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

July 9, 2015

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BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION
\#4 CAPITOL MALL
LITTLE ROCK, AR 72201
July 9, 2015

## APPEARANCES :

Mr. Johnny Key
Ms. Toyce Newton
Ms. Vicki Saviers
Mr. Joseph Black
Dr. Jay Barth
Ms. Diane Zook
Ms. Susan Chambers
Ms. Charisse Dean
Mr. R. Brett Williamson
Ms. Ouida Newton

APPEARANCES (via phone):
Ms. Mireya Reith

Commissioner Chairman Board Member Board Member Board Member Board Member Board Member Board Member Board Member Teacher of the Year/ Non-Voting Member

Vice Chairman

LEGAL COUNSEL FOR THE BOARD:
MS. KENDRA CLAY, ADE General Counsel
MS. LORI FRENO, ADE Deputy General Counsel
MS. JENNIFER DAVIS, ADE Attorney Specialist
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PROCEEDINGS
A-1: CONSIDERATION OF STATE ASSESSMENT
CHAIRMAN NEWTON: The next item is on the action agenda and it's Consideration of State Assessment. I have here a sign-in list of people that have signed up to speak concerning that matter. There is another maybe sign-in list, but if you have a desire to speak and you have not signed in you must sign in. And your presentation, after Dr. Jones and the Board weighs in on that, will be three minutes, so keep that in mind when you prepare your comments. So, Dr. Jones, Dr. Debbie Jones.

COMMISSIONER KEY: Madam Chair, while Dr. Jones is coming I'll kick this portion off. First of all, we have three new members. I know this is probably one of the weightiest issues that is going to come before this body for quite sometime. And the three new members are getting an opportunity to get -- I think Brett mentioned -- Mr. Williamson said 4300 pages, yeah, in four days. This is something that the Department takes very seriously and I know the Governor takes very seriously. We must have an assessment for our students on an annual basis that meets the needs of Arkansas. You all have worked tirelessly. I don't think anyone can understand
fully how much you've worked as a member of the Board to try to grasp and understand and work on decisions like this, and this decision in particular and this issue in particular. Because it's not just the effort that's been happening in the last few days or couple of weeks or months; $y$ 'all have been working on this issue of assessment for a number of years. And the Department really appreciates the time and the effort that you all put into this and your work in making this decision on policy. You know, just last night we had a work session and had very robust discussions and very productive discussions, I believe, about, you know, the issue, the differences, the things that we must consider when we are looking at an assessment method, methodology assessment component of the education system. We all remember that assessment was part of the product of Lakeview. In our definition of adequacy it is one of the pieces, the 38 units, the funding to deliver those units of education, and the assessment, a measuring piece, so that we know what we are delivering is giving us the outcomes that we hope and expect to have in our state. Our department -- and I want to just brag on the Department for the work that they have put into this. They have squeezed in months of
work into a very short period of weeks and worked long hours. We've had a lot of discussions at all levels of the Department of where we need to be, discussions that happened immediately after the recommendation came from the Governor and from the taskforce on Common Core Review, discussions that have continued based on questions that you all have asked and issues that you all have raised. So I just want to express publicly how proud I am of the work that they have done.

That leads us to the point today where we must make a decision moving forward. Governor has expressed only his belief of where we need to be and where he would like to see us go. With all the work that we've done in the last month trying to address the concerns and issues and questions we have arrived at the point, and a much stronger backing of the point, of where we were a month a go, is that the recommendation is that we approve or move forward with a sole source contract for ACT Aspire for grades 3-10 and that the ACT be administered to students at the 11th grade and grades 9 and 10. And the ACT would modify any course components, stand-alone assessments that would provide a comprehensive college and career readiness assessment system. The
comprehensive component is critical. We have an opportunity here now to take -- our current methodology is piece-milled -- and roll it into a system where we have opportunity to get formative interim assessments as a component of our overall assessment system. And as our discussion has been, that's going to be critical. That's critical in the conversation for academic distress, for struggling schools, where the state will have some tools to be able to help them. That is a byproduct, a very positive byproduct of this decision should it go forward.

It also meets the -- we believe it meets the requirements placed on us by the federal government. The federal government has said, and we've shared with you the document, that the annual testing is a requirement and consequences of failing to do that are significant, and they are consequences that we as a state frankly do not want to experience.

We have talked a lot about alignment. A lot of work has been done, and Dr. Jones can speak to this. And whereas we know the alignment is different and may not be as to the detail that the PARCC assessment is, it is aligned in a way that is sufficient to drive the instruction, the informed instruction for
our teachers and that's a critical part. Not to where we go back, as we had with the benchmark where you heard the stories of teaching to the test, but where you now have the overarching alignment so that instruction is delivered in a more holistic manner.

We also had a conversation about accommodations and we provided you with information that shows you where we were with the benchmark exam. The accommodations there, as compared to where we are now, was very weak frankly. And as we look and compare the current accommodations for PARCC with the accommodations for ACT Aspire and what ACT Aspire is learning and helping and preparing to implement, we feel very confident that our students who need accommodations are going to be taken care of.

There is -- of course, there are the timeline issues and as we've discussed, an RFP at best is a four- to five-month process. That pushes us into late fall, and a possibility of coming back in January before we have all the information that we can rollout to our schools, with a test window that would begin in the spring. And that makes it difficult, a very tenuous situation. There is also an equity piece. When we're talking about career and college readiness -- we've been talking about that in

Arkansas for several years now. Career and college readiness is not demonstrated -- it's not centered on the assessment. The assessment is the measure; it's the measuring stick. Career and college readiness rests in our ability to achieve that for our students, rests in high standards, which we have, and the implementation and development of curriculum and the instruction that follows those standards. And then we have the assessment piece. We are firmly convinced that the ACT Aspire gives us the building blocks, starting at grade 3 , to assess that college and career readiness, that as those students progress through the system and they get to that 9 and 10 -9th and 10th grade they're going to be exposed to what we as a state has opted as our policy, which is the ACT being the determining -- the score that helps us gauge student readiness for college and career. As a state we haven't backed away from that; our colleges and universities haven't backed away from that. So this puts us on a track with the 3 through 8, gives them the building blocks; 9 and 10, really gives them the exposure to what an ACT test is going to look like and has relevance to them, relevance to their parents, relevance to the community, and in turn relevance to the state. And the pieces that we
hope to bring as a part of this that will be additive, the interim assessments, the formative assessments, those things that really help teachers understand that they don't have to wait until the end of the year or the following year to know what the scores are and the results. We're going to be able to give our schools the tools that will help them do their job better.

So that is the recommendation that we make to you today. And Dr. Jones is certainly here and can weigh-in with anything that I may have missed or to answer any questions that you may have.

DR. JONES: I think you highlighted the points. In addition, $I$ want to remind you about the positive benefits to education. When we begin assessing science in grades 3 through 10 I think that we will -- our students will benefit from that and perform better on the science portion of the ACT and be prepared -- better prepared for those STEM fields. Other than that, I believe you highlighted our discussion last night. And I certainly appreciate the struggle and the journey that you've been on for many years now. It is -- we have brought the state forward; we intend to continue that. And someone asked about being dedicated to building the resources
for the most needy in the state, and this gives us the opportunity to do that. My Assessment Department and Curriculum and Instruction are committed to continuing those resources and building up better resources for the schools and I do believe with this tool it will assist in helping us do that.

CHAIRMAN NEWTON: I think at this time it will be appropriate to have questions by the Board. I would ask that Ms. Reith, who is on the phone, may be able to weigh-in first. She may have some questions and we may have some lingering questions. We had an extensive work session last night and I think many questions were asked and answered. So, Ms. Reith, are you there?

MS. REITH: Yes, I am here. And I actually did -- thank you so much, Chair Newton. I had a quick discussion with Commissioner Key, Dr. (inaudible) and the team this morning who were very kind in answering my questions. I feel satisfied with the information that I've received so far.

CHAIRMAN NEWTON: Ms. Chambers?
MS. CHAMBERS: Dr. Jones, do you have anything that you could say that would help us feel comfortable -- if we go to the terminology of sole source or single source, is there any procurement
concern you have in not considering any other choices if we were to go straight to ACT Aspire?

DR. JONES: I relied upon Legal and Procurement, and the response from those departments is they have no concerns as long as we follow the sole source process and we provide the legal paperwork necessary -- and we will do that from this unit. So, no, I don't have concerns at this point.

CHAIRMAN NEWTON: Mr. Black?
MR. BLACK: I too am okay.
CHAIRMAN NEWTON: Mr. Williamson?
MR. WILLIAMSON: I'm okay.
CHAIRMAN NEWTON: Ms. Saviers?
MS. SAVIERS: And I'm not used to the new thing. We just speak into it? That's scary. I have to think before I speak. A couple of things. First of all, I think it's important -- and I said this last night, but I think it's important for the group here today to understand -- and Mr. Key touched on this -we've been in the trenches in assessment on this board for years, and some of us have been in and around assessment and assessment development creation for longer than that. The thing that makes this so difficult for me personally is this is the first time in my 20-some-odd-year experience in education seeing
an assessment be created and developed in this manner, without a procurement process, without the ability for educators across the state to really weigh in and ask questions without the benefit of us seeing and hearing from the Technical Advisory Committee, without understanding what the pros and cons are of other tests that may be similar or might be better. We literally were handed one option and then basically told that if we don't do this option it will be our fault if we don't have an assessment; that whatever we choose other than Aspire will not make it through the legislative committees that are responsible for funding. So we're in a tough spot here. And Toyce said it really well last night, you know, "First, try hard to do no harm." And at this point it does feel like if we insist upon looking at other options that there will be harm because we will be all the way to, you know, mid-year with no assessment; we're facing ESEA flexibility approval. So all of these -- it's just important for me for everyone to understand what it's like to sit in this chair -- and yet, at the end of the day -- and I think Ms. Zook said this -- we're responsible for making that decision. And the decision that's made today on assessment -- you know -- we talk about,

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| :---: | :---: |
| 1 | "Well, we could choose this for one year and then |
| 2 | have an RFP." That completely takes away our ability |
| 3 | to negotiate further. Plus, three tests in one year |
| 4 | or four tests in one year or five tests -- you know |
| 5 | - five tests in five years -- I'm sorry -- five |
| 6 | tests in five years, we can't do that to teachers and |
| 7 | students, and that's our first and only priority |
| 8 | sitting in these chairs. So, again, it's important |
| 9 | to me to say this and I just wanted to be clear about |
| 10 | what we're doing today because when questions are |
| 11 | asked in the future I want everyone to understand |
| 12 | that we really did understand what the implications |
| 13 | were. There isn't real alignment. There's never |
| 14 | been a study done that says there is true alignment. |
| 15 | There is concern that the curriculum will become |
| 16 | narrow, focus instruction on standards that are |
| 17 | assessed, not standards that are adopted. No |
| 18 | procurement process -- that -- what that does, a |
| 19 | procurement process provides clarity about the |
| 20 | assessment and the desires of the educators and the |
| 21 | ADE are considered and incorporated; it gives us |
| 22 | leverage in negotiations. I had serious questions |
| 23 | about equity, particularly our most vulnerable |
| 24 | children, the ones that we have to consider first in |
| 25 | this situation when we are in a gray area about, you |

know, what test scores really say and what kids are really learning in a classroom. Those are the kids that are going to suffer the most. We rely on that data. And, you know, I think Mr. Key touched on that as well when he talked about Lakeview.

And then, last, here we are, it's July. We were first given this task to vote on in June. We keep talking about we've got this short amount of time. Well, that's not our fault. I'm not -- you know -it's not my intent to point fingers, but I'm just saying this makes it doubly hard because everyone is saying, "We have to make a decision; we have to make a decision." It just doesn't feel good. So for all of those reasons this is one of the most difficult decisions that I've ever faced on this board, and we've been in some tough spots before. But as I told someone the other day, $I$ always -- every decision I make, the first thing I think about are students; the second thing are teachers. And this is just extremely difficult. So that's where we are. I hope we never go here again. I hope we're not setting a dangerous precedent by allowing test creation development to occur outside of the process that I described. You know, for folks who are in favor of this type of process that we've just had, it may work
when you're in charge, but when you're not in charge you may not think it's so funny. So just think about that too. There's a reason that we have established this process in the state. So anyway, thank you.

CHAIRMAN NEWTON: Ms. Zook?
MS. ZOOK: I would echo a lot of what Ms. Saviers has said. I'm a liaison between the Board and special education and I have been a special educator since 1968. So the lack of accommodation for some of the handicapping conditions -- and last night it was said, "Well, it wasn't very many." Well, to me if it's one it's too many. To not have full accommodation and to not give Aspire time or Smarter Balance or whatever time to come up with that. It also bothers me that there's mixed information about the use of student data. I know the people who came out against PARCC, before PARCC was even given, that was one of their big concerns. And I know that I have contacted the Aspire people and I was told again that it is a student decision, not a parent decision. Now that might can be fixed, you know, if you write a contract that says that. I have no idea. And I'm not advocating for one test or another, but I am advocating for time; I'm advocating that we give an opportunity to the new board members
to look at it more thoroughly. I believe that we owe it to the people who spent four and five years coming up with what we have and the students and the patrons, as well as our board members, to not feel like they're drinking out of the fire hose. The board chair last night asked us to first do no harm. To me, first doing no harm would be to do what the legislature compromised on, which was do PARCC for a one-year time. And for those of you who aren't in the school business, the things that are going to be done between August and end-of-semester were being planned and decided on last spring. The things that will be done the second semester are in process now. So making a decision this close to the time when school is actually going to be going on is -- will be a burden to them. And although we have lots of dedicated educators all over the state, as we have an example here at $A D E$, working overtime and endless time, these people also have children and other responsibilities.

And also, you know, I might as well just say this, I believe that PARCC and Common Core and all of this wound up in the political arena nationally and this board has made every effort to keep politics and partisanship out of education. And I'm not saying in
the state, but I think that a lot of people -- when people tell me they don't like PARCC or they don't like Common Core and they -- we hadn't even given the PARCC test yet, it bothers me. It also bothers me that even though I respect the work that the task force group did that was not done as far as the open reasoning; it wasn't done -- we heard the presentations openly, but then when they met to go through their reasoning for why they chose to make the recommendation they did that was not done transparently. They, unlike us -- we can't talk to each other in between board meetings; you know, everything we do is right here. That's why sometimes on here it's drone on and on and on and on about many things, because we have to discuss this out. I need to know what Ms. Chambers and Ms. Saviers -everybody on the Board, I need to know what you're thinking, why you're thinking it, weigh that with what $I$ know and my experience, and then make a vote. So where I am right now -- and I haven't heard from two of the additional people or Teacher of the Year -- would be to stay with PARCC while the State Board of Education has the -- I mean, the ADE has the time to do a study, do an RFP, sole source, whatever they think, be sure that ESEA will give us the
waivers, be sure that all the statutes -- Ms. Clay told us last night there are like 12 or more statutes that had to be considered that are in law and been passed by the legislature. And I think that to hurry to do something now would not serve the students or the parents or the patrons or the educators well, nor would it give good guidance and appreciation to those people who spent five years coming to the point we are. And I'll reiterate again: I am not advocating for one test over another. You know, I want it to be a good solid test and -- that works and stays with the Arkansas standards that we have adopted.

CHAIRMAN NEWTON: Before we go to Ms. Dean for a question or comment, I want to apologize to Ms. Newton for not introducing you as our new Teacher of the Year. And she hails from -- Poyen? Poyen. And we look forward to your contribution and congratulate you and we welcome you to this board, and certainly we value your comments and your opinions. Ms. Dean? MS. DEAN: I think the first thing I'd like to address is the time factor. Unfortunately, because of the situation that we're in and the place that we are time is not a luxury that we have. And to reiterate what Ms. Newton said last night, as other board members have said, is that we want to make the
best decision for the teachers -- for the students and the teachers of Arkansas and do the least amount of harm. So in that situation that we're in it seems to be from the facts and from the evidence that the best decision right now is to go with ACT Aspire. This is not something I've been thrown into; this is something I've been wading through for the last three months, so I do have a little bit of experience and a little knowledge, thanks to Dr. Jones. She has provided lots of information to all of us about this. I think it was mentioned that the ACT Aspire doesn't line up with Common Core standards. True, it may not line up exactly but it is aligned and the domain matches up perfectly, which gives the opportunity for teachers to step away from teaching to the test. As I think our Teacher of the Year mentioned yesterday, it gives an opportunity to have more freedom in teaching but then still getting those main issues that they want taught without necessarily teaching exactly to the standard, teaching exactly to the test. And I think it's a good thing myself. I think Mr. Barth mentioned yesterday that he was really excited about the science part of the testing. I think that will be good for the students of Arkansas as well. So I think in the situation that we're in,
in order to help Arkansas, help the students, help the teachers move forward and not be a stalemate, I think it's best for us to go ahead with ACT Aspire. Because if we try to do -- try to allow for bidding or anything of that sort it's going to take up too much time and we want to help the teachers to be able to move forward in a quick manner, to salvage what we can, and to be -- to move forward as best we can. I think we should move forward with Aspire.

CHAIRMAN NEWTON: Dr. Barth?
DR. BARTH: First off, $I$ do want to kind of go back to something Mr. Key said. I think the Commissioner and the senior leadership team have just acted with real honor and real professionalism, and I greatly, greatly appreciate that. Unfortunately, most other aspects of the process have been pretty fundamentally flawed, and I think Ms. Zook and Ms. Saviers have pointed out those flaws and I won't go through that laundry list again. ACT Aspire I think does have some real positive attributes. I do think the testing of science is very positive. I do think the possibility of moving toward interim assessments -- very positive. But I have just ongoing fundamental concerns about the validity of the measure, especially because of questions about its
alignment to the standards, and concerns about reliability, the consistency of the test. Because when you look at the technical manual for ACT Aspire it's simply not as thoroughly reliable test that the student is going to get the same result every time they take the test. And the reason is it's a very short test and when you have a short test that enhances reliability concerns. And if you've got validity issues and you've got reliability issues, it's kind of day-one in my social science research methods class. You've got a problem with the measure and so I've got really deep concerns there. I also do have lingering concerns about whether this is in accordance with the requirements of ESEA in terms of what the Department of Education has laid out in terms of accommodations, but also in terms of being tied to our current standards. If I had more time I might could get there on ACT Aspire, but I couldn't get there last month and I'm still not there, still not there today. I do think that the right thing to do is to, in 2015-2016, move forward with a PARCClike exam. I'm not wedded to PARCC, but I wish there was a PARCC-like exam. I think it's the right thing to do for education professionals; $I$ think it's the right thing to do as we make determinations about
academic distress, when schools come in, go out. I think that would be the right thing to do along with a simultaneous full PARCC due process. That's what feels right and that's not an option, at least that's what we have been told, and so I'm still grappling, as Ms. Saviers is. And this is tougher than the Little Rock but -- which was one of the toughest votes I ever took; this is tougher than that. And it feels so frustrating to not have an option on the table that feels like the right thing to do.

CHAIRMAN NEWTON: Ms. Newton?
MS. OUIDA NEWTON: The only thing that I want to say is just because I've been observing you and listening to you that I really admire the Board because every discussion that y'all have had, every question that you've had, everything that you've done is you've asked what's best for students. And as a teacher, you've got my heart. Thank you for that and I really appreciate that.

CHAIRMAN NEWTON: Unless there's some follow-up questions by the Board, I think we can move to the public comment portion. And the first person that's signed up is someone that we know, Alice Mahony. She's coming representing the El Dorado Foundation and she'd like to speak. Ms. Mahony, are you in the
room or are you on your way? There she is. You have three minutes. You have three minutes and you know how it feels to go over three minutes. You know how we feel about that.

MS. MAHONY: Good morning, Ms. Newton and the Board and Commissioner Key and Ms. Newton, the other Ms. Newton. I come before you this morning to urge you to use the ACT and the ACT Aspire as the state test. This past September I went to Central Office -- that's what we call the El Dorado School District office -- and had a meeting with Ms. Haynie. Ms. Haynie has a computer that has two of the extra-large monitors and at that time she was painstakingly putting in some new information that PARCC had changed the day before. And she looked at me and she said, "Alice, I want you to just come look at this." And she said, "Why don't we use the ACT? Why aren't we using a nationally normed, a nationally, internationally recognized test, when we're killing our teachers and we're stressing out our students with too much testing?" And so I said, "You know, well, why don't we look at that?" So we started doing some research and one of the first things that I ran across, that Ms. Barnes can tell you, comes from our ESEA waiver and that is the fact that

Arkansas's existing schools' global accountability indicators are linked to the ACT. In elementary school they are the CRT and the NRT and that's the criterion norm-referenced test. When you get to the high school it is your AP classes and it is your ACT scores; it is your average score composite in English, reading, math and science, and your remediation rate, which is a percentage of the ACT score below 19 in math or English. In addition, the ACT is used as our colleagues with Higher Ed. and with Career Ed., and if you want to look that up in your ESEA waiver it's on page 95. But that was one of the first things that I found.

So we began to pull a meeting together. That was Jonathan Crossley, the Teacher of the Year; representatives from the Arkansas Exemplary Educators Network, Susan Wagner out of West Memphis; we had a number of educators; Dr. Mike Hernandez, who was with the -- he was the deputy commissioner at that time; Dr. Jones; Ms. Allen. All of us got together, which led to a meeting with Senator English. We brought our research to Senator English and said, "Senator English, this is what we would like to see going forward. We knew we were in trouble with the PARCC exam. Let's see if we can't bring in the ACT as a
test for our state." And so Senator English looked at all that material. Again, this went forward with the fact that we met with Missy Irvin, Senator Irvin, and as you know, the bill that she presented was adopted, amended to put ACT/ACT Aspire in that career and college ready, and that's Act 1989 and that came out of that research and out of those meetings.

If you look at what's happened since then, we only have seven states left in the PARCC consortium. A PARCC consortium was formed with a grant from the federal Department of Education. That money is almost gone; seven states. Massachusetts tested part of their districts; they didn't test all of them.

CHAIRMAN NEWTON: I will give you one additional --

MS. MAHONY: One minute, one minute. I'll talk fast. All right. The states that are out there -Illinois allowed their students to opt out of PARCC; Chicago, out of 600 schools they only tested 66. What I'm trying to tell you is there's no way that you can compare PARCC assessments state to state; it's not going to exist. We won't get those results until November. The other part of this that I'm asking you to also look at is to hold districts
harmless for the results of the PARCC assessment that comes back, to use the ACT and the ACT Aspire as our state test, to use the 2014-15 -- 15-16 school year as a pilot for the ACT and the ACT Aspire, as you cannot look at that and to have a reset of our AMO's. Our AMO's are based on growth. And if you look at the ACT and the ACT Aspire, those are growth -- those are based on growth -- that we would look at resetting our AMO's in the summer of 2017. So thank you very much and I would appreciate your vote for ACT/ACT Aspire.

CHAIRMAN NEWTON: Thank you, Ms. Mahony. MS. MAHONY: Did I get my minute?

CHAIRMAN NEWTON: Actually, you took somebody else's minute too. Bonnie Haynie from the El Dorado School District. Ms. Haynie.

MS. HAYNIE: Thank you so much for this opportunity to share some personal experiences and some professional experiences about PARCC. I work at the El Dorado School District. One of my jobs is district test coordinator. We survived PARCC testing last year and I want to give a pat on the back to the assessment division at the ADE because they made heroic efforts to make sure that districts had a successful PARCC testing experience. If they had not
called in the troops and had weekly, biweekly meetings to help us we never would have survived PARCC testing.

