitted by the district after the conflict  
7 has been declared. El Dorado submitted its letter  
8 declaring the conflict in April of 2015. In the  
9 plain reading of the statute it does not participate  
10 in School Choice.

11 The third reason that you should deny the appeal  
12 is that a reasonable reading of the School Choice  
13 rules promulgated by ADE supports the argument that  
14 denials based on an exemption are not appealable.  
15 The rules do not make the resident district a party,  
16 although y'all always have been so gracious to allow  
17 me to speak on behalf of the resident districts, and  
18 the rules put the burden of proving the basis for the  
19 denial on the nonresident district. That makes no  
20 sense for the nonresident district to bear the burden  
21 of proving anything about the resident district's  
22 desegregation case. The appeal process, I believe,  
23 was intended to apply to denials by a nonresident  
24 district based on their lack of capacity, and similar  
25 issues -- not enough teachers, not enough seats, we

1 can't provide the services you need -- not for  
2 consideration of our declaration of a conflict.

3 A fourth reason that you should deny the appeal  
4 is that the State Board does not have the authority  
5 to interpret court orders. Two Attorneys General  
6 have offered opinions that state the interpretation  
7 of court order is a judicial function outside the  
8 purview of the State Board of Education. The State  
9 Board is an executive body appointed by the Governor.  
10 You're not a judicial entity. I apologize if this  
11 comes off as disrespectful, but typically  
12 interpretation of judicial opinions is left to  
13 branches of the judiciary.

14 Now the final reason that you should deny the  
15 appeal is that the parents in this case have admitted  
16 to circumventing the residency laws by establishing a  
17 guardianship solely for the purposes of education.  
18 That is expressly prohibited by Arkansas Code  
19 Annotated 6-18-202. Now on Ms. McAuliffe's appeal, I  
20 think it's page 7 in your packet, she states that  
21 "when my three children started Parkers Chapel and  
22 the residence question became an issue, my sister,  
23 who was a longstanding respected teacher, was made  
24 guardianship so we could continue with Parkers Chapel  
25 as our children's school." So there's two things

1 about that sentence. The first is that she admits  
2 that the guardianship was solely for educational  
3 reasons. Now you're only supposed to get to go to  
4 school where your guardian lives if the student  
5 actually resides with the guardian, and there's no  
6 indication that these children aren't living with  
7 their parents and not their aunt. The second thing  
8 about it is that she says something about "when the  
9 residence question became an issue," and she phrases  
10 it as though it happened when they started there.  
11 That implies to me that Parkers Chapel questioned  
12 their residence from the beginning. And now I don't  
13 know who the administrators were then -- it seems  
14 like it's been 15 years ago -- but this could've been  
15 avoided back then. But, you know, there's no real  
16 incentive for Parkers Chapel to turn them away. It's  
17 in their interest to keep them just based on funding.  
18 And it's very difficult, if not impossible, for El  
19 Dorado to know that students who never went to El  
20 Dorado, but should have, were residents there, were  
21 at Parkers Chapel. I mean, we're not going door-to-  
22 door seeing if there are school-age children in our  
23 zone.

24 Now I do believe it was probably an honest  
25 mistake of the McAuliffe's to get this guardianship,

1 but I think you have a responsibility when you pursue  
2 a legal alternative to educate yourself or get a  
3 lawyer who could tell you whether or not this  
4 guardianship would work or not. And I understand Ms.  
5 McAuliffe said she attended Parkers Chapel, all of  
6 her family did. It appears that she did that based  
7 on the statute that allows employees of the district  
8 who reside outside of the district to bring their  
9 children to work with them, so I can understand how  
10 she thinks, "I went to Parkers Chapel, I want my kids  
11 to go to Parkers Chapel." That -- I understand the  
12 mistake, but I think it was either her obligation to  
13 get a lawyer to help her understand the laws or  
14 Parkers Chapel could've told her "you can't do a  
15 guardianship just for educational reasons; there has  
16 to be another reason." In any event, the statute is  
17 clear, you cannot get a guardianship for educational  
18 reasons alone.

19 Now El Dorado has done nothing other than what  
20 the laws require it to do. They have submitted their  
21 proof of a conflict. They have accepted the students  
22 in their zone pursuant to the residency requirements  
23 in 202. And letting these children go, even though  
24 it seems like the compassionate thing to do because  
25 they've always been there, would just encourage a

1 flood of other applications and, you know, people  
2 asking teachers to act as guardian, even though  
3 they're not doing anything for these children -- and  
4 I'm not speaking to the McAuliffe's, but I'm just  
5 talking about the ripple effect that this could have.  
6 If you're going to ignore 1906 and 202, then we need  
7 the Legislature to pass something else and tell us  
8 what to do because El Dorado is trying to follow the  
9 laws as they are written and we don't know what else  
10 we can do other than that.

11 Now I've submitted some letters from Dr. Jerry  
12 Guess, former superintendent at Camden, and Mr. Bob  
13 Watson, the former superintendent at El Dorado. Both  
14 have many years of experience in education in south  
15 Arkansas, and El Dorado is currently at about 50/50  
16 black and non-black enrollment. Both Dr. Guess and  
17 Mr. Watson are convinced that El Dorado would become  
18 a substantially more racially identifiable district  
19 overnight if School Choice is not restricted either  
20 by including a racial provision similar to the '89  
21 Act or by allowing districts with a desegregation  
22 history to declare a conflict and elect not to  
23 participate.

24 And I feel that the Legislature will probably  
25 take some action to clarify this in the coming year.

1 I would encourage you to defer to them. If there's  
2 anything the federal court could be involved in --  
3 you know -- the McAuliffe's could ask for an opinion  
4 from the federal court. I mean, there are other  
5 alternatives, and the most obvious one she mentioned  
6 is moving to Parkers Chapel. I have a hard time  
7 understanding why you want to go to school there but  
8 you don't want to live there, but I rest my case on  
9 that.

10 Mr. Tucker is here. I'm not sure how much time  
11 I have left.

12 CHAIRPERSON REITH: Seven minutes -- actually,  
13 six minutes.

14 MS. MOORE: Okay. Well, I will cede that to him  
15 and he would like to speak as to the programs and  
16 courses offered by El Dorado.

17 CHAIRPERSON REITH: Thank you.

18 MS. MOORE: Thank you.

19 CHAIRPERSON REITH: Thank you, Ms. Moore.

20 Could you please state your name for the record?

21 SUPT. TUCKER: I certainly will. Jim Tucker,  
22 superintendent, El Dorado School District, and I  
23 appreciate you letting me speak and giving me the  
24 opportunity. Just like any superintendent of a  
25 district, I'm very proud of our district and very

1 proud of the programs that we have in our district  
2 and I wanted to go over some of those with you.

3 Since School Choice is the main part of it --  
4 it's supposed to be about education; let me talk  
5 about education just a little bit. Okay? Some  
6 things that we're proud of in El Dorado School  
7 District: we offer every child in 3rd and 4th grade a  
8 STEM class daily. Now this gives students in El  
9 Dorado School District hands-on application of  
10 practical skills that they learn in the classroom.  
11 What a better way -- or is there a better way to  
12 learn skills and actually apply them than hands-on  
13 opportunities. If you'd given students in our  
14 district an opportunity to say what their favorite  
15 class was three or four years ago, they would've said  
16 the -- they would've said recess. Now, whenever you  
17 ask those students what their favorite class is  
18 they're talking about the STEM class that they're  
19 taking every day in 3rd and 4th grade. Some other  
20 opportunities: every student in 5th and 6th grade is  
21 taking a STEM class and a maker lab. They're having  
22 those opportunities to apply skills that they're  
23 learning in the classroom. In 7th and 8th grade we  
24 have numerous electives. We have students who take  
25 culinary arts; we have students that can take

1 gardening; we have students that can take robotics --  
2 numerous electives. Another thing that we do, we  
3 have pre-AP classes that start in 5th grade, so a  
4 child in El Dorado School District can take pre-AP  
5 classes 5th through 12th grade. We have nearly 20 AP  
6 offerings at the high school and this past school  
7 year we gave over 800 AP exams. A lot of  
8 opportunities in the El Dorado School District. And  
9 then probably the biggest one that most people know  
10 about would be the El Dorado Promise. You go to  
11 school in El Dorado, you graduate from El Dorado High  
12 School, your college tuition is paid for for five  
13 years; pretty big opportunity. So when we're talking  
14 about School Choice a big part of it is supposed to  
15 be education, and El Dorado School District does a  
16 tremendous job on the education front and I'm very  
17 proud of what we do.

18 Now there's a School Choice law and there's an  
19 exemption within that law and we applied for the  
20 exemption. We followed the law; we did exactly what  
21 we're supposed to do. Now if we're not able to have  
22 that exemption or be able to use it, then I guarantee  
23 you that re-segregation will happen. It's going to  
24 happen. And I think it's been made pretty obvious  
25 across the country in the past couple of weeks that

1 racial division is not a good thing; it's not good  
2 for the nation, it's not good for the state, and it's  
3 not good for public schools. And if we're not able  
4 to use that exemption or if that exemption is ever  
5 taken away, re-segregation will happen.

6 Now back to the education part. I'm very proud  
7 of what we have in El Dorado School District. We  
8 have students that have graduated as El Dorado  
9 Promise scholars that have come back as attorneys;  
10 they've come back as doctors to El Dorado; they come  
11 back as veterinarians. We have a great school system  
12 and we're going to educate every child that we have  
13 to our fullest extent. We want every child that we  
14 can get. We feel like we can make a difference in  
15 their life and that's what we want to do. Thank you.

16 CHAIRPERSON REITH: Thank you, Mr. Tucker.

17 And then there's still two minutes left in  
18 y'all's time. I don't know if Ms. Morris would like  
19 to add -- Ms. Moore would like to add anything -- or,  
20 sorry, apologies -- for the -- on behalf of the  
21 district?

22 MS. MOORE: I just have a closing. Do you want  
23 to do that now or --

24 CHAIRPERSON REITH: You may.

25 MS. MOORE: Okay.

1                   CHAIRPERSON REITH: That's outside the 20  
2 minutes but, yes, you may.

3                   MS. DAVIS: And there's not a time for closing.

4                   CHAIRPERSON REITH: Oh, it's not as part of --  
5 okay. Yes, then you have two minutes for closing.  
6 Yes.

7                   MS. MOORE: Okay. All right. Well, I just want  
8 to restate some of the points I hit earlier. I think  
9 we've obviously got the history of segregation. We  
10 have court orders that say we're under the continuing  
11 supervision of the federal court. The statute  
12 provides the opportunity for us to declare a conflict  
13 if we have a court order that doesn't provide for  
14 School Choice. We've done that. The statute doesn't  
15 say, "Oh, it only counts if the State Board will let  
16 it go through." Now the statute doesn't mention  
17 action by the State Board on the district's proof; it  
18 doesn't mention action by ADE on the district's  
19 proof. I don't think the declaration of a conflict  
20 is appealable for the reasons I stated earlier, and  
21 the State Board does not have the authority to  
22 interpret our court orders and decide whether there's  
23 a conflict or not.

24                   The final point about the guardianship statute,  
25 I mean, that's separate of the desegregation orders.

1           And I know some of you are not comfortable with any  
2           district asserting a conflict with School Choice and  
3           exempting itself. But I want you to ask yourself if  
4           you're comfortable with basically encouraging  
5           teachers at any school district that's deemed  
6           desirable to a parent to name their price to parents  
7           who want their kids to go there and act as guardian.  
8           Now I know that's not what happened here. I know  
9           their family. I think this situation is -- this is  
10          how it would start. But don't kid yourself that  
11          there wouldn't be a ripple effect of other teachers  
12          doing this for families who didn't want to move out  
13          of their district but wanted to send their kids  
14          somewhere else. And I encourage you to deny the  
15          appeal. Thank you.

16                   CHAIRPERSON REITH: Thank you, Ms. Moore. Those  
17                   are those 20 minutes.

18                   And then, Ms. Davis, I do see Ms. McAuliffe  
19                   coming back up but, remind me, does she get a closing  
20                   or --

21                   MS. DAVIS: Well, it's not --

22                   CHAIRPERSON REITH: -- she didn't use her full  
23                   20 minutes?

24                   MS. DAVIS: Right. And it would go the  
25                   nonresident district and then the parent, so the

1 parent would have the opportunity at this point.  
2 Like I say, I think the resident district kind of  
3 took like a third route but we do have opportunity  
4 for the parent. Yes.

5 CHAIRPERSON REITH: Okay. So, Ms. McAuliffe, if  
6 you'd like to make your closing comments?

7 MS. MCAULIFFE: Okay. I would like to address  
8 some of the issues that she brought up about why we  
9 would not want to move -- if we want our kids to go  
10 to Parkers Chapel, why we would not want to move into  
11 that district. Again, we're 1.5 miles from the  
12 school. We live on family land; that's where we  
13 bought. I have five to six family members that live  
14 within an acre from me. I mean, we did that for a  
15 family issue, so that's why we want to stay where  
16 we're at.

17 Parkers Chapel has a great education system.  
18 It's ranked the 11th in the state, so it's a great  
19 education. As Mr. Tucker said -- I mean, he provided  
20 great information about El Dorado and said how much  
21 programs they have, and we appreciate that. But in  
22 the same breath, if it's that great then I don't know  
23 that people would want to leave. We're asking for  
24 allowance for our kids to leave because, again, this  
25 is what they know; that's where they have attended.

1 Parkers Chapel has a great education system. We  
2 would like them to continue. And moving would be an  
3 issue for us but we would do that if we had to. But,  
4 again, it's linked to family; it's linked to friends;  
5 it's linked to being an advocate for your child. I  
6 mean, we want to do the right thing as parents. We  
7 want to stand up for them, show them that we love  
8 them, that we want them to thrive in society, and  
9 that we want them to have great morals, values. And  
10 by doing -- by coming before you and showing that  
11 we're going to stand up for them and we're doing what  
12 we think is right is a big part of that. Thank you.

13 CHAIRPERSON REITH: Thank you. Thank you, Ms.  
14 McAuliffe.

15 And so with that, actually, Ms. Davis, I have a  
16 question for you. I believe that concludes the  
17 testimony here; correct?

18 MS. DAVIS: Yes.

19 CHAIRPERSON REITH: I do want to actually link  
20 between the vote that we just took and then obviously  
21 this one as well. The question that obviously is  
22 being posed by the attorney here, Ms. Moore -- and I  
23 know we've addressed this before but we have two new  
24 board members. So for their sake as well of context  
25 here, the question of our standing when the federal

1 courts are involved?

2 MS. DAVIS: Well, the law says that if there is  
3 a federal desegregation court order or, you know,  
4 something remedies past effects of desegrega -- I  
5 mean, segregation, then that would apply; and if it  
6 would negatively impact the racial balance of the  
7 school district, then that applies. The Attorney  
8 General has opined that this board is not under the  
9 authority to look behind those federal court orders  
10 to see the voracity of and to see the validity of  
11 them, to see how current they are, or what action has  
12 been taken.

13 CHAIRPERSON REITH: So what happens in the case  
14 of a vote, like the one that we took on Action Item  
15 A-2? Does that expose us to a lawsuit from this  
16 district?

17 MS. DAVIS: The school district can, you know,  
18 go into court for that. The school district -- I  
19 mean, you know, the one before you has a very active  
20 ongoing desegregation case going on right now and so  
21 they can go into court for that as well, and they can  
22 also file an APA action.

23 CHAIRPERSON REITH: Okay. So those decisions do  
24 have implications for this body?

25 MS. DAVIS: Sure.

1 MS. ZOOK: Let me ask a question --

2 CHAIRPERSON REITH: Well, I was going to  
3 recognize the Commissioner first.

4 COMMISSIONER KEY: Yeah. Just for the new  
5 members, APA is our acronym for Administrative  
6 Procedures Act?

7 MS. DAVIS: That's correct.

8 COMMISSIONER KEY: Okay.

9 MS. DAVIS: Sorry.

10 CHAIRPERSON REITH: No, thank you. I saw Ms.  
11 Zook first, and then Dr. Barth.

12 MS. ZOOK: Okay. If I'm not mistaken, last year  
13 when we were dealing with all this the clarification  
14 was made that the most recent AG's opinion was  
15 directed at the Arkansas Department of Education, not  
16 the State Board of Education.

17 MS. DAVIS: Yes. I will actually get the  
18 language right here for you. It says "the ADE is  
19 neither authorized nor obligated" -- yes, that's what  
20 it says. It says the ADE.

21 MS. ZOOK: So it's the State -- it's the  
22 Department of Education, not the State Board --

23 MS. DAVIS: That is the plain language.

24 MS. ZOOK: -- that they addressed?

25 MS. DAVIS: That is correct.

1 MS. ZOOK: Okay.

2 CHAIRPERSON REITH: But could -- are we not part  
3 of the ADE?

4 MS. DAVIS: No.

5 CHAIRPERSON REITH: Okay. Dr. Barth.

6 MS. FRENO: Lori Freno, General Counsel with the  
7 Arkansas Department of Education. Yes, in the 2015  
8 AG opinion the term "ADE" was used but it's pretty  
9 clear that that was just semantics. It intended to  
10 mean the State Board. The ADE and the State Board  
11 are looked at as a consistent wand. And even with  
12 this latest decision, we still have a decision -- I  
13 believe it was from 2003 -- with a principle and an  
14 Attorney General's decision that still stands, which  
15 is boards and commissions, they do not have the  
16 authority to interpret these consent decrees and  
17 court orders; rather, that is something that is to be  
18 done by the courts. So that still stands and it does  
19 still refer to state boards.

20 CHAIRPERSON REITH: Thank you, Ms. Freno. Dr.  
21 Barth.

22 DR. BARTH: Well, and if there are -- if there  
23 has been an agreement and if there are interveners,  
24 then those interveners could also go back to court  
25 and challenge the actions of this board. Is that

1 correct, Ms. Freno?

2 MS. FRENO: I'm sorry; would you repeat that?

3 DR. BARTH: If there are interveners in a case,  
4 such as the Joshua Intervenors, then they could also  
5 go back in federal court -- correct? -- and challenge  
6 the action if they saw it as a violation of the  
7 agreement?

8 MS. FRENO: Yes. If they saw it as a violation  
9 of the agreement, they could. Also, the El Dorado  
10 School District could do it.

11 DR. BARTH: Right. And I was just -- you know  
12 -- we've got a universal issue. I was trying to --

13 MS. FRENO: Yes, there are several avenues that  
14 it --

15 DR. BARTH: Yeah.

16 MS. FRENO: -- could be brought up. Yes.

17 DR. BARTH: Thank you.

18 MS. ZOOK: I guess the district --

19 CHAIRPERSON REITH: Ms. Zook.

20 MS. ZOOK: Part of the frustration that I  
21 wrestle with is I know when we dealt with the Forrest  
22 City case and then Forrest City in fact did go back  
23 to the federal judge, and the federal judge said,  
24 "No," you know, "you're using a 19" -- I think theirs  
25 was '78 order. "You've made no effort to become

1 unitary. So, therefore, the decision to allow  
2 transfers is okay." Well, in this instance it's a  
3 1971. And I know they quoted '03 and '13, but the  
4 '13 order had to do with zoning and the '03 order --  
5 one of the stipulations said "entice students from  
6 surrounding districts and private schools to come to  
7 El Dorado." So that says to me that El Dorado --  
8 there's an order that says you can do -- have magnet  
9 schools to entice students and then they exempt. And  
10 so I'm not trying to interpret anything; I'm just  
11 trying to get it clear in my head when they quote  
12 things that aren't specifically addressing Choice,  
13 and the one that they do quote is however many years  
14 ago 1971 is. And we know in the Forrest City case  
15 they said, "No, that's not that." And then we have  
16 the accreditation thing which if they have not shown  
17 that they're making an effort to become unitary then  
18 they are violating an accreditation order. So, you  
19 know, I'm not up here trying to be a contrarian; I'm  
20 just trying to do what's right by kids. And the  
21 Legislature, which we were encouraged to listen to  
22 the Legislature -- the Legislature is saying, "We  
23 want School Choice." And I realize it was debated in  
24 the Legislature, but those Representatives who  
25 represent 29,000 people and the Senators who

1 represent 100,000 people voted and this passed. So,  
2 you know, it's -- and then you allow the students of  
3 teachers to come and go with their kids, and to me  
4 that just seems discriminatory if you're allowing one  
5 group of people to do it but then denying another  
6 group of people. So, you know, help, Lori.

7 MS. FRENO: Yes, Ms. Zook, and I appreciate your  
8 frustration. But I think that gets down actually to  
9 the core question: is this board the proper body to  
10 be making legal determinations regarding federal  
11 court orders; is this board the proper body to be  
12 determining whether or not the El Dorado -- whatever  
13 the remaining deseg orders they have against them,  
14 whether those actually would prevent Choice or not.  
15 That gets back to the Attorney General's opinion that  
16 says this is not the proper body for that. And the  
17 language that the Attorney General used was this is  
18 essentially a judicial decision, and that's what  
19 happened in Forrest City. Forrest City actually --  
20 there was a case -- they were saying, you know, in  
21 the McKissic case, "this keeps us from Choice," and  
22 they filed that lawsuit and took it before the court,  
23 and the court -- the court interpreted the orders. I  
24 mean, it wasn't this board that interpreted the  
25 orders; it was the court. And the court said, "No, I

1 have looked at this, I have heard the arguments of  
2 the parties, and we have determined that there is --  
3 there's nothing here to prevent Choice." So that was  
4 a clear statement from the court, with the court  
5 making a determination.

6 MS. ZOOK: So --

7 MS. FRENO: We're here; we do not have anything  
8 equal to that. We just have a couple of somewhat  
9 very old deseg orders out there, that are still out  
10 there. Maybe there has been some discussion of them  
11 recently or some action on them recently, but it is  
12 not within the purview of this board to do the legal  
13 thing.

14 MS. ZOOK: So --

15 CHAIRPERSON REITH: And, Ms. Freno, if I might  
16 just -- just to clarify again and just to be exact  
17 with that point, so this doesn't close the  
18 opportunity for the families. This just actually  
19 opens the gate for them to go to the courts and get a  
20 court interpretation of their specific case; correct?

21 MS. FRENO: That is absolutely correct, Madam  
22 Chair. And, in fact, in the 2015 Attorney General  
23 opinion, the Attorney General even did state that  
24 even though this was not something for the Board to  
25 be looking at that she would speculate that this

1 would be something that the parents could do; it's  
2 something that a school district could do, such as  
3 in the Forrest City case. So, no. And there also  
4 could be an Administrative Procedures Act appeal.  
5 So, no, this would not foreclose that.

6 CHAIRPERSON REITH: Thank you. I do want to say  
7 thank you, Ms. Zook, but I do want to see if any of  
8 our other colleagues have questions or comments as  
9 well.

10 MS. NEWTON: I have some questions.

11 CHAIRPERSON REITH: Yes, Ms. Newton, you're  
12 recognized.

13 MS. NEWTON: I have some questions for Mr.  
14 Tucker.

15 CHAIRPERSON REITH: Thank you, Ms. Freno.

16 SUPT. TUCKER: Yes, ma'am.

17 MS. NEWTON: Mr. Tucker, is the El Dorado School  
18 District unitary?

19 SUPT. TUCKER: No, ma'am.

20 MS. NEWTON: Okay. Well, I read in some of the  
21 things that you submitted in the packet, it says the  
22 El Dorado School District believes it is unitary in  
23 all respects?

24 SUPT. TUCKER: There's more to that.

25 MS. NEWTON: Okay.

1 SUPT. TUCKER: That's if we're able to keep our  
2 exemption that we can remain unitary.

3 MS. NEWTON: Okay.

4 SUPT. TUCKER: If we're not able to keep the  
5 exemption, it will cause re-segregation.

6 MS. NEWTON: Okay.

7 SUPT. TUCKER: It will.

8 MS. NEWTON: All right. Do you believe that you  
9 have complied with all deseg rules?

10 SUPT. TUCKER: We are attempting to. Yes.

11 MS. NEWTON: Okay. What -- the Standards of  
12 Accreditation require that you submit a plan that  
13 shows your progress toward becoming unitary, if you  
14 don't have the unitary status. Have you submitted a  
15 plan?

16 SUPT. TUCKER: We have.

17 MS. NEWTON: Okay. What does that plan state  
18 that you're doing to move toward unitary --

19 SUPT. TUCKER: I don't have it in front of me.

20 MS. MOORE: Madam Chair --

21 CHAIRPERSON REITH: I recognize you, Ms. Moore.

22 MS. MOORE: Sorry; I can't ever get this  
23 microphone where I need it to be. Our plan for  
24 achieving unitary status, which we submitted -- well,  
25 let me back up a little bit. I was here last summer

1 for another school district who declared an  
2 exemption, and that appeal was denied, by the way.  
3 But shortly -- well, during that meeting the  
4 Commissioner questioned us about the Standards for  
5 Accreditation requiring districts to be unitary or  
6 have a plan for achieving unitary status, to begin  
7 righting these decades of wrongs. I think after that  
8 meeting, which was the end of July or early August  
9 last year, the Commissioner's office formulated a  
10 Commissioner's Memo and directed it to all of the  
11 districts who -- well, maybe not to all of the  
12 districts in the state but it was definitely directed  
13 to all of the districts who had declared an exemption  
14 -- and they stressed that it was important to be  
15 unitary for purposes of meeting the Standards of  
16 Accreditation. Allen Roberts and I represent El  
17 Dorado, and we filed a response to that  
18 Commissioner's Memo on behalf of El Dorado and tried  
19 to provide the Department with the information that  
20 the Commissioner had requested. Our general response  
21 -- and I think it's included in your packet -- but  
22 the response was we believe we're unitary in all  
23 respects except for being able to prevent our schools  
24 from becoming more racially identifiable. This all  
25 started with a white school and a black school. And

1 when you proceed through the courts and you start  
2 looking at things like student assignment and  
3 staffing and student achievement and discipline and  
4 just the various sections of a school district and  
5 how it works on a day-to-day basis -- and it's easy  
6 to break those down after you've been in court for  
7 years and years and think of them as single entities,  
8 but they're all intertwined. And I think you kind of  
9 don't see the forest for the trees if you say, "We've  
10 done all of these things to try to be unitary, but if  
11 you declare us unitary we're going to go right back  
12 to where we were in 1954." So our problem is not so  
13 much that El Dorado hasn't done everything they can  
14 do, but they can't control the racial demographics of  
15 who lives in El Dorado School District and who lives  
16 in the school districts around it. I actually  
17 noticed this morning -- I was re-reading that 1971  
18 order and it noted that the demographics in El  
19 Dorado, in 1971, had a total enrollment of 6423  
20 students; in 2015, we have 4522 students. The black  
21 enrollment in 1971 was 2196; in 2015, it's 2220. So  
22 we've lost 2000 white kids over the last 40, 50  
23 years, and the black enrollment has stayed within 25.  
24 So, I mean, we can't control who lives there and we  
25 can't control the movement. For whatever reason, I

1 think Dr. Guess or Mr. Watson noted in their letters  
2 that, for some unexplainable, unknown reason to me at  
3 least, the white parents are the ones who seek out  
4 movement to whiter districts. The black parents,  
5 historically, don't do it, notwithstanding the appeal  
6 you heard before. And so I would say we've done  
7 everything the court has asked us to do. I suspect  
8 that's why Judge Hickey isn't hauling us into court  
9 every quarter, like Judge Marshall is in the Pulaski  
10 County case. But the court could sua sponte say,  
11 "This is over; you know, there's a time limit."  
12 That's not how it works. They don't say, "Forty  
13 years from now you're out no matter what you do, or  
14 10 years from now or" -- it's just up to the court to  
15 look at the facts of each case individually and  
16 decide whether or not court supervision should  
17 continue.

18 MS. NEWTON: Have you asked the court to be  
19 released?

20 MS. MOORE: Well, I'm glad you asked. We have  
21 not. Now in our filing in September we mentioned  
22 that we would speak to Representative Walker, who  
23 represents the plaintiff class, about filing a joint  
24 motion. Joint motions -- typically when there's  
25 agreement between the parties a Judge loves that,

1           whether they're local or state or federal.  If  
2           there's agreement between the parties, the Judges  
3           will go along with it.  We asked the court to enter  
4           an order declaring us unitary in all respects, except  
5           our ability to control -- preventing our district  
6           from becoming more racially identifiable.  And we  
7           asked that it include a provision that we not be  
8           subject to participate in School Choice or any future  
9           act similar to that.  We met with Representative  
10          Walker to discuss that, and I can't speak for him but  
11          he seemed open to the proposition.  Again, I don't  
12          want to speak for him, but student assignment, I  
13          think, is the biggest issue in El Dorado in the case  
14          outstanding.  We've had discussions with him.  I've  
15          started to draft a pleading; I've not finished it.  
16          Once we -- we would have to finish it; we would have  
17          to both agree on it, El Dorado and the black  
18          plaintiff class; we'd have to submit it to El  
19          Dorado's school board for their approval for filing;  
20          and then we would have to file it with the federal  
21          court and wait on Judge Hickey to give us an order as  
22          to whether or not she would approve it or deny it.  
23          We didn't push forward with those steps because the  
24          Department asked us to submit a plan and then they  
25          would get back to us.  And we filed quarterly reports

1 in December, March, and June, since last September,  
2 and we've not heard whether that's acceptable for  
3 accreditation purposes from ADE. And it's not  
4 something that we want to go down the road on and  
5 spend the legal expense on until we know that that's  
6 going to satisfy them and not end up back here in  
7 front of you in October for a hearing on probation on  
8 accreditation status. So the answer is no, but there  
9 is an explanation for that.

10 MS. NEWTON: I've got one more question along  
11 that line and I don't know if it's for Ms. Davis or  
12 Mr. Harvey. Is declaring -- saying that you're  
13 unitary enough to meet the Standards for  
14 Accreditation?

15 MS. DAVIS: According to the standards, it says  
16 that "all school districts which have not obtained  
17 full and complete unitary status and have been  
18 released from court supervision over desegregation  
19 obligations are encouraged to seek unitary status and  
20 obtain an appropriate court order proclaiming as  
21 such." And then it goes into the requirements for  
22 any district that has not been declared, then they  
23 have to file a report stating whether they believe  
24 that they're unitary or not. And any school district  
25 that has not reached complete and unitary status and

1 has not been released, but believes the district is  
2 in complete and full unitary status, shall provide  
3 another written report and provide a detailed plan  
4 with proposed timelines. So, I mean, they've said  
5 that they are unitary and they've said that they have  
6 a plan. But, like I say, it's not the Department's  
7 -- they have to file the plan and then implement the  
8 plan. The Standards only encourages them to push  
9 them towards completing this; we don't have to  
10 approve the plan. There's nothing in here that says  
11 that we have to approve their plan. It's the  
12 district's responsibility to move towards unitary  
13 status.

14 MS. NEWTON: So I don't know who sees the plan.  
15 Is it -- has the plan been -- that's been submitted  
16 sufficient?

17 MS. DAVIS: I mean, and that's up to them. I  
18 mean, they have to let us know what their plans are  
19 to reach that. We don't -- because we don't get  
20 involved in, you know, assisting their journey to  
21 unitary status within the federal court system;  
22 that's up to them. They tell us how they're going to  
23 do it and then they have to comply with this, because  
24 our goal is that we seek the full and unitary status  
25 declaration in the end.

1                   CHAIRPERSON REITH: Mr. Harvey, I'm told that  
2 you might be able to add some additional perspective  
3 to this conversation.

4                   MR. HARVEY: Yes, ma'am. We did receive their  
5 application, their information, by the September 15th  
6 deadline. Following that, we did send out a letter  
7 to the school districts in question -- and I believe  
8 at Mr. Roberts' request I did actually send one to  
9 the attorney's office -- clarifying the information  
10 that we actually needed in a plan. One of the key  
11 things that we look for is: what is your timeline so  
12 that you're going to be achieving unitary status. In  
13 the information we received, we have not received a  
14 timeline that designates. They did designate in  
15 their original submission two alternatives. Both of  
16 those alternatives did require going back to the  
17 court for clarification, and so we are waiting on  
18 either dates to be filed or dates that would show us.

19                   CHAIRPERSON REITH: Thank you, Mr. Harvey. Ms.  
20 Newton, does that answer your question?

21                   MS. NEWTON: Yes.

22                   CHAIRPERSON REITH: Does anyone else have any  
23 questions or comments from the Board? Dr. Hill.

24                   DR. HILL: Yes. I would like Ms. McAuliffe --  
25 can I ask her questions? Actually, three questions.

1           You stated you live one-and-a-half miles from Parkers  
2           Chapel; correct?

3           MS. McAULIFFE:   Yes, sir.

4           DR. HILL:   How far do you live from El Dorado  
5           High School?

6           MS. McAULIFFE:   From El Dorado High School, a  
7           little further than that.  I would have to clock it,  
8           but --

9           MR. McAULIFFE:   It's about the same distance now  
10          that they've relocated the high school.

11          MS. McAULIFFE:   Same distance now that they've  
12          relocated their high school, he said.

13          DR. HILL:   And in your document you stated that  
14          someone told you you would be grandfathered in.  Who  
15          made that statement?

16          MS. McAULIFFE:   That was given to us by the  
17          school several years ago, whenever we were starting  
18          to question, and -- it was given to us by the school.

19          DR. HILL:   Administration or a teacher?

20          MS. McAULIFFE:   A repre -- yes, sir.

21          DR. HILL:   Okay.  All right.  Thank you.

22          MS. McAULIFFE:   Thank you.

23          CHAIRPERSON REITH:  Any additional questions?

24          Dr. Barth.

25          DR. BARTH:   For Ms. McAuliffe, as well.  When

1           you purchased or bought your home, did you know it  
2           was in the El Dorado School District?

3           MS. MCAULIFFE: We actually thought that we were  
4           against the line. We thought that we were within the  
5           school district line. But then whenever we had it  
6           surveyed and after we started building everything we  
7           realized that, no, that we weren't. We knew that my  
8           parents' land was not, but we bought on the back-side  
9           of my parents. So, yes sir, we -- I mean, we didn't  
10          -- we thought we were against the line.

11          DR. BARTH: Okay.

12          MS. MCAULIFFE: And if you pull up my address,  
13          it actually pulls up that we are within the district.  
14          But it's -- yes, sir.

15          CHAIRPERSON REITH: Dr. Hill.

16          DR. HILL: Did you say you went to Parkers  
17          Chapel?

18          MS. MCAULIFFE: Yes, sir.

19          DR. HILL: And your family. So you went to high  
20          school there and everything?

21          MS. MCAULIFFE: Yes, sir. I started  
22          kindergarten through high school.

23          DR. HILL: And what classification is Parkers  
24          Chapel? You said you competed in athletics there;  
25          what class is that? 2A?

1 MS. MCAULIFFE: Two. Sorry. I didn't want give  
2 misinformation.

3 CHAIRPERSON REITH: Additional questions or  
4 comments from the Board?

5 MS. ZOOK: I guess this --

6 CHAIRPERSON REITH: Ms. Zook.

7 MS. ZOOK: -- question that I have is: did the  
8 Legislature pass a law giving the parents appeal  
9 rights, even though they don't have appeal rights,  
10 because the district, in their opinion, has submitted  
11 information and, in my opinion, the Judge has not  
12 said you have a genuine conflict?

13 MS. DAVIS: Under 6-18-1907, it says that a  
14 student whose application for transfer under this  
15 section is rejected by the nonresident district may  
16 request a hearing before the State Board to  
17 reconsider the transfer. It doesn't, in my reading  
18 of that, say that if it's rejected for certain  
19 reasons; it just says that if it is rejected then  
20 they can request a hearing.

21 CHAIRPERSON REITH: Dr. Hill.

22 DR. HILL: I want to ask for the superintendent.  
23 If there was not a deseg order that we were talking  
24 about this complicated court case, would you approve  
25 this? I mean, just based on individual -- didn't

1 know the history of the family, would administration  
2 object to that if we wasn't talking about this legal  
3 stuff?

4 SUPT. TUCKER: I don't want to make an  
5 assumption. I'd like to base my decision on here-  
6 and-now and facts.

7 DR. HILL: But I'm saying -- so there is not --

8 SUPT. TUCKER: I don't know. I don't know.

9 DR. HILL: Because we're here discussing a legal  
10 entity based on old laws and then I hear a family  
11 based on -- that has history and being at an  
12 institution for many, many years, and we're going  
13 back to court cases. So I just -- from a practical  
14 standpoint, your administration could look at one  
15 isolated paper and say, you know, "We don't have a  
16 problem with this if it wasn't a desegregation  
17 issue?"

18 SUPT. TUCKER: Yeah. I'm not looking at it that  
19 way.

20 DR. HILL: Okay.

21 SUPT. TUCKER: We have a School Choice law right  
22 now that allows us to file an exemption under the  
23 law, and that's exactly what we did.

24 DR. HILL: Okay. Thank you. Thank you.

25 MS. ZOOK: I have a question.

1 CHAIRPERSON REITH: Yes, Ms. Zook.

2 MS. ZOOK: And so how do you make the decision  
3 that teachers can bring students in and teachers can  
4 take students out, if they are lucky enough to have a  
5 parent who teaches?

6 SUPT. TUCKER: There's a law for that too.  
7 There's a law that allows that.

8 MS. ZOOK: So we have conflicting laws?

9 SUPT. TUCKER: I don't make the law; I just  
10 follow them.

11 MS. ZOOK: Obviously, we don't either.

12 SUPT. TUCKER: Yes, ma'am.

13 MS. ZOOK: And by the way, I am familiar with El  
14 Dorado schools. I know that they are very good  
15 quality schools. I've been there for academic  
16 signing day.

17 SUPT. TUCKER: Yes, ma'am.

18 MS. ZOOK: I have no problem. I think sometimes  
19 people move in and out because of jobs.

20 SUPT. TUCKER: Yes, ma'am.

21 MS. ZOOK: And so, you know, maybe if there were  
22 more jobs for -- you know -- so I don't have any idea  
23 of why people move in and out. I know if I lived  
24 down there I'd want to go to El Dorado because I like  
25 the free education thing.

1 SUPT. TUCKER: Yes, ma'am.

2 MS. ZOOK: But that's a personal parent choice  
3 thing. And I think you see the conflict that we have  
4 is we have the legislative branch saying parents  
5 deserve Choice and you have old court suits that says  
6 something else. And, you know --

7 SUPT. TUCKER: Sure. But that legislative  
8 branch also put in a way for us to file an exemption  
9 on a deseg order. It's that same legislative branch  
10 that wants School Choice --

11 MS. ZOOK: But there is --

12 SUPT. TUCKER: -- because I think they  
13 understood that if we don't have that there will be  
14 re-segregation.

15 MS. ZOOK: Right. And --

16 SUPT. TUCKER: And I don't think segregation is  
17 a good thing.

18 MS. ZOOK: And, yeah, I could've easily jumped  
19 to where you are if there was presented by you from  
20 the Judge a letter saying there is a genuine  
21 conflict, you know, so that's the stickler for me.  
22 I'm not trying to interpret any federal laws. You  
23 know, I had a chance to go to law school and chose  
24 not to, so --

25 SUPT. TUCKER: Yes, ma'am.

1 DR. HILL: And I want to commend your academic  
2 and your athletic programs.

3 SUPT. TUCKER: Oh, thank you. Thank you.

4 CHAIRPERSON REITH: Yes, Mr. Williamson. Is  
5 this for Mr. Tucker or should he --

6 MR. WILLIAMSON: It's just a general comment.  
7 Mr. Tucker and I have known each other for a long  
8 time; we were former Boy Scouts. He and I agree to  
9 disagree on this very issue right here. And I think  
10 that, personally, El Dorado School District is the  
11 best one in the state because El Dorado is the center  
12 of the universe and no one has proven me wrong yet.  
13 Okay? But I also believe that -- Ms. Zook mentioned  
14 a minute ago she had a choice to attend law school;  
15 she chose not to. I think it is our human right to  
16 have a choice in how we run our lives and conduct  
17 business. And I acknowledge that, yes, there is an  
18 active lawsuit here for deseg orders that, you know,  
19 we probably don't have the authority to overrule but  
20 -- I don't know where I'm going with this. I just  
21 wanted to -- I didn't want to be silent on this whole  
22 issue. I know that El Dorado does move kids in and  
23 out of Parkers Chapel; there's been a couple that I  
24 can think of. And how does that happen? Jim, if you  
25 don't mind, I don't want to say names but there are

1           some that have -- you've allowed to transfer in and  
2           we're just -- you're not letting kids transfer out.  
3           Is that --

4           SUPT. TUCKER: We try to do what's right as far  
5           as race goes.

6           MR. WILLIAMSON: Okay.

7           SUPT. TUCKER: If it's going to have a negative  
8           affect on our racial balance, then, you know, we  
9           don't want to do that. We don't want segregation,  
10          you know. And I understand about School Choice and,  
11          you know, we do agree to disagree but I don't totally  
12          disagree with you. But at the same time there has to  
13          be some stipulations there to where we don't have  
14          segregation. We're going to be right back in the 70s  
15          and the 60s if we're not very, very careful, and  
16          these types of things will allow that to happen.

17          MR. WILLIAMSON: I don't disagree with that, you  
18          know, given the events over the past couple or three  
19          weeks or so.

20          SUPT. TUCKER: Yeah.

21          MR. WILLIAMSON: I'm just trying to have a  
22          better understanding --

23          SUPT. TUCKER: Yes, sir.

24          MR. WILLIAMSON: -- about the whole thing.

25          SUPT. TUCKER: Yes, sir.

1 MS. MOORE: May I speak to that, Madam Chair?

2 MR. WILLIAMSON: Sure.

3 CHAIRPERSON REITH: Yes. Yes, Ms. Moore.

4 MS. MOORE: There are occasions where, you know,  
5 if there's a course offering or something like that  
6 -- and I have not been involved with these particular  
7 transfers, so I don't know exactly who you're  
8 referring to, but there could be reasons to do it.  
9 Now my general understanding -- Ms. Zook mentioned  
10 earlier the 2003 order that talked about El Dorado  
11 soliciting students from surrounding districts. That  
12 would've been under the 1989 Choice Act which El  
13 Dorado participated in as long as it was an  
14 integrative transfer. So at the time that order was  
15 entered there was more movement allowed. Since 2013,  
16 my understanding is that El Dorado has not  
17 participated by either receiving or sending students  
18 to any other district based on Choice. The legal  
19 transfer statute -- in my opinion, if two boards are  
20 in agreement about, okay, El Dorado doesn't offer  
21 this, Parkers Chapel does -- if the boards agree --  
22 if the parents petition and the boards agree, then  
23 that's something they could allow. Now Ms. McAuliffe  
24 mentioned that in her letter that they asked for a  
25 legal transfer and were denied. And this is just

1 where it gets down to interpreting the law, I guess:  
2 that statute, as written, says if you're under a  
3 desegregation order and the transfer would negatively  
4 affect the racial balance of the district under the  
5 court order you cannot participate in a legal  
6 transfer. Now my advice as a lawyer would probably  
7 be if two boards are in agreement you can always come  
8 to the State Board and ask for that waiver. But as  
9 you read it literally, it says "until you've been  
10 declared unitary, until you're out from under court  
11 supervision, you can't even do a legal transfer." So  
12 that's how El Dorado has operated.

13 And the only other thing, Ms. Zook also  
14 mentioned the teacher statute. There's a provision  
15 in that statute that says if a segregative impact is  
16 found by teachers leaving a resident district and  
17 going to be employed at a nonresident district that  
18 they cut that off. And, in fact, Camden-Fairview and  
19 Harmony Grove have that kind of arrangement because  
20 it was found that there were so many teachers leaving  
21 Camden to teach at Harmony Grove to take their  
22 children that it did have a segregative impact. Now  
23 that's not happened in El Dorado's case, but it  
24 could.

25 And there was other thing Dr. Hill mentioned

1 about -- oh, I've lost my train of thought, I'm sorry  
2 -- about -- well, it's gone now. I wanted to answer  
3 his question earlier but I didn't want to speak out  
4 of turn. So I'll sit down now.

5 CHAIRPERSON REITH: Thank you, Ms. Moore.

6 MS. MOORE: Thank you.

7 CHAIRPERSON REITH: And then, Ms. Freno,  
8 actually, if I could just call you up one last time  
9 please just because we are talking about with the  
10 last vote that we took and how we have potentially  
11 approached this one is a shift from how we previously  
12 voted in regards to these appeals. And just if you  
13 can speak to, again, the potential exposure to this  
14 Board -- you as our attorney, right? -- in terms of,  
15 again, making what could be interpreted as judicial  
16 interpretations on issues and not having standing,  
17 and even going against guidance that was given to us  
18 by the Attorney General.

19 MS. FRENO: Yes. If this board makes a ruling  
20 with regard to -- when we have a school district  
21 before us saying "we have a conflict between School  
22 Choice and a deseg order," if this board ignores  
23 that, it basically does so at the peril of a possible  
24 -- of being drawn into court. You know, in this case  
25 I guess it would be through an injunction where the

1 school district would go into the federal court and  
2 ask for an injunction to enjoin the transfer, if the  
3 Board grants it. So, yes, there is that possibility.

4 CHAIRPERSON REITH: And in the interim the  
5 families are still in limbo. And what happens to the  
6 families while the court proceedings -- they don't  
7 get resolution to their case; correct?

8 MS. FRENO: They would not have resolution to  
9 their case. Correct.

10 CHAIRPERSON REITH: So then they're  
11 inadvertently also continuing to prolong, right,  
12 their circumstances without appeal?

13 MS. FRENO: (Nodding head up and down.)

14 CHAIRPERSON REITH: Okay. Yes, Commissioner.

15 COMMISSIONER KEY: Follow-up on that, Lori. But  
16 those families would have an avenue then to present  
17 their case to a Judge without actually being the ones  
18 to initiate that cause of action?

19 MS. FRENO: That is absolutely correct. Those  
20 families would have that avenue.

21 COMMISSIONER KEY: Thank you.

22 CHAIRPERSON REITH: But they would have that  
23 even if we denied the appeal; correct?

24 MS. FRENO: That's correct.

25 MS. ZOOK: So if we uphold for the district and

1 the district disagrees, they go to the federal judge.  
2 But if we deny the parent, the parent goes to a  
3 circuit judge?

4 MS. FRENO: There are different -- there are  
5 different avenues; there's not one way that you could  
6 handle this. The parents could move -- for example,  
7 the parents could move to intervene in the federal  
8 case. That's probably not an interventions-of-right;  
9 the court would have to grant that. So the parents  
10 could try that. The parents also definitely, under  
11 the law, under state law, could go through the  
12 Administrative Procedures Act and file an appeal.

13 CHAIRPERSON REITH: I know Dr. Barth --

14 DR. BARTH: I was just ready with a motion  
15 whenever this conversation was over.

16 CHAIRPERSON REITH: Okay. Any additional  
17 questions for Ms. Freno or anyone else? Then -- yes,  
18 Dr. Hill.

19 DR. HILL: One last. Is this a common  
20 occurrence that's happening right now that you have a  
21 lot of students leaving or would this one student --  
22 how would that impact?

23 SUPT. TUCKER: It's not a real common  
24 occurrence, but I think any time you start something  
25 it's hard to stop it.

1 DR. HILL: Okay. Thank you.

2 CHAIRPERSON REITH: Thank you. So with that,  
3 Dr. Barth, your motion.

4 DR. BARTH: Yeah. I would -- because I'm  
5 convinced this is the court's job and not our job, I  
6 move to deny the appeal.

7 MS. CHAMBERS: Second.

8 CHAIRPERSON REITH: Motion made by Dr. Barth,  
9 second by Ms. Chambers. I am going to ask for a  
10 roll-call for this, and apologize to my colleagues  
11 that I didn't on the last vote. But, Commissioner,  
12 if you'll lead us through a roll-call please?

13 COMMISSIONER KEY: Okay. Dr. Barth.

14 DR. BARTH: Yes.

15 COMMISSIONER KEY: Mr. Black.

16 MR. BLACK: Yes.

17 COMMISSIONER KEY: Ms. Chambers.

18 MS. CHAMBERS: Yes.

19 COMMISSIONER KEY: Ms. Dean.

20 MS. DEAN: Yes.

21 COMMISSIONER KEY: Dr. Hill.

22 DR. HILL: Yes.

23 COMMISSIONER KEY: Ms. Newton.

24 MS. NEWTON: No.

25 COMMISSIONER KEY: Mr. Williamson.

1 MR. WILLIAMSON: No.

2 COMMISSIONER KEY: Ms. Zook.

3 MS. ZOOK: No.

4 COMMISSIONER KEY: It's five in favor, three  
5 against.

6 CHAIRPERSON REITH: Motion carries. And to the  
7 McAuliffe family -- I don't see you right now but I'm  
8 sure you're back there somewhere -- please know that  
9 this is about a broader policy conversation, not  
10 about your individual family. We do hope that you'll  
11 continue to use the legal avenues available to you  
12 and please do not hesitate to talk with our attorneys  
13 about that guidance. But we wish you the best of  
14 luck for you and your family.

15 MR. WILLIAMSON: Could I say one thing?

16 CHAIRPERSON REITH: Yes.

17 MR. WILLIAMSON: After the vote and everything,  
18 anecdotally, when they drive to their house from El  
19 Dorado they have to drive through the Parkers Chapel  
20 School District to get to their house. I mean, the  
21 district is literally a quarter-of-a-mile -- less  
22 than a quarter-of-a-mile from the back of your  
23 property, I would think.

24 MR. MCAULIFFE: Two hundred yards.

25 MR. WILLIAMSON: Yeah.

1 CHAIRPERSON REITH: But I do believe they  
2 indicated that El Dorado High School was of close  
3 proximity as well, the new one, so -- and we  
4 appreciate that.

5 And I do think I'm going to go ahead and call a  
6 break. We have a very ambitious agenda for today, so  
7 I will say --

8 A-2 & A-3: DISCUSSION ON RECONSIDERATION

9 CHAIRPERSON REITH: Yes, Mr. Wood, would you  
10 like to speak, address --

11 SUPT. WOOD: Yes.

12 CHAIRPERSON REITH: And is on this issue as  
13 related to --

14 SUPT. WOOD: Yes.

15 CHAIRPERSON REITH: Okay. Then I will go ahead  
16 and briefly recognize our former Commissioner and now  
17 Superintendent Mr. Wood. Brief comments, please, so  
18 that we can recess for a moment. Thank you.

19 SUPT. WOOD: My comments will be very brief, as  
20 they always are.

21 CHAIRPERSON REITH: As we know they are with  
22 you. Yes, thank you.

23 SUPT. WOOD: Tony Wood, Superintendent of the  
24 Jacksonville School District. Would it be -- and  
25 this may be inappropriate; if it is, I'm sure you'll

1 tell me. I'm having a hard time understanding and  
2 contrasting the two judgments, Action Item 2 as  
3 contrasted to Action Item 3. Would it be possible  
4 for the Department's attorneys to provide some  
5 guidance on those?

6 CHAIRPERSON REITH: Commissioner, if you could  
7 offer a response.

8 COMMISSIONER KEY: What kind of guidance are you  
9 wanting?

10 SUPT. WOOD: I'd like to understand from a legal  
11 perspective, if both districts are under an active  
12 deseg case, how action was taken in one to deny and  
13 action was taken in another to approve from a legal  
14 standpoint. And I understand --

15 COMMISSIONER KEY: And I think -- I mean, I  
16 think I can bring Lori up here, but I believe the  
17 answer is -- I mean, this Board takes action on each  
18 action item according to the merits of each item. I  
19 don't think -- I'm not sure that you can blanket give  
20 an analysis of two separate votes like that. But,  
21 Lori, you're welcome to come and tell me if I'm right  
22 or wrong in that assessment.

23 MS. FRENO: Commissioner, I would just say that  
24 you are correct that each -- each of the cases were  
25 determined individually and there was a vote on each

1 case by the Board. And, you know, I cannot really  
2 speak to what the Board was thinking when it voted --  
3 I mean, what its thought process was. But the vote  
4 is what the vote is.

5 CHAIRPERSON REITH: Okay. And I believe Dr.  
6 Barth would like to --

7 DR. BARTH: Just a question. What is the  
8 majority and the procedure for a motion to  
9 reconsider?

10 MS. FRENO: I would have to look to Robert's  
11 Rules. I know that it would be -- there is  
12 definitely a reconsideration option. I could look to  
13 those quickly, but there would be a reconsideration  
14 option. I believe it -- I suspect it's probably a  
15 majority vote to reconsider and we would go from  
16 there, but I'm not sure. Does Commissioner know?

17 COMMISSIONER KEY: Well, if I remember  
18 correctly, it may be a majority in the same meeting,  
19 but a future meeting it would take an extraordinary  
20 -- but we can verify that.

21 DR. BARTH: Would you mind checking on that  
22 during break and then --

23 MS. FRENO: Yes. And, Dr. Barth, as Jennifer  
24 just pointed out to me, Jennifer Davis, the parents  
25 have left.

1 CHAIRPERSON REITH: Yeah, that's --

2 MS. FRENO: So that probably would be a due  
3 process issue.

4 DR. BARTH: Well, I understand that. I  
5 understand. But I would like to know that.

6 MS. FRENO: We'll do that.

7 DR. BARTH: And that would not preclude it  
8 entirely, so thank you.

9 CHAIRPERSON REITH: Yes, Dr. Hill.

10 DR. HILL: I want to state for the record I  
11 think, you know, the information on the legal was not  
12 described early on. As a first-time board member, I  
13 didn't understand all the ramifications of that and  
14 that's a concern.

15 CHAIRPERSON REITH: Thank you. Thank you for  
16 that information.

17 Then, so I would take that again as -- Ms.  
18 Freno, if you would please kindly investigate and  
19 then, when we reconvene, to offer our options.

20 And then, Mr. Wood, I apologize; maybe you can  
21 stick around for our break so we can get our ducks in  
22 order. Then we can hopefully revisit this  
23 conversation after the break.

24 So thank you, all.

25 We're going to break until 10-minutes-to-12:00,

1 so seven minutes. And, Ms. Freno, hopefully that  
2 will be adequate time to look into this. And thank  
3 you, Mr. Wood, for that question. Thank you, all.

4 (BREAK: 11:43-11:54 A.M.)

5 CHAIRPERSON REITH: Sorry, everyone. I get a  
6 sense everyone wants more of a break time, but we do  
7 have a very ambitious agenda today; I'm trying to get  
8 us back on schedule. So, sorry; if I can ask all my  
9 colleagues to please join us back up here, please.  
10 Thank you.

11 So with that, to get started here, Ms. Freno, if  
12 you could offer us some additional guidance here in  
13 regards to Action Item 2?

14 MS. FRENO: Certainly. Madam Chair, for a  
15 motion to reconsider there has to be a motion, a  
16 second, and then a majority vote to reconsider. If  
17 that passes, then there would be another vote on the  
18 matter.

19 CHAIRPERSON REITH: And that's in the context --  
20 if I might just -- with the family present? Do they  
21 have to be present for --

22 MS. FRENO: The family does not -- probably does  
23 not have to be present, considering that they got a  
24 full hearing before the Board and they had the chance  
25 to offer everything that they wanted to. I mean, it

1 might be -- maybe -- I mean, maybe someone might want  
2 to get -- try to get the family on the phone. If  
3 someone has their phone number, we could try to get  
4 them. But they do not -- they probably would not  
5 have to be present due to the fact that they already  
6 have had a full hearing.

7 CHAIRPERSON REITH: Okay. And we could  
8 technically also split those two; right? So, first,  
9 take a motion to reconsider based on the outcome of  
10 that, offer an opportunity to call the family, and  
11 then consider -- the reconsideration of the item  
12 could be later in the agenda; correct?

13 MS. FRENO: It could be later. Yes.

14 CHAIRPERSON REITH: We wouldn't have to  
15 reconsider it immediately; correct?

16 MS. FRENO: Yes, it could be moved.

17 CHAIRPERSON REITH: Okay. So just to get that  
18 clarity. Thank you. I think Dr. Barth had a  
19 question.

20 MS. FRENO: Yes.

21 DR. BARTH: That was exactly my question. But I  
22 will move to reconsider the vote on Action Item A --  
23 sorry.

24 CHAIRPERSON REITH: Two.

25 DR. BARTH: A-2, the Dulaney case, in light of

1 the conversation on the previous case and this  
2 Board's role as it relates to court orders.

3 MS. ZOOK: Out of respect for Dr. Hill and how  
4 difficult it is to be at your first meeting, I will  
5 second that.

6 CHAIRPERSON REITH: Okay. So I have a motion  
7 made by Dr. Barth, seconded by Ms. Zook. I will  
8 actually call for a roll-call on this as well for the  
9 reconsideration. So, Commissioner, if you could  
10 please run us through a roll-call, please.

11 COMMISSIONER KEY: Dr. Barth.

12 DR. BARTH: Aye.

13 COMMISSIONER KEY: Mr. Black.

14 MR. BLACK: Aye.

15 COMMISSIONER KEY: Ms. Chambers.

16 MS. CHAMBERS: Aye.

17 COMMISSIONER KEY: Ms. Dean.

18 MS. DEAN: Aye.

19 COMMISSIONER KEY: Dr. Hill.

20 DR. HILL: Aye.

21 COMMISSIONER KEY: Ms. Newton.

22 MS. NEWTON: Aye.

23 COMMISSIONER KEY: Mr. Williamson.

24 MR. WILLIAMSON: Aye.

25 COMMISSIONER KEY: Ms. Zook.

1 MS. ZOOK: Aye.

2 CHAIRPERSON REITH: So with a unanimous vote,  
3 motion carries.

4 And then what I will ask, and as discretion as  
5 Chair, the appropriate step I guess would be, Ms.  
6 Davis, if the family could be called and notified.  
7 And then if we can take up the reconsideration of  
8 this item at the end, maybe after our lunch period  
9 but prior to the other action items, depending on the  
10 outcome of the call of the family. If necessary, we  
11 could potentially, if they did want to return, push  
12 it back to later in the day. But if I could kindly  
13 ask -- and I guess it would be Ms. Davis -- if the  
14 family could be contacted, I would appreciate it.

15 I do see the Commissioner first and then --

16 COMMISSIONER KEY: Clarification, Ms. Freno.  
17 Does the reconsideration have to occur immediately?  
18 Is that in --

19 MS. FRENO: The reconsideration would have to  
20 occur during this meeting.

21 COMMISSIONER KEY: Just during the meeting?

22 MS. FRENO: Yes.

23 COMMISSIONER KEY: Okay.

24 CHAIRPERSON REITH: Dr. Hill.

25 DR. HILL: Just based on information, can we

1 reconsider both cases rather -- you know -- because  
2 now that I have full information I would like for --  
3 because I'm not seeing it; I'm not really  
4 understanding as a board member that we vote and then  
5 the district takes it on, if our consequences leads  
6 to the student or the district based on the  
7 information of our decision. And so I just think  
8 since we're saying we're going to re-poll ourselves I  
9 think we should start over from the beginning and do  
10 both of those cases.

11 CHAIRPERSON REITH: Right now, the only motion  
12 that was out was in regards to Action Item A-2. The  
13 information in regards to the legal aspects of this  
14 case was presented in Action Item 3. I have a hard  
15 time -- I guess I would need more clarification from  
16 you, personally. That doesn't limit you in creating  
17 that own motion, but I think personally I would  
18 appreciate more --

19 DR. HILL: Okay.

20 CHAIRPERSON REITH: -- in terms of understanding  
21 why you would want to consider A-3 again.

22 DR. HILL: Because I was understanding that the  
23 law that we -- I was trying to abide by the law, not  
24 by our own personal decision, and so I voted  
25 differently based on what I thought -- I was abiding

1 by the law; I don't want to break the law. But now  
2 that I'm being instructed that we make a decision and  
3 then it goes from there probably would've dictated my  
4 vote, my second vote differently than my first.  
5 Because, I mean, I voted separately but my second  
6 vote would've complimented my first vote. They were  
7 not the same; I voted for and against.

8 CHAIRPERSON REITH: Yes. No, and I understand,  
9 although the information was presented prior to us  
10 taking a vote on A-3. So it would just mean that if  
11 some additional information you've considered since  
12 we took the vote on A-3 that we'd want you to  
13 consider A-3 again.

14 DR. HILL: Correct.

15 CHAIRPERSON REITH: Well, you have within your  
16 power the ability to make a motion to reconsider.

17 DR. HILL: I so move. I so move that we  
18 consider both cases.

19 MS. NEWTON: Second.

20 CHAIRPERSON REITH: Well, it would be a separate  
21 item. So, sorry. So in this regard it would be a  
22 motion in regards to Action Item A-3 --

23 DR. HILL: Yes, A-3.

24 CHAIRPERSON REITH: -- because we've already  
25 passed a motion in regards to A-2, to reconsider

1 that.

2 DR. HILL: Correct.

3 CHAIRPERSON REITH: So we have a motion to  
4 reconsider that by Dr. Hill, Action Item A-3; a  
5 second by Ms. Newton. And again, Commissioner, roll-  
6 call on this reconsideration.

7 COMMISSIONER KEY: Dr. Barth.

8 DR. BARTH: No.

9 COMMISSIONER KEY: Mr. Black.

10 MR. BLACK: No.

11 COMMISSIONER KEY: Ms. Chambers.

12 MS. CHAMBERS: No.

13 COMMISSIONER KEY: Ms. Dean.

14 MS. DEAN: Yes.

15 COMMISSIONER KEY: Dr. Hill.

16 DR. HILL: Yes.

17 COMMISSIONER KEY: Ms. Newton.

18 MS. NEWTON: Yes.

19 COMMISSIONER KEY: Mr. Williamson.

20 MR. WILLIAMSON: Yes.

21 COMMISSIONER KEY: Ms. Zook.

22 MS. ZOOK: Yes.

23 COMMISSIONER KEY: Five yes, three no's.

24 CHAIRPERSON REITH: So under similar  
25 circumstances, I think the McAuliffe family just

1 left. I don't know if there's an attempt to grab  
2 them at the door, literally, but I would appreciate  
3 if both families could be contacted. And if you all  
4 could kindly communicate to me the outcome of whether  
5 they intend to stay or not, I'll decide at what place  
6 in the agenda to put the reconsiderations of A-2 and  
7 A-3. Just to clarify, we will consider those  
8 separately. We will reconsider those action items  
9 separately. So, thank you.

10 MS. ZOOK: Also, at the break I had understood  
11 Ms. Clay, who held Ms. Freno's position last year, to  
12 say -- and Ms. Davis, actually, I think is the one  
13 that said it -- that the Attorney General's opinion  
14 addressed the Department of Education, not the State  
15 Board of Education. I then understood today Ms.  
16 Freno saying that the Attorney General considers them  
17 one and the same, which I don't know that I agree  
18 with that but here I am again in law school. But so  
19 I would like for Ms. Freno, once and for all, to say  
20 does the Attorney General's opinion -- when it  
21 specifically says ADE, that doesn't say SBE, State  
22 Board of Education. Is there anything that makes you  
23 think that's one and the same, since one is an arm  
24 and one is an appointment?

25 MS. FRENO: What makes me reach the opinion that

1 the -- when the Attorney General referred to the  
2 twenty -- in the 2015 decision to ADE, why I believe  
3 she intended to mean the State Board was because if  
4 you look back to the 2003 opinion requested by Ray  
5 Simon, who at that point was the -- with the  
6 Department of Education, it specifically discussed  
7 what this Board's authorities were or what the  
8 Attorney General's opining this Board's authorities  
9 were with regard to interpreting deseg orders. That  
10 is still an opinion out there that stands and is  
11 still a valid opinion. There's nothing that I see in  
12 the 2015 opinion that would change the language of  
13 the 2003 opinion.

14 MS. ZOOK: Okay. And, secondly, the -- number  
15 one, the Attorney General's opinion is non-binding;  
16 is that correct?

17 MS. FRENO: That is correct.

18 MS. ZOOK: I believe you told me that.

19 MS. FRENO: That is correct.

20 MS. ZOOK: It's just an opinion.

21 MS. FRENO: Attorney Generals' opinions are non-  
22 binding. That is correct.

23 MS. ZOOK: Okay. And, secondly, the wording of  
24 the question that was asked the Attorney General was  
25 it -- did it address ADE or the State Board, or both?

1 MS. FRENO: In two --

2 MS. ZOOK: In '13 or '15, or whenever it was  
3 rendered.

4 MS. FRENO: The language in the 2015 opinion was  
5 stated as the ADE.

6 MS. ZOOK: The person who posed the question to  
7 the AG, did they say ADE or State Board, or both?

8 MS. FRENO: The question was the ADE. It was  
9 the ADE.

10 MS. ZOOK: So nothing other than presumption at  
11 this point presumes that it specifically was  
12 addressing State Board; it was just saying the ADE  
13 can't decide if it is genuine or not genuine. Is  
14 that the way it was sort of worded?

15 MS. FRENO: The opinion was worded the ADE.  
16 Yes.

17 MS. ZOOK: Okay.

18 MS. FRENO: The 2003 opinion is still out there.  
19 And just as a general principle, in administrative  
20 law regarding boards and commissions it is pretty  
21 well established that state boards and commissions do  
22 not have the authority to -- for example, to  
23 determine constitutionality of certain things to  
24 fulfill court roles. So that is another part of the  
25 basis of my opinion, that although the 2015 says ADE

1 it really meant both the State Board and the ADE.

2 MS. ZOOK: And I certainly don't mean any  
3 offense by this, but technically attorneys are just  
4 like boards and AG's are just like that; they all  
5 have their interpretation and their opinion, but it  
6 would actually be the judicial that would decide if  
7 we were on track or off track, not the opinions of  
8 attorneys, opinions of AG's, or opinions of appointed  
9 boards.

10 MS. FRENO: That is correct. The courts are the  
11 final arbiters. Yes.

12 MS. ZOOK: Right. Thank you.

13 CHAIRPERSON REITH: Although just to that point  
14 though, if I might ask Ms. Freno, that still doesn't  
15 limit our exposure for lawsuits against us if there's  
16 an -- it just says the judiciary, they can interpret  
17 that we did not have standing to make the decision  
18 that we intended to.

19 MS. FRENO: Well, any -- I mean, anyone could  
20 file a lawsuit.

21 CHAIRPERSON REITH: Yeah.

22 MS. FRENO: They certainly could. And they can  
23 name anybody who they wanted to. And there are a lot  
24 of -- I mean, yes.

25 CHAIRPERSON REITH: Okay. Thank you. I think

1 Ms. Chambers had a question.

2 MS. CHAMBERS: Ms. Freno, I just had a question  
3 in terms of remedy. I think most of my peers would  
4 agree this is one of the more painful parts of our  
5 responsibility. And when we -- we've had several  
6 conversations on this, intense, appropriately so, but  
7 it would appear that we continue to wait for or hope  
8 for some relief legislatively, or otherwise. And I'm  
9 not suggesting -- I don't think we want to put  
10 ourselves into an area of responsibility or to behave  
11 as a form that we haven't been designated to do, but  
12 it does feel like the parents end up walking away  
13 from here as the ones that have to go seek a solution  
14 as opposed to appropriate motivation for the  
15 districts, et al to seek a cure. And so do you have  
16 any counsel for us so that as we go forward -- I was  
17 hopeful, maybe naively, that there was legislative  
18 relief coming. I don't know. And I don't even know  
19 where I came up with that idea; I just wanted it, I  
20 think. But what might we anticipate or commit  
21 ourselves to going forward that actually changes the  
22 course of events so that we don't go through this  
23 about every three months?

24 MS. FRENO: I think what is going to change the  
25 course of events with regard to School Choice is the

1 fact that the Standards for Accreditation require  
2 that a school be in complete unitary status. And if  
3 they are not, then they have to submit reports; they  
4 have to explain and justify why they're not in  
5 complete unitary status. And there is language in  
6 the -- if the ADE -- I mean, the staff of Standards,  
7 the people who enforce our standards here at ADE, if  
8 they feel that a school district is not moving  
9 sufficiently toward attaining absolute unitary  
10 status, which means -- I mean, I guess there's no  
11 perfect definition for unitary status, but unitary  
12 status meaning there's no court supervision anymore  
13 -- to the extent practicable this school district has  
14 done everything it can to maintain a unitary school  
15 district. Under the Standards for Accreditation, if  
16 a school district has not done that then the  
17 standards requires they file a report and let them  
18 know what steps are being taken to attain complete  
19 unitary status. And then -- and I think that's how  
20 cases like El Dorado are eventually going to be  
21 resolved, because we're going to need a plan; we're  
22 going to need to see a plan as to how they plan to  
23 get out of this non-complete unitary status that  
24 they're in. And if they do not take sufficient steps  
25 at a sufficient rate, at that point they could be

1 brought before the Board, this Board, for a  
2 determination as to whether -- and I was kind of  
3 frantically looking for the language -- it is "this  
4 Board then shall consider whether the school  
5 district's," and I'm quoting, "inability to obtain  
6 unitary status is having a negative impact on the  
7 obligation to provide a general, suitable and  
8 efficient education." So I think we're going to see  
9 a lot more movement on the standards side of this as  
10 far as really promoting school districts, really  
11 pushing school districts to get a decision on whether  
12 or not they are in unitary status.

13 MS. CHAMBERS: And who will do that? Where will  
14 that happen or how would that occur? Is there  
15 something that we need to consider in our own agendas  
16 going forward so that we're putting more focus on  
17 this to move them through to unitary status?

18 MS. FRENO: I -- oh, I see Ms. Barnes standing  
19 up; I'm so glad. Because I know this is something  
20 that is happening, that is going on right now, and I  
21 believe there was some discussion of it in the El  
22 Dorado case.

23 CHAIRPERSON REITH: Thank you, Ms. Barnes.

24 MS. BARNES: Is it -- yeah, good afternoon.  
25 This is Annette Barnes, Assistant Commissioner with

1 Public School Accountability. Ms. Freno is correct;  
2 our current course of action has been that the  
3 district that is utilizing a court order to not allow  
4 transfer or choicing in or out of the district would  
5 have to file that order. But they would also, as Mr.  
6 Harvey has already stated, file a report and a plan  
7 of action as to the steps that the district is taking  
8 to become unitary. As you will recall, Mr. Harvey  
9 also stated just a few moments ago that the timeline  
10 is what our Standards specialists would be most  
11 interested in at the end of the year to determine  
12 whether or not a school district is doing due-  
13 diligence in trying to rectify or remedy the  
14 situation. If, in fact, that has not been something  
15 that could be ascertained, based on the fact that  
16 there is no plan of action timeline, and the  
17 statement is just "we have a court order," then the  
18 Standards Assurance Unit would have no other recourse  
19 but to place them on probation for not being in  
20 compliance. And then the appeal would come before  
21 this Board so that again they would be pushed to  
22 action to either put the steps in place, identify the  
23 timeline, or remove themselves from stating that they  
24 are non-unitary and cannot allow this.

25 So what we have identified is an opportunity for

1 districts to take the steps that are necessary to  
2 meet the requirements and identify what they're going  
3 to do in order to try to help work this out so that  
4 we are meeting the needs of students with respect to  
5 adequate education and the ability to have a quality  
6 -- or access to a quality education wherever they are  
7 in school. And so at this point that's our plan. We  
8 have been contacting every district that is stating  
9 that they are under a court order. And those that do  
10 not provide that plan of action at the end of a  
11 specified time we would be bringing them before this  
12 Board and then they would have to explain why they  
13 have not done so.

14 CHAIRPERSON REITH: Thank you, Ms. Barnes. And  
15 please know how much I think all of us appreciate the  
16 proactive nature, and that's going to be tremendously  
17 helpful, I think, in our conversations moving  
18 forward.

19 Ms. Freno, there's just one last historical  
20 perspective, and again just because we do have so  
21 many new board members and I know we've been  
22 addressing this for a few years now. At a personal  
23 level I have some concerns with some inconsistencies  
24 in how we previously voted on this and then now --  
25 right? -- and the statement of a contradiction in

1 precedence, and not even just the implications on  
2 these cases but then what this means for previous  
3 cases and how we voted. Because the inclination of  
4 this Board had been, because of the legal concerns  
5 and the federal court cases and the arguments around  
6 standing, that the majority of the colleagues -- I  
7 can't speak for everyone -- but in terms of the  
8 outcomes of the votes, the majority of colleagues had  
9 voted to deny the appeals but then to open the way so  
10 that individual families could continue to proceed  
11 with seeking recourse for them and their families.  
12 And us continuing to, with the Commissioner,  
13 hopefully inform the upcoming legislative process  
14 around why this isn't being implemented, just to  
15 address as well Ms. Zook's concerns; right? We have  
16 asked the Commissioner on multiple occasions to make  
17 sure that this will be an ongoing conversation with  
18 the Legislature so that this can be something that  
19 might be -- and that would be in January of the  
20 upcoming year, for your purpose, Ms. Chambers, in  
21 terms of timeline. And so I just wonder -- and then  
22 this, with the proactiveness of the Department  
23 itself, but -- I don't know, Ms. Freno, if you could  
24 speak to that, when we start seeing a shift -- right?  
25 -- in votes and trends what that might mean again,

1 not just for these families and how we look moving  
2 forward but for the past cases that we've considered.

3 MS. FRENO: I think that's a very difficult  
4 question. It just depends upon what actions -- I  
5 mean, there are -- precedent is important; I think  
6 precedent is important and consistency is important.  
7 And there are just various avenues, you know, of  
8 potential action that individuals can take if they  
9 feel that there is an inconsistent application of the  
10 law.

11 CHAIRPERSON REITH: Thank you. Yes, Ms.  
12 Chambers.

13 MS. CHAMBERS: I was just going to ask Ms.  
14 Barnes, if we could. We so appreciate the work  
15 that's being done there. And if, at your discretion,  
16 we could see reported out, so that we keep visible  
17 where schools are in their status relative to  
18 pursuing a unitary status, that would be helpful to  
19 us. Thank you.

20 CHAIRPERSON REITH: Ms. Newton, did you want to  
21 --

22 MS. NEWTON: Yeah, I just have a comment. You  
23 know, as a teacher, you know, one of the things that  
24 we think about is we don't always keep doing the  
25 things the same old way, because if we do, you know,

1 things don't change. And this is very difficult.  
2 And, you know, just because something happened in the  
3 past doesn't mean it's always the right thing, and  
4 that just feels wrong to me. And one of the things  
5 that has been talked about, that if we go ahead and  
6 approve the appeal, then that puts the appeal process  
7 on the school district's back, not on the parent's  
8 back, and the financial obligation is on the school  
9 district's back, not the parent's back. And that  
10 just feels better to me than the other way. And just  
11 because -- you know -- and I respect your decisions  
12 and I know that you always try to do what's best for  
13 kids, but that's what I'm trying to do too, and I  
14 want to take each case on its merit. And when I took  
15 that oath I with all my heart want to do always  
16 what's best for students and parents and look at each  
17 individual case, and that's what I'm trying to do.

18 CHAIRPERSON REITH: Thank you for your comments,  
19 Ms. Newton. And just to clarify my own, that it's  
20 not an attempt when we talk about precedence and  
21 consistency to deny -- right? -- every individual  
22 that comes before us as an individual or a family.  
23 But we also have a responsibility to the systems and  
24 to the structures that are in place for the role that  
25 we play here. And then -- and, again, that's my

1 personal, you know, opinion and privilege as Chair of  
2 just being able to share that there are avenues to  
3 get this right. And so it's -- I hope that -- and  
4 it's something that, if it's not been communicated  
5 previously, I hope to communicate there was no  
6 intention of staying static in regards to how we do  
7 this but to inform through the correct processes.  
8 And I'm very excited by Ms. Barnes and her report  
9 there of what progress is being made. I think I'm  
10 definitely one not of words and actions, but just  
11 trying to -- also, again, all of us trying to wrap  
12 our heads around what are the correct avenues of  
13 action, and I think that's where the debate will  
14 continue to play out.

15 And then, Dr. Hill, did you have a final -- and  
16 then this will be the final comment we'll take, if  
17 that's all right, because we do need to try and get  
18 through some of these PLSB cases prior to lunch. So,  
19 yes.

20 DR. HILL: And so just from a legal standpoint,  
21 if the attorney for El Dorado was correct, she said  
22 that it was really illegal for it to come to us. Was  
23 that right? I mean, that was her statement.

24 MS. FRENO: It was illegal for --

25 DR. HILL: For that to be -- for them to even

1 bring the appeal to us, based on the deseg laws.

2 MS. FRENO: No. The appeal can be filed.  
3 Absolutely, the parents have the right to file that  
4 appeal.

5 DR. HILL: To hear it, it was really she said  
6 she didn't know why we was listening because it was  
7 really illegal for the Board to hear --

8 MS. FRENO: No. It was --

9 MR. WILLIAMSON: I read the same thing and heard  
10 the exact same thing.

11 DR. HILL: That's what I'm saying. So that  
12 really threw me, that, okay, we're violating the laws  
13 of the land.

14 MS. FRENO: Oh, no. No, no, no. The School  
15 Choice law is what we're following in making a  
16 determination as to whether or not the parents can  
17 come before this Board. And under the School Choice  
18 law it is absolutely -- it's -- yes, they have an  
19 appeal right and they come before this Board. Yes,  
20 they do.

21 DR. HILL: Thank you.

22 CHAIRPERSON REITH: Okay. Thank you so much.

23 A-4: REVIEW OF ALLEGED VIOLATION OF STATE BOARD ORDER - PLSB  
24 CASE NO. 14-026; BRETT LOUIS DIFANI

25 CHAIRPERSON REITH: All right. So if we can

1 proceed with the action agenda item or the Section A  
2 of the Action Agenda, Item A-4. Ms. Liwo, you are  
3 recognized for the Review of the Alleged Violation of  
4 State Board Order, PLSB Case in the Difani case,  
5 please.

6 MS. LIWO: Jennifer Liwo, Staff Attorney for the  
7 PLSB. I'll go over the procedures with you quickly.  
8 I will introduce the item to the Board. Each side  
9 will then have 10 minutes to make their arguments,  
10 beginning with the Educator. Additional time for  
11 good cause shown may be granted. Outside of the  
12 attorneys, anyone making a statement or testifying  
13 should be sworn.

14 CHAIRPERSON REITH: Wonderful. So in the Difani  
15 case, I believe you said that there was a letter to  
16 be read?

17 MS. LIWO: That would be for Action Item A-5.

18 CHAIRPERSON REITH: Okay. My apologies. Then,  
19 in the Difani case anyone planning to provide  
20 testimony who is not an attorney if you could please  
21 stand. Thank you. If you could raise your right  
22 hand. Do you swear and affirm to tell the truth, the  
23 whole truth, and nothing but the truth?

24 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

25 CHAIRPERSON REITH: Thank you. Ms. Liwo, if you

1 can proceed?

2 MS. LIWO: On March 20, 2014, the State Board  
3 unanimately adopted the Ethics Subcommittee's finding  
4 that Mr. Difani violated Standard 1 of the Code of  
5 Ethics for Arkansas Educators. The State Board  
6 entered a final order placing Mr. Difani's license on  
7 probation for three years, assessing a \$75 fine, and  
8 cautioning that further violations of the Code of  
9 Ethics could result in more severe discipline,  
10 including permanent revocation of his license.

11 The Professional Licensure Standards Board  
12 received information indicating that Mr. Difani  
13 violated the Board's order by continuing the  
14 sanctioned behavior. This case is presented to the  
15 State Board for a determination on whether Mr. Difani  
16 should be subject to further sanctions.

17 As you're aware, Mr. Difani is represented by  
18 Bill James, and I'll pass to Mr. James.

19 CHAIRPERSON REITH: Okay. Mr. James, you're  
20 recognized. And if you could just read your full  
21 name into the microphone we would appreciate it.  
22 Thank you.

23 MR. JAMES: William Owen James, Junior. Ms.  
24 Chairman, Mr. -- Ms. Chairman, Mr. Commissioner, Mr.  
25 Difani will have an opening statement; I will follow

1 after him. And then I have brought Mrs. Difani, who  
2 is now my client's wife, and her parents, Mr. and  
3 Mrs. Whitlock; they're available for any questions.  
4 I don't know -- we're not planning on having them  
5 directly testify to anything. I don't think there's  
6 anything for us to put on. But if y'all have any  
7 specific questions for them, that's why we swore them  
8 in so they would be available to you.

9 CHAIRPERSON REITH: Thank you, Mr. James.

10 MR. JAMES: Yes, ma'am.

11 CHAIRPERSON REITH: Yes, Mr. -- if you could  
12 kindly start off with reading your full name into the  
13 microphone --

14 MR. DIFANI: Yes, ma'am.

15 CHAIRPERSON REITH: -- for the record. Thank  
16 you.

17 MR. DIFANI: My name is Brett Difani. Madam,  
18 Board, Commissioner, first and foremost, I'm a  
19 Christian; I'm a minister. And with regards to this  
20 relationship and to my conduct, my conscious is  
21 clear. What attracted me to my now-wife in the very,  
22 very beginning of everything was her strong faith in  
23 God and her desire to serve Christ and her church --  
24 and the Church. I've always conducted myself in  
25 accordance to the teachings of the Church and our

1 whole relationship was based on a church aspect prior  
2 to the student-teacher thing or anything like that.  
3 When I was contacted about the initial investigation  
4 about the relationship, I put the relationship on  
5 hold; I broke it off. And then after all that, yet  
6 we did remain friends because we had known each other  
7 previously, go to the same church organization, and  
8 that kind of thing. I made it clear to the  
9 investigator when I first got all the mail and  
10 everything I broke it off right then and there. I  
11 made that clear to the investigator that I terminated  
12 the relationship. And if God would see fit down the  
13 road after she was no longer a student, that if it  
14 were God's will then it would be His will for us to  
15 be together.

16 Once the investigation was over -- in the first  
17 stance, I was put on that three-year probation with  
18 the \$75 fine. I've done that. In fact, I did not go  
19 to her graduation; there was no proms, no anything  
20 when it came to the school because it would be -- I  
21 thought it would be improper as an Educator, and as  
22 being under probation I didn't want to, you know, do  
23 that. I take my career as a teacher very seriously.  
24 I love teaching; I love being in the classroom every  
25 day, putting -- you know -- teaching young minds and

1           seeing that light bulb click. I did not hide  
2           anything. I didn't have a secret relationship. I  
3           did not feel I did anything that was set beyond the  
4           limitations of Standard 1.

5           As I've said, I broke off the relationship. I  
6           terminated it until she was no longer a student. We  
7           did not pick up the relationship till after she  
8           graduated and was 18; waited over a month afterwards.  
9           And I also went back to her father after everything  
10          that had happened. I wanted to ask his blessing and  
11          to make sure I had the family's blessing in order to  
12          pursue the relationship because of the past, to make  
13          sure. They were okay; my family was okay that God  
14          will still in this, and I just wanted the blessing.

15          I want to be a teacher and I hope you will allow  
16          me the privilege and the honor to still be an  
17          Educator. I very much enjoy impacting young lives;  
18          however, I cannot say -- I can't admit that I did  
19          anything wrong in that Standard 1. My conscious is  
20          clear. If it's God's will that you take my career  
21          from me, then so be it. But I've got to put God  
22          first and I wanted God first in it because I wanted  
23          my life to be a testimony in my classroom, to be a  
24          testimony in my life, and I want it to be honoring to  
25          myself as, you know, Mr. Difani in the classroom that

1 I do -- I am a role model to these kids every single  
2 day and I wanted to be an upstanding teacher and  
3 someone who they could look up to. And so my  
4 conscious is clear, and I have nothing else. So  
5 thank you for your time.

6 CHAIRPERSON REITH: Thank you, Mr. Difani. Do  
7 you have anything, Mr. James, to add? I think there  
8 was 10 minutes.

9 MR. JAMES: Yes. I would like to highlight some  
10 of the things he said. I think the record is  
11 uncontroverted that this relationship had gone on  
12 long before he was even a teacher. There is no  
13 indication there was ever a sexual relationship. I  
14 think there was some hand-holding and some indication  
15 of kissing. But they had been together, I mean, as  
16 friends and then dating for some period before he  
17 became a teacher, I believe. When it became -- when  
18 it was brought to his attention that this needed to  
19 stop, he stopped it immediately. And when the  
20 investigation -- before anyone told him or made a  
21 ruling that it was improper, he said, "Then we're  
22 done." I think, and the record is clear, he made it  
23 clear throughout that he would stay -- that they  
24 would not have that kind of relationship. And,  
25 again, I think, to quote him, if it was God's will

1 then they would be together afterwards. I don't  
2 believe there's any evidence in the record that,  
3 first of all, he did anything in secret. There's no  
4 -- I don't think there's any -- going to be any  
5 evidence in the record or available that they were  
6 ever alone. I think that they were together -- they  
7 were in church group settings and things of that  
8 nature, but never alone in that regard. They were  
9 friends. He was supportive to her; there's no  
10 question about it. She had a sickness her senior  
11 year and he was supportive of that. But, again,  
12 nothing -- they did not return to the relationship  
13 before. So to say he continued in the prohibited  
14 conduct I think is a misstatement of the facts  
15 certainly of what is in the record. There is social  
16 networking contact between them; again, not private.  
17 There's no secret emails going back and forth. It  
18 certainly would not be in today's day and age -- it  
19 would be nothing to create secret emails and have  
20 contact that way. There are -- you know -- candidly,  
21 there are things -- there are comments that can be  
22 read as commentary on their relationship, or what  
23 isn't happening, but those comments I believe all are  
24 indicative that nothing is happening. I mean, there  
25 may be something about how it's hard to wait and

1 we'll be okay and I don't know if I can make it  
2 through this. There's some things, but I think those  
3 relate to the sickness her senior year more than  
4 anything else.

5 This is an unusual situation and certainly at  
6 first glance, without paying attention to the details  
7 of what occurred here, you know, I mean, it's not  
8 going to look good. But he was put on probation for  
9 a reason, and the reason was because it is a unique  
10 situation. I don't believe, again, there's any  
11 evidence that he did anything improper outside of  
12 Standard 1 throughout the time that he -- after he  
13 was put on probation, or from the time it came  
14 forward and throughout his probation, until this was  
15 brought up. I don't think there's any evidence that  
16 they had any type of relationship other than what  
17 would be identified as personal and as professional  
18 until after she graduated. And as he said, he had no  
19 independent reason -- because they went to different  
20 schools, I think that -- if that's not clear, they  
21 were not at the same school. He never was a teacher  
22 where she was at, didn't -- I mean, that wasn't a  
23 defense to the original allegation and that's why he  
24 broke it off. But, again, he didn't even go to her  
25 graduation because, again, there was no reason for

1 him to be there outside of her. And understanding  
2 his responsibilities and his probation, he took that  
3 seriously and did not do so. After she's 18, after  
4 she's graduated, he is -- I mean, it's certainly  
5 within his rights to do as he's done. There's  
6 nothing about this relationship I think that, again,  
7 other than a unique situation, has been dishonorable.  
8 He's not done anything that I think went beyond any  
9 decent bounds. Her family is here. They have always  
10 been supportive of the relationship because, again,  
11 they know who he is. And I don't think that any  
12 further punishment is merited under this; I don't  
13 think the probation has actually been violated.  
14 Again, it's not what -- I'm sure it's not what the  
15 Board wants happening. But I think that, as I've  
16 seen the Board throughout this day -- everyone seems  
17 to be taking this very seriously -- they want to do  
18 what's best for the kids. And I think there is a  
19 strong support for my client in the work that he does  
20 and the teaching that he does. He is a good teacher;  
21 he's dedicated to it. And I think he's also shown  
22 he's dedicated to a higher purpose also which, again,  
23 is why I think ultimately he was given probation in  
24 the first place and this is not a suspension, because  
25 his relationship is a little bit out of the ordinary

1 from what you see normally in this type of  
2 allegation. And again the Whitlock's are here;  
3 they're available if anyone has any questions for  
4 them. Mrs. Difani is here also. I would ask again  
5 that -- he is -- I think he has successfully done his  
6 probation and I would ask that no further punishment  
7 be meted out.

8 CHAIRPERSON REITH: Thank you, Mr. James. And  
9 that gets us to the 10 minutes. Ms. Liwo, the  
10 position of the Department?

11 MS. LIWO: I'll read Standard 1 of the Code of  
12 Ethics for you, "An Educator maintains a professional  
13 relationship with each student, both in and outside  
14 the classroom." That professional relationship is  
15 not just limited to -- violating Standard 1 is not  
16 just limited to an Educator having some kind of  
17 sexual contact with a student; having any kind of  
18 romantic relationship with a student would also  
19 violate Standard 1.

20 That being said, let me give you a brief  
21 timeline of the events. Mr. Difani and his -- and  
22 Ms. Difani -- Mrs. Difani, at this point -- began  
23 dating in December of 2013, 2014, prior to the school  
24 year. The ethics investigation was authorized in  
25 October of 2013. Mr. Difani was interviewed November

1 5, 2013, by the PLSB and at that time he said that he  
2 would have no contact with Mrs. Difani; none at all,  
3 nothing about maintaining a friendship. There was no  
4 contact to be had. He accepted the recommendation of  
5 the Ethics Subcommittee in January of 2014, and the  
6 State Board order was entered in March of 2014.

7 Fast-forward to May of 2015: Mrs. Difani  
8 graduates. And then, by September of 2015, they are  
9 engaged to be married, publicly shared on social  
10 media.

11 If you look at that timeline, Mr. Difani has  
12 stood up here and said that he is a man of faith.  
13 When they initially began his -- their courtship, he  
14 asked permission to date Mrs. Difani. Being the man  
15 that he has described himself to be, it doesn't make  
16 sense that if he had no contact with her from 2014 to  
17 2015, three months after she's graduated they're  
18 suddenly engaged. There had to be some kind of  
19 communication going on there, and it was not a  
20 platonic communication; it was a romantic  
21 communication.

22 And as far as there being no secrets, when you  
23 look at the social media information that I provided  
24 to you they don't speak directly to one another. But  
25 if you piece together the information and you look at

1 the dates and you consider the topics, it falls in  
2 line with one another. They're speaking about the  
3 same topic on the same dates, within moments of each  
4 other. That was their way of keeping their  
5 relationship a secret. They never spoke directly to  
6 each other; they spoke indirectly to one another.  
7 Again, the social media messages, they talk about  
8 loving someone, waiting for someone being hard, hard  
9 times being worth it as long as good things come out  
10 of it. In one of Mr. Difani's posts, whatever you  
11 call it, he even has a countdown to Mrs. Difani's  
12 graduation date. Why is all of that there if there's  
13 no romantic relationship? The answer is: there was a  
14 romantic relationship, and the evidence is that  
15 they're married today.

