

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

October 8, 2015

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
#4 Capitol Mall
Little Rock, AR

October 8, 2015
10:00 A.M.

APPEARANCES:

| | |
|-------------------------|--------------|
| Mr. Johnny Key | Commissioner |
| Ms. Toyce Newton | Chairperson |
| Dr. Jay Barth | Board Member |
| Ms. Diane Zook | Board Member |
| Ms. Susan Chambers | Board Member |
| Ms. Charisse Dean | Board Member |
| Mr. R. Brett Williamson | Board Member |

LEGAL COUNSEL FOR THE BOARD:

MS. KENDRA CLAY, ADE General Counsel
MS. JENNIFER DAVIS, ADE Attorney Specialist
MR. CORY BIGGS, ADE Attorney Specialist

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P R O C E E D I N G S

CHAIRPERSON NEWTON: If I can have your attention, we're calling to order the State Board of Education meeting for October 8, 2015. And we'll start by looking at the consent agenda, which includes the minutes.

(THE CONSENT AGENDA WAS NOT REPORTED)

A-1: CONSIDERATION OF RESOLUTION FOR ARKANSAS SCHOOL BUS SAFETY WEEK

CHAIRPERSON NEWTON: We'll move on to the Action Agenda, and A-1, Consideration of Resolution for Arkansas School Bus Safety Week.

MR. SIMMONS: Thank you, Madam Chairman.

CHAIRPERSON NEWTON: State your name, please.

MR. SIMMONS: Mike Simmons. I'm Senior Transportation Director for the Division of Facilities and Transportation. Under Arkansas Code 6-19-117, it makes the third week in October the Arkansas School Bus Safety Week, which coincides with the National School Bus Safety Week. And I would ask the State Board to pass a resolution stating, "Whereas, the Arkansas State Board of Education recognizes that providing Arkansas students with safe school transportation is a vital part of our education system; and whereas, in Arkansas more than

1 250,000 students are transported to and from school
2 and school related events each day on more than 6,000
3 school buses; and whereas, Arkansas school bus
4 drivers travel more than 240,000 route miles each
5 school day; and whereas, the Arkansas Department of
6 Education and Arkansas Division of Public School
7 Academic Facilities and Transportation are committed
8 to raising public awareness about the importance of
9 school bus safety; and whereas, this effort is
10 greatly dependent upon the school district
11 partnerships with local businesses and community
12 leaders; and whereas, school bus drivers, mechanics
13 and transportation directors across the state are to
14 be commended for their unwavering commitment to
15 school bus safety; and whereas, the concerned
16 citizens and leaders are to be commended as well for
17 devoting their time, talent and resources to
18 promoting school bus safety. Now, therefore, be it
19 resolved that we the members of the Arkansas State
20 Board of Education recognize the week of October 19th
21 through the 23rd, 2015, as Arkansas School Bus Safety
22 Week.

23 CHAIRPERSON NEWTON: You heard the reading of
24 the proposed resolution. What's the pleasure of the
25 Board?

1 MS. ZOOK: I move that we approve.

2 CHAIRPERSON NEWTON: Moved by Ms. Zook.

3 MR. WILLIAMSON: Second.

4 CHAIRPERSON NEWTON: Second by Mr. Williamson.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON NEWTON: Any opposed? The motion
8 carries. Thank you.

9 COMMISSIONER KEY: We have a presentation.

10 CHAIRPERSON NEWTON: Okay.

11 MR. SIMMONS: In addition -- you want to do this
12 or --

13 COMMISSIONER KEY: Go ahead.

14 MR. SIMMONS: In addition, we'd like to
15 recognize a couple of our local folks that have
16 really been truly dedicated and stepped up and gone
17 above and beyond in our public awareness campaign and
18 as far as student safety, when it comes to school
19 buses. First, we would like to recognize Ms. Susie
20 Everett for her leadership, service and dedication to
21 promoting the important of school bus safety
22 throughout the state of Arkansas.

23 [APPLAUSE]

24 MR. SIMMONS: I've got to say Ms. Everett has
25 truly taken on this cause and put her money where her

1 mouth is. They have done the commercials most of us
2 have seen on TV for "Flashing Red, Kids Ahead" and
3 donated the airtime during primetime TV time. So we
4 want to thank her a lot for that.

5 Second is the local transportation director at
6 the Bryant School District. He's very involved at
7 the state level with our associations -- Mr. Tom
8 Farmer, for his leadership, service and dedication to
9 promoting the importance of school bus safety in
10 Arkansas.

11 [APPLAUSE]

12 MR. SIMMONS: And I'd really like to thank a
13 couple of people. This wasn't on here. But Gail
14 Morris has done an outstanding job with our public
15 awareness campaign. She has really jumped -- her and
16 Kevin and Kim Friedman have really worked closely
17 with us and done a great job. So I want to thank
18 them publicly.

19 [APPLAUSE]

20 CHAIRPERSON NEWTON: We also want to thank Mrs.
21 Everett and Mr. Farmer, along with the staff of the
22 ADE for promoting and making the communities and the
23 citizens of Arkansas aware of the need for continued
24 safety as it relates to school buses and the children
25 that ride the buses. So it's up to all of us to

1 share the message of the safety issues around
2 children on school buses. So thank you all for the
3 work that you're doing. Thank you, Mr. Simmons, for
4 that information and proclamation.

5 A-2: CONSIDERATION OF THE LITTLE ROCK SCHOOL DISTRICT REPORT
6 OF PROGRESS

7 CHAIRPERSON NEWTON: We'll move on now to -- A-2
8 is Consideration of the Little Rock School District
9 Report of Progress. Mr. Baker Kurrus.

10 SUPT. KURRUS: Thank you, Madam Chairman. I'm
11 Baker Kurrus, Superintendent of Schools of Little
12 Rock School District. Good morning. It's nice to be
13 here. I'm here with the Little Rock School District
14 team, as long as -- as well as with Mr. Greg Adams,
15 who's co-chair of the Civic Advisory Committee. And
16 how I'd like to proceed, if it's okay, is to first
17 ask Mr. Burton to come up -- or first ask Mr. Adams
18 to come up, and then after he says a few things about
19 what the Civic Advisory Committee's doing, without
20 further introduction have Mr. Burton come up and show
21 you some information that I think is critical to your
22 understanding of where we are and where we have to
23 go. Let me introduce Mr. Burton first by saying that
24 he's working very hard. All of our team is working
25 very hard; they're here. As you know them, I won't

1 introduce them all. He's going to show you a very
2 sobering initial assessment of where we are. It's
3 very, very troubling to me. We have many, many
4 students who were substantially behind where they
5 should be in our distressed schools. These students
6 have a long way to go. We knew this was a
7 challenging task; it's more daunting than we had --
8 than I had anticipated. It doesn't necessarily
9 change what we're doing in everything that we do
10 every day, and it doesn't sort of distract us. But
11 it does show the urgency and the importance of what
12 we have to do. He'll talk to you more about those
13 results and in detail. Then I'd like to come up, if
14 time permits, after he finishes that discussion and
15 sort of close with a few remarks about the things
16 that are topical these days. There's quite a lot
17 going on, as you well know. So, first, I'd like Mr.
18 Adams to come up and report on the CAC, and then Mr.
19 Burton after that would you please give your report.
20 Mr. Adams. Thank you.

21 MR. ADAMS: Good morning. Greg Adams with the
22 Civic Advisory Committee with LRSD, with my co-chair
23 Dr. Dionne Jackson. And you all may have noticed
24 that Dr. Jackson and I are alternating months so that
25 one month we will -- one of us will be the main

1 speaker and the other month the other. And so this
2 is my month, so I'll give you a report of what we've
3 been doing. Really, our big item in the past month
4 is that we had a retreat that we'd been planning for
5 several months and we felt like that was a very
6 productive retreat and constructive for us, helping
7 us to get a better feel for ourselves, about this
8 dual mission that we have which is giving advice to
9 the district and also engaging with the community,
10 and also looking at the four questions that Mr.
11 Kurrus gave us back in the summer and trying to find
12 out how we can responsibly respond to those and take
13 those into advisement and see what we can do to get
14 feedback on those very important questions. And so
15 the end-result of our retreat, we organized ourselves
16 into four different committees. We have a facilities
17 committee, a communication committee, a community
18 engagement committee, and also an academic distress
19 committee. And we took preferences from our
20 committee members, took those into account and made
21 sure we had a good mix of people on every committee
22 of students, teachers, zone representatives, and
23 other adults. And we're going to meet monthly on
24 those subcommittees and our first meeting will be
25 later today. So our plan is to meet on the second

1 Thursday of the month for our subcommittees and then
2 have our regular meeting on the fourth Thursday of
3 the month. And we're also going to begin meeting at
4 schools, rather than in the district office, so that
5 we get a better understanding of what's happening in
6 the district and also as an effort for community
7 engagement so that people can come to us. Those
8 committees will begin -- again, will meet today.
9 We'll take feedback from our retreat that will help
10 them to organize themselves. They'll choose their
11 own chairs or co-chairs, and then will be giving
12 reports at every meeting that we have.

13 One other comment I would make about the
14 questions that Mr. Kurrus gave us -- you know -- some
15 of those questions had to do with facilities and the
16 landscape has changed somewhat for facilities, even
17 in the past week with the announcement of a possible
18 west Little Rock middle school facility and pursuing
19 building a southwest high school. So we are in
20 communication with Mr. Kurrus so that we make sure
21 that we have current information for what kind of
22 feedback and engagement we want to have. So,
23 obviously, we are not going in our community to
24 consider the question about whether or not we should
25 have a west Little Rock middle school or whether or

1 not we should build a southwest high school; that's
2 an appropriately made administrative decision. But
3 we can give feedback and hopefully helpful
4 information about how those can be done in a good way
5 and what is needed in those schools and that type of
6 information.

7 So we're looking forward in the future months to
8 be able to bring back more information about what
9 those committees are doing because we think that
10 that's going to be very constructive for us and
11 hopefully helpful to the district.

12 CHAIRPERSON NEWTON: Any questions? Ms. Zook.

13 MS. ZOOK: I know as you start these new
14 subgroups and for your own, when I used to work with
15 groups on effective committee work one of the --
16 there were three things that we emphasized: difficult
17 but achievable goals, specific timeframe, and
18 measurable. Do you have those kinds of things built
19 into your current committee? And if so, would you be
20 sure that the subcommittees also have those built in?
21 Because then we will be able to better tell whether
22 or not they are achieving what it is they are
23 commissioned to do.

24 MR. ADAMS: Thank you. I think that's a great
25 point. And the charge that we're going to be giving

1 our subcommittees today is to set up -- is to
2 identify their priorities and to look at those in
3 three-, six- and nine-month timeframes and so that --
4 and we're looking at the three-month timeframe really
5 being in November because we're looking at the nine-
6 month being at the end of the school year, in May.
7 And so we're asking them to do that, to strategically
8 look at what they need, what they want to accomplish
9 in each of those timeframes, and what kind of
10 information they also need from the district, what
11 kind of data they might need in order to responsibly
12 look at these questions and meet their goals.

13 MS. ZOOK: And how many meetings at this point
14 have your different committee members had at like PTA
15 meetings, churches, community groups, getting the
16 good word out of the kinds of things that we hear on
17 the positive side when we get the reports here?

18 MR. ADAMS: We have not had any official
19 meetings for our community engagement effort to this
20 point. And that's one thing we hoped was going to
21 happen with our community engagement and our
22 communications committees. But we have not done
23 anything official in that regard at this point.

24 MS. ZOOK: So your committee members have not
25 been in their communities --

1 MR. ADAMS: Oh, they may have.

2 MS. ZOOK: -- telling the good news?

3 MR. ADAMS: They may well have, and some of us
4 have, Dr. Jackson and I have, as individuals. But
5 not as part of a plan, an official plan with the
6 committee.

7 MS. ZOOK: Okay. I would encourage you to do
8 that because, you know, a lot of people are too busy
9 with life to listen to the news or read the newspaper
10 or whatever, so they have to depend on their schools,
11 you know, the heart of their community, to be able to
12 know what's going on. And if someone is there
13 telling them, you know, "this is what's good about
14 this, this is what's happening here, here's where
15 we're going to have a concert with the band, here's
16 where we're starting a new club, you know, for kids,
17 or here's our new tutoring program," I think that
18 would be helpful to those members of our community
19 who are choosing to use our traditional public
20 schools. Thank you.

21 MR. ADAMS: Thank you.

22 CHAIRPERSON NEWTON: Any other questions? Thank
23 you.

24 MR. ADAMS: Thank you.

25 MR. BURTON: Good morning, Madam Chairperson and

1 Board Members. Marvin Burton, Deputy Superintendent
2 of Little Rock School District. I want to say before
3 I start my presentation that, I mean, what Mr. Kurrus
4 stated was true; we have some major challenges, but
5 we have some great students and that's the positive
6 that we focus our minds on, what we're doing for the
7 betterment of our kids. I have a PowerPoint and it
8 was sent to you but I will start forward with the
9 PowerPoint as far as the progress report.

10 One of the major things that we're doing that is
11 different than last year -- one is that the way we're
12 structuring and organizing, the organizational
13 structure is, like we have stated, supporting
14 students and teachers. And it's kind of an inverted
15 organizational chart where the focus is simply
16 primarily on students and supporting teachers to
17 support students in their efforts as far as learning.
18 And the attitude that Mr. Kurrus has brought to the
19 district is one of servant leadership. We're here to
20 serve our kids; we're here to serve the parents; and
21 we're here to serve our constituents, our patrons,
22 and certainly our teachers, and support
23 administrators in the building. As associates,
24 that's we do and we make sure that we help support
25 our schools as we move forward. Another major thing

1 that we've done is how we are organizing and
2 providing assistance to our schools by way of
3 curriculum and instruction. And also the major thing
4 that we're focusing on, not on particular assessments
5 but we're focusing on student growth, overall student
6 growth, and understanding. And as I go through the
7 presentation you'll see exactly what I'm speaking of.
8 But those are the major areas, focus areas as far as
9 organizational structure. And Mr. Kurrus had
10 mentioned that a little bit earlier in one of his
11 presentations as far as our map flowchart of success.

12 The next slide deals with central office
13 support. Some things that we're doing productively
14 in regards to assisting teachers to assist students
15 is helping them provide professional development
16 around how to develop pre- and post-test assessments.
17 That's critical, and what we commonly may call common
18 formative assessments. In doing that, our curriculum
19 instruction team, they actually provided training
20 after school and during the school day and so-forth
21 to equip teachers on how to develop commonly planned
22 assessments so that we know where the kids are on
23 small chunks of information. And I will link that to
24 something else I will say in the very near future.

25 We also from the data that we're receiving is

1 that, especially on the secondary level, we're
2 struggling with reading. And reading is a monumental
3 task. We utilize more -- it's not like elementary
4 reading, teaching kids to de-code words and phonics
5 and so-forth. When we get into secondary level,
6 middle school and high school, it's more about adult
7 literacy and how we train and equip teachers with the
8 skill-set how to teach adult literacy within their
9 academic discipline. And I will elaborate a little
10 more on disciplinary literacy in a moment as well.

11 But another central office support is conducting
12 classroom observations with reflective feedback.
13 That's critical not only in administrative goals in
14 the classroom, but also provide in writing to that
15 teacher what they observe, what to look for, and what
16 they would like to see in the future, and how that
17 lesson is actually connected to the curriculum map,
18 what the students are supposedly learning, and how
19 they are monitoring those particular pieces. Those
20 are all very important. And the teachers want that;
21 they need that because as they grow and change and
22 actually address their lesson plans, they need that
23 feedback to make those adjustments, real-time
24 adjustments, instead of just as a major assessment is
25 given and things of that nature.

1 Another major central office support is
2 providing technical assistance and support, and
3 that's where we come in. As far as associates,
4 curriculum and instruction lead teachers and so-
5 forth, we're in the schools. We're in the schools on
6 a daily basis. We work hand-in-hand and shoulder-to-
7 shoulder with the administrators, with the teachers,
8 with the instructional facilitators to provide that
9 level of ongoing support directly to the teachers, so
10 that the teachers will not have to search for
11 particular research; they will not have to ask for a
12 particular professional development. Once it is
13 brought to our attention we're able to provide real-
14 time professional development for the teachers.
15 Because their primary focus is teaching the kids and
16 we want to make sure that we eliminate any barriers
17 or any distractions so that they can dedicate their
18 time to planning and assessing and actually re-
19 teaching, what needs to be done.

20 Now in specific with the Priority and Focus
21 schools, we are working hand-in-hand with Indistar,
22 with ADE, Dr. Wilde's assistance group, in providing
23 a training from August 11th and 12th on the 45-day
24 plan. And they also provided a template on September
25 16th of exactly how we will capture all the data in

1 our Priority and Focus schools. And I'll elaborate
2 on that in just a moment as well because of the
3 various components that will be highlighted in those
4 45-day plans.

5 As a district that is required by ESEA
6 flexibility waiver, we have formed an elementary and
7 a secondary district leadership team to support the
8 leadership teams at the schools. Because one of the
9 major indicators in the ESEA flexibility is that
10 schools have to develop leadership teams, and those
11 leadership teams include teachers, it's includes the
12 department chairs, it includes administrators and so-
13 forth, and they work together to kind of, as the name
14 implies, to lead the daily discussions and the day-
15 to-day operations for those individual schools. And
16 that's one of the major key components as we work
17 though the district in addressing the needs of
18 Priority and Focus schools.

19 Another, all Priority and Focus schools have
20 daily dedicated job-alike teachers to plan together.
21 And what do we mean by "job-alike?" If it's a fifth
22 grade, the two fifth-grade teachers will have time
23 during the day to plan together. If it's in a
24 secondary school, they will have a common planning
25 time. It may be the two eighth grade math teachers,

1 it may be a group of the algebra one teachers, but
2 they are job-alike planning groups that allow them to
3 develop common formative assessments, allow them to
4 analyze lesson plans, allow them to delve deep into
5 what they're seeing that they're missing instruction
6 that their kids have been identified with. And this
7 is critical because as we provide professional
8 development, given this common planning time, we can
9 push in the professional development. Instead of
10 pulling the teachers out of the building, we can push
11 that professional development in and use really real-
12 time indigenous to that particular teachers. And
13 job-alike also developing three-week units of
14 instruction aligned to state standards, it may be two
15 weeks, it may be three weeks, it may be four weeks;
16 it depends on whatever the unit may be. But given
17 that, the teachers have an opportunity to align it to
18 state standards and common pre- and post-assignments
19 are administered to each instructional unit. The
20 pre-assessment, as I will also state, it gives you --
21 the results are tailored to instruction. So when
22 they administer -- right now -- and if I may be so
23 bold in saying Ms. Zook witnessed this being
24 discussed by two of the high schools, Hall and
25 McClellan, and how they work during our Civic

1 Advisory meeting. What the schools do, they will
2 administrate pre-tests, and this pre-test is on a
3 particular unit. From that, they will gather that
4 information to determine what are the missing gaps in
5 the instruction and what the kids need to know. From
6 that, they will instruct based upon what they have
7 identified that the kids don't know. Then they will
8 administer that same assessment as a post-assessment
9 to see how well they're teaching and the
10 instructional strategies have gone about. From that,
11 then if there's still missing pieces they can go back
12 and re-teach, differentiate, teach it again in a
13 different manner, use a different format, involve the
14 kids in afterschool tutoring, before-school tutoring,
15 whatever, involve the kids in -- whatever is needed
16 to make sure those kids are mastering what they need
17 to know from that particular unit. And that's the
18 importance of having pre- and post-tests.

19 And I've kind of gone through the other
20 PowerPoint bullet. But also what's really important
21 is the interim assessment in math and literacy are
22 given at the end of each quarter and that's actually
23 what we are finishing now on the secondary level and
24 also in the elementary. We're administering OLTII,
25 interim assessment, based upon units of instruction

1 that have been given over the course of this
2 particular nine weeks. Our nine weeks ends -- and I
3 have it in the timeline -- on Monday. So our
4 students, they're taking it online. We're
5 administering the interim assessments in all grade
6 levels through -- actually, through the 11th grade to
7 assess what the kids have learned up to this
8 particular point. And that will give us good
9 baseline data that will also be illuminated in the
10 45-day plan exactly where the kids are and how well
11 they've progressed.

12 Data from job-alike teachers will be evaluated.
13 Of course, the leadership team, what they primarily
14 do, one of the major roles is to actually utilize the
15 data. We're not data poor by any stretch of the
16 imagination. We have data, data, data. But the key
17 piece is what do you do with that date. Data by
18 itself does not mean anything, unless you make
19 progressive utilization of the data. What is the
20 data telling you? What is it specifically that you
21 need to do with your students? What specifically
22 does a school need? Because even though we have six
23 specifically identified academic distressed schools,
24 they're all different and they all have different
25 needs. What may be needed at Hall High School by way

1 of its population may be different from what is
2 needed at J.A. Fair. So what the data is revealing
3 is what type of professional development that will be
4 provided for that school. And it's really more of a
5 inverted pyramid, as I stated earlier. The teachers,
6 based upon assessing their students, will tell the
7 leadership team "this is what I need; these are the
8 types and kinds of professional development that I
9 need; this is what I need for my students. If my
10 students are struggling readers, we need disciplinary
11 literacy in all the academic areas. If my students
12 are struggling readers, I need System 44 that will
13 help me address some of the reading deficits with my
14 special needs students. If I need a Read 180 to
15 address the middle-of-the-road need students who are
16 struggling readers and writers" -- those are the
17 kinds of decisions that are made. If I need some
18 additional professional development in a specific
19 area, that's actually what the data actually reveals
20 to us and the professional development and whatever
21 support is needed by district staff. And so the
22 school tells the schools and the leadership team
23 tells us and we get to work providing that real-time
24 to them, not waiting, and eliminating any barriers.
25 Because when they say they need it, they need it

1 then. They don't need it a month -- "let's sit down
2 and let's talk about it and let's plan." Let's get
3 it to them ASAP.

4 One of the major things that we also, on the
5 second bullet, given the low reader scores on
6 secondary level, that's why the disciplinary literacy
7 that we're using, we utilize it more on the secondary
8 level this year. The elementaries have used
9 disciplinary literacy for years, and in middle school
10 it was using social studies. Now you may ask, like,
11 "What is disciplinary literacy?" We coined -- and
12 SRB uses it as reading and writing across curriculum.
13 Okay. Disciplinary literacy is a way in which we
14 provide skills and techniques and strategies to all
15 content areas to specifically address how to teach
16 reaching and science, how to teach reading and
17 mathematics, how to teach reading and social studies.
18 We cannot rely on just the English teachers helping
19 our kids become readers. They leave for the most
20 part reading on grade level from our elementaries.
21 But once we get them in secondary they struggle with
22 the reading capacity and fluency to navigate through
23 assessments. It's not that they can't do the work,
24 but they struggle with the reading components in
25 order to master and do well on the tests. And

1 especially given that we're taking the ACT Aspire
2 this year and the actual ACT, tracking and
3 triangulating the data, it's a reading issue. And as
4 we address reading in all content areas, we have a
5 better chance of our kids performing well on the ACT
6 Aspire and other subsequent assessments.

7 As I stated earlier, the 45-day plan -- and
8 basically there is a format that was provided by Dr.
9 Wilde and his team to the district during a training.
10 And it will highlight the enrollment by grade level,
11 students with disabilities as of October 1st, our
12 English Language Learner students, number of students
13 with five or more disciplines, number of students
14 absent ten or more days, percent of core teachers
15 absent five or more days. Those -- the last three
16 are extremely important because if a student is not
17 there, and given a quarter is 40 days and they're out
18 five days or seven days or ten days, it makes a big
19 difference in the quality of instruction that kid
20 receives. And so that makes a difference in how well
21 the child is prepared. And then also if you couple
22 that with if the teacher is not there as well. So
23 that's a major concern that we want to see where
24 those particular pieces are and why some students may
25 not be performing; it may be an attendance issue, it

1 may be several other different things. But as we
2 capture that data we know exactly how to target our
3 assistance to those schools and to particular
4 students and those teachers.

5 The next -- I'm sorry, I got ahead of myself.
6 The next -- the number of students with two or more
7 in elementary or three or more years in grade level
8 in English Language Arts that will also be captured
9 on the actual assessment. As far as the 45-day plan,
10 the number of students who fail math, number of
11 students who -- number of students with a D or an F
12 in math class by quarter -- and that may sound a
13 little bit odd, but math is a course in which it
14 builds upon itself. If students leave elementary not
15 really understanding fractions in early middle
16 school, they will struggle in Algebra I. If a
17 student struggles in Algebra I, they will struggle in
18 balancing equations in biology and in chemistry. We
19 have to have a foundation of understanding of where
20 our kids are to make sure we close those gaps, so as
21 they transition from elementary through middle to
22 high school that we have a clear path and that they
23 are well-equipped to navigate through high school
24 instruction. And we also want to capture the number
25 of students who took the unit assessments and the

1 number of students with D's or F's on a particular
2 unit assessment.

3 Some of the data and diagnostic screeners that
4 we use -- and like I said, we're not data poor.
5 Universal Math Screeners, Scholastic Math Inventory,
6 Common Formative Assessments, Emerging Literacy, A
7 Survey K-1, a WRAP (which is writing and reading
8 assessments), Scholastic Reading Inventory, TLI SOAR,
9 (which is Student Online Assessment Reporting, which
10 they're undergoing now), and also Writing Samples --
11 all these different pieces, we utilize to know where
12 our kids are real-time so teachers can make direct
13 interventions, direct real-time interventions as they
14 have the kids every day and as they see the kids
15 every day. Because these screeners have equipped
16 them with the knowledge to know how groups and
17 individual students are performing and their past
18 performance and also what their knowledge is at this
19 particular point and how to prescriptively design
20 their lessons that will address the needs of the
21 students.

