

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

August 13, 2015

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

AUGUST 13, 2015
10:00 A.M.

APPEARANCES:

Mr. Johnny Key	Commissioner
Ms. Toyce Newton	Chairperson
Ms. Mireya Reith	Vice Chairman
Ms. Vicki Saviers	Board Member
Mr. Joseph Black	Board Member
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
Ms. Ouida Newton	Teacher of the Year/ Non-Voting Member

LEGAL COUNSEL FOR THE BOARD:

MS. LORI FRENO, ADE Deputy General Counsel
MS. JENNIFER DAVIS, ADE Attorney Specialist

LOCATION: #4 Capitol Mall
Little Rock, AR

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A-1: ARKANSAS BETTER CHANCE

Exhibit One (1)
ABC Additional Grant Awards 2015-2016

A-7: SCHOOL CHOICE APPEAL - COPPEDGE

Exhibit One (1)
Partial Transcript on Defendant's Motion to Dismiss
in the U.S. District Court Eastern District (06/24/13)

A-9: SCHOOL CHOICE APPEAL - GOODALL

Exhibit One (1)
Letters to Erica Goodall from Palestine-Wheatley
School District (07/27/15)

A-15: PLSB HEARING - SIMONE VAUGHN

Exhibit One (1)
Agreed Order on Recommendation and Final Order
Signed by BOE Chairperson Newton

PUBLIC COMMENT - DAVID HENDRICKS

EXHIBIT ONE (1)
Letter to Board of Education

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P R O C E E D I N G S

CHAIRPERSON NEWTON: On the action agenda we have the following items that will be pulled: A-5, A-11 -- A-5, A-11, A-12, A-13, A-25, and A-28.

MS. ZOOK: Would you repeat them?

CHAIRPERSON NEWTON: 5, 11, 12, 13, 25, 28.

COMMISSIONER KEY: Madam Chair, 28 will be moved to tomorrow.

CHAIRPERSON NEWTON: Okay, 28 is moved to tomorrow.

MS. ZOOK: Do you know why they were pulled, particularly the parents' requests on transfers?

CHAIRPERSON NEWTON: It was a decision of the people that -- the parents to pull it.

MS. ZOOK: Okay.

CHAIRPERSON NEWTON: And I don't know the reasons, but this notification was given to me that they were pulled.

MS. SAVIERS: Do you know about A-5?

COMMISSIONER KEY: I can talk to -- about A-5 quickly. We've been in close consultation with the Department of Career Education and that process just was not ripe for your consideration. The petition was premature and we've notified the parties as such, and the rules have not yet been promulgated.

1 MS. SAVIERS: Right.

2 COMMISSIONER KEY: So we expect to see this come
3 back on the agenda when those rules are in place.

4 MS. SAVIERS: Okay. Thanks.

5 CHAIRPERSON NEWTON: Any other questions? Okay.

6 A-1: CONSIDERATION OF ADDITIONAL ARKANSAS BETTER CHANCE 2015-
7 2016 GRANTS

8 CHAIRPERSON NEWTON: Then we'll go to A-1,
9 Consideration of Additional Arkansas Better Chance
10 2015-2016 Grants. Mary Kaye McKinney.

11 MS. MCKINNEY: Thank you. There was a new chart
12 provided to you late yesterday, and I apologize for
13 that, but there were some changes that we needed to
14 add to this. The list is we're proposing or
15 recommending these to be funded. And this is based
16 on slots that were relinquished at the end of this
17 past year, and so this is trying to fulfill those
18 relinquished slots. We did do an application
19 process. We had about 41 applications and these are
20 the ones that we're recommending.

21 We also had to make a change on items 16 and 17
22 on the chart related to Ready, Set and Learn in
23 Jonesboro and ASU. ASU is going to continue to
24 oversee the services being provided to Ready, Set and
25 Learn, which is a family care home. And then we're

1 also asking for one-time startup funds for those new
2 classrooms, and the total amount that we're
3 requesting for funding is \$1,701,500.00.

4 MS. ZOOK: Yes, I have a question. Who
5 evaluates, oversees not only the academic part of the
6 ABC program but also the spending of the funds?

7 MS. MCKINNEY: DHS, the Division of Child Care.
8 We have monitors that go out and visit all the
9 programs and reports that we receive. Also, we have
10 a data management system that is called COPA that all
11 programs must enter data in. And when we go out to
12 look at the programs we take that information from
13 the data management system. Also --

14 MS. ZOOK: Excuse me; I don't mean to interrupt
15 you. The gentleman in the back who's talking, I
16 can't hear her for you. Could you take that outside,
17 please?

18 MR. ROZZELL: Yes, ma'am.

19 MS. ZOOK: Thank you. All right. Go ahead.
20 I'm sorry.

21 MS. MCKINNEY: The data management system that I
22 was mentioning, COPA, our monitors -- we have about
23 eight monitors that go out across the state and
24 oversee the activities. We also have contracts, like
25 with Work -- for Work Sampling, and that is a system

1 that looks at the developmental assessment to monitor
2 how the children are doing in each program. We can
3 look at it from a child perspective; we can look at
4 it across the board from each different agency that
5 has a grant.

6 MS. ZOOK: And do the monitors work with the
7 kindergartens in the areas so that we make sure
8 there's a nice vertical transition from the pre-K
9 program to the kindergarten program?

10 MS. MCKINNEY: Yes, ma'am, we do. And we also
11 work with individuals within the Department of Ed. to
12 make sure that we are in alignment constantly with
13 whatever we're doing with ABC is again a readiness
14 preparedness for kindergarten.

15 MS. ZOOK: Okay. Thank you so much.

16 MS. MCKINNEY: Uh-huh. And as far as the
17 budget, we also have a financial officer at our place
18 that manages that. And then we work very closely
19 with Mr. Ron Burns in the finance division here.

20 CHAIRPERSON NEWTON: Any other questions?
21 What's the pleasure of the Board as it relates to A-
22 1?

23 MS. ZOOK: I move that we approve.

24 CHAIRPERSON NEWTON: Move for approval by Ms.
25 Zook. Is there a second?

1 MS. REITH: Second.

2 CHAIRPERSON NEWTON: Second by Ms. Reith. Any
3 further discussion? All in favor?

4 (UNANIMOUS CHORUS OF AYES)

5 CHAIRPERSON NEWTON: Any opposed? Okay. Thank
6 you for your report.

7 MS. MCKINNEY: Thank you.

8 A-2: CONSIDERATION OF THE ANNUAL STUDENT DISCIPLINE REPORT

9 CHAIRPERSON NEWTON: Okay. Moving on to A-2,
10 Consideration of the Annual Student Discipline
11 Report, and that's Dr. Ritter and Ms. Anderson,
12 Kaitlin Anderson.

13 DR. RITTER: Good morning. My name is Gary
14 Ritter from the Office of Education Policy at the
15 University of Arkansas. Thanks for allowing us to
16 dig into the data on school discipline for a second
17 year and present the results to you. It's behind me
18 and I'm going to have to look back and forth -- and I
19 apologize -- to make sure I'm showing you what I
20 should be showing you. I believe you should have
21 copies of these slides. I may just -- I may walk
22 back and forth. I apologize for the inconvenience.

23 I'll get into it; I know you have a long agenda,
24 so I'll get into it pretty quickly. We're going to
25 talk about -- I'll introduce to you the questions

1 we're asking, give you the motivation for it. We've
2 got four new questions we were able to ask this year,
3 and so I'll be able to show you the results of those,
4 and then I'll let you know that our main goal is to
5 find out what other questions you'd like to ask.
6 Digging into discipline data is a relatively new task
7 for us. We just received these data within the past
8 year or so, and it seems like there are a lot of new
9 interesting questions that we need to address. And
10 we want to find out what the Board would like us to
11 dig into, so that's our hope in today's presentation.

12 So a quick background on school discipline in
13 the U.S. There are lots of concerns and the data
14 support that African American students are more
15 likely than majority students to be expelled or to be
16 suspended, either in school or out of school
17 suspension, than their peers, and this is a concern
18 nationally. Last year, we dug into the data and
19 presented you roughly a year ago here that this seems
20 to be the case in Arkansas, as well. This is an
21 important first step if we find out that certain
22 students are more likely to receive punishments or
23 consequences, but it's worthwhile to dig into find
24 out what the students are written up for and what the
25 infractions are that lead to those consequences. One

1 interpretation is that teachers or schools are
2 unfairly providing consequences to minority students
3 or minority students might be being written up more
4 frequently, or it could be either. So we can look
5 into these data and that's what we are going to
6 attempt to do today.

7 Arkansas's Act 1329, enacted to evaluate the
8 impact of school discipline on student achievement
9 and other things, is what we are reacting to. Last
10 year, Assistant Commissioner Decker invited us to dig
11 into this and, this year, Assistant Commissioner
12 Saunders reached out and asked us to do a little more
13 digging and then suggested that next year he'd like
14 us to do the annual report as well. So next year we
15 hope to be able to try and connect school discipline
16 to student achievement. That is difficult because if
17 you find out, for example, that students with low
18 achievement are also receiving school discipline more
19 often it's not obvious if A causes B or if B causes
20 A, or if they are simply correlated. So we're going
21 to have to hopefully over the course of the year
22 figure out some clever ways to try and sort out the
23 directionality of that. But I'll begin with what we
24 have so far.

25 One thing that we're able to dig into a little

1 more this year, again, is we can connect the actual
2 infractions to the consequences that are attached to
3 those infractions. So it's one thing to find out
4 that certain groups of students are punished more
5 often but it's another thing, I think, to find out if
6 certain groups of students are punished differently
7 for the same infractions, and that's what we're going
8 to be able to do with today's data, and we think that
9 will be a little more useful. So I'll just quickly
10 run through -- and next year we want to connect to
11 academic achievement.

12 So we'll run through the questions that we'll
13 answer and result for each question. So we're going
14 to try and ask, number one, how often do students get
15 cited for behavior and which types of schools are
16 more likely to write students up for a misbehavior.
17 Then, we'll get into the meat of it. The first set
18 is just who writes up more often, but then we'll ask
19 how do the punishments fit with the infractions. So
20 question two is which types of schools give stricter
21 punishments for the same infractions, which types of
22 students are more likely to receive stricter
23 punishments again for the same infraction. And,
24 finally, at the end we'll be able to ask if we see
25 these differences -- and we do -- do they happen

1 within the same school; so is it a case that within
2 the same school the same administrators and teachers
3 are looking at students and offering different
4 consequences for the same infractions in the same
5 school. Because if we see differences across
6 students it could be that minority students attend
7 schools that punish more strictly, for example, or it
8 could be that within the same school administrators
9 are punishing different types of students
10 differently. And so we're going to be able to sort
11 that out; that's where we'll end.

12 So the first question, straightforward, which
13 types of students -- which types of schools, pardon
14 me, write up students the most often. And the
15 numbers that we're going to look at are infractions
16 per 100 students. It's hard to figure out the right
17 way to look at this. This is the way we've decided
18 to divide it, to use the denominator to deflate the
19 results. We look at all infractions and then we also
20 look at severe infractions. What we listed as the
21 most severe infractions: fighting, gang related
22 activity, drugs, alcohol, or weapons. So we look at
23 severe infractions as compared to all infractions.
24 And as a quick overview -- then I'll run through the
25 slides briefly for each one -- we find out that the

1 southwest and the southeast regions have the most
2 infractions. Strangely -- and there's no obvious
3 explanation for this -- very large schools and very
4 small schools are more likely to write up schools and
5 the middle are less likely. Not surprisingly at all,
6 schools serving older students are more likely to
7 write up than schools serving younger students,
8 although perhaps surprisingly junior high schools are
9 higher than high schools; the more minority students
10 the more infractions per student; the more
11 economically disadvantaged a school the more
12 infractions per student; and lower performing schools
13 had more infractions per student. And we'll give you
14 a picture to support each one; it would have been
15 more useful if it was closer to you, so I apologize.
16 What this shows here is simply that the southeast and
17 southwest region have more infractions per pupil, in
18 the 60's as compared to in the 40's in the other
19 regions, per 100 pupils is the denominator. Junior
20 high schools and high schools cite students more
21 frequently. The biggest number off to the far right,
22 89.6 and 82.3, are the junior highs; the high schools
23 are in the 60's; elementary schools are not writing
24 up nearly as much, perhaps not surprisingly. The
25 smallest and largest schools -- again, you see the

1 top is the set of smallest schools; the green line at
2 the bottom are the set of largest schools, and those
3 are for all infractions. So in the largest set of
4 schools there are 60 infractions per year per 100
5 students. When we broke up the state into the
6 fraction of African American students per district,
7 we find out that the districts with the highest
8 fraction of African American students write up more
9 frequently than districts with the lowest fraction of
10 African American students, roughly three times as
11 high for both all infractions, where you see there
12 are 70 per 100 students, and even for the severe
13 infractions; even though the numbers are small it's
14 9.9 write-ups per 100 students. Over in the
15 districts that have fewer minority students it's only
16 three write-ups per 100 students.

17 MS. ZOOK: Are these three different students or
18 the same student three times?

19 DR. RITTER: The way we did this calculation is
20 the total number of write-ups divided by the total
21 number of students. So it could be the same student
22 committing a multiple infraction and it could be
23 different students. That one, we just totaled them
24 up. There are other ways you could do it where you
25 could say the fraction of students who have been

1 written up. The stories don't change, regardless of
2 which way you do it. We've tried it both ways.
3 Thanks. And please interrupt and ask questions. We
4 think it's clear but I can't see what you're seeing,
5 so I don't know. Thank you.

6 When we look at low-income you see the same
7 unfortunate upward trajectory where schools serving
8 more low-income students are more likely to write-up
9 for all infractions -- you see the numbers in the
10 70's and 60's in the far right -- and for the most
11 severe infractions, going from 3.2 per 100 students
12 in the most affluent districts all the way to roughly
13 8 instances per 100 students in the poorest districts.

14 Results by benchmark scores are the same. The
15 lowest achieving districts, in this case on the left,
16 have far more write-ups than the highest achieving
17 districts on the right. And the magnitude of the
18 differences is quite large. Now, again, this doesn't
19 tell us that low performance leads to extra
20 disciplinary write-ups or extra disciplinary write-
21 ups leads to low performance. We can't sort out the
22 direction by looking at them in the same year; we
23 need to figure out with a little more data. And we
24 do have a data request in with Dr. Saunders to try
25 and gather more data to try and sort through that

1 difference, but we're not there yet. We've just been
2 digging into this over the past few months.

3 So, yes, it seems like certain types of schools
4 most certainly are writing up students for
5 misbehavior more often. But the real question
6 perhaps is what about the consequences of that
7 misbehavior and to what extent are the consequences
8 meted out to the students in a roughly equitable
9 fashion. So our second question is: which types of
10 schools are more likely to give strict punishments.
11 And the way we define giving strict punishments are
12 we have all the infractions in the state database and
13 we have all the punishments connected to those
14 infractions. So you can imagine we can compute an
15 average punishment, an average number of days of
16 punishment for every infraction. So schools that
17 offer punishments that are above average are strict
18 schools and schools that deliver punishments that are
19 below the average for the whole dataset in the state
20 we're viewing as less strict schools. We controlled
21 for all the things that you'd imagine controlling
22 for, so was it the student's sixth time he did
23 something wrong or the first? We controlled for
24 that. Which type of infraction was it, whether it
25 was just truancy or fighting or different -- we

1 controlled for those sorts of things; we controlled
2 for the things that would reasonably affect an
3 administrator's choice for the punishment. But then
4 we didn't -- we wanted to see if then the strictness
5 differed by the type of student or the type of
6 school.

7 And if we were at an academic conference all
8 this green stuff tells you -- I guess it's sort of
9 like our resume; you should believe what we're --
10 when we -- I'm going to not talk about that and,
11 instead, I'm going to hand it over to Kaitlin
12 Anderson, our researcher who did a great deal of the
13 work, and she's going to talk you through the next
14 few slides.

15 MS. ANDERSON: Thanks, Dr. Ritter. It's a good
16 thing that you probably didn't go into detail because
17 the actual equations didn't turn out right, I fear;
18 hopefully, it's okay on your copy that you actually
19 have. Basically, the gist of what we did with
20 question two is controlling for all of those factors
21 that would reasonably predict the punishment. We're
22 finding an average punishment for a given infraction
23 at a school level and then trying to look at how that
24 relates to those schools' characteristics. And so
25 the items circled in red are the characteristics that

1 had a significant relationship, so schools that have
2 a higher percentage of African American students are
3 more likely to give longer punishments for the same
4 infraction. And we also saw that the northeast
5 region and the central region were on average giving
6 slightly shorter punishments than the other regions.
7 Again, these are just on-average.

8 So next, moving on from the school level, what
9 types of students on average are receiving stricter
10 punishments for the same infraction. So this is a
11 similar idea. Again, we're creating a residual
12 that's basically a measure of the extra days or a
13 number of fewer days for the same infraction. And
14 then, instead of consolidating this at an average
15 school level, we're actually averaging it over a
16 subgroup of students; so this way we can compare say
17 males and females and see who's being punished more
18 or less strictly for the same infraction.

19 So we'll go into more of the details of the
20 results in a minute, but overall we see that minority
21 students, FRL students, and male students are getting
22 longer punishments for the same infraction, and that
23 special education students and LEP students (Limited
24 English Proficiency) are receiving slightly less
25 strict punishments. And just to put this in context,

1 per infraction minority students receive about half-
2 a-day extra of punishment for a single infraction.

3 So here are those differences laid out. At the
4 top you see the four-and-five-eighths and that's
5 roughly half-a-day per infraction difference between
6 minority and white students. So this might seem
7 maybe small to you, but over thousands of students it
8 really adds up. Then, at the bottom you also see
9 some differences by special education and LEP status.
10 There were also differences by FRL status, about a
11 tenth of a day extra if you were a low-income
12 student, and about a twentieth of a day extra if you
13 were male as opposed to female. So keep in mind too
14 that these are still across the state, so this is
15 relative to the state average.

16 Turning to how this relates to academic
17 achievement, we did the same thing, averaging
18 residuals over proficiencies. So if you were an
19 advanced student, you're receiving a one-third day
20 less punishment than if you were the average student.
21 We can also see that below-basic students were
22 receiving a slightly longer punishment and these are
23 based off of the prior year test scores. So maybe
24 there's a perception that you're a good kid, you're a
25 smart kid, you just acted up once, so we're going to

1 be lenient on you this time. That's just one theory.
2 So before I move on to the final question, just
3 to recap what we know so far, students are cited more
4 frequently in the most disadvantaged districts. And
5 then if you look at the actual infraction level
6 there's also a difference in the strictness of
7 punishment for a given type of infraction. So
8 schools with higher minority enrollments are the most
9 strict; they're giving longer punishments for the
10 same types of infractions. And we've also seen that
11 certain types of students are receiving longer
12 punishment, so minority students, FRL students and
13 male students are receiving longer punishments for
14 the same infraction. Now all of this is across the
15 state average, so it could be, like Dr. Ritter
16 alluded to earlier, that these are differences
17 between schools and that it's not necessarily a-
18 within-school problem. So this is what we're looking
19 at with the next question.

20 Okay. So, again, same idea; we're creating a
21 residual but now we're holding the school that that
22 student attends constant and then aggregating the
23 residuals again by subgroup, and so here largely the
24 disparity is diminished. That half-a-day that we saw
25 between minority and white students is now only about

1 a twentieth of a day. Surprisingly though, the
2 male/female difference is about the same; it's still
3 about .05, .06. And so what we're trying to see here
4 -- oh, wait, one more -- again, if you are an
5 advanced student you're receiving a slightly shorter
6 punishment; this time it's only about a tenth of a
7 day shorter relative to the average punishment for
8 that infraction. So these are within specific school
9 disparities that we've seen between the subgroups.
10 So this is not to say that these disparities do not
11 exist or that they're not important, but I think the
12 big story to really come away with here is that it's
13 not necessarily within school differences that are
14 driving all of this; it's just that there are
15 students that are in the most disadvantaged schools
16 that are also receiving more infractions and are
17 being treated more strictly for those infractions.
18 And so as Dr. Ritter alluded to as well, we have a
19 lot more -- many more questions that we would like to
20 answer with this. Obviously, with anything there's
21 opportunity for data improvement and one of our
22 questions we want answered we need data to support
23 that, so ideally we can get information on referrals
24 to law enforcement authorities and other outcome
25 measures that would help give us more context for the

1 story. And we're also very interested in hearing
2 what the State Board is interested in seeing for
3 these questions and working on developing what we do
4 annually as well. But we really appreciate your time
5 and thank you for having us.

6 CHAIRPERSON NEWTON: It's a lot to digest. It
7 certainly raises questions all across the spectrum
8 for me as it relates to many, many, many things:
9 poverty, or lack of, juvenile justice, an implication
10 that -- you know -- the over-representation of
11 minorities in the juvenile justice system, the high
12 rate of failure in schools with high minority
13 students. So, I don't know. I don't get a do-over,
14 but if I had a do-over I think I'd change careers or
15 something. I don't know what it would be, but -- and
16 so it gives a lot of clarity but it also presents a
17 tremendous challenge because so many systems are
18 impacted, you know, whether it be the ABC program,
19 trying to get kids ready, whether it be just overall
20 community safety, juvenile justice, and all the
21 things -- economic problems with schools. I hate to
22 make this a commentary but all these things play
23 into, you know, academic distress, fiscal distress,
24 and all things that -- you know -- that impact --
25 families and communities are impacted by this. So I

1 hope that at some point we realize the gravity of the
2 situation, not necessarily the Arkansas Department of
3 Education Board because there's so much we can do.
4 But at the same time I think communities and schools
5 -- Ms. Newton is here as a teacher and I'm sure she's
6 playing through her mind what impacts her as a
7 classroom teacher; Ms. Reith over here to my left is
8 looking at her work in community organizing. And
9 this is just so moving and disturbing and it's a
10 cause of concern when we see the disparity in the
11 numbers. And your report to me doesn't necessarily
12 represent the commonsense factors --

13 MS. SAVIERS: Right.

14 CHAIRPERSON NEWTON: -- you know, because the
15 smaller schools with the worst -- you know -- that,
16 you know -- the worst numbers are the -- you know --
17 so all these things don't make sense in the whole
18 scheme of things. It's just -- it's just, like I say
19 -- Ms. Zook, you can --

20 MS. ZOOK: Yes. One thing that I would like to
21 know is not so much if a child -- one child gets one
22 punishment or another child gets another punishment,
23 which on your scale strict or less strict, but did
24 that work and are you getting repeat offenses.
25 Anybody who has raised children or watched people

1 raise children know that you -- if you try to do
2 everybody the same -- and Ms. Newton knows this even
3 in her classroom. So if what was given as punishment
4 worked and the child didn't have to come back, then
5 to remedy -- and I don't know if there's a way
6 without interviewing each person and being right
7 there when the child does, but is what they're doing
8 working or is the child getting in trouble and
9 getting in trouble and getting in trouble and the
10 school doesn't realize that what they're doing to
11 punish the child is not in fact punishing, it's not
12 changing the behavior at all. Is that possible?

13 DR. RITTER: That's a great point. And we can
14 look at whether the child gets punished again in
15 future years. And so what we can try and do is come
16 up with some way of categorizing the punishment types
17 of schools, where they're strict and more strict,
18 whether they use this strategy or that strategy, and
19 figure out which one, if there is one, is connected
20 to less recidivism, to use the word that I think
21 you're getting at. That's a great point. Thank you.

22 CHAIRPERSON NEWTON: Ms. Saviers.

23 MS. SAVIERS: And one thing -- and thank you so
24 much for your report; it really is fascinating.
25 Having raised boys and having raised boys who

1 attended public school with predominantly African
2 American populations, it was my observation -- this
3 is certainly anecdotal, but my observation that a lot
4 of the -- you know -- how many offenses were --
5 occurred in a particular building had to do with the
6 leadership in the building and staff and who was
7 meting out the punishment and how much punishment
8 they decided to mete out, and that varied widely.
9 And a lot of it depended upon who saw you do the
10 deed, you know, and so in my mind this goes back to
11 very targeted and intentional professional
12 development, particularly in these areas that we've
13 highlighted as having lots of offenses. Because I
14 think sometimes you just don't know what you don't
15 know and culturally maybe what you know is strict
16 punishment, so -- and, you know -- and also when I
17 read this my big concern is the number of days that
18 these kids are actually out of instruction and are we
19 addressing that through policy and professional
20 development in some way. Now it just drove me crazy
21 -- or it still does -- to walk into a school and see
22 a bunch of kids sitting in the auditorium, being
23 supervised and -- you know -- with their heads down
24 on a desk instead of back in the classroom. So those
25 are the things that really concern me and that I

1 think affect academic improvement and achievement and
2 that we should really be focused on. But how do we
3 take this information and really make it work for
4 kids?

5 CHAIRPERSON NEWTON: Ms. Reith.

6 MS. REITH: And my comments are going to a
7 similar direction. I know, Dr. Ritter, we
8 appreciated your presentation last year. And remind
9 me if I'm wrong: this was triggered because of
10 legislation -- correct? -- that you all looked at
11 this? Or was this purely because of the ADE reaching
12 out and asking you to look at this?

13 DR. RITTER: I think the legislation led to the
14 ADE needing a response to legislation that they saw
15 and they gathered the data and then sought us out so
16 they had a third-party do the data analysis.

17 MS. REITH: Yeah. That's right. Okay. And
18 last year was the first year, so this is the second
19 year. Correct?

20 DR. RITTER: Yes.

21 MS. REITH: Moving forward. And it's wonderful
22 that we're continuing to come back to this, that this
23 wasn't just a one-time, one-year thing. I'm thrilled
24 to know that there is another year. I guess where my
25 -- and it's not a frustration; maybe it's to answer

1 your question, right, about where we go next with
2 this. And I think it's, as my colleague Ms. Saviers
3 was saying, is how do we get this into a usable
4 format for actual schools, superintendents, leaders,
5 to know -- which are the schools, right? -- how does
6 this relay what does the state data, you know, mean
7 for my school and what can be done for that and that,
8 you know, we're actually talking about strategies and
9 investment and funds and such in a way that that can
10 resolve these issues. So whether -- and I think this
11 is the perfect tee-up for Mr. Kurrus, who's going to
12 be speaking to us next on the Little Rock School
13 District and that I know that some of these issues
14 are obviously correlated with his own schools --
15 right? -- that they're talking about in schools in
16 distress right now. I'm hoping -- I know the
17 Commissioner shared with me a little bit about
18 conversations with the Little Rock Police Department,
19 trying to talk about these various issues with the
20 schools. Hopefully, we'll hear a little bit about
21 that in Mr. Kurrus' report. But I think in general
22 -- right? -- trying to identify what some of these
23 best practices are in the state, if there is a way to
24 do so, what some of this relationship looks like,
25 what is within the control of school versus -- what

1 are things that we need to outsource and wraparound
2 services and partnerships -- right? -- to be able to
3 do something. Because this is essentially, as you
4 all said, a reaffirmation that the cradle-to-prison-
5 pipeline that we talk about so much at the national
6 level also exists here in Arkansas, and it's just the
7 numbers that are affirming that. And so I think now
8 that we can acknowledge that or we have been
9 acknowledging that now, with some state policy to go
10 with it, I really think there's a tremendous
11 timeliness here to do something. Because as what our
12 colleagues were sharing here -- right? -- it actually
13 doesn't surprise me that we see a bigger incidence of
14 this in junior high. Because of our failures to
15 correct those issues at junior high is what causes
16 those kids to then drop out and then not be in high
17 school and see those numbers there. And I know that,
18 especially within my work with the Hispanic and
19 immigrant community across the state, still seeing
20 such a stragglng rate of high school completion for
21 our communities and such, knowing that some of this
22 is tied to that.

23 My last thing that I would like for next year's
24 report would be I don't know if you were looking at
25 Limited English Proficiency because -- you know -- as

1 trying to understand our Hispanic community. I know
2 up-front, when you talked about observations, you
3 mentioned African American and Hispanic, and then all
4 of the studies, you know, looked at numbers of
5 predominantly African American. I don't know if
6 Limited English Proficiency was a way of trying to
7 understand our Hispanic community or if it was just
8 treated as a subgroup along with special ed. But I
9 will say that there's not a direct correlation
10 necessarily to Hispanics and Limited English
11 Proficiency. And so if there would be a way as well
12 to understand within our Hispanic numbers as well I
13 would be really curious, you know, at the state level
14 to see what those numbers look like.

15 DR. RITTER: I'd love to respond to a couple of
16 those things. Is there time?

17 CHAIRPERSON NEWTON: Yes.

18 DR. RITTER: Okay. So let me let Kaitlin talk
19 about the LEP and the Hispanic numbers because the
20 LEP numbers were interesting, but in the interest of
21 time we didn't show everything. But Kaitlin will
22 talk about that; then I have a couple responses for
23 the other points.

24 MS. ANDERSON: Okay. And it wasn't to, you
25 know, take away from the Hispanic population, but

1 also just to see if there's different things about
2 schools besides -- or about students besides race
3 that, you know, affect their outcomes. And if there
4 is an idea that, you know, "maybe we're going to be a
5 little bit more lenient on you because you don't
6 understand the teacher's instructions," or something
7 like that, there could be some correlation there. So
8 it was just trying to get at, you know, what
9 characteristics about students might be related to
10 these different outcomes. And one of the interesting
11 things we saw was that there was these really large
12 gaps at the state level, but then when you looked
13 within schools they pretty much went completely away.
14 And we think that's just because a lot of the Limited
15 English Proficient students are concentrated in
16 certain types of schools, so it's not that they're
17 being treated differently within schools.

18 CHAIRPERSON NEWTON: And this may be a subject
19 that may lend itself to a work session. Because I
20 think the potential impact of the discipline as it
21 relates to a certain group of students or not is so
22 critical to achievement and moving -- you know --
23 we're looking at components of what we can do in
24 terms of structuring the future of Arkansas
25 education. And I think there's nothing any more

1 important as a part of the recipe or one of the
2 ingredients to have this and give this, you know, a
3 further look. So I don't know that we -- even though
4 you feel that your time is limited, I don't think we
5 can limit the time for this information. One of the
6 things I thought about, when I look at the PLSB
7 reports, oftentimes there's a book that they
8 recommend teachers to read as it relates to
9 situations where they need to better understand
10 poverty. And I ordered the book; I haven't read it,
11 I just got it, and I can't remember the name of it.
12 But basically it lists the characteristics of
13 poverty. I think -- I don't think -- I won't say
14 that -- there is a predisposition, obviously, of some
15 teachers to react differently to different students.
16 I'm not convinced that every teacher understands the
17 genesis of that. And so I think all of that has to
18 be wrapped around a bigger -- it has to be a bigger
19 effort. And at some point we've got to look at that
20 as a State Board, Commissioner, as to how we will
21 fashion our educational system to address it, not
22 looking at just academics, not looking at all the
23 things that move us forward, but looking at all the
24 things that move us forward. So I think that we've
25 got to come back to this in a more intensive way and

1 to look at it. Because even if it were not an act, I
2 would hope that we as a board would be in a position
3 to say this is critical, this is fair, and this is a
4 just way to educate young people, and you cannot
5 educate young people that are not in the classroom or
6 that are sitting in the gym or that have disparate
7 treatment. Ms. Saviers and I have shared stories
8 about our sons and how -- the difference in the way
9 her son in a situation was treated and my son. You
10 know, we just -- we can have conversations about that
11 --

12 MS. SAVIERS: Uh-huh.

13 CHAIRPERSON NEWTON: -- and be honest about
14 where it all stemmed from. So this is very relevant
15 and very I think near and dear to all of us in terms
16 of wanting to go forward.

17 DR. RITTER: Just a -- so to react to that, I
18 think there was a question about can we give you
19 these in a usable format that schools can use. This
20 sort of strictness number that we've come up with,
21 schools are rated as being abnormally strict or
22 abnormally not strict; that's how we derive our
23 numbers; those are things we could share if we felt
24 comfortable. Over the last year we did, when we gave
25 our presentation, show you the schools with the

1 highest rates of infractions and the lowest rates,
2 and we did receive some negative responses from
3 schools, saying, "Gosh, ours is only this high
4 because, you know, we are really diligent about
5 keeping records, when the school down the street,
6 they don't do it." So we want to be very comfortable
7 with the quality of the data before we start -- I
8 think, before we start rating schools in that way.

9 You also mentioned, you know, the importance of
10 the problem in kids missing school days, and Kaitlin
11 has mentioned this in presentations many times. A
12 4.58 coefficient doesn't look like much, until you
13 take that half-a-day and multiply it by the hundreds
14 of infractions per year times the hundreds of kids,
15 hundreds or schools. Then the half-day does add up
16 to lots of days of missing instruction time and so it
17 wouldn't be at all surprising to see that students
18 punished more frequently end up in later years with
19 lower academic achievement. That would be perfectly
20 believable.

21 And, finally, there was a great question about
22 -- or reference to the possibility of different
23 school leaders creating different school cultures
24 that result in different punishment strategies. And
25 what we can do is we certainly don't know every

1 school leader's strategy or their practices, but we
2 do know -- for example, I think we can identify which
3 schools are being led by novice leaders as compared
4 to experienced leaders, or we can know some
5 characteristics of leaders and then we can do some
6 analysis to see how those things connect to the kinds
7 of discipline numbers we can create. So, all that to
8 say you're giving us lots of good ideas and these are
9 things -- many of these things are quite doable.

10 CHAIRPERSON NEWTON: Thank you. Dr. Barth.

11 DR. BARTH: Just a few things that connects with
12 things that have been said. First off, I want to
13 thank Senator Chesterfield who did carry this
14 legislation and then-Senator Key who co-sponsored
15 that. Thank you. Thank you for spurring this
16 conversation. A couple of things, moving towards the
17 -- I do hope we have a work session to kind of maybe
18 have some different data when we look at that, at
19 least different data next year. First off -- and
20 this gets into something Ms. Saviers said -- I mean,
21 you know, all write-ups are not the same and
22 especially those that take kids out of school are,
23 you know, really damaging achievement. And, Ms.
24 Anderson, you said that there's not data on referrals
25 to law enforcement available now?

1 MS. ANDERSON: We weren't provided with a nice
2 set of compiled data. I'm sure we could get it, if
3 we knew how.

4 DR. RITTER: We don't know if it's available.

5 MS. ANDERSON: Right.

6 DR. RITTER: We do not have it for the analysis
7 we were asked to do, but it would be worthwhile, as
8 Ms. Reith suggested and mentioned. It just sort of
9 confirms the school-to-prison-pipeline. It doesn't
10 get that far yet; it confirms all the disparate
11 outcomes within schools. We don't know what happens
12 beyond school. But we would certainly love to try
13 and be helpful and go further with the analysis.

14 DR. BARTH: And did y'all have in-school versus
15 out-of-school suspensions?

16 MS. ANDERSON: Yes, sir.

17 DR. BARTH: Okay. I would really like to see
18 that broken out. I mean, your research is so clear
19 in terms of the particularly damaging impact of out-
20 of-school suspension on student learning, and so that
21 would be particularly helpful. I'd also maybe push
22 back just a little bit on the -- I think in your
23 presentation you were kind of diminishing the
24 disparities within schools. I mean, first off, they
25 were still just as significant, and if Dr. Ritter was

1 conferencing he would probably be presenting them in
2 a -- emphasizing that. And especially when we're
3 thinking about the severity of the punishment,
4 especially the, you know, in-school versus out-of-
5 school suspension, referrals to law enforcement, et
6 cetera. I mean, I'd like to dive down into some of
7 those within school disparities, because they're
8 still there; we just know that there's something
9 going on that's a little different than the more
10 systemic issues that are present at the school level.
11 So I'd like to note that.

12 I know that legislation also does say that we
13 need to start looking at good practices around the
14 state, and I think we've started to hint at this. I
15 mean, you know, it's about leadership; it's about
16 cultural competency training; it's about a lot of
17 these things. And so what I would like to see to
18 help us is: what are those schools that should be
19 having incredibly high rates of punishment but are
20 obviously doing things smartly, in a way that doesn't
21 have negative ramifications for learning. So I want
22 to see some of those outliers, those good outliers,
23 because I think that's where we're going to find the
24 best practices. And whether it's leadership
25 training, whether it's the scaffolding of

1 punishments, or going to immediately go Defcon-4, but
2 start in a more, you know, appropriate way that
3 NASBE, National Association of State Boards of Ed.,
4 reported and that we saw this week, and they suggest
5 that some of those things can really be effective.
6 So I want us to start to move from what the problem
7 is to what the good practices are.

8 CHAIRPERSON NEWTON: Ms. Dean.

9 MS. DEAN: I just wanted to kind of jump on what
10 Ms. Saviers said about leadership in the school. And
11 you addressed that earlier but I would like to see
12 specifics with ethnicity of leaders, age of leaders,
13 and the years of experience of the leaders in the
14 school. Because that has a lot to do with -- you
15 know -- if you're an old-school type of person and
16 you think, well, when you do this I think you need to
17 be put out of school, whatever it may be. I think
18 that has a lot to do with how a person is -- how a
19 student is disciplined and how a person views
20 discipline as well.

21 MS. SAVIERS: And just one more thing and I just
22 keep harping on this. I'm feeling my time on this
23 board slipping away and I hate to leave without
24 thinking that this would happen at some point. But
25 somehow to incorporate this information into our

1 teacher preparation programs and our teacher
2 leadership programs, along with what Ms. Newton said
3 about understanding a child of poverty and what those
4 markers are and how to address that individually, you
5 know, for each child. That's something our future
6 teachers all -- and leaders all need to understand
7 better. So I really hope that we're able to take
8 this information and translate it into policy and
9 teacher preparation programs and elsewhere that
10 really makes a difference.

11 DR. RITTER: Ms. Saviers, I can speak to our one
12 teacher preparation program that we have some
13 interaction with, the Arkansas Teachers Corp, which
14 intentionally places students in economically
15 disadvantaged areas, and that is absolutely an
16 intentional focus of our training during the pre-
17 service training and the embedded in-service training
18 that happens throughout their entire -- through their
19 entire time in the Arkansas Teacher Corp. So I agree
20 with you that that matters a great deal. And I think
21 it's easier for us because we are intentionally
22 placing students in economically disadvantaged areas
23 to focus on working with exactly those sorts of
24 students, perhaps where a general teacher prep
25 program who might be placing students anywhere might

1 not have the same -- at least not the same focus as
2 our program would have.

3 CHAIRPERSON NEWTON: And we thank you for your
4 report; it's certainly thorough and comprehensive.
5 And just as a final note, we see a lot of literature
6 being written and -- as far as these young people
7 sometimes -- probably the majority of young people as
8 exhibiting symptoms of posttraumatic stress disorder.
9 So I think it's very serious that what we've
10 associated with traumatic life events are now
11 parallel to students in classrooms, because evidently
12 they are having the same impact in a different realm
13 and a different environment. So I think they may be
14 going as far as diagnosing many young people, but
15 certainly describing those things that are so
16 traumatic that would lend itself to this descriptor.
17 So I think that we are going in the right direction
18 in terms of our intent to be able to look at this
19 closer. And at this point I'd ask for a motion for
20 this action item, A-2. Ms. Saviers.

21 MS. SAVIERS: I move to approve.

22 CHAIRPERSON NEWTON: Ms. Saviers moves to
23 approve. Is there a second?

24 MS. REITH: And a second.

25 CHAIRPERSON NEWTON: Okay. All in -- or any

1 further discussion? I'm sorry; I don't want to limit
2 any discussion.

3 MS. REITH: If I could just add one thing, Madam
4 Chair?

5 CHAIRPERSON NEWTON: Okay.

6 MS. REITH: And that is just for next year, as
7 well, and I think I might have mentioned this last
8 year too. Quantitative being very compelling but if
9 there are any good testimonials, like actual stories
10 to hear, especially as we start looking at some of
11 those outliers and good practices, especially as we
12 start thinking of the teaching component -- right? --
13 and starting to drill into some of those experiences,
14 if we could have folks -- I know our last Teacher of
15 the Year did a lot with trying to videotape some of
16 these best practices and such. And if we could have
17 some stories to compliment the numbers I think that
18 could be helpful, as well.

19 CHAIRPERSON NEWTON: Okay. All in favor of the
20 motion?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRPERSON NEWTON: Any opposed? Motion
23 approved. Thank you very much.

24 DR. RITTER: Thanks for your time and your
25 patience.

1 A-3: CONSIDERATION OF THE LITTLE ROCK SCHOOL DISTRICT MONTHLY
2 REPORT

3 CHAIRPERSON NEWTON: We're now down to A-3. And
4 unless somebody needs a quick break, we're going to
5 ask Mr. Kurrus to come and give his report. Okay,
6 we're fine. Mr. Kurrus, Consideration of the Little
7 Rock School District's Monthly Report.

8 MR. KURRUS: Good morning. I am here this
9 morning with Mr. Greg Adams, who's one of the co-
10 chairs of the Civic Advisory Committee. And he has a
11 very brief report which we could either move to now
12 or at your pleasure.

13 CHAIRPERSON NEWTON: Whichever works best for
14 you. A brief report might -- so you're suggesting
15 that his is brief and yours is long?

16 MR. KURRUS: Well, I guess I'm a lawyer and we
17 always love to go last if you're practicing law, so
18 --

19 CHAIRPERSON NEWTON: Okay. We'll hear the brief
20 report. Let's start with his report.

21 MR. KURRUS: Let me ask Mr. Adams to step
22 forward. And I will be brief, as well.

23 CHAIRPERSON NEWTON: Would you state your name
24 and your affiliation for the purpose of this report?

25 MR. ADAMS: Yes, ma'am. My name is Greg Adams;

1 I'm a co-chair of the Civic Advisory Committee for
2 the Little Rock School District. Thank you for the
3 time this morning. I do have just a very brief
4 report. Our committee has continued to meet in the
5 summer and our major development has been we have set
6 a retreat date for September 19, utilizing the
7 facilitator that's being underwritten by the Arkansas
8 Public Policy Panel and the Rockefeller Foundation.
9 And we have also set up a retreat planning committee
10 from our overall committee to help us plan the
11 details for that day. Our hope is to come out of
12 that retreat day with a strong consensus for goals
13 and strategies, what we'd like to accomplish, and
14 some tasks and how to organize ourselves. Mr. Kurrus
15 has presented us with some large over-reaching
16 questions that he would like to have input from the
17 committee and that will be a time that the committee
18 will be able to discuss how we want to respond to
19 those requests too from Mr. Kurrus. And I'm hopeful
20 that we'll strongly engage in those questions, which
21 I think will be very appropriate for the committee.

22 CHAIRPERSON NEWTON: Thank you.

23 MR. ADAMS: Thank you.

24 MS. ZOOK: May I ask a quick question of him?

25 The students that were on the committee who are now

1 at a totally different school, did they roll off the
2 committee and someone new come on, or how was -- is
3 or was that handled, and also if teachers were
4 transferred?

5 MR. ADAMS: Thank you. We do have students who
6 are going to be -- who were assigned to our committee
7 who are going to be at a different school this year
8 because they were -- they moved on up to a different
9 school. And so we're going to -- we're looking to
10 those schools as the school year begins to assign new
11 representatives. We feel like we need to have new
12 representatives, somebody who's actually there in the
13 school this year. The same will be said for the
14 teachers; we have some teachers who are going to be
15 in different positions and so we're going to be
16 looking in the next month, hopefully before our
17 retreat date, to have new teacher representatives
18 also.

19 MS. ZOOK: Thank you.

20 MR. ADAMS: You're welcome.

21 CHAIRPERSON NEWTON: Any other questions? Okay.
22 Thank you again for your report.

23 MR. KURRUS: I will try to be brief. I'm going
24 to talk a little bit about school opening, and I'm
25 not going to sing, although I've sung at lots of

1 schools. If I were going to sing, I would sing the
2 Johnny Cash song "I've Been Everywhere, Man," because
3 I've been everywhere. I've been in a lot of schools.
4 I will say that we are ready. We have challenges in
5 some schools but we are ready. I was in several
6 schools yesterday and early this morning. Morale is
7 good, teachers are working hard, staffs are
8 cooperating, and I'm very encouraged by that. And I
9 would invite any of you. The Commissioner as well as
10 several other ADE staff persons have indicated they
11 might want to come to schools on opening day, and
12 you're all welcome; anywhere, at any time, please
13 come to our schools, because I think that presence is
14 a positive thing.

15 I want to give you just a brief overview of an
16 enrollment trend, and it's just a trend, and this is
17 the world's worst time of the year to try to project
18 anything. But if you looked at our enrollment a year
19 ago and you compared it to our enrollment today,
20 based on what's on our books, we're up 656 students.
21 I have no idea who's going to show up, who's going to
22 actually get there, and who else might show up. We
23 had a room full of people at our student assignment
24 office yesterday. So very difficult to predict, but
25 that's -- I just want to tell you where we are right

1 now. As you know, from Opportunity Choice transfers,
2 we have some very tight buildings; we have -- we
3 still have a huge issue, in my opinion, with the fact
4 that some people see schools as offering more
5 opportunity than other schools. That is the greatest
6 challenge I have right now, is to educate the public,
7 for one thing, of the marvelous students that are in
8 schools which are not preferred. And I was with
9 those students yesterday; I'll be with them every
10 day. I can bring them up here and you can meet them,
11 if you would like, or if you ever want to go to these
12 schools and see marvelous kids who are doing
13 marvelous things. We have them everywhere, but that
14 story does not get told. So I am -- and I want to
15 tell that story, and I will continue to try to do so.
16 And I'd invite you at any time you want to go with me
17 to a Student Council meeting in any of the schools
18 that people don't think are marvelous. I can show
19 you kids that are doing -- young people doing
20 marvelous things, and I'm very excited. I meet new
21 ones every day; I met several yesterday.

22 I want to talk briefly about sort of the micro,
23 the organizational matters, then I want to move to
24 the big picture, if that's okay. What I want to talk
25 about right now is boring and stuff you've heard

1 about before, but it's the blocking-and-tackling of
2 organizational management and education, and that's
3 what we're working on. Staffing is what has been
4 done well. We staffed up with school improvement
5 specialists, even though I think some of the
6 requirements only said that we needed those folks at
7 semester. We've built those teams; spent a great
8 deal of time with representatives of ADE, Dr. Wilde
9 who is here and others who are here, Mr. Tolbert.
10 We've all worked together and cooperated on trying to
11 develop an integrated plan for the proper engagement
12 of school improvement specialists. It's a very
13 tricky thing because if you're trying to do what I'm
14 trying to do, which is build a direct line of
15 accountability from my office through associate
16 superintendents to principals, assistant principals,
17 teachers, and students, you have to be careful not to
18 interject other people within that accountability
19 chain and interrupt that very direct line. And we've
20 spent a fair amount of time with the process map to
21 try to locate and really think about where the points
22 of inflection should be for various facilitators. We
23 have school improvement specialists, the ADE has
24 school improvement specialists, we have math
25 facilitators, literacy facilitators; we have special

1 teachers. And the last thing I want to do is ever
2 interrupt that chain of accountability, so we've
3 spent a great deal of time on that, training our
4 people and working with ADE so that we have a process
5 map and we don't interrupt that chain of
6 accountability. Because that's what I'm focused on,
7 again, the blocking-and-tackling of the simple things
8 you've heard me talk about before, the accountability
9 measures that we're going to put in place, and we've
10 done so. We're going to use TLI for interim
11 assessments; we're going to re-impose tests; we're
12 going to be data driven; and we're going to focus
13 everywhere we are -- everywhere -- every single
14 school actively managing goal-setting and promoting
15 accountability. It sounds kind of boring, but I'm
16 predicting we'll get more pop out of that simple
17 thing -- improving morale, having direct and clear
18 lines of communication and accountability -- than we
19 will from any special thing that we do. I think the
20 easiest gains will be from better management, more
21 accountability, and more focus. And that's what I'm
22 hearing from ADE folks. I went to conferences. I'm
23 training up to be a superintendent and you'll be
24 proud to know I'm going to class and I've got a lot
25 to learn; Lord knows I do. But I know what I don't

1 know, and I've got great people on our team who are
2 making these good things happen.