Now if you think about testing in Arkansas as it was this past year, we gave the PARCC not once but twice. We gave the NCSC to our special education students, we gave 5-7 the biology to the science students, and in our district we gave 700 AP exams. From March through May, we tested and that's all we did. We lost two months of instruction because we were testing. So I think one of the things when you vote: why are we testing? To test, or to see what our students know and that they're able to do? And I don't think three months of testing is worth the results.

So when Alice and I spoke one day, I was so frustrated because we had three counselors retire. In El Dorado, our counselors are building test administrators. They retired this year. We had one requested to go back to the classroom. They went into counseling to work with students, not to administer tests. So that's something. And we don't have money and the luxury of folks we can hire to just oversee the testing; we have to have multiple jobs in our district. So that was another issue.

People were tired, they were frustrated, and I'll leave that part alone.

Why the ACT? If you talk to the football coach, if you talk to the valedictorian, if you talk to the math teacher, or if you talk to the science teacher, they know what the ACT is; they know what it means; and they know what it can be used for. If you want a predictor of our students' college and career readiness, then why not go with the test that is given in every state? The ACT Aspire was given in 47 states last year, not necessarily as "the" test but as a measurement of their students' ability to be prepared for college and careers. So am I to think that the ACT and the ACT Aspire are some Johnny-comelately? Not so. They've been around for a long time. The Aspire has been given to over three million students. Again, it's a score that means something. I can get a college scholarship; I can stay out of remedial classes. It's something that we can help our students be prepared for. Thank you so much.

CHAIRMAN NEWTON: Thank you, Ms. Haynie, for your remarks. Next, also from the El Dorado community and El Dorado Schools, is Tom Simmons.

MR. SIMMONS: Thank you, Madam Chair, and thank
you, Board, for giving me this opportunity. And just to let you know I've heard a lot about PARCC, a lot about ACT and Aspire, and have yet to hear very much misinformation. I think all of your concerns, as you've voiced today and that you've voiced in the past, are definitely -- your concerns are valid. One of the things that was brought up was what's best for teachers. And the dozen or so teachers that I talk to on a regular basis, when they hear PARCC their heart sinks. When they hear there's a chance for ACT, they cheer. A lot of it is for some of the reasons that have already been mentioned. ACT means something and the PARCC test just takes too doggone long and we don't still know what we're going to give. Although that test -- we feel good about the way it was constructed, about what it measures, there's still no long-term evidence on how good it is simply because it's in its infancy. Now there may not be right now -- another concern you have is what is the best assessment for grades 3 through 10 . Well, right now, there may not be a great assessment for grades 3 through 10. We're very well aware of the flaws of the benchmark that we've given for the last several years; we know the good and the bad because we gave it for years. But we don't know with

Aspire and we don't know with PARCC, so that's pretty much a wash. I wish we had a crystal ball and we could try both with all of our kids, but that's double the test time and we might need to strike that from the record.

One thing I do want to leave you with that will make you feel a lot better: should we go with ACT for 11th graders, if there be 11th graders in the ACT -takes the -- if there an 11th grader in Arkansas takes the ACT test, if it begins to matter as much as all of these other tests matter, we'll get really good at preparing kids for the ACT. They will score higher. You'll see more economically disadvantaged students score a 19, 20, a 21. All of these students will go away to college and not get stuck in remedial courses. Our college-going rate will go up and the number of students in Arkansas that are first generation college will go down, because they'll have older brothers and sisters, and eventually mothers and fathers, that have had the college experience. So if there's one bright star, if there's one thing you can hang your hat on, if there's one thing that nobody is arguing about, is, yes, the ACT is a good exam for our 11th graders. And I'll leave you with that. Thank you so much for your time.

CHAIRMAN NEWTON: The next speaker is Dana Breitweiser. Sorry if I mispronounced.

MS. BREITWEISER: It's Breitweiser. State Board Members, I think you made the right decision to stay the course with PARCC for an additional year. All college and career ready aligned assessments are new and are only now being reviewed by assessment experts. So Fordham Foundation is currently engaged in research of these Next Generation assessments. Results of their study will be released in December and Arkansas should evaluate that study closely. Since your June meeting, South Carolina, after one year of Aspire tests, has issued a request for proposal for 2015-16. Among the criteria included in its RFP is a commitment by the vendor to make item substitutions, augment, revise, edit and/or alter the assessments to make the test aligned with the standards and to meet the requirements of federal peer review. Should we rush to Aspire without thorough vetting we may find ourselves in a similar situation, giving a test that is not aligned at the standards level. Arkansas should also look at the experience of other states that have abruptly switched assessments without proper vetting and planning, such as Florida and Indiana. This is not
what we want for our students and we should avoid repeating the mistakes of other states. A new bar has been established for assessments, designed to assess more rigorous standards. From the research conducted by the Council of Chief State School Officers, nine criteria have emerged to help states evaluate and procure a high quality assessment. Topping the list is a design that measures the full intent of the standards. This means the test is structured in a fashion similar to the way the standards are intended to be taught. PARCC achieves this through performance tasks.

Another critical criteria of high quality assessment is the degree of involvement of state educators to insure item alignment and quality. PARCC has been a state-led test and for four years Arkansas educators have weighed in heavily on the design of thousands of test items.

A third important criteria is the degree of transparency of the test design by making test documents, such as blueprints and item specifications, publicly available.

All of PARCC's test documents are aligned and can be used as resources for schools. The Aspire test meets none of these three criteria, while PARCC
meets these and other criteria, as well as including formative and interim tools for teachers.

I strongly urge the Board to continue with PARCC for 2015-16 so our students and teachers can have stability and we can gather longitudinal data. This will also provide time for the ADE to prepare an informed proposal for 2016-17 that will include criteria necessary to insure Arkansas maintains a high quality assessment with deep educator involvement and oversight so we can select a test that Arkansas can defend before a federal peer review panel. Our goal should be preparing students for college and career, life after high school, not preparing them to pass the ACT. Thank you.

CHAIRMAN NEWTON: Thank you. Thank you for your comments. So we're going to get ready now at this point for a motion. But before we do that, I think it's incumbent upon me to say to those that are here and those that are listening and those that will ultimately be watching it on the news that -- even before the emails come to us -- and, new members, you'll be surprised at the number of emails you get either supporting or not supporting the decision you made, that we've made -- but I want to say that no decision is arbitrary. I think that we all come to
this place and this space looking to try to make a difference, a positive difference in the lives of young people and helping to make Arkansas a better place to live. And by doing so, we realize that impacting the educational opportunities and equalizing opportunities for all young people is our mission. So I'm not expecting that we'll get a consensus in the vote, as you heard with the discussion, but at the same time I think that we all bring a desire to have that happen in the most expedient way. While, you know, my comment of "first do no harm" -- and I borrowed that from -- is it -MS. ZOOK: The hospital.

CHAIRMAN NEWTON: Well, it's --
MS. zOOK: The doctors.
CHAIRMAN NEWTON: Yeah, it's the doctor's but -yeah, the Hippocratic oath -- the Hippocratic oath -one of the things we talked about last night is to do the least amount of harm. I think anyone that has an opinion will have an opinion that one side is harmful or the other is, but no decision is arbitrary. And we do, as responsible citizens do, is make the best decision. And after saying that, I understand Ms. Dean has a motion.

MS. DEAN: I move that we authorize ADE to
pursue a sole source contract with ACT Aspire for grades 3 through 10, to include optional interim assessments, and the ACT to be administered to students at the 11 th grade. The ACT at 11 th grade will be provided by the state with options for students, ACT Aspire for grades 9 through 10, and the ACT would modify the end-of-course standalone assessments to provide a comprehensive college and career readiness assessment system.

CHAIRMAN NEWTON: Okay. So Ms. Dean's motion is that we choose to sole course a contract for ACT/ACT Aspire with the stipulations that she's mentioned. Based on that motion, do we have a second?

MR. WILLIAMSON: Second.
CHAIRMAN NEWTON: Second from Mr. Williamson.
Okay. Any discussion? We'll start -- well, we'll start with Ms. Chambers.

MS. CHAMBERS: No.
CHAIRMAN NEWTON: I'm sorry. Well, we started with Ms. Chambers. Now we'll go to Ms. Reith. (BRIEF MOMENT OF SILENCE)

MR. BRADBERRY: Ms. Reith?
MS. REITH: Thank you. I appreciate that.
Sorry. I'm having a little trouble hearing. I have to concur with colleagues that have spoken already.

I'm afraid I don't feel like I'm there yet with the motion that's been made and do not obviously want to leave Arkansas in a situation without having an assessment. But at the same time, one of my overarching concerns here is in regards to the precedent that we're setting about the process. I feel like if there was a true commitment to really looking at new assessments that this conversation could have happened much earlier. And last, my understanding within the legislative session is that there was still space to have PARCC in place for this coming year and that there would be that opportunity of very open and engaged dialogue with stakeholders across Arkansas over the course of this year. And I'm concerned by the swift change and the strategy and the process, and I just -- right now, I will not be supporting the motion as it stands.

CHAIRMAN NEWTON: Okay. Thank you. Ms. Chambers? Okay, you've already not commented. Mr. Black?

MR. BLACK: Yes.
CHAIRMAN NEWTON: Pull your mike down.
MR. BLACK: Yes.
CHAIRMAN NEWTON: Well, we're not voting yet, just commenting. Ms. Saviers?

MS. SAVIERS: Okay. So this report, this is still -- I'm trying to figure out how we -- and we -for those of you who are new to the Board, this is sausage making at its best. Because as Ms. Zook said, we don't have an opportunity to really do this, so sometimes it's just incumbent upon us to hash this out publicly. But we're being told that this is the only test that will be approved through the legislative council. We've not been given any other options for a test. Mr. Key was quoted today and said last night -- it was quoted in today's paper, but he said last night in our meeting that if it's a PARCC test or looks like a PARCC test it has no chance of being approved. So I really -- I feel like if I -- my heart is clearly against the motion, but my mind is saying "so what if the motion fails, then what happens? You know, then where does the assessment department go here?" You know, do -- I mean, I feel just in a corner. Anybody feel in a corner with me?

DR. BARTH: I'm right there with you.
CHAIRMAN NEWTON: Commissioner, do you have a comment?

COMMISSIONER KEY: No. I think in my opening I communicated the best of my ability what conveys the
sense of the Department in our ability to move forward and do what we need to do to take care of our students. And I don't have anything to add to what I said, Madam Chair. Thank you.

CHAIRMAN NEWTON: Ms. Zook, do you have anything to add?

MS. ZOOK: No, nothing really to add, other than I have to do what my heart and my head both tell me to do, and right now they're in alignment.

CHAIRMAN NEWTON: Dr. Barth?
DR. BARTH: I'm in total agreement with Ms. Zook; this may be a first. But I'm also -- I'm just so frustrated that we're at this point. And I'm going to abstain in my vote as protest, but it would not count as a no vote.

CHAIRMAN NEWTON: Say that last part again. I'm sorry.

DR. BARTH: I'm going to abstain on this motion. It will not count as a -- if Ms. Clay is available?

CHAIRMAN NEWTON: I'd like to speak to that because I understood in the past that --

DR. BARTH: If I'm voting present it would count, but abstaining would not. Is that right?

MS. CLAY: Under Robert's Rules, unless your procedures say otherwise, a majority vote equals a

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majority of those present and voting. So if Dr. Barth chooses not to vote, then he comes out of the total number. Because there are nine members present here today, you're going to need five votes regardless. That's how an abstention is handled in Robert's Rules.

CHAIRMAN NEWTON: Okay. Then I would ask the Commissioner now to call for a roll-call vote. COMMISSIONER KEY: Okay. Dr. Barth. DR. BARTH: Abstain.

COMMISSIONER KEY: Mr. Black.
MR. BLACK: Yes.
COMMISSIONER KEY: Ms. Chambers.
MS. CHAMBERS: Yes.
COMMISSIONER KEY: Ms. Dean.
MS. DEAN: Yes.
COMMISSIONER KEY: Ms. Reith.
MS. REITH: No.
COMMISSIONER KEY: Ms. Saviers.
MS. SAVIERS: Abstain.
COMMISSIONER KEY: Mr. Williamson.
MR. WILLIAMSON: Yes.
COMMISSIONER KEY: Ms. Zook.
MS. ZOOK: No.
COMMISSIONER KEY: Four votes yes, two votes no,
and two abstentions.
MS. CLAY: By my count then seven members voted, so you need four to pass the motion. Four voted in favor, so it will pass.

COMMISSIONER KEY: Okay. The motion passes.
CHAIRMAN NEWTON: Okay. The motion passes. And our instructions to the staff is to proceed with the motion as outlined by Ms. Dean.

I think that this will be a good time for a 10minute break.
(BREAK: 11:00-11:11 A.M.)
A-2: CONSIDERATION OF LITTLE ROCK SCHOOL DISTRICT REPORT
CHAIRMAN NEWTON: We're ready to reconvene our meeting and we're going to go to item -- action item A-2, Consideration of Little Rock District Report.

Mr. Kurrus.
MR. KURRUS: Good morning. Thank you very much. I'm Baker Kurrus, Superintendent of Schools, Little Rock School District, and I have a very brief report which I will give you in a moment. I also have with me today the co-chairs of our Civic Advisory Committee, Dr. Dionne Jackson and Mr. Greg Adams. And it would certainly be your pleasure, but I thought perhaps they could give you a brief update on what they're doing and then I might close with a few
brief remarks, and then we'd be happy to take questions in any order you want. I mean, they're up here; obviously, if you'd like to question them that would be perfect.

CHAIRMAN NEWTON: We'll take them in order.
MR. KURRUS: Thank you. Dr. Jackson.
DR. JACKSON: Good morning. My name is Dr. Dionne Jackson. And Mr. Greg Adams and I serve as the appointed co-chairs of the Little Rock School District Civic Advisory Committee. I am the Little Rock School District Zone 4 representation and an assistant professor of education at Hendrix College. Mr. Adams served as the Little Rock School District board president at the time the district was taken over by the state. The 33-member Civic Advisory Committee consists of representatives from seven Little Rock School District member zones, teachers and students from the district's six academically distressed schools, and members representing local government and community organizations. The CAC has met monthly since April, so today I am here to briefly present highlights of our work to date.

As recently appointed co-chairs, Mr. Adams and I have been working to accomplish two primary goals. The first goal that we've worked to accomplish is to
get to know the members of our committee and why they're interested in serving in this capacity. Secondly, we have worked to better understand our committee's purpose and how we might most effectively fulfill that purpose. It continues to be a pleasure to get to know the members of our committee. Each person provides a unique and valuable perspective regarding the issues we are working to address. We have structured our monthly meetings in such a way that it allows us to comment on Little Rock School District matters that are important, not only to us but to those we represent. And, additionally, we stay in contact with our committee members on a regular basis to provide further communication and connections with them outside of our monthly meeting days.

As far as understanding our committee's purpose, we have requested and received documentation from the Commissioner and your former board president that outlines our committee's purpose and provides feedback regarding the takeover of the Little Rock School District, particularly as it relates to the distressed schools. As we have worked during the last two meetings to clarify these matters with our committee, we have also gained insight from our
superintendent, Mr. Kurrus, regarding four major questions he would like for us to consider. These questions would allow us to work with issues related to the number and size of schools in the Little Rock School District, community preference regarding district boundary lines, and how to provide resources to meet the needs of students. It was the consensus of the CAC during our last meeting that a day-long retreat should be held. At that time we would further discuss how best to begin the work necessary to address these major questions presented by Superintendent Kurrus and any additional questions aligned with our committee's purpose as presented by you all. Our next meeting is scheduled for the fourth Thursday of this month. In preparation for that meeting and our potential day-long retreat, the CAC currently has three motions it is considering by electronic vote due to a lack of a quorum at our June meeting. The motions asked us to consider aspects of a joint proposal submitted by the Public Police Panel and the Rockefeller Foundation that could possibly provide us with a facilitator for our retreat, provide public engagement meetings at six -- or at the academically distressed schools, and provide an equity stand for the Little Rock School District. As
we learn more about our committee's wishes regarding these motions, we will move forward in working towards effectively fulfilling our committee's purpose.

Mr. Adams and I would like to thank you for this opportunity to update you on our progress. Please know that we are always happy to make ourselves available to update you on our progress and to address any questions that you might have about our committee's work. Thank you.

CHAIRMAN NEWTON: Thank you. So you spoke for both?

DR. JACKSON: Uh-huh.
CHAIRMAN NEWTON: Okay. For both of you? I'm sorry.

DR. JACKSON: Yes.
CHAIRMAN NEWTON: Okay. Any questions? Mr. Kurrus.

MR. KURRUS: Good morning again. I'm not going to give you as lengthy a report as I have in the past, and that's just respect of the new members. Welcome. Thank you for your service. I want to direct your attention to a long report that $I$ posted on our website, which I gave to the Civic Advisory Committee. It's dated earlier; it's dated June 15.

And it's a lengthy report that gives you a management assessment of exactly where we are; it discusses what I consider to be the major pillars of a successful school district; and it outlines our long-term vision from the financial point of view with respect to Little Rock and where we can go and what we can possibly do. One of the key components in that is something that will be very familiar to each of you, and that is the configuration of schools on the south side of the river. That's the configuration that we ultimately have. That will make a huge difference on some of our plans with respect to West Little Rock where are boundary line is just on the west side of the Roberts property, which is just a matter of maybe a mile-and-a-half to two miles from Joe T. Robinson school, which is a school that may be expanded, perhaps, by the county. So everything we do in that particular part of town will make a huge difference. I'm just going to highlight just a few things that are going to be happening between now and the time school starts. The kids get there on August 17th. We're doing leadership conference with principals. I've already met with all the faculties of the distressed schools, and now I've met with the principals of those schools. I have another meeting
today at two o'clock with one of those principals and we're discussing leadership training and collaborative goal-setting processes that I'm going to employ with all the principals, then with the principals and assistant principals, then with principals, assistant principals, and teachers that are driving goal-setting and collaboration from the ground up. The other major building block that's going to make a huge difference from a structural standpoint and an organizational functionality directive, it's going to be that we're going to integrate our curriculum and instruction people into a chain of accountability in a way it's never been done before. And I can tell you, in the last few days I've heard more interesting comments; they either are something along the lines of, "Wow, we've never done that before," or "really, you want to know our opinion?" And that's the biggest change. It sounds subtle, but it's not at all. If you want to change, you have -- it's all individual.

Organizational change occurs one-on-one with people and, of course, teaching and learning occur in the classroom. So to really drive instructional change you have to involve the people that are in the classroom and we're working very hard to do that. A
lot of interesting discussions with our friends with the LREA and we're making progress there. I don't want to get into that really at this point. We're making progress there. We've had a good year. I don't have a final fund balance for last fiscal year, but I know it will be in the black. We were projected to lose several million dollars and we won't. We'll actually be -- have an addition to our unrestricted fund balance, and we'll continue on budget matters every day. We have some big plans and big cuts that will go into effect this coming school year and then more later, and then we'll be prepared -- I think when our desegregation funds run out we'll be prepared to run on a balanced budget. And if you read my 17-page report, you'll see that we're going to go beyond that, if we possibly can, to try to free up some of our debt service millage in order to actually use it for debt service, which doesn't seem to be such a unique concept but one that we haven't employed in quite awhile. And I'd be pleased to answer any questions. Beyond that, I'd commend you to my report. And then also I write a little column once a week called "Straight Talk." It's being widely read in the district, and I'd commend that to you. Sometimes it's personal and you can disregard
that. But if you want to read something about what's going on, there's a lot of chatter in there that's kind of fun to read.

CHAIRMAN NEWTON: Ms. Zook has a question.
MS. ZOOK: Yes. Good morning.
MR. KURRUS: Good morning.
MS. ZOOK: Do you have any plans, or do you know if your principals do, to administer any kind of like MAP assessments or anything like that so we can begin to see and share with parents academic growth, so that, you know, we know if the funds are getting better and we know the morale and all of that? But the parents are wanting to know "is my child learning more" and "what can I do and what can the students do -- I mean, the teachers do to demonstrate growth along the way?"

MR. KURRUS: We are. We had an early morning meeting this morning and so I appreciate the question. We met before I cam here. And we've integrated -- really, it's best practice that we talked about but didn't do intentionally in Little Rock. We're going to do interim assessments; we're going to do -- we didn't know which ones we were going to use. I have a TLI contract on my desk and now with this vote I don't know whether we're going
to go that direction or we'll use the ACT related interim assessments. But we're going to drive student performance and teacher evaluation with interim assessment and we've got a really interesting model that we're going to employ that's much, much different where our curriculum instruction people don't sit in a building down at the other end of town; they actually are going to manage by walking around; they're going to be in buildings; they're going to become a resource; and they're going to be part of the accountability chain. And that will be with frequent assessment on a unit basis and then on a conceptual basis four times a year, very formally through TLI, if that's the way we go. And then we're going to use those results to influence teaching and learning and instruction in the classroom. And that's going to be done very intentionally with school improvement specialists, which is what the Department has suggested that we didn't do very well -- and they were right. We did it well some places, and where we did it well it really worked. Look at our results at Bale Elementary or Terry Elementary, either place. I even tracked the personnel that did that from previous positions and they influenced outcomes in every school they'd ever been in. So I
appreciate the question and we're focused with laser like focus on that very point. So, thank you. CHAIRMAN NEWTON: Any other questions? Dr. Barth.

DR. BARTH: Yeah. First off, thanks for that report; thanks for giving that. And I have to say it made me more optimistic about the future of the district than anything I've read in awhile, especially in terms of the future of the financial standing of the district and the possibility of giving real facilities updating without a millage vote. That as really exciting and not that far off. It was -- and, first off, you explain numbers very well --

MR. KURRUS: Thank you.
DR. BARTH: -- for somebody who doesn't do -who's not a business type. So, thank you very much for that. So, lots of great and exciting stuff. My question -- and this is kind of a little bit of a concern -- in your report and everything we've heard so far there's obviously a tremendous amount of focus on the six academically distressed schools, and rightfully so because they were the reason that this came to be. But I am a little worried about those hand full of schools that are on the cusp and I think
we would -- obviously, the worst scenario would be to get certain schools out of academic distress but only to have others fall in, and that's not what we want. And so have you thought much about -- well, I guess increasingly we're beginning to call it pre-academic distress schools, although I think that's a little maybe more negative than what we would like because it's just the possibility of going into academic distress -- but some of those schools that are kind of on the edge. What's going on there?

MR. KURRUS: We have. We've thought a great deal about that because -- to understand our academically distressed schools you have to understand frankly that they were distressed before they ever opened the door. For example, Hall High School, 63\% of the incoming 9th graders this year are basic or below-basic in literacy; 67\% of the incoming 9th graders, based on the ACT we took in 7th grade -I mean, not the ACT -- on the benchmark we took in 7th grade -- I've got ACT on my mind -- 67\% of our incoming 9th graders at Hall High School are basic or below-basic. So what you're putting your finger on -- and those kids came out of a lot of different schools that weren't academically distressed. So we'll never fix the ones that are until we focus on
the students as they rise into those schools. And, oddly enough, the fact that you have a $51 \%$ proficient and advanced finding in an elementary school is immaterial if all the kids who are basic and belowbasic go to a school, like Henderson, and the kids that aren't basic or below-basic go to Mann and Dunbar. So what you point -- put your finger on is the elemental problem that we have. And the thing that we sometimes lose sight of is that education is a one-on-one. Having one child basic or below-basic, no matter where -- at Central High School where they win every award you can win, tremendous results on their tests of every sort -- as long as you have basic or below-basic kids in that school that is unacceptable. And we're driving that -- everything we're doing process-wise is going to translate into every school, every single school. So the fact that we're improving processes and focus in our distressed schools will turn into better results in our focus schools. And it will also help us -- as we grow kids that read, they won't show up basic or below-basic, we hope. And we've got to quit losing kids. The thing that you also have to keep in mind is we just simply kept the kids that don't come into our middle schools; if we just keep them, we probably wouldn't
have academically distressed schools. But what happens is they go elsewhere, and I can give you the sad stories about that. So we are focused on every child in every school because they do influence outcomes all across the district and it's also the right thing to do. It doesn't make any difference to the kid, if they're below-basic, where they went to school.