22 And our current reality -- and this is the one
23 thing I did as a principal. Let's put it out on the
24 table. This is where we are right now. And this is
25 kind of what Mr. Kurrus kind of stated earlier, we

1 have schools with students struggling to meet the
2 grade level expectation. Partial data -- and this is
3 just from a snapshot of Scholastic Reading Inventory
4 -- our secondary schools -- and you can see the data
5 in the last column is the most telling percent; three
6 years below grade level. And you can see it's
7 Cloverdale, 64%; Henderson, which is 68%; and you see
8 Hall, 94%. Henderson feeds Hall. About half of
9 their students that will leave Henderson will attend
10 Fair or they will attend Hall. Now you see Hall,
11 94%; Fair, 57%; and McClellan is 94%. Cloverdale is
12 the primary feeder for McClellan. So we have to
13 intervene earlier and then we have to track the
14 elementaries as well, and I'll share that. But
15 that's just a brief little snapshot. And as I said,
16 they're still screening these students because to
17 administer the Scholastic Reading Inventory it takes
18 about 35 to 40 minutes per student to do this. So
19 that's -- you may say, "Well, it's only 54 to 58
20 kids," and things of that nature; they're still doing
21 this. They're still utilizing these screeners to
22 assess where the kids are. For the elementary they
23 have a plethora of assessments and we just dubbed
24 this as Literacy Assessments. So the percentage of
25 category by emerging, literacy survey. For

1 kindergartners, WRAP assessments. And as you can see
2 for the little pre-K's, you've got letter
3 identification, K Print Concepts, the number of kids
4 who are below basic, and the number of kids in
5 proficient and advanced. Then you have K Beginning
6 Sounds, 62% are either basic or below basic and 38% -
7 - and you see by grade level the number of kids who
8 are below basic or basic. And this particular data
9 is from Baseline Elementary, if I failed to mention
10 that. Now Baseline Elementary is one of the feeders
11 for Cloverdale, which is one of the feeders for
12 McClellan. But also some of the students from
13 Baseline, as they go through Cloverdale they may
14 attend Mabelvale as well, which will feed J.A. Fair
15 and Hall. What I want to demonstrate is that you see
16 the pattern as the kids now -- by the time they leave
17 the elementaries, they have advanced; they have moved
18 forward. But as we move them forward, we need to
19 continue that movement at the secondary level. But
20 you can see the basic trend.

21 If I can get my little pointer to work -- now
22 the timeline, these are some things that the schools
23 have already submitted as far as the ACSIP. It was
24 due October 1st. And as you very well know, it has
25 to be submitted to Indistar, and they did that in a

1 particular format. First quarter ends, as I stated
2 earlier, October 12th. The Priority and Focus
3 schools, they have until October 20th to submit their
4 45-day plan, which they're in the process of working
5 on that. And with the district, as I said, will
6 provide a lot of the components, like the grades and
7 things of that nature -- the district -- we will
8 collect all that data, populate it and send it to the
9 schools directly. Then the schools will enter it in
10 the Indistar based upon what we send them. They
11 don't have to go out and try to find or research all
12 this. We provide that for them. That takes a lot of
13 the time and effort and pressure off of them, so they
14 have that information readily available. And the
15 quarterly report, which we will provide that for you
16 in November during one of the State Board meetings,
17 it will be a comprehensive document that will have
18 all the data from Indistar that will actually give
19 you what the different screeners are saying. The
20 failures of students by way of grade levels, all that
21 information that I stated earlier by way of the ADE
22 form, that will be in that report. So it will be
23 very comprehensive. I would rather give you a
24 comprehensive report than just bits and pieces,
25 because the comprehensive will be a lot easier to

1 see, to track, and what is expected to give a gauge
2 as far as -- as we move forward.

3 Last slot, Processing through use of best
4 practices. This is something that the schools are
5 actually utilizing. And a lot of it is tracking the
6 same with ESEA flexibility, the turnaround
7 principles, strong leadership, effective teachers,
8 using data basically in the right way, reaching out
9 to the community. For example, one of our schools,
10 McClellan -- Mr. Anderson surveyed his parents to see
11 when would they like to have parent conferences, what
12 time of day. I think the other day he said 79
13 parents emailed him back, and he had given them some
14 different times, and they would like to have it from
15 11:00 to 6:00. That fits most of his parents'
16 timeframe; not that the teachers won't be there, you
17 know, at other times, but they would like to have
18 them from 11:00 to 6:00. So he's modifying that.
19 That's just one example of how we're trying to
20 connect with the community, because we know the
21 important piece is how we connect with parents as far
22 as helping us do this monumental task. But our kids
23 can do it. We just have to equip them with the
24 skills and equip our teachers with the skill-set and
25 push in the professional development so that they

1 have what they need to move forward.

2 CHAIRPERSON NEWTON: Thank you, Mr. Burton, for
3 your report. Are there any questions of Mr. Burton?

4 One of the things that I didn't notice in your
5 presentation was the involvement of parents in the
6 remediation -- or not necessarily remediation, but
7 more into having young people come up to grade level.

8 I think some teachers probably would argue that
9 they're overwhelmed now with the responsibilities
10 they have, you know, as their day-to-day jobs, as
11 opposed to being able to recognize and correct some
12 of the things that have led to a student not reading
13 well. And I think probably if we just leave it there
14 it's not going to be as effective as it would be.

15 You know, best practices are best practices. But not
16 having the time to implement them or truly be able to
17 measure is another thing. And that's the other thing

18 I'm wondering: if you identify a group of young
19 people through your assessments in terms of where
20 they are and implement best practices, how do you
21 measure progress from the point of identification to
22 the nine-week or the semester or to the next year?

23 So it's one thing to identify and one thing to
24 implement best practices in the classroom, but I
25 think it goes beyond that in that, you know, teachers

1 are overwhelmed now I think with being able to do
2 their jobs and meet standards and reflective of
3 things they have to do and have to accomplish and
4 have to teach, but then to come back and say, "We've
5 got another problem." And if you're a social studies
6 teacher, you're trying to get the material, but at
7 the same time they're not reading teachers. So how
8 -- does that make sense, that question?

9 MR. BURTON: It makes perfect sense. If I may
10 expound upon the first part of your question, the
11 schools have to by way of the flexibility waivers
12 have developed what's called a School Community
13 Council and that's inclusive of parents, and that's
14 how they bring the awareness to parents as far as
15 their participation in the whole process as far as
16 educating the parents as far as what we need from
17 them. And they provide input -- and a lot of our
18 schools have actually conducted surveys with parents
19 of what they need from the school to help them with
20 their children at home by way of after-school
21 tutoring, Saturday, ACT prep programs, things of that
22 particular nature. The other part, in regards to
23 disciplinary literacy, providing instruction, it is
24 not an add-on to a teacher's workload. I was a
25 biology teacher. I could teach science but I was not

1 a trained reading teacher. But what we're providing
2 is professional development to teachers how to teach
3 reading in that content area, how to be able to
4 breakdown the complex words that students may have or
5 have some fear of in science, in social studies and
6 so-forth, and give them specific reading strategies,
7 such as closed reading; teaching the kids how to
8 utilize closed reading, to figure out what the author
9 is saying, what the text is saying. So it's not an
10 add-on or even more for a teacher per se, but it's
11 helping those teachers. We're not asking them to
12 teach in biology Shakespeare; we're asking them to
13 teach about mitosis in biology and how could you
14 equip those kids to understand it and be able to read
15 that text and know what they're reading. That's
16 where we're going. And we know it's going to take
17 time. Elementary has done really well with this
18 because they've had more time to build on it. For
19 the secondary I project it's going to take through
20 this year and probably next year to get our teachers
21 equipped with the various skills, using Graphic
22 Organizers, using Text-to-Text, Transitions, using
23 Text to Knowledge, utilizing prior knowledge.
24 Because where we've identified a number of our
25 students, they walk in without the level of prior

1 knowledge which helps reading, helps them become
2 better readers. And some of these conversations I've
3 actually had with teachers and students. And so
4 you're absolutely right; just knowing where we are,
5 that's not enough. We have to act upon where we are
6 and take some of the pressure off the teachers. So,
7 yes, most definitely. And I'm glad you stated that
8 because the teachers -- from the teachers, when they
9 witness disciplinary literacy in professional
10 development, they ask for it. Like I said, the
11 secondary teachers are not very much aware of it, but
12 they ask for it because they said, "This will help me
13 be able to teach my subject a lot better and easier
14 for my kids to understand it." And we have literacy
15 lead teachers and social studies teachers providing
16 this -- and English teachers providing this
17 professional development during the school day for
18 these teachers.

19 CHAIRPERSON NEWTON: And I'm not suggesting that
20 that's not happening. But I think the deeper piece
21 of the question has to do with mobilization of other
22 resources. I think we were fortunate to be able to
23 -- the school board members and maybe some others to
24 read an article about the Marvell-Elaine School
25 District and how they were pulling together all

1 pieces of the community around strengthening schools.
2 So that's more my question. Because I'm not
3 suggesting that the teachers are not doing what they
4 need to do or administration is not providing a
5 progression of things that you need to do. But I'm
6 saying that it goes outside of that to be -- to have
7 complete buy-in.

8 MR. BURTON: Okay.

9 CHAIRPERSON NEWTON: I think that's a good
10 model.

11 MR. BURTON: Yes, ma'am.

12 CHAIRPERSON NEWTON: It's not the cure-all or
13 end-all of everything.

14 MR. BURTON: Okay.

15 CHAIRPERSON NEWTON: But there are some
16 applications from a community-based approach --

17 MR. BURTON: Okay.

18 CHAIRPERSON NEWTON: -- that looks at community-
19 based; it also looks at faith-based community; it
20 looks at all different facets of the community coming
21 together. So essentially wrap around --

22 MR. BURTON: Yes, ma'am.

23 CHAIRPERSON NEWTON: -- the services that -- and
24 it has nothing to do with what goes on in the
25 classroom, but could be encouraging Sunday School.

1 MR. BURTON: Yes, ma'am.

2 CHAIRPERSON NEWTON: You know, reading. So
3 everybody has a piece and a part to play in it. And
4 that's I think strategic in getting the Priority and
5 Focus schools to do better.

6 MR. BURTON: Yes, ma'am.

7 CHAIRPERSON NEWTON: It's not just a classroom
8 answer -- question-and-answer.

9 MR. BURTON: Yes, ma'am. Okay. Thank you.

10 CHAIRPERSON NEWTON: Ms. Zook. I'm sorry. Ms.
11 Chambers.

12 MS. CHAMBERS: Thank you. It helps to know
13 where we are; the data is terribly important. The
14 disciplinary literacy is an intriguing concept. I
15 have a similar concern; just it's tough enough to
16 teach biology, I would guess, without going too far
17 into the reading, without starting to detract from
18 what you're trying to teach in biology. Are the
19 numbers -- and I know every school is different,
20 every child is different. But would you say these
21 numbers are representative -- on one of the earlier
22 reports it was a fairly small number of students; the
23 percentage was -- took our breath away. But would
24 you say those percentages apply across quite a few
25 schools?

1 MR. BURTON: Yes, ma'am. Actually, what the
2 schools did initially, we -- with the absence of the
3 PARCC results the schools utilized -- high schools,
4 they utilized the 7th grade ACTAAP results. And
5 utilizing those -- and the middle schools did as
6 well; they utilized the 5th grade ACTAAP results.
7 And -- because I don't want to misquote it -- in
8 literacy, 63% of Hall's students in literacy were
9 basic or below basic; in mathematics, it was 67%. So
10 what I'm stating is that the numbers that you may
11 have -- that you stated that you were able to read
12 from SRI, they're very comparative of where those
13 kids that are right now at Hall in the 9th grade,
14 what their reading scores are.

15 MS. CHAMBERS: So that being the case -- and you
16 may have said this and I missed it, but while I do
17 think everything Mrs. Newton talked about and that
18 you talked about, bringing everything to bear on
19 this, for the 90-something percentages that were up
20 there that reflected reading three levels below --

21 MR. BURTON: Yes, ma'am.

22 MS. CHAMBERS: -- that will require something
23 extraordinary just to level-set, just to bring them
24 back where they can then fully participate and learn
25 in these disciplines. So do you have very specific

1 plans on how to close that very significant gap?

2 MR. BURTON: Well, a number of the students that
3 were actually stated, one, we utilize City Year and
4 they have more of a one-on-one participation in
5 tutoring with those particular students. We also
6 have Read 180 which also addresses the reading/
7 writing components for a number of students in all --
8 in these three academic distressed high schools and
9 also in middle schools. We have what is called
10 System 44, which teachers are trained to assist as
11 far as the reading levels for their particular
12 students. So those are some pieces that we're
13 actually using to actually help close that particular
14 gap in the reading. But you're right; when we
15 receive them in the high school it is a monumental
16 task to try to get them on the level that they need
17 to be to be successful on various assessments.

18 CHAIRPERSON NEWTON: Ms. Zook.

19 MS. CHAMBERS: Thank you.

20 MR. BURTON: Yes, ma'am.

21 MS. ZOOK: Yeah. And I did understand you're
22 looking at the Focus schools too.

23 MR. BURTON: Yes, ma'am.

24 MS. ZOOK: Because one of my big fears is a
25 child that's basic and below, that their overall

1 score is 63%, so -- but the gap --

2 MR. BURTON: Yes, ma'am.

3 MS. ZOOK: -- between those that are scoring
4 high and those -- and so if we focus just on the
5 Priority schools but don't focus on, say, Central,
6 where, you know, they're not in the academic distress
7 but the kids over there that my friends are tutoring
8 who can't write their name and can't read -- but are
9 we going to overlook them because --

10 MR. BURTON: No, ma'am.

11 MS. ZOOK: Okay. Good.

12 MR. BURTON: No, ma'am.

13 MS. ZOOK: So you're going to focus on Focus
14 schools and Priority schools?

15 MR. BURTON: Yes, ma'am. That's why the slide.

16 MS. ZOOK: And I know you also have been -- are
17 going to benefit from the special education grant
18 which does training for RTI --

19 MR. BURTON: Yes, ma'am.

20 MS. ZOOK: -- for your staff. And that will be
21 helpful because what is it, it's a tiered program and
22 you immediately figure out the child didn't get it
23 and you teach it through a different medium. If you
24 didn't get it again, let's do it in a small group,
25 let's do it individually. And I think that as your

1 staff becomes trained, even though it's over in the
2 special ed. area, that that will through teacher --
3 I've been in the teachers' lounge and, you know, we
4 all want to do the best.

5 MR. BURTON: Yes, ma'am.

6 MS. ZOOK: And so as those teachers get that
7 more in-depth training I think that will be helpful
8 to your whole school.

9 MR. BURTON: Yes, ma'am.

10 MS. ZOOK: But I commend you for the work you're
11 doing and I appreciated your two principals and the
12 presentation they made at your last meeting.

13 MR. BURTON: Thank you.

14 CHAIRPERSON NEWTON: Dr. Barth.

15 DR. BARTH: So I do think the disciplinary
16 literacy is a sensible way of kind of attacking the
17 gap once they've developed. I think it is
18 intriguing. The key, of course, though is to not
19 have those gaps when students arrive in the junior
20 high and then arrive in high school. And so, you
21 know, Baseline is the piece -- you know -- obviously,
22 the elementary school where there's the best hope of
23 preventing the gaps from beginning to grow. Could
24 you talk a little bit more about the plan for
25 literacy at Baseline?

1 MR. BURTON: Well --

2 DR. BARTH: And tied to that, is -- I know it's
3 a Baseline project, but that strategy around reading
4 in that school, is there a plan to kind of spread
5 that to some of the other elementaries that are on
6 the cusp of distress?

7 MR. BURTON: If I may be so bold and ask one of
8 my colleagues, associate superintendent for
9 elementary ed. -- I've attended Baseline's leadership
10 meetings, so I know somewhat what they're doing. But
11 my clarity is not -- might not be as astute as Dr.
12 Mitchell.

13 DR. BARTH: I've love to hear from Dr. Mitchell.
14 Yeah.

15 DR. MITCHELL: Thank you. First of all, I want
16 to say that Jonathan Crossley is doing a remarkable
17 job at Baseline Elementary School. Mr. Burton and I
18 both attended their leadership team meeting last week
19 and we were simply marveled by the work that they had
20 done in identifying every single child in that school
21 who cannot read and every single child in that school
22 who needs to be identified for Tier 1, Tier 2 or Tier
23 3 programs. And so they have essentially provided an
24 outstanding afterschool tutoring program. But
25 they're also -- to answer your question, they are

1 providing afterschool instruction for the parents,
2 which is going to make a significant difference.
3 Because with the clientele that he's serving not all
4 times do they, the parents, know what to do at home
5 with them. So they are spending a significant amount
6 of time doing that. One of the other things that's
7 critical right now is the transition classrooms that
8 you all approved in the SIG grant. And you have a
9 team coming to the school in a couple of weeks and
10 we're going to provide a PowerPoint presentation
11 showing what all we're doing with those resources,
12 which have been very helpful. But they are insuring
13 that each one of those students who cannot read and
14 were having difficulty are having one-on-one sessions
15 with an adult person in the building who's been
16 trained to work with them in that Tier 1
17 identification. So there's a lot of programs in the
18 building that have been critical that we purchased
19 with the SIG grant. And they're going to the
20 computer lab during school and after school and
21 they're doing reading assessments to identify them
22 and insuring that not only that -- we're not trying
23 to teach them in a language that they don't
24 understand, and that's been a big percentage of the
25 problem here at this particular school. What we

1 noticed was that when we built those transition
2 classrooms in we thought it would be more students
3 coming in who did not understand the English
4 language. But, in essence, when we did the one-to-
5 one assessments we found that there were only about
6 five to six students who qualified for the transition
7 classroom. Those students were prepared to move and
8 transition into a regular classroom. So it's not as
9 dismal as we may think at Baseline. I think by the
10 end of the year you're going to see that they're
11 going to make tremendous growth at that school. They
12 have a lot of social services provided to the
13 students and to the families. We're seeing more
14 parent involvement than we ever have in that
15 community and in that school right now. And we have
16 identified students that for some reason they were
17 not identified last year and they were participants
18 in that school; there were only two gifted and
19 talented students identified last year, whereas we
20 have 40 identified this year. So there's been some
21 negligence going on in that school and we're
22 uncovering those things and finding that those
23 students may have been missing some significant
24 instruction that they needed. Teachers have been
25 well-trained. They are right now over 90 hours of

1 training, 90 hours where, you know, you're certified
2 just to have 36 at this point. But they came in
3 early this school year, they took that data and they
4 identified those kids who would really need that Tier
5 1 piece. And so they're right there. We're going to
6 be excited to come back in November to show you what
7 all we have. And after offering that SOAR data, you
8 know, that would give us more of an alignment -- a
9 sense of how we need to align the curriculum for
10 those children one-to-one. But the key has been
11 small group settings with the kids and one-to-one
12 with those kids.

13 DR. BARTH: That's fantastic. And especially
14 the -- to go back to Ms. Newton's point, I mean, the
15 empowerment of the parents to be a part of that
16 process, especially in terms of reading at the early
17 grades. So that's the most helpful part of this
18 report. So thank you very much.

19 MS. CHAMBERS: May I ask one last question?

20 CHAIRPERSON NEWTON: Ms. Chambers has a
21 question.

22 MS. CHAMBERS: Just one. I hope you feel very
23 significant support from this group. With this plan
24 that you have, is there anything that you need that
25 you don't have to execute it?

1 MR. BURTON: Not to my knowledge at this point,
2 but I will certainly get with Mr. Kurrus if I think
3 of something. But at this point I can say this, that
4 it has been really wonderful working with Dr. Wilde
5 and his group. We've been shoulder-to-shoulder
6 because they provide excellent professional
7 development and training to the central office staff
8 and our principals around how to make this
9 transition. And having one cogent plan of
10 implementation is marvelous and that helps save a lot
11 of time and it's streamlined and makes our work very
12 synergistic in how we approach all of our components.
13 But thank you.

14 CHAIRPERSON NEWTON: Thank you.

15 SUPT. KURRUS: I want to close up but before I
16 do, I'd like to tell you a couple of things that I
17 think are important about what you've heard already.
18 What we're doing that's much, much different is we're
19 planning systemically. Because every problem that
20 you've identified in these particular schools -- and
21 I know you know this and have asked questions about
22 it -- didn't arise in any school other than Baseline.
23 All those problems flowed to those schools. So the
24 key to solving the problems at Hall is never to send
25 another student to Hall who doesn't read at grade

1 level. We've got this "pig-in-a-python" so-to-speak
2 of kids that we've got to deal with now. It's going
3 to be very hard to do. But the key to solving the
4 problem is systematic change across the board in
5 schools that are on your hot-list right now. These
6 are schools spread all over our school district. And
7 even if 80% of the students are proficient and
8 advanced that means 20% of the students are not. And
9 if those 20% cohorts end up in the same place, then
10 we have a school that hits the list. So what we've
11 done is we've identified best practices in a number
12 of schools, and we have some schools that are
13 achieving at incredibly high levels. We have
14 marvelous teachers, great students, but we have
15 failure, and that's the -- we cannot come before you
16 and not show you what we know. It's difficult to do
17 it. But I can also show you schools where 98% of the
18 kids are proficient and advanced. I can show you
19 schools where the poverty rates are in the 80's and
20 the proficient and advanced scores are in the 80's.
21 I can show you those things, but that's not what
22 we're here -- those are problems -- or brags, but
23 those aren't getting to the problem. But think about
24 it this way: plan systemically. In other words,
25 don't just plan how do you deal with a student at

1 Hall who cannot read. You have to do that; it's
2 critical. But you have to plan systemically so that
3 you don't have more of those students showing up.
4 And then you work systematically in every school with
5 clear lines of communication, clear lines of
6 authority, and clear lines of responsibility, and
7 effective accountability. That's the big difference
8 this year. This team is working very hard, long
9 hours, really hard, but they know exactly what
10 they're trying to do; they're working hard to do it;
11 they've got -- they're building teams; people are
12 working as teams, and it's very gratifying to me to
13 see people work so hard and so well and so -- in such
14 a focused manner. Because we never lose sight of the
15 one thing that we have to keep in mind, is that
16 teaching and learning occurs in a classroom. That's
17 the only place it occurs.

18 So I want to -- I'm going to close quickly, if I
19 can have just a few more minutes, and talk about a
20 couple of things that are topical right now that
21 you've probably heard about and would like to maybe
22 hear more about.

23 First is our teachers. Teachers are working
24 very hard. We appreciate our teachers. I hope they
25 know it. I tell them everywhere I go. We're within

1 just a whisker of getting the contract with our
2 teachers. We worked out all the hard things, so I
3 think we'll get a contract in the next few days with
4 LREA and we'll move forward together in a real
5 collaborative and cooperative way with our teachers.
6 That's critical because that contract expires October
7 31st, as you may know. I'm very pleased and
8 gratified with the cooperation that we have with our
9 teachers. I could also say the same thing about a
10 lot of community support we're getting -- and not
11 just business support, although I've had big gifts
12 from people who want to help us buy computers. It
13 really gives me a lot of confidence when I know our
14 community is behind us. That's very gratifying to me
15 and it's helpful to our students. When people give
16 us \$20,000 to buy computers for a school where they
17 need more computers, gosh, that means a great deal to
18 me and it gives me a lot of encouragement.

19 My dad and I used to throw the baseball a lot
20 and I played a lot of baseball, and he said, "Keep
21 your eye on the ball." He didn't scream at me, but
22 when I was flustered at the plate, things weren't
23 going -- "Baker" -- I can hear him now -- "Keep your
24 eye on the ball." We're going to keep our eye on the
25 ball. Okay? We've got a lot of things that are

1 going in different directions. I just left the
2 Supreme Court. I'm leaving that to the lawyers.
3 Okay? I'll get served today with a lawsuit; that's
4 part of the job. But we're not going to be
5 distracted in the least by any of this stuff. Okay?
6 Every day I'm going to get up, I'm going to go sit in
7 that chair, I'm going to give you everything I've
8 got, and our team is going to do the same thing. And
9 our parents need to know that. They need to know
10 that we're not going to be distracted. Come what
11 may, let the chips fall where they may, we're going
12 to work as hard as we can every single day. We're
13 going to pursue a world-class school in southwest
14 Little Rock without fail. We don't have any excuses.
15 Our kids deserve that. Okay? There is really no
16 real question about whether we need a middle school
17 in west Little Rock. The board voted to do that.
18 The board, in June -- I mean, January 22nd made a
19 motion and voted unanimously to build a school in
20 west Little Rock and to proceed in southwest Little
21 Rock. I'm not waiting on anybody to do those things.
22 We're going to collaborate and cooperate with the
23 community and we're going to move out on those
24 projects. It's going to be tough. We know we've got
25 a lot of financial issues, but we're not waiting on

1 anybody on those things. So keep that in mind. And
2 then just rest assured that we're going to work hard
3 every day; no matter what happens, we're just going
4 to be with you. And thank you to the ADE. These
5 plans that you see that we're working on were all
6 hatched out of the heads of the people that work here
7 in collaboration with the people that work at LRSD.
8 And that's what we need. We need teamwork every
9 chance we can. We need to team up with our teachers,
10 our parents, our students, and then our community,
11 and then I think we'll do quite well.