3 Our distress schools present unique challenges.
4 I don't have to tell you that. We're focused on
5 those schools in a lot of interesting ways. Baseline
6 gets all the publicity, but I'm focused actually now
7 more -- a lot more on the other schools. Because
8 actually my biggest fear at Baseline is that we have
9 too many moving parts, too many people trying to
10 help, too many cooks in the kitchen. It's very -- it
11 may not be true -- and I hope it isn't -- but that's
12 what I'm worried about at Baseline. At the other
13 schools, you're going to hear from those principals
14 tomorrow; they'll all be here and you can ask
15 questions. So I'd rather now -- I'll be happy to,
16 but I'm even thinking about not coming; I just think
17 it would be better. If you want to interact with
18 them and ask them anything you want to know, outside
19 of my presence, I would like for you to do that. And
20 I promise you I won't look at the tape; I know they
21 tape these meetings. But I want you to ask them
22 whatever it is -- and what I've told them is that
23 your points of emphasis should be -- or might be -- I
24 shouldn't say should be -- but might be what are you
25 going to do differently this year than you did last

1 year to change results; a simple question. But
2 simple questions are the hardest ones to answers. If
3 you've ever tried a lawsuit, the simplest question is
4 the hardest one to answer -- what's going to be
5 different next year. This year actually starts
6 Monday. But it will be strictly up to you and
7 they'll all be here and they'll all be prepared and
8 appreciate the chance to be with you. And I'll come
9 if you'd like or I'll make up my own mind about
10 whether it would be constructive for them to answer
11 without me trying to intrude or otherwise step into
12 the middle of it.

13 I would like to mind of go to the big picture
14 now, if I might, because that's very important.
15 We've been making the news a little bit. People want
16 to interview me all the time -- and, honestly, I
17 don't want to be the story and I'm trying not to do
18 that. I honestly am trying to step out of the
19 picture because we have so many other people working
20 so hard and I want you to understand how much I
21 appreciate our team. But the big picture is so
22 critical right now. We have some schools where we
23 don't have room for new kids; we have schools where
24 people want to attend and are doing all sorts of
25 things to try to get in schools, including fudging on

1 where they live a little bit, you might say. We've
2 taken measures, with the Commissioner's help, to try
3 to manage that issue. So it's not that we don't have
4 good schools. We have great schools. But we also
5 have schools where people don't want to get in.
6 That's a big picture item that I mentioned; we're
7 working on that. Because if we don't promote long-
8 term stability in our school district and focus on
9 student achievement everywhere, this will be a
10 constant problem. We have to solve this problem by
11 making every school a school of choice and we're
12 working hard to do that. We also have to consider
13 growth. Some people might say that we don't want to
14 serve every kid in Little Rock. I want to serve
15 every kid in every school zone and we make no bones
16 about that, and I have plans to do that. I also want
17 to respect the Civic Advisory Committee. I've asked
18 them big questions, and I think, like most of us,
19 they want to focus on certain things that are maybe
20 closer to them personally; that's human nature and I
21 respect that as well. But I really need help from
22 you or from them on what do you want to accomplish
23 big picture-wise; do you want to build new schools in
24 this town? Do you want to ramp up and open schools,
25 not just out west or not just down south or

1 southwest, but everywhere? Because the one thing I'm
2 not going to do is make comments with respect to any
3 particular group that wants to do any particular one
4 thing; it has to be a comprehensive plan, has to be
5 thought-out very carefully, and it shouldn't be
6 isolated, and it shouldn't be driven by emails or
7 blogs. It ought to be driven by prudent thinking and
8 it ought to respect the fact that our community needs
9 to be behind it as a whole. Anything we do in Little
10 Rock will be scrutinized, as it should be, and the
11 impact on the community as a whole must be
12 considered. I am prepared and I have a plan. It's
13 my plan. It's not the community's plan, your plan,
14 the Civic Advisory Committee's plan, but I think it's
15 a good plan -- but I'm not sharing it. I will share
16 it at your convenience, whenever you request it. But
17 I'd like the Civic Advisory Committee to take a big-
18 picture view and tell me what this community wants
19 this system of education to look like in three to
20 five years. That will be a process, but I'm prepared
21 to step in that direction because if we don't begin
22 to address our major needs comprehensively, again,
23 not on a one-off basis -- it's not like popping
24 popcorn where a bunch of people kind of get excited
25 and we do one thing and we do something else and then

1 we hope it all fits together in the long-run. That's
2 backwards. I want to do it differently and we do
3 need an overall strategy, not only just for
4 facilities management but for management of our
5 operations. The last few days I've been to our
6 warehouse, I've been to our transportation location,
7 I've been to our procurement center, I've been to our
8 food service location, I've been to safety and
9 security locations. We've got locations everywhere.
10 We will fix that; it's going to be hard to slim down
11 our administrative budget, which I'm working every
12 day on.

13 Another big picture item -- a little good news
14 -- we have planned an operating deficit for this
15 year, but based on current numbers we've turned that
16 from a \$2 million loss to about a \$2.6 million
17 operating surplus. That's going to improve this
18 year. We'll continue to push in that direction, and
19 if we work hard and make the cost savings come true
20 that I think are out there we'll have the money to
21 build new schools, if that's what the Board's
22 pleasure would be or if that's what the community
23 wishes to see. It won't be easy; it will be very
24 difficult, as a matter of fact. But if we manage
25 correctly and work very hard, we can do that. The

1 main thing we have in Little Rock that's in short --
2 we have great people. Man, we've got great teachers.
3 I talk to them every day. I was with them this
4 morning. I actually ran from a school, talking to
5 teachers, to a getting-ready-for-school meeting
6 downtown, thanked all my folks that were working
7 there -- or our folks that were working there -- and
8 then rushed over here. And I'm very optimistic that
9 if we continue to work hard we can have great
10 success.

11 I know y'all asked questions about disciplinary
12 matters and how we're going to handle those things.
13 I think I will respond to your questions and tackle
14 that sort of ad lib; I'm not fully prepared on that,
15 but I'll be happy to share with you anything I can
16 with respect to that.

17 CHAIRPERSON NEWTON: Let's start with Ms. Dean.

18 COMMISSIONER KEY: Madam Chair, can I --

19 CHAIRPERSON NEWTON: I'm sorry.

20 COMMISSIONER KEY: Well, if I may add to the
21 report before questions. There are just a few things
22 I wanted to cover. I always thank him, and I
23 especially thank Jenny Kurrus every time I see her
24 for allowing him to tackle this. A few weeks ago, I
25 was invited to speak at the Principals Institute for

1 LRSB. And I will just say that the positive energy
2 that I observed in that group of principals,
3 assistant principals, and other administrators at the
4 building level was much different than anything I had
5 observed in interactions prior to Mr. Kurrus coming
6 onboard. His team at the LRSB office, his critical
7 staff members and professionals that are doing so
8 much, I can only describe it as they feel unleashed
9 now to be able to do the jobs that they know need to
10 be done. So just to say that the leadership, the
11 organizational style, the approach that Mr. Kurrus
12 has taken has really taken hold, and I think you're
13 starting to see that now filter on down into the
14 buildings. We -- I approached -- and I forward those
15 requests to Baker often, but we have different groups
16 in the communities that are now seeking partnerships
17 and stepping up and asking, "Hey, how can we help?"
18 And so, you know, we really -- I expect, over the
19 next month, two months, there are going to be a lot
20 of other exciting announcements of things where we
21 have those opportunities for partnerships with groups
22 that were taking a wait-and-see approach; but now
23 that they see the positive energy taking place that
24 they want to get involved and they want to help be
25 part of this turnaround. So I'm encouraged; I'm

1 encouraged and want the Board to hear me again thank
2 Baker for his leadership that he's bringing to the
3 table.

4 MR. KURRUS: Thank you very much.

5 CHAIRPERSON NEWTON: Thank you. Ms. Dean, do
6 you have a question?

7 MS. DEAN: I don't have a question. I just
8 wanted to say -- I just wanted to reiterate what the
9 Commissioner said. I've heard so many great things
10 about you and what you've been doing in the community
11 from parents, all around. So I just want to take the
12 opportunity to thank you for the positive energy that
13 you've injected into everything that you've done.
14 So, thank you.

15 MS. KURRUS: Well, that's very -- thank you very
16 much.

17 CHAIRPERSON NEWTON: Dr. Barth.

18 DR. BARTH: Thank you. Thanks for everything.
19 Just a couple of questions. You alluded to the space
20 concerns, especially at the junior high level, but
21 also at the high school level. And, you know, I
22 think that we all hope that this positive energy of
23 course leads to more and more and more dozens of kids
24 being educated in the district. And so, I mean, in a
25 best case scenario, I mean, how quickly could we see,

1 you know, at least some, you know, new space,
2 especially at the junior high level?

3 MR. KURRUS: Well, you've sort of opened the
4 door. I mean, I'll be happy to discuss that in
5 whatever level of depth you want. I spend a lot of
6 my time thinking big-picture now, which is so much
7 better than I -- than May 6th, when I started and
8 when I was really worried about managing simple
9 things, like can we cooperate, can we hold a meeting
10 where we do something positive and people are
11 empowered and want to speak up. We've gotten beyond
12 that, which is marvelous, because now I can step back
13 and instead of flying right on the deck I'm up about
14 15,000 feet now. I really need to be at 40,000 feet,
15 but I'm still learning so much by being on the ground
16 floor that I don't want to get off. But we could
17 ramp up very quickly, but the problem I see is that
18 without a comprehensive plan -- let's say we did what
19 apparently we've been asked to do publicly on blogs
20 and stuff, which I don't read -- and I've said
21 publicly, "If you really want to bash me, you need to
22 do that directly, either in person or on email to me
23 directly, because I don't read it if you just bash me
24 kind of generally on Facebook." But, you know,
25 there's been a lot of talk about certain structures

1 out west that are available and for sale. I could
2 find -- I ran into an architect who's a good friend
3 of mine and he could go out there and have a look
4 around any day. But I'm not going to go look at that
5 building; I'm not even going to step in that
6 direction until I can say not only we're going to do
7 that, we're going to address these very severe needs
8 that we have in south central Little Rock and
9 southwest Little Rock. We have beautiful buildings.
10 I was in Geyer Springs yesterday; beautiful little
11 school. I was in Wakefield yesterday, which is a
12 relatively new school; marvelous school. But I was
13 in Franklin -- Franklin, we spent hundreds of
14 thousands of dollars in the last two years on
15 Franklin and the people down there working so hard,
16 and we've had so many really distressing -- one
17 especially distressing thing go on down there;
18 marvelous building for what it is, but it was built
19 in 1949; it's not a modern school; it's not a
20 Wakefield; it's not a Stephens; it's certainly not a
21 Roberts. But if we wanted to -- before I step out on
22 west Little Rock, I want to be able to tell the
23 community, my friends that I live with, "This is what
24 we're doing everywhere." This is not another one-off
25 deal where I'm listening to certain people or playing

1 -- taking sides; I'm just not going to do it. The
2 Civic Advisory Committee can do that, if they've got
3 the nerve, or you can tell me to do it; I work for
4 you. But what I'm going to do is I'm going to insist
5 that we have a comprehensive collaborative plan that
6 makes sense over the long-term. And there's a little
7 short-term pain associated with that right now, but
8 I'm willing to take the hailstorm because I know it
9 will blow over. But until we have a long-term
10 comprehensive plan for closing small schools that are
11 inefficient and building schools that are modern and
12 meet the needs of modern students, whether they're
13 special education needs, needs in music, needs in
14 art, needs in computer laboratories or literacy,
15 special rooms -- that's what we've got to do. And
16 our little ol' buildings are so quaint and some of
17 them are nice. I mean, they really are; for what
18 they are, they're really nice, and you need to go in
19 them. But that's not what we're looking for long-
20 term. I mean, I'll just give you one little -- y'all
21 pulled the chain, so I'm going to try to be quiet. I
22 know -- I apologize, Madam Chair. But what do you
23 have when you have a half-time nurse? What do you
24 really have? And we've got a lot of half-time
25 nurses. We really end up with a nurse that goes to

1 two staff meetings, spends time in the car, works
2 like mad, never gets settled in, and you don't have
3 much -- they work so hard. I mean, I see them, and
4 they're just all over the place. But if you can put
5 that same nurse, even with more students, in one
6 place, with one office, one set of supplies,
7 everything that he or she needs to do the job full-
8 time, get acquainted with the staff, learn the
9 students in one school, they're so much more
10 effective. The same is true with music and art and
11 all the enhancements. It's okay for a teacher to
12 have the same number of students in the four walls of
13 a school room, but it really makes a difference. And
14 it's so expensive to education kids in small schools.
15 And I love small schools; they're wonderful. But if
16 you really want to see this community grow we have to
17 confront that issue, and I'm ready to do it. But I'm
18 not ready to step out and say, "Let's build a new
19 school out west," while everybody else in town is
20 scratching their heads, saying, "Well, what about our
21 needs?" I just think that's -- that opens up a level
22 of -- it blows the one thing that we've got going for
23 us right now, which is a tremendous amount of
24 goodwill. I'm just not willing to sacrifice or risk
25 that goodwill without a comprehensive plan. I

1 couldn't give you a plan in a month or give you a
2 plan late tonight.

3 DR. BARTH: And I agree with everything you're
4 saying. It would be great that by the fall of 2016
5 that we could really begin to capture that group of
6 6th graders --

7 MR. KURRUS: Oh, yeah.

8 DR. BARTH: -- that year. That's kind of when I
9 would begin to say, "Okay, that's a big turnaround,"
10 if we'd start to capture large numbers of those 6th
11 graders who -- we know that's the departure grade in
12 so many cases. And that's not the longest term plan,
13 but that would feel so good that year.

14 MR. KURRUS: What pains me -- and I won't tell a
15 whole lot of stories, but I was at an elementary
16 school that's a high-poverty school -- a high-poverty
17 school and a very high rated school -- I'm not going
18 to call them out, but I'll tell you if you really
19 want to know -- and the two kids that were the
20 highest achievers, I think -- and I didn't compare
21 test scores -- those minority kids, both -- we've
22 done such a tremendous job and they have done --
23 these kids and their families have done such a
24 tremendous job. And these are the kids that we -- we
25 love every kid, but it pained me so much when neither

1 one of them is going to middle school with us, you
2 know, and then makes it that much harder everywhere
3 else. And so I'm with you. I mean, I read, and
4 we've gotten some really good research from my friend
5 Mr. Newton, and I appreciate it, about all that, and
6 it's painful to me. And these people know where to
7 find me; I hear from them.

8 CHAIRPERSON NEWTON: Ms. Zook. I'm sorry.

9 DR. BARTH: No, I'll go around.

10 MS. ZOOK: Go ahead.

11 DR. BARTH: Just a quick -- and I know you're
12 not going to want to go into much detail here. But
13 on contract negotiations, you know, are you --
14 whatever you want to say about that. I mean, I know
15 it's -- I mean, I know you're not going to want to go
16 into a lot of detail, but I feel like we would be
17 remiss not to talk about it. It's kind of the
18 elephant in the room in terms of school operating,
19 effective leadership.

20 MR. KURRUS: Well, I'll tell you -- I'll say it
21 this way -- and I don't want to -- I really respect
22 LREA and their leadership because they've stepped up,
23 in my opinion; been so prudent, so measured in their
24 responses to what are highly volatile issues. My
25 preference, which is well known by virtue of the

1 contract proposal, was to start with a contract that
2 clearly states that we recognize LREA and that we
3 bargain -- clearly bargain on wages and benefits.
4 And when you -- if you really just drop back and
5 forget about the length of the agreement and all that
6 sort of thing, those are very important items:
7 recognition, bargaining on wages and benefits.
8 Whenever I accepted a job, that's kind of the two
9 biggies. Everything else is very important, but
10 those things are very important. The draft that I
11 proposed -- and I have a copy, if you'd like to see
12 it -- says that we'll negotiate working conditions.
13 I want to start with a little agreement, and if we
14 have to work it up a little bit, I'm good with that.
15 It's going to be good-faith negotiations, fairly
16 undertaken, promptly, to move where we negotiate
17 salary and benefits, which are the big issues. Then
18 we negotiate working conditions; those are big
19 issues. But I want to work from a little agreement
20 rather than -- our agreement currently is 92 pages.
21 It starts -- and then it has exhibits that take it
22 over 200 pages, and it's a document that has sort of
23 grown; it's 50 -- over 50 years old. Gosh, I know
24 all about good-faith negotiations; I think we'll get
25 there. We've got great teachers and I understand --

1 and I say it every chance I get, teaching and
2 learning doesn't occur in my office; it occurs in the
3 classroom, between a qualified professional. We've
4 got great teachers and I really respect them. But
5 I'll tell you this, if we don't have a sustainable
6 financial future as well as schools that achieve then
7 none of us has a future in education in the LRSD; it
8 won't exist. So those are my primary goals, is to
9 recognize our teachers, let them know how much we
10 appreciate them; we expect a lot, but then provide
11 them with the type of pay of anybody and the best
12 working conditions, with people that appreciate them.

13 DR. BARTH: Thank you.

14 CHAIRPERSON NEWTON: Ms. Zook.

15 MS. ZOOK: Good morning.

16 MR. KURRUS: Good morning.

17 MS. ZOOK: Thank you for your report.

18 MR. KURRUS: You're welcome. Thank you.

19 MS. ZOOK: I'm hearing great things about the
20 different things that are changing, the attitudes. I
21 think you're having a big impact there. The other
22 elephant in the room is last month -- or last week we
23 had parents from Little Rock district who were
24 wanting to exercise Opportunity Choice. And Dr.
25 Fields either left here feeling beat up or "we feel

1 your pain, but we don't agree with you." So are
2 there any processes in the works to help better work
3 with those parents? If you don't have room, you
4 don't have room. And if you have an agreement with
5 the Little Rock city that you won't move in
6 portables, then, you know, that's it. But those
7 parents do by legislation have a right to go to a
8 district or a building that is not in academic
9 distress. I got the feeling from listening to the
10 parents that they were notified like by form letter
11 kind of thing, and you and I both know that to get
12 bad news it comes better if it's a personal visit or
13 some other type of way. But what I also wonder is:
14 are those families being fully informed of "well, if
15 we don't have room here, then there's transportation
16 money; you can apply and look at Bryant or Benton or
17 North Little Rock," or whatever. Because if you're
18 going to wait for a big plan as opposed to piece-
19 milling, as you've sort of labeled it, about taking
20 care of the families that might want to go to a non-
21 academic distress building or might want to go to
22 Little Rock period -- according to Mr. Fields there
23 were no spaces. And I'm sort of like Dr. Barth, if
24 we get the best case scenario and the 8th graders
25 want to stay here for 9th, and the 5th graders want

1 to stay here for 6th, and Dr. Fields is saying there
2 is no space, what is your plan?

3 MR. KURRUS: Well, my plan -- I alluded to it
4 briefly -- is to make schools that are not viewed as
5 schools of opportunity into schools which are schools
6 of opportunity. And, in fact, they are for some
7 students. And we might get into this even a little
8 bit in this discussion about discipline. But if you
9 look at the macro picture, we have severe problems in
10 at least six schools; actually, there are more than
11 that. There's no -- there's virtually no difference
12 in the global performance of the schools which
13 actually went over the line than another number of
14 schools which are so close -- I'm essentially
15 managing them the same way because I see no
16 difference. But what I see in schools on both sides
17 is that if you have failure of any one student -- and
18 that's what I've said and I've told our staff -- a
19 student who fails is a failure of our system across
20 the board; not that school. We're not playing that
21 game. Parkview and Central and Mann and Dunbar are
22 viewed as schools where everything is going great.
23 Well, no, it's not. If there's any kid in there
24 that's below basic or basic that we're not reaching,
25 then we have a failure in that school, and that's

1 essentially the answer to your question obliquely.
2 Because if you go to Fair, Hall, and McClellan -- and
3 I've been in all three of them in the last several
4 days -- I met some kids at Hall yesterday,
5 spectacular kids -- spectacular kids going to great
6 schools and achieving great things and just marvelous
7 people, but those kids' stories don't get told. Now
8 I can name kids -- I'm not going to do it; I don't
9 want to embarrass them -- kids I know that went to
10 Governor's School that I've gotten acquainted with at
11 J.A. Fair, or that went to the Youth Leadership
12 Conferences, and they report back to me how it went
13 because I want to understand those kids. Not those
14 kids in particular so much, but kids at those schools
15 because they have tremendous kids in those schools
16 and there's room for more kids in those schools. But
17 parents think, Gosh, I'm not going down there or I'm
18 not going to stay here because it's not -- you know
19 -- it's just not quite what we're looking for. And I
20 value parents and I understand that. And in an odd
21 way, in the interest of helping those schools, we've
22 let it become stigmatized to a degree, and it's the
23 kids that pay the price, and you've heard me talk
24 about it. So I'm going to be at those -- I'm going
25 to be at Central. I was at Central Monday morning at

1 5:15, dressed out, and jogging with the football
2 team, if you think that wasn't an ugly situation for
3 me. But that's about all I've done at Central and
4 I'm not going to Parkview. I'm going to try to get
5 things working at schools like Cloverdale and
6 Henderson, where parents say, "Hey, there's
7 opportunity there. I know there's been some issues
8 but that's where we're going to go, because we can
9 make changes there." And I hate to -- it's just so
10 hard in a building -- and you know this, and if you
11 don't we can go talk to principals and teachers --
12 you can really change a school and you can impact
13 students, but when you concentrate children of
14 poverty -- and I don't care what color they are; I
15 couldn't care less about that, really -- but if you
16 concentrate students of poverty -- and this is a
17 little bit of straight talk that our community needs
18 to hear -- if you concentrate children of poverty
19 anywhere, and then expect everything to change
20 rapidly, you've got a big job on your hands because
21 kids learn from their peers. And I'm not saying
22 these are bad kids; they're wonderful kids. I've
23 just told you that. But we've got a real challenge
24 in our community. We need fair housing laws; we need
25 middle class people all over our city. It makes a

1 big difference in education when we have zoned
2 schools. But we accept that challenge; I'm not
3 running from it, but --

4 MS. ZOOK: Well, I think --

5 MS. KURRUS: We have to change those schools.
6 We cannot put every kid at Central, every kid at
7 Parkview, and that's not fair to our community. We
8 have to have centers of excellence everywhere and we
9 have to reach every child.

10 MS. ZOOK: And I do appreciate your point and I
11 do agree, and I know that because I've worked in
12 schools similar to the ones that you have. But if
13 it's my child and it's their 11th and 12th grade year
14 and I hear about big plans but I don't see anything
15 changing fundamentally, they do have Opportunity
16 School Choice. And I just wondered if you all could
17 come up with a plan or a more personalized plan for
18 these families so that maybe all you'd have to do is
19 talk to them and encourage them and they would, you
20 know, feel more comfortable. But I do want to be
21 sure that these parents know that that law was not
22 passed and it doesn't apply to them, because it does
23 in fact apply to them.

24 MR. KURRUS: It truly does. But --

25 MS. ZOOK: And then the other thing is -- and

1 I've been in the school business, so when parents
2 call me, I say, "Have you talked to your principal?
3 Have you talked to, you know, the next person?" I
4 get that; I'm not trying to do that. But they live
5 in a zone. There are first graders that live in the
6 Jefferson zone, or there are third-graders who live
7 in the Fulbright zone, and they were told, "We don't
8 have any more space in that grade." So how is that
9 being addressed?

10 MR. KURRUS: Well, it's actually fourth grade at
11 Jefferson where we don't have any more space, and
12 it's painful. A lot of those things are caused by
13 this paralysis that we've been involved in since
14 really -- Fulbright was built in 1978, and you talk
15 about Fulbright; there's been a fair amount of growth
16 out there. Right? Roberts was built five years ago.
17 Jefferson is a tiny school in a neighborhood that's
18 turned over with a lot of new families, younger
19 families with a lot of small children. And, again,
20 we cannot put any more people in Jefferson. This
21 week, I said, "Is there a possibility of adding a
22 fourth grade class at Jefferson and enrolling the
23 overflow and the kids that wanted to come to
24 Jefferson, as well as Forest Park, where there's no
25 room in fourth grade?" I can show you the list of

1 where there is and isn't room; I brought it with me.
2 And the answer is no, we can't magically put more
3 kids in a school building than state law allows. And
4 that's this paralysis that I'm talking about where we
5 have a popcorn approach to facilities planning. You
6 know, we haven't done anything effectively since
7 Roberts was built, and that was not without its pain,
8 because there's no comprehensive plan. People in
9 southwest Little Rock say, "What about us?" People
10 in northwest say, "What about me?" People in central
11 city say, "What about our schools?" And they're all
12 right; they've all got a point; they're all entitled
13 to a comprehensive plan. So I can't fix the fact
14 that Forest Park has a class of 450 kids and you
15 can't shoe-horn another one in there. I get
16 complaints every day. They've lost their specialized
17 rooms that the PTA paid to equip for additional
18 classroom space. They do a great job; they achieve
19 at over 90% of their proficient/advanced. So I don't
20 have the answer short of this comprehensive plan I'm
21 telling you about. Now this Opportunity School
22 Choice is a great idea in one sense that, you know,
23 you say that these are schools where you don't --
24 they're distressed, which means, I guess, that 49.5%
25 or more of the kids are not proficient and advanced.

1 But that doesn't mean that kids down there aren't
2 going to make 30 on the ACT --

3 MS. ZOOK: Right.

4 MR. KURRUS: -- because we're working on that.

5 MS. ZOOK: And I think if you had an approach
6 where those parents have been talked to, encouraged,
7 or helped in a different direction but in fact,
8 didn't get a form letter, you know, you -- I mean,
9 you're a good salesman and Mr. Fields is a very
10 capable man. I just think those are the things that
11 come to us. I also appreciate the fact that you have
12 been there a very short time, and, you know, I
13 totally get all of that. I've had to shoe-horn kids
14 into buildings, and so I do appreciate the situation.
15 I just think that since these parents have been given
16 this right, whether they choose to -- they've
17 withdrawn, a couple of them, from today, so
18 apparently y'all are --

19 MR. KURRUS: Four of them today.

20 MS. ZOOK: Yeah. You-all are working even
21 within a week, you know, with those kind of things.
22 But please understand, I understand your position.
23 You've been there such a short time and it's like
24 people coming to me for counseling and it's such a
25 mess that, you know, some things can be fixed and

1 some things can't. But you inherited a mess and we
2 want to do everything we can to help you speed the
3 fixing of that along, because we all love and
4 appreciate all of our school districts and the
5 children within those districts; we just want to help
6 each of you as you make an effort to do -- but we
7 have to ask you these hard questions.

8 MR. KURRUS: Well, I appreciate that.

9 MS. ZOOK: And we have every confidence in you
10 and your school board.

11 MR. KURRUS: Well, thank you.

12 CHAIRPERSON NEWTON: Okay. Moving right along
13 --

14 MR. KURRUS: And I will say this, the ADE has
15 been nothing but great.

16 CHAIRPERSON NEWTON: We've got to move from this
17 side. I'm sorry. You know, because of our schedule
18 and because there is opportunity for all of us, I
19 think we know to have a discussion with you. And so
20 it's not that -- you know -- every point is
21 important, but we've got to move along. So, Ms.
22 Reith.

23 MS. REITH: I promise to be brief. And thank
24 you, Madame Chair, and also thank you as well, Mr.
25 Kurrus, not just for your time today, but for

1 everything that you've been doing this summer as
2 well. I do also want to thank Mr. Adams for his role
3 and his leadership and his report today as well. I
4 think after the vote in February many of us wouldn't
5 have maybe expected to see some of our school board
6 members actively engaged; there could have been
7 scenarios where I would have assumed that they may
8 not. And then to see them still this engaged with
9 the leadership and what that's representing, and you
10 all working together, is probably something that
11 gives me the most hope. And so I really thank you
12 for that. And it's toward that end that I do hope in
13 this comprehensive plan that you're working on,
14 please know I in no way advocate arbitrary targets.
15 Obviously, the idea of you taking time with a
16 comprehensive plan is one that we can have something
17 that's really meaningful and actually see school
18 turnaround and such. But I do know that at the end
19 of the day if you really want to fulfill the full
20 potential of morale in the community, just some sort
21 of guidelines that there is some work toward
22 returning back to local control the district --
23 right? Again, I'm not setting a timeline; I'm not
24 even asking that you do. But as you think of your
25 targets and what you're working toward, please also

1 include that in there as well. I think that's what's
2 going to really cap off -- right? -- the idea that
3 we've done this work together, but that at some point
4 we know that this is just not this infinite -- right?
5 -- sort of target out there -- right? -- of state
6 control, that some day that the Little Rock School
7 District can be back to local control, something I
8 would appreciate hearing as the months go ahead and
9 as you are able to reflect more on this plan.

10 In terms of the discipline piece, since I am the
11 one that brought it up and you did reference it as
12 well, if I could just maybe ask for tomorrow with
13 some of your principals -- right? -- if they might be
14 able to touch on some of that, that piece as well,
15 specifically the junior high and high schools, for
16 the very reasons that were talked about in the
17 previous report here, just wanting to make sure that
18 as you're thinking of plans that that's part of it.
19 And for that reason -- I know you put the question to
20 us, "Should I show up tomorrow, should I not?" I
21 know I personally would like to have you here just to
22 hear the questions and some of the thinking here, as
23 sort of the leader. Obviously, I love the idea of
24 hearing directly from the principals but I do think
25 at the same time you, as sort of the leader in this

1 direction and again the one that's kind of putting
2 together this plan -- some things might be revealed
3 tomorrow as we start thinking into some of the
4 individual schools that might lend itself to that.

5 And then the final thing that I would just sort
6 of ask is: I know that for the same reason that my
7 colleagues brought up the teachers' contract, it is
8 something that's going to be extremely important for
9 this fall. I heard about the negotiations vis-à-vis
10 the newspaper and maybe some of my other colleagues
11 were in that similar boat. If there is any way that
12 we could get some updates as that's going along, even
13 if it's just an email from you, from Deborah, or from
14 you, Commissioner, just to -- to just give us a sense
15 of how those conversations are going forward. I
16 guess I would appreciate maybe not reading about it
17 in the paper, and hearing about it maybe directly
18 from you all, if that's possible, just because of how
19 important, obviously, the roles of what teachers are
20 going to play moving ahead. But beyond that, thank
21 you so much. And I hear your Spanish is going quite
22 well. So, thank you.

23 MR. KURRUS: [Speaks a phrase in Spanish]

24 MS. REITH: [Speaks a phrase in Spanish]

25 MR. KURRUS: If you want me to, I can give you

1 -- you know the -- let me just -- I want to meet your
2 requirements; so if you don't mind, tell me exactly
3 what you want me to do. I mean, I can give you a
4 weekly update; I can write it down and it'll be FOIA.
5 That's why my plan, my global plan is --

6 MS. REITH: No, I don't think --

7 CHAIRPERSON NEWTON: I think it would be best to
8 come through the Commissioner --

9 MS. REITH: Yeah. Yeah.

10 CHAIRPERSON NEWTON: -- and he can, you know --

11 MS. REITH: And it doesn't have to be at the
12 level of weekly. It's just as we get to the next
13 phases, just having some sort of sense versus seeing
14 it in the paper and then having to react sometimes to
15 teachers or other folks that might contact us. If we
16 can just have a heads-up of how those negotiations
17 are going.

18 MR. KURRUS: Okay. Well --

19 CHAIRPERSON NEWTON: Well, I wouldn't want to
20 put that onus on you, Mr. Kurrus.

21 MS. REITH: Yeah. Yeah.

22 CHAIRPERSON NEWTON: I wouldn't want to put that
23 onus --

24 MS. REITH: Yeah.

25 CHAIRPERSON NEWTON: -- necessarily on you, from

1 the Chair's standpoint. If you can get information
2 as you -- and the Commissioner can deem it relevant
3 for our use or discussion, some may mean more or
4 less, but -- so that would be something that you and
5 the Commissioner -- and I'm sure you guys talk often.

6 MR. KURRUS: I'll be happy to do whatever y'all
7 need me to do.

8 CHAIRPERSON NEWTON: Okay.

9 MS. REITH: Thank you.

10 CHAIRPERSON NEWTON: Ms. Saviers.

11 MS. SAVIERS: Yeah. Real quickly, Mr. Kurrus, a
12 lot of good vision and hope, and that is so
13 encouraging to me, and I have no doubt that you will
14 have a fabulous first day of school and a really
15 successful year. Seriously, thank you so much. And
16 what can we do to help you get your -- create your
17 plan, implement the plan? What can we do? Because I
18 think the plan is critically important.

19 MR. KURRUS: Well, I think we need to figure out
20 if the Civic Advisory Committee is going to go macro
21 or micro. I mean, if they want to tell us who to
22 hire I'll listen; if they want to tell us, you know,
23 what to do in a school building -- we've got highly
24 paid people that are working very hard on those
25 matters that are professional educators, including a

1 lot of them from the ADE who have really been a big
2 help. Right now, that's where I would like for that
3 sort of thing to come from, but I really need help on
4 the big picture, you know, community-wide. That's
5 what -- and I hope they will turn to those things
6 very rapidly and then I will -- if you don't mind, I
7 think -- I hate to do it because it'll stir up stuff,
8 but I can literally dash off a big picture plan that
9 shows some of the financial implications of what I've
10 been talking about. And that's all I'll say because
11 I know we've over time, but --

12 CHAIRPERSON NEWTON: We have an aggressive
13 agenda and we may make it through by midnight. But
14 anyway, thank you for -- Mr. Black, do you have a
15 question?

16 MR. BLACK: I'll just pass.

17 CHAIRPERSON NEWTON: Okay. Mr. Williamson?

18 MR. WILLIAMSON: No.

19 CHAIRPERSON NEWTON: Ms. Chambers?

20 MS. CHAMBERS: No.

21 CHAIRPERSON NEWTON: Okay. Thank you.

22 MR. KURRUS: Thank you very much for your time.

23 CHAIRPERSON NEWTON: I don't know if I ought to
24 do this or not --

25 MS. ZOOK: Yeah. Yeah. Well, I think when that

1 recommendation was made for that committee it maybe
2 has a misnomer about being called Advisory. It was
3 intended -- or my vote was intended, the way Dr.
4 Barth made the motion, that it's a group that helps
5 you communicate to the community, but it was not in
6 any way an administrative group or a group that got
7 between you and your board; it was not in any way
8 intended to be in the weeds. And so I think if you
9 need that clarification from us we can clear that up
10 pretty quickly.

11 MR. KURRUS: Well, the committee has got great
12 leadership. They're working really hard and I really
13 appreciate the committee. And I don't want to sound
14 critical, so please understand that point. I think
15 they're coming along. I just think if y'all sort of
16 ask, I'm going to give you -- it'll take me a couple
17 of days to type it up but I've got pen-scratching;
18 none of it's FOIA-able; it's all in my head, to all
19 those who'll hit me this afternoon. But I'll get
20 with the Commissioner and we'll talk, and then I want
21 to show you the big picture vision. And then I hope
22 we have a good opening on Monday; I have my fingers
23 crossed. Y'all are all welcome. And thank you so
24 much.

25 CHAIRPERSON NEWTON: Thank you. Okay. So now

1 we have an action to -- can I get a motion relative
2 to Mr. Kurrus's report?

3 DR. BARTH: I move to accept the report.

4 MS. REITH: Second.

5 MS. SAVIERS: Second.

6 CHAIRPERSON NEWTON: Moved by Dr. Barth and
7 seconded by Ms. Reith to accept the report. There's
8 no discussion, I don't think. All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRPERSON NEWTON: Any opposed? Great. Then
11 the motion passes.

12 We're going to take a 10-minute break and we're
13 going to reassembly at 12:10 by that clock.

14 (BREAK: 12:00-12:12 P.M.)

15 CHAIRPERSON: We're ready to get started; it's
16 time to reconvene.

17 A-4: CONSIDERATION OF AGREEMENT BETWEEN PCSSD AND JNPSD
18 CONCERNING THE DETACHMENT OF JNPSD AND PCSSD

19 CHAIRPERSON NEWTON: We're now down to action
20 item A-4, Consideration of Agreement Between PCSSD
21 and JNPSD Concerning the Detachment of the district
22 -- one district, Jacksonville, from Pulaski County.
23 And we're going to start by recognizing the
24 presenters, who will be Dr. Jerry Guess and Tony
25 Wood. But we're going to ask the Commissioner to

1 give us some background and give us some context for
2 this discussion.

3 COMMISSIONER KEY: Thank you, Madam Chair. Just
4 to introduce this item, you know, the two parties
5 have been working for several months now at the
6 direction -- the order -- the detachment order that
7 was issued by this board gave them direction on the
8 items that needed to -- where they needed to reach an
9 agreement. And I think this agreement that -- I
10 think we met two weeks ago about this and, well, they
11 called me and said they had a -- what they thought
12 was very close to a final agreement. And in that
13 meeting we were able to come to a conclusion on a
14 couple of minor items and at that point they said,
15 "Yes, we can agree with this." And it's a solid
16 agreement; it's an agreement that both districts, I
17 believe, can move forward during the remainder of
18 this transition time, and it's brought some clarity
19 to areas that needed clarity, I think the split of
20 the assets that they have determined to be
21 appropriate. And both districts moving forward will
22 be able to operate efficiently, not without some
23 difficulty. As you can imagine, this is like the
24 separation of Siamese twins and it has been
25 difficult. But I want to express my appreciation to

1 Mr. Wood, and before him Mr. Lester, and to Dr.
2 Guess, and to their respective teams, because they
3 have really done a lot of hard work on this. And I'm
4 happy. A couple of months ago maybe, I think I had
5 to report that we thought we were close and I had to
6 tell you that we had to pull it from the agenda.
7 Well, today, I'm happy to tell you not only are we
8 close but we are complete and I'm happy to present
9 this. I have approved this, as you see on the form
10 or on the document. Well, my approval was in form
11 only and this board will then be asked to approve it,
12 and then I believe it will go on to the court for
13 review. But I'll let them address any of those
14 questions that you all may have. But, Madam Chair,
15 I'm happy to present this and happy to present these
16 two gentlemen to talk about it.

17 CHAIRPERSON NEWTON: Okay. Thank you. Who
18 wants to start? Dr. Guess.

19 DR. GUESS: Well, I noticed Mr. Wood stepped
20 back. You know, it's not always that you step
21 forward; sometimes it's if the other guy steps back.
22 I don't know what to say, other than what Mr. Key
23 said, truthfully. I think he's captured all the hard
24 work and the time that we've put into this, and I
25 think it gives the framework for the detachment of

1 Jacksonville that will be critical to the successful
2 detachment of Jacksonville and the PCSSD following
3 that detachment. So we're here to support this and
4 seek your endorsement.

5 CHAIRPERSON NEWTON: Mr. Wood.

6 MR. WOOD: I don't have anything to add.

7 CHAIRPERSON NEWTON: I'm not surprised. You
8 know, I think, for the benefit of the new board
9 members, this has been how many years in the making?
10 How many years is this from start to end?

11 MS. ZOOK: I think Jacksonville has been trying
12 for 30, but I think this new thing is like three.
13 Right?

14 CHAIRPERSON NEWTON: So from --

15 DR. GUESS: I think that's right.

16 CHAIRPERSON NEWTON: Yeah. So --

17 DR. GUESS: Yes, ma'am.

18 CHAIRPERSON NEWTON: Yeah. So that -- so just
19 know the lack of comment is no indication of the hard
20 work that's been in the process. So we'll start on
21 this end. Ms. Chambers, do you have any questions?

22 MS. CHAMBERS: No, I don't.

23 CHAIRPERSON NEWTON: Okay. Mr. Williamson?

24 MR. WILLIAMSON: Just as a former banker, I
25 would hate to have this amortization schedule to deal

1 with, but -- it just drove me a little crazy. But if
2 you guys agreed to it, it was fine with me. I
3 thought it may be easier just to budget a standard
4 payment instead of a declining one, but whatever you
5 guys are happy with is fine with me.

6 CHAIRPERSON NEWTON: Mr. Black?

7 MR. BLACK: No questions at this time.

8 CHAIRPERSON NEWTON: Okay. Ms. Saviers?

9 MS. SAVIERS: No.

10 CHAIRPERSON NEWTON: Ms. Reith?

11 MS. REITH: Just a word of congratulations.

12 DR. GUESS: Thank you.

13 MR. WOOD: Thank you.

14 CHAIRPERSON NEWTON: Ms. Zook?

15 MS. ZOOK: And I second that.

16 DR. BARTH: Yeah, the same. And I don't want to
17 hold this issue up but, Dr. Guess, did you hear my
18 comments earlier this morning about y'all's next --
19 when is Pulaski County's next fiscal distress report?

20 DR. GUESS: I'm not sure, Dr. Barth, when the
21 next report is. I did not find that out.

22 DR. BARTH: Okay. And just -- I mean, I think
23 as we look forward to that, I think it is time for
24 this board to maybe have a different kind of report
25 the next time around with a particular eye to the

1 clock, the five-year deadline, where we are, how
2 we're going to get there, if we're going to get
3 there, and then what the implications of that would
4 be for the federal courts. And then how the, you
5 know, the bonds, the mills, the decision on mills,
6 and the other schools out there, how that may have
7 some implications for the unitary status
8 determination moving forward. So I think we need a
9 little bit more time, a little bit more comprehensive
10 report than we have traditionally gotten on fiscal
11 distress because of how close we're getting to the
12 end of the five-year period there.

13 CHAIRPERSON NEWTON: Okay.

14 MS. DEAN: No questions.

15 CHAIRPERSON NEWTON: No questions. Okay.

16 MS. ZOOK: I move that we accept the report.

17 CHAIRPERSON NEWTON: Okay. It's been moved by
18 Ms. Zook that we accept the report --

19 MR. WILLIAMSON: Second.

20 CHAIRPERSON NEWTON: -- and recommendation.

21 Second by Mr. Williamson. Any further discussion?

22 All in favor?

23 (UNANIMOUS CHORUS OF AYES)

24 CHAIRPERSON NEWTON: Any opposed? Thank you,
25 Gentlemen.

1 We'll go back now to item C-3, if Ms. Freno is
2 in the room.

3 (OFF THE RECORD)

4 (BACK ON THE RECORD)

5 CHAIRPERSON NEWTON: We need a break. I need a
6 break. We'll be back at 1:10.

7 (LUNCH BREAK: 12:28-1:15 P.M.)

8 VICE CHAIRPERSON REITH: If we could bring the
9 room to order please, I'm afraid our Chair had to
10 step out for personal issues for a few brief moments.
11 So we are going to go ahead and proceed with the
12 agenda, just acknowledging the length of the agenda.

13 A-6: DERMOTT SCHOOL DISTRICT - YEAR TWO PROBATIONARY STATUS

14 VICE CHAIRPERSON REITH: We are now at action
15 item 6, if I -- no, sorry; apologies. Action item 5.

16 MS. ZOOK: It was pulled.

17 VICE CHAIRPERSON REITH: No, that one was 5, so
18 it is 6. Thank you. So action item 6, the Dermott
19 School District - Year Two Probationary Status. If
20 the presenter, Brandon Morrison, could come forth.
21 Yes, Mr. Morrison -- or Mr. Harvey.

22 MR. HARVEY: Madam Chair, Members of the Board,
23 Commissioner Key, we do have Dermott here today with
24 the year-two. We also have Mr. Morrison here as a
25 standards specialist and Dr. Wilde as a school

1 improvement specialist. We did do a visit to kind of
2 pull together with school improvement for the
3 academic distress side, as well as the year-two. We
4 have submitted to you the documents related to the
5 probationary issues from both years. Based upon the
6 evaluation that the team did at Dermott, they have a
7 schedule they have put in place with fidelity, after
8 October 1, that will rectify the situation for the
9 probation from this year. So it is something that
10 they've worked diligently to correct. We do have
11 them here for questions, if you would like. But we
12 also have recommendations from the team and a
13 collaborative group here at the ADE that we would
14 like to see possibly put forward as action for the
15 Dermott School District.

16 VICE CHAIRPERSON REITH: Well, I do think we'll
17 want to hear your recommendations. I know in other
18 cases we've given the opportunity to the district to
19 speak as well. Which would you -- do you have a
20 preference of which would happen first?

21 MR. HARVEY: I would recommend that we do the
22 recommendations first. That way, the school district
23 could speak to those recommendations.

24 VICE CHAIRPERSON NEWTON: Sounds wonderful.
25 Please proceed.

1 MR. HARVEY: Basically what we're wanting to
2 move forward with is a cross-collaboration between
3 standards and school improvement. Because as we've
4 seen, districts that have an issue with standards or
5 with school improvement, there's a cross-correlation
6 between the two. So we're working to cross-train our
7 staffs so that we can support each other more
8 effectively as we move forward. So as if we're
9 looking at a teaching issue, then we can see what is
10 the impact on that related to school improvement so
11 we can address both of those at the same time, so
12 with that as the spirit that we're looking for.
13 Because they're in academic distress you will be
14 getting regular reports from the school improvement
15 unit. What we're asking is that we look at a
16 quarterly report to the Board during the regular
17 board meeting that is a combination between school
18 improvement and standards. So on a quarterly basis
19 Dr. Wilde or his appointed school improvement
20 specialist will go down to Dermott with Mr. Morrison,
21 the standards specialist for Dermott, and evaluate
22 where they're at and provide you with a report back.
23 So as those reports moving forward, we'd be looking
24 at one after October 1, which would enable us to say
25 did they implement the schedule with fidelity and

1 have they rectified those issues. Then, we would be
2 going back after January, so we'd be looking at
3 second semester, to insure that we're still on
4 target. Then, we would be going back in May so that
5 we could do an evaluation for the year but also see
6 what are the projected plans for the upcoming school
7 year so that we have all this congruent together. So
8 we would be presenting those reports to you from both
9 units as one presentation. We would also ask that
10 Dermott School District be required to come before
11 you as an action item to present a report to the
12 Board and be able to answer questions. This is
13 similar to what we've done with other districts.
14 This will enable the Department to demonstrate how
15 effectively we can work together to actually support
16 a school district and also give us a sampling to see
17 if this is something that we can scale up to a larger
18 issue, which would enable us to work with Academic
19 Distress, potentially Standards, Fiscal Distress, and
20 all of those in a collaborative issue to better serve
21 the students.

22 VICE CHAIRPERSON REITH: Yes, Ms. Zook, you're
23 recognized.

24 MS. ZOOK: I know a lot of the accreditation
25 issues were staff related and they were cited like

1 someone teaching out of area. If a district gets
2 approval from Ms. Pfeffer's department to have an
3 assigned sub or someone in a position that's
4 different from the area in which they're certified,
5 do they still get cited or they don't get cited
6 because they have gone through the correct process to
7 get an okay for that?

8 MR. HARVEY: Part of that deals with the ALE
9 process, which is that, allowing to teach out of
10 area. And the first year you teach out of area you
11 automatically receive a cite for that, and that's
12 just to say -- or, excuse me -- your denoted on the
13 accreditation report that there will be a cite if it
14 continues in year-two. So that's how we're tracking
15 those. And a cite is something to say, "Hey" -- it's
16 kind of like a warning sign, "Here's something, if
17 not corrected, could lead to a potential probationary
18 issue, which is much more severe."

19 MS. ZOOK: Thank you.

20 VICE CHAIRPERSON REITH: Any other questions for
21 Mr. Harvey? Then, Mr. Harvey, I think we'll give the
22 Dermott School District an opportunity to respond.
23 Who's here to speak on behalf of the Dermott School
24 District?