DR. BARTH: I have one more question for -actually for Dr. Jackson or Mr. Adams. And I'm sorry; I was a little slow on the end of y'all's report. But, you know, I'm struck again about just how big a group -- you guys are leading 33 folks; that's a lot of folks. And I guess as we -- you know -- in some ways, you know, the Little Rock case is in some ways kind of a guinea pig for what we do in other scenarios in the future when there are state takeovers because it's so important to get plenty of leaders involved in the life of the district from the git-go. What -- is that too big? And if so, what ways are you finding to manage it? And I am a little worried about that lack of a quorum at the most recent -- I know it's summertime, but that can really begin to bog down y'all's work. So just any thoughts on that?

MR. ADAMS: I think Dr. Jackson and I have spoken about that a good deal. It is a great challenge to have that many people and try to get a consensus and pull the same direction. We've accepted that challenge and we plan to do the very best that we can, and the people who have come and been involved have expressed an interest and commitment to do things. And I think it's going to see -- it will -- we will see in the doing. In the next six months we'll be able to give you a better feedback on that because we really believe and hope our whole group believes that we need to have this one day together to really do some intensive work together as a group and find the goals and the priorities that the group want to own and invest in. And then after we have that experience and go forward I think we'll be able to see if we are able to keep the bulk of those people engaged and pulling in the same direction or if we end up having really a functional group of, you know, two-thirds of that size and -- or something different. But we're hopeful for that, and we do think it is a great challenge. You may want to add something.

DR. JACKSON: And I will add -- you asked the question about what we're doing to work through that
challenge. We've thought a lot over the past couple of months how to work through that challenge, and so we have two-hour meetings once a month. And if we have 25 to 30 members there it's difficult to hear everyone's voices, so we've thought about protocols that allow us to hear from everyone when we're meeting. We emphasize hearing the voices of our teachers and students first, because the zone reps -we all communicate by email a lot, and so we want those voices to be heard by the teachers and the students. We set time limits on our agenda schedules so whenever you see our agendas there are time limits that are there because we have to keep the pace moving throughout the meeting. And then also we communicate fairly frequently through email and by phone with our committee members outside of the meeting dates just so that we can maintain those connections and develop those bonds with those. And moving forward, just to add on to what Mr. Adams mentioned, I personally -- I think we both will say we have seen the value of hearing from the teachers and the students in those schools; I think it's just the number -- when you have two teachers and two students from each of the distressed schools, then the management of that -- especially when we're
thinking about the summer, and teachers are moving schools, accepting positions at different schools within the districts, students are shifting from middle schools to high schools, and so they are not in distressed schools any longer -- and so thinking about how to work that out. And Mr. Adams mentioned over the next six months or so we'll have a better feeling for that.

CHAIRMAN NEWTON: Any other questions by any board member? Ms. Saviers.

MS. SAVIERS: And this is for Mr. Baker Kurrus.
MR. KURRUS: Yes, ma'am.
MS. SAVIERS: Thanks so much, Baker. We did get your report as an attachment. It was excellent. I agree with Jay's comments about that. Just one quick comment: in my analysis and research and really digging deep in what's been going on in the school district for the past several years, it has been clear that there's been a real issue with leadership in schools, a real lack of a bench-strength. And I know that there have been leadership programs along the way that tried to address that, but really that's always been -- it's been a problem for a really long time. And to that point thanks for hiring our former Teacher of the Year, Jonathan Crossley, for Baseline.

I think he's an excellent hire for that job, I suspect, and we wish him well. But do you have plans for beefing up leadership?

MR. KURRUS: We do. We have a leadership academy; it's July the 28th and 29th. I'll be tipping that off and y'all would be more than welcome. So we're starting there. We're also -- we hired eight new principals: one middle school and one pre-k and then six elementary principals. And I'm telling you, I am so proud of that group; it's a stellar group. Mr. Crossley is in the group. We've also done some things -- I want every assistant principal to be a principal-in-waiting and I want every associate superintendent to be a superintendent-in-training, and I've told them that. I said, "If you want this job because you want a place to kind of glide in, you know, you want to be an AP." And I've had people come to me -- and, of course, I make no hires. That's the other thing I've done. There's no favoritism. The minute I sat in the chair all of that stuff was over with, no hiring of buddies, it doesn't matter who you know; it's what you know. And we did everything the old-fashion way. We interviewed with parents and administrators, we ranked people, and then we went out and looked for
the right people for the right jobs. And we've made some good hires, but we're building on that bench strength because that's what we need. We also hired Steven Helmrick who's a Teacher of the Year. He'll be an assistant principal at Roberts; wish him well. And just like every other assistant principal, we want him to train up and to be ambitious. I want people that want to move up and we're working on that. We'll start with this leadership academy and that's the 28th and 29th of July. And it's going to be very interesting because we're turning the district upside-down, have to learn a new way to lead. It's a servant leadership model that requires that you collaborate and it requires that you gather information from people on the front lines. It's a different approach than the approach that was expected of me when I sat in the office and people expected me to wave my wand. I didn't do that. So, thank you for the question. We're working on that and it's critical.

MS. SAVIERS: Very encouraging. Thanks.
CHAIRMAN NEWTON: Any other questions? No other questions.

MR. KURRUS: Thank you.
CHAIRMAN NEWTON: Thank you for your commitment
and for your leadership.
MR. KURRUS: Thank you. It's a pleasure. Thank you.

MS. ZOOK: I move that we approve A-2.
CHAIRMAN NEWTON: Is there a second?
MR. BLACK: Second.
CHAIRMAN NEWTON: Any discussion? All in favor? (UNANIMOUS CHORUS OF AYES)

CHAIRMAN NEWTON: Any opposed? Okay. The motion is approved.

A-3: CONSIDERATION TO ALLOW A TEACHER INTERN TO SERVE AS A LONG-TERM SUBSTITUTE TEACHER UNDER AN AGREEMENT WITH AN INSTITUTION OF HIGHER EDUCATION IN EXTREME HARDSHIP SITUATIONS CHAIRMAN NEWTON: We'll move on now to A-3; it's Consideration to allow a teacher intern to serve as a long-term substitute teacher under an agreement with an institution of higher learning in extreme hardship situations. And the presenter is Tammy Healey from the Dumas School District and Dr. Peggy Doss from the University of Arkansas at Monticello. And, Ms. Pfeffer, are you going to preface -MS. PFEFFER: Yes, ma'am.

CHAIRMAN NEWTON: -- their presentation? MS. PFEFFER: Yes, ma'am.

CHAIRMAN NEWTON: Okay.

MS. PFEFFER: Madam Chair, Members of the Board, recently we've been -- we've had some conversations with school districts who are experiencing trouble finding teachers. And Dr. Peggy Doss at the University of Arkansas at Monticello had approached us with some ideas that she had had because they have a two-semester student internship program, so their student interns are student teaching for two semesters. And we looked at the suggestion and looked at our rules and for long-term substitutes the waiver process ultimately rests with the State Board. So I asked Ms. Healey to come and talk to you from the school district perspective and Dr. Doss to come and talk to you from the University's perspective, to explain their idea, to see if you would be comfortable with looking at the ADE having a Memorandum of Understanding to guide this process and in cases where there were an extreme hardship where approval might be granted for a long-term substitute who meets the criteria but yet does not have the bachelor's degree yet that's currently required.

CHAIRMAN NEWTON: Ms. Pfeffer, are we asking for a waiver of the requirements or are we asking for -to support the agreement with a Memorandum agreement? MS. PFEFFER: I think in looking at how it would
work, it would be for -- to support the Memorandum of Understanding but the MOU would be seeking a waiver from the requirement for a bachelor's degree under the circumstances outlined in the MOU.

MS. HEALEY: Good morning. I'm Tammy Healey; I'm the principal -- I'm elementary principal from Dumas School District. And I know that there's not a K-6 shortage for the state, but there is definitely a K-6 shortage for the Delta. I have many other principals who call me on a regular basis trying to find out if I have anybody that I didn't hire. This year in my staff alone I had a $40 \%$ turnover. I sought out Teach for America and took all the Teach for America that they had. I have exhausted all applicants at this point and I'm constantly in conversation with every school -- every university in Arkansas that has an education program, trying to find out if there's anybody out there that doesn't have a job. What I'm finding is that $I$ get a lot of first-year teachers who, because they're first-year teachers and they don't have experience and they don't have training, bigger school districts that pay more aren't willing to take them. So they come and they cut their teeth on me. We train them with CGI, we train them with Talent Unlimited, we give them
comprehensive literacy strategies. And I work my tail off for those teachers for that year, and then at the end of that year they are marketable for other school districts and so I get a ton of first-year teachers. Now what I'm asking for is that we allow UAM, who is very -- they're 30 miles from Dumas. We have two interns right now that are hometown girls; they have students in our district; they've completed the requirements of the first semester, and really they have completed all the requirements. We're asking that they be allowed to come for a semester and take these two positions. Last year at this time I was unable to find teachers and I ended up taking the first grade class that in August had no teacher and dividing them among the other classes. We ended up with 25 kids in a classroom of socially deprived students who are -- we already knew were on that gap that they were going to need support, but there was no teacher to be available. I had another position but still I didn't have a teacher for and so I took retired teachers who would each commit to six weeks to come in and to take that class until Christmas, when one of the interns was finished. That was not a good situation for my students. And so we're trying to think outside the box and come up with something
to help, and we feel like we have a really good handle on this and a good proposal. And I'm going to let Dr. Doss tell you about it.

CHAIRMAN NEWTON: Before you go, are there any questions for Ms. Healey?

COMMISSIONER KEY: Madam Chair, if I can, this is an exciting proposal to me because when $I$ met Ms. Healey at the TFA induction ceremony I said at that meeting -- what I told co-ops and superintendents and everybody around the state is that "if you have ideas, if you have thoughts and ways to do things differently that are going to work to solve a problem you have, please let us know, run it by us." I don't want our first response to be no. I want our first response to be, as a department, "Let's see how we can help you with it." This is probably one of the first examples that I can present to you, because not too long after that meeting she emailed me and said, "Hey, I have an idea; I've got a problem," and she described the problem to me. Dr. Doss obviously is fully supportive and will weight-in; $I$ can't wait to hear what she has to say. And Ms. Pfeffer and her group, I said, "Hey, look at this." They've been working very hard to see if they can make this work. So I just want the Board to know that this -- if we
can make this work, I think this is going to be one of those localized solutions that may be able to be replicated in other areas to help solve a critical problem that we have. Thank you.

CHAIRMAN NEWTON: All right. Thank you. We'll invite Ms. -- Dr. Doss to come forward. And while she's coming I'd just say for a number of years I've watched and admired her work there at the University. And I think, if you'll take my word for it, that her sanctioning and supporting the program certainly gives me a feeling of confidence that it will be solid. And, of course, we'll hear from Mr. Gragg, who's the superintendent, shortly, but it is very encouraging, Commissioner, to have this nontraditional approach to an area that has a vacuum as it relates to being able to supply our schools with the support that they need. So, Dr. Doss, would you give us your comments, please?

DR. DOSS: And thank you for this opportunity to meet with you and share what we think is a very innovative approach to a problem. It is very important to us that we continue our strong partnerships in southeast Arkansas with working with the public schools to solve problems. We're looking at ways to continue to grow our own. It's not
uncommon that our students who are in our area want to stay in our area to work, and so we want to be sure that we not only increase that teacher pipeline and look for innovative ways of doing that but that these individuals are well prepared and that we retain them in these high needs schools and districts. So we're very excited about this opportunity to be a collaborative partner in solving problems with the districts of southeast Arkansas. And this proposal, the purpose we'd like to submit to you is to increase the teacher pipeline, to promote long-term retention of teachers, and to immediately address the demand for teachers in the very high-need licensure areas for public schools in the southeast area of Arkansas and the Delta region. The proposal seeks to do these following things. We'd like to allow the public schools in our area to employ our Clinical Intern II's, the second semester clinical intern, as a long-term substitute for their high-need licensure areas for which this district has not been able to successfully recruit a highly qualified licensed teacher. We feel it's much better to have our very well prepared Intern II's with a lot of, as we've said, super supervision in place than the district being forced into hiring someone that may
not be of the quality that they're comfortable with having or they immediately have to start a process of helping them improve. We're asking for a waiver of the 30-day long-term sub policy so the Clinical Interns can serve in this role for a full semester, and providing an opportunity for them to serve without having completed their bachelor's degree. A Clinical Intern II at the University of Arkansas at Monticello is that teacher candidate that's in the final semester of a supervised two-semester internship at our university. They've passed the Praxis core, of course, the Praxis II content areas; they've completed all of their coursework; and they've already been in 13 full weeks of a Clinical Internship I experience in that school, being supervised by university supervisors as well as by the cooperating teachers in that district. All of our Clinical Interns have a 3. GPA.

We would provide from the University support and services through this collaborative partnership with a School of Education in the public schools. We would intensely supervise this Clinical II/Long-Term Substitute. And those that would exist in this opportunity and supervise and help support and further develop these individuals would be not only
the University faculty supervisor that they would have as a Clinical Intern II, but also our UAM School of Education Partnership coordinator. And I know Mrs. Healey has said on several occasions she has her own speed-dial, so they're in constant communication and collaboration.

In addition, our Educational Renewal Zone director has made a full commitment to providing the services of the ERZ in supporting this project. The UAM STEM Center would provide the math and science specialists to go in and help with additional PD and support for that teacher in those areas, the School of Education literacy specialist. Our special education faculty would look forward to going in and helping serve with those individuals to help better meet the needs of the special needs students. Our public school cooperating teacher's request would be that -- obviously, they would still need to have their public school cooperating teacher in the grade level in which they would be serving as a long-term sub working very closely with this individual. Of course, as Mrs. Healey has already indicated, there would be the additional support of the building level administrators because, as someone has already said, we know that strong leadership in the district is
very important at that building level to help support not only beginning teachers but those who have been there for awhile. The instructional facilitators at the co-op, the educational cooperative, as well as in the public schools will be there for support and school counselors. We look at this as an opportunity to solve a problem, as an opportunity to provide for this district some extremely well-prepared and ready-to-go teachers. And after one semester of serving as a long-term sub we would think that this person would immediately be in that position on a permanent basis. So I thank you for this opportunity to give you some insight into what we can do at the University. And I certainly want to emphasize that this would not be the last time that we'll be looking for innovative ways of meeting the needs of our districts and increasing the number of teachers, highly qualified teachers we have in Arkansas. Any questions, I will be happy to address.

CHAIRMAN NEWTON: We'll hear comments from Mr. Gragg before and we can do questions after that. So, Mr. Gragg, would you identify yourself?

SUPT. GRAGG: Good morning. My name is Kelvin Gragg. I am the superintendent of Dumas School District. I sat back there earlier and was listening
to discussion about the type of assessment that we're going to be giving in the years to come, and forgive me if that wasn't on my mind. You know, my attention is how am I going to get a teacher in my class -- in my building to prepare my students for whatever type of assessment that you all decide that we have to give. And, you know, quite frankly, we're at an end. In my school district we have -- as of today, we have nine school -- nine positions open. I've called Apple, I've called every program, and hiring people, let alone I can't get somebody to come to interview for -- you know -- for a position. I've instructed my staff that we have to think outside the box; you know, not everybody is like me that loves southeast Arkansas and that's going to be there. But I feel very important about that area. I've told you all once before when I came before you with the Dermott School District that I think my kids in southeast Arkansas deserve the very best, just like students all across the state. And I'm going to turn over whatever rock that I can to make sure to explore any options that are available to provide the students in Dumas an opportunity to have a quality education. So this is again an example of us thinking outside the box. You all have our commitment that we're going to
do everything within my power to make sure our teachers have the tools and the training necessary to be successful. We just ask that you all help us. You know, I talked to my grandfather last night and I said, "What -- you know -- what do I say?" And, you know, he says, you know, "I don't know, son." He says, "I remember about 60 years ago Orval Faubus came and made a statement that 'we need to help them poor folks in northwest Arkansas.'" Well, I'm here to ask y'all to help the poor folks in southeast Arkansas give our students a quality education. Thank you.

CHAIRMAN NEWTON: Thank you. Thank you. And I know -- I don't know if all your career has been in southeast Arkansas, but I know you've been in Crossett and Pine Bluff and Dermott and now Dumas, and never (inaudible) reputation there.

SUPT. GRAGG: Thirty years, and 29 of them have been in southeast Arkansas.

CHAIRMAN NEWTON: Well, thank you. Thank you for sticking with us. Questions? Dr. Barth.

DR. BARTH: This is probably for Ms. Pfeffer. How long is this MOU -- is it a permanent MOU or does it have a time limit on it?

MS. PFEFFER: And, well, to be honest we've not
really sat down and gone through the MOU with all of the details. In talking with Ms. Reinhart, I think one of the first things we would want to do is really sit down with the University of Arkansas at Monticello and look at will we do one MOU with the University and then they work with school districts and we have wages to insure that when those long-term sub requests come in -- because we would still have the district's report, the long-term subs, to us. We would just want to be able to note for you which ones are working under this MOU with the University of Arkansas at Monticello. So there would be some things to work out. Our MOU's are typically for a year and, you know, probably Ms. Reinhart could speak more to that, but I would think that we would just do this for the upcoming 15-16 school year and then review that MOU each year. And I think with any -as with anything else, we would definitely want to be able to put in some metrics for when -- you know -to be able to look at this at the end of the year and say, "This was successful." And one of those things that we would look at $==$ I think one of the things Dr. Doss mentioned was are these candidates -- once they finish are they ones that then stay in these districts and want to be hired and have a permanent
teaching job there.
DR. BARTH: Yeah. And I assume the MOU also kind of more clearly defines the Delta, which -MS. PFEFER: Yes, I think so. And we would definitely want to make this part of the Equitable Access Initiative and kind of tie-in so that we don't have a lot of different initiatives. I really think it very closely aligns with those things that we put in our Equitable Access plan and the research that's there.

DR. BARTH: Yeah. I think it's super exciting. I just think -- I think we definitely want some good assessment data just if it does work in terms of being able to share best practices with other --

MS. PFEFFER: Exactly.
DR. BARTH: -- other universities in the state.
MS. PFEFFER: Yes.
DR. BARTH: Thanks.
CHAIRMAN NEWTON: Ms. Dean, questions?
MS. DEAN: No.
CHAIRMAN NEWTON: Ms. Zook?
MS. ZOOK: Okay. You answered my "are they going to stay" question. The other is: do we have any data on the pass rate of education majors from this -- from Monticello?

MS. PFEFFER: We can get that.
MS. ZOOK: Because I know that everybody that goes through any program, you know, whether it's lawyers, doctors, whatever, doesn't always become licensed. So at what point would they take that test?

MS. PFEFFER: Well, Dr. Doss answered one of the questions that I had had, that these candidates who would be approved would have passed the content Praxis. So the long-term subs would've had to have passed their basic skills and their long -- and their content assessment. And so, therefore, once they completed the degree, you know, they would be considered completers who would then be fully licensed.

MS. ZOOK: Okay. Thank you.
CHAIRMAN NEWTON: Ms. Saviers?
MS. SAVIERS: No.
CHAIRMAN NEWTON: Mr. Williamson?
MR. WILLIAMSON: No.
CHAIRMAN NEWTON: Mr. Black?
MR. BLACK: No.
CHAIRMAN NEWTON: I think we're ready for a motion.

DR. BARTH: I'll move approval of the
development of an MOU with the specifications on a length of time for the MOU and other definitions. CHAIRMAN NEWTON: You heard Dr. Barth's motion. Is there a second?

MS. SAVIERS: Second.
CHAIRMAN NEWTON: Okay. All -- any further discussion? Do you need to get it again? MS. COFFMAN: Who was the second? CHAIRMAN NEWTON: The second was Ms. Saviers. I'm sorry. Any further discussion? All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? That motion passes. I'm getting ahead of myself because I'm so excited. I am just so excited about the possibility that this presents for an area -- we were discussing this last night, just the challenge that we face in small rural communities from a section of Arkansas that some people are not even acquainted with, you know, when young people are making decisions about where to go. So this is a tool. And to know us is to love us and I feel like when they get there, when they get to Dumas, Mr. Gragg, they'll stay.

SUPT. GRAGG: Thank you.
CHAIRMAN NEWTON: So thank you and congratulations to being trailblazers. And I think
this is an opportunity to be a trailblazer.
SUPT. GRAGG: Thank you.
CHAIRMAN NEWTON: We're going to break for lunch and we'll be at lunch for -- we'll reconvene at 12:40.
(LUNCH: 11:53 A.M. - 12:40 P.M.)
A-11: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE KATHY G. GRIFFIN

CHAIRMAN NEWTON: We're going to deviate a little bit from our action agenda and call A-11. Right, Ms. Liwo? A-11, right?

MS. LIWO: Yes.
CHAIRMAN NEWTON: Yes. Okay. Consideration of Waiver Request for Teaching License,

MS. LIWO: Yes. My name is Jennifer Liwo; I'm staff attorney for the PLSB. And we have reached an agreement that we would recommend that the Board adopt, and that is to have Ms. Griffin placed on a one-year suspension, effective from July 1, 2015 through to June 30, 2016, and assess a $\$ 100$ fine and condition the issuance of any subsequent license at the end of her suspension period based on her fulfilling all other eligibility requirements -- I'm sorry.

CHAIRMAN NEWTON: Okay. The attorney, would you
step forward and identify yourself and speak to that agreement, please?

MR. BLACKSTOCK: Clayton Blackstock on behalf of Kathy Griffin. What Jennifer and I did is we went back and looked at all the other PLSB complaints that were similar to see what type of punishment had been imposed in similar situations, and that's where we got the one-year. In addition -- and the issue here is my client was convicted of a misdemeanor charge, a failure to report child maltreatment. There was like a two-week delay in reporting and the statute says immediately. So we went back and she's actually voluntarily been under -- she voluntarily surrendered her license pending the outcome of that misdemeanor charge, so she's technically not been teaching for the last three years. The one-year provision is consistent with what the PLSB has done in other similar cases. And we have -- before you, we have letters of reference from her employers and a number of other people. And she has a lot of supporters here today, which is why we asked to be moved up on the agenda.

CHAIRMAN NEWTON: So you've heard the substance of the agreement. Are there any questions by any board members? If not, is anyone ready with a
motion?
DR. BARTH: I'll move approval of the agreement as articulated.

CHAIRMAN NEWTON: So Dr. Barth recommends approval. Is there a second?

MR. BLACK: Second.
CHAIRMAN NEWTON: Second by Mr. Black. Any discussion? All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Then the motion passes.

MR. BLACKSTOCK: Thank you very much for moving us up. Thank you.

A-4: CONSIDERATION OF APPEAL FROM DENIAL SCHOOL CHOICE APPLICATION - HART

CHAIRMAN NEWTON: Okay. A-4, Consideration of Appeal from Denial of School Choice Application.

And before we go into -- this will start our -several items of school choice applications, and Mrs. Zook has an observation for the folks that are involved in the school choice. So we might give just a minute for -- if they're outside to come in -MS. DAVIS: For all of them?

CHAIRMAN NEWTON: Well, as many as can. But if they'll listen, you know, hopefully, they can get the
gist of her comments.
MS. DAVIS: Okay.
CHAIRMAN NEWTON: Okay. On our agenda there are five action items related to school choice. And Ms. Zook wants to make a comment, a remark for you to consider.

