# In The Matter Of: ARKANSAS STATE BOARD OF EDUCATION 

May 11, 2023

Sharon K. Hill, CCR<br>(501) 680-0888

## ARKANSAS STATE BOARD OF EDUCATION

MAY 11, 2023
9:00 a.m.

## A P P EARANCES

BOARD MEMBERS :
MS. OUIDA NEWTON, Chairman
DR. FITZGERALD HILL
MS. KATHY ROLLINS
MS. ADRIENNE WOODS
MR. STEVE SUTTON
MR. RANDY HENDERSON
MS. LISA HUNTER
MR. JEFF WOOD

NON-VOTING PARTICIPANTS:
MR. JACOB OLIVA, Secretary of Education
MS. JESSICA SAUM, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:
MS. LORI FRENO, General Counsel

LOCATION :
ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION

- Auditorium
\#4 Capitol Mall
Little Rock, AR 72201


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PROCEEDINGS

1) CONSIDERATION OF STANDARDS FOR ACCREDITATION WAIVERS a) WYNNE SCHOOL DISTRICT

CHAIRMAN NEWTON: The first item on the Action Agenda is Consideration of Standards for Accreditation Waivers. Dr. Sutherlin.

DR. SUTHERLIN: Good morning.
CHAIRMAN NEWTON: Good morning.
DR. SUTHERLIN: So, Matthew Sutherlin, Standards and Systems Support.

We have a standards request from Wynne School District. They're requesting a Standards for Accreditation waiver of 1-A.4. That's for 178 instructional days, due to the tornado that devastated the community on March 31, 2023. And I believe Dr. Moore is online.

CHAIRMAN NEWTON: Dr. Moore, are you on?
SUPT. MOORE: Yes, I'm here.
CHAIRMAN NEWTON: Okay. Would you like to present your waiver request this morning?

SUPT. MOORE: Yes. We are on the year-round calendar, and so when the tornado hit we were heading into a break already; and so we only lost five instructional days, even though we were out of school -- or we were out longer than five days for the
tornado. And so we worked really, really hard to get those kids back on-site. And with a short summer, you know, one of our concerns -- we do run summer school, and so if we extend the year we're going to cut into that summer school and it's going to push it out towards the end of June, which then cuts us down to only three weeks. And some of those students would have to have, you know, a mental break and a little downtime, as well as the teachers.

And so we're just requesting, with all the hard work that everybody put in and with that short summer already -- and we'll get kids back in a very quick manner, if we could get that waiver approved.

CHAIRMAN NEWTON: Okay. I think you should be applauded for the work that you and your team, and I know in conjunction with the team here at DESE, have done to get kids back in classrooms after such a devastating occurrence and missing only five days. You know, it was -- there's -- I know it was countless hours that you put in, night and day. And I want to say on behalf of the Board how much we appreciate all that you have done and your team have done to get those students served and back in classrooms. So, thank you for that.

SUPT. MOORE: And we thank you. And we couldn't
have done it without Secretary Oliva and his team. And so that's a huge testament to their commitment to us and our state as well.

CHAIRMAN NEWTON: Yes.
All right. Are there any questions that the Board would like to ask for Dr . Moore?

All right. Do we have a motion?
MS. WOODS: I'll move to approve the waiver.
CHAIRMAN NEWTON: Okay. We have a motion by Ms.
Woods to approve the waiver. Do I have a second?
DR. HILL: Second.
CHAIRMAN NEWTON: Seconded by Dr. Hill.
All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
All right. Motion passes.
SECRETARY OLIVA: Can I add to that --
CHAIRMAN NEWTON: Yes.
SECRETARY OLIVA: -- Madam Chair, with Dr. Moore on there?

You know, there isn't a district ever saying that they hope a natural disaster is headed their way. And when these things happen it takes a community by surprise and it's really a testament and challenge to resiliency when a community is -- has
the impact that has hit like the district in Wynne. And I can tell you we've had folks that have been in the school district almost every day, and they're still going there every day, to be a partner with the school district opening. And any time there's a natural disaster like this the first step to recovery is getting schools open. And the commitment that the school board and Dr. Moore and his team made, to say "we're going to not only just come back, but come back stronger and thrive even harder to get schools open and welcome in-person learning and only lose five days of instruction," is really, really truly remarkable. There was catastrophic damage to their schools and their community, and they've got a long road ahead of them; this isn't an overnight flip-theswitch and everything is back to normal. They're going to be on a path to recovery for several years. And I just -- I can't commend Dr. Moore and his leadership and his team any higher than words can possibly say for their commitment to that community and to those families and students. And they're working on some temporary shelter -- more permanent temporary sheltering for high school and getting athletics -- he's promised me they're going to have Friday Night Lights right there in the community, in

August, and I believe he's going to make it happen. And hopefully we can all attend that event, because that's when the whole community comes back and really celebrate.