25 MR. HARVEY: We have the superintendent.

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VICE CHAIRPERSON REITH: Wonderful.

SUPT. RIDGELL: Good afternoon. I am Kristi Ridgell, superintendent of Dermott School District, and I have brought my high school principal, Mike Duncan, and my curriculum coordinator, Ms. Arniece Gardner. And I'm here responding to an unfortunate occurrence when the Dermott High School was found in probation violation in the 2013-14 and 2014-15 school year. The district had a career orientation teacher who was teaching out of licensure field the first year. The second year the district was in violation because it failed to teach the required 38 units due to failure to teach a required math course and a social studies course. During the first year of these violations I was serving the district as elementary principal. Even though I served the district in dual capacity, as elementary principal and superintendent, during the second year, when I assumed the interim superintendent position in November 2014 I was made aware of violations and began to take immediate action. All the certification issues have been corrected in the district; all course offering requirements are in compliance with the Arkansas Department of Education requirements. We have collaborated with ADE

1 standards unit and the school improvement unit.
2 Additionally, we have conducted a self-audit to
3 insure that we are offering the required 38 units.
4 We will continue to monitor our certification course
5 offerings and other compliance issues to insure that
6 we are providing the best education that our kids
7 deserve. I thank you for affording me the
8 opportunity to address you at this time. I assure
9 you that if afforded the opportunity I will do all
10 within my power to insure that I do not have to face
11 you again to explain or defend accreditation issues
12 for the Dermott School District. Thank you.

13 MS. ZOOK: And I think we need to point out that
14 you have -- this will be your first full year as
15 superintendent.

16 SUPT. RIDGELL: Yes, ma'am.

17 MS. ZOOK: And everything has been on the upside
18 since you got there, so we do appreciate you.

19 SUPT. RIDGELL: Thank you so much.

20 CHAIRPERSON NEWTON: Ms. Saviers.

21 MS. SAVIERS: And I'm sorry, Superintendent;
22 what is your name?

23 SUPT. RIDGELL: Kristi Ridgell.

24 MS. SAVIERS: Thank you. Do you have a
25 curriculum?

1 SUPT. RIDGELL: Yes, I do.

2 MS. SAVIERS: So there is an established
3 curriculum in the Dermott School District?

4 SUPT. RIDGELL: Yes, ma'am.

5 MS. SAVIERS: Thanks.

6 CHAIRPERSON NEWTON: Any other questions?

7 COMMISSIONER KEY: Madam Chair, if I may -- I
8 just want to let the board members know that Dr.
9 Gotcher and I, in one of our trips to the southeast
10 co-op, met and visited with Ms. Ridgell. And we are
11 very confident that she is the right person to make
12 the corrections and make the improvements that need
13 to be made there. We have just great confidence in
14 her ability. As former Commissioner Wood used to
15 say, we needed to have an eyeball-to-eyeball
16 conversation, and we're very pleased with what we see
17 coming from there. And also I had specifically
18 called Karen Eoff at the co-op, and I said, "Karen,
19 can we count on you to help Ms. Ridgell as well, as
20 she goes through the process?" And they said,
21 "Absolutely." So we have a great partnership. We
22 look forward to the improvements that they're going
23 to make in Dermott.

24 SUPT. RIDGELL: Thank you so much.

25 CHAIRPERSON NEWTON: Are there any questions,

1 any other further questions?

2 DR. BARTH: I really like the approach of the
3 two units working together; I think it's a really
4 promising strategy. And I would move to accept the
5 recommendation of the Department on our treatment of
6 Dermott in the year ahead.

7 MS. SAVIERS: Second.

8 CHAIRPERSON NEWTON: You heard the motion by Dr.
9 Barth and the second by Ms. Saviers. Is there any
10 other discussion, any further discussion? All in
11 favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRPERSON NEWTON: Any opposed? Thank you,
14 Ms. Ridgell. We have confidence that you will give
15 your heart to the district and thank you for your
16 commitment.

17 SUPT. RIDGELL: Thank you.

18 A-7: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
19 APPLICATION - COPPEDGE

20 CHAIRPERSON NEWTON: Okay. A-7 is Consideration
21 of Appeal from Denial of School Choice Application -
22 Coppedge family.

23 MS. DAVIS: Good afternoon. Jennifer Davis,
24 staff attorney for the Department. The Coppedge
25 family filed a school choice appeal after they were

1 denied from the Armored School District. They do
2 reside in the Blytheville School District and they
3 are represented today. But we do have a few school
4 choice appeals -- but before I get started, I just
5 want to go ahead and cover the procedures again in
6 case you forgot them from last week.

7 Like I say, the appeals are with the nonresident
8 district. So the nonresident district will get 5
9 minutes to kind of state their case, open it up,
10 followed by 5 minutes from the parent. After that,
11 the nonresident district will have 20 minutes to kind
12 of present more to you, followed by the parents as
13 well. At any point in time you can ask questions and
14 also we have requested that the resident districts
15 come as well for you to ask questions to them.

16 Like I say, this first family is represented by
17 counsel. But everybody who's going to testify,
18 outside of counsel, does need to be sworn in.

19 CHAIRPERSON NEWTON: Would the people that are
20 intending to testify please stand, including school
21 personnel? Raise your right hand. Do you solemnly
22 swear or affirm that the testimony you're about to
23 give is the truth, the whole truth, and nothing but
24 the truth?

25 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

1 CHAIRPERSON NEWTON: Thank you. I'm going to
2 call a representative now from the Blytheville
3 district, the nonresident district.

4 MS. DAVIS: No, Armorel.

5 CHAIRPERSON NEWTON: Armorel. I'm sorry;
6 Armorel district. They're the nonresident district.

7 SUPT. BENNETT: Good afternoon. I'm Sally
8 Bennett, the superintendent of the Armorel School
9 District. I in fact did deny the application based
10 on the assertion from the Blytheville School District
11 that they had an active desegregation order, and as
12 is listed in the Department of Education website. We
13 do have the capacity to accept students and we'd be
14 happy to do so.

15 CHAIRPERSON NEWTON: Blytheville district, is
16 there someone to represent who wants to make an
17 opening statement? And I understand the procedure is
18 5 minutes for opening, 20 minutes for rebuttal?

19 MS. DAVIS: Right. And what I would suggest is
20 go ahead and let the district and then the parent
21 open up, and then at that point in time we can --

22 CHAIRPERSON NEWTON: But the district -- but the
23 Blytheville district and then the parent?

24 MS. DAVIS: No. The nonresident district,
25 Armorel, who just went --

1 CHAIRPERSON NEWTON: Okay.

2 MS. DAVIS: -- and then allow the parent.

3 CHAIRPERSON NEWTON: Okay.

4 MS. DAVIS: And then during the 20-minute
5 presentation of the Armorel School District is when I
6 would call any representatives from the resident
7 district up to support their case about why they
8 issued the denial.

9 CHAIRPERSON NEWTON: Okay. This is the Coppedge
10 family represented by --

11 MR. ASKEW: Jess Askew.

12 CHAIRPERSON NEWTON: -- Mr. Askew.

13 MR. ASKEW: May it please the Board, I represent
14 the Coppedge family here. I am looking to see
15 whether anyone from the Blytheville School District
16 will attend, and as far as I can tell no one is here.
17 I do have a document that I want to hand around and
18 discuss.

19 (WHEREUPON, Exhibit One (1) to Agenda Item A-7
20 was marked for identification and entered into
21 evidence.)

22 MR. ASKEW: And this is our five-minute piece.
23 I want to commiserate a little bit with you and I
24 want to tell you some good news and then I want to
25 ask you to do your duty under the School Choice Act

1 of 2015. The commiseration is frustration; I feel
2 it, you feel it, parents feel it, we all feel it. We
3 are very frustrated with a lot of these school choice
4 issues, and I submit we are frustrated with the role
5 of this board in school choice issues. I want to
6 speak directly to the 2015 Attorney General opinion,
7 which I've read backward and forward; I know you all
8 have read, counsel has read, and across the state.
9 It says nothing about the State Board of Education.
10 It's directed to the Arkansas Department of
11 Education. It says nothing about the appeal which is
12 the reason why we are here today. It speaks instead
13 to what the Arkansas Department of Education does
14 when it gets a letter like the one from April 22nd
15 that the Blytheville School District sent in, saying,
16 "We are under a federal court order that is contrary
17 to school choice." The AG opinion said -- the
18 question presented to the AG was when the Arkansas
19 Department of Education gets one of these letters can
20 it do anything to look at the bona fide use or the
21 justification presented. Then the answer was, "The
22 statute says nothing." And, you know, I'm not going
23 to debate that question because it doesn't apply to
24 you and it doesn't apply to this appeal. The General
25 Assembly has given you, as the State Board of

1 Education, an entity separate from the Department of
2 Education, the authority and the responsibility to
3 hear this appeal. There are a number of issues that
4 people will bring up in an effort to nullify school
5 choice, and I know this as well as anybody and have
6 been dealing with school choice since the Teague case
7 in Malvern School District in 2011. I represent Mr.
8 Coppedge, Mrs. Coppedge, and others in Blytheville in
9 an existing federal lawsuit against the Blytheville
10 School District having to do with the 2013 School
11 Choice Act. That decision should be decided any day
12 now from the appellate court in St. Louis.

13 The good news is what you don't have to do today
14 in this appeal. You do not have to look at a federal
15 court order. You do not have to determine whether
16 Blytheville is or is not in compliance with a federal
17 court order. You do not have to determine whether or
18 not Blytheville is subject to a federal court order.
19 That's the specific question that on appeal in the
20 federal court case where I represent these people.
21 You don't have to determine whether the Blytheville
22 School District is in unitary status, even though it
23 admits that it is. You don't have to determine
24 whether the Blytheville School District is completely
25 desegregated, even though it admits that it is. You

1 don't have to look at a plan or an order from the
2 federal court to determine whether school choice
3 conflicts with anything in that plan or order because
4 Blytheville doesn't even contend that there is any
5 such order or plan. When you look at Blytheville's
6 letter from April 22nd of this year, it says it has
7 desegregation obligations, not that it is subject to
8 a plan or an order that is conflicting with school
9 choice. Desegregation obligations is something that
10 is discussed in what I just sent around to you, so
11 the good news is your decision is really narrow. And
12 even better, I have sworn testimony from the
13 superintendent of the Blytheville School District
14 from this federal court case in 2013 where I asked
15 him specifically about ongoing federal court
16 desegregation obligations that he planned, and that's
17 what I sent around to you. So you don't even have to
18 determine whether there are any ongoing desegregation
19 obligations because he said that there were none,
20 under oath.

21 CHAIRPERSON NEWTON: There's a limit of 5
22 minutes for introductory remarks. If you have a
23 couple of more minutes -- you can have a couple more
24 minutes, because I didn't advise you of that, and
25 after that an opportunity for rebuttal of 20 minutes,

1 so --

2 MR. ASKEW: Thank you.

3 CHAIRPERSON NEWTON: Okay.

4 MR. ASKEW: I'll take a few more minutes. And,
5 of course, I would expect this would come out of my
6 20 minutes. So I'll finish up here quickly.

7 CHAIRPERSON NEWTON: Well, we have to break it
8 up.

9 MR. ASKEW: Yes.

10 CHAIRPERSON NEWTON: So if you can just take a
11 minute to wrap up --

12 MR. ASKEW: Yes.

13 CHAIRPERSON NEWTON: -- and then we'll have the
14 Blytheville district to come.

15 MR. ASKEW: All right. What I have is Exhibit
16 A, which I've sent around. It's a few pages from
17 trial testimony, under oath, of the Blytheville
18 school superintendent, Richard Atwill, from the
19 summer of 2013. And I started in the middle of it
20 and you'll see about halfway down on page 67, I
21 started asking him what case are you relying on to
22 say that you are exempt from 2013 school choice, a
23 different issue than we have here. And he says Brown
24 versus Board of Education, and Franklin. Now today,
25 on April 22nd, the letter from Blytheville also

1 references a case called Harvill, like Paul Harvill,
2 who some of us know; that was a voting rights case
3 that had no desegregation obligation at all, and we
4 go through that here. Then I asked him about the
5 Blytheville/Franklin case that he was relying on and
6 what the existing federal desegregation obligations
7 were -- and I'll come back to that. I'll stand down
8 now. But this -- I've got the evidence here; all you
9 have to do is hear this appeal and look at it with
10 open eyes.

11 CHAIRPERSON NEWTON: Thank you, Mr. Askew. We
12 now invite to the podium someone from the Blytheville
13 district. Is there anyone here from Blytheville?

14 MS. DAVIS: I don't believe so.

15 CHAIRPERSON NEWTON: Okay. Then, Mr. Askew, you
16 can come back for the 20 minutes, and/or family, but
17 the 20 minutes is inclusive of any rebuttal or any
18 statements the family wants to make.

19 MR. ASKEW: Thank you very much, Chairman
20 Newton. I've set this up. We don't need to get into
21 federal court orders, and you don't need to determine
22 whether there are unmet federal desegregation
23 obligations. I've got that under oath, and I'd like
24 to go through that fairly carefully with reference to
25 this Exhibit A. The first two pages are the cover

1 that we have with the federal court transcript. The
2 third page is page 67 from the transcript. At the
3 top of the page you'll see I'm asking the questions
4 of Richard Atwill, who is still the superintendent.
5 I'm asking him whether he seriously contends that the
6 Blytheville School District is under a federal court
7 desegregation order today; "In my opinion, yes."
8 "And you seriously hold to that opinion?" And then I
9 ask him the names of the cases, and at the bottom he
10 said Brown and Franklin. And then I ask the
11 question, on line 21, "Who is the judge who is
12 supervising the desegregation efforts that you
13 contend are going on in the Blytheville School
14 District?" "Eisele, to my knowledge. I think that's
15 how you pronounce his name." Top of the next page,
16 "And what's your basis for saying that?" "It's his
17 signature on the documentation." "From 1978?"
18 Answer, "And before." Question, "But not since?"
19 Answer, "Not that I'm aware of." Question, "And who
20 represents Blytheville School District in that case,
21 Mr. Atwill?" Answer, "I don't recall." Now,
22 remember, this is a school district that wrote you a
23 letter on April 22nd saying it has unmet federal
24 desegregation obligations, and that's exactly what
25 I'm asking about, and he doesn't know who his lawyer

1 is. And then I say, question, "Well, the pleadings
2 that you've attached to one of your briefs that was
3 filed June 19, 2013 has the name of a lawyer. Do you
4 see that on the screen?" We were looking at a
5 document on a screen at the time. "I do, yes." "And
6 it says the name Mr. James W. Steinsiek?" Answer, "I
7 suppose it does. Yes." Question, "Do you know him,"
8 his own lawyer. Answer, "I don't know if he's dead
9 or alive, no, sir." Question, "So you don't know
10 whether Mr. Steinsiek is dead or alive?" Answer,
11 "That's correct. I don't." Then, let's skip over
12 because the lawyer and I fussed a little bit-- Bobby
13 Coleman, lawyer for Blytheville, and I fussed -- and
14 let's go to page 69, line 18. Question from me,
15 "Now, Mr. Atwill, when was the last time Blytheville
16 School District reported to the federal desegregation
17 authority concerning this case that you contend
18 exists?" Answer, "I do not know." Question, "Has it
19 been since you have been superintendent, since 2009?"
20 Answer, "No." And here's the bingo: question, "What
21 remedies are left to implement in that desegregation
22 case, to your knowledge, as superintendent of the
23 Blytheville School District?" Answer, "I don't
24 know." Question, "As superintendent of the
25 Blytheville School District, what current effects of

1 past racial segregation are there that remain to be
2 remedied?" Answer, "In my professional opinion, I
3 don't know." He didn't know what the violations
4 were, and that's the end of that excerpt. That's
5 sworn testimony and I got to ask those questions.
6 You know, in this appeal I wouldn't have the
7 opportunity to ask those questions of an opposing
8 party under oath, but I was able to in 2013. This
9 goes directly to the question of whether there are
10 desegregation obligations of Blytheville School
11 District under any order. And the answer to that
12 question is no, there are no desegregation
13 obligations. Because the superintendent, since 2009,
14 didn't know what they were, didn't know who the
15 lawyer was, hadn't reported, didn't even know what
16 the violations were. So you have an appeal before
17 you.

18 Those who want to nullify public school choice
19 in this state because they disagree with a policy
20 statement and policy judgment made by the Arkansas
21 General Assembly have come up with all sorts of
22 reasons why you can't -- why you cannot use your
23 eyes, your ears, your judgment, and render an appeal
24 on this question. The only thing you have to
25 determine is whether Blytheville School District has

1 unmet federal desegregation obligations -- and I'm
2 not quoting but I'm fairly close to quoting what the
3 April 22nd letter says, and I've just demonstrated
4 under oath that there are none. You don't have to
5 decide that there are none, because that's already in
6 the evidence; all you have to do is say, "Enough."
7 Blytheville School District is operating a charade.
8 It is trying to avoid the law of Arkansas that these
9 fine citizens have the right to choose to go to
10 another public school district outside of
11 Blytheville. Blytheville School District has schools
12 that are in academic distress and have failed -- and
13 yet, it plays games, hoping that you will not do your
14 duty and hoping that you cannot exercise judgment on
15 whether what it has said in this April 22nd letter is
16 true. Now you just heard from Ms. Bennett, the
17 superintendent of Armorel; that's the nonresident
18 district to which the Coppedge child wants to
19 transfer. She said in her letter to this board, "We
20 denied the application simply because of what
21 Blytheville said." She also said, "We have room and
22 we would welcome that child." So now it is to you,
23 the State Board, to make what I think is the easiest,
24 most commonsense determination possible, which is: is
25 Blytheville School District under any obligation that

1 would conflict with public school choice? They're
2 not even here today to talk about this. They know
3 I'm here. I've been litigating with Mr. Coleman and
4 Mr. Bequette since 2013; they're the lawyers. Mr.
5 Bequette is the one who wrote the letter. They're
6 not here to even play out the charade. They are
7 banking that you will not do your duty. Now, if you
8 have any questions about what your duty is or why the
9 law is as it is I'll be glad to give you any answer,
10 you know, to the best of my ability. And I think
11 this question is very cut-and-dried. The General
12 Assembly gave you, not the Department of Education
13 but you the State Board, the power and the
14 responsibility that comes with that power to decide
15 this appeal. It is time to take the blinders off and
16 it is time to do your duty, which is what Mr. and
17 Mrs. Coppedge requests.

18 CHAIRPERSON NEWTON: Thank you.

19 MR. ASKEW: Thank you.

20 CHAIRPERSON NEWTON: Any questions from the
21 board members?

22 MR. WILLIAMSON: I've got one. So this is
23 testimony that you -- that a judge has not ruled on.
24 Am I correct?

25 MR. ASKEW: Judge Kris Baker ruled on this and

1 she ruled that Blytheville School District had never
2 received a unitary status determination, not that
3 Blytheville School District has unmet desegregation
4 obligations. So she has ruled that there was never a
5 unitary status determination. And that's a good
6 point because there's another part of this charade
7 that I neglected to talk about. In the attachments
8 to Mr. Bequette's letter of April 22nd, he attaches
9 HEW in federal court pleadings up through 1971.
10 Well, guess what; as this testimony shows, that case
11 went on until 1978. And then, what happened? In
12 1973, Judge Eisele shut it down. There's an order
13 that I submitted -- Blytheville didn't -- that said
14 "there's nothing left in this case and we will retain
15 jurisdiction in case you all have any problems that
16 you want to bring to me." Five years later, in 1978,
17 he entered another order, which I've also given to
18 you, saying, "You all haven't come to me. This case
19 is over and done; it's dismissed." So we have a
20 technical issue on the appeal, and that technical
21 issue is whether the case was dismissed completely or
22 whether some issue of whether Blytheville, the
23 subject to that case, will linger because Judge
24 Eisele never entered a unitary status order, even
25 though Blytheville admits to it's in unitary status.

1 There just never was a technical order saying that,
2 which I agree. But that's the issue that's before
3 the federal court. You don't have to worry with
4 that. We're going to get a decision I think any day
5 from the federal court on that issue. It does not
6 concern you and you don't have to get into that one
7 bit. Blytheville says, "We can't do school choice
8 because of unmet desegregation obligations," which is
9 exactly what we went through.

10 CHAIRPERSON NEWTON: Ms. Davis, could you speak
11 to that question from Mr. Williamson, please?

12 MS. DAVIS: Well, as we kind of discussed last
13 week during the school choice appeals, you know, I
14 don't believe that under the AG's opinion that we
15 have been advised that we have the ability to
16 determine the sufficiency of the proof. I think that
17 was one of the issues in several of the appeals last
18 week. So, you know, again, the Board -- and you're
19 welcome to do what you choose to do, but our advice
20 is that if -- it gets into interpreting and whether
21 or not the evidence is sufficient. And, you know,
22 because this case has already -- I mean, we had
23 advised parents before that some of their options are
24 to get a ruling from a court of competent
25 jurisdiction, and this case is currently in a court

1 of competent jurisdiction. And it might be advisable
2 to allow that court to make that ruling, because the
3 Board is somewhat limited in what they can do based
4 on the AG's opinion. And as we discussed last week,
5 the AG's opinion, while it's not binding on this
6 board, it is persuasive. So I would just caution you
7 about forging your own legal path.

8 CHAIRPERSON NEWTON: Does that answer your
9 question, Mr. Williamson?

10 MR. WILLIAMSON: I have a follow-up question, if
11 you don't mind.

12 CHAIRPERSON NEWTON: Okay.

13 MR. WILLIAMSON: Does this board have --

14 MR. ASKEW: And I would like to respond to that
15 point because the lawyers have a disagreement about
16 the AG opinion.

17 CHAIRPERSON NEWTON: Well, let him ask and you
18 can have a chance to respond.

19 MR. WILLIAMSON: I'm just asking our counsel if
20 this board has the ability to overrule a federal
21 court?

22 MS. DAVIS: No.

23 MR. WILLIAMSON: Thank you.

24 MS. DAVIS: And just as a side note, if -- you
25 know -- another option would be if you want to not

1 grant or deny at this point this appeal pending the
2 court order, you are welcome to of course table this
3 issue. I am not certain that tabling it at this
4 point to another month, depending upon the court,
5 would make a difference, or if it would be needed at
6 that point to --

7 MR. WILLIAMSON: But regardless, if we approved
8 or denied and the court case comes through that's
9 going to rule?

10 MS. DAVIS: Well, right.

11 MR. WILLIAMSON: Okay.

12 MS. DAVIS: And, you know, if you -- either way;
13 if you denied it even and the court case came down
14 that Blytheville was unitary and so therefore they
15 did not have a genuine conflict at that point, the
16 only difference I think at that point would be that
17 the family would not have the ability to choice-in
18 because the deadline has already passed. And so that
19 would be the only caveat is that if it is tabled and
20 there is a decision then this board could still rule
21 on the current choice application that would allow
22 them. But if you denied it now, they wouldn't have
23 the ability until next year to reapply.

24 MR. WILLIAMSON: Right. Okay.

25 CHAIRPERSON NEWTON: Ms. Saviers has a question.

1 Oh, I'm sorry; you have rebuttal. Go ahead.

2 MR. ASKEW: Thank you. And I appreciate it. I
3 know this is a little bit out of order, Mr.
4 Williamson, but I'm reading now from the AG opinion.
5 It goes to the scope and nature of the obligations
6 placed on the Arkansas Department of Education. And
7 the question is specifically does the ADE have any
8 obligation or authority to review the information
9 submitted by a school district. The State Board of
10 Education is an entity created separately from the
11 Arkansas Department of Education. Commissioner Key
12 is the head of the Arkansas Department of Education.
13 You, Ladies and Gentlemen, are the State Board of
14 Education. This is not directed to the State Board.
15 And the gist of this opinion is that the General
16 Assembly didn't tell the ADE what it could do to
17 review the material that's submitted. Fine; I don't
18 debate that. But it did -- the General Assembly did
19 tell you, Ladies and Gentlemen, that as the State
20 Board of Education you have the authority and, I
21 submit, the responsibility to hear this appeal. And
22 there are no limitations on how you decide that
23 appeal and I would submit to you that commonsense and
24 good judgment guide your deliberation.

25 MR. WILLIAMSON: Agree.

1 CHAIRPERSON NEWTON: Thank you. I think Ms.
2 Saviers has a question.

3 MS. SAVIERS: Yeah. And this is, I guess, for
4 Ms. Davis and maybe Mr. Key as well. As we consider
5 all of these cases, it occurs to me over and over
6 again what is the incentive for any district in this
7 situation to pursue unitary status if in fact -- I
8 mean, over time we've seen districts actively pursue
9 unitary status. Pulaski County, I think, has done a
10 really great job. However, there are districts, as
11 evidenced here by the document that Mr. Askew gave
12 us, where the superintendent has no idea what steps
13 we would have to take to pursue unitary status.

14 COMMISSIONER KEY: I think a big difference
15 between the central Arkansas case -- Pulaski, Little
16 Rock ongoing case -- and those other cases is a
17 dollars issue. Because there are significant dollars
18 attached from the state coffers. So there was
19 pressure that had been applied at the time from the
20 General Assembly, from the executive branch to get a
21 resolution, and the other districts don't have that
22 incentive. Now what we do have now, which we
23 discussed briefly last week, is that as part of
24 standards monitoring that we are wanting to step up
25 our efforts to monitor that component of "are you

1 seeking unitary status and try to resolve your
2 desegregation issues." But that still does not --
3 that may be an incentive to stay -- for a district to
4 stay out from in front of you-all, as having to
5 answer why you have or haven't. But really I think
6 that's -- Jennifer, you can add to that if you want
7 to; I think that's the only thing that we have in the
8 Department to kind of accelerate that process.

9 MS. DAVIS: Right. And, unfortunately, as
10 you've seen last week and even today so far that a
11 lot of these orders are like really -- I mean,
12 they're quite a number of years old. So I can't
13 necessarily speak to what happened during the last 40
14 years, but I think that a lot of the districts, at
15 some point or another they fell off the radar and a
16 lot of the superintendents over the last few years
17 since school choice and the desegregation has come
18 up, they have started to become on the radar, and
19 that's now with -- Standards is trying to help them
20 monitor that and get them -- you know -- get them to
21 unitary status. Because, you know, as discussed last
22 week with one of them being a 1959 order, it's -- you
23 know -- it's a big difference in how it affects in
24 2015. So, unfortunately, it doesn't necessarily help
25 the parents now, but because it is brought back up in

1 front of you guys I think Standards is working and
2 will be working to get those districts moving
3 forward.

4 MS. SAVIERS: This is really unfair and not
5 transparent in any way for families. You know, if
6 there were a list of things that we knew that the
7 district had to do to achieve unitary status --
8 because ultimately that's what we want --

9 MS. DAVIS: Sure.

10 MS. SAVIERS: -- for every district -- and we
11 knew that they were working towards those. But to
12 have no understanding at all and then it falls on the
13 backs of parents to resolve an issue with their
14 children is just really difficult.

15 MS. DAVIS: Sure.

16 MS. ZOOK: But isn't it accurate that the
17 Blytheville district, the case that they submitted is
18 in fact them demonstrating it has been resolved?
19 They didn't quote the ongoing case, which hasn't been
20 ruled on. So we have to think in terms of this child
21 right now, with the case that is closed, but since
22 1978?

23 MS. DAVIS: Right. And, I mean, if the case has
24 been closed, you know, without, you know, looking
25 into it more, I can't necessarily say that the docket

1 has been closed or if there was some kind of
2 declaration of unitary status that just wasn't
3 officially memorialized in an order because time has
4 gone by and the judge decided to close it. I
5 couldn't accurately say. But --

6 MS. ZOOK: But, in fact, we don't swear in
7 attorneys, so we have to assume Mr. Askew is telling
8 the truth. Right?

9 MS. DAVIS: Sure. And, you know, like I say, I
10 mean, the testimony that you had there that he
11 presented, I mean, that is sworn. But I think the
12 superintendent has also said that he is unaware, but
13 -- I mean, that wouldn't be our interpretation of
14 whether "unaware" meant no.

15 MS. ZOOK: And he's quoted in his newspaper that
16 he didn't ask to be excluded but he thought he had to
17 be excluded. So his testimony under oath and the
18 article in his own newspaper, which he didn't refute,
19 I'm assuming that, you know, he realizes he probably
20 does not have a case.

21 MS. DAVIS: (Nodding head up and down.)

22 MS. ZOOK: Madam Chairman, I move that we --

23 CHAIRPERSON NEWTON: No, no, no.

24 MS. ZOOK: Not yet?

25 CHAIRPERSON NEWTON: Commissioner Key.

1 MS. ZOOK: Okay.

2 COMMISSIONER KEY: Ms. Davis, let me ask you
3 this because there's been a lot of discussion this
4 week and last week about this board and its role of
5 whether they can or cannot interpret court orders.
6 Let me ask you a different question about whether
7 it's this board or any other state board that has --
8 that it's empowered to hear appeals, administrative
9 appeals. Is this -- this isn't an administrative
10 appeal. Is that correct?

11 MS. DAVIS: Well, yeah. I mean, this decision
12 -- your decision today could be further, you know,
13 appealed in an A.P.A. style appeal. But in that
14 appeal I think that the judge is only going to look
15 at whether or not your decision was arbitrary and
16 capricious. They won't necessarily -- well, hang on.
17 I wouldn't -- they could, but I wouldn't go as far as
18 to say that they would make a determination on the
19 desegregation order.

20 COMMISSIONER KEY: So as a board that hears an
21 administrative appeal, then in fact it becomes a
22 finder of fact versus an interpretive -- an
23 interpretive -- interpret -- whatever -- interpretive
24 body?

25 MS. DAVIS: I mean, it does. But again keep in

1 mind that the AG's opinion, that it says that we're
2 not -- that we don't have the authority to interpret.
3 Again, you guys can do what you want but I advise you
4 -- and, you know, we have been advised from the AG
5 that it's not necessarily our role or authority that
6 says that you're not necessarily required to do so as
7 well. But, you know, it would be your responsibility
8 under the hearing procedures to review the
9 documentation and ultimately make that decision.

10 MS. ZOOK: And the Attorney General's opinion
11 was to ADE, not the State Board. Is that correct?

12 MS. DAVIS: I mean, yeah, it was written to the
13 ADE. But I would --

14 MS. ZOOK: And we're choosing to ask you
15 questions in ADE but you -- we in fact are
16 independent from ADE?

17 MS. DAVIS: I wouldn't say that. No. While you
18 are a separate board in and of yourself, I'm not sure
19 -- I would be interpreting the AG's opinion as
20 whether or not she meant the ADE as an umbrella or
21 ADE specifically, as who I'm employed with, versus
22 the State Board. I would have to make that
23 interpretation that I don't feel comfortable making
24 for her.

25 MS. ZOOK: Then since it is an opinion and often

1 AG's opinions are not even ruled accurate at
2 different court levels -- is that correct?

3 MS. DAVIS: Right. The AG's opinion is purely
4 persuasive authority. It is not a binding rule; it
5 is not a binding law, regulation, or any way binding
6 on this board.

7 MS. ZOOK: And so if we did do something --
8 don't -- we take her opinion under advisement but we
9 rule differently, and then the district, rival
10 district, doesn't like the way we ruled, they can in
11 fact take us to court. Right?

12 MS. DAVIS: That is correct.

13 MS. ZOOK: But that's a -- you know -- that
14 would be their decision, because if we rule the other
15 way the parents can take us to court. So it's not a
16 matter of making a decision to stay out of court?

17 MS. DAVIS: Pretty much. Yeah.

18 CHAIRPERSON NEWTON: Are there any other
19 questions? Dr. Barth.

20 DR. BARTH: So, Ms. Davis, just to -- and we had
21 a whole series of decisions last week, obviously, on
22 facts very similar to the facts in this case. Would
23 we be moving towards being potentially engaging in
24 arbitrary and capricious behavior if we made a
25 decision contrary to those decisions with a very --

1 in essence, the same fact pattern?

2 MS. DAVIS: Well, because each case I think has
3 been very specific on the facts, and this case is our
4 only one with the Blytheville School District, I
5 would probably say that if there were -- you know --
6 providing that you had accurate reasons for your
7 decision, one way or the other, that you would be
8 less likely to implicate those ones from last week.
9 Because, like I say, every one of these cases have
10 been so specific.

11 DR. BARTH: Okay. Thank you.

12 CHAIRPERSON NEWTON: Any further questions?
13 Okay. If not, we are ready for a motion. I'm sorry.
14 Mr. Askew, do you have a follow-up?

15 MR. ASKEW: Thank you. Yes. Just a brief
16 follow-up. The State Board is established in a
17 separate statute in your Arkansas code. And if you
18 all needed to take a few days to get advice to get
19 clear on the fact that the State Board does not equal
20 ADE, and get clear that an appeal does not equal
21 review of the materials submitted by school
22 districts, such as the Blytheville School District,
23 Mr. and Mrs. Coppedge would be more than willing for
24 y'all to take the time to look at that. You don't
25 have to rule today. The question here is not do you

1 have to interpret a court order. It is not do you
2 have to make any decisions about the Blytheville
3 School District. This is an appeal. The statute
4 puts the appeal directly into this body with no
5 limitations on how you handle it, and you should use
6 your commonsense and good judgment. I have very
7 carefully given you sworn testimony that would
8 support a finding that Blytheville School District is
9 not engaged in any desegregation obligation or
10 activity that is in conflict with school choice under
11 the '15 act. And that's a very narrow basis on which
12 you-all can grant this appeal, and we request that
13 you do so. But if you want to take the time to study
14 this question about the AG opinion, fine with us.
15 Thank you.

16 CHAIRPERSON NEWTON: Thank you. What's the
17 pleasure of the Board?

18 MS. REITH: Just one final quick question,
19 whether it's for Ms. Davis or Mr. Askew. There is
20 reference of this being in court right now in terms
21 of the desegregation order. Do we have a timeline
22 for that? Because I know there was reference of us
23 tabling this for a few months. What's the
24 anticipated timeline?

25 MS. DAVIS: Well, I believe that it had been

1 requested for an expedited opinion and they were
2 hoping to have it by today and they didn't.

3 MS. REITH: Okay.

4 MS. DAVIS: So I don't think they're -- you know
5 -- I mean, the court can rule when they want to. But
6 it was requested that it be expedited, but I don't
7 think that we have a deadline.

8 MS. REITH: But it sounds like it might be
9 sooner versus later?

10 MR. ASKEW: Ms. Davis is correct; we argued the
11 case in St. Louis on April 15.

12 MS. REITH: Okay.

13 MR. ASKEW: It is an expedited appeal. We
14 argued the same case on a preliminary injunction on
15 April 15, 2014, and received an opinion on August 1,
16 2014. So I think we're in the strike zone. And I've
17 been checking my email every morning at 8:00 to see
18 if I've got an opinion; I have nothing yet.

19 MS. ZOOK: But there again, this case that's in
20 court right now is not the one that Blytheville
21 presented as their reason for denying.

22 MR. ASKEW: Absolutely not. No. It deals with
23 a very technical question, whether Judge Eisele had
24 to enter a separate order finding unitary status or
25 whether he could just close the case in 1978. And I

1 will tell you this, and I'll take an oath on this,
2 Judge Eisele is one of the foremost judges on the
3 federal bench that we've ever had in the state of
4 Arkansas. And he single-handedly desegregated
5 hundreds of school districts in the late 1960's and
6 early 1970's when freedom of choice was rejected as a
7 remedy for de jure segregation. He knows this stuff
8 and can teach us seminars all day long, and he closed
9 the case. And, you know, I know that the judges on
10 the 8th Circuit. I know Judge Eisele and know how
11 conscientious he is, and he closed the case without
12 needing to find unitary status, because it just
13 wasn't necessary. So, you know, I've had very strong
14 opinions about the case. But you're right, Ms. Zook;
15 that is not the Franklin case and it is -- you know
16 -- Blytheville is telling you today that a case that
17 was closed in 1978 by Judge Thomas Eisele is
18 requiring desegregation obligations today that
19 contradict school choice. And yet, a superintendent
20 under oath can't tell you who the lawyer is, what the
21 obligations are, what the violations were. This is
22 crazy. It's a charade; it's designed to nullify
23 school choice for the citizens of Blytheville School
24 District. And you should grant this appeal to stop
25 that.

1 CHAIRPERSON NEWTON: Any further questions by
2 board members? If not, I'm going to ask for a motion
3 at this time.

4 MS. ZOOK: I move that we grant the request to
5 transfer.

6 CHAIRPERSON NEWTON: Okay. Ms. Zook has a
7 motion that the request for permission to transfer --
8 Ms. Zook. And is there a second?

9 MS. DAVIS: We're not sure if your microphone is
10 on.

11 (COURT REPORTER'S NOTE: Chairperson Newton taps
12 on her microphone.)

13 MS. DAVIS: Now it is.

14 CHAIRPERSON NEWTON: Okay.

15 MS. DAVIS: We couldn't hear you.

16 CHAIRPERSON NEWTON: Okay. Ms. Zook has moved
17 that the request for permission to transfer, and I've
18 asked for a second.

19 (BRIEF MOMENT OF SILENCE)

20 CHAIRPERSON NEWTON: There is no second, then
21 the motion dies for lack of a second. Were you going
22 to do the second?

23 MS. SAVIERS: I don't know what to do.

24 CHAIRPERSON NEWTON: Well, then the motion dies
25 for lack of a second.

1 MS. DAVIS: Your options at this point would
2 either be to grant the appeal, to deny the appeal,
3 or, as I mentioned earlier, you can table it until
4 the next meeting in the event that there is a ruling
5 that determines that Blytheville is unitary. And if
6 they are, then you could revisit this appeal.

7 MS. ZOOK: But school starts Monday.

8 CHAIRPERSON NEWTON: So, but that's not our
9 problem. So we have two other options: to table or
10 to follow the recommendation of the Department.

11 MS. DAVIS: Right. You can grant, deny or
12 table.

13 CHAIRPERSON NEWTON: So those are the options on
14 the table, irrespective of the school start date. So
15 do we have anyone willing to make a motion, either
16 one of those motions?

17 MR. WILLIAMSON: I move to sustain the original
18 decision.

19 CHAIRPERSON NEWTON: So Mr. Williamson has moved
20 to sustain the original decision. Is there a second?

21 DR. BARTH: Second.

22 CHAIRPERSON NEWTON: Second by Dr. Barth. All
23 in favor? Can we have a roll-call, Mr. Commissioner?

24 COMMISSIONER KEY: Ms. Reith.

25 MS. REITH: No.

1 COMMISSIONER KEY: Dr. Barth.
2 DR. BARTH: Yes.
3 COMMISSIONER KEY: Mr. Black.
4 MR. BLACK: Yes.
5 COMMISSIONER KEY: Ms. Saviers.
6 MS. SAVIERS: No.
7 COMMISSIONER KEY: Ms. Zook.
8 MS. ZOOK: No.
9 COMMISSIONER KEY: Ms. Chambers.
10 MS. CHAMBERS: Yes.
11 COMMISSIONER KEY: Ms. Dean.
12 MS. DEAN: No.
13 COMMISSIONER KEY: Mr. Williamson.
14 MR. WILLIAMSON: Yes.
15 COMMISSIONER KEY: Ms. Newton.
16 CHAIRPERSON NEWTON: Yes.
17 COMMISSIONER KEY: A vote of 5-to-4; the motion
18 passes.
19 MS. DAVIS: And that motion was to deny the
20 appeal?
21 CHAIRPERSON NEWTON: Yes.
22 MS. DAVIS: Okay.
23 A-8: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
24 APPLICATION - CRISS
25 CHAIRPERSON NEWTON: The next item on the agenda

1 is A-8, and A-8 is Consideration of Appeal from
2 Denial of School Choice, Criss family; the resident
3 district being Forrest City, nonresident district
4 being the Palestine-Wheatley.

5 MS. DAVIS: Right. And the Criss family is not
6 represented by counsel, and I know that Forrest City
7 is.

8 CHAIRPERSON NEWTON: Okay. So we're going to
9 ask the nonresident district to come first,
10 Palestine-Wheatley.

11 MS. DAVIS: And I think the Criss family may --
12 are they? -- I think they may be outside, so I'm
13 going to go look.

14 CHAIRPERSON NEWTON: Okay.

15 SUPT. ESTES: Good afternoon, Board,
16 Commissioner Key, Ms. Newton. Jon Estes,
17 superintendent of Palestine-Wheatley School District.

18 CHAIRPERSON NEWTON: Okay. Proceed, Mr. Estes.
19 Yeah, because you're in the non --

20 SUPT. ESTES: I'm Tony Wood from here on out.

21 CHAIRPERSON NEWTON: Excuse me?

22 SUPT. ESTES: I don't have anything.

23 CHAIRPERSON NEWTON: Oh, you're Tony Wood today.
24 Okay.

25 MS. DAVIS: The Criss family was here just -- at

1 least before lunch. We're checking the room down
2 there. But if not, then they've already left.

3 CHAIRPERSON NEWTON: You think left as never to
4 return or just --

5 MS. DAVIS: Well, you know, I'm uncertain at
6 what point they actually left but they were here
7 before we broke for lunch. So I don't know if
8 they're probably coming back from lunch and still
9 trying to find a parking spot or -- but, I mean,
10 other than --

11 CHAIRPERSON NEWTON: Well, in that case, if
12 that's the case that they're not here right now,
13 we'll just move on to A-9 and come back to it.

14 MS. DAVIS: We'll need a motion and a second to
15 table that if we're going to table it till a later
16 point in time.

17 CHAIRPERSON NEWTON: I would like a motion to
18 table it to give them an opportunity to come back.
19 Okay. Can I get a motion --

20 MS. DEAN: So moved.

21 CHAIRPERSON NEWTON: -- to table?

22 MS. DEAN: So moved.

23 CHAIRPERSON NEWTON: So moved by Ms. Dean.

24 MS. ZOOK: Second.

25 CHAIRPERSON NEWTON: Is there a second? Second

1 by Ms. Zook to table the matter. All in favor?

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRPERSON NEWTON: Any opposed? Okay. We'll
4 table that matter to give them -- Mr. Estes, we're
5 giving the Criss family an opportunity to come back.
6 And after this case we'll likely hear from you and
7 from them, hopefully.

8 A-9: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
9 APPLICATION - GOODALL

10 CHAIRPERSON NEWTON: A-9 is Consideration of
11 Appeal from Denial of School Choice, the Goodall
12 family.

13 MS. DAVIS: Yes. And the Goodall's, like I
14 said, they are residents of Brinkley and -- I mean,
15 I'm sorry, Forrest City, and they had requested and
16 were denied choice to Palestine-Wheatley. And they
17 both -- both sides have representation here today.

18 CHAIRPERSON NEWTON: So anyone, except the
19 lawyers, as it relates to A-9, the Goodall family,
20 please stand to be sworn. Raise your right hand. Do
21 you solemnly swear or affirm that the testimony
22 you're about to give is the truth, the whole truth,
23 and nothing but the truth so help you God?

24 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

25 CHAIRPERSON NEWTON: Could we hear from Mr.

1 Estes then; I think you're the nonresident district.

2 SUPT. ESTES: Board, Commissioner Key -- Ms.
3 Ouida Newton, Teacher of the Year, congratulations.
4 I'm Jon Estes, superintendent of Palestine-Wheatley
5 School District.

6 CHAIRPERSON NEWTON: And your position -- do you
7 have a position on the transfer?

8 SUPT. ESTES: We denied Ms. Goodall. Ms.
9 Goodall is a friend of mine. She's got two kids in
10 our school district through Opportunity School Choice
11 from last year. We denied the two this year, one
12 because of the exemption, a second-grader, and one
13 because of space, a fifth-grader.

14 MS. DAVIS: And they did -- and I think that
15 their attorney today is going to argue both for the
16 denial under the school choice, as well as the denial
17 under the opportunity school choice. That was the
18 lack of the capacity. So the procedures for both
19 will be the same, but if you have any questions at
20 any point in time for those we can either handle them
21 separately or you can handle it as one big -- I mean,
22 I would suggest that you handle either grant-or-deny,
23 but if this board chooses to grant or deny on each
24 individual child just that we will need to have
25 separate motions to handle that.

1 CHAIRPERSON NEWTON: The attorney can step
2 forward and identify himself. You have 5 minutes for
3 opening.

4 MR. ROZZELL: Thank you, Chairman Newton. My
5 name is George Rozzell and I represent Erica Goodall
6 and her children. We've been down this road before;
7 this is our third time before you today. Many of you
8 -- I see new faces, so welcome and congratulations on
9 your appointment to the Board. As a preliminary
10 matter, I want to address several of the issues very
11 quickly that Mr. Askew spoke about and that the Board
12 was very inquisitive about, and I think was proper to
13 question on those issues, number one being whether or
14 not the Board and the ADE are separate entities or
15 not. And I point this out only because I have very
16 personal experience with it, in that one of the
17 Attorney General's tactics in our current case that's
18 before Judge McGowan in Pulaski County was to move to
19 dismiss the case because we appealed based upon the
20 ADE denying their appeal back from 2013, and their
21 response was that we didn't name the Board in time.
22 So I'll leave it at that. But the AG has clearly
23 delineated that you guys are separate, and they know
24 that and they've argued that before the courts. So
25 for the Department to say that we are restrained from

1 reviewing any declaration of exemption I think is
2 wrong. I think that the AG spoke to the question by
3 the legislator and I think that the legislator asked
4 about the ADE specifically in his question. So I do
5 appreciate the consideration that was given to Mr.
6 Askew's appeal as well.

7 The second clarification I want to make up -- or
8 discuss is something that I believe was asked I think
9 by Ms. Zook or Saviers about the incentive to
10 actually become unitary. And this is very important
11 because as also part of that case -- it's been going
12 on for a couple of years now -- also part of that
13 case we sent to Forrest City certain requests for
14 admissions. And those requests for admissions were
15 designed by their very nature under the structure of
16 the law, which is required to be shown to declare
17 someone as being unitary. And their response was to
18 seek a protective order from the court not to have to
19 answer the questions because another dispositive
20 motion was still pending. They didn't want to answer
21 the questions about whether or not they should be
22 declared unitary, and they did so specifically
23 immediately after those requests for admissions were
24 filed. So those two issues I think are very
25 important because you're exactly correct; Forrest

1 City receives money for every student they get, every
2 student they have, every student they maintain. And
3 they will lose finances if in the course people are
4 allowed to transfer out. Here, we have the Goodall
5 family; this is our third year here. We have two of
6 their children left; two of them have been accepted
7 under opportunity choice. Forrest City filed a
8 lawsuit about that case that's still pending in, I
9 believe, St. Francis County. But those two students
10 have been accepted and they are excelling in their
11 schools. One of them is a cheerleader, involved in
12 several community activities; one of them has
13 straight A's as an upcoming 8th grader. And I'm
14 happy to say item number A-10, we are pulling that
15 appeal because that student has been accepted under
16 the transfer from Brinkley over their initial
17 objection after we realized that the exemption claim
18 was improperly cited and she will be joining their
19 oldest child in the 8th grade this year. I've
20 advised her family to reach out because these
21 students are going through a lot; they're going
22 through a confusing time; they're going through a
23 time when they don't know where they're going to
24 school or if they're going to be going to school with
25 their brothers and sisters. They're going to a

1 school in a time where they may have a different
2 spring break, and that's what we're here for today.
3 I believe that certain holidays and school days are
4 taken differently from each individual school
5 district. So that being said, the students here are
6 being ripped apart in our case.

7 We're here today under opportunity choice
8 because we believe opportunity choice adopts, under
9 6-18-430, the -- when a school becomes in academic
10 distress the students or the parents are allowed to
11 apply for transfers under school choice or
12 opportunity choice. School choice includes a sibling
13 provision. School choice says if your siblings are
14 already going to this school, you get to go too, as
15 long as there's capacity. Now, Mr. Estes spoke about
16 capacity very briefly, that there wasn't for the 5th
17 grader. I haven't seen the numbers; I don't know.
18 We received our denial of the opportunity choice
19 early last week.