16 Is this a violation of the Code of Ethics? It  
17 is. It is. He did this while he was on probation.  
18 He still is on probation. He's on probation until  
19 2017. This is a violation of your order. It's the  
20 first case that we've ever brought to you saying that  
21 there has been a violation of your order. The State  
22 Board's order has to stand for something; it must  
23 mean something. And the fact that they are now  
24 married, the fact that their parents condoned their  
25 relationship, that doesn't mean that there wasn't an

1 ethical violation. That doesn't mean that the State  
2 Board should condone and sanction what happened here.  
3 Because you have to remember that you're not just  
4 speaking to Mr. Difani; you're speaking to fellow  
5 Educators, you're speaking to other students. You're  
6 setting a standard here with whatever decision you  
7 make with regard to Mr. Difani.

8 What the PLSB would like to see happen is at  
9 least a one-year suspension for Mr. Difani, if not a  
10 permanent revocation -- but at least a one-year  
11 suspension. And that's what we'll ask for, and I'll  
12 conclude with that.

13 CHAIRPERSON REITH: Thank you, Ms. Liwo. And if  
14 you can remind me of protocol, do I give Mr. James  
15 and Mr. Difani an opportunity to --

16 MS. LIWO: You can if you want to. Really, we  
17 just each have 10 minutes. So if there's anything --

18 CHAIRPERSON REITH: Okay. Then what I'll do is  
19 I'll move on right now to questions from the Board  
20 and then at that time there may be opportunities for  
21 additional comments for the Difani family. So I'll  
22 start off -- I saw Dr. Barth's hand first.

23 DR. BARTH: Yeah. Just for Ms. Liwo. So that  
24 PLSB one-year suspension, was that a formal vote by  
25 PLSB? I was a little fuzzy on that.

1 MS. LIWO: No, that wasn't a formal vote.  
2 That's just our recommendation.

3 DR. BARTH: Okay. That's from the Department?

4 MS. LIWO: Yes.

5 DR. BARTH: Okay.

6 CHAIRPERSON REITH: I think I saw some  
7 additional hands, additional questions. Questions or  
8 comments? Then I would entertain a motion from the  
9 Board.

10 DR. BARTH: I have one more question.

11 CHAIRPERSON REITH: Dr. Barth.

12 DR. BARTH: Ms. Liwo, on the original probation,  
13 what's -- it's 2017. What's the date of the kind of  
14 end-date for the probation?

15 MS. LIWO: The end-date for the probation would  
16 be March of 2017, because that's when the State Board  
17 order went into effect. Let me pull the State Board  
18 order. The State Board order is dated March 20,  
19 2014, so probation would end March 20, 2017.

20 DR. BARTH: Okay. And so -- okay, got it.  
21 Thanks.

22 CHAIRPERSON REITH: Additional questions? Yes,  
23 Ms. Chambers.

24 MS. CHAMBERS: So if we were to approve the  
25 suspension, is it appended or it replaces that

1 probationary period?

2 MS. LIWO: If it were -- if you were to have it  
3 go into effect now, depending on how you voted, then  
4 it would replace the probation. I would prefer that  
5 the probation conclude and then the suspension follow  
6 after that, because they're separate. I think Mr.  
7 Difani should complete the current sanction and then  
8 have his license suspended.

9 CHAIRPERSON REITH: Dr. Barth.

10 DR. BARTH: But that would allow him to be in  
11 the classroom until March of 2017; correct?

12 MS. LIWO: Yes. And perhaps I'm speaking out of  
13 turn saying this or not advocating for my side  
14 properly. But just in all fairness, there was never  
15 any indication that Mr. and Mrs. Difani had any kind  
16 of sexual relationship outside of the kissing.  
17 They're married now. So a little awkward for me to  
18 say this, but they're married now so I don't see that  
19 Mr. Difani is going to be a repeat offender. I don't  
20 see him as a danger to other students. That being  
21 said, I'm not taking away from the fact that he did  
22 violate his probation requirements, and suspending  
23 his license would be purely punitive.

24 CHAIRPERSON REITH: Yes, Ms. Dean.

25 MS. DEAN: I'm trying to get clarification. So

1 his probation requirement -- was his probation  
2 requirement that he would not have contact with her  
3 until 2017?

4 MS. LIWO: His probation requirement was that he  
5 would not engage in any conduct that violated the  
6 Code of Ethics.

7 MS. DEAN: Okay.

8 CHAIRPERSON REITH: Other questions? Did that  
9 answer your question adequately, Ms. Dean? I see  
10 still a quizzical look on your face.

11 MS. DEAN: Yes.

12 DR. BARTH: Can I follow-up? Because I think --

13 CHAIRPERSON REITH: Yes, Dr. Barth.

14 DR. BARTH: But during his testimony he stated  
15 that he would not have contact with her; correct?

16 MS. LIWO: When he was interviewed by the PLSB  
17 investigator he stated that he would not have contact  
18 with Mrs. Difani, none whatsoever. He stood up here  
19 today in front of you and said that they were -- they  
20 remained friends, but that was not the information he  
21 gave to the PLSB.

22 DR. BARTH: And was that interview under oath?

23 MS. LIWO: It was not under oath, but it was  
24 recorded.

25 DR. BARTH: Thanks.

1 CHAIRPERSON REITH: Additional questions? Yes,  
2 Ms. Dean.

3 MS. DEAN: Sorry, I'm still trying to get clear.  
4 So they didn't actually see each other during that  
5 time? Did they not see each other during that time?

6 MR. JAMES: I mean, they saw each other at  
7 church.

8 CHAIRPERSON REITH: Can you -- I'm sorry; can  
9 you please come to the microphone? Sorry; this is  
10 live-streamed.

11 MR. JAMES: I apologize.

12 CHAIRPERSON REITH: Okay.

13 MS. DEAN: So they go to the same church, so  
14 they had -- they go to the same church, so they had  
15 to see each other?

16 MR. JAMES: That's where they met each other.  
17 Yes, ma'am. Yes, Ms. Commissioner.

18 MS. DEAN: Okay.

19 CHAIRPERSON REITH: And then for Ms. Dean, just  
20 to offer some clarity, and I think even for Ms.  
21 Chambers, if my understanding is correct, Ms. Liwo,  
22 we as a board, we can accept your recommendation or  
23 we can make our own motion -- right? -- in regards to  
24 what we think the appropriate repercussions or action  
25 should be taken, or non-action as well; correct?

1 MS. LIWO: That is correct.

2 CHAIRPERSON REITH: Okay.

3 MS. LIWO: And just to clarify, our position is  
4 that his license should be suspended and preferably  
5 immediately. I believe I misspoke earlier. But  
6 that's what I would like to see happen. I just  
7 wanted to let you guys know that you do have the  
8 option of, at the back-end of the probation,  
9 suspending his license. But we would prefer that it  
10 be suspended immediately.

11 CHAIRPERSON REITH: Thank you for that point of  
12 clarity, Ms. Liwo. Ms. Zook.

13 MS. ZOOK: Okay. We put him on probation for  
14 three years and he said he wouldn't have contact.  
15 Did anybody go into detail saying contact equals  
16 talking, sitting by, seeing, social media? Was there  
17 a clarification of contact? And was there any  
18 consideration of the fact that the female in question  
19 in the process of this three years would be turning  
20 18 and therefore -- and no longer a student? So was  
21 this probation to protect all the other kids or was  
22 it just specifically for this teacher and this  
23 student until she turned 18? Because I don't know  
24 that we could say you can't have contact with someone  
25 who's no longer a student and who has reached the

1 majority.

2 MS. LIWO: I really can't answer as to what the  
3 Ethics Subcommittee's reasoning was because that is  
4 confidential. What I can say is contact/no contact,  
5 it's clear by the standard that you're not supposed  
6 to have an inappropriate relationship with a student.  
7 Okay. You can have contact with that student, but it  
8 has to be professional. The problem here is Mr.  
9 Difani's contact with the student was unprofessional;  
10 it was romantic. So you don't -- there was no need  
11 to clarify what kind of contact. When he accepted  
12 the Ethics Subcommittee's recommendation, he  
13 understood that the nature of his relationship with  
14 Mrs. Difani at the time was inappropriate. If he  
15 stood up here today and told you just a friendship  
16 that means that he knew that at the time that they  
17 couldn't have any kind of romantic involvement  
18 whatsoever. He understood the nature of the contact  
19 that was not allowed.

20 CHAIRPERSON REITH: Additional questions, Ms.  
21 Zook?

22 MS. ZOOK: No.

23 CHAIRPERSON REITH: Okay. Thank you.

24 DR. BARTH: Question. You know, what troubles  
25 me -- and I don't really care so much about the

1 details of their relationship during this period, but  
2 I guess I am convinced by your point that he was at  
3 best dismissive of the actions of this Board. And I  
4 think it would create some bad precedence in terms of  
5 what the meaning of our especially probations are  
6 moving forward. And so I do think it is important to  
7 send some signals that those are serious. Probation  
8 means something, and whatever folks agree to as part  
9 of that agreement should matter. And so I am  
10 convinced of that. Now what exactly the penalty  
11 should be, I guess I'm -- and for new board members,  
12 this is how -- you know -- this is how it works; it's  
13 all -- it's sausage-making at this point. But my gut  
14 is to have a fairly immediate suspension, but I do  
15 think there should be some probation after that  
16 period because of -- as a signal that, you know, our  
17 orders do matter moving forward. So that's kind of  
18 where I would be, would be suspension plus a short  
19 probation.

20 CHAIRPERSON REITH: And just to clarify, Ms.  
21 Liwo, on Dr. Barth's point, he still has one year  
22 remaining on his probation; correct?

23 MS. LIWO: Yes.

24 CHAIRPERSON REITH: Approximately one year; a  
25 little less, but approximately one year.

1 DR. BARTH: Would a suspension followed by  
2 additional probation, would that be appropriate?

3 MS. LIWO: The Board can -- you can do that.

4 DR. BARTH: That would be in our -- in  
5 accordance with our -- okay.

6 CHAIRPERSON REITH: So unless there's other  
7 questions from the Board, Dr. Barth, did you want to  
8 turn that into a motion?

9 DR. BARTH: Well, I'd like a little signal that  
10 I'm not going to get -- there's some consensus around  
11 that, but I'm not mind-reading my colleagues very  
12 well.

13 CHAIRPERSON REITH: Prior to that, I think Mr.  
14 James may want to make one final comment. Yes.

15 MR. JAMES: Very quickly, yes.

16 CHAIRPERSON REITH: Yes. Yes, please.

17 MR. JAMES: I mean, I have not seen a transcript  
18 where my client said he would never have contact with  
19 this lady. There's indication of him saying he  
20 wasn't having contact and I think he meant romantic  
21 contact with her anymore. I don't think he was ever  
22 told he couldn't contact her. I don't think there  
23 was anything that he did that violates Rule 1 -- I  
24 mean, the Standard 1, which specifically allows to be  
25 supportive towards somebody. There's no indication

1           there was a romantic relationship. I guess it  
2           depends on the definition of romantic. Now if the  
3           Board finds it's romantic, I can't -- you know --  
4           other than tell you I don't think it is, you know, as  
5           a qualifier; I mean, that's to the Board. But I  
6           don't think -- and like I say, I haven't seen a  
7           transcript where my client said he wouldn't have any  
8           contact with her, and so I'd just like to point that  
9           out. It's been stated as a fact and I'm not -- and,  
10          again, I'm not saying it's not out there somewhere;  
11          I've just not seen anything in there. I've not seen  
12          the order saying he couldn't have contact with her.  
13          And he made it clear, and this is in the record, that  
14          he would stop his relationship as it was, or he did,  
15          and would continue to do so until after she was  
16          graduated. And if -- you know -- and if it was -- if  
17          things worked out, then he would be back with her.  
18          So he never made that a secret. This is not, again,  
19          as if -- they quote, saying, "I will be" -- "If I" --  
20          "If it works out, we'll be back together after she's  
21          old enough." And so I think that's very important.

22                 And the last thing I'll say, and I appreciate  
23                 y'all's patience, is while certainly statements have  
24                 to be made and people have to understand the  
25                 seriousness when this Board orders something, also

1 I've heard members talk about that we have to treat  
2 these individually. And, again, I don't know if the  
3 message that is trying to be sent is worth  
4 sacrificing a year of his career just because we want  
5 to send a message. Now, again, if you feel it merits  
6 otherwise then I can't do anything about that. But I  
7 don't think that just to send a message because it's  
8 the first time that anyone has ever been accused of  
9 violating it is a proper method or manner for hurting  
10 him. He's got a year of probation left; I'd ask you  
11 to let him remain on probation. If you want to  
12 extend it, give him a fine, something of that nature  
13 -- but I don't think that anything has happened that  
14 merits him losing his license, certainly not on the  
15 facts of this case. Thank you.

16 CHAIRPERSON REITH: Thank you, Mr. James. Ms.  
17 Liwo, if you could just respond to where the  
18 statement -- his assertion around where the statement  
19 saying they not have contact. But then I really do  
20 want to move this forward -- we do have a very, very  
21 long agenda today --

22 MS. LIWO: Okay.

23 CHAIRPERSON REITH: -- to my colleagues. Yes,  
24 Ms. Liwo.

25 MS. LIWO: On the issue of the transcript, just

1 for the Board's information, we -- our letters let  
2 the Educator know that they can get a transcript of  
3 any recorded interviews. We also provide them with  
4 ADE rules and that information is contained in there.

5 On the issue of being directed to not have any  
6 contact, Mr. James is correct; there is no order that  
7 specifically says you cannot have contact with Mrs.  
8 Difani. What it does say is you must not violate any  
9 more -- any -- you must not do anything that violates  
10 the Code of Ethics. That's there. So that would  
11 include not having inappropriate contact with a  
12 student. I think I addressed everything that Mr.  
13 James brought up, but --

14 CHAIRPERSON REITH: Thank you. Thank you, Ms.  
15 Liwo. So with that, to my colleagues, I would  
16 entertain a motion. I'm afraid we don't have the  
17 option of inaction. If there does need to be any  
18 clarifying questions, I would ask that they just be  
19 that, clarifying questions. Yes, Dr. Hill.

20 DR. HILL: So the Ethics Committee is  
21 recommending -- once again, say that just for  
22 clarification.

23 MS. LIWO: The Department is recommending at  
24 least a one-year suspension.

25 CHAIRPERSON REITH: Yes, Doctor -- or Mr. Black.

1 Ready for a motion?

2 MR. BLACK: I move that we bring this to a vote.  
3 And exactly what is the motion you need?

4 CHAIRPERSON REITH: We need a motion in regards  
5 to the violation and whether we want to take some  
6 sort of action in regards to the violation that was  
7 made. The recommendation before us from the  
8 Department is a one-year suspension. We've also  
9 discussed alternatives of probation but, again, it  
10 would have to be put in the form of a motion. We  
11 don't actually have to offer repercussion for this,  
12 but as conversation has said if we don't then it may  
13 be open for some precedence. So --

14 COMMISSIONER KEY: If I may, Madam Chair, I  
15 think your course of action is you can move to table,  
16 which would be an appropriate action of a voting body  
17 which just sets it aside; you can move to accept the  
18 recommendation of the Department; or you can modify  
19 the recommendation of the Department to some term of  
20 suspension or some lesser level of sanction.

21 MS. NEWTON: If we table, would we have to take  
22 it up at a later date?

23 COMMISSIONER KEY: Uh-huh.

24 MS. NEWTON: So we would take it up if something  
25 happened?

1           COMMISSIONER KEY: Well, there are two types of  
2 motions to table: one is to table indefinitely, and  
3 one, which you have done -- this Board has done with  
4 cases of, most recently, academic distress decisions  
5 on ALEs. Okay? So you'd move to table it, which  
6 effectively sets it aside; you have taken action, a  
7 legal action. So that is an option. Or, you can  
8 table until a definite time that you would have to  
9 take it up. So in the past that has only been  
10 reserved for if you needed more information.

11           CHAIRPERSON REITH: So with that --

12           COMMISSIONER KEY: I'm looking at my Chief  
13 Counsel to make sure that I just said it correctly,  
14 but I'm pretty sure that that's right.

15           DR. BARTH: I'll move a one-year suspension,  
16 followed by one year of probation.

17           CHAIRPERSON REITH: Do I have a second?

18           MR. BLACK: Second.

19           CHAIRPERSON REITH: Okay. So a motion made by  
20 Dr. Barth, seconded by Mr. Black. All in favor? And  
21 I'm glad to do a roll-call vote here if that's  
22 helpful but -- I know it's not normally the case, so  
23 let's go ahead and go for it and see what happens.

24           All in favor say "aye."

25           (A FEW CHORUSES OF AYES)

1 CHAIRPERSON REITH: And all against, "nay."

2 (MAJORITY CHORUS OF NAY)

3 CHAIRPERSON REITH: Okay. Then I do need a  
4 roll-call. Commissioner, if you could run us through  
5 roll-call please.

6 COMMISSIONER KEY: Dr. Barth.

7 DR. BARTH: Aye.

8 COMMISSIONER KEY: Mr. Black.

9 MR. BLACK: Aye.

10 COMMISSIONER KEY: Ms. Chambers.

11 MS. CHAMBERS: Aye.

12 COMMISSIONER KEY: Ms. Dean.

13 MS. DEAN: Nay.

14 COMMISSIONER KEY: Dr. Hill.

15 DR. HILL: Nay.

16 COMMISSIONER KEY: Ms. Newton.

17 MS. NEWTON: Nay.

18 COMMISSIONER KEY: Mr. Williamson.

19 MR. WILLIAMSON: Nay.

20 COMMISSIONER KEY: Ms. Zook.

21 MS. ZOOK: Nay.

22 COMMISSIONER KEY: Okay. Motion fails, three  
23 votes in the affirmative, four -- five in the  
24 negative.

25 CHAIRPERSON REITH: And then just as a point of

1 clarity, Ms. Liwo, then that motion stands; we don't  
2 need to put forth an alternate motion -- correct --  
3 in a case like this?

4 MS. LIWO: I believe you will because --

5 CHAIRPERSON REITH: The violation still existed.  
6 Okay. Okay. And then what would that appropriate  
7 motion look like?

8 MS. LIWO: You're either going to offer an  
9 alternative sanction or move to take no action.

10 CHAIRPERSON REITH: Okay. But we would at the  
11 very least need to move to take no action to  
12 successfully --

13 MS. LIWO: Yes.

14 CHAIRPERSON REITH: Okay. So then I open now  
15 for a substitute or a second motion in regards to  
16 this action item.

17 MS. DEAN: I move to take no action.

18 CHAIRPERSON REITH: Do I have a second?

19 MR. BLACK: Second.

20 CHAIRPERSON REITH: Okay. So motion made by Ms.  
21 Dean, seconded by Mr. Black. And I'm going to go  
22 ahead and do a roll-call once again. So,  
23 Commissioner, if you could lead us through roll-call  
24 please?

25 COMMISSIONER KEY: I'm having to adjust because

1 I don't have -- I didn't have enough roll-call sheets  
2 today. So I'll be sure to get some more after lunch.  
3 Okay. All right. On the motion to take no action --

4 MS. NEWTON: Can I ask a question before we do  
5 that?

6 CHAIRPERSON REITH: Yes.

7 MS. NEWTON: Would that continue his year of  
8 probation? It would continue the year of probation?

9 CHAIRPERSON REITH: We would probably need that  
10 clarified in the motion but -- so, Ms. Dean, since  
11 you're the one who made the motion, is your intention  
12 that the probation would still be?

13 MS. DEAN: Yes. I move to take no action and  
14 the probation would continue.

15 CHAIRPERSON REITH: Until March 2017?

16 MS. DEAN: Until March 2017.

17 CHAIRPERSON REITH: And are you all right with  
18 that as the second, Mr. Black?

19 MR. BLACK: Yes.

20 CHAIRPERSON REITH: Okay.

21 DR. BARTH: Could I offer a substitute? I would  
22 move that the probation be extended to three years,  
23 so we'd basically start the probation clock anew at  
24 this point. So I would go three years of probation.  
25 That would be my substitute.

1 MS. NEWTON: Do you need a second for that?

2 CHAIRPERSON REITH: Well, actually, I think they  
3 would, if I recall correctly. I'll lean on my  
4 attorneys. I think you would need to retract the  
5 original motion to be able to have a --

6 DR. BARTH: A substitute can just --

7 CHAIRPERSON REITH: A substitute?

8 DR. BARTH: Substitutes can -- yeah.

9 COMMISSIONER KEY: We'd need a second to the  
10 substitute.

11 CHAIRPERSON REITH: So it would need a second.  
12 Okay. And so at this time then we still would need  
13 to do roll-call on the substitute; correct?

14 COMMISSIONER KEY: Yes.

15 CHAIRPERSON REITH: Or because it's a substitute  
16 wouldn't the original motion -- wouldn't they need to  
17 -- okay --

18 COMMISSIONER KEY: If it's a substitute motion,  
19 and the vote on the substitute motion passes, then it  
20 replaces the previous motion.

21 CHAIRPERSON REITH: Okay. Okay.

22 DR. HILL: Can I get clarity? So that's three  
23 years from --

24 CHAIRPERSON REITH: Starting now.

25 DR. BARTH: Today. Yeah.

1 CHAIRPERSON REITH: So then it would end in  
2 2019; correct?

3 MS. LIWO: Yes.

4 CHAIRPERSON REITH: Sorry, for our  
5 mathematicians or my attorneys.

6 MS. ZOOK: Question.

7 CHAIRPERSON REITH: Yes, Ms. Zook.

8 MS. ZOOK: And your reasoning?

9 DR. BARTH: Well, I'm not comfortable with no  
10 action.

11 MS. ZOOK: Okay.

12 DR. BARTH: And it was clear that this Board  
13 wasn't comfortable with a more severe action, so I  
14 was just trying to find a -- I was playing  
15 Goldilocks, trying to find something that we could  
16 all be more comfortable with.

17 MS. ZOOK: Okay. It just always helps me if I  
18 know why people think the way they do.

19 CHAIRPERSON REITH: Ms. Chambers.

20 MS. CHAMBERS: And I just -- I was wanting to  
21 add a comment about -- I think this is -- there's a  
22 -- this is a serious enough -- I'll call it a breach  
23 in judgment, but I think it warrants something other  
24 than just a continuation of what had been put in  
25 place initially. I do think the suspension and the

1 probation is too severe; I think that's more than is  
2 needed. But something more than just we're going to  
3 ignore this is where my thinking landed and why I  
4 think the three years' probation makes sense.

5 CHAIRPERSON REITH: Any further discussion on  
6 the substitute motion? Otherwise, I will ask the  
7 Commissioner to do a roll-call. All right. Hearing  
8 none --

9 MS. LIWO: If I may?

10 CHAIRPERSON REITH: Yes, Ms. Liwo.

11 MS. LIWO: To just extend his probation I think  
12 defeats the entire purpose. Again, this was your  
13 order and you put him on probation already. He  
14 couldn't abide by the terms of the probation. To do  
15 anything less than suspension not only sends the  
16 message to him as an individual but to other  
17 Educators that you violate the Code of Ethics while  
18 on probation or again then you're entitled to a  
19 lenient sanction. Anything less than suspension is  
20 the equivalent of taking no action. As far as other  
21 options that you may have if you're going to go the  
22 probation route, you might want to consider a fine.  
23 I believe our fines are capped at \$100 for suspension  
24 though and then for probation \$75.

25 CHAIRPERSON REITH: Thank you for that. Yes,

1 Ms. Zook.

2 MS. ZOOK: Didn't he already pay that once?

3 MS. LIWO: He's paid that for the -- you have to  
4 -- okay; he's paid that for his current probation.

5 That's correct. But this is a separate issue.

6 MS. ZOOK: Okay.

7 MS. LIWO: This is a violation of probation, so  
8 --

9 MS. ZOOK: Okay. I guess the concern that I  
10 have is the PLSB or those that have been involved  
11 presume a romantic relationship because they  
12 continued to talk, albeit vaguely or veiled, as  
13 opposed to actually having proof that there was a  
14 romantic relationship. So I am not comfortable  
15 voting to suspend someone because some people think  
16 it was romantic and other people are saying -- that  
17 are under oath are saying that it was not. So  
18 therein is where I lie.

19 CHAIRPERSON REITH: Thank you, Ms. Zook.  
20 Although I think her -- and just to make sure I'm  
21 understanding correctly, Ms. Liwo, the idea is just  
22 in terms of our options that we could add up to a \$75  
23 fine tied to this additional, if the Board decided to  
24 proceed with this additional probation period?

25 MS. LIWO: That's correct.

1 CHAIRPERSON REITH: Okay. So it was more of  
2 within our realm of options. To clarify that,  
3 because this would be additional we could also tack  
4 on a fine as another avenue, acknowledging that the  
5 motion failed in terms of suspension. So just as a  
6 point of clarity, Ms. Zook. Thank you.

7 Any final clarifying questions to be able to  
8 proceed with this vote? And for our substitute  
9 motion as it stands or then we have that additional  
10 piece of information?

11 DR. BARTH: The fines are so minimal, but I will  
12 add for consistencies sake the \$75 fine. And also,  
13 importantly -- and this is serious -- no future  
14 breaches of -- no future ethics violations. I mean,  
15 obviously, I would be more comfortable doing more  
16 now, but that -- in this case, this is -- you know --  
17 any violations are big-time problematic.

18 CHAIRPERSON REITH: And I'm just going to  
19 rearticulate for the record that the motion that  
20 you're offering is three years' probation, beginning  
21 immediately -- so it would end on July 14, 2019 --  
22 and a \$75 fine.

23 DR. BARTH: And no future --

24 CHAIRPERSON REITH: And no future violations,  
25 conditioned on no future violations, ethical

1 violations. And then for our second, Ms. Newton, you  
2 would agree with that second?

3 MS. NEWTON: Yes.

4 CHAIRPERSON REITH: Okay. So then I am going to  
5 ask again the Commissioner for a roll-call on this  
6 substitute motion.

7 COMMISSIONER KEY: We're voting on the  
8 substitute motion as amended. Dr. Barth.

9 DR. BARTH: Yes.

10 COMMISSIONER KEY: Mr. Black.

11 MR. BLACK: Yes.

12 COMMISSIONER KEY: Ms. Chambers.

13 MS. CHAMBERS: Yes.

14 COMMISSIONER KEY: Ms. Dean.

15 MS. DEAN: Yes.

16 COMMISSIONER KEY: Dr. Hill.

17 DR. HILL: Yes.

18 COMMISSIONER KEY: Ms. Newton.

19 MS. NEWTON: Yes.

20 COMMISSIONER KEY: Mr. Williamson.

21 MR. WILLIAMSON: Yes.

22 COMMISSIONER KEY: Ms. Zook.

23 MS. ZOOK: Yes.

24 COMMISSIONER KEY: The motion passes.

25 CHAIRPERSON REITH: Okay. Thank you. And thank

1           you.

2   A-2 & A-3:   DISCUSSION ON RECONSIDERATION

3                   CHAIRPERSON REITH:   Now, so for the purposes of  
4                   lunch which has been ready for 45 minutes here, with  
5                   the discretion of the Board, I've noticed that the  
6                   McAuliffe family has returned and so I wanted to see  
7                   also what was the status of the conversation with the  
8                   Dulaney family.

9                   And then just please my extensions, Ms. Liwo, of  
10                  apologies to other PLSB cases.   Are there other folks  
11                  here offering testimony or is it -- or not for the  
12                  other PLSB cases this morning?

13                  MS. LIWO:   I don't anticipate any testimony.

14                  CHAIRPERSON REITH:   Any additional.   So this was  
15                  the only one where there was --

16                  MS. LIWO:   Yes.

17                  CHAIRPERSON REITH:   -- the family or an  
18                  individual was -- a plaintiff was present?

19                  MS. LIWO:   Yes.

20                  CHAIRPERSON REITH:   Okay.   Perfect.   So then  
21                  what I do want to do is since we do have El Dorado  
22                  here and they've come back, I would before convening,  
23                  if the Board will give me that discretion to, I'd  
24                  like to reconsider that issue --

25                  MS. DAVIS:   The McAuliffe family is gone to

1 lunch.

2 CHAIRPERSON REITH: Okay.

3 MS. DAVIS: So they will be back.

4 CHAIRPERSON REITH: I gotcha.

5 MS. DAVIS: And Ms. Dulaney is on her way back.

6 CHAIRPERSON REITH: Oh, she is on her way back?

7 MS. DAVIS: They had already gone home, and so

8 --

9 CHAIRPERSON REITH: So then my apologies to the  
10 El Dorado District, but I think if the families are  
11 at lunch I think we'll quickly convene for lunch.  
12 But I am going to call on a shorter lunch than  
13 normal. We will reconvene here at 1:30, so a 25-  
14 minute lunch. Yes, for the El Dorado -- yes.

15 MR. ROBERTS: Allen Roberts with El Dorado.

16 CHAIRPERSON REITH: If you could please come to  
17 the mic, I'm sorry, for the purpose of live-  
18 streaming.

19 MR. ROBERTS: I wanted to point out that the El  
20 Dorado superintendent is gone and has not come back  
21 and is not expected to come back. We could not  
22 communicate with him.

23 CHAIRPERSON REITH: Thank you. We appreciate  
24 that clarification. And I don't think we're  
25 anticipating additional testimony at this time.

1           There might be some final questions. I think we're  
2           just reconsidering the vote. And this will be the  
3           opportunity in both of your cases to bear witness, or  
4           if any of my colleagues did have questions to answer  
5           at that time. But I actually do not -- we're not  
6           going to be reopening it; we are just going to go  
7           straight into a vote of reconsideration on both of  
8           those action items, so -- and we apologize.

9           Again, we will see everyone back here at 1:30.  
10          Thank you.

11          MR. ROBERTS: Your apology is accepted.

12          (LUNCH BREAK: 1:05 - 1:30 p.m.)

13          CHAIRPERSON REITH: Sorry, y'all. Thank you,  
14          everybody, for your efficiency around lunch. And I  
15          apologize if I'm asking for some quick digestion  
16          here, but big agenda today and want to make sure that  
17          we do give adequate time and justice to every single  
18          one of the items today. Obviously, there's no such  
19          thing as, I think, an easy item on today's agenda.

20          So with that, as I shared prior to lunch we will  
21          be picking up with our reconsiderations of Action  
22          Agenda Items A-2 and A-3. It is my intention to not  
23          reopen these or to reconsider them with hearings and  
24          such. With that said, I know several questions have  
25          been posed. I think several of my colleagues are

1 weighing where they're going to be on these, so I did  
2 want to offer one final opportunity. We will vote on  
3 these reconsiderations separately, A-2 and A-3;  
4 reconsiderations will be voted as separate agenda  
5 items, but I would rather go from one to the next.  
6 And so I would like to offer this as one final  
7 opportunity for any of my colleagues to ask questions  
8 to be able to make their decisions in regards to the  
9 reconsideration of A-2 and A-3. So, one final  
10 opportunity to my colleagues: would anyone like to  
11 pose any final questions to staff or any of the  
12 individuals that offered testimony this morning?

13 A-2: RECONSIDERATION, MOTION AND VOTE - DULANEY

14 CHAIRPERSON REITH: Okay. Seeing none, I would  
15 then move -- we're going to go first with  
16 reconsideration of Action Item A-2. And just as a  
17 reminder to all, and for the record, this is  
18 Reconsideration of the Appeal from Denial of School  
19 Choice Application for the Dulaney family. I would  
20 open up for a motion from my colleagues in regards to  
21 reconsideration of the Dulaney appeal.

22 DR. BARTH: It's already been considered.

23 CHAIRPERSON REITH: No. So this is our vote.  
24 Well, our vote -- I guess re-voting of the appeal is  
25 probably the best way to frame it.

1 COMMISSIONER KEY: Right. You have voted to  
2 reconsider, so really it's like the previous vote  
3 never happened; you have to start with a new vote or  
4 a new motion.

5 CHAIRPERSON REITH: So not in regards to -- the  
6 decision was made before; just a new motion all  
7 together.

8 COMMISSIONER KEY: It could be the same motion;  
9 it could be a different motion.

10 CHAIRPERSON REITH: Correct. So with that,  
11 again I open to my colleagues. I'd entertain a  
12 motion.

13 MS. ZOOK: I move that we deny the -- well, I  
14 don't know how to word this. What I'm saying is I  
15 want the parent to be able to choose where their  
16 child goes to school. So I move that we --

17 CHAIRPERSON REITH: That would be approve the  
18 appeal.

19 MS. DAVIS: Yeah. You can grant or sustain.

20 MS. ZOOK: Approve the appeal. Thank you.

21 CHAIRPERSON REITH: Okay. So that was the  
22 motion that was made last time?

23 MS. ZOOK: Yes.

24 CHAIRPERSON REITH: Okay. So you're reasserting  
25 the same motion from --

1 MS. ZOOK: Yes.

2 CHAIRPERSON REITH: Okay.

3 MR. WILLIAMSON: Second.

4 CHAIRPERSON REITH: All right. So a motion made  
5 by Ms. Zook, second by Mr. Williamson. And,  
6 Commissioner, for these two votes I will ask for a  
7 roll-call.

8 COMMISSIONER KEY: Yes, ma'am. Any discussion?

9 CHAIRPERSON REITH: Yes. Oh, any final  
10 discussion from the Board?

11 DR. BARTH: I will just say in response, I mean,  
12 I think that this is -- Ms. Zook frames it very much  
13 as about the choice of individual parents, and we  
14 cannot get beyond the fact that there are individual  
15 families involved here. But I think that there are  
16 some other issues that involve not just this parent  
17 but all parents in these districts as we try as best  
18 we can to do right by the agreements as this state  
19 has signed on to and help move us beyond federal  
20 court oversight. And I think we have -- in my view,  
21 I think it's very important that we abide by the  
22 agreements we've had in the past, so that's why I'm  
23 going to oppose the motion.

24 MS. ZOOK: Okay. And I will clarify this for  
25 the record in case we do wind up in court. The

1 agreement, as I understand it, was between Little  
2 Rock, North Little Rock, Pulaski County, the Joshua  
3 Interveners, and this state. And in the agreement  
4 it's stated that Little Rock, North Little Rock, and  
5 Pulaski County would be very diligent and thoughtful  
6 about the number of kids who could come in and go out  
7 between those three districts. Two of those  
8 districts, Little Rock and North Little Rock, have  
9 both chosen to participate in Choice. Pulaski  
10 County, because they have not been declared fully  
11 unitary, did not choose to participate in Choice but  
12 the court did say that they were fully unitary with  
13 regard to student assignment. Other districts, like  
14 Cabot, Bryant, Benton, those districts were not  
15 addressed in the agreement. And, therefore, since  
16 these parents are asking to go to Cabot, and Cabot  
17 has room for them, then I am erring on the side of  
18 the parent.

19 DR. BARTH: Could --

20 CHAIRPERSON REITH: Yes, Dr. Barth.

21 DR. BARTH: And just -- but I do want to refer  
22 you to Mr. Richardson's letter that does remind us  
23 that the Settlement Agreement explicitly binds the  
24 parties to the agreement to abide by the Public  
25 School Choice Act of 2013, which, of course, is now

1 the Public School Choice Act of 2015, with a few  
2 minor alterations, including explicitly the exemption  
3 provisions. And so, in my view, that was part of the  
4 agreement. Obviously, JNPSD was not in existence at  
5 that moment but for all intents and purposes was on  
6 its way to existence. And so I think it's very  
7 important, as has been said several times this  
8 morning, that we let the courts do this job and not  
9 do this job ourselves. It is ultimately up to the  
10 courts to decide what should happen here.

11 MS. ZOOK: And I think I'm frustrated by the  
12 fact that the district did not choose to ask the  
13 court about this particular issue.

14 CHAIRPERSON REITH: Dr. Hill.

15 DR. HILL: Because we're saying our decision may  
16 be taken to court to activate --

17 CHAIRPERSON REITH: That's correct.

18 DR. HILL: Thank you.

19 CHAIRPERSON REITH: Okay. Not seeing any  
20 further comments or questions, then, Commissioner, if  
21 you'll lead us through a roll-call please.

22 COMMISSIONER KEY: Voting on the motion to grant  
23 the appeal. Dr. Barth.

24 DR. BARTH: No.

25 COMMISSIONER KEY: Mr. Black.

1 MR. BLACK: No.  
2 COMMISSIONER KEY: Ms. Chambers.  
3 MS. CHAMBERS: No.  
4 COMMISSIONER KEY: Ms. Dean.  
5 MS. DEAN: Yes.  
6 COMMISSIONER KEY: Dr. Hill.  
7 DR. HILL: Yes.  
8 COMMISSIONER KEY: Ms. Newton.  
9 MS. NEWTON: Yes.  
10 COMMISSIONER KEY: Mr. Williamson.  
11 MR. WILLIAMSON: Yes.  
12 COMMISSIONER KEY: Ms. Zook.  
13 MS. ZOOK: Yes.  
14 COMMISSIONER KEY: Five yes, three no's.

15 A-3: RECONSIDERATION, MOTION AND VOTE - MCAULIFFE

16 CHAIRPERSON REITH: Now moving on to the  
17 reconsideration of Action Item A-3, do I have a  
18 motion?

19 MR. WILLIAMSON: Move that we allow the  
20 transfer.

21 MS. NEWTON: Second.

22 DR. HILL: Second.

23 CHAIRPERSON REITH: So -- and just to clarify,  
24 that means to approve the appeal?

25 DR. HILL: Grant the appeal.

1 CHAIRPERSON REITH: To grant the appeal. Okay.  
2 And then so motion made by Mr. Williamson, seconded  
3 by Mr. Hill. And again, Commissioner, if you can run  
4 this through a roll-call please.

5 COMMISSIONER KEY: Dr. Barth.

6 DR. BARTH: No.

7 COMMISSIONER KEY: Mr. Black.

8 MR. BLACK: Yes.

9 COMMISSIONER KEY: Ms. Chambers.

10 MS. CHAMBERS: No.

11 COMMISSIONER KEY: Ms. Dean.

12 MS. DEAN: Yes.

13 COMMISSIONER KEY: Dr. Hill.

14 DR. HILL: Yes.

15 COMMISSIONER KEY: Ms. Newton.

16 MS. NEWTON: Yes.

17 COMMISSIONER KEY: Mr. Williamson.

18 MR. WILLIAMSON: Yes.

19 COMMISSIONER KEY: Ms. Zook.

20 MS. ZOOK: Yes.

21 COMMISSIONER KEY: Six votes in the affirmative,  
22 two negative.

23 CHAIRPERSON REITH: Okay. Thank you.

24 A-5: STATE BOARD REVIEW OF PLSB EVIDENTIARY HEARING FINDINGS  
25 AND RECOMMENDATIONS - PLSB CASE NO. 15-152; JAMIE GAIL MORTON

1                   CHAIRPERSON REITH: Now moving on in the agenda  
2                   -- for those that are here for the Section B of our  
3                   action agenda, we are still on Section A but we do  
4                   believe that we can run through it fairly  
5                   efficiently. And so I am going to call Ms. Liwo  
6                   forward and if we could pick up where we left off on  
7                   Action Item A-5 please, which is the State Board  
8                   Review of the PLSB Evidentiary Hearing Findings and  
9                   Recommendations in the case of Jamie Morton.

10                   MS. LIWO: Jennifer Liwo, PLSB Staff Attorney.  
11                   Ms. Morton emailed me today at 10:47 a.m. and per her  
12                   email, she says, "I respectfully request to withdraw  
13                   my request of the Board. I am currently dealing with  
14                   the suicide of my partner of 15 years because I would  
15                   not return to him. I have no fight left in me.  
16                   Thank you." So she has essentially withdrawn her  
17                   request for State Board review; that operates as  
18                   consent to the recommendation. That recommendation  
19                   is a two-year licensure suspension, a \$100 fine.  
20                   Prior to returning to the classroom, Ms. Morton is  
21                   required to complete six hours of classroom  
22                   management training with an emphasis on developing a  
23                   positive relationship and communication with  
24                   students. Prior to returning to the classroom, Ms.  
25                   Morton is also required to complete six hours of

1           anger management classes. And Ms. Morton is also  
2           responsible for all associated costs and is required  
3           to reimburse the ADE for the cost of the court  
4           reporter as she did not appear at her requested  
5           evidentiary hearing.

6           And so with that, I'd ask that the Board move to  
7           accept the Ethics Subcommittee's recommendation.

8           MS. ZOOK: So moved.

9           CHAIRPERSON REITH: And do I have a second?

10          MR. BLACK: Second.

11          CHAIRPERSON REITH: Motion made by Ms. Zook,  
12          seconded by Mr. Black. All in favor say "aye."

13          (MAJORITY CHORUS OF AYES)

14          CHAIRPERSON REITH: Any opposed?

15          MR. WILLIAMSON: No.

16          CHAIRPERSON REITH: And may the record note that  
17          Mr. Williamson voted no. The motion carries. And  
18          thank you, Ms. Liwo. And I don't know if there's an  
19          appropriate venue in which you're in communication  
20          with her, but I can only imagine what she's going  
21          through with the loss of a partner. If there is a  
22          way to extend our condolences, it is with deep regret  
23          that she's going through this right now. Thank you,  
24          Ms. Liwo.

25          MS. LIWO: I will extend those.

1 CHAIRPERSON REITH: Thank you, Ms. Liwo.

2 A-6: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -  
3 MICHAEL MAGOUYRK

4 CHAIRPERSON REITH: Moving on now to Action Item  
5 A-6. Once again, Ms. Liwo, you're recognized in the  
6 Consideration of the Waiver Request for Michael  
7 Magouyrk.

8 MS. LIWO: I was going to go with Magurek [ph],  
9 so --

10 CHAIRPERSON REITH: Magurek [ph].

11 MS. LIWO: Michael Magouyrk is seeking a  
12 teaching license. On June 8, 2016, the Department  
13 notified Mr. Magouyrk that he was ineligible for  
14 licensure and employment in an Arkansas public school  
15 based on a disqualifying offense enumerated in  
16 Arkansas Code Annotated 6-17-410. Mr. Magouyrk  
17 requested a waiver of the disqualifying offense. The  
18 Department recommends that the State Board grant the  
19 waiver request. Mr. Magouyrk did let me know that he  
20 could not be here today. He has accepted employment  
21 in the Delta and he's in the process of moving.

22 MS. ZOOK: I move to accept the ADE's  
23 recommendation that we grant the waiver.

24 CHAIRPERSON REITH: Do I have a second?

25 DR. BARTH: Second.

1 CHAIRPERSON REITH: Motion made by Ms. Zook,  
2 seconded by Dr. Barth. All in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRPERSON REITH: Any opposed? Okay. Motion  
5 carries unanimously.

6 A-7: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -  
7 MARIANNE GANDOLPH

8 CHAIRPERSON REITH: Moving on to Action Item A-  
9 7, Consideration of the Waiver Request for Teaching  
10 License, Marianna Gandolph. Again, Ms. Liwo, you're  
11 recognized.

12 MS. LIWO: Marianna Gandolph is seeking the  
13 renewal of her teaching license. On June 8, 2016,  
14 the Department notified Ms. Gandolph that she was  
15 ineligible for licensure and employment in an  
16 Arkansas public school. Ms. Gandolph requested a  
17 waiver of the disqualifying offense. The Department  
18 recommends that the State Board grant the waiver  
19 request. Ms. Gandolph is present and she represents  
20 herself.

21 CHAIRPERSON REITH: Okay. Ms. Gandolph, is it  
22 your intention to testify before the Board?

23 MS. GANDOLPH: No, ma'am.

24 CHAIRPERSON REITH: No? Thank you, Ms.  
25 Gandolph. Ms. Liwo, noting that -- I don't know if

1 there's any questions from the Board?

2 DR. BARTH: I move to grant the waiver.

3 MS. ZOOK: Second.

4 CHAIRPERSON REITH: Okay. Motion made by Dr.  
5 Barth, seconded by Ms. Zook. All in favor say "aye."

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON REITH: Any opposed? Motion carries  
8 unanimously. Congratulations, Ms. Gandolph.

9 A-8: CONSIDERATION OF DISQUALIFICATION FROM LICENSURE -  
10 JERMICHAEL L. RILEY

11 CHAIRPERSON REITH: Ms. Liwo, moving on now to  
12 Action Item A-8, Consideration of the  
13 Disqualification from Licensure, Jermichael Riley.

14 MS. LIWO: Jermichael Riley is seeking a  
15 teaching license. On May 2, 2016, the Department  
16 notified Mr. Riley that he was ineligible for  
17 licensure and employment in an Arkansas public school  
18 based on the disqualifying offense. Mr. Riley did  
19 not respond to the notice or request a waiver of the  
20 disqualification from the State Board. The  
21 Department recommends that the Board deny Mr. Riley's  
22 application for licensure.

23 CHAIRPERSON REITH: And, Ms. Liwo, is anyone  
24 here to speak on behalf of Mr. Riley?

25 MS. LIWO: No.

1 CHAIRPERSON REITH: Yes, Ms. Zook.

2 MS. ZOOK: I don't know about the other people;  
3 I had no information in my packet about this teacher.  
4 Is that because he didn't respond or there was  
5 something wrong with my approach? Did anybody else  
6 -- no one had any.

7 MS. LIWO: I thought I uploaded it, so maybe it  
8 was missed or maybe there's something wrong with the  
9 -- if you guys want to table this to next month, we  
10 can do that. Either way, you wouldn't be privy to  
11 the nature of the disqualifying offense because he  
12 has not requested a waiver hearing and so I cannot --  
13 I couldn't release that information to you.

14 MS. ZOOK: Well --

15 MS. LIWO: The only information that you would  
16 get would be the notification of the  
17 disqualification.

18 MS. ZOOK: Since he didn't respond or make a  
19 request, I have every confidence that ADE -- I have  
20 every confidence in the Board -- in the ADE's  
21 recommendation. So, therefore, I move to accept the  
22 ADE's recommendation.

23 CHAIRPERSON REITH: Do I have a second?

24 MS. DEAN: Second.

25 CHAIRPERSON REITH: I will say motion made by

1 Ms. Zook and second -- I think I heard Charisse  
2 first, so I'm going to go with Ms. Dean for the  
3 second. All in favor say "aye."

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRPERSON REITH: Any opposed? Okay. Motion  
6 carries unanimously.

7 A-9: CONSIDERATION OF SUSPENSION OF TEACHING LICENSE FOR  
8 NONPAYMENT OF FINES - PLSB CASE NO. 13-148, CHADWICK LANCE  
9 MARTIN

10 CHAIRPERSON REITH: Moving on to Action Item A-  
11 9, the Consideration of Suspension of Teaching  
12 License for Nonpayment of Fines in the PLSB Case of  
13 Chadwick Martin. Ms. Liwo.

14 MS. LIWO: Chadwick Martin holds a standard  
15 teaching license and has an outstanding fine of \$100  
16 as ordered by the State Board of Education. Mr.  
17 Martin has not responded to collection attempts. The  
18 PLSB staff is respectfully requesting that Mr.  
19 Martin's license be suspended until the fine is paid  
20 in full.

21 CHAIRPERSON REITH: And we don't -- Mr. Martin  
22 isn't here to -- or anyone speaking on his behalf?

23 MS. LIWO: No.

24 CHAIRPERSON REITH: Thank you, Ms. Liwo. Any  
25 questions from the Board?

1 DR. BARTH: Move suspension of his license.

2 MS. ZOOK: Second.

3 CHAIRPERSON REITH: Okay. Motion made by Dr.  
4 Barth, seconded by Ms. Zook. All in favor say "aye."

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON REITH: Any opposed? Motion carries  
7 unanimously.

8 A-10: CONSIDERATION OF SUSPENSION OF TEACHING LICENSE FOR  
9 NONPAYMENT OF FINES - PLSB CASE NO. 14-059, DEBORAH FAYE CRAIG

10 CHAIRPERSON REITH: Action Item A-10,  
11 Consideration of Suspension of Teaching License for  
12 Nonpayment of Fines in the PLSB case of Faye Craig.  
13 Ms. Liwo.

14 MS. LIWO: Deborah Craig holds a standard  
15 teaching license and has an outstanding fine of \$75  
16 as ordered by the State Board of Education. Ms.  
17 Craig has not responded to collection attempts. The  
18 PLSB staff again is respectfully requesting that Ms.  
19 Craig's license be suspended until the fine is paid  
20 in full.

21 CHAIRPERSON REITH: And Ms. Craig is not here;  
22 correct?

23 MS. LIWO: No.

24 CHAIRPERSON REITH: Okay. Any questions or  
25 motions?

1 MS. NEWTON: Move to suspend.

2 CHAIRPERSON REITH: Okay. Do I have a second?

3 MR. WILLIAMSON: Second.

4 CHAIRPERSON REITH: Okay. Motion made by Ms.  
5 Newton, seconded by Mr. Williamson. All in favor say  
6 "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON REITH: Any opposed? Motion carries  
9 unanimately.

10 A-11: CONSIDERATION OF SUSPENSION OF TEACHING LICENSE FOR  
11 NONPAYMENT OF FINES - PLSB CASE NO. 14-074, PENNY LOUISE ODEN

12 CHAIRPERSON REITH: Moving on to Action Item A-  
13 11, Consideration of Suspension of the Teaching  
14 License for Nonpayment of Fines in the PLSB case of  
15 Penny Oden. Ms. Liwo.

16 MS. LIWO: Penny Oden holds a standard teaching  
17 license and has an outstanding fine of \$100 as  
18 ordered by the State Board. Ms. Oden has not  
19 responded to collection attempts. The PLSB staff is  
20 requesting the suspension of Ms. Oden's license until  
21 the fine is paid in full.

22 CHAIRPERSON REITH: And also to assume Ms. Oden  
23 is not here?

24 MS. LIWO: Ms. Oden is not here.

25 CHAIRPERSON REITH: Okay. Any questions or

1 motions from the Board?

2 DR. BARTH: Actually, I do have a question. So  
3 if any of these teachers actually are teaching and  
4 the license gets -- they were hired with a license  
5 that gets suspended, does the -- do y'all try to  
6 notify --

7 MS. LIWO: We would notify the school district.

8 DR. BARTH: Okay.

9 MS. ZOOK: And it's my understanding that a \$100  
10 fine is what accompanies a suspension by us and a \$75  
11 fine is what accompanies a probation by us; is that  
12 correct?

13 MS. LIWO: That's correct.

14 DR. BARTH: Yeah. So if it's suspended already  
15 --

16 MS. LIWO: The difference with the suspension  
17 would be her suspension only runs for a certain  
18 period of time.

19 DR. BARTH: So this would not allow renewal?

20 MS. LIWO: Yes.

21 DR. BARTH: Okay.

22 MS. LIWO: Until she's paid her fine.

23 DR. BARTH: Got it. Got it.

24 CHAIRPERSON REITH: So with that, do I have a  
25 motion on this action item?

1 DR. BARTH: Move to suspend.

2 DR. HILL: Second.

3 CHAIRPERSON REITH: Okay. Motion made by Dr.  
4 Barth and seconded by Dr. Hill. All in favor say  
5 "aye."

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON REITH: Any opposed? Motion carries  
8 unanimously.

9 A-12: CONSIDERATION OF SUSPENSION OF TEACHING LICENSE FOR  
10 NONPAYMENT OF FINES - PLSB CASE NO. 14-087, BILLY EUGENE CARTER

11 CHAIRPERSON REITH: Moving on to Action Item A-  
12 12, Consideration of Suspension of the Teaching  
13 License for Nonpayment of Fines in the case of Mr.  
14 Billy Eugene Carter. Ms. Liwo.

15 MS. LIWO: Billy Carter holds a standard  
16 teaching license and has an outstanding fine of \$100  
17 as ordered by the State Board. Mr. Carter has not  
18 responded to collection attempts. The PLSB staff  
19 requests that Mr. Carter's license be suspended until  
20 the fine is paid in full.

21 CHAIRPERSON REITH: And then again Mr. Carter is  
22 not here; correct?

23 MS. LIWO: No.

24 CHAIRPERSON REITH: Okay. And any questions or  
25 motions from my colleagues?

1 MS. NEWTON: I move to suspend.

2 CHAIRPERSON REITH: Do I have a second?

3 MR. BLACK: Second.

4 CHAIRPERSON REITH: Okay. So motion made by Ms.  
5 Newton and seconded by Mr. Black. All in favor say  
6 "aye."

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON REITH: Any opposed? Motion  
9 carries.

10 A-13: REVIEW OF FINE ASSESSED BY THE STATE BOARD OF EDUCATION  
11 - PLSB CASE NO. 14-129, EARL DEER YOUNG

12 CHAIRPERSON REITH: Next, Action Item A-13,  
13 Review of the Fine Assessed by the State Board of  
14 Education in the PLSB case of Earl Deer Young.

15 MS. LIWO: Earl Young holds a standard teaching  
16 license. On September 11, 2014, the State Board  
17 assessed a \$50 fine to be paid by Mr. Young. Due to  
18 extenuating circumstances experienced by Mr. Young,  
19 the PLSB staff is requesting that the State Board  
20 rescind the assessed fine, \$50 fine.

21 CHAIRPERSON REITH: And I'm assuming Mr. Young  
22 does not oppose that or is not here?

23 MS. LIWO: No. No and yes.

24 MS. ZOOK: May I ask a question?

25 CHAIRPERSON REITH: Yes, please, Ms. Zook.

1 MS. ZOOK: Did he go through the training that  
2 was -- that we required of him?

3 MS. LIWO: He's done everything that's required.

4 MS. ZOOK: Except pay?

5 MS. LIWO: Uh-huh.

6 MS. ZOOK: Okay.

7 CHAIRPERSON REITH: Any other questions from the  
8 Board? Then I would entertain a motion.

9 MS. CHAMBERS: Move to rescind.

10 CHAIRPERSON REITH: Do I have a second?

11 MS. DEAN: Second.

12 CHAIRPERSON REITH: Motion made by Ms. Chambers,  
13 seconded by Ms. Dean. All in favor.

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRPERSON REITH: Any opposed? Motion  
16 carries.

17 A-14: CONSIDERATION OF SUSPENSION OF TEACHING LICENSE FOR  
18 NONPAYMENT OF FINES - PLSB CASE NO. T14-005, ANDREA RAYE DAY

19 CHAIRPERSON REITH: Finally, Action Item A-14,  
20 Consideration of Suspension of Teaching License for  
21 Nonpayment of Fines in the PLSB case of Andrea Raye  
22 Day.

23 MS. LIWO: Andrea Day holds a standard teaching  
24 license and has an outstanding fine of \$75 as ordered  
25 by the State Board. Ms. Day has not responded to

1 collection attempts. The PLSB staff requests the  
2 suspension of Ms. Day's license until the fine is  
3 paid in full. And Ms. Day is not present.

4 CHAIRPERSON REITH: Thank you. Any questions or  
5 motions from the Board?

6 DR. HILL: I just have one question.

7 CHAIRPERSON REITH: Yes.

8 DR. HILL: Have we ever -- are these people here  
9 currently teaching?

10 MS. LIWO: I don't know whether they are  
11 teaching currently.

12 DR. HILL: Have we ever thought about, if they  
13 are teaching, drafting their money like for the fine?

14 MS. LIWO: You mean garnishing their wages?

15 DR. HILL: Yes. Rather than having to -- I  
16 mean, because if we're only keeping them from --  
17 qualified teachers from teaching for \$50 or \$75 in a  
18 need area, is that a consideration, just something --

19 MS. LIWO: I don't think it's something that  
20 we've ever considered.

21 DR. HILL: Okay. All right. That was my  
22 question.

23 MS. ZOOK: I didn't hear the answer.

24 MS. LIWO: Okay.

25 CHAIRPERSON REITH: Would you repeat that for

1 the record, Ms. Liwo?

2 MS. LIWO: If their license has been suspended,  
3 they would not be teaching.

4 MS. ZOOK: Okay.

5 MS. LIWO: If their license is on probation,  
6 they could be teaching. So in that situation, with  
7 regard to something like garnishing their wages, I  
8 don't -- we don't -- I guess I can't speak to that.  
9 I don't think that's something that we do.

10 MS. ZOOK: Is it something we don't do or is it  
11 something we can't do?

12 COMMISSIONER KEY: If I may, Madam Chair --

13 CHAIRPERSON REITH: Commissioner.

14 COMMISSIONER KEY: -- I think there are things  
15 --

16 MS. LIWO: I want to look over at Mr. Rogers,  
17 but --

18 COMMISSIONER KEY: Well, I think there are very  
19 specific things set aside in legislation that allows  
20 -- for instance, you know, if you owe money to the  
21 DF&A for state income taxes and you win the lottery,  
22 they're going to take it out, but all those things  
23 are statutory. I don't think we have statutory  
24 provisions in the PLSB code, if I'm not mistaken.

25 MS. LIWO: That, I can -- yes; we do not.

1 COMMISSIONER KEY: Okay.

2 DR. HILL: Thank you.

3 CHAIRPERSON REITH: Thank you. Any additional  
4 questions? Otherwise, I'll entertain a motion.

5 MS. CHAMBERS: Move to suspend.

6 CHAIRPERSON REITH: Okay. Do I have a second?

7 DR. HILL: Second.

8 CHAIRPERSON REITH: Okay. Motion made by Ms.  
9 Chambers, seconded by Dr. Hill. All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRPERSON REITH: Motion carries. Thank you.  
12 Thank you, Ms. Liwo. That was very impressive. You  
13 promised to be efficient, and that was.

14 B-1: CONSIDERATION OF THE RECOMMENDATION TO ADOPT THE  
15 PROFESSIONAL STANDARDS FOR EDUCATIONAL LEADERS

16 CHAIRPERSON REITH: Now we're moving on to  
17 Section B of the action agenda and we'll take off  
18 with -- if I may, I'm getting a signal over here.

19 DR. GOTCHER: Maybe just a short break before  
20 you move on in the action agenda?

21 CHAIRPERSON REITH: Okay. The first one is the  
22 Consideration of the -- to Adopt the Professional  
23 Standards.

24 DR. GOTCHER: Okay.

25 CHAIRPERSON REITH: Would that -- my

1 understanding is that we would -- we were switching  
2 later on, or would you like us to do so now? Because  
3 that's -- there's just one item before the charters,  
4 so if that's --

5 DR. GOTCHER: Yes, ma'am. That would be --  
6 that's fine.

7 CHAIRPERSON REITH: Okay. So as soon as we're  
8 done with this one, we'll take a small break for  
9 everyone's purposes; we'll take a small break for the  
10 purposes of our media.

11 So just to get this one considered, again,  
12 Action Agenda Item B-1, Consideration of  
13 Recommendation to Adopt the Professional Standards  
14 for Educational Leaders, the Council of Chief State  
15 School Officers and the National Policy Board for  
16 Educational Administration have revised the standards  
17 that guide the preparation and practice for  
18 educational leaders in the U.S. Presenter, Dr.  
19 Gunter. Oh, and that's right; sorry, apologies; yes,  
20 Ms. Pfeffer. Dr. Pfeffer.

21 MS. PFEFFER: Good afternoon. Ivy Pfeffer,  
22 Assistant Commissioner at the Department. Dr. Gunter  
23 had to travel out-of-state and so she had to leave  
24 just a while ago. So she had come and she wanted me  
25 to send her apologies for not being here to present

1 this, but we've worked together on this. The  
2 Department has worked with the Council of Deans and  
3 several of the educational entities in terms of  
4 looking at the adoption of new standards for  
5 educational leaders. These standards are part of  
6 just a national -- or a natural progression in the  
7 standards that are governing the preparation and the  
8 work of our building and district level  
9 administrators. And so we've had a variety of  
10 constituent groups look at these and feel good about  
11 the adoption of these standards moving forward. I  
12 think in your Board packet there was a crosswalk  
13 showing the timeline for implementation and also kind  
14 of a crosswalk that showed the comparison of the new  
15 standards with the current standards and how they fit  
16 together. And I'll be happy to answer any questions,  
17 but we would appreciate your approval to adopt these  
18 standards going forward for our educational leaders.

19 CHAIRPERSON REITH: Thank you so much, Dr.  
20 Pfeffer. Any questions or comments from the Board?  
21 None. Well, thank you so much for bringing this  
22 before us and congratulations on this. Do I have a  
23 motion then from the Board?

24 DR. BARTH: I'll move approval of these new  
25 standards for leaders.

1 CHAIRPERSON REITH: Do I have a second?

2 MS. DEAN: Second.

3 MS. NEWTON: Second.

4 CHAIRPERSON REITH: Okay. Motion made by Dr.  
5 Barth, and once again, I'm sorry, I heard Ms. Dean  
6 first. So Ms. Dean seconds. All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON REITH: Any opposed? Motion  
9 carries. Thank you so much.

10 Now we will take a brief break. I was told 30  
11 seconds but I'll assume you all may need a little bit  
12 more than 30 seconds, so let's just say -- we'll go  
13 ahead and take a 5-minute break and we will reconvene  
14 at 2:00 to start off with the hearing on the Little  
15 Rock Preparatory Academy. So, thank you.

16 (BREAK: 1:55-2:00 P.M.)

17 B-2: HEARING ON OPEN-ENROLLMENT AMENDMENT REQUEST: LITTLE ROCK  
18 PREPARATORY ACADEMY

19 CHAIRPERSON REITH: So, everyone, I see some  
20 swapping of folks here. We have a full schedule  
21 today. I will say just for the purposes of clarity  
22 we are taking up the Little Rock Preparatory Academy  
23 first. We are taking the Little Rock Preparatory  
24 Academy first. I know there were folks in the room  
25 from the Springdale or in relationship to the Haas

1 Hall Academy/Fayetteville and Bentonville charters.  
2 And so, just to clarify, we are taking up the Little  
3 Rock Preparatory Academy first. Thank you, all.

4 Now as we get back to order, I will ask -- and I  
5 think it's -- is it Ms. Davis who's going to instruct  
6 us how the process will work for the next two  
7 hearings? And then I'll recognize Ms. Boyd who will  
8 get us started this afternoon.

9 MS. DAVIS: Right. All right. Good afternoon.  
10 Jennifer Davis, Staff Attorney. The procedures that  
11 you're going to follow today -- because you did vote  
12 to review, you are acting as the authorizer. So all  
13 persons, with the exception of attorneys, will need  
14 to be sworn in. The charter applicant for the  
15 amendment has 20 minutes to present their case for  
16 their amendments. Any parties opposed will have 20  
17 minutes collectively to state their opposition. And  
18 then the applicant will also have 5 minutes after  
19 that to handle any rebuttal arguments. You can ask  
20 any questions at any point in time that you'd like,  
21 and then you can issue a final decision or take it  
22 under advisement at a future meeting.

23 CHAIRPERSON REITH: Thank you. And, Ms. Davis,  
24 I do have one point-of-order question. We have  
25 several individuals who've signed up to give public

1 comment on this item. Would we need a motion from  
2 the Board to be able to listen to that public  
3 comment?

4 MS. DAVIS: Generally, no.

5 CHAIRPERSON REITH: Okay.

6 MS. DAVIS: After the 20 minutes for the  
7 applicant and 20 minutes opposition and then a 5-  
8 minute rebuttal period is typically when you have  
9 been taking public comments.

10 CHAIRPERSON REITH: Okay. Fantastic. And I  
11 will let -- for those of you that have signed up for  
12 public comment and who are prepared for public  
13 comment, we are going to kindly ask that people keep  
14 comments to 3 minutes just out of respect to the fact  
15 that we do want to give everyone who signed up for  
16 public comment a chance to do so, but we do also have  
17 a very full day and want to do justice to all the  
18 items that we have. So thank you, Ms. Davis.

19 Any questions for Ms. Davis from the Board? No.

20 Then with that, I ask Ms. Boyd if you would come  
21 forward. And again for clarity's purpose and for the  
22 record, we are now on Action Item B-2, the Hearing on  
23 the Open-Enrollment Amendment Request: Little Rock  
24 Preparatory Academy. Ms. Boyd, you're recognized.

25 MS. BOYD: Thank you, Madam Chair. From Little

1 Rock Preparatory Academy we have Superintendent Tina  
2 Long to begin their presentation.

3 CHAIRPERSON REITH: Wonderful. And at this time  
4 anyone who's a non-attorney wishing to testify if you  
5 could please stand up and raise your right hand. Do  
6 you swear or affirm to tell the truth, the whole  
7 truth, and nothing but the truth?

8 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

9 CHAIRPERSON REITH: Thank you. And when you  
10 come before the mic, if you could, kindly state your  
11 name for the record please.

12 SUPT. LONG: Good afternoon. My name is Tina  
13 Long. Madam Chair, Commissioner Key, and the Board  
14 at-large, thank you so much for allowing us to have  
15 the opportunity to speak today. I know you're very  
16 busy. Again, my name is Tina Long; I'm the  
17 superintendent of Little Rock Preparatory Academy.  
18 Today with me I have our executive director Christian  
19 Yarberry; chief operating officer Dennis Tiede; many  
20 of our teachers, many of our students, many of our  
21 families, all here in support. So if you're here  
22 today with Little Rock Prep, will you please rise?

23 Thank you.

24 [A BRIEF MOMENT OF SILENCE]

25 MS. BOYD: I'm sorry, Madam Chair; it's my fault

1           there's a delay. There's been a miscommunication  
2           about the presentation, but we'll have it up in just  
3           a minute.

4                   CHAIRPERSON REITH: Okay. Thank you. Just to  
5           let you know, I haven't officially started your time  
6           yet. So I'll stop that and you'll get that all back.

7                   SUPT. LONG: I'll talk fast. Okay. So there we  
8           are. So just to refresh everyone's memory, at Little  
9           Rock Preparatory Academy our mission is "Prepare  
10          students from underserved communities for competitive  
11          college and advanced career by insuring a mastery of  
12          core subjects and the key behaviors necessary for  
13          success, citizenship and leadership." It's very  
14          similar to the school mission of many of our schools.  
15          All of us want to make sure that our students are  
16          prepared for college. What we're doing that's a  
17          little different is who we're serving. We  
18          specifically designed a program and educational model  
19          that best serves students from our communities. The  
20          purpose and our mission will not change with the  
21          request of relocation.

22                   So we are a K-8 charter; 430 students is our max  
23          at two campuses. We're here today to speak about the  
24          middle school. On average we have 119 students. At  
25          last census, 83% of our students qualified for free

1 or reduced lunch. We are part of the Community  
2 Eligibility Program, so 100% of our students are  
3 receiving free lunch. 83% African American and 15%  
4 Latino; as compared to the Little Rock School  
5 District and the State of Arkansas, we are higher in  
6 all of our TAGG groups.

7 And just for a little background -- and I'll be  
8 brief because I know you have a really long day --  
9 this is Maslow's Hierarchy of Needs. And what we've  
10 done is we've specifically designed an academic model  
11 to make sure that we're meeting every single area of  
12 Maslow's Hierarchy of Needs for our students to  
13 really provide a true holistic education for our  
14 students. So starting at the bottom with the free  
15 lunch program, mental health services, making sure  
16 our students -- all of their physical needs are met  
17 with uniform clothing and things of that nature. As  
18 far as school safety is concerned, we do have a  
19 longer school day and a longer year than a  
20 traditional school. Our students go to school nine  
21 hours a day, 200 days a year. Many instances of  
22 crime in youth happen in the hours between 3:00 to  
23 6:00 for our latchkey kids, so we're making sure our  
24 students are safe. We are, of course, fully  
25 operating the panic button and all of our teachers

1 are trained to make sure that we have good teacher  
2 relationships with our students.

3 As far as love and belonging, our school -- this  
4 is the cornerstone of our school; this is what we do.  
5 We have a positive behavior plan. Our teachers are  
6 explicitly taught how to have appropriate  
7 relationships with our students to build them up, to  
8 love them, to make sure they're cared for. And when  
9 you hear from our parents that's what you'll hear is  
10 that our teachers love our students and, therefore,  
11 our parents love our teachers.

12 ESTEEM: we have a mastery based learning program  
13 so our children do not move on until they've mastered  
14 the skills they need to be successful. It's project-  
15 based learning and then student-led conferences.  
16 100% of our students are on AIP's and we do that  
17 intentionally so they know their goals and what they  
18 need to reach. Our middle school students have data  
19 binders; they track their progress and can at any  
20 point tell you what they need to do for the next step  
21 to be successful.

22 And then, at the final level, we have an amazing  
23 character development program; graduate attributes;  
24 and then we are part of what's called a Learning  
25 Pass. We have 14 different partners in the area

1 where our students go into the community and do  
2 experiential learning. So this is a really great way  
3 for us to just make sure that our students are  
4 receiving and meeting all of Maslow's Hierarchy of  
5 Needs and getting what they need to be successful.

6 So as far as student achievement, in the fall of  
7 2015 Little Rock Prep requested that the Office of  
8 Educational Policy and the University of Arkansas-  
9 Fayetteville conduct a study on how our students were  
10 doing. Dr. Sarah McKenzie presented this to the  
11 Charter Authorizing Panel in February. But just  
12 briefly to highly a few details: 63% of our students  
13 met or exceeded typical gains. Those gains resulted  
14 in 1.2 grade level equivalents in reading and 1.5  
15 grade level equivalents in math. So LRPA students  
16 grew faster than 79% of students in reading and 84%  
17 of students in math. So Dr. Sarah McKenzie  
18 concluded that students who attended Little Rock  
19 Preparatory Academy in the middle school grades  
20 exceeded national growth over their peers in both  
21 reading and in math, according to the NWEA MAP.

22 These are some preliminary results for this  
23 year. So according to their growth goals, our  
24 students are about on average as the national norm.  
25 This was last year's ESEA report. We take very

1 seriously the goals that are set before us from the  
2 State. We spent two years aligning our curriculum  
3 and making sure that we can perform against our AMO's  
4 and our growth goals. We're very proud to say, as  
5 you can see, that 100% -- LRPA scored 100% achieving  
6 in every single category for our students.  
7 Similarly, with the ACT Aspire just coming out we  
8 don't have the results because the PowerPoint was due  
9 before the results were released for you. So with  
10 permission, Madam Chair, I have just a quick handout  
11 to pass out on the current ACT Aspire results.

12 CHAIRPERSON REITH: Thank you. If you can just  
13 give it to Ms. Boyd and she'll hand it out to us.  
14 Thank you.

15 SUPT. LONG: Thank you.

16 (WHEREUPON, B-2 Exhibit One (1) was marked for  
17 identification and entered into the record.)

18 SUPT. LONG: So what we did is we just took  
19 schools of similar demographic to ours, so all the  
20 schools in our local area, and on average we scored  
21 similar to the local schools in reading and we  
22 outperformed all schools in our area on English,  
23 math, science and in writing on the ACT Aspire.

24 When discussing our relocation, we did a focus  
25 group and we had some surveys that we conducted. And

1 what we found was that many of our families loved our  
2 school, loved the academic model, but wanted a lot of  
3 the traditional amenities that come with the  
4 traditional public school: gymnasium, science labs,  
5 green spaces, thing of that nature. So what we were  
6 finding is that many of our families were choosing us  
7 for remedies, and once their students were brought up  
8 to grade level or had the skills they felt were  
9 necessary to perform in their neighborhood school  
10 they were transitioning out. So what we're hoping is  
11 that our relocation will strongly address this  
12 retention issue.

13 So this is just a little chart on some  
14 statistics from our retention. You can see that 30%  
15 of our students did transition out the last academic  
16 year, and that's something we're hoping to remedy  
17 with this relocation.

18 So our request today is approval for the middle  
19 school to relocate to 6711 West Markham. It would be  
20 180 students. This is not a cap lift; this is the  
21 same amount of students we're already approved to  
22 serve. Our students from grades 6-8 would move from  
23 the current middle school and then our 5th grade  
24 would move from our primary school. We used to have  
25 our 5th grade with our middle school and that worked

1 really well having our students have domain specific  
2 instruction. Because of space constraints, we had to  
3 relocate it back to the primary school. This  
4 relocation would help us move our 5th graders back  
5 into our middle school.

6 So some of the benefits: in addition to the  
7 space being a lower cost to us is that it will help  
8 promote school pride. What we found in our middle  
9 school is by having the amenities we were able to  
10 have cheer; basketball; we had an arts outreach  
11 program; we had garden space, and those are all  
12 things that students really took pride in in our  
13 school. And we want the same type of facilities for  
14 our middle school students, as well. Also, we have  
15 really amazing high-quality staff and our staff has  
16 to pack up their classrooms. It's a shared space.  
17 They can't keep things on the wall. We're really  
18 excited about the opportunity that they can have a  
19 classroom space to call their own and display student  
20 work and students be able to have their own rooms and  
21 own space versus a shared space. Also, addressing  
22 student turnover is the primary reason for the  
23 relocation request.

24 So it was asked of us kind of a lease comparison  
25 and there's a lot of different ways to look at it,

1 and I know you have the information and been able to  
2 look at it. But the bottom-line is the current  
3 facility that we're leasing is about 15.8% of our  
4 revenue and the new location would be about 11% of  
5 our revenue, so it is a cost savings to us.

6 The Board requested a map of the LRSD in our  
7 zoned areas, so we've provided this. And then we  
8 provided where our families are within that map. So  
9 as defined -- as we define central Little Rock, which  
10 is I-630 to the north, Main to the east, University  
11 to the west, and then Asher to the south, this is  
12 where our students reside within those boundaries.

13 So this is our transportation plan. You can see  
14 where the Markham site is. The big circles are hubs  
15 that we would like to have. The hubs we've placed  
16 where there are high concentrations of where our  
17 families reside and easy access for transporting to  
18 our middle school. The current bus route from our  
19 primary school to our middle school is about 11  
20 minutes. The new proposed route from the Markham  
21 site to the primary school is about 12 to 15 minutes,  
22 depending upon traffic, so it's a minimal impact in  
23 or out.

24 So even though -- and it was also asked of us if  
25 the move allowed us to reach our full potential what

1 the impact would be, so what we did is we put this  
2 slide together. Even though we are not asking for a  
3 cap increase, and this did allow us to reach our cap,  
4 it would be a 20-student differential which is around  
5 \$132,000. However, the way the State funds that  
6 would not be for this coming year. We would still  
7 serve the students this year and then the impact  
8 would be for the following year. So additional  
9 information that might kind of correlate with this  
10 slide is we actually are already fully enrolled this  
11 year, this upcoming year, regardless of the space  
12 moving. So we anticipate to be fully enrolled.

13 This is a picture of the site. So for the past  
14 two years we've worked diligently to find a very  
15 high-quality facility. As defined by the boundaries  
16 that we talked about earlier, our current middle  
17 school is about three blocks to the south of the  
18 boundaries. This facility is about six blocks to the  
19 north, so this was the closest facility that we could  
20 find within our area. This is what we are  
21 anticipating our science labs to look like within the  
22 new facility. This is the gymnasium with fully  
23 equipped locker rooms. This is the recreational  
24 space that our students currently use. Because we  
25 don't have a gymnasium, we always make the best of it

1 and our recreation space is outside. This would be  
2 the new recreational space at the new facility. The  
3 Markham site is located on 4.84 acres of green space.  
4 In addition to the gymnasium, the students would be  
5 able to play out here.

6 So, in conclusion, we're respectfully requesting  
7 permission to relocate to the newly renovated  
8 building. This will give our students the advantages  
9 of a beautiful facility and still have the unique  
10 opportunity to participate and receive our unique  
11 academic model. Thank you.

12 CHAIRPERSON REITH: Thank you, Ms. Long. Y'all  
13 still have seven-and-a-half minutes, if there was  
14 anyone else that wanted to speak in favor.

15 SUPT. LONG: No, ma'am, we're good.

16 CHAIRPERSON REITH: Okay. Wonderful. And then  
17 I will take this opportunity, please know how much we  
18 appreciate as a board the strong interest in this  
19 action item; I'm afraid though our Fire Marshall does  
20 not allow people to stand in this room. I'm so  
21 sorry. There are seats up-front. So we do strongly  
22 encourage for those of you that want to grab one of  
23 those seats, but we do have to kindly ask if you are  
24 not seated then you do need to go over to an overflow  
25 room or out into the lobby. I do apologize. But

1 thank you all for helping us be compliant with the  
2 Fire Marshall. We appreciate it.

3 So with that, we now turn to the 20 minutes for  
4 any opposed parties, and we'll treat this separately  
5 from public comment in case -- because there's no  
6 designation within public comment who may be for or  
7 against. So is there anyone that is here in official  
8 opposition to this charter school expansion -- or  
9 relocation? Okay.

10 MS. BOYD: I'm going to take the list --

11 CHAIRPERSON REITH: Yes. If you could kindly do  
12 so, Ms. Boyd. Thank you.

13 And then just, Ms. Long, to give you the heads-  
14 up, you'll have the opportunity of 5 minutes of  
15 rebuttal. And then we will open it up to public  
16 comment, and I have I think about seven individuals  
17 signed up for public comments. And again kindly  
18 asking that y'all reflect on your remarks to be 3  
19 minutes; we will be trying to keep people to 3  
20 minutes as much as possible.

21 Okay. Since seeing no formal opposition, Ms.  
22 Long, would you like to use your last 5 minutes?

23 SUPT. LONG: No, ma'am. Thank you.

24 CHAIRPERSON REITH: Okay. Wonderful. Then we  
25 will now turn to public comment. The first name that

1 I have on the list is Ms. Nell Matthews.

2 MS. MATTHEWS: My name is Nell Matthews; I'm  
3 with the League of Women Voters of Arkansas and Stand  
4 Up for Little Rock. I live in the Briarwood area  
5 neighborhood, which is where this new school will be.  
6 In fact, the location is the site of two former  
7 schools: Lutheran High and then another charter  
8 school which was there for awhile before it failed.  
9 Both of those I believe closed because of financial  
10 reasons; they just couldn't make payroll. And so now  
11 we're getting another school. We have Brady  
12 Elementary there. Well, this is a middle school.  
13 Henderson is very nearby, and Henderson, as you know,  
14 is working very hard to improve its academic  
15 capabilities and progress in the students -- and yet,  
16 we're going to have a charter school that's going to  
17 be pulling kids that would normally go to Henderson  
18 into the charter school. So it's a choice. It's a  
19 choice to go to Henderson, which is a Little Rock  
20 school with certified teachers and all the emphasis  
21 and impetus of the Little Rock School District behind  
22 it to make academic achievement in those students, or  
23 go to a charter school which is run by a business  
24 whose bottom line has got to be how can we most  
25 effectively educate kids for the least cost. And

1 this is what you're giving the people that live in my  
2 neighborhood the choice of and people that live in  
3 other neighborhoods the choice of. I don't see this  
4 as a viable system. I see this as hurting the  
5 traditional public schools. I see it as opening  
6 charter schools that come and go, and then when they  
7 go they leave behind kids that perhaps were not  
8 receiving the education they needed, who are now  
9 being thrust back into traditional schools that have  
10 had resources taken away from them. I just don't  
11 understand where the choice is in making systems that  
12 are in competition for money and not seeking to do  
13 the best for the kids. Thank you.

14 CHAIRPERSON REITH: Thank you, Ms. Matthews.

15 The next person I have on the list is Courtney  
16 Valentine.

17 MS. VALENTINE: Good afternoon. My name is  
18 Courtney Valentine. I'm the 6th grade teacher over  
19 at the LRPA middle school campus. Thank you for  
20 taking the time to listen to our comments today.  
21 I'll make it brief. I came to Little Rock  
22 Preparatory Academy because I wanted to serve  
23 students who I felt needed me and people like me.  
24 Our kids come to us for a variety of reasons. It's a  
25 school of choice for a reason. There are many

1 reasons. Our kids have blown it out of the water,  
2 they really have, with everything that they've  
3 accomplished and everything that they still continue  
4 to do -- and they've done it a very limited  
5 environment, without a green space, without a gym,  
6 without real science labs. Imagine what they could  
7 accomplish with dedicated spaces that they can take  
8 pride in that we can modify for our needs. Our kids  
9 deserve that; they've earned it. That's it.

10 CHAIRPERSON REITH: Thank you. Thank you, Ms.  
11 Valentine.

12 Next on the list I have Ms. Amy Jones.

13 MS. JONES: Good evening. My name is Amy Jones.  
14 I'm one of the parents at the school. I just want to  
15 commend LRPA for all they have done for my children.  
16 I have two children that has gone to Little Rock  
17 Preparatory Academy. One I wish could go on up to at  
18 least 12th grade but they didn't offer the 12th  
19 grade, only the 8th grade. And I just want to just  
20 commend them because they have such a wonderful team  
21 of teachers that really is more like a family. My  
22 kids has been at Little Rock Preparatory for six  
23 years. My daughter was on the cheerleader team.  
24 They've been in like three competitions. She had an  
25 opportunity to cheer at the Mavericks -- the Memphis

1 Grizzly's game and opportunity to perform at the  
2 Harlem Globetrotters, and so they really have an  
3 excellent cheerleader team that I hope it carries on  
4 to the next year. And I just think that we're just  
5 one big happy family, and I drive far away to take my  
6 kids to Little Rock Preparatory. I could've chose  
7 any school but I chose Little Rock Preparatory  
8 because they're more of a family. And I love them so  
9 much and I want to thank them for all they have done  
10 for my children. And I hope today that you will take  
11 into consideration to allow us to move on over to the  
12 bigger school so our children will have more  
13 opportunities, especially I love that cheerleader  
14 team, that we could take it to the Forest Heights.  
15 And I just want to thank you. I love you very much.

16 CHAIRPERSON REITH: Thank you, Ms. Jones. And I  
17 want to thank everyone. Everyone has been keeping it  
18 to about a minute-and-a-half, so very impressive.  
19 Thank you.

20 Shawn Parker. Is there a Shawn Parker? Oh,  
21 wonderful. Well, that sure is a great bowtie, young  
22 man. Can you say your name for the record?

23 MR. PARKER: My name is Shawn Parker.

24 CHAIRPERSON REITH: Thank you.

25 MR. PARKER: And I'm speaking on behalf of LRPA.

1 I would like to thank LRPA for what they have done  
2 for me. I love the school. The teachers are great  
3 and they have a great Learning PASS Program. The  
4 Learning PASS Program has given me an opportunity to  
5 be in a great program which I want that to be my  
6 career. Without LRPA I wouldn't have this career  
7 with First Tee. First Tee of Central Arkansas gave  
8 me golf clubs and gave me an opportunity to play in  
9 tournaments, and now I am doing tournaments and doing  
10 very good at golf. Thank you.

11 CHAIRPERSON REITH: Thank you, Mr. Parker. Your  
12 parents should be very proud.

13 And I apologize here but I can't read this last  
14 name. I think it's a Ms. Monique Robertson --  
15 Robinson. Thank you. Ms. Robinson, you're  
16 recognized. You're a little bit taller than Mr.  
17 Parker.

18 MS. ROBINSON: Yes. Well, my name is Monique  
19 Robinson and Mr. Parker is one of my children. I  
20 have three children that attend Little Rock  
21 Preparatory Academy. We have been there since he was  
22 in the 4th grade. The reason I chose Little Rock  
23 Preparatory Academy is because the staff worked  
24 individually with my children. Everybody knows that  
25 each child is on a different level, and that was a

1           comfort zone for me to know that we have appropriate  
2           teachers to work with them on different levels. And  
3           as of this year one of my daughters had made a great  
4           improvement on her math score and that was through  
5           the work of the teachers, the staff, parents, and all  
6           the participation. Thank you.

7                   CHAIRPERSON REITH: Thank you. And then our  
8           final public comment for this action item -- and I  
9           apologize again -- maybe Delphine Welrod, possibly?  
10          Wadoo, yes. I apologize for -- if you'll say your  
11          name correctly for the record. I apologize; I think  
12          I butchered it. I apologize.

13                   MS. WADOO: This is my family --

14                   CHAIRPERSON REITH: Ma'am, if you could kindly  
15          speak into the mic and if you could kindly say your  
16          name for the record, we sure would appreciate it.  
17          Thank you.

18                   MS. WADOO: This is my family. My name is  
19          Darlene Wadoo. I am one of the grateful grandparents  
20          of these Little Rock Preparatory Academy students.  
21          James, would you like to say something?

22                   MR. STEVENSON: Hello. My name is James  
23          Garfield Stevenson, IV, and I've been here since  
24          kindergarten and I'm having a great time being at  
25          this school. I'm going in the 6th grade and I hope I

1 can be here until it ends. Thank you.

2 MS. STEVENSON: My name is Jeneia [ps] Gabrielle  
3 Stevenson. My name is Jeneia Gabrielle Stevenson and  
4 I've been going to the school since the 3rd grade.  
5 And I've been given a lot of opportunities from this  
6 school and I really like this school. Thank you.

7 MS. WADOO: And I am a volunteer. My first  
8 three years with my grandson I volunteered every day,  
9 because I was a helicopter grandmother. But I  
10 appreciate all of the -- I appreciate all of the  
11 teachers that worked with him and with me, all of the  
12 administration, all of the amenities. I have been  
13 able to work at every spot there is on campus and off  
14 campus. And I would like to say we have an awesome  
15 and a strong parent organization. Moving to this new  
16 facility will give us all of the common things that  
17 all of the common schools have: the gyms, the green  
18 space, the chemistry rooms, a large lunchroom,  
19 individual space, and then space we can share with  
20 others. We're for this move. We've been here  
21 through every month and we're going to move on as a  
22 family. Thank you.

23 CHAIRPERSON REITH: Thank you. Thank you, Ms.  
24 Wadoo.

25 And that's all who I have signed up for public

1 comment. I just want to make sure I didn't overlook  
2 anyone or there's no missing sheets. Everyone that  
3 intended to offer public comment has done so? Okay.  
4 Wonderful.

5 Then with that, I will now open it up to  
6 questions from my colleagues on the Board. Dr.  
7 Barth.

8 DR. BARTH: This is -- well, actually, I'll go  
9 ahead -- since you're at the microphone, go ahead and  
10 ask you. So I was a little confused on the numbers.  
11 So right now you've got in these grades 119 students;  
12 is that right?

13 SUPT. LONG: Currently, right now, as of last  
14 year.

15 DR. BARTH: Okay. And so -- but then the slide  
16 on the fiscal impact talked about only 20 students,  
17 only a 20-student impact. Could you square those  
18 numbers for me because --

19 SUPT. LONG: Sure. We're relocating the 5th  
20 grade from the primary school to the middle school.  
21 And the number, the 432 cap number is for the -- it's  
22 one LEA, so it's for the primary school and the  
23 middle school together. So what we're doing is just  
24 shifting more kids into the middle school and  
25 enrolling a little less in the primary school for

1 class sizes.

2 DR. BARTH: Okay. Okay. And so on that issue,  
3 so tomorrow we will consider academic distress  
4 designations and that is -- it's the elementary  
5 school that is proposed to be designated as being in  
6 academic distress?

7 SUPT. LONG: Yes, sir.

8 DR. BARTH: What grades are covered by that  
9 school that we will -- are any of the grades that are  
10 in this proposed middle school part of that  
11 elementary school for academic distress purposes? Do  
12 you see my question?

13 SUPT. LONG: I don't.

14 DR. BARTH: Okay. So --

15 SUPT. LONG: I'm sorry.

16 DR. BARTH: So tomorrow, on the list of schools  
17 for academic distress designation is Little Rock Prep  
18 elementary; correct?

19 SUPT. LONG: Uh-huh.

20 DR. BARTH: Now what grades are for that purpose  
21 deemed --

22 SUPT. LONG: Yes, sir. I get it now.

23 DR. BARTH: -- Little Rock Prep elementary and  
24 which ones -- I'm just trying to see if there's  
25 overlap. Because I do have some concerns about

1           academically under-achieving schools and providing  
2           them, you know, alterations of this sort.

3                   SUPT. LONG: Okay. So last -- the academic  
4           distress designation came under the school being a K-  
5           5. So what would happen is the 5th grade would move  
6           to the middle school which is not under academic  
7           distress. So it would actually minimize the amount  
8           of grades served at the primary school, so it's not  
9           an overlap. There won't be two 5th grades, one at  
10          the primary and one -- they're just going to  
11          relocate. So our proposal would narrow our  
12          elementary school model, serving then just K-4, and  
13          expand our middle school model, serving then 5-8.

14                   DR. BARTH: Okay. And this may be a question  
15          for Ms. Barnes, if she's -- is she here? When we  
16          have that kind of alteration where we have a grade  
17          that was in academic distress but it gets shifted to  
18          a different school, are those schools in academic  
19          distress at that point? Or is only the -- what do we  
20          -- how does that work?

21                   MS. BARNES: Yes. Good afternoon. Annette  
22          Barnes with Public School Accountability. First of  
23          all, yes, the elementary is in academic distress.  
24          The middle school is a priority school; by nature  
25          that is in the bottom 5%. I know that you are

1 looking at and reviewing information from the  
2 preliminary assessment data, and so we won't know the  
3 outcome of all of that until after the corrections  
4 period. But to answer your question, what happens  
5 here is there is an opportunity for a new school but  
6 not in this particular case. So what will happen is  
7 the elementary, until they have moved beyond the  
8 criteria to be placed in academic distress, will  
9 remain there. And as you know, with respect to our  
10 priority schools, we do not foresee or have the  
11 opportunity to move any of those schools that are  
12 currently designated until after the 17-18  
13 implementation of our new accountability system. So  
14 you will have an elementary that's currently  
15 designated in academic distress; you'll have a middle  
16 school that's currently identified in the bottom 5%  
17 as a priority school, which will later become  
18 comprehensive improvement.

19 DR. BARTH: All right. Thank you. One final  
20 question, probably for Ms. Boyd, and it goes back to  
21 the original charter for Little Rock Prep which --  
22 and I'm curious to what degree was a geographical  
23 area part of that original charter. Because I know  
24 the original location of this school, which was in --  
25 which was, I guess, on Schiller Street -- right? -- I

1 believe was the original location, which was kind of  
2 in the heart of that neighborhood. We've seen  
3 relocations. And so I'm just curious, I -- you know  
4 -- I think it's important for us to, you know, be  
5 conscious of the original purpose of these schools  
6 and to a degree to which they were meant to serve a  
7 particular geographical area, especially when you  
8 have a school that is moving a number of miles away  
9 from its current location.

10 MS. BOYD: I'm pulling up the application now.  
11 But, in general, when we talk about the geographic  
12 location of a school in the application it's really  
13 more about the district than a particular  
14 neighborhood. If there is something to the contrary  
15 in the original application -- can I have a minute to  
16 look at it and then I'll let you know?