MS. ZOOK: Okay. I want to be sure that the parents realize that even though they have the appeal process to us, in those cases where there is a federal court order, whether we agree with it or not we are limited with what we can do. And we've been working under the, I think, 10-year-old Attorney General's opinion that we can't make a decision, which if there's a court order there's a court order there's a court order. A new Attorney General's opinion has been requested. It's my understanding that it's on the Attorney General's desk at the moment but they haven't ruled. So what I wondered is, knowing all of that, would these parents rather wait and be heard in August when hopefully we'll have -- the Attorney General's opinion may be exactly like the one we're working under now. But if you come today we have to think in terms of the current ruling, not the imminent ruling. And if we decide that both -- based on that, then it's possible that
we would deny. And then if the new Attorney General's new opinion was different the people in August might be given a yes. So I want this to be left up to the families to decide whether they want to go ahead with this hearing today, knowing that the 10-year-old Attorney General's opinion will be what we have to think in terms of or would they rather wait until August, not knowing what the new Attorney General's opinion will be.

CHAIRMAN NEWTON: Okay. Ms. Davis, would you -your name is Jennifer Davis?

MS. DAVIS: Uh-huh.
CHAIRMAN NEWTON: Okay. Would you -- do you have anything to add to supplement that?

MS. DAVIS: No.
CHAIRMAN NEWTON: Is that something that makes sense to you?

MS. DAVIS: Yes.
CHAIRMAN NEWTON: So then I think probably, Commissioner, we'll just call up each -- without giving -- not giving time to hear it, we'll just call up each action item by family name and ask them what their preference is --

MS. DAVIS: Okay.
CHAIRMAN NEWTON: -- and proceed in that way.

So the first one would be A-4, Consideration of Appeal for School Denial Choice Application-Hart.

MS. DAVIS: Ms. Hart called this morning, our office, and she has withdrawn that.

CHAIRMAN NEWTON: Okay.
MS. DAVIS: So that one has been withdrawn. CHAIRMAN NEWTON: Okay. Well, would you notify her -MS. DAVIS: Yes.

CHAIRMAN NEWTON: -- of this conversation? MS. DAVIS: Yes.

A-5: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE APPLICATION - WILSON

CHAIRMAN NEWTON: Okay. Then the next one is the same thing, Wilson. Are the Wilson's here? MS. WILSON: Yes.

CHAIRMAN NEWTON: Would you step forward, please? Based on Ms. Zook's explanation, what we understand to be an imminent ruling, or fairly likely to be happening before we meet the next time, do you want to proceed today with your hearing or would you like to have it rescheduled for August? MS. WILSON: I'd like to proceed.

CHAIRMAN NEWTON: Okay. Then, Ms. Davis, give the background.

MS. DAVIS: Okay. And just real quick we'll go over the procedures. They'll be the same for all the school choice appeals. When -- after the introduction of the agenda item, if the family wants to proceed, anyone wishing to testify will need to be placed under oath. And then beginning with the nonresident district, the district will have five minutes to present an opening statement, followed by the parent or the family. Then the district will also have 20 minutes to present their case, followed by the family. At that point you can either make a decision to sustain the rejection or you can grant the appeal. Are there any questions about that? Okay. So the Wilson family is a resident of the Dollarway School District and White Hall is where they'd like to choice to and it was denied. So at this time I'll go ahead and turn it over to the White Hall superintendent.

SUPT. DAVIS: Good afternoon. Larry Smith, Superintendent of Schools at White Hall. We did -CHAIRMAN NEWTON: I'm sorry. I'm new. Would you raise your right hand to be sworn? SUPT. DAVIS: Yes, ma'am.

CHAIRMAN NEWTON: Do you swear or affirm that the testimony you're about to give is the truth, the
whole truth and nothing but the truth?
SUPT. DAVIS: Yes, ma'am. We did receive -CHAIRMAN NEWTON: You have five minutes, Superintendent.

SUPT. DAVIS: Oh, it won't take that long. We did receive a school choice request from the Wilson family for a kindergarten student. There are siblings currently in our district that came in prior to the opt-out option being part of school choice, as far as that part was concerned. I contacted the State Department of Education concerning the changes in the law this year and was informed that the previous Attorney General's opinion standing that we have to reject because they have chosen to opt out. So we have denied based upon that, that request.

CHAIRMAN NEWTON: Thank you. Ms. Wilson, would you raise your right hand. Do you swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth? MS. WILSON: Yes. CHAIRMAN NEWTON: You have five minutes for your initial presentation. MS. WILSON: Well, I was just wanting to have my school -- my daughter to attend the White Hall School District. I presently have three children that are
already attending the district and I would like to keep them together; she's an incoming kindergartner. I have a third grader, seventh grader, and a tenth grader, and so they are currently in White Hall School District and they have been since 2011. They're all doing exceptionally well, there are no behavior problems. And I would like to transfer her because of the proven quality education that I know that the White Hall School District can bring, that I know that the Dollarway School District cannot bring to my child -- cannot give to my child. I was denied only basically because of the monetary value, the dollar figure that my daughter would add to the Dollarway School District versus the type of education that they can provide for her. They denied her because they want to keep all of the students that's within the Dollarway district so they can have all of their funding.

CHAIRMAN NEWTON: Any rebuttal from the superintendent or any further remarks? SUPT. DAVIS: (Shaking head from side to side.) MS. ZOOK: Is the Dollarway person here? CHAIRMAN NEWTON: Is the Dollarway representative here?
(BRIEF MOMENT OF SILENCE)

CHAIRMAN NEWTON: All right. Then we're ready for questions from the Board.

MS. WILSON: I do have -- sorry. I do have an article that was in the Pine Bluff Commercial on May 24 th that states that the reason for that denial is because of monetary value also.

CHAIRMAN NEWTON: Any questions? All right. Are you sure you understood the statement Ms. Zook made?

MS. WILSON: Yes.
CHAIRMAN NEWTON: Okay. I just want to make sure.

COMMISSIONER KEY: Ms. Davis, yeah, could I ask -- okay, I want to try to make sure I understand, so the Board understands. The parent has three -- two or three children already --

MS. WILSON: Three.
COMMISSIONER KEY: -- at White Hall? Okay. So explain to us the change -- how the change in the law is impacting this situation. Can you do that for us?

MS. DAVIS: From my understanding, when the School Choice Act -- I believe it was 1989 -- it did not have a limitation in it for a district to opt out, but that was added in 2013. So her children, she said, have been there since 2011. It was before
the limitation and opt-out was allowed by a non -- I mean, a resident district for desegregation.

MS. ZOOK: But they don't have to demonstrate how it would affect. Because it's my understanding that if you have an African American child who wanted to go to a different district and the district they're living in was predominantly African American, I mean, how can that impact the -- you know -- those are the questions we're hoping the Attorney General will answer.

MS. DAVIS: Sure.
COMMISSIONER KEY: But the opt-out isn't -- are we operating under the 2013 law or the 2015 law?

MS. DAVIS: Well, we're operating under 2015, but it also has a limitation in it that if a district claims that there is a conflict with the school choice provisions based on a court ordered desegregation plan or order then they can submit that to us as proof of a conflict.

COMMISSIONER KEY: Okay. So is that what Dollarway is claiming or are they claiming the 3\% cap?

MS. DAVIS: Based on the information they provided to us or -- well, they provided the information to White Hall, stating that they were
under a desegregation order.
CHAIRMAN NEWTON: Could you elaborate some on the deseg order for the new board members to understand what's -- how that's significant or --

MS. DAVIS: I'm sorry; what was the question?
CHAIRMAN NEWTON: To talk a little bit about the desegregation order and what the impact of that is on districts as it relates to school choice -- or someone? Ms. Clay?

MS. DAVIS: Ms. Clay --
CHAIRMAN NEWTON: Okay. All right.
MS. DAVIS: -- can deal with that one.
MS. CLAY: I'll do my best. You may remember, in 2013, the school choice law changed from what had been the longstanding school choice law that allowed a school district to provide -- to exempt themselves from the School Choice Act by claiming that they had a desegregation order. The school choice law changed in 2015 to require that districts that could not participate in school choice provide proof to the Department of their desegregation conflict. The law doesn't go any further than that in saying provide proof to the Department. So what we have done is collected the proof provided, we have posted that on our website, but we have not made any sort of
interpretation about the sufficiency of that proof. I think that's where Ms. Zook was going with her statement that there's been an Attorney General's opinion requested about what authority you all have to interpret the proof provided. Now the proof provided has been a number of different things. It's not always what appears to be a court order. It may be some other kind of documentation. Regardless, we're still operating under the 2003 Attorney General's opinion that says the best people to interpret a federal court order are federal judges or parties to the lawsuit. I don't know what the new Attorney General's opinion will say; but regardless, asking a board, such as yourselves -- and this is no offense to you as a board -- but asking you to interpret what federal court orders mean may be a difficult task. But we'll wait and see what the Attorney General's opinion says and go from there when we get it. Does that answer a question of kind of where -- the history and where we are?

MS. SAVIERS: And I know that I probably over the years brought this up 14,000 times, but I just still struggle with this. For instance, Dollarway is in academic distress. That seems like that should trump everything.

MS. CLAY: And I understand your concerns, but it can't trump a federal court order. I mean, that's just --

MS. SAVIERS: I mean, I get it. I just needed to say it.

MS . CLAY: Okay.
MS. ZOOK: And just so the public knows, this federal court order that they're relying on is 56 years old; it's a 1959. None of these people probably in this room were even born when this federal court order -- so to pull out something -the case wasn't even about this; it had nothing to do with this. And in other instances we've let children go with their siblings. So based on that I move that we allow the transfer.

MS. SAVIERS: Second.
CHAIRMAN NEWTON: Okay. Motion by Ms. Zook and second by Ms. Saviers. Any further discussion? Dr. Barth.

DR. BARTH: I just think that the -- like it or not, the constitution is the constitution and these federal court rulings are articulations of the equal protection clause and we have to abide by that, whether we like it or not. So I'll oppose the motion on those grounds. I think it's getting us into very
tricky waters at this point.
CHAIRMAN NEWTON: Any other comments?
MS. ZOOK: Withdraw.
CHAIRMAN NEWTON: Ms. Saviers?
MS. SAVIERS: I withdraw.
CHAIRMAN NEWTON: Are you serious?
MS. SAVIERS: I mean, my heart is with these families and so $I$ was very emotional when I threw my second out there. But the voice of reason spoke, so now I'm thinking it doesn't -- we have -- we really don't have an option.

CHAIRMAN NEWTON: For the new board members, every year this time we are faced with this and we have gut-wrenching and heart-tugging stories. And I think -- I'm not saying either way, but we have to realize the precedent that we set if we --

MS. SAVIERS: Yeah.
CHAIRMAN NEWTON: -- as Ms. Clay said, if we think that we're wise enough to go against federal court order.

MS. ZOOK: Have they tried for a legal transfer?
CHAIRMAN NEWTON: Ms. Davis. I'm sorry. Ms. Wilson.

MS. WILSON: I have not been advised of that option.

MS. ZOOK: Okay. That is an option. So I don't know how the vote will go today; I suspect I know. But if the vote is to deny the request, then you can approach the school board and ask for a legal transfer.

CHAIRMAN NEWTON: Based on the fact that Ms. Saviers has withdrawn her second, we now need a second or the motion will die for lack of a second. So do we have a second? Do we have a second?
(BRIEF MOMENT OF SILENCE)
CHAIRMAN NEWTON: Then the motion dies for lack of a second.

COMMISSIONER KEY: Madam Chair, if I may, you know, Dr. Smith is here and he's in the position under the statute that he probably doesn't like to be in. It's Dollarway who has submitted to the Department their evidence. They are not here. To make a final decision on this case in my opinion would be premature and unfair to the parent, because we don't have the opportunity to hear from Dollarway to hear any justification. And if we go along with the direction that Ms. Zook I think was trying to lead us, by the next meeting -- yes, it will be five days before school starts; I understand that. But by then we'll have an AG's opinion and it will give us
some guidance and direction.
CHAIRMAN NEWTON: Well, I think based on that my recommendation would be that we reset this, Ms. Davis -- I'm sorry -- Hart [sic].

SUPT. DAVIS: Senator, I may make this a little more gut-wrenching than it already is.

CHAIRMAN NEWTON: No, you can't do that.
SUPT. DAVIS: We had 111 school choice applications this year in our district. We have accepted 14 kindergarten applications already. That already puts us over the $90 \%$ for kindergarten, which means there's likely not a space available now, unless you want another set of parents up here appealing why after this appeal -- because I'm not sure where they fell in the order of turning applications in. I don't have that information in front of me. But it's possible that it may knock another kindergartner out of an opportunity, which may just open up another can of worms. I'm not trying to make it difficult; I just think you need to know that information too, because we did have more kindergarten applications than we did anything and we honored all of those that were not from a district that opted out, so --

CHAIRMAN NEWTON: Ms. Saviers, and then Dr.

Barth.
MS. SAVIERS: Where are your applications coming -- the majority of your applications coming from?

SUPT. DAVIS: Typically, we get the majority of ours from Pine Bluff, Watson Chapel, Dollarway. I will tell you I had one from Paragould this year. I'm not sure how you choice from Paragould. Well, I do think I actually know how you choice from Paragould to White Hall. I have had information -we occasionally get some from Sheridan. Not so much lately, but in the past have gotten some from North -- or from Pulaski County coming down. But the vast majority of them come from other district or within our county, which you would expect, being close in proximity and transportation being an issue. But that's where most of them come from.

CHAIRMAN NEWTON: Dr. Barth. DR. BARTH: Well, I just want to respond to the Commissioner's concerns. I mean, in terms of precedents we've set on these cases, you know, the '68 opinion, the Cato case that's here is very much in sync with the kinds of evidence that we've received in past years under the same AG ruling that we've had. It is a little troubling that the Dollarway district is not here; I admit that. But I
worry about us going a different direction than our actions over the last couple of years were. While the law has changed somewhat, it has not changed in a fundamental way related to the treatment of deseg orders.

COMMISSIONER KEY: I think -- well, I might differ with you, but I think it has changed substantially. Before, it was an opt-out and now there's no language in the statute of opting out. It's whether -- let me see if I can find it again; I think it's -- hold tight with me just for a second. I want to make sure I read it correctly and not try to go from memory. Dr. Smith is right, that lack of capacity is an issue at the $90 \%$. That's new language. The other part that is relevant -- let me find it. Okay. The school district claims a conflict must submit proof to the Department that there's a genuine conflict under an active desegregation order or active court approved desegregation plan with the intra-district school choice provisions. That's substantial; that's a substantial change in the language that I don't think we have enough information with this case to really say what is -- you know -- what is a genuine conflict. I think that's what we're waiting to hear
from on the AG's opinion. Is that -- am I close? MS. DAVIS: Yes, from my understanding. COMMISSIONER KEY: Okay.

DR. BARTH: But I did ask Ms. Clay -- this is the rule that we -- we did an emergency rule on this, right, last month?

MS. DAVIS: Yes.
DR. BARTH: Either last month or the month before. And I did ask that question, are we going to be in a position where we're having to make these evaluations about what's genuine and what's not. And I think the -- I believe your answer was, you know, no, that there had not been -- at this stage with the AG's opinion that we presently have there has not been a fundamental change on that. Is that right? MS. CLAY: That's correct. I mean, I agree with the Commissioner that the law requires more of the districts. What I think we're all waiting on is what that does for you all. You know, I still think that -- and we'll see what the Attorney General advises. But putting a board in a position of interpreting a federal court order is I think what you said; you know, you're getting into murky water there. So the law changed what was required of the districts to submit. I think the question we're waiting on for
guidance from the Attorney General is what did that change do to your role as a board in evaluating. Maybe the better word is evaluating a court order, rather than interpreting. But I think that's really what we're waiting on from the Attorney General.

MS. zOOK: There's another law that talks about children being able to go to the school where their sibling is already attending. Is that -- and I can't call it up; y'all may know it by heart. But there is a statute, act, law, whatever you want to call it, that speaks to a child being able to follow siblings.

MS. CLAY: Yes. There was basically a grandfather provision for school -- for children that were attending under the 1989 School Choice Act, and that was then extended to 2013 School Choice Act. Now you still run into -- and it is difficult because we don't have somebody here from the Dollarway School District. But if a federal deseg order says you can't have students transfer then there could still be a conflict there. But to answer your question, yes, there is a grandfather provision under both -all of the prior school choice acts that allow students -- siblings of those students who are attending under those acts to also attend. COMMISSIONER KEY: Ms. Clay, help me to -- I
mean, $I$ don't know that the submission of a court order in and of itself -- because the law -- the statute says that the school district has a burden to demonstrate that there's a genuine conflict under an active deseg order. We have a minority who is trying to move, who already has three children that has moved under the previous law. I mean, what is the demonstration of a genuine conflict by the Dollarway School District -- or -- yeah -- by the Dollarway School District that this order conflicts with the provisions in the school choice law?

MS. CLAY: I don't know the answer to that. And, you know, I think to do that would be to -because you're right, it's the Dollarway School District's burden to prove that. So I think for me to either advocate for or against whether they have submitted that proof would not be appropriate. It may, like you said, be necessary to compel them to appear at the next meeting. They were notified -just so everyone is clear, they were notified that this was an agenda item and that obviously it involved a school choice appeal that -- or a school choice application that they denied. But I don't -I think the question that you're asking I think is most appropriately answered by the Dollarway School

District.
COMMISSIONER KEY: Okay.
DR. BARTH: Ms. Clay, on the space issues which -- when there is the grandfathering of previous students versus a space constraint, which wins, I mean, under the statute?

MS. CLAY: The grandfathering of the students comes first, but there still has to be capacity for the students.

DR. BARTH: For the students.
MS . CLAY: Yes.
DR. BARTH: So capacity --
MS. CLAY: Yes.
DR. BARTH: -- would still --
MS. CLAY: Yes.
DR. BARTH: -- be of primary importance in this case?

MS. CLAY: Yes.
DR. BARTH: Okay.
CHAIRMAN NEWTON: Ms. Hart [sic]?
MS. WILSON: May I mention that I was the third applicant, so I was number three in line versus the 14 that are already accepted.

CHAIRMAN NEWTON: Well, where do we go from here, Commissioner?

COMMISSIONER KEY: Kendra, don't go too far away. If you read in the -- as I'm digging down into the order that was cited, you know, let me just -"It's the declaration and judgment of this court that the Arkansas Pupil Enrollment Act of 1956 was constitutional on its face; the Arkansas Pupil Assignment" -- that's number one. Number two, "Arkansas Pupil Assignment Act of 1959 is constitutional on its face." Those provisions are law. "The Board of Directors of the Dollarway School District and its individual members, defendants, superintendents, officers, successors in office" -it tells them that they are "permanently enjoined from engaging in any act or acts, within the doctrine of Brown v. Board of Education, which will directly or indirectly impede, thwart, delay or frustrate the progress of said plaintiff children as they attend such schools; that the defendants and each of them and their successors in office, forthwith, but not later than the beginning of the $59-60$ school year in the defendant district, in good faith and within the doctrine enunciated the aforementioned Brown v. Board of Education case, proceed with and apply the rules and regulations prescribed by the Arkansas Pupil Assignment Act of 1959, and, five, that the court
will retain jurisdiction of the case."
So if you've got a minority parent how -- that is wanting to leave, which, if you think about it on balance, is not going to change the balance, the racial balance of a school district to make it more minority, in essence to make it more segregated, don't -- do you think that it might be a good idea for Dollarway to be here to explain how this provision, the order the judge back then told Dollarway to abide by, applies in this case? Would it be helpful -- do you think it would be helpful to this board to get that information?

MS. CLAY: Absolutely. You know, otherwise, you all are left either deciding that they did or did not submit proof, which gets dangerously close to interpreting a federal court order. So having the entity that has the burden of proving that they actually have some sort of conflict here I think would be very helpful for you as a board.

MS. ZOOK: It would seem to me that we need to amend and say not only does the parent and the nonresident district need to be here for testimony, but that the resident district is also required to be here, not optioned to be here.

MS. CLAY: Right. I agree with that. And I
believe there's a provision in your current rules that says you can compel the attendance of any party. So that may not have been communicated as clearly as we need to. Going forward, that can be something that we going forward make sure that both school districts involved, as well as the parents, are present to explain their positions and answer any questions.

CHAIRMAN NEWTON: And I think based on where we are, and if it's agreed by the Board, then we will reset this until next month. Because I don't think we can come to a satisfactory conclusion based on needing all the folks -- all the parties here. And that Dollarway be informed that they are compelled to be here to address this matter at our August meeting. Is that -- I don't know -- you know -- because we don't have a motion -- well, we had -- the motion and the second was withdrawn. So we can't take any action unless it's something that will follow what we've done in the past. I think the only opportunity for Ms. Hart [sic] to have her case resolved and her have both sides of the story presented we'll have Dollarway come next month. So we'll just reset that.

MS. ZOOK: Madam Chairman, I wonder if we need to have a special meeting to address these cases so
it won't be five days before school starting, just for questions.

CHAIRMAN NEWTON: That's a consideration. We can do that too.

COMMISSIONER KEY: Schedule a special meeting? CHAIRMAN NEWTON: And then schedule all the school choice requests at that time.

MS. ZOOK: If the Attorney General's opinion. CHAIRMAN NEWTON: Well --

MS. SAVIERS: Yeah.
CHAIRMAN NEWTON: Well --
MS. ZOOK: There wouldn't be much point if -CHAIRMAN NEWTON: Maybe we could do it on a Wednesday. It's going to be cutting it close because we don't have any idea when she's going to do that or when it will come from her office. All we can do is set a date and it may or may not be, but --

COMMISSIONER KEY: I've been informed that the Senator that requested the opinion expects that it could be within the week. Okay? So, if that helps.

CHAIRMAN NEWTON: Okay.
COMMISSIONER KEY: You know, we never know for sure about the timing of those being released.

CHAIRMAN NEWTON: So we'll do the best we can to make sure that we give enough cushion for the
districts and for the parents, you know, to the extent that we can. Okay. But it will be reset for a special meeting -- either the August meeting or a special meeting and we'll notify the parties.

MS. CLAY: I would recommend with this particular hearing, if you would -- if that's your pleasure to reschedule it, you make a motion to table the issue since you are already in the middle of the hearing. That way, you can pick back up where you left off at your next meeting.

CHAIRMAN NEWTON: Okay. Is there a motion to table?

MS. ZOOK: I move that we table item 5.
CHAIRMAN NEWTON: Ms. Zook's motion. Is there a second?

MS. DEAN: Second.
CHAIRMAN NEWTON: Second by Ms. Dean. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Then this item A-5 is tabled until further notice.

A-6: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE APPLICATIONS - TEAGUE, MORTION, LLOYD, GREEN, GARDNER, AND WHEELINGTON FAMILIES

A-7: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE

- July 9, 2015

APPLICATION - BLACK
CHAIRMAN NEWTON: Item A-6 is the Consideration of Appeal from Denial of School Choice - Teague, Morton, Lloyd, Green, Gardner, and Wheelington Families.

MS. DAVIS: And before we proceed with them, action item A-7 is the Black family and it's the same school districts, resident and nonresident, and same arguments. So they have requested to -- if there's no objection to do those action items 6 and 7 together.