20 But I'm here on just a few more specific points
21 as to these two children and their applications to
22 attend Palestine-Wheatley this year. Number one, we
23 have the sibling issue, that they should be allowed
24 to attend under the clear public policy of the State
25 of Arkansas. In two separate statutes it says that

1 siblings should be able to go to school where their
2 older siblings do. So if one is accepted, the other
3 one should be too. One of those is 6-18-108 and the
4 other one is contained directly in the school choice
5 provisions.

6 CHAIRPERSON NEWTON: So that's your 5 minutes.
7 You need to wrap-up.

8 MR. ROZZELL: May I ask for just a couple more
9 minutes, Ms. Newton?

10 CHAIRPERSON NEWTON: Yes.

11 MR. ROZZELL: Thank you very much. The second
12 issue is that the students were not denied on time.
13 You know, this board has made very specific and very
14 certain findings about when a student doesn't apply
15 on time, if their application is denied and it's
16 properly denied. Well, in this case we applied on
17 March 25th and then again at their request after the
18 new forms were put out. You know, the day that the
19 new act passed we applied and we didn't receive our
20 denials until August 1st for school choice, which I
21 remind you the denial date, the deadline, is July
22 1st. Secondly, it's for the failure of Forrest City
23 to properly identify the case under which it claims
24 its exemption. The new law has very specific
25 statutory requirements about what they're required to

1 send you. I'm not asking you to look at the order
2 today. I'm asking you to look at their exemption and
3 see if it contains all the provisions or all the
4 requirements of their exemption declaration. The
5 exemption requires them to put the jurisdiction of
6 the court, the date of the court, whether or not it's
7 still undergoing obligations, and to describe what
8 those obligations are. And theirs contained just a
9 reference to McKissic. Then they included a copy of
10 their complaint from the current Forrest City case
11 against Palestine-Wheatley and all the attachments
12 thereto. So for these reasons, we feel like we are
13 properly here before the Board today. You have the
14 authority clearly by the statute. 6-19-1907 clearly
15 states that the Board may review the denial of a
16 transfer, and that's all this is. You have the
17 opportunity and the obligation to review denials of
18 transfers on capacity; you do it all the time. I saw
19 three denials last week about capacity. I also saw
20 more denials in July about capacity. Actually, I saw
21 approvals on capacity. These are the same issues,
22 whether or not the circumstances that are being
23 represented are true and correct. I'm not asking you
24 to look at the McKissic order. I don't think, just
25 like Mr. Askew, that it's still in effect. I don't

1 think that Forrest City is still operating under the
2 vestiges of desegregation -- or segregation, excuse
3 me. But that's not why we're here today. We're here
4 today because there are direct routes under the code
5 for siblings to transfer along with their other
6 siblings. It is the policy of the State of Arkansas
7 that brothers and sisters go to school together, and
8 right now we have a split family in Forrest City and
9 Palestine-Wheatley going to two schools every day,
10 for drop-off and pick-up. We have a split family
11 attending different open houses. We have a split
12 family where the students who are younger don't know
13 when they're going to get to go to big sister's
14 school, and that's a problem and it's not fair.

15 CHAIRPERSON NEWTON: Thank you. Someone from
16 Forrest City. Okay. Would you identify yourself?

17 MR. JONES: Sam Jones.

18 CHAIRPERSON NEWTON: Okay. Mr. Jones.

19 MR. JONES: I'm not sure where to start because
20 I don't have anything to offer on the issue of
21 capacity or the denial under the Opportunity School
22 Choice Act. I don't know how this body wants to
23 divide those issues up. I'm here to talk about, if
24 you need me to -- if you want to take the other
25 issues up first, you may not need to hear from me.

1 I'm here to talk about Forrest City's exemption from
2 the 2015 act which on its face is what these
3 applications said they were for. And I can go ahead
4 and address that now. We clearly submitted all of
5 the matters from the McKissic case. The McKissic
6 case is in litigation; it's before Judge Wilson.
7 It's been submitted on motions for summary judgment.
8 The last response is due next Monday; we'll probably
9 have a ruling on that in September. And the core
10 issue before Judge Wilson is what does the McKissic
11 case mean and what is its current vitality, which
12 ultimately dovetails into the question y'all
13 discussed earlier today and last week about is there
14 any need, even if it were empowered to do so, for
15 this board to go behind the McKissic decree, which is
16 still out there, unlike the arguments you heard about
17 Blytheville. We've still got an active decree that
18 spells out the obligations. We submitted it to the
19 ADE in 2010. We submitted it again in 2013; it's
20 part of the 2013 act. We submitted it again on April
21 14 as part of the 2015 act to demonstrate why we're
22 exempt from school choice under current law. And Mr.
23 Rozzell just kind of dismissed it; he said, "Well,
24 they submitted a copy of their complaint to Judge
25 Wilson," or in the federal court. Well, it has all

1 the McKissic orders attached to it and I think y'all
2 have seen those, even though -- the new members of
3 the board have seen those or have had an opportunity
4 to look at them. And they spell out in detail what
5 the obligations are and it's clear and undisputed
6 that we still operate under that decree and have
7 never been declared unitary. Let's see what -- oh,
8 one thing that I think is important -- and I realize
9 five minutes flies by -- Mr. Rozzell mentioned 6-18-
10 108 and this -- you may want to call Ms. Davis to
11 address this, but that only applies to siblings of
12 those who transferred under the 1989 act. If you
13 look at it, it talks about if any child transferred
14 under an act that's been declared unconstitutional --
15 this refers to the 1989 act. So they're trying,
16 maybe unintentionally, but they are mixing apples and
17 oranges. Then I think he also made reference to 6-
18 18-1904; that's regarding transfers under the '89 or
19 the 2013 act. And this is where I get a little bit
20 confused because at one point it was said that it was
21 found in y'all's orders from last year that the
22 Goodall's were actually residents of Palestine-
23 Wheatley; that was one basis for denying their
24 transfer the last go-round. But 6-18-1904 talks
25 about a present or future sibling of a student who

1 continues enrollment at the nonresident district
2 under this subsection may enroll in the nonresident
3 district. Well, that's talking about a different
4 statute and doesn't have any application here. And,
5 again, this is one where it's not a matter of public
6 policy; it's a question of examining the statute very
7 carefully to see if the sibling preference has any
8 application, and neither of these that have been
9 cited do. I realize I'll probably need another
10 chance to either answer questions or --

11 CHAIRPERSON NEWTON: Well, actually, you're in
12 the 20-minute time --

13 MR. JONES: Okay.

14 CHAIRPERSON NEWTON: -- allocation now.

15 MR. JONES: Okay. Then if I could, we have also
16 routinely reported to the -- back when the State
17 Department or back when ADE was a little more active
18 as part of the standards provisions that Commissioner
19 Key made reference to, we made routine reports to ADE
20 about our desegregation obligations and what we were
21 doing. So I just mention all that because I think
22 it's simply wrong to make the representation that
23 Forrest City is not operating under a desegregation
24 decree, that it's not current and active, and that
25 because we appropriately asserted it that we're

1 exempt from the operation of the act. And we don't
2 think any good and valid reasons have been advanced
3 to this body to rule otherwise. If I could go back
4 to 6-18-1904 just for a second to give you the
5 specific subsection, it says, "A present or future
6 sibling of a student who continues enrollment in the
7 nonresident district under this subsection" -- well,
8 the transfer wasn't under 6-18-1900 by these other
9 siblings. They were either transferred under some
10 other provision or they were already residents at the
11 time of the transfer. So these two previous -- these
12 two who were previously enrolled, when they enrolled
13 they enrolled as residents of the Palestine-Wheatley
14 district, which takes them out of the transfer. And
15 now I hope that's clearer than mud, but I'm trying to
16 pars the specific statutes. And unless y'all have
17 any specific questions, that's --

18 MS. ZOOK: I do. Are any of the employees of
19 the Forrest City School District, from a different
20 district, allowed to bring their children to Forrest
21 City or vice-versa? If they live in Forrest City and
22 they work in a different district, are they allowed
23 to take their children with them?

24 MR. JONES: I don't know.

25 MS. ZOOK: Do you have your superintendent here?

1 MR. JONES: She's here. She has not been --

2 MS. ZOOK: May I ask her?

3 MR. JONES: Yeah. She's not been sworn because
4 I didn't think she'd have to answer any questions,
5 but we can certainly ask her.

6 CHAIRPERSON NEWTON: We can certainly swear her
7 in to answer that question.

8 MR. JONES: Actually, we've got -- that question
9 is floating around the state. If I can make a
10 representation, you're certainly welcome to ask Dr.
11 Hardrick. But that question is floating around the
12 state in the form of an FOIA and it's been directed
13 to several different school districts. So we had
14 already checked, Ms. Zook --

15 MS. ZOOK: Uh-huh. Yes.

16 MR. JONES: -- and we have one employee who this
17 year for the first time brought her senior student to
18 the Forrest City district but she lives in another
19 district. Did I say that right? It may not be the
20 first year, but it's one student.

21 MS. ZOOK: So is that a precedent? I know that
22 they said that they --

23 CHAIRPERSON NEWTON: Who are you asking?

24 MS. ZOOK: Well, I'm just -- I'm -- Jennifer.
25 You win the prize, Ms. Davis.

1 MS. DAVIS: Okay. You know, it is allowed under
2 the law that you can -- there is a statute that would
3 allow transfers for employees of another district to
4 bring their child, providing that there is capacity.
5 And, you know, they don't necessarily get to choose
6 which school; they may just be able to say transfer
7 to a district and one of the schools in the district.
8 So, I mean, it does happen, yes.

9 MS. ZOOK: That doesn't make it an exception to
10 what we're arguing here?

11 MS. DAVIS: Not necessarily. And I'll get the
12 law out just to make sure. But if I remember
13 correctly, there is not -- and like I say, I'll
14 verify, but there is not a provision in there that --
15 for schools that are under deseg. I think you get
16 the privilege of, you know, working there and you can
17 bring your child providing there's room. But I'll
18 verify that for you real quick; I'll look up the law.

19 MS. ZOOK: Okay. Also, under statute in 6-18-
20 1907 it says one of the responsibilities of ADE is to
21 gather data for every two years to see if these
22 transfers that are allowed or not allowed determine
23 if a racially segregating impact has occurred. In
24 any of the school districts, do we have that
25 information?

1 MS. DAVIS: I don't have that information. I
2 believe that we do somewhere have the information,
3 but I personally don't. And just for clarification,
4 desegregation does not apply to the employee
5 transfer. That is correct.

6 MS. ZOOK: Okay. And do we have the data on
7 whether or not -- the racially segregative impact of
8 transfers?

9 MS. DAVIS: I do not. Do we know if we have
10 that?

11 COMMISSIONER KEY: If I may, we do have the data
12 that has been submitted.

13 MS. DAVIS: Right.

14 COMMISSIONER KEY: I know it was submitted at
15 least twice to the General Assembly when I was still
16 over there.

17 MS. DAVIS: Right.

18 COMMISSIONER KEY: I don't think the data was
19 sufficient to determine by analysis if there was a
20 segregative impact.

21 MS. ZOOK: I just want to be sure we're doing
22 everything we're supposed to do --

23 MS. DAVIS: Right.

24 MS. ZOOK: -- under law.

25 MS. DAVIS: Right. And, you know, one of the

1 things that I will note is because this appeal has
2 been stated that they're under opportunity school
3 choice and school choice, then I think that there's a
4 lot of confusion about what statutes apply to what.
5 And so if you need some clarification, or if we want
6 to handle one at a time, I'll be glad to, you know,
7 give that.

8 MS. ZOOK: It's my understanding that the older
9 two children would be in academic distress schools
10 and the younger two children would not be. That
11 would be the difference. Is that correct?

12 MS. DAVIS: Okay. The fifth-grader would be.
13 But I do not believe I'm getting confirmation from
14 the parents that the older two children were not
15 transferred because of academic distress. Is that
16 correct?

17 MR. GOODALL: They were last year.

18 MS. DAVIS: Okay. The older two children were
19 transferred.

20 MS. ZOOK: Okay. And the fifth-grader is at the
21 middle school that's in academic distress?

22 MS. DAVIS: Yes.

23 MS. ZOOK: So that's why they're asking for
24 opportunity --

25 MS. DAVIS: Yes.

1 MS. ZOOK: -- instead of school choice?

2 MS. DAVIS: Yes. And then the other child under
3 public school choice just to go with the siblings.

4 MS. ZOOK: Because the child is going to a
5 school that would not be under academic distress?

6 MS. DAVIS: That is correct.

7 MS. ZOOK: Thank you.

8 MR. JONES: And I'm not sure that this gets at
9 part of what Ms. Zook was asking about, but I want to
10 make sure I didn't misspeak. But under 6-18-1904, if
11 those older children transferred under opportunity
12 school choice -- 6-18-1904 is reserved for children
13 who -- is reserved for siblings who transferred under
14 either the 2013 act --

15 MS. ZOOK: Right.

16 MR. JONES: -- or the 2015 act.

17 MS. ZOOK: Right.

18 MR. JONES: So the fact that they may have had
19 siblings transfer under the opportunity act doesn't
20 translate into a right to transfer under the 2015
21 act.

22 MS. ZOOK: Right. I was just trying to get at
23 the two we're discussing today.

24 MR. JONES: Okay. And, really, unless the Board
25 has some other questions for -- I know I have a

1 little bit of time left. If Mr. Rozzell --

2 CHAIRPERSON NEWTON: But you don't have to use
3 it.

4 MR. JONES: I know I don't have to. And I want
5 to do the best I can to stay on the Board's good
6 side. I was just going to come and -- but if Mr.
7 Rozzell has something else to say that I feel the
8 need to respond to, I would like to reserve that
9 time.

10 CHAIRPERSON NEWTON: Okay. Mr. Rozzell. Before
11 you come, I have a question I think for Mr. Estes.
12 So there would be -- what's -- one is an issue of
13 capacity, or lack of capacity. Is that correct?

14 MR. ESTES: Yes.

15 CHAIRPERSON NEWTON: So would you speak to that?
16 I think you said in one instance there was an
17 opportunity school choice. Was that the one that
18 there's no capacity for?

19 MR. ESTES: It's grade school. Yes.

20 CHAIRPERSON NEWTON: I see. Before Mr. Rozzell
21 -- just don't sit down.

22 COMMISSIONER KEY: I'm sorry; this should be
23 quick. I'm trying to help the Board because the
24 opportunity school choice law has different
25 indications --

1 MS. DAVIS: Yes.

2 COMMISSIONER KEY: -- regarding what this board
3 can decide on appeal.

4 MS. DAVIS: Right.

5 COMMISSIONER KEY: So it can only look at the
6 capacity. Is that -- that's what I'm reading in law.
7 Is that your understanding?

8 MS. DAVIS: Yes. And there are some provisions
9 in there that I think sometimes -- if there is a
10 negative impact on a desegregation order. But
11 generally the only other reason is to deny for lack
12 of capacity. And capacity under Public School Choice
13 Act is different than under opportunity school
14 choice. Capacity under opportunity choice is set at
15 95%, and under opportunity it's set at 90%. And I
16 think another issue is, just real quick, the sibling
17 provision; that applies to school choice and it is
18 not in the opportunity school choice statute.
19 However, there is, what was mentioned earlier, the
20 statute that is outside both of those acts that does
21 address continuity of education for siblings. And --
22 but, you know, siblings, it says, that have
23 transferred under any school choice act -- and I know
24 that -- I think somebody said it was only for the
25 '89. It is still active law and it doesn't

1 specifically say that it only applies to previous
2 children. So there is a continuity of education that
3 is outside both those acts, so that way it could
4 apply to opportunity school choice as well. But just
5 to kind of keep those a little separate, I know it's
6 getting a little --

7 CHAIRPERSON NEWTON: Yes.

8 MS. DAVIS: -- kind of convoluted. Because,
9 like I say, the school choice act has a provision
10 that opportunity doesn't. So, I mean, just so that
11 there's a little clarity.

12 CHAIRPERSON NEWTON: Okay. Before Mr. Rozzell
13 -- and in connection to that, Mr. Estes, please, one
14 more time --

15 MR. ESTES: Yeah.

16 CHAIRPERSON NEWTON: Mr. Rozzell, please, still
17 don't sit down. So what is the percentage in the
18 opportunity school choice?

19 MR. ESTES: The standards say that I can have no
20 more than 25 kids per grade per class in 5th grade;
21 average no more than 25 kids per class. I've got 24
22 in both of my 5th grade classes.

23 CHAIRPERSON NEWTON: So, what --

24 MR. ESTES: If someone does not -- however, Ms.
25 Newton, if y'all grant me permission, if someone does

1 not show up on the first day of school, which will
2 happen, I'd be more than happy to accept the child.

3 CHAIRPERSON NEWTON: And what if two people --
4 two more folks show up?

5 MR. ESTES: If two more people show up, I'll be
6 up here asking you for a waiver.

7 CHAIRPERSON NEWTON: Okay. Ms. Zook had that
8 question. Did that answer it?

9 MS. ZOOK: Yes.

10 CHAIRPERSON NEWTON: Mr. Rozzell.

11 MR. ROZZELL: And I would say too that this
12 board has held pretty --

13 CHAIRPERSON NEWTON: You have 20 minutes also.
14 We hope that you don't take 20.

15 MR. ROZZELL: I won't. I won't. And I'm going
16 to have Ms. Goodall tell some stories here in a
17 minute too to make everything a little bit lighter as
18 well. Just to rebut Mr. Jones' representation that
19 the McKissic case is still ongoing and that it's
20 being argued in front of Judge Wilson right now, the
21 case that's ongoing in front of Judge Wilson right
22 now is called Thorn City Special School District
23 versus Palestine-Wheatley Special School District and
24 Wynne School District. It's not the -- it's not a
25 reopening of the McKissic case, unless there's some

1 more recent order than what I've seen as of last
2 month. So I'm not -- you know -- I think that that
3 issue can be confusing as to whether or not that case
4 has been actively reopened and they're seeking
5 unitary status therein, because I don't think they
6 are. In addition, if you'll look at Section 4 --
7 Subsection 430 of the educational provisions, I think
8 it's -- if I go back to my notes here, it's 6-15-
9 430(c). That's for schools in academic distress and
10 it tells the Board what it can do. Okay. And it
11 says to the Board you can accept students under
12 transfers, under either the mechanisms of the
13 opportunity choice transfer provisions or the school
14 choice transfer provisions. And I think that's
15 important because what that is telling the students
16 or the families is we can apply under either of these
17 and then go forward if we're in academic distress.
18 And that's what I wanted to point out to you is that,
19 you know, Ms. Goodall has submitted these
20 applications, citing every statute she can. And the
21 reason she's done that is because there may be
22 different relief under the statutes. But I think
23 that 6-15-430 really incorporates everything
24 together, and that's why we argued that the sibling
25 provision should be extended to the opportunity

1 choice students too. And that's why we say that the
2 youngest child was an applicant under opportunity
3 choice and school choice, and then the oldest child
4 was as well. Because we think those sibling
5 provisions should just override everything else, that
6 you should not be breaking up the families, and that
7 the statutes are there to be read together and to be
8 read consistently. And so for opportunity choice,
9 not to have a specific reference under 1904 to a
10 sibling following another, well, I think that that
11 tradition is wrapped up in 430, when it says you can
12 apply under these two provisions. And because of
13 that -- you know -- and I know these are technical
14 and nuanced and sometimes the weeds are tall, but the
15 overriding policy is the same and that's that we
16 shouldn't be breaking up the families and the
17 students. And we've done that in this family; it's
18 really sad. And so I'd like to have Ms. Goodall
19 testify just for a little bit about what the impact
20 has been on her family.

21 CHAIRPERSON NEWTON: You have over 17 minutes,
22 actually.

23 MR. ROZZELL: Thank you.

24 CHAIRPERSON NEWTON: Ms. Goodall.

25 MR. ROZZELL: Erica, you're soft-spoken, so you

1 need to talk into the mic.

2 THEREUPON,

3 ERICA GOODALL,

4 THE WITNESS HEREINBEFORE SWORN, testified on her oath as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. ROZZELL:

8 Q Please state your name for the record?

9 A Erica Goodall.

10 Q And where do you live?

11 A Forrest City, Arkansas.

12 Q And last year, was there any reference to you living in
13 Palestine-Wheatley?

14 A Yes, sir.

15 Q And was that true?

16 A No.

17 Q Did you live in Palestine-Wheatley last year?

18 A No, sir.

19 Q Okay. What do you do for a living?

20 A I cook in Muldrow, Arkansas.

21 Q How old are your children?

22 A Eleven, seven, ten, and thirteen.

23 Q And where do the two oldest children go to school?

24 A Palestine-Wheatley.

25 Q What grades are they going to go into next year?

1 A Seventh grade and eighth grade.

2 Q Tell me about the 8th grader; what were her grades last
3 quarter?

4 A She made straight A's.

5 Q And tell me about the 7th grader; what is she doing?

6 A She made the cheerleading team for this year.

7 Q Is she involved in any other clubs or anything at the
8 school district?

9 A She's -- no, sir.

10 Q That probably takes up a lot of her time then?

11 A Yes.

12 Q Tell me about how your family coordinated the scheduling
13 of school -- or students attending two different school
14 districts last year?

15 A It was hard.

16 Q Why was it hard?

17 A Trying to get both -- all four children to school on time
18 at two different schools; trying to make sure I pick them up on
19 time. Sometimes when another school is out the other school
20 isn't out. It was just real confusing and complicated. And it
21 just -- you know -- it saddens them because they want to know
22 why they all just can't be together.

23 Q Now does one school district require uniforms and the
24 other not?

25 A Yes, sir.

1 Q So does that make them feel odd that they're having to
2 wear different things from their siblings?

3 A Yes, sir.

4 Q And tell me about your 5th grader. What sort of issues
5 does he have right now?

6 A He wears braces, he has speech problems.

7 Q And has he been -- has he suffered any sort of adverse
8 treatment from the other students at Forrest City?

9 A He got bullied there and tried to kill his-self.

10 Q Is this the first or second year that he's been bullied at
11 Forrest City?

12 A Second time.

13 Q Okay. And what about your 2nd grader; how is she doing?

14 A She's doing good. She just takes speech there and she has
15 ADHD.

16 Q But she's never attended Palestine. Right?

17 A No, sir.

18 Q But your 5th grader, he attended Palestine growing up,
19 earlier?

20 A Yes, sir.

21 Q Okay. You applied for school choice in March of this
22 year. Right?

23 A Yes, sir.

24 Q Did you receive a denial by July 1st for your school
25 choice applications?

1 A No, sir.

2 Q Do you know why you didn't receive your denial for your
3 school choice applications?

4 A No, sir.

5 Q But you later on received a denial for your opportunity
6 choice applications. Right?

7 A Yes, sir.

8 MR. ROZZELL: And I believe the Board has a copy
9 of those that have been passed around, that were sent
10 out on the 27th of July.

11 MR. ROZZELL: (continuing)

12 Q Is there anything else you'd like to ask the Board today?

13 A Just to consider what I have to go through, my younger
14 babies asking me every day what school will they attend, will
15 they be with their older siblings, or will they be separated.
16 And it just -- it's hard and it's sad.

17 MR. ROZZELL: Thank you, Erica.

18 Obviously, Ms. Goodall says that a lot better
19 than I can. So I appreciate the time from the Board
20 today. I would appreciate the Board considering the
21 overturning of the denial of Palestine-Wheatley of
22 their applications for school choice and for
23 opportunity choice, given that both their siblings
24 attend Palestine-Wheatley School District, given that
25 the youngest child attends a school -- or the middle

1 child attends a school right now that is in academic
2 distress, given the difficulties had there. The fact
3 that Mr. Estes says he's willing to take them, we
4 appreciate that. And I believe Mr. Estes also has
5 space for the second-grader, so no capacity issue has
6 been referenced for her. We would like for this
7 family to be united today and we ask the Board to do
8 their duty and to review the trans -- or the denial
9 of the transfer under the code that gives it that
10 power. Thank you very much.

11 CHAIRPERSON NEWTON: Mr. Goodall [sic], I have a
12 question. Is it your contention and Ms. Goodall's
13 contention that failure to notify by July 1 was a
14 violation of the procedure in school choice?

15 MR. ROZZELL: It most certainly is. It most
16 certainly is, Chairman Newton -- or Chairperson
17 Newton. It is a -- the statute uses the word
18 "shall," and as the Board is probably well aware from
19 listening to Ms. Davis and, before her, Mr. Lasiter
20 for a significant period of time, the word "shall"
21 means mandatory compliance. And we don't believe
22 that they were properly denied and we believe just on
23 that issue alone they should be accepted.

24 CHAIRPERSON NEWTON: Mr. Jones, would you like
25 to address that? Because it is or could be a pivotal

1 piece in this whole discussion.

2 MR. JONES: I don't know what -- excuse me --
3 the Forrest City School District is supposed to do
4 about that. It was the obligation of Palestine-
5 Wheatley to give timely notice of acceptance or
6 denial. Now if they were late, talking about -- Ms.
7 Saviers is fond of talking about gaming the system --
8 then every parent in Arkansas who wants a choice
9 could just kind of slip the word that, you know, "If
10 you'll make our -- if you'll deny our application a
11 day late, then maybe we can convince the State Board
12 to grant the application." That's not the fault or
13 the responsibility of the Forrest City School
14 District. I don't know what consequences would
15 attach to Palestine-Wheatley, but I think the fuss is
16 between the parents and Palestine-Wheatley on that
17 one. Because Forrest City, for all I know at that
18 time, had no idea these applications had even been
19 made. So on that one I don't think you can go around
20 by Laura's house and get to the conclusion that
21 Palestine-Wheatley's presumed or apparent failure to
22 give timely notification means that automatically
23 these appeals should be granted. I'd just like to
24 add once again that because of the way the transfers
25 of the older siblings occurred there is no specific

1 transfer in the law -- and the two statutes that
2 specifically address it are later in time than the
3 other statute. Now they talk about when sibling
4 transfers can be considered and I think they are the
5 controlling law in this case and that, otherwise, no
6 good and sufficient reason has been advanced as to
7 why -- including even under the Opportunity School
8 Choice Act, if you want to get into that -- Counsel
9 is correct. It does contain similar language to the
10 2015 act; it just doesn't say that this board is to
11 take that up. We think it should; we think for the
12 same reasons that -- and I'm unclear now which
13 transfer action we're talking about. I thought we
14 were here on denial of a transfer of the 2015 act,
15 but somehow opportunity school choice keeps working
16 its way into the equation. I just wanted y'all to be
17 aware we've taken the position in the case before
18 Judge Wilson that interpreting McKissic -- oh, I do
19 need to clear that up, or if there's any concern. I
20 never represented that the case before Judge Wilson
21 was the trial of the McKissic case as to whether or
22 not Forrest City is unitary. It's a trial of the
23 McKissic decree as to what it means and whether it is
24 sufficient to support the exemptions claimed by
25 Forrest City in cases like these. That's what's

1 before him. But the McKissic decree is clearly
2 before him and all the parties have asked him to tell
3 us what it means and whether it means that these
4 transfers should take place. In any event, I don't
5 think a reason under any of the statutes that apply
6 here have been advanced to warrant the granting of
7 the appeals. I don't think it's -- and I know it
8 tugs at y'all's heartstrings for a parent to get up
9 here and talk about bullying. Well, you know, I
10 could -- if that's a concern of anybody, that's not a
11 new issue with this family and Forrest City. Dr.
12 Hardrick can get up here and talk about that, if you
13 really want to hear about that. But I don't think
14 technically speaking it's an issue for y'all to
15 consider. The law either permits it or it doesn't.
16 Bullying is a matter that if there's a real issue
17 there, it needs to be dealt with and there are
18 mechanisms for dealing with that. But it shouldn't
19 enter into the equation of whether or not you're
20 going to in effect go around the law so-to-speak.
21 Mr. Rozzell in his late-filed papers yesterday asked
22 you to waive state law, and I think that's important.
23 Today, I didn't hear him say waive it, but that's
24 what he said yesterday in his email, he wanted y'all
25 to waive state law because it was state policy to

1 keep all these kids together. You can't waive state
2 law, can't waive the statute; you can't create a
3 statute. So for all these reasons we believe the
4 prudent and wise course of action is to deny the
5 appeal.

6 CHAIRPERSON NEWTON: Okay. Thank you. We'd
7 like a summary from you, Ms. Davis, as to what --
8 just a summary, short summary, and state to us our
9 options in proceeding in this particular action item.

10 MS. DAVIS: Okay. So if we are -- you are going
11 to entertain the children separately, one or --
12 entertain them under School Choice Act and then
13 Opportunity School Choice Act, under the Public
14 School Choice Act of 2015 -- if, like I say, Forrest
15 City has, you know, provided documentation to us that
16 they are under a desegregation order and that we
17 don't necessarily have any information, or we would
18 have to interpret that it is, you know, unitary or
19 something of that nature, then, of course, you can do
20 what you choose. But how it has been done,
21 generally, they're under a desegregation order which
22 would prevent transfer. Under Opportunity School
23 Choice, if the child is in a distressed school and,
24 you know, they can take them, you know, you could
25 grant that. There is a state statute that does say

1 that there's a continuity of education that, like I
2 say, is outside of the Public School Choice Act that
3 says for students who are siblings of children, you
4 know, who have transferred under school choice that
5 there is -- you know -- that you can keep them
6 together and choose to do that and it is outside the
7 act. However, so under state law you can transfer
8 them, but any conflict it would have with the
9 desegregation order I cannot say. I mean, that would
10 require us to go back to interpret the desegregation
11 orders, which, you know, we've established that we
12 don't have the authority to do or the obligation.

13 So at this point you can either grant or deny in
14 whole the applications. If you want to, you know, do
15 them separately, grant one, deny one, or just vote on
16 them separately, under public school choice and then
17 do it under opportunity school choice, you can choose
18 to do that as well.

19 CHAIRPERSON NEWTON: I think one thing, I think,
20 that looms large is the desegregation order; they
21 cannot be separated completely. You know, and the
22 Board --

23 MS. DAVIS: Right.

24 CHAIRPERSON NEWTON: -- may choose to do what
25 the Board --

1 MS. DAVIS: Right.

2 CHAIRPERSON NEWTON: -- chooses to do with a
3 motion. But I'm thinking that the shadow that is
4 there that, you know, that -- or the deseg order
5 casts a shadow on both, as far as I'm concerned, and
6 I don't know what the -- but what I understand from
7 you is that we're not legally bound -- though we can
8 separate --

9 MS. DAVIS: Right.

10 CHAIRPERSON NEWTON: -- we're not necessarily
11 legally bound to separate them as two different
12 actions.

13 MS. DAVIS: That's correct.

14 CHAIRPERSON NEWTON: We can go with them both
15 under school choice --

16 MS. DAVIS: Yes.

17 CHAIRPERSON NEWTON: -- or we can split.

18 MS. DAVIS: Right.

19 CHAIRPERSON NEWTON: So I just want to make that
20 -- is that the --

21 MS. DAVIS: Yes. You can deny or grant in whole
22 at this point because it was presented as one appeal.

23 CHAIRPERSON NEWTON: Right.

24 MS. DAVIS: So you can do that as well. And I
25 know that -- and just to address the July 1 deadline

1 for response, you know, the law is silent on, you
2 know, what penalties, if any, there are for not
3 responding on July 1. So, I mean, like I say, just
4 if you had any questions about that, the law is
5 silent. So we would have to -- you know -- you would
6 have to put in penalties or no penalties where the
7 law is not giving us any direction.

8 CHAIRPERSON NEWTON: I don't propose to speak
9 for the Board, but for myself I think this probably
10 is one of the most agonizing things to have to deal
11 with and it's just -- it's a sad state, I think, and
12 this is just Toyce Newton's opinion, that something
13 isn't done, whether it be from the judicial
14 standpoint, to decide this issue. And, certainly, it
15 benefits attorneys -- and no disrespect to attorneys.
16 But I think as far as families and school districts,
17 they are on the side of getting the least benefit
18 from this. So however it fleshes out, I just hope
19 and pray that it does because this is just -- this is
20 outside of reasonable and it's certainly -- it's
21 outside of reasonable -- I'll stop there -- as far as
22 I'm concerned. So -- but we still have to as a state
23 board make a decision, and by virtue of that we're at
24 the point where I'm going to ask for a motion. I
25 think Ms. Davis has aptly explained where we can go

1 with this and so by virtue of that here we are,
2 Board.

3 COMMISSIONER KEY: Madam Chair, may I ask an
4 inquiry of Ms. Davis --

5 CHAIRPERSON NEWTON: Yes, sir.

6 COMMISSIONER KEY: -- that would --

7 CHAIRPERSON NEWTON: Clear us up?

8 COMMISSIONER KEY: Well, maybe clear up
9 something for me. Because when we get these appeals
10 in the Department, before we send them to y'all, we
11 don't know the race of the families involved.

12 MS. DAVIS: That's correct.

13 COMMISSIONER KEY: Is that accurate, Ms. Davis?

14 MS. DAVIS: That's correct.

15 COMMISSIONER KEY: So when it comes to the
16 appeal and we see, you know, that there is a minority
17 family trying to transfer it kind of flies in the
18 face of commonsense to think that a desegregation
19 order is limiting to a minority family looking to
20 move. Ms. Davis, you know, we don't see that ahead
21 of time --

22 MS. DAVIS: Right.

23 COMMISSIONER KEY: -- and we only know that when
24 it gets to this point?

25 MS. DAVIS: Right. Well, you know, what they

1 have done -- I mean, and it says that, you know, you
2 can't necessarily deny based on -- you make your
3 decisions on this, especially under opportunity
4 school choice. But this was brought up by a member
5 of the Board during last week's hearings that there
6 was a family and -- you know -- and, again, the law
7 states that they have to do a genuine conflict; it
8 says a desegregation order or court-approved
9 desegregation plan. And we would have to interpret
10 whether or not it would negatively impact. And I
11 even think the opportunity school choice uses
12 "negatively impact the racial balance." So,
13 theoretically, you could make the decision that it
14 would not impact negatively the racial balance or
15 desegregation order by allowing a minority family to
16 transfer out. But it was brought up last week as
17 well.

18 CHAIRPERSON NEWTON: Dr. Barth.

19 DR. BARTH: And on that issue, taking race into
20 account in that way would be problematic in the eyes
21 of -- we see that on Louisville, you know, Supreme
22 Court cases. Correct?

23 MS. DAVIS: Well, I mean, I think it would be
24 more problematic under the idea that we would be
25 interpreting what the court-approved desegregation

1 plan outlines. I think that's what it would be.

2 DR. BARTH: Can I -- I just need -- I'm very
3 clear on the public school choice, on the opportunity
4 school choice. In terms of -- and I'm very clear on
5 the capacity part. But in terms of the role of deseg
6 orders on opportunity school choice, can you talk
7 through that one more time? I apologize.

8 MS. DAVIS: No, you're okay. And like you say,
9 it's something that has not, I don't think, been
10 brought up a lot, and I can read it to you; if you'll
11 just bear with me, I'll grab this. Let me find it.
12 For lack of better terms, I can -- it just says that,
13 you know, if there are desegregation orders that
14 would negatively impact a transfer then kind of under
15 the provisions of a desegregation order the
16 provisions of a desegregation order govern. And I
17 think that all -- most of our transfer laws allow --
18 I mean, even a legal transfer is -- you know -- has
19 provisions for desegregation orders. I think that
20 that kind of looks at whether or not we are getting
21 involved in the federal court system in making those
22 determinations when we may or may not have the
23 authority or ability to do so.

24 DR. BARTH: Okay. So the rules are essentially
25 the same?

1 MS. DAVIS: Yes. They're not -- I mean, they do
2 not require a district to provide a conflict letter
3 or, you know, an exemption or there's no claim or
4 burden necessarily on the districts. It is just
5 something to consider that if there are desegregation
6 orders then it would negatively impact. It is a
7 consideration.

8 DR. BARTH: Now when we -- if we were to deny
9 the opportunity -- any opportunity school choice
10 case, would we need to state whether the grounds were
11 based on capacity or based on an existing
12 desegregation order?

13 MS. DAVIS: Well, because the appeal was
14 originally brought under a school choice it would be
15 up to you to choose whether or not to separate out
16 for school choice and opportunity school choice. You
17 can grant or deny it under public school choice,
18 because that's how this appeal was originally
19 brought. If you choose to break it out -- and it was
20 a capacity issue -- then we could state that it was
21 for capacity. But because it was originally brought
22 under school choice, you could handle it under there
23 as well.

24 DR. BARTH: Okay. Thank you. I'm much clearer.

25 CHAIRPERSON NEWTON: All hearts and minds clear?

1 MR. ROZZELL: I just have a brief clarification
2 as to that. The initial appeal was brought on July
3 27th, because we've gotten no denials. And so it
4 referenced -- the only thing that at the time to pass
5 on July 27th, that moment in time, for the appellate
6 time to commence was the school choice denial.
7 Yesterday, after receiving the denial for the
8 opportunity choice we referenced the opportunity
9 choice and we appealed that issue as well. And that
10 was sent to Ms. Davis and Mr. Key by electronic mail
11 because at that point in time we had all the
12 information necessary to do those appeals, and we
13 sent those also to Forrest City and Palestine too.
14 So I want just to make clear that both of the issues
15 were brought as to the appeals on the basis of each
16 individual statute.

17 CHAIRPERSON NEWTON: But you do -- do you object
18 to Mr. Jones's contention that it's not Forrest
19 City's responsibility to meet that deadline, that
20 there could have been some collusion -- I'm not
21 suggesting there was collusion between the two, but
22 that certainly could have been a mechanism to have
23 that dropped off the table?

24 MR. ROZZELL: As Ms. Davis said, there is no set
25 out -- I mean, the provision is mandatory, of course,

1 because it says "shall," but it doesn't say what's
2 going to happen in that case. When we applied, we
3 submitted out applications both with Forrest City and
4 Palestine because we've been going on with this for
5 three years now; we know how this works, so we know
6 they're going to be involved. So they had clear
7 notice of our application as of March 26th and again
8 on April 15th. So, you know, they could've submitted
9 or requested Mr. Estes to do a denial on school
10 choice. But I believe Mr. Estes considered our
11 application because it was made under both school
12 choice and opportunity choice and that's why he
13 considered his deadlines being August 1st, because it
14 was the later of the two deadlines. So, you know, we
15 believe that the statute requires a response by July
16 1 and I think that more testimony would have to be
17 heard to show collusion, if that's what Forrest City
18 wants to show.

19 CHAIRPERSON NEWTON: No, I'm not suggesting
20 that.

21 MR. ROZZELL: Thank you.

22 MS. DAVIS: Okay. And just --

23 MS. ZOOK: I have a question --

24 MS. DAVIS: Okay. I'm sorry. You want to go
25 ahead?

1 MS. ZOOK: I have a question for the
2 superintendent of Forrest City. Would there be any
3 point --

4 CHAIRPERSON NEWTON: She has to be sworn.

5 MS. ZOOK: Okay.

6 MS. DAVIS: Did you get sworn in?

7 SUPT. HARDRICK: No.

8 MS. DAVIS: Okay.

9 CHAIRPERSON NEWTON: Would you raise your right
10 hand please?

11 SUPT. HARDRICK: Sure.

12 CHAIRPERSON NEWTON: Do you solemnly swear or
13 affirm that the testimony you're about to give is the
14 truth, the whole truth, and nothing but the truth?

15 SUPT. HARDRICK: Yes, I do.

16 MS. ZOOK: Yes.

17 CHAIRPERSON NEWTON: And your name?

18 SUPT. HARDRICK: Tiffany Hardrick,
19 superintendent at Forrest City.

20 MS. ZOOK: Would there be any point -- or would
21 you have a position if these parents asked for a
22 legal transfer? Do you have any idea how your board
23 would rule on that?

24 SUPT. HARDRICK: Well, we've explored this issue
25 as well and I think that it reads that a school board

1 cannot accept legal transfers, a school district
2 that's under desegregation, a desegregation order.
3 Am I saying that correctly?

4 MS. ZOOK: I don't think that's accurate, but
5 that may be what you've been advised. Because I know
6 Pulaski County allows legal transfers and they're
7 under a big court order.

8 CHAIRPERSON NEWTON: I guess you could ask the
9 legal -- our legal expert.

10 MS. DAVIS: I looked at this yesterday and I can
11 pull up the exact language. Oh, wait, actually, here
12 it is. It says that, you know, the board of
13 directors of a local school district are prohibited
14 from granting legal transfers in the following
15 situations: whether either -- or when either the
16 resident or receiving district is under a deseg
17 related court order or has ever been and -- and
18 here's the key -- the transfer would negatively
19 affect the racial balance of that district, which has
20 or is under one. So the way that this reads is while
21 a desegregation order is, you know, factored in, it
22 is not the only factor; it's only if the transfer
23 would also negatively impact. And if in this case it
24 was determined that allowing minority students to
25 transfer would not negatively impact a desegregation

1 order, then under this it appears that it would be
2 allowed. And then also, just real quick, under the
3 deadlines, like I say -- and Mr. Rozzell did submit
4 his opportunity school choice yesterday, but the
5 appeal originally had been presented to us and to you
6 originally as a school choice. But the deadline for
7 school choice is May 1 to apply, and July 1 for
8 response. You have until July 30th to file an
9 opportunity school choice. There is no specific
10 deadline on when you have to respond. I think it
11 says -- it may say 30 days, but you can apply up
12 until July 1. So the August 1st deadline for
13 response on opportunity school choice is not
14 necessarily --

15 CHAIRPERSON NEWTON: Okay. I hope we -- oh, and
16 who are you?

17 MR. BEAVERS: I'm Brad Beavers. I just don't
18 look as much like a lawyer.

19 CHAIRPERSON NEWTON: So we don't have to swear
20 you.

21 MR. BEAVERS: No, ma'am. To follow-up on your
22 question, the "and" part of the legal transfer was
23 what Dr. Hardrick had not yet dealt with the last
24 year, of your question about the prohibition against
25 legal transfer. She had not had to deal with the

1 "and" part about "and effect." So I would advise her
2 in this particular case that that would be a board
3 decision on a legal transfer that we would take to
4 the board. And I'm the one who's in Forrest City and
5 would be advising on those questions. But in the
6 particular question that you asked, we have not had a
7 request for legal transfer, but that issue would not
8 have been an issue.

9 MS. ZOOK: Well, will the board ask you what you
10 think?

11 MR. BEAVERS: The board makes its own decisions,
12 but I would advise them as to what the law is. Yes,
13 ma'am.

14 MS. ZOOK: Right.

15 MR. BEAVERS: So --

16 MS. ZOOK: And you'd make --

17 MR. BEAVERS: But as far as them making a
18 decision, they won't -- no, ma'am; they don't always
19 -- they don't take my advice about making decisions,
20 other than what the law is.

21 CHAIRPERSON NEWTON: So would the window be open
22 then under those circumstances of a legal transfer
23 for the family to either get what they want or if
24 they don't come back before this body?

25 MR. BEAVERS: I'm not sure. I'm not sure that

1 I've ever seen whether there's an appeal from a
2 denial of a legal transfer. I've never looked at it.
3 I don't think that -- you know, Commissioner Mr. Key
4 --

5 CHAIRPERSON NEWTON: So we need to act on this?

6 MR. BEAVER: Yeah. I don't think that there's
7 an appeal process on denial of a legal transfer.

8 CHAIRPERSON NEWTON: Okay.

9 MR. BEAVER: But as far as the window being open
10 to ask the board, that may -- you know -- that's a
11 board decision.

12 CHAIRPERSON NEWTON: Well, we're ready for a
13 motion, Board.

14 MS. ZOOK: I move that in the spirit of keeping
15 the family together that we grant the request for
16 transfer.

17 CHAIRPERSON NEWTON: So you've heard Ms. Zook's
18 motion that the transfer request be approved. Is
19 there a second?

20 (BRIEF MOMENT OF SILENCE)

21 MS. DAVIS: Pardon me?

22 CHAIRMAN NEWTON: I thought you were trying to
23 say something.

24 MS. DAVIS: No, no.

25 CHAIRPERSON NEWTON: Is there a second?

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(BRIEF MOMENT OF SILENCE)

CHAIRPERSON NEWTON: Then the motion dies for lack of a second. Is there any other motion regarding this matter?

DR. BARTH: I'll move to affirm the -- sustain the denial based on an existing desegregation order or at least something that should be determined by a court of competency.

MS. REITH: Second.

MR. WILLIAMSON: Second.

CHAIRPERSON NEWTON: So there's a motion by Dr. Barth to sustain the recommendation, to sustain the denial of the school choice application, and the second is by Ms. Reith. You heard the motion. Are there any questions? Ms. Saviers.

MS. SAVIERS: Just to be clear, they can then go and request a legal transfer?

CHAIRPERSON NEWTON: Yes.

MS. SAVIERS: Okay. Thanks.

CHAIRPERSON NEWTON: Any other questions? All in favor?

(MAJORITY CHORUS OF AYES)

CHAIRPERSON NEWTON: Any opposed?

MS. ZOOK: No.

CHAIRPERSON NEWTON: Ms. Zook opposes. So

1 that's the end of that action item. We need to take
2 a five-minute break.

3 MS. DAVIS: Before we break, the attorney for
4 the Goodall family would like some clarification on
5 which application that you're denying. Like I say,
6 the appeal was done under the school choice. And
7 while we did receive opportunity school choice from a
8 denial yesterday, I think it's up to this board -- I
9 don't think they have to --

10 CHAIRPERSON NEWTON: Dr. Barth, is that singular
11 or both?

12 DR. BARTH: It was -- the grounds were the same
13 on both, in both cases.

14 CHAIRPERSON NEWTON: Okay.

15 MS. DAVIS: Okay.

16 CHAIRPERSON NEWTON: So, both applications. And
17 is that the consensus of the Board and the vote?

18 (MAJORITY OF BOARD MEMBERS ANSWERED AFFIRMATIVELY)

19 CHAIRPERSON NEWTON: Okay.

20 MS. DAVIS: Just two more seconds. The Criss
21 family I don't believe has shown back up. So if you
22 want to -- I mean, like I said, I have good news
23 following this, but after we -- if you want to un-
24 table it and so you can go ahead and make a decision,
25 or not. But then the next three school transfers on

1 the list, A-10, A-11 and A-12, have all been
2 resolved, so they will be withdrawn.

3 CHAIRPERSON NEWTON: And also A-13. Is that
4 correct?

5 MS. DAVIS: Yes; 10, 11, 12 and 13 have all been
6 resolved satisfactorily, so they will be withdrawn.

7 CHAIRPERSON NEWTON: Well, we've got a semi-
8 emergency, so we're going to come back.

9 (BREAK: 3:07 - 3:20 P.M.)

10 A-8: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE
11 APPLICATION - CRISS

12 CHAIRPERSON NEWTON: We'll move now to A-8 and
13 that would require us to get a motion to un-table
14 that action item, Consideration of Appeal from Denial
15 of School Choice, Criss family. Could we have a
16 motion to un-table this action item?

17 DR. BARTH: So moved.

18 CHAIRPERSON NEWTON: Moved by Dr. Barth.

19 MS. SAVIERS: Second.

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

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN NEWTON: Any opposed? Motion carries.
24 Ms. Davis.

25 MS. DAVIS: The family still has not shown back

1 up, so I'm thinking that they're not planning to.
2 But like I said, Palestine-Wheatley -- are they still
3 here? No. But Forrest City is. So Forrest City
4 would still like to go ahead and speak before you
5 make a vote on this. Forrest City is the non -- I
6 mean, the resident district.

7 MR. JONES: Under the circumstances presented,
8 we would simply ask that the Board consider as part
9 of the record and as a statement of our position
10 urging y'all to sustain the denial of the transfer
11 the matters we've submitted in writing to the Board.
12 And that will conclude our presentation.