So, thank you for what you do and how hard you work.

SUPT. MOORE: Yeah. Thank you. Thank all of you. We do have a long road ahead of us, but we know through the prayers and the hard work we're going to come out okay. Now we've been saying all along -- we started this coming out of Covid, that "Jackets don't just survive, they thrive." And I think that this has been a testament to our team and our community, and we're going to be okay. And we appreciate every one of you for all you've done and it has not gone unnoticed. And we wish we could thank everyone, but then we would end up leaving someone out. But we've been blessed. And thank you.

CHAIRMAN NEWTON: All right.
SECRETARY OLIVA: I think one of the true testaments to the student body that they serve and the community serves is we've all seen the pictures of the catastrophic damage to the high school, and they had some flagpoles out front that remained but the flags disappeared. And one of the flags was the

American flag and the other one was the school flag. Some students found those flags out in the community and within two days later we hung them back up at the school. So they are going to come back strong. CHAIRMAN NEWTON: Yeah.

SECRETARY OLIVA: And I just -- it's such a great story of what that community is really rallying around.

MR. WOOD: That's cool.
CHAIRMAN NEWTON: Well, we appreciate you, Dr. Moore, and thank you. I know you're busy. We appreciate you taking the time to join us this morning. I wish you the best and I think you know that if there's anything that you need all you have to do is send an ask this way.

SUPT. MOORE: We do. Thank you, all.
CHAIRMAN NEWTON: All right. Thank you.
B) WOODLAWN SCHOOL DISTRICT

CHAIRMAN NEWTON: All right. Dr. Sutherlin. DR. SUTHERLIN: So the second waiver request that we have on the agenda is for Woodlawn School District. And they are requesting a one-year 1-A. 5 Class Size Standards for Accreditation waiver for the 2022-2023 school year. The waiver is actually for a 2nd grade class that exceeds the maximum class size
by one. And the Superintendent is here to speak to the waiver.

CHAIRMAN NEWTON: Okay. Superintendent, come forward and introduce yourself, and then give us a little information about the waiver.

SUPT. HANCOCK: Good morning. My name is Dr. Kevin Hancock, Superintendent of Woodlawn Schools. I appreciate the Board considering this waiver for our district.

To explain what happened, we did have a teacher resign prior to our spring break. Coming back from spring break, we had another teacher that volunteered, who had taught that grade level, to prepare that grade for our testing, state testing and she had already taught the essential skills for the NWEA at the lower grades. So our administrator made that shift. It put our 2nd grade at maximum, and then we had another enrollment. And my request is for the remainder of the year and to fill that position and two more teachers with kids coming into our district the next year. We're showing growth. And I wish I would've stopped those new teachers, been the first one to catch them for an interview.

But I would appreciate it very much if you would grant us this waiver for the remainder of the year.

CHAIRMAN NEWTON: Okay. All right. So they're asking for a waiver just for the remainder of the school year for this one class. Does the Board have any questions for Dr . Hancock?

All right. We're ready for a motion then.
MS. ROLLINS: I make the motion that we approve the waiver for Woodlawn School District.

CHAIRMAN NEWTON: All right. We have a motion by Ms. Rollins to approve the waiver. Do we have a second?

MS. HUNTER: Second.
MR. HENDERSON: Second.
CHAIRMAN NEWTON: Okay. I think I heard Ms. Hunter first. Okay, a second by Ms. Hunter. All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
Motion passes.
SUPT. HANCOCK: Thank you very much.
CHAIRMAN NEWTON: All right.
2) CONSIDERATION OF EXTENSION OF ACT 1240 WAIVER: BRINKLEY SCHOOL DISTRICT

CHAIRMAN NEWTON: All right. We have a Consideration of Extension of Act 1240 Waivers for the Brinkley School District. Ms. Freno.

MS. FRENO: Thank you, Ms. Newton. Lori Freno, Arkansas Department of Education.

The Brinkley School District has requested a waiver of Educator Licensure and Library Media Specialist Licensure. Originally, they had asked for a waiver for a period of three years, but we had thought one year would be more appropriate and the school district has agreed to the one year.

Dr. Pfeffer would like to make a couple of comments about this.

I will say that Dr. Poole and her principals, from both her elementary and high school, are on the way but they are not here yet. So --

CHAIRMAN NEWTON: That traffic is terrible this morning.