17 DR. BARTH: Okay. Thank you.

18 CHAIRPERSON REITH: Other questions from the  
19 Board? If not, then I'll pose a question that has  
20 two parts, and the first may be actually to Ms.  
21 Coffman or to the Commissioner them-selves. We've  
22 received several emails from the stakeholders group  
23 that's meeting in regards to South of the River and  
24 the South of the River strategy that we've asked them  
25 to advise us on in regards to public school systems

1 and charter schools working together. And the  
2 concern has been raised that this decision could  
3 potentially be premature and in some ways undermine  
4 their ability to put together a broader strategy --  
5 and I'm just repeating what's been in those emails.  
6 And so I was just hoping or wondering to what extent  
7 you may be able to comment on what has come up or  
8 arisen in the stakeholders group and what is -- if  
9 you could remind us, especially for our new board  
10 members, the timeline for them to complete that  
11 strategy to which they would present to us and  
12 advising us as we move forward.

13 COMMISSIONER KEY: I'll speak to what has been  
14 discussed in the meetings that I've attended. I did  
15 not attend the most recent meeting; Ms. Coffman may  
16 be able to add to that. But I think one member  
17 voiced concern that there should be a moratorium on  
18 any new charters. I think the question was in  
19 regards to any new applications or any revised -- any  
20 revisions that may be coming. But there was no  
21 action taken. There was no concrete direction or  
22 vote or anything else by that group that would voice  
23 the sense of the entire group of their desire in that  
24 regard.

25 CHAIRPERSON REITH: And --

1 COMMISSIONER KEY: And I don't know if it was  
2 brought up in this last meeting earlier this week.

3 CHAIRPERSON REITH: Ms. Coffman.

4 MS. COFFMAN: No, it was not discussed during  
5 this last meeting. The last meeting was primarily a  
6 work session, looking at research questions.

7 CHAIRPERSON REITH: And for either of you, the  
8 timeline for them having something to present to us?

9 MS. COFFMAN: As part of the motion, there was a  
10 request for quarterly reports to the Board. And so  
11 they've met just, you know, a few times now, but that  
12 is on the agenda for the next meeting to begin  
13 preparing a report. We have not moved forward with  
14 selecting a research group yet, so we're still  
15 formulating the questions. But I think they've  
16 worked diligently and I think you would be very  
17 pleased with the progress that they're making, but  
18 they're being very thorough.

19 CHAIRPERSON REITH: Thank you. Thank you for  
20 that. And I guess tied to that, Ms. Long, to kind of  
21 address that concern or that -- I guess that idea put  
22 out there is the timeliness, again, of the  
23 responsibility we have to the district as a whole in  
24 conversations that we put in place versus I know your  
25 individual application. Does this move in any way

1           impede you from serving your students next year?  
2           Like if this move was not approved would you still be  
3           able to serve your students as planned for next year?

4           SUPT. LONG: That's a trick question. Of course  
5           we'll serve our students. We've always served our  
6           students.

7           CHAIRPERSON REITH: And I didn't mean it  
8           actually as a trick question. I was just trying to  
9           honestly -- in terms of capacity --

10          SUPT. LONG: Yes, ma'am.

11          CHAIRPERSON REITH: Okay.

12          SUPT. LONG: We will absolutely serve our  
13          students to the best ability that we can. Our  
14          students, like we've shown you, are growing and  
15          they're making great strides and they're happy. We  
16          still believe, they believe, they deserve the same  
17          facilities that every other student does at a  
18          traditional public school.

19          CHAIRPERSON REITH: Thank you for that. Any  
20          other questions from my colleagues -- questions,  
21          comments? Yes, Ms. Newton.

22          MS. NEWTON: I just have a comment. It's a  
23          little bit concerning to me that we have an  
24          elementary school, a charter, that's on academic  
25          distress and a middle school that's on priority.

1           That concerns me because -- you know, they deserve  
2           good facilities but I also want them to have the best  
3           education possible. But I think -- and Ms. Boyd  
4           might correct me -- they're up for charter review  
5           next spring; is that right?

6           SUPT. LONG: Okay. Yes, we are.

7           MS. NEWTON: I believe they are.

8           SUPT. LONG: Yes, ma'am.

9           MS. NEWTON: So, you know, in the meantime, you  
10          know, I want the best for the students that are going  
11          there and, you know, I see the facility as being a  
12          big step for them as far as improvement. So just not  
13          a question; just a comment.

14          CHAIRPERSON REITH: Thank you, Ms. Newton. Any  
15          other questions or comments from the Board? Yes, Ms.  
16          Zook.

17          MS. ZOOK: I think one of the things the  
18          stakeholders were talking about or that they're going  
19          to be looking at is ways to collaborate and  
20          coordinate. And I noticed that Little Rock Prep had  
21          no teachers who missed five or more days and the  
22          schools around them have teachers who have -- up to  
23          50% and 60% of their teachers have missed five or  
24          more days. So I think that's just a sort of no-  
25          brainer. What are y'all doing? Because you're both

1 working with, you know, children; you're both working  
2 with children with free and reduced lunch; you're  
3 both working with children who are minorities. So  
4 the excuse that's been often given, "Well, this is a  
5 higher stress because of the kids we serve" --  
6 obviously, Little Rock Prep has proved that not  
7 necessarily, so I do commend you for that. And if  
8 any of those schools would like to know what it is --  
9 what your magic is, then I'm sure you'd be willing to  
10 share that. I'm ready with a motion.

11 CHAIRPERSON REITH: Dr. Hill.

12 DR. HILL: I just -- what is -- I was looking at  
13 your demographics. What is percentage male and  
14 female? Do you have that?

15 SUPT. LONG: It's ironically almost 50/50. I  
16 think it varies year to year like 51/49. It's real  
17 close.

18 DR. HILL: Okay.

19 CHAIRPERSON REITH: Any additional questions  
20 from the Board? Yes, Ms. Boyd.

21 MS. BOYD: I reviewed the original application  
22 documents, and when asked about the geographic  
23 location they speak to Little Rock, Pulaski County,  
24 North Little Rock, and then they specifically state  
25 that they will recruit from -- here it is -- south

1 Midtown, Granite Mountain, College Station, and Sweet  
2 Home communities.

3 DR. BARTH: Yeah.

4 CHAIRPERSON REITH: Yes, Dr. Barth.

5 DR. BARTH: And I think that the map shows -- of  
6 current students shows that they have done that.

7 And, you know, what's -- so as much as I recognize  
8 how improved this facility is over the current  
9 challenging facility that y'all are working at, I  
10 worry about the location being really in a very  
11 different part of town than that target area that  
12 y'all have really done a good job of achieving. I  
13 mean, when you look at where your students are they  
14 really do fit that original mission. But here we  
15 have a location that is, you know, three-and-a-half  
16 miles north of that, really at the northern edge of  
17 your student body. I agree that you do have a  
18 transportation strategy, and I recognize that, and I  
19 appreciate the thoughtfulness of this. But I do have  
20 some concerns about the degree to which there may be  
21 some mission for this school by this change in  
22 location. And I am very -- I am sympathetic to the  
23 stakeholders group that we have -- we've given the  
24 charters to and are doing a service for us, and I  
25 think we're beginning to move the target here as we

1 change the rules about where students are going to be  
2 south of the river.

3 CHAIRPERSON REITH: Thank you. Any final  
4 questions or comments from the Board? Otherwise, I  
5 will entertain a motion. Okay. Hearing none, Ms.  
6 Zook, if you wanted to make a motion.

7 MS. ZOOK: I move that we allow the move or  
8 uphold the Charter's recommendation, whichever is the  
9 appropriate motion.

10 CHAIRPERSON REITH: I think it's uphold the  
11 decision of the Charter Authorizing Panel. Okay. Do  
12 I have a second?

13 MR. WILLIAMSON: I'll second that.

14 CHAIRPERSON REITH: So motion made by Ms. Zook,  
15 seconded by Mr. Williamson. And, Commissioner, I'm  
16 going to ask for a roll-call on these charter school  
17 applications.

18 COMMISSIONER KEY: Dr. Barth.

19 DR. BARTH: No.

20 COMMISSIONER KEY: Mr. Black.

21 MR. BLACK: Yes.

22 COMMISSIONER KEY: Ms. Chambers.

23 MS. CHAMBERS: Yes.

24 COMMISSIONER KEY: Ms. Dean.

25 MS. DEAN: Yes.

1 COMMISSIONER KEY: Dr. Hill.

2 DR. HILL: Yes.

3 COMMISSIONER KEY: Ms. Newton.

4 MS. NEWTON: Yes.

5 COMMISSIONER KEY: Mr. Williamson.

6 MR. WILLIAMSON: Yes.

7 COMMISSIONER KEY: Ms. Zook.

8 MS. ZOOK: Yes.

9 CHAIRPERSON REITH: Motion carries. And thank  
10 you and congratulations to Little Rock School  
11 Preparatory Academy. And thank you, Ms. Long. And  
12 to those young kids, keep learning.

13 So with that, we are going to take a slight  
14 break right now because we will have a move in  
15 communities between one another, and I know there's a  
16 transition that the Department needs to make.

17 I'm sorry; Ms. Chambers, yes.

18 MS. CHAMBERS: Madam Chair, before we break,  
19 based on this last discussion and the advisory group  
20 --

21 CHAIRPERSON REITH: I'm sorry; if you all could  
22 be quiet as you depart. I apologize; if you could be  
23 quiet as you depart, we haven't officially convened  
24 as of yet and it would help for the purpose of the  
25 live-streaming and public record. Thank you. I

1 appreciate it. Congratulations, but if you can  
2 celebrate outside we sure would appreciate it. Thank  
3 you.

4 Yes, Ms. Chambers, you're recognized again.

5 MS. CHAMBERS: I hate to dampen that excitement  
6 because it was good to see. To the previous  
7 conversation about the advisory committee and  
8 maintaining an integrity in our relationship to  
9 theirs and what they're solving for and when and how,  
10 if we do have any expectations on any moratorium,  
11 even if temporary, on any decision-making, whether  
12 it's a newly-granted charter or an expansion or a  
13 material change, or we decide we're going to go ahead  
14 and proceed with each of those as they come forward  
15 and work with due haste, I guess, with the advisory  
16 group bringing back a proposal -- but I think being  
17 deliberate on that with them for us will help so that  
18 we don't feel like we're compromising what we've  
19 asked them to do as we vote on these and they don't  
20 feel like they've been given an assignment that's  
21 impossible to satisfy.

22 CHAIRPERSON REITH: No. Thank you, Ms.  
23 Chambers. And I guess that ties in with the question  
24 I had on the timeline and knowing that we have the  
25 next round of applications coming in in October. Is

1           that correct? And so I'm just wondering if they've  
2           considered or where they are in their consideration  
3           of timeline. Beyond quarterly coming to present to  
4           us, is there something -- because I think that will  
5           be the next kind of pool of decisions where we have  
6           is there an intentionality around their conversations  
7           and what advice that they hope to present to us that  
8           aligns with the timing of us making decisions this  
9           coming fall.

10           COMMISSIONER KEY: And we certainly cannot have  
11           a moratorium on applications because that's  
12           statutory. And as those come in, I think the  
13           timeline of those applications of any new charters  
14           that may come in within this footprint certainly  
15           would be necessary to consider, that timeline of  
16           approval stacked up with the timeline of the  
17           stakeholders group. And I think we all have that in  
18           our mind as we prepare. You know, the benefit we  
19           have as for this current application cycle, there  
20           were no applications within the footprint. So we do  
21           have a bit of a buffer period where some of this  
22           planning can be done.

23           CHAIRPERSON REITH: Oh, so there's no  
24           applications that have been submitted for Little Rock  
25           -- or south of the river, charters south of the

1 river?

2 COMMISSIONER KEY: So the only thing might be  
3 modifications, amendments, charter amendments.

4 MS. CHAMBERS: And thank you for that  
5 explanation. To be clear, I am not for a moratorium  
6 but I am for alignment in expectations, both for that  
7 committee and for ourselves so that we are working as  
8 closely and purposely as we can towards an end  
9 timeline or end set of decisions.

10 COMMISSIONER KEY: Yeah. I think this -- LRPA's  
11 request was really the last of from the previous  
12 cycle. You know, if you look at it in cycles, this  
13 was an amendment request. And so I don't anticipate  
14 any -- you never know, but I don't anticipate any new  
15 amendment requests coming in, because really the big  
16 ones have already -- you've already addressed those.

17 CHAIRPERSON REITH: Thank you. But if I could  
18 just -- to continue to make sure that -- and I'm sure  
19 you have already, but the stakeholder group is  
20 conscientious of our timeline, right, of when  
21 applications may be in or modifications might be  
22 presented? I'm sure y'all have presented that to  
23 them already, but just as they could equally be aware  
24 of -- you know -- as applications come in that might  
25 be relevant to the district, I think it may help them

1 in their conversations with us.

2 MS. COFFMAN: They are aware of that timeline.  
3 They are working, as I said, diligently, but they're  
4 being very thoughtful and very thorough. So their  
5 work ethic is keeping up with the pace; would you  
6 agree, Dr. Barth? I mean, you attended one of the  
7 meetings.

8 DR. BARTH: Yes, I agree wholeheartedly.

9 MS. ZOOK: I do, too. I've been live-streaming.  
10 And if the new board members have the time I think it  
11 would be helpful to you to live-stream and watch them  
12 and the kinds of questions they have and what they're  
13 doing. I think if nothing else it's sort of  
14 educational as far as things you're going to have to  
15 deal with on the Board. So I think they meet again  
16 the 25th at 5:00; is that correct, Ms. Coffman?

17 MS. COFFMAN: That's correct. I would say all  
18 of the meetings are not only open to the public but  
19 the agendas are posted online in the same place the  
20 State Board agendas are. All of the meetings have  
21 been recorded. Any document that's handed out during  
22 the meeting is uploaded quickly the next day. So  
23 everything is being well-documented and made open to  
24 the public.

25 DR. BARTH: And --

1 CHAIRPERSON REITH: Dr. Barth.

2 DR. BARTH: -- I just want to thank Ms. Coffman  
3 for taking another responsibility on, an evening  
4 responsibility at that in many cases. So on behalf  
5 of the Board -- it's not just -- they're doing  
6 service, but you're doing service as well.

7 MS. COFFMAN: Thank you. It's a team effort.

8 CHAIRPERSON REITH: I echo that. Thank you.

9 MS. ZOOK: And I think too the thing that's been  
10 most interesting is basically the first two meetings  
11 have been spent educating themselves about terms and  
12 what this means and what that law means and  
13 everything. So the ADE has had a huge responsibility  
14 just getting them up-to-speed so they can go forward.  
15 But that also speaks to the seriousness with which  
16 they are taking their responsibility.

17 CHAIRPERSON REITH: Wonderful. Thank you.

18 Thank you all.

19 And just to measure the pleasure of my Board, do  
20 you all want to take a break since we were supposed  
21 to take a break technically between -- and would that  
22 still be helpful to the Department? I did notice the  
23 -- you guys are okay on your end? Everyone is fine  
24 to proceed? Okay. Then we will proceed.

25 B-3: HEARING ON OPEN-ENROLLMENT AMENDMENT REQUEST: HAAS HALL

1 ACADEMY, FAYETTEVILLE AND BENTONVILLE CHARTERS

2 CHAIRPERSON REITH: Then moving on to Action  
3 Item B-3, Hearing on the Open-Enrollment Amendment  
4 Request for Haas Hall Academy. And then, Ms. Davis,  
5 I don't know if for the purpose -- it probably would  
6 help since it is -- not necessarily for the Board but  
7 for those that have joined us in the public, a  
8 reminder on what the process will look like.

9 MS. DAVIS: Sure. The process that you're going  
10 to follow for this agenda item is going to be that  
11 all persons wishing to provide testimony, outside of  
12 attorneys, will need to be sworn in. The charter  
13 will have 20 minutes to present its amendment request  
14 to you, followed by 20 minutes for opposition. And  
15 then the applicant will also have another 5 minutes  
16 rebuttal. Because this agenda item does have a  
17 couple items or components to it, I do want to remind  
18 you that if anything that is agreed to today during  
19 their request or their questions differs from what's  
20 on paper that's been provided to you or that's  
21 different in any PowerPoint it does become part of  
22 their charter. This is kind of a negotiation, so  
23 anything that's verbally agreed to becomes part of  
24 that. Any questions?

25 DR. BARTH: Just I think it might be easier,

1 since there were three different issues here -- for  
2 new board members in particular, could you walk  
3 through each of the three decisions of the Charter  
4 Authorizing Panel?

5 MS. DAVIS: Yes. They had -- the applicant had  
6 requested sibling preference language; that was  
7 approved by the Charter Panel. They requested an  
8 enrollment cap at their Fayetteville location; that  
9 was denied. And then they also requested a license  
10 for a Springdale location; that was denied.

11 DR. BARTH: Thank you.

12 MS. DAVIS: You're welcome.

13 CHAIRPERSON REITH: Thank you. Thank you, Ms.  
14 Davis.

15 Ms. Boyd, do you have opening comments to get us  
16 started?

17 MS. BOYD: Thank you, Madam Chair. We have Dr.  
18 Martin Schoppmeyer to begin the presentation for Haas  
19 Hall.

20 CHAIRPERSON REITH: Thank you, Ms. Boyd. And  
21 then, Mr. Schoppmeyer, you have 20 minutes. And I  
22 actually do need to swear you in first, so thank you  
23 for doing that. Is there anyone else planning to  
24 offer testimony who's not an attorney? Wonderful.  
25 Thank you. If you can raise your right hands -- do

1           you swear or affirm to tell the truth, the whole  
2           truth and nothing but the truth?

3                    (ALL WITNESSES ANSWERED AFFIRMATIVELY)

4                    CHAIRPERSON REITH: Thank you. Mr. Schoppmeyer,  
5           you have 20 minutes.

6                    SUPT. SCHOPPMAYER: All right. Thank you.  
7           Commissioner Key, Madam Chairperson, Ladies and  
8           Gentlemen of the State Board of Education, my name is  
9           Martin Schoppmeyer; I am the founder and  
10          superintendent of Haas Hall Academy charter school.

11                   We're a small comprehensive institution with 700  
12          scholars in two locations. We provide a rigorous  
13          college preparatory curriculum. Our vision is to  
14          produce truly educated graduates and our slogan is  
15          "Every Scholar Every Day College Bound." We've been  
16          ranked the number one high school in the state of  
17          Arkansas for five consecutive years by U.S. News and  
18          World Report; we're the number nineteenth ranked  
19          public high school in the entire United States in  
20          2015; we're the only Gold Medal Public School in  
21          Arkansas for three consecutive years; ranked as one  
22          of America's most challenging schools for the last  
23          four years; we earned the letter grade of "A" with a  
24          perfect score of 300/300 for the past two consecutive  
25          years; and our school newspaper was inducted into the

1 Hall of Fame because it was listed as the best school  
2 newspaper in the state for four consecutive years.

3 Here's some of the scholars -- some of the  
4 institutions of higher learning that our scholars  
5 have been accepted to.

6 We have the Fayetteville campus, you approved  
7 the Bentonville campus last year, and we'd like to  
8 open up the Springdale campus in August of 2017.

9 On our Fayetteville campus 22% of scholars  
10 identify as non-white; at our Bentonville campus 30%  
11 of scholars identify as non-white. We'd like to move  
12 our school into the Jones Center, which provides a  
13 multitude of services for families. Buses run well  
14 over 60 times a day to and from the organization.  
15 It's a wraparound-services-provided building and we  
16 see ourselves as being an opportunity for scholars to  
17 receive a wonderful education.

18 I was able to speak -- as I said, I was able to  
19 meet with Dr. Cleveland; we had a wonderful  
20 conversation. I believe that the two of us are on  
21 the same page as far as what we'd like to see happen  
22 as a partnership where to go. I have full faith him,  
23 and hopefully he has the same in me, that we'll be  
24 able to do something pretty spectacular together.

25 We have developed a comprehensive outreach plan

1 to encourage low-income families to participate in  
2 our lottery system. We have one full-time employee  
3 and we're looking to hire another one after today.  
4 You apply, enroll, graduate, and you're college-  
5 bound; that's the hope for every scholar that  
6 attends. We have a partnership with the Cisneros  
7 Foundation and what they'd like to see us do is to  
8 provide services to their program constituents at  
9 their places of work, as well as the Jones Center so  
10 we could become a college awareness and college  
11 readiness arm for their students. We'd also like to  
12 participate in the GED program and get the parents to  
13 graduate from Haas Hall Academy as well.

14 We've never been subjected to any disciplinary  
15 action by the authorizer. We've never been  
16 classified as an academic or fiscal distress school.  
17 We haven't had our school placed on probation, nor  
18 our charter revoked or suspended.

19 Now I'm going to turn it to Heather Holaway.

20 MS. HOLAWAY: Hi, my name is Heather Holaway and  
21 I am the Executive Director of Marketing and  
22 Communications for Haas Hall. I have developed our  
23 lottery system so that applicants can apply online  
24 very easily; they can track their progress; they have  
25 all of the information that they need to get into the

1 school, and then we also have the option at that  
2 point to rely on a database instead of manual entry  
3 of any information. There is a very traceable  
4 program now which we all have access to, which has  
5 been a really neat improvement this year, and I want  
6 to tell you a little bit about it.

7 First off, our application is online. We also  
8 have computers at the school so that if someone wants  
9 to walk in off the street and apply they can do that.  
10 They can apply right there at the front desk; we have  
11 people to help with that. Our application is  
12 available in all languages that are available through  
13 Google Translations and so if you can translate a  
14 website, ours is right on there, on that list too.  
15 And we have a plug-in on the website which allows all  
16 of the information that's there to be translated into  
17 any language.

18 Once they apply they are assigned a unique  
19 lottery ID number, and they can look at that lottery  
20 ID number on the website or they can contact the  
21 school and we'll let them know what their lottery ID  
22 number is. Now what this does is insure that all of  
23 our scholars' privacy is protected during a lottery  
24 drawing and afterwards. They use this lottery ID  
25 number to check their waitlist status, and that is

1 something that's also available on our website. So  
2 they can at any point say, "I'm number 47 on the list  
3 and currently they're at number 14," and so they have  
4 a little bit more information on their side to help  
5 them understand this process.

6 We offer a shadow program and basically what  
7 that is is a prospective scholar will come in and  
8 spend an entire day at the school. They'll go  
9 through a normal class, they'll take PE. It's an  
10 interesting experience for the kids to be able to  
11 kind of get an idea of our unique environment. Now  
12 not all scholars do this. We had 41% at our  
13 Fayetteville campus and 45% at our Bentonville campus  
14 this year; that's also something that's tracked. We  
15 have an ability to look and see these people did  
16 shadow, they did enjoy it; these people didn't  
17 shadow, they want to. And so even after our lottery  
18 drawing, with the amount of response that we had, we  
19 still had people coming in to shadow, just to check  
20 out the school and see how it is.

21 Once the lottery date is announced what we do is  
22 we work really hard to communicate with parents, with  
23 scholars, with current families, and with the general  
24 community to make sure that everyone knows when the  
25 lottery is going to be, how it's going to be drawn,

1 and have all the information available. This year,  
2 we held our drawing on March 30th, I believe, and we  
3 had around 100 people in attendance. We had  
4 representatives from the ADE there, and I would have  
5 to say it actually went really well. We had both of  
6 our campuses -- we drew two lotteries, one for  
7 Fayetteville and one for Bentonville. We are  
8 currently -- we currently have a waitlist in every  
9 grade at both campuses.

10 Once a scholar was drawn in the lottery they  
11 would then get an acceptance notification email. If  
12 they don't read the email, if they didn't click the  
13 link, if they didn't respond, we then are able to see  
14 that within our system. We're able to see this  
15 person did open the email, this person didn't at all,  
16 and that way we can actually get in touch with them.  
17 We've had no people on our list this year that we've  
18 not been able to get in touch with to either get an  
19 acceptance or a denial whether they wanted their  
20 children to come.

21 Our seat acceptance form online allows us to --  
22 any accepted scholar can go on and they can sign up  
23 for their seat. They can say "yes, I accept my seat"  
24 or "no, I decline my seat." And the way that that's  
25 done within our system, it assigns a tracking number

1 that we then provide to the ADE once all of that is  
2 processed. And I believe we've already sent some of  
3 our information in, in June, with the deadlines that  
4 were outlined in the Webinar that we attended back  
5 last spring about the best lottery practices.

6 Again, our waitlist is -- we're serving our  
7 waitlist right now but we do have a waitlist in every  
8 grade at both campuses.

9 Here's kind of the breakdown of how that was: in  
10 the light blue, you'll see our total applicants; in  
11 the orange, our available seats; in the dark blue,  
12 the people who were contacted; and then the people  
13 who remain on our waitlist. And that's for  
14 Bentonville.

15 And this is actually old stuff.

16 One of the things that we would like to do  
17 within Springdale in order to reach a community that  
18 is more diverse than the Fayetteville or Bentonville  
19 community is we'd really like to do a big push with  
20 fliers and print materials out in the community,  
21 going and reaching people where they are instead of  
22 expecting them to find us. We really want to make  
23 sure that everything that we have is available in  
24 multiple languages so that it's very readily  
25 available, and we have a fantastic community

1 organizer who's going out and making sure that we can  
2 get in those places and really start to reach more  
3 people.

4 Our lottery process this year was a very  
5 transparent and traceable process. It was all random  
6 selection, supervised and audited by the ADE, and  
7 open to the public. And I just have to say, as a  
8 personal aside, my senior graduated from Haas Hall  
9 this year. He is going to college with almost  
10 \$100,000 in scholarships because of the opportunities  
11 that he was afforded by the school. It's definitely  
12 something that I enjoy from the system-building side,  
13 but as a parent it's been just an amazing blessing.

14 Thank you.

15 CHAIRPERSON REITH: Thank you, Ms. Holaway. You  
16 all still have 10 minutes. Yes.

17 MR. HENRY: Great. My name is Mark Henry; I  
18 represent Haas Hall Academy and I also have some  
19 children that go there. I wanted to bring to your  
20 attention today a letter from Ed Clifford; he's the  
21 president and CEO of the Jones Trust. He's in front  
22 of the -- on the board with the Jones Center. And  
23 the Jones Center -- maybe you've been there, maybe  
24 you've seen it -- it's an amazing facility. What was  
25 there before? Well, there was a school there before

1 and at that school they worked great with the  
2 community, but then the school found another  
3 building, and so there's a vacuum. They called us  
4 and said, "Here's your opportunity to put to rest the  
5 rumor that Haas Hall serves only the elite." Let's  
6 just squarely address this. How do you respond to  
7 that rumor? You take the same model and you seize an  
8 opportunity at one of the most diverse school  
9 districts in Arkansas. We were denied at first and  
10 they said, "You can't do it in that short of time."  
11 The Springdale School District came forward with one  
12 main criticism: that you can't do it in that short of  
13 time, because we were planning to open this fall.  
14 And we listened to that as well and so we pushed this  
15 off until next year, giving us full -- plenty of time  
16 to answer any questions. If there were questions  
17 about the fliers in both English and Spanish, let's  
18 address those early; if there's questions about  
19 community involvement, let's address that early; if  
20 there's any questions about the lottery process,  
21 which has been completely audited several times --  
22 representatives of the Department of Education have  
23 seen many of our lotteries. They were there in  
24 person with us. So we listened to that criticism  
25 about Haas Hall serving only the elite; we want to go

1 into the Jones Center. We listened to the criticism  
2 of the speed and we pushed it off to next year.

3 I will note that in connection with the appeal  
4 till now you also had specific questions of what Haas  
5 Hall could do, and they said -- Dr. Barth said, "Give  
6 me everything; I want to see the full file relative  
7 to what the State has surrounding these rumors of the  
8 lottery," and that was provided. Let's put that to  
9 rest. So we went through Dr. Schoppmeyer's emails  
10 and did search terms and we gave you 200-something  
11 emails. We went through the correspondence from the  
12 State as well; yes, there were a few parents who  
13 complained to the ADE and those people were directed  
14 to you or to someone else to file a formal complaint.  
15 We have no formal complaints against -- by parents  
16 about the process.

17 We come forward with you today with a  
18 transparent, computerized, traceable -- one of the  
19 members on the Charter Authorizing Panel did give us  
20 this compliment, "Your application process -- your  
21 lottery process may serve as a role model for other  
22 charter schools." That's a compliment. And although  
23 they denied us on reasons that are clearly marked in  
24 the file -- there were two, one being "it's too fast,  
25 you can't do it in this short of time" -- we

1           listened; number two, "not enough diversity" -- and  
2           here we come with the most critical question: will  
3           you let the top school in Arkansas expand into one of  
4           the most diverse regions? Will we give the children  
5           of the Springdale School District and the parents an  
6           opportunity for this choice? It's not "will the  
7           facilities work," because Springdale School District  
8           proved they will. The cooperation with the school  
9           district -- Springdale School District and Dr.  
10          Schoppmeyer met and they had discussions about food;  
11          we'll help you, Springdale offered, with food if  
12          that's a need; we'll help you with transportation if  
13          that's a need. The dialogue has been very positive.  
14          We stand ready to help in any way or answer any  
15          questions.

16                 I will last address a letter that was sent  
17                 directly to you from Jim Rollins, the superintendent.  
18                 It's the -- it was a surprise to me when I got that  
19                 yesterday. I got that yesterday. We got that  
20                 yesterday, yet the process can be improved because  
21                 your materials from us were turned in 35 days ago.  
22                 The process can be improved because whatever is in  
23                 there I was given about 12 hours to see or respond  
24                 to. We have to improve the process for transparency  
25                 for all of us. We got a copy of Dr. Rollins' letter

1           yesterday from the State Board, and we appreciate  
2           having received it but we don't think that's really a  
3           fair way of handling an opposition, if that's what it  
4           is, although it doesn't say it. What the letter does  
5           talk about is a suggestion -- segregation issue or  
6           desegregation issue. But I want to assure you of  
7           this: your Department has done its job. In the file  
8           there is a -- your review has already done a deseg  
9           analysis. And if that's an entire issue to bring up,  
10          it shouldn't have been brought up at the last --  
11          eleventh hour, because you should have faith in your  
12          lawyers to have already done the analysis months and  
13          months and months ago. A surprise issue at the  
14          eleventh hour on something that's already been  
15          approved by the State of Arkansas Legal Department  
16          does not seem to be a fair and transparent approach.

17                 We want to prove this curriculum, this college-  
18          bound curriculum, which traces its roots back to the  
19          original charter language. This is a college-bound  
20          curriculum; we make no bones about it. We want to  
21          honor that original charter language from years and  
22          years ago when we began in a dairy barn and now  
23          happen to be -- last year be -- Bentonville School  
24          District did not oppose expansion into Bentonville.  
25          The grades are in; the results are in. I urge you to

1 look and confirm that the Bentonville Haas Hall  
2 Academy is ranked number two. In one year there's  
3 major -- this curriculum works and we want the  
4 opportunity to prove it in one of the most diverse  
5 school districts in Arkansas. I believe I'm probably  
6 out of time.

7 CHAIRPERSON REITH: You actually still have  
8 three minutes left.

9 MR. HENRY: Well, thank you. I'll give it to  
10 someone else.

11 CHAIRPERSON REITH: Thank you, Mr. Henry. Did  
12 anyone else want to speak on behalf of Haas Hall?

13 Okay. Now we have 20 minutes for opposition and  
14 so --

15 MS. ZOOK: May I ask a question before we do  
16 that?

17 CHAIRPERSON REITH: Yes. Yes, Ms. Zook.

18 MS. ZOOK: Was there not a timeline that people  
19 are supposed to meet if they're going to oppose?  
20 Seems like in years past they're -- they have --  
21 they're notified that it's been approved or not  
22 approved and then -- but I realize that's at the  
23 charter level when it's approved. Is there not a  
24 timeframe for opposition?

25 MS. BOYD: Right. So I send out a hearing

1 letter to the charter and I cc the affected school  
2 district superintendents, so in this case it would've  
3 been Paul Hewitt, Dr. Rollins, and Dr. Jones. That  
4 hearing letter is addressed to Dr. Schoppmeyer and it  
5 gives dates to submit any information they want to be  
6 submitted and it mentions that if -- the opposition  
7 will need to be submitted by a certain time in order  
8 to be posted to our board agenda for public view.

9 MS. ZOOK: Okay. So when we decided at the June  
10 meeting to do the review, it was not because there  
11 had been any opposition from the --

12 MS. BOYD: Well, actually --

13 MS. ZOOK: -- other school districts.

14 MS. BOYD: And then --

15 MS. ZOOK: So I understand that Mr. Schoppmeyer  
16 and Haas Hall requested the review.

17 MS. BOYD: Right.

18 MS. ZOOK: So does the timeline start again?  
19 Because typically these eleventh hour letters come  
20 from patrons who maybe don't understand the process  
21 and we're pretty lenient with that. But when we were  
22 here earlier, we -- I was at the Charter Panel and it  
23 was all about -- Springdale's opposition was all  
24 about the timing and not about the eventual -- so  
25 help me.

1 MS. BOYD: Right. So when you guys made the  
2 decision to review I sent out a new hearing letter  
3 the next day. And so there was a new timeframe put  
4 on submissions, including additional information you  
5 requested, and for opposition. And I believe this  
6 opposition came in on the 8th -- and we posted the  
7 agenda on the 5th, I believe -- so it came in after  
8 that and it went directly to you via email.

9 MS. ZOOK: So if someone doesn't meet the  
10 timeline do they still get to stand or would it be a  
11 public comment?

12 MS. DAVIS: I think typically we've taken it  
13 anyways because it could come in as public comment or  
14 somebody could stand up today and do it. So while we  
15 request it in addition -- I mean, in enough time to  
16 be included in the agenda packet, I don't think that  
17 we have not accepted it in the past.

18 CHAIRPERSON REITH: No. And I do want to, I  
19 guess, note a couple of anomalies because this is --  
20 this started off as an amendment, right, to an  
21 original charter versus a standalone. So already  
22 we're -- this isn't the normal cycle in which --  
23 because this is an amendment; it's a license versus  
24 -- generally, when we're considering sort of new  
25 entities more often than not they're standalones.

1 Correct? And so that's --

2 MS. DAVIS: Well, the licenses are handled as  
3 amendments, so this would be just a straight  
4 amendment, no different than the previous agenda item  
5 that you just heard about an amendment to their  
6 location.

7 CHAIRPERSON REITH: Thank you. I will say  
8 though I know that the Springdale School District,  
9 who has stood up, has accompanied, I think, the  
10 process every step of the way. And so I would use my  
11 discretion, I think, to include them with the 20  
12 minutes for the opposed parties. And then,  
13 obviously, there's public comments signed up and  
14 we'll still take that as well.

15 So I've noticed some officials from the  
16 Springdale School District have stepped up. If you  
17 all -- we have sworn you all in, so you have 20  
18 minutes for your opposition. Thank you.

19 DR. SLOCUM: Hi, good afternoon. Megan Slocum;  
20 I'm Associate Superintendent at Springdale School  
21 District. And we are here today in opposition to the  
22 application for Haas Hall's expansion. And initially  
23 we talked a lot about the timeline. The other thing  
24 that we talked a lot about is diversity. And I will  
25 tell you the letter that you received from Dr.

1 Rollins, he is not -- he is in Washington, so he was  
2 not able to be here today to speak to you directly,  
3 but that letter definitely comes from his heart. He  
4 wants you to know where his mind is. As you know and  
5 as you have heard before that there is one location  
6 for Haas Hall that is currently operating and open in  
7 Springdale School District; it is located in the town  
8 of Fayetteville but it is part of Springdale School  
9 District. And one of our concerns in looking at  
10 those two locations that could be a potential  
11 expansion is the diversity that is being offered or  
12 things that are being offered for students right now.

13 Even in the presentation today you heard one of  
14 the comments about how people are notified for the  
15 lottery process. The notification comes through an  
16 email, to an email address, and our parents don't  
17 have email; they don't have access. A lot of our  
18 students don't have access to computers or  
19 technology. So there are just some confounding  
20 factors that cause us pause in Springdale School  
21 District as a whole to insure that we are truly  
22 educating all students. Dr. Rollins has a mantra  
23 that he preaches everywhere he goes, and it's what  
24 our litmus test is for everything that we do within  
25 our district, and that "all means all." We don't go

1 through, we don't make selections; we educate the  
2 child as they are and where they are at that point in  
3 time. So our plea to you would be to look at the  
4 data, to look at the comparison between Haas Hall  
5 that is operating in Springdale School District right  
6 now and compare that to what is at the proposed  
7 location, and then compare that to who we educate  
8 currently in Springdale School District. And what  
9 you will notice is a marked difference for access:  
10 access to transportation, access to food, access to  
11 nutrition, access to healthcare, and access to the  
12 school as a whole.

13 Thank you. I'm going to defer to Dr. Jared  
14 Cleveland.

15 DR. CLEVELAND: I'm Jared Cleveland, Deputy  
16 Superintendent of Springdale Schools. And the last  
17 time I had a chance to speak in front of you you  
18 asked me basically to visit with Dr. Schoppmeyer, and  
19 I did. He and I had a really, really nice  
20 conversation as two educators and we did it in  
21 Susan's breakfast restaurant there; just had a great  
22 time, didn't we, Dr. Schoppmeyer?

23 SUPT. SCHOPPEYER: Sure.

24 DR. CLEVELAND: Just had a great time as two  
25 educators. I expressed to him, in my opportunity to

1 speak with him, my concern as Deputy Superintendent  
2 for the district. I talked to him about -- a little  
3 bit about diversity, but we set a baseline of trust.  
4 We talked about our history and how we got to where  
5 we are and really got to know one another. And I  
6 think trust is a big deal, don't you? And I think  
7 that we needed to establish that opportunity, and we  
8 did. And I in trust to him and from his trust to me  
9 we talked about our educational philosophies. He  
10 told me that his school is a college prep school. I  
11 see that and I look at his website and see the  
12 results of what his kids are able to do and where  
13 they're able to go, and, you know, I applaud him for  
14 his work with the students that he serves. We don't  
15 argue with results, right? Commissioner Key, we  
16 don't argue with results, and they have quality  
17 results with the kids they serve. And I expressed to  
18 him about the number of kids we have -- you know,  
19 21,500 to 22,000 -- and the poverty that we have, the  
20 diversity that we have. We have students that come  
21 to our district that aren't even literate in their  
22 home language, much less in English, and we talked  
23 through those challenges. We see them as a great  
24 opportunity and a challenge. Many of the students  
25 who come in who are ELL 1s, 2s, 3s, 4s, they may not

1 even know that they're college prep material yet. We  
2 have to get them to where they are, try to grow them  
3 one to one-and-a-half to two years at a time in their  
4 educational opportunity. And I'm telling you what,  
5 Springdale Schools are the best; Springdale kids are  
6 the best. I am honored and humbled to get to serve  
7 them every day, but I do get to see the challenges  
8 and I do get to hear what they're going through.  
9 When I -- when we make home visits and we go to a  
10 home that may have three or four families in the home  
11 and they're renting out mattresses in the evening for  
12 kids to sleep and parents to sleep and go to work,  
13 that's not normal. That's out of the realm of what a  
14 child or a family should have to do. And those are  
15 the challenges that aren't just one or two; there are  
16 many, and we try to meet those challenges. So it's  
17 not a matter of college prep or not at that point;  
18 it's a matter of getting them life ready; not just  
19 college ready, but work ready and just life ready.  
20 We try to be a life ready school. We want that to be  
21 that way in all of our schools. And I talked to Dr.  
22 Schoppmeyer about that and he understood and his  
23 heart went out to us about the work that we do. And  
24 basically -- and he can comment about my comments  
25 after -- I know he can -- he said, "Well, you know,

1            basically that's not our mission. We don't do K-6.  
2            We're a 7-12 and we really chase after that gold and  
3            we want to do our mission, and that's college prep."  
4            I certainly appreciate his mission, and I know that's  
5            necessary for students across the state and across  
6            the country.

7                       We talked about if students from our districts,  
8            71 or so percent of them, who are free and reduced  
9            lunch, are poverty students, will those students be  
10           interested in going to Haas Hall? The jury is out;  
11           we don't know. But certainly, the likelihood of them  
12           attending Haas Hall if they're in poverty and can't  
13           get there themselves without transportation or an  
14           opportunity at the school-based health center or  
15           child nutrition -- the likelihood of them attending  
16           Haas Hall may be less, correct, even if they are  
17           college prep, so they're likely to stay at  
18           Springdale.

19                      So, who might go to Haas Hall from Springdale  
20           schools? You've got roughly 30% of the kids that  
21           might go, and they're likely the affluent who maybe  
22           can travel there themselves or the parents take them.  
23           And so I was worried about that and I expressed to  
24           him maybe there's an opportunity for us to partner.  
25           We hear across the country that charter schools and

1 traditional schools don't do a good job of partnering  
2 -- I hear that -- and I'm thinking, okay, why is  
3 that? Well, there's competition there, right? We  
4 serve all students, everyone that comes to sign up as  
5 long as they live in our district or are in School  
6 Choice. That's just the way the rules work; that's  
7 what we do. We don't de-select or work with a  
8 specific group of students. I think this particular  
9 school, they want a particular group of students and  
10 that's college prep and college bound. I mean,  
11 that's their mission; I get that. So if they are  
12 granted, we have our 21,000-plus kids -- I'm worried  
13 about the ones who couldn't if they wanted to, you  
14 see? I'm worried about getting them there and if  
15 they're able to eat and all those things. I have a  
16 heart for kids; our district has a heart for kids.  
17 And so if Haas Hall is allowed to expand in the  
18 district they're still, the way I see the world,  
19 Springdale kids and I want them to have those  
20 opportunities. Do y'all understand?

21 So I'm willing to visit with Dr. Schoppmeyer at  
22 any level, at any time. I apologize to him because  
23 we were supposed to have a brief meeting -- was it  
24 Thursday, Wednesday -- Wednesday, Tuesday? I don't  
25 know. I'm getting the days mixed up here. And I had

1           it at 9:30 and he had it at 8:30, and he was right  
2           and I was wrong, and I missed it and so I had to  
3           apologize to him about that. But I'd certainly be  
4           willing to talk to him at any time and I think he  
5           feels the same about me and even our district.

6           Now Dr. Rollins' letter -- Dr. Slocum is  
7           correct; his letter is from him, it's his heart.  
8           He's worried about diversity and the ability -- we  
9           have, you know, 11% or 12% Marshallese. Marshallese  
10          are a beautiful people group, but they're new to us  
11          and have difficulty in translating. There are some  
12          words that don't even translate from Marshallese to  
13          English. Many of our Marshallese children have to  
14          have speech therapy because over time as they grow  
15          their mouths aren't able to make the letters, you  
16          know, the sounds that we use in our language. So  
17          there are significant challenges. So if Haas Hall is  
18          going to look like Springdale -- and no, they don't  
19          have to as far as our diversity -- but if they did,  
20          then it may be -- it may be more difficult as far as  
21          their number-one ranking.

22          I'm not trying to take up too much time and I'm  
23          going to conclude my comments. If Haas Hall is able  
24          to expand in our district, we'll do our absolute  
25          dead-level best to make sure that needs of children

1 are met. Is that a blanket enough statement? We're  
2 going to try to work as well as we can to meet those  
3 needs. I just think there are some challenges ahead  
4 of us and we don't have any idea what that may look  
5 like. Dr. Schoppmeyer has recognized those  
6 challenges, has to. Thank you. Unless you have any  
7 questions of me?

8 MS. ZOOK: I have one question. You were saying  
9 that the letter is from Dr. Rollins' heart, and I  
10 know Dr. Rollins well and I don't disagree with that  
11 at all. So does that mean that the Springdale school  
12 board did not vote to oppose this or that you're  
13 saying they voted to oppose it and then he wrote it  
14 like it was from his heart?

15 DR. CLEVELAND: We have not had a school board  
16 meeting where it was discussed.

17 MS. ZOOK: Okay. Thank you.

18 CHAIRPERSON REITH: Yes, Ms. Newton.

19 DR. CLEVELAND: We have a school board meeting  
20 next week.

21 MS. NEWTON: I'm very intrigued by your comment  
22 that you would be willing to partner with Haas Hall.  
23 Do you have any idea what that partnership might look  
24 like?

25 DR. CLEVELAND: No. We just had that one

1 initial meeting and we're trying to figure out what  
2 that might look like. I've had meetings with my food  
3 service director, which I'm over, and transportation,  
4 and we found numerous problems. But here's the deal:  
5 we're running buses. We serve about, oh, 16,000  
6 meals a day. Think about that: 16,000 meals a day,  
7 yeah, our district. So we're -- we have the  
8 capability of potentially offering food service  
9 should Haas Hall -- we transported food the last two  
10 years over to the School of Innovation, which was  
11 located there, so there's a possibility or potential  
12 for that. We bus about 16,000 kids around the  
13 district a day. We serve over 5,000,000 meals per  
14 year. So, I mean, we have the capability, is what  
15 I'm saying. I know it may be more difficult for Haas  
16 Hall to come up with those services.

17 MS. NEWTON: Can you envision the partnership  
18 going further than just meals and transportation?

19 DR. CLEVELAND: There's a step that's got to be  
20 taken first to see if we can even work together. I  
21 think we can. I've mentioned to him potential CTE  
22 options in our new School of Innovation. I'm not  
23 sure that a college prep school would be interested  
24 in working through the CTE opportunities, but I have  
25 mentioned something like that. Again, don't know

1           what that would look like but certainly, if you don't  
2           try you'll never succeed. I've never seen any batter  
3           go to the baseball, you know, home plate and stand up  
4           there with a bat on their shoulder and expect to hit  
5           the ball and never swing. So --

6                   CHAIRPERSON REITH: And if I could piggyback on  
7           that question then -- because now we are talking  
8           about a 2017 start-date, I'm just wondering, because  
9           this was originally approached as a license versus a  
10          standalone, if there was an opportunity for it to  
11          actually be a standalone to push it to the cycle in  
12          October, and would that additional time help clarify  
13          what this relationship between y'all look like. I  
14          guess my concern is that it's just been one  
15          conversation; right --

16                   DR. CLEVELAND: It has.

17                   CHAIRPERSON REITH: -- versus a clarification.  
18          And I realize Ms. Boyd is coming up here probably  
19          from a procedural -- I guess I'm just asking from the  
20          perspective of clarity and impact. Because in  
21          addition with the Springdale School District -- and I  
22          don't know, Mr. Henry, if that's been shared with you  
23          -- we also received a letter from the Fayetteville  
24          School District wondering if there was an impact on  
25          theirs as well and all that they've asked is also

1 additional time in identifying what the impact is.  
2 And so I guess I'm just trying to get -- wrap my head  
3 around, even as we started in the last question,  
4 timeline and understanding options and not wanting to  
5 negatively impact children; but then just wanting to  
6 understand if time is a factor or could be a non-  
7 factor, right, by thinking about things a little  
8 differently. And I think Ms. Boyd wanted to comment.

9 MS. BOYD: If they came back in October, that's  
10 an amendment; it would be the same thing. A delay  
11 would mean that they would have to wait till the --  
12 what you're speaking of would mean they have to wait  
13 till the new application cycle and that would likely  
14 be in March of next year, which means they wouldn't  
15 be able to open a campus until 18-19.

16 CHAIRPERSON REITH: But they could do an  
17 amendment in October; is that --

18 MS. BOYD: Right. But it won't be a standalone;  
19 it would be an expansion.

20 CHAIRPERSON REITH: Okay. It would still be an  
21 -- okay. Thank you for that. But I guess the  
22 question too in terms of additional time --

23 DR. CLEVELAND: Well, I think if you have  
24 additional time to plan then you have a better chance  
25 of success. So, a rush is always difficult.

1 CHAIRPERSON REITH: And so just to clarify, you  
2 all aren't clear where your conversations are at, at  
3 this stage?

4 DR. CLEVELAND: No, we just had a preliminary  
5 meeting and just kind of brainstormed about what  
6 things might look like; certainly haven't put a  
7 pencil to anything to see what costs might be there.  
8 Partnership doesn't mean free; partnership means an  
9 opportunity to work together.

10 CHAIRPERSON REITH: Okay. Thank you.  
11 Additional comments or questions from my colleagues?

12 MS. ZOOK: Are there other people?

13 CHAIRPERSON REITH: Yeah, there will be public  
14 comment but we can -- since we've started questions  
15 here, while they're still up there we can actually  
16 technically take questions.

17 All right. Since not, then we can always come  
18 back with those.

19 So 5 minutes for rebuttal and then we'll -- I  
20 have maybe two or three people signed up for public  
21 comment. So, Mr. Henry, 5 minutes.

22 MR. HENRY: Thank you. My 11-year old child has  
23 a cell phone; my 11-year old has an email. To make  
24 the blanket statement that our parents don't have  
25 email is incorrect on so many levels and is a,

1 candidly, very short-sited view. Do not misconstrue  
2 Ms. Holaway's presentation to mean that we only talk  
3 to people on email. What we have is a transparent  
4 automated process that if you don't open that email  
5 that we track we'll call you.

6 So the next issue is, yes, we respect that  
7 Springdale works very hard but there's two things  
8 they don't tell you: number one, their school  
9 district is growing at 12%; their students are  
10 growing at 12%. So the solution then is, what, to  
11 build more schools, more -- other schools and not let  
12 the college prep come in? I guess that's a solution.  
13 Number two, they neglect to make -- and this is where  
14 I think the hypocrisy is -- they have a charter  
15 school, right, the one that left the Jones Center and  
16 went to a new place. What students are they  
17 recruiting? It's open. They're actively seeking  
18 students from across the state; it's an internet  
19 based virtual learning situation. So no charter  
20 schools are bad, yet charter schools are good for us.

21 I apologize in speaking so directly, but I don't  
22 think the issue is about whether or not children have  
23 email addresses. I think the issue is about whether  
24 or not these children deserve an opportunity for a  
25 college -- a proven college-bound curriculum, one

1 where Haas Hall unflinchingly invites any help they  
2 can to address issues, where the school district says  
3 "if you don't step up to the plate to try to swing a  
4 ball -- at the ball you'll never hit it." So we  
5 accept Springdale, their invitation.

6 Haas Hall has a proven record. An additional  
7 delay until 2018 to allow an opportunity for these  
8 people to visit is not the answer. The answer is to  
9 get in, get your feet wet, get up to the plate, and  
10 swing for the pitch, and that's how we get results.  
11 Thank you for your time.

12 CHAIRPERSON REITH: Thank you, Mr. Henry. Y'all  
13 still have a couple of minutes left. I'm assuming no  
14 one else wanted to use that time in the rebuttal?  
15 Okay. Wonderful. Thank you, Mr. Henry.

16 So with that, we do have a few public comments,  
17 and I understand that Representative Dotson is in the  
18 room. Representative Dotson, we'll recognize you  
19 first. Thank you for joining us.

20 REPRESENTATIVE DOTSON: Thank you, Madam Chair  
21 and Members of the Committee. I'll try to be brief  
22 here. As you said, my name is Jim Dotson and I  
23 represent Bentonville, up the street. A couple of  
24 years ago I stood before this body and was excited to  
25 wholeheartedly encourage your approval of Haas Hall

1 moving to Bentonville, and I want to thank you for  
2 that. One of the things that was really exciting for  
3 me was the opportunity to have the number one high  
4 school in the state locate there, having an  
5 alternative option for some of our parents who were  
6 driving to Fayetteville from Bentonville, close to  
7 100 miles a day in roundtrip going down, back, and  
8 down and back to pick up their kids. That afforded  
9 the opportunity for a lot of parents in our community  
10 to have that access, not only having one of the top  
11 public high schools in the state but also having the  
12 top charter schools in the state. So, really  
13 appreciate that. I want to thank you for that  
14 approval.

15 You know, as I think about Haas Hall Academy's  
16 application to expand into Springdale, some of the  
17 same reasons that got me excited for it coming to  
18 Bentonville also are exciting for its further  
19 expansion into Springdale. You know, more choices  
20 and opportunities for parents and students have the  
21 -- to have the ability to choose this school option  
22 for their kids is extremely important, also in a  
23 closer proximity to where they live. Northwest  
24 Arkansas, if you've been there in any recent amount  
25 of time, has a little bit of traffic. And although

1 we're trying to accommodate that as a state and  
2 expand lanes and have orange cones and things are  
3 wonderful there hopefully in the future, we're not  
4 there yet and so having locations in closer proximity  
5 for options like this are very important. Another  
6 thing to consider is the explosive growth that has  
7 happened within our community in Bentonville, and I  
8 also heard in the Springdale School District 12%  
9 growth potentially. You know, it has allowed the  
10 local school district where I live to kind of take  
11 the pressure valve off of having to have as fast or  
12 as many new school buildings being built, although we  
13 still have to have an average of an elementary school  
14 every year built. That helped alleviate some of the  
15 growth last year when it opened; not all of it, but a  
16 lot of it. And so the more options parents have for  
17 those types of things, the better.

18 Another important point to consider is that this  
19 is an option, not a mandate. Those who attend this  
20 type of a school and choose that for their students,  
21 it's a choice. And so those that are making that  
22 choice are, you know, doing it willingly and  
23 voluntarily.

24 So I want -- I tried to put myself in your  
25 position if I was considering this, and just had a

1 couple of questions for you to ask yourself: you  
2 know, has Haas Hall been a good partner with the  
3 State in its current capacity? You'll have to answer  
4 that for yourself. I think it has. But have they  
5 done a good job in their current capacity in serving  
6 the students they serve? Are they asking to exactly  
7 duplicate their current successes, you know, whether  
8 it be their business plan -- they're asking for  
9 waivers, whatever it happens to be. And if they are,  
10 then I would ask you why wouldn't you approve this  
11 number-one high school expanding and growing, serving  
12 more students? And that is our charge as a state, is  
13 to make sure we have high-quality education for our  
14 students and options for them to be able to choose  
15 that.

16 Thank you for your time. I appreciate you  
17 letting me speak. Have a good day.

18 CHAIRPERSON REITH: Thank you so much,  
19 Representative Dotson.

20 First on the list for public comment I have  
21 Avery Mansell [ps]. Oh, yes, Ms. Slocum.

22 DR. SLOCUM: Yes. I just wanted to clarify; I  
23 wanted to make sure that we are all on the same page.  
24 So our growth is at about 1%, not 12% in Springdale.  
25 So that's one clarifying point. Our School of

1           Innovation charter school is in an effort to approach  
2           the diversity which offers three modes of access:  
3           face-to-face, a blended approach, and then an online  
4           approach, so that's three things.

5           The other that I would say is this is clearly  
6           not about email addresses; it is about access, kids  
7           having access to things. And I would venture to say  
8           that most of our students in the State of Arkansas  
9           may have access to cell phones and may have a  
10          Smartphone that they can access, but most of our  
11          students in Springdale -- that's a luxury item for  
12          them. And phone numbers changing on a weekly or a  
13          daily basis is absolutely not uncommon. So the point  
14          in bringing up the email addresses was not to say  
15          that we don't have students that have that approach.  
16          Obviously, the reason that we've created the idea of  
17          School of Innovation is so that kids have access to  
18          achieve an associates degree, to think beyond what  
19          high school can offer them, which is different for  
20          some of our students. But it's also for us to  
21          remember that kids -- the access that kids need and  
22          the access that kids don't have. We have students  
23          who do have access and students who don't. We just  
24          want to make sure that it's equitable. Thank you.

25                   CHAIRPERSON REITH: Thank you, Ms. Slocum.

1 MR. HENRY: May I indulge? I apologize.

2 CHAIRPERSON REITH: That's all right, Mr. Henry,  
3 but --

4 MR. HENRY: I do not want you to believe that I  
5 have misled the Board in any way.

6 CHAIRPERSON REITH: Okay. That's fine.

7 MR. HENRY: I'm an attorney licensed by the  
8 State. You are important; what I say is important to  
9 be credible. So let me give you this data: in 2010  
10 to '11, 18,810 students enrolled in the Springdale  
11 School District. Okay. 2015 to '16, 21,260; that's  
12 a 12% increase. What I neglected to tell you was the  
13 timeframe; I apologize. As Springdale misinterpreted  
14 my statement to be a 12% annual increase, that is --  
15 that's not accurate and I did not intend for you to  
16 believe that it's a 12% annual increase. What I'm  
17 telling you is my statistics show 12% over the last  
18 six years, 12%. What are they going to do over the  
19 next six years? And my point in making that was this  
20 is one part of the relief valve. And I apologize; I  
21 left early on all my other time, but I needed to step  
22 forward and correct the record for me and you. Thank  
23 you.

24 CHAIRPERSON REITH: Thank you, Mr. Henry. And  
25 that's why I indulged that, as well as Ms. Slocum, in

1 that both of you had time left. But if it's all  
2 right, I will proceed with finalizing public comment  
3 and then we'll give y'all the opportunity to answer  
4 questions of my colleagues on the Board.

5 So Ms. Avery Mansell -- or Mr. Avery --  
6 apologies -- Mr. Avery Mansell, you're recognized.

7 MR. MANSELL: Hi, I'm Avery Mansell. I'm a  
8 senior at Springdale High School this year and I am  
9 against the creation of Springdale Haas. I went with  
10 a friend from Har-Ber in Springdale to watch two of  
11 our friends graduate from Fayetteville Haas this  
12 summer or -- yeah -- and I grew up with these two  
13 friends and I love them dearly. I just wish that  
14 Haas wouldn't have allowed them to skip 7th grade and  
15 enter Haas early because I wish we could've all  
16 graduated together. It's just a bummer. But anyway,  
17 the graduation was simple and would have been  
18 enjoyable had Little Miss Sunshine from Bentonville,  
19 probably one of the top students -- not -- and, no, I  
20 mean, the entire ceremony during her speech, a mass  
21 cringe fest because nobody could think straight after  
22 her comparison to Little Rock Nine. She spoke of how  
23 along the same lines of Little Rock Nine the nine  
24 graduating seniors of wealthy and privileged  
25 Bentonville High School were able to break free from

1 disgusting normal public high school and create  
2 Bentonville Haas because they're so special. The  
3 second this student compared the struggles of her  
4 classmates to those of the Little Rock Nine the  
5 entire room, parents and students alike, gasped in  
6 disbelief. I looked over at my friend and she was  
7 already covering her face with her hands; she  
8 couldn't believe what was going on. I can envision  
9 this girl walking around her bedroom practicing this  
10 speech, thinking how great a writer she was because  
11 of this illusion she had made. To be honest, I don't  
12 think a school that okay's a speech like this should  
13 exist in the first place. And Springdale, where all  
14 the family comes from loving and trusting each other,  
15 not comparing trivial news with major Civil Rights  
16 movements -- and now they want to poison Springdale  
17 with this garbage. God, I hope not. Thank you for  
18 your time.

19 CHAIRPERSON REITH: Thank you, Mr. Mansell.

20 Next on my list I have Ms. Loretta Mansell.

21 MS. MANSELL: Hello. I'm Loretta Mansell and I  
22 teach in Springdale; I teach on the east side of  
23 Springdale, which means I am just two miles away from  
24 Jones Center where Haas would like to put their  
25 lovely school. I just want to let you know that that

1 was a really hard conversation from a child to come  
2 home that we had. I bring 100 kids every year to  
3 Little Rock to go visit Little Rock Central High;  
4 we've seen the videos; we've watched it. For her to  
5 compare herself to them, she did not go home the  
6 first day of school and ring out her dress from spit.  
7 It was offensive. It was really hard for him and  
8 that took up time.

9 I know that Mr. Henry is talking about time. Do  
10 you know how much of my time has been wasted with  
11 this and how much of your time? I mean, that's the  
12 part that's the hardest. They sit -- they've been  
13 told no. I've had to deal with time with my child.  
14 I had to miss two workshops because I came last month  
15 and I came this month because I care about my  
16 students. We love our kids. And every time  
17 something like this happens -- if they take 400 of  
18 our kids, they're going to take the 400 that are the  
19 highest, and what is that going to do? It's going to  
20 reduce funds for the 400 who are the lowest. Okay.  
21 They're going to say that they're going to put out  
22 this wonderful program, that this lottery system is  
23 going to be great, and they're going to include  
24 diversity. But what's going to happen is that these  
25 parents are not going to trust them. And I know Ms.

1           Graham is going to talk about trust with you, but I'm  
2           talking about time. There's no way they're going to  
3           put the time in that we do with our kids. The  
4           Marshallese population, we discussed that. I have my  
5           little purse over there that was given to me by a  
6           little Marshallese family; I'm wearing some  
7           Marshallese things. That's because it took a long  
8           time for families to trust us. They're going to have  
9           to really put in a lot of time in order to get the  
10          trust; otherwise, it's only going to be like, hey, we  
11          put this out there, but, oh no, only these people  
12          signed up can come here, and it's going to be the  
13          same population that they have right now. Of course  
14          they're number one in the state; you picked your  
15          kids; you hand --

16                   (COURT REPORTER'S NOTE: There was an inaudible  
17                   comment from an unknown member of the audience.)

18           MS. MANSELL: Oh, I let you talk.

19                   When I sit there and we listen to the whole "oh,  
20                   my 11-year old has email" -- really? These kids  
21                   don't have email; they don't have Smartphones. The  
22                   Marshallese children have to have a nurse come to  
23                   their house every day to give them a shot so they get  
24                   to defeat the tuberculosis that they have. Really?  
25                   And we talk about mattresses. They don't have beds;

1           they're on mattresses. Don't tell me that they're --  
2           we're going to keep going; we're going to talk about  
3           positive stuff. I mean, we have Marshallese children  
4           who have extra digits. Do you know what nuclear --  
5           what nuclear poison has done to these poor kids?  
6           They cannot hear; they have to have special hearing  
7           things because they're not in the water like they  
8           should be. There are so many medical needs that  
9           these poor kids have, and they're worried about  
10          college prep.

11                 Of course, you want a Springdale student. Let's  
12          go with that. Haas only picks them up from 7th, 8th  
13          grade. Do you know how hard it is to get these kids  
14          ready from pre-k to then? It's a lot of work. When  
15          you have a kid who has no English ability, has  
16          nothing, and then you get them to where they're  
17          actually functioning and doing stuff, sure. And I  
18          liken it to -- I know it's probably not the best  
19          thing -- but you walk into a neighborhood; everybody  
20          works really hard in a factory or wherever, and  
21          they've worked really hard; they work seven years to  
22          get their car and little Patti has her Prius, Bobby  
23          has his boat or whatever, but here's Candy with her  
24          little Cadillac. Which one are you going to pick?  
25          If you're going to steal one which one are you going

1 to pick? You're going to pick the one that's got the  
2 Cadillac because it's the highest Blue Book value and  
3 you're still going to make the neighborhood pay the  
4 taxes on it. That's not right.

5 CHAIRPERSON REITH: Ms. Mansell, if you could  
6 kindly wrap up. We've just been trying to be fair  
7 with everyone with 3 minutes.

8 MS. MANSELL: Oh, okay.

9 CHAIRPERSON REITH: But you're welcome to offer  
10 a closing --

11 MS. MANSELL: I mean, like you only learn from  
12 students who are different than you. Avery plays the  
13 Ukele; he only learned that from his Marshallese  
14 friends. My son's best friends are Hispanic. I  
15 mean, we have a multicultural family ourselves. They  
16 can say that -- I'm not even going to talk about --  
17 they've proven their-self with their lottery system;  
18 that's a given. You can pick your kids; that's fine.  
19 My students will still never be able to have parents  
20 that take them to school. They'll still never be  
21 able to have someone who will feed them. We feed  
22 them twice a day -- not just once a day, twice a day.  
23 There's just no way that they can offer that. And we  
24 can try really hard and do what Dr. Cleveland said,  
25 but when we talk about "on your heart," these kids

1 are my babies; I go to their houses; I go to their  
2 softball games. And Ms. Graham is going to talk  
3 about trust on that.

4 I just don't see it. If you're not helping,  
5 you're hurting. I tell my students that all the  
6 time. There's no way they can offer the programs  
7 Springdale offers because we have the best programs.  
8 We love these kids and we take the time. It's all  
9 about time. He spoke about time. We put in the  
10 time, lots of time. Thank you for your time.

11 CHAIRPERSON REITH: Thank you, Ms. Mansell.  
12 Thank you.

13 And then I think we have -- let me just double-  
14 check; I think there's one more person. Yes. Dawn  
15 Graham. Yes, Ms. Dawn Graham.

16 MS. GRAHAM: Thank you, all of y'all, for  
17 listening to us today. I'm a high school teacher in  
18 Springdale and we do so many things to gain the trust  
19 of our students, the global majority. We have a  
20 large -- a very -- I'm sorry, I'm nervous -- we have  
21 a very diverse population, as you guys know: the  
22 Latino, the Marshallese, Laotian, African American,  
23 Native American, to name a few. In my classroom, we  
24 focus on creating work based on their culture to kind  
25 of give them ownership and feel a part of a community

1 of artists. As teachers, we do many things like  
2 going to soccer games, to football games, to  
3 volleyball games to build -- to choir concerts to  
4 build the trust of our students. If we're lucky  
5 enough, we get invited to quinceaneras or to other  
6 cultural events. We go to create relationships and  
7 this builds the trust.

8 For tests, we work diligently with our students  
9 to help them to succeed. We work outside of school  
10 hours; we work during activity times. We expect any  
11 school that's taking our students that we've cared  
12 for and nurtured in our system to work hard for them  
13 too, and I can't see that Haas Hall has done the work  
14 that it takes to have people of the global majority  
15 trust in their school. Thank you.

16 CHAIRPERSON REITH: Thank you.

17 I just want to make sure I didn't look over  
18 anyone on the list. There was no one that had  
19 intended -- okay. Wonderful.

20 Then with that, now we'll open it up to  
21 questions or comments from my colleagues on the  
22 Board. Yes, Dr. Barth.

23 MS. CHAMBERS: I'll go ahead.

24 CHAIRPERSON REITH: Okay.

25 MS. CHAMBERS: I think my question --

1 (COURT REPORTER'S NOTE: Supt. Schoppmeyer comes  
2 to the podium.)

3 CHAIRPERSON REITH: Ms. Chambers --

4 MS. CHAMBERS: I'm sorry?

5 CHAIRPERSON REITH (to Dr. Schoppmeyer): It's a  
6 question. So we've actually concluded -- I apologize  
7 -- the 20/20 and the final period there. So we'll  
8 now go into questions. I'm sure you'll have an  
9 opportunity, Mr. Schoppmeyer, as part of the  
10 questions to make additional comments.

11 Yes, Ms. Chambers.

12 MS. CHAMBERS: I think my question is directed  
13 at ADE as it relates to the way that we voted  
14 relative to denying the license. And there was some  
15 very good comments, some very consistent comments  
16 about -- back to all the way to the early part of the  
17 presentation, about transparency and to process and  
18 diversity. And then we hear -- and we see the  
19 amazing presentation that looks like there's a lot of  
20 transparency to process. I wanted to hear from ADE  
21 if -- are the folks that participated in this whose  
22 comments we're reading, do they feel any differently  
23 as they've had more engagement with Haas Hall and  
24 process and intended approach if they were to go into  
25 the Jones Center? Do you have more confidence at

1           this point? It's swinging for the fences. I like to  
2           give institutions and individuals opportunity to give  
3           and prove something they maybe haven't done in the  
4           past, but I'm curious how you feel about how well  
5           positioned Haas Hall is to do the things that we've  
6           had some concern about in the past if they were to go  
7           into Springdale. Was my question not clear?

8           COMMISSIONER KEY: No, I think -- yeah, to whom  
9           are you directing it? The Charter Office?

10          MS. CHAMBERS: Charter Office, please.

11          CHAIRPERSON REITH: Ms. Perry or Ms. Boyd.

12          MS. BOYD: In terms of transparency, I think  
13          that the lottery process itself has been greatly  
14          improved. We got a lot of feedback from parents when  
15          we were there in person and through phone calls and  
16          emails that said such, that they feel like the system  
17          is getting better and more transparent and they  
18          appreciate that for the existing campuses.

19          MS. CHAMBERS: But that process is only -- at  
20          the end of the day it will be judged in terms of the  
21          outcome. And so do you -- have you seen enough,  
22          based on your position, to feel like the outcome will  
23          produce the kind of diversity and, maybe more to the  
24          point, opportunity to everyone to participate if they  
25          want to? Will we get the outcome that we're looking

1 for relative to the diversity within Springdale?

2 MS. DAVIS: I just want to say that the new  
3 lottery process that we -- yeah, not reviewed, but it  
4 was demonstrated to us -- while it does improve, you  
5 have to remember -- I mean, you're only -- it's only  
6 going to be as good as who actually applies. I know  
7 that they have stated that they have a -- I'm not  
8 sure of her title but like a diversity coordinator to  
9 try to do community outreach and reach out into the  
10 communities to increase diversity. But for this past  
11 year, I mean, you're only going to be subject to who  
12 has applied, you know. And you can't -- I mean, if  
13 they're going to encourage more applications, then  
14 that's one thing. But right now, you're only going  
15 to be -- you know -- you can't say that it's going to  
16 be any different because it's the same applicant pool  
17 up until now. Does that make sense?

18 MS. CHAMBERS: It does. I guess I would just  
19 wrap up my time with a comment, which is I'm very  
20 proud of what's going on in the Springdale School  
21 District. Some of the most innovative things that  
22 are going on in northwest Arkansas I'm hearing very  
23 directly through teachers, parents, administration  
24 attributed to Springdale. So I'm very proud of what  
25 they're doing within the schools.

1 I think the question for this board and for all  
2 of us is: can you have a great traditional school  
3 district and Haas Hall and actually be better from a  
4 creative perspective, having both of those available  
5 to our students? And I think if we're able to find a  
6 process that actually draws all students into that  
7 pipeline so that we take you from wherever you are  
8 and let you go as far as your ambition will take you,  
9 then we're better for this. Right? But I just -- it  
10 almost hurt to hear some of the teachers that were  
11 speaking from such a heartfelt perspective. I don't  
12 -- if Haas were to come into Springdale, I don't want  
13 it to somehow take away from the love and the trust  
14 that you're giving your students because we need all  
15 of that. And it's trying to figure out how to bring  
16 the best of all of that to all the students, and I  
17 think that's what we're about. So I just wanted to  
18 thank you.

19 CHAIRPERSON REITH: Okay. Actually, Dr. Barth  
20 had his hand first and then Mr. Black.

21 DR. BARTH: Okay. So just to follow-up on Ms.  
22 Chambers' point about who applies it determines who  
23 wins the lottery, who's successful in the lottery,  
24 and I guess this is a couple of questions here. One  
25 is probably for Mr. Henry. In terms of the numbers,

1 especially at the Fayetteville/Springdale campus, the  
2 one that's right on the line there, you know, the 0%  
3 special ed., the 0% LEP, the 0% free-and-reduced  
4 lunch, I guess I'll just be blunt: it feels --  
5 anywhere in Arkansas, even in a fairly affluent part  
6 of Arkansas, it feels pretty hard for that to be  
7 accomplished. Can you speak to how after a number of  
8 years those numbers remain what they are?

9 MR. HENRY: Again, I got the letter that you're  
10 referring to yesterday. It's my understanding that  
11 Haas Hall doesn't keep track of free-and-reduced.  
12 They don't get federal dollars; they don't keep track  
13 of this data. So having not had the opportunity to  
14 look at the data to give you an answer, I don't think  
15 it's -- I'm not saying your question is not fair; I'm  
16 saying that I can't give you a credible answer  
17 because I don't have that data before me to give you  
18 a really clear answer. If my -- if Haas Hall doesn't  
19 keep track of the data on free-and-reduced, the  
20 assumption is there's zero students there. So is  
21 that an accurate number? I can tell you that Haas  
22 Hall feeds students. I can tell you that they have  
23 clubs that come together and bring meals to school.  
24 And if a student is hungry or doesn't have the money  
25 even that day, there's never a question. In

1 practice, we don't have to ask what your income is  
2 because the answer is there. So, yes, it's a zero  
3 but I think that's a statistic result of not asking  
4 the question rather than a conclusion that we have  
5 somehow prohibited poor children from entering.

6 DR. BARTH: So, and I understand on free and  
7 reduced lunch the special situation with the fact  
8 that you don't serve meals. But I believe, according  
9 to federal law, you do have to track the number of  
10 special education students; is that correct?

11 SUPT. SCHOPPMEYER: You are correct. Yes, sir.  
12 And we've had special ed --

13 DR. BARTH: And it's zero and it has been zero  
14 for --

15 SUPT. SCHOPPMEYER: Yes, that's correct. The  
16 special department [sic] came in and they did an  
17 audit. We do have a number of scholars on 504s,  
18 which is not considered special ed. per se, but it  
19 does give accommodations to anybody who needs one to  
20 be successful in the classroom. And we're very  
21 proactive with those and we follow them to a T.

22 DR. BARTH: But it still feels -- when we think  
23 about, you know, you know, the percentage of special  
24 ed. students in any other school in the state, it  
25 feels -- it's just a mystery of what's happening.

1           And I'll be most generous; it feels like something is  
2           disconnecting when you have what appears to be some  
3           exclusionary force that is keeping some high  
4           achieving students away from that, from the school's  
5           opportunities where, you know -- and I'm actually in  
6           some ways kind of more concerned now that y'all have  
7           gone so far to prove that the lottery is all right.  
8           I think for a long time there was concern, well,  
9           maybe it's in the lottery process. Now, at least in  
10          the last year I think the lottery process is now  
11          improved, but it really does suggest that there's  
12          something before we even get to the lottery stage  
13          that is dissuading some students' families from  
14          taking the step to apply.

15                 MR. HENRY: In our presentation we clearly  
16                 walked through the many, many steps, the aggressive  
17                 steps of broadcasting this opportunity, going to  
18                 work, GED, GED of parents. The Cisneros Foundation  
19                 partnership is to go out and forcefully broadcast  
20                 this opportunity. If you are college-bound, if  
21                 that's part of our mission and that's part of your  
22                 goals, let's achieve that together. Yes, come audit  
23                 the procedures. It's not just today, it's not just  
24                 yesterday; we've been -- our audit -- I mean, our  
25                 lottery procedure has been open for years and this

1 was the opportunity for us to set forth and the State  
2 to provide you with specific complaints or  
3 investigations. None. So if -- yes, I understand  
4 you say the numbers should speak differently. Well,  
5 let's give that opportunity at the Jones Center or  
6 anywhere as part of this entire approach. Do you not  
7 think that parents once they learn of these  
8 opportunities will also apply to all three schools?  
9 Great. Awesome. Let's let the numbers in the  
10 anonymous lottery system prove their weight and then  
11 -- then if there's a complaint or an investigation,  
12 which there has not been an investigation in terms of  
13 "here's your notice, this is what we found, we want  
14 to come investigate, come before us." You're dealing  
15 with the highest ranking high school. The State has  
16 not formally investigated on issues of lottery.  
17 We're trying to put to rest, as you say, these  
18 rumors.

19 DR. BARTH: Uh-huh. And I agree. I mean, if it  
20 feels in 15-16 with ADE staff on-site all those cases  
21 -- I trust the lottery this year. I want to go back  
22 though. You did supply at least the subjects of and  
23 summaries of emails and there was a whole flurry of  
24 emails in late 2013 regarding what appeared to be a  
25 lot of agitation about a study being carried out by

1 the University of Arkansas OEP on the lottery.

2 MR. HENRY: Yes. And I'd be happy -- if you're  
3 asking, I can give you context to that.

4 DR. BARTH: Well, I'd like a little context.  
5 And then I'd also be curious to know if you know what  
6 the outcome of that study was?

7 MR. HENRY: Okay. So I do not know the outcome  
8 of that study. What I do know is that their previous  
9 attorney, Charles Kester, very smart man, very smart  
10 man, Civil Rights -- he understands federal law,  
11 federal privacy law. That's his thing. He died  
12 unexpectedly; I was bought onboard. So you'll see  
13 the email chain where the Department is saying, "We  
14 need this information; the University of Arkansas  
15 wants to run a study on it," and he objected. He  
16 says, "How can you confirm that the confidentiality  
17 of this data, as mandated by federal law, is  
18 preserved because it's a third-party vendor,  
19 University of Arkansas?" There was discussion back  
20 and forth. He died. I put it password protected;  
21 received specific assurances from the State of  
22 Arkansas representatives that they would maintain  
23 that confidentiality. Recognizing that you are the  
24 authority in the State of Arkansas, we give you the  
25 information, it was not an unfounded reluctance to

1 provide student data; it was a carefully, legally set  
2 forth basis between the lawyers for the State of  
3 Arkansas and my predecessor on whether or not the  
4 data for students would be adequately preserved in  
5 conformity with federal law. I got those assurances;  
6 we gave the file; it was password protected. And  
7 nothing -- I heard nothing more, other than it was  
8 received in good order. Well, there was a first file  
9 that said, "Hey, I can't get into it because" -- and  
10 then the second email, subsequent email was the  
11 password. Do I -- did I answer your question  
12 adequately? Because I have not heard of any studies  
13 or any results of that information, but we understood  
14 it to be in complete compliance with this State's  
15 request.

16 DR. BARTH: Okay. So anybody in the Charter  
17 Office, do you know anything about those? I mean, I  
18 think we know what happened in 15-16. I feel good  
19 about 15-16. But in terms of those previous either  
20 studies or conversations about the lottery process?

21 MS. BOYD: Right. To date, we haven't been able  
22 -- we've been working with OEP and we haven't been  
23 able to complete a study on lotteries as a random  
24 control trial substitute in the state of Arkansas  
25 because we haven't been able to get enough

1 information from any charter school about -- details  
2 about the lottery. And it's not -- they're not doing  
3 anything wrong; it's just information that they  
4 haven't traditionally been asked to collect, so they  
5 haven't been collecting. So we don't have enough  
6 information to fully conduct the evaluation. The new  
7 collection protocol that we've requested that the  
8 charter schools do is to help alleviate that, but we  
9 just started that with the lotteries that happened  
10 this previous spring.

11 CHAIRPERSON REITH: Additional questions? Yes,  
12 Ms. Zook. Oh, sorry, I apologize; you're right. Mr.  
13 Black, you were next; I apologize. Thank you, Mr.  
14 Black.

15 MR. BLACK: I'm wanting some clarification. I  
16 noticed that we have for a minority population 10% in  
17 Fayetteville, 3% in Bentonville, 2% in Springdale, 2%  
18 in Haas Hall Academy, and 1% in Haas Hall-  
19 Bentonville. I know that that can't be your targeted  
20 numbers.

21 SUPT. SCHOPPEMEYER: Which page are you looking  
22 at, sir? I'm sorry.

23 MR. HENRY: Are you looking at Jim Rollins'  
24 letter?

25 MR. BLACK: Yes.

1 SUPT. SCHOPPMEYER: That's Dr. Rollins' --

2 MR. HENRY: Dr. Rollins' letter. Sorry. Again,  
3 I got that yesterday. I don't agree with the data on  
4 that. I've not had an opportunity -- but the numbers  
5 we've presented to you and these people testified  
6 under oath as being accurate showed that in  
7 Bentonville we're more diverse than the school  
8 population. I don't have an exact number. We don't  
9 agree with those numbers, have not had an opportunity  
10 to respond to them. We understand that when you look  
11 at the non-white students in Fayetteville that we are  
12 not -- I mean, it's part of our supplement package,  
13 as well, for this Board. We're going to pull up  
14 those numbers on -- we're going to pull it up for you  
15 right now, what we understand to be an accurate  
16 reflection of the student population to reach the  
17 conclusion that, yes, we are more diverse than  
18 Bentonville public schools and we are not  
19 substantially different from Fayetteville public  
20 schools. So --

21 MS. ZOOK: The numbers he was mentioning were  
22 the African American, not the non-white.

23 MR. HENRY: Okay.

24 MS. ZOOK: And I think they do agree, the ones  
25 Mr. Rollins had and the ones that you all had

1 submitted on the African American. So that's what --  
2 it's my understanding; is that right, Mr. Black?

3 MR. BLACK: Yes.

4 MR. HENRY: Okay.

5 MS. ZOOK: Okay. While you're waiting on that  
6 information, do you --

7 MR. HENRY: You clarified the question but it  
8 kind of moots the point of this slide, I understand,  
9 because we were considering the diversity as a whole  
10 of the -- and also in our letter to you we set forth  
11 the racial profile of -- bad word -- the racial array  
12 across the Fayetteville School District and the  
13 Springdale School District and the Bentonville School  
14 District. So we did do that in the materials we  
15 provided you, and I think those were more detailed.  
16 I just was caught off-guard, with all due respect,  
17 with discussion of Dr. Rollins' letter because I  
18 haven't had an opportunity to look at it critically.  
19 But we stand by the numbers we set forth in our  
20 presentation, which I think is like page 4 or 3 of  
21 that letter. I hope I -- I know I didn't answer your  
22 question, but --

23 MS. ZOOK: I have --

24 CHAIRPERSON REITH: Yes, Ms. Zook.

25 MR. HENRY: Oh, here.

1 (COURT REPORTER'S NOTE: Supt. Schoppmeyer comes  
2 to the podium.)

3 CHAIRPERSON REITH: Are you responding  
4 specifically to this question, Mr. Schoppmeyer?  
5 Otherwise, I was going to recognize Ms. Zook.

6 SUPT. SCHOPPMEYER: Okay.

7 CHAIRPERSON REITH: Okay. Ms. Zook.

8 MS. ZOOK: Okay. You know there's a dyslexia  
9 law in the state of Arkansas, and those children,  
10 many of which would no longer be under special ed.  
11 but they would be in a separate group.

12 SUPT. SCHOPPMEYER: Right.

13 MS. ZOOK: Do you have implementation of that  
14 law and are there students being served? And what  
15 program, if you're serving, do you use to serve those  
16 students?

17 SUPT. SCHOPPMEYER: We have a lady in charge of  
18 that for our Fayetteville campus and she also does it  
19 for the Bentonville campus. We've all been trained.  
20 They've had formal meetings with faculty. They've  
21 looked at various tests and they've given exams to  
22 scholars. I am not familiar with the exact program  
23 that she is using, but whatever one it was it was the  
24 one recommended by the State.

25 MS. ZOOK: They had several and they didn't

1 specify --

2 SUPT. SCHOPPMEYER: It wasn't one that you had  
3 to use specifically, according to what Ms. Fisher  
4 told me. No.

5 MS. ZOOK: Okay.

6 SUPT. SCHOPPMEYER: But she's in charge of it.  
7 I empower people and she's -- that's her area of  
8 expertise.

9 MS. ZOOK: Okay. Also, in the area of autism --

10 SUPT. SCHOPPMEYER: Yes.

11 MS. ZOOK: -- I know one thing that Ms. Boyd has  
12 said to us is that some of the charters actually  
13 exceed the local districts in serving kids who are on  
14 the autism spectrum. Do you know if you are serving  
15 any children on that spectrum?

16 SUPT. SCHOPPMEYER: Yes, we certainly are. We  
17 have kids with Asperger's, autism, you name it.

18 MS. ZOOK: Okay.

19 SUPT. SCHOPPMEYER: But for us and for them,  
20 when they attend Haas Hall they really appreciate the  
21 four classes a day and focusing on four specific  
22 things instead of seven or eight, and we're very  
23 assistive. I heard the lady from Springdale talking  
24 about how they love their kids and they work hard  
25 with them; so do we.

1 MS. ZOOK: Right.

2 SUPT. SCHOPPMEYER: And we are open longer than  
3 any other school. We start earlier, we end late. We  
4 have to do everything by the semester, so we put 120  
5 clock hours in per semester for educating our  
6 scholars, at least, and we provide free tutoring. My  
7 faculty are not 7:30-to-3:30 people; they stay late.  
8 We all know we have a job. This isn't a game; this  
9 is somebody's child.

10 MS. ZOOK: Right.

11 SUPT. SCHOPPMEYER: And we need to make sure  
12 that we do our best every day to educate them to the  
13 fullest potential. What that is, it changes for  
14 many. But I can tell you that there are a number of  
15 kids that come into Haas Hall who were not considered  
16 college material who came into our program and  
17 decided that they were. Because when you walk in the  
18 front door you are college material; that's the way  
19 we're going to treat you. So a lot of it is the  
20 environment and the level of expectation. And I have  
21 tremendous faculty. I'm very fortunate. We hire  
22 great men and women who love to teach.

23 MS. ZOOK: Okay. It's my understanding from the  
24 statement that you made that if a student has below a  
25 certain grade level they don't graduate. Now I

1 assume that means that until you all judge that they  
2 are ready to graduate that they don't graduate, as  
3 opposed to you get to your senior year and you fall  
4 short on the grade-point and then you say, "Too bad?"

5 SUPT. SCHOPPMEYER: Okay. Does anyone in this  
6 room know what the minimum grade point average is to  
7 graduate from the University of Arkansas right now?  
8 What's the minimum GPA to attend the U of A?

9 MS. ZOOK: To attend?

10 SUPT. SCHOPPMEYER: Right. To just attend.

11 MS. ZOOK: I think it's two-something.

12 SUPT. SCHOPPMEYER: 3.0.

13 MS. ZOOK: Three.

14 SUPT. SCHOPPMEYER: So we have a 2.75 that we  
15 implemented because we want to make sure -- when I  
16 tell a parent and a scholar, "You are going to be  
17 accepted to a college or university; we're working  
18 together" -- and it has not happened where a child  
19 hasn't been accepted to a college or university. If  
20 kids weren't being accepted, they wouldn't come. We  
21 have phenomenal numbers of scholarships that are  
22 given every year from great schools, from middle-of-  
23 the-road schools, but it's schools that meet their  
24 needs and meet their academic desires.

25 MS. ZOOK: Okay. As far as the special ed. --

1 and I don't know if this is your instance -- I ran a  
2 special ed. program in a district, and they had  
3 parochial schools and they had private schools. This  
4 was way before charters. And I know there were  
5 parents of children that would send the child who was  
6 handicapped to my district and then their other  
7 children would be in the parochial or the private  
8 school because they really liked what we did with  
9 their handicapped child. I don't know if that's your  
10 instance. So I am a special ed. person, that is my  
11 passion, that is my love. I sometimes get overly  
12 anxious about percentages, but at the same time I  
13 realize that there are often extenuating  
14 circumstances that don't show up in a lottery.

15 SUPT. SCHOPPMAYER: Correct. And everybody  
16 knows that we would take any scholar who wants to  
17 attend. We want to be more diverse. That's why we  
18 want to go into the heart of Springdale, into the  
19 area that we'd really be able to serve. We can't  
20 control the lottery but we can certainly control the  
21 people who apply by recruiting, and we are going to  
22 stage a recruiting effort like no one has ever seen  
23 before.

24 MS. ZOOK: Okay. I think, Board, what I see  
25 happening -- and, you know, I'm pretty plainspoken --

1           it seems in districts where there's not a lot of  
2           diversity within the district -- say a Bentonville  
3           or, you know, a district that's predominantly one  
4           race with a smattering of other races -- that we  
5           don't get school districts objecting. But when you  
6           find a district like a Little Rock School District or  
7           a Springdale School District who has a lot of  
8           minority students, then is when you get the pushback.  
9           Because a lot of the research says that if children  
10          go to school with children who function higher than  
11          them and lower than them and equal to them, then  
12          often it's like everybody rises and you get a better  
13          product at the end. So I think what we're dealing  
14          with -- and at some point maybe the stakeholders  
15          group and the consulting group will come up with this  
16          answer -- is in those districts where there is a  
17          heavy concentration of minorities, regardless of the  
18          minority, then is opening a charter hurting the child  
19          or helping the child? And I don't have the answer to  
20          that. But, you know, all we can do is just study the  
21          data that's presented, listen to -- I happen to know  
22          a lot of the educators in the Springdale School  
23          District; I know they're high quality. I know that  
24          Jim Rollins and his staff have run a good school for  
25          many, many years, unlike what we are finding south of

1 the river in Little Rock. But what the right answer  
2 is or not, it just somehow doesn't feel right to take  
3 a high performing school and say no and we're saying  
4 "you need more diversity," and they're saying, "Let  
5 us go to the Jones Center where we hope to attract  
6 that diversity," and we go, "No, until you get  
7 diversity." I don't know. You know, it's -- I know  
8 -- I see the expressions on your faces and I know  
9 this is a struggle for all of us. Is there a right  
10 answer or are there just two right answers? And I  
11 don't know or I'd try to persuade.

12 CHAIRPERSON REITH: And actually I'll call on  
13 you, recognize you in one moment, Dr. Hill, if that's  
14 all right. I'll take privilege as Chair to respond  
15 to Ms. Zook's comment because I -- as a community  
16 organizer in the Springdale School District and as a  
17 minority, I definitely want to react to a few things  
18 that you stated.

19 I think and I believe this gets at the heart of  
20 what you're trying to say, right, which is that we're  
21 all cognizant around the challenges of Little Rock  
22 and our role in the challenges of Little Rock. We  
23 wouldn't have created a stakeholders group if we  
24 didn't have some common consensus that we need  
25 districts and charters to work together; right? And

1 that's the ideal scenario, that they were -- charters  
2 were always intended to be incubators of excellence  
3 and not competition to traditional public schools,  
4 but they were meant to work together and that didn't  
5 happen here in Little Rock. And so now we're trying  
6 to -- on the back-end trying to help make that  
7 happen, right, and learn the lessons learned. And as  
8 somebody who is from Fayetteville High School, right,  
9 went to Fayetteville High School, works in the  
10 Springdale School District, is up there in the  
11 Springdale School District, I do admit that one of  
12 the concerning things for me in this conversation, as  
13 I even shared with Mr. Schoppmeyer and Mr. Henry and  
14 Ms. Holaway when I met with them last week, was  
15 really wanting to see some sort of agreement between  
16 the Springdale School District and them in this  
17 conversation so we wouldn't let northwest Arkansas be  
18 the next Little Rock. And I hope for anyone in this  
19 room that is from northwest Arkansas and cares about  
20 it as personally as I do -- and that is not an insult  
21 meant to Little Rock, but I do think that when we can  
22 all see everybody as all of our children instead of  
23 some-versus-others that's not a positive environment,  
24 especially when such strong efforts have been forged  
25 to create such good schools in northwest Arkansas.