12 CHAIRPERSON NEWTON: Are there any questions for
13 Mr. Kurrus? Ms. Zook.

14 MS. ZOOK: Just one thing. I know -- of course,
15 I got this out of the paper, so I don't know for
16 sure. But it's my understanding that when the
17 previous board and administration purchased the
18 property in southwest Little Rock that the community
19 wanted the school to be where the current McClellan
20 is. Are y'all working with the community to get all
21 of that -- I'm trying not to get in your weeds, but
22 it is a question that was on my mind.

23 SUPT. KURRUS: Well, it's a question on several
24 people's minds. I've asked -- I've got a packet of
25 material to give to Mr. Adams and we're meeting

1 today. And one of the questions in there is what was
2 the deal. I've looked at all the minutes with
3 respect to that and I've talked to -- I guess I could
4 tell you who I've talked to; they're prominent
5 people, people on the city board. I called B.J.
6 Wyrick and I called Joan Adcock; I've spoken with Pam
7 Adcock; I've talked to Troy -- I mean, I've talked to
8 all the people. I know these people; they know me.
9 We talk and we're going to get together and try to
10 come to some ideas. The thing that we have to do
11 though, we have to act. We cannot sit around and
12 lose enrollment. We cannot sit around and ask our
13 kids to go to substandard facilities. These are
14 clean facilities. They're the same everywhere.
15 There's no big conspiracy to defraud African American
16 kids of anything. I won't stand for it, and the
17 people that know me know that. So that's not the
18 problem. The problem is we don't have what we need
19 everywhere. We've got pockets of excellence:
20 Wakefield, Stephens, King, Roberts -- they're all
21 first-class facilities. We don't back up to anybody
22 when we go into those facilities. But everywhere
23 else it's just so-so. We cannot give that to our
24 community and expect our kids to do as well as they
25 can do. And I'll just say we're going to engage the

1 community down there. We will not make everybody
2 happy; that's not the object of the game. The object
3 of the game is to collaborate, cooperate, listen, try
4 to make the best judgment we can, very calmly, and
5 then do what's best for our students. And that's
6 what we're going to endeavor to do. It's a great
7 question though and I see that being something we're
8 going to have to really work on.

9 MS. ZOOK: Okay. Thank you.

10 CHAIRPERSON NEWTON: Any other questions? What
11 is the Board's pleasure? Oh, I'm sorry; Commissioner
12 Key.

13 COMMISSIONER KEY: Yeah. Thank you, Madam
14 Chair. Before y'all vote on this item, I just want
15 to read a statement that a lot of folks have been
16 asking, and this is an appropriate time to do that in
17 the context of the LRSD report. This is a statement
18 that I prepared. It will be released regarding the
19 federal lawsuit that was filed.

20 Our legal team will review the filing of the
21 Arkansas Attorney General's office, so it's premature
22 at this time to comment on the voracity of claims
23 made by Representative Walker or Mr. Ross, Ms.
24 Springer or the other plaintiffs. This we do know:
25 student learning occurs in a classroom, not the

1 courtroom. To that end, this agency will remain
2 focused on supporting Baker Kurrus and his team in
3 approving the delivery of education to all the
4 students of the Little Rock School District. The
5 presentation by Mr. Burton to the State Board of
6 Education today clearly demonstrates the urgency of
7 this task.

8 CHAIRPERSON NEWTON: Thank you.

9 MS. ZOOK: Madam Chairman, I move that we accept
10 Action Item 2 and confirm our support of the
11 Commissioner's statement.

12 CHAIRPERSON NEWTON: Motion by Ms. Zook. Is
13 there a second?

14 MS. CHAMBERS: Second.

15 MS. DEAN: Second.

16 CHAIRPERSON NEWTON: Second by Ms. Chambers.
17 All in favor?

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRPERSON NEWTON: Any opposed? Excuse me;
20 any opposed? Then the motion carries. Thank you.

21 A-3: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
22 APPLICATION - CLEAVES

23 CHAIRPERSON NEWTON: We'll move on to -- does
24 anyone need a break? If not, we'll move on to the
25 next action item, which is A-3, Consideration of

1 Appeal from Denial of School Choice Application -
2 Cleaves. Ms. Jennifer Davis.

3 MS. DAVIS: Good morning. Jennifer Davis, Staff
4 Attorney with the Department. You'll have to excuse
5 me if I start coughing. We have a school choice
6 appeal under the School Choice Act of 2015. Is Ms.
7 Cleaves here? Ms. Cleaves lives in the Forrest City
8 School District and she was denied an application for
9 her child to the Palestine-Wheatley School District.
10 And I'm going to go ahead and cover the hearing
11 procedures because I'm sure you've forgotten them by
12 now, or blocked them, one of the two. Each party
13 will get like 5 minutes to open, an opportunity if
14 they want to open, and then followed by 20 minutes to
15 present their case about why either the district, the
16 nonresident district denied the application or the
17 parent about why their child should be accepted. You
18 can ask questions at any time. And then at the end
19 you can either affirm the decision of the nonresident
20 district to deny the application or you can go ahead
21 and grant the school choice transfer.

22 All right. Is Palestine-Wheatley -- and just a
23 reminder though that anybody that is wanting to give
24 testimony today will need to be sworn in.

25 CHAIRPERSON NEWTON: Okay. Are there any

1 attorneys present? Okay. Everyone else will need to
2 raise their right hand if you intend to testify. Ms.
3 Cleaves -- right. Do you solemnly swear or affirm
4 the testimony you're about to give is the truth, the
5 whole truth and nothing but the truth?

6 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

7 CHAIRPERSON NEWTON: Did you hear the hearing
8 procedures?

9 MS. CLEAVES: Yes.

10 CHAIRPERSON NEWTON: Okay. Let's start then
11 with the Palestine-Wheatley School District. Will
12 you state your name for the record, please?

13 SUPT. ESTES: John Estes, superintendent of
14 Palestine-Wheatley School District.

15 CHAIRPERSON NEWTON: Okay. Go ahead.

16 SUPT. ESTES: We turned Ms. Cleaves down because
17 Forrest City declared an exemption. We have space
18 and would be glad to teach her children if y'all say
19 she can go.

20 CHAIRPERSON NEWTON: Okay. Thank you. Forrest
21 City District? Is there a representative from
22 Forrest City District? State your position.

23 MR. JONES: I'm Sam Jones, counsel for the
24 Forrest City School District. And we've submitted
25 multiple items in opposition to the appeal. They all

1 should look very familiar because there are no new
2 issues; they're the same issues y'all addressed over
3 the past three years in various incarnations of the
4 School Choice Act. I don't know if you want me, Ms.
5 Chair, to go ahead and continue.

6 CHAIRPERSON NEWTON: Well, I think if we hear
7 from Ms. Cleaves first then we'll bring you back, Mr.
8 Jones.

9 MR. JONES: Okay. Thank you.

10 CHAIRPERSON NEWTON: Ms. Cleaves, would you step
11 forward and give your position in this matter?

12 MS. CLEAVES: First of all, good morning to
13 everyone on the Board. And I would just like to say
14 thank you guys for granting me the opportunity to be
15 here to address my concerns, which involves the
16 appeal under the Public Choice Act. Basically, I'm
17 here representing my daughter. I understand that
18 education is essential to life, and as a parent it is
19 my obligation to make sure that my child receives the
20 best education that is possible. Therefore, I'm here
21 with the hope that my daughter is granted the
22 opportunity to attend the Palestine-Wheatley School
23 District. I constantly read the newspapers; I
24 constantly review the different assessments and the
25 tests that are being completed and utilized; and I

1 understand that the testing at Palestine-Wheatley
2 School District, their scores are much higher than
3 the Forrest City school city district. And,
4 therefore, I'm just here to make sure that I give my
5 daughter the opportunity to be a productive citizen
6 in life, and education is something that's essential
7 and you have to have it. With that being said, I'm
8 the oldest of my siblings. We're all graduated from
9 high school, furthered our education, graduate level.
10 I have a BS in Psychology, a Masters in Counseling.
11 So, therefore, I just want to make sure that my
12 daughter receives the tools that is necessary in
13 order that she can be a productive citizen and be
14 able to contribute to the community when she matures
15 into her adulthood.

16 CHAIRPERSON NEWTON: Mr. Jones.

17 MR. JONES: Let me offer this observation first,
18 hopefully to shorten the proceedings. The
19 application was made, if you look at your materials,
20 under the Opportunity School Choice Act, but this is
21 a second-grader and none of the Forrest City primary
22 schools are in academic distress. Therefore, the
23 application, if you will, really can't be considered
24 by this body because it's outside the scope of
25 qualifying for an Opportunity School Choice transfer.

1 Now you heard Mr. Estes say -- and it is what they
2 wrote down -- that they denied the application based
3 on the exemption claim by Forrest City. Now that's
4 under the 2015 School Choice Act, but that's not
5 where the application came from. It came under the
6 Opportunity School Choice Act. I see some puzzled
7 looks. This individual would have been eligible to
8 seek a transfer if she had been 5th grade or above.
9 But because she's just a 2nd grader not coming -- not
10 seeking to come out of a school in academic distress,
11 the application should have been denied out of hand
12 on that basis. Now nevertheless we're here, so I'll
13 try to make the rest of this presentation brief
14 because it really addresses the exemption issue that
15 y'all have wrestled with before that I don't think
16 even applies here. But nevertheless, that's the
17 basis upon which she was turned down. And I
18 compliment Ms. Cleaves on her presentation, but I
19 respectfully submit there's nothing in the
20 presentation that takes this case out of the
21 exemption claimed by Forrest City and nothing in the
22 presentation that authorizes her to seek a transfer
23 under Opportunity School Choice. So there's no legal
24 reason before this body, I respectfully submit, to
25 even consider, much less grant the appeal. We've

1 been through this before Forrest City properly
2 claimed the exemption; you've dealt with and read the
3 Attorney General's opinion about -- it's based on an
4 ongoing federal court case. And this body has made
5 the decision, with some reluctance on the part of
6 some, to respect or go along with the Attorney
7 General's opinion. The issues are the same; nothing
8 has changed, except for the little bit of confusion
9 about how this arose and how it came to this body.
10 But for all those reasons, both the inapplicability
11 of Opportunity School Choice and respect of this
12 family, and because you've already decided multiple
13 times, in Goodall, White and other cases, that
14 Forrest City has properly claimed the exemption under
15 the 2015 Act, I think you have no option but to deny
16 the appeal.

17 CHAIRPERSON NEWTON: Okay. Thank you. Ms.
18 Davis, do you have anything? Or, Ms. Cleaves, do you
19 have any response to that?

20 MS. DAVIS: She does. But before we go, I just
21 wanted to address the application. Because when I
22 did receive the appeal in the mail I noticed it was
23 an Opportunity School Choice, and her child is not
24 assigned to a distressed school. So when I talked to
25 her, you know, to ask her, because that was also

1 denied on an exemption, to make sure, like, what did
2 she apply under, she said that this was the
3 application that she was just given. And I didn't
4 feel that it was fair to deny her an opportunity to
5 be heard by you guys simply because she might've
6 filled out the wrong application. So that was just a
7 clarification on that.

8 CHAIRPERSON NEWTON: Dr. Barth has a question,
9 Ms. Davis.

10 DR. BARTH: So, Ms. Davis, can you remind us of
11 the deadline differences on Opportunity School and
12 the general Public School Choice?

13 MS. DAVIS: The Opportunity School Choice, I
14 believe it's July 30th that you have to apply. And
15 under Public School Choice you have -- May 1st is
16 when it was changed. But she did not get her denial
17 letter from Palestine-Wheatley until July 22nd -- or
18 July 27th, excuse me. That's when it was dated, so
19 give it a few days that she received it. So even
20 though she applied in -- I believe she applied --
21 I've got her application right here -- she applied on
22 May 25th.

23 DR. BARTH: Okay.

24 MS. DAVIS: But she wasn't -- like I say, they
25 didn't deny or make a decision on it until July 27th.

1 DR. BARTH: Okay. Great. Thank you.

2 CHAIRPERSON NEWTON: Ms. Cleaves.

3 MS. CLEAVES: I would like to say as well that
4 also I know I was denied but, however, my neighbor's
5 kids was accepted in the Palestine-Wheatley School
6 District. So therefore my concern is that my
7 daughter is granted that opportunity as well.

8 CHAIRPERSON NEWTON: Mr. Jones.

9 MR. JONES: I just wanted to point out we have
10 the same issue Professor Barth just raised in the
11 Goshaw [ps] appeal last time where very same
12 district, Palestine-Wheatley, was late in making the
13 denial and I urged the Board not to hold that against
14 Forrest City because it had nothing to do with
15 formulating or determining if the denial would be
16 made or when. So I don't think that's an issue that
17 can be held as to -- against Forrest City.

18 CHAIRPERSON NEWTON: Ms. Zook, do you have a
19 question?

20 MS. ZOOK: Yes. Is Forrest City making efforts
21 to gain unitary status as required for an accredited
22 school in the state of Arkansas?

23 MR. JONES: I think what we pointed out in this
24 submission and all the others is the issues of the
25 applicability of the McKissic decree -- or currently

1 set for trial in January before Judge William R.
2 Wilson -- well, I guess it's Billy Roy Wilson now.
3 And while that is not specifically a unitary status
4 case, the issues are very, very similar and the
5 outcome of that case will go a long way toward
6 determining the issue you just raised.

7 MS. ZOOK: And how old is that case, the
8 McKissic case that's going to be heard in January?

9 MR. JONES: No, it's not the -- I'm sorry if I
10 said McKissic. McKissic is the desegregation case.
11 It's the lawsuit that Forrest City brought against
12 Palestine-Wheatley and Wynne, in which one of the
13 defenses raised by both Palestine-Wheatley and Wynne
14 is that the Forrest City district is in fact unitary.

15 MS. ZOOK: Okay. So Forrest City didn't
16 initiate gaining unitary status?

17 MR. JONES: Not in the technical sense. No.

18 MS. ZOOK: Okay. And are they, and are you by
19 extension, aware that that is part of being an
20 accredited school in Arkansas?

21 MR. JONES: Well, as a matter of fact, when we
22 -- I think we've already responded to -- I guess it's
23 the Commissioner's Memorandum and submitted that
24 report that addressed the very question you asked,
25 several weeks ago. That's part of the Standards for

1 Accreditation review.

2 MS. ZOOK: Ms. Davis?

3 MS. DAVIS: A Commissioner's Memo was sent out
4 at the beginning of September that outlined the
5 requirements for districts that were not declared by
6 a court order in full unitary status. And I do
7 believe that the Standards Unit and Equity Assistance
8 Units have looked at those and determined that none
9 of the responses were sufficient. So a letter is
10 being drafted and sent out to all the districts,
11 outlining a very specific set of tasks that they need
12 to provide to us in order to stay in alignment with
13 the standards. Otherwise, they could be placed on
14 probationary status.

15 MS. ZOOK: Okay. And also the most recent
16 Attorney General's opinion, did it address ADE or the
17 State Board of Education?

18 MS. DAVIS: I believe it addressed ADE. Yes.

19 MS. ZOOK: Thank you.

20 MS. DAVIS: Uh-huh.

21 CHAIRPERSON NEWTON: Dr. Barth, did you have a
22 question?

23 DR. BARTH: I guess it's a question for
24 Palestine-Wheatley, and it may not be answerable.
25 But Ms. Cleaves' most recent comment about her

1 neighbor, do you have any insight into that case?

2 SUPT. ESTES: I don't, Dr. Barth. I don't know
3 who her neighbor is or where they -- what the
4 situation is.

5 DR. BARTH: Thank you.

6 CHAIRPERSON NEWTON: Any closing comments from
7 either party? Ms. Perry? I'm sorry; not Ms. Perry.
8 I'm looking at -- Ms. Davis.

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

10 CHAIRPERSON NEWTON: Well, you've heard the
11 presentations. What is the pleasure of the Board?
12 Dr. Barth.

13 DR. BARTH: First, I want to thank Ms. Cleaves
14 for her dedication to her young people. But because
15 of the ongoing absence of unitary status I will move
16 to deny the appeal.

17 CHAIRPERSON NEWTON: So Dr. Barth has made the
18 motion to deny the appeal. Is there a second?

19 MS. CHAMBERS: I second.

20 CHAIRPERSON NEWTON: Ms. Chambers seconds. All
21 in favor?

22 DR. BARTH: Aye.

23 MS. CHAMBERS: Aye.

24 CHAIRPERSON NEWTON: Two, Dr. Barth and Ms.
25 Chambers. Any opposed?

1 MS. ZOOK: Aye.

2 MR. WILLIAMSON: Aye.

3 CHAIRPERSON NEWTON: You're abstaining?

4 MS. DEAN: Aye.

5 CHAIRPERSON NEWTON: So there are three votes to
6 -- against, denying the waiver.

7 MS. DAVIS: So you're denying? Because Dr.
8 Barth -- I'm sorry; I'm confused. It's probably the
9 head cold.

10 CHAIRPERSON NEWTON: They're not -- his motion
11 was to deny the waiver and that motion did not pass.

12 MS. DAVIS: Okay. I didn't hear Ms. Chambers'
13 vote, so I was just making sure -- I mean, Ms.
14 Childers' (sic) vote, so just making sure. Thank
15 you.

16 DR. BARTH: So, I mean, we have made I don't
17 know how many decisions like this and it feels that
18 we have to have consistency in our decisions.

19 CHAIRPERSON NEWTON: Okay. Ms. Clay, do you
20 want to give some clarity or input or --

21 MS. CLAY: First, let me make sure I understand.
22 The motion was to deny; it was seconded. And then
23 there were three votes in favor of that motion?

24 CHAIRPERSON NEWTON: No.

25 MS. CLAY: No.

1 CHAIRPERSON NEWTON: No. There were two votes

2 --

3 MS. CLAY: Two votes.

4 CHAIRPERSON NEWTON: -- in favor of the motion,
5 and that was Ms. Chambers and Dr. Barth.

6 MS. CLAY: Okay.

7 CHAIRPERSON NEWTON: There were three opposing.

8 MS. CLAY: Okay. Then, effectively, the
9 opposite would take place.

10 CHAIRPERSON NEWTON: Right.

11 MS. CLAY: But if that's the will of the Board,
12 I would advise you to -- someone to make an
13 additional motion and carry the action.

14 CHAIRPERSON NEWTON: You heard her
15 recommendation, so -- Dr. Barth wants to comment.

16 DR. BARTH: Yeah. Ms. Clay, because of our
17 history on these cases and the fact that we have
18 denied now over several years, but this year a number
19 of cases, including from the same district, I mean,
20 does that raise concerns about equity?

21 MS. CLAY: There is certainly an argument that
22 each individual appeal before you is, like I said,
23 individual. And I assume you all make that
24 determination based on the facts of each individual
25 appeal. There certainly could be an argument the

1 other way, but you have to make a determination on
2 the facts of each appeal.

3 MS. ZOOK: Madam Chair, based on the fact that
4 we want parents to be involved, and we state that
5 repeatedly, and based on the fact that most
6 desegregation cases were brought because of the
7 inequities for African American children -- and this
8 is an African American child, and based on the fact
9 that the Attorney General's opinion spoke to ADE's
10 involvement but not to the State Board of Education,
11 I move that we grant the transfer for the Cleaves --
12 Mrs. Cleaves and her student.

13 CHAIRPERSON NEWTON: The motion is from Ms. Zook
14 to grant the transfer from the Forrest City district
15 to the Palestine-Wheatley district for Ms. Cleaves.
16 You heard the motion. Is there a second?

17 MR. WILLIAMSON: Second.

18 CHAIRPERSON NEWTON: Second by Mr. Williamson.
19 Question, Dr. Barth.

20 DR. BARTH: A comment. And, you know, the
21 reason the School Choice case was changed -- the law
22 was changed was because the old School Choice law
23 took race into account. Federal courts deemed that
24 unconstitutional and, therefore, then the law was
25 changed. And I just am very, very troubled by this

1 consideration in this case. So I'll be voting no
2 obviously, but I think it's -- I think we're moving
3 down a troubled path here.

4 MR. WILLIAMSON: Can I say something?

5 CHAIRPERSON NEWTON: Certainly.

6 MR. WILLIAMSON: I've struggled with this since
7 the -- well, this is I think my fourth meeting today,
8 so only 80 left. And for the first three meetings, I
9 mean, I've really struggled with this whole concept.
10 And, you know, acknowledging that there's federal
11 court orders out there, many that haven't been looked
12 at for decades. And I believe that, you know, every
13 student has a right to a good education and I think
14 every family defines that a little bit differently.
15 And if this family believes that she'll get a better
16 education in another district, I -- you know -- I'm
17 going to switch votes, you know, from what I've done
18 in the past to approving this one. It's not without
19 a lot of discussions with several people, but I feel
20 like that's the right thing to do.

21 MS. CHAMBERS: I have a question and I have no
22 idea what the right protocol is. I don't want to
23 stand on consistency if we're consistently wrong.

24 MR. WILLIAMSON: Right.

25 MS. CHAMBERS: And I do understand the unique

1 circumstances that have surrounded each one of these,
2 but I question what the core evaluative process is
3 for when we -- when there's a law or a policy that we
4 need to abide by. What is it at its core that we're
5 held accountable to? And then, where did the
6 variables really come into play as opposed to being
7 -- I don't want us to be horribly inconsistent. We
8 have no idea how these would be determined case by
9 case. So I don't know if there's a process for
10 bringing that back and really understanding her
11 position. We talk about it every time and yet, the
12 outcome is a little bit different. And so I would
13 just ask if there's some means for us to bring this
14 topic to a more consistent place, taking individual
15 circumstances into consideration but being more
16 consistent in our core position.

17 CHAIRPERSON NEWTON: Okay. The Commissioner and
18 then maybe Ms. Davis.

19 COMMISSIONER KEY: Well, I mean, I would respond
20 that there is inconsistency in each of these
21 situations when you dig down into the history, I
22 mean, because each of these districts, in whatever
23 form they were in at the time -- you remember a
24 couple of months ago, or maybe it was last month, we
25 had a district that geographically looked nothing

1 like the district that was impacted by the
2 desegregation order at the time. So to -- I would
3 just say I think the consistency lies in analyzing
4 each one of the cases and looking at the distinct
5 backgrounds. Some are court rulings; some are
6 Health, Education and Welfare agency rulings of an
7 agency that doesn't exist. I mean, there are a
8 number of factors that come into play in each of
9 these; you know, factors of -- that, as Dr. Barth
10 mentioned, you know, that the race of the students
11 that we're talking about that at one point in time
12 was in statute a factor, and now it's no longer a
13 factor. But it is what it is; I mean, those are some
14 of the realities. And I think this board just has to
15 be comfortable in analyzing each one and making a
16 vote as individual members that this collective board
17 then moves forward with that decision.

18 MS. DAVIS: I just wanted to add that hopefully
19 with the district -- you know -- they're having to
20 self-report now, which is why the Standards Unit has
21 been -- you know -- has had difficulty in enforcing
22 these set of standards, that they make strides to
23 obtain unitary status. But districts are self-
24 reporting for purposes of school choice now. And so
25 now that the Standards Unit is starting to enforce

1 that, because they know which districts to look at --
2 and hopefully, a lot of these districts that have
3 really old, you know, 1958 desegregation orders or
4 orders that they didn't even know about will
5 hopefully -- you know -- especially the ones that
6 claim that they're unitary but don't have a court
7 order declaration of unitary status, that long-term
8 that those will be able to be addressed and be
9 declared unitary and then this won't even be an
10 issue.

11 COMMISSIONER KEY: And let me, if I may, add to
12 that. That's a good point; it brought something up
13 that I had actually looked up. Because we talk about
14 it in terms of unitary status but that's not the only
15 obligation in our standards; it's complete -- full
16 and complete unitary standard status -- full and
17 complete unitary status and have been released from
18 court supervision. So there are two prongs to that.
19 And I think that's where Mr. Harvey and his team are
20 reviewing those submissions, determining that they
21 are insufficient according to the language of our
22 rule and then working with those districts to provide
23 information that is in compliance with that.

24 MS. DAVIS: And the letter that's going to go
25 out to the districts that did respond to the

1 Commissioner's Memo has a list of seven things that
2 they should include in their updated supplemental
3 response, and it includes the areas in which the
4 district feels that they have reached unitary and
5 which areas they struggle with; a detailed timeline
6 and plan for how and when they plan on either
7 reaching unitary status and getting a court order
8 declaration, in addition to providing court
9 documents, and some other things.

10 CHAIRPERSON NEWTON: So in this situation, you
11 know, we've heard probably more requests for
12 transfers from Forrest City to Palestine than
13 anywhere else. Are there any fundamental differences
14 on October 8th than there were last month or the
15 month before? Did you note any fundamental
16 differences in the situations that exist that would
17 cause us to lean one way or the other in making a
18 decision?

19 MS. DAVIS: Without looking back at all the
20 other cases to see what the specific facts are -- and
21 I didn't do that before today -- I mean, some of them
22 they just wanted to transfer; some of them, you know,
23 had children. You know, the fact that Ms. Cleaves'
24 neighbor's children transferred, I mean, that may be
25 a fact that you want to look at. But, I mean, based

1 on the circumstances that we have here, the
2 difference is your understanding and of the concerns
3 of the parents. I'm sure that you've probably all
4 either in the news or being contacted directly about
5 how important this issue is and the fact that
6 sometimes these kids are kind of trapped based on the
7 old court orders. So a lot of it is more, I think,
8 the fundamental difference of your understanding and
9 the impact that it has.