MS. FRENO: Yeah, I can imagine.
CHAIRMAN NEWTON: Yeah.
MS. FRENO: It was horrible. So --
CHAIRMAN NEWTON: Okay.
MS. FRENO: But Dr. Pfeffer is here to visit.
CHAIRMAN NEWTON: Okay.
DR. PFEFFER: Good morning, Board Members. And we did reach out to Dr . Poole and let her know that we were looking at doing that waiver request for a year, and they were in agreement with that. I did
tell her that some of the data she had provided for me was really helpful; it's obvious that they are really working on their staffing. All of their teachers who are on a waiver are meeting the $A Q T$, Arkansas Qualified Teacher, requirements; so that means they have background or expertise in the area where they're assigned. So, that's a positive.

And I was also impressed with their low turnover rate. I think they only had five vacancies at the time we were working with them. And while I'm sure they would like to have fewer vacancies, that is a positive; that's a much smaller number of spots to fill. And they are looking to even combine some teaching assignments in order to make sure that they've got the very best people in front of kids.

So I just wanted to bring that out, that I do think this is a district that has been utilizing that flexibility and working toward the end-goal of having well-prepared teachers in their classrooms.

CHAIRMAN NEWTON: Okay. When -- I'm sure they're on their way. Do we want to give them an opportunity to speak when they get here or if they were to come in while you're --

DR. PFEFFER: I think -- I mean I think that would be up to you all. I do know Ms. Jacks and Ms.

Saracini talked to them day-before-yesterday.
(COURT REPORTER'S NOTE: Supt. Poole and staff walked in the auditorium.)

SECRETARY OLIVA: Perfect timing.
CHAIRMAN NEWTON: All right.
DR. PFEFFER: Perfect timing.
CHAIRMAN NEWTON: Okay. All right.
DR. PFEFFER: I was just bragging on you. So
they may have a few questions.
SUPT. POOLE: Okay.
CHAIRMAN NEWTON: All right.
SUPT. POOLE: Good morning.
CHAIRMAN NEWTON: Good morning. Traffic is fun, isn't it?

SUPT. POOLE: Yes.
CHAIRMAN NEWTON: All right. Why don't you share just a little bit about why you're wanting the waivers and some things that you've done?

SUPT. POOLE: Well, one reason I want the waivers is because we've been having a hard time filling positions. Right when the pandemic started we had a teacher turnover that was massive; we lost about 15 teachers. We haven't been able to refill positions, so we accessed the waivers to be able to do that. And so with the waivers, of course, you
know, it comes with challenges as far as making sure that the teachers are not only prepared with teaching, but understand the behavior piece, the social/emotional piece; to know what -- understand what core instruction and Tier 1 instruction should look like in the classroom. And so we have had to utilize the -- one of the waivers that we had that we no longer have this year coming up is the one where we had early release days. And we've used that time to train teachers, develop teachers, because the waiver teachers do not have the background in education; so that's a piece that's been a challenge for us. And so we use that time to coach them, train them, and prepare them for the classroom.

So we were able to, like I say, get some of them trained. And when we do get them trained and we do get them certified -- we've had turnover with that as well. Once they get certified they go to other districts, so we've been trying to see how can we keep them in-house. And so we started a grow-our-own model, looking from within the community for people to be able to -- that would stay in Brinkley. Because it's all about the quality of life. People think that if we just say we want to offer you this or we want to pay for this that people will stay.

But they don't stay, especially if they can't find housing, and we have a problem with housing in Brinkley. Fifty percent of my staff commute in from other places. So if they could find a job somewhere else, they're going to do that. So that's been one of the challenges that we've had. And by us trying to also participate in the teacher prep program with the high school students as well, getting them in the program, getting them interested in education as part of our grow-our-own teacher model -- and so without the waivers we would not have been able to meet the standards. We just would not have.

CHAIRMAN NEWTON: How many of your teachers that are on waivers are actually pursuing certification through maybe what was APPLE or MAT? Are the majority of them pursuing --

SUPT. POOLE: Yes, the majority of them are pursuing. I have two that are currently in the MAT program; I have one who is in -- a P.E. teacher at the elementary who's completed the APPLE program; I have one, he's not in a program but he's getting in the ARPEP program and he's teaching secondary history at the high school; I have an elementary teacher -like I say, she's one of the ones that -- she teaches kindergarten, that she's in the MAT program and
looking to finish up this May; I had one, Ms. Ramey, who is not returning but she did complete the APPLE program; I have another teacher who started the ARPEP program this year, just teaching business; and I have a traditionally trained teacher who just has some portions of her Praxis test that she still needs to pass. I have not had nine, but on Tuesday one of mine actually got his license.