1           And I would include obviously Haas Hall as one of  
2           those great schools; right? I mean, we've worked  
3           hard on this. And so the fact that there's not  
4           agreement as of yet and maybe different  
5           interpretations around conversations, and now  
6           Fayetteville School District has entered into this  
7           conversation, I will admit that gives me some concern  
8           and pause going into this conversation. And it gets  
9           back to the whole -- see, the question that I have  
10          been pondering, Mr. Schoppmeyer, since you and I met  
11          last week, has been this idea that if we build it  
12          they will come; right? And so my dad was a huge  
13          Field of Dreams fan; you know, that slogan was  
14          ingrained in me for a long time. And I feel like  
15          that's almost like how this approach was. It was --  
16          the Jones Center was "I have a space, you know, and  
17          it's there." So it's there and it's in the heart of  
18          east Springdale, which is where the majority of the  
19          minorities are -- it's even where my personal office  
20          is, my immigrant resource center -- and just the  
21          assumption it's open so the students will come;  
22          right? And I know that you've thought about outreach  
23          strategies and are working on it, and we've  
24          definitely seen some of the fliers now and we've  
25          talked about maybe some additional things that could

1 be done. But as a community organizer my gut  
2 continues to feel for what was commented by the  
3 teachers that were here -- that are here that there  
4 is a longer term investment in building the trust of  
5 diverse communities in ways that result in turnout.  
6 And that gets back to the whole comments that Ms.  
7 Chambers and Dr. Barth have touched on on who is in  
8 that lottery. And I think one thing that gives me  
9 pause at this current stage and where I'm sitting  
10 versus when we considered the Bentonville Haas Hall  
11 charter -- and I voted for very enthusiastically the  
12 expansion; and one of the reasons I did was you all  
13 at that time had a list, a waiting list where you  
14 could demonstrate "we have people that are ready to  
15 sign up in Bentonville," and that's not something  
16 I've seen for the Springdale campus. I've not seen a  
17 waiting list of the families with whom, for example,  
18 I work or others or even folks aware of this  
19 happening to be able to say yes; that I can  
20 definitely feel with confidence that there's the  
21 demand for this; there's a trust in the community; we  
22 can feel confident that when there is a lottery  
23 system that indeed it does indeed reflect the  
24 population there. And that there's been, again,  
25 ideally a partnership agreement, which again nothing

1 has been in writing as of yet, just a starter  
2 conversation with the Springdale School District  
3 about how those students would be served, and so it's  
4 not an opposition. As I shared with you, you know,  
5 it's tremendous what all are doing, and even standing  
6 on your campus I'm in awe; right? I mean, it is  
7 beautiful facilities and you can tell there's a  
8 strong culture and people that are passionate about  
9 Haas Hall are truly passionate about Haas Hall. But  
10 I wonder in some ways -- and this gets back to what  
11 maybe some of my earlier comments were about timing  
12 of this and whether if there's a way -- an additional  
13 few months where we could make sure -- again, just  
14 like we have with the stakeholders -- conversations  
15 have happened with the districts, that you've had an  
16 opportunity at some starter outreach to really  
17 demonstrate that there's demand and interest, to say  
18 to my colleagues that -- those are the type of things  
19 -- as somebody who is a community organizer, a  
20 Mexican American in that community, who works with  
21 the targeted community that you're trying to reach,  
22 those are things that would give me greater  
23 confidence in this expansion going -- moving, you  
24 know, as we do in terms of the consideration of this.

25 So I say that in part to respond to Ms. Zook and

1 then also to share maybe some additional insights  
2 with my colleagues, just being privy on a few  
3 different levels to this special case and  
4 circumstance and obviously being very personally  
5 identified with the communities that we're talking  
6 about here.

7 So with that, thank you for that indulgence, Dr.  
8 Hill. I now recognize you with your question.

9 DR. HILL: Thank you. You mention a diversity  
10 outreach person.

11 SUPT. SCHOPPMEYER: Yes, sir.

12 DR. HILL: How long has she been on-board and  
13 what experience does she have in doing -- you know --  
14 has she already scripted the strategic diversity  
15 plan?

16 SUPT. SCHOPPMEYER: We have a plan; it's a 28-  
17 page document. Yes.

18 DR. HILL: Okay. So I think the -- diversity  
19 can be hard. I lived in Springdale. I mean, you  
20 know, my house is there and my kids go to the  
21 University of Arkansas. And I think from -- you know  
22 -- I love what you're doing and I think, you know --  
23 you know -- I think it may be a perception that may  
24 not be reality, but it may be perception that you're  
25 cherry-picking, you know, and getting -- and that may

1 not be true. And so I think that's a concern of the  
2 Board. And it's almost to the point -- this is an  
3 old term that may not be appropriate; they used to  
4 call it affirmative action, but now it's called  
5 inclusion. And so as you grow your plan  
6 strategically, if you're going to align with those  
7 specific goals, that you're going to have to target  
8 -- because when I came to northwest Arkansas in 1989,  
9 University of Arkansas, they had a strategic  
10 diversity plan which I helped be able to become a  
11 part of to grow the area more diverse, through  
12 churches, through all the outreaches, through all the  
13 plans. So I think that's really, really important,  
14 being Wal-Mart and Sam's. I mean, you have to meet  
15 those goals for the whole student to be educated  
16 around a diverse population because they're educated  
17 by being -- you know -- I think the bottom brings  
18 everybody up --

19 SUPT. SCHOPPEMEYER: Yes.

20 DR. HILL: -- rather than just the top elevating  
21 itself. So I think you have to be inclusive from --  
22 and work to hit that. And from what I hear, what I  
23 perceive -- and I'm a first-time board member, okay?

24 SUPT. SCHOPPEMEYER: Okay.

25 DR. HILL: So, you know, I'd love to come see

1 your place, and will --

2 SUPT. SCHOPPMEYER: We'd be happy -- yes, sir.

3 DR. HILL: -- when I'm there visiting my  
4 children at the University of Arkansas. I think it's  
5 important that as you push this pathway that you  
6 can't move forward like that without bringing those  
7 along the parallel. You have to have a parallel  
8 track with that plan, rather than just saying "we're  
9 going to continue with this population of students,"  
10 without making sure you're taking these students as  
11 well. And, not importantly, "we're going to take  
12 them," but you have the staff -- which you may do,  
13 I'm not saying you don't -- that you have the  
14 teachers to nurture that environment to bring those  
15 students up who normally -- you know -- because some  
16 can be intimidated with a 30 ACT score --

17 SUPT. SCHOPPMEYER: Sure.

18 DR. HILL: -- versus a 12 or 13 or some that  
19 can't even read. So, I mean, there's a lot of  
20 dynamics, you know, in here that I think we're trying  
21 to wrap our hands around. But, I mean, I think  
22 innovation -- you know -- when I look at what you've  
23 done I want to applaud that.

24 SUPT. SCHOPPMEYER: Thank you.

25 DR. HILL: You know, and definitely we don't

1 want to pour cold water on somebody who's being  
2 innovative in teaching and learning. But at the same  
3 time we want to make sure that the person at the  
4 bottom -- I call them catfish -- you know, that's the  
5 best eating but they're at the bottom of the pond --  
6 you know, that we're reaching all the way down to get  
7 the catfish, that we can bring those up to the  
8 surface as well so they can enjoy everything that we  
9 see everybody else doing. And I think once we wrap  
10 our hands around that, I mean, we're going to support  
11 the initiative. But, you know, when we look at the  
12 demographics it makes it really, really tough. Is  
13 that fair?

14 SUPT. SCHOPPEMEYER: Well, I think we're pretty  
15 diverse.

16 DR. HILL: Okay.

17 SUPT. SCHOPPEMEYER: And we've made strides  
18 towards that. But I would like to --

19 DR. HILL: And I don't mean to cut you off.  
20 When I'm saying diverse, I said when we look at the  
21 numbers and you look at the area of northwest  
22 Arkansas now versus the demographics, of trying to  
23 say as you move forward to have those concentrated  
24 goals. Because I think, you know, that you have to  
25 have -- you know -- and you may have them; that's why

1 I asked about your diversity plan. I didn't say you  
2 didn't. You know, I haven't seen them and that's  
3 maybe on my bad.

4 SUPT. SCHOPPMEYER: We'd be happy to show it to  
5 you, if you're interested.

6 DR. HILL: Yeah. So, but I think that's really  
7 important as we continue, you know, to try to wrap  
8 our hands around what we're all talking about,  
9 because I think everybody respects what you're doing.

10 SUPT. SCHOPPMEYER: I would like to address the  
11 concerns of both the Chairwoman and Dr. Hill, if I  
12 may. One of the reasons why we decided to postpone  
13 opening in 2016, and asking for permission to open up  
14 in 2017, is because 88% of those individuals who  
15 applied to come to Haas Hall Fayetteville and  
16 Bentonville could not attend. They were not going to  
17 be able to attend; we were full. And there was a  
18 thought process if we went ahead and did 2016 those  
19 same applicants would apply for Springdale, so we  
20 made some strides. We hired an outreach coordinator  
21 to help with diversity, we're going to hopefully hire  
22 another one, and we want to try to build that  
23 applicant pool for the lottery with larger  
24 percentages of minority and lower income people. I  
25 think we're fairly good at building trust with

1 people. We have had families come through Haas Hall  
2 and they love it and all of their kids have gone  
3 through. I think if you allow us the opportunity  
4 today to say there's going to be a Haas Hall Academy-  
5 Springdale we'll start that recruitment process  
6 tomorrow. I think time is important, that we have  
7 the opportunity to build those relationships and to  
8 recruit those students. I would've felt rather  
9 uncomfortable and presumptuous if we'd gone ahead and  
10 opened up a lottery system for Haas Hall-Springdale  
11 when we hadn't been approved. I try not to  
12 intentionally get into trouble but it seems like  
13 every time I turn around I do, so I wasn't going to  
14 do that. So we've been waiting, but we've been doing  
15 things behind the scenes. We're excited about this  
16 opportunity.

17 And I can't get my mind -- my head wrapped  
18 around it sometimes, but I feel like sometimes we're  
19 saying that if you're lower income or you're a  
20 minority this type of educational program won't work.  
21 It's going to work. It's a tried and true process;  
22 it works. It doesn't matter what your parents have  
23 and don't have; it's about this -- none of us picked  
24 our parents, but we can pick what we want to be in  
25 life. And our school has done a tremendous job in

1 getting young men and women prepared to go to  
2 college, and that's what we do and we do it well.

3 If you look at our diversity numbers compared to  
4 the cities, they're pretty much on spot; they're not  
5 that far off. In fact, we're more diverse than  
6 certain areas. I would just like to see us be given  
7 the opportunity of following the law where it says to  
8 have a charter license you must fulfill these  
9 requirements, and we do; we do in every category.

10 And I would just like you to take into  
11 consideration that when you vote today we would love  
12 the opportunity to partner with community organizers,  
13 to partner with different folks in northwest  
14 Arkansas, and really do some great recruiting. And  
15 if you let us have our charter in Springdale I know  
16 that Dr. Cleveland and I will be able to work  
17 together and have something tangible for you to read.  
18 I think we're both hesitant. There are about three  
19 steps when you start partnering: one is you vet each  
20 other out; number two is you start partnering with  
21 the things that are forced, things that you have to  
22 decide you want to partner with; and then after a  
23 period of time it's just seamless. It happens  
24 because that's what you do; that's part of who you  
25 are. And I think you're going to see Springdale and

1 Haas Hall Academy be a leader in partnerships in this  
2 state.

3 DR. HILL: The last question: did you have -- do  
4 you have a breakdown analysis of your family average  
5 income?

6 SUPT. SCHOPPEMEYER: No, sir, I do not. I don't  
7 know how we'd get that.

8 DR. HILL: I think a lot -- well, I mean, a lot  
9 of times, you know, when we're talking about  
10 diversity it's economic diversity --

11 SUPT. SCHOPPEMEYER: Yes.

12 DR. HILL: -- rather than racial diversity.

13 SUPT. SCHOPPEMEYER: Right. Right.

14 DR. HILL: And so that may be something that  
15 you'll look at as you grow diversity. Because what  
16 I've found, you know, the economics are often tied to  
17 the ethnic groups, so that could work both ways for  
18 you.

19 SUPT. SCHOPPEMEYER: I hear you. But it's not  
20 the quote "escalated parade" at Haas Hall. It's not  
21 that way. You've got people driving all different  
22 kinds of cars, fenders falling off of them --

23 DR. HILL: No, no. I'm just saying as we look  
24 forward --

25 SUPT. SCHOPPEMEYER: Yes.

1 DR. HILL: -- to be inclusive.

2 SUPT. SCHOPPMEYER: Yes. I appreciate your  
3 thought on that, sir.

4 CHAIRPERSON REITH: Yes, Ms. Zook.

5 MS. ZOOK: You know, it just occurred to me Haas  
6 Hall and KIPP both call themselves a college  
7 preparatory school. We hardly batted an eye when we  
8 allowed KIPP to go to Blytheville and then KIPP to go  
9 to Forrest City. So in a way we're doing the very  
10 thing that we pride ourselves in not doing, which is  
11 -- KIPP is almost 90% free and reduced lunch, KIPP is  
12 97% minority, but they pride themselves on the fact  
13 that 100% of their kids get accepted either to  
14 military or college and they have even as their theme  
15 "To and Through College." So, you know, I wasn't  
16 raised in a family where prejudice would've been  
17 tolerated, and I don't want to make decisions as a  
18 State Board member where I'm looking at your school  
19 in northwest Arkansas that calls itself college prep  
20 and we get tied up in are your numbers exactly like  
21 the district or like the community any more than I  
22 want to get caught up in that when I look at a KIPP,  
23 which is almost the mirror image of your school.

24 Like I say, I don't know what I want to do or  
25 how I want to vote on this but as these things run

1 through my head I feel compelled to share them with  
2 my board members.

3 CHAIRPERSON REITH: Although if I might add  
4 there, Ms. Zook, I feel like even beyond the college  
5 prep with all charter schools we've asked the  
6 questions if they look like their community or they  
7 look like their district. And that is one of the  
8 bars at which we've kind of weighed, especially when  
9 we start considering things like academic distress  
10 and otherwise. And that was part of actually what  
11 triggered my visit to Haas Hall was the  
12 acknowledgement that for the last few years I've been  
13 working with low income families who were not aware  
14 of Haas Hall being an option. And so it actually had  
15 nothing to do with this session but more in general  
16 outreach as a community organizer how do we build  
17 those awarenesses. And I was very glad to share that  
18 with them and will continue to do so.

19 But, again, it comes back to some of these  
20 things take time and the idea that it takes a new  
21 school to trigger that is something that I hope,  
22 regardless of what today's outcome is, that the  
23 commitment to those outreach strategies will happen.  
24 And, obviously, I have no say on this vote as Chair  
25 unless you all come to a tie. So I say that as a

1 person that is from Fayetteville School District and  
2 works in that community. Regardless of what happens,  
3 I hope the commitment to those outreach coordinators  
4 and strategies go in place. I think it will make for  
5 better schools in Fayetteville and Bentonville,  
6 regardless of what happens with Springdale, and so  
7 that those -- the Marshallese students and all  
8 students, Latino students, African American students  
9 are equally aware of this opportunity. Because at  
10 this current stage there is not that full awareness,  
11 but they have owned that and we've had that  
12 conversation and I know that there's a goal moving  
13 forward. I just think -- again, just throwing out  
14 there that time may be one of those things where if  
15 there's ways within the process that doesn't  
16 detriment your -- what you're trying to offer and  
17 then gives us the ability at the same time to insure  
18 we don't go down the path of Little Rock. I throw  
19 that out there for the consideration of the Board in  
20 a very complicated situation of weighing options, but  
21 to say that today wouldn't have to be the end-all-be-  
22 all, that there would still be a timeline and other  
23 opportunities within there that may be able to forge  
24 a middle ground and still learn from lessons of the  
25 past. Yes, Dr. Barth.

1 DR. BARTH: Probably a procedural question for  
2 Ms. Davis, so in terms of this issue of time -- and  
3 so if we were not to vote on this today, how much  
4 time is allowable in terms of waiting to see if there  
5 could be some true partnership forged before we  
6 actually did cast a vote? Is there any delay at all  
7 or do we really have to act today on this because of  
8 the hearing?

9 MS. DAVIS: The hearing procedures say that you  
10 have to -- that the authorizer may defer the vote to  
11 approve or disapprove a charter application renewal  
12 or request in order to allow a charter school or  
13 applicant to make modifications or receive technical  
14 assistance to correct deficiencies. I'm not sure  
15 that I would consider their request for a partnership  
16 a deficiency such that you could defer the vote.

17 DR. BARTH: Okay.

18 MS. DAVIS: You can take it -- hang on a second.  
19 You can take it under advisement until a future  
20 scheduled meeting, but, I mean, the rules don't  
21 necessarily say how long traditionally you have done  
22 that, like at a next meeting or something like that,  
23 because you have asked specifically for certain  
24 information.

25 DR. BARTH: On the language on the justification

1 for delay, you said technical -- what was the lead-in  
2 to technical assistance?

3 MS. DAVIS: You can defer the vote in order to  
4 allow the school or applicant to make modifications  
5 or receive technical assistance. But the authorizer  
6 may also issue a final decision today at the hearing  
7 or take the matter under advisement until a future  
8 scheduled meeting. I mean, in the past -- I mean,  
9 you know, I've only been with the Department, you  
10 know, a year-and-a-half or so -- you've voted at the  
11 next meeting. So there may be other instances to  
12 where you have voted at a later-later time, but I've  
13 only seen when you have voted at the next meeting on  
14 issues. I mean, I don't think I've even seen one for  
15 the charter.

16 DR. BARTH: Okay. And then just another  
17 procedural question, so will these be -- will we need  
18 to vote three -- on each of these separate motions?

19 MS. DAVIS: I mean, you don't have to. The  
20 Charter Authorizing Panel did; they felt it was best  
21 so that way, you know, if there were some that were  
22 going to be granted, like it was in this case, and  
23 some that were denied, that way the charter school  
24 would at least maybe have an accurate picture of the  
25 amendments and how the Board felt. But, I mean, you

1 can handle them as one, but, you know, that may or  
2 may not cause a vote, you know, one particular way  
3 when they might've voted on one issue and not the  
4 other.

5 DR. BARTH: Thank you.

6 MS. NEWTON: I have a question.

7 CHAIRPERSON REITH: Yes, Ms. Newton.

8 MS. NEWTON: I know the Charter Authorizing  
9 Panel gives oversight in the lottery process. Is  
10 there any way that they could give oversight during  
11 the application process?

12 MS. BOYD: Ms. Newton, if you would grant me a  
13 team of 100 people I'd be happy to do that. The  
14 application process lasts the whole year long. We  
15 look at the applications, we give advice on questions  
16 to include or not include in the application, how to  
17 provide it to parents, how to give access to it. But  
18 as far as observing how each parent applies or how  
19 those people are recruited on like a day-to-day basis  
20 my office of three people is not going to be able to  
21 do that.

22 CHAIRPERSON REITH: Additional questions from  
23 the Board?

24 DR. HILL: Just one last question for you.

25 SUPT. SCHOPPEYER: Me?

1 DR. HILL: Yeah, uh-huh. And this is just  
2 brief, just for -- so I just wanted to make sure the  
3 Jones campus was specifically to -- you made mention  
4 that the gentleman called and said, "This gives you  
5 an opportunity to meet these -- to share Haas with  
6 everybody." Is that -- I heard that correctly?

7 SUPT. SCHOPPEMEYER: They had a number of board  
8 members reach out to us and say, yes, there's an  
9 opportunity to be at the Jones Center to use as a  
10 school. We perceived it as an opportunity. No one  
11 else perceived it as an opportunity for us to become  
12 more diverse; that was an internal decision from our  
13 aspect.

14 DR. HILL: So that's a major goal of that  
15 location?

16 SUPT. SCHOPPEMEYER: That is. Yes.

17 MR. HENRY: Right. And delay for delay's sake  
18 may not be in the best interest. I mean, that leased  
19 space costs money.

20 DR. HILL: Right.

21 MR. HENRY: So we'd like a decision today. This  
22 is our third time here, and we've tried multiple  
23 meetings with Springdale. Building in "well, let's  
24 wait until they can get together" serves as no  
25 motivation for Springdale to act. They oppose this,

1 not formally for the Board. If you say, "Well, let's  
2 see what happens in a few weeks," with all due  
3 respect, he didn't make his last meeting; with all  
4 due respect, let's recognize Springdale really  
5 doesn't want us there. And let's get past today so  
6 that we can trigger going forward with the Jones  
7 Center. And, yes, let's come up to the bat, swing --  
8 get ready for the pitch, and make it work. We've  
9 already proven it with Bentonville. We are  
10 consistent with the demographics across. We're open  
11 for our lottery; check. We've responded to your  
12 questions by giving you all the data related to the  
13 -- put to rest these lottery issues; check. The  
14 number one school in the state never in academic  
15 distress, all the legal things are -- check. Now the  
16 question is will we be able to serve one of the most  
17 diverse populations. Audit us, check us, see how the  
18 lottery works; send representatives up every month to  
19 check on our outreach program. Do that instead of "I  
20 just don't have a good feeling" or "I have a gut  
21 feeling;" "I don't think the parents in Springdale  
22 are quite ready." Where is the time? Is it a delay?  
23 Is it until we can improve more diversity in  
24 Bentonville? Because, you know, we're already more  
25 diverse than Bentonville. Is it to increase our

1 numbers in Fayetteville? So I guess I did use my  
2 three minutes that I borrowed, and I appreciate your  
3 time.

4 SUPT. SCHOPPMAYER: Could I --

5 CHAIRPERSON REITH: And at this stage actually  
6 there was no time-clock, so that's -- you were fine.  
7 But thank you. Thank you. Yes, Mr. Schoppmeyer.

8 SUPT. SCHOPPMAYER: Can I follow up to Dr.  
9 Hill's question real quick?

10 CHAIRPERSON REITH: I'll recognize you.

11 SUPT. SCHOPPMAYER: Dr. Hill, I just want to  
12 make perfectly clear to you and the rest of the Board  
13 that Haas Hall Academy has an overall goal to become  
14 more diverse at our Fayetteville, Springdale and --  
15 I'm sorry -- Fayetteville, Bentonville, and hopefully  
16 our Springdale campuses. So it's not just focusing  
17 on one. That person focuses on all two right now.  
18 Thank you.

19 CHAIRPERSON REITH: Ms. Chambers.

20 MS. CHAMBERS: I do think we have an opportunity  
21 in front of us. I have to speak, maybe selfishly,  
22 being from that area. It seems almost unconscionable  
23 to pass on such a high performing program and missing  
24 out on bringing that into the area. And to something  
25 that you said earlier, Madam Chair, I think we have

1 an opportunity to cause a traditional school district  
2 and a charter to come together in a very intentional  
3 way that gets specifically at this opportunity  
4 question and decrease the number of -- criticisms  
5 that are directed at charters now are focused on  
6 those charters that are taking the very top students  
7 out, they don't provide opportunity or access to  
8 diverse students, that's an increasing opposition to  
9 a charter coming into a school -- or, excuse me, into  
10 a district. So it would be -- I think we could  
11 actually use this application or this opportunity to  
12 expand into Springdale. And my question I guess  
13 would be to the Commissioner: can we compel the two  
14 of them to work together and to come back so it's not  
15 "can it work; we want it to work, and we'd like you  
16 to come back with a plan?"

17 COMMISSIONER KEY: Did you see how fast Ms.  
18 Davis got out of her chair? Yeah, I think the answer  
19 is that we cannot compel them as part of the charter  
20 process, but we can -- you can strongly encourage  
21 them, which is not the same, but I think delivering a  
22 message of strongly encouraging sets a positive tone.

23 MS. CHAMBERS: I rescind my "compel." But I do  
24 believe not only is there room for both, there's  
25 necessity for both, and we need to find ways to start

1 collaborating instead of putting so much energy into  
2 defending.

3 CHAIRPERSON REITH: Yeah. Yes, Dr. Barth.

4 DR. BARTH: You know, I'm a little worried about  
5 this case because I have no doubt that there will be  
6 a more diverse student population at this campus than  
7 the others; I have no doubt. And I worry in some  
8 ways that we're giving them an out for what have been  
9 some real failings to diversify at their other  
10 campuses, especially the Fayetteville campus, which  
11 is not all that far from this location. So that's  
12 what I worry about: does it become, "Okay, we've  
13 diversified on this campus but" -- because they have  
14 had years to and we've had lots of conversations, not  
15 unlike this one today, about these same issues, and  
16 we haven't had progress.

17 MS. CHAMBERS: I completely agree, and it's not  
18 just this charter; it's how do we have better insight  
19 or transparency into the -- and I fully appreciate  
20 the amount of work that goes into monitoring the  
21 application process. But if the applicant pool is  
22 not more inclusive or diverse, we will not have a  
23 different outcome. And the fact is it's this -- Haas  
24 Hall has an opportunity but so do a number of other  
25 schools, and so I'm interested in can we start to

1 solve for this in a more holistic way.

2 CHAIRPERSON REITH: But then I also think if

3 you're going to do that then you need to be putting

4 the inputs in to make that happen. And my concern is

5 that with a 2017 timeline -- and it was said even

6 there this could end up being an overflow of

7 Fayetteville and Bentonville versus bringing in the

8 diverse student population, and instead, that you

9 have really created some unintentional segregation of

10 students even within the Springdale School District.

11 And that's where I said even with some additional

12 time to see a list -- I would love to see a list, the

13 way that was presented to us with Fayetteville; that,

14 yes, we've talked with these families. Because I

15 know families that, since I've visited with Haas Hall

16 -- because, again, I want to see this outcome work --

17 and asked, "Have you heard of Haas Hall?" Over and

18 over again, students and families have not heard of

19 it. And so for me to say that in a one-year timeline

20 they're going to be able to accomplish this -- or at

21 least I'd like some better evidence that that is

22 possible, because we do run this slippery slope, and

23 because we can't compel -- and I will say because --

24 and this is from the purview now of five years on the

25 Board, there are times when superintendents will come

1 and say, "Yes, I back this; I want this; please help  
2 me." And I think Bentonville was a perfect example;  
3 Mike Poore was like, "Please help me. I can't even  
4 teach our students anymore." And when you have two  
5 districts that are saying, "Wait, we want some more  
6 time to have a conversation" -- and this isn't,  
7 again, for me an objection to Haas Hall or to this  
8 work; it's just wanting some more evidence, right, of  
9 not just an intention but that factors have been put  
10 in place that could make this possible. Because  
11 otherwise, we really do run the risk of turning  
12 northwest Arkansas into the next Little Rock, and I  
13 just -- and, again, I say that with all love in my  
14 heart for northwest Arkansas and Little Rock. But I  
15 come from personally a purview that education  
16 shouldn't be a competition but it's all of us working  
17 together for the best for our students, so --

18 MS. ZOOK: But on the other hand you could look  
19 at it this way, that if Haas Hall and the three  
20 superintendents -- or actually six or seven that are  
21 up there -- do work together, then you don't have to  
22 have a stakeholders' group and you don't have to have  
23 other people telling you how to do it, but we could  
24 say, "Hey, they're making it work."

25 CHAIRPERSON REITH: Exactly.

1 MS. ZOOK: So, you know, I don't know. But in  
2 that light I do recommend that we deal with these  
3 three specific things separately, just like the  
4 Charter Panel did.

5 CHAIRPERSON REITH: Yes. So in terms of these  
6 three and --

7 MS. ZOOK: And I'm ready with a motion on a  
8 couple of them.

9 CHAIRPERSON REITH: The first one is Siblings.  
10 Is there any further discussion or questions? Then,  
11 yes. And if there's no objection I actually was  
12 going to share that as well in terms of taking each  
13 point at a time. No -- and so with that, Ms. Davis,  
14 so we'll consider the siblings, enrollment, and then  
15 the -- well, that one -- sorry -- has been -- so it's  
16 just the siblings and the license; right? So it's  
17 just two?

18 MS. DAVIS: No. They had requested a review of  
19 all three.

20 CHAIRPERSON REITH: Okay.

21 MS. DAVIS: Uh-huh. And I would -- what I  
22 forgot to point out last time is I would handle the  
23 license one last --

24 CHAIRPERSON REITH: Yes.

25 MS. DAVIS: -- because if you grant the -- end

1 up granting the license it would have incorporated  
2 any sibling preference or enrollment cap that you may  
3 or may not have granted.

4 CHAIRPERSON REITH: Okay. Is it correct -- the  
5 siblings, the enrollment cap expansion, and the  
6 license for the Springdale location?

7 MS. DAVIS: That would be acceptable.

8 CHAIRPERSON REITH: Okay. So then with that,  
9 I'll entertain a motion from the Board on the  
10 siblings.

11 DR. BARTH: I move to uphold the Charter  
12 Authorizing Panel decision to allow the sibling  
13 expansion.

14 CHAIRPERSON REITH: Or sibling, yeah, preference  
15 addition.

16 DR. BARTH: Sibling preference.

17 CHAIRPERSON REITH: Perfect. Do I have a  
18 second?

19 MR. BLACK: I second.

20 CHAIRPERSON REITH: Okay. Motion made by Dr.  
21 Barth, seconded by Mr. Black. And I think we'll do  
22 roll-call for all three of these. So, Commissioner.

23 COMMISSIONER KEY: Dr. Barth.

24 DR. BARTH: Yes.

25 COMMISSIONER KEY: Mr. Black.

1 MR. BLACK: Yes.

2 COMMISSIONER KEY: Ms. Chambers.

3 MS. CHAMBERS: Yes.

4 COMMISSIONER KEY: Ms. Dean.

5 MS. DEAN: Yes.

6 COMMISSIONER KEY: Dr. Hill.

7 DR. HILL: Yes.

8 COMMISSIONER KEY: Ms. Newton.

9 MS. NEWTON: Yes.

10 COMMISSIONER KEY: Mr. Williamson.

11 MR. WILLIAMSON: Yes.

12 COMMISSIONER KEY: Ms. Zook.

13 MS. ZOOK: Yes.

14 CHAIRPERSON REITH: I'll now -- and so motion

15 passes. I'll now entertain a motion with regards to

16 the enrollment cap expansion.

17 MS. ZOOK: Okay.

18 MS. DAVIS: I'm sorry; just to clarify --

19 CHAIRPERSON REITH: Yes.

20 MS. DAVIS: -- that you are actually voting to

21 approve or to deny, because you have already done the

22 affirmation or whatever of the Charter Authorizing

23 Panel. So you are fully acting as the authorizer, so

24 it's just to approve or deny the amendment.

25 CHAIRPERSON REITH: Okay. Just to approve or

1 deny, versus -- oh, because we've already -- yes.

2 MS. DAVIS: Right.

3 CHAIRPERSON REITH: Okay. So then the sibling  
4 preference is approved. Is the --

5 MS. ZOOK: Okay. I move that we approve the  
6 100-pupil expansion, and I'll give you my reasoning  
7 why. If we allow siblings, then we are not allowing  
8 them an opportunity to be very diverse because most  
9 siblings are of the same race. So I would encourage  
10 us to give them the 100-pupil expansion in the -- I  
11 think it's the Fayetteville campus -- is that  
12 correct? -- the Fayetteville campus, so that they  
13 will have an opportunity to allow more people of more  
14 diversity to apply if they choose to. And,  
15 therefore, we eliminate the concern that you might  
16 have that all of those Fayetteville people will run  
17 over to Springdale, if we approve that. So I do move  
18 that we approve the 100-pupil expansion.

19 CHAIRPERSON REITH: Just to say that the motion  
20 is around the expansion. The rest would normally be  
21 offered in discussion but thank you, Ms. Zook, for  
22 that explanation. And do I have a second around --

23 MR. WILLIAMSON: Second.

24 CHAIRPERSON REITH: So a motion made by Ms.  
25 Zook, seconded by Mr. Williamson. And, again, roll-

1 call, Commissioner.

2 DR. BARTH: Could we --

3 CHAIRPERSON REITH: Oh, sorry; discussion. Yes,  
4 discussion. Apologies.

5 DR. BARTH: And I've been playing with the math  
6 too on this. My worry is that, you know, with the  
7 number of siblings that may fill up those 100 seats  
8 -- and we know what those siblings -- in many cases,  
9 what their demographic background is. So I do --

10 MS. ZOOK: I don't know.

11 DR. BARTH: I was willing to go with one or the  
12 other, but I couldn't --

13 MS. ZOOK: What if they have more than 100  
14 siblings? Do you know? They don't know or they  
15 don't --

16 MR. HENRY: He says he does not know.

17 MS. ZOOK: Okay. But they only asked for 100,  
18 so --

19 CHAIRPERSON REITH: Yes. Any further  
20 discussion? Otherwise, we'll begin the roll-call.  
21 No? Okay. Hearing none, Commissioner, if you could  
22 guide us through the roll-call, please.

23 COMMISSIONER KEY: Dr. Barth.

24 DR. BARTH: No.

25 COMMISSIONER KEY: Mr. Black.

1 MR. BLACK: Yes.

2 COMMISSIONER KEY: Ms. Chambers.

3 MS. CHAMBERS: Yes.

4 COMMISSIONER KEY: Ms. Dean.

5 MS. DEAN: Yes.

6 COMMISSIONER KEY: Dr. Hill.

7 DR. HILL: Yes.

8 COMMISSIONER KEY: Ms. Newton.

9 MS. NEWTON: Yes.

10 COMMISSIONER KEY: Mr. Williamson.

11 MR. WILLIAMSON: Yes.

12 COMMISSIONER KEY: Ms. Zook.

13 MS. ZOOK: Yes.

14 CHAIRPERSON REITH: Motion carries.

15 And now I'll entertain a final motion regards to  
16 the license for the Springdale location.

17 MR. WILLIAMSON: I'll move to approve the  
18 license.

19 MS. DEAN: Second.

20 CHAIRPERSON REITH: Okay. Motion made by Mr.  
21 Williamson, seconded by Ms. Dean. Any discussion?  
22 Yes, Ms. Chambers.

23 MS. CHAMBERS: I would just suggest -- I'm going  
24 to vote for this, but I'd be very interested in what  
25 would be within our rights to support the kind of

1 collaboration that would be productive to the issues  
2 that we've been speaking to. And I would look to the  
3 -- I don't know if it's the Charter Authorization or  
4 ADE to help us with that.

5 CHAIRPERSON REITH: Dr. Barth.

6 DR. BARTH: Just a question, when would we --  
7 when would this license come up for re-evaluation by  
8 the Charter Authorizing Panel?

9 MS. DAVIS: It would come up when their  
10 Fayetteville campus was -- renewal time.

11 DR. BARTH: And what --

12 MS. DAVIS: 2021.

13 DR. BARTH: 2021?

14 MS. DAVIS: They were just renewed.

15 DR. BARTH: And is it appropriate -- is it  
16 lawful for us to identify that as a criteria that  
17 will be evaluated at the time of that decision?

18 MS. DAVIS: I mean, yeah, you can -- I mean,  
19 that would probably be in the regular renewal  
20 application, you know, how are they serving. Plus,  
21 you can always ask for additional information.

22 DR. BARTH: But if it's written in it becomes at  
23 least an identifiable goal rather than -- so, yeah.

24 MR. WILLIAMSON: (inaudible)

25 DR. BARTH: I understand that. But none of --

1           you may be here but most of us will not be here in  
2           2021, and so I would just -- to highlight it for  
3           future boards, future Charter Authorizing Panels and  
4           boards that are involved in this decision-making.

5           MS. DEAN: That they're encouraged to work with  
6           the district, you can put that in there.

7           COMMISSIONER KEY: Well, and let me offer too  
8           that I believe Fayetteville, Springdale, Bentonville  
9           all have charter schools; Pea Ridge, Siloam Springs,  
10          they all have charters or waivers or something. I  
11          mean, I think certainly discussion for -- I mean, you  
12          see a lot of collaboration between districts, the  
13          traditional districts, and the Board keeping this  
14          discussion in mind when those charters come up for  
15          review, because it takes two. In this case, it takes  
16          -- could be more than two to have a collaboration.  
17          And I think it's worthy of discussion with all the  
18          groups.

19          MS. CHAMBERS: And at least it feels like part  
20          of what we're experiencing is, as you reach a certain  
21          -- I don't know if it's a saturation point, but a  
22          proliferation of charters in a traditional district  
23          it causes us to think differently about this and what  
24          it is that we're looking for and would expect of  
25          ourselves and of these schools. So I appreciate your

1 -- as we reach different milestones in our growth  
2 that we think about what will now take us to the next  
3 level in terms of what are the key metrics now that  
4 we have this number of schools.

5 MS. DAVIS: And I just would like to point out  
6 though that, you know, the charters can get called  
7 back in front of the Charter Authorizing Panel at any  
8 time. And so, you know, if you wanted to request --  
9 you know -- if you were to approve the license for  
10 the 17-18 school year and request, you know, either a  
11 six-month or quarterly or whatever, yearly, report of  
12 their efforts over the next year either to reach out  
13 to the -- you know -- their recruitment efforts for  
14 diversity or their collaboration with the school or  
15 their efforts, you could also do that as well so  
16 you're not surprised in 2021.

17 CHAIRPERSON REITH: Yes, Dr. Barth.

18 DR. BARTH: I'm going to vote against this, but  
19 if it was in 18-19 I would -- I'd feel comfortable  
20 voting for it. I just -- I think there's more -- I  
21 trust -- I think Ms. Reith knows this work better  
22 than any of us and I think it is going to take more  
23 time, not only with the Latino population but  
24 especially Marshallese population to get there. And  
25 I really fear that those extra students who are not

1           able to get into Bentonville and Fayetteville will  
2           end up -- it's not that far apart; it's easy to get  
3           -- to travel community-to-community. So I would vote  
4           for this if it was 18-19, but I just can't in good  
5           conscience vote for it for 17-18.

6           MS. NEWTON: Can we request what Ms. Davis said,  
7           a quarterly or six-month report on how they're  
8           collaborating and what their efforts are for outreach  
9           for diversity?

10          MS. DAVIS: I mean, if, you know, the maker of  
11          the motion will accept that amendment -- I mean, I  
12          would probably, you know, put a parameter -- do you  
13          need them to submit a report quarterly to the Charter  
14          Office? Do you need them to show up? I mean, just  
15          so that way they meet your expectations, if that's  
16          what you'd like to do.

17          MS. BOYD: And just to be clear, any  
18          stipulations that you add will just be for the  
19          charter; you can't add stipulations for the district.

20          MS. NEWTON: So I would -- if -- I don't  
21          remember who made the motion in this, but --

22          CHAIRPERSON REITH: Ms. Zook made the motion, I  
23          think. No, it was Mr. -- sorry -- Mr. Williamson,  
24          and then Ms. Dean seconded. Sorry. Yes, that's it;  
25          Mr. Williamson.

1 MR. WILLIAMSON: Quarterly.

2 MS. NEWTON: A quarterly report of some sort?  
3 Okay.

4 CHAIRPERSON REITH: Could you clarify the type  
5 of quarterly report, what you want measured in that  
6 quarterly report?

7 MS. NEWTON: Their efforts toward diversity in  
8 their application pool and then also their efforts  
9 toward collaboration with the surrounding districts,  
10 not necessarily just Springdale.

11 CHAIRPERSON REITH: Thank you. And you accept  
12 that revision?

13 MR. WILLIAMSON: Yes.

14 CHAIRPERSON REITH: And Ms. Dean?

15 MS. DEAN: Yes.

16 DR. HILL: Can we add economics into that? I  
17 mean, I think economic --

18 DR. BARTH: Well, that's actually a great -- you  
19 know -- right now they don't collect free-and-reduced  
20 lunch data. And that's a question: can we mandate  
21 that they collect that data?

22 COMMISSIONER KEY: I don't think so.

23 MS. DAVIS: I don't think we can.

24 DR. HILL: Will they?

25 MS. DAVIS: Well, now that's another issue.

1 MS. ZOOK: Well, in an open lottery you can't  
2 pick kids who are here or here or here; it's an open  
3 lottery. So there might be 100 free-and-reduced  
4 lunch, if they counted that, and 100 of the other,  
5 and there might be 90 of one picked and 10 of the  
6 other because they just pull them out of a hat.

7 MS. BOYD: Right. So --

8 DR. HILL: But I heard them say that they were  
9 going to use additional outreach efforts other than  
10 the lottery.

11 CHAIRPERSON REITH: Yeah.

12 MS. ZOOK: No. The outreach, yes. Yes.

13 DR. HILL: Yes, that's what I'm saying.

14 MS. ZOOK: Yeah. Yeah, they can demonstrate  
15 what their outreach was. Yeah, I see what you're  
16 saying.

17 MS. BOYD: Also, I mean, I'd just like to note  
18 that in the lottery application we request that it  
19 only be a very few questions, but in the enrollment  
20 information that's different. So once they become  
21 enrolled in the school you can ask more details  
22 because it doesn't appear that you're selecting on  
23 that detail because they've already been selected.

24 DR. BARTH: Could we require that their  
25 enrollment data include free-and-reduced lunch data,

1 even though they're not using it for --

2 MS. DAVIS: I mean, you can -- you know -- as  
3 part of the charter, you can kind of ask for a whole  
4 lot; it's whether or not they want to agree to that,  
5 and that's in effect of your decision to grant or not  
6 grant this license. I mean, you can, and that would  
7 be something that they might want to answer, their  
8 willingness to provide that to you.

9 MS. ZOOK: Well, wouldn't the parent have the  
10 opportunity to not answer the question?

11 DR. BARTH: That's the case now.

12 MS. DAVIS: Right. I mean --

13 MS. ZOOK: I know. But now they're motivated to  
14 answer because it's going to help them get a free or  
15 reduced price lunch. If it's not going to help them  
16 get a free or reduced price lunch they may not want  
17 people to know that their family is not affluent.

18 MS. DAVIS: Right. I mean, you can't force a  
19 parent to answer that.

20 CHAIRPERSON REITH: But if they need food  
21 assistance -- I mean, that's part of the point,  
22 right, is that they would be -- if there were  
23 students that qualified for free and reduced lunch  
24 they would find assistance for them. Isn't that part  
25 of the assurances?

1 MS. DAVIS: Right. But the charter has already  
2 said that they don't do that and they provide lunch  
3 to everybody, I mean, and they might want to speak  
4 more to that. But, I mean, they have said -- I've  
5 heard them say on more than one occasion that they  
6 provide lunch.

7 DR. HILL: Well, that's why I think it's an  
8 economic issue. And do you take that on the  
9 application, the parents' income?

10 MS. DAVIS: No.

11 DR. HILL: Okay. All right.

12 CHAIRPERSON REITH: So if I can get final  
13 clarification on the reporting, so it's looking at  
14 quarterly reports, looking at outreach efforts --

15 MS. NEWTON: For diversity, and then also  
16 attempts at collaboration with surrounding districts.

17 CHAIRPERSON REITH: Okay. And diversity in  
18 regards to race then because we've identified that we  
19 -- nothing on free-and-reduced; correct? Okay.

20 MS. COFFMAN: May I re-read the motion?

21 CHAIRPERSON REITH: Yes, please. No, of course,  
22 and thank you for that.

23 MS. COFFMAN: Mr. Williamson moved, second by  
24 Ms. Dean to approve the license request to open a  
25 campus at the Jones Center in Springdale for the

1 2017-18 school year for Haas Hall, and to require  
2 quarterly reports. Are they going to be written? I  
3 need a word there.

4 MS. NEWTON: Just written.

5 MS. COFFMAN: Okay. Written quarterly reports  
6 of collaboration with districts and diversity  
7 outreach. Is that what you --

8 MR. WILLIAMSON: That's it.

9 MS. COFFMAN: Okay.

10 CHAIRPERSON REITH: So with that, we have a  
11 motion and a second. So if you could run us through  
12 roll-call please, Commissioner.

13 COMMISSIONER KEY: Dr. Barth.

14 DR. BARTH: No.

15 COMMISSIONER KEY: Mr. Black.

16 MR. BLACK: Yes.

17 COMMISSIONER KEY: Ms. Chambers.

18 MS. CHAMBERS: Yes.

19 COMMISSIONER KEY: Ms. Dean.

20 MS. DEAN: Yes.

21 COMMISSIONER KEY: Dr. Hill.

22 DR. HILL: Yes.

23 COMMISSIONER KEY: Ms. Newton.

24 MS. NEWTON: Yes.

25 COMMISSIONER KEY: Mr. Williamson.

1 MR. WILLIAMSON: Yes.

2 COMMISSIONER KEY: Ms. Zook.

3 MS. ZOOK: No.

4 COMMISSIONER KEY: Six votes in the affirmative,  
5 two in the negative.

6 CHAIRPERSON REITH: Okay. Motion carries.  
7 Congratulations, Haas Hall.

8 And with that, we will now take a break. Lunch  
9 is -- or, sorry, not lunch -- dinner, as I am to  
10 understand, is not here yet. And we only have one  
11 item left, so actually what I was going to propose is  
12 if we could take a brief break though just to stretch  
13 those legs -- and I can see our court reporter would  
14 also appreciate a break from the nod there. We will  
15 reconvene at -- let's say 10 after, and we will  
16 attempt to do our best to finish the final item  
17 before dinner, if that sounds in agreement with  
18 everybody. All right. Thank you, everyone.

19 (BREAK: 4:53 - 5:10 p.m.)

20 B-4: HEARING ON DISTRICT CONVERSION AMENDMENT REQUEST:  
21 MOUNTAIN HOME HIGH SCHOOL CAREER ACADEMIES

22 CHAIRPERSON REITH: I'm going to re-call us to  
23 order in the hopes of actually seeing if we can get  
24 this all accomplished before dinner and defy  
25 expectations in getting out at a decent hour.

1                   So we'll go to our final agenda item for the  
2 evening, Action Agenda Item B-4, the Hearing on the  
3 District Conversion Amendment Request from Mountain  
4 Home High School Career Academies. Ms. Boyd, you are  
5 recognized.

6                   MS. BOYD: Thank you, Madam Chair. The hearing  
7 procedures are the same, the 20/20/5. We have before  
8 you Dr. Long who's going to present the item for  
9 Mountain Home; he's the superintendent.

10                  CHAIRPERSON REITH: Dr. Long. And I have to  
11 swear you in. Is there anyone else planning to  
12 testify on this?

13                  SUPT. LONG: They may answer a question.

14                  CHAIRPERSON REITH: Okay. If you all don't mind  
15 standing up please and raising your right hand. Do  
16 you swear to tell the truth, the whole truth and  
17 nothing but the truth?

18                  (ALL WITNESSES ANSWERED AFFIRMATIVELY)

19                  CHAIRPERSON REITH: Thank you. Mr. Long, you're  
20 recognized.

21                  SUPT. LONG: Thank you.

22                  CHAIRPERSON REITH: And if you could say your  
23 full name for the record, please.

24                  SUPT. LONG: Yes, ma'am. My name is Jake Long;  
25 I'm the Superintendent of Schools of Mountain Home --

1 Superintendent of Schools in Mountain Home. I also  
2 have with me Janet Wood, our director of Research and  
3 Development; Lindsey Blevins, our assistant principal  
4 at Mountain Home High School College and Career  
5 Academy; and Mr. Ron Czanstkowski, our principal at  
6 our junior high, which is grades 8 and 9.

7 Madam Chair, State Board of Education Members,  
8 Commissioner Key, thank you for allowing us to be  
9 here with you today. I want to thank the State  
10 Department for their support and the help of  
11 navigating these waters in getting us before you  
12 today. We feel that our responsibility is to design  
13 an educational system that fits our students and not  
14 force our students into our educational system.

15 So, in October, we embarked on a strategic  
16 planning initiative and there was great interest that  
17 came initially from our board of education, but then  
18 the conversations continued with administration, with  
19 parents, with faculty members of the idea behind  
20 flexible learning opportunities for our students.  
21 And then we were presented with information from  
22 Virtual Arkansas who told us that they were this next  
23 school year going to have a platform that allowed for  
24 students to progress through Virtual Arkansas type  
25 courses, that our own students are enrolled in, at a

1 pace of their own. And so that has led us to asking  
2 the State Department, "Hey, what do we need to be  
3 able to do to get approval for this?" And then that  
4 leads us to you today.

5 The rationale behind the waiver request is that  
6 we want to allow for individualized learning by  
7 meeting the needs of all of our students. These  
8 waivers would help not just -- would help all of our  
9 students, not just the highest achieving, not just,  
10 you know, our so-called average students, and not  
11 just our at-risk students. But I do feel like that  
12 there are examples in which I hope to be able to  
13 share with you today in which we're able to -- the  
14 waivers will help, all three of those categories,  
15 also allow students to work through curriculum  
16 content at their own pace. One example that I'm  
17 going to provide for you: Mattie, an upcoming senior,  
18 is interested in the medical field. She wants to  
19 take chemistry at her local -- our local college.  
20 And due to the complexities within her schedules and  
21 the limitations upon our part within our master  
22 schedules she would have to choose between taking a  
23 concurrent chemistry course and her German III  
24 course. But if she was able to utilize the seat time  
25 waiver and the waivers that we're requesting here

1           today, she would be able to complete, say, the health  
2           course and an online virtual arts course in one  
3           semester, giving her the freedom to take both German  
4           III and college chemistry.

5           Mountain Home Public Schools' strategic plan  
6           introduces learning-based learning [sic] and  
7           alignment to ADE strategic plan and vision. We took  
8           what Commissioner Key said to heart and we want to  
9           put students best -- students in the best position to  
10          achieve their goals. We want to accelerate learning  
11          for our highest achievers, increase graduation rates  
12          by keeping our students engaged, and assist at-risk  
13          students for dropout prevention. We also look at  
14          this as an opportunity to utilize technology in ways  
15          that are very common in the post-secondary situation.

16          Virtual Arkansas uses Blackboard, which is an  
17          online learning management system that many of our  
18          colleges use. Experience using Blackboard,  
19          interacting with structures and classmates in an  
20          online format, and then budgeting the time  
21          appropriately will be assets that we feel like that  
22          they'll be able to use in their post-secondary world.

23          The implementation of the flex time would begin,  
24          as I mentioned, by utilizing Virtual Arkansas. A big  
25          part of the success of this waiver will be through

1 technology, initially with Virtual Arkansas but then  
2 in the development and use of Google Classroom within  
3 our own staff members. We built our high school  
4 master schedule offering our students two types of  
5 virtual learning opportunities: content specific and  
6 then also learning lab type classrooms. Students  
7 would be able to work from any location, if the  
8 waivers are granted, but to come on campus for exam  
9 and administration. We will have space available for  
10 students to be on campus. We will have digital  
11 learning facilitators in all these digital learning  
12 labs in every class period of the day. Students  
13 would make application for this type of learning  
14 process based on their need. We have an application  
15 for dual enrollment college courses already that we  
16 use that we feel has been effective, and so our plan  
17 is to, upon -- if so approved, would be modifying  
18 that application for these types of students to apply  
19 for. Students would be allowed to take only classes  
20 they need to graduate, which would then open up those  
21 internship opportunities, the opportunities at ASU  
22 Tech Center, concurrent credit, and then also off-  
23 campus concurrent credit off-campus classes.

24 One of the biggest concerns with our request has  
25 been the 9th grade -- you know, some of the emotional

1 maturity with the 9th graders -- and I think that  
2 that's where we have to take that on a very serious  
3 case-by-case basis and look at -- we are identifying  
4 in grades 6 through 12 an individualized learning  
5 plan, in which we're referring to their Flight Plan,  
6 for every student, and that's going to be based on  
7 emotional maturity, learning styles, strengths -- we  
8 use Gallup strengths very heavily in Mountain Home  
9 Public Schools -- motivation, advisor/counselor  
10 input, classroom teacher input, and then, most  
11 importantly, parent buy-in and academic status.

12 Two more examples of 9th graders that have just  
13 completed their 9th grade year that I actually spoke  
14 to this past July -- I spoke to the parents of both  
15 of these students about how they felt, if they felt  
16 like -- if their students had this type of  
17 opportunity what they would feel. Hunter, his mother  
18 works at our local community college and so he was  
19 very informed on the courses that were available to  
20 him; parents have very high academic aspirations for  
21 him. He is already taking -- as a 9th grader he has  
22 already taken three college courses. That will count  
23 for him for high school credit based on Arkansas  
24 regulations that are already currently in place in  
25 4.01 and 4.04, and so he's actually taking interim

1 classes this summer as a way to continue there. The  
2 second one is a much different situation. This  
3 individual has recently had a loss of a parent and so  
4 he has become very apathetic, despite his high  
5 intellectual intelligence, but very apathetic to  
6 being at school. And so his mom was in my office  
7 about two weeks ago and the tears came, and she says,  
8 "I can't -- I have no other choice but he's convinced  
9 me to -- for the homeschool," which homeschool is  
10 certainly an option which, you know, parents have.  
11 But she was like, "What can you do to help me with  
12 this?" And I said, "Well, actually, I'm going before  
13 the State Board of Education to request this and this  
14 may be a possible way in which he could avoid some of  
15 those anxiety issues, still come to school for the  
16 testing, but then also come to school for the actual  
17 -- some of the seat time classes, like a pre-AP  
18 chemistry, in which -- in order in which he would  
19 have the hands-on laboratory type experience."

20 So another one of the questions brought up in  
21 this situation has been, "What are you going to do if  
22 and when students finish early?" And the answer is  
23 that I think that that's when we have to be really  
24 challenged to think outside of the box and truly  
25 individualize what our students are doing and what

1 opportunities we're able to provide for them. Some  
2 of the options that we have discussed very in-depth  
3 is start another course, get them started in any type  
4 of internships, look at the dual enrollment  
5 concurrent credit courses if they're on that track.  
6 We believe very strongly in -- within our career  
7 academies model and service learning, and we have  
8 great partnerships with our business advisories and  
9 our business advisory board. Career exploration,  
10 particularly in the 9th grade, I think that we can  
11 open up some doors in allowing kids to explore  
12 careers if they have the availability there within  
13 their schedule. Also, we've explored digital ACT  
14 preparation. I've talked about Tech Center courses  
15 at ASU-Mountain Home, which includes CNA, welding,  
16 automotive, HVAC. Also, we've discussed different  
17 intergenerational learning opportunities with the  
18 retirement-based population that we have in Mountain  
19 Home. We feel like there's some great opportunities  
20 there for that intergenerational learning. And then  
21 also not forgetting mentoring, we have multiple  
22 programs going on in Mountain Home in which we have  
23 9th through 12th graders visiting our lower grades,  
24 and whether it's a book study -- one example is we've  
25 got kind of a boys' reading club. And, you know,

1           they're going through the book of Orbiting Jupiter  
2           and it's boys that just typically don't -- aren't  
3           engaged in the reading process but yet, through  
4           mentoring we're able to take care of it both at the  
5           9th and 10th grade level and then down into the 6th  
6           and 7th grade.

7           It was agreed upon by the Charter Authorization  
8           Panel, when we presented, to present a reporting in  
9           writing following the 2016-2017 school year on how  
10          the district utilized these waivers, particularly in  
11          the 9th grade. We welcome that piece of  
12          accountability and look forward to sharing that with  
13          you all and sharing the experiences that we have in  
14          going through this with ADE, State Board of  
15          Education, and then also other districts. This is  
16          the first year in which Virtual Arkansas has offered  
17          this flex-based learning opportunity. And so while I  
18          know other districts have done this on, you know, a  
19          local type basis using other curriculums, this would  
20          be the first opportunity through Virtual Arkansas.

21          I think it also should be noted that the waiver  
22          is only an amendment to our current conversion  
23          charter, as you probably know, which will be up for  
24          review in what I believe is five years -- four years?

25                 MS. BOYD: Five years.

1 SUPT. LONG: Five years. So we feel the  
2 requested waivers will benefit us educationally. I  
3 think it also benefits the district fiscally because  
4 it allows us for greater opportunities through  
5 utilizing other resources and also for our community  
6 with the potential for greater partnerships. We're  
7 grateful for the districts that allowed us to have  
8 the conversations with them to research this and  
9 we're happy to share our outcomes with this if so  
10 approved.

11 CHAIRPERSON REITH: Thank you. So that would be  
12 -- I guess now 20 minutes in addition to any --  
13 20/20/5; correct?

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

15 CHAIRPERSON REITH: So, any opposition. But I  
16 don't think there's -- is there anyone signed up? I  
17 know that I don't have anything here on public  
18 comment. So I would say you didn't use your full 20  
19 minutes and you still have an additional 5 minutes  
20 for closure, Mr. Long. So I don't know if there's  
21 anything you'd like to add?

22 SUPT. LONG: I know I'm standing between you and  
23 dinner, so I wanted to keep it pretty brief.

24 CHAIRPERSON REITH: Thank you. We appreciate  
25 that.

1           So with that, now I do open it up -- since there  
2           is no public comment, I do open it up to questions  
3           from the Board. Yes, Ms. Zook, you're recognized.

4           MS. ZOOK: The CTE at this point is only  
5           available in Arkansas for 11th and 12th graders. Are  
6           you -- you're aware of that?

7           SUPT. LONG: What's your question?

8           MS. ZOOK: The CTE internship is only --

9           SUPT. LONG: Yes.

10          MS. ZOOK: -- available --

11          SUPT. LONG: Yes.

12          MS. ZOOK: Okay.

13          SUPT. LONG: Yes, ma'am.

14          MS. ZOOK: So you're aware of that?

15          SUPT. LONG: Yes, ma'am.

16          MS. ZOOK: You're not talking 9th and 10th  
17          there?

18          SUPT. LONG: No.

19          MS. ZOOK: Okay.

20          SUPT. LONG: Not for the internship. But there  
21          may be -- what we had looked at is potential  
22          opportunities for career exploration, whether it's  
23          through the Keystone class, the 9th grade Keystone  
24          class, as part of that curriculum.

25          MS. ZOOK: Okay. Do your 9th graders go over to

1 UA-Mountain Home campus or do they stay on your  
2 campus?

3 SUPT. LONG: The 9th grader that I referenced in  
4 here does go to Mountain Home, I believe -- didn't  
5 they go to the ASU campus?

6 MS. ZOOK: And how did they get there?

7 SUPT. LONG: Their parents drive them -- or I  
8 think he had his -- he had his license, didn't he?

9 MS. ZOOK: Okay. Is he 16?

10 CHAIRPERSON REITH: I'm sorry, but if you could  
11 come forward. I'm sorry; you need to speak into the  
12 mic. And if you could kindly again introduce  
13 yourself just for the purpose of record.

14 MR. CZANSTKOWSKI: I'm Ron Czanstkowski, Junior  
15 High Principal. The young man was in school all day  
16 like normal. They were night courses; correspondence  
17 stuff is what he did. Okay? So he did come attend  
18 school and all school activities like a normal 9th  
19 grade kid.

20 MS. ZOOK: So he was involved in extracurricular  
21 things?

22 MR. CZANSTKOWSKI: Yes. Yes, ma'am.

23 MS. ZOOK: And so we're not just focusing on his  
24 intellect; we're focusing on the whole child?

25 MR. CZANSTKOWSKI: No, we work with our kids

1 right where they are first because that's where they  
2 are and they're still 9th grade kids.

3 MS. ZOOK: Okay.

4 MR. CZANSTKOWSKI: You know, they still have  
5 lots of changes to go on, both mentally and  
6 physically and emotionally, and we're aware of that.  
7 We work really hard as a staff with parents and also  
8 the high school staff and middle school staff to  
9 track all of our kids.

10 MS. ZOOK: And how did he do in the course?

11 MR. CZANSTKOWSKI: Did fantastic.

12 MS. ZOOK: Thank you.

13 CHAIRPERSON REITH: Thank you. Additional  
14 questions from the Board? Yes, Dr. Barth.

15 DR. BARTH: On the Virtual Arkansas piece, I see  
16 there's a member -- y'all have a membership fee and  
17 then some additional fees. Are there any per-student  
18 --

19 SUPT. LONG: Yes, there are.

20 DR. BARTH: -- fees?

21 SUPT. LONG: Yes, there are.

22 DR. BARTH: Okay.

23 SUPT. LONG: It's twenty -- I believe it's  
24 \$25.00 for the content and then \$15.00 if we're just  
25 -- if our teacher -- whenever I'd talked about if the

1 teacher is -- if we're not utilizing their  
2 instructor, our teacher is just utilizing content  
3 only.

4 DR. BARTH: Okay. And so -- and that's covered  
5 by y'all?

6 SUPT. LONG: Yes, sir. Absolutely.

7 DR. BARTH: Okay. Just as part of your --

8 SUPT. LONG: Yes, sir.

9 DR. BARTH: -- your budget. Okay. You know, I  
10 think I share with Ms. Zook -- we both voiced our  
11 concerns about concurrent enrollments in general, but  
12 especially, you know, with very young students, some  
13 of whom may be intellectually incredibly gifted and  
14 totally ready to do college level work but, you know,  
15 maybe not there emotionally to fully grasp the  
16 elements of the content. And I know you're trying to  
17 do it on a case-by-case basis. I think there  
18 probably is going to be a lot of pressure -- what  
19 I've seen is once concurrent gets going then there's  
20 a lot of pressure for more and more students to take  
21 advantage of it. And I guess I'm wondering how are  
22 you going to tell that parent no, "your student may  
23 have the ACT scores to do it but just isn't there yet  
24 in terms of intellect, in terms of emotional  
25 intelligence?"

1 SUPT. LONG: I think that that is a tough  
2 question, and without the specifics -- you know --  
3 without the specifics of the situation and the  
4 relation -- I think the relationship comes down a lot  
5 to it as well with what is the relationship that our  
6 principals, administration and counseling staff have  
7 with that parent in how that conversation goes. I  
8 think it also -- I think there has to be some  
9 relevance within the application process here as well  
10 to take part of that. One thing that I would note is  
11 that I think the concurrent credit piece of this is  
12 only a small piece of what we're trying to -- of  
13 students that might actually take advantage of it for  
14 concurrent credit purposes in the 9th grade. I see  
15 more of it as students that can take advantage of the  
16 flex type learning, that can advance at their own  
17 pace. And then in that 11th and 12th grade year,  
18 because they've had some of their core curriculum and  
19 core classes taken care of in a different way early  
20 on in their education, that 11th grade and 12th grade  
21 year, whether it's through the internships that Ms.  
22 Zook was referring to or concurrent credit as 11th  
23 graders, 12th grade -- 10th, 11th or 12th graders,  
24 just taking care of some of those core classes early  
25 on. But not to say that there's not going to be

1 parents, like you said, that would be interested in  
2 taking advantage of this, because we have an example  
3 right before us; you know, just happened this year in  
4 which they did it on their own of a night and, you  
5 know, did what we asked them to do during the  
6 daytime.

7 CHAIRPERSON REITH: Yes, Ms. Zook.

8 MS. ZOOK: Go ahead. Ms. Newton has something.

9 CHAIRPERSON REITH: Okay. I apologize. Yes,  
10 then, Ms. Newton.

11 MS. NEWTON: You said -- one question. You said  
12 they're going to take courses early. And what will  
13 happen when a student, you know, goes through and  
14 takes your core courses early and they've met their  
15 graduation requirements? Are they going to be  
16 graduating early?

17 SUPT. LONG: We do offer an early graduation,  
18 and I know it's somewhat of a philosophical  
19 difference there. But, you know, I don't think that  
20 the structure of our public schools should be the  
21 reason for us holding back a student if the student  
22 is ready for -- if a student is ready for an  
23 internship, then let's get him involved in an  
24 internship those later years. If they're ready for  
25 those concurrent credits in the 11th and 12th grades,

1 then they're ready for those. If it's early  
2 graduation that they're looking for, then we have --  
3 we do have some students that graduate up to, you  
4 know, a semester early already.

5 MS. ZOOK: I think one of the things that I  
6 concern myself with, when we started allowing algebra  
7 to be taught in 8th grade the next thing you knew  
8 everybody wanted their kid to take algebra in the 8th  
9 grade. And we all know -- I know on a small scale,  
10 and I'm sure Ms. Newton on a large scale -- there is  
11 more to it than just study and regurgitate when it  
12 comes to algebra and other math. So, you know, y'all  
13 may be -- if we approve this, you may be wishing we  
14 hadn't when you get a lot of pressure from parents  
15 saying, "Oh, well, I want my kid to take a concurrent  
16 credit; well, I think my kid can." And often, as our  
17 math scores show, we're not doing so well in this  
18 state in math, and some of it is because they take  
19 algebra in 8th grade but the 8th grade math test is  
20 not on algebra, it's on regular math. And by the  
21 time they take the test, all that was covered in the  
22 first six or nine weeks. And, you know, I'm just  
23 thinking out loud with you. I have no problem with  
24 anything you're doing except that piece, the 9th  
25 grade piece, and that's one reason that I voted to

1 review.

2 SUPT. LONG: Yes, ma'am. And I completely  
3 understand that. And I think where -- I agree with  
4 you, too, Ms. Zook, that -- I mean, we're not talking  
5 about this for every kid. And you'll never also  
6 convince me that there's any better way for a child  
7 to learn, whether it's a teenager or a child to  
8 learn, than from somebody which they have a very  
9 positive relationship with face-to-face. But the  
10 reality is we have students that are coming to our  
11 doors with a variety of different needs, and we have  
12 parents that are pushing -- some parents that are  
13 pushing their kids, you know, harder and in  
14 directions in which they're wanting to go. And I  
15 think this just truly allows us to take another step  
16 in individualizing that instruction, even though it's  
17 not for the mass. And there's concern -- you know --  
18 I've got my own worries about what does this look  
19 like. But if it helps us get -- if it helps us help  
20 one of these kids that I just mentioned here, then I  
21 think that it's something that's beneficial. I don't  
22 know if Ron had something.

23 MR. CZANSTKOWSKI: Thank you for your concern.  
24 That was a great concern. I was a math -- I'm a math  
25 teacher by trade, okay, and I taught Algebra I all

1 the way to AP Calculus. And I spend painstaking  
2 hours, as well as my staff, with every 8th grade  
3 parent and child about Algebra I, about the emotional  
4 maturity. It's not the skill level. There's a lot  
5 of kids that have the skills but the work habits, the  
6 work ethic, the ability to have a train of thought  
7 for more than a few seconds, you know, sometimes that  
8 isn't there in 8th grade. And so we do share that  
9 concern with you, exactly.

10 MS. ZOOK: Right.

11 MR. CZANSTKOWSKI: And I do want you to know  
12 that we -- all the -- everything you've brought up as  
13 a concern we as a staff at our junior high school,  
14 which is grades 8 and 9, we hit that directly because  
15 we do know that a poor foundation does nothing but  
16 cause problems later. And I worked at the high  
17 school for 20 years before I went to the junior high,  
18 so I know the end-game already. And so moving down  
19 to the junior high was a big asset, I think, to our  
20 school district because I was able to help those two  
21 grades be more prepared for the upcoming stuff. But  
22 now I'm really excited about what Dr. Long is talking  
23 about, which is all the opportunities we can give our  
24 children if I as a principal and our staff can get a  
25 lot of the low-level foundational courses solid and

1 over with with the kids, and they have these  
2 opportunities for internships and externships and all  
3 the other stuff we talked about. And just real  
4 excited about the opportunities and also excited that  
5 you're listening to our presentation. Thank you.

6 CHAIRPERSON REITH: Additional questions from  
7 the Board?

8 DR. BARTH: I just want to make a comment. I  
9 want to voice my appreciation for y'all sticking with  
10 the conversion charter strategy. You could've -- I  
11 mean, we're seeing other districts going the waiver  
12 route, and we're going to spend a lot of time  
13 tomorrow, but I think this is a much more coherent  
14 approach than we often see with the waiver approach.  
15 So, I appreciate that.

16 Ms. Boyd, I've still got a headache about this  
17 9th grade issue. If I were to -- want to be  
18 supportive of much of this but not that piece, what  
19 part of the waivers would I need to pull off to cast  
20 a separate vote or are they so tied together that  
21 it's impossible?

22 MS. BOYD: I believe so. I think you would --  
23 because most of it is kind of by grade-span, like  
24 your middle school grades and your 9-12. I mean, you  
25 could ask the school to amend their request before

1           you, but short of that I don't -- do you have any  
2           other guidance?

3           MS. DAVIS: I mean, all those waivers are tied  
4           in, but you can say that it's -- much like you've  
5           done say for licensure waivers, you can say they're  
6           only for these courses. You can limit these waivers  
7           for only use in maybe the 11th and 12th grades or the  
8           10th, 11th, and 12th or not for use in 9th grade.  
9           You could limit them that way. And if they would  
10          agree to that, then that would become part of it.

11          DR. BARTH: Okay. I sense that's pretty core to  
12          y'all's vision is the 9th grade piece?

13          SUPT. LONG: It is. We believe that we can --  
14          the original request came through because our charter  
15          is 9 through 12. Even though it is in two different  
16          buildings, it's still -- you know -- it's still the 9  
17          through 12. I think that -- I believe in our staff  
18          and our administration in that we're not going to put  
19          students in -- allow a student in a situation in the  
20          9th grade in which they would -- that would not be  
21          good -- that they're failing at. And if they are  
22          failing at it, we're going to get them out of it as  
23          quickly as possible. And so I believe that they'll  
24          take care of it and they'll be responsible on that  
25          end of it as far as the 9th grade.

1           If it comes down to you all approving it or not,  
2           you know, I certainly would rather be able to have  
3           this flexibility through the 10th, 11th and 12th  
4           grades. But, you know, I think that's one reason why  
5           we did kind of stick with it, for it, is that we're  
6           willing to come back. And we may come back to you in  
7           a year from now and we've had -- you know -- we  
8           didn't utilize this for one student or we didn't --  
9           or we had --

10           (COURT REPORTER'S NOTE: Chairperson Reith's  
11           cell phone emits a weather warning signal.)

12           CHAIRPERSON REITH: Flooding. It's a weather --  
13           sorry; those are weather alerts, if anyone has the  
14           Weather Channel on your phone. It looks like there's  
15           a tornado warning in the area and shelter is  
16           encouraged.

17           MS. BOYD: We're in the tornado shelter.

18           CHAIRPERSON REITH: We are in the -- okay. So,  
19           yes, please proceed, Ms. Boyd.

20           MS. BOYD: Kind of speaking to what Dr. Long  
21           just mentioned, it could be the possibility that you  
22           all approve 10 through 12 and then approve -- you  
23           know -- until their renewal time. And then for 9th  
24           grade approve it for one year kind of on a  
25           probationary basis and have them come in next year

1 and review how its been working.

2 MS. ZOOK: And I guess the truth is since the  
3 Mountain Home -- U of A-Mountain Home campus is  
4 there, there's nothing you can do if a parent chooses  
5 to take their kid over and put them in a course at  
6 night.

7 SUPT. LONG: No.

8 MS. ZOOK: You know, I mean, so I don't know  
9 that we'd be accomplishing anything to do that when  
10 -- you know -- if they want to enroll the kid in  
11 school and Mountain Home takes them, then --

12 SUPT. LONG: Other than --

13 MS. ZOOK: Mountain Home college, not Mountain  
14 Home.

15 SUPT. LONG: Yeah. Other than basically -- you  
16 know -- since we didn't have that available for the  
17 students, they were doing that at night; they were  
18 doing it on their own time and it was almost like  
19 there was a barrier; you know, we had a barrier up  
20 throughout the students' school day that they  
21 could've been doing that, if that's what the parent  
22 chose. And we're talking about one individual  
23 incident here, and that's why it's so important in  
24 everything that I'm talking to you all about today  
25 and that it's got to be case-by-case on application.

1 CHAIRPERSON REITH: Thank you. Yes. Is there  
2 any final question? Yeah, Commissioner then. Yes.

3 COMMISSIONER KEY: I'm dying to weigh in.

4 CHAIRPERSON REITH: Yes, please. Commissioner,  
5 please, by all means.

6 COMMISSIONER KEY: A little bit of insight here.

7 I just want to point out that Mountain Home -- you  
8 know, they were probably maybe the pioneer in the  
9 career academies, certainly one of the pioneers in  
10 Arkansas in the career academies. And what you're  
11 seeing in this presentation, in this submission is  
12 they're not satisfied just to say, "Okay, we have  
13 career academies and, hey, we're good." They keep  
14 asking, "How can we get better? How can we get  
15 better?" So the philosophical conversation of  
16 whether 9th graders are prepared or not, I think it's  
17 a valid conversation but I think they've proven that,  
18 you know, give them a chance to try it and they're  
19 not afraid to back up and change something if it  
20 doesn't work. Because just a year ago we were  
21 helping work through ALE issues, as they were  
22 bringing -- making some pretty significant changes to  
23 their ALE program because upon review what they had  
24 wasn't working. It had done okay but it wasn't  
25 working for the benefit of all the students, so they

1 revamped that and took a lot of heat by doing that.  
2 So I just -- I know that this team, they've put their  
3 time and the research into this. So I just wanted to  
4 take an opportunity to give them a plug since I had a  
5 little background in what they've done the last 10,  
6 15 years. So, hopefully, they'll get at least some  
7 flexibility to show what they can do.

8 DR. BARTH: Sure. So I'll move -- are we ready  
9 for --

10 CHAIRPERSON REITH: Yes, please proceed. Uh-  
11 huh.

12 DR. BARTH: I'll move to approve this with the  
13 condition that the 9th grade is on a conditional  
14 basis and will be reviewed in a year for its  
15 workability and value.

16 MS. ZOOK: Second.

17 CHAIRPERSON REITH: And, Ms. Boyd, just to make  
18 sure that's a correct statement of --

19 MS. BOYD: Yes.

20 CHAIRPERSON REITH: Okay. Wonderful. So motion  
21 made by Dr. Barth, seconded by Ms. Zook. Any  
22 discussion?

23 Then, Commissioner, if you'll take us through a  
24 final roll-call for the evening, please.

25 COMMISSIONER KEY: Okay. Dr. Barth.

1 DR. BARTH: Aye.  
2 COMMISSIONER KEY: Mr. Black.  
3 MR. BLACK: Aye.  
4 COMMISSIONER KEY: Ms. Chambers.  
5 MS. CHAMBERS: Yes.  
6 COMMISSIONER KEY: Ms. Dean.  
7 MS. DEAN: Aye.  
8 COMMISSIONER KEY: Dr. Hill.  
9 DR. HILL: Yes.  
10 COMMISSIONER KEY: Ms. Newton.  
11 MS. NEWTON: Yes.  
12 COMMISSIONER KEY: Mr. Williamson.  
13 MR. WILLIAMSON: Yes.  
14 COMMISSIONER KEY: Ms. Zook.  
15 MS. ZOOK: Yes.  
16 CHAIRPERSON REITH: Motion carries.  
17 Congratulations, Mountain Home.  
18 SUPT. LONG: Thank you so much.  
19 CHAIRPERSON REITH: We look forward to hearing  
20 those updates.  
21 CHAIR'S CLOSING COMMENTS  
22 CHAIRPERSON REITH: So with that, right before  
23 entertaining a motion to adjourn, I've been asked to  
24 remind everybody -- first and foremost, to my  
25 colleagues on the State Board -- there is dinner in

1 Room 201-A I guess pending the tornado warning. I  
2 know there's some windows up there, but I guess  
3 unless told otherwise dinner should be here; it was  
4 supposed to be here at 5:30. So dinner is available.

5 And then as a reminder for tomorrow -- I'm  
6 sorry; as you're leaving -- I'm sorry; we haven't  
7 officially adjourned, so if you all could keep your  
8 celebration down. We are about to adjourn, I  
9 promise. Sorry; if everyone -- if you could take  
10 conversations outside please. Thank you.

11 So then as a final point, a final reminder for  
12 tomorrow, our normal schedule will begin at 9:00 a.m.  
13 I've been asked to remind everyone at 8:30 a.m. we do  
14 have a reception with the National Board Certified  
15 Teachers here in the ADE lobby, and so we strongly  
16 encourage all of you to please be here at 8:30 and  
17 join us in recognizing and thanking these amazing  
18 teachers for their hard efforts. There will be a  
19 short break before we commence on the action agenda  
20 item tomorrow. But we do expect a full day, so do  
21 ask that everybody come ready to work and hopefully  
22 we'll get everyone out at a decent hour tomorrow.

23 ADJOURNMENT

24 CHAIRPERSON REITH: So with that, I will  
25 entertain a motion to adjourn.

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MR. BLACK: So moved.

CHAIRPERSON REITH: Okay. Motion made by Mr. Black. A second?

MS. CHAMBERS: Second.

CHAIRPERSON REITH: Second by Ms. Chambers. All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON REITH: Assuming no opposition, motion carries.

And thank you all for your hard work and dedication. This was a difficult agenda today. Thank you, everyone, and to the ADE staff for just great preparation. Thank you.

(The meeting was adjourned at 5:44 p.m.)

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A-1: LRSD PROGRESS REPORT

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A-2: SCHOOL CHOICE APPEAL - DULANEY

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A-2: SCHOOL CHOICE APPEAL - DULANEY

EXHIBIT TWO (2)

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B-2: LITTLE ROCK PREPARATORY ACADEMY

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B-3: HAAS HALL ACADEMY

EXHIBIT ONE (1)

C E R T I F I C A T E

STATE OF ARKANSAS )  
 ) ss.  
COUNTY OF SALINE )

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on July 14, 2016, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: July 27, 2016.

\_\_\_\_\_  
SHARON K. HILL, CCR  
Certified Court Reporter  
Certificate No. 670

1

	<b>145:15,17</b>	<b>academically (3)</b> 6:13;27:9;189:1	<b>104:25;122:5</b>	<b>action (88)</b> 4:4,5;7:6,20;8:1,2, 20;17:21;20:23,23; 31:4;33:5;37:25; 42:17,18;46:11,14, 22;49:6;52:11;73:18; 78:2,3,12,13,17,18; 81:13;82:22;84:9; 85:12,14;86:22;87:4; 88:8;95:2,7,16,22; 96:10;98:8;100:13; 102:1,2,17;118:24; 126:6,15,16;127:6,7; 129:9,11,16,17; 130:3,13;132:10,13; 133:20;139:8,21; 140:16;145:17; 147:3,7;149:4;150:8; 151:12;153:10; 154:10;155:12; 156:25;157:11; 158:12;159:19; 162:17,20;163:12; 167:22;178:19; 185:8;192:21;205:2; 209:15;275:4;311:2; 337:19
<b>\$</b>	<b>A-4 (2)</b> 101:23;102:2	<b>ACADEMIES (6)</b> 310:21;311:4; 318:7;334:9,10,13	<b>According (6)</b> 59:15;78:18; 172:21,23;255:8; 264:3	<b>accord (2)</b> 18:3;31:22
<b>\$100 (6)</b> 133:23;147:19; 153:15;155:17; 156:9;157:16	<b>A-5 (3)</b> 102:17;146:24; 147:7	<b>Academy (28)</b> 165:15,18,22,24; 166:3;167:24;168:1, 17;169:9;172:19; 181:22;182:17; 184:21,23;185:20; 199:11;205:1,4; 207:10;209:13; 214:18;219:2; 260:18;281:1; 290:13;312:5; 342:24;343:24	<b>account (2)</b> 18:3;31:22	<b>Accountability (4)</b> 95:1;189:22; 190:13;319:12
<b>\$100,000 (1)</b> 214:10	<b>A-6 (2)</b> 149:2,5	<b>Academy- (1)</b> 279:4	<b>Accountability (4)</b> 95:1;189:22; 190:13;319:12	<b>accreditation (10)</b> 50:16,18;54:12; 55:5,16;59:3,8,14; 93:1,15
<b>\$132,000 (1)</b> 177:5	<b>A-7 (1)</b> 150:6	<b>Academy/Fayetteville (1)</b> 166:1	<b>accused (1)</b> 124:8	<b>achieve (4)</b> 5:23;240:18; 256:22;314:10
<b>\$15.00 (1)</b> 323:24	<b>A-8 (2)</b> 151:9,12	<b>Academy's (1)</b> 237:15	<b>achieved (1)</b> 29:25	<b>achievement (3)</b> 56:3;172:6;180:22
<b>\$25.00 (1)</b> 323:24	<b>A-9 (1)</b> 153:7	<b>accelerate (1)</b> 314:10	<b>achievements (1)</b> 11:4	<b>achievers (1)</b> 314:11
<b>\$50 (3)</b> 158:17,20;160:17	<b>abide (4)</b> 85:23;133:14; 142:21;143:24	<b>accept (11)</b> 7:7;22:13;118:22; 126:17;148:7; 149:22;152:21; 212:23;236:5; 304:11;305:11	<b>achieving (8)</b> 31:23;54:24;55:6; 61:12;173:5;197:12; 256:4;313:9	<b>actual (1)</b> 317:16
<b>\$75 (10)</b> 103:7;105:18; 133:24;134:22; 135:12,22;154:15; 156:10;159:24; 160:17	<b>abiding (1)</b> 85:25	<b>acceptance (3)</b> 212:11,19,21	<b>acknowledge (2)</b> 22:8;68:17	<b>actual (1)</b> 317:16
	<b>ability (13)</b> 6:12;11:9;58:5; 86:16;96:5;192:4; 194:13;211:15; 229:8;237:21; 246:15;284:17;329:6	<b>accepted (13)</b> 13:23;36:21;112:4; 120:11;139:11; 149:20;208:5; 212:22;221:17; 266:17,19,20;282:13	<b>acknowledgement (1)</b> 283:12	<b>actually (68)</b> 11:13;35:5;38:12; 39:12;45:15,19; 47:17;51:8,14,19; 52:18;56:16;61:8,10, 25;63:3,13;72:8; 73:17;83:8;88:12; 91:6;92:21;110:13; 118:4;126:11;131:2; 134:13;139:5;156:2, 3;177:10;187:8; 189:7;191:20;194:8; 206:22;212:5,16; 213:15;219:7; 220:12;232:11; 234:15;246:17; 250:6;252:6;253:3,6, 19;256:5;264:12; 269:12;283:10,14; 285:6;290:5;291:11; 294:20;295:11;
	<b>able (65)</b> 20:16;40:21,22; 41:3;54:1,4;55:23; 61:2;100:2;131:5; 135:7;140:8;141:15; 167:2;175:9,20; 176:1;178:5;186:13; 192:7,16;194:3; 208:18,18,24;211:10; 212:13,14,18;223:2; 225:12,13;228:15; 229:15,23;233:15; 239:14;242:25; 247:19,21;253:5; 259:21,23,25;267:19; 272:19;275:10; 278:17;280:16; 284:23;287:20; 289:16;293:20; 304:1;313:3,12,13, 24;314:1,22;315:7; 318:1;319:4;329:20; 332:2	<b>access (23)</b> 96:6;176:17;210:4; 223:17,18;224:9,10, 10,10,11,11;237:10; 240:2,6,7,9,10,17,21, 22,23;287:17;291:7	<b>acknowledging (1)</b> 135:4	<b>ACT (34)</b> 5:11;12:3,8;17:5,6; 18:1,2;25:21;30:16; 31:6,13,14,15,18; 32:21;33:4;37:2,21; 43:7;47:6;53:4;58:9; 70:12;74:12;143:25; 144:1;173:7,11,23; 276:16;285:7; 288:25;318:13; 324:23
	<b>abide (4)</b> 85:23;133:14; 142:21;143:24	<b>accommodate (1)</b> 238:1	<b>across (7)</b> 40:25;227:5,5,25; 235:18;262:12; 289:10	<b>acting (2)</b> 166:12;297:23
	<b>abiding (1)</b> 85:25	<b>accommodations (1)</b> 255:19		
	<b>ability (13)</b> 6:12;11:9;58:5; 86:16;96:5;192:4; 194:13;211:15; 229:8;237:21; 246:15;284:17;329:6	<b>accompanied (1)</b> 222:9		
	<b>able (65)</b> 20:16;40:21,22; 41:3;54:1,4;55:23; 61:2;100:2;131:5; 135:7;140:8;141:15; 167:2;175:9,20; 176:1;178:5;186:13; 192:7,16;194:3; 208:18,18,24;211:10; 212:13,14,18;223:2; 225:12,13;228:15; 229:15,23;233:15; 239:14;242:25; 247:19,21;253:5; 259:21,23,25;267:19; 272:19;275:10; 278:17;280:16; 284:23;287:20; 289:16;293:20; 304:1;313:3,12,13, 24;314:1,22;315:7; 318:1;319:4;329:20; 332:2	<b>accompanies (2)</b> 156:10,11		
<b>[</b>		<b>accomplish (2)</b> 182:7;293:20		
<b>[A (1)</b> 168:24		<b>accomplished (3)</b> 182:3;254:7; 310:24		
<b>[ph] (2)</b> 149:8,10		<b>accomplishing (1)</b> 333:9		
<b>[ps] (2)</b> 186:2;239:21		<b>accordance (2)</b>		
<b>[sic] (2)</b> 255:16;314:6				
<b>A</b>				
<b>A- (4)</b> 150:8;153:10; 155:12;157:11	<b>absolute (2)</b> 93:9;229:24			
<b>A-1 (2)</b> 4:2;339:24	<b>absolutely (7)</b> 52:21;73:19;101:3, 18;194:12;240:13; 324:6			
<b>A-10 (2)</b> 154:8,10	<b>academic (27)</b> 66:15;68:1;127:4; 170:10;174:2,15; 178:11;180:14,22; 188:3,6,11,17;189:3, 6,17,18,23;190:8,15; 194:24;209:16; 266:24;283:9; 289:14;316:11,20			
<b>A-11 (1)</b> 155:10				
<b>A-12 (1)</b> 157:9				
<b>A-13 (2)</b> 158:10,12				
<b>A-14 (2)</b> 159:17,19				
<b>A-2 (17)</b> 7:16;9:4,12;46:15; 77:8;82:25;85:12; 86:25;88:6;137:2; 139:22;140:3,9,13, 16;340:24;341:24				
<b>A-3 (16)</b> 20:20;77:8;85:21; 86:10,12,13,22,23; 87:4;88:7;137:2; 139:22;140:3,9;				

297:20;305:18; 310:11,23;316:13,25; 317:12;325:13 <b>add (14)</b> 13:10;41:19,19; 61:2;107:7;132:21; 134:22;135:12; 192:16;283:3; 304:18,19;305:16; 320:21 <b>addition (7)</b> 13:11;175:6;178:4; 221:15;232:21; 296:15;320:12 <b>additional (46)</b> 6:22;26:2,4;61:2; 62:23;64:3;74:16; 81:12;86:11;102:10; 114:21;115:7,7,22; 118:1;120:20;122:2; 134:23,24;135:3,9; 137:14;138:25; 162:3;177:8;196:19; 221:4;232:12;233:1, 22,24;234:11;236:6; 250:10;260:11; 271:25;273:12; 274:1;287:22; 293:11;301:21; 306:9;320:19; 323:13,17;330:6 <b>Additionally (2)</b> 5:14;25:14 <b>address (15)</b> 15:19;44:7;63:12; 77:10;89:25;97:15; 174:11;193:21; 215:6,18,19;217:16; 223:16;236:2;278:10 <b>addressed (7)</b> 45:23;47:24;88:14; 125:12;143:15; 202:16;220:4 <b>addresses (3)</b> 235:23;240:6,14 <b>addressing (4)</b> 50:12;90:12;96:22; 175:21 <b>ADE (38)</b> 32:17;33:13;42:18; 47:18,20;48:3,8,10; 59:3;88:21;89:2,25; 90:5,7,8,9,12,15,25; 91:1;93:6,7;125:4; 148:3;152:19; 204:13;212:4;213:1; 214:6;216:13; 250:13,20;257:20; 301:4;314:7;319:14; 337:15;338:12 <b>adequate (3)</b> 81:2;96:5;139:17 <b>adequately (3)</b>	117:9;259:4,12 <b>ADE's (3)</b> 149:22;152:20,22 <b>adjourn (3)</b> 336:23;337:8,25 <b>adjourned (2)</b> 337:7;338:16 <b>ADJOURNMENT (1)</b> 337:23 <b>adjudicated (1)</b> 15:24 <b>adjust (1)</b> 129:25 <b>Administration (10)</b> 62:19;65:1,14; 163:16;186:12; 252:23;312:18; 315:9;325:6;331:18 <b>Administrative (4)</b> 47:5;53:4;74:12; 90:19 <b>administrators (2)</b> 35:13;164:9 <b>admit (3)</b> 106:18;270:11; 271:7 <b>admits (1)</b> 35:1 <b>admitted (1)</b> 34:15 <b>ADOPT (4)</b> 162:14,22;163:13; 164:17 <b>adopted (1)</b> 103:3 <b>adoption (2)</b> 164:4,11 <b>advance (1)</b> 325:16 <b>advanced (2)</b> 29:23;169:11 <b>advantage (4)</b> 324:21;325:13,15; 326:2 <b>advantages (1)</b> 178:8 <b>advice (3)</b> 71:6;201:7;287:15 <b>advise (2)</b> 20:16;191:25 <b>advisement (4)</b> 8:13;166:22; 285:19;286:7 <b>advising (1)</b> 192:12 <b>advisor/counselor (1)</b> 316:9 <b>advisories (1)</b> 318:8 <b>advisory (4)</b> 199:19;200:7,15; 318:9 <b>advocate (2)</b>	14:16;45:5 <b>advocating (1)</b> 116:13 <b>affect (2)</b> 69:8;71:4 <b>affected (1)</b> 220:1 <b>affirm (6)</b> 8:10;9:19;21:21; 102:22;168:6;207:1 <b>affirmation (1)</b> 297:22 <b>AFFIRMATIVE (5)</b> 7:13;128:23; 146:21;275:4;310:4 <b>AFFIRMATIVELY (5)</b> 21:24;102:24; 168:8;207:3;311:18 <b>affluent (3)</b> 227:21;254:5; 307:17 <b>afforded (2)</b> 214:11;237:8 <b>afraid (3)</b> 125:16;178:19; 334:19 <b>African (6)</b> 16:8;170:3;248:22; 261:22;262:1;284:8 <b>afternoon (8)</b> 94:24;163:21; 166:8,9;168:12; 181:17;189:21; 222:19 <b>afterward (1)</b> 13:11 <b>afterwards (3)</b> 106:8;108:1; 210:24 <b>AG (2)</b> 48:8;90:7 <b>again (82)</b> 16:21;17:16,17,17, 17;21:3,5;27:3;28:3, 6;44:11,24;45:4; 52:16;58:11;72:13, 15;80:17;85:21; 86:13;87:5;88:18; 95:21;96:20;97:25; 99:25;100:11; 107:25;108:11,16; 109:10,24,25;110:6, 10,14,22;111:2,4; 113:7;123:10,18; 124:2,5;125:21; 126:9;129:22; 133:12,18;136:5; 139:9;141:11;146:3; 149:5;150:10; 154:18;157:21; 163:11;165:5; 167:21;168:16; 179:17;185:9;	193:22;200:4; 203:15;213:6; 220:18;231:25; 254:9;261:2;272:24, 25;273:13;283:19; 284:13;293:16,18; 294:7,13;298:25; 322:12 <b>against (15)</b> 13:4;20:6;51:13; 63:4,10;72:17;76:5; 86:7;91:15;128:1; 173:3;179:7;216:15; 242:9;303:18 <b>age (1)</b> 108:18 <b>agenda (29)</b> 4:5,5;77:6;81:7; 82:12;88:6;102:1,2; 124:21;139:16,19,22; 140:4;147:1,3; 162:17,20;163:12; 193:12;205:10,16; 220:8;221:7,16; 222:4;311:1,2; 337:19;338:11 <b>agendas (3)</b> 94:15;203:19,20 <b>aggressive (1)</b> 256:16 <b>agitation (1)</b> 257:25 <b>ago (15)</b> 13:4;32:2;35:14; 39:15;50:14;62:17; 68:14;95:9;163:24; 217:21;218:13,22; 236:24;317:7;334:20 <b>agree (21)</b> 16:10;58:17;68:8; 69:11;70:21,22; 88:17;92:4;121:8; 136:2;197:17;203:6, 8;257:19;261:3,9,24; 292:17;307:4;328:3; 331:10 <b>agreed (4)</b> 17:8;205:18,23; 319:7 <b>agreement (23)</b> 15:15,16;17:4,13, 16;48:23;49:7,9; 57:25;58:2;70:20; 71:7;121:9;143:1,3, 15,23,24;144:4; 270:15;271:4; 272:25;310:17 <b>agreements (2)</b> 142:18,22 <b>AG's (3)</b> 47:14;91:4,8 <b>ahead (18)</b> 7:3;8:14;10:9;	22:7;77:5,15;99:5; 127:23;129:22; 165:13;187:9,9; 200:13;230:3; 249:23;278:18; 279:9;326:8 <b>AIP's (1)</b> 171:16 <b>al (1)</b> 92:15 <b>albeit (1)</b> 134:12 <b>ALE (2)</b> 334:21,23 <b>alerts (1)</b> 332:13 <b>ALEs (1)</b> 127:5 <b>algebra (7)</b> 327:6,8,12,19,20; 328:25;329:3 <b>align (1)</b> 275:6 <b>aligning (1)</b> 173:2 <b>alignment (2)</b> 202:6;314:7 <b>aligns (1)</b> 201:8 <b>alike (1)</b> 243:5 <b>allegation (2)</b> 109:23;111:2 <b>ALLEGED (2)</b> 101:23;102:3 <b>alleging (1)</b> 29:20 <b>Allen (2)</b> 55:16;138:15 <b>alleviate (2)</b> 238:14;260:8 <b>allow (30)</b> 13:6;14:1;19:23; 23:25;31:7;33:16; 50:1;51:2;69:16; 70:23;95:3,24; 106:15;116:10; 145:19;156:19; 177:3;178:20; 183:11;198:7;236:7; 279:3;285:12;286:4; 296:12;298:7,13; 313:6,15;331:19 <b>allowable (1)</b> 285:4 <b>allowance (1)</b> 44:24 <b>allowed (15)</b> 17:3;19:4;25:18; 31:6;69:1;70:15; 120:19;176:25; 228:17;238:9; 242:14;282:8;
---	--	--	---	--