CHAIRMAN NEWTON: Okay. That's fine.
MS. DAVIS: And so I guess we need to find out whether the parents want to --

CHAIRMAN NEWTON: Right.
MS. DAVIS: -- proceed or table it.
CHAIRMAN NEWTON: Okay.
MS. DAVIS: Okay.
CHAIRMAN NEWTON: So then all of those that are mentioned are in agreement to having it reset -tabled and reset?
(COURT REPORTER'S NOTE: The families listed in
Item A-6 and A-7 answered affirmatively.)
CHAIRMAN NEWTON: Okay.
COMMISSIONER KEY: Madam Chair and Ms. Davis,
and this one has a twist because of consolidation. MS. DAVIS: Right.

COMMISSIONER KEY: Would you please inform the members of how the consolidation component works into this?

MS. DAVIS: Yes. The argument that the parents are making is -- I believe it's the Lewisville School District had a active desegregation order and I believe they were consolidated with Stamps and became the school district that they are now, the Lafayette County School District. And they are here. But, so they consolidated and the parents' argument is that the Lewisville School District desegregation order does not apply to the Lafayette County School District because, one, Lafayette County was not in existence at the time, nor are they named.

CHAIRMAN NEWTON: Okay. So with that
explanation, can we -- and the agreement of the parties involved, unless they state that they are not in agreement -- do we have a motion for A6 and 7 that it be tabled and that we notify the families of the hearing dates?

MS. SAVIERS: So moved.
CHAIRMAN NEWTON: It's been moved by Ms.
Saviers.

MR. BLACK: Second.
CHAIRMAN NEWTON: Second by Mr. Black. Any further discussion? Any questions by the family members at this point --

MR. LLOYD: Yes.
CHAIRMAN NEWTON: -- about the decision?
MR. LLOYD: May I ask one question?
CHAIRMAN NEWTON: Yes. Would you come forward and identify yourself?

MR. LLOYD: Ma'am?
CHAIRMAN NEWTON: If you'll just identify yourself and the family that you're representing.

MR. LLOYD: My name is Brad Lloyd, and the Lloyd family is who I'm representing. My only question that $I$ have is if the federal judge, federal court never made a ruling on it how can it be considered a deseg order?

CHAIRMAN NEWTON: I think that the ruling has been made by the federal court. I think that's what we're operating under now is a ruling by federal court.

COMMISSIONER KEY: Yeah.
MR. LLOYD: I mean, from what I --
COMMISSIONER KEY: And I think that would be part of the case you would be presenting.

MR. LLOYD: Okay.
COMMISSIONER KEY: And we'll have direction -better direction after the Attorney General's opinion of what the leeway of this body is to be able to handle and deal with the questions like that.

MR. LLOYD: Okay.
COMMISSIONER KEY: I'm sure that there's a legal team up here -- I can't see them right now, but I know that some attorneys here from the other district would probably weigh into that. So, Madam Chair, it is my suggestion that we not get into that piece today; that if everyone is in agreement that we take those things up at the time.

CHAIRMAN NEWTON: Are you in agreement to delay it?

MR. LLOYD: Yes, ma'am.
CHAIRMAN NEWTON: Okay. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Okay. The motion carries. So you'll be notified of the reset date.

A-8: CONSIDERATION OF APPEAL FROM DENIAL OF SCHOOL CHOICE APPLICATIONS - VICKERS, DEAN, AND TATOM FAMILIES

CHAIRMAN NEWTON: So we're at --
MS. DAVIS: Eight.

CHAIRMAN NEWTON: Yeah. I'm sorry; we did say 6, 7 and 8.

MS. DAVIS: No, 6 and 7. I wanted -- because it's a different resident school district --

CHAIRMAN NEWTON: Okay.
MS. DAVIS: -- agenda A-8 was handled separately. But if the families are in agreement we can also table that as well, but it's up to the families.

CHAIRMAN NEWTON: The Vickers, Dean and Tatom families, you've heard the previous discussion. So you are in agreement? Are there any questions from any family members?

MS. CONNIE DEAN: I do have a question. I represent the Dean family; my name is Connie Dean. We are very concerned with the timeframe that we're dealing with. So will we be able to send our children to wherever we're going to send them to school? I mean, are we going to be with the -- this lady right here when y'all set the date for her?

CHAIRMAN NEWTON: Yes.
MS. CONNIE DEAN: Okay. Okay. So we'll get it in writing and --

CHAIRMAN NEWTON: You'll get a hearing before school starts.

MS. CONNIE DEAN: Okay. And what date is that? The 17th, okay. I'm just living in summertime, so -CHAIRMAN NEWTON: Okay. MS. CONNIE DEAN: Okay. All right. Thank you. CHAIRMAN NEWTON: All right. Thank you. Then we'll need a motion for A-8 also.

MS. ZOOK: I'll move.
MR. BLACK: Second.
CHAIRMAN NEWTON: Moved by Ms. Zook, second by Mr. Black. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? The motion carries.

A-9: CONSIDERATION OF APPEAL FROM DENIAL OF OPPORTUNITY SCHOOL CHOICE APPLICATION - COLE

CHAIRMAN NEWTON: The next, A-9 -- we'll give those -- these folks a chance to get out. Okay. A-9 is Consideration of Appeal from Denial of Opportunity School Choice Application, Cole family.

MS. DAVIS: All right. And the Opportunity School Choice is a little different. It allows a parent to request a transfer out of an academically distressed school or district to a non-distressed school or district. And the only reason that either the school district or the school itself can deny is
for lack of capacity. So, any questions about that?
Okay. So this is the Cole family and they are currently zoned for high school at J.A. Fair and have requested a transfer to either Parkview or Central; that was denied. The same procedures will be as they were for the School Choice Act: five minutes beginning with the district, five minutes for the family, and then 20 minutes each to present their case.

CHAIRMAN NEWTON: Okay. Who are the parties that will testify other than Ms. Cole?

MS. DAVIS: It will be the Little Rock School District.

CHAIRMAN NEWTON: Represented by?
MS. DAVIS: I'm checking to see if they're in the hall.

CHAIRMAN NEWTON: Ms. Davis, while we're waiting, would you explain the difference between the previous cases and this particular one?

MS. DAVIS: Under the Public School Choice Act of 2015, a parent can request that their child be transferred to any other district or -- you know -for whatever reasons. And a desegregation order can prevent -- that can cause a conflict with the provisions, and also it's a 90\% cap line, capacity.

Under the Opportunity School Choice, you can only request this if the school that you're currently either zoned to attend or are attending is considered academically distressed or if your district is in academic distress; then, you can choice to go to a non-academically distressed school or district. It's a $95 \%$ cap on capacity. And capacity or lack thereof is the only reason that a district can deny, and in this case Little Rock School District denied on the basis of capacity at both Parkview and Central.

CHAIRMAN NEWTON: So is there anyone here from the Little Rock district?

MS. DAVIS: We're not able to find anybody here from the Little Rock School District.

CHAIRMAN NEWTON: Ms. Cole, would you step up to the podium please?

MS. COLE: Yes, ma'am.
CHAIRMAN NEWTON: Raise your right hand to be sworn. Do you swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

MS. COLE: Yes, ma'am.
CHAIRMAN NEWTON: State your case.
MS. COLE: I'm here today just to appeal the denial of my daughter -- or the Little Rock School

District's decision to not allow my daughter to transfer from J.A. Fair, which is her zoned school. I've applied over the years several times to be transferred to different schools, starting -- my daughter currently is going to the 10 th grade. I've applied several times and I have every -- the copies of every time I've submitted a request to different schools, and I have never been -- or my daughter has never been allowed to receive the school that we've chosen within the Little Rock School District. However, for high school -- and I just let it go in the past; I didn't -- I've never appealed. I didn't realize that it would be, you know, this magnitude, but I do feel very strongly that because J.A. Fair is a distressed school district that she would be given an opportunity to go to either Parkview High School or Central. Like I said, I do have proof that I've submitted everything that they've requested. I was told last year that she was number 13 on the list to go to Parkview. Well, this year they changed the rules in how they choose, the lottery system. They used to do a lottery once a year and choose the students that get to go and they kept a running tally or a list who would come up next. Well, this year they do a lottery, a draw, every time that they need
to select some students. So every student, I'm told, gets a fair chance every time. So there are no more lists is what I'm told. But I just felt like we got so close and then, all of a sudden, they've changed it, which I don't find any fault in the way they're doing it; it's just that every single time my daughter gets -- she does not get to go into the school of our choice, which is either Central or Parkview.

CHAIRMAN NEWTON: Ms. Saviers has a question.
MS. SAVIERS: Ms. Cole?
MS. COLE: Yes, ma'am.
MS. SAVIERS: Where did your daughter attend middle school?

MS. COLE: Mabelvale.
MS. SAVIERS: And that's not a school in academic distress but it is a priority school, I believe.

MS. COLE: Yes. It's not a school of distress. She --

MS. SAVIERS: But I was just -- I'm trying to understand if, when you make your application, if you are put into -- put onto a list of folks who are coming from schools in academic distress. Because it appears to me that those folks should get first
choice. Do you see what I'm saying?
MS. COLE: But from what I -- yes, ma'am, I do understand what you're saying.

MS. SAVIERS: Uh-huh.
MS. COLE: But from what I'm told that's not the way they do it.

MS. SAVIERS: Well, since they're not here --
MS. COLE: They told me it's a lottery system and there's no preference to where you live or where you come from, what school you've been at or what grade point average. I'm told that none of that is how they choose.

MS. SAVIERS: Well, and I agree with the lottery idea, but I disagree with the idea that there should be -- I mean, I just think folks coming from a school in academic distress should have first choice because of the legislation that we see before us. So, is everybody kind of reading it that way or --

MS. ZOOK: The letter that I see denied her the right to go to Central, but Parkview wasn't even addressed. And when we intervened in the Little Rock district last year they said Parkview had a 78\% capacity. So how could you go from 78\% to 100?

MS. SAVIERS: Well, that's my question.
MS. ZOOK: Yeah.

MS. SAVIERS: Yeah.
MS. COLE: I have copies stamped by the Little Rock School District that have both schools listed for years. I mean, I have at least two years' proof with me.

MS. SAVIERS: But I remember that as well, but these are moot points because we don't have them here to ask the question, unless we can go online and look at the data and see what their attendance population -- Parkview's population is.

MS. ZOOK: What if a kid moves to their attendance zone? Tell them they can't go?

MS. SAVIERS: We don't know.
CHAIRMAN NEWTON: Well, no, we don't know, and I think it's -- that's why it's incumbent upon them to be here to answer the questions. And I think maybe if anybody has an advantage or disadvantage because of that it's their fault because they're not here to answer questions.

MS. COLE: Yes, ma'am.
CHAIRMAN NEWTON: So any other -- Dr. Barth.
DR. BARTH: This is probably for Ms. Clay. On Ms. Saviers' question about -- I was just trying to look at the statute. And when is -- is there a requirement that Opportunity Choice students be
elevated in the list? I'm just trying to get -- just trying to get the Choice Act in my head. It doesn't seem to say that.

MS. CLAY: No. I don't think that is addressed in the Opportunity School Choice Act. I think that would be district policy on how they handle those applications and process to the point of capacity.

DR. BARTH: So, I mean, you know, just to respond, I think you may think that's the right thing to do and it does seem to be the spirit of how we've been kind of operating in terms of academic distress. But it does seem like the statute as presently written does give districts a fair amount of leeway in terms of how they -- whether they prioritize it. MS. ZOOK: I'm ready with a motion.

COMMISSIONER KEY: If I may, Madam Chair, I'm trying to sort through the documents in there. There's just some -- there are some discrepancies. The letter -- one letter from Little Rock says the distress application was submitted May 1, 2015. But the other document that's submitted January 30, 2015, and received January 30, 2015, do you know -- did you submit more than one application this year? MS. COLE: Yes, sir. COMMISSIONER KEY: Okay.

MS. COLE: During the -- you receive a letter, a notification letting you know that if you want your child to go to a certain school that there are openenrollment periods where you go and you apply to the school of your choice. And I did submit -- and I have a copy of that; $I$ did submit to the district for both schools. I was denied, and then I was told to wait until after -- toward the end of the year and they would have a better idea of how many students that they would need to place or if the other schools had lost some of the students that they'd have some openings. So I went back down, especially after I got that letter explaining that J.A. Fair was a distressed school, what day -- I was there day-one. I tried to be the first one there in the morning to be in line and I signed up. So, yes, I do have two.

COMMISSIONER KEY: Okay. Thank you for the clarification.

CHAIRMAN NEWTON: Okay. Ms. Zook has a motion. MS. ZOOK: I move that we approve the request for her child to go to Parkview.

CHAIRMAN NEWTON: Is there a second? MS. SAVIERS: Second.

CHAIRMAN NEWTON: Second by Ms. Saviers. Any further discussion?

DR. BARTH: Well, just -- and I'm obviously deeply sympathetic and I believe that she has totally done it right and worked hard to -- I just do worry a little bit about precedent, so 1 would just -- and we do know that there was some disruption in the Little Rock district at the beginning of last school year because of movement, because of the academic distress decisions. Right before school started there was quite a bit of movement, especially at the junior high level, that did create some discord in some other schools. So I just would -- my only worry is setting precedents with decisions like this. And I think this feels right but I just do worry about that.

MS. ZOOK: Dr. Barth, the precedent would be if you don't show up to tell us why not then --

DR. BARTH: Well, I do get a little frustrated when it is the state's school district and so whose --

MS. ZOOK: Ask for a legal transfer.
DR. BARTH: -- whose responsibility -- whose responsibility is this, you know?

MS. SAVIERS: Here's their -- yeah -- here's their school board over here.

CHAIRMAN NEWTON: Any other comments?

MS. SAVIERS: We got a thumbs-up from the school board.

COMMISSIONER KEY: Yeah.
CHAIRMAN NEWTON: Yeah. Okay. If there's no further discussion, we're ready for a vote. So all in favor of this motion signify by saying aye.
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
DR. BARTH: I'll vote no.
CHAIRMAN NEWTON: Dr. Barth, one opposition.
And then the transfer is approved.
MS. COLE: Thank you.
MS. ZOOK: Will the ADE send a letter to Little Rock informing them?

MS. DAVIS: Yes.
MS. ZOOK: Thank you.
A-10: CONSIDERATION OF WAIVER REQUEST FOR TEACHING LICENSE JUSTINE ANN McDUFFIE

CHAIRMAN NEWTON: A-10 is Consideration of Waiver Request for Teaching License, Justine Ann McDuffie. Ms. Reinhart.

MS. REINHART: Cheryl Reinhart, attorney for the Department of Education. And I apologize for my voice; I'm having a little laryngitis. This is a waiver, request for a waiver and so I want to go over
the hearing procedures just briefly. Each party will have the opportunity to present an opening statement of no longer than five minutes, beginning with the Department of Education. The Chair may for good cause shown and at the request of either party allow additional time. Each party will be given 40 minutes, which neither of us will take that long, to present their cases, beginning with the Department of Education. The Chair may for good cause shown, again, grant additional time. After both parties have presented their cases the State Board may allow each party to present limited rebuttal testimony. Every witness giving oral testimony must be sworn under oath by the court reporter -- I'm sorry; not by the court reporter, but by the Chair, and is subject to direct examination, cross examination, and questioning by the Board. So I'll proceed with our Department's opening statement.

CHAIRMAN NEWTON: Okay. Do I have to swear everybody in now --

MS. REINHART: Yes.
CHAIRMAN NEWTON: -- with exception of
attorneys? Those expected to testify, would you please stand and raise your right hand? Do you swear or affirm that the testimony you're about to give is
the truth, the whole truth and nothing but the truth?
(ALL WITNESSES ANSWERED AFFIRMATIVELY)
CHAIRMAN NEWTON: Okay. Ms. Reinhart.
MS. REINHART: Okay. Thank you.
COMMISSIONER KEY: How many minutes? How many minutes for intro? Five?

MS. REINHART: Five for intro.
COMMISSIONER KEY: Okay.
CHAIRMAN NEWTON: And it's 40 for combination?
MS. REINAHRT: Pardon me?
CHAIRMAN NEWTON: It's 40 for a combination?
MS. REINHART: Five for intro and 40 for
argument basically, so --
This is the case of Justine McDuffie. She is a licensed educator and has received a letter from the Department that we received information that she had been arrested and subsequently convicted, in March of 2014, violation of the Uniform Controlled Substances Act. There were two felony counts involved in that, one for Possession with Intent to Sell and the other Possession of Drug Paraphernalia. And we did advise her that she had the right to request a hearing, which she has done. Our concern with this case -and we are recommending revocation. And our concern with this case is the nature of the offense, which is
felony -- not misdemeanor, but felony charges, two, and involving the sale of methamphetamine. Some of that methamphetamine was found on her person and in her home and the Department feels strongly that there should be revocation of her license in this case. I will allow Ms. McDuffie now to have her oral argument.

CHAIRMAN NEWTON: Ms. McDuffie, step forward. You have five minutes for opening and more time can be allotted.

MS. McDUFFIE: Thank you. My name is Justine McDuffie. And what I'm requesting is a waiver to reinstate my license on a probationary period. When I was teaching fourth grade I was constantly attempting to get my students to use words correctly. I taught them the difference between farther and further, for example. One difference I stressed was between eager and anxious. Students often wanted to say they were anxious to do something, when they actually meant they were eager or looking forward to it. Today, I come to you with a mixture of both eagerness and anxiousness. I'm eager to meet with you and plead my case in the hopes that you will empathize with my situation and allow me to retain my teaching certificate. However, I'm also anxious.

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This is my shot. After I finish my appeal to you, my fate is completely in your hands. Whether or not I'm allowed to pursue my career and life's passion is no longer up to me, and that is a scary place to be. I could give you all sorts of reasons and excuses for how I came to be arrested and charged with two drugrelated felonies. I was mixed up with the wrong people, including a bad boyfriend. I was in a manic state due to my bipolar tendencies and wasn't thinking clearly. But when it comes down to it, I have to face the fact that I'm guilty of these acts. I made my own choices, albeit unwise ones, and now I have to live with the results of them the rest of my life. Even if you allow me to keep my certificate I will always have this black mark on my past and I will always regret it. Being arrested and incarcerated was humiliating, humbling and terrifying. I am working to put it behind me, but the experience taught me a lot. One thing I learned is that I never, ever want to be in that position again. I want to move forward positively, which means leaving the world of drugs and illegal behavior behind me. I refuse to become a statistic, one of those people who can't pull herself out of the eddy of mischief and continues to live life on the
fringes. I will never again commit an act for which I can go to jail. I'm stronger than that and I'm committed to keep myself on the right path. My life depends on it. There is a Flannery O'Connor short story called Good Country People, which I've always particularly liked. In it, a woman with a wooden leg is mesmerized by a traveling salesman who lures her up into the hayloft of a barn. She's eager -correct use of the word here -- to experience the hidden pleasures he professes to offer her. Unfortunately for the woman, the salesman is a rogue who has misled her. He coerces her into removing her leg, then promptly pops it in his briefcase and leaves her stranded in the loft. Today, I come to you as that woman. In my own foolishness I have allowed my leg to be taken; you have the power to give it back to me. I want to climb out of the hayloft. I want to walk again. Thank you.

CHAIRMAN NEWTON: Ms. Reinhart, do you have any recommendation?

MS. REINHART: Yes. I just have a few additional things I would like to note. Her sentencing order, which was issued in December of 2014, is only a few months old. According to her sentencing order, there shows a prison sentence of 24
months and probation of 72 months, so that's a considerable length of time. And considering the nature of the drug offense being methamphetamine the Department simply cannot recommend anything at this time except revocation of license.

CHAIRMAN NEWTON: Are there any questions? You've heard both presentations. Dr. Barth. DR. BARTH: Ms. Reinhart, in terms of -- oh. CHAIRMAN NEWTON: Hold on a second; the rebuttal. Ms. McDuffie, do you have rebuttal? MS. McDUFFIE: My father would like to make a statement.

MS. REINHART: She still has --
CHAIRMAN NEWTON: Okay.
MS. REINAHRT: She still has time. They have copies also. They have copies of their statements they brought in.

CHAIRMAN NEWTON: Mr. McDuffie's father, we're ready to hear from you.

MR. McDUFFIE: My name is Harold McDuffie and I'm Justine's father. One thing that I would add is that she -- after she paid her fine the probation has been automatically reduced to 36 months. Okay. I'm just going to read this statement because I don't speak extemporaneously very well.

Justine's license to teach elementary school in Arkansas was revoked because she had a felony charge for sale possession of drugs, an offense for which she pleaded guilty and served 120 days in Washington County jail. The charge was based on less than one gram of methamphetamine. We her parents, both retired high school teachers, ask that you place her license on probationary status for a terminable period of time. We ask that you grant this waiver for the following reasons:

First, Justine is a very good teacher. She proved herself in the classroom for eight years. Her students tested well, even when she was a beginning teacher. And further, she is passionate for -- she has a passion for the profession which we've witnessed in few fellow teachers. To lose her forever is not just a loss for her but to the profession.

Second, the failure in judgment that brought her to this end is one that will never be repeated. The 120 days she spent in jail awakened her to the folly of giving in to the impulses and blotting out good judgment brought on by her bipolar mental condition -- I'm sorry; medical condition. Her arrest, conviction, and four months of jail time, coupled
with the loss of her reputation, brought a level of shame and humiliation which we believe has permanently inoculated her against repeating this or any other illegal act.

Third, the felony offense was based on possession and sale of a very small amount of drug. For this offense she has lost not only her good name but her ability to support herself. This felony conviction made it virtually impossible to find a job that she is qualified for. Literally, it's a sentence for life. We understand the rationale behind the draconian penalties for possession and sale of drugs. Methamphetamine is an extremely destructive drug. However, we can't accept that she should not be -- there should not be a possibility of a path back for repentant offenders, particularly nonviolent, marginal offenders who are highly unlikely to ever offend again. We remind you that she had less than one gram, not ten kilos of the drug. We, Harold and Catherine McDuffie -- and that's her mother -- beg you: grant our daughter this waiver for probationary status so that she can reenter the profession that she has a passion and uncommon ability for. The gain will be hers, of course, but it will also be that of the fourth-
graders who enter her domain. And thank you.
CHAIRMAN NEWTON: Thank you, Mr. McDuffie.
Anything further from Ms. McDuffie?
MS. McDUFFIE: No. No, thank you.
CHAIRMAN NEWTON: Then, Ms. Reinhart.
MS. REINHART: I would just ask that if you consider anything other than revocation that you consider the length of time of the sentence and the nature of the crime. Ms. McDuffie is -- was 45 years old at the time of the offense and I believe that the seriousness of it needs to be taken into consideration, considering that there is some history of possible mental disorder as well. I would certainly say that if you're considering anything less than revocation that $I$ would please ask you to recommend drug and rehabilitation counseling, drug testing, et cetera.

CHAIRMAN NEWTON: Is there any information in your record regarding the mental illness or the diagnosis?

MS. REINHART: No.
CHAIRMAN NEWTON: Okay. Any questions? Ms. Zook.

MS. ZOOK: Are you reporting regularly to your probation officer and are they regularly doing drug
tests?
MS. MCDUFFIE: I had been reporting regularly; he has yet to drug test me. But I -- if he does I will pass.

MS. ZOOK: And if we consider something other than the recommendation of $A D E$, would you be willing to understand that failure to report to an NA meeting or failure to pass a drug test would mean automatic revocation immediately?

MS. McDUFFIE: Yes, I understand.
MS. ZOOK: That's all the questions I have.
CHAIRMAN NEWTON: Any other questions? Dr. Barth.

DR. BARTH: Ms. Reinhart, so, you know, I'm in agreement that this is very quick after the offense, and so -- but I -- you know -- permanent revocation does feel too severe and so I'm just trying to figure out what that middle path is. Would a -- could -I'm just trying to figure -- I don't -- I'm not ready to do this today, in essence, but if there was a proven period of stability on Ms. McDuffie's behalf I might be willing to think about it. Is there a possibility of tabling this or just basically holding it for another -- just to see how things go over the next couple of years? What -- I'm just trying to
figure out some path that is not permanent revocation but also maybe not acting today.