13 CHAIRPERSON NEWTON: Well, thank you.

14 MS. ZOOK: This child --

15 CHAIRPERSON NEWTON: Any questions?

16 MS. ZOOK: Is this child in an academic distress
17 school?

18 MS. DAVIS: No. This child would be entering
19 kindergarten.

20 MS. ZOOK: Thank you.

21 CHAIRPERSON NEWTON: Do we have a motion
22 relative to this action item, A-8?

23 MR. WILLIAMSON: Move to sustain.

24 CHAIRPERSON NEWTON: Move to sustain -- I
25 couldn't get that out -- by Mr. Williamson. Second?

1 Is there a second?

2 MS. DEAN: Second.

3 CHAIRPERSON NEWTON: By Ms. Dean. Any
4 questions? All in favor let us know by saying "aye."

5 (MAJORITY CHORUS OF AYES)

6 CHAIRPERSON NEWTON: Any opposed?

7 MS. ZOOK: No.

8 CHAIRPERSON NEWTON: Ms. Zook opposes. So the
9 motion carries.

10 A-14: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE -
11 LYNN D. LANG

12 CHAIRPERSON NEWTON: So we're now down to A-14,
13 Consideration of Waiver Request for Teaching License.
14 And Ms. Liwo.

15 MS. LIWO: I spoke with Mr. Lang about his
16 waiver hearing request and we're asking that the
17 Board allow us to postpone the hearing until next
18 month's meeting.

19 CHAIRPERSON NEWTON: So table or postpone, which
20 is it? Ms. Davis?

21 MS. LIWO: Postpone.

22 CHAIRPERSON NEWTON: Postpone. Do we have to
23 have a motion to postpone?

24 MS. LIWO: Yes.

25 MS. REITH: Motion to postpone till next month's

1 board meeting.

2 CHAIRPERSON NEWTON: Motion by Ms. Reith to
3 postpone. Is there a second?

4 MS. SAVIERS: Second.

5 CHAIRPERSON NEWTON: Second by Ms. Saviers. Any
6 discussion? All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON NEWTON: Any opposed? Okay.

9 A-15: CONSIDERATION OF RECOMMENDED TRAINING FOR PROFESSIONAL
10 LICENSURE STANDARDS BOARD CASE #T13-015B - SIMONE S. VAUGHN

11 CHAIRMAN NEWTON: Then moving to A-15,
12 Consideration of Recommended Training for
13 Professional Licensure Standards Board, S. Vaughn.
14 Ms. Liwo.

15 MS. LIWO: And I'm forgetting the month for some
16 weird reason; I'm sorry. I guess it's been a little
17 bit of a long day. But the last time you heard Ms.
18 Vaughn's case she had requested a review of the
19 PLSB's evidentiary hearing recommendation. And the
20 Board voted to place her license on probation for two
21 years and assessed a \$75 fine and required her to do
22 -- complete professional development in the area of
23 portfolio assessment, and counsel was instructed to
24 come back before the Board with a recommendation on
25 the portfolio assembly and assessment training. And

1 we have reached an agreement on that; we've prepared
2 a proposed Agreed Order for the Board to consider and
3 you all should have copies in front of you. And I
4 can go through the terms of the order or -- in the
5 order -- according to the order, Ms. Vaughn would
6 have to complete no less than six hours of portfolio
7 assembly and assessment training by the end of her
8 probationary period. The training she receives would
9 have to address the preparation, alignment and
10 scoring of portfolios. Specifically, the training
11 would have to provide instruction on developing study
12 topics aligning each portfolio to each individual
13 student's IEP, demonstrating student comprehension
14 and independent work, and assembling and assessing
15 and evaluating the portfolios. Ms. Vaughn would have
16 to contact either her local education cooperative to
17 schedule a training session or request that her
18 superintendent sign her up for training that's
19 offered through the collaborative efforts of the ADE
20 Office of Student Assessment and Questar. And, of
21 course, this training is in addition to any other
22 mandatory training that she's required to receive and
23 she would have to bear all the associated costs of
24 this additional training.

25 MS. ZOOK: I move that we accept the agreement

1 and ask Ms. Newton to sign.

2 CHAIRPERSON NEWTON: Ask Ms. Newton to sign the
3 order?

4 MS. ZOOK: Uh-huh.

5 CHAIRPERSON NEWTON: This Miss -- I'm sorry;
6 there are two Ms. Newton's here now.

7 MS. ZOOK: You're Chairwoman.

8 CHAIRPERSON NEWTON: Chair Newton. Okay. Thank
9 you. Is there -- is the attorney, Mr. Burnett, here
10 or anybody on her behalf?

11 MS. LIWO: He is not here. He has, however,
12 signed the Agreed Order.

13 CHAIRPERSON NEWTON: Okay.

14 MS. LIWO: And I just want to state on the
15 record -- I'm sorry -- that Ms. Vaughn does need to
16 provide the PLSB office with proof that she has
17 completed the training.

18 CHAIRPERSON NEWTON: Okay. So we have a motion
19 by Ms. Zook to accept the conditions as outlined in
20 this agreement. Is there a second?

21 MS. DEAN: Second.

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

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRPERSON NEWTON: Any opposed? Do I sign the

1 original or this copy that I have?

2 MS. LIWO: Please sign the original. And I gave
3 you a blue folder earlier today; it's in there.

4 CHAIRPERSON NEWTON: Okay.

5 A-16: CHARTER APPLICATION TIMELINES

6 CHAIRPERSON NEWTON: The next item is A-18,
7 Charter -- have I missed somebody?

8 COMMISSIONER KEY: Sixteen.

9 CHAIRPERSON NEWTON: I'm sorry. A-16, Charter
10 Application Timelines. Ms. Perry.

11 MS. PERRY: Yes. Mary Perry, Coordinator,
12 Division of Learning Services. A-16 is the Charter
13 Application Timelines. The Board approves the
14 timelines and we're bringing those to you after the
15 Charter Authorizing Panel approved them on July 15th
16 for release for you. These are the open-enrollment
17 district conversion and renewal charter applications
18 timelines. You'll see we're trying to get everything
19 on a little bit more accelerated schedule, as early
20 as we think we can do that, and get the renewal folks
21 to have the most current data to discuss when they're
22 talking about having met their goals of their charter
23 and comparing it to other districts around them. So
24 we're bringing those to you based on particular days
25 of the month and then we'll put them out there on our

1 calendar of events -- or our charter calendar of
2 events to get them out there and publish the specific
3 dates that things would be due going forward.

4 CHAIRPERSON NEWTON: Any questions? Ms.
5 Saviers?

6 MS. SAVIERS: No. Go ahead.

7 DR. BARTH: Just a quick question. So, you
8 know, we've heard before the timing, especially in
9 the rare instances in which we've removed a charter.
10 But, you know, parents and children really don't have
11 time to get in line for another charter or another
12 option. If a charter was removed from a re-
13 applicant, when are we anticipating that would
14 happen?

15 MS. PERRY: We're anticipating that the renewal
16 applicants would be -- would go to hearing in
17 December, which is earlier than they've gone before,
18 to the Charter Authorizing Panel. So, in January,
19 the Board would then decide whether or not to review
20 a decision made by the Panel. And if you decided
21 that you wanted to review a decision, you would have
22 your hearing in February, which moves it up a little
23 bit. Again, we would love -- Dr. Barth, we've heard
24 you loud and clear and agree wholeheartedly; we would
25 love to move it up a little earlier, but we just want

1 them to have their most recent data too -- I know you
2 do too -- and look at that when they come in to
3 discuss renewal. So that was kind of why it's not
4 even a little bit earlier than that. And this would
5 be for -- I should point out, these are for renewals
6 that expire in 2017. We can't go this early -- they
7 won't have that data as early as we've got proposed
8 here for those coming in. So it'll be later this
9 spring; it'll still be later this spring. And then
10 the actual applications for charter will start spring
11 of '16 and then the renewals are spring of '17. So
12 it's going to be one more year that it's later than
13 when -- even much later than we would like for
14 renewals. So please know that.

15 DR. BARTH: Great. Thank you. I appreciate
16 your working on this.

17 MS. PERRY: Yes, sir.

18 CHAIRPERSON NEWTON: Any other questions? Could
19 we have a motion relative to Charter Application
20 Timelines? Ms. Saviers.

21 MS. SAVIERS: Move to approve the proposal.

22 CHAIRPERSON NEWTON: Moved --

23 MS. ZOOK: Second.

24 CHAIRPERSON NEWTON: Moved by Ms. Saviers,
25 second by Ms. Zook. Any questions? All in favor?

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(UNANIMOUS CHORUS OF AYES)

CHAIRPERSON NEWTON: Any opposed? Okay. Then the motion passes.

A-17: CHARTER AUTHORIZING PANEL ACTION ON OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AMENDMENT: OZARK MONTESSORI ACADEMY

CHAIRPERSON NEWTON: Then we're now at A-17, Ms. Perry, Charter Authorizing Panel Action on Open-Enrollment Public Charter School Amendment, Ozark Montessori Academy.

MS. PERRY: Yes, ma'am. The next four items are charter amendment items that were also heard by the Charter Authorizing Panel on July 15th. Ozark Montessori Academy was authorized on October 16, 2014. This is a brand-new school. It has not -- well, actually, it just opened; it opened last week. Alexandra visited earlier this week -- or it opened this week. So it's up and running this week, but a brand-new school. And they have asked for an increase of enrollment from 120 to 140. They're just accelerating their plan. Their plan all along was to operate in grades K-6 with a maximum enrollment of 120 for year-one, growing to K-8 with a maximum of 280 by 1920 [sic], the fifth year of the charter. And they appeared before the Board -- excuse me -- before the Panel and asked to accelerate by just 20

1 students there. You have on the phone -- remember
2 today --

3 MR. BRADBERRY: Not yet.

4 MS. PERRY: Okay. Remember, today is the
5 decision whether to review the decision by the
6 Authorizing Panel. And I would like to call your
7 attention to the fact, the very last thing in the
8 agenda, the very last couple of pages in your packet
9 of agenda, they are items that show you how the
10 Charter Authorizing Panel voted by member and their
11 reasons for the way that they voted. So you're going
12 to begin to see that routinely when those come to you
13 so you can see who voted how and why. Even on items
14 that they may not be required by rule to state
15 reasons, you're going to see that from the Panel.

16 VICE CHAIRPERSON REITH: Thank you, Ms. Perry;
17 we appreciate your questions [sic]. I saw Dr.
18 Barth's hand.

19 DR. BARTH: Well --

20 MS. PERRY: They're calling in.

21 MR. BRADBERRY: I need to know if Ozark
22 Montessori Academy is on the line?

23 MS. NICHOLS: This is Rochelle Nichols with
24 Ozark Montessori Academy.

25 MR. BRADBERRY: Thank you very much.

1 VICE CHAIRPERSON REITH: Welcome, Ms. Nichols.
2 Is this a question about procedure before we get into
3 --

4 DR. BARTH: It's actually really just a
5 compliment for -- and I meant to say it on the last
6 item -- just how helpful this new way of presenting
7 the documentation is.

8 MS. PERRY: I don't get credit for that.

9 DR. BARTH: Well, whoever gets credit. This is
10 -- I mean, this is -- I think this is going to cut
11 our time in dealing with these cases, you know, so
12 much, and this is really thoughtful. So thank you.

13 MS. PERRY: The chair, Deb Coffman.

14 DR. BARTH: Oh, imagine that, that she figured
15 out a system. All right. Great. I don't have any
16 questions on this one.

17 VICE CHAIRPERSON REITH: Thank you, Dr. Barth.
18 Ms. Saviers.

19 MS. SAVIERS: And based on this wonderful new
20 listing of how everybody voted and why they voted the
21 way that they did -- evidently, there's a long
22 waiting list and it was unanimous. I move that we
23 not review this item.

24 MR. WILLIAMSON: Second.

25 MS. ZOOK: Second.

1 VICE CHAIRPERSON REITH: Okay. All in favor say
2 "aye."

3 (UNANIMOUS CHORUS OF AYES)

4 VICE CHAIRPERSON REITH: All against? Okay.
5 That's a unanimous vote.

6 MR. WILLIAMSON: Ms. Zook.

7 VICE CHAIRPERSON REITH: Ms. Zook. My
8 apologies. Ms. Zook voted against. Is that correct?

9 MS. ZOOK: No.

10 MR. WILLIAMSON: No.

11 VICE CHAIRPERSON REITH: No?

12 MR. WILLIAMSON: She seconded.

13 VICE CHAIRPERSON REITH: Seconded. Sorry. Oh,
14 that was what you were saying. Sorry. I saw the two
15 there and then I was trying to -- I have to get used
16 to Deb's sign language there. My apologies. Well,
17 thank you so much. So, Ms. Nichols, thank you for
18 joining the call but we won't need your testimony at
19 this time. And congratulations on your waivers.

20 A-18: CHARTER AUTHORIZING PANEL ACTION ON DISTRICT CONVERSION
21 PUBLIC CHARTER SCHOOL AMENDMENT: LINCOLN HIGH SCHOOL NEW TECH

22 VICE CHAIRPERSON REITH: Moving on to action
23 item A-18, we have the opportunity to consider the
24 district conversion public charter school amendment
25 to Lincoln High School New Tech. Ms. Perry, you're

1 once again recognized.

2 MS. PERRY: Thank you. Lincoln High School New
3 Tech was authorized back on January 9, 2011. They
4 are approved to serve students in grades 8-12 with a
5 maximum enrollment of 850. And, again, they appeared
6 before the Panel on July 15th and their request was
7 to remove New Tech from the name and to remove their
8 partnership with New Tech. You'll notice that you
9 have the entire application for the charter in the
10 packet and they had gone through and stricken and put
11 in red the changes that would be made to the New Tech
12 piece so that I thought it was very easy to read.
13 And you have Ms. Courtney Jones, principal, I
14 believe, on the line.

15 MR. BRADBERRY: Ms. Jones, are you on the line?

16 MS. JONES: Yes, I am. Hi, this is Courtney
17 Jones.

18 MR. BRADBERRY: Just hold; we'll see if we have
19 any questions for you.

20 MS. JONES: Okay. Thanks.

21 VICE CHAIRPERSON REITH: Just to finish up this
22 item, because Ms. Newton came in, do any of the board
23 members have questions either for Ms. Perry or Ms.
24 Jones? Ms. Jones, thank you for joining the call.
25 All right. Seeing no questions, do any of our

1 colleagues have a motion?

2 MS. ZOOK: I move --

3 VICE CHAIRPERSON REITH: Ms. Saviers?

4 MS. ZOOK: -- that we not review.

5 MS. SAVIERS: Second.

6 VICE CHAIRPERSON REITH: Okay. So that was a
7 motion by Ms. Zook and a second by Ms. Saviers. All
8 in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 VICE CHAIRPERSON REITH: And any against? All
11 right. That's a unanimous vote. Thank you, Ms.
12 Jones, for your time. We will not need your
13 testimony today.

14 MS. JONES: Thank you very much.

15 CHAIRPERSON NEWTON: Thank you, Ms. Reith. And
16 hopefully that's the last time I'll have to leave,
17 maybe.

18 A-19: CHARTER AUTHORIZING PANEL ACTION ON DISTRICT CONVERSION
19 PUBLIC CHARTER SCHOOL AMENDMENT: PEA RIDGE MANUFACTURING AND
20 BUSINESS ACADEMY

21 CHAIRPERSON NEWTON: A-19 is Charter Authorizing
22 Panel on District Conversion Public Charter School
23 Amendment, Pea Ridge Manufacturing and Business
24 Academy.

25 MS. PERRY: Thank you. Pea Ridge was authorized

1 on January 16, 2014. The charter is approved to
2 serve students in grades 11 and 12 with a maximum
3 enrollment of 215. Again, on July 15, 2015, the
4 representatives were in front of the Charter
5 Authorizing Panel and they requested an amendment --
6 they actually requested an amendment -- a waiver
7 through the amendment process of the media specialist
8 of those requirements at the school. Again, I expect
9 that you'll have Charles Clark, director -- Mr.
10 Charles Clark, director, on the line.

11 MR. CLARK: Yes. This is Charlie Clark.

12 MR. BRADBERRY: If you'll hold for questions.

13 MR. CLARK: Yes, sir.

14 CHAIRPERSON NEWTON: Any questions of Mr. Clark?
15 No questions? Ms. Saviers.

16 MS. SAVIERS: I move not to review.

17 CHAIRPERSON NEWTON: It's moved -- motion not to
18 review by Ms. Saviers. Second?

19 DR. BARTH: Second.

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

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRPERSON NEWTON: Okay. Any opposed? That
24 motion carries.

25 MR. BRADBERRY: Thank you, Mr. Clark.

1 MR. CLARK: Thank you very much.

2 A-20: CHARTER AUTHORIZATION PANEL ACTION ON DISTRICT
3 CONVERSION PUBLIC CHARTER SCHOOL AMENDMENT: WARREN MIDDLE
4 SCHOOL A CONVERSION CHARTER

5 CHAIRPERSON NEWTON: So we're down to A-20,
6 Charter Authorizing Panel on District Conversion
7 Public Charter School Amendment, Warren Middle School
8 a Conversion Charter.

9 MS. PERRY: Warren Middle School was authorized
10 on January 16, 2014, and they're approved to serve
11 students in grades 6-8 with a maximum enrollment of
12 450. Again, they appeared before the Panel on July
13 15th and they were requesting some changes to the GT
14 program. Ms. Newton, there were some -- two
15 individuals that appeared to be -- had indicated they
16 wanted to -- they signed in perhaps to say something
17 on -- I believe they put A-21, but I think they might
18 really have wanted to speak on A-20 that pertained to
19 GT.

20 (COURT REPORTER'S NOTE: Ms. Perry converses
21 with an unknown lady in the audience.)

22 MS. PERRY: Okay. There are some folks here who
23 want to speak on the waivers of GT; she's telling me
24 generally speaking, so --

25 CHAIRPERSON NEWTON: Okay. Well, we could start

1 -- so is it relevant to this particular application
2 or just --

3 MS. PERRY: No, it is not relevant to this
4 particular application.

5 CHAIRPERSON NEWTON: So we'll wait and, Ms.
6 Perry, you can advise us when it might be good to
7 insert that particular -- those folks to speak.

8 MS. PERRY: That'll usually be at the very end
9 of the meeting --

10 CHAIRPERSON NEWTON: Okay.

11 MS. PERRY: -- when it's not pertaining to a
12 particular agenda item.

13 CHAIRPERSON NEWTON: Okay. As it relates to A-
14 20, do we have a motion regarding the conversion
15 charter for Warren Middle School?

16 DR. BARTH: Actually, I have a question.

17 CHAIRPERSON NEWTON: Okay.

18 DR. BARTH: And so I know on this one there was
19 a provision that there is satisfaction by October 1st
20 about the services for Gifted and Talented students.
21 And it's really a procedural question; I mean, what
22 if that doesn't happen? What if we, you know,
23 granted the waiver, the amendment, and then for some
24 reason, you know, that -- you know -- the ADE Gifted
25 and Talented staff just don't think this is working,

1 how would we handle that?

2 MS. PERRY: The plan is still on the 15th. I
3 think that you'd see that that would be reported back
4 to the Department and we would work with the chair
5 and let the chair of the Panel know that. And they
6 might very well want to pull them right back in as
7 soon as possible at the next available meeting. That
8 seems to be it would be the appropriate protocol to
9 follow there, as you can call any charter back in at
10 any point. The Panel can call any charter back in to
11 take a look at that. So should there be concerns
12 there the Panel can get them back in.

13 DR. BARTH: You know, I'm a little worried that
14 -- you know -- that the -- this isn't set, because
15 they're apparently going to activate this for this
16 current -- this coming academic year. And I'm a
17 little worried that the Gifted and Talented program
18 at the school would not be submitted kind of on day-
19 one. So I do have some concerns in this case. I
20 mean, I know that there was a lot of confidence on
21 the part of the Panel that it could be done, so I'm
22 definitely a little queasy about it in terms of
23 timing, but I also am sensitive to the clock.

24 MS. PERRY: And you -- and I expect that you
25 have Carla Wardlaw, assistant superintendent at

1 Warren, on the line.

2 MR. BRADBERRY: Ms. Wardlaw, are you on line?

3 MS. WARDLAW: I am.

4 DR. BARTH: I guess I will ask a question then,
5 if that's all right --

6 CHAIRPERSON NEWTON: Yes.

7 DR. BARTH: -- on this issue. Ms. Wardlaw, this
8 is Jay Barth. And my question really does --

9 MS. WARDLAW: Yes.

10 DR. BARTH: -- it relates to the timing on kind
11 of getting the revisions to the Gifted and Talented
12 program in this proposal kind of put in place, you
13 know, so that students are able to begin to take
14 advantage of that early in the school year.

15 MR. BRADBERRY: Did you hear the question?

16 MS. WARDLAW: Yes, I did. And we are -- we've
17 already scheduled our students to -- our students are
18 -- I think the sound is messing up. But anyway, let
19 me start over. Our students have already scheduled
20 for 6th, 7th and 8th grade; they'll be getting their
21 GT through their science plan. And we also have
22 another pre-AP class that students will be observed,
23 and if they are recommended for the Gifted and
24 Talented they'll be put in that class at that time.

25 DR. BARTH: Okay. And so -- yeah.

1 MS. WARDLAW: They'll be getting it on a daily
2 basis, not just 45 minutes a week.

3 DR. BARTH: Okay. And so when would those
4 identifications begin to take place?

5 MS. WARDLAW: They take place immediately. When
6 they're in class, they'll be in observation and there
7 will be a test.

8 DR. BARTH: Okay. All right. Thank you.

9 CHAIRPERSON NEWTON: Any other questions? Then
10 what is the pleasure of the Board relative to A-20,
11 Charter Authorizing Panel Action on District
12 Conversion Amendment, Warren Middle School a
13 Conversion Charter?

14 MR. WILLIAMSON: Move to not review.

15 CHAIRPERSON NEWTON: It's been moved not to
16 review by Mr. Williamson. Is there a second?

17 MS. DEAN: Second.

18 CHAIRPERSON NEWTON: Second, Ms. Dean. Any
19 discussion? All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRPERSON NEWTON: Any opposed? Motion
22 carries.

23 A-21: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
24 CHARTER: ARMOREL SCHOOL DISTRICT

25 CHAIRPERSON NEWTON: Okay. Ms. Perry, we're down

1 to A-21, District Request for Waivers Granted to
2 Open-Enrollment Charter, Armorel School District.

3 MS. PERRY: Yes, ma'am. This is the very first
4 one here that you'll have for this. Act 1240 of 2015
5 allows a school district to petition the State Board
6 of Education for all or some of the waivers granted
7 to an open-enrollment public charter school that
8 draws students from the school district. We do have
9 representatives from the Armorel School District
10 here. Ms. Sally -- excuse me -- Ms. Sally Bennett,
11 superintendent will begin the presentation. But,
12 first, we have Jennifer Davis who will discuss the
13 hearing procedures for today's meeting for the
14 benefit of the board and those listening, as well.

15 CHAIRPERSON NEWTON: In addition to explaining
16 the hearing procedure, would you give us again some
17 background on what the act is intended and what the
18 stipulations and consequences of that are?

19 MS. DAVIS: Sure. Act 1240 was intended to
20 allow school districts that -- to get waivers that
21 any charter school that pulls kids from their
22 district have -- or they can request the approval of
23 that. You know, we discussed during your work
24 session previously some considerations. The act
25 makes no provisions for, you know, granting

1 provisionally, conditionally, and additionally, as
2 long as the charter school has the waiver. When you
3 grant a waiver that school district has the waiver
4 for the length of time the charter has. And there is
5 no provisions in the law at this point in time or
6 that was directly in that act for you to revoke it.
7 So just something to consider.

8 And the hearing procedures -- the district will
9 -- everybody who's going to testify, other than
10 attorneys, will need to be placed under oath. And
11 then the district will get 20 minutes to kind of
12 present their case for why they're requesting these
13 approvals. Anybody who would like to speak in
14 opposition to that, there is kind of a 20-minute cap.
15 Of course, you know, those timeframes can be extended
16 at the, you know, chair's pleasure. And so
17 opposition will have an opportunity to speak and then
18 the district will have 5 minutes to kind of, you
19 know, wrap-up or have any rebuttal or anything like
20 that. At any point in time, of course, you're
21 welcome to ask questions, but at the end of all the
22 testimony, you know, the question-and-answer can
23 happen. And you can either choose to grant in whole
24 or in part the waiver request or you can deny in
25 whole or in part.

1 CHAIRPERSON NEWTON: And the 20 minutes includes
2 for counsel and the district?

3 MS. DAVIS: Yes.

4 CHAIRPERSON NEWTON: Yes. Okay.

5 MS. DAVIS: The hearing procedures -- like I
6 say, you can grant additional time as needed at your
7 pleasure, but there is 20-minutes. And same thing
8 for opposition. It's kind of a collective 20
9 minutes.

10 CHAIRPERSON NEWTON: Oh, it's a collective thing
11 that's for everybody or --

12 MS. DAVIS: According to the hearing procedures,
13 it just says that opposition will have 20 minutes --

14 CHAIRPERSON NEWTON: I see.

15 MS. DAVIS: -- and if additional time is
16 necessary --

17 CHAIRPERSON NEWTON: Okay. But they don't have
18 to take 20 minutes?

19 MS. DAVIS: No. No, they have up to 20 minutes.

20 CHAIRPERSON NEWTON: Up to 20 minutes. Okay.

21 MS. DAVIS: Or less. 20 minutes or less.

22 CHAIRPERSON NEWTON: All those that are not
23 attorneys that intend to testify, on either side,
24 support or opposition, will you please stand and
25 raise your right hand. Stand, please. Do you

1 solemnly swear or affirm that the testimony you're
2 about to give is the truth, the whole truth, and
3 nothing but the truth?

4 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

5 CHAIRPERSON NEWTON: Okay. Your side has 20
6 minutes. So are you alone?

7 SUPT. BENNETT: Yes, ma'am. I am.

8 CHAIRPERSON NEWTON: Okay.

9 SUPT. BENNETT: And I promise not to take 20
10 minutes.

11 CHAIRPERSON NEWTON: That's okay.

12 SUPT. BENNETT: Okay. I'm Sally Bennett; I'm
13 the superintendent at the Armored School District,
14 and it's my pleasure to be the first one on the block
15 today. If I can work this from behind me -- we're
16 very dedicated in our small rural school district to
17 provide the very best education possible for our
18 students. This week during our professional
19 development we've been talking about learning targets
20 and bringing students in as partners in the learning
21 process, and that's something that we want to
22 continue. And we believe that some of these waivers
23 will help us facilitate the learning for our students
24 in a more effective and efficient manner by having
25 some flexibility to do some of the things that the

1 KIPP Delta school does, which draws some students
2 from my district.

3 Just a little bit of background, if I may.
4 We're kind of rich in history. The school was
5 founded in 1937, and I had the first lady who walked
6 across the stage called me week-before-last, wanting
7 to endow a scholarship for an Armorel graduate.
8 We're in the upper northeast corner of the state and
9 we got our name very unusually; it's from Arkansas,
10 Missouri, and R.E.L. Wilson, to make Armorel. So we
11 have a very strong and proud tradition.

12 We're community-strong. We are in the heart of
13 the steel mill area. We're partners with Arkansas
14 Northeastern College. In fact, in May I had a
15 student who graduated on Friday night with an
16 associate's degree from ANC, and Sunday afternoon
17 with a high school diploma from Armorel High School.
18 So we're very involved in our local community, and
19 even more in our part of the state.

20 We're also one of those kind of different school
21 districts. We're one with a high wealth index
22 because of the steel mills that are there. But I'd
23 also like to say that we've had a number of layoffs
24 in our area and my enrollment is declining, so that's
25 something that we're very careful of. I don't

1 receive state foundation funding because we receive
2 money in excess of what is provided according to the
3 foundation formula. But we're very strong physically
4 and academically.

5 Our elementary school received an "A" on the
6 School Report Card. We have smaller classes. We are
7 very in tune to response to intervention and data
8 driven decision-making. And this year I'm very proud
9 to say that my kindergarten through second grade
10 teachers have all been trained in dyslexia, and so we
11 know that we're going to be able to do some really
12 point-in-time interventions for those children.

13 Our high school received a "B" report card
14 rating. We're not very happy about that, so we're
15 looking to continue to improve. We're technology
16 rich. We had a grant last year for an EAST lab.
17 They wrote a grant in turn for an outdoor classroom.
18 This year, we have a Perkins grant for a mobile app
19 development class. So we're pretty excited about
20 that opportunity, as well. Our students are involved
21 in community activities and they continue to do well
22 on assessments. As you can see on the slide, we
23 typically out-perform the state average on ACT
24 scores.

25 In regard to these particular waivers, we have

1 done quite a lot of communication regarding the
2 things that we're asking for. The district
3 administrative team met this summer and had
4 discussions. We discussed it at our local school
5 board meetings in June and July. There was an
6 article in the Gazette on July 19th that referenced
7 the Armorel School District's waiver request. In our
8 board meeting on Monday night the board passed a
9 resolution supporting these waivers. The following
10 day, I met with our personnel policy committee and we
11 talked about that. And then the next day I had a
12 discussion with my entire faculty regarding the
13 waivers that we're asking and then today it was in
14 our local newspaper.

15 So we're asking for these four items, basically.
16 We're asking you to give us relief on the alternative
17 learning environment. As you can see in your
18 application, this is my fourth year as superintendent
19 of the Armorel School District. We have not placed a
20 student in ALE during that time. We still complete
21 the program approvals; we still do the reports; and I
22 have an approved program for this year. But we're
23 looking to be as student-centered in providing the
24 most least restrictive environment possible. We're
25 small, 424 kids. I hope it's going to be that much

1 when we come back on Monday. And we're able to
2 respond pretty quickly when we see students who are
3 struggling, who are falling, who are dropping between
4 the cracks. And I think that we can best meet these
5 needs of our students in other ways than through a
6 structured, formatted program that is prescriptive in
7 what the requirements are.

8 The second waiver request we're asking for is
9 closing the achievement gap taskforce. Here again,
10 we're responsive. Our achievement gap is fairly
11 small. We're working on that. We're not even really
12 a township; we're more of a community at Armorel.
13 And so to get some of the people together who are
14 identified as required members of that taskforce can
15 be very challenging for us. So we're trying to work
16 to meet those needs, and I think our academic success
17 is indicative of that.

18 Now the two things that I thought might would
19 cause a little bit of eyebrow raising are the duty-
20 free lunch and the planning time. Our teachers are
21 very generous with their time. They frequently meet
22 at lunch; they tutor students; they hold club
23 meetings. So it's really not so much an issue with
24 them giving up some of that time on occasion, and the
25 same thing with the planning time. The new ACSIP

1 requires that our teachers meet in a leadership team
2 twice a month for an hour. Our planning -- our class
3 periods are 48 minutes long, and that's not an hour.
4 And so we're looking to find some way that we can
5 have some more flexibility in being able to have some
6 of the meetings that we need to have, maybe work
7 through a planning time in a working lunch. I think
8 teachers would probably be willing to do this anyway,
9 but it would be nice to have an official waiver for
10 us to be able to act in this manner. Not a single
11 teacher came to see me after we talked about it. I
12 intentionally hung around just to make sure that
13 there was no problems with what we were proposing.
14 Our teachers are there for our students.

15 So I'm asking for these waivers for three main
16 points: it offers us increased flexibility; it aligns
17 with actually our current practice; and it helps
18 increase our operational effectiveness. We think
19 that we can spend our time wisely in serving our
20 students better. I'd be happy to answer any
21 questions that you have at this time.

22 CHAIRPERSON NEWTON: Any questions?

23 MS. ZOOK: I have a question that I think maybe
24 Mr. Griggs can answer. Is he still in the room, or
25 if someone else could answer it? I don't really know

1 the difference between the CEP and the Provision 2
2 that has -- that's related to your first request.
3 And without that information I don't know that I can
4 make an informed decision on that particular one. Or
5 maybe you can explain it; that would be great.

6 SUPT. BENNETT: Let me get to that so I can see
7 the exact reference. I did have some help.

8 MS. ZOOK: It's the rules governing the
9 standards for accreditation and distribution of
10 student special needs funding.

11 SUPT. BENNETT: I can answer that question. Let
12 me look back through here. Those were --

13 MS. ZOOK: Ms. Barnes?

14 SUPT. BENNETT: We receive no money on
15 alternative learning environment anyway.

16 MS. ZOOK: Yeah, I didn't think so. That's why
17 I wasn't sure of the wording.

18 CHAIRPERSON NEWTON: Ms. Barnes, could you --

19 MS. BARNES: What was your question? I
20 apologize.

21 MS. ZOOK: What's the difference between the CEP
22 versus the Provision 2 funding as referenced on her
23 request on the ALE? It says, "The rules governing
24 the standards for accreditation and distribution of
25 special needs funding."

1 MS. BARNES: Okay. And I'm assuming that what
2 she's saying or stating here is that because under
3 the rules governing standards for accreditation
4 they're required to have alternative learning
5 environments. They are also required with respect to
6 special needs funding and how it's -- the categorical
7 funding really. ALE is a part -- ALE funding was a
8 part of that. So based on this that sounds like what
9 she was talking about. With respect to Provision 2
10 and community eligibility, then you're looking at
11 federal funding sources which would require a certain
12 percentage of your student population to be free-and-
13 reduced lunch. You can then apply to be a Provision
14 2 school. I don't think that you have to have a
15 certain percentage. But you can apply once you've
16 met a threshold to be a Provision 2, where you could
17 then feed your students, all of your students, and
18 treat them the same as you would if they were
19 Provision 1. But you would also have to track and
20 provide the funding stream from operating or another
21 source to reimburse that back to the district. So
22 unless -- oh, Mr. Walter is behind me and he's an
23 attorney, so he may have some additional information.
24 But having -- the way this is written, that's what it
25 appears that --

1 SUPT. BENNETT: Yes.

2 MS. BARNES: -- that she was asking for. She's
3 asking for relief from the requirements under the
4 standards for accreditation, as well as state
5 categorical funding rules.

6 SUPT. BENNETT: Thank you.

7 MR. WALTER: Madam Chair, may I briefly address
8 the Board at this point?

9 CHAIRPERSON NEWTON: And who are you?

10 MR. WALTER: Tripp Walter.

11 CHAIRPERSON NEWTON: No, seriously, I know that.
12 Go ahead.

13 MR. WALTER: Thank you. Madam Chair, Members of
14 the Board, Commissioner Key -- Ms. Barnes did an
15 excellent job of explaining everything. I just
16 wanted to make hopefully a couple of brief points
17 that might clarify everything. The ADE staff has put
18 together a document to assist charter and now I think
19 also applies to school district applicants for
20 waivers and commonly granted waivers. And in some
21 areas where a charter applicant, and now a district,
22 asks for waivers there's a preferred way, as I
23 understand it, that ADE staff requests that those
24 waivers be handled; in other words, a certain
25 package, if you will, or groupings of all the various

1 statutes and departmental rules that might apply in a
2 particular area. And what Superintendent Bennett has
3 asked for here is that common package, so-to-speak.

4 MS. ZOOK: Okay. And also KIPP is the school
5 that draws kids from your district. Is that correct?

6 SUPT. BENNETT: Yes, ma'am.

7 MS. ZOOK: And do they have any empirical
8 evidence that the waiver you've asked for, the second
9 waiver, it narrows the TAG group gap?

10 SUPT. BENNETT: Not that I'm aware of.

11 MS. ZOOK: And the duty-free lunch -- I think my
12 concern there -- I'm a student of Madeline Hunter and
13 she was a real big advocate for respite with new
14 demands. And I'm not sure but what -- of course, I
15 was -- I've worked with elementary and secondary, and
16 elementary doesn't have a prep period so-to-speak
17 like the secondary does in many instances. So I'm
18 not sure but what a teacher not having any demands
19 for a period during the day -- I think that's
20 probably a good thing for her to have, or him.

21 SUPT. BENNETT: Our teachers all do have planned
22 instructional time daily, and I certainly wouldn't
23 keep anyone from having lunch.

24 CHAIRPERSON NEWTON: Any other questions? Okay.
25 Ms. Dean.

1 MS. DEAN: Well, I have issues with what Ms.
2 Zook said, the last two items. I understand that
3 you're saying as far as the teachers being willing to
4 give up time as far as lunch and willing to give up
5 time for planning. And if I'm not mistaken, I read
6 in the Arkansas code that they are able to do that
7 but they receive compensation, if I'm not mistaken.
8 So that still allows for teachers to use that time to
9 plan and use that time for lunch, if they so choose
10 to. But I have to agree with Ms. Zook that it is
11 quite beneficial for a teacher to have that down-
12 time. I mean, even as a parent you're a better
13 parent when you have time; when mommy has time, it's
14 better for everybody in the house; because if momma
15 doesn't get a break, it can be kind of ugly. So I
16 think -- I have issues with waiving that break time
17 for teachers. I understand wanting to go above and
18 beyond; I've done that myself. But I think it should
19 be an option. I don't think we should waive that,
20 and I think they should be compensated for their
21 time, if they so choose to use their lunch or use
22 their planning time.

23 CHAIRPERSON NEWTON: Well, thank you for that
24 comment. And we also have our expert; Ms. Newton,
25 would you give us your comment on that, or any other

1 -- any of the other proposals? Because I think
2 you're in a unique position. I know Ms. Zook is;
3 she's experienced. Yours is more recent.

4 MS. OUIDA NEWTON: I do what you're talking
5 about, give up lunch time or give up planning period
6 time. But I know as a teacher that the most
7 important thing that I can do for my students is to
8 be well-planned. And when you're -- you are an
9 excellent superintendent and I'm sure you've got
10 great principals, but what's going to come down the
11 line, you know, might not be as good. And if those
12 teachers have given up that planning time, that's
13 vital for your students; they have got to have that
14 planning time. And that planning time would be to
15 plan between math departments or literacy or a co-
16 teacher, whatever it has to be, but they've got to
17 have that planning time. It's vital for the success
18 of the students. And, you know, it's an option, you
19 know, that they can do that, but to just -- you know
20 -- I would have as a teacher great problems with
21 that.

22 CHAIRPERSON NEWTON: All right.

23 SUPT. BENNETT: And may I clarify?

24 CHAIRPERSON NEWTON: And then before you do, I
25 just think I want to remind, too, everybody that once

1 a waiver is granted they cannot come back and un-do.
2 In the event that something comes up that is
3 controversial or that doesn't work, it cannot be
4 undone. But, yes, your comment, please.

5 SUPT. BENNETT: I'm certainly not looking for
6 this to be an everyday or even necessarily an every
7 week kind of occurrence. But the statute says it's
8 an individual planning time and I'm looking for
9 teachers to be able to do some of that collaboration
10 that you're talking about without having to
11 compensate them for meeting between the math and an
12 English teacher or -- we're using the literacy design
13 collaborative and looking at some of those
14 methodologies. And the ACSIP now requires that that
15 leadership team meet as well twice a month. We're
16 not looking for extended lengths of time, but having
17 some flexibility when we need to do a few things that
18 we can do that. Again, aligning what we're currently
19 doing in practice with what we could possibly have
20 approval for under a waiver, as some of the charter
21 schools do.

22 CHAIRPERSON NEWTON: Dr. Barth.

23 DR. BARTH: Yeah. And I won't talk about the
24 planning time with you. I do share the concerns of
25 some folks up here. I want to hit the other two

1 areas where you've asked for waivers where I have
2 some concerns as well. And one is the ALE issue, and
3 it's grounded primarily in the fact that you have not
4 had ALE students in recent years. But, you know, my
5 real concern is we as a state have a responsibility
6 to educate all children, and I don't -- all students
7 -- and I don't doubt that you work really hard on
8 that. But we know that ALE students do require extra
9 funding and extra energies. Because, as Ms. Newton
10 just said, you know, because this would be a
11 permanent waiver, it really is troubling that this
12 would kind of, you know, lock the district in in not
13 necessarily addressing the needs of ALE students
14 moving forward. And I know and I'm glad it's not a
15 challenge in large numbers at this point, but we
16 don't know if that's always going to be the case.
17 And so that's an area of concern.

18 I'll make another comment and then you can
19 respond.

20 And then I do have particular concerns on the
21 taskforce on closing the achievement gap. I mean,
22 your gap is not as large as other places but it's not
23 small. And I think this reliance that you state here
24 on other community organizations to try to step in
25 and take care of that I think really misses the point

1 of those local taskforces. I mean, it really is
2 bringing people from different sectors together to
3 think collectively about how to tackle the
4 achievement gap issues that are distinctive to your
5 community. And I understand folks are busy in the
6 community; it's hard to get everybody involved in
7 that who the statute lays out needs to be involved.
8 But I think to give up on that entirely at the school
9 level is really, really problematic. But any
10 comments you want to make, but those are my concerns.

11 SUPT. BENNETT: Certainly. And I understand
12 your concerns. Again, we're very small and the ALE
13 issue -- I do think the students' needs have to be
14 met and we want to do that with all our students, and
15 the district is very committed to doing that. But we
16 think that we can meet those students' needs without
17 separating them and sending them into a more
18 restrictive environment, and that's really what we're
19 looking to do is intervene early and often to better
20 meet those students' needs. And with the taskforce,
21 we've been meeting. We can't always get everyone
22 that the statute states, just to be quite honest, but
23 we do meet. We're a very small community, like I
24 said. I actually have 390 enrolled; we'll see if I
25 get more than that when school starts next week. And

1 they're very active and they're very supportive, and
2 I have strong partnerships and talk frequently with
3 local industry and our local Chamber of Commerce.
4 It's not that we're not having those conversations.
5 So I'm looking for just an opportunity to look at
6 some things a little bit differently, to personalize
7 the school at Armorel to reflect our community's
8 needs.

9 CHAIRPERSON NEWTON: Any further questions? Mr.
10 Williamson.

11 MR. WILLIAMSON: I don't have any questions.

12 CHAIRPERSON NEWTON: Okay.

13 MR. WILLIAMSON: Just a general comment. I
14 mean, when we're considering these waivers, I mean,
15 they're permanent and --

16 MS. ZOOK: Until the -- unless a charter loses
17 its --

18 MR. WILLIAMSON: Right. Unless a charter loses
19 its charter; you're correct. But, you know, perhaps
20 some of these changes, you know, may not just be best
21 for Armorel but maybe all of the public schools in
22 the state. I'm just -- I'm trying to think a little
23 bigger than just -- no offense to the northeast
24 corner of the state; you know, folks from Texarkana
25 may like the privilege of, you know, having some of

1 these same waivers as well. If they're good for one,
2 you know, perhaps they're good for all. That's my
3 only comment.

4 CHAIRPERSON NEWTON: Well, but the act doesn't
5 address that. I know you know that.

6 MR. WILLIAMSON: Uh-huh.

7 CHAIRPERSON NEWTON: But to suggest those where
8 the charters -- where the school districts are
9 subject to losing students to charters, so --

10 MR. WILLIAMSON: Sure.

11 CHAIRPERSON NEWTON: Your point is well taken
12 though. Okay. Any further questions? If not, can
13 we have a -- oh, do you have a question or motion?

14 MS. SAVIERS: No, I just -- this is the first
15 one of these and just as a group I think it's
16 probably important for us at this point to just kind
17 of talk a little bit about how we're going to address
18 this going forward, just so we're consistent. I
19 think what -- and I'll go first. But I think what
20 strikes me is the permanence of these decisions. And
21 this superintendent looks amazing and I'm sure that,
22 you know, Armored will continue down a positive path,
23 but at what point would things change. And that's --
24 I guess that's going to be my personal concern. You
25 know, the ALE thing, I understand what you're saying

1 but I also -- and if there was a different
2 superintendent under different circumstances it could
3 be harmful to students. So that's where I am right
4 now and would love to hear what anybody else thinks.

5 DR. BARTH: I would think -- I mean --

6 CHAIRPERSON NEWTON: Dr. Barth.

7 DR. BARTH: -- I think I agree entirely and I
8 simply -- I wish the legislation had been crafted in
9 a way that allowed the piloting of some of these
10 waivers so that we could figure out if they worked or
11 didn't work. It's this permanence that really I
12 think creates some challenges, not to prejudge any of
13 the others to come because there could be some that
14 make really perfect sense for a particular school.
15 But I just wish that it had been created as a pilot
16 project rather than a permanent waiver.

17 MR. WILLIAMSON: Isn't Arkansas the only state
18 to allow these sorts of waivers? Am I --

19 COMMISSIONER KEY: I really can't answer that,
20 if we're the only state that would allow waivers such
21 as this. Don't know.

22 MS. ZOOK: I think that was why the idea of a
23 pilot thing is why I was asking if we had
24 demonstrated at KIPP, where this is a waiver, is it
25 working, has it done anything; and if not, we

1 wouldn't want to do it somewhere else, and if it is,
2 we would want to do it somewhere else. So I think if
3 the districts could come in and say, "I want to do
4 this because over here at this school it's working"
5 -- and we also may want to look at these other
6 charters and say, "You've got this waiver and you
7 still have the issue." So, do we need to pull out
8 the waiver.

9 DR. BARTH: I think that's a great point. I
10 mean, in looking at these down the line if the
11 district could bring clear evidence, you know, that
12 these have worked in that place, then I think it
13 would be a different -- I would still have worry that
14 it would be a permanent thing, but, I mean, it would
15 be something to go on. And in many ways, this
16 proposal is really kind of thinking about the past
17 and what hasn't maybe always been so easy in a
18 district. And I think we need to always be thinking
19 about the future because these things are the future.

20 CHAIRPERSON NEWTON: But there's a little bit of
21 difference, I think, Ms. Zook, in terms of the way I
22 look at it. It depends on the -- I think -- I don't
23 even think you can compare a charter to a regular
24 school necessarily; it depends upon where they draw
25 from with the population and demographics of a

1 particular charter. So to compare KIPP even to
2 Armorel is a vast -- you know -- that's a stretch,
3 you know, in a sense, so -- and it may not be a
4 stretch, but it could very well be a stretch because
5 it could be a totally different population of young
6 people.

7 MS. SAVIERS: It is.

8 CHAIRPERSON NEWTON: Well, it is. I just was
9 leaving that to your imagination. But, you know,
10 there is. In fact, you know, theory might be that it
11 would work better for them than KIPP, but -- so I
12 don't think we can use a comparison of the data to do
13 a measure. And the other thing I think we should be
14 cognizant of is the fact that we can at any time for
15 valid reason revoke waivers of a charter or revoke a
16 charter.

17 MS. ZOOK: Right.

18 CHAIRPERSON NEWTON: So that's another thing to
19 consider, that we do have the ability to do that, and
20 that we don't in this situation, so just -- for
21 conversations sake and deliberations sake also.