CHAIRMAN NEWTON: All right.
SUPT. POOLE: So that's one class --
CHAIRMAN NEWTON: Yeah.
SUPT. POOLE: -- from the list.
CHAIRMAN NEWTON: Yeah. Yeah.
SUPT. POOLE: Yes.
CHAIRMAN NEWTON: Okay. Is it a requirement at your district that they pursue a --

SUPT. POOLE: Yes, ma'am.
CHAIRMAN NEWTON: -- license? Okay.
SUPT. POOLE: Yes, ma'am. I value high academic achievement for myself, for my students, for the staff as well, as well as effective teaching in every classroom. So that will always be a requirement, and that is why we put so much time in developing and training them.

CHAIRMAN NEWTON: Okay. All right. Let's see
if we have questions from the rest of the Board. Anyone?

All right. This waiver is a one-year waiver for Educator Licensure and Library Media Specialist Licensure. So we are ready for a motion.

MS. ROLLINS: I make a motion for this one-year waiver.

CHAIRMAN NEWTON: Okay. We have a motion by Ms. Rollins to approve the waiver for one year.

DR. HILL: Second.
CHAIRMAN NEWTON: Second by Dr. Hill.
All in favor?
(UNANIMOUS CHORUS OF AYES)
SUPT. POOLE: Thank you so much.
CHAIRMAN NEWTON: Any opposed?
All right.
SUPT. POOLE: Thank you.
CHAIRMAN NEWTON: Motion passes. Thank you, Dr. Poole, for being here this morning and driving and fighting the traffic this morning. We appreciate it.
3) CONSIDERATION OF REQUEST FOR APPROVAL OF NOMINATED MEMBERS FOR THE PROFESSIONAL LICENSURE STANDARDS BOARD WHOSE TERMS ARE VACANT OR EXPIRING JUNE 30, 2023

CHAIRMAN NEWTON: All right. Our next one is Consideration of Request for Approval of Nominated

Members for the PLSB board. Ms. Saracini.
MS. SARACINI: Karli Saracini, Assistant Commissioner.

Today I come before you to ask -- we are recommending Melissa Speers -- she is a Superintendent at Jessieville School District -- to replace Ms. -- Dr. Martin, who is currently on our board; her term has expired. And we are recommending that Ms. Speers takes and replaces the position that Dr. Martin currently holds through the end of June.

CHAIRMAN NEWTON: Okay.
MS. SARACINI: And, again -- some of you are new -- this is a three-year term. And on the Professional Licensure Standards Board it's specific in law how many administrators, how many teachers, and how many higher ed. So this is replacing one of the admins.

CHAIRMAN NEWTON: Okay. How often do they -does the PLSB board itself meet?

MS. SARACINI: We meet quarterly as a whole board. But Dr. Martin actually was our chair for our subcommittee, and our subcommittee meets monthly --

CHAIRMAN NEWTON: Okay.
MS. SARACINI: -- because they go through -- the subcommittee is actually the one that goes through
all the allegations. And sometimes when there's an uptick in allegations they may meet more than once.

CHAIRMAN NEWTON: Okay. I was just curious about, you know, the time that a person that came onto this board would be out of their district, you know, with their own students and staff. And so -so, but the -- this particular person would be out quarterly for -MS. SARACINI: For the board, yes. CHAIRMAN NEWTON: Okay. MS. SARACINI: Uh-huh. And it's typically a half-a-day, in the morning. CHAIRMAN NEWTON: Okay. All right. Any other questions from the Board?

All right. We are ready for a motion then. MS. WOODS: I'll move to approve her. CHAIRMAN NEWTON: We have a motion by Ms. Woods to approve the nomination. Do we have a second?

MS. HUNTER: Second.
MR. HENDERSON: Second.
CHAIRMAN NEWTON: I'm going to go with Mr.
Henderson this time. So I have a second by Mr.
Henderson.
All in favor?
(UNANIMOUS CHORUS OF AYES)

CHAIRMAN NEWTON: Any opposed?
Okay. Motion passes.
MS. SARACINI: Thank you.
CHAIRMAN NEWTON: Thank you, Ms. Saracini.
4) CONSIDERATION FOR FINAL RELEASE: DESE RULES GOVERNING SCHOOL COUNSELING PROGRAMS

CHAIRMAN NEWTON: All right. Our next item on our agenda is Consideration for Final Approval, Rules Governing School Counseling Programs.

MS. FRENO: Thank you, Ms. Newton. Lori Freno, again.

We are here before you for the final approval on the rules governing School Counselors. These rules were -- you approved them for public comment release; they then were approved by the Governor's office, put out for public comment. We did receive some public comments and made some -- a few changes based upon those, but none of the changes were substantive.