MS. REINHART: Well, I don't think I would recommend tabling it but -- because you do have the option of a probation, which would allow her to work, or option of a suspension, which would allow her not to be in the classroom for a period of time.

DR. BARTH: If there was a suspension could we come back to this -- or I guess it would -- it would stay with -- y'all would evaluate whether she has abided by the --

MS. REINHART: Yes.
DR. BARTH: -- conditions of that suspension?
MS. REINHART: Yes.
DR. BARTH: Okay. I'm just trying to figure out what's possible.

CHAIRMAN NEWTON: Mr. Williamson.
MR. WILLIAMSON: For Ms. McDuffie. Did you enter any drug rehab program?

MS. McDUFFIE: No, I have not. I have a psychiatrist that I see on a monthly basis and I go to monthly probationary meetings with my probation officer.

MR. WILLIAMSON: Okay. Are you involved in any -- Ms. Zook referred to NA -- or any 12-step program?

MS. McDUFFIE: No. But, I mean, if that's something that you want me to do I'll absolutely do it.

MR. WILLIAMSON: Well, I'm particularly sensitive to this, I mean, because $80 \%$ of addicts, you know, relapse. And it concerns me greatly that you have not been through a 12-step -- are not actively involved in a 12-step program or have gone through an inpatient rehab.

MS. McDUFFIE: Okay.
MR. WILLIAMSON: So I just want to clarify those things.

MS. DEAN: I don't know who to present this to, but have there been any complaints from the classroom?

MS. McDUFFIE: No.
MS. DEAN: Any complaints from any students or parents?

MS. McDUFFIE: Not to me.
MS. DEAN: To just second what Mr. Williamson said, that concerns me from the perspective of if this is something that you were determined not to get back into $I$ would have thought you would've initiated the process of putting yourself in some sort of rehab or help to get yourself -- to make sure that this
never happens again. So that's kind of a concern of mine as well.

CHAIRMAN NEWTON: Any other questions on this? If not, are we ready for a motion? Do you have rebuttal or a closing statement that you'd like to make?

MS. McDUFFIE: Not really. I mean, like I said, the choice is in your hands now and basically the rest of my life depends on what you guys decide today and I'm just kind of throwing myself on your mercy. The reason I haven't gone to any kind of 12-step program is because I feel that I'm strong enough to do this on my own. But if you believe that it's important for me to attend 12-step programs then I will do it. I'll do anything I have to do to get my teaching license back.

CHAIRMAN NEWTON: Okay. Thank you. So if there's no further questions, do we have a motion? Ms. Saviers.

MS. SAVIERS: Okay. I'm just going to keep this to myself. I thought I was going to make a comment, but I won't. I want to approve the -- let's see; I should have gotten my wording in order here -approve the -- no -- disapprove -- not approve the waiver request for Justine Ann McDuffie.

CHAIRMAN NEWTON: Okay. So motion by Ms. Saviers to not approve the waiver. Is there a second?

MR. WILLIAMSON: Second.
CHAIRMAN NEWTON: Okay. All in favor?
(MAJORITY CHORUS OF AYES)
CHAIRMAN NEWTON: Okay. I think we may have -well, any opposed? Did everyone vote?

MS. ZOOK: I didn't.
CHAIRMAN NEWTON: You did not?
MS. ZOOK: I vote no. I probably would've voted for a conglomerated proposal, but I can't.

CHAIRMAN NEWTON: That is a no?
MS. ZOOK: Yes.
CHAIRMAN NEWTON: Okay. It's a no?
MS. ZOOK: Yes, it's a no.
CHAIRMAN NEWTON: Then one no vote. The motion carries not to grant the waiver.

MS. SAVIERS: And I want to -- I do want to say this: when someone says "we're depending on you to determine the rest of my life," we're -- that's not who we are; that's for you to do, to determine the rest of your life, and there are lots of options out there besides teaching. So, good luck.

MS. McDUFFIE: Thank you.

CHAIRMAN NEWTON: A-12 -- do we need a break? MS. ZOOK: I do.

CHAIRMAN NEWTON: Okay. Let's take a break, 11:18. Well, by that watch, 11:18 -- a 10-minute break.
(BREAK: 2:05-2:15 P.M.)
A-12: STATE BOARD REVIEW OF PLSB EVIDENTIARY HEARING FINDINGS AND RECOMMENDATIONS - PLSB CASE NO. 13-047; BEVERLY GARNERHARRIS

CHAIRMAN NEWTON: And now we're down to A-12, Review of PLSB Evidentiary Hearing Findings and Recommendations relative to Beverly Garner-Harris. Ms. Liwo.

MS. LIWO: I'm Jennifer Liwo with the PLSB. The parties have submitted their briefs and each -generally each party has 10 minutes to present their arguments; however, we were granted 20 minutes to present our arguments before. It's my understanding that Ms. Garner-Harris does want to address the Board and that is within the Board's discretion. However, I would ask that the Board caution Ms. Garner-Harris to curtail her comments to either the arguments that were raised in her written objections and brief or the evidence that was presented at the evidentiary hearing. I would also ask that the Board place Ms.

Garner-Harris under oath before she -- if you decide that she may address you.

CHAIRMAN NEWTON: Okay. I just -- a question for clarification, how is it problematic to go outside of those realms? Is that the only thing that you're asking us to consider or --

MS. LIWO: Well --
CHAIRMAN NEWTON: -- what would additional information do?

MS. LIWO: It would prejudice the PLSB because the PLSB would not have had an opportunity to address those -- her comments prior to this hearing or at the evidentiary hearing. The purpose of the written objections is to flesh out any problems that surface at the evidentiary hearing. The review for the State Board is not a second chance at an evidentiary hearing.

CHAIRMAN NEWTON: I can appreciate that, but I don't know where we'd start and stop that, so -- we don't know what's been presented, so I don't know what the pleasure of the Board would be but I would think that if that happens then you could rebut it and ask us not to consider it because it's not a part of the case, and we can make the determination.

Because we can't start and stop.

MS. LIWO: Okay.
CHAIRMAN NEWTON: That's my opinion. I don't know how the rest of the Board feels about that. So would any witnesses, including Ms. Garner-Harris, stand to be sworn in? Would you raise your right hand? Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?
(ALL WITNESSES ANSWERED AFFIRMATIVELY) CHAIRMAN NEWTON: Okay. So we'll start, Ms. Liwo.

MS. LIWO: And I'll let Mr. Blackstock begin. CHAIRMAN NEWTON: Okay. Would you identify yourself?

MR. BLACKSTOCK: Clayton Blackstock on behalf of Ms. Beverly Garner-Harris. Can you hear me? Is that okay?

CHAIRMAN NEWTON: Yes.
MR. BLACKSTOCK: Thank you.
CHAIRMAN NEWTON: You have five minutes initially.

MR. BLACKSTOCK: Oh, okay. What we're going to do is, first of all, I'd say that this board is an independent body that actually weighs all of the evidence. It's not just simply do we think they did or didn't do the right thing. It's under the

Administrative Procedures Act and you actually look at all of the evidence that's been submitted -- and there's quite a bit and you may not have had time to read a lot of this stuff. But you balance it all and you actually make a decision and balance the weight of the evidence. You've already had the benefit of the PLSB looking at it but you're to make an independent decision. And within the limited time that we have Ms. Garner-Harris and I have split our time up and Ms. Garner-Harris is going to focus on one aspect of what happened, the facts, and I'll focus on some other arguments. So we have tried to set it up so we limit everything to what actually occurred at the PLSB and issues that were raised there. Our presentation -- my presentation, when we get to our 20 minutes, will simply be, one, we'll talk about the alleged violation of Standard 1, which Standard 1 is the one that deals with your interaction with students. And this all deals with interactions with her secondary class back in 2009. Everything dealing with Standard 1 is a second grade class in 2009, and her principal was Principal Morgan. That's one ethics code that they claim she violated. The second one was Standard 6 and that standard deals with revealing confidential
information. And her principal at that time was Ms. Snyder [ps]. It was in the next school year, 201011, and the confidential information she allegedly revealed had to do with the number of times that a student in her class was tardy. Those are the two issues. The first one is an evidentiary argument of the facts and the balancing of facts; the second one I think is a legal one, whether that information was confidential or not to begin with. And then the last thing that $I$ will address is there was certain evidence that we submitted to the PLSB after they had their hearing and we want the Board -- the PLSB did not consider that evidence, and so I'll let you know what that evidence is and why I think this board should consider it. And that's an outline of our presentation.

MS. LIWO: Sorry. Generally, the Educator's attorney just proceeds with his arguments, or her arguments, and so I'm going to go back -- let Mr . Blackstock take the podium again and then argue after him.

MR. BLACKSTOCK: Okay. I thought that we had like a five-minute introduction and then we'd come back again, but apparently it's all in one bailiwick. So I'll just pick up where I left off and go through
those three points.
Standard 1, the alleged violation is her interaction with her elementary kids in second grade. And her principal was Principal Morgan. The first thing I want to -- there's three actors that I'm going to talk about: Principal Morgan, Principal Snyder, and Mr. Green, who's the safety and security officer of the Little Rock School District that's involved. Those are the three main people I'll be talking about. Principal Morgan was her principal when she was in second grade when this -- all this allegedly occurred. Before I tell you about what the students said, I want to point out, as we did in our brief, that Principal Morgan did not want Ms. Harris at his school to begin with. This is a bias argument when you balance the evidence. Mr. Morgan had a bias; he didn't -- he had his friend picked out, a neighbor, another colleague who he wanted to be a teacher at his school. The district knocked her out and said, "I'm sorry; you're going to take Ms. Garner-Harris." He wasn't happy about that. Then Ms. Garner-Harris filed an EEOC charge against him and so all of this transpired after that. Keeping in mind Principal Morgan's bias, the biggest problem that I have with the case is that all of these second
graders were interviewed by the safety and security officer back in 2009, and the manner in which the interviews were conducted makes them totally unreliable. The ethics complaint was not filed until three years after these interviews took place and, of course, Ms. Garner-Harris, nor I, nor any -- nobody has a chance to talk to the -- I mean, once three years passes the second-graders aren't going to remember anything. Nobody had an opportunity, other than this principal and the security officer, Mr. Green, to interview the students.

There's four reasons why when you look at these interviews we think they're not reliable. One is the safety and security officer never even talked to the students about what it means to tell the truth. I mean, usually when you interview students you want to get that confirmation; you want to let them know that.

Number two, they were obviously coached before the tape was turned on. I'm going to point to four things here: one, Principal Morgan was present when all of these second-graders were interviewed. Principal Morgan said that Mr. Green, the investigator, didn't talk to the students before he turned on the tape recorder. So we have a principal
saying "we turned on the tape recorder and we got everything they said." Then, Mr. Green testified that it was important to record the whole conversation so that nobody could accuse anybody of coaching the students. But then, when I pointed out to Mr. Green in all of these taped interviews all the times that he asked the student or told the student "you told me a while ago, didn't you," "a while ago you showed me this, didn't you," "isn't that what you told me a little while ago," "you showed me this a little while ago," it was obvious to me that he had already visited with all these students before the tape recorder was turned on. So when you look at the testimony from that investigator about these interviews with the students he eventually says, he says, "Well, I did talk to the students ahead of time as a sort of fact-finding, to see if the student had anything to say that needed to be recorded." So here we have a principal saying that it never happened, an investigator saying "you should record the whole thing," and then eventually the investigator acknowledges they talked to them ahead of time and then only recorded what they wanted. That was three years after the -- the ethics complaint was filed three years later; we're faced with these interviews,
is what I was dealing with. Number three, they're all leading questions. When you look at what the investigator does, he asks the questions; there's no open-ended questions, "what did she do, what did she do next, was she nice, was she not nice, how did she treat the students, did you see anything that she did wrong." It's right in there. "Did she push -- did she push the chair into the desk hard?" She was -there was a tight classroom and the students were tight and she'd go around and push the chairs in so that they could have room to circulate. But the question would be, "Did she push the chair in hard, did it hurt you in your chest," all these leading questions that I'm stuck with, and now there's nothing that $I$ can do with it. The fourth thing was the investigator said -- I said, "Did you ever tell these students when they left the interview not to talk to any of the other kids?" And he said, "It wouldn't have done any good; they're going to talk to them anyway." So not one of the students was told "don't discuss this with other students," and the interviews took place over two years, and there's testimony in the record from Ms. Harris that the kids were talking about it at the playground. So we have a bunch of second-graders, terrible interview
process, and now I'm stuck dealing with that and trying to refute it. In the record, Ms. Harris goes through every one of the 10 different -- the 10 or 13 different things and explains in detail what she remembers with regard to each student and the allegations.

The second violation was Standard Number 6, deals with confidential information, where Ms. Harris talked about she called -- thought she was calling DHS but ended up with the Department somewhere and was talking to somebody about a student being tardy, with the classroom there. She tried to keep it quiet; the students allegedly heard her talking about the tardies. They say that this was disclosing confidential information to the rest of the class; we say that that's not confidential information. The class knew that this other child had been tardy all the time. That's our argument on that one.

Number three, the last one was information that we want you to consider that the PLSB didn't consider. There's three pieces of information. One of them is Mr. Jonathan Whipps's testimony he was in Ms. Garner-Harris's room constantly dealing with her students. At the time PLSB was responsible for sending subpoenas out we asked them to send a

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| :---: | :---: |
| 1 | subpoena out; they emailed; they sent a certified |
| 2 | letter to Jonathan Whipps. He didn't show up at the |
| 3 | hearing. It wasn't until after the hearing that we |
| 4 | realized it was the wrong address. We then found Mr. |
| 5 | Whipps. He sent me a statement; we submitted that |
| 6 | after the hearing and we said, "We'd like you to |
| 7 | consider it," and the PLSB said no. We think it's a |
| 8 | critical piece of information because he was in her |
| 9 | classroom all the time. In his statement he states |
| 0 | that he never saw Ms. Harris physically or verbally |
| 1 | abuse any of the kids in the second grade classroom. |
| 2 | The second piece of evidence that they didn't |
| 3 | consider was that in the witness room -- all the |
| 4 | witnesses were in a witness room there in our hearing |
| 5 | at the PLSB, and Mr. Morgan's secretary, Ms. Ewing -- |
| 6 | that's the principal. Ms. Ewing, the secretary, was |
| 7 | in there and she told one of the other witnesses that |
| 8 | she would've written down whatever the principal told |
| 9 | her to write down at the time; that she is |
| 0 | acknowledging that she would've lied for the |
| 1 | principal. And she said that to another witness in |
| 22 | the witness room. Obviously, we had no idea until |
| 23 | after the hearing that that's what she said, and |
| 4 | that's critical because it shows that Mr. Morgan did |
| 5 | have the sort of influence to get these statements |

from people and she actually did write a statement that was adverse to Ms. Garner-Harris at the time of 2009. But when she came to the hearing she testified truthfully and testified that Ms. Garner-Harris didn't do anything wrong. That piece of information afterwards we asked the PLSB to consider; they didn't consider that.

And the third piece of information was simply that the security guard was in there in the witness room talking to all these people, trying to refresh their memory, acting kind of as an advocate when he's just supposed to be a witness.

The recommendation from the PLSB was to have a three-year suspension and then they also placed some conditions on the renewal of her license to take some courses. We believe that the evidence doesn't support the finding of a violation to begin with, and would ask the Board not to suspend her license. And Ms. Garner-Harris has a short presentation that deals with a few of the allegations, the specific allegations that deals -- has something to do with how you teach and so that's beyond my bailiwick, so I'll let her take up the rest of the time.

MS. GARNER-HARRIS: Good evening. I'm Beverly Garner-Harris and I would like to verbalize my
perspective as to what occurred. Again, as Clayton Blackstock mentioned to you, this incident began in the year 2009 and according to the allegations, nothing was pursued up until the beginning of the hearings with the PSLB [sic]. Mr. -- Mrs. Chairman, and may it please the officials of Arkansas Department of Education, ADE, I am Beverly GarnerHarris, Educator, of Little Rock School District. I hope to carefully deliberate [sic] today first why the SPSLB [sic] findings of my alleged unethical, unprofessional conduct was substantially unsupported testimony, findings without expert witness or with intelligent judgment, admissible medical evidence was lacking, or ones that did not contradict transcript validation; and finally, why the damages awarded are plainly excessive.

During the October 2014 PSLB [sic] hearing there were expert witnesses in my behalf. My counsel's description of the salient evidence, facts, procedures, burdens of proof are of course quite different from the transcript that you've been given by opposing counsel. Our prayer is that you will reconsider our brief answer. Thank you for allowing our petition for discretionary review. It is our intent to refute those and to see arguments with
absolute clarity. We think the disparate impact will clearly, certainly merit your attention. My resolve is to optimize your time in review of this hearing. Educating -- education is helping children realize his or her potential. A child is defined as something priceless, sacred, to be protected and supervised. Undoubtedly, I am accountable and responsible as an educator, answerable for the care for the Little Rock School District minor children's emotional and physical needs. We certainly owe an apology for the perceived experiences the students named and their parents have suffered. I wish to offer my most sincere apology for what was undoubtedly being judged by the alleged students' names, the appearance, and my supervisors as inexcusable tactless and inappropriate professionalism on my part. In retrospect of this six-year journey, I can only hope I can be forgiven for what was perceived as erroneously abusive. Nevertheless, neither willful misconduct, malice nor intent of harm were ever my objective. I'm greatly aware of how an offense can be taken by one person or an entire people group when there was no offense intended. But it does not minimize the harm suffered. My most abject apologies; I deeply regret
in good faith and am remorsely sorry. I agree, I made too many assumptions for that. I express my regret. As an educator for Little Rock School District, my present work was required to teach the Common Core standards set for not only English Language Arts, but also for literacy skills and a variety of content areas. The goal being for students to meet the particular challenges of instruction, rigorous academic preparation, particularly giving attention to such matters as social, emotional and physical development and approaches to learning, to mastery. The high quality education standards are intended to be a living work governed by not only Little Rock School District but also you, the State Department of Education. To achieve the objectives, I taught the Common Core to reach all students, students with disabilities, English Language Learners, accelerated learners, as well as students achieving and performing below grade level, focusing on developing the critical thinking, problem solving, and analytical skills students will need to be successful. The Common Core standards established what students need to learn, but do not dictate how teachers should always teach them. Instead, schools and teachers will decide how best to
help students reach the standards to accomplish this. I frequently took advantage of teachable moments as they sporadically presented themselves in my classroom with the least transition time as possible. It is my challenge today to highlight the alleged Professional Licensure Standards Board violations, as I bridge the language and cultural gaps found. I will uncover the connections to the complaint of this Agency using authentic sources that go beyond the literal meaning, but through its historical grammatical synthesis as well as its practical principles. In my defense, I will make reference to not only term definitions, their probable synonyms, the etymology of words, illusions, idioms, and phenologies, metaphors and similes. I choose this route because the allegations, the violations erroneously rest predominantly on offensive language and abusive treatment.

One, willful wrongful allegation: a violation of allegedly using profanity in the classroom. I deny using profanity -- cussing is the word -- in or outside of the classroom. The 2009-2010 immediate supervisor, Mr. Scott Morgan, mistakenly instructed the students of Western Hills Elementary School of his personal definition for the phrase "shut-up"
being equivalent to the same as all other cuss words. This error in application warranted students to receive this as a certain fact, whereby giving weight influenced by his judgment as well as their conduct. Black's Law dictionary page 1329 defines profanity as "obscene, vulgar or insulting language." Profanity is distinguished from vulgarity and obscenity by the additional elements of irreverence toward or mistreatment of something sacred. The Dictionary of American Slang, the Fourth Edition, Dr. Barbara Ann Kipfer's experience has enabled her to create a work that is timely and authoritative, a true guide to the informal language of the early 21st century. She also revised the Roget's International Thesaurus. Dr. Kipper defined the verb phrase shut-up as "to tell someone to be quiet and stop talking, very often a command." This source gave several examples of ways that shut-blank is used. Shut one's trap is one of her examples. Shut out was used as a noun -- or a verb phrase. Shut it, used as an interjection, to stop talking. Shut one's head, shut one's mouth, shut the blank up, shut your cake hole, shut your pie hold, shut one's face; the slang phrase shut-up can also be an initial expression of disbelief in what someone has told you, but often suggests that the
hearer is open to being convinced. The usage alert is if said with appropriate tone and body language it will not cause offense. I am answerable for the act of commonly making the statement of the student's name shut your mouth. My demeanor, body language, tone of voice, my expression was not malicious or aggressive, nor was it intended to denigrate. I walked the student to his mother's car that afternoon during dismissal to explain the incident to her; no offense was taken.

Wrongful allegation: a violation of allegedly name-calling students as ignorant. Unsurprisingly, during the students' first interrogation made by Mr . Morgan, the students were asked if the students were ever called names or did I ever use name-calling words. [clearing throat] Excuse me. I lend the usage of analogies in this issue, supported by Miriam Webster Dictionary. An analogy, a noun, is an inference that if two or more things agree with one another in some respects they will probably they will probably agree in others; a thing that is comparable to something else in significant respects; a comparison between two things, typically on the basis of their structure and for the purpose of explanation or clarification. I won't go further into [cough] --
excuse me -- what an analogy is, but in teaching or listening to students, interact with one another, they called each other ignorant. What I did was use the word ignorant to allow them to know that the word ignorant does not mean stupid or in the frame that you're choosing for it to mean. If using the word ignorant in the classroom, then I surely must be calling the student ignorant if I just use the word. This is grossly an untrue statement. The better analogy really is that $I$ defined the word ignorant and pointed out that if the students knew that the word ignorant, a noun, contradicts the allegation of which I've been charged, my personal belief coincides with the source cited below, where if it really meant the lack of knowledge, the lack of information, they would not call their classmates ignorant again. An example sentence: he acted in ignorance. This idiom emanates an expression that cannot be understood from just the meaning of a separate word, but must be learned as a whole, utilizing the entire sentence. I was charged because I said the word ignorant; I did not call a child ignorant. The English Oxford Dictionary defines ignorance as predicative incomprehension of unawareness of, unfamiliarity with, inexperience with, lack of knowledge about,
lack of information about. The word ignorant was soon no longer used in a negative manner in my classroom.

Standard 1 stipulates various alleged physical and abusive conduct with students. No form of physical --

CHAIRMAN NEWTON: Ms. Garner, your time is up but I'm going to allow you two minutes to close out. MS. GARNER-HARRIS: What I'm going to do is skip to the end of my presentation. And I apologize that I included too much information.

CHAIRMAN NEWTON: There's two minutes just to sum it up, please.

MS. GARNER-HARRIS: Yes, ma'am. The witness, Scott Morgan, holds a real apparent authority over the children, whereby the will of the students were overpowered and induced to do an act which they would not do if left to act freely. Under the influence, this deprived the alleged students free expression, destroyed freedom of their own will, and rendered even more the will of Mr . Scott Morgan. Is my time up?

CHAIRMAN NEWTON: You have one minute and 20 seconds.

MS. GARNER-HARRIS: I am pleading that you
scrutinize this assertion. I am committed to the pedagogy. Educators are the professional facilitators of student learning. It has been my determination to ascertain interventions for the special needs of families based on equality. Parents and guardians are the most important source of encouragement and guidance throughout their children's education. Mr. Clayton Blackstock cannot mention that when I was removed from his building he hired the young lady that he had hired originally and the district sent me in her place. He went back to the school where she was working and hired her into his building, in my position.