<p>312:23;315:19;320:7 <b>allowing (8)</b> 4:25;37:21;51:4; 168:14;298:7;312:8; 318:11;327:6 <b>allows (9)</b> 36:7;65:22;66:7; 122:24;161:19; 210:15;212:21; 320:4;328:15 <b>almost (9)</b> 196:15;214:9; 253:10;271:15; 275:2;282:11,23; 290:22;333:18 <b>alone (3)</b> 36:18;108:6,8 <b>along (4)</b> 58:3;59:10;242:23; 276:7 <b>alteration (1)</b> 189:16 <b>alterations (2)</b> 144:2;189:2 <b>alternate (1)</b> 129:2 <b>alternative (3)</b> 36:2;129:9;237:5 <b>alternatives (4)</b> 38:5;61:15,16; 126:9 <b>although (10)</b> 33:16;86:9;90:25; 91:13;134:20; 216:22;218:4; 237:25;238:12;283:3 <b>always (19)</b> 18:20;23:6;33:16; 36:25;71:7;77:20; 98:24;99:3,12,15; 104:24;110:9; 132:17;177:25; 194:5;233:25; 234:17;270:2;301:21 <b>amazing (6)</b> 171:22;175:15; 214:13,24;250:19; 337:17 <b>ambition (1)</b> 253:8 <b>ambitious (2)</b> 77:6;81:7 <b>amend (1)</b> 330:25 <b>amended (1)</b> 136:8 <b>AMENDMENT (19)</b> 165:17;166:15; 167:23;202:13,15; 204:25;205:3,13; 221:20,23;222:4,5; 233:10,17;297:24; 304:11;310:20;</p>	<p>311:3;319:22 <b>amendments (5)</b> 166:16;202:3,3; 222:3;286:25 <b>amenities (3)</b> 174:3;175:9; 186:12 <b>American (8)</b> 16:8;170:3;248:22, 23;261:22;262:1; 273:20;284:8 <b>America's (1)</b> 207:22 <b>AMO's (1)</b> 173:3 <b>amount (5)</b> 174:21;189:7; 211:18;237:24; 292:20 <b>A-Mountain (1)</b> 333:3 <b>Amy (2)</b> 182:12,13 <b>analysis (4)</b> 78:20;218:9,12; 281:4 <b>and-now (1)</b> 65:6 <b>ANDREA (3)</b> 159:18,21,23 <b>anecdotally (1)</b> 76:18 <b>anew (1)</b> 130:23 <b>anger (1)</b> 148:1 <b>animal (1)</b> 11:24 <b>Annette (2)</b> 94:25;189:21 <b>Annotated (2)</b> 34:19;149:16 <b>announced (1)</b> 211:21 <b>annual (2)</b> 241:14,16 <b>anomalies (1)</b> 221:19 <b>anonymous (1)</b> 257:10 <b>ANSWERED (5)</b> 21:24;102:24; 168:8;207:3;311:18 <b>anticipate (5)</b> 92:20;137:13; 177:12;202:13,14 <b>anticipating (2)</b> 138:25;177:21 <b>anxiety (1)</b> 317:15 <b>anxious (2)</b> 5:24;267:12 <b>anymore (3)</b></p>	<p>93:12;122:21; 294:4 <b>anyways (1)</b> 221:13 <b>AP (5)</b> 5:11;26:13;40:5,7; 329:1 <b>APA (2)</b> 46:22;47:5 <b>apart (1)</b> 304:2 <b>apathetic (2)</b> 317:4,5 <b>Apologies (11)</b> 21:2;22:19;24:16; 41:20;102:18; 137:10;138:9; 163:19,25;242:6; 299:4 <b>apologize (23)</b> 34:10;75:10;80:20; 118:11;139:8,15; 178:25;184:13; 185:9,10,11,12; 199:22;228:22; 229:3;235:21;241:1, 13,20;250:6;260:12, 13;326:9 <b>apology (2)</b> 4:15;139:11 <b>APPEAL (48)</b> 7:16,19;8:10,14, 21;18:11;20:20,24; 21:6,9;25:3,20; 32:14;33:2,11,22; 34:3,15,19;43:15; 53:4;55:2;57:5;64:8, 9;73:12,23;74:12; 75:6;95:20;99:6,6; 101:1,2,4,19;140:18, 21,24;141:18,20; 144:23;145:24,25; 146:1;216:3;340:24; 341:24 <b>appealable (3)</b> 25:13;33:14;42:20 <b>appealing (1)</b> 21:10 <b>appeals (4)</b> 8:3;31:13;72:12; 97:9 <b>appear (3)</b> 92:7;148:4;306:22 <b>appeared (1)</b> 257:24 <b>appears (2)</b> 36:6;256:2 <b>appended (1)</b> 115:25 <b>applaud (2)</b> 225:13;276:23 <b>applicant (10)</b> 166:14,18;167:7;</p>	<p>205:15;206:5; 252:16;278:23; 285:13;286:4;292:21 <b>applicants (3)</b> 209:23;213:10; 278:19 <b>APPLICATION (37)</b> 7:17,20;20:21,24; 39:9;61:5;64:14; 98:9;140:19;151:22; 191:10,12,15;193:25; 196:21;201:19; 210:7,11;216:20; 222:22;233:13; 237:16;285:11; 287:11,14,16;291:11; 292:21;301:20; 305:8;306:18;308:9; 315:13,14,18;325:9; 333:25 <b>applications (13)</b> 24:25;37:1;192:19; 198:17;200:25; 201:11,13,20,24; 202:21,24;252:13; 287:15 <b>applied (3)</b> 40:19;252:12; 278:15 <b>applies (4)</b> 46:7;252:6;253:22; 287:18 <b>apply (15)</b> 33:23;39:12,22; 46:5;209:4,23;210:9, 10,18;256:14;257:8; 267:21;278:19; 298:14;315:18 <b>appointed (2)</b> 34:9;91:8 <b>appointment (1)</b> 88:24 <b>appreciate (35)</b> 13:14;38:23;44:21; 51:7;77:4;84:14; 85:18;88:2;96:15; 98:14;103:21; 123:22;138:23; 164:17;178:18; 179:2;185:16; 186:10,10;197:19; 200:1,2;218:1;227:4; 237:13;239:16; 251:18;264:20; 282:2;290:2;292:19; 302:25;310:14; 320:24;330:15 <b>appreciation (2)</b> 16:21;330:9 <b>approach (11)</b> 152:5;218:16; 240:1,3,4,15;250:24; 257:6;271:15;</p>	<p>330:14,14 <b>approached (2)</b> 72:11;232:9 <b>appropriate (16)</b> 15:1;17:21;22:9; 59:20;84:5;92:14; 118:24;122:2; 126:16;129:6; 148:19;171:6;185:1; 198:9;275:3;301:15 <b>appropriately (2)</b> 92:6;314:21 <b>approval (8)</b> 58:19;164:17,24; 174:18;201:16; 236:25;237:14;313:3 <b>approve (27)</b> 26:19;58:22;60:10, 11;64:24;78:13;99:6; 115:24;141:17,20; 145:24;239:10; 285:11;297:21,24,25; 298:5,17,18;300:17; 303:9;308:24; 327:13;332:22,22,24; 335:12 <b>approved (12)</b> 174:21;194:2; 206:7;208:6;218:15; 219:21,22,23;279:11; 298:4;315:17;320:10 <b>approving (1)</b> 332:1 <b>Approximately (2)</b> 121:24,25 <b>April (1)</b> 33:8 <b>arbiters (1)</b> 91:11 <b>area (21)</b> 25:11;26:24;92:10; 160:18;170:11; 171:25;173:20,22; 177:20;180:4; 190:23;191:7; 197:11;264:7,9; 267:19;275:11; 277:21;290:22,24; 332:15 <b>areas (2)</b> 176:7;280:6 <b>argue (2)</b> 225:15,16 <b>argument (4)</b> 8:9;12:21;13:19; 33:13 <b>arguments (4)</b> 52:1;97:5;102:9; 166:19 <b>arisen (1)</b> 192:8 <b>Arkansas (58)</b> 12:8;28:25;29:5;</p>
---	--	--	---	--

<p>34:18;37:15;47:15; 48:7;103:5;149:14, 16;150:16;151:17; 170:5;180:3;184:7; 207:17,21;215:9; 217:3;218:15;219:5; 237:24;240:8; 252:22;254:5,6; 258:1,14,19,22,24; 259:3,24;263:9; 266:7;270:17,19,25; 274:21;275:8,9; 276:4;277:22; 280:14;282:19; 294:12,14;312:22,24; 314:16,24;315:1; 316:23;319:16,20; 321:5;323:15;334:10</p> <p><b>Arkansas- (1)</b> 172:8</p> <p><b>arm (2)</b> 88:23;209:11</p> <p><b>around (25)</b> 56:16;80:21;97:5, 14;100:12;122:10; 124:18;139:14; 177:4;195:22;201:6; 212:3;231:12;233:3; 243:9;269:21;271:5; 275:16;276:21; 277:10;278:8; 279:13,18;298:20,22</p> <p><b>arrangement (1)</b> 71:19</p> <p><b>array (1)</b> 262:11</p> <p><b>arrived (1)</b> 5:10</p> <p><b>artists (1)</b> 249:1</p> <p><b>arts (3)</b> 39:25;175:10; 314:2</p> <p><b>Asa (1)</b> 4:21</p> <p><b>ascertained (1)</b> 95:15</p> <p><b>Asher (1)</b> 176:11</p> <p><b>aside (4)</b> 126:17;127:6; 161:19;214:8</p> <p><b>aspect (2)</b> 105:1;288:13</p> <p><b>aspects (1)</b> 85:13</p> <p><b>Asperger's (1)</b> 264:17</p> <p><b>aspirations (1)</b> 316:20</p> <p><b>Aspire (4)</b> 5:11;173:7,11,23</p> <p><b>asserting (1)</b></p>	<p>43:2</p> <p><b>assertion (1)</b> 124:18</p> <p><b>asserts (1)</b> 32:16</p> <p><b>ASSESSED (4)</b> 158:10,13,17,20</p> <p><b>assessing (1)</b> 103:7</p> <p><b>assessment (2)</b> 78:22;190:2</p> <p><b>asset (1)</b> 329:19</p> <p><b>assets (1)</b> 314:21</p> <p><b>assigned (1)</b> 210:18</p> <p><b>assignment (6)</b> 16:7;25:11;56:2; 58:12;143:13;200:20</p> <p><b>assigns (1)</b> 212:25</p> <p><b>assist (2)</b> 12:1;314:12</p> <p><b>assistance (5)</b> 285:14;286:2,5; 307:21,24</p> <p><b>Assistant (3)</b> 94:25;163:22; 312:3</p> <p><b>assisting (1)</b> 60:20</p> <p><b>assistive (1)</b> 264:23</p> <p><b>Associate (1)</b> 222:20</p> <p><b>associated (2)</b> 5:13;148:2</p> <p><b>associates (1)</b> 240:18</p> <p><b>assume (3)</b> 155:22;165:11; 266:1</p> <p><b>assuming (3)</b> 158:21;236:13; 338:8</p> <p><b>assumption (3)</b> 65:5;254:20; 271:21</p> <p><b>Assurance (1)</b> 95:18</p> <p><b>assurances (3)</b> 258:21;259:5; 307:25</p> <p><b>assure (1)</b> 218:6</p> <p><b>ASU (2)</b> 315:21;322:5</p> <p><b>ASU-Mountain (1)</b> 318:15</p> <p><b>athletes (1)</b> 11:25</p> <p><b>athletic (1)</b></p>	<p>68:2</p> <p><b>athletics (1)</b> 63:24</p> <p><b>at-large (1)</b> 168:14</p> <p><b>at-risk (2)</b> 313:11;314:12</p> <p><b>attain (1)</b> 93:18</p> <p><b>attaining (1)</b> 93:9</p> <p><b>attempt (3)</b> 88:1;99:20;310:16</p> <p><b>attempting (1)</b> 54:10</p> <p><b>attempts (6)</b> 153:17;154:17; 155:19;157:18; 160:1;308:16</p> <p><b>attend (18)</b> 11:18,21;24:1; 26:10,17,18;68:14; 184:20;192:15; 238:19;264:20; 266:8,9,10;267:17; 278:16,17;322:17</p> <p><b>attendance (3)</b> 5:13;29:9;212:3</p> <p><b>attended (12)</b> 23:6,10,10,19;26:7, 9;36:5;44:25;172:18; 192:14;203:6;213:4</p> <p><b>attending (3)</b> 12:9;227:12,15</p> <p><b>attends (2)</b> 11:7;209:6</p> <p><b>attention (4)</b> 23:12;107:18; 109:6;214:20</p> <p><b>Attorney (27)</b> 7:24;9:13;45:22; 46:7;48:14;51:15,17; 52:22,23;72:14,18; 88:13,16,20;89:1,8, 15,21,24;100:21; 102:6,20;147:10; 166:10;206:24; 241:7;258:9</p> <p><b>attorneys (15)</b> 8:5;9:16;21:17; 24:18;34:5;41:9; 76:12;78:4;91:3,8; 102:12;131:4;132:5; 166:13;205:12</p> <p><b>attorney's (1)</b> 61:9</p> <p><b>attract (1)</b> 269:5</p> <p><b>attracted (1)</b> 104:21</p> <p><b>attributed (1)</b> 252:24</p> <p><b>attributes (1)</b></p>	<p>171:23</p> <p><b>audience (1)</b> 245:17</p> <p><b>audit (4)</b> 255:17;256:22,24; 289:17</p> <p><b>audited (2)</b> 214:6;215:21</p> <p><b>August (2)</b> 55:8;208:8</p> <p><b>aut (1)</b> 35:7</p> <p><b>authorities (2)</b> 89:7,8</p> <p><b>authority (8)</b> 25:15;34:4;42:21; 46:9;48:16;68:19; 90:22;258:24</p> <p><b>Authorization (2)</b> 301:3;319:7</p> <p><b>authorized (2)</b> 47:19;111:24</p> <p><b>authorizer (5)</b> 166:12;209:15; 285:10;286:5;297:23</p> <p><b>Authorizing (11)</b> 172:11;198:11; 206:4;216:19; 286:20;287:8; 296:12;297:22; 301:8;302:3;303:7</p> <p><b>autism (3)</b> 264:9,14,17</p> <p><b>automated (1)</b> 235:4</p> <p><b>automotive (1)</b> 318:16</p> <p><b>availability (1)</b> 318:12</p> <p><b>available (19)</b> 76:11;104:3,8; 108:5;111:3;210:12, 12;211:1;212:1; 213:11,23,25;253:4; 315:9;316:19;321:5, 10;333:16;337:4</p> <p><b>avenue (3)</b> 73:16,20;135:4</p> <p><b>avenues (6)</b> 49:13;74:5;76:11; 98:7;100:2,12</p> <p><b>average (7)</b> 169:24;172:24; 173:20;238:13; 266:6;281:4;313:10</p> <p><b>Avery (6)</b> 239:21;242:5,5,6, 7;247:12</p> <p><b>avoid (1)</b> 317:14</p> <p><b>avoided (1)</b> 35:15</p> <p><b>aware (13)</b></p>	<p>10:2;19:6;26:6; 28:1;103:17;202:23; 203:2;272:18; 283:13;284:9;321:6, 14;323:6</p> <p><b>awareness (2)</b> 209:10;284:10</p> <p><b>awarenesses (1)</b> 283:17</p> <p><b>away (12)</b> 12:25;31:16;35:16; 41:5;92:12;116:21; 181:10;183:5;191:8; 243:23;253:13;256:4</p> <p><b>awe (1)</b> 273:6</p> <p><b>awesome (2)</b> 186:14;257:9</p> <p><b>awhile (1)</b> 180:8</p> <p><b>awkward (2)</b> 16:22;116:17</p> <p><b>aye (24)</b> 7:12;20:4;83:12, 14,16,18,20,22,24; 84:1;127:24;128:7,9, 11;148:12;151:5; 153:3;154:4;155:6; 157:5;158:6;336:1,3, 7</p> <p><b>AYES (14)</b> 20:5;127:25; 148:13;150:3;151:6; 153:4;154:5;155:7; 157:6;158:7;159:14; 162:10;165:7;338:7</p>
<b>B</b>				
<p><b>B-1 (2)</b> 162:14;163:12</p> <p><b>B-2 (4)</b> 165:17;167:22; 173:16;342:24</p> <p><b>B-3 (3)</b> 204:25;205:3; 343:24</p> <p><b>B-4 (2)</b> 310:20;311:2</p> <p><b>babies (1)</b> 248:1</p> <p><b>back (70)</b> 22:18;23:23;32:3, 12;35:15;41:6,9,10, 11;43:19;48:24;49:5, 22;51:15;54:25; 56:11;58:25;59:6; 61:16;65:13;69:14; 76:8,22;81:8,9; 84:12;89:4;99:7,8,9, 9;106:9;108:17; 123:17,20;137:22; 138:3,5,6,20,21;</p>				

<p>139:9;166:4;169:6; 175:3,4;181:9; 190:20;200:16; 213:4;218:18;233:9; 234:18;237:7,8; 250:16;257:21; 258:19;271:9;272:6; 273:10;283:19; 291:14,16;294:1; 303:7;326:21;332:6, 6;334:19</p> <p><b>back-end (2)</b> 119:8;270:6</p> <p><b>background (4)</b> 23:6;170:7;299:9; 335:5</p> <p><b>back-side (1)</b> 63:8</p> <p><b>bad (5)</b> 121:4;235:20; 262:11;266:4;278:3</p> <p><b>Baker (1)</b> 5:1</p> <p><b>balance (3)</b> 46:6;69:8;71:4</p> <p><b>balanced (1)</b> 27:19</p> <p><b>balancing (1)</b> 27:20</p> <p><b>ball (3)</b> 232:5;236:4,4</p> <p><b>bargain (1)</b> 11:5</p> <p><b>barn (1)</b> 218:22</p> <p><b>Barnes (10)</b> 94:18,23,24,25; 96:14;98:14;100:8; 189:15,21,22</p> <p><b>barrier (2)</b> 333:19,19</p> <p><b>bars (1)</b> 283:8</p> <p><b>Barth (176)</b> 16:19,20;20:7,11; 31:9;47:11;48:5,21, 22;49:3,11,15,17; 62:24,25;63:11; 74:13,14;75:3,4,8,13, 14;79:6,7,21,23;80:4, 7;82:18,21,25;83:7, 11,12;87:7,8;114:23; 115:3,5,10,11,12,20; 116:9,10;117:12,13, 14,22,25;120:24; 122:1,4,7,9;127:15, 20;128:6,7;130:21; 131:6,8,25;132:9,12; 135:11,23;136:8,9; 140:22;142:11; 143:19,20,21;144:23, 24;146:5,6;149:25; 150:2;151:2,5;154:1,</p>	<p>4;156:2,8,14,19,21, 23;157:1,4;164:24; 165:5;187:7,8,15; 188:2,8,14,16,20,23; 189:14;190:19; 191:17;197:3,4,5; 198:18,19;203:6,8, 25;204:1,2;205:25; 206:11;216:5; 249:22;253:19,21; 255:6,13,22;257:19; 258:4;259:16;272:7; 284:25;285:1,17,25; 286:16;287:5;292:3, 4;296:11,16,21,23, 24;299:2,5,11,23,24; 301:5,6,11,13,15,22, 25;303:17,18; 305:18;306:24; 307:11;309:13,14; 323:14,15,20,22; 324:4,7,9;330:8; 331:11;335:8,12,21, 25;336:1</p> <p><b>Barth's (2)</b> 114:22;121:21</p> <p><b>base (1)</b> 65:5</p> <p><b>baseball (1)</b> 232:3</p> <p><b>based (28)</b> 23:18;27:13;33:14, 24;35:17;36:6;64:25; 65:10,11;70:18;82:9; 84:25;85:6,25;95:15; 101:1;105:1;149:15; 151:18;171:12,15; 199:19;235:19; 248:24;251:22; 315:14;316:6,23</p> <p><b>baseline (1)</b> 225:3</p> <p><b>basically (9)</b> 43:4;72:23;130:23; 204:10;211:6; 224:18;226:24; 227:1;333:15</p> <p><b>basis (12)</b> 16:23;33:18;56:5; 90:25;240:13;259:2; 287:19;316:3; 319:19;324:17; 332:25;335:14</p> <p><b>basketball (1)</b> 175:10</p> <p><b>bat (2)</b> 232:4;289:7</p> <p><b>batted (1)</b> 282:7</p> <p><b>batter (1)</b> 232:2</p> <p><b>bear (2)</b> 33:20;139:3</p>	<p><b>beautiful (3)</b> 178:9;229:10; 273:7</p> <p><b>became (4)</b> 34:22;35:9;107:17, 17</p> <p><b>become (15)</b> 32:8;37:17;49:25; 50:17;95:8;190:17; 205:21;209:10; 205:10;288:11; 275:13;292:12; 290:13;292:12; 306:20;317:4;331:10</p> <p><b>becomes (2)</b> 205:23;301:22</p> <p><b>becoming (3)</b> 54:13;55:24;58:6</p> <p><b>bedroom (1)</b> 243:9</p> <p><b>beds (1)</b> 245:25</p> <p><b>began (3)</b> 111:22;112:13; 218:22</p> <p><b>begin (9)</b> 10:6,9;55:6;168:2; 193:12;206:18; 299:20;314:23; 337:12</p> <p><b>Beginning (9)</b> 8:6;22:24;32:13; 35:12;85:9;102:10; 104:22;135:20; 197:25</p> <p><b>begun (1)</b> 10:20</p> <p><b>behalf (10)</b> 24:10;26:3;33:17; 41:20;55:18;151:24; 153:22;183:25; 204:4;219:12</p> <p><b>behave (1)</b> 92:10</p> <p><b>behavior (2)</b> 103:14;171:5</p> <p><b>behaviors (1)</b> 169:12</p> <p><b>behind (6)</b> 46:9;180:21;181:7; 279:15;312:19;313:5</p> <p><b>believes (2)</b> 53:22;60:1</p> <p><b>belonging (1)</b> 171:3</p> <p><b>below (1)</b> 265:24</p> <p><b>beneficial (1)</b> 328:21</p> <p><b>benefit (3)</b> 201:18;320:2; 334:25</p> <p><b>benefits (2)</b> 175:6;320:3</p>	<p><b>benefitting (1)</b> 5:5</p> <p><b>Benton (1)</b> 143:14</p> <p><b>Bentonville (38)</b> 166:1;205:1;208:7, 10;211:13;212:7; 213:14,18;218:23,24; 219:1;236:23;237:1, 6,18;238:7;242:18, 25;243:2;260:17,19; 261:7,18;262:13; 263:19;268:2; 272:10,15;278:16; 284:5;289:9,24,25; 290:15;293:7;294:2; 302:8;304:1</p> <p><b>Best (34)</b> 7:3;10:15,17; 68:11;76:13;99:12, 16;110:18;121:3; 140:25;142:17; 169:19;177:25; 181:13;194:13; 195:2,10;208:1; 213:5;226:5,6; 229:25;246:18; 247:14;248:7; 253:16;265:12; 277:5;286:20; 288:18;294:17; 310:16;314:9,9</p> <p><b>better (19)</b> 7:2;13:2;39:11,11; 69:22;99:10;233:24; 238:17;251:17; 253:3,9;268:12; 284:5;292:18; 293:21;303:21; 328:6;334:14,15</p> <p><b>beyond (8)</b> 106:3;110:8; 142:14,19;190:7; 201:3;240:18;283:4</p> <p><b>big (12)</b> 40:13,14;45:12; 139:16;176:14; 183:5;195:12; 202:15;213:19; 225:6;314:24;329:19</p> <p><b>bigger (1)</b> 183:12</p> <p><b>biggest (3)</b> 40:9;58:13;315:24</p> <p><b>big-time (1)</b> 135:17</p> <p><b>Bill (1)</b> 103:18</p> <p><b>BILLY (3)</b> 157:10,14,15</p> <p><b>binders (1)</b> 171:19</p> <p><b>binding (1)</b> 89:22</p> <p><b>binds (1)</b> 143:23</p> <p><b>bit (12)</b> 39:5;54:25;110:25; 165:11;184:16; 194:23;201:21; 210:6;211:4;225:3; 237:25;334:6</p> <p><b>black (65)</b> 28:17,19,20;29:3, 10,12,16,18;30:8,9; 32:10,11;37:16; 55:25;56:20,23;57:4; 58:17;75:15,16; 83:13,14;87:9,10; 125:25;126:2; 127:18,20;128:8,9; 129:19,21;130:18,19; 136:10,11;144:25; 145:1;146:7,8; 148:10,12;158:3,5; 198:20,21;253:20; 260:13,14,15,25; 262:2,3;296:19,21, 25;297:1;299:25; 300:1;309:15,16; 336:2,3;338:1,3</p> <p><b>Blackboard (2)</b> 314:16,18</p> <p><b>blanket (3)</b> 78:19;230:1; 234:24</p> <p><b>blended (1)</b> 240:3</p> <p><b>blessing (4)</b> 106:10,11,14; 214:13</p> <p><b>Blevins (1)</b> 312:3</p> <p><b>blocks (2)</b> 177:17,18</p> <p><b>blown (1)</b> 182:1</p> <p><b>blue (3)</b> 213:10,11;247:2</p> <p><b>blunt (1)</b> 254:4</p> <p><b>Blytheville (1)</b> 282:8</p> <p><b>Board (181)</b> 4:10,17,20;5:25; 6:5;14:13;15:2;16:1; 17:21;19:21;22:12; 24:24;25:14;26:9; 28:15;33:4;34:4,8,9; 42:15,17,21;45:24; 46:8;47:16,22;48:10, 10,25;51:9,11,24; 52:12,24;58:19; 61:23;64:4,16;71:8; 72:14,19,22;73:3; 78:17;79:1,2;80:12;</p>
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81:24;85:4;88:15,22; 89:3,25;90:7,12; 91:1;94:1,1,4;95:21; 96:12,21;97:4;101:7, 17,19,23;102:4,8; 103:2,5,11,15; 104:18;110:15,16; 112:6;114:2,19; 115:9,16,17,18; 118:22;121:3,11; 122:3,7;123:3,5,25; 127:3;132:12; 134:23;137:5,23; 142:10;146:24; 147:7,13,17;148:6; 149:18;150:18,22; 151:1,20,21;152:20; 153:16,25;154:16; 155:18;156:1; 157:17;158:10,13,16, 19;159:8,25;160:5; 163:15;164:12,20,23; 167:2,19;168:13; 176:6;178:18;187:6; 191:19;192:9; 193:10;195:15; 196:20;198:4; 203:10,15,20;204:5, 19;205:6;206:2; 207:8;214:22;218:1; 220:8;230:12,15,19; 241:5;242:4;249:22; 253:1;261:13; 267:24;275:2,23; 282:18;283:2; 284:19;286:25; 287:23;288:7;289:1; 290:12;293:25; 296:9;302:13;312:7, 17;317:13;318:9; 319:14;321:3; 323:14;330:7; 336:25;337:14	247:2;318:24; 319:1 <b>borrowed (1)</b> 290:2 <b>both (47)</b> 8:11;10:22;15:21; 17:18;18:9;23:21,21; 26:13;37:13,16; 58:17;61:15;78:11; 85:1,10;86:18;88:3; 89:25;90:7,91:1; 111:13;139:3,7; 143:9;172:20;180:9; 195:25;196:1,3; 202:6;212:5,9;213:8; 215:17;242:1;253:4; 278:11;280:18; 281:17;282:6; 291:24,25;314:3; 316:14;319:4;323:5; 324:10 <b>bottom (7)</b> 170:14;180:24; 189:25;190:16; 275:17;277:4,5 <b>bottom-line (1)</b> 176:2 <b>bought (5)</b> 26:21;44:13;63:1, 8;258:12 <b>Bound (4)</b> 207:15;209:5; 218:18;228:10 <b>boundaries (3)</b> 176:12;177:15,18 <b>bounds (1)</b> 110:9 <b>bowtie (1)</b> 183:21 <b>box (1)</b> 317:24 <b>Boy (1)</b> 68:8 <b>Boyd (44)</b> 166:7;167:20,24, 25;168:25;173:13; 179:10,12;190:20; 191:10;195:3; 196:20,21;206:15,17, 20;219:25;220:12,14, 17;221:1;232:18; 233:8,9,18;251:11, 12;259:21;264:11; 287:12;304:17; 306:7,17;311:4,6; 319:25;320:14; 330:16,22;332:17,19, 20;335:17,19 <b>boys (1)</b> 319:2 <b>boys' (1)</b> 318:25 <b>Brady (1)</b>	180:11 <b>brainer (1)</b> 195:25 <b>brainstormed (1)</b> 234:5 <b>branch (3)</b> 67:4,8,9 <b>branches (1)</b> 34:13 <b>breach (1)</b> 132:22 <b>breaches (1)</b> 135:14 <b>break (27)</b> 56:6;77:6;79:22; 80:21,23,25;81:4,6; 86:1;88:10;139:12; 162:19;163:8,9; 165:10,13,16;199:14, 18;204:20,21; 242:25;310:8,12,14, 19;337:19 <b>breakdown (2)</b> 213:9;281:4 <b>breakfast (1)</b> 224:21 <b>breath (1)</b> 44:22 <b>Brett (3)</b> 7:11;101:24; 104:17 <b>Briarwood (1)</b> 180:4 <b>Brief (12)</b> 77:17,19;111:20; 165:10;168:24; 170:8;181:21; 228:23;236:21; 288:2;310:12;320:23 <b>briefly (2)</b> 77:16;172:12 <b>bring (13)</b> 6:4;36:8;66:3; 78:16;101:1;126:2; 214:19;218:9;244:2; 253:15;254:23; 276:14;277:7 <b>bringing (8)</b> 96:11;164:21; 200:16;240:14; 276:6;290:24;293:7; 334:22 <b>brings (1)</b> 275:17 <b>broadcast (1)</b> 256:19 <b>broadcasting (1)</b> 256:17 <b>broader (2)</b> 76:9;192:4 <b>broke (4)</b> 105:5,10;106:5; 109:24	<b>brought (14)</b> 23:12;44:8;49:16; 94:1;104:1;107:18; 109:15;113:20; 125:13;174:7;193:2; 218:10;317:20; 329:12 <b>Brown (5)</b> 28:14;29:1,6,6,21 <b>Bryant (2)</b> 15:20;143:14 <b>budget (1)</b> 324:9 <b>budgeting (1)</b> 314:20 <b>buffer (1)</b> 201:21 <b>build (8)</b> 171:7;235:11; 249:3,4;271:11; 278:22;279:7;283:16 <b>building (8)</b> 63:6;164:8;178:8; 208:15;215:3;272:4; 278:25;288:23 <b>buildings (2)</b> 238:12;331:16 <b>builds (1)</b> 249:7 <b>built (6)</b> 26:22;28:3,5; 238:12,14;315:3 <b>bulb (1)</b> 106:1 <b>bummer (1)</b> 242:16 <b>burden (2)</b> 33:18,20 <b>bus (2)</b> 176:18;231:12 <b>bused (1)</b> 28:20 <b>Buses (2)</b> 208:13;231:5 <b>business (5)</b> 68:17;180:23; 239:8;318:8,9 <b>busy (3)</b> 5:9;9:1;168:16 <b>butchered (1)</b> 185:12 <b>button (1)</b> 170:25 <b>buy (1)</b> 26:23 <b>buy-in (1)</b> 316:11	15:20;18:25;19:5,9, 10,24;143:14,16,16 <b>Cadillac (2)</b> 246:24;247:2 <b>Calculus (1)</b> 329:1 <b>call (17)</b> 72:8;77:5;82:10; 83:8;84:10;87:6; 113:11;132:22; 138:12;147:5; 175:19;235:5; 269:12;275:4;277:4; 282:6;299:1 <b>called (10)</b> 5:23;10:16;29:7, 15;84:6;171:24; 215:3;275:4;288:4; 303:6 <b>calls (3)</b> 5:3;251:15;282:19 <b>Camden (2)</b> 37:12;71:21 <b>Camden-Fairview (1)</b> 71:18 <b>came (21)</b> 18:1;28:21;29:1; 30:1;92:19;105:20; 109:13;181:21; 189:4;215:11;221:6, 7;233:9;244:14,15; 255:16;265:16; 275:8;312:17;317:7; 331:14 <b>campus (31)</b> 181:19;186:13,14; 208:6,7,8,9,10; 211:13,13;233:15; 254:1;263:18,19; 272:16;273:6;288:3; 292:6,10,13;298:11, 12;301:10;308:25; 315:8,10,23;322:1,2, 5;333:3 <b>campuses (10)</b> 6:9;27:19,20; 169:23;212:6,9; 213:8;251:18; 290:16;292:10 <b>can (198)</b> 8:13;9:18;14:7; 15:5;21:8,20;29:14; 30:14,14;31:19;32:6; 36:9;37:10;39:25; 40:1,4;41:14,14; 46:17,21,21;50:8; 54:2;56:13;61:25; 64:20;66:3,3;68:24; 71:7;72:13;77:18; 78:16,19;79:20; 80:20,21,22;81:8; 84:7,25;91:16,22; 93:14;97:18;98:8;
			<b>C</b>	
			<b>Cabot (18)</b> 8:23,25;9:5;11:24; 12:4,7,14,20;13:17;	

<p>101:2,16,25;103:1; 108:21;109:1; 114:14,16;117:12; 118:8,8,22,23;120:4, 7;122:3,3;125:2; 126:15,17,18;127:7; 130:4;131:6,8,22; 141:19;142:18; 146:3;147:4;148:20; 152:10;161:25; 166:19,21;171:19; 173:3,5,12;174:14; 175:18;176:13; 180:24;182:7,8; 183:22;186:1,19; 191:15;194:13; 200:1;201:22;202:8; 204:14;206:25; 209:23,24;210:9,10, 13,19,20;211:2; 212:16,22,22,23; 214:1;217:20,22; 226:24,25;227:22; 230:2;231:17,20,21; 234:14,15,17;236:2; 240:10,19;243:8; 245:12;247:16,18,23, 24;248:6;253:2; 254:7,21,22;258:3, 16;265:14;267:20; 268:20;270:21; 272:19,22;273:7; 274:19;276:16; 277:7,8;279:24; 285:18,19;286:3; 287:1;288:24;289:6, 23;290:8;291:13,15, 20,20;292:25;301:18, 21;302:6;303:6; 304:6;305:16,20,23; 306:14,21;307:2,3,6; 308:12;310:13,23; 317:11;318:10; 325:15,16;327:16; 329:23,24;331:4,5,6, 13;333:4;334:14,14; 335:7 <b>candidly (2)</b> 108:20;235:1 <b>Candy (1)</b> 246:23 <b>cap (8)</b> 174:20;177:3,3; 187:21;206:8;296:2, 5;297:16 <b>capabilities (1)</b> 180:15 <b>capability (2)</b> 231:8,14 <b>capacity (4)</b> 33:24;194:9;239:3, 5 <b>capped (1)</b></p>	<p>133:23 <b>car (1)</b> 246:22 <b>care (6)</b> 120:25;244:15; 319:4;325:19,24; 331:24 <b>cared (2)</b> 171:8;249:11 <b>career (16)</b> 11:11;105:23; 106:20;124:4; 169:11;184:6,6; 310:21;311:4;312:4; 318:6,9;321:22; 334:9,10,13 <b>careers (1)</b> 318:12 <b>careful (1)</b> 69:15 <b>carefully (1)</b> 259:1 <b>cares (1)</b> 270:19 <b>carried (1)</b> 257:25 <b>carries (20)</b> 20:12;76:6;84:3; 148:17;150:5;151:7; 153:6;154:6;155:8; 157:7;158:9;159:16; 162:11;165:9;183:3; 199:9;300:14;310:6; 336:16;338:9 <b>cars (1)</b> 281:22 <b>CARTER (5)</b> 157:10,14,15,17,21 <b>Carter's (1)</b> 157:19 <b>case (73)</b> 6:19;23:16;29:22; 30:1,22,23;31:19,22; 33:22;34:15;38:8; 46:13,20;49:3,22; 50:14;51:20,21; 52:20;53:3;57:10,15; 58:13;64:24;71:23; 72:24;73:7,9,17; 74:8;78:12;79:1; 82:25;83:1;85:14; 94:22;99:14,17; 101:24;102:4,4,15, 19;103:14;113:20; 124:15;127:22; 129:3;135:16; 142:25;146:25; 147:9;153:8,12; 154:9,12;155:11,14; 157:10,13;158:11,14; 159:18,21;166:15; 179:5;190:6;220:2; 274:3;286:22;292:5;</p>	<p>302:15;307:11 <b>case-by-case (3)</b> 316:3;324:17; 333:25 <b>cases (19)</b> 16:24;65:13;78:24; 85:1,10;86:18;93:20; 97:2,3,5;98:2; 100:18;127:4; 137:10,12;139:3; 204:4;257:20;299:8 <b>cast (2)</b> 285:6;330:19 <b>categories (1)</b> 313:14 <b>category (2)</b> 173:6;280:9 <b>catfish (2)</b> 277:4,7 <b>caught (2)</b> 262:16;282:22 <b>cause (8)</b> 16:11;54:5;73:18; 102:11;223:20; 287:2;291:1;329:16 <b>causes (1)</b> 302:23 <b>cautioning (1)</b> 103:8 <b>cc (1)</b> 220:1 <b>cede (1)</b> 38:14 <b>celebrate (1)</b> 200:2 <b>celebration (1)</b> 337:8 <b>cell (3)</b> 234:23;240:9; 332:11 <b>census (1)</b> 169:25 <b>center (19)</b> 68:11;208:12; 209:9;214:22,23; 216:1;227:14; 235:15;243:24; 250:25;257:5;269:5; 271:16,20;288:9; 289:7;308:25; 315:22;318:14 <b>central (3)</b> 176:9;184:7;244:3 <b>CEO (1)</b> 214:21 <b>ceremony (1)</b> 242:20 <b>certain (9)</b> 13:3;64:18;90:23; 156:17;220:7; 265:25;280:6; 285:23;302:20 <b>certainly (23)</b></p>	<p>38:21;81:14;91:2, 22;108:15,18;109:5; 110:4;123:23; 124:14;201:10,14; 227:4,11;229:3; 232:1;234:6;264:16; 267:20;302:11; 317:10;332:2;334:9 <b>certified (2)</b> 180:20;337:14 <b>CHADWICK (3)</b> 153:8,13,14 <b>chain (1)</b> 258:13 <b>Chair (23)</b> 4:9;24:24;52:22; 54:20;70:1;81:14; 84:5;100:1;126:14; 161:12;167:25; 168:13,25;173:10; 199:18;206:17; 236:20;269:14; 283:24;290:25; 291:18;311:6;312:7 <b>Chairman (2)</b> 103:24,24 <b>CHAIRPERSON (450)</b> 4:4;6:17;7:8,10,14, 18;8:17;9:15,22; 10:5,9;13:8,13,24; 14:3,5,10,15;15:3; 16:19;18:9;19:19; 20:1,6,10,15,19,22; 21:2,8,18,25;22:6,15, 17,21;24:6,9,14,16; 26:1;28:8,12;38:12, 17,19;41:16,24;42:1, 4;43:16,22;44:5; 45:13,19;46:13,23; 47:2,10;48:2,5,20; 49:19;52:15;53:6,11, 15;54:21;61:1,19,22; 62:23;63:15;64:3,6, 21;66:1;68:4;70:3; 72:5,7;73:4,10,14,22; 74:13,16;75:2,8;76:6, 16;77:1,9,12,15,21; 78:6;79:5;80:1,9,15; 81:5,19;82:7,14,17, 24;83:6;84:2,24; 85:11,20;86:8,15,20, 24;87:3,24;91:13,21, 25;94:23;96:14; 98:11,20;99:18; 101:22,25;102:14,18, 25;103:19;104:9,11, 15;107:6;111:8; 114:13,18;115:6,11, 22;116:9,24;117:8, 13;118:1,8,12,19; 119:2,11;120:20,23; 121:20,24;122:6,13, 16;124:16,23;125:14,</p>	<p>25;126:4;127:11,17, 19;128:1,3,25;129:5, 10,14,18,20;130:6,9, 15,17,20;131:2,7,11, 15,21,24;132:1,4,7, 19;133:5,10,25; 134:19;135:1,18,24; 136:4,25;137:3,14, 17,20;138:2,4,6,9,16, 23;139:13;140:14, 23;141:5,10,17,21, 24;142:2,4,9;143:20; 144:14,17,19;145:16, 23;146:1,23;147:1; 148:9,11,14,16; 149:1,4,10,24;150:1, 4,8,21,24;151:4,7,11, 23;152:1,23,25; 153:5,10,21,24; 154:3,6,10,12,24; 155:2,4,8,12,22,25; 156:24;157:3,7,11, 21,24;158:2,4,8,12, 21,25;159:7,10,12, 15,19;160:4,7,25; 161:13;162:3,6,8,11, 16,21,25;163:7; 164:19;165:1,4,8,19; 166:23;167:5,10; 168:3,9;169:4; 173:12;178:12,16; 179:11,24;181:14; 182:10;183:16,24; 184:11;185:7,14; 186:23;191:18; 192:25;193:3,7,19; 194:7,11,19;195:14; 196:11,19;197:4; 198:3,10,14;199:9, 21;200:22;201:23; 202:17;204:1,8,17; 205:2;206:13,20; 207:4,7;214:15; 219:7,11,17;221:18; 222:7;230:18;232:6, 17;233:16,20;234:1, 10,13;236:12; 239:18;240:25; 241:2,6,24;243:19; 247:5,9;248:11; 249:16,24;250:3,5; 251:11;253:19; 260:11;262:24; 263:3,7;269:12; 282:4;283:3;287:7, 22;290:5,10,19; 292:3;293:2;294:25; 295:5,9,20,24;296:4, 8,14,17,20;297:14, 19,25;298:3,19,24; 299:3,19;300:14,20; 301:5;303:17; 304:22;305:4,11,14;</p>
---	--	--	--	---

<p>306:11;307:20; 308:12,17,21;309:10; 310:6,22;311:10,14, 19,22;320:11,15,24; 322:10;323:13; 326:7,9;330:6; 332:10,12,18;334:1, 4;335:10,17,20; 336:16,19,22;337:24; 338:2,5,8 <b>CHAIR'S (1)</b> 336:21 <b>Chairwoman (1)</b> 278:11 <b>challenge (3)</b> 48:25;49:5;225:24 <b>challenged (1)</b> 317:24 <b>challenges (9)</b> 225:23;226:7,15, 16;229:17;230:3,6; 269:21,22 <b>challenging (2)</b> 197:9;207:22 <b>CHAMBERS (68)</b> 20:8,11;75:7,9,17, 18;83:15,16;87:11, 12;92:1,2;94:13; 97:20;98:12,13; 115:23,24;118:21; 128:10,11;132:19,20; 136:12,13;145:2,3; 146:9,10;159:9,12; 162:5,9;198:22,23; 199:17,18;200:4,5, 23;202:4;249:23,25; 250:3,4,11,12; 251:10,19;252:18; 272:7;290:19,20; 291:23;292:17; 297:2,3;300:2,3,22, 23;302:19;309:17, 18;336:4,5;338:4,5 <b>Chambers' (1)</b> 253:22 <b>chance (6)</b> 67:23;81:24; 167:16;224:17; 233:24;334:18 <b>change (8)</b> 89:12;92:24;99:1; 169:20;197:21; 198:1;200:13;334:19 <b>changed (1)</b> 16:17 <b>changes (4)</b> 92:21;265:13; 323:5;334:22 <b>changing (1)</b> 240:12 <b>Channel (1)</b> 332:14 <b>Chapel (43)</b></p>	<p>21:12,13;22:1,13; 23:7,10,20,20;24:1,2, 10,12;25:1,19;26:7, 10,11,17,19;27:8; 28:10,18,22;32:11; 34:21,24;35:11,16, 21;36:5,10,11,14; 38:6;44:10,17;45:1; 62:2;63:17,24;68:23; 70:21;76:19 <b>character (1)</b> 171:23 <b>charge (3)</b> 239:12;263:17; 264:6 <b>Charisse (1)</b> 153:1 <b>Charles (1)</b> 258:9 <b>chart (1)</b> 174:13 <b>charter (77)</b> 6:8;11:8;19:15; 166:14;169:22; 172:11;179:8;180:7, 16,18,23;181:6; 190:21,23;192:1; 194:24;195:4; 198:11,16;200:12; 202:3;205:12,22; 206:3,7;207:10; 209:18;216:19,22; 218:19,21;219:23; 220:1,22;221:21; 227:25;235:14,19,20; 237:12;240:1;251:9, 10;259:16;260:1,8; 268:18;272:11; 280:8,15;283:5; 285:11,12;286:15,20, 23;287:8;291:2,9,19; 292:18;295:4; 296:11;297:22; 301:3,8;302:3,9; 303:7;304:13,19; 307:3;308:1;319:7, 23;330:10;331:14 <b>charters (17)</b> 163:3;166:1; 192:18;197:24; 201:13,25;205:1; 264:12;267:4; 269:25;270:1;291:5, 6;302:10,14,22;303:6 <b>Charter's (1)</b> 198:8 <b>chase (1)</b> 227:2 <b>check (8)</b> 210:25;211:19; 248:14;289:11,13,15, 17,19 <b>checking (1)</b></p>	<p>79:21 <b>cheer (2)</b> 175:10;182:25 <b>cheerleader (3)</b> 182:23;183:3,13 <b>chemistry (5)</b> 186:18;313:19,23; 314:4;317:18 <b>cherry-picking (1)</b> 274:25 <b>Chief (3)</b> 127:12;163:14; 168:19 <b>child (33)</b> 10:11,12;13:1,23; 16:8,12;19:4,7,8,24; 39:7;40:4;41:12,13; 45:5;141:16;184:25; 224:2;226:14; 227:15;234:22; 244:1,13;265:9; 266:18;267:5,9; 268:18,19;322:24; 328:6,7;329:3 <b>children (45)</b> 16:4;21:12;23:3; 25:19;27:2,24;28:20; 34:21;35:6,22;36:9, 23;37:3;71:22; 171:13;182:15,16; 183:10,12;184:19,20, 24;196:1,2,3;212:20; 214:19;217:4; 229:13,25;233:5; 235:22,24;245:22; 246:3;255:5;263:9; 264:15;267:5,7; 268:9,10;270:22; 276:4;329:24 <b>children's (1)</b> 34:25 <b>child's (1)</b> 12:13 <b>CHOICE (76)</b> 7:16,20;8:3;13:1; 15:23,24,25;16:14, 18;17:5;18:1,2; 19:23;20:20,24; 21:13;22:9,12;24:25; 25:21;29:7,15,23; 30:2,11,13,16,17; 31:6;33:4,10,12; 37:19;39:3;40:14,18; 42:14;43:2,50;12,23; 51:14,21;52:3;58:8; 65:21;67:2,5,10; 68:14,16;69:10; 70:12,18;72:22; 92:25;101:15,17; 140:19;142:13; 143:9,11,25;144:1; 180:18,19;181:2,3, 11,25;217:6;228:6;</p>	<p>238:21,22;317:8; 340:24;341:24 <b>choices (1)</b> 237:19 <b>choicing (1)</b> 95:4 <b>choir (1)</b> 249:3 <b>choose (11)</b> 13:1;16:14,15; 141:15;143:11; 144:12;237:21; 238:20;239:14; 298:14;313:22 <b>chooses (2)</b> 22:13;333:4 <b>choosing (1)</b> 174:6 <b>CHORUS (14)</b> 20:5;128:2;148:13; 150:3;151:6;153:4; 154:5;155:7;157:6; 158:7;159:14; 162:10;165:7;338:7 <b>CHORUSES (1)</b> 127:25 <b>chose (6)</b> 67:23;68:15;183:6, 7;184:22;333:22 <b>chosen (4)</b> 10:24;15:11,22; 143:9 <b>Christ (1)</b> 104:23 <b>Christian (2)</b> 104:19;168:18 <b>church (9)</b> 104:23,24,25; 105:1,7;108:7;118:7, 13,14 <b>churches (1)</b> 275:12 <b>circles (1)</b> 176:14 <b>Circuit (2)</b> 31:12;74:3 <b>circumstance (1)</b> 274:4 <b>circumstances (4)</b> 73:12;87:25; 158:18;267:14 <b>circumventing (1)</b> 34:16 <b>Cisneros (2)</b> 209:6;256:18 <b>cities (2)</b> 28:24;280:4 <b>citizens (1)</b> 6:14 <b>citizenship (1)</b> 169:13 <b>city (8)</b> 28:15;49:22,22;</p>	<p>50:14;51:19,19;53:3; 282:9 <b>Civil (2)</b> 243:15;258:10 <b>claims (1)</b> 32:24 <b>clarification (11)</b> 47:13;61:17;84:16; 85:15;116:25; 119:17;125:22; 138:24;232:17; 260:15;308:13 <b>clarified (2)</b> 130:10;262:7 <b>clarify (16)</b> 37:25;52:16;88:7; 99:19;119:3;120:11; 121:20;135:2; 142:24;145:23; 166:2;232:12;234:1; 239:22;297:18;305:4 <b>clarifying (5)</b> 61:9;125:18,19; 135:7;239:25 <b>clarity (8)</b> 82:18;118:20; 119:12;129:1; 131:22;135:6; 165:21;232:20 <b>clarity's (1)</b> 167:21 <b>class (13)</b> 39:8,15,17,18,21; 57:23;58:18;63:25; 188:1;211:9;315:12; 321:23,24 <b>classes (11)</b> 26:13;40:3,5; 148:1;264:21; 315:19,23;317:1,17; 325:19,24 <b>classification (1)</b> 63:23 <b>classified (1)</b> 209:16 <b>classmates (2)</b> 243:4;314:19 <b>classroom (15)</b> 39:10,23;105:24; 106:23,25;111:14; 116:11;147:20,21,24; 175:19;248:23; 255:20;315:2;316:10 <b>classrooms (2)</b> 175:16;315:6 <b>Clay (1)</b> 88:11 <b>clear (23)</b> 17:3;36:17;48:9; 50:11;52:4;104:21; 105:8,11;106:20; 107:4,22,23;109:20; 118:3;120:5;123:13;</p>
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132:12;202:5;234:2; 251:7;254:18; 290:12;304:17 <b>clearly (3)</b> 216:23;240:5; 256:15 <b>Cleveland (14)</b> 208:19;224:14,15, 15,24;230:15,19,25; 231:19;232:16; 233:23;234:4; 247:24;280:16 <b>click (2)</b> 106:1;212:12 <b>client (3)</b> 110:19;122:18; 123:7 <b>client's (1)</b> 104:2 <b>Clifford (1)</b> 214:20 <b>clock (3)</b> 62:7;130:23;265:5 <b>close (5)</b> 32:10;52:17;77:2; 196:17;237:6 <b>closed (2)</b> 30:8;180:9 <b>closely (1)</b> 202:8 <b>closer (2)</b> 237:23;238:4 <b>closest (1)</b> 177:19 <b>closing (9)</b> 27:12;28:6;41:22; 42:3,5;43:19;44:6; 247:10;336:21 <b>closure (1)</b> 320:20 <b>clothing (1)</b> 170:17 <b>club (1)</b> 318:25 <b>clubs (2)</b> 184:8;254:23 <b>club's (2)</b> 11:2,23 <b>CNA (1)</b> 318:15 <b>Code (10)</b> 34:18;103:4,8; 111:11;113:16; 117:6;125:10; 133:17;149:16; 161:24 <b>Coffman (14)</b> 191:21;192:15; 193:3,4,9;203:2,16, 17;204:2,7;308:20, 23;309:5,9 <b>cognizant (1)</b> 269:21	<b>coherent (1)</b> 330:13 <b>cold (1)</b> 277:1 <b>collaborate (1)</b> 195:19 <b>collaborating (2)</b> 292:1;304:8 <b>collaboration (7)</b> 301:1;302:12,16; 303:14;305:9; 308:16;309:6 <b>colleagues (30)</b> 6:20,21;8:17; 14:19,20;18:10; 19:20;53:8;75:10; 81:9;97:6,8;122:11; 124:23;125:15; 139:4,25;140:7,10, 20;141:11;157:25; 187:6;194:20; 234:11;242:4; 249:21;273:18; 274:2;336:25 <b>collect (3)</b> 260:4;305:19,21 <b>collecting (1)</b> 260:5 <b>collection (6)</b> 153:17;154:17; 155:19;157:18; 160:1;260:7 <b>collectively (1)</b> 166:17 <b>college (45)</b> 10:25;11:18,20; 12:6,10;27:10;40:12; 169:11,16;197:1; 207:13,15;209:10,10; 214:9;225:10;226:1, 17,19;227:3,17; 228:10,10;231:23; 235:12,25;246:10; 265:16,18;266:17,19; 280:2;282:6,14,15, 19;283:4;312:4; 313:19;314:4; 315:15;316:18,22; 324:14;333:13 <b>college- (2)</b> 209:4;218:17 <b>college-bound (3)</b> 218:19;235:25; 256:20 <b>colleges (1)</b> 314:18 <b>comfort (1)</b> 185:1 <b>comfortable (8)</b> 43:1,4;132:9,13, 16;134:14;135:15; 303:19 <b>coming (18)</b>	17:12;30:6;37:25; 43:19;45:10;92:18; 173:7;177:6;192:20; 200:25;201:3,9; 202:15;211:19; 232:18;237:17; 291:9;328:10 <b>commence (1)</b> 337:19 <b>commend (4)</b> 68:1;182:15,20; 196:7 <b>comment (37)</b> 15:4,5;68:6;98:22; 100:16;122:14; 132:21;167:1,3,12, 13,16;179:5,6,16,25; 185:8;187:1,3;192:7; 194:22;195:13; 221:11,13;226:24; 230:21;233:8; 234:14,21;239:20; 242:2;245:17; 252:19;269:15; 320:18;321:2;330:8 <b>commentary (1)</b> 108:22 <b>commented (2)</b> 27:15;272:2 <b>comments (42)</b> 13:15;14:1,13,19; 19:20;20:3;22:24; 44:6;53:8;61:23; 64:4;77:17,19;99:18; 108:21,23;114:21; 115:8;144:20; 164:20;167:9,14; 179:17;181:20; 194:21;195:15; 198:4;206:15; 222:13;223:14; 226:24;229:23; 234:11;236:16; 249:21;250:10,15,15, 22;272:6;273:11; 336:21 <b>Commissioner (183)</b> 4:11;24:24;47:3,4, 8;55:4,20;73:14,15, 21;75:11,13,15,17, 19,21,23,25;76:2,4; 77:16;78:6,8,15,23; 79:16,17;83:9,11,13, 15,17,19,21,23,25; 84:15,16,21,23;87:5, 7,9,11,13,15,17,19, 21,23;94:25;97:12, 16;103:24;104:18; 118:17;126:14,23; 127:1,12;128:4,6,8, 10,12,14,16,18,20,22; 129:23,25;131:9,14, 18;133:7;136:5,7,10,	12,14,16,18,20,22,24; 141:1,8;142:6,8; 144:20,22,25;145:2, 4,6,8,10,12,14;146:3, 5,7,9,11,13,15,17,19, 21;161:12,13,14,18; 162:1;163:22; 168:13;191:21; 192:13;193:1; 198:15,18,20,22,24; 199:1,3,5,7;201:10; 202:2,10;207:7; 225:15;251:8; 291:13,17;296:22,23, 25;297:2,4,6,8,10,12; 299:1,21,23,25; 300:2,4,6,8,10,12; 302:7;305:22; 309:12,13,15,17,19, 21,23,25;310:2,4, 312:8;314:8;334:2,3, 4,6;335:23,25;336:2, 4,6,8,10,12,14 <b>Commissioner's (3)</b> 55:9,10,18 <b>commissions (3)</b> 48:15;90:20,21 <b>commit (1)</b> 92:20 <b>commitment (3)</b> 17:7;283:23;284:3 <b>committed (1)</b> 5:20 <b>Committee (4)</b> 125:20;200:7; 202:7;236:21 <b>common (6)</b> 74:19,23;186:16, 17;269:24;314:15 <b>communicate (4)</b> 88:4;100:5;138:22; 211:22 <b>communicated (1)</b> 100:4 <b>communication (5)</b> 112:19,20,21; 147:23;148:19 <b>Communications (1)</b> 209:22 <b>communities (7)</b> 169:10,19;197:2; 199:15;252:10; 272:5;274:5 <b>community (29)</b> 4:25;5:5,8;170:1; 172:1;211:24; 213:17,19,20,25; 215:2,19;237:9; 238:7;248:25;252:9; 269:15;272:1,21; 273:19,20,21;280:12; 282:21;283:6,16; 284:2;316:18;320:5	<b>community-to-community (1)</b> 304:3 <b>compare (4)</b> 12:19;224:6,7; 244:5 <b>compared (4)</b> 12:6;170:4;243:3; 280:3 <b>comparing (1)</b> 243:15 <b>comparison (4)</b> 164:14;175:24; 224:4;242:22 <b>compassionate (1)</b> 36:24 <b>compel (4)</b> 291:13,19,23; 293:23 <b>compelled (1)</b> 283:1 <b>competed (1)</b> 63:24 <b>competition (4)</b> 181:12;228:3; 270:3;294:16 <b>competitions (1)</b> 182:24 <b>competitive (1)</b> 169:10 <b>complained (1)</b> 216:13 <b>complaint (2)</b> 216:14;257:11 <b>complaints (2)</b> 216:15;257:2 <b>complete (13)</b> 59:17,25;60:2; 93:2,5,18;116:7; 147:21,25;192:10; 259:14,23;314:1 <b>completed (1)</b> 316:13 <b>completely (4)</b> 12:25;215:21; 292:17;328:2 <b>completing (1)</b> 60:9 <b>complexities (1)</b> 313:20 <b>compliance (2)</b> 95:20;259:14 <b>compliant (1)</b> 179:1 <b>complicated (2)</b> 64:24;284:20 <b>complied (3)</b> 13:3;25:4;54:9 <b>compliment (2)</b> 216:20,22 <b>complimented (1)</b> 86:6 <b>comply (3)</b> 12:24;29:6;60:23
--	--	--	--	---

<b>components (1)</b> 205:17	114:2	85:5	<b>contacting (1)</b> 96:8	259:20;271:5; 273:14;292:14; 312:18;320:8;337:10
<b>comprehensive (4)</b> 5:20;190:18; 207:11;208:25	<b>condoned (1)</b> 113:24	<b>consider (16)</b> 27:22;82:11;85:21; 86:13,18;88:7;94:4, 15;113:1;133:22; 188:3;201:15;238:6, 18;285:15;295:14	<b>contained (2)</b> 17:9;125:4	<b>conversion (5)</b> 6:8;310:20;311:3; 319:22;330:10
<b>compromising (1)</b> 200:18	<b>conduct (6)</b> 68:16;104:20; 108:14;117:5;172:9; 260:6	<b>CONSIDERATION (33)</b> 4:2,5;7:16,19; 20:20,23;34:2; 119:18;149:2,6; 150:6,9;151:9,12; 153:7,11;154:8,11; 155:10,13;157:9,12; 159:17,20;160:18; 162:14,22;163:12; 183:11;201:2; 273:24;280:11; 284:19	<b>content (5)</b> 313:16;315:5; 323:24;324:2,16	<b>convince (1)</b> 328:6
<b>computerized (1)</b> 216:18	<b>conducted (2)</b> 104:24;173:25	<b>cones (1)</b> 238:2	<b>context (4)</b> 45:24;81:19;258:3, 4	<b>convinced (5)</b> 37:17;75:5;121:2, 10;317:8
<b>computers (2)</b> 210:8;223:18	<b>conferences (1)</b> 171:15	<b>conferencess (1)</b> 171:15	<b>continuation (1)</b> 132:24	<b>Conway (1)</b> 15:20
<b>concentrated (1)</b> 277:23	<b>confidence (5)</b> 152:19,20;250:25; 272:20;273:23	<b>confident (1)</b> 272:22	<b>continue (19)</b> 14:21;16:13;34:24; 45:2;57:17;76:11; 92:7;97:10;100:14; 123:15;130:7,8,14; 182:3;202:18;276:9; 278:7;283:18;317:1	<b>cooperation (1)</b> 217:8
<b>concentration (1)</b> 268:17	<b>confidential (1)</b> 120:4	<b>confidentiality (2)</b> 258:16,23	<b>continues (1)</b> 272:2	<b>coordinate (1)</b> 195:20
<b>concentrations (1)</b> 176:16	<b>conflict (21)</b> 15:10;16:2;25:5, 13;32:15,16,21,24; 33:6,8;34:2;36:21; 37:22;42:12,19,23; 43:2;64:12;67:3,21; 72:21	<b>confirm (3)</b> 30:19;219:1; 258:16	<b>continuing (5)</b> 30:19;42:10;73:11; 97:12;103:13	<b>coordinator (2)</b> 252:8;278:20
<b>concern (20)</b> 16:16;80:14;134:9; 192:2,17;193:21; 225:1;232:14;251:6; 256:8;271:7;275:1; 293:4;298:15;327:6; 328:17,23,24;329:9, 13	<b>conflicting (1)</b> 66:8	<b>considering (5)</b> 81:23;221:24; 238:25;262:9;283:9	<b>contradiction (1)</b> 96:25	<b>coordinators (1)</b> 284:3
<b>concerned (2)</b> 170:18;256:6	<b>conformity (1)</b> 259:5	<b>considers (1)</b> 88:16	<b>contraries (1)</b> 50:19	<b>copy (1)</b> 217:25
<b>concerning (2)</b> 194:23;270:12	<b>confounding (1)</b> 223:19	<b>consistencies (1)</b> 135:12	<b>contrary (2)</b> 25:21;191:14	<b>core (7)</b> 51:9;169:12; 325:18,19,24;326:14; 331:11
<b>concerns (11)</b> 18:4;96:23;97:4, 15;188:25;195:1; 197:20;223:9; 278:11;315:24; 324:11	<b>confused (1)</b> 187:10	<b>consistency (2)</b> 98:6;99:21	<b>contrasted (1)</b> 78:3	<b>cornerstone (1)</b> 171:4
<b>concerts (1)</b> 249:3	<b>Congratulations (6)</b> 151:8;164:22; 199:10;200:1;310:7; 336:17	<b>consistent (4)</b> 14:22;48:11; 250:15;289:10	<b>contrasting (1)</b> 78:2	<b>corrections (1)</b> 190:3
<b>conclude (3)</b> 114:12;116:5; 229:23	<b>connection (1)</b> 216:3	<b>constant (1)</b> 11:12	<b>contribution (1)</b> 16:9	<b>correctly (8)</b> 25:1;28:2;79:18; 127:13;131:3; 134:21;185:11;288:6
<b>concluded (2)</b> 172:18;250:6	<b>conscience (1)</b> 304:5	<b>constituent (1)</b> 164:10	<b>control (8)</b> 6:15;56:14,24,25; 58:5;259:24;267:20, 20	<b>correlate (1)</b> 177:9
<b>concludes (2)</b> 25:25;45:16	<b>conscientious (1)</b> 202:20	<b>constituents (1)</b> 209:8	<b>controls (1)</b> 32:15	<b>correspondence (2)</b> 216:11;322:16
<b>conclusion (3)</b> 178:6;255:4; 261:17	<b>conscious (5)</b> 18:5;104:20; 106:19;107:4;191:5	<b>constitutional (1)</b> 31:18	<b>convene (1)</b> 138:11	<b>cost (4)</b> 148:3;175:7;176:5; 180:25
<b>concrete (1)</b> 192:21	<b>consecutive (4)</b> 207:17,21,24; 208:2	<b>constitutionality (2)</b> 31:15;90:23	<b>convened (1)</b> 199:23	<b>Costa (1)</b> 11:3
<b>concurrent (11)</b> 313:23;315:22,23; 318:5;324:11,19; 325:11,14,22;326:25; 327:15	<b>consensus (2)</b> 122:10;269:24	<b>constraints (1)</b> 175:2	<b>convening (1)</b> 137:22	<b>costs (3)</b> 148:2;234:7; 288:19
<b>condition (1)</b> 335:13	<b>consent (2)</b> 48:16;147:18	<b>consulting (1)</b> 268:15	<b>conviction (1)</b> 199:23	<b>Council (2)</b> 163:14;164:2
<b>conditional (1)</b> 335:13	<b>consequence (1)</b> 31:4	<b>contact (29)</b> 108:16,20;111:17; 112:2,4,16;117:2,15, 17;119:14,15,17,24; 120:4,7,9,11,18; 122:18,20,21,22; 123:8,12;124:19; 125:6,7,11;210:20	<b>convincing (1)</b> 137:22	<b>Counsel (3)</b> 48:6;92:16;127:13
<b>conditioned (1)</b> 135:25	<b>consequences (1)</b>	<b>contact/no (1)</b> 120:4	<b>conversation (23)</b> 61:3;74:15;76:9; 80:23;83:1;97:17; 126:12;137:7;200:7; 208:20;224:20; 232:15;244:1; 270:12,17;271:7,8; 273:2;284:12;294:6; 325:7;334:15,17	<b>counseling (1)</b> 325:6
<b>condolences (1)</b> 148:22		<b>contacted (4)</b> 84:14;88:3;105:3; 213:12	<b>conversations (13)</b> 92:6;96:17;193:24; 201:6;203:1;234:2;	<b>count (1)</b> 316:22
<b>condone (1)</b>				<b>countdown (1)</b> 113:11

<p><b>County (11)</b> 15:13,17;19:1,4; 28:16,23;57:10; 143:2,5,10;196:23</p> <p><b>couple (13)</b> 11:21;30:5;40:25; 52:8;68:23;69:18; 205:17;221:19; 236:13,23;239:1; 253:24;295:8</p> <p><b>course (21)</b> 11:24;23:24;26:25; 70:5;92:22,25;95:2; 126:15;143:25; 170:24;194:4; 245:13;246:11; 308:21;313:23,24; 314:2,2;318:3; 323:10;333:5</p> <p><b>courses (12)</b> 38:16;312:25; 315:15;316:19,22; 318:5,14;322:16; 326:12,14;329:25; 331:6</p> <p><b>court (90)</b> 15:16;16:24;17:19; 18:6,14;22:16;25:7; 29:22,24;30:16,20, 20,21,22;31:11,12, 17,21;32:1,3,5,6,15, 20,22,25;34:5,7,38;2, 4;42:10,11,13,22; 46:3,9,18,21;48:17, 24;49:5;51:11,22,23, 23,25,25;52:4,4,20; 56:6;57:7,8,10,14,16, 18;58:3,21;59:18,20; 60:21;61:17;64:24; 65:13;67:5;71:5,10; 72:24;73:1,6;74:9; 83:2;90:24;93:12; 95:3,17;96:9;97:5; 142:20,25;143:12; 144:13,16;148:3; 245:16;250:1;263:1; 310:13;332:10</p> <p><b>Courtney (2)</b> 181:15,18</p> <p><b>courts (9)</b> 15:9;18:7;46:1; 48:18;52:19;56:1; 91:10;144:8,10</p> <p><b>court's (1)</b> 75:5</p> <p><b>courtship (1)</b> 112:13</p> <p><b>cousins (2)</b> 23:22;27:10</p> <p><b>covered (3)</b> 188:8;324:4; 327:21</p> <p><b>covering (1)</b></p>	<p>243:7</p> <p><b>CRAIG (5)</b> 154:9,12,14,17,21</p> <p><b>Craig's (1)</b> 154:19</p> <p><b>crass (1)</b> 16:7</p> <p><b>create (5)</b> 108:19;121:4; 243:1;249:6;270:25</p> <p><b>created (3)</b> 240:16;269:23; 293:9</p> <p><b>creating (2)</b> 85:16;248:24</p> <p><b>creation (1)</b> 242:9</p> <p><b>creative (1)</b> 253:4</p> <p><b>credible (2)</b> 241:9;254:16</p> <p><b>credit (8)</b> 315:22,23;316:23; 318:5;325:11,14,22; 327:16</p> <p><b>credits (3)</b> 10:25,25;326:25</p> <p><b>crime (1)</b> 170:22</p> <p><b>criminal (1)</b> 11:6</p> <p><b>cringe (1)</b> 242:21</p> <p><b>criteria (2)</b> 190:8;301:16</p> <p><b>critical (1)</b> 217:2</p> <p><b>critically (1)</b> 262:18</p> <p><b>criticism (3)</b> 215:12,24;216:1</p> <p><b>criticisms (1)</b> 291:4</p> <p><b>crosswalk (2)</b> 164:12,14</p> <p><b>CTE (4)</b> 231:21,24;321:4,8</p> <p><b>culinary (1)</b> 39:25</p> <p><b>cultural (1)</b> 249:6</p> <p><b>culture (2)</b> 248:24;273:8</p> <p><b>cure (1)</b> 92:15</p> <p><b>curious (4)</b> 190:22;191:3; 251:4;258:5</p> <p><b>current (21)</b> 46:11;95:2;116:7; 134:4;164:15; 173:11;174:23; 176:2,18;177:16;</p>	<p>191:9;197:6,8; 201:19;211:23; 239:3,5,7;272:9; 284:10;319:22</p> <p><b>currently (16)</b> 11:22;37:15; 147:13;160:9,11; 177:24;187:13; 190:12,14,16;211:3; 212:8,8;223:6;224:8; 316:24</p> <p><b>curriculum (10)</b> 173:2;207:13; 218:17,18,20;219:3; 235:25;313:15; 321:24;325:18</p> <p><b>curriculum (1)</b> 319:19</p> <p><b>cut (2)</b> 71:18;277:19</p> <p><b>cycle (5)</b> 201:19;202:12; 221:22;232:11; 233:13</p> <p><b>cycles (1)</b> 202:12</p> <p><b>Czanszkowski (9)</b> 312:5;322:14,14, 22,25;323:4,11; 328:23;329:11</p>	<p><b>dates (5)</b> 61:18,18;113:1,3; 220:5</p> <p><b>dating (2)</b> 107:16;111:23</p> <p><b>daughter (7)</b> 10:17,19;13:6; 14:17;16:22;18:21; 182:23</p> <p><b>daughters (1)</b> 185:3</p> <p><b>daughter's (1)</b> 11:4</p> <p><b>Davis (97)</b> 7:21,21,23,23;8:19, 20;9:7;13:17;14:2,4, 6,11;20:15;21:1,3,4, 9,10;22:1,4,7;24:12, 15;28:10;42:3;43:18, 21,24;45:15,18;46:2, 17,25;47:7,9,17,23, 25;48:4;59:11,15; 60:17;64:13;79:24; 84:6,13;88:12; 137:25;138:3,5,7; 141:19;166:5,9,10, 23;167:4,6,18,19; 205:4,9;206:5,12,14; 221:12;222:2;252:2; 285:2,9,18;286:3,19; 291:18;295:13,18,21, 25;296:7;297:18,20; 298:2;301:9,12,14, 18;303:5;304:6,10; 305:23,25;307:2,12, 18;308:1,10;331:3</p> <p><b>Dawn (2)</b> 248:14,15</p> <p><b>day (44)</b> 9:1;10:23;11:14; 39:19;66:16;84:12; 105:25;107:2; 108:18;110:16; 159:18,22,23,25; 160:3;167:17;170:8, 19,21;186:8;203:22; 207:15;208:14; 211:8;221:3;226:7; 231:6,6,13;237:7; 239:17;244:6; 245:23;247:22,22,22; 251:20;254:25; 264:21;265:12; 315:12;322:15; 333:20;337:20</p> <p><b>days (5)</b> 170:21;195:21,24; 217:21;228:25</p> <p><b>Day's (1)</b> 160:2</p> <p><b>daytime (1)</b> 326:6</p> <p><b>day-to-day (2)</b></p>	<p>56:5;287:19</p> <p><b>dead-level (1)</b> 229:25</p> <p><b>deadline (1)</b> 61:6</p> <p><b>deadlines (1)</b> 213:3</p> <p><b>deal (6)</b> 10:3;203:15;225:6; 231:4;244:13;295:2</p> <p><b>dealing (5)</b> 31:19;47:13; 147:13;257:14; 268:13</p> <p><b>dealt (1)</b> 49:21</p> <p><b>DEAN (57)</b> 7:9,11;20:9,12; 75:19,20;83:17,18; 87:13,14;116:24,25; 117:7,9,11;118:2,3, 13,18,19;128:12,13; 129:17,21;130:10,13, 16;136:14,15;145:4, 5;146:11,12;152:24; 153:2;159:11,13; 165:2,5,6;198:24,25; 297:4,5;300:4,5,19, 21;302:5;304:24; 305:14,15;308:24; 309:19,20;336:6,7</p> <p><b>Deans (2)</b> 164:2</p> <p><b>dearly (1)</b> 242:13</p> <p><b>debate (1)</b> 100:13</p> <p><b>debated (1)</b> 50:23</p> <p><b>DEBORAH (2)</b> 154:9,14</p> <p><b>decades (1)</b> 55:7</p> <p><b>December (2)</b> 59:1;111:23</p> <p><b>decent (3)</b> 110:9;310:25; 337:22</p> <p><b>decide (8)</b> 42:22;57:16;88:5; 90:13;91:6;144:10; 200:13;280:22</p> <p><b>decided (4)</b> 134:23;220:9; 265:17;278:12</p> <p><b>decision (28)</b> 16:4;21:11;48:12, 12,14;50:1;51:18; 65:5;66:2;85:7,24; 86:2;89:2;91:17; 94:11;114:6;141:6; 144:15;166:21; 192:2;198:11;221:2;</p>
		<b>D</b>		
		<p><b>dad (1)</b> 271:12</p> <p><b>daily (3)</b> 16:23;39:8;240:13</p> <p><b>dairy (1)</b> 218:22</p> <p><b>dampen (1)</b> 200:5</p> <p><b>danger (1)</b> 116:20</p> <p><b>dark (1)</b> 213:11</p> <p><b>Darlene (1)</b> 185:19</p> <p><b>data (20)</b> 5:12,16;171:18; 190:2;224:4;241:9; 254:13,14,17,19; 258:17;259:1,4; 261:3;268:21; 289:12;305:20,21; 306:25,25</p> <p><b>database (1)</b> 210:2</p> <p><b>date (6)</b> 112:14;113:12; 115:13;126:22; 211:21;259:21</p> <p><b>dated (2)</b> 4:12;115:18</p>		

286:6;288:12,21; 296:12;301:17;307:5	<b>definition (2)</b> 93:11;123:2	<b>Department (36)</b> 7:24;11:15;25:6; 33:5;47:15;22:48:7; 55:19;58:24;88:14; 89:6;97:22;111:10; 115:3;125:23;126:8; 18,19;149:12,18; 150:14,17;151:15,21; 163:22;164:2; 199:16;204:22; 215:22;218:7,15; 255:16;258:13; 286:9;312:10;313:2	<b>desire (2)</b> 104:23;192:23	<b>different (33)</b> 26:23;30:15;31:20; 74:4,5;109:19;141:9; 169:17;171:25; 175:25;184:25; 185:2;189:18; 197:11;205:21; 206:1;222:4;240:19; 247:12;252:16; 261:19;271:4;274:3; 280:13;281:21; 292:23;303:1; 306:20;317:2; 318:16;325:19; 328:11;331:15
<b>decision-making (2)</b> 200:11;302:4	<b>defy (1)</b> 310:24	<b>Department's (2)</b> 60:6;78:4	<b>desires (1)</b> 266:24	<b>differentially (6)</b> 85:25;86:4;233:8; 250:22;257:4;302:23
<b>decisions (9)</b> 46:23;99:11;127:4; 140:8;201:5,8;202:9; 206:3;282:17	<b>degree (4)</b> 190:22;191:6; 197:20;240:18	<b>depending (3)</b> 84:9;116:3;176:22	<b>desk (1)</b> 210:10	<b>differs (1)</b> 205:19
<b>declaration (4)</b> 25:12;34:2;42:19; 60:25	<b>Delaney (1)</b> 9:11	<b>depends (2)</b> 98:4;123:2	<b>despite (1)</b> 317:4	<b>difficult (8)</b> 35:18;83:4;98:3; 99:1;229:20;231:15; 233:25;338:11
<b>declare (3)</b> 37:22;42:12;56:11	<b>delay (7)</b> 169:1;233:10; 236:7;285:6;286:1; 288:17;289:22	<b>Deputy (2)</b> 224:15;225:1	<b>detail (2)</b> 119:15;306:23	<b>difficulty (1)</b> 229:11
<b>declared (13)</b> 16:6;18:2;25:5,10; 30:2;31:10,10;33:7; 55:1,13;59:22;71:10; 143:10	<b>delay's (1)</b> 288:17	<b>deseg (11)</b> 51:13;52:9;54:9; 64:23;67:9;68:18; 72:22;78:12;89:9; 101:1;218:8	<b>detailed (2)</b> 60:3;262:15	<b>diligence (1)</b> 95:13
<b>declaring (3)</b> 33:8;58:4;59:12	<b>deliberate (1)</b> 200:17	<b>desegrega (1)</b> 46:4	<b>details (5)</b> 109:6;121:1; 172:12;260:1;306:21	<b>diligent (1)</b> 143:5
<b>decline (1)</b> 212:24	<b>delivering (1)</b> 291:21	<b>desegregate (2)</b> 28:21,22	<b>determination (4)</b> 52:5;94:2;101:16; 103:15	<b>diligently (4)</b> 177:14;193:16; 203:3;249:8
<b>decrease (1)</b> 291:4	<b>delivery (2)</b> 5:15,24	<b>desegregation (15)</b> 12:22;13:21;23:19; 27:14;29:25;32:22; 33:22;37:21;42:25; 46:3,20;59:18;65:16; 71:3;218:6	<b>determinations (1)</b> 51:10	<b>dinner (7)</b> 310:9,17,24; 320:23;336:25; 337:3,4
<b>decrees (1)</b> 48:16	<b>Delphine (1)</b> 185:9	<b>desegregative (1)</b> 16:11	<b>determine (2)</b> 90:23;95:11	<b>direct (1)</b> 14:8
<b>dedicated (3)</b> 110:21,22;182:7	<b>Delta (1)</b> 149:21	<b>de-select (1)</b> 228:7	<b>determined (2)</b> 52:2;78:25	<b>directed (7)</b> 47:15;55:10,12; 125:5;216:13; 250:12;291:5
<b>dedication (2)</b> 16:21;338:11	<b>demand (2)</b> 272:21;273:17	<b>deserve (5)</b> 67:5;182:9;194:16; 195:1;235:24	<b>determines (1)</b> 253:22	<b>direction (1)</b> 192:21
<b>deemed (2)</b> 43:5;188:21	<b>demographic (2)</b> 173:19;299:9	<b>design (1)</b> 312:12	<b>determining (1)</b> 51:12	<b>directions (1)</b> 328:14
<b>deep (2)</b> 16:21;148:22	<b>demographics (6)</b> 56:14,18;196:13; 277:12,22;289:10	<b>designate (1)</b> 61:14	<b>detriment (1)</b> 284:16	<b>directly (9)</b> 104:5;112:24; 113:5;217:17;221:8; 223:2;235:21; 252:23;329:14
<b>DEER (2)</b> 158:11,14	<b>demonstrate (3)</b> 272:14;273:17; 306:14	<b>designations (1)</b> 188:4	<b>develop (1)</b> 12:23	<b>director (4)</b>
<b>defeat (1)</b> 245:24	<b>demonstrated (1)</b> 252:4	<b>designed (2)</b> 169:18;170:10	<b>developed (3)</b> 5:23;208:25; 209:22	
<b>defeats (1)</b> 133:12	<b>demonstrates (1)</b> 15:9	<b>desirable (1)</b> 43:6	<b>developing (1)</b> 147:22	
<b>defending (1)</b> 292:2	<b>DENIAL (7)</b> 7:16,19;20:20,24; 33:19;140:18;212:19		<b>development (4)</b> 6:14;171:23;312:3; 315:2	
<b>defense (1)</b> 109:23	<b>denials (2)</b> 33:14,23		<b>DF&amp;A (1)</b> 161:21	
<b>defer (6)</b> 28:10;38:1;224:13; 285:10,16;286:3	<b>denied (11)</b> 8:24;23:18;25:1; 55:2;70:25;73:23; 206:9,10;215:9; 216:23;286:23		<b>dialogue (1)</b> 217:13	
<b>deficiencies (1)</b> 285:14	<b>Dennis (1)</b> 168:19		<b>dictated (1)</b> 86:3	
<b>deficiency (1)</b> 285:16	<b>deny (20)</b> 8:10;16:14;21:12; 25:3;32:13;33:11; 34:3,14;43:14;58:22; 74:2;75:6;78:12; 97:9;99:21;141:13; 151:21;297:21,24; 298:1		<b>died (2)</b> 258:11,20	
<b>define (1)</b> 176:9	<b>defined (2)</b> 176:9;177:15		<b>DIFANI (35)</b> 101:24;102:4,14, 19;103:4,12,15,17, 25;104:1,14,17,17; 106:25;107:6;111:4, 21,22,22,25;112:2,7, 11,14;114:4,7,9,15, 21;116:7,15,19; 117:18;120:14;125:8	
<b>definite (1)</b> 127:8	<b>definitely (10)</b> 55:12;74:10;79:12; 100:10;214:11; 223:3;269:17; 271:24;272:20; 276:25		<b>difani's (4)</b> 103:6;113:10,11; 120:9	

168:18;209:21; 231:3;312:2 <b>disaggregating (1)</b> 5:10 <b>disagree (5)</b> 68:9;69:11,12,17; 230:10 <b>disagrees (1)</b> 74:1 <b>disapprove (1)</b> 285:11 <b>disbelief (1)</b> 243:6 <b>discern (1)</b> 15:5 <b>disciplinary (1)</b> 209:14 <b>discipline (4)</b> 5:13;11:11;56:3; 103:9 <b>disconnecting (1)</b> 256:2 <b>discretion (5)</b> 84:4;98:15;137:5; 23;222:11 <b>discriminatory (1)</b> 51:4 <b>discuss (1)</b> 58:10 <b>discussed (8)</b> 89:6;126:9;192:14; 193:4;230:16;245:4; 318:2,16 <b>discussing (2)</b> 65:9;173:24 <b>discussion (20)</b> 52:10;77:8;94:21; 133:5;137:2;142:8; 10;199:19;258:19; 262:17;295:10; 298:21;299:3,4,20; 300:21;302:11,14,17; 335:22 <b>discussions (2)</b> 58:14;217:10 <b>disgusting (1)</b> 243:1 <b>dishonorable (1)</b> 110:7 <b>dismissive (1)</b> 121:3 <b>display (1)</b> 175:19 <b>DISQUALIFICATION (4)</b> 151:9,13,20; 152:17 <b>disqualifying (5)</b> 149:15,17;150:17; 151:18;152:11 <b>disrespectful (1)</b> 34:11 <b>disservice (1)</b> 10:18	<b>dissuading (1)</b> 256:13 <b>distance (2)</b> 62:9,11 <b>distraction (1)</b> 11:13 <b>distress (16)</b> 127:4;188:3,6,11, 17;189:4,7,17,19,23; 190:8,15;194:25; 209:16;283:9;289:15 <b>Distressed (1)</b> 6:3 <b>DISTRICT (192)</b> 4:2,6;5:4,14;6:7, 12,15,19,23,25;7:4; 8:6,12,12,23,25;9:5, 8;12:12,16,23;13:15; 15:8,11;16:12;17:18, 19;18:25;19:1,4,8; 21:12,14;22:14;23:7, 17;24:11,19;25:17; 28:9,18;29:24;30:21; 31:11;32:9,16,24,24; 33:6,15,19,20,24; 36:7,8;37:18;38:22, 25,25;39:1,7,9,14; 40:4,8,15;41:7,21; 43:2,5,13,25;44:2,11; 46:7,16,17,18;49:10, 18;53:2,18,22;55:1; 56:4,15;58:5;59:22, 24;60:1;63:2,5,13; 64:10,15;68:10; 70:18;71:4,16,17; 72:20;73:1,25;74:1; 76:20,21;77:24;85:5, 6;93:8,13,15,16;95:3, 4,7,12;96:8;138:10; 144:12;156:7;164:8; 170:5;180:21; 191:13;193:23; 202:25;215:11; 217:5,7,9,9;218:24; 220:2;222:8,16,21; 223:7,9,21,25;224:5, 8;225:2,21;228:5,16, 18;229:5,24;231:7, 13;232:21,24;235:9; 236:2;238:8,10; 241:11;252:21; 253:3;262:12,13,14; 267:2,6;268:2,3,6,6, 7,23;269:16;270:10, 11,16;271:6;273:2; 282:21;283:7;284:1; 291:1,10;293:10; 302:6,22;304:19; 310:20;311:3; 319:10;320:3;329:20 <b>districts (48)</b> 15:21;16:5,14; 21:16;29:4;32:11;	33:17;37:21;50:6; 55:5,11,12,13;56:16; 57:4;59:16;61:7; 70:11;78:11;92:15; 94:10,11;96:1; 142:17;143:7,8,13, 14;215:9;219:5; 220:13;227:7; 264:13;268:1,5,16; 269:25;273:15; 294:5;302:12,13; 305:9;308:16;309:6; 319:15,18;320:7; 330:11 <b>district's (7)</b> 33:21;42:17,18; 60:12;94:5;99:7,9 <b>diverse (23)</b> 213:18;215:8; 217:4;219:4;248:21; 261:7;17;267:17; 272:5;275:11,16; 277:15,20;280:5; 288:12;289:17,25; 290:14;291:8;292:6, 22;293:8;298:8 <b>diversified (1)</b> 292:13 <b>diversify (1)</b> 292:9 <b>diversity (39)</b> 31:23;217:1; 222:24;223:11; 225:3,20;229:8,19; 240:2;244:24; 250:18;251:23; 252:1,8,10;262:9; 268:2;269:4,6,7; 274:9,14,18;275:10; 278:1,21;280:3; 281:10,10,12,15; 289:23;298:14; 303:14;304:9;305:7; 308:15,17;309:6 <b>Division (2)</b> 11:19;41:1 <b>Doctor (1)</b> 125:25 <b>doctors (1)</b> 41:10 <b>document (3)</b> 62:13;203:21; 274:17 <b>documents (3)</b> 25:6;32:17;196:22 <b>dollars (1)</b> 254:12 <b>domain (1)</b> 175:1 <b>done (49)</b> 11:8;17:12;26:25; 32:25;36:19;42:14; 48:18;56:10,13;57:6;	93:14,16;96:13; 98:15;105:18; 107:22;110:5,8; 111:5;127:3,3;159:3; 163:8;170:10;182:4, 15;183:9;184:1; 187:3;197:6,12; 201:22;212:25; 218:7,8,12;239:5; 246:5;249:13;251:3; 272:1;276:23; 279:25;285:21; 297:21;319:18; 331:5;334:24;335:5 <b>door (3)</b> 35:22;88:2;265:18 <b>doors (2)</b> 318:11;328:11 <b>door-to- (1)</b> 35:21 <b>Dorado (84)</b> 21:11,14;22:11; 23:17;24:13,15,16, 18;25:4,5,7,16;27:20; 28:9,14,17,21,23; 29:5,17,17,23;30:8; 31:2,5;32:8;33:7; 35:19,20;36:19;37:8, 13,15,17;38:16,22; 39:6,9;40:4,8,10,11, 11,15;41:7,8,10; 44:20;49:9;50:7,7; 51:12;53:17,22; 55:17,18;56:13,15, 19;58:13,17;62:4,6; 63:2;66:14,24;68:10, 11,22;70:10,13,16, 20;71:12;76:19;77:2; 93:20;94:22;100:21; 137:21;138:10,14,15, 20 <b>Dorado's (2)</b> 58:19;71:23 <b>Doroado (1)</b> 24:2 <b>Dotson (5)</b> 236:17,18,20,22; 239:19 <b>double- (1)</b> 248:13 <b>doubt (2)</b> 292:5,7 <b>down (21)</b> 29:1;30:1,6;51:8; 56:6;59:4;66:24; 71:1;72:4;73:13; 105:12;237:7,8; 277:6;284:18;319:5; 320:14;325:4; 329:18;332:1;337:8 <b>Dr (349)</b> 5:18;7:1;16:19,20; 20:7,11;31:9;37:11,	16;47:11;48:5,20,22; 49:3,11,15,17;57:1; 61:23,24;62:4,13,19, 21,24,25;63:11,15, 16,19,23;64:21,22; 65:7,9,20,24;68:1; 71:25;74:13,14,18, 19;75:1,3,4,8,13,14, 21,22;79:5,7,21,23; 80:4,7,9,10;82:18,21, 25;83:3,7,11,12,19, 20;84:24,25;85:19, 22;86:14,17,23;87:2, 4,7,8,15,16;100:15, 20,25;101:5,11,21; 114:22,23;115:3,5, 10,11,12,20;116:9, 10;117:12,13,14,22, 25;120:24;121:21; 122:1,4,7,9;125:19, 20;127:15,20;128:6, 7,14,15;130:21; 131:6,8,22,25;132:9, 12;135:11,23;136:8, 9,16,17;140:22; 142:11;143:19,20,21; 144:14,15,18,23,24; 145:6,7,22,25;146:5, 6,13,14;149:25; 150:2;151:2,4;154:1, 3;156:2,8,14,19,21, 23;157:1,2,3,4;160:6, 8,12,15,21;162:2,7,9, 19,24;163:5,18,20, 22;164:19,24;165:4; 172:10,17;187:6,8, 15;188:2,8,14,16,20, 23;189:14;190:19; 191:17;196:11,12,18, 197:3,4,5;198:18,19; 199:1,2;203:6,8,25; 204:1,2;205:25; 206:11,17;208:19; 216:5,9;217:9,25; 220:3,3,4;222:19,25; 223:22;224:13,15,18, 22,24;226:21; 228:21;229:6,6; 230:5,9,10,15,19,25; 231:19;232:16; 233:23;234:4; 239:22;247:24; 249:22;250:5; 253:19,21;255:6,13, 22;257:19;258:4; 259:16;261:1,2; 262:17;269:13; 272:7;274:7,9,12,18; 275:20,25;276:3,18, 25;277:16,19;278:6, 11;280:16;281:3,8, 12,14,23;282:1; 284:25;285:1,17,25;
--	---	---	--	---