10 CHAIRPERSON NEWTON: And I would caution us from
11 considering the fact that her neighbor's -- we don't
12 have any information --

13 MS. DAVIS: Right.

14 CHAIRPERSON NEWTON: -- to verify that or the
15 circumstance or situation. So whatever their
16 circumstances were that caused them --

17 MS. DAVIS: Right.

18 CHAIRPERSON NEWTON: -- to be transferred, if
19 they actually are. And I'm not saying they're not,
20 but I don't think that's something that we should
21 consider. That's just my opinion, you know, because
22 there could be several variables.

23 MS. DAVIS: Sure.

24 CHAIRPERSON NEWTON: But I'm just wanting the
25 Board to think about whether or not there's anything

1 substantive that's different between now and then.

2 And are there any more questions, comments?

3 MS. CHAMBERS: If I -- I just wanted to thank
4 Ms. Cleaves for being here to represent her child.
5 This is my fourth meeting I think too; I think it's
6 less than 80 for me to go. But of all the votes that
7 we've taken -- we've taken some very tough ones -- I
8 hate this one the most because you want every child
9 to go where that parent feels is best for the child
10 to go. So thank you for coming back and helping us
11 understand this, and appreciating we want what's best
12 for you too.

13 CHAIRPERSON NEWTON: Okay. I think we'll do a
14 roll-call vote if there are no other questions. So
15 the motion is to approve the request for transfer.
16 It has been moved by -- remind me -- Ms. Zook --

17 COMMISSIONER KEY: If I may, Madam Chair, the
18 actual motion should be to grant the appeal.
19 Correct?

20 MS. DAVIS: Grant the appeal. That's correct.

21 CHAIRPERSON NEWTON: Grant the appeal. Moved by
22 Ms. Zook and seconded by Mr. Williamson.

23 COMMISSIONER KEY: Okay.

24 CHAIRPERSON NEWTON: And so that's our --

25 DR. BARTH: A clarification. Is it under

1 Opportunity School or under Public School Choice?

2 MS. ZOOK: Public School.

3 MS. DAVIS: Public School Choice. Yes.

4 CHAIRPERSON NEWTON: Mr. Commissioner.

5 MS. DEAN: I want to say something --

6 CHAIRPERSON NEWTON: Okay.

7 MS. DEAN: -- before we do this.

8 CHAIRPERSON NEWTON: Ms. Dean.

9 MS. DEAN: This is heart-wrenching for me. As a
10 parent of four children, wanting -- I hear you --
11 wanting the best for your child and wanting to give
12 your child the same opportunities other people have.
13 And I agree with what you said before; I don't want
14 to do the same thing and be consistent just because
15 we've been consistent. I'm struggling with this
16 because -- I'm struggling with the legal
17 ramifications of if we go forward with this compared
18 to if we are consistent with all the others. So --

19 MS. ZOOK: I can speak to that a little bit, I
20 think. I'm not an attorney; I don't even play one at
21 this meeting. Regardless of which way we decide, the
22 school district or the parent can take it to the
23 courts. If we decide in favor of the parent, it
24 would be up to the district; if we decide in favor of
25 the district, it would be up to the parent. So we

1 are not the all, end-all final for either of the
2 parties.

3 CHAIRPERSON NEWTON: Any other questions or
4 comments? If not, we'll go to the Commissioner for a
5 roll-call.

6 COMMISSIONER KEY: Okay. We're voting on the
7 motion to grant the appeal to the Cleaves family
8 under Public School Choice. Dr. Barth.

9 DR. BARTH: No.

10 COMMISSIONER KEY: Ms. Chambers.

11 MS. CHAMBERS: No.

12 COMMISSIONER KEY: Ms. Davis.

13 MS. DEAN: Yes.

14 COMMISSIONER KEY: Mr. Williamson.

15 MR. WILLIAMSON: Yes.

16 COMMISSIONER KEY: Ms. Zook.

17 MS. ZOOK: Yes.

18 COMMISSIONER KEY: Three votes to two.

19 CHAIRPERSON NEWTON: Okay. So the motion
20 carries.

21 MS. DAVIS: Thank you. That one was a little
22 bit more clear for me. Thank you.

23 A-4: END OF SEMESTER REVIEW OF OPEN-ENROLLMENT PUBLIC CHARTER
24 SCHOOL IN THE INITIAL YEAR OF OPERATION: EXALT ACADEMY OF
25 SOUTHWEST LITTLE ROCK

1 CHAIRPERSON NEWTON: Item A-4 is End of Semester
2 Review of Open-Enrollment Public Charter School in
3 the Initial Year of Operation: Exalt Academy of
4 Southwest Little Rock. Ms. Perry and Ms. Boyd.

5 MS. PERRY: Yes. Mary Perry, the Coordinator in
6 the Division of Learning Services. I'd like to
7 introduce to you Alexandra Boyd. You may have worked
8 with her before. She was recently promoted to become
9 the Coordinator for the Charter School Unit and that
10 occurred on September 14th. So she will be appearing
11 before you many times on some of the charter items,
12 and I wanted you to know her. I'm going to talk
13 briefly about the Exalt Academy report.

14 Pursuant to Arkansas Code 6-23-406, end-of-
15 semester financial and student enrollment data is
16 provided for the initial school year of operation of
17 open-enrollment charter Exalt Academy of Southwest
18 Little Rock. You have the enrollment data; you have
19 some financial data. And principal of the school,
20 Tina Long, is here to address any questions that you
21 may have. Again, this is a requirement in statute
22 that we bring the open-enrollment in their initial
23 year, at the end-of-semester, these reports to you.

24 CHAIRPERSON NEWTON: Are there any questions by
25 the Board?

1 MS. ZOOK: Of the Exalt people?

2 CHAIRPERSON NEWTON: Uh-huh. Well, are they
3 going to present?

4 MS. PERRY: They do not have a presentation.

5 CHAIRPERSON NEWTON: Okay.

6 MS. PERRY: It is simply a report for you to
7 accept or not. And, of course, they are here to
8 answer questions.

9 CHAIRPERSON NEWTON: Okay. Ms. Long, would you
10 come forward?

11 MS. LONG: Yes, ma'am. Good morning.

12 CHAIRPERSON NEWTON: Good morning. Ms. Zook, do
13 you have a question?

14 MS. ZOOK: Yes. How does your October 1
15 enrollment compare to your end-of-year enrollment
16 numbers that we have before us?

17 MS. LONG: We're at 233 this year. We've had
18 tremendous success last year, so we have a lot of new
19 enrollment this year through parent referral.

20 MS. ZOOK: And that's more than you had at the
21 beginning of last year?

22 MS. LONG: Yes. We were at 112. Yes.

23 MS. ZOOK: Okay. Do you provide transportation?

24 MS. LONG: No, ma'am.

25 MS. ZOOK: Okay. And do you have any plans to

1 start providing any transportation?

2 MS. LONG: Not currently in this academic year.
3 There has been discussions about it as the school
4 grows out and solidifies with funding.

5 MS. ZOOK: Okay. And what about your school
6 board? Do you have a school board?

7 MS. LONG: Yes, ma'am.

8 MS. ZOOK: Okay. And do they meet regularly?

9 MS. LONG: Yes, ma'am.

10 MS. ZOOK: And have they been through their
11 training?

12 MS. LONG: Yes, they have.

13 MS. ZOOK: That's terrific.

14 MS. LONG: Yes. With Bobbie Davis.

15 MS. ZOOK: And tell me what you think one or two
16 of your successes were your first year?

17 MS. LONG: Academic growth. Absolutely. That's
18 been our success is academic growth, and then a
19 positive behavior climate. At the beginning of the
20 school year we had significant behavior incidences, I
21 think over 80 the first two months of school. And it
22 was extremely minimal through the end of the year.

23 So school culture was really great. Our school
24 participates in the NWEA MAPS and we had amazing
25 growth for our children. The average RIT score

1 growth is about 15 RIT points and our school scored
2 17. So in math we moved from the 34th percentile to
3 the 41st percentile, and in reading we moved from the
4 34th to the 38th. So we're really, really excited
5 about that with our school.

6 MS. ZOOK: Okay. And what are some things that
7 -- do you account for that? Just focusing in? Are
8 you doing tutoring? Or what are some of the things
9 that might have made that happen?

10 MS. LONG: It's actually really similar to the
11 presentation with the Little Rock School District, so
12 I was really excited to see that -- collaboration,
13 very similar things, small group learning, data
14 groups, just attention to goals. So we do a lot of
15 very similar things. So our children are -- we do
16 have a longer school day; we have a longer school
17 year. So the tutoring part is actually in-school
18 with our highly qualified teachers throughout the
19 day. So our children have nine hours of instruction
20 and 200 days, with small group learning that happens
21 throughout the day.

22 MS. ZOOK: Okay. Thank you.

23 MS. LONG: Yes, ma'am.

24 CHAIRPERSON NEWTON: Dr. Barth.

25 DR. BARTH: So you've gone with 3rd grade this

1 year. Right?

2 MS. LONG: Yes.

3 DR. BARTH: And the cap this year is --

4 MS. LONG: 240.

5 DR. BARTH: -- 240. Okay.

6 MS. LONG: And we're at 233.

7 DR. BARTH: Okay. Great. Thanks.

8 CHAIRPERSON NEWTON: Any other questions? Okay.
9 What is the pleasure of the Board concerning this
10 action item?

11 DR. BARTH: I'll move to accept this report.

12 CHAIRPERSON NEWTON: Moved by Dr. Barth.

13 MS. ZOOK: Second.

14 CHAIRPERSON NEWTON: Second by Ms. Zook. All in
15 favor?

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRPERSON NEWTON: Any opposed? The motion
18 carries. Thank you.

19 MS. LONG: We thank the Board for the
20 opportunity.

21 A-5: END OF SEMESTER REVIEW OF OPEN-ENROLLMENT PUBLIC CHARTER
22 SCHOOL IN THE INITIAL YEAR OF OPERATION: QUEST MIDDLE SCHOOL OF
23 WEST LITTLE ROCK

24 CHAIRPERSON NEWTON: Okay. Moving on to A-5,
25 End of Semester Review of Open-Enrollment Public

1 Charter School in its Initial Year of Operation:
2 Quest Middle School of West Little Rock. Ms. Perry
3 or Ms. Boyd.

4 MS. BOYD: Pursuant to Arkansas Code 6-23-406,
5 the end-of-semester financial and student enrollment
6 data is provided for the initial school year of
7 operation of the open-enrollment charter Quest Middle
8 School of West Little Rock. It's similar; it's just
9 a report. And we have Curtis Shack, who is our
10 Arkansas Program Manager, here to answer any of your
11 questions, along with some members of his team.

12 CHAIRPERSON NEWTON: Okay. Did you say Mr.
13 Shack?

14 MS. BOYD: Shack. Shack. Curtis Shack, S-h-a-
15 c-k, Shack.

16 CHAIRPERSON NEWTON: Shack. Okay.

17 MR. SHACK: Good morning, everyone.

18 CHAIRPERSON NEWTON: Good morning. Are there
19 any questions?

20 MS. ZOOK: I have similar questions for you.

21 MR. SHACK: Okay.

22 MS. ZOOK: What -- do you have handy what your
23 October 1 attendance is, or enrollment?

24 MR. SHACK: 233.

25 MS. ZOOK: And is that up or down?

1 MR. SHACK: That's up from last year.

2 MS. ZOOK: Okay. And do you provide
3 transportation?

4 MR. SHACK: Not currently. At this moment, we
5 don't.

6 MS. ZOOK: Okay. Do you have a plan?

7 MR. SHACK: We're assessing it as we grow and
8 add grades to our charter.

9 MS. ZOOK: Okay. Because, you know, both of you
10 are not at your top and so both of you might get
11 there if some students who want to come had a way.

12 MR. SHACK: Correct. We currently assess with
13 our parents whether transportation is needed and we
14 will continue to do so as we go up and add grades.

15 MS. ZOOK: Right. I was talking about the
16 people who might want to come that --

17 MR. SHACK: Okay.

18 MS. ZOOK: -- wouldn't be assessing.

19 MR. SHACK: Okay. Yeah.

20 MS. ZOOK: Because you don't know about --

21 MR. SHACK: Right.

22 MS. ZOOK: Okay. And what about a board; do you
23 have a board?

24 MR. SHACK: Our board currently is the Charter
25 Agreement Board. We have initiated a local school

1 board that we are currently in the process of getting
2 established.

3 MS. ZOOK: Okay. Okay. And what do you think a
4 couple of good things are that Quest did last year?

5 MR. SHACK: I'm going to defer that to our
6 campus director, Mr. Christopher Stevens. He can
7 give you more detailed information on the achievement
8 of the students.

9 CHAIRPERSON NEWTON: And your name is?

10 MR. STEVENS: Christopher Stevens.

11 CHAIRPERSON NEWTON: Christopher Stevens.

12 MR. STEVENS: Good morning, Madam Chairperson
13 and State Board. I'm glad to be here this morning.
14 I think we had great parent involvement and that's
15 what makes a school. And I know you all have
16 referred to that in discussions with other schools.
17 And we've been really pleased and that's been a great
18 success for us. We've seen great growth. We also
19 use the MAP test. And really good growth from our
20 subpopulations and that's very exciting to see and
21 we're excited to see that continue. We received an
22 EAST grant and we're just thrilled to have that and
23 thankful to the State Department of Education for
24 granting that and also to our parents who were very
25 interested in having that. We were nominated as one

1 of the best middle schools by the Arkansas Democrat-
2 Gazette. And so these are things that we're thrilled
3 about and thrilled to continue as we go into this
4 year.

5 CHAIRPERSON NEWTON: Any other -- Dr. Barth has
6 a question.

7 DR. BARTH: So in looking at the report, so your
8 percentage of free and reduced lunch was 15%?

9 MR. STEVENS: Correct.

10 MR. STACK: Yes, that's correct.

11 DR. BARTH: Okay. Now in the debate over this
12 charter, which I guess only a few of us got to live
13 through, which was interesting, there were a lot of
14 conversations about demographics of the school and
15 what it might look like. I believe at the time of
16 that final proposal there was the suggestion that
17 there would be 35% free and reduced lunch, which was
18 a ratcheting down from what the original budget was.
19 What are your plans for outreach to have a school at
20 Quest that looks more like the district from whence
21 those young people come?

22 MR. SHACK: We have did a couple of things to
23 get minority students involved. In our recruitment
24 efforts of students, we sent a lot of mailings and
25 different things to the low socioeconomic

1 demographics for the city. We sent over 5,000
2 mailers out. The campus director has went to local
3 churches, not just in the West Little Rock area but
4 on the other side of Shackelford and on out towards
5 the North Little Rock area to kind of get outreach
6 and the name out there for minority students.

7 DR. BARTH: And those are two different issues,
8 obviously, I mean, as you know. I mean, I go back to
9 Ms. Zook; one of her questions, I mean, I think as we
10 -- as some of us said at the time, it -- you know --
11 it will not happen without transportation, I mean, in
12 terms of creating a demographically diverse school
13 that looks like the city as a whole, if there is not
14 transportation just because of the location of this
15 school. And so I just want to make that comment that
16 this -- while the concerns of kids of color is not
17 insignificant, the percentage of kids who are free
18 and reduced lunch is very, very, very low, and I
19 think that just needs to be marked, and it's
20 troubling considering the -- you know -- the
21 district's challenges.

22 CHAIRPERSON NEWTON: Any other questions? And
23 what is the Board's pleasure concerning the Quest
24 Middle School, action item A-5?

25 MR. WILLIAMSON: Move to accept.

1 CHAIRPERSON NEWTON: Mr. Williamson moves to
2 accept. Is there a second?

3 MS. DEAN: Second.

4 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
5 favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON NEWTON: Any opposed? Motion
8 carries. Thank you.

9 A-6: CONSIDERATION OF WAIVER FROM REPAYMENT OBLIGATIONS FOR
10 NBPTS PROGRAM FUNDING - MIRANDA McDIARMID

11 CHAIRPERSON NEWTON: We'll go to A-6 before
12 breaking for lunch, and that's the Consideration of
13 Waiver from Repayment Obligations for NBPTS Program
14 Funding; that's Miranda McDiamond [ps].

15 MS. McDIARMID: McDiarmid.

16 CHAIRPERSON NEWTON: Okay. And Ms. Reinhart.

17 MS. REINHART: Cheryl Reinhart for the PLSB.
18 And we have submitted this today with the
19 Department's recommendation that the State Board
20 grant Ms. McDiarmid a waiver from the requirement for
21 repayment. The typical hearing process here is 5
22 minutes opening statement for each side and then 20
23 minutes for discussion. We don't -- neither of us
24 anticipate spending that kind of time with this.

25 CHAIRPERSON NEWTON: Okay.

1 MS. REINHART: I would want you though to swear
2 Ms. McDiarmid in please.

3 CHAIRPERSON NEWTON: Okay. Ms. McDiarmid, do
4 you swear or affirm to tell the truth, the whole
5 truth and nothing but the truth?

6 MS. McDIARMID: Yes, ma'am.

7 CHAIRPERSON NEWTON: Thank you.

8 MS. REINHART: Okay. Thank you. The Department
9 will start. We'll begin with what we had determined
10 was that Ms. McDiarmid had received \$2500 towards the
11 National Board certification program components and
12 then she was unable to complete that. She had gone a
13 good ways to completing that but wasn't able to
14 complete it because of medical emergencies for
15 herself and her babies. And that continued for a
16 period of two years and it was extensive and ongoing.
17 And so I think in the Department's view this is one
18 of those extenuating circumstances that would warrant
19 a waiver of the repayment.

20 CHAIRPERSON NEWTON: So is that your
21 recommendation?

22 MS. REINHART: That is the Department's
23 recommendation at this time.

24 CHAIRPERSON NEWTON: Based on Ms. Reinhart's
25 recommendation, is there a motion?

1 DR. BARTH: Move approval.

2 CHAIRPERSON NEWTON: Dr. Barth.

3 MS. CHAMBERS: Second.

4 CHAIRPERSON NEWTON: It's been moved and --
5 moved by Dr. Barth and second by Ms. Chambers to
6 approve the waiver. All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON NEWTON: Any opposed? Motion
9 carries. Thank you.

10 MS. McDIARMID: Thank you.

11 DR. BARTH: Thank you.

12 CHAIRPERSON NEWTON: We'll break for lunch and
13 come back at 12:30.

14 (LUNCH BREAK: 11:50 AM - 12:38 PM)

15 A-7: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -
16 LYNN D. LANG

17 CHAIRPERSON NEWTON: Okay. We're ready to
18 reconvene. A-6, Consideration of Waiver from -- no,
19 excuse me; I'm sorry -- A-7. It's Consideration of
20 Waiver Request for Teacher Licensing, Lynn Lang. And
21 the presenter is Ms. Liwo.

22 MS. LIWO: Good afternoon. Jennifer Liwo, Staff
23 Attorney for the PLSB office. Just to go through the
24 waiver hearing procedures briefly, each side has 5
25 minutes to present an opening statement, with the

1 representative for the Department of Education going
2 first. After that each side will have 20 minutes to
3 present their case, again with the representative of
4 the Department of Education going first. Additional
5 time may be granted for good cause shown. Any
6 witnesses providing testimony today should be sworn
7 in. And with that, I'll proceed --

8 CHAIRPERSON NEWTON: Anyone in association with
9 A-7 would you please stand, raise your right hand.
10 Do you swear or affirm to tell the truth, the whole
11 truth and nothing but the truth?

12 MR. LANG: Yes, ma'am.

13 CHAIRPERSON NEWTON: Okay. Thank you. Ms.
14 Liwo.

15 MS. LIWO: Mr. Lang is a first-time applicant
16 for a teachers and administrators license. In 2005,
17 Mr. Lang pled guilty to a disqualifying offense. The
18 underlying facts of that offense are that Mr. Lang
19 accepted incentives to recommend a specific
20 university to a football player that he coached. The
21 Department's concern is that Mr. Lang took advantage
22 of a student who trusted him so that he could profit.
23 And the Department is also concerned that allowing or
24 -- that if the Board grants Mr. Lang a waiver that
25 will provide him with an opportunity to perhaps do

1 the same to a student in Arkansas. For that reason,
2 the Department is recommending that the State Board
3 deny Mr. Lang's request for a waiver.

4 CHAIRPERSON NEWTON: Okay. Mr. Lang, 20
5 minutes. You have 20 minutes.

6 MR. LANG: Yes, ma'am. Well, back in two
7 thousand -- well, I graduated from (inaudible) State
8 University. I got my first year football job. I
9 worked in Memphis at a school starting from 1994 -- I
10 became -- I was the line coach and defensive
11 coordinator in 1995. In '96, I became the head
12 football coach. Back then, I think I was about 26,
13 27, somewhere up in there. But anyway, I had to go
14 through that process. Once again, I did accept the
15 sentence for this, you know, trying to help this
16 young man.

17 CHAIRPERSON NEWTON: Speak a little louder
18 please.

19 MR. LANG: I'm sorry. Yes, ma'am. I said back
20 then, like I said, that was my first teaching job. I
21 had to go through that process. I did make a poor
22 decision, accepting a sentence from a college
23 (inaudible) to try to help my family out. I
24 shouldn't have did that. I had to go through that
25 process. And like I say, my teaching certificate, of

1 course, was suspended. I had to go through a process
2 of community service and all that to get everything
3 back that I lost for that poor decision that I made.
4 And like I said, it happened in '99, 2001, but it
5 didn't actually come down till 2005. I left
6 Tennessee and went up to Michigan, and when I was
7 going through that whole process I went back to
8 central Michigan and got my master's, of course. I
9 worked at a home for disadvantaged kids, the St.
10 Vincent Home for Kids. Then, later on, as a
11 supervisor for Children's Home of Detroit. And like
12 I said, that process, once again, was deep
13 reflection. In 2007, because of everything, like I
14 said, going through that process and doing the things
15 I had to do to get back, I got my Mississippi --
16 Tennessee license reinstated as well as my
17 Mississippi license reinstated. In 2007, I was
18 assistant principal at Post Gibson High School. In
19 2008, I became the head principal. In 2009, I got,
20 you know, what I really wanted to do. I became the
21 athletic director, head football coach and assistant
22 principal from 2009 to 2014. In 2014, I left there.
23 I became the athletic director and director of
24 operations for Leland Public Schools, and I did that
25 last year, and I left Leland Public Schools and now

1 I'm currently the head football coach and health and
2 physical education teacher at Yazoo City Schools. We
3 have a game coming up this Friday. But like I said,
4 this whole process was something that was new to me
5 but I had to go through it. And like I said, going
6 -- and going through this process and making the
7 mistakes I made I've learned many lessons. I think
8 I've touched many lives, even coming back now, from
9 what I went through then and I think I'm a better
10 person and coach now than I was then. But like I
11 say, I still have to understand and, you know, share
12 my story of what I've been through because the coach
13 line, you know, now is much different than the one
14 when I first started back in the 1990's. And that's
15 where I am now.

16 CHAIRPERSON NEWTON: Okay. Any questions? Ms.
17 Zook.

18 MS. ZOOK: Yes. Did you violate any of the
19 terms of your release?

20 MR. LANG: No. No, ma'am.

21 MS. ZOOK: Are you currently still under
22 probation?

23 MR. LANG: No, ma'am. No, that's been over,
24 well over.

25 MS. ZOOK: Okay. Have you maintained full-time

1 employment?

2 MR. LANG: Yes, ma'am.

3 MS. ZOOK: Okay. And since you're not applying
4 for or haven't been offered a job in Arkansas, is
5 there some reason you want to be licensed in
6 Arkansas, when you already have a job?

7 MR. LANG: Well, like I said, I mean, no other
8 reason. I just think, you know, I think Arkansas is
9 a great place to live and a great place to be. And
10 like I said, going through the things that I've been
11 through I think I've shown, like I said, remorse and
12 just -- I made a poor -- and understand, I can't
13 accept -- I can't make it -- minimize it. I mean,
14 that was a significant point in my life because you
15 go through things as a young man and as you grow up
16 -- because I look at myself now with the gray hair, I
17 wear glasses now; when I first started I thought I
18 could rule the world. But like I said, going through
19 those experiences now has put me in a much different
20 shape to be able to mold young men, to teach them
21 "when you make mistakes this is what happens."
22 Because I have to continue to answer for this
23 whenever -- you know -- when you apply for a license
24 and, you know, that goes along with the decision that
25 I made. But I just think the things that I've been

1 through has kind of made me a more well-polished
2 individual now than what I was.

3 MS. ZOOK: Okay. You stated that being athletic
4 director was sort of a goal and that you were only
5 there as athletic director and then you changed jobs.
6 Can you tell me why?

7 MR. LANG: Well, I was athletic director, like I
8 said, from 2009 to 2014.

9 MS. ZOOK: Right.

10 MR. LANG: Okay. In 2014 and '15, like I said,
11 I was athletic director/head football coach and
12 assistant principal. What happened, the State
13 Department took over Port Gibson High School when I
14 was there. The superintendent that was there,
15 longstanding superintendent, she left and at that
16 time I sought -- you know -- I sought to leave -- you
17 know -- leave myself and I went to Leland Public
18 Schools as the athletic director -- well, like I say,
19 director of operations. But after that point, that
20 superintendent was on her way out. So, once again,
21 now I'm the head football coach and helping the
22 physical education teacher at Yazoo City schools.