CHAIRMAN NEWTON: Thank you. Ms. Liwo.
MS. LIWO: Okay. May I proceed?
CHAIRMAN NEWTON: Yes.
MS. LIWO: Ms. Garner-Harris's case involves two ethical standards, Standard 1 and Standard 6. The ethics -- the evidence presented to the Ethics Subcommittee showed that Ms. Garner-Harris violated Standard 1 by pulling students' hair, pinching students, yanking students' arms, pushing students' chairs into their desks to a point where their stomachs would hurt, and the list goes on. With Standard 6, the evidence showed that Ms. Garner-

Harris placed a call to DHS or at least she was attempting to contact DHS about a student's tardiness, and she placed that call in front of other students in the classroom.

Mr. Blackstock has mentioned three witnesses:
Principal Scott Morgan, with Western Hills Elementary; Principal Katherine Snyder, with Washington Magnet; and Michael Green, an investigator for the Little Rock School District's safety and security department. I'm going to take their testimony one-by-one. I think it's important for the Board to know.

Starting with Principal Morgan -- Principal Morgan testified that he received information that Ms. Garner-Harris yanked students out of line, pulled students' hair, told students to shut-up, called students ignorant, and scratched and pushed students. Principal Morgan received these complaints from staff members, parents and students. This wasn't a situation where Principal Morgan went and interrogated these students or sought that information. That information was brought to him. When he conducted his own investigation based on those complaints, he forwarded that information on to the Little Rock School District's safety and security
department and they sent out Michael Green to conduct its -- their own independent investigation. Michael Green interviewed students and those interviews were transcribed. Mr. Green testified that the students reported to him that Ms. Garner-Harris again pinched, squeezed or yanked their arms, pinched their shoulders, hurt their stomachs by pushing their chairs forcefully into the desks, raked a pencil across a student's hand, pulled students' hair. As I said before, hit students on the head with a pencil or her finger, called students ignorant, and the list goes on. Mr. Green also testified that a parent informed him that she personally saw Ms. GarnerHarris pulling a student's hair.

Now Principal Snyder testified that a student came to her and complained about Ms. Garner-Harris discussing -- or calling her irrelevant in class and calling DHS and discussing her tardiness in front of other -- in front of her other classmates. Again, Principal Snyder received the complaint from that student, as well as other complaints from other parents concerning Ms. Garner-Harris.

Now Mr. Blackstock has raised the issue of credibility with regard to those three witnesses. He alleged bias on the part of Principal Morgan and

Principal Snyder. His allegation ignores the fact that the complaints against Ms. Garner-Harris did not generate from Principal Morgan or Principal Snyder or Michael Green; they received those complaints from parents, other employees and students who turned to them for help. When you look at Principal Snyder specifically, Ms. Garner-Harris alleges -- or Mr. Blackstock alleges that Principal Snyder is biased because in her opinion she did nothing to warrant any kind of professional reprimand from Ms. Snyder. But, again, a student came to Principal Snyder and -after being embarrassed in front of her classmates, after being called irrelevant. And there was also testimony that outside of that incident Ms. GarnerHarris didn't follow the school's policies on other matters. For example, she would improperly fill out student behavior reports and place excessive phone calls to parents. Those parents complained about Ms. Garner-Harris. And any teacher who doesn't follow the policies, who behaves unprofessionally with students and broadcasts confidential information would be subject to professional reprimanding. On the allegation of bias on the part of Principal Morgan, again, that argument is flawed because it fails to consider that Principal Morgan
forwarded the results of his investigation to the security department that conducted its own independent investigation and came back with even more information than that which Principal Morgan provided initially. Also, Principal Morgan did testify that during her first year with Western Hills Elementary there were no problems with Ms. GarnerHarris. Someone who is biased is not going to provide favorable testimony for somebody that they dislike; they're not going to do that.

And then on the reliability of Michael Green's student interviews, Michael Green, before working with the security department, was a responding officer for the Pulaski County Sheriff's Department. He did that for five years. He attended classes on interrogation and investigative techniques. He received special training on how to conduct interviews of children through the Police Academy of Arkansas. When Michael Green interviewed these students, he came from a position of experience and training. He recorded those students who had information relevant to his investigation. Mr. Blackstock mentioned something about him speaking with students before actually recording. Well, that's a common practice. You tend to talk to people
that you're interviewing before actually hitting that recorder, just so that they feel comfortable, to relieve anxiety. There was absolutely no evidence that Mr. Green at all prepped or prompted these students, no evidence at all. And in fact, Principal Morgan, who was also present at that -- during those student interviews also testified that Mr. Green had not in any way coached these students. And as far as the student interviews go as well, sometimes a leading question may have been asked but that wasn't the situation for all of those interviews. Some of these students volunteered the information on their own, without any prompting at all.

And then, of course, there's Ms. Garner-Harris's own testimony. She would deny the allegations but then follow her denial with her version of the events and -- for example, she denied pulling students' hair, but then tried to explain it away as a student's braids causing scalp sensitivity. She denied pushing students' chairs into their desks in a harsh manner, but then claimed that she would just scoot the students' chairs in. She denied calling a student's mother irrelevant, calling students ignorant, and saying shut-up to students. But then, as you can see even today, she has a context for how

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| 1 | she used the words ignorant or irrelevant and she |
| 2 | didn't say shut-up but she did say shut-your-mouth. |
| 3 | One other incident she apparently threw a student's |
| 4 | backpack into a trash can and she denied that too, |
| 5 | but then said she threw that backpack into the trash |
| 6 | can to get the student's attention. |
| 7 | The Ethics Subcommittee has the benefit of not |
| 8 | only hearing the testimony but observing the |
| 9 | witnesses' demeanors while they're giving that |
| 10 | testimony. And they chose not to believe Ms. Garner- |
| 11 | Harris's version of the events, and that's -- they're |
| 12 | within their right to do that, especially when that's |
| 13 | coupled with evidence to the contrary. And, again, |
| 14 | there were multiple witnesses that supported the |
| 15 | alternative events other than the ones that Ms. |
| 16 | Garner-Harris proposed that they believe. |
| 17 | On the issue of confidential information, |
| 18 | there's no question that discussing a student's |
| 19 | tardiness or the tardiness of a student is |
| 20 | confidential information. There was evidence |
| 21 | presented on that, the manner in which Garner-Harris |
| 22 | -- Ms. Garner-Harris handled that situation did not |
| 23 | follow school policy at all. And Ms. Garner-Harris, |
| 24 | she did testify that she placed that call; the phone |
| 25 | was located in the classroom. She did state that she |

spelled the student's name and that the other classmates learned about the student's tardiness because of her phone call.

Then, I guess I'll move on to Mr. Blackstock's arguments on the post-hearing motion. And I would just like to let the Board know that this was an eight-hour evidentiary hearing. It wasn't a onehour; this was eight hours. And with regard to Jonathan Whip, who they had requested to be subpoenaed, the address for Mr . Whip came from Mr . Blackstock and Ms. Garner-Harris, and the PLSB did send out the subpoena. Unfortunately, the regular mail and certified mail was not returned until after November -- until after the evidentiary hearing on November 5th. The PLSB did everything that it was required to do with regards to subpoenaing that witness.

On the issue of Pavia Ewing, the Ethics Subcommittee acknowledged that Ms. Ewing's testimony did not support any of the allegations against Ms. Garner-Harris. So any bias that Mr. Blackstock feels his client, Ms. Garner-Harris, had as a result of information that wasn't considered outside -- after the -- after the evidentiary hearing, that's irrelevant because the Ethics Subcommittee did
acknowledge that Ms. Ewing's testimony did not support any of the allegations.

On a final note, the Ethics Subcommittee actually did consider his post-hearing motion and they denied it. And, again, they're within their right to deny it; there's nothing that requires them to consider evidence after a hearing.

I would ask that the Board uphold the Ethics Subcommittee's recommendation.

CHAIRMAN NEWTON: Thank you. I have a procedural question. At this point does the attorney get the five minutes for rebuttal or --

MS. LIWO: Yes.
CHAIRMAN NEWTON: Okay. Then that's where we are.

MR. BLACKSTOCK: I would say that there's -there was nothing to indicate that any of these students were harmed in any way, other than the student saying that it hurt when I bumped. There's no nurses' -- nobody went to the nurse, nobody went to the doctor, nobody had bruises, nobody reported -anyway, there were -- two of the students reported -they reported to DHS, but DHS found that there wasn't anything. And as Ms. Harris said, when she's using these words ignorant and irrelevant, those two words,

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| 1 | she was trying to explain to you how the students |
| 2 | would use those words and then she would use that as |
| 3 | a teachable moment and say, "Do you know what |
| 4 | ignorant means? Do you know how to use that in |
| 5 | context?" The word was used throughout the |
| 6 | classroom, but when the students were interviewed all |
| 7 | they ever said was, "Did she call somebody ignorant?" |
| 8 | Now if I were doing the interview and I were Mr . |
| 9 | Green, I'd say, "What else did she say about |
| 10 | ignorant? What do you remember about her discussions |
| 11 | about it?" But nobody -- I mean, it's again the |
| 12 | interview I'm stuck with, what they've said. Nobody |
| 13 | asked these students to expound on anything. |
| 14 | The other thing I'd say is that even though Mr. |
| 15 | Green in rebuttal to this, even though Mr. Green was |
| 16 | with the sheriff's office, said he took classes on |
| 17 | how to interview students. When I asked him, he |
| 18 | couldn't recall anything about his training about how |
| 19 | to interview young children and indicated that that |
| 20 | training would've been way back in his general |
| 21 | training, whenever he started going through whatever |
| 22 | it is you go through to become a sheriff. |
| 23 | Those are the only rebuttal comments I have to |
| 24 | what she indicated. And we're open for questions. |
| 25 | Thank you. |

CHAIRMAN NEWTON: Anyone from the Board have questions?

MS. ZOOK: I do.
CHAIRMAN NEWTON: Okay. Ms. Zook.
MS. ZOOK: When was the PLSB finding? What was the date? I don't need the exact date, but what was

MS. LIWO: 2014. And I actually did provide a timeline; I put it in front of you. Okay. And the Ethics Subcommittee announced its decision on November 5, 2014.

MS. ZOOK: And has she been teaching during the interim?

MS. LIWO: No.
MR. BLACKSTOCK: No.
MS. ZOOK: Is it because of the death of her husband or because of this allegation?

MR. BLACKSTOCK: It's due to a disability.
MS. ZOOK: A social security disability, a teacher retirement disability or --

MR. BLACKSTOCK: Well, just a disability that precludes her from teaching.

MS. ZOOK: Okay.
CHAIRMAN NEWTON: Any other questions? If not, then we're ready for a motion. Okay. Ms. Saviers
has a motion.
MS. SAVIERS: I move to approve the PLSB findings.

CHAIRMAN NEWTON: Okay. Motion by Ms. Saviers. Is there a second? I'm not trying to pressure you.

MR. WILLIAMSON: Second.
CHAIRMAN NEWTON: Okay. Second by Mr. Williamson. Okay. Any discussion?

DR. BARTH: Well, I would -- I'm convinced on the Standard 1 complaint, but Standard 6 feels fuzzy and obviously it's also (inaudible). I might have a substitute that would affirm the finding related to Standard 1 along with the -- along with kind of this. I don't know if that's a technicality that matters but I was -- you know -- I just wasn't convinced there was much there on Standard 6.

MS. SAVIERS: I think -- I think that --
CHAIRMAN NEWTON: We have to have a second. Was that a substitute motion?

DR. BARTH: That was a substitute motion.
CHAIRMAN NEWTON: Okay. So do we have a second on the substitute motion by Mr. Barth?

MS. ZOOK: What is the -- is it three years' suspension and professional development? Is that the

DR. BARTH: Yeah. I would sustain the rest of the penalty, but I just thought -- and maybe it's just a technicality but it feels heavy for the Standard 6.

MS. ZOOK: And so it's two more years from now?
CHAIRMAN NEWTON: You'd just have to ask that question. We need to get a second before we have discussion. On the substitute motion I need a second.

MS. COFFMAN: Can you repeat the substitute motion?

CHAIRMAN NEWTON: The substitute motion would be taking the recommendation of the PLSB but not as it relates to the Standard --

DR. BARTH: Six.
CHAIRMAN NEWTON: -- Six.
DR. BARTH: Standard 6.
CHAIRMAN NEWTON: Six. So do we have a second? (BRIEF MOMENT OF SILENCE)

CHAIRMAN NEWTON: Well, then that dies for lack of a second. So we're back to a vote now on the motion by Ms. Saviers to accept the recommendation of the PLSB and we have a second by Mr. Williamson. So all in favor, "aye?"
(UNANIMOUS CHORUS OF AYES)

## Sharon Hill Court Reporting

CHAIRMAN NEWTON: Any opposed? Motion carries. MS. COFFMAN: I'm sorry, Ms. Newton; was that a unanimous vote?

CHAIRMAN NEWTON: Yes.
MS. COFFMAN: Thank you.
A-13: CONSIDERATION OF ESEA FLEXIBILITY WAIVER IMO REPORTS FOR PRIORITY SCHOOLS FOURTH QUARTER OF 2014-15 SCHOOL YEAR A-14: CONSIDERATION OF THIRD AND FOURTH QUARTER PROGRESS REPORTS FOR SCHOOLS CLASSIFIED IN ACADEMIC DISTRESS A-15: CONSIDERATION OF NEXT STEPS REPORTS FOR PRIORITY AND ACADEMIC DISTRESS SCHOOLS

CHAIRMAN NEWTON: Action Item A-13, Consideration of ESEA Flexibility Waiver IMO Reports for Priority Schools Fourth Quarter of 2014-15 School Year. Dr. Wilde and Mr. Harvey.

MR. HARVEY: Madam Chair, Members of the Board, Commissioner Key, thank you for the opportunity to come before you again today. Me and Dr. Wilde are going to tag-team on this. We do have all our school improvement specialists that are with us here today so that you may ask specific questions to them. I'd kind of like to give you an overview of 13,14 and 15. Thirteen is going to be the IMO reports that are required in our ESEA flexibility document; 14 is the 45-day plans that we've been working on with the

Academic Distress; and then 15 is going to be a summary of all of the year's activities together. So you may ask questions on each of those items but -CHAIRMAN NEWTON: Yeah. We'll do them together and then we'll do the approvals separate, separately. MR. HARVEY: Yes, ma'am. So our IMO reports are just that, what I'd stated before. That's our presentation. So with that, if you want to ask the questions on all three of these together, since we've actually submitted the reports to you and you've had time to review them.

CHAIRMAN NEWTON: Okay. Are there any questions on either 13 -- A-13, A-14 or A-15 for Mr. Harvey or Dr. Wilde?

MS. ZOOK: Are the principals or superintendents here?

MR. HARVEY: No, ma'am.
MS. ZOOK: Okay. I only have questions for them. I thought I had asked that they be here for the August meeting. I didn't make that clear, I'm sure, because you're always efficient.

MR. HARVEY: Yeah. Well, we did bring the specialists though, but we can have them come forward at the August meeting if you would like; call them back to review the summary reports if you have very
specific questions. So if that is the wish of board members, if you'll give me a list of those schools, we'll be happy to have them come forward.

MS. ZOOK: I think the concern I have are the things that are not being met that are principal driven and staff driven, more than those that are student results driven. It seems to me that the adults in the room need to get their act together or they're not going to get the kids where they need to be.

MR. HARVEY: Yes, ma'am. And that's the philosophy that we're working on changing, the adult behavior, and measuring it by student outcomes.

MS. ZOOK: Okay.
CHAIRMAN NEWTON: So would it be the pleasure of the Board to have these items, 13, 14 and 15, reset until August to direct questions to the staff?

MS. SAVIERS: Let's talk about this, Diane, because, I mean, I hear what you're saying. That's August and I --

MS. ZOOK: I wanted them here in July.
MS. SAVIERS: I know, and I kind of hate for them to take the day while they're getting ready for school to start and all that kind of thing. But I also understand what you're saying. And I guess just
dove-tailing on her comment, when I read through your reports -- and by the way -- and I told Mr. Harvey and his group at the Pine Bluff hearing, special hearing, at the last State Board of Ed. meeting, it is hard for those of you who haven't waded into these reports. The excellence of the information and the timeliness of your reports and the consistency across the board is just so great.

MS. ZOOK: Helpful. Helpful.
MS. SAVIERS: Oh, my gosh. It makes a huge difference. So please pass that on to your team and tell them how much we appreciate the hard work that they're doing. I know it is difficult, but this is making a big, big difference. And along those lines, I mean, you're now -- with Academic Distress, you're really seeing -- you're able to compare apples-toapples across this state, those districts that have schools in distress that are really engaged in the process, they understand the turnaround, they're willing to work with you, they're willing to do the things you're asking them to do, and then you're seeing those districts who aren't engaged at all and who aren't doing the work. How do we focus on those districts that aren't doing the work in a way that's -- that helps you? Is there something that typically
that we can do to help you?
MR. HARVEY: I think what we -- the direction we've been going with bringing attention to them has been a big benefit from the angle that I've been reviewing them. I'll let Dr . Wilde also address this question. But I feel them understanding that the Board has a sense of urgency, as has been stated numerous times, that they need to make improvement; they need to be advancing. And so keeping the pressure and then, as I would say, us working together as a team, realizing that not only is the school improvement unit, the whole Department of Ed. and the State Board of Education has a focus on assisting them, and that we will be following it out on the way it is and addressing issues, but we are there to step up and help you do the work.

MS. SAVIERS: Well, and in addition to that, I hope that you can highlight districts that are doing a really good job and celebrate successes as well along the way. So if there's ever any particular district that you think is doing an exceptionally good job, you know, we need to know about that. Even though they're on this list they may be showing great growth.

MR. HARVEY: Yes, ma'am. And Dr. Wilde and I
have actually had that discussion. As we think about districts that we would like for you to review on the Fridays, we've also discussed on having some very positive statements come before you so that you see that aspect too and give them the reward for the fact that they are making these gains and that they do have your support.

DR. WILDE: I'm Richard Wilde, School Improvement Unit Program Coordinator. The third report that you have, we're trying to mix quantitative as well as some narrative, and we're hopeful that as we go forth into next year the quarterly reports will have a quantifiable component to it so that as you're looking for districts that are not necessarily embracing the process that it will come out to you in the quantitative report, as opposed to the qualitative report. And for the specialists, keep in mind that half of the report comes from the building leadership team and then they have to mix in with it. And, again, it is difficult for us as a school improvement unit to ask the specialists to be putting a lot of negativity into their reports when they're doing it jointly and collaboratively with the building. But there has to be a way for us to identify principals or districts
that are not embracing the process and I think we can do that through the quantitative report that we'll be adding.

MS. SAVIERS: And, again, when you say principals, leaderships in buildings that aren't doing the work, at what point does the district become accountable? Now a lot of these districts are very small with -- some with only three total, you know, schools, elementary, middle and high, or five schools. So if you've got three schools -- we've had this discussion a thousand times -- or the majority of their school is in academic distress that presents a real problem for their students.

DR. WILDE: Or if they only have three schools and one of them, in particular your secondary school, is in academic distress --

MS. SAVIERS: Uh-huh.
DR. WILDE: -- it is then all kids --
MS. SAVIERS: Right.
DR. WILDE: -- will eventually go through that academic distress site.

MS. SAVIERS: So at what point does the district become accountable?

DR. WILDE: Well, I would have argued that the district is always accountable. However, as you take
a look at our rules -- and Mr. Harvey and I have talked about this -- we have written the rules more at the school level and the principal level. When, if we get the opportunity to do rewriting, and with legislative changes, we should be focusing first at the district level, then to the building level. MS. SAVIERS: I agree.

CHAIRMAN NEWTON: Any other questions? Dr. Barth.

DR. BARTH: So on the Pine Bluff reports, did the Academic Distress Committee have all of these reports at the time of y'all's --

MS. SAVIERS: We didn't have all of the --
DR. WILDE: You know, you did not have the IMO reports.

MS. SAVIERS: Yeah.
DR. WILDE: You had the 45-day plan reports. MS. SAVIERS: Yeah. And I think when we talk about the report -- and Dr. Wilde will be able to weigh in on that too, but their issues are different.

MS. ZOOK: Does that also speak at this point of districts --

MS. SAVIERS: Districts.
DR. BARTH: Right.
CHAIRMAN NEWTON: Okay. So how do we move
forward on this? Do we wait or do we --
DR. WILDE: Part of the intent is at the end of summer you will receive a report from us regarding startup, so we will include in it, as you look at the next steps -- so we'll be starting off with here is the next steps that we ask the districts and the schools to pay attention to. So we will be reporting on the progress that they did and you'll get a report then in early September. And going along with the idea of timeliness, well, to me these reports have not been timely. We're doing third quarter and submitting it now. Our intent is that you will get first quarter report in November. The quarter ends in October, so then the following month you should have that report; in addition to that, things like the startup report that you will receive in September. So we're also wanting to give you some quantitative data in terms of do they have new principals, do they have new instructional facilitators, and what's the three-year trend on personnel. Because I think the three-year trend can tell a lot in and of itself. Mr. Harvey.

MR. HARVEY: And I agree with Dr. Wilde. We're going to be trying to do a much better job of getting reports to you in a timely manner. Part of the
situation deals with when the quarterly actually ends, when things have to be submitted for -- to go into NOVUS, into the Board's system, and then allowing a timeframe in between so that we can actually write the report. So we're trying to pull it together, be more concise in what we're doing. That's why you're going to see us move to that 45-day action plan for the IMO's and academic distress, tying those two together so it eliminates some of the reporting requirements and duplicate information you may be receiving at that point. With the 45-day plan you will get, you know, quantitative data, did they do it or did they not do it, and then that would give you very specific questions to ask around why, building with those. But we would request, if possible, if we can narrow the list -- instead of having all of the schools that would be potentially coming, narrow it down to just a focus group that you may be wanting to address and let us know ahead of time. Then we'll be assured that we have representation or as assured as we can on encouraging them and requiring them to be here. CHAIRMAN NEWTON: So does this require board action or just a recommendation? Because what I think I'm hearing is this is information that would
allow you to take the next step; it doesn't necessarily require board action.

MR. HARVEY: That's correct.
CHAIRMAN NEWTON: Okay.
MR. HARVEY: This is just our report that we normally would have given on Friday. We moved them up today because we're on a four-day workweek and numerous of the specialists, their day, would have been off tomorrow. We wanted to make sure they were here in case you wanted to speak to them, so we asked for it to be moved forward.

CHAIRMAN NEWTON: Based on that, I think that we could ask for a motion to approve reports A-13, 14 and 15 or -- question?

DR. BARTH: Can I ask one question? On Pine Bluff, on the fourth quarter reports, these interim assessments canceled, being canceled by the district office, is there -- what was going on there in terms of the reason behind those?

DR. WILDE: Dr. Smith, she's a specialist that's been working with them. She can --

DR. BARTH: And this obviously leads into the next committee report, but I just wanted as much clarity as possible about the situation in Pine Bluff.

DR. SMITH: Yes, sir. The district office, the Director of Curriculum and Testing for whatever reason decided they just told the buildings they weren't going to give the last assessment.

DR. BARTH: So what would their reason be?
DR. SMITH: They didn't -- I mean, they did not -- that's what I'm saying; they didn't give me a reason at all. I asked that and brought that up to the building leadership teams and to the district leadership team, how are they going to measure the growth, not only for the IMO reports that we're all gauging to see are we improving or gaining student achievement, but if you don't complete it at the end of the year, I mean, it's like you don't have a final product. And so they did not do so.

DR. WILDE: I'd like to remind -- one of the -on the next agenda item you'll find out that Pine Bluff will be coming back before the subcommittee in August with more answers and that can be some detail that we're asking them to address directly to the subcommittee.