<p>286:16;287:5,24; 288:1,14,20;290:8, 11;292:3,4;296:11, 16,20,23,24;297:6,7; 299:2,5,11,23,24; 300:6,7;301:5,6,11, 13,15,22,25;303:17, 18;305:16,18,24; 306:8,13,24;307:11; 308:7,11;309:13,14, 21,22;311:8,10; 323:14,15,20,22; 324:4,7,9;329:22; 330:8;331:11; 332:20;335:8,12,21, 25;336:1,8,9</p> <p><b>draft (1)</b> 58:15</p> <p><b>drafting (1)</b> 160:13</p> <p><b>drawing (3)</b> 210:24;211:18; 212:2</p> <p><b>drawn (3)</b> 72:24;211:25; 212:10</p> <p><b>draws (1)</b> 253:6</p> <p><b>Dreams (1)</b> 271:13</p> <p><b>dress (1)</b> 244:6</p> <p><b>drew (1)</b> 212:6</p> <p><b>drive (4)</b> 76:18,19;183:5; 322:7</p> <p><b>driving (2)</b> 237:6;281:21</p> <p><b>dropout (1)</b> 314:13</p> <p><b>dual (6)</b> 28:16,23;29:20; 30:7;315:15;318:4</p> <p><b>ducks (1)</b> 80:21</p> <p><b>due (10)</b> 22:10;80:2;82:5; 158:17;173:8; 200:15;262:16; 289:2,4;313:20</p> <p><b>due- (1)</b> 95:12</p> <p><b>DULANEY (37)</b> 7:17,20;8:21,21; 9:21,25,25;10:6,8,10, 19;13:8,12;14:1,11, 14;18:10,18,19,23; 19:2,6,10,12,14,17; 20:14,15,18;82:25; 137:8;138:5;140:13, 19,21;340:24;341:24</p> <p><b>duplicate (1)</b></p>	<p>239:7</p> <p><b>during (17)</b> 18:5;55:3;79:22; 84:20,21;117:14; 118:4,5;121:1;193:4; 203:21;205:18; 210:23;242:20; 249:10;287:10;326:5</p> <p><b>dying (1)</b> 334:3</p> <p><b>dynamics (1)</b> 276:20</p> <p><b>dyslexia (1)</b> 263:8</p> <p style="text-align: center;"><b>E</b></p> <p><b>EARL (3)</b> 158:11,14,15</p> <p><b>earlier (12)</b> 8:25;42:8,20; 70:10;72:3;119:5; 177:16;193:2; 220:22;265:3; 273:11;290:25</p> <p><b>early (16)</b> 55:8;80:12;215:18, 19;241:21;242:15; 250:16;317:22; 325:19,24;326:12,14, 16,17;327:1,4</p> <p><b>earned (2)</b> 182:9;207:23</p> <p><b>easier (1)</b> 205:25</p> <p><b>easily (2)</b> 67:18;209:24</p> <p><b>east (3)</b> 176:10;243:22; 271:18</p> <p><b>easy (4)</b> 56:5;139:19; 176:17;304:2</p> <p><b>eat (1)</b> 228:15</p> <p><b>eating (1)</b> 277:5</p> <p><b>echo (1)</b> 204:8</p> <p><b>economic (3)</b> 281:10;305:17; 308:8</p> <p><b>economics (2)</b> 281:16;305:16</p> <p><b>Ed (9)</b> 214:20;254:3; 255:12,18,24;263:10; 266:25;267:2,10</p> <p><b>edge (1)</b> 197:16</p> <p><b>educate (6)</b> 36:2;41:12;180:25; 224:1,7;265:12</p>	<p><b>educated (3)</b> 207:14;275:15,16</p> <p><b>educating (3)</b> 204:11;223:22; 265:5</p> <p><b>Education (48)</b> 4:11;12:2,13;13:2; 25:6,14;33:5;34:8, 17;37:14;39:4,5; 40:15,16;41:6;44:17, 19;45:1;47:15,16,22; 48:7;66:25;88:14,15, 22;89:6;94:8;96:5,6; 153:16;154:16; 158:10,14;170:13; 181:8;195:3;207:8; 208:17;215:22; 239:13;255:10; 294:15;312:7,17; 317:13;319:15; 325:20</p> <p><b>educational (18)</b> 35:2;36:15,17; 162:15;163:14,16,18; 164:3,5,18;169:18; 172:8;203:14;225:9; 226:4;279:20; 312:13,14</p> <p><b>educationally (1)</b> 320:2</p> <p><b>Educator (6)</b> 102:10;105:21; 106:17;111:12,16; 125:2</p> <p><b>Educators (6)</b> 103:5;114:5; 133:17;224:20,25; 268:22</p> <p><b>effect (6)</b> 16:11;37:5;43:11; 115:17;116:3;307:5</p> <p><b>effective (1)</b> 315:16</p> <p><b>effectively (2)</b> 127:6;180:25</p> <p><b>effects (1)</b> 46:4</p> <p><b>efficiency (1)</b> 139:14</p> <p><b>efficient (2)</b> 94:8;162:13</p> <p><b>efficiently (1)</b> 147:5</p> <p><b>effort (5)</b> 49:25;50:17;204:7; 240:1;267:22</p> <p><b>efforts (12)</b> 6:10;10:17;270:24; 303:12,13,15;304:8; 305:7,8;306:9; 308:14;337:18</p> <p><b>eight (1)</b> 264:22</p>	<p><b>either (16)</b> 8:14;28:18;36:12; 37:19;61:18;66:11; 70:17;95:22;129:8; 152:10;193:7; 212:18;259:19; 282:13;303:10,12</p> <p><b>El (87)</b> 21:11,14;22:11; 23:17;24:2,13,15,16, 18;25:4,5,7,16;27:20; 28:9,14,17,21,23; 29:5,16,17,23;30:8; 31:2,5;32:8;33:7; 35:18,19;36:19;37:8, 13,15,17;38:16,22; 39:6,8;40:4,8,10,11, 11,15;41:7,8,10; 44:20;49:9;50:7,7; 51:12;53:17,22; 55:16,18;56:13,15, 18;58:13,17,18;62:4, 6;63:2;66:13,24; 68:10,11,22;70:10, 12,16,20;71:12,23; 76:18;77:2;93:20; 94:21;100:21; 137:21;138:10,14,15, 19</p> <p><b>elect (1)</b> 37:22</p> <p><b>electives (2)</b> 39:24;40:2</p> <p><b>Elementary (11)</b> 180:12;188:4,11, 18,23;189:12,23; 190:7,14;194:24; 238:13</p> <p><b>elements (1)</b> 324:16</p> <p><b>elevating (1)</b> 275:20</p> <p><b>eleventh (3)</b> 218:11,14;220:19</p> <p><b>Eligibility (1)</b> 170:2</p> <p><b>eliminate (1)</b> 298:15</p> <p><b>eliminated (1)</b> 30:11</p> <p><b>elite (2)</b> 215:5,25</p> <p><b>ELL (1)</b> 225:25</p> <p><b>else (23)</b> 13:16,17;14:12; 37:7,9;43:14;61:22; 67:6;74:17;107:4; 109:4;152:5;178:14; 192:22;203:13; 206:23;216:14; 219:10,12;236:14; 277:9;288:11;311:11</p>	<p><b>email (20)</b> 147:12;212:11,12, 15;221:8;223:16,16, 17;234:23,25;235:3, 4,23;240:6,14; 245:20,21;258:13; 259:10,10</p> <p><b>emailed (1)</b> 147:11</p> <p><b>emails (9)</b> 108:17,19;191:22; 192:5;216:9,11; 251:16;257:23,24</p> <p><b>embarked (1)</b> 312:15</p> <p><b>emits (1)</b> 332:11</p> <p><b>emotional (4)</b> 315:25;316:7; 324:24;329:3</p> <p><b>emotionally (2)</b> 323:6;324:15</p> <p><b>emphasis (2)</b> 147:22;180:20</p> <p><b>employed (1)</b> 71:17</p> <p><b>employee (1)</b> 209:2</p> <p><b>employees (1)</b> 36:7</p> <p><b>employment (4)</b> 149:14,20;150:15; 151:17</p> <p><b>empower (1)</b> 264:7</p> <p><b>encourage (11)</b> 25:23;36:25;38:1; 43:14;178:22;209:1; 236:25;252:13; 291:20;298:9;337:16</p> <p><b>encouraged (4)</b> 50:21;59:19;302:5; 332:16</p> <p><b>encourages (1)</b> 60:8</p> <p><b>encouraging (2)</b> 43:4;291:22</p> <p><b>end (23)</b> 8:13;11:5;18:12; 55:8;59:6;60:25; 84:8;92:12;95:11; 96:10;115:19;132:1; 135:21;202:8,9; 204:23;251:20; 265:3;268:13;293:6; 295:25;304:2;331:25</p> <p><b>end-all-be- (1)</b> 284:21</p> <p><b>end-date (2)</b> 115:14,15</p> <p><b>ended (1)</b> 31:25</p> <p><b>end-game (1)</b></p>
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<p>329:18 <b>ends (2)</b> 32:18;186:1 <b>energy (1)</b> 292:1 <b>enforce (1)</b> 93:7 <b>enforceable (1)</b> 32:22 <b>engage (1)</b> 117:5 <b>engaged (4)</b> 112:9,18;314:12; 319:3 <b>engagement (2)</b> 5:6;250:23 <b>English (5)</b> 173:22;215:17; 225:22;229:13; 246:15 <b>enjoin (1)</b> 73:2 <b>enjoy (5)</b> 11:13;106:17; 211:16;214:12;277:8 <b>enjoyable (1)</b> 242:18 <b>enjoying (1)</b> 5:2 <b>Enough (15)</b> 32:5;33:25,25; 59:13;66:4;123:21; 130:1;132:22;217:1; 221:15;230:1;249:5; 251:21;259:25;260:5 <b>enroll (3)</b> 25:19;209:4; 333:10 <b>enrolled (5)</b> 177:10,12;241:10; 306:21;312:25 <b>enrolling (1)</b> 187:25 <b>enrollment (14)</b> 25:23;37:16;56:19, 21,23;206:8;295:14; 296:2,5;297:16; 306:19,25;315:15; 318:4 <b>enrollments (1)</b> 324:11 <b>enter (2)</b> 58:3;242:15 <b>entered (8)</b> 9:6,14;30:4;70:15; 103:6;112:6;173:17; 271:6 <b>entering (1)</b> 255:5 <b>entertain (11)</b> 19:22;115:8; 125:16;141:11; 159:8;162:4;198:5;</p>	<p>296:9;297:15; 300:15;337:25 <b>entertaining (1)</b> 336:23 <b>enthusiastically (1)</b> 272:11 <b>entice (2)</b> 50:5,9 <b>entire (8)</b> 133:12;192:23; 207:19;211:8;218:9; 242:20;243:5;257:6 <b>entirely (1)</b> 80:8 <b>entities (3)</b> 56:7;164:3;221:25 <b>entitled (1)</b> 133:18 <b>entity (3)</b> 25:15;34:10;65:10 <b>Entry (2)</b> 5:2;210:2 <b>enumerated (1)</b> 149:15 <b>environment (5)</b> 182:5;211:11; 265:20;270:23; 276:14 <b>envision (2)</b> 231:17;243:8 <b>equal (3)</b> 29:2;52:8;268:11 <b>equally (2)</b> 202:23;284:9 <b>equals (1)</b> 119:15 <b>equipped (1)</b> 177:23 <b>equitable (1)</b> 240:24 <b>equivalent (1)</b> 133:20 <b>equivalents (2)</b> 172:14,15 <b>erring (1)</b> 143:17 <b>escalated (1)</b> 281:20 <b>ESEA (1)</b> 172:25 <b>especially (10)</b> 121:5;183:13; 191:7;192:9;254:1; 270:24;283:8; 292:10;303:24; 324:12 <b>essentially (2)</b> 51:18;147:16 <b>establish (1)</b> 225:7 <b>established (2)</b> 12:20;90:21 <b>establishing (2)</b></p>	<p>12:11;34:16 <b>ESTEEM (1)</b> 171:12 <b>et (1)</b> 92:15 <b>ethic (2)</b> 203:5;329:6 <b>ethical (2)</b> 114:1;135:25 <b>Ethics (15)</b> 103:3,5,9;111:12, 24;112:5;113:16; 117:6;120:3,12; 125:10,20;133:17; 135:14;148:7 <b>ethnic (1)</b> 281:17 <b>EUGENE (2)</b> 157:10,14 <b>evaluated (1)</b> 301:17 <b>evaluation (1)</b> 260:6 <b>even (52)</b> 6:7;10:19;11:8; 12:9;13:9;36:23; 37:2;48:11;52:23,24; 64:9;71:11;72:17; 73:23;92:18;97:1; 100:25;107:12; 109:24;113:11; 118:20;176:24; 177:2;200:11; 211:17;223:13; 225:21;226:1; 227:16;229:5,12; 231:20;233:3; 247:16;254:5,25; 256:12;270:13; 271:19;272:18; 273:5;276:19; 282:14;283:4; 286:14;293:5,10,11; 294:3;307:1;328:16; 331:15 <b>evening (5)</b> 182:13;204:3; 226:11;311:2;335:24 <b>event (1)</b> 36:16 <b>events (5)</b> 69:18;92:22,25; 111:21;249:6 <b>eventual (1)</b> 220:24 <b>eventually (1)</b> 93:20 <b>everybody (16)</b> 8:4;139:14;184:24; 246:19;267:15; 268:12;270:22; 275:18;277:9;278:9; 288:6;308:3;310:18;</p>	<p>327:8;336:24;337:21 <b>everyone (21)</b> 9:17;81:5,6;97:7; 110:16;139:9; 165:19;167:15; 183:17,17;187:2; 204:23;211:24; 228:4;247:7;251:24; 310:18;337:9,13,22; 338:12 <b>everyone's (2)</b> 163:9;169:8 <b>everywhere (1)</b> 223:23 <b>evidence (9)</b> 9:6,14;108:2,5; 109:11,15;113:14; 293:21;294:8 <b>evidenced (1)</b> 25:8 <b>EVIDENTIARY (3)</b> 146:24;147:8; 148:5 <b>exact (4)</b> 52:16;101:10; 261:8;263:22 <b>exactly (11)</b> 17:9;40:20;65:23; 70:7;82:21;121:10; 126:3;239:6;282:20; 294:25;329:9 <b>exam (1)</b> 315:8 <b>examining (1)</b> 5:12 <b>example (7)</b> 74:6;90:22;272:17; 294:2;313:16; 318:24;326:2 <b>examples (2)</b> 313:12;316:12 <b>exams (3)</b> 5:11;40:7;263:21 <b>exceed (1)</b> 264:13 <b>exceeded (2)</b> 172:13,20 <b>excellence (1)</b> 270:2 <b>excellent (1)</b> 183:3 <b>except (5)</b> 21:17;55:23;58:4; 159:4;327:24 <b>exception (1)</b> 166:13 <b>excited (8)</b> 100:8;175:18; 236:24;237:17; 279:15;329:22; 330:4,4 <b>excitement (1)</b> 200:5</p>	<p><b>exciting (2)</b> 237:2,18 <b>exclusionary (1)</b> 256:3 <b>excuse (3)</b> 10:1;196:4;291:9 <b>executed (1)</b> 5:2 <b>executive (3)</b> 34:9;168:18; 209:21 <b>exempt (1)</b> 50:9 <b>exempting (1)</b> 43:3 <b>exemption (13)</b> 33:14;40:19,20,22; 41:4,4;54:2,5;55:2, 13;65:22;67:8;144:2 <b>exemptions (1)</b> 17:8 <b>Exhibit (8)</b> 9:4,12;173:16; 339:25;340:25; 341:25;342:25; 343:25 <b>exist (1)</b> 243:13 <b>existed (1)</b> 129:5 <b>existence (6)</b> 17:4,6,13;18:1; 144:4,6 <b>existing (1)</b> 251:18 <b>expand (7)</b> 189:13;217:3; 228:17;229:24; 237:16;238:2;291:12 <b>expanding (1)</b> 239:11 <b>expansion (16)</b> 179:8;200:12; 218:24;222:22; 223:11;233:19; 237:19;272:12; 273:23;296:5,13; 297:16;298:6,10,18, 20 <b>expect (5)</b> 13:25;232:4; 249:10;302:24; 337:20 <b>expectation (1)</b> 265:20 <b>expectations (4)</b> 200:10;202:6; 304:15;310:25 <b>expected (1)</b> 138:21 <b>expecting (3)</b> 14:4,8;213:22 <b>expense (1)</b></p>
--	---	---	---	--

59:5 <b>experience (5)</b> 37:14;211:10; 274:13;314:18; 317:19 <b>experienced (1)</b> 158:18 <b>experiences (1)</b> 319:13 <b>experiencing (1)</b> 302:20 <b>experiential (1)</b> 172:2 <b>experiment (1)</b> 12:12 <b>expertise (1)</b> 264:8 <b>explain (2)</b> 93:4;96:12 <b>explanation (3)</b> 59:9;202:5;298:22 <b>explicitly (4)</b> 18:3;143:23;144:2; 171:6 <b>exploration (2)</b> 318:9;321:22 <b>explore (1)</b> 318:11 <b>explored (1)</b> 318:13 <b>exploring (1)</b> 5:20 <b>explosive (1)</b> 238:6 <b>expose (1)</b> 46:15 <b>exposure (2)</b> 72:13;91:15 <b>expressed (3)</b> 224:25;225:17; 227:23 <b>expressions (1)</b> 269:8 <b>expressly (1)</b> 34:18 <b>extend (4)</b> 124:12;133:11; 148:22,25 <b>extended (1)</b> 130:22 <b>extensions (1)</b> 137:9 <b>extent (3)</b> 41:13;93:13;192:6 <b>extenuating (2)</b> 158:18;267:13 <b>externships (1)</b> 330:2 <b>extra (2)</b> 246:4;303:25 <b>extracurricular (1)</b> 322:20 <b>extraordinary (1)</b>	79:19 <b>extremely (1)</b> 237:22 <b>eye (1)</b> 282:7 <b>eyes (2)</b> 10:10,12	254:5;278:25 <b>fairness (1)</b> 116:14 <b>faith (4)</b> 104:22;112:12; 208:22;218:11 <b>fall (4)</b> 172:6;201:9; 215:13;266:3 <b>falling (1)</b> 281:22 <b>falls (1)</b> 113:1 <b>Fame (1)</b> 208:1 <b>familiar (2)</b> 66:13;263:22 <b>families (31)</b> 16:15;17:23;43:12; 52:18;73:5,6,16,20; 88:3;97:10,11;98:1; 138:10;142:15; 168:21;174:1,6; 176:8,17;208:13; 209:1;211:23; 226:10;245:8; 256:13;272:17; 279:1;283:13; 293:14,15,18 <b>family (56)</b> 8:21;9:11;14:12, 16;16:4;18:10,16; 20:25;21:10,15; 23:22;26:20,23;28:4; 36:6;43:9;44:12,13, 15;45:4;63:19;65:1, 10;76:7,10,14;81:20, 22;82:2,10;84:6,10, 14;87:25;99:22; 106:13;110:9; 114:21;137:6,8,17, 25;140:19;182:21; 183:5,8;185:13,18; 186:22;226:14; 243:14;245:6; 247:15;281:4; 282:16;307:17 <b>family's (1)</b> 106:11 <b>fan (1)</b> 271:13 <b>Fantastic (3)</b> 167:10;213:25; 323:11 <b>far (23)</b> 12:4;62:4;69:4; 94:10;112:22; 133:20;170:18; 171:3;172:6;183:5; 195:12;203:14; 208:21;229:19,20; 253:8;256:7;266:25; 280:5;287:18;	292:11;304:2;331:25 <b>fast (4)</b> 169:7;216:24; 238:11;291:17 <b>faster (1)</b> 172:16 <b>Fast-forward (1)</b> 112:7 <b>father (1)</b> 106:9 <b>fault (1)</b> 168:25 <b>favor (19)</b> 7:11;20:2,4;76:4; 127:20,24;148:12; 150:2;151:5;153:3; 154:4;155:5;157:4; 158:5;159:13;162:9; 165:6;178:14;338:6 <b>favorite (2)</b> 39:14,17 <b>FAYE (2)</b> 154:9,12 <b>Fayetteville (35)</b> 172:9;205:1;206:8; 208:6,9;211:13; 212:7;213:18;223:8; 232:23;237:6; 242:11;260:17; 261:11,19;262:12; 263:18;270:8,9; 271:6;278:15;284:1, 5;290:1,14,15; 292:10;293:7,13; 298:11,12,16;301:10; 302:8;304:1 <b>Fayetteville/Springdale (1)</b> 254:1 <b>fear (1)</b> 303:25 <b>February (1)</b> 172:11 <b>federal (31)</b> 17:19;18:7;30:20; 32:15,20,25;38:2,4; 42:11;45:25;46:3,9; 49:5,23,23;51:10; 58:1,20;60:21;67:22; 73:1;74:1,7;97:5; 142:19;254:12; 255:9;258:10,11,17; 259:5 <b>fee (1)</b> 323:16 <b>feed (2)</b> 247:21,21 <b>feedback (1)</b> 251:14 <b>feeds (1)</b> 254:22 <b>feel (33)</b> 7:2;37:24;41:14; 92:12;93:8;98:9;	106:3;124:5;164:10; 200:18,20;248:25; 250:22;251:4,16,22; 259:18;269:2; 271:14;272:2,20,22; 279:18;283:1,4; 303:19;312:12; 313:11;314:21; 315:16;316:17; 318:19;320:1 <b>feeling (2)</b> 289:20,21 <b>feels (10)</b> 99:4,10;229:5; 254:4,6;255:22,25; 256:1;257:20;302:19 <b>fees (2)</b> 323:17,20 <b>feet (1)</b> 236:9 <b>fellow (1)</b> 114:4 <b>felt (7)</b> 174:8;181:23; 279:8;286:20,25; 316:15,15 <b>female (2)</b> 119:18;196:14 <b>fences (1)</b> 251:1 <b>fenders (1)</b> 281:22 <b>fest (1)</b> 242:21 <b>few (17)</b> 17:1;95:9;96:22; 127:25;144:1; 172:12;193:11; 216:12;236:16; 248:23;269:17; 273:13;274:2; 283:12;289:2; 306:19;329:7 <b>Field (2)</b> 271:13;313:18 <b>fight (1)</b> 147:15 <b>figure (2)</b> 231:1;253:15 <b>file (18)</b> 46:22;58:20;59:23; 60:7;65:22;67:8; 74:12;91:20;93:17; 95:5,6;101:3;216:6, 14,24;218:7;259:6,8 <b>filed (9)</b> 13:4;24:25;29:19; 32:2;51:22;55:17; 58:25;61:18;101:2 <b>filing (3)</b> 57:21,23;58:19 <b>filings (1)</b> 30:25
--	---	---	--	--

<p><b>fill (1)</b> 299:7</p> <p><b>final (32)</b> 14:1,13;30:6; 34:14;42:24;91:11; 100:15,16;103:6; 122:14;135:7;139:1; 140:2,6,9,11;142:9; 166:21;171:22; 185:8;190:19;198:3; 250:7;286:6;300:15; 308:12;310:16; 311:1;334:2;335:24; 337:11,11</p> <p><b>finalizing (1)</b> 242:2</p> <p><b>Finally (2)</b> 25:18;159:19</p> <p><b>financial (2)</b> 99:8;180:9</p> <p><b>find (10)</b> 18:15;132:14,15; 177:14,20;213:22; 253:5;268:6;291:25; 307:24</p> <p><b>finding (3)</b> 103:3;174:6; 268:25</p> <p><b>FINDINGS (2)</b> 146:24;147:8</p> <p><b>finds (1)</b> 123:3</p> <p><b>fine (34)</b> 10:5;103:7;105:18; 124:12;133:22; 134:23;135:4,12,22; 147:19;153:15,19; 154:15,19;155:17,21; 156:10,11,22;157:16, 20;158:10,13,17,20, 20;159:24;160:2,13; 163:6;204:23;241:6; 247:18;290:6</p> <p><b>finer (12)</b> 133:23;135:11; 153:8,12;154:9,12; 155:11,14;157:10,13; 159:18,21</p> <p><b>finish (3)</b> 58:16;310:16; 317:22</p> <p><b>finished (1)</b> 58:15</p> <p><b>Fire (2)</b> 178:19;179:2</p> <p><b>first (56)</b> 5:7,7;13:9;16:20; 25:20;28:14;32:13; 35:1;47:3,11;82:8; 83:4;84:15;86:4,6; 104:18;105:9,16; 106:22,22;108:3; 109:6;110:24;</p>	<p>113:20;114:22; 124:8;140:15;153:2; 162:21;165:6,23,24; 166:3;179:25;184:7, 7;186:7;189:22; 191:20;204:10; 206:22;210:7;215:9; 231:20;236:19; 239:20;243:13; 244:6;253:20;259:8; 295:9;319:16,20; 323:1;327:22;336:24</p> <p><b>first-time (2)</b> 80:12;275:23</p> <p><b>fiscal (2)</b> 187:16;209:16</p> <p><b>fiscally (1)</b> 320:3</p> <p><b>Fisher (1)</b> 264:3</p> <p><b>fit (3)</b> 105:12;164:15; 197:14</p> <p><b>fits (1)</b> 312:13</p> <p><b>five (14)</b> 15:12;40:12;44:13; 76:4;87:23;128:23; 145:14;195:21,23; 207:17;293:24; 319:24,25;320:1</p> <p><b>flex (2)</b> 314:23;325:16</p> <p><b>flex-based (1)</b> 319:17</p> <p><b>flexibility (2)</b> 332:3;335:7</p> <p><b>flexible (1)</b> 312:20</p> <p><b>fliers (3)</b> 213:20;215:17; 271:24</p> <p><b>Flight (1)</b> 316:5</p> <p><b>flood (1)</b> 37:1</p> <p><b>Flooding (1)</b> 332:12</p> <p><b>flourish (1)</b> 11:10</p> <p><b>flurry (1)</b> 257:23</p> <p><b>focus (3)</b> 94:16;173:24; 248:24</p> <p><b>focused (1)</b> 291:5</p> <p><b>focuses (1)</b> 290:17</p> <p><b>focusing (4)</b> 264:21;290:16; 322:23,24</p> <p><b>folks (7)</b></p>	<p>121:8;137:10; 165:20,24;250:21; 272:18;280:13</p> <p><b>follow (10)</b> 8:4;10:17;37:8; 66:10;103:25;116:5; 166:11;205:10; 255:21;290:8</p> <p><b>followed (6)</b> 8:7,8;40:20;122:1; 127:16;205:14</p> <p><b>following (6)</b> 12:18;61:6;101:15; 177:8;280:7;319:9</p> <p><b>Follow-up (3)</b> 73:15;117:12; 253:21</p> <p><b>food (7)</b> 217:10,11;224:10; 231:2,8,9;307:20</p> <p><b>football (1)</b> 249:2</p> <p><b>footprint (2)</b> 201:14,20</p> <p><b>force (3)</b> 256:3;307:18; 312:14</p> <p><b>forced (1)</b> 280:21</p> <p><b>forcefully (1)</b> 256:19</p> <p><b>foreclose (1)</b> 53:5</p> <p><b>foremost (2)</b> 104:18;336:24</p> <p><b>foresee (2)</b> 11:15;190:10</p> <p><b>forest (2)</b> 56:9;183:14</p> <p><b>forge (1)</b> 284:23</p> <p><b>formed (2)</b> 270:24;285:5</p> <p><b>forgetting (1)</b> 318:21</p> <p><b>forgot (1)</b> 295:22</p> <p><b>form (4)</b> 15:4;92:11;126:10; 212:21</p> <p><b>formal (6)</b> 114:24;115:1; 179:21;216:14,15; 263:20</p> <p><b>formally (2)</b> 257:16;289:1</p> <p><b>format (1)</b> 314:20</p> <p><b>former (5)</b> 37:12,13;68:8; 77:16;180:6</p> <p><b>formulated (1)</b> 55:9</p>	<p><b>formulating (2)</b> 29:7;193:15</p> <p><b>Forrest (7)</b> 49:21,22;50:14; 51:19,19;53:3;282:9</p> <p><b>forth (8)</b> 23:24;108:17; 129:2;257:1;258:20; 259:2;262:10,19</p> <p><b>fortunate (1)</b> 265:21</p> <p><b>Forty (1)</b> 57:12</p> <p><b>forum (1)</b> 15:1</p> <p><b>forums (1)</b> 5:6</p> <p><b>forward (34)</b> 6:2,13;7:2;20:17; 21:19;58:23;92:16, 21;94:16;96:18;98:2; 109:14;121:6,17; 124:20;147:6; 164:11,18;167:21; 192:12;193:13; 200:14;204:14; 215:11;216:17; 241:22;276:6; 277:23;281:24; 284:13;289:6; 319:12;322:11; 336:19</p> <p><b>found (9)</b> 23:15;71:16,20; 174:1;175:8;215:2; 231:4;257:13;281:16</p> <p><b>Foundation (3)</b> 209:7;256:18; 329:15</p> <p><b>foundational (1)</b> 329:25</p> <p><b>founder (1)</b> 207:9</p> <p><b>four (11)</b> 11:10;15:12;16:5; 39:15;128:23; 207:23;208:2; 226:10;264:21,21; 319:24</p> <p><b>fourth (1)</b> 34:3</p> <p><b>frame (1)</b> 140:25</p> <p><b>frames (1)</b> 142:12</p> <p><b>frantically (1)</b> 94:3</p> <p><b>free (14)</b> 66:25;169:25; 170:3,14;196:2; 227:8;234:8;242:25; 255:6;265:6;282:11; 307:14,16,23</p>	<p><b>free-and-reduced (7)</b> 254:3,11,19; 305:19;306:3,25; 308:19</p> <p><b>Freedom (7)</b> 29:7,15,23;30:2,11, 13;314:3</p> <p><b>Freno (66)</b> 4:7,9;6:17;48:6,6, 20;49:1,2,8,13,16; 51:7;52:7,15,21; 53:15;72:7,19;73:8, 13,19,24;74:4,17; 78:23;79:10,23;80:2, 6,18;81:1,11,14,22; 82:13,16,20;84:16, 19,22;88:16,19,25; 89:17,19,21;90:1,4,8, 15,18;91:10,14,19, 22;92:2,24;94:18; 95:1;96:19;97:23; 98:3;100:24;101:2,8, 14</p> <p><b>Freno's (1)</b> 88:11</p> <p><b>friend (2)</b> 242:10;243:6</p> <p><b>friends (9)</b> 45:4;105:6;107:16; 108:9;117:20; 242:11,13;247:14,14</p> <p><b>friendship (2)</b> 112:3;120:15</p> <p><b>front (10)</b> 40:16;54:19;59:7; 117:19;210:10; 214:21;224:17; 265:18;290:21;303:7</p> <p><b>frustrated (2)</b> 16:13;144:11</p> <p><b>frustration (2)</b> 49:20;51:8</p> <p><b>fulfill (2)</b> 90:24;280:8</p> <p><b>full (25)</b> 43:22;59:17;60:2, 24;81:24;82:6;85:2; 103:20;104:12; 153:20;154:20; 155:21;157:20; 160:3;165:20; 167:17;176:25; 208:22;215:15; 216:6;278:17; 284:10;311:23; 320:18;337:20</p> <p><b>fullest (2)</b> 41:13;265:13</p> <p><b>full-time (1)</b> 209:2</p> <p><b>fully (10)</b> 143:10,12;170:24; 177:10,12,22;260:6;</p>
--	--	--	---	---

292:19;297:23; 324:15 <b>function (2)</b> 34:7;268:10 <b>functioning (1)</b> 246:17 <b>fund (1)</b> 11:19 <b>funding (1)</b> 35:17 <b>funds (2)</b> 177:5;244:20 <b>further (15)</b> 12:1;30:11,17; 32:19;62:7;103:8,16; 110:12;111:6;133:5; 144:20;231:18; 237:18;295:10; 299:19 <b>future (18)</b> 5:6,16,25,25; 30:25;58:8;79:19; 135:13,14,23,24,25; 166:22;238:3; 285:19;286:7;302:3, 3 <b>fuzzy (1)</b> 114:25	26:9;32:12;40:7; 117:21;184:7,8; 216:10;259:6 <b>GED (3)</b> 209:12;256:18,18 <b>General (19)</b> 34:5;46:8;48:6; 51:17;52:22,23; 55:20;68:6;70:9; 72:18;88:16;89:1,24; 90:19;94:7;191:11; 211:23;283:15; 324:11 <b>Generally (2)</b> 167:4;221:24 <b>Generals' (1)</b> 89:21 <b>General's (6)</b> 48:14;51:15;88:13, 20;89:8,15 <b>generous (1)</b> 256:1 <b>gentleman (1)</b> 288:4 <b>Gentlemen (1)</b> 207:8 <b>genuine (7)</b> 15:9;16:2,16; 64:12;67:20;90:13, 13 <b>geographic (2)</b> 191:11;196:22 <b>geographical (2)</b> 190:22;191:7 <b>German (2)</b> 313:23;314:3 <b>gets (14)</b> 7:1;51:8,15;71:1; 111:9;156:4,5; 189:17;269:19; 271:8;272:6;273:10; 291:3;324:19 <b>gifted (1)</b> 324:13 <b>girl (1)</b> 243:9 <b>given (17)</b> 39:13;62:16,18; 69:18;72:17;110:23; 184:4;186:5;196:4; 197:23;200:20; 217:23;245:5; 247:18;263:21; 266:22;280:6 <b>gives (7)</b> 39:8;220:5;271:7; 272:8;284:17;287:9; 288:4 <b>giving (8)</b> 38:23;64:8;181:1; 215:15;253:14; 289:12;292:8;314:3 <b>glad (4)</b>	57:20;94:19; 127:21;283:17 <b>gladly (1)</b> 22:13 <b>glance (1)</b> 109:6 <b>global (3)</b> 17:3;248:19; 249:14 <b>Globetrotters (1)</b> 183:2 <b>goal (7)</b> 17:17;26:18;60:24; 284:12;288:14; 290:13;301:23 <b>goals (10)</b> 6:11;171:17; 172:23;173:1,4; 256:22;275:7,15; 277:24;314:10 <b>God (6)</b> 104:23;105:12; 106:13,21,22;243:17 <b>God's (3)</b> 105:14;106:20; 107:25 <b>goes (12)</b> 11:18;19:14;59:21; 69:5;74:2;86:3; 141:16;190:20; 223:23;292:20; 325:7;326:13 <b>Gold (2)</b> 207:20;227:2 <b>Goldilocks (1)</b> 132:15 <b>golf (2)</b> 184:8,10 <b>Good (43)</b> 7:23;24:17;41:1,1, 2,3;66:14;67:17; 94:24;102:11;109:8; 110:20;113:9; 163:21;164:10; 166:9;168:12;171:1; 178:15;181:17; 182:13;184:10; 189:21;195:2; 197:12;200:6; 222:19;228:1; 235:20;239:2,5,17; 250:15;252:6;259:8, 18;268:24;270:25; 278:25;289:20; 304:4;331:21;334:13 <b>Google (2)</b> 210:13;315:2 <b>gotcha (1)</b> 138:4 <b>GOTCHER (3)</b> 162:19,24;163:5 <b>govern (1)</b> 32:23	<b>governing (1)</b> 164:7 <b>Governor (2)</b> 4:21;34:9 <b>GPA (1)</b> 266:8 <b>grab (2)</b> 88:1;178:22 <b>gracious (1)</b> 33:16 <b>grade (58)</b> 23:4;26:14;39:7, 19,20,23;40:3,5; 172:14,15;174:8,23, 25;181:18;182:18,19, 19;184:22;185:25; 186:4;187:20;189:5, 16;207:23;212:9; 213:8;242:14; 246:13;265:25; 266:6;315:25; 316:13;318:10; 319:5,6,11;321:23; 322:19;323:2; 325:14,17,20,20,23; 327:7,9,19,19,25; 329:2,8;330:17; 331:8,12,20,25; 332:24;335:13 <b>grade-point (1)</b> 266:4 <b>grader (2)</b> 316:21;322:3 <b>graders (9)</b> 175:4;316:1,12; 318:23;321:5,25; 325:23,23;334:16 <b>grades (18)</b> 172:19;174:22; 187:11;188:8,9,20; 189:8,9;218:25; 312:6;316:4;318:23; 326:25;329:14,21; 330:24;331:7;332:4 <b>grade-span (1)</b> 330:23 <b>graduate (11)</b> 40:11;171:23; 209:4,13;242:11; 265:25;266:2,2,7; 315:20;327:3 <b>graduated (9)</b> 23:22;41:8;106:8; 109:18;110:4; 112:17;123:16; 214:8;242:16 <b>graduates (2)</b> 112:8;207:14 <b>graduating (2)</b> 242:24;326:16 <b>graduation (11)</b> 11:1;12:13,17; 105:19;109:25;	113:12;242:17; 314:11;326:15,17; 327:2 <b>Graham (5)</b> 245:1;248:2,15,15, 16 <b>grandfathered (3)</b> 23:13,15;62:14 <b>grandmother (1)</b> 186:9 <b>grandparents (1)</b> 185:19 <b>grandson (1)</b> 186:8 <b>Granite (1)</b> 197:1 <b>grant (19)</b> 8:10,14;24:5; 27:13;28:2,7;74:9; 141:19;144:22; 145:25;146:1; 149:18,23;150:18; 151:2;287:12; 295:25;307:5,6 <b>granted (5)</b> 102:11;228:12; 286:22;296:3;315:8 <b>Granting (3)</b> 25:20;27:1;296:1 <b>grants (1)</b> 73:3 <b>grasp (1)</b> 324:15 <b>grateful (2)</b> 185:19;320:7 <b>great (34)</b> 41:11;44:17,18,20, 22;45:1,9;172:2; 183:21;184:2,3,5; 185:3,24;194:15; 214:17;215:1; 224:21,24;225:23; 243:10;244:23; 253:2;257:9;265:22; 266:22;271:2; 280:14;305:18; 312:16;318:8,19; 328:24;338:13 <b>greater (3)</b> 273:22;320:4,6 <b>greatly (1)</b> 251:13 <b>green (4)</b> 174:5;178:3;182:5; 186:17 <b>grew (3)</b> 27:8;172:16; 242:12 <b>Grizzly's (1)</b> 183:1 <b>ground (1)</b> 284:24 <b>group (22)</b>
<b>G</b>				
<b>Gabrielle (2)</b> 186:2,3 <b>GAIL (1)</b> 146:25 <b>gain (2)</b> 11:25;248:18 <b>gains (2)</b> 172:13,13 <b>Gallup (1)</b> 316:8 <b>game (3)</b> 10:16;183:1;265:8 <b>games (4)</b> 248:2;249:2,2,3 <b>GANDOLPH (10)</b> 150:7,10,12,14,16, 19,21,23,25;151:8 <b>garbage (1)</b> 243:17 <b>garden (1)</b> 175:11 <b>gardening (1)</b> 40:1 <b>Garfield (1)</b> 185:23 <b>garnishing (2)</b> 160:14;161:7 <b>gasped (1)</b> 243:5 <b>gate (1)</b> 52:19 <b>gave (8)</b>				

<p>51:5,6;108:7; 173:25;191:22; 192:8,22,23;193:14; 197:23;199:19; 200:16;201:17; 202:19;228:8,9; 229:10;263:11; 268:15,15;269:23; 294:22</p> <p><b>groups (4)</b> 164:10;170:6; 281:17;302:18</p> <p><b>Grove (2)</b> 71:19,21</p> <p><b>grow (5)</b> 226:2;229:14; 275:5,11;281:15</p> <p><b>growing (4)</b> 194:14;235:9,10; 239:11</p> <p><b>growth (8)</b> 172:20,23;173:4; 238:6,9,15;239:24; 303:1</p> <p><b>GT (1)</b> 10:22</p> <p><b>guarantee (1)</b> 40:22</p> <p><b>guardian (4)</b> 35:4,5;37:2;43:7</p> <p><b>guardianship (12)</b> 23:8;25:18,23; 26:7;34:17,24;35:2, 25;36:4,15,17;42:24</p> <p><b>guess (42)</b> 14:21;27:12,21; 28:6;37:12,16,49;18; 57:1;64:5;71:1; 72:25;84:5,13;85:15; 93:10;121:2,11; 123:1;134:9;140:24; 161:8;190:25; 193:20,21;200:15,23; 221:19;232:14,19; 233:2,21;235:12; 252:18;253:24; 254:4;290:1;291:12; 320:12;324:21; 333:2;337:1,2</p> <p><b>guidance (6)</b> 72:17;76:13;78:5, 8;81:12;331:2</p> <p><b>guide (2)</b> 163:17;299:22</p> <p><b>guinea (1)</b> 13:6</p> <p><b>Gunter (2)</b> 163:19,22</p> <p><b>gut (3)</b> 121:13;272:1; 289:20</p> <p><b>guys (5)</b> 119:7;152:9;</p>	<p>204:23;221:1;248:21</p> <p><b>gym (1)</b> 182:5</p> <p><b>gymnasium (4)</b> 174:4;177:22,25; 178:4</p> <p><b>gyms (1)</b> 186:17</p>	<p><b>H</b></p> <p><b>Haas (75)</b> 165:25;204:25; 205:4;206:18; 207:10;209:13,22; 214:8,18;215:5,25; 216:4;219:1,12; 220:16;222:22; 223:6;224:4;227:10, 12,16,19;228:17; 229:17,23;230:22; 231:9,15;236:1,6,25; 237:15;239:2;242:9, 11,14,15;243:2,24; 246:12;249:13; 250:23;251:5;253:3, 12;254:11,18,21; 260:18,18;264:20; 265:15;271:1; 272:10;273:9,9; 278:15;279:1,4,10; 281:1,20;282:5; 283:11,14;288:5; 290:13;292:23; 293:15,17;294:7,19; 309:1;310:7;343:24</p> <p><b>habits (1)</b> 329:5</p> <p><b>Hall (65)</b> 5:7;166:1;204:25; 205:4;206:19; 207:10;208:1; 209:13,22;214:8,18; 215:5,25;216:5; 219:1,12;220:16; 223:6;224:4;227:10, 12,16,19;228:17; 229:17,23;230:22; 231:9,16;236:1,6,25; 237:15;239:2; 249:13;250:23; 251:5;253:3;254:11, 18,22;260:18; 264:20;265:15; 271:1;272:10;273:9, 9;278:15;279:1,4; 281:1,20;282:6; 283:11,14;290:13; 292:24;293:15,17; 294:7,19;309:1; 310:7;343:24</p> <p><b>Hall- (1)</b> 260:18</p>	<p><b>Hall's (1)</b> 222:22</p> <p><b>Hall-Springdale (1)</b> 279:10</p> <p><b>hand (10)</b> 9:18;21:21;102:22; 114:22;168:5; 173:13;245:15; 253:20;294:18; 311:15</p> <p><b>handed (1)</b> 203:21</p> <p><b>handful (1)</b> 29:16</p> <p><b>hand-holding (1)</b> 107:14</p> <p><b>handicapped (2)</b> 267:6,9</p> <p><b>handle (4)</b> 74:6;166:19;287:1; 295:22</p> <p><b>handled (1)</b> 222:2</p> <p><b>handling (1)</b> 218:3</p> <p><b>handout (1)</b> 173:10</p> <p><b>hands (6)</b> 115:7;206:25; 243:7;276:21; 277:10;278:8</p> <p><b>hands-on (3)</b> 39:9,12;317:19</p> <p><b>hang (1)</b> 285:18</p> <p><b>happen (22)</b> 32:8;40:23,24; 41:5;68:24;69:16; 94:14;114:8;119:6; 144:10;170:22; 189:5;190:6;208:21; 218:23;244:24; 268:21;270:5,7; 283:23;293:4;326:13</p> <p><b>happened (18)</b> 30:5;32:7;35:10; 43:8;51:19;71:23; 99:2;106:10;114:2; 124:13;126:25; 141:3;238:7;259:18; 260:9;266:18; 273:15;326:3</p> <p><b>happening (8)</b> 74:20;94:20; 108:23,24;110:15; 255:25;267:25; 272:19</p> <p><b>happens (11)</b> 11:15;46:13;73:5; 127:23;190:4;239:9; 244:17;280:23; 284:2,6;289:2</p> <p><b>happy (8)</b></p>	<p>164:16;183:5; 194:15;258:2;276:2; 278:4;287:13;320:9</p> <p><b>Har-Ber (1)</b> 242:10</p> <p><b>hard (25)</b> 12:16;38:6;74:25; 78:1;85:14;108:25; 113:8,8;180:14; 211:22;235:7;244:1, 7;246:13,20,21; 247:24;249:12; 254:6;264:24;271:3; 274:19;323:7; 337:18;338:10</p> <p><b>harder (1)</b> 328:13</p> <p><b>hardest (1)</b> 244:12</p> <p><b>hardly (1)</b> 282:7</p> <p><b>Harlem (1)</b> 183:2</p> <p><b>Harmony (2)</b> 71:19,21</p> <p><b>Harvey (6)</b> 59:12;61:1,4,19; 95:6,8</p> <p><b>haste (1)</b> 200:15</p> <p><b>hat (1)</b> 306:6</p> <p><b>hate (1)</b> 200:5</p> <p><b>hauling (1)</b> 57:8</p> <p><b>head (6)</b> 50:11;73:13;233:2; 279:17;283:1;320:14</p> <p><b>headache (1)</b> 330:16</p> <p><b>heads (1)</b> 100:12</p> <p><b>heads- (1)</b> 179:13</p> <p><b>health (3)</b> 170:15;227:14; 314:1</p> <p><b>healthcare (1)</b> 224:11</p> <p><b>hear (16)</b> 21:4;65:10;101:5, 7;160:23;171:9,9; 226:8;227:25;228:2; 246:6;250:18,20; 253:10;275:22; 281:19</p> <p><b>heard (19)</b> 52:1;57:6;59:2; 101:9;124:1;153:1; 165:5;222:5;223:5, 13;238:8;259:7,12; 264:23;288:6;</p>	<p>293:17,18;306:8; 308:5</p> <p><b>hearing (29)</b> 59:7;64:16,20; 81:24;82:6;133:7; 146:24;147:8;148:5; 152:12;165:14,17; 167:22;198:5; 204:25;205:3; 219:25;220:4;221:2; 246:6;252:22;285:8, 9;286:6;299:21; 310:20;311:2,6; 336:19</p> <p><b>hearings (2)</b> 139:23;166:7</p> <p><b>heart (15)</b> 99:15;191:2;223:3; 226:23;228:16,16; 229:7;230:9,14; 247:25;267:18; 269:19;271:17; 294:14;314:8</p> <p><b>heartfelt (1)</b> 253:11</p> <p><b>heat (1)</b> 335:1</p> <p><b>Heather (2)</b> 209:19,20</p> <p><b>heavily (1)</b> 316:8</p> <p><b>heavy (1)</b> 268:17</p> <p><b>Heights (1)</b> 183:14</p> <p><b>held (2)</b> 88:11;212:2</p> <p><b>helicopter (1)</b> 186:9</p> <p><b>Hello (2)</b> 185:22;243:21</p> <p><b>help (35)</b> 11:9;36:13;51:6; 96:3;142:19;175:4,7; 199:24;200:17; 202:25;205:6; 210:11;211:4; 217:11,12,14;220:25; 232:12;236:1;249:9; 260:8;270:6;278:21; 294:1,3;301:4; 307:14,15;312:10; 313:8,8,14;317:11; 328:19;329:20</p> <p><b>helped (2)</b> 238:14;275:10</p> <p><b>helpful (6)</b> 16:1;96:17;98:18; 127:22;203:11; 204:22</p> <p><b>helping (5)</b> 11:25;179:1;248:4; 268:19;334:21</p>
---	---	---	---	--	---

<p><b>helps (3)</b> 132:17;328:19,19</p> <p><b>Henderson (4)</b> 180:13,13,17,19</p> <p><b>Henry (30)</b> 214:17,17;219:9, 11;232:22;234:21, 22;236:12,15;241:1, 2,4,7,24;244:9; 253:25;254:9; 256:15;258:2,7; 260:23;261:2,23; 262:4,7,25;270:13; 288:17,21;299:16</p> <p><b>here- (1)</b> 65:5</p> <p><b>Here's (6)</b> 208:3;213:9;215:4; 231:4;246:23;257:13</p> <p><b>herself (2)</b> 150:20;244:5</p> <p><b>hesitant (1)</b> 280:18</p> <p><b>hesitate (1)</b> 76:12</p> <p><b>Hewitt (1)</b> 220:3</p> <p><b>hey (5)</b> 245:10;259:9; 294:24;313:2;334:13</p> <p><b>Hi (3)</b> 209:20;222:19; 242:7</p> <p><b>Hickey (3)</b> 30:24;57:8;58:21</p> <p><b>Hickey's (1)</b> 30:22</p> <p><b>hide (1)</b> 106:1</p> <p><b>Hierarchy (3)</b> 170:9,12;172:4</p> <p><b>high (45)</b> 11:11;12:20;40:6, 11;62:5,6,10,12; 63:19,22;77:2; 176:16;180:7; 207:16,19;237:3,11; 239:11;240:19; 242:8,25;243:1; 244:3;248:17;256:3; 257:15;268:23; 269:3;270:8,9; 290:23;310:21; 311:4;312:4,6;315:3; 316:20,23;317:4; 322:15;323:8; 329:13,16,17,19</p> <p><b>higher (5)</b> 110:22;170:5; 196:5;208:4;268:10</p> <p><b>highest (5)</b> 244:19;247:2; 257:15;313:9;314:11</p>	<p><b>highlight (2)</b> 107:9;302:2</p> <p><b>highly (1)</b> 172:12</p> <p><b>high-quality (3)</b> 175:15;177:15; 239:13</p> <p><b>High's (1)</b> 11:24</p> <p><b>Hill (116)</b> 61:23,24;62:4,13, 19,21;63:15,16,19, 23;64:21,22;65:7,9, 20,24;68:1;71:25; 74:18,19;75:1,21,22; 80:9,10;83:3,19,20; 84:24,25;85:19,22; 86:14,17,23;87:2,4, 15,16;100:15,20,25; 101:5,11,21;125:19, 20;128:14,15; 131:22;136:16,17; 144:14,15,18;145:6, 7,22,25;146:3,13,14; 157:2,4;160:6,8,12, 15,21;162:2,7,9; 196:11,12,18;199:1, 2;269:13;274:8,9,12, 18;275:20,25;276:3, 18,25;277:16,19; 278:6,11;281:3,8,12, 14,23;282:1;287:24; 288:1,14,20;290:11; 297:6,7;300:6,7; 305:16,24;306:8,13; 308:7,11;309:21,22; 336:8,9</p> <p><b>Hill's (1)</b> 290:9</p> <p><b>himself (1)</b> 112:15</p> <p><b>hire (3)</b> 209:3;265:21; 278:21</p> <p><b>hired (2)</b> 156:4;278:20</p> <p><b>Hispanic (1)</b> 247:14</p> <p><b>historical (1)</b> 96:19</p> <p><b>historically (5)</b> 28:15;29:10,12,18; 57:5</p> <p><b>History (9)</b> 10:23;11:25;28:13; 31:25;37:22;42:9; 65:1,11;225:4</p> <p><b>hit (5)</b> 42:8;232:4;236:4; 275:22;329:14</p> <p><b>Holaway (5)</b> 209:19,20,20; 214:15;270:14</p>	<p><b>Holaway's (1)</b> 235:2</p> <p><b>hold (2)</b> 11:5;105:5</p> <p><b>holding (1)</b> 326:21</p> <p><b>holds (6)</b> 153:14;154:14; 155:16;157:15; 158:15;159:23</p> <p><b>holistic (2)</b> 170:13;293:1</p> <p><b>home (31)</b> 24:3;63:1;138:7; 197:2;225:22;226:9, 10,10;232:3;244:2,5; 310:21;311:4,9,25; 312:1,4;314:5;316:8; 318:15,19,22;322:1, 4;333:3,3,11,13,14; 334:7;336:17</p> <p><b>homeschool (2)</b> 317:9,9</p> <p><b>honest (2)</b> 35:24;243:11</p> <p><b>honestly (1)</b> 194:9</p> <p><b>Honor (4)</b> 10:21;26:14; 106:16;218:21</p> <p><b>honored (1)</b> 226:6</p> <p><b>honoring (1)</b> 106:24</p> <p><b>hope (18)</b> 7:1;76:10;92:7; 100:3,5;106:15; 183:3,10;185:25; 201:7;209:5;243:17; 262:21;269:5; 270:18;283:21; 284:3;313:12</p> <p><b>hopeful (1)</b> 92:17</p> <p><b>hopefully (9)</b> 80:22;81:1;97:13; 208:23;238:3; 278:21;290:15; 335:6;337:21</p> <p><b>hopes (2)</b> 11:18;310:23</p> <p><b>hoping (3)</b> 174:10,16;192:6</p> <p><b>host (1)</b> 5:6</p> <p><b>hour (5)</b> 218:11,14;220:19; 310:25;337:22</p> <p><b>hours (8)</b> 147:21,25;170:21, 22;217:23;249:10; 265:5;329:2</p> <p><b>house (7)</b> 26:22,23;28:3; 76:18,20;245:23; 274:20</p> <p><b>houses (1)</b> 248:1</p> <p><b>hubs (2)</b> 176:14,15</p> <p><b>huge (2)</b> 204:13;271:12</p> <p><b>huh (1)</b> 335:11</p> <p><b>human (1)</b> 68:15</p> <p><b>humbled (1)</b> 226:6</p> <p><b>hundred (1)</b> 76:24</p> <p><b>hungry (1)</b> 254:24</p> <p><b>Hunter (1)</b> 316:17</p> <p><b>hurt (1)</b> 253:10</p> <p><b>hurting (4)</b> 124:9;181:4;248:5; 268:18</p> <p><b>husband (1)</b> 27:7</p> <p><b>Hutchinson (1)</b> 4:21</p> <p><b>HVAC (1)</b> 318:16</p> <p><b>hypocrisy (1)</b> 235:14</p>	<p>233:1;316:3</p> <p><b>idly (1)</b> 13:5</p> <p><b>ignore (2)</b> 37:6;133:3</p> <p><b>ignores (1)</b> 72:22</p> <p><b>III (2)</b> 313:23;314:4</p> <p><b>illegal (7)</b> 25:20,22;26:6; 28:1;100:22,24; 101:7</p> <p><b>illness (1)</b> 4:14</p> <p><b>illusion (1)</b> 243:11</p> <p><b>image (1)</b> 282:23</p> <p><b>imagine (2)</b> 148:20;182:6</p> <p><b>immediate (1)</b> 121:14</p> <p><b>immediately (6)</b> 82:15;84:17; 107:19;119:5,10; 135:21</p> <p><b>immigrant (1)</b> 271:20</p> <p><b>impact (16)</b> 6:11;31:5;46:6; 71:15,22;74:22;94:6; 176:22;177:1,7; 187:16,17;232:20,24; 233:1,5</p> <p><b>impacting (1)</b> 106:17</p> <p><b>impede (1)</b> 194:1</p> <p><b>impetus (1)</b> 180:21</p> <p><b>implement (1)</b> 60:7</p> <p><b>implementation (4)</b> 164:13;190:13; 263:13;314:23</p> <p><b>implemented (2)</b> 97:14;266:15</p> <p><b>implications (2)</b> 46:24;97:1</p> <p><b>implies (1)</b> 35:11</p> <p><b>important (24)</b> 4:22;11:10;16:25; 17:15,24;55:14;98:5, 6,6;121:6;123:21; 142:21;144:7;191:4; 237:22;238:5,18; 241:8,8;275:13; 276:5;278:7;279:6; 333:23</p> <p><b>importantly (3)</b> 135:13;276:11;</p>
<b>I</b>			
		<p><b>I-630 (1)</b> 176:10</p> <p><b>ID (4)</b> 210:19,20,21,24</p> <p><b>idea (11)</b> 66:22;92:19; 134:21;193:21; 211:11;230:4,23; 240:16;271:11; 283:20;312:19</p> <p><b>ideal (1)</b> 270:1</p> <p><b>ideally (1)</b> 272:25</p> <p><b>identifiable (5)</b> 32:9;37:18;55:24; 58:6;301:23</p> <p><b>identification (3)</b> 9:6,14;173:17</p> <p><b>identified (5)</b> 95:25;109:17; 190:16;274:5;308:18</p> <p><b>identify (5)</b> 95:22;96:2;208:10, 11;301:16</p> <p><b>identifying (2)</b></p>	

316:11 <b>impossible (3)</b> 35:18;200:21; 330:21 <b>impressive (2)</b> 162:12;183:18 <b>improper (3)</b> 105:21;107:21; 109:11 <b>improve (4)</b> 180:14;217:24; 252:4;289:23 <b>improved (5)</b> 197:8;217:20,22; 251:14;256:11 <b>improvement (5)</b> 5:19;185:4;190:18; 195:12;210:5 <b>inability (1)</b> 94:5 <b>inaction (1)</b> 125:17 <b>inadvertently (1)</b> 73:11 <b>inappropriate (4)</b> 77:25;120:6,14; 125:11 <b>inaudible (2)</b> 245:16;301:24 <b>incentive (1)</b> 35:16 <b>incident (1)</b> 333:23 <b>inclination (1)</b> 97:3 <b>include (8)</b> 58:7;125:11; 222:11;244:23; 271:1;287:16,16; 306:25 <b>included (2)</b> 55:21;221:16 <b>includes (1)</b> 318:15 <b>including (8)</b> 17:8;25:11;29:5; 32:11;37:20;103:10; 144:2;221:4 <b>inclusion (1)</b> 275:5 <b>inclusive (3)</b> 275:21;282:1; 292:22 <b>income (7)</b> 161:21;255:1; 278:24;279:19; 281:5;283:13;308:9 <b>inconsistencies (1)</b> 96:23 <b>inconsistent (1)</b> 98:9 <b>incorporated (1)</b> 296:1	<b>incorrect (1)</b> 234:25 <b>increase (7)</b> 177:3;241:12,14, 16;252:10;289:25; 314:11 <b>increasing (1)</b> 291:8 <b>incredibly (1)</b> 324:13 <b>incubators (1)</b> 270:2 <b>indeed (2)</b> 272:23,23 <b>indefinitely (1)</b> 127:2 <b>independent (1)</b> 109:19 <b>in-depth (1)</b> 318:2 <b>indicated (1)</b> 77:2 <b>indicating (1)</b> 103:12 <b>indication (6)</b> 35:6;107:13,14; 116:15;122:19,25 <b>indicative (1)</b> 108:24 <b>indirectly (1)</b> 113:6 <b>individual (15)</b> 17:23;64:25;76:10; 97:10;99:17,21,22; 133:16;137:18; 142:13,14;186:19; 193:25;317:3;333:22 <b>individualize (1)</b> 317:25 <b>individualized (2)</b> 313:6;316:4 <b>individualizing (1)</b> 328:16 <b>individually (4)</b> 57:15;78:25;124:2; 184:24 <b>individuals (6)</b> 98:8;140:12; 166:25;179:16; 251:2;278:14 <b>inducted (1)</b> 207:25 <b>indulge (1)</b> 241:1 <b>indulged (1)</b> 241:25 <b>indulgence (1)</b> 274:7 <b>ineligible (3)</b> 149:13;150:15; 151:16 <b>infancy (1)</b> 12:17	<b>inform (2)</b> 97:13;100:7 <b>information (49)</b> 9:10;26:9;44:20; 55:19;61:5,9,13; 64:11;80:11,16; 84:25;85:2,7,13;86:9, 11;103:12;112:23, 25;117:20;125:1,4; 127:10;135:10; 152:3,13,15;176:1; 177:9;190:1;209:25; 210:3,16;211:4; 212:1;213:3;220:5; 221:4;258:14,25; 259:13;260:1,3,6; 262:6;285:24; 301:21;306:20; 312:21 <b>informed (1)</b> 316:19 <b>ingrained (1)</b> 271:14 <b>initial (3)</b> 5:17;105:3;231:1 <b>initially (5)</b> 112:13;132:25; 222:22;312:17;315:1 <b>initiate (1)</b> 73:18 <b>initiative (2)</b> 277:11;312:16 <b>injunction (2)</b> 72:25;73:2 <b>innovation (6)</b> 6:6;231:10,22; 240:1,17;276:22 <b>innovative (2)</b> 252:21;277:2 <b>input (2)</b> 316:10,10 <b>inputs (1)</b> 293:4 <b>inquiries (1)</b> 6:22 <b>inquiry (1)</b> 32:18 <b>inside (1)</b> 18:25 <b>insight (2)</b> 292:18;334:6 <b>insights (1)</b> 274:1 <b>instance (4)</b> 50:2;161:20;267:1, 10 <b>instances (2)</b> 170:21;286:11 <b>instead (7)</b> 210:2;213:21; 264:22;270:22; 289:19;292:1;293:8 <b>institution (2)</b>	65:12;207:11 <b>institutions (2)</b> 208:4;251:2 <b>instruct (1)</b> 166:5 <b>instructed (1)</b> 86:2 <b>instruction (2)</b> 175:2;328:16 <b>instructor (1)</b> 324:2 <b>insult (1)</b> 270:20 <b>insure (3)</b> 210:22;223:21; 284:17 <b>insuring (1)</b> 169:11 <b>integrated (1)</b> 29:16 <b>integrative (2)</b> 31:7;70:14 <b>integrity (1)</b> 200:8 <b>intellect (2)</b> 322:24;324:24 <b>intellectual (1)</b> 317:5 <b>intellectually (1)</b> 324:13 <b>intelligence (2)</b> 317:5;324:25 <b>intend (2)</b> 88:5;241:15 <b>intended (8)</b> 33:23;48:9;89:3; 91:18;187:3;249:19; 250:24;270:2 <b>intending (1)</b> 9:17 <b>intense (1)</b> 92:6 <b>intention (6)</b> 12:9;100:6;130:11; 139:22;150:22;294:9 <b>intentional (1)</b> 291:2 <b>intentionality (1)</b> 201:6 <b>intentionally (2)</b> 171:17;279:12 <b>intents (1)</b> 144:5 <b>interacting (1)</b> 314:19 <b>interest (6)</b> 11:17;35:17; 178:18;273:17; 288:18;312:16 <b>interested (8)</b> 95:11;227:10; 231:23;278:5; 292:25;300:24;	313:18;326:1 <b>interesting (2)</b> 204:10;211:10 <b>intergenerational (2)</b> 318:17,20 <b>interim (2)</b> 73:4;316:25 <b>internal (1)</b> 288:12 <b>internet (1)</b> 235:18 <b>internship (5)</b> 315:21;321:8,20; 326:23,24 <b>internships (3)</b> 318:4;325:21; 330:2 <b>interpret (7)</b> 25:16;34:5;42:22; 48:16;50:10;67:22; 91:16 <b>interpretation (4)</b> 34:6,12;52:20;91:5 <b>interpretations (2)</b> 72:16;271:5 <b>interpreted (3)</b> 51:23,24;72:15 <b>interpreting (2)</b> 71:1;89:9 <b>intertwined (1)</b> 56:8 <b>intervene (1)</b> 74:7 <b>Interveners (6)</b> 15:14;48:23,24; 49:3,4;143:3 <b>interventions-of-right (1)</b> 74:8 <b>interview (1)</b> 117:22 <b>interviewed (2)</b> 111:25;117:16 <b>interviews (1)</b> 125:3 <b>intimidated (1)</b> 276:16 <b>into (81)</b> 4:22,24;8:23;9:6, 14;10:10,12;17:4,12; 18:1,3;21:6,9,13; 23:4,5;31:22;44:10; 46:18,21;57:8;59:21; 72:24;73:1;81:2; 92:10;103:21; 104:12;115:17; 116:3;119:15;122:8; 139:7;172:1;173:17; 175:5;178:25; 180:18;181:9; 183:11;185:15; 187:24;207:25; 208:12;209:25; 210:16;216:1;217:3;
---	---	---	---	---

<p>218:24;237:16,19; 246:19;250:8,24; 251:7;252:9;253:6, 12;259:9;265:15,16; 267:18,18;271:6,8; 279:12;280:10; 290:24;291:9,9,12; 292:1,19,20;294:12; 304:1;305:16; 312:14;319:5; 322:11;335:3</p> <p><b>intrigued (1)</b> 230:21</p> <p><b>introduce (3)</b> 8:1;102:8;322:12</p> <p><b>introduces (1)</b> 314:6</p> <p><b>invaluable (1)</b> 4:24</p> <p><b>investigate (2)</b> 80:18;257:14</p> <p><b>investigated (1)</b> 257:16</p> <p><b>investigation (6)</b> 105:3,16;107:20; 111:24;257:11,12</p> <p><b>investigations (1)</b> 257:3</p> <p><b>investigator (3)</b> 105:9,11;117:17</p> <p><b>investment (1)</b> 272:4</p> <p><b>invitation (1)</b> 236:5</p> <p><b>invitations (1)</b> 11:21</p> <p><b>invited (1)</b> 249:5</p> <p><b>invites (1)</b> 236:1</p> <p><b>involve (1)</b> 142:16</p> <p><b>involved (12)</b> 30:23;31:21,22; 38:2;46:1;60:20; 70:6;134:10;142:15; 302:4;322:20;326:23</p> <p><b>involvement (2)</b> 120:17;215:19</p> <p><b>ironically (1)</b> 196:15</p> <p><b>isolated (1)</b> 65:15</p> <p><b>issue (33)</b> 25:13;34:22;35:9; 44:15;45:3;49:12; 58:13;65:17;68:9,22; 77:12;80:3;124:25; 125:5;134:5;137:24; 144:13;166:21; 174:12;188:2;218:5, 6,9,13;235:6,22,23; 285:2;286:6;287:3;</p>	<p>305:25;308:8;330:17 <b>issues (14)</b> 30:23;33:25;44:8; 72:16;142:16;206:1; 236:2;257:16; 286:14;289:13; 292:15;301:1; 317:15;334:21</p> <p><b>ITBS (1)</b> 5:11</p> <p><b>Item (57)</b> 4:5;7:6,20;8:2,20; 20:23,23;46:14;78:2, 3,18,18;81:13;82:11, 22;84:8;85:12,14; 86:21,22;87:4;102:1, 2,8,17;129:16; 139:19;140:16; 145:17;147:7;149:4; 150:8;151:12; 153:10;154:10; 155:12;156:25; 157:11;158:12; 159:19;163:3,12; 167:1,22;178:19; 185:8;205:3,10,16; 222:4;240:11; 310:11,16;311:1,2,8; 337:20</p> <p><b>Items (9)</b> 8:1;84:9;88:8; 139:8,18,22;140:5; 167:18;205:17</p> <p><b>IV (1)</b> 185:23</p> <p><b>Ivy (1)</b> 163:21</p>	<p><b>J</b></p> <p><b>Jacksonville (10)</b> 11:7;12:3,6,11,23; 14:24;15:11,18; 19:14;77:24</p> <p><b>Jacksonville-North (3)</b> 8:22;9:8;13:20</p> <p><b>Jacksonville's (1)</b> 12:15</p> <p><b>Jake (1)</b> 311:24</p> <p><b>James (22)</b> 103:18,18,19,23, 23;104:9,10;107:7,9; 111:8;114:14;118:6, 11,16;122:14,15,17; 124:16;125:6,13; 185:21,22</p> <p><b>JAMIE (2)</b> 146:25;147:9</p> <p><b>Janet (1)</b> 312:2</p> <p><b>January (2)</b> 97:19;112:5</p>	<p><b>Jared (2)</b> 224:13,15</p> <p><b>Jeneia (2)</b> 186:2,3</p> <p><b>Jennifer (6)</b> 7:23;79:23,24; 102:6;147:10;166:10</p> <p><b>JERMICHAEL (3)</b> 151:10,13,14</p> <p><b>Jerry (1)</b> 37:11</p> <p><b>Jim (7)</b> 24:19;38:21;68:24; 217:17;236:22; 260:23;268:24</p> <p><b>JNPSD (5)</b> 9:13;12:17;17:4, 11;144:4</p> <p><b>job (11)</b> 40:16;75:5,5; 144:8,9;197:12; 218:7;228:1;239:5; 265:8;279:25</p> <p><b>jobs (2)</b> 66:19,22</p> <p><b>Johnny (1)</b> 4:11</p> <p><b>join (2)</b> 81:9;337:17</p> <p><b>joined (1)</b> 205:7</p> <p><b>joining (1)</b> 236:19</p> <p><b>joint (2)</b> 57:23,24</p> <p><b>Jones (21)</b> 182:12,13,13; 183:16;208:12; 209:9;214:21,22,23; 216:1;220:3;235:15; 243:24;250:25; 257:5;269:5;271:16; 288:3,9;289:6; 308:25</p> <p><b>Joshua (3)</b> 15:14;49:4;143:2</p> <p><b>journey (1)</b> 60:20</p> <p><b>judge (18)</b> 15:12,24;16:1,15; 30:21,24;49:23,23; 57:8,9,25;58:21; 64:11;67:20;73:17; 74:1,3;266:1</p> <p><b>judged (1)</b> 251:20</p> <p><b>Judges (1)</b> 58:2</p> <p><b>judgment (1)</b> 132:23</p> <p><b>judgments (1)</b> 78:2</p> <p><b>judicial (8)</b></p>	<p>25:15,16;34:7,10, 12;51:18;72:15;91:6</p> <p><b>judiciary (2)</b> 34:13;91:16</p> <p><b>July (7)</b> 4:12,18;5:8,9;55:8; 135:21;316:14</p> <p><b>jump (1)</b> 12:18</p> <p><b>jumped (1)</b> 67:18</p> <p><b>jump-start (1)</b> 4:24</p> <p><b>June (5)</b> 59:1;149:12; 150:13;213:3;220:9</p> <p><b>Junior (7)</b> 10:21;103:23; 312:6;322:14; 329:13,17,19</p> <p><b>Juniors (2)</b> 12:3,8</p> <p><b>Jupiter (1)</b> 319:1</p> <p><b>jurisdiction (1)</b> 30:19</p> <p><b>jury (1)</b> 227:10</p> <p><b>justice (2)</b> 139:17;167:17</p> <p><b>justification (1)</b> 285:25</p> <p><b>justify (1)</b> 93:4</p>	<p><b>Key (148)</b> 4:12;47:4,8;61:10; 73:15,21;75:13,15, 17,19,21,23,25;76:2, 4;78:8,15;79:17; 83:11,13,15,17,19,21, 23,25;84:16,21,23; 87:7,9,11,13,15,17, 19,21,23;126:14,23; 127:1,12;128:6,8,10, 12,14,16,18,20,22; 129:25;131:9,14,18; 136:7,10,12,14,16,18, 20,22,24;141:1,8; 142:8;144:22,25; 145:2,4,6,8,10,12,14; 146:5,7,9,11,13,15, 17,19,21;161:12,14, 18;162:1;168:13; 169:12;192:13; 193:1;198:18,20,22, 24;199:1,3,5,7; 201:10;202:2,10; 207:7;225:15;251:8; 291:17;296:23,25; 297:2,4,6,8,10,12; 299:23,25;300:2,4,6, 8,10,12;302:7;303:3; 305:22;309:13,15,17, 19,21,23,25;310:2,4; 312:8;314:8;334:3,6; 335:25;336:2,4,6,8, 10,12,14</p> <p><b>Keystone (2)</b> 321:23,23</p> <p><b>kid (9)</b> 43:10;246:15; 322:19;327:8,15,16; 328:5;333:5,10</p> <p><b>kids (83)</b> 23:8,23,25;26:10; 27:3,13;28:4,36;10; 43:7,13;44:9,24; 50:20;51:3;56:22; 68:22;69:2;99:13; 107:1;110:18; 119:21;143:6; 170:23;180:17,25; 181:7,13,24;182:1,8, 22;183:6;187:24; 196:5;199:12; 211:10;225:12,17,18; 226:5,12;227:20; 228:12,16,16,19; 231:12;237:8,22; 240:6,17,21,21,22; 244:2,16,18;245:3, 15,20;246:5,9,13; 247:18,25;248:8; 264:13,17,24;265:15; 266:20;274:20; 279:2;282:13;306:2; 318:11;322:25;</p>
			<b>K</b>		
			<p><b>K- (1)</b> 189:4</p> <p><b>K-4 (1)</b> 189:12</p> <p><b>K-6 (1)</b> 227:1</p> <p><b>K-8 (1)</b> 169:22</p> <p><b>keep (16)</b> 35:17;54:1,4; 98:16,24;167:13; 175:17;179:19; 199:12;246:2; 254:11,12,19;320:23; 334:13;337:7</p> <p><b>keeping (7)</b> 113:4;160:16; 183:17;203:5;256:3; 302:13;314:12</p> <p><b>keeps (1)</b> 51:21</p> <p><b>Kemp (6)</b> 29:19;30:4,7,24; 31:1;32:2</p> <p><b>Kester (1)</b> 258:9</p>		

323:2,9;328:13,20; 329:5;330:1 <b>Kiley (3)</b> 10:19;11:7,17 <b>Kiley's (1)</b> 12:1 <b>kind (39)</b> 44:2;56:8;71:19; 78:8;94:2;105:8; 107:24;111:16,17; 112:18;115:13; 116:15;120:11,17; 121:17;164:13; 175:24;177:9; 189:16;191:1; 193:20;201:5; 205:22;211:11; 213:9;234:5;238:10; 248:24;251:23; 256:6;262:8;283:8; 300:25;307:3; 318:25;330:23; 332:5,20,24 <b>kindergarten (2)</b> 63:22;185:24 <b>kindly (13)</b> 80:18;84:12;88:4; 104:12;167:13; 168:10;178:23; 179:11,17;185:14,15; 247:6;322:12 <b>kinds (2)</b> 203:12;281:22 <b>KIPP (6)</b> 282:6,8,8,11,11,22 <b>kissing (2)</b> 107:15;116:16 <b>knew (3)</b> 63:7;120:16;327:7 <b>knowing (1)</b> 200:24 <b>known (2)</b> 68:7;105:6 <b>knows (4)</b> 184:24;211:24; 267:16;303:21 <b>Kristi (1)</b> 22:25 <b>Kurrus (1)</b> 5:1	207:7 <b>lady (3)</b> 122:19;263:17; 264:23 <b>LANCE (1)</b> 153:8 <b>land (6)</b> 26:20,21;28:4; 44:12;63:8;101:13 <b>landed (1)</b> 133:3 <b>lanes (1)</b> 238:2 <b>language (14)</b> 47:18,23;51:17; 89:12;90:4;93:5; 94:3;206:6;210:17; 218:19,21;225:22; 229:16;285:25 <b>languages (2)</b> 210:12;213:24 <b>Laotian (1)</b> 248:22 <b>large (3)</b> 186:18;248:20; 327:10 <b>larger (2)</b> 28:15;278:23 <b>last (49)</b> 11:10;23:11;47:12; 54:25;55:9;56:22; 59:1;72:8,10;74:19; 75:11;88:11;96:19; 123:22;141:22; 169:25;172:25; 174:15;179:22; 184:13;187:13; 189:3;193:2,5,5; 199:19;202:11; 207:22;208:7;213:5; 217:16;218:10,23; 224:16;231:9;233:3; 238:15;241:17; 244:14;256:10; 270:14;271:11; 281:3;283:12; 287:24;289:3; 295:22,23;335:5 <b>lasts (1)</b> 287:14 <b>latchkey (1)</b> 170:23 <b>late (3)</b> 257:24;265:3,7 <b>later (8)</b> 82:12,13;84:12; 126:22;163:2; 190:17;326:24; 329:16 <b>later-later (1)</b> 286:12 <b>latest (1)</b> 48:12	<b>Latino (4)</b> 170:4;248:22; 284:8;303:23 <b>law (36)</b> 15:7;17:9;31:9; 40:18,19,20;46:2; 64:8;65:21,23;66:6,7, 9;67:23;68:14;71:1; 74:11,11;85:23,23; 86:1,1;88:18;90:20; 98:10;101:15,18; 204:12;255:9; 258:10,11,17;259:5; 263:9,14;280:7 <b>lawful (1)</b> 301:16 <b>laws (11)</b> 23:19;27:14;34:16; 36:13,20;37:9;65:10; 66:8;67:22;101:1,12 <b>lawsuit (10)</b> 12:22,24;13:4; 15:13,23;29:19; 46:15;51:22;68:18; 91:20 <b>lawsuits (1)</b> 91:15 <b>lawyer (3)</b> 36:3,13;71:6 <b>lawyers (2)</b> 218:12;259:2 <b>LEA (1)</b> 187:22 <b>lead (3)</b> 75:12;129:23; 144:21 <b>leader (1)</b> 281:1 <b>LEADERS (6)</b> 162:15;163:14,18; 164:5,18,25 <b>leadership (2)</b> 5:18;169:13 <b>lead-in (1)</b> 286:1 <b>leads (3)</b> 33:3;85:5;313:4 <b>League (1)</b> 180:3 <b>lean (1)</b> 131:3 <b>learn (10)</b> 5:3;11:14;39:10, 12;247:11;257:7; 270:7;284:24;328:7, 8 <b>learned (2)</b> 247:13;270:7 <b>learning (28)</b> 39:23;171:12,15, 24;172:2;184:3,4; 199:12;208:4; 235:19;277:2;	312:20;313:6;314:6, 10,17;315:5,6,11,11, 13;316:4,7;318:7,17, 20;319:17;325:16 <b>learning-based (1)</b> 314:6 <b>lease (1)</b> 175:24 <b>leased (1)</b> 288:18 <b>leasing (1)</b> 176:3 <b>least (15)</b> 57:3;114:9,10; 125:24;129:11; 180:25;182:18; 256:9;257:22;265:6; 286:24;293:21; 301:23;302:19;335:6 <b>leave (4)</b> 44:23,24;163:23; 181:7 <b>leaving (4)</b> 71:16,20;74:21; 337:6 <b>led (1)</b> 313:1 <b>left (15)</b> 16:12;34:12;38:11; 41:17;79:25;88:1; 124:10;147:6,15; 219:8;235:15; 236:13;241:21; 242:1;310:11 <b>legal (23)</b> 23:18;25:2;32:12; 36:2;51:10;52:12; 59:5;65:2,9;70:18, 25;71:5,11;76:11; 78:10,13;80:11; 85:13;97:4;100:20; 127:7;218:15;289:15 <b>legally (1)</b> 259:1 <b>legislation (1)</b> 161:19 <b>legislative (5)</b> 67:4,7,9;92:17; 97:13 <b>legislatively (1)</b> 92:8 <b>Legislature (10)</b> 15:7;31:14;37:7, 24;50:21,22,22,24; 64:8;97:18 <b>legs (1)</b> 310:13 <b>lenient (2)</b> 133:19;220:21 <b>LEP (1)</b> 254:3 <b>Less (9)</b> 12:5,7;76:21;	121:25;133:15,19; 187:25;225:22; 227:16 <b>lesser (1)</b> 126:20 <b>lessons (2)</b> 270:7;284:24 <b>letter (35)</b> 4:10;9:2,4,12; 13:18;15:8;16:16; 17:2;26:8;33:7;61:6; 67:20;70:24;102:15; 143:22;207:23; 214:20;217:16,25; 218:4;220:1,4;221:2; 222:25;223:3;229:6, 7;230:9;232:23; 254:9;260:24;261:2; 262:10,17,21 <b>letters (5)</b> 37:11;57:1;125:1; 220:19;229:15 <b>letting (4)</b> 36:23;38:23;69:2; 239:17 <b>level (17)</b> 18:12;96:23; 126:20;164:8; 171:22;172:14,15; 174:8;184:25; 219:23;228:22; 265:20,25;303:3; 319:5;324:14;329:4 <b>levels (3)</b> 185:2;234:25; 274:3 <b>license (55)</b> 103:6,10;116:8,23; 119:4,9;124:14; 149:2,12;150:6,10, 13;151:15;153:7,12, 15,19;154:1,8,11,15, 19;155:10,14,17,20; 156:4,4;157:9,13,16, 19;158:16;159:17,20, 24;160:2;161:2,5; 206:9;221:23;232:9; 250:14;280:8; 295:16,23;296:1,6; 300:16,18;301:7; 303:9;307:6;308:24; 322:8 <b>licensed (1)</b> 241:7 <b>licenses (1)</b> 222:2 <b>Licensure (9)</b> 103:11;147:19; 149:14;150:15; 151:9,13,17,22;331:5 <b>lie (1)</b> 134:18 <b>lieu (1)</b>
<b>L</b>				
<b>lab (2)</b> 39:21;315:6 <b>laboratory (1)</b> 317:19 <b>labs (4)</b> 174:4;177:21; 182:6;315:12 <b>lack (1)</b> 33:24 <b>Ladies (1)</b>				

4:13 <b>life (10)</b> 10:16;26:21;27:8; 41:15;106:23,24; 226:18,19,20;279:25 <b>lift (1)</b> 174:20 <b>light (4)</b> 82:25;106:1; 213:10;295:2 <b>Lighthouse (2)</b> 11:7;19:15 <b>liked (1)</b> 267:8 <b>likelihood (2)</b> 227:11,15 <b>likely (3)</b> 227:17,21;233:13 <b>liken (1)</b> 246:18 <b>limbo (1)</b> 73:5 <b>limit (5)</b> 57:11;85:16;91:15; 331:6,9 <b>limitations (2)</b> 106:4;313:21 <b>limited (4)</b> 15:16;111:15,16; 182:4 <b>Lindsey (1)</b> 312:3 <b>line (7)</b> 59:11;63:4,5,10; 113:2;180:24;254:2 <b>lines (1)</b> 242:23 <b>link (2)</b> 45:19;212:13 <b>linked (3)</b> 45:4,4,5 <b>list (19)</b> 5:19,22;6:4; 179:10;180:1; 181:15;182:12; 188:16;210:14; 211:2;212:17; 239:20;243:20; 249:18;272:13,13,17; 293:12,12 <b>listed (1)</b> 208:1 <b>listen (5)</b> 50:21;167:2; 181:20;245:19; 268:21 <b>listened (4)</b> 215:14,24;216:1; 217:1 <b>listening (3)</b> 101:6;248:17; 330:5 <b>literally (3)</b>	71:9;76:21;88:2 <b>literate (1)</b> 225:21 <b>litmus (1)</b> 223:24 <b>LITTLE (103)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,14,18, 18,21,21;23:4,6;27:5; 28:13;39:5;54:25; 62:7;110:25;114:25; 116:17;121:25; 122:9;143:1,2,4,4,8, 8;165:11,14,17,22, 23;166:2;167:23,25; 168:17,22;169:8,17; 170:4,7;172:7,18; 174:13;176:9;180:4, 19,21;181:21;182:16, 22;183:6,7;184:16, 20,22;185:20;187:10, 25;188:17,23; 190:21;194:23; 195:20;196:6,23,24; 199:10;201:24; 210:6;211:4;225:2; 233:7;237:25; 242:18,22,23;243:4; 244:3,3;245:5,6; 246:22,24;258:4; 268:6;269:1,21,22; 270:5,18,21;284:18; 292:4;294:12,14; 334:6;335:5;342:24 <b>live (15)</b> 18:21;19:8;21:13; 23:22;38:8;44:12,13; 62:1,4;180:4;181:1, 2;228:5;237:23; 238:10 <b>live- (1)</b> 138:17 <b>lived (5)</b> 18:20;26:21;28:4; 66:23;274:19 <b>lives (9)</b> 8:22;16:4;28:5; 35:4;56:15,15,24; 68:16;106:17 <b>live-stream (1)</b> 203:11 <b>live-streamed (1)</b> 118:10 <b>live-streaming (2)</b> 199:25;203:9 <b>living (1)</b> 35:6 <b>Liwo (102)</b> 102:2,6,6,17,25; 103:2;111:9,11; 114:13,16,23;115:1, 4,12,15;116:2,12; 117:4,16,23;118:21;	119:1,3,12;120:2; 121:21,23;122:3; 124:17,22,24,25; 125:15,23;129:1,4,8, 13;132:3;133:9,10, 11;134:3,7,21,25; 137:9,13,16,19; 147:5,10,10;148:18, 24,25;149:1,5,8,11; 150:10,12,25;151:11, 14,23,25;152:7,15; 153:13,14,23,24; 154:13,14,23;155:15, 16,24;156:7,13,16, 20,22;157:14,15,23; 158:15,23;159:3,5, 23;160:10,14,19,24; 161:1,2,5,16,25; 162:12 <b>lobby (2)</b> 178:25;337:15 <b>local (11)</b> 6:14;11:23;58:1; 173:20,21;238:10; 264:13;313:19,19; 316:18;319:19 <b>locate (1)</b> 237:4 <b>located (3)</b> 178:3;223:7; 231:11 <b>location (20)</b> 176:4;180:6; 190:24;191:1,9,12; 196:23;197:10,15,22; 206:8,10;222:6; 223:5;224:7;288:15; 292:11;296:6; 300:16;315:7 <b>locations (3)</b> 207:12;223:10; 238:4 <b>locker (1)</b> 177:23 <b>long (77)</b> 28:5;32:1;68:7; 70:13;107:12;113:9; 124:21;168:2,12,13, 16;169:7;170:8; 173:15,18;178:12,15; 179:13,22,23;187:13, 19;188:7,13,15,19, 22;189:3;193:20; 194:4,10,12;195:6,8; 196:15;199:11; 228:5;245:7;256:8; 271:14;274:12; 285:21;287:14; 311:8,10,13,19,21,24, 24;320:1,20,22; 321:7,9,11,13,15,18, 20;322:3,7;323:19, 21,23;324:6,8;325:1;	326:17;328:2; 329:22;331:13; 332:20;333:7,12,15; 336:18 <b>longer (9)</b> 105:13;106:6; 119:20,25;170:19,19, 263:10;265:2;272:4 <b>longstanding (1)</b> 34:23 <b>look (66)</b> 7:2;10:10,11;17:2; 46:9;57:15;61:11; 65:14;79:10,12;81:2; 89:4;98:1;99:16; 107:3;109:8;112:11, 23,25;117:10;129:7; 161:16;164:10; 175:25;176:2; 177:21;191:16; 197:13;202:12; 205:8;210:19; 211:15;219:1;224:3, 4;225:11;229:18; 230:4,23;231:2; 232:1,13;234:6; 249:17;254:14; 261:10;262:18; 276:22;277:11,20,21; 280:3;281:15,23; 282:22;283:6,7; 287:15;294:18; 301:2;314:13;316:3; 318:4;319:12; 328:18;336:19 <b>looked (5)</b> 48:11;52:1;243:6; 263:21;321:21 <b>looking (22)</b> 27:18,21;52:25; 56:2;65:18;94:3; 127:12;164:4;190:1; 193:6;195:19; 196:12;209:3;223:9; 251:25;260:21,23; 282:18;302:24; 308:13,14;327:2 <b>looks (2)</b> 250:19;332:14 <b>Loretta (2)</b> 243:20,21 <b>Lori (5)</b> 48:6;51:6;73:15; 78:16,21 <b>losing (3)</b> 27:23,23;124:14 <b>loss (2)</b> 148:21;317:3 <b>lost (2)</b> 56:22;72:1 <b>lot (35)</b> 40:7;74:21;91:23; 94:9;174:2;175:25;	186:5;222:23,24; 223:17;237:9; 238:16;245:9; 246:14;250:19; 251:14;257:25; 265:19;268:1,7,9,22; 276:19;281:8,8; 302:12;307:4; 324:18,20;325:4; 327:14;329:4,25; 330:12;335:1 <b>lots (3)</b> 248:10;292:14; 323:5 <b>lotteries (4)</b> 212:6;215:23; 259:23;260:9 <b>lottery (49)</b> 161:21;209:2,23; 210:19,19,21,23,24; 211:17,21,25;212:10; 213:5;214:4;215:20; 216:8,21;223:15; 244:22;247:17; 251:13;252:3; 253:23,23;256:7,9, 10,12,25;257:10,16, 21;258:1;259:20; 260:2;267:14,20; 272:8,22;278:23; 279:10;287:9; 289:11,13,18;306:1, 3,10,18 <b>loud (1)</b> 327:23 <b>LOUIS (1)</b> 101:24 <b>LOUISE (1)</b> 155:11 <b>Louisiana (1)</b> 27:7 <b>love (27)</b> 10:13;26:17;27:3; 45:7;105:24,24; 171:3,8,10,11;183:8, 13,15;184:2;242:13; 244:16;248:8; 253:13;264:24; 265:22;267:11; 274:22;275:25; 279:2;280:11; 293:12;294:13 <b>loved (2)</b> 174:1,2 <b>lovely (1)</b> 243:25 <b>loves (1)</b> 57:25 <b>loving (2)</b> 113:8;243:14 <b>low (1)</b> 283:13 <b>lower (6)</b>
--	--	---	---	---