So we are asking at this point that you give these rules your final approval so that we can then take them to the ALC Rules Subcommittee.

CHAIRMAN NEWTON: Okay.
MS. FRENO: And my colleague from School Counseling, Andrea Fortner, is here, in case anyone has any questions.

CHAIRMAN NEWTON: Okay. All right. Does anyone have questions for Ms. Fortner or Ms. Freno about these rules?

MS. ROLLINS: Yes, I have a question this morning.

CHAIRMAN NEWTON: Okay, Ms. Rollins.
MS. ROLLINS: On page 4, 3.01.3, I'm just a little concerned that youth mental health training would be every four years, and that to me doesn't seem often enough.

MS. FRENO: I believe that is statutory.
MS. ROLLINS: Okay.
MS. FRENO: And I will ask Ms. Fortner. I believe that comes right out of statute.

MS. ROLLINS: Okay.
MS. FORTNER: Good morning. I'm Andrea Fortner.
MS. ROLLINS: Good morning.
CHAIRMAN NEWTON: Good morning.
MS. FORTNER: Thank you for listening to us this morning. So that piece comes directly from legislation that was revised this year in LEARNS to read "use mental health training." The prior legislation was out of School Safety, and SROs and School Counselors were added. This was added pretty recently. So prior to that, there was no requirement
for this kind of training. Many counselors get it way more often than this. This is just kind of the least amount that counselors do. But often their training goes way beyond this requirement.

MS. ROLLINS: Yes. In this day and time, it just seems like we need it a lot more often than every four years, so -- but thank you for your information.

MS . FORTNER: Sure.
CHAIRMAN NEWTON: All right. Any other questions?

Okay. Do we have a motion on the rules for governing School Counseling?

MS. ROLLINS: I'll make the motion to approve.
CHAIRMAN NEWTON: Okay. We have a motion by Ms.
Rollins to approve. Do we have a second?
MR. WOOD: Second.
CHAIRMAN NEWTON: Seconded by Mr. Wood.
All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
All right.
SECRETARY OLIVA: Can I --
CHAIRMAN NEWTON: Yes.
SECRETARY OLIVA: Chair, I just -- if I could
take a minute, $I$ would like to say publicly -- I think everybody knows I have a special place in my heart for attorneys and I tend to make friends with them. But this is Lori's last --

MS. FRENO: He's making fun now.
CHAIRMAN NEWTON: Uh-huh.
SECRETARY OLIVA: This is Lori's last meeting presenting -- an item that she's presenting to the State Board. And I can tell you, as somebody that's worked for a few months with the legal team here, Lori is an outstanding person and a passionate person that really stands for what's right for students and has just been a tremendous colleague to work with. And I did make her look up to see how long she has to sit out in retirement before we could try to lure her back. She's going to get a phone call exactly six months from now, saying, "Are you bored yet?" Because we've really enjoyed working with her, and I know the team has really enjoyed her counsel and her camaraderie and just the spirit she brings to this agency. She's sorely going to be missed. So, thank you --

CHAIRMAN NEWTON: Yes.
SECRETARY OLIVA: -- for your years of service.
MS. FRENO: Thank you, Secretary.

## [STANDING OVATION]

MS. FRENO: Thank you. May I just say that -- I mean, this has been such an honor representing this board for the past 10 years. And it's just been an honor and I respect you all so much because I know how you really -- I mean, how much you put into this. This is a lot of work to be a member of this board and you do care so much about every individual student, and that's just so important. And I -- you know, when we were having our moment of silence today I took that opportunity to be grateful for the lawyers I've worked with in Legal over the last 10 years, starting with Jeremy Lasiter, and then Kendra Clay, and all the way through to today with Shasta back there. And I also really, really was grateful and thought about the fact that I have so many colleagues, like Andrea, who don't -- you don't see their face a lot here, but they do so much work, and without them, you know, we just would be nothing. We would be nothing. And we're just so lucky to have all those people. They're so wonderful. Thank you so much.

CHAIRMAN NEWTON: Well, I have a little bit more to add to that on behalf of the Board, because we -I don't know if the rest of the Board are like me,
but we'll get emails and they'll be over my head and I don't know exactly how to answer or how to phrase or what the legal ramifications of what I would say. And I would just either email or text Lori and say, "Lori, I need some help." And she never complained; she would always give me just the perfect answer, and sometimes she'd just take care of it for me. And Lori is a rock that $I$ have stood on these last seven years, and I just wanted to say thank you for all that you've done for me. And I count you as a friend and I just want to say thank you for that -- for being so supportive of us as board members, because it is difficult to know what to say sometimes and you're just right there for us. So thank you for that.