22 MR. WALTER: Madam Chair, may I make a comment?

23 CHAIRPERSON NEWTON: Certainly.

24 MR. WALTER: All right. Most of you have seen
25 me here before on this same issue with open-

1 enrollment public charter schools. And let me say,
2 first off, then and now I deeply -- I know
3 Superintendent Bennett deeply respects and
4 appreciates the diligence with which you always
5 approach these matters and always taking into account
6 what's best for the students, both now and in the
7 future. The only thing I would add to the
8 conversation, with all due respect, is, as you know,
9 Act 1240, I believe, was crafted and passed for the
10 reason of giving school districts the opportunity to
11 have the same flexibility in various areas that open-
12 enrollment public charter schools enjoy. And I
13 understand and appreciate and don't mean to do
14 anything to disrespect everything that you all have
15 said about the concerns. The only thing I would say
16 is this: I think that Armorel has taken that into
17 account and it responds -- has taken a very well-
18 reasoned approach, tried to look at what exactly
19 would work in its experience for its school. I
20 understand that concerns have been raised, as
21 administrators may not be there forever; things
22 change. But I would put to you, or remind you, I
23 guess, that I think Superintendent Bennett and her
24 folks have done a very good job of looking this --
25 looking at this in a very precise, well-reasoned and

1 crafted manner. And I know with the open-enrollments
2 one thing the authorizers do, both at your level and
3 the Panel, is when we're talking about provision of
4 services, shall we say, is always to look at, Okay,
5 if we grant this, what will be -- what will the
6 school replace it with to make sure that the
7 students' needs are met? And I truly believe that
8 this is the tack that Armorel has taken here. For
9 example, with the ALE, obviously, there's going to be
10 concern about going away from that completely. But
11 in my opinion, I think Superintendent Bennett and her
12 folks have done a very good job of trying to tell you
13 how students with those type of needs will be
14 handled. It certainly won't be a situation where
15 those students' needs won't be met; it will be done
16 in a different way and, in her opinion at least, it
17 not a more effective way. So I appreciate your time
18 and patience and the diligence of your review. Thank
19 you.

20 CHAIRPERSON NEWTON: Okay. Are there any other
21 questions by the Board? If not, are we ready for a
22 motion? I don't know if we would take them
23 individually. Are you presenting the whole package,
24 or packet, or are you submitting them individually?

25 SUPT. BENNETT: My understanding is I was

1 submitting them all, but you can approve or
2 disapprove any or all.

3 CHAIRPERSON NEWTON: Right. That's what the
4 attorney said we can do, in whole or in part. So
5 we're looking now for a motion from the Board.

6 MS. ZOOK: I move that we take them in part.

7 CHAIRPERSON NEWTON: Okay. That's a
8 recommendation. I guess we're looking for a motion
9 then. Or do we have to have a motion for that?

10 COMMISSIONER KEY: I think I could answer it,
11 but I'd rather one of the attorneys answer it.

12 MS. FRENO: If you're going to take them in part
13 -- so if you're talking about granting some and
14 denying some -- is that what you mean by "in part?"

15 MS. ZOOK: I don't know what the result of the
16 vote would be, but I just thought it would be a good
17 idea because I'm for some of them and not for.

18 MS. FRENO: Yeah.

19 MS. ZOOK: So that's my motion.

20 MS. FRENO: I think that it would be a good idea
21 for the Board to vote individually. Now there are
22 four categories of the waivers that are being
23 requested, so the Board could vote on each category
24 individually.

25 CHAIRPERSON NEWTON: So that's what I'm asking,

1 not for an "in part" or whatever. But if you have a
2 motion -- if you would make a motion for the one or
3 ones that --

4 MS. ZOOK: I see. Okay. Yes, uh-huh. I move
5 that we grant the waiver for one, two and four, and
6 deny the waiver for three.

7 CHAIRPERSON NEWTON: Do you want to tell us what
8 -- bring it back up on the screen again so we can
9 review?

10 MS. ZOOK: The ALE rules is the first one; the
11 taskforce is the second one; and the daily planning
12 period in the smaller bit of time is the fourth one.
13 I would move that we grant all of those. But I would
14 move that we deny the request for not having duty-
15 free lunch.

16 CHAIRPERSON NEWTON: Why don't we do this; if
17 you don't mind, if this works good, why don't we do
18 the three that you're proposing be approved and
19 operate on the third one or fourth one later?

20 MS. ZOOK: That's fine with me.

21 CHAIRPERSON NEWTON: Okay. Okay.

22 MS. ZOOK: I'm just --

23 CHAIRPERSON NEWTON: Would that be easier for
24 everybody?

25 MS. ZOOK: I'm plowing new ground.

1 CHAIRPERSON NEWTON: Okay. And so am I, if I go
2 back and I, you know, go back on something I said we
3 weren't going to do, and do it. Or would it be
4 better to go back to the original suggestion, do them
5 one-by-one?

6 MS. SAVIERS: I think one-by-one.

7 CHAIRPERSON NEWTON: One-by-one. Okay. Let's
8 start. So, you start.

9 MS. ZOOK: I move that we approve the ALE rules
10 waiver.

11 CHAIRPERSON NEWTON: So it's been moved by Ms.
12 Zook that we approve the waiver for the Armored
13 district, specific to alternative learning
14 environment. You've heard the motion. Is there a
15 second?

16 MR. WILLIAMSON: Second.

17 CHAIRPERSON NEWTON: Second. Okay. There's the
18 second by Mr. Williamson. All -- any further
19 discussion? Okay. All in favor -- could we have a
20 roll-call? What do you think?

21 COMMISSIONER KEY: I think this sheet is going
22 to be indecipherable, but that's okay. Okay. Ms.
23 Reith.

24 MS. REITH: No.

25 COMMISSIONER KEY: Dr. Barth.

1 DR. BARTH: No.

2 COMMISSIONER KEY: Mr. Black.

3 MR. BLACK: Yes.

4 COMMISSIONER KEY: Ms. Saviers.

5 MS. SAVIERS: No.

6 COMMISSIONER KEY: Ms. Zook.

7 MS. ZOOK: Yes.

8 COMMISSIONER KEY: Ms. Chambers.

9 MS. CHAMBERS: No.

10 COMMISSIONER KEY: Ms. Dean.

11 MS. DEAN: No.

12 COMMISSIONER KEY: Mr. Williamson.

13 MR. WILLIAMSON: Yes.

14 COMMISSIONER KEY: Three yea's, five nays.

15 CHAIRPERSON NEWTON: Okay. Then the motion

16 fails. What is the pleasure of the Board as it

17 relates to closing the achievement gap taskforce?

18 DR. BARTH: I'll move to deny the waiver request

19 on closing the achievement gap taskforce.

20 MS. REITH: I second that.

21 CHAIRPERSON NEWTON: Okay. So it's been moved

22 by Dr. Barth and seconded by Ms. Reith to deny the

23 waiver of -- the second waiver request, closing the

24 achievement gap taskforce. You've heard the motion.

25 Are there any questions? Again, Mr. Chair, could we

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have a roll-call?

COMMISSIONER KEY: Ms. Reith.

MS. REITH: Yes.

COMMISSIONER KEY: Dr. Barth.

DR. BARTH: Yes.

COMMISSIONER KEY: Mr. Black.

MR. BLACK: Yes.

COMMISSIONER KEY: Ms. Saviers.

MS. SAVIERS: Yes.

COMMISSIONER KEY: Ms. Zook.

MS. ZOOK: No.

COMMISSIONER KEY: Ms. Chambers.

MS. CHAMBERS: Yes.

COMMISSIONER KEY: Ms. Dean.

MS. DEAN: Yes.

COMMISSIONER KEY: Mr. Williamson.

MR. WILLIAMSON: No.

COMMISSIONER KEY: Six yea's, no nays.

CHAIRPERSON NEWTON: Okay. So the motion passes to deny the waiver for the closing the achievement gap taskforce. Then, we're now at the third request and that is a waiver of duty-free lunch. Can we -- do we have a motion?

MS. REITH: I move to deny the waiver for a duty-free lunch period.

1 CHAIRPERSON NEWTON: Okay. The motion is by Ms.
2 Reith to deny the request for duty-free lunch. Is
3 there a second?

4 MS. DEAN: Second.

5 CHAIRPERSON NEWTON: Second by Ms. Dean. A
6 roll-call also on the denial -- request for denial
7 for duty-free lunch.

8 COMMISSIONER KEY: Ms. Reith.

9 MS. REITH: Yes.

10 COMMISSIONER KEY: Dr. Barth.

11 DR. BARTH: Yes.

12 COMMISSIONER KEY: Mr. Black.

13 MR. BLACK: Yes.

14 COMMISSIONER KEY: Ms. Saviers.

15 MS. SAVIERS: Yes.

16 COMMISSIONER KEY: Ms. Zook.

17 MS. ZOOK: Yes.

18 COMMISSIONER KEY: Ms. Chambers.

19 MS. CHAMBERS: Yes.

20 COMMISSIONER KEY: Ms. Dean.

21 MS. DEAN: Yes.

22 COMMISSIONER KEY: Mr. Williamson.

23 MR. WILLIAMSON: No.

24 COMMISSIONER KEY: Seven yea's, one nay.

25 CHAIRPERSON NEWTON: Okay. The motion passes

1 for the denial of the duty-free lunch. The fourth
2 and final waiver request is for planning time. Do we
3 have a motion?

4 MS. DEAN: I move that we deny the waiver for
5 planning time.

6 CHAIRPERSON NEWTON: Moved for denial of the
7 waiver request for planning time by Ms. Dean. Is
8 there a second?

9 MS. SAVIERS: Second.

10 CHAIRPERSON NEWTON: Second by Ms. Saviers.
11 Okay. Any discussion? Okay. Could we have a roll-
12 call.

13 COMMISSIONER KEY: Ms. Reith.

14 MS. REITH: Yes.

15 COMMISSIONER KEY: Dr. Barth.

16 DR. BARTH: Yes.

17 COMMISSIONER KEY: Mr. Black.

18 MR. BLACK: Yes.

19 COMMISSIONER KEY: Ms. Saviers.

20 MS. SAVIERS: Yes.

21 COMMISSIONER KEY: Ms. Zook.

22 MS. ZOOK: No.

23 COMMISSIONER KEY: Ms. Chambers.

24 MS. CHAMBERS: Yes.

25 COMMISSIONER KEY: Ms. Dean.

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MS. DEAN: Yes.

COMMISSIONER KEY: Mr. Williamson.

MR. WILLIAMSON: No.

COMMISSIONER KEY: Six yea's, two nays.

CHAIRPERSON NEWTON: Okay. That motion also fails. Thank you for your time and your interest and your passion.

SUPT. BENNETT: Thank you.

CHAIRPERSON NEWTON: The motion passes to deny.

MS. ZOOK: It's like two negatives.

(END OF VOLUME 1)

(TRANSCRIPT CONTINUES IN VOLUME 2)

1 A-22: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
2 CHARTER: BATESVILLE SCHOOL DISTRICT

3 CHAIRPERSON NEWTON: Okay. We're now at A-22,
4 District Request for Waivers Granted to Open-
5 Enrollment Charter: Batesville School District.

6 MS. PERRY: Yes. Again, this is Batesville
7 School District coming before you with a list of
8 waivers. And I would like to tell you that they have
9 withdrawn the fourth request on the form. So they
10 had three -- they had four groupings and they've
11 withdrawn the last of those groupings. Mr. Harvey
12 Howard, deputy superintendent, is here to begin the
13 presentation.

14 CHAIRPERSON NEWTON: And that name again?

15 MS. PERRY: Mr. Harvey Howard, deputy
16 superintendent.

17 CHAIRPERSON NEWTON: Okay. Mr. Harvey Howard,
18 come forward, please. Would you raise your hand to
19 be sworn, please?

20 MR. HOWARD: Yes, ma'am.

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

24 MR. HOWARD: Yes, ma'am. I do.

25 CHAIRPERSON NEWTON: Thank you.

1 MR. HOWARD: Let me first see if I can operate
2 this. Good afternoon. My name is Harvey Howard and
3 I'm the deputy superintendent of the Batesville
4 School District. I'd like to introduce our
5 superintendent, Mr. Gary Anderson, here; our district
6 curriculum director, Ms. Jennifer Douglas; and our
7 secondary curriculum coordinator, Ms. Lisa Huff.
8 They're all here with me and I'm excited they're here
9 because I'm nervous. But it is an honor for us to
10 come before you today and request waivers for the
11 standards of accreditation for Act 1240. To us, Act
12 1240 is the most relevant and groundbreaking
13 legislation passed in the current environment of
14 public education as it provides charter-like
15 opportunities for traditional public schools, like
16 Batesville.

17 Batesville is a school district of 3,014
18 students, Title 1 school-wide. We're a Title 3
19 district. We have over 400 ESL students in our
20 district, so we have a lot of diversity in our
21 district that leads to all the programs that we try
22 to provide. We believe as a district that emotion is
23 the engine of intellect, so we try really hard to
24 provide that to our students, starting in
25 kindergarten. Batesville has four elementary magnet

1 schools that provide choices to our families that
2 best suits their children. Our magnet schools
3 provide a wide variety of learning of experiences,
4 and have tried for years to extend these programs
5 into the middle school, with a vision of carrying
6 them through grades 10-12.

7 Act 1240 offers the flexibility that at one time
8 we could only dream of and say, "What if we could do
9 this." Our goal is to create learning opportunities
10 with career paths into areas that are relevant to our
11 students, offering classes taught by highly qualified
12 professionals in our community, and to create
13 internships and/or training with companies such as
14 Entergy, White River Medical, FutureFuels, Bad Boy,
15 and also reaching out to nationally certified auto
16 and diesel mechanics in our area. We also intend to
17 continue to develop the strong collaboration we have
18 with UACCB and Lyon College. Our slides that we have
19 is a response to the questions that were posed in the
20 email that we received.

21 The first slide that we have is the -- you saw
22 it there; it disappeared -- it's the essence of what
23 we believe, that all students we want to be career
24 and college ready.

25 This next slide is about time and relationships.

1 We believe that we have to spend time with students
2 and families to develop relationships for our
3 children to be successful. We believe that these
4 waivers will benefit our students by increased
5 partnerships in the community. We have a plan to
6 improve our RTI program and develop a really strong
7 RTI program in our high school to reach out and help
8 improve our high school graduation rate. We are
9 creating a period of time during the middle of the
10 day -- our high school and junior high school operate
11 on a block day. So we are creating a period of time
12 during the middle of the day where our teachers can
13 have relationships with students, contact parents, do
14 tutoring, and anything else that the student needs in
15 developing a good relationship with those teachers.
16 We intend to have 12 to 14 kids assigned to each
17 teacher, that they can work with them and help them,
18 not only to tutor but to mentor them in the path that
19 they may need to go in their career as they go
20 through high school into post-secondary or into a job
21 field.

22 So those are the things that it's all about.
23 The thing about teacher collaboration with PLC -- our
24 district is really involved with the professional
25 learning communities and PLC's. And we want to

1 provide time. Time is a big deal in school, public
2 school. How can we provide time for our teachers?
3 And that's one of the waivers that we ask for, is
4 time. And we're hoping that during -- that we will
5 be granted that waiver, but the problem is creating
6 time. So in a 90-minute block of time with a kid we
7 can steal a few minutes out of that 90-minute block
8 of time to provide teachers a time to collaborate,
9 not only to work with each other and do professional
10 studies, but -- and talk about how they can help
11 their students, but also have the same block of time
12 in another day to work with our kids. So that's what
13 that's about, time and relationships.

14 These are the goals that we have for Batesville
15 High School graduates and we believe that these
16 waivers will help enhance us going that direction:
17 effective communication skills, task completion
18 skills, performance skills, and effective team
19 members. Being an effective team member is probably
20 one of the most important skills our students can
21 learn.

22 The first waiver -- again, this is about time,
23 planned instructional day. We expect this to allow
24 us to expand our partnerships beyond traditional
25 educational institutions, into businesses and

1 industry partners. We hope to offer more career and
2 technical pathways to meet individual student needs.
3 This may lead to students traveling off-campus to
4 receive instruction or participating in internships
5 with local businesses. A lot of times they have a
6 program they want to go into, like cosmetology at
7 UACCB. All those classes have to be performed there
8 because that's where the equipment are -- is. So
9 it's a concurrent credit thing, and so they would be
10 off-campus for that block of time. The curriculum
11 offerings will meet all curriculum requirements, of
12 course, but we may be able to provide these in the
13 less than 30 hours required per week for the
14 students, so that's what this waiver is about.

15 I didn't click again. I apologize.

16 Class size waiver -- this is scary. We've
17 assured our teachers we're not going to load them up
18 with 180 kids or more than 30 kids in a classroom.
19 But what we have encountered is we create classes for
20 kids and as you manage a school -- you know --
21 managing a school is like being on welfare almost
22 because there's no increase in money and you've got
23 kids coming in and you have to manage the money and
24 your students and your staff to provide adequate
25 education. So, we may have 150 kids in an Algebra II

1 class and then we get a family move in with four and
2 they're going into Algebra II, so we overload that
3 class. And last year we had to reorganize a whole
4 entire class at our high school because we had a
5 family move in with two kids and we had 152 here. So
6 it's just a minor thing to do for us in helping
7 manage your building, is what it's about. It's not
8 about overloading anybody. It's also about
9 anticipating as we add these new classes things are
10 going to shuffle around. It's going to require us
11 probably to add somebody, but that's okay; that's
12 what schools do to serve the needs of students.

13 And the third and final is our educational
14 licensure -- education -- educator licensure. We
15 work with local institutions of higher learning,
16 including UACCB and Lyon College, as well as
17 professionals in the community who possess
18 outstanding credentials to teach dually offered
19 courses. As we were looking into this, as a side,
20 welding has always been an important part of what we
21 do or try to offer. But as you talk to engineers
22 around the state, welding in our community colleges
23 is really not up to par to provide the welding that's
24 needed at Bad Boy or some other facilities or
25 FutureFuels; they have to have special training. And

1 we'd like to -- and I know Entergy has a really good
2 program for that. We want to partner with them and
3 have a -- provide high-quality welding skills to kids
4 that want to go that direction. So that's one of
5 them. Individuals hired as a result of this waiver
6 will meet all requirements, such as criminal
7 background check and child maltreatment registries,
8 meeting requirements for all other highly-qualified
9 teacher status, other than licensure, if they teach
10 academic core subjects. Just as another example,
11 we've had a really hard time finding somebody for
12 drama. We recently had a teacher leave for drama to
13 go to another district. We have a lot of people in
14 Batesville that have theater degrees that could fill
15 into that, but they didn't have a teacher's license.
16 So that's just an example of how you can use that
17 waiver to help you through this -- through a problem.
18 The Batesville School District seeks to develop
19 relationships with businesses and industry partners
20 that will provide real work experiences for our
21 students. The requested waivers will have little or
22 no physical impact on our school district. We've
23 been real aggressive in looking at all the things
24 that are available to us as a school district, and
25 one of those things was the computer science grants

1 that we were offered, and we applied for and received
2 those. And we're excited about that and providing
3 some pathways for our students in computer science in
4 a program called Project Lead the Way. So we're
5 really excited about that. But these waivers that
6 we're asking you for we do not expect to have any
7 physical impact on our school district.

8 Fiscal and academic effects and compliance --
9 I'm not going to read all these to you. The third
10 bullet for these waivers: if granted, we intend to
11 fully engage our community to help us prepare our
12 students to be ready to enter the workforce. And
13 this is not up there, but I made this note: we fully
14 believe these waivers will help us to close the
15 achievement gap by engaging parents, community,
16 teacher and students to the task of helping us and
17 our students toward lifelong success as an adult.

18 Monitoring effectiveness of the waivers -- we're
19 going to use the interim test that's going to be on
20 the ACT, ACT Aspire and Common Core formative
21 assessment data that we have in literacy and math.
22 We're going to review the RTI data in all buildings
23 and collect data on course completion and new course
24 code -- new courses added.

25 CHAIRPERSON NEWTON: You have approximately

1 seven minutes left.

2 MR. HOWARD: You know, at home I did this in 10
3 minutes. This should be the last slide. Yes.
4 Communication with stakeholders -- the Board of
5 Directors, this is actually their idea. They wanted
6 us to be more aggressive in the community and start
7 providing more opportunities for students, so they
8 are one-hundred percent behind this. Our staff is
9 aware of this. We've had staff meetings all summer
10 talking about the curriculum waivers that we're going
11 to propose. And there has been a huge article in the
12 Batesville Guard, which is our daily newspaper, on
13 the front page about all the things that we're going
14 to do or asking y'all for. Our parents have been
15 involved through collaborative meetings with parent
16 involvement through our Title 1 meetings. We even
17 started talking about this this past spring. So the
18 community and the parents and the board are all aware
19 of what we're doing.

20 So that is the end of my presentation and I'd be
21 happy to take questions.

22 CHAIRPERSON NEWTON: Okay. Questions? Ms.
23 Dean. We'll just start on that end and go around.

24 MS. DEAN: I have a question on the second one,
25 section 10-2, class size and teaching load. So you

1 want to move that from 150 to 180?

2 MR. HOWARD: No. That's the request; we have no
3 intention of doing that. That's the standard that we
4 -- it's in the standards that no more than 150.

5 MS. DEAN: Okay.

6 MR. HOWARD: And I'm just -- and I tried to
7 explain to you the why of that.

8 MS. DEAN: My question is, it says 7th through
9 12th, so -- per day. Is that per grade? Is that 7th
10 grade --

11 MR. HOWARD: A teacher --

12 MS. DEAN: -- is your 150 or 7th through --
13 explain that to me.

14 MR. HOWARD: A teacher can have a class load or
15 student load of 150 kids. If they teach math all day
16 long, they can have 150 kids.

17 MS. DEAN: Okay.

18 MR. HOWARD: So that's the standard.

19 MS. DEAN: Okay. And just a comment on the
20 third one, I like the idea of bringing people from
21 the community in to help with the deficiencies there
22 at the school, even though they may not be licensed.
23 It sounds like something that's good to me. Thank
24 you.

25 CHAIRPERSON NEWTON: A couple of questions.

1 First, on your last slide you didn't talk real
2 specifically about teachers and their buy-in with
3 this, especially related to not only the class size
4 issue but then also, you know, non-certified
5 personnel being involved in instruction. Could you
6 speak to that a bit?

7 MR. HOWARD: Yes. There's always a concern when
8 you start talking about changing the way you do
9 things, and "I'm going to lose my job because you're
10 going to hire somebody that can do it and they don't
11 have to have a license." So, but that's -- it's
12 weird, but we never even thought that as a question,
13 but teachers think of that all the time, "you're
14 going to do something to harm me." And we assured
15 them that we're not and that's not the intent and
16 never will be the intent of any harm to any teacher
17 by bringing in somebody like this. It's to help
18 kids. And there's a lot of highly qualified people
19 in our community that come in -- that can come in and
20 offer learning to students. And so, does that answer
21 your question?

22 DR. BARTH: Sort of. You know, and I don't
23 question the real sense that folks who are not
24 certified have great value to bring to the teaching
25 and learning exercise. But I think we all know that

1 there are things about the training of teachers that
2 really works well, is very different than simply
3 having work experience or other experiences, and that
4 the absence of that is worrisome to me in some cases.
5 And I didn't thoroughly get the sense that there was
6 buy-in by the teachers; I got the sense there was an
7 attempt to kind of explain to teachers who had
8 concerns. But I don't disagree fully with the intent
9 here. I do have some concerns about whether there's
10 been full buy-in and whether it's always wise to go
11 this route.

12 My bigger question is: I'm curious why y'all did
13 not come a conversion charter route on this. Because
14 the proposal here sounds not dissimilar from a lot of
15 the other conversion charters that we have
16 enthusiastically approved in recent years, and so
17 that's why I'm curious. I think I would feel more
18 comfortable about a conversion charter route because
19 it is not a permanent but instead, has regular
20 reviews. So I'd appreciate your thoughts on that.

21 MR. HOWARD: Okay. This is going to sound like
22 I'm bragging, and maybe I am. So Batesville School
23 District is a very progressive school district in
24 north central Arkansas. Our magnet school program
25 for the last 12 years has won awards in -- with Lego

1 robotics in the state; our EAST lab has won awards
2 around the state. I've had Arkansas Highway
3 Department engineers come into the building that I
4 was principal of at one time and pointedly asked me,
5 "Is this a private school?" "No, ma'am, it's a
6 public school." And our schools -- two of our
7 schools that are math/science, they have science
8 labs, hands-on labs that students go into. What I'm
9 trying to explain to you is that we are way beyond
10 somebody asking for a conversion charter to do
11 something different. I think we're way past that.
12 What we're asking for with these waivers is to help
13 us reach out to a group of children in our community
14 that we're unable to service because we can't get the
15 quality that they need to get that welder's
16 certificate or to learn how to do something, like
17 auto mechanic or body work or something like that,
18 that's not really offered in our area anywhere. To
19 be a diesel mechanic you might have to go out of
20 state or way down in south Arkansas to get that
21 license. So we're working to provide kids an
22 opportunity to learn, understanding that -- again,
23 I'm going to go back to my opening, that emotion
24 leads -- is a -- leads to learning. And if you can
25 engage students in something that they really love

1 doing, they will pick up on the math; they will pick
2 up on, "Hey, I really want to learn how to read about
3 that," and they will start reading and be engaged in
4 that which will bring them to another level. And
5 I've seen that happen with students for 30 years, so
6 that's the reason we're asking for these; not that we
7 want to become a conversion charter and do something
8 different, because we're doing a lot of things
9 different already. So --

10 CHAIRPERSON NEWTON: Okay. Let's back-up a
11 little bit to Ms. Newton, the Teacher of the Year,
12 and use her expertise. And any time if I omit, if
13 you want to ask a question, please let me know. But
14 I think it's important that you weigh-in on this.

15 MS. OUIDA NEWTON: I just do have kind of a
16 question on the class size. You said you're on the
17 block schedule. Is that right?

18 MR. HOWARD: Yes.

19 MS. OUIDA NEWTON: How many class periods a day
20 do you have?

21 MR. HOWARD: Four.

22 MS. OUIDA NEWTON: Okay. So why would you need
23 to go over the 150, I guess is my question?

24 MR. HOWARD: Okay. Here's our reasoning. We
25 break up in the middle of the day for our block of

1 time that we're going to do the RTI and PLC
2 interventions. We're going to assign students to
3 kids -- to teachers to be their mentor and to help
4 them. And they're going to be distributed out
5 through the building, but they're going to be
6 assigned to those teachers to work with. And that
7 was our original logic for this, so that when you get
8 assigned another 15 kids to you that it doesn't have
9 an impact on you.

10 MS. OUIDA NEWTON: So they teach four, and so
11 I'd say 30. And then you add another 15?

12 MR. HOWARD: Well, 10 to 12. Yeah. And it may
13 not be; it may be a code situation where we could
14 code them as a study hall or something, you know.
15 That's an issue too. I don't know about that. It's
16 -- I understand your concern and --

17 MS. OUIDA NEWTON: I just hate to see a teacher
18 go back to back to back to back, all day long, full
19 classes, you know --

20 MR. HOWARD: That doesn't happen.

21 MS. OUIDA NEWTON: Well --

22 MR. HOWARD: That doesn't happen in Batesville.
23 Our schedule is they're going to teach three block
24 periods a day. They get a 90-minute block of time
25 that's their time to plan, to collaborate with other

1 people, PLC time. But we don't have that RTI student
2 engagement, relationship building time built in until
3 we build in this other block during the middle of the
4 day, which comes up to our time waiver that we're
5 asking for.

6 MS. OUIDA NEWTON: I just feel -- you know --
7 you always want to do what's best for students. And
8 if you have a teacher that is loaded with large class
9 sizes every period of the day, then that's not good
10 for students.

11 MS. HUFF: I haven't been sworn in, but can I
12 speak to that question?

13 CHAIRPERSON NEWTON: If you'd like to come
14 forward to be sworn in. Would you raise your right
15 hand? Do you solemnly swear or affirm that the
16 testimony you're about to give is the truth, the
17 whole truth, and nothing but the truth?

18 MS. HUFF: I do.

19 CHAIRPERSON NEWTON: Please give your name and
20 your title.

21 MS. HUFF: I'm Lisa Huff; I'm the secondary
22 curriculum coordinator. This is my first year
23 serving in this position. Last year, I was an
24 academic coach at the 10-12 campus. And I think I
25 can clarify your question about the block. We're on

1 an A/B block, so that means teachers have three 90-
2 minute classes a day. The next day they have three
3 different classes. So a teacher teaches a total of
4 six classes a day, and we've never -- we've never
5 tried to load up teachers. That's not our intent at
6 all. Our average class size is generally anywhere
7 from I would say 22 to 26 kids in a class, and it's
8 not our intent to change that. But in our math, he
9 alluded earlier to sometimes we have families move in
10 and our math teachers particularly might have a total
11 of 150 students, which is within the law of what it
12 says. There's six classes; they have a total of 150.
13 But if we pick up one extra kid, then suddenly they
14 have 151 students. And last year, we literally had
15 to interrupt those kids' schooling for the first two
16 weeks of school to completely re-do the schedule to
17 balance those numbers out. So that's one of the
18 intents; that gives us some flexibility in that area.
19 If a teacher goes over by one or two students, you
20 don't have to totally interrupt the school day to try
21 to balance out to get 150. And then he already
22 alluded to explain the additional 12 to 14 students
23 that a teacher would be mentoring or doing
24 interventions or enrichment with, which is not
25 actually a course-course but for RTI.

1 MS. OUIDA NEWTON: I've been there.

2 MS. HUFF: Does that answer your question?

3 MS. OUIDA NEWTON: Well, I'm just saying I've
4 been there on the rearrangement of the schedules in
5 the first week or two of school and it's worth it for
6 a whole year, you know, to have the smaller classes.
7 Because, I mean, just one or two kids, when you get a
8 full class and you have a full load like that it's
9 hard; it's hard to reach every student. And
10 sometimes those students that are lower achievers
11 they need that extra attention from the teachers and
12 when we get that big class it's hard to do it. It's
13 hard to do it.

14 CHAIRPERSON NEWTON: Okay. Thanks. Ms. Zook.
15 Dr. Barth, did you --

16 DR. BARTH: No.

17 CHAIRPERSON NEWTON: Okay. Ms. Zook.

18 MS. ZOOK: Okay. On the -- I'm from Melbourne,
19 so --

20 MR. HOWARD: Yes, ma'am.

21 MS. ZOOK: -- I speak Batesville.

22 MR. HOWARD: Okay.

23 MS. ZOOK: The teachers that come in who are not
24 licensed --

25 MR. HOWARD: Yes.

1 MS. ZOOK: -- how do -- and I don't even know
2 how the charters handle this. How is it handled as
3 far as the ethics and the things that are required
4 for a licensed educator that would not be required,
5 not just the education and the license but -- do you
6 anticipate any frustration among staff, "Well, you
7 don't have to live up to this and I do have to live
8 up to this," and all the test stuff and all that?

9 MR. HOWARD: Well, no, because I'm really not
10 going to -- these would be very special people that
11 we might ask to work with our students. They would
12 have to go through the child maltreatment registry
13 and do all the things that's required by the state
14 for a teacher, except for the licensure piece. They
15 would have to be degreed people or highly
16 credentialed in the field that they work in, so --

17 MS. ZOOK: And you will have some sort of
18 evaluation system for them?

19 MR. HOWARD: Yes, ma'am. We plan to. This is
20 so new that, you know, all these questions are things
21 that we've thought of.

22 MS. ZOOK: Right.

23 MR. HOWARD: And we're not going to bring
24 anybody into our district that's going to -- that we
25 feel is going to intentionally harm -- may

1 accidentally cause harm to a student.

2 MS. ZOOK: No.

3 MR. HOWARD: You know, and that's not the
4 intent.

5 MS. ZOOK: I was just thinking of a teacher who
6 has to be held to one standard down the hall from a
7 teacher who might be held to a different standard and
8 how -- not that that's bad; I just wondered how you
9 plan to handle it.

10 MR. HOWARD: Well, again, it would be a special
11 situation if we have that. Some of the times it
12 might be kind of like an adjunct professor deal with
13 somebody from UACCB that has a degree in English or
14 from Lyon College that is not licensed as an Arkansas
15 teacher.

16 MS. ZOOK: Right.

17 MR. HOWARD: So they could come in and teach a
18 class for us. So it's just a situation-by-situation
19 of how we would need one or use one, and the course
20 offerings that we may have to help our kids in the
21 future.

22 MS. ZOOK: No, I do understand the reason. Ms.
23 Reinhart, did you have something you wanted to add?

24 MS. REINHART: Yes. Cheryl Reinhart for the
25 Department of Education and I'm director of the PLSB.

1 I would like to clarify that these people who are not
2 licensed would be subject to -- would not be subject
3 to the Code of Ethics. And, respectfully, the school
4 districts around the state never hire somebody they
5 think is going to harm a student -- and yet, we
6 frequently do see teachers who are trained, licensed,
7 experienced educators who do fall into ethical
8 violations, despite all the attempts at training, et
9 cetera. And so that is one cautionary statement that
10 I would have in this regard on this.

11 MS. ZOOK: How is that handled in the charters
12 that have this waiver?

13 MS. REINHART: The charter schools are -- their
14 licensed educators are not subject -- I don't think
15 their licensed educators are subject to this either,
16 subject to the Code of Ethics; just the licensed
17 teachers.

18 MS. ZOOK: So this would not be --

19 MS. REINHART: We would not know -- we would not
20 have any statistics on that and we would not know
21 because we don't receive complaints on non-licensed
22 personnel.

23 MS. ZOOK: They can just get rid of them?

24 MS. REINHART: Right. They can handle it
25 however they want to.

1 MS. ZOOK: Okay. Thanks. That's all.

2 CHAIRPERSON NEWTON: Okay. Ms. Reith.

3 COMMISSIONER KEY: Madam Chair, may I --

4 CHAIRPERSON NEWTON: Oh, I'm sorry.

5 COMMISSIONER KEY: Just to remind the committee,
6 the reason that the presenters are sworn in is
7 because as they're responding to your questions and
8 making whatever commitments that that's going into
9 the record. So what's on paper is -- what they're
10 saying is additive to what's on paper, so just keep
11 that in mind. As you hear them say "yes, we're going
12 to do this" or "no, that's not what we mean; we're
13 not going to do this," that is part of the official
14 record of the State Board proceeding. Thank you,
15 Madam Chair.

16 MS. REITH: Thank you, Commissioner. Although
17 that doesn't really assuage my concerns about when
18 there are changes of leadership and otherwise --
19 right? -- in these blanket waivers that again are
20 permanent, still causes my concern, and especially
21 with that third one. Again, I don't want to delve
22 too much into it, in that I know we've spent some
23 time on it right now about non-licensed
24 professionals. But I think there's so many great
25 models in Arkansas that show that even without these

1 waivers you can include these professionals in the
2 classroom, whether it's the Schools of Innovation
3 that we're seeing that are giving those opportunities
4 -- and that might be another avenue beyond the
5 conversion charter schools -- right? -- to do that.
6 I know the CTE classes in Fayetteville and Springdale
7 and northwest Arkansas all draw on these
8 professionals to come in and such that aren't
9 licensed in this. But also even within our
10 licensure, making it easier now for these non-
11 teaching professionals -- right? -- non-traditional
12 students that come in now and get licenses, I think
13 there's just some flexibility out there. And one
14 thing that would be helpful for me in terms of my
15 understanding, just moving forward, every year I know
16 we get a list of these individual waivers -- right?
17 -- for either, you know, ESL or some other, you know,
18 categories that maybe certain districts didn't
19 achieve. That still -- right? -- happens on an
20 annual basis, that there's waivers requested by
21 districts because maybe they didn't have specific
22 individuals and that's handled on an annual basis.
23 Is that correct? Could somebody from the Department
24 clarify that for me? I know we get that listing
25 every year of all the different waivers,

1 individualized waivers that the districts are asking
2 for in regards to licensures.

3 MS. ZOOK: You mean like with substitutes and
4 assigned subs?

5 MS. REITH: Yeah. Or requesting just in
6 teaching or different things. I feel like every year
7 -- right? -- we get a list of just different
8 specialized areas requesting that, and it's in part
9 of the consent agenda usually.

10 MS. PFEFFER: Yeah. Ivy Pfeffer, Assistant
11 Commissioner for Licensure. And each month as the
12 waiver requests come through and are processed in our
13 office then you all will review the waivers and
14 approve those, whether it's a waiver for an alternate
15 licensure plan for a licensed educator or a waiver
16 for a district to utilize a long-term substitute.
17 So, yes, those come through and you have record of
18 that on a monthly basis.

19 MS. REITH: So some of those are -- I mean,
20 there's individualized opportunities that maybe don't
21 require these kind of blanket policy?

22 MS. PFEFFER: Yes.

23 MS. REITH: I guess that's what I'm trying to
24 get at.

25 MS. PFEFFER: Yes. And what I would also like

1 to say -- and we want to continue to do a good job of
2 providing this information. There are opportunities
3 for career professionals to teach in public school
4 through the PPTL, Provisional Professional Teaching
5 License; that is without them having to go back to
6 school. They can receive a provisional license, if a
7 district wishes to employ them. And after three --
8 and they get mentored. And after three years those
9 superintendents can actually recommend them for a
10 full license. So that would be those career
11 professionals who show the content knowledge in that
12 area, which is what they're describing. Another
13 avenue would also be a technical permit through the
14 Department of Career Education and those serve in the
15 same manner that a standard license would. So those
16 would be two ways that the district could fulfill
17 this without having the waiver from licensure.

18 MS. REITH: Thank you, Ms. Pfeffer. That's
19 exactly what I was looking for.

20 MS. PFEFFER: Yeah.

21 MS. REITH: Thank you.

22 MS. PFEFFER: And on another note, just in terms
23 of what they're requesting a waiver from, if the
24 public school is granted a waiver from the licensure
25 rules that goes way beyond just licensing career

1 professionals in the non-core areas. And so I would
2 also want to make sure that we're only talking non-
3 core areas, but also you all being aware that getting
4 a waiver from licensure rules would be opening up to
5 waivers from professional development, evaluation,
6 background checks; all of that is included in
7 licensure rules. So I'm not really sure -- and maybe
8 our legal people would need to talk about that.

9 MS. ZOOK: But aren't you talking about a
10 person, like over at Bad Boy, or a person at the
11 White River -- I'm talking to the assistant
12 superintendent now --

13 MS. PFEFFER: Sorry.

14 MS. ZOOK: -- coming in and -- like for a short
15 block, a month, month-and-a-half, where they teach a
16 particular skill to students? I didn't get the
17 impression you were asking about hiring someone full-
18 time to be on staff that teaches three periods a day.
19 Which is correct?

20 MR. HOWARD: Well, you're exactly right. We're
21 not looking to hire somebody to come on full-time
22 staff; we're looking for that skill-set that could
23 come in and work for a nine-week period with
24 students, show them skills, actually, and use
25 equipment that only the manufacturing companies in

1 our area have; that, you know, the community college
2 doesn't have it, our CTE program doesn't have it. We
3 have a building full of welders that kids can learn
4 basic stuff, but it doesn't give them any skill-set
5 to go out and get a job in the community. So -- and
6 the same at UACCB. It's about equipment and money to
7 buy the equipment and the money to buy the equipment
8 in the industry that's in that area. So, yes, ma'am,
9 that's exactly right.

10 MS. ZOOK: So you're talking like you take a
11 group of kids to the site for a period of time or you
12 bring that person to your site for a short period of
13 time, but not somebody you're going to hire in July
14 that'll be there till June and teach three periods a
15 day for 190 days?

16 MR. HOWARD: That's exactly right. No. Welding
17 has a lot of knowledge in it that's just not "let's
18 put two pieces of metal together." It's a lot of
19 chemistry in it, a lot of math; it's quite a skill.
20 And so, anyway, what you're saying is true.

21 CHAIRPERSON NEWTON: Ms. Saviers.

22 MS. SAVIERS: Well, I applaud the idea. I think
23 it sounds amazing and, you know, awesome for the
24 students that attend Batesville schools. I think my
25 concern is this -- I'm kind of feeling, I think, the

1 way Dr. Barth is. This sounds like a School of
2 Innovation or a School Within a School. And what
3 happens is if we approve a waiver that will give you
4 the opportunity to hire teachers who aren't certified
5 then what would stop someone in the future from using
6 that to hire an AP English teacher or -- you see what
7 I'm saying? I mean, this is what is giving me pause
8 about this, so --

9 MR. HOWARD: And I can only speak to the intent.
10 The intent is not to do that, and we do --

11 MS. SAVIERS: I understand.

12 MR. HOWARD: And this is on voice record; we do
13 not intend to do that. And the AP English is one
14 that -- an example you used and that's a very skilled
15 teacher.

16 MS. SAVIERS: Right.

17 MR. HOWARD: And it would be really hard to find
18 somebody that wasn't licensed that could come in and
19 teach that class.

20 MS. SAVIERS: Well --

21 MR. HOWARD: And it would be wrong to do so,
22 unless we just couldn't find anybody available, and
23 that's a real possibility.

24 MR. WALTER: Madam Chair, may I respond after
25 the Board questioning time, whenever is appropriate?

1 CHAIRPERSON NEWTON: If you're responding
2 directly to Ms. Saviers' point, I think it's
3 appropriate.

4 MR. WALTERS: Well, I had a direct comment and
5 then one was more general.

6 CHAIRPERSON NEWTON: I'll trust you.

7 MR. WALTERS: I'll be very brief. I would like
8 to respond, I guess, to really what Ms. Saviers has
9 said, also a couple other folks, and in particular,
10 if I may, what Commissioner Key said a minute ago. I
11 understand from having gone through the Armored and
12 just put on the record -- that ADE legal asked me to
13 put on the record -- I'm Tripp Walter, staff attorney
14 with Arkansas Public School Resource Center, and I am
15 here today representing both the Armored and
16 Batesville School Districts. I realized from
17 discussions that have been had up till now obviously
18 there's a great amount of concern on the part of the
19 Board as to what happens if we allow these things.
20 And I certainly understand that which you've said
21 about the permanence. But I think Commissioner Key
22 made an excellent point, is what now Batesville is
23 presenting to you is I think a coordinated, very well
24 thought out package, if you will, of waivers designed
25 to do one thing. And as I see it, that's to make

1 their students more competitive and more college and
2 career ready. And I think the comments have been
3 made that these are similar to some conversion
4 charters out there. And I believe Dr. Barth in
5 particular has indicated one thing about that, is
6 that provides a level of security in that there's a
7 written charter, whereas this process does not. I do
8 think Commissioner Key's comments are very good and
9 very strong and very instructive. At the end of the
10 day, whether we're talking about a conversion charter
11 or an open-enrollment public charter school or a
12 school district in this situation, it comes down to
13 some level of trust and integrity. And I think what
14 we have here that, if you will, may substitute, if I
15 can use that term for the charter, is the written
16 record, as Commissioner Key is saying, of these
17 proceedings. Okay. And so you've got superintendent
18 -- Assistant Superintendent Howard's word. And the
19 district provided information which has gone through
20 its administration and its board that it will commit
21 to, shall we say, responsible use of the waivers that
22 you may deem to be granted to it. To further add to
23 the teaching part, and that was brought out very well
24 just now, I talked with Assistant Superintendent
25 Howard; it is their intent that if that waiver would

1 be granted to use it and you have on the record in a
2 limited fashion as was said. Just as with the
3 charters, there cannot be any waiver of highly
4 qualified; there cannot be any waiver of child
5 maltreatment registry checks; there can't be any
6 waiver from the background checks. It would be used
7 for selective courses and there would be training,
8 specific training provided by the Batesville School
9 District for these non-licensed teachers to try and
10 allay -- well, obviously, first and foremost, to get
11 the best teacher they can for that particular class
12 or group of students. But, secondly, also to allay I
13 think a lot of the practical concerns that have been
14 raised by this board as to the effectiveness and
15 quality of those teachers and impact on the other
16 teaching staff. As to class size and class load,
17 again, very limited, very selective, all with the
18 same kind of purpose you see in some of the
19 conversions for college and career ready and for
20 increased flexibility.

21 CHAIRPERSON NEWTON: We'll skip on around. Mr.
22 Black.

23 MR. BLACK: Just briefly. What parental
24 component do you have --

25 MR. HOWARD: I'm sorry, sir; I can't hear you.

1 MR. BLACK: Okay. I think it's on now. What
2 parental component do you have in conjunction with
3 those three things that will insure self-sustaining,
4 ongoing support?

5 MR. HOWARD: Okay. I don't understand the
6 question.

7 MR. BLACK: When I say "parental component," I
8 could say community. We all know that at some point
9 community has to be a part of it.

10 MR. HOWARD: Right.

11 MR. BLACK: And what role does community have in
12 this?

13 MR. HOWARD: Okay. I'm thinking we have parents
14 that are going to be involved in this, planning for
15 the future of their kids. In the 7-12 arena we
16 really start that heavy, working toward a high school
17 -- the end of the course system at high school level.
18 The community and the business community, we've
19 talked about the people we would engage in that to
20 help our kids and to make this become a reality for
21 the students in our district. So the parents and the
22 business community and just the general community, in
23 general. I don't know how we would do that, except
24 with our parent involvement committee meetings that
25 we have with our Title 1 program. So we get feedback

1 from all those areas. I don't know how to answer
2 that any better than what I said, except parent and
3 community involvement to me first starts with
4 relationship with the kid; then relationship to the
5 kid transfers into the parents; the parents -- the
6 kids come home and talk about what a good thing this
7 is, "I really enjoy it;" the parents get engaged in
8 it. And once you get your parents engaged in what's
9 going on in your school, then it's up to us as school
10 administrators, I think, to get the rest of the
11 community on-board with us and explain to them what
12 we're attempting to do. So that would be the plan to
13 make that happen.

14 MR. BLACK: Thank you.

15 MR. HOWARD: Yes, sir.

16 CHAIRPERSON NEWTON: Mr. Williamson.

17 MR. WILLIAMSON: I believe -- is it Mr. Howard?

18 MR. HOWARD: Yes.

19 MR. WILLIAMSON: Okay. Earlier, he mentioned
20 how progressive Batesville School District is. Okay.
21 And this progressive school district is being
22 threatened by this charter, Arkansas Virtual Academy.
23 Okay. Why can't we allow them to be even more
24 progressive to improve the education in Batesville?
25 I just -- I don't understand why we've gotten

1 progressive enough in Arkansas to allow charters to
2 happen, why can't we go the extra step and help out
3 these school districts that are asking for help?

4 MS. REITH: May I respond to that? I guess --

5 MR. WILLIAMSON: Sure.

6 MS. REITH: -- just from my own perspective, it
7 sounded like that was a question maybe posed to us
8 and -- well, to the speakers as well. Just from my
9 personal perspective, it's not about trying to impede
10 progressive education or innovation. But at the same
11 time not wanting to undermine standards and respect
12 for the teacher licensing process, things that might
13 have bigger ramifications. And with different
14 leadership and under different circumstances could
15 gut -- right? -- the quality of education of public
16 education of schools that are already there. It's
17 just that some of these things -- and without having
18 that accountability mechanisms that charters offer,
19 Schools of Innovation or such, just feels too risky
20 -- right? -- especially when you're talking about
21 something like licenses, too broad. If this were to
22 come back to us -- and I hope it does -- and I won't
23 make assumptions; I don't know how everyone is going
24 to vote today. But if this were to fail today, then
25 I would really encourage you to think about an open-

1 enrollment conversion charter and/or a School of
2 Innovation waiver, something that does have a lot of
3 those same flexibilities and with some focus and such
4 then would give us, and I think a lot of us, an
5 opportunity to support some of the things you're
6 talking about. I would encourage you to have some of
7 the conversations with staff here -- right? -- around
8 different models -- right? -- that might provide some
9 of the things that you're looking for there. But
10 that's my own personal opinion. It's just that these
11 are broader in scope than maybe what is intended, and
12 it's permanent. And especially when you're talking
13 about pulling these because of the Arkansas Virtual
14 Academy; right? There are models that have long
15 charters -- right? -- that they're not these short-
16 term, and especially recently we've been getting long
17 charters of 10, 20 years. I mean, there's so many
18 different things that could happen under those
19 circumstances and we have no way to call back or to
20 address. So that's just, I know, was my own -- it's
21 not for not being enthusiastic or not for -- not
22 acknowledging the quality of your presentation. This
23 has been an extremely exciting presentation and to
24 see this enthusiasm I applaud you. You do have a
25 great school district. And I do actually work with a

1 lot of ESL students that attend your schools and hear
2 great things about your schools. So I hope it
3 doesn't sound critical in that nature; it's just more
4 thinking of the bigger picture, so -- for myself.