DR. BARTH: Okay. Thanks.
MS. SAVIERS: I have another quick question.
Mr. Harvey, you've been doing this now for how long? How long have we been looking at schools in academic
distress?
MR. HARVEY: Seems like forever.
MS. SAVIERS: It does, doesn't it? I'm really ready to -- and I think we can use some of the recommendations moving forward with the report that are targeted towards academic distress, schools and districts in academic distress. But using all the information that we've gathered about how schools get to this point, how they get out of this, what the three or four priorities that we need to be focusing on, whether it's leadership, you know, whatever it is, I'm hoping that maybe we can get to that point this fall and maybe some type of report from your folks. Because you've clearly seen it all, I would suspect, you know, whether it's school board issues or superintendent issues or building leadership issues. You know, what can we do to prevent schools from going into academic distress, when we see someone going down that path? Is that something that you think you could do for us?

MR. HARVEY: I think it's something that me and Dr. Wilde could put our heads together with the specialists to kind of review and maybe develop some guiding questions or some guiding indicators. We've had this discussion about working with districts that
may be on that cusp of going into distress, which would be, if we've looked at the data and we're seeing a decrease in student performance over a period of time. It might not be necessarily those that are right on the bubble; it might be there are some above. But we're seeing that trend-ward down, how do we look at that and then how do we actually maybe intervene and give them some assistance. So we could put our heads together and rough out some ideas, but we would definitely want the Board's input on what you've read through the reports that would actually give you more information too.

MS. SAVIERS: And, I mean, clearly, now should have some really good ideas about indicators.

MR. HARVEY: Yes, ma'am.
MS. SAVIERS: And so I just feel like now we need to really, you know, make some progress.

MR. HARVEY: And I agree. I think we can look at that very closely. You know, one of them I can think right off the top of my head is the turnover ratio that we have inside those schools. If you look at it, they all have a high turnover rate and so that would be a very good indicator to start addressing.

MS. SAVIERS: Thanks.
CHAIRMAN NEWTON: Then I'll go back to my

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question about a motion for approval of reports 14, 15 and 16.

DR. BARTH: So moved.
CHAIRMAN NEWTON: Motion by Dr. Barth.
MS. SAVIERS: Not 16.
CHAIRMAN NEWTON: NO, I'm sorry. I'm sorry; 13, 14, and 15.

MS. SAVIERS: Second.
CHAIRMAN NEWTON: All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Then the motion carries. We're down to --

COMMISSIONER KEY: Take each one separately.
CHAIRMAN NEWTON: Oh, we have to take each one separately. Let's go back. Thirteen --

COMMISSIONER KEY: At least I think that's what Deb is telling me.

CHAIRMAN NEWTON: Oh.
COMMISSIONER KEY: No, she's not.
MS. COFFMAN: Who was the second?
CHAIRMAN NEWTON: Oh. Ms. Saviers. I'm sorry.
COMMISSIONER KEY: Okay.
CHAIRMAN NEWTON: I've got to learn.
A-16: CONSIDERATION OF REPORT FROM THE COMMITTEE ON ACADEMIC DISTRESS - PINE BLUFF

CHAIRMAN NEWTON: Okay. We're down to A-16. Ms. Saviers.

MS. SAVIERS: Yeah. And I'm trying to -- yeah -- check back to make sure who was in attendance from our committee. But Toyce was there -- Ms. Newton was there, Ms. Zook was there, and Mr. Ledbetter for a bit. Well, and Mr. Black was there as well. And it was really interesting because -- and you can read the report, but they had a large team in attendance; they had several folks from their central office, and principals; they had board members there as well who were actually on their way to a board retreat. And they painted a pretty rosy picture of what they're doing to improve student achievement. And then Dr. Wilde gave his report. And as you can see and I'm sure you read, he reported that there's limited improvement in communication between the schools and the district. The district is functioning as a topdown model. And he felt strongly and made the recommendation that the local school board and district leadership team, including the new superintendent, should be --

CHAIRMAN NEWTON: (inaudible comment to Ms. Saviers).

MS. SAVIERS: Have they hired a new
superintendent?
CHAIRMAN NEWTON: I don't think so.
MS. SAVIERS: I don't think so. Yeah.
MS. ZOOK: Just as an interim.
MS. SAVIERS: Yeah. But when they get a new superintendent, could benefit from training to build leadership capacity. Secondly, that the State Board should direct the School Improvement Unit to create a strategic plan for district-wide implementation for 2015-16, and the district leadership team, with support from the School Improvement Unit, will monitor school specific implementation of the plan and report to the State Board quarterly. Mr. Harvey said he's supportive of the recommendations made by Dr. Wilde. Does anyone have any questions of either our committee or Dr. Wilde or Mr. Harvey about the situation in Pine Bluff?

DR. BARTH: Well, in reading this report -- and I apologize; I was not able to stay for that meeting last time. But, you know, I guess where I'm stuck is this feels as troubled or perhaps more fundamentally troubled than the Little Rock situation. And so I would be interested in hearing the committee members who are still here, you know, why there wasn't a more aggressive recommendation?

MS. SAVIERS: You could maybe ask Dr. Wilde that, but he was -- he was pretty aggressive. And Dr. Wilde, I'll let him speak to that, but we got the picture that he was big-time serious about it. And so we'll let him tell you.

DR. WILDE: Because we have not worked with their school board or their superintendent and they have an interim position. They are also going through a restructuring of the entire district office. So we for the most part felt that until they settled on what was their staffing plan then we should not be making further recommendations. And they were closing schools at the same time and we really wanted them to bring that part to closure and to let them know that this is serious. And that's part of the issue about coming back in August is for review of "did things settle down or are you continuing to be somewhat in chaos at the district level." And that is noise at the building level. And we heard from building principals that they really weren't getting a lot of input into the solutions for their academic distress issues. So what we were saying is, "Okay. They've just changed superintendents; let's give it time to settle down." And they were in the search mode. From the board
meeting the other night they have postponed their search. So that indicates that they'll probably be going with the interim for the year. Okay. And then what we can do is start planning, and that's the piece that we recommended is that -- I'm going to go forth and actually help them create the plan that we can monitor and then report back to the Board if anything is actually being accomplished. We did not see a lot of improvement last year. But in truth, they would blame the previous staff, if you go back to that question about why did they not give the fourth quarter assessment. And in truth, part of it they would say is, "Well, the people were leaving and many people had already left at that point," so they were shorthanded in their ability to do it. So we're just trying to give them a little bit of time and see if they can settle down. But we're also recommending more frequent monitoring and more reporting to the State Board. And it does feel somewhat chaotic when you go in and talk with people at the district; however, the board -- I attended their retreat that they went to and for the most part that was the first time the board had actually done a retreat to talk about issues within the district. The previous three years that had not been offered as an option. So I
think we need to dig into this just a little further to identify where the problem really is. And, Ms. Saviers, I think that --

DR. BARTH: Will those reports -- those quarterly reports, will they be on the action agenda or on the report agenda?

MS. SAVIERS: Action agenda.
DR. BARTH: All right. I think that's important so that --

MS. SAVIERS: Yeah.
DR. BARTH: -- if this board at some point in this year needs to ask --

MS. SAVIERS: Yeah.
DR. BARTH: -- that it's --
MS. SAVIERS: Well, in the past when we've looked closely at a district we've given them -- you know -- we've taken some time to really try to understand what the issues are. And I do believe that Dr. Wilde and his team has a good feel for what's going on. I will tell you all that my -- I was just stunned and now I'm just completely in a -on a mission over this. But I asked them how much money they've spent in the last year on external providers and it was $\$ 600,000$.

DR. WILDE: Well, actually, it was like 2.5
million --
MS. SAVIERS: No, no.
DR. WILDE: -- over the three-year period.
MS. ZOOK: And I got the impression that at times they get in your way as opposed to working in concert.

DR. WILDE: I would say that there has not been a cohesive plan, nor a coordinated effort.

MS. ZOOK: That's a much more tactful way to say it.

DR. WILDE: They were on TV.
MS. ZOOK: But you have to go there and I don't. I'll tell you one thing is this Alicia Smith, if she is as good as she talks then some difference may be can made -- can be made there.

DR. WILDE: And that was her first year and she probably is a strength within the district for the school improvement side.

MS. SAVIERS: Well, now I really am on a mission now that $I$ know what the real number was.

MS. ZOOK: Did you get invited?
MS. SAVIERS: Yeah. That's a whole other subject. But anyway, does anyone else have any questions for Dr . Wilde or Mr. Harvey about this? Thank you so much. And I think we just need to
approve the report.
CHAIRMAN NEWTON: We'll ask for a motion for approval of the report as submitted by the Academic Distress Committee. Can I get a motion?

MR. WILLIAMSON: So moved.
CHAIRMAN NEWTON: Okay. Moved by Mr.
Williamson. And second?
DR. BARTH: Second.
CHAIRMAN NEWTON: Second by Dr. Barth. She starts standing up now. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Then the report is approved.

A-17: CONSIDERATION OF EMBEDDED COURSES
CHAIRMAN NEWTON: The next item is A-17, Consideration of Embedded Courses. Stacy Smith.

COMMISSIONER KEY: Tom Coy.
CHAIRMAN NEWTON: Oh.
MR. COY: I'm not Stacy Smith, but that's okay. Chairman, Commissioner, Members of the State Board, I come before you again this year reminding you of Act 421 of 2013, which allows schools who submit course approvals to embed two different courses into a single course. Also, a -- we called those embedded courses. We have -- I attached three lists for you.

The first two lists, I believe, Arkadelphia -- it starts with Arkadelphia; the second list starts with Ashdown. Those are courses, embedded courses that you have previously approved. It is the duty of this board though to approve those from year to year, to grant the waiver each year. We did not make those schools resubmit this year, so we're asking that you approve those again based on the fact that the standards for the courses that they're embedding have not changed. The list for the new schools that are embedding curriculum this year: Ouachita, Westside, Corning, Danville, Cedar Ridge, Westside again, Danville, and Gurdon. Those are new submissions for this year. These have been through a thorough review by our curriculum content specialist and we are pleased that they've met the requirements of the law and we ask that you approve these. I'm happy to answer any questions about these embedded courses, if you'd like.

CHAIRMAN NEWTON: Any questions? Dr. Barth. DR. BARTH: Remember last year I had concerns early on. On the second list, the Lincoln, the precal and physics, do you have a sense of how that went?

MR. COY: Well, the lady who taught the course,
who was dually certified, also served on our computer science framework committee. She has a computer science degree. And we talked quite a bit. I mean, just -- you know -- it was just in conversation, but she was very pleased. The students seemed to be very successful because it's a true application of the math that they're learning. So it seems to be working well for them. We haven't seen a lot of other schools jump onboard maybe because their teachers aren't dually certified in physics and in math, but she seemed to think it was a good thing for their school.

DR. BARTH: Okay. I didn't -- when we approved that I did not realize she was dually certified. That is reassuring.

MR. COY: They are required -- all the teachers are required to be dually certified or to go on an alternative licensure plan or to team-teach using two different teachers. That's one thing that we check when we review these submissions.

CHAIRMAN NEWTON: Any other questions? Can I get a motion regarding this action item, A-17?

MS. ZOOK: So moved.
CHAIRMAN NEWTON: Moved by Ms. Zook. Is there a second?

MS. SAVIERS: Second.
CHAIRMAN NEWTON: Second by Ms. Saviers. Any further discussion? All in favor, "aye."
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? The motion carries. Thank you.

MR. COY: Thank you.
A-18: CONSIDERATION FOR APPROVAL OF EMERGENCY RULES - PROPOSED ARKANSAS DEPARTMENT OF EDUCATION RULES EMERGENCY RULES GOVERNING EDUCATOR LICENSURE

CHAIRMAN NEWTON: A-18, Consideration of Approval of Emergency Rules, Proposed Arkansas Department of Ed. Rules, Emergency Rules Governing Educator Licensure. We did have some folks to signup to speak -- are they still here? -- regarding those -- the Justine -- I'm sorry; there was -- no, I think -- no, no, no, I'm wrong. They said regarding defending teacher certification and that's a different one; we've already had that one. Go ahead, Ms. Reinhart.

MS. REINHART: Cheryl Reinhart, attorney for the Department of Education. These rules were recently presented to you, not as emergency rules but as proposed final rules. And you did approve them as final rules. They contained a provision that would
have allowed certain licensed individuals to test out of special education resource. There was objection to that after those rules were -- after that was made public, I guess you'd say. And so the Department has since worked with -- collaboratively with a number of groups, including the Department of Higher Ed., institutions of higher education, Governor's office, teachers, special education -- our special education unit, and legislators were present. I'm so sorry for my voice. And so what we have done now is to bring these rules back to you as emergency rules, but we've removed from the emergency rules the provision that was objected to concerning special education testing out. So the emergency rules are the same rules you last approved as final rules but for that provision. MS. ZOOK: The people who objected, what did they propose that you do?

MS. REINHART: Basically -- do you want to talk about that? Okay. Ivy Pfeffer will talk about that. MS. PFEFFER: Hi. The objections primarily stem from concern that educators would not have the -enough preparation, that even if they were licensed educators and had passed the assessment they were still not ready to teach special education students. We attempted to clarify that the intent of this was
only to teach resource students and -- but the suggestion was to insure that if some way there were -- there was training, mentoring that would -- that educators would also get. So in -- so we went ahead and pulled it out of the emergency rules, anything to do with special ed. and testing out. Right now, in these emergency rules the only way educators can become licensed in special education is still in an undergraduate program or through 21 hours of coursework and endorsement. But what we did is then in rules that will -- that will be on the next action item that will go out for public comment, we worked to come up with some solutions that will include some training, some coursework that's a little bit more moderate and we think will bring more people into the pipeline.

MS. ZOOK: And I agree because a lot of times people think special ed. and resources is just watered down, and tutoring, and it's anything but.

MS. PFEFFER: Yes.
MS. ZOOK: Thank you.
MS. PFEFFER: Yes.
CHAIRMAN NEWTON: Any other questions? If not, we'll ask for a motion on item A-18.

MS. SAVIERS: So moved.

CHAIRMAN NEWTON: Moved by Ms. Saviers to approve the agenda item. Is there a second?

DR. BARTH: Second.
CHAIRMAN NEWTON: Seconded by Mr. Barth. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Okay.
A-19: CONSIDERATION FOR PUBLIC COMMENT - PROPOSED ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING EDUCATOR LICENSURE

CHAIRMAN NEWTON: That moves us then to item A19, Consideration for Public Comment - Proposed Arkansas Department of Education Rules Governing Educator Licensure.

MS. REINHART: Thank you very much. We basically made that change in 2-dash -- well, we included a new definition; 1-2.44 has a SPED academy that's going to be part of the requirements. We have -- okay, 2-3.05 that's on page 21 of the rules, if you want to flip to that --

MS. PFEFFER: What we intended to do with the proposed rules is to open up three additional avenues by which a teacher can be licensed to teach special education. The first one is for -- what Ms. Reinhart was referring to on page 21 , would be to add the endorsement for K6 through 7-12 special education
resource by testing out. But in addition to just taking the test the candidate would have to also participate in a special education academy. I think we called it kind of a 101 academy. That would be offered in the summer. They would have to take a course, online PD course through ArkansasIDEAS and also be mentored during their first year. So this would be one option.

A second option that we included would be that a K-6 or 7-12 resource endorsement could be added to the license by taking coursework. This is where Higher Ed. really worked with us. And instead of it having to be the 21 hours as it is now, to be fully licensed for special education and where the person could also do self-contained classes for this resource add-on, the candidate would take fewer hours. And some of those college hours could be replaced by this special education academy in the summer.

MS. ZOOK: Have you determined what the courses those would be?

MS. PFEFFER: That has not yet been determined.
Are you talking about for the endorsement?
MS. ZOOK: The courses that would be required.
MS. PFEFFER: That has not -- that will be done
in collaboration with our special ed. unit and Higher Ed. So they'll -- if these are approved, they'll collaborate to determine which of those hours would be necessary for the resource versus getting a full certification.

MS. ZOOK: Okay. May I recommend that you be sure to add reading instruction, multisensory, and classroom management in that?

MS. PFEFFER: We can note that recommendation. Yes. And then we did go ahead and add one additional provision because in this analysis we realized that we're very limited in how we're allowing teachers to be licensed for special ed. As I said, it's only through that undergraduate $\mathrm{K}-12$ program. That did not have them highly qualified and will not have a teacher highly qualified, so that's an issue. We've now opened up an avenue for Higher Ed. to do a MAT program, a Master's of Arts in Teaching with special ed. We'll actually have to modify Higher Ed. policies, but we've kind of locked ourselves in and we eliminated that pathway for people who are in the career field who may want to change careers and want to become an educator. We had eliminated even the possibility of having a Master's of Arts in Teaching for special education, and that's something that

Higher Education is also interested in doing. So, and that would also incorporate the elements of this special ed. academy. So through this process we're opening up avenues and also providing some options for educators who might want to go into special education but have been prohibited because of the time and the cost.

CHAIRMAN NEWTON: Any other questions? If not, can we get a motion?

DR. BARTH: Move for release for public comment.
CHAIRMAN NEWTON: Okay. Moved by Dr. Barth.
MS. REINHART: May I --
CHAIRMAN NEWTON: Pardon?
MS. REINHART: May I ask Ms. Zook to repeat
those three --
MS. ZOOK: Multisensory, teaching of reading and classroom management.

MS. REINHART: Thank you.
MS. ZOOK: And that doesn't mean just teaching them how to sit with a board picture in the classroom.

MS. REINHART: Right. With a special education emphasis. Right.

MS. ZOOK: Yes.
CHAIRMAN NEWTON: Okay. We have a motion for
approval by Dr. Barth. Do we have a second? MS. SAVIERS: Second. CHAIRMAN NEWTON: Second by Ms. Saviers. All in favor?
(UNANIMOUS CHORUS OF AYES) CHAIRMAN NEWTON: Any opposed? MS. REINHART: Thank you very much. CHAIRMAN NEWTON: Thank you.

A-20: CONSIDERATION FOR PUBLIC COMMENT: ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING REQUIRED TRAINING FOR SCHOOL BOARD MEMBERS

CHAIRMAN NEWTON: A-20, Consideration for Public Comment: Department of Ed. Rules Governing Required Training for School Board Members. And Ms. Davis. MS. DAVIS: Jennifer Davis, staff attorney for the Department. We ask that you approve the revisions to the rules requiring the training for school board members. They were amended by Act 568, which states that you can supervise the instruction and training for interpreting an audit report. The changes in the rules do mirror the law, so I ask that you approve these for public comment. If you have any questions, I'll be glad to answer.

CHAIRMAN NEWTON: Okay. Any questions? MS. ZOOK: Who monitors this?

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MS. DAVIS: Pardon me?
MS. zook: Who monitors this? Sorry; my microphone is not working.

MS. DAVIS: Who may --
MS. ZOOK: Who monitors the fact that they actually go through training?

MS. DAVIS: Well, it has to be under the supervision of either an instruction program sponsored by the Department of Education through the School Board's Association or another state sponsored program.

MS. ZOOK: Okay.
CHAIRMAN NEWTON: Any other questions? If not, can we get a motion in regard to A-21 [sic]?

MR. BLACK: So moved.
CHAIRMAN NEWTON: Moved for approval by Mr.
Black. Is there a second?
MS. SAVIERS: Second.
CHAIRMAN NEWTON: Second by Ms. Saviers. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Okay. The motion carries.

A-21: CONSIDERATION FOR PUBLIC COMMENT: ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING CONSOLIDATION AND ANNEXATION OF

SCHOOL DISTRICTS
CHAIRMAN NEWTON: We're down to A-22, Ms. Clay, Consideration for Final Approval: 2015 Open Enrollment Charter School New Application. Are you going to do it?

MS. DAVIS: Well, no. That one that we just did was 20 , so this is 21.

CHAIRMAN NEWTON: I'm getting ahead of myself. MS. DAVIS: It's been a long day. It's been a long day.

CHAIRMAN NEWTON: I'm sorry, Ms. Davis. Consideration of Public Comment: Arkansas Department of Ed. Rules Governing Consolidation and Annexation of School Districts.

MS. DAVIS: And, again, this is a revision of existing rules that was modified by Act 377, which allows a district that falls under the 350 daily -average daily membership to apply for a waiver of consolidation, providing that they are not in any kind of distress. And, again, these revisions do mirror the law.

CHAIRMAN NEWTON: Any questions? If not, can we get a motion?

MS. ZOOK: Move approval.
CHAIRMAN NEWTON: Moved by Ms. Zook. Is there a
second?
MR. BLACK: Second.
CHAIRMAN NEWTON: Second by Mr. Black. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Okay. Any opposed?
A-22: CONSIDERATION FOR FINAL APPROVAL: 2015 OPEN ENROLLMENT CHARTER SCHOOL NEW APPLICATION

CHAIRMAN NEWTON: So now we're at A-22.
MS. DAVIS: Thank you.
CHAIRMAN NEWTON: Okay. And Ms. Clay, please. Consideration for Final Approval: 2015 Open Enrollment Charter School New Application.

MS. CLAY: Yes. A-22 is final approval of the open enrollment application for this application cycle. You'll remember that a couple of months ago you approved this for emergency adoption and it is already out. We're expecting the open enrollment applications on July 28th and we had over 20 letters of intent. So we don't usually see all of those turn into applications, but we did have quite a bit of interest this year. There were no public comments and only typographical changes were made since the emergency adoption and since they were released for public comment. So I would ask that you give final

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approval to these rules so that they can become permanent.

MS. ZOOK: So moved.
CHAIRMAN NEWTON: Moved by Ms. Zook. Is there a second?

MR. BLACK: Second.
MS. SAVIERS: Second.
CHAIRMAN NEWTON: Second by Mr. Black. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Then that is approved.

A-23: CONSIDERATION FOR FINAL APPROVAL: 2015 DISTRICT
CONVERSION CHARTER SCHOOL NEW APPLICATION
CHAIRMAN NEWTON: And the last one is yours, and we probably won't see you for a minute after this.

MS. CLAY: It'll be a couple of months. I
should be back by the October meeting, but --
CHAIRMAN NEWTON: Okay.
MS. SAVIERS: We want pictures.
MS. CLAY: Okay. I can do that.
CHAIRMAN NEWTON: Okay. A-23, Consideration for
Final Approval: 2015 District Conversion Charter School New Application.

MS. CLAY: This is the same situation as the
open enrollment application. One change was made. You'll remember that we changed the due-date on this district conversion application to September 9th instead of the July date, just for efficiency purposes with our office and the applicants. So otherwise, I would ask -- I'll be happy to answer any questions or ask that you give final approval to these rules as well.

CHAIRMAN NEWTON: Are there any questions? DR. BARTH: Move final approval.

CHAIRMAN NEWTON: Moved by Dr. Barth. Is there a second?

MS. ZOOK: Second.
CHAIRMAN NEWTON: Second by Ms. Zook. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed? Okay.
Well, we hope we didn't scar you guys, Mr.
Williamson and Ms. Dean. But this is typical and it's not typical at the same time. So at this time I'd entertain a motion to adjourn.

MS. SAVIERS: So moved.
MR. BLACK: Second.
CHAIRMAN NEWTON: Okay. We got it. Everyone stand up to cast your vote.

- July 9, 2015

|  |  | 205 |
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| 1 | (The meeting was adjourned at 3:46 p.m.) |  |
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C $\mathbf{E}$ RTITICATE

| STATE OF ARKANSAS | ) |
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| COUNTY OF SALINE | ) |

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on July 9, 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: July 19, 2015.

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

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