23 MS. ZOOK: So you have -- you are certified or
24 licensed in three states. Is that correct?

25 MR. LANG: Yes, ma'am. Yes, ma'am. A teacher

1 and administrator. Yes, ma'am.

2 CHAIRPERSON NEWTON: Dr. Barth.

3 DR. BARTH: I didn't really hear an answer to
4 one of Ms. Zook's questions, which was the question
5 about why Arkansas, especially considering the other
6 opportunities that are present to you in other
7 states. I just did not hear an answer to that
8 question.

9 MR. LANG: Well, like I say, Arkansas is close
10 to me. I'm from Greenville, Mississippi anyway; you
11 know, Arkansas -- you've got Arkansas and Louisiana
12 that are real close to, you know, where I'm from
13 anyway. So like I say, I have colleagues that's
14 coached me that -- I mean, that I know -- I mean,
15 that have coached me in high school that are employed
16 in Arkansas as well. So, I mean, they have told me
17 about -- you know -- like I said, the close
18 proximity. I'm from Greenville, Mississippi
19 originally and then I just -- you know -- I just look
20 at the state as a place I might would like to settle
21 down in.

22 DR. BARTH: Okay. And during -- in addition to
23 your work in athletic programs, what were your other
24 kind of teaching responsibilities in it before you
25 became kind of focused more heavily on athletics?

1 MR. LANG: Well, when I first started -- when I
2 first started I was helping the physical education
3 teacher and I was assistant football coach. But
4 after a couple of years of that, they kind of took my
5 class and made me administrative assistant. Because
6 they always said -- I've always heard principal and
7 administrators say that coaches make good
8 administrators. So I've always been -- I've been in
9 that role as far as, you know, helping with
10 discipline and those kind of things or whatever. So
11 initially, you know, after my first couple of years
12 of helping physical education/assistant coach, then I
13 became the coordinator, then the head coach after my
14 third year. And that's kind of where I've been in
15 that capacity ever since.

16 DR. BARTH: Okay. And I guess a question -- Ms.
17 Pfeiffer?

18 MS. PFEFFER: Yes.

19 DR. BARTH: I'm sorry to -- I'll talk slowly, so
20 -- in terms of the areas of teaching that Mr. Lang
21 would teach in, there are no issues -- those are not
22 areas where we have a lack of teachers. Is that --

23 MS. PFEFFER: I do not believe so. No.

24 DR. BARTH: Okay.

25 MS. PFEFFER: And I have not looked to see what

1 his areas of licensure would be. But in the area of
2 physical education that is not a shortage area.

3 DR. BARTH: Okay. Thank you. And I'm sorry for
4 putting you on the spot.

5 CHAIRPERSON NEWTON: Any further questions? If
6 not, do we have a motion?

7 MS. LIWO: Before you make a motion, may I just
8 point you to the timeline of events that I've
9 provided you all? First, on the first page I have
10 indicated that Mr. Lang is no longer employed with
11 the Yazoo School District, but that's incorrect; we
12 called and verified that he is currently employed.
13 And then on the second page there is a list of his
14 current status as far as licensure, certification
15 with other states. And I would just like to point
16 out that Georgia has revoked his certificate,
17 teaching certificate, and that is based on his
18 conviction and additional information that they were
19 provided from Mississippi. I believe Mr. Lang might
20 want to address the Mississippi basis that Georgia
21 considered.

22 DR. BARTH: So before he does that, can you give
23 us your take on that process?

24 MS. LIWO: On?

25 DR. BARTH: In terms of the -- what information

1 have you gotten about the --

2 MS. LIWO: From Georgia?

3 DR. BARTH: From Georgia and, I guess,
4 indirectly from Mississippi, before we hear his
5 analysis.

6 MS. LIWO: From Georgia, I learned that -- and
7 they did provide a probable cause summary. But from
8 Georgia I learned that they had considered whether
9 his license was suspended or revoked or any kind of
10 hold in other states. They considered his
11 conviction. They did consider information indicating
12 that Mississippi did find that he had provided
13 deceitful information on his applications. When I
14 tried to call Mississippi to verify or to find out
15 information concerning that deceitful finding,
16 Mississippi informed me that they could not provide
17 me with that information.

18 DR. BARTH: So to the best of your
19 understanding, was it related to the 2007
20 reinstatement issue or something more recent than
21 that?

22 MS. LIWO: To my understanding, Mississippi's
23 finding that he was deceitful was based on the
24 conviction. Apparently, while he was going through
25 the criminal process, and it had not concluded, they

1 learned about it. And I guess from that determined
2 that he had lied about maybe previously being
3 convicted of an offense.

4 DR. BARTH: Thank you.

5 MS. DEAN: So Mississippi provided the
6 information to Georgia, but it says here that
7 Mississippi reinstated him in 2007. Is that --

8 MS. LIWO: That is correct.

9 MS. DEAN: Okay.

10 MS. LIWO: And Georgia, in their probable cause
11 summary did -- they were aware that Mississippi and
12 Tennessee at that time had reinstated licenses to Mr.
13 Lang.

14 CHAIRPERSON NEWTON: And, additionally, the hold
15 from Tennessee was removed on the 15th. So he's
16 presently licensed in Tennessee and Mississippi?

17 MS. LIWO: All of those states, except Georgia.
18 And Tennessee had placed a hold on Mr. Lang's license
19 because they were trying to figure out why Georgia
20 had revoked his certificate.

21 CHAIRPERSON NEWTON: But it says it was removed
22 in October of 2015?

23 MS. LIWO: The hold on Mr. Lang from Tennessee?

24 CHAIRPERSON NEWTON: Yes.

25 MS. LIWO: That's correct. And I called and

1 verified that with Tennessee.

2 CHAIRPERSON NEWTON: Any other questions? Ms.
3 Zook, do you have a question?

4 MS. ZOOK: No. I guess that my motion would be
5 to -- let's see how it's worded here -- my motion is
6 to uphold ADE's recommendation, in part because of
7 the -- he can earn a living in several other states.

8 CHAIRPERSON NEWTON: So, Ms. Zook -- okay. Your
9 motion is to deny the request for waiver? I mean, or
10 to grant the request to --

11 MS. ZOOK: No.

12 CHAIRPERSON NEWTON: Okay. Your --

13 MS. ZOOK: ADE has recommended that we deny his
14 request.

15 CHAIRPERSON NEWTON: Okay. So --

16 MS. ZOOK: And I move to uphold ADE's
17 recommendation.

18 CHAIRPERSON NEWTON: Okay. That's the motion by
19 Ms. Zook. Is there a second?

20 DR. BARTH: Second.

21 CHAIRPERSON NEWTON: Second by Dr. Barth. All
22 in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRPERSON NEWTON: Did you vote?

25 MR. WILLIAMSON: Yes.

1 CHAIRPERSON NEWTON: Okay. So that's three.

2 And opposed?

3 MR. WILLIAMSON: Everybody voted yes.

4 CHAIRPERSON NEWTON: I'm sorry. Did everybody
5 -- I didn't hear all the voices. Everybody was in
6 favor of the motion, then the motion passes to uphold
7 the decision not to grant license to Mr. Lang by the
8 Arkansas Department of Education staff. That was A-
9 7.

10 A-8: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -
11 ANWAR H. FAIRLEY

12 CHAIRPERSON NEWTON: We'll go to A-8,
13 Consideration of Waiver Request for Teaching License,
14 Anwar Fairley. Ms. Liwo. Okay. Go ahead.

15 MS. LIWO: Do you need me to go over the waiver
16 hearing procedures again?

17 CHAIRPERSON NEWTON: No.

18 MS. LIWO: All right. And then, so I'll begin
19 with my opening statement. This past August the
20 Department learned that Anwar Fairley had pled guilty
21 to a disqualifying offense. Per the order, court
22 order of deferred adjudication, Mr. Fairley was
23 sentenced to four months in the county jail with four
24 months suspended imposition of sentence, 72 months of
25 supervised probation, 200 hours of community service,

1 and 120 days of home detention with electronic
2 monitoring. Mr. Fairley was sentenced under the
3 provisions of Act 346. Given the nature of the
4 offense and the strict sentencing imposed by the
5 court, the Department is recommending that the State
6 Board suspend Mr. Fairley's license to fall in line
7 with the time period he is on criminal probation.
8 We're also asking that the Department require Mr.
9 Fairley to successfully complete his criminal
10 probation and obtain an Act 346 order to dismiss or
11 seal on his record.

12 CHAIRPERSON NEWTON: Okay. Is Mr. Fairley here
13 or his attorney? Would you identify yourself?

14 MR. ALAGOOD: We're both here.

15 CHAIRPERSON NEWTON: You're both. Okay.

16 MR. ALAGOOD: How do you do? I am Greg Alagood

17 --

18 CHAIRPERSON NEWTON: Will he be speaking?

19 MR. ALAGOOD: Pardon?

20 CHAIRPERSON NEWTON: Will Mr. Fairley be
21 speaking?

22 MR. ALAGOOD: During -- it's my understanding I
23 get five minutes for an opening statement and then we
24 get 20 minutes for our presentation, during which
25 time he will be speaking. So stand up and raise your

1 right hand and be sworn.

2 CHAIRPERSON NEWTON: Do you swear or affirm that
3 the testimony you're about to give is the truth, the
4 whole truth and nothing but the truth?

5 MR. FAIRLEY: Yes, ma'am.

6 CHAIRPERSON NEWTON: All right. Go ahead.

7 MR. ALAGOOD: Thank you. The packet that I just
8 gave you on behalf of Mr. Fairley, the first three
9 pages --

10 CHAIRPERSON NEWTON: Would you tell us who you
11 are?

12 MR. ALAGOOD: I am Greg Alagood and I represent
13 Mr. Fairley. And the first three pages there are my
14 statement on behalf of him that identify and explain
15 the exhibits. And then the fourth page is a Table of
16 Contents for our exhibits. Now Mr. Fairley is 32
17 years old; he's been a teacher for approximately 10
18 years. He's a native of El Dorado, taught for seven
19 years with the El Dorado School Department, and then
20 for the past three years has been employed with
21 Pulaski County Special School District. Now last
22 November he was residing with a young lady in
23 Arkadelphia, and working in Pulaski County. They got
24 into a tiff, left the home, and another young lady
25 who was present in the home apparently thought that

1 Mr. Fairley's girlfriend was in peril. She called
2 the police and said, "Oh, she's been kidnapped." He
3 got pulled over and taken into custody and ultimately
4 got charged with false imprisonment. Now you'll see
5 Exhibit "F" is the affidavit of the young lady, where
6 she explains that she tried to go to the Clark County
7 prosecutor and tell him, "No, I hadn't been
8 kidnapped. My liberty wasn't being restrained, nor
9 was I in fear of any physical injury." For whatever
10 reason, the Clark County prosecutor just really had
11 his heels dug in on this case and refused to
12 negotiate it down to a second offense, which would
13 not have been a disqualifying offense. And so during
14 the process Mr. Fairley was represented by Clint
15 Mathis, an attorney in Arkadelphia, who was
16 representing him in the defense of these charges down
17 there. And then I was counseling him regarding,
18 "Okay, now you understand what you can or cannot
19 plead guilty to as far as how it might jeopardize
20 your licensure." And so if you'll look at Exhibit
21 "G," there's a letter from Mr. Mathis to Pulaski
22 County -- well, it's to Whom It May Concern;
23 actually, I think it was to Pulaski County Special
24 School District -- Mr. Brewer, as a matter of fact --
25 explaining to him how the case was going to work out.

1 And that seemed to satisfy everybody. So as you can
2 see, the county school district gave Mr. Fairley a
3 contract for the current school year. He is a
4 literary facilitator. But then we get the paperwork
5 from how it all went down and actually he had entered
6 a guilty plea. Mr. Fairley is going to explain to
7 you that he thought that guilty plea was a
8 technicality that was going to be held in abeyance in
9 case he didn't satisfactorily complete the terms of
10 the suspended imposition of sentence. But
11 technically, if you look at the docket he pled guilty
12 to what is a disqualifying offense.

13 Now I'm going to suggest to you that the very
14 most important piece of paper that's presented to you
15 is the very last page of our exhibit packet, which is
16 from Mr. Brewer, who is the Director of HR there at
17 the Pulaski County Special School District. I don't
18 know if you know Mr. Brewer; he's that nice gentleman
19 sitting right back there. He's head of HR. If you
20 don't know him, I know you know Dr. Jerry Guess and I
21 know you know that they would not be interested in
22 Mr. Fairley coming back to work if they felt like he
23 posed a threat to the safety of students or other
24 staff.

25 Now I am very grateful that staff has suggested

1 to you that a suspension would be appropriate in this
2 case as opposed to outright revocation of Mr.
3 Fairley's license. I have an even better idea, and
4 that is put his license on a probationary status to
5 coincide with the probation that's taking place in
6 Clark County Circuit Court. You can even require him
7 to furnish staff with periodic progress reports of
8 how that's going. That way, he is on a leash, if you
9 will. If he were to stumble his toe in Clark County
10 and not satisfactorily complete that suspended
11 imposition of sentence, then, being under probation,
12 you would have a mechanism by which to address that.
13 But the district would like to have him back to work
14 Friday. And so why are we going to keep a bright
15 young man from teaching for three years when we could
16 get him back into the classroom by keeping him on
17 probation? Thank you so much.

18 CHAIRPERSON NEWTON: Thank you. Ms. Liwo.

19 MS. LIWO: All right. Mr. Alagood gave you his
20 version of the underlying facts concerning the
21 offense, and I'll give you mine. From the probable
22 cause affidavit and from the affidavit provided by
23 Ms. Davis, the victim, we know that Mr. Fairley was
24 at Ms. Davis' apartment; he grabbed her; he told her
25 -- he placed his hand over her mouth, told her not to

1 scream, and then shoved her into his car and left the
2 apartment with her in it. Her roommate or visitor
3 called 911 and stated that she had been kidnapped.
4 According to Ms. Davis' affidavit, this was a
5 roommate or visitor that was not familiar with Mr.
6 Fairley. Being that she was not familiar with Mr.
7 Fairley, her state of panic in calling 911 gives you
8 some indication of how Mr. Fairley conducted himself
9 on that night. The Department -- and I'll step back
10 again and say that Ms. Davis' affidavit was presented
11 to the prosecuting attorney. And despite having that
12 affidavit, as Mr. Alagood said, the prosecuting
13 attorney dug in his heels. The best -- this was a
14 negotiated plea agreement, by the way, and this was
15 the best negotiated -- the plea agreement that the
16 prosecuting attorney apparently was willing to offer,
17 and that's four months jail time suspended, 72 months
18 of probation, community service, 120 days of home
19 detention with electronic monitoring. That kind of
20 sentence indicates that the prosecuting attorney was
21 very concerned; it indicates that the court was very
22 concerned with what went on or what transpired on
23 that evening with Ms. Davis and Mr. Fairley.

24 One of the Department's other concerns is, given
25 the stringent conditions of probation that Mr.

1 Fairley is required to comply with, would Mr. Fairley
2 be able to be a quality educator during this time
3 period, and we are of the position that he won't be.
4 It's a lot, and it probably would be best to place
5 his license on suspension so that he can get his
6 criminal situation under control. And if nothing
7 goes wrong there, then his license can be reinstated.

8 The other thing that I'd like to bring to your
9 attention is that Mr. Fairley is not unfamiliar to
10 the PLSB office as far as ethics is concerned. In I
11 believe 2011, the State Board did enter an order
12 finding that he violated Standard 1 of the Code of
13 Ethics for inappropriate communications with a
14 student. The State Board at that time did issue him
15 a written warning. I was going to address the
16 Pulaski County Special School District. But since
17 Mr. Brewer is here, I would ask that Mr. Brewer
18 expressly state whether he is -- whether the school
19 district is willing to employ Mr. Fairley with a
20 disqualifying offense on his record at this time. I
21 understand that the Pulaski County Special School
22 District has indicated that they don't believe Mr.
23 Fairley is a threat to students, but they have not
24 necessarily stated that they are willing to re-employ
25 him. And the 2015-2016 school contract was, I

1 believe, entered into before Mr. Fairley pled guilty
2 to the disqualifying offense.

3 CHAIRPERSON NEWTON: Mr. Brewer, would you come
4 forward and be sworn, please? Do you solemnly swear
5 or affirm that the testimony you're about to give is
6 the truth and the whole truth, nothing but the truth?

7 MR. BREWER: Yes, ma'am.

8 CHAIRPERSON NEWTON: Thank you. Ms. Liwo had
9 indicated that you would speak to certain points, and
10 I'd ask that you respond based on what she said -- or
11 issues that you feel are concerns.

12 MR. BREWER: As she said, Pulaski County did
13 enter into a contract with Mr. Fairly, with our
14 understanding that he would be eligible to continue
15 employment. At that time, before this happened, he
16 was told that he would be suspended from his license;
17 he would be charged with a felony. We told him we
18 respect the State Board and we respect the State
19 Department of Education and their decisions; if he
20 was given a license, he would be re-employed at this
21 time as an English facilitator at Mills High School.
22 That was the position he had. We have not filled
23 that position, waiting on this decision, and we will
24 totally respect whatever the State Board decides.

25 CHAIRPERSON NEWTON: Okay. Dr. Barth has a

1 question.

2 DR. BARTH: So what exactly is the status of his
3 contract at the moment?

4 MR. BREWER: It's suspended, pending the outcome
5 of this hearing.

6 DR. BARTH: Okay. But it's -- it would continue
7 with that same contract that was already developed?

8 MR. BREWER: Yes, sir.

9 CHAIRPERSON NEWTON: Any other questions of Mr.
10 Brewer? Okay.

11 MR. BREWER: Thank you.

12 CHAIRPERSON NEWTON: I'm sorry, Mr. Brewer. I
13 think Ms. Dean has a question.

14 MS. DEAN: I have a question. Is the district's
15 -- is the school's position that you don't feel he's
16 a threat to students?

17 MR. BREWER: Yes, ma'am.

18 MS. DEAN: Okay. In this case, he actually pled
19 guilty to basically -- it's not kidnapping, but
20 basically kidnapping. I don't -- can you explain
21 your position why you don't feel like that would be a
22 threat to students --

23 MR. BREWER: Well --

24 MS. DEAN: -- someone who is actually -- because
25 it wasn't that he was just convicted, he pled guilty.

1 MR. BREWER: When he came to talk to me when
2 this was over and I explained to him when I got the
3 letter from the Department saying he was no longer
4 eligible, I brought him in and explained to him that
5 this had been found. He was totally shocked, because
6 in his mind -- and I really believe he really felt
7 this way at the time -- that he had signed a document
8 that would allow him to come back and not have his
9 license revoked. I explained to him that that was
10 not the position of the court, that if he did get a
11 hearing and if he in fact was eligible -- he had
12 already taught for the district for approximately
13 about three years. We had no problems with him; he
14 was doing a very good job of teaching, and so we felt
15 like that he was not a threat to anyone. This was an
16 isolated case between him and a girlfriend that
17 happened off-campus. Nothing on campus has ever
18 happened that would give us an indication that he
19 would be a threat to children.

20 MS. DEAN: Okay. Thank you.

21 CHAIRPERSON NEWTON: Dr. Barth.

22 DR. BARTH: Sorry. Back on the offense that Ms.
23 Liwo had mentioned earlier, which was from twenty --

24 MS. LIWO: 2011.

25 DR. BARTH: 2011. Was he employed at PCSSD

1 before and through that whole period?

2 MR. BREWER: I'm not sure I understand. Would
3 you mind repeating that, because --

4 DR. BARTH: So the offense for which he received
5 a warning from the State Board involving a violation
6 of Standard 1 -- correct? Is that correct, Ms. Liwo?
7 It was the interaction with -- inappropriate
8 interaction with a student. Was he an employee of
9 PCSSD?

10 MR. WILLIAMSON: He was in El Dorado.

11 DR. BARTH: So that was at the time in El
12 Dorado, and then after that he got --

13 MR. BREWER: Yes, sir. Had no problems at our
14 district.

15 DR. BARTH: Okay. Good.

16 CHAIRPERSON NEWTON: Any further questions? Ms.
17 Zook, do you have a motion?

18 MS. ZOOK: I think he was going to let him do --

19 CHAIRPERSON NEWTON: Oh, I'm sorry.

20 MS. ZOOK: -- his presentation.

21 CHAIRPERSON NEWTON: I'm sorry. Mr. Alagood.

22 MS. LIWO: If I may just make one final comment
23 before Mr. Alagood, I understand that the Pulaski
24 County Special School District would be willing to
25 employ Mr. Fairley. However, if he is granted a

1 waiver or if his license isn't placed on suspension,
2 Mr. Fairley could move on past the 2015-2016 school
3 year and seek employment with another school
4 district. All those other school districts obviously
5 aren't here to say whether they would be comfortable
6 employing Mr. Fairley. I think those school
7 districts would be placed in jeopardy, given his
8 history with the PLSB and it seems his escalating
9 conduct with the criminal conviction. And I just --
10 I'd ask that the Board place his license on
11 suspension.

12 MR. ALAGOOD: Come on up here, Anwar. First
13 off, let me say if you place his license on probation
14 that information is going to be in his Department of
15 Education personnel file, just as that 2011 written
16 warning was in his Department of Education personnel
17 file at the time that he was employed by the Pulaski
18 County Special School District. But it's gone now.
19 A written warning is the lightest proposed punishment
20 that the PLSB can recommend. It remains in your
21 Department of Education licensure file for two years
22 and then it goes away. Now as far as the stringent
23 conditions of probation are concerned and how that
24 would affect his ability to be an effective teacher,
25 Mr. Fairley is going to explain to you that while

1 he's been off work at Pulaski County he's already
2 done his 200 hours of community service work, working
3 at the Salvation Army in Hot Springs. So, listen,
4 having said that -- Anwar, introduce yourself to the
5 Ladies and Gentlemen of the Board.

6 MR. FAIRLEY: Good afternoon. I wish that I
7 were here under better circumstances. There are some
8 things I feel like that this may even be a platform
9 to clear up. Due to a number of circumstances --
10 this was a very unfortunate event. I at no time
11 placed anyone in substantial risk of harm. There was
12 a domestic issue with the person who actually
13 contacted the authorities concerning theft. And as I
14 was removing myself from the situation, I then
15 learned that perhaps the theft of the amount of money
16 that was taken was actually -- maybe it was the
17 result of two people working together. And so it was
18 in the midst of all of that and under the idea that I
19 did something that -- engaged somebody against their
20 will and all of that began to unfold and it unfolded
21 rapidly. On the search of the -- I mean, as Mr.
22 Brewer said, when I received the notice I was
23 completely shocked. I was shocked because of the
24 proceedings that for months I had been in contact
25 with the district. I hid nothing in terms of

1 anything that has happened with -- in El Dorado or
2 anything. I hid nothing from the district. I called
3 them, I checked in with them. I told them -- I gave
4 them every piece of information that I ever had,
5 because to this day I accepted what I believed was
6 deferred adjudication, as the attorney said. And in
7 working with that and some family situations, my
8 mother being ill and I was dealing with that, at the
9 time she needed me. And as I talked to my attorney,
10 Mr. Mathis, we were trying to work out a situation to
11 where -- because he explained to me, he said, "Even
12 if you receive a misdemeanor," he said, "depending on
13 how this could go, there is a possibility that, you
14 know, you could get jail time or it could go crazy."
15 He said, "I think, you know, you maintain your
16 innocence but a deferred adjudication would allow you
17 to kind of fulfill the requirements of the court; you
18 would be able to kind of assist with your mother's
19 deal, and hopefully these things will be able to work
20 themselves out." So after long consideration, I
21 talked to him. And after I realized in the statute
22 that it did say about the pleading guilty, even in
23 his statements, the statements he released to the
24 district, when I talked to him for hours -- I drove
25 there, we discussed -- he explained to me, he said,

1 "But you're not entering a guilty plea." I showed
2 him the statute; I showed him all of that. I
3 explained the situation and the circumstances, as I
4 had with the school district, as I had with my
5 family. Anyone who's ever asked me I explained the
6 situation. It was not actually until the day that I
7 went that they were giving -- I never had a change of
8 plea hearing; I never had any of that. I went and
9 they was, you know, scrounging around these papers
10 and, of course, in the midst of it I was looking at
11 it and I did see it and I asked about it. And he
12 took it to the prosecutor and they said, "Well, this
13 is all in the event that you do not satisfy the
14 requirements of the court then basically we would
15 proceed on." He said, "There is not a guilty plea
16 being entered." And that information, from what I
17 was -- I was sitting in the courtroom; I saw him
18 approach the prosecutor; I heard them say, "May we
19 approach the bench?" I saw what I had always thought
20 was court, because I'd never been in a situation like
21 this before. And he came back and he said, "Oh,
22 yeah, that's just -- that's a matter of
23 technicality." And he went back and he kept talking
24 to the prosecutor, and I could kind of hear what they
25 were saying. So, again, I went on. I thought, okay,

1 you know, I'm prepared to do this. This is something
2 that was blown out of proportion. I know that I did
3 not harm her. I know that the search of the vehicle
4 showed no signs that I had taken her against her
5 will. There was no drugs, no alcohol. There was no
6 traffic violations. She was not injured. There was
7 nothing of those, of that matter. So when I say I
8 was shocked when I went into the Pulaski County
9 Special School District office, I was shocked.