MS. FRENO: Thank you, Ouida. You better not say you're my friend or you'll get a Christmas card with my dogs on it.

CHAIRMAN NEWTON: I look forward to it. I look forward to it. All right.

MS. FRENO: Thank you so much.
CHAIRMAN NEWTON: So thank you, Lori.
5) LONG-TERM SUBS REQUESTS

CHAIRMAN NEWTON: All right. We have one more item on the Action Agenda. We moved the long-term
subs off the Consent Agenda. And Dr. Pfeffer is coming and is going to explain what we're going to do with long-term subs list.

DR. PFEFFER: Thank you, Chair.
So an educational entity requests a long-term sub waiver when they're not able to have a licensed individual in the class for more than 30 consecutive instructional days. And long-term sub requests have to be made each semester, so the approval for a longterm sub does not go past a semester. So second semester, if any requests for long-term subs come in our team reviews those requests. A long-term sub has to have at least a bachelor's degree, so that's one of the requirements.

So, typically, you see those on the Consent Agenda because they're pretty routine and, you know, ideally, you don't have to go more than one semester with a long-term sub. And what we're finding out is, because of all the different pathways we have, a lot of times we're able to -- someone that might go past a semester we're able to find another alternative for them to be able to stay in a classroom. This time, though, we started hearing some concerns because of several of the requests on here for the Alternative Learning Program from the Arch Ford Co-op. And so
that's why we would like to just ask you today to consider the long-term sub requests that are not part of the Arch Ford ALE learning requests, and then we need to look and address that separately. So that would be the request, starting at the beginning with Alma, going through that first page. And then I believe there's one at the very end that is one of the correctional schools, DHS; there was a long-term sub request there.

So, Madam Chair, if it would be appropriate for the board to consider just part of these requests, and then not approve the others and we can address those separately. That would be our recommendation this month.

CHAIRMAN NEWTON: All right. So the long-term sub requests would be for everything on this list, except for those that had to do with the Arch Ford Educational Service Cooperative. And then you're going to look at those and then come back to us next month with what your results are and what -- the results of what you have investigated and found.

Before we vote, we do have someone that has signed up for public comment. And, Board, we would have to approve to hear public comment. So what is your pleasure on this?

MR. WOOD: Move to allow public comment. CHAIRMAN NEWTON: Okay. We have a motion by Mr. Wood to allow public comment. Do we have a second? DR. HILL: Second.

CHAIRMAN NEWTON: Second by Dr. Hill.
Ms. Alumbaugh. And public comments are three minutes.

MS. ALUMBAUGH: Thank you for the opportunity to speak today. Please consider this an urgent plea to perform an emergency audit and investigation into the Alternative Learning Environment Programs in the state of Arkansas. The things that I'm sharing with you are associated with the Alternative Learning Environment through the Arch Ford Educational Service Cooperative.

Even though the Arch Ford Cooperative has a traditional service area, the Alternative Learning area program reaches far beyond the borders of the cooperative's service area. The Alternative Learning Program serves over 40 districts throughout Arkansas. I've reviewed the Arch Ford submission, on March 31, 2021, showing their assurances to the ADE. Testimony of Raphael Marlow has revealed that they have violated almost all of these requirements with regard to the ALE that Vilonia service -- that Vilonia uses
at their Ruth Doyle campus in Conway. The organization is committing fraud, in my opinion. They do not have the appropriate amount of certified teachers required by law. Instead, they are performing a bait-and-switch on parents. When the students attend the Alternative Learning Program they receive a report card with certified teachers' names on it. Those teachers are called Teachers of Records, but they are anything but. Arkansas defines Teachers of Record and they are the actual people that teach and assist students. These people do not. They perform no instructional duties for the children in this Alternative Learning setting; they have never met these kids; they have no idea what these kids are learning, as they provide no instruction or plans. They don't even know how many report cards around the state their names appear as Teachers of Record on. They've just been told that that's the way it is, by the director. Arkansas defines Teacher of Records, and these, again, are not Teachers of Record; they are housed all over the state. There is an overrepresentation of children who are on IEPs in Alternative Learning Environments. These services they receive are not aligned with their IEPs, but are limited to a memorandum of understanding this