5 CHAIRPERSON NEWTON: Do you have a follow-up,
6 Mr. Williamson?

7 MR. WILLIAMSON: Well, I'd like to hear --

8 DR. BARTH: Well, I was going to respond to that
9 and I guess it's really also a response to Mr.
10 Walter's point earlier. You know, I think, first
11 off, this board has been very comfortable with
12 conversion charters, that -- you know -- we often ask
13 questions and I think they have improved through the
14 process of working with the Panel, but we've
15 generally approved them. And what's present there is
16 the check-in after five years or, in extraordinary
17 cases, 10 years -- is it working; has the promise
18 that was laid out in the original proposal, is it
19 having an affect; is it improving student learning.
20 And I think that's what's really problematic here
21 about the permanence. It's not so much a distrust
22 that they're -- you know -- they're going to push it
23 and, you know, be abusive to teachers or anything
24 like that. But is it really going to pay off in
25 terms of student learning. And I feel so much more

1 comfortable with the conversion charter process
2 because we ask that question after a few years -- is
3 this actually, you know, living up to the promise
4 that was articulated on the front-end. And with the
5 permanence here, that really important link for me is
6 gone.

7 MS. CHAMBERS: With going last, most of my
8 issues have been put on the table. But one thing I
9 did want to say, I've been sitting here trying to
10 rack my brain on: how can we say yes? What would it
11 take to get to yes? And I think you've already heard
12 a lot of good perspectives. But the one thing I did
13 want to say has to do with the issue of -- I don't
14 want there to be any question about trust, with the
15 integrity of what you're representing, because I
16 think it's very good and hopefully you've heard
17 repeatedly that's not the issue here; it's how do you
18 institutionally insure good intentions have followed
19 through over a period of time when none of us are
20 here. And that's the thing we're obviously wrestling
21 with and I just wanted to add to what you've already
22 heard.

23 MR. HOWARD: Well, if I may respond.

24 CHAIRPERSON NEWTON: Certainly.

25 MR. HOWARD: Trust and integrity comes from not

1 an instant happening. Trust and integrity come from
2 a long history of being a district that is full of
3 trust and integrity, and Batesville has that
4 reputation, I believe. And it has nothing to do with
5 anything, except that's what the community is; it's a
6 community that takes care of their kids. Actually,
7 our leadership team did a SWAT, which talks about
8 strengths and weaknesses and threats and stuff like
9 that. You know, and the one thing we came up with
10 that we do best is take care of kids and families.
11 We have a really active homeless population or group
12 that works with our kids and families up there. So,
13 you know, trust is something you look at me and you
14 say, "Well, I don't know if I can trust an old white-
15 headed man." But, you know, the thing is that it's
16 not me; it's the Batesville School District. And
17 these waivers we're asking for, I truly meant and we
18 truly meant all we said about this being an
19 innovative groundbreaking law. Because it really
20 will help level the playing field for public schools
21 that are traditional public schools trying to compete
22 with charter schools. You know, it won't be long
23 before we're surrounded by charter schools in
24 Independence County. We're not really wanting to be
25 a charter school because we do a lot of really neat

1 things, I think, and kids enjoy what we do. But
2 there are some things that we'd like to do that would
3 level the playing field for us as a traditional
4 public school in Arkansas. Thank you.

5 CHAIRPERSON NEWTON: Ms. Saviers has a comment.

6 MS. SAVIERS: Just out of curiosity, what
7 charter schools do you have in Independence County?

8 MR. HOWARD: Well, Batesville Southside is an
9 open-enrollment conversion charter school. And I
10 believe Cave City School District has applied for or
11 will apply for -- has an application available.

12 MS. SAVIERS: For a conversion charter?

13 MR. HOWARD: For a conversion charter. So, you
14 know, we can throw rocks in both directions and hit
15 their school district. So it's -- but we don't
16 really want to go that direction; we don't feel that
17 we need to. But these waivers will help us, we
18 think, level the playing field. And not only that,
19 but offer opportunities to our children and students
20 and get them excited about learning. And not every
21 kid is going to college; you know, we're trying to
22 figure out a way to help those kids leave school,
23 feel good about themselves, and get a job other than
24 -- when I do a drive-thru at Wal-Mart -- or I meant
25 McDonald's, I say, "Hey, how you doing? It's good to

1 see you," you know. And that's not what we want and
2 I'm sure that's not what they want.

3 CHAIRPERSON NEWTON: Ms. Dean.

4 MS. DEAN: I just have -- I have a question.
5 I'd like to thank Ms. Reith for bringing up the
6 technical permit and the PPTL. My question to you
7 is: for you, for the district, what is the -- what
8 are the pros and cons to the waiver for the license,
9 to bring in a licensed -- teachers that aren't
10 licensed as opposed to going that route with the
11 technical permit and the PPTL? What are the pros and
12 cons for you?

13 MR. HOWARD: The pros of doing it is we don't
14 have to hire anybody, to be quite honest with you,
15 you know, which would have a physical impact on the
16 district as we start hiring people. You know,
17 Workforce Ed. and CTE operate under a different set
18 of rules and standards. So, actually, you have a
19 house that's working under two different standards;
20 you have the ADE Standards of Accreditation and then
21 you have the Workforce Ed. standards that you have to
22 deal with. So, that's another reason why. I'm not
23 trying to avoid them, but we can only do so much.

24 CHAIRPERSON NEWTON: Okay. Thank you. It's
25 been rich discussion, but I think at this point we're

1 as close as we've been to being able to address the
2 waivers through a motion. I'm sorry; does somebody
3 else -- Ms. Perry.

4 MS. PERRY: Ms. Newton, could I please address
5 the licensure issue?

6 CHAIRPERSON NEWTON: (Nodding head up and down.)

7 MS. PERRY: It appears that this particular
8 document does not go back and address that they are
9 only requesting a licensure waiver for non-core
10 teachers. But I want to point out that federal law
11 is very specific and states that the license is
12 required except -- it's stated this way in federal
13 law -- except in the case of charter schools. So
14 it's a federal requirement that the teachers be
15 licensed in core subject areas. So please let me put
16 that back on the table for this particular
17 application that's in front of you.

18 CHAIRPERSON NEWTON: Okay.

19 MS. REINHART: May I have just a moment?

20 CHAIRPERSON NEWTON: Yes.

21 MS. REINHART: Thank you. Cheryl Reinhart
22 again. And I'm just am sort of responding to Ms.
23 Chambers' "how do we get to yes." And I think I
24 would just -- in light of the permanency of these
25 waivers, I would suggest for your consideration that

1 you be very specific in your waiver as to that you're
2 allowing a waiver for non-core teachers, for example.
3 Waiver -- a broad waiver of the licensure rules also
4 waives professional development. You know, there are
5 a number of things that can be affected by that.
6 Technically, these people will not be subject to
7 Teacher Fair Dismissal. So some of the things that a
8 broad waiver will run into may be more than what you
9 intended. And being that this will be for such a
10 long -- forever, until the law changes or something,
11 then I think if you would be very considerate and
12 deliberate in your -- and specific in your waivers.

13 CHAIRPERSON NEWTON: Okay. My records indicate
14 that there are three waivers, Mr. Howard, that
15 Batesville district is requesting. Is that correct?

16 MR. HOWARD: Yes, ma'am.

17 CHAIRPERSON NEWTON: Is it -- you said three,
18 you said four.

19 MR. HOWARD: Three.

20 CHAIRPERSON NEWTON: Okay. All right. It's
21 been a long day. The first is planned instructional
22 day; the second is class size/teaching load; and the
23 fourth is education licensure. Is that correct?

24 MR. HOWARD: Yes, ma'am.

25 CHAIRPERSON NEWTON: Okay. Well, given the

1 protocol that's been established in terms of dealing
2 with this, I think it might be good if we follow
3 through and address them each individually. So then,
4 now we're considering a motion relative to the
5 Batesville School District's request for a waiver
6 relative to planned instructional day.

7 MS. ZOOK: I move that we grant the waiver.

8 CHAIRPERSON NEWTON: It's been moved by Ms. Zook
9 to grant the waiver.

10 MR. WILLIAMSON: Second.

11 CHAIRPERSON NEWTON: Second by Mr. Williamson.

12 Let us have a roll-call.

13 COMMISSIONER KEY: Ms. Reith.

14 MS. REITH: No.

15 COMMISSIONER KEY: Dr. Barth.

16 DR. BARTH: No.

17 COMMISSIONER KEY: Mr. Black.

18 MR. BLACK: Yes.

19 COMMISSIONER KEY: Ms. Saviers.

20 MS. SAVIERS: Yes.

21 COMMISSIONER KEY: Ms. Zook.

22 MS. ZOOK: Yes.

23 COMMISSIONER KEY: Ms. Chambers.

24 MS. CHAMBERS: Yes.

25 COMMISSIONER KEY: Ms. Dean.

1 MS. DEAN: Yes.

2 COMMISSIONER KEY: Mr. Williamson.

3 MR. WILLIAMSON: Yes.

4 COMMISSIONER KEY: Six yea votes, no no's.

5 CHAIRPERSON NEWTON: Okay. So that motion
6 passes.

7 The next waiver is class size/teaching load.
8 What is the pleasure of the Board?

9 DR. BARTH: I move to deny the waiver.

10 MS. SAVIERS: Second.

11 MS. REITH: Second.

12 CHAIRPERSON NEWTON: Okay. It's been moved by
13 Dr. Barth, second by -- I heard Ms. Saviers say it
14 first. Any discussion? Okay.

15 MS. ZOOK: Well, you know --

16 CHAIRPERSON NEWTON: Oh.

17 MS. ZOOK: -- the RTI factor is something that
18 -- that's the Response to Intervention that's newly
19 introduced, even though it wasn't supposed to be
20 used for a long time. But it's being used a lot now
21 and is required. And if a teacher does in fact have
22 -- already have 145 students, let's say, or 140, and
23 then they need her because of her expertise -- maybe
24 she is working with -- I know there's a gap and a
25 problem in the math area with the Hispanic students,

1 some of the Hispanic students -- and they find that
2 she would be really good to jump in there and work
3 with 15 extra students, or 12, which puts her over
4 the 150 mark. I think I'd like to modify it to, you
5 know, say 160 or 165 as opposed to 180. But because
6 those students would be assigned to her and she has
7 the expertise, and the RTI -- that intervention
8 typically does not last a whole year, obviously,
9 because you move on to different tiers of it. So I
10 think I'd like for each of you as you vote to
11 consider that piece; that they're trying to come up
12 with a very creative way to intervene at the
13 secondary level with these students who need the
14 intervention and are doing with fidelity the
15 execution of RTI for secondary students.

16 MR. WILLIAMSON: If that's your motion, I'll
17 second that.

18 CHAIRPERSON NEWTON: No, that's not a motion.
19 That's just discussion, is what that is. So any
20 further discussion? Okay. We'll call for a voice
21 vote on the motion that's on the -- a roll-call vote.

22 COMMISSIONER KEY: Ms. Reith.

23 MS. REITH: No.

24 MR. WILLIAMSON: Remind me what the motion is
25 now. The motion is to deny the waiver.

1 MS. REITH: Oh, wait; to deny the waiver or to
2 -- I thought you said to accept the waiver.

3 MS. ZOOK: I didn't make the motion.

4 MS. REITH: Okay. I thought you -- all right.
5 Sorry; I apologize. Thank you. Then I --

6 COMMISSIONER KEY: Okay. Ms. Reith.

7 MS. REITH: Then I say yes.

8 COMMISSIONER KEY: Dr. Barth.

9 DR. BARTH: Yes.

10 COMMISSIONER KEY: Mr. Black.

11 MR. BLACK: Yes.

12 COMMISSIONER KEY: Ms. Saviers.

13 MS. SAVIERS: Yes.

14 COMMISSIONER KEY: Ms. Zook.

15 MS. ZOOK: No.

16 COMMISSIONER KEY: Ms. Chambers.

17 MS. CHAMBERS: Yes.

18 COMMISSIONER KEY: Ms. Dean.

19 MS. DEAN: Yes.

20 COMMISSIONER KEY: Mr. Williamson.

21 MR. WILLIAMSON: No.

22 COMMISSIONER KEY: Six yea's, two nays.

23 CHAIRPERSON NEWTON: Then the motion to deny the
24 waiver relevant to class size and teaching load
25 passes.

1 We're down to the third and final request for
2 waiver, and that's education licensure. Do we have a
3 motion relative to this request for a waiver?

4 MS. REITH: I move to deny.

5 CHAIRPERSON NEWTON: It's moved by Ms. Reith to
6 deny. Is there a second?

7 DR. BARTH: Second.

8 CHAIRPERSON NEWTON: Second by Dr. Barth. Roll-
9 call vote, please.

10 COMMISSIONER KEY: Ms. Reith.

11 MS. REITH: Yes.

12 COMMISSIONER KEY: Dr. Barth.

13 DR. BARTH: Yes.

14 COMMISSIONER KEY: Mr. Black.

15 MR. BLACK: Yes.

16 COMMISSIONER KEY: Ms. Saviers.

17 MS. SAVIERS: No.

18 COMMISSIONER KEY: Ms. Zook.

19 MS. ZOOK: No.

20 COMMISSIONER KEY: Ms. Chambers.

21 MS. CHAMBERS: Yes.

22 COMMISSIONER KEY: Ms. Dean.

23 MS. DEAN: No.

24 COMMISSIONER KEY: Mr. Williamson.

25 MR. WILLIAMSON: No.

1 CHAIRPERSON NEWTON: Yes.

2 COMMISSIONER KEY: So five-to-four.

3 CHAIRPERSON NEWTON: Okay. That concludes it.

4 Thank you.

5 We need a 10-minute break, please.

6 (BREAK: 5:33 - 5:45 P.M.)

7 A-23: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT

8 CHARTERS: BENTONVILLE SCHOOL DISTRICT

9 MS. PERRY: Bentonville School District is
10 before you with their waiver request and we do have
11 Mr. Michael Poore, superintendent, beginning the
12 presentation.

13 CHAIRPERSON NEWTON: Mr. Poore, would you raise
14 your right hand to be sworn please?

15 SUPT. POORE: Yes. I have one of my executives
16 with us, if we'd like to go ahead and swear her in
17 right now too, if that would be all right.

18 CHAIRPERSON NEWTON: Do you solemnly swear or
19 affirm that the testimony you're about to give will
20 be the truth, the whole truth, and nothing but the
21 truth?

22 (ALL WITNESSES ANSWERED AFFIRMATIVELY)

23 CHAIRPERSON NEWTON: Okay. Mr. Poore.

24 SUPT. POORE: First off, we appreciate the time
25 investment that you're putting into this meeting

1 today and into this aspect of waivers. We're excited
2 to be in front of you today; we're excited that the
3 Legislature passed this opportunity for us as school
4 districts to get on a level playing field with waiver
5 requests. I've been reading the charters that come
6 into our district or our region and, of course, we've
7 closely examined the waiver requests that have come
8 before the State -- and we're kind of astonished by
9 how many waivers that are a part of a charter school.
10 I think y'all ought to keep in mind the reason why
11 you grant so many waivers, because you're into the
12 belief that these individuals have an opportunity to
13 do better for kids -- and that's what our intent is
14 for this waiver request. We're thinking about our
15 future and we're thinking about students' futures.
16 We know that as a school district we're extremely
17 accountable in a variety of different ways. And one
18 thing that I throw out at you, it's interesting
19 hearing the discussion so far of the issue of
20 approval and review in terms of the renewal for
21 charters or the renewal aspects of what could happen
22 for a waiver. Our intent always -- our own
23 interpretation, which probably tells you as a board
24 that you need to look a little bit at the view --
25 when we looked at the legislation we felt that our

1 waiver request would last the same span that a
2 charter did. It just made commonsense to us. Now
3 that hasn't necessarily come up during the course of
4 the conversation here, but I will throw out right now
5 kind of an amended version that's not in your
6 paperwork that Bentonville -- and my guess is that
7 the previous districts or the future districts that
8 are going to talk tonight -- would probably be very
9 receptive to a conditional approval, and I think you
10 have that within your realm as a state board. I
11 don't think that the legislation says that you can't
12 do it. So why not look at it in terms of saying,
13 "Now whatever conditions you want." And, you know,
14 we've thrown out numbers, five and ten. Ten for a
15 charter school for looking at their covenants -- yes,
16 they're held to year-to-year standards, just like we
17 are as school districts, but 10 years to look at
18 whether their waivers are working -- I'm comfortable
19 with going three; I'm comfortable with going five;
20 I'm comfortable with going ten, because we're not
21 afraid of having a little bit of scrutiny in terms of
22 the work that we do.

23 We're one of seven school districts that applied
24 for this. I kind of take pride in that. I hope that
25 our fellow school districts that came forward today

1 also take pride in the fact that there were seven of
2 us. I gave my opening day speech -- I just want to
3 make sure I'm doing that right -- gave opening day
4 speech and you can see that we have our mission
5 statement and our vision statement. "Excellence with
6 Every Step" is our vision. The bulk of my speech on
7 opening day, on Monday, to our staff was about asking
8 them to not be afraid to take a risk. It's the
9 culture of northwest Arkansas; it should be the
10 culture of our entire state to not be afraid to take
11 a risk for a child. I read an article over the
12 summer out of EdWeek about taking a risk and it said
13 that as educators and how much pride and passion we
14 take about making sure that we reach each child. But
15 if you're coming forward with maybe a risk, maybe
16 something that's innovative, that you're going to do
17 your homework prior to ever coming in. And the new
18 dynamic that you've heard that's a part of all school
19 districts, and definitely a part of the culture of
20 Bentonville School District, it's a professional
21 learning community. So that concept of taking a
22 chance, it's played out within a team and the team
23 talks about it and enhances it and thinks critically
24 about the idea and makes it better. And you know
25 what, some of those ideas aren't going to work, but

1 that's where you learn and you continue to go
2 forward. I know it's a business model for one of our
3 largest corporations in Arkansas and in this country,
4 but you take calculated risks with good people, and
5 we think that we're going to be doing that tonight.

6 We have two staff members that are actually
7 here: my executive director of curriculum
8 instruction, Judy Marquess, who is going to help with
9 this presentation; we also have Jonathon Guthrie here
10 today, who is the principal of our newly-formed
11 second high school, Bentonville West. We tried to
12 work on this presentation to match up with the
13 direction that we got from the Department of
14 Education. We really want to thank Mary for the work
15 she did to help get us prepared for today.

16 Our strategic plan is -- when you look at just
17 kind of academic performance, and looking at goals,
18 they're pretty simple and probably easy to see that
19 they would be replicable in any other place. I think
20 that one thing that I wanted to stress on this is
21 that we continue to be a district that tries to be
22 out in front of things. For four years Bentonville
23 High School has tested every kid on the ACT. We're
24 not ever afraid of accountability. Our scores
25 dropped the first year when I arrived in the district

1 and we chose to go to test every kid. But guess
2 what's happened since then? There's a trajectory of
3 it going up. Was it a risk? Yeah. Maybe we're
4 going to fall behind Fayetteville; oh, my gosh. But
5 we can come back and say, "Our scores will continue
6 to go up," and they have, and we've tested every
7 single child. We also have worked on problem-based
8 learning, or project-based learning, over the past
9 four years. Ms. Marquess has been really
10 instrumental in putting forth something that we call
11 21-C. And initially this superintendent as he came
12 in was saying, "We've got to find ways to get
13 technology into the hands of kids." But she took it
14 to a whole different level. It wasn't really about
15 the technology; it was about good instructional
16 practices to teach kids to be collaborative, to be
17 critical thinkers, and to be innovators.

18 The third thing that we have done: we just
19 recently were approved by you as a State Board for a
20 School of Innovation. So we kind of feel like we
21 take every opportunity that's been presented to us by
22 this state or by the State Board to think how can we
23 improve our delivery for our students. We obviously
24 utilize our community to achieve our goals and we
25 hope that you'll see that a little bit throughout

1 this presentation.

2 There are probably four programs that really
3 more than any other are driving our need to come
4 forward with these waiver requests. The first is
5 something called Ignite program. Ignite is actually
6 a career pathway program; we're stealing it from Blue
7 Valley Schools in Kansas City. It is highly
8 innovative. It is allowing business -- excuse me --
9 the college environment and then also the K-12
10 environment to create curriculum. It's utilizing
11 satellite campuses in the workforce. It is creating
12 internships for kids in real settings, such as Wal-
13 Mart. For the first time Wal-Mart -- anywhere else
14 -- they've never had this where high school kids will
15 be working inside. They'll be swiping and doing real
16 work at Wal-Mart -- not college interns; high school
17 interns. We will begin this year with Ignite
18 program, kick it off with a Technology Solutions
19 class.

20 Our 21st century skills program -- I kind of
21 already have highlighted, so I will keep moving.

22 We continue to improve and expand our
23 alternative learning environments. We've enhanced
24 the number of students we serve in our secondary
25 level and this year, for the first time, we're going

1 to have an elementary alternative learning
2 environment.

3 Finally, we continue to strengthen and build our
4 computer science program to be along with the
5 initiative that our Governor has and we're excited
6 about what that means in terms of a delivery to not
7 only meet a need for workforce within our region, but
8 also to prepare students for some of their passion.
9 We're finding out that students, when they're given
10 the opportunity to be creative, they can do some
11 pretty wonderful things. Again, on opening day I had
12 a 7th grader from last year who was engaged with
13 Xbox. This young man's problem was that he had CP
14 when he was just a child and he can't play Xbox with
15 one hand. So he is working the Technology Solutions
16 -- a 7th grader, going to be an 8th grader. That's
17 the type of kids that are coming up through our
18 systems right now. I don't think Bentonville is
19 unique in that. It's something we've got to address,
20 and one of the ways to address it is for us to be
21 creative with our waivers.

22 Now you might gasp, because we've seen how the
23 process has gone so far; you're going to get five
24 different waiver requests from the Bentonville School
25 District today. And to turn that over, I'm going to

1 have Ms. Marquess join us right now to lead us
2 through the rest of the presentation.

3 MS. MARQUESS: Thank you, Mr. Poore. Board,
4 thank you so much for your time and this opportunity
5 to visit with you about doing what's good for kids.
6 That's what we're all about. If you look at the
7 goals for charter schools, it talks about improving
8 student learning, increasing opportunities for
9 students, innovative teaching methods. Hey, that's
10 what we're all about. We know that all kids learn
11 differently and we want to do anything we can with
12 every opportunity to meet the needs of different
13 students.

14 And I'm going to start -- and, boy, this is kind
15 of tough after being here for the last couple of
16 hours, but I'm going to start with the first waiver
17 that we are requesting, and it's for teacher
18 licensure. I've heard your discussion; I've heard
19 your concerns. Our request was only for non-core
20 classes. And Mr. Poore told you a little bit about
21 the new program that we're doing called Ignite, where
22 the students are out in the community working with
23 professionals. That's who we're talking about, being
24 able to use those professionals in that program. We
25 have -- we are starting with the computer programming

1 course this year, but we have a long-term plan that
2 will include medical professions, culinary arts, a
3 lot of really great things that have been identified
4 in our community by our community leaders as areas of
5 need and opportunities for kids. So we want to
6 support those; we want those kids to be able to be
7 with professionals in those areas. So that's what
8 we're requesting. We do know that we would have to
9 change our personnel policy to allow that. That
10 exception -- and that's only what we're asking for is
11 that exception. I give you some examples here:
12 computer programmers, licensed healthcare
13 professionals, those positions that go along with the
14 pathways that we have planned. The benefits to our
15 students is that real world relevant instruction from
16 professionals. This will support our 21-C program,
17 our computer science, and the Ignite program.

18 The next waiver that we are requesting your
19 consideration for is from the Uniform Grading Scale.
20 Last year, a group of teachers approached me about
21 standards-based grading. Y'all are all informed on
22 education; I know that you have read the work of
23 Thomas Guskey, Rick Stiggins, Rick and Becky DuFour,
24 where they talk about grading, the common practice of
25 averaging grades, and how detrimental that can be to

1 students. It does not really support their learning
2 where a standards-based grading scale does. We
3 currently use standards-based grading in grades K-4
4 in our district. We're looking at it for middle
5 school. We would like to have it in -- be able to do
6 it in 7th and 8th grade. We do realize that in high
7 school for transcripts and college it is essential
8 and we will continue to do that; we would do that for
9 7th and 8th graders who are taking a course for high
10 school credit. But to be able to relate grades to
11 parents based on mastery of standards we think it's
12 best for kids and will help their learning. If you
13 are familiar with the research by John Hattie, the
14 number one effective skill is for kids to be able to
15 look at their learning and know where they are and
16 set their goals.

17 The next request that we have is for 8th grade
18 students to be able to take concurrent credit. We
19 have parents and students in our district that are
20 very interested in this. We have a diverse
21 community. They come to us expecting this type of
22 thing. It is being used in charter schools, or we
23 wouldn't be here asking for it. And the charter
24 schools that we are asking to have the same
25 consideration are very successful -- very successful.

1 You know that Haas Hall is been rated the number one
2 school in the state and is highly respected
3 nationwide. Their students get to do this, and we
4 would really like for our students to be able to
5 also.

6 The next one is for leased academy facilities.
7 Back to our Ignite program, we really like for this
8 -- it's essential that this program be out in the
9 community, and in some cases we're able to do that
10 within the business. But then there are other
11 opportunities that may not be able to do that. We're
12 considering a audio-visual course that may need to
13 find a space somewhere within the community and it
14 might not be exactly the same type of facility as a
15 school. We would make sure that it was all ADA,
16 meets IDEA -- any of those things, we would make
17 sure, all safety, all of that. But it might not be
18 -- look the same maybe, as many square feet. Again,
19 that gives our students the opportunity to be out in
20 the community. This also might help us with our
21 alternative learning program. We currently do not
22 have middle school in junior high program. We added,
23 as Mr. Poore said, elementary this year, and we did
24 not add the junior high middle school program. We
25 didn't have space. We are up maybe close to 700

1 students this year; space is an issue for us. A
2 little flexibility would go a long way to meet these
3 kids' needs.

4 And then the last waiver that we're requesting
5 is for clock hour for units of credit. We are not
6 requesting any type of waiver from graduation
7 requirement or anything of that nature. We currently
8 have a waiver that allows us to teach oral comm.
9 within our pre-AP English. That has been a great
10 benefit to our students; it opens up another slot
11 within their schedule where they can take another
12 course. We would really like to be able to do this
13 with some other courses. And, again, I go back to
14 our Ignite program where those students within those
15 professional arenas could take more than one course
16 through the projects that they would be working on.
17 They could meet those standards for more than one
18 course. That would be a great benefit to them in
19 that they would be able to accumulate more courses.
20 A lot of them -- all of our Ignite courses we're
21 working through NWAC to do concurrent credit, so to
22 really help those kids along the way towards an
23 associate's degree or some type of a certification.

24 We have worked within our community. Mr. Poore
25 has spent hours out in the community talking about

1 our Ignite program and about the things that we would
2 like to do. We've had such a great response from our
3 community, from our parents with this program. Our
4 board is all on-board with the program and with
5 anything that we can do to help with that program.
6 We have had board members and community members go to
7 Blue Valley, as Mr. Poore mentioned the model that we
8 are using to build our program. Our principals are
9 sharing information with parents as we open this new
10 school year. We're working with our teachers. Most
11 of the things that we have talked about here, like
12 the grading scale, concurrent credit, a lot of those
13 things were initiated by the teachers themselves. So
14 we are really excited with the possibilities. We
15 have a tremendously supportive community. We have
16 great kids that we want to do the very best for that
17 we can. So we thank you so much for your time, for
18 your consideration, for your support to help us help
19 our kids. And I think we're ready for questions.

20 CHAIRPERSON NEWTON: Okay. Let's start with Ms.
21 Chambers on this end. Do you have any questions?

22 MS. CHAMBERS: In reference to the non-core, are
23 you close enough, specific enough in your thinking
24 and planning that you could be explicit in what you
25 would call out as non-core this next year or whatever

1 period of time you're instituting?

2 SUPT. POORE: If you don't mind us tag-teaming,
3 we didn't rehearse obviously very well in terms of
4 which might go on these. But, yeah, I'll give you an
5 example. With the Ignite program one of the things
6 that we're doing is a culinary program. And if it's
7 in with the -- Bentonville is going to have a
8 culinary center and we're going to partner with NWAC
9 and as a part of that, them working with real chefs.
10 One of the culinary centers is going to be about
11 butchering of animals. Okay? A very specialized
12 skill. And so, you know, we're going to use an
13 individual for that whenever we go there. That's
14 still a whole year out, but that would be an example.
15 Another example within the Ignite program is that
16 we're going to do video marketing and we plan on
17 using some of the different companies that are
18 already there to be instructors. They may not be
19 full-time instructors but they would be part-time
20 instructors with those students. We're having those
21 students even come on to their campuses, their work
22 environments to gain instruction. Any other
23 examples?

24 MS. MARQUESS: Just through all of those Ignite
25 pathways.

1 CHAIRPERSON NEWTON: Mr. Williamson?

2 MR. WILLIAMSON: Nothing right now.

3 CHAIRPERSON NEWTON: Mr. Black?

4 MR. BLACK: Nothing right now.

5 CHAIRPERSON NEWTON: Ms. Saviers?

6 MS. SAVIERS: No.

7 MS. REITH: Thank you. Thank you so much for
8 that presentation. Actually, my questions are more
9 directed to ADE staff just because you all have
10 brought forth some issues that we haven't heard as of
11 yet from others and just wanting to make sure we're
12 weighing all the considerations. On the uniform
13 grading scale, are there any concerns? Are there any
14 precedents or concerns or any legal issues in regards
15 to what they're proposing? Maybe that's a question
16 for Dr. Jones. Thank you.

17 DR. JONES: I have no concerns for that waiver.
18 In fact, Warren, the charter school, does a
19 standards-based education and we support that. It's
20 a good thing. And they've addressed at the high
21 school level with credits that they would maintain
22 for NTAA and college credit, the regular grading
23 system. So I would support that.

24 CHAIRPERSON NEWTON: Is that something that you
25 would be specific about, when they say "these areas,"

1 or would it be general?

2 DR. JONES: I think they have been very
3 specific. They have standards-based which is allowed
4 at the elementary levels now. And now that they've
5 done elementary levels, I heard her say that they're
6 moving into 7th and 8th grade and that's the area
7 that was prohibited by law, that they had to move to
8 a normal grading system. And so that is -- they're
9 reaching the point at which they need this waiver.

10 SUPT. POORE: Can I jump in to compliment Dr.
11 Jones, please?

12 MS. REITH: Yes. Yes, please.

13 SUPT. POORE: When we -- some of this happened
14 well before the legislation. We've been working on
15 standards-based since I arrived and we implemented
16 it, you know, by level. When we got to the -- we had
17 an initial K-2 entry into trying to do this; then we
18 said we're going to do third. And then they said,
19 "Okay." As we were explaining this all to them, the
20 first thing our board said -- and granted, this was
21 like a good hour presentation to try to build their
22 capacity -- they were like, "Why are we waiting to
23 not do this? You have permission right now to take
24 this all the way up to K-8. When you get to 9th
25 grade, that freaks us out a little bit; come back and

1 talk to us." But, you know, we had a board two years
2 ago that already were saying, "This so makes sense
3 because of the way that it helps guide students and
4 parents in terms of making sure they understand
5 strengths and weaknesses that they bring as a
6 learner."

7 CHAIRPERSON NEWTON: Any follow-up on that?

8 DR. BARTH: So, Dr. Jones, the way they're
9 proposing it at the 9-12 level, then there would be a
10 traditional grade and then there would be standards-
11 based. Is that -- does that even need a waiver?

12 DR. JONES: Not if they have traditional
13 scoring. They can still do the standards-based,
14 unless there's something exceptional they're doing.

15 DR. BARTH: Right. It's at 7th and 8th -- 7th
16 and 8th is where the waiver is needed.

17 MS. MARQUESS: 7th and 8th is where we're asking
18 for the waiver.

19 DR. BARTH: Okay.

20 MS. MARQUESS: Yes, sir.

21 DR. BARTH: Okay. I just wanted to be clear on
22 that. Okay. Good.

23 MS. REITH: I also had a question on the
24 concurrent college credit, because I feel like this
25 is already going on; right? That traditional public

1 schools offer this. I guess I'm just trying to
2 understand why a waiver is needed.

3 DR. JONES: It's just the grade level, the
4 specific 8th grade level.

5 MS. REITH: 8th grade.

6 DR. JONES: Uh-huh.

7 MS. REITH: Okay. And then are there any legal
8 concerns in regards to lease academic facilities,
9 just with the specifics, about the disabilities?

10 MS. DAVIS: No. I don't think that we do have
11 any concerns.

12 MS. REITH: Okay. Thank you. Those are my
13 questions.

14 CHAIRPERSON NEWTON: Ms. Zook.

15 MS. ZOOK: Just one. Good presentation. Just
16 one question. One of the areas that you all are
17 focused on and struggling with is the graduation and
18 proficiency of your students who have a little more
19 needs than others, for whatever reason. And have you
20 talked with the charter schools that have these
21 waivers to see if in fact those waivers have helped
22 them in this area?

23 MS. MARQUESS: Well, the charter schools in our
24 area are very successful. Haas Hall is just opening
25 in Bentonville, but their reputation, they bring that

1 with them from the charter school in Fayetteville.
2 And we do have Bentonville students who have been
3 involved in Haas Hall in Fayetteville.

4 SUPT. POORE: Let me frame that just a little
5 bit different; Judy has to be a little more careful,
6 but I'm not going to be. First off, you have to
7 understand that we have -- one of our charter schools
8 is the Responsive Ed. Classical Charter Academy. It
9 doesn't even have a senior class yet. Okay. So it's
10 still building out. Haas Hall to us in brand-new
11 into our area, but it has been in Fayetteville. But
12 let's not forget that they have a free-and-reduced
13 lunch population of about 5%. So it's not a very
14 fair comparison.

15 MS. ZOOK: And 2% special ed.

16 SUPT. POORE: I was being nice, but -- so, you
17 know, so we look at that in terms of comparisons for
18 us. It's a little bit challenging on that end. The
19 last one that is a part of our charter school makeup
20 in our Benton County is the performing arts --

21 MS. MARQUESS: Arkansas Arts.

22 SUPT. POORE: Arkansas Arts Academy. Thank you.
23 And so it's such a small population that that's
24 probably a little bit challenging also to match up
25 to. We're looking at the waiver request in terms of

1 thinking that many of these things are going to
2 really get to that student that's kind of in the
3 middle of the pack or maybe even a struggling learner
4 to identify a passion, be it construction trade,
5 which is another part of our Ignite program, the
6 culinary arts, logistics management, areas for video
7 -- are things that sometimes it's a kid that's
8 disengaged in school but then all of a sudden he gets
9 hooked into this, gets hooked up with a professional,
10 and now all of a sudden we address the problem that
11 -- you listened to me last week, that we have a
12 problem there; that's a weakness for us.

13 MS. ZOOK: And it's possible that if you're
14 going to go with the -- if it passes and you're going
15 with the standards-based grading that that will
16 highlight the 7th and 8th graders in what standards
17 they are lacking in; then you have the RTI to fix
18 that before they get to 9th grade. So we called it
19 mastery grading and learning when I was in school.
20 So I just -- I mean, I am thrilled that you all are
21 doing that because there are so many points that --
22 we have teachers who want to teach a subject, not a
23 kid. And I applaud you with this and I certainly
24 hope that part of your request is passed.

25 SUPT. POORE: And, Ms. Zook, I hope you saw too,

1 and other members of the Board, that it's tying
2 together already efforts that we already have at the
3 K-4 level. So it really extends out to, you know,
4 those kids that are already used to it; again, it
5 just ties it all together.

6 MS. ZOOK: That's all.

7 CHAIRPERSON NEWTON: Dr. Barth.

8 DR. BARTH: And I see Dr. Jones just sat down,
9 but I was going to ask her; sorry. I'm going to ask
10 another question, but I want to ask about the last
11 waiver on the clock hour. I am -- Ms. Chambers'
12 question about what are the examples for the Ignite
13 program, they're great examples. And I think our
14 concern, as you saw on the last case, is the breadth
15 of the waiver there. And I guess I'm curious why
16 y'all did not do a school within a school conversion
17 charter around the Ignite program, which would've
18 kind of contained the waiver a bit in that area.

19 SUPT. POORE: Well, I'll do -- I'm going to
20 answer your question directly, then if I can take the
21 liberty on one aspect of it. We've looked at it in
22 terms of, you know, as this all evolved and we've
23 been working with the business community and Higher
24 Ed., it has been a challenge with the bureaucracy.
25 And so you have the Bentonville Bureaucracy; you have

1 the Arkansas Department of Education bureaucracy; you
2 have Higher Ed.; then you have the Career Tech Unit.
3 And so trying to get all these entities to get to the
4 same place on just a course name is crazy. And so
5 we're really trying to take the simplest route to get
6 us to where we want to be with kids as quickly as
7 possible. And we have explored the conversion
8 charter in our community and we just -- we never did
9 -- we never got the traction that we wanted to in
10 terms of a final agreement to say -- or move forward
11 on that. When -- we had already been driving forward
12 on the Ignite program when this waiver thing came
13 forward. Boy, our business community was aware of
14 it, legislators were aware of it, and they said,
15 "This is perfect for this. Are you going to access
16 it?" And we said, "We absolutely will."

17 I think that the leverage that I wanted to share
18 on clock hours and use that, if I could, is that what
19 we're seeing in the kids in Kansas City, as an
20 example, on a computer programming class, instead of
21 the traditional Java delivery of, "Okay, Students,
22 are you with me? Is everyone here?" And they're
23 writing on the chalkboard and they're kind of step-
24 by-step; these students are working with a business
25 entity and the kids -- we asked them, "How many

1 computer languages are you learning in a semester?"
2 The answer was five. And we said, "Five? How is
3 that possible?" The young lady picked up her iPad
4 and said, "Google." What's happening on clock hours
5 then is that these students are engaged in the block
6 of instructional time but then they're going so far
7 beyond, and we want to give credit for some of that
8 work that's happening with businesses and their own
9 work that's away from the classroom. So I know I'm
10 taking advantage of your question, Mr. Barth.

11 DR. BARTH: No, no, no, that's fine. And I've
12 got a lot of sympathy on clock hour and that's why I
13 wanted to ask Dr. Jones what flexibility we might
14 have in existing -- I guess it's Rule 14.03, I
15 believe -- on that issue.

16 DR. JONES: That is one area in which a waiver
17 is needed, because there's not flexibility beyond
18 that. And it's a reasonable request. We have -- and
19 we recognize this: we have some things that are
20 dated. Seat time does not determine learning. And
21 we have to be open to some change with seat time,
22 especially because of digital learning working in
23 industry and so-forth. And so we would support this.

24 DR. BARTH: Right.

25 DR. JONES: The secret is everything can be

1 abused. And if it is designed to be abused, somebody
2 quickly getting in and out of school so that you
3 don't have to teach as long, you can save money. But
4 they've given a good explanation of what they plan to
5 do. And I think they have a well thought-out program
6 with this.

7 DR. BARTH: And I would encourage on this one --
8 and this goes back to Mr. Williamson's point earlier
9 -- I think in this area, in particular, this is -- we
10 need to think about a more statewide --

11 MR. WILLIAMSON: Right.

12 DR. BARTH: -- response here. You know, I have
13 a little trouble doing it this way and I would like
14 us as a board to maybe work with staff in the coming
15 year on this issue in preparation for the next
16 legislative session.

17 DR. JONES: Good point. We are addressing with
18 Legal some issues with attendance, and those issues
19 -- to try to catch up with the digital learning. And
20 so that's something that we're aware of and we're
21 addressing through rules this year.

22 DR. BARTH: And, I'm sorry, one last thing on
23 this. I'm wanting to get to yes on this one. And
24 what I didn't love about your answer to Ms. Chambers'
25 question, once you started giving examples -- and I

1 think we're trying to get some boundaries, rather.
2 And so in terms of how to frame that, is tying it to
3 those instructors, non-core instructors that are part
4 of the Ignite program alone, is that acceptable to
5 the district in terms of achieving your goals?

6 SUPT. POORE: We would be thrilled to allow you
7 to do that today. And then, if we have to we can
8 come back, you know, with an additional waiver for
9 something beyond that, if that would make things
10 easier.

11 DR. BARTH: It would. Thank you.

12 MS. DAVIS: I don't really have a question.
13 It's just I'm excited. Yours is a great
14 presentation. As a mom of four kids, home-schooling,
15 watching my children develop and grow over the years
16 you see different aspects; you see different giftings
17 in each different child. And the fact that you have
18 opportunities for children -- for students that have
19 a vast array of abilities, like going into culinary
20 skills and construction trade, because not everyone
21 is going to be going necessarily to higher education.
22 And I think that's the one thing that I'm most
23 excited about is being able to give those children --
24 give those students an early start, something they
25 don't have to wait until they graduate from high

1 school to jump into the trade or area that they would
2 like to learn about. So, I'm excited.

3 SUPT. POORE: Thank you.

4 CHAIRPERSON NEWTON: Ms. Newton, do you want to
5 weigh-in?

6 MS. OUIDA NEWTON: I would just -- as a 7th and
7 8th grade teacher, I would love to be able to teach
8 where it was standards-based learning. That would be
9 awesome, and so I really like that. And the teacher
10 could ignite students' passions for learning because
11 I can see so many of those kids dropping out of
12 school and this will hopefully keep that from
13 happening. The only one question I had was on there
14 it talked about the Arkansas history requirement. I
15 either missed that or I didn't understand what the
16 waiver on that one was.

17 MS. MARQUESS: And that is just when we look at
18 a waiver for licensure. If we are requesting a
19 waiver for some other aspects of that, we wouldn't
20 want one of these teachers or one of these
21 professionals who would be working with the kids
22 through the Ignite program to have to go take
23 Arkansas history. That was just part of the
24 licensure.

25 DR. BARTH: That's just confusing to me because,

1 I mean, if these are -- if they're non-licensed, in
2 many cases -- I'm going to have concerns about that
3 differential treatment that -- that one does feel
4 like it could easily get problematically abused. So
5 I'm not --

6 MS. MARQUESS: The licensure?

7 DR. BARTH: Yeah, on the Arkansas history, in
8 particular. I mean, the cases you gave earlier, I
9 mean, didn't seem like that would even be an issue on
10 those individuals.

11 MS. MARQUESS: And honestly -- I'll be honest
12 with you; it's in there because that's the way the
13 charter schools did it. They kind of lumped all of
14 those different aspects about teacher licensure
15 together. So my thought was if that's the way they
16 did it, then that's the way we need to ask for it
17 too. There is no other reason that that's in there,
18 other than that's how the charter schools put it.

19 CHAIRPERSON NEWTON: Any follow-up questions?

20 DR. BARTH: Well, does Ms. Pfeffer --

21 MS. PFEFFER: Yes.

22 DR. BARTH: May we have some -- can you help on
23 this -- or Ms. Davis?

24 MS. PFEFFER: And maybe Ms. Davis, just to help
25 me clarify. So my question would go to the district:

1 is the request for the waiver from a teacher teaching
2 8th grade Arkansas history or anything --

3 MS. MARQUESS: Okay. No.

4 SUPT. POORE: No.

5 MS. PFEFFER: It's from the P.D. requirement; is
6 that what it's from, the requirement that those that
7 are teaching at middle level have to have the
8 training in --

9 SUPT. POORE: No. And in fact, Mr. Walter
10 helped us in terms of framing this a little tighter
11 to make it for the Ignite teacher, meaning a teacher
12 that is very much tied into a career pathway. That
13 might be construction, it might be culinary, it might
14 be video, marketing.

15 MS. MARQUESS: Okay. It was our understanding
16 or my understanding -- okay -- that in certain cases
17 --

18 CHAIRPERSON NEWTON: Would you step up to the
19 mic, please?

20 MS. MARQUESS: -- that in certain cases teachers
21 coming maybe from out-of-state or somewhere to become
22 licensed in Arkansas would have to take Arkansas
23 history. And if we were asking for a waiver for the
24 teachers, the professionals in the Ignite program to
25 receive other considerations to not be licensed, that

1 that would also be one of them. And I could be
2 wrong. Is that a requirement at times that they have
3 Arkansas history?

4 MS. PFEFFER: For licensure.

5 MS. MARQUESS: For licensure. So, yes, that's
6 just part of the licensure package is why it's in
7 there.

8 MS. SAVIERS: So they wouldn't be teaching
9 Arkansas history?

10 MS. MARQUESS: Oh, no. No, ma'am. No.

11 DR. BARTH: And I totally get that. But I think
12 the way -- I mean, if we didn't go with the framing
13 that's a very narrow subset of professionals. I'm
14 just not seeing that waiver as any -- as relevant at
15 all.

16 SUPT. POORE: And we got help from Mr. Walter on
17 this. Really, I think, as Ms. Marquess said, she
18 took this as a component from charters that have the
19 waivers because we said, "If it worked for them, it
20 will work for us." But the reality is, framing it
21 the way you have, Mr. Barth, in terms of the types of
22 folks we're going to have this will not have any
23 impact at all. Because the waiver would have -- the
24 actual rule says a person should not be licensed as a
25 social studies teacher or as an elementary school

1 teacher unless the person has successfully completed
2 at least three hours. So this kind of becomes a moot
3 point.

4 DR. BARTH: Thank you.

5 MS. MARQUESS: And you could omit that. If it
6 makes you more comfortable with this, then just -- we
7 can take that out, withdraw that request.

8 DR. BARTH: That's a professor of Arkansas
9 politics.

10 CHAIRPERSON NEWTON: Okay. Do we have any
11 further questions before we move into a process of
12 considering each request for a waiver individually?
13 Any more questions?

14 SUPT. POORE: Madam Chair, I would just like to
15 say one more thing before you move forward, and that
16 is that we are willing -- and I want to throw this
17 out again because maybe it will support previous
18 districts and districts that you'll meet with tonight
19 to have a conditional request, conditional waiver
20 granted to us. And you can set up whatever timeframe
21 that you wanted to, and we'd be encouraged by that
22 because we could come back in front of you in three
23 years or five years and we're going to blow your
24 socks off.

25 CHAIRPERSON NEWTON: Is there any --

1 DR. BARTH: Could Ms. Davis speak to that?

2 MS. DAVIS: I don't believe that the law gives
3 us the ability to offer any kind of provisional or
4 conditional approvals. It's to either grant in whole
5 or in part or deny in whole or in part. I mean, of
6 course, they can say --

7 CHAIRPERSON NEWTON: In whole or in part, isn't
8 that the critical piece of it?

9 DR. BARTH: Right.

10 MS. DAVIS: Pardon me?

11 CHAIRPERSON NEWTON: In whole or in part?

12 MS. DAVIS: Yes. And the way that we've
13 interpreted that is if they ask for five waivers you
14 can piecemeal and -- you know -- like you've been
15 doing, vote for one, not for others. But it's not
16 offering conditional or time limits on them.

17 COMMISSIONER KEY: Ms. Davis, what if their
18 request is for a time certain?

19 MS. DAVIS: Now that can be done -- I mean, I
20 think that one of the things that we had discussed is
21 that, you know, it shouldn't necessarily be the
22 Board's direction to kind of coerce them into doing
23 it on approval -- or that's the only way they're
24 going to get the waiver. But if they say that "we
25 only want to get it for three years because we want

1 to come back and knock your socks off and show you
2 how great we're doing," then they are amending that
3 here to say that "we're only going to ask for it for
4 the next three years."

5 MR. WILLIAMSON: That's what I heard.

6 CHAIRPERSON NEWTON: Okay, here we go. We have
7 the first request -- did you want to preface any of
8 your requests for a waiver with a time stipulation or
9 do you -- how do you want to do that?