10 MR. ALAGOOD: Let me interject something here.
11 You know, Ms. Liwo was reviewing with the folks the
12 probable cause affidavit, the statements that the
13 young lady made. And Ms. Dean was expressing some
14 misgivings about giving -- you know -- letting you go
15 back to work, given the fact that it appears that you
16 pled guilty to something that's almost, you know, to
17 the level of kidnapping. Let's look at Exhibit "F",
18 which is this affidavit that your defense attorney
19 obtained from the alleged victim. And would you
20 agree with me, Anwar, that she pretty well repudiates
21 the statements attributed to her in the probable
22 cause affidavit? I mean, she points out that the
23 police report is inaccurate?

24 MR. FAIRLEY: Yes, sir.

25 MR. ALAGOOD: That -- I think in that very first

1 full paragraph she says that she was somewhat
2 distraught the night of the incident and so many
3 details were not correct. Let's just take a brief
4 moment and satisfy the folks about what it is that
5 exactly happened. You lived with your girlfriend
6 there in Arkadelphia?

7 MR. FAIRLEY: Yes, sir.

8 MR. ALAGOOD: And then the other young lady who
9 was at the home at that time, there was some
10 discussion about whether or not she might move in
11 also as a roommate?

12 MR. FAIRLEY: Yes, sir.

13 MR. ALAGOOD: Okay. And so, I mean, you and
14 your girlfriend were having an argument. Is that
15 safe to say?

16 MR. FAIRLEY: Yes. A disagreement. Yes, sir.

17 MR. ALAGOOD: And you and she left the house?

18 MR. FAIRLEY: Yes, sir.

19 MR. ALAGOOD: But you were not taking her
20 against her will, were you?

21 MR. FAIRLEY: No. No, sir.

22 MR. ALAGOOD: You didn't force her into your
23 vehicle?

24 MR. FAIRLEY: No, sir.

25 MR. ALAGOOD: She was mad and y'all drove around

1 a little bit to cool off?

2 MR. FAIRLEY: Yes, sir.

3 MR. ALAGOOD: And, unfortunately, the police
4 became involved and the unfortunate end-result of
5 that is you being charged with false imprisonment.
6 And so you were aware of what the licensure
7 requirements were, so as not to trigger revocation of
8 your license, and then you also had Mr. Mathis
9 advising you on the proceedings down there. And in
10 fact, if we look at I think -- Exhibit "G" was a
11 letter that Mr. Mathis wrote to the school district,
12 explaining to you that the way y'all were going to
13 work this out would be you wouldn't be entering a
14 guilty plea?

15 MR. FAIRLEY: That's correct.

16 MR. ALAGOOD: Deferred adjudication, you'll be
17 on probation for a period of time, and then it goes
18 away?

19 MR. FAIRLEY: Yes, sir.

20 MR. ALAGOOD: And is that honestly what you
21 thought was happening?

22 MR. FAIRLEY: That is honestly what I thought
23 was happening. I took his word, I took his advice.
24 And with my family situation and everything, I took
25 all of that in consideration and I honestly thought

1 that that's what it was. Had I thought it was
2 anything any different, as I explained to Mr. Brewer,
3 I would've given them a heads-up. I would've -- but
4 I took that at face value and I honestly know that I
5 did not engage her in any way that caused her harm.
6 And he said, "You've not been convicted of anything,"
7 and there is no conviction. However, I had to
8 satisfy the requirements of the court, and at that
9 time then that's what they said, but there was no
10 conviction. So other than those papers that they
11 shoved at me -- and when I questioned that I really
12 had no reason --

13 MR. ALAGOOD: Now what is your position with the
14 school district?

15 MR. FAIRLEY: I'm Instructional Facilitator for
16 literacy with Pulaski County Special School District.

17 MR. ALAGOOD: And doing -- what do you actually
18 do on a daily basis when you're at work?

19 MR. FAIRLEY: Well, what I do is I work with
20 adult learners and I work with students, and I
21 basically look at best practices for instruction. We
22 look at our achievement gap; we look at ways to
23 differentiate instruction; we look at ways to
24 scaffold instruction. We're always one-on-one point-
25 of-contact with the students. And I'm just basically

1 -- ever since I can remember teaching, I always was
2 kind of a cheerleader. And so, you know, I go around
3 to the classes and make sure the teachers are okay
4 and assist them with instruction. And so on a daily
5 basis I'm helping the kids and the teachers and
6 alongside the principal, doing whatever it is I can
7 do to help students achieve. And I've done that in
8 both school districts and I know that my record there
9 speaks for me.

10 CHAIRPERSON NEWTON: Ms. Dean has a question.

11 MS. DEAN: I do. I understand what you're
12 saying about the misunderstanding as far as the plea,
13 but I really have an issue with the affidavit of
14 Dontisha Davis. Having dealt with women in domestic
15 abuse situations, this, for lack of a better word,
16 reeks of it. Because if I'm not mistaken -- I'm just
17 going to read a few of these: "According to his
18 report, I appeared scared and looked as if I had been
19 crying." The police officer said when he first saw
20 her in the car she appeared scared and crying. She
21 said herself she put her hand over her mouth "because
22 I was overwhelmed and scared." Skipping down to the
23 bottom, "It's possible that Mr. Fairley did not say
24 'Don't scream or I will kill you.' I was mentally
25 distraught that night and everything was happening so

1 fast. Looking back I realize that Mr. Fairley could
2 have said, 'Don't scream like I'm going to kill you'
3 or 'Don't scream, I won't kill you.'" Even if she
4 didn't say -- even if you didn't say "Don't scream
5 like I'm going to kill you," why would she say you
6 said that? And as Ms. Liwo said earlier, being the
7 person who called the police said that she didn't
8 know you, but from the situation it seems it was --
9 I'm trying to figure out how to say this -- the thing
10 that happened alarmed her to the point where she
11 called 911. And I want to go back to the affidavit.
12 Dealing with women who have been in domestic abuse
13 situations, oftentimes women do not want to get their
14 abuser in trouble. They don't want to -- and a lot
15 of times they change their view of what actually
16 happened. So I just -- I take -- I have an issue
17 with this and it's bothering me.

18 MR. ALAGOOD: With all due respect, Ms. Dean,
19 are you asking Mr. Fairley if he's guilty of domestic
20 abuse? I would respectfully submit that it's a
21 quantum leap to extrapolate from the alleged victim's
22 affidavit that she was a victim of domestic abuse.
23 That's not what he was charged with. Exhibit "A"
24 sets out the elements of the offense with which Mr.
25 Fairley was charged.

1 MS. DEAN: I understand. But I'm saying the
2 issues -- the point that led up to this -- my point
3 is that this affidavit does not sound like -- it
4 doesn't sound like it matches what Mr. Fairley said.

5 MR. ALAGOOD: Well, the affidavit was obtained
6 by Clint Mathis who was Mr. Fairley's criminal
7 defense attorney in Clark County Circuit Court. I've
8 never spoken with Ms. Davis, I've never met Ms.
9 Davis, so I can't speak to the voracity of her
10 affidavit.

11 MS. DEAN: And I just want to also add just
12 another thing, "I told him I didn't want to go if we
13 were going to be arguing. I did not want to go and I
14 was irritated."

15 MR. ALAGOOD: And I don't mean to, you know,
16 denigrate your concerns. I would respectfully submit
17 that the bottom line question for you folks is the
18 factor that's set out in the statute that grants you
19 the authority to give somebody a waiver from a
20 disqualifying offense, and that is do you feel like
21 this man is a risk to the safety of students or other
22 school personnel. And his HR director for the past
23 three years has told him, "No, we don't think so."
24 And if he were to walk out of here this afternoon
25 with the ability to continue to teach, he'll be back

1 at work in the morning under the contract that he has
2 with the Pulaski County Special School District.

3 MS. ZOOK: I have some questions.

4 CHAIRPERSON NEWTON: Do you have a question?

5 MS. ZOOK: Uh-huh. Have you kept all the
6 conditions of your probation?

7 MR. FAIRLEY: Yes, ma'am. At this time, if I
8 could just update you, because I was notified on
9 August 17th from the school district, from the
10 Department, I returned and I have completed all the
11 community service. I would also like to -- I'd also
12 like to note that the 120 days home detention, it was
13 on the record down in Clark County. And there are
14 other inaccuracies with several of the documents that
15 my defense attorney took up also, because the
16 affidavit has names mixed up. But I'm certainly
17 going to answer your question, but -- so the two
18 hundred dollars, community service -- yes, ma'am --
19 I've completed those. The 120-day home detention was
20 removed from the record. I was not responsible for
21 doing such because at the time of -- after that --
22 they told me what was going on in the proceedings and
23 everything; I voluntarily went ahead and submitted
24 myself to electronic monitoring just to make sure
25 that there were no issues or -- because there are

1 more issues going on than what was actually told and
2 I didn't make contact with Ms. Davis. The defense
3 attorney told me, "Oh, by the way, she came in and
4 she gave a statement." Because I know, God knows,
5 and they know what happened. But at the same time,
6 they gave me credit. I did not have to do home
7 detention; I did not have to do that. And I'm also
8 -- they also agreed to lessen the time of probation
9 as long as -- and I have been doing that without
10 fail. So I'm in complete compliance with everything
11 that they have asked me to do. Because, again, I
12 have not been convicted and I did not do what it
13 appears that has been done.

14 MS. ZOOK: Have you completed your counseling?

15 MR. FAIRLEY: Yes, ma'am.

16 MS. ZOOK: And have you paid all your fines and
17 costs?

18 MR. FAIRLEY: Yes, ma'am.

19 MS. ZOOK: Okay. And I think the big thing --
20 you know, I taught school; I could go out on the
21 playground, something has already happened, and I
22 don't know who had it and nobody is guilty but, you
23 know, kids are laying there bloody. The pattern is
24 what bothers me. You have a pattern in El Dorado
25 where you were given a warning, and then we have this

1 pattern. And I have no doubt that it's possible that
2 -- no offense to Mr. -- the attorney may have advised
3 you to do something just to, you know, get it cleared
4 up and go on. I don't doubt that. But there is a
5 pattern and patterns bother me when it comes to
6 educators and children.

7 MR. FAIRLEY: Yes, ma'am.

8 MR. ALAGOOD: And also an additional response to
9 your question, I want to point out that under Act 346
10 you get two-for-one credit for every day of
11 satisfactory completion of your terms of suspended
12 imposition of sentence, such that really what you
13 would be looking at would be a three-year probation,
14 at which point he could furnish documentation that
15 everything had been satisfactorily taken care of
16 there. But he would, you know, ostensibly be under a
17 degree of staff supervision by virtue of being under
18 probation during that period of time.

19 CHAIRPERSON NEWTON: Dr. Barth, do you have a
20 question?

21 DR. BARTH: Yeah. And it actually is exactly
22 what's on the timeline here. So you're saying under
23 Act 346 then it would be three years; the 72 months
24 would turn into 36 months?

25 MR. FAIRLEY: Yes.

1 DR. BARTH: And then the starting date on that
2 was this 11th of August?

3 MR. FAIRLEY: Yes, sir.

4 DR. BARTH: Is that the date the clock starts
5 sort of ticking?

6 MR. ALAGOOD: (Nodding head up and down.)

7 DR. BARTH: Now what about the suspended
8 sentence? Is that stacked on top of the three years
9 or is that --

10 MR. FAIRLEY: No, sir. That's -- as they
11 explained it to me, that would have been -- as
12 opposed -- like they said a misdemeanor in the state
13 of Arkansas, if you're convicted you could face up to
14 a year in ADC. But in this case, the prosecutor did
15 not seek even time in the Arkansas Department of
16 Corrections. It would have been not a year, which
17 with the misdemeanor would have carried -- it
18 would've carried four months in the county jail,
19 which was what they said it would have been in the
20 event that I did not fulfill.

21 DR. BARTH: Okay. All right. So 72 months --
22 or 36 months is what we're looking at here. So that
23 would be -- okay. Thanks.

24 CHAIRPERSON NEWTON: Okay. Any further
25 questions? If not, we're ready for a motion.

1 MS. LIWO: May I make --

2 CHAIRPERSON NEWTON: Oh, I'm sorry. Ms. Liwo.

3 MS. LIWO: -- a few last -- a few more comments
4 before you make a motion. I'm sorry. First, Mr.
5 Alagood mentioned that on the ADE's public site you'd
6 be able to see that Mr. Fairley was on probation or
7 suspension, or whatever the State Board decides.

8 While that's true and the public would have access to
9 the State Board's order concerning this hearing, they
10 wouldn't have information about the underlying facts.

11 For example, the probable cause affidavit provided by
12 the police officers, they wouldn't have that

13 information. The other thing is Mr. Fairley, from
14 listening to him, sounded like he was telling y'all

15 that he wasn't aware that he was entering a guilty
16 plea or any kind of plea. But I'm looking at the

17 conditions of probation form entered by the court and
18 on that form -- and Mr. Fairley has initialed on this

19 form -- it states, "Now on this 11th day of August,
20 2015, the defendant, having entered a plea of no

21 contest, or having been found guilty in the above-
22 styled action, and having been placed on probation

23 for 72 months," et cetera, et cetera -- did he

24 initial this form without reading it? Because this

25 form clearly says that he is either pleading no

1 contest or entering a plea of guilty. So you can't
2 have it both ways; you can't stand up here and say
3 that you didn't know but initial all over a document
4 that clearly spells out what you're doing.

5 And then I'm going to jump on Ms. Dean's
6 bandwagon for a minute. Thank you for making a lot
7 of my arguments for me with Ms. Davis' affidavit. I
8 was going to point out all of those statements to you
9 but since Ms. Dean has done an excellent job of doing
10 that already, all I'll say is that affidavit spends a
11 lot of time targeting the police officers and the
12 affidavit of probable cause and it makes no sense
13 because these officers weren't staking out Mr.
14 Fairley; they were responding to a 911 call. They
15 have no reason -- they had no reason, no personal
16 bias against Mr. Fairley. All the information that
17 the officers reported was information that Ms. Davis
18 provided to them on that evening. Ms. Davis'
19 affidavit does give me concern or does raise issues
20 of concern. It does read like somebody who is trying
21 to protect her significant other. And from the
22 information that you were provided, it does indicate
23 that Ms. Davis and Mr. Fairley had some kind of
24 involvement with one another.

25 And then, finally, I would say that Mr. Alagood

1 hinted or stated something to the effect that there's
2 nothing to indicate that Mr. Fairley is or would be a
3 threat to students. I think that these facts clearly
4 show that there's a potential that he would perhaps
5 one day find himself acting in this manner towards a
6 student. And, again, we already know that he has a
7 prior history of acting inappropriately with
8 students.

9 Suspend his license for the duration of his
10 criminal probation, three years or 72 months. During
11 that time period we'll know whether Mr. Fairley has
12 turned things around or he may not comply with his
13 probation requirements and we would have protected
14 Arkansas students.

15 CHAIRPERSON NEWTON: Okay. Dr. Barth.

16 DR. BARTH: Ms. Liwo, on his license renewal
17 what is his date of -- his next renewal and how would
18 that correlate with suspension?

19 MS. LIWO: I have to look first. I'm sorry.

20 DR. BARTH: I'm sorry. I didn't take a note on
21 that. I'm just trying to get all the timelines in
22 sync.

23 MR. ALAGOOD: Mr. Fairley says that his license
24 would be up for renewal in December of 2016.

25 DR. BARTH: Okay. So if there was a suspension

1 would he be able to renew a license, albeit in a
2 suspended state, during that period?

3 MS. LIWO: I believe he could renew it but the
4 suspension would still apply to --

5 DR. BARTH: I understand that. But he would be
6 able -- would not -- the suspension that was during
7 that period would not stop him from renewal.
8 Correct?

9 MS. LIWO: No, that's -- no, it would not.

10 DR. BARTH: Okay. Thanks.

11 MS. REINHART: That's not correct.

12 MS. LIWO: No?

13 MS. REINHART: Not correct.

14 CHAIRPERSON NEWTON: Ms. Reinhart.

15 MS. REINHART: I'm sorry. Cheryl Reinhart for
16 the Department of Education. No, he would not be
17 able to renew his license during that time once on
18 suspension. But at the end of the suspension he
19 would -- I mean, he can still work towards renewal
20 eventually by completing the professional development
21 that he needs, et cetera during that period of
22 suspension.

23 DR. BARTH: Would he need to come back to the
24 Board or to the PLSB for approval to --

25 MS. REINHART: No.

1 DR. BARTH: -- renew?

2 MS. REINHART: No. Once the suspension ends,
3 then he would be cleared to -- we just review the
4 file and double-check that everything has been done.

5 DR. BARTH: Okay.

6 MS. REINHART: And then he can renew.

7 DR. BARTH: Okay. Thank you.

8 CHAIRPERSON NEWTON: Any further questions? If
9 not, we're ready for a motion.

10 DR. BARTH: I will move, although I'm willing to
11 compromise here -- I will move for a two-year
12 suspension, followed by a one-year probation, with
13 all conditions met related to ongoing professional
14 development during that period. And is that -- and
15 no additional disqualifying offenses during that
16 period as well.

17 CHAIRPERSON NEWTON: Okay. The motion is by Dr.
18 Barth. Did you -- Ms. Coffman, did you get the
19 conditions?

20 MS. COFFMAN: (Nodding head up and down.)

21 CHAIRPERSON NEWTON: Okay. Is there a second?

22 MS. CHAMBERS: Can I ask a question? Is that
23 after you second?

24 CHAIRPERSON NEWTON: I think it's after you
25 second.

1 MS. CHAMBERS: I'll second it.

2 CHAIRPERSON NEWTON: Okay. Second by Ms.
3 Chambers. Any questions?

4 MS. CHAMBERS: And I'm just curious what
5 informed the timeframe that you came up with, as
6 opposed to what it would've been otherwise?

7 DR. BARTH: Well, I mean, I do want to -- I'm
8 trying to balance things, I mean, in terms of our
9 responsibility to protect young people but then also
10 our hope that folks can begin to get their lives back
11 in order. And this felt like a balance so that he
12 could -- for the school year two years from now he
13 could begin to move back into the classroom. But
14 then, there would still be additional oversight
15 during that first year back in the classroom, simply
16 to see if things were proceeding at pace, that he was
17 still interacting with students appropriately. Does
18 that answer your question?

19 MS. CHAMBERS: It does. I just -- I have a
20 perspective of the pattern of behavior. And
21 regardless of by degree what's been asserted here and
22 what actually happened here, it does reflect poor
23 judgment and a pattern of poor judgment. And when it
24 comes to the safety of our kids I don't think we can
25 have questions about that. So my only concern is

1 does that timeframe make a difference.

2 DR. BARTH: And my response would be that I
3 think if that pattern is real that it will very, very
4 likely come to light within the two-year period,
5 before he is back interacting with young people. I
6 mean, these things are always guesses.

7 MS. CHAMBERS: I know.

8 CHAIRPERSON NEWTON: Before your question, Ms.
9 Dean, the difference is, as I understand it from Ms.
10 Liwo, is that this is just one year short of what
11 they're recommending. Is that correct?

12 DR. BARTH: It is. I mean, but I guess I just
13 wanted to -- you know -- I think two years would --

14 CHAIRPERSON NEWTON: I'm thinking -- I was
15 speaking to Ms. Chambers more. I think I understood
16 your motion.

17 DR. BARTH: Right.

18 CHAIRPERSON NEWTON: And that was just --

19 MS. CHAMBERS: Yes. That is my understanding.

20 CHAIRPERSON NEWTON: Okay.

21 MS. CHAMBERS: Thank you.

22 CHAIRPERSON NEWTON: Ms. Dean.

23 MS. DEAN: That was my question. Because Ms.
24 Liwo, if I'm not mistaken, suggested three years.

25 CHAIRPERSON NEWTON: That's correct.

1 MS. DEAN: And you're suggesting two.

2 DR. BARTH: Two plus one.

3 MS. DEAN: Two plus one year probation, which
4 means he would be back in the classroom in two years.
5 Is that what you're saying?

6 DR. BARTH: Correct.

7 MS. DEAN: Okay.

8 CHAIRPERSON NEWTON: So any further questions?

9 DR. BARTH: If he -- if there were no other
10 offenses during that period -- and I think that's a
11 very, very, very important piece, to respond to Ms.
12 Chambers, I think, you know, there's a good period of
13 time for bad behavior to show itself if it's really,
14 truly an ongoing pattern.

15 CHAIRPERSON NEWTON: Okay. Then we're ready for
16 the vote. All in favor of Dr. Barth's motion say
17 "aye."

18 DR. BARTH: Aye.

19 MS. CHAMBERS: Aye.

20 MS. ZOOK: Aye.

21 CHAIRPERSON NEWTON: So one, two -- all opposed?

22 MS. DEAN: Nay.

23 MR. WILLIAMSON: Nay.

24 CHAIRPERSON NEWTON: Two nay's. An abstention?

25 MS. ZOOK: No. I voted.

1 CHAIRPERSON NEWTON: Which way did you vote?

2 MS. ZOOK: I voted with Dr. Barth.

3 CHAIRPERSON NEWTON: Okay. So, I'm sorry. So
4 it's three-to-two. Motion -- Dr. Barth's motion
5 passes. Ms. Zook voted yes, Dr. Barth voted yes, and
6 Ms. Chambers voted yes.

7 A-9: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -
8 MELANIE J. WILLIAMS

9 CHAIRPERSON NEWTON: The next item on the agenda
10 is A-10 and that item is being pulled by request of
11 the individual -- I'm sorry; A-9. A-9 is being
12 pulled. That's Melanie Williams.

13 A-10: ADOPTION OF STATE BOARD OF EDUCATION MEETING DATES FOR
14 CALENDAR YEAR 2016

15 CHAIRPERSON NEWTON: We're down to A-10,
16 Adoption of State Board of Education Meeting Dates
17 for Calendar Year 2016. And I think we all have had
18 a chance to review those dates.

19 MS. ZOOK: I move --

20 MS. CLAY: I don't need to say anything. I was
21 just prepared to answer any questions that you had.
22 One thing to keep in mind, you probably -- whatever
23 you approve today you're going to see again at your
24 December meeting because the law requires that you
25 adopt those dates in December. But for planning

1 purposes we're asking you to look at those now.

2 CHAIRPERSON NEWTON: Okay.

3 MS. ZOOK: I move that we accept the proposed
4 calendar.

5 CHAIRPERSON NEWTON: Is there a second? Moved
6 by Ms. Zook to accept the calendar. Second?

7 MS. DEAN: Second.

8 CHAIRPERSON NEWTON: By Ms. Dean. All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRPERSON NEWTON: Any opposed? Okay. Motion
11 passes.

12 A-11: CONSIDERATION OF HIGH SCHOOL PARTNERSHIP FOR ASSESSMENT
13 OF READINESS FOR COLLEGE AND CAREERS (PARCC) CUT SCORES

14 CHAIRPERSON NEWTON: We're down to A-11,
15 Consideration of High School Partnership for
16 Assessment of Readiness for College and Careers Cut
17 Scores. Hope Allen.

18 MS. ALLEN: Good afternoon. Hope Allen,
19 Department of Education Student Assessment Unit. You
20 have been provided with some materials and there is a
21 PowerPoint that we're going to show you to walk you
22 through the standards setting process that took place
23 for the PARCC assessment over the past few months.
24 Arkansas did have representation at these standards
25 setting meetings for the -- today, we're going to

1 bring to you the high school scores, where we'll have
2 the 3 through 8 scores next month to bring before the
3 Board. So at the high school meeting, which is what
4 we're going to talk about today, we did have
5 representation from two Arkansas teachers, one from
6 Little Rock and one from northern Arkansas. I forget
7 the district; it's leaving me at the moment -- kind
8 of north central Arkansas. In the standards setting
9 process participants are put in an environment where
10 they are in a group of other people by grade level
11 from across the PARCC states. There was
12 representation from every state in the consortium
13 that participated last year. And those participants
14 are asked to sit and walk through the grade level
15 assessment that they will be setting standards for,
16 and then they are asked to make judgments about what
17 a borderline student at each level would score,
18 depending on -- based on their knowledge of what
19 students at that grade level should know.

20 So what you see currently on the screen are the
21 cut scores that were put forward for the high school
22 assessments. The upper boundary, the reason it says
23 "around 803" is because that is -- that varies
24 depending on the grade level that we're talking
25 about. So for Arkansas, we did participate in the

1 9th and 10th grade ELA, as well as the Algebra II --
2 Algebra I, geometry, Algebra II, and 11th grade
3 literacy were also given but they were optional; they
4 were not required. So those cut scores on the top
5 end will vary by grade level.

6 So in the performance setting process, again,
7 like I said, the participants were given the
8 assessment and then they were asked to make judgments
9 about what would a borderline student be able to do
10 on this particular assessment. And they looked at
11 each question and determined a borderline level
12 three-student, would they be able to answer this
13 question and how many points would they receive on
14 that question. So they knew what the question was,
15 they knew how many points that question received, and
16 then they were asked to make a judgment about how
17 many points a borderline student would receive should
18 they get this question correct. This is called the
19 "Judgmental Process;" it is a statistically sound
20 process that -- the cycle matricians at Pearson
21 oversaw the entire standards setting for the PARCC
22 consortium.

23 Multiple rounds of judgments did happen, so
24 there were three rounds. Between rounds two and
25 three the participants were shown the impact data so

1 they could see where their judgments -- how that was
2 affecting the outcome of the scores and the number --
3 the percentages of students that fell out of each
4 level. Then they made recommendations. Then there
5 was a final round where all the different rooms came
6 together and did some reconciliation, and those
7 recommendations were put forward to the governing
8 board. And the governing board -- PARCC governing
9 board then made a few adjustments and adopted those
10 cut scores for the consortium at those levels.