12:4;175:7;268:11; 278:24;279:19; 318:23 <b>lowest (2)</b> 12:5;244:20 <b>low-income (1)</b> 209:1 <b>low-level (1)</b> 329:25 <b>LRPA (7)</b> 172:15;173:5; 181:19;182:15; 183:25;184:1,6 <b>LRPA's (1)</b> 202:10 <b>LRSD (2)</b> 176:6;339:24 <b>luck (2)</b> 7:3;76:14 <b>lucky (2)</b> 66:4;249:4 <b>lunch (30)</b> 84:8;100:18;130:2; 137:4;138:1,11,11, 12,14;139:12,14,20; 170:1,3,15;196:2; 227:9;254:4;255:7; 282:11;305:20; 306:4,25;307:15,16, 23;308:2,6;310:8,9 <b>lunchroom (1)</b> 186:18 <b>Lutheran (1)</b> 180:7 <b>luxury (1)</b> 240:11	149:3,7,11,13,16, 19 <b>Magurek (2)</b> 149:8,10 <b>mail (1)</b> 105:9 <b>main (3)</b> 39:3;176:10; 215:12 <b>maintain (2)</b> 93:14;258:22 <b>maintaining (2)</b> 112:3;200:8 <b>maintains (1)</b> 111:12 <b>major (5)</b> 11:12,15;219:3; 243:15;288:14 <b>MAJORITY (13)</b> 20:5;79:8,15,18; 81:16;97:6,8;120:1; 128:2;148:13; 248:19;249:14; 271:18 <b>maker (2)</b> 39:21;304:10 <b>makes (6)</b> 33:19;72:19;88:22, 25;133:4;277:12 <b>making (21)</b> 9:16;22:7;50:17; 51:10;52:5;72:15; 101:15;102:12; 170:15,23;173:3; 181:11;193:17; 194:15;201:8;214:1; 238:21;241:19; 276:10;294:24; 334:22 <b>male (1)</b> 196:13 <b>man (6)</b> 112:12,14;183:22; 258:9,10;322:15 <b>management (3)</b> 147:22;148:1; 314:17 <b>mandate (2)</b> 238:19;305:20 <b>mandated (1)</b> 258:17 <b>manner (2)</b> 22:10;124:9 <b>Mansell (1)</b> 239:21 <b>Mansell (13)</b> 242:5,6,7,7;243:19, 20,21,21;245:18; 247:5,8,11;248:11 <b>mantra (1)</b> 223:22 <b>manual (1)</b> 210:2	<b>many (33)</b> 26:15;37:14;50:13; 65:12,12;71:20; 96:21;168:19,20,20; 169:14;170:21; 174:1,6;181:25; 204:4;215:23; 225:24;226:16; 229:13;234:25; 238:12;246:8; 248:18;249:1; 256:16,16;263:10; 265:14;268:25,25; 299:8;314:17 <b>MAP (4)</b> 172:21;176:6,8; 197:5 <b>March (11)</b> 59:1;103:2;112:6; 115:16,18,19;116:11; 130:15,16;212:2; 233:14 <b>Marianna (2)</b> 150:10,12 <b>MARIANNE (1)</b> 150:7 <b>Mark (1)</b> 214:17 <b>marked (5)</b> 9:5,13;173:16; 216:23;224:9 <b>Marketing (1)</b> 209:21 <b>Markham (4)</b> 174:19;176:14,20; 178:3 <b>married (5)</b> 112:9;113:15,24; 116:17,18 <b>Marshall (3)</b> 57:9;178:19;179:2 <b>Marshallese (13)</b> 229:9,9,12,13; 245:4,6,7,22;246:3; 247:13;248:22; 284:7;303:24 <b>MARTIN (7)</b> 153:9,13,14,17,21; 206:18;207:9 <b>Martin's (1)</b> 153:19 <b>Maslow's (3)</b> 170:9,12;172:4 <b>mass (2)</b> 242:20;328:17 <b>master (2)</b> 313:21;315:4 <b>mastered (1)</b> 171:13 <b>mastery (2)</b> 169:11;171:12 <b>match (1)</b> 172:17	<b>material (4)</b> 200:13;226:1; 265:16,18 <b>materials (3)</b> 213:20;217:21; 262:14 <b>math (12)</b> 172:15,21;173:23; 185:4;299:5;327:12, 17,18,19,20;328:24, 24 <b>mathematicians (1)</b> 132:5 <b>matter (8)</b> 57:13;81:18;121:9, 17;226:17,18; 279:22;286:7 <b>Matthews (4)</b> 180:1,2,2;181:14 <b>Mattie (1)</b> 313:17 <b>mattresses (3)</b> 226:11;245:25; 246:1 <b>maturity (3)</b> 316:1,7;329:4 <b>Mavericks (1)</b> 182:25 <b>max (1)</b> 169:22 <b>may (82)</b> 8:11,13;9:22;12:9; 13:7;14:7;29:16; 41:24;42:2;64:15; 70:1;77:25;79:18; 102:11;108:25; 112:7;114:20; 122:14;126:12,14; 133:9,21;144:15; 148:16;151:15; 158:24;161:12; 162:18;165:11; 179:6;189:14; 191:20;192:7,15,20; 197:20;201:14; 202:21,25;216:21; 219:15;225:25; 226:10;227:16; 229:20,20;230:4; 231:15;240:9,9; 241:1;274:23,23,24, 25;275:3;276:12; 277:25;278:12; 281:14;284:14,23; 285:10;286:6,11; 287:1,2;288:18; 296:2,3;299:7;302:1; 307:16;308:20; 311:13;317:14; 321:21;324:13,22; 327:13,13;332:6 <b>maybe (34)</b> 14:1;15:4,52;10;	55:11;66:21;80:20; 82:1,1;84:8;92:17; 152:7,8;162:19; 185:9;214:23,23; 220:20;227:21,24; 234:20;251:3,23; 256:9;268:14;271:4, 25;273:11;274:1; 278:3;286:24; 290:21;324:15; 331:7;334:8 <b>McAULIFFE (39)</b> 20:21,25;21:1,2; 22:9,25,25;24:7,8; 25:19;26:2,5;28:8; 36:5;43:18;44:5,7; 45:14;61:24;62:3,6,9, 11,16,20,22,25;63:3, 12,18,21;64:1;70:23; 76:7,24;87:25;137:6, 25;145:15 <b>McAuliffe's (6)</b> 24:25;25:3;34:19; 35:25;37:4;38:3 <b>McKenzie (2)</b> 172:10,17 <b>McKissic (1)</b> 51:21 <b>meals (6)</b> 231:6,6,13,18; 254:23;255:8 <b>mean (115)</b> 8:10;14:23;20:12; 21:11;28:3;35:21; 38:4;42:25;44:14,19; 45:6;46:5,19;48:10; 51:24;56:24;60:4,17, 18;63:9;64:25;76:20; 78:15,17;79:3;81:25; 82:1;86:5,10;89:3; 91:2,19,24;93:6,10; 97:25;98:5;99:3; 100:23;107:15; 108:24;109:7,22; 110:4;113:23,25; 114:1;118:6;122:17, 24;123:5;135:14; 142:11;160:14,16; 194:7;197:13;203:6; 221:15;228:10; 230:11;231:14; 233:11,12;234:8; 235:2;242:20; 244:11;246:3; 247:11,15;252:5,11, 12;256:24;257:19; 259:17;261:12; 271:2;273:6;274:19; 275:14;276:19,21; 277:10,19;281:8; 285:20;286:8,8,14, 19,25;288:18;301:18, 18;302:11,11;304:10,
<b>M</b>				
<b>ma'am (24)</b> 53:16,19;61:4; 66:12,17,20;67:1,25; 104:10,14;118:17; 142:8;150:23;163:5; 178:15;179:23; 185:14;194:10; 195:8;311:24; 321:13,15;322:22; 328:2 <b>Madam (20)</b> 4:9;24:23;52:21; 54:20;70:1;81:14; 104:17;126:14; 161:12;167:25; 168:13,25;173:10; 199:18;206:17; 207:7;236:20; 290:25;311:6;312:7 <b>magic (1)</b> 196:9 <b>magnet (1)</b> 50:8 <b>MAGOUYRK (6)</b>				

<p>11,14;305:17; 306:17;307:2,6,12, 18,21;308:3,4;328:4; 330:11,24;331:3; 333:8 <b>meaning (2)</b> 93:12;121:5 <b>means (13)</b> 93:10;97:2;120:16; 121:8;145:24; 204:12,12;223:25; 233:14;234:8; 243:23;266:1;334:5 <b>meant (5)</b> 91:1;122:20;191:6; 270:4,21 <b>meantime (1)</b> 195:9 <b>measure (1)</b> 204:19 <b>measured (1)</b> 305:5 <b>Medal (1)</b> 207:20 <b>media (5)</b> 112:10,23;113:7; 119:16;163:10 <b>medical (2)</b> 246:8;313:18 <b>meet (13)</b> 59:13;96:2;203:15; 208:19;219:19; 221:9;226:16;230:2; 266:23,24;275:14; 288:5;304:15 <b>meeting (35)</b> 4:17;6:1;55:3,8,15; 79:18,19;83:4;84:20, 21;96:4;166:22; 170:11;172:4; 191:23;192:15; 193:2,5,5,12;203:22; 220:10;228:23; 230:16,19;231:1; 234:5;285:20,22; 286:8,11,13;289:3; 313:7;338:16 <b>meetings (11)</b> 5:4,7,25;192:14; 203:7,18,20;204:10; 231:2;263:20;288:23 <b>Megan (1)</b> 222:19 <b>member (9)</b> 10:21;11:1;80:12; 85:4;192:16;245:17; 275:23;282:18; 323:16 <b>members (18)</b> 6:24;24:24;44:13; 45:24;47:5;96:21; 121:11;124:1; 192:10;203:10;</p>	<p>206:2;216:19; 236:21;283:2;288:8; 312:7,19;315:3 <b>membership (1)</b> 323:16 <b>memo (4)</b> 4:15;6:22;55:10,18 <b>memory (1)</b> 169:8 <b>Memphis (1)</b> 182:25 <b>men (2)</b> 265:22;280:1 <b>mental (1)</b> 170:15 <b>mentally (1)</b> 323:5 <b>mention (4)</b> 42:16,18;274:9; 288:3 <b>mentioned (13)</b> 31:9;38:5;57:21; 68:13;70:9,24;71:14, 25;231:21,25; 314:24;328:20; 332:21 <b>mentioning (1)</b> 261:21 <b>mentions (1)</b> 220:6 <b>mentoring (2)</b> 318:21;319:4 <b>merge (1)</b> 29:2 <b>merged (1)</b> 30:9 <b>merger (1)</b> 30:7 <b>merit (1)</b> 99:14 <b>merited (1)</b> 110:12 <b>merits (3)</b> 78:18;124:5,14 <b>message (5)</b> 124:3,5,7;133:16; 291:22 <b>messages (1)</b> 113:7 <b>met (10)</b> 58:9;118:16; 170:16;172:13; 193:11;217:10; 230:1;270:14; 271:10;326:14 <b>meted (1)</b> 111:7 <b>method (1)</b> 124:9 <b>metrics (1)</b> 303:3 <b>Mexican (1)</b> 273:20</p>	<p><b>mic (5)</b> 22:19;138:17; 168:10;185:15; 322:12 <b>MICHAEL (3)</b> 149:3,6,11 <b>microphone (5)</b> 54:23;103:21; 104:13;118:9;187:9 <b>middle (26)</b> 169:24;171:18; 172:19;174:18,23,25; 175:5,8,14;176:18, 19;177:16;180:12; 181:19;187:20,23,24; 188:10;189:6,13,24; 190:15;194:25; 284:24;323:8;330:24 <b>middle-of- (1)</b> 266:22 <b>Midtown (1)</b> 197:1 <b>might (30)</b> 52:15;61:2;81:20; 82:1,1;91:14;92:20; 97:19,25;133:22; 139:1;177:9;195:4; 202:2,21,24;205:25; 227:19,21;230:23; 231:2;234:6,7;283:3; 298:15;306:3,5; 307:7;308:3;325:13 <b>might've (1)</b> 287:3 <b>Mike (2)</b> 4:12;294:3 <b>miles (7)</b> 23:23;44:11;62:1; 191:8;197:16;237:7; 243:23 <b>milestones (1)</b> 303:1 <b>military (1)</b> 282:14 <b>mind (8)</b> 6:11;68:25;79:21; 201:18;223:4; 279:17;302:14; 311:14 <b>mind-reading (1)</b> 122:11 <b>minds (1)</b> 105:25 <b>minimal (2)</b> 135:11;176:22 <b>minimize (1)</b> 189:7 <b>minimum (2)</b> 266:6,8 <b>minister (1)</b> 104:19 <b>minor (1)</b> 144:2</p>	<p><b>minorities (3)</b> 196:3;268:17; 271:19 <b>minority (7)</b> 260:16;268:8,18; 269:17;278:24; 279:20;282:12 <b>minute (5)</b> 68:14;138:14; 167:8;169:3;191:15 <b>minute-and-a-half (1)</b> 183:18 <b>minutes (50)</b> 8:8,9;13:9;24:22; 26:4;38:12,13;41:17; 42:2,5;43:17,23; 81:1;102:9;107:8; 111:9;114:17;137:4; 166:15,17,18;167:6, 7,14;176:20,21; 178:13;179:3,14,19, 20,22;205:13,14,15; 206:21;207:5; 214:16;219:8,13; 222:12,18;234:19,21; 236:13;247:7;290:2; 320:12,19,19 <b>mirror (1)</b> 282:23 <b>miscommunication (1)</b> 169:1 <b>misconstrue (1)</b> 235:1 <b>misinformation (1)</b> 64:2 <b>misinterpreted (1)</b> 241:13 <b>misled (1)</b> 241:5 <b>Miss (2)</b> 242:18;244:14 <b>missed (4)</b> 152:8;195:21,23; 229:2 <b>missing (2)</b> 187:2;290:23 <b>mission (10)</b> 169:9,14,20; 197:14,21;227:1,3,4; 228:11;256:21 <b>misspoke (1)</b> 119:5 <b>misstatement (1)</b> 108:14 <b>mistake (2)</b> 35:25;36:12 <b>mistaken (2)</b> 47:12;161:24 <b>misunderstood (1)</b> 19:16 <b>mixed (1)</b> 228:25 <b>model (11)</b></p>	<p>5:22;107:1;169:18; 170:10;174:2; 178:11;189:12,13; 215:7;216:21;318:7 <b>modes (1)</b> 240:2 <b>modifications (4)</b> 202:3,21;285:13; 286:4 <b>modify (2)</b> 126:18;182:8 <b>modifying (1)</b> 315:17 <b>mom (1)</b> 317:6 <b>moment (4)</b> 77:18;144:5; 168:24;269:13 <b>moments (2)</b> 95:9;113:3 <b>money (6)</b> 27:23;160:13; 161:20;181:12; 254:24;288:19 <b>Monique (2)</b> 184:14,18 <b>monitoring (1)</b> 292:20 <b>month (7)</b> 5:9;106:8;152:9; 186:21;244:14,15; 289:18 <b>monthly (1)</b> 16:23 <b>months (7)</b> 7:3;92:23;112:17; 218:12,13,13;273:13 <b>MOORE (22)</b> 24:17,18;26:1; 28:13;38:14,18,19; 41:19,22,25;42:7; 43:16;45:22;54:20, 21,22;57:20;70:1,3,4; 72:5,6 <b>moots (1)</b> 262:8 <b>morals (1)</b> 45:9 <b>moratorium (4)</b> 192:17;200:10; 201:11;202:5 <b>more (89)</b> 5:20;37:18;53:24; 55:24;58:6;59:10; 66:22;70:15;81:6; 85:15,18;92:4;94:9, 16;103:9;109:3; 115:10;125:9; 127:10;130:2; 132:13,16;133:1,2; 135:1,15,15;165:12; 182:21;183:8,12; 187:24;191:13;</p>
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<p>195:21,24;211:4; 213:18;214:2; 221:25;229:20; 231:15;235:11,11; 237:19;238:16; 239:12;248:14; 250:23,25;251:17,23; 252:13;256:6;259:7; 261:7,17;262:15; 267:17;269:4; 275:11;280:5; 282:21;283:15; 288:12;289:23,24; 290:14;292:6,22; 293:1;294:5,8; 298:13,13;299:13; 302:16;303:20,22; 306:21;308:4,5; 316:12;324:20,20; 325:15;327:11; 329:7,21;330:13</p> <p><b>morning (7)</b> 7:23;9:1;24:17; 56:17;137:12; 140:12;144:8</p> <p><b>Morris (1)</b> 41:18</p> <p><b>MORTON (6)</b> 146:25;147:9,11, 20,25;148:1</p> <p><b>most (25)</b> 11:10;16:22;38:5; 40:9;47:14;92:3; 95:10;127:4;180:24; 192:15;204:10; 207:22;215:8;217:2, 4;219:4;240:8,10; 252:21;256:1; 289:16;298:8;302:1; 316:10;330:23</p> <p><b>mother (3)</b> 16:8;23:1;316:17</p> <p><b>motion (124)</b> 7:5,10,15;19:22; 20:1,12;57:24;74:14; 75:3,8;76:6;79:8; 81:15,15;82:9;83:6; 84:3;85:11,17;86:16, 22,25;87:3;115:8; 118:23;122:8; 125:16;126:1,3,4,10; 127:19;128:22; 129:1,2,7,15,20; 130:3,10,11;131:5, 16,18,19,20;133:6; 135:5,9,19;136:6,8, 24;140:13,20;141:4, 6,8,9,12,22,25;142:4, 23;144:22;145:15, 18;146:2;148:11,17; 150:1,4;151:4,7; 152:25;153:5;154:3, 6;155:4,8;156:25;</p>	<p>157:3,7;158:4,8; 159:8,12,15;162:4,8, 11;164:23;165:4,8; 167:1;193:9;196:10; 198:5,6,9,14;199:9; 295:7;296:9,20; 297:14,15;298:19,24; 300:14,15,20;304:11, 21,22;308:20; 309:11;310:6; 335:20;336:16,23; 337:25;338:2,9</p> <p><b>motions (7)</b> 57:24;127:2; 154:25;156:1; 157:25;160:5;286:18</p> <p><b>motivated (1)</b> 307:13</p> <p><b>motivation (3)</b> 92:14;288:25; 316:9</p> <p><b>Mountain (18)</b> 197:1;310:21; 311:3,9,25;312:1,4; 314:5;316:8;318:18, 22;322:4;333:3,11, 13,13;334:7;336:17</p> <p><b>mouths (1)</b> 229:15</p> <p><b>move (75)</b> 6:2,13;7:7;19:23; 26:20;43:12;44:9,10; 54:18;60:12;66:19, 23;68:22;74:6,7; 75:6;82:22;86:17,17; 94:17;114:19; 124:20;126:2,15,17; 127:5,15;129:9,11, 17;130:13,22; 140:15;141:13,16; 142:19;145:19; 148:6;149:22;151:2; 152:21;154:1;155:1; 157:1;158:1;159:9; 162:5,20;164:24; 171:13;174:22,24; 175:4;176:25; 183:11;186:20,21; 189:5;190:11; 192:12;193:25; 194:2;197:25;198:7, 7;199:14;208:11; 276:6;277:23; 296:11;298:5,17; 300:17;335:8,12</p> <p><b>moved (6)</b> 82:16;148:8;190:7; 193:13;308:23;338:1</p> <p><b>movement (4)</b> 56:25;57:4;70:15; 94:9</p> <p><b>movements (1)</b> 243:16</p>	<p><b>Moving (30)</b> 4:4;7:18;20:16,22; 38:6;45:2;93:8; 96:17;98:1;121:6,17; 145:16;147:1;149:4, 21;150:8;151:11; 153:10;155:12; 157:11;162:16; 164:11;177:12; 186:15;191:8;205:2; 237:1;273:23; 284:12;329:18</p> <p><b>Mrs (12)</b> 104:1,3;111:4,22; 112:2,7,14;113:11; 116:15;117:18; 120:14;125:7</p> <p><b>much (35)</b> 8:19;14:10,16; 24:6;31:15;38:10; 44:20;56:13;96:15; 101:22;106:17; 120:25;142:12; 164:19,21;165:9; 168:14;178:17; 179:20;183:9,15; 197:7;225:22; 229:22;239:18; 244:10,11;280:4; 285:3;292:1;317:2; 330:13,18;331:4; 336:18</p> <p><b>multicultural (1)</b> 247:15</p> <p><b>multiple (5)</b> 5:5;97:16;213:24; 288:22;318:21</p> <p><b>multitude (1)</b> 208:13</p> <p><b>must (5)</b> 12:24;113:22; 125:8,9;280:8</p> <p><b>myself (4)</b> 104:24;106:25; 238:24;327:6</p> <p><b>mystery (1)</b> 255:25</p>	<p>186:2,3;207:8; 209:20;214:17; 236:22;248:23; 264:17;311:23,24</p> <p><b>names (1)</b> 68:25</p> <p><b>narrow (1)</b> 189:11</p> <p><b>nation (1)</b> 41:2</p> <p><b>National (8)</b> 10:23;11:2,23; 163:15;164:6; 172:20,24;337:14</p> <p><b>Native (1)</b> 248:23</p> <p><b>natural (2)</b> 31:4;164:6</p> <p><b>nature (9)</b> 96:16;108:8; 120:13,18;124:12; 152:11;170:17; 174:5;189:24</p> <p><b>navigating (1)</b> 312:11</p> <p><b>nay (7)</b> 128:1,2,13,15,17, 19,21</p> <p><b>near (2)</b> 5:6,16</p> <p><b>nearby (1)</b> 180:13</p> <p><b>nearly (1)</b> 40:5</p> <p><b>neat (1)</b> 210:5</p> <p><b>necessarily (4)</b> 196:7;205:6; 285:21;305:10</p> <p><b>necessary (6)</b> 84:10;96:1;169:12; 174:9;201:15;227:5</p> <p><b>necessity (1)</b> 291:25</p> <p><b>need (60)</b> 8:5;9:16;21:6,16; 22:16;34:1;37:6; 54:23;85:15;93:21, 22;94:15;100:17; 120:10;125:17; 126:3,4;128:3;129:2, 11;130:9;131:1,4,9, 11,12,16;160:18; 165:11;166:13; 167:1;171:14,18,20; 172:5;178:24; 205:12;206:22; 209:25;217:12,13; 220:7;240:21; 253:14;258:14; 265:11;269:4,24; 286:17;291:25; 293:3;304:13,14;</p>	<p>307:20;309:3;313:2; 315:14,20;322:11; 330:19</p> <p><b>needed (8)</b> 61:10;107:18; 127:10;133:2;181:8, 23;225:7;241:21</p> <p><b>needs (15)</b> 5:15;96:4;170:9, 12,16;172:5;182:8; 199:16;229:25; 230:3;246:8;255:19; 266:24;313:7;328:11</p> <p><b>negative (5)</b> 69:7;94:6;128:24; 146:22;310:5</p> <p><b>negatively (3)</b> 46:6;71:3;233:5</p> <p><b>neglect (2)</b> 13:1;235:13</p> <p><b>neglected (1)</b> 241:12</p> <p><b>negligible (1)</b> 28:19</p> <p><b>negotiation (1)</b> 205:22</p> <p><b>neighborhood (7)</b> 174:9;180:5;181:2; 191:2,14;246:19; 247:3</p> <p><b>neighborhoods (1)</b> 181:3</p> <p><b>neither (1)</b> 47:19</p> <p><b>Nell (2)</b> 180:1,2</p> <p><b>nervous (3)</b> 10:1;27:6;248:20</p> <p><b>networking (1)</b> 108:16</p> <p><b>new (42)</b> 5:22;7:4;15:10; 17:18;45:23;47:4; 77:3;96:21;121:11; 141:3,4,6;164:4,14, 24;176:4,20;177:22; 178:2,2;180:5; 186:15;190:5,13; 192:9,18,19;201:13; 202:14;203:10; 206:2;221:2,3,24; 229:10;231:22; 233:13;235:16; 238:12;252:2;260:6; 283:20</p> <p><b>newborn (2)</b> 10:11,12</p> <p><b>newly (1)</b> 178:7</p> <p><b>newly-granted (1)</b> 200:12</p> <p><b>News (2)</b> 207:17;243:15</p>
<b>N</b>				
<p><b>Nacesha (1)</b> 9:25</p> <p><b>naively (1)</b> 92:17</p> <p><b>name (38)</b> 9:23,25;22:16,18, 23,25;24:17;38:20; 43:6;91:23;103:21; 104:12,17;168:11,12, 16;179:25;180:2; 181:17;182:13; 183:22,23;184:14,18; 185:11,16,18,22;</p>				

<p><b>newspaper (2)</b> 207:25;208:2</p> <p><b>NEWTON (80)</b> 53:10,11,13,17,20, 25;54:3,6,8,11,17; 57:18;59:10;60:14; 61:20,21;75:23,24; 83:21,22;86:19;87:5, 17,18;98:20,22; 99:19;126:21,24; 128:16,17;130:4,7; 131:1;136:1,3,18,19; 145:8,9,21;146:15, 16;155:1,5;158:1,5; 165:3;194:21,22; 195:7,9,14;199:3,4; 230:18,21;231:17; 287:6,7,8,12;297:8,9; 300:8,9;304:6,20; 305:2,7;308:15; 309:4,23,24;326:8, 10,11;327:10;336:10, 11</p> <p><b>next (35)</b> 20:23;140:5;152:9; 158:12;166:6; 171:20;181:15; 182:12;183:4; 193:12;194:1,3; 195:5;200:25;201:5; 203:2;215:15; 216:2;221:3;230:20; 233:14;235:6; 241:19;243:20; 260:13;270:18; 285:22;286:11,13; 294:12;303:2,12; 312:22;327:7;332:25</p> <p><b>nice (1)</b> 224:19</p> <p><b>night (4)</b> 322:16;326:4; 333:6,17</p> <p><b>nine (6)</b> 170:20;242:22,23, 23;243:4;327:22</p> <p><b>nineteenth (1)</b> 207:18</p> <p><b>no- (1)</b> 195:24</p> <p><b>nobody (2)</b> 13:17;242:21</p> <p><b>nod (1)</b> 310:14</p> <p><b>Nodding (2)</b> 73:13;320:14</p> <p><b>non- (4)</b> 9:15;32:10;89:21; 233:6</p> <p><b>non-action (1)</b> 118:25</p> <p><b>non-attorney (2)</b> 9:17;168:4</p>	<p><b>non-attorneys (1)</b> 21:20</p> <p><b>non-binding (1)</b> 89:15</p> <p><b>non-black (1)</b> 37:16</p> <p><b>non-complete (1)</b> 93:23</p> <p><b>none (13)</b> 19:22;28:19;29:17; 112:2;117:18;133:8; 140:14;164:21; 198:5;257:3;279:23; 299:21;301:25</p> <p><b>NONPAYMENT (10)</b> 153:8,12;154:9,12; 155:11,14;157:10,13; 159:18,21</p> <p><b>nonresident (8)</b> 8:12;13:15;33:19, 20,23;43:25;64:15; 71:17</p> <p><b>non-unitary (1)</b> 95:24</p> <p><b>non-white (4)</b> 208:10,11;261:11, 22</p> <p><b>nor (2)</b> 47:19;209:17</p> <p><b>norm (1)</b> 172:24</p> <p><b>normal (8)</b> 138:13;211:9; 221:22;226:13; 243:1;322:16,18; 337:12</p> <p><b>normally (5)</b> 111:1;127:22; 180:17;276:15; 298:20</p> <p><b>North (10)</b> 15:14,18,21;143:2, 4,8;176:10;177:19; 196:24;197:16</p> <p><b>northern (1)</b> 197:16</p> <p><b>Northwest (11)</b> 237:23;252:22; 270:17,19,25;275:8; 277:21;280:13; 282:19;294:12,14</p> <p><b>no's (3)</b> 20:11;87:23; 145:14</p> <p><b>note (11)</b> 17:25;20:10; 148:16;216:3; 221:19;245:16; 250:1;263:1;306:17; 325:10;332:10</p> <p><b>noted (3)</b> 56:18;57:1;319:21</p> <p><b>notice (4)</b> 151:19;204:22; 224:9;257:13</p>	<p><b>noticed (5)</b> 56:17;137:5; 195:20;222:15; 260:16</p> <p><b>notification (3)</b> 152:16;212:11; 223:15</p> <p><b>notified (7)</b> 13:20;84:6;149:13; 150:14;151:16; 219:21;223:14</p> <p><b>notify (3)</b> 9:8;156:6,7</p> <p><b>noting (1)</b> 150:25</p> <p><b>notwithstanding (1)</b> 57:5</p> <p><b>November (1)</b> 111:25</p> <p><b>now-wife (1)</b> 104:21</p> <p><b>nuclear (2)</b> 246:4,5</p> <p><b>Number (40)</b> 7:20;8:1,1,20; 15:17;82:3;89:14; 143:6;187:21,21; 191:8;207:16,18; 210:19,20,22,25; 211:2,3;212:25; 217:1;219:2;225:18; 235:8,13;237:3; 245:14;254:7,21; 255:9,17;261:8; 265:14;280:20; 288:7;289:14;291:4; 292:24;299:7;303:4</p> <p><b>number-one (2)</b> 229:21;239:11</p> <p><b>numbers (18)</b> 187:10,18;240:12; 253:25;254:8;257:4, 9;260:20;261:4,9,14, 21;262:19;266:21; 277:21;280:3; 282:20;290:1</p> <p><b>numerous (3)</b> 39:24;40:2;231:4</p> <p><b>nurse (1)</b> 245:22</p> <p><b>nurture (1)</b> 276:14</p> <p><b>nurtured (1)</b> 249:12</p> <p><b>nutrition (2)</b> 224:11;227:15</p> <p><b>NWEA (1)</b> 172:21</p>	<p><b>oath (5)</b> 99:15;117:22,23; 134:17;261:6</p> <p><b>object (1)</b> 65:2</p> <p><b>objected (1)</b> 258:15</p> <p><b>objecting (1)</b> 268:5</p> <p><b>objection (2)</b> 294:7;295:11</p> <p><b>obligated (1)</b> 47:19</p> <p><b>obligation (3)</b> 36:12;94:7;99:8</p> <p><b>obligations (1)</b> 59:19</p> <p><b>observing (1)</b> 287:18</p> <p><b>obtain (2)</b> 59:20;94:5</p> <p><b>obtained (1)</b> 59:16</p> <p><b>obvious (2)</b> 38:5;40:24</p> <p><b>obviously (14)</b> 16:7;42:9;45:20, 21;66:11;135:15; 139:18;144:4;196:6; 222:13;240:16; 271:1;274:4;283:24</p> <p><b>occasion (1)</b> 308:5</p> <p><b>occasions (2)</b> 70:4;97:16</p> <p><b>occupy (1)</b> 13:9</p> <p><b>occur (3)</b> 84:17,20;94:14</p> <p><b>occurred (2)</b> 109:7;282:5</p> <p><b>occurrence (2)</b> 74:20,24</p> <p><b>October (7)</b> 59:7;111:25; 200:25;232:12; 233:9,17;312:15</p> <p><b>ODEN (6)</b> 155:11,15,16,18, 22,24</p> <p><b>Oden's (1)</b> 155:20</p> <p><b>OEP (2)</b> 258:1;259:22</p> <p><b>off (24)</b> 16:20;34:11;71:18; 91:7;104:12;105:5, 10;106:5;109:24; 114:22;147:6; 162:17;165:14; 186:13;210:7,9; 215:15;216:2; 221:20;238:11;</p>	<p>277:19;280:5; 281:22;330:19</p> <p><b>off- (1)</b> 315:22</p> <p><b>off-campus (1)</b> 315:23</p> <p><b>offender (1)</b> 116:19</p> <p><b>offense (6)</b> 91:3;149:15,17; 150:17;151:18; 152:11</p> <p><b>offensive (1)</b> 244:7</p> <p><b>offer (25)</b> 21:18;39:7;70:20; 78:7;80:19;81:12,25; 82:10;118:20; 126:11;129:8; 130:21;140:2,6; 182:18;187:3; 206:24;211:6; 240:19;247:9,23; 248:6;284:16;302:7; 326:17</p> <p><b>offered (8)</b> 34:6;38:16;140:12; 217:11;223:11,12; 298:21;319:16</p> <p><b>offering (5)</b> 70:5;135:20; 137:11;231:8;315:4</p> <p><b>offerings (1)</b> 40:6</p> <p><b>offers (2)</b> 240:2;248:7</p> <p><b>off-guard (1)</b> 262:16</p> <p><b>office (11)</b> 4:19;55:9;61:9; 172:7;251:9,10; 259:17;271:19; 287:20;304:14;317:6</p> <p><b>officer (1)</b> 168:19</p> <p><b>Officers (1)</b> 163:15</p> <p><b>official (1)</b> 179:7</p> <p><b>officially (3)</b> 169:5;199:23; 337:7</p> <p><b>officials (1)</b> 222:15</p> <p><b>often (7)</b> 196:4;221:25; 267:13;268:12; 281:16;327:16; 330:14</p> <p><b>okay's (1)</b> 243:12</p> <p><b>old (12)</b> 18:1;23:2;52:9;</p>
<b>O</b>				

<p>65:10;67:5;98:25; 123:21;213:15; 234:22,23;245:20; 275:3 <b>older (1)</b> 27:16 <b>onboard (1)</b> 258:12 <b>on-board (1)</b> 274:12 <b>once (21)</b> 11:17;21:3;31:13; 58:16;88:19;105:16; 125:21;129:22; 134:2;149:5;165:5; 174:7;210:18; 211:21;212:10; 213:1;247:22;257:7; 277:9;306:20;324:19 <b>One (183)</b> 9:4;10:2,3;15:13, 13,14;19:3;23:4; 24:18;28:16;30:25; 38:5;40:9;45:21; 46:14,19;50:5,13; 51:4;59:10;61:8,10; 65:14;68:11,12;72:8, 11;74:5,19,21;76:15; 77:3;78:12;88:12,17, 23,23,24;89:15;92:4; 96:19;98:23;99:4; 100:10;112:24; 113:2,6,10;115:10; 121:21,24,25;122:14; 127:2,3,16;130:11; 137:15;139:18; 140:2,5,6,9;152:6; 160:6;162:21;163:3, 8,11;166:24;173:16; 178:22;182:14,17; 183:5;184:19;185:3, 19;187:22;189:9,10; 190:19;192:16; 195:17;199:15; 203:6;207:16,21; 209:2,3;212:6,7; 213:16;215:8,11; 216:18,24;217:3; 219:2,4;223:5,9,13; 225:5;226:3,15; 230:8,25;232:14; 235:8,15,25;236:14; 237:2,3,10;239:25; 241:20;242:19; 245:14;246:24,25,25; 247:1;248:14; 249:18;252:14; 253:24;254:2; 255:19;263:23,24; 264:2,11;267:22; 268:3;269:13; 270:11;271:1;272:8, 12;278:12,22;</p>	<p>280:19;283:7; 284:14;286:14; 287:1,2,3,24;288:10; 289:14,16;290:17; 292:15;295:9,15,23; 299:11;306:5;308:5; 310:10;313:16; 314:2;315:24;317:2, 20;318:24;325:10; 326:11;327:5,25; 328:20;332:4,8,24; 333:22;334:9; 339:25;340:25; 342:25;343:25 <b>one-and-a-half (2)</b> 62:1;226:3 <b>one-on-one (1)</b> 5:4 <b>ones (8)</b> 57:3;73:17;92:13; 188:24;202:16; 228:13;261:24,25 <b>one-year (7)</b> 114:9,10,24; 125:24;126:8; 127:15;293:19 <b>ongoing (2)</b> 46:20;97:17 <b>online (8)</b> 203:19;209:23; 210:7;212:21;240:3; 314:2,17,20 <b>only (54)</b> 10:1,3,19;12:15; 25:22;28:23;35:3; 42:15;60:8;71:13; 85:11;127:9;133:15; 137:15;148:20; 152:15;156:17; 160:16;182:19; 187:16,17;189:19; 202:2;203:18; 207:20;215:5,25; 235:2;237:10; 245:10,11;246:12; 247:11,13;251:19; 252:5,5,11,14;286:9, 13;291:24;299:17; 303:23;306:19; 310:10;315:19; 319:22;321:4,8; 324:3;325:12;331:6, 7 <b>on-site (1)</b> 257:20 <b>open (35)</b> 14:13,18;26:8; 31:16;58:11;97:9; 126:13;129:14; 140:20;141:11; 179:15;187:5; 203:18,23;208:8; 212:15;214:7;</p>	<p>215:13;223:6; 233:15;235:4,17; 249:20;256:25; 265:2;271:21; 278:13;289:10; 306:1,2;308:24; 315:20;318:11; 321:1,2 <b>opened (2)</b> 238:15;279:10 <b>OPEN-ENROLLMENT (4)</b> 165:17;167:23; 204:25;205:3 <b>opening (8)</b> 8:8;24:23;25:25; 103:25;181:5; 206:15;268:18; 278:13 <b>opens (2)</b> 18:13;52:19 <b>operated (3)</b> 228:16;31:2;71:12 <b>operates (1)</b> 147:17 <b>operating (4)</b> 168:19;170:25; 223:6;224:5 <b>opined (1)</b> 46:8 <b>opining (1)</b> 89:8 <b>opinion (27)</b> 25:16;31:12,14; 38:3;47:14;48:8; 51:15;52:23;64:10, 11;70:19;88:13,20, 25;89:4,10,11,12,13, 15,20;90:4,15,18,25; 91:5;100:1 <b>opinions (6)</b> 34:6,12;89:21; 91:7,8,8 <b>opportunities (26)</b> 39:13,20,22;40:8; 114:20;183:13; 186:5;214:10; 228:20;231:24; 237:20;256:5;257:8; 284:23;312:20; 315:5,21,21;318:1, 17,19;320:4;321:22; 329:23;330:2,4 <b>opportunity (82)</b> 4:21;13:2,14; 38:24;39:14;40:13; 42:12;44:1,3;52:18; 82:10;95:25;114:15; 139:3;140:2,7,10; 168:15;175:18; 178:10,17;179:14; 182:25;183:1;184:4, 8;190:5,11;208:16; 215:4,8;217:6;219:4;</p>	<p>224:25;225:7,24; 226:4;227:14,24; 232:10;234:9; 235:24;236:7;237:3, 9;242:3;250:9;251:2, 24;254:13;256:17, 20;257:1,5;261:4,9; 262:18;273:16; 279:3,7,16;280:7,12; 284:9;288:5,9,10,11; 290:20;291:1,3,7,11; 292:24;298:8,13; 307:10;314:14; 316:17;319:17,20; 335:4 <b>oppose (7)</b> 142:23;158:22; 218:24;219:19; 230:12,13;288:25 <b>opposed (18)</b> 7:14;20:8;92:14; 134:13;148:14; 150:4;151:7;153:5; 154:6;155:8;157:7; 158:8;159:15;165:8; 166:16;179:4; 222:12;266:3 <b>opposition (19)</b> 166:17;167:7; 179:8,21;205:14; 218:3;219:13,24; 220:6,11,23;221:5,6; 222:18,21;273:4; 291:8;320:15;338:8 <b>opted (1)</b> 22:11 <b>option (11)</b> 79:12,14;119:8; 125:17;127:7;210:1; 237:5,21;238:19; 283:14;317:10 <b>options (11)</b> 80:19;133:21; 134:22;135:2; 231:22;233:4;238:5, 16;239:14;284:20; 318:2 <b>orange (2)</b> 213:11;238:2 <b>Orbiting (1)</b> 319:1 <b>order (59)</b> 12:22;13:21;25:9; 30:4,6,10,16;32:15, 22,23;34:7;42:13; 46:3;49:25;50:4,4,8, 18;56:18;58:4,21; 59:20;64:23;67:9; 70:10,14;71:3,5; 72:22;80:22;95:3,5, 17;96:3,9;101:23; 102:4;103:6,13; 106:11;112:6;</p>	<p>113:19,21,22;115:17, 18,18;123:12;125:6; 133:13;166:4; 213:17;220:7;245:9; 259:8;285:12;286:3; 310:23;317:18 <b>ordered (5)</b> 153:16;154:16; 155:18;157:17; 159:24 <b>orders (20)</b> 25:8;30:18;31:1; 32:1;34:5;42:10,22, 25;46:9;48:17;51:11, 13,23,25;52:9;68:18; 83:2;89:9;121:17; 123:25 <b>ordinary (1)</b> 110:25 <b>organization (3)</b> 105:7;186:15; 208:14 <b>organizer (5)</b> 214:1;269:16; 272:1;273:19;283:16 <b>organizers (1)</b> 280:12 <b>original (18)</b> 25:9;61:15;109:23; 115:12;131:5,16; 190:21,23,24;191:1, 5,15;196:21;197:14; 218:19,21;221:21; 331:14 <b>originally (1)</b> 232:9 <b>others (6)</b> 10:7;25:24;27:16; 186:20;272:18;292:7 <b>otherwise (12)</b> 13:22;92:8;124:6; 133:6;162:4;198:4; 245:10;263:5; 283:10;294:11; 299:20;337:3 <b>ours (2)</b> 173:19;210:14 <b>ourselves (9)</b> 85:8;92:10,21; 144:9;202:7;208:16; 247:15;282:10; 302:25 <b>out (88)</b> 4:18,25;15:19; 17:19;22:11;23:15; 24:1;43:12;52:9,9; 57:3,13;61:6;66:4,19, 23;68:23;69:2;71:10; 72:3;79:24;83:3; 85:12;89:10;90:18; 93:23;95:4;96:3; 98:16;100:14; 110:25;111:7;113:9;</p>
---	--	---	---	--

<p>116:12;123:9,10,17, 20;138:19;143:6; 161:22;167:14; 173:7,11,13;174:10, 15;176:23;178:5,25; 182:1;193:22; 203:21;211:20; 213:20;214:1;219:6, 25;221:2;226:11,13, 23;227:10;231:1; 244:6,21;245:11; 252:9;253:15; 256:19;257:25; 280:20;284:13,19; 288:8;290:24;291:7, 18;292:8;295:22; 303:5,12;306:6; 310:25;327:23; 331:22;334:7;337:22</p> <p><b>outcome (12)</b> 82:9;84:10;88:4; 190:3;251:21,22,25; 258:6,7;283:22; 292:23;293:16</p> <p><b>outcomes (2)</b> 97:8;320:9</p> <p><b>outlined (1)</b> 213:4</p> <p><b>out-of-state (1)</b> 163:23</p> <p><b>outperformed (1)</b> 173:22</p> <p><b>outreach (17)</b> 175:10;208:25; 252:9;271:22; 273:16;274:10; 278:20;283:16,23; 284:3;289:19;304:8; 306:9,12,15;308:14; 309:7</p> <p><b>outreaches (1)</b> 275:12</p> <p><b>outside (15)</b> 8:5;34:7;36:8; 42:1;102:11;109:11; 110:1;111:13; 116:16;178:1;200:2; 205:11;249:9; 317:24;337:10</p> <p><b>outstanding (6)</b> 58:14;153:15; 154:15;155:17; 157:16;159:24</p> <p><b>over (37)</b> 4:22;7:25;39:2; 40:7;56:22;57:11; 59:18;69:18;74:15; 85:9;102:7;105:16; 106:8;161:16; 162:18;172:20; 178:24;181:18; 183:11;197:8; 208:14;229:14;</p>	<p>231:3,10,13;241:17, 18;243:6;245:5; 249:17;293:17,18; 298:17;303:12; 321:25;330:1;333:5</p> <p><b>overall (1)</b> 290:13</p> <p><b>overflow (2)</b> 178:24;293:6</p> <p><b>overlap (2)</b> 188:25;189:9</p> <p><b>overlook (1)</b> 187:1</p> <p><b>overly (1)</b> 267:11</p> <p><b>overnight (1)</b> 37:19</p> <p><b>overrule (1)</b> 68:19</p> <p><b>oversight (4)</b> 17:19;142:20; 287:9,10</p> <p><b>owe (1)</b> 161:20</p> <p><b>Owen (1)</b> 103:23</p> <p><b>own (18)</b> 12:11,23;85:17,24; 94:15;99:19;118:23; 175:19,20,21;312:25; 313:1,16;315:3; 325:16;326:4; 328:18;333:18</p> <p><b>owned (1)</b> 284:11</p> <p><b>ownership (1)</b> 248:25</p>	<p>329:1</p> <p><b>palatable (1)</b> 16:12</p> <p><b>Panel (14)</b> 172:11;198:11; 206:4,7;216:19; 220:22;286:20; 287:9;295:4;296:12; 297:23;301:8;303:7; 319:8</p> <p><b>Panels (1)</b> 302:3</p> <p><b>panic (1)</b> 170:25</p> <p><b>paper (2)</b> 65:15;205:20</p> <p><b>parade (1)</b> 281:20</p> <p><b>parallel (2)</b> 276:7,7</p> <p><b>parameter (1)</b> 304:12</p> <p><b>parent (26)</b> 8:7;13:5;43:6,25; 44:1,4;66:5;67:2; 74:2,2;141:15; 142:16;143:18; 186:15;214:13; 266:16;287:18; 307:9,19;316:11; 317:3;324:22;325:7; 329:3;333:4,21</p> <p><b>parental (1)</b> 16:18</p> <p><b>parents (69)</b> 5:3;23:21;26:22; 31:21;34:15;35:7; 43:6;45:6;53:1;57:3, 4;63:9;64:8;67:4; 70:22;74:6,7,9,10; 79:24;92:12;99:16; 101:3,16;104:2; 113:24;142:13,17; 143:16;171:9,11; 182:14;184:12; 185:5;209:12; 211:22;216:12,15; 217:5;223:16; 226:12;227:22; 234:24;237:5,9,20; 238:16;243:5; 244:25;247:19; 251:14;252:23; 256:18;257:7;267:5; 279:22,24;287:17; 289:21;312:19; 316:14,20;317:10; 322:7;323:7;326:1; 327:14;328:12,12</p> <p><b>parents' (2)</b> 63:8;308:9</p> <p><b>parent's (3)</b> 13:1;99:7,9</p>	<p><b>Parker (8)</b> 183:20,20,23,23, 25;184:11,17,19</p> <p><b>Parkers (43)</b> 21:11,13;22:1,13; 23:7,10,20,20;24:1,2, 10,12;25:1,19;26:7, 10,11,17,18;27:8; 28:10,18,22;32:11; 34:21,24;35:11,16, 21;36:5,10,11,14; 38:6;44:10,17;45:1; 62:1;63:16,23;68:23; 70:21;76:19</p> <p><b>parochial (2)</b> 267:3,7</p> <p><b>part (50)</b> 10:22;12:21;17:12, 15;39:3;40:14;41:6; 42:4;45:12;48:2; 49:20;90:24;121:8; 144:3;164:5;170:1; 171:24;188:10; 190:23;193:9; 197:11;205:21,23; 223:8;241:20; 244:12;248:25; 250:9,16;254:5; 256:21,21;257:6; 261:12;273:25; 275:11;280:24; 283:10;291:19; 302:19;307:3,21,24; 313:21;314:25; 321:24;324:7; 325:10;330:19; 331:10</p> <p><b>participate (11)</b> 32:17;33:9;37:23; 58:8;71:5;143:9,11; 178:10;209:1,12; 251:24</p> <p><b>participated (3)</b> 70:13,17;250:21</p> <p><b>participating (2)</b> 15:24,25</p> <p><b>participation (1)</b> 185:6</p> <p><b>particular (10)</b> 33:1;70:6;144:13; 190:6;191:7,13; 206:2;228:8,9;287:2</p> <p><b>particularly (2)</b> 318:10;319:10</p> <p><b>parties (9)</b> 8:12;15:12;52:2; 57:25;58:2;143:24; 166:16;179:4;222:12</p> <p><b>partner (8)</b> 147:14;148:21; 227:24;230:22; 239:2;280:12,13,22</p> <p><b>partnering (3)</b></p>	<p>228:1;280:19,20</p> <p><b>partners (1)</b> 171:25</p> <p><b>partnership (10)</b> 208:22;209:6; 230:23;231:17; 234:8,8;256:19; 272:25;285:5,15</p> <p><b>partnerships (3)</b> 281:1;318:8;320:6</p> <p><b>parts (2)</b> 92:4;191:20</p> <p><b>party (3)</b> 8:7;15:22;33:15</p> <p><b>pass (8)</b> 37:7;64:8;103:18; 171:25;173:11; 184:3,4;290:23</p> <p><b>passed (5)</b> 15:7;31:13;32:6; 51:1;86:25</p> <p><b>passes (5)</b> 7:15;81:17;131:19; 136:24;297:15</p> <p><b>passion (1)</b> 267:11</p> <p><b>passionate (2)</b> 273:8,9</p> <p><b>password (3)</b> 258:20;259:6,11</p> <p><b>past (24)</b> 4:22;16:18;31:20, 24;40:6,25;46:4; 69:18;98:2;99:3; 106:12;127:9; 142:22;177:13; 207:24;219:20; 221:17;251:4,6; 252:10;284:25; 286:8;289:5;316:14</p> <p><b>path (1)</b> 284:18</p> <p><b>pathway (1)</b> 276:5</p> <p><b>patience (1)</b> 123:23</p> <p><b>patrons (1)</b> 220:20</p> <p><b>Patti (1)</b> 246:22</p> <p><b>Paul (1)</b> 220:3</p> <p><b>pause (3)</b> 223:20;271:8; 272:9</p> <p><b>pay (3)</b> 134:2;159:4;247:3</p> <p><b>paying (1)</b> 109:6</p> <p><b>payroll (1)</b> 180:10</p> <p><b>PCSSD (2)</b> 12:21;17:18</p>
	<b>P</b>			
	<p><b>pace (4)</b> 203:5;313:1,16; 325:17</p> <p><b>pack (1)</b> 175:16</p> <p><b>package (1)</b> 261:12</p> <p><b>packet (7)</b> 9:10;34:20;53:21; 55:21;152:3;164:12; 221:16</p> <p><b>page (6)</b> 34:20;208:21; 239:23;260:21; 262:20;274:17</p> <p><b>paid (10)</b> 40:12;134:3,4; 153:19;154:19; 155:21;156:22; 157:20;158:17;160:3</p> <p><b>painful (3)</b> 17:21,22;92:4</p> <p><b>painstaking (1)</b></p>			

<p><b>PE (1)</b> 211:9</p> <p><b>Pea (1)</b> 302:9</p> <p><b>peers (2)</b> 92:3;172:20</p> <p><b>penalty (1)</b> 121:10</p> <p><b>pencil (1)</b> 234:7</p> <p><b>pending (2)</b> 27:15;337:1</p> <p><b>PENNY (3)</b> 155:11,15,16</p> <p><b>people (63)</b> 13:3;14:7;15:10, 17;16:24;37:1;40:9; 44:23;50:25;51:1,5, 6;66:19,23;93:7; 123:24;132:18; 134:15,16;152:2; 160:8;167:13; 178:20;179:19; 181:1,2,23;210:11; 211:15,16,19;212:3, 17;213:12,12,21; 214:3;216:13; 219:18;223:14; 229:10;234:12,20; 235:3;236:8;245:11; 249:14;261:5;264:7; 265:7;267:21; 272:14;273:8; 278:24;279:1; 281:21;287:13,19,20; 294:23;298:13,16; 307:17</p> <p><b>per (4)</b> 147:11;231:13; 255:18;265:5</p> <p><b>perceive (1)</b> 275:23</p> <p><b>perceived (2)</b> 288:10,11</p> <p><b>percent (1)</b> 227:8</p> <p><b>percentage (2)</b> 196:13;255:23</p> <p><b>percentages (2)</b> 267:12;278:24</p> <p><b>perception (2)</b> 274:23,24</p> <p><b>perfect (5)</b> 93:11;137:20; 207:24;294:2;296:17</p> <p><b>perfectly (1)</b> 290:12</p> <p><b>perform (3)</b> 173:3;174:9;183:1</p> <p><b>performances (1)</b> 5:21</p> <p><b>performing (2)</b> 269:3;290:23</p>	<p><b>perhaps (2)</b> 116:12;181:7</p> <p><b>peril (1)</b> 72:23</p> <p><b>period (13)</b> 84:8;107:16;116:1; 121:1,16;134:24; 156:18;167:8;190:4; 201:21;250:7; 280:23;315:12</p> <p><b>permanent (2)</b> 103:10;114:10</p> <p><b>permission (4)</b> 112:14;173:10; 178:7;278:13</p> <p><b>Perry (1)</b> 251:11</p> <p><b>person (12)</b> 90:6;181:15; 212:15,15;215:24; 248:14;251:15; 267:10;274:10; 277:3;284:1;290:17</p> <p><b>personal (8)</b> 18:12;67:2;85:24; 96:22;100:1;109:17; 214:8;271:19</p> <p><b>personally (6)</b> 68:10;85:16,17; 270:20;274:4;294:15</p> <p><b>persons (2)</b> 166:13;205:11</p> <p><b>perspective (6)</b> 61:2;78:11;96:20; 232:20;253:4,11</p> <p><b>per-student (1)</b> 323:17</p> <p><b>persuade (1)</b> 269:11</p> <p><b>petition (1)</b> 70:22</p> <p><b>Pfeffer (5)</b> 163:20,20,21,21; 164:20</p> <p><b>phenomenal (1)</b> 266:21</p> <p><b>philosophical (2)</b> 326:18;334:15</p> <p><b>philosophies (1)</b> 225:9</p> <p><b>phone (7)</b> 82:2,3;234:23; 240:12;251:15; 332:11,14</p> <p><b>phones (1)</b> 240:9</p> <p><b>phrases (1)</b> 35:9</p> <p><b>physical (1)</b> 170:16</p> <p><b>physically (1)</b> 323:6</p> <p><b>pick (9)</b> 106:7;147:6;237:8; 246:24;247:1,1,18; 279:24;306:2</p> <p><b>picked (3)</b> 245:14;279:23; 306:5</p> <p><b>picking (1)</b> 139:21</p> <p><b>picks (1)</b> 246:12</p> <p><b>picture (2)</b> 177:13;286:24</p> <p><b>piece (10)</b> 112:25;135:10; 319:11;323:15; 325:11,12;327:24,25; 330:18;331:12</p> <p><b>pig (1)</b> 13:6</p> <p><b>piggyback (1)</b> 232:6</p> <p><b>pioneer (1)</b> 334:8</p> <p><b>pioneers (1)</b> 334:9</p> <p><b>pipeline (1)</b> 253:7</p> <p><b>pitch (2)</b> 236:10;289:8</p> <p><b>place (16)</b> 25:20;29:20;88:5; 95:19,22;99:24; 110:24;132:25; 193:24;203:19; 235:16;243:13; 276:1;284:4;294:10; 316:24</p> <p><b>placed (3)</b> 176:15;190:8; 209:17</p> <p><b>places (2)</b> 209:9;214:2</p> <p><b>placing (1)</b> 103:6</p> <p><b>plain (2)</b> 33:9;47:23</p> <p><b>plainspoken (1)</b> 267:25</p> <p><b>plaintiff (3)</b> 57:23;58:18; 137:18</p> <p><b>Plan (42)</b> 5:2;6:4;29:23; 54:12,15,17,23;55:6; 58:24;60:3,6,7,8,10, 11,14,15;61:10; 93:21,22,22;95:6,16; 96:7,10;171:5; 176:13;208:25; 233:24;239:8; 274:15,16;275:5,10; 276:8;278:1;291:16; 314:5,7;315:16;</p> <p>316:5,5</p> <p><b>planned (1)</b> 194:3</p> <p><b>planning (8)</b> 21:18;102:19; 104:4;201:22; 206:23;215:13; 311:11;312:16</p> <p><b>plans (4)</b> 6:3;29:8;60:18; 275:13</p> <p><b>plate (3)</b> 232:3;236:3,9</p> <p><b>platform (1)</b> 312:23</p> <p><b>platonic (1)</b> 112:20</p> <p><b>play (5)</b> 26:15;99:25; 100:14;178:5;184:8</p> <p><b>playing (1)</b> 27:9</p> <p><b>player (1)</b> 11:23</p> <p><b>playing (2)</b> 132:14;299:5</p> <p><b>plays (1)</b> 247:12</p> <p><b>plea (1)</b> 224:3</p> <p><b>pleading (1)</b> 58:15</p> <p><b>please (50)</b> 6:25;9:18,24;10:7; 13:13;21:19,21; 38:20;72:9;75:12; 76:8,12;77:17;80:18; 81:9,9;83:10,10; 96:15;102:5,20; 118:9;122:16;128:5; 129:24;137:9; 138:16;144:21; 146:4;147:7;158:25; 168:5,11,22;178:17; 251:10;294:1,3; 299:22;308:21; 309:12;311:15,23; 332:19;334:4,5; 335:10,24;337:10,16</p> <p><b>pleased (2)</b> 5:17;193:17</p> <p><b>pleasure (1)</b> 204:19</p> <p><b>plenty (1)</b> 215:15</p> <p><b>plight (1)</b> 12:1</p> <p><b>PLSB (35)</b> 100:18;101:23; 102:4,7;112:1;114:8, 24,25;117:16,21; 134:10;137:10,12; 146:24,25;147:8,10;</p> <p>153:8,12,18;154:9, 12,18;155:11,14,19; 157:10,18;158:11,14, 19;159:18,21;160:1; 161:24</p> <p><b>plug (1)</b> 335:4</p> <p><b>plug-in (1)</b> 210:15</p> <p><b>plus (2)</b> 121:18;301:20</p> <p><b>pm (4)</b> 139:12;165:16; 310:19;338:16</p> <p><b>podium (2)</b> 250:2;263:2</p> <p><b>point (46)</b> 15:10;27:25;42:24; 44:1;52:17;89:5; 90:11;91:13;93:25; 96:7;111:22;119:11; 121:2,13,21;123:8; 128:25;130:24; 135:6;138:19; 166:20;171:20; 189:19;210:2;211:2; 224:2;226:17; 238:18;239:25; 240:13;241:19; 251:1,24;253:22; 262:8;266:6;268:14; 275:2;295:13,22; 302:21;303:5; 307:21;321:4;334:7; 337:11</p> <p><b>pointed (1)</b> 79:24</p> <p><b>point-of-order (1)</b> 166:24</p> <p><b>points (1)</b> 42:8</p> <p><b>poison (2)</b> 243:16;246:5</p> <p><b>policy (3)</b> 76:9;163:15;172:8</p> <p><b>pond (1)</b> 277:5</p> <p><b>pondering (1)</b> 271:10</p> <p><b>pool (5)</b> 201:5;252:16; 278:23;292:21;305:8</p> <p><b>poor (4)</b> 246:5,9;255:5; 329:15</p> <p><b>Poore (3)</b> 4:12;7:1;294:3</p> <p><b>population (15)</b> 28:19;245:4,13; 248:21;260:16; 261:8,16;272:24; 275:16;276:9;292:6; 293:8;303:23,24;</p>
--	---

<p>318:18 <b>populations (1)</b> 289:17 <b>pose (3)</b> 15:3;140:11; 191:19 <b>posed (3)</b> 45:22;90:6;139:25 <b>position (8)</b> 16:3,17;88:11; 111:10;119:3; 238:25;251:22;314:9 <b>positioned (1)</b> 251:5 <b>positive (7)</b> 147:23;171:5; 217:13;246:3; 270:23;291:22;328:9 <b>possibility (4)</b> 18:13;73:3;231:11; 332:21 <b>possible (9)</b> 6:16;72:23;78:3; 179:20;195:3; 293:22;294:10; 317:14;331:23 <b>possibly (1)</b> 185:9 <b>post- (1)</b> 29:20 <b>posted (3)</b> 203:19;220:8; 221:6 <b>postpone (1)</b> 278:12 <b>posts (1)</b> 113:10 <b>post-secondary (2)</b> 314:15,22 <b>potential (9)</b> 72:13;98:8;176:25; 223:10;231:11,21; 265:13;320:6;321:21 <b>potentially (6)</b> 6:7;72:10;84:11; 192:3;231:8;238:9 <b>pour (1)</b> 277:1 <b>poverty (3)</b> 225:19;227:9,12 <b>power (1)</b> 86:16 <b>PowerPoint (2)</b> 173:8;205:21 <b>practicable (1)</b> 93:13 <b>practical (2)</b> 39:10;65:13 <b>practice (2)</b> 163:17;255:1 <b>practices (2)</b> 31:24;213:5 <b>practicing (1)</b></p>	<p>243:9 <b>preaches (1)</b> 223:23 <b>pre-AP (3)</b> 40:3,4;317:17 <b>precedence (4)</b> 97:1;99:20;121:4; 126:13 <b>precedent (2)</b> 98:5,6 <b>preclude (1)</b> 80:7 <b>predecessor (1)</b> 259:3 <b>predominantly (1)</b> 268:3 <b>prefer (2)</b> 116:4;119:9 <b>preferably (1)</b> 119:4 <b>preference (5)</b> 206:6;296:2,14,16; 298:4 <b>prejudice (1)</b> 282:16 <b>pre-k (3)</b> 23:11;24:4;246:14 <b>preliminary (3)</b> 172:22;190:2; 234:4 <b>premature (1)</b> 192:3 <b>Prep (18)</b> 168:22;172:7; 188:17,23;190:21; 195:20;196:6; 225:10;226:1,17; 227:3,17;228:10; 231:23;235:12; 246:10;282:19;283:5 <b>preparation (4)</b> 163:17;164:7; 318:14;338:13 <b>Preparatory (22)</b> 165:15,18,22,23; 166:3;167:24;168:1, 17;169:9;172:19; 181:22;182:17,22; 183:6,7;184:21,23; 185:20;199:11; 207:13;282:7;342:24 <b>Prepare (2)</b> 169:9;201:18 <b>prepared (7)</b> 10:1,3;167:12; 169:16;280:1; 329:21;334:16 <b>preparing (1)</b> 193:13 <b>present (19)</b> 5:16;8:9;73:16; 81:20,21,23;82:5; 137:18;150:19;</p>	<p>160:3;163:25; 166:15;192:11; 193:8;201:3,7; 205:13;311:8;319:8 <b>presentation (12)</b> 6:2;168:2;169:2; 206:18;223:13; 235:2;250:17,19; 256:15;262:20; 330:5;334:11 <b>presented (12)</b> 67:19;85:14;86:9; 103:14;172:10; 202:22,22;261:5; 268:21;293:13; 312:21;319:8 <b>Presenter (1)</b> 163:18 <b>presenters (1)</b> 4:7 <b>presenting (1)</b> 13:16 <b>preserved (2)</b> 258:18;259:4 <b>president (1)</b> 214:21 <b>pressure (4)</b> 238:11;324:18,20; 327:14 <b>presume (1)</b> 134:11 <b>presumes (1)</b> 90:11 <b>presumption (1)</b> 90:10 <b>presumptuous (1)</b> 279:9 <b>pretty (15)</b> 31:15;40:13,24; 48:8;90:20;127:14; 208:24;220:21; 254:6;267:25; 277:14;280:4; 320:23;331:11; 334:22 <b>prevent (3)</b> 51:14;52:3;55:23 <b>preventing (1)</b> 58:5 <b>prevention (1)</b> 314:13 <b>previous (10)</b> 83:1;97:2;131:20; 141:2;200:6;202:11; 222:4;258:8;259:19; 260:10 <b>previously (5)</b> 25:22;72:11;96:24; 100:5;105:7 <b>price (3)</b> 43:6;307:15,16 <b>pride (5)</b> 175:8,12;182:8;</p>	<p>282:10,12 <b>primarily (1)</b> 193:5 <b>primary (10)</b> 174:24;175:3,22; 176:19,21;187:20,22, 25;189:8,10 <b>principal (4)</b> 312:3,5;322:15; 329:24 <b>Principals (2)</b> 5:5;325:6 <b>principle (2)</b> 48:13;90:19 <b>principles (1)</b> 16:25 <b>print (1)</b> 213:20 <b>prior (9)</b> 84:9;86:9;100:18; 105:1;111:23; 122:13;139:20; 147:20,24 <b>priority (4)</b> 189:24;190:10,17; 194:25 <b>Priority' (1)</b> 5:22 <b>Prius (1)</b> 246:22 <b>privacy (2)</b> 210:23;258:11 <b>private (4)</b> 50:6;108:16;267:3, 7 <b>privilege (3)</b> 100:1;106:16; 269:14 <b>privileged (1)</b> 242:24 <b>privy (2)</b> 152:10;274:2 <b>proactive (2)</b> 96:16;255:21 <b>proactiveness (1)</b> 97:22 <b>probable (1)</b> 31:4 <b>probably (26)</b> 35:24;37:24;40:9; 68:19;71:6;74:8; 79:14;80:2;81:22; 82:4;86:3;130:9; 140:25;190:20; 205:5;219:5;232:18; 242:19;246:18; 253:25;285:1; 301:19;304:12; 319:23;324:18;334:8 <b>probation (59)</b> 59:7;95:19;103:7; 105:17,22;109:8,13, 14;110:2,13,23;</p>	<p>111:6;113:17,18,18; 115:12,14,15,19; 116:4,5,22;117:1,1,4; 119:8,13,21;121:7, 15,19,22;122:2; 124:10,11;126:9; 127:16;130:8,8,12, 14,22,23,24;133:1,4, 11,13,14,18,22,24; 134:4,7,24;135:20; 156:11;161:5;209:17 <b>probationary (2)</b> 116:1;332:25 <b>probations (1)</b> 121:5 <b>problem (6)</b> 11:12;56:12;65:16; 66:18;120:8;327:23 <b>problematic (1)</b> 135:17 <b>problems (2)</b> 231:4;329:16 <b>procedural (3)</b> 232:19;285:1; 286:17 <b>Procedurally (1)</b> 25:12 <b>procedure (3)</b> 4:18;79:8;256:25 <b>procedures (12)</b> 7:25;8:3;21:5,7; 47:6;53:4;74:12; 102:7;166:10; 256:23;285:9;311:7 <b>proceed (15)</b> 9:22;10:6;20:16; 56:1;97:10;102:1; 103:1;134:24;135:8; 200:14;204:24,24; 242:2;332:19;335:10 <b>proceedings (2)</b> 18:5;73:6 <b>process (49)</b> 12:11;18:11;23:16; 33:22;79:3;80:3; 97:13;99:6;119:19; 149:21;166:6;205:8, 9;211:5;214:4,5; 215:20;216:16,20,21; 217:20,22,24;220:20; 222:10;223:15; 235:4;250:17,20,24; 251:13,19;252:3; 253:6;256:9,10; 259:20;278:18; 279:5,21;284:15; 287:9,11,14;291:20; 292:21;315:14; 319:3;325:9 <b>processed (1)</b> 213:2 <b>processes (1)</b> 100:7</p>
---	--	--	---	--



<p><b>rather (11)</b> 48:17;85:1;140:5; 160:15;255:4; 275:20;276:8;279:8; 281:12;301:23;332:2</p> <p><b>ratify (1)</b> 25:22</p> <p><b>rationale (1)</b> 313:5</p> <p><b>Ray (1)</b> 89:4</p> <p><b>RAYE (2)</b> 159:18,21</p> <p><b>reach (15)</b> 4:25;60:19;88:25; 171:18;176:25; 177:3;213:17;214:2; 252:9;261:16; 273:21;288:8; 302:20;303:1,12</p> <p><b>reached (3)</b> 15:15;59:25; 119:25</p> <p><b>reaching (2)</b> 213:21;277:6</p> <p><b>react (1)</b> 269:17</p> <p><b>read (13)</b> 4:10;10:4;53:20; 71:9;101:9;102:16; 103:20;108:22; 111:11;184:13; 212:12;276:19; 280:17</p> <p><b>readily (1)</b> 213:24</p> <p><b>readiness (1)</b> 209:11</p> <p><b>reading (11)</b> 33:9,12;64:17; 104:12;172:14,16,21; 173:21;250:22; 318:25;319:3</p> <p><b>ready (24)</b> 12:6;74:14;126:1; 137:4;196:10; 217:14;226:18,19,19, 19,20;246:14;266:2; 272:14;289:8,22; 295:7;324:14; 326:22,22,24;327:1; 335:8;337:21</p> <p><b>real (8)</b> 16:24;35:15;74:23; 182:6;196:16;290:9; 292:9;330:3</p> <p><b>reality (2)</b> 274:24;328:10</p> <p><b>realize (4)</b> 50:23;219:22; 232:18;267:13</p> <p><b>realized (1)</b> 63:7</p>	<p><b>really (76)</b> 9:1;18:4;79:1; 85:3;91:1;94:10,10; 100:22;101:5,7,12; 114:16;120:2,25; 124:19;141:2;170:8, 13;172:2;175:1,12, 15,17;182:2,21; 183:2;186:6;191:12; 197:10,12,14,16; 202:11,15;210:5; 211:22;212:5; 213:19,22;214:2; 218:2;224:19,19; 225:5;227:2;237:2, 12;244:1,7;245:9,20, 24;246:20,21; 247:24;254:18; 256:11;264:20; 267:8,19;270:15; 273:16;275:13,13; 277:12,12;278:6; 280:14;285:7;289:4; 293:9;294:11; 303:25;317:23; 323:7;329:22</p> <p><b>realm (2)</b> 135:2;226:13</p> <p><b>rearticulate (1)</b> 135:19</p> <p><b>reason (21)</b> 9:2;17:25;32:13; 33:3,11;34:3,14; 36:16;56:25;57:2; 109:9,9,19,25; 175:22;181:25; 184:22;240:16; 326:21;327:25;332:4</p> <p><b>reasonable (1)</b> 33:12</p> <p><b>reasoning (3)</b> 120:3;132:8;298:6</p> <p><b>reasons (15)</b> 25:2;32:12;35:3; 36:15,18;42:20; 64:19;70:8;180:10; 181:24;182:1; 216:23;237:17; 272:12;278:12</p> <p><b>reasserting (1)</b> 141:24</p> <p><b>rebuttal (7)</b> 26:5;166:19;167:8; 179:15;205:16; 234:19;236:14</p> <p><b>recall (2)</b> 95:8;131:3</p> <p><b>re-call (1)</b> 310:22</p> <p><b>receive (5)</b> 61:4;178:10; 208:17;285:13;286:5</p> <p><b>received (11)</b> 10:24;11:20;61:13, 13;103:12;191:22; 218:2;222:25; 232:23;258:21;259:8</p> <p><b>receiving (5)</b> 22:8;70:17;170:3; 172:4;181:8</p> <p><b>recent (3)</b> 47:14;192:15; 237:24</p> <p><b>recently (5)</b> 25:9;52:11,11; 127:4;317:3</p> <p><b>reception (1)</b> 337:14</p> <p><b>recess (2)</b> 39:16;77:18</p> <p><b>recognize (13)</b> 17:15;47:3;54:21; 77:16;166:7;197:7, 18;236:18;263:5; 269:13;274:8;289:4; 290:10</p> <p><b>recognized (16)</b> 4:8;7:22;21:3; 53:12;102:3;103:20; 149:5;150:11; 167:24;184:16; 200:4;230:5;242:6; 311:5,20;321:3</p> <p><b>Recognizing (2)</b> 258:23;337:17</p> <p><b>recommend (1)</b> 295:2</p> <p><b>recommendation (16)</b> 112:4;115:2; 118:22;120:12; 126:7,18,19;147:18, 18;148:7;149:23; 152:21,22;162:14; 163:13;198:8</p> <p><b>recommendations (3)</b> 6:5;146:25;147:9</p> <p><b>recommended (1)</b> 263:24</p> <p><b>recommending (2)</b> 125:21,23</p> <p><b>recommends (3)</b> 149:18;150:18; 151:21</p> <p><b>reconsider (16)</b> 64:17;79:9,15; 81:15,16;82:9,15,22; 85:1;86:16,25;87:4; 88:8;137:24;139:23; 141:2</p> <p><b>RECONSIDERATION (18)</b> 77:8;79:12,13; 82:11;83:9;84:7,17, 19;87:6;137:2;139:7; 140:9,13,16,18,21; 145:15,17</p> <p><b>reconsiderations (4)</b> 88:6;139:21;140:3, 4</p> <p><b>reconsidering (1)</b> 139:2</p> <p><b>reconvene (4)</b> 80:19;138:13; 165:13;310:15</p> <p><b>record (30)</b> 9:23;18:8;20:11; 22:18,24;38:20; 80:10;104:15; 107:10,22;108:2,5, 15;123:13;135:19; 140:17;142:25; 148:16;161:1; 167:22;168:11; 173:17;183:22; 185:11,16;199:25; 236:6;241:22; 311:23;322:13</p> <p><b>recorded (3)</b> 117:24;125:3; 203:21</p> <p><b>recourse (2)</b> 95:18;97:11</p> <p><b>recovery (1)</b> 7:1</p> <p><b>recreation (1)</b> 178:1</p> <p><b>recreational (2)</b> 177:23;178:2</p> <p><b>recruit (2)</b> 196:25;279:8</p> <p><b>recruited (1)</b> 287:19</p> <p><b>recruiting (4)</b> 235:17;267:21,22; 280:14</p> <p><b>recruitment (2)</b> 279:5;303:13</p> <p><b>rectify (1)</b> 95:13</p> <p><b>reduce (1)</b> 244:20</p> <p><b>reduced (8)</b> 170:1;196:2;227:8; 255:7;282:11; 307:15,16,23</p> <p><b>re-evaluation (1)</b> 301:7</p> <p><b>refer (2)</b> 48:19;143:21</p> <p><b>referenced (1)</b> 322:3</p> <p><b>referred (1)</b> 89:1</p> <p><b>referring (4)</b> 70:8;254:10;316:5; 325:22</p> <p><b>reflect (2)</b> 179:18;272:23</p> <p><b>reflection (1)</b> 261:16</p> <p><b>refraining (1)</b> 31:3</p> <p><b>refresh (1)</b> 169:8</p> <p><b>refuse (1)</b> 16:15</p> <p><b>regard (11)</b> 20:3,13;72:20; 86:21;89:9;92:25; 108:8;114:7;143:13; 161:7;192:24</p> <p><b>regarding (3)</b> 51:10;90:20; 257:24</p> <p><b>regardless (5)</b> 177:11;268:17; 283:22;284:2,6</p> <p><b>regards (25)</b> 6:21,22;7:5;13:25; 72:12;81:13;85:12, 13;86:22,25;100:6; 104:19;118:23; 126:4,6;129:15; 140:8,20;141:5; 191:23,25;192:19; 297:15;300:15; 308:18</p> <p><b>regions (1)</b> 217:4</p> <p><b>regret (1)</b> 148:22</p> <p><b>regrets (1)</b> 4:16</p> <p><b>regular (2)</b> 301:19;327:20</p> <p><b>regulations (1)</b> 316:24</p> <p><b>regurgitate (1)</b> 327:11</p> <p><b>reimburse (1)</b> 148:3</p> <p><b>REITH (449)</b> 4:4;6:17;7:8,10,14, 18;8:17;9:15,22; 10:5,9;13:8,13,24; 14:3,5,10,15;15:3; 16:19;18:9;19:19; 20:1,6,10,15,19,22; 21:2,8,18,25;22:6,15, 17,21;24:6,9,14,16; 26:1;28:8,12;38:12, 17,19;41:16,24;42:1, 4;43:16,22;44:5; 45:13,19;46:13,23; 47:2,10;48:2,5,20; 49:19;52:15;53:6,11, 15;54:21;61:1,19,22; 62:23;63:15;64:3,6, 21;66:1;68:4;70:3; 72:5,7;73:4,10,14,22; 74:13,16;75:2,8;76:6, 16;77:1,9,12,15,21; 78:6;79:5;80:1,9,15;</p>
--	---

81:5,19;82:7,14,17, 24;83:6;84:2,24; 85:11,20;86:8,15,20, 24;87:3,24;91:13,21, 25;94:23;96:14; 98:11,20;99:18; 101:22,25;102:14,18, 25;103:19;104:9,11, 15;107:6;111:8; 114:13,18;115:6,11, 22;116:9,24;117:8, 13;118:1,8,12,19; 119:2,11;120:20,23; 121:20,24;122:6,13, 16;124:16,23;125:14, 25;126:4;127:11,17, 19;128:1,3,25;129:5, 10,14,18,20;130:6,9, 15,17,20;131:2,7,11, 15,21,24;132:1,4,7, 19;133:5,10,25; 134:19;135:1,18,24; 136:4,25;137:3,14, 17,20;138:2,4,6,9,16, 23;139:13;140:14, 23;141:5,10,17,21, 24;142:2,4,9;143:20; 144:14,17,19;145:16, 23;146:1,23;147:1; 148:9,11,14,16; 149:1,4,10,24;150:1, 4,8,21,24;151:4,7,11, 23;152:1,23,25; 153:5,10,21,24; 154:3,6,10,21,24; 155:2,4,8,12,22,25; 156:24;157:3,7,11, 21,24;158:2,4,8,12, 21,25;159:7,10,12, 15,19;160:4,7,25; 161:13;162:3,6,8,11, 16,21,25;163:7; 164:19;165:1,4,8,19; 166:23;167:5,10; 168:3,9;169:4; 173:12;178:12,16; 179:11,24;181:14; 182:10;183:16,24; 184:11;185:7,14; 186:23;191:18; 192:25;193:3,7,19; 194:7,11,19;195:14; 196:11,19;197:4; 198:3,10,14;199:9, 21;200:22;201:23; 202:17;204:1,8,17; 205:2;206:13,20; 207:4;214:15;219:7, 11,17;221:18;222:7; 230:18;232:6,17; 233:16,20;234:1,10, 13;236:12;239:18; 240:25;241:2,6,24;	243:19;247:5,9; 248:11;249:16,24; 250:3,5;251:11; 253:19;260:11; 262:24;263:3,7; 269:12;282:4;283:3; 287:7,22;290:5,10, 19;292:3;293:2; 294:25;295:5,9,20, 24;296:4,8,14,17,20; 297:14,19,25;298:3, 19,24;299:3,19; 300:14,20;301:5; 303:17,21;304:22; 305:4,11,14;306:11; 307:20;308:12,17,21; 309:10;310:6,22; 311:10,14,19,22; 320:11,15,24;322:10; 323:13;326:7,9; 330:6;332:12,18; 334:1,4;335:10,17, 20;336:16,19,22; 337:24;338:2,5,8 <b>Reith's (1)</b> 332:10 <b>reject (1)</b> 22:10 <b>rejected (3)</b> 64:15,18,19 <b>rejection (2)</b> 8:15;9:3 <b>relate (1)</b> 109:3 <b>related (3)</b> 5:12;77:13;289:12 <b>relates (2)</b> 83:2;250:13 <b>relation (1)</b> 325:4 <b>relationship (40)</b> 104:20;105:1,4,4, 12;106:2,5,7,12; 107:11,13,24;108:12, 22;109:16;110:6,10, 25;111:13,14,18; 113:5,13,14,25; 116:16;120:6,13; 121:1;123:1,14; 134:11,14;147:23; 165:25;200:8; 232:13;325:4,5; 328:9 <b>relationships (4)</b> 171:2,7;249:6; 279:7 <b>relative (4)</b> 98:17;216:6; 250:14;252:1 <b>release (2)</b> 23:17;152:13 <b>released (4)</b> 57:19;59:18;60:1;	173:9 <b>relevance (1)</b> 325:9 <b>relevant (1)</b> 202:25 <b>relief (3)</b> 92:8,18;241:20 <b>relocate (4)</b> 174:19;175:3; 178:7;189:11 <b>relocated (2)</b> 62:10,12 <b>relocating (1)</b> 187:19 <b>relocation (7)</b> 169:21;173:24; 174:11,17;175:4,23; 179:9 <b>relocations (1)</b> 191:3 <b>reluctance (1)</b> 258:25 <b>rely (1)</b> 210:2 <b>remain (7)</b> 30:20;54:2;105:6; 124:11;190:9; 213:13;254:8 <b>remained (1)</b> 117:20 <b>remaining (2)</b> 51:13;121:22 <b>remarks (1)</b> 179:18 <b>remedies (2)</b> 46:4;174:7 <b>remedy (4)</b> 31:19;92:3;95:13; 174:16 <b>remedying (2)</b> 31:20,24 <b>remember (5)</b> 79:17;114:3; 240:21;252:5;304:21 <b>remind (7)</b> 43:19;114:14; 143:22;192:9; 205:17;336:24; 337:13 <b>reminder (5)</b> 18:9;140:17;205:8; 337:5,11 <b>remove (1)</b> 95:23 <b>removed (1)</b> 6:3 <b>rendered (1)</b> 90:3 <b>renewal (6)</b> 150:13;156:19; 285:11;301:10,19; 332:23 <b>renewed (1)</b>	301:14 <b>renovated (1)</b> 178:7 <b>renting (1)</b> 226:11 <b>reopen (1)</b> 139:23 <b>reopening (1)</b> 139:6 <b>repealed (1)</b> 31:14 <b>repeat (3)</b> 49:2;116:19; 160:25 <b>repeating (1)</b> 192:5 <b>repercussion (1)</b> 126:11 <b>repercussions (1)</b> 118:24 <b>replace (1)</b> 116:4 <b>replaced (1)</b> 17:7 <b>replaces (2)</b> 115:25;131:20 <b>re-poll (1)</b> 85:8 <b>REPORT (19)</b> 4:3,6,13;7:7;59:23; 60:3;93:17;95:6; 100:8;172:25; 193:13;207:18; 303:11;304:7,13; 305:2,5,6;339:24 <b>reported (1)</b> 98:16 <b>REPORTER (3)</b> 22:16;148:4; 310:13 <b>REPORTER'S (4)</b> 245:16;250:1; 263:1;332:10 <b>reporting (2)</b> 308:13;319:8 <b>reports (6)</b> 58:25;93:3;193:10; 308:14;309:2,5 <b>repre (1)</b> 62:20 <b>represent (5)</b> 50:25;51:1;55:16; 214:18;236:23 <b>Representative (6)</b> 57:22;58:9;236:17, 18,20;239:19 <b>representatives (7)</b> 6:18;21:15;50:24; 212:4;215:22; 258:22;289:18 <b>represented (1)</b> 103:17 <b>represents (2)</b>	57:23;150:19 <b>request (46)</b> 22:9,10,14;28:3; 61:8;64:16,20; 147:12,13,17;149:2, 6,19;150:6,9,19; 151:19;152:19; 165:17;167:23; 169:21;174:18; 175:23;193:10; 202:11,13;204:25; 205:4,13,19;221:15; 259:15;285:12,15; 303:8,10;304:6; 306:18;308:24; 310:20;311:3;313:5; 315:24;317:13; 330:25;331:14 <b>requested (17)</b> 24:21;55:20;89:4; 148:4;149:17; 150:16;152:12; 172:7;176:6;206:6,7, 9;220:16;221:5; 260:7;295:18;320:2 <b>requesting (6)</b> 153:18;154:18; 155:20;158:19; 178:6;313:25 <b>requests (3)</b> 157:19;160:1; 202:15 <b>require (6)</b> 36:20;54:12;61:16; 93:1;306:24;309:1 <b>required (8)</b> 12:8;18:13,14; 147:21,25;148:2; 159:2,3 <b>requirement (3)</b> 117:1,2,4 <b>requirements (6)</b> 36:22;59:21;96:2; 116:22;280:9;326:15 <b>requires (2)</b> 25:7;93:17 <b>requiring (1)</b> 55:5 <b>re-read (1)</b> 308:20 <b>re-reading (1)</b> 56:17 <b>rescind (3)</b> 158:20;159:9; 291:23 <b>research (6)</b> 193:6,14;268:9; 312:2;320:8;335:3 <b>re-segregation (4)</b> 40:23;41:5;54:5; 67:14 <b>reserved (1)</b> 127:10
---	---	--	---	--

<b>reside (3)</b> 36:8;176:12,17	289:13;290:12; 298:20	<b>revoked (1)</b> 209:18	64:9,9;110:5; 243:15;258:10; 300:25	<b>roles (1)</b> 90:24
<b>residence (3)</b> 34:22;35:9,12	<b>restate (1)</b> 42:8	<b>re-voting (1)</b> 140:24	<b>rigorous (1)</b> 207:12	<b>Roll (1)</b> 26:15
<b>residency (2)</b> 34:16;36:22	<b>restaurant (1)</b> 224:21	<b>Richard (1)</b> 5:18	<b>RILEY (6)</b> 151:10,13,14,16, 18,24	<b>roll- (2)</b> 87:5;298:25
<b>resident (7)</b> 8:6,11;33:15,17, 21;44:2;71:16	<b>restrain (1)</b> 30:15	<b>Richardson (2)</b> 9:7,13	<b>Riley's (1)</b> 151:21	<b>roll-call (22)</b> 75:10,12;83:8,10; 127:21;128:4,5; 129:22,23;130:1; 131:13;133:7;136:5; 142:7;144:21;146:4; 198:16;296:22; 299:20,22;309:12; 335:24
<b>residents (1)</b> 35:20	<b>restrict (1)</b> 29:9	<b>Richardson's (2)</b> 17:2;143:22	<b>ring (1)</b> 244:6	<b>Rollins (7)</b> 217:17;220:3; 223:1,22;230:10; 261:25;268:24
<b>resides (1)</b> 35:5	<b>restricted (1)</b> 37:19	<b>Rico (1)</b> 11:3	<b>ripple (2)</b> 37:5;43:11	<b>Rollins' (7)</b> 217:25;229:6; 230:9;260:23;261:1, 2;262:17
<b>resisted (1)</b> 29:5	<b>result (3)</b> 103:9;255:3;272:5	<b>Ridge (1)</b> 302:9	<b>rise (1)</b> 168:22	<b>romantic (13)</b> 111:18;112:20; 113:13,14;120:10,17; 122:20;123:1,2,3; 134:11,14,16
<b>resolution (3)</b> 18:16;73:7,8	<b>resulted (3)</b> 5:21;30:7;172:13	<b>right (141)</b> 9:18;13:2;14:2; 19:1,5,15;20:22; 21:21;22:1;42:7; 43:24;45:6,12;46:20; 47:18;49:11;50:20; 54:8;56:11;62:21; 65:21;67:15;68:9,15; 69:4,14;72:14;73:11; 74:20;76:7;78:21; 82:8;85:11;91:12; 94:20;96:25;97:15, 24;99:3,21;100:3,17, 23;101:3,19,25; 102:21;105:10; 114:19;118:23; 127:14;130:3,17; 133:7;141:1;142:4, 18;148:23;160:21; 163:19;166:9,9; 168:5;187:11,12,13; 190:19,25;195:5; 199:14;202:20; 206:25;207:6; 210:10,14;213:7; 219:25;220:17; 221:1,20;223:12; 224:5;225:15;228:3; 229:1;232:15;233:7, 18;234:17;235:15; 241:2;242:2;245:13; 247:4;252:14;253:9; 254:2;256:7;259:21; 260:12;261:15; 262:2;263:12;265:1, 10;266:7,10;269:1,2, 9,10,14,20,25;270:7, 8;271:2,12,22;273:6; 281:13,13;288:17,20; 290:17;294:8; 295:16;298:2; 305:19;306:7; 307:12,18,22;308:1, 11;310:18;311:15; 323:1;326:3;329:10; 336:22	<b>Rises (1)</b> 268:12	
<b>resolved (1)</b> 93:21	<b>results (12)</b> 5:11;172:22;173:8, 9,11;218:25;225:12, 15,16,17;236:10; 259:13	<b>Robertson (1)</b> 184:14	<b>risk (3)</b> 5:12;17:20;294:11	<b>Road (3)</b> 10:20;59:4;105:13
<b>resource (1)</b> 271:20	<b>retention (2)</b> 174:12,14	<b>Roberts (5)</b> 55:16;138:15,15, 19;139:11	<b>River (6)</b> 191:23,24;198:2; 201:25;202:1;269:1	<b>Roberts' (1)</b> 61:8
<b>resources (2)</b> 181:10;320:5	<b>retired (1)</b> 23:14	<b>Roberts' (1)</b> 61:8	<b>road (3)</b> 10:20;59:4;105:13	<b>Robert's (1)</b> 79:10
<b>respect (9)</b> 83:3;96:4;99:11; 167:14;190:9;235:6; 262:16;289:3,4	<b>retirement-based (1)</b> 318:18	<b>Robertson (1)</b> 184:14	<b>Robinson (4)</b> 184:15,15,18,19	<b>Robertson (1)</b> 184:14
<b>respected (1)</b> 34:23	<b>retract (1)</b> 131:4	<b>robotics (1)</b> 40:1	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>Ron (3)</b> 312:5;322:14; 328:22
<b>respectfully (4)</b> 147:12;153:18; 154:18;178:6	<b>return (4)</b> 6:14;84:11;108:12; 147:15	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>room (10)</b> 143:17;165:24; 178:20,25;236:18; 243:5;266:6;270:19; 291:24;337:1	
<b>respects (4)</b> 53:23;55:23;58:4; 278:9	<b>returned (1)</b> 137:6	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>rooms (3)</b> 175:20;177:23; 186:18	
<b>respond (10)</b> 124:17;151:19; 152:4,18;212:13; 215:6;217:23; 261:10;269:14; 273:25	<b>returning (2)</b> 147:20,24	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>roots (1)</b> 218:18	
<b>responded (6)</b> 153:17;154:17; 155:19;157:18; 159:25;289:11	<b>revamped (1)</b> 335:1	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>roster (1)</b> 11:24	
<b>responding (1)</b> 263:3	<b>revenue (2)</b> 176:4,5	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>roughly (1)</b> 227:20	
<b>response (7)</b> 17:11;55:17,20,22; 78:7;142:11;211:18	<b>REVIEW (19)</b> 101:23;102:3; 146:24;147:8,17; 158:10,13;166:12; 195:4;218:8;220:10, 16;221:2;295:18; 302:15;319:24; 328:1;333:1;334:23	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>round (1)</b> 200:25	
<b>responses (1)</b> 17:1	<b>reviewed (3)</b> 196:21;252:3; 335:14	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>roundtrip (1)</b> 237:7	
<b>responsibilities (1)</b> 110:2	<b>reviewing (2)</b> 5:14;190:1	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>route (5)</b> 44:3;133:22; 176:18,20;330:12	
<b>responsibility (11)</b> 36:1;60:12;92:5, 10;99:23;193:23; 204:3,4,13,16;312:12	<b>revised (2)</b> 163:16;192:19	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>Rue (1)</b> 26:14	
<b>responsible (2)</b> 148:2;331:24	<b>revision (1)</b> 305:12	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>Rule (1)</b> 122:23	
<b>rest (9)</b> 4:19;21:15;38:8; 215:4;216:9;257:17;	<b>revisions (1)</b> 192:20	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>rules (9)</b> 33:13,15,18;54:9; 79:11;125:4;198:1; 228:6;285:20	
	<b>revisit (1)</b> 80:22	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>ruling (2)</b> 72:19;107:21	
	<b>revocation (2)</b> 103:10;114:10	<b>ROCK (69)</b> 4:2,6;5:4;6:6,15, 23,24;15:14,15,18, 18,21,22;143:2,2,4,4, 8,8;165:15,17,22,23; 166:3;167:23;168:1, 17,22;169:9;170:4; 172:7,18;176:9; 180:4,19,21;181:21; 182:16,22;183:6,7; 184:20,22;185:20; 188:17,23;190:21; 195:20;196:6,23,24; 199:10;201:24; 242:22,23;243:4; 244:3,3;268:6;269:1, 21,22;270:5,18,21; 284:18;294:12,14; 342:24	<b>rumor (2)</b>	