Alternative Learning Program has with the individual districts. There appears to be no follow-through or follow-up with the district once children are placed in the Alternative Learning Program. The State doesn't track kids who are on 504 s in ALE. Arkansas State requires six hours of instruction per day; in most of these programs there are six periods of 50 minutes. No matter how you count it, it doesn't add up to six hours of instruction. But even more egregious is the home district determines the transportation schedule; so oftentimes, these children in Alternative Learning Environments start their days later and leave before the instruction has ended. Some of these kids are only getting four hours of instruction a day, most of these which are not really instruction because they have no teachers. Most of these kids return to their homes before the traditional school day ends. If the purpose of the ALE is to help kids be successful and keep them in school, this also needs to be investigated, as many times rewards are given for Fridays off, like within the Quitman ALE. Once, a student -- I advocated for a student; he was given a four-day-a-week because his behavior was so good, yet he was maintained in ALE for a year because his behavior was so bad. But, he
had every Friday off.
The Superintendents have submitted program plans for review and they have to verify the amount of certified teachers. The Arch Ford Cooperative certifies this, but these certifications are bogus. In the program at Ruth Doyle in Conway, there are 45 students and there is one certified teacher; she's certified in special ed. and social studies. The certified Teacher of Record of these kids in the particular program in the English Language Arts is out of Texarkana, and is a music teacher. The health teacher and P.E. teacher listed as a Teacher of Record is out of Greenbrier that offers no instruction for these kids.

CHAIRMAN NEWTON: Thank you, Ms. Audie. The time is up. But we appreciate you bringing this to our attention.

MS. ALUMBAUGH: You bet.
CHAIRMAN NEWTON: And I've talked to Dr. Pfeffer and Secretary Oliva. They are going to look into this and bring us back a report next month.

MS. ALUMBAUGH: Thank you.
CHAIRMAN NEWTON: Thank you.
Does any board member have a question or a comment this morning?

MR. WOOD: I have a question just pertaining to the waiver approvals. I know we're holding off on approving Arch Ford's request. Are there any other ALE requests on here for -- expected before us any time soon?

SECRETARY OLIVA: Not on the current list that we're asking you for.

MR. WOOD: Okay.
SECRETARY OLIVA: Those are all from school districts and then a correctional facility.

MR. WOOD: Yeah. I just -- I think Ms. Alumbaugh's comments and her investigation, you know, and the advocacy work she does is starting to highlight some serious needs. And my suspicion would be that it's probably broader than one cooperative. It is easy for entities maybe to not prioritize ALE instruction as well as it should be prioritized. And I would just like us to take a deep look at whether other situations may exist beyond just Arch Ford's. So that's why I asked the question about anybody else on here. But no more questions about these waiver requests.

CHAIRMAN NEWTON: Okay. Very well said. Thank you.

Any other questions or comments from board
members on this issue?
Okay. We are going to vote now just on the long-term subs on the list that are not Arch Ford. Do I have a motion for those? The motion would be to approve or not approve the long-term sub list, with the exception of Arch Ford.

MS. ROLLINS: I'll make the motion to approve.
CHAIRMAN NEWTON: Okay. We have a motion to approve the long-term subs list, with the exception of Arch Ford, by Ms. Rollins. Do we have a second? MS. HUNTER: Second.

CHAIRMAN NEWTON: Seconded by Ms. Hunter.
All in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
Motion passes.
All right. Again, we will, I think, hear a little bit more about this next month.

MR. WOOD: Ms. Newton?
CHAIRMAN NEWTON: Yes.
MR. WOOD: When we get these requests, would it be possible for us to also get like percentage of classrooms for -- maybe for each school or each district --

CHAIRMAN NEWTON: If you --

MR. WOOD: -- that are in that -- I mean, I'm looking at the spreadsheet and I don't see it, and it may be in another place.

CHAIRMAN NEWTON: Yeah. If you look at -- go back to your agenda, we have one that's just percent of teachers on ALPs.

MR. WOOD: Right.
CHAIRMAN NEWTON: But I don't think we get one for long-term subs. Is that correct, Ms. Saracini or --

MS. SARACINI: Yes, that is correct.
DR. PFEFFER: Yeah. And I think though on here you can see a total. It looks like a spring total for some of those districts. And, remember, a longterm sub could come into play -- you know, maternity leave is probably one of the biggest drivers for the need for long-term subs. And so we'll be doing a lot more conversation around that as we go forward with the implementation of LEARNS -- but medical leave, stuff like that. And I think we also want to really do a good job of making sure districts understand that we do have that emergency teaching permit. And a lot of times they forget that they can actually have someone that works under a permit that meets the qualifications and if they're going to truly step
into that role of a Teacher of Record. So we're going to be doing a lot of work over the summer to help everyone really understand those pathways and have a good way to do those checks as requests come in.

MR. WOOD: Uh-huh.
DR. HILL: Can I -- if they fit that criteria for a teacher emergency, does that -- do you have to ask for a waiver then?