11 I'm going to skip through this part. I've
12 talked about that.

13 So, again, the governing board did make those
14 final approvals for the PARCC states. And then we
15 are asking today, based on Arkansas impact data, for
16 the Board's direction on approving those scores for
17 Arkansas, to be used in Arkansas as well.

18 So what you see on this screen, I've given you
19 what was just passed out. Across the board there was
20 the Arkansas scores as they fell out. So I don't
21 have individual district scores at the moment; those
22 will be coming soon. But what we do have are the
23 percentages at each level for Arkansas schools. So
24 what I've given you on the screen, you'll see at
25 level three and above and at level four and above --

1 within your packet you do have every level, the
2 percentages of how students fell out at every level
3 on these particular assessments, remembering that the
4 required assessments for the Algebra I, geometry
5 grade 9 ELA and grade 10 ELA, for your Algebra II in
6 grade 11 we saw small participation because those
7 assessments were optional for schools to administer.

8 So you can see that our students scored around
9 60% for all assessments, which the Department is very
10 pleased with. That tells us that those are the
11 levels of students that are on track to be college
12 and career ready. If you look at level four and
13 above, that is a smaller percentage but still our
14 students show great progress towards college and
15 career readiness based on this assessment.

16 So I would ask the desire of the Board to -- I'm
17 asking you to approve the cut scores, knowing that
18 where the cut scores sit today, Arkansas students
19 will fall out in these percentages and that will be
20 used in the calculations that need to go forward this
21 year.

22 CHAIRPERSON NEWTON: Any questions? Dr. Barth.

23 DR. BARTH: I don't have any problem with the
24 cut score issue, but -- so obviously, in previous
25 assessments we had four levels of segmented students.

1 Here we're moving to five.

2 MS. ALLEN: Uh-huh.

3 DR. BARTH: We've still got -- we've got the
4 translation issue that we've got still -- I guess
5 still to come; right?

6 MS. ALLEN: Uh-huh.

7 DR. BARTH: Is moving from four categories to
8 five categories, does that create additional
9 challenges with translation or not?

10 MS. ALLEN: I think it does create some
11 challenges just in helping our schools understand the
12 difference in going from four levels to five levels
13 and how to interpret that data. My unit is currently
14 working on some professional development for our
15 schools and for our parents on how we can interpret
16 those five levels, compared to what we had -- our
17 previous knowledge of what assessment levels would
18 be. So, yes.

19 DR. BARTH: And do we have a sense of -- on ACT
20 Aspire and ACT how many levels we will have there?

21 MS. ALLEN: Yes, sir. We have four levels with
22 ACT Aspire, and we will be using the levels from ACT
23 Aspire.

24 DR. BARTH: Okay.

25 MS. ALLEN: They don't have the same naming

1 conventions, but four categories.

2 DR. BARTH: Sure. Sure. And where are we in
3 that -- in turning that translation process into
4 alterations of any rules that we have related to --
5 both -- I guess for academic distress for school
6 grades, et cetera, where are we on all that?

7 MS. ALLEN: I can speak to the ACTAAP laws. We
8 are currently in the process of revising those laws,
9 knowing that this change in assessment has occurred.
10 Kendra, would you like to speak to any other laws --
11 rules. Excuse me, I'm sorry; not laws, rules. We're
12 revising the ACTAAP rules. Excuse me.

13 DR. BARTH: If we had that power, things would
14 be easy.

15 MS. ALLEN: Yes.

16 DR. JONES: Dr. Barth, if I understand you
17 correctly, are you asking more about setting for A
18 through F and folks setting levels there?

19 DR. BARTH: Yeah. All of those -- all those
20 rules that have references to ACTAAP in them --

21 DR. JONES: We are --

22 DR. BARTH: -- that we're now going to need to
23 shift to obviously new language at a minimum and
24 maybe something more.

25 DR. JONES: Okay. You're asking about the

1 rules. We are in revision -- in the revision process
2 for cleaning all that up.

3 DR. BARTH: Okay. All right. And will that --
4 I mean, when are we going to -- so we'll have to do a
5 lot of those on an emergency basis and go ahead and
6 start moving towards identification, Ms. Clay?

7 MS. CLAY: Yes. A lot of those will have to be
8 done on an emergency basis. And we're looking at
9 deadlines that are required by law, especially, for
10 instance, the A through F, and backing up how long
11 it's going to take us to get an emergency rule in
12 place, because the process has lengthened a little
13 bit. But that is also something that you'll be
14 seeing in the next several months.

15 DR. BARTH: And as y'all are looking at those,
16 are you thinking in terms of a one-year fix that
17 we're going to then come back -- and have to come
18 next year and fix again with new tests? Or are we
19 thinking about going ahead and making some shift in
20 rules that would be more permanent in terms of
21 creating language that's a little more adaptable?

22 DR. JONES: We have. Even the most recent
23 revisions we made this past legislative session, in
24 dealing with assessments they were more general
25 rather than specific naming and so we can adapt to

1 the changes necessary. So the answer is we're trying
2 to be smart about rules so that we can change as we
3 need to and not have to change rules, especially due
4 to the fact that it takes so long to get rules
5 corrected now.

6 DR. BARTH: Great.

7 DR. JONES: So, yes, we are doing that.

8 DR. BARTH: Wonderful. Thank you.

9 MS. CHAMBERS: May I ask one question? So soon,
10 maybe in the next meeting, we'll have a timeline that
11 will maybe help us understand where these things fall
12 as it relates to the transition? And maybe the rules
13 aren't finalized but we'll know when the rules would
14 be finalized? That's kind of one question. And the
15 second is: when we talk -- when we say "rules," is
16 that inclusive of alignment or mapping one
17 methodology to another? Is that what's included in
18 the term "rules?"

19 DR. JONES: Really, the concordance, the mapping
20 from one language of a test to another is not part of
21 the rules per se. I can provide a general timeline
22 on rules, but even -- we can know when we will take
23 them over for approval; we can't always determine the
24 final approval date. But we can look at a timeline
25 for that. We are looking at the concordance table in

1 tact -- and actually ACT is doing some of that work
2 for us, if the contract is approved. And so we do --
3 we will have some timelines for that, so I can
4 provide that in there as well.

5 MS. CHAMBERS: Okay. Thank you.

6 DR. JONES: Anything else that you think of
7 specifically that you would like within timelines,
8 because you have some specific questions, please let
9 me know and we will provide that information.

10 CHAIRPERSON NEWTON: Dr. Barth.

11 DR. BARTH: On that -- on this, as you guys are
12 -- and this may be for Kendra. You know, in terms of
13 some of the proposals from FORWARD, in terms of pre-
14 academic distress, some of that language, you know, I
15 think when you think about that, you know, it may be
16 -- maybe -- it may make sense for us to think is
17 there other ways that we can go ahead and alter those
18 rules in a way that will begin to move us towards,
19 you know, thinking in those terms, since we have kind
20 of adopted, you know, the general outlines of the
21 strategic plan. Does this make sense to you?

22 DR. JONES: I understand exactly what you're
23 requesting.

24 DR. BARTH: Okay. I mean, it would be great if
25 we could go ahead and start moving that direction so

1 that we give schools, you know, a lot of sense of
2 kind of where this is going to be heading in the next
3 couple of years.

4 MS. ALLEN: Yes, sir.

5 CHAIRPERSON NEWTON: Okay. Any further
6 questions? Then the request of the Department staff
7 is that we approve the cut scores. Is there a
8 motion?

9 MS. DEAN: I move to approve.

10 CHAIRPERSON NEWTON: Move to approve by Ms.
11 Dean. Is there a second?

12 MS. CHAMBERS: Second.

13 CHAIRPERSON NEWTON: Second by Ms. Chambers.
14 All in favor?

15 (UNANIMOUS CHORUS OF AYES)

16 CHAIRPERSON NEWTON: Any opposed? Okay. Thank
17 you.

18 MS. ALLEN: Thank you.

19 A-12: CONSIDERATION TO APPROVE CUT SCORES FOR THE NATIONAL
20 CENTER AND STATE COLLABORATIVE (NCSC) ASSESSMENT

21 CHAIRPERSON NEWTON: A-12. We'll take A-12 and
22 then we'll take a break.

23 MS. ALLEN: So A-12 is similar to A-11, but it's
24 asking for approval of the cut scores for the
25 National Center for States Collaborative Assessment,

1 which is the alternate assessment that our students
2 with significant cognitive disabilities participated
3 in last year. I believe you have received these
4 documents as well. And so what I provided to you in
5 last month's agenda, you got the information about
6 the standards setting process. The Arkansas
7 participants that were sent forward to participate in
8 that, we did have six teachers from across the state
9 go and participate in that standards setting, very
10 well -- a good representation for Arkansas. A
11 similar process was used with the NCSC; again, a
12 statistically sound -- they used the bookmarking
13 method rather than the modified Angoff, which are
14 both statistically sound methods of setting standards
15 for assessments. So you can see the impact data for
16 Arkansas of where our students fell out in the cut
17 scores that were established. Again, this assessment
18 has four levels, just like our previous alternate
19 portfolio had, so it's a very close alignment as far
20 as that goes, as far as educating our teachers on
21 what the different levels mean and how to use the
22 data and the information in their instruction.

23 You've also been provided the general levels of
24 cuts for each level -- excuse me -- the cut ranges
25 for each level that were set forward by the NCSC

1 states. And so I'd just ask for any questions that
2 you have on this before we move for approval.

3 CHAIRPERSON NEWTON: Questions? Dr. Barth.

4 DR. BARTH: So what -- why did the did-not-test
5 numbers go up so high in 11th grade?

6 MS. ALLEN: Okay. The reason that --

7 DR. BARTH: For math. For math.

8 MS. ALLEN: Yeah, of course.

9 DR. BARTH: Yeah.

10 MS. ALLEN: The reason for that is there are
11 some students in the 11th grade that did participate
12 in an alternate portfolio two years prior. And so
13 that alternate portfolio was found -- was their
14 assessment for the high school; they did that in 9th
15 grade. And so then if they're a current 11th grader
16 they wouldn't have to re-test.

17 DR. BARTH: And so only -- that was only for
18 math?

19 MS. ALLEN: Yes, sir.

20 DR. BARTH: Okay.

21 CHAIRPERSON NEWTON: Any other questions? Ms.
22 Zook.

23 MS. ZOOK: I don't know what the National Center
24 and State Collaborative -- I don't even know what
25 this is.

1 MS. ALLEN: Okay.

2 MS. ZOOK: You'll have to give me some --

3 MS. ALLEN: Right. The National Center for
4 State's Collaborative is a consortium that Arkansas
5 participated in last year, that together with other
6 states we designed the alternate assessment for ELA
7 in mathematics for students with significant
8 cognitive disabilities. So if you think about your
9 one to two percent of students that fall in that
10 category, this is the assessment that they took
11 rather than participating in the PARCC assessment,
12 because it's cognitively appropriate for them to
13 participate in this assessment. So previous, we had
14 a portfolio for ELA math and science. This
15 assessment replaced the portfolio for ELA in
16 mathematics.

17 CHAIRPERSON NEWTON: Did that answer your
18 question, Ms. Zook?

19 MS. ZOOK: It answered it. Yes.

20 CHAIRPERSON NEWTON: Okay.

21 DR. BARTH: And this did -- the NCSC continues
22 on a new ESEA waiver as well. Right?

23 MS. ALLEN: Yes, it does.

24 DR. BARTH: Okay. Thanks.

25 CHAIRPERSON NEWTON: Any other questions?

1 DR. BARTH: And final -- I'm sorry.

2 CHAIRPERSON NEWTON: No problem.

3 DR. BARTH: And even with the change to ACT/ACT
4 Aspire, this still makes sense as an analogous
5 testing strategy for cognitively --

6 MS. ALLEN: Yes, it does.

7 DR. BARTH: -- challenged kids?

8 MS. ALLEN: Yes. Because this test is more
9 appropriate for our cognitively disabled students
10 than would the Aspire assessment be, we would like to
11 stick with this assessment for those students.

12 DR. BARTH: Okay. Thank you.

13 CHAIRPERSON NEWTON: Okay. The Department staff
14 has asked for approval for A-12, Consideration to
15 Approve Cut Scores for the National Center and State
16 Collaborative Assessment. So what's the pleasure of
17 the Board?

18 DR. BARTH: Move approval.

19 CHAIRPERSON NEWTON: Okay. Moved by Dr. Barth.
20 Second?

21 MS. DEAN: Second.

22 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
23 favor?

24 DR. BARTH: Aye.

25 MS. DEAN: Aye.

1 MS. CHAMBERS: Aye.

2 MR. WILLIAMSON: Aye.

3 CHAIRPERSON NEWTON: Any opposed?

4 MS. ZOOK: Yes. But only because I haven't had
5 time to study it and I don't understand it well
6 enough to vote on it.

7 CHAIRPERSON NEWTON: That's a no vote by Ms.
8 Zook.

9 We'll take a 10-minute break and come back at
10 2:05.

11 (BREAK: 1:57 PM - 2:11 PM)

12 A-13: CONSIDERATION OF PRAXIS TEST FOR NEW AGE 3-4 SPECIAL
13 EDUCATIONAL LICENSURE PASSING SCORE

14 CHAIRPERSON NEWTON: We're going to reconvene
15 and consider Action Item A-13, Consideration of
16 Praxis Test for New Age 3-4 Special Educational
17 Licensure Passing Score.

18 MR. ROWLAND: Good afternoon. I'm Michael
19 Rowland with the -- representing the Department of
20 Education. The Department has a new educator license
21 area in age 3-4 special education. This is an add-on
22 to an existing special education license. The
23 Department recommends using the Praxis
24 Interdisciplinary Early Childhood Education 5023 as
25 the add-on licensure test. The 5023 is currently one

1 of two tests required for the license in early
2 childhood special education integrated for birth
3 through kindergarten. In February of 2014,
4 Educational Testing Service facilitated a state
5 review of this test, the 5023. And in July of 2014,
6 the State Board adopted the 5023 with a cut score of
7 160 for the birth to kindergarten license. We are
8 recommending -- the Department is recommending using
9 this same test, the Praxis Interdisciplinary Early
10 Childhood Education 5023, with the same cut score of
11 160 for this new age 3-4 special education add-on
12 license, effective immediately.

13 CHAIRPERSON NEWTON: Okay. You heard Mr.
14 Rowland's presentation. Any questions? Okay. He's
15 asking -- oh, go ahead.

16 MS. ZOOK: I didn't have an attachment with
17 mine. Was I supposed to?

18 MR. ROWLAND: I'm not sure. I believe we --
19 none of you got an attachment? Okay. Well, I can
20 provide that.

21 MS. ZOOK: Yeah. It would be helpful to have --
22 to look at something before we voted on it.

23 CHAIRPERSON NEWTON: Do you want to just stop at
24 this point and go to the next item? You want to come
25 back --

1 MR. ROWLAND: Absolutely.

2 CHAIRPERSON NEWTON: -- and present? Okay. So
3 we'll do that.

4 A-14: CONSIDERATION FOR FINAL APPROVAL: ARKANSAS DEPARTMENT OF
5 EDUCATION RULES GOVERNING CONSOLIDATION AND ANNEXATION OF
6 SCHOOL DISTRICTS

7 CHAIRPERSON NEWTON: We'll just move, if Ms.
8 Davis is ready, on to A-14, Consideration for Final
9 Approval: Arkansas Department of Education Rules
10 Governing Consolidation and Annexation of School
11 Districts.

12 MS. DAVIS: I'll try to make these not so
13 difficult. Okay. So these rules governing the
14 consolidation and annexation of school districts, you
15 guys had released them for public comment. We did
16 receive a few public comments, but there was no
17 changes that were substantive and they have been
18 approved by the Governor's office. So if you have
19 any questions, I'll be glad to answer them.
20 Otherwise, I do appreciate it if you would give final
21 approval for these.

22 CHAIRPERSON NEWTON: Are there any questions?

23 MS. ZOOK: Yes.

24 CHAIRPERSON NEWTON: Ms. Zook.

25 MS. ZOOK: Is this part of legislation? Was it

1 something -- 8.00, is this added by ADE or part of
2 legislation or why is it necessary now?

3 MS. DAVIS: The 8.00 is -- was already in these
4 rules, so -- and I believe that those were -- yes,
5 that's actually Code 6-13-1408 and they were already
6 in the existing rules.

7 MS. ZOOK: Okay. And wait just a second; there
8 was one more. This is really long, so it'll take me
9 a second to get there. Okay. 29.04-4 says, "It is
10 in the best interest of the students and the school
11 district to keep the school district open due to the
12 length of potential time spent on the bus by students
13 traveling to and from school." Is this something
14 that was added in? Is it new? Is it necessary?

15 MS. DAVIS: It's actually in the statute, that
16 change, Act 377 that modified these rules, that added
17 that procedure for the waiver for districts under
18 350, and that came directly from the statute. We did
19 not add anything of our own into these rules.

20 MS. ZOOK: Okay. So if we're going to be
21 thinking in 21st century terms about wraparound and
22 PE and art and music and all of those things, but
23 this looks more like -- in the new ForwARd plan, this
24 looks more like something from used-to instead of in
25 the future.

1 MS. DAVIS: Uh-huh.

2 MS. ZOOK: But there's nothing you can do about
3 it; right?

4 MS. DAVIS: No. It came directly from the act,
5 so --

6 MS. ZOOK: Okay.

7 MS. DAVIS: Unfortunately.

8 MS. ZOOK: Thank you.

9 CHAIRPERSON NEWTON: Okay. Any further
10 questions? Okay. Then Ms. Davis, through her
11 position at the Department, is asking for approval of
12 A-14. What is the pleasure of the Board?

13 MS. CHAMBERS: I move to approve.

14 CHAIRPERSON NEWTON: Move to approve by Ms.
15 Chambers. Is there a second?

16 MS. DEAN: Second.

17 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
18 favor?

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRPERSON NEWTON: Any opposed? Motion
21 passes.

22 A-15: CONSIDERATION FOR FINAL APPROVAL: ARKANSAS DEPARTMENT OF
23 EDUCATION RULES GOVERNING PROFESSIONAL DEVELOPMENT

24 CHAIRPERSON NEWTON: Then, Ms. Davis, you're up
25 again.

1 MS. DAVIS: These are the rules for professional
2 development that you had approved for public comment
3 back in August. We did not receive any public
4 comments on these and we do respect -- we ask that
5 you go ahead and approve these for final approval.
6 There was some cleanup. There was one statute that
7 had made a change and what it is, it's the number of
8 hours that was required. And instead of having to go
9 back and change the rules every time the statute
10 changes, we just said like half the hours required or
11 the number of hours required by statute so we didn't
12 have to constantly change that.

13 CHAIRPERSON NEWTON: Okay. So Ms. Davis is
14 asking for approval of Arkansas Department of
15 Education Rules Governing Professional Development.
16 What's the pleasure of the Board?

17 DR. BARTH: Move final approval.

18 CHAIRPERSON NEWTON: Moved by Dr. Barth.

19 MR. WILLIAMSON: Second.

20 CHAIRPERSON NEWTON: Second by Mr. Williamson.

21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRPERSON NEWTON: Any opposed? Okay.

24 A-16: CONSIDERATION FOR FINAL APPROVAL: ARKANSAS DEPARTMENT OF
25 EDUCATION RULES GOVERNING REQUIRED TRAINING FOR SCHOOL BOARD

1 MEMBERS

2 CHAIRPERSON NEWTON: Then we're down to A-15 --
3 I'm sorry; A-16.

4 MS. DAVIS: All right. These rules are the
5 rules governing the training for board members. You
6 approved them in July for public comment. We did not
7 receive any public comments on these. They were
8 changed as a result of Act 568. And if you don't
9 have any questions -- or if you do, I'll be glad to
10 answer them; but otherwise, we do ask that you
11 approve these for final approval.

12 CHAIRPERSON NEWTON: Okay. Any questions? Is
13 there a motion?

14 MS. DEAN: Move for final approval.

15 CHAIRPERSON NEWTON: Moved for final approval of
16 Arkansas Department of Education Rules Governing
17 Required Training for School Board Members. Is there
18 a second?

19 MS. CHAMBERS: Second.

20 CHAIRPERSON NEWTON: Second by Ms. Chambers.
21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRPERSON NEWTON: Any opposed? Okay.

24 MS. DAVIS: Thank you.

25 A-17: CONSIDERATION FOR FINAL APPROVAL: ARKANSAS DEPARTMENT OF

1 EDUCATION RULES GOVERNING REQUIRED TRAINING FOR SCHOOL BOARD
2 MEMBERS

3 CHAIRPERSON NEWTON: Moving on to A-17, I think
4 that's Mr. Biggs, Cory Biggs.

5 MR. BIGGS: Good afternoon. I have the ADE
6 rules on college and career readiness planning
7 programs. These rules were approved by the Board for
8 public comment on August 13th. There was a public
9 comment hearing on September 2nd, and the public
10 comment hearing closed on September 18th. There were
11 no comments received and no changes made to these
12 rules. So we're just asking for final approval as-
13 is.

14 CHAIRPERSON NEWTON: Okay. that item is A-17,
15 Arkansas Department of Education Rules Governing
16 College and Career Readiness Planning Programs, and
17 Mr. Biggs is asking for consideration of final
18 approval. Is there a motion?

19 MR. WILLIAMSON: Move for final approval.

20 CHAIRPERSON NEWTON: Moved by Mr. Williamson.

21 MS. DEAN: Second.

22 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
23 favor?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRPERSON NEWTON: Any opposed? Okay. The

1 motion carries.

2 A-18: CONSIDERATION FOR PUBLIC COMMENT: ARKANSAS DEPARTMENT OF
3 EDUCATION RULES GOVERNING THE SUCCEED SCHOLARSHIP PROGRAM

4 CHAIRPERSON NEWTON: Then we're at A-18. Mr.
5 Biggs.

6 MR. BIGGS: These are rules for which we're
7 seeking approval for public comment. They are new
8 rules that implement the Succeed Scholarship Program,
9 which was established in Act 1178 of 2015. And I'll
10 answer any questions that you have.

11 CHAIRPERSON NEWTON: Ms. Zook.

12 MS. ZOOK: I had a question on 7.04.1. Is that
13 100 per district, 100 statewide, 100 -- what is it?

14 MR. BIGGS: That is 100 statewide. The
15 Department's understanding is that in discussions
16 with the bill's sponsor that that is an agreement
17 that was reached but did not make its way into the
18 text of the statute. And so it was determined that
19 the rules would be an appropriate place to set that
20 100 in for the first year, and the first year only.

21 MS. ZOOK: Can we do that? Can we put in
22 something that they say that should've been there but
23 it wasn't -- but it wasn't voted on by the full House
24 and Senate?

25 MR. BIGGS: Pending approval by the Legislative

1 Council, which is where this will go as part of the
2 rule promulgation process. And we don't anticipate
3 that there will be any issues there because we have
4 the expressed support of the bill's author.

5 MS. ZOOK: Okay. And I'm not sure that the
6 districts know that it's limited to 100 for the
7 state.

8 MR. BIGGS: Well, I can't speak to what
9 districts know and don't know at this point.

10 MS. ZOOK: Right. The reason I say that, I was
11 in -- it was in a conversation with a person who runs
12 a private school for kids who are handicapped and
13 they were talking about the waiting list that they
14 have, first, and then how many they have there now.
15 And they were saying that "we have this many on the
16 waiting list," and so they ought to be able to
17 benefit next year from the voucher program and so it
18 won't be so expensive per parent. And his waiting
19 list far exceeds this hundred number. So I'm not
20 sure -- when will people know and how do y'all keep
21 up with the hundred and how would this -- you've got
22 a bunch of districts and that's not even one child
23 per district.

24 MR. BIGGS: I know that there are a lot of
25 things that schools certainly, as well as parents,

1 have been waiting on, the rule process for this act
2 to play out in order to get answers to those
3 questions. That's certainly one of them. What I can
4 tell you today is from the Department's standpoint
5 the text of the statute required that we prepare a
6 budget, including cost estimates and projections, so
7 that a separate appropriation can be made to
8 establish the program. That would presumably happen
9 in the fiscal session next April. And for us to help
10 the legislature wrap their heads around what sort of
11 appropriation, what size of an appropriation they're
12 looking at, we had to come up with a number. And so
13 this number being supplied by the bill's author is
14 why we settled on that number. And whether it's high
15 or low, how it will play out specifically from one
16 school to the next is just questions that we'll have
17 to deal with once the process gets started.

18 MS. ZOOK: So the amount of money that will
19 follow the child will be more than the, say, sixty-
20 five or sixty-six hundred, the foundation money that
21 goes with them now?

22 MR. BIGGS: That's the cap. The amount that
23 will follow the child will be either the cost of
24 tuition or the foundation funding amount, whichever
25 is less. And so it can't be any higher than the

1 foundation funding amount, and we anticipate that's
2 what it would be in most cases. But there are
3 57,000, approximately, students with IEP's in the
4 state right now and we had to settle on a number for
5 the amount of scholarships that were going to be
6 handed out, at least for this first year. Because
7 trying to peg a number between 1 and 57,000 could
8 have been a really tough process.

9 MS. ZOOK: So will they be like a charter, so
10 whoever is first in -- I mean, how will they come up
11 or decide these -- you're using the word
12 "scholarship" and I'm using the word "voucher." How
13 will that be decided? Or is that outside of what you
14 should be held responsible for answering?