<p>215:5,7 <b>rumors (2)</b> 216:7;257:18 <b>run (14)</b> 68:16;83:10;128:4; 146:3;147:4;180:23; 208:13;258:15; 268:24;282:25; 293:22;294:11; 298:16;309:11 <b>running (1)</b> 231:5 <b>runs (1)</b> 156:17 <b>rush (1)</b> 233:25</p>	<p><b>sausage-making (1)</b> 121:13 <b>save (1)</b> 24:21 <b>savings (1)</b> 176:5 <b>saw (6)</b> 47:10;49:6,8; 114:22;115:6;118:6 <b>saying (42)</b> 27:25;30:13;50:22; 51:20;59:12;65:7; 67:4,20;72:21;85:8; 88:16;90:12;101:11; 113:20;116:13; 119:15;122:19; 123:10,12,19;124:19; 134:16,17;141:14; 144:15;230:8,13; 231:15;254:15,16; 258:13;269:3,4; 276:8,13;277:20; 279:19;281:23; 294:5;306:13,16; 327:15 <b>SBE (1)</b> 88:21 <b>scale (2)</b> 327:9,10 <b>scenario (1)</b> 270:1 <b>scenes (1)</b> 279:15 <b>schedule (5)</b> 81:8;165:20;315:4; 318:13;337:12 <b>scheduled (2)</b> 285:20;286:8 <b>schedules (2)</b> 313:20,22 <b>Schiller (1)</b> 190:25 <b>Scholar (7)</b> 207:15;209:5; 211:7;212:10,22; 266:16;267:16 <b>scholars (12)</b> 41:9;207:12;208:3, 4,9,11,16;211:12,23; 255:17;263:22;265:6 <b>scholars' (1)</b> 210:23 <b>scholarship (1)</b> 11:19 <b>scholarships (3)</b> 12:1;214:10; 266:21 <b>SCHOOL (394)</b> 4:2,6;5:1,4;6:6,12, 15,19,23,25;7:4,16, 19;8:3,22,25;9:5,8; 10:22;11:9,11,12,14, 19;12:14,16;17:5,25;</p>	<p>18:2,21,25;19:1,4; 20:20,24;21:12,13, 14,16;22:9,11,12; 23:7,8,9,17,23,24; 24:10,18,24;25:17, 21;27:2,22;28:9,17, 17,24;29:4,9,10,12, 18;30:8,16;31:6; 32:9,24,24;33:4,10, 12;34:25;35:4,37:19; 38:7,22;39:3,6,9; 40:4,6,6,8,11,12,14, 15,18;41:7,11;42:14; 43:2,5;44:12;46:7,17, 18;49:10;50:23;53:2, 17,22;55:1,25,25; 56:4,15,16;58:8,19; 59:16,24;61:7;62:5,6, 10,12,17,18;63:2,5, 20,22;65:21;67:10, 23;68:10,14;69:10; 72:20,21;73:1,76:20; 77:2,24;88:18;92:25; 93:2,8,13,14,16;94:4, 10,11;95:1,12;96:7; 99:7,8;101:14,17; 105:20;109:21; 111:23;140:18; 141:16;143:25; 144:1;149:14; 150:16;151:17; 156:7;163:15; 169:14,24;170:4,18, 19,20,20;171:3,4,18; 172:19;174:2,4,9,19, 23,24,25;175:3,5,8,9, 13,14;176:18,19,19, 21;177:17;179:8; 180:5,8,11,12,16,18, 20,21,23;181:19,25; 182:14;183:7,12; 184:2;185:25;186:4, 6,6;187:20,20,22,23, 24,25;188:5,9,10,11; 189:4,6,8,12,13,18, 22,24,24;190:5,16, 17,24;191:8,12,25; 194:18,24,25;197:21; 198:16;199:10; 207:10,16,19,20,25; 208:1,12;209:16,17; 210:1,8,21;211:8,20; 214:11,25;215:1,2,8, 11;217:3,5,7,8,9; 218:23;219:5;220:1, 13;222:8,16,20; 223:7,8,20;224:5,8, 12;225:10,10; 226:20;228:5,9; 230:11,15,19;231:10, 22,23;232:21,24; 235:8,15;236:2; 237:4,21;238:8,10,</p>	<p>12,13,20;239:11,25; 240:1,17,19;241:11; 242:8,25;243:1,12, 25;244:6;247:20; 248:17;249:9,11,15; 252:20;253:2; 254:23;255:24; 257:15;260:1;261:7; 262:12,13,13;265:3; 267:8;268:5,6,7,10, 22,24;269:3,16; 270:8,9,10,11,16; 271:6;273:2;279:25; 282:7,18,23;283:21; 284:1;285:12;286:4, 23;288:10;289:14; 291:1,9;293:10; 303:10,14;306:21; 309:1;310:21;311:4; 312:4,23;315:3; 316:23;317:6,15,16; 319:9;322:15,18,18; 323:8,8;329:13,17, 20;330:24,25;333:11, 20;340:24;341:24 <b>school-age (1)</b> 35:22 <b>school-based (1)</b> 227:14 <b>school-choice (1)</b> 8:23 <b>schools (68)</b> 5:19,21;6:7;29:2; 41:3;50:6,9;55:23; 66:14,15;98:17; 109:20;169:14; 173:19,20,21,22; 180:7;181:5,6,9; 186:17;188:16; 189:1,18;190:10,11; 191:5;192:1;195:22; 196:8;207:22; 216:22;224:16; 226:5,21;227:20,25; 228:1;235:11,11,20, 20;237:11,12; 252:25;257:8;260:8; 261:18,20;266:22,23, 23;267:3,3;270:3,25; 271:2;283:5;284:5; 292:25;302:9,25; 303:4;311:25;312:1; 316:9;326:20 <b>Schools' (2)</b> 6:3;314:5 <b>school's (2)</b> 11:9;256:4 <b>Schoppmeyer (64)</b> 206:18,21;207:4,6, 9;217:10;220:4,15; 224:18,22,23;226:22; 228:21;230:5;250:1, 5,9;255:11,15;</p>	<p>260:21;261:1;263:1, 4,6,12,17;264:2,6,10, 16,19;265:2,11; 266:5,10,12,14; 267:15;270:13; 271:10;274:11,16; 275:19,24;276:2,17, 24;277:14,17;278:4, 10;281:6,11,13,19, 25;282:2;287:25; 288:7,16;290:4,7,8, 11 <b>Schoppmeyer's (1)</b> 216:9 <b>Science (6)</b> 10:23;11:24; 173:23;174:4; 177:21;182:6 <b>score (3)</b> 185:4;207:24; 276:16 <b>scored (2)</b> 173:5,20 <b>scores (4)</b> 5:9;12:4;324:23; 327:17 <b>Scott (2)</b> 9:7,13 <b>Scouts (1)</b> 68:8 <b>schrift (1)</b> 274:14 <b>se (1)</b> 255:18 <b>seamless (1)</b> 280:23 <b>search (1)</b> 216:10 <b>seat (7)</b> 28:24;212:21,23, 23,24;313:24;317:17 <b>seated (1)</b> 178:24 <b>seats (5)</b> 33:25;178:21,23; 213:11;299:7 <b>Second (67)</b> 7:9,11;19:25;33:3; 35:7;75:7,9;81:16; 83:5;86:4,5,19;87:5; 127:17,18;129:15,18, 19;130:18;131:1,9, 11;136:1,2;142:3,5; 145:21,22;148:9,10; 149:24,25;151:3; 152:23,24;153:1,3; 154:2;155:2,3;157:2; 158:2,3;159:10,11; 162:6,7;165:1,2,3; 198:12,13;243:3; 259:10;285:18; 296:18,19;298:22,23; 300:19;308:23;</p>
--	---	---	---	---

**S**

**sacrificing (1)**  
124:4  
**safe (1)**  
170:24  
**safety (1)**  
170:18  
**sake (4)**  
31:23;45:24;  
135:12;288:17  
**same (46)**  
12:15;13:19;15:22;  
25:24;44:22;62:9,11;  
67:9;69:12;79:18;  
86:7;88:17,23;98:25;  
101:9,10;105:7;  
109:21;113:3,3;  
118:13,14;141:8,25;  
174:21;175:13;  
194:16;203:19;  
208:21,23;215:7;  
229:5;233:10;  
237:17;239:23;  
242:23;245:13;  
252:16;267:12;  
277:2;278:19;  
284:17;291:21;  
292:15;298:9;311:7  
**Sam's (1)**  
275:14  
**sanction (5)**  
114:2;116:7;  
126:20;129:9;133:19  
**sanctioned (1)**  
103:14  
**sanctions (1)**  
103:16  
**Sarah (2)**  
172:10,17  
**satisfied (1)**  
334:12  
**satisfy (2)**  
59:6;200:21  
**saturation (1)**  
302:21

<p>309:11;317:2; 335:16;338:3,4,5 <b>secondary (1)</b> 12:2 <b>seconded (20)</b> 20:2;83:7;127:20; 129:21;146:2; 148:12;150:2;151:5; 154:4;155:5;157:4; 158:5;159:13;162:9; 198:15;296:21; 298:25;300:21; 304:24;335:21 <b>secondly (2)</b> 89:14,23 <b>seconds (4)</b> 165:6,11,12;329:7 <b>secret (6)</b> 106:2;108:3,17,19; 113:5;123:18 <b>secrets (1)</b> 112:22 <b>section (6)</b> 33:1;64:15;102:1; 147:2,3;162:17 <b>sections (1)</b> 56:4 <b>seeing (13)</b> 7:2;19:22;35:22; 85:3;97:24;106:1; 119:16;140:14; 144:19;179:21; 310:23;330:11; 334:11 <b>seek (6)</b> 6:7;57:3;59:19; 60:24;92:13,15 <b>seeking (6)</b> 97:11;149:11; 150:12;151:14; 181:12;235:17 <b>seem (1)</b> 218:16 <b>seemed (1)</b> 58:11 <b>seems (9)</b> 32:1;35:13;36:24; 51:4;110:16;219:20; 268:1;279:12;290:22 <b>sees (1)</b> 60:14 <b>segregation (8)</b> 31:20;42:9;46:5; 67:16;69:9,14;218:5; 293:9 <b>segregative (4)</b> 16:11;31:5;71:15, 22 <b>seize (1)</b> 215:7 <b>selected (1)</b> 306:23 <b>selecting (2)</b></p>	<p>193:14;306:22 <b>selection (1)</b> 214:6 <b>selections (1)</b> 224:1 <b>selfishly (1)</b> 290:21 <b>semantics (1)</b> 48:9 <b>semester (4)</b> 265:4,5;314:3; 327:4 <b>Senators (1)</b> 50:25 <b>send (12)</b> 6:25;29:3;43:13; 61:6,8;121:7;124:5, 7;163:25;219:25; 267:5;289:18 <b>sending (1)</b> 70:17 <b>sends (1)</b> 133:15 <b>senior (6)</b> 108:10;109:3; 214:8;242:8;266:3; 313:17 <b>seniors (1)</b> 242:24 <b>sense (7)</b> 33:20;81:6;112:16; 133:4;192:23; 252:17;331:11 <b>sent (4)</b> 124:3;213:2; 217:16;221:2 <b>sentence (1)</b> 35:1 <b>separate (11)</b> 12:23;29:1;42:25; 78:20;86:20;116:6; 134:5;140:4;263:11; 286:18;330:20 <b>separately (6)</b> 86:5;88:8,9;140:3; 179:4;295:3 <b>September (6)</b> 23:2;57:21;59:1; 61:5;112:8;158:16 <b>serious (4)</b> 121:7;132:22; 135:13;316:2 <b>seriously (4)</b> 105:23;110:3,17; 173:1 <b>seriousness (2)</b> 123:25;204:15 <b>serve (21)</b> 25:22;104:23; 174:22;177:7; 181:22;191:6;194:3, 5,12;196:5;216:21; 225:17;226:6;228:4;</p>	<p>231:5,13;239:6; 255:8;263:15; 267:19;289:16 <b>served (4)</b> 189:8;194:5; 263:14;273:3 <b>serves (4)</b> 169:19;215:5; 225:14;288:24 <b>service (6)</b> 197:24;204:6,6; 231:3,8;318:7 <b>services (5)</b> 34:1;170:15; 208:13;209:8;231:16 <b>serving (12)</b> 169:17;189:12,13; 194:1;213:6;215:25; 239:5,11;263:15; 264:13,14;301:20 <b>session (2)</b> 193:6;283:15 <b>sessions (1)</b> 11:22 <b>set (9)</b> 106:3;161:19; 173:1;202:9;225:3; 257:1;259:1;262:10, 19 <b>SETH (2)</b> 22:3,20 <b>sets (3)</b> 126:17;127:6; 291:22 <b>setting (1)</b> 114:6 <b>settings (1)</b> 108:7 <b>settlement (2)</b> 17:3;143:23 <b>Seven (6)</b> 38:12;81:1;179:16; 246:21;264:22; 294:20 <b>seven-and-a-half (1)</b> 178:13 <b>several (15)</b> 6:8;25:2;27:15; 29:22;49:13;62:17; 92:5;139:24,25; 144:7;164:3;166:25; 191:22;215:21; 263:25 <b>severe (3)</b> 103:9;132:13; 133:1 <b>sexual (3)</b> 107:13;111:17; 116:16 <b>shadow (4)</b> 211:6,16,17,19 <b>shall (4)</b> 32:23,25;60:2;94:4</p>	<p><b>share (14)</b> 4:16;5:24;100:2; 186:19;196:10; 274:1;283:1,17; 288:5;295:12; 313:13;320:9; 324:10;329:8 <b>shared (7)</b> 112:9;139:20; 175:16,21;232:22; 270:13;273:4 <b>sharing (2)</b> 319:12,13 <b>Shawn (3)</b> 183:20,20,23 <b>sheets (2)</b> 130:1;187:2 <b>shelter (2)</b> 332:15,17 <b>shift (2)</b> 72:11;97:24 <b>shifted (1)</b> 189:17 <b>shifting (1)</b> 187:24 <b>short (8)</b> 121:18;162:19; 215:10,12;216:25; 266:4;331:1;337:19 <b>shorter (1)</b> 138:12 <b>shortly (1)</b> 55:3 <b>short-sited (1)</b> 235:1 <b>shot (1)</b> 245:23 <b>shoulder (1)</b> 232:4 <b>show (8)</b> 45:7;61:18;241:17; 267:14;278:4; 304:14;327:17;335:7 <b>showed (2)</b> 164:14;261:6 <b>showing (2)</b> 45:10;164:13 <b>shown (4)</b> 50:16;102:11; 110:21;194:14 <b>shows (4)</b> 15:8;54:13;197:5,6 <b>sibling (6)</b> 206:6;296:2,12,14, 16;298:3 <b>Siblings (10)</b> 295:9,14,16;296:5, 10;298:7,9;299:7,8, 14 <b>sickness (2)</b> 108:10;109:3 <b>side (7)</b> 94:9;102:8;116:13;</p>	<p>143:17;211:4; 214:12;243:22 <b>sign (3)</b> 212:22;228:4; 272:15 <b>signal (4)</b> 121:16;122:9; 162:18;332:11 <b>signals (1)</b> 121:7 <b>signed (10)</b> 142:19;166:25; 167:11,15;179:17; 186:25;222:13; 234:20;245:12; 320:16 <b>significant (3)</b> 12:18;229:17; 334:22 <b>significantly (1)</b> 6:11 <b>signing (1)</b> 66:16 <b>SILENCE] (1)</b> 168:24 <b>silent (2)</b> 10:12;68:21 <b>Siloam (1)</b> 302:9 <b>similar (8)</b> 28:24;33:24;37:20; 58:9;87:24;169:14; 173:19,21 <b>Similarly (1)</b> 173:7 <b>Simon (1)</b> 89:5 <b>simple (1)</b> 242:17 <b>single (5)</b> 56:7;107:1;139:17; 170:11;173:6 <b>sister (3)</b> 23:9,14;34:22 <b>sisters (2)</b> 23:21;27:11 <b>sit (3)</b> 72:4;244:12; 245:19 <b>site (5)</b> 176:14,21;177:13; 178:3;180:6 <b>sitting (2)</b> 119:16;272:9 <b>situation (15)</b> 28:25;43:9;95:14; 109:5,10;110:7; 161:6;235:19;255:7; 284:20;314:15; 317:2,21;325:3; 331:19 <b>six (12)</b> 38:13;44:13;</p>
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<p>146:21;147:21,25; 177:18;182:22; 241:18,19;294:20; 310:4;327:22 <b>six-month (2)</b> 303:11;304:7 <b>sizes (1)</b> 188:1 <b>skill (1)</b> 329:4 <b>skills (7)</b> 10:14;39:10,12,22; 171:14;174:8;329:5 <b>skill-set (1)</b> 26:12 <b>skip (1)</b> 242:14 <b>sleep (2)</b> 226:12,12 <b>slide (4)</b> 177:2,10;187:15; 262:8 <b>slight (1)</b> 199:13 <b>slippery (1)</b> 293:22 <b>Slocum (7)</b> 222:19,19;229:6; 239:21,22;240:25; 241:25 <b>slogan (2)</b> 207:14;271:13 <b>slope (1)</b> 293:22 <b>small (5)</b> 163:8,9;207:11; 325:12;327:9 <b>smart (2)</b> 258:9,9 <b>Smartphone (1)</b> 240:10 <b>Smartphones (1)</b> 245:21 <b>smattering (1)</b> 268:4 <b>so-called (1)</b> 313:10 <b>soccer (3)</b> 11:2,19;249:2 <b>social (5)</b> 108:15;112:9,23; 113:7;119:16 <b>Society (2)</b> 10:22;45:8 <b>softball (1)</b> 248:2 <b>solely (2)</b> 34:17;35:2 <b>soliciting (1)</b> 70:11 <b>solid (1)</b> 329:25 <b>solution (3)</b></p>	<p>92:13;235:10,12 <b>solve (1)</b> 293:1 <b>solving (1)</b> 200:9 <b>somebody (6)</b> 122:25;221:14; 270:8;273:19;277:1; 328:8 <b>somebody's (1)</b> 265:9 <b>somehow (3)</b> 253:13;255:5; 269:2 <b>someone (14)</b> 26:3;62:14;82:1,3; 107:3;113:8,8; 119:24;134:15; 210:8;216:14; 219:10;221:9;247:21 <b>sometimes (5)</b> 66:18;267:11; 279:18,18;329:7 <b>some-versus-others (1)</b> 270:23 <b>somewhat (2)</b> 52:8;326:18 <b>somewhere (3)</b> 43:14;76:8;123:10 <b>son's (1)</b> 247:14 <b>soon (3)</b> 7:2;23:3;163:7 <b>sorry (44)</b> 10:11;22:17;24:14; 41:20;47:9;49:2; 54:22;64:1;72:1; 81:5,8;82:23;86:21; 118:3,8,9;132:4; 138:17;139:13; 163:19;165:5; 168:25;178:21; 188:15;199:17,21; 248:20;250:4; 260:12,22;261:2; 290:15;295:15; 297:18;299:3; 304:23,24;310:9; 322:10,11;332:13; 337:6,6,9 <b>sort (8)</b> 90:14;126:6;189:2; 195:24;203:13; 221:24;270:15;305:2 <b>sounds (2)</b> 229:16;310:17 <b>south (13)</b> 27:7;28:24;29:4; 37:14;176:11; 177:17;191:23,24; 196:25;198:2; 201:25,25;268:25 <b>space (19)</b></p>	<p>175:2,7,11,16,19, 21,21;177:11,24; 178:1,2,3;182:5; 186:18,19,19;271:16; 288:19;315:9 <b>spaces (2)</b> 174:5;182:7 <b>span (1)</b> 30:5 <b>Spanish (1)</b> 215:17 <b>speak (35)</b> 24:10,21;33:17; 38:15,23;57:22; 58:10,12;70:1;72:3, 13;77:10;79:2;97:7, 24;112:24;151:24; 161:8;168:15; 169:23;178:14; 185:15;192:13; 196:23;208:18; 219:12;223:2; 224:17;225:1; 239:17;254:7;257:4; 290:21;308:3;322:11 <b>speaking (14)</b> 26:3;37:4;113:2; 114:4,4,5;116:12; 153:22;183:25; 233:12;235:21; 253:11;301:2;332:20 <b>speaks (2)</b> 12:10;204:15 <b>special (17)</b> 5:15;19:1,4;243:2; 246:6;254:3;255:7, 10,12,16,18,23; 263:10;266:25; 267:2,10;274:3 <b>specialists (1)</b> 95:10 <b>specific (12)</b> 52:20;104:7; 161:19;175:1;216:4; 228:8;257:2;258:21; 264:21;275:7;295:3; 315:5 <b>specifically (18)</b> 30:2,10,17;50:12; 88:21;89:6;90:11; 119:22;122:24; 125:7;169:18; 170:10;196:24; 263:4;264:3;285:23; 288:3;291:3 <b>specifics (2)</b> 325:2,3 <b>specified (1)</b> 96:11 <b>specify (1)</b> 264:1 <b>spectacular (1)</b> 208:24</p>	<p><b>spectrum (2)</b> 264:14,15 <b>speculate (1)</b> 52:25 <b>speech (4)</b> 229:14;242:20; 243:10,12 <b>speed (1)</b> 216:2 <b>spend (5)</b> 5:1;59:5;211:8; 329:1;330:12 <b>spent (2)</b> 173:2;204:11 <b>spirit (1)</b> 29:6 <b>spit (1)</b> 244:6 <b>split (1)</b> 82:8 <b>spoke (7)</b> 24:12;113:5,6; 242:22;248:9; 316:13,14 <b>sponte (1)</b> 57:10 <b>sports (2)</b> 26:15;27:9 <b>spot (2)</b> 186:13;280:4 <b>spring (3)</b> 195:5;213:5; 260:10 <b>Springdale (83)</b> 165:25;206:10; 208:8;213:17; 215:11;217:5,7,9,11; 222:8,16,20;223:7,8, 20;224:5,8,16;226:5, 5;227:18,19;228:19; 229:18;230:11; 232:21;235:7;236:5; 237:16,19;238:8; 239:24;240:11; 241:10,13;242:8,9, 10;243:13,16,22,23; 246:11;248:7,18; 251:7;252:1,20,24; 253:12;260:17; 262:13;264:23; 267:18;268:7,22; 269:16;270:10,11,16; 271:18;272:16; 273:2;274:19; 278:19;279:5; 280:15,25;284:6; 288:23,25;289:4,21; 290:14,16;291:12; 293:10;296:6; 298:17;300:16; 302:8;305:10;308:25 <b>Springdale's (1)</b> 220:23</p>	<p><b>Springs (1)</b> 302:9 <b>square (1)</b> 187:17 <b>squarely (1)</b> 215:6 <b>stacked (1)</b> 201:16 <b>staff (33)</b> 5:1,3,9,18;7:24; 93:6;102:6;140:11; 147:10;153:18; 154:18;155:19; 157:18;158:19; 160:1;166:10; 175:15,15;184:23; 185:5;257:20; 268:24;276:12; 315:3;323:7,8,8; 325:6;329:2,13,24; 331:17;338:12 <b>staffing (2)</b> 30:23;56:3 <b>stage (6)</b> 234:3;256:12; 267:22;272:9; 284:10;290:5 <b>stakeholder (1)</b> 202:19 <b>stakeholders (8)</b> 191:22;192:8; 195:18;197:23; 201:17;268:14; 269:23;273:14 <b>stakeholders' (1)</b> 294:22 <b>stance (1)</b> 105:17 <b>stand (13)</b> 13:5;45:7,11; 102:21;113:22; 168:5;178:20;180:3; 217:14;221:10,14; 232:3;262:19 <b>standalone (4)</b> 221:21;232:10,11; 233:18 <b>standalones (1)</b> 221:25 <b>Standard (16)</b> 103:4;106:4,19; 109:12;111:11,15,19; 114:6;120:5;122:24; 153:14;154:14; 155:16;157:15; 158:15;159:23 <b>Standards (27)</b> 54:11;55:4,15; 59:13,15;60:8;93:1,6, 7,15,17;94:9;95:10, 18;103:11;162:15, 23;163:13,16;164:4, 5,7,11,15,15,18,25</p>
--	--	--	---	---

<p><b>standing (8)</b> 45:25;72:16;91:17; 94:18;97:6;273:5; 311:15;320:22</p> <p><b>standpoint (3)</b> 65:14;78:14; 100:20</p> <p><b>stands (5)</b> 48:14,18;89:10; 129:1;135:9</p> <p><b>start (26)</b> 4:15;5:8;7:3; 26:13;27:18;40:3; 43:10;56:1;74:24; 85:9;97:24;104:12; 114:22;130:23; 141:3;165:14;214:2; 220:18;265:3;279:5; 280:19,20;283:9; 291:25;292:25;318:3</p> <p><b>start-date (1)</b> 232:8</p> <p><b>started (18)</b> 23:7,16;34:21; 35:10;55:25;58:15; 63:6,21;81:11;166:8; 169:5;206:16; 221:20;233:3; 234:14;260:9;318:3; 327:6</p> <p><b>starter (2)</b> 273:1,16</p> <p><b>starting (3)</b> 62:17;131:24; 170:14</p> <p><b>State (118)</b> 4:17,20;5:25;6:5; 10:24;12:5;15:2,15; 22:12,23;25:14;34:4; 6,8,8;38:20;41:2; 42:15,17,21;44:18; 47:16,21,22;48:10; 10,19;52:23;54:17; 55:12;58:1;64:16; 68:11;71:8;74:11; 80:10;88:14,21;89:3, 25;90:7,12,21;91:1; 101:23;102:4;103:2, 5,15;112:6;113:21; 114:1;115:16,17,18; 142:18;143:3; 146:24;147:7,17; 149:18;150:18; 151:20;153:16; 154:16;155:18; 157:17;158:10,13,16, 19;159:25;161:21; 163:14;166:17; 168:10;170:5;173:2; 177:5;196:24; 203:20;207:8,16; 208:2;216:7,12; 218:1,15;227:5;</p>	<p>235:18;237:4,11,12; 238:1;239:3,12; 240:8;241:8;245:14; 255:24;257:1,15; 258:21,24;259:2,24; 263:9,24;281:2; 282:18;289:14; 312:7,9;313:2; 317:13;319:14; 327:18;336:25</p> <p><b>start (12)</b> 42:20;62:1,13; 90:5;95:6,9;117:14, 17;123:9;143:4; 252:7;269:18</p> <p><b>statement (18)</b> 8:8;10:2,3;24:23; 52:4;62:15;95:17; 96:25;100:23; 102:12;103:25; 124:18,18;230:1; 234:24;241:14; 265:24;335:18</p> <p><b>statements (1)</b> 123:23</p> <p><b>states (4)</b> 9:2;30:21;34:20; 207:19</p> <p><b>State's (1)</b> 259:14</p> <p><b>static (1)</b> 100:6</p> <p><b>stating (3)</b> 59:23;95:23;96:8</p> <p><b>Station (1)</b> 197:1</p> <p><b>statistic (1)</b> 255:3</p> <p><b>statistics (2)</b> 174:14;241:17</p> <p><b>status (29)</b> 6:6,8;54:14,24; 55:6;59:8,17,19,25; 60:2,13,21,24;61:12; 93:2,5,10,11,12,19, 23;94:6,12,17;98:17, 18;137:7;210:25; 316:11</p> <p><b>statute (17)</b> 25:4,7;32:14,18, 20;33:1,9;36:7,16; 42:11,14,16,24; 70:19;71:2,14,15</p> <p><b>statutory (3)</b> 161:23,23;201:12</p> <p><b>stay (6)</b> 44:15;88:5;107:23; 227:17;265:7;322:1</p> <p><b>stayed (1)</b> 56:23</p> <p><b>staying (1)</b> 100:6</p> <p><b>steal (1)</b></p>	<p>246:25</p> <p><b>STEM (3)</b> 39:8,18,21</p> <p><b>step (11)</b> 18:13,14;84:5; 171:20;195:12; 222:10;231:19; 236:3;241:21; 256:14;328:15</p> <p><b>stepped (1)</b> 222:16</p> <p><b>steps (9)</b> 58:23;93:18,24; 95:7,22;96:1;256:16, 17;280:19</p> <p><b>STEVENSON (5)</b> 185:22,23;186:2,3, 3</p> <p><b>stick (2)</b> 80:21;332:5</p> <p><b>sticking (1)</b> 330:9</p> <p><b>stickler (1)</b> 67:21</p> <p><b>still (58)</b> 12:17;18:13,15; 25:7;29:20;31:16; 41:17;48:12,14,18, 19;52:9;73:5;89:10, 11;90:18;91:14; 106:14,16;113:18; 117:10;118:3; 121:21;129:5; 130:12;131:12; 147:3;177:6;178:9, 13;182:3;193:14; 194:2,16;204:22; 211:19;214:16; 219:7;221:10; 222:14;228:18; 233:20;234:15; 236:13;238:13; 247:3,19,20;255:22; 284:22,24;317:15; 320:19;323:2,4; 330:16;331:16,16</p> <p><b>stipulations (4)</b> 50:5;69:13;304:18, 19</p> <p><b>stood (5)</b> 112:12;117:18; 120:15;222:9;236:24</p> <p><b>stop (4)</b> 74:25;107:19; 123:14;169:6</p> <p><b>stopped (1)</b> 107:19</p> <p><b>straight (5)</b> 21:6,8;139:7; 222:3;242:21</p> <p><b>straight-A (1)</b> 10:21</p> <p><b>strategic (5)</b></p>	<p>274:14;275:9; 312:15;314:5,7</p> <p><b>strategically (1)</b> 275:6</p> <p><b>strategies (3)</b> 271:23;283:23; 284:4</p> <p><b>strategy (5)</b> 191:24;192:4,11; 197:18;330:10</p> <p><b>streaming (1)</b> 138:18</p> <p><b>Street (3)</b> 190:25;210:9; 236:23</p> <p><b>strengths (2)</b> 316:7,8</p> <p><b>stress (1)</b> 196:5</p> <p><b>stressed (1)</b> 55:14</p> <p><b>stretch (1)</b> 310:12</p> <p><b>strides (3)</b> 194:15;277:17; 278:20</p> <p><b>strong (7)</b> 14:16;104:22; 110:19;178:18; 186:15;270:24;273:8</p> <p><b>strongly (6)</b> 174:11;178:21; 291:20,22;318:6; 337:15</p> <p><b>structure (1)</b> 326:20</p> <p><b>structures (2)</b> 99:24;314:19</p> <p><b>struggle (1)</b> 269:9</p> <p><b>struggles (1)</b> 243:3</p> <p><b>student (50)</b> 5:12;6:12;10:21; 11:25;16:6;25:11; 26:15;35:4;39:20; 56:2,3;58:12;64:14; 74:21;85:6;105:13; 106:6;111:13,17,18; 119:20,23,25;120:6, 7,9;125:12;143:13; 172:6;175:19,22; 194:17;197:17; 243:3;246:11; 254:24;259:1; 261:16;265:24; 275:15;292:6;293:8; 316:6;324:22; 326:13,21,21,22; 331:19;332:8</p> <p><b>student-led (1)</b> 171:15</p> <p><b>students (197)</b></p>	<p>5:15;11:13;12:6; 29:3,3,10,12,16,17; 30:9,9;35:19;36:21; 39:8,13,17,24,25; 40:1;41:8;50:5,9; 51:2;56:20,20;66:3, 4;70:11,17;74:21; 96:4;99:16;114:5; 116:20;147:24; 168:20;169:10,15,19, 22,24,25;170:2,12, 14,16,20,24;171:2,7, 10,16,18;172:1,3,9, 12,15,16,17,18,24; 173:6;174:7,15,20, 21,22;175:1,12,14, 20;176:12;177:7,24; 178:4,8;180:15,22; 181:23;185:20; 187:11,16;194:1,3,5, 6,13,14;195:10; 197:6,13;198:1; 209:11;223:12,18,22; 225:14,20,24;227:5, 7,9,9;228:4,8,9; 235:9,16,18;237:20; 238:20;239:6,12,14; 240:8,11,15,20,22, 23;241:10;242:19; 243:5;244:16; 247:12,19;248:5,19; 249:4,8,11;253:5,6, 14,16;254:20,22; 255:10,24;256:4; 259:4;261:11; 263:14,16;268:8; 271:21;273:3;276:9, 10,15;279:8;284:7,8, 8,8;291:6,8;293:10, 18;294:4,17;303:25; 307:23;312:13,14,20, 24,25;313:7,9,10,11, 15;314:9,12,13; 315:4,6,10,12,18,19; 316:15,16;317:22,25; 324:12,20;325:13,15; 327:3;328:10; 331:19;333:17; 334:25</p> <p><b>students' (2)</b> 256:13;333:20</p> <p><b>student-teacher (1)</b> 105:2</p> <p><b>studies (2)</b> 259:12,20</p> <p><b>study (9)</b> 172:9;257:25; 258:6,8,15;259:23; 268:20;318:24; 327:11</p> <p><b>studying (1)</b> 11:17</p> <p><b>stuff (7)</b></p>
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65:3;213:15;246:3, 17;322:17;329:21; 330:3 <b>styles (1)</b> 316:7 <b>sua (1)</b> 57:10 <b>Subcommittee (1)</b> 112:5 <b>Subcommittee's (4)</b> 103:3;120:3,12; 148:7 <b>subject (4)</b> 25:11;58:8;103:16; 252:11 <b>subjected (1)</b> 209:14 <b>subjects (2)</b> 169:12;257:22 <b>submission (2)</b> 61:15;334:11 <b>submissions (1)</b> 221:4 <b>submit (7)</b> 32:25;54:12;58:18, 24;93:3;220:5; 304:13 <b>submitted (17)</b> 4:11;25:5,16;26:8; 33:6,7;36:20;37:11; 53:21;54:14,24; 60:15;64:10;201:24; 220:6,7;262:1 <b>subsequent (2)</b> 17:13;259:10 <b>substantially (3)</b> 32:10;37:18; 261:19 <b>substitute (15)</b> 129:15;130:21,25; 131:6,7,10,13,15,18, 19;133:6;135:8; 136:6,8;259:24 <b>Substitutes (1)</b> 131:8 <b>succeed (3)</b> 10:16;232:2;249:9 <b>success (5)</b> 10:20;12:19; 169:13;233:25; 314:25 <b>successes (1)</b> 239:7 <b>successful (5)</b> 171:14,21;172:5; 253:23;255:20 <b>successfully (2)</b> 111:5;129:12 <b>suddenly (1)</b> 112:18 <b>sufficient (3)</b> 60:16;93:24,25 <b>sufficiently (1)</b>	93:9 <b>suggest (2)</b> 256:11;300:23 <b>suggesting (1)</b> 92:9 <b>suggestion (3)</b> 32:4,5;218:5 <b>suicide (1)</b> 147:14 <b>suit (2)</b> 15:16,22 <b>suitable (1)</b> 94:7 <b>suits (1)</b> 67:5 <b>summaries (1)</b> 257:23 <b>summer (4)</b> 11:3;54:25;242:12; 317:1 <b>Sunshine (1)</b> 242:18 <b>Superintendent (21)</b> 4:12;14:23;24:19; 37:12,13;38:22,24; 64:22;77:17,23; 138:20;168:1,17; 207:10;217:17; 222:20;224:16; 225:1;311:9,25; 312:1 <b>superintendents (3)</b> 220:2;293:25; 294:20 <b>supervised (1)</b> 214:6 <b>supervision (8)</b> 25:8;30:20;32:7; 42:11;57:16;59:18; 71:11;93:12 <b>supplement (1)</b> 261:12 <b>supply (1)</b> 257:22 <b>support (10)</b> 5:19,21,22;6:13; 11:5;110:19;168:21; 277:10;300:25; 312:10 <b>supportive (5)</b> 108:9,11;110:10; 122:25;330:18 <b>supports (1)</b> 33:13 <b>supposed (9)</b> 35:3;39:4;40:14, 21;120:5;204:20; 219:19;228:23;337:4 <b>Supreme (2)</b> 18:6;31:21 <b>SUPT (130)</b> 14:25;38:21;53:16, 19,24;54:1,4,7,10,16,	19;65:4,8,18,21;66:6, 9,12,17,20;67:1,7,12, 16,25;68:3;69:4,7,20, 23,25;74:23;77:11, 14,19,23;78:10; 168:12;169:7; 173:15,18;178:15; 179:23;187:13,19; 188:7,13,15,19,22; 189:3;194:4,10,12; 195:6,8;196:15; 207:6;224:23;250:1; 255:11,15;260:21; 261:1;263:1,6,12,17; 264:2,6,10,16,19; 265:2,11;266:5,10, 12,14;267:15;274:11, 16;275:19,24;276:2, 17,24;277:14,17; 278:4,10;281:6,11, 13,19,25;282:2; 287:25;288:7,16; 290:4,8,11;311:13, 21,24;320:1,22; 321:7,9,11,13,15,18, 20;322:3,7;323:19, 21,23;324:6,8;325:1; 326:17;328:2; 331:13;333:7,12,15; 336:18 <b>sure (62)</b> 14:7;22:7;27:18; 38:10;46:25;67:7; 70:2;76:8;77:25; 78:19;79:16;97:17; 106:11,13;110:14; 127:13,14;130:2; 134:20;139:16; 169:15;170:11,15,23; 171:1,8;172:3;173:3; 183:21;185:16; 187:1,19;196:9; 200:2;202:18,18,22; 205:9;211:24; 213:23;214:1; 224:23;229:25; 231:23;239:13,23; 240:24;246:17; 249:17;250:8;252:8; 265:11;266:15; 273:13;276:10,17; 277:3;285:14;288:2; 327:10;335:8,18 <b>surface (1)</b> 277:8 <b>surgical (1)</b> 4:18 <b>surprise (2)</b> 217:18;218:13 <b>surprised (1)</b> 303:16 <b>surrounded (1)</b> 32:10	<b>surrounding (5)</b> 50:6;70:11;216:7; 305:9;308:16 <b>surveyed (1)</b> 63:6 <b>surveys (1)</b> 173:25 <b>survive (1)</b> 10:14 <b>Susan (1)</b> 30:21 <b>Susan's (1)</b> 224:21 <b>suspect (2)</b> 57:7;79:14 <b>suspend (5)</b> 134:15;155:1; 157:1;158:1;162:5 <b>suspended (10)</b> 116:8;119:4,10; 153:19;154:19; 156:5,14;157:19; 161:2;209:18 <b>suspending (2)</b> 116:22;119:9 <b>suspension (35)</b> 110:24;114:9,11, 24;115:25;116:5; 121:14,18;122:1; 125:24;126:8,20; 127:15;132:25; 133:15,19,23;135:5; 147:19;153:7,11; 154:1,8,11;155:10, 13,20;156:10,16,17; 157:9,12;159:17,20; 160:2 <b>sustain (2)</b> 8:15;141:19 <b>swap (2)</b> 4:7;7:21 <b>swapping (1)</b> 165:20 <b>swear (8)</b> 9:19;21:21;102:22; 168:6;206:22;207:1; 311:11,16 <b>Sweet (1)</b> 197:1 <b>swing (4)</b> 232:5;236:3,10; 289:7 <b>swinging (1)</b> 251:1 <b>switching (1)</b> 163:1 <b>swore (1)</b> 104:7 <b>sworn (9)</b> 8:6;9:16;21:17; 22:4;24:20;102:13; 166:14;205:12; 222:17	<b>sympathetic (1)</b> 197:22 <b>system (23)</b> 5:24;13:6;29:22; 41:11;44:17;45:1; 60:21;181:4;190:13; 209:2,23;212:14,25; 244:22;247:17; 249:12;251:16; 257:10;272:23; 279:10;312:13,14; 314:17 <b>system-building (1)</b> 214:12 <b>systems (7)</b> 28:16,23;29:20; 30:7;99:23;181:11; 191:25
<b>T</b>				
<b>T14-005 (1)</b> 159:18				
<b>table (7)</b> 126:15,21;127:2,2, 5,8;152:9				
<b>tack (1)</b> 135:3				
<b>TAGG (1)</b> 170:6				
<b>talk (19)</b> 16:15;39:4;76:12; 99:20;113:7;124:1; 134:12;169:7; 191:11;218:5;229:4; 235:2;245:1,18,25; 246:2;247:16,25; 248:2				
<b>talked (17)</b> 70:10;99:5;177:16; 187:16;222:23,24; 225:2,4,9,22;226:21; 227:7;271:25; 293:14;318:14; 323:25;330:3				
<b>talking (21)</b> 32:19;37:5;39:18; 40:13;64:23;65:2; 72:9;119:16;195:18; 232:7;244:9;245:2; 264:23;274:5;278:8; 281:9;321:16;328:4; 329:22;333:22,24				
<b>taller (1)</b> 184:16				
<b>tangible (1)</b> 280:17				
<b>target (3)</b> 197:11,25;275:7				
<b>targeted (2)</b> 260:19;273:21				
<b>taught (4)</b> 23:9;171:6;327:7;				

<p>328:25 <b>taxes (2)</b> 161:21;247:4 <b>teach (5)</b> 71:21;243:22,22; 265:22;294:4 <b>teacher (21)</b> 34:23;62:19;71:14; 98:23;105:23; 106:15;107:2,12,17; 109:21;110:20; 119:22;152:3;171:1; 181:18;248:17; 316:10;323:25; 324:1,2;328:25 <b>teachers (32)</b> 33:25;37:2;43:5, 11;51:3;66:3,3; 71:16,20;156:3; 160:17;168:20; 170:25;171:5,10,11; 180:20;182:21; 184:2;185:2,5; 186:11;195:21,22,23; 249:1;252:23; 253:10;272:3; 276:14;337:15,18 <b>teaches (1)</b> 66:5 <b>teaching (33)</b> 105:24,25;110:20; 149:2,12;150:6,9,13; 151:15;153:7,11,15; 154:8,11,15;155:10, 13,16;156:3;157:9, 12,16;158:15;159:17, 20,23;160:9,11,13, 17;161:3,6;277:2 <b>teachings (1)</b> 104:25 <b>team (10)</b> 5:14,23;11:2; 182:20,23;183:3,14; 204:7;287:13;335:2 <b>teams (1)</b> 11:23 <b>tears (1)</b> 317:7 <b>Tech (2)</b> 315:22;318:14 <b>technical (4)</b> 285:13;286:1,2,5 <b>technically (4)</b> 82:8;91:3;204:21; 234:16 <b>technology (3)</b> 223:19;314:14; 315:1 <b>Tee (2)</b> 184:7,7 <b>teenager (1)</b> 328:7 <b>telling (3)</b></p>	<p>226:4;241:17; 294:23 <b>temporary (1)</b> 200:11 <b>term (4)</b> 48:8;126:19;272:4; 275:3 <b>terminated (2)</b> 105:11;106:6 <b>terms (28)</b> 12:25;72:14;85:20; 92:3;97:7,21;121:4; 133:14;134:22; 135:5;164:3;194:9; 204:11;216:10; 233:22;251:12,20; 253:25;257:12; 259:19;273:24; 285:2,4;295:5,12; 303:3;324:24,24 <b>Test (4)</b> 5:9;223:24;327:19, 21 <b>testified (1)</b> 261:5 <b>testify (6)</b> 9:17;27:5;104:5; 150:22;168:4;311:12 <b>testifying (1)</b> 102:12 <b>testimony (17)</b> 8:5;9:16;13:16,25; 14:9;21:19;45:17; 102:20;106:23,24; 117:14;137:11,13; 138:25;140:12; 205:11;206:24 <b>testing (1)</b> 317:16 <b>tests (2)</b> 249:8;263:21 <b>thanking (1)</b> 337:17 <b>Thanks (2)</b> 115:21;117:25 <b>theirs (3)</b> 49:24;200:9; 232:25 <b>their-self (1)</b> 247:17 <b>theme (1)</b> 282:14 <b>them-selves (1)</b> 191:21 <b>therapy (1)</b> 229:14 <b>therefore (8)</b> 13:22;17:14;50:1; 119:20;143:15; 152:21;171:10; 298:15 <b>therein (1)</b> 134:18</p>	<p><b>the-road (1)</b> 266:23 <b>thinking (6)</b> 79:2;133:3;228:2; 233:7;243:10;327:23 <b>third (3)</b> 33:11;44:3;288:22 <b>third-party (1)</b> 258:18 <b>thorough (2)</b> 193:18;203:4 <b>though (20)</b> 10:19;11:8;12:9; 35:10;36:23;37:2; 52:24;64:9;91:14; 133:24;176:24; 177:2;178:19;222:8; 257:22;303:6;307:1; 310:12;328:16; 331:15 <b>thought (14)</b> 27:25;63:3,4,10; 72:1;79:3;85:25; 105:21;152:7; 160:12;271:22; 278:18;282:3;329:6 <b>thoughtful (2)</b> 143:5;203:4 <b>thoughtfulness (1)</b> 197:19 <b>three (47)</b> 21:12;23:1;27:16; 34:21;39:15;61:25; 69:18;76:4;87:23; 92:23;103:7;112:17; 119:14,19;128:22; 130:22,24;131:22; 133:4;135:20;143:7; 145:14;177:17; 182:24;184:20; 186:8;206:1,3; 207:21;219:8; 226:10;234:20; 240:2,4;257:8; 266:13;280:18; 286:18;287:20; 290:2;294:19;295:3, 6,19;296:22;313:14; 316:22 <b>three-and-a-half (1)</b> 197:15 <b>three-year (1)</b> 105:17 <b>threw (1)</b> 101:12 <b>thrive (1)</b> 45:8 <b>thrived (2)</b> 27:10,10 <b>thriving (1)</b> 26:13 <b>throughout (5)</b> 107:23;109:12,14;</p>	<p>110:16;333:20 <b>throw (1)</b> 284:18 <b>throwing (1)</b> 284:13 <b>thrust (1)</b> 181:9 <b>Thursday (1)</b> 228:24 <b>tie (1)</b> 283:25 <b>tied (6)</b> 134:23;193:20; 281:16;282:20; 330:20;331:3 <b>Tiede (1)</b> 168:19 <b>ties (1)</b> 200:23 <b>till (4)</b> 106:7;216:4; 233:11,13 <b>time-clock (1)</b> 290:6 <b>timeframe (3)</b> 219:24;221:3; 241:13 <b>timeline (27)</b> 61:11,14;95:9,16, 23;97:21;111:21; 112:11;164:13; 192:10;193:8; 200:24;201:3,13,15, 16;202:9,20;203:2; 219:18;220:18; 221:10;222:23; 233:4;284:22;293:5, 19 <b>timelines (1)</b> 60:4 <b>timeliness (1)</b> 193:22 <b>times (8)</b> 113:9;144:7; 193:11;208:14; 215:21;249:10; 281:9;293:25 <b>timing (3)</b> 201:8;220:24; 273:11 <b>Tina (3)</b> 168:1,12,16 <b>title (1)</b> 252:8 <b>today (52)</b> 8:14;13:16;16:17; 24:20;77:6;81:7; 88:15;113:15; 117:19;120:15; 124:21;130:2; 131:25;139:16,18; 147:11;149:20; 165:21;166:11;</p>	<p>168:15,18,22;169:23; 174:18;181:20; 183:10;205:18; 209:3;214:20; 216:17;221:14; 222:21;223:2,13; 248:17;256:23; 279:4;280:11; 284:21;285:3,7; 286:6;288:21;289:5; 292:15;312:9,12; 313:4,13;314:1; 333:24;338:11 <b>today's (3)</b> 108:18;139:19; 283:22 <b>together (30)</b> 29:4;105:15; 107:15;108:1,6; 112:25;123:20; 141:7;164:1,16; 177:2;187:23;192:1, 4;208:24;231:20; 234:9;242:16; 254:23;256:22; 266:18;269:25; 270:4;280:17; 288:24;291:2,14; 294:17,21;330:20 <b>told (13)</b> 36:14;61:1;62:14; 89:18;107:20; 120:15;122:22; 165:10;225:10; 244:13;264:4; 312:22;337:3 <b>tolerated (1)</b> 282:17 <b>tomorrow (8)</b> 188:3,16;279:6; 330:13;337:5,12,20, 22 <b>tone (1)</b> 291:22 <b>Tony (1)</b> 77:23 <b>took (16)</b> 12:3;18:3;44:3; 45:20;46:14;51:22; 72:10;86:12;99:14; 110:2;173:18; 175:12;244:8;245:7; 314:7;335:1 <b>tools (1)</b> 10:15 <b>top (6)</b> 217:3;237:10,12; 242:19;275:20;291:6 <b>topic (1)</b> 113:3 <b>topics (1)</b> 113:1 <b>tornado (3)</b></p>
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332:15,17;337:1 <b>total (2)</b> 56:19;213:10 <b>totally (2)</b> 69:11;324:14 <b>touch (2)</b> 212:16,18 <b>touched (1)</b> 272:7 <b>tough (2)</b> 277:12;325:1 <b>tournaments (2)</b> 184:9,9 <b>toward (7)</b> 10:25;11:1;54:13, 18;93:9;305:7,9 <b>towards (5)</b> 60:9,12;122:25; 202:8;277:18 <b>Town (3)</b> 5:7;197:11;223:7 <b>Townsend (3)</b> 30:22,25;31:1 <b>traceable (3)</b> 210:3;214:5; 216:18 <b>traces (1)</b> 218:18 <b>track (12)</b> 91:7,7;171:19; 209:24;235:5; 254:11,12,19;255:9; 276:8;318:5;323:9 <b>tracked (1)</b> 211:14 <b>tracking (1)</b> 212:25 <b>trade (1)</b> 328:25 <b>traditional (12)</b> 170:20;174:3,4; 181:5,9;194:18; 228:1;253:2;270:3; 291:1;302:13,22 <b>traditionally (2)</b> 260:4;285:21 <b>traffic (2)</b> 176:22;237:25 <b>train (2)</b> 72:1;329:6 <b>trained (2)</b> 171:1;263:19 <b>training (3)</b> 11:22;147:22; 159:1 <b>transcript (4)</b> 122:17;123:7; 124:25;125:2 <b>transfer (17)</b> 15:19;19:5;22:14; 23:18;64:14,17;69:1, 2;70:14,19,25;71:3,6, 11;73:2;95:4;145:20	<b>transfers (5)</b> 31:7,8,17;50:2; 70:7 <b>transition (3)</b> 4:22;174:15; 199:16 <b>transitioning (1)</b> 174:10 <b>translate (2)</b> 210:13;229:12 <b>translated (1)</b> 210:16 <b>translating (1)</b> 229:11 <b>Translations (1)</b> 210:13 <b>transparency (5)</b> 217:24;250:17,20; 251:12;292:19 <b>transparent (5)</b> 214:5;216:18; 218:16;235:3;251:17 <b>transportation (7)</b> 176:13;197:18; 217:12;224:10; 227:13;231:3,18 <b>transported (1)</b> 231:9 <b>transporting (1)</b> 176:17 <b>travel (3)</b> 163:23;227:22; 304:3 <b>traveled (1)</b> 11:2 <b>treat (3)</b> 124:1;179:4; 265:19 <b>treating (1)</b> 30:24 <b>trees (1)</b> 56:9 <b>tremendous (4)</b> 40:16;265:21; 273:5;279:25 <b>tremendously (1)</b> 96:16 <b>trends (1)</b> 97:25 <b>trial (1)</b> 259:24 <b>trick (2)</b> 194:4,8 <b>tried (5)</b> 29:6;55:18;238:24; 279:21;288:22 <b>trigger (2)</b> 283:21;289:6 <b>triggered (1)</b> 283:11 <b>triggers (1)</b> 18:15 <b>trivial (1)</b>	243:15 <b>trouble (1)</b> 279:12 <b>troubles (1)</b> 120:24 <b>true (4)</b> 170:13;275:1; 279:21;285:5 <b>truly (5)</b> 207:14;223:21; 273:9;317:24;328:15 <b>Trust (20)</b> 214:21;225:3,6,8, 8;244:25;245:1,8,10; 248:3,18;249:4,7,15; 253:13;257:21; 272:4,21;278:25; 303:21 <b>trusting (1)</b> 243:14 <b>truth (19)</b> 9:19,19,20;21:22, 22,23;102:22,23,23; 168:6,7,7;207:1,2,2; 311:16,16,17;333:2 <b>try (24)</b> 56:10;69:4;74:10; 82:2,3;96:3;99:12; 100:17;142:17; 156:5;226:2,16,20; 230:2;232:2;236:3, 21;247:24;252:9; 269:11;278:7,22; 279:11;334:18 <b>trying (39)</b> 37:8;49:12;50:10, 11,19,20;67:22; 69:21;81:7;85:23; 95:13;99:13,17; 100:11,11;116:25; 118:3;124:3;132:14, 15;179:19;188:24; 194:8;229:22;231:1; 233:2;238:1;247:6; 253:15;257:17; 269:20;270:5,6; 273:21;276:20; 277:22;284:16; 324:16;325:12 <b>tuberculosis (1)</b> 245:24 <b>Tucker (40)</b> 24:19;38:10,21,21; 41:16;44:19;53:14, 16,17,19,24;54:1,4,7, 10,16,19;65:4,8,18, 21;66:6,9,12,17,20; 67:1,7,12,16,25;68:3, 5,7;69:4,7,20,23,25; 74:23 <b>Tuesday (1)</b> 228:24 <b>tuition (1)</b>	40:12 <b>turn (9)</b> 23:3;35:16;72:4; 116:13;122:8;179:3, 25;209:19;279:13 <b>turned (2)</b> 119:23;217:21 <b>turning (2)</b> 119:19;294:11 <b>turnout (1)</b> 272:5 <b>turnover (1)</b> 175:22 <b>tutoring (1)</b> 265:6 <b>twenty (2)</b> 89:2;323:23 <b>twice (2)</b> 247:22,22 <b>twins (2)</b> 23:1;26:13 <b>Twitter (1)</b> 5:7 <b>two (67)</b> 6:10,11;9:12; 16:14;34:5,25;41:17; 42:5;45:23;61:15; 64:1;70:19;71:7; 76:24;78:2,20;82:8, 24;90:1;127:1;142:6; 143:7;146:22;166:6; 169:23;173:2; 177:14;180:6; 182:16;189:9; 191:20;204:10; 207:12,24;208:20; 212:6;216:24;217:1; 219:2;223:10; 224:20,24;226:3,15; 231:9;234:20;235:7, 13;242:10,12; 243:23;244:14; 269:10;280:20; 290:17;291:13; 294:4;295:17; 302:15,16;310:5; 315:4;316:12;317:7; 329:20;331:15; 341:25 <b>two-plus-months (1)</b> 4:23 <b>two-something (1)</b> 266:11 <b>two-year (1)</b> 147:19 <b>type (15)</b> 109:16;111:1; 175:13;238:20; 273:18;279:20; 305:4;312:24;315:6, 13;316:16;317:19; 318:3;319:19;325:16 <b>types (5)</b>	69:16;127:1; 238:17;315:4,18 <b>typical (1)</b> 172:13 <b>typically (6)</b> 34:11;57:24;167:8; 220:19;221:12;319:2
<b>U</b>				
<b>UA-Mountain (1)</b> 322:1				
<b>Uh- (1)</b> 335:10				
<b>Ukele (1)</b> 247:13				
<b>ultimate (1)</b> 17:17				
<b>ultimately (2)</b> 110:23;144:9				
<b>unable (1)</b> 4:16				
<b>unacceptable (1)</b> 13:5				
<b>UNANIMOUS (13)</b> 7:13;84:2;150:3; 151:6;153:4;154:5; 155:7;157:6;158:7; 159:14;162:10; 165:7;338:7				
<b>unanimously (8)</b> 7:15;103:3;150:5; 151:8;153:6;154:7; 155:9;157:8				
<b>uncomfortable (1)</b> 279:9				
<b>uncommon (1)</b> 240:13				
<b>unconscionable (1)</b> 290:22				
<b>unconstitutional (5)</b> 18:2;29:21;30:3; 31:10,11				
<b>uncontroverted (1)</b> 107:11				
<b>under (36)</b> 5:18;8:13;13:21; 23:8,19;25:7,23; 30:20;42:10;46:8; 64:13,14;65:22; 70:12;71:2,4,10; 74:10,11;78:11; 87:24;93:15;96:9; 101:17;105:22; 110:12;117:22,23; 134:17;166:22; 189:4,6;261:6; 263:10;285:19;286:7				
<b>under-achieving (1)</b> 189:1				
<b>undergoing (1)</b> 4:17				
<b>undermine (1)</b>				

192:3 <b>underserved (1)</b> 169:10 <b>understands (1)</b> 258:10 <b>understatement (1)</b> 11:4 <b>understood (7)</b> 67:13;88:10,15; 120:13,18;226:22; 259:13 <b>unexpectedly (1)</b> 258:12 <b>unexplainable (1)</b> 57:2 <b>unflinchingly (1)</b> 236:1 <b>unfounded (1)</b> 258:25 <b>uniform (1)</b> 170:17 <b>unintentional (1)</b> 293:9 <b>unique (6)</b> 109:9;110:7;178:9, 10;210:18;211:11 <b>Unit (1)</b> 95:18 <b>unitary (46)</b> 16:6;25:10;32:4; 50:1,17;53:18,22; 54:2,13,14,18,24; 55:5,6,15,22;56:10, 11;58:4;59:13,17,19, 24,25;60:2,5,12,21, 24;61:12;71:10;93:2, 5,9,11,11,14,19,23; 94:6,12,17;95:8; 98:18;143:11,12 <b>United (2)</b> 30:21;207:19 <b>universal (1)</b> 49:12 <b>universe (1)</b> 68:12 <b>universities (1)</b> 11:21 <b>University (11)</b> 172:8;176:10; 258:1,14,19;266:7, 17,19;274:21;275:9; 276:4 <b>unjustifiably (1)</b> 16:9 <b>unknown (2)</b> 57:2;245:17 <b>Unless (5)</b> 11:14;122:6;230:6; 283:25;337:3 <b>unlike (2)</b> 268:25;292:15 <b>unprofessional (1)</b> 120:9	<b>untenable (1)</b> 16:3 <b>unusual (1)</b> 109:5 <b>up (136)</b> 11:5;14:18;15:1; 19:8;23:11;27:8; 31:25;43:19;44:8; 45:7,11;49:16;50:19; 54:25;57:14;59:6; 60:17,22;63:12,13; 72:8;73:13;78:16; 81:9;84:7;92:12,19; 94:19;106:7;107:3; 109:15;112:12; 117:18;120:15; 125:13;126:22,24; 127:9;134:22; 139:21;140:20; 142:25;144:9;147:6; 165:22;166:2,25; 167:11,15;168:5; 169:2;171:7;174:7; 175:16;179:14,15,17; 180:4;182:17; 186:25;187:5; 191:10;192:7;193:2; 195:4,22;201:16; 203:5;208:8;212:22; 218:9,10;221:14; 222:9,13,16;228:4, 25;229:22;231:16; 232:3,18;234:15,20; 236:3,9,23;237:8; 240:14;242:12; 244:8;245:12; 246:12;247:6; 249:20;252:17,19; 261:13,14;267:14; 268:15;270:10; 272:15;275:18; 276:15;277:7; 278:13;279:10; 282:20,22;289:7,18; 290:8;293:6;294:21; 296:1;299:7;301:7,9; 302:14;304:2,14; 311:15;315:20; 317:20;318:11; 319:23;320:14,16; 321:1,2;327:3; 329:12;333:19; 334:19;337:2 <b>upcoming (5)</b> 97:13,20;177:11; 313:17;329:21 <b>updates (1)</b> 336:20 <b>up-front (1)</b> 178:21 <b>uphold (4)</b> 73:25;198:8,10; 296:11	<b>uploaded (2)</b> 152:7;203:22 <b>upon (6)</b> 98:4;176:22; 313:21;315:17; 319:7;334:23 <b>uproot (1)</b> 26:23 <b>upstanding (1)</b> 107:2 <b>up-to-speed (1)</b> 204:14 <b>urge (1)</b> 218:25 <b>use (27)</b> 7:25;30:11,17; 40:22;41:4;43:22; 76:11;177:24; 179:22;210:24; 222:10;229:16; 236:14;263:15; 264:3;288:9;290:1; 291:11;306:9; 314:18,22;315:2,16; 316:8;320:18;331:7, 8 <b>used (4)</b> 48:8;51:17;174:24; 275:3 <b>uses (1)</b> 314:16 <b>using (5)</b> 49:24;263:23; 307:1;314:18;319:19 <b>utilize (3)</b> 313:24;314:14; 332:8 <b>utilized (1)</b> 319:10 <b>utilizing (5)</b> 95:3;314:24;320:5; 324:1,2	238:11;241:20 <b>varies (1)</b> 196:16 <b>variety (3)</b> 164:9;181:24; 328:11 <b>various (3)</b> 56:4;98:7;263:21 <b>veiled (1)</b> 134:12 <b>vendor (1)</b> 258:18 <b>venture (1)</b> 240:7 <b>venue (1)</b> 148:19 <b>verbally (1)</b> 205:23 <b>verify (1)</b> 79:20 <b>version (1)</b> 10:15 <b>versus (13)</b> 16:24;28:15; 175:21;193:24; 221:21,23;232:9,17; 272:10;276:18; 277:22;293:7;298:1 <b>vestiges (1)</b> 30:10 <b>vet (1)</b> 280:19 <b>veterinarians (1)</b> 41:11 <b>via (2)</b> 17:13;221:8 <b>viable (1)</b> 181:4 <b>videos (1)</b> 244:4 <b>view (4)</b> 142:20;144:3; 220:8;235:1 <b>violate (4)</b> 111:19;116:22; 125:8;133:17 <b>violated (4)</b> 103:4,13;110:13; 117:5 <b>violates (2)</b> 122:23;125:9 <b>violating (4)</b> 50:18;101:12; 111:15;124:9 <b>violation (12)</b> 49:6,8;101:23; 102:3;113:16,19,21; 114:1;126:5,6;129:5; 134:7 <b>violations (6)</b> 103:8;135:14,17, 24,25;136:1 <b>virtual (11)</b>	235:19;312:22,24; 314:2,16,24;315:1,5; 319:16,20;323:15 <b>visible (1)</b> 98:16 <b>vision (3)</b> 207:13;314:7; 331:12 <b>visit (5)</b> 224:18;228:21; 236:8;244:3;283:11 <b>visited (1)</b> 293:15 <b>visiting (2)</b> 276:3;318:23 <b>visits (1)</b> 226:9 <b>voice (3)</b> 16:20;192:22; 330:9 <b>voiced (2)</b> 192:17;324:10 <b>volleyball (1)</b> 249:3 <b>volumes (1)</b> 12:10 <b>voluntarily (1)</b> 238:23 <b>volunteer (1)</b> 186:7 <b>volunteered (1)</b> 186:8 <b>voracity (1)</b> 46:10 <b>VOTE (59)</b> 7:13;8:14;16:18; 20:3;25:2;45:20; 46:14;72:10;75:11; 76:17;78:25;79:3,4, 15;81:16,17;82:22; 84:2;85:4;86:4,4,6,6, 10,12;114:24;115:1; 126:2;127:21; 131:19;135:8;139:2, 7;140:2,13,23,24; 141:2,3;145:15; 166:11;192:22; 200:19;230:12; 280:11;282:25; 283:24;285:3,6,10, 16;286:3,18;287:2; 300:24;303:18; 304:3,5;330:20 <b>voted (21)</b> 51:1;72:12;79:2; 85:24;86:5,7;96:24; 97:3,9;116:3;140:4; 141:1;148:17; 230:13;250:13; 272:11;286:10,12,13; 287:3;327:25 <b>Voters (1)</b> 180:3
<b>V</b>				
	<b>vacated (1)</b> 31:12 <b>vacuum (1)</b> 215:3 <b>vaguely (1)</b> 134:12 <b>Valentine (4)</b> 181:16,17,18; 182:11 <b>valid (2)</b> 89:11;334:17 <b>validity (1)</b> 46:10 <b>value (2)</b> 247:2;335:15 <b>values (2)</b> 10:14;45:9 <b>valve (2)</b>			

<p><b>votes (7)</b> 78:20;97:8,25; 128:23;142:6; 146:21;310:4</p> <p><b>voting (6)</b> 126:16;134:15; 136:7;144:22; 297:20;303:20</p>	<p><b>warrants (1)</b> 132:23</p> <p><b>Washington (1)</b> 223:1</p> <p><b>wasted (1)</b> 244:10</p> <p><b>watch (3)</b> 6:4;203:11;242:10</p> <p><b>watched (1)</b> 244:4</p> <p><b>water (3)</b> 182:1;246:7;277:1</p> <p><b>waters (1)</b> 312:11</p> <p><b>Watson (3)</b> 37:13,17;57:1</p> <p><b>way (63)</b> 5:20;11:20;18:6; 23:11;29:8;39:11,11; 55:2;65:19;66:13; 67:8;74:5;90:14; 97:9;98:25;99:10; 108:20;113:4; 132:18;138:5,6; 140:25;144:6; 148:22;152:10; 172:2;177:5;193:25; 212:16,24;217:14; 218:3;222:10; 226:21;228:6,18; 241:5;245:2;247:23; 248:6;250:13,16; 265:18;267:4; 273:12;277:6; 281:21;282:9; 286:21,23;287:2,10; 291:3;293:1,13; 294:19;304:15; 317:1,14;325:19; 328:6;329:1;331:9</p> <p><b>ways (11)</b> 175:25;192:3; 195:19;256:6;272:5; 273:10;281:17; 284:15;291:25; 292:8;314:14</p> <p><b>wealthy (1)</b> 242:24</p> <p><b>wearing (1)</b> 245:6</p> <p><b>weather (4)</b> 332:11,12,13,14</p> <p><b>Webinar (1)</b> 213:4</p> <p><b>website (5)</b> 210:14,15,20; 211:1;225:11</p> <p><b>Wednesday (2)</b> 228:24,24</p> <p><b>week (7)</b> 4:17,19;16:23; 193:2;230:20; 270:14;271:11</p>	<p><b>weekend (1)</b> 5:8</p> <p><b>weekly (1)</b> 240:12</p> <p><b>weeks (5)</b> 40:25;69:19;289:2; 317:7;327:22</p> <p><b>weigh (1)</b> 334:3</p> <p><b>weighed (1)</b> 283:8</p> <p><b>weighing (2)</b> 140:1;284:20</p> <p><b>weight (1)</b> 257:10</p> <p><b>welcome (4)</b> 78:21;206:12; 247:9;319:11</p> <p><b>welding (1)</b> 318:15</p> <p><b>well- (1)</b> 12:19</p> <p><b>well-documented (1)</b> 203:23</p> <p><b>Welrod (1)</b> 185:9</p> <p><b>weren't (2)</b> 63:7;266:20</p> <p><b>West (2)</b> 174:19;176:11</p> <p><b>wet (1)</b> 236:9</p> <p><b>what's (16)</b> 50:20;69:4;99:12, 16;110:18;115:13, 13;171:24;192:5; 197:7;205:19; 244:24;252:20; 255:25;266:8;321:7</p> <p><b>whatsoever (2)</b> 117:18;120:18</p> <p><b>whenever (6)</b> 39:16;62:17;63:5; 74:15;90:2;323:25</p> <p><b>WHEREUPON (3)</b> 9:4,12;173:16</p> <p><b>wherever (3)</b> 96:6;246:20;253:7</p> <p><b>whichever (1)</b> 198:8</p> <p><b>white (10)</b> 28:17;29:3,4,10,12, 17;30:9;55:25;56:22; 57:3</p> <p><b>whiter (1)</b> 57:4</p> <p><b>Whitlock (1)</b> 104:3</p> <p><b>Whitlock's (1)</b> 111:2</p> <p><b>Whitney (1)</b> 24:17</p> <p><b>whole (21)</b> 9:19;21:22;68:21; 69:24;102:23;105:1; 168:6;193:23;207:1; 223:21;224:12; 245:19;257:23; 262:9;271:9;272:6; 275:15;287:14; 307:3;311:16;322:24</p>	<p>242:13,15</p> <p><b>wishes (2)</b> 6:25;8:23</p> <p><b>wishing (4)</b> 8:4;168:4;205:11; 327:13</p> <p><b>withdraw (2)</b> 32:6;147:12</p> <p><b>withdrawn (1)</b> 147:16</p> <p><b>within (38)</b> 28:15;30:5;40:19; 44:14;52:12;56:23; 60:21;63:4,13;86:15; 110:5;113:3;135:2; 176:8,12;177:20,21; 179:6;201:14,20; 212:14,25;213:17; 223:24;238:7;252:1, 25;268:2;284:15,23; 293:10;300:25; 313:20,21;315:2; 318:6,12;325:9</p> <p><b>without (12)</b> 73:12,17;109:6; 182:5,5,6;184:6; 227:13;276:6,10; 325:2,3</p> <p><b>witness (1)</b> 139:3</p> <p><b>WITNESSES (5)</b> 21:24;102:24; 168:8;207:3;311:18</p> <p><b>Women (3)</b> 180:3;265:22; 280:1</p> <p><b>wonder (2)</b> 97:21;273:10</p> <p><b>Wonderful (18)</b> 7:15;21:20;102:14; 168:3;178:16; 179:24;182:20; 183:21;187:4; 204:17;206:24; 208:17,19;236:15; 238:3;244:22; 249:19;335:20</p> <p><b>wondering (5)</b> 192:6;201:1;232:8, 24;324:21</p> <p><b>Wood (13)</b> 14:22,25;77:9,11, 14,17,19,23,23; 78:10;80:20;81:3; 312:2</p> <p><b>word (3)</b> 141:14;262:11; 309:3</p> <p><b>worded (2)</b> 90:14,15</p> <p><b>wording (1)</b> 89:23</p> <p><b>words (2)</b></p>
<b>W</b>			
<p><b>Wadoo (6)</b> 185:10,13,18,19; 186:7,24</p> <p><b>wages (2)</b> 160:14;161:7</p> <p><b>wait (7)</b> 58:21;92:7;108:25; 233:11,12;288:24; 294:5</p> <p><b>waited (1)</b> 106:8</p> <p><b>waiting (7)</b> 61:17;113:8;262:5; 272:13,17;279:14; 285:4</p> <p><b>waitlist (6)</b> 210:25;212:8; 213:6,7,7,13</p> <p><b>waiver (19)</b> 71:8;149:2,6,17,19, 23;150:6,9,17,18; 151:2,19;152:12; 313:5,25;314:25; 319:21;330:11,14</p> <p><b>waivers (13)</b> 6:5;239:9;302:10; 313:8,14,25;315:8; 319:10;320:2; 330:19;331:3,5,6</p> <p><b>walk (4)</b> 206:2;210:9; 246:19;265:17</p> <p><b>walked (1)</b> 256:16</p> <p><b>Walker (2)</b> 57:22;58:10</p> <p><b>walking (2)</b> 92:12;243:9</p> <p><b>walks (1)</b> 5:8</p> <p><b>wall (1)</b> 175:17</p> <p><b>Wal-Mart (1)</b> 275:14</p> <p><b>wand (1)</b> 48:11</p> <p><b>wants (8)</b> 67:10;81:6;110:15; 210:8;223:4;258:15; 267:16;313:18</p> <p><b>warning (3)</b> 332:11,15;337:1</p>			

100:10;229:12 <b>work (71)</b> 4:25:5;17;29:15, 24;36:4,9;96:3; 98:14;110:19;164:8; 166:6;175:20;185:2, 5;186:13;189:20; 193:6;200:15;203:5; 209:9;211:22;217:7; 225:14;226:12,19,23; 228:6,7;230:2; 231:20;234:9; 246:14,21;248:24; 249:8,9,10,12,13; 256:18;264:24; 269:25;270:4; 272:18;275:22; 279:20,21;280:16; 281:17;289:8; 291:14,15,15;292:20; 293:16;294:8,21,24; 302:5;303:21; 313:15;315:7; 322:25;323:7; 324:14;329:5,6; 334:20,21;337:21; 338:10 <b>workability (1)</b> 335:15 <b>worked (13)</b> 23:21;123:17; 164:1,2;174:25; 177:14;184:23; 186:11;193:16; 215:1;246:21;271:2; 329:16 <b>working (17)</b> 180:14;192:1; 196:1,1,3;197:9; 202:7;203:3;231:24; 259:22;266:17; 271:23;283:13; 294:16;333:1; 334:24,25 <b>works (13)</b> 56:5;57:12;121:12; 123:20;219:3;235:7; 246:20;270:9; 273:20;279:22; 284:2;289:18;316:18 <b>workshops (1)</b> 244:14 <b>World (3)</b> 207:18;228:18; 314:22 <b>worried (6)</b> 227:23;228:12,14; 229:8;246:9;292:4 <b>worries (1)</b> 328:18 <b>worry (4)</b> 197:10;292:7,12; 299:6	<b>worse (1)</b> 11:16 <b>worth (2)</b> 113:9;124:3 <b>worthy (1)</b> 302:17 <b>wrap (7)</b> 100:11;233:2; 247:6;252:19; 276:21;277:9;278:7 <b>wraparound-services-provided (1)</b> 208:15 <b>wrapped (1)</b> 279:17 <b>wrestle (1)</b> 49:21 <b>writer (1)</b> 243:10 <b>writing (3)</b> 173:23;273:1; 319:9 <b>written (7)</b> 37:9;60:3;71:2; 301:22;309:2,4,5 <b>wrong (8)</b> 68:12;78:22;99:4; 106:19;152:5,8; 229:2;260:3 <b>wrongs (1)</b> 55:7 <b>wrote (1)</b> 230:13	11;183:4;185:3; 187:14;194:1,3; 196:16,16;208:7; 210:5;211:14;212:1, 17;214:4,9;215:15; 216:2;218:23;219:2; 231:14;233:14; 238:14,15;242:8; 244:2;252:11; 256:10;257:21; 266:3,22;287:14; 303:10,12;309:1; 312:23;316:13; 319:9,16;325:17,21; 326:3;332:7,24,25; 334:20;335:14 <b>year-and-a-half (1)</b> 286:10 <b>yearly (1)</b> 303:11 <b>years (56)</b> 11:11;12:19;13:4; 29:22;30:5;35:14; 37:14;39:15;40:13; 50:13;56:7,7,23; 57:13,14;62:17; 65:12;96:22;103:7; 119:14,19;130:22,24; 131:23;147:14; 173:2;177:14; 182:23;186:8; 207:17,21,23,25; 208:2;218:21,22; 219:20;226:3; 231:10;236:24; 241:18,19;246:21; 254:8;256:25; 268:25;283:12; 292:14;293:24; 319:24,24,25;320:1; 326:24;329:17;335:6 <b>years' (2)</b> 133:4;135:20 <b>year's (1)</b> 172:25 <b>yesterday (7)</b> 217:19,19,20; 218:1;254:10; 256:24;261:3 <b>young (14)</b> 6:14;105:25; 106:17;158:11,14,15, 17,18,21;183:21; 199:12;280:1; 322:15;324:12 <b>youngest (1)</b> 11:22 <b>youth (1)</b> 170:22	254:20;255:2,13, 13 <b>zone (3)</b> 35:23;36:22;185:1 <b>zoned (1)</b> 176:7 <b>zoning (1)</b> 50:4 <b>ZOOK (208)</b> 14:21;15:6;17:1; 19:23;20:2;47:1,11, 12,21,24;48:1;49:18, 19,20;51:7;52:6,14; 53:7;64:5,6,7;65:25; 66:1,2,8,11,13,18,21; 67:2,11,15,18;68:13; 70:9;71:13;73:25; 76:2,3;83:3,7,25; 84:1;87:21,22;88:10; 89:14,18,20,23;90:2, 6,10,17;91:2,12; 119:12,13;120:21,22; 128:20,21;132:6,7,8, 11,17;134:1,2,6,9,19; 135:6;136:22,23; 141:13,20,23;142:1, 5,12,24;144:11; 145:12,13;146:19,20; 148:8,11;149:22; 150:1;151:3,5;152:1, 2,14,18;153:1;154:2, 4;156:9;158:24,25; 159:1,4,6;160:23; 161:4,10;195:16,17; 198:6,7,14;199:7,8; 203:9;204:9;219:15, 17,18;220:9,13,15, 18;221:9;230:8,17; 234:12;260:12; 261:21,24;262:5,23, 24;263:5,7,8,13,25; 264:5,9,11,18;265:1, 10,23;266:9,11,13, 25;267:24;273:25; 282:4,5;283:4; 294:18;295:1,7; 297:12,13,17;298:5, 21,25;299:10,13,17; 300:12,13;304:22; 306:1,12,14;307:9, 13;310:2,3;321:3,4,8, 10,12,14,16,19,25; 322:6,9,20,23;323:3, 10,12;324:10; 325:22;326:7,8; 327:5;328:4;329:10; 333:2,8,13;335:16, 21;336:14,15 <b>Zook's (2)</b> 97:15;269:15 <b>zoology (1)</b> 11:17	<b>0</b> <b>0% (3)</b> 254:2,3,3 <b>03 (2)</b> 50:3,4 <b>1</b> <b>1 (19)</b> 4:5;6:11;7:6;9:4; 11:19;103:4;106:4, 19;109:12;111:11,15, 19;122:23,24; 173:16;339:25; 340:25;342:25; 343:25 <b>1% (2)</b> 239:24;260:18 <b>1.2 (1)</b> 172:14 <b>1.5 (3)</b> 23:23;44:11; 172:14 <b>1:05 (1)</b> 139:12 <b>1:30 (3)</b> 138:13;139:9,12 <b>1:55-2:00 (1)</b> 165:16 <b>10 (10)</b> 57:14;102:9;107:8; 111:9;114:17; 214:16;306:5; 310:15;332:22;335:5 <b>10% (1)</b> 260:16 <b>10:47 (1)</b> 147:11 <b>100 (9)</b> 212:3;237:7;244:2; 287:13;299:7,13,17; 306:3,4 <b>100% (5)</b> 170:2;171:16; 173:5,5;282:13 <b>100,000 (1)</b> 51:1 <b>100-pupil (3)</b> 298:6,10,18 <b>10-minutes-to-12:00 (1)</b> 80:25 <b>10th (5)</b> 319:5;321:16; 325:23;331:8;332:3 <b>10-year (1)</b> 23:2 <b>11 (5)</b> 23:3;155:13; 158:16;176:19; 241:10 <b>11% (2)</b>
	<b>Y</b>			
	<b>y'all (23)</b> 23:25;24:5;26:19; 33:16;104:6;139:13; 156:5;178:12; 179:18;195:25; 197:9,12;202:22; 228:20;232:13; 236:12;242:3; 248:16;256:6; 323:16;324:5; 327:12;330:9 <b>y'all's (3)</b> 41:18;123:23; 331:12 <b>Yarberry (1)</b> 168:19 <b>yards (1)</b> 76:24 <b>year (76)</b> 12:14,15;23:11; 26:13;37:25;40:7; 47:12;55:9;88:11; 95:11;97:20;108:11; 109:3;111:24; 121:21,24,25;124:4, 10;127:16;130:7,8; 170:19,21;172:23; 174:16;177:6,7,8,11,	<b>zero (4)</b>		
		<b>Z</b>		

176:4;229:9 <b>11:43-11:54 (1)</b> 81:4 <b>119 (2)</b> 169:24;187:11 <b>11th (10)</b> 44:18;321:5; 325:17,20,22,23; 326:25;331:7,8; 332:3 <b>11-year (3)</b> 234:22,23;245:20 <b>12 (9)</b> 4:12;157:12; 176:21;217:23; 276:18;316:4; 331:15,17;332:22 <b>12% (10)</b> 229:9;235:9,10; 238:8;239:24; 241:12,14,16,17,18 <b>120 (1)</b> 265:4 <b>12th (13)</b> 40:5;182:18,18; 318:23;321:5; 325:17,20,23,23; 326:25;331:7,8; 332:3 <b>13 (5)</b> 4:18;50:3,4;90:2; 276:18 <b>13-148 (1)</b> 153:8 <b>14 (5)</b> 10:20;23:2;135:21; 171:25;211:3 <b>14-026 (1)</b> 101:24 <b>14-059 (1)</b> 154:9 <b>14-074 (1)</b> 155:11 <b>14-087 (1)</b> 157:10 <b>14-129 (1)</b> 158:11 <b>15 (5)</b> 35:14;90:2;147:14; 176:21;335:6 <b>15% (1)</b> 170:3 <b>15.8% (1)</b> 176:3 <b>15-152 (1)</b> 146:25 <b>15-16 (3)</b> 257:20;259:18,19 <b>15th (1)</b> 61:5 <b>16 (2)</b> 241:11;322:9 <b>16,000 (3)</b>	231:5,6,12 <b>17-18 (3)</b> 190:12;303:10; 304:5 <b>18 (4)</b> 106:8;110:3; 119:20,23 <b>18,810 (1)</b> 241:10 <b>180 (1)</b> 174:20 <b>18-19 (3)</b> 233:15;303:19; 304:4 <b>19 (1)</b> 49:24 <b>1906 (1)</b> 37:6 <b>1954 (1)</b> 56:12 <b>1964 (2)</b> 29:19;32:2 <b>1969 (1)</b> 30:1 <b>1970s (1)</b> 27:17 <b>1971 (10)</b> 25:10;30:4,6,10; 31:2;50:3,14;56:17, 19,21 <b>1989 (6)</b> 12:22;31:6,14,15; 70:12;275:8 <b>1999 (1)</b> 28:5 <b>1s (1)</b> 225:25	250:7 <b>20/20/5 (2)</b> 311:7;320:13 <b>200 (1)</b> 170:21 <b>2000 (1)</b> 56:22 <b>2003 (7)</b> 25:9;30:18;48:13; 70:10;89:4,13;90:18 <b>200-something (1)</b> 216:10 <b>2010 (1)</b> 241:9 <b>2013 (11)</b> 17:6,25;25:9; 30:19;31:13;70:15; 111:23,25;112:1; 143:25;257:24 <b>2014 (7)</b> 103:2;111:23; 112:5,6,16;115:19; 158:16 <b>2015 (19)</b> 12:14;25:21;30:15; 33:8;48:7;52:22; 56:20,21;89:2,12; 90:4,25;112:7,8,17; 144:1;172:7;207:20; 241:11 <b>2016 (6)</b> 4:13;149:12; 150:13;151:15; 278:13,18 <b>2016-2017 (1)</b> 319:9 <b>2017 (12)</b> 113:19;115:13,16, 19;116:11;117:3; 130:15,16;208:8; 232:8;278:14;293:5 <b>2017-18 (1)</b> 309:1 <b>2018 (1)</b> 236:7 <b>2019 (2)</b> 132:2;135:21 <b>201-A (1)</b> 337:1 <b>202 (2)</b> 36:23;37:6 <b>2021 (4)</b> 301:12,13;302:2; 303:16 <b>20-minute (1)</b> 10:3 <b>20-student (2)</b> 177:4;187:17 <b>21,000-plus (1)</b> 228:12 <b>21,260 (1)</b> 241:11 <b>21,500 (1)</b>	225:19 <b>2196 (1)</b> 56:21 <b>22% (1)</b> 208:9 <b>22,000 (1)</b> 225:19 <b>2220 (1)</b> 56:21 <b>23 (1)</b> 5:8 <b>25 (1)</b> 56:23 <b>25- (1)</b> 138:13 <b>25th (1)</b> 203:16 <b>27 (1)</b> 13:4 <b>28- (1)</b> 274:16 <b>29,000 (1)</b> 50:25 <b>2A (1)</b> 63:25 <b>2s (1)</b> 225:25	<b>4.04 (1)</b> 316:25 <b>4.84 (1)</b> 178:3 <b>4:53 (1)</b> 310:19 <b>40 (1)</b> 56:22 <b>400 (3)</b> 244:17,18,20 <b>41% (1)</b> 211:12 <b>430 (1)</b> 169:22 <b>432 (1)</b> 187:21 <b>45 (1)</b> 137:4 <b>45% (1)</b> 211:13 <b>4522 (1)</b> 56:20 <b>47 (1)</b> 211:2 <b>4s (1)</b> 225:25 <b>4th (3)</b> 39:7,19;184:22	
	<b>2</b>		<b>3</b>	<b>5</b>	
	<b>2 (10)</b> 6:14;7:20;8:1,20; 9:12;11:19;78:2; 81:13;151:15;341:25 <b>2% (2)</b> 260:17,17 <b>2.75 (1)</b> 266:14 <b>2:00 (1)</b> 165:14 <b>20 (26)</b> 8:8;24:22;26:4; 40:5;42:1;43:17,23; 103:2;115:18,19; 166:15,16;167:6,7; 179:3;187:16; 205:13,14;206:21; 207:5;219:13; 222:11,17;320:12,18; 329:17 <b>20% (1)</b> 12:5 <b>20/20 (1)</b>	<b>2016-2017 (1)</b> 319:9 <b>2017 (12)</b> 113:19;115:13,16, 19;116:11;117:3; 130:15,16;208:8; 232:8;278:14;293:5 <b>2017-18 (1)</b> 309:1 <b>2018 (1)</b> 236:7 <b>2019 (2)</b> 132:2;135:21 <b>201-A (1)</b> 337:1 <b>202 (2)</b> 36:23;37:6 <b>2021 (4)</b> 301:12,13;302:2; 303:16 <b>20-minute (1)</b> 10:3 <b>20-student (2)</b> 177:4;187:17 <b>21,000-plus (1)</b> 228:12 <b>21,260 (1)</b> 241:11 <b>21,500 (1)</b>	<b>3 (9)</b> 8:1;20:23;78:3; 85:14;167:14; 179:18,19;247:7; 262:20 <b>3% (1)</b> 260:17 <b>3.0 (1)</b> 266:12 <b>3:00 (1)</b> 170:22 <b>30 (3)</b> 165:10,12;276:16 <b>30% (3)</b> 174:14;208:10; 227:20 <b>300/300 (1)</b> 207:24 <b>30th (1)</b> 212:2 <b>35 (1)</b> 217:21 <b>3rd (3)</b> 39:7,19;186:4 <b>3s (1)</b> 225:25	<b>3</b>	<b>5 (11)</b> 8:7;13:9;112:1; 166:18;179:14,22; 189:5;205:15; 234:19,21;320:19 <b>5- (1)</b> 167:7 <b>5% (2)</b> 189:25;190:16 <b>5,000,000 (1)</b> 231:13 <b>5:00 (1)</b> 203:16 <b>5:10 (1)</b> 310:19 <b>5:30 (1)</b> 337:4 <b>5:44 (1)</b> 338:16 <b>50 (1)</b> 56:22 <b>50% (2)</b> 12:7;195:23 <b>50/50 (2)</b> 37:15;196:15 <b>504s (1)</b> 255:17 <b>51/49 (1)</b> 196:16 <b>5-8 (1)</b> 189:13 <b>5-minute (2)</b>
			<b>4</b>		
			<b>4 (1)</b> 262:20 <b>4.01 (1)</b> 316:25		

<p>10:2;165:13 <b>5th (12)</b> 23:5;26:14;39:20; 40:3,5;174:23,25; 175:4;187:19;189:5, 9;221:7</p>				
<p><b>6</b></p>	<p><b>8</b></p>			
<p><b>6 (1)</b> 316:4 <b>6:00 (1)</b> 170:23 <b>60 (1)</b> 208:14 <b>60% (1)</b> 195:23 <b>60s (1)</b> 69:15 <b>6-17-410 (1)</b> 149:16 <b>6-18-1906 (1)</b> 32:20 <b>6-18-1907 (1)</b> 64:13 <b>6-18-202 (1)</b> 34:19 <b>63% (1)</b> 172:12 <b>6423 (1)</b> 56:19 <b>6711 (1)</b> 174:19 <b>6-8 (1)</b> 174:22 <b>6th (4)</b> 39:20;181:18; 185:25;319:5</p>	<p><b>8 (4)</b> 149:12;150:13; 312:6;329:14 <b>8:30 (3)</b> 229:1;337:13,16 <b>800 (1)</b> 40:7 <b>83% (2)</b> 169:25;170:3 <b>84% (1)</b> 172:16 <b>88% (1)</b> 278:14 <b>89 (2)</b> 31:18;37:20 <b>8th (11)</b> 31:12;39:23; 182:19;221:6; 246:12;327:7,8,19, 19;329:2,8</p>			
<p><b>7</b></p>	<p><b>9</b></p>			
<p><b>7 (2)</b> 34:20;150:9 <b>7:30-to-3:30 (1)</b> 265:7 <b>70% (1)</b> 12:15 <b>700 (1)</b> 207:11 <b>70s (1)</b> 69:14 <b>71 (1)</b> 227:8 <b>7-12 (1)</b> 227:2 <b>78 (1)</b> 49:25 <b>79% (1)</b> 172:16 <b>7th (4)</b> 39:23;242:14; 246:12;319:6</p>	<p><b>9 (5)</b> 153:11;312:6; 329:14;331:15,16 <b>9:00 (1)</b> 337:12 <b>9:30 (1)</b> 229:1 <b>90 (1)</b> 306:5 <b>90% (2)</b> 12:14;282:11 <b>9-12 (1)</b> 330:24 <b>97% (1)</b> 282:12 <b>9th (26)</b> 23:4;315:25;316:1, 12,13,21;318:10,23; 319:5,11;321:16,23, 25;322:3,18;323:2; 325:14;327:24; 330:17;331:8,12,20, 25;332:23;334:16; 335:13</p>			