DR. PFEFFER: No, sir.
CHAIRMAN NEWTON: Mr. Wood, would you like to see something on long-term subs similar to what we're doing with the ALPs or --

MR. WOOD: I would -- I personally would appreciate that, especially kind of worked into the spreadsheet that we get just so the information is right there and you can --

CHAIRMAN NEWTON: Right.
MR. WOOD: -- readily see --
CHAIRMAN NEWTON: Right.
MR. WOOD: -- what the picture is in the district or the school building that is requesting that waiver.

CHAIRMAN NEWTON: Do you want it separate from the ALPs or would you like it ALP and long-term sub
together? Which would you rather have?
MR. WOOD: I suppose separately, because we consider them separately.

CHAIRMAN NEWTON: Okay. All right. So, Ms.
Saracini --
MR. WOOD: So to digest it.
CHAIRMAN NEWTON: She's nodding, so I think she can make that happen.

MR. WOOD: Okay.
CHAIRMAN NEWTON: Okay. All right.
MR. WOOD: Thank you.
CHAIRMAN NEWTON: All right. Any other questions or comments on this issue?

Ms. Freno.
MS. FRENO: Ms. Newton -- and this just might be me, but that agenda item was pulled from Consent and it sounded like you voted only on the long-term subs and not on the ALPs.

CHAIRMAN NEWTON: Right.
MS. FRENO: So just --
CHAIRMAN NEWTON: Right.
MS. FRENO: -- to be clean I would suggest that you also vote on the ALPs.

CHAIRMAN NEWTON: Go ahead and do that now?
MS. FRENO: Because -- yeah, because it's not
real clear if everything, if the whole item was pulled or just this long-term subs.

CHAIRMAN NEWTON: Okay.
MS. FRENO: So, yeah, if you could just vote on it now then we can be certain.

CHAIRMAN NEWTON: We will take care of that. Thank you for bringing that to our attention.

Okay. So Ms. Freno would like us to also vote on the ALPs for the month of May. So, do we have a motion to approve the ALPs?

MR. SUTTON: I'll make the motion.
MR. HENDERSON: I move to approve the ALPs.
CHAIRMAN NEWTON: All right. So I heard both of you at the same time, so I'm going to go with -- Mr. Sutton's picture popped up first, so Mr. Sutton made the motion to approve and Mr . Henderson seconded the motion to approve the ALP reports and waivers.

Do we -- all in favor?
(UNANIMOUS CHORUS OF AYES)
CHAIRMAN NEWTON: Any opposed?
All right. Motion passes.
All right. Any more discussions on ALPs or
long-term subs?
All right.
DR. HILL: I have one thing that I'd like to say
as my last meeting before my last meeting and -- for Secretary (inaudible). And this is just something for seven years that I've always questioned: if we didn't approve it, do we have an action plan for them to take back? And I just -- you know, as I sit here and I see us getting this probably $20 \%$ of our board time on approving the waivers because of our area of where we are -- so that's just something that I want us strategic to think, what if we say no? I mean, really, what happens tomorrow in where the kids go in the classrooms if we don't approve it? And I think this -- the time that we spend on that, you know, to know if we say no what do they do.

CHAIRMAN NEWTON: Yeah.
DR. HILL: I just -- and that's something -- you know, I know we've been talking about this for -when we came, Ms. Newton --

CHAIRMAN NEWTON: Yeah.
DR. HILL: -- for years.
CHAIRMAN NEWTON: Yeah.
DR. HILL: So I ask that question. Okay, what if we say no, we don't approve it? Well, what do they do when they go back to their community? CHAIRMAN NEWTON: Yeah. What happens to those kids.

DR. HILL: Yeah.
CHAIRMAN NEWTON: Yeah.
DR. HILL: I mean, so I think if -- you know, like I used to coach and I'd say -- if I tell my coordinator not to call this play, I'd better give him a play to call.

CHAIRMAN NEWTON: Uh-huh. Yeah.
DR. HILL: And I think -- you know, I think that's important that we give that type of leadership if we tell them we don't approve what they ask us to do.

CHAIRMAN NEWTON: Right. I think that was a question for you, Secretary.

DR. HILL: No, not right now. I'm saying -CHAIRMAN NEWTON: I didn't want to put you on the spot, but since he brought it up --

DR. HILL: No, no, because I've asked the previous Secretary. I just think in the future, as you move -- because if I brought something to the Board and you told me no, then I would want you to tell me what to do. Because I'm asking you for a waiver to do what I think is going to help me teach kids.

SECRETARY OLIVA: I think that's a fair question. And as we go and look a little bit deeper


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I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas Division of Elementary and Secondary Education, State Board of Education, in Little Rock, Arkansas, on May 11, 2023, that the said proceedings 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 proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to this action.

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