10 SUPT. POORE: I'm trying to be sympathetic to
11 how you as a board might want to govern this, and I'm
12 really receptive to three to five. That seems
13 reasonable and logical to me. But, you know, I think
14 you also have to think about your own workflow and
15 it's not just us that you might be thinking about
16 doing this for. So, you know, three and then you've
17 got a whole rash of them coming back and -- or maybe
18 five years.

19 CHAIRPERSON NEWTON: I don't think that's a
20 consideration at this point.

21 SUPT. POORE: Okay.

22 CHAIRPERSON NEWTON: I think it's what you say
23 you want, not what we think we can manage. You know,
24 that comes on the other end. So I think any input we
25 have along those lines is coercive; you know, arm-

1 twisting kind of thing. But I think that comes from
2 you so it's independent. So if you're not
3 superintendent in three years or five years, someone
4 could say, "Well, that wasn't my desire," but we
5 could say, "That's what was asked for and that's what
6 we approved."

7 SUPT. POORE: I think -- I guess I would share
8 -- this is totally off-the-cuff and it's not my style
9 because I'm not getting to collaborate with anybody.
10 But I would say five years makes sense to me because
11 of implementation and getting to a place where you
12 could have results from several graduating classes to
13 show how things have progressed. On several of these
14 issues it's going to be tied towards, you know, what
15 are your graduation results, what is your -- how has
16 it worked with the instructors staying on-the-job,
17 satisfaction of parents. That makes sense to me.

18 CHAIRPERSON NEWTON: So then if this meets your
19 approval, your request for waivers one through five
20 are attached to a five-year timeline sunset. Is that
21 correct?

22 SUPT. POORE: Yes, ma'am.

23 CHAIRPERSON NEWTON: Okay. Any questions by
24 board members relative to that? Then, Commissioner,
25 do you have any concerns?

1 COMMISSIONER KEY: No. I just see Mr. Anderson
2 back there; he's taking notes.

3 CHAIRPERSON NEWTON: Well, that's --

4 MS. ZOOK: He can come back next month, right?

5 CHAIRPERSON NEWTON: So we'll start with number
6 one and that's the request for a waiver for teacher
7 licensure for five years for the Bentonville School
8 District. What is the pleasure of the Board?

9 DR. BARTH: I would move -- I'm going to need
10 some help with crafting this. I would move that the
11 waiver be granted for non-core professionals tied
12 specifically to the Ignite program.

13 MR. WILLIAMSON: Second.

14 DR. BARTH: And, Ms. Pfeffer, is that -- do you
15 see any problems there?

16 MS. PFEFFER: No.

17 DR. BARTH: Okay.

18 CHAIRPERSON NEWTON: For the period specified?

19 DR. BARTH: For the period specified, the over-
20 arching --

21 CHAIRPERSON NEWTON: Motion by Dr. Barth and
22 second by Mr. Williamson. All in -- roll-call,
23 please.

24 COMMISSIONER KEY: Ms. Reith.

25 MS. REITH: Yes.

1 COMMISSIONER KEY: Dr. Barth.
2 DR. BARTH: Yes.
3 COMMISSIONER KEY: Mr. Black.
4 MR. BLACK: Yes.
5 COMMISSIONER KEY: Ms. Saviers.
6 MS. SAVIERS: Yes.
7 COMMISSIONER KEY: Ms. Zook.
8 MS. ZOOK: Yes.
9 COMMISSIONER KEY: Ms. Chambers.
10 MS. CHAMBERS: Yes.
11 COMMISSIONER KEY: Ms. Dean.
12 MS. DEAN: Yes.
13 COMMISSIONER KEY: Mr. Williamson.
14 MR. WILLIAMSON: Yes.
15 COMMISSIONER KEY: The motion passes by a
16 unanimous vote.

17 The second request for waiver for the
18 Bentonville School District for a period of five
19 years would be to implement the Uniform Grading
20 Scale. May I have a motion?

21 MS. SAVIERS: I move to approve.

22 CHAIRPERSON NEWTON: Moved by Ms. Saviers to
23 approve.

24 MS. CHAMBERS: Second.

25 CHAIRPERSON NEWTON: Second by Ms. -- I forgot

1 your name.

2 MS. CHAMBERS: Chambers.

3 CHAIRPERSON NEWTON: Chambers. When I looked up
4 I couldn't get it to come to me. Okay. So that's
5 the motion. Any questions? All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRPERSON NEWTON: Oh, no. Roll-call. I'm
8 sorry.

9 COMMISSIONER KEY: Ms. Reith.

10 MS. REITH: Yes.

11 COMMISSIONER KEY: Dr. Barth.

12 DR. BARTH: Yes.

13 COMMISSIONER KEY: Mr. Black.

14 MR. BLACK: Yes.

15 COMMISSIONER KEY: Ms. Saviers.

16 MS. SAVIERS: Yes.

17 COMMISSIONER KEY: Ms. Zook.

18 MS. ZOOK: Yes.

19 COMMISSIONER KEY: Ms. Chambers.

20 MS. CHAMBERS: Yes.

21 COMMISSIONER KEY: Ms. Dean.

22 MS. DEAN: Yes.

23 COMMISSIONER KEY: Mr. Williamson.

24 MR. WILLIAMSON: Yes.

25 COMMISSIONER KEY: It's unanimous.

1 CHAIRPERSON NEWTON: That's great. Then, the
2 third request from the Bentonville School District is
3 a waiver for concurrent college credit.

4 MR. WILLIAMSON: Specific to 8th grade.

5 CHAIRPERSON NEWTON: For 8th grade. It's for a
6 period of five years.

7 DR. BARTH: I know this is going to pass, but I
8 just want to explain that I'm going to vote against
9 it because I think 8th grade is simply too young for
10 concurrent credit and that's true for charter schools
11 or any school. I think there's something about
12 emotional development in terms of being able to learn
13 that it just reaches a point that there's something
14 about too young. So I will -- I'm going to vote
15 against it but I just wanted to explain that.

16 MS. ZOOK: Dr. Barth copied off of my notes, so
17 I'll be against it as well; I agree on the maturity
18 level.

19 CHAIRPERSON NEWTON: Well, we can't get to that.
20 We've got to get a motion first. Does anyone feel
21 strongly enough to do a motion or are we just going
22 to --

23 MS. SAVIERS: I move to approve.

24 CHAIRPERSON NEWTON: Move to approve by Ms.
25 Saviers.

1 MR. WILLIAMSON: Second.

2 CHAIRPERSON NEWTON: Second by Mr. Williamson.

3 A roll-call.

4 COMMISSIONER KEY: Ms. Reith.

5 MS. REITH: No.

6 COMMISSIONER KEY: Dr. Barth.

7 DR. BARTH: No.

8 COMMISSIONER KEY: Mr. Black.

9 MR. BLACK: Yes.

10 COMMISSIONER KEY: Ms. Saviers.

11 MS. SAVIERS: Yes.

12 COMMISSIONER KEY: Ms. Zook.

13 MS. ZOOK: No.

14 COMMISSIONER KEY: Ms. Chambers.

15 MS. CHAMBERS: Yes.

16 COMMISSIONER KEY: Ms. Dean.

17 MS. DEAN: Yes.

18 COMMISSIONER KEY: Mr. Williamson.

19 MR. WILLIAMSON: Yes.

20 CHAIRPERSON NEWTON: Then the motion passes.

21 The next item for consideration is the waiver,
22 the leased facilities -- leased academic facilities
23 five a five-year period of time. What is the
24 pleasure of the Board?

25 MS. REITH: I move for approval.

1 CHAIRPERSON NEWTON: Moved for approved by Ms.
2 Reith. Is there a second?

3 MS. DEAN: Second.

4 CHAIRPERSON NEWTON: Second by Ms. Dean. Roll-
5 call.

6 COMMISSIONER KEY: Ms. Reith.

7 MS. REITH: Yes.

8 COMMISSIONER KEY: Dr. Barth.

9 DR. BARTH: Yes.

10 COMMISSIONER KEY: Ms. Saviers.

11 MS. SAVIERS: Yes.

12 COMMISSIONER KEY: Sorry; I skipped Mr. Black.
13 Sorry, Mr. Black.

14 MR. BLACK: Yes.

15 COMMISSIONER KEY: Ms. Zook.

16 MS. ZOOK: Yes.

17 COMMISSIONER KEY: Ms. Chambers.

18 MS. CHAMBERS: Yes.

19 COMMISSIONER KEY: Ms. Dean.

20 MS. DEAN: Yes.

21 COMMISSIONER KEY: Mr. Williamson.

22 MR. WILLIAMSON: Yes.

23 CHAIRPERSON NEWTON: Okay. And the fifth and
24 final request for a waiver is for clock hours for
25 unit of credit for a period of five years, a waiver

1 for the Bentonville School District. What is the
2 pleasure of the Board?

3 MS. DEAN: I move to approve.

4 CHAIRPERSON NEWTON: Move to approve by Ms.
5 Dean. Is there a second?

6 MS. CHAMBERS: Second.

7 CHAIRPERSON NEWTON: Second by Ms. Chambers.
8 Roll-call, please. Any further discussion?

9 COMMISSIONER KEY: Ms. Reith.

10 MS. REITH: Yes.

11 COMMISSIONER KEY: Dr. Barth.

12 DR. BARTH: Yes.

13 COMMISSIONER KEY: Mr. Black.

14 MR. BLACK: Yes.

15 COMMISSIONER KEY: Ms. Saviers.

16 MS. SAVIERS: Yes.

17 COMMISSIONER KEY: Ms. Zook.

18 MS. ZOOK: Yes.

19 COMMISSIONER KEY: Ms. Chambers.

20 MS. CHAMBERS: Yes.

21 COMMISSIONER KEY: Ms. Dean.

22 MS. DEAN: Yes.

23 COMMISSIONER KEY: Mr. Williamson.

24 MR. WILLIAMSON: Yes.

25 CHAIRPERSON NEWTON: Okay. It passes

1 unanimously. So, congratulations.

2 SUPT. POORE: Thank you.

3 CHAIRPERSON NEWTON: And we're looking -- I'm
4 encouraged by your -- I think you're brave to not
5 take the extended no-limit and put the five-year
6 stipulation in and be willing and ready to defend it.
7 I think that what it does is suggest to me -- not
8 that it wasn't there with other folks, but it
9 suggests that you guys really are intent on being
10 successful, and we look forward to it. We're always
11 looking for models for Arkansas, but more importantly
12 national models for innovation like this. Ms. Reith.

13 MS. REITH: And just to say, because -- for the
14 Commissioner's comments -- right? -- of the previous
15 applicants taking notes and such, one of the things
16 that also made a difference for me on this one was
17 the connection to a specific program, so that it
18 wasn't just sort of these broad-stroke waivers but
19 that you all actually had some specific programs
20 toward which you had thought of use of these waivers,
21 so --

22 MS. CHAMBERS: I'd also just like to make sure
23 the record reflects giving credit to those that went
24 before you. This is a process and they helped us.

25 MR. WILLIAMSON: (inaudible)

1 MS. CHAMBERS: Yeah. Yes, thank you very much.
2 But I want to make sure they're thanked as well.

3 DR. BARTH: Yeah.

4 MS. CHAMBERS: And, hopefully, they'll be back.

5 CHAIRPERSON NEWTON: Hopefully.

6 MR. WILLIAMSON: Next month.

7 DR. BARTH: I also want to say I think the
8 conversion charter route is the better route on
9 these. I think there's more --

10 MS. SAVIERS: Or School of Innovation.

11 DR. BARTH: Or School of Innovation. I think in
12 essence that's what we created here, but I think
13 there's a process and if there are bureaucratic
14 impediments to that then maybe that's worth talking
15 about and thinking about. But I think those
16 processes are better. I think you basically created
17 it, or we created it together, through this
18 compromise. But that's a good route that I'm more
19 comfortable with.

20 CHAIRPERSON NEWTON: Okay.

21 MS. MARQUESS: Thank you.

22 CHAIRPERSON NEWTON: Thank you.

23 We're going to break for dinner and we will
24 return at 7:30.

25 (DINNER BREAK: 6:38 - 7:30 P.M.)

1 A-24: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
2 CHARTER: FORREST CITY SCHOOL DISTRICT

3 CHAIRPERSON NEWTON: We're down to action item
4 A-24, the District Request for Waivers Granted to
5 Open-Enrollment Charter, Forrest City School
6 District. And the school district has asked that
7 their request for a waiver be postponed till next
8 month, so we'll wait to hear from them.

9 A-25: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
10 CHARTER: OSCEOLA SCHOOL DISTRICT

11 CHAIRPERSON NEWTON: Then next we have A-25,
12 District Request for Waivers Granted to Open-
13 Enrollment Charter -- oh --

14 MS. REITH: That was one of the pulled ones.

15 CHAIRPERSON NEWTON: Oh, yeah, that was pulled.

16 MS. ZOOK: Osceola was pulled?

17 CHAIRPERSON NEWTON: Yeah, it was.

18 MS. ZOOK: Are they coming back in September
19 too?

20 CHAIRPERSON NEWTON: 25 and 28. I don't know.

21 A-26: DISTRICT REQUEST FOR WAIVERS GRANTED TO OPEN-ENROLLMENT
22 CHARTER: ROGERS SCHOOL DISTRICT

23 CHAIRPERSON NEWTON: Okay, 26.

24 COMMISSIONER KEY: Dr. Gotcher, are you still
25 here? The music is playing up here. Is that --

1 DR. GOTCHER: It is on the phone speakers.

2 COMMISSIONER KEY: Oh, okay.

3 DR. GOTCHER: They're on hold, I think.

4 COMMISSIONER KEY: Okay.

5 DR. GOTCHER: We can turn that down.

6 MS. ZOOK: Well, I must say, Doug certainly
7 looks different than he did earlier in the day.

8 CHAIRPERSON NEWTON: We're down to -- this group
9 has gotten loose; I don't know what's happened -- A-
10 26.

11 MS. ZOOK: And there was no alcohol at dinner.

12 CHAIRPERSON NEWTON: Yeah, no wine or anything.
13 District Request for Waivers Granted to Open-
14 Enrollment Charter, Rogers School District.

15 MS. PERRY: Yes. Mary Perry. And Rogers School
16 District I believe is on the line. They may not be
17 there for just a couple of minutes. They're there?
18 Yes, they're there. And on the phone to speak first
19 is Mr. Robert Moore, Assistant Superintendent for
20 Secondary Instruction. Also available to answer
21 questions are Dr. Janie Darr, Superintendent; Mr.
22 Mark Sparks, Deputy Superintendent; and Dr. Roger
23 Hill, Assistant Superintendent for Human Resources.

24 CHAIRPERSON NEWTON: What's the last name?

25 MS. PERRY: Dr. Roger Hill --

1 CHAIRPERSON NEWTON: Hill.

2 MS. PERRY: -- Assistant Superintendent for
3 Human Resources.

4 CHAIRPERSON NEWTON: Okay. We'll start,
5 Gentlemen, by swearing each of you in. If you'll
6 raise -- we'll trust you to raise your right hands to
7 be sworn. Do you solemnly swear, Mr. Moore, Darr,
8 Sparks and Hill, to tell the truth, the whole truth,
9 and nothing but the truth?

10 DR. MOORE: I do. We do.

11 SUPT. DARR: I do. Mr. Sparks and Dr. Roger
12 Hill had to leave to go to Parents Make a Difference
13 Night, so it's Robert Moore and Janie Darr on the
14 phone with you.

15 CHAIRPERSON NEWTON: Okay. Did you say -- spell
16 your last name. Is it Durham or --

17 MS. REITH: Darr, D-a-r-r.

18 CHAIRPERSON NEWTON: Darr. Okay. Okay. Who
19 wants to speak first? Mr. Moore, is that you?

20 DR. MOORE: Good evening.

21 CHAIRPERSON NEWTON: Good evening.

22 DR. MOORE: My name is Robert Moore; I'm
23 Assistant Superintendent for Secondary Education at
24 Rogers Public Schools. I'd like to begin by thanking
25 the State Board of Education for the opportunity to

1 call in from Rogers with our waiver requests. We
2 recognize the importance of the waiver requests, but
3 we also believe it's important to be in our district
4 today to support the professional development of our
5 teachers. It's my hope that we can be very succinct
6 with our requests in order to expedite your meeting.

7 We come before you today requesting a waiver for
8 the next five years from standard 14.03, the 120
9 hours of instructional time for course credit and a
10 six-hour average instructional day for use with our
11 virtual courses. This waiver has previously been
12 granted to Arkansas Arts Academy, which is located in
13 our school district. The mission of the Rogers
14 Public Schools is to provide an environment with
15 educational excellence where all belong, all learn,
16 and all succeed. We believe that providing this
17 waiver to our school district will help us meet the
18 needs of our diverse learners per our mission.

19 In addition, Rogers Public Schools is now in the
20 tenth year of our strategic plan. We believe that
21 the waiving of seat time will help us meet one of our
22 strategic actions and allow our district to become a
23 premier district in the use of technology for student
24 learning and teacher instructional processes.

25 Through the strategic plan -- excuse me --

1 through the strategic action we plan to develop a
2 virtual program for course selection for our students
3 in grades 9 through 12. This waiver will give our
4 students the flexibility to earn additional credit
5 and create opportunities for coursework in areas of
6 interest. In addition, it is our plan to implement a
7 virtual program during the 16-17 school year. Having
8 this waiver will allow us to pilot potential
9 coursework in the spring semester. The Arkansas Arts
10 Academy currently uses this waiver to allow students
11 who are taking computer-based online courses from the
12 Arkansas Public School Resource Center to do these
13 courses at their own pace. We believe that this
14 waiver will provide opportunities for further
15 curricular exploration for our students. This waiver
16 will allow students to master content virtually at
17 their own pace and provide our students the
18 flexibility of schedules to take additional career
19 preparation courses, participate in internships, or
20 take other off-campus courses. Students
21 participating in virtual courses where seat time is
22 waived will be expected to master and demonstrate
23 content knowledge at the same level of rigor of
24 students who are participating in traditional
25 courses. We believe that by providing this waiver we

1 can create virtual programs and opportunities for our
2 students to take additional accredited coursework
3 from a variety of approved providers.

4 Thirdly, our direct is performing at a high
5 level and under no sanctions from the state or
6 academic or fiscal issues. We do not believe that
7 this waiver in conjunction with our plans to develop
8 virtual programs will have a negative impact on our
9 financial situation. However, in the future it is
10 possible that virtual programs in our district could
11 alleviate some need for additional facilities due to
12 students taking courses from home or virtual centers.

13 We've had limited conversations with our school
14 board and teachers about our desire to create a
15 virtual program and the possibilities for waivers to
16 support the new program. If the waiver is approved
17 by the State Board, we will formalize those
18 conversations and use a variety of platforms to
19 communicate our intentions. We currently do not see
20 any district policies that would conflict with this
21 waiver. If some were to arrive, we would work with
22 our school board to make all the necessary
23 adjustments.

24 Again, we thank you for consideration of our
25 request.

1 CHAIRPERSON NEWTON: Okay. Thank you, Mr.
2 Moore. Would you again state the waivers that you're
3 requesting?

4 MS. REITH: Just the 14.03.

5 CHAIRPERSON NEWTON: Okay. Do the board members
6 have any questions of Mr. Moore or Ms. Darr? if
7 there are no questions, the waiver for the -- excuse
8 me -- Rogers School District is relative to the 120
9 clock hours. So can we get a motion?

10 MS. SAVIERS: I move to approve.

11 CHAIRPERSON NEWTON: Second?

12 MS. CHAMBERS: Second.

13 CHAIRPERSON NEWTON: For five years, stipulation
14 for five years. Second -- moved by Ms. Saviers,
15 second by Ms. Chambers. All in favor? Oh, I'm
16 sorry; roll-call vote, please.

17 MS. REITH: If I could just ask a question of
18 ADE staff, if that's all right. I just want to make
19 sure that this substantially doesn't differ from the
20 one we saw from Bentonville. Correct?

21 MS. DAVIS: No. I mean, that's correct. No, it
22 does not.

23 MS. REITH: Correct, that there aren't
24 substantial differences?

25 MS. DAVIS: Right.

1 MS. REITH: Okay.

2 COMMISSIONER KEY: Ready, Madam Chair?

3 CHAIRMAN NEWTON: We're ready.

4 COMMISSIONER KEY: Ms. Reith.

5 MS. REITH: Yes.

6 COMMISSIONER KEY: Dr. Barth.

7 DR. BARTH: Yes.

8 COMMISSIONER KEY: Mr. Black.

9 MR. BLACK: Yes.

10 COMMISSIONER KEY: Ms. Saviers.

11 MS. SAVIERS: Yes.

12 COMMISSIONER KEY: Ms. Zook.

13 MS. ZOOK: Yes.

14 COMMISSIONER KEY: Ms. Chambers.

15 MS. CHAMBERS: Yes.

16 COMMISSIONER KEY: Ms. Dean.

17 MS. DEAN: Yes.

18 COMMISSIONER KEY: Mr. Williamson.

19 MR. WILLIAMSON: Yes.

20 COMMISSIONER KEY: It's unanimous, Madam Chair.

21 CHAIRPERSON NEWTON: Unanimous. Congratulations

22 to the Rogers School District. We hope that you're

23 successful in moving this initiative forward and it

24 shows positive outcomes for the young people that you

25 serve.

1 Okay. Moving on to the next agenda --

2 SUPT. DARR: Thank you very much --

3 CHAIRPERSON NEWTON: You're welcome.

4 SUPT. DARR: -- to the State Board. We deeply
5 appreciate your approval.

6 MS. REITH: Thank you, Dr. Darr. And this is
7 Mireya Reith. Just for everyone to know, I do get to
8 work quite closely with Dr. Darr and her team and
9 they're so impressive. And, again, just another
10 school district I love to highlight because they
11 really do serve all children. They have one of the
12 highest English Language Learner populations in the
13 state and they're amongst the highest achieving
14 students in that district. So best of luck, Dr. Darr
15 and Dr. Moore.

16 SUPT. DARR: Thank you very much.

17 A-27: CONSIDERATION OF EMBEDDED COURSES

18 CHAIRPERSON NEWTON: Okay. So we're down to
19 action item A-27, Consideration of Embedded Courses.
20 And that's Mr. Coy. No, it's not.

21 DR. JONES: Stepping in, Debbie Jones, Learning
22 Services. Act 421 of 2013 allows school districts to
23 apply for embedded courses, two courses in one
24 period. Schools are -- they go through a process,
25 make application through our curriculum instruction

1 unit; you're familiar with these. They still are
2 required and held accountable for the standards of
3 each course. The two applying today, these are the
4 final of the embedded courses for this upcoming year.
5 Huntsville and Marion are both applying for an
6 embedded course of English 10 with Oral
7 Communications. And as required, the Board must vote
8 and approve these embedded courses.

9 CHAIRPERSON NEWTON: Okay. Are there any
10 questions?

11 MS. ZOOK: Do you believe embedding Oral
12 Communication with English 10 is as good or better
13 placed than at 11th or 12th?

14 DR. JONES: What was the last part of that?

15 MS. ZOOK: Instead of 11th or 12th grade?

16 DR. JONES: That really is a personal decision
17 of the district. I do believe embedding Oral Comm.
18 within an English class is a good thing. And I've
19 taught Oral Comm. before; it's an easy thing to do.
20 Because in their English courses and the Common Core
21 standards and Arkansas standards that they are
22 teaching, it's easy to make presentations and speak;
23 it's just more content-based presentations. So it
24 makes perfect sense.

25 MS. ZOOK: Okay. Thank you.

1 CHAIRPERSON NEWTON: Okay. Any further
2 questions?

3 DR. BARTH: I move approval.

4 MS. ZOOK: Second.

5 CHAIRPERSON NEWTON: Moved for approval by Dr.
6 Barth and second by Ms. Zook. All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON NEWTON: Any opposed? Motion
9 carries.

10 DR. JONES: Thank you.

11 A-28: SREB FOCUS GROUP

12 CHAIRPERSON NEWTON: A-28 has been pulled.

13 A-29: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS
14 DEPARTMENT OF EDUCATION RULES GOVERNING BACKGROUND CHECKS AND
15 LICENSE REVOCATION

16 CHAIRPERSON NEWTON: A-29, Consideration for
17 Public Comment - Proposed Arkansas Department of
18 Education Rules Governing Background Checks and
19 License Revocation. Mrs. Reinhart.

20 MS. REINHART: Yes, three rules. The first one
21 is the background checks and licensure revocation of
22 these rules. Most of the changes in these rules have
23 to do with Act 1089 of the legislative session to
24 implement that act.

25 CHAIRPERSON NEWTON: Any questions?

1 MR. WILLIAMSON: Move to approve.

2 MS. SAVIERS: Second.

3 CHAIRPERSON NEWTON: Ms. Saviers had a question.

4 MS. SAVIERS: No.

5 CHAIRPERSON NEWTON: No.

6 MS. SAVIERS: He moved.

7 CHAIRPERSON NEWTON: Oh, I'm sorry. Mr. Brett
8 Williamson -- things move so fast nowadays -- moved
9 for approval and Ms. Saviers seconds. Any
10 discussion? All in favor?

11 (UNANIMOUS CHORUS OF AYES)

12 CHAIRPERSON NEWTON: Okay. The motion carries.

13 A-30: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS
14 DEPARTMENT OF EDUCATION RULES GOVERNING THE TEACHER EXCELLENCE
15 AND SUPPORT SYSTEM

16 CHAIRPERSON NEWTON: Okay. A-30 is
17 Consideration for Public Comment - Proposed Arkansas
18 Department of Education Rules Governing the Teacher
19 Excellence and Support System.

20 MS. REINHART: Yes. And I'll have the same
21 thing to say about these rules. The majority of
22 these substantive changes have to do with
23 implementing Act 1091 of the legislative session.

24 DR. BARTH: I move to release for public
25 comment.

1 CHAIRPERSON NEWTON: Okay. Dr. Barth has moved
2 that we release for public comment. Is there a
3 second?

4 MS. REITH: Second.

5 CHAIRPERSON NEWTON: Second by Ms. Reith.

6 MS. ZOOK: Before you take a vote could I ask a
7 question?

8 CHAIRPERSON NEWTON: Certainly.

9 MS. ZOOK: The 6.03, the student growth measure,
10 when will those rules be presented for adoption?

11 MS. REINHART: I'll let Ms. Pfeffer answer that.

12 MS. PFEFFER: We currently have a group convened
13 to study student growth measures. Dr. Arola is
14 modeling some data for us on different types of
15 growth models. We're working closely with
16 accountability and learning services because we know
17 we're going to have to measure growth differently for
18 accountability, as well as educator effectiveness.
19 And if we can measure growth in the same way -- we've
20 been measuring growth differently for all of our
21 different things, so that's our ultimate goal. I
22 don't think we have a timeline as far as educator
23 effectiveness per se. You know, ideally, if we could
24 come back in the spring I think that's going to be
25 good for ESEA renewal beyond this year. They want to

1 know that we're making progress towards that, so we
2 just kind of lined everything up. So, but that will
3 come before you because you will now approve the
4 measures for student growth. And we hope to also
5 have multiple measures in addition to just state
6 assessments.

7 MS. ZOOK: Yeah. Because I know the special ed.
8 teachers, ALE teachers --

9 MS. PFEFFER: Yes.

10 MS. ZOOK: -- that's going to be very helpful
11 for those teachers to have a measure of growth, not
12 performance on grade level.

13 MS. PFEFFER: Exactly. And there are some --
14 some of the models we're looking at now will -- that
15 are taking into account students' factors that are
16 beyond just the teacher in the classroom, so --

17 MS. ZOOK: Thank you.

18 MS. PFEFFER: Uh-huh.

19 CHAIRPERSON NEWTON: Okay. Any other questions?
20 All in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRPERSON NEWTON: Any opposed? Okay. The
23 motion is carried.

24 A-31: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS
25 DEPARTMENT OF EDUCATION RULES GOVERNING THE LEADER EXCELLENCE

1 AND DEVELOPMENT SYSTEM

2 CHAIRPERSON NEWTON: Now we're down to A-31,
3 Consideration for Public Comment - Proposed Arkansas
4 Department of Ed. Rules Governing the Leader
5 Excellence and Development System. It's Ms. Reinhart
6 again.

7 MS. REINHART: These rule changes were also made
8 to -- I mean, we tried to align the LEADS system with
9 the TESS system. And so the implementation here is
10 also related to what was passed in Act 1091 for TESS.
11 So these rules are to be more consistent with TESS.

12 MS. ZOOK: Do we need to table the parts that
13 make reference to growth or is that okay to leave
14 them in?

15 MS. REINHART: We have put the same language in
16 here as far as growth, that it won't be a factor
17 until we do develop the student growth measures.

18 MS. ZOOK: Okay.

19 MS. REINHART: Same language.

20 MS. ZOOK: Thank you.

21 CHAIRPERSON NEWTON: Is there a motion to
22 approve? Motion?

23 MS. ZOOK: Move to approve -- or put out for
24 public comment.

25 CHAIRPERSON NEWTON: Put out for public comment.

1 MS. ZOOK: Uh-huh.

2 CHAIRPERSON NEWTON: Ms. Zook has made that. Is
3 there a second?

4 MS. REITH: Second.

5 CHAIRPERSON NEWTON: Second by Ms. Reith. All
6 -- any discussion? All in favor.

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRPERSON NEWTON: Next -- thank you, Ms.
9 Reinhart.

10 A-32: CONSIDERATION FOR APPROVAL OF EMERGENCY RULES - PROPOSED
11 ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING THE
12 DISTRIBUTION OF STUDENT SPECIAL NEEDS FUNDING AND THE
13 DETERMINATION OF ALLOWABLE EXPENDITURES OF THOSE FUNDS

14 CHAIRPERSON NEWTON: A-32, Mr. Biggs, is
15 Consideration for Approval of Emergency Rules -
16 Proposed Arkansas Department of Education Rules
17 Governing the Distribution of Student Special Needs
18 Funding and the Determination of Allowable
19 Expenditures of Those Funds.

20 MR. BIGGS: Thank you. Cory Biggs, staff
21 attorney for the Department of Education. These
22 rules are modifications of the existing rules on NSLA
23 and categorical funds. We have incorporated several
24 changes from the omnibus bill, Act 846, as well as
25 994, and actually 1115 as well, to clean up some

1 language. Some of it touches on ALE's and it just
2 mirrors the statute. The name-change is that we
3 cleaned up some language on Provision 2, which is an
4 alternative form of determining your percentage of
5 free-and-reduced lunch students. And then we'd added
6 provisions for CEP, the community eligibility
7 provision, which is the newest way to alternatively
8 establish the percentage of your free-and-reduced
9 lunch students. And the key point on that is -- if I
10 can find it in my notes -- it's in Section 6, and it
11 is 6.01.6. The reason these are emergency rules is
12 because if there is a school or school districts that
13 implemented CEP during the 14-15 school year and
14 piloted this program for the state, then the FY 2015-
15 2016 NSLA categorical funds will need to be dispersed
16 by October 31, 2015. As of yet, they don't have any
17 authority under which to do that, so we're hoping to
18 get these in place in order for those funds to be
19 dispersed on time.

20 CHAIRPERSON NEWTON: Okay. So is there a motion
21 concerning consideration for approval of emergency
22 rules?

23 MS. ZOOK: I have a question.

24 CHAIRPERSON NEWTON: A question.

25 MS. ZOOK: Can you tell me in different words

1 what CEP and Provision 2 are? Can you fluff that out
2 a little so I can better understand it?

3 MR. BIGGS: Certainly. The main difference for
4 Provision 2 and CEP as compared to taking
5 applications the way that it's always been done in
6 the past is that you can actually lock in your
7 percentage for multiple years, except that you don't
8 have to take applications every year. And for CEP it
9 actually goes another half-step further: you don't
10 actually have to have taken applications and lock in
11 that percentage; you can actually use other available
12 data in order to establish what the free-and-reduced
13 lunch rate for the students within your school
14 district would be.

15 MS. ZOOK: Okay. Thanks. That helps.

16 MR. BIGGS: And that's a process that's
17 prescribed by the federal government.

18 MS. ZOOK: That helps.

19 CHAIRPERSON NEWTON: Okay. Any other questions?

20 DR. BARTH: I do have a question, and you may
21 not be prepared to answer this. You know, when we
22 get a rule like this, which I never looked at this
23 before, you know, until this, but it made me read the
24 ALE stuff more closely. And the criteria that --
25 this is 402.1.1. And the criteria that activate ALE

1 placement, it was interesting; I'd just never seen
2 this before that we -- that student pregnancy or
3 single parent status becomes a basis for this. This
4 is completely irrelevant to the topic that we're
5 focused on here, but I'd just never seen this before.
6 And it may be something that we maybe want to think
7 about a little bit, if we can. I just don't want --
8 if this is law or rule. But I worry a lot about
9 students who are pregnant being really pushed out of
10 traditional education, and so I'm just curious
11 whether this is statutory or rule. That's really my
12 question, because if it's statutory obviously we
13 can't do anything about it. And you may not know the
14 answer on this because I know this is irrelevant to
15 the topic that you're really focused on with this
16 rule change.

17 MR. BIGGS: My guess, which Ms. Perry is
18 confirming --

19 DR. JONES: It's rules; the statute gives us the
20 authority to establish the rules. But it's rules.

21 MR. BIGGS: Okay.

22 DR. JONES: It's two or more --

23 DR. BARTH: Right.

24 DR. JONES: -- of those characteristics.

25 DR. BARTH: Okay. I know we've got that -- the

1 bigger issue related to ALE's that we've -- in terms
2 of how they should be dealt with for academic
3 distress and things like that. And I'm just
4 wondering if we might -- whether it's a work session
5 or some other group, we need to deal with that
6 broader issue, I think, of ALE's and how ALE students
7 are determined. And this just made me think about it
8 because I do think that we often shuttle pregnant
9 girls and single parents out of traditional education
10 when we should be simply providing better services
11 for those students within the traditional setup
12 rather than kind of pushing them out. So it's a side
13 and I somewhat apologize for even brining it up in
14 this setting, but it's just the first time I've
15 actually read this rule and it made me think about
16 this whole issue of how we classify ALE students. So
17 just something of an aside, but I'll just say it
18 because I thought about it.

19 MS. REITH: And actually if I could piggyback on
20 that, I also actually had a similar concern with
21 classification of English Language Learners as
22 related to funding. Just because anecdotally this is
23 something I've heard quite a bit in various school
24 districts around west Arkansas, the concern of maybe
25 over-classification of English Language Learners.

1 Because of the peer criteria that if at least one of
2 your parents speaks a language that's not English at
3 home, then that automatically puts you -- it's that
4 home survey -- right? -- and that puts you in the
5 classification of English Language Learners. But
6 actually a lot of these children are speaking English
7 at home, even with their brothers and their sisters
8 and their parents. Their parents may speak the
9 language but they are only speaking English and --
10 but simply because their parents speak maybe that
11 language to each other that kids are getting
12 qualified as English Language Learners. And there's
13 a perception, I know, amongst many Hispanic students
14 that maybe it's being done because of this funding --
15 right? -- out of the incentive -- the funding versus
16 -- and then the reason that they're concerned about
17 it is because it is so hard to get out of ESL. It's
18 actually harder -- the past exam -- now this will all
19 hopefully change with the new assessment, but with
20 the past assessment was many times considered harder
21 than the benchmark exams at that time and was given
22 after the benchmark exam. So after test exhaustion
23 -- it was the last test that the kids were taking a
24 year, and so many kids finding themselves in
25 additional years in that. And again a lot of them

1 wondering if it was tied to, you know, the desire of
2 seeing additional funds come to the district. And so
3 my understanding though is that this is federally
4 determined -- is that correct? -- in terms of
5 surveys, or is it state? And I guess I just -- I've
6 always been at somewhat of a loss of how to advise or
7 even address that issue. And, again, it's
8 anecdotally; I don't actually have numbers to prove
9 any of this. I just heard this from a few school
10 districts and, again, concerned that because of the
11 incentives of funding that maybe there is some of
12 that over-classification, especially with some of
13 these younger siblings -- right? -- who really are
14 just speaking English at home, so --

15 MR. BIGGS: Section 5.03 is what establishes the
16 process for determining ELL students. And I believe
17 -- you know -- there's obviously always a chance that
18 there's an interplay between federal law and state
19 law, and I can't speak to that off the top of my head
20 tonight. But I believe this is going to be a similar
21 setup to the ALE setup where there's a statute that
22 gives the Department authority to promulgate rules
23 and contain a subset of students through any means
24 which we deem to be appropriate. And so I'm thinking
25 that's probably where this list came from, was from

1 what was available at the time these rules were last
2 revised for that section, which may need to be
3 something that a look is taken at. But then, for the
4 specific purpose of these rules this is a state
5 function. The funding is a state function because
6 those are categorical state funds, in the same way
7 that NSLA funds are or any of the other categorical
8 funds.

9 CHAIRPERSON NEWTON: Any other questions? What
10 is the pleasure of the Board on action item 32?

11 MS. SAVIERS: I move to approve.

12 CHAIRPERSON NEWTON: Moved by Mr. Saviers to
13 approve.

14 DR. BARTH: Second.

15 CHAIRPERSON NEWTON: Second by Dr. Barth. Any
16 further questions? All in favor?

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRPERSON NEWTON: Any opposed? Okay.

19 A-33: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS
20 DEPARTMENT OF EDUCATION RULES GOVERNING COLLEGE AND CAREER
21 READINESS PLANNING PROGRAM

22 CHAIRPERSON NEWTON: Mr. Biggs, you have the
23 next one, Consideration for Public Comment - Proposed
24 Arkansas Department of Education Rules Governing
25 College and Career Readiness Planning Program.

1 MR. BIGGS: Thank you. These are a big simpler.
2 It's mostly clean-up of -- as you know, we've had
3 several changes to assessment over the last few
4 years. And these are in response to specific acts
5 which took certain outdated assessments out of our
6 code, and that's why we're taking them out of the
7 rules. And you can see that the big changes that it
8 replaces where it would say the EXPLORE plan or PSAT
9 assessments that were given in past years with the
10 language now to include any assessment approved by
11 the State Board of Education. So it's much more
12 broad and hopefully prevents us from having to come
13 back and do this over and over again.

14 CHAIRPERSON NEWTON: Okay. Any questions?
15 Okay. Can we get a motion regarding A-33?

16 MR. BLACK: So moved.

17 CHAIRPERSON NEWTON: Moved approval by Mr.
18 Black. Is there a second?

19 MS. SAVIERS: Second.

20 CHAIRPERSON NEWTON: By Ms. Saviers. Any
21 questions? All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRPERSON NEWTON: Then the motion carries.

24 MR. BIGGS: Thank you.

25 A-34: CONSIDERATION FOR PUBLIC COMMENT: ARKANSAS DEPARTMENT OF

1 EDUCATION RULES GOVERNING PROFESSIONAL DEVELOPMENT

2 CHAIRPERSON NEWTON: Now Ms. Jennifer Davis is
3 the woman of the hour as she rounds it up.

4 MS. DAVIS: Okay. Well, I hate to disappoint
5 because these are long. I'm just kidding. Just
6 kidding. I had to make sure everybody was still
7 awake.

8 CHAIRPERSON NEWTON: We'll tell the court when
9 everybody leaves -- I probably shouldn't say this
10 while we're being recorded, but the Commissioner is
11 prepared to write excuses for anybody that needs one
12 to get home.

13 MS. DAVIS: No, actually though once I'm done we
14 do have a gentleman that wanted to speak earlier --

15 CHAIRPERSON NEWTON: That's right, we do. We
16 do.

17 MS. DAVIS: So he would still like to speak.
18 So, okay. These rules are rules governing
19 professional development. There was -- Act 44
20 modified the number of hours or number of
21 professional development days in the basic contract.
22 Other than that, there was just a few clean-ups and
23 grammatical things and things to bring it in
24 accordance with an act that has now been codified.
25 So we just request approval to open these for public

1 comment, you know, if you don't have any questions.

2 CHAIRPERSON NEWTON: Questions? Motion?

3 MS. DEAN: I move to open for public comment.

4 CHAIRPERSON NEWTON: Okay.

5 MS. SAVIERS: Second.

6 CHAIRPERSON NEWTON: Second -- moved by Ms.

7 Dean, second by Ms. Saviers. All right. Any

8 questions? All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRPERSON NEWTON: Motion carries.

11 PUBLIC COMMENT PERIOD - DAVIS HENDRICKS

12 CHAIRPERSON NEWTON: There is a gentleman that
13 has waited patiently --

14 MS. DAVIS: Yeah. Davis Hendricks.

15 CHAIRPERSON NEWTON: Okay. Step to the podium.

16 MR. HENDRICKS: I'm so sorry. I apologize.

17 CHAIRPERSON NEWTON: You have three minutes.

18 MR. HENDRICKS: Well, I appreciate you staying;
19 I appreciate you allowing me to speak to you briefly.
20 I want to get this on the record for the meeting. At
21 the appropriate time for this would have been
22 probably when there was a waiver request for Gifted
23 and Talented programs, but Forrest City withdrew that
24 today, or at least is going to postpone it. But I
25 felt like this is not really related directly to

1 Forrest City's request; it's a general thing.
2 Marilyn Larson, who's the outgoing chair of the
3 Governor's Advisory Council for Gifted and Talented,
4 is also -- she had to leave, but she did leave the
5 letters and I think circulated those. She wanted
6 that for you to consider as well. And I sent emails
7 to each of the board members; I don't know if you've
8 had a chance to see them. It was only a couple of
9 days ago, so you might not have had time to look at
10 them. That's why I'm circulating another copy of
11 those, plus a brochure that Arkansans for Gifted and
12 Talented Education -- that's the group I represent --
13 AGATE, we call it -- I'm their legislative advocate.
14 And we spent 18 months developing and doing the
15 research, thanks to Mark Hudson, into our statutory
16 history of Gifted Ed. just so that our -- the folks
17 that come after us will have that information and
18 will know how Gifted Education came into being in
19 Arkansas and how we managed to have the benefit of
20 not only a mandate, but K-12 Gifted programs in the
21 state, but also funding. So I brought -- the last
22 time I talked to you was at the very end of the
23 meeting back in February, and you were very patient
24 then and I appreciate it. But I wanted to just read
25 this letter and get it on the record, and then to

1 also say that some of the concerns we've had over the
2 last few years of cuts and funding, et cetera, one
3 thing that has been addressed recently by the
4 Department of Ed. -- and we were so appreciative of
5 that -- is filling of one of the positions that was
6 vacated and doing that without really impacting the
7 budget. I thought that was ingenious and I want to
8 really thank the Commissioner and thank Debbie Jones,
9 Dr. Jones, for that assistance. Now we'll have three
10 people to monitor districts in the state going
11 forward after the new one is trained well and that
12 will get us back up to speed as far as our
13 accountability piece and able to monitor districts
14 every three years hopefully in the future as opposed
15 to every six years. So we're real excited about that
16 and we really want to thank the Department of Ed. for
17 taking care of that. We really appreciate it.

18 So I'll go ahead and just share this letter, if
19 that's all right.

20 CHAIRPERSON NEWTON: That's fine.

21 MR. HENDRICKS: Okay. "On February 12th, I
22 addressed the State Board of Education on behalf of
23 Arkansans for Gifted and Talented Education (AGATE)
24 and expressed concerns about the guidelines for
25 Districts of Innovation allowing waivers of Gifted

1 and Talented programs in Arkansas. I provided a
2 letter from Senator Joyce Elliott that shared her
3 intention that Gifted programs not be waived from any
4 public school in Arkansas, since the state mandate
5 that requires K-12 programs for Gifted students has
6 been the law for thirty years. I shared that AGATE
7 interprets that law as a response to the legal and
8 moral imperative that we provide appropriate
9 educational opportunities for all students in our
10 public schools, and that to waive that requirement
11 violates the civil rights of students of high
12 potential.

13 "At that time, the State Board voted to allow
14 the waivers to remain in the guidelines for approval
15 of Districts of Innovation, leaving us the only
16 option of approaching Senator Elliott and asking her
17 to amend her Districts of Innovation Act. Senator
18 Elliott readily agreed and during the last session,
19 passed, with no opposition, an amendment to require
20 districts applying for development of Schools of
21 Innovation to comply with the state mandate to
22 provide standards-based services to identified Gifted
23 and Talented students in School of Innovation.
24 Senator Elliott assured us that it was never her
25 intention that waivers for Schools of Innovation

1 allow applicants to circumvent the statutory
2 requirements of providing appropriate services for
3 identified Gifted and Talented students.

4 "Charter schools have been allowed to waive
5 Gifted and Talented programs and with the passage of
6 Act 1240, public schools in districts that have
7 charter schools may be granted the same waivers
8 allowed for those charter schools. We do not believe
9 that the rights to an appropriate education should be
10 denied any student in any public school in Arkansas.
11 Which students should we exclude from the law, and
12 what rationale could be used to do so? We endorse
13 the concept of 'getting out of the box' and trying
14 new strategies, which should be the rationale for
15 waivers of existing requirements, but the standards
16 for Gifted and Talented education programs allow for
17 a variety of strategies to design alternatives to
18 those recommended -- I'm sorry -- programs to meet
19 the needs of these unique learners. We believe that
20 any strategies being considered as alternatives to
21 those recommended in the Program Approval Standards
22 for Gifted and Talented should be reviewed by the
23 Office of Gifted and Talented at the Arkansas
24 Department of Education before being granted
25 approval. AGATE does not support the abandonment of

1 all responsibility to provide services for students
2 of high potential in any public school in Arkansas by
3 the waiving of programs entirely.

4 "We ask you to consider whether further erosion
5 of the responsibility of public schools to provide
6 services to a special needs population in our state
7 is a wise path to continue. We are aware that you've
8 been informed that these waivers, once granted, may
9 be irreversible. If so, the weight of making
10 responsible decisions on what precedents to set for
11 the future becomes even heavier."

12 Now let me stop for a second and just say that
13 by being able to watch the proceedings --

14 CHAIRPERSON NEWTON: You're already out of time,
15 so I think --

16 MR. HENDRICKS: Okay. Okay. But I've seen the
17 proceedings today. I'm very much reassured with the
18 way this Board has approached the situation.

19 "It is the position of AGATE that the law
20 mandating that public schools provide appropriate
21 services to Gifted and Talented students has worked
22 well for 30 years, and even though programs receive"
23 -- still receive somewhat -- "inadequate funding,
24 they have made significant contributions to the
25 overall academic health of Arkansas' public schools.

1 Even more significantly, these laws mandate that the
2 civil rights of a special needs group of learners in
3 our schools be addressed in a responsible manner,
4 with strategies that are based on Program Approval
5 Standards reflecting research-based best practices in
6 the education of students of high potential. We also
7 know that the lawmakers of Arkansas continue to
8 support this law and by their unopposed passage of
9 Act 1136, legislators once again indicated unanimous
10 support for the provision of appropriate services to
11 identified Gifted and Talented students in Arkansas."

12 And the rest is just -- I've circulated the
13 brochures. I appreciate you letting us address the
14 issues and know that you're going to keep this at the
15 forefront of your awareness as you consider waivers
16 in the future. Thank you.

17 CHAIRPERSON NEWTON: Thank you. And I did get
18 your email; I think others did -- I said, we did get
19 your -- I'm sorry -- we did get your email and it has
20 some very relevant and salient points in it.

21 MR. HENDRICKS: Thank you.

22 CHAIRPERSON NEWTON: Thank you.

23 MR. HENDRICKS: We appreciate it.

24 CHAIRPERSON NEWTON: At this point -- I don't
25 know if I need a motion to adjourn. Could somebody

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move that we adjourn?

(SEVERAL BOARD MEMBERS MOVED TO ADJOURN)

CHAIRPERSON NEWTON: Moved by everybody and
seconded by everybody.

MS. ZOOK: It may be the only unanimous all day.

(The meeting was adjourned at 8:00 p.m.)

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on August 13, 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: August 30, 2015.

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

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