15 MR. BIGGS: Well --

16 MS. ZOOK: I don't want to put you on the spot
17 for it.

18 MR. BIGGS: I know that there's been a lot of
19 discussion, and so I'm kind of -- as I'm listening to
20 your question, I'm digging back in my memory and
21 seeing if there's something I can recall that
22 specifically addresses your question. And I don't
23 know that we finally settled on an answer to that
24 question in particular. I know that that's something
25 that there's been a thought process that's begun.

1 And a lot of these things will just have to play out,
2 outside the scope of law and outside the scope of
3 rules, but in the operations of not just the
4 Department but the schools themselves and their
5 resident districts and a lot of things that we just
6 don't have in place today.

7 MS. ZOOK: And that would be ADE that makes
8 these decisions?

9 MR. BIGGS: I don't think that's been
10 determined.

11 MS. ZOOK: Yeah. Because, you know, I mean,
12 often if parents feel like there's something
13 available to one child that's not available to
14 another they are frustrated. And sometimes
15 frustrated people file lawsuits. So I'm sure y'all
16 have told the legislature all of these things.

17 MR. BIGGS: Yes, ma'am. And I'm sure they will
18 hear it multiple more times.

19 MS. ZOOK: Okay.

20 COMMISSIONER KEY: If I may, Madam Chair, there
21 has been a lot of discussion on this with the bill
22 sponsor and the other organizations with whom he is
23 working that are advocates of this. And it's very
24 likely that we will have to provide more information
25 or we'll have to come back and look at these rules

1 again. The one thing to keep in mind is that this is
2 simply a place-holder. You know, until the funding
3 is approved there is no program. And approval of the
4 funding is going to be subject to legislative action
5 in the fiscal session. And at that time we expect
6 that they may be able to provide additional clarity
7 on issues such as what entity will be dispersing
8 these scholarships; will it be the Department, will
9 it be someone else; to whom will they be dispersing
10 and the timing of all the disbursements. I mean,
11 there are a lot of questions that we couldn't create
12 answers to because we did need guidance. But this --
13 the 100 limitation was clear; that had been part of
14 the conversation all the way back into the session.

15 MS. ZOOK: Does this carry the caveat of the "if
16 a school is in a desegregation lawsuit they can't
17 benefit" or get a scholarship?

18 COMMISSIONER KEY: I'm not aware of anything in
19 the legislation --

20 MS. ZOOK: Okay.

21 COMMISSIONER KEY: -- that even touches that
22 issue.

23 MR. BIGGS: Ms. Zook, to follow-up on
24 Commissioner Key's point, since he so wisely pointed
25 in the right direction of where I should've been

1 looking to answer your question initially -- 7.03,
2 just above where you were looking, does come from the
3 statute and it allows the Department, if it deems
4 necessary, to designate another state agency person,
5 firm or corporation to administer the funds. So, as
6 written, these rules do have an appropriate amount of
7 flexibility to determine those things in the future.

8 MS. ZOOK: Okay.

9 CHAIRPERSON NEWTON: Dr. Barth has a question.

10 DR. BARTH: So on -- you know -- I know in the
11 Arkansas Better Chance program for those private
12 schools that are religious in nature there is
13 language regarding religious instruction and
14 proselytizing. Is there any sense that for
15 constitutional reasons that similar language needs to
16 be included in these rules?

17 MR. BIGGS: That was a question that we had had
18 and did some research on. And the answer actually
19 comes from the United States Supreme Court, who, in
20 2002, in the case of Zelman versus Simmons-Harris,
21 which dealt with a pure voucher program but has
22 applicable reasoning here. They determined that a
23 program of this kind could be constitutional under
24 the First Amendment to the U.S. constitution, if it
25 met the following criteria: first, the program must

1 have a valid secular purpose, which this does;
2 second, the aid must go to the parents and not to the
3 schools so that it passes through the parent and the
4 parent is determining whether to send the funds to a
5 religious school or a non-religious school; the
6 program itself must be neutral with respect to
7 religion, that was another point, and this one is; a
8 broad class of beneficiaries must be covered -- in
9 this case, as I said, there are 57,000 potential
10 scholarship recipients, at least when you classify
11 them by who has an IEP; and there must be adequate
12 non-religious options, and in this case because the
13 IDEA mandates that every public school is an adequate
14 option for students with disabilities then every
15 public school in the state would be an adequate non-
16 religious option.

17 DR. BARTH: So on that, in terms of the
18 application by private schools, at that point is
19 there -- I believe it was -- I think it was the
20 fourth part of the test -- is it clear that there
21 would need to be no preference given to religious or
22 non-religious schools in the application itself?

23 MR. BIGGS: So the application process as set up
24 -- and you do have draft applications, both for the
25 schools themselves and for parents or legal

1 guardians, in your packet. The applications
2 initially would consist of a round of applications
3 from the schools because, as laid out in statute and
4 in rules, it's up to the State Board to determine who
5 is approved as a participating school. Once that
6 list of schools is established -- and that can be a
7 continual process, of course -- but once you have a
8 list of schools that's been established, then parents
9 will be able to choose from that established list in
10 completing their own application for their child or
11 their ward.

12 DR. BARTH: Okay. I think that's a slightly
13 different -- I'm going to give it one more shot. In
14 terms of the -- the schools have to apply to be on
15 the list. Right?

16 MR. BIGGS: Yes.

17 DR. BARTH: And is there a need to -- in terms
18 of there truly being secular options, does that mean
19 that the schools that are approved be some
20 combination of religious and secular schools for
21 there to truly be options under this program, rather
22 than simply the IDEA option?

23 MR. BIGGS: That would not be necessary under
24 the Supreme Court ruling that I just cited because
25 the program -- the law and the rules that you guys

1 are considering today is neutral with respect to
2 religion. If the outcome was that only religious
3 schools applied, that would not be a result of the
4 way that the law and the rules were written; that
5 would just be a circumstance that you would be
6 facing.

7 CHAIRPERSON NEWTON: Ms. Zook.

8 MS. ZOOK: Since this is our responsibility to
9 provide a free and appropriate education for children
10 who are handicapped, if they go to or opt for a
11 voucher to go to a different setting that is not
12 public school, does the LEA in that district still
13 maintain responsibility to be sure that they're being
14 provided that, since it's a state statute, approved
15 by state -- state, state, state, state?

16 MR. BIGGS: No, with one exception. They and
17 the state would still be responsible for those
18 students as it pertained to the child-find function
19 of the IDEA. That's the case already with students
20 who are enrolled in private school today and are
21 paying for it one-hundred percent out of their own
22 funds. And to that point, in conjunction with our
23 special ed. division, we crafted a statement to be
24 added to the end of the parent application that is an
25 explanation of the rights that they're giving up by

1 choosing to participate in this program and to remove
2 their child from public school and to enroll them in
3 a private school, faith being among them, of course.
4 And that they must acknowledge that they have signed
5 that and they understand that they're giving up
6 substantial rights by doing so.

7 MS. ZOOK: Now the law may have changed, but at
8 one point the "free and appropriate" was based on the
9 child, not the parent's choice for their child. So
10 can a parent sign away their rights of their child
11 for a free and appropriate education? Do they even
12 have -- is that even legally okay?

13 MR. BIGGS: I'm being told yes by our special
14 ed. specialist.

15 MS. ZOOK: Okay.

16 COMMISSIONER KEY: And if I may point out to Mr.
17 Biggs, that's just for the time that they are not
18 enrolled in a public school.

19 MR. BIGGS: That's correct.

20 COMMISSIONER KEY: So it's -- the statute is
21 clear that that waiver only applies -- so at the
22 point that that child is no longer enrolled in that
23 private school, then free and appropriate public
24 education -- our responsibility begins again, which
25 is why we have -- we've caused them to assure, the

1 school to assure, they're going to let us know if
2 that child is no longer enrolled.

3 MR. BIGGS: That's correct. We actually insured
4 in these rules that both the school and the parent
5 are under an affirmative obligation to keep the State
6 Board apprised of whether or not their child is
7 enrolled in that private school. And among the other
8 pieces of paperwork that are involved in the
9 implementation of this law, our waiver forms, both
10 for the State and for the students' resident district
11 -- and I have the one for the State here in front of
12 me, which explicitly states that "as of the date I
13 sign this waiver I hereby acknowledge that the State
14 is under no obligation to provide services or
15 education to the children listed below, except for
16 funding provided specifically for the Succeed
17 Scholarship Program, during the time I choose to
18 enroll my children in private school."

19 CHAIRPERSON NEWTON: Any further questions? Mr.
20 Biggs is asking the Board to agree to put out for
21 public comment Arkansas Department of Education Rules
22 Governing the Succeed Scholarship Program. What's
23 the pleasure of the Board? Do we have a pleasure?

24 MS. CHAMBERS: I move to approve.

25 CHAIRPERSON NEWTON: Moved to approve by Ms.

1 Chambers. Is there a second?

2 MS. DEAN: Second.

3 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
4 favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRPERSON NEWTON: Any opposed? Then the
7 motion carries.

8 A-19: CONSIDERATION FOR PUBLIC COMMENT: PROPOSED ARKANSAS
9 DEPARTMENT OF EDUCATION RULES GOVERNING SCHOOLS OF INNOVATION

10 CHAIRPERSON NEWTON: And A-19 is your final one,
11 I think, Consideration for Public Comment: Proposed
12 Arkansas Department of Education Rules Governing
13 Schools of Innovation.

14 MR. BIGGS: Yes, ma'am. These rules are revised
15 rules. They incorporate Act 1136 of 2015 to the
16 existing rules governing Schools of Innovation. And
17 I'll answer any questions.

18 MS. ZOOK: So the only thing added was the --
19 they can no longer exempt on gifted and talented. Is
20 that correct?

21 MR. BIGGS: That's correct. It added a
22 subdivision that Schools of Innovation comply with
23 state law in full regarding the education of gifted
24 and talented students.

25 MS. ZOOK: Thank you.

1 CHAIRPERSON NEWTON: Okay. Any further
2 questions?

3 DR. BARTH: Move for public -- to release for
4 public comment.

5 CHAIRPERSON NEWTON: Moved by Dr. Barth to
6 release --

7 MS. ZOOK: Second.

8 CHAIRPERSON NEWTON: Second by Ms. Zook. All in
9 favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRPERSON NEWTON: Any opposed? Motion
12 carries.

13 A-20: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS
14 DEPARTMENT OF EDUCATION POLICIES GOVERNING EDUCATOR PREPARATION
15 PROGRAM APPROVAL

16 CHAIRPERSON NEWTON: We're down to A-20, Ms.
17 Reinhart, Consideration for Public Comment - Proposed
18 Arkansas Department of Education Policies Governing
19 Educator Preparation Program Approval.

20 MS. REINHART: Yes. Cheryl Reinhart for the
21 Department of Education. And we have -- one of the
22 changes that we made was to shorten that title; it
23 was extremely long before. But also, along with just
24 changing the title, the rules do apply only to
25 program approval. And so there were provisions in

1 there before that had to do with candidates that
2 overlapped our educator licensure rules and we wanted
3 to remove those so that it's clear these are for
4 program approval in licensure -- I mean, in licensure
5 rules. So you will see considerable strike-through
6 of those candidate-related sections in this rule;
7 that's the reason for that. Where there was a
8 provision that needed to stay in these rules, then we
9 moved it to the proper place and put it in there. I
10 did provide you with a summary of all of the changes,
11 so I hope that that was helpful to you. I want to
12 point out that the changes in language also cover the
13 transition from NCATE, which was the former national
14 accrediting agency for educator preparation programs;
15 it's now CAEP, C-A-E-P, which has a slightly
16 different -- well, I would say a majorly different
17 approach to accreditation. So we changed the
18 language in the rules to reflect that transition. We
19 also included a couple of provisions that will allow
20 for some flexibility with higher education
21 preparation programs. As you know, as we make
22 changes in rules, changes also have to be made in
23 those programs. It's difficult for them to make
24 changes in a timely manner sometimes because we've
25 built things a little too tightly and it takes them a

1 while to go through that process at the university
2 level. So we did try to build in a little bit of
3 flexibility for them. We're no longer requiring what
4 we call SPA recognition, which is a specific
5 recognition for accreditation; for example, if it's
6 special education, then they have a specific -- I'm
7 blanking on the name, what SPA stands for, but it's
8 -- if it's --

9 MS. PFEFFER: (inaudible)

10 MS. REINHART: I'm sorry?

11 MS. PFEFFER: Each program approval --

12 MS. REINHART: Each specific program, specific
13 content areas anyway. So we're no longer requiring
14 that. They can do that, and most of them still do
15 because they like to have that national recognition
16 for that program. But they do have to comply with
17 the standards of those programs. So we're not
18 requiring them to get accreditation from those
19 particular accrediting programs, but they do have to
20 meet the standards at least. We do still require
21 national accreditation from CAEP. We still require
22 regional accreditation from the Higher Learning
23 Commission as our accrediting body -- accrediting
24 bodies. We did add at the end and revised some
25 language throughout to make it very clear what will

1 happen when some accrediting agency has pulled
2 accreditation for a program. If that happens, then
3 they're going to lose their state approval. And so
4 before now there's not been any process written in
5 the rules about what will happen, how that will take
6 place, is there an appeals process. And there
7 would've been but there was -- it was never stated in
8 the rules, so these rules do cover those in some
9 detail as well. So I'll let you ask me any questions
10 you might have. And after that, I would request that
11 we -- that you approve the rules for public comment.

12 MS. ZOOK: Okay. I know at one point we were
13 talking about requiring or encouraging the colleges
14 to -- you have to have a certain grade point average
15 to go into the school of education. Is this the
16 place that should have been or are we still working
17 on that?

18 MS. REINHART: No. That is in educator
19 licensure rules. Those candidates have to have a 2.7
20 or .75 -- .7.

21 MS. ZOOK: Thank you.

22 MS. REINHART: You're welcome. And I did fail
23 to mention one thing for your information that we did
24 -- that these revisions through a subgroup of the
25 institutions of higher education, educator prep

1 programs, they worked on these changes and we have
2 presented them to the Dean's Council. And we made
3 later changes and we sent them back to the Dean's
4 Council; they've looked at them. So we have
5 incorporated attention from other groups as well.

6 CHAIRPERSON NEWTON: Do you have a question, Dr.
7 Barth?

8 DR. BARTH: I just want to thank you for the
9 summary which was really helpful on these long rules.

10 MS. REINHART: You're welcome.

11 CHAIRPERSON NEWTON: Well, what is the Board's
12 pleasure then on action item A-20, to put these rules
13 out for public comment?

14 DR. BARTH: So moved.

15 CHAIRPERSON NEWTON: Moved by Dr. Barth. Do we
16 have a second?

17 MS. DEAN: Second.

18 CHAIRPERSON NEWTON: Second by Ms. Dean. All in
19 favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRPERSON NEWTON: Any opposed? Then the
22 motion carries.

23 MS. REINHART: Thank you.

24 A-21: CONSIDERATION FOR PUBLIC COMMENT: ARKANSAS DEPARTMENT OF
25 EDUCATION RULES GOVERNING LOCAL EDUCATION AGENCY NUMBERS

1 CHAIRPERSON NEWTON: Now to A -21, Consideration
2 for Public Comment: Arkansas Department of Education
3 Rules Governing Local Education Agency Numbers. And
4 that's Ms. Davis.

5 MS. DAVIS: These rules, it's a statute that's
6 been in effect for a long time. The only difference
7 that we've added to the rules is that we set a date.
8 The law just says that the Department of Education is
9 the one who issues LEA numbers to, you know, schools;
10 if you want one, you have to come to us. We added
11 2.04, which is what we're already doing in practice.
12 It just says that you have to have it submitted by
13 August 1st. So other than that, these do mirror the
14 law. So if you have any questions, I'll be glad to
15 answer them. But otherwise, we do ask that you
16 approve these for public comment.

17 CHAIRPERSON NEWTON: Any questions?

18 DR. BARTH: I do have one. I'm just curious.
19 So when we have a reconstitution of any sort, is it
20 really up to the -- does the Department just make the
21 call of whether that reconstitution is significant
22 enough to justify an LEA -- a new -- an LEA change or
23 not? Is that kind of the --

24 MS. DAVIS: Yes.

25 DR. BARTH: What does that process look like?

1 I've just never --

2 MS. DAVIS: Do you know the process of when they
3 request -- we're getting back-up.

4 DR. BARTH: Because it feels like we may be
5 seeing more of this with academic distress issues.
6 And so I just kind of --

7 MS. DAVIS: Right.

8 DR. BARTH: -- want to wrap my head around the
9 process. So, Ms. Barnes, I was just asking about --
10 so when we have a school that does do a dramatic
11 change or reconstitution of some sort, is -- how do
12 y'all figure out whether that change is significant
13 enough to justify an LEA number alteration or when
14 it's -- whether it's just more superficial? Is that
15 just a case-by-case basis?

16 MS. BARNES: Well, actually, first of all, if
17 the school is asking for an LEA change request, there
18 is a form that they would fill out and submit it in
19 APSCN. We have a process where they would identify
20 the reason, if it's a reconfiguration of grade
21 levels, if it's for fiscal reasons that they need to
22 make some changes, they're down-sizing -- it could be
23 any number of reasons. However, in our
24 accountability workbook addendum, ESEA flexibility,
25 when we start to look at whether or not it would

1 constitute a new school -- new LEA, there are also
2 rules that -- in Research and Technology, Ms. Carmen
3 Jordan is the program manager and she would have to
4 make sure that it's not a major shift or
5 configuration change, like moving from an elementary
6 to a junior high or that level. That would
7 constitute an LEA change number. And, of course, if
8 they were applying for a conversion charter, because
9 of the numbering system and the tracking, the
10 building number would have to be a seven, so that
11 would be an LEA change number; if they were building
12 a new school. But there is a process that we would
13 also review and take a look to determine whether or
14 not it constituted a new LEA number or if in fact it
15 was just they were keeping the same student body,
16 student population. If they are a priority school
17 and they are a SIG recipient, SIG grant recipient,
18 they would not be able to do that as long as they
19 were receiving the funds. So there are a number of
20 things that would prohibit it, but it's a matter of
21 making the request. The local school district has
22 the authority to determine whether or not they are in
23 need of a change. And if it's significant enough to
24 warrant a new LEA number, they would fill out a form
25 and it would be processed through Research and

1 Technology Division, along with Accountability
2 Division, and they would receive approval through
3 that mechanism.

4 DR. BARTH: So does this August 1 deadline, does
5 that fit with the conversion charter schedule like --

6 MS. DAVIS: From my understanding, it's what
7 Research and Technology has been doing --

8 DR. BARTH: Okay.

9 MS. DAVIS: -- this whole time. So it shouldn't
10 be -- I mean, this is just putting in rules why we're
11 doing what we already do, so that way if anybody ever
12 asks about it -- so it should not affect anything.

13 DR. BARTH: Okay.

14 CHAIRPERSON NEWTON: Any other questions? Okay.
15 The Department is asking for consideration for public
16 comment for this rule, Arkansas Department of
17 Education Rules Governing Local Education Agency
18 Numbers. Do we have a motion?

19 MS. ZOOK: So moved.

20 CHAIRPERSON NEWTON: Moved by Ms. Zook. Second?

21 MR. WILLIAMSON: Second.

22 CHAIRPERSON NEWTON: By Mr. Williamson. All in
23 favor?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRPERSON NEWTON: Any opposed? Okay. Motion

1 carries.

2 A-13: CONSIDERATION OF PRAXIS TEST FOR NEW AGE 3-4 SPECIAL
3 EDUCATIONAL LICENSURE PASSING SCORE

4 CHAIRPERSON NEWTON: Okay. We're going back to
5 A-17 [sic]. Mr. Rowland.

6 COMMISSIONER KEY: 13.

7 CHAIRPERSON NEWTON: A -- what?

8 COMMISSIONER KEY: 13.

9 CHAIRPERSON NEWTON: I'm sorry.

10 MR. ROWLAND: My apologies, Board; I don't know
11 why you didn't have that attachment in your packet.
12 Madam Chair, would you like for me to recap our
13 rationale in recommending this test for age 3-4
14 licensure?

15 CHAIRPERSON NEWTON: Yeah. I think so.

16 MR. ROWLAND: Okay. Well, currently, the
17 Department has the K through 12 special education
18 license. What this would do is allow those that do
19 not have preschool on their license to teach age 3-4
20 by testing out, by taking and passing this test. Now
21 that's special ed. licensed teachers only.

22 CHAIRPERSON NEWTON: Okay. Any questions, or do
23 you need time to review this additional --

24 MS. ZOOK: So they wouldn't have to do the
25 coursework in childhood development and those kinds

1 of things that occur as far as the ability to learn
2 the developmental things for a three- and four-year
3 old that are significantly sometimes different from a
4 K through 18 year old?

5 CHAIRPERSON NEWTON: Ms. Pfeffer.

6 MS. PFEFFER: Okay. Madam Chair, Ivy Pfeffer
7 with the Department. What we have here is when we
8 changed to the K-6 licensure structure and then the
9 K-12 for special ed. the consideration was put into
10 what would we do about preschool, being able to have
11 teachers licensed to education that population of
12 children because we no longer had the P-4 license.
13 The age 3-4 is an endorsement and it's an endorsement
14 by completing a program of study and an assessment.
15 What we failed to do when we got approval prior to --
16 because this is the same assessment that would be
17 taken by someone who completed the 3-4 program of
18 study. What we failed to do was include the special
19 ed. endorsement for this age group. So that's why
20 we're coming back. It would be the same test. But
21 built within the K-12 special education, the new K-12
22 special education competencies are most of these
23 skills. Therefore, the special ed. teachers would be
24 given the provision to test-out. And also, because
25 of the need that we have to provide those services

1 for special education children in a pre-school
2 setting, allowing them to test out would also enable
3 -- it would eliminate a barrier to us having teachers
4 licensed at that level. And that's why that is
5 structured in that manner.

6 MS. ZOOK: So there's no difference in the
7 courses they take at the college level? Someone
8 who's been teaching 18 years and they have K-12 on
9 their license and now they can take an additional
10 test and add 3-4?

11 MS. PFEFFER: If someone has -- a veteran
12 teacher would -- the issue is, I think, with special
13 education. Veteran special education teachers may
14 have a variety of ways that they added special
15 education to their license. It's only the new
16 programs that will be a K-12 special education
17 license. And so this is an attempt to insure that we
18 don't run into that shortage of preschool special ed.
19 teachers.

20 MS. ZOOK: But there's no change at the college
21 level or university level of the courses they have to
22 take that are specifically in childhood development
23 for that age child?

24 MS. PFEFFER: I think for that early childhood
25 endorsement there was very little difference in the

1 coursework that they've already had with the
2 competencies that have already been taught in those
3 other degreed areas.

4 MS. ZOOK: Okay. Well, you've had much more
5 time to study this than I. Do you feel a hundred-
6 percent comfortable with it?

7 MS. PFEFFER: Now I wasn't part of the standards
8 setting and process. But I feel like that those who
9 were part of it had the knowledge to be a hundred-
10 percent competent.

11 MS. ZOOK: And Ms. Haley, was she involved?

12 MS. PFEFFER: Michael, was Ms. Lisa Haley with
13 special ed. -- do you know who was involved from
14 that?

15 MR. ROWLAND: We had a panel of state special
16 ed. teachers in 2014 review this test and they agreed
17 that it would be appropriate with the cut score of
18 160. As far as Ms. Haley, I don't remember if she
19 was there or not. I'm sure she was though.

20 MS. ZOOK: Okay. So this is -- like if I wanted
21 to teach at an ABC program -- and I still don't know
22 who supervises those teachers -- these would be
23 people who might work at that level?

24 MR. ROWLAND: Yes, ma'am. Now the special ed.
25 teachers that have P -- you know -- P4, they're

1 already qualified to teach --

2 MS. ZOOK: Right.

3 MR. ROWLAND: -- ages 3 and 4. These are just
4 for those who have K and don't have the 3-4
5 experience.

6 CHAIRPERSON NEWTON: Any more questions? Okay.
7 Is there a motion relative to A-13?

8 DR. BARTH: I'll move approval.

9 CHAIRPERSON NEWTON: Okay. Move approval for
10 Consideration of Praxis Test for New Age 3-4 Special
11 Education Licensure Passing Score. Is there a
12 second?

13 MS. DEAN: Second.

14 CHAIRPERSON NEWTON: Okay. Second by Ms. Dean.
15 Motion made by Dr. Barth. All in favor?

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRPERSON NEWTON: Any opposed? Okay. Motion
18 carries.

19 MR. ROWLAND: Thank you. Now for clarification,
20 this is effective immediately. Correct?

21 CHAIRPERSON NEWTON: It would be, as far as I
22 know. Commissioner, effective immediately?

23 COMMISSIONER KEY: Yes. They're not --

24 CHAIRPERSON NEWTON: Ms. Clay?

25 MS. CLAY: Yes.

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CHAIRPERSON NEWTON: She says yes.

MR. ROWLAND: Thank you.

CHAIRPERSON NEWTON: All right.

(The action agenda was concluded at 2:54 p.m.)

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A-6

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EXHIBIT ONE (1)

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EXHIBIT ONE (1)

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A-15

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 October 8, 2015, 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: October 14, 2015.

SHARON K. HILL, CCR
Certified Court Reporter
Certificate No. 670

| | | | | |
|--|--|--|--|--|
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